

(9)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 1319/95

Transfer Application No: ---

DATE OF DECISION: 10-11-1995

Chacko Jacob

Petitioner

Mr.S.Pillai

Advocate for the Petitioners

Versus

Union of India & 3 Ors.

Respondent

None

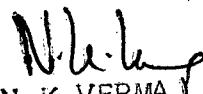
Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri N.K.Verma, Member(A)

The Hon'ble Shri

1. To be referred to the Reporter or not ? No
2. Whether it needs to be circulated to other Benches of the Tribunal ? No


(N.K.VERMA)
Member(A)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. 1319/95

FRIDAY the 10th NOVEMBER, 1995

Hon'ble Shri N.K.Verma, Member(A)

Chacko Jacob,
C-11, Takshasila,
Anushaktinagar,
Bombay - 400 094.

(By Advocate Mr.S.Pillai) .. Applicant

-versus-

Union of India and 3 Ors. .. Respondents

O R D E R

(Per N.K.Verma, Member(A))

Heard Mr.S.Pillai for the applicant.

This is an application for retaining the quarter in possession of the applicant till the appeal preferred by him dt. 16-10-1995 remains

undisposed of and as an interim measure restrain
the respondents from the operation of Ex.A-I
which is a showcause notice for eviction under
Section 4 of the Public Premises(Eviction of
Unauthorised Occupants)Act,1971 dt. 26th October,
1995 by which the applicant has been asked to
appear before the Estate Officer on 14-11-1995
with evidence etc. to be produced in support of
his application for retention of the Govt. quarter.
The concluding paragraph of the showcause notice
has also permitted the applicant either to appear
inperson or through a duly authorised representative
capable of answering all material questions
connected with the matter along with evidence

M.K. Verma

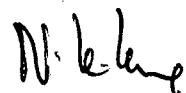
which the allottee intends to produce in support of his case. He has given an opportunity of personal hearing as well. Mr.S.Pillai, learned counsel for the applicant, apprehends that the Estate Officer who has sent the communication is also the Director of Estate Management and he is bound to ignore the representations made earlier on 16-10-1995 by the applicant and hence he prays for interference by this Tribunal in restraining the respondents from going ahead with the showcause notice.

2. The representation dt. 16-10-1995 is regarding the cancellation of the allotment order conveyed under the respondents letter dt. 14-10-95. While issuing the showcause notice the respondents have taken into account the application dt. 16-10-1995 and has rejected the same. Thereafter they have initiated the showcause notice which is a quasi-judicial process issued by the Director in his capacity as Estate Officer under the P.P.Act,1971. Since the entire procedure involved in the P.P.Act is a quasi-judicial, Estate Officer will have to adjudicate the matter as per the submissions and averments made by the allottee in regard to the showcause notice. No order relating to eviction has been passed yet and the proposed action of the Estate Officer cannot be anticipated at this stage. It appears that the interference of this Tribunal at this stage will be highly premature in the

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absence of any conclusive decision at this moment.

3. Application is therefore dismissed as premature.


(N.K.VERMA)
Member(A)

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