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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 1481/95

Transfer Application No:

DATE OF DECISION: 14-3-1996

Shri M.T. Motwani Petitioner

Shri H.A. Sawant Advocates for the Petitioners

Versus

Union of India & Others Respondent

Shri V.S. Masurkar Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri V. Ramakrishnan, 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*

V. Ramakrishnan
(V. Ramakrishnan)
Member (A)

ssp.

(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, GULESTAN BUILDING NO. 6
PRESCOT ROAD, FORT, BOMBAY 400 001.

O.A. No. 1481/95

Dated this 14th day of March 1996.

CORAM : Hon'ble Shri V. Ramakrishnan, Member (A).

Shri I.T. Motwani

By advocate Shri H.A. Sawant ... Applicant

v/s

Union of India & Others

By advocate Shri V.S. Masurkar
Central Govt. Standing Counsel ... Respondents

O R D E R (ORAL)

(Per: Hon'ble Shri V. Ramakrishnan, Member (A)).

Heard Shri Sawant for the applicant and Shri V.S. Masurkar for the Respondents. Shri Masurkar brings out that the applicant had approached the Bombay City Civil Court in Misc. Appeal No. 34/96 on the identical issue viz. challenging the eviction order issued by the Estate Officer in terms of Section 5 of the P.P. Act. Shri Masurkar states that ^{for} the action in approaching this Tribunal and also the City Civil Court on the same issue is highly irregular. He also shows a copy of the order dated 20-2-1996 by the Principal Judge which had admitted the appeal and had granted interim stay of the impugned order.

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From pre-page:

I find from this that the applicant before the City Civil Court was represented by some other counsel.

2. In the light of this development, Shri Sawant for the applicant says that he will withdraw the present application so far as it relates to relief in para 8.1 with liberty to approach the Tribunal if it becomes necessary. Shri Sawant, however, contends that the applicant has not sought for the other relief viz. payment of DCRG and the post retirement complimentary passes and the applicant would like to pursue this relief separately.

3. In the light of the above, the present O.A. is disposed of as withdrawn. However, the applicant is at liberty to file a fresh O.A. in respect of the prayer contained in para 8.2 of the O.A. As regards Shri Sawant's prayer that even in respect of the relief in para 8.1 he may be granted liberty to approach the Tribunal subsequently if it becomes necessary, I hold that ~~this~~ applicant is at liberty to take whatever steps ^{are} available to him under the law.


(V. Ramakrishnan)
Member (A)

ssp.