

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION No. 912 /1997

Date of Decision: 23/4/98

Smt. T.M. Fernandes

Petitioner/s

Shri D.V. Gangal

Advocate for the
Petitioner/s

V/s.

Union of India & 30rs.

Respondent/s

Shri V.S. Masurkar

Advocate for the
Respondent/s

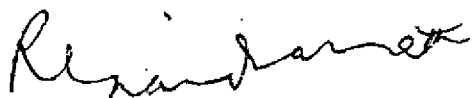
CORAM:

Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman

Hon'ble Shri

- (1) To be referred to the Reporter or not ?
- (2) Whether it needs to be circulated to other Benches of the Tribunal ?

trk


(R.G. VAIDYANATHA)
VICE CHAIRMAN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING No.6
PRESCOT ROAD, MUMBAI 400001

ORIGINAL APPLICATION No.912/97

DATED : 23RD APRIL, 1998

CORAM : HON'BLE SHRI JUSTICE R.G.VAIDYANATHA, V.C.

Smt. I M Fernandes,
Primary Headmistress of
Central Railway Mixed School
Dr./ Ambedkar Road
Departmental Quarter
No. RB-II/264/09 at Parel
Mumbai 400012
(By Adv. Mr.D.V.Gangal)

..Applicant

V/s.

Union of India through
General Manager
Central Railway
Mumbai CST & 3 ors
(By Adv. Mr. V S Masurkar,
Sr. Central Govt. Standing
Counsel)

..Respondents

ORDER

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[PER: R.G.VAIDYANATHA, VICE CHAIRMAN]

1. Heard learned counsel on both sides regarding admission. This application is filed seeking protection from eviction. The applicant has approached this Court being aggrieved by the proceedings initiated by the respondents for eviction under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 [P.P.Act for brevity], in particular the orders dated 1.9.97 and 22.9.97.

2. It is seen that disciplinary action was taken against the applicant and the disciplinary authority has passed an order imposing the penalty of compulsory retirement from service. The applicant's appeal to the Appellate



Authority came to be dismissed. The applicant has filed Review/Revision Petition under section 24(2) of the Railway Servants (Discipline and Appeal) Rules, 1968 before the competent authority. It is admitted by the respondents that the said Review/Revision Petition is still pending.

3. In view of the fact that the applicant has challenged the order of the appellate authority before the Revision Authority, status quo regarding the possession of the quarter should be maintained till the disposal of the same and without going into the merits of the case and other contentions raised in the O.A. this application can be disposed of giving protection to the applicant from evicting her from the possession of the quarters till her revision/review petition is disposed of by the competent authority.

4. For the above reasons, the O.A. is disposed of at the admission stage with ^{an} the direction to the respondents not to take any action for evicting the applicant in pursuance to the show cause notice dated 1.9.97 issued by the Estate Officer and further notice dated 22.9.97 issued by the Estate Officer to the applicant, till the disposal of the Review/Revision Petition pending before the competent authority. It is also made clear that the applicant should go on paying the normal rent, electricity and water charges etc. The question whether the normal rent or penal rent to be levied would be



decided in accordance with law by the appropriate authority. It is made clear that all the contentions taken by both the parties in the pleadings are left open. It is further ordered that the applicant shall not be dispossessed of from the quarters atleast for two weeks from the date of disposal of the revision/review petition by the competent authority. No order as to costs.



(R.G.Vaidyanatha)

Vice Chairman