

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION NO. 304/98

Date of Decision: 8.1.1999

Smt. Ushakiran Banddha Petitioner/s

None for the applicant. Advocate for the
petitioner/s.

v/s.

Union of India and others. 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? *no*

(2) Whether it needs to be circulated to
other Benches of the Tribunal? *no*


(R.G. Vaidyanatha)
Vice Chairman

NS

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH 'GULESTAN' BUILDING NO:6
PRESCOT ROAD, BOMBAY:1

Original Application No. 304/98.

Friday the 8th day of January 1999.

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

Smt. Ushakiran Banodha
T-13/4, Talwar Camp
Colaba.

... Applicant.

None for the applicant.

V/s.

Union of India through
The Flag Officer,
Commanding in Chief
(For Sr. Staff Officer
(civ. Pers) Head
Quarters, Western Naval
Command, Mumbai.

Man Singh (Commandere)
Commandore Naval Barrack,
Naval Dock, Bombay.

... Respondents.

By Advocate Shri V.S.Masurkar.

O R D E R (ORAL)

{ Per Shri Justice R.G.Vaidyanatha, Vice Chairman }

Case is called out. Applicant and counsel
absent. I have heard the learned counsel for the
respondents and perused the materials on record.

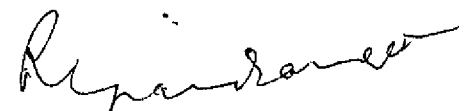
2. The applicant's claim is for regularisation
of the quarter. It appears that the quarter in
question has been allotted to the applicant's father-
in-law, which was later allotted to applicant's
husband who died on 20.7.1994. Therefore the
applicant wants that the quarter which had been
allotted to her husband should now be regularised
in her name.

...2...

The respondents have filed reply stating that the applicant is not an employee and therefore she is not entitled for regularisation of the quarter. The respondents have stated that as and when there is work the applicant has been engaged as Casual Labourer and it will not give any right for allotment or regularisation of the quarters.

3. It is also brought out that the respondents have already initiated action for eviction and order of eviction has been passed by the Competant Authority under Public Premises (Eviction of unauthorised Occupants) Act 1971. The applicant has not been appointed as an employee by the respondents. Mere engagement ~~as~~ casual labourer from time to time and that too with breaks, to work as casual labourer, will not give any legal right to the applicant for claiming regularisation of the quarter. The learned counsel for the respondents submits that even normal rent has not paid by the applicant from August 1998 onwards. In the circumstances I do not find any merit in the applicant.

4. In the result Q.A. is dismissed. No order as to costs.


(R.G. Vaidyanatha)
Vice Chairman

NS

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

R.P. No. 5/99 & M.P. No. 62/99 IN O.A. NO.: 304/98.

Dated this Thursday, the 28th day of January, 1999.

CORAM : HON'BLE SHRI JUSTICE R. G. VAIDYANATHA,
VICE-CHAIRMAN.

Smt. Ushakiran Banodha
W/o. Late Shri Mulchand Banodha. ... Petitioner.

Versus

Union Of India & Others ... Respondents.

TRIBUNAL'S ORDER ON CIRCULATION

¶ PER.: SHRI R. G. VAIDYANATHA, VICE-CHAIRMAN ¶

I have perused the Review Petition No. 05/99
and M.P. No. 62/99.

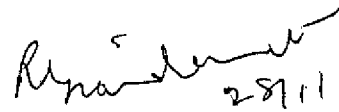
The applicant's application for regularisation
of the quarters was rejected by me by order dated 08.01.1999.
Now the applicant has filed a Review Petition No. 05/99
for review of my order.

2. After going through the allegations in the
Review Petition, I ^{do} not find ^{that} any case is made out for
reviewing my order. There is no apparent error on record
and no subsequent discovery of new material or any other
substantial reason to review my order. On her own admission
in the Original Application, the applicant is a casual
labourer and not a regular employee. In para 4, the
applicant has clearly stated that she is working as a

casual labourer. The respondents' case also is that, the applicant is given job intermittently on casual basis as and when there is work. When the applicant herself is not a regular Government employee, she has no right to ask for an allotment of quarter, much less regularisation of a quarter which had been allotted to her father-in-law or her husband.

This Tribunal, by giving considered reasons, has dismissed the original application. No grounds are made out for reviewing the order dated 08.01.1999. Hence, the review petition is liable to be rejected. ^{Since} ~~For one thing,~~ the review petition itself is liable to be rejected, Then the M.P. No. 62/99 asking for interim relief pending disposal of review petition does not survive.

3. For the above reasons, both the review petition No. 05/99 and M.P. No. 62/99 are rejected.


28/1/99
(R. G. VAIDYANATHA)
VICE-CHAIRMAN.

os*

28/1/99
Order/Judgement despatched
to Applicant/Respondent (s)
on 28/1/99
28/1/99