

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION NO. 439/1998.

Date of Decision: 06.08.1998.

Smt. Laxmibai M. Mudholkar & Petitioner/s
two others.

Shri G. S. Walia, Advocate for the
Petitioner/s

V/s.

Union Of India & 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~~ Justice R. G. Vaidyanatha

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

R. G. Vaidyanatha
(R. G. VAIDYANATHA)
VICE-CHAIRMAN.

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CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO.: 439 OF 1998.

Dated this Thursday, the 6th day of August, 1998.

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

1. Smt. Laxmibai M. Mudholkar,
Widow of Shri M.R. Madholkar,
Retired Railway Servant.
2. Ms. Rajani Mudholkar.
3. Ms. Kalpana Mudholkar.

All the applicants presently
residing at -
Railway Quarter No. 153/9,
Railway Colony,
Santacruz (E),
Mumbai - 400 055.

... Applicants

(By Advocate Shri G. S. Walia)

VERSUS

1. Union Of India through
The General Manager,
Western Railway,
Head Quarters Office,
Churchgate,
Mumbai - 400 020.
2. Chief Workshop Manager,
Western Railway's,
Parel Workshop, Parel,
Mumbai - 400 012.
3. Inspector of Works,
Santacruz,
Mumbai - 400 055.

... Respondents.

(By Advocate Shri V.S. Masurkar)

: OPEN COURT ORDER :

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

Heard both sides regarding admission.

2. At this stage, the Learned Counsel for the applicant submits that the order of pension has already been passed regarding pension and as far as eviction from quarters is concerned, the applicant approached

W.M. ^{that}
this Tribunal since there is an apprehension by
the respondents ~~may~~ ^{to} forcibly evict the applicant.
He now submits that since the respondents themselves
have stated that the applicant will be dispossessed
according to law, he says that the O.A. be disposed
of accordingly. The Learned Counsel for the respondents
submits that the applicants have no right to continue in
the quarter but it is only for the wife of the deceased ~~hus~~
~~wife~~ ^{right} to be in the quarter.

3. After hearing both sides, I feel that we
need not go into the rival disputed question at all.
Now the applicant does not want to press this O.A. and
her only grievance is that the respondents should not
take possession forcibly.

In the written statement at para 9, the
respondents have clearly stated that they will follow
due process of law for evicting the applicant from quarter.

4. In view of the available pleadings, the O.A.
is disposed of at the admission stage with liberty to
the respondents to take appropriate action according to
law to evict the applicants from the quarter in question.
All contentions on merit are left open. In the circumstances
of the case, there will be no order as to cost.

R. G. Vaidyanatha
(R. G. VAIDYANATHA)
VICE-CHAIRMAN.