

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO: 628/98

Date of Decision: 13/8/98

Shri Uday Gopal Sanil

.. Applicant

Shri D.V. Gangal

.. Advocate for
Applicant

-versus-

The Union of India & 2 Ors.

.. Respondent(s)

Shri R.R. Shetty for Shri R.K. Shetty. Advocate for
Respondent(s)

CORAM:

The Hon'ble Shri Justice R.G. Vaidyanatha, V.C.

The Hon'ble

(1) To be referred to the Reporter or not ?

(2) Whether it needs to be circulated to
other Benches of the Tribunal ?

abp.


(R.G. VAIDYANATHA)
VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GULESTAN BLDG.NO.6, 4TH FLR, PRESCOT RD, FORT,
MUMBAI BENCH, MUMBAI - 400 001.

ORIGINAL APPLICATION NO.628/98.

DATED THE 13TH DAY OF AUGUST, 1998.

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

Shri Uday Gopal Sanil,
R/at Building No.7, Room No.129,
Sector-7, C.G.S.Colony,
Antop Hill,
Mumbai - 400 037.

... Applicant.

By Advocate Shri D.V.Gangal.

V/s.

1. The Union of India,
through the Secretary,
Ministry of Defence,
South Block, New Delhi-1.

2. The Garrison Engineer,
(N W) Kalina,
Santacruz (East),
Mumbai - 400 029.

3. The Estate Officer-cum-Estate Manager,
Office of the Estate Manager,
Old CGO Bldg, Annexe,
3rd Floor, 101 M.K.Road,
Mumbai - 400 020.

... Respondents.

By Advocate Shri R.K.Shetty.

I O R D E R I

[Per Shri R. G. Vaidyanatha, V.C.]

This is an application filed by the applicant challenging the notice of eviction issued by the respondents. This Tribunal granted Interim Order on 30/8/98, permitting the respondents to complete the proceedings under the P.P.Act, but eviction order should not be enforced for a period of 14days. Now, the learned counsel for respondents opposes admission of OA and continuation of Interim Order. A

2. At this stage, the learned counsel for applicant brings to my notice that applicant's claim to continue in possession of the quarters was on the grounds that his request for compassionate appointment has been pending with the respondents. He also submits, during the pendency of the application, the Chief Engineer has since passed an order

rejecting the claim of the applicant for compassionate appointment and seeks to challenge the same ^{by} ~~for~~ filing a fresh application. In view of this subsequent event, no protection can be given to continue in quarters as request for compassionate appointment has been rejected by respondents. Since, the applicant wants to challenge the order of Chief Engineer, some limited protection can be given to applicant till he files a fresh application.

3. For the above reasons, the OA is disposed of with direction to respondents not to physically evict the applicant from possession of quarters under question till 15th September, 98. Since, we have dealt with only the question of eviction, the question of quantum of rent liable to be paid, damage rent or normal rent, is left open and liberty to applicant to challenge the order dated 16/6/98 which is filed alongwith OA as Annexure A-2.

No costs.

abp.


(R. G. VAIDYANATHA)
VICE CHAIRMAN