

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 500 of 2003

Jabalpur, this the 3rd day of November, 2003

Hon'ble Mr. M.P. Singh, Vice Chairman

Omprakash Sharma, S/o Shri Ram  
Kishore Sharma, aged about 47  
years, Ex Diesel Asstt. Satna(MP)  
West Central Railway, Satna

APPLICANT

(By Advocate - None)

VERSUS

1. Union of India,  
through the Secretary,  
Railways Rail Bhawan,  
New Delhi
2. General Manager  
West Central Railway  
Jabalpur.
3. Divisional Rail Manager  
West Central Railway,  
Jabalpur.
4. Addl. Divisional Mechanical  
Engineer, Jabalpur, WC.Railway,
5. Sr. Divisional Mechanical Engineer,  
West Central Railway,  
Jabalpur

RESPONDENTS

(By Advocate - Shri M.N. Banerjee)

O R D E R (ORAL)

The applicant in this Original Application has  
sought for the following reliefs-

- "(i) That the order dt.10.7.02Annexure-A-5 be  
quashed and the applicant be allowed to retain  
the railway quarter No.RBI/135/B at Satna till  
the decision of the appeal Annexure-A-5(A-4)  
and revision against the removal before the  
concerned respondents and till the decision of  
the O.A.No.259/03 pending before this Hon'ble  
Tribunal against his illegal removal.
- (ii) That, as essentials for human survival such as  
water and electricity facilities has been  
disconnected on 8.1.03 upon the verbal  
direction of respondent No.3 by way of  
unjustified and coercive measures, therefore,  
the respondents in view of the equity and good  
conscience and natural justice may kindly be  
held not entitled for recovery of demurraged  
rent at all since 1.3.03 on which date the  
applicant has been removed from service,  
especially in absence of any legal proceeding  
initiated by the respondents to which they

Contd.....2/-



referred in their order dated 10.7.02(Annexure-A-5) because otherwise also the applicant could not be ousted from the railway quarter atleast for six months after the removal of the applicant and demuraged rent if any and if, justified can be claimed by the respondents from the applicant only after any legal proceedings in that behalf, as also in view of the status-quo order of the civil court in favour of the applicant vide Annexure A-6".

2. As none is present on behalf of the applicant, we are disposing of this OA by invoking the provisions of Rule 15 of Central Administrative Tribunal(Procedure) Rules, 1987.

3. At the time of hearing, the learned counsel for the respondents submitted that since the applicant has already filed a case before the Civil Court against his eviction, this Tribunal has no jurisdiction to entertain this OA in view of the decision of the Hon'ble Supreme Court in the case of Union of India Vs. Sh. Rasila Ram & ors. Civil Appeal Nos.1301-04/1990 decided on 6.9.2000 (2001)10 SCC 623. I am in agreement with this.

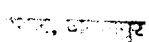
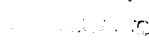
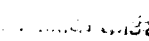

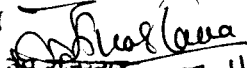
4. In view of the above, the O.A. is dismissed, however, without any order as to costs.

  
(M.P. Singh)  
Vice Chairman

rkv.

*Received on 7/11/03*

पृष्ठकल सं ओ/लगा.....जबलपुर, दि.....

(1)  *भारत, जबलपुर*  
(2)  *भारत, जबलपुर*  
(3)  *भारत, जबलपुर B.K. Pandit, Adv.*  
(4)  *भारत, जबलपुर M.N. Bhanu, Adv.*  
 *7-11-03*