

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

....

Original Application No. 62/2001

Jabalpur, this the 15<sup>th</sup> day of June, 2004

Hon'ble Shri M.P. Singh, Vice Chairman  
Hon'ble Shri MadanMohan, Member (J)

Hargovind Chandel s/o Sh. Nanda Chandel,  
aged about 45 years,  
Railway Quarters Guna, Distt. Guna.

...Applicant  
(By Advocate: Smt. J.Choudhary)

-VERSUS-

1. Union of India through  
General Manager,  
Central Railway,  
Bombay VT.
2. Divisional Railway Manager,  
(Mechanical Branch)  
Central Railway, Bhopal.
3. Sr. Divisional Accounts Officer,  
Central Railway, Bhopal.
4. The Estate Officer,  
Central Railway, Bhopal.

...Respondents

(By Advocate: Shri S.P. Sinha)

O R D E R

By MadanMohan, Member (Judicial):

By filing the present Original Application, the applicant has sought the following main reliefs:-

- i) To quash the order /letter dated 9.8.2000 (Annexure A-IV).
- ii) To direct the respondents to charge regular rent instead of damage rent.
- iii) To direct the respondents to permit the applicant to retain the quarter until 30.4.2001.
- iv) To direct the respondents to release the 2 set of passes cancelled for the period during 2000.

*(Signature)*

2. The brief facts of the case are that the applicant was working as a Junior Clerk with the respondent Railways . He was issued with a chargesheet during 1992 for remaining unauthorisedly absent. Thereafter a departmental enquiry was directed to be instituted and finally vide order dated 22.11.1996, the penalty of removal from service was imposed upon the applicant. The applicant had earlier filed an O.A. No. 915/1996 challenging the aforesaid order of removal before this Tribunal. The Tribunal vide its order 30.12.1996 directed the applicant to submit his appeal. In compliance with the said order of the Tribunal the applicant submitted his appeal which was rejected by the appellate authority on 11.8.1997. Aggrieved by that, the applicant again approached the Tribunal by filing O.A. No. 737/97 and the Tribunal vide its order dated 9.9.1999 was pleased to direct the respondents to modify the order of removal from service to that of compulsory retirement. Accordingly, the respondents modified the order of removal from service to that of compulsory retirement. Respondents forwarded the pension papers to the State Bank of India for disbursement of pension of the applicant only on 24.5.2000. Since the settlement of his pension and other retirement benefits were not settled and so also during the pendency of the case the applicant was retaining the ~~ext~~ quarter allotted to him by the respondents.

2.1 The applicant was served with notice dated 28.3.2000 by the respondents to vacate the quarter against which the applicant submitted his reply. The respondents without considering the said reply, cancelled two sets of free pass entitled to the applicant. It is submitted that the applicant was ready and willing to pay the rent so accrued. The applicant came to know from the Bank that an amount of Rs. 65723/- was directed to be recovered from his account no. 2034/-. Thereafter the applicant received two notices dated 14.11.2000 and 1.12.2000 respectively from the Estate Officer, Central Railway, Bhopal. Aggrieved by the

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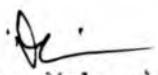
action of the respondents, the applicant personally approached the respondents and pleaded for cancellation of recovery of damage rent of the quarter and prayed to charge the actual rent and so also for permission to retain the quarter till 30.4.2001 as the two children of the applicant were preparing for their Board examinations to be conducted during March-April, 2001. The respondents did not pay any heed to the request of the applicant, therefore, having no other alternative remedy available, the applicant has approached this Tribunal for redressal of his grievances by filing the present Original Application.

3. We have heard the learned counsel for the parties and perused the relevant record available on the file.

4. Without going into the merit of the case we find that the proceedings for eviction were initiated by the respondents against the applicant from the quarter allotted to him. Vide order dated 1.3.2001 the applicant was ordered to be evicted from the said quarter under the provisions of P.P. Act, 1971 by the Estate Officer, Central Railway, Bhopal finding that the applicant is an unauthorised occupant in the said quarter. In view of the judgement of the Hon'ble Supreme Court in the case of Union of India vs. Raseela Ram, reported in 2001(1) ATJ 260 decided on 2.4.2000, it is held as under:-

"Administrative Tribunals Act, 1985 - Section 3(q) and 33- Public Premises (Eviction of Unauthorised Occupants) Act, 1971 - Unauthorised occupation - Residential Accommodation - order passed by the competent authority under the P.P. Act, 1971 for eviction of unauthorised occupant of Govt. quarter/ flat - Whether Administrative Tribunal has the jurisdiction to go into the legality of such an order Held no - Ordered accordingly."

5. In view of the above judgement of the Hon'ble Supreme Court, we are of the view that this O.A. deserves to be dismissed for want of jurisdiction and the same is accordingly dismissed. No costs.

  
(Madan Mohan)  
Member (J)

  
(M.P. Singh)  
Vice Chairman