

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1494 of 2015

Devendra Kumar, son of Mahendra Sao, resident of Village- Naya Ram Nagar,
P.S.- Muffasil, District- Munger at present residing in Quarter no.542, C.D. at
Daulatpur Colony, P.S.- Jamalpur District- Munger.

.... Petitioner

Versus

1. The Union of India through Secretary, Ministry of Railway, Rail Bhawan, New Delhi.
2. The Secretary, Ministry of Railway, Rail Bhawan, New Delhi.
3. The General Manager, Eastern Railway, Kolkata.
4. The Divisional Town Engineer & Estate Officer, Eastern Railway, Jamalpur.
5. The Chief Workshop Manager (C.W.M) Jamalpur Railway Workshop, Eastern Railway, Jamalpur, Munger.
6. The W.P.O. Jamalpur Railway Workshop, Eastern Railway, Jamalpur, Munger.

.... Respondents

Appearance :

For the Petitioner : Ms. Sushmita Mishra, Advocate

For the Respondents : Mr. Anil Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

And

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 03-05-2016

The challenge in the present writ application is to an order dated 11th of April, 2014 passed by the Central Administrative Tribunal, Patna Bench, Patna (for short, 'the Tribunal') and the order in review dated 6th August, 2014 whereby the review application to review the order dated 11th April, 2014 passed in O.A. No.548 of 2011 was dismissed.

2. The petitioner approached the Tribunal for setting aside the order passed under Section 4 of the Public Premises (Eviction

of Unauthorized Occupants) Act, 1971 (for short, 'the Act') and for direction to the respondents to allow the petitioner to retain Type-II quarter.

3. Earlier, the petitioner filed O.A. No.325 of 2008 claiming allotment of the quarter in question. The Tribunal directed the respondents to consider the pending representation and pass a speaking order. It is thereafter, on 7th October, 2008 an order was passed that Type II quarter cannot be allotted to the petitioner and that Type-I quarter was allotted to the petitioner vide letter dated 11th August, 2008.

4. The Original Application came up for hearing before the Tribunal on 11th of April, 2014 which was dismissed for the reason that the Tribunal is not an appellate forum against the order of eviction passed under the Act. The review application filed by the petitioner has since been dismissed.

5. The sole argument raised by learned counsel for the petitioner is that earlier there was an order by the Tribunal to decide the representation, but no order was passed on such representation, therefore, the petitioner could not have been declared as unauthorized occupant.

6. We do not find any merit in the said argument. A perusal of the order passed in the review application shows that the representation of the petitioner was decided on 07.10.2008. The

petitioner has been allotted Type I quarter on 11th August, 2008 as well.

7. The Tribunal has rightly found that it is not an appellate forum against an order of eviction passed under the Act. We do not find any error in the findings recorded by the Tribunal as the representation of the petitioner was decided almost three years earlier than the order of eviction under the Act against the petitioner.

8. In view thereof, the present writ application is dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

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