

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.101/2002

New Delhi, this the 8th day of April, 2003

Hon'ble Shri Kuldip Singh, Member(J)

1. Vinod Kumar
s/o Shri Jagdish Prasad
Working as Lift Operator in the
office of the Electrical Engineer (Elect)(EOD-III)
C.P.W.D. Block No. XIII, C.G.O.Complex,
Lodi Road, New Delhi.
2. Shri Jagdish Prasad
son of Sh. Rajeshwari
Retired from the office of the
Chief General Manager,
Department of Telecommunication,
New Delhi-110001.
both r/o Sector-VI/67
R.K.Puram, New Delhi

Applicants

(Shri B. Krishan, Advocate)

Versus

1. Union of India, through
Director of Estates
Directorate of Estates,
4th Floor, 'C' Wing, Nirman Bhavan -
New Delhi
2. Chief Superintendent
Central Telegraph Office
Department of Telecommunications
Eastern Court, New Delhi-110001.

Respondents

(Mrs. Rinchen O. Bhutia, Advocate)

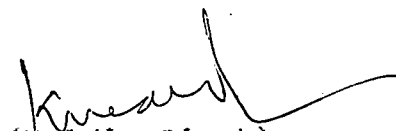
ORDER (ORAL)

Applicant No.1 is a Lift Operator in CPWD. Applicant No.2, who retired from service w.e.f. 31.5.2001 as a Phone Mechanic from the office of General Manager, Central Telegraph Office, Department of Telecommunication, was allotted Qr. No.67, Sector VI, R.K.Puram was allowed to retain the said quarter till January, 2002 and thereafter its allotment was cancelled. First applicant's request to regularise the said quarter in his name was rejected vide first respondent's letters

dated 20.8.2001 and 22.11.20001 on the ground that the said quarter is not a general pool quarter. Both these letters are under challenge in the present OA.

2. Needless to state, respondents have opposed the OA on the short point that this Tribunal has no jurisdiction to entertain cases in which eviction action order has been taken against an employee for his unauthorised occupation of premises under the PPE Act. In this connection, they have drawn our attention to the judgement of the Delhi High Court dated 31.8.2001 in the case of Smt. Babli & Anr. Vs. Govt. of NCT of Delhi in CWP Nos.4651-53/2001. In this case the Delhi High Court has categorically held that "Claim for allotment or regularisation of Govt. accommodation cannot be entertained unless such claim is shown to be a condition of service; nor could the Tribunal assume jurisdiction where eviction action is taken against an employee for his alleged unauthorised occupation of the premises under the Eviction Act". The aforesaid judgment is fully applicable to the present facts of the case.

3. In this view of the matter, the present OA is dismissed for want of jurisdiction. However applicant is given liberty to move the appropriate forum in accordance with law.


(Kuldip Singh)

Member (J)

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