

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELH

O.A. NO. 3370/2002

NEW DELHI THIS 27TH DAY OF DECEMBER 2002

HON'BLE SHRI GOVINDAN S. TAMPI, MEMBER (A)

Shri A K Bamezai,
S/o Shri J N Bamezai,
24-X, Chitragupta Road,
New Delhi 110 055

(By Shri L.C. Goel, Advocate)Applicant

VERSUS

1. Union of India through Secretary,
Ministry of Surface Transport,
BRDB Sena Bhawan,
New Delhi - 110001.
2. The Secretary,
Ministry of Urban Development, Nirman Bhawan,
New Delhi
3. The Director,
Directorate of Estates,
Nirman Bhawan,
New Delhi
4. The Estate Officer,
(Post presently held by Shri V K Paul)
O/o the Estate Officer & AD of Estates (Lit.)
Directorate of Estate, Nirman Bhawan,
New Delhi.

.....Respondents

(By None for the respondents)

O R D E R (ORAL)

This OA seeks to challenge order No.
EC/58/AD/Lit/2002/T-C dated 11.12.2002 passed by the Estate
Officer and Assistant Director of Directorate Estate, Nirman
Bhawan, New Delhi.

2. Heard Shri L C Goel, learned counsel who appeared
for the applicant.



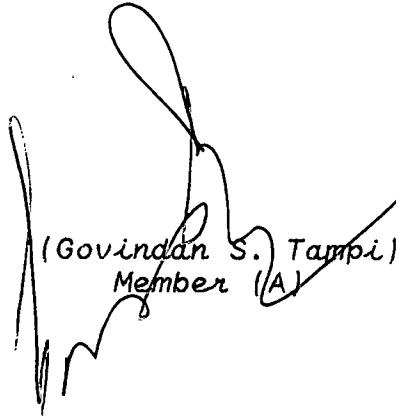
3. The applicant Shri A K Bamezai who retired as Superintendent from Directorate General Border Roads after 41 years of service, had been allotted Govt. accommodation successively and since April 2000 he has been staying in 24-X Chitragupta Road, New Delhi. He is a registered Kashmiri Migrant in Delhi with Registration Certificate issued in his favour by the Kashmiri Samiti Delhi (Regd.), Lajpat Nagar, New Delhi. He has no house/flat of his own in Delhi or anywhere else. According to him he has been continuing to stay in the accommodation allotted to him as he did not have any place to stay and in a similar case (OA No. 2335/2000 in the case of Shri Tej Kishan Vs. Union of India & Others) the eviction order passed by the Estate Officer has been vacated by the Tribunal. The applicant states that his status being similar the impugned vacation order should also be vacated.

4. I have considered the matter. It is found that impugned letter has been issued by the Estate Officer and Assistant Director Estate, in exercise of Section 5(1) of the Public Premises, (Eviction of Unauthorised Occupants) Act 1971, after giving him due notice. Once such an order has been issued, the Appellate Authority is the one who has who has powers under the said statute. Jurisdiction of this Tribunal in matters covered under above Act. is ousted by the Hon'ble Supreme Court directions in UOI Vs Rashila Ram case (JT 2000 (10)503). Therefore it would not be proper for me to arrogate myself the powers to deal with the above.

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5. In the above circumstances the OA is dismissed in limine without issuing notice. The applicant shall however, be free to choose his relief before the appropriate forum. No costs.


(Govindan S. Tampi)
Member (A)

Patwal/