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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH. NEW DELHI

O.A.NO.3387/2002

Friday, this the 9th day of July, 2003

Hon'ble Shri Govindan S. Tampi, Member (A)

Uma Narang
W/o A.K.Narang,
r/o E-40, Sarita Vihar, New Delhi,
last employed as T.G.T., Govt. Boys
Secondary(now Senior Secondary) School,
Tughlakabad Extension, New Delhi.

..Applicant

(By Advocate: Applicant in person)

Versus

1. Govt. of NCT of Delhi through its
Principal Secretary,
Land & Building Department.
Govt. of NCT of Delhi,
A Block. Vikas Bhawan, New Delhi.
2. Assistant Housing Commissioner,
Allot-II PWD, 5th Floor.
Delhi Secretariat New Delhi.
3. Deputy Director of Education,
South District, Defence Colony,
New Delhi.

..Respondents

(By Advocate: Shri George Paracken)

O R D E R (ORAL)

Heard Smt. Uma Narang, applicant in person while the respondents were represented by Shri George Paracken.

2. The challenge in this OA is directed against the order of the Estate Officer on 30.11.2000 issued in terms of Sub-Section (3) of Section 7 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 for having over-stayed in the accommodation allotted to the applicant. Applicant, who retired on 30.4.1998 was permitted to continue in the accommodation on medical grounds till July 2001. She had approached this Tribunal in OA No.2392/2002 regarding the payment of arrears, a different issue, which was disposed of on 17.9.2002. Subsequently, the order has been issued by the

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respondents against which the present OA has been filed. (10)

3. I have considered the matter. In term of the Hon'ble Supreme Court's order in the case of UOI Vs. Raseela Ram [JT 2000 (10) SC 503] once action is initiated against any individual for unauthorised occupation or for recovery on damage rent in term of the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, this Tribunal ceases to have any jurisdiction. The same has been reiterated by the Hon'ble Delhi High Court in the case of Smt. Babli Bai & Anr. Vs. Govt. of NCT of Delhi and Ors. [95 (2002) Delhi Law Times 144 (DB)]. Tribunal's jurisdiction has thus been ousted in this matter.

4. OA is, therefore, dismissed on account of lack of jurisdiction on the part of this Tribunal. The applicant is advised to approach appropriate forum in this regard. If such approach is made within two months from the date of receipt of a copy of this order, the question of limitation would not arise.

5. OA is accordingly disposed of in the above-stated terms. No costs.

(GOVINDAN S. TAMPI)
MEMBER (A)

/kdr/