

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.2590/2001

Friday, this the 28th day of September, 2001

HON'BLE SHRI S.A.T. RIZVI, MEMBER (ADMN)

1. Pushpa Panwar
w/o late Sh. Keshar Singh Panwar
LSG S. Assistant
2. Pritam Singh Panwar
S/O Late Sh. Keshar Singh Panwar

Residential Address:

Both resident of:-
EPT-1, P&T Compound,
Gopinath Bazar,
Delhi Cantt.
Delhi-10.

...Applicants

(By Advocate: Shri G.D.Bhandari)

Versus

Union of India through

1. The Secretary,
Ministry of Communication
New Delhi
2. The Chief Post Master General,
Delhi Circle,
Meghdoot Bhavan,
New Delhi
3. The Estate Officer,
Asstt. Post Master General,
Office of the Chief PMG,
Delhi Circle,
Meghdoot Bhavan,
New Delhi

...Respondents

O R D E R (ORAL)

Heard the learned counsel for the applicant.

2. One of the applicants in this OA is the widow of the deceased employee Shri Keshar Singh Panwar, who died in harness on 4.8.1999. The other is his son, who seeks appointment on compassionate ground.

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(2)

3. Following the death of Shri Keshar Singh Panwar, the aforesaid widow has been allowed to retain the official accommodation in which the family used to live with the deceased employee, upto 3.8.2001. On 5.9.2001, the Estate Officer has issued a memo stating that consequent upon the death of Shri Keshar Singh Panwar, the allotment of the aforesaid official quarter stood cancelled but Smt. Puspa Panwar had not vacated the same. The aforesaid memo has been issued under Sub-Section (1) of Section 5 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. By the said memo, the aforesaid widow has been declared to be in unauthorised occupation of the aforesaid public premises.

4. Meanwhile, the other applicant, namely, Shri Pritam Singh Panwar has gone on making efforts to secure an appointment on compassionate ground. He has not succeeded in getting one so far ^{for want of consideration of his application.} On this basis, the applicants wish to retain the aforesaid official accommodation for some more time.

5. Insofar as the continued retention of the aforesaid official accommodation is concerned, I find that the respondent-authority has proceeded against the applicants under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 and has already declared the applicants ^{as unauthorised} as unauthorised occupants of the aforesaid official accommodation. ^{find that} The jurisdiction of this Tribunal is barred in cases in which proceedings are initiated under the aforesaid Act. It is not possible, therefore, to interfere with the said memo. ^{du}

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(3)

6. By way of relief, the applicants seek quashment and setting aside of the aforesaid memo dated 5.9.2001 (Annexure A-1), letter dated 20.9.2001 (Annexure A-3) and orders dated 5.7.2001 (Annexure A-14), and also a direction to the respondents to consider the applicant No.2's case for appointment on compassionate basis. The first ^{set of} reliefs sought herein relates, as already stated, to proceedings initiated under the provisions of Public Premises (Eviction of Unauthorised Occupants) Act, 1971. The other relief is sought under the provisions of the Govt. of India's Scheme for appointment on compassionate basis. These two reliefs are ^{not} consequential in nature and ^{are} mutually exclusive and distinct. In the circumstances, I find that the present OA is bad also on account of multifariousness of reliefs.

7. The learned counsel appearing on behalf of the applicants seeks one day's time to collect some more information to be able to argue that despite the proceedings having been initiated under the aforesaid P.P. Act, this Tribunal has jurisdiction in the matter. I have considered this plea. In view of the settled legal position, I do not consider it necessary to allow him time for this purpose.

8. For the reasons recorded above, the present OA is dismissed in limine. No costs



(S.A.T. Rizvi)
Member (A)

/sunil/