

2

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.840/2001

New Delhi, this 9th day of April, 2001

Hon'ble Shri M.P. Singh, Member(A)

Ami Chand
295/96, Mir Dar Lane, LNJP, New Delhi .. Applicant

(By Shri S.Bisaria, Advocate)

versus

1. Medical Superintendent
LNJP Hospital, Govt. of NCT of Delhi
New Delkhi
2. PHC-cum-Joint Secretary
(M-II) JLN Marg, New Delhi .. Respondents

ORDER(oral)

Applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 challenging the orders dated 4.10.94, 31.12.94, 28.4.95 and 30.8.99 whereby the respondents have imposed market rent on the applicant and Memo dated 7.2.2001 whereby eviction proceedings have been initiated against the applicant by the respondents under PPE Act, 1971.

2. Brief facts of the case are that the mother of the applicant was appointed as Sweeper. During the course of her employment she was allotted Qr.No.295. She retired from service on 31.3.1994 on superannuation. Prior to that applicant applied for the post of Sweeper and he was appointed as such on 28.7.1992. He has been residing in the said quarter and after his employment he has never claimed HRA from the respondents. After retirement of his mother, he made a detailed representation to the respondents requesting regularisation of the quarter in his name. The request of the applicant has not been acceded to vide memo dated 4.10.94. Aggrieved by this, he has filed this OA.



3. Heard the learned counsel for the applicant and perused the records. I find that the respondents have already initiated eviction proceedings against the applicant by issuing a notice on 7.2.2001 under sub-section (1) and Cl.(b)(ii) of sub-section (2) of Section 4 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. Therefore it is relevant to mention the decision of the apex court in the case of UOI Vs. Rasila Ram JT 2000(1) SC 503, wherein it has been held as under:

"Once a government servant is held to be in occupation of a public premises as an unauthorised occupant within the meaning of Eviction Act, and appropriate orders are passed thereunder, the remedy to such occupants lies as provided under the said Act. By no stretch of imagination the expression any other matter in section 13 (q)(v) of the Administrative Tribunal Act would confer jurisdiction on the Tribunal to go into the legality of the order passed by the competent authority under the provisions of the PPE Act, 1971. In this view of the matter, the impugned assumption of jurisdiction by the Tribunal over an order passed by the competent authority under the Eviction Act must be held to be invalid and without jurisdiction. This order of the Tribunal accordingly stands set aside...."

4. In view of this position, the present OA is not maintainable and the same is accordingly dismissed. No costs.


(M.P. Singh)

Member (A)

/gtv/