

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.842/2001

MA No. 718/2001

New Delhi, this 9th day of April, 2001

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

1. Smt. Babli
w/o Shri Nand Kishore
2. Nand Kishore
Both r/o
123/2, Mir Dar Lane, LNJP Hospital
New Delhi

.. Applicants

(By Shri S.Bisaria, Advocate)

versus

1. Medical Superintendent
LNJP Hospital, Govt. of NCT of Delhi
New Delhi
2. PHC-cum-Joint Secretary
(M-II) JLN Marg, New Delhi
3. Medical Superintendent
Lady Hardinge Medical College
& Smt. S.K.Hospital, New Delhi

.. Respondents

ORDER(oral)

Applicants have filed this OA under Section 19 of the Administrative Tribunals Act, 1985 challenging the orders dated 21.11.98 and 11.2.99 whereby the respondents have imposed market rent on the applicants and Memo dated 7.2.2001 whereby eviction proceedings have been initiated against the applicant under PPE Act, 1971.

2. Heard the learned counsel for the applicant and perused the records.


3. In this connection, 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:



(2)

"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/