

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No. 1568 of 1999

New Delhi, in the 31st day of the October, 2000

(16)

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

Shri Gopal
S/o Shri Ratan Lal
R/o B-5/616, Lodi Colony,
New Delhi.

.... Applicant

(By Advocate: Shri S.C. Sharma)

Versus

1. The Estate Officer
Office of the Executive Engineer,
N Division CPWD, I.P.Bhawan,
New Delhi.
2. The Director General, (W)
CPWD, Nirman Bhawan,
New Delhi

.... Respondents

(By Advocate: Shri V.S.R. Krishna)

ORDER (oral)

The applicant has filed this OA under section 19 of the Administrative Tribunals Act challenging the order dated 1.7.1999 passed by the Respondents under section 5 sub section (1) of Public Premises (Eviction of unauthorised occupants) Act, 1971 directing the applicant to vacate the premise No. B-5/616, Lodhi Colony, New Delhi.

2. Brief facts of the case are that the applicant was allotted a quarter No. B-5/616, Lodhi Colony, New Delhi in August 1993. The applicant was transferred from Bapa Nagar, CPWD Enquiry Office to the CPWD, enquiry office, Shastri Bhawan. Thereafter, there had been reorganisation



(17)

of the circle offices of the CPWD and by virtue of the same the Shastri Bhawan where the applicant was posted came under the jurisdiction of newly created circle office namely Vigyan Bhawan circle. After the aforesaid reorganisation, the applicant was served upon notices under section 4 of P.P. Act alleging the applicant is an unauthorised occupant. He was asked to vacate the quarter No. B-5/616, Lodhi Colony, New Delhi and thereafter, the vacation notice under section 5 sub section (1) of the Public Premises Act was served to him on 23.11.1996. Aggrieved by this, the applicant has filed this OA seeking direction to quash the order dated 1.7.1999 passed by Respondent No.1.

3. Heard both the contesting parties and perused the records.

4. In this case, the applicant has sought relief against the proceedings initiated by the respondents under P.P. Act 1971. The case is, thereafter, covered by the judgement of Hon'ble Supreme Court in Rasila Ram & Ors. Vs. UOI in Civil Appeal Nos.1301-04/ decided on 6.9.2000. The Hon'ble Supreme Court in that case has 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...."

(18)

5. In view of the above mentioned judgement given by the Hon'ble Supreme Court, the Tribunal has no jurisdiction and thus OA is not maintainable.

6. For the reasons stated above, the OA is dismissed as the same is not maintainable. However, the applicant is at liberty to file his application before the appropriate forum. No costs.


(M.P. Singh)
Member(A)

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