

(4)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 2286/1999

New Delhi this the 1st January, 2001

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

(2A)

1. Patti Ram, Daftry,
S-V/546, R.K. Puram,
New Delhi & Ors
2. J.P. Sharma, D/Man, C-432, Sarojini
Nagar, New Delhi
3. B.D. Bali, UDC, Sec.VII/989,
R.K. Puram, New Delhi
4. Kashmir Singh, Supdt.
B-2714, Netaji Nagar, New Delhi
5. Bali Ram Mehta, Daftri, Sec.VII/7,
R.K. Puram, New Delhi
6. Babu Ram Sharma, UDC, Sec-II/885
Sadiq Nagar, New Delhi
7. G.S. Bhojwani, UDC, H-150, Sarojni
Nagar, New Delhi
8. J.P. Shori, D/Man, Sec. IX/74,
R.K. Puram, New Delhi
9. Rajan Chakraborty, Peon
Sec. III/1009, R.K. Puram, N. Delhi
10. Dharamvir Singh, Khalasi,
Sec. II/1009, R.K. Puram, N. Delhi
11. Y.K. Badola, UDC, BD-876
Sarojini Nagar, New Delhi
12. S. Sen Gupta, UDC
Sec. VIII/490, R.K. Puram, N. Delhi
13. Ramesh Chand, Steno
F-2586, Netaji Nagar, N. Delhi
14. Parveen Kumar, Daftry,
N-519, Sewa Nagar, New Delhi
15. Smt. Geeta Ghai, Steno
Sec. IX/155, R.K. Puram
New Delhi
16. Satish Kumar,
1/17, Nanakpura, New Delhi Applicants
(By Advocate : None)

VERSUS

1. Union of India
Ministry of Surface Transport,
Through Secretary to Govt. of India,
1, Sansad Marg, New Delhi

(2)

2. Director General,
Dept. of Light Huses & Lighships,
(Under the Ministry of Surface Transport)
Deep Bhawan,
Plot No. A-13, Sector 24,
Noida : 201 301

3. Directorate of Estates,
Through its Assistant Director, Policy IV
Section, (Min. of Urban Affairs &
Employment) Nirman Bhawan
New Delhi Respondents
(By Advocate : Madhav Panikar)

25

O R D E R (ORAL)

None appeared for the applicants even on
second call.

2. The learned counsel appearing for the
respondents contends that the office of the applicants
having been shifted out of Delhi to Noida in the State
of U.P., the applicants are no longer entitled for
retention of general pool accommodation allotted by the
Directorate of Estates more especially as residential
accommodation has already been made available for them
at Noida. He has brought to my notice the general rule
position in this regard, which has been explained
briefly in the letter dated 28.5.1999 placed at
Annexure A-1. The same provides as follows:-

"The allotment to the employees of your
Department will only be permissible till
they are at Delhi and that after
shifting to Noida, the Department will
be ineligible for general pool
accommodation"

3. Apart from the rule position referred to in
the above extract, the same letter also gives details
such as the length of time for which a normal/eligible
allottee can retain general pool accommodation in

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✓ different circumstances. The learned counsel submits that the applicants have already availed of all the facilities for retaining the accommodation for extended limits of time in accordance with the rule position explained in the aforesaid letter of 28.5.1999. Thus at this stage they are liable to pay damages for unauthorised occupation of the aforesaid general pool accommodation at the prescribed market rate. (26)

4. Further he contends that the allotments made in favour of the applicants have already been cancelled in each case by the authority competent to do so in accordance with the Public Premises (Eviction of Unauthorised Occupants) Act 1971. The final position, therefore, is that the applicants have lost locus standi to retain the aforesaid accommodation and the respondents are now ready to launch proper proceedings for eviction in accordance with the aforesaid Act of 1971. In support of his contention the learned counsel has placed before me a copy of the order passed by the Supreme Court on 6.9.2000 in Union of India Vs Sh. Rasila Ram & Ors reproduced as JT 2000 (10) SC 503. A perusal of the aforesaid judgement reveals that the Administrative Tribunals have no jurisdiction to go into the legality of the order passed by a competent authority under the Public Premises Act of 1971. The learned counsel affirms that the competent authority has already passed cancellation orders under the aforesaid Act and, therefore, this Tribunal has lost jurisdiction to go into the merits of all such orders.

2

27

5. I find that as against the aforesaid position placed before me by the learned counsel appearing for the respondents, the applicants have raised issues which are not relevant considering the policy decision already taken by the respondents following shifting of the Applicants' Office to Noida. The applicants prayer that the letter dated 28.5.1999 placed at Annexure A-1 should be held to apply prospectively does not convince me. I find that the said letter merely clarifies the rule position and does not contain a fresh/new decision on the subject. The aforesaid prayer of the applicants is, therefore, untenable and is rejected. I find that there is no convincing reason available even otherwise to consider the plea advanced by the applicants in this case. It has already been mentioned that following the Supreme Court's Judgement in Rasila Ram & Ors. case (supra). This Tribunal cannot go into the merits of cancellation of allotment orders already passed by the competent authority. Accordingly, the stage is now set for the applicants to start moving into the accommodation already built for their residence at Noida.

6. Under the circumstances, the OA must fail and is dismissed without any order as to costs.

S.A.T. RIZVI

(S.A.T. RIZVI)
MEMBER (A)

(pkr)

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MA 478/2001 in

OA 2286/1999

28

1.3.2001

Present: Ms Harvinder Oberai, counsel for the applicant

Issue notice to the respondents to file reply to
MA 478/2001. List MA on 9.3.2001.

Issue DASTI.

mpk
(M.P. SINGH)
Member (A)

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