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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.687 of 1999

New Delhi, this the 15th day of December, 2000

HON'BLE MR.KULDIP SINGH, MEMBER(JUDL)

1. Smt.Usha Devi  
widow of late Shri Subhash Chander  
working as any Ayah in the  
Department of Social Welfare  
Government of N.C.T.,Delhi
2. Shri Ram Chander  
son of Shri Buddha Singh  
Retired as Sorter from Regional Stationary Depot  
Office of the Assistant Controller of Stationary  
Netaji Nagar, New Delhi

-APPLICANTS

(Applicant no.2 - appeared in person)

Versus

1. Union of India through the  
Director of Estates  
Directorate of Estates,  
4th Floor, C Wing  
Nirman Bhavan, New Delhi
2. The Estate Officer  
Directorate of Estates,  
4th Floor, B Wing  
Nirman Bhavan, New Delhi

-RESPONDENTS

(By Advocate: Mrs.P.K.Gupta)

O R D E R(ORAL)

By Hon'ble Mr.Kuldip Singh, Member(Judl)

Applicants have filed this OA challenging the eviction order passed by the Estate Officer under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

2. Mrs.P.K.Gupta, learned counsel for the respondents submits that in view of the latest judgement of the Hon'ble Supreme Court in the case of Union of India vs. Shri Rasila Ram & ors., JT 2000 (10) SC 503, the Tribunal has been withheld to try the cases where the orders have been passed by the competent authority under

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the P.P. Act. The Hon'ble Supreme Court in its judgement observed as under:-

"Section 3 (q) and 33 - Public Premises (Eviction of Unauthorised Occupants) Act, 1971 - Administrative Tribunal - Jurisdiction - "Service matters" - If it includes eviction of unauthorised occupant of Government flat under the Public Premises Act, 1971. Held, 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. Tribunal's order holding that an order passed by the competent authority under the 1971 Act would also come within its jurisdiction, therefore invalid and without jurisdiction. Order accordingly set aside.

3. In the present case also, the applicants have challenged the order passed by the competent authority under the P.P. Act.

4. In view of the judgement of the Hon'ble Supreme Court in the case of Rasila Ram (supra), I find that this Tribunal has no jurisdiction to try this case. The O.A. is, therefore, dismissed on the ground of lack of jurisdiction. No costs.

  
( KULDIP SINGH )  
MEMBER(JUDL)

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