

11

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A.No.858/99

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)  
Hon'ble Shri Govindan S. Tampi, Member(A)

New Delhi, this the 13th day of December, 2000

Smt. Krishna  
w/o Shri Hari Chand  
t/o D-378, Kidwai Nagar  
New Delhi. ... Applicant

(By Shri George Paracken, Advocate)

vs.

1. Director,  
Directorate of Estates  
Nirman Bhawan  
New Delhi.
2. Estate Officer,  
Directorate of Estates  
Nirman Bhawan  
New Delhi.
3. Commanding Officer  
Sena Mukhyalaya Parivahan Copy  
Sena Seva Corps  
Army Headquarters TPT Coy, ASC  
New Delhi - 110 021. ... Respondents

(By Shri D.S.Mahendru, Advocate).

O R D E R (Oral)

Justice V. Rajagopala Reddy:

Heard the counsel for the applicant and the respondents.

2. The applicant is the daughter-in-law of late Shri Hari Singh, who retired from service on 31.7.1996. Shri Hari Singh, while he was working in Safdarjung Hospital as a Safaiwala Karamchari, was allotted a quarter No. D-378, Kidwai Nagar, New Delhi. After his retirement he requested the Director of Estates to regularise his accommodation in the name of his daughter-in-law, the applicant herein, as she is employed as Safaiwala in the Army Headquarters.

*[Handwritten signature]*

The applicant also sent an application for regularisation of the accommodation in her name in the prescribed form on 26.10.1998. The request for regularisation was however turned down vide order dated 8.12.1998, which is now impugned in this OA, on the sole ground that the daughter-in-law was not eligible for allotment. By another order of the same date, i.e., 8.12.1998, passed by the Estate Officer under Section 5 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, the applicant was sought to be evicted under the provisions of that Act. These two orders are under challenge in this OA.

3. The respondents raised the plea of jurisdiction of the Tribunal in view of the Judgment of the Supreme Court in Union of India Vs. Rasila Ram & Others (Civil Appeal No.1301-04 of 1999), decided on 6.9.2000. The respondents also plead that as per the Circular dated 1.5.1981, the daughter-in-law is not one of the eligible dependent for regularisation of the quarter.

4. This case can be disposed of on the short ground of jurisdiction. In view of the above judgement of the Supreme Court, the impugned order of eviction passed by the Estate Officer cannot be interfered with by the Tribunal as the same was passed under the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. The OA

AV

therefore has to be dismissed on this ground alone. The question of validity of the Circular whether the daughter-in-law is one of the eligible persons cannot be considered by us as we have no jurisdiction to entertain the OA. Even if consider and hold it invalid, which we are inclined to, the applicant cannot get the relief to continue in the quarter, unless the order of eviction stands set aside.

5. In view of the above the OA is dismissed on the ground of jurisdiction.

6. The appellate authority may consider the question of limitation for filing the appeal on the ground that the applicant has been pursuing the wrong forum. The appellate authority may also consider the question of stay of eviction in accordance with the provisions of the Act.

7. The OA is accordingly dismissed. No costs.

(GOVINDAN S. TAMPI)  
MEMBER(A)

(V.RAJAGOPALA REDDY)  
VICE CHAIRMAN(J)

/RAO/

020