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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 2671/97

New Delhi: this the 9th day of JANUARY, 2000.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

B. K. Singh,
A-211, Pandara Road,
New Delhi

..... Applicant.

(By Advocate: Shri K. K. Rai)

Versus

1. Union of India,
through its Secretary,
Ministry of Urban Affairs,
Nirman Bhawan,
New Delhi.

2. Directorate of Estate,
through its Director,
Nirman Bhawan,
New Delhi.

3. The Commissioner of Police,
Police Hqrs,
Delhi Police,
ITD,
New Delhi.

..... Respondents.

(By Advocate: Shri S. M. Arif) and Anil A. Luther

ORDER

S. R. Adige, VC (A)

Applicant impugns respondents' order dated 7.11.97 (Annexure-A) and seeks a declaration that he is entitled to retain Type IV quarter No. A-211 Pandara Road, New Delhi.

2. Heard both sides.

3. Respondents have taken the plea that this Tribunal has no jurisdiction in this case in view of the Hon'ble Supreme Court's order dated 6.9.2000 in UOI Vs. Shri Rasila Ram & Ors.

4. By that order dated 6.9.2000 it has been held that the Tribunal has no jurisdiction to go into the legality of orders passed by the competent authority under the provisions of P.P(EUO) Act, 1971. No material has been shown to us either in the pleadings or during hearing to establish that respondents' impugned order dated 7.11.97 (Annexure-A) has been issued under the provisions of the PP(EUO) Act, 1971. Hence this contention of respondents is rejected.

5. Applicant has contended in his OA that prior to the allotment of Type D quarter No. A-211 Pandara Road he was in occupation of Type IV quarter No. E-16, New Police Lines Kingsway Camp, New Delhi in May-June, 1990 from the Delhi Police Pool, which was allotted to him in turn and he is therefore entitled to being offered alternative accommodation before being evicted from the present accommodation, in terms of para 40 of the Hon'ble Supreme Court's judgment in WP(Civil) No. 585/94 Shiv Sagar Tiwari Vs. UOI & Ors.

6. This OA is disposed of with a direction to respondents to examine the aforesaid contention of applicant in terms of the rules and instructions and pass a speaking order thereon forthwith, in continuation of the impugned order dated 7.11.97. Till respondents pass the aforesaid order, they shall not compel applicant to vacate Qr. No. A-211, Pandara Road, New Delhi, subject to continued payment by applicant of license fee as per law, rules and instructions. No costs.

A.Vedavalli

(DR. A. VEDAVALLI)
MEMBER (J)

S.R. Adige
(S.R. ADIGE)
VICE CHAIRMAN (A).