

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.1096/2000

New Delhi, this the 27th day of April, 2001

HON'BLE MR. GOVINDAN S. TAMPI, MEMBER (A)

Shri Bhure Singh
S/o Shri Bhoop Singh
R/o D-425, Sarojini Nagar,
New Delhi

... Applicant

(By Advocate: Shri George Paracken)

V E R S U S

1. Union of India
(Through Director)
Directorate of Estates
Ministry of Urban Development
Nirman Bhavan, New Delhi -110011.

2. Shri Chanderpal
R/o B-1321, Govindpuri,
New Delhi.

3. Estate Officer
Directorate of Estates
Ministry of Urban Development
Nirman Bhavan, New Delhi -110011.

... Respondents

(By Advocates: Smt. P.K. Gupta alongwith
Sh. Anil Singhal)

ORDER (ORAL)

By Shri GOVINDAN S. TAMPI, Member (A):

Heard Shri George Paracken, learned counsel for the applicant and Smt. P.K. Gupta as well as Shri Anil Singhal, learned counsel for the respondents.

2. In this application, the challenge is against the order dated 16.10.1998 cancelling the allotment of Govt. accommodation at D-425, Sarojini Nagar, New Delhi as well as order of 10.5.2000 directing the eviction of the applicant from the said premises.

3. When the case came up for hearing today Smt. P.K. Gupta and Shri Anil Singhal strongly urged that after the decision of the Hon'ble Apex Court in the case of Union of India & Ors. Vs. Rasila Ram & Ors., reported as JT (2000) SC 503, the matter no longer was in the jurisdiction of this Tribunal to adjudicate and that the same would have to be decided by the different forum. The application, therefore, deserved to be dismissed.

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4. Shri George Paracken fairly concede that the matter is presently outside the purview of the Tribunal as contended by the learned counsel for the respondents, but he says that the OA was maintainable at the time when it was filed as the Apex Court decision in Rasila Ram's case had not been issued on that date. He further prays that he may be given one month time to make necessary application before the appropriate Court and seeks a direction to ensure that his case may not be hit by limitation, having came to a forum which had the jurisdiction at the time he filed the application but which was divested of the jurisdiction only subsequently.

5. Having considered the matter, I am convinced that the applicant's request merits acceptance. The application is, therefore, disposed of by granting time of one month from today to the applicant for moving the appropriate forum for redressal of his grievances with the observation that if he moves the appropriate forum within that time, his claim would not be hit by limitation, as he had originally come before this

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Tribunal when it had the jurisdiction in the matter, and it was divested of the same only much later. he does so his claim would be hit by limitation as he had approached this Tribunal when it had the jurisdiction to deal with the matter.

6. The OA is disposed of with the aforesaid directions. No costs.

(GOVINDAN S. TAMPI)
MEMBER (A)

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