

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.1374/2000
M.A.No.1712/2000

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)

New Delhi, this the 24th day of November, 2000

1. Shri Jimmy Mathew
s/o Shri A.M.Mathew
working as a Stenographer in the
Department of Industrial Policy and
Promotion
Ministry of Industry
Govt. of India
53, Udyog Bhavan
New Delhi - 110 011
and residing at
Quarter No.. Sector V/359
R.K.Puram
New Delhi.

2. Shri A.M.Mathew
s/o Shri A.C.Mathew
retired as Private Secretary
from the Public Grievances Cell
Government of N.C.T. Delhi
and residing at
Quarter No.. Sector V/359
R.K.Puram
New Delhi. Applicants
(None)

Vs.

1. Union of India through
the Director of Estates
Directorate of Estates
4th Floor, 'C' Wing, Nirman Bhavan
New Delhi - 110 011.

2. The Estate Officer
Directorate of Estates
4th Floor, 'B' Wing
Nirman Bhawan
New Delhi - 110 011.

3. The Secretary (Land & Building)
Government of National Capital
Territory of Delhi
'A' Block, Vikas Bhavan
Indraprastha Estates
New Delhi - 110 002. Respondents
(By Shri Rajinder Nischal, Advocate)

1. To be referred to the reporter or not - Yes/~~No~~
2. To be circulated to the benches of the
Tribunal. - Yes/~~No~~


(V.Rajagopala Reddy)
Vice-Chairman(J)

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... Respondents

(By Shri Rajinder Nischal, Advocate)

R.F. (orall)

W

ORDER (contd.)

This OA is filed aggrieved by the eviction order dated 5.7.2000 and cancellation of allotment dated 5.1.2000, from the accommodation allotted by the Department. None appears for the applicant.

2. It is stated by the learned counsel for the respondents that in view of the judgement of Hon'ble Supreme in the case of UOI Vs. Rasila Ram & Ors. in Civil Appeal Nos. 1301-04/1990 decided on 6.9.2000, the present OA is not maintainable on the ground that Tribunal has no jurisdiction in the matters relating to Public Premises (Eviction of Unauthorised Occupants) Act, 1971. The apex court in this case has held as under:

"Once a government servant is held to be in occupation of a public premises as an unauthorised occupant within the meaning of Eviction Act, and appropriate orders are passed thereunder, the remedy to such occupants lies, as provided under the said Act. By no stretch of imagination the expression any other matter in section 13 (q)(v) of the Administrative Tribunal Act would confer jurisdiction on the Tribunal to go into the legality of the order passed by the competent authority under the provisions of the PPE Act, 1971. In this view of the matter, the impugned assumption of jurisdiction by the Tribunal over an order passed by the competent authority under the Eviction Act must be held to be invalid and without jurisdiction. This order of the Tribunal accordingly stands set aside...."

3. In view of the above Judgement, I see force in the contention of the respondents. The OA is liable to be dismissed and is accordingly dismissed. No costs.

Om Rajagopal Reddy
(V.RAJAGOPALA REDDY)
VICE CHAIRMAN(J)

/RAO/