

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.  
(None)

... Applicants

Vs.

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

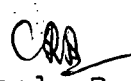
2. The Estate Officer  
Directorate of Estates  
4th Floor, 'B' Wing  
Nirman Bhawan  
New Delhi - 110 011.

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

... Respondents

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)

P. C. F. (Oral)

A

ORDER (encl)

(9)

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.

*V. Rajagopala Reddy*  
(V. RAJAGOPALA REDDY)  
VICE CHAIRMAN (J)

/RAO/