

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.1474/2000

Hon'ble Shri V.K.Majotra, Member (A)
Hon'ble Shri Shanker Raju, Member (J)

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New Delhi, this the 6th day of July, 2001

Padarath Ram
s/o Sh. Sita Ram
r/o 1157 Type A
Govt. Flat
Kayanwas, Delhi - 92. Applicant

(By Advocate: Shri Ashish Kalia)

Vs.

1. Union of India through
The Medical Superintendent
G.B.Pant Hospital
New Delhi.
2. The Estate Officer
Land and Building Department
Vikas Sadan
Delhi - 110 002. Respondents

(By Advocate: Ms. Geeta Luthra, through Shri M.Chand)

O R D E R(Oral)

By Mr. Shanker Raju, Member (J):

We have heard the parties and perused the material on record. The applicant in this OA has assailed an order dated 6.7.2000 passed by the Estate Officer, Government of Delhi, whereby in exercise of the powers conferred under Sub-section (1) of Section 5 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (hereinafter called as 'P.P.Act'), ordered the eviction of the applicant and all the persons who have been in occupation of the premises. The applicant has assailed this order and has sought quashing of the same. While issuing notices to the respondents on 8.8.2000, the court has taken a note of case of Rasila Ram & Ors. Vs. Union of India & Ors., reported in Volume I of the Full

Bench Judgement (CAT) Page 346. The learned counsel for the respondents has taken a preliminary objection across the Bar that the Court has no jurisdiction to entertain such relief as the applicant has avenue of appeal before the District Judge as provided under Section 9 of the P.P.Act. Our attention has also drawn to an order passed by the Apex Court in Union of India Vs. Rasila Ram & Ors. (Civil Appeal No.1301-04/1990 decided on 6.9.2000) and thus wherein it has been observed that once the 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 occupant 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 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 Public Premises (Eviction of Unauthorised Occupants) Act, 1971. As such it has been held therein that the jurisdiction by the Tribunal over an order passed by the competent authority under the P.P.Act must be held to be invalid and without jurisdiction.

2. Keeping in view of the ratio of the aforesaid Hon'ble Apex Court's order and the fact that the applicant has challenged an order of eviction passed by the competent authority under the P.P.Act, as such the remedy of the applicant lies to the

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appropriate forum under the provisions of Section 9 of the P.P. Act ibid and this Court has no jurisdiction to entertain such grievance.

3. In view of the reasons recorded above, as this Tribunal has no jurisdiction to entertain the present grievance of the applicant, the OA is dismissed with liberty to the applicant to pursue his remedy before the appropriate forum in accordance with law. No costs.

S.Ram
(SHANKER RAJU)

MEMBER(J)

/RAO/

V.K.Majotra
(V.K. MAJOTRA)
MEMBER(A)