

Central Administrative Tribunal
Principal Bench

O.A. 1692/2000

New Delhi this the 14th day of September, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

Surender Kumar Dhingra,
S/o Shri Duni Chand,
R/o Railway Quarter No. D-23,
College Lane, New Delhi.

... Applicant.

(By Advocate Shri M.K. Bhardwaj)

Versus

1. Union of India through
The General Manager,
Northern Railway,
Baroda House, New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
Delhi Division,
DRMs office, New Delhi.
3. The Divisional Superintending Engineer,
(Estate), Northern Railway,
DRM's office, New Delhi. ... Respondents.

(None present)

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

I have heard Shri M.K. Bhardwaj, learned counsel for the applicant.

2. In a recent judgement of the Hon'ble Supreme Court in Union of India Vs. Rasila Ram & Ors. (Civil Appeal Nos. 1201-04/1990), decided on 6.9.2000, it has been held that "...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". Accordingly, the Apex Court set aside the order of the Full Bench of the Tribunal in a batch of applications, where the Tribunal had come to a

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finding that an order passed by the competent authority under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 for eviction would also come within the purview and jurisdiction of the Administrative Tribunal constituted under the Administrative Tribunals Act, 1985.

The Hon'ble Supreme Court has held as follows:

"The Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (hereinafter referred to as the "Eviction Act") was enacted for eviction of unauthorised occupants from public premises. To attract the said provisions, it must be held that the premises was a public premises, as defined under the said Act, and the occupants must be held unauthorised occupants, as defined under the said Act. 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 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".

3. In view of what has been held by the Supreme Court in Rasila Ram's case (supra), the matter in issue in the present case regarding the validity of the cancellation of allotment of Railway Quarters/Public Premises will not lie within the jurisdiction of this Tribunal. Accordingly, the O.A. is disposed of leaving it open to the applicant to pursue his remedies in accordance with law.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member(J)

"SRD"