

Central Administrative Tribunal  
Principal Bench

OA No.188/2000

(21)

New Delhi, this the day of 5th January, 2001.

Smt. Sunita Devi  
W/o Late Shri Suresh Kumar,  
R/o C-105, Netaji Nagar,  
New Delhi.

...Applicant.  
(By Advocate: Shri S.S. Yadav)

Versus

1. Union of India  
Through Secretary  
Ministry of Urban Development  
New Delhi.
2. Director(Horticulture),  
C.P.W.D. Indraprastha Bhavan,  
New Delhi.
3. Superintending Engineer,  
Coordination Circle (Civil),  
C.P.W.D. New Delhi.
4. Estate Officer,  
Directorate of Estate,  
Nirman Bhavan,  
New Delhi.

...Respondents.  
(By Advocate: Shri D.S. Jagotra)

ORDER(Oral)

By Hon'ble Shri Govindan S. Tampi, Member(A)

None for the applicant either in person or through the counsel even on the second call. Shri D.S. Jagotra, learned counsel for the respondents.

2. In this case, the plea by the applicant is for direction to the respondents <sup>to desist</sup> from evicting her from the residential premises allotted to her deceased employee, Shri Suresh Kumar who passed away in 4.7.99 and also to give her suitable posting. According to her, the Department was delaying order giving her compassionate appointment and also

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taking steps at the same time to have her evicted from the premises, occupied by her. This was not correct and should be stopped as her request.

3. Shri D.S. Jagotra replies that her name has been put on the waiting list for compassionate appointment and she would be given the same as the turn case. As far as the residential occupation concern, they had taken steps to evict her only two years after the demise of her husband and said action cannot be distinguished as incorrect.

4. I have carefully considered the matter. The respondents having duly placed the applicant in the wait list for after considered for compassionate posting and have promised that the same would be ordered as soon as her turn case. It cannot be open for the Tribunal to issue any further directions. With regard to the eviction of the residential premises which is being held by the applicant even two years after the demise of her husband, who was an employee, no order can be passed by the Tribunal as the same case under the purview of the Public Premises (Eviction of Unauthorised Occupant) Act 1971, jurisdiction in respect of which has been withdrawn from the fresh Tribunal by the Hon'ble Supreme Court by its decision in Union of India vs. Raseela Ram. The Tribunal in this circumstances cannot grant any relief to the applicant.

5. The application fails and is accordingly dismissed.  
No costs.

/kedar/

Govindan S. Tampi  
Member (A)