

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A.NO.334/2000

New Delhi, this the 18th day of February, 2000.

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, V.C. (J)

1. Sh. Durga Dass, S/O Sh. Kesho Ram, Working as Confidential Assistant, Ministry of External Affairs, South Block, New Delhi.

(Presently posted as Personal Assistant to the High Commissioner of India, Islamabad, Pakistan and R/O of D-192, Moti Bagh-I, New Delhi - 110021. Through his father and duly constituted Attorney to Sh. Kesho Ram.

2. Sh. Kesho Ram, S/O Sh. Bikhru Ram, R/O D-192, Moti Bagh-I, New Delhi - 21 and duly constituted attorney of his son of Sh. Durga Dass.

.....Applicants.

(By Advocate: Sh. P.M.Ahluwat)

VERSUS

1. Union of India, through the Secretary to the Govt. of India, Ministry of Urban Development, Nirman Bhawan, New Delhi.
2. Assistant Directorate of Estates, Directorate of Estates, Ministry of Urban Development, Nirman Bhawan, New Delhi.
3. Estates Officer, Directorate of Estates, Nirman Bhawan, New Delhi.
4. Adm. Officer to the Government of India, Ministry of External Affairs, South Block, New Delhi.

...Respondents.

O R D E R (ORAL)

This OA is filed challenging the order of the Estate Officer, Directorate of Estates, New Delhi, dated 7.2.2000 (Annexure A-1).

2. The impugned order of respondent No.3 on 7.2.2000 states that the applicants were in unauthorised

CAH

(2)

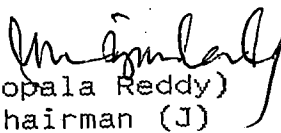
occupation of the premises. Accordingly, he cancelled the allotment, made in their favour under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (for short the "Act").

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3. The applicants have got statutory remedy by way of an appeal under the Act and without exhausting the said remedy, the applicants filed the present OA. They are also entitled to seek an interim direction or stay before the appellate authority. In the circumstances, this OA is not maintainable.

4. Learned counsel for the applicants seeks to rely upon the Full Bench Judgement wherein it is held that the Tribunal has got jurisdiction in the matter as allotment of quarter to an employee is a service matter. The said decision cannot be disputed but the applicant can only invoke the jurisdiction of this Tribunal after he exhausted the remedy of an appeal provided under the Act.

5. With these directions, the OA is dismissed. No order as to costs.


(V. Rajagopala Reddy)
Vice Chairman (J)

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