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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 426/88

DECIDED ON : 22.09.1993

Dr. V. K. Mital ... Petitioner

vs.

Union of India through the
Secretary, Ministry of Urban
Development & Ors. ... Respondents

CORAM :

Shri V. P. Gupta, Counsel for Petitioner

Shri P. P. Khurana, Counsel for Respondents

O R D E R (ORAL)

(By Hon'ble Mr. Justice V. S. Malimath)

This is a case in which the petitioner challenges the order made by the Estate Officer as per Annexure-A1 dated 29.10.1983 by which he has been directed to pay a sum of Rs.7953.05 assessed by the Estate Officer as damages on account of unauthorised occupation of the quarters by the petitioner. The petitioner was allotted Government quarters at Delhi and he came to be transferred to Kathmandu (Nepal) in May, 1979. The petitioner having been transferred was required to vacate the quarters occupied by him. He did not do so. The allotment was cancelled by order dated 16.11.1979 w.e.f. 7.11.1979. The petitioner did not promptly vacate the premises and lingered on for quite some time and ultimately surrendered the possession on 23.10.1981. The petitioner's case is that he returned back from Kathmandu in July, 1984. Notice was issued to the petitioner on 7.6.1982 requiring him to show cause why damages of Rs.7953.05 should not be assessed in regard to his unauthorised occupation of the quarters. Ultimately, the estate officer made the impugned order dated 29.10.1983 affirming the demand made in the notice.

2. The order made under Section 7 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 is appealable under Section 9 of the Act to the prescribed appellate authority. The petitioner has not availed of that statutory remedy of appeal. The petitioner has approached this Tribunal for relief in this application filed on 15.3.1988. Apart from the fact that the petitioner did not avail of the statutory remedy prescribed by the Act of preferring an appeal, he has approached the Tribunal for relief nearly five years after the impugned order came to be made. All these circumstances justify declining jurisdiction by us. It is on this short ground that this application is dismissed. No costs.

S. R. Adige
(S. R. Adige)
Member (A)

V. S. Malimath
(V. S. Malimath)
Chairman

as
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