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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, DELHI.

Regn. No. O.A. 1191/1990.

DATE OF DECISION: 10.8.1990.

Ashok Kumar Vasudeva Applicant.

Shri Sunil Malhotra Counsel for the Applicant.

V/s.

Union of India & Ors. Respondents.

Sh. P. P. Khurana - - - - Counsel for the respondents

CORAM: Hon'ble Mr. D.K. Agrawal, Member (J).
Hon'ble Mr. P.C. Jain, Member (A).

(Judgement of the Bench delivered
by Hon'ble Mr. P.C. Jain, Member)

JUDGEMENT

In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant, who was dismissed from service vide order dated 18.6.1985 and which order he has challenged in O.A. 1594/88, which is pending disposal, has assailed order dated 14.3.90 (page 7 of the paper book) and has prayed for a direction to the respondent No.3 not to implement the impugned order dated 14.3.90 and to allot Government accommodation No.SV/613, R.K. Puram, New Delhi, to the applicant in case he succeeds in O.A. 1594/88. As an interim measure, stay of the impugned order has been prayed for.

2. The relevant facts are that the father of the applicant was allottee of the aforesaid Government accommodation and Assistant Director and Estate Officer, Directorate of Estates, New Delhi, vide the impugned order dated 14.3.90 passed under Sub-section (1) of Section 5 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 ordered the allottee and all persons in occupation of the said premises or any part thereof to vacate the same within 15 days. The father of the applicant, i.e., the allottee of the aforesaid Government accommodation retired from service on 26.5.89. The applicant was appointed as Stenographer in Group 'D' on 11.9.1977 in the

Yes

office of Respondent No.2 and is said to have been declared as quasi-permanent also. He was dismissed from service, which action is the subject-matter of another O.A. 1594/88.

2. We have perused the documents on record and also heard the learned counsel for the parties.

3. The only question which falls for determination in this case is whether the Central Administrative Tribunal has jurisdiction to interfere with the impugned order passed by a statutory authority under the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. The learned counsel for the applicant submitted that the Tribunal is vested with all the powers of High Court and, as such, the Tribunal has the jurisdiction in the matter.

4. A Full Bench of the Central Administrative Tribunal in the case of Rasila Ram Vs. Union of India & Others (O.A. No.89/88) and three other cases (O.A. Nos.1667/87, 1497/88 and 1802/88), had held that the Tribunal had jurisdiction over the proceedings under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (for short, the Act of 1971). However, in the Special Leave Petitions (Civil Nos. 9345 to 9348) with interlocutory applications No.1 to 4 in the above Special Leave Petitions, in the cases of Union of India Vs. Rasila Ram, the Hon'ble Supreme Court passed the following order on 4.9.1989: -

"THE PETITION FOR SPECIAL LEAVE TO APPEAL AND THE APPLICATIONS FOR STAY above-mentioned being called on for hearing before this Court on the 4th day of September, 1989, UPON hearing counsel for the petitioner herein THIS COURT, while directing issue of notice to the respondents herein to show cause why special leave should not be granted to the petitioner herein to appeal to this Court BOTH UNDER that pending the hearing and final disposal

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by this Court of the applications for stay after notice, the operation of the impugned Judgment and Order dated 5th May, 1989 of the Central Administrative Tribunal, Principal Bench, New Delhi in O.A. Nos.89/88, 1667/87, 1497/88 and 1802/88, be and is hereby stayed."

Reference to the Full Bench of the C.A.T. in the case of Rasila Ram and Others (supra) was on the point of jurisdiction and the judgement of the Tribunal in that case is also on the point of jurisdiction. That judgment having been stayed, the Tribunal, at present, has no jurisdiction to interfere with the orders passed by the competent authority under the 1971 Act. In view of this, we have no jurisdiction to adjudicate upon the matter in this application and the applicant can avail of alternative remedies under the 1971 Act. The application is, therefore, ^{disposed of accordingly.} ~~returned to the applicant for action in accordance with law.~~

P.C. Jain
(P.C. JAIN)
Member(A)

D.K. Agrawal
(D.K. AGRAWAL) 10.8.90
Member(J)

10.8.1990.