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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A.560/90

Date of decision: 19.5.1993

Balwant Singh

.. Petitioner.

Versus

Union of India & Ors.

.. Respondents.

For the Petitioner.

.. None.

For the Respondents.

.. Shri P.P. Khurana,
Counsel.

JUDGEMENT (ORAL)

(By Hon'ble Mr. I.K. Rasgotra, Member(A))

This is an old case. Last opportunity was granted to the learned counsel for the respondents for filing counter affidavit on 29.1.1991. Thereafter, another opportunity was granted on 15.4.1991. However, no counter affidavit has been filed. In the circumstances, there is no alternative but to dispose of the case on the basis of the available judicial record.

2. The petitioner in this O.A. filed on 23.3.1990 is seeking relief by way of a direction to set aside the order of cancellation of allotment dated 2.6.1987. He further prays that as he continued in occupation of the Government accommodation, 69, Lodhi Estate, New Delhi during the period of his deputation from 20.4.1987 to 2.8.1987, it should be deemed to be as regular

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as it was duly allotted to him by the Commissioner of Police and such allotment is not liable to be cancelled on account of his deputation. It is further prayed that eviction order passed by the Estate Officer dated 13.4.1989 be set aside and declared as illegal and void.

3. An M.P. No. 746/90 has been filed by the petitioner seeking condonation of delay in filing the application under Section 19 against the impugned order cancelling allotment of the accommodation dated 2.6.1987. In the said M.P. he has stated that the eviction order passed by the Estate Officer on 13.4.1989 has been challenged by filing an appeal u/s 9 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 in the Court of Additional District Judge. When the appeal of the petitioner is already pending in the Court of Additional District Judge, the question of challenging the eviction order of the Estate Officer before the Tribunal does not arise. The petitioner cannot seek simultaneously remedy against the cancellation and the eviction order in the Tribunal. Since the cause of action first arose in 1987, the petition is also time barred under Section 21 of the Administrative Tribunals Act. The petitioner cannot, ^{also} ~~therefore~~ simultaneously pursue the matter at multiple forums. The petition is accordingly dismissed as time barred as well as for lack of merit. No costs.


(I.K. Rasgotra)
Member(A)