

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH

ORDER SHEET

Original Application No. 207 of 2001

Applicant (s) Manoranjan Mohanty Respondent (s) Director of Printing and Publications

Advocate for Applicant (s) Mr. S. R. Mishra Advocate for Respondent (s) B. Ray

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

I.P.O/B.D. for Rs.50/- filed
For Registration please.

on memo

As per
S.O. 2575

REGISTER

Registrar

Order No.1, dated 25.5.2001.

This matter has been taken up today on being mentioned by Shri S.R. Mishra, the learned counsel for the petitioner. The Registry has pointed out that the application is against an order of eviction passed in a proceeding under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (hereinafter referred to as "Act of 1971") and the Tribunal has no jurisdiction to entertain the application. Let the OA be registered and a number given.

2. We have heard Shri S.R. Mishra, the learned counsel for the

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petitioner and Shri S.B.Jena, the learned Additional Standing Counsel for the respondents on the question of admission.

3. From the O.A. it appears that the petitioner was working as Caretaker in Government of India Text Book Press, Bhubaneswar, and was allotted a quarter which is earmarked for Caretaker. He was transferred from the post of Caretaker on 25.2.2000 and was directed to vacate the quarters. The applicant continued in the quarters and applied for retention of quarters on various personal grounds. Apparently, the proceedings under the provisions of Act of 1971 were initiated against him and an order of eviction was passed. The applicant had approached the Hon'ble High Court in OJC No. 6205 of 2001, which was disposed of in order dated 16.5.2001 with a direction that as the matter for consideration of stay of the order of eviction is fixed to 16.6.2001 before the learned District Judge, the applicant shall not be evicted from the quarters. Thereafter the petitioner has approached the Tribunal praying that the order at Annexure-7 regarding realisation of penal rent should be stayed. His second prayer is for a direction to the respondents to allot the quarters to the applicant on ad hoc basis till the final allotment is made. Hon'ble Supreme Court in the case of Union of India v. Sh.Rasila Ram and others, Civil Appeal Nos.1301-04 of 1990 (decided on 6.9.2000, have held that against an order of eviction under the Act of 1971 the appeal lies only to District Judge and the

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Tribunal has no jurisdiction to entertain the grievance of an applicant with regard to such order of eviction. In the instant case, an appeal has been filed before the learned District Judge and the matter regarding stay of operation of the eviction order is also posted to 16.6.2001 for consideration. We find from Annexure-7 that this is not an order of recovery. This is only a direction of the Assistant Manager (Administration) to the Accountant to prepare the realisable amount as per rules. As the order itself speaks of preparation of realisable amount ^{as per Rules} no case is made out for staying this order. In any case, if so advised, the applicant has to approach the learned District Judge in this regard. The second prayer is for a direction to the respondents to allot the same quarters to him on ad hoc basis. Against the order of his eviction the applicant has gone before the learned District Judge and in view of this, the very same matter cannot be agitated before us. In any case the Tribunal has no power to direct the departmental authorities to allot a particular quarter to a particular employee. In view of the above, we hold that the O.A. is not maintainable before the Tribunal and it is accordingly rejected. ^{at the stage of admission} No costs.

(G.NARASIMHAM)
MEMBER (JUDICIAL)

(SOMNATH SOM)
VICE-CHAIRMAN

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The applicant is
represented.
25/9/01