

4

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

O.A.No. 260/000023 of 2014

Cuttack this the 30<sup>TH</sup> day of January, 2014  
CORAM  
HON'BLE SHRI A.K.PATNAIK, MEMBER(J)  
HON'BLE SHRI R.C.MISRA, MEMBER(A)

Sri V.Satya Narayan Murty  
Aged about 45 years  
S/o.Dharma Rao, At-Paloor Bangla Street,  
Berhampur, Ganjam  
At present working as an Assistant  
Kendriya Vidyalaya  
At/PO/Dist-Sambalpur

...Applicant

By the Advocate(s)-Mr.B.N.Rath

-VERSUS-

1. The Commissioner,  
Kendriya Vidyalaya Sangthan  
KVS Head Quarter  
18, Indusstitutional Area  
Sahid Jeet Singh Marg  
New Delhi-110 016
2. The Deputy Commissioner  
Kendriya Vidyalaya Sangathan  
Regional Office, Pragati Vihar  
Mancheswar,  
Bhubaneswar-17  
Dist-Khurda
3. The Principal  
Kendriya Vidyalaya  
At/PO/Dist-Sambalpur  
Dist-Khurda

...Respondents

By the Advocate(s)-Mr.H.K.Tripathy

*Walter*

ORDERA.K.PATNAIK, MEMBER(J):

Heard Mr. Biswanath Rath, Learned Counsel for the Applicant and Mr.H.K.Tripathy, Learned panel counsel for KVS and perused the records. Mr.Tripathy accepts notice for the Respondents. Registry is directed to serve notice, in terms of sub rule 4 of Rule 11 of the CAT (Procedure) Rules, 1987 for onward transmission.

2. By stating that the orders of eviction dated 18.2013, 03.09.2013 and 20.11.2013 being contrary to Rules, Mr.Rath, sincerely prays to declare those orders of eviction as illegal. On the other hand Mr.Tripathy submitted that as eviction notice has been issued in exercise of the power under sub section (I) of Section 5 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, this Tribunal lacks jurisdiction to entertain and decide the matter. Hence he sincerely prays dismissal of this OA *in limine*.

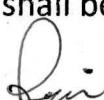
3. Mr.Rath submitted that only the Estate Officer is competent to initiate/issue notice under the PP Act as the orders have been issued by the Deputy Commissioner and it is not known whether he has been declared as EO to initiate proceedings under the PP Act in so far as the eviction from the quarters in question, merely stating the provision would not debar this Tribunal to entertain and decide the matter on merit.

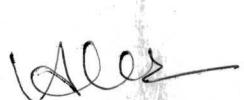
4. In this connection, after going through the decision of the Hon'ble Apex Court rendered in the case of **Union of India –Vrs- Rasila Ram and others**, reported in (2001) 10 SCC 623=JT 2000 (10) SC 503 in which it has



been held by the Hon'ble Apex Court that "by no stretch of imagination the expression 'any other matter', in Section 3 (q)(v) of the Administrative Act would not confer jurisdiction on the Tribunal to go into the legality of the order passed by the competent authority under the provisions of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 and, therefore, the impugned assumption of jurisdiction by the Tribunal, over an order passed by the competent authority under the Eviction Act must be held to be invalid and without jurisdiction", we are not satisfied with the arguments advanced by Mr. Rath especially when we find that the orders under challenge have been issued under sub section (I) of Section 5 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971. It is trite law that an order passed by a Court having no jurisdiction is a nullity. As such whether the Deputy Commissioner is competent to issue such order is a matter to be canvassed before the appropriate forum but that cannot be a ground to assume the jurisdiction so as to decide the matter on merit overlooking the law laid down by the Hon'ble Supreme Court, quoted above.

5. In view of the above, without going into the merit of the matter this OA stands dismissed at this admission stage being without jurisdiction. There shall be no order as to costs.

  
(R.C.MISRA)  
Member (Admn.)

  
(A.K.PATNAIK)  
Member (Judicial)