

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No.OA 1223 of 96

Date of order : 29.9.04

Present : Hon'ble Mr.Sarweshwar Jha, Administrative Member
Hon'ble Mr.M.K.Gupta, Judicial Member

SUNIL KR. SARKAR

VS

UNION OF INDIA & ORS.

For the applicant : Mr.S.K.Dutta, counsel

For the respondents: Mr.B.K.Chatterjee, counsel

O R D E R

Sarweshwar Jha, A.M.

Heard both the ld.counsel. It is observed that the applicant had earlier approached the Tribunal in OA 1280/92 which was decided on 26.7.94 with an observation that the applicant's prayer in regard to the cancellation of the quarter allotted to him had become infructuous. The respondents had, however, been given liberty to take action according to law in regard to imposition of damage/penal rent on the applicant. Assuming that the relevant law on the subject is Public Premises (Eviction of Unauthorised Occupants) Act, 1971 and whatever action is required to be taken shall have to be taken under the said Act only, we are of the view that this Tribunal has no jurisdiction in regard to the said Act, particularly keeping in view the fact that the law on the subject has been already laid down by the Hon'ble Apex Court as held in Union of India & Ors.-vs- Rasila Ram reported in JT 2000 (10) 503.

2. Accordingly, this Original Application is dismissed with liberty to the applicant to proceed in the matter as per law and to approach the appropriate forum. The interim order dated 30.5.97 stands vacated. No order as to costs.

MEMBER (J)

MEMBER(A)

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