

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 187 of 2005

Jabalpur, this the 17th day of June, 2005

Hon'ble Shri Madan Mohan, Judicial Member

Ganesh Ram, aged about 49 years,
Occupation – Darban, S.S./3, R/o.
House No. 1256/Forest, Ordnance Factory,
Itarsi, Tahsil – Itarsi, Distt. Hoshangabad M.P. Applicant

(By Advocate – None)

V e r s u s

1. The General Manager, Ordnance
Factory, Itarsi, Tah. Itarsi,
Distt. Hoshangabad.
2. Union of India, through the
Secretary, Department of Defence
Mantralaya, New Delhi. Respondents

(By Advocate – Shri S.A. Dharmadhikari)

ORDER

By filing this Original Application the applicant has claimed the following main reliefs :

“8.1 to set aside and quash the impugned order dated 10.2.2005 (Annexure A-6) in the interest of justice,

8.2 to direct the respondent to allot the quarter No. 1256/1 or other suitable quarter in any location to the applicant.”

2. The brief facts of the case are that the applicant is an employee of the Ordnance Factory, Itarsi and is working as a Darban. He was allotted a quarter No. 1256/1. The applicant was served with a show cause notice on 25.4.2003 by the respondent No. 2 in which it was mentioned that a collective complaint was made on 20.3.2003 against him and on the basis



of an investigation it was found that the applicant and his members of the family without any reason use to quarrel, fight with the members of the family of other employees living in that block and hence he has violated the accommodation allotment rules. The applicant filed the reply against it but by the order dated 14.5.2003 it was held that the applicant has violated the provisions of the accommodation allotment dated 20.4.1993 and he was directed to vacate the possession of the accommodation by 31.5.2003. The applicant filed a civil suit in the court of Civil Judge, Class II, Itarsi and the trial court vide order dated 18.8.2003 allowed the application of the applicant and the applicant was granted an interim injunction. The respondents preferred a MA before the Court of IInd Additional District Judge, Hoshangabad and by order dated 9th September, 2004 the order of the civil court was set aside without going into the merits of the application. Then the applicant filed a WP No. 3/2005 before the Hon'ble High Court and this WP was decided vide order dated 6.1.2005. In compliance of the orders of the Hon'ble High Court dated 6.1.2005 the applicant filed a representation and it was rejected by the respondents vide order dated 10.2.2005 and the allotment of the quarter No. 1256/2001 allotted to the applicant was also cancelled with further direction to the applicant for vacation of the said quarter. This action of the respondents is apparently illegal and unjustified. Hence, this Original Application is filed.

3. None is present for the applicant. None was also present for the applicant on earlier dates i.e. on 23.3.2005, 18.4.2005, 2.5.2005, 4.5.2005. Hence, I proceed to dispose of this Original Application by invoking the provisions of Rule 15 of CAT (Procedure) Rules, 1987. Heard the learned counsel for the respondents.

4. It is argued on behalf of the respondents that on the investigation of the complaints made against the applicant a show cause notice was issued against him and after hearing him, his allotment order was cancelled vide



order dated 14.5.2003 and he was asked to hand over the possession to the respondents latest by 31.5.2003. Reasonable opportunity of hearing was given to the applicant by the Estate Officer. The applicant was summoned in the court of the Estate Officer for personal hearing vide notice under Sub-Section (1) of Section 4 of PP Act, 1971. The applicant has filed his appeal before the District Court, Hoshangabad and thereafter the applicant filed a WP before the Hon'ble High Court of MP, Jabalpur. On compliance of the orders of the Hon'ble High Court the applicant filed a representation and after carefully considering the representation of the applicant the General Manager rejected the same by passing the impugned order dated 10.2.2005. This order is perfectly legal and justified. The learned counsel for the respondents also argued that the present Original Application is not maintainable as proceedings under the Public Premises Act, 1971 was initiated against the applicant. Thus, this Original Application is liable to be dismissed as not maintainable.

5. After hearing the learned counsel for the respondents and on careful perusal of the pleadings and records I find that according to the contentions of the respondents reasonable opportunity of being heard by the Estate Officer was given to the applicant and a notice under Sub-Section (1) of Section 4 of Public Premises Act, 1971 was also served on him. It is a settled legal position that if proceedings under the Public Premises Act, 1971 are initiated against a Government employee, then this Tribunal has no jurisdiction to here and decide the matter. The Hon'ble Supreme Court in the case of Union of India Vs. Rasila Ram and others, 2002 SCC (L&S) 1016, held that "A. Jurisdiction – Service matter – Scope of – Matter relating to eviction of unauthorized occupants from government quarters – Held, does not come within the purview and jurisdiction of Administrative Tribunal – Expression "any other matter whatsoever" occurring in S.3(q)(v) of Administrative Tribunals Act, 1985 does not confer jurisdiction on Tribunal to go into the legality of order passed by competent authority under Public Premises (Eviction of Un-



authorised Occupants) Act, 1971 – Administrative Tribunals Act, 1985 – S.3(q)(v) – Expression “any other matter whatsoever” – Scope of.” It was further held by the Hon’ble Supreme Court that “Administrative Tribunals posses no power under the Act to deal with matter relating to eviction of unauthorized occupants from government quarters.” Hence, the arguments advanced in this regard by the learned counsel for the respondents that Tribunals have no jurisdiction to consider and decide the matters relating to eviction of unauthorized occupations from government quarters and thereafter initiation of proceedings under the PP Act, seems to be legally correct and justified.

6. In view of the aforesaid position, I find that this Tribunal has no jurisdiction to decide the matter and hence this Original Application is liable to be dismissed as not maintainable. Accordingly, the Original Application is dismissed as not maintainable. No costs.



(Madan Mohan)
Judicial Member

“SA”

पृष्ठांकन सं ओ/न्या.....जबलपुर, दि.....

पत्तिलिपि अर्जित:-

- (1) सचिव, उच्च न्यायालय एवं इकोनॉमिक, जबलपुर
- (2) आवेदक श्री/श्रीमती/श्री/श्रीमती.....के काउंसल
- (3) प्रत्यर्थी श्री/श्रीमती/श्री/श्रीमती.....के काउंसल
- (4) कक्षपाल, के.प्र.अ., जबलपुर र बागपेट
सूचना एवं आवश्यक कार्यवाही हेतु

उप रजिस्ट्रार

Samir Bhojwari
Adv. 033
D.A. Shrivastava
Adv. 033

70/2017
17.6.20

रजिस्ट्रार