

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 185 of 2000

Jabalpur, this the 14th day of October, 2003.

Hon'ble Mr. J.K. Kaushik, Judicial Member  
Hon'ble Mr. Anand Kumar Bhatt, Administrative Member

Hemant Shrivastava  
aged about 43 years,  
son of late Shri K.R. Shrivastava,  
Senior Accountant,  
Accountant General M.P.(II),  
Gwalior M.P. Resident of Type-II, 126  
Shastri Nagar, Gwalior, M.P.

APPLICANT

(By Advocate - None)

VERSUS

1. Union of India,  
through the Comptroller and  
Auditor General of India,  
10 Bahadur Shah Jafar Marg,  
New Delhi.
2. Accountant General (A&E), II  
Madhya Pradesh, Gwalior M.P.
3. Estate Officer/  
Deputy Accountant General (Audit),  
Office of Accountant General(A&E),  
II Madhya Pradesh, Bhopal M.P.
4. Accounts Officer (Administration),  
OE-8 Office of A.G. (A&E) II, M.P.  
M.P. Gwalior

RESPONDENTS

(By Advocate - Shri S.A. Dharmadhikari)

O R D E R (Oral)

By J.K. Kaushik, Judicial Member -

Shri Hemant Shrivastava has filed this Original Application under Section 19 of the Administrative Tribunals Act for quashing and setting aside the order dated 15.02.1996 (Annexure A-4), order dated 28.09.1999 (Annexure A-14) and order dated 03.01.2000 (sic) (Annexure A-16), with further prayer that the action of the respondents in declaring the applicant in unauthorised occupation of quarter in question from retrospective effect is illegal and arbitrary.

2. Incidentally, we find that none has appeared for the

applicant since 2000. The case was listed at number of occasions and it seems that the applicant is not interested in prosecuting this case. However we find that the complete action in the matter has been taken under Public Premises (Eviction of Unauthorised Occupants) Act, 1971, by the Estate Officer and the matter pertaining to the said Act, this Tribunal does not have any jurisdiction and this proposition of the law has been well settled in the case of Union of India Versus Rasila Ram and others reported in 2002 SCC (L&S) 1016. In this view of the matter we are not inclined to examine the merits of this case.

3. In the premises the Original Application cannot be entertained and the same is hereby dismissed for want of jurisdiction. If an application is made on behalf of the applicant the Original Application may be returned to the applicant. However it shall be scarcely necessary to mention that the applicant would be at liberty to agitate his grievances before the appropriate forum as may be available to him. No costs.

(Anand Kumar Bhatt)  
Administrative Member

(J.K. Kaushik)  
Judicial Member

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*17.10.03*  
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