

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA-3828/2018

Reserved on: 09.10.2018

Pronounced on : 16.10.2018

**Hon'ble Sh. V. Ajay Kumar, Member(J)
Hon'ble Sh. A.K. Bishnoi, Member(A)**

Bablu Biswas,
Son of Sh. S.R. Biswas,
Aged 43 years,
Junior Secretariat Assistant, Group 'C'
Ministry of Statistics & Programme Implementation, New Delhi,
Now posted at the National Statistical System Training Academy,
Plot No. 22, Knowledge Park-II, Gautam Budh Nagar,
Greater Noida, Uttar Pradesh, Pin Code-201310.
Mobile No. : 9870536109

Resident of
184-E, First Floor, Type-II,
Aram Bagh, New Delhi-110055. Applicant

(through Sh. Prateek Tushar Mohanty)

Versus

1. Union of India
Through its Secretary,
Ministry of Housing and Urban Affairs,
Nirman Bhawan, Maulana Azad Road, New Delhi-110011.

2. Secretary,
Ministry of Statistics & Programme Implementation,
Sardar Patel Bhawan, Parliament Street,
New Delhi-110001. Respondents

ORDER

Hon'ble Sh. A.K. Bishnoi, Member(A)

This OA has been filed seeking the following reliefs:

"(i) to allow the present application,

(ii) to quash the impugned order of Eviction dated 29.09.2017 of Respondent No. 1 (Annexure: A-11) as bad in law.
 (iii) to issue any such and further order/directions this Hon'ble Tribunal deems fit and proper in the circumstances of the case; and
 (iv) to allow exemplary costs of the application."

2. The present matter is regarding action under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

3. Before we proceed further, reference is made to the order of Hon'ble Apex Court in the case of **Union of India vs. Rasila Ram** decided on 06.09.2000 in which it was held that:

"2. The Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (hereinafter referred to as the "Eviction Act") was enacted for eviction of unauthorised occupants from public premises. To attract the said provisions, it must be held that the premises was a public premises, as defined under the said act, and the occupants must be held unauthorised occupants, as defined under the said Act. Once, a Government servant is held to be in occupation of a public premises as an unauthorised occupant within the meaning of Eviction Act, and appropriate orders are passed thereunder, the remedy to such occupant lies, as provided under the said Act. By no stretch of imagination the expression any other matter in Section 3(q)(v) of the Administrative Act would 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 unauthorised Occupants) Act, 1971. In this view of the matter, 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. This order of the Tribunal accordingly stands set aside. The appeals are accordingly allowed."

4. Since it is settled law that this Tribunal does not have any jurisdiction in the matter, we are not looking into the facts of the case. The OA is accordingly dismissed without going into its merits. No costs.

(A.K. Bishnoi)
Member(A)

(V. Ajay Kumar)
Member(J)

/ns/