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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.314/2003

New Delhi the 2nd day of September, 2003

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)

Dr.H.C.Bansal,
S/O Shri P.L.Bansal,
R/O M-12, Green Park Extn.,
New Delhi.

..Applicant

(None for the applicant)

VERSUS

1. Union of India
through Secretary,
Ministry of Health and Family
Welfare, Nirman Bhawan,
New Delhi.
2. The Director General,
Central Government Health Scheme,
Nirman Bhawan, New Delhi.
3. Dr.S.K.Chaturvedi,
Joint Director,
C.G.H.S.(Vigilance)
Nirman Bhawan, New Delhi.

..Respondents

(By Advocate Shri R.N.Singh)

O R D E R (ORAL)

Hon'ble Smt.Lakshmi Swaminathan,Vice Chairman, (J)

This case is listed at Serial No.10 in today's cause list wherein a preliminary objection has been taken by the respondents regarding jurisdiction of the Tribunal to deal with the issues raised in the OA.

2. The applicant seeks quashing of allotment order issued in favour of respondent No.3 by respondent No.2 i.e. Director General, CGHS with a further direction to direct the respondents 1 and 2 to consider his case for allotment of Govt.accommodation i.e. Type V-D-II/18, Kaka Nagar, New Delhi.

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3. It is seen from the reply affidavit filed by the respondents dated 23.6.2003 that they have taken a preliminary objection regarding the jurisdiction of the Tribunal to entertain this OA. They have relied on the judgement of the Delhi High Court in **Smt. Babli and Anr. Vs. Govt. of NCT of Delhi and Ors.** (95 (2002) Delhi Law Times 144 (DB) which has been followed by the Division Bench of this Tribunal in **M.M. Khantwal and Anr. Vs. UOI & Ors.** (OA 2086/2002) decided on 17.3.2003 and other Single Bench judgements of the Tribunal referred to in Para 1 of the reply. Similar plea has been taken by the respondents regarding the same issue dealt with in the case of **Raj Kumar Vs. UOI & Ors** (OA 270/2003) listed at Serial No.9 today.

4. As none has appeared for the applicant in the present case even on the second call, I have accordingly proceeded with the matter under Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987, after perusing the pleadings and considering the submissions of Shri R.N. Singh, learned counsel for the respondents.

5. For the reasons given in **Raj Kumar's** case (supra), the present OA fails and is dismissed on the ground of lack of jurisdiction of the Tribunal to deal with the issues raised in this OA. In this view of the matter, Registry is directed to return the documents to the applicant, retaining one set of documents for record purposes to enable him to proceed in the matter, as advised, in accordance with law. No costs.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Vice Chairman (J)