

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

TA No.47/2002 with OA No.1407/2003

New Delhi, this 9th the day of January, 2004

Hon'ble Shri S.K. Naik, Member(A)

TA 47/2002 —

Dr. Subhan Khan
TRSA 56, NPL Colony
New Rajinder Nagar
New Delhi

.. Applicant

OA 1407/2003 —

Vinod Kumar Gupta
TRSA-64, Scientists Apartments
NPL Colony, New Rajinder Nagar
New Delhi

.. Applicant

(Shri Gagan Gupta, Advocate)

versus

1. Director General
CSIR, Anusandhan Bhawan, New Delhi
2. Director
National Institute of Science, Technology
& Development Studies, New Delhi
3. Director
National Physical Laboratory
Dr. K.S.Krishnan Marg, New Delhi .. Respondents

(Shri C.D. Singh, Advocate)

ORDER

I propose to dispose of these two applications by a single order as the reliefs sought in both the applications are similar and have been filed against similar orders of eviction from the accommodation allotted to them which have been passed by the respondents. While Dr. Subhan, applicant in TA 47/2002 originally filed a writ petition before the Delhi High Court, who vide their order dated 14.11.2002 remitted the case to this Tribunal, Shri Vinod Kumar Gupta is the applicant in OA 1407/2003. The challenge in both the applications is to the orders passed by the respondents directing the applicants here to vacate the accommodation allotted to them and to pay penal/damage rent for overstayal and unauthorised occupation as per CSIR Residents Allotment Rules, 1997 (RULES, for short).

2. In their applications, they have challenged several other orders, not necessarily connected to each other, viz. in the case of V.K. Gupta the challenge is to the vires of the RULES and in both cases apart from quashing of a number of decisions and letters of the respondents also include a request for direction to the respondents to allot them accommodation of appropriate entitlement. These reliefs are multiple in nature not necessarily consequent to each other and therefore hit by Rule 10 of the CAT(Procedure) Rules, 1987.

3. Even though the counsel for the parties have made robust and lengthy arguments in support and against each other, I find that the question of jurisdiction has not been addressed by either of them. It would be relevant to mention here that another Single Bench of this Tribunal in OA 3046/2002, which was filed by the CSIR & Ors. (respondents herein) and was decided on 21.10.2002, in which they sought eviction of some other employees from the premises allotted to them. The learned Single Bench after a thorough discussion of various issues before him and after carefully considering as to whether the accommodation/premises belonging to CSIR are to be treated to be public premises or otherwise and after discussing various judicial pronouncements viz. Smt. Babli & Anr. Vs. Govt. of NCT of Delhi & Ors. 95 (2002) DLT of the Delhi High Court and UOI Vs. Rasila Ram & Ors. JT 2000(10) SC 503 of the apex court, held that the premises of CSIR which is funded by the

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Government of India have to be treated as public premises and eviction thereof will fall under the jurisdiction of the Public Premises Act. The said OA was therefore dismissed for want of jurisdiction. The relevant part of the judgement in the case is reproduced below:

"28. In this view of the matter as accommodation in possession of respondent is a public premises, the reliefs prayed for do not fall within the ambit and jurisdiction of this Court and is not a service matter within the definition of Section 3(q) of the AT Act, 1985. Accordingly, OA is dismissed for want of jurisdiction."

4. If that be the case, and in the absence of any decision to the contrary by any court of higher jurisdiction, I have to hold that this Tribunal has no jurisdiction in the matter of allocation or vacation of accommodation by CSIR. Both the applications are, therefore, dismissed on the ground of lack of jurisdiction as also hit by Rule 10 of CAT (Procedure) Rules, 1987. However, this shall not preclude the applicants from taking up appropriate proceedings in the matter, in accordance with law. It goes without saying that the interim orders passed earlier shall automatically stand vacated. There shall be no order as to costs.

(S.K. Naik)
Member(A)

/gtv/