
(2000) 09 SC CK 0034

In the Supreme Court Of India

Case No : Civil Appeal No's. 1301-04 of 1990

Union of India (UOI)

APPELLANT

Vs

Rasila Ram and Others

RESPONDENT

Date of Decision : 06-09-2000

Acts Referred:

Administrative Tribunals Act, 1985 — Section 3

Public Premises (Eviction of Unauthorised Occupants) Act, 1971 — Section 15, 5

Citation : (2000) 87 FLR 370 : (2000) 10 JT 503 : (2001) 10 SCC 623 : (2000) 3 UPLBEC 2678

Hon'ble Judges : U. C. Banerjee, J;G. B. Pattanaik, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. The aforesaid appeals are directed against the order of the Full Bench of the Central Administrative Tribunal in a batch of applications before it, recording a finding that an order passed by the competent authority under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 for eviction would also come within the purview and jurisdiction of the Administrative Tribunal constituted under Administrative Tribunals Act, 1985. The Tribunal by the impugned order has construed the expression 'service matter' defined in Section 3(q) of the Administrative Tribunals Act and because of the expression 'any other matter whatsoever' occurring in Clause (v) thereof, it has come to the conclusion that the eviction of unauthorised occupants from the Government quarter, would tantamount to a service matter, and therefore, Tribunal retains jurisdiction over the same, in view of the overriding effect given to the Act by virtue of Section 33 of the said Act.

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 occupants 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.