

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 373/2001

New Delhi, this the 16th day of the February, 2001

HON'BLE SHRI S.A.T. RIZVI, MEMBER (A)

Shri Pratap Mohan Jha,
S/o late Shri Sita Ram Jha
R/o Block No,4, House No.71,
Lodhi Colony,
New Delhi. Applicant

(By Advocates: Shri Jasbir Singh Malik)

V E R S U S

Union of India, through the

1. Secretary, Urban Development
Ministry of Urban Affairs & Employment,
Nirman Bhawan,
New Delhi.

2. Director General,
Central Public Works Department
Nirman Bhawan,
New Delhi.

3. The Director of Estates through
Director, Ministry of Urban Affairs,
Nirman Bhawan,
New Delhi.

4. Executive Engineer (Elect.)
Electrical Division, XIX,
C.P.W.D., Pragati Maidan,
New Delhi-110001.

5. Junior Engineer (Civil)
1314, Lodhi Road Complex,
Central Public Works Department
New Delhi-110 003.

.... Respondents

ORDER (ORAL)

By SHRI S.A.T. RIZVI MEMBER (A):

The applicant in this OA is aggrieved by the order of Respondent No.3 dated 28.7.2000 by which a sum of Rs.26,895/- has been levied against him by way of damages etc. in respect of two different accommodations out of which one, namely, House No.1019 in Lodhi Road Complex has never been

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occupied by the applicant. According to the learned counsel, a major portion of the aforesaid damages etc. has arisen on account of the applicant's alleged residence in the aforesaid Lodhi Road Complex accommodation.

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2. According to the learned counsel, the same matter was agitated before this very Tribunal in OA No.1604/99 which was decided on 25.1.2000. A copy of the aforesaid order has been placed at Annexure-D. The learned counsel for the applicant has drawn my attention to paragraph 5 of the aforesaid order which contains a finding to the following effect:-

"The above averments make it abundantly clear that the applicant has in fact not taken possession of the type-II quarter at Lodhi Road Complex."

3. In view of the aforesaid finding, the respondents are not entitled to recover any damages etc. from the applicant in respect of the aforesaid Lodhi Road Complex accommodation. After the orders aforesaid had been passed, the matter was carried to the Tribunal once again by the applicant by instituting MA No.2154/2000 decided on 18.12.2000. A copy of the order passed by the Tribunal in the aforesaid MA has been placed at Annexure-E. According to the learned counsel, in accordance with the following observations made by the Tribunal in the aforesaid order dated 18.12.2000, the matter

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regarding applicant's stay in the aforesaid Lodhi Road Complex has been in a way revived/reopened.

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"The question of overstay in the said quarter did not come up for consideration at all."

4. Notwithstanding the aforesaid position, the learned counsel avers that the applicant never occupied the aforesaid Lodhi Road Complex at any point of time and has produced Delhi Vidyut Board's letter dated 28.7.1999 (Annexure-D) in support of his claim. The learned counsel contends that the finding of fact recorded in paragraph 5 of this Tribunal's order dated 25.1.2000 reproduced in paragraph 2 above, should still hold the field and accordingly the disputed amount should not be released from him.

5. In the peculiar circumstances of this case, I find the ends of the justice will be met if the OA is disposed of at this stage with a direction to the respondents to consider the matter in the light of the observations contained in the preceding paragraphs and take a final decision in regard to the disputed claim as expeditiously as possible and in any event, within a period of one month from the date of receipt of a copy of the order. It is clarified that if the decision taken by the respondents is found to be adverse to the applicant, he will have the liberty to approach this Tribunal, if so advised. No costs.

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6. Present OA is disposed in the aforestated terms at the admission stage itself.

7. Registry is directed to send a copy of the OA along with a copy of this order.

(Signature)

(S.A.T. RIZVI)
MEMBER (A)

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