

(11)

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

OA No.575/2001

New Delhi, this the 12th day of September, 2001

**HON'BLE MR. SHANKER RAJU, MEMBER (J)**

Shri Kanchi Ram (Ex-chowkidar)  
Pusa Polytechnic, Pusa, New Delhi.  
Resident of Village Marahasa, P.O. Jhajjar,  
District Gautam Budh Nagar (UP)

... Applicant

(By Advocate: Shri V.P. Trikha)

V E R S U S

1. The Principal/Estate Officer,  
Pusa Polytechnic,  
Pusa, New Delhi-110012.
2. The Junior Engineer (Civil),  
P.W.D. Enquiry Officer,  
I.T.I. Pusa Sec. Sub Div. 4,  
P.W.D., New Delhi-110012.
3. The Govt. of National Capital Territory of  
Delhi  
through Chief Secretary,  
5 Sham Nath Marg, Delhi-110054.
4. The Director,  
Department of Training & Technical Education,  
C-Block, Vikas Bhavan,  
New Delhi-110002.

... Respondents

(By Advocate: Shri Ashwani Bhardwaj proxy counsel for  
Shri Rajan Sharma for Respondent Nos.1,  
3 and 4.  
Mrs. Jasmine Ahmed for Respondent No.2)

O R D E R (ORAL)

Heard Shri V.P. Trikha, learned counsel for  
the applicant, Shri Ashwani Bhardwaj proxy counsel for  
Rajan Sharma for Respondent Nos.1, 3 and 4 and Mrs.  
Jasmine Ahmed for Respondent No.2.

2. The grievance of the applicant, in the present  
case, is that he apprehends to recovery from his  
pension on account of unauthorised occupation of the

Govt. accommodation which had been allotted to him on 8.10.1991 and the same has been vacated after his retirement on 3.8.2000. The applicant stated that in view of the fact that there had been certain recoveries pertaining to the Govt. accommodation by the Delhi Vidyut Board (in short 'DVB') at the tune of Rs.8,260/-, the applicant has not been given 'no objection certificate' by the DVB and failing which the Public Works Department (in short 'PWD') are not issuing the vacation slip which would finalise the handing over of the possession of the Govt. accommodation. The learned counsel for the applicant stated that though admittedly the electric connection was disconnected by the DVB on 17.9.1992, he has not consumed any electricity in the above stated Govt. accommodation. It is also the grievance of the applicant that the respondents have failed to recover the payments of electricity bill from one Shri Manu Ram, despite issuing him Memo dated 15.1.1992. It is also stated that since Shri Manu Ram having expired on 19.8.1998 the recovery is to be made as a Govt. due from his legal heirs. It is the case of the applicant that in the event an enquiry is conducted whether the applicant has consumed any electricity from 8.10.1991 to 11.10.1992 on the Govt. accommodation, it would come on record that there had not been any consumption and also there is no dues of electricity pertaining to any other electricity connection in the aforesaid premises. The letter of the applicant stated that he retired on 30.4.2000 but he remained in the aforesaid

13

(3)

Govt. accommodation till 3.8.2000 as the key of the Govt. accommodation has already been sent to the respondents and they acknowledged the same. He is agreed to pay the normal rent, if any, as admissible under the rules.

3. On the other hand, strongly rebutting the contentions of the applicant, the learned counsel for the respondent Nos.1, 3 and 4 states that the reference of order dated 1.10.1999 stated that from 1.10.1999, it is pre-requisite with regard to vacation report for the allottee who have submitted 'no dues certificates' after the vacation slip issued. As the applicant has failed to produce the new dues certificate from DVB, they have not issued a no vacation certificate. In this regard, the aforestated Govt. accommodation is still to be re-allotted to some other Govt. official. The PWD officials have, on various occasions on 1991 to 2000, had visited the Govt. accommodation of the applicant and attended the electricity complaint which according to the learned counsel of the respondents was during the period of the stay of the applicant. It is also contended that there has been an electricity connection in the Govt. accommodation.

4. Having regard to the contention of both the parties, I am of the considered view that the present OA can be disposed of by directing the applicant to make a representation to the DVB. It is also directed to Respondent No.2 to persuade DVB to issue a

(4)

14

certificate stating that from 8.10.1991 to 3.8.2000, there had not been any electricity connection in the Govt. accommodation and there had not been consumption of electricity in the above stated premises. A copy of this representation shall also be furnished to Respondent No.2 who shall also persuade the DVB to issue such a certificate. In the event, a certificate is issued to the applicant certifying that there had not been any consumption of electricity, the respondents shall issue a vacation slip to the applicant and he would not be charged for unauthorised occupation of the Govt. accommodation and no recovery shall be affected from his pensionary benefits. But, however, if the certificate is otherwise, the respondents shall be legally entitled to recover the amount pertaining to the Govt. accommodation in accordance with law. The applicant shall pay licence fee, if any, not already paid to the respondents for the period from 30.4.2000 to 3.8.2000 within 15 days from today. The applicant shall also co-operate with the respondents for examination of the premises.

5. The present OA is disposed of in terms of the aforestated observations. No costs.

S. Raju

(SHANKER RAJU)  
MEMBER(J)

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