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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1450/1999

New Delhi, this 22nd November, 1999

Hon'ble Shri S.P. Biswas, Member(A)

Bhagwati Prasad Sharma
1449/M-4, Durgapuri
Shahdara, Delhi-93 .. Applicant

(By Shri R.P.Kapoor, Advocate)

versus

Union of India, through
1. Director of Estates
Nirman Bhavan, New Delhi
2. Estate Officer
Dte. of Estates, New Delhi
3. Sr. Admn. Officer
M/I&B, DDK
Sansad Marg, New Delhi
4. Commercial Superintendent
Delhi Vidyut Borad, New Delhi
5. Sub-Divisional Magistrate
Shahdara .. Respondents

(By Shri Gajendra Giri, Advocate)

ORDER

Applicant seeks to challenge the order dated 3.6.99 passed by the learned SDM/Shahdara (R-5) as also orders dated 2.5.97, 4.12.96 and 6.3.96 passed by R-1 and R-2 respectively. By order dated 3.6.99, applicant has been directed to pay Rs.79,685 as damages before 18.6.99. By orders dated 2.5.97, 4.10.96 and 6.3.96, he has been directed to pay Rs.89,854 as damage rent on account of his unauthorised occupation of the two government quarters simultaneously.

2. Applicant had earlier filed OA 545/97 impugning the orders dated 4.12.96 and 6.3.96, but the same was disposed of by order dated 2.6.98, leaving it open to him to agitate the matter if any grievances survive after the conclusion of proceedings under the PPE Act. He is thus before this Tribunal again with the prayer for setting aside the aforesaid orders.

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3. The uncontroverted facts are that the applicant was given change of Qr.No.L-158, Sarojini Nagar in lieu of Qr.No.B-13/73, Dev Nagar, which he accepted on 26.2.93. He did not vacate the former Dev Nagar quarter within the prescribed period laid down under the rules and kept the same under his possession unauthorisedly upto 1.2.95. He retired from services with effect from 31.12.94 and ultimately vacated the Sarojini Nagar quarter on 4.11.95, after retaining that quarter also unauthorisedly beyond 1.9.95.

4. After taking over possession of the new quarter in Sarojini Nagar, it was incumbent on the part of the applicant to settle the bills of DVB/MCD in respect of the quarter at Dev Nagar, obtain "No Demand Certificate" from the concerned authority and hand over vacant possession of that quarter within the prescribed period, but the applicant had failed to do so. Not only that, he retained that quarter unauthorisedly for a period of nearly two years even after he took over the Sarojini Nagar Quarter. Thus, he has not come to this Tribunal with clean hands and therefore it does not lie in his mouth to agitate this matter after a gap of nearly seven years.

5. It is also evident that the applicant was allowed to retain the Sarojini Nagar quarter on medical grounds upto 31.8.95 on payment of twice the normal licence fee but he ultimately vacated that quarter only on 4.11.95 after residing in it or retaining it unauthorisedly beyond 1.9.95. As per rules, applicant is liable for payment of damages for the period of overstay in Dev

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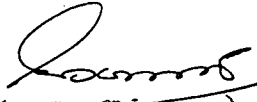
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Nagar quarter from 26.2.93 to 1.2.95 i.e. from the date of occupation of quarter in change (L-158, Sarojini Nagar) to the date of vacation of Dev Nagar quarter.

6. I also find that the orders dated 3.6.99 were passed by the learned SDM/Shahdara under Land Revenue Act and the same cannot be challenged by this Tribunal.

7. In the aforesaid circumstances, action of the respondents in initiating proceedings against the applicant under PPE Act, 1971 cannot be faulted since these are pertaining to arrears of licence fees on account unauthorised retention of government quarters. The applicant did not get the retentions approved by the competent authority.

8. For the reasons aforementioned, the application deserves to be dismissed. I do so accordingly. No costs.


(S.P. Biswas)
Member (A)

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