

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

O.A. No. 2437/98

New Delhi this the 16<sup>th</sup> Day of December, 1998

Hon'ble Mr. R.K. Aahooja, Member (A)

Shri Suraj Bhan Mehra,  
R/o N/56-A, Narain Nagar,  
Laxmi Nagar,  
Delhi-110 092.

Applicant

(Applicant in person)

-Versus-

1. The Estate Officer and Dy. Asstt.  
Director of Estates (Litigation)  
and (Accounts)  
Directorate of Estates,  
Maulana Azad Road,  
Nirman Bhawan,  
New Delhi-110 001.

2. The Chief Controller of Accounts  
Ministry of Commerce,  
Dept. of Supply,  
16-A Akbar Road, Hutmants  
New Delhi-110 011.

Respondents

O R D E R

Hon'ble Shri R.K. Aahooja, Member (A)

The applicant who was compulsorily retired from service in 1984 but vacated the Government quarter allotted to him on 7.5.1997 challenges the letter of Directorate of Estate intimating the final demand of rent against him. The applicant's claim is that for the reasons stated by him, he is not liable to pay damage rent on account of the so called unauthorised occupation of a Government accommodation. He also prays for an additional relief that revised regular monthly pension be sanctioned to him as per the recommendation of the Fifth Pay Commission.

2. I have heard the applicant in person and have perused the O.A. along with its various Annexures. I

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find that there is no need to go into the various points raised by the applicant since the O.A. is liable to be dismissed on short ground of res judicata. (3)

3. The impugned letter, Annexure A-1(i) dated 8.6.1998 from the Directorate of Estates gives a split up of the period for which various rates of licence fee will be charged. According to the figures given therein the applicant would have to pay monthly rent of Rs. 57.75 per month from 1.4.1984 to 30.6.1987, Rs. 85/- per month from 1.7.1987 to 30.6.1990 and Rs.105/- 1.7.1990 to 16.7.1990. Thereafter he is to pay at the damage rate of Rs. 690/- per month with which in various increases goes up to 1845/- per month for the period 1.6.1995 to 7.5.1997.

4. The applicant had also filed an O.A. No. 290/96 in which he had also challenged the demand for payment of damage rent. The relevant portion of the order of the Tribunal dated 29.10.1996 reads as follows:

..... We find that rent was received from the applicant till 17.7.1990 without any demur. It is not open to respondents to go behind that, review the order and charge enhanced rent. Learned Standing Counsel who appeared for respondents could not show any provision which enables such a course. The demand for a period prior to 17.7.90 for penal rent/damage-rent shall not be enforced".

5. It is clear from the above order that the issue raised by the applicant in the present O.A. has already been decided by the Tribunal in its order in O.A. No. 290/96 by directing the respondents that the payment for the period prior to 17.7.1990 for penalty rent/damage

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rent shall not be enforced. As already indicated above, as per the impugned letter, the respondents are not charging the penal/damage rent upto 16.7.1990. As per the orders of the Tribunal in O.A. No. 290/96 there is no bar on the respondents to charge penal rent/damage rent thereafter. The issue between the two parties having thus been decided, the matter cannot be agitated again as the decision in O.A. No. 290/96 is conclusive on the point. Therefore, the present O.A. is not maintainable.

6. As regards the other relief sought for, in respect of revised pension, the same was not pressed by the applicant in his arguments. Nevertheless, the same cannot be considered as it has no nexus to the main relief sought for by the applicant nor any ground have been taken explaining the short fall in pension etc., and representations made on that account. While the prayer cannot be considered, the dismissal of this O.A. will not bar the applicant from agitating the matter separately according to law in case he has any grievance subsisting on the point.

8. In the light of the above discussion, the O.A. is dismissed as barred by res judicata.

*R.K. Ahuja*  
(R.K. Ahuja)  
Member (A)