

Central Administrative Tribunal,
Principal Bench, New Delhi.

O.A.No.1693/95

New Delhi this the 27th day of September, 1995.

Hon'ble Shri B.K. Singh, Member(A)

Smt. Anita Anand,
W/o Sh. Tej Anand,
R/o T-66(8-9),
Lower Anand Parbat,
New Delhi-5.

Applicant

(through Sh. A.K. Trivedi, advocate)

versus

1. Union of India,
through its Secretary,
Ministry of Defence,
South Block,
New Delhi.

2. Station Commander,
Station Headquarters,
Delhi Cantt-10.

3. Barrack Stores Officer,
GE, Red Fort, Delhi.

Respondents

ORDER (ORAL)
delivered by Hon'ble Sh. B.K. Singh, Member(A)

Heard the learned counsel for the applicant
and perused the averments made in the O.A.

The allotment of the quarter has not been
cancelled by the respondents. They have simply stated
in Annexure-A that the quarter was allotted to the
applicant purely on temporary basis and that he had
occupied the quarter unauthorisely. The application
is pre-mature because the respondents have stated
that if the quarter is not vacated by the stipulated



(3)

date, they would charge damage rent at the rate of Rs.40/- per sqr. metre per month. The respondents have to follow the provisions of Sections 4 & 5 of the P.P.E. Act, 1971 ^{under} in which the applicant has to be served with a proper show cause notice and he will have to be given full opportunity to state his case before passing any eviction order by the Estate Officer. Even for charging damage rent, the provisions of Section-7 of the P.P.E. Act, 1971 have to be complied with. Since the proceedings under the P.P.E. Act, 1971 have not started, no grievance has arisen since no eviction order has been passed nor damage rent has been assessed for unauthorised occupation of the quarter.

The respondents are directed to follow the provisions of Section-7 of the P.P.E. Act, 1971 for charging damage rent and also ~~for eviction proceedings against him under Sections 4 & 5 of the P.P.E. Act, 1971~~. Needless to say that the applicant will be given full opportunity to state his case before any such order charging damage rent or eviction order is passed against him.

With these directions, the O.A. is dismissed as pre-mature.

(B.K. SINGH)
MEMBER(A)

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