

(8)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

O.A. No. 2039/95

Date of decision 12-9-96

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Mr. Alois Tirkey,
S/o Sh. Bogga Tirkey

Mr. Valerian Tirkey
S/o Shri Alois Tirkey
Resident of D-900, Netaji Ngr.,
New Delhi.

(None for the applicants)

... Applicants

Vs.

1. Union of India through
Secretary,
Ministry of Food,
Krishi Bhavan,
New Delhi-110001
2. The Directorate of Estate,
Nirman Bhavan,
Maulana Azad Road,
New Delhi-110001

... Respondents

(By Advocate Shri B. Lall)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

This case was listed as item No.6 in today's cause list. None has appeared on behalf of the applicant till about 4.00PM.

2. I have carefully considered the pleadings and the submissions made by Shri B. Lall, learned counsel for the respondents.

3. This is ^{the} second round of litigation filed by the applicants. In the earlier O.A. No. 2515/92 decided on 12.2.1993, the Tribunal had given the following directions:-

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- (a) The respondents are directed to allot the premises No. E-1495 Netaji Nagar, New Delhi in the name of applicant No.2 and in the event the said premises are not available, then any other eligible type of premises in the same locality to applicant No.2 or in the nearby locality within a period of preferably three months from the date of receipt of a copy of this judgment.
- (b) The respondents shall realise only the normal licence fee as applicant No.1 was staying before his retirement on 30.4.89 for the period he remained in occupation of the said premises No.E-1495, Netaji Nagar, New Delhi. Notice of recovery dated 30.4.92 is, therefore, quashed.

4. The applicant has in this case claimed two reliefs, namely, quashing of demand for recovery of Rs 9990/- as rent payable by the applicant upto 20.8.92 in respect of quarter No. E-1495, Netaji Nagar, New Delhi and (ii) for a direction to the respondents to pay a sum of Rs 96000/- as damages in respect of ^{the} claim of applicant for destruction and damages to his property at the time when they were evicted from the aforesaid Govt. accommodation. The respondents have raised the preliminary objection that ^{the} multiple reliefs cannot be clubbed together. Having regard to the provisions of Rule 10 of the CAT(Procedure) Rules, 1985, I allow this plea and only the prayer for recovery of amount Rs 9990/- is therefore, taken up in this O.A.

5. The respondents have stated in para 9 of their reply as follows:-

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" That in the meantime, as per the eviction orders passed on 3.11.90 the applicants were already evicted ^{from} Qr.No.E-1495, Netaji Nagar on 20.8.92, under the P.P.Act., 1971. The applicant, however, retained the premises No.E-1495, Netaji Nagar, unauthorisedly from 1.1.90 to 20.8.92 for which they are liable to pay damages to Respondent No.2,

It is clear from the above reply, that the respondents stand is that the applicants are liable to pay damages for the period from 1.1.90 to 20.8.92 when they were retaining the premises unauthorisedly. As it can be seen from the judgments of this Tribunal in OA 2515/92, in para 8(b) it had been directed that the respondents shall realise only the normal licence fee as applicant no 1 was staying before his retirement on 30.4.89 for the period he remained in occupation of the said premises No.E-1495, Netaji Nagar, New Delhi which admittedly was vacated by the applicant only on 20.8.92. As the impugned recovery order dated 8.2.95 states that Rs 9990/2^{is} found payable by the applicant upto 20.8.92, Shri B.Lall, learned counsel for the respondents fairly submits that this is damage rent and not normal rent, this recovery is contrary to the directions given by this Tribunal in the earlier O.A. 2515/92 decided on 12.2.1993. This judgment has become final and binding.

6. In the above facts and circumstances of the case, this O.A. is ^{partly} allowed to the extent that the impugned demand letter dated 8.2.95 is quashed and set aside. However,

it is made clear that the respondents can recover the normal rents already ordered by the Tribunal in earlier O.A. 2515/92 dated 12.2.1993 for the period of retention of the quarter upto 20.8.92.

7. O.A. is disposed of as above. No order as to costs.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member (J)

S.K.