

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.616/1995

New Delhi, this 1st day of November, 1995

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

Ganeshi Lal
A-496, New Ashok Nagar
Delhi

.. Applicant

Shri S.Venkataraman, Advocate

Vs.

1. Chief Secretary
Govt. of NCT Delhi
5, Sham Nath Marg, Delhi

2. Director(Admn.)
Transport Department
5/9, Underhill Road
Delhi-54

3. Secretary (Medical)
Govt. of NCT Delhi
5, Sham Nath Marg, Delhi

.. Respondents

Shri Amresh Mathur, Advocate

ORDER (oral)

This OA is against the recovery of damage rent of Rs.22,750/- upto 31.3.92 and Rs.1006/- p.m. from 1.4.92 till the vacation of the govt. quarter allotted to the applicant. As per Annexure A-2 order dated 23.2.87, it is clear that in case ~~expansion~~ of transfer in the same station from one unit to another, the allottee can retain the quarter only for 2 months and after that he will be liable to pay damage/penal rent. It is admitted that the staff quarters are meant for persons doing essential duty and the substitute who has ~~to~~ arrived in place of the applicant may be facing hardship in performing the essential duty of the MAMC if quarter is not allotted. It is stated that the applicant has vacated the quarter but the dispute is regarding the ~~payment~~ damage rent.

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2. It is presumed that the damage rent would have been charged by the respondents after following the provisions of Section 7 of FEE Act, 1971. The contention of the applicant's counsel is that how the respondents have calculated the amount of damage rent is not clear to him as he is liable to pay damage rent at the rate prescribed per sq. mtrs. of the covered plinth area.

3. In the circumstances, the applicant is directed to approach the Estate Officer with full facts *within two weeks* regarding the unauthorised occupation and about the normal/damage rent supposed to be charged from him till date of vacation and the respondents will dispose of the representation filed by the applicant within two weeks and if need be he should be heard in person.

With this observation, the OA is disposed of.

No costs.


(B.K. Singh)
Member (A)
1.11.95

/gtv/