

Central Administrative Tribunal  
Principal Bench: New Delhi

OA No.1975 of 1996

New Delhi this the 18th day of September 1996.

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

Vijay Kumar  
Son of Shri Chhotey Lal  
Resident of 305/1 Bagh Kharikhan  
Kishanganj  
Delhi (Opposite Azad Park) ...Applicant.

(By Asuthosh Bhattacharjee)

Versus

1. The Director of Estates  
Nirman Bhawan  
New Delhi.
2. The Assistant Director of Estates (T-A)  
Section  
Nirman Bhawan  
New Delhi.
3. The Estate Officer  
Directorate of Estates  
Nirman Bhawan  
New Delhi.

O R D E R (Oral)

Hon'ble Mr A.V. Haridasan, Vice Chairman (J)

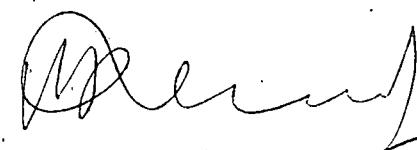
The prayers in this application are that the respondents may be directed to restore possession of the quarter No.S-III/806 to the applicant cancelling the eviction order dated 28.5.1993, that the respondents may be directed to stop making penal rent from the salary of the applicant and to refund the amount already recovered from his pay and allowances by way of damage rent for the quarter, for a direction to the respondents to produce relevant records about allotment/cancellation of the quarter etc. and for

a declaration that the applicant was an authorised occupant of the quarter No.S-III/806 for all intent and purposes.

2. Admittedly, the allotment in the name of the applicant was cancelled by order dated 13.11.1992 (Annexure A-5). Thereafter the Estate Officer issued a notice under Section (I) and Clause (B) of Sub Section (2) of Section (4) of the Public Premises (Eviction) of Unauthorised Occupants Act 1971 to the applicant on 14.12.1992. In response to the notice, the applicant appeared and thereafter the order of eviction was passed by the competent authority on 28.5.1993. The applicant surrendered the quarter and thereafter an order was passed on 17.2.1994 asking an amount of Rs. 28,899 to be recovered from the pay and allowances of the applicant at the rate of 957 per month. Pursuant to the order, the respondents are going on making recoveries since 1994. Now the applicant has come up with this OA filed on 22.8.1996 seeking that the order of eviction be set aside, the quarter be restored to his possession and the recoveries be stopped and the amount already deducted be refunded to him.

3. The applicant has also filed an MA for condonation of delay. The grounds for condonation of delay stated in the MA are that while he received the order of cancellation of the

allotment, he entrusted the matter with his counsel but he did not file an appeal and in the year 1994 when the applicant could not locate the papers, he could not file the application in time. I am not at all convinced that the reason in the MA is either correct or true or sufficient. If the applicant had entrusted the papers with his counsel at least when the order of eviction was passed in the year 1993 before surrendering the accommodation, he should have brought the papers back from his counsel and pursued the matter if he wanted to resist the action of the respondents. After getting all the orders passed by the respondents and keeping <sup>them</sup> it for more than two years, it is not open for the applicant now to wake up from his long slumber and come for setting aside the order. This MA, therefore, is only to be rejected and this application which is barred by limitation should also follow suit. The application, therefore, is rejected under Section 19 (3) of the Administrative Tribunals Act.

  
(A.V. Haridasan)  
Vice Chairman (J)

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