

Central Administrative Tribunal
Principal Bench: New Delhi

OA 2435/96

New Delhi this the 8th day of April 1997.

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

Shri Mohan Bahadur
S/o Late Shri Gian Bahadur
R/o N-501 Kasturba Nagar
New Delhi.

...Applicant.

(By advocate: Shri D.R.Gupta)

Versus

1. The Director
Dte. of Estates
Ministry of Urban Development
Nirman Bhawan
New Delhi.

2. The Executive Engineer
'F' Division, C.P.W.D.
New Delhi.

...Respondents.

(By advocate: Ms Pratima K. Gupta)

O R D E R (oral)

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

This is a second round of litigation. The applicant had, on the death of his father in harness, applied for compassionate appointment which was denied to him. He, thereafter, came before this Tribunal in OA 1719/92 which was decided on 1.10.92. The operative part of the order at paragraph 5 reads as follows:

"5. As regards the accommodation, the applicant is continuing in the said accommodation by virtue of an interim order dated 6.7.92. Since this is a case of compassionate appointment and since the applicant is expected to get one such appointment whenever a vacancy occurs, he should not be evicted from the premises subject to the condition that he pays rent for the accommodation in accordance with the rules. While claiming rent according to rules, the respondents should duly take into consideration the financial condition of the applicant and the family to determine whether penal/damages/market rent should at all be charged or only normal rent be charged. With the above directions, the case is disposed of."

(b)

2. The applicant has since been appointed in government service w.e.f. 29.7.94 and the respondents having regularised the quarter originally allotted to him have asked him to pay damages to the tune of Rs. 56,539 on account of unauthorised occupation. Against this background the applicant has filed this fresh application.

3. Respondents in their reply state that allotment of the quarter has been regularised in favour of the applicant vide order at Annexure R-1 dated 11.2.97 w.e.f. 29.7.94. The dispute, therefore, is only for the period between 3.9.92 and 29.7.94 for ^{claimed} which damage rent has been paid. I have heard learned counsel on either side. Ms. Pratima K. Gupta, learned counsel for the respondents states that the request of the applicant for charging normal rent is pending consideration of the respondents and a decision on it will be taken very shortly. In the light of the above position, this application is disposed of with a direction to the respondents to take a decision on the question of charging normal rent for the period from 3.9.92 to 27.9.94 within a period of 15 days from the date of receipt of this order. The OA is disposed of with the above direction.

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

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