

(11)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.290 of 1996

Tuesday this the 29th day of October, 1996

CORAM

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, CHAIRMAN

HON'BLE MR. R.K. AHODJA, ADMINISTRATIVE MEMBER

Suraj Bhan Mehra, Jr. Accountant,
Office of the Chief Controller of Accounts
Department of Supply, New Delhi
resident of 88/S, Baba Kharak Singh Marg,
New Delhi. Applicant

(In person)

Vs.

1. Union of India through the
Chief Controller of Accounts,
Department of Supply, 16, Akbar Road,
Hutments, New Delhi.
2. The Estate Officer and Dy. Director
of Estates (Litigation),
Directorate of Estate,
Maulana Azad Road, Nirman Bhavan,
New Delhi. Respondents

(By Advocates Mr. N.S. Mehta
Advocate Mr. Vijay Mehta)

Advocate Mr. K.R. Sachdeva for R.2.

The application having been heard on 29.10.1996
the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), CHAIRMAN

Applicant who was compulsorily retired
from service on 26.11.84 (Annexure.A.I) seeks to
quash A-I order. He also claims promotion, incre-
ments and arrears of wages.

2. Applicant was convicted on a Criminal
charge and following the conviction A-I order was
passed. Applicant has filed a Criminal Revision
Petition against the order of conviction and that
is pending consideration before the High Court of

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Delhi. Applicant would submit that until the Criminal Revision Petition is disposed of no action can be taken against him, that he must be paid subsistence allowance and also that he must be given increments, promotion and all other service benefits. He submits further that he must be allowed to retain the quarters which was allotted to him.

3. The order of compulsory retirement A-I is challenged in these proceedings eleven long years after it has been passed. More importantly a Writ Petition filed against the said order was rejected by the High Court of Delhi - CWP 1130/85 on 30.5.85. In our view res judicata and delay, assuming there was no res judicata, stand in the way of applicant from moving this Tribunal. Then he has an argument that the order of the Delhi High Court is not a speaking order and that a second application would lie. The order of the Delhi High Court was passed after hearing the counsel for applicant and we cannot make a facile assumption that the High Court passed an order without applying its mind and without reasons supporting the order. At any rate these questions are academic because the order sought to be challenged was passed eleven years ago.

4. It eludes comprehension how an employee whose services were terminated is entitled to get promotions, seniority and subsistence allowance. This contention has to be noticed only to be rejected. Applicant contends further that he is


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entitled to retain the accommodation allotted to him. When his relationship with his employer comes to an end it is difficult to see any justification for allowing him to continue in the premises allotted to him as a Government official. Applicant has a further grievance that increased rent/damage rent has been demanded from him. We find that rent was received from the applicant till 17.7.1990 without any demur. It is not open to respondents to go behind that, review the order and charge enhanced rent. Learned Standing Counsel who appeared for respondents could not show any provision which enables such a course. The demand for a period prior to 17.7.90 for penal rent/damage rent shall not be enforced.

5. Subject to the aforesaid observation, the application is dismissed. Parties will suffer their costs.

Dated the 29th October, 1996.


R.K. AHUJA
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
CHAIRMAN

Rs.