

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

...

O.A.No.612 of 1996

Dated New Delhi, this 25th day of March, 1996.

HON'BLE MR K. MUTHUKUMAR, MEMBER(A)

Jagdeep Singh
S/o Shri Sadhu Singh
R/o Qtr. No.6, Type-II
C.P.W.D. Enquiry Office
Shahjahan Road
NEW DELHI.

... Applicant

By Advocate: Shri B. Krishan

versus

The Executive Engineer
N-Division, C.P.W.D.
Indraprastha Bhawan
I.P. Estate
NEW DELHI-2.

... Respondent

O R D E R (Oral)

Mr K. Muthukumar, M(A)

Heard arguments on admission.

The applicant is aggrieved by the impugned order at Annexure A-1 of the respondents by which he is intimated that in view of the directions of the Central Administrative Tribunal, Principal Bench, New Delhi, they have to proceed with, for recovery of damage charges with effect from 1.5.1995 against the applicant. The applicant has been served with notices under Sections 4 & 5 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. It is averred by the applicant in this application in paragraph-4.7 that he has preferred an appeal under

Contd., 2


Section 9 of the aforesaid Act against the eviction order passed under Section 5 of the aforesaid Act before the District Judge and the said appeal is pending adjudication with the appellate authority and the next date of hearing has been fixed on 15.5.96. In this application, the applicant submits that the respondents have not followed the process of law in regard to the assessment of levy of damage charges.

In the order passed by Tribunal in O.A.717/95, a copy of which the learned counsel for the applicant has produced before me, it has been observed that the applicant is liable to pay damage rent beyond 30th April,1995. It is also directed that if the house occupied by the applicant is not vacated, the same should be got vacated by following Sections 4 & 5 of the Public Premises (Eviction of Unauthorised Occupants) Act,1971. It is stated that the applicant is liable to pay damage rent beyond 30th April,1995. This is an observation and not a specific direction to the respondents to levy damage rent. In any case, levy of damage rent will have to be in accordance with the process of law and accordingly necessary provisions under law in regard to the ^{recovery of} ~~damage~~ rent will have to be followed. In

view of these, this application is disposed of with a direction to the respondent to take such further action as may be required under the law in regard to the assessment and recovery of damage rent within four weeks from the date of receipt of a copy of this order. A copy of this application alongwith the order may be sent to the respondent. Till such action is taken, respondent is restrained from giving effect to the impugned order dated 14.6.1993.

This O.A. is finally disposed of at the admission stage with the above directions without any order as to costs.

Registry to ensure speedy despatch of this order alongwith a copy of the application to the respondent.


(K. Muthukumar)
Member (A)

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