

8

Central Administrative Tribunal  
Principal Bench

O.A.No.1130/97

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

New Delhi, this the 5<sup>th</sup> day of December, 1997

Shri Dey Saran Yadav  
Peon in M/o Civil Aviation  
Sardar Patel Bhavan  
New Delhi.

... Applicant

(By Shri D.R.Gupta, Advocate)

Vs.

1. The Chairman  
Delhi Milk Scheme  
through its  
Administrative Officer(G)  
West Patel Nagar  
New Delhi - 110 006.

2. Under Secretary to the Govt. of India  
Ministry of Civil Aviation  
Sardar Patel Bhawan  
Sansad Marg  
New Delhi - 110 001.

... Respondents

(By Shri S. M. Arif, Advocate)

O R D E R

The applicant while initially holding a Group - D post in Delhi Milk Scheme (DMS) was allotted a Quarter No.4/59, DMS Colony, Hari Nagar out of departmental pool. Subsequently, on being declared as surplus, he was transferred to the Ministry of Civil Aviation whereupon, ~~he~~ becoming entitled for general pool accommodation, he was required to vacate the departmental pool accommodation of DMS. He filed a representation that he may be permitted to continue to stay in the said quarter till the allotment of alternative Government accommodation out of the General Pool. Since his representation was not accepted, he came before this Tribunal in OA No.1896/93 which was disposed of on 10.2.1994 with the direction that he shall not be evicted from the quarter for the period of three months and within the said period, respondents shall consider the claim of the applicant for the allotment of suitable quarter under the general pool. Further application under Rule 24 of the CAT (Procedure) Rules,

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1987 was also filed by the applicant which was disposed of with a direction to the Directorate of Estate to allot the applicant a Type-I quarter within a period of two months of the order of 31.12.1996. The quarter however was allotted to him only on 14.3.1997 and he vacated DMS accommodation on 01.04.1997. He is now aggrieved by the order, Annexure A1, of Respondent No.1 to treat him as an unauthorised occupant of the DMS accommodation and charging him the damage rent for the period he overstayed in the DMS accommodation.

2. I have heard the counsel on either side. Shri D.R.Gupta, learned counsel for the applicant submits that in terms of the decision of the Supreme Court in S.C.Bose Vs. CAG of India & Others, 1995 (Supp. 3) SCC 141 and of this Tribunal's orders in OA No.2337/92 (Shri Jai Prakash Vs. Union of India & Others) decided on 23.12.1996 and in OA No.933/97 (Shri Mohd. Rehmat Vs. The Chairman, DMS & Another) decided on 10.11.1997, the respondents be directed to charge only normal rent from the applicant.

3. I have considered the matter. The present case falls within the ratio of Shri Mohd. Rehmat's case (supra) wherein on similar facts the OA was allowed. Accordingly, the present OA is also allowed and the impugned order, A1 is quashed and set-aside and the respondents are directed to charge only normal rent from the applicant.

The OA is disposed of as above. No costs.

  
(R.K.AHOOJA)  
MEMBER(A)

/rao/