

Central Administrative Tribunal
Principal Bench: New Delhi

OA 1131/97

New Delhi this the first day of December 1997.

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

Lal Chand
S/o Sh. Baishaki Ram
Peon, Dr. R.M.L.Hospital
New Delhi. ...Applicant.

(By advocate: Mr D.R.Gupta)

Versus

1. Chairman
Delhi Milk Scheme through
its Administrative Officer (G)
West Patel Nagar
New Delhi - 110 006.
2. Medical Superintendent through
its Administrative Officer
Dr Ram Manohar Lohia Hospital
New Delhi. ...Respondents.

(By advocate: Sh. S.M.Arif)

O R D E R (oral)

By Mr R.K.Ahooja, Member (A)

Applicant was working under Delhi Milk Scheme when he was allotted quarter No.11/151, DMS Colony, Hari Nagar, New Delhi out of departmental pool. Subsequently he was transferred to Dr Ram Manohar Lohia Hospital after being declared surplus in D.M.S. He was required to vacate the departmental pool accommodation. However, he made a representation to permit him to stay in the said DMS quarter till alternative accommodation from the General Pool was allotted. The applicant came before this Tribunal by filing OA No.2294/93 which was disposed of with the following directions:

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"(i) The respondents shall consider the application of the petitioner dated 4.2.93 for allotment of suitable quarter in accordance with the relevant rules and instructions and the priority, if any, he is entitled to, and a reasoned order be communicated to the petitioner in the event of allotment not being made, within a period of three months from this date.

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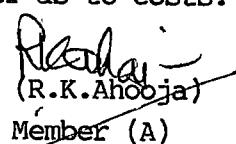
(ii) The petitioner shall not be evicted from the quarter of the Delhi Milk Scheme for a period of three months from this date.

(ii) So far as the damages are concerned, Delhi Milk Scheme shall take steps to recover the same only in accordance with law."

2. Subsequently, on allotment of accommodation from the General Pool, the applicant vacated the DMS quarter on 16.7.96. However, he was asked to pay damage rent for the DMS quarter for the period from 16.2.93 to 16.7.96 at the rate of Rs.1546 as against the normal rent of Rs. 75 per month for a period of 41 months amounting to Rs. 63,875 by treating the applicant as unauthorised occupant.

3. Learned counsel for the applicant submits that in a similar case in OA 933/97 Mohd. Rehmat Vs Delhi Milk Scheme, this Tribunal has held that only normal rent is to be charged where departmental pool accommodation is not vacated pending allotment of general pool accommodation. I find that the present case is on all fours with that of Mohd. Rehmat (Supra) and accordingly the applicant herein is also entitled for the same relief.

4. The OA is accordingly allowed. The impugned orders are set aside. Respondents are directed to charge only normal rent from the applicant. No order as to costs.


(R.K. Ahuja)
Member (A)

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