

Central Administrative Tribunal  
Principal Bench

O.A.No.1184/97

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

New Delhi, this the 6th day of January, 1998

Shri Ram Keshav Shah  
Peon  
Ministry of Food  
Krishi 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 Food  
Krishi Bhavan  
New Delhi. .... Respondents

(By Shri S. Mohd. Arif, Advocate)

O R D E R (Oral)

The applicant while holding a Class-IV job with the respondents, DMS, was allotted a quarter No.15/224, DMS Colony, Harinagar out of ~~the~~ departmental pool. Subsequently, on being declared as surplus, he was transferred to the Ministry of Food whereupon ~~he~~ becoming entitled for the Government accommodation in general pool, he had been asked to vacate the DMS accommodation. He made a representation to R-1, DMS that he may be permitted to continue in the said quarter till he got his alternative Government accommodation but the said representation was rejected. Thereafter he came to this Tribunal in OA No.1886/93 and the same was disposed of on 10.2.1994 with the direction that the applicant shall not be evicted from the quarter for the period of three months and within the said period the respondent shall consider the claim of the applicant for allotment of a suitable quarter under the general pool. He was finally allotted the quarter by Directorate of Estates on

23.4.1997 whereupon he vacated the DMS premisses on 9.5.1997.

His grievance is that he has been asked now to pay a damage rent from 8.3.1993 to 23.4.1997 by treating him as an unauthorised occupant.

2. The respondents in reply have stated that the applicant was liable to pay damage rent as he had not vacated the said premisses within the period specified by the Tribunal.

3. I have heard the counsel on either side. The learned counsel for the applicant submits that this matter had been already settled by this Tribunal in a similar case and cites the decision taken in OA No. 1130/97. I find that the ratio of the order in that case also squarely covers in the present case, The present OA is accordingly allowed and the impugned order is quashed and set-aside and the respondents are directed to charge only normal rent from the applicant.

OA is disposed of as above. No costs.

*Ashay*  
(R.K. AHOOJA)

MEMBER(A)

/rao/