

Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No. 1400/97

New Delhi this the 12th day of March 1998

Hon'ble Shri S.R. Adige, Vice-Chairman (A)

Harish Kumar Joshi
S/o Late Smt. Ganga Devi,
Aged, 27 years,
R/o Z-908, Timarpur,
Delhi-110054.

....Applicant

(By Advocate: Shri A.K. Behera)

Versus

1. Director,
Directorate of Estates
Govt. of India,
Ministry of Urban Affairs & Employment
Nirman Bhawan, New Delhi-110011.
2. Director,
Institute of Nuclear Medicine & Allied
Sciences, Deptt. of Defence Research &
Development. (Ministry of Defence)

....Respondents

(By Advocate: Shri S.M. Arif)

ORDER (Oral)

By Hon'ble Shri S.R. Adige, Vice-Chairman (A)

Applicant seeks a direction to respondents to charge him only normal licence fee w.e.f. 3.4.93 in respect of Qtr. No. Z-908 Timarpur Delhi till he is allowed to occupy alternative accommodation at MS-705, Timarpur Delhi.

2. Consequent to the unfortunate expiry of applicant's mother Smt. Ganga Devi, allottee of Qtr No. Z-908, Timarpur on 3.4.92, applicant was given compassionate appointment w.e.f. 5.3.93. Applicant submitted a request for regularisation of the aforesaid accommodation in his name on 9.3.93, which was forwarded by his department to the Directorate of Estates on

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20.4.93. Respondents admit that applicant was entitled to Type-A accommodation as per O.M. dated 13.7.1981, and he was allotted alternative accommodation Type-A Qtr No. MS-705 Timarpur on 30.12.96, on the condition that he paid damage rent amounting to Rs. 1,07882/- for the period 3.4.93 to 31.12.96 for alleged unauthorised over stay from the date respondents cancelled the allotment of Qtr. No. Z-908 Timarpur on 3.4.93.

3. I have heard applicant's counsel Shri A.K. Behera and Respondents' counsel Shri S.M. Arif.

4. Shri Behera has invited my attention at para 5:14, ^{1 of the O.A.} wherein it has been contended that in identical circumstances applicant's colleague Shri Pawan Kumar Sharma, the occupant of Qtr. No. 573, Timarpur has been charged only normal rent till he vacated the accommodation in his occupation and was allowed to occupy alternative accommodation. This assertion has not been denied by respondents in their reply to para 5.14 of the applicant's O.A.

5. Even otherwise, the respondents have not furnished any satisfactory explanation as to why they took three and half years to allot the alternative accommodation to the applicant.

6. In the result the O.A. is allowed to the extent that respondents are directed to allot alternative Type-A accommodation to the applicant forth-with (Qtr. No. MS-705, Timarpur or any Qtr) and

they should charge from the applicant only normal licence fee for the period 3.4.93 till the applicant is allowed to occupy the aforesaid accommodation.

7. Further, as the normal licence fee itself for the aforesaid period of three and a half years is likely to be ~~considerable~~, Respondents should realise the same in suitable monthly instalments from the applicant's salary.

8. The O.A. stands disposed of accordingly.

No costs.

cc.

Antonello
(S.R. ADIGE)
Vice-Chairman(A)