

Central Administrative Tribunal
Principal Bench: New Delhi

OA 900/97

New Delhi this the 26th day of November 1997.

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

Shri Pati Ram
R/o Qr.No.1661 Type I (G.F.)
Timarpur
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. Under Secretary to the Govt. of India
Ministry of Water Resources
Shram Shakti Bhawan
New Delhi.

...Respondents.

(By advocate: Mr S.M. Arif)

O R D E R (oral)

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

With the consent of the parties, I propose to dispose of this OA at the admission stage.

Applicant who was employed as peon in the office of the Delhi Milk Scheme (DMS) was allotted quarter No.15/225, DMS Colony, Hari Nagar, New Delhi. Later, on being declared surplus, he was transferred to Ministry of Water Resources whereupon he became entitled for allotment of government accommodation under General Pool. Respondent No.1 asked the applicant to vacate the DMS accommodation. The applicant filed a representation to permit him to retain the DMS accommodation till he was allotted government accommodation under General Pool. After

Dr

9

his representation was rejected, the applicant came before the Tribunal with an OA which was disposed of with a direction to the respondents to allot him type I accommodation within a period of two months from the date of receipt of that order. The applicant was thereafter allotted a quarter by the Directorate of Estates on 9.4.1997 and he duly vacated the DMS quarter. He is aggrieved that despite the decision of the Supreme Court in the case of S.C.Bose Vs. Comptroller & Auditor General of India 1995 Supp (3) SCC 141, the respondents have imposed damage rent on him for his alleged over-stay.

2. Respondents in their reply have stated that as per the orders of the Tribunal, the applicant did not vacate the DMS quarter within three months and thus he has become liable to pay damage rent.

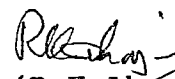
3. I have heard the learned counsel on both sides. In a similar matter in OA 933/97 Shri Mohd. Rehmat Vs. UOI, this Tribunal held that in view of the ratio of the judgement in S.C.Bose's case (Supra), the observation of the Tribunal in OA 2000/93 has to be read to mean that the applicant could retain the departmental accommodation till the allotment of a house to him from the General Pool. In the present case, the applicant vacated the departmental quarter on allotment of the General Pool accommodation and, therefore, damage rent cannot be charged for the intervening period.

Dr

10

4. Following the decision of the Tribunal in OA 933/97, the present OA is also allowed. Respondents are directed to charge only normal licence fee from the applicant. The Impugned orders are set aside.

No order as to costs.


(R.K. Ahooja)
Member (A)

aa.