

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

12

Original Application No.1111 of 2000

New Delhi, this the 9th day of February, 2001

HON'BLE MR.KULDIP SINGH, MEMBER (JUDL)

Shri Bal Krishan  
Son of Late Shri Raghunath Singh  
Working as an LDC in the  
Ministry of Culture, Youth Affairs and Sports,  
Department of Culture,  
Shastri Bhavan, New Delhi-11 and  
Residing at 388 Village Nagloi, Delhi.

-APPLICANT

(By Advocate: Shri B.Krishan)

Versus

1. Union of India, through the  
Director of Estates, Directorate of Estates,  
4th Floor "C" Wing, Nirman Bhavan, New Delhi.
2. The Director (Establishment),  
Ministry of Culture, Youth Affairs and Sports,  
(Department of Culture)  
Shastri Bhavan, New Delhi.

-RESPONDENTS

(By Advocate: Shri Rajinder Nischal)

O R D E R (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (Judl)

The applicant has filed this OA seeking directions for quashing of the impugned order dated 1.2.2000 (Annexure-A-1) issued by the respondents levying damages to the tune of Rs.1,46,225/-, in respect of the Government accommodation bearing No.E-439, Karol Bagh, New Delhi, on the applicant on account of unauthorized over stay in the aforesaid Government accommodation which was earlier allotted to his father.

2. Learned counsel for the applicant has submitted that there is no other procedure except the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (hereinafter referred to as "the PP Act") authorising the respondents to make recovery of damages from the Government servant evicted from the Government accommodation. Learned counsel has also relied on the

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73

case of Lt. Col. B.B. Asthana(Retd.) Vs. Union of India and Others, 65(1997)Delhi Law Times 26 wherein it has been held as under:-

Public Premises (Eviction of Unauthorised Occupants) Act, 1971 - Pension Act - Section 11 - Gratuity Act - Section 13 - Recovery of Damages - Recovery made by orders passed by Administrative/Quartering Officer - No proceedings took place under the Act - No Damages determined and assessed by Authority nominated under the Act - Impugned demand quashed - Authority levying damages - Not the Authority under the provisions of law - Petitioner entitled to consequential relief.

After referring this, learned counsel submits that the respondents did not initiate any proceedings under the PP Act and the damages were only determined by the administrative authority who had no power to levy damages. Learned counsel further submitted that no recovery could be made in pursuance of the aforesaid impugned order.

2. Learned counsel for the respondents very fairly submitted that no proceedings under the PP Act had taken place against the applicant.

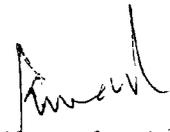
3. Heard both the party and gone through the records.

4. After going through the OA and judgement relied upon by the learned counsel for the applicant, I find that facts in the present case are fully covered by the aforesaid judgement. In the circumstances the impugned order issued by the respondents by levying recovery of damages <sup>having become</sup> ~~has being~~ unenforceable is quashed..

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14

5. In the result, OA is allowed. The impugned order dated 1.2.2000 is quashed and set aside. However, the Department is given a liberty to take appropriate action under the PP Act against the applicant. No costs.

  
(Kuldip Singh)  
Member(J)

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