

7

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O. A. NO. 1607/89

New Delhi this the 22nd day of April, 1994

COURT :

THE HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN
THE HON'BLE MR. P. T. THIRUVENGADAM, MEMBER (A)

R. S. Gupta S/O Kishore Lal Gupta,
Inspector (Retd.),
Central Excise, Division Ghaziabad
R/O SJ-37, Shastri Nagar,
Ghaziabad (UP).

... Applicant

None for the Applicant

Versus

1. Union of India through
Secretary, Ministry of
Urban Development,
New Delhi.

2. Assistant Controller Central Excise,
Division No. II, Ghaziabad (UP).

3. Pay & Accounts Officer,
Central Excise Collectorate,
Meerut (UP).

4. Assistant Estate Manager,
C.G.O. Building,
Hapur Chungi, Kamala Nehru
Nagar, Ghaziabad (UP).

... Respondents

None for the Respondents

O R D E R (C.R.A.L)

Shri Justice V. S. Malimath -

None appeared either for the petitioner or for the respondents. The same was the fate of the case when it reached on the last occasion. As it is a very old matter, we thought it proper to look into the records and dispose of the case on merits.

2. The grievance of the petitioner is in regard to the withholding of a portion of the DCRG amount due to him on the ground that the petitioner is liable to

8

pay certain amounts in respect of unauthorised occupation by him of the quarters. From the materials, we are satisfied that the petitioner was in unauthorised occupation of the quarters. It is on false representation that the petitioner secured the accommodation. When it was discovered subsequently, the authorities set the matter right and levied the amount payable by the petitioner for unauthorised occupation. Obviously, the petitioner was guilty of securing the allotment of the quarters on false representation. The petitioner not having come with clean hands, we would be justified in declining to interfere. Even on merits, as we are satisfied that he was in unauthorised occupation of the quarters justice and equity require and entitle the respondents to retain the amounts due to them out of the DCRG amount payable to the petitioner.

3. This application fails and is dismissed.

No costs.

P. T. Thiruengadam

(P. T. Thiruengadam)
Member (A)

Malimath

(V. S. Malimath)
Chairman

/as/