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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW DELHI

O.A. No. 2006 of 1989  
T.A. No.

DATE OF DECISION 16.10.1989

Kishan Chand Applicant (s)

Shri V. Shekhar Advocate for the Applicant (s)

Versus

Union of India & others Respondent (s)

Shri P.P. Khurana Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. Justice Amitav Banerji, Chairman.

The Hon'ble Mr. B.C. Mathur, Vice- Chairman.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. To be circulated to all Benches of the Tribunal ?

JUDGEMENT

(Judgment of the Bench delivered by Hon'ble Mr. B.C. Mathur,  
Vice- Chairman)

This is an application filed by Shri Kishan Chand, S.T.A., in the Directorate of Coordination (Police Wireless) of the Ministry of Home Affairs against impugned orders dated 21.8.89 issued by the Directorate of Estates regarding recovery of damages in respect of Quarter No. F-76, Nouraji Nagar, New Delhi. The applicant was occupying a Type 'C' quarter in Nauroji Nagar when he was transferred from New Delhi to Dispur (Assam) early in 1984 vide orders dated 20.2.1984. On 25.2.84 the applicant wrote a letter to the Directorate of Estates requesting him to permit him to retain the quarter occupied by him for his family till the applicant was transferred back, according to Government of India's Office Memorandum dated 15.2.1984 (Annexure 'A' to the application). The applicant was relieved from his post in Delhi on 16.3.84. The Director of Estates on his request dated 25.2.84 called for some information/ <sup>regarding</sup> children's education certificate, advance payment for retention period etc. which was furnished by the applicant on 28.6.84. The applicant had also requested that he

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may be allowed to retain the same quarter occupied by him or be allotted one type below in the same area of Nauroji Nagar, but instead of offering alternative accommodation, the 3rd respondent cancelled the allotment of the applicant on 3.8.84 and the applicant asked to hand over possession of the quarter to the CPWD with a threat of being evicted in case he failed to do so. The applicant was also asked to pay penal licence fee in accordance with S.R. 317-B-22. The case of the applicant is that he could not vacate the quarter until he was allotted a house of a lower category and for no fault of his, he was forced to retain the same accommodation which was duly allotted to him while he was posted in Delhi.

2. The applicant returned from Dispur in 1986 and went back to his old house where his family was already living, but penal rent has been charged for the period his family continued to occupy the quarter allotted to him.

3. Learned counsel for the respondents said that the case has not been finally decided by the Directorate of Estates and requested the Tribunal to refer the case to the Directorate of Estates for adjudication and he confirmed that no penal rent would be realised from the applicant till then. The learned counsel for the applicant said that a sum of Rs. 500/- has already been deducted from the salary of the applicant for the month of September 1985 and it may be deducted for the month of October also.

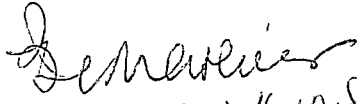
4. In view of the assurance given by the learned counsel for the respondents, we direct that the Directorate of Estates may recover licence fee at the rate of 1-1/2 times the standard licence fee as defined under F.R. 45A for the house occupied by the <sup>applicant</sup> during the period he was posted at Dispur and till he vacated the same.

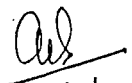
The case is referred to the Estate Officer for deciding the same according to law. It is further directed that any amount already deducted may be adjusted while recovering rent in future. The question of regularisation of the Government accommodation in occupation of the applicant should also be decided.

5. In case the applicant is not satisfied with any decision of the Estate Officer, he would be at liberty to move the court again. With

*Signature*

these observations, the O.A. is disposed of. There will be no orders as to cost.

  
(B.C. Mathur) 16.10.89 ✓  
Vice-Chairman

  
(Amitav Banerji)  
Chairman