

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

* * *

O.A. NO. 2316/1989

DATE OF DECISION : 21.2.92

SHRI G.R. KALRA

...APPLICANT

VS.

UNION OF INDIA & ORS.

...RESPONDENTS

CORAM

SHRI J.P. SHARMA, HON'BLE MEMBER (J)

FOR THE APPLICANT

...SHRI S.K. SAWHNEY

FOR THE RESPONDENTS

...SHRI R.K. AGNIHOTRI, J.T.O.
DEPARTMENTAL REPRESENTATIVE

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?

JUDGEMENT

(DELIVERED BY SHRI J.P. SHARMA, HON'BLE MEMBER (J))

The applicant, retired Telegraph Master has assailed the orders dt. 27.7.1989 (Annexure A1), dt. 15.9.1989 (Annexure A2) and 5.10.1989 (Annexure A3). All these orders relate to the eviction of the applicant from the Railway quarter EPT-122, Sarojini Nagar, New Delhi as the permission to retain the above mentioned quarter had expired on 30.6.1989, but the quarter was not vacated. By the order dt. 27.7.1989, the applicant was asked to show cause and by the order dt. 15.9.1989, General Manager, Maintenance, Northern Telecom Region, Eastern Court, New Delhi passed the eviction order and by the order

at 5.10.1989, the applicant was asked to vacate the quarter in seven days otherwise he will be evicted with the help of the Police Force.

2. The applicant claimed the relief of quashing the aforesaid orders and further to withdraw the proceedings of eviction against the applicant and also the order imposing the penal rent on the applicant.

3. On 13.2.92 as well as on the earlier date, i.e., 12.2.1992 none appeared for the parties. So the application is being disposed of on the basis of the pleadings on record.

4. The case of the applicant is that he retired on 31.10.1988 and was permitted to retain the accommodation for a period upto 31.8.1989 (Annexure A4). The applicant purchased a plot in August, 1959 in Sun Light Colony, Mathura Road, New Delhi, but this was acquired by the Government and he was paid nominal compensation of Rs.338 and he was also assured that he would be allotted an alternative land against this acquisition, but no such plot of land has been allotted to him in spite of several representations. It is further stated by the applicant that Delhi Development Authority announced another scheme for retired public servants and the applicant

got himself registered and he was assured that he will be allotted a built up flat. The applicant, therefore, desired further permission from the respondents till such time some alternative accommodation is made available to him by DDA. It is further stated that the order passed by the Estate Officer directing him to vacate the quarter is not a speaking order.

5. The respondents contested the application and stated that the respondents have clearly informed the applicant that no further extension of retention of the Government quarter will be allowed. So notice was issued on 3.8.1989 as per rules. The action was taken up by the respondents according to the departmental rules as the retention of the quarter by the applicant after 31.8.1989 was unauthorised.

6. I have seen the record and find that there is nothing to show that the applicant can retain the allotted quarter to him after his retirement. The applicant was licensee only till the time he was in service and further upto the extended time he was permitted to retain the quarter. After that, his possession is unauthorised and the respondents have a right to proceed against him under the Public Premises (Eviction of Unauthorised Occupants)

Act, 1971. The applicant has been rightly proceeded and a notice was served on him under Sub Section (i) of Section 5 of the aforesaid Act. The Estate Officer, therefore, has decided the eviction of the applicant according to the law and Extant Rules.

7. There is no merit in the application and is dismissed with cost on parties.

AKS

J. P. Sharma 21.2.92
(J.P. SHARMA)
MEMBER (J)