



**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No. 358/2021

This the 18th day of February, 2021

(Through Video Conferencing)

**Hon'ble Mr. A.K. Bishnoi, Member (A)
Hon'ble Mr. R.N. Singh, Member (J)**

Sudesh Kaushik
W/o Sh. Mukteshwar Sharma
R/o H. No. 262 (Ground Floor),
Police Colony, Malviya Nagar,
New Delhi – 110017

...Applicant

(By Advocate: Ms Rajdipa Behura)

VERSUS

1. Commissioner of Police,
Delhi Police Headquarters
Jai Singh Road, New Delhi – 110001
2. Deputy Commissioner of Police,
Delhi Security, HQ
Vinay Marg, Chanakya Puri
New Delhi - 110021
3. Deputy Commissioner of Police, Delhi
General Administration
Police Head Quarters
MSO Building,
ITO, New Delhi - 110002

...Respondents

(By Advocate: Ms Esha Mazumdar)

ORDER (Oral)**Hon'ble Mr. R.N. Singh, Member (J):**

In the present OA, the applicant is aggrieved of the order dated 14.11.2019 vide which he has been compulsorily retired by invoking the provisions of Fundamental Rule-56(j) read with Rule 48 of CCS (Pension) Rules, 1972 with immediate effect. The applicant is also aggrieved of the eviction notice/order dated 24.08.2020 and 09.12.2020 vide which the order has been passed for eviction of the applicant from the Government accommodation No. 262 (GF), Type-I PTS, Malviya Nagar, New Delhi.

2. Learned counsel for the applicant submits that aggrieved of the aforesaid, the applicant has preferred representations dated 12.12.2019 & 20.11.2020 (Annexure A-2 Colly) and the same are still lying pending consideration by the respondents.

3. Ms Esha mazumdar, learned standing counsel, who appears for respondents, on advance service, on instructions, submits that the respondents are in the process of considering and deciding the representations dated 12.12.2019 and 20.11.2020 and the same are likely to take some more time. She further submits under instructions that in view of the aforesaid retirement of the applicant, the allotment of the said accommodation in the name of applicant was cancelled vide order dated 24.08.2020 with effect from 15.11.2019. The



applicant was allowed to stay in the said accommodation for three months on payment of normal licence fee and thereafter for four months upto 14.07.2020 on payment of double of licence fee. Learned counsel for the applicant submits that with effect from 15.07.2020 the applicant is liable to pay the market rent which is provisionally calculated as Rs. 8,250/- per month till vacation of the said accommodation. Learned counsel for the applicant further submits that if the applicant is allowed to retain the said accommodation, she is ready and willing to pay the normal licence fee, double licence fee as well as at the rate of market rent as admissible under the relevant Rules and deposit the same with the respondents within three weeks from today, if, the applicant has not already paid the same.

4. In view of the aforesaid, without going into the merits of the claim of the applicant, the present OA is disposed of with direction to the respondents to consider the applicant's aforesaid pending representations dated 12.12.2019 and 20.11.2020 (Annexure A-2/colly) against the impugned order dated 14.11.2019 and to dispose of the same by passing a reasoned and speaking order as expeditiously as possible and in any case within 10 weeks from the date of receipt of a copy of this order. The respondents are also directed not to give effect to the impugned eviction notice/order dated 24.08.2020 and 09.12.2020 (Annexure A-1/ Colly), of course subject to payment



of the licence fee and the market rent as admissible under the rules within three weeks from today. However, it is made clear that payment of such market rent, licence fee, double of the licence fee and arrears, if any will be subject to outcome of final decision of the respondents on the applicant's representations against the impugned order dated 14.11.2019. No costs.

(R.N. Singh)
Member (J)

(A.K. Bishnoi)
Member (A)

/cc/daya/neetu/