

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

REGN. NO. O.A. 1260/87.

DATE OF DECISION: 07.1.1993

S.P. Thapliyal.

... Petitioner.

Versus

Union of India & Anr.

... Respondents.

CORAM: THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.
THE HON'BLE MR. S.R. ADIGE, MEMBER(A).

For the Petitioner.

... None.

For the Respondents.

... Shri M.L. Verma,
Counsel.

JUDGEMENT (ORAL)

(By Hon'ble Mr. Justice V.S. Malimath,
Chairman)

The petitioner came to the Tribunal being aggrieved by the claim of the respondents for a sum of Rs.21,653.55 by way of compensation for use and occupation of the quarter allotted to him. The petitioner having continued on the strength of the interim order made by the Tribunal during the pendency of the previous proceedings regarding correction of his date of birth, the case of the petitioner is that he was only liable to pay the normal license fee for use and occupation of the quarter allotted to him and not any compensation by way of damages in excess of the amount of the license fee. During the pendency of these proceedings, an order came to be made by the Assistant Director of Estates, copy of which has been produced as Annexure to the reply. The said order makes it clear that the earlier decision has been modified and a decision has been taken only to recover the normal license fee and not any higher amount by way of penal rent or damages. The amount quantified as recoverable from the petitioner has also been reduced to Rs.1452.80. In the order sheet of this case dated 7.1.1988, the Tribunal has

stated that the Respondents are not claiming any damages for the use of Government quarter allotted to the petitioner and they are only confining their claim to Rs.1452.70 on account of balance licence fee. That, in our opinion, is the clear effect of the order passed during the pendency of these proceedings as per Annexure 20 dated 14.10.1987. Thus, by the action of the respondents, relief stands granted. Hence, no further orders in these proceedings are called for except to note that the impugned order stands superseded by the order Annexure-20 dated 14.10.1987. With this clarification, this C.A. stands disposed of. No costs.

S.R. Adige
(S.R. ADIGE)
MEMBER(A)

V.S. Malimath
(V.S. MALIMATH)
CHAIRMAN

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