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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O. A. NO. 1592/90

New Delhi, 19th September, 1994

THE HON'BLE MR. S. R. ADIGE, MEMBER (A)

THE HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

Dr. M. P. Srivastava,
Professor of Medicine,
Guru Teg Bahadur Hospital,
University College of
Medical Sciences,
Shahdara, Delhi.

.... Applicant

By Advocate Shri E. X. Joseph

Versus

1. The Union of India through
Secretary to the Government,
Ministry of Urban Development,
Nirman Bhawan, New Delhi.

2. The Director of Estates,
Directorate of Estates,
Nirman Bhawan, New Delhi.

... Respondents

None for the Respondents

O R D E R

Shri S. R. Adige, Member (A) —

The applicant, Dr. M. P. Srivastava, while posted at Lady Hardinge Medical College, Delhi, was allotted house No.20, Mahadev Road, New Delhi, on 1.9.1979 by the Directorate of Estates and subsequently on his transfer to Maulana Azad Medical College in March, 1986 the said accommodation remained allotted to him. On 8.5.1987 he was transferred to Pondicherry. He requested that he be allowed to retain the said accommodation as his wife was suffering from Ischaemic Heart disease and his daughter was studying in the local school. The Directorate of Estates vide their letter dated 16.5.1988 (Annex. A-1) granted permission to the applicant to retain the said house for the

first six months, i.e., 8.7.1987 to 7.1.1988 on payment of twice the normal licence fee and for the period from 8.1.1988 to 30.9.1988 on payment of penal licence fee at the rate of Rs.21/- per sq. mtr. living area. The applicant was transferred back to Delhi and was posted under the Delhi Administration w.e.f. 24.5.1988. On his return, he requested the respondents to regularise the accommodation in his name w.e.f. 24.5.1988, upon which by letter dated 31.7.1989 (Annex. A-2) he was informed by the Directorate of Estates that it had been decided to regularise the house in his name w.e.f. 24.5.1988 on payment of the usual licence fee, but by letter dated 29.8.1989 (Annex. A-3) the applicant was informed that total rental dues amounting to Rs.22,075.80 (including penal rent Rs.16,056/- @ Rs.3,530/- per month for over stay w.e.f. 8.1.1988 to 24.5.1988) less Rs.6,084/- already paid, that is, a net amount of Rs.15,992/- should be paid by him.

2. It appears that the applicant represented against this decision on 4.9.89 (Annexure-4) and 12.12.89 (Annexure-5) but received no reply to these representations. On 3.1.90, he received reply (Annexure 6) from the respondents directing him to deposit rent arrears being Rs.15,992/-, failing which the action would be taken under the Allotment Rules/Orders. On 8.1.90, he submitted another representation (Annexure-7) praying for reconsideration of the demand for damages rate of rent from him but in the meantime, it is stated, he was depositing the said sum of Rs.15,992/- under protest without prejudice to his right to claim refund of the same. There are no

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materials to indicate that he had received reply to his representation.

3. No reply to the O.A. has been filed by the respondents and owing to their continued failure on different dates to file the same, their right to file a reply was ultimately forfeited. None appeared for the respondents when the case was called out for hearing on 31.8.94 either.

4. Under the circumstances, we are handicapped in knowing what is the stand of the respondents in this case.

5. Under the circumstances, we dispose of this case with a direction to the respondent no. 2 (Director of Estates) to consider the applicant's representation dated 8.1.90 (Annexure-7) and pass a detailed speaking and reasoned order thereon, after giving an opportunity to the applicant of being heard, within two months from the date of receipt of a copy of this judgment. Thereafter, if any grievance still survives, it will be open to the applicant to file a fresh O.A. in accordance with law, if so advised. No costs.

Lakshmi Swaminathan
(LAKSHMI SWAMINATHAN)
MEMBER (J)

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

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