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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI.

O.A.No.2288/90

Date of Decision: 15.11.91.

Shri K.C. Sharma

Applicant

Shri Jog Singh

Counsel for the Applicant

Vs.

Estate Officer, (Litigation),
Directorate of Estates
and Others

Respondents

Counsel for the Respondents

CORAM:

The Hon'ble Mr. P.K. Kartha, Vice Chairman(J)

The Hon'ble Mr. B.N. Dhoundiyal, Member(A)

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*

JUDGEMENT
(of the Bench delivered
by Hon'ble Member Shri B.N. Dhoundiyal)

The question raised in this OA filed by Shri K.C. Sharma, retired Additional Secretary to Government of India, is whether the Government accommodation allotted to him can be retained by him on his reemployment as Chairman, Mahabir Colliery Accident Court of Enquiry.

2. The applicant retired as Additional Secretary to Government of India on attaining the age of superannuation on 31.1.90. He was in occupation of Government accommodation at CII/23, Bapanagar,

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New Delhi and under the rules, he could have retained that accommodation till 30.5.90 on payment of normal licence fee. On 16.4.90, he was appointed as Chairman, Mahabir Colliery Accident Court of Enquiry vide notification No. S.O.327(6), dated 16.4.90. The terms and conditions of this appointment were contained in letter No.N.11015/2/90-ISH.II, dated 16.4.90, which specifically mentioned that the applicant shall be allowed to retain his accommodation till the expiry of the term of Court of Enquiry. Though the Directorate of Estates was duly informed about this appointment, he was issued with notices for vacation of the premises and imposition of penal rent.

3. An interim order was passed by the Tribunal restraining the respondents from dispossessing the applicant from the above mentioned Government accommodation subject to his payment of licence fee in accordance with the relevant rules. On 15.11.90, a direction was issued to the respondents that the order of eviction passed by them shall not be implemented.

4. Despite service of notice on them, no one has entered appearance on behalf of the respondents and they have not filed any counter affidavit within the time given to them.

5. We have gone through the records of the case and heard the learned counsel for the applicant. The appointment letter dated 16.4.90 issued by the Ministry of Labour with the concurrence of the Ministry of Finance authorises the applicant to retain the Government accommodation. Para (iii) of the letter reads as follows:

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"(iii) He will be allowed to retain his Government accommodation, till the expiry of the term of the Court of Inquiry."

6. This was followed up by a formal letter to the Director of Estates by the Ministry of Labour on 25.4.90 and the Ministry of Labour also wrote demi-officially to the Minister for Urban Development on 5.7.90 and 8.9.90. Under these circumstances, we are of the opinion that it was not proper to go ahead with the eviction proceedings.

7. In the facts and circumstances of the case, we allow the application and dispose it of with the following directions:-

(a) The impugned order No.EC/246/DD/LIT/1989/075 dated nil passed by the Estate Officer, Directorate of Estates on the subject of cancellation of allotment w.e.f. 1.6.90 is hereby set aside and quashed.

(b) The Government accommodation at C-II/23, Bapanagar, New Delhi 110 003 would be deemed to have been regularised from the date of appointment of Shri ^WK.R. Sharma as Chairman, Mahabir Colliery Accident Court of Enquiry, subject to payment of normal licence fee by him. Orders to this effect shall be issued by the respondents within one month from the date of receipt of this order.

(c) Shri K.C. Sharma shall be given usual time under rules to vacate the premises after his period of the said appointment is over.

8. There will be no order as to costs.

B.N. Dhoundiyal
(B.N. DHOUNDIYAL) 15/11/91
MEMBER(A)

P.K. Kartha
(P.K. KARTHA) 15/11/91
VICE CHAIRMAN (J)