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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 2553 of 1990
~~RXXXXXX~~

199

DATE OF DECISION 5.2.1991.

SHRI LOKESH KUMAR & ANR. ~~Petitioner~~ Applicants
IN PERSON. Advocate for the ~~Petitioner(s)~~ Applicants

Versus

UNION OF INDIA & OTHERS Respondent

SHRI D.K. BAJAJ, INSPECTOR Advocate for the Respondent(s)
- Deptt. Representative.

CORAM

The Hon'ble Mr. D.K. CHAKRAVORTY, MEMBER(A)

The Hon'ble Mr. P.K. KARTHA, VICE CHAIRMAN(J)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

JUDGEMENT

(OF the Bench delivered by Hon'ble
Mr. D.K.Chakravorty, Member(A))

Heard the applicant in person and the representa-
tive of the respondents. The relief sought in the present
application is that the impugned order dated 5.6.90 passed
by the Assistant Director, Directorate of Estates whereby
the allotment of Quarter No.D-629, Sarojini Nagar, New
Delhi in the name of Shri J.P. Kaushik has been sought to
be cancelled from 18.2.1989⁷ ~~be~~ quashed and set aside. The applicant has also
sought a direction to the respondents not to evict the
applicant from the said accommodation. The representative
of the respondents has drawn our attention to letter

No.D-629/SN/TCA dated 31.1.1991 according to which the respondents have decided to sanction ad hoc allotment of Type 'B' accommodation in Sarojini Nagar or nearby areas to the applicant on the conditions that ^{the} arrears of rent, if any, pertaining to the present quarter ^{will} be recovered from the gratuity of the retired/deceased officer or from the salary of the applicant. The said letter further states that the applicant will be liable to pay damages or any other higher rate of licence fee recoverable under the rules in respect of quarter No. D-629, Sarojini Nagar, New Delhi for the period exceeding the concessional time ^{allowed} for its retention.

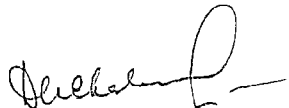
2. The applicant states that he has not received any ad hoc allotment of Type 'B' accommodation so far. He prays that he should be allowed to continue ~~in~~ in the present accommodation at D-629, Sarojini Nagar till the alternative accommodation is given to him. He further submits that he should not be made liable to pay damages or higher rate of licence fee in respect of quarter No.D-629, Sarojini Nagar, New Delhi.

3. After hearing both sides, we dispose of the present application with the direction to the respondents not to dispossess the applicant from the quarter No.D-629, Sarojini Nagar till ad hoc allotment of a type 'B' accommodation is actually made and handed over to the applicant.

4. As regards the damages or licence fee payable in respect of quarter No.D-629, Sarojini Nagar for the period from 18.2.89 to 7.12.90, the respondents may regulate the same in accordance with the relevant rules. From 7.12.90 till the applicant is given alternative accommodation, the applicant may be charged only the normal licence fee as

the stay order passed by the Tribunal would be in operation during this period.

The application is disposed of on the above lines. There will be no order as to costs.


(D.K.CHAKRAVORTY)
MEMBER (A)


(P.K.KARTHA)
VICE CHAIRMAN(J)

/PKK/