

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A.No. 2714/90

Date of Decision: 31.1.1992.

Shri V.N. Bali

Applicant

Shri B. Krishan

Counsel for the applicant

Vs.

Union of India & Ors.

Respondents

Shri P.P. Khurana

Counsel for the respondent

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? *yes*

JUDGEMENT

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

Shri V.N. Bali, retired as Office Superintendent from the Ministry of Surface Transport on 31.10.1988. His grievance is that even though the Minister for Urban Development, exercising her powers as competent authority had allowed extension of accommodation B-11/187, Dev Nagar, New Delhi to him vide her order dated 13.11.1989 for a period of one year, the Department is wrongly asking for the penal rent of Rs.20/- per sq. mtr. He has prayed that the said accommodation be regularised on payment of concessional rates of licence fee under provisions to S.R. 317-B22 on the basis of the sanction accorded by the Ministry on 13.11.89.

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(5)

2. According to the applicant, he was allowed extension of the accommodation upto 30.6.89 vide letter dated 8.3.89. As he was not in a position to vacate the quarter, due to his children's studies, he approached the Minister of Urban Development, who allowed extension upto 12.11.90. For a while the eviction proceedings were suspended but he was asked to be present again on 26.10.90. The applicant pleaded in vain that his two sons were studying in 8th and 11th Classes in Delhi and at this stage shifting was not possible. He also brought to their notice the extension already authorised by the Minister. However, he was given a notice to vacate the quarters within fifteen days and made liable to pay damages @ Rs.20/- per sq. mtr. He has prayed that occupation of the said accommodation may be regularised till 12.11.1990 on payment of concessional rates of licence on the basis of the sanction issued by the Minister on 13.11.1989.

3. An interim order was passed by this Tribunal on 31.12.1990 directing that the applicant shall not be dispossessed from the quarter subject to his liability to pay licence fee etc. in accordance with the rules. This order was continued till the final hearing on 5.12.1991.

4. No counter has been filed by the respondents and the case is being decided on the basis of the averments made by the applicant and arguments advanced by the counsel. The respondents have not denied that when the impugned notice for vacation of premises was issued on 3.11.1990, the extension granted by the Minister had not expired. Under S.R. 317-B-25, "the government may for reasons to be recorded in writing relax all or any of the provisions of the rules ~~in case~~ ^{by} ~~of~~ ⁱⁿ ~~any~~ ^{any} ~~case~~ ^{case} ~~of~~ ^{of} ~~any~~ ^{any} ~~officer~~ ^{officer} ~~or~~ ^{or} ~~residence~~ ^{residence} ~~or~~ ^{or} ~~class~~ ^{class} ~~of~~ ^{of} ~~officers~~ ^{officers} ~~or~~ ^{or} ~~type~~ ^{type} ~~of~~ ^{of} ~~residences~~ ^{residences}." Under S.R. 334(3), the President may in special circumstances, by order, remit or reduce the additional licence fee and charges referred to in Sub Rule (1) and (2) for reasons which should be recorded in the order.

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(6)

The reasons given by the applicant in his application to the Minister i.e. education of his children, he not being able to afford renting private accommodation and his ownership of a plot on which he intended to construct a house, must have weighed with her while granting him an extension. We, therefore, hold that the applicant was liable to pay only the normal licence fee till 12.11.1990. Rent for the subsequent period shall be assessed on the basis that the extended period of allotment expired on that date. The respondents are directed to assess the rental on that basis. The premises shall be vacated by the applicant within a month of receipt of this order. The interim order passed on 31.12.1990 will continue to be in operation till then.

5. There will be no order as to costs.

B. N. DHOUDIYAL
(B.N. DHOUDIYAL)
MEMBER(A) 31/1/92

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

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