

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA 2735/90.

Date of decision 5.5.93

Shri M.S. Saxena
and Others.

... Applicant

V/s

Union of India &
Others.

... Respondents

CORAM:

The Hon'ble Shri B.S. Hegde, Member (Judicial)

For the Applicant ... Shri R.L. Sethi, counsel.

For the Respondents ... Shri P.P. Khurana, counsel.

(1) Whether Reporters of local papers may be
allowed to see the Judgement ?

(2) To be referred to the Reporter or not ?

J_U_D_G_E_M_E_N_T

[Delivered by Hon'ble Shri B.S. Hegde, Member (J)]

The applicant retired from Government service
with effect from 31.7.1988 and his allotment of Govern-
ment accommodation No. B-15/292, Lodi Colony, New Delhi
was cancelled with effect from 30.11.1988 after
allowing concessional period of four months. He was
further allowed to retain quarter on medical grounds
upto 31.3.1989 as admissible under the rules.

2. Initially, the applicant himself had filed

O.A.No.775/90 along with his wife. This O.A. closely

linked with that of O.A. 775/90. Incidentally, it may be mentioned that O.A. No. 775/90 was disposed of by this Tribunal on 6.7.1992 and having considering the records on merit, the application was disposed of stating that it becomes infructuous because the applicant in that O.A. had prayed for relief that he should not be dispossessed till 30.9.1990. Since that period was over and the wife of the applicant was not in Government service, the ^{question of} allotment of quarter in her name did not arise.

3. The stand of the respondents is that respondent No. 2 is not entitled for regularisation or ad hoc allotment of the quarter in question as she is not working in any office eligible for allotment of accommodation. In this case eviction order was passed by the Estate Officer on 7.2.1990 and the same was challenged by the applicant under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 before the District Judge who disposed of the same by granting time upto 30.4.1990. The applicant has already availed

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himself of the remedy available in the law
and has no case to move this Hon'ble Tribunal,
thereby the eviction order has become final and
valid. 13

4. It is true that continuance of the applicant
in this premises deprives the other Government
servant who is waiting for his turn since long. The
main contention of the applicant is that he has
obtained the stay from this Hon'ble Tribunal on
2.5.1990, thereby he should be charged normal rent
during his continuous stay in the premises. The
stay is vacated.

5. It may kindly be recalled that while granting
stay the specific condition was only for dispossession
of the premises subject to his payment of licence fee
in accordance with the rules. Therefore, it is not
open to the applicant to take advantage of the stay
order in making ^{payments} rent of the premises as per rules.

He further submits, that he has been paying rent
from time to time in accordance with S.R. 317(b)(22).
In fact, he has vacated the quarter only on 6.7.1992.
The respondents have sent letters to the applicant for
recovery of the arrears of rent for his over-stay in

18/10/92

..


the premises. Since the applicant has been paying rent from time to time whether it is in accordance with the rules or otherwise, the same shall have to be adjusted. The applicant also submits that he has paid rent upto 31.5.1992 as per S.R. 45 which may be verified. 14

6. In the facts and circumstances of the case and with the consent of both the parties, I pass the following directions / orders:-

(i) Allow the applicant to make a detailed representation regarding payment already effected together with the proof of payment and on receipt of the same, the respondents may consider such representation and pass a speaking order.

(ii) The applicant may make a representation within a period of one month and on receipt of the same, the respondents shall dispose of the representation within a period of two months thereafter.

The O.A. is disposed of accordingly with no order as to costs.


(B.S. Hegde)
Member (J)