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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

OA No. 432/90 .. Date of decision: 29.01.93

Sh. V.D. Trivedi .. Applicant

Versus

Asstt. Director, .. Respondents

Directorate of Estates.

Sh. P.N. Misra .. Counsel for the applicant

Sh. P.P.Khurana .. Counsel for the respondents

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Hon`ble Sh. P.K. Kartha, Vice Chairman (J)

Hon`ble Sh. B.N. Dhoundiyal, Member (A)

J U D G E M E N T (Oral)

(Delivered by Hon`ble sh. P.K.Kartha, V.C. (J))

We have gone through the records of the case and have heard the learned counsel for both the parties. The applicant who is an officer of the Income Tax Department had been allotted Flat No. D.2(11), Subramaniam Bharati Marg, New Delhi alongwith Garrage No. 7. The grievance<sup>a</sup> of the <sup>allotment of</sup> applicant relates to the order of cancellation of the said Government quarter by the impugned letter dated 8.6.88. According to the said letter, the allotment of the quarter and the garrage mentioned above was deemed to have been cancelled

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with effect from 1.1.87. The reason given for the cancellation is that the applicant had paid licence fee in cash w.e.f. January 1987 to October 1987 and no rent recovery had been <sup>received</sup> ~~recovered~~ thereafter.

2. The applicant has taken the plea that during the said period, he had been placed under suspension and that is how the rent was paid in cash.

3. We have been informed by the learned counsel for both parties that the applicant has been transferred to Chandigarh about 2 years back. The applicant has not vacated the government quarter and this Tribunal had issued a Stay Order on 5.4.90 in which the Tribunal had said that the order dated 8.6.88 may not be acted upon and that any amount of licence fee due should be paid to the respondents.

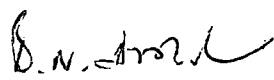
3. In our opinion, the cancellation of the Government accommodation on the ground that the licence fee was paid in cash from January, 1987 to October 1987 is not justified. We, therefore, set aside and quashed the impugned order dated 8.6.88 on that ground.

4. The question, whether the applicant would be entitled to continue in the aforesaid Government accommodation after he <sup>a</sup> had been posted to Chandigarh and whether he would be liable to ~~pay the~~ <sup>a</sup> payment of damages for the continuous occupation of the Government quarter depends upon the relevant rules and instructions on the subject.


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In the above facts and circumstances of the case, we do not express our opinion in this regard. The application is disposed of accordingly. <sup>e</sup> The ~~interim order~~ <sup>a</sup> passed on ~~5.1.90~~ <sup>a</sup> ~~will continue in operation for a period of one month.~~

  
(B.N.Dhoundiyal)

Member(A)

  
(P.K.Kartha)  
Vice Chairman(J)