

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW DELHI

O.A. No. 887/90  
~~XXX~~

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DATE OF DECISION 29.05.1990

<u>Shri Y.P. Saxena</u>	<u>Retired</u> Applicant
<u>Shri D.P. Avinashi</u>	Advocate for the <del>Retired</del> Applicant
Versus	
<u>Union of India &amp; Another</u>	Respondent
<u>Shri P.P. Khurana</u>	Advocate for the Respondent(s)

**CORAM**

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

The Hon'ble Mr. D.K. CHAKRAVORTY, ADMINISTRATIVE MEMBER

- 1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
- 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?

JUDGMENT (ORAL)

(of the Bench delivered by Hon'ble Mr. P.K. Kartha, Vice Chairman(J))

Heard the learned counsel of both parties. The prayer contained in this application is that the eviction proceedings initiated by respondent No.2 (The Estate Officer, Directorate of Estates) vide his order dated 28.2.1990, be set aside and quashed and that the respondents be restrained from dispossessing the applicant from the premises bearing No.104, Sector I, R.K. Puram, New Delhi. He has further prayed that the respondents be directed to either allot Government accommodation to his married daughter Smt. Anuradha or allow him to retain the Government accommodation in question upto 30th November, 1990 on payment of normal licence

fee.

2. The case was listed for admission today when Shri P.P. Khurana, the learned counsel for the respondents vehemently opposed the continuance of the interim order which was passed by this Tribunal on 15.05.1990. He stated that the applicant retired from Government service on 29-2-1988 and that he had been occupying the Government accommodation since then. According to the relevant rules, the applicant is not entitled to retain the said accommodation beyond a period of 4 months from the date of retirement and any further extension will be subject to the special permission given by the respondents on stated conditions. The fact that the daughter of the applicant has applied for Government accommodation is not a good ground for the applicant to continue in the said premises until the respondents have taken a decision on her request.

3. The learned counsel of the applicant stated that the applicant is an allottee of a DDA Plot, which will be ready for <sup>taking</sup> possession some time in November and that he may be allowed to continue in the present premises at least upto 30th November, 1990, as prayed for in the application.

4. Without going into the merits of the rival contentions and in the interest of justice, we direct the respondents to accommodate the applicant in the present premises for a period of three months from today's date,

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i.e., upto 31st August, 1990 subject to his giving an undertaking that he will vacate the said premises on or before 31st August, 1990. He should also pay the licence fee/damages, in accordance with the relevant rules.

5. The application is disposed of accordingly.

Let a copy of this order be given to both parties.

  
(D.K. CHAKRAVORTY)

MEMBER (A)

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