

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH, NEW DELHI.

O.A.No. 1582 of 1991

Date of Decision 31.5.93.

Sh.K.D.Gupta.....Petitioner.

Versus

Union of India.....Respondents.

COARM

Hon'ble Mr.Justice S.K.Dhaon, Vice Chairman.

Hon'ble Mr.S.R.Adige, Member (A)

For the applicant: Miss.Jasvinder Kaur, Counsel

JUDGEMENT(ORAL)

(By Hon'ble Mr.Justice S.K.Dhaon, Vice Chairman)

A sum of Rs.28,898/- is being recovered from the petitioner on the basis of a notice issued by Accounts Officer concerned. This notice was issued on 29.8.90. According to it, a penal fee is being recovered at an advance rate as the petitioner continued to be in possession of the Govt. accommodation after the cancellation of the licence granted to him.

On 22.3.85 the Assistant Housing Commissioner (PWD) passed the order cancelling the licences of the petitioner on the ground of subletting of the Govt. accommodation which had been allotted to him. In the order it is recited that a notice was issued was issued to the petitioner and he was given a personal hearing.

In the reply filed on behalf of respondents it is categorically stated that an opportunity was given to the petitioner. He was also given liberty to produce evidence in support of his case. Apparently no illegality is discernable in the order dt. 22.3.85 passed by the Assistant Housing Commissioner.

It appears that the petitioner made some sort of representation to the Assistant Housing Commissioner himself. This is evident from the letter dt. 12.7.85

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of the Commissioner to Sh.S.C.Vajpai Secretary, Land and Building, Vikas Bhawan, New Delhi. It is also stated therein that the statement of facts and a reply was submitted to the Assistant Housing Commissioner.

On 5.4.89, the Assistant Housing Commissioner (Allotment) issued a notice to the Principal of the Govt. Senior Secondary School, Pahar Ganj, Delhi. as well as to the petitioner to show cause why the petitioner be not declared ineligible for Govt. accommodation. He was given an opportunity of personal hearing.

Coming back to the notice issued on 29.8.90, we find that by it an ascertained sum as penal fee is being ~~released~~ ^{realised}. There is no dispute before us that the fee had been wrongly computed. It follows that the notice had been given to the petitioner for a correct sum.

We are unable to grant any relief. This application is dismissed. The interim order dt. 22.7.91 stands vacated.

Arif Aliq.
(S.R.ADIGE)
MEMBER (A)

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(S.K.BHAON)
VICE CHAIRMAN (J)