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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. 2283/91

Date of decision : 7.1.1993

Shri P.N. Mishra

...Petitioner

Versus

Union of India through
Secretary, Department of Supply
Nirman Bhavan, New Delhi

...Respondents

CORAM :-

Hon'ble Mr. I.K. Rasgotra, Member (A)

For the Petitioner

: Shri R. Doraiswami, Counsel

For the Respondents

: None

JUDGEMENT (ORAL)


Shri R. Doraiswamy, appeared for the petitioner. Respondents were not represented although the matter was taken up at 4.15 p.m. In the circumstances, we think it proper to dispose of the matter on merits as the petition has been pending for long having been filed on 18.9.1991. The case of the petitioner in brief is that he was transferred to Calcutta on his repatriation to DGS&D on 10.8.1984 from Delhi Milk Scheme. He filed a writ petition in Delhi High Court challenging the transfer order dated 10.8.1984. The said writ petition was dismissed by the Delhi High Court. The petitioner filed S.L.P. No.9512/84 in Civil Miscellaneous petition No.20047/85. This was decided by the Hon'ble Supreme Court on 27.8.84 when the following order was passed. :- "The Special Leave Petition is dismissed. The petitioner will not be evicted from his quarter till 31st May, 1985."

Another order was passed by Hon'ble Supreme Court on 30.5.1988 allowing the petitioner to continue in the said quarter upto 31st December, 1985.

A further order was passed on 10.2.1986 extending the period of stay of the petitioner in the government

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accommodation in question till 30.6.1986. The petitioner vacated the said quarter on 30.6.1986. It is against this background that the petitioner has filed this O.A. seeking refund of Rs.12,065.30 , which is the sum recovered by the respondents from his pay and allowances at the inflated rate of licence fee of Rs.747/- per month against the normal rent of Rs.176/- per month. Learned counsel for the petitioner referred to page-15 of the paper book which is an order of the Assistant Director of Estates passed on 9.2.1987. According to the said order the petitioner has been told to pay rent for the period as damages as fixed under the Rules. The Hon'ble Supreme Court has not said anything about the rate at which rent would be charged from the petitioner. Since, however, the Hon'ble Supreme Court authorised the petitioner to stay in quarter from time to time till 30.6.1986, when the petitioner vacated the said quarter, the reasonable implication is that the rent has to be recovered in accordance with the rules and not damages for the period of stay in the said quarter which was authorised by the Hon'ble Supreme Court. Accordingly, we order and direct the respondents to recover the rent for the period 11.10.84 to 30.6.1986 as rent as permissible under the rules. We make it clear that the rent charged in the rules shall not be damages but the rate at which the rent becomes recoverable under the rules during the entire period of stay under proper authority. The O.A. is disposed of accordingly. No costs.


(I.K. RASGOTRA)
MEMBER (A)

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