

Central Administrative Tribunal  
Principal Bench: Delhi.

O.A. No. 2509/91.

Date of decision: 28-10-92.

Dr. P.K. Bandyopadhyay

...Applicant

vs.

Union of India & Anr.

...Respondents

CORAM:

THE HON'BLE MR. JUSTICE RAM PAL SINGH, VICE-CHAIRMAN.  
THE HON'BLE MR. I.P. GUPTA, ADMINISTRATIVE MEMBER.

JUDGMENT (ORAL)

(As per Hon'ble Mr. I.P. Gupta,  
Administrative Member):

Both are heard finally.

2. The applicant was allotted a house in Minto Road. He asked for a change and was allotted accommodation in Pragati Vihar. The applicant took possession of Minto Road house on 16-12-87. On change, he came to Pragati Vihar from 4-1-88. The applicant has requested for quashing of orders issued by the respondents charging him damage rent. The learned counsel for the respondents said that the Minto Road house was not vacated by the applicant as would be evident from annexure A-7 (Vacation report). The house was vacated only on 11-7-90. Therefore, the applicant continued to possess two Government accommodations during the period from 3-1-88 to 11-7-90.

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This was not in accordance with rules and, therefore, damage rent has been charged.

3. We have heard both the counsels. In the facts and circumstances of this case, we direct that the applicant should pay the normal rent for the accommodation occupied or kept by him in Minto Road for the period from 16-12-87 to 11-7-90 minus the amount already paid in respect of this accommodation. The applicant has already been paying normal rent for the accommodation for Pragati Vihar from 4-1-88 and, therefore, no further recovery by way of penal rent or damage rent should be made in respect of this accommodation. We have given this direction keeping in view the facts on the record especially the Vacation report where it has been mentioned that the Minto Road house was never physically occupied by the applicant. He was wrong in not handing over it but it also seems that he should not be unduly punished for his mistake, which itself is bona fide, in not giving the formal Vacation report.

4. The applicant should pay the dues in respect of Minto Road house as directed above within a period of 3 months from the date of communication of this order and if he does so, no damage rent or penal rent would be recovered from him in respect of the aforesaid

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accommodation for the said period.

5. With the aforesaid direction and order, the case is disposed of with no order as to costs.

*Ishwar*  
(I.P.GUPTA)  
MEMBER (A)

*Lamlih*  
(RAM PAL SINGH)  
VICE CHAIRMAN

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