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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH.
NEW DELHI.

Date of Decision: 29.05.1992

OA 467/91

LOKESH KUMAR KAUSHIK ... APPLICANT.

VS.

UNION OF INDIA & ANR. ... RESPONDENTS.

CORAM:

THE HON'BLE SHRI J.P. SHARMA, MEMBER (J).

For the Applicant ... SHRI D.P. AVINASHI

For the Respondent ... SHRI J.C. MADAN
proxy counsel for
SHRI P.P. KHURANA

1. Whether Reporters of local papers may be allowed to see the judgement ?
2. To be referred to the Reporters or not?

JUDGEMENT (ORAL)
(DELIVERED BY HON'BLE SHRI J.P. SHARMA, MEMBER(J)).

The applicant is the ward of deceased employee who died on 18.8.88 and his son i.e. applicant in the present case, was given compassionate appointment on 21.9.89. The applicant has applied for regularisation/allotment of the quarter No.D-629, Sarojini Nagar, in his name. The applicant has also earlier filed OA 2553/90 in the Principal Bench of CAT which was decided on 5.2.91 in which he prayed that the order dated 5.6.90 issued by the Asstt. Director,

Directorate of Estates, cancelling the allotment w.e.f. 18.2.89 be quashed and set aside. It is mentioned in the judgement that by letter dated 31.1.91 the applicant was allotted a type-B accommodation in Sarojini Nagar. The case was disposed of by the following operative portion:-

"As regards the damages or licence fee payable in respect of quarter No.D-629, Sarojini Nagar for the period from 18.2.89 to 7.12.90. the respondents may regulate the same in accordance with the relevant rules. From 7.12.90 till the applicant is given alternative accommodation, the applicant may be charged only the normal licence fee as the stay order passed by the Tribunal would be in operation during this period."

The learned counsel for the applicant now in the present case prayed that the order dated 7.12.90 be quashed and also that the premises No.D-629, Sarojini Nagar be regularised in the name of the applicant. The impugned order dated 7.12.90 is on the subject of payment of dues and damages for over stay in government premises No.D-629, Sarojini Nagar.

The respondents have not filed any reply to the present application inspite of several opportunities afforded since 22nd February, 1991. There is an interim order also in favour of the applicant dated 20.3.91 that recovery be not effected from the applicant.

I have heard the learned counsel for both the parties. As Shri J.C. Madan is prepared to argue on behalf of the respondents as proxy of Shri P.P. Khurana.

As regards reliefs in para-8 sub para a & b have become redundant as the applicant has already been allotted the premises of type-B in Sarojini Nagar. The learned counsel, however, for the applicant stated that instead of Sarojini Nagar, the premises has been allotted in Kidwai Nagar. Be that it may be, the reliefs become infructuous.

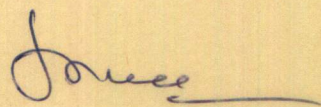
Regarding the realisation of penal rent, the operative portion of the judgement of the earlier OA 2553/90 directs that the respondents may recover for the period from 18.2.89 to 7.12.90 the rent/damages in accordance with the extant rules. The respondents, therefore, cannot recover

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any damages or penal rent after 7.12.90 with respect to premises No.D-629, Sarojini Nagar. However, the matter may be different if the applicant over stayed after allotment of alternative eligible type of accommodation to him.

However, the learned counsel for the applicant argued that even for the period from 18.2.89 to 7.12.90 the normal licence fee should be charged. I think that the matter has already been covered by the earlier judgement and any length of argument by the learned counsel for the applicant will not change proposition of law regarding the application of the principles of Res-judicata. A matter which has been adjudicated once deciding a particular issue in a particular manner cannot be again reviewed judicially on the basis of any length of arguments on the point.

The application is, therefore, devoid of merit and is dismissed leaving the parties to bear their own costs.



(J.P. SHARMA)

MEMBER (J)