

(20)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. No. 752/91

Dated: 27.10.93

B.P. Bindal

Respondents

Vs.

Union of India

Respondents

Present: 1. P.L. Mimroth, Counsel for Applicant
2. Shri P.P. Khurana, counsel for Respondents.

CORAM

1. Hon'ble Mr. B.K. Singh, Member (A)

JUDGMENT (oral)

(Delivered by Hon'ble Mr. B.K. Singh, Member (A))

Heard the learned counsels for the applicant and the respondents. This O.A. was filed against the impugned letter No.60/9/77-Regional dated 23.2.91 and No. E.O.(CH)/1/87-DRC/1140 dated 7.3.91 (annexure A-2 and A-1 respectively) whereby a sum of Rs.8060.00 was proposed to be recovered from the salary of the applicant as arrears for the so-called unauthorised occupation of government quarter No.326/Sector 7-B for a period from 1.11.82 to 2.11.84. It is submitted by the learned counsel for the applicant that the applicant was transferred from Chandigarh and he made over charge on 24.10.82 (AN)

and thus he was entitled to retain the quarter till 23.12.82. This fact has not been controverted by the respondents by filing the counter. The applicant vacated the quarter on 4.11.82. He was entitled to retain it as per government rules for two months on payment of normal license fee. He vacated the quarter much before completion of two months period and as such there is no justification for submitting a bill of Rs.8060/- to the applicant as arrears of payment of rent for the unauthorised occupation of the quarter. The applicant did not remain for a single day in the aforesaid quarter as an unauthorised occupant. The said bill therefore has been wrongly submitted to him. Annexure A-4 will also indicate that the said quarter was allotted from the date of vacation i.e. 4.11.82 to Shri J.L. Khusha, Executive Engineer, and he paid license fee from November 1982 to 1984. This also proves that the applicant was never in authorised occupation of the said quarter otherwise this could not have been allotted to his successor, Shri J.L. Khusha, who paid rent from November 1982 to January 1984.

2. It has also been submitted by the learned counsel for the applicant that his gratuity etc. have been withheld. All his terminal benefits should be released within a period of one month from the date of receipt of this judgment failing which the respondents will be liable to pay interest on the amounts at the current rates on Savings Bank account.

Cost on parties.


(B.K. Singh)
Member (A)