

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No.156/92

Date of decision: 24.5.1993

Smt. Baljeet Matiyani .. Union of India & Others

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Hon'ble Mr. C.J. Roy, Member (J)

For the applicant .. Shri Ashok Aggarwal
For the respondents .. Shri P.P. Khurana

JUDGEMENT (ORAL)

This application is filed by the applicant against the order dated 5.12.89 directing her to evict the Govt. accommodation D-II/5, Subramaniam Bharathi Marg, New Delhi. The applicant belongs to Indian Revenue Service and was working as Deputy Commissioner of Income-Tax and now is promoted as Commissioner of Income-Tax, as told by the learned counsel for the applicant. Prior to her present posting at Delhi from 31.5.89, she was earlier also posted in Delhi upto 6.2.1987, shifted to Aligarh upto 12.5.88 and Ghaziabad upto 30.5.1989. When she was in Delhi, the above said quarter was allotted from the general pool accommodation to her. Incidentally, her husband is also an officer as Director under the Ministry of Information & Broadcasting.

2. The applicant says that on her transfer outside Delhi, Respondent No.1 was requested to permit her to retain the accommodation allotted to her on the ground that her husband is also in Delhi and is entitled to government accommodation and that she was not given government accommodation at her new place of posting.

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3. In view of the above circumstances, the applicant was given extension to retain the accommodation periodically, the last one upto 31.5.1989. Later on, being posted back to Delhi she joined duty on 31.5.89 and on the same date she made an application to the Respondent No.1 seeking regularisation of the accommodation allotted to her, and for dropping ^{the} ~~the~~ eviction proceedings against her. These are at Annexure A-C collectively.

4. The conditions under which such a regularisation can be done are given in the Annexure A-D filed by the applicant.

5. The applicant also made a representation to the Minister concerned for regularisation of the accommodation and withdrawal of eviction proceedings, pending a decision. Pursuant to her representation, the concerned Minister has stated that the matter is being considered and pending a decision, eviction may be kept in abeyance, as per Annexure E.

6. Despite this, the respondents issued her with eviction order dated 5.12.89, which the applicant claims to have received on 11.2.1989.

7. She preferred an appeal under Section 9 of Public Premises Act and obtained a stay order. The respondents have not chosen, as per averments made by her, to evince any interest in prosecuting the case against the

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applicant. In view of the opinion of the learned Additional District Judge, Delhi, the applicant has now filed this application claiming the following relief:

- i) The impugned order dated 5.12.89 directing her to evict the above said quarter be quashed.
- ii) The respondents be directed to regularise the said quarter in her name in accordance with the rules
- iii) Award the applicant costs of the proceedings before this Hon'ble Tribunal as well as before the learned District Judge, Delhi
- iv) Pass such orders as are thought fit under the circumstances.

8. The respondents have filed a counter reply almost accepting for regularisation with a rider that the same will be considered subject to the payment of outstanding dues against her, which comes to Rs.22,589/-.

9. I have heard Shri Ashok Aggarwal, learned counsel for the applicant and Shri P.P.Khurana, learned counsel for the respondents. The applicant is present in person.

10. The short point for consideration is whether the regularisation should be done on receipt of the entire amount of Rs.22,589/- claimed by the Respondent. The applicant says that she is prepared to pay the damage charges but how this amount has been arrived at, she wants to know, as the break up is not given to her, in spite of her representation. She is aggrieved by the non-communication of the break-up of this amount claimed.

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11. The learned counsel for the respondents argues that regularisation in her favour will be done only in the event of her paying the above said amount. The averments of this nature is also made in the counter at page 1, para (ii) (b), which reads as under:

"It is submitted that the request of the applicant for regularisation was considered and it has been decided to regularise the accommodation subject to payment of outstanding dues against her. She has already been requested to clear the outstanding dues amounting to Rs.22,589/- to enable the respondents to take further necessary action"

12. As such, I am not traversing the other grounds raised in the counter as they are not germane to the issue when they agree as cited supra.

13. In the circumstances, I consider it reasonable to dispose off this case with directions to the respondents as well as to the applicant, in the following manner:

- 1) The respondents are directed to regularise the said quarter in her name;
- 2) The applicant is directed to pay as a first instalment Rs.5000/- within a week and make a representation for the break up of the said amount;
- 3) On receipt of the representation, the respondents are directed to give her break up of the amount as to how they arrived at Rs.22,589/-.

14. Since the applicant is aggrieved about the non-receipt of break up of Rs.22,589/-, she is given liberty to approach the Tribunal, ^{only hereby} after paying the undisputed amount within four months from the date of communication of this order. On receipt of her representation, the respondents are directed to give her

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within a fortnight, the break up of the amount of Rs.22,589/- as claimed against her as damage rent. The respondents are directed to issue orders for regularisation of the said quarter forthwith on receipt of this order. The case is allowed with no orders as to costs.

[Signature]
(C.J.ROY)

Member (J)

24.5.93