

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

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OA 1576/92

28.08.1992

Shri K.K. Saxena

...Applicant

(X)

VS.

Union of India & ORS.

...Respondents

CORAM :

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

For the Applicant

...Shri Jog Singh

For the Respondents

...Shri P.H. Ramchandani

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

JUDGEMENT (ORAL)

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

The applicant, while working in an assignment in Rashtrapati Bhawan was allotted the premises 40/70 Havlock Square and now he has been assigned to work in the Planning Commission by the parent department. While he was working in an assignment in the Rashtrapati Bhawan, by virtue of the office, he was given the premises earmarked for the employees working there. After he ceased to work by virtue of another assignment in the Planning Commission in the Rashtrapati Bhawan, he was asked to vacate the said premises by a notice under Sub Section 1 and Clause b(ii) of Section 4(2) of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 and also to pay for use and occupation of the said premises as ^{un-}~~an~~ authorised occupant two months after ceasing to work in the

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assignment in the Rashtrapati Bhawan. The applicant has challenged this notice and prayed that he should not be dispossessed from the said premises and further the impugned notice dt. 21.5.1992 be quashed. He has also prayed that since another alternative accommodation is allotted to him, he may be allowed to continue in the said premises.

The respondents appeared and contested this application taking an objection that the premises allotted to the applicant were specifically meant for the use of the staff assigned to work in the Rashtrapati Bhawan and the moment such staff ceases to work there and are repatriated to the parent department or assigned to work elsewhere, under the Rules, they are bound to vacate the premises or suffer the consequences as provided under the Rules governing allotment of such premises.

By the order dt. 16.6.1992, it was directed that the status-quo with regard to the premises in occupation of the applicant 40/70 Havlock Square shall be maintained and that interim order by extension from day to day continues till today.

When the matter was taken up for hearing today, the learned counsel for the applicant filed a photocopy of the order dt. 10.8.1992 wherein the applicant has been provided

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an alternative accommodation, though on adhoc basis. In view of this fact, the learned counsel does not want to press this application, of course, saying that since the impugned notice has been challenged, so the normal licence fee which the applicant was paying while serving in the assignment in the Rashtraapati Bhawan be charged from him.

The learned counsel for the respondents has no objection to the non pressing of this application because of the fact that the applicant has been allotted an alternative accommodation on adhoc basis where he is likely to shift. However, the learned counsel for the respondents stated that since after two months of ~~cessation~~ of work in the assignment in the Rashtrapati Bhawan, the Rules provide for charging not the normal licence fee, but premium at the penal rate so long the premises are not vacated. However, the learned counsel for the respondents has instructions from the departmental representative that if the applicant vacates the premises well in time, double the normal licence fee is to be charged. However, the learned counsel for the respondents qualifies this submission with the condition that the applicant should vacate the premises immediately.

Giving a careful consideration to all these aspects, the application is disposed of with the following directions:-

- (a) The applicant shall vacate the premises immediately and shall try to get an accommodation for him by virtue of the letter dt. 23.8.1992.

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It is expected that it will take hardly one month.

- (b) The Assistant Directorate of Estates shall also provide ~~on~~ him the premises on ad hoc basis which has been earmarked for him.
- (c) The respondents shall, therefore, charge only double the licence fee for the period the applicant stays after the prescribed authorised period.
- (d) In the circumstances, the parties shall bear their own costs.

J. P. Sharma

(J.P. SHARMA)
MEMBER (J)
28.08.1992

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