

4
CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O. A. NO. 1648/92

DECIDED ON : 30.6.1992

K. K. Bhatia

... Applicant

-VERSUS-

Union of India & Anr.

... Respondents

CORAM : THE HON'BLE SHRI P. C. JAIN, MEMBER (A)

Applicant through Shri B. B. Raval, Counsel

JUDGMENT (ORAL)

Hon'ble Shri P. C. Jain, Member (A) :-

The applicant who retired from the post of Joint Assistant Director, Intelligence Bureau, Ministry of Home Affairs, Govt. of India, on superannuation on 30.9.1991 (AN), has filed this O. A. under Section 19 of the Administrative Tribunals Act, 1985 for the following reliefs :-

- "i) To direct the Respondents to regularise the period of occupation of quarter on Medical Grounds and payment of double the Licence Fees from 1.2.1992 to 31.5.1992;
- ii) Direct the Respondents to give a further extension to the applicant for a period of six months ending 30th November, 1992 on payment of licence fee as per rules;
- iii) Award exemplary cost for this for this application with a request to pass any other order/orders or direction/directions or grant any other relief/reliefs as deemed fit in the light of the facts and circumstances of the case."

2. As an interim measure, the applicant has prayed for keeping the impugned order at Annexure-A in abeyance. Vide the impugned order dated 18.6.1992 an order has been passed by the Estate

(3)

Officer, in exercise of the powers conferred on him under Sub-section (1) of Section 5 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 ordering the applicant and all persons who may be in occupation of the said premises to vacate the same on or before 4.7.1992. The premises are B-79, Nanak Pura, New Delhi allotted to the applicant while in service and which allotment was cancelled w.e.f. 1.2.1992, i.e., after the expiry of the period of four months from the date of retirement as permissible under the rules.

3. By Annexure A-1 the applicant requested the Asstt. Director of Estate, Nirman Bhawan, New Delhi, for permission to retain the aforesaid quarter for a period of four months w.e.f. 1.2.1992 to 31.5.1992 on medical grounds. He also enclosed a demand draft for Rs.1200/- of State Bank of India in favour of the addressee towards double the normal licence fee for the aforesaid period of four months. This request is said to have been made on 27.1.1992. Learned counsel for the applicant stated at the bar that no reply on the above request either for accepting or rejecting the same has been received by him till date. A copy of medical certificate dated 14.1.1992 from the All India Institute of Medical Sciences, New Delhi, was also enclosed along with the above request. It is the case of the applicant that he was asked to file an affidavit in regard to the ownership of a house or land in Delhi either in his name or in the name of any member of his family and the same was filed by him on 9.5.1992. He sent another letter to the Director of Estate, Nirman Bhawan, New Delhi dated 19.5.1992 praying for permission for another six months commencing from 1.6.1992 on the grounds mentioned therein (Annexure A-4). Shri Raval states that no reply to this request also has been received by the applicant so far. However, in the meantime an order has been passed on

(C)

(X)

18.6.1992 (Annexure-A) asking for vacation of the quarter on or before 4.7.1992.

4. Apart from the medical grounds the applicant has also taken the Ground that he has already been allotted a flat (Flat No.153 on Plot No.3, Block No.17, Geeta Colony, Delhi-110031) by Kaymes Cooperative Group Housing Society Ltd. of which he was a member and (Membership No. 84)/that as per the certificate given by the Society on 10.5.1992 (annexed to Annexure A-4) the Society has, however, not yet handed over the possession of the flats to its members "as it would take another six months to complete the houses and provide electricity, sewer and water connections". Learned counsel for the applicant states that it is only after 90 per cent of the construction is over that the flat is allotted. He further gives an undertaking ^{in law} in no circumstance and on no ground whatsoever the applicant shall seek either any permission from any source or stay in the aforesaid premises after 30.11.1992.

5. From what is stated above, two things are clear. Firstly, the representations of the applicant for permission for being allowed to stay in the aforesaid premises first for a period of four months w.e.f. 1.2.1992, and again for a further period of six months w.e.f. 1.6.1992, still appears to be pending consideration as no reply is said to have been received by the applicant with reference to his request. Secondly, the applicant has given an unconditional undertaking for vacating the premises on 30.11.1992. Learned counsel for the applicant also gave an undertaking under instruction from his client, at the bar that for the extended period of six months from 1.6.1992 to 30.11.1992 the applicant shall pay in advance the payment as per the rules/instructions for occupying the aforesaid premises for these six months on bi-monthly basis. In other words, for the months of

(5)

August - September
Date and July, 1992 he would make the payment before 1.8.1992.
However, for the first bi-monthly period he can make the payment
within a week of the order passed by the respondents.

6. The reasons for seeking the aforesaid permission are mentioned in his two representations.

7. In the light of the foregoing discussion, I consider it appropriate to dispose of this O.A. at the admission stage itself with the following directions :-

- (1) The respondents shall consider and pass appropriate orders on the applicant's representations dated 27.1.1992 and dated 19.5.1992 adverted to above within three weeks of the date of receipt of a copy of this order. A copy of the order as passed by the respondents shall be sent to the applicant immediately thereafter.
- (2) Till the representations are disposed of as in (1) above the impugned order passed on 18.6.1992 ordering for vacation of the premises on or before 4.7.1992 shall not be given effect to.

Cec:
(P. C. Jain)
Member (A)

as