

Central Administrative Tribunal
Principal Bench: New Delhi

28

OA No.1917/92

New Delhi this the 27th Day of April, 1994.

Shri N.V. Krishnan, Vice-Chairman (A)
Smt. Lakshmi Swaminathan, Member (J)

Indian Council of Agricultural
Research, Dr. Rajendra Prasad
Road, Pusha, New Delhi.

...Applicant

(By Advocate Sh. V.K. Rao)

Versus

Ram Niwas Gupta,
R/o A-26, III Krishi Vihar,
New Delhi-110048.

...Respondent

(By Advocate Sh. K.N.R. Pillai)

ORDER(ORAL)

Mr. N.V. Krishnan:

In this case we had a doubt whether the application was maintainable. In that regard the parties were heard and an order dated 10.11.93 was passed holding that we have jurisdiction to entertain this O.A.

2. The grievance of the applicant which is a Society under the aegis of the I.C.A.R. is that the respondent, who was allotted a quarter, had not vacated it in spite of a request to that effect and that he has not paid the penal rent which he was required to pay. It is admitted that after the order dated 10.11.93, the respondent vacated the quarter on 18.1.94. The respondent also states that he has paid all the dues as mentioned in para-7 of the O.A. where a prayer has been made to direct the respondent to pay licence fee at the damage rate upto the date of filing application and licence fee of Rs.1,038/- per month till vacation of the staff quarter. This position has been admitted by the learned counsel for the applicant

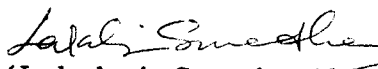
29 ~~28~~

also. However, he contends that the regulations in this regard have been amended in respect of which he does not have full particulars now. His only request, therefore, is that this O.A. may now be closed, giving the applicant liberty to agitate the matter again in case it is found that the respondent has not paid the full amount of dues in accordance with the amendment made to the regularisation in this behalf.


3. We have heard the parties. Obviously, the respondent has not been intimated about the increase in rent which he ought to have paid if an amendment had been made. We are of the view that the applicant has no right to recover either as licence fee or damage any amount with retrospective effect unless the respondent has been put on notice about the revised rates which would take effect prospectively. The learned counsel for the applicant, however, submits that a notice is not necessary in this behalf. We are not convinced with this argument.

4. That apart, such a prayer has not been made in the O.A. itself though the applicant should have known about this claim.

5. In the circumstances, we find that now that the quarter has been vacated and the dues as claimed in the O.A. have been paid, nothing remains in the O.A. for adjudication. In the circumstance, the O.A. is dismissed as having become infructuous.


(Lakshmi Swaminathan)
Member(J)

Sanju.


27.4.84
(N.V. Krishnan)
Vice-Chairman(A)