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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

* * *

OA 2243/92

Date of Decision : 06.11.92

Shri V.D. Sharma

...Applicant

Vs.

Union of India & Ors.

...Respondents

CORAM

Hon'ble Shri J.P. Sharma, Member (J)

For the Applicant

...Shri B.Krishan

For the Respondents

...Shri A.K.Tiwari,
proxy counsel for
Shri P.P.Khurana

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

JUDGEMENT

The applicant in this case is Assistant (retired) from Directorate General National Cadet Corpse, Ministry of Defence and he was allotted quarter No.C-145 Sarejini Nagar, New Delhi. The allotment of this quarter was cancelled by the order dt. 8.8.1986 (Annexure A1). In the order it is mentioned that the applicant can procure the allotment of Type 'C' quarter C-145, Sarejini Nagar, on 30.6.1986 and occupied the same on 1.7.1986 by concealing some factual information from the Directorate

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i.e., the Government of India in respect of Quarter No.326, Mohammedpura, Type-B. The allotment of quarter No.C-145, Sarojini Nagar was deemed to have been cancelled from 1.7.1986, i.e., the date of possession of the said quarter. Against this order, the applicant appears to have made a representation on 13.8.1986 (Annexure A2). The matter was, therefore, processed before Estate Officer, Directorate of Estates, who passed an order on 20.5.1988 after hearing the applicant and the relevant portion of the order is quoted below :-

"Shri V.D.Sharma and all other persons concerned are hereby ordered to be evicted from the public premises in question and to deliver physical and vacant possession thereof to the concerned Enquiry Office of the C.P.W.D within 5 days (fifteen days) from the date of publication of this order. In the event of refusal or failure to comply with this order within the specified time, the said Shri V.D. Sharma and all other persons concerned are liable to be evicted therefrom if need be, by the use of such force as may be necessary. Eviction order from 'B' has been signed by me for issue "

The applicant has preferred an appeal before the Additional District Judge, Delhi and the said appeal has been dismissed by the judgement dt. 10.8.1992. The

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relevant para/ of the same is reproduced below :-

"In view of the above facts, it appears that by no stretch of imagination it cannot be said that the present appeal has not reached the stage now when it should be termed as 'abuse of the process of the court'. Consequently, I do not find any force in this appeal and dismiss the same. Let a copy of this judgement be sent to the learned Estate Officer for information, alongwith the records. Appeal file be consigned to records."

2. After dismissal of the said appeal, the present application has been filed by the applicant for the following reliefs :-

- (a) That the cancellation of allotment dated the 8.8.1986 in respect of Government Residence bearing No.C-145, Sarojini Nagar, New Delhi may please be quashed.
- (b) That the applicant may be allowed to retain the above said premises at least till the end of September, 1992.
- (c) That the applicant may not be made liable to pay any sort of market rent/penal rent/damages in respect of the above said premises. However, the applicant is accepting the liability to pay twice the standard licensee fee in respect of the said premises for the period from 1st July, 1992 to 30.9.1992.
- (d) The judgements dated 20.5.1988 and 10.8.1992 may also please be set aside.
- (e) Such other or further order as this Hon'ble Court may deem fit and proper in the interest of justice may also please be passed in favour of the applicant.

3. I have heard the learned counsel for the applicant. No reply has been filed on behalf of the respondents.

After going through the pleadings, I find that the present application is hopelessly barred by time.

The order of cancellation of allotment was passed on

8.8.1986 and the applicant made a representation on

13.8.1986. So he should have come within one year or one

and a half year as provided under Section 21(2) of the

Administrative Tribunals Act, 1985. The applicant has not assailed that cancellation order dt. 8.8.1986 within limitation. Furthermore, the Estate Officer has passed an order against the applicant on 20.5.1988 upholding the order of cancellation as just and according to Rules. That order too has not been assailed within limitation as the present application has been filed on 28.8.1992. Thus the present application is hopelessly barred by time. Though the applicant has taken recourse, but the ^{to appeal} Appellate Court sitting under Public Premises (Eviction of Unauthorised Occupants) Act, 1971 could not have decided the issue of cancellation of allotment by the order dt. 8.8.1986. In any case, the appeal was dismissed.

4. In view of the above facts, the present application is hopelessly barred by time and also there is no case on merit. It is given out that the applicant has since retired in February, 1992. The applicant, is therefore, not entitled to any relief. The application is dismissed devoid of merit leaving the parties to bear their own costs.

J. P. Sharma
(J.P. SHARMA)
MEMBER (J)