

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

Original Application No. 238 of 2004

Thursday, this the 8th day of July, 2004

Hon'ble Mr. A.K. Bhatnagar, J.M.

Sri Ram,
Son of Sri Ram Gopal,
Resident of Taron Wala Baagh,
Gadhiana, Shahjahanpur.

.....Applicant.

(By Advocate : Shri M.C. Umrao
Shri Atul Srivastava

Versus

1. Union of India,
through the Secretary,
Ministry of Defence,
Defence Productions,
Government of India,
18-A, Sena Bhawan,
New Delhi.

2. Director General,
Ordnance Factories,
Defence Productions,
No. 220615/A/III,
Government of India,
6-Esplanade East,
Calcutta.

3. General Manager,
Ordnance Clothing Factory,
Shahjahanpur.

....Respondents.

(By Advocate : Shri S. Singh)

O R D E R

By Hon'ble Mr. A.K. Bhatnagar, J.M. :

This OA has been filed under Section 19 of A.T. Act, 1985, the applicant has prayed for a direction to respondent No.3 to charge normal rent of Government Quarters for the period 1.7.1999 to 24.4.2000. He also prayed for a direction

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to pay the balance of Terminal Benefits withheld by the respondents with interest of 18% on delayed payment of Terminal Benefits. He also prayed for a direction to pay the insurance amount of Rs.12,000/- which has not been paid till date.

2. The case, in brief, as per the applicant is that the applicant was working on the post of Tailor in Ordinance Clothing Factory, Shahjahanpur. He retired at the age of 60 years. As he was not paid his retiral benefits after retirement, he made application for retaining the Government Quarter on normal rent and he was permitted to stay in the Government Quarter vide letter dated 23.6.99 from 1.7.99 to 31.10.1999 (Annexure-2). He again applied for the retention of the Government Quarter vide application dated 23.10.1999, on which a letter dated March,2000 terminating tenancy of the applicant was issued by Estate Manager Administration in which it is clearly stated that the applicant is permitted to retain the quarter from 1.11.1999 to 29.2.2000. As per the extant rules the applicant was served with a show cause notice under sub section 1 of section 4 of Public Premises (eviction of unauthorised occupants) Act, 1971 dated 31.3.2000. The applicant vacated the quarter on 27.4.2000.

3. The grievance of the applicant is that the respondents have illegally deducted Rs.25000/- from his retiral benefits towards rent of Govt. quarter after retirement of the applicant. While one Shri Beechey Lal who had also stayed for about 18 months in the Govt. quarter was charged only Rs.6900/- The applicant filed a case No.364/2000 before Consumer Forum, Shahjahanpur, which was rejected on 6.11.2003 on the point of jurisdiction, hence he filed this OA.

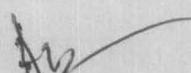
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4. Heard learned counsel for the parties, considered their submissions and perused the records.

5. Learned counsel for the applicant submitted that the applicant retained the government quarter allotted to him with the permission of the concerned officer at the normal rent. The respondents have illegally deducted Rs.25000/- towards stay for about 9 months and 24 days while the applicant had only retained the house without permission for one month and 27 days as specifically stated in Para 12 of the OA.

6. After hearing counsel for the parties, I am of the view that this case can be disposed of at the admission stage itself without calling for counter and by granting a liberty to the applicant to file a fresh detailed representation alongwith documents before respondent No.3 within two weeks from the receipt of the copy of this order and ends of justice shall better be served if respondent No.3 decides the representation of the applicant if so filed within a specific period.

7. Accordingly, the OA is disposed of at the admission stage itself with a liberty to the applicant to file a fresh representation along with documents in support of his claim within a period of two weeks from the receipt of copy of this order to respondent No.3 who is directed to decide the same within a period of three months from the date of receipt of such representation alongwith the copy of this order. No order as to costs.


Member-J

RKM/