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(Reserved)

CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD.

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Registration T.A.No. 900 of 1986.

Pratap Narain Singh . .vs. . Union of India
and another.

Hon'ble Justice Shri S.Zaheer Hasan, Vice Chairman.
Hon'ble Shri Ajay Johri, Member(A).

(Delivered by Hon'ble S.Zaheer Hasan, V.C.)

Suit No. 1719 of 1982, pending in the court of Munsif, City, Kanpur, has been transferred to this Tribunal under Section 29 of the Administrative Tribunals Act (XIII of 1985).

Plaintiff Pratap Narain Singh was posted as Sorter in R.M.S. Kanpur. He had no residential Government accommodation, so he applied for the same in 1977 and the request was repeated in the next year. On retirement of one Lajja Ram Bajpai, Sorter, his Quarter No. B/8, P. & T. Colony, Old CTO Compound, Cantt, Kanpur, fell vacant and the plaintiff occupied the same on 13.10.1978. 14th and 15th October, 1978 were holidays. On 16.10.1978 the plaintiff applied for allotment of the said accommodation in his favour. On the same day the plaintiff received a letter with the direction that he should vacate the accommodation at once otherwise

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disciplinary proceedings would be taken. The plaintiff occupied this quarter from 15.10.1978 to 22.5.1981. It was ordered that penal rent be recovered at the rate of $4\frac{1}{2}$ times the regular rent. Subsequently this order was modified and the rent was ordered to be deducted double the standard rent. The plaintiff was charge-sheeted for unauthorised occupation of this quarter and he was punished by reduction of pay up to three steps for three years. In appeal the order of reduction of pay in three steps was modified to only one step. The plaintiff filed the present suit for declaration that the order of punishment as well as the order of the appellate authority are illegal and the deduction of rent at the rate of double the standard rent of Rs. 54/- was illegal and arbitrary and at the most the Department could realise rent at the rate of Rs. 33/- per month (that is 10% of the basic pay). As regards the punishment order, the learned counsel for the plaintiff simply stated that he could not point out any illegality etc. to justify the interference except that the punishment awarded is excessive. Originally the reduction of pay by three steps was ordered for three years. This punishment was reduced to one step only in appeal.

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Plaintiff occupied the premises in question without any permission. He was asked several times to vacate the same, but he failed to do so. Ultimately an order of eviction was passed against him on 3.3.1981 and then this Quarter was vacated on 22.5.1981. So, it cannot be said that the sentence is excessive.

As regards the deduction of rent at the rate of double the standard rent, it was contended that there was no such law under which double of standard rent could be deducted. In 'Swamy's Compilation of F.R.S.R. (Part-I General Rules)', at page 153 we find the following rule:-

"Where, after an allotment has been cancelled or is deemed to be cancelled under any provision, the residence remains or has remained in occupation of the officer to whom it was allotted or of any persons claiming through him, such officer shall be liable to pay damages for use and occupation of the residence, service charges, furniture charges, garden charges, etc. The damage shall be equal to double the standard licence fee under F.R.45-B (or double the pooled standard licence fee under F.R.45-A, where licence fees have been pooled, whichever is higher) plus single other charges (i.e. service

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charges, garden charges, charges for scale furniture and extra furniture and electric appliances, etc.) under F.R.45-B including departmental charges. The additional licence fees for additions and alterations are also to be doubled in the same manner as for the building:"

In view of the above it cannot be said that the authorities could not recover damages equal to double the standard rent. The plaintiff occupied the premises wrongfully. He refused to vacate the same inspite of several orders. Therefore, there was no question of his entitlement to pay only 10% of his basic salary as rent. In the circumstances referred to above, the authorities were justified in deducting damages equal to double the standard rent.

The only contention raised on behalf of the plaintiff was that since penal rent was realised, the punishment awarded in the departmental proceedings was excessive. We have already held that the punishment was not excessive. However, the punishment was awarded first and thereafter penal rent was realised. The plaintiff was punished departmentally for his misconduct in occupying the quarter without permission and in not vacating the same inspite of various orders. Thereafter he was made to pay the damages for

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unauthorised occupation of the premises equal to double the standard rent. There was thus no illegality in passing the aforesaid two impugned orders (i.e. payment of penal rent for unauthorised occupation and, reduction in pay for his misconduct in not obeying the departmental orders). Therefore, we find no force in plaintiff's claim.

This application (Suit No. 1719 of 1982) is dismissed with costs on parties.

Yours
March 13th Vice Chairman,
1987.

R.Fr./

BERI SINGH
Member (A).