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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

Original Application No. 288 of 1988

Date of decision : September 29, 1988.

Sri Khageswar Nanda, son of Gayadhar Nanda,
Upper Division Clerk, Government of India,
Text Book Press, Bhubaneswar-5.

... Applicant.

Versus

1. Union of India, represented through the
Manager, Government of India, Text Book Press,
Bhubaneswar- 5.
2. Assistant Manager (Estate),
Government of India Text Book Press,
Bhubaneswar- 5.

... Respondents.

M/s Bimal Pr. Das & B.P.Das,
Advocates

... For Applicant.

Mr. A.B.Misra, Sr. Standing
Counsel (Central)

... For Respondents.

C O R A M :

THE HON'BLE MR. B.R. PATEL, VICE CHAIRMAN

A N D

THE HON'BLE MR. K.P.ACHARYA, MEMBER (JUDICIAL)

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1. Whether reporters of local papers may be allowed
to see the judgment ? Yes.
 2. To be referred to the Reporters or not ? No .
 3. Whether Their Lordships wish to see the fair
copy of the judgment ? Yes .
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J U D G M E N T

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K.P.ACHARYA, MEMBER (J), In this application under section 19 of the Administrative Tribunals Act, 1985, the petitioner prays for a direction to the competent authority to allot the quarters which is still in occupation of the petitioner.

2. Shortly stated, the case of the petitioner is that since 1975 he was working as Upper Division Clerk in the office of the Manager, Government of India, Text Book Press and was in occupation of a Government quarters allotted in his favour. On 9.10.1987 the petitioner was deputed for Press three years to the Postal Printing, but he continued to remain in possession of the quarters. His deputation was cut short and the petitioner came back to the same office on 15.9.1988 in which he was serving. A proceeding has been initiated against the petitioner for eviction from the said quarters. Hence this application.

3. In their counter, the Opposite Parties maintained that no illegality has been committed by initiating a proceeding for eviction because by virtue of the fact that the petitioner went on deputation to the Postal Printing Press, the petitioner lost all his rights to occupy the quarters in question and therefore rightly he is going to be evicted from the said quarters.

4. We have heard Mr. Bikram Pratap Das, learned counsel for the petitioner and Mr. A.B. Misra, learned Sr. Standing Counsel for the Central Government at some length.

All the above mentioned facts are admitted. In view of this

admitted position, we think it would not be proper to evict the petitioner from the quarters in question because he was once in occupation of the quarters being entitled to it under the rules and rules do not contemplate for disentitlement of the petitioner to occupy the quarters. In such circumstances, we would direct that the petitioner be permitted to retain occupation of the quarters in question on payment of usual rent as per rules. Mr. A.B. Misra vehemently pressed before us that penal rent should be imposed on the petitioner during the period he was in unauthorised occupation. Since the petitioner has already come back to the Text Book Press ^{therefore} and we feel it expedient in the interest of justice to direct that the petitioner should continue occupation of the quarters ^{on usual rent.} imposition of penal rent would not be justifiable.

5. Thus, the application stands allowed leaving the parties to bear their own costs.

[Signature]
29.9.88
.....
Member (Judicial).....

B.R. PATEL, VICE CHAIRMAN,

I agree.

[Signature]
29.9.88
.....
Vice Chairman.



Central Administrative Tribunal,
Cuttack Bench.
September 29, 1988/Roy, Sr.P.A.