

Serial No. Or	Date of Order	Order with Signature	Office note as to action (if any) taken on order
8	28-4-97	<p>In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant who is a Senior Artist in the Government of India Text Books Press, has prayed for quashing the order dated 4.1.1995 (Annexure-2) in which respondent no.3 has informed him that he is liable to pay enhanced licence fee in respect of Type-IV quarter in his occupation from the date of his refusal to move into a Type-III quarter. The applicant has also prayed for quashing Annexure-1, the order dated 17.1.1995 specifying the amount to be recovered from his salary at the rate of three times the licence fee along with arrears from 24.8.1993 amounting to Rs.5,148/-. The third prayer is for quashing Annexure-10 which is a circular dated 20.7.1992 of the Directorate of Estates authorising enhanced licence fee to be charged in case a Government servant, in occupation of a higher type of accommodation, refuses to change over to his entitled type of accommodation.</p> <p>2. Facts of this case are that in order dated 27.10.1988 the office of respondent no.3 invited applications from interested employees for allotment of</p>	<p>orders dt. 17.3.95</p> <p>A copy of order dt. 17.3.95 may be given to the counsels for both sides.</p> <p><u>Patwari</u> 21/3/95 <u>Almora</u> 21.3.95 S. D.</p> <p>Received copy of order Dt. 17.3.95 on behalf of Mr. Ashok Mishra Ashok Rane 21/3/95</p> <p>Mr. Ashok Mishra has filed MA 2395 on behalf of the respondents.</p> <p>Mr. Mishra has prayed for extension of time to file counter. The said OA 284/95 is placed at F. A.</p> <p>COPY OF MA HAS BEEN SERVED.</p> <p><u>Patwari</u> 6/4 B. R. R.</p>

Serial No. of Order	Date of Order	Order with Signature -2-	Office note as to action (if any) taken on order
		<p>surplus Type-IV quarter which was lying vacant. In response to this, the applicant applied for allotment of quarter and it was allotted to him. Subsequently on 29.7.1993 the office of respondent no.3 offered a Type-III quarter to the applicant to which he was entitled. It was mentioned in the offer letter dated 29.7.1993 (Annexure-5) that in case the applicant refused allotment of Type-III quarter, the same would be cancelled and he would not be entitled to another quarter for a period of one year. In response, the applicant in his letter dated 3.8.1993 (Annexure-6) pxx prayed that as Type-IV quarter was not allotted to him on his own request, he may be allowed to continue in Type-IV quarter. After that basing on Annexure-10, the impugned Annexures-1 and 2 xx have been passed.</p> <p>3. In course of hearing, it was submitted by the learned Additional Standing Counsel appearing on behalf of the Respondents that against the order of respondent, the applicant had earlier submitted a representation to the higher authorities and the decision has been communicated to respondent</p>	<p>counter filed on 10.4.95. copy of counter has been served on the applicant's counsel for further orders.</p> <p><u>factu</u> 4/15</p> <p>13 mch.</p> <p>counter has filed on 18.5.95 & copy of counter has been served on the petitioner's counsel.</p> <p>for further orders.</p> <p><u>factu</u> 18/15</p> <p>13 mch</p> <p>for hearing.</p> <p><u>factu</u> 20/13</p> <p>Bench</p> <p>Adit to 16.4.97 for hearing.</p> <p>15/4/97</p> <p>Bench</p> <p>order may be given</p> <p>For hearing adit to 28.4.97</p>

Jammal v.m
28.4.97

5

Serial No. of Order	Date of Order	Order with Signature	Office note as to action (if any) taken on order
Contd.....		<p style="text-align: center;">-3-</p> <p>no.3 in order dated 14.7.1996 of Deputy Director (Admn.) of Directorate of Printing, New Delhi. In this order it has been held by the higher authorities that the decision of respondent no.3 to ask the applicant to accept Type-III quarter when Type-IV quarter under his occupation was not required to be allotted to some other officer eligible to get Type-IV quarter, has not been in accordance with the provisions of the relevant Rules. It has further been held that raising of demand higher rent for charging xxxxx from the applicant in the event of his non-acceptance of Type-III quarter is also not accordance with the Rules and that provisions of Annexure-10 are not applicable to the case of the applicant where allotment of higher type of accommodation had been made to him not on his own request, but because such accommodation was surplus to the requirement of the Press. In view of the above, the learned Standing Counsel stated that the prayers of the applicant have been fully met by the departmental authorities after consideration of his appeal and therefore, the application has become infructuous. The learned lawyer for the applicant states that the decision of the higher authorities communicated in Office Memorandum dated 14.7.1996 has not yet been communicated to the applicant.</p> <p style="text-align: right;"><i>John Mathew 28.4.97</i></p>	

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		<p style="text-align: center;">4</p> <p>4. In consideration of the above, it is ordered that respondent no.3 should communicate a copy of the Office Memorandum dated 14.7.1996 to the applicant. The prayers of the applicant having been met by the departmental authorities on appeal by him, there is no subsisting cause of action. The application having become infructuous is, therefore, disposed of. No order as to costs.</p> <p><i>Somnath Ray</i> (S.SOM) 28/7/97 VICE-CHAIRMAN</p>	<p>Copies of Order will be despatched to the Counsel for both sides</p> <p><i>Abdul</i> 15.8.97</p> <p><i>Abdul Ray</i> 15.8.97 Received copy of order Musalidhoss 15/8/97</p>