

119

CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH: JODHPUR

ORIGINAL APPLICATION NO. 350/2010

Date of order: 02.09.2011

CORAM:

HON'BLE DR. K.B.SURESH, JUDICIAL MEMBER
HON'BLE MR. SUDHIR KUMAR, ADMINISTRATIVE MEMBER

Harish Kumar S/o Shri Nathu Ram Sharma aged about 48 years,
Occupation Scientific Assistant 'D' Heavy Water Board TDP, at RCF
Chembur, Mumbai.

The address for service of witness summon etc. on the applicant is that of his
counsel Sh. Yogesh Sharma, Advocate, 08, Ground Floor, Mahaveer Complex,
Surajpole, Pali, District Pali.

.....Applicant

By Mr. M.K.Tak, Advocate.

VERSUS

- 1- Union of India represented by Secretary to Government of India, Department of Atomic Energy CMS Marg, Anushakti Bhawan, Mumbai.
- 2- The Chairman and Chief Executive, 5th Floor, V.S. Bhawan, Anushakti Nagar, Mumbai.
- 3- The Administrative Officer-II, Heavy Water Board, 4th Floor, V.S. Bhawan, Anushakti Nagar, Mumbai.
- 4- The Senior Accounts Officer, Heavy Water Board, 4th Floor, V.S. Bhawan, Anushakti Nagar, Mumbai.
- 5- The Labour-cum-Welfare Officer, Heavy Water Plant, Anubhagya Colony, Rawat Bhata, Distt. Chittorgarh, Via Kota.

... Respondents.

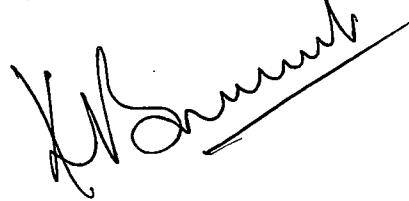
By Mr. Ankur Mathur brief holder for Mr. Vineet Mathur, Advocate.

ORDER (Oral)

(Per Dr. K.B. Suresh, Judicial Member)

Heard both counsels.

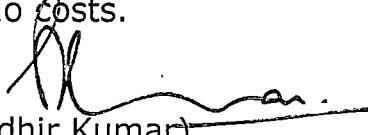
2. The committee concerned had taken a decision and issued a Circular dated 22.08.2009 which recommended a License Fee of Rs. 3,182/- p.m. for 'C' Type quarters of the type occupied by the applicant. Since the competent authority accepted the recommendations of the Committee it became applicable to the



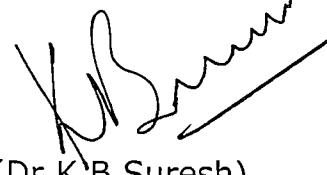


applicant only by 22.08.2009 but by then the applicant had left already vacated the quarter by 04.07.2009. Therefore, the implications of the acceptance of the competent authority vide Circular dated 22.08.2009 cannot prejudicially affect him. Such circular can only have a prospective effect and not a retrospective effect. The Hyderabad Bench of this Tribunal conclusively held that there is no question of any damage rent as the applicant was in permissible occupation. Therefore, for the period in question, he is bound to pay only @ Rs. 665/- per month as existed at the relevant time. The impugned orders are thus quashed and the respondents are directed to receive from the applicant an appropriate amount calculated @ Rs. 665/- per month without interest if demanded and paid within one month, or with interest @ 10% p.a. if paid thereafter, although demanded sufficiently early.

3. No costs.



(Sudhir Kumar)
Administrative Member



(Dr. K.B. Suresh)
Judicial Member

Jrm