

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 356 of 2001

Wednesday, this the 29th day of January, 2003

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

1. Dr. M.K. Showkat Ali,
S/o late A. Hamza Haji,
Deputy Director of Medical and Health
Services, Androt Island,
Union Territory of Lakshadweep.Applicant

[By Advocate Mr. M.V. Thamban]

Versus

1. The Administrator,
Union Territory of Lakshadweep, Kavaratti.

2. The Deputy Collector (Head Quarters)
and Estates Officer,
Union Territory of Lakshadweep, Kavaratti.

3. The Superintending Engineer,
Lakshadweep Public Works Department,
Union Territory of Lakshadweep, Kavaratti.

4. Union of India, represented by Secretary,
Ministry of Health and Family Welfare,
Nirman Bhavan, New Delhi.Respondents

[By Advocate Mr. S. Radhakrishnan (R1 to R3)]

The application having been heard on 29-1-2003, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant has filed this Original Application
challenging Annexure A-11 and Annexure A-13, for a declaration
that he is not liable for any 'damage rent' as alleged in
Annexure A-11 or Annexure A-13 for the period of his occupation
of the quarter at Kavaratti till the time granted by the
Tribunal and for a direction to the respondents not to recover
any amount towards 'damage rent' from him.

2. The Original Application is resisted by the respondents.

3. After filing this Original Application, the applicant submitted a representation dated 16-9-2002 to the 1st respondent seeking to recall the orders impugned in this case. The applicant has been given a reply dated 19-10-2002 informing him that on account of the pendency of this Original Application, the Administrator could not dispose of the representation dated 16-9-2002 and that if a decision is to be taken in the matter by the Administrator, the Original Application has to be withdrawn. Taking note of the reply, learned counsel for the applicant submitted that the Original Application may be closed with a direction to the 1st respondent to consider the representation of the applicant dated 16-9-2002 and to give him an appropriate reply within a reasonable time. Learned counsel for respondents 1 to 3 has no objection in disposing of this Original Application in that lines.

4. In the light of what is stated above, the Original Application is disposed of with a direction to the 1st respondent to consider the representation made by the applicant on 16-9-2002 and to give him an appropriate reply within a period of three months from the date of receipt of a copy of this order. No order as to costs.

Wednesday, this the 29th day of January, 2003



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

Ak.

Subject: Dispute regarding allotment of Govt. Accommodation at Lakshadweep - Department of Central Health Department

BEFORE THE HONOURABLE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. NO. 356 OF 2001

Dr. M.K. Showkat Ali

: Applicant

The Administrator
Union Territory of Lakshadweep
Kavarati and 3 others.

Vs.
:
:
: Respondents

I N D E X

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COMPIRATION I:

1. Original Application 1-12
2. Annexure A11: True copy of order dated 4.9.2000 issued by the 2nd respondent to the applicant. 13-14
3. Annexure A13: True copy of order dated 25.1.2001 issued by the 2nd respondent against the applicant. 15-20

COMPIRATION II

4. Annexure A1: A photo copy of telegram dated 31-3-2000 by the 3rd respondent to the applicant. 21
5. Annexure A2: True copy of representation dated 1.4.2000 submitted by the petitioner before the third respondent. 22
6. Annexure A3: True copy of telegram F.No.1/2000/LAB/KVT(1)/516 dated 9.5.2000 by the 3rd respondent to the applicant. 23
7. Annexure A4: True copy of representation dated 18.5.2000 submitted by the petitioner before the first respondent. 24
8. Annexure A5: True copy of representation dated 6.5.2000 submitted by the petitioner before the forth respondent. 25-26
9. Annexure A6: True copy of notice No. F.No.1/2000-DC(Estate)i) dated 22.5.2000 issued by the second respondent to the applicant. 27

10. Annexure A7: True copy of representation dated 29.5.2000 submitted by the petitioner before the second respondent. 28

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12. Annexure A9: True copy of representation dated 24.5.2000 submitted by the applicant before the Director of Estates. 31

13. Annexure A10: True copy of judgment dated 8.6.2000 in O.A. No. 626/2000 by the Hon'ble C.A.T. Ernakulam. 32-35

14. Annexure A12: True copy of objection dated 21.9.2000 submitted by the applicant before the Deputy Collector (HQ) & Estates Officer, Union Territory of Lakshadweep. 36-42

15. Annexure A14: True copy of order F.No. 2/1/935/90-CAB dated 4.8.1992 issued by the 3rd respondent. 43-52

16. Reply Statement filed by R1 to 3 - 28/01. 53 - 58

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18. Annexure A15: True copy of office memorandum No.F74(14)-E(4)(Coord)/77 dated 25.10.1977. 69

19. Annexure A16: True copy of letter No.U-14016/3/97/ANL dated 23.6.1998 issued by the Government. 70

20. Annexure A17: True copy of letter F.No. 20/106/73/DMHS dated 7.8.1973. 71 - 72

21. Annexure A18: True copy of D.O.letter No. 4/4/87/DMHS(Estt) dated 24.3.1987 by the Administrator to the Joint Secretary to Govt. of India. 73