

(A3)

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

O.A. NO. 103/92 (L)

K.K. Nigam Applicant.

Versus

Union of India & Others..... Respondents.

Sri A.K. Mitra : Counsel for the Applicant

Dr. D. Chandra : Counsel for the Respondents.

Hon'ble Mr. S.N. Prasad - J.M.

(Hon. Mr. S.N. Prasad-Judicial Member)

The main grievances of the applicant appears to be as mentioned in this application, inter-alia, that the applicant should not be saddled with the responsibility for paying market rent more than double licence-fee for the period in question, and according to the applicant, the impugned order dated 19.9.91 (Annexure-1), which calls upon the applicant to pay more than the double licence fee, be quashed.

2. The respondents in the Counter-Affidavit have resisted the claim of the applicant and inter-alia have given a detailed chart showing therein the amount of Rs. 13,608.85 paise to be recovered, and it has further been contended that the applicant is required to pay, market rent from 21.10.80 to 31.8.87 and damage charge from 01.9.87 to 04.8.88 and service charge from 01.10.80 to 04.8.88 as detailed in the Counter-Affidavit and as such there is no illegality in the impugned order and the application of the applicant has no merit and as such the application of the applicant be rejected.

3. I have heard learned counsel for the parties and have thoroughly gone through the records of the case.

4. From the perusal of (Annexure R-1 & R-2), it is apparent that the appeal of the applicant against the order dated 21.10.80, passed by the State Officer under Public Premises and eviction of unauthorised occupants) Act 1971, was dismissed, and however he was allowed further time of 60 days to vacate the premises in question. Annexure R-2 to the Counter shows that as per extant rules the rate of market rent to be recovered in respect of type II to type IV quarters is 4.66 times of the standard rent.

5. Having considered all the facts and circumstances of the case and all the aspects of the matter, I find that the applicant was rightly called upon to pay market rate of rent as per extant rules order dated 19.9.91 ^{and in the} (Annexure-1), ^{and} there is no illegality and invalidity in this regard. However, I find that the calculation chart as given in Counter-Affidavit by the respondents does not appear to be quite ~~and~~ accurate and as such the matter regarding calculation of rent for the period as specified above at the above rate shall remain open ^{direct} between the parties, and I find it expedient to the respondents to calculate the rent at the above rate from the period i.e 21.10.80 to 4.8.88 and recover only that much amount which is found appropriate and accurate as per extant rules and regularisations.

6. With the above observation the application of the applicant is disposed of as above without any order as to costs.

Lucknow, dated 17.9.92


Member (J) 17.9.92

(M.M.)