

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.932/99.

Thursday, this the 6th day of January, 2000.

Coram: Hon'ble Shri Justice R.G.Vaidyanatha, Vice-Chairman,

G.C.Gupta,
B-4, Hyderabad Estate,
Nepean Sea Road,
Mumbai.
(By Advocate Mr.Ashok Kotangale)

... Applicant.

Vs.

1. Union of India through
The Secretary, Ministry of
Urban Affairs and Employment,
New Delhi.
2. The Director of Estates (Regions)
Director of Estate, Government of
India, Nirman Bhavan,
New Delhi - 110 011.
3. The Estate Manager,
Pratiksha Bhavan,
101, Maharshi Karve Road,
Mumbai - 400 020.
(By Advocate Mr.V.S.Masurkar)

... Respondents.

: O R D E R (ORAL) :

(Per Shri Justice R.G.Vaidyanatha, Vice-Chairman)

This is an application filed by the applicant stating that he should be allowed to continue in the Quarters by paying normal rent. The respondents have filed reply opposing the application. I have heard the learned counsels appearing on both sides.

2. The applicant's services came to be terminated by the Government. The applicant filed an O.A. before the Principal Bench of this Tribunal at New Delhi. That OA came to be dismissed with certain observations in favour of the applicant.

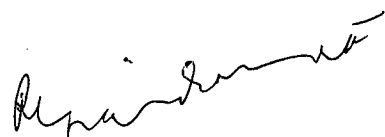
...2.



Now, I am told that the applicant's request for fresh appointment as directed by the Principal Bench of the Tribunal is under favourable consideration of the government.

The applicant is only aggrieved by the apprehended action of the respondents in demanding penal rent. It is pointed out by the learned counsel for the respondents that the apprehension is not justified, since the respondents have not taken any action by issuing show cause notice or otherwise by demanding penal rent. If and when the department demands penal rent from the applicant by issue of show cause notice or otherwise, the applicant can agitate the same. Further, the question of applicant's fresh appointment as observed by the Principal Bench is under the consideration of the Government. Hence, under these circumstances, there is no necessity for continuing this OA. If and when the department demands penal rent from the applicant, then the applicant can make a representation mentioning all the circumstances in his favour as to why penal rent should not be levied and if still any adverse order is passed by the Competent Authority, then the applicant can challenge the same according to law. Hence, without prejudice to the rights of the applicant to challenge the demand of penal rent according to law, I am disposing of this OA at this stage.

3. In the result, the application is disposed of subject to the observations made above. All contentions on merits are left open. No costs.


(R.G. VAIDYANATHA)

VICE-CHAIRMAN

B.