

(07)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: 538/91 199
T.A. NO:

DATE OF DECISION 19/2/92

Shri Upendra Nath Mishra Petitioner

Shri Y.R. Singh Advocate for the Petitioners

Versus

Union of India and 4 others. Respondent

Shri A.I. Bhatkar Advocate for the Respondent(s)

CORAM:

The Hon'ble Ms. MISS USHA SAVARA Member (A)

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ? No.
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

U. Savara
(USHA SAVARA) 19.2.92
MEMBER (A)

mbm*

(08)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 538/91

Shri Upendra Nath Mishra
v/s.

... Applicant

Union of India through
the Secretary, Ministry of Defence
New Delhi and 4 others. ... Respondents.

CORAM: Hon'ble Member (A) Miss Usha Savara

Appearances:

Mr. Y.R. Singh, advocate
for the applicant.

Mr. A.I. Bhatkar for Mr.
M.I. Sethna, advocate
for the respondents.

JUDGEMENT

Dated: 19/2/92

(I Per Usha Savara, Member (A))

This application under section 19 has been filed by the applicant with the prayer that it may be declared that the applicant is entitled to be allowed to continue in the married accommodation in his occupation or in the alternate, he may be allotted married accommodation according to his status and entitlement. The applicant also prays for declaration that he has been in authorised occupation of married accommodation since January 1982, and the recovery made by the respondents of the Licence fee at market rate is illegal and arbitrary. It is also prayed that the respondents be directed to return the entire amount recovered from the applicant as licence fee at market rate with the interest of 18% per annum.

The application was listed before the Tribunal on 22.8.1991 and was heard by the Hon'ble Vice Chairman. An interim order directing the respondents No. 4, 5 and 6 not to deduct any amount from the salary of the applicant was passed. As an interim measure, it was also directed that in case an alternative accommodation is provided to the applicant during this period the applicant will shift to that accommodation.

Mr. Y.R. Singh appeared alongwith the applicant in person and Mr. A.I. Bhatkar advocate for Mr. M.I. Sethna, counsel appeared for the respondents. The case was heard at great length and by common consent it was agreed that the case be disposed of in the following terms: -

The applicant will be allowed to continue in the married accommodation in his occupation till 31.5.1992. The Respondents will allot to the applicant the first available vacant Type V married accommodation to which he is entitled on account of his seniority. If married accommodation to which the applicant is entitled has not fallen vacant by 31.5.92 and no other alternative accommodation is available with the respondents which can be provided to the applicant, the applicant will make his own arrangements and vacate the married accommodation on 31.5.92. The recoveries made from the applicant's salary by the respondents will be refunded to the applicant within six weeks of receipt of the copy of this order, but the respondents are at liberty to take appropriate action under the Public Premises (Eviction of Unauthorised Occupants) Act 1971 in accordance with law.

In view of the above order, it is not considered necessary to go into the merits of this case. The applicant will be free to file a fresh OA in case he is aggrieved by the order of the Estate Officer under the Public Premises (Eviction of Unauthorised Occupants) Act 1971. This application is disposed of accordingly.

No order as to costs.

U. Savara
(USHA SAVARA) 19.2.92.
MEMBER (A)