

(7)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH.

Original Application No. 1055/92

~~XXXXXXXXXXXXXXXXXXXXX.~~

Date of decision 16.6.93

Shri K.L. Sharma Petitioner

Shri G.S.Walia Advocate for the Petitioner

Versus

Union of India and others Respondent

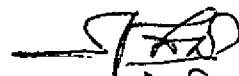
Shri V.S.Masurkar Advocate for the Respondent(s)

Coram :

The Hon'ble Shri V.D. Deshmukh, Member (J)

The Hon'ble Shri

1. Whether the Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
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 ?



(V.D. DESHMUKH)  
MEMBER (J)

(6)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No. 1055/92

Shri K.L. Sharma

... Applicant.

V/s.

Union of India through  
Secretary, Ministry of  
Defence, New Delhi.

Station Commander,  
Station Head Quarter Bombay  
24 Assaye Building, Colaba  
Bombay.

C.D.A.  
Southern Command  
No.1 Finance Office Road  
Pune.

Chief Engineer  
Project Factory  
Sub P.O. Ordnance Factory  
Badmal,  
Distt. Bolangir (Orissa)

... Respondents.

CORAM: Hon'ble Shri V.D. Deshmukh, Member (J)

Appearance:

Shri G.S. Walia, counsel  
for the applicant.

Shri V.S. Masurkar, counsel  
for the respondents.

ORAL JUDGEMENT

DATED: 16.6.93

¶ Per Shri V.D. Deshmukh, Member (J) ¶

The application is admitted and taken for hearing. Heard Shri Walia for the applicant and Shri Masurkar for the respondents.

The applicant is working as Staff Officer, Grade II, Chief Engineer, Project Factory, Bolangir (Orissa). Before he was posted to Bolangir he was posted at Bombay and was allotted quarter No. 1271/12 Chitralkha/Accn.

The applicant was transferred on <sup>30-7-91</sup> ~~7.9.91~~ and as per rules he <sup>could not</sup> ~~can~~ retain the quarter for a period of two months which would have expired on <sup>30-9-91</sup> ~~30.11.91~~.

...2...

✓ Corrected as per order of 28.7.93  
on M.P. No 533/93. J.V. Deshmukh  
28.7.93

The applicant however applied for retention of quarter and he was permitted to retain the quarter upto ~~6.5.92~~ <sup>6.11.91</sup>. It is stated that the first retention was ~~on regular rent while permission to retention for~~ <sup>retain</sup> ~~the subsequent period from 7.9.91 to 6.11.91~~ <sup>30-7-91 / 30-9-91</sup> was ~~at the rent payable as per rules. The applicant did~~ <sup>not vacate the quarter and made an application for</sup> further retention, however by the impugned order dated 6.4.92 his request for permission for retention for quarter was rejected.

*converted no for the order of 28-7-93 on M.P. no 533/93*

The applicant challenged the above order by the present application.

Today a statement is made by the learned counsel for the applicant that the applicant has vacated the quarter with effect from 29.4.93. This position is admitted by the respondents. In view of the above circumstances the question which remains is as regards licence fees/~~compensation~~ <sup>fee</sup> payable by the applicant and the application can be disposed of with the directions that the respondents shall recover the licence fee for the alleged unauthorised period of retention of quarter by following due process of law. The respondents shall recover the regular rent as long as the due process of law is ~~not~~ <sup>not</sup> completed. The applicant shall be at liberty to approach this Tribunal if <sup>he has</sup> any grievance thereafter. It is clarified that the applicant shall be at liberty to raise the pleas which <sup>are</sup> ~~raised~~ in this application in the proceedings taken up by the respondents before the Estate Officer under Section 7 of the Public Premises Act. There shall be no order as to costs.

*V.D. Deshmukh*  
(V.D. DESHMUKH)  
MEMBER (J)