

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 20 APR 1993

APPLICATION NO (S) 155/93

W.P. NO (S)


Applicant (s) G. Rajamonickam vs Respondent (s) Director, Foreman
Training Institute, Blore & Others.

To

1. Sri. G. Rajamonickam,
S/o. S. G. Rajan
Foreman Training Institute
Campus, Turakur Road,
Bangalore-560022.
2. Dr. M. S. Nagaraja
Advocate, no 11,
II Floor, Sujatha Complex,
Gandhinagar,
Bangalore-9.
3. The Director,
Foreman Training Institute,
Turakur Road,
Bangalore-560022
4. Director General,
Employment & Training
M/o Labour, Govt of
India, New Delhi.
5. Secretary,
M/o. Urban Development
(Dept of Estates)
New Delhi.
6. Sri. M. Vasudeva Rao,
Central Govt Engg Counsel,
High Court Bldg,
Bangalore-1

Subject : FORWARDING COPIES OF THE ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of the ORDER/STAY/
INTERIM ORDER passed by this Tribunal in the above said
application (s) on 31-03-93.


For DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS DAY THE 31ST OF MARCH, 1993

Present: Hon'ble Justice Mr.P.K.Shyamsundar
Hon'ble Mr.V.Ramakrishnan

Vice-Chairman
Member(A)

APPLICATION NO.155/1993

G.Rajamonickam
aged 43 years
son of late Shri S.G.Rajan
residing at quarters in Foreman Training Institute
Campus,
Tumkur Road,
Bangalore - 560 022.

Applicant

(Shri M.S.Nagaraja - Advocate)

Vs.

1. The Director
Foreman Training Institute,
Tumkur Road,
Bangalore - 560 022.
2. The Director-General
Employment and Training
Ministry of Labour,
Government of India
New Delhi.
3. Union of India,
represented by its
Secretary to Government
Ministry of Urban Development
(Department of Estates)
New Delhi.

Respondents

(Shri M.V.Rao - Advocate)

This application has come up before this Tribunal
for orders. Hon'ble Mr.V.Ramakrishnan, Member(A) made the
following:

ORDER



The applicant was allotted by the Department a Government quarter of a type higher than of what he was normally entitled to. It is not in dispute that the allotment order was issued by the Government. Subsequently, on finding that the type of quarter allotted to him was ~~of~~ higher than his entitlement, the Department had unilaterally sought to recover penal rent which is three times the licence fee applicable to the type of quarter occupied by the applicant. The order of the Government to recover the penal rent was stayed by this Tribunal on the basis of a prayer made by the applicant.

On hearing the learned counsel for the applicant and also the learned Standing Counsel for the Government, it is clear that the action of the department in trying to recover penal rent for quarters legitimately allotted to the applicant by the Department itself is not sustainable. Accordingly, we hereby quash the impugned order dated 20.11.92 with the liberty to the Department to allot any other Government quarter to the applicant as per his entitlement. So long as the applicant is allowed to stay in his present quarter, he should pay the standard licence fee. No costs.

Sd-
MEMBER(A)

Sd-
VICE CHAIRMAN

TRUE COPY

SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

20/4/93

