

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 543/94

Transfer Application No:

DATE OF DECISION: 9.8.1994

Shri K.C.Kuncharia Petitioner

Shri K.S.Kalappura Advocate for the Petitioners

Versus

Union of India & Ors. Respondent

Sh.V.S.Masurkar for R.NO. 1to3, 5,6. Advocate for the Respondent(s)

Sh.R.K.Shetty for R.NO. 4

CORAM :

The Hon'ble Shri B.S.Hegde, Member (J)

The Hon'ble Shri

1. To be referred to the Reporter or not ? p
2. Whether it needs to be circulated to other Benches of the Tribunal ?


(B.S.Hegde)
MEMBER (J)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

(4)

OA. NO. 543/94

Shri K.C.Kuncheria

... Applicant

V/S:

Union of India & Ors.

... Respondents

CORAM: Hon'ble Member (J) Shri B.S.Hegde

Appearance

Shri K.S.Kalappura
Advocate
for the Applicant

Shri V.S.Masurkar
Advocate
for Respondents No.
1 to 3, 5 & 6

Shri R.K.Shetty
Advocate
for Respondent No. 4

ORAL JUDGEMENT

Dated: 9.8.1994

(PER: B.S.HEGDE, MEMBER (J))

Learned counsel for the respondents submits that in the earlier OA. No. 726/93 the applicant had challenged the levy of market rent as well as seeking for alternative accommodation. Since the respondents have already given alternative accommodation, the Tribunal thought it fit to dispose of the OA. by passing an order as under :

for
" Heard both the parties. Learned counsel for the respondents Shri Shetty states that the alternative accommodation has already been allotted to the applicant on 26.8.93, a copy of the same is filed with the court. The present accommodation will be vacated by 30.9.93 by the applicant. Since the matter is infructuous the case is dismissed."

2. In this OA. the learned counsel for the applicant challenges the respondents' charging the market rent and seeking refund of the same. The respondents in their show cause notice clearly mentioned that the applicant was allotted Accn.No. A-16 Fathima Manzil, Colaba, Bombay for a period of six months from 20.1.1992 on humanitarian grounds since the

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said accommodation was meant for defence combatant and could not be allotted to defence civilians. The respondents charged market rent from 16.2.1993 to 30.9.1993, the date when the applicant vacated the quarter. The learned counsel for the applicant submits that the rent charged is not in accordance with the rules. The earlier OA. was also filed for the same relief, therefore, the principle of res judicata will apply to this case. We see no merit in the OA. ^{and therefore,} ~~as~~ the OA. is dismissed at the admission stage itself.

B.S.Hegde
(B.S. HEGDE)

MEMBER (J)

mrj.