

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No: 46/94

Transfer Application No:  
XXXXXXXXXXXXXXXXXXXXXXX

DATE OF DECISION 22.2.1994

Shri D.B.Somani Petitioner

Shri S.P.Kulkarni Advocate for the Petitioners

Versus

Union of India & Ors. Respondent

Shri S.S.Karkera for Sh.P.M.Pradhan Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri Justice M.S.Deshpande, Vice Chairman

The Hon'ble Shri

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 ? *no*

  
(M.S.DESHPANDE)  
VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, BOMBAY

OA.NO. 46/94

Shri Dwarkanath Badrinarayan Somani

... Applicant

V/S.

Union of India & Ors.

... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande

Appearance

Shri S.P.Kulkarni  
Advocate  
for the Applicant

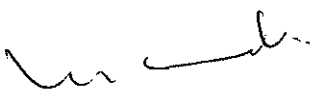
Shri S.S.Karkera  
for Shri P.M.Pradhan  
Advocate  
for the Respondents

ORAL JUDGEMENT

Dated: 22.2.1994

(PER: M.S.Deshpande, Vice Chairman)

This is an application challenging the orders imposing damage rent on the applicant for occupation of Government quarters. The applicant was transferred from Pune to Karad on 26.7.1990 and was in occupation of the Government quarters for a period beyond the permitted period of two months. The applicant made a request for allowing him to continue to be in occupation of the quarters for another four months. Eviction proceedings came to be taken against the applicant and a notice under Section 4 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. The applicant's grievance is that no notice<sup>as</sup> required under Section 7(3) of the Public Premises (Eviction of Unauthorised Occupants) Act was given to him. It is apparent that no order could have been passed under sub section (1) or (2) without giving



a notice as required under sub-section (3) before assessing the damages at use of occupation of premises.

2. In result, the respondents are directed not to recover any damage rent without taking steps as required under Section 7 (3) of the Act. The amount of Rs.100/- towards damage rent which was recovered from him, was refunded to him after the said order was passed.

No order as to costs.



(M.S.DESHPANDE)

VICE CHAIRMAN

mrj.