

(05)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. **277/95**

Transfer Application No.

Date of Decision

14/11/95

Shri D.K.Jagtap & Ors.

Petitioner/s

Shri S.P.Saxena

Advocate for
the Petitioners

Versus

Union of India & Ors.

Respondent/s

Shri V.S.Masurkar

Advocate for
the Respondents

CORAM :

Hon'ble Shri. P.P.Srivastava, Member (A)

Hon'ble Shri.

(1) To be referred to the Reporter or not ?

(2) Whether it needs to be circulated to other Benches of the Tribunal ?


(P.P.SRIVASTAVA)
MEMBER (A)

(06)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

OA. NO. 277/95

Shri D.K.Jagtap & Ors. ... Applicants
V/S.

Union of India & Ors. ... Respondents

CORAM: Hon'ble Member (A) Shri P.P.Srivastava

Appearance

Shri S.P.Saxena
Advocate
for the Applicants

Shri V.S.Masurkar
Advocate
for the Respondents

JUDGEMENT

(PER: P.P.Srivastava, Member (A))

Dated: 14/11/95

The applicants are Group 'D' employees. They were allotted residential accommodation by the respondents. Applicant No. 1 was allotted quarter from 17.6.1987, Applicant No. 2 from 26.6.1987, Applicant No. 3 from 1.6.1987 and Applicant No. 4 from 11.10.1989 as brought out in Ex.'C' to the OA. During one of the surprised check conducted in 1991 by the respondents, it was found that unauthorised persons were residing in the Government quarters of the applicants. Thereafter, Respondent No. 2 directed that the allotment of the unauthorisedly occupied quarters should be cancelled and damage rent should be charged from the date of allotment of quarter till vacated by them. The respondents cancelled the allotment of the quarters of the applicant vide their letter dated 14.1.1992 unilaterally without giving an opportunity or show cause notice and without following the provisions



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(62)

of P.P. Act and the applicants were forced to vacate the quarters. The respondents further ordered recovery of damage rent vide their letter dated 23.8.1993 (Ex. 'H') and started recovery from the applicants at the rate of Rs.1,000/- p.m. It is noted that the recovery has been stayed by interim order passed by this Tribunal on 13.3.1995.

2. It is now well established and in view of our judgement in OA. NO. 439/95 decided on 25.7.1995 that for recovery of damage rent it is necessary that the action should be taken under P.P. Act. In this case, it is obvious that no action has been taken under P.P. Act for the recovery of the damage rent. I am, therefore, of the opinion that the recovery of the damage rent is illegal and cannot be made without following the procedure laid down under P.P. Act.

3. I, therefore, direct as under :-

- (1) The respondents will charge normal rent which was being paid by the applicants before 31.12.1991 till the date of vacatin of the quarter by the applicants.
- (2) Respondents would be free to take action under P.P. Act for recovery of damage rent.
- (3) Any excess recovery made should be refunded within a period of three months from the date of receipt of this order.

The OA. is disposed of with the above directions.


(P.P. SRIVASTAVA)

MEMBER (A)