

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No.

255/97

Transfer Application No.

Date of Decision 8.1.1998

K.K.Sharma

Petitioner/s

Shri Suresh Kumar

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 ? *No*
- (2) Whether it needs to be circulated to
other Benches of the Tribunal ? *No*


(P.P.SRIVASTAVA)
MEMBER (A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

DA.NO. 255/97

Thursday this the 8th day of January, 1998

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

Krishan Kumar Sharma
Dy. Registrar of Trade Marks,
Trade Mark Registry,
Central Building,
101, M.K.Marg, Mumbai.

By Advocate Shri Suresh Kumar

... Applicant

V/S.

Union of India through

1. The Director of Estates,
Directorate of Estates,
Nirman Bhavan, New Delhi.
2. Estate Manager,
Govt. of India,
3rd Floor, Old CGO Building,
Annex, 101, M.K.Road, Mumbai.
3. Registrar of Trade Marks,
Trade Marks Registry,
Central Building, 101, M.K.Road,
Mumbai.

By Advocate Shri V.S.Masurkar
C.G.S.C.

... Respondents

ORDER

(Per: Shri P.P.Srivastava, Member (A))


Heard Mr. Suresh Kumar, learned counsel for the applicant and Mr. V.S. Masurkar, learned counsel for the respondents.

2. The applicant was transferred to Calcutta on 28.2.1996. He came back to Bombay on retransfer on 18.10.1996. The applicant was granted permission to retain the quarter vide the administration order dated 13.9.1996 at Bombay from 28.4.1996 to 28.10.1996 by paying double the normal rent. The case of the



applicant is, he has come back to Bombay within the time prescribed by the administration and the same should be regularised in his name. The ld. counsel for the respondents submitted that the case of the applicant was considered and the administration has issued a letter dated 8.5.1997 by which it is seen that the applicant would be entitled to regularisation because his priority for Type-IV accommodation has been covered on 30.4.1997. The ld. counsel for the applicant has argued that the applicant is required to pay Rs.50,634/- being the penal rent before he can be allotted quarter on the basis of his own priority from 30.4.1997.

3. I have heard both the parties. The applicant had been allowed retention of quarter in terms of letter dated 13.9.1996. He has come back to Bombay before the expiry of this period and has joined on 18.10.1996, therefore, the period from the date of his departure to his coming back is covered by the order dated 13.9.1996. The only question remains now for the period from 18.10.1996 to 30.4.1997 when the applicant would be entitled to accommodation as per his own turn. After considering the arguments of both the counsels, I am of the view that since the applicant is entitled to be given quarter under his own priority from 30.4.1997, the period between 18.10.1996 to 30.4.1997 should also be covered by granting him retention of quarter at double the normal rent which has been granted to him upto 28.10.1996. The applicant would be entitled to regularisation of quarter from 30.4.1997 after paying the rent for the period from 28.10.1996 to 30.4.1997 at double the normal rent. The OA. is disposed of. *No costs*


(P.P. SRIVASTAVA)
MEMBER (A)