

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

O A.781/99

dt.7-9-2000

Between

MVS Prasad Rau

: Applicant

and

1. Govt.of AP rep. by  
its Secretary  
Genl. Admn. (Special-A)  
Sectt., Hyderabad 500022

2. Estate Officer  
Govt. of AP, Hyderabad &  
Secunderabad Area,  
Meera Cinema Lane, Khairatabad  
Hyderabad 500004

3. Secretary (Personnel)  
Min.of Personnel, PG & Pensions  
Govt. of India, New Delhi

: Respondents

Counsel for the applicant

: S. Ramakrishna Rao  
Advocate

Counsel for the respondent NO.3

: K. Narahari  
CGSC

Counsel for the respondents 1 & 2

: VV Anil Kumar,  
SC for State of AP

Coram

Hon. Mr. R. Rangarajan, Member (Admn.)

Hon. Mr. B.S. Jai Parameshwar, Member (J)

*D*

Order

Oral order (per Hon. Mr. B.S. Jai Parameshwar, M(J))

Heard Mr. S. Ramakrishna Rao for the applicant and Mr. Srinivasa Rao for Mr VV Anil Kumar, for the State of AP, and Mr. K. Narahari for Respondent No.3

2. The applicant is a retired IAS officer of State of AP. While he was in service he was provided with residential accommodation IJ-28 at Erramanzil colony, Hyderabad. He retired from service with effect from 31-8-1996.

3. After retirement the applicant had not vacated the quarters allotted to him. However, the applicant had earlier approached this Tribunal in OA.1398/96. In the said OA the applicant was permitted to retain the quarter for a period of 4 months beyond the concessional period i.e. from 1-12-96 to 31-3-97 or till the pension is settled, whichever is earlier.

4. The applicant <sup>had</sup> vacated the quarters on 21-7-1998. The respondent authorities issued him <sup>the</sup> impugned letter dated 7-4-99 asking him to pay rent from 1-9-96 to 31-7-98 at Rs.1017/-p.m.

5. The applicant has filed this OA challenging the impugned letter No.A2/IJ-28/618/96 dated 7-4-99 of the second respondent proposing to recover/damage rent for the quarters occupied by him for the period from 1-9-96 to 31-7-98 at Rs.1017/- inspite of occupation with the permission of the respondents and with the direction of this Tribunal, and for a declaration that the recovery is arbitrary and illegal.

6. Further he prays for a direction to the respondents to charge normal rent for the period from 1-9-96 to 21-7-98 with all consequential benefits.

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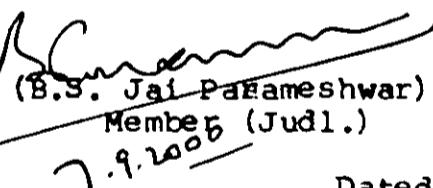
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7. The respondents have filed the reply. In page 4 of the reply they have given the particulars as to how the applicant is liable to pay a sum of Rs.17,662.80 towards occupation of quarters.

8. From the calculations made therein it is disclosed that the respondents have levied the rent at the rate of Rs.1017/- p.m. for the period from 1-12-1996 to 31-3-1997. During this period the applicant was permitted to occupy the quarter by the order of this Tribunal. When the applicant was permitted to occupy the quarters there was no justification for the respondents to charge Rs.1017/- p.m. for the period from 1-12-1996 to 31-3-1997. They shall calculate the rent at the rate of Rs.96/- p.m. and recover from the applicant.

9. The respondents shall recover the rent at usual rate at Rs.96/- p.m. for the period from 1-12-1996 to 31-3-1997.

10. With the above direction the OA is disposed of. No order as to costs.

  
(B.S. Jai Pakameshwar)

Member (Judl.)

7.9.2000

  
(R. Rangarajan)

Member (Admn.)

Dated : 7 Sept. 2000  
Dictated in Open Court

  
Shriram

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N THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH:HYDERABAD

COPY TO:-

1. HON. CHIEF JUSTICE
2. MR. (ADMN) MEMBER
3. HON. JUD. MEMBER
4. D.R. (ADMN)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

1ST AND 2ND COURT

TYPED BY CHECKED BY  
COMPARED BY APPROVED BY

THE HON'BLE MR. JUSTICE DR. NASIR  
VICE CHAIRMAN

THE HON'BLE MR. R. RANGARAJAN  
MEMBER (ADMN)

THE HON'BLE MR. DS. JAI PARAMESHWAR  
MEMBER (JUD)

DATE OF ORDER--7/9/2000

MR/RM/CP.NC

IN

DA.N. 781/99

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

C.P.CLOSED

R.A.CLOSED

(9 copies)

DISPOSED OF ~~WITH~~ DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
प्रेषण / DESPATCH

26 SEP 2000

हैदराबाद स्पष्टपाठ  
HYDERABAD BENCH