

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. Narghari
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)



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 ^{had} vacated the quarters on 21-7-1998. The respondent authorities issued him ^{the} 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 ^{the} damage rent for the quarters occupied by him for the period from 1-9-96 to 31-7-98 at Rs.1017_{pm} in spite 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.

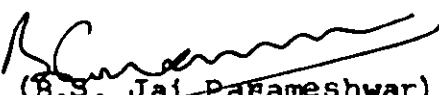
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7. The respondents have filed the reply. In page 4 of the reply they have given the particulars as to how the applicant is liable to pay a sum of Rs.17,662.80 towards occupation of quarters.


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 Prakash)
Member (Judl.)

7.9.2000


(R. Rangarajan)
Member (Admn.)

Dated : 7 Sept. 2000
Dictated in Open Court


18/9/00

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH:HYDERABAD

COPY TO:-

~~1ST AND 2ND COURT~~

1. HDHND
2. ~~HRN~~ (ADMN) MEMBER
3. HDSJP (JUDL) MEMBER ✓

TYPED BY CHECKED BY
COMPARED BY APPROVED BY

4. D.R. (ADMN) ✓

THE HON'BLE MR. JUSTICE DH. NABIR
VICE-CHAIRMAN

5. SPARE ✓

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

6. ADVOCATE

THE HON'BLE MR. BS. JAI PARAMESHWAR
MEMBER (JUDL) ✓

7. STANDING COUNSEL

DATE OF ORDER- 7/9/2000

MA/RA/CP. NO

IN

CA. N. 781/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

~~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 न्यायपीठ
HYDERABAD BENCH