

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 562 of 2001

Jabalpur, this the 23rd day of January, 2004.

Hon'ble Mr. G. Shanthappa, Judicial Member

Brij Bhushan Gupta,  
S/o Shri R.P. Gupta,  
aged about 36 years,  
Gardener Grade-D,  
Jai Rifles Regimental Centre,  
r/o 39/9, Military Farm  
Mandla Road, Jabalpur(M.P.)

APPLICANT

(By Advocate - Shri S. Paul)

VERSUS

1. Union of India,  
Through its Secretary,  
Ministry of Defence,  
New Delhi.
2. Adjutant General,  
Adjutant General's Branch,  
Army Headquarters, DHQ,  
P.O. New Delhi - 110 011.
3. Station Commander  
Station Headquarters,  
Jabalpur(MP).
4. Deputy Asstt. Director  
(Officer Incharge),  
Military Farm, Mandla Road,  
Jabalpur(M.P.)

RESPONDENTS

(By Advocate - Shri Terrence Burrows on behalf of  
Shri B. da.Silva)

O R D E R (ORAL)

The applicant has filed above OA seeking a direction to set aside the order dated 14.8.2001(Annexure-A-1) and further direction to the respondents to permit the applicant to continue <sup>in</sup> the Government accommodation as if the aforesaid impugned order is never passed.

2. The brief facts of the case are, that the applicant was allotted Government accommodation. During the pendency

*Gf.*

of the OA, the applicant has vacated the accommodation by intimating the respondents. The grievance of the applicant is that the impugned order dated 14.8.2001 (Annexure-A-1) has been issued by the in-competent authority. Since there is no order of cancellation of allotment, the respondents are not supposed to pass the impugner order.

3. The applicant has submitted his representation vide Annexure-A-7. dated 13.8.2001, to the incharge officer of the Station Commander, the impugned order at Annexure-A-1 is <sup>passed</sup> by the Officer incharge <sup>who has</sup> communicated <sup>to</sup> the same to the comdt. JAK RRC, Jabalpur on 14.8.01, the said communication is marked to the applicant. Against the said order, the applicant has submitted his representation, urging all the ground that he is not entitled <sup>To pay</sup> penal rent, since there is no order of cancellation of allotment.

4. The learned counsel for the applicant has <sup>relied on</sup> Rule 18 of SRQ 308, since the applicant has not violated any provision of allotment order, and the competent authority has not cancelled the order of allotment, under the circumstances the applicant is not liable for payment of the penal rent.


5. The learned counsel for the respondents has submitted that since the applicant has submitted his representation, a direction may be given to consider the case of the applicant sympathetically and pass an appropriate order by the competent authority. The learned counsel for the respondents has also admitted that the applicant has vacated the quarter during the pendency of the OA.

6. Heard the learned counsel for the parties and perused the pleadings and record.

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7. After hearing either side, I direct the respondents to consider the representation dated 13.8.01, applying the rules. The authority has to decide whether the allotment order was cancelled or not as on date or passing the order of recovery. At this stage, the learned counsel for the applicant submits that the applicant wants to submit a fresh representation for bringing to the notice of the respondents <sup>ie</sup> the subsequent events after filing <sup>the</sup> the OA. The applicant is permitted to submit a fresh representation assigning the rule provision and also the grievance of the applicant within a period of 15 days. After submission of the fresh representation, the respondents are directed to decide the aforesaid representation at Annexure-A-7 and also the fresh representation to be submitted by the applicant by passing a detailed, reasoned and speaking order, thereafter and communicate the same to the applicant. The said direction has to be complied within a period of one month from the date of receipt of a copy of the representation. Accordingly the OA is disposed with the above direction.

  
(G. Shanthappa)  
Judicial Member

SKM

पृष्ठंकन सं ओ/ज्या.....जयलपुर, दि.....  
प्रतिलिपि आवे धितः--

- (1) सचिव, जयलपुर नगर पंचायत, जयलपुर
- (2) कार्यवाही अधिकारी, जयलपुर नगर पंचायत, जयलपुर
- (3) कार्यवाही अधिकारी, जयलपुर नगर पंचायत, जयलपुर
- (4) कार्यवाही अधिकारी, जयलपुर नगर पंचायत, जयलपुर

सूचना एवं अवसर का उपयोग करके

उप निम्न

*Filed on 6-2-01*