

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

O.A. No.60/1080/2017

Date of decision: 19.12.2018

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**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).
HON'BLE MRS. P. GOPINATH, MEMBER (A).**

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Suresh Kumar Kharab S/o Sh. Balbir Singh, aged 57 years, Chief General Manager, National Buildings Constructions Corporation Ltd., 182-M.D.C., Sector-4, Panchkula, Resident of Quarter No.599A, Type V, Sector-32, Chandigarh. Group A.

... APPLICANT

VERSUS

1. Union of India through Secretary to Govt. of India, Department of Science and Technology, Vigyan Bhawan, New Delhi.
2. Union of India through Secretary to Govt. of India, Department of Urban Development, Nirman Bhawan, New Delhi.
3. Director, Punjab, Haryana & Chandigarh, Geo-Spatial Data Centre (GDC) & Director of Survey of India (SOI) Estate, Survey of India, Dakshin Marg, Sector-32, Chandigarh.

... RESPONDENTS

PRESENT: Sh. R.P. Dangi, counsel for the applicant.
Sh. K. K. Thakur, counsel for the respondents.

ORDER (Oral)

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SANJEEV KAUSHIK, MEMBER (J):-

1. By means of present O.A., the applicant assails order of eviction dated 17.10.2016 (Annexure A-1), order dated 22.11.2016 (Annexure A-2), letter dated 05.04.2017 (Annexure A-3) and letter dated 17.07.2017. He has also prayed that respondents may be directed to adjust the amount of Rs.66,820/- paid by him for the period 19.11.2016 to 09.04.2017, as per the agreed terms and conditions of the allotment letter, and against Rs.1,80,198/- relating

to the revised bill of Market Rent/Damage Charges in respect of quarter No.598-B.

2. On the commencement of hearing, Sh. Dangi, learned counsel for the applicant fairly submitted that after impugned order dated 17.10.2016, the applicant approached this Tribunal by filing O.A., which 60/1103/2016, which was withdrawn enabling him to challenge the impugned order before the District Court, under the relevant rules. He also submitted that eviction order has been upheld by learned Additional District Judge vide order dated 18.03.2017 (Annexure A-35). Aggrieved against that, Writ Petition No.6672/2017 was filed by the applicant, where Hon'ble High Court vide judgment dated 29.03.2017 allowed him to continue with premises for two months provided he pays market rent and clear damages, if any, within a period of 10 days from the date of receipt of a certified copy of the order (Annexure A-36). Immediately thereafter, within ten days, applicant evicted that house. Learned counsel submitted that though he has challenged impugned order of cancellation of allotment on various grounds but considering that as per Section 4 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, his eviction has been upheld by the Hon'ble High Court, therefore, he is not challenging that order. However, he submitted that applicant has already paid amount of Rs.66,820/- for the period 19.11.2016 to 09.04.2017 as rent which may be adjusted against the demand of Market Rent/Damage Charges of Rs.1,80,198/-.
3. To this, learned counsel for the respondents submitted that in para no.10 of the written statement, respondents have clarified that they

have calculated amount of Rs.2,47,506/- on account of Market Rent/Damage Charges for the period 19.11.2016 to 31.05.2017. As the applicant vacated house on 09.04.2017 i.e. prior to completion of two months period so the amount was recalculated and revised bill of sum of Rs.1,80,198/- was prepared to be recovered from the applicant but the above averment does not reflect that the amount paid by the applicant earlier i.e. Rs.66,820/- for the period 19.11.2016 to 09.04.2017 has been adjusted by the respondents, or not.

4. Accordingly, we direct the respondents to recalculate the amount after adjusting the earlier amount paid by him from total bill of Rs.1,80,198/- and of balance amount if the amount as claimed by the applicant has not already been adjusted by the respondents.
5. The O.A. stands disposed of in the above terms. No costs.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 19.12.2018.

Place: Chandigarh.

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