

(2019) 08 CAT CK 0038

In the Central Administrative Tribunal

Case No : Original Application No. 4120 Of 2018, Miscellaneous Application No. 2547 Of 2019

Kuldeep Kumar

APPELLANT

Vs

Chief Executive Officer And Anr

RESPONDENT

Date of Decision : 09-08-2019

Acts Referred:

Citation : (2019) 08 CAT CK 0038

Hon'ble Judges : L. Narasimha Reddy, J

Bench : Single Bench

Advocate : Satwant Singh Munde, Keshav Rai, Ruchi Munjal

Final Decision : Disposed Off

Judgement

1. The applicant is an employee of Delhi Jal Board, and he was allotted a government accommodation. However, on finding that he sublet the same, an order was passed on 09.05.2014 requiring him to vacate the quarter. The said order is challenged in this OA.

2. The applicant contends that the allegation that he sublet the premise is factually incorrect and that there was no basis for order of eviction. Though the applicant prayed for interim relief, it was not granted and he accordingly vacated the premises.

3. During the pendency of the OA, the respondents issued a notice for recovery on 17.05.2019. Through that, the concerned authority was directed to prepare a recovery statement of license fee. The applicant filed MA No.2547/2019 in this behalf.

4. Heard Shri Satwant Singh Munde, Shri Keshav Rai and Ms. Ruchi Munjal, learned counsel for the applicant.

5. The HRA of the applicant is not being released on the ground that some recovery is sought to be made. From the perusal of the notice dated 17.05.2019,

it is evident that the respondents are yet to determine as to what exactly is the amount to be recovered from the applicant. That being the situation they cannot withhold the HRA, once the applicant is not occupying any official accommodation.

6. The OA and the MA are accordingly disposed of directing the respondents to release the HRA of the applicant. It is, however, made clear that in case the applicant is liable to pay any amount referable to the quarter when it was under his occupation, it shall be open for them to recover the same duly serving notice upon him. There shall be no order as to costs.