

Union of India and Others

Vs

Shiv Charan

Special Leave Petition (C) No. 881 of 1990

(CJI Sabyasachi Mukharji, M. M. Punchhi, K. N. Saikia JJ)

23.04.1990

ORDER

1. Special leave granted.
2. This is an appeal from the judgment and order of the Central Administrative Tribunal, Principal Bench, New Delhi, dated August 16, 1989. Having considered the facts and circumstances of this case and having heard counsel for both the parties, we are of the opinion that the appropriate order would be to allow this appeal and to direct that the possession of the railway quarter, now in possession and occupation of the respondent, should be handed over by the respondent and taken possession of by the appellants or their representatives on or about May 23, 1990 and the entire amount due and owing to the respondent, less the amount mentioned hereinafter, will be handed over by the officer taking possession then and there.
3. Rent for the period overstayed may be deducted from the payment to be made as aforesaid. The appellants will be entitled to make claim in accordance with law to which they are entitled to, for any excess or penal rent, and the respondent will be at liberty to make any claim for compensation in the appropriate forum which he claims to be entitled to.
4. The civil appeal is disposed of accordingly. No costs.
5. Special Leave Petition (Civil) No. 11732 of 1989 is taken on board and is disposed of on the aforesaid terms.

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