

Central Administrative Tribunal
Principal Bench, New Delhi

O.A.No.1/2002

Hon'ble Shri Shanker Raju, Member(J)

Thursday, this the 6th day of June, 2002

1. Director General
Council of Scientific & Industrial Research
Rafi Marg,
New Delhi - 110 001.
2. National Physical Laboratory
through its Director
Dr.K.S.Krishnan Marg
New Delhi - 110 012. ... Applicants

(By Advocate: Shri Praveen Swarup)

Vs.

Dr. Rashmi Paul
Quarter No.J-03, CSIR Apartments
Maharani Bagh
Ashram Chowk
New Delhi. ... Respondent

(By Advocate: Shri Sudarshan Rajan)

O R D E R (Oral)

By Shanker Raju, M(J):

Heard both the learned counsel.

2. The uncontradicted facts of the case are that the respondent herein has preferred OA before the Tribunal in OA 777/1999 which was dismissed on 10.11.2000 and against that a Writ Petition No.3111/2001 has been filed by the respondent, which is pending adjudication.

3. This application has been filed by the applicants, i.e., CSIR for vacation of the Government accommodation as well as recovery of the dues, i.e., by way of penal rent, etc. As the respondent herein has already vacated the Government accommodation, the only issue left open is for recovery of the penal rent. By placing reliance on a decision in OA

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353/1994 in CSIR & Another Vs. Shri K.L.Mago, decided on 22.12.1995, the learned counsel for applicants, i.e. CSIR stated that, in similar circumstance, the applicants therein have been directed to effect the recoveries in the same manner as the Director of Estate effects recoveries in respect of penal licence fee dues relating to Central Govt. Pool Accommodation.

4. Learned counsel for applicants stated that if the respondent herein is reinstated by the High Court, the entire period would be regularised and he would not be treated as an unauthorised occupant.

5. In this view of the matter, as the respondent herein had over stayed in the Government accommodation beyond the permissible period, it is open for the applicants to effect recoveries from the respondent as directed in the aforesaid OA No.353/94. However, the aforesaid recovery, if any, is subject to the final outcome of the Writ Petition No.3111/2001, which is pending before the High Court.

6. The OA is disposed of accordingly. No costs.

S. Raju
(Shanker Raju)
Member(J)

/rao/