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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1249/2002

New Delhi this the 21st day of July, 2003.

HON'BLE MR. SHANKER RAJU, MEMBER (JUDICIAL)

1. Director General,
Council of Scientific & Industrial Research,
Anusandhan Bhawan,
2, Rafi Marg, New Delhi-110001.
2. Director,
National Physical Laboratory,
Dr.K.S.Krishnan Marg,
New Delhi-110012.

...Applicants

(By Advocate: Shri V.K.Rao)

-Versus-

Dr.S.Bose,
403-A, Navin Apartment,
Plot No.13, Sector-V,
Dwarka, New Delhi-45.

...Respondent

(Applicant in person)

O R D E R (ORAL)

By Mr. Shanker Raju, Member (J):

The present OA has been filed by the CSIR seeking direction to the respondent to vacate the accommodation and to pay penal licence fee quantified at Rs.75,543/- along with electricity and water charges.

2. Respondent was engaged as a Research Associate on 29.1.94 and was allotted an accommodation. He completed his tenure on 19.1.99 and by an order dated 20.1.99 allotment was cancelled. Despite direction to respondent to vacate the house and to pay the penal rent as well as electricity bill and water charges on non-compliance present OA has been filed.

3. During the interregnum respondent has vacated the accommodation.

4. Referring to CSIR (Residence Allotment) Rules, 1997 it is contended that as per Rule 3.2.1 Scientists in Group IV when not available the Apartments may be allotted to Research Associates. Respondent who was allotted the accommodation has overstayed and as per Rule 13 of the Rules he is liable to pay penal rent and other charges.

5. On the other hand, respondent in his reply has not disputed allotment and stay beyond the permissible period. However, it is stated that due to long unemployment he is not in a position to pay the penal charges and accordingly he prayed for favour of penal charges and with a direction to pay only double the licence fee with electricity bill and water charges by a statement made before me.

6. I have carefully considered the rival contentions of the parties and perused the material on record. In view of the peculiar facts and circumstances of the case, though it is not disputed that respondent has over-stayed unauthorizedly in Government accommodation beyond the permissible period even after termination of his Research Associateship though there is a provision under Rule 21 to prefer an appeal to the Director General, against an order passed under Rule 13 but the same has not been filed within the stipulated period.

7. However, in the peculiar facts and circumstances of the case, ends of justice would be duly met if the present OA is disposed of with the direction to the respondent to pay applicants a sum to be quantified,

i.e., double the licence fee for the period of unauthorized accommodation as well as electricity and water charges within a period of three months from today. This has been agreed to and undertaken by applicant by a statement made before me. Ordered accordingly. No costs.

S. Raju

(Shanker Raju)
Member (J)

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