

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 459 of 1999

New Delhi, this the 15th day of November, 1999

HON'BLE MR. KULDIP SINGH, MEMBER(JUDL)

(12)

P.C. Sharma
S/o Shri Ram Chander,
Quarter No. 4, Type III
Krishi Niketan, Paschim Vihar,
New Delhi-110063Applicant

(By Advocate: Shri R.S. Rawat)

versus

1. Union of India
Through the Secretary
Ministry of Agriculture
Krishi Bhawan,
New Delhi-110001

2. Indian Council of Agricultural
Research(ICAR)
Through its Director General
Krishi Bhawan,
New Delhi-110001

3. Indian Agricultural Statistics
Research Institute(IASRI)
Through its Director,
Pusa, Library Avenue,
New Delhi-110012Respondents

(By Advocate: Shri V.K. Rao, through proxy counsel Ms.
Geetanjali)

O R D E R

By Hon'ble Mr. Kuldip Singh, Member(Judl)

In this OA, the applicant is challenging action of the respondents for withholding his monthly pension with effect from December, 1996 illegally and arbitrarily. It is stated that the applicant was getting his monthly pension regularly right from his voluntary retirement from 1.1.87 till November, 1996. Thereafter the respondents have illegally withheld his pension. It is prayed that the respondents be directed to pay pension of the applicant every month regularly and also a direction to release the entire amount of withheld

(K)

(13)

pension w.e.f. December, 1996, with interest. It is further stated that the applicant had made various representations for release of pension but the respondents had taken up the ground that the pension was being withheld as he had not vacated the quarter allotted to him by the respondents. It is also stated that respondent no.3 has filed a suit for mandatory injunction/possession and recovery of damages against the applicant, which is pending in the civil court. However the applicant has taken a plea that the quarter in question had been allotted to him being a member of the Group Housing Society of the respondents' office and they have already recovered the cost of construction from the applicant. So it is stated that the respondents cannot withhold his pension on this ground.

2. Respondents have contested the petition. They have stated that the quarter was allotted to the applicant being an employee of the respondents and the applicant was paying licence fee as per the rules prescribed by Govt. of India during the period he was in service. He was liable to vacate the premises after two months of his retirement. It is pleaded by the respondents that a clear law has been laid down by the Hon'ble High Court and the Supreme Court that, in case, an employee fails to vacate the quarter after the prescribed period of occupation, he is liable to pay market rent till the vacation of the quarter.

3. I have heard the learned counsel for the parties and gone through the records.

th

(14)

4. The only controversy in this case is whether the respondents have a right to withhold the retirement benefits in case an employee does not vacate the accommodation after his retirement. Learned counsel for the respondents referred to a judgement in C.W.No.1968/98 in which the petitioner before the Hon'ble High Court was Indian Council of Agricultural Research (who are respondents here in this case) and one of the employee of the I.C.A.R. was respondent no.2 in that case. The Hon'ble Delhi High Court, after considering various judgements given by the apex court, had directed the employee of I.C.A.R. to vacate the premises and after vacation of the same, retiral benefits were to be disbursed to him. The said employee of the I.C.A.R. had also gone in S.L.P. before the Supreme Court where the S.L.P. was dismissed. Thus the judgement of the High Court was confirmed by the Supreme Court.

5. In the facts and circumstances of the present case, I am of the view that the respondents are justified in withholding the retirement benefits of the applicant as he has not vacated the accommodation after retirement. Applying the principles of the above judgement in the case of I.C.A.R. which covers entirely the facts and law pleaded in this case also, I find that this O.A. has no merit and it deserves to be dismissed. I order accordingly. No costs.


(KULDIP SINGH)
MEMBER(JUDL)

/dinesh/