

(16)

Central Administrative Tribunal, Principal Bench
O.A.No.1341/95

Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this 4th day of March, 1997

Shri M.K.Bhatnagar
Srniior Technical Asstt.(Retd.)
s/o Shri G.S.Bhatnagar
r/o 293, Krishan Nagar Extension
Dehradun(UP). Applicant

(By Shri N.S.Bhatnagar, Advocate)

vs.

1. Director General
Council of Scientific & Industrial
Research, Anusandhan Bhawan
Rafi Marg, New Delhi.
2. Indian Institute of Petroleum, Dehradun(UP)
P.O. IIP
through its Director. Respondents

(None for the respondents)

O R D E R(Oral)

The applicant was working as Senior Technical Assistant in the Indian Institute of Petroleum, Dehradun (IIPD), a subsidiary of Council of Scientific & Industrial Research (CSIR) and retired in December, 1986. He claims that he was a member of Hydroprocessing team, IIPD which contributed technology development, as a result of which the respondents have earned certain royalty amount. According to the existing arrangement applicant and other members of the team became entitled to share in the aforesaid royalty amount. A Royalty Committee was convened in 1981 by the CSIR wherein it was decided to distribute Rs.20 lacs as Royalty to the members of the team. The share was paid to Respondent No.2(Director, IIPD) but the same was not further distributed. The applicant submits that he is entitled to an amount of Rs.1.1 lac as his share out of the royalty amount and seeks a direction that this amount be paid to him with 10% interest calculated from 23.7.1981.

On

2. The respondents in their reply raised the preliminary objection regarding jurisdiction of the Principal Bench. On merits they said that the issue about how much amount is to be paid is still under consideration by the committee appointed by the Respondent No.2. They also state that the total royalty received by the IIPD is to the tune of Rs.8,55,070.93. No royalty amount could be distributed since there was a dispute between various claimants to the R&D projects, and even the Royalty Committee had itself decided that there was no individual innovator for the processes developed and hence the modalities for payment of royalty are still under consideration.

3. I have heard the learned counsel for the applicant. However, none appeared on behalf of the respondents. The learned counsel for the applicant submits that the matter had been decided by the Royalty Committee which was established by CSIR in 1981 and that had decided to distribute Rs.20 lacs. Now, the respondents say that the Royalty Committee has decided to distribute only 40% out of which 35% would go to innovators only. This according to the learned counsel is discriminatory since the payments of royalty were received way back by Respondent No.2, and the respondents would have earned considerable sums as interest income thereon.

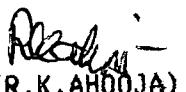
4. I have carefully considered the matter. It is not possible for this Tribunal to make a fact adjudication as to how much royalty was earned by the respondent No.2 or whether the applicant had any entitlement to share in the royalty and if so to what extent depending on his role as part of the processing team which contributed to technology development resulting in the royalty. However, it is quite clear that the matter has been pending for the last 15 years and above.

On

(B)

The applicant has also since retired in 1986, and is now 70 years of age. The respondents have not denied the claim but only say that the matter is under consideration of the Royalty Committee set up in 1995. The matter has obviously been unduly delayed. As obviously, the applicant if entitled, might well be unable to enjoy the fruits of his labour, if it is delayed any further. Therefore, it is necessary that the respondents must decide at the earliest the long pending claim of the applicant.

5. In view of the above facts and circumstances, I dispose of the application with a direction to the respondent No.2 to take a decision within a period of three months from the date of receipt of copy of this order regarding the claim of the applicant. In case applicant is entitled to receive a share of the royalty income, the same shall be paid to him within two months thereafter along with 12% interest from the date of filing of this OA i.e. 19.7.1994 to the date of actual payment. No costs.


(R.K. AHOOJA)
MEMBER(A)

/rao/