CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A.No.109/95

Hon'ble Shri R.K.Ahooja, Member(A)
New Delhi, this 8% day of September, 1995

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- Council of Scientific & Industrial Research (Society) Rafi Marg New Delhi.
- 2. National Physical Laboratory (A constituent unit of CSIR) Dr. K.S.Krishnan Marg New Delhi - 110 012.

Applicants

(By Shri D.S.Adel, Advocate)

Versus

Shri Bhura Ram r/o B-2, N.P.L.Qrs., New Rajinder Nagar New Delhi.

Respondent

(By Shri P.L.Mimroth, Advocate)

ORDER

This application has been filed by the Council of Scientific & Industrial Research (CSIR) and its constituent unit National Physical Laboratory (NPL) under Section - 19 of the Administrative Tribunals Act, 1985 for obtaining the possession as well as arrears of penal licence fee in regard to the staff quarter No.B-2, NPL Colony, New Rajinder Nagar, New Delhi.

working as Head Mali in the Publication & Information Directorate was allotted on 20.10.1989. The applicant sought voluntary retirement and was retired from service on 18.1.1991. Under the normal rules on such retirement, the applicant was entitled to remain in occupation the aforesaid quarter for a period of three months. However, he was allowed extension of time to retain such premises from 18.1.1991 to 22.11.1991 on the basis of applications made by him. The respondent was informed thereafter that the allotment in his name stood cancelled and he was

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directed to hand over the vacant peaceful possession within sixty days from the date of the issue of the said order. The applicants have alleged that despite repeated reminders, the respondent has failed to vacate the premisses and handover its vacant position and therefore, directions have been sought to the respondent to vacate the premises and to pay the arrears of penal licence fee with interest at the rate of 12 per cent per annum on defaulted payment till its realisation.

- 3. The respondent in his reply has admitted that he continues to be in occupation of the premisses despite the fact that he took voluntary retirement on 18.1.1991 but explains that this is due to the fact that the applicants have failed to grant him pension and other retirement benefits, in the absence of which it is not possible for him to vacate the accommodation. The respondent undertakes to vacate the premises as and when the full gratuity money and other benefits and full pension money is paid to him.
- 4. When the case came up for hearing the Counsel for the applicants explained that the pentionary benefits to the respondent could not be given as the respondent had failed to complete the relevant papers and to submit the same to the authorities. He argued that the two matters namely, the vacation of the quarter and the payment of pensionary benefits were not interconnected and the respondent could not continue to occupy the applicants' quarter on the plea that the pensionary benefits have not been finalised. Learned counsel for the respondent stated that some of the pension papers could not be completed because they had to be signed by the wife of the respondent, but due to strained relationship she was not willing to do so.





It is clear that the respondent in this case retired in 1991 and has not vacated the quarter allotted to him. However, the question which arises for consideration is whether the applicant can come to this Tribunal to seek an eviction order as well as a direction against the respondent to obtain arrears of penal rent under section 19(1) of the Administrative Tribunal Act, 1985 which reads as follows:

\*Subject to the other provisions of this Act, a person aggrieved by any order pertaining to any matter within the jurisdiction of a Tribunal may make an application to the Tribunal for the radressal of his grievance.\*

- In this case, it is clear that there is no order by which any parson including the applicants can be considered to be aggrieved. Here a declaration is sought from the Tribunal for the eviction of an authorised occupant and to recover the arrears of penal rent/licence fee from him. There is no satisfactory explanation as to how this matter is considered to be within the purview of the Tribunal. The applicants have already cancelled the allotment vide their office order dated 22.11.1991(Annexure A-6). It is upto the applicants to take steps for the eviction of the unauthorised occupation and to take measures to affect in the recoveries from the outstandings due to the respondent.
- 7. As the Tribunal is not the appropriate forum to obtain relief sought for, the application is dismissed. No Costs.

(R.K. AHODJA) MENBER(A)

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