

(29)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH
NEW DELHI.

O.A. No.110/95

New Delhi this the 8th day of September, 1997

Hon'ble Smt.Lakshmi Swaminathan, Member (J)

1. Council of Scientific & Industrial Research(A Society registered under the Societies Registration Act) having its office at Rafi Marg, New Delhi.
2. National Physical Laboratory, (A constituent unit of CSIR) having its office at Dr.K.S. Krishnan Marg, New Delhi.

(BY Advocate Sh.S.D. Adel)

... Applicants

Vs.

1. Shri Kanwar Pal
R/O Qr.No.39, N.P.L.Colony,
New Rajinder Nagar, New Delhi.

... Respondent

(None for the respondent)

O R D E R (ORAL)

(Hon'ble Smt.Lakshmi Swaminathan, Member (J)

Notice was sent on 10.6.97 together with copy of the order dated 4.6.97/ to the respondent. Again notice has been issued/in pursuance of the orders dated 16.7.97 and 1.8.97. These have been returned and are placed in part 'C' file. It has been pointed out that the postman has noted in Hindi that he has tried to serve the notices again and again on different dates on the respondent, Shri Kanwar Pal, but he has not been able to do so as he is not found there. Learned counsel for the applicants submits that the respondent has tried to avoid the service of the notices as evident from the attempts made by the Department of Post for service of/Tribunal's notices. He has also drawn attention to the Tribunal's order dated 20.5.96 in which it has been stated by Shri P.L.Mimroth who

18/

(30)

had earlier filed his Vakalatnama that he had no instructions from his client, hence Shri Minroth ^{from} had sought permission to withdraw the case. Thereafter none has been appearing on behalf of the respondent. None has appeared even today, though I have waited till 12.30PM.

2. In the above circumstances of the case, it ^{and be heard.} appears that the respondent has chosen not to appear. It is also relevant to note that the respondent has not filed any reply after the OA was filed on 11.1.1995. In the circumstances, the order is passed after ^{perusing} perusing the records and hearing the learned counsel for the applicants.

3. The short issue in this case is that the applicants have cancelled the allotment of quarter No.39, type-B, N.P.L. Colony, New Rajinder Nagar, New Delhi which was earlier allotted to the respondent vide order dated 14.7.92. The cancellation order has ^{on the ground} been passed that the respondent has unauthorisedly sub-let ^{the} the quarter. In the order dated 14.7.92, they had also intimated the respondent that he is liable to pay penal licence fee @ Rs 1500/-PM for occupying the quarter beyond the period of notice i.e. 10.7.92. Shri Adel, learned counsel relies on the judgments of this Tribunal in similar cases (See (i) CSIR Vs. R.B.Lal (OA 2415/89) decided on 23.7.92; (ii) CSIR Vs. Sat Pal (OA 111/95) decided on 1.8.95; (iii) CSIR Vs. K.L.Mago (OA 353/94) decided on 4.1.96; (iv) CSIR Vs. Bhura Ram (Revision No. 295/95 in OA No. 109/95) decided on 28.5.96. He also submits that the Special Leave Petition filed by the respondent in

Ys/

(31)

OA 2415/89 on the ground that the Tribunal had no jurisdiction in the matter has since been dismissed. Learned counsel submits that the applicant continues in occupation of quarter No.39, Type-B, N.P.L. Colony, New Rajinder Nagar in spite of the cancellation order dated 14.7.92. In the circumstances, the applicants have prayed that the respondent be directed to vacate the staff quarter No. 39, type-B, N.P.L.Colony, New Rajinder Nagar and to pay arrears of penal licence fee @ Rs 1500/-P.M. w.e.f. 14.7.92 alongwith interest @ 12/-per annum on the outstanding amounts.

4. In the above facts and circumstances of the case, this O.A. is disposed of with a direction that the respondent shall vacate the quarter No.39, Type-B, N.P.L. Colony within one month i.e. on or before 10.10.97. For the period of unauthorised retention of the quarter from the date of ~~of~~ cancellation of the allotment i.e. from 14.7.92 of vacation till date/the respondent is liable to pay penal licence fee @ 1500/-P.M. to the applicants as fixed by them under the relevant rules. The claim for interest is rejected.

5. O.A. allowed as above. No order as to costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)