

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

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O.A. No. 855 of 1997 Decided on: 20.3.98

C.S.I.R. & Anr.

Applicant(s)

(By Advocate: Shri D.S. Adel)

VERSUS

Shri T.B. Joshi

Respondents

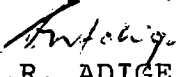
(By Advocate: Shri K.N. Bahuguna)

CORAM

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

HON'BLE MR. J.S. MEHTA, MEMBER (T)

1. To be referred to the Reporter or not? YES
2. Whether to be circulated to other Benches of the Tribunal? NO


(S.R. ADIGE)
VICE CHAIRMAN (A)

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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 855 OF 1997

New Delhi, dated the 20th March, 1998

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

1. Council of Scientific & Industrial Research
(A Society regd. under the Societies Registration Act)
Rafi Marg,
New Delhi.
2. National Physical Laboratory,
(A constituent unit of CSIR)
Dr. S. Krishnan Marg,
New Delhi-12. APPLICANTS

(By Advocate: Shri D.S. Adel)

VERSUS

Shri T.D. Joshi,
Qr. No. C-56, Type II,
N.P.L. Colony,
New Rajinder Nagar,
New Delhi-60. RESPONDENT

(By Advocate: Shri K.N. Bahuguna)

JUDGMENT

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicants (CSIR) seek a direction to respondent (Shri T.D. Joshi) to vacate Staff Quarter No. C-56, Type II, NPL colony, New Rajinder Nagar, New Delhi and to order him to pay arrears of penal licence fee @ Rs.1900/- p.m. w.e.f. 14.12.93 along with interest @ 12% p.a. on defaulted payment till the realisation as well as costs.

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Respondent does not deny that while working as Assistant in IIP Centre, New Delhi he was allotted the aforesaid premises from CSIR General Pool vide letter of allotment dated 7.11.96 (Ann. A). He does not deny receipt of applicants' O.M. dated 14.10.93 cancelling the allotment of that accommodation for the reason¹ that consequent on his transfer to CSIR he became ineligible to retain the accommodation in question, and he had been asked to apply for alternative accommodation which he had failed to do. In fact in Para 6 of his reply respondent himself admits that applicants had requested him on 18.7.93 to apply for alternative General Pool accommodation, which he did not do apparently because he was to superannuate on 31.8.94.

2. I have heard applicants' counsel Shri Adel and respondent's counsel Shri Bahuguna.

3. Respondent in his reply has contested the jurisdiction of the Tribunal to hear this matter, but this is now no longer open to doubt or challenge in view of a catena of judgments including judgment dated 22.12.95 in O.A. No. 353/94 CSIR & Anr. Vs. K.L. Mago to which I was a party.

3. Manifestly respondent was required to vacate the premises in question within two months of its cancellation vide O.M. dated 14.10.93. He did not do so. What is more despite his admittedly

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having superannuated on 31.8.94 he has still not vacated the premises in question. His plea is that due to non-release by applicants of his gratuity he is continuing to occupy the same. On the other hand applicants contend that they have retained respondent's gratuity till such time he vacates the premises and the exact quantum of his rental damages and liability is known.

6. As the respondent continues to be in unauthorised occupation of the premises in question, this O.A. succeeds and is allowed. Respondent is directed to hand over vacant possession of the premises within one month from the date of receipt of a copy of this judgment. In the event that he defaults, it will be open to applicants to get possession of the premises from the same agency after evicting respondent in the same manner as is available to the Directorate of Estates in respect of Central Govt. General Pool accommodation. In so far as recovery of penal licence fee and other connected charges is concerned, applicants will be entitled to recover the same from respondent as per rules and in the event that he defaults it will be open to applicants to effect recovery in the same manner as the Director of Estates effects recovery in respect of penal licence fee dues relating to Central Govt. General Pool accommodation. Release of respondent's gratuity to him by

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applicants should be effected simultaneously with the vacation of the premises in question by respondent.

7. The O.A. is disposed of in terms of Para 6 above. No costs.

S.R. Adige
(S.R. ADIGE)
VICE CHAIRMAN (A)

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