

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-507/94

New Delhi this the 26th Day of October, 1994.

Hon'ble Mr. B.N.Dhoudiyal, Member (A)

Sh. M.C. Kalra,
S/o late Shri R.C. Kalra,
R/o A-7(Type-III) Krishi Vihar,
New Delhi-48. Applicant

(through Sh. K.N.R. Pillai, advocate)

versus

Indian Council of Agricultural Research,
Krishi Bhavan, Respondents
New Delhi.

(through Sh. V.K. Rao, advocate)

ORDER (ORAL)
delivered by Hon'ble Mr. B.N. Dhoudiyal, Member(A)

The brief facts of the case are these. The applicant was employed as a Section Officer in Indian Council of Agricultural Research and retired on superannuation on 30.11.1992. Under the allotment rules of I.C.A.R., a retired employee can retain the accommodation allotted to him for a period of four months on payment of normal licence fee and for another four months, if so permitted on medical/educational grounds, on payment of twice the standard licence fee. Such a permission was given to him by the respondents vide their letter dated 3.3.1993 wherein it was clarified that he will be liable to pay Rs. 2054/- p.m. ad the damage licence fee. The applicant has been paying the damage licence fee. He has not been able to vacate this accommodation due to difficulty in obtaining private accommodation within his means. He has an old mother of 89 years who is completely bedridden and under medical treatment and his daughter is

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studying in the Women's Polytechnic in South Delhi and her studies would be disrupted if he is compelled to shift at this stage.

The applicant is aggrieved that vide the impugned order dt. 19.1.1994, instructions have been issued to the Branch Manager, State Bank of India that the D.A. released payable on pension should be withheld. He prays that this order may be quashed and set aside.

Our attention has been drawn to various judgements of this Tribunal including Sh. R.D. Sharma Vs. U.O.I. (1988(8) ATC 26) and Beni Prasad Vs. U.O.I. (ATR 1987(2) CAT 305) wherein it has been held that no part of the pension can be withheld unless the authorities proceed under Rule 9 of the Central Civil Service (Pension) Rules, 1972. On the other hand, it is clear that the applicant has been occupying the quarter in an unauthorised manner much beyond the limits of the extension permitted to him. However, the learned counsel for the applicant gives an undertaking that (a) the prescribed licence fee (damaged rate) shall be paid regularly; (b) the applicant shall arrange for an alternative accommodation and vacate the quarter latest by 31.1.1995.

We note this undertaking and dispose of the application with the following directions:-

- (a) The impugned order dated 19.1.1994 is hereby quashed and set aside;

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(b) The applicant shall regularly pay the prescribed rent (damaged rate) for the I.C.A.R. quarter;

(c) He shall vacate the said quarter latest by 31.1.1995.

(d) There shall be no order as to costs.

B.N. D-74
(B.N. Dhoundiyal)

Member (A)

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