(14)

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH.

RA NO. 295/95 in

O.A. NO. 109/95

New Delhi this the 7 th day of May, 1996.

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

By Advocate Shri D.S. Adel.

Versus

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

.. Respondent.

By Advocate Shri P.L. Mimroth.

ORDER

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

The Original Application No. 109/95 was filed one behalf of the CSIR 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 which was allotted to the respondent in the employment of the Publication and Information Directorate of the applicants and which he had failed to vacate even after his voluntary retirement from service w.e.f. 18.1.1991. In my order dated the 18th September, 1995, I had dismissed application, on the ground that the CSIR was not, in the meaning of Section 19(1) of the



Administrative Tribunals Act, 1985, a person aggrieved an order pertaining to any matter within the jurisdiction of the Tribunal and thus the Tribunal was not the appropriate forum to obtain the reliefs The applicants have now sought a review sought for. of this order, on the ground that the question of jurisdiction of the Tribunal in such matters and the right of the CSIR to agitate the question of vacation of staff quarters which are in unauthorised occupation of its employees, have already been settled in a number of judgements of this Tribunal, e.g. O.A. 2415/89 CSIR Vs. R.B. Lal, O.A. 449/87 of the Patna Bench of the Tribunal and recently in O.A. 353/94 by the Principal Bench on 22.12.1995. Notice issued to the respondent on this application and the learned counsel for both sides were again heard on 12.4.1996.

The facts of the case may be briefly reiterated. The respondent, Shri Bhura Ram, while working as Head Mali in the Publication and Information Directorate of the CSIR, was allotted Staff Quarter No. B-2, Nagar, New Delhi, New Rajinder NPL Colony, 20.10.1989. He obtained voluntary retirement from Under the normal rules service w.e.f. 18.1.1991. such retirement, the respondent was entitled in occupation of the aforesaid quarter remain However, he was allowed for a period of three months. extension of time upto 22.11.1991 on the basis of He was informed various applications made by him. thereafter that the allotment in his name stood cancelled and he was directed to hand over the vacant peaceful possession within six days from the date

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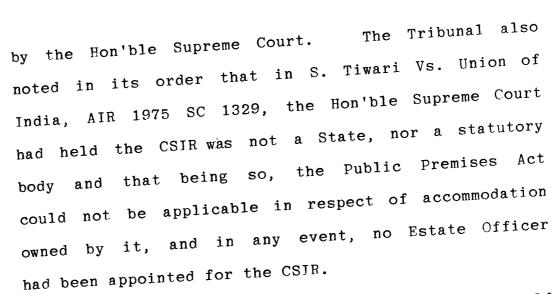


of issue of the said order. The case of the applicants is that despite repeated reminders, the respondent had failed to vacate the aforesaid premises and to hand over its vacant possession and thereafter directions were sought from the Tribunal to the respondent to vacate the premises and to pay the arrears of penal licence fee with interest @ 12 per cent per annum on defaulted payment till its realisation.

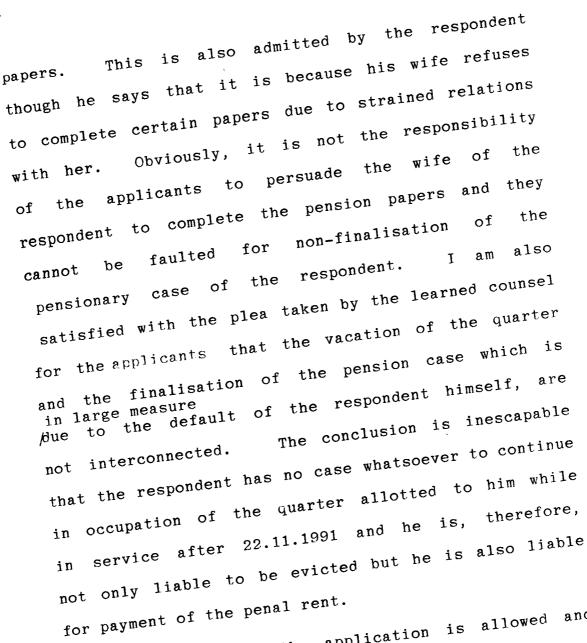
- The respondent in his reply admitted that he 3. continued to be in occupation of the premises despite that he took voluntary retirement fact the explained that this was due to the fact that the applicants had failed to grant him pension and other in the absence of which it retirement benefits, was not possible for him to vacate the accommodation. He also objected to the imposition of the penal Finally he undertook to vacate the premises as and when full gratuity money and other retiral benefits as well as full pension money were paid to him.
 - 4. In the rejoinder, the applicants explained that the pensionary benefits to the respondent could not be given as he had failed to complete the relevant papers and that in any case two matters, namely, the vacation of the quarter and the payment of the pensionary benefits were not interconnected and the respondent could not continue to occupy the applicants' quarter on the plea that the pensionary benefits were not finalised.



In the background of the above facts, the main question to be considered in this Review Application is regarding the maintainability of the application. learned counsel for the applicants submitted that this matter has already been settled in a number of decisions of the Division Bench of the Principal Bench as well as the coordinate Benches of Tribunal and he cited the case of CSIR Vs. Mago in O.A. 353/94, decided on 22.12.1995. Ιn that case, the CSIR had also sought a direction vacation of staff quarter from the respondent and to obtain from him licence fee/penal rent till the vacation of the quarter together with electricity charges. Ιn that case also, and water application was maintainability of the questioned and it was submitted that the CAT had no jurisdiction entertain the application as the CSIR did not into any of the provisions of Section 19,20,21 and 23 of the Administrative Tribunals Act to move an application before the Tribunal as it could not be a person aggrieved nor was there any order against it by the employee and the AT Act did not afford opportunity to the employer (CSIR) to sue the employee. It was noted that in an earlier judgement of the Tribunal in O.A. No. 2415/89, CSIR Vs. R.B. which identical case, the point of was an jurisdeition had already been settled. The Division Bench in this case also held that the CAT had full jurisdiction over such matters. It was also noted that an SLP filed against the judgement dated 23.3.1992 in O.A. 2415/89 had already been dismissed in limine



- 6. On reconsideration of the matter, I find myself in respectful agreement with the views expressed by the Division Bench in O.A. 353/94. This also covers the earlier judgement of the Tribunal quoted in the aforesaid order. I hold that the present application in O.A. 109/95 is maintainable. I, therefore, review my earlier order dated 18.9.1995 and proceed to decide the matter on merits on the basis of the arguments advanced by the learned counsel of both sides and the pleadings on record.
 - are not in dispute. The respondent after obtaining voluntary retirement w.e.f. 18.1.1991 and the extension of time obtained thereafter till 22.11.1991, has since been in unauthorised occupation of the staff quarter. His plea is that in the absence of finalisation of his pension and other retiral benefits, he is entitled to retain the quarter and, in fact, states that once his pensionary benefits are settled, he will vacate the premises. The applicants say that the non-finalisation of the pensionary benefits is due to the default of the respondent himself as he has not completed and submitted the necessary



In the result, the application is allowed and the respondent is directed to hand over the vacant 8. possession of the premises, in question within one month from the date of receipt of a copy of this In the event that the respondent defaults, be open to the applicants to get the judgement. the after evicting it would premises the same manner as is available to ofpossession in respect of Central respondent in Estates direct Furthermore, I ofDirectorthe Pool accommodation. the penal licence fee and connected charges Govt. against the respondent be also recovered from that as per rules for which purpose the applicants due him



may fix suitable instalments so that the recoveries are made in a phased manner. In the event that the respondent defaults, it would be open to the applicants to effect recoveries in the same manner as the Director of Estates effects such recoveries in respect of penal licence fee dues relating to Central Govt. Pool accommodation.

8. The Review Application is disposed of in terms of the above directions. There will be no order as to costs.

(R.K. Ahooja) Member(A)

'SRD'

