

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

R.A. NO. 192/2001

in

O.A. NO. 15/2000

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This the 21st day of September, 2001.

HON'BLE SHRI V.K.MAJOTRA, MEMBER (A)

Harsh Vardhan Agarwal

... Applicant

( In person )

-versus-

D.G., I.C.M.R. & Ors.

... Respondents

( By Shri V.K.Rao, Advocate )

O R D E R (ORAL)

This application seeks review of order dated 23.3.2001 made in OA No.15/2000. The applicant has contended that the OA had been decided on the basis of reply filed on behalf of respondents 1 and 2. Respondent No.3, namely, Director, Regional Medical Research Centre, Port Blair had not filed his reply. The applicant also drew my attention to Annexure A-4 in the OA wherein respondent No.2, Director, Malaria Research Centre, Delhi has stated, "there are no specific instructions clarifying the amount of House Rent recoverable from the employee who violates the above provision retains the Govt. accommodation while on leave for a period beyond one month". The applicant contended that when respondent No.2 was not clear on the amount of house rent to be recovered from the applicant the recovery of an amount of Rs.18,706/- from him could not have been effected. The applicant further stated that whereas in the court's order the case was stated to have been covered under the provisions of SR 316-A, the provisions of the said SR do

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not relate to the facts of the case. SR 316-A reads as follows :

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"S.R.316-A. If the officer to whom a residence is allotted dies, is dismissed from the service or retires from the service, the allotment to him of the residence shall be cancelled, with effect from one month after the date of his death, dismissal or retirement, as the case may be, or with effect from any date after such death, dismissal or retirement on which the residence is actually vacated, whichever is earlier."

2. The learned counsel for respondents 1 and 2 stated that although vide order dated 23.3.2001 whereby OA No.15/2000 was disposed of, the application was held to be ~~to be~~<sup>be</sup> barred by limitation, in case the review application is to be allowed and the OA is to be re-heard, he should be given an opportunity to plead again on the point of limitation.

3. Basically because the OA had been decided without any reply having been filed on behalf of respondent No.3, whether or not the other points raised by the applicant are relevant, the review application has to be allowed. In such an event, the learned counsel for respondents, Shri V.K.Rao stated that he would file an additional affidavit on behalf of respondent No.3, if permitted.

4. Taking in view the overall facts and circumstances of the case, the review application is allowed. Order dated 23.3.2001 in OA No.15/2000 is recalled. The OA is restored to its original number. Shri Rao will file additional affidavit on behalf of



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respondent No.3 within a period of six weeks. The applicant will have two weeks thereafter to file his rejoinder to the additional affidavit to be filed by respondent No.3 whereafter the case may be fixed for re-hearing de novo. List the OA on 3.12.2000.

V.K. Majotra

( V.K.Majotra ) 21.9.2001  
Member (A)

/as/