

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

OA NO.2427/90

DATE OF DECISION: 27.11.91

MRS. D. SRIVASTAVA & OTHERS

...APPLICANTS

VERSUS

I.C.A.R.

...RESPONDENTS

CORAM:

THE HON'BLE MR. P.K. KARTHA, VICE-CHAIRMAN (J)

THE HON'BLE MR. I.K. RASGOTRA, MEMBER (A)

FOR THE APPLICANT

SHRI MAHESH SRIVASTAVA,
COUNSEL.

FOR THE RESPONDENTS

SHRI H.C. KAPOOR, COUNSEL.

(JUDGEMENT OF THE BENCH DELIVERED BY HON'BLE
MR. P.K. KARTHA, VICE-CHAIRMAN (J))

We have heard the learned counsel for both the parties. The applicant No.1 has retired as Head of the Division of Agricultural Economics, I.A.R.I in August 1987 and applicant No.2 retired on 31.1.1987 from I.C.A.R. The reliefs sought by them in this application are to set aside the impugned order dated 18.9.90 and to direct the respondents to refund the penal rent which has been charged from them with effect from 1st August, 1989.

On 23.11.1990 the Tribunal passed an interim order directing the respondents not to dispossess the applicants from premises at D-II/7, IARI, New Delhi subject to their payment of licence fee etc. in accordance with the rules. Pursuant to the said interim order the applicants have been continuing in the said accommodation.

The learned counsel for the applicants states that applicant No.2 was appointed as Emeritus Scientist with effect from 14.9.1988 initially for a period of two years. This was extended for a further period upto

14.9.1992 vide order dated 30th October, 1990 (page 35 of the paperbook). He contends that according to the scheme for Appointment of Emeritus Scientists a Scientist shall be entitled to residential accommodation provided he does not own a house in the place of work. According to the learned counsel for the applicants, applicant No.1 does not own any house at the place of work.

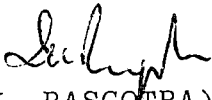
This has been disputed by the learned counsel for the respondents. He contends that the applicant No.1 is doing research work of some other Institute which is under the I.C.A.R.


The applicant has stated in the rejoinder-affidavit that he is in the mid-way of the reserach work being carried on by him and ^{it is} is likely to be finished within a span of 8 or 9 months and ^{he has} asked to vacate the accommodation, at this stage, it would be detrimental to the entire work done by him.

The learned counsel for the applicants also ^{instructions} stated on ^{inspection} inspection from his client that the applicant would vacate the premises latest by 31.5.1992.

After going through the records of the case and ^{he} heard the learned counsel for both the parties, the application is disposed of with the direction that the applicant shall give vacant possession of D-II/7, IARI, New Delhi to the respondents ^{latest by 31-5-92.} He shall also give an undertaking to the respondents from today's date to that effect to the respondents. We further direct that the respondents shall charge only normal licence fee from the applicant till that date. If any excess amount has been recovered from the applicant, the same shall be refunded or adjusted towards the rent payable by ^a them for the remaining period. The order relating to

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the licence fee applies during the period when applicant
No.2 was appointed as Emeritus Scientist. The application
is disposed of accordingly, with no order as to costs.


(I.K. RASGOTRA)
MEMBER(A)
27.11.91.


(P.K. KARTHA)
VICE-CHAIRMAN(J)
27.11.91.