

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

New Delhi this 23rd of November, 1993.

OA No. 1317 of 1992.

Hon'ble Mr.S.R.Adige Member (A)

Shri B.S.Rawat
 son of late C.S.Rawat
 posted as Finance & Accounts Officer
 in the Indian Institute of Petroleum
 Council of Scientific & Industrial
 Research, P.O. IIP, Mohkampur
 DEHRA DUN (U.P.)
 residing at C-19, IIP Colony
 Mohkampur,
 DEHRA DUN- 248 005

.....Applicat.

- VERSUS -

1. Council of Scientific & Industrial
 Research
 'ANUSANDHAN BHAVAN'
 Rafi Marg
 New Delhi-110001
 through its Joint Secretary (Admn.)
2. Director
 Central Building Research Institute
 ROORKEE-247 667 (U.P.)
3. Director
 Indian Institute of Petroleum
 P.O. I.I.P.
 Mohkampur
 DEHRA DUN- 248 005 (U.P.)
4. Shri P.C.Sharma
 Scientist
 Structural Engineering Research Centre
 Kamla Nehru Nagar
 Behind A.L.T. Centre
 GHAZIABAD (U.P.)
5. Shri Sukhbir Singh
 Technician
 Structural Engineering Research Centre
 Kamla Nehru Nagar
 Behind A.L.T Centre
 GHAZIABAD (U.P.)

6. Shri M.U.Khan
Stores & Purchase Officer
Central Road Research Institute
P.O. CRRI
New Delhi-110 020
7. Shri M.S.Kapla
Scientist
Structural Engineering Research Centre
Kamla Nehru Nagar
Behind A.L.T.Centre
GHAZIABAD (U.P.)
8. Shri Devinder Singh
Finance & Accounts Officer
Structural Engineering Research Centre
Kamla Nehru Nagar
Behind A.L.T.Centre
GHAZIABAD (U.P.)

JUDGMENT (ORAL)

None for the applicant although this case was called out twice.

2. Shri V.K.Rao, learned counsel for the respondents is present.

3. It is noticed that this case was dismissed in default on 8.10.93 as none had appeared on that date but was subsequently restored on 2.11.93.

4. The applicant Shri B.S.Rawat, Finance & Accounts Officer, IIP, CSIR, Dehradun, has prayed that a direction be issued to the respondents not to charge penal rent from him, and not to discriminate against him for retention of quarter for the education of his children in UP.

5. Shortly stated, the applicant was allotted accommodation in the Central Building Research Institute, Roorkee. He was transferred from Roorkee to Dehradun on 3.9.89, but he did not vacate the accommodation allotted to him in Roorkee and continued to remain in occupation of the same till 15.5.91.

6. The respondents considered the appeal filed by the applicant and in its letter dated 10.1.92 at Annexure-A1 they have stated that he was already allowed to retain

98

-3-

the staff quarter for a period of two months in April and May, 1990 to complete the academic session of his children as a special case in relaxation to the rules and was charged only the double standard license fee instead of penal license fee. As the occupation of the quarter beyond May, 1990 was unauthorised, the respondents have taken steps to recover penal license fee from the applicant.

7. Shri Rao, learned counsel for the respondents states that the applicant sought to derive support from a judgment dated 16.5.86, passed by the Munsif's Court in Roorkee, in which the issue to be decided was whether the applicant was bound to pay penal license fee for the quarter in his occupation, and if so, what that should be. Shri Rao submitted that the facts in that case, which are being relied upon by the applicant and a copy of which is on record, are entirely different in as much as, in that case, the question of payment of penal license fee was not in dispute and the only point in dispute was as to what quantum of Penal license fee should be, whereas in the present case, the applicant has disputed the respondents' claim to realise the penal license fee. Secondly, Shri Rao submitted that in the case relied upon by the applicant which has been decided by the Munsif on 16.5.86, the applicant was sent on deputation from Roorkee to Iraq and ~~xxx~~ returned back after completing his period of deputation whereas the applicant has been transferred from Roorkee to Delhi. Prima facie, there appears no reason to cast doubts upon the averments made by the respondents and under the circumstances, this application is dismissed, subject to the observation that the recovery of penal rent from the applicant

will be made strictly in accordance with law.

8. No costs.

Adige
(S.R. ADIGE)
Member (A)

ug