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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.No.1916/92

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New Delhi, This the 28th Day of October 1994

Hon'ble Shri C.J.Roy, Member(J)

Hon'ble Shri P.T.Thiruvengadam, Member(A)

Indian Council of Agricultural Research
Krishi Bhawan
Dr.Rajendra Prasad Road
New Delhi.

..Applicant

By Shri V K Rao, Advocate
Versus

Dr.J.Chaturvedi
r/o Quarter No.8-23 IV
Krishi Vihar
New Delhi 110048

By Shri Rajeev Sharma, Advocate

O R D E R(Oral)

Hon'ble Shri C.J.Roy, Member(J)

1. Indian Council of Agricultural Research (ICAR) is the applicant in this case. This OA has been filed claiming the following reliefs:

i) declare that the retention of staff quarter No.8-23,IV Krishi Vihar, New Delhi occupied by the Respondent from 27.10.1988 is unauthorised and is liable to pay penal licence fee of Rs.1436.75 per month.

ii) direct the respondents to pay the licence fee of Rs.66,184/- upto the date of filing the application and Rs.1436.75 as licence fee per month till vacation of the staff quarter.

iii) direct the respondent to vacate the the premises and handover the vacant and peaceful possession of the said quarter to the applicant.

2. The applicant is having some staff quarters for their employees which are allotted to the employees and occupied by them during the service tenure. The respondent was working with the applicant and he was allotted the staff quarter No.8-23 IV Krishi Vihar, New Delhi. He was working as Scientist S-II (Agriculture Extension). According to ^{an} Allotment Rule 13, the respondent can only keep the quarter for two months if he is transferred to another place on payment of normal licence fee.

3. Respondent was transferred from ICAR to Chand ^{Shekhar} Azad University of Agriculture and Technology, Mathura vide order dated 25.2.1988 (Annexure A1). The applicant claims that the respondent could retain the quarter only for a period of 2 months from the date of transfer on payment of normal rent and for some more time at double the rent. On the request of the respondent that his children are having examination, the applicant allowed the respondent to retain ^{an} the quarter on the payment of Rs.782/- for a period of six months vide order dated 29.8.1988 (Annexure A-3). It may be pertinent to mention that the respondent continues to retain the house. The applicant also claimed penal rent and vacation of the quarter in this case. The rest of the allegations are not germane to this case.

4. The learned counsel for the respondent stated that facts are not in dispute. But he files an additional affidavit which is taken on record stating that his lien was cancelled illegally and that he has made representation

to the Hon'ble Minister for Agriculture who is the President of ICAR and also met the Director General on 11.10.94. Further in the affidavit he has stated that the Director General has assured him that his representation is under active consideration and some action will be taken within a period of 8 weeks. Having regard to the said facts, the respondent requests that the present proceedings in this case be deferred for an indefinite period until the matter is settled with the department concerned.

5. Mr V . K Rao, counsel for applicant states that the representation made to the Hon'ble Minister has been rejected. But he is not aware of the assurance given by the Director General to actively consider his case within eight weeks. On consideration of all the facts, we feel that the respondent has not made out a case for our interference in his favour. It is very much so ^{that} he cannot raise _{any} in this case the illegal termination of his lien . It is admitted that he is still in the possession of the quarter after his transfer to the said place cited supra.

Further as a measure of indulgence and in the interest of justice we dispose this

OA with the following directions;

The applicant is directed to allow the respondent and his family to stay in the quarter upto 1.12.94. In the meanwhile the respondent shall vacate the quarter. The applicant is also entitled to recover any arrears of

rent in accordance with ~~law~~ ^{entitled rules} _{any} ...4

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The Director General is directed if ^{he} had given assurance to actively consider ^{it} the case of the respondent, the same may be done within the period prescribed above.

6. There shall be no order as to costs.

P. V. Rao

(P.T.Thiruvengadam)
Member(A)
28-10-94

W. S. Roy

(C.J.Roy)
Member(J)
28-10-94

LCP