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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.1658/93.

New Delhi, this the 25th day of April, 1994.

SHRI J.P.SHARMA, MEMBER(J).

Shri Shiv Singh Rai,
Son of Late Shri Puran Singh,
Resident of C-15, C.R.R.I. Flats, Maharani Bagh,
New Delhi-110065. ...Applicant

By advocate : Shri K.N. Bahuguna.

VERSUS

1. Council of Scientific & Industrial Research,
Anusandhan Bhawan, Rafi Marg,
New Delhi-110001,
through Joint Secretary (Admn.).
2. The Director,
Central Road Research Institute,
P.O. CRRI, Mathura Road, New Delhi-110020. ...Respondents

By advocate : None.

(Shri Yogendra Kumar, Assistant(Vigilance),
present, on behalf of the respondents)

ORDER (ORAL)

The applicant has been in service of the respondents as Electrician since 1959 and he was allotted a quarter by Director, CRRI on his turn in 1980. The staff quarter is no. C-15, CRRI Staff Quarters, Maharani Bagh, New Delhi. By a surprise check committee for conducting a physical surprise check with regard to unauthorised subletting of the premises of CSIR, the surprise check was done by the committee on 10-12-92 and it was found that the applicant was not residing in the allotted quarter and has sublet the same for monetary gains bringing an un-authorised occupant which amount to subletting according to the rules. The respondents controller of administration on behalf of respondent no.2 issued an O.M. dated 26-7-93 agreeing with the fact finding

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~~report~~ of the surprise check committee, asking the applicant to vacate the premises within 2 months from the date of the notice and in default he shall be liable to penal rent of licence fee of Rs. 2500 per month and further he shall not be liable for allotment of premises of CRRI for a period of 3 years.

2. A notice was issued to the respondents on 16-8-93 where an interim direction was also issued to maintain the status quo as on that date. Since then, a number of opportunities were given to the respondents to file their reply but no reply has been filed by the respondents and interim order also continued from time to time. Today, departmental representative Shri Yogendra Kumar, Assistant (Vigilance) appeared and states that the applicant has vacated the quarter on 4-4-94 and he has sought voluntary retirement which has been granted w.e.f. 5-4-94.

3. Heard the learned counsel for the applicant at length who argued before passing the OM dated 23-7-93, the applicant has not been given any opportunity to substantiate the fact that he has not sublet the said quarter and further that no unauthorised occupant was allowed to occupy the said quarter. Since the respondents have not contested the application and the counsel for the applicant states that no show cause notice was issued prior to passing of the impugned O.M. of 26-7-93, the respondents cannot recover the penal licence fee. Having given a careful consideration, it appears that the applicant has sought voluntary retirement and in that event retention of the quarter for a period of ~~4~~ months beyond the date fixed for vacation of the quarter in the impugned O.M. of 26-7-93 does not call for in the circumstances of the case any payment of penal licence fee. This is also because of the fact that the respondents have not placed any material as to whether the applicant has actually sublet the accommodation to unauthorised person. In the application, it is

averred that the applicant has never sublet the quarter and that fact has not been contested by filing a reply.

4. During the course of the arguments, the learned counsel for the applicant also stated that at the time of hearing of this matter on the earlier sitting of the Bench, the respondents have given out that they are going to compromise the matter. However, it is not noted by any noting in the order. However, departmental representative also agrees that the matter be disposed of.

5. In view of the above facts and circumstances, the O.M. of 26-7-93 is struck down to the extent that no penal ~~rent~~ shall be charged from the applicant for the period of retention of the quarter beyond sixty days ~~till~~ ^{and} his voluntary retirement and vacation of the quarter. The application is disposed of accordingly, with no order as to costs.

J. P. Sharma

(J.P.SHARMA)

MEMBER(J)

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