

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH
O.A.No.278/2005.**

Monday this the 18th day of April, 2005.

CORAM:

HON'BLE MR. K.V.SACHIDANANDAN, JUDICIAL MEMBER

Joseph George,
Assistant Finance & Accounts Officer,
Central Marine Fisheries Research Institute,
Mandapam, Ramnad District, Tamil Nadu
(Presently residing at Type III/4 Quarters,
CMFRI Residential Complex, Kochi)

Applicant

(By Advocate Shri TC Govindaswamy)

Vs.

1. Indian Council of Agricultural Research,
Krishi Bhawan, New Delhi through its
Secretary.
2. Director General,
Indian Council of Agricultural Research,
Krishi Bhawan, New Delhi.
3. Director, Central Marine Fisheries Research Institute,
Post Box No.1603, North Post Office, Kochi.
4. Dr.Mohan Joseph Modayil, Director,
Central Marine Fisheries Research Institute,
Post Box No.1603, North Post Office,
Kochi.

Respondents

(By Advocate Shri Santhoshkumar)

The application having been heard on 18.4.2005
the Tribunal on the same day delivered the following:

ORDER (Oral)

HON'BLE MR. K.V.SACHIDANANDAN, JUDICIAL MEMBER

The applicant, presently working as Assistant Finance & Accounts Officer under
the 3rd respondent is aggrieved by orders dated 3.2.2005(A-14) and 28.3.2005(A-16)



issued by the 3rd respondent ordering recovery of License Fee at the alleged prevailing market rate @ Rs.7249.50 per month with retrospective effect from 18.3.2004 and vacation of the Type III quarter allotted to the applicant within 15 days. The applicant is now working at Mandapam, Ramnad District, Tamil Nadu and his family is staying at Kochi. He has three grown-up daughters preparing for final examination. Aggrieved by the said impugned orders he has filed this O.A. seeking the following main reliefs:

a) Call for the records leading to the issue of Annexure A14 and Annexure A16 and quash the same.

b) Direct the 3rd respondent to consider A-13 representation afresh in accordance with the Rules and if the decision is in the negative, place before the Management Committee and or such higher authorities for a decision and to issue a speaking order and to communicate the same to the applicant within a time limit as may be found just and proper by this Hon'ble Tribunal.

2. Shri TC Govindaswamy, learned counsel appeared for the applicant and Shri Santhoshkumar, learned counsel appeared for the respondents 1 to 3. Learned counsel for applicant specifically pointed out in A-16 that:

"It is, therefore, made clear to Shri Joseph George that the undersigned is not empowered to relax the existing Rules for allotment for CMFRI Residential accommodation to suit his requirement and hence his request dated 4.2.2005 (Annexure A13 in O.A.No.111/2005) is not acceded to."

3. Learned counsel for the respondents pointed out that the prayer (b) in the O.A. is to direct the 3rd respondent to consider A-13 representation afresh in accordance with the Rules and if the decision is in the negative, place before the Management Committee and or such higher authorities for a decision and to issue a speaking order and to communicate the same to the applicant within a time limit as may be found just and proper by this Hon'ble Tribunal.



4. Learned counsel for the respondents submitted that his grievance is that, no proper application of mind has been made in exercising the powers relaxing the existing rules and the respondents may be directed to reconsider the matter and pass appropriate orders.
5. Counsel for the applicant submitted that the applicant may be permitted to file a comprehensive fresh representation to the 1st respondent within two weeks and the first respondent may be directed to consider and pass appropriate orders within a stipulated time in accordance with the rules in force.
6. Counsel for the respondents submitted that he has no objection in adopting such a course of action.
7. In the interests of justice, this Court permits the applicant to make a fresh representation within a period of two weeks and the 1st respondent shall consider and dispose of the same with due application of mind as expeditiously as possible, in any case, within a period of three months from the date of receipt of the representation. This Court also directs that, the impugned orders A14 and A16 will be kept in abeyance till such representation is disposed of and communicate the same to the applicant. In the circumstance, no order as to costs.
8. O.A. is disposed of at the admission stage itself.

Dated the 18th April, 2005.



K.V.SACHIDANANDAN
JUDICIAL MEMBER