

% **05.08.2008**

Present: Mr. V.K. Rao with Mr. Saket Sikri for the petitioner.
Mr. P. Nagesh for the respondent.

+ CM No.10771/2008 (Exemption) in WP (C) No.5641/2008
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Exemption as prayed for is granted subject to all just exceptions.

WP (C) No.5641/2008 & CM No.10770/2008 (Stay)

The petitioner, in this writ petition, is aggrieved by the decision of the respondent declining him further extension beyond 1½ years after he reached the age of superannuation. The petitioner had reached the age of superannuation on attaining 60 years of age on 31st January, 2007. Thereafter he was granted two extensions, first for one year and the second for six months. The second extension granted to the petitioner expired on 31st July, 2008. He has since been relieved from the services of the respondent Institute w.e.f. 31st July, 2008 (Afternoon). The order declining further extension impugned in the present writ petition is at page 95 of the paper book.

Notice.

Mr. P. Nagesh accepts notice of this petition on behalf of the respondents.

This writ petition has been taken up for final disposal because counsel for both the parties have agreed for passing of a consent order on instructions from their respective clients.

Signature Not Verified

 Certify that the digital file and physical file have been compared and the digital data is as per the physical file and no page is missing.

The terms of the consent order are as follows:-

1. The petitioner shall not insist for any further extension and give up his challenge to the impugned order at page 95 of the paper book.
2. The respondents have agreed to appoint the petitioner as a consultant on such terms as are offered to other consultants for a period of three months effective from tomorrow i.e., 06th August, 2008.
3. The respondents have also agreed to allow the petitioner to retain the official accommodation allotted to him by the respondents as per the rules of the respondent No.1-Institute.
4. The appointment of the petitioner as a consultant shall not be used or cited as a precedent in future by any other employee of the respondent No.1-Institute.
5. After expiry of consultancy period of three months, the petitioner shall not make any claim for any further extension in any capacity either as consultant or otherwise.

At this stage, the counsel appearing for the parties submit that the court may specify the exact date upto which the

petitioner may retain the official accommodation allotted to him by respondent No.1-Institute. Counsel for both the parties, on instructions, have agreed that the petitioner can retain the official accommodation upto i.e., 31st January, 2009, subject to an undertaking to be filed by him within three days that he shall vacate the official accommodation in his possession on or before 31st January, 2009 and would not ask for any further extension of time for vacation of the said accommodation. Accordingly, the petitioner is permitted to retain the official accommodation allotted to him by the respondent No.1-Institute upto 31st January, 2009, subject to his filing an undertaking by way of an affidavit within three days that he shall vacate the said accommodation on or before 31st January, 2009 and would not ask for any further extension for vacating the said accommodation. Needless to say that the petitioner shall be liable to pay the licence fee/rent for use and occupation of the official accommodation in accordance with the rules of the Institute.

In view of the above, this writ petition stands disposed of leaving the parties to bear their own costs.

Order Dasti under the signatures of the Court Master.

AUGUST 05, 2008

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S.N.AGGARWAL, J