

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 1709/97

New Delhi this the 6th Day of March 1998.

Hon'ble Shri R.K. Ahooja, Member (A)

1. Shri Sukh Dev Singh,
Son of Shri Om Prakash,
Staff Quarter No. 8,
Central Revenues,
Central Laboratory,
Pusa, New Delhi-110 012.
2. Shri Mahabir Singh,
Son of Shri Ganga Singh,
Staff Quarter No. 7, CRCL,
Pusa, New Delhi-12. Petitioners

(By Advocate: Ms. Jasmine Ahmed)

-Versus-

1. The Secretary,
Ministry of Finance,
Department of Revenues,
North Block,
New Delhi
2. The Administrative Officer,
Central Revenues Central Laboratory,
New Delhi-12.
3. The Director of the Directorate of Estates,
Nirman Bhawan,
New Delhi Respondents

(By Advocate: Shri R.R. Bharti)

ORDER

Hon'ble Shri R.K. Ahooja, Member (A)

The two applicants were appointed as Messangers, a Group 'D' post w.e.f. 16.3.1985 and 1.11.1978 respectively. The respondent lab has on its premises ten Class IV (Group 'D') rent free quarters. The applicants No. 1 & 2 were allotted quarters No. 8 & 7 respectively on 1.7.1985 and 28.2.1983. They were both promoted to Group 'C' post of Lab. Attendant on 1.10.1990 and 7.11.1986 respectively. By impugned order dated 29.11.1995,

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the respondents directed the applicants to vacate the quarters on the ground that these were meant for Group 'D' employees. The applicants were also advised to apply for allotment from the General Pool Accommodation. The date for vacation was fixed as 31.3.1996 which was later extended by another six months. Although, no action has been taken to get the said accommodation vacated, the applicants are now being charged Rs. 540/- p.m. by way of market rent and the same is being deducted from their salaries. They have now come to the Tribunal praying that the impugned order dated 29.11.1995 be quashed, the applicants should not be evicted from the quarter in question and the respondents be directed to refund the sum of Rs. 540/- p.m. deducted from their salaries.

2. The respondents in their reply have stated that the applicants being Group 'C' employees are not entitled to the rent free quarters in question. They say that there are a large number of Group 'D' employees who have been agitating for these quarters. The Lab requires certain Group 'D' staff like Messangers to stay on the premises. For these reasons, the respondents have directed the applicants to vacate the quarters and as they failed to do so they are being charged market rent for unauthorised occupation of Government accommodation.

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3. I have heard the counsel. It is true that the applicants were allotted the quarters in question when they were still Group 'D' employees. However, both of them were promoted to Group 'C' long time back, applicant No. 1 on 5.10.1990 and applicant No. 2 even earlier on 7.11.1986. The respondents allowed them to continue peacefully in the said quarters till the impugned order was issued in November, 1995. The original allotment also was not subject to any condition that the quarters will have to be vacated on their promotion to Group 'C' post. In the circumstances, the applicants cannot now be thrown out on the road unless alternate accommodation is allotted to them either from the departmental pool or from the general pool.

4. It was alleged by the learned counsel for the respondents that the accommodation in question is rent free and earmarked for Group 'D' staff. The learned counsel for the applicant, on the other hand, submitted that the applicants by virtue of the fact that they had not drawn the House Rent Allowance had been virtually paying paid the rent. I agree with the respondents that non drawal of HRA does not amount to payment of rent to the Government. The HRA is a compensation for higher rent that an employee has to pay while hiring private accommodation. Normally the Government employee is expected to pay upto 10% of his salary towards rent. Effectively therefore the applicants have been availing of the accommodation as rent free. Since they are no longer Group 'D' employee, they are not entitled to rent

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free accommodation and if they want to continue in that accommodation till they get accommodation from the General Pool, they must pay the assessed rent.

5. In the light of the above discussion, this OA is disposed of with the direction that the applicants will be allowed to continue in the accommodation allotted to them till they are given alternate accommodation from the General Pool. However, this will be subject to the payment of standard rent from the time they became group 'C' employees. The same will be calculated by the respondents and communicated to the ~~respondents~~ ^{applicants} who will pay the same within ~~one~~ ^{the} month thereafter. The respondents will deduct from the claim the excess amount already received by them charged as market rent. For the future, the applicants will be charged normal rent till alternate accommodation is made available to them.

No order as to costs.

R.K. Ahuja
(R.K. Ahuja)
Member (A)

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