



CENTRAL ADMINISTRATIVE TRIBUNAL

CHANDIGARH BENCH

O.A.NO.060/01053/2019

Order pronounced on: 15.02.2021
(Order reserved on: 9.02.2021)

HON'BLE MS. AJANTA DAYALAN, MEMBER (A)

Gurmeet Singh S/o Sh. Nachhattar Singh, Age 47 years, R/o Quarter No. 1807, Sector 7-C, Chandigarh and presently working as Senior Accountant in the office of Pay & Account Office (Labour Bureau) SCO 28031, J&K Building, Sector-17, Chandigarh, Group-B.

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Applicant

(BY ADVOCATE: MR. R.P. RANA)

VERSUS

1. Union of India through the Secretary, Government of India, Ministry of Urban Development, Directorate of Estates, Nirman Bhawan, New Delhi-110001.
2. Assistant Estate Manager, Directorate of Estates, Kendriya Sadan, Sector 9-C, Chandigarh-160009.
3. The Drawing and Disbursing Officer, Pay & Accounts Office, Labour Bureau, Ministry of Labour & Employment, Govt. of India, SCO 28-31, Sector-17, Chandigarh-160017.

Respondents

(BY ADVOCATE: MR. B.B.SHARMA WITH MR. PRAMOD SRIVASTAV, UDC OFFICE OF ASSISTANT ESTATE MANAGER, KENDRIYA SADAN, SECTOR 9, CHANDIGARH)



ORDER
HON'BLE MS. AJANTA DAYALAN, MEMBER (A)

1. The present Original Application has been filed by the applicant Gurmeet Singh seeking quashing of the order dated 5.8.2019 (Annexure A-1) and 20.9.2019 (Annexure A-2), whereby his request for not charging higher licence fee for Type-III government quarter has been rejected. The applicant has also sought issuance of direction to the respondents to charge licence fee of quarter No.1807, Sector 7C, Chandigarh, as per Govt. of India, O.M. dated 21.11.2013 (Annexure A-4) and O.M. dated 19.7.2017 (Annexure A-5) w.e.f. October 2019 and refund excess amount of Rs.10,320/- with interest.

2. The applicant is working as Senior Accountant in the Labour Bureau, Ministry of labour & Employment at Chandigarh. He was allotted and is residing in Quarter No. 1807, Sector 7-C, Chandigarh since 16.5.2006. Its area is 38.10 sqr.mtr and in 2006 it was undisputedly a Type III quarter.

3. The licence fees of the quarters were revised vide O.M. dated 21.11.2013. The limit of living area of Type-III quarter was changed. For 44 sqr. mtr. to 55 sqr.mtr, the licence fee was increased from Rs.310/- to Rs.370/- and for living area of 56 sqr. mtr. to 65 sqr.mtr licence fee was increased from Rs.380/- to Rs.450/-. The area for Type II quarters was also changed. From 26.5 to 40 sqr.mtr, the licence fee was revised from Rs.205/- to Rs.245/- and for the



area 41 to 50 sqr. mtr, the rate of licence fee was revised from Rs.260/- to Rs.310/- per month.

4. Similar revision again took place vide O.M. dated 19.7.2017. In this revision for Type-III quarters, living area was from 44 sqr. mtr. to 65 sqr. mtr. Licence fee was raised to Rs.470/- per month. For Type II, for areas from 26.5 sqr. mtr. to 40 sqr.mtr, licence fee was revised from Rs.245/- to Rs.310/- per month. There was no change in licence fee for areas from 41 sqr.mtr. to 50 sqr.mtr. These orders were made effective from 1.7.2017.

5. The case of the applicant is that on the basis of living area of the quarter in his occupation, it is a Type-II quarter and not a Type III quarter. As such, licence fee prescribed for Type-II based on living area is required to be charged from him. However, licence fee is being charged at the rate prescribed for Type III quarter.

6. The applicant made a representation dated 19.7.2019 with a request to charge licence fee as per area of quarter. However, his claim was rejected vide order dated 5.8.2019 (Annexure A-1). The applicant sought information under RTI Act, 2005. In response, he was informed vide letter dated 20.9.2019 (Annexure A-2) that he is in occupation of Type-III quarter and as such minimum licence fee has been charged for minimum range of this type of quarter at Rs.310/- instead of Rs.370/- as per O.M. dated 21.11.2013. Hence the O.A

7. The respondents have contested the claim of the applicant. They have stated that initially Type-III quarters



were constructed having less range of living area from 34.05 sqr.mtr to 55 sqr.mtr. This was later increased to be in the range of living area from 56 sqr.mtr to 65 sqr.mtr. The plinth areas are revised as per Government norms after the recommendation of the Pay Commission. The classification of all the General Pool Residential Accommodation is made by CPWD from time to time as per Government of India's revised norms throughout the country. Respondent No.2 accordingly assessed the lower side of licence fee in the category of Type-III General Pool Residential Accommodation quarter and respondent no.3 recovered the same from the applicant.

8. The respondents have argued that range of living areas indicated in their various O.Ms is only for the purpose of classification of newly constructed quarters. This is not applicable for already constructed quarters which already stand classified based on the norms for range of living areas at the time of their construction. They also argue that quarter once classified is not being downgraded due to upward revision of norms for classification later. They have also argued that these principles are applicable across India for all government accommodations and there can be no separate treatment in the case of the applicant alone.

9. The respondents have also categorically stated that there are over 100 such Type III quarters in Chandigarh alone and for all of them, licence fee at the rates being charged from the applicant is being charged. They have also stated that no other such request as that of the applicant has been



received by them and they are not aware of any such request received elsewhere.

10. The respondents have further submitted that the applicant was earlier allotted Type III quarter No. 1197-C, Sector 46, Chandigarh having area of 56 sqr. mtr to 65 sqr.mtr. But he vacated the same and applied for change. His request was allowed and he was allotted Type-III Quarter No. 1807, Sector 7-C, Chandigarh on 18.5.2006 (Annexure R-1) having living area in the range of 34.05 sqr. mtr. to 55 sqr.mtr.

11. Besides above, the respondents have stated that the rent is being assessed type-wise in the automatic system as per categorization of quarters like Type-IIq and Type-III and not as per living area. Also, that the house in occupation of the applicant cannot be downgraded to Type-II by the allotting authority.

12. The respondents have finally concluded that in view of all above, the O.A. has no merit and the applicant does not deserve the relief sought in the O.A.

13. I have heard the learned counsel of opposing sides and have carefully gone through the pleadings on record. I have also given my thoughtful consideration to the entire matter.

14. It is observed that the classification of quarters in various types like Type-II or Type-III is dependent upon the living area. This has been changed from time to time. However, type of accommodation already constructed is not



downgraded as categorically stated by the counsel for the respondents during arguments. If a particular accommodation has been classified as Type – III initially at the time of construction, it does not get re-classified as Type-II just because the norm for construction of new quarters of that type has been increased later.

15. I also observe that the respondents have categorically stated that the area of living space mentioned in their OMs is for new construction and for their classification. It does not apply to old construction and type of old constructed accommodation is not getting down-graded because the norms for new construction have been revised upwards at a later date. To reconfirm this fact, they have made a categorical statement that in Chandigarh alone, there are over 100 such Type III accommodations and all are being charged licence fee at the rates being charged from the applicant. They have also stated that all over India, the same system is being followed and there is no discrimination against the applicant.

16. I also observe that it is true that taking allotment of an accommodation is the option of the employee. In the instant case, admittedly the applicant was initially allotted a Type-III accommodation with higher living area within the higher range for Type III quarters being between 56 sqr. mtr to 65 sqr.mtr. However, the applicant at his own option changed his accommodation to a Type III quarter with lesser area. He can now not turn around and say that his accommodation be reclassified as Type-II.



17. It may be true that the O.Ms are not happily worded. However, the acts and actions of the respondents make their intent clear – that is that the living area described in O.Ms is only for new accommodation and not for old accommodation already constructed. This is the principle and policy being adopted all over India and there is no discrimination against the applicant.

18. I do not find much logic in argument of the applicant. It is not disputed that the accommodation of the applicant was originally classified as Type III. It is not denied that the applicant himself opted for it himself and got it allotted. In fact, in the instant case, he was originally allotted Type III accommodation of higher area in the range of 56 sqr. mtr. to 65 sqr.mtr. However, he himself chose to change it to type III quarter with lesser area of 38.10 sq.mtr. which falls in lower category of Type III. All other over 100 such quarters in Chandigarh alone continue to be classified as Type III and are being charged licence fee as being charged from the applicant. This is the situation not only in Chandigarh but across India. As such, there is no discrimination against the applicant. There is also no challenge to the basic policy and the licence fee of Rs.470/- per month being charged from the applicant is nominal as compared to market rate. Further, the applicant always has the option to vacate the government accommodation if he so wishes and there is no compulsion or force for him to continue to occupy the quarter.



19. In view of all the above, I find that applicant does not deserve the relief sought for by him in the O.A. The O.A. is, therefore, dismissed being devoid of merits.

20. There shall be no order as to costs.

(AJANTA DAYALAN)
MEMBER (A)

Place: Chandigarh
Dated: 15.02.2021

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