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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 1852/87

Date of Decision : 23.4.1993

Shri Suraj Mal

... Petitioner

vs.

Union of India & Anr. ... Respondents

CORAM : THE HON'BLE MR. C. J. ROY, MEMBER (J)
THE HON'BLE MR. B. N. DHOUNDIYAL, MEMBER (A)

For the Petitioner Shri V. P. Gupta, Counsel

For the Respondents Shri K. L. Bhandula, Counsel

JUDGMENT

(By Hon'ble Shri B. N. Dhoundiyal, Member (A) :

This OA has been filed by Shri Suraj Mal, a retired Daftry working in the Central Electricity Authority, Ministry of Energy, Department of Power challenging the impugned order dated 4.9.1986 rejecting his request for refund of house rent deducted from his pay from 1.1.57 onwards. The petitioner was earlier employed as Peon in the office of the Salt Commissioner, Jaipur under the General Manager, Sambhar Lake, Salt Department. When this undertaking was converted into a limited company he opted to remain in Government service and was appointed as Peon in the Central Electricity Authority on 9.12.63. He was occupying Government accommodation allotted by the Salt Commissioner's Office from 1.1.57 to 31.12.63. His grievance is that the accommodation allotted to him by the Salt Commissioner as well as Directorate of Estates in New Delhi has not been treated as rent free accommodation as in the case of his similarly situated colleagues. He prays for quashing the impugned order dated 4.9.86 and for a declaration that he is entitled to rent free accommodation with effect from 1.1.57. He also seeks a direction to the

respondents for refunding the house rent deducted from his pay from 1.1.57 with 16% interest.

2. We have gone through the records of the case and heard the learned counsel for the parties. The learned counsel for the respondents has contended that the application is barred by Section 21 of the Administrative Tribunals Act, 1985 as the claim is more than 25 years old and as neither the Salt Commissioner nor the Directorate of Estates have been impleaded as parties. As the applicant was not in occupation of rent free accommodation before 1.10.52 he was not entitled to the facility of rent free accommodation in terms of OM dated 4.10.52.

3. The applicant himself admits that the rent has been recovered from his pay for the period from 1.1.57 to 31.12.63 and this is corroborated by letter dated 25.6.84 from Sambhar Salt Ltd. His case, therefore, does not fall in the category of those eligible for rent free accommodation in terms of para 1 of the OM dated 4.10.52 which reads as under:-

"The undersigned is directed to refer to paragraph 2 of the late Ministry of Works, Mines and Power Office Memorandum No.5219-WII/50 dated the 4th August 1950, on the subject noted above, and to say that the question whether the existing concession of rent-free accommodation should be withdrawn from the Class IV government servants has now been reviewed. The only condition which would justify the grant of rent-free accommodation is that specified in the Office Memorandum referred to above, viz. obligatory stay of the incumbent at his office premises for the proper discharge of official duties. It has accordingly been decided in supersession of all previous orders on the subject that rent should be recovered in accordance with the Fundamental Rules from all Class IV government servants who do not satisfy the condition mentioned above. In consideration, however, of the fact that some Class IV government servants have been in occupation of rent free accommodation for a long time and as they comprise the lowest paid class of government servants, it has been decided, as an exceptional measure, that no rent should be recovered from such Class IV servants."

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Government servants as are already in occupation of rent-free accommodation so long as they live in the residence they have been occupying or another residence of the same or lower class."

No doubt the applicant has been representing to the Sambhar Salt Ltd. for treating the accommodation allotted to him as rent-free accommodation and has contended that before 1.1.57 he had not opted for Government accommodation as he was living in his own house. He failed to convince the competent authority regarding his eligibility for rent-free accommodation and now it is too late in the day to claim that relief at this stage. We, therefore, see no merit in the O.A. and dismiss the same. No costs.

B. N. Dhoundiyal
(B. N. Dhoundiyal)
Member (A) 23/4/93.

C. J. Roy
(C. J. Roy)
Member (J) 23/4/93

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