

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00269/2021

Friday, this the 30th day of July, 2021

C O R A M :

**HON'BLE Mr. P. MADHAVAN, JUDICIAL MEMBER
HON'BLE Mr. K.V. EAPEN, ADMINISTRATIVE MEMBER**

K. Sasikumar, S/o. Late A. Kuttappan,
Aged 60 years, MTS, NPOL (Retired),
Residing at NPOL Varuna Quarters (Type 2/35),
Naval Physical & Oceanographic Laboratory,
Thrikkakara PO, Kochi – 682 021.

... **Applicant**

(By Advocate Mr. P.K. Madhusoodhanan)

v e r s u s

1. The Director, Naval Physical & Oceanographic Laboratory,
Defence Research & Development Organisation,
Government of India, Ministry of Defence, Thrikkakara PO,
Kochi – 682 021.
2. Chairman, Quartering Committee,
NPOL, Thrikkakara PO, Kochi – 682 021.
3. Union of India, represented by its Secretary,
Government of India, Ministry of Defence,
New Delhi – 110 001.

... **Respondents**

(By Advocate Mr. Sreedutt S., ACGSC)

This application having been heard on 20.07.2021, the Tribunal on
30.07.2021 delivered the following :

O R D E R

Per : Mr. P. MADHAVAN, JUDICIAL MEMBER –

The applicant has filed this OA seeking the following reliefs:

“(a) Set aside Annexure A5;

(b) Issue necessary directions to the respondents to grant the applicant extension of time for retention of the Varuna Type 2/35 quarters in accordance with law;

(c) *Award cost of these proceedings;*

And

(d) *Grant such other and further reliefs as this Hon'ble Tribunal deems fit and proper in the interest of justice.”*

2. The brief facts of the case are that the applicant was working as a Multitasking Staff, Naval Physical Oceanographic Laboratory (NPOL in short) at Thrikkakara and he retired from service on 31.5.2021. According to him he is residing in NPOL Varuna quarters Type 2/35 which was allotted to him. He belongs to a Scheduled Caste community and neither he nor his wife has a house of their own. The applicant had started constructing a small house in Veettoor in Ernakulam District but he could not complete the same due to the outbreak of Covid-19 second wave. He wants the Government accommodation for six more months and he wants to retain the present quarter till that time. Though the applicant has approached for extension of retention of quarter allotted to him, the respondents had not allowed it and they granted him one month's extension of time from 01.06.2021 to 30.06.2021. Owing to triple lock down followed in State of Kerala there was no availability of workers and materials and he was not able to proceed with his construction. According to him as per Rules 40 and 41 of the Central Government General Pool Residential Accommodation Rules, 2017 a person can retain the quarters for a period of six months after retirement. The applicant is in dire situation and he seeks extension of the quarters for at least for a period of six months. Hence he seeks to quash Annexure A5 order dated 8.6.2021.

3. The respondents entered appearance and filed a detailed reply statement and submitted as follows:

They admitted the allotment of quarter to the applicant and the fact that he has retired from service on 31.5.2021. The allotment of the quarters is governed by the Government Residences (Research and Development Common Pool) Rules, 2014. The Director of the Laboratory is the competent authority for allotment. There exist 48 quarters of type-II and out of which only 44 are in useable condition. Shortly after the retirement of the applicant he applied for retention of the Government accommodation for a period of six months. The 1st respondent on 26.5.2021 permitted the retention of the quarters for a period of one month i.e. up to 30.6.2021. Subsequently the applicant by another request on 27.5.2021 sought for extension of the retention. It was not allowed. According to the respondents the applicant has neither given details of the property where he is constructing the house and he is liable to produce the details of construction before the authority. The respondents are not having the detailed information regarding his construction. There exist four employees waiting for type-2 Government accommodation and out of which two are unmarried lady employees and one is a person with permanent disability. Three out of these employees are from other States. The respondents have to allot quarters for those employees also. As per Rule 10(b) of the R&D Common Pool Rules, 2014, the concessional period for retention of Government accommodation upon retirement is permissible for the bonafide use of the employee or members of his/her family for total period of six months with the condition that they will be allowed to retain for two months on normal license fee, another two months double the license fee and further two months on four times the

normal license fee. The relevant rules were produced by the respondents as Annexure R3. The respondents completely deny the vacancy position as stated by the applicant in the OA. Hence, they submit that the OA is not having any merit and it is liable to be dismissed.

4. We have heard both the counsel for the applicant as well as for the respondents. On going through the pleadings and arguments, we find that the applicant mainly relies on the provisions in Rules 40 and 41 of the Central Government General Pool Residential Accommodation Rules, 2017 wherein six months' time is granted for retention. But the counsel for the respondents has produced the relevant rules of allotment i.e. Government Residences (Research and Development Common Pool) Rules, 2014. According to them the Central Government General Pool Residential Accommodation Rules, 2017 is not applicable to them. The rule applicable to them is Government Residences (Research and Development Common Pool) Rules, 2014. On perusal of Rule 10(b), we find that the applicant can retain the quarters for a period of two months on ordinary license fee and thereafter for two months on double the license fees and for another two months at four times the normal license fee. The applicant has produced a copy of the letter issued by the Director General, Ministry of Defence, Defence R&D Organization dated 20.5.2021 (Annexure A3) wherein the competent authority has permitted retention of the quarters for R&D Common Pool Accommodation for a period from 01.04.2021 to 30.06.2021 to all allottees owing to the pandemic Covid19 outbreak in the Country. The applicant has retired on 31.5.2021 and he is entitled to retain the quarters up to 30.6.2021 on the basis of Annexure A3 letter issued by the Director

General. The applicant is also entitled to occupy the quarter thereafter under Rule 10(b) which stipulates for two months on ordinary license fee, for further two months on double license fee and for two months thereafter on four times the ordinary license fee i.e. for a period of six months. The applicant has explained the situation in which he is seeking permission to retain the quarters. He also states that he belongs to Scheduled Caste community and that he does not have any house to stay and he is constructing a house at Veettoor in Ernakulam district. He could not complete the same owing to shortage of labour due to the outbreak of Covid-19. This fact has to be taken note when matters are considered in this case. This is an extraordinary situation and we find that the applicant ought to have been granted six months further retention from 1.7.2021 in the light of Rule 10(b) of Government Residences (Research and Development Common Pool) Rules, 2014. It was submitted by the respondents that the applicant has not produced any document to show the construction of his house.

5. In these circumstances, we hereby direct the applicant to produce the details of his house construction before the respondents within a period of two weeks from the date of receipt of a copy of this order and the competent authority is directed to consider the case of the applicant for retention of the quarters from 1.7.2021 for six months in the light of Rule 10(b) of Government Residences (Research and Development Common Pool) Rules, 2014 and pass necessary orders within a period of two weeks from the date of receipt of the details of the house construction of the applicant.

6. We find merit in the contention of the applicant and therefore, we dispose of the OA with the above directions. No order as to costs.

(Dated this the 30th day of July, 2021)

K.V.EAPEN
ADMINISTRATIVE MEMBER

P.MADHAVAN
JUDICIAL MEMBER

“SA”

List of Annexures in Original Application No.180/00269/2021

1. **Annexure A1** – True copy of the caste certificate dated 23.7.2005 issued by the Tahsildar, Kochi – 11.
2. **Annexure A2** – True copy of the reply dated 26.5.2021, issued by the 2nd respondent for the first respondent.
3. **Annexure A3** – True copy of the letter ref.: DG (R&M)/85101/53/Misc., dated 20.5.2021, by Scientist ‘G’ & Director (Admin), Ministry of Defense, Defense R&D Organisation, Government of India, Rajaji Marg, New Delhi.
4. **Annexure A4** – True copy of the representation dated 27.5.2021, submitted by the applicant.
5. **Annexure A4(a)** – True copy of the English translation of Annexure A4.
6. **Annexure A5** – True copy of the letter No. NPOL/A/QC/06/2021 dated 8.6.2021 issued by the 2nd respondent for the first respondent.
7. **Annexure A6** – True copy of the relevant extract of Rule 40 of Central Government General Pool Residential Accommodation Rules, 2017.
8. **Annexure A7** – True copy of the relevant extract of the Allotment of Government Residences (R&D Common Pool) Rules, 2003.
9. **Annexure R1** – True copy of the latest priority list for Type II quarters.
10. **Annexure R2** – True copy of the request dated 3.6.2021 seeking allotment of Type II quarters on priority, received from one of the personnel in the priority list.
11. **Annexure R3** – True copy of the relevant extract of Rule 10(b) of R&D Common Pool Rules, 2014.
12. **Annexure R4** – True copy of the details of retention of quarters permitted to eight former employees.
13. **Annexure R5** – True copy of the letter No. NPOL/A/QC/05/2021 dated 28.5.2021 issued to Shri Kesavan V.P., MTS (Retd.).
14. **Annexure R6** – True copy of an extract of license fee bill No. 1003-1004 of October, 2020 received from O/o Accounts Officer, AGE (I) R&D, Kochi vide their letter dated 29.10.2020 indicating calculation of damage rent of Rs. 33,391/- to be recovered from the applicant on this account.
