

O.A/350/972/2021

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

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O.A/350/972/2021

Date of Order: 19.07.2021



Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member

Priyadarshini Singh, wife of Neeraj Kumar Singh, aged about 34 years, working as Senior Translator in the office of AG (A&E), Tripura, Agartala, a resident of Dover Lane Extension, Type –IV, Flat No. 6D, Block DS, Central Government Officers Quarters, Kolkata – 700029.

..... Applicant

Versus

1. Union of India, service through the Comptroller and Auditor General of India, having its Office at 9, Deen Dayal Upadhyaya Marg, New Delhi – 110124.
2. The Director of Estates, (Government of India), Nirman Bhawan, Chanakyapuri, New Delhi – 110011.
3. The Estate Manager, Directorate of Estates, 5, Esplanade East, Kolkata – 700069.

..... Respondents

4. The Accountant General (A&E), Tripura Agartala – 799006.
5. The Director General of Audit (OF) 10/A, S.K Bose Road, 8th Floor, East Side, Kolkata – 700001.

..... Proforma Respondents

For The Applicant(s): Mr. S.Seal, Mr. J.Banerjee, Mr. P.S.Deb Barman,
Mr. S.G.Neogi. Ms. P.Singh, Counsel

For The Respondent(s): Mr. D.Banerjee, Counsel

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ORDER (ORAL)Bidisha Banerjee, Member (J):

This application has been preferred by the applicant to seek the following

reliefs:



"a) An order do issue directing the respondents to consider the representations dated 2nd March 2021 and 28th June 2021 and to allow the applicant to retain residential accommodation at Kolkata.

b) An order do issue directing the respondents to allow the retention of residential accommodation of the applicant at Kolkata.

c) a declaration that the email communication made by the Estate Manager, Directorate of Estates dated 01.07.2021 is not tenable in the eyes of law and as such the same may be quashed.

d) An order do issue restraining the respondent authorities from taking any steps for evicting the applicant and its family from the present residential accommodation in Kolkata till disposal of this application.

e) An order directing the respondents to accept the normal licence fees plus other charges as per rules for retention of the accommodation of quarter at Kolkata with effect from 01st August, 2021.

f) Costs and Incidentals.

g) Such further order or orders and direction or directions as Your Lordships may deem fit and proper."

2. Ld. Counsels for both sides were heard, at length, and the rules placed by both the parties were perused.

3. Shorn of unnecessary details, the matter relates to the applicant's prayer for retention of his quarter at Kolkata on his posting at Tripura in a non-residential area. Brief facts of the case are as under:

The applicant while serving as Jr. Translator, Kolkata, in the office of Principal Director of Audit, Ordnance Factory, was transferred to New Delhi in the



same capacity in the office of Controller and Auditor General of India vide Office Order dated 23.12.2020. Subsequently, she was promoted to the post of Sr. Translator and directed to report at AG (A&N) Tripura, Agartala. She joined Tripura after availing the permissible joining time. The applicant was promoted and transferred to Tripura before she could seek accommodation at New Delhi; her stay at New Delhi being of a few days. The applicant in the present O.A. has sought for the retention of accommodation at Kolkata due to her posting to a non-family station since the quarter she was in occupation could be retained by her in terms of Rule 41 of Central Govt. General Pool Residential Accommodation Rules, 2017, which reads as under:

"41. Retention of accommodation on death, retirement and transfer of an allottee posted to a non-family station and re-transfer to any place in India-

(1) In the event of retirement or transfer of an allottee during his posting to a non-family station, the allottee shall be allowed the facility of retention of accommodation under occupation at the last place of posting prior to transfer to a non-family station for the period permissible under these rules on payment of prescribed licence fee."

Placing the aforesaid position, Ld. Counsel for the applicant would urge that the applicant could be allowed retention at the last place where she had occupied quarter since she had never occupied quarter at New Delhi although that was her last place of posting prior to her transfer to a non-family station.

Ld. Counsel would also place the communication dated 23.02.2021 as contained in Annexure-A/5 issued pursuant to her representation dated 09.12.2020, a permission to retain quarter at Kolkata for the period from 01.02.2021 to 31.07.2021 (AN) on payment of double the normal license fee plus

other charges as per rules. Apprehending that she would not be permitted to retain the quarter any further, she has approached this Tribunal.


4. Ld. Counsel for the respondents would vociferously object to her prayer on the ground that in terms of Rule 40 of the said rules, the permissible period for retention of accommodation upon transfer to a place outside the existing place is two months on normal license fee plus six month on double license fee whereafter such retention is not permissible as rules do not permit relaxation.

5. Ld. Counsel for the applicant, at that juncture, would seek my attention to Rule 41, which is in regard to transfer to non-family station and submit that Rule 41 and not Rule 40 is relevant rule for the purpose of consideration.

6. Be that as it may, in view of the fact that the applicant has preferred a representation to the competent authority seeking retention of the quarter at Kolkata as at her last place of posting where she was in occupation of quarter, her prayer for retention ought to be considered in the light of Rule 41 due to her posting to a non-family station touching Delhi where she never occupied any quarter. Accordingly, it is directed that the competent authority would consider her prayer in accordance with the law and issue necessary orders before 31.07.2021.

The applicant shall not be evicted from the quarter, in question, until disposal of the representation and till 1 week thereafter.

7. The O.A. is disposed of accordingly. No costs.


(Bidisha Banerjee)
Member (J)

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