

CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH, KOLKATA



No. O.A. 350/01161/2021

Date of order: 4.8.2021

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member  
Hon'ble Dr. Nandita Chatterjee, Administrative 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 - 700 029.

.... 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,  
Chanakyaपुरi,  
New Delhi - 110 011.
3. The Estate Manager,  
Directorate of Estates,  
5, Esplanade East,  
Kolkata - 700 069.
4. The Assistant Estate Manager,  
Office of the Estate Manager,  
5, Esplanade East,  
Kolkata - 700 069.

.... Respondents

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5. The Accountant General (A&E),  
Tripura,  
Agartala – 799 006.
6. The Director General of Audit (OF),  
10 A, S.K. Bose Road,  
8<sup>th</sup> Floor,  
East Side,  
Kolkata – 700 001.

... Proforma Respondents

For the Applicant : Mr. S. Seal, Counsel  
Mr. J. Banerjee, Counsel  
Mr. S. Ganguly, Counsel  
Mr. S.G. Biswas, Counsel  
Ms. P. Singh, Counsel

For the Respondents : Mr. D. Banerjee, Counsel

**ORDER (Oral)**



**Per Dr. Nandita Chatterjee, Administrative Member:**

Aggrieved with the directions of authorities vide which the applicant was asked to vacate her official accommodation immediately after 31.7.2021, the applicant has approached this Tribunal in the second stage litigation, praying for the following relief:-

- "(a) An order do issue annulling, quashing and/or setting aside the impugned Eviction Order dated 28<sup>th</sup> July, 2021.
- (b) A declaration that the Eviction Order dated 28<sup>th</sup> July, 2021 passed by the respondent No. 4 is not tenable in the eyes of law and as such the same may be quashed.
- (c) An Order do issue directing the respondents to allow the retention of residential accommodation of the applicant at Kolkata in terms of Rule 41 of the said GPRA Rules.
- (d) An order do issue restraining the respondent authorities from taking any steps for evicting the applicant and her family from the present residential accommodation in Kolkata till disposal of this application.

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- (e) An order do issue restraining the respondent authorities and their servants and/or agents from giving any effect to and/or taking any step whatsoever pursuant to and/or in furtherance of the said impugned Eviction Order dated 28<sup>th</sup> July, 2021.
- (f) An order directing the respondents to accept the normal licence fee plus other charges as per rules for retention of the accommodation of quarter at Kolkata with effect from 01<sup>st</sup> August, 2021.
- (g) Costs and Incidentals.
- (i) Such further order or orders and direction or directions as Your Lordships may deem fit and proper."

2. Heard both Ld. Counsel, examined documents on record. This matter is taken up for disposal at the admission stage.

3. The submissions of the applicant are as follows:-

The applicant joined the office of Principal Director of Audit (Ordnance Factories) on 1.3.2011 as Junior Translator at Kolkata, was transferred to New Delhi on 27.11.2020 in the office of Comptroller and Auditor General of India and she joined the said post on 23.12.2020. On 1.1.2021, the applicant, who was promoted as Senior Translator, was directed to report at AG (A&E) Office at Tripura, Agartala, and she joined at Agartala on 6.1.2021, upon being relieved from Delhi.

In response to an application filed by the applicant, the respondent No. 3 had allowed the applicant to retain her residential accommodation at Kolkata as per Government policy till 31<sup>st</sup> July, 2021.

On 2.3.2021, the applicant preferred another application seeking retention of her accommodation followed by subsequent prayers, but her prayers were not acceded to. Aggrieved by such inaction, the applicant preferred an Original Application being O.A. No. 350/972/2021 which was

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disposed of by this Tribunal on 19.7.2021 directing the respondents to consider her prayer for retention. The authorities thereafter passed an order dated 28.7.2021 directing her to vacate the quarter immediately after 31.7.2021, and being aggrieved thereupon, the applicant has approached this Tribunal praying for the aforesaid relief.

The applicant would challenge the orders, so impugned, inter alia, on the following grounds:-

- (i) That, while she was transferred on promotion to Tripura, she did not get any opportunity to submit an online application for an accommodation at New Delhi.
- (ii) That, the applicant further had preferred an application dated 2.3.2021 before the respondent authorities praying for retention of her accommodation at Kolkata on the ground of being posted at Agartala, since Agartala comes within the range of North Eastern Zone, and, as per the Government Policy, a person so deputed may retain his residential accommodation at her last place of posting prior to transfer to any State within the range of North Eastern Zone, i.e., 'Non-family station'.
- (iii) That, due to the ongoing pandemic, her family would face immense difficulties if the official accommodation is not provided to her at Kolkata.
- (iv) That, her last posting at New Delhi should not be taken into consideration since she had stayed there only for 11 days and



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did not get an opportunity of applying for an official accommodation therein.

- (v) That, the GPRA rules which have been brought into effect to provide safe shelters to Central Government employees, should be implemented in its true spirit.

4. Ld. Counsel for the respondents, on the other hand, would cite Rule 41 of the Central Government Pool Residential Accommodation Rules, 2017 which states as follows:-

**"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.
- (2) In the event of death of an allottee his posting to a non-family station, the family of 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:

Provided that the extended period of retention under these rules shall not be allowed in the event of death of an allottee in cases where the deceased allottee or his dependent family members own a house at the last place of posting."

Ld. Counsel for the respondents would therefore highlight that the applicant was initially transferred to New Delhi from Kolkata, and, thereafter from New Delhi to Tripura. Hence, her prayer for retention of accommodation should have been made within the prescribed time period and to the appropriate authority, which the applicant had failed to ensure. Consequently, any further scope of her retention of the official

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accommodation at Kolkata, given the fact that she has been transferred out from Kolkata on 27.11.2020, does not deserve any consideration.

Ld. Counsel would further highlight that family accommodation can be retained at the last place of posting prior to posting to a 'non-family station', and, hence, the applicant could have rightfully prayed for retention of official accommodation, if so availed of, at New Delhi as she was moved out to a 'non-family' station only from New Delhi and not from Kolkata.

5. The Hon'ble High Court at Delhi, while adjudicating the matter of **Harbhajan Singh Sood v. Union of India, 1973 (1) SLR 305 (Del)**, had ruled that an employee must fulfill other obligations which arise by reason of the order of transfer, e.g., vacating the government quarter after transfer.



Ld. Counsel for the applicant has not brought on record any rules contradicting or superseding those cited by Ld. Counsel for the respondents.

6. We find, however, that while considering this matter at first stage litigation, the Tribunal had directed the authorities to consider her representation dated 9.12.2020 for retention of official accommodation culminating in respondent's orders at A-12 to the O.A.

The applicant has preferred a further representation at Annexure A-6 to the O.A., wherein she had cited the following grounds of retention of her official accommodation at Kolkata:-

"(i) My mother and sister are solely dependent on me. Considering my mother's age, it would be extremely difficult to adjust her culturally and socially.

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(ii) Considering the age of my mother and her health issue, it is not feasible for me to bring them to Agartala with her ongoing treatment in Kolkata.

(iii) I have a 5-year-old daughter, currently staying in Kolkata with my mother and sister, as I am staying away from her, they are taking care of my responsibilities.

(iv) My daughter's education is currently ongoing in Kolkata, moving out from Kolkata will be a big challenge based on the current scenario.

(v) My husband is posted outside Kolkata and hence I am the only person who is responsible for everyday support of my family.

(vi) With no male member in the family currently residing in Kolkata, my mother and daughter feels more secure as compared to any other place.

(vii) We do not have any alternate accommodate and are completely dependent on government accommodation and hence is a huge challenge in front of us.

(viii) At present, I do not hold any government accommodation in Agartala and am living in a rented house. With such scenario's I am in deep distress and look forward for support from the leadership authorities.

(viii) With the current COVID-19 situation and panic across, this is a situation of crisis where I look for support from the government to allow me to retain the Kolkata Quarter."

We note that it is a matter of concern that the applicant's



dependent family members are vulnerable to the effects of the ongoing pandemic. Hence, considering the extraordinary nature of circumstances that prevail, the authorities are directed to reconsider their decision so as to permit the applicant to retain her official accommodation for a further period of 6 months if nothing else stands in the way, and subject to payment of prescribed licence fees.

In the meanwhile, applicant should take steps to seek an alternative residential accommodation as any further retention of official accommodation would be contrary to extant Rules.

7. With these directions, the O.A. is disposed of. No costs.

(Dr. Nandita Chatterjee)  
Administrative Member

(Bidisha Banerjee)  
Judicial Member

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