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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

Original Application No.321 of 1988

Date of decision: January 31, 1989

Shri D.P.Pradhan, L.D.Clerk,  
Office of the Assistant Engineer(E)  
C.P.W.D. Elect. Sub-division-1  
Qr.No.H/60; A.G.Colony, Unit-IV  
Bhubaneswar-1. .... Applicant

-Versus-

1. Union of India through its  
Executive Engineer, Bhubaneswar  
Central Division, C.P.W.D.  
Unit-VIII, Bhubaneswar.
2. Superintending Engineer,  
Calcutta Central Circle No.1  
C.P.W.D.; Nizam Palace,  
234/4 A.J.C.Bose Road,  
Calcutta-20
3. Chief Engineer, C.P.W.D.(E.Z),  
Nizam Palace,  
234/4 A.J.C.Bose Road  
Calcutta-20
4. Executive Engineer(Elect)  
Bhubaneswar Central Elect.Division,  
C.P.W.D., Bhubaneswar-9. .... Respondents

For the applicant. .... Mrs.R.Sikdar, Advocate.  
For the respondents ..... Mr.A.B.Misra, Sr.Standing  
Counsel(Central)

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C O R A M :

THE HON'BLE MR.B.R.PATEL, VICE-CHAIRMAN  
A N D  
THE HON'BLE MR.K.P.ACHARYA, MEMBER(JUDICIAL)

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1. Whether reporters of local papers may be  
allowed to see the judgement ? Yes
2. To be referred to the Reporters or not ? <sup>ND</sup>
3. Whether Their Lordships wish to see the fair  
copy of the judgement ? Yes

J U D G M E N T

K.P.ACHARYA, MEMBER (J)

In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays to quash the orders contained in Annexures-A/10 and A/11 and to order recovery of licence fee as per orders contained in Annexure-A/16.

2. The applicant at present is a Lower Division Clerk in the Electrical Division of Central Public Works Department stationed at Bhubaneswar. The father of the applicant namely late Natabar Pradhan was working as a Divisional Accountant in the Office of the Executive Engineer, Central Public Works Department, Bhubaneswar. While in service, Shri Pradhan was allotted with a Type III quarters and unfortunately Shri Pradhan died on 15.11.1980. Thereafter, the applicant applied to the competent authority for being appointed to a post of Lower Division Clerk on compassionate ground and while the said application was pending consideration of the competent authority, the applicant along with his family members namely, widow mother, brothers and sisters continued occupation of the quarters which was allotted to his late father, till the applicant was allotted another quarters. <sup>a quarter was allotted to the petitioner</sup> In the year 1986, by virtue of his appointment as an L.D. Clerk on compassionate ground. Due to such fresh allotment of quarters, the applicant vacated the quarters which had been allotted in favour of his late father. The competent authority has assessed the rent payable by the applicant in respect of his father's quarters to the extent of nearly Rs.32,000/- being penal rent etc. Being

aggrieved by this order the applicant has come up with this present application with a prayer to quash the penal rent etc. imposed on him.

3. In their counter, the respondents maintained that such assessment is based on the prevalent rules and therefore, in no circumstances the Bench should unsettle the order.

4. We have heard Mrs. R. Sikdar, learned counsel for the applicant and learned Senior Standing Counsel (Central), Mr. A. B. Mishra at some length. We have also perused the relevant documents including the application filed by the applicant contained in Annexure-A/15 and the rules on the subject contained in Annexure-R/5. Even though Mrs. Sikdar submitted that ordinary licence fee should be chargeable from the applicant, learned Senior Standing Counsel (Central) invited our attention to the Rules on the subject contained in Annexure-R/5 and contended that in no circumstances, the amount assessed over the applicant should be reduced. We have carefully perused the contents of Annexure-R/5 in which it is stated that a concessional period of four months could be given to the legal representatives of the deceased by imposing normal licence fee after the death of the employee, and for further period upto 6 months or till the appointment of the eligible ward in an eligible office whichever is earlier, if formal permission is granted for retention of the accommodation on medical grounds<sup>or</sup> on educational grounds - twice the standard licence fee under F.R. 45-A

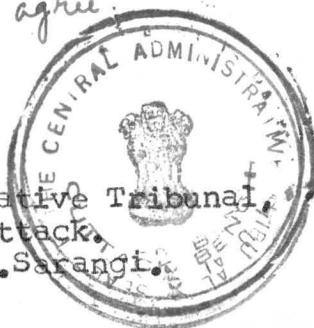
should be imposed. Admittedly, the deceased employee left behind sons and daughters who were undergoing their education. The deceased employee died in harness. None of the family members of the deceased had any source of livelihood and they had nothing to depend upon. The applicant's mother had made an application to the competent authority for appointing her son on compassionate ground. We are happy to note that it was subsequently allowed. Taking into consideration all these aspects we feel tempted to also take a compassionate view over the applicant and we would direct that normal licence fee be charged from the applicant from the date of death of Natabar Pradhan for a period of four months and thereafter till vacation of the quarters, twice the standard licence fee namely, Rs.184/- (Rs.92/- X 2) per month be charged from the applicant and the Office to which the applicant is attached, head of such Office should calculate the entire amount due from the applicant and the total amount on this account should be recovered from the applicant on a monthly instalment at the rate of Rs.125/-. This amount should be realised from his monthly pay.

5. Thus, this application is accordingly disposed of leaving the parties to bear their own costs.

*[Signature]*  
31.1.89  
.....  
Member (Judicial)

B.R.PATEL, VICE-CHAIRMAN,

*g agree*



Central Administrative Tribunal,  
Cuttack Bench, Cuttack.  
January 31, 1989/S.Sarangti.

*[Signature]*  
31.1.89  
.....  
Vice-Chairman