

CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

Original Application No. 148 of 1989

Date of decision: 28th February, 1990

1. Ranjit Kumar Mohanty,
S/o Nabakishore Mohanty
Executive Director,
Vigilance, N A L C O
Bhubaneswar. Applicant

-Versus-

1. Union of India,
represented by Secretary
to the Government of India,
Cabinet Secretariat,
New Delhi-110001.

2. Director of Accounts,
Cabinet Secretariat,
East Block No.V, Level-5,
R.K.Puram, New Delhi.

3. Deputy Director (Admn)
Aviation Reserch Centre,
Charbatia, Dist. Cuttack (Orissa)

4. National Alluminium Co. Ltd.,
represented by Chairman-cum-
Managing Director,
IPICOL HOUSE, Janpath,
Bhubaneswar, Orissa. Respondents

For the Applicant M/s. J. Das, B. S. Tripathy,
B. K. Sahoo, S. Mallick
K. P. Misra, P. K. Deo and
S. K. Purohit, Advocates

For the Respondents Mr. T. Dalei, Addl. Std. Counsel
(Central).

CO R A M :

THE HON'BLE MR. P. S. HABEEB MOHD, MEMBER (ADMINISTRATIVE)
A N D
THE HON'BLE MR. N. SENGUPTA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be
allowed to see the Judgement ? Yes

2. To be referred to the Reporters or not ?
3. Whether Their Lordships wish to see the fair copy of the judgement ? Yes.

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:- J U D G E M E N T :-

P.S.HABEEB MOHD, MEMBER (ADMN) Ranjit Kumar Mohanty, a member of Indian Police Service, borne on the cadre of the State of West Bengal who was on deputation as Commandant and Asst. Director (Admn) at Aviation Research Centre, Charbatia, Cuttack, the period of deputation being from 25.5.1978 till 16.10.86, has filed this application Under Section 19 of the Administrative Tribunal's Act, 1985 with a prayer for quashing order at Annexure-8 intimating him about the recovery from Rs.1,000/- from his pay for the month of January, 1987 as licence fee for the quarters occupied by him and further Annexures-9 and 10 which are also intimations from the authorities about recovery towards licence fees of the quarters for the period from 21.8.78 to 31.7.86.

2. The orders issued by the Govt. of India indicated (the order issued on the subject of the house allotment & licence fees for officers of the rank of CIO, JAD, AD, JDD and DD in the I.B.) No. 11301 dated 4th December, 1976 makes it clear in the second paragraph of the letter at Annexure-1 as follows:-

"Indian Police Service officer, when appointed as Central intelligence officers, Jt. Director, Assistant Director, Jt. Dy. Director and Deputy Director in the I.B. Hqrs. and in outstations will have the option either (i) to get rent free accommodation (if available) or house rent allowance in lieu thereof as admissible to the corresponding Police Officers in the State of posting on confrere basis (ii) to draw house rent allowance at the rates admissible to Central Govt. employees as per orders of the Govt. of India issued from time to time and subject to conditions as may be laid down under general/specific orders of the Govt. of India."

3. The learned Counsel for the applicant has also pointed out ~~that~~ some mistake in intimating him about the amount to be recovered from his salary towards the licence fees or the house rent for the ~~quarters~~ in question. It is ^{and} Rs.15,390.00 not 15 lakhs as in Annexure-10.

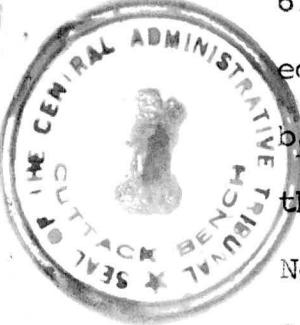
4. The reply filed by the Respondents 1 to 3 only states that the applicant is not an I.P.S. Officer of the Orissa cadre. It is not disputed the 3 I.P.S. Officers of the Orissa cadre service namely S/Shri R.N.Mohapatra, K.K.Mitra and I.J.Jachuck were appointed at A.R.C.Charbatia in the same rank but for rent free accommodation, a stand is taken in the reply that the officer of the I.P.S.Cadre in the State of Orissa when deputed to the A.R.C.Charibatia in the same State is entitled to the privileges given to the I.P.S. Officers of the same state of Orissa but for the grant of such facilities to the Officers other than I.P.S. Officers from Orissa State, special orders of the Ministry of the Govt. India are required. It is also the stand taken by the Respondents that his terms of deputation were settled without containing such a stipulation and also that it was up to him to have settled the terms of deputation like rent free accommodation before coming over to Charbatia. It is also not disputed that the Govt. of West Bengal issued a letter dated 21.6.78 that the Officers posted at Calcutta also are entitled to rentfree quarters. It is also not disputed that the applicant was enjoying the facilities of rent free quarters before his coming over on deputation to the A.R.C.

5. We have carefully considered the documents and heard arguments on behalf of the applicant and the Respondents. The orders of the Govt. of India are clear; getting ~~that~~ the facility of rent free accommodation or house rent allowance in the case of I.P.S. Officers is admissible as for corresponding Police Officers in the State of posting on "Confrere basis". We fail to understand why the Officer who was enjoining of rent free quarters in his posting in the parent cadre of West Bengal should not be given the same facilities on the basis of the Govt. of India order dated 4.12.76. We also fail to understand how discrimination has been made between Orissa Cadre Officers posted in Charbatia and West Bengal cadre officers posted to the same post. The argument that he should have settled his terms of deputation before coming over is not an argument befitting a model employer. To the Respondents Nos. 1 to 3.

6. We find that the applicant has successfully established his case and the stand of the Respondents 1 to 3 has no basis whatsoever. The Respondents No. 1, 2 and 3 will refund the amounts recovered from him and to the extent Respondent No. 4 has made the recovery, Respondent No. 4 ~~also~~ Annexures-8, 9 and 10 are accordingly quashed. The amount on account of the said house rent will be refunded within a period of one month from the date of receipt of the copy of this order. However, we do not see any case for grant of interest on the amounts recovered.

8. The Respondents are directed accordingly.

There will be no orders as to costs.


28.2.90
H. S. S.
MEMBER (JUDICIAL)

H. S. S.
28/2/1990
MEMBER (ADMINISTRATIVE)