

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.253/92

Monday, this the third day of January, 1994.

SHRI N DHARMADAN, MEMBER(J)  
AND  
SHRI S KASIPANDIAN, MEMBER(A)

1. The Government of India  
Press Workers Union,  
Koratty, through its  
General Secretary B Soman,  
Khanna Nagar,  
Koratty.
2. India Government Press  
Employees Union(INTUC)  
Koratty, through its General  
Secretary, PT Pappachan,  
Khanna Nagar, Koratty.
3. KK Govindan Kutty,  
Binder, Government of India Press,  
Koratty-680 309.
4. PJ Cherian, Binder Assistant,  
Government of India Press,  
Koratty-680 309. - Applicants

By Advocate Shri P Sivan Pillai

Vc.

1. Union of India through the  
Secretary, Ministry of urban Development,  
Government of India, New Delhi.
2. The Director of Estates,  
Ministry of Urban Development,  
Government of India,  
New Delhi-11.
3. The Director of Printing,  
Ministry of Urban Development,  
Government of India,  
New Delhi-11.
4. The Manager,  
Government of India Press,  
Koratty-680 309. - Respondents

By Advocate Shri Unnikrishnan represents Shri C kochunni Nair, SCGSC

O R D E R

N DHARMADAN, MEMBER(J)

Applicants one and two are the Association of employees working in  
the Government of India Press, Koratty and remaining applicants are working

Binder Assistants in the Government of India Press, Koratty. We are only dealing with the grievances of the applicants 3&4. They are aggrieved by Annexure-A1 proceedings dated 28.6.1991 by which, according to them, licence fee in respect of Type-B quarters has been revised in an arbitrary and unfair manner.

2. Applicants have submitted their representations against the revision. The original licence fee as fixed in accordance with the statement for fixation of rates, Annexure-A3 proceedings, there are three types of B quarters. The relevant portion in Annexure-A3 is extracted below:

Type of Accommodation	Range of living area(in sq.mt.)	Proposed flat rate of licence fee uniformly applicable throughout the country	Remarks
1	2	3	4
B	26.5	35	Crash programme type-B quarters with plinth area of 350 sq.ft. being reclassified as Type-A
B	32 to 40	60	
B	41 to 50	75"	

Considering the representations, respondents issued Annexure-R1 proceedings dated 12.12.1991 in which he has indicated that the matter will be taken up with the Directorate of Estates(second respondent) to find out ways and means for revising the licence fee of Type-B quarters occupied by the employees in the Koratty Press. The relevant portion of Annexure-11 reads as follows:

"As Govt. of India Press Colony, Coimbatore is also having the same type of quarters they were also contacted regarding the licence fee fixed by the CPWD, Coimbatore. They also confirmed of the same rate fixed for the quarters available in the Khannanagar press colony.

The abnormal increase in the licence fee of type-B quarters is due to the change of slab fixed by the Dte. of Estates for more than 26.5 sq.mt. available earlier. The quarters available in the Khannanagar press colony are of industrial type Housing units constructed in 1964-66, i.e. one room with another multi-purpose room having no facility of separate kitchen and less convenience of accommodation. Therefore, the matter may be taken up with the Directorate of Estates to find out the ways and means for reducing the licence fee of type-B quarters of this press from the abnormal increase.

An early action in the matter is requested as the arrears of Licence fee from 1.7.90 is to be recovered from the allottees."

3. Even though the matter was referred to the Directorate of Estates for a proper decision in this behalf on 12.12.1991, no decision has been taken by the competent authority. The respondents could not satisfy us by producing any documentary evidence that a fair decision has been taken by the Directorate in accordance with law. But it appears that the respondents have relied on Annexure-A2 communication received from the Deputy Director(Admn.) and proceed to realise from the applicants additional amounts, which according to them, is illegal. Annexure-R2 is a reply received from the Director of Printing indicating that the arrears of licence fee in terms of Annexure-A1 can be recovered from the applicants. But they have not produced any legal authority or other documents to satisfy us that the second respondent has considered the grievance of the applicants and decided the issue in accordance with law so as to enable the authority to initiate recovery proceedings. So long there is no final decision by the Directorate as indicated above, the applicants case that they are not liable for the additional rate as per Annexure-A1 is to be upheld.

4. In fact Annexure-A9 proceedings dated 7.8.1987 clearly stipulate that the proper authority to take a decision in respect of the grievance of the employees regarding the licence fee of quarters is the Directorate of Estate. The fourth respondent has also taken a decision that the Directorate of Estates is the proper authority to decide the issue arising in this case. Accordingly, the matter has also been referred by him to the second respondent.

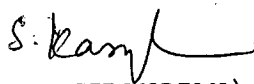
5. As indicated above, since the second respondent has not taken a final decision in this matter, we are satisfied that the justice would be met in this case if we dispose of the application with appropriate directions. It would be convenient for the second respondent to deal with the issue if the applicants file a detail representation.


6. Accordingly, we dispose of this application with the direction that the applicants 2&4 either jointly or through their Union file a detailed representation before the second respondent within a period of

three weeks from the date of receipt of this order giving all relevant details of their grievances. If the second respondent receives such a representation as indicated above, he shall dispose of the same in accordance with law taking into consideration the statements in Annexure-R1, within a period of four months from the date of receipt of a copy of the representation.

7. In the light of the above direction, it would be improper to enforce Annexures-A7 and A8 passed by the fourth respondent. It can be enforced only after getting a final decision from the second respondent in this behalf considering the representation in terms of the directions. Accordingly, these two orders are directed to be kept in abeyance till the compliance of the above directions. We make it clear that the question of recovery of arrears in terms of Annexures-A7 and A8 may be decided by the second respondent while taking a decision on the representations submitted by the applicants.

8. The OA is allowed to the extent indicated above. No costs.

  
(S KASIPANDIAN)  
MEMBER(A)

  
(N DHARMADAN)  
MEMBER(J)

TRS