

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

R.P.No.13/94

Dt. of order: 24.3.1994

Yash Pal Singh

: Applicant

Vs.

Union of India & Ors.

: Respondents

Mr.Virendra Lodha

: Counsel for the petitioner

Mr.M.Rafiq

: Counsel for respondents

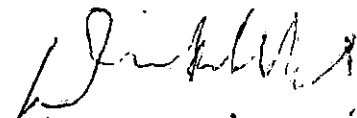
CORAM:

Hon'ble Mr. Justice D.L.Mehta, Vice Chairman.

PER HON'BLE MR.JUSTICE D.L.MEHTA, VICE CHAIRMAN.

Morals of the high dignitaries are under challenge. It is sad that the high dignitaries even know their date of retirement ^{but} not making their alternative arrangements for their accommodations. It is also sad that the high dignitaries are spoiling the system of administration and they are taking undue benefit which is not generally available to the lower strata employees. I agree to this extent that the morals have come down and the persons are keeping the government accommodations after their retirements or transfers for months together. The persons who are in authority put the legal seal on the accommodations which is against the rules. This is creating a dis-satisfaction ^{think and} among the lower strata officers and they say that if the wrongs can be done by the high dignitaries and high officers then why their wrongs should not be regularised. There is a very good ground for making such submission and they want a licence under Article 14 for the infringement of the law on the ground that the licence has been issued in favour of the high dignitaries for infringement of the law and the same should be issued in respect of the lower officers. However the law does not provide for issuance of a licence for the violation of the rules and the Article 14 may not be attracted in its entirety. But the people is agitating ^{against} the conduct of those high dignitaries and A-Class officers who are occupying the government accommodation after their retirements or transfers beyond the prescribed period. Ordinarily it is expected that such persons should make arrangement for the vacation of the government accommodation as

they know that on what date they are going to be retired. There may be some difficulty in the case of transfers because this is not known to them. However, 2 months' time is sufficient and one cannot be allowed to continue for an indefinite period. The grievance of the petitioner may be that directions are given for the recovery of double market value from him. Taking into consideration the conduct of the high dignitaries and public representatives, I consider it proper that the sword should not be placed in such a way on a subordinate officer for the violation of the rules. In the result, the Review Petition is accepted in part and it is directed that the applicant will be liable to pay double standard licence fee for the period 27.7.91 upto the date of his rejoining at Jaipur plus other charges which are chargeable under clause 2 of Rule 45-A. The order dated 20.12.93 is modified accordingly.


(D.L. Mehta)
Vice Chairman.