

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORIGINAL APPLICATION NO.291/00273/2014

Date of Order: 25.5.2015

CORAM

HON'BLE MR. JUSTICE HARUN-UL-RASHID, MEMBER(J)

1. Surendra Singh S/o Shri Prithivi Singh, aged around 46 years, resident of Qr. No.79 (Type-II), Sector 7, CPWD Colony, Vidyadhar Nagar, Jaipur and presently working as LDC, Central Administrative Tribunal, Jaipur Bench, Jaipur.
2. Girvar Singh S/o Shri Tara Chand, aged about 40 years, resident of Qr.No.88 (Type-II), Sector 7, CPWD Colony, Vidyadhar Nagar, Jaipur and presently working as LDC, Central Administrative Tribunal, Jaipur Bench, Jaipur.
3. Rajendra Prasad Meena, S/o Shri Ram Karan Meena, aged about 48 years, resident of Quarter No.106(Type -II), Sector 7, CPWD Colony, Vidyadhar Nagar, Jaipur and presently working as LDC, Central Administrative Tribunal, Jaipur Bench, Jaipur.
4. Smt.Kaushly Devi W/o late Shri Badri Narayan, aged about 43 years, resident of Quarter No.108 (Type-II), Sector 7, CPWD Colony, Vidyadhar Nagar, Jaipur and presently working as MTS(Group-D), Central Administrative Tribunal, Jaipur Bench, Jaipur.

.....Applicants

(By Advocate : Mr. C.B.Sharma)

VERSUS

1. Union of India, through its Secretary, Central Public Works Department, Ministry of Urban and Development, Nirman Bhawan, New Delhi.
2. Director General(Works), Central Public Works Department, First Floor, Nirman Bhawan, New Delhi.

3. Estate Manager, Central Public Works Department, Jaipur Central Division-I, Kendriya Sadan, Block-A, Room No.110, Sector-10, Vidyadhar Nagar, Jaipur.
4. Joint Registrar, Central Administrative Tribunal, Jaipur Bench, Sehkar Marg, Jaipur-302001.

.....Respondents

(By Advocate Mr. Mukesh Agarwal)

ORDER

The OA is filed seeking for the following reliefs:-

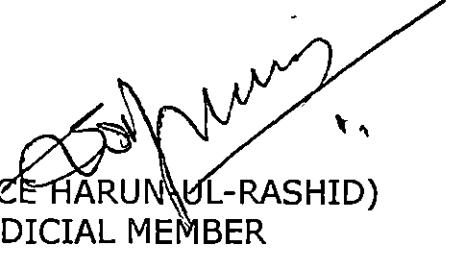
1. That the respondents No.3 be directed not to recover the licence as proposed vide Memo dated 31.3.2014 (Ann.A/1) by quashing the same with letter dated 23.4.2014 (Ann.A/2) with all consequential benefits.
2. That respondents be further directed to recover licence fee as per type of the quarter without restricting on the basis of living area as recovered in the past, as they already declared type of Government accommodation.
3. The OA is filed alleging that the respondent No.3 vide Memo dated 31.3.2014 has revised the licence fee from the year 2001 on the basis of living area and has requested to deduct the same from occupants. Applicants No.1 to 3 are occupying Type-II Qr. No.79, in Sector 7 and Type -II Qr. No.88 in Sector 7 in Vidyadhar Nagar and Type-II Qr No.106 in Sector 7 in Vidyadhar Nagar as per their entitlement. Applicant No. 4 is residing in higher type due to death of her husband and paying higher licence fee for type II quarter No.108.
3. The Ld. Counsel for the applicants submits that the applicants are occupying Type-II Quarter and the licence fee is being paid as per the type of the quarter and, therefore, higher licence fee cannot be recovered with the same facilities. It is also contended that respondents nowhere have disclosed the living area of the quarters allotted to the applicants. It is against the rules and regulations.

4. I heard the Ld. Counsel for the applicant and the Senior Central Govt. Standing counsel for respondents and perused the record. It is not disputed that the applicant No. 1,2 and 3 were allotted quarters as per their entitlement. It is contended that the living area of the Type -II Quarter is 41.39 sq.mt. but inadvertently their licence fee was fixed as per area of 39.54 sq.mt., thus the authority by rectifying the mistake has revised the licence fee vide Ann.A/1 order.

5. From the records it is seen that the monthly licence fee is fixed as per type of quarter, living area and as per rules exhibited in Ann.R/1 to R/7 relevant instructions. Consequently the licence fee has been refixed as per rules and ordered to recover from the applicants. It cannot be disputed that the applicants are bound to pay the licence fee as per rules. If there is any mistake in calculation the authorities are duty bound to rectify the mistake. In this case it is evident that the licence fee has been refixed as per living area of the quarter and the licence fee to be recovered as per the area of 41.29 sq.mt. which has been done by mistake as per the area of 39.54 sq.mt. The licence fee regulations have been mentioned in Ann.R/1 to R/7 and according to Ann.A/1 order issued deducting the licence fee from the persons who are occupants of Quarters of Type -II to pay the balance as per rectification done.

6. In the additional affidavit filed by the respondents it is reiterated that as per the norms and guidance the living area means the area in which person is living. The living area of the Type-II in Sector has been calculated on the basis of actual measurement by excluding the area of walls. For this Ann.R/8 has been supported.

7. In the facts and circumstances stated above, the Tribunal did not find any reason to quash the order Ann.A/1 and Ann.A/2. In view of the position, the OA is dismissed with no order as to costs.



(JUSTICE HARUN UL-RASHID)
JUDICIAL MEMBER

Adm/