

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No.420/2015

New Delhi, this the 26th day of September, 2016.

HON'BLE MR. P.K. BASU, MEMBER (A)

Trilok Singh Bhandari (Librarian),
Aged about 49 years,
S/o Shri Nar Singh,
R/o Qtr. No.6, Type-III,
Staff Colony, KV AFS,
TKD, New Delhi. .. Applicant

(By Advocate : Mrs. Priyanka Bhardwaj for Shri M.K. Bhardwaj)

Versus

KVS & Ors. through:

1. The Commissioner,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi.
2. The Dy. Commissioner, KVS,
Delhi Region, JNU Campus,
New Delhi.
3. The Principal,
KV, AFS, Tughlakabad,
New Delhi-110080. .. Respondents

(By Advocate : Shri U.N. Singh)

ORDER (ORAL)

The applicant, who is a Librarian under Kendriya Vidyalaya Sangathan (KVS) was transferred from his place of posting at

Tughlakabad to R.K. Puram. He made a request for retention of quarter at Tughlakabad and the respondents allowed him to retain his quarter till 30.04.2014, for first two months at normal rent and thereafter at double of the licence fee. In the meanwhile, he was transferred to Mount Abu on 03.06.2013. On his request for a hard posting, he was posted to Bhatinda on 14.07.2014.

2. Learned counsel for the applicant states that he was not allotted any quarter in Mount Abu and because of his children's education, he was interested in retaining the quarter at Tughlakabad. Therefore, he requested the respondents to transfer him to a hard station, viz. Bhatinda, with the understanding that in that case as per rule he would be able to retain his quarter at Tughlakabad. In this regard, it is stated that the rules permit retention of quarter at last place of posting for bona fide use of the family members of the Govt. Servants for the period they are posted at hard/very hard station, if the Govt. Servant so desires, on payment of normal rent.

3. It is the case of the applicant that since he was posted on hard place of posting, viz. Bhatinda, and he had not been offered any accommodation at Mount Abu and that he was allowed to retain his quarter at Tughlakabad upto 30.04.2014 and posted to hard station on 14.07.2014, i.e. within less than four months, rejection of the

applicant's request for retention of his quarter at Tughlakabad for the period till he is posted at Bhatinda, is unjust and unfair.

4. Learned counsel for the respondents clarifies that the rule specifically states that provision for permitting the Govt. Servant to retain Govt. quarter on being posted at hard/very hard station is **only for retention of quarter at the last place of posting**. Since the applicant was last posted at Mount Abu and he had not been allotted any quarter at Mount Abu as per rules, therefore, this provision of retention of quarter on posting at hard/very hard station will not be applicable to the applicant at all.

5. We have heard the learned counsel for both sides.

6. The spirit of the rule is that in case the Govt. Servant is posted in a hard/very hard place of posting, where he is likely to face difficulty in accommodation and other facilities, the Govt. has made this rule that he can retain his quarter at the last place of posting by paying normal licence fee. There is no doubt that on a literal reading of the rule, the applicant is not eligible, as claimed by the respondents, because the applicant had not been allotted any quarter in Mount Abu and, therefore, the place of last posting being Mount Abu, there is no question of retention of quarter at Mount Abu and this cannot be stretched to include his quarter at Tughlakabad.

7. However, in totality of the circumstances, it is felt that the spirit of the rule is being violated. The applicant was allowed to retain the quarter upto 30.04.2014. He dutifully went to Mount Abu in June, 2013, perhaps under the belief that he would be able to keep his family at Tughlakabad. When on his repeated representations, this was not accepted, he sought for hard posting and was posted at Bhatinda in July, 2014, i.e. just about 2½ months beyond 30.04.2014, the date upto which he was allowed to retain his quarter at Tughlakabad. No Govt. servant would voluntarily choose a place of hard posting unless he can take care of his family under the benefit of the scheme because otherwise he loses on both counts, viz. he cannot retain his quarter and he goes for hard posting. Obviously, this is not the spirit of the rule.

8. The O.A. is, therefore, allowed with a direction to the respondents to allow the applicant to retain his quarter at Tughlakabad till he is posted at Bhatinda. The order shall be complied within a period of 90 days from receipt of a certified copy of this order. No order as to costs.

(P.K. Basu)
Member (A)

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