

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A No. 1449/2017

New Delhi this the 1st day of May, 2017

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

Suresh Chandra Panda (Retd.)
Group 'A', Special Secretary,
Age 62 years
S/o Late Nityannada Panda
R/o C-II/149, Satya Marg, Chankya Puri,
New Delhi-110021.

.. Applicant

(By Advocate: Shri Biswajit Das)

Versus

Union of India through

1. Secretary,
Ministry of Urban Development,
Nirman Bhavan,
New Delhi.
2. Director of Estates,
Ministry of Urban Development,
Nirman Bhavan,
New Delhi.

.. Respondents

ORDER (ORAL)

The applicant retired on 28.02.2015 on the post of Special Secretary and Financial Advisor in the Ministry of Home Affairs. He was entitled, as per rules, to retain the accommodation for 8 months and the learned counsel for the applicant states that the respondents had deducted an amount of Rs.34,892/- from the applicant's gratuity for concessional license fee for retention of the premises for the 8 months period.

2. The applicant was appointed as Member (Personnel) in Prasar Bharti for two years, on which post he joined on 27.03.2015. He was allowed to retain the same accommodation even as Member (Personnel) for his tenure as Member (Personnel). He completed his tenure as Member (Personnel) on 05.02.2017.

3. The applicant's case is that since the respondents had deducted the license fee for the additional 8 months on his retirement as Special Secretary on 28.02.2015, he should be allowed to retain the premises for the full 8 months starting from 05.02.2017, whereas the respondents have now issued a letter dated 08.12.2016 that he is allowed to retain the accommodation upto 05.03.2017 on demitting his office as Member (Personnel), Prasar Bharti on 05.02.2017. The order states that the period of 8 months cannot be availed in piecemeal and postponed to a later date, if not availed immediately after the superannuation of the officer and that the allottees re-employed/appointed in an office eligible for General Pool Residential Accommodation will be allowed only one month of retention of General Pool Residential Accommodation on demitting their office from such bodies.

4. The learned counsel also pointed out that vide letter dated 15.03.2017 (Annexure-A6), the Directorate of Estates had permitted, as a special case, retention of AB-06, Pandara Road,

Type-7 by Shri Ajit Seth, Former Cabinet Secretary, after he demitted office from the Public Enterprises Selection Board, on payment of license fee as normally applicable to a retired Govt. employee. It is argued that this clearly indicates that by not allowing him to continue for the 8 months' period, the respondents have acted in a discriminatory manner.

5. The order dated 18.12.2016 explained the reason why the applicant has been allowed retention only upto 05.03.2017.

6. Heard the learned counsel for the applicant and perused the relevant orders.

7. The provision of retention of accommodation for 8 months beyond the period of superannuation from the Govt. is well established. On his re-appointment, the applicant chose to retain that accommodation, which he retained for two years and about one month when he was appointed as Member, Prasar Bharti. This is also well established that those who are appointed post-retirement as Members of statutory/regulatory authority etc. are allowed only one month of retention of accommodation.

8. The learned counsel for the applicant tried to argue that provision of retaining Govt. accommodation for 8 months after

retirement from the Govt. service, for which amount had been deducted from the applicant's gratuity, cannot be taken away on this ground.

9. The applicant is a very senior officer of the Govt. of India and is expected to be familiar with rules and regulations of the Govt. When he took on the job of Member, Prasar Bharti, he was aware that after two years as Member, Prasar Bharti, he would be allowed to retain the accommodation for a month. In case, the applicant was not aware of this provision, then that is all the more pathetic. But even then, ignorance of rules cannot be pleaded as a ground. Why Mr. Seth was granted six months extension is not clear from the order. It could be for various reasons. Also, negative equality cannot be a ground for seeking relief. Unfortunately, sometime, senior officers, while implementing rules of the Govt. strictly for their subordinates, feel aggrieved when the same rules are made applicable to them.

10. In my opinion, there is absolutely no merit in this Application and the same is, therefore, dismissed in limine. No order as to costs.

(P.K. BASU)
MEMBER (A)

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