

**Central Administrative Tribunal
Principal Bench**

OA No.1073/2017

New Delhi, this the 30th day of March, 2017

Hon'ble Mr. P.K. Basu, Member (A)

Shri Ashok Kumar Chaudhury (Aged about 63 years),
S/o Late Shri S.C. Chaudhury,
Retired from the post of Admin Officer, Group 'B',
O/o KVS, Head Quarter,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-110016
R/o A-704, Plot No.11, PNB Apartments,
Sector 4, Dwarka,
New Delhi-110078.

...applicant

(By Advocate : Shri T.D. Yadav)

Versus

1. The Commissioner,
Kendriya Vidyalaya Sangathan,
Headquarter, 18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-110016.
2. The Addl. Commissioner (Admn.),
Kendriya Vidyalaya Sangathan,
Headquarter, 18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-110016.
3. The Assistant Commissioner (Estt.),
Kendriya Vidyalaya Sangathan,
Headquarter, 18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-110016.
4. The Joint Commissioner (Finance),
Kendriya Vidyalaya Sangathan,
Headquarter, 18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-110016.

...respondents

ORDER (ORAL)

Heard the learned counsel for applicant.

2. The applicant has challenged the order dated 20.03.2017 by which the respondents have informed him that he has a liability to pay an amount of Rs.1,89,718/- on account of damage rent and electricity charges for his unauthorised occupation of official residence from 01.12.2015 to 03.07.2016.

3. The learned counsel for applicant states that the order passed by the respondents is violative of Rule 72(6) of CCS (Pension) Rules, 1972, which reads as follows :-

“(6) The recovery of licence fee for the occupation of the Government accommodation beyond the permissible period of [four months] after the date of retirement of allottee shall be the responsibility of the Directorate of Estates. [Any amount becoming due on account of licence fee for retention of Government accommodation beyond four months after retirement and remaining unpaid may be ordered to be recovered by the Directorate of Estates through the concerned Accounts Officer from the dearness relief without the consent of the pensioner. In such cases, no dearness relief shall be disbursed until full recovery of such dues have been made.]”

4. In the aforesaid Rule, it is mentioned that any such payment of occupation of Government accommodation beyond the

permissible limit of four months has been made from the dearness relief without the consent of the pensioner.

5. Perused the order dated 20.03.2017. It is clear that the applicant has been defied, time and again, the legitimate orders passed by the respondents regarding vacation of the official residence. He retired on 31.08.2014. He was permitted to retain the residence upto 31.11.2015 i.e. for one year and three months. Even thereafter, he did not vacate his quarter despite instructions to the same. Finally, he vacated the quarter on 03.07.2016 i.e. two years after 30.11.2015.

6. The applicant has attempted to mislead this Tribunal by quoting Sub-rule 6 of Rule 72. The relevant Sub-rule is 3 which reads as follows :-

“(3) Where the Directorate of Estates intimates the amount of licence fee recoverable in respect of the period mentioned in sub-rule (1), the Head of Office shall ensure that outstanding licence fee is recovered in instalments from the current pay and allowances of the allottee and where the entire amount is not recovered from the pay and allowances, the balance shall be recovered out of the gratuity before its payment is authorized.”

Sub-rule 6 only authorizes recovery from DR **without pensioner's consent.**

7. I do not see any reason why damage rent and electricity dues should not be recovered from this recalcitrant employee. Despite the respondents being accommodating and granting more than one year of over stay, the conduct of the applicant has not been desirable. I, see nothing wrong in the order passed by the respondents. Accordingly, the OA is dismissed in *limine*. No costs.

(P.K. Basu)
Member (A)

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