

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

O.A. No.1056 of 2014

This the 7th day of December, 2018

Hon'ble Ms. Nita Chowdhury, Member (A)

1. Jagdish Chand, UDC
S/o. Shri Ram Pal
R/o. E-11, Old Press Colony, Faridabad.
2. Ashok Kumar, LDC
S/o. Shri Bhoop Singh
R/o. B-22, New Press Colony, Faridabad.
3. Ajad Singh, Asst. Binder
S/o. Shri Hans Raj
R/o. A-74, New Press Colony, Faridabad.
4. Zakir Hossain Mondal, Accountant
S/o. Islam Ali Mondal
R/o. E-7, Old Press Colony, Faridabad.
5. Nirmala Kumari, UDC
D/o. Phate Chand
R/o. E-16, Old Press Colony, Faridabad.
6. Jai Pal Singh, UDC
S/o. Rishal Singh
R/o. E-26, Old Press Colony, Faridabad.
7. Devraj, Pharmicst
S/o. Shri Chand
R/o. B-19, New Press Colony, Faridabad.
8. Sunil Dutt, Machine Man
S/o. Late Shankar Dutt
R/o. B-2, New Press Colony, Faridabad.
9. Vinod Kumar, Machine Asstt.
S/o. Sohan Lal
R/o. G-1, Old Press Colony, Faridabad.
10. Sunder Lal, Machine Asstt.
S/o. Shri Duli Chand
R/o. B-57, New Press Colony, Faridabad.

11. Ved Ram, Asstt. Binder
S/o . Shri Chati Ram
R/o. B-78, New Press Colony, Faridabad.
12. Sunheri, Binder
S/o. Akali Ram
R/o. A-35, New Press Colony, Faridabad.
13. Mangal Singh, Binder
S/o. Mamchand
R/o. B-132, New Press Colony, Faridabad.
14. Ved Pal, Asstt. Binder
S/o. Bhulla Ram
R/o. A-44, New Press Colony, Faridabad.
15. Jagdish, Asstt. Binder
S/o. Late Khem Raj
R/o. F-3, Old Press Colony, Faridabad.
16. Vimal Kumar, Copy Holder
S/o. Late Laxmi Chand
R/o. B-54, New Press Colony, Faridabad.
17. R. P. Sanwaria, Copy Holder
S/o. Om Kar Singh
R/o. B-76, New Press Colony, Faridabad.
18. Shiv Singh, Asstt. Binder
S/o. Vash Dev
R/o. F-22, Old Press Colony, Faridabad.
19. Jagdish Chand, Asstt. Binder
S/o. Late Duli Chand
R/o. A-2, New Press Colony, Faridabad.
20. Babu Ram, Asstt. Binder
S/o. Nithi Ram
R/o. A-110, New Press Colony, Faridabad.
21. Parveen, Peon
S/o. Vinod Kumar
R/o. B-84, New Press Colony, Faridabad.
22. Rajender Prabodh Xess, Peon
S/o. Ensen Xess
R/o. B-131, New Press Colony, Faridabad.

23. Omkar, Peon
S/o. Hukam Singh
R/o. B-113, New Press Colony, Faridabad.
24. Birender, Labourer
S/o. Parmal Singh
R/o. G-5, Old Press Colony, Faridabad.
25. Ram Chander, Labourer
S/o. Galler Singh
R/o. G-4, Old Press Colony, Faridabad.
26. Samunder Singh, Copy Holder
S/o. Leela Ram
R/o. B-86, New Press Colony, Faridabad.
27. Joginder Singh, Asstt. Binder
S/o. Jaipal
R/o. B-83, New Press Colony, Faridabad.
28. Shiv Om, Asstt. Binder
S/o. Tika Ram
R/o. A-9, New Press Colony, Faridabad.
29. Anil Kumar, Copy Holder
S/o. Sh. Bali Ram,
R/o. G-128, Old Press Colony, Faridabad.
30. Anil Kumar, Copy Holder
S/o. Late Mohan Singh
R/o. B-137, New Press Colony, Faridabad.
31. Vijay Kumar, LDC
S/o. Late Rameshwar Sao
R/o. B-52, New Press Colony, Faridabad.
32. Jitender Pandit, LDC
S/o. Ram Balak Pandit
R/o. B-75, New Press Colony,
Faridabad.
33. Sandeep Palaria, LDC
S/o. Vijay Palaria
R/o. B-27, New Press Colony, Faridabad.
34. Ramkesh Meena, LDC
S/o. Kailash Chand Meena
R/o. B-158, New Press Colony, Faridabad.

35. Surender Singh, LDC
S/o. Late Nihal Singh
R/o. B-35, New Press Colony, Faridabad.
36. Gaurav Khokar, LDC
S/o. Randhol Singh
R/o. A-83, New Press Colony, Faridabad.
37. Rajesh, LDC
S/o. Sultan Singh
R/o. B-107, New Press Colony, Faridabad.
38. Dalip, Binder
S/o. Shava Ram
R/o. B-153, New Press Colony, Faridabad.
39. Lakshman, Asstt. Binder
S/o. Ram Swavap
R/o. A-58, New Press Colony, Faridabad.
40. Nand Ram, Binder
S/o. Har Lal
R/o. B-148, New Press Colony, Faridabad.
41. Narveer, Asstt. Binder
S/o. Dhan Singh
R/o. A-89, New Press Colony, Faridabad.
42. Narender, Asstt. Binder
S/o. Shyam Lal
R/o. A-130, New Press Colony, Faridabad.
43. Surender Singh, Machine Attendant
S/o. Juglal
R/o. G-135, Old Press Colony, Faridabad.
44. Sushil Kumar, Chowkidar
S/o. Vidyanand
R/o. B-98, New Press Colony, Faridabad.
45. Ummeda Ram, Labourer
S/o. Dhura Ram
R/o. B-110, New Press Colony, Faridabad.
46. Kanwar Singh, Asstt. Binder
S/o. Late Ratti Ram
R/o. B-43, New Press Colony, Faridabad.

47. Om Prakash, Asstt. Binder
 S/o. Pishori Lal
 R/o. B-116, New Press Colony, Faridabad.

...Applicants

(By Advocate : Shri Sudharshan Rajan with Mr. Rawat)

Versus

1. Union of India, Through
 Secretary,
 Ministry of Urban Development,
 Nirman Bhawan,
 New Delhi-110 001.
2. The Director,
 Directorate of Printing,
 Ministry of Urban Development,
 "B" Wing, Nirman Bhawan,
 New Delhi –110 001.
3. The Director General,
 CPWD, Nirman Bhawan,
 New Delhi.
4. The Manager,
 Government of India Press,
 N.I.T., Faridabad (Haryana)

....Respondents

(By Advocate : Shri P.K. Singh for Shri Rajeev Kumar)

ORDER (Oral)

Heard learned counsel for the parties and perused the material placed on record.

2. By filing this OA, the applicants are seeking the following reliefs:-

- "(a) Quash/Set aside the Impugned Order dated 28.4.2011 as far as the applicants are concerned being discriminatory, arbitrary and illegal.
- (b) Direct the respondent to ensure the basis prescribed facilities as per the letter dated 14.3.2008 before enhancing any licenses fee.

(c) Any other relief which this Hon'ble Tribunal may deems fit and proper in the facts and circumstances of the case."

3. At the outset, learned counsel for the applicants submitted the applicants are permanent employees of Govt. of India Press located in Faridabad, Haryana and they are occupants of residential accommodation allotted to them under the departmental pool and the said accommodations are of 1950-1960 vintage and building are in such a shape and state that major special repair and upgradation is required but nothing of such has been done by the respondents and by the impugned order dated 28.04.2011, which deals about the revised licence fee all over the country, recovery of the revised licence fee was ordered to be made from the applicants without taking into account the condition of the quarters and also without ensuring the basic prescribed facilities which should be provided to the occupants of the quarters. He has placed before this Court various photographs showing the dilapidated condition of quarters in which the employees are forced to live. He contended that the photographs produced itself speak of volumes about the real condition of quarters allotted to the employees. He stated that even the life of the family members of the occupants of these flats has become vulnerable because of poor maintenance of the quarters. The learned

counsel for the applicants argued that if the occupants of the quarters are not provided basic necessary amenities, they are not under any legal obligation to pay higher licence fee.

4. Counsel for the applicants further submitted that the similar issue has been raised by similarly situated employees by filing OA Nos.3373/2013 and 3455/2013 and this Tribunal vide Order dated 4.4.2018 disposed of the same, the relevant portion of the said Order reads as under:-

“20. After seeing the photographs produced, I have no doubts in my mind that the applicants herein are living in quarters which need immediate care and attention otherwise the lives of the applicants as well as their family members is highly vulnerable. The respondents, as a welfare State, are duty bound to act in real sense as right to life is guaranteed under the Constitution and the photographs shown by the learned counsel for the applicants, by no stretch of imagination, depict that the applicants are living in those quarters along with their family members in a respectable condition.

21. Therefore, in the interest of justice, the respondents are directed not to take enhanced licence fee from the applicants until and unless they provide them repaired/ renovated/ livable quarters. Accordingly, the respondents are directed not to give effect to the impugned orders dated 28.04.2011 and 13.08.2013 qua the applicants. They are further directed either to repair/renovate the quarters allotted to the applicants herein or to allow them to vacate the quarters and stay in their own arranged accommodation. There shall be no recovery at the enhanced rates from July, 2010 in respect of the accommodation occupied by the applicants and it shall be at the old rates that the licence fee shall be charged. Any amount in excess of the pre-July, 2010 recovered, shall be refunded to the applicants. In so far as the special repair and maintenance are concerned, respondent no. 1 which is the Administrative Controller both for the other respondents as also for the CPWD is directed to cause instructions issued to the authorities

concerned under him in the CPWD wing to forthwith in respect of all the accommodations occupied by the applicants and under the supervision of the Chief Engineer in charge of the area in which the accommodations are situate, necessary repair work shall be carried out and completed within a period of six months from the date of receipt of a certified copy of this order.

22. Registry is directed to forward a copy of this order together with all the photographs produced by the applicants to the Secretary, Ministry of Urban Development, Nirman Bhawan, New Delhi to enable him to have an idea of the ground reality and the pathetic condition of the building so as to pass suitable orders to the officers under him in the CPWD for strict compliance of this order.

23. The applicants in their relief column have also prayed for such other relief as may be deemed fit in the facts and circumstances of the case. Though the applicants deserve cost of this litigation and the same could be levied against the respondents but the sober submissions made in the counter plainly admitting the facts and the endorsement of the same echoed by the counsel for the respondents at the time of argument, dissuade me from levying any cost. With the above directions, the OAs are disposed of.

5. Counsel for the respondents has not disputed the aforesaid position.

6. It is also relevant to note here that Hon'ble Supreme Court in catena of judgments held that it is not necessary for every person to approach the court for relief and it is the duty of the authority to extend the benefit of a concluded decision in all similar cases without driving every affected person to approach to the court to seek relief would apply only in the following circumstances:

- a) where the order is made in a petition filed in a representative capacity on behalf of all similarly situated employees;
- b) where the relief granted by the court is a declaratory relief which is intended to apply to all employees in a particular category, irrespective of whether they are parties to the litigation or not;
- c) where an order or rule of general application to employees is quashed without any condition or reservation that the relief is restricted to the petitioners before the court; and
- d) where the court expressly directs that the relief granted should be extended to those who have not approached the court.

7. In view of the above facts and circumstances of this case, the present OA is allowed with a direction to the respondents to extend the same benefits, as granted by this Tribunal in OA Nos.3373/2013 and 3455/2013, in the case of the applicants also, as this Court is of the considered view that the applicants' case in hand is squarely covered by the said decision of this Tribunal. There shall be no order as to costs.

**(Nita Chowdhury)
Member (A)**

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