

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No. 193/2017

Reserved on:04.10.2018
Pronounced on:22.10.2018

Hon'ble Ms. Praveen Mahajan, Member (A)

Dr. S.K.Misra
Aged about 39 years
S/o Dr. Shrikant Misra
R/o Quarter No.07, First Floor
Nehru Homeopathic Medical College & Hospital
B-Block, Defence Colony
New Delhi – 110 024.
Presently working in
Nehru Homeopathic Medical College & Hospital
B-Block, Defence Colony
New Delhi – 110 024. ... Applicant
(By Advocate: Shri R.K.Kapoor)

VERSUS

1. Govt. of NCT of Delhi
Through the Secretary
Ministry of Health and Family Welfare
9th Floor, C-Wing
Delhi Secretariat, New Delhi – 110 002.
2. Nehru Homeopathic Medical College & Hospital
Through the Principal
B-Block, Defence Colony
New Delhi – 110 024. ...Respondents
(By Advocate: None)

O R D E R

Briefly stated the facts of the case are that the applicant, a Medical Officer with Nehru Homeopathic Medical College & Hospital (NHC&H), New Delhi was allotted a Type-I residential accommodation on 13.10.2005. Thereafter the applicant requested for another room since it was difficult to accommodate

his family in one room, coupled with the fact that he was entitled to Type-III accommodation. Considering the applicant's request he was allotted another room adjoining to his quarter vide Office Order dated 23.12.2005. Soon after the allotment of the quarter, the applicant wrote a letter to the Principal on 26.12.2005 requesting to provide NOC for installation of the Electric Meter in the staff quarter. But no response was received from the Principal nor any NOC granted to the applicant.

2. After two years, the applicant received a letter dated 19.06.2007 regarding installation of electricity meters from BSES Rajdhani Power Ltd. failing which payment of Rs.3000/- PM by each allottee was to be recovered. On 21.07.2007, the applicant again wrote a letter to the Principal, NHC&H requesting for grant of relaxation from installation of electric meters in the Government Accommodation. The applicant avers that he did not receive any reply or reminder from the Institute so he was under the impression that his electric charges were waived off in turn for the extra duties assigned and performed by him from time to time, by consecutive Principals/Head of the Departments.

3. However, on 21.12.2016, the applicant suddenly received a Notice with reference to deposit of Electricity dues failing which the same was proposed to be recovered from his salary in equal instalments. The alleged amount of electricity charges was

mentioned as Rs.6,79,000/-. On 28.12.2016, the applicant sent a representation explaining that vide letter dated 21.07.2007 he had requested the respondents for waiving off the electricity charges in lieu of after office duty hours work put in by him for any administrative or patient care urgency. He also sought details as to how the huge amount of Rs.6,79,000/- had been worked out and requested that the case be referred to competent PWD Electrical authority so that they can calculate the exact consumption of electricity. The applicant also requested that no amount should be recovered from him, prior to such assessment and sought NOC for installation of electric meter.

4. Aggrieved the applicant has filed the current OA seeking the following reliefs :-

- “(a) allow the present OA and set aside the Notice/Order dated 21.12.2016 (Annexure A-1) asking the Applicant to deposit an amount of Rs.6,79,000/- immediately as dues of Electricity failing which the same will be recovered from his salary in equal instalments;
- (b) direct the respondents to waive of the Electricity charges of the Applicant if any considering the additional work of the Applicant done for the Institution in view of residing in a Govt. Accommodation;
- (c) direct the respondents to grant NOC to the Applicant for installing Electric Meter in his quarter;
- (d) any other relief/order which this Hon’ble Tribunal deems fit and proper in the facts and circumstances of the case may also be passed in favour of the applicant and against the respondents.

(e) award costs of the proceedings in favour of the applicant.”

5. In their counter, the respondents state that there were eight conditions mentioned in the allotment letter issued to the applicant. The condition no.2 states that electricity/water charges are to be borne by the occupants. The condition no.7 stipulates that occupant will look after the work at odd hours as and when required. It is contended that this clause was added as per the request of the applicant himself when he applied for accommodation, since he is physically handicapped and was willing to serve the hospital at odd hours by wanting to stay in the college campus.

6. On 19.06.2007, the Principal had issued a Circular that the allottees of government accommodation in the premises of NHMC&H should get the electricity meters from BSES Rajdhani Power Limited within 15 days failing which the electric charges @ Rs.3000/- per month for each quarter will be recovered from them as the Hospital is paying electricity bill on commercial rates. The respondents aver that this notice was just like issue of NOC for getting meter connection from BSES Rajdhani Power Ltd. but the same was ignored by the applicant. The respondents contend that it is wrong on part of the applicant to state that he assumed that electricity charges stood waived off by the Principal since he himself had volunteered to look after the work of the hospital at

odd hours, in lieu of the residential allotment provided to him. The applicant was clearly advised to pay the electricity charges for both the flats allotted to him and also informed that calculation has been made as per Circular dated 19.06.2007 for payment @ Rs.3000/- per month per flat from the date of occupation of the accommodation. The total amount so worked out comes to Rs.6,79,000/-.

7. At the time of hearing, there was no one present from the respondents' side. Hence the case is taken up for ex-parte adjudication based on the available material on record.

On perusing the record and considering the pleadings made by the respondents in their counter affidavit along with its enclosures, I find that the applicant was allotted two rooms and allowed to stay there w.e.f. 13.10.2005. It seems that out of the four rooms available, two rooms are in the occupation of the applicant. The third room is being used as a Guest room for the visiting faculty members and 4th room is lying vacant. However, vide letter dated 21.12.2016 an amount of Rs.6,79,000/- has been demanded from the applicant @ Rs.3000/- PM as recovery of electricity and water charges for all the four rooms.

7.1 This issue had come up for clarification on the earlier listed dates. The respondents were directed to give bifurcation of the

amount which had been consumed by the applicant in respect of the two rooms allotted to him since it appears that the full amount of Rs.6,79,000/- is being demanded in respect of all the four rooms. Specific directions in this regard were issued on 24.07.2018 and 23.08.2018 despite which the respondents have failed to give break-up of the electricity bill. Since the case cannot be allowed to pend indefinitely, I propose to decide the case based on the available facts.

8. It is clear that both the applicant and the respondents have taken the entire issue rather casually. While the applicant has conveniently occupied the two rooms without ensuring that electricity meter is installed and appropriate payments made, the respondents have also failed in their duty to ensure that separate electricity meters are installed for the (two rooms) occupied by the applicant, to ensure that the applicant is not charged for the electricity which was consumed by the guest or other faculty staying in the other rooms, from time to time.

9. It appears that BSES Rajdhani did not install the electric meter due to non receipt of NOC from the respondents. However, had the applicant followed the issue of grant of NOC for installation of meter, more vigorously with the respondents, the current impasse could have been avoided.

10. Be that as it may, the applicant can only be charged for electricity consumption for the two rooms under his occupation and not for all the four rooms. To this extent - the recovery notice dated 21.12.2016 seems unfair. The entire amount of pending electricity bill at enhanced rate of Rs.3000/- PM being charged as penalty for non-installation of the meter cannot be demanded from the applicant. Being incharge of the campus accommodation, it was incumbent upon the respondents to ensure that the electricity meters are installed in the concerned accommodation so that correct amount can be charged/paid from each allottee.

11. In view of this backdrop and not much assistance forthcoming from either side, I feel that it would meet the ends of justice, if the applicant pays 50% of the electricity dues, actually paid by the respondents during 31.10.2005 to 30.11.2016. The respondents must provide these details (alongwith proof of payment) to the applicant. After receipt of this information, the applicant is directed to deposit 50% of the payment made by the respondents (with the respondent office) within three months thereafter. OA is disposed of with these directions. No costs.

(Praveen Mahajan)
Member (A)