

Central Administrative Tribunal Principal Bench, New Delhi

O.A.No.2916/2014

Wednesday, this the 25th day of July 2018

Hon'ble Mr. K. N. Shrivastava, Member (A)

1. Tihar Employees Welfare Association
Through its President Sh. K S Meena
Kiran Suvidha Ghar (Near Jail No.2)
Central Jail Complex, Tihar, New Delhi

2. Sh. Sanjay Gupta
Aged about 46 years
s/o Sh. O P Gupta
r/o B-58, Street No.1
Majlis Park, Adarsh Nagar
Delhi – 110 033

..Applicants

(Mr. S K Gupta, Advocate)

Versus

Govt. of NCT of Delhi through

1. Chief Secretary
Govt. of NCT of Delhi
Players Building
IP Estate, New Delhi

2. Pl. Secretary (Home)
Govt. of NCT of Delhi
5th Level, A Wing
Delhi Secretariat
IP Estate, New Delhi

3. Director General (Prisons)
Central Jail, Tihar, New Delhi

..Respondents

(Mr. Vijay Pandita, Advocate with Mr. Amrish, Assistant Superintendent,
Departmental Representative)

O R D E R (ORAL)

The applicants are employees of the Prison Department of Govt. of NCT of Delhi and working at different jails of Govt. of NCT of Delhi. The

cadre controlling authority of these applicants is respondent No.2. The applicant No.1 is an Association of the employees of Prison Department, whereas applicant No.2 is one of the members of the Association.

2. The grievance of the applicants is that they are entitled for rent free accommodation and in terms of Annexure A-3 O.M. dated 14.03.2008 of Ministry of Finance, Department of Expenditure, such employees of the Prison Department, who are not provided rent free accommodation, are entitled for receiving compensation. Paragraph 2 of this O.M. also stipulates the nature of compensation to be given to such employees. This paragraph is extracted below:-

“2. The matter has been considered and the President is pleased to decide that the Central Government employees who are entitled to the facility of rent free accommodation in accordance with the Ministry of Urban Development (Directorate of Estates) O.M. No.12/11/60-ACC-I dated 02.08.60 and who have not been provided with such accommodation, will be entitled to compensation in lieu of rent free accommodation as under:-

- (i) the lowest amount charged as licence fee for the entitled type of accommodation as fixed in terms of Government of India, Ministry of Urban Development (Directorate of Estates)’s above mentioned OM dated 20.09.2007; and
- (ii) House Rent Allowance admissible to corresponding employees in that classified city/unclassified place in terms of this Ministry’s O.M. No.2(21)/04-E.II (B) dated 18.11.04 as amended from time to time.”

3. Mr. Vijay Pandita, learned counsel for respondents submitted that all the employees of Prison Department, who have not been provided Government accommodation, are being paid house rent allowance (HRA). He further stated that there is no system of charging of licence fee in respect of residential accommodation provided to the prison staff.

4. Mr. S K Gupta, learned counsel for applicants, on the other hand, submits that the respondents have not strictly complied with paragraph 2 of the *ibid* O.M. dated 14.03.2008. In more specific terms, Mr. Gupta submits that the stipulation of sub-para (i) of paragraph 2 of O.M. dated 14.03.2008 has not at all been complied with.

5. I have perused Annexure A-3 O.M. dated 14.03.2008 as also the pleadings of the parties. It is not in dispute that as per Annexure A-3 O.M. those prison staff, who have not been provided with Government accommodation, are entitled for getting lowest amount charged as licence fee for the entitled type of accommodation as fixed in terms of Government of India, Ministry of Urban Development (Directorate of Estate) O.M. dated 20.09.2007.

6. I am, therefore, of the view that these applicants are entitled for receiving the amount equivalent to licence fee for the entitled type of accommodation. The licence fees for various types of residential accommodation have been notified by the Directorate of Estates, Ministry of Urban Development in its O.M. dated 20.09.2007,

7. Mr. Pandita submitted that after the implementation of 7th Central Pay Commission recommendation, the system of providing rent free accommodation has since been done away with. In this regard, he has placed a copy of O.M. dated 17.08.2017 issued by the Ministry of Housing & Urban Affairs, Directorate of Estates, which reads as under:-

“Based upon the recommendation of the Committee of Allowances formed under the aegis of the Seventh Pay Commission vide Para 7 of the Resolution No.1-2/2016-IC dated 25th July, 2016,

Government of India has inter alia decided that Rent Free Accommodation Allowance stands abolished with effect from 1st July, 2017 vide Resolution No.11-1/2016-IC dated 6th July, 2017.

2. This order shall apply to rent free accommodations allotted to Government employees under General Pool Residential Accommodation. DDOs of all concerned Ministries and Departments are hereby advised to take necessary action at their end.”

8. In view of the above, I dispose of the O.A. with the following directions to the respondents:-

- a) The respondents shall pay lowest amount charged as licence fee for the entitled type of accommodation in terms of O.M. dated 20.09.2007 issued by Directorate of Estates, Ministry of Urban Development, as updated from time to time, up to 30.06.2017. Only those employees of the Prison Department would be entitled to it, who had applied for Government accommodation but have been denied the same due to non-availability of such accommodation.***
- b) The direction at (i) above shall be complied with by the respondents within a period of three months from the date of receipt of a copy of this order.***

No order as to costs.

(K. N. Shrivastava)
Member (A)

July 25, 2018
 /sunil/