

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Original Application No.20/459/2018

Date of Order: 25.06.2019

Between:

B. Satyanarayana S/o Late B. Surya Rao,
Aged about 49 years,
Occupation Section Officer, (Group B),
in the O/o District Commander,
Coast Guard District HQ 6 (AP),
Visakhapatnam,
R/o C-1/6, Coast Guard Married Accommodation,
Malkhapuram, Visakhapatnam.

... Applicant

And

Union of India, rep. by

1. The Secretary to Government of India,
Ministry of Defence, Room No.218, B Wing,
Sena Bhavan, New Delhi.
2. Director General Coast Guard HQ,
National Stadium Complex,
New Delhi – 110 001.
3. The Commander, Coast Guard Regional HQ (East)
Near Napier Bridge, Chennai – 600 009.
4. The District Commander, Coast Guard District HQ No.6
(AP), Malkhapuram, Visakhapatnam 530 011.
5. The Principal Controller of Defence Accounts (NAVY)
No. Cooperage Road, Mumbai 430039.

... Respondents

Counsel for the Applicant ... Mr. K. Siva Reddy.

Counsel for the Respondents ... Mr. M. Brahma Reddy,
Addl. CGSC

CORAM:

Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

ORAL ORDER
{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.) }

2. OA is filed challenging the recovery of rent on market rate for occupation of Govt. accommodation.
3. Applicant is working as Section Officer in the respondents' organisation at Visakhapatnam and has been allotted Govt. quarters. The grouse of the applicant is that when the Car registered in the name of his wife parked in front of the quarters was damaged, the 4th respondent has not taken any action even after a complaint has been lodged by his wife. Consequently, she lodged a police complaint which the later refused to entertain as the quarters are located in a protected zone. As per applicant version, bearing this in mind, respondents have issued vacation orders, which was pasted on the walls of the quarter occupied by him without taking the preliminary step of issuing orders of cancellation of quarters. On representing to the 3rd respondent vide letter dated 18.3.2017, without addressing his grievance, 3rd respondent has issued orders on 2.6.2017 to recover market rent and licence fee along with taking disciplinary action against the applicant in accordance with Coast Guard order No.09 of 2012. Accordingly, the entire salary of the applicant for the months of March and April 2018 has been ordered to be adjusted towards market rent of the quarter. Aggrieved by this, the OA has been filed.
4. The main contentions of the applicant are that without cancellation of the quarter, vacation cannot be ordered as per allotment rules.

Recovering market rent without notice is illegal. Respondent quoting the uniformed service personnel rules to proceed against him is irregular since he is a civilian. It is unfair to take punitive action without disposing of his representation.

5. Respondents oppose the contention of the applicant stating that the applicant and his wife have, on multiple occasions, entered into an altercation with the other residents of the society, disturbing the peace and harmony prevailing at the residential quarters. Respondents have narrated many incidents wherein the applicant and his wife were involved in quarrels with the other residents of the quarters. Due to incessant complaints lodged against the applicant and his wife, respondents constituted a Board on 13.12.2016 which found that the applicant and his wife were causing disturbance to community living, and hence, recommended vacation of quarter and to initiate disciplinary action against the applicant. Consequently, vacation orders were issued on 16.3.2017 which are as good as cancellation of quarters. Even after orders of vacation were issued, applicant is was in unauthorized occupation of the quarters. Hence, market rent was recovered as per rules in vogue.

6. Heard both the counsel and perused the documents placed on record.

7. I) As is seen from the details of the case, the applicant and his wife have been frequently involved in squabbles with the other residents. Respondents have narrated many specific incidents in this regard. The disputes were too many leading to the extent of lodging a police

complaint which, when not acted upon by the police, the issue was taken up with the competent court for adjudication, wherein Police authorities have filed a reply stating that no offence has taken place, against which, applicant's wife has also filed a protest petition.

II) Further, the applicant was entitled for 2 wheeler accommodation and not a 4 wheeler accommodation. Applicant's 4 wheeler parked in front of his quarter being damaged is the seed for the entire dispute. Nevertheless, instead of the applicant, his wife directly corresponding and protesting before the respondents at the drop of the hat not only on this issue but also in regard to other issues, has not been taken to kindly by the respondents. Applicant needs to know that being a Govt. Servant he has to conduct himself as per the norms of discipline and while in occupation of Govt. quarters conduct in manner which will promote peaceful coexistence. Hurling abuses against other inmates, barging into the commandant residence at an inappropriate time and causing disturbances during working hours of the office, is not a conduct expected from a Govt. employee. There are channels through which the grievances can be routed but not exhibit a behaviour which causes inconvenience to other occupants for prolonged periods. Based on incessant complaints received against the applicant and his wife, a Board took cognizance of the complaints and ordered vacation of quarters besides recommending disciplinary action. In pursuance of this decision, when the applicant refused to take the notice by hand and by post, the vacation orders were pasted to his quarter. Even then, when he did not

vacate the quarter, they had to order vacation and for not doing so, market rent was ordered to be recovered for unauthorized occupation.

III) Against the order of recovery, applicant approached the Tribunal and an interim stay was granted restraining the respondents from causing the recovery, vide Tribunal's order dated 9.5.2018.

IV) To resolve the dispute, the rules of allotment for Govt. accommodation to civilians, vide order dated CGO/07/2004, when gone through, clearly specify that under the head "consequences of overstay", the allotment has to be primarily cancelled and thereafter vacation proceedings ought to be initiated and that the penal rent of Rs.75/110 per square meter per month shall be charged depending on the type of the quarter. Respondents did issue a notice but not followed it up with a cancellation order as provided in the rules. When once the vacation is ordered, then the occupation of premises will then be unauthorised occupation. Respondents claiming that vacation order is as good as cancellation, is incorrect. Besides, levying market rent which is not provided for in the rules should not have been imposed. Rules laid down have to be followed. The action to be initiated against a civilian officer has to be as per letter CGO/07/2004 and not as per letter dated 2.6.2017 of respondents, which speaks of applying norms applicable to Coast Guard personnel, circulated vide letter CGO/9/2012.

V) The Tribunal is on board with the respondents with respect to the decision taken in view of the unruly behaviour of the applicant and his wife but they have to implement the decision as per the procedure laid down. Respondents being from the uniformed service are great sticklers

for following the drills prescribed. However, in the present case, there appears to be a slip. Perhaps, the anxiety to enforce discipline has led to overlooking the laid down norms. It is an undeniable fact that, once Govt. accommodation is allotted, a Govt. servant has to be a part of the community living and not be a source of frequent quarrels as is seen in the present case. However, respondents have failed to proceed as per their own rules, as expounded above.

VI) Therefore, the action of the respondents, being against rules, the interim stay of recovery granted by this Tribunal vide order dated 9.5.2018 is made absolute. In case, any amount has been recovered, the same be refunded. It is left open to the respondents to proceed against the applicant for vacation of quarters as per rules and regulations governing allotment of accommodation to civilians working in the respondents organization as per letter CGO/07/2004 and to initiate disciplinary action for any breach of discipline as per the disciplinary rules in vogue.

VII) With the above directions at Para 7(VI), the OA is disposed of with no orders as to costs.

**(B.V. SUDHAKAR)
MEMBER (ADMN.)**

Dated, the 25th day of June, 2019

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