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**(2001) 05 GAU CK 0009**  
**In the Gauhati High Court**  
**Case No : Writ Petition (C) No. 77 of 2001**

Narayan Khataniar

APPELLANT

Vs

State of Assam and Others

RESPONDENT

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**Date of Decision :** 29-05-2001

**Acts Referred:**

Constitution of India, 1950 — Article 14

**Citation :** (2001) 3 GLT 525

**Hon'ble Judges :** A.K. Patnaik, J

**Bench :** Single Bench

**Advocate :** D.C. Mahanta, T.J. Maharita and P. Bhattacharjee, for the Appellant;  
G.A., for the Respondent

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## Judgement

A.K. Patnaik, J.—Heard Mr. TJ Mahanta; learned Counsel for the Petitioner, and Mr. H. Rahman, learned Addl. Senior Government Advocate, Assam.

2. Pursuant to orders passed by this Court on 21.5.2001, the Deputy Secretary to the Government of Assam, GAD(B), has personally appeared before this Court to explain the anomaly regarding the fixation of rent for Secretariat employees.

3. The grievance of the Petitioner in this writ petition is that by Office Memorandum dated 17.1.2000 of the Govt. of Assam, Finance (Audit and Fund) Department, rent is being collected from the Secretariat employees residing at Natboma @ 10% of the basic pay or @ Rs. 700/- p.m. whichever is less. As a result, some of the employees are paying @ 10% of the basic pay and some of the employees @ Rs. 700/- p.m. Such payment of rent by Secretariat employees residing at Natboma is discriminatory and violative of the right of the employees under Article 14 of the Constitution because Secretariat employees residing in Hudco complex at Survey Dispur are paying rent @ Rs. 105/- p.m. and Rs. 150/- p.m. and the Secretariat employees residing in Dispur Capital Complex are paying rent @ Rs. 92/-p.m. only.

4. Mr. Mahanta, learned Counsel for the Petitioner, submitted that even IAS

Officers who are staying in their official quarters at Jawahar Nagar are paying rent @ Rs. 350/-p.m. He argued that the employees are actually liable to pay standard rent as fixed by the Public Works Department in respect of accommodation under their occupation. But since the Public Works Department has not fixed standard rent, the employees are required to pay rent @ 10% of the basic pay subject to a maximum ceiling of Rs. 700/-p.m.

5. On a reading of Office Memorandum dated 17.1.2001 of the Government of Assam, Finance (Audit and Fund) Department, it appears that the rent for government accommodation payable by the government employees of all categories is .. 10% of the basic pay or the standard rent whichever is less subject to a maximum ceiling of Rs. 700/- p.m. Thus, if the standard rent determined for accommodation of the government employees is less than 10% of the basic pay or less than Rs. 700/- p.m. the government employees are liable to pay only the standard rent. In this case it appears from the communication dated 3.7.2000 of the Deputy Secretary to the Government of Assam, GAD(B) to the Estate Officer, Public Works Department that the standard rent in respect of MIG flats at Natboma occupied by the employees of the Secretariat has not been fixed by the Public Works Department and as a consequence the occupants of government quarters at Natboma complex are required to pay rent @ 10% of the basic pay subject to a maximum ceiling of Rs. 700/-p.m. as per the said Office Memorandum dated 17.1.2001. In other words, the higher burden or rent which has come on the employees of the Secretariat in occupation of MIG flats at Natboma complex is on account of failure on the part of the Public Works Department to determine the standard rent. I therefore direct that the Chief Engineer (Building) Public Works Department, who is hereby impleaded as Respondent No. 5 in this writ petition, will determine the standard rent of MIG flats at Natboma within two months from the date of receipt of a certified copy of this order from the Petitioner or the Deputy Secretary to the Government of Assam, GAD(B). I further direct that till such determination of standard rent by the Chief Engineer (Building), PWD, the Secretariat employees residing in MIG flats at Natboma will pay the rent @ Rs. 150/- p.m. as is being paid by the Secretariat employees residing in HUDCO complex at Survey Dispur. After the standard rent is determined by the Chief Engineer (Building) PWD, as directed above, the Secretariat employees will pay the standard rent or @ 10% of their basic pay whichever is less in accordance with the Office Memorandum dated 17.1.2001. Further after determination of such standard rent due adjustment will be made with regard to recovery already made from the salary of the employees pursuant to the impugned communication dated 3.7.2000 of the Deputy Secretary to the Government of Assam, GAD(B).

6. With the aforesaid observations, the writ petition stands disposed of.