

Central Administrative Tribunal  
Principal Bench

O.A. No. 1581 of 1997  
M.A. No. 2499 of 1998

New Delhi, dated this the 9 April, 1999

Hon'ble Mr. S.R. Adige, Vice Chairman (A)

Mrs. Prakash Devi,  
Wd/o of late Shri Prem Singh Verma,  
formerly Sub-Postmaster,  
R/o 2, Sector VI, R.K. Puram,  
New Delhi-110022. .... Applicant

(By Advocate: Shri M.L. Chawla)

Versus

1. Union of India through  
the Secretary,  
Dept. of Posts, Dak Tar Bhawan,  
New Delhi.

2. Post Master General,  
Meghdoot Bhawan, Jhandewalan,  
New Delhi.

3. Sr. Supdt. of Post Offices, New Delhi,  
South West Division, New Delhi.

4. The Estate Officer,  
C/o the Post Master General,  
Meghdoot Bhawan, Jhandewalan,  
New Delhi. ... Respondents

(By Advocate: Shri K.C. Dewan)

O R D E R

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

In this O.A. filed by applicant Shri P.S. Verma, he had impugned respondents' orders dated 28.6.94 (Ann. A-1); dated 22.9.94 (Ann. A-1A); and 2.4.97 (Ann. IB). He had sought for a direction to respondents to regularise his posting to an office where a post attached accommodation was available or alternatively to allow him to retain the present accommodation in R.K. Puram, Sector VI; and not to evict him till such time as

alternative accommodation was made available to him as per his entitlement; and furthermore to charge only normal license fee from him.

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2. Applicant while working as Sub-Post Master P.S. Bureau (having attached accommodation) was arrested by the Police and detained beyond 48 hours w.e.f. 24.6.93 in a private case u/s 420/120 I.P.C. He was placed under suspension vide order dated 6.7.93. As applicant was released on bail on 29.6.93, his suspension was revoked vide order dated 8.10.93, and upon his reinstatement he was posted as Postal Assistant at JNU Post Office with directions to work as PRI (P) vide order dated 8.10.93. He worked there till 7.8.95 when another official was posted against the said post. Thereafter applicant was posted as officiating Sub-Post Master, JNU Post Office w.e.f. 21.5.96 and was later posted as Sr. Post Master, JNU Post Office on regular basis w.e.f. 17.6.97 (Ann. A-13).

3. While working as SPM, P.S. Bureau applicant had been occupying attached accommodation at PSB Sector VI, R.K. Puram. His allotment of the aforesaid attached accommodation was cancelled w.e.f. 8.12.93 due to his <sup>posting at JNU P.O.</sup> ~~transfer~~. Notice to vacate the aforesaid premises were issued to him on 27.9.95 (Ann. R-1) and final notice u/s 5 PP (EUO) Act was issued on 17.4.96 (Ann. R-11). Upon applicant's failure to respond to the same, forcible eviction was ordered vide letter dated

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9.12.96 (Annexure-R-3). Meanwhile applicant's request for allotment of alternative accommodation and waiver of license fee at damage rates was rejected by the Dte. of Postal Services, New Delhi vide letter dated 25.3.97 (Annexure-R-4), which was communicated to applicant on 1.4.97, and he was directed to vacate the attached accommodation at PSB, R.K.Puram forthwith, but applicant did not do so. Instead he filed this OA on 10.7.97.

4. Thereafter certain further developments have taken place. Along with his rejoinder applicant has annexed a copy of Chief PMG Office Memo dated 18.9.97 (Annexure-A.17) allotting the post attached accommodation of PSB, R.K.Puram, Sector VI to applicant w.e.f. 8.7.97 for a period of 6 months and directing him to pay market rent for the period of unauthorised occupation from 8.12.93 to 7.7.97. Meanwhile applicant himself unfortunately expired on 24.8.98. M.A.No.2499/98 was filed to bring the late applicant's wife on record, (his children being minors) which was allowed by order dated 26.11.98. I am also informed that late applicant's wife continues to be in occupation of the aforesaid premises, and meanwhile by Dte. of Estates order dated 2.11.98 families of deceased Govt. employees who had been allotted Govt. accommodation are permitted to retain the same for a period of two years from the date of demise of that Govt. servant on payment of license fee as per rules and instructions.

5. The circumstances in which the aforesaid

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quarter was allotted to late applicant w.e.f. 8.7.97, after the allotment had been cancelled earlier w.e.f. 8.12.93 have not been explained by respondents, but the fact remains that by order dated 18.9.97 the quarter was allotted to him, and the question for adjudication which now survives is the prayer of the late applicant's widow not to be charged licensee fee at damage rate for the period 8.12.93 to 7.7.97 .

6. Before the Tribunal is called upon to record its decision on this issue, I hold that an opportunity should be given to respondents themselves to consider the aforesaid prayer in the light of rules and instructions as also the fact that the sum would now have to be recovered from a widow who has also to shoulder the additional responsibility of <sup>raising</sup> ~~maintaining~~ two minor children in these hard days.

7. In the result this OA is disposed of at this stage with the direction that in the event the present applicant (late applicant's widow) makes a self-contained representation to respondents in regard to the treatment of the period 8.12.93 to 7.7.97 in respect of the accommodation in question within 1 month from the date of receipt of a copy of this order, respondents should examine the same in the light of rules, instructions as well as the surrounding circumstances and pass a detailed speaking and reasoned order thereon within 4 months

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from the date of receipt of the representation under intimation to her. If any grievance still survives, it will be open to applicant to agitate the same in accordance with law.

8. The OA is disposed of in terms of para 7 above. No costs.

*S.R. Adige*  
( S.R. ADIGE )  
VICE CHAIRMAN (A).

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