

13

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 24TH DAY OF SEPTEMBER, 2003

Original Application No.1228 of 1997

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.D.R.TIWARI, MEMBER(A)

K.N.Prasad, son of late Hari Deo Ram
Resident of 179/1 Type II, Head
Post office campus, Civil Lines,
Roorkee.

.. Applicant

(By Adv: Shri O.P.Gupta)

Versus

1. The Senior Supdt. of Post Offices
Saharanpur Division, Saharanpur.
2. The Post Master General,
Dehradun Region, Dehradun
3. Union of India through Secretary
Ministry of Communication,
Govt. of India, New Delhi.

.. Respondents

(By Adv: Ms.Sadhna Srivastava)

O R D E R (Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this OA u/s 19 of A.T.Act 1985 applicant has challenged the order dated 26.10.1994(Annexure 8) by which applicant was asked to pay penal rent w.e.f. Junly 1994 for retaining the quarter after transfer from Roorkee to Saharanpur. By order dated 16.10.1997 the amount of penal rent was enhanced from Rs 40 to 55. The applicant resisted



..p2

:: 2 ::

the payment of the amount of penal rent on the ground that at Sahranpur he was not provided any quarter and the applicant retained the possession of the quarter in compelling circumstances as his son was seriously ill. It is also submitted that the impugned order ^{was a} passed without giving any opportunity of hearing. It is further submitted that the applicant vacated the quarter in 1997 though applicant was retransferred from ~~Roorkee~~ ^{Sahasenpur} to ~~Sahasenpur~~ ^{Roorkee} in 1995. It is also submitted that HRA has not been paid to the applicant since 1994.

Before coming to this Tribunal applicant filed a detailed representation on 5.7.1995 (Annexure 9) addressed to Post Master General, Dehradun region, Dehradun. It is submitted that the representation has not yet been decided and is still pending.

Considering the nature of dispute, in our opinion, ends of justice shall be better served in this case if respondent no.2, Post Master General, Dehradun region, Dehradun is directed to consider the whole case and pass a suitable order in accordance with the rules applicable in the department. If the applicant is found not liable to pay the penal rent, in the facts and circumstances of the case the amount recovered from the applicant shall be paid back to him.

For the reasons stated above, this OA is disposed of finally with the direction to respondent no.2 to consider and decide the representation of the applicant by a reasoned order within three months from the date a copy of this order is filed. To avoid delay, it shall be open to



15

:: 3 ::

the applicant to file a fresh copy of the representation together with copy of this order. There will be no order as to costs.

J. J. J.

MEMBER(A)

[Signature]

VICE CHAIRMAN

Dated: 24th September, 2003

Uv/