

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK,**

ORDER SHEET

No. Of Adjournment : 1

COURT NO. : 1

03/03/2021

O.A./112/2021

WITH IR

GHANASHYAM PATRA

-V/S-

N.C.E.R.T.

ITEM NO:10

FOR APPLICANTS(S) Adv. : Ms. B.K. Pattnaik

FOR RESPONDENTS(S) Adv.:

Notes of The Registry	Order of The Tribunal
	<p>Heard Ld. Counsel for the applicant through V.C.</p> <p>Ld. Counsel for the applicant submits that the applicant was transferred from Bhubaneswar to Ajmer on 11.02.2019 and again re-transferred to Bhubaneswar on 01.11.2019. She further submits that as per Rule 40 of the Central Government General Pool Residential Accommodation Rule, 2017, the respondents department could not have imposed penal rent on the applicant in view of Clause-4. This ground has not been taken in the earlier representation dated 14.01.2020 (Annexure-A/7) filed by the applicant. The said representation of the applicant has been rejected by the respondents department as per order dated 08.02.2021 (Annexure-A/8). Ld. Counsel for the applicant submits that the applicant will give a fresh comprehensive representation by quoting the said Rule and she also submits the grounds taken in the O.A should also be considered along with the said copy of comprehensive representation by the respondents.</p> <p>Accordingly, without expressing any opinion on the merit of this case, we dispose of this O.A. with a direction that in case the applicant submits a fresh comprehensive representation within one week from today, then the said representation will be considered and dispose of by the competent authority/Respondent No.3 along with the grounds as taken in the O.A. in accordance with rules and guidelines governing the field and to pass a reasoned and speaking order to be communicated to the applicant within a period of two weeks from the date of receipt of the said fresh comprehensive representation. It is not known as to how the representation dated 14.01.2020 (Annexure-A/7) filed by the applicant was disposed of by the respondents' department on 08.02.2021 i.e., after a lapse of more than one year and one month. It is seen that the applicant had not quoted the said Rule in question i.e, Rule 40 of the Central Government General Pool Residential Accommodation Rule, 2017 in the earlier representation vide Annexure-A/7 hence the fresh comprehensive representation. It is made clear that till a speaking and reasoned order is communicated to the applicant, the respondents shall not take any coercive steps for deduction of penal rent in question and no recovery in pursuance to order at Annexure-A/6. This order will not come on the way of the applicant to pay the normal rent which he is liable to pay for occupying the quarter in question.</p>

The O.A. is disposed of accordingly without entering into the merit of this case.

Copy of this order be supplied to Ld. Counsels for both sides.

(T. JACOB)
MEMBER (A)

(SWARUP KUMAR MISHRA)
MEMBER (J)

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