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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

A L L A H A B A D

DATED: THIS THE 2nd OF MAY 1996

O.A.NO.1656 of 1994

SINGLE MEMBER BENCH

Hon'ble Mr.S.Das Gupta AM.

Badrussalam son of Late Inshaallah,  
Retd. Postman (Setting), resident of  
quarter no. B-1/7, Postal Colony,  
Goleghar, GORAKHPUR. - - - - - Applicant

C/A Sri R. P. Singh

VERSUS

1. Union of India through Director General(POST),  
Dak Bhawan, New Delhi.
2. Post Master General, Gorakhpur.
3. Senior Supdt.of Post Offices,  
Gorakhpur division, Gorakhpur.

- - - - - Respondents

C/R Km. Sadhna Srivastava

ORDER (Oral)

By Hon'ble Mr.S.Das Gupta A.M.

This application has been filed under  
section 19 of Administrative Tribunals Act 1985, challenging  
the order dated 20.10.1994 (annexure 4) by which request

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of the applicant for retention of quarter allotted to him beyond 4 months from the date of retirement was rejected and also the order dated 6.7.1994 by which the applicant was informed that his D.C.R.G. would not be released until he vacates the quarter allotted to him.

2. The applicant, who was a permanent government servant was allotted government accomodation. He attained the age of superannuation on 30.6.1994 and retired from service with effect from that date. Prior to his retirement, he submitted a representation for retention of quarter. He was allowed to retain the quarter for a period of four months i.e. upto 31.10.1994 in accordance with the extant rules in this regard. His request for further retention was, however, rejected and his D.C.R.G. was also not paid to him. Hence this application, seeking quashing of the order dated 6.7.1995 and also 20.10.1994 and a direction to the respondents to pay the amount of D.C.R.G. to the applicant with 12 % interest thereon, after deducting normal rent of the quarter allotted to him.

3. The respondents have filed counter affidavit, in which it has been stated that the request of the applicant for further retention of the quarter for a maximum period of 4 months after his retirement was considered under the rules. This period also expired on 31.10.1994. There is no rule, under which further retention of the quarter could have been allowed. As regards withholding of D.C.R.G. amount, it has been stated that only a sum of Rs.1,000/- has been withheld from D.C.R.G. under the provision of the rule.

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4. The applicant has filed rejoinder affidavit, in which he has reiterated that entire amount of D.C.R.G. has been withheld by the respondents.

5. When the case came up for hearing, learned counsel for the applicant informed that the applicant has already vacated the aforesaid quarter. This was conceded by the learned counsel for the respondents. I have been shown copy of the rules, relating to the retention of govt. quarter. It appears from D.G. (P & T) Memo dated 6.8.1965 and SR 317-B-11 that where, allotment has been cancelled or is deemed to be cancelled under any provision, and the quarter remains in occupation of the officer to whom it was allotted or of any person claiming through him, such officer shall be liable to pay damages for occupation of residence, service charges and garden charges etc. Damage charges shall be equal to the double licence fee under FR-45 A or double the pooled standard licence fee under FR-45 B, whichever is higher plus single other charges like service and garden charges etc. It has also been mentioned therein that where the residence is retained, the allotment shall be deemed to be cancelled on the expiry of the admissible concessional period.

6. There is no dispute that the applicant was allowed to retain the quarter for four months after his retirement in accordance with the rules. Retention of quarter can be allowed for a maximum period of four months on payment of normal rent. Any over-stayal beyond that period will entail payment of damages. The applicant was entitled to retain the quarter till 31.10.1994 on payment of normal rent. The period beyond 31.10.1994 until the

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date of vacation of the quarter is clearly unauthorised and for that period the applicant is liable to pay damage charges as per extant rules.

7. It is not clear from facts averred as to whether entire D.C.R.G. has been withheld or only Rs.1,000/-, ~~which~~ has been withheld from D.C.R.G. In case only Rs.1,000/- has been retained, damage charges may be adjusted against the same and if there are still further dues to be realised from the applicant, he may be informed accordingly and he shall have to pay such dues by depositing the amount through treasury challan within a period of 4 months from the date of this order. In case, however, entire amount of D.C.R.G has been withheld, amount of penal rent or damage charges should be recovered and the <sup>v. Balance 7</sup> DCRG amount, after deducting the said charges is to be paid within 4 months from the date of receipt of this order. In case there is any delay in releasing the amount of DCRG, the same shall bear interest @ 12 percent per annum from the date of expiry of 4 months from the date of communication of this order till actual payment.

8. Parties shall bear their own cost.

  
A.M.

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