

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 24th day of December, 1999

Original Application no. 256 of 1999.

Hon'ble Mr. M.P. Singh, Administrative Member.

Smt. Manoj Saxena, W/o Shri Manoj Kumar Saxena,
Postal Assistant, S.B.C.O. Mathura.

... Applicant.

C/A Shri M.K. Updhayaya

Versus

1. Union of India,
Through the Post Master General,
Agra Region, Agra.
2. Senior Post Master Agra.
3. Senior Superintendent of Post Offices
Agra Division, Agra.

... Respondents

C/R Shri S.C. Tripathi.

...2/-

uph

// 2 //


ORDER

Hon'ble Mr. M.P. Singh, Member-A.

The applicant was employed as Postal Assistant in Agra Division. She was allotted type II quarter in G.P.O. Compound in Agra. She was transferred from Agra to S.B.C.O., Mathura vide letter dated 06.06.97 no. ST.A/9/3/97. The applicant has represented to P.M.G., Agra that she may be posted back at Agra as she is facing a lot of difficulties at Mathura. She continued to retain type II quarter allotted to her at Agra. Respondent no. 2 has passed the order on 23.11.98 that the amount of Rs. 21,294/- as damage rent be recovered from the pay of the applicant. The contention of the applicant is that the damage rent can not be recovered from the applicant without following appropriate procedure for this purpose. Action must be taken under Public Premises Act 1971 and also the law laid down by the Tribunal in (1993) 25 ATC 268 (CAT) Ram Chandra Kamti versus Union of India. According to the applicant, question of charging damage rent was also decided in P.K. Kutty versus Union of India (1994) 28 A.T.C. 622 (Bombay) and (1994) 27 A.T.C. 366 (Cal), U.N. Swamy Vs. Union of India.

2. The applicant has sought following reliefs:-

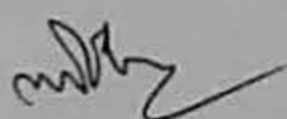
- i. to quash the impugned order dated 10.06.98 (A-1) and order dated 23.11.1998 (A-2)
- ii. to direct the respondents to transfer the applicant in place of V.K. Chaturvedi and V.K. Chaturvedi be also transferred to Mathura for which he has already prayed to the respondents.
- iii. to issue any other suitable order or direction which this Hon'ble Tribunal may think just



// 3 //

and proper in the circumstances of the case.

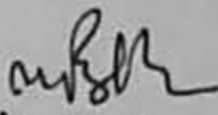
3. The respondent in their reply have stated that the applicant was relieved from Agra Head Post Office on 14.06.97 and was required to vacate quarter allotted to her within a period of 2 months. She was, however, allowed to retain the said quarter on normal licence fee for a period of 2 months only. She was allowed to retain the said quarter on recovery of damage rent as per departmental rules and regulations and was communicated this decision on 10.06.98.
4. The respondents have also stated that the request of the applicant for her transfer from Mathura to Agra was considered by them, but request could not be accepted because of her long stay at Agra and she was informed accordingly on 08.01.99. They have also stated that Postal Assistant (SBCO), was transferred is a circle cadre and has liabilities within the circle/state.
5. Heard Shri M.K. Updhayaya learned counsel for the applicant & Sri S.C. Tripathi for the respondents. Learned counsel for the applicant admit that the procedure prescribed under Public Premises Act, 1971 has not been followed by the department.
6. In view of the above facts, respondents are restrained not to recover the damage rent from the salary of the applicant. They may initiate proceeding required under Public Premises Act, 1971 and take decision within a period of 3 months. The amount already recovered from



// 4 //

the salary of the applicant will be adjusted/refunded after finalisation of the proceeding under Public Premises Act, 1971. The relief sought by the applicant under para 8 (ii) is rejected. The O.A. is disposed of accordingly.

7. No order as to costs.


Member-A

/pc/