

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 506 OF 1993
Tax No.

DATE OF DECISION 9-9-1993.

Shri Maganbhai Lallubhai Rao, Petitioner

Mr. P.K. Handa, Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondents

Mr. Akil Kureshi, Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R.C.Bhatt, Judicial Member.

The Hon'ble Mr. M.R. Kolhatkar, Admin. Member.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

Shri Maganbhai Lallubhai Rao,
Sub Post Master
P.O. Building, Jagadia,
Dist: Bharuch.

..... Applicant.

(Advocate: Mr. P.K. Handa)

Versus.

1. Union of India through
Director General,
Postal Service,
Dak Bhavan, New Delhi.

2. Post Master General,
Vadodara Region,
Pratapganj, Baroda.

3. Superintendent of Post Offices,
Bharuch, Dist: Bharuch.

4. The Accounts Officer,
Office of Post Master General,
Vadodara Region,
Vadodara.

..... Respondents.

ORAL ORDER

O.A.No. 506 OF 1993

Date: 9-9-1993.

Per: Hon'ble Mr. R.C.Bhatt, Judicial Member.

Heard Mr. P.K. Handa, learned advocate for the applicant. Mr. Akil Kureshi for the respondents waives notice and appears. This matter is taken on urgent mention by the learned advocate Mr. P.K. Handa before us.

2. This application is filed by the applicant now serving as Sub Postmaster at Jagadia seeking the

..... 3/-

relief that the order passed by the respondents, Ann.A dated 28th July, 1993 be quashed and set aside regarding the order of recovery of Rs. 38359/- passed by the Post Master General, Vadodara. We admit this matter and it is possible to dispose it of finally in view of/ special circumstances and facts involved in this case. The applicant at present is working as Sub Postmaster Jagadia, who was initially working as Sub Postmaster at Ankleshwar, was transferred from Ankleshwar vide order dated 13th May, 1992 to Bharuch vide Annexure A-1, that he carried out the transfer order and he resumed his duty at Bharuch on 26th May, 1992. Thereafter, he made an application, to the respondents to grant him permission for retaining the quarter on payment of normal rent which was granted for two months vide Annexure A/2. Thereafter, the applicant made an application dated 24th July, 1992 vide Ann. A-3 requesting the Superintendent of Post Office, Bharuch i.e. respondent No.3 to grant further extension to retain the quarter of SPM at Ankleshwar for a period of four months on penal rent ^{from} / 26th July, 1992, but the said request was rejected vide letter dated 31st July, 1992. The learned advocate for the applicant submitted

that the Superintendent of Post Office, Bharuch by its order Annexure A-10 dated 26th April, 1993 directed the officer to recover from the applicant four times licence fees as per the rules with effect from 27th July, 1992 for unauthorised occupation of the quarters. The applicant has mentioned in his application that the recoveries have already been paid from the salary of the applicant and the applicant has vacated the quarters on 18th July, 1993. The learned advocate for the applicant submitted that the vacation report also was submitted by the applicant vide Annexure A-12 dated 21st July, to 1993, but the surprise of the applicant, he received an order Annexure A, which is an impugned order dated 28th July, 1993 passed by the Post Master General Vadodara Region i.e., respondent No.2 by which the applicant is asked to pay the damage rent at the rate of Rs. 40/- per ~~xx~~ Sq.Mtr. which amounts to Rs. 3440/- per month and the applicant was directed to pay Rs. 38359/- being the rent recovery from 26th July, 1992 to 30th June, 1993. The applicant, thereafter, made a representation Ann. A-13 dated 14th August, 1993 regarding impugned order Annexure A in which he has asked the respondent No.2 to show the rule under which the said recovery has been ordered. It is important to note that the respondents

have already recovered from the salary of the applicant four times the usual rent by way of penalty and now again a notice is sent for recovery by way of damage. The respondent No.2 should first decide representation rent./ The respondent No.2 is directed to decide the representation of the applicant Annexure A-13 dated 14th August, 1993 according to rules consider- that there was ing the fact / recovery of penal rent from his and salary/ keeping in mind Annexure A-15 produced by the applicant and also keeping in mind that the penal rent was recovered from the present applicant for unauthorised occupation according to rules as per order Annexure A-10. The question may also be considered by way of principles of natural justice as to whether the applicant was at any time informed in advance that in case he retained the quarter beyond the period of four months as prayed by him, he would be charged damage rent for the entire period specially when the quarters occupied by him were ^{in rented} private/quarters and not Government quarters. The respondent No.2 to dispose of the representation Annexure A-13 of the applicant within three months from the receipt of this order keeping in mind our above observations. The respondents are restrained

new

from making any recovery by implementing Annexure A
intimation of result
till the / of the representation. The
respondent No.2 to intimate the result of the
disposal of the representation to the applicant. In
case the ultimate result of the representation is
against the applicant, he is entitled to approach this
Tribunal within 15 days from the receipt of the order
or intimation from Respondent No.2. The application
is disposed of with these directions. The Registry
may give a copy of this order at the earliest to
the applicant.

M.R. Kolhatkar

(M.R. Kolhatkar)
Member (A)

R.C.Bhatt

(R.C.Bhatt)
Member (J)

vtc.