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(14)

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 88 of 1986

Date of decision : November 3, 1986.

Pravakar Lenka Petitioner
M/s Ghanashyam Sahoo, R.N.Misra,
and P.K.Misra, Advocates For Petitioner.

Versus

Union of India & others Respondents.
Mr. Ganeswar Rath, Addl. Standing
Counsel (Central). For Respondents.

C O R A M :

The Hon'ble Mr. B.R.Patel, Vice Chairman.

A n d

The Hon'ble Mr. K.P.Acharya, Member (Judicial).

1. Whether reporters of local papers may be allowed to see the judgment ? Yes .
2. To be referred to the Reporters or not ? Yes .
3. Whether their Lordships wish to see the fair copy of the judgment ? Yes .

J U D G M E N T

K.P.Acharya, Member (J).

This is an application under section 19 of the Administrative Tribunals Act, 1985.

2. The petitioner is working as Postal Clerk in Class III attached to the General Post Office, Cuttack. Previous to his incumbency in the General Post Office, Cuttack, he was a time-scale clerk attached to the S.C.B. Medical College Post Office and while he was serving as such, the petitioner had been allotted a Government Quarters by the Senior Superintendent of Post Offices, Cuttack in his Memo No. D-2/P-CK dated 10.12.1985 (vide Annexure-1). Later the Senior Superintendent of Post Offices, Cuttack City Division conveyed the orders of the Post Master General of Orissa cancelling the allotment of the said quarter in favour of the petitioner, vide Annexure-2 - Memo No. D/II-P/CK/Ch- II dated 12.5.1986. Being aggrieved by this order, the jurisdiction of the Tribunal was invoked by the petitioner with a prayer to quash Annexure- 2 and to allow the petitioner to continue in the quarter in question.

3. In their counter, it is maintained on behalf of the Opposite Parties that since the petitioner was in unauthorised occupation of the quarter, under the rules he was not entitled to have a quarter from the Government for one year .

4. We have ~~xxxx~~ heard learned counsel for both sides at some length . The Post Master General cancelled the allotment of quarters to the petitioner

keeping in view certain things which are in his mind but, however, though we have powers to pass orders either to confirm or set aside the particular order passed by a Head of Department, yet keeping in view the official position held by the Post Master General, we think it appropriate to leave this matter for the re-consideration of the Post Master General. It should be borne in mind that in these hard days, it is very difficult to get a private accommodation at Cuttack and if one gets, he has to pay good bid of money towards rent. Since the Senior Superintendent of Post Offices had allotted the quarter to the petitioner, we think perhaps the petitioner was entitled under the rules. However, at the risk of repetition, we would say that this matter is left open for the re-consideration of the Post Master General to pass orders according to law bearing compassionate view.

5. Thus, the application is accordingly disposed of leaving the parties to bear their own costs.

B.R.Patel, Vice Chairman.

I agree.

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Member (Judicial)
3.11.1986.

Prakash
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Vice Chairman.
3.11.1986.

Central Administrative Tribunal,
Cuttack Bench,
November 3, 1986/ D.C.Roy.