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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

ORIGINAL APPLICATION No. 240 OF 1987.

Date of decision January 27, 1988.

Banamali Mallik, son of late Dambarudhar Mallik,
at present working as L.S.G.(P.A.), at Cuttack G.P.O.,
Town and District- Cuttack ... Applicant.

Versus

1. Union of India,
represented by the Secretary,
Department of Posts, Dak Bhavan,
New Delhi.
2. Postmaster General, Orissa Circle,
At, P.O. Bhubaneswar, Dist- Puri.
3. Senior Superintendent of Post Offices,
Cuttack City Division, At, P.O. & Dist-Cuttack.

... Respondents.

M/s Devananda Misra,
Deepak Misra,
R.N.Naik and
S.S.Hota,Advocates ... For Applicant.

Mr. Tahali Dalai, 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 the reporters of local papers have been permitted to see the judgment ? Yes .
2. To be referred to the Reporters or not ?
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes .

JUDGMENT

K.P.ACHARYA, MEMBER (J). In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant challenges the orders contained in Annexure-3 dated 18.6.87 and Annexure-4 dated 2.7.1987 and the prayer of the applicant is to quash the same.

2. Shortly stated, the case of the applicant is that he was posted as L.S.G. (P.A.) at Cuttack G.P.O. vide Annexure-1. Previous to the transfer of the applicant to the said post, he was Post Master attached to Mangalabag Post Office within the town of Cuttack. After the applicant carried out the order of transfer and joined as L.S.G. (P.A.) Cuttack G.P.O., the applicant was asked to vacate the quarters which he was occupying as Post Master, Mangalabag Post Office. This order is contained in Annexure-3. The petitioner not having vacated the said quarters, vide Annexure-4, a license fee at the rate of 40 % of pay of the petitioner was levied on the petitioner. Being aggrieved by this order, the applicant has come up before this Bench with the aforesaid prayers.

3. In their counter, the Respondents maintained that the quarters in question is exclusively meant for the Post Master of Mangalabag Post Office and it is a rent free quarters. By virtue of the transfer of the applicant to the post of L.S.G. (P.A.) Cuttack G.P.O. the applicant has no other option but to vacate the

quarters in favour of his successor. The applicant not having vacated the quarters in compliance with the directions contained in Annexure-3, under the rules the competent authority levied the penal rent. It was therefore maintained by the respondents that there being no merit in the case, it is liable to be dismissed.

4. We have heard Mr. Deepak Misra, learned counsel for the applicant and Mr. Tahali Dalai, learned Addl. Standing Counsel for the Central Government at some length. It was submitted by Mr. Misra, learned counsel for the applicant that in view of the contents of Annexure-6, the concerned authorities are bound to keep at least 10 % of the total numbers of quarters reserved for officers belonging to scheduled caste/ scheduled tribe. It was further submitted by Mr. Misra that the applicant being a member of the scheduled caste and being the senior most officer amongst the scheduled caste employees posted at Cuttack, the applicant is entitled as a matter of right under the instructions contained in Annexure-6 to get a quarters and therefore the concerned authorities should allot the present quarters in favour of the present applicant or provide another quarters amongst from the 10 % quota to the applicant. On this point in para 3 of the counter, it is stated that the applicant is not the senior most scheduled caste official of Cuttack City Division and it was further averred that there are senior officers ~~stationed~~ at Cuttack ^{to} than the applicant. We do not

propose to make a roving inquiry into these disputed facts.

We would direct that the Post Master General would devote his attention to the guidelines set forth in Annexure-6 and dispose of the representation said to be pending ^{which was} filed by the applicant for allotment of a quarters at Cuttack, preferably within three months from the date of receipt of a copy of this judgment. Till the disposal of this representation, the applicant may continue to remain in the quarters subject to the condition that he would pay rent at the rate of 20 % of his pay per month with effect from the date from which he is in occupation of the quarters after relinquishing the office of the Post Master, Mangalabag Post Office. In case any amount has been recovered from the applicant at the rate of 40% of his basic pay, the said amount be adjusted to the credit of the applicant at the rate of 20% of the basic pay as directed above. We hope the Post Master General will take into consideration the present status of the quarters as to whether it has gone to the general pool as per Circular Letter No. PLDG/17-10/Ch.II dated 17.8.1986 and accordingly dispose of the representation of the applicant.

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

*Regd. On B.
27.1.88.*
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Member (Judicial)

B.R. PATEL, VICE CHAIRMAN, *I agree.*

27.1.88.
.....
Vice Chairman.

Central Administrative Tribunal
Cuttack Bench.
January 27, 1988/Roy, SPA.