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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

Original Application No.38 of 1989

Date of decision: 29th August, 1989

Krushna Chandra Misra,  
Son of Late Pandit Raghunath Misra  
Village and P.O. Bira Narasinghpur,  
District Puri, at present working as  
Postmaster, Bhanjanagar, P.O. Bhanjanagar,  
District Ganjam.

..... Applicant

-Versus-

1. Union of India, represented by  
its Secretary, Posts,  
Dak Bhawan, New Delhi.
2. Postmaster General, Orissa,  
At/P.O. Bhubaneswar, Dist. Puri.
3. Director, Postal Services,  
Sambalpur Region, At/P.O./Dist.  
Sambalpur.

..... Respondents

For the Applicant .....

M/s. Devanand Misra &  
Deepak Misra

For the Respondents ....

Mr. Ganeswar Rath, Senior  
Standing Counsel (Central)

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C O R A M:

THE HON'BLE MR. B. R. PATEL, VICE-CHAIRMAN  
A N D  
THE HON'BLE MR. N. SEN GUPTA, MEMBER (JUDICIAL)

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1. Whether reporters of local papers may be allowed  
to see the judgment ? Yes
  2. To be referred to the Reporters or not ? *NO*
  3. Whether Their Lordships wish to see the fair  
copy of the Judgement ? Yes
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:- J U D G E M E N T :-

PATEL, VICE-CHAIRMAN

A chargesheet was served on the applicant on 14.1.87 while he was working as Post-Master of Bhanjanagar Post Office. The charge was that he did not vacate the Govt. quarters, which was allotted to him at Bhubaneswar while he was working as Asst. Post-Master, on this transfer to Phulbani on 30.1.84 and he was not regularly deducting from his salary the penal rent of Rs.416/- (Rupees four hundred and sixteen only) which he was required to pay for the period he did not vacate the Govt. quarters at Bhubaneswar. In this case, the applicant has sought the following reliefs:

- (i) A direction to be issued quashing the Departmental proceedings;
- (ii) further direction to be issued to the Respondents to refund the penal rent which has been realised and
- (iii) any other orders to which he would be entitled.

The Respondents in their Counter have contended that the penal rent has been imposed on the applicant according to rules and no illegality having been committed in the Departmental proceedings, there is no case for quashing the proceedings or to give any relief, so far as the penal rent is concerned.

2. We have heard Mr. Deepak Misra, learned Counsel for the applicant, and Mr. Ganeswar Rath, learned Senior Standing Counsel (Central) and carefully perused the records. Mr. Misra has submitted that the penal rent has all along been deducted from his

*R. Misra*

salary and as such the charge that he was not regularly deducting it from his salary was not tenable. However, as the Departmental Proceedings has since concluded and penalty of censure has been imposed he would not press his prayer for quashing the departmental proceeding. He has therefore confined his prayer only to realisation of the penal rent @Rs.416/- per month which was too much according to Mr. Misra for a low paid servant like the applicant to pay. Mr. Ganeswar Rath, on the other hand, has contended that 40% of the salary was fixed as the penal rent as provided under the Rules and there was no scope for any reduction in the penal rent so imposed. Having heard the Counsel for both sides we are of the view that Rs.416/- per month towards rent of the building is on the high side and would cause hardship to the applicant particularly when the applicant has since retired on superannuation on 28th February, 1989. We would, therefore, direct that the penal rent should be reduced to Rs.208/- per month and the excess paid should be refunded to the applicant within a period of 4 months from the date of receipt of a copy of the judgement. The application is accordingly allowed in part leaving the parties to bear their own costs.

N. SEN GUPTA, MEMBER (J)

I agree



Central Administrative Tribunal  
Cuttack Bench  
29th August, 1989/Mohapatra

*R. S. Mishra*  
VICE-CHAIRMAN

*M. Sen Gupta*  
MEMBER (JUDICIAL)  
19/8/89