

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.231 of 1990.

Date of decision : September 27,1991.

Netrananda Tripathy Applicant.

Versus

Union of India and others. ... Respondents.

For the applicant ... M/s.S.Kr.Mohanty,
S.P.Mohanty, Advocates.

For the respondents ... Mr.Aswini Kumar Misra,
Sr.Standing Counsel (CAT)

C O R A M:

THE HONOURABLE MR.K.P.ACHARY, VICE-CHAIRMAN

1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ? /o
3. Whether His Lordship wishes to see the fair copy of the judgment ? Yes.

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(6)

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THE HONOURABLE MR. K. P. ACHARYA, VICE-CHAIRMAN

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J U D G M E N T

K. P. ACHARYA, VICE-CHAIRMAN, In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays to direct the respondents to refund the penal rent recovered from the applicant for the period commencing from March, 1982 to November, 1982 as per Annexure-1.

2. Shortly stated, the case of the applicant is that while he was discharging his duties as a Postal Assistant in the Rourkela Head Post Office he had been allotted with Government quarters in Sector 5 and from Rourkela he was transferred as Sub-Post Master, Loco Colony, Bondhamunda in June, 1981 and he was relieved on 27.6.1981 forenoon and joined on the same day in his new place of posting in the afternoon. The allotment of quarters stood cancelled on 21.1.1982 and the applicant was directed to vacate the quarters by 7.2.1982. Despite this order the applicant did

not vacate the quarters in question. Therefore, being treated as ^{an} unauthorised occupant of the said quarters, vide Annexure-1 penal rent was imposed on the applicant at the rate of 50 per cent of the pay. Hence this application with the aforesaid prayer.

3. In their counter, the respondents maintained that the applicant did not intentionally vacate the quarters in question thereby causing immense inconvenience to his successor and in case rent free accommodation was not available at Bondhamunda, though the applicant was legitimately entitled to house rent allowance yet there was no justification for occupying the quarters in question unauthorisedly. Therefore, in such circumstances, the case being devoid of merit is liable to be dismissed.

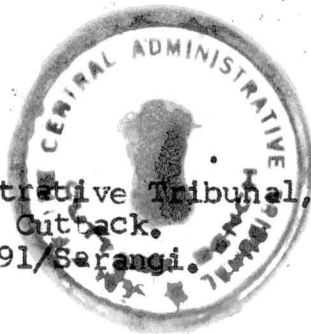
4. I have heard Mr.S.P.Mohanty, learned counsel for the applicant and Mr.Aswini Kumar Misra, learned Senior Standing Counsel (CAT) for the respondents at some length. Admittedly, the applicant has vacated the quarters in question on 24.11.1982. Therefore, the penal rent, if payable shall be effective till 23.11.1982 and such penal rent to be paid with effect from the date of cancellation of allotment.

5. After giving my anxious consideration to the arguments advanced at the Bar I feel that imposition of penal rent to the extent of 50 per cent of the pay is rather excessive which is hereby reduced to 30 per cent of the pay of the applicant payable with effect from the date of cancellation of allotment till 23.11.1982. The amount in excess of 30 per cent, if paid by the applicant be refunded to him within 60 days from the date of receipt

of a copy of this judgment.

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

[Signature]
27-3-91
.....
Vice-Chairman



Central Administrative Tribunal,
Cuttack Bench, Cuttack.
September 27, 1991/Saranggi.