

CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK.ORIGINAL APPLICATION NO. 614 OF 1998
Cuttack, this the 24th day of July, 2001

Sri Sushil Kumar Rath

Applicant

Vrs.

Union of India and others ...

Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not? Yes.
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No.

(G.NARASIMHAM)
MEMBER(JUDICIAL)

Sonmathi Jm
(SONNATH SOON)
VICE-CHAIRMAN
24.7.2001

CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 614 OF 1998
Cuttack, this the 24th day of July, 2001

CORAM:

HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN
AND
HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)

.....
Sri Sushil Kumar Rath, son of late Raghunath Rath, Sub Post Master (HSG-II), At/PO-Mathili, District-Malkangiri

.....

Applicant

Advocate for applicant - Mr.P.K.Padhi

Vrs.

1. Union of India, represented by its Chief Post Master General, Orissa Circle, At/PO-Bhubaneswar, District-Khurda-751 001
2. Post Master General, Berhampur Region, At/PO-Berhampur, District-Ganjam (Orissa).
3. Senior Superintendent of Post Offices, Koraput Division, At/PO-Jejpore (K), District-Koraput

.....
Respondents
Advocate for respondents - Mr.B.K.Nayak
ACGSC

O R D E R

SOMNATH SOM, VICE-CHAIRMAN

1. In this O.A. the petitioner has prayed for a direction to the respondents to pay House Rent Allowance to him from 24.6.1996 till he is not provided with quarter and also for a direction to the respondents to shift the Post Office to any suitable building or deposit the arrear electric bill of the office and reconnect the electric and give notice to the house owner to provide minimum facilities like latrine, kitchen, etc. He has also asked for a direction for payment of Rs.50/- per month with effect from 24.6.1996 which the applicant is paying for consuming electricity for office.

5/Jan

2. The case of the applicant is that he is a HSG-II Post Master and has been working as Sub-Post Master of Mathili Sub Post Office in Koraput Division since 24.6.1996. The applicant has stated that there is no post quarter at Mathili. There is no electricity connection to the post office. There is also no latrine or urinal. The electric line to the post office has been disconnected since 28.3.1989 because of outstanding dues amounting to Rs.3432.60 due from October 1986. During the above period the applicant was not the Sub Post Master. After joining as Sub Post Master, Mathili S.O. on 24.6.1996 he represented regarding shifting of the post office to any other suitable building. Some of the representations have been enclosed. His representation for House Rent Allowance was rejected in order dated 4.5.1998 (Annexure-8) on the ground that the post of Sub Post Master, Mathili S.O. has a post quarter attached and the applicant cannot be permitted to stay in rented accommodation and therefore no HRA is admissible. The applicant has stated that the post quarter consists of two unused rooms without door, latrine or electricity and these rooms are full with office articles. As there is no electric connection to the post office the applicant has borrowed a sub-connection from a neighbour by paying Rs.50/- per month from his own pocket. The applicant has stated that he is occupying rented house for his accommodation and is paying Rs.450/- towards house rent and Rs.50/- towards office electricity charges. In the context of the above the applicant has come up with the prayers referred to earlier.

S JAM

3. Respondents in their counter have stated that the applicant was transferred as Sub Post Master,

Mathili S.O., where he joined on 24.6.1996, from the post of Sub Post Master, Similiguda. Immediately after joining at Mathili, the applicant represented that the post office building is in a bad condition and should be shifted to some other building. He also represented for House Rent Allowance in lieu of rent free accommodation which he did not occupy. At that time the post quarter at Similiguda was still under his occupation which he vacated on 8.8.1996. But he did not occupy the post quarter at Mathili and represented again and again for shifting the post office to another building. Sub-Divisional Inspector (Postal) and Sub-Post Master were directed to search for a suitable alternative accommodation. But as no such alternative accommodation was available, the house owner was requested to undertake repair work in the existing building. The house owner intimated that she had sent her representative to take up the repair work, but the applicant Sub-Post Master did not allow her to take up the repair work. The applicant further represented to shift the post office to an unutilised and vacant quarter of DNK Project available at Mathili under the disposal of the Chief District Medical Officer, Malkanagiri. Accordingly, the departmental authorities contacted the District Collector, Malkangiri, Chief District Medical Officer, Malkangiri and Block Development Officer, Mathili for allotment of the vacant quarter to the Department for being used as office-cum-residence of Mathili Sub Post Office. But these authorities indicated in their reply that there is no vacant quarter at Mathili. The house owner was once again requested to take up the repair work, but the letter addressed to the house owner was returned undelivered as the land lady has left the place in the meantime. As

SSM

regards non-payment of electricity charges, the respondents have stated that there was accumulation of electricity dues amounting to rs.3098.60 and the line was disconnected with effect from 28.3.1989. Subsequent Sub-Post Master was directed in order dated 17.1.1991 to make payment of the above amount of arrear electricity dues. But the Sub-Post Master including the present applicant did not pay the bill and electric line could not restored. The respondents have stated that as per the department rules Sub-Post Master is required to stay in the post quarter for safety of office cash and other valuables and that is why rent free accommodation is provided to him and therefore House Rent Allowance is not payable to the applicant. The respondents have stated that in consideration of the representation of the applicant after his joining on 24.6.1996, the Sub-Divisional Inspector (Postal), Malkangiri was instructed in letter dated 15.7.1996 to search out a suitable building for shifting of the post office. But no such building could be located. In letter dated 22.7.1996 (Annexure-R/4) Senior Superintendent of Post Offices, Koraput Division issued a public notice inviting proposal from public for letting out their building for holding the post office and post quarter. But no proposal was received from anybody. Respondents have stated that the applicant would have moved the departmental authorities for shifting the unutilised furniture, etc., from the office to some other place. But no such proposal has been received from him. In the context of the above, the respondents have opposed the prayers of the applicant.

S. Son

4. In his rejoinder the applicant has reiterated the averments made by him in the O.A. and also enclosed a sketch map of the floor area of the building as

also three photographs showing the condition of different rooms and the roof of the building. Besides the above, along with his memo dated 28.2.2001 the applicant has enclosed the visit note dated 12.7.2000 of the Post Master General, Berhampur, after serving copy of the same on the learned Additional Standing Counsel. As the respondents' counsel has got adequate notice of the visit note, this is also taken into consideration.

5. We have heard Shri P.K.Padhi, the learned counsel for the petitioner and Shri B.K.Nayak, the learned Additional Standing Counsel for the respondents and have also perused the record.

6. From the pleadings of the parties it appears that the respondents have not seriously denied the averment of the applicant that the post quarter is not in a habitable condition. This is again established from the visit note of Post Master General, Berhampur. Paragraphs 11 and 16 of the visit note are quoted below:

"11. Quarters attached to the P.O. are not habitable. There are no primary facilities like lavatory, kitchen etc. The SSP has rejected the claim of the SPM for HRA. The SPM has filed a CAT case against the decision of the SSP. Details of the case may be sent to the R.o. immediately for examination.

xx xx xx

16. In many divisions Post Offices are housed in rented buildings which are not in good condition. Sometimes quarters are also attached. Even though they are uninhabitable, SPMs are asked to occupy the quarters as a matter of service condition. This is only because cash is available in the office. Instead of compelling the SPMs to stay in the quarters, an alternative suggestion is to allow the SPMs to keep cash with them in their residence upto Rs.25,000/-. This procedure is adopted in case of BP's. The suggestion may be sent to the D.G (Posts) for consideration."

S.Jam

From the above it is clear that the highest authority of the Department has personal knowledge that the quarter is not habitable and there are no primary facilities like lavatory, kitchen, etc. Where post quarters are attached to the office of Sub-Post Master, under the departmental rules the Sub-Post Master is obliged to remain in the post quarters. But this presupposes that the post quarter must have minimum facilities like latrine, kitchen, etc. Otherwise it is not possible for Sub-Post Master to remain there. As a matter of fact the applicant has mentioned in his many representations as also in the OA that he is occupying private rented accommodation by paying Rs.450/- per month. It is no doubt true that the departmental authorities have taken steps to shift the post office and the post quarters to some other building. They have approached the District authorities and issued public notice inviting proposals from public for letting their house on rent to the Department, but no response has been received. As the applicant has been able to get a private accommodation for himself, it is difficult to accept that no private accommodation is available at Mathili. Departmental authorities should, therefore, once again take steps to find out alternative accommodation and shift the post office and post quarters to some other building. But as the applicant has been forced to remain in rented accommodation because of unhabitable condition of the post quarters, the departmental authorities should pay him the House Rent Allowance from the date he vacated the quarters at Similiguda. Such payment should be made to him in accordance with rules till habitable post quarter is made

V. Som.

available to him. Such payment should be made within a period of 90(ninety) days from the date of receipt of copy of this order.

7. In the result, therefore, the Original Application is allowed in terms of observation and direction above. No costs.

(G.NARASIMHAM)

MEMBER (JUDICIAL)

S. Venkateswara Rao
SOMATHA SOM
24/7/2001
VICE-CHAIRMAN

CAT/CB/ 24th July, 2001/AN/PS