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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK

ORIGINAL APPLICATION NO. 527 OF 2000
Cuttack this the 1st day of July/2002

V.L.N. Murty ... Applicant(s)

-VERSUS-

Union of India & Others ... Respondent(s)

(FOR INSTRUCTIONS)

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


(MANOR ANJAN MOHANTY)

MEMBER (JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.527 OF 2000
Cuttack this the 1st day of July/2002

CORAM:

THE HON'BLE SHRI MANORANJAN MOHANTY, MEMBER (JUDICIAL)

...

1. Sri V.L.N.Murty, aged 58 years
S/O Late V.Krishna Murty
At: Sastri Nagar,
PO: Berhampur-2
Dist: Ganjam, at present working as
Sub Post Master, At/PO: Girisola
Dist: Ganjam (Orissa). Applicant(s)

By the Advocate(s) Mr.P.M.Padhi

- V e r s u s -

1. Union of India, represented by it's
Chief Post Master General (Orissa Circile)
At/PO: Bhubaneswar, Dist: Khurda, 751001.

2. Director of Postal Services, (Berhampur)
At/PO: Berhampur, Dist: Ganjam (Orissa)

3. Sr. Superintendent of Post Offices
Berhampur Division,
At/PO: Berhampur
Dist: Ganjam (Orissa), 760001. Respondents

By the Advocate(s) Mr.S.Behera

O R D E R

MR. MANORANJAN MOHANTY, MEMBER (JUDICIAL): Heard Shri P.K.Padhi,
Advocate for the Applicant and Shri S.Behera, Addl. Standing Counsel
for the Respondents.

2. Applicant joined as Branch Post Master of Girisola S.O.
during November, 1998 and, on 26.11.1998, he represented to Senior

Superintendent of Post Office, intimating him about unsuitability of the post quarters and prayed to shift the Post Office to any other suitable building; as is seen under Annexure-1 to the O.A. In his communication dated 24.12.1998 (Annexure-2), the Sr.Superintendent of Post Offices, Berhampur, asked the Applicant to locate a suitable building for shifting of the Post Office-cum-quarters. In the said communication under Annexure-2 dated 24.12.1998, the Sr.Superintendent of Post Offices refused to ^{grant} House Rent Allowance (HRA)/Conveyance Allowance, to the Applicant, as asked for by him. On 29.1.1991, when the Applicant ~~filed~~ to find out a suitable building, again represented to the Superintendent of Post Offices, expressing his failure to locate a suitable building, and in the said representation (Annexure-3 dated 29.1.1999) the Applicant intimated the authorities about the precarious condition of the building and therein prayed to pay him House Rent Allowance (HRA) as he was not occupying the quarters attached to the Post Office. On 14.5.1999 and 21.9.1999, the Sr.Superintendent of Post Offices again asked the Applicant to locate a suitable house for Post Office-cum-residence; as is seen under Annexures- 4 and 5, respectively. On 21.9.1999 the Applicant intimated to Sr.Superintendent of Post Office with regard to non availability of any suitable house as well as unwillingness the land lord to repair the house; as is seen under Annexure-6.

Due to non payment of House Rent Allowance (HRA) to the Applicant, although he was not occupying the post

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quarters attached to the Post Office, he filed the present Original Application on 9.11.2000, seeking directions to the Respondents, in the peculiar facts and circumstances of the case, to pay him House Rent Allowances and Conveyance Allowance.

3. In the counter filed on behalf of the Department, the stand taken by the Applicant having been contested, the Applicant filed a petition calling for certain inspection reports and, on being asked, inspection reports dated 30.11.1999, 9.12.1999, 4.12.2000 and 4.10.2001, having been fairly produced by the Addl. Standing Counsel; from perusal of which it appears that really the Post House/quarters was in a very bad condition; unfit for human dwelling. In the report of the Post Master General of Berhampur Region (pertaining to inspection of Girisela S.O. on 30.11.1999) it was noted as under :—

"The SPM stated that he has submitted a representation to the R.O. for sanction of house rent allowance in lieu of post quarters, as the quarters are not inhabitable. Basic amenities like bath room, lavatory, water connection, etc. are wanting in the quarters. The SSP may make efforts to shift the office to a better building. If this is possible, he may make arrangements for the security of office cash and valuables, and submit a proposal to dequarter the office".

In the inspection report of S.D.I.(P) of Berhampur Sub-division (pertaining to his inspection dated 9.12.1999) it was stated as under :—

"Para 41(i): The P.O. is functioning in a rented building with a monthly rent of Rs.300/- (Rs. three hundred only) per month with Post-Quarter facility for the SPM, Girisela.

(ii) Visited the Post Quarter portion of the P.O. building and observed that the Post Quarter is lying vacant and the SPM is not residing in the Post Quarter earmarked. Actually the condition of the P.O. Building as well as the Post Quarter

is precarious particularly after the devastating cyclone and flash flood dated 17/18. 10.999.

The window of the P.O. building are observed in damaged condition, having cracks on the wall and the roof of the building is observed profusely leaking. Basic ammenities like lavatory, bathroom and water facilities are not available.

In view of the above a proposal is in hand for shifting of the P.O. to a better building.

(iii) Since joining of Sri V.L.B.Murty, SPM-Girisela has not credited the propertinate electricity charges for Post Quarter. When asked to pay the electricity charges, the SPM replied that the Post Quarter is not suitable/conducive for dwelling purposes and the above fact was observed during inspection also."

In the next report of the S.D.I.(P) (pertaining to his aforesaid dated 4.12.2000) it was stated as under:-

"Para 42 : The P.O. is functioning in a rented building with post quarter facility for the SPM. The Post quarter portion is in damaged condition and not found suitable for utilisation.

The house owner of the P.O. was requesting for revision of House Rent during inspection. The Divl. Office is requested to take suitable action on this score"

"8. The PO building as well as the SPM's quarter portion are not being maintained. There is a good number of cracks with the wall and water is leaking. My office will address the house owner to do the repair work".

The aforesaid inspection reports, ~~are~~ drawn before and after filing of the present Original Application go to show that the Post Office-cum-Quarters of S.P.M. of Girisela was really not fit for human dwelling and in fact it was in a total dilapidated condition and, therefore, rightly the Applicant (SPM) was not residing therein. In that view of the matter the Applicant was entitled to House Rent Allowance (HRA) and, as a necessary consequence, he was too entitled to Conveyance Allowance.

Respondents, in the aforesaid premises, should pay

House Rent Allowance (HRA) and Conveyance Allowance to the Applicant, regularly and clear up his arrear HRA and Conveyance Allowance, within a period of three months from the date of receipt of copies of this order.

In the result, this O.A. is allowed, but without any order as to costs.

It is stated by the Advocate that the Applicant is still continuing as SPM of Girisola S.O. and the said P.O. building is ^{still} running in that dilapidated building. In this view of the matter, the departmental authorities (Respondents) should take steps to shift the Post Office, as expeditiously as possible, to a new/safe building.

Manoranjan Mohanty
01.07.2002
(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)

B.K.SAHOO//