

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

On dt. 30.7.03

caption of order
prepared by
counsel for both

So.

By
4-803

So

Order dt. 30.07.2003

Heard Mr. J.K.Mishra-2, learned counsel for the Applicant and Mr.B.Dash, learned Addl. Standing Counsel representing the Respondents.

2. On the allegation that the Applicant (Md.Akbar Ali, a Postal Assistant) had unauthorisedly occupied the Qr.No.F-12/2 (allotted in favour of one R.N.Bera, another Postal Asst, Burla Sub Post office), the 'House Rent Allowance' were not released in his favour from October, 1996. The Applicant, however, vacated the said quarters on 08.10.2002. Under Annexure-1 dt.10.11.2000, damage rent (amounting to Rs.1,08,432/-) was asked to be recovered from the Applicant. In this Original Application under Section-19 of the Administrative Tribunals' Act, 1985 the said recovery order (under Annexure-1 dt.10.11.2000) has been challenged by the Applicant.

3. By filing elaborate counter, the Respondents have tried to justify their action of claiming the damage rent under Annexure-1 dt. 10.11.2000.


4. Although, as it appears from the record placed before me, the Applicant was repeatedly being asked by the Respondents to give vacant possession of the quarters in question under the pains of disciplinary proceedings; no disciplinary proceedings were initiated against the Applicant nor he was given notice proposing imposition of damage rent on him. No opportunity was given to the Applicant to have his say in the matter, before imposition of penalty under Annexure-1 dt.10.11.2000. Therefore, there were violation of principles of natural justice; before imposition of damage rent under Annexure-1 dt.10.11.2000.

The same is, accordingly, quashed granting liberty to the Respondents to proceed against the Applicant in accordance with the law, by following the rules and principles of natural justice.

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5. This Original Application is, accordingly, allowed leaving the parties to bear their own costs.


(M. R. MOHANTY)
MEMBER (JUDICIAL)