

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

ORDER DATED 01-07-2004.

Order dt. 5.4.04

Applicant is absent on call. Ld. A.S.C. files one M.A. praying for one OA which further time to file counter. Heard. No counter has yet been filed even after availing several chances. No further time will be granted. Hence, M.A. is rejected.

Put up the matter before Bench on 16.4.04 for further orders.

REGISTRAR

Counter has not been filed for orders.

14

Bench

Counter of filed.

For orders.

Bench

21/9/04

Counter filed, copy not sent for hearing.

15/6

Bench

While the Applicant was working as a Driver in Doordarshan's H.P.T.V. (High Power Transmitter View Centre at Cuttack, he was occupying a Staff Quarters on payment of Rs. 67/- per month in the premises of H.P.T.V. Centre at Cuttack. On his transfer to Sambalpur (vide order dated 30.01.2003) he preferred a representation under Annexure-A/2 challenging his said transfer. Pending consideration of his said grievance (as raised under Annexure-A/2 dated 11.2.2003), the Applicant proceeded to join the new station at Sambalpur, where he is now continuing. However, his family is still continuing to occupy the staff quarters, in question, within the premises of H.P.T.V. Centre at Cuttack. Without giving consideration to his grievances (as raised under Annexure-A/2 dated 11.2.2003 to bring him back to Cuttack or to post him at Dhenkanal or at Balasore) the authorities have imposed higher rate of rent (for occupation of the quarters in question) on the Applicant under Annexure-5 dated 01.09.2003. It is the case of the Applicant that before imposition of higher rate of rent under Annexure-5 dated 1.9.2003, the Applicant was not put to any notice to have his say in the matter and, therefore, challenging such notice of enhancement of the House Rent (to be a case of violation of the principles of natural justice), the Applicant has preferred this original Application under Section 19

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On 28.6.04

for Hearing.

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30/6

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Copies of order

to be prepared
for counsel for
both sides.

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19/07

Go (T)

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of the Administrative Tribunals Act, 1985.

Respondents, by filing a counter have explained that since under the Rules, a Government servant on his transfer is entitled to keep the quarters for two months only in his old station and though, in exceptional circumstances, the said period can be extended for some more time (on receipt of the request of the Govt. servant) and the Applicant having failed to do either of the ingredients, the Respondents were justified in asked the Applicant to pay the rent at the prescribed higher rates.

Heard Mr. R. B. Mohapatra, Learned Counsel appearing for the Applicant and Mr. S. Jena, Learned Additional Standing Counsel appearing for the Respondents and perused the materials placed on record.

During the course of hearing, Learned Counsel appearing for the Applicant, at the out set, submitted that the Applicant wants to pursue his grievances before his authorities who have the power to condone / exempt the Applicant from paying the rent at a higher rate and to allow the Applicant to retain the quarters for further more time (for which his representation under Annexure-A/4 dated 25.07.2003 is still pending) a direction be issued to the Respondents to dispose of his pending representation within a stipulated period.

In the above view of the matter, without going to the merits, this O.A. is

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hereby disposed of with a direction to the Respondents to dispose of the pending representation of the Applicant within a period of thirty days from the date of receipt of a copy of this order and until then license fees at the normal rate(not in enhanced rate) be only recovered from the Applicant.

Send Copies to parties.
Manoranjan Mohanty
(MANORANJAN MOHANTY)
MEMBER (JUDICIAL) 01/07/04