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O.A.NO.1084/2004

ORDER DATED 30.3.2006

The applicant initially joined in Group D post under the Respondent No.4 on 25.9.1963. In course of his service he was further promoted to the cadre of T.S. Clerk/Postal Assistant on 13.9.1973. He was superannuated on 29.2.2004 as Sub Postmaster of Dhanupali S.O. under Sambalpur Head Office. While Hirakud project was under construction a cluster of houses were built for accommodating their staff during the year 1956. After the completion of the project those houses were lying vacant and it is stated by the applicant that some of the anti-socials were living therein. However, the eviction proceeding was initiated against those anti-socials, who were evicted therefrom. There was correspondence between the Respondent-authorities and the Superintending Engineer for providing accommodation to the postal staff. Accordingly, the applicant was given an accommodation in one of such cluster houses till his retirement.

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It is alleged by the Respondents that since the applicant failed to pay the rent either to the Respondent-authorities or to the Executive Engineer, therefore, the allotment order which was issued in his favour was subsequently cancelled on 22.2.1968, during the period of his service.

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The applicant's claim is that the Respondent-authorities have nothing to do with the aforesaid quarters. It was allotted to him personally by the Dam authorities. Therefore, the Respondent-authorities were incompetent to deduct any D.C.R.G. amount payable to the applicant.

The Respondents, on the other hand, have taken the stand that the allotment was made by the Dam authorities only on the instructions issued by them. The applicant has also given an undertaking that he would handover the vacant possession as and when directed by them. The applicant, without handing over the possession of the quarters to the project authorities has laid his right over the same. It is stated by the Respondents that an eviction proceeding has been initiated before the Estate Officer, i.e., Sub Collector, Sambalpur, which is now sub judice.

On perusal of the application as well as the reply, it is found that admittedly the applicant was allotted a quarters by the Dam authorities on the recommendation of the Respondents. He had also agreed to handover the vacant possession of the quarters to the dam authorities as and when directed by the Respondent-authorities. He did not pay any rent from 1986 onwards, for which an eviction proceeding is going on before the Estate Officer. What would be the quantum of rent payable by the applicant is yet to be

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determined by the Estate Officer. The Tribunal cannot fix up the penal/damage rent for alleged illegal occupation by the applicant. The grievance of the applicant is that initially he used to pay Rs.7/- toward rent which was enhanced to Rs.16/- from 1996. But the Respondent-authorities have raised an exorbitant bill for the unauthorized occupation of the quarters. In the event there would be a modest estimation for payment of rent the applicant should be prepared to pay the same. This aspect can also not be decided by this Tribunal, which is left for decision by the Estate Officer. It is open for the applicant to apprise the Estate Officer at the time of hearing with regard to quantum of rent payable by him. After such rent being assessed by the Estate Officer, the Respondents are at liberty to appropriate the balance D.C.R.G., which is lying with them. If anything is left to be paid to the applicant, the Respondent-authorities, they shall pay the same to him within a period of three months from the date of disposal of the eviction proceeding by the Estate Officer.

With the above observation, this O.A. is dismissed. No costs.

B. S. Chaudhary
CHAIRMAN