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O.A. No.276 of 2008

Niranjan Nayak ... Applicant  
Versus  
UOI & Ors. ... Respondents

Order dated 21<sup>st</sup> October, 2009.

C O R A M

THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (A)

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The grievance of applicant in this Original Application filed under section 19 of the A.T. Act, 1985 relates to payment of HRA and CA from the date of his posting as Sub Postmaster, Debidol SO with effect from 12.09.2006. According to the Respondents, in their counter filed in this case, the Applicant is not entitled to HRA & CA for the reason that prior to his promotion to Postal Assistant cadre, the Applicant (Niranjan Nayak) was working as Gramin Dak Sevak in Balikuda SO. After his promotion to postman cadre he worked as Postman and officiated as O/S Mails at Balikuda SO from 17.10.1977 to 13.07.1981 as a result he had rendered his entire period of service at Balikuda and Borikina SO which are within 8 KM radius of his native place. After that he was transferred to Devidol. His permanent resident is only 1 KM from Balikuda. Borikina is 7 KM from Balikuda. So he has spent more than 30 years in two offices namely Balikuda and Borikina. When he was posted at Devidol he became suffocated because he was in habit of residing at home getting HRA. It has further been stated that he being a senior official he used to work as PA rather than

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working as SPM in single handed/double handed offices. The Devidol post office is functioning in the existing building since 1.3.1975. Previously nobody has ever complained about the unsuitability of the building. On his posting as SPM, Devidol the applicant did not occupy the quarters taking lot of pleas. The applicant is not residing in the said quarter and commuting between Devidol and Nagpur (Balikuda) daily. The post office in question is having the Post attached quarter in which the predecessor of the applicant was residing. The quarter was vacant from the day of the joining of the applicant. As per the Rules 37 of Postal V, Manual Vol.VI, Part I (Annexure-R/1) applicant was supposed to reside in the said quarter. When the applicant joined as SPM Devidol the quarter was habitable. Since the applicant did not intentionally and deliberately on some plea or the other occupy the quarters he is not entitled to the relief claimed in this OA and this OA is liable to be dismissed.

2. Heard Learned counsel for both sides and perused the materials placed on record. On perusal of the records it is seen that in paragraph 4.8 of the OA, it was the stand of the Applicant that Respondent No.4 vide Memo No.B/G-75 dated 31.8.2007 intimated the Respondent No.2 that the standard of accommodation required for C class SO comes to 1115 Sq.Ft against plinth area of 652 Sq.ft including post quarter. The rooms of the post quarter in question are very small and in one room of post quarter the post office Almirah and records are kept and used as Store Room. The electricity connection was

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disconnected since there is pending bill amounting to Rs.61,193/- and the post quarter is also in a dilapidated condition and is not habitable and also the Respondent No.4 recommended for dequarterisation. But no document was produced by the Applicant in support of the above claim. However, through rejoinder he has relied on some of the documents including the inspection report in support of his stand that the quarter in question was not in a habitable condition for the residence of the Applicant. The Respondents have not filed any reply to the said rejoinder filed by the applicant.

3. In view of the above, without expressing any opinion on the merit of the matter, this Original Application is disposed of with liberty to the applicant to make a detailed representation incorporating the document relied on in his rejoinder to the Respondent No. 2 within a period of seven days hence. On receipt of such representation, the Respondent No.2 is hereby directed to consider and dispose of the same with a reasoned and speaking order and communicate the result thereof to the Applicant within a period of 60 days. No costs.

  
(C.R. MOHAPATRA)  
MEMBER (ADMN.)