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OA No.455 of 2009

Kulamani Giri & Others Applicants
Versus
Union of India & Others Respondents

Order dated: 24/02/2010

C O R A M

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

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All the Applicants (23 in number) are the employees of the Postal Department and presently working in different grades under the Respondent No.3. They are in occupation of the staff quarters available in the Divisional Office Compound, Sahadevkhunta, Balasore. Their grievance is against the order under Annexure-A/6 dated 06.08.2009 directing recovery of the differential amount of energy charges proportionately between the master meter and the sub meter provided to each individual occupant. According to them, in terms of the conditions stipulated in the order of allotment, they are not liable to pay the differential amount as it includes the consumption of electricity of the common passage such as street lights, garden lights stair case light, and corridor lights, etc and that has to be borne by the Department instead of individual occupants.

2. According to the Respondents in their counter filed on 23rd December, 2009 with copy to other side, there are 40(forty) numbers of staff quarters of which Type-II 24 + Type II 16 are available at Postal Colony, Sahadevkhunta Balasore. The said quarters are being occupied by the Staff of Postal Wing and RMS wing working at Balasore Town with effect from June, 2004 onwards. Electric line has been provided to all staff quarters as well as to staircases of staff quarters, garden light and street light of the Colony from the transformer installed in the Campus. The Master Meter is installed at the transformer point. The sub meters have been provided to each staff quarters

and stair case separately. But no separate sub meter was provided for the garden and street light of the campus upto 31.3.2009. The separate meter is installed for garden and street light on 01.04.2009. The department is paying electrical charges as per the reading of the Master Meter. The energy charges are being recovered from the occupants in terms of the instruction contained under Annexure-R/1. As per the conditions stipulated in paragraph 2 of the said instruction dated 21.3.2006 (Annexure(R/1), the difference between the total amount paid by the department according to the Master Meter and the total payment made by the individual occupants as per their sub meters i.e. the residual amount will be shared on equal proportion by the occupants. The amount paid by the department to the NESCO Authority as per the reading of the Master Meter for the period from June, 2004 to December, 2007 was Rs.3,45,932/- and the total amount recovered from the occupants as per the reading of their sub meters for the same period from June, 2004 to December, 2007 was Rs. 1,60,297/-. Thus the difference of the above said two amounts i.e. the residual amount comes to Rs.1,85,635/- which includes the amount of eclectic charges of all staircases, garden light and streetlights of the colony for the aforesaid period. Based on the instructions under Annexure-R/1, Respondent No.3 in letter dated 06.08.2009 directed recovery of the aforesaid residual amount of Rs.1,85,635/- from the occupants in equal rate according to their share. As there has been no wrong in directing recovery of the differential amount which was in terms of the instructions under Annexure-R/1 and the Annexure-R/1 is not impugned in this OA nor ever before by the Applicants, this Original Application being devoid of merit is liable to be dismissed.

3. Above being the arguments advanced in course of hearing of the matter by the Learned Counsel for both sides, having heard them at length

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perused the materials placed on record. According to the Learned Counsel for Applicants, the Applicants are not liable to pay the energy charges consumed towards the common passage etc. and it is the department to bear the said charges. Applicants have been paying the energy charges for the consumptions shown in their individual meters/sub meters installed in the residential complex of the occupants. In support of the pleas that the Department has to pay the energy charges for the common passage, Learned Counsel for the Applicant relied on the decision of this Tribunal in OA No. 174 of 2001 disposed of on 13.12.2002 (R.N.Nahak and others v Union of India and others). On perusal of the records in OA No.174 of 2001, it reveals that this case was also relating to payment of energy charges consumed for common passage in the main meter of the Postal Colony situated at Koraput. After considering various points raised therein, this Bench of the Tribunal disposed of the matter in order dated 13.12.2002. Relevant portion of the order is quoted herein in below:

“...In short, each occupant shall be liable to pay electricity charges, strictly according to the meter reading of the individual quarters. The electricity charges for running of motor pump street lights and stair case lights and other common passages will be bore by the Department.”

4. I find no justifiable reason to differ from the view already taken by this Tribunal as quoted above. Accordingly the order under Annexure-A/1 is hereby quashed with direction that each occupant shall be liable to pay electricity charges, strictly according to the meter reading of the individual quarters. The electricity charges for running of motor pump, street lights and stair case lights and other common passages will be borne by the Department.

5. In the result, this OA stands allowed to the extent stated above.

No costs.


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