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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

Original Application No. 260/00636 OF 2015
Cuttack, this the 22nd day of September, 2015

CORAM
HON'BLE SHRI A.K. PATNAIK, MEMBER (JUDL.)
HON'BLE SHRI R.C.MISRA, MEMBER (ADMN.)

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Jadunath Mallik,
aged about 54 years,
Son of Late Sambhunath Mallik,
At present working as Sr. Sub Divisional Engineer
in the office of the Telecom District Manager,
Bharat Sanchar Nigam Ltd, Baripada,
at present residing in Ward No. 15, Janardanpur,
Baripada, Dist – Mayur Bhanj-757001.

.....Applicant

Advocate(s).....M/s. A.K.Mohanty. P.K.Kar, D.K.Mohanty.

VERSUS

1. Chairman-cum-Managing Director,
Bharat Sanchar Nigam Ltd,
Bharat Sanchar Bhawan,
Harish Chandra Mathur Lane,
JanPath, New Delhi-110001.
2. Chief General Manager,
Bharat Sanchar Nigam Ltd.,
Orissa Circle, BSNL Bhawan,
Near Indira Park, Bhubaneswar-751002.
3. General Manager Telecom District,
Bharat Sanchar Nigam Ltd.,
Balasore, 756001.
4. Telecom District Manager,
Bharat Sanchar Nigam Ltd.,
Baripada, Mayurbhanj-757001.

..... Respondents

Advocate(s).....Mr. K.C.Kanungo

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Abu

O R D E R (ORAL)

A.K.PATNAIK, MEMBER (JUDL.):

Heard Mr. A.K.Mohanty, Learned Counsel for the Applicant, and Mr. K.C.Kanungo, Ld. Counsel for the BSNL, who is present in the Court and on whom a copy of this O.A. has been served, and perused the materials placed on record.

2. This O.A. has been filed by the applicant challenging the order of recovery dated 18.08.2015 (Annexure-A/6) imposing damage rent and water charges on him for retention of staff quarter beyond the permissible period of eight months when such retention is permissible as per the BSNL circular which prescribed for retention of quarter on transfer to other stations for a further period of two years on educational and medical ground over and above the normal permissible period of eight months. Mr. Mohanty, Ld Counsel for the applicant, submitted that the applicant has ventilated his grievance before the appropriate authority, i.e. Chief General Manager Telecom, BSNL (Respondent No.2) vide representation dated 22.08.2015 (Annexure-A/7) but till date the applicant has received no response from the said Respondent No.2.

3. We find that though the representation was made on 22.08.2015, this O.A. has been filed on 18.09.2015, i.e. hardly after 26 days, and today we are completing exactly one month from the date of such filing of representation. Though, it is quite premature but as the damage rent and water charge have been imposed on the applicant, at this stage, without going into the merits of this case, we dispose of this O.A. by directing Respondent No.2 to consider and dispose of the said representation vide Annexure-A/7, if the same has been filed and is still pending consideration, and communicate the result thereof to the applicant by way of a reasoned and speaking order within a

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period of three months from the date of receipt of a copy of this order. Though, we have not expressed any opinion on the merit of the matter, all the points raised by the applicant in his representation are kept open for the Respondent No.2 to consider as per BSNL rules and regulations. If after such consideration, the applicant's claim is found to be genuine then expeditious steps be taken within a further period of three months from such consideration to extend the same to the applicant. If the representation is still pending consideration and has not yet been disposed of, we make it clear that no further action in pursuance of Annexure-A/6 dated 18.08.2015 will be initiated till 01.01.2016. However, If, in the meantime, the said representation has already been disposed of, then the result thereof be communicated to the applicant within a period of two weeks' from the date of receipt of a copy of this order.

4. With the aforesaid observation and direction this O.A. is disposed of at the stage of admission itself. No costs.

5. On the prayer made by Mr. Mohanty, Ld. Counsel for the applicant, copy of this order, along with paper books, be sent to Respondent No.2 by Speed Post at the cost of the applicant for which he undertakes to file the postal requisites by 28.09.2015.

6. A copy of this order be also handed over to Mr. Kanungo, Ld. Counsel for the BSNL, who is present in the Court.


(R.C.MISRA)
MEMBER(Admn.)


(A.K.PATNAIK)
MEMBER(Judl.)