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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

Original Application No.260/00647 of 2015
Cuttack, this the 30th day of September, 2015

CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (J)
HON'BLE MR. R.C. MISRA, MEMBER (A)

Arun Kumar Behera, aged about 38 years, S/O Sri Akuli Charan Behera,
At Baniapat, PO/PS/Dist-Keonjhar, At present working as SDE (T), BSNL,
Keonjhar Applicant
(Advocates: Mr. T. Rath)

VERSUS

Union of India Represented through

1. Director General, BSNL,(Govt. of India Enterprises),Janpath,New Delhi-1
2. Chief GMT(BSNL),Odisha Circle,At/Po.Bhubaneswar-1,Dist-Khurda.
3. General Manager,Bharat Sanchar Nigam Ltd., Telecom District, Balasore,
At/Po-Balasore-1, Dist-Balasore.
4. GMTD, (BSNL), Keonjhar, At/PO/Dist-Keonjhar.

..... Respondents

(Advocate: Mr. K.C. Kanungo)

ORDER(Oral)

A.K. PATNAIK, MEMBER (J):

Heard Mr. T. Rath, Learned Counsel appearing for the Applicant, Mr. K.C. Kanungo, Ld. Counsel appearing for the BSNL.

2. Though copy was not served on Mr. Kanungo yet, on our direction Mr. Rath served a copy on Mr. Kanungo today in the Court.
3. The facts of the case are that while the applicant was working as SDE (Mobile) in the Office of GMTD BSNL Balasore was allotted a staff quarters in the Coaxial Compound Colony, Balasore in the year 2013. Thereafter the applicant was transferred to the post of SDO(T) Jaleswar and was relieved from the post SDE (Mobile) in the Office of GMTD BSNL Balasore on 04.08.2014. All on a sudden without any show cause or eviction notice the AGM(Admn. & Plg), O/O the GMTD, BSNL, Balasore vide letter dated 18.08.15 ordered the Accounts Officer (Cash) to recover Penal rate of licence fee @ 40 times of normal licence fee i.e., Rs.14800/- per month from 05.10.2014 to 30.06.2015 for 08 months and

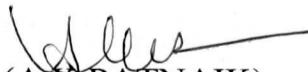


26 days. On receipt of the order of recovery of Panel Rent, the applicant has vacated the allotted quarters and submitted a representation dated 08.09.15 (Annexure-A/5) to the CGM, Telcom, BSNL (Respondent No.2). Mr. Rath submitted that till date no reply has been received by the applicant. Hence, he has approached this Tribunal in the present O.A. with a prayer to quash the order of recovery under Annexure-A/2 and to direct the Respondents to recover the licence fee as per the provision contained in Corporate Office letter No.BSNL/6-1/SR/2011 (1) dated 31.10.2011 (Annexure-A/3).

4. In view of the fact that ~~as~~ the representation dated 08.09.15 (Annexure-A/5) is still pending with the Respondent No.2, at this stage, we dispose of this O.A. by directing Respondent No.2 to consider and dispose of the said representation dated 08.09.15 (Annexure-A/5) and communicate the result thereof to the applicant by way of a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order. We make it clear that no further action in pursuance of the order dated 18.08.2015 (Annexure-A/2) will be taken and no further recovery will be made ~~from~~ the applicant till 31.01.2016. However, we have not expressed any opinion on the merit of the matter and the points raised by the applicant in his representation are kept open for the authorities to consider the same as per rules, regulations and law in force. 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 15 days from the date of receipt of copy of this order.

5. On the prayer made by Mr. T. Rath, Ld. Counsel for the applicant, copy of this order, along with paper books, be sent to Respondent Nos.2, 3 & 4 by Speed Post at the cost of the applicant for which he undertakes to file the postal requisites by 05.10.2015. Free copies of this order be given to Mr. K.C. Kanungo, Ld. Counsel appearing for the BSNL.


(R.C.MISRA)
MEMBER(A)


(A.K.PATNAIK)
MEMBER(J)