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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

O. A. NO. 260/00111 OF 2015  
Cuttack this the 11<sup>th</sup> day of March, 2015

**CORAM**  
**HON'BLE MR. A.K. PATNAIK, MEMBER (J)**

Sri Nilambar Bagh,  
aged about 54 years,  
S/o. Late Krupasindhu Bagh,  
Resident of Vill-Badalasahi,  
Via-Khajuripada, P.O-Baringa,  
PS: Charichhak, Dist-Baudha,  
Odisha, Pin-762012

...Applicant  
(Advocates: M/s. C. Sahani, P.K. Samal, D.P. Mohapatra )

**VERSUS**

Union of India Represented through  
1. Secretary-Cum-Director General of Posts,  
Dak Bhawan, Sansad Marg,  
New Delhi-110116.  
2. Chief Post Master General,  
Odisha Circle, At/PO-Bhubaneswar,  
Dist-Khurda, Odisha - 751001,  
3. The Senior Superintendent of Post Offices,  
Puri Division, Puri-752001

... Respondents

(Advocate: Mr. S. Behera)

**O R D E R (ORAL)**

**A.K.PATNAIK, MEMBER (J):**

Heard Mr. C. Sahani, Learned Counsel for the Applicant and Mr. S. Behera, Ld. Sr. Panel Counsel appearing for the Respondent, and perused the materials placed on record.

2. The applicant, now working as SPM , Godipada SO has filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985 with the following reliefs:

“... To direct the Respondents to grant the HRA to the applicant in lieu of post quarters for the period of his incumbency as Postmaster at Madhyakhand SO and Godipada SO, along with

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refund license fee and electricity charges deducted, quashing the impugned orders dated 23.05.2014 (Annexure-A/6) and order dated 14.02.2014 (Annexure-A/4)"

3. It reveals from the O.A. that the applicant joined as SPM, Madhyakhanda SO of Puri Division on 28.06.07 and worked as such till 15.07.2011. For grant of HRA in lieu of rent free accommodation due to the uninhabitable condition of the post quarters, the applicant submitted repeated representations to the Respondents. His grievance not being redressed the applicant had filed O.A. No.1129/12 before this Bench which was disposed of on 29.04.2013 directing the Respondents to consider the representations of the applicant. In obedience of the directions of this Tribunal as aforesaid, Respondent No.3 considered and rejected the claim of the applicant vide order dated 29.10.13. Thereafter the applicant was transferred from Madhyakhanda SO and joined as SPM, Godipada SO on 29.09.2011 and is now working in that post. The applicant occupied the post quarters at Godipada SO from 29.09.2011 to 30.04.2012. After 30.04.12 he left the post quarters as the accommodation became cramped and has since been residing outside due to the unsuitable and unhygienic condition of the post quarter and intimated to the SSPO, Puri Division vide his report dated 18.10.2013. The applicant represented to the SSPO, Puri Division on 21.12.13 for grant of HRA during his incumbency both at SPM, Madhyakhand SO and Godipada SO. The SSPO, Puri Division (Respondent No.3) rejected the claim vide its order dated 14.02.14 (Annexure-A/4). Thereafter, the applicant submitted his appeal to the CPMG (Respondent No.2) on 13.03.14 for grant of HRA. The CPMG rejected the claim of the applicant vide its order dated 15.05.2014 which was

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intimated to the applicant by the SSPO, Puri Division vide its order dated 23.05.2014 (Annexure-A/6). Mr. Sahani submitted that the Departmental Respondents did not consider the unsuitability, uninhabitability and unhygienic condition of both the quarters at Madhyakhand SO and Godipada SO reported by the Inspectors of Posts and rejected the claim of HRA of the applicant arbitrarily. Instead, the Respondents recovered the license fee with electricity charges though the applicant never occupied the both post quarters. Being aggrieved, the applicant has approached this Tribunal by filing this present O.A. with the prayer as aforesaid to above.

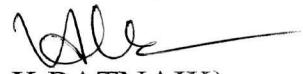
4. I have perused the impugned order dated 23.05.2014 (Annexure-A/6). In the said order none of the points raised by the applicant in his representation dated 13.03.2014 has been considered and the authorities in a bald and cryptic manner have rejected the representation without applying their mind. Since, issuing notice and inviting counter for disposing of the O.A. would take a good bit of time and as in the face of it the impugned communication dated 23.05.2014 is a non-speaking one. I feel it proper to quash the said communication (dated 23.05.2014) at the threshold and remit back this matter to the Respondent No.3 with a direction to reconsider all the points raised in the representation of the applicant dated 13.03.2014 in the light of the extent rules/instructions and pass a reasoned and speaking order and communicate the decision to the applicant within a period of 60 days from the date of receipt of copy of this order.

5. Ordered accordingly.

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6. With the above observation and direction the O.A. is disposed of at the stage of admission itself. No costs.

7. On the prayer made by Mr. C. Sahani, Ld. Counsel for the applicant, copy of this order, along with paper book, be sent to Respondent No.3 by Speed Post at the cost of the applicant for which he undertakes to file the postal requisites by 17.03.2015.

  
(A.K.PATNAIK)  
MEMBER(J)

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