

18

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

**OA No. 1129 of 2012
Cuttack, this the 29th day of April, 2013**

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

.....

Sri Nilambar Bagh,
Aged about 53 years,
Son of Late Krupasindhu Bagh,
At-Bidapaju, PO-Kankadmendi,
Via-Banigochha, Dist. Nayagarh,
PIN-752 089, Working as SPM,
Godipada SO Under Nayagarh HO.

.....Applicant

(Advocate(s): Mr.P.K.Padhi)

VERSUS

Union of India represented through-

1. Secretary Cum Director General of Posts,
Dak Bhawan,
Sansad Marg,
New Delhi-110 116.
2. Chief Postmaster General,
Odisha Circle,
At/Po-Bhubaneswar,
Dist.Khurda,
PIN-751 001.

Alka

19

3. Sr. Superintendent of Post Offices,
Puri Division,
At/Po/Dist.Puri,
Odisha-752 001.

.... Respondents

(Advocate(s) – Mr. P.R.J.Dash)

ORDER

A.K.PATNAIK, MEMBER (I):

This Original Application has been filed by the Applicant who is working as SPM of Godipada SO under Nayagarh HO seeking the following reliefs:

“...to direct the Respondents to Pay House Rent Allowance (HRA), Allowance in lieu of Rent Free Accommodation and refund Electricity charges with due interest @ rate of GPF from the date of its due.

And award cost and Compensation which may be recovered from the officers at fault for not hearing the grievance of applicant.

And any other order(s) as the Hon'ble Tribunal deems just and proper in the interest of justice. And for this act of kindness the applicant as in duty bound shall remain ever pray.”

2. Applicant's contention is that he was posted as Sub Postmaster of Madhyakhanda Sub Post Office in account with Nayagarh Head Post Office in Puri Postal Division on 28.6.2007. He was a BCR Official and rendered



20

30 years of service and got financial up gradation under MACP-III. As a SPM of C class SO he was/is entitled to get accommodation of Rs.750/- (Sq.Feet). There was only one room in the so called post quarter, latrine was in damaged condition and there was ^kperfuse leading of water in the rainy season from the roof of Veranda and Kitchan for which he was not able to stay in the post quarter particularly when the applicant joined in rainy season on 28.6.2007 as SPM of Madhyakhanda SO. Immediately after joining when he found that the quarter was unsuitable for human stay he wrote to Respondent No.3 to pay HRA allowance in lieu of rent free accommodation and not to deduct electricity for the post quarter as he has not occupied the post quarter. Despite the representation followed by reminder the Respondents have illegality deducted the amount from his Pay.

3. In regard to right for a reasonable accommodation is a fundamental right of employer employee. In this context we would like to refer to a decision of the Hon'ble Apex Court in the case of **M/s.Shantistar Bulders V Narayan Khimalal Totame & Ors**, AIR 1990 SC 630 wherein in

Alst

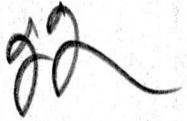
81

paragraph 9 it has been observed by Their Lordships as under:

“9. Basic needs of man have traditionally been accepted to be three –food, clothing and shelter. The right to life is guaranteed in any civilized society. That would take within its sweep the right to food, the right to clothing, the right to decent environment and a reasonable accommodation to live in. The difference between the need of an animal and a human being for shelter has to be kept in view. For the animal it is the bare protection of the body for a human being it has to be a suitable accommodation which would allow him to grow in every aspect-physical, mental and intellectual. The Constriction aims and ensuring fuller development of every child. That would be possible only if the child is in a proper home. It is not necessary that every citizen must be ensured of living in a well built comfortable house but a reasonable home particularly for people in India can ever be mud built thatched house or a mud built fire proof accommodation.”

4. Be that as it may, at this stage we do not express any opinion as the representations submitted by the Applicant to the Senior Superintendent of Post Offices, Puri Division, Puri ventilating his grievance ~~are~~ still remained unanswered. When Applicants ventilated his grievance through successive representations it was his legitimate expectation to at least get a reply on the same. It was also the duty of the concerned authority to consider the




representation submitted by an employee and communicate the result thereof to the employee concerned. In this connection we would rely ^{on} ^D the decision of the Hon'ble Apex Court rendered in the case of **S.S.Rathore –Vrs-State of Madhya Pradesh**, 1990 SCC (L&S) 50 (para 17) in which it has been held as under:

“17. Redressal of grievances in the hands of the departmental authorities take an unduly long time. That is so on account of the fact that no attention is ordinarily bestowed over these matters and they are not considered to be governmental business of substance. This approach has to be deprecated and authorities on whom power is vested to dispose of the appeals and revisions under the Service Rules must dispose of such matters as expeditiously as possible. Ordinarily, a period of three to six months should be the outer limit. That would discipline the system and keep the public servant away from a protracted period of litigation.”

5. In view of the above, to avoid delay in payment of the dues if the applicant is otherwise entitled to, this OA, as agreed to by Learned Counsel for the Applicant, without expressing any opinion on the merit of the matter ^l after this OA is disposed of at this admission stage with direction to the Respondent Nos. 3 to consider the points raised by the Applicant in his representation at Annexures-A/2, A/3, and



23

A/4 and communicate the decision in a well-reasoned order to the applicant within a period of sixty days from the date of receipt of copy of this order. If the applicant is otherwise held to be entitled to the benefit as per rules, he should be paid the same within a period of sixty days therefrom. There shall be no order as to costs.


(R.C.MISRA)
Member(Admn.)


(A.K.PATNAIK)
Member (Judl.)