

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. No. 555 of 2013
Cuttack the 23rd day of September, 2013

CORAM

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

.....
Sri Nilamadhaba Singh, aged about 52 years, Son of Late Sudarsana Singh, At/Po-Kankadasoda, Via/Ps.Parajanga, Dist. Dhenkanal now working as O/S Mails Angul East Sub Divison, At/Po/Dist.Angul.

...Applicant

(Advocates: M/s.P.K.Padhi,Smt.J.Mishra)

VERSUS

Union of India Represented through –

1. Secretary Cum Director General of Posts, Dak Bhawan, Sansad Marg, New Delhi-110 116.
2. Postmaster General, Sambalpur Region, At/Po/Dist. Sambalpur-768 001.
3. Superintendent of Post Offices Dhenkanal Division, At/Po/Dist.Dhenkanal-759 001.
4. Post Master, Angul HO, At/Po/Dist.Angul.
5. National Aluminum Company Ltd (NALCO) represented by its Manager (Admn.), At/Po-Nalco Nagar, Dist. Angul.

..... Respondents

(Advocate: Ms.S. Mohapatra)

O R D E R

(0:21)

A.K. PATNAIK, MEMBER (JUDL.)

In this Original Application filed under section 19 of the Administrative Tribunal, 1985 the applicant at present working as O/S Mails Angul West Sub Division, At/Po/Dist.Angul seeks to quash the letter dated

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18.7.2013 in which the Superintendent of Post Offices, Dhenaknal Division, Dhenakanal issued direction to the Postmaster, Angul Head Post Office, Angul relevant portion of which reads as under:

“You are requested to recovery damage rate @ 5 (five) times of the standard license fee which comes to Rs.1450/- (Rupees one thousand four hundred fifty) only per month from their salary w.e.f. 06/2011 till further order for such unauthorized occupation of the quarters. The arrear damage rent of Rs.36250/- (Rupees thirty six thousand two hundred fifty) only from 06/2011 to 06/2013 should be recovered in 08 installments the last installment being Rs.1250/-. Please deposit the damage rent under UCR.”

Copy of the said letter was endorsed to the Applicant also. The main ground of his challenge is that the applicant was not put any notice prior to issuance of the letter dated 18.7.2013 directing recovery of the damage rent and that damage rent cannot be imposed without following the proceedings under the law, Public Premises Eviction Act and Rules made thereunder.

2. Copy receipt of this OA, Ms.S.Mohapatra, appeared for Respondent Nos. 1 to 4 as Learned Additional CGSC and for NALCO/Respondent No.5 as panel counsel and opposed the very maintainability of this OA on the ground that the applicant has approached this Tribunal challenging the letter dated 18.7.2013 without making first trying to redress his grievance, if any, by way of making representation/appeal to any of the Respondents and, therefore, this OA has to be dismissed on the ground alone.

3. On being asked on the above point, Mr.P.K.Padhi, Learned Counsel appearing for the Applicant has fairly contended that as recovery had already been

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commenced finding no other way out he has approached this Tribunal in the instant OA and if liberty is given to him he will make a compressive representation/appeal to Respondent No.2 against the order dated 18.7.2013 and till a decision is taken on the said representation, let the Respondents be directed not to make further recovery from the salary of the applicant.

4. We find justification on the above submission of the Learned Counsel for the Applicant. Accordingly, after hearing Mr.P.K.Padhi, Learned Counsel appearing for the Applicant and Ms.S.Mohapatra for all the Respondents and without expressing any opinion on the merit of the OA, we dispose of this OA at this admission stage with direction that if the applicant makes a representation to Respondent No.2 within a period of two weeks hence against the decision taken and communicated in letter dated 18.7.2012, the same shall be considered as per Rules/law and the result thereof shall be communicated in a well-reasoned order to the Applicant within a period of four weeks **and till such time there shall be no further recovery from the pay of the applicant towards damage ^{rent} rate as per letter dated 18.7.2013.**

5. As prayed for by Mr.P.K.Padhi, Learned Counsel for the Applicant copy of this order along with OA be sent to Respondent Nos.2 & 5 for compliance at the cost of the applicant for which learned counsel for the applicant undertakes to furnish the required postal requisite by 25.9.2013.


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


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