

87/99

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
MUMBAI BENCH, MUMBAI.

1. ORIGINAL APPLICATION NO.500/99.
2. ORIGINAL APPLICATION NO.512/99.

Thursday, this the 16th day of December, 1999.

Coram: Hon'ble Shri Justice R.G.Vaidyanatha, Vice-Chairman,

1. Original Application No.500/99.

Akhtar Bashid Shaikh,  
Old Azadnagar Quarters,  
Mumbai - 400 053.  
(By Advocate Mr.S.P.Kulkarni)

...Applicant.

2. Original Application No.512/99.

Smt.Alka Vishnu Mahadik,  
Siddharth Nagar P.O. Building,  
S.P.M. Quarters,  
Siddharthnagar,  
Mumbai - 400 104.  
(By Advocate Mr.S.P.Kulkarni)

...Applicant.

Vs.

1. Union of India through  
Chief Postmaster General,  
Maharashtra Circle, Old G.P.O.  
Building, 2nd floor, Near C.S.T.,  
Railway Central (Rly.) Terminus,  
Fort, Mumbai - 400 001.

2. Senior Superintendent of Post Offices,  
Mumbai City North-West Postal Division,  
Borivali P.O.,  
Mumbai - 400 091.

3. The Estate Officer,  
Officer of the Chief Postmaster General,  
Maharashtra Circle,  
New G.P.O. Annexe, 5th floor,  
Near C.S.T. Railways, Fort,  
Mumbai - 400 001.

4. Director General (Posts),  
Department of Posts, Dak Bhawan,  
Sansad Bhawan Marg, P.O. New Delhi,  
New Delhi - 110 001.  
(By Advocate Mr.V.S.Masurkar)

...Respondents.  
(in OA Nos.500  
& 512/99).

: ORDER : (ORAL)

(Per Shri Justice R.G.Vaidyanatha, Vice-Chairman)

These are two OAs filed by the respective applicants claiming certain reliefs regarding the quarters which are in their possession. The respondents have filed their reply in both the applications. We have heard Mr.S.P.Kulkarni, the learned counsel for the applicants and Mr.V.S.Masurkar, the learned counsel for the respondents. Since the point involved is a short point, the OAs are being disposed of at the admission stage itself.

2. Both the applicants are Postal Assistants. The first applicant in OA 500/99 A.B.Shaikh is working as Postal Assistant in Andheri Railway Station Post Office, whereas Smt.A.V.Mahadik applicant in OA 512/99 is a Postal Assistant in Motilal Nagar Post Office. It appears, the applicants had no quarters. Some other post-attached quarters were lying vacant, hence on the request of the applicants they were given the quarters attached to two Postmasters as a stop-gap arrangement for a period of six months. Then, after expiry of six months and after some time, the department issued a notice to both of them to vacate the quarters and that they will have to pay Licence fee at the market rate from the date of unauthorised occupation beyond permitted period. In the meanwhile, the two post offices to which the quarters were attached have been closed and they have been shifted to different buildings, therefore the postal department does not require these two quarters since they were attached to two Post Offices which have been subsequently shifted elsewhere now. The postal department wants to hand over the two

quarters to the main Landlord viz. MHADA. At this stage, the applicants have approached this Tribunal claiming protection from eviction from the quarters.

3. After hearing both sides, I find that the applicants have no legal right to continue in the quarters in their possession which were allotted to them temporarily for a short period. Further, we now see that the postal department does not require quarters since the attached post offices have already been shifted. The learned counsel for the respondents makes a statement at the bar that the department is obliged to hand over the possession of the quarters to MHADA from whom it was taken. In these circumstances, we cannot grant any relief to the applicants in continuing their stay in the quarters. Even the learned counsel for the applicants also fairly submitted that in the facts and circumstances, the applicants would not press for continuing in the quarters. It is open to the applicants to apply to the Postal Department for quarters elsewhere and on such application, the Postal Department will have to consider the request as per rules.

4. At this stage, the learned counsel for the applicants makes two submissions, one is that the applicants may be granted some breathing time to make alternative arrangements, the second submission is that the question of penal rent may be left open with liberty to the applicants to make representations to the Estate Officer of Postal Department for payment of normal licence fee and for waiving penal rent. The learned counsel for the respondents says that some reasonable time may be given subject to the question of penal rent being decided in the appropriate forum.

5. After hearing both sides, I feel that time to vacate the quarters may be granted to the applicants provided the applicants give an undertaking that on the expiry of the time fixed by the Tribunal they will vacate the quarters. In the circumstances, I indicated that the time will be granted till 31.3.2000. Mr. S.P. Kulkarni, the learned counsel for the applicants gives an undertaking that both the applicants will vacate the quarters on or before 31.3.2000.

6. In the result, both the applications are disposed of at the admission stage. However, both the applicants are permitted to continue in the quarters till 31.3.2000. The undertaking given by the applicants' counsel that applicants will vacate the quarters on or before 31.3.2000 is recorded. The question of penal rent is left open giving liberty to the applicants to make proper representations to the Estate Officer concerned. In view of the disposal of these OAs MPs 435 and 436 of 1999 are disposed of as not pressed. In the circumstances of the case, there will be no order as to costs.

(R.G.VAIDYANATHA)

VICE-CHAIRMAN

B.