

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH: BANGALORE

DATED THIS THE 5TH DAY OF MARCH, 1987.

PRESENT:

Hon'ble Mr. Justice K.S. Puttaswamy, .. Vice-Chairman.

And:

Hon'ble Mr. P. Srinivasan. .. Member(A)

APPLICATION NUMBER 1375 OF 1986.

T.T. Doddamani,
Major, S.P.M. Gudageri,
District Dharwad.

.. Applicant.

(By Sri M.R. Achar, Advocate)

v.

1. Senior Superintendent of
Postal Services, Dharwad Division,
Dharwad.

2. Regional Director of Postal Services,
Dharwad Division, Dharwad.

.. Respondents.

(By Sri N. Basavaraja, Standing Counsel).

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This application coming on for hearing, Vice-Chairman made the following:

ORDER

In this transferred application received from the High Court of Karnataka under Section 29 of the Administrative Tribunals Act, 1985 the applicant has sought for two directions.

2. Prior to 4-8-1981, the applicant, who was working as Sub Post Master (SPM) of Gudageri Post Office, was occupying the official quarters attached to that office. On 4-8-1981, the applicant was transferred from Gudageri to Hubli on promotion and in pursuance of the same, he handed over charge as SPM at Gudageri on 22nd August 1981 and reported for duty at Hubli on 25-8-1981.


3. On 25-9-1981, the applicant reported to the Senior Superintendent of Post Offices, Dharwar Division, Dharwar ('the Superintendent'), that he had vacated the official quarters on 20-9-1981 at Gudageri. But, notwithstanding the same, the applicant did not vacate the said premises and continued to occupy the same till 3-2-1982. On ascertaining these facts, the Superintendent directed the recovery of appropriate penal rents due by the applicant for his occupation of the official quarters at Gudageri and has withheld the payment of HRA due to him at Hubli. In Writ Petition No.3915 of 1984, presented on 25-2-1984, which on transfer has been retistered as Application No.1375 of 1986, the applicant has challenged the recoveries and non-payment of HRA at Hubli on more than one ground.

4. The respondents have resisted the application.

5. Shri M.Raghavendra Achar, learned counsel for the applicant, contends that his client had in law and fact delivered the quarters at Gudageri on 20-9-1981 and therefore, he was not liable to pay any penal rent on and after that date, and was entitled for payment of HRA at Hubli from that very date.

6. Shri N.Basavaraju, learned additional Central Government Standing Counsel appearing for the respondents, contends that the applicant was not entitled to either of the reliefs.

7. In his letter dated 25-9-1981 (Annexure-A), the applicant had reported that he had vacated the quarters at Gudageri on 20th September, 1981. But, the records produced by Shri Basavaraju show that the applicant did not actually deliver possession of the quarters at Gudageri on that day, and he continued to remain in occupation of the same till 3-2-1982. If that is so, the authorities were fully justified in recovering the penal rents from the applicant, and withholding the payment of HRA for the said period at Hubli. We find no illegality or irregularity in either of the actions of the authorities. We see no merit in this contention urged by Shri Achar and reject the same.



8. In the light of our above discussion, we hold that this application is liable to be dismissed. We, therefore, dismiss this application. But, in the circumstances of the case, we direct the parties to bear their own costs.

[Signature]
VICE-CHAIRMAN. 5/3/87

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5/3/87
MEMBER(A)

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