

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 12 FEB 1989

APPLICATION NO (x) 1686 /88(F)

W.P. NO (s) _____

Applicant (x)

Shri B.S. Venkataramaiah

To

1. Shri B.S. Venkataramaiah
Sub Post Master
Bangalore Fort Post Office
Bangalore - 560 002

2. Shri M.S. Anandaramu
Advocate
128, Cubbonpet Main Road
Bangalore - 560 002

3. The Post Master General
Karnataka Circle
Bangalore - 560 001

4. The Senior Superintendent of Post Offices
Bangalore South Division
Bangalore - 560 041

5. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Respondent (s)

v/s The PMG, Karnataka Circle, Bangalore & another

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER/INTERIM ORDER
passed by this Tribunal in the above said application(x) on 25-1-89.

9/4/89
K.N. Iyer
2/2/89

9/4/89 *R. Venkatesh*
DEPUTY REGISTRAR
(CIVIL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THIS THE 25TH DAY OF JANUARY, 1989

PRESENT: HON'BLE SHRI P. SRINIVASAN

.... MEMBER (A)

APPLICATION NO. 1686/88(F)

Shri B.S. Venkatramaiah,
working as Sub Post Master,
Bangalore Fort Post Office,
Indian P & T Department,
Bangalore - 560 002.

.... APPLICANT

(Shri M.S. Anandaramu.....Advocate)

Vs.

1. The Post Master General,
Karnataka Circle,
Bangalore-560 001.

2. The Senior Superintendent
of Post Offices,
Bangalore South Division,
Bangalore-560 041.

.... RESPONDENTS

(Shri M.S. Vasudeva Rao.....Advocate)

This application having come up for hearing
before this Tribunal to-day, Hon'ble Shri P. Srinivasan,
Member (A), made the following :

O R D E R

This is an application filed under Section
19 of the Administrative Tribunals Act, 1985. Shri
M.S. Anandaramu, learned counsel for the applicant
and Shri M.S. Vasudeva Rao, learned Additional
Central Government Standing Counsel for the respondents
have been heard.

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2. The applicant was working as Sub-Post Master (SPM) in the Basavangudi East Post Office, Bangalore-4, a post to which an official residential quarter was attached. The applicant was living in that residential quarter. Some time in January 1987, the Post Master General (PMG), Karnataka decided that the Basavangudi East Post Office should be closed down, transferring the staff posted there to the Basavangudi Head Office. In a letter dated 8-1-1987 addressed to the applicant, the Senior Superintendent of Post Offices (SSPO), Bangalore South Division, explained that in view of the considerable reduction in work load, the continuance of the Basavangudi East Post Office was not justified and so the PMG had taken a decision to close it down. Since the applicant was occupying the residential quarter allotted to him officially while working as SPM in that Post Office, he was given some time to search for an alternative accommodation so that on his shifting from the official residential quarter to such fresh accommodation, the Basavangudi East Post Office could be closed down. He was given time to arrange to move to a private accommodation till 31.3.1987.

3. In responses to the letter from the SSPO referred to above, the applicant wrote to

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the S.S.P.O on 22-1-1987 seeking permission to stay in the official quarter allotted to him as SPM Bangalore East Post Office till the end of April, 1987. In the course of that letter the applicant wrote that he was looking for suitable accommodation in Jayanagar area. He requested the SSPO to post him as "SPM NO-DELY-NO QUARTERED OFFICE AND ALLOW ME TO COMPLETE ONE FULL TENURE". He expected that vacancies of S.P.M. with residential quarter attached were likely to arise in April 1987 in a number of post offices and his request was that he be posted to any one of those offices. One of the post offices mentioned therein was the J.P. Nagar III Phase Post Office. The applicant followed this up with a further letter dated 9-2-1987 also addressed to the S.S.P.O. In this letter he requested that he be posted as S.P.M., J.P. Nagar Post Office, "to facilitate me to shift my family to the residential accommodation attached to the post office". Acceding to this request the applicant was posted as S.P.M. J.P. Nagar Post Office by order dated 2-4-1987. The applicant joined this new post on 8-5-1987 but he did not vacate the official quarter which he was occupying earlier as S.P.M., Basavangudi East Post Office. In fact he continued to stay in that quarter till 8-11-1987, He declined

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to occupy the official quarter attached to the J.P. Nagar Post Office because it was below his entitlement. He was entitled to a quarter of 425 sqft, While the quarter meant for the S.P.M. J.P. Nagar Post Office measured only 300 sqft. The respondents do not deny this fact that the quarter was smaller than what the applicant was entitled to. In fact, when the applicant complained about this, the S.S.P.O. Bangalore South Division wrote to the Asst. Engineer on 24-7-1987 to furnish an estimate for alterations to be made in the quarter to make it suitable for the status of the applicant. Even then the applicant did not occupy the quarter but made a request that he be posted to the Bangalore Fort Post Office by way of mutual exchange with the S.P.M. working there. This request was conceded by the respondents and by order dated 24-11-1987, The applicant was posted to the Bangalore Fort Post Office where he joined on 28-11-1987.

4. When a postal official is appointed, to a post to which an official quarter is attached, he is not entitled to any House Rent Allowance. If he is not provided with an official quarter, though he is entitled to it, then he is to be given normal House Rent Allowance as applicable to all Government servants along with an additional allowance of 10% of pay in lieu of free official

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quarter. The applicant was not given any House Rent Allowance for the period 8-11-1987 to 28-11-1987 because after vacating the official quarter at Basavangudi East Post Office on 8-11-1987, he did not occupy the official quarter attached to the S.P.M. J.P. Nagar Post Office. The applicant's contention is that since he was being provided a quarter below his entitlement at J.P. Nagar he was justified in refusing to occupy it and since he was living in an accommodation rented privately he should have been given House Rent Allowance in lieu of free residential quarters. The contention of the respondents is that even though the quarter attached to the J.P. Nagar Post Office was below the applicant's entitlement, he was posted to that post office at his request and he should have occupied the quarter, ^{if more} particularly because action had already been initiated by the S.S.P.O. to provide additional accommodation therein to make it suitable to a person of the applicant's status.

5. I have considered the rival contentions very carefully. The case of the respondents is simply that the applicant had been given considerable latitude because he had to be shifted from Basavangudi East Post Office for no fault of his whereby he would lose the benefit of free official residence. He wanted

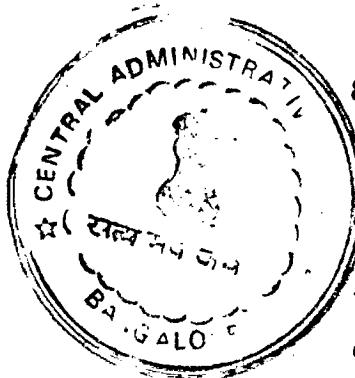
P. S. J. C.

extension of time to vacate the official quarter in Basavangudi East Post Office and that had been agreed to. He wanted a transfer to the J.P.Nagar Post Office to which a free quarter was attached and that was given. He had been allowed to continue in the official quarter at Bangalore East Post Office till 8-11-1987 even though he himself had sought extension only till April 1987. He sought a mutual transfer to Bangalore Fort Post Office and that had also been allowed. Merely because the quarter at J.P. Nagar Post Office was small, the applicant should not have refused to occupy it. The S.S.P.O. was taking suitable action to increase the size of the accommodation as seen from his letter dated 24-7-1987 addressed by Asst. Engineer. When he refused to occupy the official quarter attached to this Post Office, the applicant could not claim House Rent Allowance for that period. Immediately on his appointment to the Bangalore Fort Post Office he was given House Rent Allowance as usual. After considering all the facts of the case in perspective, I am satisfied that the respondents were extremely sympathetic to the applicant, acceding to practically every request of his. If the quarter at J.P. Nagar happened to be small, the respondents could not enlarge it immediately but they did take steps to do so. Thus, inspite of all the

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consideration shown by the respondents, the applicant, like OLIVER TWIST is asking for more and ever more. I am not inclined to accept the contention of the learned counsel for the applicant that he was entitled to the House Rent Allowance for the period 8-11-1987 to 30-11-1987, as a matter of right.

6. In view of above the application is dismissed leaving the parties to bear their own costs.



Sd/-
MEMBER (A) 1/1

sb.

TRUE COPY

R. Venkateswaran
DEPUTY REGISTRAR (JDL) 2/2/87
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE