

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. No. 25/92
T.A. No.

198

DATE OF DECISION 29.1.1992

SHRI H.G.DESHPANDE Petitioner

MR.S.P.KULKARNI Advocate for the Petitioner(s)

Versus

CHIEF POST MASTER GENERAL Respondent

Mr.V.M.Bendre, for Mr.P.M.Pradhan Advocate for the Respondent(s)
Adv. Adv.

CORAM

The Hon'ble Mr. M.Y.PRIOLKAR, MEMBER (A)

e Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
2. To be referred to the Reporter or not ? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *No*
4. Whether in needs to be circulated to other Benches of the Tribunal ? *No*

(Signature)
(M.Y.PRIOLKAR)
MEMBER (A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

(4)

ORIGINAL APPLICATION NO.25/92

SHRI H.G.DESHPANDE,
Superintendent, Sorting
R.M.S., Dadar Sorting Dadar,
Bombay - 411001

...applicant

V/s

The Union of India
Through Chief Postmaster General
Maharashtra Circle, Bombay - 1
and ors.

...respondents

CORAM : HON'BLE MEMBER SHRI M.Y.PRIOLKAR, MEMBER(A)

Appearance :

Mr.S.P.Kulkarni, Adv.
for the applicant

Mr.V.M.Bendre, Adv.for
Mr.P.M.Pradhan, Adv.for
the Respondents.

ORAL JUDGEMENT

29 TH JAN 1992

(PER : M.Y.PRIOLKAR, M/A)

The applicant who is an employee of the Postal Department was transferred from Pune to Bombay as Superintendent on Temporary basis, but later on the temporary transfer was converted into a regular transfer. The applicant was originally permitted to retain the quarter at Pune upto 24.6.1991 and the rate of licence fee charged was normal licence fee for the period from 25.2.1991 to 24.4.1991 and double licence fee for the period from 25.4.1991 to 24.6.1991. Subsequently, by the letter dated 2.8.1991, the Estate Officer communicated to the applicant the decision of the Chief Post Master General permitting the applicant to retain the quarter till 30.10.1991 on payment of licence fee at penal rate from the date of expiry of the earlier period of retention. The applicant retired on Superannuation on 31.12.1991.

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2. In the Original Application, which was filed before the date of superannuation of the applicant, the relief prayed for was to restrain the Respondents from evicting the applicant before the permissible period of retention after superannuation, i.e. until 30.4.1992, and also for a direction to the respondents to give an opportunity to the applicant to state his case before quantifying/assessing Damage rate of rent.

3. Today, the learned counsel for the applicant gave an undertaking and submitted an affidavit signed by the applicant that he will be vacating the quarter only by 30.4.1992 and handing over positively the possession to the postal department by that date and also will appear before Estate Officer and plead regarding the Damage rate to be applied in his case. He will also credit such amount as may be assessed by the Estate Officer.

4. The learned counsel for the respondent saw no difficulty in conceding the prayer of the applicant for retention of the quarter till 30.4.1992, provided the rent will be paid in accordance with the law. It is not in dispute, that since the applicant was permitted to retain the quarter upto 30.10.1991, he will be liable to pay only penal rate of rent for the period from 25.6.1991 to 30.10.1991. The damage rate of rent will be applicable for the further period from 31.10.1991 to 30.4.1992, by which date the applicant has given ~~an~~ an undertaking that, he will positively vacate the quarter.

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5. I would, accordingly, direct that the applicant may be permitted to retain the quarter upto 30.4.1992 by which date he should positively vacate the quarter as per the undertaking given on an affidavit by him, and that the penal rent may be charged for the period not covered under the earlier orders, i.e. from 25.6.1991 upto 30.10.1991 and from 31.10.1991 onwards upto date of vacation, the applicant will be liable to be charged damage rate of rent. With these directions this application is disposed of finally with no order as to costs. Copy of the order be given to the applicant's counsel expeditiously. DASTI IS ALLOWED.


(M.Y. PRIOLKAR)
MEMBER (A)

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

C.P.No.119/92
in O.A.No.25/92

Shri H.G.Deshpande,
Supdt. Sorting
R.M.S. Dadar Sorting Dadar,
Bombay - 411001

....Applicant

V/s

The Union of India
and others.

....Respondents.

CORAM : HON'BLE MEMBER USHA SAVARA, MEMBER(A)
HON'BLE MEMBER SHRI J.P.SHARMA (J)

Appearance :

Shri S.P.Kulkarni, Adv.for the
applicant.

TRIBUNAL'S ORDER

30TH JUN 1992

The grievance of the applicant of O.A.25/92 is that, the Tribunal in it's operative portion ordered that, only rent on penal rate be charged from the applicant for the period from 25.6.1991 to 30.10.1991 and after 31 st October 1991, the damage rate of rent shall be charged. Earlier, the respondents have charged from the applicant damage rate of rent from July 1991 instead of October 1991. Learned counsel for the respondents, however, filed a copy of the order dated 26.6.1992, wherein it has mentioned the charges for the period from 25th Jun 1991 to October 1991. I think, this is in line with the direction given by the Tribunal in the aforesaid judgement. We therefore see no case is made out for contempt. Contempt petition is dismissed.

J.P. Sharma
(J.P.SHARMA)
MEMBER (J)

Usha Savara
(USHA SAVARA)
MEMBER(A)