

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE BENCH

CA 487/92

CONTEMPT PETITION (CIVIL) NO.27 OF 1993

TUESDAY THIS THE 21ST DAY OF DECEMBER, 1993.

Mr. Justice P.K. Shyamsundar, ... Vice-Chairman.  
Mr. V. Ramakrishnan, ... Member(A)

U. Sundara,  
S/o late U. Thamiya, Aged 54 years,  
Senior Post Master,  
Mangalore, residing at  
Senior Post Master's Quarter,  
H.P.O. Complex, Mangalore-575 001.

.. Petitioner.

(By Advocate Shri A.R. Holla)

v.

S.K. Parthasarathy,  
Director General (Posts),  
Dak Bhavan, New Delhi-110 001.

.. Respondents.

(By Standing Counsel Sri M.S. Padmarajaiah)

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O R D E R

Mr. Justice P.K. Shyamsundar, Vice-Chairman:-

We see no reason to proceed further in this contempt petition in which the complaint is that a direction given by this Tribunal while disposing off O.A.No.487 of 1992 on the 25th of September, 1992 had not been complied with. The compliance required of the department was to dispose off the representation made by the petitioner on 22-1-1992 and the dead line set therefor was two months' from the date of the communication of a copy of the Tribunal's order. Subsequently on the 10th of September, 1993 almost nearly an year after the Tribunal's order the applicant got a legal notice issued through his counsel inviting the department's attention to the omission to comply with the Tribunal's order dated 25th September, 1992. Even then, there having been no developments, he followed it up by this contempt petition which is presently before us for consideration.

2. We have heard the learned Standing Counsel and perused the records as well. Neither counsel for the petitioner nor the petitioner is before us to-day despite being notified the date of hearing previously.

3. The controversy herein is about the applicant overstaying in the official quarters allotted to him while serving at Mangalore. When he was shifted from Mangalore to Davangere he wanted retention of the quarters for some time at the normal rate of rent. From the records we find that he had been allowed to retain the quarters for nearly 10 months after his transfer although under the Rules a transferred official or officer can retain the quarters on the normal rate of rent for a period of 3 months only. Although orders appear to have been passed informing the applicant about the inability of the department to permit his continuance in the official quarters at the normal rate of rent, but owing to some communication gap two orders - one made on 15-9-1992 and the other made on 5-10-1992 - do not appear to have been communicated to the applicant. Surprisingly an order rejecting the request for retention of official quarters at the normal rate of rent was passed on 3-9-1992 and that was nearly 22 days before the Tribunal made its order on 25th day of September, 1992 disposing off O.A.No.487 of 1992 directing the department to dispose of the petitioner's representation for retention of quarters at the normal rate of rent. If only the Tribunal was apprised of that fact and told that his representation had already been disposed off, we think in all probability we would not have made any order directing the department to dispose off some representation which on the date of the order was really non est. Be that as it may, we find there has been sufficient compliance of the Tribunal's order although in a sense it is delayed. But, we do not think it

appropriate to pursue this matter any further. In the circumstances, we drop the proceedings and discharge the notice. However, we direct the learned Standing Counsel to ensure that the petitioner is suitably endorsed with the communications of the department disposing off his representation forthwith by registered post to the proper address. We find that the petitioner has been shown as staying at Davangere in Mangalore in the endorsement and we do not know of any Davangere in Mangalore. No costs.

*Sd-*  
MEMBER(A)

*Sd-*  
VICE-CHAIRMAN.

TRUE COPY

*R. Shaukat*  
21/1/94  
SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
Bangalore-38.

Dated: 21 JAN 94

C.P (Civil)  
~~APPLICATION~~ NO(s)

27/93

APPLICANTS:

U. Srendara  
TO.

RESPONDENTS:

S.K. Parthasarathy

1. Sri A.R. Holla, Advocate, NO.3, II Floor,  
Sujatha Complex, 1 Cross, Gandhi Nagar  
Bangalore-9.

2. S.K. Parthasarathy, Director General  
(Posts), Dak Bhawan, New Delhi-1.

3. Sri M.S. Padmasayanaiah, Senior Counsel  
for Central Govt High Court Building  
Bangalore.

SUBJECT:- Forwarding of copies of the Orders passed by  
the Central Administrative Tribunal, Bangalore.

-xxx-

Please find enclosed herewith a copy of the  
ORDER/~~STAY ORDER~~/~~INTERIM ORDER~~/, Passed by this Tribunal  
in the above mentioned application(s) on 21.12.93.

Sd/- 21/1/94  
DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

gm\*

Issued  
Gm

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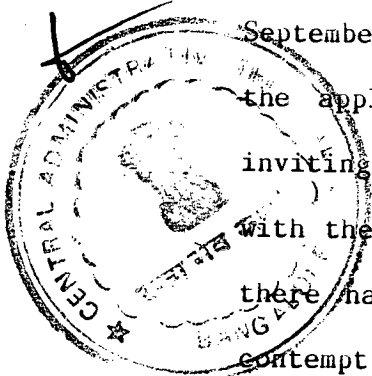
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*Sd-*  
MEMBER(A)

*Sd-*  
VICE-CHAIRMAN.

**TRUE COPY**

*Sc. G. R. Subbar*  
*21/1/94*  
**SECTION OFFICER**  
**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**ADDITIONAL BENCH**  
**DANGALORE**

Annexure - A2 8

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH : BANGALORE

DATED THIS THE TWENTY FIFTH DAY OF SEPTEMBER 1992

Present :

Hon'ble Shri Syed Fazlulla Razvi ... Member (J)

Hon'ble Shri S. Gurusankaran ... Member (A)

APPLICATION NO.487/1992

U. Sundara,  
S/o Late U. Thaniya,  
Aged 53 years,  
Working as Senior Post Master,  
Mangalore-575 001.

... Applicant

(Shri A.R. Holla ... Advocate)

v.

1. Director General (Posts),  
Dak Bhavan,  
New Delhi-110 001.
2. Post Master General,  
South Karnataka Region,  
Karnataka Circle,  
Bangalore-1.
3. Senior Superintendent of  
Post Offices,  
Mangalore Division,  
Mangalore-575 002.

... Respondents

(Shri M.S. Padmarajaiah ... Advocate)

This application having come up for admission before this Tribunal today, Hon'ble Shri Syed Fazlulla Razvi, Member(J), made the following:

ORDER

1. The applicant has filed this application questioning the legality and correctness of the recovery of penal rent in respect of quarters which he came to occupy, for the period between 1.6.91 to 4.9.1991.

2. We have heard the learned counsel appearing for the applicant. On our direction Shri M.S. Padmarajaiah, learned Senior





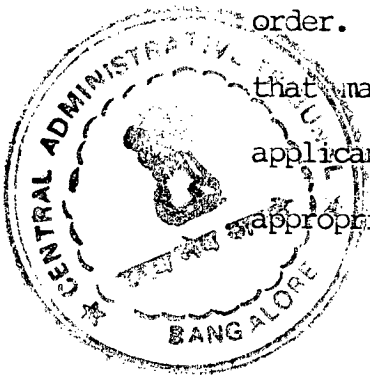
Standing Counsel takes notice for the respondents.

3. After hearing the learned counsel we feel that this application can be disposed of at the preliminary stage of admission.

4. From the averments made in the application it is brought out that the applicant had preferred an appeal against the order of recovery of penal rent for the period from 1.6.1991 to the Director General (Posts), Dak Bhavan, New Delhi and that the said appeal is still pending consideration and has not been disposed of.

5. We feel that in the interest of justice this application has to be disposed of with a direction to the first respondent to consider and dispose of the appeal preferred by the applicant as per Annexure A-8 dated 22.1.1992.

6. We accordingly dispose of this application by giving a direction to the first respondent to dispose of the appeal preferred by the applicant as per Annexure A-8 dated 22.1.1992 within a period of two months from the date of communication of this order. If the applicant is aggrieved in any manner by the order that may be passed by the first respondent it is open to the applicant to seek redressal in accordance with law before the appropriate forum. No costs.



**TRUE COPY**

MEMBER (A)

MEMBER (J)

bsv

**SECTION OFFICER**  
**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**BANGALORE**

11/10/92