

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: 7 JAN 1994

APPLICATION NO(s) 947 of 1993.

APPLICANTS: V.R.Kulkarni v/s. RESPONDENTS: Post Master General,
N.K.Region,Dharwad and Other.

TO.

1. Sri.V.V.Balan, Advocate,
No.75,Muddappa Road Cross,
Maruthisvanagar,Bangalore-33.
2. The Post Master General,
N.K.Region,Dharwad-590001.
3. Sri.M.S.Padmarajaiah,
Central Govt.Stng.Counsel,
High Court Building,
Bangalore-560 001.

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 01-12-1993.

Received for SNO

gm*

hccccc
(V.R.Kulkarni)

for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

Open
closed

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE BENCH

ORIGINAL APPLICATION NUMBER 947 OF 1993

DATED THIS THE 1ST DAY OF DECEMBER, 1993

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

And

Mr. V. Ramakrishnan, .. Member(A).

V.R.Kulkarni,
Major, No.52, Chandrodaya,
Rani Channanagar First
Stage, Tilakwadi, Belgaum-590 006. .. Applicant.

(By Advocate Shri V.V.Balan)

v.

1. The Post Master General,
N.K.Region, Dharwar-590 001.
2. The Senior Superintendent of
Post Office, Belgaum-590 001. .. Respondents.

(By Standing Counsel Shri M.S.Padmarajaiah)

ORDER

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

We had the advantage of hearing Shri M.S.Padmarajaiah, learned Standing Counsel in this application at the stage of admission itself. We thought that since the controversy lay in a short compass, it is desirable to dispose of the matter once and for all after having heard Sri V.V.Balan, learned counsel for the applicant. This is all about a direction now made by the Postal Directorate ordering recovery of Rs.500/- from the pension relief due to the applicant towards rental arrears payable by the applicant at the damage rate apparently the man having overstayed in the official quarters after having severed his connections with the department.

2. We are told at the bar that the applicant was ordered to be compulsorily retired some where in the year 1992. But,

thereafter he obtained permission to retain the official quarter for a period of 8 months and then again asked for further extension of time to vacate the quarter when the Directorate made an order as per Annexure-A3 dated 19-3-1993 which reads -

"Sub: Extension of staff quarters - case of Sri V.K.Kulkarni, Retd. Stg.Asst., Belgaum Sorting Office.

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Approval of the Directorate for retention of staff quarters at M.R.I. extension by Shri V.K.Kulkarni, Retd. Stg. Assistant, beyond 8 months upto June, 1993 on damage rate is received. Please inform the official that further retention cannot be given under any circumstances".

Admittedly the applicant accepted the aforesaid order and continued to stay in the official quarters which he is stated to have vacated on 31-5-1993, with the result he was due to pay rent for the quarters at the damage rate for the period 19-2-1993 to 31-5-1993. In that connection he was endorsed by the Senior Superintendent of Post Office, Belgaum that he should pay a licence fee at damage rate of Rs.40/- per sq.mt. The total carpet area being 38.4 sq.mts. etc. he was asked to pay Rs.800/- by a letter dated 11-6-1993. But subsequently the Directorate addressed another letter to the applicant stating that he should pay Rs.5,122/- being the licence fee due at the damage rate for having occupied the quarters from 19-2-1993 to 31-5-1993. The letter also stated that Rs.800/- paid by the applicant towards licence fee at damage rate would be treated as part payment and the applicant asked to make good the remaining balance. Apropos the same the applicant made more than one representation which were all turned down. The demand for payment of rent at the damage rate quantified at Rs.4,816/- was again reiterated by an order made by the department vide Annexure-A7 dated 24-9-1993. It is against these orders the applicant has filed the present application under Section 19

of the Administrative Tribunals Act, 1985 asking us to quash the same etc.

3. It now transpires the department has proceeded to recover the arrears of rent at damage rate from the pension relief payable to the applicant every month at the rate of Rs.500/-. Although Sri Balan wanted to assail the impugned orders on the ground that they were without any competence, but subsequently confined himself asking us to clarify that Rs.500/- per mensem sought to be recovered by the department purported from the pension relief must be treated as recovery effected from out of the dearness relief on pension. The learned Standing Counsel who was heard in this behalf made it clear that although the orders may have said that recovery of Rs.500/- is from pension relief, the recovery is only from the dearness relief payable on pension. We are also satisfied that it could not be otherwise, for whatever payments are due from a pensioner they are to be recovered not from the pension amount but can be taken away from others relief to which a pensioner is entitled to, one such relief being the relief on pension. We are sure that Rs.500/- ordered to be recovered from the applicant is only from the dearness relief on pension and not from the basic pension. We have, therefore, no hesitation in clarifying that the order made by the department seeking recovery of Rs.500/- per month from the applicant, by making it further clear that the said recovery is to be done only from the dearness relief and not from basic pension. This being all the relief the applicant now claims, we have no hesitation in granting the same. This application thus stands disposed off finally as aforesaid. No costs.

4. A note may be made showing the name of the Standing Counsel Shri M.S.Padmarajaiah as appeared for the respondents for having assisted the Court and he is permitted to file power on their behalf in the registry lateron.

Sd/-

MEMBER(A)

Sd/-

VICE-CHAIRMAN

TRUE COPY

SECTION OFFICER
CENTRAL ADMINISTRATION
ADMINISTRATIVE
JANBALOPE

6/1/96