

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
BANGALORE- 560 038.

Dated: 3 NOV 1994

APPLICATION NO: 1098 of 1994

APPLICANTS:- M. Gundu Rao,  
v/s.

RESPONDENTS:- Post Master General, S.K. Region, Bangalore-1  
and another.

I.

1. Sri. A.R. Holla, Advocate  
No. 3, II floor, Sujatha Complex,  
1st Cross, Gandhinagar,  
BANGALORE-560009.

2. Sri. G. Shanthappa  
Addl. Central Govt 'strg. Counsel,  
High Court Bldg, BANGALORE-1.

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

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Please find enclosed herewith a copy of the ORDER/  
~~STAY ORDER~~ INTERIM ORDER/ passed by this Tribunal in the above  
mentioned application(s) on 21st October 94.

Issued on 21/10/94  
Gah

for  
DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE BENCH

ORIGINAL APPLICATION NUMBER 1098 OF 1994

FRIDAY, THIS THE 21ST DAY OF OCTOBER, 1994.

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

Mr. T.V. Ramanan, ... Member(A)

M. Gundu Rao,  
S/o M. Anantharamaiah,  
Aged 53 years, Retired LSG SA,  
residing at Opp: Gopalsingh  
Quarters, B.H. Road,  
Arsikere-573 103.

.. Applicant.

(By Advocate Shri A.R. Holla)

v.

1. Post Master General  
S.K. Region,  
Bangalore-560 001.

2. Superintendent RMS,  
'Q' Division,  
Bangalore-560 026.

.. Respondents.

(By Standing Counsel Shri G. Shanthappa)

ORDER

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

Admit. A retired officer who during his tenure occupied a Government quarters now finds himself in deep grief having been called upon to pay a sum of Rs.15,509-05 towards penal rent for having overstayed in Government quarters over a period during which he was not entitled to stay. The applicant moved the department unsuccessfully and notwithstanding his protestation, the department began to take away the dearness relief from his pension. He complains of wrongful action which is the subject matter of this application. During the course of the pendency of this action, the department has now come up with a modified demand for recovering penal rent which has now been brought down to Rs.9,820-95 from which a further deduction

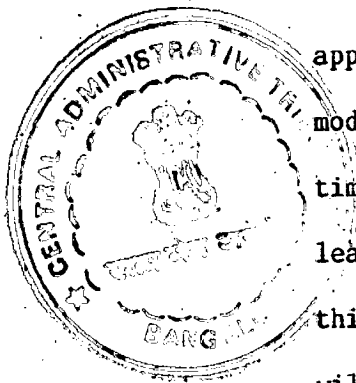


is made in a sum of Rs.1,390-65 said to have been recovered subsequently and as of now the final tally now stands at Rs.8,430-30 as against the original claim of Rs.15,509-05.

2. The submission on behalf of the applicant is that the mulcting of penal rent at the rate of Rs.40/- per square meter is inadmissible and that the very basis of treating the applicant as unauthorised occupant is also illegal.

3. It may be that the applicant is genuinely aggrieved by the demand of the aforesaid sum of Rs.15,509-05 or the modified sum of Rs.8,430-30 as the case may be as he is now a pensioner and out of his meagre pensionary benefits if a lumpsum deduction were to be made it would certainly hurt him. At the same time, no one can deny the Government's right to recover whatever is justly due to it for services rendered to a Government servant.

4. In the circumstances we think it proper to direct the applicant to make a fresh representation with reference to the modified demand, copy of which was produced before us at the time of hearing to-day (and copy also was furnished to the learned counsel for the applicant), within a fortnight from this day. On receipt of the said representation, the department will dispose it off suitably and hopefully by making a reasoned order. Till the applicant's representation vis-a-vis the modified demand for payment of penal rent is disposed of, the department will not make any fresh recoveries from the pensionary benefits accruing to the applicant. No order as to costs.



TRUE COPY

Section Officer

Central Administrative Tribunal

Bangalore Bench

Bangalore

MEMBER(A)

VICE-CHIEFMAN.