

2A

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD  
O.A.NO.699 of 1995.

Between

Dated: 10.11.1995.

S.Padma Rae

Applicant

And

1. Senior Superintendent of Post Offices, Secunderabad.

2. The Chief Postmaster General, A.P.Circle, Hyderabad.

... Respondents

Counsel for the Applicant : Sri. S.Padma Rae(PIP)

Counsel for the Respondents : Sri. V.Bhimanna, Addl. CGSC.

CORAM:

Hon'ble Mr. A.B.Gorthi, Administrative Member

Contd:...2/-

ORDER

As per Hon'ble Shri A. B. Gorthi, Member(Admn)

The applicant retired from the services in the post of Head Postmaster, Trimulgherry Post office on 31.8.1994. He retained the Government accommodation till 18.12.1994. The respondents permitted retention of accommodation by the applicant upto 31.10.1994 on payment of normal rent but with effect from 1.11.1994 to 18.12.1994, they charged him damage rate of rent and directed ~~to pay~~ the payment of Rs.4062.90ps. The said amount was recovered from his gratuity. The ~~prayer claim~~ of the applicant is that it was not just and proper to charge him damage rent and that, he is liable to pay only double the normal rent i.e. Rs.142/- p.m. in accordance with the extant instructions.

2. The facts in the case are not in dispute. Mr V. Bhimanna, learned Standing Counsel for the respondents states that as the accommodation ~~is~~ is 'post-attached' quarter, the incumbent of the post has ~~is~~ priority in being allotted the said quarter. The applicant had no right to continue to retain the said quarters even after his retirement. On his <sup>made</sup> request, prior to retirement, approval of the Chief Postmaster General was accorded for retention of the accommodation for a period of two months upto 31.10.94 on payment of normal rate of rent. It was made clear in the order of approval that the applicant had to vacate the quarters on or before 31.10.1994 without fail.

3. The applicant who is present in person, has stated that as per extant rules, an employee, on retirement, is eligible to retain Government accommodation for a period of two months on payment of normal rate of rent and thereafter, for another period of six months on payment of double the rate of normal rent. He further stated that although the respondents contend that the accommodation is 'post-attached' ~~quarters~~ in his own case when he was initially posted as Head Postmaster, ~~at~~ ~~the~~ Head Postoffice, the said quarters were not immediately allotted to him. He was posted as Head Postmaster Trimulgherry Postoffice in July, 1993, but he was allotted the said quarters only in December, 1993 as the same was under occupation by an Assistant Superintendent of Postoffice. The applicant therefore contends that the respondents could have taken a positive view of ~~his~~ ~~quarters~~ further retention of the quarters instead of penalising him in ~~the~~ ~~which~~ they

4. Having heard the applicant and the learned Standing Counsel for the respondents, I find that although the action of the respondents is within ~~the~~ four corners of the relevant rules, the fact however remains that the applicant himself was not given benefit of the ~~same~~ ~~quarters~~ as 'post' quarters. Had that been done, he would have allotted the quarters in July, 1993 itself as he was posted as Head Postmaster of the Trimulgherry Head Postoffice. The applicant made a request for a review of his domestic and other problems for re-allotment of the quarters after his retirement. The respondents

Copy to:-

2. The Chief Postmaster General, A.P.Circle, Hyderabad.
3. One copy to Sri. S.Padma Rao, Party in Person, H.No. 4/127/7, Old Alwal, Loyala College road, Secunderabad.
4. One copy to Sri. V.Bhimanna, Addl. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

(30)

could have sympathetically considered his case.

In any case, the OA

18.12.1994 and thus stayed in the quarters for a period of one month and 18 days beyond the date upto which the sanction of the Chief Postmaster General was accorded.

5. I find no justification for the respondents to take a view that merely because the accommodation is 'post-attached' quarters, the applicant should be thus penalised. As already stated, the benefit of the status of the accommodation as 'post-attached' quarters was not extended to the applicant himself, when he was posted as Head Postmaster, Trimulgherry Post office.

In view of this, it would meet the ends of Justice if this OA is allowed with a direction to the respondents to charge the applicant double the normal rate of rent for the period from 1.11.1994 to 18.12.1994. That part of the order No.C3/253/Bal/DCRG dated 24.5.1995 issued by the Sr. Superintendant of Postoffices, Secunderabad Division, relating to recovery of penal rent of Rs.4062.90/- for the period from 1.11.1994 to 18.12.1994 is hereby set aside. Refund due to the applicant after adjusting double the normal rate of rent as already directed, be made to the applicant within two months from the date of communication of this order.

6. OA is ordered accordingly. No costs.

*Anubhav*  
(A. B. GORTHI)  
Member (Admn)

Dtd.: The 10th November, 1995

Dictated in the Open Court

mvl

*Anubhav*  
Dy. Registrar  
Court - 57

Court - 57

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD.

HON'BLE MR. A.B. GORTHI, ADMINISTRATIVE MEMBER.

HON'BLE MR.

JUDICIAL MEMBER.

ORDER/JUDGEMENT:

DATED: 10/11/1995.

M.A./R.A./C.C.A.NO.

IN

O.A.NO.

699/95

T.A.NO. (W.P.NO.)

ADMITTED AND INTERIM DIRECTIONS

ALLOWED.

DISPOSED OF WITH DIRECTIONS.

DISMISSED.

DISMISSED AS WITHDRAWN.

DISMISSED FOR DEFAULT.

ORDERED/REJECTED.

NO ORDER AS TO COSTS.

\* \* \*

Rsm/-

No Space

