

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

O.A.NO.1313 of 1995.

Between

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Dated: 29.1.1996.

N.P. Mutyalappa

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Applicant

And

Union of India represented:

1. Chief Post Master General, A.P.Circle, Hyderabad.
2. Post Master General, A.P. Kurnool Region, Kurnool.
3. The Director of Postal Services, O/O Post Master General, A.P. Kurnool Region, Kurnool.
4. The Superintendent of Post Offices, Kurnool Division, Kurnool.
5. The Post Master, Nandyal HO, Nandyal, Kurnool District.

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Respondents

Counsel for the Applicant : Sri. K. S.R. Anyanayulu

Counsel for the Respondents : Sri. N.V. Raghava Reddy, Addl. CGSC

CORAM:

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

Contd:...2/-

O.A.1313/95.

Dt. of Decision : 29-01-96.

ORDER

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

The applicant was in occupation of quarters while working as a Postmaster, Kurnool HQ. On his transfer to Dharmapuri (Tamil Nadu) he was permitted to retain the quarters from 05-11-1991 to 04-01-1992. The applicant however vacated the quarters only on 02-05-1993. The respondents vide impugned memo dated 17-10-1995 directed recovery of damaged rent from 05-01-1992 to 01-05-1993 (16 months) at the rate of Rs. 40/- per Sq.metre and accordingly fixed the rent for the said period at Rs. 44,249.60/-. After deducting the rent already paid by the applicant the respondents directed that a sum of Rs.42,019.60/- be recovered from the applicant. The relief claimed by the applicant is for setting aside the impugned memo dated 17-10-95.

2. The applicant, on account of several domestic problems of a compelling nature, requested the authorities concerned to permit him to retain government quarters at Kurnool as he was unable to shift his family to Dharmapuri which is in Tamil Nadu. Vide letter dated 22-10-1992 issued by the Assistant Director of Postal Services, Kurnool it was stated that the applicant would be liable to pay rent as follows:-

1. Ist Two months @ 135/- PM from 5-11-91 to 4-1-92	..	Rs 270-00
2. Next six months at the rate of double the normal rent w.e.f., 5-1-92 to 4-7-92	..	Rs 1620-00
3. Above that period double the penal rent w.e.f., 5-7-92 to 4-10-92	..	Rs 1620-00
Total Amount	..	Rs 3510-00

The said letter further states that "the officer has to pay the rent at the rate of Rs. 540/- pm from 05-10-1992 onwards till the date of vacation". There is no dispute that rent in terms of the aforesaid letter was recovered from the applicant. Long after the applicant had vacated the quarters, the respondents in December 1993 issued a memo stating that damaged rent would be recovered for 16 months at the rate of Rs. 20/- per Sq.metre and accordingly fixed the rent at Rs. 22,124-80/-. Letter ^{Letter} v/s the impugned memo dated 17-10-95, the respondents further hiked the rate of damaged rent from Rs. 20/- to Rs- 40/- per Sq.metre.

3. Heard learned counsel for both the parties.

4. Shri K.S.R.Anjaneyulu, learned counsel for the applicant has contended that the relevant instructions laying down the damaged rent at Rs. 40/- per Sq.metre ^{are} were applicable only to General Peel Accommodation at Delhi and not to Postal accommodation in other places. In this context ~~Shri~~ N.V.Raghava Reddy, learned standing counsel for the respondents, has drawn my attention to the department of posts letter No.5-1/88-Bldg. dated 09-05-1991 according to which the relevant instructions regarding the rate of damaged rent as were issued in respect of government peel accommodation in Delhi would also apply to all postal peel quarters with effect from 1st April 1991. The applicant's counsel states that even the letter of 09-05-1991 would also be applicable to postal peel quarters at Delhi only and cannot be said to mean that it would be applicable to postal peel quarters in places other than Delhi. I need not further ^{delve} ~~delve~~ into this aspect, as I find that the OA is liable to be allowed altogether ^{on} different grounds.

Copy to:-

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1. Chief Post Master General, A.P.Circle, Hyderabad.
2. Post Master General, A.P.Kurnool Region, Kurnool.
3. The Director of Postal Services, O/O Post Master General, A.P. Kurnool Region, Kurnool.
4. The Superintendent of Post Offices, Kurnool Division, Kurnool.
5. The Post Master, Nandyal HO, Kurnool District.
6. One copy to Sri. K.S.R.Anjaneyulu, advocate, CAT, Hyd.
7. One copy to Sri. N.V.Raghava Reddy, Addl. CGSC, CAT, Hyd.
8. One copy to Library, CAT, Hyd.
9. One spare copy.

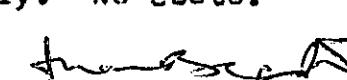
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Rsm/-

5. Admittedly letter dated 22-10-1992 issued by the Asst. Director of Postal Services fixed the quantum of rent liable to be paid by the applicant for the period from 05-10-91 to ~~till~~ the date of vacation. It is also not the case that the rent as demanded in the said letter was not paid. The letter would, in an un-equivocal terms, convey the impression that the applicant was liable to pay the charged rent at Rs. 540/-pm (i.e., 4 times in normal rate of rent) from 05-10-1992 to ~~till~~ the date of vacation. The applicant obviously accepted the situation as such and decided to continue in the said accommodation for a further period six months, i.e., from 05-10-1992 to 02-05-93 so as to enable his children to continue with their academic curriculum without disturbance. Had the respondents warned the applicant well in ~~time~~ that damaged rent at the rate of Rs. 20/- per Sq.metre or Rs. 40/- per Sq.metre would have been charged from the applicant, he would have perhaps decided against retention of the government accommodation, keeping in view his limited salary to which he was entitled.

6. In the afores-stated circumstances, instead of taking a technical view, I am inclined to take the view that it would be unfair and unjust ~~and~~ on the part of the respondents to go back on their statement as made on 22-10-92 and to hike the rate of rent to be charged from the applicant to a very steep extent as is ~~said to be~~ done by the impugned memo dt. 17-10-95. Accordingly the impugned memo together with the earlier memo dt. 02-12-1993 is quashed. In case the applicant had already paid the full rent in terms of letter dt. 22-10-92 no further recovery shall be made from the applicant ~~further~~ towards rent for government quarters at Kurnool.

7. The DA is allowed accordingly. No costs.


(A.B. Gorathi)
Member (Admn.)

Dated : The 29th January 96.
(Dictated in Open Court)


A.B. Gorathi
Dy. Registrar (Jadg.)

13/1/96
07/13/96

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD.

HON'BLE SHRI A.B.GORTHI : MEMBER(A)

HON'BLE SHRI

DATED: 29/1/96

ORDER/JUDGMENT

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

IN
13/13/95
D.A. NO.

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

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