

(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD
AT HYDERABAD

O.A.No. 339/95

Date of Order: 18.4.95

B E T W E E N

T.Mercy

.. Applicant

A ND

Senior BAO,
Hyderabad MG Division,
SC Railway,
Secunderabad.

.. Respondent

Counsel for the Applicant

.. Mr.K.Sudhakar Reddy

Counsel for the Respondent

.. Mr.N.V.Ramana

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO : VICE-CHAIRMAN

HON'BLE SHRI R.RANGARAJAN: MEMBER (ADMN.)

(P)

O.A.NO.339/95.

JUDGMENT

Dt: 18.4.1995

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri K.Sudhakar Reddy, learned counsel for the applicant and Shri N.V.Ramana, learned standing counsel for the respondent.

2. By the impugned order dated 2.12.1994 an amount of Rs.18,615/- from out of the terminal benefits payable to the applicant was withheld by alleging that it is due towards 'damages rent'. The same is assailed in this OA by alleging that it is vitiated as no notice was issued before withholding it.

3. It is stated for the respondent that the applicant was already issued a notice to the effect that if he is not going to vacate the quarters, damages rent will be collected from him and hence no further show cause notice is necessary.

4. The learned counsel for the applicant submitted that no such notice was issued to the applicant.

5. There will be further delay which may cause hardship to the applicant if we are going to consider that aspect by requiring the respondent to file reply

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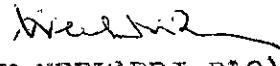
and then to give opportunity to the applicant to file rejoinder.

6. In the circumstances, it is just and proper to pass the following order:-

The respondent has to issue requisite notice to the applicant by 1.5.1995 requiring the applicant to show cause as to why 'damages rent' of Rs.18,615/- cannot be recovered from him and ~~then~~ that question has to be decided on receipt of the explanation, ~~if~~ ~~any~~, to be submitted by the applicant for such notice, expeditiously and preferably within one month from the date of receipt of the explanation. Till then, the amount of Rs.18,615/- can be retained by the respondent. If ultimately the respondent decides that the applicant is not liable to pay the damages\rent or when the damages\rent ~~is~~ that is payable is less than Rs.18,615/-, the entire amount or the balance as the case may be ~~be~~ ^{technically} applicant has to be paid with interest @ 12% per annum from the ~~the~~ date^{or} other terminal benefit amount was paid to the applicant till the date of remittance to the applicant. It is needless to say that if ~~he~~ ^{any} is going to be aggrieved by the order to be passed by the respondent in regard to this aspect, he is free to move this Tribunal under Section 19 of the Administrative Tribunals Act.

7. The OA is ordered accordingly at the admission stage. No costs./


(R.RANGARAJAN)
MEMBER (ADMN.)


(V.NEELADRI RAO)
VICE CHAIRMAN

Dated: 18th April, 1995.
Open court dictation.

23154

OA 339/95

THPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

A N D

THE HON'BLE MR. R. RANGARAJAN: (M(ADMN)

DATED - - - 18/4/ 1995.

ORDER/JUDGMENT:

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

in
OA. No. 339/95

TA. No. (W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed. ~~also with OA copy~~

Dismissed as withdrawn.

Dismissed for default

Ordered Rejected.

No order as to costs.

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No Space

