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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.906/96

Date of Order: 26.7.96

BETWEEN:

N.Ramdas

.. Applicant.

AND

1. The General Manager,  
Telecom Dist., Vijayawada.
2. The Asst. General Manager(P),  
Telecom District, Vijayawada.
3. The Senior Superintendent,  
Tele Traffic, Vijayawada Divn.,  
Vijayawada. .. Respondents.

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Counsel for the Applicant .. Mr.V.Venkateswara Rao

Counsel for the Respondents .. Mr.N.R.Devraj

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CORAM:

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

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J U D G E M E N T

The applicant in this OA while working as Telegraph Man under R-3 was transferred temporarily to Gannavaram vide letter No.ET.2/TLS/92-93 dated 12.8.92 (A-1). His transfer to Gannavaram was treated as a regular transfer by order No.ET-4/Gp.D/93-94 dated 24.4.93 (A-2). It is stated for the applicant that he submitted representation for bringing him back to Vijayawada and also <sup>permission for</sup> occupying the quarters which was allotted to him <sup>earlier</sup> when he was in Vijayawada without penal rent.

2. On the basis of his representation it is stated that he was brought back to Vijayawada by order <sup>(dated)</sup> 12.3.96 (A-4). But it is stated that no decision has been conveyed to him

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in regard to his retention of quarters at Vijayawada. When he came back to Vijayawada in 1996 he occupied the quarter which he had not vacated earlier and continued in that quarter. It is stated that he represented for collecting only the normal rent for the quarter and also for regularising the quarter. But instead of acceding to his request an eviction order was issued under the relevant Act ~~by~~ by impugned order No.T2/Staff Qtrs/95-96/3 dated 18.3.96 (A-5). Penal rent was also collected from him from the month of May and June 1996. The applicant submitted a representation once again to R-2 by his representation dated 4.4.96 (A-6) requesting for permission to retain the quarter on compassionate ground. That request was rejected by the order No.T-2/Staff-Qrts./96-97 dated 18.7.96 (A-8). He was further instructed to vacate the quarter before 31.7.96 failing which he was informed that the quarter shall be got vacated with the police force.

3. Aggrieved by the above he has filed this OA for setting aside the impugned orders dated 18.3.96 and the order dated 18.7.96<sup>by</sup> holding them as illegal and arbitrary and also for a declaration that deduction of penal rent from the month of May 1996 as illegal and arbitrary and other consequential benefits there~~on~~ ~~on~~.

4. The transfer of the applicant to Gannevaram was made regular by the order dated 24.4.93 (A-2). The retention of the quarter and levying of penal rent thereafter is to be done in accordance with the rules. The only drawback pointed out<sup>by</sup> by the applicant is that the applicant was not given notice before ~~eviction~~ in accordance with the rule 4 of P.P. Act.

5. The learned standing counsel submitted that if any notice<sup>is</sup> to be issued the same<sup>as per rule</sup> will be ~~issued~~ before ~~the~~

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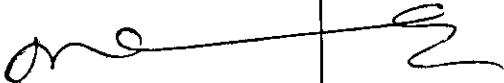
~~Ordering eviction~~ He further submitted that the applicant has to <sup>pay</sup> ~~10~~ penal rent for everstayal in the quarter earlier allotted to him ~~(as per rule 3 with the rules)~~

6. In view of the above circumstances the following direction is given:-

The impugned orders dated 18.3.96 (A-5) and 18.7.96 (A-8) are set aside. R-2 should issue notice to the applicant in accordance with the rules for evicting him from quarter following the public premises act and take further action for eviction after receiving reply from the applicant for the show cause notice in accordance with law.

I do not propose to give any direction in regard to collection of penal rent as the rules are very clear and these rules shall be followed by the respondents strictly for levying penal rent from the applicant.

7. The O.A. is ordered accordingly. No costs.

  
( R. RANGARAJAN )  
Member (Admn.)

Dated: 26th July, 1996

( Dictated in Open Court )

*Dr. Rangarajan (S)*

sd

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O.A.906/96.

Copy to:-

1. The General Manager, Telecom Dist, Vijayawada.
2. The Asst. General Manager(P), Telecom Dist, Vijayawada.
3. The Senior Superintendent, Tele Traffic, Vijayawada Division, Vijayawada.
4. One copy to Sri. V.Venkateswara Rao, Advocate, CAT, Hyd.
5. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

02/8  
TYPED BY  
COMPARED BY

MA-906/96  
CHECKED BY  
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(R)

DATED:

26/7/96

ORDER/JUDGEMENT

O.A. NO./R.R./C.P. NO.

O.A. NO.

906/96

ADMITTED AND INTERIM DIRECTIONS ISSUED  
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLKR

II COURT

No spare copy

