

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

14

O.A. NO. 103/97

F.A. NO.

DATE OF DECISION 29.1.97

V. Yesaiah

(PETITIONER (S))

Smt. A. Anasuya

ADVOCATE FOR THE PETITIONER(S)

VERSUS

**PMG, Southern Region, Kurnool &
2 others.**

RESPONDENT (S)

Mr. NR Devaraj, SCGSC

ADVOCATE FOR THE RESPON-
DENT (S).

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI, VICE CHAIRMAN

THE HON'BLE MR. R. RANGARAJAN, MEMBER (ADMINISTRATIVE)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgement ?
4. Whether the Judgement is to be circulated to the other Benches ?

Judgement delivered by Hon'ble Mr. R.Rangarajan, Member (A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

O.A. 103/97

Date: 29.1.1997

Between:

V. Yesaiah .. Applicant

And

1. Post Master General,
Southern Region,
Kurnool.
2. The Superintendent,
R.M.S., A.G. Division,
Guntakal.
3. Director of Postal Services,
Southern Region, Kurnool. .. Respondents

Smt. A. Anasuya .. Counsel for the applicant
Mr. N.R. Devaraj, SCGSC .. Counsel for the respondents

CORAM

HON'BLE MR. JUSTICE M.G. CHAUDHARI, VICE CHAIRMAN

HON'BLE MR. R. RANGARAJAN, MEMBER (ADMINISTRATIVE)

O R D E R

Oral Order (Per Hon'ble Mr. R. Rangarajan, Member (Admve.))

The applicant who is working as a Mail Guard was transferred to Guntakal by order No.B/2/1/V dated 9.1.96. It is stated that his relieving order was served to him only on 19.4.96. He applied for sick leave from 23.4.96, to 31.5.96. He was not granted leave but further directed to report for duty at the new place immediately. He was relieved on 10.7.96 and he joined the new place on 3.8.96.

2. The applicant while working at Kurnool was provided with a Government quarter. He did not vacate the quarter allotted to him at Kurnool within the stipulated period of two months after he was relieved from Kurnool and joined at Guntakal on 3.8.96. It is stated for the applicant that the applicant has school-going

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children and hence he cannot shift his family during the academic session of 1996-97 and for that reason he applied for retention of the quarter at Kurnool till 30th April 1997 under the normal rules at the normal rent. He was informed by the letter No. F/Allot/Qurs (Annexure-2) by the R-2 that he has to apply only to CPMG/PMG for retention of quarter for another maximum period of six months in transfer cases on payment of licence fee in advance at twice the normal licence fee. The applicant submits that he was not aware of the rule and hence he applied for the concession only to R-2 which was refused by the letter referred to above. He was informed by the impugned letter No. F/Allot/Qrs./Guntakal dated 30.12.96 (Annexure-A5) that he should vacate the quarter immediately and to pay 4 times of the market rent for retention of quarters beyond permissible period of 2 months dated 3.10.96 failing which disciplinary action will be taken against him.

3. This O.A. is filed challenging the impugned order dated 30.12.96 by holding it as arbitrary and contrary to the principle of natural justice and contrary to rules and for a consequential direction to the respondents to allow him to continue in the quarter at Kurnool till the end of the scholastic session paying only the normal rent and also avoid taking any disciplinary action against him for retention of the quarter at Kurnool.

It is (4) not understood why the applicant was not relieved immediately on 19.4.96 when he received the transfer order. He reported sick only on 23.4.96 as can be seen from the O.A. Having allowed him to continue in service at Kurnool till July 1996 the respondents may have some indulgence in regard to the retention of the quarter at Kurnool as prayed for by the applicant. The reason given (5) for retention of the quarter that his children are studying in Kurnool is not denied. (6) The children are not studying in Kurnool

5. In the circumstances, we feel that the applicant may be given the concession of retention of the quarter at Kurnool, on the condition that (i) he has to pay 4 times the market rent for retention of the quarter beyond the permissible period of 2 months dated 3.10.96 and (ii) he will undertake in writing addressed to R-2, to vacate the quarter on or before 1.5.97, within a period of fortnight from today. If the above conditions are fulfilled by the applicant the respondents may not take any disciplinary action against him. However, ~~rent and~~ it is made clear that the arrears of rent as above will be collected from his salary judiciously without causing much hardship to him while making the deduction.

6. The above directions will not prohibit the applicant from applying to the concerned authority for waiver of the 4 times rent if he is so advised, after 1.5.97.

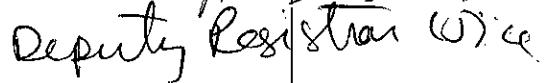
7. O.A. is accordingly disposed of at the admission stage itself. No order as to costs. Copy urgent.


R. Rangarajan
Member (Admve.)


M.G. Chaudhari (J)
Vice Chairman

29th January, 1997

vm


Deputy Registrar (Vice)

31.1.97

O.A.103/97

To

1. The Postmaster General,
Southern Region, Kurnool.
2. The Superintendent, R.M.S. AG Division,
Guntakal.
3. The Director of Postal Services,
Southern Region, Kurnool.
4. One copy to Mrs A.Anasuya, Advocate, CAT.Hyd.
5. One copy to Mr.N.R.Devraj, Sr.CGSC. CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

along with O.A. copy.

pvm

11/2/97
I COURT

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COMFARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI
VICE-CHAIRMAN

AND
THE HON'BLE MR. ~~H. RAJENDRA~~ PRASAD
MEMBER (ADMN)

Dated: 29-1-1997

~~ORDER~~ JUDGMENT

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

O.L.No. 10397 in

T.A.No. (W.P.)

Admitted and Interim Directions
Issued

Allowed.

Disposed of with directions

Dismissed. at the admission

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

p.v.m.

also OA copy

केन्द्रीय प्रशासनिक अधिकारम्
Central Administrative Tribunal
प्रेषण/DESPATCH

10 FEB 1997

हैदराबाद न्यायालय

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD?

M.A.NO.328/97 in O.A.NO.103/97

Between:

Dt. of Order: 21.4.98.

V.Yesaiyah

Applicant

And

1. Postmaster General, Southern Region, Kurnool.
2. The Superintendent, R.M.S., AG Division, Guntakal.
3. Director of Postal Services, Southern Region, Kurnool.

Respondent(s)

Counsel for the Applicants : Mrs.A.Anasuya

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

CORAM:

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

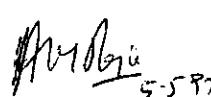
THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (3)

THE TRIBUNAL MADE THE FOLLOWING ORDER:

Heard Smt.A.Anasuya for the applicant and Mr.W.Satyanarayana for Mr.N.R.Devraj for the respondents.

This MA is filed for extention of time in filing the letter accepting the conditions as stipulated in para-5 of the judgement in this OA dt.29.1.97. Disciplinary action should not be initiated against the applicant if the applicant gives the undertaking letter stipulated in the judgement within 2 weeks from the date of issue of the judgement i.e. from 29.1.97. It is now stated for the applicant that he has submitted that letter accepting the conditions stipulated in the judgement by his letter dt. 3.3.97. It is further stated that he had lost the copy of the letter addressed to him from his counsel and he got a duplicate copy on which he acted. Even for that he took some time till 3.3.97 as he had to proceed to attend his cousin who was seriously ill at Kurnool. In view of the reasons stated the applicant submitted that the time limit for submitting the letter of the undertaking being ~~extended~~ tendered to 3.3.97 instead of 15 days from 29.1.97. If the letter of undertaking dt.3.3.97 had been received on or before 5.3.97 no disciplinary action should taken against the applicant as directed in the judgement.

With the above directions the MA is disposed of. No costs.


 DEPUTY REGISTRAR(D)

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Copy to:

1. The Postmaster General, Southern Region, Kurnool.
2. The Superintendent, R.M.S., AG Division, Guntakal.
3. Director of Postal Services, Southern Region, Kurnool.
4. One copy to Mr& Mrs.A.Anasuya, Advocate,CAT,Hyderabad.
5. One copy to Mr.N.R.Devraj,Sr.CGSC,CAT,Hyderabad.
6. One copy for duplicate.

YLKR

9/6/97

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R.R. RAO, M.A.

AND

THE HON'BLE SHRI B.S. JAI PRAMESHWAR,

M.J.

DATED: 21/4/97

ORDER/JUDGEMENT

R.A/C.P/M.A. No. 328/97

in

D.A. No. 103/97

ADMITTED INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLR

II COURT

