

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990) 4

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O.A/T.A No. 142/2003

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SECTION OFFICER (Judl.)

(SEE RULE -4)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI

ORDER SHEET

Original Application No : 142/2003

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicant (s) Smt. M. Devi

Respondent (s) U.O.I & Others

Advocate for the Applicant (s) B.P. Borah, B.K. Talukdar

Advocate for the Respondent(s) C.G. SC

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form but not in time Information Part 1A filed not filed C.P for Rs. 50/- deposited vide IPO/BD No 88488128 Dated.....23.6.03 1/c <i>Smt. M. Devi</i> 24/6/03 By, Register Pari</p>	25.6.2003	<p>present: The Hon'ble Mr. Justice D. N. Chowdhury, Vice-Chairman Heard Mr. B.P. Borah, learned Sr. counsel for the applicant assisted by Mr. B.K. Talukdar, learned counsel. Issue notice on the respondents to show cause as to why the applica- tion shall not be admitted. Also issue notice on the respon- dents to show cause as to why interim order as prayed shall not be granted, returnable by four weeks. In the meantime status quo as on today is directed to maintain as re- gards the occupation of the Quarter- II at old Postal Colony behind Imphal Head Quarter by the applicant. List the case on 25.7.2003 for admission.</p>

Contd./2

21

Contd.

25.6.2003

Till then, the operation of the ~~interim~~ order dated 30.5.2003 directing the applicant to vacate the quarter by 31.5.2003 as well as direction for penal rent recovery of Rent from the applicant shall not be kept in abeyance.

Pl. comply with
dated 25.6.03.

NS
25/6/03

Already Communicated.

bb

Vice-Chairman

Notice return to the
respondent No 5 - due
to defective & Xerox Copies
are not properly taken.

16/7/03.

Order dtd. 29/7/03
Communicated to the
Parties concerned.

Deb Roy

Heard Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents.

The application is admitted. Call for the records.

List on 29.8.2003 for orders.

Interim order dated 25.6.2003 shall continue.

Member

mb

29.8.2003

The respondents are yet to file written statement. Put up again on 24.10.2003 for orders. In the meantime, interim order dated 25.6.2003 shall continue.

Vice-Chairman

mb

No Writs has been
filed.

24.10.03 There is no Bench today.
Adjourned to 29.10.03.

B/lo

by

29.10.03

29.10.2003

Written statement has filed. The case may be listed for hearing on 5.12.2003. Interim order dated 25.6.2003 shall continue.

Deb Roy

25.12.03

mb

Adjudged at

1-1-04 - 870

Vice-Chairman.

(3)

O.A. 142/2003

1.1.2004 On the prayer made by learned counsel for the applicant, the case is adjourned and listed for hearing again on 7.1.2004.

Ku Bora
Member (A)

bb

5.1.04 7.1.2003 Counsel for the petitioner is absent. List the matter on 23.1.2004 for hearing.

Rejoinder submitted
by the Applicant.

Pari

Ku Bora
Member (A)

mb

20.2.04 Heard Mr B.P.Bora, learned counsel for the applicant and Mr A.Deb. Roy, learned Sr.C.G.S.C for the respondents. Hearing concluded. Judgment reserved.

Ku Bora
Member (A)

pg

3.3.2004 Judgment pronounced in open Court, kept in separate sheets.
The C.A. is dismissed in terms of the order. No costs.

Ku Bora
Member (A)

bb

Received (by).
Mukul
A. Deb
8/3/04

8.3.04
Copy of the judgment
has been sent to the
Solicitor for joining the
same to the file before
for the records.
Ku Bora
8/3/04

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. / R.A. No. 142. . . of 2003.

3-3-2004.
DATE OF DECISION

..... Smt. Th. Meena Devi APPLICANT(S).

..... Sri B.P.Bora & B.K.Talukdar ADVOCATE FOR THE
APPLICANT(S).

- VERSUS -

..... Union of India & Ors. RESPONDENT(S).

..... Sri A.Deb Roy, Sr.C.G.S.C. ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE MR K.V.PRAHLADAN, ADMINISTRATIVE MEMBER

THE HON'BLE

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

Judgment delivered by Ho'ble Admn.Member

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 142 of 2003.

Date of Order : This the 3rd Day of March, 2004.

The Hon'ble Mr K.V.Prahladan, Administrative Member.

Smt. Th. Meena Devi,
Postal Assistant, SBCO, Imphal,
Head Post Office, Manipur

...Applicant

By Advocate Shri B.P.Bora and B.K.Talukdar.

- Versus -

1. Union of India,
through the Secretary to the
Government of India, Ministry of Communications,
Department of Posts, New Delhi.
2. Director of Posts, New Delhi.
3. The Chief Postmaster General,
North Eastern Circle, Shillong.
4. The Postmaster General,
North Eastern Circle,
Shillong-793001.
5. The director of Postal Services,
Manipur, Imphal-795001.
6. The Postmaster,
Imphal Head Post Office,
Manipur.
7. Shri Thulzachin Paite,
Night Guard,
Office of the Director of Postal Services,
Manipur, Imphal-795001. ...Respondents.

By Sri A.Deb Roy, Sr.C.G.S.C.

O R D E R

K.V.PRAHLADAN, ADMN. MEMBER,

This petition is on the plea of the applicant to quash two orders passed by the respondent No.5 on 27.5.2003, as at Annexure-16 asking the Night Guard at the office of the Director of Postal Services to occupy the vacant room in Quarter No. Type II-2 Old Postal Colony, Imphal and on 30.5.2003, at Annexure-17 asking the applicant to vacate Staff Quarter Type III allotted her by which she had been given time upto 30.4.2003 to vacate the said quarters.

2. The applicant, a postal Assistant was transferred to Imphal vide circle Office Memo dated 5.3.2002. She soon submitted a representation on 13.3.2002 to the Director of Postal Services for allocating a Type-II quarter at Old Postal Colony near to the office in order to look after her two small children during "lunch/tea time".

The Director of Postal Services allotted her a vacant quarter Type II on the condition that she will vacate it as and when required by the Post Master, Imphal, vide letter No.D4/HAC/IP dated 11.4.2002 at Annexure A/4. She occupied the same on 12.4.2002. The applicant was allotted a Type III quarter at Palace compound on 9.10.2002 vide order dated 9.10.2002, at Annexure A-6. The applicant submitted a representation dated 9.10.2002 requesting allotment of a vacant house at the old colony instead of palace compound, in order to take care of her two small children. The petitioner claims that the Director of Postal Services called her to his chamber and warned her to vacate her quarter by 1.3.2003. He also wrote letter dated 28.2.2003 to her that since the house she was occupying had been allotted to the Deputy Superintendent of Post Offices, Imphal she had to vacate it by 1.3.2003 or face eviction. The applicant submitted representation to respondent No.4 to allot one vacant type II quarter in old postal colony vide letters dated 12.3.2003 and 25.3.2003. The Director of Postal Services vide letter dated 25.3.2003 at Annexure A 11 imposed a penal rend @ Rs.6355/- per month on the applicant with effect from 2.3.2003. This was waived upto 30.4.2003 by the respondents.

3. The respondents say that the applicant was allotted the vacant quarter of the Postmaster, Imphal on the condition that she will vacate it as and when required by

lcb

the department or the postmaster, Imphal. She was not entitled to the said quarter. She had been allotted a type III quarters at palace compound, Imphal on 9.10.2002. She had been demanding accommodation at the old postal colony behind Imphal Head Post Office complex, where there are no vacant accommodation available. Many lady staff with small children are staying at the palace compound, about one Km away from the applicant's office. No penal rent had been charged as per directions of this Bench.

4. Heard both the counsel for the applicant and the respondents. The applicant was officially allotted a residence meant for the Post Master, Imphal and despite orders dated 24.2.2003 and 7.4.2003 she did not vacate it. She moved the Guwahati Bench of the Tribunal vide O.A.No.95/2003 dated 8.5.2003. The Tribunal stayed the order of the respondent dated 25.3.2003 imposing penal rent @ Rs.6355/- per month on the applicant. The respondents were directed to consider any representation of the applicant and pass an appropriate order. The respondents vide letter No.30.5.2003 at Annexure A-17 rejected the applicant's plea and asked her to vacate her residential quarters of the postmaster and move to the quarter officially allotted to her. This letter of 30.5.2003 also conveyed to the applicant ~~is~~ ^{ICW} the order of the Chief Postmaster General to vacate her quarter by 31.5.2003 failing which penal recovery would be effected.

5. The applicant ~~did~~ ^{ICW} failed to vacate the quarter she was occupying despite letters from ~~applicant~~ ^{respondent}. The two vacant quarters at old postal colony was used for storing old valuable records and for the watchman, as a security measure. These are decisions taken due to administrative exigencies. It is for the administration to decide these matters. The applicant cannot claim any preference or right to allot a particular quarter in her favour. The made a request and the administration did not find it feasible to

to allot a particular quarter in her favour. She made a request and the administration did not find it feasible to consider the request. The plea that the applicant has to take care of two children and therefore should be given the allotment according to her choice cannot be taken as a reason to continue to occupy the residence allotted at old postal colony and ^{not} shift to the house allotted to her as on 9.10.2002, which is one Km away from the applicant's office. Therefore, there is little merit in the prayer for setting aside and quashing the orders dated 27.5.2003 and 30.5.2003 passed by the respondent No.5; and to direct the respondent No.5 to allot a residence Type II quarter at Old Postal colony. However, on imposing penal rent the respondents may take a lenient view.

Subject to the observation, the O.A. stands dismissed.
No order as to costs.

KV Prahadan
(K.V.PRAHLADAN)
ADMINISTRATIVE MEMBER

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH

ORIGINAL APPLICATION NO. 142/2003

Smti Th. Meena DeviApplicant

-Vs-

Union of India and OthersRespondents

LISTS OF DATES AND SYNOPSIS

1. 13.3.02 - Applicant wrote letter to the Director of Postal services for allotment of the Type - II Departmental Quarter.
2. 14.3.02 - The Superintendent of Post Offices (Hq) wrote letter to the Director of Postal Services, Manipur for allotment of T-II Quarter in the Old Postal Colony.
3. 08.4.02 - The applicant wrote letter to the Director of Postal Services, Manipur, Imphal for allotment of any accommodation in old post office colony.
4. 11.4.02 - The Suptd. of Post Offices wrote letter to the Postmaster, Imphal H.O. and to the applicant allotting the Type - III Quarter to the applicant.
5. 31.5.02 - The applicant wrote letter to the Director of Postal services praying for allotment of Type-II quarter in old office colony behind H.P.O.
6. 9.10.02 - The Director of Postal Services, Manipur, Imphal wrote letter to the Postmaster, Imphal, H.O. informing about the allotment of some quarter to some officials.
7. 10.10.02 - The Suptd. of Post Offices wrote letter to the Director of Postal services for allotment of quarter in palace compound postal colony.
8. 24.2.03 - The Director of Postal Services wrote letter to the Postmaster, Imphal, H.O. and to the Sri M.C. Das, Dy Suptd. of Post Offices and to the applicant informing about the allotment of quarter of Post Master to Sri M.C. Das.
9. 26.2.03 - The applicant wrote letter to Sri T.P.Selvem, P.M.G., Shillong and to Sri R.K.B. Singh, D.P.S., Imphal requesting with folded hands for kind intervention on humanitarian ground in respect of prejudices action of DPS, Imphal in making allotment of Departmental Quarter at Imphal.
10. 28.2.03 - The Director of Postal services wrote letter to the applicant to vacate the quarter of Postmaster, Imphal, H.O.
11. 25.3.03 - The Director of Postal Services wrote letter to the Postmaster, Imphal, H.O., to Sri M.C. Das, Dy Suptd., Manipur, to the applicant informing about the decision of charging commercial rate from the applicant for un-authorized occupation of Postmaster's quarter.
12. 28.3.03 - The applicant submitted an appeal to Sri T.P. Selvam, Post Master General, N.E.Circle, Shillong for allotment of quarter.
13. 7.4.03 - The Director, Postal Services wrote letter to the applicant for vacation of By-post quarter of Postmaster, Imphal H.O.
14. 21.4.03 - The applicant submitted application to the Director of Postal Services for allotment of Departmental Quarter in Old Post Office Colony.
15. 8.5.03 - Order of the Central Administrative Tribunal directing the respondents to allow the applicant to continue in the present quarter which she is occupying.
16. 20.5.03 - Order of the Director, Postal Services allotting the Quarter No. Type-II-2, old postal colony to Sri Thualzachin Paite, Night guard.
17. 30.5.03 - Order of R.K.B. Singh, DPS Manipur instructing the applicant to vacate the quarter by 31.5.03.

Filed by
D. Borah
Advocate

APPENDIX

Central Govt. of Assam	Central Govt. of Assam
24 JUN 2003	24 JUN 2003
High Court of Assam	
Guwahati Bench	

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNAL ACT, 1985

Title of the Case :- Original Application No. 142 / 2003

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M. Meena Devi

Signature of the Applicant

For use in the Tribunal's Office

Date of filing:-

Or

Date of receipt by Post.

Registration No.

Signature of the Registrar

Filed by the applicant
Through
Dibyajyoti Baruah
Advocate

23. 6. 2003

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH
AT GUWAHATI

ORIGINAL APPLICATION NO. 142 / 2003

Smti. Th. Meena Devi,
Postal Assistant, SBCO, Imphal,
Head Post-Office, Manipur.

..... Applicant.

- Versus -

1. The Union of India, through the Secretary to the Govt. of India, Ministry of Communications, Department of Posts, New Delhi.
2. Director of Posts, New Delhi.
3. The Chief Post Master General, North Eastern Circle, Shillong.
4. The Post Master General, North Eastern Circle, Shillong- 793001
5. The Director of Postal Services, Manipur, Imphal- 795001
6. The Postmaster, Imphal, Head Office, Manipur,
7. Shri Thulzachin Paite, Night Guard office of the Director of Postal Services, Manipur, Imphal 795001

..... Respondents

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:

A) Order vide No.D4/HAC/IP dated 9.10.02 in respect of the applicant passed by the Director, Postal Services, Manipur, Imphal.

B) Order vide No. D.3/4/IP-QRT/ALLOT/Pt- III(A) dated 24.2.03 passed by the Director Postal Service, Manipur, Imphal.

C). Order vide No. D3-4/IP-QRT/ALLOT/Pt.III(A) dated 25.3.2003 passed by the Director of Postal Services, Manipur, Imphal- 795001.

D) Non allotting of the vacant type- II quarter in Old Postal Colony, Imphal.

E). Non- Consideration of the representation dtd.7.6.03 submitted by the applicant to the Director of Postal Services, Manipur ,Imphal as directed by the Tribunal vide order dtd.8.5.03 passed in Original Application No. 95/03.

F). Letter No. B3-4/IP-QTR/Allot/Pt-III(A) dtd. 30.5.03 issued by the Director of Postal Services, Manipur disposing of the representation filed by the applicant on 20.5.2003 directing the applicant to vacate the quarter by 31.5.03 failing which action will be taken and also to recover penal rent for the month of May, 2003.

G). Order No. D4-2/DIVR Office/Pt-III/IP dtd. 27.5.03 issued by the Director of Postal Services Manipur ,Imphal to Sri Thulzachin Paite, Night Guard,Office of the Director of Postal

Services allotting the vacant room of Quarter NO. 5 II-2 Old Postal Colony, behind Imphal Head Office temporarily on the condition that he shall have to vacate the quarter immediately as and when required by the office.

2. JURISDICTION OF THE TRIBUNAL :

The applicant declares that the application is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION:

The applicant further declares that the application is within the limitation prescribed in Section 21 of the Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE:

MOST RESPECTFULLY SHEWETH:

4(i) That the applicant who is now serving as Postal Assistant (SBCO) at Imphal was transferred from Nagaland, Kohima to the Manipur vide Circle Office Memo No. Staff/584/SBCO/RT/Pt-II dated 5.3.2002. After issuance of the said transfer order the applicant submitted a representation on 13.3.2002 to the Director of Postal Services, Imphal, Manipur requesting for allotting a Type-II Departmental Quarter in the Old Postal Colony. In the said representation the applicant reflected the cause of inconveniences to be faced by her at

Imphal and the genuine reason justifying her prayer for allotment of quarter in old postal office colony. The said representation was forwarded by the Superintendent of Post Office (HQ) for Director of Postal Services, Nagaland, Kohima vide his letter dated 14.3.2002. It may be pertinent to mention herein that as per relevant rules the applicant is entitled for a Type- II or Type III quarter.

A copy of the said representation dated 13.3.2002 & letter dated 14.3.2002 are annexed herewith as Annexures-A/1 & A/2. respectively.

4(ii) That the applicant is a mother of two small kids aged about 3(three) years and 1(one) year respectively and they are fully dependent on the applicant. Hence the applicant has prayed for allotting a Type-II quarter in the old Postal Colony. Imphal which is close to the head Post office. Imphal where she has joined on transfer from Kohima, so that during lunch/Tea time she can take care of her children and feed them, otherwise the minor children will have to suffer badly.

4(iii) That applicant thereafter submitted a representation on 8.4.2002 to the Director of Postal Services, Imphal, Manipur requesting for allotting a Type-II Quarter in old Post office colony, which was vacated by one Shri Kh. Jiban Singh. In the said application the applicant also reflected about

inconveniences and grievances faced by her after transferring from Kohima to Imphal, and further requested to allot the said vacant quarter.

A copy of the said representation dated 8.4.2002 is annexed hereto as Annexure - A/3.

4(iv) That the then Director of Postal Services, Imphal, Manipur after being satisfied about the compelling circumstances of the applicant allotted the vacant (Bye- Post Quarter of Post Master, Imphal), at Old Postal Colony vide his order dated 11.4.02 on the condition that the applicant will vacate the quarter as soon as it is required by the post Master, Imphal Head Office or for any purposes by the office of the Director, Postal Services, Manipur, Imphal.

A copy of the said order dated 11.4.02 is annexed herewith as Annexure- A/4

4(v) That after the issuance of the said order dated 11.4.02(Annexure-A/4), allotting the applicant the bye quarter Type-III, the applicant submitted a representation on 31.5.2002 to the Director Postal Services, Imphal, Manipur requesting for allotting a Type-II quarter in the old Post office Colony behind H.P.O(Head Post office) in place of the said Type- III quarter stating inter alia that the said allotment order is a temporary arrangement .She further requested to issue necessary orders allotting

17

the said Type-II quarter at an early date, which was lying vacant and no allotment order was issued to any one.

Ac copy of the said representation dtd.

3.1.5.2002 is annexed herewith as Annexute A/5

4(vi) That surprisingly enough, by keeping a Type-II quarter vacant in old post office colony sine, Apri,02 the Director, Postal Services, Imphal Manipur took a contrary devision and issued an order on 9.10.02 whereby the applicant was allotted a Type- III Unit 6 first floor of the quarter at Place Compound, Imphal, which was not convenient to the applicant considering the compelling condition about her two small children.

A copy of the said order dated 9.10.02 is annexed herewith as Annexute- A/6.

4(vii) That the applicant again submitted an application on 10.10.02 to the Dirwctor Postal Services, Manipur requesting for allotting a quarter of Old Postal Colony in plave of the Palace Compound .In the said representation the applicant again reflected/highlighted all the facts and circumstances of her grievances by stating that she is living with 2(two) small kids of three years and one year respectively and she has to take care of the small kids all through the working hour. She further requested to alot theType-II Unit quarter in Old

Postal Colony behind H.P.O. by issuing necessary order at an early date, which was still kept vacant.

A copy of the said application dated 10.10.02 is annexed herewith as Annexure- A/7.

4(viii) That to the utter shock and surprise of the applicant, the Director Postal Services, Imphal without considering the request made by the applicant passed an order on 24.2.2003 in respect of the bye post quarter in Old Postal Colony which is under occupation of the applicant and the same was allotted to one Shri M.c. Das, Deputy Superintendent of Post office, Imphal with immediate effect. The said order further stated that the said incumbent shall occupy the quarter within seven days.

A copy of the said order dated 24.2.2003 is annexed herewith as Annexute- A/8

4(ix) That being aggrieved by the said order dated 24.2.2003 (Annexure- A/8) the applicant preferred an appeal before the Post Master General, NE Circle Shillong on 26.2.2003 through proper channel wherein the applicant again highlighted all the facts and circumstances of her grievances and also inhuman acts done by the concerned authorities i.e. the Directorate of Postal Services, Imphal, Manipur by allotting quarter at Palace Compound and also allotting the quarter which is in her occupation to

other incumbents. The applicant further requested in the said appeal to direct the concerned authority to allot a type-II quarter which is still lying vacant at Old Postal Colony since the month of April, 2002. The said appeal is not yet disposed of till date and still pending.

A copy of the said appeal dated 26.2.03 is annexed herewith as Annexure- A/9

4(x) That the Director Postal Services, Imphal on receipt of appeal to be forwarded to the post Master General, Shillong, called the applicant in his chamber and warned personally to vacate the quarter immediately or to face dire consequences etc. Again immediately and simultaneously wrote a letter on 28.2.03 to the applicant regarding the vacating of the said quarter which is in possession of the applicant by 1st March, 2003 positively. The said letter further directed/ stated that if the applicant fails to vacate the said quarter within the stipulated period the Department will take the possession of the quarter on 1.3.2003 by removing all the articles belonging to her without further notice and the Department will not be held responsible for the loss of any property of the applicant.

A copy of the said letter dated 28.2.03 is annexed herewith as Annexure- A/10.

4(xi) That thereafter due to threat given by the Director concerned the applicant with fearful mind

has submitted reminders dated 12.3.03 and 25.3-03 to the to the Post Master General, NE Circle, Shillong to consider her case sympathetically and to cause allotment of vacant type-II quarter in old Postal Colony in which she can see the welfare and safety of her 2(two) small children of 3(three) years and one year old who lives on breast sucking only. If her quarter is shifted from the old Postal Colony to Palace Compound in view of the impugned orders (Annexure- A/6 & A/8) she will suffer from irreparable losses and injuries that can not be compensated in any other terms and the safety of the innocent children of the applicant will further be jeopardised. The applicant craves leave of this Hon'ble Tribuna to refer to and rely upon the said reminders dated 12.3.2003 and 25.3.03 at the time of hearing of this case.

4(xii) That the applicant begs to state that besides the vacant quarter, vacated by Kh Jiban Singh, two more type-II quarters are engaged other wise and can be allotted to the applicant by making necessary arrangement in the Old Post office Colony, Imphal so that the applicant can look after her minor children properly.

4(xiii) That surprisingly enough, without any consideration and justification the Director of Postal Services, Imphal has passed an order of imposing penalty of penal recovery of the rent at Commercial rate and has fixed up Rs.6,355/- per month to be

recovered from the pay of the applicant giving date of effect back dated i.e. 2.3.03 without waiting for decision of appeal dated 26.2.2003 preferred by applicant to the Higher Authority i.e. (to the Post Master General, Shillong).

A copy of the said impugned order dated 25.3.2003 is annexed hereto and marked as Annexure-A/11

4(xiv) That the applicant states that thereafter on 23.3.2003 she filed another appeal before the Post Master General, NE Circle, Shillong for taking necessary action for allotment of quarter to the applicant in old Post office Colony on humanitarian ground and in the said appeal the applicant has stated the entire facts and circumstances of her case and praying for staying the order of penal recovery of Rs. 6355/- per month which is Rs. 739/- more than the total emolument drawn by the applicant and to dispose of the appeal dated 26.2.2003 sympathetically so that the vacant quarter in the old Post office Colony is allotted to the applicant to save the life of her minor children. The advance copy of the said appeal was sent to the Chief Post Master General, NE Circle, Shillong also. Till date the said appeals dated 26.2.03 and 28.3.03 are pending.

A copy of the said appeal dated 28.3.03 is annexed hereto and marked as Annexure-A12.

4(xv) That the applicant states that the Director

M.A.

Postal Services, Manipur issued a letter to the applicant vide No.D3-4/IP/QRT/Allot/Pt.(III (A) dated 7.4.03 whereby he has informed that the applicant has been allotted type- III-6, Postal Colony, Palace Compound vide office letter dated 9.10.02 and the applicant was given time up to 30.4.03 to vacate the Post Master's quarter on the personal appeal made by the applicant to the Chief Post Master General, NE Circle, damaged rent up to 30.4.2003 would not be charged and was waived.

A copy of the letter dated 7.4.03 is annexed hereto and marked as Annexure- A/13.

4(xvi) That the applicant thereafter on 21.4.03 submitted a representation before the Director of Postal Services, Imphal stating her problems once again and prayed to allother either the vacant quarter or any other accommoation in old Post Office Colony to provide relief to her children who only 3 and 1 years old respectively.A copy of the representation dated 21.4.03 was sent to the Post Master General, NE Circle, Shillong requesting nim to intervene in the matter and cause allotment of type-II quarter which is lying vacant since April, 2002.

A copy of the said representation dated 21.4.2003 is annexed hereto and marked as Annexure- A/14

4(xvii) That the applicant states that at present she is occupying the type-III bye-Post quarter of Post Master, Imphal which is close to the Head Post office, Imphal where the applicant is working and one type-II quarter is lying vacant in the old Postal Colony, Imphal since April, 2002 and the applicant is earnestly requesting the authority to allot the said quarter to her so that she can take care and look after her two minor children aged about 3 and 1 years respectively. But the Director, Postal Services, Imphal has allotted one type-III Unit 6, 1st floor at Palace Compound, Imphal which is situated at the distance of more than 2(two) KM from Head Post Office, Imphal and if the applicant is forced to go to the said type-III quarter at Palace Compound, she will suffer irreparable loss and injury as she would not be able to take care of her small children during the office hours which will be dangerous to the health and safety of the same two children of the applicant.

4(xviii) That the applicant states that from the facts and circumstances of the case as stated above, it is apparently clear that the actions of the Director Postal Services, Manipur in allotting type-III, Unit 6, 1st Floor at Palace Compound, Imphal to the applicant, charging penal rent of Rs.6355/- per month from the applicant for occupying the Post Master's quarter and not allotting the type-II quarter lying vacant since April, 2002 at Old Post Office Colony, Imphal though the applicant is entitled for the same are illegal, improper, unjust, unreasonable, arbitrary, vitiated by bias and malafide. The applicant

further states that it is a fit case wherein your Lordships' may be pleased to set aside and quash the impuhned order dated 9.10.02 in respect of the applicant , order dated 24.2.2003 and order dated 25.3.03 passed by the Director Postal Services, Imphal and direct the respondents to allot type-II quarter lying vacantin Old Post Office colony ,Imphal considering the plight of the two small children of the applicant.

4(xix) That the applicant states that at present the applicant draws an amount of Rs. 5616/- as the monthly salary after usual deduction. However, Director of Postal Services, Imphal has imposed a penal rent of Rs.6355/- PM from the applicant which above her salary drawn.

4(xx) That the applicant begs to state that being aggrieved by the aforesaid action of the respondent No.5,Director of Postal Services, filed an application before this Hon'ble Tribunal on 7.5.2003 and the same was listed for orders before this Tribunal on 8.5.2003 and the Hon'ble Tr&ibunal after hearing the counsel for the applicant as well as the learned Addl. C.G.S.C. representing the Deptt. was pleased to decide to dispose of the application with a direction to submit a fresh representation by the applicant narrating her grievances before the Director of Postal Services, respondent No. 5 within two weeks from the date of receipt of the ~~new~~ order and if such representation is made by the applicant,

the authority concerned shall consider the same justly and fairly and reasonably.

The Hon'ble Tribunal ~~xxx~~ also stated that the grievances of the applicant regarding imposition of penal rent which is also unjust, unfair and also violative of Article 14 of the Constitution of India. However, the Hon'ble Tribunal was pleased not to pass any order at that stage and was pleased to observe that as the applicant was directed to submit a representation before the competent authority, the said authority also shall consider the same with sympathy and with commiseration and pass necessary order with utmost dispatch with a further direction that till commission of the aforesaid exercise, the order dtd. 25.3.2003 shall remain inoperative and also directed the respondents to allow the applicant to continue in the present quarter which she was occupying during the interregnum. The Hon'ble Tribunal also was pleased to grant liberty to the applicant to move the Tribunal if such occasion arises.

A copy of the aforesaid order dated 8.5.2003 is annexed hereto and marked as Annexure A/15

4(xxi) That the applicant states that thereafter the applicant filed a representation on 20.5.2003 to the respondent No. 5, Director of Postal Services, Imphal along with a copy of the order dtd. 8.5.2003 passed by the Hon'ble Tribunal in O.A. No. 95/2003. However, the respondent No. 5 though he received the order deliberately and intentionally did not pay due attention to the direction of the Tribunal and without considering the case

M.A.

of the applicant has allotted the quarter to one ~~Sxx~~ Night Guard even without any request for application from the said guard vide order dated 27.5.2003.

A copy of the aforesaid order dated 27.5.2003 is annexed hereto and marked as Annexure- A/16, 16

4(xxii) That the applicant states that the respondent No. 5, Director of Postal Services by his letter dtd. 30.5.2003 issued to the applicant reiterated his earlier contention and directed to vacate the quarter occupied by the applicant and further directed the applicant to move to the vacant quarter Type-III Unit 6, Postal Colony and accordingly directed the applicant to vacate the quarter by 31.5.2003 failing which action may be taken and penal rent shall be recovered for the month of May, 2003.

Curiously enough, the respondent No. 5 has not mentioned anything about the order passed by the Hon'ble Tribunal on 8.5.2003 though a copy of the same was duly served on him along with the representation dtd. 20.5.03 which was received by him on 26.5.2003. The respondent No. 5 inspite of the fact that there was a vacant quarter as pointed out by the applicant before the Hon'ble Tribunal which was not disputed earlier by the said respondent yet he has mentioned in the said letter dtd. 30.5.03 that no vacant quarter is available in the Old

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Postal Colony for allotment to the applicant.

A copy of the aforesaid order dated 30.5.03
is annexed hereto and marked as Annexute - A/1017

4(xxiii) That your applicant states that as aforesaid, the respondent No. 5, Director of Postal Services dispose of the representation filed by the applicant accompanied with the order dtd. 8.5.03 passed by the Hon'ble Tribunal and without considering the same was pleased to pass the order allotting the quarter to a night guard and also directed the applicant to vacate the quarter occupied by her at present and also directed for recovery of penal rent from the applicant .The applicant further states that she is drawing an amount of Rs. 5616/- as her monthly salary. However, the Director of Postal Services, respondent No. 5 has imposed penal rent of Rs. 6355/- per month and if the said order has to be carried out, the applicant has to pay Rs. 739 along with her salary in paying the penal rent which leads to starvation of the applicant along with her other family members including her two minor children. Therefore, the applicant states that the balance of convenience is in favour of the applicant and therefore ~~xxxxx~~ prays that pending disposal of the application the Hon'ble Tribunal may be pleased to stay operation of the order dtd. 30.5.2003 by which the applicant has been asked to vacate the Post Masters quarter occupied by her by 31.5.2003 failing which action for eviction will be taken and penal rent shall be recovered.

for the month of May, 2003. The Hon'ble Tribunal may also be pleased to stay the operation of the order dtd. 27.5.2003 allotting the vacant quarter type-II-2, Old Postal Colony behind Imphal Headoffice, to Sri T. Paite ,Night Guard of the office of the Director of Postal Services.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION

A. For that the applicant is entitled to type-II or Type- II quarter and at present once type-II quarter is lying vacant since April,2002 in Old Post Office Colony, Imphal. The applicant has been earnestly requesting the Director of Postal Services,Imphal to allot the said type-II quarter in the Old Post office Colony so that she can take care and look after her two small kids aged about 3 and 1 years respectively. But the Director of Postal Services, Imphal has allotted a type-III,Unit -6, 1st floor quarter in Palace Compound which is more than 2 Km from the Head Post office, Imphal without considering the compelling circumstances of the applicant. And as such, the said action of the Director of Postal Services , Imphal in allotting type-III, Unit 6 quarter at Palace Compunt instead of Type-II quarter which is lying vacant since April, 02 at the Old Post Office Colony, Imphal is out and out illegal, unjust, improper ,unreasonable, vitiated by bias and malafide and arbitrary.

M.A.

B. For that the applicant is a mother of two small kids aged about 3 and 1 years respectively who are fully dependent on her and hence she has been praying for allotting the type-II quaetwr at the Old Post office Colony which is lying vacant since April, 2002 so that she can take proper care of her children during day time also. The applicant draws salary of an amount of Rs. 5616/- per month after normal deduction, but the Director of Postal Services, Imphal has imposed a penal rent of Rs. 6355/- per month on the applicant for occ pying the post Master's quarter which is Rs. 739/- above her drawing salary . If the applicant is forced to pay the aforesaid penal rent, she will suffer irreparable loss and injury and as such the said order dtd. 25.3.2003 passed by the Director, Postal Services , Imphal is bad in law and liable to be set aside and quashed.

C. For that as Postal Assistant the applicant is entitled for type III quarters and hence she has prayed for allotting yype -II quarter lying vacant at the Old Postoffice Colony, Imphal for the only reason that she would be able to look after her two small children during day time also. The Director Postal Services, Imphal could have easily allotted the said vacant type-II quarter to the applicant considering the plight of her small children. But the Director Postal Services without any valid reason has allotted a type-III, Unit-6, 1st floor quarter at Palace compound , Imphal to the applicant which is more than

2 KM away from the Head PostOffice where she is presently working and has been insisting the applicant to occupy the said type-III quarter and for not doing so the applicant has been penalised with penal rent of Rs.6355/- per month for not vacating the Post Master's quarter without any valid reason. As such, the said impugned orders dated 9.10.02 in respect of the applicant and order dated 25.3.03 are liable to be set aside and quashed.

D. For that inspite of repeated request from the applicant to allot her type-II quarter lying vacant since April, 2002 at Old Post Office Colony, Imphal as per her entitlement and considering well being of her two small children, the Director Postal Services Imphal as allotted a type-III Unit-6, 1st floor quarter at Palace Compound to the applicant vide order dtd. 9.10.2002 instead of the said vacant type-II quarter at Old Post Office Colony in a most inhuman and arbitrary manner and thereafter he has imposed penal rent of Rs.6355/- per month on the applicant w.e.f. 2.3.2003 for occupying the post Master's quarter. As such, the said orders dated 9.10.2002 in respect of the applicant and dated 25.3.03 passed by the Director of Postal Services, Imphal are liable to be set aside and quashed.

E. For that the applicant states that the respondent No. 5 inspite of receiving the order from the Hon'ble Tribunal on 26.5.2003 has deliberately avoided to

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pay any attention to the order passed by the Hon'ble Tribunal on 26.5.2003 ~~as regards~~ and intentionally allotted the quarter to a night guard vide order dated 27.5.2003. The applicant further states that the respondent No. 5 as per his own admission that he has received the order dtd. 8.5.2003 on 26.5.2003 and thereafter without considering the case of the applicant not to speak of sympathetically was directed by the Hon'ble Tribunal has passed the order dtd. 27.5.2003 which amounts to deliberate and intentional violation of the order passed by the Hon'ble Tribunal and therefore the said impugned order is illegal, unjust, improper, unreasonable and is vitiated by mala fide as well as intentional violation of the order passed by the Hon'ble Tribunal and therefore the said order is liable to be cancelled.

F. For that the respondent No. 5 while issuing the letter dtd. 30.5.03 has completely overlooked the direction of the Hon'ble Tribunal and inspite of the order directing staying operation of ~~the~~ the order dtd. 25.3.2003 and directed the applicant to vacate the quarter occupied by her inspite of the fact that the applicant was allowed by the Hon'ble Tribunal to occupy the said quarter during the interregnum in view of the fact that the respondent No. 5 has not disposed of the representation filed by the applicant in view of

M.A.

of the fact that there is no indication in the letter dtd. 30.5.2003 that the respondent No. 5 considered the representation of the applicant in the light of the order dtd. 8.5.2003 passed by the Hon'ble Tribunal.

5. For that the applicant states that the respondent No. 5 with an oblique motive and intentional and deliberate violation of the order dtd. 8.5.2003 passed by the Hon'ble Tribunal as mentioned in the letter dtd. 30.5.2003 that there is no vacant quarter available in the Old Postal Colony to the applicant though the respondent No. 5 allotted the vacant quarter to the night guard only for the purpose of hoodwinking the applicant to deprive of her legitimate claim.

6. DETAILS OF THE REMEDIES EXHAUSTED:-

The applicant declares that she has availed all the remedies available to her before filing this application.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT:

The applicant further declares that this matter was agitated earlier before this Hon'ble Tribunal which was disposed of on 8.5.2003 with an observation that the applicant may move the Tribunal if such occasion arises and therefore, being aggrieved at the subsequent action of the respondent No.5 the instant application has been

M.A.

filed against the order dated 27.5.2003 and letter dated 30.5.2003 bringing the new cause of action in which no application was filed earlier and no application has been filed before any bench of the Hon'ble Tribunal, and as such, at present no application is pending before any Tribunal or Court of law.

8. RELIEFS SOUGHT:-

In view of the facts and circumstances mentioned in Paragraph 4 as well as grounds mentioned in Paragraph 5 above, the applicant prays for the following reliefs:

- A) To set aside and quash the order dated 27.5.2003 passed by the respondent No. 5;
- B) To set aside and quash the letter dated 30.5.2003 passed by the respondent No. 5 at Annexure- A/17;
- C) To direct the respondent No.5 to allot the Type-II quarter in Old Postal Colony which has been wrongly and intentionally allotted to the night guard, respondent No. 7 inspite of the order passed by the Hon'ble Tribunal.
- D) The cost of the case.
- E) Any other relief /reliefs to which the applicant is entitled under the law.

M.A.

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9. INTERIM ORDER , IF ANY, PRAYED FOR:

Pending final decision on the application the applicant humbly prays for following interim orders-

- (i) To direct the respondents to maintain status-quo in respect of occupation of the quarter at the Old Post Office Colony ,Imphal by the applicant.
- (ii) To direct the respondents to allow the applicant to occupy the Type-II vacant quarter at the Old Post Office Colony, Imphal which has been illegally allotted to the respondent No. 7, Night Guard.
- (iii) To stay operation of the impugned order dtd. 27.5.2003 allotting the quarter No. Type-II-2 at Old Postal Colony which was vacant at the time of moving the Hon'ble Tribunal by the applicant.
- (iv) To stay operation of the order for vacation and also vacating the quarter as intimated vide letter dtd. 30.5.2003 along with a direction for recovery of Penal rent for the month of May, 2003.

10. PARTICULARS OF THE POSTAL ORDER IN RESPECT OF
OF THE APPLICATION:

- i) No. of Indian Postal Order- 8G488J28
- ii) Name of the issuing Post office- GPO
- iii) Date of issue of Postal Order- 23. 6. 2003
- iv) Post Office at which payable-
Guwahati Head Post Office

11. LIST OF ENCLOSURES:

As per index

VERIFICATION

I, Smti. Th. Meena Devi, aged about 30 years, wife of Sri T. P. Singh, by profession- Servide, a resident of Old Postal Colony, Imphal, PS & PO- Imphal, Manipur do hereby verify that the contents of Paragraphs 4(ii), 4(iii), 4(v), 4(vii), 4(ix), 4(x), 4(xi), 4(xiv), 4(xvi), 4(xvii), 4(xviii), 4(xix), 4(xxi), 4(xxiii) are true to my knowledge and those made in paragraphs 4(i), 4(iv), 4(vi), 4(viii), 4(xii), 4(xiii), 4(xv), 4(xx), 4(xxii) being matters of record are true to my information derived therefrom and the rest are my humble submissions made before this Hon'ble Tribunal and that I have not suppressed any material fact.

Th. Meena Devi
Signature of the Applicant

Date: 24. 6. 03

25

TO.

THE DIRECTOR OF POSTAL SERVICES,
IMPHAL-795 001, MANIPUR DIVISION.

SUB: REQUEST FOR ALLOTMENT OF TYPE II DEPARTMENTAL QUARTER IN
THE OLD POSTAL COLONY AT IMPHAL.

Respected Sir,

Most humbly and respectfully I beg to lay the following few lines for your kind consideration and sympathetic orders.

That Sir, I have transferred with circle office Memo. no: STAFF 584
SBCO/RT/P/II/2 Dated at Shillong 05.03.2002, to Imphal H.O.

That Sir, I am having two small babies, one is two years old and another is only six months old only. At this condition, it is very difficult to live far from Post Office. If you allot me at the old postal colony, it will be very opportunity for me to attend office in time and to look after my new born baby during sickness to consult with Doctor whenever necessary.

That Sir, I have heard that one departmental quarter is lying vacant for SBCO staff in the old Postal Colony.

I, therefore request you most humbly and respectfully to kindly consider my case sympathetically and allot me TYPE II departmental quarter in the old Postal Colony.

Dated at Kohima the 13.3.2002.

You faithfully
H. Meena Devi
CHILMELA DIVISION
D.A. SBCO, KOHIMA H.O.

Dealt with by
Postmaster
divorced

- 24 -
ANNEXURE
- 26 -
A/2
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DEPARTMENT OF POSTS : INDIA
OFFICE OF THE DIRECTOR OF POSTAL SERVICES
NAGALAND : KOHIMA -797 001

No. D-2/Bldg/Misc-III

Dated at kohima the 14-03-2002

To,

The Director of Postal Services,
Manipur, Imphal-785 001.

Sub:-

REQUEST FOR ALLOTMENT OF QUARTERS IN THE OLD POSTAL
COLONY AT IMPHAL.

An application received from Smt. Th. Meena Devi, PA/SBCO, Kohima HO on the above mentioned subject is enclosed herewith in original for further necessary disposal at your end.

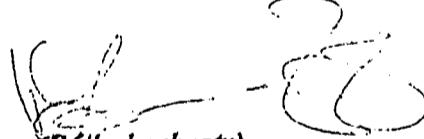
Encl:- a.a.

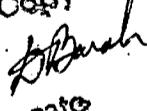
6/1-

(P.Chakraborty)
Supdt of Post Offices (Hq)
For Director of Postal Services
Nagaland, Kohima-797001

Copy to:-

1. Smt. Th. Meena Devi, PA/SBCO, Kohima HO-797 001, for information.


(P.Chakraborty)
Supdt of Post Offices (Hq)
For Director of Postal Services
Nagaland, Kohima-797001

Certified to be
true Copy.

Advocate

27

A/3

- 27 -

ANNEXURE

To

The Director of Postal Services
Manipur, Imphal - 795001

Sub : Humble prayer for allotment of any accomodation in old post office colony.

Sir,

Respectfully I beg to state that as per the order of chief post master general, Shillong I was transferred to Imphal H.O. and accordingly I joined at Imphal on 4/4/02. In this connection, I beg to say further that I have two small kids aged 3 years & 1 years respectively. After my coming to Manipur I have acquired a rented house in Sagolband area which is far away from post office. During office hours I am not in position to see my kids and feed them at all. In this way their life has become insecure. With this consideration, I had already submitted my humble application along with prescribed praforma through DPS Kohima.

Sir, now I find that one quarter vacated by Shri Kh. Jiban Singh has been allotted to Group 'D' and as such there is no other vacate quarter. But the quarter meant for postmaster is lying vacant for long time and is learnt that the post master is not in need to occupied the quarter immediately.

Hence, it will be a great help if your good-self be consider my case on humanitarian ground and allow me to occupied the quarter on payment of admissible rent and also on the condition that I shall vacate the same immediately as soon as it will be required either by postmaster or for any purpose.

*Certified to be
true Copy.
J. B. Saran
Advocate*

Dated 8/1/02

Yours faithfully,

Th. Meena Devi
(Th. Meena Devi)
PA/SBCo
Imphal H.P.O

Director, Postal Services
Manipur State,
Imphal - 795 001

Date. 11.04.02.

No. D4/HAC/IP

As approved by Director Postal Services, Manipur, Imphal the Staff quarter type -III (By-post quarter of Postmaster, Imphal) at old postal colony, Imphal which not occupied by the Postmaster, Imphal H.O. is allotted to Smt. Th. Meena Devi, P.A. SBCO/Imphal with immediate effect, on the condition that she will vacate the quarter as soon as it will required by the Postmaster, Imphal H.O. or for any purpose by this office.

The official will have to occupy the quarter within 7 (seven) days and record the electric meter reading at the time of occupation and electric bills are to be paid regularly by her personally. She is directed to submit the occupation report to this office copy endorsing to Postmaster, Imphal H.O.

sd/-
(N.C. Halder)
Supdt. of Post Offices

Copy to:- 1. The Postmaster, Imphal H.O. for information and necessary action.

✓ 2. Smt. Th. Meena Devi, P.A. SBCO/Imphal H.O.

✓ 3. O/C.

N.C.H.
(N.C. Halder) 14/02/02
Supdt. of Post Offices

Certified to be
true copy.
Parash
Advocate

- 29 -

To,

The Director Postal Services
Panipur-Imphal

Sub :- Humble prayer for allotment of
Type-II quarter in old post office
colony behind H.P.O

Ref :- Your letter no 94/ HAC/1P dated 21-05-02

sir,

Most respectfully I beg to state that
I hale from Jiribam and at present living with two small kids
aged about 3 years and one year respectively. Before coming
to Imphal I was posted at Kohima and on arrival here I faced
tremendous difficulties in securing accommodation. But in the
mean while the then Director was kind enough to allow me
to remain in the By post- Postmaster quarter vide his esteemed
memo no D4/HAC/1P dated 11-04-02 temporarily.

Sir, since the above arrangement is
purely temporary and in the mean time two type-II quarters
under me now under the occupation of M.A. Manah P.A. Imphal
H.O. one occupied by the night guard of Divisional office are
likely to vacated very soon.

Sir, in this connection I am submitting
herewith an application on the prescribed proforma with
prayer to kindly extend your generous hands for allotment
of one quarter preferably which is now occupied by the night
guard of Divisional office.

Yours faithfully

Ch. Meena Devi
(Mrs. Meena Devi)
P.A. HACO Imphal
H.O.

31-05-02
31-5-02

Carried to 20
1st copy
G. Borth
1st copy

Department of Post: India.
Office of the Director Postal Services: Manipur: I.
795001.

No. D4/1AC/1P.

Dated at Imphal, the 09.10.02.

The undermentioned staff quarters at Palace compound, Imphal are allotted to the following officials.

Sl. No.	Type of quarter.	Name of official.
01.	Type-III Unit-1 Ground Floor.	Sri L. Giridhon Singh P.A. Imphal H.O.
02.	Type-III Unit-3 Ground floor (New building)	Sri D.C. Brahma, C.I. O/o the D.P.S, Imphal.
03.	Type-III Unit-4 Ground floor.	Sri John Wangsol, P.A. Imphal H.O.
04.	Type-III Unit-5 1st. floor.	H. Budhachandra Singh P.A. Imphal H.O.
05.	Type-III Unit-6 1st. floor.	Smt. Th. Meena Devi. PA (SBCO), Imphal.
06.	Type-III Unit-7 2nd. floor.	Smt. Nengpilam Kipoi P.A., Imphal H.O.
07.	Type-II Unit-1.	Smt. Thangkhonem Voi. P.A. Imphal H.O.
08.	Type-II Unit-8	Smt. Th. Lilabati Devi. P.A. Imphal H.O.

The officials will have to occupy their respective quarter within 7 (seven) days from the date of allotment. If no occupation report is received within the scheduled time, the allotment will be cancelled without any further notice. The officials will have to pay prescribed taxes including water tax/electricity tax etc., if any.

Sd/-
(R.K.B. SINGH)
Director Postal Service
Manipur, Imphal-795001.

Copy to :-

1. The Postmaster, Imphal H.O. for information and n/action.
- 2-8. The officials concerned for information or n/action, Smt. Meena Devi, PA (SBCO), Imphal
9. Spare.

Certified to be
true Copy.

Advocate

(R.K.B. SINGH)
Director Postal Services
Manipur, Imphal-795001.

To, The Director Postal services
Manipur- Imphal

Sub :- Allotment of quarter in palace compound
postal colony.

Ref :- Your Memo no D4/ HAC/1P dated 09-10-02

Respected sir,

XXXXXX

Respectfully I beg to address this humble application not only as Director of Postal services, but as also a guardian and head of entire postal family of Manipur.

Sir, my compelling circumstances I had already lamented before the earlier Director when I was facing tremendous inconveniences and in-security in a private rented house in kwakeithel Bazar after coming from Kohima on transfer with two small kids of 3 years and 1 year respectively. After being convinced with my genuine problems I was very sympathetically allowed to occupy the Post master quarter which was lying vacant and there was no likelihood of its requirement by the post Master.

Sir, when the notification for submission of application for allotment of quarters was made I had very pin-pointly narrated my compelling circumstances mentioning the following facts .----

1. That I am alone here at Imphal with two small kids of 3 years and 1 year old respectively and in case of my humble prayer for allotment of one unit of quarter in old postal colony behind H.P.O is not considered I shall not be able to take care of small kids and in my long absence any unfortunate incident may take place.

2. That sir as you knew that breast feeding of small child of 1 year is must at the certain interval and without that the child can not survive. But sir in case I am not favoured by your good self by allotting a quarter in old colony, the fate of my children will at great risk.

3. That sir my husband is posted in Nagaland and thus alone I face ~~the~~ the problems of my family.

4. That sir, with due apology I beg to mention that at present, one unit of quarter allotted to security men and other one converted as store room, still one unit of quarter is lying vacant and its allotment to me by your honour would be not be a great help but will be the boon for my small kids.

In the midst of above problems I requested your goodself to kindly extend your generous hand and allot me the vacant quarter of old colony instead of palace compound, or allow me to continue in the post Master quarter as at present

Certified to be
true copy.

Signature

date

Department of Post: India.
Office of the Director Postal Services: Manipur: Imphal:
795001.

No. D3-4/1P-DRP/Allot/Pt.III(A). Dated at Imphal, the 24.02.03

The By post quarter of Postmaster at old postal colony, Imphal is allotted to Sri M.C. Das, Dy. Supdt. of Post offices, Imphal with immediate effect.

The officer will have to occupy the quarter within 7 (seven) days and record the electric meter reading at the time of occupation and electric bills are to be paid regularly by him personally when electricity department submit bill. He will pay all prescribed water-tax etc. He is Requested to submit occupation report to this office copy endorsing to Postmaster, Imphal H.O.

Sd/-

(R.K.B. SINGH)
Director postal Services
Manipur, Imphal-795001.

Copy to :-

1. The Postmaster, Imphal H.O. for information and necessary action.
2. Sri M.C. Das, Dy. Supdt. of Post offices, Imphal for information and n/action to occupy the quarter within prescribed period.
3. Smt. Th. Meena Devi, P.A. (SACO), Imphal. She will please submit occupation report of Type-II Unit -6 1st. floor quarter at Palace compound, Imphal within 7 days of receipt of this letter.
Vide this office letter no. D4/HAC/1P/02 - 09/02/02

(R.K.B. SINGH)
Director Postal Services
Manipur, Imphal-795001.

Received 25/2/03
Certified to be
true Copy.

J. Barak
Advocate

Shri T.P. Selvam

Post Master General,

N.E. Circle, Shillong - 793001.

(Through proper channel)

Subject:- Request with folded hands for kind intervention on humanitarian ground in respect of prejudiced action of DPS, Imphal in making allotment of Departmental Quarter at Imphal.

Most respected Sir,

With high regards and humble submission I beg to lay the following few lines for your kind information and immediate intervention to save me from undue inconvenience and hardship imposed on me with prejudiced intention by DPS, Imphal.

1. That Sir, I am a female official working as P.A. (SBCO) and had joined at Imphal on 4 - 4 - 02 after transfer from Kohima H.O. (Nagaland).
2. That Sir, before my relief from Kohima I submitted one humble prayer application to DPS, Imphal for allotment of one Type II quarter in old postal colony behind H.O.P.S building which was forwarded by DPS, Nagaland vide his letter No. D - 2 / Bldg / Misc - III dated at Kohima 14 - 3 - 02 .
3. That Sir, I belong to a village from Jiribam which is about 230 Kms away from Imphal. I am the mother of 2 (Two) small children aged about 3 yrs and 1 year respectively and my children fully depend on me. The younger child is of about 1 year age lives on breast feeding and thus my personal care of this child is absolutely necessary at certain intervals to keep him alive and only with this intention and compelling circumstances. I prayed to DPS, Imphal prior to my arrival from Kohima to allot quarter in old postal colony behind H.P.O.S building.
4. That Sir, unfortunately at that moment on my arrival from Kohima no Departmental Quarter was vacant in old postal colony at Imphal and for that I took shelter in a rented house. But due to the above obvious reason my stay in rented house became impossible and finding no alternative I personally fall on the legs of previous DPS, Shri G. Ninan and apprised him with my problems. He was kind enough to consider my prayer and immediately allotted the by post quarter of Post Master, Imphal which was lying vacant. He further assured that on humanitarian ground he will allot any quarter in old post office colony as soon as the quarter is vacated. The copy of my application submitted through DPS, Kohima

contd. 2

Certified to be
true Copy.
G. N. Ninan
Advocate

and application submitted to Imphal along with allotment order bearing No. D - 4 / HAC/ IP - dated 11-4-02 are enclosed marked "a", "b" and "c".

That Sir, there after one unit of Type II quarter was vacated due to transfer of one Mohamad Manab Sheik and I was expecting allotment of the aforesaid quarter to me for permanent solution of my problem until I complete my tenure and transfer else where. But ignoring the justice and my compelling problem the said quarter was converted into store room of Imphal H.O. and old records were dumped inside it.

That Sir, There after one more unit of Type -II quarter which was inoccupation of Shri N.C. Halder, Supt. of P.O.S was vacated due to his transfer from Imphal and I was very much hopeful of getting a merciful allotment order from DPS, Imphal. But unfortunately my case was again ignored by him and he instead of allotting to me allowed the sepoy of Manipur Rifles whose services were provided for the security of previous DPS. These Manipur Rifle men were earlier living in lower portion of I.B. I don't know how far it was justified to allot a family departmental quarter to security personal.

5. That Sir, One more Type - II quarter which was in occupation of Shri. Ksh. Jiban Singh, was vacated in April' 2002 due to his dismissal from service and the same quarter is still lying vacant since April' 2002.

In this regard, I personally submitted an application to DPS. Imphal on 10 - 10 - 2002 to allot the said vacant quarter to me so that I may be able to look after my small son of 1 year age from H.P.O as an when necessary but neither the said quarter was allotted to me nor any communication regarding consideration of my prayer was conveyed. The aforesaid quarter is still vacant for allotment. A copy of aforesaid application is enclosed marked "D".

That Sir, now it has burst my heart and I had became helpless to see that without considering my helpless condition towards the welfare of my small kids and without extending any humanitarian gesture the DPS, Imphal has suddenly cancelled the allotment order in which I presently reside and had further ordered me to occupy a Type - III quarter in palace compound which is situated at the distance of more than 2 Kms from Imphal P.O.

-3-

That Sir, I am extremely shocked to see the unhuman treatment given to me despite the fact one Type - II quarter is still vacant for allotment since April' 2002 and in case this is allotted to me I shall be able to look after my 3 years and 1 year old children.

Under the above factors, I request your honour with folded hands to kindly extend your general hand by making to personal intervention for allotment of above Type - II quarter which is still vacant and lying for allotment since April' 2002 in order to save the life of my children.

For this act of your kindness, I shall remain ever grateful to you.

Yours faithfully

[Signature]

(Th. Meena Devi)

P.A/SBCO
Imphal H.O.

Advance copy to :-

1. Shri T.P. Selvam, P.M.G., Shillong with request for immediate intervention to explore justice for the welfare and security of my children. Since 1 unit of Type - II quarter is lying vacant for allotment since April'02 their may not be any reason of hardle for allotment to me by DPS, Imphal.
2. Shri R.K. B. Singh, D.P.S. Imphal. He is again requested with folded hands to kindly reconsider my humble prayer and allot the vacant Type - II quarter in old postal colony considering the welfare of children who are only 3 years and 1 years old. *He is also requested to kindly keep his order in view until a decision is received from P.M.G, Shillong.*

Yours faithfully

Dated 26-2-03

*Certified to be
and correct
J. B. Singh
A.S.P. (S)*

Th. Meena Devi, 26-2-03
(Th. Meena Devi)

P.A/SBCO
Imphal H.O.

Department of Post: India.
Office of the Director Postal Services: Manipur: Imphal:
795001.

No. D3-4/IP-QRT/Allot/Pt.III(A). Dated at Imphal, the 28.2.03.

To Smt. Th. Meena Devi,
p.A. (SBCO),
Imphal.

Sub: - Vacant of bye post quarter of
Postmaster, Imphal H.O. to-morrow
dtd. 01.03.03 positively.

The bye-post quarter of Postmaster, Imphal H.O. which
you have occupied by you has been allotted to Dy. Supdt. of
Post offices, Imphal.

You are, therefore asked to vacat the quarter
to-morrow dtd. 01.03.03 positively. If the quarter is not
vacated within the said period, Department will take the
possession of the quarter on 01.03.03 by removing your personal
effects to outside without further notice. The department will
not held responsible for loss of any of your personal
belongings after taking over the possession of the quarter.

(R.K.B. Singh)
Director Postal Services
Manipur, Imphal-795001.

Certified to be
true Copy.
D. Baruah
Advocate

- 37 -

A/16

ANNEXURE:-

Department of Post: India.
Office of the Director Postal Services: Manipur: Imphal:
795001.

No. D3-4/IP-QRT/Allot/Pt. III(A). Dated at Imphal,
the 25.03.03.

Smt. Th. Meena Devi is occupying the Postmaster's Quarter without authority, for which she is not entitled. The quarter has been allotted to Sri M.C. Das, Dy. S.P. Manipur Division vide this office letter No. of even No. dtd. 24.02.03. Smt. Th. Meena Devi has been allotted Quarter No. Type-III Unit-6, Postal colony, palace compound, Imphal vide this office letter No. D4/HAC/IP dtd. 09.10.02 above her entitlement, which she has not occupied till date.

It has been decided to charge commercial rate of rent from Smt. Th. Meena Devi for her un-authorised occupation of Postmaster's quarter.

The panel rent is fixed at Rs. 6355/- (Rupees six thousand three hundred fifty five) only and will be recovered from 02.03.03.

This is without prejudice to any further action which may be taken up in the matter.

Sd/-
(R.K.B. SINGH)
Director Postal Services
Manipur, Imphal-795001.

Copy to :-

1. The Postmaster, Imphal H.O. for information and necessary action.
2. Sri M.C. Das, Dy. SPOS, Manipur, Imphal for information.
3. Smt. Th. Meena Devi, P.A. (SBOO), Imphal for information.

(R.K.B. SINGH)
Director Postal Services
Manipur, Imphal-795001.

Certified to be
True Copy.
J. Barak
Advocate

To

Shri T.P. Selvam,
Post Master General,
N.E. Circle, Shillong

Through Director of Postal Services, Imphal.

Subject :- In the matter of irregular, unjustful, illegal and against the law of land, the action of Director of Postal Services, Imphal Manipur. for imposing punishment of panel rent recovery of House rent at commercial rate while pendency of appeal in the matter with the higher authorities i.e. P.M.G., Shillong.

- AND -

ii) In the matter of humble appeal to take immediate action and other precautions under the Rules and Law of land to protect the applicant from undue harassment and to stay and quash the impunged order of Director of Postal Services, Imphal issued under memo, No. D3-4/IP-QRT/Allot/Pt- III (A) dated 25-03-'03 to meet the end of justice.

- AND -

iii) In the matter of further appeal for taking necessary action as deemed proper for allotment of quarter in old post office colony on humanitarian ground etc.

Ref. :- D.P.S., Imphal Memo No. D3-4/IP-QRT/Allot/Pt-III(A)
Dated : 25-03-'03.

MOST RESPECTFULLY SHEWETH :

1. That, the applicant who is now serving as postal Assistant (SBCO) at Imphal was transferred from Nagaland, Kohima to the Manipur vide Circle office Memo No. Staff/ 584/SBCO/RT/Pt-II dated 5-3-2002. After the issuance of the said transfer order the applicant submitted a representation on 13-3-2002 to the Director of Postal Services, Imphal, Manipur requesting for allotting a Type- II Departmental Quarter in the Old Postal Colony. In the said representation the

Contd...2/-

fb

- : (2) :-

applicant reflected the cause of inconveniences to be faced by her at Imphal and the genuine reason justifying her prayer for allotment of quarter in old post office colony. The said representation was forwarded by the Superintendent of Post Office (H.Q) for Director of Postal Services. Nagaland, Kohima vide his letter dated 14-3-2002.

A copy of the said representation & letter are annexed herewith as ANNEXURES A/I & A/2 respectively.

2. That, the applicant also submitted a representation on 8-4-2002 to the Director of Postal Services, Imphal, Manipur requesting for allotting a type - II Quarter in old post office colony, which was vacated by one Shri Kh. Jiban Singh, In the said application the applicant also reflected about inconveniences and grievances faced by her after transferring from Kohima to Imphal, and further requested to allot the said vacant quarter.

A copy of the said representation is annexed herewith as ANNEXURE - A/3.

3. That, the then Director of Postal Services, Imphal - Manipur after being satisfied about the compelling circumstances of the applicant allotted the vacant (Bye-Post Quarter of Post Master, Imphal), at Old Postal Colony vide his order dated 11-04-'02 on the condition that the applicant will vacate the quarter as soon as it is required by the post Master, Imphal Head Office.

A copy of the said order is annexed herewith as ANNEXURE - A/4.

4. That, after the issuance of the said order dated 11-04-2002 (Annexure - A/4), allotting the applicant the by quarter Type - III, The applicant submitted a representation on 31-05-2002 to the Director Postal Services, Imphal, Manipur requesting for allotting a Type - II Quarter in the old post Office Colony behind H.P.O. in place of the said

- (3) -

Type- III quarter stating inter alia that the said allotment order is a temporary arrangement. She further requested to issue necessary orders allotting the said type - II quarter at an early date, which was lying vacant and no allotment order was issued to any one.

A copy of the said representation is
annexed herewith as ANNEXURE - A/5.

5. But surprising enough to mention that by keeping a type-II quarter vacant in old post office colony since, April '02 the Director, Postal Services, Imphal Manipur took contrary decision and issued an order on 9-10-2002 wherein the applicant was allotted a type - III Unit 6 first floor of the quarter at Place compound Imphal, which was not convenient to the applicant considering the compelling condition about her two small children.

A copy of the said order is annexed
herewith as ANNEXURE - A/6.

6. That, the applicant again submitted an application on 10-10-2002 to the Director Postal Services, Manipur requesting for allotting a quarter of Old Postal Colony in place of the Place Compound. In the said representation the applicant again reflected/highlighted all the facts and circumstances of her grievances by stating that she is living with 2 (two) small kids of three yrs. and one year respectively thereby she has to take care of the small kids all through the working hour. She further requested to allot the type - II Unit quarter in Old Postal Colony behind H.P.O. by issuing necessary order at an early date, which was still kept vacant.

A copy of the said order is annexed
herewith as ANNEXURE - A/7.

7. That, to the great shock and surprise to mention that without considering the request made by the applicant the Director Postal Services, Imphal, Manipur issued an order on 24-02-2003 in respect of the bye post quarter in Old Postal Colony which is under occupation of the applicant and was allotted to one Shri M.C.Das, Deputy Superintendant of Post Office

-:(4):-

Imphal with immediate effect. The said order further stated that the said incumbent shall occupy the quarter within seven days.

A copy of the said order is annexed herewith as ANNEXURE - A/8.

8. That, being aggrieved by the said order (Annexure-A/8) the applicant preferred an appeal before your honour on 26-2-03. The said appeal was preferred through proper channel. In the said appeal the applicant again highlighted all the facts and circumstances of the her grievances and also inhuman acts done by the concerned authorities i.e. the Directorate of Postal Services, Imphal, Manipur by allotting quarter at Place Compound and also allotting the quarter which is in occupation by her to other incumbents. The applicant further requested in the said appeal to direct the concerned authority to allot a type - II quarter which is still lying vacant since, the month of April' 2002, The said appeal is not yet disposed of till date.

A copy of the said appeal is annexed herewith as ANNEXURE- A/9.

9. That, the Director Postal Services, Imphal on receipt of appeal to be forwarded to the post Master General Shillong, Called the applicant in his chamber and warned personally to vacate the quarter immediately or to face dire consequence etc. Again immediately and simultaneously wrote a letter on 28-02-2003 to the applicant regarding the vacating of the said quarter which is in possession of the applicant by 1st March, 2003 positively, The said letter further directed/stated that if the applicant fails to vacate the said quarter within the stipulated period the Department will take the possession of the quarter on 01-03-2003 by removing all the articles belonging to her without further notice and the Department will not held responsible for the lost of said property.

A copy of the said letter is annexed herewith as ANNEXURE - A/10.

- : (5) :-

10. That, thereafter due to threat given by the Director Concerned the applicant with fearful mind has submitted reminders dated 12-03-'03 and 25-03-'03 to your honour to explore justice and to cause allotment of vacant quarter in old Post Office Colony in which she can see the welfare and safety of her 2 (two) small children of 3 (three) years and one yr. old who lives on breast sucking only. If her quarter is shifted from the Old Postal Colony to Palace Compound in view of the impugned orders (Annexure - A/6 & A/8) she will suffer from irriparable losses and injuries that cannot be compensated in other terms and the innocent children of the applicant will further be jeoparadised.

A Copy of the said reminder letters are annexed herewith as ANNEXURE - A/11 & A/12.

11. That, the applicant further begs to submit that besides the vacant quarter, vacated by Kh. Jiban Singh, two more quarters are engaged other wise and can be allotted to the applicant by making necessary arrangement in the Old Post Office Colony.

12. But, It is surprising and at the same time painful to mention that without any consideration and showing justification the Director of postal services, Imphal has issued a sudden arbitrary order of imposing penalty of penal recovery of rent at commercial rate and has fixed up. Rs. 6,355/- per month to be recovered from the pay of the applicant giving date of effect back dated i.e. 02-03-'03 without waiting for decision of appeal dated 26-02-'03 preferred by applicant to the Higher authority i.e. (to the P.M.G. S hillong).

A copy of the impunged order is enclosed marked "A/13".

Now, from the above, it may kindly be seen that the motive of the Director Postal Services, is cent per cent Biased, Prejudiced and malafid to cause precumuary circumstances not in the life of the applicant but also 2 (two) innocent small children aged 3 yrs and 1 year respectively.

It may kindly further be seen that non-allotting of vacant quarter without any valid reason since April '02 and keeping the quarter still vacant is well motivated to deny natural justice to the applicant.

- : (6) :-

It may kindly further be seen that issuing the order, imposing penalty of recovery at commercial rate assessed by him whimsically to the tune of Rs. 6,355/- without issuing any show-cause notice and providing any opportunity to furnish my say has seriously violated the law of natural justice, and law of land.

It may kindly also be seen that, when the appeal in the same matter is pending with higher authority like P.M.G. Shillong, the action of Director by passing the normal procedure and overlooking the existence of higher authorities is gross violation of the rules, and law of the land.

That sir, the applicant at present after all normal deduction draws Rs. 5,616.00 per month, but without any human consideration and justice, the D.P.S. Imphal has passed order of panel recovery of Rs. 6,355/- i.e. Rs. 739.00 in excess of the total emoluments drawn by the applicant.

That, sir by effecting such, irregular, unjustful and arbitrary order of recovery the D.P.S. has not only exposed his excessiviness, but has also caused great pecuniary Circumstances to the applicant and now due to non-getting of salary during the operation of such impugned order there is no alternative but to sterve with two innocent children and under such inhuman act and under such pecuniary and injustful condition the applicant make the following prayer to your honour to save the life to meet the end of justice.

(a) That, Your honour would be gracious enough to stop and stay the impugned and irregular order passed by D.P.S. Imphal for penal recovery of Rs. 6,355.00 per month i.e. more than Rs. 739.00 of the total emoluments drawn by the applicant.

-(7)-

(b) That, your honour would be further gracious enough to dispose of the appeal dated 26-02-03 sympathetically so that the vacant quarter in the old post office colony is allotted to the applicant to save the life of her minor children.

The applicant for this act of your kindness shall remain grateful to you.

Your's faithfully,

Dated/Imphal
the 28th March, '03.

Seal
(TH. MEENA DEVI)
P.A./S.B.C.O., Imphal. H.O.

Enclose: Annexure 1-13.

Adv. Copy to :-

1. The Chief P.M.G., N.E. Circle, Shillong for his kind information and immediate intervention to save the life of the applicant and her two small children.
2. Shri T.P. Selvam, P.M.G. Shillong for his kind information and similar action.

*to be
copy
J. Barah
Enclosed*

Th. Meena Devi,

(TH. MEENA DEVI)
P.A./S.B.C.O., Imphal. H.O.

Department of Post: India.
Office of the Director Postal Services: Manipur: Imphal:
795001.

No. D3-4/IP-QRT/Allot/Pt.III(A). Dated at Imphal, the 07.04.03

To

Smt. Th. Meena Devi,
P.A. (SBCO), Imphal.

Sub:- Vacation of By-post quarter
of Postmaster, Imphal H.O.

You have been allotted Type-III-6, postal colony,
palace compound vide this office letter No. D4/HAC/IP dtd.
09.10.02.

You are given time upto 30.04.2003 to vacate the
Postmaster's quarter on the personal appeal made by you to
the C.P.M.G., N.E. Circle. Damage rent upto 30.04.03 will not
be charged and is waived.

(R.K.B. SINGH)
Director Postal Services
Manipur, Imphal -795001.

Replied to be
Copy.
J. K. Singh
Advocate

To,

- 24 -

ANNEXURE

A/14

The Director of Postal Services,
Imphal, Manipur Division.

Sub :- Allotment of Departmental Quarter in
Old Post Office Colony and humble prayer
 for extending generous and humanitarian
 consideration in most pathetic, deplorable,
 and compelling circumstances.

Ref :- Your esteemed letter No. D3-4/IP-QRT/Allot/
 Pt.III(A), dated at Imphal, the 7-4-03.

Respected Sir,

Finding no alternative to solve the crisis prevailing
 about the welfare of my two small kids, I beg to issue this
 humble reminder to my appeal dated 28-03-03, Which is lying
 pending with circle office as well as to your good-self. In
 this connection once more I with heavy heart would like to
 mention that it would not at all be practicable to keep my
 two small kids at distance place during office hour.

Sir, such being the un-avoidable circumstances once
 again I am repeating the same problem of my 1 yr. son who
 lives on breast feeding only.

Hence at last finding no alternative ways and means,
 I again request your goodself to kindly extend your generous
 hand and allot either the vacant quarter or any other accom-
 modation which you consider proper in old post office colony
 to provide relief to my children who are only 3 years and
 1 year old respectively.

Dated : 21-04-03.

Yours faithfully,

sd/-

(Th. Meena Devi)
 PA/SBCO, Imphal H.O.

Copy to :-

✓ 1. The Post Master General, N.E. Circle,
 Shillong for his kind information. He is
 requested to kindly extend his kind personal
 intervention and help for causing allotment
 of quarter (Type-II) which is still lying
 vacant since April, 2002. Another adjacent
 Quarter which is occupied as store room of Head
 Office can also be allotted by making alternative
 arrangement to solve my problem.

Certified to be
 a Copy.
 J. Meena Devi
 Advocate

Th. Meena Devi.

(Th. Meena Devi)
 PA/SBCO, Imphal H.O.

(SEE RULE -4)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI

ORDER SHEET

Original Application No : Q5/2003

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicant(s) Smt. Ph. Meena Devi

Respondent(s) Union of India & Sons -Vs-

Advocate for the Applicant(s) No. B.P. No. BK Talukdar

Advocate for the Respondent(s) No. D. Borah CGSC

Notes of the Registry

Date

Order of the Tribunal

8.5.2003

Present :

The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.

The Hon'ble Mr. S. Biswas, Administrative Member.

This is an application under section 19 of the Administrative Tribunals Act, 1985 assailing the action of the respondents in the matter of allotment of quarter.

Mr. B.P. Borah, learned Sr. counsel appearing on behalf of the applicant stated and contended that in allotment of quarter the employer is to act justly, fairly and lawfully. The learned counsel also submitted that by order dated 11.4.2002 the competent authority allotted the

Contd/-

Certified to be
true Copy.
D. Borah
Advocate

8.5.2003 official quarter which the applicant is presently occupying. We have perused the order dated 11.4.2002 by which she was allotted the quarter on condition that she would vacate the quarter as and when it would be required by the Post-master, Imphal, H.O. or, for any purpose by the office. The order also indicated that the applicant was to occupy the quarter within time specified and take steps for paying bill regularly. She was also directed to submit the occupation report to the authority concerned. Subsequently, by order dated 9.10.2002 the applicant was allotted the Type III, Unit-6 1st Floor quarter. The applicant submitted representation before the authority praying for modification of the order and requested for allotting a quarter at Old Post Colony in place of the Palace Compound to avoid hardship of her and her two young children. The applicant thus prayed for modification of the order whereby she was allotted in the Palace Compound. The applicant, thereafter, also pursued the matter and submitted another representation. Instead of passing any order the impugned order dated 25.3.2003 was passed imposing panel rent. The applicant assailed the action of the respondents as arbitrary and discriminatory.

We have heard Mr. B.C.Pathak, learned Addl. C.G.S.C. for the respondents. Admittedly, the discretion is vested on the authority to allot or re-allot quarters. The applicant since made representation before the authority the same can be taken care of by the authority.

8.5.2003 On consideration of all the aspects of the matter, we are of view that ends of justice will be made if a direction is issued to the applicant to submit a fresh representation narrating her grievances before the Director of Postal Services within two weeks from the date of receipt of the order. If such representation is made by the applicant the authority concerned shall consider the same justly, fairly and reasonably.

Mr. B.P. Borah, learned Sr. counsel submitted that the impugned order imposing panel rent vide order dated 25.3.2003 is arbitrary and discriminatory so much so that the applicant is occupying the quarter with the approval of the competent authority. The learned Sr. counsel further assailed the same as unjust and unfair and therefore violative of Article 14 of the Constitution. We are not inclined to pass any order at this stage on the contentions of Mr. Borah. Since we have directed the applicant to submit representation before the authority. It is expected that the authority shall consider the same with empathy and with commiseration and pass an appropriate order with utmost dispatch. Till the completion of the aforesaid exercise the impugned order dated 25.3.2003 shall remain inoperative. The respondents are further directed to allow the applicant to continue in the present quarter which she is occupying during the interregnum.

The application is thus disposed of leaving it open to the applicant to move the Tribunal if such occasion arises. No order as to costs.

Sd/ VICE-CHAIRMAN

Sd/ MEMBER (A)

ANNEXURE:- A/16/16

Department of Post: India.
Office of the Director Postal Services: Manipur: Imphal:
795001.

No. D-4-2/Divl. office/Pt. III/IP. Dated at Imphal, the 27.05.03

To

Sri Thualzachin Paite,
Night Guard,
O/o the Director Postal Services,
Manipur, Imphal-795001.

You may stay in the vacant room of quarter No.
Type-II-2, Old Postal Colony behind Imphal H.O. temporarily
on the condition that you have to vacate the quarter
immediately as and when required by this office.

The illegal construction within the campus should be
removed within stipulated period.

(R.K.B. SINGH)
Director Postal Services
Manipur, Imphal-795001.

Certified to be
true Copy.

Abrah
Admited

DEPARTMENT OF POSTS
O/o THE DIRECTOR POSTAL SERVICES, MANIPUR
IMPHAL.

No.D3-4/IP-QRT/Allot/Pt III (A)

dated 30-5-03

Off To

Smt. Th Meena Devi, PA SBCO
Imphal HO

With reference to your representation no. 11 dated 20-5-03 which was received at this office on 26-5-03, you are informed that:

1. No vacant quarter is available in the old postet colony for allotment to you.
2. You have been allotted a vacant Quarter No. Type III Unit 6, Postal Colony, Imphal vide this office memo of even no. dated 9-10-02 which you have not occupied till date, even after a lapse of more than 7 months.
3. The then DPS had permitted you to stay in the Postmaster's quarter on the condition that you will vacate the quarter as soon as it is required by the Postmaster, Imphal HO or for any purpose by this office. The Postmaster's quarter, which is of Type-IV area has been allotted to Shri MC Das Dy.SP of this office vide this office memo of even no dated 24-2-03. You have not vacated the Postmaster's quarter till date even though the same has been allotted to Shri MC Das, Dy SP, denying him the use of the quarter.
4. Penal rent @ Rs. 5/- per square feet amounting to Rs. 6355/- p.m. was charged vide this office memo of even no dated 25-3-03 for your unauthorized occupation of the quarter, denying the use of the same to Shri MC Das, DySP. However, during the visit of Shri PK Chatterjee, CPMG NE Circle to Imphal on 7-8 April 2003, you had requested the CPMG for time up to 15-4-03 verbally to vacate the quarter. The CPMG was kind enough to consider it and informed you that you may continue till 30-4-03 and vacate the quarter after that. Accordingly, you were informed vide this office letter of even no. dated 7-4-03 that you have been given time upto 30-4-03 to vacate the Postmaster's quarter on your personal appeal made to CPMG. You were also informed that damage rent up to 30-4-03 is waived. However, till date you have not vacated the Postmaster's quarter despite the assurances given to CPMG.
5. You have been allotted the vacant quarter Type III Unit 6 Postal Colony since 9-10-02, which you have still not occupied. You have also still not vacated the Postmaster's Quarter despite assurances to CPMG, on the

*Certified to be
true copy.
Smt. Meena Devi
PA SBCO*

grounds that you have to look after small children. This is absurd, as many of our staff has small children and many, including lady staff, stay in the postal colony where you have also been allotted accommodation.

Your representation to the PMG NE Circle has been disposed off vide CO DO No. VIG-1/3/03 dated 22-5-03, with the following direction:

1. You are instructed to vacate the quarter by 31-5-03 failing which action for eviction may be taken.
2. Penal rent shall be recovered for the month of May 2003.

(R K B Singh)

DPS Manipur

5/5/03
R K B Singh
DPS Manipur

File No. 29/10/03
A. DEB ROY
S. C. S. C.
A. T. C. 69
©

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: GUWAHATI.

O.A. NO. 142 OF 2003

Smt. Th. Meena Devi.

..... Applicant.
- Vs -

Union of India & Ors.

..... Respondents.

- And -

In the matter of :

Written statement submitted by
the respondents.

The respondents beg to ~~not~~ submit
brief history of the case, before
submitting para-wise written
statements, which may be treated
as part of the written statement.

(BRIEF HISTORY OF THE CASE)

Smt. Th. Meena Devi, P.A. SBCO Imphal H.O. was allotted
Type-IV by post quarter of the Postmaster, Imphal H.O. by Shri
George Ninan, the then IPS, Imphal vide this office memo No.
D4/HAC/IP dated 11.04.02. The allotment has been made on the
clear understanding that Smt. Meena Devi would vacate the quarter
as and when required by the department or when occupied by the
Postmaster, Imphal H.O., as she was not entitled to it. She
occupied the by post quarter on 12.04.2002.

Smt. Meena Devi was allotted the newly constructed quarter Unit 6 Type III at palace compound, Imphal considering her eligibility vide this office memo of even no dated 07.10.02. But she refused to occupy it on the ground of looking after of two small children. The by post quarter of Postmaster, Imphal has been allotted to Sri M.C. Das, Dy. SPOs, Imphal (copy enclosed herewith) who is in PSS Group B and is entitled to a Type IV quarter. Smt. Th. Meena Devi has not vacated the postmaster's quarter till date even though she is not entitled to the same, and has been allotted to Sri M.C. Das, Dy. SP denying him the use of the quarter. She is demanding for the allotment of a quarter at the old postal colony behind the Imphal H.O. Complex to look after her two small children. Her requests cannot be considered, as there is no vacant quarter on the ground of looking after two small children is also not reasonable, as all our staff including lady staff with small children are staying in the quarter at Palace compound, which is just one Km. from her duty point.

Smt. Th. Meena Devi can only be allotted a quarter at Old Post Office colony as and when the quarters become available for allotment, which is not presently available. She should not have any grievance as she has already been allotted a vacant quarter at Palace compound which is just one Kilometer away. It may also be mentioned that penal rent has not been charged from Smt. Th. Meena Devi till date in obedience to the direction of Hon'ble CAT.

Para-wise comments:

1. That with regard to paras 1 to 4 and 4.i, 4.ii of the application the respondents beg to offer no comments.
2. That with regard to the statement made in para 4.iii, of the application the respondents beg to state that the applicant for allotment of Postmaster's quarter with an undertaking to vacate the same immediately as soon as it will be required by the postmaster or for any purpose. This para is misleading and is contradictory to what is written in Annexure -3.
A copy of the letter is annexed herewith and marked as Annexure - 3.
3. That with regard to the statement made in para 4.iv, of the application the respondents beg to state that the arrangement was made as no vacant type-II quarter was available at that time for allotment on a clear undertaking by the applicant to vacate the quarter as and when required by the department even though she was not entitled to it, to which she has failed to comply.
4. That with regard to the statement made in para 4.v, of the application the respondents beg to state that allotment of the quarter then being occupied by the Night Guard of Divisional office.
A copy of the letter is annexed herewith and marked as Annexure - 5.

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5. That with regard to the statement made in para 4.vi, of the application the respondents beg to state that the applicant was allotted the newly constructed vacant quarter Unit 6 Type III at palace compound, Imphal considering her eligibility vide this office memo of even no. dated 07.10.02.

6. That with regard to the statement made in para 4.vii, of the application the respondents beg to state that her requests could not be considered as there is no vacant quarter due to administrative reasons. The reasons adduced for not occupying the allotted quarter on the ground of looking after two small children is also not reasonable, as all our staff including lady staff with small children are staying in the quarters at Palace ~~near~~ compound, which is just one Km. from her duty point.

7. That with regard to the statement made in para 4.viii, of the application the respondents beg to state that the by post quarter of Postmaster, Imphal has been allotted to Sri M.C. Das, Dy. SP0s, Imphal who is in PSS Group B and is entitled to a Type-IV quarter. Smt. Th. Meena Devi has not vacated the Postmaster's quarter till date even though she is not entitled to the same, and has been allotted to Sri M.C. Das, Dy. SP0s, denying him the use of the quarter.

8. That with regard to the statement made in para 4.ix, of the application the respondents beg to state that the representation submitted by the applicant to P.M.G. Shillong has been disposed off vide C.O. D.O. No. Vig-1/3/03 dated 22.05.03 with the following direction.

1. She is instructed to vacate the quarter by 31.05.03 failing which action for eviction may be taken up.

2. Penal rent shall be recovered for the month of May, 2003.

However, eviction and recovery of penal rent has not been taken up till now in obedience to the direction of Hon'ble CAT.

9. That with regard to the statement made in para 4.x, of the application the respondents beg to state that the applicant has already been allotted Unit 6 Type III quarter at Palace Compound, Imphal considering her eligibility vide this office memo of even no. dated 07.10.02. The by post quarter of Postmaster, Imphal has been allotted to Sri M.C. Das, Dy. SP0s, Imphal who is in PSS Group B and is entitled to a Type IV quarter. The applicant had not vacated the postmaster's quarter even though she is not entitled to the same. The applicant was served with a notice to vacate the quarter allotted to Sri M.C. Das, Dy. SP.

10. That with regard to the statement made in para 4.xi, of the application the respondents beg to state that same as para 4.ix above.

11. That with regard to the statement made in para 4.xii, of the application the respondents beg to state that there is no vacant quarter for allotment at old postal colony.

12. That with regard to the statement made in para 4.xiii, of the application the respondents beg to state that the by post

quarter of postmaster, Imphal has been allotted to Sri M.C. Das, Dy. SP0s, Imphal. The applicant has not vacated the postmaster's quarter till date even though the same has been allotted to Shri M.C. Das, Dy. SP denying him the use of the quarter. Penal rent @ Rs. 5/- Sq. ft. was charged for her un-authorised occupation and denying the use of the same to Sri M.C. Das, During the visit of Sri P.K. Chatterjee, CPMG, N.E. Circle to Imphal on 7/8th April, 2003, the applicant had requested the CPMG for time upto 15.4.03 verbally to vacate the quarter. The CPMG was kind enough to consider it and informed her that she may informed that she has been given time upto 30.04.03 to vacate the Postmaster's quarter. On her personal appeal to CPMG. She was also informed that damage rent upto 30.04.2003 was waived . However, till date she has not vacated the Postmaster's quarter despite the assurances given and the previous written undertakings.

13. That with regard to the statement made in para 4.xiv, of the application the respondents beg to state that the representation submitted by the applicant to P.M.G. Shillong has been disposed off vide C.O. D.O. No. Vig-1/3/03 dated 22.05.03.

14. That with regard to para 4.xv, of the application the respondents beg to offer no comments.

15. That with regard to the statement made in paras 4.xvi & 4.xvii, of the application the respondents beg to state that the reasons adduced for not occupying the allotted vacant quarter on the ground of looking after two small children is not reasonable, as all our staff including lady staff with small children are stayin in the Quarter at Palace compound, which is just one Km. from her

from her duty point.

16. That with regard to the statement made in paras 4.xviii & 4xix, of the application the respondents beg to state that the by post quarter of postmaster, Imphal has been allotted to Shri M.C. Das, Dy. SP0s, Imphal. The applicant has not vacated the postmaster's quarter till date even though the same has been allotted to Sri M.C. Das, Dy. SP denying him the use of the quarter. Penal rent @ Rs.5/- per S. ft. was charged for her un-authorised occupation and debying the use of the same to Sri M.C. Das. The applicant is not entitled to retain the Postmaster's quarter. Her plea of not staying at Postal colony at Palace compound for having small children is absurd as many of staffs having small children and other family members are staying in the Postal colony where she has also been allotted accommodation. She is not entitled to retain the Postmaster's quarter.

17. That with regard to para 4.xx, of the application the respondents beg to offer no comments.

18. That with regard to the statement made in para 4.xxi, of the application the respondents beg to state that Sri T. Thual-zachin Paite, night guard of Divisional Office, Imphal is allowed to stay in one small room which is lying vacant in Type-II quarter No.2 temporarily on the condition that the quarter will be vacated as and when required by this office. The quarter was not vacant and is being used for post office purposes. The quarter has not been allotted to him. Shri T.T. Paite was staying in an illegally constructed shed within post office campus, which has since been demolished. He has been allowed to stay in one vacant f room

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of quarter no.2 due to administrative exigencies as his presence within the post office campus is necessary at odd hours and is a part of his service condition.

19. That with regard to para 4.xxii, of the application the respondents beg to state that a speaking order was issued on the representation of applicant as per the direction of Hon'ble CAT. She was informed that no vacant quarter was available for allotment at old postal colony. The decision of this office and the decision of Circle Office, Shillong was communicated to applicant asking her to vacate the Postmaster's quarter to which she was not entitled.

20. That with regard to the statement made in para 4.xxiii of the application the respondents beg to state that the by post quarter of postmaster, Imphal has been allotted to Sri M.C. Das, Dy. SP0s, Imphal. The applicant has not vacated the Postmaster's Quarter till date even though the same has been allotted to Shri M.C. Das, Dy. SP denying him the use of the quarter. Panel rent @ Rs.5/- per sq. ft. was charged for her un-authorised occupation and debying the use of the same to Sri M.C. Das, The applicant has also been intimated of the decision of Circle Office, Shillong of the following -

1. She is instructed to vacate the quarter by 31.05.03 failing which action for eviction may be taken up.
2. Penal rent shall be recovered for the month of May, 2003.

However, eviction and recovery of penal rent has not been taken p up till now in obedience to the direction of Hon'ble CAT. The applicant is not entitled to retain the Post-

postmaster's quarter. Her plea of not staying at Postal colony at Palace compound for having small children is absurd as many of staffs having small children and other family members are staying in the Postal colony where she has also been allotted accommodation.

21. That with regard to the statement made in para 5, of the application the respondents beg to state that the applicant was allotted a newly constructed quarter Unit 6 Type III at Palace compound, Imphal considering her eligibility vide this office memo of even no. dated 07.10.02. But she refused to occupy it on the ground of looking after of two small children. The by post quarter of Postmaster, Imphal has been allotted to Sri M.C. Das, Dy. SP0s, Imphal who is in PSS Group B and is entitled to a Type IV quarter. The applicant has not vacated the postmaster's quarter till date even though she is not entitled to it and the same has been allotted to Sri M.C. Das, Dy. SP, denying him the use of the quarter. She is demanding the allotment of a quarter at the old postal colony to look after her two small children. Her requests cannot be considered, as there is no vacant quarter due to administrative reasons. The reasons adduced for not occupying the allotted quarter at palace compound on the ground of looking after two small children is also not reasonable, as all our staff including lady staff with small children are staying in the quarter at Palace compound, which is just one km. from her duty point.

There are 4(four) type-II quarters at old postal colony, Imphal. One is allotted to the applicant, SPM/Imphal Bazar S.O. Another one is allotted to Manipur Rifles

The two other quarters are utilized for post office work due to administrative reasons. One is full of valuable materials/ important office records in which one small room is vacant where the night guard of Divisional Office, Imphal is allowed to stay temporarily. The quarter is not vacant and has not been allotted to him. Shri T.T. Paite was staying in an illegally constructed shed within post office campus, which has since been demolished. He has been allowed to stay in one vacant room of quarter no 2 due to administrative exigencies as his presence within the post office campus is necessary at odd hours and is a part of his service condition. These two quarters will only become available for allotment only after renovation and shifting of the different branches of Imphal Head Post Office records.

The applicant can only be allotted a quarter at Old Post Office colony as and when the quarters become available for allotment. She should not have any grievance as she has already been allotted a vacant quarter at Palace compound, which is just one kilometer away, and all our staff including lady staff with small children are staying.

It may also be mentioned that penal rent has not been charged from the applicant till date in obedience to the direction of Hon'ble CAT .

22. That with regard to para 6, of the application the respondents beg to offer no comments.

23. That with regard to para 7 & 8, of the application the respondents beg to offer no comments.

24. That with regard to the statement made in para 9, of the application the respondents beg to state that the applicant instead of occupying the quarter allotted to her as per her entitlement and on the merit of her own application dated 29.4.02 and 31.05.2002 has failed to vacate the Postmaster's quarter for which she is neither entitled nor the departmental has ever allotted the quarter on merit of the entitlement of such quarter. The official was repeatedly advised to vacate the Postmaster's quarter and to occupy the quarter as allotted to her. The applicant was required to act under the provisions of departmental rules and procedures. But in the instant case the applicant not only disobeyed the orders issued from this office but failed to comply with her assurances which she endorsed in writing before allowing her to stay temporarily in the Postmaster's quarter. Thus, the applicant acted in a manner unbecoming a Govt. servant. It may be mention worthy that this office never assured her for allotment of Quarter in Postmaster's quarter which will be vacated by her again as and when the use of a quarter is required by the department. But when she has been asked to vacate the quarter by providing alternative accommodation in the postal colony, palace compound, Imphal, she has refused to do so.

25. That with regard to para 10 to 11, the respondents beg to offer no comments.

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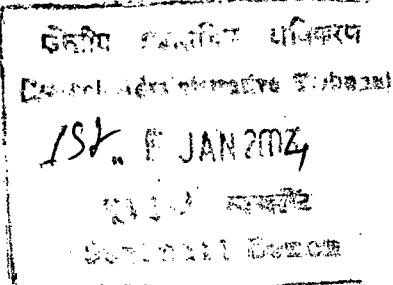
V E R I F I C A T I O N

I, Sri Mathab ed das, presently working as Dy. Supdt of Post office, Imphal, being duly authorised and competent to sign this verification, do hereby solemnly affirm and state that the statements made in paragraphs are true to my knowledge and belief and those made in paragraphs being matter of records, are true to my information derived therefrom and the rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material fact.

And I sign this verification on this th day of Sept' 2003.

Mathab ed das

Deputy Supdt. of Post Offices
Manipur Division, Imphal- 795001
Deponent.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:

GUWAHATI BENCHAT GUWAHATI

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Filed by the petitioner
through
Dilipjoti Meah, Advocate
1.1.2004

ORIGINAL APPLICATION NO. 142/2003

IN THE MATTER OF:

Smti Th. Meena Devi...Applicant

Versus

Union of India & ors...Respondents

AND

IN THE MATTER OF:

A rejoinder on behalf of the applicant to
the written statement filed by the
respondent in the aforesaid application

No. O.A. 142/2003

(A REJOINDER ON BEHALF OF THE APPLICANT)

MOST RESPECTFULLY SHEWETH:

1. That the abovenamed applicant has been served with a copy of the written statement submitted by the respondents before this Hon'ble Tribunal and the applicant, having understood the contents thereof, filed this rejoinder herein below:

2. That with regard to the Brief History of the case, the applicant states that the intentional non-allotment of available quarters in the Old Post office colony behind Head post office, Imphal to the applicant compelled her to file the aforesaid Original Application before this Hon'ble Tribunal. The said action of the respondents is extremely unreasonable and arbitrary which caused great hardships and injustice to the applicant. In this connection, it may be stated that, from the relevant papers and documents available, as stated in the Original Application, the quarter which was occupied by the applicant for the last 13 months, suddenly was allowed to occupy by the night guard of the office of the Director only on 27.5.2003 after filing of the Original Application No. 95/2003 and order dated 8.5.2003 passed on the said application, a copy of which was served on the Director, Postal Services, Manipur, Imphal on 23.5.2003, and, to frustrate the cause of the applicant, the respondent No. 5 has intentionally, without any formal allotment order, allowed the night guard to occupy the quarter from 27.5.2003. The said order issued by the respondent No. 5 is itself irregular in view of the fact that the night guard neither submitted any application for allotment of quarter nor his name was there in the penal of desiring employees or officials for quarters. Therefore, the applicant humbly submits that the Hon'ble Tribunal may be pleased to call for the relevant records like the application for allotment of quarter and time to time orders passed by the authorities for allotment of quarters which will be relevant for the purpose of deciding the case and will unfold the tricks and

pleas taken by the respondent No. 5 to deprive the applicant from getting a quarter in the Old post office colony as desired by her in view of her personal difficulties. In this connection, the applicant further states that the Director, respondent No. 5, intentionally, to avoid the allotment to the applicant allotted the quarter to the night guard and, as such, his plea justifying allotment of quarter to the applicant will not stand on the way of reasonableness in the matter of allotting a quarter to a humble lady employee like the applicant.

3. That with regard to the other allegations regarding non-occupation of the newly constructed quarter in U-VI type III at Palace compound, Imphal, the applicant states that though the said quarter was allotted to her, in view of certain unavoidable personal difficulties due to having two small daughters, she wants to reside nearby her office in the quarter at Old post office colony behind Head post office wherein she has been allowed to stay by the authority in the quarter of Post Master, Imphal considering her difficulties in residing in other quarter at Palace compound and accordingly she has been occupying the Post Master's quarter which she was to be vacated and against which the instant Original application as well as earlier application (O.A. No. 95/2003) was filed and the Hon'ble Tribunal was pleased to take up for consideration on 8.5.2003 and was also pleased to pass an interim order, although the said application was disposed of by the Hon'ble Tribunal on that very day i.e. 8.5.2003. It may be stated that considering the discriminatory nature of the powers exercised by the

respondents, which was unjust, unfair and violative of Articles 14 of the Constitution of India, the Hon'ble Tribunal was pleased to direct the applicant to submit fresh representation before the authority concerned with a further observation that the authority shall consider the same with empathy and commiseration and pass appropriate order with utmost dispatch. However, the Hon'ble Tribunal was pleased to pass an interim direction to the effect that: "Till the completion of the aforesaid exercise the impugned order dated 25.3.2003 shall remain inoperative. The respondents are further directed to allow the applicant to continue in the present quarter which she is occupying during the Interregnum." Though the application was disposed of, the Hon'ble Tribunal was kind enough to grant liberty to the applicant to move the Tribunal if such occasion arises and accordingly, as the authority passed the order which was not at all sympathetic to the applicant, the applicant was compel to move this Hon'ble Tribunal by filing the instant application in O.A. No. 142/2003 wherein also the Hon'ble Tribunal was pleased to direct the authority to maintain status-quo as on that date i.e. 25.6.2003 as regards the occupation of the quarter type-II at Old post office colony behind Imphal Head Quarter by the applicant. Under such circumstances and background of the case, it is not understood as to how the respondents can repeatedly take the stand~~s~~ that the applicant is not vacating the quarter which has been allotted to her and not entitled to Type-IV quarter in view of the fact that the applicant is occupying the quarter at present on the strength of the order passed by the Hon'ble Tribunal. Further, it is also not understood as to why the

request of the applicant for allotting a vacant quarter in Old post office colony could not be considered on the plea that there is no vacant quarter in as much as, as stated hereinabove, there are two vacant quarters in Old post office colony available out of which one has been blocked by the authority intentionally by using that as office record room where old records are dumped to avoid allotment to the applicant and the other one has been allotted to a security personnel (night guard) only on 27.5.2003 after passing of the order of stay dated 8.5.2003 by the Hon'ble Tribunal, as stated herein above.

That further the applicant states that the repeated stand of the respondents, that the applicant was allotted quarters at Old post office colony as well at Palace compound, which is not presently available, is not tenable in view of the fact that the authority intentionally allotted the quarter to the night guard to deprive the applicant from her legitimate claim, though no formal application was filed by the night guard for allotment of quarter. Furthermore, the respondents' claim that the applicant should not have any grievance as she has been allotted quarter at Palace compound, which is also not tenable, in view of the fact that the entire question of dispute in the application filed by the applicant is regarding allotment of quarter at Old post office colony to the applicant instead of Palace compound wherein she finds it difficult to occupy and stay there and accordingly requested the authority to allow her to stay nearby the Head post office at Old post office colony which requested was kindly considered by the authority and as such, when there are

available quarters in the Old post office colony why her claim could not be considered by the respondents, if her case is considered reasonably and without any biasness and arbitrariness against the applicant. So far the question of charging penal rent is concerned, the applicant states that she was originally allotted quarter in the Old post office colony by the competent authority and thereafter she has been occupying the quarter on the strength of the order passed by the Hon'ble Tribunal and therefore, the question of charging penal rent does not arise.

4. That with regard to the parawise reply given by the respondents, the applicant humbly states as follows:

(I) That with regard to the statement made in paragraph 2 of the written statement, the applicant states that in paragraph 4(iii) of the application filed by the applicant, she stated about filing of representation dated 8.4.2002 before the Director of Postal Services, Manipur, Imphal requesting him for allotting a type-II quarter in Old post office colony which was vacated by one Shri Jiban Singh, copy of which is annexed as Annexure-3 to the applicant in O.A. No. 142/2003. In the said application, the applicant has clearly mentioned that the quarter meant for Post Master is lying vacant for a long time and it is learnt that the Post Master is not in need of occupying the said quarter immediately and accordingly she requested the authority to consider her case on payment of admissible rent and also on condition that she shall vacate the same immediately as soon as

required by the Post Master or for any purpose. Therefore, the said statement of the applicant in the representation itself has clearly indicated that the Post Master is not inclined to stay in the said quarter in the Old post office colony and accordingly she prayed for allotting the same to her and in case it is required by the Post Master or for any purpose, she will vacate the same. She also prayed that she may be allowed to occupy any other quarter in Old Post office colony and when such vacant quarter was available she ought to have been allowed such quarter in the Old post office colony instead of allotting the same to the night guard to frustrate the claim of the ~~applicant~~ ^{applicant}. Therefore, the applicant does not admit that the statement made in paragraph 4(iii) as contradictory and misleading as alleged in this paragraph of written statement by the respondents.

(ii) That with regard to the statement made in paragraph 3 of the written statement, the applicant reiterates and reaffirms her earlier statement made in paragraph 4(iv) of the Original application and further states that considering her difficulties, the Director of Postal Services, Manipur, Imphal was pleased vide order dated 11.4.2002 to allow the applicant to stay in the quarter at the Old post office colony and still occupying the same on the strength of the order passed by the Hon'ble Tribunal.

(iii) That with regard to the statement made in paragraph 4 of the written statement, the applicant while reiterating her statement made in paragraph 4(v) of the Original application,

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further states that the plea of the respondents that the quarter is being occupied by the night guard of Divisional office is not at all tenable in view of the fact that when the representation was filed for allotment of quarter by the applicant on 31.5.2002, the quarter at present occupied by the night guard, was vacant and the same was allotted to the night guard only on 27.5.2003 after the order granting stay to the applicant to continue occupation in her Old post office colony's quarter was passed by the Hon'ble Tribunal and a copy whereof was served on the respondent No. 5 on 23.5.2003 and accordingly the plea taken by the respondent that there is no vacant quarter in the Old post office colony is only afterthoughts and the said statement has been made only for the purpose of the case.

(iv) That with regard to the statement made in paragraph 5 of the written statement, the applicant reiterates and reaffirms her earlier statement made in paragraph 4(vi) of the Original application and further states that the controversy in the case being allotment of quarter in the Old post office colony to the applicant, therefore, the allotment of newly constructed quarter of Unit-6 type-III at the Palace compound, Imphal has to be decided by the Hon'ble Tribunal and as such, the applicant has no comments to offer with regard to the said statement at this stage except stating that considering her difficulties in staying at the Palace compound the authority was pleased to allow her to stay in the Old post office colony's quarter to which she is not entitled and accordingly considering this aspect of the matter, the Hon'ble Tribunal would be gracious enough to consider the

case of the applicant for allotting quarter in the Old post office colony, as prayed for by the applicant.

(v) That with regard to the statement made in paragraph 6 of the written statement, the applicant states that the plea of the respondents that the request of the applicant could not be considered as there is no vacant quarter due to administrative reasons is not at all correct and tenable in view of the fact that, as stated hereinabove, to frustrate the cause of the applicant, the quarter has been allotted to the night guard only on 27.5.2003 immediately after receipt of the order of the Hon'ble Tribunal dated 23.5.2003 allowing the applicant to continue her present occupation in the Old post office colony. Further, the applicant states that the quarter in question as by-post the applicant is in its occupation and the same is not required to be allotted to other occupant like Shri M. C. Das, Deputy Superintendent of post offices, the same being not appropriate quarter for person like the Deputy Superintendent of Post offices to stay and the said plea has been taken by the respondent No. 5 only to deprive the applicant from her present occupied quarter. In this connection, the applicant further states that such injustice is not only met out against the applicant but also against her family members who are working in the ~~office~~ office since 1996. Such harassment was also caused to the elder sister of the applicant which compelled her elder sister to move the Hon'ble Tribunal by filing an application way back in 1996 wherein the Hon'ble Tribunal vide order dated 31.10.96 was pleased to keep in abeyance the illegal transfer order passed

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against her elder sister by the said respondent to vindicate and ^{arange} punish her to fulfill his grudge.

(vi) That with regard to the statement made in paragraph 7 of the written statement, the applicant states that, as stated hereinabove, the respondent No. 3 tried to mislead the Hon'ble Tribunal by stating that the bye-post type-IV quarter of the Post Master is type IV and thus it was allotted to Shri MC Das, Deputy Supdt. Of post offices. However, as stated above, it is reiterated that the quarter in question is type II and to substantiate the statement of the respondent No. 3, the Hon'ble Tribunal may kindly be pleased to call for the relevant records like site plan, sketch map, cost of building and year of construction, type of quarters etc. In order to arrive at a decision as to whether the said quarter in question can be allotted to the Deputy Supdt. of post offices, as claimed by the respondents. It is further stated that the applicant is occupying the quarter on the strength of the order passed by the Hon'ble Tribunal and as such, it is not correct to say that applicant has denied the Deputy Supdt. of post office from using the quarter, as stated in this paragraph.

(vii) That with regard to the statement made in paragraph 8 of the written statement, the applicant has no comments to offer. However, it is fact that the process of eviction and recovery of penal rent has been stayed by the Hon'ble Tribunal while disposing of the earlier application filed by the applicant as well as while admitting the instant application which is pending before this Hon'ble Tribunal.

(viii) That with regard to the statement made in paragraph 9 of the written statement, the applicant reiterates and reaffirms her earlier statements made in paragraph 4(iii) of the original application and further states that the Post master's quarter which is occupying at present by the applicant was allotted to her by the competent authority considering her difficulties along with her small children in attending office and subsequently on the strength of the order passed by the Hon'ble Tribunal and as such, the question of entitlement of the same by the applicant is not at all relevant at this stage. It is further stated that the said quarter is not a suitable quarter for use by the Deputy Supdt. of post offices. In any case, it is stated that the respondents have not furnished any relevant documents to substantiate their claim that the quarter in question is a suitable one to be allotted to Shri MC Das, Deputy Supdt. of post offices, as claimed by them in this paragraphs.

(ix) That with regard to the statement made in paragraph 10 of the written statement, the applicant has no comments to offer.

(x) That the statement made in paragraph 11 of the written statement are not at all correct and accordingly the same are denied by the applicant. In this connection, it may be stated that, as stated hereinabove, the allotment of the quarter has only been made after passing of the order by the Hon'ble Tribunal on 8.5.2003 which was furnished to the respondent No. 5 on 23.5.2003 and on 27.5.2003 the same has been allotted to

the night guard who has not submitted any application for allotment of the said quarter. In this connection, it may further be stated that there is available quarter for accommodation of the night guard along with office building. Secondly, in another vacant quarter, the authorities are dumping old records in spite of the fact that there are sufficient rooms for keeping the official records including the old records and therefore, only to deprive the applicant, the respondent No. 5 has allowed to allot one quarter to the night guard and the other in dumping old office records. Further, it is also not understood as to how a quarter has been allowed to the security personnel (night guard) inside the family quarters which are meant for the officials which is most irregular when sufficient accommodation are available nearby the Old post office colony where security personnel are residing for a long time. Therefore, the said fact has clearly substantiated the claim of the applicant that the respondents have intentionally, to avoid allotment of quarter to the applicant in the Old post office colony, adopted the said tricks by allotting one of the vacant quarters to the night guard and the other by keeping records and also to deprive the applicant and to show that there is no vacant quarters available for allotting to the applicant.

(xi) That with regard to the statement made in paragraph 12 of the written statement, the applicant, while reiterating and reaffirming her earlier statements made in paragraph 4(xiii), states that, as stated above, the quarter in which she is residing is a bye-post quarter having accommodation of type-II and the

allotment of the same to Shri MC Das, Deputy Supdt. of post office itself is highly irregular and accordingly the proposal of the respondent No. 3 for imposing penal rent recovery, eviction etc. are nothing but misuse of official powers with a motive to penalize the applicant. In this connection, the applicant further stated that earlier she has never made any commitment either to the Chief Post Master General or to any other official regarding the vacation of the bye-post quarter unless an alternative accommodation is provided to her in the Old post office colony itself. In this connection, the question of evicting from the said quarter by the applicant does not arise at all at this stage as the same was allotted to her by the competent authority and considering her difficulties, the Hon'ble Tribunal has been pleased to allow the applicant to continue in the said quarter till disposal of the application or until further orders of the Hon'ble Tribunal.

(xii) That with regard to the statements made in paragraphs 13, 14 and 15 of the written statement, the applicant has not comments to offer. However, the applicant reiterates and reaffirms that it is not reasonable to say that the applicant is occupying the quarter on the ground of looking after her minor children which is not to be a relevant ground for staying within the vacant quarter at present occupied by her and allotted to her by the competent authority as well as by the Hon'ble Tribunal while passing the interim order. Further, in this connection, the applicant denies that no lonely lady staff was staying in the said quarters at Palace compound as the said quarters were allotted

to only male officials and not to lady staff and the said place being a isolated one, it is difficult for the applicant to keep her small children in the said quarter during office hours as there is no other male members in her family to look after the said children. It is also denied by the applicant that it is just one KM from her duty point to the allotted quarter at Palace compound, as claimed by the respondents.

(xiii) That with regard to the statement made in paragraph 16 of the written statement, the applicant states that the same are being repetition of the statement made in paragraph 12 of the written statement and also in other paragraphs which have been adequately dealt with the applicant in the foregoing paragraphs and, therefore, the applicant reiterates and reaffirms her earlier statements made in paragraphs 4(xiv) and 4(xix) of the applicant and also other relevant statements made herein above.

(xiv) That with regard to the statement made in paragraph 17 of the written statement, the applicant has no comments to offer.

(xv) That the statement made in paragraph 18 of the written statement are not at all correct and tenable in view of the fact that the statement of the respondent No. 3 as regards allotment of one bye-post Type-II vacant quarter goes to show that the statement made in paragraph 6 of the written statement that there was no vacant quarter in the Old post office colony for allotment to the applicant is vague, incorrect and contradictory. In this connection, it may be stated that the said quarter was

allotted to the night guard only on 27.5.2003 when the Hon'ble Tribunal passed the interim order dated 8.5.2003 allowing the applicant to stay in the quarter till disposal of the representation. Further, the respondent No. 3 has not clearly stated that as to how and why they allotted a small portion of the vacant quarter to the night guard which is not admissible in view of the fact that there are accommodations for the security personnel along with side of the office building. In this connection, the applicant further states that if any Govt. accommodation is allotted to any Govt servant it should be a complete unit and not the part of it as the respondent No. 3 has done in the instant case. Further, the allotment of the quarter to the night guard after issuing of the interim order is irregular and the said action is only to frustrate the cause of the applicant in allotting a quarter in the Old post office colony. In this connection, the applicant further states that the night guard has not applied for any quarter and no formal allotment order was issued to him except allotting the same by the respondent No. 3 after getting the interim order passed by the Hon'ble Tribunal, which allotment highly irregular and liable to be quashed. It is also denied that the night guard is allowed to stay in one vacant room due to administrative exigencies as his presence within the post office campus is necessary in odd hours which is a part of his service condition inasmuch as it is a fact that presence of security personnel in the office campus in odd hours is necessary. However, there is sufficient accommodation for him along the side of the office quarters from where he can perform his duty in odd hours. The applicant further states that there are

more than 12 security personnel performing security duties for whom there are separate accommodation in the office campus. However, how one Shri Thualzachin Palte, night guard of Division office, who has separate accommodation for his stay in the Divisional office can be allowed to stay in the Old post office colony where official staff are staying, as has been done in the instant case, which is highly illegal, arbitrary and the said actions are liable to be quashed.

(xvi) That with regard to the statement made in paragraph 19 of the written statement, the applicant states that the respondent, while disposing of the representation, has misled the Hon'ble Tribunal by saying that there is no vacant quarter in the Old post office colony and therefore, the same could not be allotted to her which is nothing but travesty of truth. In this connection, the applicant states that out of the four available quarter in the Old post office colony, only one quarter i.e. quarter No. 1 is allowed to occupy by Smti. Th. Shyama Devi who is working in the post office. However, the other quarters were misused by the respondents by dumping old records and providing accommodation to security personnel and again allotting a small room of one of the vacant quarters to the night guard which are not at all justified as the same is illegal and irregular, as no security personnel can be allowed to stay in the quarters meant for officers and the same has been done with a motive to deprive the applicant from getting one of the available vacant quarters in the Old post office colony and to justify their action before the Hon'ble Tribunal the respondent says that they

may substantiate the fact that there is no vacant quarter available in the Old post office colony.

(xvii) That with regard to the statement made in paragraph 20 of the written statement, being repetition of the earlier statements made in the written statement, the applicant reiterates her earlier statements made in the foregoing paragraphs and also further states that the statement made in this paragraph of the written statement are not at all correct and tenable. In this connection, the applicant further states that she was allowed to stay in the said quarter by the competent authority as well as by passing interim order by the Hon'ble Tribunal considering her difficulties in attending office keeping her small children in the isolated quarter at the Palace compound and as such, question of eviction or recovery of penal rent does not arise at all at this stage. Further, the applicant states that the statement to the effect that her plea of not staying in the quarter of the Palace compound for having small children is absurd as many of staff having small children and other family members are staying in the Postal colony at Palace compound where she has been accommodated, is not at correct and tenable in view of the fact that no other female members of the staff were occupying the quarter in the postal colony at the Palace compound. In this connection, the applicant reiterates that the quarters in the postal colony at the Palace compound are isolated one for which the applicant finds it difficult to keep her small children alone when she is away at her office, as there is no male person or

any elder member to look after them.

(xviii) That with regard to the statement made in paragraph 21 of the written statement, the applicant states that the said statement are mainly repetition of the statement which was made in para 11 of the written statement. In this connection, it may be stated that the respondent has admitted that one quarter is allotted to one Manipur rifleman and other two are for keeping old office records and materials. In this connection, the applicant states that in Imphal head office there are two separate office buildings and out of which one is newly constructed with three stories building having sufficient space for keeping office records and materials, both in the new as well as in the old building. The applicant further states that there are separate record room in the old office building as well as in the new building and therefore there is no point in using the other quarter for keeping old office record overlooking the need and welfare of the staff for which the quarters were constructed. Therefore, the statement made in this paragraph by the respondent are not at all correct and tenable and the same are denied by the applicant.

(xix) That with regard to the statements made in paragraphs 22 and 23 of the written statement, the applicant has no comments to offer.

(xx) That with regard to the statement made in paragraph 24 of the written statement, the applicant states that the applicant has

been repeated, requesting the authority to allot a quarter in the Old post office colony for which she is entitled and she has not prayed for giving her any quarter for which she is not entitled. Further, she was allowed to occupy the Post master's quarter, considering her difficulties in staying alone in the quarter at Palace compound along with her small children, by the competent authority and without allotting any quarter in the Old post office colony, the authority has tried to avoid the applicant from allotting a quarter to her and also by imposing penal rent for which she was compelled to move this Hon'ble Tribunal and the Hon'ble Tribunal was pleased to pass interim order allowing her to stay in the said quarter till disposal of the application. Therefore, she is still willing and ready to vacate the said Post master's quarter immediately on allotting her a quarter in the Old post office colony either by evicting the security personnel from the family quarter or by removing official records ^{for which} ~~inspite of~~ there are sufficient accommodation in the office building itself for keeping records. Further, in this connection, the applicant states that the allotment of one room to the night guard is also not admissible which has been done illegally without any application and to the knowledge of the applicant, the night guard has been forcefully allowed to stay in the said room by the respondent No. 5 without the intention of the night guard to stay in the said quarter. The applicant further denies the allegations that she has acted in the manner unbecoming a govt. servant in view of the fact that she has been allowed to stay in the said quarter by the competent authority earlier and subsequently on the strength of the order passed by the Hon'ble Tribunal and she

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is still willing and ready to vacate the same as soon as a separate accommodation is allotted to her in the Old post office colony, as stated herein above, so that she may serve the Govt. sincerely and dedicatedly without any hindrance to her family life, because the security of her small children is also required to be looked after by the authority in the interest of public service occupying a public post.

5. That the applicant respectfully states that submits that she has been made victim of the circumstances and taking advantage of her lonely life along with her small children, the respondent has been trying to put her in difficulties even in the matter of allotting a quarter nearby the office in the Old post office colony which can be easily allotted to her and, only to deprive her from getting a quarter in the Old post office colony according to her entitlement, the respondent has been tried to misled the Hon'ble Tribunal by taking the plea ^{that} quarters at Old post office colony are not available which claim is not at all correct and tenable in view of the fact that the respondent has allowed the security personnel as well as one night guard to stay in the vacant quarter meant for the staff and also by keeping a quarter with official records. Considering this aspect of the matter, the Hon'ble Tribunal would be gracious enough to allow this application and in the interest of justice allow the applicant to stay in the quarter in the Old post office colony, so that she may perform her duties most sincerely and diligently.

VERIFICATION

I, Smti, Th. Meena Devi, wife of Shri T. Prio Kumar singh, by profession - Service, a resident of Old Postal colony, Imphal, P.O. & P.S. Imphal, Manipur, aged about 30 years, do hereby verify that the contents of paragraphs 1, 2, 3 and 4(i) to 4(vi) and (viii) to (xvi) and (xviii) are true to my knowledge, those made in paragraphs 4(vii) and (xvii) —

— being matters of record are true to my information derived therefrom and the rest are my humble submissions made before this Hon'ble Tribunal that I have not suppressed any material fact.

Th. Meena Devi

Signature of the applicant.

Date : _____