

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 286 of 1999

Jabalpur, this the 9th day of January, 2004

Hon'ble Shri G. Shanthappa, Judicial Member

S.K. Saxena, S/o. Late R.P.  
Saxena, Postal Assistant, Lac  
Line Post Office, R/o. T.T.C.,  
Residential Quarters, Jabalpur. ... Applicant

(By Advocate - None)

V e r s u s

1. Union of India, Through  
Secretary, Ministry of  
Communication, Department of  
Posts, Dak Bhawan, Sansad Marg,  
New Delhi.
2. The Chief Post Master General,  
M.P. Circle, Bhopal (M.P.).
3. The Director of Postal Services,  
Raipur Region, Raipur (M.P.).
4. The Sr. Supt. of Post Offices,  
Jabalpur Postal Division,  
Jabalpur - 482 001.
5. General Manager,  
Telephone Office,  
C.T.O. Compound, Jabalpur -  
482 001. ... Respondents

(By Advocate - Shri P. Shankaran for respondents Nos. 1 to 4  
and Shri Harshit Patel for respondent No. 5 on  
behalf of Shri S.C. Sharma)

O R D E R (Oral)

The above Original Application is filed seeking the relief for refund of Rs. 36,300/- recovered from the applicant towards damage rent. He has also sought relief for payment of Rs. 25,000/- from the respondents towards mental agony due to undue harrassment.

2. The brief facts of the case are that the applicant was allotted a quarter from the Department. There was an order of eviction under the Public Premises (Eviction of Unauthorised) Occupants Act, 1971. The said order was challenged

before the District Judge and the same was dismissed vide order dated 04.07.1994 in OA No. 5565/1994. The respondents had recovered the penal rent from the salary of the applicant. Now the applicant is not challenging any of the orders in this Original Application, <sup>as</sup> ~~the~~ order of eviction was challenged before the District Judge and the same was dismissed. Hence the applicant shall pay the penal rent as awarded by the Estate Officer. Accordingly, the respondents have recovered the penal rent from the salary of the applicant. When the applicant has been served with the order of the Estate Officer, the respondents have stated recovering the penal rent. Hence there is no need for direction to the respondents to refund the amount of Rs. 36,300/- which was <sup>salary of the</sup> recovered from the applicant towards damage rent.

3. The respondents have stated in their reply that after dismissal of the OA No. 5565/1994, the applicant was in occupation of the quarter at CTO Compound unauthorisedly.

4. Since <sup>neither</sup> ~~the~~ applicant nor his counsel is present today, <sup>ep.</sup> the advocate for the respondents has been heard. After perusing the the records very carefully, I proceed to decide the OA finally, by invoking Rule 15 of CAT (Procedure) Rules.

5. From the pleadings I find that the proceedings before the District Judge has been concluded and the OA was dismissed. The respondents are right in recovering the penal rent from the salary of the applicant. Hence there is no illegality or irregularity committed by the respondents in recovering the penal rent of Rs. 36,300/- from the salary of the applicant. The applicant is not entitled for the refund of the said amount.

6. The applicant has also sought relief for grant of Rs. 25,000/- from the respondents towards mental agony due to undue harrassment. The same cannot be granted by this Tribunal. If the applicant wants <sup>to recover</sup> Rs. 25,000/- <sup>from the respondents</sup> ~~to be paid to him~~ then he is at liberty to file a separate suit for recovery of the said amount <sup>from the respondents</sup> before the appropriate forum as this Tribunal has no jurisdiction to grant compensation to the applicant.

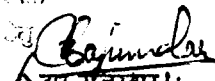
7. Accordingly, I find that the application is without any merit and the same is dismissed. No costs.

  
(G. Shanthappa)  
Judicial Member

"SA"

पृष्ठंकन सं. ओ/व्या.....नवलपुर, दि.....  
पटिरी सं. ओ/व्या.....  
(1) राजेश, उका ब्यापारी, नवलपुर, कैलाल, नवलपुर  
(2) राजेश, उका ब्यापारी, नवलपुर, कैलाल, नवलपुर  
(3) राजेश, उका ब्यापारी, नवलपुर, कैलाल, नवलपुर  
(4) राजेश, उका ब्यापारी, नवलपुर, कैलाल, नवलपुर  
सूचना एवं आचार्यलय नवलपुर, कैलाल, नवलपुर

Shri D.S. Prasad. H.C. JBP  
Shri D. Shankaran H.C. JBP

  
उप राजस्वकार  
21/1/04

Filed  
21.1.04