

16.04.2008.

OA No. 324/2006

Mr. C.B. Sharma, Counsel for applicant.

Mr. Siya Ram, Proxy counsel for

Mr. T.P. Sharma, Counsel for respondents.

Heard learned counsel for the parties.

The OA is disposed of by a separate order for the reasons recorded therein.

J.P. Shukla
(J.P. SHUKLA)
MEMBER (A)

M.L. Chauhan
(M.L. CHAUHAN)
MEMBER (J)

AHQ

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For the learned counsel for the respondents please for
recording before learned member M.L. Chauhan OA 324/2006
disposed of on 16.04.2008 under the
supervision of learned member J.P. Shukla dated 16.04.2008

[Signature]
[Signature]

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 16th day of April, 2008

ORIGINATION APPLICATION NO. 324/2006

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. J.P. SHUKLA, ADMINISTRATIVE MEMBER

Damodar Lal Sharma son of Shri Kanhiya Lal Sharma, aged about 61 years, resident of Village & Post Dargama, Post Pancholi Via Mandrial District Karauli and retired on 30.09.2005 from the post of Mandrial Sub Post Office District Karauli.

.....APPLICANT

(By Advocate: Mr.C.B. Sharma)

VERSUS

1. Union of India through Secretary to the Government of India, Department of Posts, Ministry of Communication & Information Technology, Dak Bhawan, New Delhi.
2. The Chief Post Master General, Rajasthan Circle, Jaipur.
3. The Superintendent of Post Offices, Sawaimadhopur Postal Division, Sawaimadhopur.

.....RESPONDENTS

(By Advocate: Mr. Siya Ram proxy counsel for Mr. T.P. Sharma)

ORDER (ORAL)

Applicant has filed this OA thereby praying for the following relief:-

- "(i) That the respondents may be directed for payment of House Rent Allowance at the admissible rate i.e. 5% of the basic pay for the period 31.5.2000 to 30.9.2005 along with interest at market rate.
- (ii) That the respondents may be further directed to release payment of due claims as regards to monthly interest scheme, medical bills and T.A. Bills pending with them along with interest at the market rate.

- (iii) Any other order, direction or relief may be passed in favour of the applicant which may be deemed fit, just and proper under the facts and circumstances of the case.
- (iv) That the costs of this application may be awarded."

2. Notice of this application was given to the respondents. The respondents have filed their reply.

3. From perusal of the reply, it is clear that so far as relief no. 2 is concerned, the claim of the applicant has been settled by the department and due payment has been made to him. The grievance of the applicant is now regarding payment of House Rent Allowance for the period w.e.f. 31.05.2000 to 30.09.2005 when the applicant has not occupied the allotted year-marked quarter.

4. Learned counsel for the applicant submits that the condition of the quarter was such that it was not possible for him to occupy the same. Learned counsel for the applicant has also drawn out attention to representation dated 16.03.2006 (Annexure A/1), which has been made to Chief Postmaster General, Rajasthan Circle, Jaipur i.e. Respondent No. 2.

5. Since the substantial claim of the applicant has been settled by the respondents, the grievance remains regarding payment of House Rent Allowance for the period w.e.f. 31.05.2000 to 30.09.2005 and the representation of the applicant is pending before Respondent No. 2, we are of the view that

this OA can be disposed of at this stage with the direction to respondent no. 2 to re-consider the representation of the applicant sympathetically and pass the appropriate and reasoned order within a period of two months from the date of receipt of copy of this order. It is, however, made clear that we have not expressed any opinion on the merit of the case. In case the applicant is still aggrieved, he can re-agitate the matter by filing substantive OA.

6. With these observations, the OA is disposed of at admission stage with no order as to costs.



(J.P. SHUKLA)
MEMBER (A)



(M.L. CHAUHAN)
MEMBER (J)