

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

28.11.2013

OA No. 247/2013

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

Mr. Mukesh Agarwal, Counsel for respondents.

Heard the learned counsel for the parties. The OA is disposed of by a separate order.

Anil Kumar
(Anil Kumar)
Member (A)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR.

ORIGINAL APPLICATION NO. 247/2013

Jaipur, the 28th day of November, 2013

CORAM :

HON'BLE MR.ANIL KUMAR, ADMINISITRATIVE MEMBER

Jaswinder Singh son of Shri Karam Singh, aged about 55 years, working as Post Master General (B&M), Rajasthan Circle, Jaipur.

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

Versus

1. Union of India through Secretary, Ministry of Communication & IT, Department of Posts, cum Director General, Department of Posts, Dak Bhavan, Sansad Marg, New Delhi.
2. Member (Planning), Postal Services Board, Government of India, Dak Bhawan, Sansad Marg, New Delhi.
3. Chief Post Master General, Punjab Circle, Sandesh Bhavan, Sector 17-E, Chandigarh.
4. Chief Post Master General, Rajasthan Circle, Jaipur.
5. Mr. K.L. Khanna, Chief Post Master General, Punjab Circle, Sandesh Bhavan, Sector 17 E, Chandigarh.

... Respondents

(By Advocate: Mr. Mukesh Agarwal)

ORDER (ORAL)

The present OA has been filed by the applicant being aggrieved by the order dated 28.12.2012 (Annexure A/1) vide which his representation against the damage rent for the official residence at Chandigarh has been rejected by the Member (Planning), Government of India, Ministry of Communication & IT, Department of Posts, New Delhi and against the order dated 11.08.2011 (Annexure A/2) vide which the damage rent of Rs.65,933/- has been imposed on the applicant for unauthorized occupation of the residential accommodation.

Anil Kumar

2. Heard the learned counsel for the parties. The Learned counsel for the respondents submitted that the applicant has already submitted a representation to the Hon'ble Minister for Communication & IT, Government of India, New Delhi dated 04.01.2013 (Annexure R/6). Therefore, the Hon'ble Minister for Communication & IT may be directed to decide the representation of the applicant.

3. Learned counsel for the applicant submitted that Hon'ble Minister for Communication & IT, Government of India, New Delhi is not a party before the Tribunal and, therefore, no directions can be issued to the Hon'ble Minister. He argued that, Secretary, Ministry of Communication & IT, Department of Posts, cum Director General, Department of Posts, Dak Bhavan, Sansad Marg, New Delhi [Respondent no. 1] has allowed the retention of quarter to Shri K.L. Khanna on his transfer from CPMG, Punjab to DDG Delhi ignoring the claim of the applicant on his posting as PMG. He submitted that applicant may be given liberty to file a representation before the Secretary, Ministry of Communication & IT, Department of Posts cum Director General, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi [Respondent no. 1] and he may be directed to decide the representation of the applicant within a specified period. The learned counsel for the respondents also agreed to this suggestion of the learned counsel for the applicant.

4. Therefore, having heard the submissions of the parties and in the interest of justice, the applicant is given liberty to file a fresh representation before the Secretary, Ministry of

Anil Kumar

Communication & IT, Department of Posts cum Director General, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi [Respondent no. 1] within a period of 15 days from today. If such a representation is filed by the applicant within the prescribed time of 15 days then the Secretary, Ministry of Communication & IT, Department of Posts cum Director General, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi [Respondent no. 1] is directed to decide same by a reasoned & speaking order according to the provisions of law expeditiously but not later than three months from the date of receipt of the representation of the applicant. The interim relief granted in favour of the applicant vide order dated 21.03.2013 against the recovery from the applicant shall continue to be in operation till the disposal of the representation by respondent no. 1, as directed above and thereafter till one month so that in case the applicant is aggrieved by the decision of respondent no. 1 then he can take recourse as per law against that order of respondent no.1.

5. With these directions, the OA is disposed of with no order as to costs.

Anil Kumar
(Anil Kumar)
Member (A)

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