

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI..5

ORIGINAL APPLICATION NO: 72/94

MISC. PETITION / REVIEW APPLICATION / CONT. PETITION NO.

..... D. Chakraborty APPLICANT(S)
versus

..... M.D. Das RESPONDENT(S)
..... Mr. J.L. Sarkar, Mr. M. Choudhury APPLICANT(S)

..... Mr. S. Ali, Sr. C.G.S.C. G.S.C. RESPONDENTS(S)

OFFICE NOTE

DATE

COURT'S ORDER

This application is in
form and within time,

C. F. of Rs. 50/-

deposited vide

IPORD No. 802/583

Dated 24/3

25.4.94

Learned counsel Mr J.L.Sarkar
moves this application on behalf of
applicant Shri D.Chakraborty. Copy
of the application has been served
on learned Sr.C.G.S.C Mr S.Ali.

List tomorrow, the 26.4.1994
for consideration of admission in
presence of Mr S.Ali.

Vice-Chairman

Member

pg

26.4.94

List tomorrow, the 27.4.94 for
consideration of admission in pres
ce of counsel of both sides.

Vice-Chairman

Member

pg

27.4.94

Heard learned counsel Mr J.L. Sarkar on behalf of applicant Shri D Chakraborty, retired Section Supervisor, Department of Telecom., Shillong (retired with effect from 1.10.89). Perused the statements of grievances and reliefs sought for in this application. Copy of this application is served on Sr.C.G.S.C Mr S.Ali. Mr Ali prays for two weeks time to get instruction. Time allowed as prayed for.

Mr Sarkar submits for an order the Telecom. District Manager, Shillong and Postmaster, Shillong not to return the pension and DA amounts of the applicant until further order from this Tribunal. Also heard Mr Ali. We now direct the Telecom. District Manager, Shillong and Postmaster, Shillong (Meghalaya) (respondents No.3 & 4) not to return the pension and DA amount of the applicant until further orders from the Tribunal.

List on 17.5.1994 for further orders.

Phagu
Vice-Chairman

[Signature]
Member

Copy of this order may be furnished to the counsel of the parties.

By order

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Order dt. 27-4-94 sent
no 2068-74 dt. 20.5.94

OFFICE NOTE

DATE

COURT'S ORDER

17.5.94.

Heard learned counsel Mr J.L. Sarkar on behalf of applicant Shri D.Chakravarty. Perused statement of grievances and reliefs sought for in this application.

This application is admitted. Issue notice on the respondents under Registered Post. Learned Sr.C.G.S.C. Mr S.Ali receives copy of this application and prays for six weeks time to file counter. Time allowed as prayed for.

List on 12.7.94 for counter and further orders.

Heard Mr Sarkar on the interim relief prayer. Also heard Mr Ali on this point. The application is again order of recovery of an amount of Rs. 36,000/- from pension relief. Mr Sarkar submits that on revised calculation the respondents have filed recovery amount at Rs.23,400/- which tallies with the figure stated in the application. Document in this regard issued by the Telecom.District Manager Shillong has been filed.

Upon hearing counsel of the parties and considering facts and circumstances it is ordered that an amount of Rs.300/-P.M. shall be deducted from the DA relief on pension of the applicant until further orders from the Tribunal.

List at Shillong on 7.6.94 as prayed by counsel of the parties for further orders, if any.

Inform all concerned.

BY ORDER

Vice-Chairman

Member

acs

Copy of the order may be furnished to the counsel of the parties.

Order on 12.7.94
v. no. 1267-68 at 2.5.94
18/5

4/12/94

OFFICE NOTE

DATE

COURT'S ORDER

2-6-94

Counter has not
been filed.

Don'

7.6.94

(Chillong)

Learned counsel Mr J.L. Sarkar
and Mr M.Chanda is expected to be
present from tomorrow. Sr.C.G.S.C M
S.Ali is present.

Adjourned.

List on ~~2.6.94~~ 9.6.1994 for
consideration and order.

[Signature]
Vice-Chairman

[Signature]
Member

pg

9.6.94

(Chillong)

Counsel of the parties submit
for short adjournment.

Adjourned.

List on 30.6.1994 for order in
presence of counsel of both sides.

[Signature]
Vice-Chairman

[Signature]
Member

pg

OFFICE NOTE

DATE

COURT'S ORDER

30.6.94

This application is taken up for hearing and disposal. Heard learned counsel Mr J.L. Sarkar on behalf of applicant, Shri D. Chakraborty. Also heard learned Sr. C.G.S.C. Mr S. Ali on behalf of the respondents. The applicant retired on 1.10.1989, but continued to occupy the quarter for 20 months (From October 1989 to September 1991) including four months to which he was entitled to occupy after retirement on terms as were before retirement. Unauthorized occupation was for 20 months. The respondents initially fixed damage charges for the unauthorized period at Rs.36,000/-. Subsequently, it was recalculated/corrected to Rs.23,400/-. Mr Sarkar submits that the applicant is a retired officer and great hardship would be caused if such a huge amount is recovered or is ordered to pay.

Considering the facts and circumstances we direct the respondents to realise/recover penal rent for 20 months at the rate double the normal standard rent plus other service charges. The respondents shall calculate the amount accordingly within 45 days from the date of receipt copy of the order, and then realise/recover that amount from the applicant less the amount already deducted/recovered/withheld from the DCRG and on the basis of the order dated 17.5.1994.

This application is disposed of with the above order.

Inform all concerned.

Member

Vice-Chairman

nkml

By Order:

30/6/94

30/6/94

15.7.94
Copy of order dtd. 30.6.94
issued to all concerned by
Regd. Post and their
counsel also vide S/No.
2936-42 dtd. 18.7.94

Copy of the order may be
furnished to the counsel for
the parties.

OFFICE NOTE

DATE

COURT'S ORDER