

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI..5

ORIGINAL APPLICATION NO: 7894

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

Tareash Ch. Chakrabarty APPLICANT(S)
versus

Union of India RESPONDENT(S)

Mr. J. L. Sarkar APPLICANT(S)
ADVOCATE

Mr. M. Choudhury, Mr. A. Raheem

Mr. A. K. Choudhury RESPONDENTS

Mr. C. G. S. C. Mr. A. K. Choudhury

6

OFFICE NOTE

DATE

COURT'S ORDERS

26.4.94

List tomorrow, the 27.4.94 for
consideration of admission in
presence of counsel of both sides

This application is in
form and within time.

C. F. of Rs. 50/-

deposited vide

IPO/BD No. 862354

Dated 21-4-94

Vice-Chairman

Member

By Registrar (J)

pg

27.4.94

Heard learned counsel Mr J.L.
Sarkar on behalf of applicant Shri
Tareash Ch. Chakrabarty, Higher Selection
Grade Technician, Department of Telecommunication,
Shillong (retired with effect from 1.5.88). Perused the
statements of grievances and reliefs sought for in this application. Copy
of this application is served on Addl. C.G.S.C Mr A.K. Choudhury. Mr Choudhury
prays for two weeks time to get instructions.
Time allowed as prayed for.

contd..

27.4.94

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

List on 17.5.1994 for further orders.

[Signature]
Vice-Chairman

[Signature]
Member

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

By order

pg

[Signature]
27.4.94

[Signature]
28/4

Order dt. 27-4-94. *[Signature]*
V.No-1770-71 dt. 2-5-94.

[Signature]
29/4

OFFICE NOTE

DATE

COURT'S ORDER

17.5.94

Heard learned counsel Mr J.L. Sarkar on behalf of applicant Shri C.Chakrabarty. 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 against order of recovery of an amount of Rs. 68,544.00/- from pension relief

Upon hearing counsel of the parties and considering facts and circumstances it is ordered that an amount of Rs. 500.00 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 order, if any.

Inform all concerned.

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

BY ORDER

acs

Vice-Chairman

Member

*Order on 17-5-94
(no v. no 2075-8)
20/5/94.*

*Order on 17-5-94
no. 1770-21-28/86*

*Requisites are met
on 18.5.94 & sent
no. 2104-2107 23/5/94*

17/5

(4)

OFFICE NOTE

DATE

COURT'S ORDER

7.6.94

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

Adjourned.

List on 9.6.1994 for consideration and order.

Vice-Chairman

Member

pg

9.6.94

(Shillong)

Counsel of the parties submit for short adjournment.

Adjourned.

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

Vice-Chairman

Member

pg

Notices duly served on Respondents 2, 3 & 4.

10/6

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 the applicant, Shri T.C. Chakraborty. Also heard learned Addl. C.G.S.C. Mr A.K. Choudhury for the respondent. The applicant retired on 1.5.1988, but continued to occupy the quarter for 45 months (From May 1988 to January 1992) including four months to which he was entitled to occupy after retirement on terms as were before retirement. Unauthorised occupation was for 41 months. The respondents initially fixed damage charges for the unauthorised period at 68,544/-. Subsequently, it was recalculated/ corrected to be Rs.43,089.20p. Mr J.L. 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 41 months at the rate double the normal standard rent plus other service charges. The respondents shall calculate the amount accordingly within forty five 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.

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

nkm

Member

Vice-Chairman

By Order:

17/7/94

17/7/94

15.7.94
Copy of order dtd. 30.6.94
issued to all concerned by
Regd. Post and their
counsel also vide G/NO.
2929-35 dtd. 18.7.94

OFFICE NOTE

DATE

COURT'S ORDER