

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No. 4657/2014

New Delhi, this the 26th day of September, 2016

HON'BLE MR. P.K. BASU, MEMBER (A)

Madhuri Dabral, Aged 51 years,
D/o Shri B.P. Dabral,
A Non-Functional Selection Grade Officer
of the Indian Postal Service,
Director (Training, Welfare and Sports),
Department of Posts,
Ministry of Communications and Information Technology,
Dak Bhawan, Sansad Marg,
New Delhi-110001
(Currently under posting to Guwahati)

Now residing at:

B-87, Sector Gamma-I,
Greater NOIDA,
Uttar Pradesh.

.. Applicant

(By Advocate : None)

Versus

Union of India through Secretary,
Department of Posts,
Dak Bhawan, Parliament Street,
New Delhi-110001.

.. Respondent

(By Advocate : Shri Rajive R. Raj)

ORDER (ORAL)

None appears on behalf of the applicant. It is seen that the applicant was being represented by the learned counsel, Shri

Prateek Tushar Mohanty. Learned counsel for the respondents states that he has been informed that the applicant has now appointed another counsel to defend her case, who is not present today. This is a matter pertaining to 2014 and the matter is regarding payment of due penal rent by the applicant to the Govt. Clearly, delay by the applicant in this process of litigation only deprives the public exchequer and, hence, in view of this, the matter cannot be further postponed and the O.A. is disposed of based on the pleadings and after hearing the learned counsel for the respondents.

2. In short, the facts of the case are that the applicant was posted at Chandigarh and she was transferred to Delhi on 01.07.2005. She was allowed to retain the quarter till 30.11.2006. Despite various reminders to her to vacate the quarter, she failed to do so and vacated the quarter only on 27.09.2008. The respondents, therefore, charged her penal/damage rent for the period of overstay between 01.12.2006 to 27.09.2008.

3. The application filed before us contains several case laws cited by the applicant, which are listed below:

- (i) State of Orissa vs. Dr.(Miss) Binapani Dei, AIR 1967 SC 1269;
- (ii) M. Gopala Krishna Naidu vs. State of Madhya Pradesh, AIR 1968 SC 240;

- (iii) A.K. Kraipak & Ors. vs. Union of India & Ors., AIR 1970 SC 150;
- (iv) D.K. Yadav vs. J.M.A. Industries Ltd., 1993 SCC (3) 259;
- (v) Swadeshi Cotton Mills vs. Union of India, (1981) 1 SCC 664.

However, I am constrained to observe that none of them are relevant to the facts of the case. The only thing that the applicant is trying to establish is that by not issuing any show cause notice, there was non-observance of principles of natural justice.

4. The respondents have issued a detailed order dated 03.09.2014 in accordance with the directions of this Tribunal and it would be clear from that order that the applicant has wilfully disobeyed the Govt. Instructions and continued to occupy the quarter, which she was not authorised to, for the period from 01.12.2006 to 27.09.2008. The respondents have sought penal/damage rent from her in accordance with rules.

5. Learned counsel for the respondents pointed out that in a similar matter of overstay by a Govt. Servant, the Hon'ble High Court of Punjab and Haryana at Chandigarh in CWP No.16120-CAT of 2011 had noted the following reasons based on which the Tribunal rejected the prayer of the applicant:

“The Tribunal, after hearing learned counsel for the parties, held that the payment of double the licence fee by the petitioner was of no help to him as he had done this on his own accord. There was no such order from the competent authority regarding

payment of such licence fee and/or extension of the allotment period. The petitioner had been unable to place on record any document to establish that he was asked to deposit this licence fee or that the allotment of the accommodation at Chandigarh was regularised beyond 31.3.2008. The Original Application was, accordingly, found to be devoid of merit and, therefore, dismissed.”

Thereafter, the Hon’ble High Court considering the relevant rules chose not to interfere in that matter and dismissed the writ petition on the ground that there had been no extension of time to retain the quarter.

6. In view of the facts and circumstances of the case and order of the Hon’ble High Court of Punjab and Haryana at Chandigarh in CWP No.1610-CAT of 2011, the O.A. is dismissed. Cost of Rs.10,000/- is imposed on the applicant to be paid to the respondents within a period of 15 days.

(P.K. Basu)
Member (A)

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