

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/00358/2017

DATED THIS THE 31st DAY OF OCTOBER, 2018

HON'BLE DR.K.B.SURESH, JUDICIAL MEMBER

HON'BLE SHRI DINESH SHARMA, ADMINISTRATIVE MEMBER

Sri K. Krishnappa,
Age : 56 years,
S/o. Late Sri Ramappa,
Occn.: Postman,
Chintamani Sub-Post Office,
Chikkaballapur District ... Applicant.

(By Advocate Shri P.A. Kulkarni)

versus

1. Chief Postmaster General,
Karnataka Circle,
Palace Road,
Bengaluru : 560 001

2. Postmaster General,
S.K. Region,
O/o. CPMG, Palace Road,
Bengaluru : 560 001

3. Senior Superintendent of Post Offices,
Kolar Division,
Kolar : 563 102

4. Postmaster,
Kolar Head Post Office,
Kolar : 563 101 ... Respondents.

(By Advocate Shri S. Sugumaran)

ORDER

(HON'BLE SHRI DINESH SHARMA, ADMINISTRATIVE MEMBER)

The request of the applicant is for quashing the order of respondent No.3 by which the applicant was ordered to pay

Rs. 19770/- as damage rent per month with effect from 8.5.2016. The applicant has argued that he was transferred from Kolar to Chintamani and though he has joined at Chintamani, this transfer order is wrong because under Rule 37 of Manual Vol.IV, transfer of a Postman should not be made, except for very special reasons, from one District to another. He has also requested to direct the respondents to consider applicant's request for his reposting at Kolar.

2. The respondents have denied the claim of the applicant. They have quoted the rules regarding retention of Government quarters on transfer which permit such retention only for two months, to be extended, in special circumstances, by a period of six months. The respondents have alleged that transfer of the applicant is within Kolar Postal Division, though it may now be part of a different revenue district. They had given the applicant sufficient opportunity to shift from Kolar to his new place of posting, but despite notice, he has not vacated the house and hence penal rent is being charged as per the rules.

3. After going through the pleadings and hearing the arguments of the Counsels of both the parties, it is clear that the applicant's claim for not charging penal rent is not supported by any legal right. He has admittedly overstayed. His grievance is against his transfer orders which he has already complied with. After having complied with the transfer orders, he cannot have any justifiable claim to stay at the old place beyond the time which is permissible under the rules.

The alleged irregularity in the transfer is also apparently very minor since both Kolar and Chintamani come under the same Postal Division, are adjacent and were earlier part of the same revenue district. Since the claim of the applicant has no merit, the O.A. is dismissed. No costs.

**(DINESH SHARMA)
ADMINISTRATIVE MEMBER**

**(DR.K.B.SURESH)
JUDICIAL MEMBER**

Cvr.

Annexures filed by the applicant in OA :

- Annexure A-1 : Promotion order dated 25.11.2008 as Postman
- Annexure A-2 : Transfer Order dated 4.9.2015
- Annexure A-3 : Suspension order dated 12.06.2014
- Annexure A-4 : Revocation order dated 4.9.2015
- Annexure A-5 : Impugned order dated 18.5.2017

Annexures filed by the respondents in OA :

Annexure R-1	:	F.R. 45-A DG P&T instructions 6(a).
Annexure R-2	:	Letter No. D/22/PSQ/dlgs dated 15.10.2015 of respondent No.3 asking to vacate the postal staff quarter allotted to the applicant at Kolar.
Annexure R-3	:	Reminder letter dated 03.11.2015.
Annexure R-4	:	Letter No. D/22/PSQ/dlgs dated 24.05.2016 of respondent No.3 again directing to vacate the quarter.
Annexure R-5	:	Letter No. D/22/PSQ/dlgs dated 04.07.2016 of respondent No.3 intimating the instructions regarding retention of quarters.
Annexure R-6	:	Letter No. D/22/PSQ/dlgs dated 30.08.2016 of respondent No.3 giving final notice to vacate the quarter.
Annexure R-7	:	Letter No. SK/Bldg/5-10/KLR dated 29.09.2016 issued by the O/o. Postmaster General, S.K.Region, Bangalore, asking to ensure vacation of the quarter by the applicant and recoverng damage rent from him w.e.f. 8.5.2016.
Annexure R-8	:	Reminder Letter No. SK/Bldg/5-10/KLR dt. 27.10.2016 issued by the O/o. Postmaster General, S.K.Region, Bangalore, for vacation of quarter and recovering damage rent from the applicant.
Annexure R-9	:	Letter No. SK/Bldg/5-10/KLR dated 11.01.2017 issued By the O/o. Postmaster General, S.K.Region, Bangalore, directing to take action as per GIO 8 FR 45(A).
Annexure R-10	:	Letter No. D/22/PSQ/dlgs dated 18.05.2017 of respondent No.3 ordering to recover an amount of Rs. 19770/-per month as damage rent.