

Central Administrative Tribunal
Patna Bench, Patna.
[Circuit Court at Ranchi]

OA 51/00120/2017

Date of Order:- 24.10.2018

C O R A M

Hon'le Shri K.N. Shrivastava, Member A)
Hon'ble J. V. Bhairavia, Member [J]

Kameshwar Prasad Singh Rtd. PRI (P) Jamshedpur No. C.No.- G2-58
Bistupur P.O.-District- East Singhbhum. Jamshedpur 831003

....Applicant

By Advocate : Shri Ramakant Tripathi

Vs.

1. The Union of India represented through Secretary Department of Post and Telecommunication, New Delhi, Pin 110001 and three others.

..... Respondents.

By Advocate : Shri H.K. Mehta

O R D E R
(oral)

Per K.N. Shrivastava, M [A] :- The applicant retired on 30.06.2016 from the post of PRI, Jamshedpur from the department of Posts. He was occupying Qr. No. G2, 58, P. Road, Bistupur which is a house belonging to TISCO but given out to the Department and for their staff quarters. The applicant requested the department of post to allow him to retain the said quarter for some time on medical ground. The respondents were kind enough to allow him to retain the said quarter by paying licence fee two times of the normal licence fee. The licence fee was subsequently enhanced to four times and thereafter six times. Thus he was allowed to

retain the quarter upto February 2017. The applicant has not vacated the quarter as yet. The respondents vide their impugned order dated 17.05.2017 (Annexure R/2) have enhanced the license fee to 40 times.

2. Through medium of this O.A, the applicant has prayed for quashment of the order dated 18.01.2017 and for allowing him to retain the quarter.

3. Pursuant to the notices issued, the respondents have entered appearance and filed their written statement. The applicant thereafter filed supplementary affidavit.

4. Arguments of the parties were heard today. Shri Ramakant Dubey, I/c for applicant submitted that the respondents have no right to interfere with the possession of quarter occupied by the applicant for the simple reason that they are not the owner of the said quarter and its rightful owner, TISCO have not raised any objection to the occupation of the applicant.

5. Shri H.K. Mehta on the other hand drew attention to Annexure-2 of the OA whereby TISCO has allotted the said quarter to the postal department to use it as their staff quarter. He submitted that the said quarter is to be allowed to another official of the postal department. The department is not able to do so since the applicant is not vacating the same.

6. We have considered the arguments and perused the pleadings. The records clearly indicate that the quarter no. G2, 58 , P-Road, Bistupur is owned by TISCO who have allocated it to the postal department for their usages as staff quarter. The applicant came in occupation of said quarter

employee of the postal department. He was duty bound to vacate the said staff quarter after his retirement. The respondents have been very kind enough to allow him to retain the said quarter for some time accepting his request on the medical ground. It is very unfortunate and re-apprehensible that the applicant instead of vacating the quarter after February, 2017 has take altogether different view and has questioned the ownership of postal department over the said quarter. As a matter of fact, the postal department ought to have taken action under the Public Premises Vacation Act to evict the applicant from the said quarter but from the reasons best known to them they have not done so.

7. So far this OA is concerned, we are of the firm view that the applicant has abused the process of law in raising this issue before this Tribunal. We, in normal course would have imposed heavy penalty for it but we are sparing the applicant with a warning not to indulge in such impropriety in future.

8. The OA is dismissed.

(J. V. Bhairava)
Member [J]

(K.N. Shrivastava)
Member A

mks