

**CENTRAL ADMINISTRATIVE TRIBUNAL CUTTACK BENCH, CUTTACK,
ORDER SHEET**

COURT NO. : 101/10/2019 O.A./260/653/2019 NARENDRA KUMAR NAYAK

-V/S-

CENTRAL ADMINISTRATIVE TRIBUNAL ITEM NO:8 FOR APPLICANTS(S) Adv. : Mr. T. Rath

FOR RESPONDENTS(S) Adv.: Mr. S. Behera

Notes of The Registry	Order of The Tribunal
	<p>Heard Ld. Counsels for the applicants and Mr. S. Behera, Ld. Counsel appeared on behalf of the respondents. Registry to reflect the name of Mr. S. Behera in the cause list as respondents' counsel.</p>
	<p>The grievance of the applicant as stated by the Ld. Counsel relates to the action of the respondents in charging three times the normal licence fee from the salary of the applicant in pursuance of the orders of the respondents dated 25.07.2019 (Annexure-A/5) and 27.08.2019 (Annexure-A/8), which are challenged in this OA.</p>
	<p>Respondents' counsel submitted that since the applicant has already given an undertaking for payment of licence fee at higher rate, if so required the impugned orders have been passed rightly. Therefore, the present OA is not maintainable.</p>
	<p>Applicant's counsel further submitted that on</p>

the basis of the audit objection report, the authorities have illegally asked for the applicant to pay the licence fee at higher rate with retrospective effect without considering the relevant circulars, while disposing of the representation of the applicant. Mr. T. Rath, Ld. Counsel further submitted that the applicant's grievance will be redressed at this stage if the grounds taken in the O.A. be taken as fresh representation, which may be disposed of within a stipulated time.

It is not known whether the authorities have taken into account the fact that whether any surplus Quarters at higher type were lying vacant at that relevant point of time and whether the applicant himself had sought for the same or it was allotted to him by the authorities suo-moto.

In view of the above submissions, it is felt that no purpose would be served to keep this O.A. pending at this stage. Hence, the O.A. is disposed of at this stage with a direction to the respondent No.3/competent authority to consider the applicant's case by taking into consideration the points mentioned in the O.A. afresh and dispose of the same as per the provisions of law, keeping in view the relevant circulars and grounds taken in the O.A. within a period of two months from the date of receipt of copy of this order under intimation to the applicant and till communication of the said order, no recovery of licence fee at higher rate

as per impugned order at Annexures-A/5 and A/8 will be effected.

It is made that that no opinion has been expressed on the merit of the case.

Applicant will be at liberty to send a copy of this O.A. along with copy of the order to Respondent No.3/competent authority within 10 days of receipt of a copy of this order.

With the above observations, the O.A. is disposed of, with no order as to costs. Copy of this order be given to Ld. Counsels for both the sides.

(SWARUP KUMAR MISHRA) MEMBER (J)	(GOKUL CHANDRA PATI) MEMBER (A)
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