

Central Administrative Tribunal
Principal Bench: New Delhi

OA 2744/97

New Delhi this the second day of December 1997.

Hon'ble Mr R.K.Ahooja, Member (A)

Parmeshwar Mahto
S/o Sh. Nagina Mahto
R/o Servants Quarter
of Ex-Raja of Mandi
Mandi House Complex
New Delhi.

...Applicant.

(By advocate: Mr R.N.Singh)

Versus

Union of India through

1. Ministry of Information & Broadcasting
Shastri Bhawan
New Delhi.
Through Secretary.

2. Director General
Doordarshan
Mandi House
New Delhi.

...Respondents.

(By advocate:

ORDER (oral)

By Mr R.K.Ahooja, Member (A)

The applicant has been working as Staff Car Driver under respondent No.2 since 1987. His grievance is that though entitled under the rules, he is not being paid his House Rent Allowance and that the respondents have denied the same to him on the wrong presumption that he is residing in a government accommodation being Mandi House Complex.

2. I have heard learned counsel at the admission stage and the learned counsel submits that the applicant is occupying a servant ^{quarter} in the Mandi House Complex which does not belong to the Government but to the Ex-Raja of Mandi.

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Even if it were assumed that he has been living in that accommodation unauthorisedly, by virtue of his long stay for over 25 years since his joining the service, he has become the owner by virtue of adverse possession. In view of this, the respondents cannot deny HRA to him, particularly since persons similarly situated have been given the same.

3. I have considered the matter. I find that the whole dispute is whether the accommodation occupied by the applicant in the Mandi House Complex is under the control and possession of the Government of India or whether it is the property of the Ex-Raja of Mandi. As per the impugned order dated 17.2.1997, Doordarshan Directorate has rejected the claim for HRA of the applicant on the ground that this premises belonged to them and that the applicant is in unauthorised occupation. Obviously, in case the applicant is occupying the government premises, he cannot at the same time claim HRA. As to the question of entitlement, this is a matter essentially for the Civil Court to decide and this Tribunal cannot go into this dispute.

4. Learned counsel also submits that under the rules, it is not necessary for the applicant to produce rent receipts in order to claim HRA. Once it is in the knowledge of the respondents that the applicant is living in a government premises, it is open to them to allow HRA.

5. In view of the above position, I find no ground to interfere. The OA is therefore dismissed.


(R.K. Anooja)
Member (A)

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