

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.594/97

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

New Delhi, this the 27 day of February, 1998

Shri Jeet Ram
s/o Shri Daulat Ram
r/o T-75/4, Kabul Line
Delhi Cantt.
(By Shri S.P.Sharma, Advocate)

... Applicant

Vs.

1. Union of India
(through Secy. Min. of Def.)
South Block
New Delhi.

2. The Station Commander
Station Headquarters
Delhi Cantt.

3. Major Rakesh Sharma
Offg. SSO (B)
Station Headquarters
Delhi Cantt.

... Respondents

(None)

O R D E R

The present application is liable to be dismissed on the ground alone that the applicant has not come before the Tribunal with clean hands. The applicant has submitted in his OA at page-1 as follows:

"The applicant was sharing the accommodation allotted to his father after taking legal permission from the authorities concerned.

2. At Page-3 at para 4.2 of the OA again the applicant submits as follows:

"The applicant did not draw house rent allowance from the date of his appointment, i.e., 1.5.1996."

3. On the basis of the above averments, the applicant has sought ad hoc allotment and regularisation of the quarter in his favour. The respondents, however, have pointed out in their reply, that the applicant was in fact employed on 30.6.1992 and continued to claim HRA till June, 1996.

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4. On finding that there was a contradiction between the averment made by the applicant and the reply of the respondents, the learned counsel for the applicant was asked to clarify the position. On instructions from the applicant, the learned counsel for the applicant sought to explain that there was confusion on the part of the respondents, in that they had mistakenly read the MES serial.No. of the father for the son and hence the service record of the applicant was not correctly depicted.

NA

5. After hearing the Counsel order ^{was} reserved in order to examine the records. On doing so I find that the rejoinder filed by the applicant itself corroborates the contention of the respondents. It is stated in para 4 of the rejoinder that the date of employment is a matter of record and needs no reply. It is also stated in the rejoinder that the applicant has drawn House Rent Allowance only upto April, 1996. In another words, the applicant has been drawing HRA prior to April, 1996. This is in direct contradiction of the averments made in the OA. Presumably ~~only~~ this has been done in order to circumvent the possibility of action being taken against him for claiming HRA despite the fact that he was staying with his father prior to his employment.

6. Be that as it may, the applicant does not deserve any consideration whatsoever on account of the misleading statement made by him. The OA is therefore dismissed in short order with a cost of Rs.500/- to be paid to the Legal Aid Cell, Central Administrative Tribunal within one month from the date of receipt of a copy of this order.

/rao/

Rao
(R.K. AHOOJA)
MEMBER (A)