

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.463/2020

This the 04th day of December, 2020

Shri Malik Najib, Son of Amitmiya
Age : 40 years, serving as MTS in the office of the respondents,
Residing at 168/4, Sector 30,
Gandhinagar- 382 721. Applicant

(By Advocate : Mr. M.S.Trivedi)

VERSUS

1. Union of India, through
Chief of Air Staff, Air Headquarter,
Vayu Bhavan, Rafi Marg, New Delhi 110 106.
2. Air Officer Commanding in Chief
O/o. AOC, Headquarter, South West Air Command,
Indian Air Force, Vayu Shakti Nagar, Lekawada,
Gandhinagar 382 042.
3. Officer in Command,
O/o. Civil Administration, 3 AFSB (Civil Administration)
Sector 25, Gandhinagar 382 721. Respondents.

ORDER – ORAL

Per : Hon'ble Shri J.V. Bhairavia, Member (J)

In the present OA, counsel for the applicant, Shri M.S.Trivedi mainly submitted that the applicant is permanent Civilian employee of respondents and presently working under the Respondent Nos.2 & 3 at A.F.S.B. (Civil Administration) Gandhinagar. Respondents have stopped payment of HRA payable to the applicant w.e.f. July, 2019. The applicant was allotted residential quarter on hire/ rental payment of Rs.1200/- per month by the R&B Department of Government of

Gujarat and the same was occupied by the applicant. Since the respondents have not paid HRA to the applicant and it appears that necessary House Rent was also not remitted by the respondents to R&B Department of Government of Gujarat. Therefore, office of the Executive Engineer, R&B Department of State Government, Gandhinagar vide letter/order dated 07.09.2020 (Annexure A-2) informed to the Administrative Officer, Air Force S.B. that if due amount of House Rent is not paid immediately; they will initiate proceedings for vacating allotted residential quarter. It is the grievance of the applicant that for not fault of them, they are seriously apprehending harsh action by the Executive Engineer of R&B Department of Government of Gujarat.

2. The applicant of the OA No.456/2020 has also placed on record copy of communication/ letter dated 30.08.2020 of OIC, 3 AFSB (Civil Administration) which was addressed to AFWWA (R), Headquarter SWAC and thereby it was intimated that Civilian employees those who wish to occupy any Government Accommodation will not be eligible for HRA and are required to pay House Rent regularly to R&B Department of Government of Gujarat directly as per the guidelines mentioned in Chapter 12, para 3(b)(i) of Part-IV of F.R.S.R.. It is submitted that the respondents have illegally and arbitrarily stopped payment of HRA and that too, contrary to the provisions of SR 317 and FR 45.

3. Hence, this OA and the applicant is seeking relief for issuance of direction to the respondents to pay due and admissible arrears of HRA payable to him w.e.f. July, 2019. Further, direct the respondent to pay House Rent amount payable to the R&B Department of the State Government after adjusting the said amount from arrears of HRA due/ payable to the applicant.

4. It is further submitted by counsel for the applicant, Shri M.S.Trivedi that along with applicant of OA No.456/2020, other similarly and identically placed civilian employees who were also allotted Government quarter by the EE, R&B Department of State Government and their House Rent had not been remitted due to non payment of HRA, they are also apprehending harsh action for forcefully vacating their residential quarter. The said similarly placed other civilian employees have also filed one page petition since their grievance and the prayer are identical in nature as narrated and sought by the applicant of OA No.456/2020. The separate one page application, which are listed in today's cause list from Sr.No.1 to 29 (Dairy Nos.944 to 973of 2020 except Daily No.952/2020) but the same are listed under the office objection due to due to filing one page petition. To avoid duplication and repetitions as also unnecessary use to papers, the applicants have submitted one page petition since all other contentions and grounds including prayer stated in OA No.456/2020 are common in nature for the applicant and they adopted

the same. Therefore, it is prayer of the said applicants that their application be registered and appropriate order be passed.

5. Heard Shri M.S.Trivedi, counsel for the applicant. It can be seen that the claim for grant of HRA after adjusting payment of House Rent to EE R&B, Government of Gujarat and till then the allotted Residential quarters to the applicants be not vacated, is common in nature as also the prayer sought in by the applicants of OA No.456/2020 as also other applicants whose applications are also listed in today's cause list at Sr. Nos.1 to 29 (Dairy Nos.944 to 973of 2020 except Daily No.952/2020). Therefore, to avoid the duplication and repetition the request of such applicant who has filed one page application by adopting the grounds and prayer stated in OA No.456/2020 are accepted. Accordingly, the Registry is directed to register the said applications listed in today's cause list at Sr. Nos.1 to 29 (Dairy Nos.944 to 973of 2020 except Daily No.952/2020).

6. So far applicant's request to grant relief for direction is concerned, it is noticed that before approaching this Tribunal the applicant has not filed any representation or application before the competent authority for redressal of his grievance. Neither the applicant have filed any representation or application before the competent authority and thereby requested the competent authority to pay the House Rent by adjusting their HRA nor there is any decision by the respondents with regard to claim of the applicant. In other

words, the applicant has not knock the door of the competent authority for redressal of his grievance as required under the provisions of Section 20 of the A.T.Act, 1985. Therefore, it cannot be said that applicant has exhausted all the remedies before filing of the OA.

7. At this stage, counsel for the applicant fairly submits that applicant will be satisfied if he is granted liberty to submit representation before the respondents Nos.2 & 3 for redressal of his grievance and appropriate direction be issued to respondents for its consideration and in the meantime, they may not force him to vacate the residential quarter.

8. Considering the aforesaid submissions on behalf of the applicant, the OA stand disposed of with a liberty to the applicant to make representation within a week from the date of receipt of a copy of this order before the competent authority for redressal of his grievance. It is expected that the Respondents will considered his representation expeditiously in terms of service condition of the applicant and intimate their decision to the applicant. It is made clear that this Tribunal has not expressed any opinion on the merits of the case of the applicants.

9. Registry is directed to send copy of this order to the counsel for the applicant through email.

(J.V.Bhairavia)
Member (J)

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