

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, DELHI.

REGN.NO.C.A. NO.749/87.

DATE OF DECISION: 29.9.92

Smt Chander Kali.

... Petitioner.

Versus

Secretary, Delhi
Administration & Anr.

... Respondents.

CORAM: THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.
THE HON'BLE MR. I.K. RASGOTRA, MEMBER(A).

For the Petitioner.

... Shri V.P. Gupta, Counsel.

For the Respondents.

... None.

JUDGEMENT (ORAL)

(By Hon'ble Mr. Justice V.S. Malimath,
Chairman)


The petitioner was granted House Rent Allowance which the authorities later realised was wrongly sanctioned and directed recovery of the House Rent Allowance paid to her and further directed stoppage of House Rent Allowance from October, 1984.

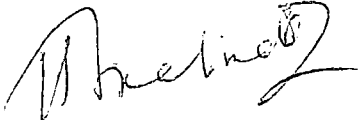
2. The grievance of the petitioner is that this is against the principles of natural justice. The petitioner says that she had given the necessary information and had not suppressed any material and if the authorities acting on the materials furnished granted the House Rent Allowance, they should not have denied the right accrued to her without giving her an opportunity of show cause. There is considerable substance in her contention. So far as withdrawal of the House Rent Allowance is concerned, we are inclined to take the view that the authorities committed a mistake earlier on a misreading of

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the certificate which the petitioner produced as per Annexure II B at page 33. The necessary certificate as contemplated by the provisions has not been furnished by the petitioner to entitle her to House Rent Allowance as per the Rules. She has added her own clause in the form wherein it is stated that she resides in the house of her grand father's in law and contributes towards maintenance of the house. A certificate of this nature is not contemplated and would not qualify for grant of House Rent Allowance. Hence, stoppage of House Rent Allowance in future cannot be faulted. So far as arrears are concerned, as there has been violation of principle of natural justice, the petitioner has a case. We set aside that part of the action of the respondents. Having regard to the lapse of time and having regard to the fact that she has since shifted to a new accommodation, we do not consider it necessary to permit the respondents to hold a further enquiry.

3. For the reasons stated above, this petition is partly allowed. The respondents are restrained from recovering the House Rent Allowance already paid to the petitioner before the impugned order came to be passed. We, however, reject the prayer of the petitioner for grant of House Rent Allowance in respect of the accommodation for nearly twenty three months from October, 1984. The petition, thus, stands partly allowed as indicated above. No costs.


(I.K. RASGOTRA)
MEMBER(A)


(V.S. MALIMATH)
CHAIRMAN