

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 200/91
T.A. No.

199

DATE OF DECISION 1.1.1992

Shri Vishwanath Prasad Ram & Ors ~~Petitioner~~ Applicants

Shri S.P. Sharma Advocate for the Petitioner(s) Applicants

Versus
 Garrison Engineer (A.F.) & Ors. Respondent

Shri P.P. Khurana Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P.K. Kartha, Vice-Chairman (Judl.)

The Hon'ble Mr. I.K. Rasgotra, Administrative Member.

- 1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
- 2. To be referred to the Reporter or not? *No*
- 3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
- 4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

(Oral Judgement of the Bench delivered by Hon'ble
 Mr. P.K. Kartha, Vice-Chairman)

The applicants, who are working in the Office of
 the Garrison Engineer (Air Force), Tughlaqabad, are
 aggrieved by the decision of the respondents in not
 paying them House Rent Allowance and in directing recovery
 of amounts paid to them towards H.R.A.

2. We have heard the learned counsel for both the
 parties and have gone through the records carefully. The
 applicant No.1 was allotted a D.D.A. Janta Flat on 4.8.1977,
 applicant No.2 on 4.1.1978, and applicant No.3 on 14.11.1977,
 as Government accommodation. They used to pay monthly Licence

.....?....

(6)

Fee to the President, Services Institute (P.S.I.) for such accommodation, which in turn, would pay to the D.D.A. In addition to this, they used to be paid every month H.R.A. admissible to them. The respondents have contended ~~xxxxxx~~ that as the Air Force authorities had entered into an agreement in their official capacity and signed licence fee on 3.7.1973 with the D.D.A., the persons in occupation of these D.D.A. Flats are to be considered as in occupation of Government-owned/hired accommodation. In view of this, it was decided that the persons concerned would not be entitled to H.R.A. The recovery of H.R.A. as well as the non-payment of H.R.A. is being challenged in this application.

3. The respondents have contended that the D.D.A. Centre Flats were hired by the Air Force authorities and an agreement was entered into with the D.D.A. for that purpose. The allotment of the Flat is made by the Air Force authorities directly to the allottee concerned.

4. After hearing the learned counsel for both the parties, we are of the opinion that the respondents cannot effect any recovery for the period prior to 17.1.1991 till then ~~the~~ the applicants were not put on notice about their dis-
ment to draw H.R.A. while they were in occupa-
D.D.A. Flats allotted to them by the Air

notice,
However, as regards entitlement of H.R.A. after they were put on we are of the opinion that the applicants would not be so entitled as the allotment of accommodation to the applicants in the D.O.A. Flats was through the agency of the Air Force authorities. We see nothing illegal in treating such allotment as allotment of Government accommodation for all purposes.

5. Accordingly, the application is disposed of with the following directions:-

- (i) We hold that the applicants will not be entitled to House Rent Allowance so long as they are in occupation of the quarters allotted to them by the respondents; and
- (ii) the respondents shall not effect any recovery of the H.R.A. already paid to the applicants upto December, 1990.

Subhash
(I.K. Rasgotra)
Administrative Member

Om Prakash
(P.K. Kartha)
Vice-Chairman(Judl.)