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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

O.A.No. 2320/91

Date of decision

1/9/92

Shri Madan Mohan

... Applicant

v/s

Union of India
and Others

... Respondents

CORAM:

Hon'ble Mr. Justice Ram Pal Singh, Vice-Chairman (J)

Hon'ble Member Mr. I.P. Gupta, Member (A)

For the Applicant ... Shri B.B. Raval, Counsel

For the Respondents ... Shri M.L. Verma, Counsel
Shri K.C. Mittal, Counsel

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?

JUDGEMENT

Delivered by Hon'ble Mr. I.P. Gupta, Member (A)

In this application filed under Section 19 of the Administrative Tribunal Act, 1985, the applicant has requested for issue of direction to the respondents to pay the applicant House Rent Allowance at admissible rate of Rs. 450/- per month on his present pay and allowance, which he has not been getting since 1st February, 1991.

2. The applicant is a Health Education Technician Grade II (Cartoonist). He went on deputation as an Artist to the Advance Level Telecom Training Centre, Department of Tele-communication, Government of India, Ghaziabad with effect from 30th November, 1985 to 16th March 1989. As mentioned by the applicant himself he was officially allotted a quarter in the Campus of ALTTC, bearing No. Type III/36. He was repatriated

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to his parent department namely Central Health Education Bureau in 1989. In response to certain advertisements issued in 1989 and 1990 by the ALTTC for the post of Artist the applicant applied. He was not taken. It appears that he filed some separate application for issuing direction to respondents to treat him as selected on the basis of 1989 advertisement. The direction given to respondents in that case was to consider the suitability of the applicant for appointment as Artist on transfer on regular basis in the office of ALTTC as and when they decide to fill the same on regular basis OA 378/91 decided on 10.4.1992. The applicant has continued to occupy the quarter of ALTTC though he has not been taken in ALTTC as yet. The ALTTC has asked the parent department of the applicant to make recovery in regard to unauthorised occupation of quarter in the campus of ALTTC, Ghaziabad since the applicant had been reverted to his parent cadre i.e. Central Health Education Bureau in 1989.

3. The Learned Counsel for the applicant contended that on the one hand heavy recoveries have been ordered for the quarter the applicant is occupying at Ghaziabad and on the other hand no house rent allowance is being paid to him by CHEB.

4. The Learned Counsel for the respondents contended that the applicant was still occupying Government quarter at Ghaziabad and the CHEB is making recovery of rent on behalf of ALTTC at Ghaziabad, being a Government organization. Since the applicant is in possession of a Government accommodation he does not have the right to draw HRA. There is nothing on record to establish that the rules would permit drawal of HRA notwithstanding the occupation of Government accommodation by the applicant.

5. This is not an O.A. where the question of recoveries of rent in regard to the quarter at Ghaziabad is to be settled. The prayer herein simply that HRA should be directed to be paid. As mentioned by the respondents since the applicant is in possession of a Government accommodation, he cannot claim HRA.

6. Though we appreciate that the applicant is hard-put financially since heavy rent is being charged for the ALTTC quarter at Ghaziabad and since HRA is also not made admissible, we can hardly give a direction to the respondents to pay to the applicant HRA when he still is in occupation of Government accommodation. In the circumstances, the O.A. is dismissed with no order as to costs. The interim orders will cease to have effect. However, from 8-10-1991 to the date of this order only normal licence fee would be chargeable for the accommodation.

7. We however ^{expect} of the respondents that issues relating to any dues of the applicant from ALTTC for the period he served with them and the adjustment of rentals and recoveries to be still effected from the applicant should be sorted out early in accordance with rules and precedents taking the totality of factors including non-drawal of HRA by the applicant during the period ~~as per~~ ^{he} ~~early~~ ^{he} date and the interim orders passed. We also expect ^{he} vacation of ALTTC quarter by the applicant. These are being said by way of observations and not directions since the application relates to payment of HRA only in respect of which the order in the preceding paragraph has been given.

I.P. Gupta
(I.P. GUPTA)
MEMBER(A)

17/9/92

Ram Pal Singh
(RAM PAL SINGH)
VICE CHAIRMAN(J)