

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 24th day of November 2000.

Original Application no. 1305 of 1997.

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

Kishan Pal,  
S/o late Kalika,  
R/o Military Farm,  
Kanpur.

... Applicant

C/A Shri K.K. Mishra

Versus

1. Union of India, through Secretary,  
Ministry of Defence,  
Army Headquarter, New Delhi.
2. The Director General,  
Military Farm,  
Army Headquarter, C.M.G's Branch,  
R.K. Puram, West Block-III,  
NEW DELHI.
3. The Director, Military Farm,  
Headquarter, Central Command,  
LUCKNOW.
4. The Officer Incharge,  
Military Farm, Kanpur.  
C/Rs Shri Satish Mandhyan.

..Respondents

O R D E R (Oral)

Hon'ble Mr. Justice, R.R.K. Trivedi, VC

By this OA under section 19 of the A.T. Act, 1985, the applicant has claimed for direction to the respondents to pay HRA for the period from 1.1.89 to 30.09.94.

2. The brief facts of the case <sup>stated in the application</sup> are that the applicant was allotted accommodation on 4.1.89, but he vacated it and then it was allotted to Shri K. Pal on 5.1.89. He did not remain <sup>in</sup> occupation of the quarter, and the respondents illegally and arbitrarily refused to pay HRA.

3. In counter affidavit, it has been stated that the applicant was already in occupation of the quarter and he applied for the change of the same. Hence, when Shri R.M. Singh vacated the quarter it was allotted to the applicant by order dated 4.1.89 and the quarter vacated by him was allotted to Shri K. Pal by order dated 5.1.89. It is the case of the respondents that the claim of the applicant for grant of HRA for the aforesaid period is base-less as he all along <sup>remained in</sup> ~~the~~ occupation of the quarter. In his application the applicant has not mentioned the place where he was residing during this period for more than five years. He must have been residing <sup>in</sup> some accommodation, either owned <sup>by him</sup> or hired by him. <sup>consideration of this aspect was</sup> ~~It is wrong determination~~

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<sup>For correct determination</sup>  
Whether the Govt. quarter was occupied by the applicant during the period in question, this material fact has, ~~however~~ not been given. In the absence of it, it is difficult for this Tribunal to adjudicate the question.

4. In the facts and circumstances mentioned above this OA is disposed of finally with the liberty to the applicant to make a fresh representation mentioning the place where he was residing during the period in dispute. The authority concern shall examine the whole matter afresh on the basis of material supplied and shall pass reasoned order within a period of four months from the date of communication of this order.

5. No order as to costs.



Vice-Chairman

/pc/