

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD.

Allahabad; this the 13th day of July 2000.

ORIGINAL APPLICATION NO. 1369/98

CORAM:

Hon'ble Mr. S.K.I NAQVI. MEMBER (J)

Smt. Sunita Shail Narain,
Wife of Sri Vijendra Jai Narain,
Deputy Director of Income Tax
(Investigation), Meerut.

.....Applicant.

(Counsel for the applicant.:Bri. B.K. Srivastava. Adv)

// VERSUS //

1. Union of India, through Secretariate Ministry of Finance, New Delhi.
2. Chief Commissioner of Income- Tax, Kanpur.
3. Drawing & Disbursing Officer, Officer of the Deputy Director of Income-Tax (Investigation) Aayakar Bhawan, Bhainsali Ground, Meerut.
4. Deputy Controller of Accounts, Office of the Chief Controller of Accounts, 16/69 Aayakar Bhawan Civil Lines, Kanpur.
5. Senior Accounts Officer, Zonal Accounts Office Aayakar Bhawan, Civil Lines, Kanpur.

.....Respondents.

(Counsel for the respondents: Sri Amit Sthalekar, Adv)

ScPg (2)

ORDER

(By Hon'ble Mr. S.K.I Naqvi.J.M.)

The applicant has come up impugning Annexure No.1 through which an order has been passed for recovery, for House Rent Allowances drawn by the applicant unauthorisedly.

2. As per, applicant's own case, she is residing with her husband who is a Military Officer and ^{has} have been allotted Official Resident, but at the same time, she claimed and was paid the House Rent Allowance (HRA) which is being recovered by the respondents through impugned order. Learned counsel for the applicants admitted that so far, there is no rule, which may support ^{but} ~~of~~ his contention, ~~any~~ contrary to it Rule 5 (c) of HRA, CCA Rule (Rt and Sr, Part 5) goes against him. ^{Strongly} This prayer is ~~strongly~~ being opposed on behalf of respondents.

3. It is a matter, in which the applicant claimed and was paid House Rent Allowance while she was residing with her husband who is also in Military service and allotted with Officer Resident.

4. It is not the case of the applicant that she is paying any amount as rent for any accommodation ^{occupied} ~~occupying~~ by her and therefore, she was not entitled to any HRA and respondents are entitled to recover the amount of HRA paid to her against the rules.

The O.A. is devoid of merit hence dismissed, at admission stage.

Sic Magn
Member (J)

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