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CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

Registration (OA) no 766 of 1967.

Vijay Kumar

applicant.

Versus

Sub Area Commander Station H.Q.,
Allahabad and others.

Respondents.

Hon'ble S. Zaheer Hasan, V.C. (J)
Hon'ble D.S. Misra, Member-A

(By Hon'ble D.S. Misra)

This is an application under Section 19 of the A.T. Act XIII of 1985. The applicant has challenged the order of the respondents with-holding the payment of house-rent allowance to the applicant.

2. In spite of several opportunities being given to the respondents, no reply has been filed on their behalf. We have heard the arguments of the learned counsel Sri I.R. Singh, for the applicant and Sri K.C. Sinha for the respondents.

3. The contention of the applicant is that he has been receiving house rent allowance along with his pay and has not been paying any rent for the government quarter occupied by him, because the government quarter is maintained by him and the respondents have not provided essential facilities, like water and electric in the quarter. Learned counsel for the applicant Sri I.R. Singh contended that the applicant is entitled to receive house rent allowance as the government accommodation occupied by him was not allotted to him, nor has he been paying any rent for the same in the past. Sri Singh relied upon a judgment of Allahabad High Court in the case of Ex Retired Panchayat Sewak Association, Azamgarh and two others Vs.

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State of U.P. and others decided on 31st August, 87 in Civil Misc. Writ Petition No. 10106 of 1987, in which it has been held that the petitioners being employees of the State Government were entitled to receive pension on retirement from the service of the State Government. In our opinion, the above decision does not help the case of the applicant, whose case is governed by the orders issued by the Government of India regarding payment of house rent allowance. These instructions clearly lay down that house rent allowance shall be payable to only those employees who have not been provided with government accommodation. The applicant is residing in government accommodation. Learned counsel for the applicant has contended that as the respondents were not looking after the maintenance of the government accommodation occupied by the applicant and as even water and electric connections were not provided in this quarter, the government accommodation occupied by him had assumed the nature of a private property of the applicant. We have considered the matter and we are of the opinion that this contention of the applicant is not correct.

For the reasons mentioned above, we are of the opinion that the applicant is not entitled to receive any house rent allowance. The application is rejected.

Sharma
A.M. 29.2.88

V.C.(J)

JSb9.2.1988