

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

ORIGINAL APPLICATION NO. 442 OF 1999

ALLAHABAD THIS THE 05 DAY OF MAY, 2006

HON'BLE MR.JUSTICE KHEM KARAN, V.C.

1. Bijendra Singh, S/o Sri Mahraj Singh, Assistant Teacher (TGT), Hindi Jawahar Navodaya Vidyalaya, Chaubari, District Bareilly.
2. Dr. M.C. Sharma, S/o Sri Mahkhan Lal, Assistant Teacher (PGT) Hindi Jawahar Navodaya Vidyalaya, Chaubari, District Bareilly.

.....Applicants

(By Advocate S.C. Srivastava (Absent)

V E R S U S

1. Navodaya Vidyalaya Samiti, through its Director, Human Resource Development Department of Education, Government of India, A-39, Kailash Colony, New Delhi.
2. Deputy Director of Navodaya Vidyalaya Samiti, B-159, Nirala Nagar, Lucknow.
3. Principal, Jawahar Navodaya Vidyalaya, Chaubari, District Bareilly..

.....Respondents

(By Advocate: Sri V. Swaroop

O R D E R

None has turned up for the applicant. Sri L.M. Singh holding brief of Sri V. Swaroop is present for the respondents. The case is critically old one. On the late date of hearing i.e. 30.11.2005, this Tribunal ~~was~~ clearly observed that if on the next date of hearing, none turns up on behalf of the



applicant, appropriate orders would be passed. In spite of such observations, none has cared to come from the side of the applicant and assist the Tribunal in disposing of this old case.

2. I have heard Sri L.M. Singh proxy counsel for Sri Vinod Swaroop (for the respondents) and perused the pleadings of the parties.

3. The applicant who is serving in Navodaya Vidyalaya Samiti has come for the following main relief(s):-

(a) a order or direction in the nature of mandamus commanding the respondent no.3 not to make any recovery from the salary of the petitioners on the basis of audit report contained no. 14 to this Application.

(b) a order or direction in the nature of mandamus commanding the respondents to pay the petitioner House Rent allowance, children education allowance according to terms and conditions of the Vidyalaya Samiti Rules and refund the amount to the petitioners, which has already been recovered by the respondents.

(c) a order or direction in the nature of mandamus commanding the respondents not to realize the electricity charges from the petitioners and also not to deduct the amount of earn leave, facilities, which was given during the probation period and also not to deduct the amount of leave travel concession."

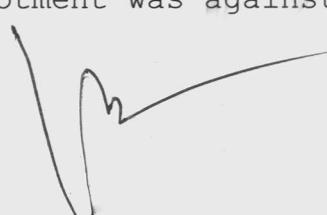
4. The grounds taken in this O.A. are that as per the service conditions, if the suitable accommodation is not made available in the school premises & compass for allotment, the employee will be entitled to draw HRA



(Annexure-6); ^{and since the} ~~the~~ respondents could not provide, ^{the} ~~campus~~ ^{say} suitable accommodation in the school ~~compass~~ so they ~~became~~ ^{are} entitled to draw House Rent Allowance. They ^{say} House Rent Allowance was paid to them as per rules and the audit objection is not well-founded and the department was not justified in ordering recovery of the amount so paid towards House Rent Allowance.

5. In written reply, the respondents have stated that both the applicants were House Masters and as such it was obligatory for the applicants to live within the premises of the school, so they were not entitled to draw House Rent Allowance and audit objection against the payment of such House Rent Allowance was perfectly justified.

6. None has come from the side of the applicant ^{to show} as ^{to say} to how ~~to say~~ the audit objection against payment of House Rent Allowance, to such persons who are ^{supposed} ~~proposed~~ to live within the ^{Campus} ~~compass~~ of the Vidyalaya, can be said to be un-justified. Sri Singh has drawn attention of the Bench towards the papers annexed to the Reply, According to which, the applicants were required to live within the premises of the Vidyalaya and as such they were not entitled to House Rent Allowances. It is admitted in para 10 of the Rejoinder affidavit that they ^{have been allotted} ~~are living in a~~ quarters within the premises of the Vidyalaya, but ^{They say} ~~have said~~ that such allotment was against the Rules.



7. In view of the above, O.A. is devoid of merits and is dismissed accordingly. No costs.

(dmsg)
costs 0/6

VICE CHAIRMAN

GIRISH/-