

5 (7)

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK.

Original Application No.259 of 1990.

Date of decision, December 12, 1991.

Dr.K.S.Rao

...

Applicant.

Versus

Union of India and others ...

Respondents.

For the applicant

... M/s.P.Palit,
B.Mohanty,
A.Kanungo, Advocates.

For the respondents ...

Mr.Ashok Mohanty,
Standing Counsel (Central)

C O R A M:

THE HONOURABLE MR.K.P.ACHARYA, VICE-CHAIRMAN

1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ? ~~Ad~~
3. Whether His Lordship wishes to see the fair copy of the judgment ? Yes.

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J U D G M E N T

K.P.ACHARYA,V.C., In this application under Section 19 of the Administrative Tribunals Act,1985, the applicant prays for a direction to be issued to the respondents for payment of house rent allowance at the rate of Rs.400/-per month from 1.7.1988 to 30.9.1990.

2. Shortly stated, the case of the applicant is that he was a Zonal Administrator cum Assistant Director, Veterinary serving under the Dandakaranya Development Authority, from 1.7.1980 till 30.9.1990 when he retired on superannuation. The applicant was posted at Koraput. Hence he claims house rent allowance at the rate mentioned above.

3. In their counter, the respondents maintained that the applicant was staying in the Project Rest House at Koraput and hence is not entitled to any house rent allowance.

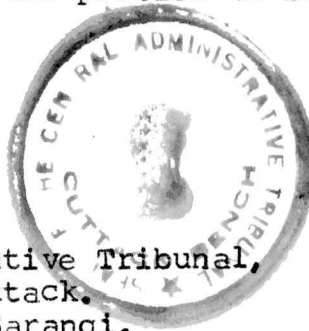
4. I have heard Mr.Biswajit Mohanty, learned counsel

for the applicant and Mr. Ashok Mohanty, learned Standing Counsel (Central) at a considerable length. Mr. Biswajit Mohanty strenuously urged before me that under the Rules the applicant is entitled to house rent allowance even though he has stayed in the Project Rest House for some time because village Kondagaon is within the same zone and the applicant has a house at Kondagaon where he has stayed during his visit to Kondagaon. Ofcourse Mr. Biswajit Mohanty had placed certain rules on the subject but I am not in agreement with the view expressed by Mr. Biswajit Mohanty because the applicant was intermittently going to Kondagaon on Government duty and was definitely earning his tour allowance etc. Though Mr. Biswajit Mohanty submitted that the applicant has not stayed in the Project Rest House but in paragraph 4 of the counter it is stated as follows:

" On his joining at Koraput the applicant stayed in the Project Rest House availing the facilities including free electricity, water supply, cook and other amenities and continued to stay there till his retirement i.e. 30.9.90."

5. No doubt a rejoinder to the counter has been filed on 28.11.1991 but on perusal of the averments of the rejoinder it would be found that the applicant has made certain vague assertions without specifically denying the statements made in the counter that the applicant had occupied the Project Rest House till the date of his retirement. So far as the contention of Mr. Biswajit Mohanty is concerned regarding the house of the applicant situated at Kondagaon I think there is substantial

force in the contention of Mr. Ashok Mohanty, learned Standing counsel that the same should not be taken into consideration because the applicant was going to Kondagaon on Government duty and was drawing Travelling allowance and halting allowance for his visit to Kondagaon. Taking into consideration the aforesaid facts and circumstances, I am of opinion that the case deserves no merit which stands dismissed leaving the parties to bear their own costs.



Central Administrative Tribunal,
Cuttack Bench, Cuttack.
December 12, 1991/Saranghi.

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12.12.91
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Vice-Chairman