

NOTES OF THE REGISTRY

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Order dated 3.4.2002

Heard Shri P.K.Padhi, the learned counsel for the Applicant and Shri J.K.Nayak, the learned Addl. Standing Counsel for the Respondents and perused the records.

In this O.A., Applicant is a departmental Sub Post Master, posted in a remote village, Nachhipur under Bolangir Division of Orissa. He has been asked by the departmental authorities to stay ^{/reside} in the house where the Post Office is functioning and as a consequence he is not being paid the house rent allowance. It is the case of the applicant that the house in which he has been asked to reside is not ^{for Residence} really habitable ~~one~~. The minimum facilities, like water and lavatory are not available in that premises, for which he had to take a separate house on rent for his residential accommodation. This aspect of the matter has not been disputed by the Respondents in their counter. Since the applicant is not residing in a rent free quarters, he is entitled to house rent allowance.

Having heard the learned counsel for the parties and on perusal of the pleadings placed before me, I direct the Respondents to grant house rent allowance to the applicant; ^{he is} for ~~his~~ not occupying any rent free quarters befitting for human habitation, being provided by the Department. While giving this direction to the Respondents, Shri Padhi for the applicant drew my attention to a judgment dated 24.7.2001 passed by a Division Bench of this Tribunal in O.A.614/98, wherein, in a similar circumstance

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Respondents were directed to pay house rent allowance to a Sub Post Master. It is the case of the Respondents that they are taking steps to provide alternative accommodation for the post house and, in the said premises, this O.A. is allowed with direction to Respondents to grant house rent allowance, to the Applicant,

regularly, from the end of April, 2002, till the alternative arrangement is made by the Respondents. The arrears house rent allowances ~~should~~ be paid to the applicant within a period of three months hence, for which Respondents are hereby directed.

The O.A., as per ^{the above} observations and directions, is allowed. No costs.

Send copies of this order to the Respondents (along with copies of judgment rendered by this Tribunal in O.A.614/98) at the cost of the Applicant. Shri Padhi undertakes to file the required number of xerox copies of the above said judgment along with required postages by 5.4.2002.

Copies of this order be made available to the learned counsel of both sides.

Yashwant
Yashwant
09.04.2002
MEMBER (JUDICIAL)