

Central Administrative Tribunal, Lucknow Bench, Lucknow

ORIGINAL APPLICATION No.500/2009

This the 07th day of December, 2009

Hon'ble Ms. Sadhna Srivastava, Member (J)

Pooja Agrawal, aged about 27 years D/o Shri A.K. Agrawal, resident of D-3, Sector-K, Lucknow.

.....Applicant

By Advocate: Sri D. Awasthi for Shri Praveen Kumar.

Versus.

1. Union of India through the Director General, Council of Scientific & Industrial Research, New Delhi.
2. The Director, National Botanical Research Institute, Rana Pratap Marg, Lucknow.

.....Respondents

By Advocate: Shri Pankaj Awasthi holding brief for Shri A.K. Chaturvedi.

ORDER (Oral)

By Ms. Sadhna Srivastava, Member-J

The applicant claims arrear of House Rent Allowance along with interest.

2. The brief facts as stated in the OA are that the applicant was appointed as Fellow Scientist in Council of Scientific & Industrial Research in the year 2006. It is mentioned in her appointment order that her appointment was to be governed by the terms and condition mentioned in the appointment letter. The photocopy of the appointment letter is on record as Annexure-A-1. In the appointment letter it is clearly mentioned that the applicant will be provided Hostel accommodation/scientist apartment (if available) on payment of rent



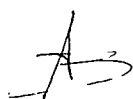
@ 5% of the emoluments as fixed, failing which she will be paid HRA as per CSIR Rules on the basis of emoluments fixed above.

3. The applicant made a representation either to provide the accommodation or pay the HRA. she filed a representation on 16.11.2006 before the Respondent No.2 requesting therein to release the House rent allowance along with salary as no accommodation was provided to the applicant. The copy of representation dt.16.11.2006 is on record as Annexure-A-4. It is alleged in the OA that despite assurance given by the respondents the house rent allowance has not been paid to the applicant since 26.6.2006 to 25.12.2008. Therefore, the instant OA has been filed seeking direction to the respondents to pay house rent allowance for the aforesaid period i.e. from 26.06.2006 to 25.12.2008.

4. The respondents raises preliminary objection that cause of action has arisen in the year 2006 because the house rent allowance was not paid in the year 2006 and the instant OA has been filed in the year 2009. On the other hand the counsel for applicant submits that this is recurring cause of action because the house rent allowance has been denied every month. Therefore, the application is within time.

5. Heard both the parties.

6. Though the law of limitation falls harsh on a person who has withheld assertion of his right for redressal, but this is not of a universal application. In a case where matter requires meritorious consideration, limitation has to be invariably condoned as held by the Apex Court in the case of **Divisional Manager, Plantation Division, Andaman & Nicobar Islands Vs. Munnu Barrick and others**



reported in 2005 (SCC (L&S) 200. If an employees raises his grievances to his employer it is incumbent upon the employer to consider and pass order. In the Instant case the applicant filed a representation in the year 2006 following with several reminders, which are still pending. Therefore, at this stage, I am of the opinion that a suitable direction can be given to the respondent no.2 to decide the claim of the applicant. Accordingly, I hereby direct the Respondent No.2 to treat this OA as representation of the applicant and pass a reasoned and speaking order within a period of three months in accordance with rules. In case, the applicant is found entitled for house rent allowance the same should be paid expeditiously. The OA is accordingly disposed of as above. No order as to costs.


(Sadhna Srivastava)
Member-J

Amit/-