

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, GULESTAN' BUILDING NO.6  
PRESOCOT ROAD, BOMBAY 1

Original Application No. 2/96

Thursday, the 4th day of January 1996

CORAM: Hon'ble Shri B.S. Hegde, Member (J)

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J.S. Sundaresan

... Applicant

By Advocate Ms. Nilima Gohad.  
V/s.

Union of India Represented by  
The Secretary  
Department of Defence  
Production & Supplies  
Ministry of Defence  
New Delhi.

The Chief Controller of  
Accounts (Fys) Pay(o)  
Section, 10-A Auckland Road,  
Calcutta

The Accounts Officer  
Ordnance Factory  
Dehu Road

The General Manager  
Ordnance Factory  
Dehu Road.

The Secretary  
Ordnance Factory Board  
10-A Auckland Road  
Calcutta.

... Respondents.

ORAL ORDER

( Per Shri B.S. Hegde, Member (J) )

Heard Counsel for the applicant.

In this O.A. the applicant has prayed  
that the recovery of HRA should be treated as  
illegal and bad in law and to direct the respondents  
to refund the amount recovered from the pay and  
allowances of Oct. 95 alongwith interest.

After considering the documents, I am of the view, that the O.A. can be disposed of at the admission stage itself without notice to the other side.

Admittedly, the applicant is being in occupation of the Department Office Mess, Ordnance Factory, Dehu Road with effect from May '94 onwards. Respondents by letter dated 31.8.95 directed the QAE (ME) Dehu Road regarding admissibility of HRA to the applicant stating that HRA is <sup>not</sup> admissible with effect from 21.7.94 in respect of Shri J.S. Sundaresan, SSO-I on account of allotment of 2 Rooms in the Officer Mess at Ordnance Factory, Dehu Road. Thereby, any amount paid on account of HRA w.e.f. 21.7.94 may please be treated as excess paid and the same may please be recovered. Pursuant to the order, the respondents have recovered the excess amount paid to the applicant amounting to Rs. 5600. On going through the pleadings, I see no infirmity in the order passed by the respondents. Accordingly, the O.A. is dismissed at the admission stage itself. No order as to costs.

  
(B.S. Hegde)  
Member (J)

CENTRAL ADMINISTRATIVE TRIBUNAL

GULESTAN BLDG. NO. 6, PRESCOT RD., 4th FLOOR.,

MUMBAI - 400 001.

REVIEW PETITION NO.51/96 in  
ORIGINAL APPLICATION NO.2/96.

DATED THE 29th DAY OF FEBRUARY, 1996.

CORAM : Hon'ble Shri B.S.Hegde, Member (J).

J.S.SUNDARESAN .... Applicant

v/s.

Union of India & 4 Others .... Respondents

X O R D E R X (BY CIRCULATION)

( Per Shri B.S.Hegde, Member (J) )

The applicant has filed this RP seeking review of the judgement dated 4/1/96 in OA No.2/96. The only contention raised in the RP is that the applicant was never allotted any official quarter prior to 3/2/95 and that he was allotted quarter No.107/4 Type IV vide letter No.4912/Y&E/Quarter dt. 3/2/95. He was not allotted any quarter from 94-95, the applicant is entitled to House Rent Allowance for the above period. Accordingly respondents have paid House Rent Allowance to the applicant in accordance with the rules.

However, on perusal of the order of the Tribunal, it is made out the applicant was in occupation of Departmental Officer's Mess, Ordnance Factory, Dehu Road w.e.f. May, 94., onwards. When he is occupying the Departmental Mess, he is

not entitled for any House Rent Allowance, accordingly whatever has been paid by respondents have been recovered from the applicant. Since there is no infirmity in the order passed by respondents, the OA was disposed of at the admission stage itself.

In the review petition, the applicant has not made out any <sup>new</sup> ~~any~~ point for consideration therefore, I do not find any error apparent on the face of the record nor any new facts brought to my notice calling for review of the judgement. In the circumstances, there is no merit in the RP, the same is dismissed by circulation.

  
(B.S. HEGDE)  
MEMBER (J)

abp.

R.P.M.

R.P.M. 51196  
by circulation RPD on  
22/2 29/2/96 29/2/96

order/Judgement despatched  
to Applicant/Respondent (s)  
on 813

Officer  
AM 3