

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.: 338/99

16-1-2000
Date of Decision :

Shri O. P. Rammurat Applicant.

Mrs. S.A.Dhamale Advocate for the
Applicant.

VERSUS

Union of India & Others, Respondents.

Shri V.D.Vadhavkar Advocate for the
Respondents.

CORAM :

The Hon'ble Shri D.S. Baweja, Member (A)

- (i) To be referred to the Reporter or not ? *✓*
- (ii) Whether it needs to be circulated to other *✓*
Benches of the Tribunal ?
- (iii) Library *✓*

D. S. Baweja
(D.S. Baweja)
Member (A)

mrj*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

OA.NO.338/99

Dated this the 14th day of January 2000.

CORAM : Hon'ble Shri D.S.Baweja, Member (A)

Om. Prakash Rammurat

... Applicant

By Advocate Mrs. S.A.Dhamale

V/S.

Union of India & Ors.

... Respondents

By Advocate Shri V.D.Vadhavkar

ORDER

(Per: Shri D.S.Baweja, Member (A))

The father of the applicant Shri Ram Murat Kumar retired on 31.5.1993 while working as Gangman on Western Railway. He was occupying Railway quarter No. 17/E/A at Goregaon. The applicant being a railway employee was sharing the quarter with his father since appointment on 3.10.1992 for which permission was granted. No house rent allowance (HRA) was also being paid to the applicant. The applicant applied on 15.4.1993 for regularisation of the quarter occupied by his father in his name before retirement. However, instead of regularisation of the quarter, the applicant received an eviction order dated 7.12.1993. His father filed an appeal before the Principal Judge City Civil Court. The impugned order dated 7.12.1993 was set aside by the

order dated 8.9.1994 and remanded to the Estate Officer for deciding the matter fresh. The applicant also filed an DA.NO.736/94 for regularisation of the quarter which was decided on 15.11.1995 with a direction to Estate Officer to pass an appropriate order within a period of three months. However, in the meantime, when the applicant had gone to his native place, he was evicted from the quarter on 5.4.1994. Since then the applicant is not in occupation of the quarter. However, no HRA is being paid to him since 5.4.1994. Feeling aggrieved by the same, the present DA. has been filed on 23.3.1999 seeking direction to the respondents to pay him HRA from 5.4.1994 onwards with interest at the rate of 18% per annum.

2. The respondents have opposed the application through written statement. At the outset, it is stated that the DA. is barred by limitation. On merits, it is contended that the applicant was more interested in getting the house regularised for which he had been pursuing the matter at the various levels. He never made any representation for non payment of HRA.

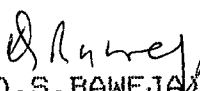
3. The applicant has filed rejoinder reply controverting the averments of the respondents. The respondents have also filed reply for the rejoinder reply of the applicant.

4. We have heard Mrs.S.A. Dhamale and Shri V.D.Vadhavkar, learned counsel for the applicant and respondents respectively.

5. It is admitted fact that the applicant is not in occupation of the quarter allotted to his father since 5.4.1994. He has also not received payment of any HRA since then but from the month of April/May, 1999 HRA payment has been started. The respondents in para 6(b) of the written statement have stated "while the respondents do not desire to deny payment of HRA arrears, the claim before this Tribunal is resisted on grounds of delay/laches as the applicant is persisting to claim interest thereon @ 18% per annum."

The respondents have also opposed the application being barred by limitation. It is noted that the applicant is claiming payment of HRA from 5.4.1994 by filing the present OA. on 23.3.1999. The applicant has neither made any averment in the OA. stating that he ever represented for non payment of HRA nor any document has been brought on record for the same. The applicant has also not filed any application for condonation of delay. It appears as pointed out by the respondents that the applicant was more interested in regularisation of the quarter for which he was pursuing the matter. Therefore, the present application suffers from delay and laches. The applicant therefore cannot claim any payment of the interest for the payment of arrears of HRA. Since the respondents are ready to pay the arrears of HRA as due from 5.4.1994 as brought out earlier, we can dispose of the OA. accordingly.

6. In the light of the above, the OA. is allowed with the direction to the respondents to pay HRA as due as per rules from 5.4.1994 till the date ^{when} the payment of HRA ~~has~~ already started. The applicant will be not entitled for payment of any interest on the payment of arrears. The payment of the arrears shall be arranged within a period of 3 months from the date of receipt of the order. No order as to costs.


(D.S. BAWEJA)
MEMBER (A)

mrj.