

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI.  
CAMP AT AURANGABAD

ORIGINAL APPLICATION NO: 422/2001

WEDNESDAY the 5th DECEMBER 2001

CORAM : Hon'ble Shri S.R. Adige, Vice Chairman

Sudhakar Bapurao Kale  
Residing at : 98/4,  
N - 9, M- 2  
Sant Dnyaneshwar Nagar  
HUDCO, Aurangabad

... Applicant.

By Advocate Shri S.P. Kulkarni

V/s

1. Union of India through  
Senior Superintendent of  
Posts Offices,  
Aurangabad Postal Division

2. Postmaster General  
Aurangabad Region,  
at P.O. Aurangabad.

... Respondents.

By Advocate Ms. H.P. Shah

ORDER (ORAL)

¶ Per S.R. Adige, Vice Chairman¶

The applicant impugns respondents order dated 31.1.2001. The applicant seeks payment of HRA for the period from 16.6.1997 to 9.7.1998, during which he did not occupy the quarter attached to Chikalthana PO.

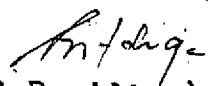
2. Heard both sides.

3. The respondents have denied the HRA for the aforesaid period to the applicant on the ground that he should have been first occupied the quarter and then he should have been reported the matter to the concerned landlord. Relevance is also placed on SR 311 and SR 312.

4. The learned counsel for the applicant invited my attention to the Tribunal's order dated 28.2.1997 in OA 38/96 Prabhakar Krishnaji Kinkhikar and one another V/s Union of India and another (Annexure O) where in under very similar circumstances the applicant had been held entitled to HRA.

5. Nothing has been shown to me to establish that the aforesaid order dated 28.2.1997 (Supra) has been stayed, modified or set aside. The learned counsel for the respondents has not denied that HRA for the relevant period was paid to Prabhakar Krishnaji Kinkhikar.

6. That decision is squarely applicable in the present case and in the result, OA is allowed to the extent that impugned order dated 31.1.2001 is quashed and set aside. The respondents are directed to release to the applicant the admissible HRA for the period from 16.6.1997 to 9.7.1998 within two months from the date of receipt of copy of this order.

  
(S.R. Adige)  
Vice Chairman