

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

CAMP: PANAJIM, GOA

O.A. No. 522/93

Dated : Friday the 11th April, 1997

Coram : Hon. Shri B.S. Hegde, Member(J)  
Hon. Shri P.P. Srivastava, Member(A)

C.B. Manjrekar  
Sub Postmaster (HSG-II)  
Banda 416511  
Dist. Sindhudurg  
Maharashtra

..Applicant

v/s.

1. The Postmaster (HSG-I)  
Malvan Head P.O. 416606  
Dist. Sindhudurg
2. The Superintendent of  
Post Offices, Sindhudurg  
Division, Malvan 416606
3. The Postmaster General  
Goa Region, Panaji 403001

(By. Mr. Badrinarayan, Counsel) ..Respondents

O R D E R

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

Heard the applicant in person and Mr. Badri-narayan, Counsel for the respondents.

2. In this O.A. the applicant is seeking for payment of H.R.A. while on deputation at Kankavli from 8.7.1990 to 31.7.1990. He also claims HRA in lieu of rent free accommodation at the rate of Rs.285/- for the same period.
3. Though the O.A. came up for hearing on more than two occasions earlier the applicant remained absent and hence the O.A. was dismissed in default of appearance. Thereafter the applicant filed an M.P. and the O.A. was

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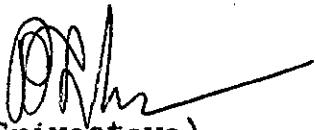
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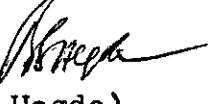
4. The short question for consideration is whether the applicant is entitled to claim H.R.A. both in his earlier posting at Malvan when his family stayed back at his original headquarters and also at Kankavli from 8.7.90 to 31.7.90.

5. The Respondents contend that the applicant was paid HRA @ Rs.100 at his old station for the period 8.7.90 to 31.7.90. Eventhough the applicant proceeded on leave w.e.f. 1.8.90 to 31.10.90 by producing medical certificate and during the leave period he was staying at Malvan with his family, his original headquarters, he was paid HRA @ Rs.100/- per month, as per O.M. dated 13.11.87. Therefore the counsel for respondents contends that the applicant was paid correct HRA and no further payment is called for. As per the O.M. dated 13.11.1987 Government employees belonging to Groups A, B & C and D working in various classified cities and unclassified places will be entitled to compensation in lieu of Rent free Accommodation subject to the condition that the family of the applicant continues to reside at the old station. Kankavli is an unclassified city and minimum licence fee of Rs.85/- per month admissible as per Ministry of Urban Development letter dated 7.8.87. Since both the places i.e., Malvan and Kankavli the HRA payable is Rs.100/- and since the applicant did not get the rent free accommodation while on deputation at Kankavli he was paid in lieu of rent free accommodation an amount of Rs.85/-. Accordingly the respondents vide their letter dated 31.1.91 informed the applicant that the HRA as admissible to him has been paid to him. The payment of HRA in lieu of rent free quarter is regulated

as per D.G. P&T letter dated 17.7.1970 and the concession is subject to the condition that the family of the official concerned continued to stay at the old station during the period of temporary transfer and he incurs expenditure on rent on his account. The Ld. Counsel for the respondents submits that since the applicant has been paid HRA at old station and Rs.85/- as compensation in lieu of rent free quarters the claim preferred by the applicant for additional payment of rent of Rs.185/- is not liable to be paid in terms of the above OM.

6. The facts are not in dispute. The only contention of the applicant is that he is entitled to claim HRA while on deputation in the new station also. However, he has not been able to point out under which rule he is entitled to get HRA at both the places despite the fact that he was <sup>been</sup> ~~has~~ paid Rs.85/- as compensation in lieu of rent free accommodation. In the result we see no merit in the O.A. and the same is dismissed with no order as to costs.

  
(P.P. Srivastava)  
Member(A)

  
(B.S. Hegde)  
Member (J)

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