

DATE OF DECISION...1-3-2000..

Sri D.K.Jha

PETITIONER(S)

Mr.J.L.Sarkar, Mr.M.Chanda, Mrs.N.D.Goswami - - - ADVOCATE FOR THE
PETITIONER(S)

-VERSUS-

Union of India & Ors.

RESPONDENT(S)

Mr.A.^Deb Roy, Sr.C.G.S.C.

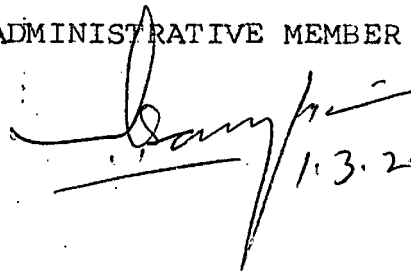
ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE MR.G.L.SANGLYINE,ADMINISTRATIVE MEMBER

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble G.L.SANGLYINE,ADMINISTRATIVE MEMBER


1.3.20

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.265 of 97

Date of Order: This the 1st Day of March 2000

HON'BLE MR.G.L.SANGLYINE,ADMINISTRATIVE MEMBER

Sri D.K.Jha
Assistant Accounts Officer
Defence Accounts Department(under CDA Guwahati)
Missamari
District-Sonitpur ... Applicant

By Advocate Mr.J.L.Sarkar, Mr.M.Chanda, Mrs.N.D.Goswami

-Vs-

1. Union of India
Represented by Secretary to the Govt. of India,
Ministry of Defence
New Delhi-1.
2. Controller General of Defence Accounts
R.K.Puram
New Delhi-66.
3. Controller of Defence Accounts
Udayan Vihar
Nagengi, Guwahati.
4. Area Accounts Officer, BiMar Road,
Shillong-1.

By Advocate Mr.A. Deb Roy, Sr.C.G.S.C.

O R D E R.

G.L.SANGLYINE,ADMINISTRATIVE MEMBER :

The applicant is a Civilian employee under the Controller of the Defence Accounts. He was transferred from Patna to Guwahati in 1988. While he was in Patna he had hired a private accommodation for the bonafide use of the members of his family. He is retaining this accommodation in Patna. From Guwahati he was transferred to Umroi, Meghalaya in 1989. In 1990 he was transferred to Shillong. He remained in Shillong for about 5 years. Thereafter he was transferred to Missamari, Assam. While he was in Shillong he was allotted DAD pool quarter No.C-6/7. He was also drawing house rent allowance at Patna rate under the scheme of payment double house rent allowance to the Central

Government employees who were transferred to the Northeastern Region from outside the region. On his transfer to Missamari, Assam on 12.6.1996 he was allowed retention of the quarter at Shillong up to 28.2.1997. Thereafter, the respondents had issued letter dated 4.11.1997. In this letter it was clarified that the retention of quarter at Shillong after his transfer to Missamari is not permissible. Further, since his family was shifted to Shillong from Patna, the applicant was not entitled to old duty HRA at Patna rate for the period his family was residing with him at Shillong in quarter No.C-6/7 and the amount of HRA paid for the period should be recovered from him.

2. The applicant is aggrieved with the above order dated 4.11.1997 and letter dated 17.9.1997. Therefore, he submitted this Original Application. The respondents have contested the application and submitted written statement. Learned counsel of both sides have been heard.

3. There are two issues in this Original Application and both the issues concern the scheme of concessions admissible to Central Government employees who were transferred to Northeastern Region from outside the region. The first question is whether such an employee who came on transfer from outside the region and who was allotted a Government quarter in a station within the region can retain the quarter after he was transferred to another station within the region. The second question is whether such an employee who came from outside on transfer to the Northeastern Region and who occupied a Government quarter in the region can be allowed payment of house rent allowance at the rate of the last duty station outside the Northeastern

contd-3.


Region during the period of occupation of the Government quarter.

According to Government policy in the case of officers who are posted in the Northeastern Region and who desire to keep their families at the last station of posting they may be allowed to retain the same accommodation in case the accommodation is from Type B to Type E. They may also be allowed an alternative accommodation. The above concession would be admissible if the Government servant is transferred from one State to another State within the Northeastern Region. It is under this clause that the applicant has based his claim to retention of the Government quarter allotted to and occupied by him in Shillong even after he was transferred from Shillong to other States in the Northeastern Region. Learned counsel Mr.Chanda submitted that the respondents have meted out discrimination to the applicant as the Controller General, Defence Accounts vide letter No.AN/XVII/18087/2/Vol-IV dt.6.9.1999 allowed Shri G.D.Limbu, S.A., to retain Government accommodation allotted to him in Shillong for the period of his posting at Borjhar, Assam which is in the Northeastern Region on the strength of letter dated 7.9.1998 and 30.6.1999 issued by the Government of India, Ministry of Urban Affairs and Employment, Directorate of Estates. Full facts pertaining to the said Limbu are not however available before me. In the facts and circumstances I direct the respondents to reconsider the case of the applicant for retention of the Government quarter in Shillong after he was transferred to some other places in other States of the Northeastern Region and issued order afresh.

4

4. The House Rent Allowance was allowed to be paid to the applicant at Patna rate for the retention of the private quarter hired by the applicant in Patna. However, it was later on directed to be withdrawn on the ground that the applicant had shifted his family from Patna to Shillong. It is however the contention of the applicant that the Private accommodation in Patna is still under the bonafide use of the members of his family as his eldest son and other dependent members of family of the applicant are still residing in Patna in the hired quarter. In view of this contention of the applicant I direct the respondents to re-consider the case of the applicant and issue a fresh order after hearing the applicant.

5. The application is disposed of as indicated above. The respondents shall communicate the orders to the applicant within two months from the date of receipt of this order. The applicant may agitate afresh if he is still aggrieved with the orders of the respondents. No order as to costs.


(G.L. SANGLYINE)
ADMINISTRATIVE MEMBER
1.3.200

LM