

50/100
3
**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No 2.98/2003.....

R.A/C.P No.....

E.P/M.A No.....

1. Orders Sheet..... Pg..... to
2. Judgment/Order dtd. 3.3.2004..... Pg. 1..... to 2. Pg.....
3. Judgment & Order dtd..... Received from H.C/Supreme Court
4. O.A..... OA 2.99/03..... Pg. 1..... to 2.3.....
5. E.P/M.P..... Pg..... to
6. R.A/C.P..... Pg..... to
7. W.S..... Pg..... to
8. Rejoinder..... Pg..... to
9. Reply..... Pg..... to
10. Any other Papers..... Pg..... to
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

S. Nahar
21.11.17

FROM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No:- 298 / 03

Mise Petition No: ✓

Contempt Petition No: ✓

Review Application No: ✓

Name of the Applicant(s): Smt. M. Anandam

Name of the Respondent(s): Govt.

Advocate for the Applicant:- Mr. M. Chanda, G. N. Chakrabarty,
or S. Chaudhury, S. Maitra

Advocate for the Respondent:-

Notes of the Registry	date	Order of the Tribunal
<p>Application is filed but not in time Information Petition is filed / not filed C.P. Rs. 50/-</p> <p>100/- 3.87685 28.12.03 or 3.1.04</p> <p>11e. <i>Baruwa</i> 30/12/03 by.</p>	6.1.2004	<p>Heard Mr. M. Chanda, learned counsel for the applicant.</p> <p>The O.A. is admitted. Notice may be issued.</p> <p>List the case on 10.2.2004 for order.</p>
<p>Steps & envelops are filed.</p> <p>by.</p>	03.03.2004	<p>Heard learned counsel for the parties.</p>
<p>Issue notice as per Courts order dated 6.1.04.</p> <p>W.S. 6/1/04</p>		<p>The O.A. is disposed of for the reasons recorded in separate sheets. No costs.</p>
<p>Notice & order dt. 6/1/04 Sent to D/Section for issuing to respondent nos 1 to 3.</p> <p>by 9/1/04.</p>	bb	<p><i>KC Borak</i> Member (A)</p>

8-9-06

copy of the budget
has been sent to the
Office for Survey
for use in the
appraisal as well
as to the Dir. C. & P.C.
for their response.

88

Aug 11/3

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./R.A. No. 111 298/2003.

DATE OF DECISION 3.3.2004.

.....**Smti Malathi Anandan**.....APPLICANT(S).

.....**Mr. M. Chanda, Mr. G.N. Chakrabarty,**.....ADVOCATE FOR THE
.....**Mr. S. Choudhury, Mr. S. Nath.**.....APPLICANT(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. K.V. PRAHLADAN, 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 Member (A).

bw

CENTRAL ADMINISTRATIVE TRIBUNAL :::: GUWAHATI BENCH

Original Application No. 298 of 2003.

Date of Order : This the 3rd day of March, 2004.

THE HON'BLE SHRI K.V. PRAHLADAN, ADMINISTRATIVE MEMBER.

Smti. Malathi Anandan.
Assistant Engineer,
programme production Centre (NEM),
Doordarshan,
R.G. Baruah Road,
Guwahati - 781 024.

... Applicant.

By Advocates Mr. M. Chanda, Mr. G.N. Chakrabarty,
Mr. S. Choudhury, Mr. S. Nath.

- VERSUS -

1. The Union of India,
Represented by the Secretary,
Ministry of Information and Broadcasting,
Government of India, New Delhi.

2. The Director General,
Doordarshan Directorate,
Mandi House,
Copernicus Marg,
New Delhi - 110 001.

3. The Director,
programme production Centre (NE),
Doordarshan,
R.G. Baruah Road,
Guwahati - 781 024.

... Respondents.

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

O R D E R

K.V. PRAHLADAN, MEMBER (Admn.) :

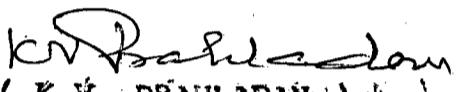
In this application the applicant has prayed for granting him double H.R.A. after his posting to North Eastern Region in terms of O.M. 20014/3/83-E.IV dated 14.12.1983.

2. I have heard Mr. S. Nath, learned counsel for the applicant and also Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents.

Contd...2.

3. Considering the facts and circumstances of the case, the respondents are directed to consider payment of H.R.A. to the applicant subject to the condition that hired private accommodation or owned house at the last station of posting is put to bonafide use of the members of the family.

The O.A. is stands disposed of accordingly. No order as to costs.


(K.V. PRAHLADAN)
ADMINISTRATIVE MEMBER

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

O.A NO 298 /2003

Smti Malathi Anandan

-Vs-

Union of India and Others

DATES AND SYNOPSIS OF THE CASE

DATES

SYNOPSIS OF THE CASE

28.12.1978 Applicant joined in the respondent department as Engineering Assistant on 28.12.1978 at All India Radio, Vijaywada.

01.01.1981 Applicant transferred to Doordarshan Kendra, Chennai.

14.12.1983 Govt.of India,Ministry of finance vide its O.M dated 14.12.1983 and clarifications thereafter made some special provisions for incentives for serving in N.E.Region and other remote areas, which interalia provides for double HRA for the accommodation retained by an

employee at his old station in addition to one at his new station in the event of his transfer to N.E.Region from outside the region or to other remote areas.

07.05.1986

Applicant promoted as Senior Engineering Assistant in the same station.i.e Chennai

03.02.1992

Applicant promoted as assistant Engineer and posted at Programme generating facility,Pondicherry.

12.06.1995

Applicant transferred as Assistant engineer to programme generating facility, portblair, and was granted double HRA in terms of the scheme dated 14.12.1983 made by the Govt.of India.

28.09.1997

Applicant again transferred and posted at Chennai in the same capacity i.e. Assistant Engineer.

11.11.2002

Applicant then transferred and posted at Programme production Centre (NE), DD, Guwahati. But this time, the double HRA is denied to the applicant, which was paid to

her at Portblair for service during 1995-97.

05.03.2003 Applicant submitted another representation to respondent No.2 praying for payment of double HRA but denied on some unfounded pleas.

09.07.2003 Applicant submitted another representation rebutting the above stated pleas of the respondents and claiming for double HRA but denied.

23.09.2003 Applicant filed another representation with the same prayer but with no response, although similarly situated employees working in other remote areas namely Portblair, Agartala, Shillong have been getting the benefit of double HRA.

Hence this application before the Hon'ble Tribunal.

PRAYERS

S. Under the facts and circumstances stated above, the applicant most humbly prays that the Hon'ble Tribunal be pleased to grant the following reliefs:-

8.1 That the contentions made by the respondents in their impugned letter No. 67(11)/2003-04/AC/845 dated 14.05.2003 be declared as illegal and the applicant declared to be entitled to the double HRA.

8.2 That the respondents be directed to pay double HRA to the applicant w.e.f the date of her joining at the new station i.e. Guwahati with all consequential benefits.

8.3 Cost of the application.

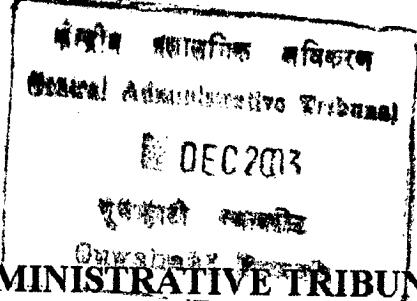
8.4 Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for.

During pendency of this application, the applicant prays for the following relief: -

9.1 That the Hon'ble Tribunal be pleased to direct the respondents to pay the double HRA from the current month to the applicant as an interim relief.

9.2 That pendency of this application shall not be a bar to the respondent for considering the representations of the applicant.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

(An Application under Section 19 of the Administrative Tribunals Act, 1985)

Title of the case : O. A. No 298 /2003

Smti Malathi Anandan. : Applicant

- Versus -

Union of India & Others: Respondents.

INDEX

SL. No.	Annexure	Particulars	Page No.
01.	----	Application	1-12
02.	----	Verification	13
03.	I	Copy of the Swamy's Compilation page 554&557	14-17
04.	II	Copy of the representation dated 05.03.03	-18-
05.	III	Copy of the letter dated 14.05.03	-19-
06.	IV	Copy of the representation dated 29.07.03	-20-
07.	V	Copy of the forwarding letter dated 25.07.03.	-21-
08.	VI	Copy of the representation dated 23.09.03	-22-
09.	VII	Copy of the forwarding letter dated 01.10.2003.	-23-

Filed by

Surajit Choudhury
Advocate

Date 26.12.2003

Malathi Anandan.

1/1
Filed by The Applicant
Through Surajit Choudhury
Advocate
on 26.12.03

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

(An Application under Section 19 of the Administrative
Tribunals Act, 1985)

O. A. No. 298 /2003

BETWEEN

Smti. Malathi Anandan.

Assistant Engineer.

Programme Production Centre (NE)

Doordarshan.

R.G. Baruah Road.

Guwahati-781024

...Applicant

-AND-

1. The union of India,

Represented by the Secretary

Ministry of information and Broadcasting,

Government of India, New Delhi.

2. Director General

Doordarshan Directorate,

Mandi house,

Copernicus Marg,

New delhi-110001

3. The Director,

Programme production Centre (NE).

Doordarshan,

R.G. Baruah Road,

Guwahati-781024

...Respondents.

Malalli Anandan.

DETAILS OF THE APPLICATION**1. Particulars of order(s) against which this application is made.**

This application is made against the impugned letter issued under No.67 (11)/2003-04/AC/845 dated 14.05.2003 by the respondent No.3 and against the non-payment of Double House Rent allowance under the special Concession rules for remote areas including N.E.Region to the applicant following her transfer from Doordarshan Kendra, Chennai to PPC(NE) Doordarshan Kendra, Guwahati.

2. Jurisdiction of the Tribunal.

The applicant declares that the subject matter of this application is well within the jurisdiction of this Hon'ble Tribunal.

3. Limitation.

The applicant further declares that this application is filed within the limitation prescribed under section-21 of the Administrative Tribunals Act, 1985.

4. Facts of the Case.

4.1 That the applicant is a citizen of India and as such she is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.

Malalini Arunandan.

4.2 That your applicant was initially appointed as Engineering Assistant at All India Radio (AIR) and joined on 28.12.1978 at Vijayawada, and was then transferred and posted at Doordarshan Kendra, Chennai on 01.01.1981. Thereafter she was promoted as Senior Engineering Asst. and posted at the same DDK, Chennai on 07.05.1986 after she was promoted to the post of Assistant Engineer on 03.02.1992. Thereafter she was transferred and posted at Programme Generating facility, Portblair, Andaman and Nicobar Islands on 12.06.1995 and again transferred and posted at DDK, Chennai on 28.09.1997 in the same capacity. On 11.11.2002, she has been transferred and posted at Programme Production Centre (NE), DD, Guwahati as Assistant Engineer where she is working at present. Her husband is also working as Assistant Engineer at All India Radio, Guwahati.

4.3 That due to her frequent transfers, the applicant retained her son and daughter at Chennai in order to avert any dislocation/interruption of their academic career in an adverse manner. Her son A. Ajay Kumar, aged about 23 years who is a student of final year M.B.B.S is staying at No.55, Subba raya Chetty Street, 3 rd lane, Nammalwarpet, Chennai-12 and her daughter kumari A.Ayeswarya, aged about 18 years, who is a student of 2nd year, She is staying at Flatno.3, Sumathi Apartment, Tyagraya Nagar, Chennai-17.

Malalni Anandan.

4.4 That the Govt. of India vide Ministry of Finances O.M.No 20014/3/83-E,IV dated 14.12.1983 and subsequent clarifications thereof, made special provisions for certain incentives for the employees serving in remote areas including N.E.Region which interalia, provided for payment of double house rent allowance (HRA) in respect of the accommodation retained by such employees at his old station as well as her accommodation at the new station. The relevant extract of the scheme as compiled in page no.554 to 557 of Swamy's Compilation of FRSR part-I general rules in this context is quoted below-

III

Payment of Double House Rent Allowance

"The undersigned is directed to refer to para.5 of this Ministry's O.M.No 20014/3/83-E.IV, dated 14.12.1983.on the subject noted above, and to state that the question of payment of House Rent Allowance to Central Govt. civilian employees who are posted in the states of Assam, Meghalaya, Manipur, Nagaland and Tripura and the Union Territories of Arunachal Pradesh, Mizoram, Andaman and Nicobar Islands has been considered and the President is pleased to decide as follows-

- (a) Central Govt. employees who were in occupation of hired private accommodation at the last station of posting before transfer to any of the states/Union territories mentioned above may be draw House Rent Allowance admissible to them at that station.

Malalini Anandan.

(b) Such Central Govt. civilian employees may also be allowed to draw, in addition to (a) above, House Rent allowance at the rates admissible at the new place of posting in the aforesaid states/Union Territories in case they live in hired private accommodation.

(c) The benefits mentioned in (a) and (b) above will also be admissible to central Govt. employees who get transferred from one station of a state/Union Territory of the North eastern region to another state/Union territory of the N.E. Region mentioned above."

Initially the order was made effective for the period from 01.11.1983 to 31.10.1986 and thereafter extended in perpetuity by subsequent office memorandums.

(Copy of page 554 to 557 of Swamy's Compilation of FRSR is annexed hereto as Annexure-I)

4.5 That it is stated that the applicant, in accordance with the Govt. order as stated above, was granted double HRA during her tenure of posting at Port Blair since she retained her accommodation at her old station i.e. Pondichery for her son and daughters education in addition to her accommodation at the new station i.e. Port Blair.

4.6 That the applicant begs to state that following her transfer from Chennai to Guwahati on 11.11.2002 she is

Malalini Anandam

entitled to get the same facility of double HRA for the accommodation retained at her old station i.e. Chennai for her son and daughter's education as stated in Para 4.3 above in terms of the order aforesaid as she had been getting at Port Blair also in earlier occasion.

4.7 That surprisingly the respondents have not been paying the double HRA to the applicant since she joined at PPC (NE) DD, Guwahati although she has been retaining the accommodation at her old station i.e. Chennai in addition to her accommodation at Guwahati. It is relevant to mention here that the applicant is residing in private hired house at Guwahati and not in any departmental quarter.

4.8 That being aggrieved due to non-payment of double HRA, the applicant submitted representation to the Respondent No.2 through proper channel on 05.03.2003 praying for release of her double HRA in terms of the special concession rules for N.E.Region as laid down by the Govt. But while forwarding the said representation to the respondent no.2, the respondent No.3 in his impugned letter No.67(11)/2003-04/AC/845 dated 14.05.2003 mentioned that such double HRA cannot be paid to the applicant due to following reasons:-

(a) That the applicant has not made any family /dependent declaration stating that the family resided at her old station i.e. Chennai, and

Mala Ch. Anandan.

(b) That the applicant gave a declaration that all the financial benefits will be enjoyed by her husband only who is also working at AIR,Guwahati.

(Copy of representation dated.05.03.03 and impugned letter dated 14.05.2003 are annexed hereto as **Annexure-II and III** respectively).

4.9 That the applicant thereafter submitted another representation on 09.07.2003 rebutting the above stated contentions of the respondents,

That the applicant gave her declaration in the prescribed proforma of PPC (NE) stating clearly that her daughter is staying at Chennai and the applicant is looking after her, and further stated that the applicant along with her husband jointly declared that her husband would claim medical, transfer TA/DA etc. and not HRA.

The said representation dated 09.07.2003 was forwarded by the Respondent no.3 vide forwarding letter dated 25.07.2003.

(Copy of the representation dated 09.07.2003 forwarding letter dated.25.07.2003 are annexed hereto and marked as **Annexure-IV and V** respectively)

4.10 That having failed to get any response to her representations aforesaid, the applicant submitted another representation on 23.09.2003 reiterating her prayer for payment of double HRA.The said

Malalni Guandam.

representation was forwarded by Respondent No.3 vide his forwarding letter dated 01.10.2003 but with no result whatsoever.

(Copy of representation dated 23.09.2003 and forwarding letter dated 01.10.2003 are annexed hereto as **Annexure-VI and VII respectively**)

4.11 That The applicant most humbly begs to state that in earlier occasion both the applicant and her husband were getting double HRA while they were serving at AIR and DDK, Portblair during 1995-98 under the same scheme and the position is same after they are transferred and posted at Guwahati. This apart the other similarly situated employees who are presently working at Portblair' Agartala and Shillong have been getting double HRA for both husband and wife. As such denial of Double HRA to the applicant amounts to discriminatory treatment and is violative of article 14 and 16 of the constitution of India and is against the principles of natural justice.

4.12 That it is stated that the applicant is residing at hired private accommodation at Guwahati which is not a departmental quarter and in addition, she has been maintaining hired accommodation at her old station at Chennai for bonafide change and as such she is fully entitled to get double HRA under the Special concession rules for N.E. Region laid down by the Govt. as stated in Para 4.4 above. But by denying such benefit to the

Malalni Anandan.

applicant, the respondents have been acting arbitrarily, unjustly, illegally and malafide.

4.13 That due to non-payment of double HRA, the applicant has been incurring great financial loss finding no other alternative, the applicant is approaching this Hon'ble Tribunal for protection of her legitimate right and interest and it is a fit case for the Hon'ble Tribunal to interfere with and to protect the rights of the applicant directing the respondents to pay double HRA to the applicant as provided under the law with all consequential service benefits.

4.17 That this application is made bonafide and for the cause of justice.

5. Grounds for relief(s) with legal provisions.

5.1 For that, the applicant is entitled to get double HRA as provided under the Special incentives scheme for N.E.Region laid down by the Government.

5.2 For that, the applicant and her husband both got the double HRA when they were serving at AIR/DDK at Port Blair in earlier occasion during 1995-1998 under the scheme aforesaid.

Malalli Anandan.

5.3 For that the applicant has acquired a valuable legal right for getting the HRA in respect to her accommodation retained at the old station i.e. Chennai in addition to that at the new station of posting i.e. Guwahati.

5.4 For that the similarly situated employees who are now working at Portblair, Agartala, Shillong are getting double HRA for the husband and wife both.

5.5 For that denial of the legitimate benefit of double HRA to the applicant is a violation of article 14 and 16 of the constitution of India and also violative of the principles of natural justice.

5.6 For that due to non-payment of double HRA as per the scheme, the applicant has been suffering irreparable financial loss.

5.7 For that the applicant submitted representation to the Respondents time and again praying of double HRA but with no result.

5.8 For that the action of the respondents are arbitrary, unjust, unfair, illegal and malafide.

6. Details of remedies exhausted.

That the applicant states that she has exhausted all the remedies available to him and there is no other alternative and efficacious remedy than to file this application.

7. Matters not previously filed or pending with any other Court.

Alalalli Arunoday

The applicant further declares that she had not previously filed any application, Writ Petition or Suit before any Court or any other authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

8. Relief(s) sought for:

Under the facts and circumstances stated above, the applicant humbly prays that The Hon'ble Tribunal be pleased to grant the following reliefs: -

- 8.1 That the contentions made by the respondents in their impugned letter no.67 (11)/2003-04/AC/845 dated 14.05.2003 be declared as illegal and the applicant declared to be entitled to the double HRA.
- 8.2 That the respondents be directed to pay double HRA to the applicant w.e.f the date of her joining at the new station i.e. Guwahati with all consequential benefits including arrear monetary benefit.
- 8.3 Cost of the application.
- 8.3 Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for.

Malalhi Sonowal.

During pendency of this application, the applicant prays for the following relief: -

9.1 That the Hon'ble Tribunal be pleased to direct the respondents to pay the double HRA from the current month to the applicant as an interim relief.

9.2 That pendency of this applicaton shall not be a bar to the respondent for considering the representations of the applicant.

10.

This application is filed through Advocates.

11. Particulars of the I.P.O.

i) I. P. O. No. : J J G 387485
ii) Date of Issue : 29.12.03,
iii) Issued from : G. P. O. Gurukul
iv) Payable at : G. P. O. Gurukul

12. List of enclosures.

As given in the index.

Malalini Anandam

VERIFICATION

I, Mrs. Malathi Anandan, W/o-Shri. C. Anandan, aged about 52 years, presently working as Assistant Engineer at Programme Production Centre (NE), Doordarshan, Guwahati do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 26th day of December, 2003.

Malathi Anandan.

III ANNEXURE I

Payment of double House Rent Allowance

The undersigned is directed to refer to Para 5 of this Ministry's O.M. No. 20014/3/83-E. IV, dated the 14th December, 1983, on the subject noted above, and to state that the question of payment of House Rent Allowance to Central Government Civilian employees who are posted in the States of Assam, Meghalaya, Manipur, Nagaland and Tripura and the Union Territories of Arunachal Pradesh, Mizoram, Andaman and Nicobar Islands has been considered and the President is pleased to decide as follows:—

- (a) Central Government employees who were in occupation of hired private accommodation at the last station of posting before transfer to any of the States/Union Territories mentioned above may be allowed to draw House Rent Allowance admissible to them at that station.
- (b) Such Central, Government Civilian employees may also be allowed to draw, in addition to (a) above, House Rent Allowance at the rates admissible at the new place of posting in the aforesaid States/Union Territories in case they live in hired private accommodation.
- (c) The benefits mentioned in (a) and (b) above will also be admissible to Central Government employees who get transferred from one station of a State/Union Territory of the North-Eastern Region to another State/Union Territory of the North-Eastern Region mentioned above.

2. These orders will take effect from 1st November, 1983 and will remain in force for a period of three years up to 31st October, 1986.

Alfred
S/o J. Alcock
Advocate
01/26/1983

3. These orders will also *mutatis mutandis* apply with effect from 1st March, 1984, to the Central Government employees posted in Lakshadweep.

[G.I., M.F., O.M. No. 11016/1/E. II (B)84, dated the 29th March, 1984 and O.M. of even number, dated the 21st May, 1984.]

Clarification.—With reference to Orders at III above, some references have been received from Ministries/Departments seeking clarification about the admissibility of HRA under Para. 1 (c) of the above-mentioned OM.

2. The point raised and the clarifications are given as under—

Point raised	Clarification
Whether benefit of HRA would be admissible under Para. 1 (c) of the above-mentioned OM to those civilian Central Government employees in the North-Eastern Region, who have not been posted from outside N-E Region but have been transferred within North-Eastern Region and keep their families at the last duty station.	The benefit of HRA under Para. 1 (c) of this Ministry's OM, dated 29-3-1984, is admissible only to those Central Government civilian employees who are transferred from <i>outside</i> North-Eastern Region and who continue to keep their families outside N-E Region at the last duty station. These Central Government employees, on subsequent transfer to another State/Union Territory, within the North-Eastern Region, would continue to be entitled to this benefit, provided their families continue to stay in the same place <i>outside</i> the North-Eastern Region.
	Those employees who have not been posted to the North-Eastern Region <i>from outside</i> the North-Eastern Region will not be entitled to this benefit.

[G.I., M.F., O.M. No. 2 (6)84-E. II (B) dated the 17th November, 1984.]

It has been decided that civilian employees of the Central Government serving in the Union Territories/States of North-Eastern Region, Andaman & Nicobar Islands and Lakshadweep may be allowed revised rates of HRA with effect from 1-10-1986, in terms of this Ministry's O.M. No. 11013/2/86-E. II (B), dated the 23-9-1986 and O.M. No. 11013/2/86-E. II (B), dated 19-3-1987, for the last place of posting on their transfer to the States/

Union Territories in the North-Eastern Region, Andaman & Nicobar Islands and Lakshadweep.

2. The other conditions for drawal of the allowances remain the same.

[G.I., M.F., O.M. No. 11016/1/E II (B) 84, dated the 28th January, 1983.]

Clarifications.—1. The benefit of HRA will not be available to those Central Government servants on their transfer in the States/Union Territories who have shifted their families to a station other than the last place of posting or who brought their families to the place of their transfer/posting and claimed transfer T.A., but later on sent their families to their last place of posting or to some other place due to certain reasons. (Since modified—see orders below *Clarification 4*).

2. The concession will be available to those Central Government servants who are keeping their families in rented houses or in their own houses at the last place of posting and were in receipt of HRA at that place, in addition to the benefits available at the new place of posting till the concerned Government servants remain posted in the States/Union Territories.

3. The concession will be available to the Central Government servant without any change in the quantum of HRA at the last station where the family continues to stay, till the concerned Government servant remains posted in the specified areas and the family continues to stay at the last station.

4. Employees transferred to the specified areas will be entitled to HRA "admissible to them" at the last station. HRA will be admissible at the last station only, if the employee was getting it at the last place of posting and the family stays back and other conditions for HRA are satisfied.***

[G.I., M.F., O.M. No. 11014/1/E III (B) 84, dated the 28th May, 1986.]

In partial modification of the Clarifications 1 and 4 above, it is clarified that the Central Government employees on their transfer/posting to North-Eastern Region, Andaman & Nicobar Islands and Lakshadweep Islands shall be entitled to House Rent Allowance with reference to the last place of posting, if otherwise admissible, irrespective of whether they have claimed transfer T.A. for family or not, subject to the condition that hired private accommodation or owned house at the last station of posting is put to bona fide use of the members of the family.

2. The other clarifications issued against the points at Sl. Nos. 2 and 3 above shall continue to apply while regulating claims for House Rent Allowance.

[G.I., M.F., O.M. No. 11014/1/84-E II (B), dated the 8th March, 1985.]

Revised rates of HRA admissible from 1-8-1997.—Reference orders above, consequent upon the revision of the rates of House Rent Allowance with effect from 1-8-1997. Pursuant to decision taken on the recommendations of Fifth Pay Commission, it has been decided that civilian employees of

- 17 -

28

the Central Government transferred and posted in the Union Territories and States of North-Eastern Region, Andaman & Nicobar Islands and Lakshadweep from a date prior to 1-8-1997 and whose families have stayed back at the last station of posting for which they are getting HRA at the rate applicable for the last station of posting may be allowed revised rates of HRA as applicable at the last place of posting with effect from 1-8-1997. However, HRA amount may be calculated based on the pay drawn by the officer at the time of transfer in the said region.

2. This will not be applicable to such employees who were transferred out of the N-E Region, Andaman & Nicobar Islands and Lakshadweep before 1-8-1997.

3. The other condition for drawal of the allowance shall remain the same.

4. In so far as the persons serving in the Indian Audit & Accounts Department are concerned, these orders issue after consultation with the Comptroller & Auditor-General of India.

[G.I. M.F., O.M. No. 2 (34, 2 (II) B/99, dated the 12th August, 1999.]

ANNEXURE - II

From

Smt. Malathi Anandan, AE,
P.P.C (NE) Doordarshan,
Guwahati

To,

The Director General,
Doordarshan Directorate, Mandi House
New Delhi

Through proper channel.

Sub: Non-payment of Home Town HRA ---reg

Sir,

I joined in PPC (NE) Doordarshan as per the D.G order on 11.11.02. So far I have not received Home Town HRA as laid by Govt. rule serving in North Eastern States.

Local authorities showing the reason that my husband Shri C. Anandan, AE working in AIR Guwahati is getting Home Town HRA as the result it is not possible to give Home Town HRA for me.

However my self and my husband both received Home Town HRA while Serving at AIR and DDK Porblair respectively for the period 1995-98 and my colleagues presently working at porblair, Agartala and Shillong are getting Home Town HRA for Husband and wife.

Moreover from the time of our marriage in 1979, we both were maintaining our parents separately looking after them. Even at our previous station both of us received H.R.A.

Therefore for the above mentioned reasons, I kindly request you to instruct the PPC (NE) Doordarshan authorities to pay Home Town HRA to me. Otherwise rules pertaining Home Town HRA for Husband and wife working at difficult stations may be clarified to take further action from my side.

Note: Pl. Read Home Town HRA as Double HRA
Dt. 5.03.03.

Yours faithfully

Malathi Anandan

5.03.03

(Malathi Anandan)

Copy to
Director General,
Akashvani Bhavan,
Parliament street,
New Delhi - 110001

Alleged
Signature of
Advocate
26/12/03

REGISTERED

PRASAR BHARATI
(BROADCASTING CORPORATION OF INDIA)
PPC (NE) : DOORDARSHAN : GUWAHATI

ANNEXURE-III

No.67(11)/2003-04/AC/ 845

Dated : Guwahati
the 14th May 2003

The Director General
(Kind attention, Sh.S.M.Bajaj, Dir(Admn.)
Doordarshan
Doordarshan Bhawan, Mandi House,
Copernicus Marg,
New Delhi - 110 001.

Sub : Forwarding of representation in r/o
Smt. Malathi Anandan, AE regarding payment
of double HRA.

Sir,

A representation regarding payment of double HRA, received from Smt. Malathi Anandan, AE of this office is forwarded herewith for necessary action.

In this connection this is to mention here that Smt. Anandan has not made any family/dependent declaration where it states that the family resided with her at the old station i.e. Chennai.

Hence considering all the papers, documents and relevant rules for double HRA under North East special concession rules, this office could not accede to her request of releasing double HRA to her.

It may also be mentioned that her husband is working here at All India Radio, Guwahati as AE and Smt. Anandan gave a declaration that all the financial benefits will be enjoyed by her husband only (A photocopy of the same is enclosed herewith).

It is kindly requested to advise this office on the above subject.

Yours faithfully,

SJ -

(A.B.Bhar)

Drawing & Disbursing Officer
for DIRECTOR

Encle:As above.

✓ Copy for information to : Smt. Malathi Anandan, AE,
PPC(NE), Doordarshan, Guwahati-24.

for DIRECTOR WJS

Abdul Basit
Surjit Choudhury
Advocate
26/12/03

ANNEXURE-IV

From :

Smt. Malathi Anandan A.E.,
PPC (NE) : Doordarshan, Guwahati.

To

The Director General
Kind Attn. Sri S.M. Bajaj, Director (A).
Doordarshan Directorate, Mandi House,
Copernicus Marg,
New Delhi - 110 001.

Through proper channel.

Sub : Non-payment of Double HRA-reg.

Ref : 1. My representation dt. 05-03-03.

2. PPC (NE) Doordarshan : Guwahati.

Letter No. 67(11)/2003-04/EC/845 dt. 14th May 2003.

Sir,

Kindly refer my representation mentioned above and
the PPC (NE) Doordarshan : Guwahati's letter.

With regarding reference (2) I made my declaration
in a prescribed performa of PPC (NE) Doordarshan and clearly
mentioned in that my daughter is staying with my parents at
Chennai and I am looking after them.

Moreover at the time of my marriage with my husband
shri C. Anandan presently AE, AIR, Guwahati, we jointly
declared that my husband will claim medical, transfer TA/DA
etc., not HRA and Double HRA. In fact throughout our service
in AIR and DDK, both of us receiving separate HRAs and got
double HRA during our stay at AIR, Port Blair and PGF Port
Blair respectively.

Therefore it is kindly requested to instruct the
concerned authorities to pay double HRA to me immediately.

Yours faithfully,

Malathi Anandan
9.7.03

Encl : Xerox copies of

Malathi Anandan
AE

1. Representation dt. 5.3.03
2. P.P.C. (NE) Doordarshan letter.
3. My declaration to office
for Double HRA.

PPE (NE) DD,
Guwahati.

Alfred
Savijit Chakraborty
Advocate
on 26/12/03.

PRASAR BHARATI
(BROADCASTING CORPORATION OF INDIA)
PPC (NE) : DOORDARSHAN : GUWAHATI-24

b7V

PPC(NE)/DD/GUN/67(11)/2003-04/AC/ / Dated, Guwahati
the 25th July, 03.
/3109,

To,

The Director General,
(Shri S. M. Bajaj, Director (Admn),
Doordarshan,
Mandi House,
Copernicus Marg,
New Delhi - 110 001.

23*

Subject:- Forwarding of Representation in respect of
Smt. Malathi Anandan, Assistant Engineer re-
garding of Double H.R.A.

Reference:- Letter No. 67(11)/2003-04/AC/844-845,
dated : 14-05-2003.

Sir,

Kindly refer to this office letter under
reference regarding payment of double H.R.A in respect
of Smt. Malathi Anandan, Assistant Engineer, working in
this Kendra after transfer from D.D.K, Chennai. She has
submitted another representation, dated : 09.07.2003
which are forwarded herewith for your kind necessary
action.

In this connection this office letter of even
number dated: 14-05-2003 (copy enclosed) may kindly be
referred to.

Yours faithfully,

(A. B. DHAR)
ADMINISTRATIVE OFFICER
FOR DIRECTOR

dan
03

Encl.:- As above.

RECORDED

25/7/03 O/C

25/7/03 8/2/03

PPC (NE) Doordarshan
Guwahati

Advised
Sujit Choudhury
Advocate
on 26/7/03.

ANNEXURE - VI

From

Smt. Malathi Anandan, A.E.,
PPC (NE) Doordarshan, Guwahati.

To

The Director General
(Kind Attn. Shri S.M. Bajaj, Director(A)
Doordarshan Directorate, Mandi House,
Copernicus Marg,
New Delhi - 110001.

Through Proper channel.

Sub: Non-payment of Double HRA-reg.

Ref: 1. My representation dt 05.03.03
2. PPC (NE) Doordarshan Guwahati
Letter No. 67 (11)/2003-04/AC/845
dt 14th May 2003.
3. My second representation dt. 9.7.03.
4. PPC (NE)/DD/Guw/67 (11)/2003-04/AC/3009
dt 25th July, 2003.

Sir,

Kindly refer my representations mentioned above and PPC (NE) Doordarshan, Guwahati's letters.

There should not be different rules at different Kendras/Centres, therefore Directorate may kindly clear the rules behind Double HRA.

If I am not getting reply to my representations before 30 November 2003, I may be permitted to approach Central Administrative Tribunal (CAT) to settle my problem.

Enclo: 1 to 4 references.

Yours faithfully,

dated 23.9.2003

Malathi Anandan
23.9.03
(Smt. Malathi Anandan)

*Passed
Sugit Chaudhury
Advocate
on 26/12/03.*

PRASAR BHARATI
(BROADCASTING CORPORATION OF INDIA)
PPC (NE) : DOORDARSHAN : GUWAHATI-24

NO. PPC(NE)/DD/GUW/67(11)/2003-04/AC

Dated, Guwahati
the 1st Oct. 2003.

To,

The Director General,
(Shri S. M. Bajaj, Director (Admn.),
Doordarshan, Mandi House,
Copernicus Marg,
New Delhi - 110 001.

Subject:- Forwarding of Representation in respect of
Smt. Malathi Anandan, Assistant Engineer,
regarding of Double H.R.A.

Reference:- Letter No. PPC(NE)/DD/GUW/67(11)/2003-04/AC/
3009, dated : 25th July, 2003.

Sir,

Kindly refer to this office letter under
reference regarding payment of double H.R.A. in respect
of Smt. Malathi Anandan, Assistant Engineer, working in
this Kendra after transfer from D.D.K. Chennai. She has
submitted again another representation, dated : 23-09-03
which are forwarded herewith for your kind necessary
action.

In this connection this office letter of
even number dated: 25-07-2003 (copy enclosed) may kindly
be referred to.

Yours faithfully,


(A. B. Dhar)
ADMINISTRATIVE OFFICER
FOR DIRECTOR

Encl.:- As above.

A. Dhar
Anupjit Choudhury
Advocate
dt 26/12/03.

SAC