

50/100

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

4

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 83/2004

R.A/C.P No.

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SECTION OFFICER (Judl.)

FORM NO. 4  
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH.

ORDER SHEET

Org.App/ Misc. App/ S.A. Petn/ Rev.Appl.

83/04

Name of the Applicant(s) Maroti Dhamdiba Jadhar

Name of the Respondent(s) U.O.P. Jors.

Advocate for the Applicant Adil Ahmed

Counsel for the Railway/ C.G.S.C. A.K. Chaudhary

OFFICE NOTE

DATE

ORDER OF THE TRIBUNAL

6.4.2004

Heard Mr. A. Ahmed, learned counsel for the applicant.

The application is admitted, call for the records. Returnable by four weeks.

List on 21.5.2004 for orders.

Member (A)

mb

21.5.2004

On the plea made by Mr. A.K. Chaudhary, learned Addl.C.G.S.C. four weeks time is granted to the respondents to file written statement.

List on 9.6.2004 for order.

Member (A)

bb

Pl. counter order dated 6/4/04.

Notice & order dt. 6/4/04 sent to D/S for issuing to respondent No. 1 & 2, by regd. with A/D post.

9.6.2004

Four weeks time is given to the respondents to file written statement. List on 8.7.2003 for orders.

*K. B. B. B.*  
Member (A)

mb

3.8.2004

Written statement has been filed. Four weeks time is given to the applicant to file rejoinder. List on 8.9.2004 for hearing.

*K. B. B. B.*  
Member (A)

mb

8.9.04

On the prayer of the learned counsel for the applicant the case is adjourned to 2.11.04 for hearing.

*K. B. B. B.*  
Member (A)

pg

7.01.2005

Since Mr. A.K. Chaudhuri, learned Addl. C.G.S.C. for the respondents is not present, list on 18.2.2005 for hearing.

*K. B. B. B.*  
Member (A)

mb

18.2.2005

None present for the applicant. List on 9.3.2005.

*K. B. B. B.*  
Member (A)

mb

29.4.2005

At the request of Mr. A. Ahmed, learned counsel for the applicant the case is adjourned to 28.5.2005.

*A. Ahmed*  
Vice-Chairman

mb

Vide D/No.  
797,798.  
Dt-19/5/04.

*26/5/04-*

~~Return A/D~~

~~Card from R. No. 1~~

A/D card return from respondent

~~NOF 1~~

*11/6/04.*

29.7.04

W/s submitted by the Respondent Nos. 1 & 2.

*W/s*

2-8-04

W/s - has been filed

*ds*

Case is ready for hearing.

Vice-Chairman

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH.**

O.A. No. 83/2004

DATE OF DECISION: 08.11.2005.

Sri M. D. Jadhav

APPLICANT(S)

Mr. Adil Ahmed

ADVOCATE FOR THE  
APPLICANT(S)

- VERSUS -

U.O.I. & Others

RESPONDENT(S)

Mr. A.K. Chaudhuri, Addl. C.G.S.C.

ADVOCATE FOR THE  
RESPONDENT(S)

THE HON'BLE MR JUSTICE G. SIVARAJAN, VICE CHAIRMAN.

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 Vice-Chairman.

*[Handwritten signature]*  
m

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CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 83 of 2004

Date of Decision : This the 8<sup>th</sup> day of November 2005

The Hon'ble Mr. Justice G. Sivarajan, Vice-Chairman.

Sri Maroti Dhondiba Jadhav  
Son of Late Dhondiba Jadhav  
Superintendent  
Indian Grain Storage Management & Research Centre,  
Ministry of Consumer Affairs,  
Food and Public Distribution Department,  
Assam Agriculture University Campus,  
Jorhat - 13, Assam.

... Applicant.

By Advocate : Mr. Adil Ahmed.

- Versus -

1. The Union of India, represented by the  
Secretary to the Government of India,  
Ministry of Consumer Affairs,  
Food and Public Distribution,  
Krishi Bhawan, New Delhi - 110 001.
2. The Director,  
Indian Grain Storage Management & Research Institute,  
Ministry of Consumer Affairs & Public Distribution,  
Department of Public Distribution,  
P.O. - Hapur,  
District - Gaziabad, U.P.

... Respondents.

By Advocate : Mr. A. K. Chaudhuri, Addl. C.G.S.C.

.....

ORDER (ORAL)SIVARAJAN. J. (V.C.)

The applicant while working as Superintendent, Indian Grain Storage Management & Research Centre, Ministry of Consumer Affairs, Food and Public Distribution Department, Assam Agricultural University Campus, Jorhat, being aggrieved by an Office Memorandum No. A.22012/31/93-SRA dated 10.11.2003 issued by the first respondent by which double HRA benefit has been discontinued to him w.e.f. May 2003, has filed this Original Application. Though the applicant has sought for stay of recovery of the alleged excess payment, this Tribunal did not grant any stay. In the circumstances, recovery of alleged excess payment of double HRA was continued.

2. Now, Mr. A. Ahmed, learned counsel for the applicant submits that since the applicant was transferred from Jabalpur to Jorhat which is in the North Eastern Region, the applicant is entitled to double HRA as per Government memorandum regarding concession available to the Central Government employees posted in the North Eastern Region and that it has been illegally denied to the applicant.

3. The respondents have filed a written statement, wherein they have justified the impugned order. In the said written statement, it is clearly stated that the applicant's family was not residing at Jabalpur at the time of his transfer to Jorhat, that the office of IGMRI, Jabalpur had never been shifted to any other place and the statement that the applicant had shifted his family to Nanded due to shifting of the said office is false. In short, the respondents have taken the



stand that the applicant did not satisfy the requirement for grant of double HRA under the relevant Government Memorandum.

4. Mr. A.K. Chaudhuri, learned Addl. C.G.S.C. for the respondents on the basis of the averments made in the written statement, submits that the applicant is not entitled to double HRA and that in the above circumstances, the respondents are justified in recovering the excess payment.

5. I have considered the rival submissions. The applicant has admitted the fact that his family was shifted <sup>by to</sup> NANDED in Maharashtra for higher education of his children and that they are residing in rented building. He has further stated that this was due to the shifting of the office at Jabalpur. The respondents have clearly averred that there was no shifting of the office at all from Jabalpur. Under the Government memorandum Central Government employees are entitled to HRA admissible to them at the old station if they were in occupation of hired private accommodation at the time of transfer. In view of the averments made in the written statement, which has not been controverted by the applicant by way of rejoinder and in the absence of materials to the contra, I am of the view that the respondents were justified in discontinuing the payment of double HRA from May 2003. However, a question may arise as to whether the respondents were justified in recovering the payments erroneously made. On this issue the decisions (Sahib Ram Vs. State of Haryana and Others, (1995) SCC (L&S) 248 and State of Orissa and Others Vs. Adwait Charan Mohanthy and Others, (1995) SCC (L&S) 522) of the Hon'ble Supreme Court are to the effect that if such erroneous payment was not due to any misrepresentation or fault on

*Got*

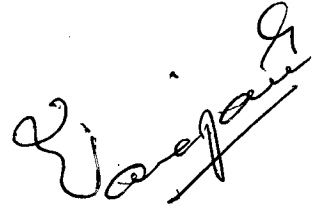


the part of the incumbent and due to the laches/negligence on the part of the respondents, the recovery of such illegal payment may not be justified. This Bench had occasion to consider similar situation in O.A. No. 15/2005 and O.A. No. 192/2005, wherein a rider was added that if the respondents have recovered any portion of such excess payment, the same need not be refunded. Following the said decision, I am of the view that this application can be disposed of. Needless to say that in view of the averments made in the written statement it is clear that the applicant did not satisfy the requirement of the Government Memorandum granting double HRA to the Central Government employees posted from outside region to the North Eastern region. Hence, discontinuance of double HRA to the applicant is upheld.

6. On the question of recovery of the erroneous payment of double HRA as ordered in Annexure - D it is evident that the recovery was sought only on the basis of the audit report. In other words, there was no mis-representation on the part of the applicant. The respondents were paying the amount voluntarily. Thus it is clear that the payments were made due to the lapses on the part of the respondents. I have already noted that the respondents started recovery from the Bill of April 2004 onwards and the same is continued. There is no stay of recovery in this O.A. In the light of the decisions of the Supreme Court and the decision in O.A. No. 15 of 2005 dated 04.07.2005, there will be a direction to the respondents not to recover any further amounts from the applicant pursuant to the impugned orders. The amounts already recovered from the applicant will not however be refunded to the applicant.

*JP*

The O.A. is disposed of as above. In the circumstances of the case there will be no order as to costs.



( G. SIVARAJAN )  
VICE CHAIRMAN

/mb/

15 APR 2004

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH, GUWAHATI.**

**(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL  
ADMINISTRATIVE TRIBUNAL ACT 1985)**

**ORIGINAL APPLICATION NO. 83 OF 2004.**

**BETWEEN**

**Shri Maroti Dhondiba Jadhav**

**-Applicant**

**-Versus-**

**The Union of India & Others**

**-Respondents**

**LIST OF DATES AND SYNOPSIS**

Annexure-A is the photocopy of Office Order No.10/94-SRA dated 7<sup>th</sup> March 1994.

Annexure-B is the photocopy of Office Order No.40/94-SRA dated 30.08.1994.

Annexure-C is the type copy of extract of Concessions for serving in North Eastern Region etc. (Swamy's-FR & SR Part-D).

Annexure-D is the photocopy of the Office Order No. IGMRI/JHT/AUDIT/2003-2004 dated 09-04-2003.

Annexure-E is the Type copy of representation dated 14-05-2003.

Annexure-F is the photocopy of Office Memorandum No.A-22012/31/93-SRA dated 10<sup>th</sup> November 2003.

This original application is made against the Office Memorandum No.A-22012/31/93-SRA dated 10<sup>th</sup> November 2003 ✓ issued by the Respondent No.1 by which the Double HRA benefit has been discontinued to the applicant with effect from May 2003. The

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applicant was transferred from Jabalpur to Jorhat(Assam) on 30-08-1994. As such applicant is entitled to get Double House Rent Benefit since joining at Jorhat(Assam) as per Government of India Memorandum regarding concession available to the Central Government Employees who are posted to North Eastern Region including Assam. The same benefit was extended to the applicant also till May 2003 but suddenly it was stopped by the Respondents and started recovery of HRA from the applicant, which was paid to him earlier. Being aggrieved by the action of the Respondents the applicant filed this instant original application before this Hon'ble Tribunal praying for a direction to the Respondents to continue the Double House Rent Allowance benefits to the applicant with effect from May 2003 and also to set aside and quashed the impugned Office Order No. IGMRI/JHT/AUDIT/2003-2004 dated 09-04-2003.

- 1 -

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH, GUWAHATI  
(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL  
ADMINISTRATIVE TRIBUNAL ACT 1985)**

**ORIGINAL APPLICATION NO.                      OF 2004.**

**BETWEEN**

Shri Maroti Dhondiba Jadhav  
Son of Late Dhondiba Jadhav  
Superintendent,  
Indian Grain Storage Management & Research Centre,  
Ministry of Consumer Affairs,  
Food and Public Distribution Department,  
Assam Agriculture University Campus,  
Jorhat-13, Assam.

... Applicant

**-AND-**

1. The Union of India represented by the  
Secretary Food to the Government of India  
Ministry of Consumer Affairs,  
Food and Public Distribution,  
Krishi Bhawan, New Delhi-110001
2. The Director,  
Indian Grain Storage Management & Research Institute,  
Ministry of Consumer Affairs & Public Distribution,  
Department of Public Distribution,  
P.O.- Hapur,  
District- Gaziabad, U.P.

... Respondents

Filed by  
Shri Maroti Dhondiba Jadhav  
applicant  
through [Signature]  
(Adv. AHMED)  
Advocate  
13

[Signature]

**1) DETAILS OF THE APPLICATION PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:**

This application is made against the Office Memorandum No.A-22012/31/93-SRA dated 10<sup>th</sup> November 2003 issued by the Respondents No.1 by which the Double H.R.A. benefit has been discontinued to the applicant with effect from May 2003.

**2) JURISDICTION OF THE TRIBUNAL**

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

**3) LIMITATION**

The applicant further declares that the subject matter of the instant application is within the limitation prescribed under Section 21 of the Administrative Tribunal Act 1985.

**4) FACTS OF THE CASE:**

Facts of the case in brief are given below:

4.1) That your applicant is a citizen of India and as such he is entitled to all rights and privileges guaranteed under the Constitution of India.

4.2) That your applicant begs to state that he is working as Superintendent, Indian Grain Storage Management & Research Centre, Ministry of Consumer Affairs, Food and Public Distribution Department, Assam Agriculture University Campus, Jorhat-13, Assam. Earlier also your applicant had served at Guwahati (North Eastern Region) Assam as Junior Accountant cum Storekeeper. He was transferred from Gaziabad to Guwahati as Junior Accountant cum Storekeeper vide Office Order No.10/83-EVI dated 10<sup>th</sup> March 1983. There after he was transferred from Guwahati to Hyderabad vide Office Order No.26/87-EVI dated 29<sup>th</sup> June 1987. Your applicant was transferred from Jabalpur to Hapur (U.P.) as Superintendent vide Office Order No.10/94-SRA dated 7<sup>th</sup> March

*moachan*

1994. But the said Order was partially modified vide Office Order No.40/94-SRA dated 30.08.1994 and again he was transferred to IGSI, Jorhat (North Eastern Region), Assam along with the post of Superintendent. The vacancy so caused in the grade of Superintendent at IGSI, Jabalpur was kept under ban.

Annexure-A is the photocopy of Office Order No.10/94-SRA dated 7<sup>th</sup> March 1994.

Annexure-B is the photocopy of Office Order No.40/94-SRA dated 30.08.1994.

4.3) That your applicant begs to state that he is entitled to get Double House Rent Allowance benefit since joining at Jorhat(North Eastern Region, Assam). It is worth to mention here that Central Government Employees who are posted to the North Eastern Region will be entitled to HRA admissible to them at the old station, if they were in occupation of hired private accommodation at the time of transfer and also at the rates admissible at the new place of posting in case they live in hired private accommodation.

Annexure-C is the type copy of extract of Concessions for serving in North Eastern Region etc. (Swamy's-FR & SR Part-I).

4.4) That your applicant begs to state that, at the time of his transfer from Jabalpur to Jorhat (Assam) his family were residing in rented house at Jabalpur. But due to <sup>Shifting</sup> ~~sifting~~ of Office at Jabalpur he <sup>Shifted</sup> ~~sifted~~ his family to NANDED in Maharastra(Home-state of the applicant) for Higher Education of his Sons and Daughters. It may be stated still now his families are residing at hired private accommodation at NANDED in Maharastra state. Accordingly he regularly submitted rent receipts every year before the Respondents. After full satisfaction of the Respondents the applicants was getting the Double HRA benefit since 1994 to May 2003. But surprisingly in the year 2002-2003 the Audit objected the same and stopped the payment of Double HRA to the applicant from May 2003 vide their Office Order No. IGMRI/JHT/AUDIT/2003-2004 dated 09-04-2003 and also ordered recovery of Rs.6492/- from the pay of

Mr. Adhikari

the applicant since April 2003. The applicant filed a representation dated 14-05-2003 before the Office of the Respondent No.1. The Office of the Respondent No.1 vide their Office Memorandum No.A-22012/31/93-SRA dated 10<sup>th</sup> November 2003 informed the applicant that he is not entitled for benefit of Double House Rent Allowance at the old station on the ground that "Those Government Servant who have shifted their families to a station other than the last place of posting. The concession will be available without any change in the quantum of HRA at the last station where the families continues to stay, till the concerned Government servant remains posted in the specified areas and the family continues to stay at the last station.

Annexure-D is the photocopy of the Office Order No. IGMRI/JHT/AUDIT/2003-2004 dated 09-04-2003.

Annexure-E is the Type copy of representation dated 14-05-2003.

Annexure-F is the photocopy of Office Memorandum No.A-22012/31/93-SRA dated 10<sup>th</sup> November 2003.

4.5) That your applicant begs to state that due to ban/shifting of his last Office station at Jabalpur he was compelled to take his families to his native places NANDED in Maharastra state. Moreover as the bag of Office at Jabalpur nobody of his last station Office staff was their to look after his family in any emergency situation may occurred at any moment and also at Jabalpur the applicant's has no relative to look after well being of his family. As such in a peculiar condition the applicant was compelled to shift his family members from Jabalpur to his Home state Maharastra. The family of the applicant is still staying at rented accommodation at NANDED in Maharastra.

4.6) That your applicant begs to state that he is not illegally claiming the Double House Rent Allowance from the Respondents. But the Respondents are rejecting his claim in a mechanical manner. Hence finding no other alternative your applicant is compelled to approach this Hon'ble Tribunal seeking justice in this matter.





4.7) That your applicant begs to state that, he has fulfilled all the criteria laid down by the Government of India regarding Double HRA benefit as entitled to the Central Government Employees who are posted at North Eastern Region. Hence the Respondents cannot deny the same.

4.8) That your applicant begs to state that action of the respondents are illegal, arbitrary, mala fide and also not sustainable before the eye of law as well as in facts.

4.9) That your applicant begs to state that the Respondents have mentally tortured your applicant and his whole family by not giving his due benefits of Double House Rent Allowance as per Government of India memorandum.

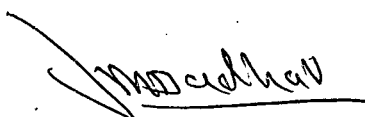
4.10) That your applicant submits that he has got reason to believe that the Respondents are resorting the colorable exercise of power to deprive his due benefits of the applicant.

4.11) That your applicant submits that the action of the Respondents is in violation of the fundamental rights guaranteed under the constitution of India and also in violation of principles of natural justice.

4.12) That your applicant submits that the action adopted by the Respondents in case of the applicant is improper, mala fide, illegal and without jurisdiction.

4.13) That your applicant submits that he has been punished by the Respondents by not giving his due benefits on posting at N.E.Region which is far away from his home town and as such, the Respondents are harassing your applicant for a long time without any reason or causes.

4.14) That this application is filed bona fide and for the interest of justice.



**5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:**

5.1) For that, due to the above reasons narrated in details the action of the Respondents is in prima facie illegal, mala fide, arbitrary and without jurisdiction. As such the impugned order of stoppage and recovery of HRA is illegal and liable to be set aside and quashed.

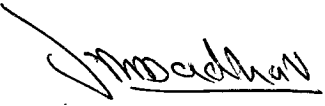
5.2) For that the payment of Double House Rent Allowance is guaranteed by the Government of India Memorandum as such there is no jurisdiction in denying the said benefit to the applicant and denial has resulted in violation of Articles 14, 16 & 21 of the Constitution of India in as much other similarly situated employee have been granted the said benefit. As such the impugned order of stoppage and recovery of HRA is illegal and liable to be set aside and quashed.

5.3) For that it is settled proportion of law that when same principles have been laid down in other persons who are similarly situated then the same principle should be granted to the other person also. As such the impugned order of stoppage and recovery of HRA is illegal and liable to be set aside and quashed.

5.4) For that, the applicant having been denied the said benefit without any reasonable excuses without affording any opportunity on being heard there is clear violation of the principles of natural justice accordingly proper reliefs are required to be granted to the applicant. As such the impugned order of stoppage and recovery of HRA is illegal and liable to be set aside and quashed.

5.5) For that, the applicant have full filled all the criteria regarding payment of Double House Rent as such the Respondents ought to have consider that aspect of the matter.

5.6) For that the applicant is suffering from mental anxiety and financial losses due to stoppage and recovery of HRA of the applicant. As such the impugned order of stoppage and recovery of HRA is illegal and liable to be set aside and quashed.



5.7) For that in any view of the matter the action of the Respondents are not sustainable in the eye of law.

The applicants crave leave of this Hon'ble Tribunal to advance further grounds at the time of hearing of instant application.

**6) DETAILS OF REMEDIES EXHAUSTED:**

That there is no other alternative and efficacious and remedy available to the applicant except the invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

**7) MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:**

That the applicant further declares that he has not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other court, authority, nor any such application, writ petition or suit is pending before any of them.

**8) RELIEF SOUGHT FOR:**

Under the facts and circumstances stated above the applicant most respectfully prayed that Your Lordship may be pleased to admit this application, call for the records of the case, issue notices to the Respondents as to why the relief and relieves sought for the applicant may not be granted and after hearing the parties may be pleased to direct the Respondents to give the following relieves.

8.1) That the Hon'ble Tribunal may be pleased to direct the Respondents to continue the Double House Rent Allowance benefits to the applicant with effect from May 2003 and also may be pleased to direct the Respondents to

Masood Khan

set aside and quashed the impugned the Office Order No. IGMRI/JHT/AUDIT/2003-2004 dated 09-04-2003.

8.2) To Pass any other relief or relieves to which the applicant may be entitled and as may be deem fit and proper by the Hon'ble Tribunal.

8.3) To pay the cost of the application.

**9) INTERIM ORDER PRAYED FOR:**

The applicant most respectfully prayed that your Lordships may be pleased to pass an interim order by directing the Respondents to stay the Office Order No.IGMRI/JHT/AUDIT/2003-2004 dated 09-04-2003.

**10)** Application is filed through Advocate.

**11) Particulars of L.P.O.:**

LP.O. No. 116378262

Date of Issue 26.3.2004

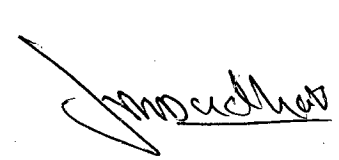
Issued from GUWAHATI G.P.O.

Payable at GUWAHATI

**12) LIST OF ENCLOSURES:**

As stated above.

Verification .....



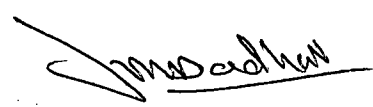
-9-

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### VERIFICATION

I, Shri Maroti Dhondiba Jadhav, Son of Late Dhondiba Jadhav Superintendent, Indian Grain Storage Management & Research Centre, Ministry of Consumer Affairs, Food and Public Distribution Department, Assam Agriculture University Campus, Jorhat-13, Assam do hereby solemnly verify that the statements made in paragraph nos. 4.1, 4.5, 4.6, 4.7 to 4.12 are true to my knowledge, those made in paragraph nos. 4.2, 4.3, 4.4 \_\_\_\_\_ are being matters of records are true to my information derived there from which I believe to be true and those made in paragraph 5 are true to my legal advice and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 5th day of April 2004  
at Guwahati.



New Delhi, dated 7th March, 1994.

OFFICE ORDER NO. 10/94-SRA

The following transfers/postings of Superintendents and Storekeepers are ordered with immediate effect:

<u>S.No.</u>	<u>Name</u>	<u>From</u>	<u>To</u>
1.	Sh. M.D. Jadhav, Superintendent	IGSI Jabalpur	IGSI Hapur
2.	Sh. Harpal Singh Superintendent	IGSI Hapur	IGSI Jabalpur
3.	Sh. Richpal Singh Storekeeper	IGSI Ludhiana	IGSI Jabalpur
4.	Sh. G.S. Toriwal Storekeeper	IGSI Jabalpur	IGSI Ludhiana

2. All the above officials would be entitled to TA/DA, joining time etc. as admissible under the Rules.

3. The concerned officials may be relieved immediately and directed to report for duty at their respective places of posting by 20th March, 1994 under advice to the Ministry.

4. Hindi version follows.

*G.P. Venkatachalam*

( G.P. VENKATACHALAM )  
UNDER SECRETARY TO THE GOVT. OF INDIA  
TELE: 389 648

DISTRIBUTION:-

1. Officials concerned.
2. The Controller of Accounts, Ministry of Food, New Delhi
3. The Pay & Accounts Officer, Ministry of Food, Bombay.
4. JC(S&R)/DC(S&R)/Director, IGSI, Hapur/DS(A)/PS to JS(RNT)
5. Officer-in-Charge, IGSI, Ludhiana, Jabalpur.
6. Personal files of officials concerned.
7. Officer order folder.

*Attested*  
*[Signature]*  
*Advocate*

- 11 -

No.A.22014/2/94-SRA  
Government of India  
Ministry of Food  
Krishi Bhavan  
New Delhi -110 001.

IMMEDIATE

ANNEXURE - B

Dated : 30-8-1994.

OFFICE ORDER No.40/94-SRA.

In partial supersession of this Ministry's Officer Order No. 10/94 dated 7.3.94 (File No. A.22014/2/94) Sh. M.D. Jadhav, Supdt is transferred to IGSI, Jorhat alongwith the post of Supdt. The vacancy so caused in the grade of Supdt at IGSI, Jabalpur will be kept under ban.

2. Sh. Jadhav may be relieved immediately & directed to report at IGSI, Jorhat under intimation to the Ministry.
3. Hindi version follows.

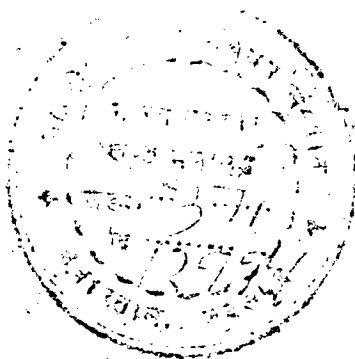
( R.D. Chawla )

Under Secretary to the Govt. of India  
Tele. 382504

Distribution

- ✓ 1. Shri. M.D. Jadhav, Supdt. IGSI, Jabalpur
2. The Pay & Accounts Officer, Ministry of Food, Bombay/Cal.
3. JC(S&R)/Director, IGSI, Hapur/ Director (S&R)/US(A).III.
4. Officer in-Charge, IGSI, Jabalpur/ Jorhat.
5. Personal file of official concerned.
6. Office order folder.

*Shri Jadhav*



*Attended*  
*[Signature]*  
*Advocate*

**Concessions for serving in North-Eastern Region etc.**

(Swamy's-F. R. & S.R. Part I)

Government have announced some special concessions in respect of Compensatory Allowance, T.A., Joining Time, L.T.C., H.R.A. and other service benefits for attracting and retaining the services of competent officers in the North-Eastern Region and some remote Union Territories. These concessions are also admissible to those on deputation to State Governments of Manipur & Tripura. Such concessions are briefly indicated below.

**States and Union Territories covered: -**

- |              |                                 |
|--------------|---------------------------------|
| 1. Assam     | 6. Arunachal Pradesh            |
| 2. Meghalaya | 7. Mizoram                      |
| 3. Manipur   | 8. Andaman and Nicobar Islands  |
| 4. Nagaland  | 9. Lakshadweep (I. & M) Islands |
| 5. Tripura   |                                 |

**T.A. on first appointment.** - For journeys to take up initial appointment, T.A. will be admissible the Government servant and his family for the distance in excess of the first 400 kms as below.

For journey by rail	... Second Class fare.
For journey by road	... Ordinary bus fare.

**T.A. on transfer.** - The entitlements of the Government servant will be as follow: -

If the family does not accompany him, he will be paid T.A. on Tour for self only for the transit period and will permitted to carry personal

**Special Duty Allowance.** - Employees will have All India transfer liability and are exempt from payment of income tax will be granted a Special Duty Allowance at 25% of basic pay subject to a maximum of Rs.400 p.m. on posting to any station in the North-Eastern Region/Union Territory. This will be addition to any special pay and/or Deputation (Duty) Allowance ready being drawn subject to the condition that the total

*Attested  
P.L. - 1  
Advocate*



of Special Duty Allowance *plus* Special pay/Deputation (Duty) Allowance should not exceed Rs.400 p.m. Special allowances like Special Compensatory (Remote Locality) Allowance, Project Allowance will be admissible separately.

**Children Education Allowance/Hostel Subsidy.** - If the Children do not accompany the employee, C.E.A. will be admissible to children studying without any restriction of pay drawn by the employee. If such children are put in hostels, hostel subsidy will be admissible without any other restrictions.

**Benefit of double H.R.A.-** Central Government employees are posted to the specified States/Union Territories, will be entitled to H.R.A.admissible to them at the old station, if they were in occupation of hired private accommodation at the time of transfer and also at the rates admissible at the new place of posting in case they live in hired private accommodation. -Appendix 11.

Attested  
J.S. K. I.  
Advocate



ANNEXURE - D

भारतीय अनाज संचयन प्रबन्ध और अनुसंधान संस्थान  
Indian Grain Storage Management & Research Institute  
(I.G.M.R.I., Jorhat)

पो. अ. जोरहाट १३  
P.O. JORHAT - 13, ASSAM

No. .... OFFICE ORDER  
No. IGMRI/JHT/AUDIT/2003-2004  
09/04/2003

Date.....

As per the Internal Audit and Inspection Report No. CCA/CA, Food & PD/P-24/2002-2003/9A/295 dated 31.10.2002 on the accounts of this office for the period 2001-02 the following recoveries have to be made as shown against the name of the officer which has arisen due to overpayment of HRA for the old station of posting under the N.S.R. facilities. As observed by the audit (Para-1) the amount of HRA on the revised rate w.c.f. 1.8.1997 for the old station of posting is admissible and to be calculated based on pay drawn by the incumbent (as mentioned in L.P.C) at the time of his transfer, but the payment of HRA to the following officers for the old station was allowed on the basis of pay enhanced annually by the increments. In their report they have cited the G.O.1., MOP O.M. NO.20014/3/83-K-IV dated 14.12.83 with other circular issued from time to time as incorporated in Appendix-9 of PRSR-Part-I as reference.

A. Shri P.K.Routh, T.O (S&R)

1.3.1999 to 30.6.1999 = (2123-2070) = Rs 53/= X 4 = Rs. 212=00  
1.7.1999 to 30.6.2000 = (2175-2070) = Rs 105/= X 12 = Rs. 1260=00  
1.7.2000 to 30.6.2001 = (2228-2070) = Rs 158/= X 12 = Rs. 1896=00  
1.7.2001 to 30.6.2002 = (2280-2070) = Rs 210/= X 12 = Rs. 2520=00  
1.7.2002 to 31.8.2002 = (2333-2070) = Rs 263/= X 2 = Rs. 526=00

Rs. 6414 =00

The recovery of Rs. 6414=00 will start from the pay of April 2003 as follows.

Rs. 182/= X 1 = Rs. 182=00  
Rs. 152/= X 41 = Rs. 6232=00

Rs. 6414=00

B. Shri M.D.Jadhav, Suptt.

1.3.1999 to 30.6.1999 = (1140-1035) = Rs 105/= X 4 = Rs. 420=00  
1.7.1999 to 30.6.2000 = (1166-1035) = Rs 129/= X 12 = Rs. 1548=00  
1.7.2000 to 30.6.2001 = (1193-1035) = Rs 158/= X 12 = Rs. 1896=00  
1.7.2001 to 30.6.2002 = (1219-1035) = Rs 184/= X 12 = Rs. 2208=00  
1.7.2002 to 31.8.2002 = (1245-1035) = Rs 210/= X 2 = Rs. 420=00

Rs. 6,492=00

The recovery of Rs. 6,492/= will start from the pay of April 2003 as follows.

Rs. 178/= X 1 = Rs. 178=00  
Rs. 154/= X 41 = Rs. 6314=00

Rs. 6492=00

(Dr. S.Bhattacharjee)  
Agril. Technologist

No. IGMRI/JHT/AUDIT/2003-2004/9.  
Dated:- 09/04/2003

Copy to: 17

- 1) Shri P.K.Routh, T.O. S&R (S&R), IGMRI (FS), Jorhat.
- 2) Shri M.D.Jadhav, Suptt., IGMRI (FS), Jorhat.
- 3) Accounts Officer, Pay & Accounts Office, 5, Esplanade East, Kolkata-69.
- 4) Bill Section.

Attended  
S. B. Bhattacharjee  
Advocate

28  
ANNEXURE - E

-15-

Dated: 14-05-2003

To

The Joint Commissioner (S&R)

Govt. of India

Ministry of Consumer Affairs, Food & P/D

Department Of Food & Public Distribution

Krishi-Bhawan

New Delhi-110001

[THROUGH PROPER CHANNEL]

Sub: - Payer for Benefit of Double HRA under Special Concession for serving in N.E.  
Region matter- regarding.

R/S,

With reference to the above-cited subject, I am to draw your kind attention for helping me in this Juncture please.

- 1) Sir, I was transferred from I.G.M.R.I. Jabalpur (M.P.) to I.G.M.R.I. Jorhat (Assam) in the year 1994.
- 2) Sir, at the time of transfer Fourth Pay Commission rules were applicable. A Xerox copy of the same is enclosed for your ready reference.
- 3) Sir, the special Concession/Benefits are given to the Govt. Servant only for attracting & retaining the services in the N.E.Region.
- 4) Sir, it has been mentioned that, the Govt. Employee in occupation of hired private accommodation at old station at the time of transfer.
- 5) Sir, the H.R.A. is admissible at rates of old station in addition to new place of posting.
- 6) Sir, At the time of posting in old station self & family were residing in rented house at Jabalpur.
- 7) Sir, After transfer Condition for staying in Old Head Quarter has not mentioned.

Attested  
Jil  
Advocate

- 8) Sir, After transfer to N.E. Region there was none to look after then. So, I shifted my family to NANDED in Maharashtra (Home-State). For higher education of Sons & Daughters.
- 9) Sir, my family is residing there in hired private accommodation till date. I have been producing rent receipt every year in the office.
- 10) Sir, last year Audit 2001-2002 pointed out that, the H.R.A. admissible on Pay Drawn at Old Station that & not on annual increments drawn at new place of posting & Difference was deducted from my salary thus, which is not at all mentioned in FR & SR Part-I (Xerox copy is enclosed)
- 11) Sir, this year Audit for 2002-2003 pointed-out that, old station H.R.A. is not admissible & DDO informed me, that your H.R.A. is stopped from May-2003 as per Audit note given to him.
- 12) Sir, I have completed my fixed tenure of two years for N.E. Region in 1996. I have applied for my transfer several times (Appendix enclosed). But I did not get transfer till date. Kindly transfer me to the place of my choice in public interest.
- 13) Sir, I don't want any benefits of N.E. Region. Only I want transfer benefits of N.E. Region is being provided by you. You have compelled me to remain here for ten years. So recoveries should not be made from my salary. Because my salary income is just hands to mouth only.

Hence, Necessary order may kindly be issued to our D.D.O. for drawal of H.R.A. may be continued from May 2003 onwards till my posting to my choice station.

It is also requested cases of Double H.R.A. past & present reviewed.

Thanking you,

Yours Faithfully

(M.D. JADHAV)

Superintendent

I.G.M.R.I. (Jorhat)

(Assam)

Encl As stated

Attested  
J.F. Advanta

Copy to (1) The Under Secretary (SRA), Govt. of India, Krishi-Bhawan, New Delhi-1  
for favourable action in this regards.

(2) The Officer-In Charge IGMRI, Jorhat(ASSAM). He is requested claim my HRA till  
Ministry orders in this connection. The Audit note only for your information but  
decision will be taken by the Ministry on light of information given as above.

Note- Advance Copies are sent to the Concerned Officers, for favourable action in this  
regards.

(M.D. JADHAV)  
Superintendent

Attested  
J.S.  
Advocate

- 18 -

ANNEXURE - F30

No.A-22012/31/93-SRA  
Government of India  
Ministry of Consumer Affairs, Food & Public Distribution  
Department of Food & Public Distribution


Krishi Bhawan, New Delhi  
Dated 10<sup>th</sup> November, 2003

**OFFICE MEMORANDUM**

Subject: Representaton of Shri M.D.Jadhav, Supdt., IGMRI, Jorhat for non-payment double HRA for serving in N.E Region-reg.

The undersigned is directed to refer to the representation dated 14-5-2003 of Shri M.D.Jadhav, Supdt., IGMRI, Jorhat forwarded vide IGMRI, Jorhat letter No.PF(MDJ)/IGMRI/JHT/2003-04/47 dated 20-5-2003 on the above subject and to say that as per the clarifications 1 to 4 given vide M/o Finance O.M No.11016/1/E.II(B)/84 dated 28-5-86, the benefit of HRA at the old station will not be admissible to those Govt. servants who have shifted their families to a station other than the last place of posting. The concession will be available without any change in the quantum of HRA at the last station where the families continues to stay, till the concerned Government servant remains posted in the specified areas and the family continues to stay at the last station.


2. Therefore, no irregularities have been committed in deducting the excess payment of HRA made to Shri M.D.Jadhav, Supdt. and discontinuing the benefit of HRA at old station to him w.e.f May, 2003 as observed by the Audit Party in their Report for the year 2001-02 and 2002-03.

  
( L.Santhanam) 19/11

Under Secretary to the Govt. of India  
Tele: 23383046

Shri M.D.Jadhav,  
Superintendant,  
IGMRI,  
Jorhat.

✓ Copy to: The O.I.C, IGMRI, Jorhat for information.

  
A.H. 21/11/03  
Jorhat

No. A-22012/31/01 SRA

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH :: GUWAHATI

Central Administrative Tribunal

Guwahati Bench

In the matter of :-

O.A. No.83 of 2004

M.D.Jadhav

.....Applicant

- Versus-

Union of India & Ors. ...Respondent

WRITTEN STATEMENT FOR AND ON BEHALF OF  
RESPONDENT NO. 1 and 2.

I, Dr. S. Bhattacharjee, Officer-in-Charge, Indian Grain Storage Management and Research Institute, Jorhat, do hereby solemnly affirm and say as follows :-

1. That I am the Officer-in-Charge, Indian Grain Storage Management and Research Institute, Jorhat and as such fully acquainted with the facts and circumstances of the case. I have gone through a copy of the application and have understood the contents thereof. Save and except whatever is specifically admitted in this written statement the other contentions and statement may be deemed to have been denied. I am authorised to file the written statement on behalf all respondents.

2. That the statements made in paragraph 4.1 and 4.2 of the application are admitted to be correct.

3. That with regard to the statements made in paragraph 4.3 of the application, the respondents beg to state that the enclosed 'ANNEXTURE-C' to the application is not complete. The full text of FR & SR, Part-I is reproduced here. "Central Govt. employees posted to the specified states/Union Territories from outside the N.E. Region or transferred from one station of a State/Union Territory of the N.E. Region, and who are keeping their families in rented house or in their own houses at the last place of posting will be entitled to HRA admissible to them at the old station, and also at the rates admissible to them at the new place of posting in case they live in hired private accommodation irrespective of whether they have claimed transfer T.A. for family or not subject to the condition that hired private accommodation or own house at the last place of posting is put to BONAFIDE USE of the members of the family. Internal Audit Report No.CCA/CA,FOOI and P.D./F24/IA/2003-04/271, dtd. 31-12-2003 enclosed.

Contd. p/2

4. That with regard to the statements made in paragraph 4.4 of the application, the ~~respondent~~ respondent beg to state that the I.G.M.R.I.(FS), Jabalpur was never sifted to Nanded. The applicant himself has admitted that he had sifted his family to Nanded (Maharashtra) and continuously residing there.

5. The applicant was posted at IGMRI, Jabalpur during 3/91 to 10/94 and during this period his family were residing at his home town Nanded(Maharashtra) due to education of his children. This was intimated by the applicant vide his letter dated 6.9.91 and 23.7.92. A copy of each of the letters are annexed herewith marked as Annexure I & II.

6. That with regard to the statement made in paragraph 4.5 of the application the averments in the para that the family of the applicant were residing at Jabalpur at the time of his transfer to Jorhat is false and misleading. As mentioned in preceding para 5 the family of the applicant were permanently residing at Nanded (Maharashtra). The office of IGMRI, Jabalpur had never been shifted to any other place. However, all the posts at this station have been discontinued w.e.f. 1.10.2002. Therefore, it is incorrect to say that the applicant had shifted his family to Nanded due to shifting of the office of the IGMRI, Jabalpur.

The recovery of Rs.6492/= is not the Double HRA paid to him but the excess amount of HRA paid to him erroneously. As per Govt. of India, Ministry of Finance O.M.No.20014/3/83-E-IV, dated 14-12-1983 with other Circular issued from time to time as incorporated in Appendix-9 of FR & SR, Part:I, the quantum of HRA for the last place of posting is to be calculated based on pay drawn by the incumbent(as mentioned in Last Pay Certificate) at the time of his transfer to N.E.Region, but he was erroneously paid the HRA on the basis of pay enhanced annually by the adding of increments. The excess payment thus ~~arises~~ arises was advised by the Internal Audit to recover from the incumbent vide their Inspection Report No.CCA/CA, FOOD & PD/F-24/2002-2003/IA/295 dated 31-10-2002, a copy of which is enclosed.

7. That with regard to the statements made in paragraph 4.6 of the application, the respondents beg to state that the recovery and ~~stoppage~~ stoppage of payment are being done as observed and advised by the Internal Audit, photocopies of which are annexed herewith as ANNEXTURE-III & IV.



8. That with regard to the statements made in para 4.7 of the application, the respondents beg to state that as explained in paragraph 3 & 4 above the applicant is not entitled for the HRA of Jabalpur, because he has not fulfilled the criteria enumerated in the circular issued by the Ministry of Finance.
9. That with regard to the statements made in paragraph 4.8 of the application, the respondents beg to state that action of the respondents are based on actuals.
10. That the respondents have no comments to the ~~xxxx~~ statements made in paragraph 4.9, 4.10, 4.11, 4.12, 4.13 and 4.14 of the application.
11. That the applicant is not entitled to any relief sought for the application and the same is liable to be dismissed with costs.

#### VERIFICATION

I, Dr. S. Bhattacharjee, presently working as Officer-in-Charge, Indian Grain Storage Management and Research Institute, Jorhat being ~~fully~~ duly authorised and competent to sign this verification do hereby solemnly affirm and state that the statements made in paragraph 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 of the application are true to my knowledge and ~~best~~ belief, those made in paragraph 02 to 10 being matter of record are true to my information derived there from and those made in the rest are humble submission before the Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 17 th day of  
*July, 04.*

*Smarajit Bhattacharjee.*  
(Dr. S. Bhattacharjee)  
17.7.2004.  
Officer-in-charge,  
**DEPONENT**  
Indian Grain Storage Management  
& Research Institute,  
Jorhat-785013 Assam.

10/2/2011

[illegible]

क्र.	विवरण	प्रमाण	दिनांक
१	श्री. राजाजी	५/१०/२५	१०/१०/२५
२	श्री. राजाजी	५/१०/२५	१०/१०/२५
३	श्री. राजाजी	५/१०/२५	१०/१०/२५
४	श्री. राजाजी	५/१०/२५	१०/१०/२५
५	श्री. राजाजी	५/१०/२५	१०/१०/२५
६	श्री. राजाजी	५/१०/२५	१०/१०/२५
७	श्री. राजाजी	५/१०/२५	१०/१०/२५
८	श्री. राजाजी	५/१०/२५	१०/१०/२५
९	श्री. राजाजी	५/१०/२५	१०/१०/२५
१०	श्री. राजाजी	५/१०/२५	१०/१०/२५

Tested  
JH Clam  
Asst. G. G. S. C.

॥ श्रीगणेशाय ॥  
 नमः शिवाय  
 ( श्री गणेशाय )  
 श्रीगणेशाय नमः शिवाय  
 श्रीगणेशाय नमः शिवाय  
 श्रीगणेशाय नमः शिवाय  
 श्रीगणेशाय नमः शिवाय





7

Annexure

III

(24)

36

24

No. CCA/CA, Food &amp; PD/F-4/2002-03/9A/295

OFFICE OF THE CHIEF CONTROLLER OF ACCOUNTS  
 MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION  
 1688-KASTURBA GANDHI MARG BARRACKS  
 NEW DELHI-110001.

Dt. 31.10.2002

To

Officer Incharge Indian Grain Storage Management  
 and Research Institute  
~~ICMR~~, Assam Agricultural  
 University, Campus

P.O. Jorhat - 13 ASSAM

Sub:- Internal Audit and Inspection Report for the year 2001-02

Sir,

I am to forward herewith the Internal Audit and Inspection Report on the accounts of your Office for the period 2001-02 and draw your special attention to Para all Which are important.

You are requested that consolidate parawise reply in respect of current as well as previous Audit Report may be furnished urgently.

Receipt of this letter may kindly be acknowledged.

Yours faithfully,

H.R. Saroya

(H.R. Saroya)

Asstt. Accounts Officer

Encl

D.R.

8

(25)  
32

Part II INTERNAL AUDIT (PERIOD 2001-02) CURRENT REPORT

In r/o. O/O. the I.G.M.R.I., Jorhat, Assam.

Para No : 1 Irregular drawal of HRA to the tune of Rs.30,242/- for Serving in N.E. Region.

In course of Audit it has been noticed that the following officers were transferred from outside the N.E. region and posted to I.G.M.R.I., Jorhat and allowed to draw HRA for the last place of duty on the basis of circular issued by the Govt. under No.G.I.M.F. O.M.20014/3/83-E-IV dt.14.12.83 with other circular issued from time to time as incorporated in Appendix-9 of FRSR-Part-I of Swamy's Compilation.

In this connection, a reference is invited to G.I.M.F.O.M. No.2(34)/12(11)-B/99 dt.12.8.99 (Appendix-9 of FRSR-Part-I) which inter-alia states that the amount of HRA on revised rate w.e.f.1.8.97 for the old station is admissible and to be calculated based on pay drawn by him at the time of transfer only in the said Region.

But on test <sup>check</sup> of voucher and PBR it has been noticed that the payment of HRA to the following officers for the old station was allowed on the basis of pay enhanced annually for increment as a result of which excess inadvertant payment towards HRA resulted as detailed below :

(a) Shri P.K.Routh, T.O.(S&R), :-

As per entry made in S/Book(part-V) it appears that Shri P.K.Routh joined on 8.6.98 to the o/o, I.G.M.R.I., Jorhat on being relieved from S.G.C., Kolkata. His basic pay at the time of transfer was Rs.6,900/- for which he is entitled to draw HRA for the old station @ Rs.2,070/-(being the 30% of Rs.6,900/-). The details of excess payment of HRA for the old station for the period from 1.7.98 to 31.8.02 are given below :-

1.7.98 to 30.6.99 = (2123-2070) = Rs.53 x 12 = Rs. 636/-  
1.7.99 to 30.6.2k = (2175-2070) = Rs.105 x 12 = Rs.1260/-  
1.7.2k to 30.6.01 = (2228-2070) = Rs.158 x 12 = Rs.1896/-  
1.7.01 to 30.6.02 = (2280-2070) = Rs.210 x 12 = Rs.2520/-  
1.7.02 to 31.8.02 = (2333-2070) = Rs.263 x 2 = Rs.526/-

TOTAL = Rs.6,838/-

The case may be examined and effected recovery accordingly.

(b) Shri B.D.N.Singh, T.O.(S&R), :-

The Basic pay of Shri Singh as on 31.7.95 as per L.P.C. received from S.G.C., Banaras was Rs.2750/-. The corresponding revised scale as per 5th C.P.C. would be Rs.8300/-. He is entitled to get the HRA for the old station @ Rs.1245/-(being 15 % of Rs.8300/-) p.m. W.E.F.

1.8.97. as per circular issued under No.G.I.M.F.O.M. No. 20014/3/83-E-IV dt.14.12.83

24/5/11/2/12/

(34)/2(ii)/B/99 Dt.12.8.99. As such, inadvertant payment so made is detailed below :-

From : 1.8.97 to 31.3.98 =Rs.(1298-1245)=Rs.53/- x 8 =Rs.424/-

" 1.4.98 to 31.3.99 =Rs.(1324-1245)=Rs.79/- x 12=Rs.948/-

" 1.4.99 to 31.7.99 =Rs.(1350-1245)=Rs.105/- x 4=Rs.420/-

" 1.8.99 to 8.8.99 =Rs.(105 x  $\frac{8}{31}$ ) =Rs..... Rs. 27/-

" 9.8.99 to 31.8.99=Rs.(1365-1245)=Rs.120 x  $\frac{23}{31}$  .....Rs.98/-Rs.89

" 1.9.99 to 31.7.2k =Rs.120 x 11 .....Rs.1320/-

" 1.8.2k to 30.11.2k =Rs.(1406-1245)=Rs.161/- x 4=Rs.644/-

" 1.12.2k to 31.7.01 =Rs.(1448-1245)=Rs.203/- x 8=Rs.1624/-

" 1.8.01 to 28.2.02 =Rs.(1489-1245)=Rs.244/- x 7= Rs.1708/-

TOTAL Rs. 7204/-

(3) Shri S.C.Kanjilal,Foreman :-

The basic pay of Shri Kanjilal as on 1.10.96 was Rs.2780/- with DNI on Jan.every year. The corresponding revised pay would be Rs.8000/-for which his entitlement <sup>of</sup> HRA for the old station at IGMRI, Jabbalpur <sup>should be</sup> Rs.1200/-p.m. (15 % of Rs.8000/-) as per <sup>above</sup> Dt.12.8.99. cited ~~appear~~. The payment made in excess is detailed below :-

From : 1.3.99 to 31.7.99 =Rs.(1223-1200)=Rs.23/- x 5 =Rs.115/-

" 1.8.99 to 8.8.99 =Rs.23 x  $\frac{8}{31}$  = .....Rs.6/-

" 9.8.99 to 31.8.99 =Rs.(1335-1200)=Rs.135 x  $\frac{23}{31}$  = Rs.100/-

" 1.9.99 to 31.7.2k = .....135 x 12 = ..... Rs.1620/-

" 1.8.2k to 31.7.01 = (1365-1200)= Rs.165 x 12 =Rs. 1980/-

" 1.8.01 to 30.11.01 = (1395-1200)= Rs.195 x 4 = Rs. 780/-

TOTAL = Rs. 4,601/-

The case may be examined and recovery effected accordingly.

(d) Shri M.D.Jadhav, Supdt. :-

Shri Jadhav, Supdt. was transferred from IGMRI, Jabalpur and joined to the O/o. the I.G.M.R.I., Jorhat on 27.10.94 (FN). He was drawing pay at Jabalpur on 10/94 @ Rs.22,240/-p.m. The corresponding revised scale as per 5th C.P.C. would be Rs.6900/- for which he is entitled to get HRA for the old station of duty @ Rs.1035/- (being 15 % of Rs.6900/-) as per circular dt.12.8.99. As such inadvertant payment so made is detailed below :-

From : 1.3.99 to 30.6.99 = (1140-1035) = 105 x 4 = Rs. 420/-

" 1.7.99 to 30.6.2k = (1166-1035) = Rs. 129 x 12 =Rs.1548/-

" 1.7.2k to 30.6.01 = (1193-1035)=Rs.158 x 12=Rs....1896/-

" 1.7.01 to 30.6.02=(1219-1035)= Rs.184 x 12 = Rs. 2208/-

" 1.7.02 to 30.8.02=(1245-1035)=Rs.210 x 2 = Rs....420/-

TOTAL = Rs. 6,492/-

Cont...P/3.

It may be mentioned here that as per ~~Ex.M.R.I.~~ G.I.M.F.O.M. No. (30)/97-E.II(B) dt. 3.10.97 the Classification of Cities/Town and rates of HRA based on % of basic pay drawn were effected from 1.8.97. But no such record in the PBR in r/o. payment of arrear of HRA for the period from 1.8.97 to 28.2.99 have been found. It is therefore, suggested to confirm as to whether any payment on ~~xxx~~ revised rate was made for the said period and if so the excess payment so made be recovered in addition to the amount of Rs. 6492/- as detailed above.

(e) Shri J.R. Athaley, Foreman. :-

Shri Athaley, Foreman, was transferred from I.G.M.R.I., Hapur (U.P.) and joined to the O/o. IGMRI, Jorhat on 1.1.02. As per L.P.C. he was in receipt of HRA @ Rs. 636/- i.e. 7.5 % of Rs. 8475/- On test check of P.B.R. it is seen that the officer has been allowed to draw the HRA @ Rs. 15 % on basic pay. In this connection it may be mentioned here that the officer consequent on transfer <sup>has been</sup> residing at the Govt. Qrt. at Jorhat. It is therefore, not clear as to how the Govt. servant has been allowed HRA @ 15 % for the old place of duty. As a result the excess payment towards HRA for the old station have been admitted inadvertently as detailed below :-

From ; 1.1.02 to 31.7.02 = (1271-636) = 635 x 7 = Rs. 4445/-  
 " 1.8.02 to 31.8.02 = (1298-636) = ..... Rs. 662/-

TOTAL = Rs. 5107/-

The case be examined and ~~affected~~ <sup>effected</sup> recovery accordingly.

(b) It may also be ensured that HRA amount for the old station is calculated based on pay drawn by the officer at the time of transfer only & not on enhanced pay.

(c) All other cases, if any, where such benefits have been allowed be reviewed and recovery effected accordingly under intimation to Audit.



10. Concessions for Serving in North-Eastern Region, etc.

[Swamy's — FR & SR, Part I]

Certain special concessions and service benefits are admissible to officers transferred to the North-Eastern Region and Union Territories listed below and to officers of North-Eastern Council when posted to North-Eastern Region. These concessions are also admissible to those on deputation to State Governments on Manipur and Tripura.

- |              |                                |
|--------------|--------------------------------|
| 1. Assam     | 6. Arunachal Pradesh           |
| 2. Meghalaya | 7. Mizoram                     |
| 3. Manipur   | 8. Andaman and Nicobar Islands |
| 4. Nagaland  | 9. Lakshadweep (L & M) Islands |
| 5. Tripura   |                                |

1. T.A. on first appointment.—For journeys to take up initial appointment, T.A. will be admissible to the Government servant and his family for the total distance as below—

For journey by rail	...	Second Class fare.
For journey by road	...	Ordinary bus fare.
For journey to take up appointment in A & N/L & M Islands	...	Free sea passage plus rail/bus fare as above for journey within mainland up to the port of embarkation.

**2. T.A. on transfer.**—If the family does not accompany the Government servant, he will be paid T.A. on tour for self only for the transit period and will be permitted to carry personal effects up to  $\frac{1}{3}$ rd of his entitlement at Government cost; or can have the cash equivalent of carrying  $\frac{1}{3}$ rd of his entitlement or the difference in weight of the personal effects he is actually carrying and  $\frac{1}{3}$ rd of his entitlement, as the case may be, in lieu of the cost of transportation of baggage. Composite Transfer Grant will be admissible in any case.

If the family accompanies him, he can draw the existing T.A., including the cost of transporting personal effects to his maximum entitlement irrespective of the actual weight carried.

These provisions apply also for the return journey on transfer back from the North-Eastern Region/Union Territory.

This concession is admissible only in cases of transfer from a station outside to a station in the N-E Region and vice versa. It is not applicable from one station to another within the region.

**3. Road mileage for transportation of personal effects.**—Higher rate of allowance as for 'A' class cities, limited to the actual expenditure, will be admissible to all Government servants for transportation of personal effects on transfer between two different stations in the North-Eastern Region/Union Territory not connected by rail irrespective of the fact whether they are having All India transfer liability or not.

**4. Joining time while proceeding on/returning from leave.**—Government servants proceeding on leave from the place of posting in the Region to a place outside the Region are entitled for the joining time as follows:—

*(a) If the place of posting in the Region is not a remote locality—*

- |      |  |  |
|------|--|--|
| (i)  | When the journey time between the place of posting and the place outside the Region is 2 days or less. | No joining time is admissible.                               |
| (ii) | When the journey time referred to in (i) above is more than 2 days.                                    | Journey time in excess of 2 days is allowed as joining time. |

*(b) If the place of posting in the Region is a remote locality.—*

- |     |   |   |
|-----|---|---|
| (c) | Period of travel from the remote locality to the specified station. | Journey time as prescribed is allowed as free joining time. |
|-----|---|---|

- 13
- (ii) Period of travel from the specified station to a place outside the Region.

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Journey time in excess of 2 days is allowed as additional joining time.

This concession is also admissible when the Government servants return from leave.

**5. Leave Travel Concession.**— Government servant who leaves his family behind and does not avail transfer T.A. for the family will have the option to choose—

*Either:* The existing LTC to home town once in a block of two calendar years;

*Or:* The concession for himself once a year from the station of posting to his home town or place where the family is residing, *and in addition* concession for the family (restricted to the spouse and two dependent children only) also to travel once a year from the place of residence to the employee's station of posting.

**6. Travel by air.**—Officers drawing pay of Rs. 5,100 (pre-revised pay) and above and their families (spouse and two dependent children— up to 18 years for boys and 24 years for girls) may perform the above LTC journeys by air as below—

Officers posted in	Between stations
(i) North-Eastern Region	Imphal/Silchar/Agartala/ Aizwal/ Lilabari and Calcutta
(ii) Andaman and Nicobar Islands	Port Blair and Calcutta/Chennai
(iii) Lakshadweep	Kavaratti and Cochin.

**7. (a) Special Compensatory (Remote Locality) Allowance.**— Please see Section 8.

**8. Fixed Tenure—**

- (a) For staff with service of 10 years or less      Three years
- (b) For staff with more than 10 years of service      Two years

Period of leave, training, etc., in excess of 15 days per year will be excluded in counting the tenure period. However, the period may be extended in exceptional cases in exigencies of public service or when the employee concerned is prepared to stay longer. Deputation allowance will be admissible during the extended period also.

9. Station of choice on completion of tenure.—On completion of the fixed tenure, officers may be considered for posting to a station of their choice as far as possible.

10. Weightage for promotion, etc.—Eligible officers shall be given due recognition in the matter of—

- (a) promotion in cadre posts;
- (b) deputation to Central tenure posts; and
- (c) courses of training abroad.

The general requirement of at least three years' service in a cadre post between two Central tenure deputations may be relaxed to two years in cases of meritorious service.

11. Entry in CR.—A specific entry shall be made in the CR of all employees who render full tenure of service.

12. Special (Duty) Allowance/Island Special Allowance.—Employees who have All India Transfer Liability on posting to (i) any station in the North-Eastern Region comprising the States of Assam, Meghalaya, Manipur, Nagaland, Tripura, Arunachal Pradesh and Mizoram will be granted Special (Duty) Allowance, and (ii) any station in the Island Territories of Andaman, Nicobar and Lakshadweep will be granted Island Special Allowance. (*For rates and conditions governing the grant of these allowances see under 'Compensatory Allowances' in Section 8 of this Handbook*).

13. Children's Education Allowance/Hostel Subsidy.—If the children do not accompany the employee, CEA will be admissible up to class XII to children studying at the last station of posting or any other station where they reside. If such children are put in hostels, hostel subsidy will be admissible without other restrictions. The concession is admissible to the officials transferred from one place to another within the North-Eastern Region also.

14. Benefit of double HRA.—Central Government employees posted to the specified States/Union Territories from outside the N-E Region or transferred from one station of a State/Union Territory of the N-E Region to another State/Union Territory of the N-E Region, and who are keeping their families in rented houses or in their own houses at the last place of posting will be entitled to HRA admissible to them at the old station, and also at the rates admissible at the new place of posting in case they live in hired private accommodation 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. These concessions are admissible also to those posted to Andaman and Nicobar Islands and Lakshadweep.

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Those employees who have not been posted to the N-E Region *from outside the N-E Region* are not entitled to this benefit.

15. Retention of a allotment of alternate Government accommodation.—A Government servant who is in occupation of Government accommodation, when posted to North-Eastern Region, will be allotted an alternate accommodation of one type below his entitlement, up to the maximum of D-1 type in the same or nearby locality, or they will be permitted to retain the same type of accommodation if he is already in occupation of one type below his entitlement. For the period beyond the normal permissible period of retention, licence fee will be charged @  $1\frac{1}{2}$  times the normal licence fee.

16. Retention of residential telephone in the last station.—Residential telephone at the last station will be allowed to be retained on the condition that the rental and all other charges are paid by the officer concerned.—Appendix 9.

Attested  
*[Signature]*  
Asst. G. G. S. O.

Annexure 16  
IV

By speed Post

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OFFICE OF THE CHIEF CONTROLLER OF ACCOUNTS  
MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION  
1688-KASTURBA GANDHI MARG BARRACKS.  
NEW DELHI-110001

No. CCA/CA, Food and PD/F-24/1A/2003-04/ 271-  
To

Dated: 31.12.03

Officer Incharge  
94MRJ, Assam Agricultural  
University Campus  
Jorhat

Sub:- Internal Audit and Inspection Report for the year 2002-03.

Sir,

I am to forward herewith the Internal Audit and Inspection Report on the accounts of your Office for the period 2002-03 and draw your special attention to Para all. Which are important.

You are requested that consolidate parawise reply in respect of current as well as previous Audit Report may be furnished urgently.

Receipt of this letter may kindly be acknowledged.

Yours faithfully

L. R. Saroya

(L.R. SAROYA)

ASSISTANT ACCOUNTS OFFICER

Asstt. Accounts Officer  
Min. Consumer Affairs & P.D.  
New Delhi

Encl

as above

Attested

PK Choudhary  
Asstt. Secy. to Govt.

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PART-II (CURRENT REPORT)

Para 1:- Irregular drawal of HRA to the tune of Rs. 6,492/- by Sh. M.D. Jadhav, Superintendent.

As pointed in para 1(d) of previous inspection report for the year 2001-02, Sh. M.D. Jadhav, Superintendent, was transferred from IGMRI, Jabalpur to IGMRI, Jorhat and joined on 27.10.94 (F/N). He was drawing pay at Jabalpur on 10/94 as per LPC, Rs. 2240/- pm. The corresponding revised pay as per implementation of Vth CPC w.e.f. 1.1.96 comes to Rs. 6900/- in the scale of 6500-200-10,500.

As per facilities available to officials posted anywhere in North-Eastern Region from outside the region, the official can avail the benefit of double HRA i.e. HRA at the rate of present place of posting and another which he had actually drawn in the previous station for keeping the family therein i.e., the residence at the previous station is put into bonafide use by the family members.

But in the case of Sh. M.D. Jadhav, Supdt., it was observed from his claims (enclosed herewith) in respect of Medical reimbursement of his family members and LTC availed by his family members, that his family members are staying at "NANDED", Maharashtra which is his declared "Hometown" as per entries made in the Service Book. As such, the residence at his previous place of posting is not put into bonafide use by his family Members.

Head of the office is requested to further review the case immediately and stop the payment of benefit of double HRA available to him. Further, it is requested to recover the entire amount of IIRA benefit drawn by him from the date of availing the facility till date under intimation to Internal Audit HQ, New Delhi alongwith a statement showing details of such drawls and recoveries made till the date of intimation for futher watch by the next audit Party.

**Attested**  
*[Signature]*  
**Addl. C. G. S. O.**

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No.A-22012/31/93-SRA  
Government of India  
Ministry of Consumer Affairs, Food & Public Distribution  
Department of Food & Public Distribution

Krishi Bhawan, New Delhi  
Dated 10<sup>th</sup> November, 2003

OFFICE MEMORANDUM

Subject: Representaton of Shri M.D.Jadhav, Supdt., IGMRI, Jorhat for non-payment double HRA for serving in N.E Region-reg.

The undersigned is directed to refer to the representation dated 14-5-2003 of Shri M.D.Jadhav, Supdt., IGMRI, Jorhat forwarded vide IGMRI, Jorhat letter No.PF(MDJ)/IGMRI/JHT/2003-04/47 dated 20-5-2003 on the above subject and to say that as per the clarifications 1 to 4 given vide M/o Finance O.M No.11016/1/E.II(B)/84 dated 28-5-86, the benefit of HRA at the old station will not be admissible to those Govt. servants who have shifted their families to a station other than the last place of posting. The concession will be available without any change in the quantum of HRA at the last station where the families continues to stay, till the concerned Government servant remains posted in the specified areas and the family continues to stay at the last station.

2. Therefore, no irregularities have been committed in deducting the excess payment of HRA made to Shri M.D.Jadhav, Supdt. and discontinuing the benefit of HRA at old station to him w.e.f May, 2003 as observed by the Audit Party in their Report for the year 2001-02 and 2002-03.

*Sam*  
(L.Santhanam)

Under Secretary to the Govt. of India  
Tele: 23383046

Shri M.D.Jadhav,  
Superintendent,  
IGMRI,  
Jorhat.

Copy to: The O.I.C, IGMRI, Jorhat for information.

Attested

*AK*  
Add. G.O.S.O.