

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 414 of 2005

Gwalior, this the 22nd day of November, 2005

Hon'ble Shri Madan Mohan, Judicial Member

1. Ganga Prasad, S/o. Late Badhai Ram, aged about 39 years, Labour B Y & E, Ordnance Factory, Khamaria, Jabalpur.
2. Sanjay Bharti, S/o. Late Ram Shankar Bharti, aged about 28 years, Labour B Y&E, Ordnance Factory, Khamaria, Jabalpur.
3. Manoj Kumar, S/o. Late Sri Kunjilal, aged about 28 years, Labaour B Y & E, Ordnance Factory, Khamaria, Jabalpur.
4. Kandhilal, S/o. Late Phaggulal, aged about 35 years, Labour B Y &E, Ordnance Factory, Khamaria, Jabalpur.
5. Girdhari Lal, S/o. Late Acchelal, aged about 34 years, Labour B Y&E, Ordnance Factory, Khamaria, Jabalpur.
6. Anoop Kumar Sondhia, S/o. Late Lila Dhar, Sondhia, aged about 35 years, Labour B Y &E, Ordnance Factory, Khamaria, Jabalpur.

... Applicants

(By Advocate - Shri S.K. Nagpal)

V e r s u s

1. Union of India, through : Secretary, Govt. of India, Ministry of Defence, Department of Defence Production, New Delhi.
2. Chairman-cum-Director General, Ordnance Factory Board, 10-A, Saheed K Bose Road, Kolkata.
3. General Manager, Ordnance Factory, Khamaria, Jabalpur.

... Respondents

(By Advocate - Shri M. Chourasia)

O R D E R

By filing this Original Application the applicants have claimed the following main reliefs :

"i) pay house rent allowance to the applicants from the date of their joining Ordnance Factory, Khamaria, (OFK),

ii) to pay arrears of HRA within three months with interest @ 12% per annum

iii) award cost of this application."

2. The brief facts of the case are that the applicants

were earlier working in Grey Iron Factory, Jabalpur. They came on transfer to OFK, Jabalpur in November, 2001. While the applicants were working in Grey Iron Factory, they were getting the House Rent Allowance. Immediately after the applicants joined their duties in OFK, they submitted applications in the prescribed form for grant of House rent allowance. But the applicants were not paid the House rent allowance by the respondent No. 3. The applicants submitted their representations to the respondent No. 3. But the respondent No. 3 did not take any action to sanction or pay the House rent allowance to the applicants. 135 employees of the Ordnance Factory, Khamaria have been sanctioned HRA by factory Order dated 1.9.2002 and by another factory order dated 19.2.2004 another 91 employees have been sanctioned the house rent allowance. The names of the applicants are not included in the aforesaid factory orders. Hence, this Original Application is filed by them.

3. Heard the learned counsel for the parties and carefully perused the pleadings and records.

4. The learned counsel for the applicants argued that the present case is squarely covered by the order of this Tribunal passed on 26th August, 2004 in OA No. 802/2002. He has drawn my attention towards paragraph 6 of the order passed in OA No. 802/2002. The learned counsel for the respondents vehemently opposed to it and argued that the present case is entirely different and is distinguishable.

5. After hearing the learned counsel for the parties and on careful perusal of the order passed by the Tribunal in the aforesaid OA and the pleadings of this OA, I find that in ~~order passed in the~~ paragraph 6 of the aforesaid OA No. 802/2002 the Tribunal has observed as under :



"6. After hearing the learned counsel for the parties and on perusal of the records, I find that the argument advanced by the applicants that they are entitled for payment of arrears of HRA at least from the dates of their joining the Ordnance Factory, Khamaria from 21.11.2001/2.12.2002 to the date of allotment of quarters i.e. 21.10.2002, as they were not allotted and were not in occupation of Government accommodation during the above period, has some force. In the Annexure A-9 filed with the rejoinder on behalf of the applicants, it is mentioned in its para 5 that "In view of above, it is requested that HRA to such employees who vacate factory quarters after constructing their own house obtaining) loans/HRA from the Government or from outside Government sponsored agencies, be released if otherwise found eligible." The details given by the applicants shows that some of the applicants are living in their own houses constructed by themselves by taking loans from the Govt. or from Govt. sponsored agencies. Hence, in view of the above I deem it appropriate to direct the respondents to reconsider the claim of the applicants in view of Annexure A-9 and regardin their entitlement of payment of arrears of HRA for the period from the dates of their joining the Ordnance Factory, Khamaria from 21.11.2001/2.12.2002 to the date of allotment of quarters i.e. 21.10.2002, as they were not allotted and were not in occupation of Government accomodation during the above period, within a period of two months from the date of receipt of a copy of this order. I do so accordingly."

From the above it is quite clear that the issue involved in the present case has already been decided by the Tribunal vide its order dated 26th August, 2004 passed in the aforesaid OA. Hence, the decision so passed in the aforesaid OA shall mutatis mutandis applicable to the present case as well.

6. Accordingly, the present Original Application is also disposed of in view of the directions given by the Tribunal in the aforesaid OA No. 802/2002 quoted above. The respondents are directed to act accordingly. No costs.

(Madan Mohan)
Judicial Member

"SA"

पृष्ठांकन से ओ/न्या.....
पुस्तिलिखि अपेक्षित दि.....
(1) साधिव, उत्तर व्यापार विभाग, विभागीय नियंत्रण अधिकारी, जबलपुर
(2) आवेदन अधिकारी, विभागीय नियंत्रण अधिकारी, जबलपुर
(3) प्रत्यक्षी प्रधान, विभागीय नियंत्रण अधिकारी, जबलपुर
(4) विवरण, विभागीय नियंत्रण अधिकारी, जबलपुर
सूचना एवं आवश्यक दस्तावेज़ देने के काउंसल

S.K. Meppal / Dr
M. Chaitanya / Dr

29/11/2005 द्येष्य रजिस्ट्रर

29/11/05