

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 434 of 2002

~~Blasphemy~~ this the 6th day of July, 2004

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

Manesh Kumar Sharma, S/o. late
R.R. Sharma, aged about 47 years,
T. No. A8-44/65075, Ord. Factory
Khamaria, R/o. Piparia, Khamaria,
Jabalpur (M.P.).

... Applicant

(By Advocate - None)

V e r s u s

1. Union of India,
through the Secretary,
Ministry of Defence,
New Delhi.
2. Chairman/DGOF, Ordnance
Factory Board, 10-A, Saheed K. Bose
Road, Kolkata - 700001.
3. Sr. General Manager,
Ordnance Factory Khamaria,
Jabalpur (MP).

... Respondents

(By Advocate - Shri S.A. Dharmadhikari)

O R D E R

By Madan Mohan, Judicial Member -

None is present for the applicant. Since it is an old case of 2002, we proceed to dispose of this Original Application by invoking the provisions of Rule 15 of CAT (Procedure) Rules, 1987. Heard the learned counsel for the respondents and perused the records carefully.

2. By filing this Original Application the applicant has claimed the following main reliefs :

"(i) to direct the respondents to pay the house rent allowance,

(ii) to direct the respondents to pay the arrears of house rent allowance plus other amount i.e. bonus due to non payment of HRA since August, 2001."


3. The brief facts of the case are that the applicant



was allotted Government accommodation quarter No. 67/4, Type II, East Land Khamaria for residential purpose. During the period of occupancy the applicant was not paid the house rent as per the rule. But the applicant handed over/surrendered the same Government accommodation on 23.7.2001. After handing over the said Government accommodation, the house rent allowance is not being paid to the applicant since the month August, 2001. The applicant submitted a representation dated 22.11.2001 to the respondents.

4. It is argued on behalf of the respondents that surrendering the Government accommodation is not a criteria to become eligible for house rent allowance. But only after issue of a No accommodation certificate from the competent authority the applicant shall become eligible to claim house rent allowance. As a good number of type-II quarters were lying vacant in Ordnance Factory, Khamaria Estate, the respondent No. 3 was not in a position to issue no accommodation certificate which is a precondition for claiming house rent allowance. However, the case for grant of HRA has been reviewed in respect of similarly placed applicants keeping in view the number of Type-II quarters vacant in O.F. Khamaria Estate and the applicant has been granted HRA w.e.f. 1.9.2002 along with some other employees.

5. After hearing the learned counsel for the respondents and on careful perusal of the pleadings and records, we find that as several houses of type-II were lying vacant in the Ordnance Factory, Khamaria Estate, and respondent No. 3 was ^{not} in a position to issue the no accommodation certificate, which is a pre-condition for claiming house rent allowance, they ~~have~~ have rightly not given the house rent allowance to the applicant. Simply surrendering the Government accommodation



allotted
does not entitle an employee to get the house rent allowance.

As per the rules the employees shall be entitled for house rent allowance on production of No accommodation certificate from the competent authority. The applicant after surrendering the allotted quarter has not obtained the no accommodation certificate from the competent authority. Hence, the applicant was not entitled for house rent allowances. Later on when the case for grant of HRA was reviewed in respect of similarly placed employees, keeping in view the number of Type-II quarters vacant in Ordnance Factory, Khamaria Estate, the applicant alongwith other employees has been granted house rent allowance with effect from 1.9.2002. Thus, we find that there is no irregularity or illegality in the action of the respondents.

6. Accordingly, we are of the considered opinion that the applicant has failed to prove his case and the Original Application is liable to be dismissed as having no merits. Hence, the Original Application is dismissed. No costs.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

"SA"

पृष्ठांकन सं ओ/अ/.....जबलपुर, दि.....

पलिलिदि अन्तः लिखित:-

(1) सचिव, उच्च न्यायालय दार एस्टेडिशन, जबलपुर

(2) आवेदक श्री/श्रीमती/कु.....के काउंसल

(3) कर्मचारी श्री/श्रीमती/कु.....के काउंसल

(4) कर्मचारी, कोषा, जबलपुर न्यायाधीश

सूचना एवं आवश्यक कार्यवाही हेतु

उप रजिस्ट्रार

S. Chakravarti
S4 Dharmachak

17-7-04

Issued
On 19.7.04