

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 802 of 2002

Jabalpur, this the 26th day of August, 2004

Hon'ble Mr. Madan Mohan, Judicial Member

1. Nandlal Chaturvedi, S/o Late  
Ramswaroop, aged about 44 years  
Labour US Y&E, Ordnance Factory,  
Khamaria, Jabalpur & 47 Ors.

APPLICANTS

(By Advocate - Shri S.K. Nagpal)

VERSUS

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

RESPONDENTS

(By Advocate - Shri Om Namdeo)

O R D E R

By filing this OA, the applicants have sought the following main reliefs :-

o "i). pay House Rent Allowance to the applicants from the date of their joining Ordnance Factory Khamaria, (OFK)

ii). to pay arrears HRA within three months with interest @ 118%."

2. The brief facts of the case are that the applicants are working in the Ordnance Factory, Khamaria, (OFK) Jabalpur. Earlier the applicants were working in Grey Iron Factory, Jabalpur and they came on transfer to OFK in November 2001/February 2002. Immediately after the applicants joined their duties in OFK, they submitted an application in the prescribed form for grant of HRA. The respondents have not paid HRA to the applicants. The (Annexure-A-3) applicants therefore, submitted a reminder to respondent No.3.

In spite of the reminder, the respondent No.3 had not taken any action to sanction/pay the HRA and <sup>also</sup> did not gave any reply as to why the HRA was being denied to the applicants. The applicants again sent a representation dated 19.9.2002 to respondent No.3 for grant of HRA. However, the respondent No.3 has allotted quarters to the applicants which are in bad state of repairs and are unfit for occupation. The applicants have submitted representations to the respondent No.3 for cancellation of allotment orders and payment of HRA. But ~~the~~ respondents have not given HRA to the applicants. Hence, the applicants filed this OA.

3. Heard, the learned counsel for the applicants and respondents.


4. The learned counsel for the applicants argued that the applicants have applied for HRA in the prescribed form, in Ordnance Factory, Khamaria. The applicants have also applied for allotment of quarter in the prescribed form. But the respondents have not allotted the Government quarters. The allotment orders in respect of old/dilapidated quarters which were unfit for occupation were issued on 21.10.2002 after the applicants represented for grant of HRA. The respondents have stated that a good number of quarters are lying vacant in Ordnance Factory, Khamaria Estate and the factory Management is not in a position to issue no accommodation certificate which is pre-condition for claiming HRA. In view of the above the applicants cannot be denied the payment of HRA from the date of their joining at OFK to the date of allotment of quarters. As regards the employees who have constructed their own houses on by taking loan, action has to be taken by the respondents in accordance with directions contained in Ordnance Factory Board, Kolkata letter dated 9th April, 2003.

5. The learned counsel for the respondents argued that a good numbers of quarters are lying vacant in the Ordnance Factory, Khamaria and hence, the respondents are not in a



position to issue the no objection certificate in favour of the applicants. However, the cases for grant of HRA has been reviewed in respect of similarly placed individuals keeping in view the number of quarters vacant in Ordnance Factory, Khamaria estate and the employees as per their seniority for allotment of quarters are considered for claiming HRA. Out of 48 applicants 41 have been granted HRA w.e.f. 1.2.2003. The applicants did not occupy the quarters allotted to them and the version of the applicants that the quarters are unfit for occupation is also not correct. Hence they are not entitled for grant of HRA and the OA has no merits and is liable to be dismissed.

6. After hearing the learned counsel for the parties and on perusal of the records, I find that the argument advanced by the applicants <sup>are entitled for</sup> that they 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/HBA 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 regard-



ing 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 accommodation 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.

7. Accordingly, the Original Application stands disposed of. No costs.

8. The Registry is directed to supply the copy of memo of parties, while issuing the certified copy of this order, to the parties.

(Madaa Mohan)  
Judicial Member

"SA"

पृष्ठोंकन सं ओ/न्या.....जबलपुर, दि.....

पतिलिपि अद्यो दित:-

(1) सचिव, उच्च न्यायालय बार एसोसिएशन, जबलपुर

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

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

(4) अध्यापक, के.प्र.अ., जबलपुर न्यायपीठ

सूचना एवं आवश्यक कार्यवाही हेतु

उप रजिस्ट्रार

Issued  
On 26.8.04