

CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH

...
OA No. 290/00146/2018

This, the 11th day of May, 2018.

CORAM: HON'BLE MR. R.RAMANUJAM, MEMBER (A)
HON'BLE MR.SURESH KUMAR MONGA, MEMBER(J)

Smt. Vandana Nama w/o Shri A.P.singh, aged 58 years, R/o GH-6, Bhagat Ki Kothi Housing Board, Jodhpur (Raj.). (Presently working at TGT Librarian at Kendriya Vidyalaya, Army, Banar, Jodhpur (Raj.).

...Applicant

BY ADVOCATE : Mr. Jog Singh

VERSUS

1. Kendriya Vidyalaya Sangathan through The Commissioner, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi 110 016.

2. The Deputy Commissioner, Kendriya Vidyalaya Sangathan (R.O.), 92, Gandhi Nagar Marg, Bajaj Nagar, Jaipur 302 016.

3. The Principal, Kendriya Vidyalaya (Army), Banar, Jodhpur (Raj.)

...Respondents.

ORDER (ORAL)

...
PER R.RAMANUJAM, MEMBER (A):-

Heard. Learned counsel for the applicant submits that the applicant is aggrieved by Annexure A/5 letter dated 09.03.2018 rejecting her representation dated 15.11.2017 and denying HRA to her on the ground that an available residential accommodation had been allotted to her by the respondents. It is submitted that at the station where the applicant is posted only one residential accommodation is available and several employees are eligible for allotment. The applicant could not be singled out for the purpose of denial of HRA on the basis of non-acceptance of residential accommodation allotted to her.

2. It is alleged that the applicant was informed that as per the Accounts Code, the senior most person shall be allotted the vacant accommodation if the same was not claimed by any of the eligible employees. According to the learned counsel, there is no such provision in the Accounts Code. It is also submitted that if no similarly situated person at the applicant's place of posting wished to be allotted the accommodation, it could be made available to a person posted in a neighbouring school for which there are precedents. On the other hand, it is unprecedented that the HRA of an employee would be withheld for not taking a vacant accommodation.

3. It is further submitted that the applicant may be granted liberty to file a detailed representation to the competent authority drawing attention to the relevant rules and he may be directed to dispose of the same within a time limit to be stipulated by the Tribunal.

4. Keeping in view the limited prayer and without going into substantive merits of the applicant's claim, the applicant is granted liberty to file a detailed representation to the competent authority within two weeks citing precedent cases, if any. Upon receipt of such representation, the authority shall consider the same in accordance with law and the relevant rules and pass a reasoned and speaking order within a period of four weeks thereafter.

5. The OA is disposed of accordingly. No costs.

(Suresh Kumar Monga)
Member (J)

(R. Ramanujam)
Member (A)

/kdr/

(OA No.146/2018)

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