

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI**

**OA No. 1084/2017**

New Delhi, this the 12<sup>th</sup> day of December, 2018

**Hon'ble Mr. Pradeep Kumar Member (A)**

Mr. Prem Narayan, Age about 53 years  
R/o A-6/29, Krishi Niketan,  
Paschim Vihar,  
New Delhi-110063

.....Applicant

(By Advocate : Ms. Jasvinder Kaur)

**Versus**

1. Indian Council for Agricultural Research (D.G.)  
Krishi Bhawan, New Delhi-110001
2. Indian Agricultural Statistics Research Institute (I.A.S.R.I)  
Through its Director  
Pusa Library Avenue  
New Delhi-110012
3. National Institute of Agricultural Economics and Policy Research  
(NIAP/NACP)  
Dev Prakash Shahri Marg, Pusa  
New Delhi-110012
4. Dr. B . N. Mandal (Scientist IASRI)  
Type IV Qurater No. 105,  
Krishi Niketan, Paschim Vihar,  
New Delhi-110063

.....Respondents

(By Advocate : Mr. Subhash Mishra)

**O R D E R (O R A L)**

Heard Ms. Jasvinder Kaur, learned counsel for the applicant and Mr. Subhash Mishra, learned counsel for the respondents.

2. There is an umbrella organization known as Indian Council for Agricultural Research (ICAR) under whom several separate institutes are working. One of them is Indian Agricultural Statistics Research Institute (IASRI) and another is National Institute of Agricultural Economics and Policy Research (NIAP/NACP). The applicant works in NIAP/NACP.

The applicant pleads that he has not been allotted a Type IV quarter, which is as per his entitlement in accordance with his salary scale. Moreover, there is his personal need also, as his wife is having joint problem and she is not able to go on first floor or above, and as such he needs a quarter on ground floor.

3. The applicant had earlier also approached the Tribunal in OA No. 3666/2016 which was decided on 27.10.2016. In that OA, the applicant had sought following reliefs:

- a. "To direct the respondents to allot the Type IV quarter of the respondent to the applicant and;
- b. To pay the difference in H.R.A. from 2005 till the actual allotment/possession of Type IV Quarter to the applicant.
- c. Pass any other and further order as the Hon'ble Tribunal may deem fit under the facts and circumstances of the case in favour of applicant and against the respondents."

3.1 This OA was dismissed on 27.10.2016 with following directions:

"4. In the circumstances, the OA is disposed of at the admission stage without going into the merits of the case by directing the

respondents to consider Annexure P- 20 (Colly) representation of the applicant dated 20.07.2016 and pass appropriate reasoned and speaking order thereon within 90 days from the date of receipt of a certified copy of this order, in accordance with the law. No Costs.

5. Let a copy of the OA, be enclosed to this order.”

3.2 The applicant made a representation and thereafter the respondents have passed a speaking order on 14.02.2017. It is a detailed speaking order bringing out therein the applicable rule position and it was concluded that the applicant's request cannot be agreed. It is seen from this order that one Type IV Quarter No 83 was also allotted to the applicant in 2016. However, the same was refused by the applicant on the plea that it was on third floor. The respondents had also advised the applicant to make a search for a suitable vacant quarter, to address his needs and come up to the respondents for needful.

4. It is seen that in the instant application the applicant had sought following reliefs:

- a. “To direct the respondents to allot the Type IV quarter No. 105 to the applicant and;
- b. To pay the difference in H.R.A. from 2005 to till the actual allotment/possession of Type IV Quarter to the applicant.
- c. Pass any other and further order as the Hon'ble Tribunal may deem fit under the facts and circumstances of the case in favour of applicant and against the respondents.”

5. Matter has been heard at length. It is noted that the Relief in Para 4 (a) above, is the same as was sought in OA No.3666/2016 earlier, except for a specific quarter number, and the same has already been disposed of by the respondents through a speaking order as brought out in Para 3.1 and 3.2 above. In this connection, it is also noted that one of the plea of the applicant is that one Type IV Quarter 105 which was handed over by IASRI on 28.07.2001 to NIAP/NACP could be allotted to him. However the respondents drew attention to another letter dated 30.07.2001 wherein IASRI had already deferred the handing over of this particular quarter and as such the same is not available with the respondents for allotment to their staff.

The applicant has sought another relief vide Para 4 (b) above in respect of payment of difference between “his applicable House Rent Allowance (HRA) which is not being paid to him as the applicant is at present allotted a Quarter which is below his entitlement” and “the license fee of Type III quarter as allotted to him, which is being deducted from his salary”. Further, Type III is lower than his entitlement. On a specific query, the applicant is unable to produce any rule in this regard. The respondents specifically brought out this request is not maintainable in view of existing rules, which stated that HRA is not admissible if a quarter is allotted, irrespective of entitlement. In absence of any rule being quoted by applicant, this request cannot be agreed to. It is noted that when an official is in occupation of a Government accommodation, HRA is not admissible, whether this accommodation is as per entitlement or of a lower category.

6. In the result, the instant OA is dismissed being devoid of merit. The respondents may consider allotment of a suitable quarter as and when it is available and as per rules in force at that time. No costs.

**( Pradeep Kumar  
Member (A)**

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