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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No.2188 OF 2003

New Delhi, this the 11th day of May, 2004

HON'BLE SHRI SHANKER RAJU, JUDICIAL MEMBER
HON'BLE SHRI R.K. UPADHYAYA, ADMINISTRATIVE MEMBER

R.S.Misra
PGT (Chemistry)
KV Sainik Vihar,
New Delhi.

....Applicant

(By Advocate : Shri M.K. Bhardwaj)

Versus

Union of India through

1. The Commissioner
Kendriya Vidyalaya Sangathan,
18, Institutional Area, SJS Marg,
New Delhi-110016.
2. Joint Commissioner (Admn.)
Kendriya Vidyalaya Sangathan,
18, Institutional Area, SJS Marg,
New Delhi-110016.
3. Principal
Kendriya Vidyalaya,
Sainik Vihar, New Delhi-110034.

.....Respondents

(By Advocate : Shri S.Rajappa)

ORDER (ORAL)

SHRI SHANKER RAJU, JUDICIAL MEMBER :-

After hearing the parties, the issue involved in the present case is in regard to the orders passed by the respondents on 1.6.2003/10.7.2003 wherein recovery of excess amount has been ordered, which according to them has been on account of payment of double House Rent Allowance (HRA). The applicant, who remained out of employment from 1988-2000 and as a consequence of the decision of the High Court of Delhi wherein the respondents have been given liberty to take appropriate action in the matter, was put back in service.

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2. Applicant's grievance is that he has been paid normal HRA whereas the respondents are alleged payment of double HRA to him without substantiating the same.

3. According to the learned counsel Shri M.K. Bhardwaj, any employee, who is posted to North-East area, is entitled to payment of double HRA on the analogy that the employee has to maintain his family at the old station and himself at the place of transfer.

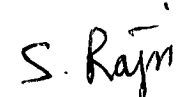
4. Learned counsel of the respondents has opposed the prayer of the applicant. It is stated by the respondents that the applicant is not entitled to double HRA in view of the fact that the applicant, who was dismissed, was prosecuting his case while residing at Delhi. Learned counsel of the respondents has drawn out attention to the details of payments made for the interregnum period when the applicant was out of employment.

5. We have ourselves calculated and found that as per the initial basic pay of the applicant Rs.2700/- on which an amount of Rs.405/- is 15% amount which is admissible as HRA as stated by the learned counsel. According to the respondents, they have paid Rs.482/- towards the payment of HRA to the applicant.

6. Having failed to substantiate or produce before us any material showing that the amount paid to

the applicant was double HRA as alleged by the respondents, the present OA deserves to be allowed. Accordingly the present OA is allowed and the impugned orders are quashed Respondents are restrained from giving effect to the recovery from the applicant in respect to double HRA. However, this shall not preclude them for re-calculating the normal HRA, which is admissible to the applicant keeping in view the basic pay for the period from 1988 to 2000. This re-calculation should be down within a period of two months from the date of receipt of a certified copy of this order. If it is found that the applicant has been paid in excess of admissible HRA, they would be at liberty to give effect to the recovery from the applicant after apprising him of the same. No costs.


(R.K. UPADHYAYA)
ADMINISTRATIVE MEMBER


(SHANKER RAJU)
JUDICIAL MEMBER

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