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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 3171/2013**

RAJENDRA P MISHRA & ORS Petitioners
Represented by: Mr.Sumeet Sharma, Advocate

versus

UNION OF INDIA & ORS Respondents
Represented by: Mr.Joginder Sukhija, CGSC for R-1
and R-2

W.P.(C) 3226/2013

G.C.SHARMA & ORS Petitioners
Represented by: Mr.Sumeet Sharma, Advocate

versus

UOI & ORS Respondents
Represented by: Mr.Joginder Sukhija, CGSC for R-1
and R-2

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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22.05.2013

1. Dismissing OA No.492/2009 and OA No.493/2009, vide order dated April 02, 2009 the Central Administrative Tribunal permitted writ petitioners, who were the applicants before the Tribunal, to submit a

Page 1 of 3

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representation to their office pertaining to the official accommodation being not habitable. The issue arose before the Tribunal because the stand taken by the employee was that since the employer was prepared to give residential accommodation to the employees they were not entitled to House Rent Allowance.

2. Seeking review, the writ petitioners were disappointed when vide order dated June 30, 2009, review application was dismissed. Claiming to be armed with certain documents statedly received in response to questions sent under the Right to Information Act, second review was filed which was dismissed vide order dated February 06, 2013.

3. All 3 orders are challenged before us.

4. We do not intend to get into the technical nitty gritty of law for the reason we find that vide order dated April 02, 2009 the Tribunal has permitted the writ petitioners to submit a representation to the employer on the subject of House Rent Allowance, but limited to the habitability of the houses. We modify said direction permitting writ petitioners to make a wholesome representation and this would include the right to rely upon such documents which writ petitioners have obtained under Right to Information Act after the Original Applications filed by them were disposed of as also the First Review Application filed were dismissed.

5. Let a representation be filed within 6 weeks.

6. The same would be considered and decided by a reasoned and a speaking order within 8 weeks of receipt thereof.

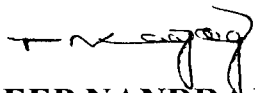
7. No costs.

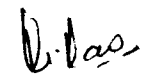
8. DASTI.

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CM Nos.6025-27/2013 in W.P.(C) No.3171/2013
CM Nos.6100-02/2013 in W.P.(C) No.3226/2013

Dismissed as infructuous.


PRADEEP NANDRAJOG, J.


V. KAMESWAR RAO, J.

MAY 22, 2013
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