

GAHC010127352018



**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : WP(C)/5846/2018**

UNION OF INDIA AND 2 ORS.  
REP. BY THE SECRETARY TO THE GOVT. OF INDIA,  
MINISTRY OF WOMEN AND CHILD DEVELOPMENT SHASTRI BHAWAN,  
NEW DELHI-110001.

2: THE DIRECTOR

NATIONAL INSTITUTE OF PUBLIC COOPERATIVE AND CHILD  
DEVELOPMENT  
NEW DELHI- 110016.

3: THE REGIONAL DIRECTOR

NATIONAL INSTITUTE OF PUBLIC COOPERATIVE AND CHILD  
DEVELOPMENT  
REGIONAL CENTRE  
JAWAHARNAGAR  
KHANAPARA  
GUWAHATI-22

VERSUS

MINAKSHI REGON  
ASSISTANT DIRECTOR,  
NATIONAL INSTITUTE OF PUBLIC COOPERATION AND CHILD  
DEVELOPMENT, REGIONAL CENTRE,  
JAWAHAR NAGAR,  
KHANAPARA, GUWAHATI-22.

For petitioner/appellant(s) : Mr. R.K.D. Choudhury, Deputy, SGI

For respondent(s) : Mr. S. Choudhury, Advocate

– BEFORE –

**HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI**

**HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

**15.05.2024**

*(Vijay Bishnoi, CJ)*

This writ petition is filed by the petitioner being aggrieved with the judgment and order dated 15<sup>th</sup> June, 2016 passed by the learned Central Administrative Tribunal (CAT), Guwahati Bench, in OA No.040/00367/2015 filed on behalf of the private respondent with a prayer to direct the petitioners to release the outstanding allowances to him from the date of surrender of the departmental quarter on 01.07.2011.

Learned counsel for the petitioner has argued that the tribunal has not taken into consideration the fact that in case government accommodations are available and the employee on his own decided not to avail the facility of the government accommodation, or voluntarily vacated it, he is not entitled for the HRA without furnishing the non-availability certificate issued by the competent authority.

Per-contra, learned counsel for the respondent has submitted that the Ministry of Housing and Urban Affairs, Government of India has already clarified the situation and has provided that the Central Government employees is entitled for drawing HRA even though non-availability certificate is not produced.

The Office Memorandum dated 08.04.2019 dispensing the condition of furnishing accommodation certificate is reproduced below:-

**“OFFICE MEMORANDUM**

*Subject: Dispensation of conditions of applying for Government Accommodation and furnishing of "No Accommodation Certificate" for admissibility of House Rent Allowance.*

*In pursuance of Ministry of Finance (Deptt. Of Expenditure) OM No.2/5/2017-E.IIB, dated 05.03.2019 (copy enclosed) and in supersession of this Directorate's OM number 12034/1/2007-PoI.III dated 14.11.2007, it*

*has been decided that the conditions of applying for Government accommodation and furnishing of 'No Accommodation Certificate (NAC)' by Central Government employees, to become eligible for House Rent Allowance, are dispensed with for all places in the country, in respect of General Pool Residential Accommodation (GPRA) under the control by Directorate of Estates, Ministry of Housing & Urban Affairs. Central Government employees will thus be eligible to draw HRA, if they have not availed the facility of Government accommodation and for this they will not have to produce NAC.*

2. *These order shall be effective from 05.03.2019."*

In view of the fact that the Ministry of Housing and Urban Affairs has already dispensed with the condition of furnishing No Accommodation Certificate for admissibility of HRA, we do not find any illegality in the impugned judgment.

Hence, the writ petition is dismissed.

**JUDGE**

**CHIEF JUSTICE**

**Comparing Assistant**