

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10573 of 1999

=====

Teta Dash son of late Rup Lal Dash, resident of Quarter No. B/12, New Harijan Colony, Sandalpur, PS-Sultanganj, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Social Welfare, Govt. of Bihar, Patna.
2. The Director, Social Welfare Department, Patna
3. The District Magistrate, Patna
4. The Patna Municipal Corporation through the Administrator, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. S.Roy Choudhary

For the Respondent/s : Mr. (GP2)

Mr. Chandra Shekhar

Mr. Krishna Deo Choudhary

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 13-03-2015

The case was listed on 26th February 2015 but on that date no one appeared on behalf of the petitioner and the case was passed over for the day. Even today, no one is present on behalf of the petitioner to press this application. This Court has no other way but to dispose of this application on the basis of materials available on the record.

It appears from the record, the petitioner has claimed to be a blind person from birth itself, was employed as Assistant Teacher in the Government Blind High School, Patna and was not allotted any quarter or accommodation by the Government and, as

such, he was drawing the house rent allowance as per the Government Rules Regulation and Circular. The District Magistrate made requisition for the quarter, accordingly a quarter No. B/12 vide letter no. 363/C dated 16th March 1989 was allotted in Harizan Colony, Sandalpur.

It has been claimed by the petitioner, the quarter that has been allotted to him is a small unit of 120 Sq. ft.

A Letter No. 37 dated 07/06/1989 was issued by the Executive Officer, Patna Municipal Corporation to deduct entire house rent allowance attached to the salary of petitioner on the ground of having been provided the accommodation.

The petitioner protested, raised objection and submitted that he has been provided a very small unit, for that, his entire house rent allowance at the rate of 15% cannot be allowed to be deducted from his salary.

A counter affidavit has been filed by the Deputy Director, Social Welfare Department where the plea has been taken that when an employee is provided the Government accommodation, he is not entitled to the house rent allowance, it is not dependent on the size of the quarter.

This Court does not find any wrong reason in the impugned order. If the employee has availed the benefit of

Government quarter, he cannot be allowed to double benefit, one the Government quarter and 2nd house rent allowance. If the house rent allowance is paid then he will not be entitled to the accommodation from the Government vice versa he availed the quarter of the Government, certainly he will not be entitled to the house rent allowance as per the Service Rules.

This Court does not find any error in the impugned order by which the house rent allowance has been directed to be deducted from the salary of the petitioner and, accordingly, this petition is dismissed.

(Shivaji Pandey, J)

Mahesh/-

U			
---	--	--	--