**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

**CWP-10098-1993 (O&M)**
**Date of Decision : 20.05.2015**

**T.I.T. Senior Secondary School & anr.**

**.... Petitioners**

**Vs.**

**The Director, Secondary Education, Haryana & ors.**

**.... Respondents**

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI**

Present : Mr. Shailendra Sharma, Advocate for the petitioners.

Ms. Shruti Goyal, A.A.G., Haryana.

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

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**AJAY TEWARI, J.(Oral)**

This petition has been filed for a direction to the respondents to make the payment of arrears of house allowance to the Management of the T.I.T. Schools-petitioners.

On 25.03.2015 the following order was passed :-

*"In this case, the petitioner-Society runs two schools. In 1991, the Hon'ble Supreme Court directed that the employees of government aided schools would inter-alia be entitled to HRA on the pattern of government employees. Consequently, those employees of the petitioners who were living in private accommodation were granted HRA and the requisite grant relating thereto was also released by the government. There were some teachers who were given accommodation by the petitioners. The claim of the petitioners is that HRA which was payable to those teachers should be defrayed to it. To my mind, it*

*would be relevant to go through the provisions of the scheme of grant-in-aid as well as the scheme relating to HRA for government employees.*

*Counsel for the petitioners has pointed out that no plea regarding this aspect was ever raised in the writ petition.*

*Be that as it may, learned counsel for the parties are requested to look into this aspect and address the Court on the next date of hearing.*

*Adjourned to 22.4.2015."*

Today the learned Assistant Advocate General has shown the provisions of the Rules governing grant-in-aid and as per the same it has been specified that the grant-in-aid would be payable in respect of actual expenses incurred which are to the following effect:-

*"**Section 24(2)(k)(l) of the Haryana School Education Act, 1995***

*24(2)(k)...the conditions under which aid may be granted to recognised school and on the violation of which aid may be stopped, reduced or suspended;*

*24(2)(l)...the part of the expenditure of a recognized school which is to be covered by aid;*

***Rule 54 of the Haryana School Education Rules, 2003***

***54. Salary grant**. - sections 24(2) (a) (k) and 3.*

*(1) The salary grant shall be calculated @ 75% or the amount fixed by the Government from time to time on the basis of the difference between the approved expenditure and the approved income made during the previous year by the School as detailed below :-*

*(a) approved expenditure shall include salaries of teaching and non-teaching staff appointed on the sanctioned posts approved by the Department including Dearness Allowance, House Rent allowance, City Compensatory Allowance, Gratuity etc. etc. as given below:-*

*(i) salary of teaching staff including Dearness Allowance, House*

*Rent allowance, City Compensatory Allowance;*
*(ii) salary of Non-teaching staff including Dearness Allowance, House Rent allowance, City Compensatory Allowance;*
*(iii) salary of Class-IV (Group D Employee,) including Dearness Allowance, House Rent allowance, City Compensatory Allowance;*
*(iv) death-cum-retirement-gratuity sanctioned by the Department;*
***(b) approved income shall include,-***
*(i) tuition fee and admission fee;*
*(ii) late fee fine;*
*(iii)grant-in-aid in lieu of free-ship to Scheduled Caste and Backward Class students;*
*(iv) any other income/ grant received by the school from any other source.*
*(2) The head of the school shall maintain account of income and expenditure which shall be subject to the audit."*

Learned counsel for the petitioners has argued that as far as the Government is concerned the employees, not being in Government accommodation would be entitled to HRA and it hardly makes a difference whether that HRA is paid to the employee or to the employer once the right of the employee is there.

To my mind, this argument is fallacious. As per the rules and the scheme the Government has to defray to the private management 75% of the deficit of the expenses incurred. Had the petitioners actually paid HRA and incurred that expenses it was entitled to claim 75% of the same but once no expense has been incurred towards payment of HRA the petitioners would not be able to claim that even if it has not paid any amount for HRA yet since it has provided the houses to its employees, the amount of HRA admissible to the employee should be defrayed. The essence of the scheme is for assistance towards the difference in income and expense and not to grant the benefit to the employees *per se*.

No other argument has been raised by the learned counsel for the petitioners.

Petition is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

**(AJAY TEWARI)**
**JUDGE**

**May 20, 2015**
*Pooja Sharma-I*