

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C(OAC) No.2825 of 2012

Swaymbhu Kumar Pradhan

Petitioner

-versus-

State of Odisha & Others

Opposite Parties

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
06.04.2022**

Order No

- 4.** 1. This matter is taken up through Hybrid Mode.
- 2.** Heard Mr. S.K. Dash, learned Counsel for the Petitioner, Mr. Praharaj, learned counsel appearing for the Opposite Party No.1 and Mr. A.K. Dash, learned counsel appearing for the Opposite Party Nos.2 and 3.
- 3.** This Writ Petition has been filed by the Petitioner challenging the order dated 20.07.2012 passed by the Registrar, Indira Gandhi Institute of Technology, Sarang, wherein the institute decided to pay House Rent Allowance @ 5% w.e.f. 01.06.2012.
- 4.** It is submitted by Mr. Dash, learned Counsel for the Petitioner that prior to issuance of the impugned order vide Annexure-3, the Petitioner was in receipt of House Rent @ 10% and the said fact is also apparent in the pay slip annexed vide Annexure-2.

5. It is also submitted that the Opposite Party No.3 while issuing the impugned order dated 20.07.2012 though held that the terms and conditions indicated in the Resolution dated 25.05.2009 of the Industry Department will remain unchanged, but without following the said resolution, the impugned order was issued by reducing the House Rent Allowance from 10% to 5%.

6. Mr. Dash, learned Counsel for the Petitioner brought to the notice of this Court clause-15 of the said resolution. In the said clause, it has been clearly indicated that the House Rent Allowance in favour of the employees of Indira Gandhi Institute of Technology, Sarang shall be at par with the employees of Dhenkanal Urban Areas. Clause-15 (ii) of the said Resolution indicates that the employees working in Dhenkanal Urban Areas are eligible to get House Rent @10%.

7. Accordingly, Mr. Dash, learned Counsel for the Petitioner argued that in view of such stipulation in the Resolution dated 25.05.2009 vide Annexure-1, the Opposite Party No.3 should not have reduced the House Rent Allowance from 10% to 5% w.e.f. 01.06.2012.

8. Mr. A.K. Dash, learned counsel for the Opposite Party – Institute though also rely on the self-same Resolution dated 25.05.2009, but took a stand that the Petitioner is entitled to get house rent allowance @ 5%. On being confronted with the aforesaid Clause-15(ii) of the said Resolution, Mr. Dash, learned counsel appearing for the

Institute failed to convince this Court as to what persuaded the Opposite Party No.3 to issue such an office order.

9. Mr. Praharaj, learned counsel for the Opposite Party No.1 though did not dispute the stipulation contained in the Resolution dated 25.05.2009, but argued that the Opposite Party No.3-Institute, has taken such an action, and Government has nothing to say.

10. Having heard learned counsel for the Parties and in view of the clear stipulation contained in Clause-15 (ii) and (iii) of the Resolution dtd. 25.05.2009, this Court is of the opinion that the Opposite Party No.3 vide the impugned order reduced the House Rent Allowance from 10% to Rs.5% w.e.f. 01.06.2012 without any reason or basis.

11. Accordingly, this Court has no hesitation in quashing the said order dated 20.07.2012 vide Annexure-3 to the Writ Petition. While quashing the same, this Court directs the Opposite Party Nos.2 and 3 to release the House Rent Allowance @10% w.e.f. 01.06.2012 in favour of the Petitioner till he continued in the said Institution. The entitlement towards such House Rent Allowance as due and admissible shall be released within a period of three months from the date of receipt of the order.

12. With the aforesaid observations and directions, the WPC(OAC) stands disposed of.

(Biraja Prasanna Satapathy)
Judge