

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OAPC) No.138 of 2017

Srichandan Pradhan

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

07.12.2022

Order No

- 04.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. U.C. Mohanty, learned counsel for the Petitioner and Mr. D.K. Mohanty, learned Addl. Standing Counsel appearing for the Opp. Parties.
3. The present writ petition has been filed with a prayer to direct the Opp. Parties to pay the House Rent allowance to the Petitioner from June, 1994 to April, 2016.
4. It is contended by Mr. Mohanty, learned counsel for the Petitioner that the Petitioner was in receipt of House Rent till May, 1994 and the same was all and sudden stopped w.e.f. June, 1994. Subsequently, though the Petitioner moved the O.P. No. 2 on many occasion claiming extension of the benefit of the House Rent allowance, but that was not considered and ultimately the present writ petition was filed with the aforesaid prayer.
5. On being noticed when a counter affidavit was filed taking a stand that the Petitioner was not released with the House Rent

allowance from June, 1994 because he was allotted with a quarter in the College premises of the Opp. Party No. 2, learned counsel for the Petitioner disputed the said fact by filing an affidavit. In the said affidavit it was indicated that the Petitioner was never allotted with any quarter inside the College premises of O.P. No. 2 and accordingly he is entitled to get the House Rent allowance for the period as indicated hereinabove.

6. On receipt of the said affidavit this Court directed the learned State Counsel to obtain instruction and to file an affidavit as to whether the Petitioner was allotted with any quarter inside the College premises basing on which the House Rent allowance of the Petitioner has stopped w.e.f. June 1994.

7. Pursuant to the said direction Mr. Mohanty, learned Addl. Standing Counsel produced before this Court a letter issued by the O.P. No. 2 vide letter No. 3446 dtd.30.11.2022. In the said letter it has been indicated that though in strict sense the Petitioner was never allotted with any residential facility inside the College premises, but he was in occupation of a room, which has been provided with free electricity and water.

8. Having heard learned counsel for the Parties and taking into account the instruction provided by the O.P. No. 2, it is the view of this Court that since the Petitioner at no point of time was allotted with any quarter/free accommodation, the non-payment of the House Rent allowance w.e.f. June, 1994 is not legal and justified. Therefore, this Court while allowing the prayer as made in the writ petition, directs the O.P. No. 2 to sanction and disburse the House Rent allowance as due and admissible for the period June 1994 to

April 2016. The said exercise shall be completed within a period of two (2) months from the date of receipt of this order.

9. The instruction provided by the Opp. Party No. 2 vide letter dtd.30.11.2022 be kept on record.

10. The writ petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha

