

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

223

CWP-3477-2019

Date of Decision: April 4, 2022

Rajendra Kumar

....Petitioner

VERSUS

Central Administrative Tribunal & others

....Respondents

**CORAM: HON'BLE MR. JUSTICE G. S. SANDHAWALIA
HON'BLE MR. JUSTICE VIKAS SURI**

Present:- Mr.K.B.Sharma, Advocate, for the petitioner.

Mr.Naveen Chopra, Advocate, for respondent Nos.3 to 5.

G.S. SANDHAWALIA, J. (Oral):

The present writ petition, filed under Articles 226/227 of the Constitution of India is directed against the order dated 10.12.2018 (Annexure P-6) passed by the Central Administrative Tribunal whereby claim of the petitioner for retention of official accommodation at Karnal on account of being transferred to Hisar was rejected by the Tribunal.

The ground which weighed with the Tribunal was that the petitioner was transferred on 21.09.2017 and he was allotted Type-III house vide order dated 21.07.2018. He had turned down the allotment of Type-III house at Hisar as it was not as per his entitlement. It was accordingly held that he be allowed to draw HRA till he is not allotted the government accommodation, however his request for retaining the house at Karnal was denied.

In the reply filed on behalf of respondent Nos.3 to 5, it has been mentioned that the damage rent charged from the petitioner had been returned on 13.11.2018 in compliance of the order of the Tribunal and he had vacated the premises on 10.02.2019 and was thus entitled to draw HRA which was regularly being paid to him as per classification of place of posting at Hisar. The retention of the accommodation at Karnal

for 8 months from his date of joining on 03.10.2017 was on payment of normal licence fee. It was accordingly pleaded that nothing survives in the petition.

Keeping in view the above facts, since the Tribunal had directed that the petitioner was entitled for the payment of HRA so long he does not get the accommodation of his type of entitlement and respondents are only charging normal licence fee for the excess period of 8 months, there is no controversy left which is to be adjudicated upon in the facts and circumstances of the present case.

The order of the Tribunal does not suffer from any infirmity which would warrant interference by this Court. The interest of the petitioner has been protected by directing the payment of HRA on account of not providing accommodation at Hisar.

Accordingly, in view the of the above discussion, the present writ petition has been rendered infructuous in the facts and circumstances and the same is hereby dismissed.

(G. S. SANDHAWALIA)
JUDGE

(VIKAS SURI)
JUDGE

APRIL 4, 2022
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No