

GAHC010083292025



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/2283/2025

1: THE NAVODAYA VIDYALAYA SAMITI AND 3 ORS.
DEPARTMENT OF SCHOOL EDUCATION AND LITERACY, GOVERNMENT
OF INDIA REPRESENTED BY ITS COMMISSIONER, B-15, INSTITUTIONAL
AREA, SECTOR-62, NOIDA, DISTRICT GAUTAM BUDH NAGAR, UTTAR
PRADESH-201309

2: THE DEPUTY COMMISSIONER NAVODOYA VIDYALAYA SAMITI
HYDERABAD REGION NALAGANDLA ROAD GOPANPALLY RANGAREDDY
HYDERABAD-500107

3: THE PRINCIPAL JAWAHAR NAVODAYA VIDYALAYA
ARONG CAR NICOBAR P.O.- NICOBAR DISTRICT-744301
ANDAMAN AND NICOBAR ISLANDS

4: THE DEPUTY COMMISSIONER NAVODOYA VIDYALAYA SAMITI
SHILLONG REGION TEMPLE ROAD BARIK POINT LACHUMIERE
SHILLONG-79300

VERSUS

YOGESH KUMAR
SON OF SHRI RAJINDER SINGH,
RESIDENT OF GOVERNMENT BOYS SENIOR SECONDARY SCHOOL,
BHORGARH, P.O.- BHORGARH, DELHI, DIST- NORTH WEST DELHI,
DELHI, PIN-110040

For the Petitioner(s) : Mr. R. Das, Advocate.

For the Respondent(s) :

- B E F O R E -
HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

01.06.2026

(Ashutosh Kumar, CJ)

The present petition is directed against an order dated 20.12.2024 passed by the Central Administrative Tribunal, Guwahati Bench, Guwahati (*hereinafter to be referred as the "Tribunal"*) in Original Application No.204/2020.

By the impugned order, the Tribunal has directed the petitioners/ Navodaya Vidyalaya Samiti and three others to pay double House Rent Allowance (HRA) to the respondent herein, notwithstanding the fact that the family of the respondent had not been residing in the erstwhile station where he was posted but they were residing in his home State in Haryana.

Navodaya Vidyalaya Samiti operates residential schools across India primarily for the rural students and provides free accommodation to its staff on campus. As an autonomous body, it follows the Regulations of the Government of India and also relies on its own Circulars for the benefits of the employees, including incentives for postings in hard stations, like North East regions and Union Territories, like Andaman and Nicobar Island. Double HRA is one such incentive, allowing employees transfer to these areas to claim HRA for both, namely, new posting, if living in private accommodation and the old/last duty station, if the family stays there in rented or own housing.

It appears that the respondent was appointed sometimes in the year 2010 in Uttarakhand and was transferred to a Navodaya Vidyalaya in Car Nicobar, a Union Territory hard station. Instead of shifting his family to

Car Nicobar or keeping them in his last posting in Uttarakhand, the respondent kept them at Sonapat, Haryana, i.e. his home district. He claimed double HRA based on a Circular of the Navodaya Vidyalaya Samiti, which provides that the employees posted to North East regions or Union Territories from outside can get HRA from the old station if they do not shift their families and keep them in rented/own housing there along with HRA for the new station, if applicable.

It appears from the records that the claim of the respondent was rejected multiple times because entitlement would arise only if the family of the respondent were residing at the last or old place of posting and not at any place within his hometown or else the respondent would not otherwise qualify for double HRA. Such a provision has been made to address hardships from transfer to remote areas.

The Tribunal directed for grant of double HRA to the respondent without appreciating the fact that the family of the respondent had not been residing in the place where he was last posted.

This Court had directed for issuance of notice to the respondent by regular mode and had also permitted substituted service by publication in the newspaper.

The petitioners of their own published such notice in the newspaper, which publication was not routed through the Registry of this Court.

Considering this aspect of the matter, we direct the petitioners to deposit requisites in the Registry within a period of 1(one) week from today, whereafter the petitioners would be given a form of notice which shall be published in 3(three) newspapers, one each in English, Assamese

and Bengali language, having wide circulation in the area where the respondent resides and shall submit the report regarding the same along with a copy/clipping of the newspaper publication in the Registry within a period of 3(three) weeks thereafter.

The rule is made returnable on **09.09.2026**.

JUDGE

CHIEF JUSTICE

Comparing Assistant