

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No.25115 of 2023

Union of India & Ors.

.....

Petitioners
Mr. D.R. Bhokta, CGC

Vs.

Satyananda Nayak

.....

Opposite parties

CORAM:

ACTING CHIEF JUSTICE DR. B.R. SARANGI
MR. JUSTICE MURAHARI SRI RAMAN

ORDER

29.11.2023

Order No.

04

This matter is taken up through hybrid mode.

2. Heard Mr. D.R. Bhokta, learned Central Government Counsel appearing for the petitioners-Union of India.

3. The petitioners-Union of India have filed this writ petition seeking to quash the order dated 17.01.2023 passed in O.A. No. 260/00182 of 2001 under Annexure-4, by which the Central Administrative Tribunal, Cuttack Bench, Cuttack has directed that the deduction made by the petitioner-authorities towards House Rent Allowance and other ancillary dues for the quarters in question from the salary of the opposite party after 22.12.1998, is held to be illegal and arbitrary in view of the observation made by this Court in W.P.(C) No.3596 of 2004 and, therefore, directed the petitioners to pay the opposite party House Rent Allowance and to refund the deductions made from his salary towards occupation of quarters.

4. Mr. D.R. Bhokta, learned Central Government Counsel appearing for the petitioners-Union of India contended that the

opposite party was in occupation of the quarter through his wife, Kabita Pradhan. Therefore, the House Rent Allowance has been deducted from the salary of the opposite party and, more so, the so-called wife of the opposite party was staying along with the brother of the opposite party and there was some misunderstanding between the parties. Thereby, the authorities have not committed any illegality to recover the HRA from the salary of the opposite party unless the allotment has been expressly cancelled. Therefore, the Tribunal has committed error by directing the petitioners to refund the HRA to the opposite party vide order dated 17.01.2023 passed in O.A. No.260/00182 of 2001, which cannot be sustained in the eye of law.

5. In the opinion of this Court, the matter requires consideration.

6. Issue notice to the opposite party by speed post, requisites for which shall be filed within three days. Office shall send notice to the said opposite party fixing a short returnable date.

(DR. B.R. SARANGI)
ACTING CHIEF JUSTICE

(M.S. RAMAN)
JUDGE

Alok

Signature Not Verified

Digitally Signed
Signed by: ALOK RANJAN SETHY
Designation: Secretary
Reason: Authentication
Location: orissa high court
Date: 30-Nov-2023 10:28:04

