

(2008) 04 AP CK 0048

In the Andhra Pradesh High Court

Case No : Writ Petition No. 7108 of 2008

Bethampudi Leela Kumari and Others

APPELLANT

Vs

A.P. Social Welfare Residential Educational Institutions
Society (Regd.) and Others

RESPONDENT

Date of Decision : 22-04-2008

Acts Referred:

Citation : (2008) 4 ALD 458

Hon'ble Judges : L. Narasimha Reddy, J

Bench : Single Bench

Advocate : G. Vidyasagar, for the Appellant; K. Durga Prasad, for the Respondent

Final Decision : Allowed

Judgement

L. Narasimha Reddy, J.—The petitioner challenges the memo, dated 6.12.2007, whereunder the 2nd respondent directed the respective institutions, in which the petitioners are working, to deduct the entire House Rent Allowance (HRA).

2. The petitioners are employed in different capacities, in the Andhra Pradesh Social Welfare Residential Educational Institutions, and all of them are working in the Residential Junior College at Vatluru of West Godavari District. Since it is a residential institution, all of them are provided accommodation, by the Educational Institutions Society, the 1st respondent herein. Rents fixed from time to time for the building, are being deducted from the salaries of the petitioners. At a meeting of the Zonal Office held on 15.11.2007, the 1st respondent is said to have directed that the actual HRA, being paid to the employees, must be deducted, instead of rents fixed for the quarters.

3. Sri G. Vidya Sagar, learned Counsel for the petitioners, contends that the HRA is part of emoluments and it cannot be deducted, on the basis of administrative instructions. He contends that the respondents themselves have fixed the rents for the accommodation provided to the petitioners, and deduction of amounts, in

excess of that, is impermissible in law, apart from being arbitrary and capricious.

4. Learned Standing Counsel, on the other hand, submits that the Society incurred huge expenditure, in causing repairs to the quarters and providing amenities therein, and deduction of HRA, which is exclusively meant for accommodation to the employees, cannot be found fault.

5. It hardly needs any emphasis that HRA is part of the emoluments of an employee. It is the component of the salary, which is meant to enable the employee to avail the accommodation. The HRA varies, even for the same category of employees in the same Organization, depending upon the place of posting. The purpose of indicating the HRA separately appears to be, on account of the said variation. Even where an employee owns house, he is entitled to be paid the HRA, and he cannot be denied the same. In a given case, an employee may incur more expenditure for accommodation, than the amount representing HRA, and in such a case, he would be compensated for the deficit. Similarly, if he is able to save any amount, in availing the accommodation, he cannot be required to refund the saved amount.

6. The petitioners are provided with accommodation by the Society, since they are working in a Residential Junior College. In accordance with the norms, the respondents have already fixed the rents of the premises, and it is not in dispute that the corresponding amounts are being deducted from the salaries of the petitioners. That having been done, the respondents cannot undertake a further verification as to what is the amount being paid to the petitioners towards HRA, much less, to deduct such an amount, irrespective of the amount fixed for the quarters. Such a step is totally opposed to law and would furnish an instance of arbitrary exercise of power. Therefore, the writ petition is allowed, and the impugned order is set aside. It is clarified that the respondents shall be entitled to deduct the rent fixed for the quarters, as is being done at present. There shall be no order as to costs