
(1990) 12 P&H CK 0078
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 3571 of 1990

Devinder Singh and Others	Vs	APPELLANT
The state of Punjab and Another		RESPONDENT

Date of Decision : 11-12-1990

Acts Referred:

Constitution of India, 1950 — Article 14, 16

Citation : (1991) 2 ILR (P&H) 415

Hon'ble Judges : Gokal Chand Mital, J;G.S. Chahal, J

Bench : Division Bench

Advocate : Subhash Ahuja, G.K. Chathira and R.K. Chopra, for the Appellant;
H.S. Mattewal, A.G. and Rajiv Atma Ram, D.A.G., for the Respondent

Final Decision : Dismissed

Judgement

Gokal Chand Mital, J.—Vide Government decision dated 30th August, 1988, Copy of which is Annexure P3, rural area allowance was allowed to the employees of the Government, who were posted in the rural areas, with effect from 1st September, 1988.

2. In certain rural areas, which were within 8 Kms/5 miles of the cities/towns, the Government employees had earlier been allowed house rent allowance, and, in certain border areas, compensatory allowance was being paid to the government employees. The Petitioners before us were not getting any of these allowances as they were neither within 8 Kms/5 miles limits of the cities/towns, nor were they posted in border areas. They were allowed rural area allowance for the first time with effect from 1st September, 1988, vide Annexure P.3.

3. The only relief claimed in these writ petitions is that the employees, who are getting house rent allowance earlier on the basis of the pay commission report, have been allowed higher house rent allowance with effect from 1st January, 1986 and on the same analogy Petitioners should also be allowed rural area allowance with effect from 1st January, 1986. The claim is based on the anvil of

Articles 14 and 16 of the Constitution of India.

4. On a consideration of the matter, we are of the view that it is open to the State Government to allow allowances like rural area allowance from a date it chooses to do so and this matter cannot be equated with house rent allowance or other compensatory allowances payable to employees living in cities/towns or in the border areas. It cannot be disputed that living cost in rural area is cheaper than that in the cities/towns. These are matters for the Government to see. Neither discrimination nor arbitrary action is established.

5. Moreover such like allowances are concession and does not confer any right as held by this Court in the case of Nand Lal Ors. v. Punjab State. Accordingly Civil Writ Petition Nos. 3571, 11398, 13122, 7358, 7427, 13855, 8445, 3281, 3138, 2591, 2599, 5730, 5347, 5345, 4726, 4727, 8338, 10776 and 8444 of 1990 are dismissed. No costs.