
(2015) 01 UK CK 0064

In the Uttarakhand High Court

Case No : Writ Petition (S/S) No. 600 of 2014

Krishna Singh

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 07-01-2015

Acts Referred:

Citation : (2015) 3 UC 1745

Hon'ble Judges : Sudhanshu Dhulia, J.

Bench : Single Bench

Advocate : C.S. Rawat, Advocate, for the Appellant; R.P. Sharma, Learned Brief Holder, for the Respondent

Judgement

Sudhanshu Dhulia, J.—The petitioner is a Fireman in the Fire Services Department of Uttarakhand who is presently posted at Fire Station, Ranikhet, District Almora. He was appointed on 14.12.2007 and since then he has been posted at Ranikhet. He is not given the House Rent Allowance. Hence, aggrieved, he filed the present writ petition. The petitioner is admittedly staying in the Fire Station itself and is residing in "barracks" in the fire station premises, and not with his family.

2. In the counter affidavit, the respondents state that there are not enough government accommodations and, therefore, the petitioner cannot be given government accommodation. Yet there is no reason given as to why House Rent Allowance is not given to the petitioner. Merely because the petitioner is staying in the barrack would not mean that he has been allotted a government accommodation and hence he is not liable for House Rent Allowance, as a barrack is not a place which can be considered an "official accommodation," for the purposes of dispensing with House Rent Allowance. Moreover, the present respondents, if they are denying the House Rent Allowance to the petitioner on the ground that he is staying in a barrack are always at liberty to ask the petitioner to search for an alternative accommodation outside the fire station, but presently denial of House Rent Allowance does not seem to be justified.

3. In view therefore, the writ petition is allowed. A mandamus is issued to the respondents to give House Rent Allowance to the petitioner from the date, it was due to the petitioner.

4. Let the needful be done within six weeks from the date of production of a certified copy of this order. No order as to costs.