
(1993) 10 P&H CK 0149

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 12964 of 1993

Niranjan Dass and Others

APPELLANT

Vs

The State of Haryana and Others

RESPONDENT

Date of Decision : 20-10-1993

Acts Referred:

Citation : (1994) 107 PLR 118

Hon'ble Judges : N.K. Kapoor, J;Amrit Lal Bahri, J

Bench : Division Bench

Advocate : P.K. Goklaney, for the Appellant;

Final Decision : Dismissed

Judgement

A.L. Bahri, J.—Vide this judgment, seven writ petitions (Nos. 12964, 13000, 13001, 13017, 13018, 13019 and 13037 of 1993) are being disposed of as the question of law and facts involved therein is similar. The judgment is prepared in writ petition No. 12964 of 1993. Several writ petitions are pending and more are coming that we thought of disposing of such like petitions. After hearing counsel for the petitioners, we find that there is no merit in these writ petitions.

2. The petitioners are employees of State of Punjab and are posted at Jan-Sher and Kala Barkra, Public Health centres. These places are within 5 miles/8 kilometers from the outer periphery of city of Jalandhar. Earlier petitioners were getting house rent allowances as per instructions dated September 11, 1965-Annexure P.1. Subsequently instructions dated August 30, 1988-Annexure P-2 were issued, debarring the petitioners from getting house rent allowance. In other words, concession of house rent allowance was withdrawn. Vide these instructions Annexure P.2, house rent allowance was to be paid to the employees posted in different-cities, classified as "A", "B", "C, and "D" cities. The persons, who were posted in those cities and were getting higher house rent allowances were protected, i.e. if they were getting higher house rent allowance than was allowed under instructions Annexure P-2, till they come up to the pay-scale as

provided therein, the higher house rent allowance would continue to be paid to them. It is Clause (iii) of these instructions, which is relevant for the purpose of these cases and is reproduced below:-

(iii) The house rent allowance shall no longer be admissible at the place falling within 8 kins, radius of the municipal/outer limits of the classified towns save at those cases where house rent allowance is admissible at the place of posting itself."

In view of the aforesaid clause of instructions Annexure P-2, the Government employees, like the petitioners, who are not posted in the cities of classes "A", "B", "C and "D", but are posted at places within 5 miles /8 kilometers thereof, are not entitled to nay house rent allowance unless house rent allowance was permissible at such places of posting. We take it that house rent allowance is not permissible at such places of posting, and such employees were getting house rent allowance in view of the instructions Annexure P-1, i.e. the instructions issued in 1965. The contention of learned counsel for the petitioners is that denial of house rent allowance to the petitioners, whose places of posting are within a radius of 5 miles/8 kilometers from the classified towns "A", "B", "C and "D", aforesaid, is arbitrary as the Inspector General of Prisons vide order Annexure P-4 dated November 1, 1991, permitted the drawal of house rent allowance at the old rates and no recovery is to be made from the employees of the Central Jail, Amritsar. Further reference has been made to the order of Deputy Commissioner, Amritsar, Annexure P-3, certifying that the Central Jail, Amritsar, is within six kilometers of Amritsar Municipal Corporation. This contention is devoid of merit. The order of Inspector General of Prisons cannot be treated as an order of the State Government. Thus, the State is not making any discrimination between class of employees. If Inspector General of Prisons of his own has issued such an order, which is patently against the government instructions Annexure P-2, no importance can be attached to it.

3. Learned counsel for the petitioners further argues that since earlier writ petitions were filed by the employees of the State of Punjab and interim directions were given by the High Court and the petitioners continued drawing house rent allowance, no recovery should be effected from them. This contention again is devoid of merit. Instructions Annexure P-2 are to be uniformly applied to all the employees, and it all the employees, like the petitioners, are not entitled to house rent allowance as per instructions Annexure P-2, no relief is to be granted to them even it they were drawing house rent allowance under interim directions given by this Court,

4. With the observations aforesaid, these writ petitions stand dismissed. A copy of this Judgment be forwarded to the Punjab Government-respondent No. 1 for taking necessary action, as referred above.