

DIRECTORATE OF ELEMENTARY EDUCATION HARYANA, PANCHKULA

Order No.:- 16/76-2018 ET-II (1)

Dated, Panchkula the 23-10-18

Whereas Sh. Banshi Lal & fifteen (15) others approached the Hon'ble High Court at Chandigarh by way of filing a Civil Writ Petition No. 8145 of 2018 titled as Banshi Lal & Others Versus State of Haryana & Others praying therein for a direction to respondents to award them monthly House Rent Allowance (HRA) @ 10% of the basic pay, in terms of the Haryana Government Notification No. 2/10/2013-4FR/1669, dated 19.07.2016. The petitioners purports to have represented to the respondents in this regard, vide representation dated 07.02.2018 (Annexure P-5), but to no avail. Considering the submissions, the Hon'ble High Court pleased to dispose of the writ petition vide its order dated 03-04-2018. The operative part of this order is reproduced herein as under:-

"The petitioners pray for a direction to the respondents to award them monthly House Rent Allowance (HRA) @ 10% of the basic pay, in terms of the Haryana Government notification No.2/10/2013-4FR/1669, dated 19.07.2016 (Annexure P-1), and accordingly grant arrears w.e.f. 01.01.2016. The petitioners purport to have represented to the respondents in this regard, vide representation dated 07.02.2018 (Annexure P-5), but to no avail.

That being so, the petition is disposed of, at this stage, only with a direction to the respondents to consider and decide the claim of the petitioners, as also their representation dated 07.02.2018 (Annexure P-5), within a period of three months from the receipt of a certified copy of this order. And, pass appropriate orders in accordance with law. In the event, the claim of the petitioners is declined, the respondent-authority shall pass a comprehensive order assigning reasons in support thereof."

In pursuance of above-said directions, the contents of Notification No. 2/10/2013-4FR/1669, dated 19.07.2016 have been considered and it has been observed that the Finance Department Haryana has allowed the benefits of allowances detailed therein w.e.f. 19-07-2016. The benefits of HRA have been described therein as under:

"14. Grant of house rent allowance.—

(1) Save as otherwise provided in these rules, a Government employee shall be granted house rent allowance at the rate prescribed from time to time by the competent authority, provided it shall be certified by him, in the prescribed form, once in a calendar year or at the time of change of headquarters that he is not residing in Government accommodation or rent free accommodation allotted to him or any member of his family by any Department or Organization under Haryana Government or any other Government at a place up to twenty kilometers outer limit of the municipal limits of the place of posting.



(2) *The house rent allowance of a Government employee shall be determined as per the rate of—*

- (a) *Place of posting if he is residing upto twenty kilometers outer limit of the municipal limits of the city of place of posting; or*
- (b) *place of posting or actual residence, whichever is less, if he is residing at a place which is at a distance more than twenty kilometers outer limit of the municipal limits of place of posting; irrespective of the fact that the actual residence is in the territory of the neighbouring State.*

Note.— A Government employee residing in rented house shall be entitled to house rent allowance upto the amount of actual rent paid or as per rate admissible under these rules, whichever is less.

(3) *At present the rate(s) of house rent allowance are as under:-*


Sr. No	Census of 2011 of the city/town of place of posting or actual residence	Classification of cities/towns	Rates of HRA as % of emoluments (including NPA)
1.	50 lakhs and above	X	30%
2.	5 lakhs but less than 50 lakhs	Y	20%
3.	Less than 5 lakhs	Z	10%

After due consideration, it has been found that this Notification dated 19.07.2016 has been issued keeping in view the Haryana Civil Services (Revised Pay) Rules, 2008 whereas the Haryana Civil Services Revised Pay Rules, 2016 has been notified vides Notification No. 1/20/2016(RP)-5PR(FD) Dated 28-10-2016. After perusing rules of Revised Pay Rules, 2016, it has nowhere found that the revised allowance of HRA is defined therein; therefore, the matter was forwarded to Finance Department Haryana for advice.

The Finance Department Haryana vides its U.O. No. 10/23/2018-2 FICW/18900 dated 20-07-2018 has advised that the HRA is still payable only on basis provisions issued vide Order No. 9/4/2014-2FICW Dated 01-09-2015.

After due consideration, it can be concluded that the HRA is only payable on basis of Revised Pay Rules, 2016 when Finance Department issues directions in this matter. Perusing all relevant rules regarding HRA, it is found that the petitioners are not entitled for HRA prayed in the present CWP unless and until the Finance Department issues order in this regard. I found that the representation dated 07-02-2018 has been issued on basis of presumptions which is found untenable. Accordingly, the claimed relief is hereby declined.

I order accordingly.


(Rajnarayan Kaushik)
Director Elementary Education
Haryana, Panchkula

Endst. No. : 16/76-2018 ET-II (1)

Dated, Panchkula the: 29-10-18

A copy of this order is forwarded to following for necessary information and further action thereon please:

1. District Elementary Education Officer, Fatehabad.
2. Petitioners concerned. (As enclosed)
3. IT Cell

Dasshraj 29/10/18
Superintendent ET-II
for Director Elementary Education
Panchkula (Haryana)

Regd.

From

Director Elementary Education,
Haryana, Panchkula.

To

District Elementary Education Officer,
Jind and Panchkula.


Memo No. 14/148-2017 ET-II (3)

Dated, Panchkula 5-11-2018

Subject: Extension of deputation of Sh. Samunder Singh, JBT Teacher, GPS, Padana (13431), District Jind. Now working on deputation in GPS Sector-20, District Panchkula.

Reference to this office memo no. 14/148-2017 ET-II (3) dated 29.11.2017, 08.03.2018 and 17.07.2018 on the subject cited above.

In continuation of this directorate above referred Memo No. the deputation of Sh. Samunder Singh, JBT Teacher, GPS Padana (13431), District Jind, now he is already working on deputation in GPS Sector-20, District Panchkula on medical ground. **The deputation period is hereby extended till 31.03.2019 against vacant post in GPS Sector-20, District Panchkula.**

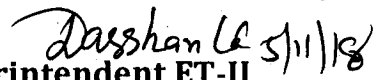

**Superintendent ET-II
for Director Elementary Education,
Haryana, Panchkula.**

Endst:- Even

Dated, the Panchkula 5-11-2018

A copy of above is forwarded to the following for the information and necessary action:-

1. Sh. Samunder Singh, JBT Teacher, GPS, Padana (13431), District Jind.
2. Head of the institution concerned.
3. Joint Director, I.T. Cell for updation.


**Superintendent ET-II
for Director Elementary Education,
Haryana, Panchkula.**