

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI

ORIGINAL APPLICATION NO.1424 OF 2023

DISTRICT : PUNE

1. Shri Suresh D. Ombase)
2. Shri Babasaheb V. Gore,)
3. Smt. Vidya Gangaram Pawar,)
4. Shri Suresh H. Kharmate,)
5. Shri Ganesh D. Bhosale,)
6. Smt. Urmila S. Bhandalkar,)
7. Smt. Lalita S. Kanvade,)
8. Smt. Krutika C. Reure,)
9. Smt. Archana H. Lande,)
10. Shri Avinash H. Redake,)
11. Shri Deepak A. Gaykwa,)
12. Shri Sunil M. Chavan,)
13. Shri Sachin S. Jadhav,)
14. Smt. Neelam M. Shingate,)
15. Smt. Pragati P. Bhagat,)
16. Smt. Swati B. Dhotre,)
17. Smt. Swati V. Gite,)
18. Smt. Rupali M. Gaikwad,)
19. Smt. Supriya R. Garud,)
20. Smt. Namita M. Pokharkar,)
21. Shri Ritesh R. Girme,)
22. Shri Dinesh V. Dhore,)
23. Shri Sangram I. Patil,)
24. Shri Harishchandra D. Gore,)
25. Smt. Ashwini V. Diwate,)

26. Shri Navnath S. Kshirsagar,)
27. Shri Somnath H. Nikam,)
28. Shri Uttam J. Gat,)
29. Shri Ashok D. Dhawade,)
30. Shri Abhimanyu A. Aghav,)
31. Shri Rafik C. Shaikh,)
32. Shri Ravikant D. Kachare,)
33. Smt Alka V. Tonde/Tidke,)
34. Shri Kiran G. Kokate)
35. Shri Santosh B. Sherkhane,)
36. Smt. Malan S. Ugale,)
37. Smt. Ashwini A. Sawant,)
38. Smt. Poonam M. Chandgude,)
39. Smt. Shushma R. Salunke,)
40. Smt. Priyanka A. Bendre,)
41. Smt. Rutuja A. Khaire,)
42. Smt. Dipika V. Kshirsagar,)
43. Shri Tukaram G. Tanpure,)
44. Shri Sunil N. Shinde,)
45. Shri Subhash P. Walke,)
46. Smt. Prema S. Dharurkar,)
47. Sagar A. Barawkar,)
48. Shri Sagar V. Shedage,)
49. Shri Sagar T. Kudale,)
50. Shri Irfan H. Nadaf,)
51. Shri Roshan D. Mandale,)
52. Shri Dinesh D. Rasal,)
53. Shri Vitthal R. Kedari,)
54. Shri Abhijit P. Gonjari,)
55. Shri Vitthal B. Ghule,)
56. Shri Kedar B. Adhav,)

57. Shri Shamshad J. Shaikh,)
58. Shri Santosh S. Narwane,)
59. Shri Avinash M. Salunkhe,)
60. Shri Mahesh M. Shirsat,)
61. Smt. Swati P. Sonawane,)
62. Shri Amol S. Jadhav,)
63. Shri Vinod T. Kondhalkar,)
64. Shri Amol P. Surve,)
65. Smt. Mayuri P. Rao,)
66. Shri Anil P. Gaikwad,)
67. Smt. Jarin J. Dange,)
68. Smt. Vanita M. Wadekar,)
69. Shri Vikas G. Mane,)
70. Smt. Sarika S. Gejage,)
71. Shri Mudassir Gaffar Shaikh,)
72. Smt. Survana D. Bhise,)
73. Shri Prashant P. Jagdale,)
74. Shri Vinayak R. Edake,)
75. Shri Ravi B. Sapkal,)
76. Shri Vishal D. Bhilare,)
77. Shri Nahid S. Shikh,)
78. Smt. Nileema R. Jadhav,)
79. Smt. Manisha N. Akkr,)
80. Shri Ahmad M. Maner,)
81. Shri Sanjay V. Ransing,)
82. Shri Santosh B. Kamble,)
83. Shri Bhanudas G. Chandgude,)
84. Shri Tanaji T. Magar,)
85. Smt. Supriya S. Pawar,)
86. Shri Yogesh A. Jawale,)
87. Shri Bharat Y. Hole,)

88. Shri Sandip S. Girme,)
89. Shri Yogesh A. Bhujbal,)
90. Shri Nanasaheb B. Mhaske,)
91. Shri Dhanaji V. Mali,)
92. Smt. Priti P. Dhumal,)
93. Shri Ajay K. Talware,)
94. Shri Arvind T. Dhawade,)
95. Shri Rahul C. More,)
96. Shri Somnath R. Yadav,)
97. Shri Deepak V. Gavandgave,)
98. Shri Kiran P. Madane,)
99. Shri Vaibhav M. Yesade,)
100. Shri Vikas B. Pawashe,)
101. Smt. Prajakta R. Diwan,)
102. Shri. Kumar A. Shinde,)
103. Shri Sanjay D. Jadhav,)
104. Shri Aadesh S. Shivankar,)
105. Shri. Pravin M. Suryawanshi,)
106. Shri. Vijay B. Lad,)
107. Smt. Madhavi S. Mane,)
108. Shri Ramesh G. Ovhal,)
109. Shri Harish A. Ghawate,)
110. Shri Vishnu D. Wagh,)
111. Shri Manoj U. Sonawane,)
112. Shri Ashpak Y. Shaikh,)
113. Shri Pramod C. Patil,)
114. Shri Umesh D. Shinde,)
115. Shri Rakesh S. Jadhav,)
116. Shri Nanasaheb B. Jadhav,)
117. Shri Sampat D. Nagargoje,)
118. Shri Santosh T. Ladke,)

119. Shri Digamber V. Potdar,)
 120. Shri Sarika D. Dale,)
 121. Shri Samadhan H. Shejul,)
 122. Shri Mukesh B. Udar,)
 123. Shri Hanumant P. Jadhav,)
 124. Shri Vaishali P. Bharne,)
 125. Shri Vilas D. Pawar,)
 126. Shri Shambhuraje S. Shitole,)
 127. Shri Vijay M. Jadhav,)
 128. Shri Ajit T. Bade,)
 129. Shri Nivrutti P. More,)
 130. Shri Manohar S. Sonawane)

All are working in Police Department in the)
 State of Maharashtra,)
 C/o Smt. Punam Mahajan, Advocate,)
 M.A.T., Mumbai)..Applicants

Versus

1. The State of Maharashtra,)
 Through Additional Chief Secretary,)
 Home Department, Mantralaya, Mumbai)
2. Director General of Police, MS,)
 Maharashtra Police Headquarter, S.B. Marg,)
 Colaba, Mumbai 400001)
3. The Commissioner of Police, Pune City,)
 Sadhu Waswani Road, Pune 411 001)..Respondents

Smt. Punam Mahajan – Advocate for the Applicants

Smt. Archana B.K. – Presenting Officer for the Respondents

CORAM : Smt. Medha Gadgil, Member (A)

RESERVED ON : 14th June, 2024

PRONOUNCED ON: 21st June, 2024

J U D G M E N T

1. The applicants who are working as Police Personnel in the Police Commissionerate, Pune are seeking directions to release House Rent Allowance (HRA) as well as License Fee from the date of surrender of quarter/transfer to the Police Commissionerate, Pune along with interest and continue to pay HRA and License Fee regularly.

2. Ld. Advocate for the applicants pointed out that applicants have made number of representations to respondent no.3 but till date the respondents have not sanctioned the admissible HRA to the applicants. She refers to GR dated 30.5.1989 of Finance Department that if a Government quarter is denied or vacated by the concerned Government servant after 30 days such Govt. servants are eligible for HRA. She also refers to circular dated 24.5.2001 of Finance Department which states that if rent free quarters are available then HRA cannot be granted and they have to occupy the quarter. She pointed out that applicants have not been given accommodation as per their entitlement as per GR dated 19.4.2011 of Finance Department and GR dated 1.12.2016 of Home Department. The chart as per GR dated 1.12.2016 is reproduced:

Sr. No.	Designation	Pay Scale (as per 5 th Pay Commission)	Admissible Pay Scale	Admissible Area (Sq. Mtrs.)	Type
1	Class IV employees	Rs.3050-4590. Rs.3820/-	Up to Rs.4400/-	40	I
2	Police Constable Police Naik	Rs.4000-6000 Average Rs.5000/-	Rs.4401 to 8000/-	50	II
3	Havaldar	Rs.4000-6000 Average Rs.5000/-	Rs.4401 to 8000/-	50	II
4	Assistant Police Sub Inspector	Rs.4500-7000 Average Rs.5750/-	Rs.4401 to 8000/-	50	II
5	Police Sub Inspector	Rs.5500-9000 Average Rs.7250/-	Rs.4401 to 8000/-	50	II
6	Assistant Police Inspector	Rs.6500-10500 Average Rs.8500/-	Rs.8001 to 10500/-	60	III

3. Ld. Advocate for the applicants pointed out that applicants have been allotted quarters which very old and constructed during British period and thus may possibly collapse at any time causing financial loss and loss of life. She further pointed out that some of the applicants have purchased houses by taking House Building Advance (HBA) and Equated Monthly Instalment (EMI) is deducted from their salary. Ld. Advocate for the applicant relies on the judgment and order dated 20.8.2019 passed by the Aurangabad Bench of this Tribunal in **OA No.584 of 2017 Mohammad Abdul Sami Vs. the State of Maharashtra & Ors.**

4. Ld. PO opposes the contentions raised by the Ld. Advocate for the applicants. She points out that no quarter of newly defined carpet area as per GR dated 1.12.2016 are available to be provided to the applicants. Also no directions or orders have been received from the Director General of Police (DGP) or State Government regarding sanctioning of HRA on the basis of newly admissible quarter as per GR dated 1.12.2016. She

pointed out that there are total 2983 quarters available on the establishment of Commissionerate of Police, Pune. Approximately 545 quarters were constructed during British period, 1630 quarters were constructed between 1958 and 1990, 635 quarters in 1991 and 172 were constructed in 2021-22. Few quarters amongst older are in unused condition but not totally damaged. She pointed out that many quarters admissible to Police Personnel are vacant and hence HRA is not granted to them as per circular dated 24.5.2001 of Finance Department. Circular dated 24.5.2001 reads as under:

१. शासकीय निवासस्थाने वाटपासाठी उपलब्ध नसावीत.
२. शासकीय कर्मचाऱ्यांच्या कुटुंबाच्या सदस्यांव्यतिरिक्त इतर सदस्य त्याच्यासोबत राहत नसावा.
३. शासकीय कर्मचारी त्याच्या मुख्यालयाच्या नागरी हद्दीत राहत असावा. मुंबई हे मुख्यालय असणाऱ्या कर्मचाऱ्यांच्या बाबतीत मुंबई नागरी सेवा नियमांतील नियम ४४६ खाली विहित केलेली नागरी हद्द ग्राह्य मानली जाईल.

5. Ld. PO states that sufficient number of quarters fit for use were available, most of the applicants refused to accept or returned the allotted quarter for no genuine and valid reasons as per above modified circular dated 24.5.2001. She pointed out that Government is unnecessarily being put to financial loss towards these unused vacant quarters.

6. I have considered the submissions of both the sides. In this matter the applicants are seeking HRA and License fee on the ground that they have not been allotted Government quarter as per their entitlement in the GR dated 19.4.2011.

7. The affidavit filed by the respondents reveal that the carpet area of the quarter allotted to the applicants are admittedly lesser than the area as prescribed by GR dated 1.12.2016. In view of the facts stated above, I pass the following order.

ORDER

- (1) The Original Application is partly allowed.
- (2) The applicants are entitled to get the amount of House Rent Allowance and License Fee as per their entitlement. They should be granted House Rent Allowance and License Fee regularly from July, 2024.
- (3) However, the applicants are not entitled for arrears of HRA.
- (4) No order as to costs.

Sd/-
(Medha Gadgil)
Member (A)
21.6.2024

Dictation taken by: S.G. Jawalkar.