

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 2135 of 1999

New Delhi, this the 8th day of February, 2000.

HON'BLE MR. KULDIP SINGH, MEMBER (JUDL)

	<u>Attached with</u>
1. Joginder s/o Sh. Ramgati	SE-III
2. Parvinder s/o Sh. Hari Chand	Dir (North)
3. R. N. Mishra s/o Sh. R. S. Mishra	MOS's Office
4. Harish s/o Sh. Anand Lal	DB(SB) Sec.
5. R. N. Mishra S/o Sh. B. N. Mishra	SAARC Div.
6. Jaibir S/o Bhane Ram	IPA Div.
7. Arvind Kumar Tiwari S/o Sh. R. K. Tiwari	Dir. (J&K)
8. Ashok Kumar S/o Sh. Prabhu Nath	Dir. (Fin)
9. Mohd. Talib S/o Sh. Mohd. Shamim	CR(SB)
10. Nav Kumar Dey S/o S. C. Dey	SE-III
11. Vipin Rai s/o Sh. R. A. Rai	OSD(PR)
12. Ravinder Nath S/o Sh. H. P. Pandey	JS(Afr.)'s office
13. Satpal Singh Rawat S/o Sh. G. S. Rawat	JS(ED)'s office
14. Narender Singh s/o Sh. Rai Singh	U. S. (PV-II)
15. Ashwani Kumar S/o Kartar Singh	R&M Section
16. Ashok Kumar Chauhan S/o Sh. Jiut Chauhan	Res. Sec(PH)
17. Trilok Chand S/o Sh. Murari Lal	ITEC Cell
18. Pawan Kumar S/o Raghbir Singh	CR(SB)
19. Vijay Singh s/o Sh. Kehm Chand	CR(SB)
20. Rajesh Gaur S/o Sh. Laxmi Chand	DIR(China)
21. Jagdish Prasad s/o Sh. N. Prasad	ESO
22. Anil Kumar S/o Sh. Om Prakash	ESO
23. Vijay Kumar S/o Sh. Nathi Ram	ESO
24. Vijay Kumar Pant S/o Sh. H. D. Pant	-Computer Cell(SB)
25. Suresh Kumar s/o Sh. Baru Ram	-ODA Cell
26. Smt. Poongarhi	-ESO
27. Virender Narayan	-MEA Canteen
28. Raj Kumar	-MEA Canteen
29. Ganesh S/o Sh. Gopal	-MEA Canteen
30. Kamal Singh S/o Sh. Madia	-MEA Canteen
31. Madan Gopal Singh S/o Sh. Dev Muni Sah	- MEA Canteen
32. Smt. Geeta Devi	- MEA Canteen

(All the applicants are working in the Ministry of
External Affairs (PE Section) **-APPLICANTS**

(By Advocate: Shri U. Srivastava)

Versus

Union of India, through

1. The Secretary,
Ministry of External Affairs,
Govt. of India, New Delhi.

2. The Under Secretary (PE)
Ministry of External Affairs,
Govt. of India, New Delhi

-RESPONDENTS

(By Advocate: Shri N. S. Mehta)

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O R D E R

By Hon'ble Mr. Kuldip Singh, Member (Judl)

In this case, the applicants are aggrieved of the directions of the respondents vide which they have stopped the payment of HRA, CCA and Transport Allowance to the applicants allegedly without any rhyme or reason. It is stated that with effect from January 1999, the applicants are being paid only the basic pay plus Dearness Allowance.

2. The facts in brief are that the applicants have been working with the respondents since 1994. They were granted temporary status and were being paid wages inclusive of House Rent Allowance, City Compensatory Allowance and Transport Allowance. Suddenly with effect from January, 1999, the payment of CCA, HRA and Transport Allowance was stopped. The applicants made representation to the respondents but to no avail. Stopping of payment is stated to be an arbitrary action on the part of the respondents and it is prayed that the respondents be directed to restore the payment of CCA, HRA and Transport Allowance to the applicants.

3. The respondents have contested the petition. They have stated in their reply that the applicants were never granted temporary status. The respondents have stated that the applicants cannot be equated with the casual labours who have been conferred temporary status. It is further stated that the applicants were paid CCA,

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HRA and Transport Allowance till December, 1998 due to oversight and the same was discontinued after the detection of the discrepancy. This discrepancy came to the notice of the respondents when the bill for the month of November, 1998 was being processed in Pre-Check Section of the Office of Chief Controller of Accounts, MEA and as per their advice, the payment of HRA, CCA and Transport Allowance to the applicants was stopped in accordance with the guidelines of the DOPT.

4. I have heard the learned counsel for the parties and gone through the records.

5. From the perusal of the entire file, I find that it is nowhere the case of the applicants that they had ever been granted temporary status by any specific order of the respondents nor I have been shown any document which may prove that the applicants were ever granted temporary status. As such the status of the applicants remained to be of ordinary casual labours and according to the O.M.No.49014/2/86-Estt.(C) dated 7th June, 1988 of DOPT, the casual labours are to be paid in terms of Clause 4 of the said O.M. The respondents have stated in their reply that the applicants were being paid in terms of Clause 4 of the said O.M. and since that O.M. did not permit them to pay HRA, CCA and Transport Allowance to the applicants, they had stopped the payment of the same. I have also not been shown any other rule and/or instructions which may entitle the applicants to HRA, CCA and Transport Allowance.

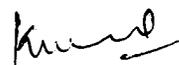
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6. In the light of the above facts that the applicants are merely casual workers and from January, 1999 they are being paid wages in accordance with the DOPT O.M. dated 7.6.88, I find that the applicants have no claim for payment of HRA, CCA and Transport Allowance. Merely because of the reason that they have been paid HRA, CCA and Transport Allowance by mistake, they have no right to claim the same after the mistake had been detected.

7. During the course of arguments, learned counsel for the applicants also submitted that this case may be referred to the Larger Bench, however, he was unable to convince me as to on what grounds, this case should go to Larger Bench. Since it is simple case of payment of HRA, CCA and Transport Allowance to the applicants who were paid these allowances by mistake and now the respondents have merely corrected themselves and stopped the payment of these allowances, I am of the view that the applicants cannot have any grievance to that effect nor they have any bonafide claim regarding the payment of HRA, CCA and Transport Allowance.

8. In the circumstances, I find no merit in this O.A. and it is accordingly dismissed. No costs.


(KULDIP SINGH)
MEMBER (JUDL)

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