

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

NEW DELHI.

OA No. 1842/96

New Delhi: this the 19th February, 1998.

(A)

HON'BLE M.R.S.R. ADIGE, VICE CHAIRMAN (A)

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J).

Shri Bhupal Singh Tomar,
S/o Shri Attar Singh Tomar,
R/o Vill. & P.O. Shatpur Barauli,
(Via: Baraut) Distt. Meerut (UP)

Employed as Postal Assistant,
Gandhi Chawk Post Office,
Baraut,
Distt. Meerut (UP)

2. Bharatiya Postal Employees' Union,
Baraut Branch, Baraut, Distt. Meerut (UP)
through its Secretary Applicants.

(By Advocate: Shri N.S. Verma)

Versus

1. Union of India through
Secretary,
Govt. of India,
Ministry of Finance,
(Dept. of Expenditure),
E-II(B) Branch,
New Delhi.
2. Secretary,
GOI,
Ministry of Communications,
(Dept. of Posts),
New Delhi.
3. The Director,
GOI,
Ministry of Home Affairs,
Census Operation, UP
(Census and Tabulation Section)
25, Nawal Kishore Road,
Lucknow (UP)
AND
4. The Chairman,
Municipality of Baraut,
Distt. Meerut (UP) Respondents.

(By Advocate: Shri PH. Ramchandani)

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JUDGMENT

BY HON'BLE MR. S. R. ADIGE VICE CHAIRMAN (A)

Applicants have impugned Respondent's orders dated 10.7.95 (Annexure-15) and dated 27.7.95 (Annexure-16) passed by them in the background of Tribunal's judgment dated 7.6.95 in OA No.1634/90 and seek a direction to Respondents to give effect to O.M. dated 5.7.90 (Annexure-12) from 1.2.83 instead of 1.7.90 for purpose of HRA with consequential benefits.

2. Applicants who are postal employees serving in Baraut City, Distt. Meerut UP do not deny that as per 1981 census the population of that city within the limits of Baraut Municipality was 46292. It is not denied that employees in cities with a population between 50,000 and 4 lakhs were entitled to HRA admissible to 'C' Class cities and as per 1981 census applicants on their own admission were not entitled to HRA at 'C' class city rates. It is also not denied that in 1990 respondents took a policy decision that cities with a population of up to 10% less than 50,000 would also be included in 'C' class category for purposes of HRA for its employees, and it is on that basis that applicants were granted HRA at 'C' class city rates w.e.f. 1.7.90.

3. Applicants contend that consequent to the inclusion of certain areas in Baraut Municipality by UP Govt.'s Notification dated 31.1.83, its population increased by 5524 to 61816 w.e.f. 1.2.83 which exceeds 50,000 and hence applicants are entitled to HRA at 'C' Class City rates w.e.f. 1.2.83.

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(16)

4. Respondents have taken the stand that as per existing policy cities/towns are classified for the purpose of HRA/CCA on the basis of their population as reflected in the decennial census (in the context of the present case, it could only mean the 1981 census) and nothing has been shown to us to suggest that the policy contemplates a situation whereby between different census operations there would be ^a continuous revision/upgradation in classification of cities depending upon the size of their population at that particular point of time. Indeed such a policy would be practically impossible to implement, given the number of towns/cities and their ^{our} geographical spread over country.

5. In the result, the OA lacks merit and warrants no interference. It is dismissed. No costs.

Lakshmi Swamimalai

(MRS. LAKSHMI SWAMINATHAN)
MEMBER(J)

M. Adige
(S.R. ADIGE)
VICE CHAIRMAN(A).

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