

Central Administrative Tribunal  
Principal Bench: New Delhi

RA 203/97 in OA 2294/96  
RA 204/97 in OA 2295/96

New Delhi this 7th day of November 1997.

Hon'ble Smt Lakshmi Swaminathan, Member (J)  
Hon'ble Mr R.K.Ahooja, Member (A)

RA 203/97 in OA 2294/96  
RA 204/97 in OA 2295/96

1. Indian Navy Civil Employees Union  
represented by its authorised representative  
A. Seshagiri Rao  
S/o A. Surya Rao  
Occu: HSK, SAX Dept. ND (V)  
R/o Visakhapatnam (A.P.).
2. Indian Navy Civil Officers Association  
Naval Dockyard, Visakhapatnam  
represented by its Secretary  
Shri R. Ramakrishnan  
S/o R. Ramchandran  
Occ: CTA (W) ND (V)  
R/o Visakhapatnam (A.P.) ...Applicants.

(By advocate: Shri R. Santhana Krishnan)

Versus

Union of India through

1. Secretary  
Ministry of Defence  
South Block  
New Delhi.
2. Chief of Naval Staff  
Sena Bhawan  
New Delhi.
3. Adjutant General AG's Branch  
Army Headquarters  
Sena Bhawan  
New Delhi.
4. The Engineer in Chief  
Kashmir House  
New Delhi.
5. Flag Officer  
Commanding in Chief  
Headquarters  
Eastern Naval Command  
Naval Base  
Visakhapatnam.
6. Admiral Supdt.  
Naval Dock Yard  
Visakhapatnam.

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7. Chief Engineer (Navy)  
Station Road  
Visakhapatnam.
8. The Director General  
Naval Projects  
Visakhapatnam.
9. The Area Accounts Officer  
B.S.D. (ND) 9-1 RSD AREA  
Visakhapatnam.
10. Baracle Stores Officer  
9-1 RSD Area  
Visakhapatnam. ....Contesting  
Respondents.
11. Shri N.S.S.N. Raju  
S/o Late Sri N.V.L.N. Raju  
Off: Store Keeper  
Command Transport Workshop  
Visakhapatnam.
12. Shri M.K. Ali  
S/o Late Sri M.S. Pasha  
Occ: HST II Weapon Department  
Visakhapatnam. ....Proforma  
(By advocate:Mr V.S.R.Krishna) Respondents.

O R D E R (oral)

By Mr R.K. Ahooja, Member (A)

The petitioners were applicants in OA 112/96 and 216/95 which were filed before the Hyderabad Bench of this Tribunal. In those OAs, the grievance of the petitioners was that the respondents had enhanced the electricity and water charges by their order dated 19.11.1994 from Rs. 1 to Rs. 4 per thousand litres in respect of water and Rs. 0.70 to Rs. 1.80 per unit in respect of electricity with retrospective effect from 1.4.1992 and had also ordered recovery of arrears as per the revised rates. The petitioners submit that after the Hyderabad Bench had admitted the matter and had also by an interim order stayed the recovery of the arrears, the OAs were transferred to the Principal Bench, New Delhi. The petitioners point out that earlier the Union of India had sought the transfer of these OAs to the P.B. but the

same had been rejected by order dated 17.5.1996 in PT 55/96. The petitioners submit that suddenly on 26.11.1996, they received a communication sent by the Hyderabad Bench informing them regarding the transmission of the records of their OAs to the PB. On 6.12.1996 they received a copy of the impugned order which in fact had been passed as early as on 20.9.1996. The petitioners submit that as a result, they had no opportunity to represent their cases before the Principal Bench. They, therefore, filed an SLP before the Hon'ble Supreme Court, which was disposed of by order dated 3.3.1997 in the following terms:

"The petitioner's grievance is that Tribunal passed the order even before the petitioner received any notice. The petitioner could not appear before the Tribunal when the matter was taken up for hearing. If that be so, the petitioner's remedy is to apply before the Tribunal. Petitioner may also apply for stay, if so advised, before the Tribunal. Special Leave Petitions are dismissed."

2. The petitioners are an Association of Indian Navy, Civil Employees Union and Navel Armament Union. We have heard the RAs on maintainability as well as on merits. Mr R. Santana Krishna, learned counsel for the petitioners argues that the electricity and water charges are fixed in each case separately by the concerned Municipal Authorities/Agencies which are responsible for providing the same to the Defence Authority. Both water and electricity are obtained in bulk quantities and

charges are levied according to the actual consumption and the cost fixed by the authorities/suppliers. These vary from place to place. The learned counsel argues that a uniform rate cannot, therefore, be fixed for the whole of the country. The grievance of the petitioners/applicants, he points out, is that the respondents have fixed a uniform rate at a high level for all the places without going into this aspect. The second ground adduced by the learned counsel is that the increase in the rate is from Rs. 1 to Rs. 4 in the case of water and Rs. 0.70 to Rs. 1.80 in the case of electricity. In other words, the hike is nearly four fold in the case of water and two and half per cent in the case of electricity. The learned counsel submits that this is too high an increase and no reason had been given for such a steep hike. The learned counsel also points out that in other offices under the Govt. of India located in Visakapatnam, for example, South Eastern Railways, the old rates are still being maintained and there has been no increase whatsoever.

3. We have carefully considered the above arguments made on behalf of the petitioners. While it is true that the cost of supply could vary from place to place, the fact remains that in the past also, uniform rates were being charged by the respondents from the employees of the Defence Department to which the petitioners belong. The petitioners had then raised no objection to such a practice. Now that the respondents have found it necessary to increase the rate, the petitioners cannot

make grievance on this account. The second ground adduced by the petitioners also does not help them. While it is true that the increase in rate from Rs. 1 to Rs. 4 in respect of water and from Rs. 0.70 to Rs. 1.80 in respect of electricity does appear to be somewhat sudden, it is not stated as to when the earlier rates were fixed. It could well be that the rates earlier being charged were fixed many years ago and for want of an earlier review, it became necessary to increase the rate in the manner the respondents have done. As already stated in the impugned order, it is not necessary for this Tribunal to go into the cost of production and other relevant considerations which go to fix the rates to be charged by the respondents. In the impugned order, it has been made clear that it is upto the petitioners to approach the competent authority to place their grievances before that authority for appropriate action. We can at this stage do nothing more than to reiterate that advice.

4. Having found no merit in the case of the petitioners/applicants, we find no necessity to go further into the points raised in the review petition. Both the RAs are accordingly dismissed. No order to costs.

*R.K. Ahuja*  
(R.K. Ahuja)  
Member (A)

aa.

*Lakshmi Swaminathan*  
(Smt. Lakshmi Swaminathan)  
Member (J)