

10

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
NEW DELHI

O.A.No. 1660/91 New Delhi, dated the 2nd June, 1995

HON'BLE MR. S.R. ADIGE, MEMBER (A)

Shri G.L. Chhabra,
A.E.P (XM)-II,
Shaktinagar Telephone Exchange,
Delhi-110033.
(By Advocate: Shri D.R. Gupta)

APPLICANT

VERSUS

1. Union of India through
the Secretary,
Ministry of Telecommunication,
Sancha Bhawan,
New Delhi.

2. Chief General Manager,
Mahanagar Telephone Nigam Ltd.,
Khursheed Lal Bhawan,
New Delhi.

3. The General Manager (North),
5th Floor,
Instarstate Bus Terminal,
Delhi.
(By Advocate: Shri A.K. Sikri)

RESPONDENTS

JUDGMENT

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

In this application dated 19.7.91 Shri G.L. Chhabra, Asst. Engineer Phones, Shaktinagar Telephone Exchange has sought for 10% addl. H.R.A. in lieu of rent free accommodation w.e.f. 20.7.83 as per the condition of service.

2. Admittedly the applicant first represented for this relief to the respondents on 22.9.83 which was rejected by them on 24.10.83. He filed a second representation after nearly 3½ years on 30.4.87 which was also rejected 2.11.88. After nearly 5 months he filed a third representation on 28.4.89 which was rejected on 7.6.89. Yet another representation which was filed on 19.7.89 was rejected on 18.9.89 and a fifth representation filed on 18.8.89 was rejected on 6.10.90.

3. In S.S. Rathore Vs. State of M.P. AIR 1990 SC 10 the Hon'ble Supreme Court has laid down that the cause of action shall be taken to arise on the date of the order of

of the higher authority disposing of the official representation, and repeated representations do not extend the period of limitation. In the present case the applicant's first representation was rejected on 24.10.83, and if he had any grievance against that rejection he should have moved the appropriate forum well in time, but he did not do so. Instead, after filing four more representations spread over nearly 7 years, he filed this O.A. on 19.7.91, which is grossly time barred and hit by limitation u/s 21 A.T. Act.

4. Coming to the question of merit, this 10% HRA in lieu of rent free accommodation is admissible to those officials who are required to reside at, or near their work place, in the public and administrative interest. The applicant has relied on D.G., P&T's circular dated 6.4.71 and earlier circulars reproduced in Swamy's Compilation on HRA & CCA under Section III - Telegraphic Traffic and Engineering Branch (Annexure A/15) entitling certain categories of TES officers to rent free accommodation or HRA in lieu thereof w.e.f. 1.11.59 but these instructions make it clear that this benefit is admissible only to those officers, who are in charge of the station/exchange, and where more than one officer, i.e., available, the officer in charge is specifically designated as such by the Head of the Circle/District vide ^{to that circular} note but the applicant has produced no materials to show that he was designated as an officer in charge of a telephone exchange. The respondents in their reply have pointed out that only one person viz. the officer in charge is eligible for this benefit and the same is already being given to Shri Bhim Sain AE incharge w.e.f. 1.10.86, in accordance with rules/policy of DOT/Co., who ^{is} senior to the applicant.

5. In the absence of any such materials, the applicant's case does not succeed, and the cases of S.C. Das and Kishan Singh cited by him ^{do} not advance his case.

6. Thus both on grounds of limitation as well as on merits this O.A. fails and is dismissed. No costs.

Adige
(S.R. ADIGE)
Member (A)

/GK