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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

O.A.No.309 of 1993.

New Delhi, this the 25th day of November, 1993.

Hon'ble Mr B.N.Dhoundiyal, Member(A).

Shri Devi Lal
S/O Shri Hardawari Lal
C/O Sh. Gulab Singh
Village & P.P. Mahipalpur,
Delhi-110037. Applicant.

(through Mr Sant Singh with Mr Doraisamy, Advocates).

vs.

1. Secretary,
Ministry of Power & Non-Conventional
Energy Sources,
Block No.14, GGO Complex,
Lodi Road, New Delhi-110003.
2. Secretary
Ministry of Finance,
Department of Expenditure,
North Block, New Delhi.
3. Director(Administration)
Solar Energy Centre,
Department of Power, Ministry of
Non-Conventional Energy Sources,
Block No.14, GGO Complex,
Lodhi Road, New Delhi.
4. Director,
Solar Energy Centre,
Department of Non-Conventional Energy Sources,
Golpahari, Gurgaon Distt.(Haryana).

..... Respondents.

(through Mr Ashish Kalia with Mr P.H.Ramchandani
Advocates).

ORDER(ORAL)

B.N.Dhoundiyal, Member(A)

The applicant, Shri Devi Lal, is employed
as Tradesman Grade 'C' in Solar Energy Centre,
Department of Power, Ministry of Non-Conventional
Energy Sources, Golpahari, Gurgaon, District(Haryana).
This is attached office under the Department of
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Non-conventional Energy Sources which functions under the Ministry of Power and Non-Conventional Energy Sources, New Delhi but ^{he is} is not being paid any City Compensatory Allowance though he is being paid the House Rent Allowance at the Delhi rates. According to him, a group of 38 employees who ~~was~~ ^{are} shifted to Golpahari from Delhi on 18.5.1992 are being paid City Compensatory Allowance at Delhi rates. He has prayed that the impugned ^{20.1.1993} communication dated ^{20.1.1993} rejecting his claim for City Compensatory Allowance be set aside and directions be issued to the respondents to pay City Compensatory Allowance to the applicant w.e.f.18.5.1992 at Delhi rates.

2. In the counter filed by the respondents, the averments are these. The Ministry of Non-Conventional Energy Sources have established Solar Energy Centre at Gwal Pahari in District Gurgaon. The SEC Workshop where the applicant is posted was earlier located at Dundahera in District Gurgaon. After the establishment of its own buildings at SEC Campus, at Gwal Pahari, the Workshop was shifted to Gwal Pahari in the year, 1988. The staff appointed in SEC Workshop were never entitled to the grant of CCA right from their initial appointment. They were granted HRA at Delhi rates on the basis of dependency certificate issued by the Deputy Commissioner, Gurgaon with reference to Delhi. However, CCA is not admissible on the basis of dependency certificate, if the qualified city, on which the place is certified to be dependent happens to be an urban agglomeration. The

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Administrative and Scientific officers and staff of the centre who were posted at New Delhi right from the date of appointment were shifted to Gwal Pahari on 18.5.1992. The headquarters of administrative and scientific staff has not been changed because they are required to perform their duties interchangeably at both the places, i.e. SEC Campus, Gwal Pahari and SEC Headquarters at CGO Complex, New Delhi, where MNES headquarters is also located. This arrangement existed even prior to their shifting to Gwal Pahari. No extra benefit in the shape of TA/DA is given for performing duties at both the places. They continued to draw HRA/CCA at Delhi rates, as their headquarters/place of posting still remain in the same city, i.e. New Delhi.

3. The learned counsel for the applicant has drawn my attention to the orders relating to shifting of the staff from Delhi to Golpahari Centre. It is nowhere mentioned that their headquarters will continue to be at Delhi and they will keep on working at at this centre on the basis of interchangeability. He has also produced copies of circulars issued by the Deputy Commissioner Gurgaon on 7.11.1990 which clarifies that Golpahari is not within a distance of 8 K.Ms from the Municipal limits of Gurgaon but it mentions that its distance is 0.0 Kms from Delhi. Lastly, he has drawn our attention to the Judgment of this Tribunal in O.A.No.284 of 1992 , 1993(1)ATJ 1993(1) Vol.14 The Northern Railwaymen's Union Ghaziabad & others v. Union of India and others, in which it was held that if certain employees similarly situated whose place of work is at Delhi, and getting House Rent/CCA, such facility should be extended to others also. The learned counsel for the

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respondents has re-iterated the submissions made in the Counter and has stated that Golpahari is outside 8 K.Ms of Gurgaon and it is also not a part of Union Territory of Delhi. The employees working at Golpahari were getting CCA, were those whose headquarter still remains at New Delhi. The Ministry of Finance O.M.dated 27.11.1965 provides for grant of CCA to Central Government employees working at a place within 8 K:Ms of t he periphery of the municipal limits of the qualified city of the rates admissible in that city even though they may not be residing within the municipal limits of that city subject to the following conditions:-

i) there is no other suburban municipality, notified area or cantonment within the 8 K.Ms limit; and (2)

it is certified by the Collector/Deputy Commissioner having jurisdiction over the area that the place is generally dependent for its essential supplies.

However, in O.M. dated 22.9.1989, it is clarified that the dependency certificate furnished for the purpose of drawl of CCA will also hold good for sanction of CCA, if compensatory allowance is admissible in terms of order dated 22.9.1989.

4. In the judgment dated 24.9.1992 in O.A.No.284/92, this Tribunal held that the applicants or the employees whose place of work is EMU Car Shed, Ghaziabad and which is located outside the municipal limits of Ghaziabad, are not entitled under the relevant instructions issued by the competent authority to be paid HRA and CCA at

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Delhi rates under the orders issued on 26.5.1979. However, if certain employees belonging to Group 'A', 'B', 'C' and D and whose place of work is at Air Force Station, Hindon (Ghaziabad) are ~~xxx~~ paid out of Civil estimates are being paid HRA and CCA at Delhi rates. These terms ^{bw} will apply to their similarly situated colleagues.

5. I hold that the applicant cannot claim City Compensatory Allowance as a matter of right as his working place is at a distance of over 8 K.M.S from Gurgaon and it is not a part of Union Territory of Delhi. However, I have not been shown any provision under which his colleagues transferred from Delhi to Gurgaon are being paid the CCA. Re-iterating the views expressed in the aforementioned judgment of the Tribunal, the respondents are directed to re-examine this matter so that there ^{bw} may not be any discrimination between the similarly situated employees of the Centre at Golpahari. Such re-examination shall be carried out in consultation with the competent authority like, Ministry of Finance and a final decision taken expeditiously but preferably within a period of three months from the date of communication of this order. In case the request for grant of CCA to the applicant and those like him is not agreed to, detailed reasons will be given.

6. With the above observations, the O.A. is disposed of with no order as to costs.

25th Nov., 1993.
/sds/

B. N. Dhoundiyal
(B. N. Dhoundiyal)
Member(A).