

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 11th day of August 2000

ORIGINAL APPLICATION NO. 885 of 1993.

Hon'ble Mr. Rafiq Uddin, J.M.

1. H.N. Ram, S/o Late Raja Ram
2. Abdul Rabir. S/o late Abdul Aziz
3. Rajesh Dutta, S/o late Ganesh Dutta
4. Babu Lal, S/o late Lallu Prasad
5. A.R. Khan, S/o late Sri N. Khan.

... Applicants.

C/As Sri A.N. Shukla

VERSUS

1. Union of India, Ministry of Finance,
(Department of Expenditure)
New Delhi through its Secretary.
2. The Comptroller and Auditor General of India,
Indraprastha Head Post Office,
New Delhi.
3. Principal Director of Audit,
N.E. Rly.,
Gorakhpur.

... Respondents.

C/Rs. Sri P. Mathur

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O R D E R

Hon'ble Mr. Rafiq Uddin, Member-J.

This O.A. has been filed by the General Secretary of Audit Staff Association of Director of Audit, N.E. Rly., Gorakhpur for directions to be issued to the authorities to pay the applicants, HRA,&CCA at increased rate as admissible to a city falling in the category of B-2 from the date of upgradation of the city of Gorakhpur to that category, i.e. 15.6.82, or any other date which is determined by this ~~Hon'ble~~ Tribunal to be just and to amend impugned order dated 5.7.90 by mentioning date 15.6.82 in place of 1.7.90 in paragraph 3 of the order.

2. Briefly stating, the case of the applicant is that the city of Gorakhpur, where the applicants are posted, was upgraded to the status of Nagar Mahapalika w.e.f. 1.6.82. Thus it automatically came under the category of a city under grade B-2 and, therefore, the employees of Central Govt. posted at Gorakhpur became~~s~~ entitled for payment of HRA & CCA as admissible to a city falling in the category of B-2.

3. I have heard the learned counsel for the parties and perused the record.

4. It may be stated at the out set that the

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respondents vide memorandum dated 5.7.90 (Annexure A-1) have categorised or ~~clarified~~ Gorakhpur city as B-2 class (UA) w.e.f. 1.7.90 and the applicant are being paid HRA & CCA from that date.

The claim of the applicant is that they should be paid HRA & CCA in the revised rate w.e.f. 1.6.82.

Learned counsel for the applicant has also stated that the applicants should be granted revised rate of HRA & CCA as the U.P. State Govt. is granting to their employees. It has, however, been admitted by the applicant that the representation of the respondents by the applicant for grant of HRA & CCA from 1.6.82 or from any other date was made only after the office memorandum dated 5.7.90 was issued. Learned counsel for the applicant has also contended that the Govt. of India is already complying with the orders of Rajasthan High Court which has granted the revised rate of HRA & CCA to Central Govt. employees posted at Jodhpur ~~and~~ other cities. Learned counsel for the respondents, on the other hand, contended that the critaria adopted by the Central Govt. ie. population related is the basis of its decision to upgrade the city of Gorakhpur. It is, further pointed out that the decision for granting of HRA & CCA w.e.f. 1.7.90 was taken on the basis of JCM report.

5. It deserves that the representation submitted by the applicant for consideration of granting of CCA & HRA with retrospective effect

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as in the case of Jodhpur should be considered.

The O.A. is, therefore, disposed of with the direction to respondent no. 1 to dispose of representation dated 8.11.90 with speaking order within a period of 6 months from the date of communication of this order.

6. Copy of representation dated 8.11.90 (Annexure A-5) will be transmitted alongwith judgment of Rejasthan High Court by the applicant.

7. There shall be no order as to costs.

Ratneshwar
Member-J

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