

(8)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 35 OF 1991
~~T.A. No.~~

DATE OF DECISION 25.2.1992.

D.M. Parmar, Petitioner

Mr. I.M. Pandya, Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent s

Mr.R.R.Tripathi for Mr.B.B.Naik, Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.Y. Priolkar, Administrative Member.

The Hon'ble Mr. R.C.Bhatt, Judicial Member.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

9

D.M. Parmar,
Telephone Operator,
Dhandhuka Telephone Exchange,
Telecom District Ahmedabad. Applicant.

(Advocate: Mr.I.M. Pandya)

Versus.

1. Union of India,
The Secretary
(Telecommunications)
Director of Telecommunications
New Delhi 110 001.
2. The General Manager
Telecom District Ahmedabad,
Ramnivas Building,
Khanpur, Ahmedabad 380 001.
3. Government of India,
Ministry of Finance,
(Department of Expenditure)
New Delhi 110 001.

(Advocate: Mr.R.R.Tripathi for
Mr. B.B. Naik.)

ORAL JUDGMENT

O.A.No. 35 OF 1991

Date: 25-2-1992.

Per: Hon'ble Mr. R.C.Bhatt, Judicial Member.

Heard Mr. I.M. Pandya, learned advocate
for the applicant and Mr. R.R.Tripathi for
Mr.B.B.Naik, learned advocate for the respondents.

2. This application under section 19 of the
Administrative Tribunals Act, 1985, is filed by the
applicant seeking the relief that the respondents
be directed to pay house rent allowance in full at
the rate of Rs. 250/- per month from February 1986
to May 1989 for which he is entitled to and to

quash the order Annexure A-1 granting house rent allowances from 1st June 1989 being illegal and void.

3. The case of the applicant as pleaded in the application is that the order granting house rent allowance will automatically apply to areas which may be included within the limits of the named municipality or corporation by the State Government concerned from the date of such inclusion. It is alleged that staff working in aerodromes, meteorological observatories, etc. within a distance of 8 kilometres from the periphery of the municipal limits of a qualified city will be allowed house rent allowance at the rates admissible in that city even though they may not be residing within those municipal limits that the proviso that there is no other suburban municipality notified area or cantonment within the 8 kilometres limit and it is certified by the Collector having jurisdiction over the area that the place is generally dependent for its essential supplies on the qualified city. It is alleged by the applicant that the jurisdiction of the Ahmedabad municipal corporation is extended in the year February 1986, which entitles the Central Government employees, to get house rent allowance

per

11

as working in the city. The main claim of the applicant is that at that time he was working at Bareja which came in the limit of Ahmedabad municipal corporation and hence he made an application on 2nd October 1986 to the second respondent, the General Manager, Telecom District Ahmedabad and requested to grant him house rent allowance from 23rd February 1986 vide Annexure A. According to the applicant, the third respondent^m issued letter Annexure A-1 dated 12th April, 1990 and the effect of the order was given from 1st June, 1989, the applicant is aggrieved by the said Annexure A-1.

4. The learned advocate for the applicant relying on para 3(b)(iii) General Rules and Orders under ^{O.M. m} ~~rates~~ of HRA/CCA submitted that the applicant ought to have been given HRA under this rule from the date on which the limits of municipal corporation was extended i.e. from 1986 and according to him the order Annexure A-1 of Respondent No. 3 is illegal.

5. The respondents have contended in the reply that Bareja was not included in the Urban Agglomeration of a qualified city and therefore the entitlement of the HRA with reference to the qualified city has to be decided under the orders

ms

vide para 3 b(iii) and the impugned order Annexure A-1 dated 12th April, 1990 allowing the applicant's HRA from 1st April 1989 is based on that rule on the basis of the certificate given by the Collector.

6. It is also contended by the respondents in the reply that if the applicant was aggrieved by the said order he should have preferred to represent his case through Union at Central Headquarter level which is not done by the applicant because he has made representation to the General Manager Telecom Gujarat Circle which is not the competent authority. Therefore, the question is whether this order Annexure A-1 satisfies Rule para 3 b(iii) of the Rates of HRA/CCA of the Ministry of Finance OM dated 27th November, 1965. The applicant may represent his case at Central Headquarter level on this point. We give this opportunity to the applicant because the contention is made by the respondents in the reply that the proper authority to decide the representation was Central Headquarters and not the General Manager, Telecom Gujarat Circle. Hence we passed the following order.

ORDER

The application is partly allowed to the extent that the applicant may make representation

13

about his claim of HRA to the Central Headquarters
through the second respondent^M, i.e. General
Manager, Telecom District Ahmedabad ^{who} may forward
the representation if made by the applicant within
one month of the order of this Tribunal to the
second respondents through proper channel, who
^{in turn} ~~had~~ forward it to Central Headquarters for
deciding the representation as per rule. The
said representation may be disposed of within
two months after the Respondent No.2 forwards
the representation of the applicant to Central
Headquarters. The application is disposed of
accordingly. No orders as to costs.



(R.C. Bhatt)
Member (J)



(M.Y. Priolkar)
Member (A)