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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 306 OF 2000
Cuttack, this the 25th day of May, 2001

Banchhanidhi Panda and others ... Applicants

Vrs.

Union of India and others.... Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not? Yes.
2. Whether it be circulated to all the benches of the Central Administrative Tribunal or not? No.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

S. N. S.
(SOMNATH SOM)
VICE-CHAIRMAN
25.5.2001

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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK.

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CORAM:

HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN
AND
HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)

.....

1. Banchhanidhi Panda, A/C Assistant Qr.No.2RB-145 (ARC)
2. Ratnakar Das, J.T.O-I, Qr.No.2RB-168(ARC),
3. T.R.Chandran Pillai, J.T.O-I,Qr.No.2RB-182(ARC)
4. Samarendra Nath Nandy, JTO-I, Qr.No.3R-170 (ARC)
5. Amit Kundu, JTO-II,Qr.No.4R-61(ARC)
6. Kalandi Charan Sethy, A/C Asst.Qr.No.2RA-164(ARC)
7. Duryodhan Pradhan, JTO-II, Qr.No.4R-10(ARC)
8. Trilochan Jena, JTO-II, Qr.No.4R-5(ARC)
9. Bhubanananda Mohanta,JTO-II, Qr.No.2RB-153(ARC)
10. Jagannath Mohanty, a/C Asst.Qr.No.2R-149 (ARC)
11. Bishnu Naik, Safaiwala, Qr.No.2RA-236(ARC)
12. Ashok Kumar Acharya, JTO-II, Qr.No.4R-44
13. Chakradhar Naik (A), Safaiwala, Qr.No.2R-61(ARC)
14. Prafulla Naik, Safaiwala, Qr.No.2R-132(ARC)
15. Uttam Charan Basantia, Mali, Qr.No.2R-50(ARC)
16. Bichitrananda Parida, A/C Asst.Qr.No.2RA-9(ARC)
17. Manoranjan Makur, JTO-II, Qr.No.2RB-21(ARC)
18. Madhusudan Sahoo, A/C Asst. Qr.No.2RA-128 (ARC)
19. Pramod Kumar Jena, JTO-II, Qr.No.3R-111(ARC)
20. Aparti Naik, Safaiwala, Qr.No.2RA-159(ARC)
21. Barun Kanti Kar, JTO-II, Qr.No.4R-42(ARC)
22. Dillip Kumar Chatak, JTO-II, Qr.No.2RB-148 (ARC)
23. Mayadhar Tripathy,JTO-I, Qr.No.2RB-123 (ARC)

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24. Trinath Behera,
JTO-I, Qr.No.2RB-123
ARC
25. B.Balaram, Safaiwala,
Qr.No.2R-16(ARC)
26. Lalit Kumar Das, A/C
Asst.
Qr.No.2RA-182 (ARC)
27. Pradeep Kumar Samal, A/C Asst
Qr.No.4R-51 (ARC)
28. R.B.Gavali,
JTO-II,
Qr.No.4R-51 (ARC)
29. P.J.Sebastian,
JTO-I, Qr.No.2RB-80(ARC)
30. K.V.Sethumadhavan,
J.T.O-I,
Qr.No.2RB-143,
A.R.C.
31. Jayadev Swarnakar,
JTO-II,
Qr.No.3R-18,
ARC

Jom.

32. Rabinandan Sahoo,
JTO-I, Qr. No. 2RB-187 (A.R.C.)

33. R. Balagopalan,
JTO-I, Qr. No. 2RB-14 (A.R.C.).

34. Ashok Kumar Guruju,
JTO-I, Qr. No. 4R-59 (A.R.C.).

35. Subhash Saha,
JTO-I, Qr. No. 4R-26 (A.R.C.)

36. Subroto Ghosh,
JTO-I, Qr. No. 4R-64 (A.R.C.)

37. Gouri S-hankar Sarangi
A/C. Asst. Qr. No. 2R-14 (A.R.C.)

38. K. Kumarandi,
JTO-I, Qr. No. 2RB-163 (A.R.C.)

39. Dillip Kumar Patraik,
JTO-II, Qr. No. 3R-156 (A.R.C.)

40. Ananda Chandra Baral,
JTO-I, Qr. No. 4R-62 (A.R.C.)

41. Hemendranath Panda,
JTO-II, Qr. No. 2RB-140 (A.R.C.)

42. Bhuban Mohan Acharya,
JTO-II, Qr. No. 2RB-38 (A.R.C.).

43. T.J. Jose,
JTO-I, Qr. No. 4R-36 (A.R.C.)

44. S.N. Mahipati,
JTO-I, Qr. No. 3R-14 (A.R.C.)

45. Jaykrishna Martha,
JTO-II, Qr. No. 2RB-19 (A.R.C.)

46. S. Mohan
JTO-I, Qr. No. 2RB-185 (A.R.C.)

47. Purna Chandra Dalai,
A/C. Asst. Qr. No. 2RA-240 (A.R.C.)

48. Babaji Charan Sahoo, A/C. Asst.
Qr. No. 2RA-53 (A.R.C.)

49. Kishore Chandra Nayak,
JTO-II, Qr. No. 3R-43 (A.R.C.)

50. P. Vijay Kumar,
JTO-II Qr. No. 4R-53 (A.R.C.)

51. C. Ramakrishna Krishnan,
JTO-I, Qr. No. 2RB-97 (A.R.C.)

52. M. Kanaga Velu,
JTO-II, Qr. No. 4R-61 (A.R.C.)

53. Smt. K. Indira,
A/C Asst. Qr. No. 2R-160 (A.R.C.)

54. Govinda Maik, Safaiwala,
Qr. No. 2R-2 (A.R.C.)

55. Shankar Sana Mohanty,
A/C Asst. Qr. No. 2RB-131 (A.R.C.)

56. Pravet Chandra Behera,
JTO-II, Qr. No. 2RB-190 (A.R.C.).

57. V. Pappy Joykutty,
JTO-I, Qr. No. 3R-69 (A.R.C.)

58. Marayan Kumar Ghosh,
JTO-I, Qr. No. 3R-63 (A.R.C.)

59. Tanuram Patra,
JTO-II, Qr. No. 2RB-26 (A.R.C.)

60. Kamal Lochan Biswal,
JAO, Qr. No. 2RB-78 (A.R.C.).

61. Ratnakar Swain,
JAO, Qr. No. 2RB-137 (A.R.C.)

62. Budhadev Sahoo,
JAO, Qr. No. 2RB-132 (A.R.C.)

63. V.G. Jagadesan,
JTO-I, Qr. No. 4R-58 (A.R.C.)

64. D. Roy Choudhury,
JTO-I, Qr. no. 4R-9 (A.R.C.)

P.T.O.

65. Mangaraj Sahoo,
JTO-II, Qr. No. 3R-123 (A.R.C.)
66. K. Shivaji Rao,
JTO-II ,Qr. No.3R-87 (A.R.C.)
67. Umakanta Nayak,
JTO-II, Qr. No. 4R-12 (A.R.C.)
68. Prabhakar Mishra, A/C Asst.Qr. No.
2RA-131 (A.R.C)
69. D. Dalayya, A/C. Asst.
Qr. No.2RA-245 (A.R.C.)
70. Sadananda Nayak,
U.P.C. Qr. No.2RB-161 (A.R.C.)
71. Bipin Bihari Sahoo, A/c. Asst.
Q r. No.2RA-16 (A.R.C.)
72. Bijay Chandra Dikshit,
JTO-I, Qr. No.2RB-117 (A.R.C.)
73. Promod Kumar Tripathy,
JTO-II, Qr. No.2RB-13 (A.R.C.).
74. Arabinda Pal,
JTO-I, Qr. No. 2RB-15 (PWD) (ARC)
75. Sri Krishna Singh,
JTO-II, Qr. No.2RB-169 (A.R.C.).
76. Thiru Vengadam Selvaraj,
JTO-I, Qr. No.2RB-34 (A.R.C.)
77. Baidhar Jena,
JTO-I, Qr. No.2RB-70 (A.R.C.)
78. Murali Behera
JTO-II, Qr. No.2RB-130 (A.R.C.).
79. Asesh Kumar Duttaray,
JTO-I, Qr. No.2RB-118 (A.R.C.)
80. Abit Kumar Roy ,
ATO, Qr. No.2RB-162 (A.R.C.)

-: 6 :-

81. Krishi Kesh Rout, A/C Asst.
Qr. No. 2RB-13, (A.R.C.).

82. Madan Barik, A/C. Assistant
Qr. No. 2RA-39 (A.R.C.)

83. Bata Krishna Mallik ,A/c Asst.
Qr. No. 2RA-27 (A.R.C.).

84. Kalandi Charan Rout
Carpenter Qr. No. 2RA-79 (A.R.C)

85. Akhaya Kumar Rout
JTO-I, Qr. No. 2RB-111 (A.R.C.)

86. Arunanda Sutar, A/C Asst. Qr. No.
2R-147 (A.R.C.)

87. Trinath Sahoo,
JTO-I, Qr. No. 2RB-77 (A.R.C.)

88. Prasanta Kumar Giri,
GTO-II, Qr. No. 2RB-54 (A.R.C.)

89. B. Nagendra Reddy,
JTO-II, Qr. No. 3R-139

90. K. Punnoose Chhakko,
JTO-I, Qr. No. 3R-166 (A.R.C.)

91. Amit Kumar Biswas
JTO-II, Qr. No. 4R-52 (A.R.C.)

92. Ramayan Singh,
JTO-II, Qr. No. 2RB-16 (A.R.C.)

93. Maheswar Ojha,
JTO-II, Qr. No. 3R-28 (A.R.C.).

94. Valiya Paranbath Babu,
JTO-I, Qr. No. 2RB-68 (A.R.C.).

95. Kumar Pandian Raja Thomas
JTO-II, Qr. No. 3R-94 (A.R.C.)

96. A. Rajendran,
JTO-II, Qr. No. 2RB-25 (A.R.C.)

97. Debu Prasad Sarbajna,
JTO-II, Qr. No. 2RB-142 (A.R.C.)

98. Sharat Jyoti Kumar Kar,
JTO-I, Qr. No. 3R-32 (A.R.C.)
99. Joseph Olakanthra Rakuzhiyil,
Methew, JTO-I Qr. No. 4R-57 (ARC)
100. Marihar S ethy,
JTO-I, Qr. No. 2RB-23 (ARC)
101. Prakash Chandra Madala,
JTO-II, Qr. No. 2RB-72 (ARC)
102. Bor Kurmaya
A/c Asst. Qr. No. 2R-56 (OMP)
(A.R.C.)
103. Malla Krishna Rao,
A/C Asst. Qr. No. 2RA-98 (A.R.C.)
104. Suggu Ramdas Reddy,
A/c Asst. Qr. No. 2R-135 (OMP)
(A.R.C.)
105. S adananda Math,
JTO-I, Qr. No. 3R-89 (A.R.C.)
106. Kasinath Choubey,
JTO-I, Qr. No. 4R-56 (A.R.C.).
107. Kishore Chandra Maik,
JTO-I, Qr. No. 3R-168 (A.R.C.)
108. Dussasan Sethy, Safaiwala,
Qr. No. 2R-181 (A.R.C.).
109. Soumitra Bhowmick, J.T.O-II
Qr. No. 2RB-10 (A.R.C.).
110. Duryodhan Bhoi, Peon
ex (A.R.C.)
111. Motilal Mahanta, JTO-I
Qr. No. 3R-133 (A.R.C.)
112. M. Bhujanga Rao JTO-I
Qr. No. 3R-45 (A.R.C.).
113. Sailesh D. Buch, JTO-II
Qr. No. 2RB-188 (A.R.C.).
114. Narayan Ray, JTO-II
Qr. No. 3R-131 (A.R.C.).
115. Kandarp Bhoi, JTO-II
Qr. No. 2RB-31 (A.R.C.)

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-: 8 :-

116. Chittaranjan Das, JTO-I
Qr. No. 2RB-105 (A.R.C.)
117. M.A. Cherian, JTO-I
Qr. No. 2RB-75 (A.R.C.)
118. R. Ramtilak, JTO-II
Qr. No. 3R-126 (A.R.C.)
119. Fakir Charan Mishra, A/C Asst.
Qr. No. 2RA-34 (A.R.C.)
120. Basant Kumar Dey, A/c Asst.
Qr. No. 2RA-26 (A.R.C.)
121. Baidyanath Singh, A/c Asst. Qr. No.
2RA-33 (A.R.C.)
122. Narahari Rout, Safaiwala,
Qr. No. 2R-135 (A.R.C.).
123. Rabindra Nath Mohapatra, Asst.
Qr. No. 3R-15 (A.R.C.).
124. K. Suryanarayan, W.D.C.
Qr. No. 2RB-56 (A.R.C.).
125. Laxmidhar Mohunta, F/S,
Qr. No. 2R-101 (A.R.E.)
126. Bipra Sethi, Safaiwala,
Qr. No. 2R-154 (A.R.C.)
127. Antaryami Mahunta, Chowkidar
Qr. No. 2R-63 (A.R.C.).
128. Purna Naik, Safaiwala,
Qr. No. 2R-99 (A.R.C.)
129. Madhav Charan Ghadai, Peon
Qr. No. 2RA-82 (A.R.C.).
130. Basant Naik (A), Safaiwala,
Qr. No. 2R-104 (A.R.C.)
131. Rathi Naik, Safaiwala,
Qr. No. 2R-164 (A.R.C.).
132. Prakash Kumar Parida, L.D.C.
Qr. No. 160 (Barrack) (ARC).
133. Kanhu Naik, Peon
Qr. No. 2R-53 (OSAP) (A.R.C.)

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134. D. Chenneya, Mali,
Qr. No. 1R (A.R.C.).

135. Bimalendu Das, U.D.C
Qr. No. 2RB-49. (A.R.C.)

136. Parikshit Rout, A/c Asst.
Qr. No. 2RA-229 (A.R.C.)

137. Girish Chandra Mohapatra, FO(T)
Qr. No. 2R-102 (A.R.C.).

138. K.C.S. Rao, Mali,
Qr. No. 2R-102 (A.R.C.)

139. Sibaram Samal, FA (G),
Qr. No. 2RA-151 (A.R.C)

140. Mrs. Mounabati Naik, LDC
Qr. No. 2R-19 (A.R.C.).

141. Shakti Prasad Dwibedy, JTO-I
Qr. No. 2RB-154 (A.R.C.).

142. Yugeswar Yadav, JTO-II, Qr. No.
2RB-94 (A.R.C.)

143. P. Marayana S wamy, JTO-I,
Qr. No. 3R-91 (A.R.C.).

144. V. Unni Krishnan, JTO-I
Qr. No. 3R-91.

145. Timir Baran Roy, ATO,
Qr. No. 3R-46 (A.R.C.).

146. Chandra Bhanu Mohanty, JTO-II, Qr. No.
2RB-52 (A.R.C.).

147. Ajit Kumar Mohanta, JTO-II
Qr. No. 2RB-122 (A.R.C.).

148. Baijnath Pandey, JTO-I
Qr. No. 4R-49 (A.R.C.)

149. Murlidhar Mallik, PMA
Qr. No. 2RA-135. (A.R.C.)

150. Bishnu Charan Sethi, PMA,
Qr. No. 2RA-69 (A.R.C.)

151. Kailash Chandra Mohanty, PMA,
Qr. No. 2RA-197 (A.R.C.)

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-: 10 :-

152. Gopal Moharana, P.M.A.
Qr. No. 2RA-5 (A.R.C.).

153. Bauri Bandhu Rout, P.M.A.
Qr. No. 2RA-156 (A.R.C.)

154. M. Suresh, JT0-I
Qr. No. 2RB-189

155. Viswanath Mishra, JT0-I
Qr. No. 2RB-166 (A.R.C.)

156. D. Sanyasi Rao, PMA,
Qr. No. 2RA-112 (A.R.C.)

157. J.S. Rao, PMA,
Qr. No. 2RA-224 (A.R.C.)

158. M. Venkat Rao, Tailor
Qr. No. 2RA-234 (A.R.C.)

159. M.L. Rao, PMA,
Qr. No. 2RA-90 (A.R.C.)

160. Jogesh Chandra Das, FO (S),
Qr. No. 3R-147 (A.R.C.)

161. Golak Bihari Satpathy, A/c Asst., Qr. No.
2RA-141 (A.R.C.)

162. S. Srinivas Naidu, FO(S)
Qr. No. 3R-36 (A.R.C.)

163. Kedar Ram, FO (S)
Qr. No. 2RB-73 (A.R.C.)

164. Pratap Kumar Mohanty, DFO(S),
Qr. No. 4R-63 (A.R.C.).

165. Lokanath Ojha, LDC,
Qr. No. 2R-91 (A.R.C.)

166. Gouranga Charan Jena, A/c Asst. Qr. No.
2RA-232 (A.R.C.)

167. Dhruba Charan Parida, Safaiwala,
Qr. No. 2R-152 (A.R.C.)

168. Chakradhar Naik, Safaiwala Qr. No.
2R-107 (A.R.C.).

169. Joy Ram Sethy, A/c Asst.
Qr. No. 2RA-44. (ARC)

170. Jadumani Sahu, Watchman
Qr. No. 2R-151 (A.R.C.)

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-: 11 :-

171. Nanda Kishore Samal, A/c Asst.
Qr. No. 2RA-5 (A.R.C.).

172. Sarat Chandra Sundara, DFO (S)
Qr. No. 3R-124 (A.R.C.)

173. Pradip Kishore Jena, A/c Asst.
Qr. No. 2RA-83 (A.R.C.).

174. K. James, FA (Carpenter)
Qr. 2RA-106 (A.R.C.).

175. Birendranath Das, DFO (S)
Qr. No. 2RB-114 (A.R.C.)

176. Pratap Chandra Das, DFO (S),
Qr. No. 4R-31 (A.R.C.).

177. Nara Sinha Barik, A/c Asst.
Qr. No. 2R-155 (A.R.C.)

178. Mohan Naik, Safaiwala,
Qr. No. 2R-105 (A.R.C.).

179. Akshya Kumar Nail, Mali,
Qr. No. 2R-85 (A.R.C.).

180. Mangaraj Samal, Traffic Asst.
Qr. No. 2R-48. (A.R.C.)

181. Anirudha Yadav, Watch Man, Qr. No.
2RA-195 (A.R.C.)

182. Prasanna Kumar Rath, AAO,
Qr. No. 3R-5 (A.R.C.)

183. K.V. Ratnam, JTO-II
Qr. No. 4R-5 (A.R.C.)

184. Prabhu Charan Mohanty,
A/c Asst. Qr. No. 2RA-129. (A.R.C.)

185. Dhaneswar Kuntia, Watchman
2RA-6 (A.R.C.).

186. Atul Kuanr, A/c Asst.
Qr. No. 2R-37 (A.R.C.)

187. Pitambar Rout, A/c Asst.
Qr. No. 2RA-50.

:- 12 :-

188. Kailash Chandra Das, PMA,
Qr. No. 2RA-153 (A.R.C.)

189. Kshyamanidhi Nayak, Safaiwala,
Qr. No. 2R-22 (A.R.C.).

190. Mahendra Kumar Pradhan,
A/C Asst. Qr. No. 2R-143 (A.R.C.)

191. Karunakar Panda, JT0-I
Qr. No. 2RB-151 (A.R.C.)

192. Babaji Charan Sahoo, Safaiwala,
Qr. No. 2R-56 (A.R.C.).

193. Bhaskar Swain, Traffic Hand
Qr. No. 2RA-228 (A.R.C.).

194. Ashok Kumar Ananda, Aerodrome Operator
Qr. No. 2RA-155.

195. Rama Ranjan Mohanty, A/C Asst.
Qr. No. 2RA-223 (A.R.C.).

196. Kumar Behera, Tailor
Qr. No. 2RA-123 (A.R.C.)

197. V.K. Trilakan, Asst Met Offr.
Qr. No. 3R-21 (A.R.C.)

198. Chandramani Mohanty, Watch man
Qr. No. 2RA-189 (A.R.C.)

199. Chandramani Mohapatra, Watchman
Qr. No. 2RA-41 (A.R.C.).

200. A.M. Rao , PA (Met)
Qr. No. 3R-161 (A.R.C.).

201. Tapan Chandra Borkataky, AA0,
Qr. No. 3R-104 (A.R.C.)

202. Bhagaban Mallick, Sc . Asst.
J.P. Mess (A.R.C.)

203. K. Vijay Vani, Sr. Obsr.
Qr. No. 4R-16 (A.R.C.)

204. Arjun Naik, Safaiwala,
Qr. No. 2RA-79 (A.R.C.)

205. Khageswar Bada Jena, Peon
Qr. No. 2Ra-95 (A.R.C.)

206. Mrs.S-hantilata Sahoo, Peon
Qr. No. 2R-5 (A.R.C.)

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207. Dhruba Charan Nayak, Watchman
Qr. No. 2RA-239 (A.R.C.).

208. Matabar Nanda, Radio Operator,
Qr. No. 2RB-99 (A.R.C.)

209. Pradyumna Kumar Mohapatra,
A.T.O. Qr. No. 3R-95 (A.R.C.)

210. Surendranath Samal Asst. Commandant
Qr. No. 4R/27 (A.R.C.).

211. P. Padmanav, Junior Armourer,
Ar. No. 2R/87 (A.R.C.).

212. Modi Basanta, Senior Armourer
Qr. No. 2RA/67 (A.R.C.)

213. Narayan Behera, Jr. Armourer,
Qr. No. 2R/62 (A.R.C.).

214. Sibaram Behera, Junior Armourer
Qr. No. 2RA/107 (A.R.C.)

215. Bharat Chandra Das, Junior Armourer
Qr. No. 2R/158 (A.R.C.)

216. Krushna Chandra Purty, Junior Armourer
Qr. No. 2RA/162 (A.R.C.).

217. Raj Deo, Junior Armourer,
Qr. 160 Men's Barrack Room No. 12 (ARC)

218. Sunakar Jena, Mali
Qr. No. 2RA/65 (A.R.C.)

219. Sunakar Behera, Sub-Inspector
Qr. No. 2RB/51 (A.R.C.)

220. Chakradhar Nayak, Sub-Inspector,
Qr. No. 2RA/177 (A.R.C.)

221. Prafulla Kumar Sahoo, Junior Armourer
160 Men's Barrack Room No. 9 (ARC)

222. Surendra Nayak, Sub-Inspector,
Qr. No. 2RB/134 (A.R.C.)

223. Panchanan Jani, Junior Armourer
Qr. No. 2RA/12 (A.R.C.)

- : 14 :-

224. Darogamani Behera, Sub-Inspector
Qr. No. 2RB/89 (A.R.C.).

225. Y. Iswar Rao, Junior Armourer,
Qr. No. 2RA/226 (A.R.C.).

226. Birendra Kumar Sinha, Sub-Inspector,
Qr. No. 2RB/139 (A.R.C.).

227. M. Krishna Rao, Sefai-Wala,
Qr. No. 2R/141 (OSAP Colony) (ARC).

228. Nirmal Chandra Pani, Sub-Inspector
Qr. No. 3R/85 (A.R.C.).

229. Laxman Samal, Sub-Inspector
Qr. No. 2RA/55 (A.R.C.).

230. Rama Chandra Jena, Mali,
Qr. No. 2R/122 (A.R.C.).

231. Netrananda Nath, Senior Armourer,
Qr. No. 2R/125 (A.R.C.).

232. Suryanarayan Das, A.T.O.
Qr. No. 3R/172 (A.R.C.).

All the applicants are residing
in the campus of Aviation Research
Centre, PO- Charbatia, Dist. Cuttack
PIN- 754028.

... Applicants

- versus -

1. Union of India, represented through
the Cabinet Secretary, Cabinet Secretariat,
Bikaneer House, Sahajahan Road, New Delhi.

2. Director, Aviation Research Centre,
D.G. (S), Cabinet Secretariat, East Block-V
R.K. Puram, New Delhi-66.

3. Director of Accounts, Cabinet Secretariat,
East Block-IX, R.K. Puram, New Delhi-66.

4. Deputy Director (Admn.) Aviation Research Centre,
At/PO- Charbatia, District- Cuttack - 754028.

... Respondents.

Advocates for applicants-M/s Ashok Mishra, H.P.Rath &
SC Rath.

Advocate for respondents - Mr.A.K.Bose
Sr.CGSC

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O R D E RSOMNATH SOM, VICE-CHAIRMAN

In this application, 232 petitioners, who are working in Aviation Research Centre (ARC), Charbatia, and are occupying quarters allotted to them by the respondents, ^{shve} _{JVM} prayed for a direction to the respondents to pay transport allowance to them in pursuance of the circular dated 3.10.1997 (Annexure-1) and also for arrears from 1.8.1997 for the period the same has not been paid. The respondents have filed counter opposing the prayer of the applicants, and the applicants have filed rejoinder. We have heard Shri Ashok Mishra, the learned counsel for the petitioners and Shri A.K.Bose, the learned Senior Standing Counsel for the respondents and have perused the records. The present controversy falls within a small compass and can be briefly stated.

2. On the basis of recommendation of the Fifth Pay Commission, Government of India sanctioned transport allowance to employees from 1.8.1997 in the circular dated 3.10.1997 at Annexure-1 on terms and conditions mentioned in the circular. Paragraph 6 of the circular provided that this also applies to civilian employees paid from Defence Services Estimates but does not apply to Armed Forces Personnel and Railway employees for whom separate orders would be issued by the Ministry of Defence and Ministry of Railways. The applicants have stated that after this circular came into force the applicants furnished certificate that the quarters

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occupied by them are more than 1 K.m. from their place of work and they started getting transport allowance from January 1988. The transport allowance was stopped from June 1998 on the ground taken by the Director of Accounts, Cabinet Secretariat (respondent no.3) that the quarters occupied by the applicants are within ARC Campus and therefore, in terms of the circular, transport allowance is not payable. The applicants have stated that they again got transport allowance from November 1998. The applicants submitted arrear bills in respect of transport allowance but these were objected to on the same ground referred to above and transport allowance was stopped from August 1999. Thus, according to the applicants, in the second spell they got the transport allowance from November 1998 to July 1999. Respondent no.4 issued circular dated 26.7.1999 at Annexure-6 stating that transport allowance is not payable to the applicants and others who have been provided with Government accommodation inside the ARC campus and respondent no.3 has returned the arrear bills and desired to recover the payment already made to the concerned officials. The staff members apparently submitted representations in response to which respondent no.4 indicated in letter dated 31.1.2000 at Annexure-9 that clarification regarding admissibility of transport allowance is underconsideration in the Implementation Cell and issue of campus is one of the points being considered. In view of this, it was intimated that the Ministry of Finance have advised that the final orders in this regard which are expected within a couple of months should be awaited. The note of Cabinet Secretariat has been enclosed at Annexure-10. The applicants have stated

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that while sanctioning of transport allowance has been the subject-matter of controversy in the above manner, similarly situated personnel working in the Airfield and staying in the same complex like that of the applicant are getting transport allowance. They are employees on deputation from Airforce and also employees of CPWD and some other staff. In the context of the above the applicants have come up with the prayers referred to earlier.

3. Respondents in their counter have stated that some of the staff were given transport allowance commencing from 1.8.1997. But on receipt of objection from Director of Accounts (respondent no.3) this was stopped and the circular dated 25.5.1998 (Annexure-4) was issued to all concerned. Respondents have stated that according to the circular dated 3.10.1997 transport allowance shall not be admissible to the employees who are provided with Government quarters within a distance of 1 K.M. or within a campus housing the places of work and residence. It is stated that in view of this transport allowance is not admissible to the applicants. But the matter is still under consideration of the Ministry of Finance and no final view has been taken. With regard to the averment of the applicants that airforce personnel deputed to ARC and CPWD employees are getting transport allowance living in the same housing complex, the respondents have stated that personnel of Indian Air Force are governed by defence service conditions and similarly CPWD employees may also not be compared with ARC employees as the former are governed by

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separate set of service conditions. Respondents have stated that so far the transport allowance already paid to the employees has not been recovered. They have also mentioned about the terms of the circular issued by the Ministry of Defence to the armed forces personnel with regard to sanction of transport allowance. On the above grounds the respondents have opposed the prayer of the applicants.

4. Before considering the rival submissions of the parties it has to be noted that the contention of the respondents in page 3 of the counter that the certificate that the quarters are beyond 1 K.M. from the place of work is to be given by the competent authority and not by the applicants themselves. This stand is obviously not correct because in the note below paragraph 2(ii) of the circular it is clearly mentioned that the grant of allowance under these orders to the employees would be subject to furnishing of a certificate by the employee that the Government accommodation is not located within 1 K.M. from the place of work of the concerned employee or within the campus housing the place of work and residence. Thus, in the instant case, it was necessary for the employees to give certificates and from a copy of the certificate enclosed at Annexure-2 we find that the certificate given indicates that the Government accommodation allotted to the employee is not within 1 K.M. from the place of work or within the campus housing the places of work and residence.

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5. From the above it is clear that the sole point for consideration in this case is whether the applicants, who are residing in Government accommodation, are entitled to transport allowance. For getting transport allowance, the two conditions have to be fulfilled. The Government accommodation has to be beyond 1 K.M. from the place of work and it should not be in the same campus in which the place of work is located. Respondents in their counter have not contested the first condition urged by the applicants that their quarters are more than 1 K.M. away from the place of work. The sole controversy in this case is whether the quarters occupied by the applicants can be taken to be within the same campus as their place of work. The applicants have stated that their work is in the air-field which is surrounded by barbed wire fencing and access to the air-field is restricted and it cannot be taken that the air-field and the quarters are in the same campus. The respondents have admitted that the place of work of the applicants is in the air-field. But they have stated that according to the normal procedure, the applicants have access to the air-field for the purpose of discharging their duties.

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6. Dictionary meaning of "campus" is a field, but the term is mostly understood in connection with University grounds or site. Same organisation can have more than one campus like South Campus of Delhi University which of course is some distance away from the main campus. It is, however, not necessary for us to delve deeper into this aspect of the controversy which is academic in more senses than one because the respondents have stated a final decision with regard to entitlement of the applicants for getting transport allowance is yet

to be taken. In the note of Cabinet Secretariat, which is at Annexure-10, it has been specifically mentioned that the Ministry of Finance have indicated that clarification with regard to entitlement for transport allowance is under consideration of the Implementation Cell and the issue of campus is also one of the points under consideration. In this connection, it is also to be noted that in the circular at Annexure-1 it has been mentioned that with regard to armed forces personnel and railway employees, separate orders will be issued by the Ministry of Defence and the Ministry of Railway respectively. The circular issued by the Ministry of Defence sanctioning transport allowance is at Annexure-R/5. In this circular, the conditions of sanction of transport allowance are slightly different. The relevant portion of the circular dated 20.2.1998 issued by the Ministry of Defence and with concurrence of the Ministry of Finance is quoted below:

"(b) The allowance shall not be admissible to those Service Personnel who are provided with Government accommodation within a distance of one kilometer from the place of duty or within a campus housing the places of work and residence upto a distance of one kilometer."

From the above, it is clear that so far as armed forces personnel are concerned, even when an employee is staying in Government accommodation, which is within the same campus where his place of work is situated, he will be entitled to transport allowance if the distance between the place of work and the place of residence is beyond 1 K.M. From this it is clear that so far as armed forces personnel are concerned, the Ministry of Finance have not imposed the condition that employees whose quarters and

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the places of work are situated within the same campus are not entitled to transport allowance irrespective of the distance between the quarters and the place of work. In case of armed forces personnel it has been clearly provided that even in the same campus if the distance between the place of work and the place of quarters is beyond 1 K.M. transport allowance is allowable. ✓ It is also to be noted that the applicants have stated and the respondents have not denied that CPWD employees staying in the quarters in the campus of ARC, Charbatia, are getting the transport allowance. So far as CPWD employees are concerned, they are governed by the same circular dated 3.10.1997 and obviously the applicants and the CPWD employees coming under the same circular cannot be treated differently. In consideration of all the above and more particularly in view of the fact that a final decision in the matter is yet to be taken, we dispose of this O.A. with a direction to the respondents to obtain final orders of Government in the matter within a period of 120 (one hundred twenty) days from the date of receipt of copy of this order, keeping in view our observations above as also the circular dated 20.2.1998 issued by the Ministry of Defence with regard to grant of transport allowance. We also direct that till a final view in the matter is obtained, the amount already paid to the applicants should not be recovered.

7. In the result, therefore, the Original Application is disposed of in terms of observation and direction above. No costs.

(G.NARASIMHAM)
MEMBER(JUDICIAL)

S. Somnath Som.
(SOMNATH SOM)
VICE-CHAIRMAN
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