



FORM No. 4

See Rule (12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH

ORDER SHEET

Original Application No. 1288 of 2004

Applicant (s) Sri Koramani Pradhan & others Respondent (s) Union of India & another

Advocate for Applicant (s) Mr. P. H. Padhe Advocate for Respondent (s) _____

NOTES OF THE REGISTRY	ORDERS OF THE TRIBUNAL
<p>I.p.o of Rs. 50/- tiled Copy not served Defects pointed out in Serceating may kindly be seen. For favour of Registration/considera- tion please. 30.12.04 on memo S.O. 30/12/04 30.12.04 30.12.04</p>	<p>REGISTER <i>[Signature]</i> Registrar <u>1. ORDER DATED: 31-12-2004.</u> 29 individuals have joined together in this case and by filing MA No. 1079/2004, they have sought permission to prosecute this OA No. 1288/2004 jointly. Having heard Mr. Padhi, learned counsel appearing for the Applicants and Mr. B. Dash, learned Additional Standing Counsel for the Union of India; on whom a copy of this OA has already been served, the prayer for prosecuting this case jointly is allowed; subject to payment of 1400/-. Mr. Padhi, learned counsel appearing for the applicants undertakes to deposit ^a the Bank draft worth of Rs. 1400/- by 7.1.2005. On the face of</p>

Notes of the Registry

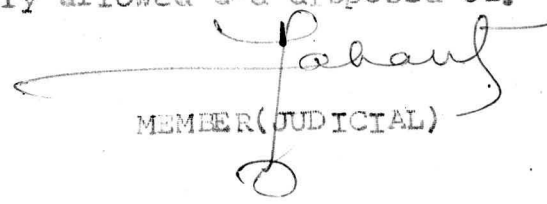
Orders of the Tribunal

For Admission
with MA. 1079/04
for Jt. application —
copy served.

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30/12/04

the said undertakings of Mr. Padhi, this O. A. No. 1288/04 be confined in respect of Applicant No. 1 and separate OA Numbers be assigned to each of the Applicants 2 to 29 for statistical purpose. MA is accordingly allowed and disposed of.


MEMBER (JUDICIAL)

2. ORDER DATED 31-12-2004.

Applicants (29 ~~in~~ number of casually engaged workers, having temporary status, of Central Cattle Breeding firm of Govt. of India, Department of Animal Husbandary of the Ministry of Agriculture) of these cases have jointly prayed for Hill Compensatory Allowances, in lieu of City Compensatory Allowances. They have filed representations claiming these benefits and, as it appears, their representations have also been forwarded to the Ministry under Annexure-A/3 dated 15-09-2004.

Heard Mr. P. K. Padhi, Learned counsel appearing for the Applicants and Mr. B. Dash, learned Additional Standing Counsel for the Union of India; on whom a copy of this O. A. has already been served.

In course of hearing it has been brought to the notice of this Tribunal that similar grievances of 76 other casually engaged temporary status personnel of Central Cattle Breeding Firm came before this Tribunal for consideration in OA Nos. 163/2003 and OA Nos. 511 to 585 of 2003. While disposing of

the said cases, on 7-7-2004, this Tribunal relied upon two OMs dated 6-7-1967 and 7-6-1973 of the Ministry of Finance of Government of India; wherein it was clearly envisaged as under:-

"Where, however, a classified city is also a Hill Station where the Hill Compensatory and Winter allowances will be admissible in lieu of the Compensatory (City) Allowance, admissible and in addition, House Rent Allowance will also be applicable".

In view of the said instructions/circulars of the Ministry of Finance, H.C.A. are being granted in lieu of CCA and since admittedly, the Applicants are entitled to CCA it was held ^{that} denial of HCA to them (in lieu of CCA) to be definitely against the Govt. of India instructions referred to above. In the said case, Respondents were directed to grant HCA to similarly placed casual employees (with temporary status) in lieu of CCA.

In the present case, while considering the representations of the Applicants, the Respondents should also extend the HCA benefits to the Applicants instead of granting them CCA.

Since the representations of the Applicants are pending for consideration of the Respondents Department/Ministry, these OAs are hereby disposed of with directions to the Respondents to examine the individual cases of the Applicants and

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grant them HCA (in lieu of CCA) if not already given. It is made clear that HCA are only available to be given w.e.f. 1.9.1993 in lieu of CCA and not before that. While parting with this case, liberty is also hereby granted to the Applicants to represent their cases individually by the end of January, 2005 and if such representations are made within the time stipulated, the Respondents should give due consideration to the matter and pass necessary consequential orders by the end of March, 2005. All these OAs are disposed of accordingly.

Send copies of this order to the Respondents, alongwith copies of the OA, and free copies of this order be also handed over to the learned counsel for both sides. Registry is hereby directed that while supplying the copies of this order to the counsel for both sides, the cause title of ^{the OA/names etc. of} all the Applicants should also be given to them alongwith copies of the orders.

Johant
MEMBER (JUDICIAL)

Copies of order dt 31/12/04 alongwith copies of OA issued to all respects by Regd. Post/AD.

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19/1/05