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CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR

ORIGINAL APPLICATION NO.: 14/2003

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ORIGINAL APPLICATION NO.: 37/2003

1. Jetha Ram Bhati S/o Sh Moti Lal, aged 49 years, SK-I.
2. Sh. Damodar Prasad S/o Sh. N.R. Sharma, aged 41 years, D/M-I.
3. Sh. Swaran Singh S/o Late Sh. Bhag Singh, aged 55 years, JE (Civ).
4. Sh. G.L. Gupta S/o Sh. Rameshwar Dayal Gupta, aged 38 years, LDC.
5. Sh. Ajay Upadhyay S/o Sh. Rakesh Upadhyay, aged 43 years, LDC.
6. Sh. J.A. Lalwani S/o Late Sh. A.H. Lalwani, aged 41 years, JE (Civil).
7. Sh. V.K. Mathur S/o Late Shrinarain Mathur, aged 43 years, JE (E/M).
8. Sh. S.D. Meshram S/o Sh. Damodar Meshram, aged 47 years, UDC.
9. Sh. O.P. Godha S/o Sh. Ganga Ram Godha, aged 39 years, UDC.
10. Sh. J.P. Dhabade S/o Late Sh Pandharinath, aged 49 years, UDC.
11. Sh. Ashok Kumar S/o Sh. Ram Dev Gehlt, aged 46 years, Peon.
12. Sh. A.N. Pareek S/o Sh. L.N. Pareek, aged 46 years, UDC.
13. Sh. N.P. Sharma S/o Late Sh. N.L. Sharma, aged 40 years, LDC.
14. Sh. Rahul Kumar S/o Sh. B.S. Sharma, aged 28 years, LDC.
15. Sh. A.K. Agarwal S/o Sh. M.L. Agarwal, aged 41 years, JE (QS&C).
16. Sh. Kailash Chand S/o Sh. Budh Lal, aged 38 years, JE (QS&C).
17. Sh. A.K. Tyagi S/o Sh. Suresh Chand, aged 29 years, JE (QS&C).
18. Sh. R.C. Patel S/o Late Sh. K.R. Patel, aged 47 years, JE (QS&C).
19. Sh. J. Sadhwani S/o Tilomal, aged 39 years, LDC.
20. Sh. Vikash Wadhwani S/o Late Sh. Gobind Ram, D/M-II.
21. Sh. A.S. Saxena S/o Sh. K.S. Saxena, aged 37 years, Steno.
22. Sh. VRC Choudhary S/o Late Sh. V.V.R. Choudhary, aged 53 years, UDC.
23. Sh. Ram Chandar S/o Late Sh. Jhabhar Ram, aged 57 years, F/Printers.
24. Sh. A.K. Choudhary S/o Late Sh. S.M. Choudhary, aged 53 years, SBSO.
25. Sh. Surinder Kumar S/o Late Sh Durjan Singh, aged 46 years, TO.
26. Sh. R.C. Gupta S/o Sh. G.L. Gupta, aged 39 years, ASW.
27. Sh. P.S. Balsubramanian S/o Late Sh. P.S. Seshan, aged 59 years, AO-II.

.....Applicants in O.A. No. 14/2003

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Sh. Sushil Purohit S/o Sh. Bhanwar Lal Purohit, Aged 43 years, By caste Briahmin, resident of A-22, Shastri Nagar, Jodhpur presently working on the post of DCWE (B&R) at Banar, Jodhpur.

...Applicant in O.A. No. 37/2003

versus

1. Union of India through Secretary to the Government of India, Ministry of Defence, Raksha Bhawan, New Delhi.
2. Chief Engineer, Head Quarters Southern Comman, Pune-411001.
3. Commander Works Engineers (Project) Banar, Jodhpur.
4. P.C.D.A., Southern Command, MES, Pune-411001.
5. Area Accounts Officer, C.D.A. (SC), Khatipura, Jaipur - 302012.

....Respondents in O.A. No. 14/2003 & 37/2003



CORAM:

Hon'ble Mr. J.K. Kaushik, Judicial Member.

Date of Order: 01.04.2003

: O R D E R : (Oral)

Shri Jetha Ram Bhati and Ors. and one Shri Sushil Purohit have filed Original Applications Nos. 14/2003 and 37/2003 respectively, under Section 19 of the Administrative Tribunals Act, 1985 with the prayer that the respondents may be directed to pay HRA at the rate of 15% of salary and CCS as per the rules in force and also to obstruct

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from making any recovery on account of the amount paid against HRA and CCA earlier.

2. By the consent of the learned counsel appearing for both the contesting parties, both cases heard finally and are being disposed of by this separate common order.

3. The brief facts of the case necessary to adjudication of these Original Applications are that the applicants are employed in MES in CWE-I (Project), Banar which is situated within 8 Kms. from the periphery of Municipal Limits of Jodhpur and there is no other municipal notified area of contonment within the distance of 8 kms. from Banar, but they are not being paid their due HRA/CCAs per rules. It is further case of the applicants that certain persons as Shri Madan Lal Sen & Ors. had earlier filed Original Application No. 21/2001 before this Hon'ble Tribunal in the identical matter and the case was also allowed but the respondents have allowed due benefits only to the persons who have gone into litigation and the applicants are such persons who have been ignored only on the ground that they did not choose to file cases before the Court of Law.

4. The facts are not in dispute and the position of the law and the judgement which have been relied upon have been admitted by learned counsel appearing for both the parties.

5. I have heard the learned counsel for the parties and have carefully considered the arguments, pleadings and records of the case.

6. In my opinion, the question raised in each of the O.A. is identical of that of the case of Shri Madan Lal Sen & Ors. Vs. U.O.I.

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and Ors. in O.A. No. 21/2001 decided on 30/05/2002 (Annexure A/2) and the same was allowed with the following order: -

"I, therefore, allow this O.A. and quash the order dated 14.12.2000 (Annex. A/1), so far it relates to non payment of HRA/CCA at the Jodhpur rates to the applicants, is concerned and direct the respondents to issue appropriate orders allowing the applicants HRA/CCA at the rates applicable to Jodhpur B-2 Class city, within six weeks from the date of receipt of a copy of this order. Applicants shall also be entitled to all consequential benefits thereon. No order as to costs."



While having no hesitation in following the above authority I frankly assert that even otherwise I would have also reached to this conclusion.

6. Following the said decision and for the reasons stated therein these applications are allowed in the following terms:-

The respondents are directed to allow the applicants HRA/CCA at the rates of applicable to Jodhpur B-2 Class city within a period of five months from the date of receipt of a copy of this order. The applicants shall also be entitled to all consequential benefits thereon. It is also directed that the persons who are similarly situated and have not approached this Tribunal have also been entitled and granted the similar benefits even though they would not approach to Court. No order as to costs.

J.K. KAUSHIK
[J.K. KAUSHIK]

Judicial Member

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Kumawat

Part II and III despatched
in my presence on 14/3/88
under the supervision of
Section Officer () as per
order dated 5/3/88
Section Officer (Record)

Rec'd (C.R.)
Rec'd (C.R.)
Rec'd (C.R.)
Rec'd (C.R.)