

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.35/2002.

Tuesday this the 2nd day of April 2002.

CORAM:

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

1. C.P.Linesah,
Sr.TOA, Telecom Centre,
Cochin International Air Port,
Nedumbasserry Air Port Post.
Pin : 683 111.
2. M.K.Sarangadhara,
TOA, Telecom Centre,
Cochin International Air Port,
Nedumbasserry Air Port Post,
Pin : 683 111.
3. K.K.Muraleedharan,
T/man, Telecom Centre,
Cochin International Airport,
Nedumbasserry Airport Post,
Pin : 683 111. Applicants

(By Advocate Shri S.M.Prasanth)

Vs.

1. The Chairman,
Bharath Sanchar Nigam Limited,
20 - Asoka Road, New Delhi.
2. Chief Accounts Officer,
Pay and Allowances,
Bharath Sanchar Nigam Limited,
Ernakulam Division,
Catholic Centre, Kochi-11.
3. Union of India represented by
Secretary to the Government
of India, Ministry of
Communications, New Delhi. Respondents

(By Advocate Ms. Rajeswari A., ACGSC)

The application having been heard on 2nd April 2002
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

The applicants three in number, who are employees of the
Bharat Sanchar Nigam Limited (BSNL for short) were posted in the
Telecom Centre, Nedumbasserry International Airport, Kochi. They

were given HRA @ 15% and CCA till May/2000. Thereafter the HRA and CCA was stopped. The first applicant made a representation on 12.7.2000 claiming restoration of HRA and CCA. He was given a reply on 28.7.2000 that the matter is awaiting for clarification. Since the applicants did not get the relief, they have filed this application for a declaration that denial of 15% HRA and CCA to them is violative of Articles 14 and 16 of the constitution and for a direction to the 2nd respondent to disburse 15% HRA and CCA to the applicants for their service rendered in Telecom Centre at Cochin International Airport and continue to pay the same as long as they are eligible.

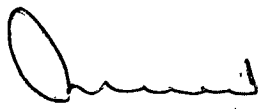
2. The respondents in their reply statement contend that as the District Collector, Ernakulam did not issue dependency certificate, as Nedumbasserry does not fall within 8 kms. of the limits of Cochin Corporation, the applicants are not entitled to the restoration of the HRA and CCA which was wrongly paid to them.

3. When the matter came up for hearing the learned counsel of the applicants, inviting our attention to A-1 containing the list of stations where the HRA and CCA are admissible issued under specific orders wherein Aluva has classified as B-2 city, states that, since Nedumbasserry lies within 8 kms. of the periphery of Aluva Municipality, the respondents have to consider the claim of the applicants with reference to the B-class city rates applicable to Aluva.

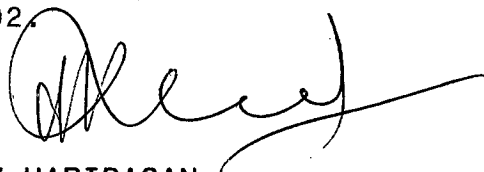
4. Counsel on either side agree that the applicants may be permitted to make a detailed representation making specific claim in relation to Aluva Municipality to the 2nd respondent and the 2nd respondent may be directed to dispose of the representation within a reasonable time.

5. In the light of the above submission, the application is disposed of permitting the applicants to make a detailed representation to the 2nd respondent inviting attention to Annexure A-1 and claiming HRA and CCA as applicable to Aluva Municipality within two weeks and directing the 2nd respondent that if such a representation is received, the same shall be considered and disposed of after referring the matter to the District Collector, Ernakulam in accordance with the procedure and then give an appropriate reply to the applicant within a period of three months from the date of receipt of the representation. There is no order as to costs.

Dated the 2nd April 2002.



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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A P P E N D I X

Applicant's Annexures:

1. A-1 : Relevant extract from Swamy's Publication.
2. A-2 : True copy of the representation dt.12.7.2000, submitted by 1st applicant to the 2nd respondent.
3. A-3 : True copy of the Communication No.0-2/Estt/83 dt.28.7.2000 issued from Senior Superintendent (TT) Ernakulam to the Sub Divisional Engineer, C.T.O.Always.

Respondents' Annexures:

1. R-1 : True copy of letter No.L.Dis 54663/00/A1. issued by District Collector, Ernakulam dt.25.8.2001.

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