

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE NINTH SEPTEMBER, 1986

Present: Hon'ble Justice K.S.Puttaswamy .. Vice-Chairman
Hon'ble Shri P.Srinivasan ... Member(A)

Transferred Application No. 222/86

1. Association of Defence Civilians, India (regd) 1624, IV Tea Block Jayanagar, Bangalore-11 (represented by its Secretary, V.K.Narasimhan)
2. E.K.Vajravelu, Group-D Civilian Non-gazetted official, 26 Equipment Depot, Air Force, Bangalore. ... Applicants

Vs

1. Union of India, (represented by Secretary), Ministry of Defence, Central Secretariat, New Delhi.
2. Air Officer Commanding-in-Chief, Administration, Vayu Sena Bhavan, New Delhi-11.
3. Air Officer, Commanding-in-Chief, Training Command, Air Force, Hebbal, Bangalore.6.
4. Commanding Officer, 26, Equipment Depot, Air Force, Vimanapura, Hindustan Aircraft Post, Bangalore - 17.
5. Controller of Defence Accounts, Air Force, 107, Rajpoot Road, Dehra Dun, Uttar Pradesh. ... Respondents

(Shri N.Basavaraju ... Advocate)

The application has come up for hearing before Court today, Vice-Chairman made the following:

ORDER

In this transferred application from the High Court of Karnataka, the applicants have sought for a

direction to the Respondents, to make available House Rent Allowance to Class IV or Group 'D' Civilian employees of the Defence Department working in 26 Equipment Depot, situated at Hindustan Aeronautics Ltd., Bangalore from 1960 to 1964.

2. The authorities have refused to allow House Rent Allowance on the ground that the place of work was situated outside the city limits or on the ground the employees were free to occupy governmental quarters available to them at one or the other place situated in the city of Bangalore.

3. The applicants have sought for reliefs on a large number of grounds.

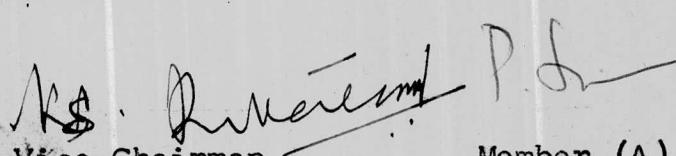
4. Shri V.K.Narasimhan, the Secretary of the first applicant, appearing for the applicants contends that the just claims of the Group 'D' employees for HRA had been unjustly denied by the authorities and that we should issue appropriate directions to the respondents ignoring the bar of limitation as ruled by the Supreme Court in Madras Port Trust Authority's case (AIR 1979 SC 1144).

5. Shri N.Basavaraju, learned Additional Central Government Standing Counsel, appearing for the respondents, refuting the contention of Shri Narasimhan, contends that this is a fit case in which this Tribunal should decline to examine the merit on grounds of delay and laches. In respect of his contention, Shri Basavaraju strongly relies on a decision rendered by us in Application no. 5/86 decided on 8.9.86 (Shri B.V. Venkatasubaiah Vs Union of India and others).

6. Admittedly, the claim of the applicants or Group 'D' employees, espoused by applicant no. 1 relates to a period from 1960 to 1964. The applicants filed their writ petition before the Karnataka High Court on 29.10.79 after a period of 15 years.

7. In Venkatasubbaiah's case, we have held that in a transferred case also, this Tribunal has power to refuse to adjudicate the merits on grounds of delay and laches. In that case, we declined to ignore a delay of nearly 6 years. We are of the view that the inordinate delay of 15 years in asserting the claim by itself justifies us not to adjudicate the same on merits. Even otherwise, every one of the reasons pleaded by the applicants do not justify us to ignore the inordinate delay of 15 years. In this view, we decline to examine the merits.

8. In the light of our above discussion, we hold that this application is liable to be dismissed. We therefore dismiss this application. But in the circumstances of the case, we direct the parties to bear the costs.


A.S. Divyakumar P.S. (Member A)
Vice-Chairman