

Annex I 15

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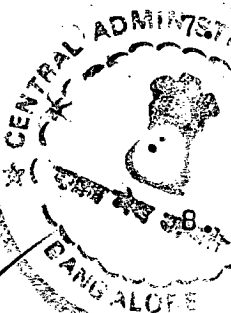
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH: BANGALORE

DATED THIS TWENTY FIFTH DAY OF FEBRUARY, 1993

Present: Hon'ble Mr. Justice P.K. Shyamsundar, Vice Chairman  
Hon'ble Mr. V. Ramakrishnan, Member (A)

APPLICATION NO.229/1991.

1. Shri N. Narayana Nair  
S/o Late Raman Nair  
Age 57 years  
Quarters No.57/9, HQ TC(U) Af, Bangalore
2. Shri J. Thomas  
S/o Joseph (Late)  
Age 54 years  
Quarters No. 60/8  
HQ TC(U) Af, Bangalore 560 006.
3. Shri Nathu  
S/o Late SK Mohiddin  
Age 47 years  
Quarters No. 57/10, HQ TC(U) Af, Bangalore 560 006
4. Shri Anthony Swamy  
S/o Late Nayagam  
Age 48 years  
Quarters No 57/4  
HQ TC (U) Af, Bangalore 560 006
5. Shri Mohan Das  
S/o Late Velu  
Age 49 years  
Quarters No 57/1  
  
HQ TC(U) Af, Bangalore 560 006
6. Shri Malakondiah  
S/o Late Kondiah  
Age 52 years  
Quarters No 57/5  
HQ TC(U) Af, Bangalore 560 006
- Shri Ramachandra  
S/o Late Thimmiah  
Age 42 years  
Quarters No 62/10  
HQ TC(U) Af, Bangalore 560 006
- Shri Abubaker  
S/o Late Mohammed  
Age 48 years  
Quarters No 57/12  
HQ TC(U) Af, Bangalore 560 006



9. Shri Kourd Nathan  
S/o Late Anthony  
Age 37 years  
Quarters No 60/6  
HQ TC(U) At, Bangalore 560 006
10. Shri PS Arokiya Swamy  
S/o Late Chowri Nayagam  
Age 59 years  
Quarters No 61/2  
HQ TC(U) At, Bangalore 560 006
11. Shri Aisdul Subban  
C/o Late Abdul Kudthus  
Age 47 years  
Quarters No 61/6  
HQ TC(U) At, Bangalore 560 006
12. Shri Sayalu  
S/o Late Lingaiah  
Age 43 years  
Quarters No 62/11  
HQ TC(U) At, Bangalore 560 006
13. Shri G Arokiya Swamy  
S/o Late Chinnappa  
Age 54 years  
Quarters No 62/1  
HQ TC(U) At, Bangalore 560 006
14. Shri RV Panchavarnam  
S/o Late Veeramuthu Pillai  
Age 55 years  
Quarters No 61/5  
HQ TC(U) At, Bangalore 560 006
15. Shri VK Nair  
S/o Late Velu Pillai  
Age 52 years  
Quarters No 61/14  
HQ TC(U) At, Bangalore 560 006
16. Shri MP Janardhan  
S/o Late Ponnurangam  
Age 49 years  
Quarters No 60/14  
HQ TC(U) At, Bangalore 560 006
17. Shri Shakeef  
S/o Late Masimsahib  
Age 46 years  
Quarters No 61/8  
HQ TC(U) At, Bangalore 560 006
18. Shri Kallan  
S/o Late Mohali  
Age 56 years  
Quarters No 61/7  
HQ TC(U) At, Bangalore 560 006

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19. Shri A. Sabastian  
S/o Arokiya Nathan  
Age 40 years  
Quarters 61/9  
HQ TC(U) Af, Bangalore 560 006
20. Shri A Kalimuthu  
S/o Late Arumugam  
Age 51 years  
Quarters No 57/6  
HQ TC(U) AF, Bangalore 560 006
21. Shri Lakshmana  
S/o Late Kessiah  
Age 56 years  
Quarters No 60/7  
HQ TC(U) AF, Bangalore 560 006
- 22.. Shri Chinnappa  
S/o Late Goraiah  
Age 40 years  
Quarters No 57/2  
HQ TC(U) AF, Bangalore 560 006
23. Shri Dayanand  
S/o David  
Age 37 years  
Quarters No 61/16  
HQ TC(U) Af, Bangalore 560 006
24. Shri P Raju  
S/o Late Perumal Naidu  
Age 43 years  
Quarters No 57/15  
HQ TC(U) Af, Bangalore 560 006
25. Shri Antony Das  
S/o Late Madurai  
Age 46 years  
Quarters No 57/16  
HQ TC(U) Af, Bangalore 560 006
26. Shri A Dominic  
S/o M Ambrose  
Age 37 years  
Quarters No 60/12  
HQ TC(U) Af, Bangalore 560 006
27. Shri Shivaji Shah  
S/o Late Raghunath Shah  
Age 39 years  
Quarters No 60/15  
HQ TC(U) Af, Bangalore 560 006
28. Shri D Raju  
S/o Duraiswamy  
Age 33 years  
Quarters No 60/4  
HQ TC(U) Af, Bangalore 560 006

29. Shri Parthasarathy  
S/o Late Anandaraj  
Age 42 years  
Quarters No 60/11  
HQ TC(U) At, Bangalore 560 006
30. Shri Ramakrishna  
S/o Late S Anmanth  
Age 39 years  
Quarters No 62/9  
HQ TC(U) At, Bangalore 560 006
31. Dhanamma  
D/o Vediah  
Age 40 years  
Quarters No 60/2  
HQ TC(U) At, Bangalore 560 006
32. Smt Polamma  
D/o Kondiah (Late)  
Age 32 years  
Quarters No 60/5  
HQ TC(U) AF, Bangalore 560 006
33. Shri Devaraj  
S/o Manicka Reddy  
Age 34 years  
Quarters No 60/1  
HQ TC(U) AF, Bangalore 560 006
34. Shri Mohan Raj  
S/o Abraham  
Age 29 years  
Quarters No 60/3  
HQ TC(U) AF, Bangalore 560 006
35. Shri Kumar  
S/o Ramulu  
Age 30 years  
Quarters No 57/3  
HQ TC(U) AF, Bangalore 560 006
36. Shri Kadera Velu  
S/o Late Chinnappa  
Age 43 years  
Quarters No 57/11  
HQ TC(U) At, Bangalore 560 006
37. Shri Arokiya Das  
S/o Late Joseph  
Age 34 years  
Quarters No 57/14  
HQ TC(U) At, Bangalore 560 006
38. Shri Govindaswamy  
S/o Late Krishnappa  
Age 30 years  
Quarters No 57/13  
HQ TC(U) At, Bangalore 560 006

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39. Shri Shaffi M  
S/o Rasul Buz  
Age 36 years  
Quarters No 57/7  
HQ TC(U) AF, Bangalore 560 006
40. Shri Muniraju  
S/o Sanjeevappa (Late)  
Age 29 years  
Quarters No 57/8  
HQ TC(U) AF, Bangalore 560 006
41. Shri Gambir Ram  
S/o Lakshman Ram  
Age 33 years  
Quarters 60/16  
HQ TC(U) AF, Bangalore 560 006
42. Shri Venugopal  
S/o Late Chandran,  
Age 42 years  
Quarters No 61/3  
HQ TC(U) AF, Bangalore 560 006
43. Shri Bhaskar  
S/o Late Nagabhushan  
Age 34 years  
Quarters No 61/11  
HQ TC(U) AF, Bangalore 560 006
44. Shri Rajendran  
S/o Late Ponnurangam  
Age 31 years  
Quarters No 61/10  
HQ TC(U) AF, Bangalore 560 006
45. Shri Maricar  
S/o Syed Maricar (Late)  
Age 31 years  
Quarters No 61/12  
HQ TC(U) AF, Bangalore 560 006
46. Shri Devasagayam  
S/o Kondiah  
Age 46 years  
Quarters No 61/13  
HQ TC(U) AF, Bangalore 560 006
47. Shri Venkatesh  
S/o Venkatiah  
Age 30 years  
Quarters No 61/14  
HQ TC(U) AF, Bangalore 560 006
48. Shri Billigappa  
S/o Late Dasappa  
Age 35 years  
Quarters No 61/4  
HQ TC(U) AF, Bangalore 560 006

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49. Shri Krishnappa  
S/o Late Nanjundappa  
Age 30 years  
Quarters No 61/1  
HQ TC(U) AF, Bangalore 560 006

50. Shri Mobusab  
C/o Pakuru Sahib  
Age 27 years  
Quarters No 60/10  
HQ TC(U) AF, Bangalore 560 006  
(K.N. Haridasan Nambiar - Advocate)

... Applicants

Versus

1. Union of India (Represented by Defence Secretary)  
Ministry of Defence  
New Delhi.

2. Chief of the Air Staff  
Air HQ (Vayu Bhavan)  
New Delhi 110 011.

3. Air Officer Commanding-in-Chief  
HQ Training Command, IAF  
Bangalore 560 006

4. Officer Commanding  
HQ Training Command (U) Air Force  
Bangalore 560 006

(Shri M.Vasudeva Rao - Advocate) ... Respondents

This application filed under section 19 of the Administrative Tribunals Act, 1985 having come up for order before this bench today, Hon'ble Mr. V. Ramakrishnan Member. (A) made the following:

O R D E R

The <sup>first</sup> applicant Shri Narayana Nair along with 49 others are defence civilian employees. Their contention is that they were allotted family quarters which are of a category lower than what they would normally <sup>be</sup> entitled to. This has resulted in what the applicants claim as provision of sub-

standard accommodation to them and loss of house rent allowance as the Department has taken a view that since they were provided with official accommodation they have no entitlement to HRA. In addition, the applicants have also to pay the licence fee as fixed for the quarters allotted to them.

2. We heard the first applicant Shri Narayana Nair in person in the absence of his learned counsel who had not turned up on several occasions. Today also at the request of the applicant, the case was adjourned to 2.30 pm to enable the lawyer to appear and argue before us. In spite of the accommodation extended, the applicant's counsel is absent. We heard the applicant in person and Shri M. Vasudeva Rao for the respondents and proceed to pass the order in their presence.

3. It is not in dispute that the applicants had been provided with some type of official quarters which they had occupied and continue to do so. As official accommodation has been made available to them even if it is of a type lower than what is their entitlement, there is no question of the house rent allowance being given to them. The learned Standing Counsel for the Government has argued that compared to the demand the number of units to be made available to all those entitled is grossly inadequate and necessarily the Government servant have to be given a type lower than their entitlement. Further even for the category of accommodation allotted to the applicants, there are several others waiting to get their turn.

4. In the light of the above position, we hold that the Department has rightly not extended the benefit of

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house rent allowance to the applicants. Their action in recovery of the appropriate licence fee is also correct. As much the application is dismissed as there is no substance in the same. No costs.

Sd/-

MEMBER (A)

Sd/-

VICE CHAIRMAN

TRUE COPY

4/3/93

DEPUTY REGISTRAR (JDL)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE



**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**BANGALORE BENCH**

Second Floor,  
Commercial Complex,  
Indiranagar,  
Bangalore-560 038.

REVIEW PETITION NO.23 of 1993 in Dated: **24 JUN 1993**

APPLICATION NO(s). 229 of 1991.

Applicant(s) N.Narayan Nair and  
49 Others.

Respondent(s) Secretary, Ministry  
of Defence, NDelhi.  
and Others.

1. Sri.N.Narayan Nair,  
S/o.Late Raman Nair,  
Quarter No.57/9,  
HQ TC(U),AF, Bangalore.

8. Sri.Abubaker,  
S/o.Late Mohammed,  
Quarter No.57/12,  
HQ TC(U),AF, Bangalore-6.

2. Sri.J;Thomas,S/o.  
Joseph(late),  
Quarters No.60/8,  
HQ TC(U),AF,  
Bangalore-6.

9. Sri.Lourd Nathan S/o.  
Late Anthony, Quarter No.90/6,  
HQ TC(U) AF, B'lore-6.

3. Sri.Nathu,  
S/o.late S.K.Mohiddin,  
Quarters No.57/10,  
HQ TC(U),AF,  
Bangalore-6.

10. Sri.P.S.Arokiya Swamy,  
S/o.Late Chowri Nayagam,  
Quarter No.61/2, HQ TC(U),AF,  
Bangalore-6.

4. Sri.Anthony Swamy,  
S/o.Late Nayagam,  
Quarters No.57/4,  
HQ TC(U),AF,  
Bangalore-6.

11. Sri.Aisdul Subban  
C/o.Late Abdul Kudthus,  
Quarter No.61/6, HQ TC(U) AF,  
Bangalore-6.

5. Sri.Mohan Das,  
S/o.Late Velu,  
Quarter No.57/1,  
HQ TC(U),AF,  
Bangalore-6.

12. Sri.Sayalu,S/o Late,  
Lingaiah, Quarter No.62/11,  
HQ TC(U) AF, Bangalore.

6. Sri.Malakondaiah,  
S/o.Late Kondaiah,  
Quarter No.57/5,  
HQ TC(U), AF,  
Bangalore-6.

13. Sri.G.Arokiya Swamy,  
S/o.Late Chinnappa,  
Quarter No.62/1,  
HQ TC(U) AF, Bangalore-

7. Sri.Rama chandra,  
S/o.Late Thimmaiah,  
No.62/10, HQ TC(U) AF, B'lore.

14. Sri.R.V.Penchavarnam,  
S/o.Late Veeramuthupillai,  
Quarter No.61/5, HQ TC(U) AF,  
Bangalore.

15. Sri.V.K.Nair S/o.Late Velu  
Pillai, Quarter No.61/14,  
HQ TC(U), AF, Bangalore.

(Continued to page No.2/-)

**SUBJECT:-** Forwarding of copies of the Order passed by  
the Central Administrative Tribunal, Bangalore Bench  
Bangalore.

Please find enclosed herewith a copy of the ORDER/  
STAY/INTERIM ORDER passed by this Tribunal in the above said  
application(s) on 11-06-93.

DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Page No.

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Second Floor,  
Commercial Complex,  
Indiranagar,  
Bangalore-560 038.

-Dated:

REVIEW PETITION NO.23 of 1993 in  
APPLICATION NO(s). 229 of 1991.

Applicant(s) N.Narayana Nair and  
Fortynine others.

Respondent(s) Secretary, Ministry  
v/s. of Defence, NDelhi & Others.

- |                                                                                           |                                                                                         |
|-------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 34. Sri.Mohan Raj,<br>S/o.Abraham,<br>Quarter No.60/3,<br>HQ TC(U)AF,<br>Bangalore.       | 41. Sri.Gambir Ram S/o<br>Lakshmanram,<br>Quarter No.60/16,<br>HQ TC(U)AF, Bangalore.   |
| 35. Sri.Kumar<br>S/o.Ramulu,<br>Quarter No.57/3,<br>HQ TC(U)AF, B'lore.                   | 42. Sri.Venugopal S/o.Late.<br>Chandran, Quarter No.61/3,<br>HQ TC(U)AF, Bangalore.     |
| 36. Sri.Kadera Velu,<br>S/o.Late Chinnappa,<br>Quarter No.57/11,<br>HQ TC(U)AF, B'lore.   | 43. Sri.Bhaskar S/o.Late<br>Nagabbushan, Quarter<br>No.61/11, HQ TC(U)AF,<br>Bangalore. |
| 37. Sri.Arakiya Das,<br>S/o.Late Joseph,<br>Quarter No.57/14,<br>HQ TC(U)AF, B'lore.      | 44. Sri.Rajendra, S/o.Late<br>Ponnurangam, Quarter No.<br>61/10, HQTC(U)AF, B'lore.     |
| 38. Sri.Govindaswamy,<br>S/o.Late Krishnappa,<br>Quarter No.57/13,<br>HQ TC(U)AF, B'lore. | 45. Sri.Mericar S/o.Syed<br>Mericar(late) Quarter<br>No.61/12, HQTC(U)AF,<br>Bangalore. |
| 39. Sri.Shaffi M. S/o.<br>Resul Buz, Quarter<br>No.57/7, HQ TC(U)AF,<br>Bangalore.        | 46. Sri.Devasagayam, S/o.<br>Kondiah, Quarter No.61/13,<br>HQ TC(U)AF, Bangalore.       |
| 40. Sri.Muniraju, S/o.<br>Late Sanjeevappa,<br>Quarter No.57/8,<br>HQ TC(U)AF, B'lore.    | 47. Sri.Venkatesh S/o.<br>Venkataih,<br>HQ TC(U)AF, Bangalore.                          |
|                                                                                           | 48. Sri.Billiyappa S/o.<br>Dasappa(late),<br>Quarter No.61/4,<br>HQ TC(U)AF, Bangalore. |
|                                                                                           | 49. Sri.Krishnappa S/o.<br>Nanjundappa, Quarter No.<br>61/1, HQTC(U)AF, B'lore.         |

**SUBJECT:-** Forwarding of copies of the Order passed by  
the Central Administrative Tribunal, Bangalore Bench  
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Please find enclosed herewith a copy of the ORDER/  
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application(s) on 11-06-93.

(Continued to page 4/-)

  
DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
Bangalore-560 038.

-:page No.4:-

REVIEW PETITION NO.23 of 1993 Dated:

229 of 1991.

APPLICATION NO(s).

Applicant(s) N.Nerayan Nair and v/s Respondent(s) Secretary, Ministry  
Forty nine Others. of Defence, New Delhi & Others.

50. Sri.Mobuseb  
S/o.Pakuru Sahib,  
Quarter No.60/10,  
HQ TC(U) AF,  
Bangalore.
51. Sri.K.N.Haridesan Nambiar,  
Advocate, No.4, Fourth Cross,  
Balepet, Bangalore-560 053.
52. The Secretary,  
Ministry of Defence,  
New Delhi.
53. Chief Of the Air Staff,  
Air Headquarters,  
Vayu Bhavan,  
New Delhi-110011.
54. Air Officer Commanding-in Chief,  
HQ Training Command, IAF,  
Bangalore-6.
55. Officer Commanding,  
HQ Training Command(U),  
Air Force, Bangalore-6.
56. Sri.M.Vasudeva Rao,  
Central Govt.Stag.Counsel,  
High Court Building,  
Bangalore-1.

**SUBJECT:-** Forwarding of copies of the Order passed by  
the Central Administrative Tribunal, Bangalore Bench  
Bangalore.

Please find enclosed herewith a copy of the ORDER/  
STAY/INTERIM ORDER passed by this Tribunal in the above said  
application(s) on 11-06-93.

*[Signature]*

*[Signature]*  
DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

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DA No. 23/93.

| Date | Office Notes | Orders of Tribunal |
|------|--------------|--------------------|
|------|--------------|--------------------|

PKS (VC) / VR (MA)  
11.6.93

We cannot re-hear the case now in the guise of a review petition. The applicant has to seek his remedy elsewhere. No grounds made out to review the order already made. For the above reasons, this application stands dismissed.



Sd —

MEMBER (A)

Sd —

VICE CHAIRMAN

TRUE COPY

SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE

*[Handwritten signature]*  
24/6/93