

Annexure I

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: :BANGALORE

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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. Sebastian
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) AF, Bangalore 560 006

30. Shri Ramakrishna
S/o Late S Anmanth
Age 39 years
Quarters No 62/9
HQ TC(U) AF, Bangalore 560 006

31. Dhanamma
D/o Vediah
Age 40 years
Quarters No 60/2
HQ TC(U) AF, 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) AF, Bangalore 560 006

37. Shri Arokiya Das
S/o Late Joseph
Age 34 years
Quarters No 57/14
HQ TC(U) AF, Bangalore 560 006

38. Shri Govindaswamy
S/o Late Krishnappa
Age 30 years
Quarters No 57/13
HQ TC(U) AF, 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 ⁴⁹ 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 be entitled to. This has resulted in what the applicants claim as provision of sub-

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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.

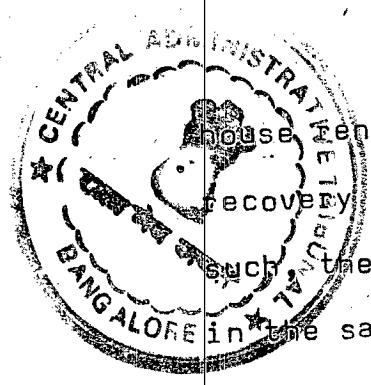
2. We heard the first applicant Shri Narayana Nair in person in the absence of his learned counsel who had not turned up on several occasions. Today also at the request of the applicant, the case was adjourned to 2.30 pm to enable the lawyer to appear and argue before us. Inspite of the accommodation 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 such, the application is dismissed as there is no substance in the same. No costs.

Sd/-
MEMBER (A)

Sd/-
VICE CHAIRMAN

TRUE COPY

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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 Dated: 24 JUN 1993

APPLICATION NO(s).

229 of 1991.

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

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

To

and Others.

1. Sri. N. Narayan Nair,
S/o. Late Raman Nair,
Quarter No. 57/9,
HQ TC(U), AF, Bangalore.
2. Sri. J. Thomas, S/o.
Joseph (late),
Quarters No. 60/8,
HQ TC(U), AF,
Bangalore-6.
3. Sri. Nathu,
S/o. Late S. K. Mohiddin,
Quarters No. 57/10,
HQ TC(U), AF,
Bangalore-6.
4. Sri. Anthony Swamy,
S/o. Late Nayagam,
Quarters No. 57/4,
HQ TO(U), AF,
Bangalore-6.
5. Sri. Mohan Das,
S/o. Late Velu,
Quarter No. 57/1,
HQ TC(U), AF,
Bangalore-6.
6. Sri. Malakondaiah,
S/o. Late Kondaiah,
Quarter No. 57/5,
HQ TC(U), AF,
Bangalore-6.
7. Sri. Rama chandra,
S/o. Late Thimmaiah,
No. 62/10, HQ TC(U) AF, Bangalore.
8. Sri. Abubaker,
S/o. Late Mohammed,
Quarter No. 57/12,
HQ TC(U), AF, Bangalore-6.
9. Sri. Lourd Nathan S/o.
Late Anthony, Quarter No. 90/6,
HQ TC(U) AF, Bangalore-6.
10. Sri. P. S. Arokiya Swamy,
S/o. Late Choucri Nayagam,
Quarter No. 61/2, HQ TC(U), AF,
Bangalore-6.
11. Sri. Aisdui Subban
C/o. Late Abdul Kudthus,
Quarter No. 61/6, HQ TC(U) AF,
Bangalore-6.
12. Sri. Sayalu, S/o Late,
Lingaiah, Quarter No. 62/11,
HQ TC(U) AF, Bangalore.
13. Sri. G. Arokiya Swamy,
S/o. Late Chinnappa,
Quarter No. 62/1,
HQ TE(U) AF, Bangalore.
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.
-:3:-

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

Dated:

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

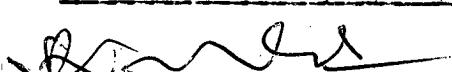
Applicant(s) N. Narayana Nair and
Fortynine others. v/s. Respondent(s) Secretary, Ministry
of Defence, NDeli & Others.

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

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(Continued to page 4/-)


DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

-:page No.4:-

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

REVIEW PETITION NO.23 of 1993 IN

Dated:
229 of 1991.

APPLICATION NO(s).

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

50. Sri.Mobusab
S/o.Pakuru Sahib,
Quarter No.60/10,
HQ TC(U) AF,
Bangalore.

51. Sri.K.N.Haridasan 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.

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application(s) on 11-06-93.

Copy of
order

for [Signature]
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

R.A.N.O. 23/93.

Date	Office Notes	Orders of Tribunal
		<p>PKS (VC)/VR (MA) 11.6.93</p> <p>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.</p> <p>Sd — MEMBER (A)</p> <p>Sd — VICE CHAIRMAN</p> <p>TRUE COPY 20/6/93</p> <p>SECTION OFFICER CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH BANGALORE</p>