

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

13-757

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

Review Appln.No.17/96 to 27/1996 in Dated: **23 FEB 1996**

Application No. 1102/94 and 1132 to 1141 of 1994.

Applicant(s) : The Chief General Manager,
V/s. Telecom, Quality Assurance Circle, Bangalore.

Respondents : K.Jagannath and Ten others.,

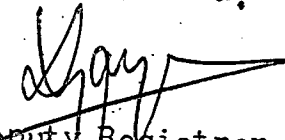
To

1. Sri.M.Vasudeva Rao, Additional
Central Govt.Standing Counsel,
High Court Bldg, Bangalore-1.
2. Sri.K.V.Suryanarayanaiah, Advocate,
No.HL-587, Fort, Krishnarajapuram,
Bangalore-560 036.

Subject:- Forwarding of copies of the Orders passed by
Central Administrative Tribunal, Bangalore-38

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A copy of the Order/Stay Order/Interim Order,
passed by this Tribunal in the above mentioned application(s)
is enclosed for information and further necessary action.
The Order was pronounced on- 16th February, 1996.


706 Deputy Registrar
Judicial Branches.

6. K.Jayaram Bhat.
aged 36 years,
S/o K.Narasimha Bhat,
E-88, South III Lane,
ITI Colony, Dooravaninagar,
BANGALORE-16.
7. P.Krishnamurthy,
aged 39 years,
S/o G.Papaiah,
JTO, D-6C North Ring Road,
ITI Colony, Dooravaninagar,
BANGALORE-16.
8. H.Y.Andeli,
SDE (Admn),
aged 40 years,
S/o Y.D.Andeli,
E-63, East I Lane,
ITI Colony, Dooravaninagar,
BANGALORE-16.
9. R.V.Kollapur,
aged 36 years,
JTO S/o V.S.Kollapur,
D-78, East IV Lane,
ITI Colony, Dooravaninagar,
BANGALORE-16.
10. S.Parvathi,
aged 33 years,
Stenographer,
W/o N.Shekar,
E 125, North V Lane,
ITI Colony, Dooravaninagar,
BANGALORE-16.



J.Bhutharayudi,
aged 41 years,
S/o Papanna,
Grade 'D',
E-74, North I Lane,
ITI Colony, Dooravaninagar,
BANAGALORE-16.

...Respondents

(Sl.No.1 & 2 are working in the office of the General Manager, C.A.C.T., Bangalore-16)

(Sl.No.3 to 11 are working in the office of the Director, Quality Assurance (Telecom) Dooravaninagar, Bangalore-16)

- 3 -

+-----+
| O R D E R |
+-----+

Heard Shri.M.V.Rao, Additional Central Government Standing Counsel appearing for Review Applicant. The Review Application is very badly delayed by more than a year. Reasons given for such delay as in M.A.No.43/96 are not acceptable. M.A. is rejected. Consequently, the Review Application is dismissed.



TRUE COPY

SA-

MEMBER(A)

sd.

[Signature] 23/2/96
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE - 560 033.

Miscellaneous Appln.No.185 of 1995 in

Dated: **3 MAY 1995**

APPLICATION NO. 1102/1994 and 1132 to 1141 of 1994.

APPLICANTS: Sri.K.Jagannath and ten others.

V/S.

RESPONDENTS: The Chief General Manager, Telecom, Quality Assurance
Circle, Bangalore.

To

1. Sri.K.V.Suryanarayanaiah, Advocate,
No.HL-587, Fort, Krishnarajapuram,
Bangalore-560 036.
2. Sri.M.Vasudeva Rao, Additional Central
Govt.Standing Counsel, High Court Bldg,
Bangalore-560 001.

Subject:- Forwarding copies of the Orders passed by the
Central Administrative Tribunal, Bangalore-38.

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Please find enclosed herewith a copy of the Order/
Stay Order/Interim Order, passed by this Tribunal in the above
mentioned application(s) on 20th April, 1995.

Issued on
3/5/95

[Signature]
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

MA No. 246/95 in OAs 1102 & 1132 to 1141/94
Sri. R. Jagannath & 10 oas vs. The chief G. M. Telecom Quality Ass.

Date

Office Notes

Orders of Tribunal

PKS (VC)/TVR (MA)

31.5.1995

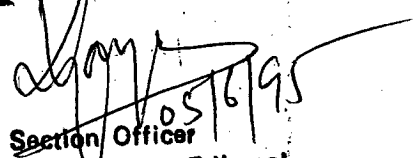
We have already given 2 extensions. We see no justification for ordering a third extension. M.A. for extension of time rejected.

Sd-

Sd-



TRUE COPY


Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

In the Central Administrative Tribunal
Bangalore Bench
Bangalore

MA 185/95 in

O. Application No. 1102 of 1994 ad 1132 w 11/1/94

Sri. K. Jagannath & ors vs. Chief G.M. Telecom.

ORDER SHEET (Contd.)

Date	Office Notes	Orders of Tribunal
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PFSC(UO)/TVR(MA).
20/4/95

Head.

Time is extended
by four weeks.

M.A 185/95 stands
disposed of as aforesaid.



Sd/-

Sd/-

MCA)

TRUE COPY

[Signature]
20/3/95

Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: 3 FEB 1995

Miscellaneous APPLICATION NO: 50 of 1995 in OA.NO.1102/94 and 1132
to 1141 of 1994.

APPLICANTS:- Sri.K.Jagannath and
ten others.,
V/S.

RESPONDENTS:- The Chief General Manager, Telecom Quality Assurance
Circle, Bangalore and others.,

To:

1. Sri.K.V.Suryanarayanaiah, Advocate, No.587, Fort,
Krishnerajapuram, Bangalore-560 036.
2. Sri.M.Vasudeve Rao, Additional Central Government
Standing Counsel, High Court Bldg, Bangalore-1.

Read copy
Kd
Adm. 3/2/95

Subject:- Forwarding of copies of the Order passed by the
Central Administrative Tribunal, Bangalore.
--xx--

Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above
mentioned application(s) on 27th January, 1995.

Issued on
3/2/95

g

gm*

g/c

for
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

Sri. K. Jagannath & 10. ors v/s. Chief. G.M. Telecom.
MA 50/95 in OA 1102/94 & 1127/94

Date	Office Notes	Orders of Tribunal
		PFSC(VL) / TVR(MA) 27.1.95 In the circumstances, extension of time sought for to comply with the directions of the Tribunal is extended by three months. M.A. No. 50/95 stands disposed of as aforesaid.



Sd/-
M(A)

Sd/-
VC.

TRUE COPY

[Signature]
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

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

Dated: 23 NOV 1994

APPLICATION NO: OA 1102/94 & 1132 to 1141/94

APPLICANTS:-

K. Jagannath & 1008.

V/S.

RESPONDENTS:-

The Chief G.M., Telecom & A.C. Circle, B'lore.

I.

1. Sri. K.V. Suryanarayanaiah
Advocate
H. L. 587 Fort,
K. R. Puram,
Bangalore - 560036.

2. Sri. M. V. Rao
Add. C. G. S. C.,
High Court Bldg,
Bangalore - 1.

Received Sl No 1.
Advocate for
applicants

Subject:- Forwarding of copies of the Orders passed by the
Central Administrative Tribunal, Bangalore.

--xx--

Please find enclosed herewith a copy of the ORDER/
~~STAY ORDER/INTERIM ORDER~~ passed by this Tribunal in the above
mentioned application(s) on 10th November, 1994

Issued on
23/11/94

DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm*

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

ORIGINAL APPLICATION Nos.1102/94 & 1132 TO 1141/94

THURSDAY, THIS THE 10TH DAY OF NOVEMBER, 1994

SHRI T.V. RAMANAN .. MEMBER (A)

1. K. Jagannath, aged 46 years,
S.D.E. (Appls),
S/o Krishnajirao,
No.1, Officers' Suite Area,
ITI Colony, Doorvaninagar, Bangalore-16.
2. V. Radhabai, aged 40 years,
S.D.E., W/o. G.S. Shankar,
D-127, East III Lane,
ITI Colony, Doorvaninagar,
Bangalore-16.
(Sl.No.1 & 2 are working in the O/o the General
Manager, C.A.C.T., Bangalore-16.)
3. G.M. Gokaran, aged 41 years, S.D.E.,
S/o. M.J. Giriyan,
D-43 North III Lane,
ITI Colony, Doorvaninagar,
Bangalore-16.
4. G.N. Math, aged 43 years, S.D.E.,
S/o Nagayya Math,
E-94, North Avenue, ITI Colony,
Doorvaninagar, Bangalore-16.
5. K.S. Nagireddy, aged 36 years, S.D.E.,
S/o. K.T. Somareddy,
No.D-11, North I Lane, ITI Colony,
Doorvaninagar, Bangalore-16.
6. K. Jayaram Bhat, aged 36 years,
S/o K. Narasimha Bhat,
E-88, South III Lane, ITI Colony,
Doorvaninagar, Bangalore-16.
7. P. Krishnamurthy, aged 39 years,
S/o. G. Papaiah, J.T.O.,
No.D-6C North Ring Road, ITI Colony,
Doorvaninagar, Bangalore-16.
8. H.Y. Andeli, aged 40 years, S.D.E.(Admn.),
S/o. Y.D. Andeli,
No.E-63 East I Lane, ITI Colony,
Doorvaninagar, Bangalore-16.

... Applicants

Contd. ...2..



9. R.V. Kollapur, aged 36 years, J.T.O.,
S/o. V.S. Kollapur,
D-78, East IV Lane, ITI Colony,
Doorvaninagar, Bangalore-16.

10. S. Parvathi, aged 33 years,
Stenographer, W/o. N. Shekar,
No.E-125, North V Lane, ITI Colony,
Doorvaninagar, Bangalore-16.

11. J. Bhutharayudu, aged 41 years,
S/o. Papanna, Grade 'D',
No.E-74, North I Lane, ITI Colony,
Doorvaninagar, Bangalore-16.
(Sl.No.3 to 11 are working in the O/o Director,
Quality Assurance (Telecom), Doorvaninagar,
Bangalore-16)

... Applicants

(By Advocate Shri K.V. Suryanarayanaiah)

Vs.

The Chief General Manager,
Telecom, Quality Assurance Circle,
No.61, Cockburn Road,
Bangalore - 560 051.

...

Respondent

(By Advocate Shri M. Vasudeva Rao,
Addl. Central Govt. Stg. Counsel)

O R D E R

I have heard the learned counsel for the applicants and
the learned Additional Central Govt. Standing Counsel appearing
for the respondent.

2. The question herein is whether those Central Govt. employees
working in the Office of the Director, Quality Assurance Circle of
the Telecommunication Dept. which is located in the Indian Telephone
Industries (ITI for short) Complex, Doorvaninagar, Bangalore, and
occupying houses allotted to them by the ITI are entitled to payment
of House Rent Allowance (HRA) by the Government.

3. Learned counsel for the applicants contended that the
quarters in occupation by the applicants were allotted by the ITI
which is, no doubt, a public sector undertaking of the Central Govt.

but a corporate body and a separate legal entity. The quarters are owned by the ITI. Since HRA cannot be drawn only if accommodation is allotted to the Govt. servant by the Government and that being not the position here, denial of HRA to the applicants who have been in occupation of the quarters allotted by the ITI is not in accordance with the relevant Rules.

4. The applicants seem to have approached the respondent citing the case of P.M. Prasad and Others Vs. Union of India and Others ((1993) 25 ATC 806) in which the Patna Bench of this Tribunal allowed payment of HRA to the applicant - Govt. servants where accommodation was not provided by the Government, but by the Steel Authority of India. Learned counsel for the applicants cited the judgment of the Principal Bench of this Tribunal decided on 31.7.1986 in Shri Jagbandhu Kundu Vs. Union of India & Others ((1987) 2 ATC 878). In that case, the Govt. employee concerned who was posted in the office of the Chief Resident Engineer at Hindustan Aeronautics Limited, Hyderabad Division (HAL) was allotted a quarter by the aforesaid public sector undertaking and he executed an agreement with the HAL. The applicant there sought payment of HRA in accordance with the rules on the subject, but, that was denied to him on the plea that HAL being public sector undertaking, entirely under the administrative control of the Central Govt., quarters constructed by HAL are Government accommodation and accordingly an allottee of such accommodation was not entitled to HRA. The matter was considered by the Principal Bench and it was held that the accommodation allotted was not by the Government but by a corporate body having a distinct legal personality of its own, independent of the Government and as such the applicant was entitled to receive HRA.



5. In this case, a perusal of an allotment letter as at Annexure-A15, shows very clearly that the allotment of quarter to one of the applicants in O.A.Nos.919/94 & 1014 to 1025/94, similar to this, disposed of today, was made by the ITI and the various terms and conditions including payment of rent, water and electricity charges for the quarter so allotted are laid down in the allotment letter itself and the allottee-applicant concerned has signed the leave and licence agreement with the ITI as at Annexure-A16. The two parties to the agreement are only the ITI and the allottee-applicant concerned and the Government is nowhere in the picture. This, by itself, establishes that the accommodation to the applicant was allotted by the ITI and not by the Government. ITI, no doubt, is a public sector undertaking of the Central Govt., but, it is a corporate body and an independent legal entity which can sue and be sued. Accommodation owned by such a corporate body cannot be said to be Government accommodation. The rules relating to payment of HRA only provides that where the Government allots accommodation, HRA is not payable. No other rule has been brought to my notice by the learned Additional Central Govt. Standing Counsel providing for non-payment of HRA to a Govt. employee to whom accommodation is allotted by any other body other than the Government.

6. Learned Additional Central Govt. Standing Counsel produced a file and drew my attention to the case of allotment of accommodation to Shri R. Krishnappa, applicant No.10 in O.A. Nos. 919/94 and 1014 to 1025/94 referred to supra showing that the applicant made a request to the Director, Quality Assurance, Bangalore, seeking allotment of ITI quarters on out of turn basis and that allotment itself was made by the Director, Quality Assurance to the applicant. Therefore, the allotment of quarters was made by the Director and as such the allotment should be treated as allotment having been made by the Government.

However, it must be stated that the counsel was considerate enough to admit that even in Shri Krishnappa's case, the final allotment was actually made by the ITI vide its letter dated 26.5.1991 and a leave and licence agreement was also got executed by it with Shri Krishnappa. In view of the foregoing, the letter of allotment to Shri Krishnappa issued by the Director, Quality Assurance, referred to by learned counsel by producing the relevant file at the time of arguments cannot be of any help to the respondent.

The learned Additional Central Govt. Standing Counsel appearing for the respondent states at this stage that as those ITI quarters in the Doorvaninagar have been requisitioned by the Government and on that basis allotment made in the case of Shri Krishnappa and others the allotment made should be deemed to be allotment made by the Government of a requisitioned property. Unfortunately, Shri Rao was not able to produce any document to establish that the quarters allegedly allotted by the Government to the applicants had been requisitioned by the Government for making such allotment. In fact, this contention does not seem to be correct, because even in the case of Shri Krishnappa, where there is a letter addressed to Shri Krishnappa by the Director allotting a particular quarter, it was the ITI which had ultimately allotted the quarter and it was with the ITI with whom Shri Krishnappa had entered into leave and Licence agreement. If the quarters ^{which} were allotted had been requisitioned by the Government, ITI would not have allotted them to the applicants and would not have entered into leave and licence agreements with them. In view of the foregoing, it is held that the quarters allotted to the applicants by the ITI cannot be said to be allotted to the applicants by the Government.

7. In view of the foregoing, the applicants are entitled to payment of HRA. However, the applicants are allowed HRA only with effect from the date on which they approached this Tribunal, i.e., 15.7.1994. The respondent is directed to start paying the HRA regularly, monthly, with immediate effect and as regards the arrears, he should pay the same to the applicants within a period of two months from the date of receipt of a copy of this order. In the circumstances of the case, there will be no orders as to costs.

Sd/-

(T.V. RAMANAN)
MEMBER (A)



TRUE COPY

[Signature]
23/11/94

Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore