

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH: HYDERABAD

O.A. NO.

~~T.A. NO.~~DATE OF DECISION 11-9-89V. Pandu & others

Petitioner

C. SuryanarayanaAdvocate for the
Petitioner (s)

Versus

The Telecom Dist. Engineer, Hyd.
and 2 others

Respondent

B. Ramakrishna ReddyAdvocate for the
Respondent (s)

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The Hon' ble Mr.

The Hon' ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not?
3. whether their Lordship wish to see the fair copy of the Judgment?
4. whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice-Chairman on columns 1,2,4, (To be submitted to Hon'ble Vice-Chairman where he is not on the Bench)

no

no

no

no

no

(no)

(no)

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ORIGINAL APPLICATION NO.424/87

(Judgment of the Bench dictated by Hon'ble

Sri B.N.JAYASIMHA, Vice-Chairman)

Applicant herein seeks to question the stopping of HRA and CCA pay to the applicant from ^{Feb.} February, 1989 and to direct the respondent to pay the said allowances from February, 1989 onwards.

2. The applicant's main contention in this application

is that the respondents stopped payment of H.R.A. and C.C.A.

from February, 1981 on the ground that Seri Lingampally/

Lingampally, where the petitioners ^{are} working does not fall

within the Urban Agglomeration of Hyderabad city. The

Collector vide his Proceedings No.Peshi/13813/80 dated

29-8-80 has communicated that villages where the Central

~~Government Offices are located for them~~ ^{and} falling within

8km radius from the periphery of the Hyderabad Municipal

Corporation. ^{It is understood that} the staff working at those places are entitled

^{to} for H.R.A. and C.C.A. ^{It is understood that in the annexure to the order of 21-11-80 the Collector} and in annexure thereto he has indi-

cated that Seri Lingampally is one of the such 169 villages

falling within 8km radius from the Municipal corporation

of Hyderabad periphery limits. Although the applicants

submitted this proceedings ^{dt. 29-8-80} to the authorities, the 2nd

respondent without acting upon the Collector's proceedings

insisting for a Dependency Certificate from the Collector.

3. The respondents in their counter stated that the

H.R.A. and C.C.A. for the staff working in Telephone

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Exchange at Seri Lingampally were paid upto June, 1982 inadvertently and the same has been stopped after coming to know that Seri Lingampally is not within the Urban Agglomeration Area of the city as defined in the Census report of 1981. However the department is considering the issue of payment of H.R.A. and C.C.A. of the staff working at Seri Lingampally. For ^{want of} the certificate from the Collector ^{to} the effect that Seri Lingampally is Dependent on the main city for its essential supplies of Milk, Vegetables etc., and it is within 8km from the periphery of Hyderabad Municipal Corporation. ^{the said allowances have not been paid} This matter is being pursued with the District Collector, Rangareddy District and Executive Engineer P.W.D. (R & B) Hyderabad. This dependency certificate from Executive Engineer P.W.D. (R & B), Hyderabad is awaited.

4. We have heard Sri C.Suryanarayana, the learned counsel for the applicant and Shri Parameswara Rao for Shri Ramakrishna Raju, Sr.CGSC on behalf of the Respondents.

5. The only point for consideration is whether the Collector has certified that Sheri Lingampally is one of the villages eligible for higher H.R.A. and C.C.A.

lvs

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The relevant part of the Collector's letter, bearing Proc.No.Peshi/13813/80 dated 29-8-1980 is reproduced below:

"In the reference cited above, the Government of Andhra Pradesh have ordered that Government servants whose offices and institutions, etc., are situated outside the limits of Greater Hyderabad Municipal Corporation are eligible for City Allowance and House Rent Allowance in lieu of Compensatory Allowance provided that such offices and institutions are situated outside the limits of Greater Hyderabad Municipal Corporation if the distance between their place of duty and the peripheral Municipal limits does not exceed 8 kms. ~~xxx~~ Subsequent to the issue of these orders, repeatedly representations were being received for declaring certain villages to be within 8 kms. of peripheral of the Municipal Corporation of Hyderabad.

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To set at rest this entire confusion and also to ensure that nobody draws the allowances, if the institutions or the offices are beyond 8 kms. from the boundary of Municipal Corporation of Hyderabad, the matter has been thoroughly examined. The Asst. Director, Survey (Land Records) has gone into the whole issue in consultation with the other concerned Departments of the District and submitted recommendations

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5/10/80

to a Committee of Officers under the Chairmanship of the Joint Collector, Ranga Reddy district. The Survey of India Map has been consulted with reference to the map of Municipal Corporation of Hyderabad and a map prepared by the Hyderabad Urban Development Authority. After a thorough verification, the boundary of Municipal Corporation and the boundary of 8 kms. distance from the boundary of the Municipal Corporation has been marked on the map of Survey of India map, and the villages which fall within this 8 kms. boundary have been identified and listed out. Only these villages, which come to 169 are eligible for the allowances as mentioned in the reference cited above.

Hence in supercession of the various certificates and clarifications issued earlier by this office, it is hereby certified that only 169 villages as contained in the annexure enclosed fall within 8 kms. radius from the periphery of the Greater Municipal Corporation of Hyderabad. Only the offices and the institutions of the Government of India and Government of Andhra Pradesh and other quasi Government institutions situated in these 169 villages are eligible for the allowances as envisaged in the Govt. Memo. cited above. The controlling and disbursing officers of the Departments

Sd/-

6/10/82

and institutions are requested to ensure that the offices and institutions situated outside the Municipal Corporation of Hyderabad, but not included in this 169 villages are not wrongly paid the above two allowances and further action taken.

As this number of 169 villages is arrived at strictly following the map of Survey of India by the team of competent officers, this office will not entertain any further request for adding any villages to this list."

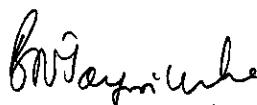
6. In the schedule to this letter, in Rajender Nagar Taluk, at Serial No.1, the name of the village is mentioned as 'Serilingampally'. A doubt was expressed whether 'Serilingampally' and 'Lingampally' are the same and we ~~are~~ have, therefore, adjourned the case to today, for the applicants to enable the counsel to produce the relevant certificate from the revenue authorities. He has produced a letter from the Mandal Revenue Officer, Serilingampally bearing Lr.No.1B/1271/89 dated 24-8-89 in which it is stated that 'Lingampally' and 'Serilingampally' are one and the same village. In these circumstances, we do not find that any clarification is required from the Collector before declaring 'Serilingampally' as

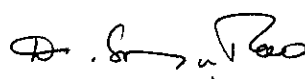
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eligible for the benefits as stated in the counter.

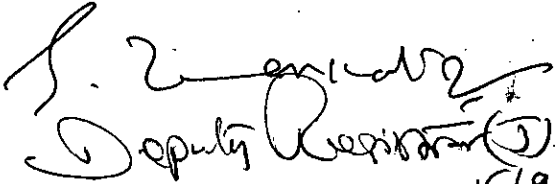
In the result the Application is allowed and the benefits of H.R.A. and C.C.A. ^{will} ~~can~~ be calculated from Feb. 1981 and disbursed to the applicants within three months from the date of receipt of this order. In the circumstances there will be no order as to costs.


(B.N. Jayasimha)
Vice-Chairman


(D. Surya Rao)
Member (J)

Dated: 11th September 1989.
Dictated in open court.

mhb/


Deputy Registrar (J)
15/9/89