

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD BENCH ::
AT HYDERABAD.

O.A.No. 607/89.

Date of Decision: 21-2-92

Between:

Y.E. Rao

..

..

Applicant

Vs.

Executive Engineer (Electrical),
Hyderabad Central Electrical Divn. I,
C.P.W.D., Sultan Bazar, Hyderabad

..

Respondent

.....

For the applicant

:

Sri P.B.Vijaya Kumar, Advocate.

For the respondent

:

Sri Naram Bhaskara Rao, Addl.
Standing Counsel for Central
Government.

CORAM:

HON'BLE SHRI R. BALASUBRAMANIAN, MEMBER (ADMN.)

HON'BLE SHRI C.J. ROY, MEMBER (JUDL.)

{JUDGMENT OF THE BENCH AS PER HON'BLE SRI R.BALASUBRAMANIAN,
MEMBER (ADMN.) }

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This application is filed by Sri Y.E.Rao against the Executive Engineer (Electrical), Hyd. Central Electrical Division I, CPWD, Hyderabad under sec. 19 of the Administrative Tribunals Act, 1985 seeking a direction to quash the Order No.1(3)88/HCEDI/2017 dated 1-8-1988 and also for a declaration that he is eligible for House Rent Allowance (HRA) and Licence Fee during January, 1988 to Sep., 1988.

2. The applicant is working as Asst. Engineer (Electrical) in C.P.W.D. under the respondent. On transfer he joined as

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Asst. Engineer in C.R.P.F. Unit on 31-12-1987. Till the end of August, 1988 the quarter attached to his post was not vacant since the previous incumbent continued to occupy it. The applicant was therefore accommodated in a room attached to the Mess of the C.R.P.F. Officers. This arrangement was by the C.R.P.F. authorities and he was charged ^a nominal fee according to their rules. While so, the respondent wanted to recover the Licence fee together with H.R.A. from 1st January, 1988 to Sep., 1988. The applicant made representations but in vain. Hence this application.

3. The respondents have filed counter affidavit and opposed the application. It was first reported to them that he had been given a quarter by the C.R.P.F. authorities, but later on, they came to know that only some accommodation was given and not a quarter to the applicant. It is, however, their contention that in-as-much-as the applicant was in occupation of Government accommodation he is not entitled to House Rent Allowance.

4. We have ^{examined} ~~seen~~ the case and heard rival sides. It is clear from the contention of the applicant and annexures appended to the application that the applicant was given not a regular accommodation of his entitlement but an apology for accommodation for which he has paid the C.R.P.F. authorities separately according to their rates. The contention of the respondent that he is not entitled to H.R.A. because he was in possession ^{of this type of} ~~of the~~ Government accommodation ^{even} is untenable. We have, therefore, no hesitation to hold that the contention of respondent is untenable and direct the respondent not to deny the H.R.A.

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to the applicant for the period from January, 1988 to September, 1988. The application is allowed accordingly. No order as to costs.

R. Balasubramanian

(R. BALASUBRAMANIAN)
MEMBER (A)

hsm
(C.J. ROY)
MEMBER (J)

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Dated *21st* February, 1992.

86/3/92
Dy. Registrar (J)

grh.

To

1. The Executive Engineer (Electrical),
Hyderabad Central Electrical Divn. I
C.P.W.D. Sultan Bazar, Hyderabad.
2. One copy to Mr. P. B. Vijaya Kumar, Advocate
Advocates Association, High Court of A.P. Hyderabad.
3. One copy to Mr. N. Bhaskar Rao, Addl. CGSC. CAT. Hyd.
4. One spare copy.

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TYPED BY

CHECKED BY

RM
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COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.

V.C.

THE HON'BLE MR. R. BALASUBRAMANIAN : M(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY :
M(JUDL)

AND

THE HON'BLE MR. C. J. ROY : MEMBER(JUDL)

DATED: 21-2-1992

~~ORDER~~ / JUDGMENT:

R.A/C.A/ M.A.No.

in

O.A.No.

607/89

T.A.No.

(W.P.No.)

Admitted and interim directions
issued.

Allowed

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for Default.

M.A. Ordered/ Rejected

No order as to costs.

