

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. No.941 of 1990

Date of decision: 23-12-1991.

Between

1. Heavy Water Project Manuguru
Employees' Association, rep. by
its General Secretary.

2. Syed Khasim Hussain

... APPLICANTS

A N D

1. Government of India, rep. by Secretary,
Department of Atomic Energy,
C.S.M.Marg, Anushakthi Bhavan,
Bombay.

2. The Chief Executive,
Heavy Water Project,
Dept. of Atomic Energy,
C.S.M.Marg, Bombay.

3. Internal Financial Adviser,
Heavy Water Boards,
Vikram Sarabhai Bhavan,
Anushakthi Nagar (BARC), Bombay.

4. The General Manager,
Heavy Water Project,
Manuguru, Khammam District, A.P.

5. Government of Andhra Pradesh,
rep. by its Chief Secretary,
Hyderabad.

... RESPONDENTS

Appearance:

For the applicants : Smt.N.Sobha, Advocate

For the Respondents (154): Sri N.V.Ramana, Addl.CGSC

For the Respondents (R.5): Sri D.Panduranga Reddy, spl.counsel for A.P.

CORAM:

The Hon'ble Shri R.Balasubramanian, Member (Administration)

The Hon'ble Shri T.Chandrasekhara Reddy, Member (Judicial)

contd...2.

J U D G M E N T

(of the Bench delivered by the Hon'ble Shri R. Balasubramanian, Member (A)).

This Application filed by the Heavy Water Project Manuguru Employees' Association, represented by its Secretary Shri Syed Khasim Hussain and another, under Section 19 of the Administrative Tribunals Act, 1985, seeks a direction to the Respondents to pay the Bad Climate Allowance and the Tribal Area Allowance, with effect from the dates of their joining at the respective places as being paid to other similarly placed persons working in the area.

2. The applicants are working in the Atomic Energy establishment at Manuguru in Khammam District of Andhra Pradesh. It is their case that they are entitled to the Bad Climate Allowance and the Tribal Area allowance. Attention has been drawn to the O.M.No.20012/1/86.E.IV dated 23-9-1986 issued by the Ministry of Finance, Department of Expenditure. When they did not get these allowances, they pursued the matter with the Respondents who had rejected their request by their letter dated 14-9-1989 (A.14) stating that both the Project Allowance and the Bad Climate Allowance cannot be drawn together. Hence this application.

3. The Respondents have filed a counter affidavit and opposed the application. It is their case that in terms of the Government of India, Ministry of Finance, Department of Expenditure letter No.20011/5/B-E.IV(B) dated 17-1-1975 (R.1) where Project Allowance is paid, no other special compensatory allowances like Bad Climate Allowance and Tribal Area Allowance are permissible. After considering the question again at the instance of the Department of Atomic

Energy, the Ministry of Finance have finally stated that Project Allowance and Bad Climate Allowance cannot be drawn together.

4. We have examined the case and heard the learned counsel for the rival sides. The Fourth Pay Commission has recommended continuance of the Project Allowance with new rates primarily to compensate the staff working in identified project areas for lack of amenities such as housing, schools, markets, dispensary and other civic amenities. It is also envisaged that the allowance ~~be~~ can be withdrawn in a phased manner as and when these amenities are available at or near the project site. However, by the Govt. of India's decision dated 17-1-1975 referred to above and ^{current} ~~upheld~~ till recently, the Respondents are contending that Project Allowance and other compensatory allowances cannot be paid together. The applicants contend that the staff of the Posts and Telegraph Department

are being paid Tribal Area Allowance ⁿ ~~but~~ We find from Annexure.17, a letter by the Sub-Post Master, Manuguru Collieries that they ^{are not} ~~are~~ getting Bad Climate Allowance but ^{that} they are ~~not~~ getting Tribal Area Allowance. It is not clear from this letter whether they are getting the Project Allowance. On the other hand, the Respondents deny that the Posts and Telegraph employees posted at Manuguru are paid either Project Allowance or Bad Climate Allowance. The applicants also have drawn our attention to the fact that the Central Industrial Security Force personnel are paid Bad Climate Allowance in accordance with the Memo. of 23-9-1986 but the Respondents have drawn our attention to the fact that the payment of

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Bad Climate Allowance to the C.I.S.F. personnel will be subject to the grant of the same as to the other Central Government employees in that area. The applicants have not made out a case that the C.I.S.F. personnel are getting both the Project Allowance and Bad Climate Allowance. More over, the C.I.S.F. is an armed force and is outside the jurisdiction of this Tribunal which we cannot consider.

5. The short question is whether the Bad Climate Allowance and Tribal Area Allowance can be paid in addition to the Project Allowance. The applicants have not made out a case that the Project Allowance and the Bad Climate Allowance are paid together to any other Central Government employees in that area. Under these circumstances, we have to accept the stand of the ^{respondents} ~~Government~~ that as per the rules both the Project Allowance and the Bad Climate allowance are not to be paid together. But then, the purpose of the two allowances is different. While the Project Allowance is paid for compensating the lack of certain amenities and is also withdrawable in phases, the Bad Climate allowance is to compensate the staff for standing the ^{rigours} ~~rigorous~~ of the climate. There is no question of withdrawing this since climatic conditions cannot be changed. We are, therefore, of the opinion that so long as the Project Allowance does not go below the level of Bad Climate Allowance, there is justifiable compensation to the staff working in this area. It is an undisputed fact that Manuguru is in an area recognised for Bad Climate Allowance. Such being the case, we give the liberty to the Respondents not to pay the Bad Climate Allowance in

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addition to the Project Allowance. But the Respondents shall ensure that at no time the Project Allowance payable shall go below the rate of Bad Climate Allowance decided upon in their memo. dated 23-9-86.

6. As regards the Tribal Area allowance, the Respondents have not produced any memo. that ~~unlike~~ ~~in the case of Bad Climate Allowance~~, Manuguru area is ^{eligible} ~~entitled to~~ Tribal Area allowance, ~~also~~. Such a decision of the Government of India not having been shown to us we are not in a position to give any direction to the Respondents regarding the Tribal Area Allowance except to the extent that such allowance may also be paid to the staff, if there are any rules permitting the same.

7. The Application is disposed of, thus, with no order as to costs.

R. Balasubramanian
(R. Balasubramanian)
Member (Admn.)

T. Chandrasekhara Reddy
(T. Chandrasekhara Reddy)
Member (Judl.)

Dated: 23rd day of December, 1991.

mhb/

83/12/91
Dy. Registrar (Judl.)

Copy to:-

1. Secretary, Govt. of India, Dept., of Atomic Energy, C.S. Marg, Anusakthi Bhavan, Bombay.
2. The Chief Executive, H.W.P. D.A.E., Department of Atomic Energy, C.S.M. Marg, Bombay.
3. Internal Financial Advisor, Heavy Water Boards, Vikram Sarabhai Bhavan, Anushakty Nagar, B.A.R.C., Bombay.
4. The General Manager, Heavy Water Project, Manguru, Khamman District, Khamman.
5. Chief Secretary, Govt. of A.P., Secretariat, Hyd.
6. One copy to ~~Sd/-~~ N. Sobha, 2-2-1105/21, Tilaknagar, Hyd.
7. One copy to Shri. N.V. Ramana, Addl. CGSC CAT, Hyd.
8. One copy to Shri. D. Panduranga Reddy, Spl. Counsel for A.P., C.A.T. Hyd.
9. One spare copy.

Rsm/-

R.M.
30/12/91
O.A. 947/90
(3)

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.

:V.C

AND

THE HON'BLE MR.

M(J)

AND

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

AND

THE HON'BLE MR. T. Chandrasekhar Reddy: M(J) ✓

DATED: 23/12/1991 ✓

ORDER/ JUDGMENT: ✓

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

in

O.A. No.

941/90 ✓

T.A. No.

(W.P. No.)

Admitted and Interim Directions
Issued.

Allowed.

Disposed of with directions

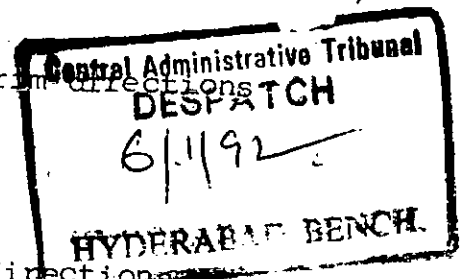
Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

M.A. Ordered/Rejected

No order as to costs.



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