

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT HYDERABAD.

O.A.No. 75 of 1990.

Between:-

Harish Kumar, I.A.S., Aged 32 Yrs;
S/O. Bal Krishan Kundra,
Asst. Collector, Vikarabad-
Revenue Division, Vikarabad,
Rangareddy District.

Applicant.

And

1. The State of Andhra Pradesh,
Rep: by its Principal Secretary,
Finance & Planning (Fin.Wing-TA)
Department, Secretariat,
Hyderabad.

2. The District Treasury Officer,
R.R. District at Hyderabad;

3. The Collector, R.R. District,
at Hyderabad. Secretary

3. Union of India Rep by Ministry of personnel
& Training, Deptt of Home Affairs, NEW DELHI

Respondents.

DETAILS OF APPLICATION:

1. Particulars of the Applicant:

(i) Name of the Applicant: Harish Kumar, I.A.S.,

(ii) Name of Father: Bal Krishan Kundra.

(iii) Age of Applicant: 32 years;

(iv) Designation and particulars of Office in which employed: Assistant Collector,
Vikarabad Revenue Divn:
Vikarabad, R.R. District;

(v) Office Addresses: Assistant Collector,
Vikarabad Revenue Divn:
Vikarabad, R.R. District;

(vi) Address for service of Notices: C/O. M/s. M. Rama Rao;
~~N. Venkat Reddy;~~
M.V. Praveen Kumar,
Advocates,
3-4-835/2, Barkatpura,
Hyderabad-500 027.

2. Particulars of Respondents:

(i) Names of Respondents: (1) State of Andhra Pradesh;
Rep: by its Principal
Secretary to Government,
Finance & Planning (Finance
Wing-TA) Department,
Secretariat Buildings,
Hyderabad.

(i) Name of Respondents;
(Continued).

(2) The District Treasury Officer,
Rangareddy District;
Hyderabad;

(2) The Collector,
Rangareddy District;
Hyderabad;

(ii) Name of Father:

(3) Union of India, Rep. by
Secretary, Ministry of Personnel
New Delhi, Training,
Dept. of Home Affairs
New Delhi

(iii) Age of Respondents:

(iv) Designation and particulars of Office in which employed:

(1) -do-
(2) -do-
(3) -do-

(v) Office Addresses:

(1) -do-
(2) -do-
(3) -do-

(vi) Address for service of Notices:

(1) -do-
(2) -do-
(3) -do-

3. Particulars of the order against which application is made:

(i) Order No.

G.O.Ms.No.229, Finance & Planning (Finance Wing-TA) Department; (Annexure-A1);

(ii) Date:

31-8-1988.

(iii) Passed by:

Principal Secretary to Government of Andhra Pradesh, Finance (Fin.Wing.TA) Dept: (1st Respondent);

(iv) Subject in Brief:

Discontinuing the system of providing Peons at the residences of Officers and the Compensatory Allowance at a Uniform Rate of Rs.200/- per month to Gazetted Officer in lieu of Residential Attender, the applicants preferre this O.A.

4. Jurisdiction of the Tribunal:

The Applicant declares that the subject matter of the order against which ~~he~~ wants redressal is within the jurisdiction of the Tribunal, since the Applicant is working under the Government of Andhra Pradesh in Rangareddy District and so challenging the order issued by the Govt. Hence, this Tribunal has jurisdiction under Section 19 ^{Central} of the Administrative Tribunals Act, 1985;

5. Limitation:

The Applicant declares that he is filing separate Affidavit and petition for condoning the delay in preferring this O.A. under Section 21 of the Act

6. Facts of the Case:

(i) The Applicant is Gazetted Officer working in the Rangareddy District in the Revenue Department, as Assistant Collector, Vikarabad Revenue Division. The Government through G.O.Ms.No.296, Finance & Planning (F.W.TA) Department dated 24-11-1986 sanctioned compensatory allowance in lieu of Residential Attender to all the Gazetted Officers. The Pay Revision Commission in 1986 recommended that

(i) The Scheme of payment of Compensatory allowance in lieu of Residential Attender should continue; (ii) it should be paid to all those who are in the revised scale of Rs.1,550-3,050 and above; (iii) the quantum of such allowance should be uniform at Rs.200/- per month for all employees, and (iv) there should be no question of sanctioning the allowance each time an officer changes his post nor any requirement that there must be shown a sanctioned post of Peon against Peon Compensatory allowance. The Government has accepted the said recommendation and issued the above G.O.Ms.No.296, dated 24-11-1986 for continuing the payment of compensatory allowance in lieu of Residential Attender.

(ii) Thorough G.O.Ms. No.229, Finance and Planning(FW.TA) Department, dated 31-8-1988, the Government ordered to dis-continue the Compensatory allowance in lieu of Residential Attender for the Gazetted Officers without any valid ground which is arbitrary and illegal and affects the Fundamental Rights of the Applicant guaranteed under Article 16 of the Constitution of India. As the applicant has no other - alternative remedy, the applicant is approaching this Hon'ble Tribunal for issuing an appropriate order or direc-
tion, on the following among other:

G R O U N D S:

(i) The action of the authorities in with-drawing the compensatory allowance in lieu of Residential Attender to the Gazetted Officers without any valid reason is arbitrary and illegal;

7. Details of the remedies exhausted:

The applicant declares that since the Impugned Order was passed by the Government itself, there is no statutory appeal provided under the rules, hence he has no other alternative and efficacious remedy but to invoke the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunals Act, 1985; Hence this O.A.

8. Matters not previous filed or pending with any other Court;

The Applicant further declares that he had not previously filed any application, Writ Petition or Suit regarding the matter in respect of which this applica-
tion has been made before any court of law or any other authority or any other Tribunal and nor any such applica-
tion, Writ Petition or suit is pending before any of them.

9. Relief(s) Sought:

In view of the facts mentioned in para 6 above, the Applicant prays that the Hon'ble Tribunal may be pleased to issue an appropriate order or direction:-

- (a) declaring the action of the Respondents in withdrawing the Compensatory allowance in lieu of Residential Attender to the Applicant, who is Gazetteer Officer, vide G.O.Ms.No.229,Fin.&Plng: (FW.TA) Dept: dated 31-8-1988, is arbitrary and illegal and the same be quashed;
- (b) directing the Respondents to continue to pay the Compensatory allowance at Rs.200/- per month in lieu of residential attender to the Applicant;
- (c) Granting all consequential benefits to applicant including arrears of the allowance;
- (d) awarding costs to Applicant;

or any other orders appropriate in the circumstances of the case may be passed;

10. INTERIM ORDER, if any prayed for:

The Applicant is getting the compensatory allowance in lieu of Residential Attender till 31-8-1988 at the rate of Rs.200/- per month, but subsequently the same was discontinued following the issuance of the Impugned G.O. because of which the applicant was deprived of monetary benefits. The impugned G.O. has since been quashed by this Hon'ble Tribunal in similar cases filed by other persons but the authorities have been restoring the payment of Peon allowance only to those applicants but not to all.

In the circumstances, it is prayed that the Hon'ble Tribunal may be pleased to issue a direction to the Respondents to continue payment of the compensatory allowance in lieu of residential attender to the applicant at Rs. 200/- p.m., pending disposal of the O.A., or any other

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Orders appropriate in the circumstances of the case may be passed;

11. The Applicant files this Application through his Counsel Mps. M.Rama Rao, N.Venkata Reddy; & M.V.Praveen Kumar, Advocates, H.3-4-335/2, Barkatpura, Hyderabad-27;

12. Particulars of Bank Draft/Postal Order in respect of the Applicant Fee:

1. Name of the Bank on which drawn:

2. Demand Draft No:

Or

1. No. of Indian Postal Order; 641799
2. Name of Issuing Post Office; G.P.O
3. Date of Issue of Postal Order; 4-1-90
4. Post Office at which payable; G.P.O

13. List of Enclosures:

L.P.O./S.C./D.D./Removed

1. G.O.Ms.No.229, Finance & Planning;
(FW.TA) Dept: 31-8-1988;

2. Vakalatnama;

3.

4.

5.

VERIFICATION:

I, Harish Kumar, I.A.S., Aged 32 years, Son of Bal Krishan Kundra, working as Assistant Collector, Vikarabad Revenue Division, Vikarabad, R.R.District, R.O. Vikarabad, R.R.District, do hereby verify that the contents of paras 3 to 9 are true to my personal knowledge and paras 4 and 5 are believed to be true on legal advice and that I have not suppressed any material facts.

Hyderabad;
Dt.4-1-1989.

Signature of Applicant.

To
The Registrar,
Central Administrative Tribunal,
Hyderabad;

Signature of the Counsel

Government of Andhra Pradesh.

Abstract.

Allowances-Compensatory allowance in lieu of Residential Attender-Discontinuance-Orders-Issued;

FINANCE AND PLANNING(FW.TA)DEPARTMENT.

G.O.Ms. No.229.

Dated: 31-8-1988;
Read the following:-

1. G.O.Ms.No.326,Fin.Dept: of the Composite Madras State,dt.5th April, 1948;
2. G.O.Ms.No.1059,GA(AC) Dept: dt.11-1-~~24~~ 1971;
3. G.O.Ms.No.608, GA(AC) Dept: dt.11-8-1976;
4. G.O.Ms.No.359,GA(AR&T) Dept: dt.3-7-81;
5. G.O.Ms.No.83, GA(AR&T) Dept: dt.16-2-1982;
6. Cir.Memo No.38810/786/TAT81-1,Fin.&Plng:
FW(TA) Dept dt.12-4-1982;
7. G.O.Ms.No.29, GA(AR&T) Dept: dt.16-1-1984;
8. G.O.Ms.No.30, GA(AR&T) Dept: 17-1-1985;
9. G.O.Ms.No.288,Fin.&Plng(FW.PRC.I) Dept ;dated
17-11-1986;
- 10.G.O.Ms.No.296,Fin.&Plng(FW.TA) Dept: dt.24-11-86;

ORDER:

In the G.O.2nd read above orders were issued for discontinuance of the system of providing peons at the residences of Officers and a compensatory allowance of Rs.75/- pm., subject to a maximum of Rs.150/- p.m. be paid to the Officers from whom residential peons are withdrawn. Subsequently, the rate of compensatory allowance has been enhanced from time to time and in the G.O.10th read above, the peon compensatory allowance at a uniform rate of Rs.200/- pm., was made applicable to all the Gazetted Officers in the scale of Rs.1550-70-2250-80-3050.

2. Government, after careful review, have decided to withdraw the scheme of payment of compensatory allowance in lieu of residential attender. Govt: therefore, direct that the instructions issued in G.O.2nd cited as well as in the subsequent G.Os., read above wherever such allowance was ordered shall be cancelled.

3. These orders will be given effect to from 1st September, 1988.

(By Order and in the name of Governor of Andhra Pradesh)

Sd/- K.Subrahmanyam,
Principal Secretary to Government.

" TRUE COPY "



1/Asstt. A.

S.R No.

Ramgarh Nellore DISTRICT

**Andhra Pradesh
Administrative Tribunal
at Hyderabad.**

VAKALAT

IN

O.A. No

of 1990

ACCEPTED

Dr. Venkatesh
APPELLANT
Advocates for PETITIONER
RESPONDENT

M. V. Praveen Kumar

*High Court of AP
Hyderabad*

APPELLANT
Advocates for PETITIONER
RESPONDENT

Address for service of the said Advocates is at :