

(33)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
HYDERABAD

OA No. 334/91

Date of judgement: 18-3-93.

Between

1. D.V.S. Prakasa Rao
2. M.T. Raza
3. Syed Sharfuddin
4. K. Yadagiri
5. M.V. Rama Rao

: Applicants

And

1. The Divisional Engineer, Telecom (Rural),
Hyderabad-500 050.
2. The General Manager,
Hyderabad Telecom. District,
Hyderabad-500 033.
3. Union of India represented by
the Secretary, Ministry of Finance,
Department of Expenditure,
New Delhi-110 001.

: Respondents

COUNSEL FOR THE APPLICANTS : Shri C. Suryanarayana

COUNSEL FOR THE RESPONDENTS : Shri N.V. Ramana.

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Hon'ble Justice Shri V. Neeladri Rao, Vice-Chairman
Hon'ble Shri R. Balasubramanian, Member (Admn.)

(Judgement of the division bench delivered by Shri
Justice V. Neeladri Rao, Vice-Chairman).

Heard the learned counsel for the applicant
and the learned counsel for the respondents.

These 5 applicants are employed by the
Telecommunication Department working at Kompally from
various dates prior to 1-4-91 the date on which this
OA was filed. They were not granted HRA & CCA at

Hyderabad rates. Their contention is that Kompally is
169
one of the villages mentioned in the proceedings of
the Collector & District Magistrate, Ranga Reddy
District, Hyderabad vide his Memo. No. Peshi/13813/80
dated 29-8-80 and hence they are entitled to HRA &
CCA at Hyderabad rates. The District Collector
certified that 169 villages mentioned above fall within
8 Kms. radius from the periphery of the Greater Municipal
Corporation of Hyderabad, and only the offices and the
institutions of Govt. of India and Govt. of Andhra
Pradesh and other quasi Govt. institutions situated
in these 169 villages are eligible for the allowances
as envisaged in the Govt. Memo. cited above. Rule 3(b)(iii)
of Ministry of Finance office Memorandum No. F-2(37)-E-
II-(B)/64 dated 27th November, 1965 as amended from
time to time including OM No. 11013/2/86-E-II(B) dated
23rd September, 1986 and Director of Estates No.
12034(1) 82-Pol-III dated 21-5-1984 stipulates that
staff working in Aerodromes, ~~Meteorological~~ observatories
wireless stations and other Central Govt. establishments
within 8 Kms. from the periphery of municipal limits
of qualified city will be allowed HRA at the rates
admissible ~~in~~ the city ~~xxxxx~~ provided there is no
other conurbation area, suburban municipality, notified
within 8 Kms. limit and it is certified by the Collector/
Deputy Commissioner having jurisdiction over the area
that the place is generally depending for its essential
supplies, e.g. foodgrains, milk, vegetables, fuel etc.
on the qualified city. It further states that such a
certificate will remain valid for a period of three years
after which a fresh certificate will be required. The
District Collector, Ranga Reddy District certified both
in 1985 and in 1988 that the village Kompally ~~satisfied~~
in regard to 2 conditions referred to above. The same
is evident from the letter dated 27-6-89 of Divisional
Engineer Telecommunications to the Asst. Director (R&E)

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% Chief General Manager, Telecom., A.P. It is submitted for the respondents that on the basis of the said certificate of District Collector, Ranga Reddy, Chief General Manager, Telecom., A.P. vide his letter dated 24-6-91 informed the General Manager, Hyderabad that the employees of the department working in Kompally and other 6 villages referred to therein are eligible for HRA & CCA on par with the rates of Hyderabad city with immediate effect and accordingly these applicants are also entitled for HRA & CCA at the rates applicable for Hyderabad city from 24-6-91. Rule 3(b) (iii) of the memo. dated 27th November, 1965 as amended from time to time does not stipulate that HRA at the rates applicable to the qualified city has to be given from the date on which the concerned authority has taken a decision in pursuance of the certificate issued by the District Collector in 1989. The District Collector, Ranga Reddy issued in 1989, a certificate to the effect that the 2 conditions referred to were satisfied in regard to Kompally and other villages referred to for a further period from 1-4-88.

The learned Standing Counsel for the respondents relied upon the certificate dated 24-6-91 of the District Collector, Ranga Reddy to contend that these two conditions were satisfied only for the period from 24-6-91 and hence the concerned employees in Kompally were given HRA & CCA at the rates applicable for Hyderabad city with effect from 24-6-91. But as the earlier certificate which was effective from 1-4-88 was in force till 31-3-91, it can be stated that the certificate dated 24-6-91 issued by the District Collector, Ranga Reddy can be held to be effective for the ~~xxxxxx~~ period i.e. from 1-4-91.

Though we held that HRA & CCA are to be paid at the rates applicable for Hyderabad city in regard to the concerned employees in Kompally including the applicants, as this OA

~~was presented on~~ 1-4-91 only and the period of ~~deputation~~ ^{limitation} is one year, as per Section 21 of Administrative Tribunal Act, the monetary benefit is being ordered only for the period from ~~1-4-91~~ 1-4-90.

As these applicants worked in Kompally even for the period from 1-4-90, the respondents are directed to pay HRA & CCA at the rates applicable to Hyderabad from 1-4-90 to 23-6-91 also and arrears ^{have} thereof ~~has~~ to be paid within 3 months from to-day. The OA is ordered accordingly. The office is directed to communicate a copy of this order ^{to} ~~both~~ Respondent 1 and Respondent 3 by 31-3-93.

AN
(V. Neeladri Rao)
Vice-Chairman

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

(Dictated in the open court)

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Dated 18th March, 1993.

30393
Dy. Registrar (Judl.)

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Copy to:-

1. The Divisional Engineer, Telecom (Rural), Hyderabad-050.
2. The General Manager, Hyderabad Telecom District, Hyd-033
3. Secretary, Ministry of Finance, Department of Expenditure, Union of India, New Delhi-001.
4. One copy to Sri. C.Suryanarayana, advocate, CAT, Hyd.
5. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
6. One spare copy.

Rsm/-

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