

(86)

CAT/3/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
~~NEW DELHI~~ HYDERABAD

O.A. No. 1020/91
T.A. No.

198

DATE OF DECISION First May 1992

Sri R.,. Narasimhulu and 43 ors Petitioner

Sri S. Ramakrishna Rao Advocate for the Petitioner(s)

Versus

Chief Post Master General Respondent
Hyderabad

Sri NV Ramana Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. T. CHANDRASEKHARA REDDY, MEMBER (JUDL.)

The Hon'ble Mr. ---

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

MGIPRRND-12 CAT/86-3-12-86-15,000

T. i. n. p.
(HTCR)
M(J)

(37)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

ORIGINAL APPLICATION NO.1020/91

DATE OF ORDER: FIRST MAY 1992

BETWEEN

1. Sri Naresimhulu, Postal Assistant
2. Sri Udaya Shanker, SDI (P)
3. Sri G. Venkatacharyulu, Sub Post Master
4. Sri P. Yadagiri, Postal Assistant
5. Sri Ch. Balasubramanyam, Postal Assistant
6. Sri J. Narasimha Rao, Treasurer
7. Sri M.A. Baig, Postal Assistant
8. Sri T. Rajaiah, Postal Assistant
9. Sri P.S. Ramteke, Postal Assistant
10. Sri Riaz Ahmed, Postal Assistant
11. Sri Haridas Sardar, Postal Assistant
12. Sri N. Tirupathi, Postal Assistant
13. Sri Bhujanga Rao, Postal Assistant
14. Sri M. Yadagiri, Postal Assistant
15. Smt M. Victoria, Postal Assistant
16. Sri V. Sadhasiv, Postal Assistant
17. Sri M. Pocnamchand, Sub-Post Master
18. Sri M. Rajaiah, Sub-Post Master
19. Sri S. Subba Rao, Postal Assistant
20. Smt Mary Joshila, Sub-Post Master
21. Sri K.B. Premandam, Head Postman
22. Sri Mohd. Abdulla, Mail Overseer
23. Sri K. Shanker, Mail Overseer
24. Sri Mohd. Sadiq Ali, Postman
25. Sri Mohd. Abbas, Postman
26. Sri Syed Amir Ali, Postman
27. Sri E. Ramdas, Postman
28. Sri J. Yesudas, Postman
29. Sri Mustafa Ali, Postman
30. Sri H. Babu Rao, Postman
31. Sri M.A. Mateen, Postman
32. Sri L. Malliah, Postman
33. Sri Mohd Kursheed, Postman
34. Sri P. Pochaiah, Postman

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35. Sri P.Ramaswamy, Postman
36. Sri Vykuntham, Postman
37. Sri Mohd. Shamsheer Ali, Class IV
38. Sri Shanker, Class IV
39. Sri Maroo, Class IV
40. Sri Sadashiv, Class IV
41. Sri M. Nageswara Rao, Class IV
42. Sri G. Pochalu, Class IV
43. Sri Venkateswarlu, Class IV
44. Sri V. Narahari, Class IV

.. Applicants

A N D

1. The Chief Post Master General,
Hyderabad Region, Hyderabad
2. The Superintendent of Post Offices,
Adilabad Division, Adilabad
3. The Secretary, Deptt. of Posts,
New Delhi.

.. Respondents

Counsel for the Applicants

Sri S. Ramakrishna Rao

Counsel for the Respondents

Sri V. Rajeswara Rao for
Sri NV Ramana, Addl. CGSC

CORAM:

THE HON'BLE SHRI T. CHANDRASEKHARA REDDY, MEMBER (JUDL.)

T. Chandrasekhara Reddy

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ORDER OF THE SINGLE MEMBER BENCH DELIVERED
BY HON'BLE SHRI T. CHANDRASEKHARA REDDY, MEMBER (JUDL.)

This is an application filed under Section 19 of the Administrative Tribunals Act, to direct the respondents to restore the payment of bad climate allowance w.e.f. 1.9.1988 and to pass such other orders as may seem fit and proper in the circumstances of the case.

The facts giving rise to this OA in brief are as follows:

1. The applicants are working in Department of Posts, at ~~at~~ Kagaznagar in Adilabad District. The State Government was paying bad climate allowance to its employees working at ~~at~~ Kagaznagar. So, the Central Government was also paying the Bad Climate allowance to the applicants herein as the sanction of bad climate allowance was directly linked with the declaration by the State Government which was paying ^{as already pointed out,} bad climate allowance ~~to~~ its employees.
2. While so, the State Government as per OM No.230 Fin. & Plg. (FW-TA) dated 31.8.1988, issued orders discontinuing the payment of ~~unhealthy~~ bad climate allowance w.e.f. 31.8.1988. Basing on the State Government's action, the Central Government also withdrew payment of the said allowance to its employees. The State Government as per its order dated 10.4.1989, restored the payment of bad climate allowances to its employees. As per GO No.206 dated 9.6.89, the State Government ordered that the said bad climate allowance be paid for the period commencing from 31.8.1988. It is the grievance of the applicants herein as the bad ~~xxxx~~ climate

T. Chandrasekhara Reddy

allowances is restored and is being paid to the State Government employees w.e.f. 31.8.1988 onwards that the applicants in this OA are also entitled to be paid the same bad climate allowance on par with the State Government employees. Hence, the present OA for the reliefs as indicated above.

3. Counter is filed by the respondents opposing this OA.

4. We have heard Sri S. Ramakrishna Rao, advocate for the applicant and Sri V. Rajeswara Rao, Counsel for Sri NV Ramana, Standing for the respondents.

5. In the counter filed by the respondents, it is maintained that the Government of India has classified 'Kagaznagar' as 'C' class city for the purpose of granting House Rent allowance to the employees working at Kagaznagar as per its OM No.11016/4/90-E.II(B) dt.12.6.90. and consequent on the said OM the Postmaster General Hyderabad Region as per his memo No.PMG/H/Est/HRA&CCA/SPKZ dated 12.11.90 conveyed the sanction for drawal of arrears of HRA to the staff working at Kagaznagar with effect from 20.1.89 with instructions to the 2nd respondent to satisfy that bad climate allowance is not drawn to the officials to whom the HRA is drawn from 20.1.89 as a precautionary measure only in order to avoid over payments.

It is also maintained in the counter that declaration of Kagaznagar as 'C' class city is a later development after issue of orders granting bad climate allowance and since the State Govt vide its GO Ms No.230 dated 31.8.88 was of the opinion that the bad climate allowance need not be paid to the staff in the developed localities, and there is no need to extend the bad climate allowance to the Central Government employees working at Kagaznagar. Further it is also pleaded in the counter

though
that the sanction of bad climate allowance /is directly
linked up with the declaration by the State Government,
but it is not mandatory that payment of bad climate
allowance should be made to Central Government employees
on the basis of the declaration by the State Government
concerned. So, it is maintained ~~in-the-account~~ by the
respondents that this OA is liable to be dismissed.

6. It is not in dispute that the applicants
herein are working at ~~at~~ Kagaznagar in Adilabad
District. It is also not in dispute that the
State Government has notified the said area for payment
of bad climate allowance. It is also not in dispute in
this OA that the Central Government employees were being
paid bad climate allowance prior to 31.8.1988, as State
Government was paying bad climate allowance to its employees
working at Kagaznagar, which, as already pointed out, is
a notified area. Because the State Government withdrew the
bad climate allowance to its employees, the Central
Government also fell in line with the State Government and
had discontinued the same. We may mention here that for
withdrawing the bad climate allowance by the Central
Government, no ~~reasons~~ reasons were assigned and the only
reason being the fact that the State Government had withdraw
the said bad climate allowance that was being paid to its
employees. It is not in dispute that the State Government
employees w.e.f. 31.8.1988 are paid the said bad climate
allowance again. So, it will be reasonable to extend the
benefit of this bad climate allowance which State Govt.
employees are having ^{at Kagaznagar} / to the applicants also who are
Central Government employees. at Kagaznagar.

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7. As a matter of fact, Annexure VII appended to this OA which is the proceedings of South Central Railway SL.Circular No.143/86 dt. 27.11.86, makes it clear that at Kagaznagar the Railway employees have to be paid bad climate allowance as per the recommendations of the 4th Pay Commission. So, while State Government employees are enjoying the bad climate allowance and Railway employees are enjoying the bad climate allowance, we find no reason why the same benefit should not be extended to the applicants herein who are postal employees of the Central Government. So, it would be appropriate to give a direction to the respondents to pay bad climate allowance to the applicants herein also.

8. Annexure X, appended to the OA is a representation made by the ~~Presi~~ General Secretary of the All India Postal Employees Union Cl.III and ED on behalf of the applicants to the Director General, Deptt. of Posts, New Delhi. The said representation is dated 27.6.1991. So, for the first time, the representation had been (made) by the Employees Union on behalf of the applicants, to the Comptent Authority for payment of bad climate allowance on 27.6.1991. So, in view of this position, it will be just and reasonable to direct the respondents to pay the arrears of bad climate allowances applicable to the applicants from one year prior to 27.6.1991 that is w.e.f. 27.6.1990 and a direction is liable to be given accordingly to the respondents.

9. While making this order, we make it clear as and when the State Government withdraws to its employees the said bad climate allowance, it will be open to the Central Government to take a decision in the ~~xx~~ matter of

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payment of bad climate allowance irrespective of the directions in the judgement as the directions in this judgement do not vest any right ^{for ever} on the applicants to continue to draw bad climate allowance while working at Kagaznagar.

10. In the result, we direct the respondents to restore the payment of bad climate allowance to the applicants w.e.f. 27.6.1990 and pay them all the arrears and continue to pay the said allowance to the applicants in accordance with law. The application is allowed accordingly. In the circumstances of the case, we make no order as to costs.

T. Chandrasekhara Reddy

(T. CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: First May, 1992

[Signature]
Deputy Registrar(J)

(Dictated in the open court)

To

1. The Chief Post Master General,
Hyderabad Region, Hyderabad.
2. The Superintendent of Post Offices,
Adilabad Division, Adilabad.
3. The Secretary, Dept. of Posts, New Delhi.
4. One copy to Mr.S.Ramakrishna Rao , Advocate CAT.Hyd.
mvl
5. One copy to Mr.N.v.Ramana, Addl.CGSC.CAT.Hyd.
6. One spare copy.

pvm.

[Handwritten notes]
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TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

THE HON'BLE MR.

V.C.

AND

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

AND

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

—AND—

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

Dated: 1 - 5 - 1992.

~~ORDER~~ / JUDGMENT

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

in

O.A.No. 1020/91

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.

pvm.

