

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.1022/91.

Date of Judgement 29-7-92

1. V.Pandu
2. Md. Ghousuddin
4. N.Srikshminarayana
5. D.Gaffar Masthan Ali
6. R.V.Bhanuprasad
7. K.Nagappa
8. P.Y.Chenchaiah
9. T.N.D.Malleswari
10. G.Satyanarayana
11. P.Sambasiva Rao
12. Ch.Hanumantha Rao .. Applicants

Vs.

1. The Divl. Engineer,
Telecom. (Rural),
Hyderabad-500050.
2. The General Manager,
Hyderabad Telecom. District,
Hyderabad-500033.
3. Union of India,
represented by the
Secretary,
Min. of Finance,
Dept. of Expenditure,
New Delhi-110001. .. Respondents

Counsel for the Applicants : Shri C.Suryanarayana

Counsel for the Respondents: Shri N.R.Devaraj, Addl. CGSC

CORAM:

Hon'ble Shri R.Balasubramanian : Member(A)

Hon'ble Shri C.J.Roy : Member(J)

I Judgement as per Hon'ble Shri R.Balasubramanian, Member(A)

This O.A. is filed by Shri V.Pandu & 11 others against the Divl. Engineer, Telecom. (Rural), Hyderabad-500050 & 2 others under section 19 of the Administrative Tribunals Act, 1985. The prayer is for a direction to the respondent to pay HRA and CCA from January, 1990 onwards and also the arrears as shown in Annexure 4 to the application.

2. The same applicants as herein filed O.A.No.424/87. By its judgement dt. 11.9.89, the Bench directed:

"In the result the application is allowed and the benefits of HRA and CCA will be calculated from February, 1981 and disbursed to the applicants within 3 months from the date of receipt of this order".

3. It is alleged that the respondents paid only HRA upto December, 1989. No CCA was paid. They represented to the 1st respondent on 10.8.90 and also on 11.10.90. Since they did not get what they wanted, they have filed this new O.A.

4. The respondents have filed a counter and opposed the O.A. It is contended that the O.A. contains two independent prayers - one for arrears upto January, 1990 and the other for continuation of payment after January, 1990. It is also contended that the applicants cannot file a fresh O.A. against non-implementation of the judgement dt. 11.9.89 in O.A.No.424/87. It is also contended that Serilingampally has become a Municipality and hence allowances on par with those in Hyderabad are not permissible. It is also contended that though Serilingampally is within 8 KMs from Hyderabad Municipal limits, yet it is not within the Hyderabad Urban agglomeration.

5. We have heard both sides and examined the case. The respondents have contended that there are two independent prayers. We do not think so. The ^{only} question is of payment of HRA and CCA - arrears upto January, 1990 and continuation ^{of} of payment beyond that date. As for the other contention that the applicants cannot come up with a fresh O.A., the implied suggestion is that the applicants should have come up with a contempt application. We do not think there is scope for contempt application because the respondents have already complied with the direction in part. They have stated that Serilingampally has since become a separate Municipality and that has changed the situation. Because of this change

Copy to:-

1. The Divisional Engineer, Telecom(Rural), Hyderabad-50.
2. The General Manager, Hyderabad Telecom, District, Hyd-33.
3. Secretary, Ministry of Finance, Department of Expenditure, Union of India, New Delhi-110001.
4. One copy to Sri. C.Suryanarayana, advocate, CAT, Hyd.
5. One copy to Sri. N.R.Devaraj, Adml. CGSC, CAT, Hyd.
6. One spare copy.

7. one copy to Hon'ble Mr.C.J. Ray: M (S) CAT, Hyd

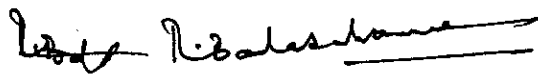
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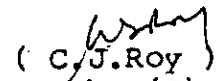
RSM/-


- 3 -

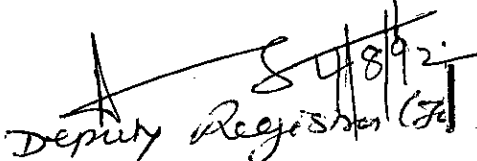
they have discontinued payment of HRA at Hyderabad also after December, 1989. We do not find any disobedience as such.

6. All the issues now raised in the counter were ^{also} raised in O.A.No.424/87. Even the existence of a Municipality at Serilingampalli did not escape mention in that the issue appeared in a different form. It had been stated in that counter that the applicants had not proved Serilingampalli was not a Municipality. Notwithstanding all these contentions, the Tribunal had, relying on the letter dt. 29.8.80 of the Collector & District Magistrate, Ranga Reddy District, Hyderabad directed that HRA and CCA be paid from February, 1981 onwards. The respondents neither sought for a review nor had gone in appeal. Hence, the direction in O.A.No.424/87 should prevail in so far as Serilingampalli is concerned. We are not in a position to reopen the case. The respondents are bound to pay HRA and CCA as directed, from February, 1981 onwards or from the date of posting of each applicant whichever is later. The respondents are directed to ^{continue payment of} ~~pay~~ HRA beyond December, 1989 and CCA from the date each applicant joined at Serilingampalli. This order should be complied with within three months from the date of receipt of this order in respect of payment of arrears apart from resuming payment of the said allowances.


(R.Balasubramanian)
Member(A).


(C.J.Roy)
Member(J).


Dated: 29th July, 1992.


Deputy Registrar (J)

Contd...4/-

0.19.1022/91

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH.

THE HON'BLE MR.

AND

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

AND

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

AND

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

Dated: 29/7/1992

ORDER / JUDGMENT

~~P.A./C.A./M.A. No.~~

in

O.A.No.

1022/91

~~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.

