

25

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A. No. 1036/91.

Dt. of Decision : 29-7-94.

1. Y.Ch. Nagaiah
2. M. Gali Reddy
3. M. Venkoba Rao

.. Applicants.

Vs

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

.. Respondents.

Counsel for the Applicants : Mr.C.Suryanarayana

Counsel for the Respondents : Mr. N.R.Devaraj, Sr.CGSC.

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

THE HON'BLE SHRI A.B. GORTHY : MEMBER (ADMN.)

O.A.No.1036/9431

O R D E R

(As per the Hon'ble Sri A.V.Haridasan, Member(J))

The prayer in the OA is for a declaration that the applicants are entitled to payment of HRA and CCA every month at Hyderabad city rate as indicated in the table in para 4.2 of the O.A. and to direct the respondents to pay the same besides paying the arrears within three months from the date of receipt of the order.

2. Leaving out the ^{details} material facts, the ^{material facts} details can be stated as thus. The applicants 1 and 2 have been working at Miyanpur since May, 1988, and the 3rd applicant since December, 1990. HRA was being paid to staff working in Miyanpur till April, 1988 at Hyderabad city rate and not paid thereafter, even inspite of the proceedings of the District Collector, Hyderabad dt. 29-8-80 in which the list of villages for the purpose of admissibility of the HRA and CCA to the Central and State Government offices at the Hyderabad city rate including ^{ed} the Miyanpur village also. As the staff working in Serilingampally were not being paid HRA and CCA at Hyderabad city rate, They approached the Tribunal by filing OA No.424/87 and as the above said OA was allowed HRA and CCA with arrears were paid to them. But HRA and CCA at Hyderabad city rate was not paid to the applicants. The case of the applicants is that the Miyanpur village in which they are working is within 8 Km from the periphery of the Hyderabad Urban agglomeration and therefore there is no justification for denying the benefit of HRA and CCA to them.

2nd p/m

2. In the reply statement filed on behalf of the respondents it has been contended that the Miyanpur village which is now part of Serilingampalli municipal area was not included in the list of villages approved by the District Collector for the purpose of admissibility of HRA and CCA at Hyderabad city rate and therefore the claim of the applicants do not have a legitimate basis.

3. Subsequent development during the pendency of the applicant has narrowed down the controversy to a considerable extent. It is admitted by either side that w.e.f. 1-3-91 basing on a policy decision the Miyanpur village which is part of the Serilingampalli municipal area has been included in the list of places for the purpose of admissibility of HRA and CCA at Hyderabad city rate and that HRA and CCA are being paid to the staff working in that village now. So, the scope of controversy is now limited to the difference of arrears of HRA and CCA for the period from May, 1988 and 1-3-91.

4. Sri C. Suryanarayana, ^{who} appeared for the applicants, produced for our perusal a ^{copy of a plan map} copy which is said to be that of a Hyderabad urban agglomeration along with a list of villages which would apparently show that the village in question is part of the urban agglomeration of Hyderabad. Sri N.R.Devaraj, learned Central Government Standing Counsel pointed out certain tampering at the top of the list, which according to him would render the documents highly suspicious. He also produced for our perusal a copy of map drawn by

the Survey of India and approved by the Central government which was adopted by the Census Department for 1991 Census. According to this map the village in question does not form part of the Hyderabad urban agglomeration. In view of this conflicting documents we do not have sufficient materials before us to take a positive decision as to whether the village in question did actually fall within 8 Km of the periphery of Hyderabad city. Sri Devaraj also brought to our notice a letter of the District Collector dt.21-8-89 in which a mention is made about a report of the Executive Engineer, PWD stating that the Miyanpur village is situated 9.7 Km North from the periphery of the Hyderabad Municipal Corporation limits. Since the dispute involved in this case was only regarding the arrears of allowances for the period between May, 1988 and March, 1991 we are of the considered view that the proper course would be to leave it to the concerned authority to take decision in the matter after referring to the competent revenue authorities.

5. In the result the application is disposed of with a direction to respondents to take a decision as to whether Miyanpur village which is now part of Serilingampally municipality is situated within the area ^{for} ~~on~~ which HRA and CCA would be admissible at the Hyderabad city rate in accordance with the rules, ^{even prior} after referring the question to the competent revenue and other authorities. A decision, as directed above to be taken by the respondents within a period of

May 1991

u/m P.
Puz

69

six months from the date of communication of a copy of this order, and communicate to the applicants. There

~~his no order as to costs.~~ If this decision is in the affirmative the defendants in the allowance due to the applicants consequent on such a decision should also be paid to them within a month hence. No order as to costs.

(A.B. Gorthi)

(A.V. Haridasan)

Dt. 29-7-1994
Dictated in Open Court

Deputy Registrar (Judl.)

kmv

Copy to:-

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

Rsm/-

5th page
for 4/8/94