

ANNEXURE - I

282/92

List of Papers in Original Application No.

Sl. No. of Papers	Date Of Papers Or Date of falling.	Description of Papers.
	18.12.92	Part - I Original Judgement
		O.A & Material Papers.
		Counter
		Reply Counter
PART	I, PART- II and PART --- III	Destroyed.

A
6/1/99.

CDR
15/12/92

04.282/92

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Date	Office Note	Orders
22.12.92		Mr. Justice M. A. Khan dismissed the application and directed the parties to appear before the Court on 15.12.92.
15/12/92		<p>Mr. Justice M. A. Khan dismissed the application and directed the parties to appear before the Court on 15.12.92.</p> <p>Heard Mr. I. Dakshina Murthy Counsel for the plaintiff and of Mr. N. V. Rama. Held case for the record. Case reserved for judgment.</p> <p>Mr. Justice M. A. Khan dismissed the application and directed the parties to appear before the Court on 15.12.92.</p>
18.12.92		<p>Mr. Justice M. A. Khan dismissed the application and directed the parties to appear before the Court on 15.12.92.</p> <p>Heard Mr. I. Dakshina Murthy Counsel for the plaintiff and of Mr. N. V. Rama. Held case for the record. Case reserved for judgment.</p> <p>Mr. Justice M. A. Khan dismissed the application and directed the parties to appear before the Court on 15.12.92.</p> <p>Mr. Justice M. A. Khan dismissed the application and directed the parties to appear before the Court on 15.12.92.</p>

Central Administrative Tribunal

HYDERABAD BENCH

O.A. No./T.A. No.

282/1992

S. Subhash Chandran & Anr. Applicant (s)
 Versus
 Director of Estates, New Delhi & 4. oth. Respondent (s)

Date	Office Note	Orders
30-3-92		<p><u>DA.282/92 & MA.391/92</u> MA.391/92 has been filed in the OA. MA.391/92 is allowed on the ground that the applicants have common cause. DA.282/92 is admitted. Eight weeks notice is given to the respondents to file a counter affidavit with an advance copy to the applicant, who will be at liberty to file reply thereto if he prefers to choose, within 2 weeks hereafter. Thereafter place the case before Registrar for directions. No interim order is passed in the OA.</p> <p style="text-align: right;">(H) <i>entry</i> (HRBS) (HCJR) M(A) M(J)</p> <p style="text-align: right;"><u>20-8-92</u></p> <p>Delay in filing the counter con- doned. Accordingly the MA is allowed. (MA.890/92). The office is directed to take the counter file and list the OA in the usual course.</p> <p style="text-align: right;">(H) <i>entry</i> HCJR M(J)</p>
19-8-92	Counter-Affidavit filed by Mr. Narayan Bhakar Row, Addl. Cuse for Respls.	
7.9.92		<p>None present for either side. Hence OA is adjourned to 11.9.92.</p> <p style="text-align: right;">(HCSR) <i>entry</i> M(J)</p>
11-9-92		<p>Neither the applicant, nor his counsel present. Smt. N.R. Devay, counsel for the Respondents present and reports ready. Hence list the OA for rejection on 21-9-92.</p> <p style="text-align: right;">(HTCR) <i>entry</i> M(J)</p>

1/1/92

1/6

T.C. P.T.O.

(HTCR)

M(J)

0A.2.82/92

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Pre-delivery judgement in O.A.No.282/92
prepared by Hon'ble Shri R.Balasubramanian,
Member(A) for concurrence pl.

To

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

20/12/92 *wsby*
for Pochy on 18/12/92 *17/12/92*
20
17/12/92

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

D.A.No. 282/92.

xxxxxx

Dt. of Decisions: 18-12-92.

Singaraju Subhash Chandrudu & 2 others

Petitioner

Shri I. Dakshina Murthy

Advocate for
the Petitioner
(s)

Versus

Director of Estates, Govt. of India, New Delhi
& 4 others

Respondent.

Shri N.V. Ramana, Addl. CGSC

Advocate for
the Respondent
(s)

CORAM:

THE HON'BLE MR. R. Balasubramanian : Member (A)

THE HON'BLE MR. C.J. Roy : Member (J)

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether their Lordships wish to see the fair copy of the Judgment?
4. Whether it needs to be circulated to other Benches of the Tribunal?
5. Remarks of Vice-Chairman on Columns 1, 2, 4 (to be submitted to Hon'ble Vice-Chairman where he is not on the Bench.)

evl/

HRBS
M(A).

HCJR
M(J).

3. The respondents oppose the O.A. and have filed a counter. Prior to the revision of the formula, licence fee was being recovered at 10% of the emoluments or standard licence fee based on the cost of construction, plinth area etc., whichever was less. Later, the IV Pay Commission recommended that rent for Govt. accommodation should be recovered at a flat rate with reference to the type of accommodation allotted to the employees. This recommendation was accepted and consequently FR 45(A) IV(c) was duly amended. When the IV Pay Commission recommendation was accepted it was also provided that the rate would be revised every 3 years. Accordingly, the Govt. of India vide their Office Memorandum dt. 28.6.91 revised the flat rate of licence fee for residential accommodation w.e.f. 1.7.90. The respondents also rebut the claim that the retrospective revision was done without notice. They have referred to the circular No.SCF:PGA:EM&W:66 dt. 10.8.90 wherein it was indicated that the licence fee is liable for revision every 3 years.

4. We have examined the case and heard the rival sides. The main issue raised by the learned counsel for the applicants was that the respondents cannot revise the licence fee upward with retrospective effect. He has also alleged that no notice was given to the applicants about such revision. We find from the circular dt. 10.8.90 referred to by the respondents that there was a clear indication that the licence fee is subject to revision every 3 years. In accordance with that provision they had indicated that the revision of rates of licence fee to be effective from 1.7.90 was under consideration. It was also clearly mentioned that the licence fee being collected from 1.7.90 was only provisional and subject to revision as Govt. orders whenever issued. Later, vide orders dt. 2.6.92 the rates were revised w.e.f. 1.7.90 as indicated by them much in advance. The applicants cannot, therefore, say that

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22/9/

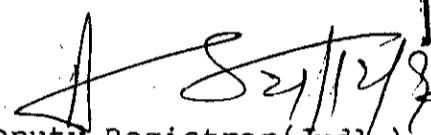
rates have been revised with retrospective effect without notice to them. The Govt. orders provide for triennial revision of the licence fee and it is in pursuance of that that they had revised the rates. We find no illegality whatsoever in the orders issued by the respondents. The application is liable to be dismissed and is accordingly dismissed with no order as to costs.

R. Balasubramanian

(R. Balasubramanian)
Member(A).

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

V.
Dated: 18th December, 1992.


Deputy Registrar (Judl.)

Copy to:-

1. Director of Estates, Govt. of India, New Delhi.
2. Secretary to Govt., of India, Department of Space, Antarksha Bhavan, New BEL road, Bangalore-94.
3. Director, SHAR Centre, Sriharikota-24.
4. Head, Personnel & Genl., Admn., SHAR Centre, Sriharikota-24.
5. Head, Accounts & I.F.A., SHAR Centre, Sriharikota-24.
6. One copy to Sri. I. Dakshina Murthy, advocate, 10-1-18/25, Shyamnagar, Hyd.
7. One spare copy.
8. One copy to Sri. N.V. Ramana, Addl. CGSC, CAT, Hyd.

Rsm/-

*Babu
1/1/93*

Q.A.282/92

TYPED BY

COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CHECKED BY

APPROVED BY

HYDERABAD BENCH

HYDERABAD

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: AT HYDERABAD.

THE HON'BLE MR.

V.C.

AND

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

AND

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

AND

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

Dated: 18/4 1992

ORDER/JUDGMENT:

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

O.A.No.

T.A.No.

(W.P.No.)

in
282/42

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.

