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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 825/93.

Dt. of Decision : 15-11-95.

1. The Heavy Water Project (Manuguru),
Employees' Association rep. by its
President, Shri J.Rajasekhara Reddy.
2. Shri M. Venkata Reddy .. Applicants.

Vs

1. The Union of India, rep. by
its Secretary to Govt. of India,
Dept. of Atomic Energy,
Min. of Science & Technology,
New Delhi.
 2. The Under Secretary (A),
Dept. of Atomic Energy,
Govt. of India, Min. of Science &
Technology, Anushakti Bhavan,
CSM Marg, Bombay-400 039.
 3. The Dy. Secretary to Govt. of India,
Dept. of Atomic Energy,
Anushakti Bhavan, CSM Marg,
Bombay-400 039.
 4. The General Manager,
Heavy Water Project,
Manuguru, Dept. of Atomic Energy,
P.O: HWP(M) Colony, Haswarpuram-507 116.
- .. Respondents.

Counsel for the Applicants : Mr. V. Venkateswara Rao

Counsel for the Respondents : Mr. N.V. Ramana, Addl. CGSC.

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN
THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

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O.A.No.825/93.

Date:15.11.95.

J U D G M E N T

X as per Hon'ble Sri R.Rangarajan, Member(Administrative) X

Heard Sri V.Venkateswara Rao, learned counsel for the applicants and Sri N.V.Ramana, learned counsel for the respondents.

2. While the first applicant is an Association, the second applicant is a Tradesman-B in R-4 organisation. The Department of Personnel and Training issued order dated 17.1.1986 whereby washing allowance was enhanced from Rs.4/- to Rs.15/- per month to all common category 'C' and 'D' employees referred to therein. In pursuance of the same, the employees in the common categories to whom washing allowance was being paid at Rs.4/- p.m. in the organisations under the Department of Atomic Energy (DAE for short) was being enhanced to Rs.15/- p.m. Heavy Water Project, Manuguru i.e. (R-4) is one of the organisations under the DAE. By O.M. dated 4.12.1987 the washing allowance was enhanced from Rs.4/- to Rs.15/- even to categories other than common categories in the organisations under Department of Atomic Energy. It is made clear therein, that the said OM was issued in terms of para-3.1 of DAE.O.M.No. 6/5/76-CSC dated 4.5.1983. It is further mentioned therein that as the washing allowance was enhanced from Rs.4/- to Rs.15/- to the common categories and in view of the demand of the revision of washing/maintenance allowances from security personnel as well as fire services personnel of the Department on a uniform basis, the same was enhanced even to the categories other than the common categories in the organisations under DAE,

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but it was made clear that despite the enhancement the boot polish and metal polish at the specified rates would be continued to be given.

3. There was a demand from staff side for enhancement of the washing allowance to Rs.50/- p.m. Demand for such enhancement was held to be justified at the JCM meeting. Thereupon the DAE issued OM dated 21.3.1989 (Annexure R-III) enhancing the washing allowance from Rs.15/- to Rs.50/-. But even earlier to it, i.e. on 1.11.1988, the washing allowance was enhanced from Rs.15/- to Rs.50/- p.m. to Fire Services and Security Personnel of the Department and supply of metal polish was discontinued with immediate effect.

4. Basing on the telex message dt. 29.10.1990 (Annexure R-IV), the washing allowance was again reduced to Rs.15/- p.m. The said reduction was challenged in OA 1126/91 on the file of this Bench and similar OAs were filed before other Benches. All those OAs were withdrawn to the Principal Bench at New Delhi and they were dismissed by common order dt. 22.9.1992. But, in view of the interim orders of various Benches, the enhanced amount was being paid even till the date of that judgment.

5. Having felt a doubt as to whether the original order in regard to reduction of washing allowance to Rs.15/- is applicable to categories other than the common categories O.M dt. 4.1.1993 (Annexure R-IX) was issued reducing the washing allowance even to the categories other than the common categories which are styled as uncommon categories. The same is assailed in this OA.

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and Training, Department of Personnel.

8. It is well established that an authority which is competent to pass an order has the power to modify. Hence, the competence of the DAE to reduce the washing allowance from Rs.50/- to Rs.15/- p.m. as per the impugned order cannot be challenged on the ground that it is not competent authority to reduce it.

9. If the provisions in regard to washing allowance has to be treated as condition of service, the same can be unilaterally altered with prospective effect, as question of vested right does not arise. Vide 1976 SC 1889 (Roshanlal Vs. Union of India). The same was reiterated in 1974 SC 1 - State of Jammu and Kashmir Vs. Trilokhi Nath Khosa and Ors. 1.

10. It was being urged for the applicants that it is a case where the impugned OM was issued merely on the basis of the Telex message of the Deptt. of Personnel and Grievance, after the validity of the same was affirmed by the Principal Bench, and thus it is not a case where the Deptt. had applied its mind, and on that ground alone the impugned OM has to be set aside. But, in the reply statement filed in the OA it is alleged that in order to have uniformity, the washing allowance was reduced to Rs.15/- p.m. even to the categories other than the common categories.

11. We feel that as from Rs.15/- to Rs.50/- P.M. towards washing allowance in regard to the security and fire personnel was even from a date earlier to the date from which it was enhanced in regard

To

1. The Secretary to Govt.of India,
Dept.of Atomic Energy, Union of India,
Ministry of Science and Technology,
New Delhi.
2. The Under Secretary(A) Dept.of Atomic Energy,
Govt.of India, Min.of Science and Technology,
Anushakti Bhavan, CSM Marg, Bombay-39.
3. The Deputy Secretary to Govt.of India,
Dept.of Atomic Energy, Anushakti Bhavan,
CSM Marg, Bombay-39.
4. The General Manager, Heavy Water Project,
Manuguru, Dept.of Atomic Energy,
P.O.HWP(M) Colony, Haswapuram-507 116.
5. One copy to Mr.v.venkateswar Rao, Advocate, CAT.Hyd.
6. One copy to Mr. N.v.Ramana, Addl.CGSC.CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

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to the common categories in the organisation in DAE, it is just and proper to permit the categories other than common categories for which uniforms have been supplied, to make a representation for enhancement of washing allowance and then it is a matter for consideration by the DAE.

10. We feel that as the employees concerned are in the lower rung, it will be one of hardship if any recovery is going to be made in pursuance of the impugned order and hence the respondents are restrained from making any recovery if the washing allowance was paid at Rs.50/- p.m. even after 4.1.1993.

11. In the result, we hold that the impugned OM dt. 4.1.1993 is valid. The respondents are restrained from making any recovery, if the washing allowance was made at the enhanced rate of Rs.50/- p.m. even after the issual of the said OM. The applicants and others similarly situated, are free to make representation, if so advised, for enhancement of their washing allowance to the categories other than the common categories, and then it is a matter for R-1 to consider it.

12. The OA is ordered accordingly. No costs.//

(R.Rangarajan)
Member (Admn.)

Vice Chairman

Dated 15th Nov., 1995.
Open court dictation.

sk/grh.

Deputy Registrar

+ OAS 2/93
TYPED BY

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COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELAKURUGU
VICE CHAIRMAN

AND

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

DATED: 15 - 1-1995

ORDER/JUDGMENT

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

O.A.No.

in

825/93

T.A.No.

(W.P.No.)

Admitted and Interim directions
Issued

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

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No Spare Copy

Central Administrative Tribunal

DESPATCH

26 DEC 1995 NSP

HYDERABAD BENCH