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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.831/93

Date of Order : 11.11.93

BETWEEN :

1. T.S.Shiva Rao
2. S.M.Kumar Reddy
3. M.S.S.Sitapati Rao

.. Applicants.

A N D

1. The Supdt. of Police,
CBI, China Waltair colony,
Visakhapatnam.
2. The Deputy Inspector General,
CBI, Hyderabad Region, Koti,
Hyderabad.

.. Respondents.

Counsel for the Applicants

.. Mr.A.Sudarshan Reddy

Counsel for the Respondents

.. Mr.N.V.Ramana

CORAM:

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

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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 pay the First Applicant the balance of H.R.A. from 23.9.1986 to 31.3.1991 after deducting the licence fee paid to the Visakhapatnam Steel Project for the quarter allotted to him, further direct the respondents to pay to the applicants 2 and 3 the balance of H.R.A. from 23.9.1986 till the date of filing of this O.A. and also in future and to pass such other order or orders as may deem fit and proper in the circumstances of the case.

The facts so far necessary to adjudicate this O.A. in brief are as follows:-

2. The First applicant was at the relevant time working as Deputy Legal Adviser at Visakhapatnam and at present is working in Madras. The second applicant is a Public Prosecutor in C.B.I., Visakhapatnam. The Third applicant is working as Head Clerk, CBI, Visakhapatnam. The Superintendent of Police, CBI (1st respondent to the OA) made a request to Visakhapatnam Steel Project on 14.11.84 to allot on rental basis 43 quarters belonging to Visakhapatnam Steel Project at A.P.Housing Board, Seethammadhara, Visakhapatnam for the officers of the first respondent. Accordingly as per the orders dt. 12.9.86 of the competent authority

5 MIG and 10 LIG quarters on certain conditions. The applicants herein were given three quarters of the said VSKP Steel Project and they had occupied the same. As the applicants had occupied the quarters belonging to VSKP Steel

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Project licence fee was deducted/is being deducted from out of the pay of the applicants towards rent. It is the case of the applicants that they are liable to be paid the difference of H.R.A. after deducting the licence fee from out of the said H.R.A. that is paid/payable to them. As the difference of the H.R.A. had been denied to the applicants, the applicants have filed the present O.A. for the relief as already indicated above.

3. Counter is filed by the respondents opposing

4. This OA was listed on 10.11.93 for hearing.

On 10.11.93 none was present on behalf of the applicants. There was no representation on behalf of the applicants.

Mr.N.V.Ramana, Standing Counsel for the respondents reported ready. So, this OA was ordered to be listed for dismissal for today i.e. 11.11.93. Today also the position is the same

There is no representation on behalf of the applicants. It is quite evident that the applicants are not evincing any interest in the prosecution of this OA. After hearing the learned Standing Counsel for the respondents we proceed to dispose of this O.A. on merits.

5. It is not in dispute that the 1st applicant while working at Visakhapatnam was in occupation of the quarter of the VSKP Steel Project which quarter had been placed at the disposal of the 1st respondent for allotting the same to its officers. It is also not in dispute that licence fee had been collected from the 1st applicant's pay towards rent for having been in occupation of the said quarter. It is the contention of the 1st applicant that for the period he was in occupation of the said quarter he is entitled for refund of the balance of H.R.A. after deducting the

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licence fee that had been collected from out of his salary, from out of the house rent allowance that is payable to him. Applicants 2 and 3 also stand in a similar position to that of the first applicant and the very same contentions are raised on behalf of them.

6. It is not in dispute that the quarters in which the applicants were put up or are put up belong to the Visakhapatnam Steel Project, ~~the Visakhapatnam Steel~~ ^(H.D.A) ~~undertaking~~ is undertaking of the Government of India. So, all the quarters that belong to Visakhapatnam Steel Project ~~should be deemed to be~~ ^{belongs to} ~~Government of India~~ In view of the request made by the first respondent certain quarters belonging to the Visakhapatnam Steel Project were out of them had been admittedly allotted to the applicants ~~and~~ ^{as} the applicants had been allotted government quarters and that the applicants had been in occupation of the government quarters. ~~For a~~ person who is in occupation of the Govt. quarters has to pay the licence fee in accordance with the instant instructions ~~and~~ ^{as} licence fee accordingly had been collected from the applicants from out of that pay for each month they had been in occupation of the said quarters and ~~from the~~ ^{the} licence fee applicants 2 and 3 continues to be collected accordingly is not in dispute in this O.A. So, as the applicants 1 to 3 had been in occupation of the Government quarters no question of payment of house rent allowance arises to the applicants. Payment of house rent allowance arises

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Date:

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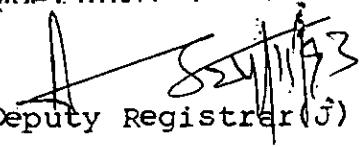
to a government servant when government accommodation is not available to him and the said government servant is in occupation of private accommodation. Even though the said quarters ~~that~~ belonging to the Visakhapatnam Steel Project were kept at the disposal of the first respondent due to his request that was made on 14.11.84 to the Visakhapatnam Steel Plant, by no stretch of imagination it can be said that the quarters in which the applicants 1 to 3 had been in occupation or are in occupation is ~~the~~ private accommodation. So the claim of the applicants is contrary to rules and regulations and is also against the law. We see no merits in this O.A. and this ~~case~~ is liable to be dismissed and is accordingly is dismissed.

7. M.A.513/93 is filed on behalf of the applicants the O.A. is dismissed on merits M.A.513/93 is liable to be dismissed and is accordingly dismissed. ~~no order as to costs.~~

T.C
(T.CHANDRASEKHARA REDDY)
Member (Trib.)

Dated: 11th November, 1993

(Dictated in Open Court)


Deputy Registrar (J)

To sd

1. The Superintendent of Police, CBI, China Waltair Colony, visakhapatnam.
2. The Deputy Inspector General, CBI, Hyderabad Region, Koti, Hyderabad.
3. One copy to Mr.A.Sudarshan Reddy, Advocate 1-9-312/6/2, vidyanagar, Hyderabad.
4. One copy to Mr.N.V.Ramana, Addl.CGSC.CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

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MR. M. M.
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COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE-CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHI : MEMBER (A)

AND

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

AND

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

Dated: 11-12-1993

ORDER/JUDGMENT:

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

in
O.A.No. 831/93.

T.A.No. (W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Rejected/Ordered.

No order as to costs.

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