

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

O.A.NO.723 of 1995.

Between

Dated: 2.8.1995.

T.Satya Narayana Murthy

...

Applicant

And

1. The Director, Central Research Institute for Dryland Agriculture (CRIDA), Santoshnagar, Hyd.
2. The Senior Administrative Officer, Central Research Institute for Dryland Agriculture (CRIDA) Santoshnagar, Hyd.
3. The Director General, Indian Council of Agricultural Research, Krishi Bhavan, New Delhi.

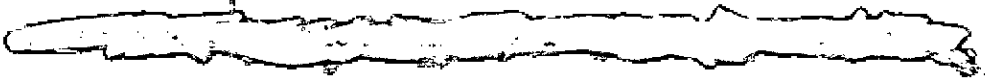
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Respondents

Counsel for the Applicant : Sri. K.K.Chakravarthy

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

CORAM:

  
Hon'ble Mr. R.Rangarajan, Administrative Member

Contd:...2/-

Judgement

( As per Hon. Mr. R. Raghurajan, Member (Admn) )

Heard Sri K.K. Chakravarthy, learned counsel for the ~~applicant~~ and Sri N.R. Devaraj, learned counsel for the respondents .

2. The applicant herein is a Senior Clerk in the respondents' organisation. He is in the occupation of Type-B staff quarters, 8-6 in the CRIDA residential quarters, Santosh Nagar, with effect from 1-9-1985. It is stated for the respondents that Type B quarters is equivalent to Type II quarters. It is submitted that in accordance with the recommendation of the IV Pay Commission, the Government of India, Ministry of Urban Development (Directorate of Estates, New Delhi) prescribed flat rate of licence fee in different types of accommodation with effect from 1-6-1987 as indicated in OM No.12035(1)/85 Pol.II(Vol.III) of 1-6-1987 (Annexure R-1). The staff quarters at CRIDA in Santosh Nagar were got constructed by CPWD, Hyderabad. In this order it was mentioned that occupants of Type-B quarters having living area of <sup>more than</sup> 26.5 Sq.m. and upto 40 Sq.M. were required to pay SLF at Rs.80/- p.m. with effect from <sup>as</sup> 1-7-1990. It is the case of the respondents that the living area of CRIDA Type-B(II) quarters is 28.48 Sq.m. the occupants of such quarters including the applicant had to pay SLF at the above rate. After checking up the necessary records the Finance & Accounts Dept. of CRIDA

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vide Note dated 23-8-94 (Annexure R-6) opined that the action of the office regarding fixing of the rate of SLF for Type II, quarters on par with the Type I quarters, was not correct and therefore the SLF for Type-II quarters may be fixed at Rs.60/- p.m. from 1-6-1987, at Rs.80/- p.m. from 1-7-90 and at Rs.85/- p.m. with effect from 1-7-93 in terms of Government of India, Dte. of Estates, New Delhi and as per the directions given in CPWD letter.

3. The applicant states that the Type II quarters (B type) occupied by him is having an area of only 26.5 Sq.m. and not more than that. However, by impugned office order No. 4-6(6)/91 EMS dated 10-11-1994 the applicant was asked to pay the revised rate of SLF as per the rates shown at page-9 of the material papers. Aggrieved by the above the applicant has filed this application praying for setting aside the impugned order dated 10-11-1994 as illegal and improper and direct the respondents not to recover SLF according to the revised rate of Rs.85/- p.m. as contemplated and enclosed as annexure to the impugned order to recover SLF at the rate of Rs.47/- p.m. with effect from 1-7-1993 onwards.

4. The main contention of the applicant is that Type-8 quarters (Type II as stated by the respondents) is only having a living area of 26.5 Sq.m. and relying on the licence fee to be levied as per Government of India memo SR.317.8-2 and SR.317.8-5 and GII(a) and (b) FR-45-A), he submits that the living area of the house allotted to him is only 26.5 Sq.m. It is also stated by him that the house was constructed under the crash programme in 1980.

5. The respondents in their counter admitted that the occupants of the 8-Type (Type II) quarters having living area more than 26.5 Sq.m. and upto 40 Sq.m. were required



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pay SLF at Rs.80/- p.m. with effect from 1.7.90. Since the living area of CRIDA Type 8 (Type II) quarters is 28.4 sq.m. the occupants of the said quarters (including the applicant) had to pay SLF at the above rate. It is also the submission of the respondents that the said Type 8 quarters are not constructed under Crash Programme.

7. The question now is whether the Type-8 quarters are having a living area of 26.5 sq.m. or more and whether the said quarter was constructed under Crash programme. If it is Type-8 quarter having a living area of only 26.5 sq.m. and not more than that then the applicant is entitled to pay only at the old rate. If the quarter ~~is~~ more than 26.5 sq.m. living area then the applicant has to pay at the new rates prescribed now. The question whether the house was constructed at crash programme or not is to be decided by Administration i.e. by R-1. If it is constructed under Crash Programme then the applicant is entitled to pay at the old rate or at the rate fixed earlier for such houses constructed under the crash programme. The decision in this regard whether the house is constructed under Crash programme or not can only be taken by R-1 on the basis of records and in consultation with the CPWD authorities and hence his decision has to be treated as final and binding.

8. The whole issue hinges on factual verification of the facts as mentioned above. In view of this I feel a direction has to be given to R-1 to verify the factual position in consultation with CPWD authorities and take a decision in regard to the levy of SLF at the prescribed rates on the basis of the verification.

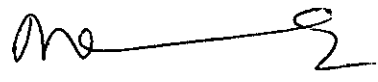
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9. In the result, the following direction is given:-

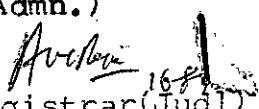
R-1 should check up the living area of the quarters allotted to the applicant and if it is 26.5 sq.m. only then the applicant is entitled to pay SLF at the old rates. If area is more than 26.5 sq.m. then the new rates are applicable. R-1 should also check-up whether the said quarter is constructed under Crash programme or not. If constructed under Crash programme then the rent is leviable only as per the rates stipulated for such quarters constructed under Crash programme.

10. If any recovery is made in excess of the rates to be fixed as per the above direction, then the same has to be refunded to the applicant.

10. The OA is ordered accordingly. No costs.

  
( R.Rangarajan )  
Member(Admn.)

Dated August 2, 1995.  
Dictated in open court.

  
Dy.Registrar(Judl)

sk/grh.

Copy to:-

1. The Director, Central Research Institute for Dryland Agriculture(CRIDA), Santoshnagar,Hyd.
2. The Senior Administrative Officer, Central Research Institute for Dryland Agriculture(CRIDA) Santoshnagar,Hyd.
3. The Director General, Indian Council of Agricultural Research, Krishin Bhavan, New Delhi.
4. One copy to Mr.K.K.Chakravarthy, Advocate, CAT,Hyd.
5. One copy to Mr.N.R.Devaraj, Sr. CGSC. CAT,Hyd.
6. One copy to Library, CAT,Hyd.
7. One spare copy.

THPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD.

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

A N D

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

DATED --- 24-8 --- 1995.

ORDER/JUDGMENT:

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

OA.No. in 723/95

TA.No. (W.P. )

Admitted and Interim directions  
issued.

Allowed.

Disposed of with directions.

Dismissed.

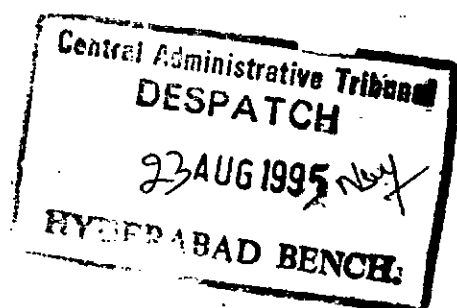
Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No. order as to costs.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

MA 896/95  
in  
OA 723/95.

Dt. of Order:19-10-95.

T.S.N.Murthy,

... Applicant

Vs.

1. The Director, Central Research Institute for Dryland Agriculture, (CRIDA), Santoshnagar, Hyderabad.
2. The Sr. Administrative Officer, Central Research Institute for Dryland Agriculture (CRIDA), Santoshnagar, Hyderabad.
3. The Director General, Indian Council of Agricultural Research, Krishi Bhavan, New Delhi.

... Respondents

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Counsel for the Applicant : Shri K.K.Chakravarthy

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

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CORAM:

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

(Order passed by Hon'ble Shri R.Rangarajan, Member (A) ).


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This M.A. is filed by the applicant to issue a direction to the Respondents <sup>stipulated time to</sup> to implement the orders in OA 723/95. The orders in the O.A. has to be implimented on or before 31-1-1996. The M.A. is ordered accordingly. No costs.

  
(R.RANGARAJAN)

Dated: 19th October, 1995.  
Dictated in Open Court.

avl/

  
Dy. Registrar (S)

CMH--21--

## Copy to:-

1. The Director, Central Research Institute for Dryland Agriculture (CRIDA), Santoshnagar, Hyd.
2. The Sr. Administrative Officer, Central Research Institute for Dryland Agriculture (CRIDA), Santoshnagar, Hyd.
3. The Director General, Indian Council of Agricultural Research, Krishi Bhavan, New Delhi.
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5. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-



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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD.

HON'BLE MR. *R.R. Raza*  
~~A.B. GORTHY~~, ADMINISTRATIVE MEMBER.

HON'BLE MR.

JUDICIAL MEMBER.

ORDER/JUDGEMENT:

DATED: 19/10/1995.

M.A./R.A./C.A.NO. 896/95 ✓

IN

O.A.NO.

723/95

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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Rsm/-

*No spare copy*

