

55

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.No.1177/95

Date of Order : 8.8.96

BETWEEN:

1. J.Lakshmana
2. N.Satyanarayana
3. N.Balanna
4. A.Panduranga Rao
5. M.Manikyam Setty
6. K.Eswara Rao
7. Syed Ameer
8. S.Nabi Saheb
9. K.Yesurathnam
10. S.A.Khader
11. B.Raju

.. Applicants.

AND

1. The Supdt. of Post Office,  
Kurnool Division, Kurnool.
2. The Director General. Dept. of  
Posts, Dak Sadan, Sansad Marg,  
New Delhi - 110 001.

.. Respondents.

Counsel for the Applicants

.. Mr.Krishna Devan

Counsel for the Respondents

.. Mr.N.V.Raghava Reddy

CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

J U D G E M E N T

X Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) X

Mr.Krishna Devan, learned counsel for the applicant.

None for the respondents.

2: There are 11 applicants in this OA. They are working in the Postal Department in the post offices at Srisailem. In this OA they pray for grant of bad climate allowance from 1.3.85 onwards at applicable rates after quashing the

impugned memo No.5-32/93-PAP, dt. 31.5.94 (A-22).

3. The applicant earlier filed OA.1346/93 on the file of this Bench. <sup>That OA directing</sup> was disposed of on 29.10.93 to dispose of ~~the~~ representation. The direction in that OA was complied with by the respondents in that OA by issue of the impugned letter dt. 31.5.94 addressed to Chief Postmaster General, A.P. Circle, Hyderabad. This letter reads as below:-

"I am directed to invite a reference to your letter No.LC-244/93 dated 3.3.94 on the above cited subject and to state that the case has been examined in consultation with the Ministry of Finance. The claim of the applicants is not covered under the rules as BCA is sanctioned on the basis of area declared as unhealthy by the State Govt. for the purpose of the above allowance. This has not been done for the period subsequent to 28-2-85. The case is, therefore, rejected and the applicants may be informed accordingly".

4. The impugned letter stated that the State Government has not declared the Srisaillam Project area as unhealthy one subsequent to the period 28.2.85 for purpose of grant of bad climate allowance. Hence the respondents submit that they are not entitled for bad climate allowance from 1.3.85. The applicants in this OA have enclosed annexures A-3, A-4, A-5, A-6, A-11 and annexure to the rejoinder to show that the bad climate allowance was extended from time to time for the employees of the State Government stationed at Srisaillam and hence it cannot be said that the State Government has not declared that area as unhealthy area warrenting grant of bad climate allowance.

5. In the reply of the respondents dated 10.4.96 no mention has been made regarding the various circulars of A.P. quoted above, though in para-4 of the reply it is stated that the bad climate allowance was paid only to some petitioners

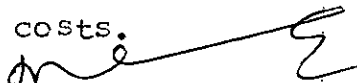
57

.. 3 ..

who approached A.P.A.T. and High Court. The various circulars referred to above ~~does~~ not indicate that those circulars were issued to those petitioners <sup>who</sup> approached A.P.A.T. or High Court. Those circulars are general circulars issued for the benefit of the employees. It is further seen in the sub-para of para-4<sup>of it</sup> that the A.P. Government as a special case granted an adhoc allowance to its employees equal to BCA for a period of one year from 1.12.91. In the rejoinder the G.O.M.S of A.P. dated 23.2.93 has been enclosed, <sup>which</sup> from ~~which~~ it appears the government had extended this BCA for the further period from 1.3.93 to 28.2.94. In view of the above G.O.s of the A.P. <sup>Govt.</sup> the statement in the impugned letter that the State Government has not declared the Srisailam area as unhealthy area beyond 28.2.85 may not be factual. In view of the above it is essential that R-2 should reconsider the rejection of the demand of the applicants in this OA for payment of BCA in terms of the impugned order dt. 31.5.94. R-2 should examine the various G.Os issued by the State Government in this connection enclosed to this OA and if necessary call for further details from the Government of <sup>Pradesh</sup> Andhra and decide the issue in accordance with the rules within a period of 3 months from the date of receipt of a copy of this order.

6. In the result, the following direction is given :-  
R-2 should reconsider the rejection of <sup>the case of</sup> the applicants for payment of BCA by the impugned letter dt. 31.5.94 taking due note of the various G.O.Ms issued by the State of A.P. for <sup>to its employees</sup> payment of BCA from time to time, at Srisailam and advise the applicants ~~wherein~~ suitably in this connection within a period of 3 months from the date of receipt of a copy of this order.

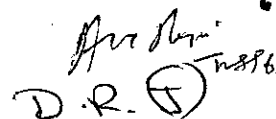
7. The O.A. is ordered accordingly. No costs.

  
(R. RANGARAJAN)  
Member (Admn.)

Dated: 8th August, 1996

sd

( Dictated in Open Court )

  
D.R. S 1996

..4..

O.A.NO.1177/95

Copy to

1. The Superintendent of Post Offices,  
Kurnool Division,  
Kurnool.
2. The Director General,  
Dept. of Posts,  
Dak Sadan,  
Sansad Marg,  
New Delhi.
3. One copy to Mr. Krishna Devan, Advocate,  
CAT, Hyderabad.
4. One copy to Mr. N.V. Ramana, Addl. CGSC,  
CAT, Hyderabad. *Raghava Reddy*
5. One copy to Library, CAT, Hyderabad.
6. One duplicate copy.

YLKR

*Cos*  
TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

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

DATED: 8/8/96

ORDER/JUDGEMENT  
O.A. NO. / R.A. / C.P. No.

in

O.A. NO. 1177/95

ADMITTED AND INTERIM DIRECTIONS ISSUED  
ALLOWED  
DISPOSED OF WITH DIRECTIONS  
DISMISSED  
DISMISSED AS WITHDRAWN  
ORDERED/~~REJECTED~~ ✓  
NO ORDER AS TO COSTS.

YLKR

II COURT

No Spare Copy

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal प्रेषण/DESPATCH 22 AUG 1996 हैदराबाद बेंच HYDERABAD BENCH
---

*AB*  
*Ed*