

(11)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD.

O.A. 256/95.

Dt. of Decision : 14-03-95.

1. Survey of India Ministerial Staff Association, Hyderabad Branch, Rep. by its Honorary Secretary Mr. P.Yadaiah, Hyderabad.

2. S. Anji Reddy

.. Applicants.

Vs

1. The Director, SE Circle, Pilot Map Production Plant, Survey of India, Uppal, Hyderabad.

2. B. Balavenkataiah
3. E. Davadas
4. M. Moses
5. B. Penchalaiah
6. T. Deveraj
7. P. Chandraiah
8. S. Venugopala Rao
9. D. Mastan
10. S. Ramakrishna Rao

(Respondents 2 - 10 are impleaded vide orders of the Hon'ble Tribunal dated 13.3.95 and made M.A.No.228/95)

.. Respondents.

Counsel for the Applicants

: Mr. M. Panduranga Rao

Counsel for the Respondents

: Mr. V. Bhimanna, Addl. CGSD (R-1)
Mr. Y. Venkata Sastry (R-2 to 10).

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

THE HON'BLE SHRI A.B. GORTHY : MEMBER (ADMN.)

O.A.No.256/95

Dt. of decision: 14-3-95.

JUDGEMENT

(As per Hon'ble Sri A.B. Gorthi, Member(A))

The applicant No.1 is the Survey of India Ministerial Staff Association representing the Ministerial staff working under the Director, SSE Circle, Pilot Map Production Plant, Survey of India, Uppal, Hyderabad and the applicant No.2, Sri P. Yadaiah is one such ministerial staff. Their grievance pertains to the policy of the respondents in the matter of sanctioning of scooter advance.

2. Vide Memo. dt. 17.7.89, respondent No.1 stated that as on that date there were nearly 90 employees on the waiting list for grant of scooter advance. Considering the meagre amount of funds being received from Surveyor General of India annually, it was felt by the department that it would take about 15 to 16 years to exhaust the then existing list. In view of such peculiar situation obtaining in 1989, a decision was taken by R-1 that no application for grant of scooter advance would thereafter be entertained. This decision obviously resulted in some grievance to some of the employees like the ministerial staff who take a long time to come into the scale of pay of Rs.1500/- and above. As they could not apply prior to 1989, they felt they were being unfairly denied their right to seek advance/loan of scooter advance. It was on account of this perhaps that R-1 vide his letter dt.

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5.5.92 called for fresh applications from candidates who are desirous to secure scooter advance during the Financial Year 1992-93, by superseding the earlier Office Order dt. 17.7.89. This letter of 5.5.92 however was cancelled later on 21.10.92. A fresh policy letter dt. 3.9.93 was issued by R-1 revising the policy governing the sanction of scooter advance. According to the said letter, fresh applications every year would be called for during the first week of June so that none of the personnel including the field staff would lose the chance of applying for advance. The names of the candidates would be considered for sanctioning the loan "according to their service seniority in the Department". Notwithstanding ~~with~~ the issuance of the revised policy, the respondents did not consider the request of the applicants before us for grant of scooter advance, despite repeated representations. Hence this OA in which the relief claimed is for a direction to the respondents to follow the instructions/guidelines issued in their policy letter dt. 3.9.93 while granting advance for purchase of scooter/motor cycle/moped.

3. The official respondents attempted to justify their action by stating that as there were large number of employees who applied for scooter loan prior to 1989 it was considered by the department that it would be just and fair if the list of the applicants was exhausted before fresh applications could be called for. This aspect of the matter, according to the respondents was discussed in great detail with the concerned employees' unions/associations.

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4. When this application came up for admission we gave an interim order on 1.3.95 directing the official respondents not to sanction further scooter loans from the list prepared in the year 1989.

5. Apparently, aggrieved by the interim order dt. 1.3.95, some affected employees filed MA No.228/95 requesting that they may be impleaded as party respondents as in their case all necessary formalities were completed and sanction also was accorded for grant of scooter advance to them. The M.A. was allowed.

6. Heard Sri M. Panduranga Rao, learned counsel for the applicants, Sri V. Bhimanna, Addl. Standing Counsel for the official respondents and Sri Y. Venkata Shastry, the learned counsel for the impleaded party respondents (2 to 10).

7. The main contention of Sri Panduranga Rao is that the ministerial staff under R-1 take a long time in their career to reach the pay scale of Rs.1500/- and above. According to Rule 193 of the GFR, 1963, a government servant would be eligible for grant of advance for the purchase of motor cycle/scooter/moped if his basic pay is Rs.1500/- per month or more. Other employees of the department who reach the said eligibility condition much earlier in their service would thus be in a position to apply for scooter loan earlier. Thus, though the applicants are at ^adisadvantage even from the rule point of view, the official respondent^s aggravated the same by laying down, vide his letter dt. 17.7.89, that no applications for grant of scooter advance would thereafter be entertained and that only the applications of those employees who had applied

for scooter advance during or prior to 1989 would be considered. According to Sri Panduranga Rao this is unfair, unjust and discriminatory and cannot stand the test of scrutiny under Art. 14 of the Constitution of India.

8. On behalf of the party respondents, Sri Venkata Shastry urged before us that the party respondents applied for scooter advance long time back and that their applications were duly processed and a final decision was taken to grant them loan. Under these circumstances, there can be no justifiable reason to reject their cases at this stage when hardly 15 days are left for the Financial Year to conclude. Learned official Standing Counsel for the respondent stated that the respondents have no serious objection to follow the guidelines given in the policy letter dt. 3.9.93 from a prospective date. He too contends that the loans already sanctioned to the employees from out of the list prepared in 1989 should not be disturbed.

9. We have no doubt that the decision of R-1 as contained in his letter dt. 17.7.89 is discriminative in the sense that it prevented a segment of the employees who were other-wise eligible for scooter advance under GFR-193 from seeking the said loan. However, keeping in view the fact that the applicants approached the Tribunal almost five years after the issuance of the said memo, we are not inclined, at this stage, to declare the said letter void or illegal. Further, we find that the official respondent himself has prepared fresh guidelines which are contained in his policy letter

Copy to:-

1. Honorary Secretary, Survey of India Ministerial Staff Association, Hyderabad Branch, Hyderabad.
2. The Director, S.E.Cricle, Pilot Map Production Plant, Survey of India, Uppal, Hyderabad.
3. One copy to Sri. M.Panduranga Rao, advocate, H-7, D.D.Colony Baghambherpet, Hyderabad.
4. One copy to Sri. V.Bhimanna, Addl. CGSC, CAT, Hyd
5. One copy to Sri. Y.Venkata Satry(R-2 to R-10), Advocate, 3-6-288/3, Bhagirathim Hyderabad, Hyd-29.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

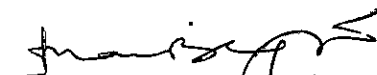
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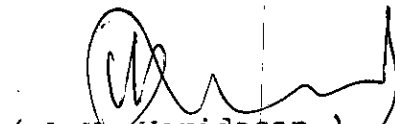
dt. 3.9.93 undoubtedly these guidelines are not only wholesome but are also reasonable and just because these would give a fair and equal opportunity to all eligible employees to apply for scooter advance.

10. We are now informed that at this point of time there is still some amount left to be disbursed towards scooter advance out of the money sanctioned for the Financial Year 1994-95. We therefore dispose of this O.A. with the following directions to Respondent No.1:

- a) Scooter advances sanctioned prior to 1.3.1995 shall not be ~~disbursed~~ *disbursed*.
- b) If there is any balance of amount to be disbursed during the Financial Year 1994-95 after 1.3.95, it shall be disbursed as per the guidelines contained in Lr.No.A-6202/28-C-2/Pmp, dt. 3.9.93 which is at Annexure-A4 to the application.

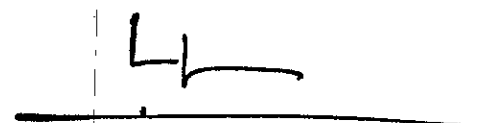
11. The O.A. is disposed of accordingly. M.A.No.229/95 also stands disposed. There is no order as to costs.


(A.B. Gorthi)
Member (A)


(A.V. Haridasan)
Member (J)

Dt. 14th March, 1995
Open Court Dictation

kmv


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Dy. Registrar (Judge)

Contd.... 7/-

OA 256/95

TYPED BY
CHECKED BY

COMPARED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE MR.A.V.HARIDASAN : MEMBER(J)

AND

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

DATED :

14/3/95

ORDER/JUDGEMENT.

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

O.A.No.

in

256/95

Admitted and Interim directions
issued

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default.

Rejected/Ordered

No order as to costs.

Not Spare Copy

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