

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

D.A. NO.314/96

Between:

Date of Order: 8.4.96.

1. Sri P. Vittal Rao, President,
Heavy Water Plant Manuguru Employees, Association,
Manuguru, Khammam District.

2. Syed Khasim Hussain

...Applicants.

And

1. The Secretary, Dept. of Atomic Energy
C.S.M. Marg, Anushakti Bhavan,
Bombay.
2. The Secretary, Ministry of Finance,
Govt. of India, North Block,
New Delhi - 1.
3. The Chief Executive and Chairman,
Heavy Water Board, Dept. of Atomic Energy,
V.S. Bhavan, Anushaktinagar,
Bombay.
4. The General Manager,
Heavy Water Plant,
Manuguru,
Khammam District, A.P.
5. The Chief Accounts and Administrative Officer,
Heavy Water Project,
Manuguru,
Khammam District, A.P.

...Respondents.

Counsel for the Applicants : Mr. K. K. Chakravarthy

Counsel for the Respondents : Mr. V. Bhimanna, Addl. CGSC

(COURT)

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

contd. .

O.A. 314/95.

Dt. of Decision : 08-04-96.

ORDER

V. - - - - - Shri S. Rangarajan, Member (Admn.)

The first applicant in this OA is the employees' association of Heavy Water Plant, Manuguru, Khammam District and the second applicant is the employee of that organisation. The applicants in this OA submit that the project had been completed and hence they are entitled for payment of Tribal Area allowance and bad climate allowance. The respondents submit that the employees have been already given the following concessions:- 1) free water supply 2) transportation from residence to work place and back 3) provision of canteen, co-operative society and recreation club as a welfare measure. The applicants submit that the project having been completed which was accepted by the respondents they are entitled for the tribal allowance and bad climate allowance on par with the similar projects elsewhere in India.

2. This application is filed praying for a direction to the respondents to grant them the bad climate allowance and tribal area allowance in lieu of the project allowance.

3. In OA. 941/90 on the file of this Bench this Tribunal by its judgement dated 23-12-91 held as follows in regard to the payment of bad climate allowance and tribal area allowance in lieu of project allowance:-



"The short question is whether the Bad Climate Allowance and Tribal Area Allowance can be paid in addition to the project allowance. The applicants have not made out a case that the project allowance are paid together to any other Central Government employees in that area. Under these circumstances, we have to accept the stand of the Respondents that as per the rules both the project allowance and the bad climate allowance are not to be paid together. But then, the purpose of the two allowances is different. While the project allowance is paid for compensating the lack of certain amenities and it is also withdrawable in phases, the bad climate allowance is to compensate the staff for standing the rigours of climate. There is no question of withdrawing this since climatic conditions cannot be changed. We are, therefore, of the opinion that so long as the project allowance does not go below the level of Bad Climate Allowance, there is justifiable compensation to the staff working in this area. It is an undisputed fact that Manuguru is an area recognised for bad climate allowance. Such being the case, we give the liberty to the Respondents not to pay the Bad Climate Allowance in addition to the project allowance. But the Respondents shall ensure that at no time the Project Allowance payable shall go below the rate of Bad Climate Allowance decided upon in their memo dated 23-09-86."

"As regards the tribal area allowance, the Respondents have not produced any memo that Manuguru area is eligible for Tribal Area Allowance. Such a decision of the Government of India not having been shown to us, we are not in a position to give any direction to the Respondents regarding the tribal area allowance except to the extent that such allowance may also be paid to the staff, if there are any rules permitting the same".

3. In para 4.2 at page-4 to the reply the respondents submit that the project phase of the Heavy Water Plant at Manuguru was completed by December 1991 and the plant became operational with effect from 01-04-92. They also aver that the basic amenities, which were not available at the commencement of the project because of which the project allowance was granted to the employees of Heavy Water Plant (Manuguru), have already become fully available and hence there is no need to pay the bad climate allowance. They also submit that there is no rule or Government order(s) granting project concessions as a matter of right, after the completion of the construction phase.

4. However in the judgement of this Tribunal in OA.941/90 it was held that Manuguru is an area recognised for bad climate allowance. Such being the case this Tribunal gave liberty to the respondents not to pay the bad climate allowance in addition to the project allowance. But the respondents shall ensure that no time the project allowance payable shall go below the rate of bad climate allowance decided upon in their memo dated 23-09-86. Hence the respondents are to consider the issue of payment of bad climate allowance on the basis of the judgement in of this Tribunal. This Tribunal had also held/that aforesaid OA that the respondents have not produced any memo that Manuguru area is eligible for tribal area allowance. But the order stipula that the tribal area allowance is to be paid if there are any rules permitting the same. Hence this issue also has to be considered by the respondents on the basis of the extant rules and instructions in that connection.

5. As number of concessions indicated above had already been given and only sanction of bad climate allowance and tribal area allowance is to be decided I leave it to R-4 to decide this issue in accordance with rules.

64
64

-5-

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

R-4 should examine the need for payment of bad climate allowance and tribal area allowance in accordance with rules and in accordance with the judgement of this Tribunal in OA. 941/90 taking into account the practice followed in other units of the Heavy Water Plant elsewhere in this country and decide the issue on the -----

7. The OA is ordered accordingly. No costs.

M ----- *E*

(R. Rangarajan)
Member(Admn.)

Dated : The 8th April 1996.
(Dictated in Open Court)

Arb. 1996
Dy. Registrar(J)

Contd.

73 314/95
0434/95
TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 8-4-96

ORDER/JUDGEMENT

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

IN

R.A. NO. 314/95

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDERS AS TO COSTS

No Spare Copy

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal
प्रेषण/DESPATCH

24 APR 1996

हैदराबाद प्रायोगीड
HYDERABAD BENCH