

CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH:
AT HYDERABAD.

O.A.NO.397 of 1995.

Date of order :- 15 December,1997.

BETWEEN :

1. Defence Research and Development Laboratory(DRDL)/Research Centre Imarat(RCI) Civilian Workers and Employees Association, Chandrayanagutta, Hyderabad, Rep. by its General Secretary Sri G.Satyanarayana Rao, Son of Manohar Rao, aged 40 years, Working as Steno Gr.II, r/o Hyderabad.,
2. R.Venkata Subbaiah, son of R.Pitchaiah, Tradesman 'A' in the office of the Defence Research and Development Leborary(DRDL) Chandrayanagutta, Hyderabad, r/o Qr. No. B-49/13, Lab Quarters, Hyderabad. ... APPLICANTS

AND

1. Union of India, rep. by its Secretary, Ministry of Defence, New Delhi.
2. Scientific Adviser to the Ministry of Defence and Director Genereal of Defence Research and Development Organisation, New Delhi.
3. Director, Defence Research and Development Laboratory (DRDL)/ Research Centre Imarat (RCI) Chandrayanagutta, Hyderabad. ... RESPONDENTS

Counsel for Applicants	.. Mr. S.Lakshma Reddy
Counsel for Respondents	... Mr. K.Bhaskara Rao, C.G.S.C.

CORAM:

HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER(ADMN.)

O R D E R.

In this application filed under Section 19 of the Administrative Tribunals Act, the applicants, Defence Research and Development Laboratory Civilian Workers and

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Employees Association and another question the revised tariff of electricity and water charges decided upon by Respondent No.3 in pursuance of the decision of the Defence Ministry, Government of India, vide UD No.233/DO(WI)/94 of 1994, and seek a declaration that the said action is arbitrary, without jurisdiction and violative of Articles 14, 16, 21 and 300-A of the Constitution.

2. Shortly stated, the Government in the Ministry of Defence has decided to revise the water and electricity charges leviable on their civilian employees from 1.4.1992 as under :

(i) For service personnel and Defence Civilians residing in Cantonment/ Military areas.	..	Rs.4.00 per Thousand litres.
(ii) Civilians(other than Defence civilians) domestic consumers.	..	Rs.6.00 per thousand litres or All-in-cost rates of the preceding year, whichever is lower.
(iii) Private consumers like Contractors and other installations and workshops, commercial consumers, Cantonment Boards and bulk consumers.	..	All-in-cost rate of the preceding.

<u>CLASS "A" "B" &"C"</u>	<u>FOR BOARD OF TRADE UNITS.</u>
(i) For Sesrvice Personnel and Defence Civilians residing in Cantonment/ Military areas.	.. Rs.1.80 per KWH
(ii) Civilian(other than Defence civilians) domestic consumers.	.. Rs.2.00 per KWH.

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(iii) Private consumer like contractors and other installations and workshops, commercial consumers, cantonment Boards and other bulk consumers. .. All-in-cost rate of the preceding year.

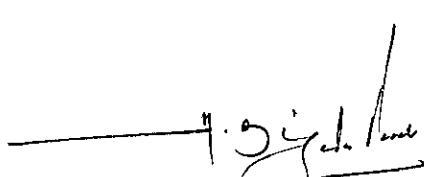
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3. This issue was examined by the Principal Bench of this Tribunal in O.A.No.163/96 (Defence Civilian and others) and disposed of on 29.10.1996. It was held by the learned Single Judge that it was not open for the Courts or Tribunals to go into the cost structure or prescribe price-lines in matters of supply of electricity, water or similarly facilities. It was held that such questions are outside the jurisdiction of this Tribunal and hence not justiciable. The O.A. was accordingly dismissed. It was also submitted by the learned counsel for the official respondents in the case referred, that retrospective levy of increased rates has been withdrawn and that the increases will be charged only prospectively.

4. I am in respectful agreement with the views of the Principal Bench, and hold that these matters lie outside the jurisdiction of this Bench of the Tribunal to adjudicate.

5. The O.A. is, therefore, dismissed accordingly. No costs.


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

DATED THE 15 DECEMBER, 1997.

DJ/


Deputy Registrar

23/12/97

I Court

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COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE

VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

DATED: 15-12-1997

ORDER/JUDGMENT:

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

in
O.A.No. 397/95.

T.A.No.

(W.R.)

Admitted and Interim directions
Issued.

Allowed

Disposed of with direction

Dismissed.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

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केन्द्रीय प्रशासनिक अधिकार अधिकारी
Central Administrative Tribunal
DESPATCH

22 DEC 1997

हैदराबाद विधानसभा
HYDERABAD BENCH