

58

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 442/96

Date of Order: 13.9.96

BETWEEN :

1. G.Sequeria
2. S.V.Narasimham
3. A.Adinarayana
4. M.Ramachandra Rao

.. Applicant.

AND

1. The Secretary, Ministry of Defence,
Govt. of India, New Delhi.
2. The Chief of Naval Staff,
Naval HQS, New Delhi.
3. The Flag Officer,
Commanding-in-Chief, HQRS,
Eastern Naval Command,
Visakhapatnam.
4. The Director of Naval Armament
Inspection, Naval HQ RS,
New Delhi.
5. The Chief-in-Inspector of
Naval Armament, Naval Armament
Inspectorate, Visakhapatnam.
6. The Sr. Inspector of Naval Armament
Naval Armament Inspectorate (Missiles)
INS Kalinga C/o FMO, Naval Base,
Visakhapatnam.

.. Respondents.

- - -

Counsel for the Applicant

.. Mr.N.Ramamohan Rao

Counsel for the Respondents

.. Mr.K.Ramulu

- - -

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

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Heard Mr.Shiva for Mr.N.Rama Mohan Rao, learned counsel
for the applicant and Mr.B.Satyanarayana for Mr.K.Ramulu,
learned standing counsel for the respondents.



2. There are four applicants in this OA and they were transferred to INS Kalinga for inspection of a common project called Integrated Guided Missile Development Programme (IGMDP). As the headquarters of INS Kalinga is not located in the city agglomeration of Visakhapatnam, they are reported to be ineligible for grant of HRA and CCA. It is the contention of the applicant that the project has been wound up and only these four applicants are kept at INS Kalinga for the last 4 years thereby depriving them of the HRA and CCA. Their colleagues in the same cadre ~~are enjoying the benefits at Visakhapatnam.~~ In the case of some of the officials posted at INS Kalinga from other organisation, they are being paid HRA and CCA treating their headquarters as Visakhapatnam. Such arrangement is not made in the case of the applicants herein. The applicant has filed representation to R-3 for payment of HRA and CCA as can be seen from the representations enclosed at page Nos. 12 to 15 of the OA. It is stated that no reply has been given in this connection. The applicants have also made another representation in regard to the rotation in that they should be replaced by other staff working under R-3 as they are in INS Kalinga for the last 4 years submits the learned counsel for the applicants.

3. This OA is filed for treating them as interatal part of NAI (V) Strength from the date of their posting at NAI Kalinga treating the posting as a local temporary duty on daily basis and pay them HRA and CCA in accordance with the rules.

4. No reply has been filed, though the learned standing counsel submits that the draft counter is ready. From the averments made in this OA I feel the only grievance for the applicants is that they are posted to INS Kalinga for the last 4 years thereby depriving them of payment of HRA and CCA though their colleagues in the same seniority unit are enjoying the allowances. If they are continuously posted for long years

they could have easily submitted a representation for rotating the staff of NAI (V) so that ~~the~~ all staff will bear the loss of HRA and CCA equally. The applicants have not made any such representation to the respondents. As per the movement order the applicant have been transferred to INS Kalinga. So far the transfer order is in existence and their working in a place which did not form part of city agglomeration of Visakhapatnam city they cannot claim HRA and CCA. I do not find any reason to strike this movement order transferring them to INS Kalinga as no malafide or colourable exercise of power has been attributed to the issue of the movement order. Hence the only alternate left to the applicant is to file a properly worded representation to R-3 to rotate the staff of NAI (V) between INS Kalinga and the headquarters organisation at Visakhapatnam if there is need for posting some staff at INS Kalinga so as to continuous avoid/loss of HRA and CCA to the applicants herein. If such a representation is received by R-3, he should consider that representation sympathetically as the applicants herein are *reported* *losing* due to the disentitlement of HRA and CCA and dispose of the representation in accordance with the rules and regulations.

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

The applicant, if so advised, may submit a properly worded representation to R-3 to post the staff of NAI (V) to INS Kalinga on rotational basis so that the denial of HRA and CCA is equally shared by all the staff concerned instead of continuing the applicants for a long period at INS Kalinga thereby depriving them of the benefit of HRA and CCA. If such a representation is received, R-3 should dispose of the same in accordance with the rules taking a sympathetic view.

6. The OA is disposed of as above with no order as to costs.

(R. RANGARAJAN)
Member (Admn.)

Dated: 13th September, 1996

(Dictated in open court)

O.A.NO.442/96

Copy to:

1. The Secretary, Ministry of Defence,
Govt. of India, New Delhi.
2. The Chief of Naval Staff, Naval HQRS,
New Delhi.
3. The Flag Officer,
Commanding in Chief, HQRS,
Eastern Naval Command,
Visakhapatnam.
4. The Director of Naval Armament
Inspection, Naval HQ Rs,
New Delhi.
5. The Chief-in-Inspector of
Naval Armament, Naval Armament
Inspectorate, Visakhapatnam.
6. The Senior Inspector of Naval Armament
Naval Armament Inspectorate (Missiles)
INS Kalinga C/O FMO, Naval Base,
Visakhapatnam.
7. One copy to Mr.N.Ram Mohan Rao, Advocate,
CAT, Hyderabad.
8. One copy to Mr.K.Ramuloo, Addl.CGSC,
CAT, Hyderabad.
9. One copy to Library, CAT, Hyderabad.
10. One duplicate copy.

YLKR

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Compared by

Checked By
Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED:

13/9/96

ORDER/JUDGEMENT
R.A/C.P./M.A.NO.

in

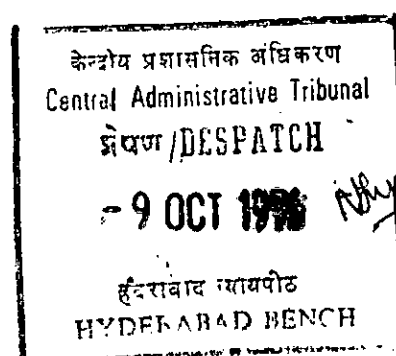
O.A.NO. 442/96

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

YLKR

II COURT

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210