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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

OA No.578/97

Date of Decision:

24th July 1997

BETWEEN:

M. Appa Konda &
R. Appa Rao

.. Applicants

AND

1. The Chief Post Master-General,
Andhra Pradesh Circle,
Hyderabad-500 001.

2. The Post Master-General,
Visakhapatnam-500 003.

3. The Senior Superintendent
of Post Offices,
Visakhapatnam Division,
Visakhapatnam-500 001.

.. Respondents

Counsel for the Applicant: Mr. M.P. Chandra Mouli

Counsel for the Respondents: Mr. N.V. Raghav Reddy

CORAM:

THE HON'BLE SRI H. RAJENDRA PRASAD: MEMBER (ADMN.)

ORDER

(Per Hon'ble Sri H. Rajendra Prasad: Member (Admn.)

Heard Mr. Janardhan Rao for Mr. M.P. Chandra Mouli on behalf of the applicant, and Mr. W. Satyanarayana for Mr. N.V. Raghav Reddy on behalf of the respondents.

2. The applicants who are serving as postmen in Gandhigram Sub Post Office were allotted residential accommodation in the Hindustan Shipyard Colony by the Shipyard authorities, whereupon orders were issued to stop payment of house rent allowance in respect of applicant No.1 from March, 1998, and Applicant No.2 from January 1989, on the ground that as a Government accommodation was allotted to the applicants, they were no longer entitled for the said allowance.

3. The Shipyard authorities, vide Annexure-III to the OA, intimated that the accommodation allotted to the applicants was in their individual capacity. This clarification was in response to a letter from R-3 enquiring whether the said accommodation had been allotted to the applicants in their individual capacity or in their capacity as officials of the department of posts.

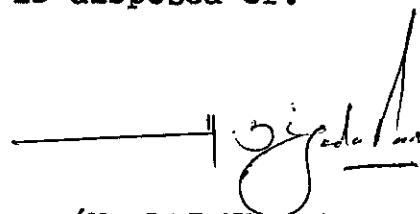
4. In view of this clarification it would not seem to be open to the respondents to stop HRA to the applicants. Further Rule 5 (C)(ii) of FR & SR Part-5 (HRA & CCA) cited by the respondents in their counter-affidavit is not relevant to the facts of the case. The same is the position with regard to another Rule 4 (3)(b)(ii) of FR & SR (Part-5) cited in the counter-affidavit, since it too is not pertinent to the facts of the case.

5. Under the circumstances it has to be held that the action of R-3 in ordering stoppage of HRA to the applicants was not in order and not covered by any specific rule. In any case, no rule or rules permitting such stoppage was pointed out by the respondents. The impugned action cannot, therefore, be sustained. Annexure-IV letter No.D/7/1/II Dt.21.1.1997 issued by Respondent-3 is, therefore, hereby set aside. It is directed that the HRA as per rules be calculated from the date of its stoppage in respect of both the applicants and the amount disbursed within 90 days from the date of receipt of a copy of this order.

8/11/97

6. Before issuing the sanction for the HRA as above, the respondents will be well-advised to get a proper certificate from the Shipyard authorities that all due rent/licence fees in respect of the quarters has been duly paid by the applicants for the same period.

7. Thus the OA is disposed of.


(H. RAJENDRA PRASAD)
MEMBER (ADMN.)

Date: 24th July 1997

*Ansari
1997
Deputy Registrar (D)*

KSM

O.A. 578/97.

To

1. The Chief Postmaster General,
A.P.Circle, Hyderabad-1.
2. The Postmaster General,
Visakhapatnam-3.
3. The Senior Superintendent of Post Offices,
Visakhapatnam Division, Visakhapatnam-1.
4. One copy to Mr.M.P.Chandra Mouli, Advocate, CAT.Hyd.
5. One copy to Mr.N.V.Raghava Reddy, Addl.CGSC. CAT.Hyd.
6. One copy to Hon'ble H Rajendraprasad.M(A) CAT.Hyd.
7. One copy to D.R.(A) CAT.Hyd.
8. One spare copy.

pvm.

Self
S&T

T 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: 24-7-1997

ORDER/JUDGMENT

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

in

C.A.No.

528197

T.A.No.

(w.p.)

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected.

No order as to costs.

pvm

