

31

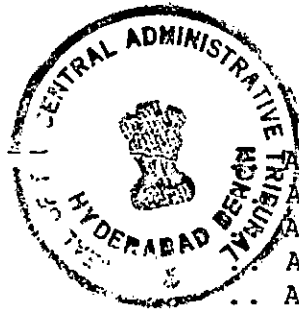
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NOS. 616, -617, -618, -619, -620, -621,
622, -623, -624 of-1997

DATE OF ORDER: --9th-May, -1997

BETWEEN:

D.NAGAI AH
N.GANESH
V.BRAHMA REDDY
S.K.DAWOOD
K.MANIKYA RAO
G.VIDYA SAGAR
K.NARAYANA
B.NARASIMHA REDDY
A.SIDDULU



.. APPLICANT IN OA 616/97
.. APPLICANT IN OA 617/97
.. APPLICANT IN OA 618/97
.. APPLICANT IN OA 619/97
.. APPLICANT IN OA 620/97
.. APPLICANT IN OA 621/97
.. APPLICANT IN OA 622/97
.. APPLICANT IN OA 623/97
.. APPLICANT IN OA 624/97

AND

1. The Chief Postmaster General,
A.P.Circle, Hyderabad-1,
2. The Superintendent of Post Offices,
Sangareddy Division, Sangareddy 502001,
3. The Post Master,
Sangareddy P.O. 502001,
4. The Senior Manager, Estate,
B.H.E.L, Ramachandrapuram,
Hyderabad-32. .. RESPONDENTS IN ALL THE OAs

COUNSEL FOR THE APPLICANTS: Mr. P.N.A.CHRISTIAN

COUNSEL FOR THE RESPONDENTS: Mr.NR DEVARAJ, Sr.CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

ORDER

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.))

Heard Mr.P.N.A.Christian, learned counsel for the applicants and Mr.N.R.Devaraj, learned standing counsel for the respondents in all the OAs.

2. The applicant in OA 616/97 is Postal Assitant and he is occupying the quarter No.289/H in BHEL Township under the control of R-4.

(32)

3. The applicant in OA 617/97 is a Class IV employee. He is occupying the quarter No.219/H in BHEL Township under the control of R-4.

4. The applicant in OA 618/97 is Postal Assitant occupying the quarter No.270/H in BHEL Township under the control of R-4.

5. The applicant in OA 619/97 is Postman occupying quarter No.280/G in BHEL Township under the control of R-4.

6. The applicant in OA 620/97 is Postman occupying the quarter No.277/H in BHEL Township under the control of R-4.

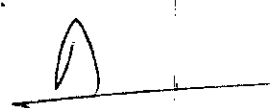
7. The applicant in OA 621/97 is Mail Oversear occupying the quarter No.203/G in BHEL township under the control of R-4.

8. The applicant in OA 622/97 is a class IV employee occupying quarter No.270/G in BHEL Township under the control of R-4.

9. The applicant in OA 623/97 is Postman occupying quarter No.268/D in BHEL township under the control of R-4.

10. The applicant in OA 624/97 is Postman occupying the quarter No.293/H in BHEL Township under the control of R-4.

11. All the applicants were denied House Rent Allowance on the pretext that the quarters occupied by them



are Government/Autonomous/Public Sector Undertaking quarters. All the 9 OAs are filed praying for direction to R-1 to pay them House Rent Allowance and the recovered arrears of HRA from 1.9.91 or from the date they are eligible for HRA.

12. The applicants rely on the judgment of this Tribunal in OA 67/95 decided on 5.7.96 to state that they are eligible for House Rent Allowance though they are occupying the quarters allotted to them by BHEL.

13. This Tribunal had already laid down certain norms for payment of HRA to those employees who are occupying the quarters belonging to Public Sector Undertakings. The norms laid down in this connection read as follows:-

"The law in this connection has been analysed from the various citations and it was held in O.A.No.945/94 decided today that "the law laid down in this connection is that the accommodation provided to the govt. servants directly by the autonomous corporation/undertakings by the direct effort of the allottees cannot be construed as accommodation provided by the govt. Department and also cannot be treated as accommodation procured through the active assistance and help of the concerned govt. Department. Under the above circumstances, the Govt. servants are entitled for HRA. The converse is that if the accommodation is either provided by the Govt. or through their active assistance, cooperation and help, the accommodation is to be treated as the

one provided by the govt. and such allottees are disentitled for HRA."

14. It is not necessary for this Tribunal to scrutinise each and every case to adjudicate the eligibility of the applicants in these OAs for the purpose of grant of HRA. The respondents should themselves analyse each case on the basis of the law laid down by this Tribunal and decide the issue in regard to admissibility of the HRA to the applicants in all these OAs.

15. The learned counsel for the respondents submitted that the cases will be analysed in accordance with the norms extracted above and a final decision on each case will be taken.

16. In view of the above submission, we direct the Post Master General, Hyderabad Region, Hyderabad to decide the claim of the applicants for payment of House Rent Allowance and also return the recovered arrears of HRA in accordance with the above norms expeditiously.

17. All the OAs are disposed as above at the admission stage itself. No order as to costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

न्यायालय अधिकारी
COURT OFFICER
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद न्यायपीठ
HYDERABAD BENCH

CA 616 to 624/77

9/5/77

26/8/77