

46

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

O.A.No: 153/97

Date of decision: 27-3-98

Between:

Pusala Ramana

.. Applicant

A N D

1. The Admiral Superintendent,  
DGM(Personnel) No. 42 Building,  
Naval Dockyard,  
Visakhapatnam - 530 014.

2. The Captain Superintendent,  
Naval Ship Repair Yard,  
Navy Office - Port Blair-744 102  
Andaman & Nicobar Islands.

3. The Fortress Commander (S.O. Civ)  
Fortress Head Quarters,  
Navy Office Port Blair 744 102.

4. The Flag Officer Commanding-In-Chief,  
S.O.Civ,  
Head Quarters Eastern Naval Command,  
Visakhapatnam - 530 014. .. Respondents

Counsel for the applicant : Mr. Gopal Rao

Counsel for the respondents: Mr. V. Rajeshwara Rao

Coram:

Hon'ble Shri H. Rajendra Prasad, Member(A)

(Per Hon'ble Shri H. Rajendra Prasad, Member(A))

The applicant, while working as Electrical Fitter, Gr.I, in the Naval Dockyard, Visakhapatnam, was selected for the post of Senior Chargeman (PPC) on 16-1-1991 and was posted to Base Repair Organisation, Port Blair. He joined the post on 25-1-1991. Until his departure from Visakhapatnam he was in receipt of HRA at the normal rates. The allowance was stopped after he was struck-off ~~the~~ strength of his earlier unit at Visakhapatnam. In response to representations submitted in this regard the authorities of Naval Ship Repair Yard, Port Blair, rejected his claim for the payment of Mainland HRA holding that he was not eligible for the same having been appointed as Senior Chargeman as a direct recruit and not on departmental transfer <sup>or</sup> as an in-service candidate.

2. The applicant is aggrieved by this decision on the following grounds :

- (i) he was paid TA, granted transit pay on his transfer to Port Blair.  
and allowed joining time
- (ii) Ministry of Finance OM No. 11014/1/E.II(P)/84 dt. 25-5-86 and 8-3-88 envisages payment of HRA in cases such as the present one;

(iii) Mainland HRA was paid to one Shri V. Suri Babu even though he was selected as Foreman Welder by direct recruitment, while, like himself, while serving at Visakhapatnam.

3. The applicant seeks a direction to the respondents to grant him Mainland HRA @ Rs.250/- from 21-1-1991 to 24-3-1994 i.e., during his stay at Port Blair.

4. The respondents in their counter-affidavit point out that the concessions contained in Govt. of India order referred to by the applicant relate to those officials who are posted on transfer from the Mainland to the Islands. It is their case that the applicant was not transferred on posting to Port Blair but was selected to the post of Senior Chargeman (PPC) as a direct recruit. And inasmuch as he was directly recruited and posted to Port Blair, he is not entitled to Mainland HRA which was being duly paid to him prior to the date of such selection. The travel regulations in such cases entitle him only to TA and not to any other allowance.

-: 3 :-

5. The position of the rules being unambiguously clear, there is only one issue which needs examination: was the promotion and posting of the applicant to the post of Sr.Chargeman(PPC) a case of direct recruitment or one of promotion to an in-service candidate ?

6. The position in this regard is as under:

Under SRO 291/83, as amended from time to time, qualifying with 50% marks in the relevant examination for the said post, are eligible for in-service promotion. Alternately, tradesman of highly skilled Gr.II(Electrical)with four years of service in both grades, with similar qualifying aggregate marks, are also eligible. The extent of such in-service promotions is limited to 75% of the sanctioned posts. The remaining 25% posts are to be filled only by direct recruitment.

The applicant was selected under the direct recruitment quota since all posts of Senior Chargeman(PPC) were earmarked only for direct recruitment and no promotions are allowed to these posts from the feeder Highly Skilled Grs.I and II grades. Moreover, the applicant's order of appointment as Senior Chargeman (PPC) (Annexure-5) clearly mentions that he was selected to the post by direct recruitment. Asked to clarify as to why the applicant was allowed joining time and sea-passage if he was selected to the post by direct recruitment, it was explained by learned standing counsel for the respondents that it was an essential facility that was extended to a departmental employee who was joining another unit in the Islands even if it was by way of direct recruitment. The mere grant of TA/joining period would not by itself alter the fact of his being a direct recruit. As regards payment of Mainland HRA to Suri Babu it is explained that the official was selected under a special recruitment drive and his case is not therefore comparable to the present one.

7. The submissions of the parties have been considered. The fact that the applicant was selected for the post of Sr.Chargeman(PPC) through direct recruitment process cannot be denied. The Govt. of India instructions on which the applicant relies relate to regular transfers and posting of

Govt. servants between the Mainland and Andaman & Nicobar Islands, and not to those who are directly recruited and posted to the islands. It has been very clearly stated at every stage that the applicant is a direct recruit.

8. Under the circumstances it is not found possible to grant the reliefs prayed for by the applicant. OA is disallowed.

*1.5/1*  
(H. RAJENDRA PRASAD)  
Member (A)

*30 MAR 98*

MD

*M-  
Repetit Resister*

C.A.153/97.

To

1. The Admiral Superintendent, DGM(Personnel) No. 42 Building, Visakhapatnam-14.
2. The Captain Superintendent, Naval Ship Repair Yard, Navy Office, Port Blair-102, Andaman & Nicobar Islands.
3. The Fortress Commander (S.O.Civ) Fortress Head Quarters, Navy Office Port Blair-102.
4. The Flag Officer (Commanding-in-Chief, S.O.Civ. Headquarters Eastern Naval Command, Visakhapatnam-14.
5. One copy to Mr.Gopal Rao, Advocate, CAT.Hyd.
6. One copy to Mr. V.Rajeswar Rao, Addl.CGSC. CAT.Hyd.
7. One copy to HHRP.M.(A) CAT.Hyd.
8. One copy to DR(A) CAT.Hyd.
9. One spare copy.

pvm

13 u/98  
I Court

TYPED BY  
COMPARED BY

CHECKED 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: 27-3-1998

ORDER/JUDGMENT:

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

in  
O.A. No. 153/97

T.A. No.

(W.P.)

Admitted and Interim directions  
Issued.

Allowed

Disposed of with direction

Dismissed.

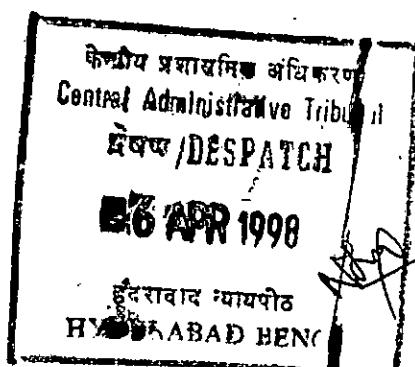
Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

p.v.m.



THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD - CIVIL WITNESS

Case No. 153/97.

Date of Order: 25-11-97.

Defendant

Pusle P. & Co.

... applicant.

and

1. The Admiral Superintendent  
C.S.I. (Personnel) No. 62 Building  
Visakhapatnam-14.

2. The Captain Superintendent  
Navy Ship Repair Yard  
Navy Office-Fort Blair-102  
Andaman & Nicobar Islands.

3. The Fortress Commander (C.S.I.)  
Fortress Board Officers  
Navy Office Fort Blair-102.

4. The Officer Commanding-in-Chief  
C.S.I. (Civ). Head-quarters Eastern Naval Command,  
Visakhapatnam-14.

... respondent.

For the applicant: Mr. U. Sopal Rao, Advocate.

For the respondent: Mr. V. V. S. Kumar Rao, Adl. & Co.

C.S.I.

Ch. 12 'Lia - g. & S. S. S. L. M. & L. M. (L.M.)

The Tribunal made the following order:

Part-heard Mr. U. S. Sopal Rao for the applicant.

It is necessary to know whether any normal promotion channel exists for H.E.E.(Electrical) to Cr. Chargeon(Electrical).  
Further-more, is there any direct recruitment quota for C.S.I. S.C. & what is the proportion for the direct recruits and C.S.I. Department Promotees. Case to be listed for the further hearing on  
9th December, 1997.

प्रमाणित प्रति

CERTIFIED TO BE TRUE-COPY

मानव संचार अधिकारी/द्यू परिस्टार (व्याविधिक)  
Court Officer/Dy. Registrar

केन्द्रीय प्राविधिक अधिकारी

Central Administrative Tribunal

Ad/- R  
Deputy Registrar.

To

Mr. V. V. S. Kumar Rao

1. The Admiral Superintendent, C.S.I. (Personnel) No. 62  
Building, Naval Dockyard, Visakhapatnam-14  
2. The Captain Superintendent Naval Ship Repair Yard  
Navy Office-Fort Blair-102, Andaman & Nicobar Islands.  
3. The Fortress Commander (C.S.I.) Officer Board Officers  
Navy Office Fort Blair-102.  
4. The Officer Commanding-in-Chief, C.S.I. (Civ)  
Head-quarters Eastern Naval Command, Visakhapatnam-14.  
(1) First copy to Mr. U. Sopal Rao, Advocate, 11, Hyd.  
(1) Second copy to Mr. V. V. S. Kumar Rao, Adl. & Co., 11, Hyd.  
7. The Plaintiff.