

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 040/00190/2018

THE HON'BLE MRS. MANJULA DAS, JUDICIAL MEMBER

THE HON'BLE MR. NEKKHOMANG NEHSIAL, ADMINISTRATIVE MEMBER

1. Shri Prasanta Kumar Das
Out Boat Engine Driver
Office of the Executive Engineer
Central Water Commission
Middle Brahmaputra Division
Government of India, CWC Complex
Behind Adabari Bus Stand
Post Office-Gauhati University
Guwahati, Pin – 781014.
2. Shri Nemi Kumar Aich
Mechanic Grade – I
Office of the Executive Engineer
Central Water Commission
Middle Brahmaputra Division
Government of India, CWC Complex
Behind Adabari Bus Stand
Post Office-Gauhati University
Guwahati, Pin – 781014.
3. Shri Dhan Das
Skilled Work Assistant
Office of the Executive Engineer
Central Water Commission
Middle Brahmaputra Division
Government of India, CWC Complex
Behind Adabari Bus Stand
Post Office-Gauhati University
Guwahati, Pin – 781014.
4. Shri Hemanta Kumar Das
Skilled Work Assistant
Office of the Executive Engineer

Central Water Commission
Middle Brahmaputra Division
Government of India, CWC Complex
Behind Adabari Bus Stand
Post Office-Gauhati University
Guwahati, Pin – 781014.

5. Shri Dinesh Chandra Barman
Skilled Work Assistant
Office of the Executive Engineer
Central Water Commission
Middle Brahmaputra Division
Government of India, CWC Complex
Behind Adabari Bus Stand
Post Office-Gauhati University
Guwahati, Pin – 781014.

6. Shri Dilip Boro
Work-Sarkar Grade-II
Office of the Executive Engineer
Central Water Commission
Middle Brahmaputra Division
Government of India, CWC Complex
Behind Adabari Bus Stand
Post Office-Gauhati University
Guwahati, Pin – 781014.

... Applicants

-VS-

1. The Union of India
Represented by the Secretary to
the Government of India
Ministry of Water Resources,
Shram Shakti Bhawan,
Rafi Marg, New Delhi, PIN – 110001.
2. The Director
River Data Compilation
Directorate, Central Water
Commission, West Block – 1
Second Floor, Wing – 4, R. K. Puram,
New Delhi – 110066.

3. The Superintending Engineer
Hydrological Observation Circle
Central Water Commission
Government of India
CWC Complex, Behind Adabari Bus
Stand, P.O. – Gauhati University
Pin – 781014.
4. The Executive Engineer
Central Water Commission
Middle Brahmaputra Division
Government of India, CWC Complex
Behind Adabari Bus Stand
Post Office-Gauhati University
Guwahati, Pin – 781014.

... Respondents

For the Applicants: Sri A Ahmed, Smt R.R.Rajkumari, Smt D
Goswami, Sri N Barman and Ms A Theyo

For the Respondents: Sri R Hazarika, Addl. C.G.S.C.

Date of hearing: 11.09.2019 Date of Order: 26.11.2019

ORDER

MANJULA DAS, MEMBER (J):

The 6 applicants have filed this OA under Section 19
of the Administrative Tribunals Act, 1985 seeking the following
prayers:-

"8.1 To set aside and quashed the impugned
Circular No.4/3/L&B/DB/2016-HOC/719-24 dated
20.07.2017, Letter nos. 8(6)A/2012-BBB/3537-39 dated
20.11.2017 as well as consequential Notice No.
5/4/CPWD-HQ/2015-MBD/2238-41 dated 03.05.2018.

8.2 To declare that the Applicants are entitled to draw House Rent Allowance as per Rule-7 of the General Rules and Orders of the Government of India, on House Rent Allowance.

8.3 To direct the Respondents to continue the benefit of House Rent Allowance to the individual applicant as per their entitlement w.e.f. May 2018 onwards as usual.

8.4 Costs of the application.

8.5 Any other relief(s) which the Applicants are entitled to as may deem fit and proper."

2. We have heard Sri A Ahmed, learned counsel for the applicants and Sri R Hazarika, learned counsel for the respondents. This Tribunal has already decided identical matters namely OA.10/2018 and OA.186/2018. The facts and relief sought for in this OA are exactly similar to those cases. Therefore, for the sake of brevity we are not reiterating the facts of the case being similar to those two cases. Said OA Nos. 10/2018 and 186/2018 were disposed of vide order dated 21.11.2019 with the following directions:-

"12. Admittedly, vide OM dated 05.03.2019, the condition of applying for government accommodation and furnishing of No Accommodation Certificate to become eligible for payment of HRA have been dispensed with for all purposes in respect of General Pool Residential Accommodation (GPRA) controlled by Directorate

of Estates. To that effect learned counsel for the respondents also admitted that applicants are entitled to HRA w.e.f. the date those two OMs were made operational i.e., 05.03.2019. Thus, there is no dispute as regards payment of HRA to the applicants from 05.03.2019.

13. As regards payment of HRA prior to 05.03.2019 i.e., from 01.01.2008 or 01.05.2008, as the case may be, matter is remanded to the authority for taking a final decision in the matter. Accordingly, applicants are directed to make comprehensive representation ventilating their grievances within a period of one month from the date of receipt of this order. On receipt of the same, the respondents are directed to scrutinize the same as per rules and pass appropriate orders after affording them an opportunity of being heard within a period of two months thereafter. Till such time, the interim orders passed in all the cases shall continue to operate.

14. All the three OAs are disposed of as above. There shall be no order as to costs."

3. We do not find any reason to deviate from order passed as above. Accordingly we hereby direct that the orders passed in OA.10/2018 and 186/2018 shall also be applicable in this case.

4. OA is disposed of accordingly. No costs.

(NEKKHOMANG NEIHSIAL)
ADMINISTRATIVE MEMBER

(MANJULA DAS)
JUDICAIL MEMBER

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