

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Original Application No. 046/00091/2020

Date of Order: This, the 13th day of March 2020

THE HON'BLE SMT. MANJULA DAS, MEMBER (J)

THE HON'BLE MR. NEKKHOMANG NEIHSIAL, MEMBER (A)



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...Applicants

By Advocates: Sri M. Chanda, U. Dutta & R. Medhi

-Versus-

**1. The Union of India**

Represented by the Secretary
Ministry of Home Affairs
New Delhi-1.

2. The Secretary

Ministry of Finance,
Department of Expenditure,
North Block, Lok Nayak Bhawan,
New Delhi- 110001.

3. The Director

Intelligence Bureau
Ministry of Home Affairs, New Delhi-1.

4. The Joint Director

Subsidiary Intelligence Bureau
Ministry of Home Affairs
Government of India,
Kohima, Nagaland, Pin-

5. The Assistant Director/E

Subsidiary Intelligence Bureau
Ministry of Home Affairs
Government of India
Kohima, Nagaland, Pin-

...Respondents.

O R D E R (O R A L)

MANJULA DAS, MEMBER (J)

On being mentioned by Sri M. Chanda, learned counsel for the applicants, this O.A. has been taken up today.



2. Sri M. Chanda, learned counsel appearing on behalf of the applicants submits that as the reliefs sought for in this application by the 56 applicants are common and under the same respondents, therefore, permission may granted by this Tribunal to move their applications jointly in a single application under Section 4(5)(a) of the CAT (Procedure) Rules 1987. Such permission is hereby accepted and allowed.

3. In this O.A., all the applicants are asking for the following reliefs:-

“8.1 For that, the Hon'ble Tribunal be pleased to set aside and quashed the impugned office Memorandum Bearing No. 20/Adm (C)/2018 (2)-946 dated 27.09.2019.

8.2 That the Hon'ble Tribunal be pleased to direct the respondents to grant the benefit of HRA at the rate of 'B'/'Y' class city rate to the applicants who are/were working under the administrative control of Subsidiary Intelligence Bureau, Ministry of Home Affairs, Government of India, Kohima, Nagaland from the date of their actual posting at Kohima, Nagaland with arrear monetary benefit.

8.3 Costs of the application.

8.4 Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper."



2. Sri M. Chanda, learned counsel appearing on behalf of the applicants submits that they are aggrieved against the impugned Memorandum bearing No. 20/Adm(C)/2018(2)-946 dated 27.09.2019 whereby it was informed that HRA at "B"/"Y" class city rates have been allowed to implement the court orders in respect of only those applicants who approached the Court. The benefits of higher rate of HRA i.e. "B"/"Y" class city rates however, has not been granted to the present applicants on the ground that they did not approach before any Court/Tribunal. The applicants have enclosed a copy of the adjudication of this Tribunal in O.A. No. 044/00097/2019 dated 12.07.2019 and dated 24.07.2019 in O.A. No. 046/00346/2017. They have also enclosed a copy of the adjudication of this Tribunal in O.A. No. 282 of 2013 dated 03.02.2015.

3. We have gone through these adjudications and observed that the case of the present applicants seems to be similar with those who have been adjudicated

favourably by this Tribunal wherein the respondents were directed to verify the factual details and if the applicants are found to be similarly situated, they may be extended the benefits as claimed by them.



4. Keeping in view of the above and to keep uniformity in the judgment, the O.A. is hereby disposed of in the line with the judgment and order dated 03.02.2015 passed in O.A. No. 282/2013 passed by this Tribunal and respondents are directed to verify the factual details and if they are found to be similarly situated, the benefits of judgment cited herein may be extended by granting them benefits as claimed in this O.A. with all consequential benefits, within a period of two months from the date of receipt of a copy of this order.

5. No order as to costs.

(NEKKHOMANG NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)