

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)



1. Shri Ashis Kumar Samanta, (JIO-I/Tech)

S/O (L) Maniklal Samanta
SIB, Kohima Post Box No. 04
Kohima, Nagaland-797001

2. Shri Sanjay Kumar, (SSA)

S/O (L) Gorakh Nath Prasad
SIB, Kohima Post Box No. 04
Kohima, Nagaland-797001

3. Shri Kajal Bhattacharjee, (SSA)

S/O (L) Kaiballya Ranjan Bhattacharjee
SIB, Kohima Post Box No. 04
Kohima, Nagaland-797001

4. Shri Shyamal Biswas (SSA)

S/o (L) Krishna Pada Biswas
SIB, Kohima Post Box No. 04
Kohima, Nagaland-797001

5. Shri Pradeep Kumar, (ACIO-I/Tech)

S/O (L) Shri Rajveer Singh
SIB, Kohima Post Box No. 04
Kohima, Nagaland-797001

6. Shri Sumit Kumar Maity, (SSA)

S/o (L) Jugal Kishore Maity
SIB, Kohima Post Box No. 04
Kohima, Nagaland-797001



7. **Shri Shailender Kumar Verma, (ACIO-I/Tech)**
Son of Shri Vishnu Kumar
SIB, Kohima Post Box No. 04
Kohima, Nagaland-797001
8. **Shri Akash Deep, (ACIO-I/Tech)**
Son of Shri Ashok Kumar
SIB, Kohima Post Box No. 04
Kohima, Nagaland-797001
9. **Shri Subrata Bandyopadhyay, (PA)**
S/o (L) R N Banerjee
SIB, Kohima Post Box No. 04
Kohima, Nagaland-797001
10. **Shri Ganesh Kumar Modi, (JSA)**
S/o Harihar Modi
SIB, Kohima Post Box No. 04
Kohima, Nagaland-797001
11. **Shri Sudeep Majumdar, (SA/G)**
S/o Shri Hiren Majumdar
SIB, Kohima Post Box No. 04
Kohima, Nagaland-797001
12. **Shri Sudip Nath, (SA/G)**
S/o Sitangshu Ranjan Nath
SIB, Kohima Post Box No. 04
Kohima, Nagaland-797001
13. **Shri Pankaj Kumar, (JIO-II/Tech)**
S/o Shri Bansraj
SIB, Kohima Post Box No. 04
Kohima, Nagaland-797001.
14. **Shri Ranjit Das (JIO-I/MT)**
S/o Shri Gangadhar Das
SIB, Kohima Post Box No. 04
Kohima, Nagaland-797001



- 15. Shri Mohit, (Steno)**
S/o Shei Subhash Chander
SIB, Kohima Post Box No. 04
Kohima, Nagaland-797001
- 16. Shri Braham Prakash Yadav , (ACIO-II/MT)**
S/o Shri Ram Kumar
SIB, Kohima Post Box No. 04
Kohima, Nagaland-797001
- 17. Shri Vimezo Kul, (JIO-II/G)**
S/o Shri Zakiyo Kul
SIB, Kohima Post Box No. 04
Kohima, Nagaland-797001
- 18. Shri Susil Pal, (ACIO-II/Tech)**
S/o (L) Shri Gopla Gh. Pal
SIB, Kohima Post Box No. 04
Kohima, Nagaland-797001
- 19. Shri Ramdarash Patel, (JIO-II/G)**
S/o Shri Ramsiya Patel
SIB, Kohima Post Box No. 04
Kohima, Nagaland-797001.
- 20. Shri Saurabh Sharma, (JIO-II/Tech)**
S/o Shri Hariom Sharma
SIB, Kohima Post Box No. 04
Kohima, Nagaland-797001
- 21. Shri Mahender Singh Bisht, (ACIO-II/Exe)**
S/o (L) G.S. Bisht
SIB, Kohima Post Box No. 04
Kohima, Nagaland-797001
- 22. Shri Rohit Chandrayan, (ACIO-II/G)**
S/o Shri Arun Kumar
SIB, Kohima Post Box No. 04
Kohima, Nagaland-797001

23. Shri Temsujungba Walling
 S/o Kilen Walling
 SIB, Kohima Post Box No. 04
 Kohima, Nagaland-797001

24. Shri Dhan Bahadur Chetri, (Chowkidar)
 C/o (L) R. B. Chetri
 SIB, Kohima Post Box No. 04
 Kohima, Nagaland-797001

25. Shri Bholanath Sarkar, (ASO)
 C/o (L) N.R. Sarkar
 SIB, Kohima Post Box No. 04
 Kohima, Nagaland-797001

26. Shri Chandan Ray, (ACIO-II/Tech)
 S/o (L) Shri Anil Ranjan Ray
 SIB, Kohima Post Box No. 04
 Kohima, Nagaland-797001.

27. Shri T. Nongneng, SO
 S/o (L) F. Nongrang
 SIB, Kohima Post Box No. 04
 Kohima, Nagaland-797001

28. Shri Rana Sen, ACIO-II/Tech
 S/o Shri Gouri Sankar Sen
 SIB, Kohima Post Box No. 04
 Kohima, Nagaland-797001

29. Shri Santosh Kumar Sharma, (ASO)
 S/o Puna Sharma
 SIB, Kohima Post Box No. 04
 Kohima, Nagaland-797001

30. Shri A.T. Sumangan, (JIO-I/MT)
 S/o P.V Thankappan
 SIB, Kohima Post Box No. 04
 Kohima, Nagaland-797001





31. Shri Kalyan Nayak, (JIO-I/MT)
 S/o (L) Ramchandra Nayak
 SIB, Kohima Post Box No. 04
 Kohima, Nagaland-797001

32. Shri Khriezhato (Compounder)
 S/o Lt Yahu
 SIB, Kohima Post Box No. 04
 Kohima, Nagaland-797001

33. Shri N Chandran, (ACIO-II/MT)
 S/o Natarajan
 SIB, Kohima Post Box No. 04
 Kohima, Nagaland-797001

34. Shri Amrendra Kumar, (ACI-II/G)
 S/o Shri Jainarayan Prasad
 SIB, Kohima Post Box No. 04
 Kohima, Nagaland-797001

35. Shri Pradeep Kumar, (JSA)
 S/o Sh. Ramniwas
 SIB, Kohima Post Box No. 04
 Kohima, Nagaland-797001

36. Shri K.S Nagaraj, (JIO-II/MT)
 S/o Sanjeevaiah
 SIB, Kohima Post Box No. 04
 Kohima, Nagaland-797001

37. Shri Piyush Kumar Tiwari, (SA/G)
 S/o T.N Tiwari
 SIB, Kohima Post Box No. 04
 Kohima, Nagaland-797001

38. Shri Harshal Dadaji Patil, (ACIO-II/Exe)
 S/o Dadaji Fula Patel
 SIB, Kohima Post Box No. 04
 Kohima, Nagaland-797001



39. Shri Devendra Pal Singh, (ACIO-I/Tech)
 S/o Shri Shishu Pal Singh
 SIB, Kohima Post Box No. 04
 Kohima, Nagaland-797001

40. Shri S. Moatoshi, (SA/MT)
 S/o Shri Shiluakaba
 SIB, Kohima Post Box No. 04
 Kohima, Nagaland-797001

41. Shri Pradeep Kumar Kushwaha, (ACIO-II/MT)
 S/o Sh G.R Kushwaha
 SIB, Kohima Post Box No. 04
 Kohima, Nagaland-797001

42. Shri Subir Bhattacharyya, (ACIO-II/Tech)
 S/o Lt Sushil Kumar Bhattacharyya
 SIB, Kohima Post Box No. 04
 Kohima, Nagaland-797001

43. Shri Raghunath Ram Patel, (ACIO-I/Tech)
 S/o Beenja Ram Patel
 SIB, Kohima Post Box No. 04
 Kohima, Nagaland-797001

44. Shri Sanjeev Kumar, (JIO-II/Tech)
 S/o (L) Sh. Roshan Lal Sharma
 SIB, Kohima Post Box No. 04
 Kohima, Nagaland-797001

45. Shri Satish Kumar, (ASO)
 S/o (L) Shri Man Singh
 SIB, Kohima Post Box No. 04
 Kohima, Nagaland-797001

46. Shri Dharam Pal Singh, (ASO)
 S/o (L) Shri Nihal Singh
 SIB, Kohima Post Box No. 04
 Kohima, Nagaland-797001

47. Shri Vikash Kumar, (ACIO-II/G)
 S/o Shri Ajmer
 SIB, Kohima Post Box No. 04
 Kohima, Nagaland-797001

48. Shri Digandh Saurav Bhardwaj, (ACIO-II/G)
 S/o Bijay Kant Mishra
 SIB, Kohima Post Box No. 04
 Kohima, Nagaland-797001

49. Sanjay Kumar Verma, (PA)
 S/o Ram Chandra Verma,
 SIB, Kohima Post Box No. 04
 Kohima, Nagaland-797001

50. Shri Satender Singh, (JIO-I/G)
 S/o Shri Sarjit Singh
 SIB, Kohima Post Box No. 04
 Kohima, Nagaland-797001

51. Shri Abdul Razzak Shah, (ACIO-I/Tech)
 S/o Late Hapijuddin Shah
 SIB, Kohima Post Box No. 04
 Kohima, Nagaland-797001

52. Shri Ram Kumar Tyagi, (JIO-I/MT)
 S/o Shri M.S Tyagi
 SIB, Kohima Post Box No. 04
 Kohima, Nagaland-797001

53. Shri Dewesh Paliwal, (ACIO-II/G)
 S/o Dr. Bhaniram Paliwal
 SIB, Kohima Post Box No. 04
 Kohima, Nagaland-797001

54. Shri Nchumthung Rangthan, (JIO-II/MT)
 S/o Nyamo Rangthan
 SIB, Kohima Post Box No. 04
 Kohima, Nagaland-797001



55. Shri P.V Naveen Kumar, (ACIO-II/Exe)

S/o Shri P. Bala Narasaiah
SIB, Kohima Post Box No. 04
Kohima, Nagaland-797001.

56. Shri Sarju Deveser, (ACIO-II/Exe)

S/o Shri Rajesh Kumar Sharma
SIB, Kohima Post Box No. 04
Kohima, Nagaland-797001.

...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.

ORDER (ORAL)

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 be 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)