CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Original Application No. 046/00011/2020

Date of Order: This, the 09th day of January 2020

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

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

1. MES No. 243669
   M. Mohana Krishnan
   Ex Electrician (SK)
   Office of the Assistant Garrison
   Engineer (I), Zakhama
   Pin – 900792, C/O 99 APO.

2. MES No. 243677
   Joseph Mathew
   Ex Electrician (SK)
   Office of the Assistant Garrison
   Engineer (I), Zakhama
   Pin – 900792, C/O 99 APO.

...Applicants

By Advocates: Sri Adil Ahmed & Smt. Doli Goswami

-Versus-

1. The Union of India
   Represented by the Secretary
   To the Government of India
   Ministry of Defence, South Block
   New Delhi, Pin – 110001.

2. The Assistant Garrison Engineer (I)
   Zakhama, Pin – 900792, C/O 99 APO.

3. The Garrison Engineer, 869 EWS
   Pin – 913869, C/O 99 APO.

...Respondents.

O R D E R (ORAL)

MANJULA DAS, MEMBER (J)

On being mentioned by Sri Adil Ahmed, learned counsel for the applicants, this O.A. is being taken up today.

2. As the grievances and reliefs sought for by the applicants in this application under the same respondents are common, their prayer for grant permission to move this petition jointly under Section 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987 is hereby allowed.

3. This O.A. has been preferred by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

> "8.(i) To pay the Applicants the License Fee at the rate of 10% compensation per month to the Applicants in lieu of Rent Free Accommodation from the date of posting in the office of the Assistant Garrison Engineer Zakhama, Pin – 900792, C/O 99 APO till their transfer cum posting to Kochin in reference to the order and judgment passed by this Hon'ble Tribunal, Gauhati High Court and Supreme Court of India.
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> (ii) To pay the cost of the case to the applicants.
>
> (iii) Any other relief (s) that may be entitled to the applicants."

4. Sri Adil Ahmed, learned counsel appearing on behalf of the applicants submits that both the applicants are Defence Civilian Employee under the Ministry of Defence. According to Sri Ahmed, similarly situated employees who are working as Defence Civilian under the same Ministry, have already got the said benefits of 10% license fee in lieu of rent free accommodation and enjoying the same without any interruption. In view of the above, the respondents cannot treat similarly situated employees in different way. Accordingly, learned counsel prays for similar benefits in the case of the present applicants also.

5. We have heard the learned counsel for the applicants, perused the pleadings and the documents annexed with the O.A. After carefully gone through the argument as well as documents, it is found that the aforesaid matter is no longer res integra. On identical issue, this Tribunal has decided the matter vide common judgment and order dated **06.11.2000 in OA No. 143 of 1999 (Shri Krishna Sinha and 267 ors. Vs. Union of India and Ors.)**. Relevant portion of the order of the Tribunal is being reproduced here as under:-

> "3. In the light of the decision rendered by this Tribunal the Application is allowed and the respondents are directed to pay license fee at the rate of 10% of monthly pay with effect from 1.7.1987 or from the actual date of posting in Nagaland whichever is later and continue to pay the same till the compensation is not withdrawn or modified by the Government of India or till Rent free accommodation is not provided."

6. The decision of the Tribunal was upheld by the **Hon'ble Gauhati High Court vide** order dated **21.02.2013** in **WP(C) No. 830 of 2013**. The relevant portion of the order of the Hon'ble Gauhati High Court is also being reproduced here as under:-

> "Considering the fact that the decision of this Court, rendered by the order, dated 06.03.2012, passed, in WP(C) No. 2975/2011, as well as the subsequent order, dated 06.03.2012, passed in the Misc. Case, whereby the petitioners were allowed extension of time to comply with the directions, stand dismissed by the Supreme Court, we are clearly of the view that a fresh writ petition challenging the findings which were arrived at, and the directions, which were given, in WP(C) No. 2975/2011, would not lie.
>
> Situated thus, we find no option, but to dismiss the writ petition.
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> In the result and for the reasons discussed above, the writ petition stands dismissed."

7. Against the order of the Hon'ble Gauhati High Court dated 21.02.2013, the respondents approached

before the **Hon'ble Supreme Court** by filing **Special Leave to Appeal (C) ….CC No (s) 8050/2014** where the Hon'ble Apex Court vide order dated **02.07.2014** dismissed the said SLP preferred by the respondent authority on the ground of delay as well as on merit.

8. On identical issue of Defence Civilian working in the State of Nagaland has already been settled by the Hon'ble Gauhati High Court in **W.P.(C) No. 830 of 2013 (Union of India and another Vs. Shri Bahadur Sonar and Ors.)** where the Hon'ble High Court vide order dated 21.02.2013 dismissed the said **Writ Petition.**

9. In view of the above, respectfully following the decisions of this Tribunal as well as Hon'ble Gauhati High Court and also Hon'ble Supreme Court, we direct the respondents to decide the present issue in accordance with aforesaid precedents after examining the case of the applicants and pay the liscense fees at the rate of 10% compensation per month in lieu of Rent Free Accommodation within a period of two months from the date of receipt of a copy of this order.

10. Accordingly, O.A. stands disposed of at the admission stage. No order as to costs.

(NEKKHOMANG NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)

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