

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original application No.040/00 282 of 2019

Date of Order: This the 29.08.2019

HON'BLE MRS.MANJULA DAS, JUDICIAL MEMBER

P.No14117391

Shri Pitamber, mazdoor

Office e of the Commanding Officer,

50 Coy, ASC(Supply),

Type 'C'PIN-905050 C/O 99 APO

Applicant

By Advocate Mr.A.Ahmed

-Versus-

1. Union of India
Represented by the Secretary
To the Government of India,
Ministry of Defence, South Block
New Delhi, PIN-110001

2. The Commanding Officer
50 Coy, ASC(Supply) Type 'C'
PIN-905050 C/O 99 APO

..... Respondent

ORDER (ORAL)**Per Mrs.Manjula Das, Judicial Member:**

By this O.A. applicant made a prayer for a direction to the respondents to pay the license fee at the rate of 10% compensation per month in lieu of Rent Free

Accommodation w.e.f. 01.07.1987 as per direction of this Tribunal in similar cases which are affirmed by the Hon'ble Gauhati High Court as well as Hon'ble Supreme Court of India by order dated 08.02.2010, O.A.No.377 of 2015 dated 12.11.2015 passed by this Tribunal which has been affirmed by the Hon'ble Gauhati High Court dated 02.03.2016 in W.P©No.1329 of 2016 and also other similarly situated cases of this Tribunal which has been affirmed by the Hon'ble Supreme Court of India by order dated 02.07.2014 passed in SLP © No.882 of 2014 (Union of India –Vs-Bahadur Sonar & Others) and in reference to this Tribunal order dated 12.10.2018 passed in O.A.No.267 of 2015 (Shri Sashi Bhusan Tiwari & Others –Vs- Union of India and Others) for payment of 10% License fee in lieu of rent free accommodation.

2. 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 O.A.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 reproduced here as under:-

“ 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the actual date of posting in Nagaland whichever is later and continue to pay the same till the compensation is not withdrawn or modified by the Government of India or till Rent free accommodation is not provided.”

3. The decision of the Tribunal was upheld by the Hon'ble Gauhati High Court vide order dated 21.02.2013 in WP©No.830 of 20113. The relevant portion of the order of the Hon'ble Gauhati High Court is reproduced here as under:-

“ Considering the fact that the decision of this Court, rendered by the order, dated 06.03.2012, passed in WP©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© No.2975/2011, would not lie.

Situated thus, we find no option, but to dismiss the writ petition.

In the result and for the reasons discussed above, the writ petition stands dismissed. “

4. 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 ©...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.

5. 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.

6. 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, I direct the respondents to decide the present issue in accordance with aforesaid precedents after examining the case of the applicants and if found entitled pay the license 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.

7. With the above directions, O.A. stands disposed of accordingly at the admission stage. No order as to costs.

(MANJULA DAS)
JUDICIAL MEMBER

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