

# **CENTRAL ADMINISTRATIVE TRIBUNAL**

## **GUWAHATI BENCH**

Original Application No. 046/00019/2020

Date of Order: This, the 10<sup>th</sup> day of December 2020

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



1. Shri Raj Kumar, aged about 53 years  
Son of Banola Prasad,  
Resident of SIB office, Kohima,  
Near TCP Gate, Post Box No.04, Kohima,  
Nagaland-797001
2. Sri Potsutso Thira, aged about 54 yrs.  
Son of late Mounyo, Thira, Resident of SIB Office,  
Kohima, Near TCP Gate,  
Post Box No, 04, Kohima  
Nagaland-797001
3. Sri Vesalhu Veswuh, age about 55 yrs,  
Son of Veyepu Veswuh, Resident of SIB Office,  
Kohima, Near TCP Gate  
Post Box No.04, Kohima  
Nagaland-797001
4. Sri Khriehzato, aged about 52 yrs,  
Son of Late Yahu, SIB Office,  
Kohima, Near TCP Gate, Post Box No.04, Kohima,  
Nagaland-797001
5. Shri Anand Singh Karam,  
aged about 43 yrs,  
son of Late KaramYaima Singh,  
SIB, Birhnupur, Near Old Municipal  
Council Building,  
Birhnupur Ward No.4, Birhnupur-795126,  
Manipur.

6. Shri Jack, aged about 43 yrs,  
Son of Sri Simon Sibo, Resident of above Lotha  
Baptist Church, Middle,  
P.W.D Colony, Kohima-797001,  
Nagaland.
7. Shri Samuel Vikehiehol , aged about 51 yrs.Son of Shri  
Krozel Kikhi, SIB Office,  
Kohima, Near TCP Gate, Post Box No.04, Kohima,  
Nagaland-797001.
8. Shri Tapan Dutta,aged about 59 yrs  
Son of Late N.C.Dutta, SIB Office,  
J.P.Nagar,P.O.-C.R.Building, Dibrugarh,  
Assam, Pin-786003
9. Shri Kenidolhoulie, aged about 47 yrs.  
Son of Shri, Atei, SIB Office, Tawang-  
790104, Arunachal Pradesh.
10. Sri Money Joseph, aged about 51 Yrs  
Son of Late Abraham Joseph , SIB  
Office, Post Box No.4, Kohima,  
Nagaland, Pin-797001
11. Sri Manoj Kumar Singh, aged about 40 yrs.  
Son of L.D Singh,  
Resident of House Ni,153, Rajput Nagar, Road No.4,  
Hajpur, Vaishali  
Pin-844101
12. Sri Ravizoto Peseyie Sangma, aged about  
50 Yrs. Son of Shri Meken Sangma, SIB Kohima,  
Post Box No.4, Kohima-797001, Nagaland
13. Ms.Vasumathy Surendran,aged  
About 54 Yrs.Daughter of Late Neelakandan  
Pullampambil  
Suvylayam, Resident of Pandanadu  
North, Kallissery, Alleppey, Kerala,  
Pin-689124.



14. Sri RohanLama, aged about 43 years  
 Son of Late Laxman Lama, SIB Kohima  
 Post Box No.4, Kohima-797001.

**...Applicants**

By Advocates: Sri U.K. Nair, Sr. Advocate &  
 Ms. N. Shyamal

-Versus-



1. The Union of India  
 Represented by the Secretary  
 Government of India  
 Ministry of Home Affairs, North Block  
 Central Secretariat, New Delhi -110001.
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  
 Government of India  
 New Delhi – 110001.
4. The Joint Director  
 Subsidiary Intelligence Bureau  
 Kohima, Nagaland, Pin – 797001.
5. The Assistant Director/E  
 Subsidiary Intelligence Bureau  
 Kohima, Nagaland, Pin – 797001.

**...Respondents.**

By Advocate: Sri S.K. Ghosh, Addl. CGSC

\*\*\*\*\*

## O R D E R (ORAL)

### **MANJULA DAS, MEMBER (J)**

This case has been taken up through video conferencing.

2. Since the applicants are seeking similar reliefs from the same respondents, hence their prayer for joining together in a single application under Rule 4(5)(a) of CAT (Procedure) Rules, 1987 is hereby granted.



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 direct the respondents to pay the applicants the License Fee at the rate of 10% compensation per month in lieu of Rent Free Accommodation w.e.f. 01.07.1987 w.e.f the date of their posting to Nagaland in reference to the order and judgment passed by this Hon’ble Tribunal, the Hon’ble Gauhati High Court and the Hon’ble Supreme Court of India, till the date of implementation of the recommendations of the 7<sup>th</sup> Central Pay Commission.
- (ii) Cost of the application.
- (iii) To pass any such order/orders as Your Lordships may deem fit and proper.”

4. Ms. N. Shyamal, learned counsel appearing on behalf of the applicants submits that the applicants by

virtue of their working in Subsidiary Intelligence Bureau, Kohima, Ministry of Home Affairs, Government of India, are entitled to Licence Fee @ 10% of their monthly pay in lieu of Rent Free Accommodation as per O.M. No. 11015/4/86-E.II(B)/87 dated 13.11.1987 w.e.f. 01.07.1987 or actual date of posting in Nagaland as per O.M. No. 2/1/2014-E.II(B) dated 21.02.2014 issued by the Government of India, Ministry of Finance, Department of Expenditure. According to the learned counsel, all the applicants were getting Licence Fee during 2006 to June 2007 however, at lower rates.

5. According to Ms. Shyamal, similarly situated employees who were working under various departments, who approached the Court, have already granted the benefits of 10% license fee in lieu of rent free accommodation with arrears 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 applicant also.

6. I have heard the learned counsel for the applicants, perused the pleadings and the documents



annexed with the O.A. After carefully gone through the arguments 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."

7. 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.

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



8. 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.

9. 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**.

10. 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 hereby 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, from the date as applicable, within a period of two months from the date of receipt of a copy of this order.



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

**(MANJULA DAS)  
MEMBER (J)**

**PB**