

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 044/00083/2021

Date of Order: This, the 22nd Day of March, 2021

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

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



1. Shri Niraj Kumar Sinha
Assistant Accounts Officer
Institute of Govt. Accounts & Finance
(INGAF), North Eastern Region
Ministry of Finance
Department of Expenditure
AIS (2)/GS-3, All India Service Accommodation
Near M.P.S.C., Khatia
Aizwal, Mizoram – 796001.
2. Santu Mondol
Assistant Accounts Officer
Institute of Govt. Accounts & Finance
(INGAF), North Eastern Region
Ministry of Finance
Department of Expenditure
AIS (2)/GS-3, All India Service Accommodation
Near M.P.S.C., Khatia, Aizwal, Mizoram – 796001.

... Applicants

By Advocates: Sri M. Chanda & Smt. U. Dutta

-Versus-

1. The Union of India
Represented by the Secretary to the
Department of Posts, Government of India
Ministry of Finance, Department of Expenditure
North Block, New Delhi – 110001.

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2. The Controller General of Accounts
Ministry of Finance
Department of Expenditure
Mahalekha Niyantarak Bhawan
E-Block, GPO Complex, INA
New Delhi – 110023.
3. The Joint Controller General of Accounts
Ministry of Finance
Department of Expenditure
Office of the Controller General of Accounts
Mahalekha Niyantarak Bhawan
E-Block, GPO Complex, INA
New Delhi – 110023.
4. Sr. Accounts Officer (Admn)
Institute of Govt. Accounts & Finance (INGAF)
Ministry of Finance, Department of Expenditure
Block-IV, Old JNU Campus
New Delhi – 110067.
5. The Director
Institute of Govt. Accounts & Finance (INGAF)
Ministry of Finance, Department of Expenditure
Block-IV, Old JNU Campus
New Delhi – 110067.

...Respondents

By Advocate: Sri V.K. Bhatra, Sr. CGSC

ORDER (ORAL)

MANJULA DAS, MEMBER (J):

As the reliefs sought for by both the applicants are common and under the same respondents, hence prayer to move the present application jointly in a single

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application under section 4(5)(a) of the CAT (Procedure) Rules, 1987 is allowed.

2. The two applicants have filed this O.A. under Section 19 of the Administrative Tribunals Act 1985, with the following reliefs:-



"8.1 For that, the Hon'ble Tribunal be pleased to direct the respondents to grant the benefit of HRA @ 'B' class city (Y class cities as per 7th CPC) rate with arrear monetary benefit from the date of actual posting of the individual applicants at Aizawl in the light of the judgment and order dated 12.04.2002 passed in O.A. NO. 381/2000, with immediate effect;

8.2 That the Hon'ble Tribunal be pleased to declare that the present applicants are legally entitled to payment of HRA at the rate B class city (Y class cities as per 7th CPC) from the date of actual posting at Aizawl 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."

8.5 Any other relief (s) as this Hon'ble Tribunal may deem fit and proper."

2. Heard Smt. U. Dutta, learned counsel for the applicants and Sri V.K. Bhatra, Sr. CGSC for the respondents, perused the pleadings and all the documents enclosed there with the OA.

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3. At the outset of argument, Smt. U. Dutta, learned counsel appearing for the applicants fairly submitted that similarly situated employees were granted the payment of HRA @ 'B' class city in compliance of the orders passed by this Tribunal as well as by the Hon'ble Supreme Court on the same subject matter. But same has not been extended to the present applicants without any valid reasons merely on the ground that they did not approach this Tribunal. According to Smt. Dutta, case of the present applicants are squarely covered by the order dated 12.04.2012 passed in O.A. No. 381/2000 and order dated 16.12.2005 passed in O.A. No. 230 of 2004 and consequent order dated 23.12.2009 passed by the Hon'ble Gauhati High Court in W.P.(C) No. 1035 of 2007.

4. On the other hand, Sri V.K. Bhatra, Sr. CGSC appearing for the respondents fairly submits that representations dated Nil, Annexure-A11 series, page 106 & 107 submitted by both the applicants are still pending before the respondent No. 3 and this Tribunal

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may direct the respondent No. 3 to dispose of the same within time frame.



5. By taking note into the submissions made by Sri V.K. Bhatra, Sr. CGSC for the respondents where Smt. U. Dutta, learned counsel for the applicants has got no objection to the Sr. CGSC's advice, we deem it fit and proper to direct the respondent No. 3 i.e. the Joint Controller General of Accounts, Ministry of Finance, Department of Expenditure, office of the Controller General of Accounts, Mahalekha Niyantarak Bhawan, E-Block, GPO Complex, INA, New Delhi, to dispose of the pending representations dated Nil, Annexure-A11 series, page 106 & 107 submitted by both the applicants and pass a reasoned and speaking order, within a period of two months' from the date of receipt a copy of this order.

6. Whatever decision to be arrived by the respondent No.3, shall be communicated to the applicants forthwith.

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7. With the above directions, O.A. stands disposed of at the admission stage itself.

8. There shall be no order as to costs.

(NEKKHOMANG NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)



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