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CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH
(AT KOHIMA)

Original Application No.279 of 1997

Date of decision: This the 31st day of May 2001

The Hon'ble Mr K.K. Sharma, Administrative Member

Shri Nickshi Aier and 43 othersApplicants

By Advocates Mr N.N. Trikha, Mr B.K. Sharma,
Mr S. Sarma and Mr U.K. Nair.

- versus -

1. The Union of India, represented by
The Secretary, Ministry of Home Affairs,
New Delhi.
2. The Director, Intelligence Bureau,
Ministry of Home Affairs,
Government of India,
New Delhi.
3. The Assistant Director,
Subsidiary Intelligence Bureau,
Ministry of Home Affairs,
Government of India,
Kohima, Nagaland.

.....Respondents

By Advocate Mr A. Deb Roy, Sr. C.G.S.C.

.....

O R D E R (ORAL)

K.K. SHARMA (ADMN. MEMBER)

In this application the applicants have claimed two reliefs. The first relief relates to the payment of House Rent Allowance (HRA for short) with effect from 1.3.1991 at the rate applicable in lieu of rent free accommodation payable to the Central Government employees posted in Nagaland. The second relief relates to the entitlement of Licence Fee at the rate of 10% of their monthly pay.

2. The applicants, fortyfour in number, are the employees of Subsidiary Intelligence Bureau, posted in Nagaland. The applicants had moved an application being O.A.No.37 of 1995, claiming both these reliefs. The Tribunal by order dated 22.8.1995 in a series of cases decided in favour of the applicants.

K K Sharma

3. Mr S. Sarma appeared on behalf of the applicants and Mr A. Deb Roy, learned Sr. C.G.S.C., on behalf of the respondents. So far as the first relief is concerned, it is agreed by the parties that the claim of the applicants have been allowed in O.A.No.37/95 , O.A.No.110/1999 and other similar judgments. As the first relief has been allowed by the Judgment of this Tribunal the applicants will be entitled to HRA at the rate applicable with effect from 1.3.1991.

4. So far as the entitlement to Licence Fee at the rate of 10% of their monthly pay is concerned, Mr Deb Roy referred to the order in O.A.279 of 1997 dated 5.1.2001 and submitted that the entitlement to Licence Fee has been withheld on the basis of stay allowed by the Apex Court on the filing of a Special Leave Petition by the Geological Survey of India against the order in O.A.No.48 of 1991. Following the order of the Apex Court, the applicants are not entitled to the relief in respect of Licence Fee till the pendency of the matter before the Apex Court. The applicants will be free to take appropriate steps on the decision of the Apex Court.

5. The application is disposed of as above. There shall, however, be no order as to costs.

K. K. Sharma
(K. K. SHARMA)
ADMINISTRATIVE MEMBER