

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI-5

O.A. No. 188 of 1997

Date of decision 27.11.98

Shri Birendra Kumar Singh

PETITIONER(S)

Mr. P.D.Gogoi, Mr. P.K.Baruah.

ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India & Ors.

RESPONDENT(S)

Mr. S.Ali, Sr. C.G.S.C.

ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE MR. JUSTICE D.N.BARUAH, VICE-CHAIRMAN.

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether the Judgement is to be circulated to the other Benches?

Judgement delivered by Hon'ble Vice-Chairman.



CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.188 of 1997

Date of decision: This the 27.11.1998

Hon'ble Mr Justice D.N. Baruah, Vice-Chairman

Shri Birendra Kumar Singh.
Assistant Central Intelligence Officer-
I/WT Subsidiary Intelligence Bureau,
Milan Nagar, Dibrugarh, Assam.
and 6 others.

.....Applicants

By Advocate Mr P.D. Gogoi.

- versus -

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

.....Respondents

By Advocate Mr S. Ali, Sr. C.G.S.C.

O R D E R

BARUAH.J. (V.C.)

In this application the applicants have prayed for a direction to the respondents to pay to them House Rent Allowance and also compensation in lieu of rent free accommodation for the period when they were posted in Nagaland.

2. Facts for the purpose of disposal of this case are:

The applicants are employees of the Subsidiary Intelligence Bureau under the Ministry of Home Affairs and at the relevant time they were stationed at Kohima in Nagaland. They are claiming House Rent Allowance (HRA for short) at the rate applicable to the employees of 'B' class cities of the country on the basis of the Office Memorandum NO.11013/2/86-E.II(B) dated 23.9.1986 issued by the Ministry

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of Finance, Government of India and also compensation in lieu of rent free accommodation as per Office Memorandum No.11015/4/86-E.II(B)/87 dated 13.11.1987 issued by the Ministry of Finance, Department of Expenditure, Government of India for the period they were posted at Kohima, Nagaland. According to the applicants, in spite of repeated requests and demands the respondents have refused to give the said benefits to them. Hence the present application.

3. We have heard Mr P.D. Gogoi, learned counsel for the applicants and Mr S. Ali, learned Sr. C.G.S.C. appearing on behalf of the respondents. Mr Gogoi submits that the present case is covered by the decision of this Tribunal, namely the decision in Original application No.48/91 and others. By the said order this Tribunal directed the respondents to give the benefit of HRA and compensation in lieu of rent free accommodation to those applicants. The Tribunal, in the aforesaid order, held as follows:

"1.(a) House rent allowance at the rate applicable to the Central Government employees in 'B' (B1-B2) class cities/towns for the period from 1.10.1986 or actual date of posting in Nagaland if it is subsequent thereto, as the case may be upto 28.2.1991 and at the rate as may be applicable from time to time as from 1.3.1991 onwards and continue to pay the same."

The Tribunal, in the said order, further held that:

"2.(a) Licence fee at the rate of 10% of monthly pay (subject to where it was prescribed at a lesser rate depending upon the extent of basic pay) with effect from 1.7.1987 or actual date of posting in Nagaland if it is subsequent thereto, as the case may be, upto date and continue to pay the same until the concession is not withdrawn or modified by the Government of India or till rent free accommodation is not provided."

Mr Gogoi submits that the present applicants are similarly situated and so they are also entitled to the said benefit. Mr Gogoi further submits that in spite of repeated requests and demands the respondents have till now denied such benefit to the present applicants which is not only arbitrary, discriminatory but also unreasonable and unfair. Mr Ali,

learned Sr. C.G.S.C. very fairly concedes that this Tribunal in similar facts and circumstances of the case directed the authority to give such benefit to those applicants and he also confirms that the present case is covered by the said order.

4. On hearing the learned counsel for the parties and on perusal of the records I am of the opinion that the present case is covered by the decision of this Tribunal dated 22.8.1995, passed in Original Application No.48/91 and others. Accordingly I hold that the applicants are entitled to HRA and compensation in lieu of rent free accommodation in the manner indicated in the said order. Therefore, I direct the respondents to pay to the applicants HRA and 10% compensation in lieu of rent free accommodation as above. This must be done as early as possible, at any rate within a period of three months from the date of receipt of this order.

5. The application is accordingly disposed of. However, in the facts and circumstances of the case I make no order as to costs.


(D. N. BARUAH)
VICE-CHAIRMAN

trd