

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::: GUWAHATI-5.

O.A.No. 78 of 1997.

DATE OF DECISION.....4-3-1998.....

Shri Jaleswar Rai & 196 others. (PETITIONER(S))

S/Shri J.L.Sarkar & M.Chanda

ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India & Ors.

RESPONDENT(S)

Shri S.Ali, Sr.C.G.S.C.

ADVOCATE FOR THE
RESPONDENTS.

THE HON'BLE

THE HON'BLE SHRI G.L.SANGLYINE, ADMINISTRATIVE MEMBER.

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ? *No*
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Administrative Member.

[Signature]
4.3.98

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.78 of 1997.

Date of Order : This the 4th Day of March, 1998.

Shri G.L.Sanglyine, Administrative Member.

Shri Jaleswar Rai & 196 others.

All the applicants are working under
Garrison Engineer, Umroi Cantonment,
Military Engineering Services, Umroi,
Barapani, Meghalaya.

. . . Applicants.

By Advocate S/Shri J.L.Sarkar & M.Chanda.

- Versus -

1. Union of India
through the Secretary,
Government of India, Ministry of Defence,
New Delhi.
2. The Headquarter Chief Engineer,
Eastern Command, Fort William,
Calcutta.
3. The Controller of Defence Accounts,
Basistha,
Guwahati-28.
4. The Army Headquarter Engineer-in-Chief's
Branch, Kashmir House,
DHQ, P.O. New Delhi-110011.
5. The Garrison Engineer(P),
Umroi,
Umroi Cantonment, Barapani,
Shillong-793103.

. . . Respondents.

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

O R D E R

G.L.SANGLYINE, ADMINISTRATIVE MEMBER

The applicants are employees under the Garrison Engineer, Umroi Cantonment, Military Engineering Services working in different capacities in Group 'C' and 'D' categories. They have been permitted to file this single application vide order dated 11.4.1997. In this application the applicants submitted that they are entitled to Composite Hill Compensatory Allowance in lieu of Special Compensatory

(Remote Locality) Allowance. They pray that they be allowed the Hill Compensatory Allowance in place of Special Compensatory (Remote Locality) Allowance with effect from August 1991 after due deduction of amount already received by them on account of Special Compensatory (Remote Locality) Allowance. Mr J.L.Sarkar, learned counsel for the applicants has submitted that the applicants are entitled to Hill Compensatory Allowance as it is more beneficial to them than the Special Compensatory (Remote Locality) Allowance and this is permissible under the relevant rules. He has also submitted that all relevant details and facts had been placed before the competent authorities of the respondents. Dependency certificate from competent authority, namely, Deputy Commissioner was submitted. The aerial distance was certified by National Airport Authority and the Survey of India has furnished the certificate regarding altitude. The local authorities had recommended payment of Hill Compensatory Allowance to the applicants. Discussion between the authority and the representative of the employees had taken place in this matter from time to time, the last one being on 22.5.1996, but no decision had been finally taken by the respondents. Mr Ali has supported the written statement of the respondents, in which it is stated that the applicants are not entitled to the grant of Composite Hill Compensatory Allowance with effect from 1991 as there is no circular issued by the higher authorities to draw the allowance by the applicants.

2. I have heard counsel of both sides. It appears to me that the applicants in this O.A. have come before this Tribunal with the grievances simply because of the indecision of the respondents. The matter remains undisposed of before

the Army Headquarters, Engineer-in-Chief's Branch, New Delhi. The statement of the respondents that the Composite Hill Compensatory Allowance (CHCA) as prayed for by the applicants in this O.A. cannot be granted as there is no circular issued by the higher authority shows their inaction and that they have made an attempt to avoid the issue. This is a matter long pending and it cannot be allowed to linger on in this manner. The respondents, particularly the Army Headquarters, Engineer-in-Chief's Branch, New Delhi are therefore directed to make final decision on the claim of the applicants after consideration of the relevant facts and rules with regard to the payment of CHCA to the applicants. They shall issue a speaking order in this matter within 3 months from the date of their receipt of this order. The applicants are at liberty to contest the decision of the respondents if they are aggrieved with it.

The application is disposed of. No order as to costs.


(G.L.SANGLYINE)
ADMINISTRATIVE MEMBER