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

O.A.No. 79 of 1997.

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

!! Shri Subhas Chandra Deb & 70 Ors. (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
RESPONDENT (S)

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

THE HON'BLE

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.

Sanglyine
4.3.98

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 79 of 1997.

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

Shri G.L.Sanglyine, Administrative Member.

Sri Subhas Chandra Deb & 70 others.
All the applicants are working under
Garrison Engineer, Umroi Cantonment,
Military Engineering Services, Umroi,
Meghalaya.

. . . Applicants.

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

- Versus -

1. Union of India
through the Secretary to the
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 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 they pray that the respondents be directed to pay House Rent Allowance to the applicants at the rate of B-2 class

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city, that is, at the Shillong rate of House Rent Allowance with effect from May 1991, as the applicants are compelled to reside at Shillong and are fully dependent upon the Shillong township for all basic requirements. They submit that they have fulfilled all the conditions for the purpose of granting House Rent Allowance at the above rate. Mr J.L. Sarkar, the learned counsel for the applicants, has submitted that dependency certificate had been furnished to the respondents. It was also clarified that though the distance by road between Shillong and Umroi is 32 Kms. but the aerial distance is less than 8 Kms. Certificates from competent authorities such as Deputy Commissioner, Shillong and National Airport Authority, Shillong were submitted in this regard. The local authorities have recommended the case of the applicants and discussion between the employees and the administration had taken place from time to time, but payment of House Rent Allowance prayed for had not been granted to the applicants till date.

2. Mr S.Ali, learned Sr.C.G.S.C supported the written statement of the respondents. The respondents have stated in the written statement that the applicants are not entitled to any of the reliefs sought in this application as Shillong is not a 'B' class city. In this connection Mr J.L.Sarkar has submitted that the contention of the respondents cannot be entertained in view of the fact as stated in para 6.11 at page 15 of the Original Application in which the Office Memorandum dated 4.5.1990 was specifically mentioned. In support of the genuineness of this reference made by the applicants, he also pointed out to page 50 of Swamy's Compilation of FRSR Part-V, H.R.A and C.C.A, 1994 Edition, in

which it has been stated :

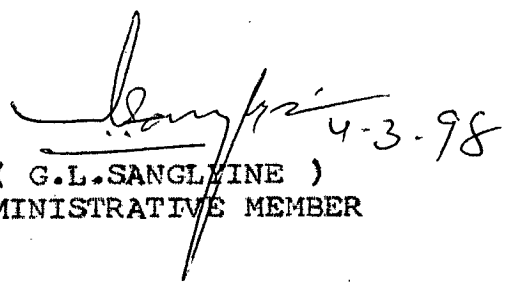
"It is, accordingly, clarified that all Central Government employees working at Shillong are entitled to House Rent Allowance at the revised rates applicable to 'A', 'B-1' and 'B-2' class cities subject to fulfilment of usual conditions for grant of House Rent Allowance."

He has also pointed out that the respondents have no clear view on this matter. In the case of the employees of ICAR Umroi House Rent Allowance at Shillong rate was paid upto 31.5.1993. There is no justifying reason to stop the payment to the applicants who are in same place, namely, Umroi with effect from May, 1991. In this connection he had referred to Annexure-10 of the O.A.

3. 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 HRA prayed for by the applicants in this O.A cannot be granted as Shillong is not a B Class city is not supported by any office Memorandum to this effect. The authority of the O.M. No.11014/1/E.II(B)/84 dated 5.2.1990 and O.M.No.11021/1/87-E.II (B) dated 4.5.1990 has not been controverted by the respondents and they have not also stated that these O.M. are no longer in operation. The applicants, who are working in Umroi, claim House Rent Allowance at the rate of B-2 class city applicable to Shillong. The respondents cannot make an attempt to deny the house rent to the applicants by simply stating in their written statement "Shillong being not 'B' class city" in the face of the above O.M. Such

contention of the respondents simply shows that, at any rate, they have made an attempt to avoid the issue. This is a matter long pending since 1991 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 HRA to the applicants at the rate applicable to Shillong. 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.

 4-3-98
(G.L.SANGLINE)
ADMINISTRATIVE MEMBER