

CENTRAL ADMINISTRATIVE TRIBUNAL
GUAHATI BENCH : GUAHATI-5

O.A. No. 276 of 1998

Date of decision 12.2.99

Shri Bal Bahadur Sharma & 15 Ors.

PETITIONER(S)

Mr. A.Ahmed

ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India & Ors.

RESPONDENT(S)

Mr. A.Deb Roy, learned 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.



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CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Original Application No. 276 of 1998

Date of decision : This the 12th day of February, 1999.

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

Shri Bal Bahadur Sharma & 15 Ors.
Working as labourer in the
office of the Officer Commanding,
302 ASC (Supply), Type-A,
57 Mountain Division,
C/o 99 APO

Applicants

By Advocate Mr. A. Ahmed.

1. The Union of India,
represented by the Secretary to
the Govt. of India,
Defence Department,
New Delhi.

2. The Officer Commanding,
302 A.S.C. (Supply), Type -A,
57 Mountain Division,
C/o 99 APO

Respondents.

O R D E R

BARUAH J (V.C.).

This application has been filed by the applicants seeking certain directions to the respondents for payment of House Rent Allowance. The facts are :

All the applicants are Group 'D' employees serving under the Defence Department since long time. They are now posted in Manipur. 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

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"We see no infirmity in the judgement of the Tribunal under appeal. No error with the reasoning and the conclusion reached therein. We, however, of the view that the Tribunal has not justified in granting arrears of House Rent Allowance to the respondents from May 18, 1986. The respondents are entitled to the arrears only with effect from October 1, 1986 when the recommendation of the IVth Central Pay Commission were enforced. We direct accordingly and modify the order of the Tribunal to that extent. The appeal, therefore, disposed of. No costs."

From the judgement of the Apex Court quoted above, it is now well established that the employees posted in Nagaland would be entitled to get HRA as indicated in the aforesaid judgement.

3. The said judgement relates to the employees of the Telecommunication and Postal Department. Later on, the civilian employees of the Defence Department as well as employees of the other department of the Central Government who were not paid HRA also approached this Tribunal by filing of O.A. Nos. 266/96, 268/96, 18/97 and 14/97. The said O.As were decided on 10.6.1997 by a common order. In the said order this Tribunal directed the respondents to pay HRA to those applicants.

4. In view of the judgement of the Apex Court and order dated 10.6.1997 passed in O.A. Nos. 266/96, 268/96, 18/97 and 14/97 I hold that the applicants are entitled to HRA at the rate

Office Memorandum No. 11013/2/86-E.II(B) dated 23.9.1986 issue by the Joint Secretary to the Government of India, Ministry of Finance (Deptt. of Expenditure), New Delhi, on the ground that they have been posted in Manipur. The Government of India, Ministry of Finance, (Department of Expenditure) issued an order dated 8.1.962 to the effect that the employees of P & T Department in the Naga Hills and Tuensang Area who were not provided with rent free quarters would draw HRA at the rate applicable to the employees of 'B' class cities of the country on the basis of O.M. No. 2(22)-E.II (B) 60 dated 2.8.1960. However, the authorities denied the same to the employees ignoring the circular of 1986. Situated thus, being aggrieved some of the employees approached this Tribunal and the Tribunal gave direction to the authorities to pay HRA to those applicants with effect from 18.5.1986. Being dissatisfied with the aforesaid order passed by this Tribunal in O.A. No. 42(G) of 1989 the respondents filed SLP and in due course the Supreme Court dismissed the said SLP (Civil Appeal No. 2705 of 1991) affirming the order of this Tribunal passed in O.A. No. 42(G) of 1989 with some modification. We quote the concluding portion of the judgement of the Apex Court passed in the above appeal :


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prescribed in the O.M. dated 23.9.1986. Therefore the respondents are directed to pay HRA to the applicants at the rate prescribed in the O.M. dated 23.9.1986 with effect from 1.10.1986 or from the actual date of appointment (whichever is later) upto 28.2.1991 and at the rate as may be applicable from time to time from 1.3.1991 onwards and continue to pay the same till the said notification is in force. 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. With the above directions, the application is disposed of.

6. Considering the facts and circumstances of the case, I, however make no order as to costs.


(D.N. BARUAH)
Vice-Chairman

trd