

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

282

O.A.No..... of 1998

DATE OF DECISION..... 31.3.2000.....

Shri Pranab Sarmah and 27 others

PETITIONER(S)

Mr M. Chanda and Ms N.D. Goswami

ADVOCATE FOR THE
PETITIONER(S)

-VERSUS-

The Union of India and others

RESPONDENT(S)

Mr B.S. Basumatary, Addl. C.G.S.C.

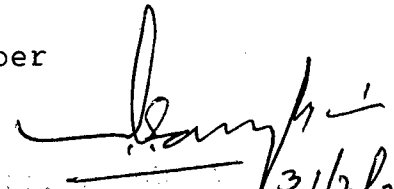
ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE MR 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 ?
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


31/3/2000

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.282 of 1998

Date of decision: This the 31st day of March 2000

The Hon'ble Mr G.L. Sanglyine, Administrative Member

Shri Pranab Sarmah and 27 others ...Applicants

All the applicants are working under the Commissioner, Central Excise, Shillong, Government of India, Ministry of Finance and all are posted at Indian Oil Corporation (Assam Oil Division) Limited, Digboi, Assam.

By Advocates Mr M. Chanda and
Ms N.D. Goswami.

- versus -

1. The Union of India, through the Secretary to the Government of India, Customs and Central Excise, Department of Revenue, Ministry of Finance, New Delhi.
2. The Commissioner, Customs and Central Excise, Shillong.
3. The Assistant Collector, Customs and Central Excise Department, Digboi, Assam.
4. The Chief Accounts Officer, Customs and Central Excise Department, Shillong.

...Respondents

By Advocate Mr B.S. Basumatary, Addl. C.G.S.C.

.....

O R D E R

G.L. SANGLYINE, ADMINISTRATIVE MEMBER

All the 28 applicants are working in the Office of the Assistant Commissioner, Customs and Central Excise, Digboi in different capacities. They have submitted this application with a prayer to allow them to join in this application under Rule 4(5)(a) of the Central

Administrative Tribunal (Procedure) Rules, 1987. Prayer is allowed.

2. In this application the applicants have prayed for payment of House Rent Allowance (HRA for short) that may be admissible according to the existing rates applicable to unclassified cities. The applicants are provided with residential accommodation in the premises of the Indian Oil Corporation (IOC for short). They pay house rent for the accommodation occupied by each one of them at the prescribed rate to the IOC (Assam Oil Division) and this house rent is deducted from the monthly salaries by the Departmental authorities. The amount of house rent paid by each one of them is lesser than the amount of HRA admissible for unclassified cities. They claim that HRA as per rules is admissible to them at the prescribed rates prevailing at the relevant time and requested the departmental authorities accordingly. In support of their claim they rely on the order of the Tribunal dated 6.9.1995 passed in O.A.No.42 of 1995. The respondents, however, rejected their claim by their letter C.No.II(2)2/ACCTS.I/98/38047cs dated 2.3.1998, Annexure 7, on the ground that the judgment referred to is specific and ordered to implement it for the 11 petitioners in that O.A. only. Thereafter, the applicants have submitted this O.A. While praying for setting aside the order dated 2.3.1998 mentioned above, the applicants have also made the following prayer:

"8.1 That the respondents be directed to pay current House Rent Allowance to all the applicants as per existing rates for Unclassified cities due and admissible.

8.2 That the respondents be directed to pay arrear balance/difference amount of House Rent Allowance after deduction of actual payment made to the management of the Indian Oil Corporation Limited from the respective date of posting of the individual applicant in the oil town at Digboi."

The respondents have not submitted any written statement and hearing of the O.A. was proceeded without written statement. Learned counsel Mr M. Chanda appears for the applicants while learned Addl. C.G.S.C., Mr B.S. Basumatary, appears for the respondents. Mr Basumatary very fairly submitted that the matter is similar with that of O.A.No.42/95 and is covered by the ratio of the judgment in the order dated 6.9.1995.

3. Heard counsel of both sides. The facts of the case of the present applicants have been briefly stated hereinabove. Similar matters were dealt with by the Tribunal. The Patna Bench of the Central Administrative Tribunal had allowed similar claims in their order dated 9.8.1993 in O.A.No.88 of 1992 as mentioned in the order dated 6.9.1995 of this Bench in O.A.No.42/95. In this order dated 6.9.1995, this Tribunal interpreted rule 229 of the Central Excise Rules, 1944. In that case the applicants occupied accommodation and paid rent in a similar manner as the applicants in the present O.A. HRA at prescribed rates was allowed to those applicants, but later on the payment of the allowance was stopped. After consideration, the Tribunal came to the conclusion that the applicants in that case were entitled to HRA and passed the following orders:

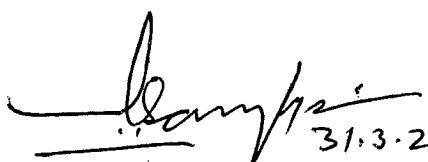
"a) It is declared that the applicants are entitled to be paid house rent allowance at the rate prescribed for Central Government employees in unclassified cities/towns.

b) The respondents are directed to pay the arrear amount calculated on the aforesaid basis from the month from which the payment of house rent allowance was stopped to each of the applicants respectively within a period of two months from the date of receipt of copy of this order.

c) The respondents are directed to continue to pay the house rent allowance in terms of clause (a) above."

The position of the present applicants is similar to those applicants in O.A.No.42/95 except that in the present case no HRA at the rate admissible as per rules was ever paid to them. Since they are similarly placed and respectfully following the order dated 6.9.1995 above, I am of the view that the applicants in the present case are entitled to HRA as admissible under the rules for unclassified cities from time to time. The respondents are directed to pay House Rent Allowance to each applicant at the prescribed rates as per rules from the respective date of occupation of the accommodation after adjustment of the house rent paid to the Corporation. The arrear amount shall be paid to the applicants within six months from the date of receipt of this order.

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


31.3.2000
(G. L. SANGLYINE)
ADMINISTRATIVE MEMBER