

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

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disposed pg-1 to 8

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SECTION OFFICER (Judl.)

## FORM NO. 4

(See Rule 42)

**In The Central Administrative Tribunal**

GUWAHATI BENCH : GUWAHATI

## ORDER SHEET

APPLICATION NO. 34/2000

OF 199

Applicant(s) Sri Subhash Chandra Deb and  
ores.

Respondent(s) Union of India and ors.

Advocate for Applicant(s) Mr. M. Chanda, Ms. N. D. Goswami  
Mr. G. K. Chakrabarty.

Advocate for Respondent(s) C. G. S. C.

Notes of the Registry	Date	Order of the Tribunal
456776 18/1/2000 31/1/2000 31/1/2000 31/1/2000	11-2-2000 1m 21/2/2000	Present: Hon'ble Mr. Justice D.N. Baruah, Vice-Chairman.  Heard Mr. M. Chanda learned counsel for the applicant and Mr. A. Deb Roy, Sr. C.G.S.C. for the respondents.  Application is admitted. Issue notice on the respondents by registered post. Returnable by 4 weeks. List on 10.3.2000 for orders.  Pendency of this application shall not be a bar for the respondents to grant relief regarding claims of HRA.  List on 10.3.2000.
Note: Registration A.M. 3/3/2000		 Vice-Chairman

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## Notes of the Registry

## Date

## Order of the Tribunal

24 - 2 - 2000

Service of notices prepared and sent to D Section for issuing of the same to the respondents through Regd. post with A.D.

By Vide D.Nos. 584 & 588 Dtd - 24-2-2000.

9 - 3 - 2000

Service report are still awaited.

By

23 - 3 - 00

1) Service Reports are still awaited.

2) W/Statement is not yet b/w.

① Service report on 23/3 still awaited.

② No. w/statement has been filed.

By 6/4/2000

10 - 4 - 2000

Written Statement has been filed by the respondents with an application MP no. 150/00 for which has been accepted vide order dt. 9.5.00.

mk

22.5.00

No Bench is available. Adjourned to 8.6.00.

By  
Member (J)

870

10.3.00

Two weeks time allowed for filing of written statement on the prayer of Mr A. Deb Roy, learned Sr. C.G.S.C. List on 24.3.00.

JB  
Member (J)

24.3.2000

On the prayer of Mr A. Deb Roy, learned Sr. C.G.S.C. two weeks ~~is~~ further time allowed for filing written statement.

List on 7.4.2000 for written statement and further orders.

JB  
Member

pg

1.4.00

Mr. M. Chanda, learned counsel for the applicants prays that the name of the applicant No. 26 - Wanphrang Dingdoh may be deleted from the list of applicants as he has expired. Prayer allowed. Office to take necessary action.

Mr. A. Deb Roy, learned Sr. C.G.S.C. prays for further time to submit written statement. List on 3.5.2000 for written statement and further orders.

JB  
Member

trd

11/4/2000

3.5.2000

Written Statement has been filed.

List the case on 22.5.2000 for hearing.

By  
Member (J)

Notes of the Registry	Date	Order of the Tribunal
<u>7/6/00</u> The case is ready for hearing.	8.6.00	Present : The Hon'ble Shri D.C.Verma, Judicial Member.  On the prayer of Shri M.Chanda, learned counsel for the applicant the case is adjourned to 9.6.00. Mr A.Deb Roy, learned Addl.C.G.S.C is present for the respondents.   Member (J)
	pg	
	16.6.00	Present : The Hon'ble Shri D.C.Verma, Judicial Member.
<u>30.6.2000</u> Copy of the Judgment has been sent to the D.C.C. for issuing the same to the applicant as well as to the Mr. C.G.S.C. for the Respondents.	pg	As per order recorded separately, the O.A. is allowed. No order as to costs.   Member (J)
<u>1744 &amp; 1745</u> 2nd 30.6.2000		

Notes of the Registry	Date	Order of the Tribunal

CENTRAL ADMINISTRATIVE TRIBUNAL ::  
GUWAHATI BENCH.

O.A./R.A. NO. 34/2000 . . . of

DATE OF DECISION 16.6.2000

Sri Subhash Chandra Deb & 66 Ors.

PETITIONER(S)

Mr. M. Chanda

ADVOCATE FOR THE  
PETITIONER(S)

VERSUS -

Union of India & Ors.

RESPONDENT(S)

Mr. A. Deb Roy, Sr. C.G.S.C.

ADVOCATE FOR THE  
RESPONDENTS

THE HON'BLE SHRI D.C.VERMA, MEMBER (J).

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 Sri D.C.Verma, Member (J).

X

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 34 of 2000.

Date of decision : This the  $16^{th}$  day of June, 2000.

Hon'ble Sri D.C.Verma, Member(J).

Shri Subhas Chandra Deb & 65 Ors.  
All the applicants are working  
under Garrison Engineer, Umroi  
Cantonment, Military Engineering  
Services, Umroi,  
Meghalaya

....Applicants

By Advocate Mr. M.Chanda.

-versus-

1. Union of India  
through the Secretary to the  
Government of India, Minstry  
of Defence, New Delhi.
2. The Headquarter Chief Engineer,  
Eastern Command, Fort William,  
Calcutta.
3. The Controller of Defence Accounts,  
Narengi,  
Guwahati.
4. The Army Headquarter Engineer-  
in-Chief's Branch, Kashmir House,  
DHQ, P.O. New Delhi  
New Delhi-110011.
5. The Garrison Engineer(P),  
Umroi,  
Umroi Cantonment, Borpani,  
shillong-793003

...Respondents

By Advocate Mr. A. Deb Roy, Sr. C.G.S.C.

O R D E R

D.C.VERMA, MEMBER(J).

All the 66 applicants of the present OA are working  
under the Garrison Engineer, Umroi Cantonment in different  
capacities namely, Electrician, Fitter General  
Mechanics/Motor Pump Attendant, Fitter Pipe Carpenter,  
Mason Valveman, Painter, Blacksmith, Hammerman, Upholster,  
CAn Waiver, Mazdoor, Mate, Safaiwala, Chowkidar, Peon  
Duftry, L.D.C., U.D.C. and Steno etc. in the grade of

Contd.:



Group C and D employees. The applicants have claimed House Rent Allowance (for short HRA) at the rate of B-2 cities which is applicable at Shillong, with effect from May 1991.

2. The applicants' case is that earlier they were getting HRA as admissible to the employees residing at Shillong and they had been drawing HRA at the same rate from 1987 to April 1991. However in May 1991 the said HRA was stopped. Consequently the applicants filed O.A.No.79 of 1997. The said O.A. was decided by this Tribunal on 4.3.1998. The Tribunal observed as below:

"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 the matter within 3 months from 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."

3. The learned counsel for the applicants has submitted that HRA is admissible to places which are within 8 kilometres of municipal limit of classified cities, but which are not included within Urban Agglomeration of any city. The requirement for this 8 kilometres certificate is as per the clarification 3 given at page 11 of the "Swamy's Compilation of F.R.S.R. Part-V of the HRA and CCA" and in O.M.No.21011/19/88-E-II.B dated 22.9.1989 (Annexure 9 to the O.A.). It provides that in all cases where the Collector certified that the area in question depends for its essential supplies on the qualifying city even though there may be another municipal area within the 8 kilometres radius, Government would consider on merits whether grant of House Rent Allowance in such case would be justified. Clarification 3 provides that the required certificate <sup>is</sup> to be obtained from

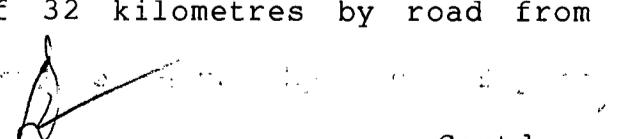
  
the.....

the Collector of a District for the purpose of grant of House Rent Allowance under this order. As per the applicants vide Annexure 12 dated 21.8.97 the Deputy Commissioner of Nongpoh gave a certificate to the effect. Still the respondents have not allowed HRA to the applicants at par with the employees residing at Shillong.

4. Learned counsel for the respondents has submitted that as per the certificate dated 21.5.91 given by the Deputy Commissioner, East Khasi Hills District, Shillong (Annexure 2 to the O.A.) the "Umroi Cantonment is located at a distance of 32 kms (By road) from Shillong town." The submission of learned counsel for the respondents is that the distance is considered by normal route of conveyance, i.e. Rail or Road. Consequently it has been submitted that the condition of 8 kms laid down in the rule is not fulfilled.

5. As per rule the benefit of concession of HRA may be extended to the employees working in a place which though a twin panchayat is dependent for its essential supplies on a qualified city and is within the 8 km limit of the 'periphery' of the qualified city. In the certificate (Annexure-2 to the OA) given by the Deputy Commissioner, East Khasi Hills District it is mentioned that "satisfactory facilities do not exist in an around Umroi Cantonment for accommodation on ~~here~~, Health coverage, education, essential commodities, transportation etc. Therefore, Government employees working there have to depend to a great extent on Shillong city to meet their day to day necessities." Thus from the certificate (Annexure-2) all other conditions which are required for grant of HRA is fulfilled except that the Deputy Commissioner has mentioned that the Umroi Cantonemtn is located at a distance of 32 kilometres by road from

Contd...



Shillong., The other certificate given by the Deputy Commissioner, Nongpoh having jurisdiction over the place mentioned that Umroi Cantonment is non-municipal area and is not a notified area. The certificate further indicates that "UMROI CANTT is within a distance of 8 kilometres from the 'periphery' of the municipal limits of SHILLONG." The certificate further shows that "excepting SHILLONG there is no other municipality notified area of cantonment within a distance of 8 kilometres from UMROI CANTT and it is generally dependent for its essential supplies e.g. foodgrains, milk, vegetables, fuel, Health coverage, education, transportation etc. on SHILLONG TOWN." Thus the certificate dated 21.8.97 from the Deputy Commissioner, Nongpoh, clearly shows that Umroi Cantonment is within a distance of 8 kilometres from the 'periphery' of the municipal limits of Shillong city. It is admitted to the parties that as per rule the distance is to be from the 'periphery'. Earlier certificate given by the Deputy Commissioner, East Khasi Hills District, to the effect that the distance is 32 kilometres by road is not from the periphery. Thus the certificate issued by the Deputy Commissioner, Nongpoh gives a correct distance from the periphery as required under the rules. All other conditions, as have been stated above given in Annexure-2 and 12 to the OA, filfills the requirement of the rules.

6. Submission of learned counsel for the respondents is that total dependency on Shillong is not acceptable in view of accommodation now available at Umroi.

7. The submission of the learned counsel for the respondents cannot be accepted. Even if it be accepted that some accommodation is now available at Umroi, this

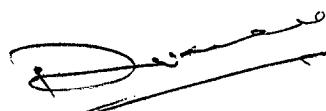
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would not ease the situation because for all other essential supplies of life as indicated in Annexures 2 and 12, the employees are dependent on Shillong Town.

8. Learned counsel for the respondents has further submitted that some of the applicants are not entitled for HRA because 5 of the applicants are in fact residing in Government residential accommodation and they are therefore not entitled for any HRA. As per written statement of the respondents some of the applicants have even retired. This is a question which is not to be decided in this case and it will be for the authorities to examine individual cases for grant of HRA. It is only held that those who are entitled to HRA they would be entitled at the rate of B-2 class cities i.e. at the Shillong rate and not below that. Accordingly the O.A. is allowed in the light of the observation made above. The respondents shall pay arrears after adjustment of HRA, if any, paid earlier to the applicants who are found entitled to HRA for the period to which they be found entitled to or with effect from May 1991 which may be applicable to individual case calculating the House Rent Allowance at the rate of B-2 class cities i.e. at the Shillong rate, within a period of three months from the date of communication of this order.

9. The O.A. stands allowed. No order as to costs.

16-6-2000



(D.C.VERMA)  
Member(J)

trd

- 1 FEB 2000

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

(An application under section 19 of the Administrative  
Tribunals Act, 1985)

Title of the Case - O.A. No. 34 /00

Sri Subhash Chandra Deb & - Applicants  
66 Ors.

-versus-

Union of India & Ors - Respondents

I N D E X

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4	2	Certificate dt. 21.5.91	36
5	3	Letter dt. 06.7.91	37
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16	14	Impugned letter dt. 10.11.98	63

Date :

Filed by :

Advocate

Filed by Advocate  
Through Advocate  
28-1-2000

13

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
(An Application under Section 19 of the Administrative  
Tribunals Act, 1985).

Original Application No. 34 /2000

BETWEEN

1. Sri S.C. Deb
2. Sri H.W. Shylla
3. Sri K.S. Nongkendri
4. Sri Naba Singh
5. Sri M.U. Sampliang
6. Munshi Mahato
7. Khring Son Nongbet
8. Elias Mazaw
9. Ram Bhagawan Rai
10. N.K. Thapa
11. Charan Singh
12. Bhim Bahadur Chettri
13. Elias Khar
14. Ajit Ranjan Dhar
15. Lal Bahadur Rai
16. Noren
17. Marias Kharkonger
18. Alexander Umdar
19. Pran Singh Nongrum
20. Lortang
21. Phring Kharhujon
22. Sorup Singh
23. Dinesh Lyngdoh
24. Shan Singh Kharkonger
25. Stan Singh Lyngdoh

Contd. ....

Subhas chandra Deb

26. ~~Manphrang Dingdoh~~ Delected vide order dd. 7.4.00  
Boor  
T214
27. Phrai Singh Langbnang
  28. Mohan Singh
  29. Francis Kharhaoor
  30. Raju Ram Sophoh
  31. Mon Bahadur Suner
  32. S.M. Umkong
  33. Wondru Nongbet
  34. Ashis Kumar Chakraborty
  35. Bokson Shabong
  36. Phrangsgyi Kharkonger
  37. Francis Kharkonger
  38. Bal Bahadur Rai
  39. Orwell
  40. B.M. Symlieh
  41. B.B. Chettri
  42. S.D. Lama
  43. Smt. D. Langstieh
  44. Mridul Kanti Deb
  45. Bijay Kumar Rai
  46. L.S. Warjri
  47. Ganga Misra
  48. Shaiphrang Nongrum
  49. Monrilang Pyngrope
  50. B. Symlieh
  51. Biprajit Chanda
  52. Darasan Marak
  53. B.G. Momin
  54. Bhakto Ram

Contd...

Subhas chandra set.

55. Bendedick Marbaniang
56. Bhosley Roy Lakhiat
57. Binod Thapa
58. Sylvester Pyngroph
59. Pheste Khorkonge
60. Muktinath Sharma
61. Banrapbor Kharmaplong
62. T.K.Purkayastha
63. Chat Bahadur Chettri
64. Dlendro Nongbet
65. Bonifast Tongwah
66. Binay Kumar Thapa
67. Khrawbok Lyngdoh

(All the applicants are working under Garrison Engineer, Umroi, Cantonment, Military Engineering Services, Umroi Cantonment, Umroi in different capacities namely, Electrician, Fitter General Mechanics/Motor Pump Attendant, Fitter Pipe Carpenter, Mason, Valveman, Painter, Blacksmith, Hammerman, Upholster, Can Waiver, Mazdoor, Mate, Safaiwala, Chowkidar, Peon Duftry, L.D.C., U.D.C., Steno etc. in the grade of Group C & D employees).

-AND-

1. Union of India  
through the Secretary to the  
Government of India, Ministry  
of Defence, New Delhi.

Contd.....

Subhas chandra Deb.

2. The Headquarter Chief Engineer,  
Eastern Command, Fort William  
Calcutta.
3. The Controller of Defence Accounts,  
Basilista, Narengi.  
Guwahati
4. The Army Headquarter Engineer-  
in-Chief's Branch,  
Kashmir House,  
DHQ, P.O., New Delhi  
New Delhi-110011
5. The Garrison Engineer(P),  
Umroi,  
Umroi Cantonment, Borpani,  
Shillong-793003

..... Respondents.

DETAILS OF APPLICATION

1. Particulars of order against which this application is made.

This application is made against the letter bearing No. 90237/6029/EIC/legal Cell-C dated 10.11.98 issued by the Engineer-in-Chief's Branch, Army Headquarter, New Delhi whereby payment of House Rent Allowance at the rate of B<sup>2</sup> class cities i.e. at the Shillong rate with effect from 1991 has been denied to the applicants who are compelled to reside at Shillong and fully dependent upon the Shillong

Contd.....

Subhas chandra deb.

4

township for all basic requirements and also praying for a direction to the respondents to pay House Rent Allowance to the applicants at the rate of B<sup>2</sup> class cities i.e. at the Shillong rate with effect from 1991.

2. Jurisdiction of the Tribunal.

The applicants state that this application is well within the jurisdiction of this Hon'ble Tribunal.

3. Limitation

The present applicants further declare that this application within the prescribed period of limitation as per Administrative Tribunals Act, 1985.

4. Facts of the Case.

4.1 That all the applicants are citizens of India as such they are entitled to all the rights and privileges as guaranteed under the Constitution. All the applicants are working in the cadre of Group 'C' & 'D' under Garrison Engineer, Umroi Cantonment, Military Engineering Services (In short MES), Shillong in different capacities and appointed on different dates.

4.2 That as the grievance and reliefs sought for in this application are common therefore applicants humbly pray for grant of permission under Section 4 (5) (a) of the Central Administrative Tribunal (Procedure) Rules, 1987 to move this application jointly before the Hon'ble Tribunal.

Contd....

Subhas Chandra Deb

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4.3 That the office of the Garrison Engineer (P), Umroi came to an existence and started functioning in the year 1970 and with official address of S.E. Falls, Shillong 793001. Initially a skeleton office was functioning at S.E. Falls Camp, Shillong. In the initial stages only essential staff was required to attend their duties at Umroi everyday from Shillong. Be it stated that Umroi is situated with 6 kilometers from Shillong City as per aerial distance as confirmed from Aircraft by the National Airport Authority, Shillong Airport. However due to hilly terrain distance by road is approximately 32 kilometers. However, due to hilly terrain Umroi could not be connected in straight way from Shillong City by road and the road had to build up and connected with Umroi in a curve manner therefore the distance which is only 6 kilometers from the Shillong City in fact stands about 32 kilometers by road. However as the workload increased day by day the essential elements were moved to site office at Umroi for smooth functioning of the Division, the number of employees are also required more for smooth function. However as no married accommodation or private accommodation is not available nearby Umroi, majority of the staff including the applicants are compelled to perform their duties from Shillong. On construction of permanent office accommodation for Garrison Engineer (P), Umroi at Umroi Cantonment orders were received from higher authorities that head-quarter to shift the main office from S.E. Falls Camp to Umroi Cantonment. Accordingly the entire office had been shifted to Umroi Cantonment and started functioning with effect from 12th December, 1987.

Contd.....

4.4 That the Umroi being a newly uncoming Cantonment, the basic civic amenities such as residential accommodation, marketing facilities, School facilities in vernacular language, hospital facilities etc. are not available and it is not likely to be available for another one decade or more. So virtually for all basic need the staff of Garrison Engineer(P) Umroi is fully dependent on the nearest township i.e. Shillong which is situated about 32 kms. away from Umroi Cantonment by road.

4.5 That the Office of the G.E. Umroi approached the Deputy Commissioner, East Khasi Hills, Shillong immediately after shifting of the office at Umroi for issuance of dependency certificate and accordingly after consideration of the factual position in respect of the employees serving in the establishment of Garrison Engineer, Umroi issued the certificate of Dependency on 26.10.1987.

A copy of the certificate issued by the National Airport Authority dated 4.9.1991 is annexed hereto and marked as Annexure A.

4.6 That after obtaining the dependency certificate dated 26.10.1987 issued by the Deputy Commissioner, East Khasi Hills District, the Garrison Engineer(P), Umroi was allowed to draw the House Rent Allowance to the applicants at par with the Central Government Civilian employees serving at Shillong till April 1991. But surprisingly the same has been stopped with effect from May 1991 by the Area Accounts Officer, Shillong. In this connection it may be stated that the Area Accounts Officer, Shillong under

Contd...

*Subhas chandra deb*

his letter No. PM/III/7/322-II dt. 14.5.1991 asked the authority under which the Garrison Engineer is authorised to draw House Rent Allowance (for short HRA)/Hill Compensatory Allowance (for short HCA) at the Shillong rate. However on receipt of the same the office of the Garrison Engineer intimated the Area Accounts Office, Shillong vide his letter No. 1651/P/621/E.1(P) dated 17.5.91 that the House Rent Allowance and Hill coompen-satory Allowance for the employees of the office of the Garrison Engineer, Umroi is being drawn at par with staff of Shillong on the basis of dependency certificate issued by the Deputy Commissioner, East Khasi Hills District, Shillong in accordance para 2 (ii) (iii) of Controller of Defence Accounts, Basistha letter No. Pay/ 6/HRA & HCA dated 9.1.1986 (in the case of Garrison Engineer Borjhar) and further on 27.5.1991 in accordance with the Govt. of India, Ministry of Finance (Department of Expenditure) O.M. No. 21011/19/GE-E-II(B) dated 22.9.89 of fresh dependency certificate was forwarded to Area Accounts Officer, Shillong vide G.E.'s letter No. 1651/P/ 622 E1 P dt. 27.5.91 but Area Accounts Officer, Shillong had stopped the payment of HRA and HCA with effect from May, 1991. Thereafter on 30.5.91 a statement of the case alongwith a fresh dependency certificate which was obtained by the office of the Garrison Engineer (P) Umroi Shillong from the Deputy Commissioner, East Khasi Hills District, Shillong issued on 21.5.91 was forwarded to Commander Works Engineer, Shillong and copy also endorsed to the Controller of Defence Accounts, Guwahati and Area Accounts Office, Shillong vide G.E.'s letter No. 165/7/623/E1 P dated 30.5.91

Contd....

Subhas Chandra Deb

for obtaining sanction for payment of HRA/HCA from higher headquater. It was further requested by the office of the Garrison Engineer (P) Umroi vide letter No. 1651/P/ 626/E1 (P) dated 18.6.1991 to Controller of Defence Accounts, Basistha, Guwahati for provisional sanction of HRS/HCA till receipt of Government sanction. It was further requested for provisional payment of HRA at least for a period of 3 months pending receipt of the sanction of HRS From the Government. The detail correspondence would be evident from the choronological history of the dase with date wise report regarding admissibility of HRA/HCA to the staff of Garrison Engineer(P), Umroi, Shillong-793003. All efforts are being made by the Garrison Engineer(P), Umroi for obtaining sanction of House Rent Allowance at the Shillong rate immediately after the arbitrary stoppage of House Rent Allowance with effect from May, 1991. In this connection it may be stated that these applicants are entirely dependent upon the Shillong township for all basis minimum requirements. Mention is also to be made that private accommodation is also not available in the ~~nearby~~ area of Umroi Cantonment. Be it also stated that there is a restriction in the matter of transferring land to non-tribals as per the Government policy and therefore there is acute scarcity even for rented house in the ~~nearby~~ contonment area. In fact there is no facilities even to stay in private hired accommodation. Therefore all pruposes the applicants and their family are depending at Shillong city even for foodgrains, education, medical facilities shopping etc. Considering these aspect the authority also very much sympathetic for payment of House

Contd...

Subhas chandra deb

Rent Allowance to the present applicants at the Shillong rate and therefore a lot of correspondences are being made by the local authorities for obtaining sanction for payment of House Rent Allowance at par with the employees serving at Shillong to the applicants immediately after stoppage of payment of House Rent Allowance with effect from May, 1991.

A copy of dependency certificate dt. 21.5.91 and a copy of Headquarter CEEC, Calcutta letter dt. 6.7.91 are annexed hereto and marked as Annexures - 2 & 3 respectively.

4.7 That your applicant further beg to state that the Chief Engineer, Shillong Zone also wrote a letter bearing No. 02/12/737/EIC(3) dated 2.6.91 addressed to Garrison Engineer, Umroi wherein quoting the reference of letter dated 27.6.91 it was stated that the pending Government sanction for provisional payment of HRA is authorised to the Umroi personnel for the period of 3 months and if anot Govt. sanction is received during the period of provisional payment would be discontinued. The Garrison Engineer(P) also wrote a letter bearing No.1651/P/631/E1P dt. 1.7.91 addressed to Commander Works Engineer, Shillong where the choronological history of the case with dates and statement if financial implication also enclosed therewith. The Assistant Controller of Defence Accounts, Area Accounts Office, Shillong also wrote a letter to the Controller of Defence Accounts, Basistha, Guwahati strongly recommending for extension of admissibility of HRA/HCA at par with the employees working in Shillong serving under

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Garrison Engineer (P) Umroi Cantonment including the staff Area Accounts Office, Garrison Engineer quoting reference of para (B) (iii) of Government of India, Ministry of Finance Office Memorandum No. F.2 (37) -E-II (b) 164 dated 27.11.65 read in conjunction with Office Memorandum No. 11021/6/76 E.II (b) dated 26.10.1977. It is also indicated that Govt. Order would also be required to regularise the past payment order with effect from 12.12.1987 to 30.1.91. In this connection it may be stated that immediately after shifting of the office of the Garrison Engineer (P) from S.E. Falls, Shillong to Umroi Cantonment, Umroi all the employees/staff including the present applicants were allowed to draw the House Rent Allowance and Hill Compensatory Allowance at par with Shillong rate with effect from 12.12.1987 to 30.4.1991. A copy of the letter dated 2.8.1991 also forwarded to Chief Engineer, Shillong Zone and Garrison Engineer, Umroi Cantonment but no action was initiated for obtaining the Government sanction for payment of House Rent Allowance at par with the Shillong rate to the applicants. In this connection it may also be stated that the authorities are now paying the House Rent Allowance to the present applicants and other employees of the Garrison Engineer (P) at the rate of unclassified cities although the present applicants are required to stay at Shillong due to non-availability of Government accommodation as well as private hired accommodation at Umroi and the applicants are entirely dependent for all basic requirement at Shillong Township only.

A copy of the letter dated 1.7.91 letter dated 2.8.91 including the statement of the case is annexed and marked as Annexures 4 & 5 respectively.

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4.8 That the Controller of Defence Accounts, Guwahati vide his letter No. Pay/6/HRA/Umroi dated 6.8.91 addressed to the Chief Engineer, Eastern Command, Fort William Calcutta also recommended for grant of HRA/HCA to the employees of Garrison Engineer (P), Umroi Cantonment by forwarding statement of case proposing admissibility of HRA for the defence civilian employees serving under the Garrison Engineer (P) Umroi Cantonment at the Shillong rate by enclosing dependency certificate issued by the Deputy Commissioner, East Khasi Hills, Shillong and other relevant documents. It is however stated in the said letter that the case of admissibility of HRA/HCA to the employees of Garrison Engineer (P), Umroi Cantonment is not covered under the existing order on the subject therefore sanction of the Government is required to payment of HRA/HCA to the employees serving in the Office of the Garrison Engineer Umroi Cantonment at par with Shillong. In this connection it may be stated that Under Secretary to the Government of India also issued the Office Memorandum bearing No. 21011/19/88-E-II (B) dated 22.2.1989 regarding admissibility of CCA on the basis of dependency certificate wherein it is stated that the compensatory (City) Allowance may be admissible in terms of para 3 (h) (iii) of Ministry of Finance Office Memorandum No. 2 (37) E.II (B)/64 dated 27.11.65 to Central Government employees working at places within 8 kilometres of the periphery of the qualified city at the rates admissible in that city even though they may not be resided within the Municipal limits on that city and the President is pleased to decide that the Central Govt. employees working at places within

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8 kilometres of a qualified city which is not an Urban Agglomeration town/city may be granted Compensatory (City) Allowance admissible in the qualified city provided there is no sub-urban municipality, notified area or cantonment within 8 kilometers limit of the places and further there should be a certificate of the Collector/Deputy Commissioner having jurisdiction over the area that the place is generally dependent for its essential supplies i.e. foodgrains, milk, vegetables, fuel etc. on the qualified city and the above certificate would remain valid for a period of three years after which a fresh certificate will be required for continuance of the allowance. The same principle also adopted by the Ministry of Finance for grant of House Rent Allowance to the Central Government Civilian Employees who are working at a places within 8 kilometres of a qualified city which is not an urban agglomeration town/city. In the instant case Umroi is situated within 6 kilometres from the qualified city, i.e. Shillong as per serial distance as certified by the National Airport Authority. Therefore the present applicants who are not provided Government accommodation/quarter and also there is no facility for staying in rented house at Umroi and moreover in view of the dependency certificate issued by the Deputy Commissioner, East Khasi Hills, Shillong the applicants are very much entitled to draw the House Rent Allowance at par with Central Government civilian employees serving within the Shillong city. It is categorically stated that all the applicants are staying at Shillong and they are entirely dependent for all basic needs upon the Shillong city.

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A copy of the letter dated 6.8.91 and O.M. dated 22.9.1989 are annexed hereto and the same are marked as Annexures-6 & 7 respectively.

4.9 That the office of the Garrison Engineer (P) Umroi also approached the Deputy Commissioner, East Khasi Hills, Shillong for issuance of dependency certificate immediately after stoppage of House Rent Allowance at par with Shillong rate to the present applicants and the Deputy Commissioner also was pleased to issue the dependency certificate dated 28.1.92 where the distance of Umroi from Shillong shown as 8 kilometers. This distance is shown straight distance from Shillong to Umroi.

A copy of the dependency certificate issued on 28.1.92 issued by the Dy. Commissioner is annexed as Annexure-8.

4.10 That the Garrison Engineer (P) vide his letter No. 151/P/407/E1 dated 7.5.92 addressed to the Army Headquarter Engineer-in-Chief's Branch, Kashmir, House, New Delhi in reference to the letter No. 02986/HRA/Umroi/EIC (a) dated 27.3.92 which received under Headquarter Chief Engineer Shillong Zone letter No. 70402/12/819/EIC (3) dated 8.4.92 given certain clarification in support of the claim of House Rent Allowance at par with the Shillong for the employees serving under Garrison Engineer, Umroi.

A copy of the letter No. 1551/P/457/E1 dated 7.5 is annexed as Annexure-9.

4.11 That all the Central Government employees working at Shillong are entitled to House Rent Allowance at the

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revised rate applicable to 'A' and B<sub>1</sub> and B<sub>2</sub> cities as notified by the Government of India, Ministry of Finance Office Memorandum No. 11014/1/E II (B) dated 5.2.1990 and O.M. No. 11021/1/87-E II (B) dated 4.5.90. The relevant portion of Swamys Cmpilation of FRSR Part V HRA and CCA is quoted below :

" (b) SHILLONG

HRA at 'A', 'B'-1 and 'B-2' rates to all Central Government employees at Shillong from 1.4.1986. G.I. M.F., O.M. No. 11014/1/E.II(B)/84, dated the 5th February, 1990 and O.M. No. 11021/1/87-E.II(B), dated 4th May, 1990.

References have been received seeking clarifications on the subject mentioned above. The matter has been considered. In terms of Special orders issued in this Ministry's O.M. No. 11025/1/E.II (B)/75, dated 3.2.1975, House Rent Allowance (HRA) at the rate of 15% of pay was admissible to the Central Government employees working in Shillong upto a certain pay limit. The orders issued, vide Office Memorandum No. 11013/2/86-E.II(B), dated 23.9.86 and No. 11013/2/86-E.II(B), dated 19.3.1987, on the basis of the recommendations of the 4th Central Pay Commission provide that where House Rent Allowance at the rate of 15% of pay has been allowed under special orders, the same shall be given as admissible in 'A', B-1 and B-2 class cities without any upper pay limit for payment of House Rent Allowance. It is, accordingly, clarified that all Central Government

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employees working at Shillong are entitled to House Rent Allowance at the revised rates applicable to 'A', 'B-1' and 'B-2' class cities notified in the above mentioned Office Memoranda, dated 23.9.86 and 19.3.1987 from 1.4.1986, subject to the fulfilment of usual conditions for grant of House Rent Allowance."

The revised rate of House Rent Allowance was granted to the Central Government employees as per 4th Central Pay Commission report in terms of classification of cities are as follows :

\* (II) HOUSE RENT ALLOWANCE

*Pay Range Basic Pay + N.P.A. + S.I) Rs.	Amount of HRA (in Rs. p.m.)		
	'A', 'B-1' and 'B'-2 cities	C class cities	Unclassified places
750-949	150	70	30
950-1,499	250	120	50
1,500-2,799	450	220	100
2,800-3,599	600	300	150
3,600-2,449	800	400	200
4,500 and above	1000	500	300

\* In the revised scales of pay as per IV pay Commission."

Presently the employees serving under Garrison Engineer, Umroi, Barapani, Shillong are getting house rent at the rate of unclassified places whereas they are entitled to House Rent at the Shillong rate. Be it state that Shillong has been declared as B-2 city as per recommendation of the 4th Central Pay Commission and the rate applicable to the

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to the Central Government Civilian employees serving at Shillong much more higher than the rate applicable to unclassified places whereas all the applicants are residing at Shillong and attending their duties from Shillong city under compelling circumstances as there is no Govt. accommodation or private hired accommodation available at Umroi and for all basic requirements the present applicants are dependent at Shillong city and the same has been strongly recommended by the local authorities as well as the Deputy Commissioner, East Khasi Hills District, was pleased to issue necessary dependency certificate. Moreover as a special case the employees of Garrison Engineer, Umroi deserves to be a special consideration in the matter of grant of House Rent Allowance under the peculiar circumstances as the case of the applicants are quite different than the employees serving in the similar circumstances in other places. In this connection it is to be pointed out that even there is no facility for private hired accommodation at Umroi so under the compelling circumstances the employees are staying at Shillong city.

4.11 That the present applicants are continuously approaching the local authorities for grant of House Rent Allowance through their staff representative in the Works Committee where both management and staff are required to sort out various problems of the serving employees. Although the local authorities are very much sympathetic for grant of House Rent Allowance to the serving employees including the applicants at par with Shillong rate but due to vindictive attitude of the higher authorities house rent

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allowance has not been sanctioned at the Shillong rate to the present applicants. It would be evident from the proceedings of the Works Committee Meeting held on 22 May 1996 that the matter has been discussed in detail in the meeting attended by GE Umroi, Assistant Garrison Engineer, Umroi, where the Garrison Engineer being the Chairman of the Works Committee assured the staff side that the case of House Rent Allowance in respect of employees of Garrison Engineer Umroi would be settled after finalisation of pending Central Administrative Tribunal's case of Indian Council of Agricultural Research Employees Association with other at Barapani, Umroi, Road, Meghalaya Vs. U.O.I. & Ors.) on 20.10.1995. In the aforesaid Judgement and Order although the ICAR office situated at Barapani at a distance of 22 kms. from Shillong city, however considering the entire facts and circumstances it is directed to the Secretary, ICAR, Krishi Bhawan, New Delhi by the Hon'ble Tribunal that to issue a specific and unconditional order stating clearly whether the employees of the ICAR Research Complex for NEH Region, Umroi Barapani are entitled to the HRA at the rate applicable to Shillong or not within a reasonable time, and the Hon'ble Tribunal was further pleased to direct the respondents as an interim measure to pay the house rent allowance to that applicants at the Shillong rate in terms of interim order dated 15.6.1983 till the final order is communicated by ICAR, New Delhi. It is also observed in the said judgement by the Hon'ble Tribunal dated 20.10.1995 as follows :

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"It therefore appears that these employees would suffer hardship if they were paid HRA at the rate applicable to unclassified cities or towns. Perhaps keepint such facts inview that HRA at the rate applicable to Shillong city was allowed upto 31.5.93 and that the Director of the Research Complex recommended for payment of HRA at such rate in his letter dated 22.5.93 (Annexure-3.)"

Therefore in the similar facts and circumstances the present applicants pray for a positive direction upon the respondents for grant of House Rent Allowance to the applicants at par with Shillong rate under the facts and circumstances of the case.

A copy of the Judgement dt. 20.10.95 passed in O.A. 103/93 and Proceedings of the Works Committee Meeting dt. 22.5.96 are annexed as Annexures-10 and 11 respectively.

4.13 That the Govt. of India, Ministry of Finance under Office Memorandum No. 11023/3/86-E.II(B) dated 1.12.1989 powers delegated to Administrative Ministries/ Departments for continued grant of House Rent Allowance/ City Compensatory Allowance. The initial order for grant of HRA/CCA under para 3 (b) (iii) of the O.M. dated 27.11.1965 will continue to be issued by the Ministry of Finance, Department of Expenditure and further extensions of grant of HRA/CCA beyond the initial period of 3 years under para 3 (b) (iii) of the O.M. dated 27.11.1965, will be allowed by the Administrative Ministries/Departments in consultation with their Financial Advisers and by the

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C & AG, in respect of staff serving under them. The relevant portion along with Govt. clarification is quoted below from Swamy's Compilation of FR SR Part V H.R.A. and C.C.A. :

"Powers delegated to Administrative Ministries/ Departments for continued grant of HRA/CCA - The question of delegation powers to the Administrative Ministries/Departments for continued grant of HRA/CCA to the Central Government employees under the provisions of Note 1 below para 3 (b) (iii) of O.M. No. F 2 (37)/E.II(B)/64, dated 27.11.1965 as amended/modified from time to time has been under consideration for some time past. In partial modification of the provisions contained therein, the President is now pleased to decide as follows :

- i. The initial order for grant of HRA/CCA under para 3 (b) (iii) of the O.M. dated 27.11.1965 will continue to be issued by the Ministry of Finance (Department of Expenditure).
- ii. Further extensions of grant of HRA/CCA beyond the initial period of 3 years under para 3 (b) (iii) of the O.M. dated 27.11.1965 will be allowed by the administrative ministries/departments in consultation with the Financial Advisors and by the C & A G, in respect of staff serving under them.

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2. These orders takes effect from the date of issue.

(G.I. M.F. O.M. No. 11023/3/86-E.II(B) dated 1st December 1989).

NOTE 2 - The orders contained in sub-paragraphs (b) (ii) and (b) (iii) above will not apply to establishments entitled to house rent allowance, compensatory (city) allowance, project allowance, remote locality allowance, hill allowance or other such allowances under any other provision of this OM or other general or special orders.

Clarification 1 . - It has been decided that the benefit of the concession of house rent allowance under para 3 (b) (iii) may be extended to the employees working in a place which through a town panchayat is generally dependent for its essential supplies on a qualified city and is within the 8 km limit of the periphery of the qualified city.

Clarification 2 . - It has been decided in consultation with the Staff side of the National Council (JCM) ~~mayablexte~~ that House Rent Allowance will also now be payable to the Central Government employees within the area of Urban agglomeration of classified city at the rates admissible in the classified city. The existing provisions for the payment of house rent allowance under paras 3(b) (ii) and (b) (iii) of the Office Memorandum, dated 27.11.1965, will,

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however, continue to be applicable only at places which are within 8 kilometers of municipal limits of classified cities, but which are not included within Urban Agglomeration of any city, subject to fulfilment of usual conditions laid down and subject to issue of specific sanctions therefore as before.

(G.I.M.F.O.M. No. 11021/6/76-E.II (B) dated 26th October, 1997).

4.14 The Government of Ministry of Finance under Office Memorandum No. 15 (5)-E.II (B)/74, dated the 5th December, 1975 it is clarified by the Ministry of Finance that all cases where collector certified that the area in question depends for its essential supplies on the qualifying city even though there may be another municipal area within the 8 kilometers areas government would consider on merits whether grant of House Rent Allowance would be justified. The relevant portion of the clarification is quoted below from Swamy's Compilation of FRSR Part V HRA and CCA 1993 edition :

"Clarification -3 \* It was pointed out that in the certificate required to be obtained from the Collector of a District for the purpose of grant of house rent allowance under the aforesaid orders, it was to be interalia certified that there was no other municipality within the 8 km area in which the employees have to work and the same cannot be given where such a municipality exists even though the place is wholly dependent on the qualified city for its essential supplies. While no amendment of

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the existing provision is considered necessary, it has to be decided that henceforth, the enclosed certificate may be obtained from the Collector in all cases where the grant of house rent allowance under para 3(b) (iii) is proposed. In all cases where the Collector certified that the area in question depends for its essential supplies on the qualifying city even though there may be another municipal area within the 8 km radius, Government would consider on merits whether grant of house rent allowance in such cases would be justified.

(G.I.M.F. O.M. No. N.15(5)-E.II(B)/74, dated the 5th December, 1975).

From above, it is finally clarified by the Government of India, Ministry of Finance that apart from the provision laid down in Office Memorandum dated 27.11.1965, the Government of India has clarified that final decision regarding grant of House Rent Allowance in all cases where the Collector certified that the area in question depends for its cases in the qualifying city even though there may be another municipal area within 8 kilometers area government would consider on merits whether grant of House Rent Allowance would be justified. Therefore it is evident that question of grant of house rent allowance should be taken in other cases as per merit of the case by the respondents. In the instant case that all the applicants who are serving under the Garrison Engineer are compelled to stay at Shillong as there is no Government accommodation or facility is available to hire private accommodation at Umroi and

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for all basic requirement the applicants are entirely depending upon the Shillong township and the same has been duly certified by the Deputy Commissioner, East Khasi Hills District, Shillong. Therefore on merit the applicants are entitled to House Rent Allowance at par with the civilian workers posted at Shillong i.e. equivalent to B-2 class cities. Moreover the applicants rather incurring more expenditure from their pockets for conveyance as they are to attend office every day from Shillong due to non-availability of Govt. accommodation nearby the cantonment and also due to non-availability of private hired accommodation at Umroi.

4.15 That it is stated that the office of the Garrison Umroi also approached the Deputy Commissioner, Nongpoh, subsequently for issuance of dependency certificate for the purpose of grant of HRA at par with the Shillong rate to the present applicants and the Deputy Commissioner Nongpoh was also pleased to issue similar dependency certificate dated where the distance of Umroi from Shillong shown as 8 kilometers.

In view of the above declaration made by the Deputy Commissioner vide his certificate dated the present applicants are entitled to HRA at the B-2 class cities rate that is Shillong rate as they are totally dependent upon the Shillong township.

A copy of the dependency certificate issued by the Deputy Commissioner, Nongpoh dated is annexed as Annexure-12.

4.16 That in the circumstances stated above, the applicants are entitled to House Rent Allowance at the

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B-2 class cities rate i.e. Shillong rate as they are depending upon the Shillong city for all basic requirements. Therefore the Hon'ble Tribunal be pleased to direct the respondents to grant House Rent Allowance to the applicants at the Shillong rate i.e. at the rate of B-2 class cities.

4.17 That most of the applicants being highly aggrieved for non payment of HRA at the rate of B-2 cities i.e. at the Shillong rate approached the Hon'ble Tribunal through Original Application No. 79/97 (Sri S.C. Deb & 70 Ors. Vs. Union of India & Ors) inter alia praying for a direction to the respondents for payment of HRA at the B-2 class cities i.e. Shillong rate. The said Original Application was duly contested by the present respondents and the same was decided on 4.3.1998 by this Hon'ble Tribunal with a direction to Army Headquarter Engineer-in-Chief's branch, New Delhi to make final decision on the claim of the applicants after consideration of the relevant facts and rules with regard to payment of HRA to the applicants at the rate applicable. It is also directed that the respondents should issue a speaking order in this matter within 3 months from the date of the receipt of the order and liberty was granted to the applicants to contest the decision of the respondents if they are aggrieved with it. Although the said judgement was delivered on 4.3.98 but the respondents informed their decision to the applicants vide their letter bearing No. 90237/6029/EIC/Legal Cell -C dated 10.11.98 whereby it is informed that in the case of Umroi cantonment no certificate has been furnished

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showing that it is within 8 kilometers from the periphery of the Shillong Municipality. As such HRA cannot be granted to the applicants ~~xxxxxx~~ at the rates applicable for Shillong. The relevant portion of the letter dated 10.11.98 is quoted below :

" Sir,

I am directed to refer to the CAT, Guwahati Bench judgement dt. 04 Mar 98 in O.A. No. 79 of 1997 wherein it was directed that Respondent should take a decision on the claim of the applicants after consideration of the relevant facts and rules with regard to payment of HRA at the rate applicable to Shillong.

2. The matter has been considered by Ministry of Defence in consultation with Ministry of Finance. As per para 3 (b) (iii) of Ministry of Finance O.M. No. F.2(37)/E.II(B)/64 dt. 27 Nov 65 staff working in Central Govt Establishments within a distance of 08 kms from the periphery of the municipal limits of a qualified city may be allowed HRA at the rates admissible in that city provided there is no other sub-urban municipality, notified area or cantonment within the 08 kms limit and the place is not a municipality or notified area or cantonment. The case is considered on the basis of the certificate to be furnished from the Collector/Deputy Commissioner having jurisdiction over the place.

3. In this case of Umroi Cantt no such certificate has been furnished showing that it is within 08 kms from the periphery of Shillong municipality as such.

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HRA cannot be granted to you at the rates applicable for Shillong."

The above statements of the Engineer in Chief's Branch, Army Headquarter is totally contrary to the factual position and it appears that without application of mind the Army Headquarter has decided the entitlement of HRA to the applicants and without consulting the relevant documents whereas even in the Judgement and Order dated 4.5.98 the Hon'ble Tribunal also recorded the statement made by the learned counsel for the applicant. The relevant portion of the judgement and order dt. 4.5.98 referred to above is quoted below :

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"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."

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It is quite clear that the required certificate from the competent authority such as Deputy Commissioner is also available before the local authorities. Therefore the question of non-availability of certificate with regard to distance of 8 kilometers from the periphery of the Shillong Municipal cannot be raised. Therefore it appears either the local authority at Shillong did not produce/project the full facts before the Army Headquarters or alternatively the Army Headquarters without application of mind and without consultation of the documents/records which were submitted alongwith the Original Application issued the impugned letter dated 10.11.98 rejecting the claim of HRA at the rate of B-2 class cities i.e. at the Shillong rage to the applicants. As such the letter dated 10.11.98 is liable to be set aside and quashed and the Hon'ble Tribunal be pleased to direct the respondents to pay HRA to the applicants with effect from May, 1991 at the rate of B-2 class cities i.e. at the rate of Shillong city as the applicants are totally dependent upon the Shillong township in terms of the certificate issued by the Deputy Commissioner, Nongpon and also in terms para 3 (b) (iii) of Ministry of Finance O.M. F.II (37)/E.II (B)/64 dated 27.11.1965.

4.18 That this application is made bona fide and for the cause of justice.

5. Grounds for relief(s) with legal provisions :

5.1 For that there is no Government accommodation or facility to hire private accommodation at Umroi for the applicants serving under Garrison Engineer, Umroi.

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- 5.2 For that all applicants under the compelling circumstances required to stay in the private hired accommodation at Shillong.
- 5.3 For that the applicants are fully dependent for all basic requirements upon the Shillong city.
- 5.4 For that the Deputy Commissioner, East Khasi Hills District was pleased to grant dependency certificate from time to time as required for grant of House Rent Allowance at Shillong rate in terms of provision laid down in O.M. dated 27.11.1965.
- 5.5 For that serial distance between Shillong and Umroi is only 6 kilometres as certified by the National Airport Authority.
- 5.6 For that Umroi is situated about a distance of 8 kilometres from Shillong city as certified by the Deputy Commissioner, East Khasi Hills District, Shillong.
- 5.7 For that as per provision laid down in the O.M. dated 27.11.1965, the applicants are entitled to House Rent Allowance at the Shillong rate.
- 5.8 For that Shillong city is declared as B-2 class city in respect of house rent allowance and the civilian Central Government employees are drawn House Rent Allowance thereon at the B-2 class cities rate.
- 5.9 For that the grant of House Rent Allowance has strongly recommended by the Chief Engineer, MES, Garrison Engineer, Umroi and also obtained

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necessary dependency certificate from time to time as required under the provision of O.M. dated 27.11.1965.

- 5.10 For that the applicants are depending on Shillong city for all basic requirements such as foodgrains, housing accommodation, education, medical facilities etc.
- 5.11 For that Government has failed to provide accommodation to the applicant and under the compelling circumstances they are staying at Shillong city and attending office at Umroi regularly from Shillong.
- 5.12 For that it is clearly laid down in the Government instructions that in every case the grant of House Rent Allowance should be decided by the Government as per merit of the case.
- 5.13 For that the applicants submitted representation on several occasions and also approached the competent authorities for grant of house rent allowance through their recognised Union but to no result.
- 5.14 For that under the similar facts and circumstances house rent allowance at the rate of B-2 class cities i.e. at the Shillong rate are being granted to the employees of Indian Council of Agricultural Research who are similarly situated alongwith the applicants.

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- 5.15 For that the necessary certificate issued by the Deputy Commissioner, East Khasi Hills, National Airport Authority as well as Deputy Commissioner, Nongpoh were part of the records of the earlier O.A. No. 79 of 1997. Therefore denial of HRA to the applicants on the ground non-availability of requisite certificate is contrary and arbitrary.
- 5.16 For that the rejection of the claim of the applicants for payment of HRA with effect from May 1991 is contrary to the relevant rule, instructions as laid down by the Government of India.
- 5.17 For that an order of rejection has been passed without application of mind and it appears that full facts/records of the case has not been projected before the higher authority for grant of HRA at the B-2 class cities i.e. at the Shillong rate to the applicants.

6. Details of remedies exhausted

That the applicants state that they have no other alternative and other efficacious remedy than to file this application.

7. Matters not previously filed or pending with any other Court/Tribunal.

The applicants further declare that they had not previously filed any application, writ petition or suit regarding the matter in respect of which this application

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has been made, before any Court or any other Tribunal nor any such application writ petition or suit is pending before any of them.

8. Relief(s) sought for :

Under the facts and circumstances of the case the applicant prays that Your Lordships would be pleased to issue notice to the respondents to show cause as to why the relief sought for by the applicant shall not be granted, call for the records of the case and on perusal of the records and after hearing the parties on the cause that may be shown, be pleased to grant the following reliefs :

- 8.1 That the Hon'ble Tribunal be pleased to direct the respondents to pay House Rent Allowance to the applicants at the rate of B-2 class cities i.e. at the Shillong rate as the applicants are compelled to reside at Shillong and fully dependent upon the Shillong township for all basic requirements and accord necessary sanction for the purpose of grant of House Rent Allowance to the applicants at the Shillong rate.
- 8.2 That the respondents be directed to pay House Rent Allowance to the applicants with effect from May 1991 at the rate of B-2 class cities i.e. at the Shillong rate in terms of prayer No.1.
- 8.3 That the Hon'ble Tribunal be pleased to declare that the applicants are entitled to House Rent Allowance at the B-2 class cities i.e. Shillong

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rate as the applicants are compelled to stay to reside at Shillong and fully dependent upon the Shillong city for all basic requirements including private hired accommodation.

- 8.4 That the respondents be directed to grant necessary relaxation for grant of House Rent Allowance to the applicants at the Shillong rate.
- 8.5 Costs of the Application.
- 8.6 Any other relief or reliefs to which the applicants are entitled to, as the Hon'ble Tribunal may deem fit and proper.

9. Interim reliefs prayed for :

During pendency of this application the applicants pray for the following reliefs before the Tribunal.

- 9.1 That the respondents be directed to consider the payment of current House Rent Allowance to the applicants at the B-2 class cities rate i.e. at the Shillong rate with immediate effect.

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This application is filed through advocate.

11. Particulars of the I.P.O.

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|------|---------------|---------------------|
| i.   | I.P.O. No.    | : 06 456 776        |
| ii.  | Date of Issue | : 18.1.2000         |
| iii. | Issued from   | : G.P.O., Guwahati. |
| iv.  | Payable at    | : G.P.O., Guwahati. |

12. List of enclosures :

As stated in the Index.

Subhas Chandra Deb

VERIFICATION

I, Subhas Chandra Deb, ~~son of applicant~~, in  
The above ~~case~~, resident of Shillong,  
working in the Umroi Cantonment, under Garrison Engineer,  
Umroi, Umroi Cantonment, one of the applicants in this  
Original Application, duly authorised by the all other  
applicants to verify the statements made in this applica-  
tion. Accordingly, I hereby verify that the statements  
made in paragraphs 1 to 4 and 6 to 12 are true to my  
knowledge and those made in paragraph 5 are true to my  
legal advice and I have not suppressed any material  
fact.

And I sign this verification on this the 28th  
day of January, 2000.

Subhas Chandra Deb.

Signature

Annexure-1

NATIONAL AIRPORTS AUTHORITY  
Shillong Airport

Ref No. BP/Misc-57/2464

Dated 04.09.1991

Yr. Ref : Your letter No. 1651/P/654/E1  
dt. 26.08.91

Subject : ISSUE OF DEPENDENCY CERTIFICATE IN RESPECT  
OF THE OFFICE OF THE GARRISON ENGINEER  
(PROJECT) UMROI.

To

The Executive Engineer,  
Garrison Engineer (Project)  
Umroi (Meghalaya)

Sir,

It is intimated that the aerial distance from  
Shillong to Shillong Airport (Barapani) is 6 kms. as  
confirmed from Aircraft.

Yours faithfully,

Sd/- Illegible

(M. GOAPY)  
Adrodrome Officer,  
National Airports Authority,  
Civil Aerodrome,  
Barapani, Shillong

Annexure-2

No. C. 19/82/88

Dated 21st May, 1991

TO WHOM IT MAY CONCERN

Certified that the Umroi Cantonment is located at a distance of 32 kms (By road) from Shillong town, and that satisfactory facilities do not exist in and around Umroi Cantonment for accommodation on hire, Health coverage, education, essential commodities, transportation etc. Therefore, Government employees working there have to depend to a great extent on Shillong city to meet their day to day necessities.

It is also certified that Umroi is located at average altitude of 1032 metres above MSL.

Sd/- Deputy Commissioner  
East Khasi Hills District  
Shillong.

(G.P.Wahlong)  
Deputy Commissioner,  
East Khasi Hills District,  
Shillong

Annexure-3

Copy of HQ CEEC Calcutta letter No. 131705/2/1192/Engrs/ EIC(3) dated 06.07.91 addressed to E-in-C's Br. New Delhi and copy to CESZ and this office.

ADMISSIBILITY OF HRA/HCA TO STAFF OF GE(P) UMROI.

GE (P) Umroi under CE Shillong Zone, Shillong is situated about 32/35 Kms. away from Shillong. The staff of GE (P) Umroi was drawing HRA/HCA as per Shillong rate on the basis of dependency certificate issued by the Dy. Commissioner East Khasi Hills, Dist. Shillong. CDA Gauhati has not stopped the payment of HRA/CCA for Umroi wef May 91 and advised that Govt. sanction for grant of HRA/HCA would be required.

2. As such a statement of case submitted by CE Shillong Zone, Shillong together with the following documents is forwarded herewith each in duplicate for obtaining Govt. sanction :-

- (a) Copy of Dy. Commissioner East Khasi Hills Dist. Shillong dependency certificate dt. 26 Oct. '87.
- (b) Copy of Dy. Commissioner East Khasi Hills Dist., Shillong dependency certificate dt. 21 May '91
- (c) Copy of CDA Gauhati letter No. Pay/6 HRA & CCA dt. 09.1.86 (in the case of GE Borjhar).
- (d) Recommendation of CE Shillong Zone.

3. In view of above it is recommended that the Govt. sanction for the provision of HRA/HCA may please be obtained.

Sd/-

(SD Singh)

Col

Col (pers)

for Chief Engineer

N O O  
Copy to :

C.E. Shillong Zone - wrt letter No. 70402/12/732/EIC(3) dt. 27.6.91 and 70402/12/734/EIC(3) dt. 29.6.91. Please forward the following direct to E-in-C's Branch with a copy to this HQ.

- (a) CDA Gauhati letter in which the payment of HRA/HCA has been stopped and copies of other correspondences with CDA Gauhati/and others chronologically date wise.
- (b) Audit report from CDA Gauhati
- (c) Statement of financial implication with number of staff affected.
- (d) Any other information/documents in support of the case.

GE (P) Umroi

Annexure-4

Tele Civ : 240

Garrison Engineer(P) Umroi  
Umroi Cantt. Barapani  
Shillong-793003

1651/P 631/EIP  
CWE Shillong

01 Jul '91

ADMISIBILITY OF HRA/HCA TO STAFF OF GE (P) UMROI.

1. A copy of CE HQ EC Calcutta letter No. 131705/2/1192/Engrs/EIC(3) dated 06 Jul '91 addressed to E-in-C's Br. AHQ copy endorsed to CE SZ Shillong and this office is forwarded herewith.
2. The information as asked for vide HQ CEEC letter mentioned ibid is also enclosed herewith for further disposal.
  - (a) Chronological History of the case with date wise.
  - (b) May be obtained from your end.
  - (c) Statement of financial statement is enclosed duly vetted by AAO GE (P) Umroi.
  - (d) Please seen chronological History.

Sd/- Illegible

(AG Kinikar)  
EE  
Garrison Engineer(P)

Copy to

CEBZ Shillong-11 - wrt CEEC Calcutta letter No. 131705/2/1192/Engrs/EIC(3) dt. 06 Jul '91. The information asked for is enclosed herewith for further disposal please.

CHORONOLOGICAL HISTORY OF THE CASE WITH DATE-WISE REPORT REGARDING ADMISSIBILITY OF HRA/HCA TO THE STAFF OF GE(P) UMROI, SHILLONG-793103.

- (a) 17.5.91 - AAO Shillong letter No.PM/III/7/322-II dt. 14.5.91 received by this office on 17.5.91 (copy enclosed) in which AAO Shillong has asked for the authority under which the GE(P) Umroi is authorised to draw HRA/HCA.
- (b) 17.5.91 This office has intimated AAO Shillong vide letter No. 1651/P/621/E1 dt. 17.5.91 (Copy enclosed) that GE(P) Umroi is drawing HRA/HCA at par with staff of Shillong on the basis of dependency certificate issued by Deputy Commissioner, East Khasi Hills District, Shillong in accordance with Para 2 (ii) (iii) of CDA Basistha letter No. PAY/6/HRA & HCA dated 9.1.86 (in the case of GE Borjar).
- (c) 27.5.91 In accordance with Govt. of India, Min of Fin (Dept of Expdt.) OM No.21011/19/88-E-II(B) dt. 22.9.89 a fresh dependency certificate was forwarded to AAO Shillong vide our letter No.1651/P/622/E1P dt. 27.5.91, but AAO Shillong had stopped payment of HRA/HCA w.e.f. May 91.
- (d) 30.5.91 A statement of case alongwith fresh D.C. Certificate was forwarded to CWE Shillong and copy endorsed to CDA Gauhati and AAO Shillong vide our letter No. 1651/P/623/E1P dt. 30.5.91 (copy enclosed) for obtaining sanction from higher Hq.
- (e) 18.6.91 It was requested by this office vide out letter No. 1651/P/626/E1P dt. 18.6.91 (copy enclosed) to CDA Basistha, Gauhati for provisional sanction of HRA/HCA still received of Govt. sanction.
- (f) 24.6.91 CDA Basistha letter No. PAY/01/VII of 24.6.91
- (g) 28.6.91 CDA Basistha letter No. PAY/6/HRA/Umroi dt. 28.6.91 (copy enclosed) addressed to AAO Shillong and copy endorsed to CE SZ Shillong allowing for provisional payment for 3 (three) months.

Sd/- Illetible

(A.G.KINIKAR)

E.E.

G.E. (P) UMROI

No. P/111  
AREA ACCOUNTS OFFICE

Dated 2.8.91

To

The CDA (Pay/Cell)  
Basistha, Guwahati-28

Sub : Statement of case regarding admissibility of HRA and HCA to the civilian employees paid from Def. Service estimate and serving under GE Umroi Cantt.

1. Statement of case in triplicate relating to admissibility of HRA for Def civilians serving at GE Umroi Cantt. received vide GE(P) Umroi No. 1651/P/ 639/E1 dated 24.2.91. Box  
Forwarded here-  
with with the  
following audit  
comments as under
2. D.C. East Khasi Hills Dependence certificate dt. 21.5.91
- 1.1 Admissibility of HRA to Govt servants whose place of duty is outside the qualified city, but within proximity of the said city is dependent on the following conditions :-
- i) The distance between place of duty and the periphery of Municipal limit of qualified city does not exceed 8 kms.
- ii) There is no other Municipality notified area or cantonment with 8 kms limit and
- iii) It is certified by the collector/Dy. Commissioner having jurisdiction over the area that the place is generally dependent for its essential supplies on the qualified city.
- 2.1 It has also been clarified that HRA will be payable to Central Government employees within the area of urban agglomeration of classified city vide Govt. of India Min of Fin No. 11021/6/76-E-III(a) dt. 26.10.77 (Clarification No 2 ibid).
- 2.2 At present, Umroi Cantt. has not been prescribed as a constituent of Urban agglomeration of city Shillong.
- 2.3 The Deputy Commissioner, East Khasi Hills, Shillong has certified that Umroi Cantt is located at a distance of 32 kms away from Shillong and is wholly dependent on Shillong city for its essential supplies, accommodation

Contd...

Annexure-5 (Contd.)

on hire, health coverage, education etc. A copy of the above certificate dt. 21.5.91 furnished by D.C. East Khasi Hills, Shillong is enclosed.

2.4 Govt. orders for the extension of admissibility of HRA/HCA at par with Shillong to the Def. civilians serving under GP(P) Umroi Cantt. including staff of the AAO GE would be necessary as per para 3(b) (iii) of Govt. of India Min of Fin. O.M. No. F.2(37) - F-II(B) 164 dt. 27.11.65 read in conjunction with their O.M. No. 11021/6/76.E.II (B) dt. 26.10.77.

Govt. orders will also be required to regularise the past payments order w.e.f. 12.12.87 to 30.4.91.

Sd/- Illegible

(KIRPA KAR)  
A.C.D.A.

Copy to :-

1. C.E.S.Z Shillong	for information
2. G.E. (P) Umroi Cantt	

Sd/- Illegible  
A.C.D.A.

STATEMENT OF CASE PERTAINING TO RESTORATION<sup>5</sup> OF HRA AND HCA TO STAFF OF GE(P) UMROI

1. G.E. (P) Umroi came into existence and started functioning in 1970 with official address of SE Falls, Shillong-793001. Initially a skeleton office was functioning at site at Umroi Cantt. The main office was functioning at SE falls Camp, Shillong.
2. In initial stages, only essential staff required at sites were attending their duties at Umroi by coming and going back to Shillong everyday. As workloda built up, essential elements were moved to site office for smooth functioning of the Division. However, as no married accommodation or private accommodation on hire is available anywhere nearby Umroi, majority of the staff are compelled to perform their duty from Shillong.
3. On construction of permanent office accommodation for GE(P) Umroi at Umroi Cantt, orders were received from higher headquarters to shift the main office from SE Falls Camp to Umroi Cantt. Accordingly, the entire office has been shifted to Umroi Cantt and started functioning with effect from 12 Dec '87.
4. Umroi being a newly upcoming cantt, the basic civic amenities such as residential accommodation, marketing facilities, School facilities in vernacular language, hospital facilities etc are not available and it is not likely to be available for another one decade or more. So virtually for all basic needs the staff of EE(P) Umroi is dependent on the nearest towns ip i.e. Shillong which is situated about 35 kms. away from Umroi Cantt.
5. On the basis of dependency certificate issued by the District Commissioner, East Khasi Hills District, Shillong on 26th Oct '87 the staff of GE(P) Umroi were availaing the facilities of HRA/HCA at par with staff at Shillong till April 1991 which has been su denly disallowed by AAO Shillong/AAO GE (P) Umroi wef May '91 on the plea that payment of HRA/HCA at Shillong rates requires Govt. sanction. Sudden stoppage of HRA/HCA facilities have caused financial hardships to the staff of GE(P) Umroi who are already

Contd..

Annexure-5 (Contd.)

bearing extra cost of living on following accounts :-

- (a) No bus facilities are available from Shillong to Umroi Cantt and back. Staff living at Shillong are paying Rs.60/- per month to the Govt. for availing Govt. transport to attend their duties which is an extra expenditure being borne by the Govt. employees.
- (b) Total strength of staff of this division is 400 approximately, but only 155 key personnel accommodation have been constructed so far. Hence, more than 50% of the staff who have not been provided Govt. accommodation are compelled to live in hired accommodation at Shillong at very high rental charges since there is no private accommodation and staff accommodation available nearby Umroi Cantt and the facility of HRA/HCA at Shillong rate is withdrawn, they will be put to bear double loss.
- (c) Since basic amenities such as medical facility, education facility, market facility etc are not available at Umroi Cantt, staff of GE(P) Umroi residing at Umroi Cantt incur extra expenditure to avail about mentioned facilities at Shillong.

~~6x Since basic amenities such as medical facility, education facility, market facility etc are not available at Umroi Cantt, staff of GE(P) Umroi residing at Umroi Cantt incur extra expenditure to avail about mentioned facilities at Shillong.~~

6. In view of the foregoing paras, it is felt that HRA and HCA as admissible to Shillong should be continued to be paid to the staff of this division on the dependency certificate of Deputy Commissioner Shillong which has been renewed on 21 May '91. Considering all the difficulties and inherent problem of the station. It is learnt that GE Borjar are enjoying the HRA as admissible to Gauhati though Borjar is far better in all respect than this station.

7. Photostat copy of Certificate issued by the District Commissioner, East Khasi Hills District, Meghalaya dated 21st May '91 stressing the dependent of Umroi Cantt on Shillong for all purposes is enclosed herewith.

8. As per CDA Basistha, Gauhati letter No. Pay/6 HRA & HCA dated 09 Jan 86 (Copy attached), one of the qualifying conditions for admissibility of HRA where place of duty

Contd...

is outside the qualified city is dependent upon a certificate by Collector/Deputy Commissioner having jurisdiction over the area that the place is generally dependent for its essential supply on the qualified city. This has been obtained and enclosed herewith as mentioned at para 7 above.

9. Payment of HRA/HCA from 12 Dec 87 (when office of GE (P) Umroi shifted from SE Falls Camp, Shillong to Umroi Cantt) till April '91 has been objected by the Audit authority and from May '91 has been objected by the audit authority and from May '91 onwards has been stopped.

10. It is further submitted that GE(P) Umroi is situated at Barapani. The road distance from Shillong to Barapani is about 32 Kms (being hilly/circuits route) but if we take aerial distance it will be within 8 kms. Accordingly the employees of Indian Council of Agricultural Research under Ministry of Agriculture which is also situated at Barapani next door to Umroi Cantt are getting the HRA/HCA at par with the employees serving at Shillong on the basis of the Dependency certificate issued by the DC East Khasi Hills.

11. In view of the circumstances explained above, it is requested to grant HRA/HCA at Shillong rate with effect from 12 Dec '87 based on the dependency certificate issued by the Deputy Commissioner, Shillong.

Station : Umroi Cantt  
Date : Jul '91

Sd/- Illegible  
(A.G.Kinikar)  
EE  
Garrison Engineer

TE:EGRAM : CONTACT GAUHATI  
SIGNAL : CDA GAUHATI

CONTROLLER OF DEFENCE ACCOUNTS  
BASISTHA, GAUHATI 781028

No. PAY/6/HRA/UMROI

Dated : 6.8.91

To

Hqr. C.E.  
Eastern Command  
Fort William  
Calcutta-21

Sub : ADMISSIBILITY OF HRA/HCA TO THE EMPLOYEES OF GE(P)  
UMROI CANTT.

Statement of case proposing admissibility of House  
Rent Allowance/Hill compensatory Allowance for the defen-  
ce civilian employees serving in the GE(P) Umroi Cantt.  
at the rate of Shillong together with-

- i. Dependency certificate issued by Dy. Commissioner,  
East Khasi Hills, Dist., Shillong.
  - ii. Copy of AHQr. E-in.CBs Branch letter No. 02986/HRA/  
EIC dated 20.7.91.
  - iii. HQr. CE Shillong Zone, Shillong letter No. 70402/42/  
746/EIC(3) dated 18.7.91 and
  - iv. The statement containing financial effect, is  
forwarded herewith the following audit report.
2. The case of admissibility of HRA/HCA to the employees  
of GE(P) Umroi Cantt. is not covered under the existing  
orders on the subject. Sanction of the Govt. is required  
for payment of HRA/HCA to the employees serving in the  
GE(P) Umroi Cantt. at par with Shillong.

Sd/-  
BALAK RAM  
A.C.D.A.

Copy to

1. CWE, SE Falls  
SHILLONG  
No. 23568/RKS/90/88  
With reference to his D.O. letter  
dated 3.8.91.
2. AAO  
SHILLONG  
P/III/7/322/I-IV  
With reference to his No.  
dated 2.8.91.

Balak Ram  
A.C.D.A.

Annexure-7

Copy of Ministry of Finance (Department of Expenditure) O.M. No. 21011/19/88-E-II(B) dated 22nd Sept, 1989 regarding of admissibility of CCA on the basis of Dependency Certificate.

.....

1. The undersigned is directed to refer to para 3(h) (iii) of this Ministry's O.M. No. F.2(37)E.II(B)/64 dated 27.11.65 as amended/modified from time to time, and to say that the matter regarding grant of compensatory (City) Allowance to Central Govt. employees working at places with 8 Kms of the periphery of a qualified city at the rates admissible in that city even though they may not be residing within the municipal limits of that city, has been under consideration of this Ministry for some time past. In consultation with the Staff side of the National Council (JCM) the President is pleased to decide that Central Govt. employees working at places within 8 Kms of a qualified city which is not an Urban Agglomeration town/City may be granted Compensatory (City) Allowance admissible in the qualified city provided that :

I) There is no other Sub-Urban municipality, notified area or Cantonment within 8 Kms limits of the places; and  
ii) It is certified by the Collector/Deputy Commissioner having jurisdiction over the area, that the place is generally dependent for its essential supplies i.e. food-grains, milk, vegetables, fuel etc. on the qualified city.

Certificates at (i) and (ii) above will remain valid for a period of three years after which a fresh certificate will be required for continuance of the allowance.

2. It is clarified that the above concession is admissible irrespective of the fact whether the qualified city has been classified for the purpose of CCA on the basis of its population under general orders or special orders. Extension of existing concession to a particular city shall not be construed as classification made general or special orders.

It is further clarified that this concession will not be admissible in respect of places which are within 8 Kms of a qualified city/town which has been given the status of a U.A. town/city.

3. These orders take effect from the date of issue.

4. In so far as the persons serving in the Indian Audit and Accounts Department are concerned these orders issued after consultation with the Comptroller and Auditor General of India.

5. Hindi version of this O.M. is attached.

Sd/- S.L.Verm

Under Secy. to the Govt. of India

C E R T I F I C A T E

It is certified that :-

- (a) \*Umroi Cantt is a Non-Municipal area \*\* village/  
Panchayat/Non-Municipal area.
- (b) Umroi Cantt is not a municipality or notified area  
or cantonment.
- (c) Umroi Cantt is within a distance of 8 kilometers  
from the periphery of the municipal limits of Shillong.  
Excepting Shillong there is no other municipality notified  
area cantonment within a distance of 8 kms from Umroi  
Cantt @ and it is generally dependent for its essential  
supplies e.g. foodgrains, milk, vegetables, fuel, health  
coverage, education, transportation etc. on Shillong Town.

OR

- (d) Although there is no \*\*\* municipality/notified  
area/cantonment within a distance of 8 kms from Umroi Cantt  
the latter is generally dependent for its essential  
supplies, e.g. foodgrains, milk, vegetables, fuel, health  
coverage, education, transporation etc. on Shillong Town.

Seal of the Collector/  
Deputy Commissioner

Sd/-

Signature of the Collector  
Deputy Commissioner having  
jurisdiction over the place.

Dated 28.1.92

- \* Name of the place in respect of which the proposal  
relates
- \*\* The civic status of the place, i.e. village,  
panchayat, non-municipal area etc. should be  
indicated.
- @ Name of the qualified town/city.
- \*\*\* The name of the other municipality within 8 Kms  
limit.
- £ Delete whichever is not applicable.

Annexure-9

BY SPEED POST

Garrison Engineer Umroi  
Umroi Cantt  
P.O. Barapani  
Shillong-793 103

1551/P/457/E1

Army Headquarters  
Engineer-in-Chief's Branch  
Kashmir House  
DHQ P.O. New Delhi  
PIN-110011

ADMISSIBILITY OF HRA/HCA TO STAFF OF GE (P) UMROI.

1. Reference your letter No. 02986/HRA/Umroi/EIC(3) dated 27 Mar 92 received under HQ CE Shillong letter No. 70402/12/819/EIC(3) dated 08 Apr 92.
2. Parawise reply of Ministry of Finance, Department of Expenditure E-II(B) Branch letter No. Nil dated 19 Feb 92 are furnished below :

Para 2(i) : It is submitted that G E (P) Umroi (Ex-GE (P) Barapani came into existence and started functioning in 1970 with official addressed of SE Falls, Shillong 793011. In the initial stage only essential staff required at works site were attending duties at Umroi by coming and going back to Shillong every days. The staff of GE (P) Umroi were enjoying the facilities of HRA/HCA like all other employees serving at Shillong as GE (P) Umroi was situated at Shillong. The entire office was shifted from Shillong to works site at Umroi wef 12 Dec 1987. No. Md. Accn., Market, education facilities are available at Umroi and to all employees as such they are residing at Shillong and used to come to their duty place by Govt. vehicle. The Cantt is totally dependent on Shillong for all basic needs. As such t is office claimed HRA/HCA on the basis of dependency certificate as per Shillong rate.

~~xxxxxx~~ In this connection clause 2 of para 3 (b) (iii) of Ministry of Finance (Department of Expenditure) OM No. F-2(37)-211 (B)/64 dated 27 Nov 65 and Appendix 6 of Swamy's compilation of the Fundamental Rules and Supplementary Rules 3(b) (2) under which it clearly indicate that where staff concerned had to reside within the qualified city limits barely out of necessity, i.e. for want of accommodation and other amenities nearer to their place of duty, are eligible to get HRA/HCA at the rate admissible at city, is

Contd...

relevant. Further it is submitted that Shillong has been classified as B-2 city for the purpose of HRA/HCA under special order of Ministry of Finance OM No. F4(3)-E II(B)/71 dated 12 Dec 73 and extended vide the Ministry's O.M. No. 4(5)E-II(B)/73 dated 28 Jan 74 and subsequent letters. Accordingly the employees of Indian Council of Agricultural situated at Barapani next door to Umroi Cantt are enjoying the facilities of HRA/HCA at par with the employees of Shillong (letter already enclosed alongwith original application).

Para 2(ii) : The case is applicable under Para 3(b) (iii) of Ministry of Finance letter dated 27 Nov 65.

Para 2(iii) : Not agreed to, in view of following comments :-

Office of GE(P) shifted from SE Falls Shillong to Umroi Cantt on 12 Dec 87 vide this office letter No. 1651/1/204/E1 dated 12 Dec 87 (Copy enclosed for perusal please) before shifting Office from Shillong, the staff enjoyed HRA/HCA @ Shillong rates. Dependency Certificates from D.C. East Khasi Hills obtained on 26 Oct 87 i.e. prior to shifting of the office to make continuity in claiming HRA/HCA at par with Shillong. The dependency Certificate issued during 1987 cannot in anyway be set aside/proved otherwise, on minor ground that the certificate was not on format as required. Dependency Certificate issued by D.C., East Khasi Hills dated 26 Oct 1987 does not alter the contents of facts. However, to remove this discrepancy observed a C.T.C. of the Dependency Certificate as per format is enclosed herewith.

Para 2 (iv) : The distance between Shillong peak to Umroi is 32 KM due to hilly circuits but aerial distance 8 KM from the municipal limit of Shillong.

Para 2(v) : The intention is to claim Hill Compensatory allowances and winter allowances i.e. Hill Composite allowance as accepted by Ministry of Finance on the recommendation of the 4th Pay Commission vide para 9 of resolution dated 13 Sep 86 which was accepted vide Ministry of Finance letter No.F 15(1)/IC/86 dated 22 Sep 86 as the station Umroi is situated at a height

Contd..

Annexure-9 (Contd.)

of 1034 metre. The height given in dependency Certificate by D.C., East Khasi Hills based on Survey report given by Survey of India. In this connection please also refer Ministry of Finance Department of Expenditure office Memorandum letter No. F-4(4)-E-II(B)/73 dated 06 Jun 74.

3. In view of above you are requested to take up the case with appropriate authority for expediting early sanction to avoid unrest among the staff on this account please.

Enclos : 2 Nos.

Sd/-

(A.G.Kinikar

EE

Garrison Engineer

Copy to :

1. HQ CE EC Calcutta
2. HQ CE Shillong Zone
3. CWE Shillong

Annexure-10

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No. 103 of 1993

Date of Order : This the 20th day of October, 1995.

Shri G.L. Sanglyine, Member (Administrative).

1. Indian Council of Agricultural Research Employees' Association with the office of Barapani, Umroi Road, Meghalaya.
2. Markos Dkhar, General Secretary, Indian Council of Agricultural Research Employees Association, Barapani, Umroi Road, Meghalaya

....Applicants

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

-versus-

1. Union of India through Secretary, ICAR, Krishi Bhawan, New Delhi-110001
2. Secretary, Govt. of India, Department of Expenditure, Ministry of Finance, New Delhi.
3. Director, ICAR Research Complex, for NER Region, Barapani, Umroi Road Meghalaya

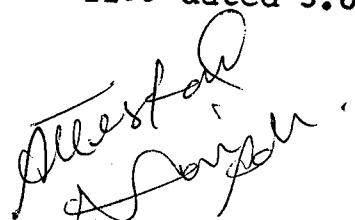
By Advocate Shri S Ali, Sr. C.G.S.C.

.... Respondents.

O R D E R

G.L. SANGLYINE, MEMBER (A)

The employees of the Indian Council of Agricultural Research, Umroi Road, Barapani, Meghalaya were granted House Rent Allowance (HRA for short) at the rates applicable to Shillong for the period from 1.6.90 to 31.6.93. On 7.6.93 the Director, ICAR Research Complex for N.E.H. Region, Shillong ordered to stop payment of the HRA at that rate with effect from 1.6.1993 as desired by ICAR Headquarters. It has been stated by the respondents that his order was based on the Telex Message No. 1140 CA 1199 dated 3.6.93 received from

  
Contd.. P/2

the Indian Council of Agricultural Research, New Delhi (ICAR). Hence this application under Section 19 of the Administrative Tribunals Act 1985 was submitted praying for a direction to the respondents to pay HRA at Shillong rate to the applicants.

2. The place of duty of the employees of the ICAR Research Complex for NEH Region is at Umroi Road, Barapani, Meghalaya which is about 22 kms from Shillong. The ICAR could provide accommodation there for 73 staff only and the rest out of 365 staff have had to stay in Shillong for want of accommodation in Umroi Road. Mr. Chanda, the learned counsel for applicants submitted that the facts and the circumstances remain same today as they were before 1.6.1993 and therefore there is no justification to stop payment of House Rent Allowance at the rate applicable to Shillong. He further submitted that if distance between Umroi Road and Shillong is the reason for stopping the payment of HRA at Shillong rate the ground taken by the respondents is untenable as on the same fact HRA at the rate applicable to Shillong was paid for the period before 1.6.1993 and as the relevant rules do not mention that the distance of 8 Kms. is to be taken as the road distance. Mr. S. Ali, the learned Sr. C.G.S.C. resisted the contentions of Mr. Chanda and submitted that the applicants are not entitled to the reliefs sought. Mr. Chanda further submitted that the Director of the Research Complex had himself clarified that the Radial distance between the Municipal limit of Shillong and Barapani is to be kept in view and that the employees are solely dependent on Shillong. In view of these facts and circumstances, he urged that the respondents may be directed to continue to pay HRA to the employees at the rate applicable to Shillong.

Contd....

Annexure-10 (Contd.)

3. The sanction to pay House Rent Allowance at the rate applicable to Shillong to the employees of ICAR Research Complex for NEH Region for the period from 1.6.90 to 31.5.93 was conveyed vide Council's letter No.3-15/90-IAV dated 7.3.1991. It appears that on 13.5.93 the Ministry of Finance, Department of Expenditure made some querries and directed that a review regarding payment of HRA at the above mentioned rate be made by the Department of Agriculture Research and Education and that payment of the HRA should not be continued beyond 31.5.93 until such review is completed. The Director of the Research Complex submitted this report on 22.5.93 and recommended that the employees of the ICAR Hqrs. Barapani may be allowed HRA at the rate applicable to Shillong in the facts and the circumstances relevant to them. The ICAR, New Delhi directed on 3.6.93 that pending receipt of fresh approval from the Ministry of Finance regarding payment of HRA at rare applicable to Shillong the payment of HRA at such rate to the employees should not be continued beyond 31.5.93. There are two types of employees, namely, those 73 employees who have been provided official quarters in Umroi Road and those other employees who by compulsion have to stay in Shillong and attended their duty in Umroi Road by availing official vehicles provided by the respondents on payment of requisite fares. It is the letter who are aggrieved with the order stopping payment of HRA at the rate applicable to Shillong. It therefore appears that these employees would suffer hardship if they were paid HRA at the rate applicable to unclassified cities or towns. Perhaps keeping such facts in view that HRA at the rate applicable to Shillong city was allowed upto 31.5.1993 and that the Director of the Research Complex recommended for payment of HRA at such rate in his letter of 22.5.93 (Annexure-3). It transpires during the

Contd...

course of hearing the position remains the same as on the date of telex message of 3.6.93 (Annexure 1 to the written statement). As a result it is not known whether the aforesaid review was completed and what final decision was taken on the basis of the review. It is also not clear from the above mentioned telex message whether fresh proposal was at all submitted by the ICAR, New Delhi to the Ministry of Finance. The ICAR had paid HRA at the now disputed rate upto 31.5.1993, It is gathered that the facts and circumstances have till now remained the same as they were before 1.6.93. The Ministry of Finance had sought for a review of the admisibility of payment of HRA at the rate applicable to Shillong to the employees of the ICAR Research Complex for NEH Region on 15.3.93. The Director of the Research Complex had submitted his report on 22.5.93 The onus is on the ICAR, New Delhi to clarify its final position on this matter to the employees concerned. The Respondent No.1 is therefore directed to issue a specific and unconditional order stating clearly whether the employees of the ICAR Research Complex for NEH Region, Umroi Road, Barapani are entitled to the HRA at the rate applicable to Shillong or not within a reasonable time. The interim direction dated 15.6.93 shall remain in force till the final order is communicated by the ICAR, New Delhi as a result of the Review and shall stand vacated thereafter. With these directions this O.A. is disposed of. No order as to costs.

Sd/-MEMBER (ADMN)

*Debata  
A. D. S.  
S. S. S.*

PROCEEDINGS OF THE WORKS COMMITTEE MEETING HELD ON 22  
MAY 1996 at 1400 hrs.

1. The works committee meeting called for vide GE Unroi letter No. 1692/307/E1(Est) dated 13 May 1996 has been commenced on 22 May 1996 at 1400 hrs. and the following were present.

(a) OFFICIAL SIDE

- i. Shri J.K.Kapoor, EE, GE Umroi in Chair
- ii. Shri Vineet Modi, AEE, AGE E/M Umroi.
- iii. Shri A.K.Paul, AE, AGE B/R I
- iv. Shri G.Krishnamoorthy, AE, AGE 'T'
- v. Sub/Maj N Rajesekharan Nair, Office Supdt.

(b) STAFF SIDE

- i. Shri KK Mukherjee, LDA
- ii. Shri Jaleswar Rai, FGM
- iii. Shri A.K.Chakraborty, Painter
- iv. Shri Rabin Patgiri, Mason (HS II)
- v. Shri Ram Janam Rai, Mate (Electrician)
- vi. Shri Dolendra Nongbet, Chowkidar
- vii. Shri B.K.Jha, Chowkidar

2. The meeting has been chaired by the Garrison Engineer, and he welcomed all members at the beginning of the meeting.

3. The following points received from the staff side were discussed and decision taken in the meeting as follows:

Sl. No.	Point	Brief discussion and decision taken	Action
1	Communication problem for school going children/staff from and to Barapani TGP (Dyke)	Due to paucity of vehicles it is not possible to provide vehicle for school going children/staff from and to Barapani TCP. We have already been taken up a case with CESZ Shillong to make up the deficiency of vehicle of out division, but no fruitful result could be achieved. However, a case is being taken up with CESZ Shillong through a DO letter to make good the deficiency of vehicles.	OS to put up draft DO letter to CESZ Shillong

1	2	3	4
2	Repairing of key personnel accn and Road upto Shiv Mandir/MES key pers qtr. There is no drainage in the key pers qtrs.	(a) The Chairman said that the contract on road works has not yet been completed and the road upto Shiv Mandir MES key pers qtrs expected to be completed by 15 Jul 96.  (b) Chairman directed that the AGE/B/R I maint/repairing works of key pers accn to be done on top priority by DEL and sweeage to be cleaned through TC  (c) The Chairman said that drainage to be made up and a root path to be repaired with help of local resident and DEL upto dustbin. Chairman directed that AGE B/R I to take action on 29 May 96.  (d) The Chairman further said that the plastic containers(bags) are being thrown in the drainages as well as all over the Cantt area which may be avoided on echological problems. This may be informed to Station HQ. Further the shopkeepers of Shopping centre/ Rangmen Basti market may be asked to stop the use of plastic bags forthwith.	AGE B/R I
7	Non-availability of forms of welfare matters	Due to shortage of stationery AGE B/R I from stationary depot and paucity of funds, the Chairman directed that 20 reams of duplicating papers to be provided by the sub-divisions offrs as under to be handed over to OS  (a) AGE B/R I - 8 reams (b) AGE E/M - 8 reams (c) BSO - 6 reams	

On receipt of above stationery OS will make arrangement to get the required forms cyclostyled as a welfare measure.

Contd...

Annexure-11 (Contd.)

1	2	3	4
8	Result of trade test and DPC to be informed	The Chairman directed to call for the results of trade test from CWE Shillong and inform to the affected individual concerned accordingly on receipt.	
9	Current progress of HCA/HRA at par Shillong City	The matter discussed in detail. The Chairman said that he will go to CDA Narengi to discuss the matter regarding HCA at the earliest. Mr. Mukherjee alongwith one more person will accompany GE for the discussion. The case of HR in respect of employees of ICAR will be settled after finalisation of CAT case, as such the case of HRA will take time for settlement.	

4. The Chairman proposed that the next works committee meeting will be held on 05 Aug 96. The meeting then closed as there was no other points from anybody with vote of thanks the Chair by all members.

Sd/- Illegible (A.K.Chakraborty)  
Secretary, Works Committee

Sd/-Illegible  
(J.K.Kapoor) EE,  
Garrison Engineer

584  
*60 Annex 12*  
GOVERNMENT OF MEGHALAYA  
OFFICE OF THE DEPUTY COMMISSIONER RI BHK DISTRICT NONGROH.

\*\*\*

NO.DCRB(E) 14/93/27,

Dated Nongroh, the 21st. Aug., 1997.

To

The Garrison Engineer,  
Umroi Cantonment,  
Umiam - 793103.

Sub :- DEPENDENCY CERTIFICATE.

Ref :- Your letter NO.1651/P/619/EIP, dt. 9-8-97.

Sir,

In referring to the above, I am to send herewith a  
Dependency Certificate are requested therein for your necessary  
action.

Yours faithfully,

*try*  
Deputy Commissioner  
and  
Collector,  
Ri-Bhak District,  
Meghalaya

*After 2nd  
Aug 1997*

CERTIFICATE

It is hereby certified that:-

(a) UMROI CANTT is a Non-Municipal area \*\* village/  
panchayat/Non-Municipal area.

(b) UMROI CANTT is not a Municipality or notified area or  
cantonment.

(c) UMROI CANTT is within a distance of 8 kilometres from  
the periphery of the municipal limits of SHILLONG.

(d) excepting SHILLONG @there is no other municipality notified  
area of cantonment within a distance of 8 kilometres from  
UMROI CANTT @ and it is generally dependent for its essential  
supplies e.g. foodgrains, milk, vegetables, fuel, Health coverage,  
education, transportation etc on SHILLONG TOWN.

OR

(d) Although there is No \*\*\* municipality/notified area/  
cantonment within a distance of 8 Kms from UMROI CANTT .  
the latter is generally dependent for its essential supplies  
e.g. foodgrains, milk, vegetables, fuel, health coverage,  
education, transportation etc on SHILLONG TOWN @.



Seal of the Collector/  
Deputy Commissioner

Signature of the collector  
Deputy Commissioner  
having Jurisdiction over the  
Place Shillong  
Dated Nangpah

hym

\* Name of the place in respect of which the proposal relates.

\*\* The civic status of the place, is, village, panchayat, non-  
municipal area etc, should be indicated.

@ Name of the qualified town/city.

\*\*\* The name of the other municipality within 8 Kms. limit.

£ Delete whichever clause is not applicable.

*Deputy Commissioner*

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

Shri Subhas Chandra Deb & 70 Ors.  
All the applicants are working  
under Garrison Engineer, Umroi  
Cantonemt, 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 Headquarter Controller of Defence Accounts,  
Basistha, Guwahati-28
4. The Army Headquarter Engineer-inChief's Branch,  
Kashmir House, DWQ,  
P.O. New Delhi-110011
5. The Garrison Engineer (P)  
Umroi Cantonemtn, 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 employee 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 B-2 class  
City. that is, at the Shillong rate of House Rent Allowance

Contd.....

*S. Ali, Sr. C.G.S.C.*

Annexure-13 (Contd.)

with effect from May 1991, as the applicants are compelled to reside at Shillong and are fully dependent upon the Shillong town ship for all basis 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 vide 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 ~~stakan~~ matter remains undisposed or 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 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

Annexure-13 (Contd.)

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 the 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.

SD/- MEMBER (ADMN)

*Attestd  
Anil*

Annexure-14

Tele : 3019376

Coord and pers Directorate/  
EIC Legal  
Engineer-In-Chief's Branch  
Army Headquarters  
New Delhi-110011

90237/6029/EIC Legal Cell-C 10 Nov 98

Shri Subhash Chander Deb & Others  
C/o GE Umroi Cantt (Petitioners in O.A. No. 79/97)

MES Umroi  
Shillong

Sir,

I am directed to refer to the CAT, Guwahati Bench judgement dt. 04 Mar 98 in O.A. No. 79 of 1997 wherein it was directed that Respondent should take a decision on the claim of the applicants after consideration of the relevant facts and rules with regard to payment of HRA at the rate applicable to Shillong.

2. The matter has been considered by Ministry of Defence in consultation with Ministry of Finance. As per para 3(b) (iii) of Ministry of Finance O.M. No. F. 2(37)/E.II(B)/64 dt. 27 Nov 65 staff working in Central Govt. Establishments within a distance of 08 Kms from the periphery of the municipal limits of a qualified city may be allowed HRA at the rates admissible in that city provided there is no other Sub-urban municipality, notified area or cantonment within the 08 Kms limit and the place is not a municipality or notified area or cantonment. The case is considered on the basis of the certificate to be furnished from the collector/Deputy Commissioner having jurisdiction over the place.

3. In this case of Umroi Cantt. no such certificate has been furnished showing that it is within 08 Kms from the periphery of Shillong municipality as such, HRA cannot be granted to you at the rates applicable for Shillong.

Yours faithfully,

Sd/-  
(M.K. Bansal)  
SE  
SO 2 Engr pers  
for E-in-C

*M.K. Bansal  
E-in-C*

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10 APR 2000

Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

Filed by  
(A. D. B. R. P. Y.)  
Sr. C. S. G.  
A. P. C.

GUWAHATI BENCH

O.A.NO. 34 OF 2000

Shri S.C. Deb & Others

...Applicants

-VS-

Union of India & Others

...Respondents

IN THE MATTER OF :

Written statement submitted by  
respondents

Written Statement

The humble respondents beg to submit  
their written statement as follows :

That before submitting para-wise reply the present  
status of the applicants is given in brief as under :

1. That it is submitted that the main applicant MES-228677 Shri Subash Chandra Deb, Fitter Pipe(HS-II) has been posted out to Garrison Engineer Shillong vide GE Umroi Movement order No.1515/7/133/E1(Estt) dated 6.4.99 as amended vide letter No.1551/7/135/E1(Estt) dated 24.4.99.

Copy of order dated 6.4.99 is annexed as Annexure-I.

That it is further submitted that applicant No 11 MES-223905 Shri Charan Singh, FGM (SK) and applicant No. 31 / No. 71672 Shri Bahadur Sunor, V/Man retired from service on 31 March 99 and 1.2.99 (FN) respectively. (Annexure III)

That applicant No. 15 MES-229261 Shri Lal Bahadur Rai applicant No. 47 MES-229279 Shri Gangan Mishra, Chow, applicant No. 52 MES-229289 Shri Darasan Mark, Chow, applicant No. 53 MES-229290 Shri BG Momin, Chow and applicant No. 61 MES-229563 Shri Banrapbor Khamaplong, Maz are occupants of Govt. married accommodation building Nos 182/5.178/3, 185/1, 185/6, 186/2 respectively. Copy of allotment letter is annexed hereto and marked as Annexure-IV.

That the applicant No. 30 MES-229176 Shri Raju Ram Sephoh, V/Man (SS) has been posted out to Garrison Engineer Shillong on 23 March 95 (FN) vide this office Movement Order No. 1515/- IND/62/E1 dated 20 March 96. Copy of order is annexed as Annexure-IV. V

That the applicant No. 36 MES-260259 Shri Phrengangi Khargongor, LDC and applicant No. 43 MES-229236 Smti. D. Langatish, LDC have been posted out to HQ Chief Engineer Shillong Zone on 15.11.99 (AN) respectively vide this office movement order No. 1551/5/7058/E1(Estt) dated 11.11.99 and No. 1551/5/7087/E1(Estt) dated 3.11.99. Copy of order dated 11.11.99 and 3.11.99 are annexed hereto and marked as Annexure-IV and V respectively.

That the applicant No. 26 MES-229099 Shri Wanghrang Dingdoh, Carpenter expired on 13.3.99 (AN), the same is

IV

(1)

published vide our PTO No. 12/3/99 dated 22 March 99. Copy of PTO dated 22.3.99 is annexed hereto and marked as Annexure-VI.

From the above it is clear that the applicants are liable for giving mis-representation of facts stating that the "all applicants are working under Garrison Engineer Umroi Military Station, Military Engineering Service in different capacities." where as on date of filing application the main applicant i.e., Shri Subash Chandra Deb is not working in Garrison Engineer Umroi, as well as Five other applicants are also not working in Garrison Engineer Umroi and three applicants have retired/expired.

It is also pertinent to mention here that the application is for House Rent Allowances and it is claimed in various Paragraphs of the original application, that all the applicants are residing in private accommodation, at Shillong and are entitled for House Rent Allowances, whereas the fact is that five applicants are infact residing in Government residential accommodation and are therefore, not entitled for House Rent Allowances. Thus there are two very important and gross mis-representation of facts and the application is liable to be dismissed.

That there is no Government order/sanction for payment of House Rent Allowances at the rate of B-2 Class City i.e., at Shillong rate w.e.f. 1991 or from any dates to applicants. The Government order on the subject are very specific on this aspect. The referred letter bearing No. 90237/6029/E1C/- Legal Cell/C dated 10 November 1998 (att Annexure-VII)

issued by Engineer-in-Chief's Branch, Army Headquarters. New Delhi was infact in pursuance of directions of Hon'ble CAT Guwahati. In the judgment delivered by Honourable Judge Shri GL Sanglyine in OA No.79/97 Shri Subhas Chandra Deb & 70 other V/S U.O.I and other, Judgment dated 4.3.98, Hon'ble CAT Guwahati has directed respondents particularly the Army Headquarter Engineer-in-Chief's Branch, New Delhi 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 at the rate applicable to the Shillong. They were directed to issue a speaking order in this regard within 3 months from the date of receipt of the order. The referred letter bearing No.90237/6029/E1C & Legal Cell-C dated 10.11.98 was issued by Engineer-in-Chief's Branch, Army Headquarter in pursuance of above Court Judgment after deliberation and consideration of all the relevant facts and rules.

(d) That for the purpose of grant of HRA as well as CCA, Government of India has classified various Cities/Towns into separate Groups called as A-1, A, B-1, B-2, 'C' and unclassified Cities/Towns based on certain criterias. Based on these criterias Shillong do not fall under any of these classifications. Shillong falls under 'C' class cities. However under special orders promulgated by Government of India vide 11014/1/EII(B)/84 dated 5.2.90 and 11021/1/87-B-II(B) dated

HRA at A/A1/A2  
Rates have been given for Shillong.

4.5.90 These special orders are applicable only to employees having their place duty within the qualifying limits of and not to the employees having their duty at a place situated outside the municipal limits of Shillong.

Shillong

- (b) That on the basis of Dependency Certificate in terms of Para 3 b(ii) as in accordance with Para 3(b) (iii) of Ministry of Finance Department of Expenditure OM No.2(37)/-E2(B) 164 dated 27.11.65, HRA at a place may be admissible only at the rate admissible in the qualified city on the basis of its classification subject to fulfillment of other conditions for grant of HRA, Shillong is a 'C' Class Town as per its classification. Therefore in case of applicants if all the conditions laid down in para 3(b)(ii)/3(b)(iii) are fulfilled, HRA only at 'C' class rates may be allowed in this case.
- (c) That Umroi Cantfalls under the limits of Ribohi Districts whereas Shillong falls under the limits of East Khasi Hills districts. Therefore both are not inter-related, and are administratively distinct identities.
- (d) That House Rent Allowances is admissible with reference to place of duty i.e. if the place of duty falls within the qualifying limits of the City/Urban agglomeration, irrespective of the place of residence. Therefore the facts that applicants are residings at Shillong has no relevance to the issue in question.
- (e) For the purpose of determining distance between place of duty and the periphery of the municipal limits, to test the applicability of Para 3(b)(iii) of Ministry of Finance OM NO.F-2(37)/EII(B)/64 dated 27.11.65, distance by normal route of conveyance i.e. Rail or Road, is considered. By normal mode of conveyance the distance between municipal limits of Shillong and Umroi Cantt is more than 8 Kms.

Therefore question of grant of HRA based on dependency certificate does not arise. In this connection Ministry of Finance, Department of Expenditure E II(B) Branch proceeding note dated 19.2.99 may be referred. (Annexure-X).

2. That with regard to paras 2 & 3, the respondents beg to offer no comment.
3. That with regard to para 4.1, the respondents beg to state that the statements made by the applicants that "all the applicants are working in the cadre of Group 'C' & 'D' under Garrison Engineer/Cantt" is misleading. Misrepresentation of facts and is objected to as elaborated in Para-1 above. While offering comments on list of applicants, on the date of filling application, the main applicants and five others are not held on the strength of Garrison Engineer Umroi and three applicants have retired/expired.
4. That with regard to paras 4.2 & 4.3, the respondents beg to offer no comment.
5. That with regard to para 4.4, the respondents beg to state that except the point that facilities are not likely to be available for another one decade or more is an attempt at predictions of future, which cannot be substantiated and should not be judiciously acceptable.
6. That with regard to para 4.5, the respondents beg to state that the entire sum of HRA paid to the applicants as well as Central Government employees of Garrison Engineer

Umroi at Shillong rate from 12th Dec 1987 till April 1991 or actual date upto which HRA/ Shillong rate have been paid is in fact an overpayment. This over-payment have been made by subordinate office of Government of India due to ~~over~~ ~~sight~~ wrong interpretation of Govt. orders. Union of India reserve its right to claim recoveries from the applicants as well as other employees for the sum over paid to them. The Respondents also pray for judicial direction to the applicants to pay the over paid amount back to the Government to safeguard Government interest.

That Umroi Cantt (now Umroi Mil Stn) falls under Ribohi district and comes under the jurisdiction of Deputy Commissioner Ribohi District, Nongpoh. Therefore the dependency certificate issued by Deputy Commissioner East Khashi Hills has no relevance to the issue in question.

7. That with regard to para 4.6 & 4.9, the respondents beg to state that ~~the~~ the subordinate offices of the Union of India had been making attempt to obtain sanction of Government of India for grant of HRA at par with Shillong rate to the Central Government Civilian employees of the Garrison Engineer Umroi. However all such attempt are being made ~~on~~ under mentioned considerations :-

- (a) The subordinate offices are sympathetic and welfare oriented towards the grievances of its employees.
- (b) The subordinate offices aim to provide maximum incentives and benefit to its employees.

Therefore all such events must be viewed in the list of sympathy and welfare oriented approach towards its employees and nothing more should be read ~~or~~ interpreted in these acts of subordinate offices.

8. That with regard to para 4.10, the respondents beg to state that Garrison Engineer Umroi has approached for obtaining dependency certificate from the Deputy Commissioner and approaching CDA Guwahati is only to provide maximum allowable benefits/incentives to the employees on sympathetic and welfare grounds only. Even requesting for provisional payment of HRA for 3 months is also with a view of sympathy only. It is submitted that total dependency on Shillong is not acceptable keeping in view the facilities available at Umroi. Even as for accommodation is considered as on date of application, there is no such problem prevailing in the nearby area/Umroi as stated by the applicant. The main criteria for considering the grant of HRA at Shillong rate is the distance between Shillong and Umroi Mil Station, which is 32 Km by road as against the requirement of 8 Km as per policy and is not fulfilled. Army HQ Engineer-in-Chief's Branch vide their letter No.90237/6029/E1C Legal Cell-C dated 10 November 98 has issued the speaking order saying that HRA to the applicants is not admissible at par with Shillong rates. In view of the above the respondents submit that the applicants are not entitled for the benefits

9. That with regard to para 4.11, the respondents beg to state that the applicants are not entitled to any of the relief sought for as explained herein under :-

(a) That for the purpose of grant of HRA as well as CCA, Government of India has classified various Cities/Towns into separate Groups called as A-1, A, B-1, B-2, 'C' and unclassified Cities/Towns based on certain criterias. Based on these criterias Shillong does not fall under any of these classification, Shillong falls under 'C' class Cities. However under special orders promulgated by Government of India vide 11014/61/EII(B)/84 dated 5.2.90 and 11021/1/87-BII(B) dated 4.5.90. These special orders are applicable <sup>to</sup> only employees having their place of duty within the qualifying limits of Shillong and not to those posted at a place situated outside the municipal limits of Shillong.

*✓ HRA at A/B1/B2 cities rate have been allowed for Shillong.*

(b) That on the basis of Dependency Certificate in terms of para 3(b) (ii) in accordance with para 3(b)(iii) of Ministry of Finance Department of Expenditure OM No.F2(37)/- E2(B) 164 dated 27.11.65, HRA at a place may be admissible only at the rate admissible in the qualified city on the basis of its classification subject to fulfillment of other conditions for grant of HRA. Therefore in case of applicants if all the conditions laid down in para 3(b)(ii)/- 3(b) (iii) are fulfilled, HRA only at 'C' class rates may be allowed in this case.

(c) Umroi Cantt falls under the limits of Ribohi districts whereas Shillong falls under the limits of East Khashi Hills district. Therefore both are not inter-related, and are administratively distinct identities.

- (d) That House Rent Allowance is admissible with reference place of duty i.e., if the place of duty falls within the qualifying limits of the City/Urban agglomeration, irrespective of the place of residence. Therefore, the facts that applicants are residing at Shillong has no relevance to the issue in question.
- (e) That for the purpose of determining distance between place of duty and the periphery of the municipal limits, to test the applicability of Para 3(b)(ii) of Ministry of Finance OM No.F2(37)/EII(B)/64 dated 27.11.65, distance by normal route of conveyance i.e., Rail/Com/Road is considered. By normal mode of conveyance the distance between municipal limits of Shillong and Umroi Cantt is more than 8 Kms. Therefore, the question of grant of HRA based on Dependency Certificate does not arise. In this connection Ministry of Finance, Department of Expenditure EII(B) Branch proceeding note dated 19.2.99 may be referred (Annexure-XI). Therefore all the referred OM are not applicable to the issue in question.
10. That with regard to para 4.12, the respondents beg to state that the local authorities (subordinate offices) of Union of India, were making attempts to sortout the problem of HRA at par with Shillong rates to employees/- applicants only with sympathetic consideration and welfare orientedly. Even in the works committee meeting held, also the Chairman had discussed the matter keeping in view the welfare measure to the applicants/employees of Garrison Engineer Umroi.

That it is further submitted that in case of Indian Council of Agriculture & Research, the department is headed by different Ministry and totally different establishment which cannot be compared with Defence Department.

That it is further submitted that the case cannot be compared with ICAR and the applicants are not entitled for the HRA at par with Shillong rates please.

11. That with regard to para 4.13, the respondents beg to state that the initial order for grant of HRA issued to Ministry of Finance, Department of Expenditure vide their OM F2(37) EII(B) dated 27.11.65, clearly says, the HRA is admissible only at the rate admissible in the Qualified City/Place subject to fulfilling other conditions. In terms of Para 3(b)(iii) of this said OM the HRA is admissible only at the rate admissible at the place of working.

That as Umroi Military Station does not fall under the Municipal limits of Shillong since the distance between Shillong and Umroi Military Station is about 32Km by Road, the employees/applicants working under GE Umroi Military Station are not entitled for the HRA at Shillong rates. As per classifications given for the note 2 of Ministry of Finance OM No. 11023/3/66-B II(B) dated 1.12.1989, it is clear that the HRA of city rates is admissible only if the place of work is within 8Kms of municipality limits of classified cities subject to fulfilment of usual conditions such as dependency etc,. In this connection it is not out of place to mention that Umroi Military Station does not fall under East Khashi

Hills District but falls under Rhiboi District for all purposes. In view of the above the respondents submit that the applicants are not entitled for the benefit of HRA at par with Shillong rates.

12. That with regard to para 4.14, the respondents beg to state that as per G of I , Ministry of Finance, Department of Expenditure EII(B) Branch proceeding note dated 19.2.99, the question of granting HRA based on only Dependency Certificate does not arise. In the present case, Umroi Mil Station does not fall under the Jurisdiction of East Khasi Hills district as Shillong Falls under Jurisdiction of East Khasi Hills district(Umroi Military Station Falls under Rhiboi district Nangpoh). The Dependency Certificate issued by the Deputy Commissioner East Khasi Hills district stating that Umroi is dependent to a great extent on Shillong City does not have any merit. It is also submitted that in all clarifications by Ministry Finance and Department of Expenditure it is clear that the place of work shall fall within 8Km distance from the city limits which in this case is 32 Km from the place of work to Shillong City.

That as mentioned by the applicants that all the applicants are serving under the Garrison Engineer Umroi is far from true as some of the applicants have been transferred to other formation, some applicants are retired/expired. As such the claim is incorrect as on the date of application.

That all applicants are forced to stay at Shillong

due to non-availability of accommodation at Umroi Military Station is also far from true, as part of the applicants have been staying in the Government allotted accommodation as on date of application which can be verified from the enclosed moment, orders and accommodation allotment orders.

That the applicants are incurring more expenditure for conveyance from Shillong to Umroi Mil Station due to non-availability of accommodation at Umroi is not agreed to as the accommodation is available with all facilities at Umroi Mil Station.

That in-view of the above the respondents submit that grant of HRA at par with rate of HRA at Shillong for the applicants is rejected.

13. That with regard to para 4.15, the respondents beg to state that with a view to consider the case of applicants sympathetically and provide relief to the employees, the Garrison Engineer approached the Commissioner Nongpoh for dependency certificate for the purpose of grant of HRA at par with Shillong rates. Though the dependency certificate states that the Umroi Mil Station is fully dependent on Shillong for all basic needs which is not true but the distance clause do not fulfil the requirement that Umroi Military Station is within 8 Km from Shillong. Since the actual distance from Shillong to Umroi Mil Station is about 32 Km by road, hence the respondents submit that the applicants are not entitled for the benefit of HRA at Shillong

rates.

14. That with regard to para 4.16, the respondents beg to state that it has already been stated in Para 4.15 above that the applicants are not entitled for the benefit of HRA at par with Shillong rates, since the main and primary merit does not fulfil in this case. Therefore once again the respondents refute the same.

15. That with regard to para 4.17, the respondents beg to state that CAT Guwahati Bench Judgment dated 4.3.98 clearly directs the respondents to take a decision on the claim of applicants after consideration of relevant facts and rules with regard to payment of HRA at par with Shillong rates. On this, Speaking Order has been issued by Army HQ Engineer-in-Chief's Branch vide letter No. 90237/6029/E1C Legal Cell-C dated 10.11.98 saying that HRA to the applicants at the rate of Shillong cannot be granted.

That the statement made by the applicants saying that "without application of mind Army Head Quarters has decided the entitlement of HRA" is not accepted to since Army Head Quarters has gone through the facts and rules and then communicated the decision, as Umroi Mil Station does not fall within 8 Km from Shillong, which is in order

That in the application itself it has been

clearly mentioned that the distance by road from Umroi to Shillong is 32 Km but the aerial distance is 8 Km. For considering the case, the distance is to be taken as the distance by road/rail only between two places.

In view of the above facts the respondents beg to submit that the applicants are not entitled for the HRA at par with Shillong rates.

16. That with regard to para 4.18, the respondents beg to offer no comment.

VERIFICATION

I, Shri Rakesh Saini, Executive Engineer, Garrison Engineer Umroi, Age about 36 years, being authorised do hereby solemnly declare that the statements made in this written statement are true to my knowledge, belief and information and no material fact has been suppressed.

And I sign this verification on this the Twenty fifth day of Mar 2000.

*Rakesh Saini*  
25/3/2000

DECLARANT  
Rakesh Saini  
E. E.  
Garrison Engineer.

17  
93  
Ward Milly. MollGarrison Engineer, Umroi  
Umroi Milly Station  
PO: Barapani, Shillong

1551/7/ 133 /E1(Estt.)

06 Apr 99

MES/228677 Shri Subhash  
Ch Deb, F/Pipe (HS-II) (Through AGE E/M)

## POSTING/TRANSFER : INDUSTRIAL PERSONNEL

1. You are hereby permanently transferred to GE Shillong in the interest of the state.

Authority : CWE Shillong letter No.1301/1653/EIA dated 12 Mar 1999.

2. You will be relieved of your duties from this office on 10 Apr 99 (A/N), and will report to your new formation after availing usual journey period.

3. Advance of TA/DA may be had on application.

4. You will submit the following before leaving this office :-

a) Clearance certificate (b) Departure report

c) Identity Card may be surrendered to your new formation

d) Ration Card if any.

5. Please note that your pay & allowances for the month of Apr 99 and onwards will be claimed by your new formation.

6. It is certified that the above-named individual is not involved in any disciplinary case/Court of Inquiry/SPE.

*2/2*  
( R.P. Upadhyay )

AE

AGE 'T'

for Garrison Engineer

1. HQ CE EC Calcutta  
2. HQ CE SZ Shillong  
3. CWE Shillong  
4. GE Shillong  
5. CDA, Narangi, Guwahati  
6. LAO (A) Shillong  
7. AAO GE Umroi  
8. All Sub Divns  
9. All Sections  
( Internal )

## DETAILS OF PAY &amp; ALLOWANCES

- a) B/Pay : Rs. 4300.00 PM (22)  
b) DA : Rs. 946.00 PM (11)  
c) CHUA : Rs. 440.00 PM  
d) H.R.A : Rs. 215.00 PM  
e) TA : Rs. 75.00 PM

## DETAILS OF DEDUCTIONS :

- a) G.P.F. : Rs. 500.00 PM  
(A/C No 926185A)  
b) CGEGIS : Rs. 30.00 PM  
c) F/Adv : Rs. 150.00 PM  
(5/10 lrs) Bal. Rs. 750.00

Date of Birth : 01 Sep 1951  
Date of Appt : 04 Jun 1973  
D.N. I. : 01 May 2000

Balance of Leave : a) C/L : 08 days c) HPL : 27 days  
b) R/H : 02 days d) HPL : 40 days

1551/7/ 135 /El (Estt )

24 Apr 99

MES/228677 Shri Subhash  
 Ch Dob, F/Pipe (HS-II)  
 (Through A GE E/M Sub Divn)

## POSTING/TRANSFER : INDUSTRIAL PERSONNEL

1. Reference this office Movement Order No 1551/7/133/El (Estt) dated 06 Apr 99.

2. The following amendment is hereby made to our above quoted Movement order :-

a) Para No 2 :-

For - "10 Apr 99 (A/N)"

Road - "10 May 99 (A/N)"

b) Para No 5 : ( Pay & allowances for the month of )

For - "Apr 99"

Road - "May 99"

c) Details of Pay & allowances :- DA

For - "Rs. 946.00 PM"

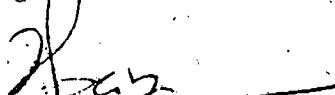
Road - "Rs. 1376.00 PM"

d) Details of Deduction : F/Advance

For - "(5/10 Ins) Bal Rs. 750.00"

Road - "(6/10 Ins) Bal Rs. 600.00"

3. All other entries will remain unchanged.



( R P Upadhyay )

AE

AGB IT

for Garrison Engineer

Copy to :-

- |                                 |                      |
|---------------------------------|----------------------|
| 1. HQ CE EC Calcutta            | 2. HQ CE SZ Shillong |
| 3. CWS Shillong                 | 4. GE Shillong       |
| 5. CDA, Narangi Guwahati        | 6. LAO (A) Shillong  |
| 7. AAO GE Umroi                 | 8. All Sub Divns     |
| 9. All Sections<br>( Internal ) |                      |

akdm/\*

SIN 011

19  
Annexure D

827  
03

GE UMRGI PTO PUBLISHED UNDER S.H.L. NO. 14 DATED 05-4-99 (PAGE 2 OF 6)

1 2 3 4 5 6

PART-II  
- NIL -

(RP Upayay)

AE

AGE 'T'

For Garrison Engineer Umroi

PART-III

GRANT OF LEAVE

2. MES/NYA EDDYSTONE KHALUKHI PEON 03 Mar Granted E/L for 03 days  
(SB NOT CENTRALISED) (PRO3) 99(FN) from 03-3-99(FN) to  
05-3-99(AN).

06 Mar Rejoined duty.  
99(FN)

BALANCE OF LEAVE  
E/L - 06 days  
HPL - 01 day

10 Mar Granted commuted leave  
99(FN) for 07 days from  
10-3-99(FN) to 16-3-99  
(AN) on MC debit able  
to 14 days HPL.

17 Mar Granted E/L for 04 days  
99(FN) from 17-3-99(FN) to  
20-3-99(AN).

22 Mar Rejoined duty (21-3-99  
99(FN) being Sunday).

(Part-III ends with Srl No; 2)

(RP Upayay)

AE

AGE 'T'

For Garrison Engineer Umroi

STRENGTH DECREASED

PART-IV(a)

4. 223095 SHRI CHARAN SINGH  
(SB CENTRALISED)

FGM 31 Mar SOS on Voluntary  
(SK) 99(AN) retirement Wef 31-3-99  
(TY) (AN)

Authy: CWE Shillong letter No  
1673/367/EI3 dated  
28 Jan 99.

4. 502871 SHRI MANTOO SHEEL  
(SB CENTRALISED) REF AGENET 05 Jan Granted E/L for 15  
MECH, NIG 99(FN) days from 05-1-99  
(HS-II) (FN) to 19-1-99(AN).  
(Ty)

21 Jan Rejoined duty.  
99(FN) (20-1-99 being  
Holi day).

BALANCE OF LEAVE  
E/L - 95 days  
HPL - 230 days

Page 5 of 5

Part II, S.R.C.R. No. 031 dt. 10-02-27.

1 2 3 4 5 6

## Part IV(a)contd

13.223815 Shri V/Man 01 Feb Gtd annual increment of  
 Ram Chandra Rai (SS) '97 Rs.20/-pm raising pay from  
 Rs.1000/-to Rs.1110/-in the  
 scale of Rs.300-15-1010.50-  
 20-1150/-

Authy:- Sanctioned P.T.S. dated  
 7-2-27

14.223817 Shri V/Man 01 Feb Gtd annual increment of  
 Mirza Banjan Daul (SS) '97 Rs.20/-pm raising pay from  
 Rs.1000/-to Rs.1110/-in the  
 scale of Rs.300-15-1010.50-  
 20-1150/-

Authy:- Sanctioned P.T.S. dated  
 7-2-27

RETIREMENT FROM SERVICE ON  
 SUPERANNUATION

15.4/No-71672 Shri V/Man 01 Feb Retired from service and  
 Man Bahadur Sunar '97(FW) placed on pension list on  
 attaining the age of  
 superannuation.

Authy:- HQ CFC Calcutta letter No  
 121070/TA/26-27/3/11/SUPERS/  
 ETR(D) dated 22-2-26

(Part IV(a) ends with S.R.L No.15)

6/1 Krishnamoorthy  
 (G. Krishnamoorthy)  
 67  
 For Garrison Engineer

Distribution

-Normal-

SINDH

600

84

Garrison Engineer Umroi  
Umroi Cantonment  
Barapani - PO  
Sialkot - 793103 Q

2009/600(7)

21 Mar 93

Umroi  
Barapani

Annexure-IV

(Individual Concerned)

TRANSFER

ALLOTMENT OF GOVT ACCN. : RMY PERS

1. Otr No. was 1. The undersigned married acon have been allotted to  
Kam you as per the details given below:-  
duties of Safety with NO 101 Area  
Compl.

<u>Recd</u>	<u>S/No</u>	<u>Block</u>	<u>Classification</u>	<u>Allotted</u>	<u>Remarks</u>
		No. 101		to 22831/	
		to go	(a) do P-180/4 as per Type-III	MES/228510 Shri N K Paul-Ven	E/M Sub Div
			reasons wants to		
			(b) P-180/1 above do 14629834 Hav Akleshwar	MES/229629 Shri Nabin Chandra Das	-do-
				CK Elect	
	(a)	P-177/8	Type-I	MES/229101 Shri Sibendra Subdakar B/R (8K)	-do-
	(a)	178/3		MES/229279 Shri B/R Ganga Mishra-Chow	
	(a)	183/1	-do-	MES/228579 Shri B/M Mani Ram Joshi-Moz	

2. The acon will be occupied within 10 days from the date of allotment, in case it is not occupied within stipulated time the allotment will be treated as cancelled.

3. No Govt acon shall be sublet in doing so the individual shall be liable to be disciplinary action.

4. Acon will be vacated within 15 days of notice, No representation will be accepted.

Rakesh Saini

(Rakesh Saini)

EE  
Garrison Engineer

Copy to:-

BSU Umroi

AAD MS Umroi

AN-IV

171

85

BSO Umroi  
Umroi Gaon, P.S. Barapuani  
Shillong - 793 103

209/171/BS

22

03 Mar 97

ANNEX - IV  
(Series)

(Individual concerned through sub-divn)

ALLOTMENT OF GOVT MD ACCN  
MES KEY PERS.

1. The undermentioned married accommodation have been allotted to the individuals shown herein:-

Sl. No.	Bldg. No.	Classification of QTR	Allotted to	Remarks
(1)	182/5	I	MES/229261 Shri Lal Behadur Rai Maz, AGE E/m (1mm)	To be occupied within 10 days
(2)	182/2	-Do-	MES/229355 Shri Sibrath Prasad Maz, AGE B/R I (mm)	-Do-
(3)	182/6	-Do-	MES/229532 Shri Lok Behadur Rai Maz, AGE E/m (mm)	-Do-

2. In case it is not occupied within stipulated time, the allotment will be treated as cancelled.

3. Accn. shall not be subletted. In doing so individual shall be liable to be disciplinary action.

4. Accn. shall be vacated within 15 days of notice. No representation will be accepted.

I  
(G C Baruah)  
BSO

Copy to:

AAO GE Umroi

ANNEX - II (Contd/86)

2/3

BSO Umroi  
Umroi Gaunt, P.O. Barapau  
Shillong - 793 103

209/155 /BS

07 Oct 96

(Individual through Sub-Divn)

ALLOTMENT OF GOVT MARRIED  
ACCN: MES KEY PERS

1. The undermentioned Md Accn have been allotted to the individuals shown here in:-

Sl No	Bldg No	Classification of Off	Allotted To	Remarks
(i)	P-181/1	Type III	MES/212559 Shri S K Dasgupta Suptd E/m Gc I	To be occupied within 10 days.
(ii)	P-178/7	Type II	MES/229516 Md Allauddin Barbhuiya, Carpenter, BSO Umroi	To be occupied within 10 days from the date of vacating by present occupant.
(iii)	P-184/6	Type I	MES/228537 Shri Bhurban Chakraborty, Elec. (H/S II) AGE E/m Umroi	Do
(iv)	183/8		MES/NYA Shri SK Paul, Maz BSO Umroi	Do
(v)	185/6		MES/229290 Shri BG Momin, Chow BSO Umroi	To be occupied within 10 days.
(vi)	P-186/7		MES/229223 Md Khalik, Maz AGE E/m Umroi	Do
	P-184/7			

2. In case it is not occupied within stipulated time, the allotment will be treated as cancelled.

3. Accn shall not be subletted. In doing so, individual shall be liable to be disciplinary action.

- A. Accn shall be vacated within 15 days of notice. No representation will be accepted.

G. Krishnamoorthy

SIND(6)

24

Garrison Engineer Umri  
Umri Ghat, RG Barapani  
Shillong - 793 103

2009/6/17 /ERB

01 Sep 98 10

(Individual Concerned)

ALLOTMENT OF GOVT MD ACCN

1. The undermentioned married accommodation have been allotted to you as per details given below:-

Srl No	Oldy No	Classification Officer	Allotted to	Remarks
(i)	186/2	Type I	MES/229563 Shri Barrapbor Kharmaophlang Maz, BSO Umri	To be occupied Within 10 days
(ii)	183/1	-Do-	MES/229526 Shri Dinesh Lyngdoh Maz, AGE Efm	-Do-

2. In case it is not occupied within stipulated time, the allotment will be treated as cancelled.

3. No Govt accn shall be sublet, in doing so you shall be liable to be disciplinary action.

4. Accn will be vacated within 15 days of notice. No representation will be accepted.

*(Rakesh Saini)*  
EE  
Garrison Engineer

Copy to:

AAO GE Umri  
BSO Umri

*01/09/98*

SINN 52

612

ANNEX- IV (Series)

25

Garrison Engineer Umroi  
Umroi Court, P.O. Barrapara  
Shillong - 793 103

10 Jul 98

2009/ 612/ ERB

Individual concerned

ALLOTMENT OF GOVT MD ACCN: KEY PERS

1. The undermentioned married accn have been allotted to you as per details given below:

Sl No	Bldg No	Classification of gr	Allotted to	Remarks
(A)	178/1	Type I	MES/NYA Shri Ram Lakhon Praad Chow, B/R I Umroi	
(B)	185/1	—Do—	MES/229289 Shri Darason Marak Chow, BSO Umroi	
(C)	P-171/3	—Do—	MES/229549 Shri Mohinder Singh S/Wala, B/R I Umroi	On change over from 183/6

2. The accn will be occupied within 10 days from the date of allotment, in case it is not occupied within stipulated time the allotment will be treated as Cancelled.

3. No Govt accn shall be sublet in doing so the individual shall be liable to be disciplinary action.

4. Accn will be vacated within 15 days of notice. No representation will be accepted.

Copy to:

BSO Umroi

AAO GE Umroi

*(Rakesh Saini)*

EE

Garrison Engineer

*(Signature)*

*(Signature)*

SIN 030

26

Garrison Engineer Limboi  
Shillong-793103

1515/IND/62/EL

20 Mar 95

MGS/220176 Shri Rajuram Sohpoli  
Valvyan(SS) through AGE E/M

Avan X

## PROMOTION/TRANSFER OF INDUSTRIAL STAFF

You are hereby permanently transferred to GE Shillong on promotion to Master Pipo (sk) in the interest of state.

Auth: CWS Shillong promotion/posting order No 1455/09/MS dated 02 Feb 95.

You have been relieved from this office on 27 Mar 95(FN) and report to your new unit/formation forthwith.

MT/DA, Joining/journey period will be admissible.

You will submit the following on or before 27 Mar 95 to this office:-

(a) Ration Card (B) Departure Report (c) Clearance Certificate from All concerned.

Identity Card issued by this office to be surrendered at new duty station/unit for further action.

It may be noted that your pay and allowances for the month of Mar 95 has been claimed by this office and pay and allowances for the month of Apr 95 onwards will be claimed/paid by your new unit/formation after reporting there.

Date of Birth: 18.3.1958, Date of Next Increment: 10.12.1995

GPF A/C No.: 1059241

Leave Details

FLS: 52 days (upto 1994)

HPL: 12 days - do -

CL: 306 days (upto 1995)

RH: 101 days - do -

Leave

(JK Kapoor)

EE

Garrison Engineer

Distribution:

HQ Chief Engineer Eastern Command

@ (FOR GE SHILLONG ONLY)

HQ GESZ Shillong

Basic Pay : Rs. 980/- 995/-

CWE Shillong

DA : Rs. 1117/-

GE Shillong

HCA : Rs. 40/-

AAO Shillong

HRA : Rs. 50/-

AAO GE Shillong

SDA : Rs. 123/-

LAO (a) Shillong

TR : Rs. 100/-

GDA, Udyan Bikan and Narangi, Siwahat

Deductions

GDA (Funds), Meerut, for office

GPF Subs : Rs. 100/-

Office Copy

CGEGIS : Rs. 15/-

Case File

GPF Adc : Rs. 125/- pm (Total

internal, when claimed)

advance drawn Rs. 300/- out of

AAO GEMIC, ELP words will be

which balance Rs. 100/- to be

recovered @ Rs. 125/- pm

1537191G

Fest Adv taken Rs. 600/- out

Salav

of which Rs. 300/- to be recovered

from the indl @ Rs. 60/- pm.

Am-51-90-1058 Annex IV

Garrison Engineer Umroi  
Umroi Mily Stn  
Barapani PO: Shillong-793101  
(Meghalaya)

1551/5/1058 /EI(Estt)  
MES/260259

Shri Phrangsgagi Kharkongor, LEC  
His Langstich, LDC(FG)

(27)

11 Nov 99

ANNEX - (D)

LOCAL TURN OVER POSTING SENSITIVE TO  
NON SENSITIVE AND VICE VERSA

1. You are hereby permanently transferred to HQ CE Shillong Zone, Shillong in the interest of the State.

Authit:- HQ CE, SZ Shillong letter No 70762/2C/244/EIC(I) dated 28 Oct 99.

2. You will be relieved of your duties from this office on 15 Nov 99 (AN) and will report to your new HQ after availing usual joining/journey period before leaving.

3. You will submit the following before leaving this office :-

(a) Departure report (b) Clearance certificate from all concerned (c) Ration card.

4. You will surrender your permanent Identity Card bearing No B-607572 to your new HQ for destruction at their end.

5. Please note that your pay and allowances for the month of Nov 99 will be claimed by this office and Dec 99 onwards will be claimed by your new HQ after reporting for duty there.

6. Advance of TA/DA may be had on application.

7. The individual is not involved in any disciplinary/SPE/C of I and vigilance case.

Distribution :-  
1. HQ CE, EC Calcutta  
2. HQ CE Shillong Zone  
3. CWE Shillong  
4. AAO Shillong  
5. CDA Narangi  
6. JCDA Funds Meerut  
7. AAO GE Umroi  
8. All section.

Balance of Leave  
C/L - 02 days  
R/H - 02 days  
E/L - 256 days  
Date of Birth: 30.1.64  
Date of Appt : 01-1-83  
DNI - 01-1-2000

(Rakesh Saini)  
EE  
Garrison Engineer  
Details of Pay and allowances  
HQ CE Shillong Zone only  
14/11/11  
Basic Pay - 4110.00  
DA - 1521.00  
TA - 75.00  
HRA - 206.00  
CHCA - 140.00  
SDA - 514.00  
Deductions  
GPF, Rs. 500/- PM  
GPF A/C No 1079212X  
GPF recovery 12/24 Inst @ 500.00  
for Rs. 12,000/- already recovered  
upto 11/99  
Balance Rs. 6500/-

SIND 43

Annex-V

91-104

7087

(28)

Umroi Military Station  
Barapani-P.O. Shillong-103

1551/5/7087/E1(Estt)

03 Nov '99

MES/229236 Smt  
Damaris Langstich, LDC(Pt)

Annex-VII

LOCAL TURNOVER POSTING SENSITIVE TO NON-  
SENSITIVE AND VICE VERSA

1. You are hereby permanently transferred to HQ CE Shillong Zone, Shillong, in the interest of the state.

Authy :- HQ CE SZ Shillong letter No : 70762/2C/244/EIC(I) dated 23 Oct, '99.

2. You will be relieved of your duties from this office on 15 Nov '99 (AN) and will report to your New HQ after availing usual joining/journey period.

3. You will submit the following before leaving this office:-

(a) Departure report (b) Clearance Certificate from all concerned (c) Ration Card.

4. You will surrender your permanent Identity Card bearing No : B-450346 to your new HQ for destruction at their end.

5. Please note that your pay and allowances for the month of Nov '99 will be claimed by this office and Dec '99 onwards will be claimed by your new HQ after reporting for duty there.

6. Advance of EA/DA may be had on application.

7. The individual is not involved in any disciplinary, SPE/ or I and vigilance case.

Recceccca

( Rakosh Saini )  
EE

Garrison Engineer

Distribution :-

1. HQ CE EC Calcutta
2. HQ CE Shillong Zone
3. CWE Shillong
4. AAO Shillong
5. CDA Narang
6. JDOA/EDO's Meerut
7. AAO GE Umroi
8. All Sections

Range of Leave

- 02 days, R/H 02 days
- N11, HPL - N11
- of Birth : 24-12-1964
- App't : 14-6-1999
- : 01-6-2000

Details of Pay and Allowances  
HQ CE Shillong Zone only

Basic Pay	-	4110.00 (Rs.4110.00)
DA	-	1521.00
TA	-	75.00
HRA	-	206.00
CHCA	-	140.00

Deductions

GPF Sub. Rs. 500/- PM  
GPF A/C No : 1071230N  
GPF Recovery - 28/30 Inst. 0.3 Day for  
Rs. 100.00/- Balance - 1600/-  
GPFIS - Rs. 30/-

81 PO 26 (29) VIII-99-105  
GE UMRGI PTO PUBLISHED UNDER SRL NO: 12 DATED 22-3-99 (PAGE 2 OF 6)

## GRANT OF LEAVE

2. 229245 SHRI LAL SINGH S/WALA 08 Mar' Granted E/L for 10 days  
(SB CENTRALISED) (TY) 99 (FN) from 08-3-99(FN) to  
17-3-99(AN).

18 Mar' rejoined duty.  
99(FN)

BALANCE OF LEAVE  
E/L - 56 days  
HPL - 34 days

(Part-III ends with Srl No: 2)

*Proceeds*

(Rakesh Saini)

EE  
Garrison Engineer Uroi

## STRENGTH DECREASED

3. 229099 LATE WANPHIANG CARPENTER 13 Mar' Death notified with  
DIENGDOH (S) 99 (AN) regret.  
(SB CENTRALISED) (TY)

Nature of death :  
Due to drowning at wah  
Umtrew (Umtrew Stream)  
at Lildi Ri-Blei  
District, Meghalaya at  
4:00 PM (1600 Hrs) on  
13-3-99(AN).

Authy:- Death Certificate issued by  
Sub-Divisional Medical Officer  
Health Officer Ri-Blei  
District, Sub-Division  
Wanphiang, Meghalaya dated  
13-3-99.

## GRANT OF LEAVE

4. 229358 SHRI NAGESWAR HAI ELECT 05 Jan' Granted FPL for 10 days  
(SB CENTRALISED) (HS-II) 99(FN) from 05-1-99(FN) to  
(TY) 19-1-99(AN)  
HOME STATION  
Vill : Hasanpur  
Post : Hasanpur Gurda  
N.R.S. Hajiputtr (BIHAR)  
30 Jan' Rejoined duty.  
99(FN)

20 Jan' Granted commuted leave  
99(FN) for 10 days from  
20-1-99(FN) to  
29-1-99(AN) in MC Table  
table to 20 days.

"Certified that the concession has not/  
will not been be availed by the indi-  
vidual during the block year 1998-99"

"Permitted to avail Home Town  
LTC for the block year 1998-99  
for Self, Wife, Son-1 above 12  
years of age but below 18 years  
of age (DOB: 26-1-1985) daugh-  
ter one 5 Yrs of age and below  
12 years of age (DOB: 01-5-1987)  
dependent Father. *\*\*\**

## BALANCE OF LEAVE

FPL - 43 days

HPL - 105 days

Tele : 3019376

30 98  
Annex-IV  
106  
✓

Coord and Pers Directorate/EIC Legal  
Engineer-In-Chief's Branch  
Army Headquarters  
New Delhi-110011

90237/6029/EIC Legal Cell-C 10 Nov 98

Shri Subhash Chander Deb & Others  
O/o G.E. Umroi Cantt (Petitioners in OA No  
79/97)

MES Umroi  
Shillong

Sir,

I am directed to refer to the CAT, Guwahati Bench judgement dt 04 Mar 98 in OA No 79 of 1997 wherein it was directed that Respondent should take a decision on the claim of the applicants after consideration of the relevant facts and rules with regard to payment of HRA at the rate applicable to Shillong.

2. The matter has been considered by Ministry of Defence in consultation with Ministry of Finance. As per para 3 (b) (iii) of Ministry of Finance O.M. No F.2(37)/E.II(B)/64 dt 27 Nov 65 staff working in Central Govt Establishments within a distance of 08 Kms from the periphery of the municipal limits of a qualified city may be allowed HRA at the rates admissible in that city provided there is no other Sub-urban municipality, notified area or cantonment within the 8 Kms limit and the place is not a municipality or notified area or cantonment. The case is considered on the basis of the certificate to be furnished from the Collector/Deputy Commissioner having jurisdiction over the place.

3. In this case of Umroi Cantt no such certificate has been furnished showing that it is within 8 Kms from the periphery of Shillong municipality as such, HRA cannot be granted to you at the rates applicable for Shillong.

Yours faithfully,

MKBs  
( M K Bansal )  
SE  
SO1 Engr Pers  
For E-in-C

Ref : Proceeding note.

This is regarding grant of HRA/HCA to the MES civilian personnel serving under GM (P) Umroi Cantt at the rates applicable to shillong wef 12.12.87 under para 3 (b) (ii)/3 (b) (iii) of this Ministry's OM No dated 27 Nov 65(65), as amended from time to time.

2. Before the case is considered further in this Ministry, the following points may be clarified :-

- 2x i) The rate of HRA allowed to the employees of GE(P) Umrei by the Ministry of Defence from 12 Dec 87 may be indicated. It is relevant to mention that HRA at 'A', 'B-2' class rates is admissible to employees working at shillong under the special orders ~~xxxxxxxxxxxx~~ issued by this Ministry on 05-2-90. These orders are applicable only to employees having their place of duty within the qualifying limits of shillong and not to those posted at a place situated outside the municipal limits of Shillong. On the basis of dependency certificates in terms of para 3 (b) (iii) or in accordance with the provisions contained in the Para 3 (b) (ii) of this Ministry's OM dt 27 Nov 65, HRA at a place will be admissible only at the rate admissible in the qualified city on the basis of its classification. Shillong is a 'C' class town as per its classification for the purpose of HRA. Therefore in case of Umrei, if all the condition laid down in para 3(b) (ii)/3(b) (iii) are fulfilled, HRA only at 'C' class rates should have been allowed in this case. Therefore, if HRA at 'A' Class rates had been allowed by Ministry of Defence this needs to be recovered.
- ii) It is also not clear whether the proposal has been referred to this Ministry in terms of Para 3 (b) (ii) in terms of para 3(b) (iii) of this Ministry's OM dt 27 Nov 65. The case for HRA under these two paras are considered on different parameters. In terms of Para 3(b) (ii), Administrative Ministries may themselves allow HRA, provided all the conditions laid down therein are fulfilled.
- iii) If, However, the case is to be examined in terms of para 3(b) (iii), it may be mentioned that HRA on the basis of dependency certificate is allowed only from the first of the month in which the dependency certificate is issued. In this case the dependency certificate is dt 28-1-92. Therefore, HRA at 'C' class rates (Shillong rates) may be ~~xxxx~~ allowed only from the 1st January 1992 and not from 12th December 1987. Therefore the entire payment on HRA made earlier will have to be recovered. However, to avoid any hardship to the employees, Min of Defence may like to obtain a correct dependency certificate wef 12-12-87.
- iv) It has been mentioned in the Certificate dt 26-10-87 that Umroi is located at a distance of 32 Kms by Road from Shillong, whereas in the certificate dt 05-9-91 and 28-1-92 it has been stated that Umroi is within 8 Kms from Shillong. The reasons for this discrepancy may be clarified.
- v) It is not clear whether the intention is to allow Hill Compensatory allowance (HCA) or compensatory City allowance

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(CCA). In the notes on Page 1-3/ante, HCA has been mentioned. However, in the returning Note, CCA has been mentioned. This may be clarified. If HCA has been paid in Umroi on the basis of dependency certificate, the entire payment needs to be recovered because there is no provision of grant of HCA on the basis of dependency certificate. If CCA has been paid in Umroi, this also needs to be recovered because Shillong is a UA town and prior to the issue of this Ministry's OM dt 22-9-89 CCA is admissible in respect of places within 8 Kms of a qualified city which is not an urban Agglomeration town/city.

3. Ministry of Defence may clarify the above points and refer the case through the level of Additional FA.

Distance between the two places is to be reckoned by the normal route of conveyance, namely road or rail. In this case, since the distance is more than 8 Kms, namely it is 32-35 Kms by road, the question of grant of dependency, therefore, does not at all arise. HRA is accordingly to be regulated with reference to the place of duty. Since Umroi Cantt is an unclassified place, HRA to the central Govt civilian employees serving at Umroi Cantt. has to be regulated as admissible in an unclassified city wef 01-4-86. Prior to that, no HRA should be admitted at that place. Ministry of Defence are, accordingly, requested to advise CGDA to take necessary action for immediate recovery of the over payments of HRA made in this case.

2. Unlike HRA/Compensatory(City) Allowance (CCA), Hill Compensatory Allowance (HCA)/Composite Hill compensatory Allowance(CHCA) cannot be granted on the basis of dependency in terms of Para 3(b) of this Ministry's OM dt 27-11-65. However, if Umroi cantt is situated at a height of 1000 metres and above, Ministry of Defence may obtain the requisite certificate from the Survey of India and take necessary action for grant of HCA prior to 01-10-86 and CHCA wef 01-10-86 having regard to the instructions contained in this Ministry's OM No F.5(3)-EII(B)/64 dated 29-5-1964 as amended/modified from time to time. However, no compensatory city allowance can be paid in Umroi Cantt as it is an undclassified place. If any payment on account of CCA has been made to the central Govt employees serving in Umroi Cantt the same should also be recovered from the concerned employees.

3. Dir(EG) may please see before the file is returned to Ministry of Defence.

Sd/- x x x  
(S L VERMA)  
US E-II(B)  
19-02-1992

Dir (EG)

C T C

*Rakesh Saini*  
(Rakesh Saini)  
EE  
Garrison Engineer Umroi

*✓  
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