

50/100

3

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

O.A/T.A No. 106/2002

R.A/C.P No.

E.P/M.A No.

1. Orders Sheet OA 106/2002 .....Pg. 1 .....to 2 .....
2. Judgment/Order dtd. 20/8/2002 .....Pg. No separate order dismissed .....
3. Judgment & Order dtd. ....Received from H.C/Supreme Court
4. O.A. ....106/02 .....Pg. 1 .....to 39 .....
5. E.P/M.P. ....N/L .....Pg. ....to .....
6. R.A/C.P. ....N/L .....Pg. ....to .....
7. W.S. Filed by the respondents No. 1, 2 and 3 .....Pg. 1 .....to 27 .....
8. Rejoinder .....Pg. ....to .....
9. Reply .....Pg. ....to .....
10. Any other Papers .....Pg. ....to .....
11. Memo of Appearance .....
12. Additional Affidavit .....
13. Written Arguments .....
14. Amendment Reply by Respondents .....
15. Amendment Reply filed by the Applicant .....
16. Counter Reply .....

SECTION OFFICER (Judl.)

FORM NO. 4  
(See Rule 42)  
CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH.  
GUWAHATI.

ORDER SHEET

Original No. 106/2002  
Misc. Petition No.         
Contempt Petition No.         
Review Application No.       

Applicant(s) Shri Gada dhar Barua & others

Respondent(s) Govt & cons.

Advocate for Applicant(s) Mr. Adil Ahmed

Advocate for Respondent(s) Case

Notes of the Registry

Date

ORDER OF THE TRIBUNAL

2.4.02

Heard Mr. A. Ahmed, learned counsel  
for the applicant and also Mr. B.C. Pathak,  
learned Addl. C.G.S.C. for the Respondents.

The application is admitted. Call for  
the records.

List on 1.5.2002 for orders.

C. G. S. C.

Vice-Chairman

Dated 26/03/2002

By Registrar

26/03/2002

GUWAHATI BENCH

mb

Notice preferred and sent  
to D/S for info. Retd. 1.5.2002  
dent No 1705 by Regd. Ad.  
27/4/02

D/N<sub>o</sub> 1153 to 1157

Dtd 22/4/02

bb

Service report will  
still awaited.

30.4.02

Heard Mr. B.C. Pathak, learned Addl. C.G.  
S.C. for the respondents. List the case again  
on 29.5.2002 for filing of written statement.

Vice-Chairman

31.5.02

List on 5.7.02 to enable the respondents to file written statement.

  
Vice-Chairman

lm

5.7. Due to circuit sitting at Agartala, the case is adjourned to 19.2.2002.

*19/2  
A.K. Jy  
5/2*

19.7.02


Respondents No.1,2 and 3 have filed the written statement. Mr.A.Ahmed learned counsel for the applicant states that he has not obtained the copy of the written statement. The respondents are directed to to give the copy of the written statement to Mr.Ahmed within 1 weeks. List on 9.8.02 for orders.

  
Member

lm

9.8.02

Written statement has been filed. The case is ready for hearing. List the matter for hearing on 30.8.2002.


  
Member

mb

30.8.2002

Heard Mr A. Ahmed, learned counsel for the applicant and Mr B.C. Pathak, learned Addl. C.G.S.C. appearing on behalf of the respondents. It appears that this case is squarely covered by the decision of the Supreme Court in Union of India and others Vs... M. Lepden Ao and others, reported in AIR 2001 SC 2826.

The application is accordingly dismissed. No order as to costs.

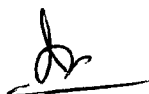
  
Vice-Chairman

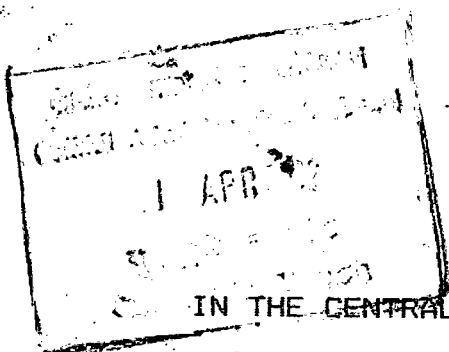
nm

W/s have been  
filed by the  
respondents NO  
1-3 at page  
40-65

NB  
13/6/02

Order dtd. 30/8/02  
Communicated to the  
Rt Hon. Commr.





IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH, GUWAHATI.

(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL  
ADMINISTRATIVE TRIBUNAL ACT, 1985)

ORIGINAL APPLICATION NO. 106 OF 2002:

Sri Gadadhar Bania & others

-Applicants.

-Versus-

The Union of India & Others.

-Respondents.

I N D E X

Sl.No.	Particulars	Page No.
1	Application	1 to 15
2.	Verification	16
3.	Annexure-A	17 to 21
4.	Annexure-B	22 to 23
5.	Annexure-C	24 to 28
6.	Annexure-D	29 to 37
7.	Annexure-E	38 to 39

Filed by

(Adil Ahmed)

Advocate.

1

Filed by  
Shri. Gadadhar Bania applicant  
Through J.S. ———  
(Adv. Ahmed)  
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GAUHATI BENCH AT GAUHATI.

(AN APPLICATION UNDER SECTION 19 OF THE  
CENTRAL ADMINISTRATIVE TRIBUNAL ACT, 1985.)

ORIGINAL APPLICATION NO. OF 2002.

B E T W E E N

Sl. NO.	MES No.	NAME	
1]	243646	Sri Gadadhar Bania	Electrician HS-II
2]	243801	Sri W Megha Singha	
3]	243681	Sri I Mangi Singh	
4]	238495	Kh Manglem Singh	FGM HS-II
5]	243671	K K Sharma	Elect HS-II
6]	243693	J S Winner	Maz.
7]	238104	C M Mallick	Elect HS II
8]	220353	Ishwar Bhagat	FGM
9]	243617	Bhakta Bahadur	
		Lama	Mate
10]	243643	Till Bahadur Lama	Maz.
11]	238247	Som Bahadur	Mate
12]	237840	Sorulara Neog	Painter
13]	220229	Chandragourd	Blacksmith
14]	238516	Padam Bahadur	
		Chetri	

151	243599	Sabir Hussain	Mate
161	220270	Shreeram Sharma	Carpenter
171	238042	A P Kumar	Mate
181	243921	Moyanguehen	Maz
191	243683	A L Mandal	Maz
201	3891	M.D. Rohim	Mate
211	243522	Aga Rengma	Carpenter
221	220344	P C Pradhan	Carpenter
231	237988	J N Thakur	Ref/Mech
241	243882	K K Das	Maz
251	243775	Ramavawal	Maz
261	220304	Singh Bahadur	
		Gurung	Maz
271	225161	Amar Singh	Chowkidar
281	238247	Soban Singh	V/man
291	243588	Sri Lal Mohan Das	Carpenter
301	220266	Vidiyanand Thakur	Meson
311	228252	Shiv Singh	V/man
321	238511	R D Das	Carpenter
			HS-II
331	243598	Kailash Partra	Maz
341	243924	Satrughan Thakur	Chowkider
351	243798	Atovisema	Mason
361	243603	Dadhiram Dahal	Maz
371	243656	Sankar Das	
381	243545	L Doley	FGM
391	243679	C Lotha	FGM
401	238333	M Ekka	FGM
411	238326	Vishnuprovat	FGM
421	238028	Motilal	V/man
431	243641	G Munu Swamy	Mate
441	238437	K P C Nair	V/man

451	237716	P K Holm Roy	Sr. Elect. HS-I
461	220338	Haneeta	fitter pipe
471	24361	Prem Lal	Painter
481	243672	Kh. Sunil Singh	(FGM)
491	243936	Ch. Kaingamong	Maz
501	243889	M L Kaipubu	Elect S K
511	243622	S K Rana	Mate
521	229336	B B Thotai	Pipe Fitter
531	NYA	Pardeshi Prasad Gupta	Maz
541	243673	I Kulamani Singh	Maz Usk
551	238038	Chandradew Thakur	V/man
561	242027	M Nilachandra Singh	Maz.
571	238497	N Ramchandran	V/man
581	220244	Bhubeneswarram	Mate
591	243434	Gobin Singh	Mt Driver
601	220211	Sunil Deb	F.G.M.
611	220251	Usit Mahato	Painter
621		Ramanandra Sharma	Maz
631		Kan Singh	Maz
641		Andarow	Elect HS II
651		Narayan Sharma	Chowkidar
661		Jogiprdhan	Chowkidar
671	243483	V D Murty	Peon.
681		Hari Ram Chouhan	Maz

All the applicants are working under the  
Garrison Engineer, 869 EWS, C/o 99 APO.

-Applicants.

-AND-

- 1] Union Of India,  
represented by the Secretary  
to the Government of India,  
Defence Department, New Delhi.
- 2] The Commandant, 137 Command Works  
Engineer, Head Quarter, C/o 99 APO,
- 3] The Garrison Engineer,  
869 EWS, C/o 99 APO,
- 4] The Controller of Defence Accounts,  
UDHYAN VIHAR, Narangi,  
Guwahati-781171.
- 5] The Area Accounts Officer,  
Office of the Area Accounts Office,  
Ministry of Defence, Bivar Road,  
Shillong-1.

■ Respondents.

1] DETAILS OF THE APPLICATION:

- 1] The application is made for non-payment  
of compensation by the Respondents at  
the rate 10% of pay in lieu of Rent free  
accommodation of the applicants.

G. B. B. B.



ii] The application is made for non-payment of compensation at the 10% pay in lieu of rent free accommodation in terms of Judgment and order passed in O.A No. 48/91, O.A. No. 266/96 O.A. No. 143/99 and other similar cases by this Hon'ble Tribunal.

2] JURISDICTION OF THE TRIBUNAL:

The applicants declare that the Subject matter of the instant application is within the jurisdiction of this Hon'ble Tribunal.

3) LIMITATION:

The applicants further declare that the application is within the limitation period prescribed under Section 21 of the Administrative Tribunal Act, 1985.

FACTS OF THE CASE :

Facts of the case in brief are given below:

4.1 That your humble applicants are citizens of India and as such, they are entitled to all the rights and privileges guaranteed under the Constitution of India. The applicants are all Defence Civilian Employees. They are serving

G. D. D. S.

under the Ministry of Defence, New Delhi since a long time. They are working side by side with the Army Personnel deployed at Border areas for support of operational requirement risking their life in remote areas of Nagaland and Manipur. They face the eminent hostilities supporting the Army personnel deployed there. They are working round the clock and they have to report their Officer at any time whenever required. They are also facing imminent threat from the militants and terrorists as such for their safety they are required to stay in the camp along with the Army Personnel.

4.2 That your applicants beg to state that all the applicants are serving under the Garrison Engineer, 869 E.W.S., C/o 99 A.P.O.

4.3 That your applicants beg to state that they have got common grievances, common cause of action and the nature of relief prayed for is also same and similar and hence having regard to the facts and circumstances they intend to prefer this application jointly and accordingly they crave leave of the Hon'ble Tribunal under Rule 4 (5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987. They also crave leave of the Hon'ble Tribunal and pray that they may be allowed to file this joint application and pursue the instant applicants redressal to their common grievances.

7

4.4 That your applicants beg to state that the Government of India under various Memorandums, Circulars, letters, etc. the Defence Civilian Employees are eligible for House Rent Allowance, especially vide Circular No. 11013/2/86-E-11 (B) dated 23-9-86 issued by the Government of India, Ministry of Finance, Department of Expenditure, New Delhi.

Annexure-A is the photocopy of Circular dated 23-9-86 issued by the Government of India, New Delhi.

4.5 That these Defence Civilian Employees required to be provided with Rent Free accommodation as per their nature of duties. Such employees are also entitled to compensation in lieu of Rent Free Accommodation. In this regard the Central Government has issued Office Memorandum No. 11015/4/86-E II (B) dated 13-11-1987.

Annexure-B is the photocopy of Memorandum No. 11015/4/86-E II (B) dated 13-11-1987.

4.6 That your applicants beg to state that they are serving in Field Areas of Nagaland, Manipur, which are very remote places. They have to stay in the Camp Area alongwith Army. Apart from this the housing situation,

G. Davis

especially, in the remote places of <sup>NAGALAND,</sup> Manipur in general is not improved and therefore rented house at reasonable rates are not available till date.

4.7 That your applicants beg to state that in the Office Memo dated 23-09-86 at Annexure-A there is clear recommendation of 4<sup>th</sup> Pay Commission and the same is accepted by the Central Government and accordingly the applicants are entitled to House Rent Allowance and also compensation in lieu of Rent Free Accommodation.

It is pertinent to mention here that these applicants earlier also have filed an application for only House Rent Allowance before this Hon'ble Tribunal. This Hon'ble Tribunal by its judgment and order directed the Respondents to pay House Rent Allowance to the Defence Civilian Employees at the rate applicable to the Central Government employees in 'B' (B1 - B2) Class cities/towns for the period from 1-10-86 or from the actual date of posting if it is subsequent thereto, as the case may be applicable from time to time as from 01-03-91 on wards and continue to pay the same. This Order and other similar orders were, however, challenged by the Respondents before the Apex Court and the Apex Court along with other appeals disposed of the appeal of the Respondents but the Apex Court affirmed the judgment of this Hon'ble Tribunal regarding payment of House Rent Allowance in Civil Appeal No. 1572/97 to the

B. Bania

applicants. Therefore, it is now settled that the Defence Civilian Employees posted in Manipur are entitled to payment of House Rent Allowance. Accordingly the Respondents paid House Rent Allowance to the applicants from 01-10-1986.

4.8 That your applicants beg to state that some employees of Geological Survey of India belonging to Group C & D, posted in Manipur/ Nagaland filed an application before the Hon'ble Tribunal vide O.A. No. 48/91 claiming House Rent Allowance at the rate applicable to the 'B' (B1, B2) Class cities, 15% to their pay and also claimed compensation at the rate of 10% in lieu of Rent Free Accommodation. The aforesaid application was allowed by this Hon'ble Tribunal vide its Judgment & Order dated 26-11-93.

Annexure-C is the copy of Judgment & Order dated 26-11-93 passed in O.A. No. 48/91.

4.9 That your applicants beg to state that the similarly situated Defence Civilian employees filed an O.A. No. 266/96 and other series of cases before the Hon'ble Tribunal vide their Judgment dated 10-6-97 allowed the series of Original applications and directed the Respondents to pay the House Rent Allowance at prescribed rate and also to pay 10% compensation in lieu of Rent Free Accommodation.

It may be stated that earlier similarly situated persons who are working along with the instant applicant filed Original Application No. 143/99 before this Hon'ble Tribunal for payment of 10% compensation in lieu of Rent Free Accommodation. The Hon'ble Tribunal vide their Judgment dated 06-11-2000 allowed the Original Application and directed the Respondents to pay the license fee to the applicants.

Annexure-D is the photocopy of Judgment and Order dated 10-06-97 passed in O.A. No. 226/96 and other series of cases.

Annexure-E is the photocopy of judgment and order dated 06-11-2000 passed in O.A. No. 143/99.

4.10 That your applicants beg to state that the similarly situated Defence Civilian Employees of Canteen Store Department are getting the House Rent Allowance and also 10% compensation in lieu of Rent Free Accommodation.

4.11 That your applicants beg to state that they have failed to obtain the benefit of 10% compensation in lieu of Rent Free Accommodation. The applicants filed representation before the Respondents for payment of 10% compensation in lieu of Rent free Accommodation.

G. D. Singh

Till date the Respondents have not paid 10% compensation in lieu of Rent Free Accommodation. Hence they have compelled to file this Original Application before this Hon'ble Tribunal seeking justice.

4.12 That your applicants beg to state that since the applicants are similarly situated with those other Defence Civilian Employees, the Respondents ought to have extended the said benefit to the employees serving under the Garrison Engineer, 869 E.W.S. It is well proposition of law that when a decision is made by the court in case of Central Government Employees it is not necessary for similarly situated other employees to approach this Hon'ble Court and similar benefits also to be extended to them. However, the Respondents have again forced the applicants to approach this Hon'ble Court.

4.13 That the applicants beg to state that they have fulfilled all the terms and conditions for getting compensation at the rate of 10% in lieu of Rent Free Accommodation. As such, they are entitled to get benefit.

4.14 That the application is filed bona fide and for the ends of justice.

GROUND'S FOR RELIEF WITH LEGAL PROVISIONS:

G. Davis

- 5.1 For that the applicants are being similarly placed with the applicants of Original Applications No. 48/91, 266/96, 143/99 and other series of cases. As such, the same benefits ought to have to extend to the present applicants.
- 5.2 For that the applicants being Central Government Employees serving in Field Areas of Manipur and being attached with the Armed Forces are entitled to get financial benefits mentioned above.
- 5.3 For that there is no justification in denying the said benefits granted to the applicants and denial has resulted in violation of Articles 14 & 16 of the Constitution of India.
- 5.4 For that the applicants having fulfilled all criteria for granting payment of 10% COMPENSATION in lieu of Rent Free accommodation and as such the Respondents are liable to pay the applicants the above said license free compensation.
- 5.5 For that it is settled proposition of law that when the same principle is laid down it should be applicable to all other similarly situated persons and should grant the same benefit without requiring them to approach the Hon'ble Court of law.

G.D. Sharma



5.6 For that the applicants have been denied the said benefit without any principle being heard. There is a violation of principle of natural justice in the denial of the said benefits to the applicants and proper relief are required to be granted to the applicants.

5.7 For that the action of the Respondents is illegal, arbitrary and not sustainable in law.

The applicants crave leave of this Hon'ble Tribunal to Advance further grounds at the time of hearing of this application.

6) DETAIL REMEDY EXHAUSTED:

That there is no other alternative and efficacious remedy available to the applicants except invoking the jurisdiction of this Hon'ble Court under Section 19 of the Administrative Tribunal Act, 1985.

7) MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT:

The applicants further declare that they have not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other court.

G. B. M. S.

authority or any other bench of this Hon'ble Tribunal nor any such, application, writ petition or suit is pending before any of them.

8. RELIEF PRAYED FOR:

Under the facts and circumstances narrated above it is prayed that your Lordship may be pleased to admit this petition and issue notice to the Respondents to show cause as to why the reliefs sought for in this application should not be allowed, call for the records of the case and on perusal of the records and after hearing the parties and/or cause or causes that may be shown may be pleased to grant the following reliefs:

- a) a direction to the Respondents to pay COMPENSATION at the rate of 10% of monthly pay with effect from 1-7-87 or from the actual date of posting if it is subsequent thereto as the case may be up to date and continue to pay the same until compensation is not withdrawn or modified by the Government of India or till Rent Free Accommodation is not provided;

G. B. 157

- b) direct the respondents to pay the 10% compensation in lieu of Rent Free Accommodation in terms of Hon'ble Tribunal's Judgment and Order in O.A. No. 48/91 and O.A. No. 266/96, 143/99 and other similar cases decided by this Hon'ble Tribunal;
- c) to pay the cost of the case to the applicants;
- d) any other relief or reliefs that may be entitled to the applicants.

INTERIM ORDER PRAYED:

At this stage the applicants do not pray any interim order but the Hon'ble Tribunal may please to pass any order or orders as deem fit and proper.

APPLICATION IS FILED THROUGH ADVOCATE.

PARTICULARS OF I.P.O.

I.P.O.No. : 76549422  
 Date of Issue: 26.3.2002  
 Issued from :  
 Payable at : Guwahati

12] LIST OF ENCLOSURES:

As stated in index.

- Verification.

G. B. Bora

## VERIFICATION

I, Shri Gadadhar Bania, P. No. 243646, Elect. S.K., applicant No.1 serving in Office of the Garrison Engineer, 869, C/o 99 APD as authorised by the other applicants do hereby solemnly verify that the statements made in paragraphs 4.1, 4.2, 4.3, 4.6, 4.7, 4.10, 4.11, 4.12 - are true to my knowledge, those made in paragraphs 4.4, 4.5, 4.8, 4.9 -

— are being matters of records are true to information derived therefrom which I believe to be true and those made in paragraph 5 are true to my legal advice and rest are my humble submissions before this Hon'ble Tribunal I have not suppressed any material facts.

And I sign this verification today on this 1st day of April 2002 at Guwahati.

Sri. Gadadhar Bania.

Declarant

654  
-22-15-  
-17  
ANNEXURE-A  
ANNEXURE-A  
21  
No. 11013/2/86-E.II(B)

Government of India

Ministry of Finance

(Department of Expenditure)

New Delhi, the 23rd September, 1986

OFFICE MEMORANDUM

Subject: Recommendations of the Fourth Pay Commission  
- Decisions of Government relating to grant  
of Compensatory (City) and House Rent  
Allowances to Central Govt. Employees.

The undersigned is directed to say that  
consequent upon the decisions taken by the Govern-  
ment on the recommendations of the Fourth Pay  
Commission relating to the above mentioned allowances  
vide this Ministry's Resolution No. 14(1)/IC/86  
dated 13th September, 1986, the President is pleased  
to decide that in modification of this Ministry's  
O.M. No. F.2(37)-E.II(B)/64 dated 27.11.1965 as  
amended from time to time, Compensatory (City)  
and House Rent Allowances to Central Government

.....2

Attested  
Sd/-  
Advocate

23-16-  
18

22

68 2 68

Employees shall be admissible at the following rates:

(1) COMPENSATORY (CITY) ALLOWANCE:

Pay Range (Basic pay)	Amount of CCA in class of cities (Rs. p.m.)		
	A	B-1	B-2
Below Rs.950/-	30	25	20
Rs.950 and above but below Rs.1500/-	45	35	20
Rs.1500 and above but below Rs.2000/-	75	50	20
Rs.2000/- and above	100	75	20

Note:- For 14 special localities, where CCA at the rate applicable to B-2 class city are being paid, fresh orders will be issued separately.

Attal  
[Signature]  
Attal

00000003

17-  
19

23

(11) HOUSE RENT ALLOWANCE:

258

Type of accommodation to which entitled	Pay range in revised scales of pay for entitlement.	Amount of HRA payable in (Rs. p.m.)			
		A, B-1, B-2 cities	C Class cities	Un-classified places	
A	750-949	150	70	30	
B	950-1499	250	120	50	
C	1500-2799	450	220	100	
D	2800-3599	600	300	150	

2. H.R.A. at above rates shall be paid to all employees (other than those provided with Government owned/hired accommodation) without requiring them to produce rent receipts. These employees shall, however, be required to furnish a certificate to the effect that they are incurring some expenditure on rent/contributing towards rent. H.R.A. at above rates shall also be paid to Govt. employees living in their own houses subject to their furnishing certificate that they are paying/contributing towards house or property tax or maintenance of the house.

Attested  
[Signature]  
[Signature]

9999994

— 18 —  
20 — 25  
— 26 —

24

33 4 22

3. Where H.R.A. at 15 per cent of pay has been allowed their special orders, the same shall be given as admissible in A, B-1 and B-2 class cities. In other cases, covered by special order, HRA shall be admissible at the rate in C Class cities. In both these cases there shall be no upper pay limit for payment of HRA.

4. The other conditions at present applicable for grant of HRA in cases of sharing of accommodation and other categories shall continue to be applicable.

5. Pay for the purpose of these orders, will be 'Pay' as defined in F.R. 9 (21) (a) (i). In the case of persons who continue to draw pay in the scales of pay which prevailed prior to 1.1.1986 it will include, in addition to pay in the pre-revised scales, dearness pay, dearness allowance, additional Dearness Allowance, Ad-hoc D.A. and Interim Relief appropriate to that pay, admissible under orders in existence on 31.12.1985.

*Attnal*  
*Q.S.* — *Adm. Secy*

.....5



~~19~~  
~~26~~  
(19) 21

25

5

6. These orders shall be effective from 1.10.1986. For the period from 1.1.1986 to 30.9.1986, the above allowances will be drawn at the existing rates on the notional pay in the pre-revised scale.
7. These orders will apply to civilian employees of the Central Govt. belonging to Group 'B', 'C' and 'D' only. The orders will also apply to the Group 'B', 'C' & 'D' civilian employees paid from the Defence Services Estimates. In regard to Armed Forces Personnel and Railway employees, separate orders will be issued by the Ministry of Defence and Department of Railways respectively.
8. In so far as the persons serving in the Indian Audit & Accounts Deptt. are concerned this order issues after consultation with the Comptroller and Auditor General of India.
9. Hindi version of the order is attached.

sd/-  
(B.P. Verma)  
Joint Secretary to the Government of India.

Atul  
JL  
Anand

22

[ ]

ANNEXURE B 28

~~ANNEXURE IV~~

GOVERNMENT OF INDIA  
MINISTRY OF FINANCE

OFFICE MEMORANDUM

NO.11015/4/86-E.II(B)

Dated 13th November 1987

Grant of Compensation in lieu of rent-free accommodation.

The undersigned is directed to refer to para I of this Ministry's Office Memorandum of even number dated 19.02.1987 regarding Central Government employees belonging to Groups 'B', 'C' and 'D' and also para I of O.M. of even number, dated 22.5.1987, regarding Central Government employees belonging to Group 'A' on the subject noted above and to say that consequent upon fixation of flat rate of licence fee for residential accommodation under Central Government all over the country vide Ministry of Urban Development (Directorate of Estate)'s O.M. No.12035/(1)/85-Pol.II(Vol.III)(i) Dated 7.8.1987, the President is pleased to decide that Central Government employees belonging to Groups 'A', 'B', 'C' and 'D' working in various cities and unclassified places will be entitled to compensation in lieu of Rent free accommodation as under:

contd...p/-

Attested  
J.S.  
Adm. E

(i) Amount charged as licence fee for Government Accommodation as fixed in terms of Ministry of Urban Development (Directorate of Estte)'s above mentioned O.M. dated 7.8.1987; and

(ii) House Rent Allowance admissible to corresponding employees in that classified city/unclassified place in terms of para I of the Ministry's O.M. No.11013/2/86-E.II(B) dated 23.9.1986, for Central Government employees belonging to Group 'A'.

2. Other terms and conditions for admissibility of compensation in lieu of accommodation indicated in this Ministry's Office Memorandum, dated 19.2.1987 and 22.5.1987, remains the same.

3. These orders shall take effect from 1.7.1987.

Attested  
JL  
Belwate

contd...p/-

42 24  
38

ANNEXURE - C

ANNEXURE B.C

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH

Original Application No. 48 of 1991

Date of order : This the 26th day of November 1993.

Shri S. Haque, Vice-Chairman

Shri S.L. Sanglyine, Member (Administrative)

Shri M. Lepdon Ao and forty six (46) others,  
Group 'C' & 'D' employees posted in the  
Office of the Director,  
Geological Survey of India,  
Operation Manipur-Nagaland, Dimapur,  
District Kohima, Nagaland

.... Applicants

By Advocate Shri M.N. Trikhā

- Versus -

1. Union of India, through the Secretary to the Government of India, Ministry of Steel and Mines, Department of Mines, New Delhi.
2. The Director General, Geological Survey of India, 27, Jawaharlal Nehru Road, Calcutta: 700 013
3. The Deputy Director General, Geological Survey of India, North East Region, Acha Kotir, Laitumkhrab, Shillong-792 003
4. The Director, Geological Survey of India, Operation Manipur-Nagaland, Dimapur.

..... Respondents

By Advocate Shri S. Ali, Sr. C.C.S.C. and  
Shri A.K. Choudhury, Addl. C.C.S.C.

.....

14  
26/11  
Sh. Ali  
Advocate

ORDER

HARDY.

The applicants numbering 47 (fortyseven) are Group 'C' and 'D' employees under the Director, Geological Survey of India, Operation Manipur-Nagaland, at Dimapur, Nagaland. This application by them under Section 19 of the Administrative Tribunal Act 1985 claiming House Rent Allowance (HRA) at the rate applicable to 'B' class cities, i.e. at the rate of 15% of their pay and also claim compensation at the rate of 10% in lieu of Rent free Accommodation (RFA). They claim that Nagaland falls within 'B' class cities for the purpose of HRA and compensation in lieu of RFA.

2. It is an admitted fact that the employees of the respondent Directorate are entitled to rent free accommodation in Nagaland, but they were not given free government accommodation.

3. Learned counsel Mr N.K. Trikha for the applicants submits that it was established vide judgment dated 31.10.1992 in C.A.No.42(C)/89 of this Bench and only confirmed by the Supreme Court vide order dated 18.2.1993 in Civil Appeal No.2705/91 that Nagaland in general is 'B' class city and the Central Government employees there are entitled for benefits of 'B' class cities granted by various circulars and office memoranda. Mr Trikha read out the relevant Office Memoranda. These submissions are not disputed by learned Sr. C.G.S.C. Mr S. Ali. We have perused the judgments and orders referred to by Mr Trikha. Nagaland had been recognised

Atul  
Jil  
Rajwade

26  
-44  
-37-

30

as 'B' class cities in general vide our judgment and order dated 31.10.1990 in J.A.No.42(G)/89 read with the Supreme Court order dated 18.2.1993 in Civil Appeal No.2705 of 1991. This being the established position, we hold that the applicants were entitled to HRA at the rate of 15% on their pay from 1974 to September 1986; and thereafter, on flat rate basis group wisely with effect from 1.10.1986 pursuant to Office Memorandum No.11013/2/86-E-11(B) dated New Delhi the 23rd September 1986 issued by the Ministry of Finance, Government of India (Annexure A/7).

4. After the fixation of the HRA on flat rate basis groupwisely the Government of India further granted compensation to Group A, B, C and D employees in lieu of rent free accommodation with effect from 1.7.1987 vide Government of India, Ministry of Finance, Department of Expenditure O.M. No.11015/4/86-E.11(B)/87 dated 13.11.1987 which reads as follows:-

" The undersigned is directed to refer to para 1 of this Ministry's Office Memorandum of even number, dated 19.2.1987, regarding Central Government employees belonging to Groups 'B', 'C' and 'D' and also para 1 of O.M. of even number, dated 22.5.1987, regarding Central Government employees belonging to Group 'A' on the subject noted above and to say that consequent upon fixation of flat rate of licence fee for residential accommodation under Central Government all over the country vide Ministry of Urban Development (Directorate of Estates)'s O.M.No.12035/(1)/85-Pol.II(Vol.III) (i), dated 7.8.1987, the President is pleased to decide that Central Government employees belonging to groups 'A', 'B', 'C' and 'D' working in various classified cities and unclassified placed will be entitled to compensation in lieu of Rent-free Accommodation as under -

- (i) Amount charged as licence fee for Government Accommodation as fixed in terms of Ministry of Urban Development (Directorate of Estates)'s above mentioned O.M. dated 7.8.1987; and

Amr  
Adm

(11) House Rent Allowance admissible to corresponding employees in that classified city/unclassified place in terms of para 1 of this Ministry's O.M. No.11013/2/86-E.11(B), dated 23.9.1986, for Central Government employees belonging to Groups 'B', 'C' and 'D' and para 1 of U.M.No.11013/2/86-E.11(B), dated 19.3.1987, for Central Government employees belonging to Group 'A'

2. Other terms and conditions for admissibility of compensation in lieu of rent-free accommodation indicated in this Ministry's Office Memorandum, dated 19.2.1987 and 22.5.1987, remain the same.
3. These orders shall take effect from 1.7.1987.

The compensation is fixed at 10% of the monthly emoluments calculated with reference to pay vide NOIC under para 2 of the Government of India, Ministry of Finance Office Memorandum No.11015/4/86-E.11(B)/87 dated 25.9.1987. These Office Memoranda had been circulated by Geological Survey of India, Calcutta vide order No.14017(1)/83-3(HRA) dated 26.9.1988 for necessary action by all branches. Therefore, we hold that the applicants are entitled to compensation at the rate of 10% of pay in lieu of rent free accommodation with effect from 1.7.1987 in terms of O.M.No.11015/4/86-E.11(B) dated 13.11.1987 in addition of the HRA.

5. The applicants were not entitled to 10% compensation in lieu of rent free accommodation for the month of November 1979 and they are liable to refund that amount.

6. In the result, this application is allowed. The respondents are directed to pay HRA to the applicants at the rate of 15% of their pay from 1974 and at flat rate groupwise with effect from 1.10.1986 in terms of No.11013/2/86-E.11(B) dated 23.9.1986. The respondents are directed to pay compensation at 10% of the monthly.....

Attn: Col  
 [Signature]  
 Adv. to

- 46 -

- 20 -

- 39 -

monthly emoluments calculated with reference to the pay of respective applicants with effect from 1.7.1987 besides HRA. The respondents shall realise 10% of pay of the applicants paid in excess with salary for the month of November 1979.

7. The respondents shall implement the above directions and pay all arrears within three months (90 days) from the date of receipt of copy of the order.

8. Intimate all concerned immediately.

Sd/- S. H. Joo  
VICE CHAIRMAN

Sd/- G. L. Sanglyina  
MEMBER (ADMIN)

nkm

Attache  
JL  
Attache



29 40  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

ANNEXURE D  
33

Original Application No.266/96 and series

Date of decision: This the 10th day of June 1997  
(AT KOHIMA)

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

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

1. Original Application No.266 of 1996  
Shri Ram Bachan and 14 others .....Applicants  
By Advocate Mr A. Ahmed

-versus-

Union of India and others .....Respondents  
By Advocate Mr S. Ali, Sr. C.G.S.C.

2. Original Application No.268 of 1996  
Shri Nomal Chandra Das and 55 others .....Applicants  
By Advocate Mr A. Ahmed

-versus-

Union of India and others .....Respondents  
By Advocate Mr S. Ali, Sr. C.G.S.C.

3. Original Application No.279 of 1996  
Shri D.D. Bhattacharjee and 31 others .....Applicants  
By Advocate Mr A. Ahmed

-versus-

Union of India and others .....Respondents  
By Advocate Mr S. Ali, Sr. C.G.S.C.

4. Original Application No.13 of 1997  
Shri Hari Krishan Mazumdar and 24 others .....Applicants  
By Advocate Mr A. Ahmed

-versus-

Union of India and others .....Respondents  
By Advocate Mr S. Ali, Sr. C.G.S.C.

5. Original Application No.14 of 1997  
Shri Jatin Chandra Kalita and 19 others .....Applicants  
By Advocate Mr A. Ahmed

-versus-

Union of India and others .....Respondents  
By Advocate Mr S. Ali, Sr. C.G.S.C.

82

Amala  
Adm to

6. Original Application No.91 of 1996

Shri Daniel Sangma and 81 others

By Advocate Mr S. Sarma and Mr B. Mehta.

.....Applicants

-versus-

Union of India and others,

By Advocate Mr G. Sarma, Addl. C.G.S.C.

.....Respondents

7. Original Application No.87 of 1996

Shri C.T. Balachandran and 32 others

By Advocate Mr S. Sarma and Mr B. Mehta

.....Applicants

-versus-

Union of India and others

By Advocate Mr G. Sarma, Addl. C.G.S.C.

.....Respondents

8. Original Application No.45 of 1997

Shri L. Shashidharan Nair and 9 others

By Advocate Mr S. Sarma and Mr B. Mehta

.....Applicants

-versus-

Union of India and others

By Advocate Mr G. Sarma, Addl. C.G.S.C.

.....Respondents

9. Original Application No.197 of 1996

Shri P.C. George and 66 others

By Advocate Mr S. Sarma

.....Applicants

-versus-

Union of India and others

By Advocate Mr A.K. Choudhury, Addl. C.G.S.C.

.....Respondents

10. Original Application No.28 of 1996

Shri Hiralal Dey and 8 others

By Advocate Mr A.C. Sarma and Mr H. Talukdar

.....Applicants

-versus-

Union of India and others

By Advocate Mr A.K. Choudhury, Addl. C.G.S.C.

.....Respondents

B

Attended  
Jil  
Dante

11. Original Application No.190 of 1996

1. National Federation of Information and Broadcasting Employees, Doordarshan Kendra, Nagaland Unit, represented by Unit Secretary - A. Beso.

2. Mr A. Beso, working as Senior Engineering Asstt. (Group C), D.D.K., Kohima.

.....Applicants

By Advocate Mr H. Sarma and Mr B. Mehta

-VERSUS-

Union of India and others .....Respondents

By Advocate Mr A.K. Choudhury, Addl. C.G.S.C.

12. Original Application No.191 of 1996

Shri Kedolo Tep and 16 others .....Applicants

By Advocate Mr S. Sarma and Mr B. Mehta

-VERSUS-

Union of India and others .....Respondents

By Advocate Mr A.K. Choudhury, Addl. C.G.S.C.

13. Original Application No.55 of 1997

1. Shri Ranjan Kumar Deb, Secretary, All India R.M.S. & Mail Motor Service Employees Union and 32 others.

2. Shri Prasenjit Deb, S.A., Railway Mail Service, Dimapur Railway Station, Dimapur, Nagaland.

.....Applicants

By Advocate Mr N.N. Trikha

-versus-

Union of India and others .....Respondents

By Advocate Mr G. Sarma, Addl. C.G.S.C.

14. Original Application No.192 of 1996

1. National Federation of Information and Broadcasting Employees, All India Radio, Nagaland Unit, represented by Unit Secretary - Mr K. Tep.

2. Mr Kekolo Tep, Transmission Executive, All India Radio, Kohima, Nagaland.

.....Applicants

By Advocate Mr S. Sarma and Mr B. Mehta

-versus-

Union of India and others .....Respondents

By Advocate Mr A.K. Choudhury, Addl. C.G.S.C.

AB

Attended  
Shri  
Kite

32  
36  
15, Original Application No.26 of 1997

Shri Jagdamba Mall,  
General Secretary, Civil Audit & Accounts  
Association, and 308 other employees of  
the Office of the Accountant General,  
Kohima, Nagaland.

....Applicants

By Advocate Mr N.N. Trikha

-versus-

Union of India and others

....Respondents

By Advocate Mr G. Sarma, Addl. C.G.S.C.

.....  
ORDER

Date of decision: 10-6-1997

Judgment delivered in open court at Kohima (circuit  
sitting). All the applications are disposed of. No order as to  
costs.

Sd/-VICE CHAIRMAN

Sd/-MEMBER (A)

Handwritten signature and initials, possibly "J.S." and "D.S.", with a horizontal line and the word "Date" written below it.

33  
ORDER

BARUAJI, J. (V.C.)

All the above applications involve common questions of law and similar facts. Therefore, we propose to dispose of all the applications by this common order.

2. Facts for the purpose of disposal of the applications are:

The applicants are employees of the Government of India working in various departments including Defence Department. O.A.Nos.266/96, 268/96, 279/96, 18/97 and 14/97 are Defence Civilian employees under the Ministry of Defence, O.A.Nos.91/96, 87/96, 45/97, 197/96 and 28/96 are employees in the Subsidiary Intelligence Bureau Department under the Ministry of Home Affairs, in O.A.No.190/96 the members of the applicant Association are employees under Doordarshan, Ministry of Information and Broadcasting, and at present posted at Kohima, in O.A.No.191/96 the applicants are employees of the Department of Census, Ministry of Home Affairs, in O.A.No.55/97 the applicants are employees under Railway Mail Service under the Ministry of Communication, in O.A.No.192/96 the members of the applicant Union are employees of All India Radio, and in O.A.No.26/97 the applicant is an employee under the Comptroller and Auditor General.

3. All the applicants are now posted in various parts of the State of Nagaland. They are, except the applicant in O.A.No.55/97, are claiming House Rent Allowance (HRA for short) at the rate applicable to the employees of 'D' class cities of the country on the basis of the Office Memorandum No.11013/2/86-E.II(B) dated 23.9.1986 issued by the Joint Secretary to the Government of India, Ministry of Finance (Deptt. of Expenditure), New Delhi, on the ground that they have been posted in Nagaland.

Attal  
JS

34  
17-45-52

The President of India issued an order dated 8.1.1962 to the effect that the employees of P&T Department in the Naga Hills and Tuensang Area who were not provided with rent free quarters would draw HRA at the rate applicable to the employees of 'B' class cities of the country on the basis of O.M.No.2(22)-E.II(B)60 dated 2.8.1960. However, the authorities denied the same to the employees ignoring the circular of 1986. Situated thus, being aggrieved some of the employees approached this Tribunal and the Tribunal gave direction to the authorities to pay HRA to those applicants with effect from 18.5.1986. Being dissatisfied with the aforesaid order passed by this Tribunal in O.A.No.42(G) of 1989, S.K. Ghosh and others vs- Union of India and others the respondents filed SLP and in due course the Supreme Court dismissed the said SLP (Civil Appeal No.2705 of 1991) affirming the order of this Tribunal passed in O.A.No.42(G) of 1989 with some modification. We quote the concluding portion of the judgment of the Apex Court passed in the above appeal:

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

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

4. The said judgment relates to the employees of the Telecommunication and Postal Department. Later on, the civilian employees of the Defence Department as well as employees of the other departments of the Central Government who were not paid HRA, therefore, being aggrieved by the action of the respondents.....

Att. Gen.  
J.S. - R. to

respondents in refusing to give the benefit of the HRA in terms of the judgment of the Apex Court quoted above, some employees approached this Tribunal by filing several original applications. All the applications were disposed of by this Tribunal by a common order dated 22.8.1995. In the said order this Tribunal allowed the original applications and directed the respondents to pay HRA to those applicants. The Tribunal, in the aforesaid order, among others observed as follows:

"1.(a) House rent allowance at the rate applicable to the Central Government employees in 'B' (B1-B2) class cities/towns for the period from 1.10.1986 or actual date of posting in Nagaland if it is subsequent thereto, as the case may be applicable from and at the rate as may be applicable from time to time as from 1.3.1991 onwards and continue to pay the same."

Thereafter the civilian employees of Defence Department also claimed HRA on the basis of the said judgment of the Apex Court and circular dated 23.9.1986 by moving various applications, namely, O.A.No.124/95 and O.A.No.125/95. This Tribunal by yet another common order dated 24.8.1995 passed in O.A.Nos.124/95 and 125/95 allowed the applications directing the respondents to pay HRA to the Defence civilian employees posted in Nagaland in the same manner as ordered on 22.8.1995 above. These orders were, however, challenged by the respondents before the Apex Court and the said appeals alongwith some other appeals were disposed of by the Apex Court in C.A.No.1592 of 1997 dealing with Special (Duty) Allowance and other allowances. However, the Apex Court did not make any reference to HRA in the order dated 17.2.1997. Therefore, it is now settled that the employees posted in Nagaland are entitled to HRA.

5. In view of the above and in the line of the Apex Court judgment and this Tribunal's order dated 22.8.1995 passed in O.A.Nos.48/91 and others we hold that all the applicants in the above original applications are entitled to HRA at the rate applicable.....

Attended  
J.S. —————  
Admitted

applicable to the Central Government employees of 'B' class of cities and towns for the period from 1.10.1986 or from the actual date of posting in Nagaland if the posting is subsequent to the said date, as the case may be, upto 28.2.1991 and at the rate as may be applicable from time to time from 1.3.1991 onwards and continue to pay the same till the said notification is in force.

6. Accordingly we direct the respondents to pay the applicants HRA as above and this must be done as early as possible, at any rate within a period of three months from the date of receipt of the order.

7. In O.A.Nos.91/96, 87/96, 190/96, 191/96, 45/97, 192/96, 197/96 and 55/97, the applicants have also claimed 10% compensation in lieu of rent free accommodation. The learned counsel for the applicants submit that this Tribunal in O.A.No.48/91 and others have already granted such compensation. Mr S. Ali learned Sr. C.G.S.C. and Mr G. Sarma, learned Addl. C.G.S.C., do not dispute the same.

8. We have gone through the order dated 22.8.1995 passed in O.A.No.48/91 and others. In the said order this Tribunal, among others, passed the following order:

"2.(a) Licence fee at the rate of 10% of monthly pay (subject to where it was prescribed at a lesser rate depending upon the extent of basic pay) with effect from 1.7.1987 or actual date of posting in Nagaland if it is subsequent thereto, as the case may be, upto date and continue to pay the same until the concession is not withdrawn or modified by the Government of India or till rent free accommodation is not provided."

The aforesaid judgment covers the present cases also. Accordingly, we hold that the applicants are entitled to get the compensation in lieu of rent free accommodation in the manner indicated

in.....

Attest  
J.S. / ~~Adm~~



in the said order.

9. Accordingly we direct the respondents to pay to the applicants 10% compensation in lieu of rent free accommodation as above. This must be done as early as possible, at any rate, within a period of three months from the date of receipt of this order.

10. All the applications are accordingly disposed of. However, considering the entire facts and circumstances of the case we make no order as to costs.

Sd/-VICE CHAIRMAN

Sd/-MEMBER (A)

TRUE COPY

सिद्ध

11/2/77

Deputy Registrar (OP)  
Central Administrative Tribunal  
Gurgaon, Haryana

AKS  
Advocate

38  
38  
- 38 -

ANNEXURE-E  
12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.143 of 1999

Date of decision: This the 6th day of November 2000

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

Shri Krishna Sinha and 267 others.

.....Applicants

By Advocate Mr A. Ahmed.

- versus -

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

2. The Garrison Engineer,  
868 EWS,  
C/o 99 A.P.O.

3. The Controller of Defence Accounts,  
(C.D.A.), Ministry of Defence,  
Guwahati.

.....Respondents

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

.....

ORDER

CHOWDHURY.J. (V.C.)

The applicants are 268 in number. Their grievance is non-payment of license fee at the rate of 10% compensation in lieu of Rent free accommodation. Since the application pertains to common grievance, common cause of action and the nature of relief sought for is also same and similar, having regard to the facts of the case leave is granted under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1957 to agitate the matter in this single application.

2. All the applicants at the relevant time were serving under the Garrison Engineer at 868 EWS, C/o 99 APO in the rank of Electrician HS II, HS I, Fitter Pipe HS I, Ref. Mech. HS II, FGM (SK), Plumber, Mate, etc. It has been stated by Mr A. Ahmed, learned counsel for the applicants that the applicants have already been granted House Rent

A. Ahmed  
Advocate

39  
52 - 43

Allowance by the Tribunal in O.A.No.124/1995 and O.A.No.125/1995 disposed of on 24.8.1995. It has also been stated that the order of the Tribunal dated 24.8.1995 was assailed before the Apex Court and the Apex Court refused to interfere with the order of the Tribunal. A number of like decisions rendered by the Tribunal have also been cited before me. This case also is squarely covered by the decisions rendered by the Tribunal in the earlier cases and also O.A.No.143 of 1998 disposed of on 18.9.2000.

3. In the light of the decisions rendered by this Tribunal the application is allowed and the respondents are directed to pay dearness fee at the rate of 10% of monthly pay with effect from the actual date of posting in Nagaland whichever is later and continue to pay the same till the compensation is not withdrawn or modified by the Government of India or till Rent free accommodation is not provided.

4. No order as to costs.

CC/ VICECHAITANYA

TRUE COPY

10/11/2000

Section Officer (S)

Central Administrative Tribunal

Guwahati Bench, Guwahati-6  
Assam

nkml

A. H. H. H.  
Advocate

13/6/02

40

Filed by 44  
Pratap  
12/6/02  
(B. C. Pathak)  
Addl. Central Govt. Standing Counsel  
Central Administrative Tribunal  
Guwahati Bench : Guwahati

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH ::: GUWAHATI.

O.A. NO. 106/2002

Shri Gadadhar Bania & Ors.

- Vs- ..... Applicants.

Union of India & Ors.

..... Respondents.

( Written Statements filed by the respondents  
No. 1, 2 and 3 )

The written statements of the abovenoted  
respondents are as follows :

1. That a copy of the O.A. No. 106/2002 (referred to as the "Application") has been served on the respondents No. 1, 2 and 3. The respondents have gone through the same and understood the contents thereof. The interest of all the abovenoted respondents being similar, common written statements are filed for all of them.
2. That the statements made in the application, which are not specifically admitted, are hereby denied.
3. That before traversing the various paragraphs of the application, the respondents beg to give a brief resume to the facts of the case below :

There is Govt. policy issued for grant of HRA to Defence Civilian employees vide Govt. of India, Ministry of Finance circular No. 11013/2/86/E-II(B) dated 23.09.86 and 11015/4/86-E, II(B) dated 13 Nov 87. It is submitted that these are applicable to those employees to whom Rent free accommodation have not been provided by the department. But in the case of this application, the factual position is different, as out of 68 applicants, 17 are living single in the Rent free accommodation, and 33 are living with their families in Govt. married accommodation. And 18 are living under own arrangement and getting 5% HRA as per 5th Pay Commission.

The details are as follow :-

Applicant living single in Rent free accomodation

<u>Ser No.</u>	<u>MES No.</u>	<u>Name and designation</u>
1.	220353	Ishwar Bhagat, FGM (SK)
2.	220229	Chandragourd, Blacksmith
3.	238516	Padam Bahadur Chetri, V/Man(SS)
4.	238042	A P Kumar, Mate
5.	225161	Amar Singh, Chow
6.	238247	Soban Singh, V/Man
7.	243798	Atovisema, Mason
8.	238333	M Ekka, FGM
9.	243641	G Munu Swamy, Mate
10.	238437	K P C Nair, V/Man
11	220338	Haneefa, Fitter pipe

<u>Ser No.</u>	<u>MES NO.</u>	<u>Name and designation</u>
12.	244013	Pardeshi Prasad Gupta, Maz
13.	243744	Andrew LH, Elect HS-II
14.	264068	Narayan Sharma, Chowkidar
15.	220189	Jogi Pradhan, Chowkidar
16.	243483	V D Murthy, Peon
17.	243780	Hari Ram Chouhan, Maz

Applicants living with their families in Govt. married accommodation

<u>Ser No.</u>	<u>MES No.</u>	<u>Name and designation</u>
1.	243646	Gadadhar Bania, Elect HS-II
2.	238104	C M Mallick, Elect HS-II
3.	243617	<del>Som Bahadur, Mate</del> Bhakta Bahadur Lama, Mate
4.	238247	Som Bahadur, Mate
5.	237840	Sorulara Neog, Painter
6.	243599	Sabir Hussain, Mate
7.	220270	Shreeram Sharma, Carpenter
8.	243921	Moyanguehen, Maz
9.	243683	AL Mandal, Maz
10.	243522	Aga Rengma, Carpenter
11.	220344	P C Pradhan, Carpenter
12.	243882	K K Das, Maz
13.	243775	Ramavawal, Maz
14.	243588	Sri Lal Mohan Das, Carpenter
15.	220266	Vidiyanand Thakur, Mason.
16.	228252	Shiv Singh, V/Man
17.	238511	R D Das, Carpenter HS-II

18.	243598	Kailash Partra, Maz
19.	243924	Satrughan Thakur, Chowkidar
20.	243656	Sankar Das, S' Wala
21.	243545	L Doley, FGM
22.	243679	C Lotha, & FGM
23.	238326	Vishnu Provat, FGM
24.	237716	P I Holm Roy, Sr Elect HS-I
25.	24361	Prem Lal, Painter
26.	243672	Kh. Sunil Singh, FGM
27.	243889	M L Kaipubu, Elect (SK)
28.	238038	Chandradew Thakur, V/Man
29.	238497	N Ramchandam, V/Man
30.	220244	Bhubeneswarram, Mate
31.	243434	Gobin Singh, Mate
32.	220211	Sunil Deb, FGM
33.	220251	Usit Mahato, Painter.

Applicants living under own arrangements

<u>Ser No</u>	<u>MES NO</u>	<u>Name and designation</u>
1.	243801	W Megha Singh, Elect (SK)
2.	243681	I Mangi Singh, Elect (SK)
3.	238495	Kh Manglem Singh, FGM HS-II
4.	243671	KK Sharma, Elect HS-II
5.	243693	J S Winner, Maz
6.	243643	Till Bahadur Lama, Maz
7.	Ex-3891	M.D. Rahim, Mate
8.	237988	J N Thakur, Ref/Mech
9.	220304	Singh Bahadur Gurung, Maz.

10.	243603	Dadhiram Dahal, Maz
11.	238028	Motilal, V/Man
12.	243936	Ch. Kaingmong, Maz
13.	243622	S K Rana, Mate
14.	229336	B B Thotai, Pipe Fitter.
15.	243673	I Kulamani Singh, Maz
16.	242027	M Nilachandra Singh, Maz
17.	244033	Ramananda Sharma, Maz
18.	243922	H Kan Singh

Since the applicants have been provided Rent Free accommodation as per Govt. policy and some of these are living in Govt. married accommodation. They are not entitled to the grant of HRA at the rate of B. B1/B2 cities/ town compensation at the rate of 10% of pay.

The applicants have raised demand of legitimate dues merely on the basis of Hon'ble Tribunal judgement orders passed in O.A. 48/91, O.A. 226/96 and O.A. 143/99 which are applicable in case of non-availability of Rent Free accommodation. It is once again submitted before the Hon'ble Tribunal that Rent Free Accommodation is available in this unit and have been provided to the employees/applicants prior to issue of Govt policy on HRA in terms of Appendix 'A' of Govt. of India, Min. of Defence letter No. A/O2584/AG/PS(a)/97-S/D (Pay/Services) dated 25 Jan 64.

Photo copies of following policy letters/circulars are enclosed :-

(a) Govt. of India, Min of Finance letter No.11013/2/86/E-II(B) dated 23 Sep 86. ( Annexure 'A' ).



- (b) Govt. of India, Min of Finance letter No. 11015/4/86-E, II(B) dated 13 Nov 87. (Annexure 'B')
- (c) Govt of India, Min of Defence letter No. A/02584/AGE/PS3(a)/97-S/D(Pay/Services) dated 25 Jan 64. (Annexure 'C')

4. That with regard to the statements made in para 1 of the application, the answering respondents state that as stated hereinabove, the applicants have mis-conceived and mis-interpreted the provisions of entitlement of the compensation and filed the instant application without any basis. Hence the application is liable to be dismissed with cost.

5. That with regard to the statements made in para 2 of the application, the respondents have no comment to offer.

6. That with regard to the statements made in para 3, the respondents state that the applicant did not avail any alternative remedy available to them and have directly come before this Hon'ble Tribunal. Hence, the application is hopelessly barred by limitation as required under section 20 and 21 of the CAT ACT, 1985 and as such, the same is liable to be dismissed with cost.

7. That with regard to the statements made in para 4.1, the respondents state that the applicants being defence civilians, do not require to risk their lives like Armed Personnels. Moreover, the nature of jobs are not like those of Armed personnels although they are all protected with the help of Army. But this nature of job has nothing to do with the entitlement of compensation as claimed by the

applicants.

8. That the answering respondents have no comments to the statements made in para 4.2.

9. That with regard to the statements made in para 4.3, the answering respondents state that the applicants' so called grievance, cause of action are not similar as they are provided with different types of accommodation as indicated hereinabove in the detailed list of applicants. Hence, the applicants can not join by a single application as required under the provisions of Rule 4(5) (a) of the CAT, (Procedures) Rules, 1987 and as such, the application is not maintainable and liable to be dismissed.

10. That with regard to the statements made in para 4.4 and 4.5, the respondents state that as stated hereinabove, such provisions do not apply to the applicants who have been provided rent free accommodations.

11. That with regard to the statements made in para 4.6 the respondents state that the applicants are provided rent free accommodations and as per Govt policy/provisions, they are not entitled to any such compensations as claimed. The situation in Nagaland and Manipur has nothing to do with the claims of the respondents. The respondents are guided by the rules and instructions and not otherwise.

12. That with regard to the statements made in para 4.7, 4.8 and 4.9 of the application, the answering respondents state that under the facts and circumstances of the case and

the existing rules regulating the entitlement of HRA, licence fees, compensation in lieu of rent free accommodation, the applicants are not entitled to any such reliefs as prayed for. The decisions of the cases as cited by the applicants does not apply in this case. The facts, circumstances of those cases as referred to are quite different then issues raised in this case.

The respondents crave the leave of this Hon'ble Court to allow them to refer to and rely upon such rules instructions and to interpret the various decisions of this Hon'ble Tribunal and the Apex Court at the Time of hearing of the case.

13. That with regard to the statements made in para 4.10, the respondents state that this allegation are false and baseless and are denied in absence of proof.

14. That with regard to the statements made in para 4.11, the respondents state that the applicant have not submitted any such representation to the respondents as claimed in the petition. This is false and the claim is denied in absence of proof. It is re-asserted and re-iterated that the applicants are not entitled to any such compensation as sought for.

15. That with regard to the statements made in para 4.12 and 4.13, the respondents re-assert, and re-iterate the foregoing statements made in this written statements. The applicants are not similarly situated with any such employees to whom such compensations are paid.

16. That with regard to the statements made in para 4.14, the respondents state that the applicants have filed this application acting malafide and procure wrongful gain. Hence the application is liable to be dismissed with cost.

17. That with regard to the statements made in para 5.1 to 5.7, the respondents state that the grounds shown in support of their claims by the applicants, can not sustain in law, particularly under the facts and circumstances of the case and the provisions of rules and instructions. There is nothing to shown on records that there has been any discriminatory treatment meted out to the applicants hence no provisions of Article 14 and 16 of the Constitution of India is violated.

18. That the answering respondents have no comments to the statements made in para 6 and 7 of the application.


19. That with regard to the relief sought for by the applicants in para 8(a)(b)(c) and (d) including the interim prayer, the respondents state that under the facts and circumstances of the case, provisions of law, rules etc. and the explanation given in this written statements, the applicants are not entitled to any relief whatsoever as prayed for and hence the application is liable to be dismissed with cost as devoid of any merit.

In the premises, aforesaid it is therefore prayed that Your Lordships would be pleased to hear the parties, peruse the records and after hearing the parties and perusing the records, shall further be pleased to dismiss the application with cost.

V E R I F I C A T I O N

I, Sri VS KRISHNA, MAJOR , presently working as the *Officiating Garrison Engineer 869 EWS 4099 APO* being duly authorised and competent to sign this verification do hereby solemnly affirm and state that the statements made in para *12, 17 and 18* are true to my knowledge and belief, those made in para ~~1 to 19~~ *3* being matter of records, are true to my information derived therefrom and the rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this *10*th day of May, 2002 at Guwahati.

  
Deponent.  
Major  
*off* Garrison Engineer

-11-  
No. 11013/2/86-E.II(B)  
GOVERNMENT OF INDIA  
Ministry of Finance  
~~Department~~ of Expenditure )

Annex - A

50 54

New Delhi, the 23rd September, 1986

OFFICE MEMORANDUM

Subject: Recommendations of the Fourth Pay Commission  
- Decisions of Government relating to grant  
of Compensatory (City) and House Rent  
Allowances to Central Govt. Employees.

The undersigned is directed to say that consequent upon the decisions taken by the Government on the recommendations of the Fourth Pay Commission relating to the above mentioned allowances vide this Ministry's Resolution No. 14(1)/IC/86 dated 13th September, 1986, the President is pleased to decide that in modification of this Ministry's O.M. No. F.2(17)-E.II(B)/64 dated 27.11.1965 as amended from time to time, Compensatory (City) and House Rent Allowances to Central Government.

Employees shall be admissible at the following rates:

(1). COMPENSATORY (CITY) ALLOWANCE

Pay Range (Basic pay)	Amount of <del>allowance</del> of cities (Rs. Ann.)		
	A	B-1	B-2
Below Rs. 950/-	30	25	20
Rs. 950 and above but below Rs. 1500/-	45	35	20
Rs. 1500 and above but below Rs. 2000/-	75	50	20
Rs. 2000/- and above	100	75	20

Note:- For 14 special localities, where ODA at the rate applicable to B-2 class city are being paid, fresh orders will be issued separately.

-13-

52/50

(33) HOUSE RENT ALLOWANCE

Type of accommodation to which entitled	Pay range in provided scales of pay for entitlement	Amount of HRA payable in (Rupees)		
		A+B-1, A-2 (Classified places)	B-2 (Classified places)	Un-classified places
A	750-949	150	70	30
B	950-1499	250	120	50
C	1500-2799	450	220	100
D	2800-3599	600	300	150

2. H.R.A. at above rates shall be paid to all employees (other than those provided with Government owned/hired accommodation) without requiring them to produce rent receipts. These employees shall, however, be required to furnish a certificate to the effect that they are incurring some expenditure on rent/contributing towards rent. H.R.A. at above rates shall also be paid to Govt. employees living in their own houses subject to their furnishing certificate that they are paying/contributing towards house or property tax or maintenance of the house.

4430904



3. Where 100% of the amount of pay has been allowed their special orders, the same shall be given as admissible in 1.1.1986 and shall be given as admissible in 1.1.1986. In other cases there shall be no upper pay limit for payment of IRA.

4. The other conditions of present orders shall be for grant of IRA in cases of sharing of accommodation and other conditions shall continue to be applicable.

5. ~~Pay~~ Pay for the purpose of these orders, will be 'Pay' as defined in F.R. 9 (21) (a) (i). In the case of persons who continue to draw pay in the scales of pay which prevailed prior to 1.1.1986 it will include, in addition to pay in the pre-revised scales, dearness pay, dearness allowance, additional dearness allowance, ad-hoc pay, and Interim relief appropriate to their pay, admissible under orders in existence on 31.12.1985.

6. These orders shall be effective from 1.10.1986. For the period from 1.1.1986 to 30.9.1986, the above allowances will be drawn at the existing rates on the notional pay in the pre-revised scale.

7. These orders will apply to civilian employees of the central Govt. belonging to Group 'B', 'C' and 'D' only. The orders will also apply to the Group 'B', 'C' & 'D' civilian employees paid from the Defence Services Estimates. In regard to Armed Forces personnel and Railway employees, separate orders will be issued by the Ministry of Defence and Department of Railways respectively.

8. In so far as the persons serving in the Indian ~~Revenue~~ Accounts Deptt. are concerned this order issues after consultation with the ~~Comptroller~~ and Auditor ~~General~~ of India.

9. Hindi version of the order is attached.

B1/-  
(B.P. Verma)  
Joint Secretary to the Government of India.

165

55

Annex-B

ANNEXURE -0-

GOVERNMENT OF INDIA  
MINISTRY OF FINANCE

OFFICE MEMORANDUM

NO.11015/4/86-E.II(B)

Dated 13th November 1987

Grant of Compensation in lieu of rent-free accommodation.

The undersigned is directed to refer to para I of this Ministry's Office Memorandum of even number dated 19.02.1987 regarding Central Government employees belonging to Groups 'B', 'C' and 'D' and also para 1 of O.M. of even number, dated 22.5.1987, regarding Central Government employees belonging to Group 'A' on the subject noted above and to say that consequent upon fixation of flat rate of licence fee for residential accommodation under Central Government all over the country vide Ministry of Urban Development (Directorate of Estate)'s O.M. No.12035/(1)/85-Pol.II(Vol.III)(1) Dated 7.8.1987, the President is pleased to decide that Central Government employees belonging to Groups 'A', 'B', 'C' and 'D' working in various cities and unclassified places will be entitled to compensation in lieu of Rent free accommodation as under:

TO

As. Don

2.11.87

2.11.2800

contd...p/-

(i) Amount charged as licence fee for Government Accommodation as fixed in terms of Ministry of Urban Development (Directorate of Estate)'s above mentioned O.M. dated 7.8.1987; and

(ii) House Rent Allowance admissible to corresponding employees in that classified city/unclassified place in terms of para 1 of the Ministry's O.M. No. 11013/2/86-E.11(B) dated 23.9.1986, for Central Government employees belonging to Group 'A'.

2. Other terms and conditions for admissibility of compensation in lieu of accommodation indicated in this Ministry's Office Memorandum, dated 19.2.1987 and 22.5.1987, remains the same.

3. These orders shall take effect from 1.7.1987.

RECEIVED  
B. D. S.  
ADVOCATE

contd...p/-

-18-  
SECRET

Annex-C

IMMEDIATE

No. A/02584/AG/PS3(a)/97-S/D(Pay/Services)  
Government of India,  
Ministry of Defence,  
New Delhi, the 25th January 1964.  
5 Magha 1885(Saka).  
Annexure R/

To

The Chief of the Army Staff.

Subject:- FIELD SERVICE CONCESSIONS TO ARMY PERSONNEL  
AND DEFENCE CIVILIANS IN OPERATIONAL AREAS

Sir,

I am directed to convey the sanction of the President to the grant w.e.f. 1.2.64 of the field service concessions as given in the following paragraphs to Army personnel (including Army Postal Service personnel) and Defence Civilians in the defined areas.

2. The concessions detailed in Annexure 'A' to this letter will be admissible to Army personnel of detachments, units and formations located in the areas defined in Annexure 'B' to this letter. These concessions will not be admissible to static formations/units e.g. Military Farms, MBS, Recruiting Offices, Training Centres and Establishments, NCC Directorates and units, TA units unless embodied, Recruiting Offices and Record Offices and Lok Sahayak Sena Units. The personnel of the Defence Security Corps employed with units whose personnel are eligible for the grant of these concessions will also be allowed these concessions.

3. Personnel of Formations/Units, which will not be given field service concessions, being static or outside the concessional areas, will be governed by normal conditions applicable in peace stations for all purposes, e.g., provision of family accommodation, medical facilities for families and grant of TA and DA.

4. Officers, JCOs and ORs who have been allowed to retain family accommodation in the last duty station and who on issue of these orders will not be entitled to retain such accommodation, may continue to retain the accommodation until such time as married accommodation in the Officer's duty station is made available or the family may be allowed to go to a selected place of residence at Government expense, if they so choose, in accordance with para 2 and 7 of annexure 'A', as applicable.

5. Defence Civilians, including civilians employed in lieu of combatants and NCOs (both posted and locally recruited) serving in the areas defined in Annexure 'B' with units and formations whose combatant personnel have been allowed field service concessions under para 2 above will be entitled to the concessions detailed in Annexure 'C' to this letter.

P.T.C

6. Individuals/detachments from static/field units not covered by the above which are attached for operational purposes to units or formations drawing the concessions will be entitled to the concessions enumerated at Serial Nos 1, 3, 8, 9, 11 and 12 of Annexure 'A', if the attachment is less than two weeks. If the attachment is for two weeks or more, the concessions enumerated in Serial Nos 4, 5, 6, 7 and 10 of the Annexure will also be admissible in addition. No cash TA/DA will be admissible in either case.

7. These orders supersede the provisions contained in this Ministry's letters referred to below:-

(a) No. P.69/1/59/260-SA/D(Pay/Services) dated the 6th July 1960 as modified by No.92682/AG/PS3(a)/268-S/D(Pay/Services) dated the 7th June 1962.

(b) No.96459/AG/PS3(a)/53-SA/D(Pay/Services) dated the 30th January 1962 as extended by No.96459/AG/PS3(a)/323-S/D(Pay/Services) dated the 25th March 1963 except the provision relating to Separation Allowance.

(c) No.92587/AG/PS3(a)/924-S/D(Pay/Services) dated the 10th November 1962 as extended/amended by No.92587/AG/PS3(a)/386-S/D(Pay/Services) dated the 5th April 1963 and Corrigendum No.92587/AG/PS3(a)/1286-S/D(Pay/Services) dated the 19th October 1963.

(d) No.92711/Org 4(Civ) (d)/14-S/D(Civ-11) dated the 11th January 1963 as amended from time to time.

9. These orders will be in force for a period of two years after which they will be reviewed.

10. This issues with the concurrence of the Ministry of Finance(Defence) vide their u.o.No.92-S/PD of 1964.

Yours faithfully,

Sd/-  
(V. Doraiswamy)

Under Secretary to the Government of India

Copy forwarded to:-

xxxxxxxxxx



(1)

(2)

3. Exemption from recovery of hospital stoppages on account of wounds or injuries received or illness contracted (except through one's own fault) while serving in the specified area.

4. Free remittance of family allotments to families residing at stations where banking facilities do not exist.

5. Special compensatory allowance at the following rates:-

JCOs, NCOs  
(ORs and  
NCs(E))

JCOs  
NCOs  
ORs  
NCs(E)

Rs 15/- p.m.  
Rs 10/- p.m.  
Rs 8/- p.m.  
Rs 6/- p.m.

Note:- 1 The allowance will continue to be admissible to the extent indicated, in any one of the circumstances specified below:-

(a) During casual leave

Upto a maximum of 21 days

(b) During leave including sick leave and during treatment in hospital

If the period of absence does not exceed 28 days, and provided the individual returns to his unit/formations in the specified area immediately on termination of his leave/treatment.

The allowance will not, however, be admissible during -

(i) treatment in hospital if the disability is due to the individual's own fault or when a stoppage of two annas per diem is made for the period in hospital on account of sickness certified by the Medical Officer attending on the patient to have been caused by his own misconduct or imprudence; and

(ii) circumstances laid down in Rule 51, Pay & allowances Regulations(OR), 1955 Edition.



(1)

(2)

(3)

(c) During temporary duty with a unit/formation outside the Task Force

If the period of temporary duty does not exceed 21 days and provided the individual returns to the specified area immediately on termination of the temporary duty, but when temporary duty is followed by leave and vice-versa the allowance will be admissible only if the total period of absence from the Task Force does not exceed 28 days and also the period of any one them does not exceed 21 days.

Note:- 2 Warrant officers of the Army Postal Service will be equated to JCOs.

6. (a) Free remittance of two family allotments,

JCOs, NCCs, ORs and NCCs(E)

(b) Casual remittance once a quarter on special occasions such as marriages, deaths etc.

7. (a) Retention of family accommodation, subject to restrictions as laid down in AI 19/51 for JCOs/ORs or alternatively free conveyance of their families to their homes or selected places of residence and similar return free conveyance to join the head of the family at the new post.

(b) GOs C-in-C Commands are authorised to sanction free conveyance on warrant to the selected place of residence in INDIA, of the combined family scale of baggage (ie, the scale admissible to the individual and the family) less the quantity taken by the individual, in respect of those families of JCOs/OR/NCCs(E) in whose case the restriction on free conveyance to family scale of baggage would, in the opinion of those authorities, cause exceptional hardship. GOs C-in-C Command may delegate this power to Corps, Division, Area, Sub Area and Brigade Commanders. In case

(1)

(2)

(3)

of personnel serving at Army HQ, head of the Branch concerned will accord the necessary sanction. Similar conveyance to the new duty station can be sanctioned by the above authorities when the families rejoin the heads of families on their reposting.

8. (a) Scales of rations as per AI 11/S/58 to officers and AI 4/S/58 to JCOs/OR (without 5/2/2 per cent emergency cut in rations).

\* Since amended  
AI 7/5/

- (b) Extra rations as indicated in Appendix 'A' to Ministry of Defence, letter No A/03027/ST6 D/202-S/D(QS) dated 7th November, 1960 as amended, and in this Ministry's letter No A/21714/Q/ST6D/1550-S/D(QS) dated the 15th September 1962.

9. Two postage-free forces letters forms per individual per week.

All ran

10. Remittance within Indian limits of money orders and Indian Postal Order free of commission upto a maximum of Rs 20/- per month.

"

11. Special family allowance to the families of those who are reported missing or who die. The detailed rules will be as laid down in AI 111 of 1959.

ALT → 25

"AI 35

12. (a) Gratuities to widows of permanent Regular Commissioned officers governed by AI 2/S/53, at the rates and under the conditions laid down therein. These rates and conditions also govern the cases of non-Regular Officers catered for in AI 1/S/55.

Officers

- (b) Gratuities to heirs of JCOs/OR/NCs(E), at the rates and conditions laid down in AI 1/S/53.

JCOs/OR  
NCs(E)

13. Extra pair of trousers drill O.G. and one Shirt Bush Cellular O.G.

"

Note: Conveyance for baggage as provided for in paras 2(b) and 7(b) above may be allowed to a place other than the selected place of residence of the family provided no extra expense to the State is involved thereby. This will not, however, give the family any title to conveyance for baggage from that place to the new duty station of the individual on his reposting to a family station. For such

24

63 8

11 - 5 - 17

(1)

(2)

(3)

return conveyance of baggage the Government's liability will be restricted to what would have been admissible on warrant had the baggage been conveyed from the selected place of residence of the family to the new duty station of the individual.

ANNEXURE 'B'  
to the Govt of India, Ministry of Defence  
letter No A/02584/AG/PS3(a)/97-S/D(Pe-  
Services) dated the 25th January 1964.

1. EASTERN THEATRE

(a) ASSAM

- (i) Area North of line running along river BRAHMAPUTRA - North East boundary of SIBSAGAR District joining TIRAP Frontier Division.
- (ii) Army units etc employed for the defence of the Air Fields and directly supporting the operational units of the Air Force at GAUHATI and JORHAT, eg HQ and unit of RASG. Signals, ASC, DSC and Arty.
- (iii) MIZO District.
- (iv) Disturbed areas of SIBSAGAR and North CACHAR Districts South of the line connecting PATHAR-NAOJAN-DIPHU-LUMDING.

(b) NEFA and States of NAGALAND and MANIPUR.

(c) Districts of DARJEELING, JALPAIGURI (including SILIGURI) and COOCH-BEHAR of West BENGAL.

2. UTTAR PRADESH

North of the line LOHAGHAT - BUNGIDHAR - LABHA-  
RUDRAPRAYAG - Trig Point 8895 - DHARASU -  
UTTARAKASHI.

3. PUNJAB/HIMACHAL PRADESH

North of the line connecting the following:-  
BARALACH-PASS - JISPA - KEYLONG-- MANALI -  
Junction of the River SUTLEJ and the Nullah  
SE 8804 - extending upto the boundary line with  
Central Command near MUKHOT running along inter-  
Command boundary upto the border.

1025/2d

26  
41.  
21  
19  
ANNEXURE 'C'  
to Government of INDIA, Ministry of  
Defence letter No A/02584/AG/PS3(a)/  
97-S/D(Pay/Services), dated the  
25th January 1964.

CONCESSIONS ADMISSIBLE TO CIVILIANS PAID FROM DEFENCE SERVICES  
EXTIMATES INCLUDING CIVILIANS EMPLOYED/LIEU OF COMBATANTS /IN  
AND NCA(E) (BOTH POSTED AND LOCALLY RECRUITED)

- (a) Free rations on scale applicable to combatants of the Army or Air Force, as the case may be, and fuel.
- (b) Free tented/basha accommodation and connected service to the extent feasible.
- (c) Free clothing on minimum essential scale of Army personnel if the Corps Commander/AOCinC Air Force Command considers the issue of such clothing essential for operational reasons.
- (d) Free remittance of family allotments.
- (e) Free medical treatment and hospital treatment.
- (f) Wound/injury or family pension or gratuity under Chapter XXXVIII CSR or AI 157/57/AFI 20/58, as the case may be, or compensation under the Workmen's Compensation Act where applicable.
- (g) 2 postage free Forces letters per individual per week.
- (h) Remittance within Indian limits of money orders and Indian Postal Orders free of commission upto the maximum value of Rs 30/- per month per individual.
- (i) Retention of family accommodation allotted by Government at the old duty station on payment of normal rent. If the accommodation retained is required to be allotted to another entitled personnel for exigencies of service, the families may be shifted to alternative accommodation which is appropriate or inferior to the status of the individual concerned.

attested  
28/2/79  
I RAJKONWAR

A  
A KHONG

....2/-

70

66

27

12

22

20

2 -

Note 1:-- Dearness allowance will continue to be admissible in full.

Note 2:-- The concession in (i) above is applicable only in respect of accommodation held by the Ministry of Defence. Separate orders will follow in respect of accommodation belonging to the Ministry of WH&R.

stated

24/7/99