

50/100

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

MP-4/2006 order sheet 1 -
rep is closed. Date-24/02/06
MP-4/06 petition - 1 to 10

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O.A./T.A No. 126/2006

R.A/C.P No.

E.P/M.A No. 140/05

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SECTION OFFICER (Judl.)

FORM No. 4
(SEE RULE 12)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

126/2004

Org. App. / Misc Petn / Cont. Petn / Rev. Appl.

In O.A.

Name of the Applicant(s) Shri. P. Prash Hazarika & Ors.

Name of the Respondent(s) U.O.I. & Ors.

Advocate for the Applicant Mr. A. Ahmed

Counsel for the Railway/CGSC Chd. A.K. Chaudhury

OFFICE NOTE	DATE	ORDER OF THE TRIBUNAL
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26.5.2004

Heard Mr. A. Ahmed, learned counsel for the applicant and also Mr. A.K. Chaudhuri, learned Addl. C.G.S.C. for the respondents.

The application is admitted, call for the records. Issue notice to the parties, returnable within four weeks.

List on 29.6.2004 for orders.

K.V. Prahlada
Member (A)

Steps was taken
filed.

mb

25.11.04

On the prayer of Mr A.K. Choudhury, learned Addl. C.G.S.C six weeks time is granted to file written statement.

List on 17.1.05 for order.

K.V. Prahlada
Member

Notice & order
sent to D/Section
for issuing to
respondent nos
1 to 6, by regd.
with A/D post.

pg

28.02.2005

Present : The Hon'ble Mr. K.V. Prahlada, Member (A).

Four weeks time is given to the respondents to file written statement. List on 1.4.2005 for orders.

K.V. Prahlada
Member (A)

28/5/04.

Memo No: 945 to 950
Dt. 28/5/04.

28/5/04.

✓ Notice duty

Serve on resp. Nos.

01.04.2005

Mr. A. K. Chaudhuri,

learned Addl. C.G.S.C. for the respondents seeks time for filing written statement. Post on 4.5.2005. Written statement, if any, in the meantime.

[Signature]
Vice-Chairman

mb

4.5.05

Mr A. Ahmed, learned counsel for the applicant is present. Mr A.K. Chaudhuri, learned Addl. C.G.S.C. seeks some more time for filing written statement.

List on 25.5.05 for order.

[Signature]
Vice-Chairman

pg

25.5.2005

List the case for hearing on 24.6.2005. Rejoinder, if any, shall be filed in the meantime.

[Signature]
Member

bb

24.6.2005 Present: Hon'ble Justice Shri G. Sivarajan, Vice-Chairman

Heard Mr A. Ahmed, learned counsel for the applicants and Mr A.K. Chaudhuri, learned Addl. C.G.S.C. for the respondents. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is disposed of.

[Signature]
Vice-Chairman

nkm

14/8/04

24-11-04

S/P - aarathi

30.5.05
110-615 to 622 B.Ted

17.5.05

W/s submitted on behalf of the Respondent Nos. 1 to 6.

[Signature]

20.6.05

Rejoinder filed by the Applicant.

[Signature]

The case is ready for hearing.

23.6.05

[Signature]
13/7/05

15.7.05

Copy of the judgment has been sent to the office for filing the same to the applicant.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./P.A. No. 126 of 2004

DATE OF DECISION : 24.06.2005.

Shri Poresh Hazarika & 18 others

APPLICANT(S)

Mr. A. Ahmed

ADVOCATE FOR THE
APPLICANT(S)

- VERSUS -

Union of India & Ors.

RESPONDENT(S)

Mr. A.K. Chaudhuri, Addl. C.G.S.C.

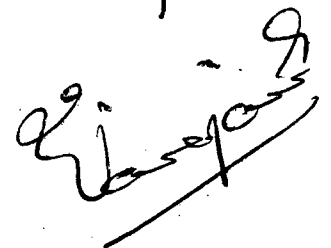
ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE MR. JUSTICE G. SIVARAJAN, VICE CHAIRMAN.

THE HON'BLE MR.

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 Vice-Chairman.



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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 126 of 2004

Date of Order: This the 24th day of June 2005.

The Hon'ble Justice Shri G. Sivarajan, Vice-Chairman

1. Shri Poresh Hazarika
MES No.243992
Mazdoor.
2. Shri T.N. Hazarika
MES No.228302
Elect H/S-II.
3. Shri Sudhir Chandra Das
MES No.243702
Elect (sk).
4. Shri Krishna Boro
MES No.244034
Mazdoor.
5. Shri Libongpong Sangtam
MES No. 244035
Mazdoor.
6. Shri Nikhilesh Dey
MES No. 244037
Mazdoor.
7. Sri Ozemchuba
MES No. 244040
Mazdoor.
8. Sri Thsatongcham
MES No. 244041
Mazdoor.
9. Smt. Tai Amrut Gharde
MES No. 244008
Mazdoor.
10. Smt Manju Rani Dhar
MES No. 243968
Mazdoor.
11. Shri Bendang Sangba
MES No. 244033
Mazdoor.

12. Shri R.N. Borah
MES No. 243048.
Mazdoor.
13. Shri Lanu Tensu
MES No. 243950
Mazdoor.
14. Shri Ratul Kr Mech
MES No. 244031
Mazdoor.
15. Shri Santosh P. Patil
MES No. 244038
Mazdoor.
16. Shri Vikuto Kappo
MES No. 264773
Mazdoor.
17. Shri Nihar Ranjan Dasgupta
MES No. 234966
Supdt. E/M 1
18. Shri Partha Pratim Deb
MES No. 263335
SA 2.
19. Shri Sankar Prasad Dey
MES No. 228270
Supdt. B/R 1.

... Applicants.

The applicant Nos. 1 to 16 are working under the office of the Garrison Engineer 868 EWS C/o 99 APO and applicant No. 17 has served under Garrison Engineer 869 EWS C/o 99 APO and 137 HQ Works Engineer C/o 99 APO. The applicant Nos. 18 and 19 served under the Garrison Engineer 869 EWS C/o 99 APO.

By Advocate Mr. A. Ahmed.

- Versus -

1. The Union of India represented by the
Secretary to the Government of India,
Ministry of Defence, South Block,
New Delhi - 1.
2. The Head Quarter,
137 Works Engineer,
C/o 99 APO.
3. The Controller of DefenceAccounts,
Udayan Vihar,
Narengi, Guwahati - 781 171.

4. The Area Accounts Officer,
Office of the Joint Controller of Defence Accounts,
Ministry of Defence,
Vivar Road, Shillong,
P.O.- Shillong, Meghalaya.
 5. The Garrison Engineer,
868, Engineering Workshop,
C/o - 99 APO.
 6. The Garrison Engineer,
869, Engineering Workshop,
C/o - 99 APO.
- ... Respondents.

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

ORDER (ORAL)

SIVARAJAN. J. (V.C.)

The applicants, 19 in numbers have filed this O.A. seeking for direction to the respondents to pay the HRA to the applicants as per O.M. No. 11013/2/86-E.II (B) dated 23.09.1986 issued by the Joint Secretary, Government of India, Ministry of Finance, Department of Expenditure, New Delhi and also as per similar Judgment and Order passed in O.A. No. 226 of 1996 by this Tribunal and also Judgment and Order passed by the Hon'ble Gauhati High Court in Civil Rule No.5613 of 1998 for payment of House Rent Allowance (HRA for short) to the similarly situated persons.

2. I have heard Mr A. Ahmed, learned counsel for the applicants and Mr A.K. Chaudhuri, learned Addl. C.G.S.C. appearing for the respondents. A Division Bench of this Tribunal had occasion to consider a similar situation recently in O.A.No.123 of 2004 and by Judgment and Order dated 8.6.2005 observed thus:

"We have considered the rival submissions. The very question was considered by this Tribunal with reference to the aforesaid contention raised by the respondents in O.A.Nos 217/1995 and 218/1995 wherein it was held that the applicants are entitled to payment of HRA. This decision has been impliedly upheld in B. Prasad & Others'

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case (supra). Further the Hon'ble High Court had considered a similar situation with reference to the decision of the Supreme Court and took the view that the Tribunal was justified in directing payment of HRA in the said case. In the circumstances, we are of the view that the respondents were not justified in discontinuing the payment of HRA to the applicants in the instant case. Accordingly we direct the respondents to pay HRA to the applicants as directed by this Tribunal in O.A.Nos.217/1995 and 218/1995 and affirmed by the Supreme Court in B. Prasad & Others' case (supra)."

3. In the instant case though the applicants in para 4.5 states that they are entitled to HRA under various Government orders and the various decisions of the Court, there are no relevant factual details of each and every applicant in this case so as to decide the matter on merits. In the circumstances, this O.A. can be disposed of by directing the respondent Nos.5 and 6 to consider the matter and to take a decision. The applicants are directed to file individual representations with facts and figures showing their entitlement before the respondent Nos.5 and 6, as the case may be, within a period of one month from today. If the applicants file such representations the respondent Nos.5 and 6, as the case may be, will consider the same in the light of the various judgments including the order dated 8.6.2005 in O.A.No.123 of 2004 and pass appropriate orders in accordance with law within a period of three months thereafter.

4. The O.A. is disposed of as above. The applicants will produce this order alongwith their representations, as directed, before the respondent Nos.5 and 6.


(G. SIVARAJAN)
VICE-CHAIRMAN

Centre
11/11/2004

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI**

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

ORIGINAL APPLICATION NO. 126 OF 2004.

BETWEEN

Shri Poresh Hazarika & Others

... Applicants

-Versus-

The Union of India & Others

... Respondents

LIST OF DATES AND SYNOPSIS

Annexure-A is the photocopy of Office Memorandum No. 11013/2/86-E. II (B); New Delhi dated 23rd September 1986.

Annexure-B is the photocopy of Judgment and Order dated 10th June 1997 passed in Original Application No.266 of 1996 and series of other cases.

Annexure-C is the photocopy of judgment and order dated 18-09-2002 passed by the Hon'ble Gauhati High Court in Civil Rule No.5613 of 1998.

The Original Application is made for non payment of House Rent Allowance to the applicants as per Office Memo No. 11013/2/86-EII (B) Government of India, Ministry of Finance (Department of Expenditure), New Delhi dated 23rd September 1986 and also for non-implementation of similar judgment & order passed in O.A.No.226 of 1996 passed by this Hon'ble Tribunal and also as per judgment and order passed by the Hon'ble Gauhati High Court in Civil Rule No.5613 of 1998 regarding the payment of House Rent Allowance to the similarly situated persons.

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI
(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL
ADMINISTRATIVE TRIBUNAL ACT 1985)
ORIGINAL APPLICATION NO. 126 OF 2004.**

Filed by
Shri Poresh Hazarika
Applicant No. 1
10
through
(Adv. AHMED)
Advocate

BETWEEN

1. Shri Poresh Hazarika
MES No.243992
Mazdoor
2. Shri T.N.Hazarika
MES No.228302
Elect H/S-II
3. Shri Sudhir Chandra Das
MES No.243702
Elect(sk)
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MES No.244035
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MES No.244037
Mazdoor
7. Shri Ozemchuba
MES No.244040
Mazdoor
8. Shri Thsatongcham
MES No.244041
Mazdoor
9. Smt Tai Amrut Gharde
MES No.244008
Mazdoor
10. Smt Manju Rani Dhar
MES No.243968
Mazdoor
11. Shri Bendang Sangba
MES No.244033
Mazdoor
12. Shri R.N.Borah

[Signature]

MES No.243048

Mazdoor

13. Shri Lanu Tensu

MES No.243950

Mazdoor

14. Shri Ratul Kr Mech

MES No.244031

Mazdoor

15. Shri Santosh P. Patil

MES No.244038

Mazdoor

16. Shri Vikuto Kappo

MES No.264773

Mazdoor

17. Shri Nihar Ranjan Dasgupta

MES No.234966

Supdt. E/M 1

18. Shri Partha Pratim Deb

MES No.263335

SA 2

19. Shri Sankar Prasad Dey

MES No.228270

Supdt. B/R 1

... Applicants

The applicant No.1 to 16 are working under the office of the Garrison Engineer 868 EWS C/o 99APO and applicant No.17 has served under Garrison Engineer 869 EWS C/o 99APO and 137 HQ Works Engineer C/o 99APO. The applicant No.18 and 19 served under Garrison Engineer 869 EWS C/o 99 APO.

-AND-

1. The Union of India represented by the Secretary to the Government of India, Ministry of Defence, South Block, and New Delhi-1.

2. The Head Quarter,
137 Works Engineer,
C/o 99 APO.

3. The Controller of Defence
Accounts, Udhyan Vihar,
Narengi, Guwahati-781171.
4. The Area Accounts Officer,
Office of the Joint Controller of
Defence Accounts,
Ministry of Defence, Vivar Road,
Shillong, P.O.- Shillong, Meghalaya.
5. The Garrison Engineer,
868, Engineering Workshop,
C/o 99 APO
6. The Garrison Engineer,
869, Engineering Workshop,
C/o 99 APO

... Respondents

1) DETAILS OF THE APPLICATION PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:

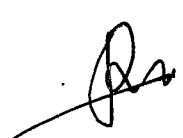
The Original Application is made for non payment of House Rent Allowance to the applicants as per Office Memo No. 11013/2/86-EII (B) Government of India, Ministry of Finance (Department of Expenditure), New Delhi dated 23rd September 1986 and also for non-implementation of similar judgment & order passed in O.A.No.226 of 1996 passed by this Hon'ble Tribunal and also as per judgment and order passed by the Hon'ble Gauhati High Court in Civil Rule No.5613 of 1998 regarding the payment of House Rent Allowance to the similarly situated persons.

2) JURISDICTION OF THE TRIBUNAL

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

3) LIMITATION

The applicants further declares that the subject matter of the instant application is within the limitation prescribed under Section 21 of the Administrative Tribunal Act 1985.



4) FACTS OF THE CASE:

Facts of the case in brief are given below:

4.1) That your humble applicants are citizen of India and as such they are entitled to all rights and privileges guaranteed under the Constitution of India.

4.2) That your applicants beg to state that they are Defence Civilian Central Government Employee under the Ministry of Defence.

4.3) That your applicants beg to state that as the grievances and reliefs prayed in this application are common, therefore, they pray for grant of permission under Section 4(5) (a) of the Central Administrative Tribunal (Procedure) rules, 1987 to move this application jointly.

4.4) That your applicants beg to state that the Government of India, Ministry of Finance (Department of Expenditure) vide their Office Memorandum No.11013/2/86-E. II (B), New Delhi dated 23rd September 1986 granted House Rent Allowance to the Central Government Civilians Employees.

Annexure-A is the photocopy of Office Memorandum No. 11013/2/86-E. II (B); New Delhi dated 23rd September 1986.

4.5) That your applicants beg to state that they are entitled for House Rent Allowance as per Office Memorandum No. 11013/2/86-E. II (B), New Delhi dated 23rd September 1986. But in spite of the said Office Memorandum the Respondents have not implemented the above said scheme of House Rent Allowance to the applicants. The similarly situated persons who are working along with the instant applicants are enjoying this House Rent Allowance as per this Hon'ble Tribunals order passed in O.A No.266 of 1996 and series of other cases. But the Respondents are denying the said benefit to the instant applicants on the plea of that the instant applicants have not approached this Hon'ble Tribunal for a direction of payment of House Rent Allowance to them. As such finding no other alternative your applicants have compelled to approach this Hon'ble Tribunal for seeking justice in this matter.



Annexure-B is the photocopy of Judgment and Order dated 10th June 1997 pass in Original Application No.266 of 1996 and series of other cases.

4.6) That your applicants beg to state that all the applicants are entitled to get the benefits of House Rent Allowance and they have also fulfill all the terms and conditions of House Rent Allowance as admissible to the Central Government Civilian Employees.

4.7) That your applicants beg to state that similarly situated Defence Civilian persons who are working with them earlier have also filed O.A.No.124, 125 of 1995 for payment of House Rent Allowance before this Hon'ble Tribunal. The Hon'ble Tribunal vide its order dated 24-08-1995 allowed the Original Application by directing the Respondents to pay the House Rent Allowance to Defence Civilian Employees. The above said order was also affirmed by the Hon'ble ^{Supreme} ~~Tribunal~~ Court of India vide Civil Appeal No. 1572 of 1997 passed on 17-02-1997. In a recent similar case the Hon'ble Gauhati High Court vide its order dated 18-09-2002 passed in Civil Rule No.5613 of 1998 affirmed the judgment and order of the Hon'ble Tribunal regarding payment of House Rent Allowance to Defence Civilian Employees.

Correct 21

Annexure-C is the photocopy of judgment and order dated 18-09-2002 passed by the Hon'ble Gauhati High Court in Civil Rule No.5613 of 1998.

4.8) That your applicants beg to state that the action of the Respondent is Highly illegal, arbitrary, unfair and violative of the principle of natural justice as well as fundamental rights of the applicants.

4.9) That your applicants submit that they have got reasons to believe that the Respondents are resorting the colorable exercise of power only to deprive the applicants from their legitimate rights.

4.10) That your applicants submit that the action of the Respondents are mala fide, illegal and with a motive behind.

4.11) That your applicants submit that the action of the Respondents is highly illegal, improper, whimsical and also against the policy adopted by the Government of India.

4.12) That in view of the facts and circumstances it is a fit Case for interference by Hon'ble Tribunal to protect the interest of the applicants.

4.13) That this application is filed bona fide and for the interest of justice.

5) GROUNDS FOR RELIEF WITH LEGAL PROVISION:

In view of the humble submissions made and facts and circumstances explained in the foregoing paras, the non payment of House Rent Allowance to the applicants by the Respondents is arbitrary, mala fide discriminatory and badly misconceived the following amongst other grounds:-

5.1) For that, the action of the Respondents are highly illegal, arbitrary and violative of the principle of natural justice as well as the fundamental rights of the applicants

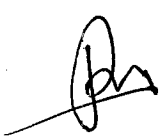
5.2) For that the applicants are entitled for payment of House Rent Allowance as per Hon'ble Tribunal's order as well as Hon'ble Apex Court's order. Hence the Respondents cannot deprive them.

5.3) For that, regarding the payment of House Rent Allowance to the Defence Civilian Employees have reached finality in the eye of law. As such the Respondents without any justification cannot deny the said benefit to the applicants.

5.4) For that, in a recent similarly situated Defence Civilian Employees case the Hon'ble Gauhati High Court has also affirmed the judgment of the House Rent Allowance passed by the Hon'ble Tribunal.

5.5) For that, other similarly persons are enjoying the benefit of House Rent Allowance without any interruption and as such the action of the Respondents are illegal and also without any justification.

5.6) For that, it is settled proposition of law that when the same principle have been laid down in given cases, all the persons who are similarly situated should be granted the said benefits without requiring them to approach in the Court of law.



5.7) For that, the Respondents have violated the Article 14, 16 & 21 of the Fundamental rights guaranteed under the Constitution of India.

5.8) For that, the action of the respondents is arbitrary, mala-fide and discriminatory with an ill motive.

5.9) For that, the Central Government being a model employer and as such they can not restore discriminatory attitude towards similarly situated persons.

5.10) For that, in any view of the matter the action of the matter the action of the Respondents are not sustainable in the eye of law as well as fact.

The applicant craves leave of this Hon'ble Tribunal advance further grounds the time of hearing of this instant application.

6) DETAILS OF REMEDIES EXHAUSTED:

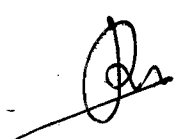
That there is no other alternative and efficacious and remedy available to the applicant except the invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

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

That the applicant further declares that he has not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other court, authority, nor any such application, writ petition or suit is pending before any of them.

8) RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the applicant most respectfully prayed that Your Lordship may be pleased to admit this application, call for the records of the case, issue



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notices to the Respondents as to why the relief and relieves sought for the applicant may not be granted and after hearing the parties may be pleased to direct the Respondents to give the following relieves.

- 8.1) That the Hon'ble Tribunal may be pleased to direct the Respondents to pay the House Rent Allowance to the applicant as per Office Memorandum No.11013/2/86-E (II) (B) dated 23-09-1986 issued by the Joint Secretary, Govt. Of India, Ministry of Finance (Department of expenditure) New Delhi and also as per similar judgment & order passed in O.A.No.226 of 1996 by this Hon'ble Tribunal and also judgment and order passed by the Hon'ble Gauhati High Court in Civil Rule No.5613 of 1998 for payment of House Rent Allowance to the similarly situated persons.
- 8.2) To Pass any other relief or relieves to which the applicant may be entitled and as may be deem fit and proper by the Hon'ble Tribunal.
- 8.3) To pay the cost of the application.

9) **INTERIM ORDER PRAYED FOR:**

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

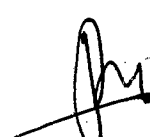
- 10) Application is filed through Advocate.

- 11) **Particulars of I.P.O.:** 116-389301
 I.P.O. No. 6-5-04
 Date of Issue
 Issued from Gauhati
 Payable at G.B.O.

12) **LIST OF ENCLOSURES:**

As stated above.

Verification.....



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9 -

VERIFICATION

I, Shri Poresh Hazarika, MES No.243992, Mazdoor, Office of the Garrison Engineer, 868 EWS, C/o 99APO do hereby solemnly verify that I am the applicant No.1 of the instant application and I am authorized by the other applicants to signed this verification. That the statements made in paragraph nos. 4.1, 4.2, 4.3, 4.6, 4.8 —

_____ are true to my knowledge, those made in Paragraphs Nos. 4.4, 4.5, 4.7 _____ are being matters of records are true to my information derived there from which I believe to be true and those made in paragraph 5 are true to my legal advice and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 2nd day of May 2004
at Guwahati.

Shri Poresh Hazarika

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. 24(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.

At the
Signature

(1) COMPENSATORY (CITY) ALLOWANCE:

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

3

Attentat
Schmitt

12-12-15

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(11) HOUSE RENT ALLOWANCE:

Type of accommo- dation 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 C Class Un- Classified cities class cities	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.

.....4

Attest
[Signature]
[Signature]

13 -
18 -
16 -
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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 pro-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.

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Attest
[Signature]
[Signature]

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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.

Atte. Lt
Sd/-
Adm. Secy

15- 18- ANNEXURE B
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

24

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 othersApplicants
By Advocate Mr A. Ahmed

-versus-

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

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

-versus-

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

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

-versus-

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

4. Original Application No.18 of 1997
Shri Hari Krishan Mazumdar and 24 othersApplicants
By Advocate Mr A. Ahmed

-versus-

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

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

-versus-

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

Attested
By
Advocate

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6. Original Application No.91 of 1996

Shri Daniel Sangma and 81 others

.....Applicants

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

-versus-

Union of India and others

.....Respondents

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

7. Original Application No.87 of 1996

Shri C.T. Balachandran and 32 others

.....Applicants

By Advocate Mr S. Sarma and Mr B. Mehta

-versus-

Union of India and others

.....Respondents

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

8. Original Application No.45 of 1997

Shri L. Shashidharan Nair and 9 others

.....Applicants

By Advocate Mr S. Sarma and Mr B. Mehta

-versus-

Union of India and others

.....Respondents

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

9. Original Application No.197 of 1996

Shri P.C. George and 66 others

.....Applicants

By Advocate Mr S. Sarma

-versus-

Union of India and others

.....Respondents

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

10. Original Application No.28 of 1996

Shri Hir Lal Dey and 8 others

.....Applicants

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

-versus-

Union of India and others

.....Respondents

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

B2
Attended
Advocate

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

Attended
Mehta

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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)

Attested
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Admitted

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ORDER

BARUAH.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 'B' 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.

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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.....

[Handwritten signatures]

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, upto 28.2.1991 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.....

Attested
[Signature]

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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.

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.....

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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

14/7/99
Deputy Registrar (UP)
Central Administrative Tribunal
Gurgaon Bench

Attended
J.S. Admito

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আপীল করা পত্রের প্রতিলিপি এই আদালতের নথিতে থাকা হইবে।	আপীল করা পত্রের প্রতিলিপি এই আদালতের নথিতে থাকা হইবে।	আপীল করা পত্রের প্রতিলিপি এই আদালতের নথিতে থাকা হইবে।	আপীল করা পত্রের প্রতিলিপি এই আদালতের নথিতে থাকা হইবে।
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ANNEXURE - 6

IN THE GAUHATI HIGH COURT
(High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura,
Mizoram & Arunachal Pradesh)

Appeal from CR

No. 56/3 of 1998

U. O. S. & or

Versus

U. Gouda & or

Appellant
Petitioner

Respondent
Opposite-Party

Appellant D. Sur
Petitioner A. L. G. S. C.

Respondent MR. A. Bhattacharya
Opposite-Party

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Applicant's name

-And-

To the Hon. Member of :

1. Union of India,

represented by the Secretary to the
Govt. of India, Ministry of Defence,
New Delhi.

2. The Commanding Officer,
ECCEOT ASC(Supply) Type-C,
c/o 99 APO.

-Versus-

1. Ulla Gonda

2. Him Raj

3. Anchu

4. Panchabha

5. Panchabha dhl

... Petitioners

... contd..3

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3.

6. Harimuli
7. Gundicha Naik
8. Kirtan Gouda
9. Day Raj
10. Mangalu Behara
11. Dandapani Naik
12. Bhirgu Nath
13. Khadal Gouda
13. Padda Naik
15. Ramchander
16. Suresh Lal Laxtha
17. Sukuru Naik
18. Soma Naik
19. Rasday Chohan
20. Sirpat Ram
21. Ram Prasad
22. Panu Bahara
23. West Ram
24. Dipta Sahu
25. Bitta Bhowt
26. Linga Naik
27. Raghu Nath
28. Cypran
29. Deyandhi
30. Bal Kishan
31. Ram Kishan
32. Ramunda Sahu
33. Acheche Lal Pal
34. Ramkesh Kumar
35. Som Hariya
36. Ramunda Naik

Ames
J.L. / Kante

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37. Bidmu Naik
38. Smt Kelawati
39. Dinobandini Naik
40. Ram Prakash
41. Ram Samujh
42. Subhash Singh
43. Kali Sahu
44. Surinder Sahu
45. V.K. Pillai
46. Harkish
47. Bodha Ram
48. Ramchander Gouda
49. Bodhachar
50. Kengala Pradhan
51. Uday Nath
52. Lal Dher
53. Murali Prasad
54. Pitambar
55. Bahari Ram
56. Sati Ram
57. Giridhar Verma
58. Hardev Ram
59. Ramayan
60. Ram Narayan

Attest
Signature

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31. Jay Prakash Ram
32. Ram Badan
33. Tribhubhan
34. Roop Ram
35. Ganga Saran
36. Panu Pradhan
37. Shankar Thakur
38. Ram Prasad
39. Ram Shankar
40. R.K. Chetri
41. Imt. Tamsu Jandir
42. S.K. Pral
43. Motilal
44. Moujdar
45. Ramoswar
46. Subhash Tal
47. P.P. Yadav
48. Dilbakar Gouda
49. H.P. Sarmah
50. Hamid Mohd
51. Trilok Nath
52. R.H. Gouda
53. Om Prakash Gupta
54. Kader
55. Rajender

All arriving in the office of the
Compelling Officer, SO GOV AGC (2nd 1st)
Type AG, C/o SO AGC.

Attested
J.S. Admte

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Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
	2	1	
			CR 5613/98
			BEFORE
			THE HON'BLE THE CHIEF JUSTICE
			THE HON'BLE MR JUSTICE AMITAVA ROY
	18.09.02		
	It is submitted by the learned counsel for the respondents that the petitioners are Central Government employees serving in the States of Nagaland and Manipur and similarly situated persons have been given the benefit of House Rent Allowance and Field Areas Special Compensatory (Remote Locality) Allowance by the Central Administrative Tribunal. The Union of India challenged the order of the Tribunal before the Apex Court in the matter of Union of India and others-V B Prasad, BVSO and Others, reported in (1997) 4 SCC 189. The judgment of the Tribunal was challenged in the Apex Court on various grounds, including the grant of House Rent Allowance as Ground No.(D) in Special Leave Petition. The Apex Court has not accepted the contention of the Union of India and the judgment of the Tribunal for payment of the House Rent Allowance has not been reversed by the Apex Court. It is also submitted by the learned counsel for the respondent that similarly situated persons have been paid the House Rent Allowance by the Union of India after the judgment of the Apex Court. Heard Mrs N Sharma, learned		

Attended
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Sharma

Sd/- Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
	2	3	

Additional Central Government Standing Counsel for the petitioner.

We have considered the submissions made by the learned counsel for the parties and perused the record. It appears that nothing has been said by the Apex Court about the House Rent Allowance in the case Union of India and Ors-v-B Frasad, BSO and others(Supra), but at the same time the ground raised by the Union of India challenging the House Rent Allowance granted by the Central Administrative Tribunal having not set at naught by the Supreme Court, we can safely assume that the judgment of the Tribunal on the question of payment of House Rent Allowance was accepted by the Apex Court. Apart from this, after the judgment delivered by the Apex Court similarly situated persons have been paid House Rent Allowance by the Union of India. That being the case, we do not find any reason to interfere with the order dated 26.9.97 passed by the Central Administrative Tribunal, Guwahati Bench in OA No. 86/97.

Appeal is dismissed. However, there shall be no order as to costs.

[Signatures]
Shri P. P. Narula
Shri K. S. Jha

[Stamp and Signature]
K. S. Jha, K. S. Jha
10th day of Sept 2012

[Handwritten]
Attended
Sd/-
Anurag

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI
ORIGINAL APPLICATION NO. 126/2004 FOR NON PAYMENT
OF HOUSE RENT ALLOWANCE

Shri Poresh Hazarika & 18 Others

গুৱাহাটী কেন্দ্রীয়
Guwahati Bench

-Versus-

.....Applicants

Union of India & Ors

.....Respondents

IN THE MATTER OF

Written Statement on behalf of the

Respondents No. 1 to 6.

I, Capt. Manish Jain, Officiating Garrison Engineer, 868 Engineer Work Section,
C/O 99 APO, do hereby solemnly affirm and state as follows :-

1. That I am the Officiating Garrison Engineer, 868 Engineer Works Section, C/O 99 APO and I am dully acquainted and well conversant with the facts and circumstances of the case. I have gone through a copy of the application and understood the contents thereof. Save and except whatever is specifically admitted in this written statement and the other contentions and statements may be deeded to have been denied by the Respondents. I am authorized to file this written statement on behalf of all the respondents No 1 to 6

2. That with regard to the statements made in paragraph 1 of the Original Application, the Respondents state that as per sub Para (ii) of Government of India, Ministry of Finance Office Memorandum No 11013/2/86-E.II (B) dated 23rd September, 1986 HRA shall be paid to all employees (other than those provided with Government owned/hired accommodation) on producing certificate that they are incurring some expenditure on rent/contributing towards rent. HRA shall also be paid to Government 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. But the applicants are neither contributing towards rent nor paying/contributing towards house or property tax. Rather they are staying with family in Government land and availing services like water and electricity. License fee @ of Rs 95.00 (Rupees Ninety five only) on account of water and electricity is being recovered regularly from their monthly salary bill. In view of above facts, the applicants are not entitled for House Rent Allowance. The Judgment and Order passed by this Hon'ble Tribunal in O.A. No

Union of India vs
Shri Poresh Hazarika & 18 Others
16.5.05

226/1996 is based on earlier order passed in similar O.As common for the Central Government employees working under various department like Audit, P&T, Information & Broadcasting and Railways located at different places in North Eastern Region.

3. That with regard to the statements made in paragraphs 2,3 and 4.1 of the Original Application, the Respondents have no comments to offer.

4. That with regard to the statements made in paragraph 4.2 of the Original Application, the Respondents have no comments to offer since the facts are correct.

5. That with regard to the statements made in paragraph 4.3 of the Original Application, the Respondents have no comments to offer.

6. That with regard to the statement made in paragraph 4.4 of the Original Application, the Respondents state that the statements are correct but not applicable in case of the applicants as the Applicants of instant OA are not fulfilling the terms and conditions of Government of India, Ministry of Finance, (Department of Expenditure) letter No 11013/2/86-E.II (B) dated 23rd September, 1986. All the Applicants are staying with family in Defense premises on Defense land provided with water and electricity from defense sources.

7. That with regard to the statements made in paragraph 4.5 of the Original Application, the Respondents beg to reiterate the statement made in paragraph 2 of the instant written statement.

8. That with regard to the statements made in paragraph 4.6 of the Original Application, the Respondents beg to state that the applicants are not fulfilling all the terms and conditions required vide Government of India, Ministry of Finance (Department of Expenditure) letter No 11013/2/86-E.II (B) dated 23rd September, 1986. Here the Respondents beg to reiterate the statement made in paragraph 2 of the instant written statement. Hence, they are not entitled for the HRA.


Offg Garrison Engineer

9. That with regard to the statements made in paragraph 4.7 of the Original Application, the Respondents submit that the Judgment and Order in O.A. Nos, 124/1995 and 125/1995 was ordered by Hon'ble Tribunal treating these two cases at par with O.A No 174/1993, OA No 48/1995 and O.A No 49/1995 and some other few similar cases in which applicants were allowed to draw the various allowances. Hon'ble CAT Guwahati also added that relief's sought by the applicants in their respective petitions was have already been allowed by Government in various memorandums. The said wording of Hon'ble CAT is not applicable in case of the applicants. The Hon'ble Supreme Court of India in Judgment and order dated 17 February 1997 against civil Appeal No 1572 of 1997 has only passed an order that civilian employees working under defense services at various station in North Eastern Region are entitled for SDA (Special Duty Allowance) as well as FSC (Field Area Special Compensatory (Remote Locality) Allowance prior to 1995 and also not to recovered the allowance paid to them. The Hon'ble Supreme Court of India did not pass any order on HRA in the order dated 17 Feb 1997. All these applicants in instant case are not fulfilling the terms and condition of Government of India, Ministry of Finance (Department of Expenditure) letter dated 23rd September 19986. Hence they are not entitled for House Rent Allowance.

10. That with regard to the statements made in paragraphs 4.8 to 4.13 of the Original Application, the Respondents have no comments to offer since the same is correct.

11. That with regard to the statements made in paragraphs 5 to 5.3 of the Original Application, the Respondents have no comments to offer.

12. That with regard to the statements made in paragraph 5.4 of the Original Application, the Respondents state that Judgment and order passed by the Hon'ble Guwahati High Court is common for various allowance announced by Government in various memorandums for Central Government employees working in different departments in different localities.

13. That with regard to the statement made in paragraphs 5.5 to 7 of the Original Application, The Respondents have no comments to offer.

(Signature)
Dr. Carlson Bortman

14. That with regard to the statements made in paragraphs 5.8 of the Original Application, the Respondents clarified that there is no arbitrary/malafied intention of the Respondents as the Applicants of instant OA are not fulfilling the terms and conditions for grant of House Rent Allowance as per Government of India, Ministry of Defense (Department of Expenditure) letter dated 23rd September, 1986.

15. That with regard to the statement made in paragraph 5.9 of the Original Application, the Respondents state that there is no discriminatory attitude of Respondents against the Applicants of the Instant OA as Respondents are bound to followed the rules and regulations framed by the Government of India vide letter dated 23rd September, 1986 for grant of House Rent Allowance to Central Government civilian employees.

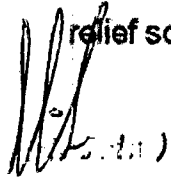
16. That with regard to the statement made in paragraph 5.10 of the Original Application, the Respondents state that they have taken action as per Government of India, Ministry of Defense (Department of Expenditure) letter dated 23rd September, 1986.

17. That with regard to the statements made in paragraphs 6 and 7 of the Original Application, the Respondents have no comments to offer.

18. That with regard to the statements made in paragraphs 8 to 8.3 of the Original Application, the Respondents beg to reiterate the statement made in paragraph 2 of the instant written statement.

19. That with regard to the statements made in paragraphs 9 to 12 of the Original Application, the Respondents have no comments to offer.

20. That in the facts and ground stated above the applicants are not entitled to any relief sought for in the application and the same is liable to be dismissed with cost.



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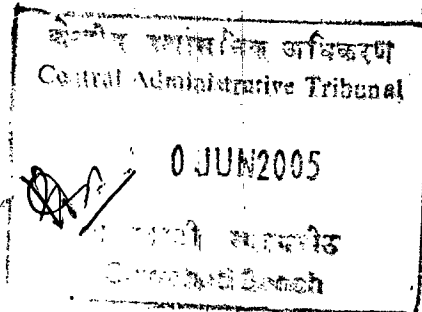
VERIFICATION

I, Capt Manish Jain, Presently serving as Officiating Garrison Engineer, 868 Engineer Work Section, C/O 99 APO being duly authorized and competent to sign this verification do hereby solemnly affirm and state that the statements made in paragraph ^{3, 4 + 5} 1 ~~to 20~~ of the written statement are true to the best of my knowledge and belief, those made in paragraphs 2, 6 - 19 being matter of record are true to my information derived there from 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 the 12th day of May 2005


(Manish Jain)
DEPONENT
868 Garrison Engineer

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.



O. A. No. 126 of 2004

Shri Poresh Hazarika & Ors.

... Applicants

- Versus -

The Union of India & Others

... Respondents

- AND -

IN THE MATTER OF :

Rejoinder Submitted by the Applicants in the above said
Original Application against the written statement filed by
the Respondents.

The humble Applicants submit this Rejoinder as follows:

1. That with regard to statements made in paragraph 1 of the Written Statement filed by the Respondents of the above said Original Application, the Applicant have no comments and beyond records nothing is admitted.
2. That with regard to statement made in Paragraphs 2 of the Written Statement filed by the Respondents of the above said Original Application, the Applicant begs to state that the same are not true and also misleading to this Hon'ble Tribunal.
3. That with regard to statements made in paragraphs 2 to 20 of the written statement filed by the Respondents are not true and also misleading to this Hon'ble Tribunal. It has already been settled by the Hon'ble Supreme Court of India in Civil Appeal No.1572 dated 17-02-1997^{that} the defence civilian employees working in the North Eastern Region are entitled to get House Rent Allowance. The Hon'ble Gauhati High Court Division Bench Judgment and Order dated 18-09-2002

Filed by
Shri Poresh Hazarika
Applicant No. 1
Through
CAOIL AHMED
Advocate

passed in Civil Rule No.5613 of 1998 has also affirmed the Judgment of this Hon'ble Tribunal regarding payment of House Rent Allowance to the Defence Civilian Employees working the North Eastern Region. (The Judgment and Order dated 18-09-2002 passed in Civil Rule No.5613 of 1998 by the Hon'ble Gauhati High Court has also been annexed in the instant Original Application as Annexure - C).

From the above, the Written Statement submitted by the Respondents are wholly bereft of substance and no credence ought to be given to it. Thus, in view of the abject failure of Respondents to refute the contentions, averments, questions of law and grounds made by the Applicants in the Original Application No.126/2004 filed by the Applicants deserve to be allowed by this Hon'ble Tribunal.



VERIFICATION

I, Shri Poresh Hazarika, MES No.243992, Mazdoor, Office of the Garrison Engineer, 868 EWS, C/o 99APO do hereby solemnly verify that I am the applicant No.1 of the instant application and I am authorized by the other applicants to signed this verification. That the statements made in paragraph nos. 1, 2 _____ are true to my knowledge, those made in Paragraphs Nos. 3 _____ are being matters of records are true to my information derived there from which I believe to be true ~~and these made in paragraph 5 are true to my legal advice~~ and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 17th day of June 2005 at Guwahati.

Shri Poresh Hazarika