

16

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

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

O.A/T.A No. 230/2004

R.A/C.P No. ....

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SECTION OFFICER (Judl.)

FORM NO.4  
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

ORDERSHEET

Original Application : 230/2004

Misc Petition No. : \_\_\_\_\_

Contempt Petition No. : \_\_\_\_\_

Review Application No. : \_\_\_\_\_


Applicants:- Keridolhoulie & ors

Respondents:- V.O.I & ors

Advocate for the Applicants:- L.S. Jamin

Advocate for the Respondents:- \_\_\_\_\_

C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
<p>Order dt. 3/11/04 Sent to D/section for issuing to applicant, by regd. - A/D post. <u>Co</u> <u>11/12/04</u></p>	<p>3.11.04</p>	<p>Present : The Hon'ble Mr Justice R.K.Batta, Vice-Chairman</p> <p>The matter has been received from the Hon'ble High Court. No one has appeared on behalf of the par- ties. The parties be notified about the next dated.</p> <p>Stand over to 5.1.05.</p> <p style="text-align: right;"><u>R</u> Vice-Chairman</p>
<p></p>	<p>5.1.2005</p>	<p>None for the parties. List on 10.2.2005 for orders.</p> <p style="text-align: right;"><u>K.P. Deka</u> Member (A)</p>
<p><u>mb</u></p>	<p>11.2.05</p>	<p>None appears for the applicants &amp; as well as the Respondents. It is a transfer case from Gauhati High Court (Kohima Bench), as per order dated 7th September, 2004 which</p>

22.3.05

Copy of the order has been sent to the office for issue. The same is to be applied as well as to the Respondents by post.

was passed in presence of both sides. Thereafter, the present matter had been listed on 6.10.04, 3.11.04, 5.1.05. Even Registered notices were sent to the parties, yet, there is no representation by other side. It appears that the applicant as well as the Respondents have no interest in prosecution of the present O.A. Accordingly, the application is dismissed.

Member (J)

lm

17.5.2005 List on 20.6.2005 alongwith M.P. No. 88/2005.

Member

Vice-Chairman

mb

20.6.2005

In view of the order passed in M.P.88/2005 the O.A. is restored to file. Post the O.A. for final disposal on 29.7.2005. Even though written statement is seen filed Mr.M.U.Ahmed, learned Addl.C.G.S.C. submit that fresh written statement is to be filed. Respondents are free to file additional written statement.

Member

Vice-Chairman

bb

No. Fresh W/S filed by the respondents.

28.7.05

(3)

29.7.2005

Mr. M.U. Ahmed, learned Addl. C.G.S.C. for the respondents submits that the written statement is sent for vetting. and some more time is required for filing written statement. Post on 31.8.2005.

No written statement has been filed.

30  
30.8.05

*[Signature]*  
Member

*[Signature]*  
Vice-Chairman

mb

31.8.2005

Counsel for the applicant is absent. Mr. M.U. Ahmed, learned Addl. C.G.S.C. for the respondents submits that written statement is filing shortly. Post on 22.9.2005.

5.9.05  
W/s submitted by the respondents.

*[Signature]*

*[Signature]*  
Vice-Chairman

mb

22.9.05

Mr.L.Wapang learned counsel for the applicants submits that he has received the written statement only to-day and he wants the matter to be taken up on Monday. Post the matter on 26.9.05.

10-11-05  
① W/s has been filed.  
② No rejoinder has been filed.

*[Signature]*

*[Signature]*  
Vice-Chairman

lm

26.9.05.

Heard Mr.L.S.Jamir learned counsel for the applicant and Mr.M.U. Ahmed learned Addl.C.G.S.C. appearing for the Respondents in part.

Post the matter for further hearing on 11.11.05.

*[Signature]*  
Vice-Chairman

nkm

Pl. Comply order dated 11.11.05

Received by L. Wajid Advocate 16/11/05

11.11.2005 Learned counsel for the applicant is not present. Mr.M.U.Ahmed, learned Addl.C.G.S.C. for the respondents is ready with the case. Post on 28.11.05 Office will inform this to the counsel for the applicant.

*[Signature]*  
Vice-Chairman

bb

15-12-05

- ① Wks has been filed.
- ② No Reply has been filed.

By

28.11.2005 Mr. L.S. Jamir, learned counsel for the applicant is present. Ms. U. Das, learned Addl. C.G.S.C. on behalf of Mr. M.U. Ahmed, learned Addl. C. G.S.C. for the respondents submits that Mr. Ahmed, is not well. Counsel for the applicant submits that 16th December 2005 is convenient for him. Post on 16.12.2005.

*[Signature]*  
Vice-Chairman

mb

*[Signature]* 27/12/05  
Addl. C.G.S.C.

16.12.2005 Heard learned counsel for the parties. Hearing concluded. Judgment delivered in open Court, kept in separate sheets.

The O.A. is disposed of in terms of the order.

*[Signature]*  
Vice-Chairman

27.12.05  
Copy has been collected by the h/adv. for the applicant and a copy of the same handed over to the Addl. C.G.S.C. for the respds.  
*[Signature]*

bb

5

CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI BENCH.

O.A. No. 230 of 2004

DATE OF DECISION: 16.12.2005.

Shri Kenidolhoulie

APPLICANT(S)

S/Shri L.S.Jamir, T.Ao & L Wapang

ADVOCATE FOR THE  
APPLICANT(S)

- VERSUS -

U.O.I. & Ors

RESPONDENT(S)

Mr.M.U.Ahmed, Addl.C.G.S.C.

ADVOCATE FOR THE  
RESPONDENT(S)

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

1. Whether Reporters of local papers may be allowed to see the judgments? *M*
2. To be referred to the Reporter or not? *Yes*
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? *M*

Judgment delivered by Hon'ble Vice-Chairman

*G. Sivarajan*

**CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.**

Original Application No. 230 of 2004.

Date of Order: This, the 16th Day of December 2005.

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

1. Shri Kenidolhoulie
2. Shri L. A. Benjamin
3. Shri K. H. Sema
4. Shri Nikheto Sema
5. Shri K.C.Phom
6. Shri S. Hekuto Sema
7. Shri K.G.Sema
8. Shri J.M.Das
9. Shri Khovezu Sema
10. Shri Vihosul Kweho
11. Shri Biswajit Dhar
12. Shri Raj Kumar
13. Shri Romita Lama
14. Smti Nongole
15. Shri S.K.Acharjee
16. Shri D. Mitra
17. Shri Y. Lotha
18. Shri K, L. Patralekh
19. Shri Moncy Joseph
20. Shri R.A.Raut
21. Smti Vasumathy Surendran
22. Shri T. Sale
23. Shri S. Dutta
24. Shri R. R. Dey
25. Shri Y.C.Konyak
26. Shri Tapan Dutta
27. Shri Sagar Roy
28. Shri G.K.Das
29. Smti A. Chacko
30. Shri L. Koza
31. Shri A.S.Rawat
32. Shri R.D.Angami

33. Shri S.P.Sinmgh
34. Shri Vivek Kumar
35. Shri A.K. Das
36. Shri Z. Ato Yimchunger
37. Shri B.S. Manku
38. Shri D.N.Suryan
39. Shri L. Yimchunger
40. Shri Ajit Singh
41. Shri V. Pikato Sema
42. Shri Devasish Dey
43. Shri R. R. Prasad
44. Shri A.K.Kuki
45. Shri Y.J.Patton
46. Shri Debabrata Paul
47. Shri Baljit Singh
48. Shri Daljit Singh
49. Shri Chandan Kumar
50. Shri Keshab Sharma
51. Shri Shyamlal Das
52. Shri Dipak Roy
53. Shri S.K.Tripathi
54. Shri S.J.Sangma
55. Shri C.L.Phom
56. Shri P. Thira
57. Smti T.Y.Konyak
58. Smti Atula
59. Smti N. Malti
60. Shri Ubiram Gurung
61. Shri P. Zeliang
62. Shri Sarvesh Chandra
63. Shri N. Tunyi
64. Shri Z. Tetseo
65. Shri K. Pamei
66. Shri Notha Thapru
67. Shri Samuel Vikehihol
68. Shri Totan Acharjee
69. Shri D. Kabui
70. Shri Rohan Lama

- 71. Shri O.P.Nath Chakraborty
- 72. Shri L.N.Sinha
- 73. Shri S. Biswas
- 74. Shri P. Yimchunger
- 75. Smti Tsusola
- 76. Shri Suvro Chatterjee
- 77. Shri S.K.Maity.

All presently serving under the  
 Subsidiary Intelligence Bureau,  
 Government of India, Kohima,  
 Nagaland.

..... Applicants.

By Advocates S/Shri L.S.Jamir, T.Ao & L Wapang

- Versus-

- 1. The Union of India  
 Represented by the Secretary  
 Ministry of Home Affairs  
 New Delhi-1.
- 2. The Secretary  
 Ministry of Finance  
 Department of Expenditure  
 New Delhi-1.
- 3. The Director  
 Intelligence Bureau  
 Ministry of Home Affairs  
 New Delhi-1.
- 4. The Joint Director  
 Subsidiary Intelligence Bureau  
 Ministry of Home Affairs  
 Government of India  
 Kohima, Nagaland.
- 5. The Assistant Director  
 Subsidiary Intelligence Bureau  
 Ministry of Home Affairs  
 Government of India  
 Kohima, Nagaland.

..... Respondents.

By Mr.M.U.Ahmed, Addl.C.G.S.C.

.....

O R D E R (ORAL)

SIVARAJAN, J.(V.C.) :

The applicants 77 in number who are working in the Subsidiary Intelligence Bureau (SIB in short) in Nagaland have filed W.P.(C). No.149 (K) of 2002 before the Hon'ble Gauhati High Court, Kohima Bench. Impugned orders (Annexures 4 & 5) by which the alleged excess payment of House Rent Allowance (HRA in short) sought to be recovered were stayed. The applicants are being paid HRA thereafter at the rate of 7.5% only. The High Court by its judgment dated 7.9.2004 relegated the matter to this Tribunal. Thereafter it was numbered as O.A. No.230 of 2004.

2. The matter relates to the rate of HRA applicable to the applicants who are employed in Nagaland. According to the applicants, they are entitled to get HRA at the rate of applicable to 'B' class cities since Nagaland is treated as a B class city. It is stated that the applicants were being paid HRA at the rate applicable to 'B' class cities till the issuance of the impugned orders (Annexures 4 & 5).

3. The respondents have filed a written statement wherein it is stated that though the applicants are entitled to HRA from 1.3.1991 at the rate applicable by virtue of the decision of the Supreme Court in SCA No.4/1993/5/93 dated 18.3.2003, the applicants are entitled to HRA only at the rate applicable to general category. It is also stated that the applicants are being paid HRA at

*gna*

the rate of 7.5% and the same is continued by virtue of the subsequent order dated 3.10.1997 (Annexure-2) passed by the Government pursuant to the 5th Pay Commission report treating Kohima and Dimapur as 'C' class cities.

4. Mr.L.S.Jamir, learned counsel for the applicant submits that by virtue of the order No.30/48/62-P.III issued by the Government of India, Ministry of Home Affairs (Annexure-1) the applicants are entitled to HRA. The counsel submits that as per existing classification entire Nagaland was treated as B-2 city until 3.10.1997 i.e. the date of Office Memorandum (Annexure-2) by which Kohima and Dimapur in Nagaland were considered as 'C' class cities. Counsel, further submits that so far as the applicants who are receiving HRA at the rate applicable to 'B' class cities Clause-3 of the Office Memorandum dated 3.10.1997 provided for continuance of the same until further orders and that this position has not been altered till date. Counsel further submits that the decision of the Supreme Court mentioned earlier does not say that persons in the SIB are not entitled to similar treatment. Counsel submits that the respondents had acted on a misinterpretation of the orders of the Supreme Court and of this Tribunal by issuing Annexures 4 & 5 communications seeking to recover the alleged excess payment.

5. Mr.M.U.Ahmed, learned Addl.C.G.S.C appearing for the respondents, on the other hand, based on the averments in the written statement, submits that the applicants are

*J.P.S.*

entitled to HRA only at the rate of 7.5% both prior to and after Annexure-2 and that it is only by mistake the applicants were paid higher rate of HRA. He further submits that in the above circumstances Annexures 4 & 5 are issued for recovering the excess amount. The Standing counsel further submits that the decision of the Supreme Court mentioned above is applicable only to the employees of the P & T and that the same cannot be extended without a similar order of the President of India to employees of SIB.

6. I have considered the rival submissions. There is no dispute that the applicants are entitled to HRA. Only dispute is regarding the rate of HRA. According to the applicants, since they are working in Nagaland (Kohima and Dimapur) which is classified as 'B' class cities, they are entitled to the rate provided for by the 4th Pay Commission report and accepted by the Central Government. It is their further case that though Kohima and Dimapur were classified as 'C' class cities by the 1997 order (Annexure-2) pursuant to the 5th Pay Commission Report, Clause-3 thereof safeguards the interest of the applicants who are getting a higher rate as per the earlier orders. I have gone through the decision of the Supreme Court in the case mentioned above and also the decision of this Tribunal referred to in Annexure-4 communication. Though the applicants in the decision were the employees of P & T department based in Nagaland, the said decision refers to the classification of Nagaland and the rate of HRA payable to the employees

*[Handwritten signature]*

working in Nagaland. The Supreme Court has agreed with the view taken by the Tribunal in the treatment of Nagaland as a 'B' class city on the basis of the Presidential order and the 4th Central Pay Commission report and held that the employees of P & T who are working in Nagaland are entitled to get HRA at the rate applicable to 'B' class cities from 1.10.1986. In so far as the applicants who are Central Government employees working in Nagaland they are entitled to be 'B' Class rates by virtue of the 4th Pay Commission report. The Supreme Court decision only supports the case of the applicants. Further, there cannot be different yardstick so far as classification of 'B' Class cities. The rate of HRA as per the 4th Pay Commission report in respect to 'B' class cities is not available in the pleadings. In the case of the applicants who are working in Nagaland they are entitled to the 'B' Class rate of HRA until it was altered by Annexure-2 order.

7. However, when it comes to period after 3.10.1997 i.e. after Annexure-2 order based on 5th Pay Commission report, Kohima and Dimapur in Nagaland has been classified as 'C' class cities only. The rate applicable to 'C' class cities is only 7.5%. As already noted, the applicants has got a case that by virtue of Clause-3 of Annexure-2 order those who are getting HRA at the rate applicable to 'B' class cities pursuant to 4th Pay Commission report, the same is liable to be continued until further orders. This is specifically pleaded in Para 8 of the O.A. The answer is

*Ans*

stated to have been given in Para 6 of the written statement which reads as under:

"6. .... The deponent further respectfully states that the payment of HRA at the rate of 'B' class city had been continued to the applicants of OA No.37/95 even after the sanction order of Ministry of Home Affairs dated 18.4.96, conveying the approval of the Government to the implementation of CAT order dated 22.8.95 due to the misinterpretation of the Court's order by our SIB Kohima Unit, but the same has been got corrected when it came to the notice of IB Headquarters and recovery of excess amount beyond 1.3.91 on account of HRA had been ordered. As per the recommendation of the V-Pay Commission the cities were classified on the basis of population and cities with population from 50000 to 5 lakh were classified as 'C' class and below 50000 population as unclassified. The recommendation of the V-Pay Commission were accepted by the government. Further as per the Ministry of Finance, Department of Expenditure OM No.2(3)/97-F-II(B) dated 3.10.97 and enclosure attached therewith, Kohima and Dimapur were classified as 'C' class cities and accordingly the HRA @ 7.5% of actual basic pay is admissible to all Central Government employees with effect from 1.10.97 onwards. The petitioners have deliberately omitted to mention the implementation of V-Pay Commission recommendations and admissibility of HRA in the light of Ministry of Finance OM dated 3.10.97 referred to above."

There is no specific reply to the averment made by the applicants. Only vague references are made to certain notification etc. and stated that all the Central Government employees are being paid HRA at the rate of 7.5% applicable to 'C' class cities.

8. Now that it is held that the applicants are entitled to get HRA at the rate applicable to 'B' class cities as per 4th Pay Commission report upto 3.10.1997,

*YAS*

what remains to be considered is regarding the entitlement of the same rate for the period thereafter also by virtue of Clause-3 of Annexure-2 order. Clause-3 of Annexure-2 order reads thus:-

"3. The cities/towns which have been placed in a lower classification in the above mentioned lists, as compared to their existing classification shall continue to retain the existing classification until further orders and the Central Government employees working therein will be entitled to draw the rates of CCA and HRA accordingly."

The said clause clearly provides that the rate of HRA already being paid will be continued until further orders. It is not clear as to whether the aforesaid Clause-3 is there in Office Memorandum No.2(30)/97-E-II(B) dated 3.10.1997 or any further order as contemplated in Clause-3 has been issued. In the circumstances, I direct the concerned respondent, among the respondents in this case, to consider the question of applicability of Clause-3 of Annexure-2 order in the case of the applicants and pass appropriate orders thereon within a period of four months from the date of receipt of this order.

9. Already there is an interim order staying recovery. It is a matter for the respondents to ascertain the rate applicable to 'B' class cities as per the 4th Pay Commission report. If, on verification, it is found that the applicants were being paid at the rates applicable to 'B' Class cities as per the 4th Pay Commission report sanctioned by the Government then, there will be no

*Handwritten signature*

question of any recovery. On the other hand, if the rate as per the 4th Pay Commission report effective from 1.10.1986 is less than what is paid, even then there is no question of recovery for the reason that it is not due to any misrepresentation or fault on the part of the applicants that the excess payments were made (See State of Karnataka and Another vs. Mangalore University Non-Teaching Employees' Association and Others (2002) 3 SCC 302 Para 12). Needless to say, if it is found on consideration of Clause-3 of Annexure-2 order if existed and continued, then the applicants are entitled to get higher amount of HRA and the same will be paid to them without delay.

The O.A. is disposed of as above. The applicants will produce this order before the concerned respondent for compliance.

  
(G. SIVARAJAN)  
VICE CHAIRMAN

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17  
Most J...

No. K-2/Estt/2002(4)-3011  
Subsidiary Intelligence Bur  
(MHA) Government of India  
Kohima.

Dated the 13/9

To  
The Asstt. Registrar  
Gauhati High Court  
Kohima Bench, Kohima.

Sir/Madam,

Sub: W.P.(C) No.149(K) of 2002  
Shri Kenidolhoulie and 76 others  
-Vs-  
Union of India and others

...

Kindly refer to the W.P.(C) No.149(K) of 2002  
filed by Shri Kenidolhoulie and 76 others of SIB Kohima in t  
Gauhati High Court, Kohima Bench, for grant of House Rent  
Allowance (HRA).

2. It is requested to make necessary arrangements  
to nominate a Govt. Counsel to represent the case and his/he-  
name and address may kindly be communicated to us early for  
further necessary action.

Yours faithfully,

ok  
12/9  
( S.K. Sharma )  
Assistant Director/E.

N.O.O.

Copy to the Assistant Director/E, IB Hqrs., New Delhi for  
information please.

ok  
12/9  
Assistant Director/E  
ok  
12/9/02

26/9/02  
25/9/02

Gauhati  
Kohima  
Receipt No. 1526  
Date 26/9/02  
Signature of Receiver

IN THE GAUHATI HIGH COURT  
(THE HIGH COURT OF ASSAM: NAGALAND: MEGHALAYA: MANIPUR: TRIPURA:  
MIZORAM & ARUNACHAL PRADESH)  
KOHIMA BENCH

U.P.(C) NO.149(K) OF 2002.

Shri Kevidelhoulie & Ors. ... Petitioner

-Vrs-

Union of India & Ors. ... Respondents.

P R E S E N T

THE HON'BLE MR. JUSTICE B. LADARE.

for the petitioner :- Mr. L.S. Jamir,  
Adv.

for the Respondents:- Mr. K. Meruno,  
Sr. C.G.S.C. for R/Nos. 1 & 2.

7-9-2004

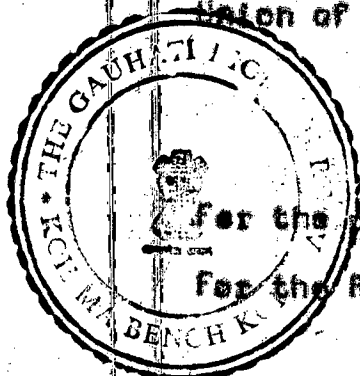
O R D E R

Heard Mr. L.S. Jamir, learned counsel for the petitioners and Mr. K. Meruno, learned Sr. C.G.S.C. for the respondents.

At the outset it is noticed that under section 14 of the Central Administrative Act, 1985 the case has to be decided by the Central Administrative Tribunal.

Registry is directed to transfer this writ petition to the Central Administrative Tribunal, Guwahati Bench immediately. The Tribunal on receipt of the records shall issue notice to the concerned parties and if there is any delay, such delay shall be condoned by the Tribunal.

Sd/- JUDGE.



IN THE GAUHATI HIGH COURT  
(THE HIGH COURT OF ASSAM: NAGALAND: MEGHALAYA: MANIPUR: TRIPURA:  
MIZORAM & ARUNACHAL PRADESH)  
KOHIMA BENCH

W.P.(C) NO.149(K) OF 2002.

Shri Kevidelhoulie & Ors. ... Petitioner

-Vrs-

Union of India & Ors. ... Respondents.

P R E S E N T

THE HON'BLE M. JUSTICE B. LAHARE.

For the petitioner :- Mr. L.S. Jamir,  
Adv.

For the Respondents:- Mr. K. Merune,  
Sr. C.G.S.C. for R/Nos. 1 & 2.

7-9-2004

O R D E R

Heard Mr. L.S. Jamir, learned counsel for the petitioners and Mr. K. Merune, learned Sr. C.G.S.C. for the respondents.

At the outset it is noticed that under section 14 of the Central Administrative Act, 1985 the case has to be decided by the Central Administrative Tribunal.

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Sd/- JUDGE.

FORM No. 4  
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

ORDER SHEET.

Org. App/Misc. Petn/Cont. Petn/Rev. Appl..... 230/04 (Transfamily)

In O.A. WPE 149(K)/02

Name of the Applicant(s) Kemidophonie Gons.

Name of the Respondent(s) H. O. I Gons

Advocate for the Applicant L. S. Jammir

Counsel for the Railway/C.G.S.C. L

OFFICE NOTE                      DATE                      ORDER OF THE TRIBUNAL

As per order dated 7.9.04 of the Hon'ble Gauhati High Court (Kohima Bench) the case has been transferred to the C.A.T. Guwahati Bench w/s 14 of the C.A.T Act, 1985.

6.10.2004

Present ; The Hon'ble Mr. Justice R.K. Batta, Vice-Chairman.

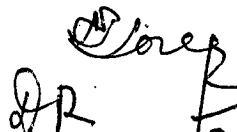
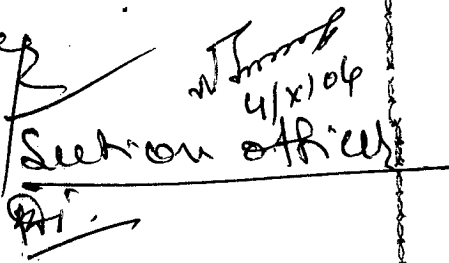
None present for the parties. The matter may be listed for further order on 3.11.2004.

  
Vice-Chairman

mb

Laical before the Hon'ble Court for further orders. 11.2.05.

~~None appears for the applicant as well as the respondents. It is a transfer case from Gauhati High Court (Kohima Bench), as per order dated 7th September, 2004 which was passed in the presence of both sides. Thereafter the present matter had been listed on 6.10.04, 3.11.04, 5.1.05. Even Registry the notices were sent to the parties yet, there is no representation by other side. It appears that the applicant as well as the Respondents have no interest in pro-~~

  
Section Officer  


195  
O.A. 230 /04

11.2.05. ~~secution of the present O.A. Accordingly  
the application is dismissed.~~

lm

Member(J)

- 20 - 20  
FORM NO.4  
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

ORDERSHEET

Original Application : 230/2004

Misc Petition No. : \_\_\_\_\_

Contempt Petition No : \_\_\_\_\_

Review Application No: \_\_\_\_\_

Applicants:- Keridaphantia & ors

Respondents:- V.O.I & ors

Advocate for the Applicants:- L.S. Jamin

Advocate for the Respondents:- \_\_\_\_\_

C.G.S.C

Notes of the Registry	Date	Order of the Tribunal
	3.11.04	Present : The Hon'ble Mr Justice R.K.Batta, Vice-Chairman  The matter has been received from the Hon'ble High Court. No one has appeared on behalf of the par- ties. The parties be notified about the next date. Stand over to 5.1.05.  Vice-Chairman
pg	5.1.2005	None for the parties. List on 10.2.2005 for orders.  Member (A)
mb 11.2.05		None appears for the applicant as well as the Respondents. It is a transfer case from Gauhati High Court (Kohima Bench), as per order dated 7th September, 2004 which

was passed in presence of both sides. Thereafter, the present matter had been listed on 6.10.04, 3.10.04, 5.1.05. Even Registry the notices were sent to the parties, yet, there is no representation by other side. It appears that the applicant as well as the Respondents have no interest in prosecution of the present O.A. Accordingly, the application is dismissed.

Member (J)

lm

21

- 1 -

IN THE GAUHATI HIGH COURT  
 (HIGH COURT OF ASSAM: NAGALAND: MEGHALAYA: MANIPUR: TRIPURA:  
 MIZORAM & ARUNACHAL PRADESH)  
KOHIMA BENCH

CIVIL APPELLATE SIDE

Appeal from

WPC No. 149 (K) of 2002

Appellant  
Petitioner

Shri. Kenidolhoulie & Ors.

-Versus-

Union of India & Ors.

Respondent  
Opposite-party.

For Appellant  
Petitioner

L. S. Jamir, Adv.

For Respondent  
Opposite-party.

Mr. K. Merumo,

Sr. C. G. S. C. for R/WOS - 142

Noting by Office or advocate.	Serial No.	Date	Office notes, report order or proceedings with signature.
1		3	4

Petition u/A 226 of  
 the constitution.

Stamps paid.  
 Copy not served.

28/8/02.

List it for motion on 29th  
 August 02

28/8/02



NOTING BY OFFICER OR ADVOCATES.	DATE	OFFICE/NOTE/REPORT ORDERS PROCEEDING WITH SIGNATURES.
1	2	3

BEFORE  
THE HON'BLE MR. JUSTICE B. LAMARE

29/8/02 Heard Mr. L.S. Jamir, learned counsel for the petitioner.

Admit this petition.

Call for the records.

Let a rule issue calling upon the respondents to show cause as to why a writ should not be issued as prayed for, or why such further or other orders should not be passed as to this court may deem fit and proper.

This rule is made returnable within 6 weeks.

Mr. K. Meruno, learned counsel accepts notice on behalf of respondents 1 and 2. The petitioner shall take steps for issue of notice on respondents 3,4 and 5 by registered post (A/D) within a week.

Heard learned counsel for the parties on the prayer for interim order.

In the interim, it is directed that the operation of the letter No.20/Admn.(c)/98(1)-85 dated 14th January, 2002 and Memorandum No.20/Adkn(C)/98(1)-127 dated 31st January, 2002, annexures 4 and 5 to the writ petition shall remain stayed until further orders from this court.

*Mamun*  
JUDGE

6.9.02  
Records called from H/w. 3 vide invoice no. 2254 dt. 2.9.02.

*Islandly*  
6/9/02

26.9.02  
The ld. counsel for the petitioner sent the notices upon H/w. 3, 4 & 5 by Regd A/D. The postal receipts are placed on the record as page 'A'.

*Islandly*  
6/9/02

MD

NOTING BY OFFICER  
OR ADVOCATES.

DATE

OFFICE/NOTE/REPORT ORDERS  
PROCEEDING WITH SIGNATURES.

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NOTING BY OFFICER OR ADVOCATES.	DATE	OFFICE/NOTE/REPORT ORDERS PRODUCING WITH SIGNATURE.
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1

2

3

30/10/2002

2-12-02

U.O.1 has not  
filed counter  
within time  
allowed.

~~2/12/02~~

Before  
The Hon'ble Mr. Justice B. Ramare

One month's time is allowed  
to the respondents to file counter  
as prayed for by Ms. At. Rhetso.

Mamun  
BUDGET

5/12/02

- Before -  
The Hon'ble Mr. Justice B. Ramare

One month's time is allowed  
to file counter as prayed for  
by Ms. Rhetso, Id. Addl. C.J. S.C.

Mamun  
Judge

H1

NOTICE BY OFFICER OR ADVOCATES.	DATE	OFFICE/NOTE/REPORT ORDERS PRODUCE WITH SIGNATURE.
1	2	3

BEFORE  
THE HON'BLE MR. JUSTICE B. LAMARE

22/1/03. As prayed for by Ms. Lucy on behalf of Mr L.S. Jamir, ld. G.A., list it after one week.

MD

*Mamun*  
JUDGE

2-06-03

Filed Counter Affi-  
davit on behalf of 12-3-03  
no. 5.

The case is pending  
for RAO 3 & 4.

41  
2/4/03

03/07/03

Before  
The Hon'ble Mr. Justice B. LAMARE

As prayed for,  
one month's time is  
allowed to the respondents  
to file counter.

*Mamun*  
JUDGE

Before  
The Hon'ble Mr. Justice B. Lamare

Two (2) weeks time is  
allowed to file rejoinder as  
prayed for by the Counsel  
for the Petitioner.

*Mamun*  
JUDGE

25

-5-

NOTING BY OFFICER OR ADVOCATES.	DATE	OFFICE/NOTE/REPORT ORDERS WITH SIGNATURE.
1	2	3

07/07/03

Before  
The Hon'ble Mr. Justice B. Lamsar

One month time  
is allowed to the responder  
to file counter as prayed for

Mansur  
JUDGE

AK.

Before  
The Hon'ble Mr. Justice B. Lamsar

17-11-03

Passed over.

By order

WPC 149 Dec 02

Noting by Officer or Advocates.	Date	Office/Note/Report orders produced with signature.
1	2	3

18/11/2003

Before  
The Hon'ble Mr Justice B. Lamone

Heard Mr. L. S. Janis,  
learned counsel for the petitioner

Counter affidavit on  
behalf of the respondent no. 5  
has been filed.

List it for hearing  
in usual course.

Liberty is granted  
to the petitioner to file reply  
is so advised.

PLACED ON GENERAL WARNING LI

on 4-12-03.

Amal Kumar Jaiswal  
4/12/03

*[Signature]*  
JUDGE

27

Noting by Officer or Advocates.	Date	Office / Note / Report orders produced with signature.
1	2	3

Before *B. Lamare*  
 The Hon'ble Mr. Justice ~~\_\_\_\_\_~~

19-1-04

list it in the next  
 week as prayed for by  
 M. K. Meenu

*M. K. Meenu*  
 JUDGE

NOTING BY OFFICER  
OR ADVOCATES.

DATE

OFFICE/NOTE/REPORT ORDER  
PRODUCED WITH SIGNATURE.

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2

3

27/1/2004

Before  
The Hon'ble Mr. Justice B. Lamare

List it on Thursday  
i.e. 29/1/04 as prayed for.

*Mamman*  
JUDGE

NOTING BY OFFICER  
OR ADVOCATES.

DATE

OFFICE/NOTE/REPORT ORDER  
PRODUCED WITH SIGNATURE.

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W.P.C.C) 149(D) 2002

NOTING BY OFFICER  
OR ADVOCATES.

DATE

OFFICE/NOTE/REPORT ORDER  
PRODUCED WITH SIGNATURE.

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2

3

29. 01-04

Before  
The Hon'ble Ms. Justice. B. Lamare

list it after 2 (two) weeks  
as prayed for.

*M. Lamare*  
JUDGE

23/2/04

Before  
The Hon'ble Ms. Justice. B. Lamare

list it in the last week  
of march 2004 as prayed for.

*M. Lamare*  
JUDGE

NOTING BY OFFICER OR ADVOCATES.	DATE	OFFICE/NOTE/REPORT ORDER PRODUCED WITH SIGNATURE.
1	2	3

Before  
The Hon'ble Mr. Justice..... *B. Laman.*

*29-8-04*

*did it on Thursday  
ie 8-4-03 as prayed  
for.*

*Maman*  
JUDGE

Before  
The Hon'ble Mr. Justice..... *B. Laman.*

*2-4-04*

*did it after 3 (three)  
weeks as prayed for  
by Mr L. S. Jamis.*

*Maman*  
JUDGE

Noting by officer or Advocates.	Date	Office/Note/Report orders produced with signature.
1	2	3

**BEFORE  
THE HON'BLE MR. JUSTICE B. LAMARE**

*14-6-04*      *dit it in the next  
week as prayed for by  
Mr. K. Meunier.*

*M. Lamare*  
**JUDGE**

**BEFORE  
THE HON'BLE MR. JUSTICE B. LAMARE**

*22-6-04*      *dit it on Thursday i.e.  
24-6-04 as prayed for.*

*M. Lamare*  
**JUDGE**

Noting by Officer or Advocates.	Date	Office/Note/Report orders produced with signature.
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**BEFORE  
THE HON'BLE MR. JUSTICE B. LAMARE**

25-6-04

*list it in the next week  
as prayed for by Mr. T.B.  
Jamin.*

*Mamaw*  
JUDGE

**BEFORE  
THE HON'BLE MR. JUSTICE B. LAMARE**

20-7-04

*list it in the next  
week as prayed for by  
Mr P. B. Paul on behalf  
of Mr. K. Muneo.*

*Mamaw*  
JUDGE

NOTING BY OFFICER OR ADVOCATES.	DATE	OFFICE/NOTE/REPORT ORDER PRODUCED WITH SIGNATURE.
1	2	3

26-7-04

**BEFORE**  
**THE HON'BLE MR. JUSTICE B. LAMARE**

List it on Thursday  
i.e. 29-7-04 as prayed  
for.

*Maman*  
**JUDGE**

29/7/04

**BEFORE**  
**THE HON'BLE MR. JUSTICE B. LAMARE**

List it in the next  
week as prayed for by  
Mr. L.S. Samir.

*Maman*  
**JUDGE**

ef

NOTING BY OFFICER  
OR ADVOCATES.

DATE

OFFICE/NOTE/REPORT ORDER  
PRODUCED WITH SIGNATURE.

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NOTING BY OFFICER OF ADVOCATE.	DATE	OFFICE NOTE/REPORT ORDERS PRODUCED WITH SIGNATURE.
1	2	3

03-8-04

BEFORE  
THE HON'BLE MR. JUSTICE B. LAMARE

List it after 3 (three) weeks as prayed for by Mr. K.

Meruno.

*Mawar*  
JUDGE

RJ

BEFORE  
THE HON'BLE MR. JUSTICE B. LAMARE

*30-8-06*

*dist it on Thursday  
i.e. 2-9-04 as prayed for*

*Mawar*  
JUDGE

Noting by Officer or Advocates.	Date	Office/Note/Report orders produced with signature.
1	2	3

**BEFORE**  
**THE HON'BLE MR. JUSTICE B. LAMARE**

2-9-04.

Heard Mr Z. S. Janis  
for the petitioner and also  
heard Mr K. Munnis Sr.  
Central Standing Counsel  
for the respondents.

Set it on 7-9-04  
as fixed item.

*B. Lamare*  
**JUDGE**

Noting by Officer  
or Advocate

Date

Office/Note/Report orders produced  
with signature.

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Noting by Officer or Advocate	Date	Office/Note/Report orders produced with signature.
1	2	3

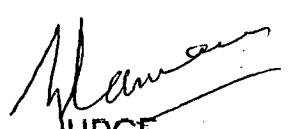
BEFORE  
THE HON'BLE MR. JUSTICE B. LAMARE

7-9-2004

Heard Mr. L.S. Jamir, learned counsel for the petitioners and Mr. K. Meruno, learned Sr.CGSC for the respondents.

At the outset it is noticed that under section 14 of the Central Administrative Act, 1985 the case has to be decided by the Central Administrative Tribunal.

Registry is directed to transfer this writ petition to the Central Administrative Tribunal, Guwahati Bench immediately. The Tribunal on receipt of the records shall issue notice to the concerned parties and if there is any delay, such delay shall be condoned by the Tribunal.

  
JUDGE

RJ

SEARCHED  
INDEXED

Noting by Officer or Advocates.	Date	Office/Note/Report orders produced with signature.
1	2	3

Case No. W.P.(C) NO 149(K)02.

## Index

District.....

Shri. Kenidokoulie tors vs Union of India &amp; ors.

Serial No.	Description of Papers	Annexure	Pages
1.	Petition		1-14.
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3.	Letter NO. 30/48/62-P III from the Ministry of Home Affairs	1	16.
4.	Office Memorandum Dt. 3-1-97	2.	17-23.
5.	Judgement order Dt. 31-5-2001.	3.	24-25.
6.	Govt of India, Ministry of Home Affairs letter Dt. 14-1-2002.	4	26.
7.	Memorandum Dt. 1.1.2002.	5.	27.
8.	Non-Judicial Court fee papers.		28-54.
9.	Counter Affidavit on behalf of Respondent no. 5.		55-62.

NB  
Filed on 28-8-2002 by  
the pleh-bureau through  
Shri. d. s. samit, Advocate

**IN THE GAUHATI HIGH COURT  
(THE HIGH COURT OF ASSAM : NAGALAND :  
MEGHALAYA : MANIPUR : TRIPURA : MIZORAM AND  
ARUNCHAL PRADESH)**

**KOHIMA BENCH**

**CIVIL EXTRAORDINARY JURISDICTION**

**W.P.(C) No. 149 (K) of 2002**

To,

The Hon'ble Shri P.P. Naolekhar B.Com., L.L.B., the Chief  
Justice of the Gauhati High Court and his Lordship's other companion  
Justices of the said Hon'ble Court.

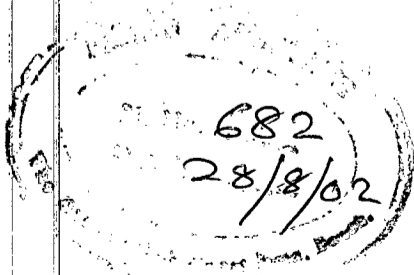
**IN THE MATTER OF :**

An application under Article 226 of  
the Constitution of India for issuance  
of a Writ of Certiorari and/or  
Mandamus and/or any other Writ,  
Order or Direction of the like nature.

- AND -

**IN THE MATTER OF :**

Letter No. 20/Admn.(c)/98(1)-85  
dated the 14th January, 2002  
written by the Desk Officer to the  
Director, Intelligence Bureau,  
Ministry of Home affairs, North



...../-



- 3 -

3. Shri. K.H. Sema
4. Shri. Nikheto Sema
5. Shri. K.C. Phom
6. Shri. S. Hekuto Sema
7. Shri. K.G. Sema
8. Shri. J.M. Das
9. Shri. Khovezu Sema
10. Shri. Vihosul Kweho
11. Shri. Biswajit Dhar
12. Shri. Raj Kumar
13. Smti. Romita Lama
14. Smti. Nongole
15. Shri. S.K. Acharjee
16. Shri. D. Mitra
17. Shri. Y. Lotha
18. Shri. K.L. Patralekh
19. Shri. Moncy Joseph
20. Shri. R.A. Raut
21. Smti. Vasumathy Surendran
22. Shri. T. Sale
23. Shri. S. Dutta
24. Shri. R.R. Dey
25. Shri. Y.C. Konyak
26. Shri. Tapan Dutta
27. Shri. Sagar Roy
28. Shri. G.K. Das
29. Smti. A. Chacko
30. Shri. L. Koza
31. Shri. A.S. Rawat
32. Shri. R.D. Angami
33. Shri. S.P. Sinmgh
34. Shri. Vivek Kumar
35. Shri. A.K. Das
36. Shri. Z. Ato Yimchunger
37. Shri. B.S. Manku
38. Shri. D.N. Suryan

...../-

39. Shri. L. Yimchunger
40. Shri. Ajit Singh
41. Shri. V. Pikato Sema
42. Shri. Devasish Dey
43. Shri. R.R. Prasad
44. Shri. A.K. Kuki
45. Shri. Y.J. Patton
46. Shri. Debabrata Paul
47. Shri. Baljit Singh
48. Shri. Daljit Singh
49. Shri. Chandan Kumar
50. Shri. Keshab Sharma
51. Shri. Shyamlal Das
52. Shri. Dipak Roy
53. Shri. S.K. Tripathi
54. Shri. S.J. Sangma
55. Shri. C.L. Phom
56. Shri. P. Thira
57. Smti. T. Y. Konyak
58. Smti. Atula
59. Smti. N. Malti
60. Shri. Ubiram Gurung
61. Shri. P. Zeliang
62. Shri. Sarvesh Chandra
63. Shri. N. Tunyi
64. Shri. Z. Tetseo
65. Shri. K. Pamei
66. Shri. Notho Thapru
67. Shri. Samuel Vikehihol
68. Shri. Totan Acharjee
69. Shri. D. Kabui
70. Shri. Rohan Lama
71. Shri. O.P. Nath Chakraborty
72. Shri. L.N. Sinha
73. Shri. S. Biswas

...../-

- 74. Shri. R. Yimchunger
- 75. Smti. Tsusola
- 76. Shri. Suvro Chatterjee
- 77. Shri. S.K. Maity.

All presently serving under the  
Subsidiary Intelligence Bureau,  
Government of India, Kohima,  
Nagaland.

..... **Petitioners**

- Versus -

1. The Union of India represented by  
the Secretary,  
Ministry of Home Affairs,  
New Delhi - 1.
2. The Secretary,  
Ministry of Finance,  
Department of Expenditure,  
New Delhi - 1.
3. The Director,  
Intelligence Bureau,  
Ministry of Home Affairs,  
New Delhi - 1
4. The Joint Director,  
Subsidiary Intelligence Bureau,  
Ministry of Home Affairs

...../-

Government of India,  
Kohima, Nagaland.

5. The Assistant Director,  
Subsidiary Intelligence Bureau,  
Ministry of Home Affairs,  
Government of India,  
Kohima, Nagaland.

..... Respondants

The above-named petitioners beg  
to state the following and

**MOST RESPECTFULLY SHEWETH :**

1. That the petitioners are all citizens of India and as such they are entitled to all the rights, protection and privileges guaranteed under the Constitution of India.
2. That the petitioners have the same cause of action and the nature of relief sought is also the same. They have a common interest in the case and have filed the petition jointly.
3. That the petitioners are all employees of the Subsidiary Intelligence Bureau (hereinafter referred to as the SIB for the sake of

...../-

brevity), Government of India and are all posed in different areas in the State of Nagaland.

4. That at the outset, the petitioners state that they are entitled to House Rent Allowance (hereinafter referred to as the HRA for the sake of brevity) at the rates under the category of 'B' Class Cities as the State of Nagaland was equated to the category of 'B' Class Cities by a Presidential Order dated 8th January, 1962. The same was clarified by a letter No. 30/48/62-P.III dated 3<sup>rd</sup> March, 1964 written by the Under Secretary to the Government of India, Ministry of Home Affairs to the Director, Intelligence Bureau, New Delhi.

Photostat copy of the aforementioned letter dated 3<sup>rd</sup> October, 1964 is annexed herewith and marked as **Annexure - 1** hereof.

5. That again, the Hon'ble Supreme Court by its Judgement and order dated 18.2.93 passed in Civil Appeal No. 2705 of 1991 in Union of India and others - Versus - Shri. S.K. Ghosh and others while upholding the Judgement of the Central Administrative Tribunal, Guwahati has directed that the employees of Postal and Telegraph posted in Nagaland should be given HRA at the rates applicable to 'B' Class Cities. The petitioners crave leave of this Hon'ble Court to produce and rely upon the same at the time of hearing of the writ petition.

6. That on being denied to draw their HRA at the rates applicable to 'B' Class cities, the petitioners Nos. 2 to 30 alongwith others filed an application before the Hon'ble Central Administrative Tribunal, Guwahati Bench ( hereinafer referred to as the CAT) praying for the same. The said application was registered as Original Application

...../-

No. 37 of 1995 and the same was disposed of by judgement and order dated 22<sup>nd</sup> August, 1995 at Kohima directing the respondents inter alia to pay the applicants HRA 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 28.2.91, and at the rate as may be applicable from time to time as from 1.3.1991 onwards and continue to pay the same. The petitioners crave leave of this Hon'ble Court to produce and rely upon the same at the time of hearing of the writ petition.

7. That thereafter, the petitioners Nos. 2 to 30 were allowed to draw their HRA at the rates applicable to 'B' Class Cities, however the rest of the other petitioners herein were denied the same. Most interestingly again from 1997 onwards all the petitioners herein including the petitioners Nos. 2 to 30 were again denied to draw their HRA at the rates applicable to 'B' Class Cities and instead were allowed to draw their HRA at the rates applicable to 'C' Class cities and other unclassified cities without any notice or order whatsoever.

8. That in the meantime, the Joint Secretary to the Government of India, Ministry of Finance (Department of Expenditure) issued a Memorandum No. 2(30) 97-5 11(B) dated the 3<sup>rd</sup> October, 1997 on the subject of recommendation of the 5th Pay Commission relating to grant of Compensatory City Allowance and HRA to Central Government employees wherein Kohima and Dimapur Towns has been shown under the category of 'C' class cities. However at para 3 of the said Office Memorandum it is clarified as under :

quote " The Cities/Towns which have been placed in a lower classification in the above mentioned lists as compared to their existing classification

...../-

Commis. of affidavits  
 Gauhati High Court.  
 R. Ganga Barch.

shall continue to retain the existing classification until further orders and the Central Government employees working therein will be entitled to draw the rates of CCA and HRA accordingly” unquote.

Photostat copy of the aforementioned memorandum dated 3.10.97 is annexed herewith and marked as **Annexure - 2** hereof.

9. That in spite of the aforesaid clarification contained in the memorandum dated 3.10.97 and also the directions of the Hon'ble Supreme Court and also of the CAT, the respondents continued to allow the petitioners to draw their HRA at the rates applicable to 'C' class cities only. As such, some of the petitioners herein preferred an application before the CAT, Guwahati Bench praying for payment of HRA at the rates applicable to 'B' class cities with effect from 1.3.1991 and secondly for entitlement of License Fee at the rate of 10% of their monthly pay. The same was registered as Original Application No. 279 of 1997. The said application was disposed of by the CAT at Kohima by order dated 31st May, 2001 directing inter alia that the applicants will be entitled to HRA at the rates applicable with effect from 1.3.1991.

Photostat copy of the aforementioned order of the CAT dated 31.5.2001 is annexed herewith and marked as **Annexure - 3** hereof.

10. That surprisingly, the Desk Officer, Ministry of Home Affairs, Government of India vide letter No. 20/Admn. (c)/98(1)-85 dated 14<sup>th</sup> January, 2002 wrote to the Director, Intelligence Bureau, .....

Guwahati  
C. Bench

Ministry of Home Affairs, North Block, New Delhi conveying inter alia the sanction of the President for recovery of Rs. 4,03,708/- (Rupees four lakhs three thousand seven hundred and eight) only of overpaid amount of HRA from March, 1991 to September, 1997 in pursuance to the judgement dated 31.5.2001 passed by the Hon'ble CAT, Guwahati Bench at Kohima in O.A. 279/97.

Photostat copy of the aforementioned letter dated 14<sup>th</sup> January, 2002 is annexed herewith and marked as **Annexure – 4** hereof.

11. That the Assistant Director, Intelligence Bureau, Ministry of Home Affairs, Government of India conveyed the aforesaid letter dated 14.1.2002 to the Assistant Director, Subsidiary Intelligence Bureau, Kohima, Nagaland through a Memorandum No. 20/ADMN(c)/98 (1)-127 dated 31<sup>st</sup> January, 2002 for recovery of the overpaid amount of HRA from the petitioners of O.A. No. 279 of 1997.

Photostat copy of the aforementioned memorandum dated 31.1.2002 is annexed herewith and marked as **Annexure – 5** hereof.

12. That the aforesaid letter dated 14.1.2002 and Memorandum dated 31.1.2002 is extremely misleading inasmuch as the order dated 31.5.2001 passed in O.A. No. 279 of 1997 by the CAT, Guwahati Bench at Kohima had in no way directed for recovery of overpaid HRA from the said petitioners. In fact the said order of the CAT had entitled the petitioners therein to draw their HRA at the rates applicable with effect from 1.3.1991 and as such the impugned letter

...../-

Commissioner of Affidavits  
Gauhati High Court  
Kohima Bench.

dated 14.1.2002 and memorandum dated 31.1.2002 ought to be set aside and quashed as being highly illegal.

13. That the petitioners state that they are entitled to HRA at the rates applicable to 'B' Class cities as allowed by a catena of the judgements of the CAT as well as the judgements of this Hon'ble Court and also of the Supreme Court.

14. That the petitioners state that the actions of the respondents in not allowing the petitioners to draw their HRA at the rates applicable to 'B' class cities as directed by this Hon'ble Court as well as the CAT and the Supreme Court is most illegal, arbitrary and contemptuous.

15. That the petitioners state that the employees of the Postal Department, Directorate of Census Operations, Ministry of Home Affairs, Government of India, Kohima, National Sample Survey Organisation, Kohima, Telecom Department. ( now Bharat Sanchar Nigam Ltd.) etc., etc., posted in Nagaland are being entitled to HRA at the rates applicable to 'B' Class cities. The actions of the respondents in refusing to allow the same to the petitioners amounts to a colorable exercise of power by discriminating amongst similarly situated persons and the same is therefore hit by the Constitution of India.

16. That the petitioners state that the respondents are yet to give effect to the impugned letter dated 14.1.2002 and Memorandum dated 31.1.2002 but the petitioners are apprehending that the respondents may act upon the same at anytime now and as such, this is a fit case

...../-

where this Hon'ble Court may be pleased to interfere by staying the operation of the impugned letter dated 14.1.2002 and memorandum dated 31.1.2002 in the interest of justice.

17. That the petitioners have demanded justice but the same has been denied to them.

18. That there is no other equally efficacious remedy available to the petitioners and the reliefs sought for in this writ petition shall be adequate, just and proper.

19. That this petition is filed bona fide and in the interest of justice.

In the premises aforesaid it therefore most respectfully prayed that your Lordships may be graciously pleased to admit this petition, call for the records, issue Rule calling upon the respondents to show cause as to why a writ of Certiorari should not be issued quashing and setting aside the impugned :

(a) Letter No.  
20/Admn.(c)/98(1)-85 dated the  
14<sup>th</sup> January, 2002 written by the  
Desk Officer, Ministry of Home  
Affairs, Government of India and

(b) Memorandum No.  
20/Admn(C)/98(1)-127 dated 31<sup>st</sup>  
...../-

January, 2002 written by the  
Assistant Director, Intelligence  
Bureau, Ministry of Home Affairs,  
Government of India

AND further direct the  
respondants to show case as to  
why a writ of Mandamus should  
not be issued directing the  
respondants to allow the  
petitioners to draw House Rent  
Allowance at the rates applicable  
to 'B' Class Cities with effect from  
1991 alongwith arrears and all  
other consequential benefits

AND on cause(s) being shown and  
upon hearing the parties be pleased  
to make the Rule absolute and/or  
pass such other further Order(s)  
and/or Direction(s) as this Hon'ble  
Court may deem fit and proper  
under the circumstances of the  
case.

- AND -

Pending disposal of the Rule, your  
Lordships may be further pleased  
to stay the operation of :

- (i) Letter No.  
20/Admn.(c)/98(1)-85 dated 14<sup>th</sup>

...../-

January, 2002 written by the Desk Officer, Ministry of Home Affairs (Annexure – 4) and

(ii) Memorandum No. 20/Admn(C)/98(1)-127 dated 31st January, 2002 issued by the Assistant Director, Intelligence Bureau, Ministry of Home Affairs, Government of India (Annexure – 5)

in the interest of justice.

And for his act of kindness your humble petitioners as in duty bound shall ever pray.

AFFIDAVIT .....

AFFIDAVIT

I, Shri Kenidolhoulie, S/O Shri Atei, aged about 30 years, presently serving as ACIO-II/G in the Subsidiary Intelligence Bureau Office, Kohima, Nagaland do hereby solemnly affirm and state as follows :

1. That I am the petitioner No. 1 in the instant writ petition and as such I am familiar with the facts and circumstances of the case. I have been authorised by the other Co- petitioners to swear this affidavit on their behalf as well as of my own and I am competent to do so.

2. That the statements made in this affidavit and in paras 1 & 2, 7, 12-19 of the accompanying petition are true to my knowledge, those made in paras 4 & 6, and 8 & 11 are informations derived from records and which I believe to be true and the rest are my humble submissions before this Hon'ble Court.

Identified by :

*Kenidolhoulie*

Deponent

*L.S. Jamir*

Shri. L.S. Jamir  
Advocate.



Solemnly affirmed before me this the 28 day  
of August 2012 Identified by L.S. Jamir  
Advocate

certified to be true and correct to the best of my knowledge and belief and the contents are perfectly correct and true as stated

*[Signature]* 28/08/12  
COMMISSIONER OF AFFIDAVITS  
GAUHATI HIGH COURT  
KOHIMA BENCH

ANNEXURE - 1

4B  
- 16 -

No.30/48/62-P.III  
GOVERNMENT OF INDIA  
MINISTRY OF HOME AFFAIRS

To  
The Director,  
Intelligence Bureau,  
New Delhi.

New Delhi-11, the 3 October, 1964  
11 Asvina, 1886.

Subj:- Grant of free furnished accommodation or House  
Rent Allowance in lieu thereof to I.B. Ministerial  
and Class IV staff posted in Nagaland.

Sir,  
With reference to the correspondence ending with  
your u.o. No.3/Terms(O)/62(5) dated the 8th May, 1964, on the  
subject mentioned above, I am directed to convey the sanction  
of the President to the grant of rent free accommodation on a  
scale approved by the local Administration to the ministerial  
and Class IV staff of the Intelligence Bureau posted in Nagaland  
with effect from 1.11.60.

2. • Such of the ministerial and Class IV staff of the  
Intelligence Bureau as cannot be provided with the rent free  
accommodation will be entitled to house rent allowance at B-2  
Class rates mentioned in Ministry of Finance O.M.No.2(47)EII(B)/69  
dated 24th December, 1963.

3. This issues with the concurrence of the Ministry of  
Finance vide their u.o. No. 8247 -HLL/64 dated the 28th September  
1964.

Yours faithfully,

Sd/-

(G.L. Bailur)

Under Secretary to the Govt. of India

F 23/5/64  
P.8  
VOT

New Delhi, the 3rd October, 1997

**OFFICE MEMORANDUM**

Subject: Recommendations of the Fifth Pay Commission - Decisions of Government relating to grant of Compensatory (City) Allowance and House Rent Allowance to Central Government employees.

The undersigned is directed to say that, consequent upon the decisions taken by the Government on the recommendations of the Fifth Pay Commission relating to the above mentioned allowances vide this Ministry's Resolution No. 50(1)/IC/97 dated 19.10.1997, the President is pleased to decide that in modification of this Ministry's O.M. No. F2(37)-E.II(B)/84 dated 7.11.1985 as amended from time to time, Compensatory (City) Allowance and House Rent Allowance to Central Government employees shall be admissible at the following rates:-

**(i) COMPENSATORY (CITY) ALLOWANCE**

Pay Range (Basic Pay)	Amount of CCA in class of cities.			
	A-1	A	B-1	B-2
(1)	(2)	(3)	(4)	(5)
Below Rs. 3000 p.m.	90	65	45	25
Rs. 3000 p.m. to Rs. 4499 p.m.	125	95	65	35
Rs. 4500 p.m. to Rs. 5999 p.m.	200	150	100	65
Rs. 6000 p.m. and above	300	240	180	120

OFFICE MEMORANDUM

**(ii) HOUSE RENT ALLOWANCE**

Classification of cities/towns	Rates of House Rent Allowance
A-1	30% of actual basic pay drawn
B-1	15% of actual basic pay drawn
B-2	7.5% of actual basic pay drawn
C	5% of actual basic pay drawn

2. The list of cities/towns classified as A-1, A, B-1 and B-2 for the purpose of CCA is enclosed at Annexure I. The list of cities/towns classified as A-1, A, B-1, B-2 and C is enclosed at Annexure II.

3. The cities/towns which have been placed in a lower classification in the above mentioned lists, as compared to their existing classification, shall continue to retain the existing classification until further orders and the Central Government employees working therein will be entitled to draw the rates of CCA and HRA accordingly.

4. The orders relating to grant of HRA/CCA in localities as listed in paras 2 & 3 of this Ministry's O.M. No. 2(2)/93-14(15) 1993 shall continue to be applicable.

5. Pay for the purpose of these orders, will be Pay drawn in the prescribed scale of pay, including stagnation increment(s) but shall not include any other type(s) of pay like special pay or personal pay, etc. In the case of employees who opt to retain the existing scales of pay, it will include, in addition to pay in the prescribed scale, dearness pay and other relief appropriate to that pay admissible under orders in existence on 1.1.1996.

Other conditions governing grant of CCA and HRA under existing orders shall continue to apply. These orders shall be effective from 1.8.1997. For the period from 1.1.1996 to 31.7.1997, the above allowances will be at the existing rates on the notional pay in the pre-revised scale.

These orders will apply to all civilian employees of the Central Government. The orders will also apply to the civilian employees paid from the Defence Services Estimates, in regard to Armed Forces Personnel and Railway employees, separately, will be issued by the Ministry of Defence and Ministry of Railways, respectively.

In order to the provisions relating to the Indian Audit & Accounts Department are concerned, this order issues in consultation with the Comptroller & Auditor General of India.

A Hindi version of the order is attached.

*(Signature)*  
 (D. Swarup)

Joint Secretary to the Government of India.

All Ministries and Departments of the Government of India etc. as per standard distribution list.  
 Copy forwarded to C&AG and UPSC etc. (with usual number of spare copies) as per standard endorsement list.

LIST OF CITIES WHERE COMPENSATORY (CITY)  
ALLOWANCE IS ADMISSIBLE TO CENTRAL GOVERNMENT EMPLOYEES

1. State/Territory	A-1	A-2	B-1	B-2
	2.	3.	4.	5.
Andhra Pradesh Assam Bihar Chandigarh Delhi Gujarat Haryana Karnataka Kerala	Delhi (UA) ✓	Hyderabad (UA) Ahmedabad(UA) Bangalore(UA)	Vankhapatnam (UA) Patna (UA) Surat(UA) Vadodara(UA) Kochi(UA)	Vijayawada (UA). Guwahati City Dhanbad (UA) Ranchi (UA) Jamshedpur (UA) Chandigarh (UA) Rajkot(UA) Faridabad Conflux Hubli- Dharwad, Mysore(UA) Thiruvananthapuram (UA) Kozhikode (UA)
Madhya Pradesh Madhya Pradesh Maharashtra Madhya Pradesh Punjab Rajasthan Tamil Nadu	Bikaner ✓ Mumbai(UA) Chennai (UA)	Pune (UA) Coimbatore (UA) Madurai(UA) Lucknow(UA) Varanasi(UA) Calcutta (UA)	Bhopal Indore(UA) Nagpur(UA) Ludhiana Jaipur(UA) Coimbatore (UA). Madurai(UA). Lucknow(UA). Varanasi(UA).	Durg Bhalu Nagar(UA). Gwalior (UA). Jabalpur (UA). Aurangabad (UA). Nashik (UA). Solapur(UA) Amritsar, Jalandhar. Jodhpur, Kota. Salem (UA) Tiruchirappalli(UA) Meerut(UA). Bareilly (UA). Ghazipur (UA). Gorakhpur, Agra (UA). Allahabad (UA). Asansol (UA).

LIST OF CITIES WHERE HOUSE RENT ALLOWANCE IS

ANNEXURE I

ADMISSIBLE TO CENTRAL GOVERNMENT EMPLOYEES

A	B-1	B-2	C
2.	3.	4.	5.
Hyderabad (UA)	ANDHRA PRADESH Vishakhapatnam (UA), Vijayawada (UA).	Srikakulam, Vizianagaram, Anapalle, Kakinda (UA), Rajahmundry (UA), Narasapur, Palacole, Tadipalligudem, Tenuku, Eluru, Hilmavaram, Gulivada, Machilipatnam, Bapatla, Chilakaluripet, Haranapet, Ponnuru, Tenali, Mangalagiri, Ongole(UA), Chirala(UA), Gudur, Kavali, Nellore, Madanapalle, Srikalahasti, Ikrapati(UA), Chittoor, Cutkupati(UA), Proddatur, Dharmavaram, Kadiri, Tadipatri, Anantapur, Guntakal, Hindupur, Yemmiganur, Kurnool (UA), Adoni, Nandyal, Maddur, Sangareddy, Siddipet, Bodhan, Nizamabad, Adilabad, Bellampalle, Kazanagar, Mancherial, Miryalguda, Jagtial, Sircilla, Karimnagar, Hanamkonda, Palvancha, Khanapur (UA), Suryapet, Miyalaguda, Hoshangabad, Kothagudem(UA), Guntur, Warangal(UA).	
		ANDAMAN & NICOBAR ISLANDS	Port Blair.
	ASSAM Guwahati City.		Dibrui, Loozpur, Jorhat(UA), Nagaon, Dibrugarh(UA), Tezpur, Silchar, Kailashgarh.
	BIHAR Bhanchi(UA), Patna(UA).		Mokameh, Bihar, Buxar, Arrah, Dohur, Sasaram, Jehanabad, Nawada, Gaya(UA), Chapra, Bettiah, Bagaha, Motihari(UA), Muzaffarpur, Siwan, Hajipur, Barauni, Begusarai(UA), Darbhanga, Madhubani, Saharsa, Purnia(UA), Katihar, Jambhupur, Lakhisarai, Munger, Bhagalpur(UA), Deoghar(UA), Dhanbad(UA), Giridih, Phulio(UA), Jhansi, Hazratnagar, Hapur(UA), Saundha, Dehra Dun, Ghazipur, Allahabad, Kishanganj, Durgam Chooli City(UA), Jaunpur(UA).
	CHANDIGARH Chandigarh(UA)		
	DELHI		
	GOA		Margao(UA), Panaji(UA).

A	B-1	B-2	C
2.	3.	4.	5.
Ahmedabad (UA)	Surat(UA), Vadodra (UA)	<p><b>GUJARAT</b> Rajkot(UA)</p> <p><b>HARYANA</b> Faridabad Complex</p>	<p>Jamnagar(UA), Uplata, Gondal(UA), Dhoraji(UA), Jolpur(UA), Morvi(UA), Dhrangadhra, Surendranagar, Botad, Mahuva(UA), Anxalli(UA), Veraval, Keshod, Junagadh(UA), Anjar, Porbandar(UA), Gandhidham, Bhuj(UA), Dasa, Palampur(UA), Himatnagar, Unjha, Sirpur(UA), Visnagar(UA), Kalol(UA), Mahesana(UA), Viramgam, Khanbhal(UA) Nadiad(UA), Anand(UA) Dohad(UA), Godhra (UA), Dabhol, Anklesvar(UA), Bhavuch(UA), Navsari (UA), Valsad(UA), Gandhinagar, Patan(UA) [Under Dist Mahesana], Patal, Bhavnagar(UA), Saverkundla(UA).</p> <p>Panchkula Urban Estate, Ambala, Ambala(UA), Yamunagar (UA), Thanesar, Kailhal, Karnal(UA), Panipat, Sonapat, Bahuchughali (UA), Behlak, Palwal, Gurgaon(UA), Nowari, Humaut, Bhiwani, Jind; Hansi, Hisar (UA), Sirsa.</p>
Bangalore (UA)	Indore(UA), Bhopal	<p><b>HIMACHAL PRADESH</b></p> <p><b>KARNATAKA</b> Hubli, Utharwad</p> <p><b>KERALA</b> Thiruvananthapuram(UA), Kochi(UA)</p> <p><b>MADHYA PRADESH</b> Gwalior(UA), Jabhpur(UA)</p>	<p>Shimla(UA).</p> <p>Channarayana, De-Lalaballapur, Hanuman Nagar, Gokak, Hirasol, Belgur(UA), Bellary, Bidar(UA), Bagalkot, Ratikavi, Raichur, Vijapur(UA), Chikmagalur, Chitradurga(UA), Davangere(UA), Mangalore(UA), Hanbennur, Gadag, Bidigeri, Gulbarga(UA), Hassan(UA), Chintamani, Kolar, Gesh Fields(UA), Kolar, Mandya, Gangavah(UA), Heichur(UA), Bhadravali (UA), Shimoga(UA), Tumkur(UA), Dandell, Kaveri, Hospot(UA), Harihar, Mysore(UA).</p> <p>Kasaragod, Kachanganad (UA), Payyanur, Valakad(UA), Ponnani, Mangal, Palakkad(UA), Hissur(UA), Changanassery, Kottayam(UA), Alappuzha(UA), Thuvalls, Kollam (UA), Talpazhaha, Kannur(UA), Kayamkulam, Kozhikode(UA).</p> <p>Merga Bhum Dalia, Bhaurathi, Chhatargar (UA), Sagar(UA), Damoh(UA), Sahar(UA), Hawa, Sheikol (UA), Guna, Mandla, Ujjain, Datlana(UA), Ujjain(UA), Dewas, Dhar, Khosda, Dabra, Vidisha, Sehore(UA), Sand, Betul(UA), Hoshangabad, Burs(UA), Muwara (Kati), Chhindwara(UA), Seoni, Balaghat(UA), Amliapur(UA), Kotha, Balapur(UA), Ghat, Dhamari, Bhanpur(UA), Uthw(UA), Kharas, Durg, Hoshang(UA), Jasp(UA), Bhanpur, Hoshang(UA), Rajshaharan Dab, Bagar(UA).</p>

A-1	A	B-1	B-2	C
1.	2.	3.	4.	
Bilhan Mumbai(UA)		Pune(UA), Nagpur (UA).	<b>MAHARASHTRA</b> Nashik(UA), Solapur(UA), Aurangabad (UA).  <b>MANIPUR</b>  <b>MEGHALAYA</b>  <b>MIZORAM</b>  <b><u>NAGALAND</u></b>  <b>ORISSA</b>	Chhannaganj, Zambhar, Girasaawal(UA), Jalgaon, Shukranpur(UA), Alwar(UA), Satara, Solapur, Sangli(UA), Haveli, Pandharpur, Ichalkaranji(UA), Jalna, Hingoli, Parbhani, Parli, Amroli(UA), Nanded(UA), Osmanabad, Udgir, Latur, Buldana, Malkapur, Khairagarh, Akot, Akola, Achalpur, Pusad, Yavatmal(UA), Hingoli, Wardha, Udaipur, Karmali(UA), Gondiya, Ballapur(UA), Chandrapur, Kolhapur (UA), Amravati.  Imphal(UA)  Shillong(UA)  Aizawl  <u>Kohima, Dimapur.</u>
Bihar		Patna(UA), Bihar	<b>PUNJAB</b> Amritsar, Jalandhar.	Bargarh, Deogarh, Jharsuguda, Sambalpur(UA), Boudh(UA), Bhadrak, Balasore(UA), Balangir, Bhanupatna, Jhansi, Sundergarh, Brahmapur, Puri, Cuttack(UA), Sambalpur  Gurdaspur, Pathankot(UA), Batala(UA), Ferozpur Cantt., Fazilka, Abohar, Khanna, Kapurthala, Phagwara(UA), Hoshiarpur, SAS Nagar(Mohali), Hapur, Nabha, Patiala(UA), Malerkotla, Sangrur, Ferozpur, Barnala, Mansa, Bhaini, Ferozkot(UA), Kaikapora, Muktsar, Malout, Moga(UA).
Bihar		Patna (UA)	<b>PONDICHERY</b>  <b>RAJASTHAN</b> Jaipur, Kota.	Pondicherry(UA), Karaikal, Oulharet, Yanam(UA),  Hanumangarh, Gurgaon, Hoshiarpur, Sardar Sarovar, Bahawalpur, Sujapur, Bundi, Jhunjhunun, Nawalgarh Alwar(UA), Bharatpur, Bharatpur, Hindon Gaggapur City, Sawad Madhopur(UA), Fatehpur, Kishangarh, Bawana(UA), Nagaur, Makrana(UA), Pali, Bikaner, Udaipur, Udaipur, Chittorgarh, Tonk(UA), Bar, Banswara(UA), Churu(UA), Bikaner

A	U-1	U-2	C
2.	3.	4.	5.
Chennai(UA)		<p><b>TAMIL NADU</b></p> <p>Coimbatore(UA), Madurai(UA), Salem, Tiruchirappalli(UA).</p>	<p>Chengalpattu, Kanchipuram(UA), Arakkonam, Andur, Thoppattur, Gudiyallam(UA), Vaniyambadi(UA), Attur, Vellore(UA), Krishnagiri, Dharmapuri, Arani, Tiruvannamalai, Tindivanam, Villupuram, Ponnai, Virudhachalam, Chikmagalur(UA), Kudalatare, Noyyohi(UA), Thuchengudu, Kumarapalayam, Erode(UA), Idhaganandalam, Mettupalayam, Uthumalaiyapattai, Hoppur(UA), Pollachi(UA), Palani(UA), Dindigul, Karur(UA), Mayiladuthurai, Mannargudi, Pattukkottai, Nagarpalayam(UA), Kumbakonam(UA), Thanjavur, Pudukkottai, Karaikkudi(UA), Ponnaiyakkannur, Kandam, Teni Allinagar, Sivilliputtur, Virudunagar, Aruppukkottai, Hajipur(UA), Sivakasi(UA), Paramakudi, Hamanathapuram, Kovilattai, Tulicoru(UA), Puliyangudi, Kadayanallur, Tenkasi, Tirunelveli(UA), Nagorecoil, Mettur, Valparai.</p>
	Lucknow(UA); Kanpur(UA).	<p><b>UTTAR PRADESH</b></p> <p>Morad(UA), Bareilly(UA), Allahabad(UA), Varanasi(UA), Agra(UA), Gorakhpur.</p>	<p>Agartala</p> <p>Dehradun(UA), Kashipur, Rudrapur, Haridwar, cum Kanimgram, Najibabad, Bagpat, Chandpur, Bijnor(UA), Chandernagore, Sambhal, Noida, Amroha, Meerut, Unnao, Sahasganj, Bhopal(UA), Hardwar(UA), Shamli, Rampur, Muzaffarnagar(UA), Barabanki, Mawana, Pilibhit, Bahraich, Moradnagar(UA), Khurja, Sikandrabad, Bulandshahr, Mathura, Mathura, Shikohabad, Ferozabad(UA), Kangra, Etah, Meerut, Sahaswan, Bachhan, Pilibhit, Unnao, Shahjahanpur(UA), Lucknow, Sitapur, Hapur, Shahabad, Gangaghat (Dist. Unnao), Raebareilly, Kasganj, Orai, Fatehgarh cum Fatehgarh(UA), Amroha, Etawah, Meerut(UA), Lahore, Mahoba, Banda, Fatehpur, Bela Pratappur, Bahraich, Bahraich, Gonda, Hathras, Tanda, Ferozabad(UA), Sultanpur, Ghazi, Unnao, Maunath Bhanjan, Azamgarh, Jaunpur, Ballia, Ghazipur, Bahraich, Meerut(UA), Mirzapur cum Vidhyachal, Moradabad(UA), Ghazipur(UA), Aligarh.</p>
Calcutta(UA)		<p><b>WEST BENGAL</b></p>	<p>Haldia(UA), Jalpaiguri, Alipur(UA), Durgachow, Singur, Nabadwip(UA), Haldia(UA), Cooch Behar(UA), Jangra, Baharagpur(UA), Chudaha, Krishnanagar, Durgachow(UA), Santipur, Haldia(UA), Burdwan, Bardhaman, Hooghly, Cooch Behar, Medinipur, Bardhaman, Krishnanagar(UA), Bishnupur, Bardhaman, Purulia, Raniganj, Asansol(UA), Bardhaman(UA), Bardhaman, Suli, Bardhaman, Kesh Bazar(UA), Chhatrapur, Dahagram, Durgachow.</p>

CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH  
( AT KOHIMA )

- 24 -

Original Application No.279 of 1997

Date of decision: This the 31st day of May 2001

The Hon'ble Mr. K.K. Sharma, Administrative Member

Shri Nickshi Aier and 43 others .....Applicants  
By Advocates Mr N.N. Trikha, Mr B.K. Sharma,  
Mr S. Sarma and Mr U.K. Nair.

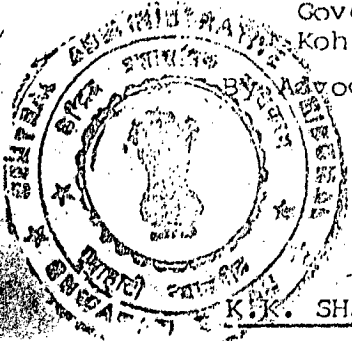
- versus -

1. The Union of India, represented by  
The Secretary, Ministry of Home Affairs,  
New Delhi.
2. The Director, Intelligence Bureau,  
Ministry of Home Affairs,  
Government of India,  
New Delhi.
3. The Assistant Director,  
Subsidiary Intelligence Bureau,  
Ministry of Home Affairs,  
Government of India,  
Kohima, Nagaland.

.....Respondents

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

.....  
ORDER (ORAL)



K.K. SHARMA (ADMN. MEMBER)

In this application the applicants have claimed two reliefs. The first relief relates to the payment of House Rent Allowance (HRA for short) with effect from 1.3.1991 at the rate applicable in lieu of rent free accommodation payable to the Central Government employees posted in Nagaland. The second relief relates to the entitlement of Licence Fee at the rate of 10% of their monthly pay.

2. The applicants, fortyfour in number, are the employees of Subsidiary Intelligence Bureau, posted in Nagaland. The applicants had moved an application being O.A.No.37 of 1995, claiming both these reliefs. The Tribunal by order dated 22.8.1995 in a series of cases decided in favour of the applicants.

*K.K. Sharma*

3. Mr S. Sarma appeared on behalf of the applicants and Mr A. Deb Roy, learned Sr. C.G.S.C., on behalf of the respondents. So far as the first relief is concerned, it is agreed by the parties that the claim of the applicants have been allowed in O.A.No.37/95 , O.A.No.110/1999 and other similar judgments. As the first relief has been allowed by the Judgment of this Tribunal, the applicants will be entitled to HRA at the rate applicable with effect from 1.3.1991.

4. So far as the entitlement to Licence Fee at the rate of 10% of their monthly pay is concerned, Mr Deb Roy referred to the order in O.A.279 of 1997 dated 5.1.2001, and submitted that the entitlement to Licence Fee has been withheld on the basis of stay allowed by the Apex Court on the filing of a Special Leave Petition by the Geological Survey of India against the order in O.A.No.48 of 1991. Following the order of the Apex Court, the applicants are not entitled to the relief in respect of Licence Fee till the pendency of the matter before the Apex Court. The applicants will be free to take appropriate steps on the decision of the Apex Court.

5. The application is disposed of as above. There shall, however, be no order as to costs.

Sd/ MEMBER (A)



Certified to be true Copy

प्रमाणित प्रतिलिपि

*[Signature]*  
17/6/2007  
Section Officer (A)  
आयुक्त न्यायाधीश (प्रशासनिक न्यायालय)  
Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय  
Guwahati Bench, Guwahati-8  
गुवाहाटी न्यायालय, गुवाहाटी-8

16/6/2007

ANNEXURE - 4 - 26 -

No.20/Admn.(c)/98(1) - 85  
Government of India  
Ministry of Home Affairs

New Delhi, the 14<sup>th</sup> January, 2002

To  
Director  
Intelligence Bureau  
MHA, North Block  
New Delhi.

Subject : Recovery of HRA paid w.e.f 01.03.1991 and license fee overpaid w.e.f. 01.07.1987 as per the order of CAT Guwahati Bench at Kohima in O.A. No.279/97.

Sir,

In pursuance of the judgement dated 31.05.2001 passed by the Hon. CAT Guwahati Bench at Kohima in O.A.No.279/97, I am directed to convey the sanction of the President for recovery of Rs.4,03,708/- (rupees four lakh three thousand seven hundred eight only) of overpaid amount of HRA from March 1991 to September 1997.

2. This issues with the approval of IFD vide their DY.No.55/Fin.IV/02 dated 11.01.2002.

*Dev*  
14/1/2002  
(Nirmala Dev)  
Desk Officer

Copy to :-

1. PAO, MHA.
2. PAO, IB
3. Finance IV, MHA
4. Guard File PF.IV

*Pls see 15/1/02*

*o/c*

*50*

ANNEXURE - 5

- 27 -

69

No. 20/Admn(C)/98(1)-127  
INTELLIGENCE BUREAU  
(Ministry of Home Affairs)  
Govt. of India

New Delhi, the

MEMORANDUM

51 JAN 2002

Subject: Implementation of CAT Guwahati (at Kohima)  
Bench Judgement dated 31.5.2001 in CA  
No. 279/97.

\*\*\*\*\*

Enclosed please find MHA Order No. 20/Admn(C)/  
98(1)-85 dated 14.1.02 issued in consultation with IFD,  
conveying sanction of the President for recovery of  
Rs. 4,03,708/- (Rs. Four lacs three thousand seven  
hundred and eight only) of overpaid amount of HRA for  
the period March '91 to September '97 from petitioners  
of the OA for further necessary action.

The Assistant Director  
SIB Kohima

(B. R. SHARMA)  
ASSISTANT DIRECTOR

30/1/02

Copy to: (1) The Assistant Director, SIB Guwahati.  
(2) The Assistant Director/E, IB Hqrs. with  
their Memc. No. 10/Legal Cell/97(7)-07  
dated 5.1.98.

(B. R. SHARMA)  
ASSISTANT DIRECTOR

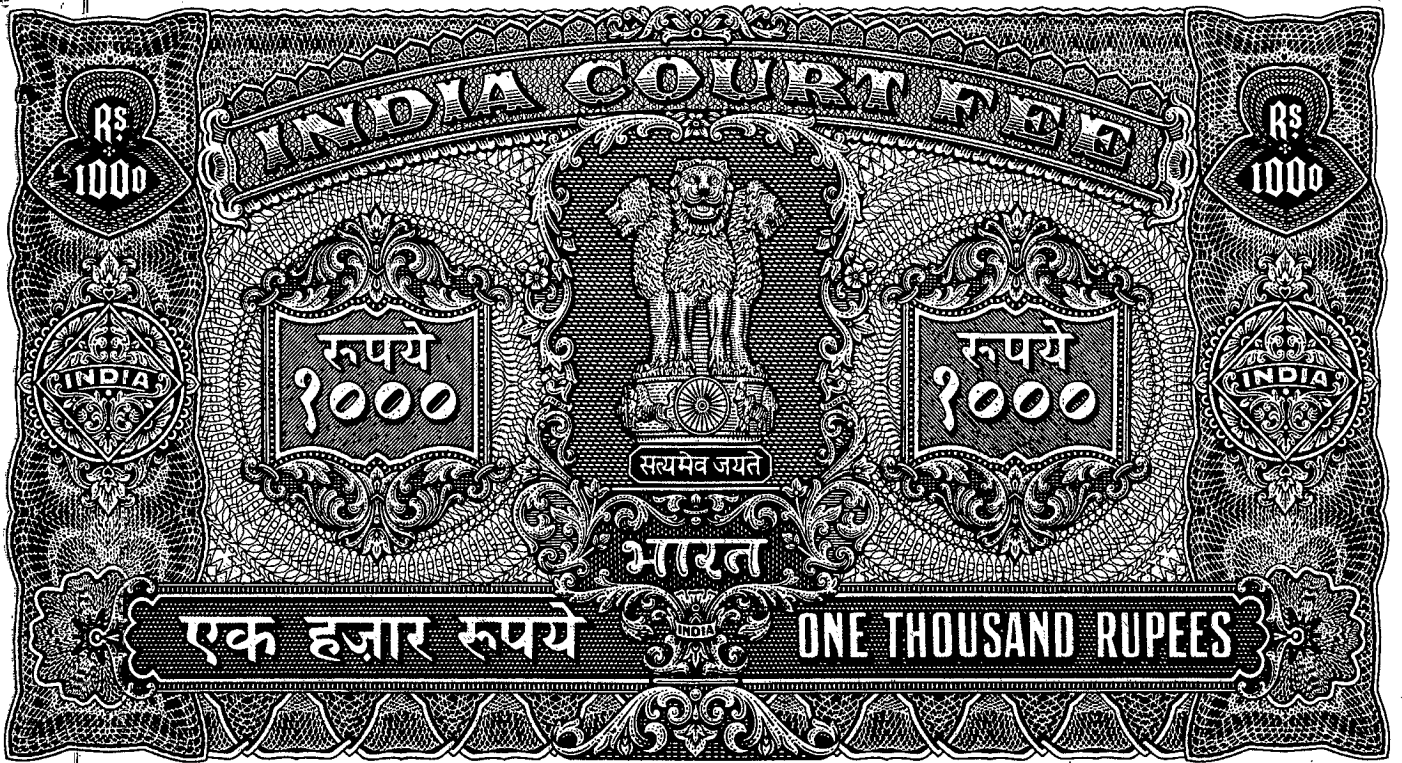


-28-

*Shri Venkateshwar & Co*

*- VS -*

*The Union of India & Co.*



-29-

1000 Rs.



-30-

INDIA COURT FEE

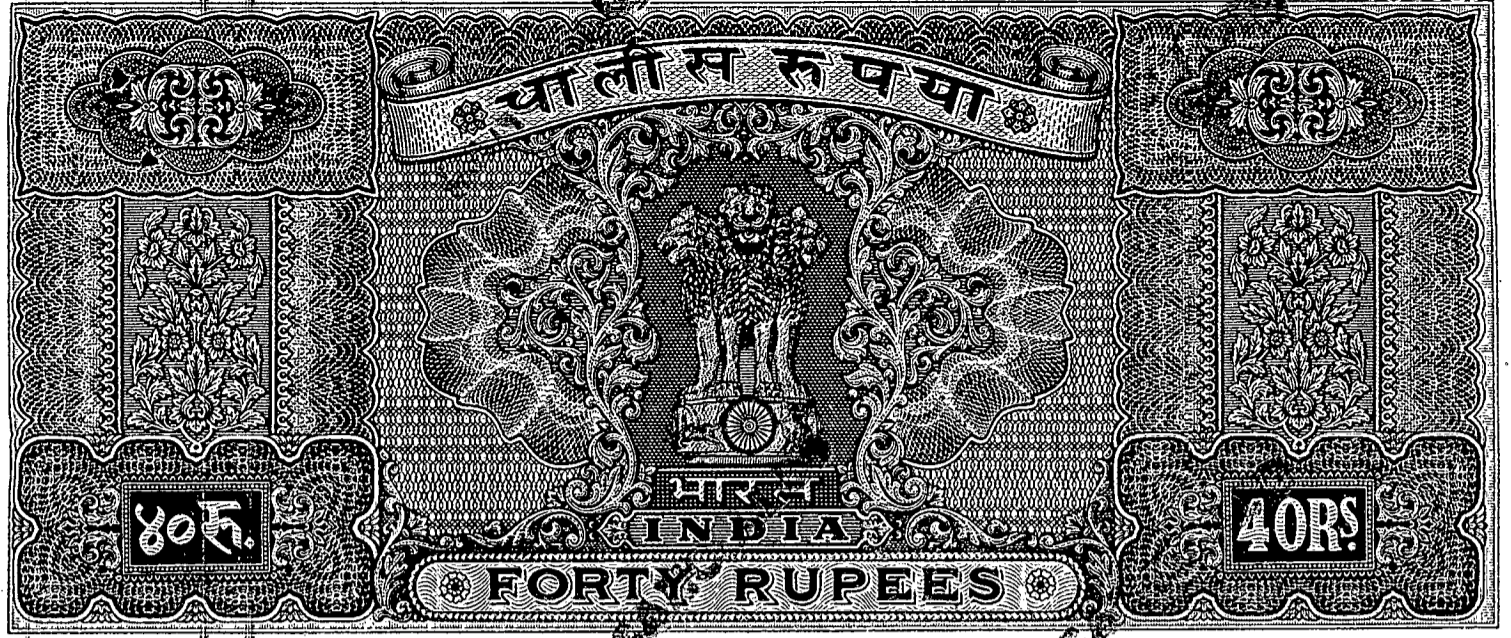
40RS. 1



- 21 -

INDIA COURT FEE

40RS. 92



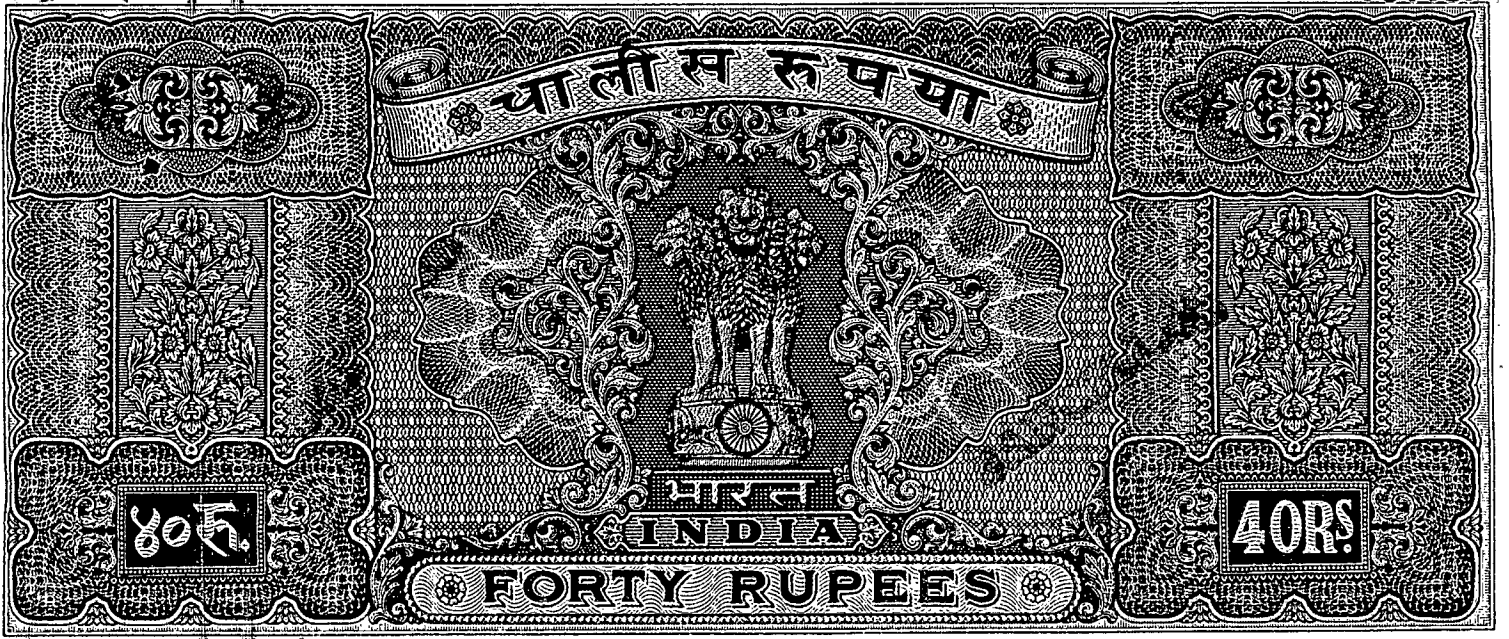
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INDIA COURT FEE

40RS. 73



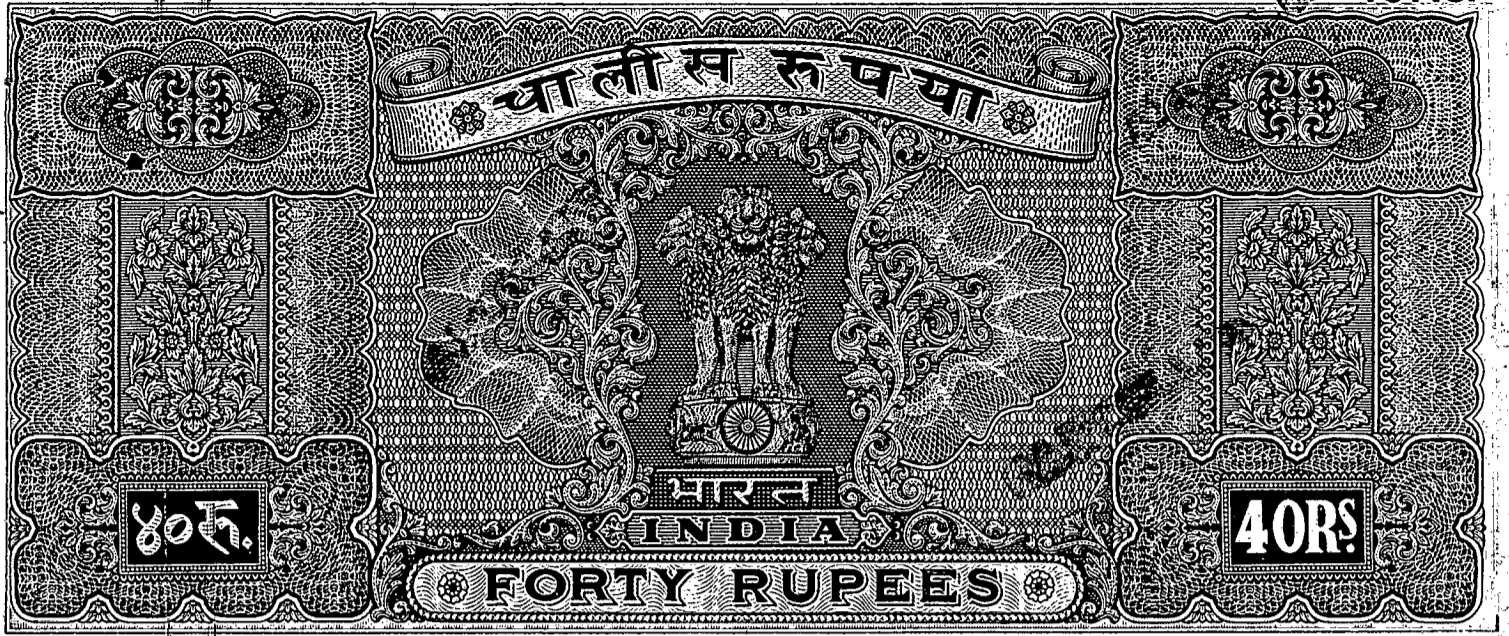
-33-



- 34 -

INDIA COURT FEE

40Rs.



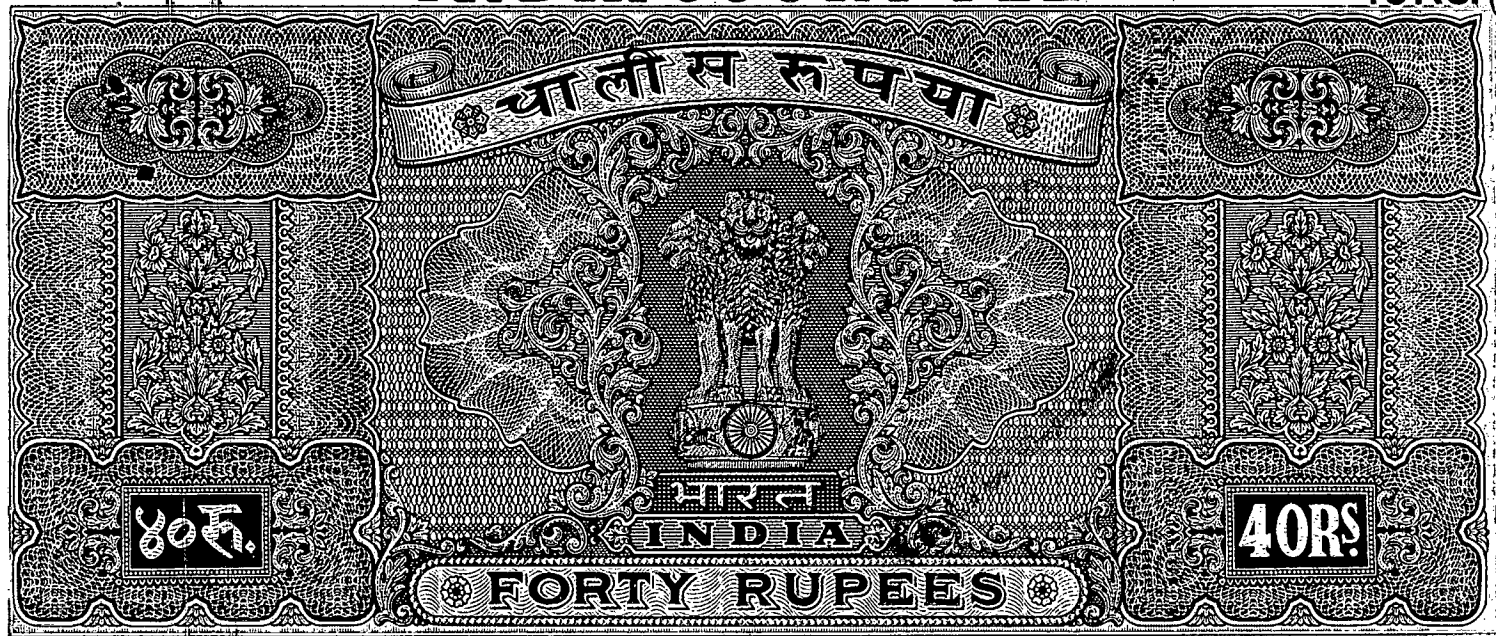
35-

INDIA COURT FEE

40RS. 70



- 36 -



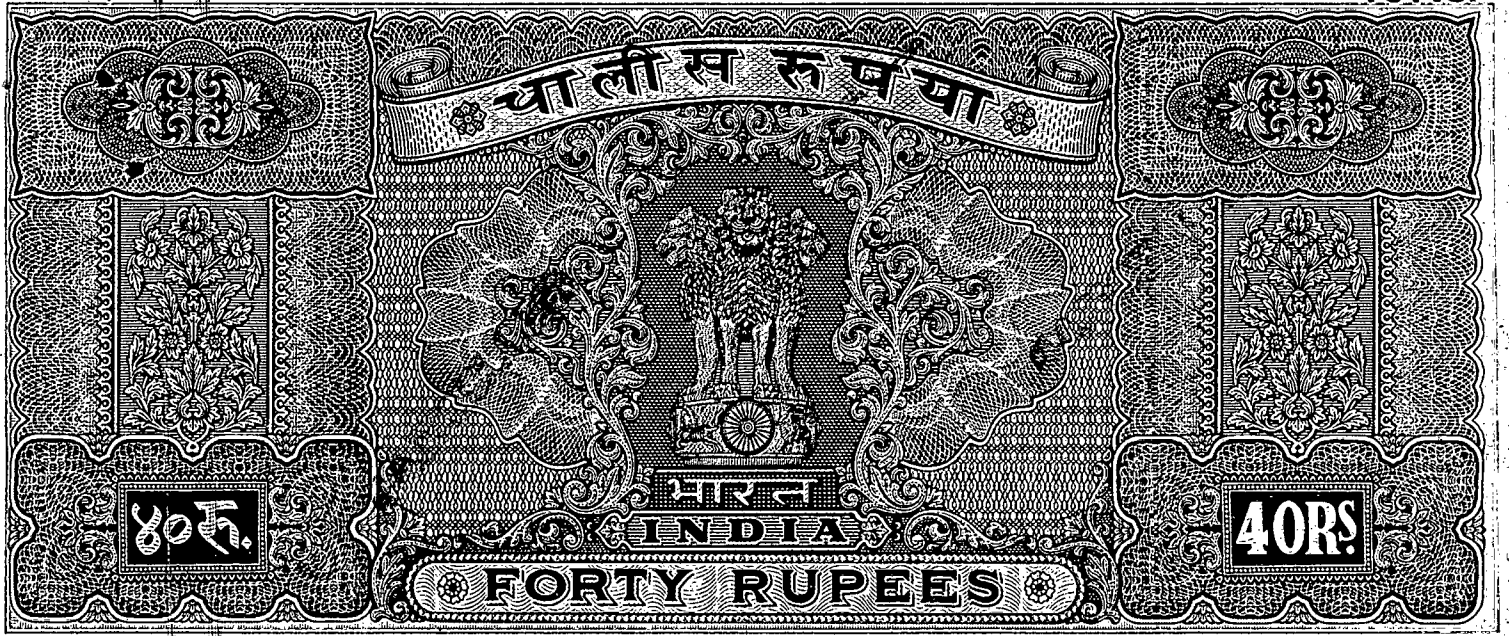
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-38-

INDIA COURT FEE

40Rs. 29



89-

INDIA COURT FEE

40RS



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INDIA COURT FEE

40Rs



- 41 -

INDIA COURT FEE

40Rs. 82



42-

INDIA COURT FEE

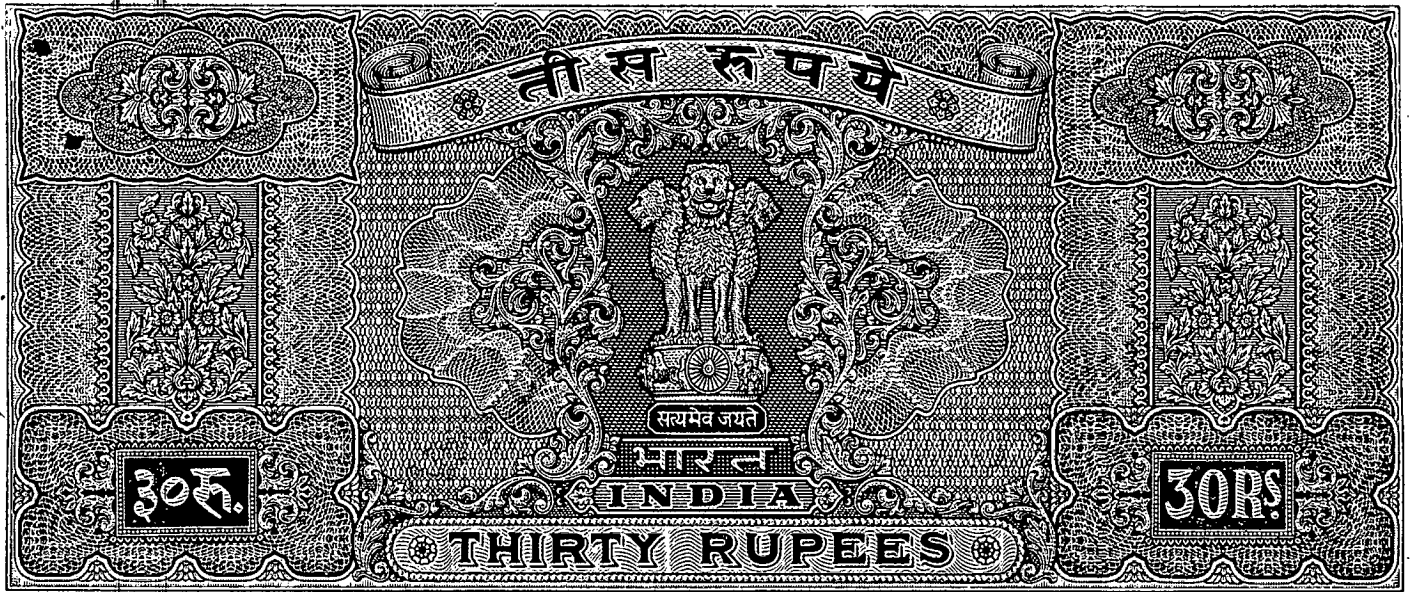
40RS. 3



- 43 -

INDIA COURT FEE

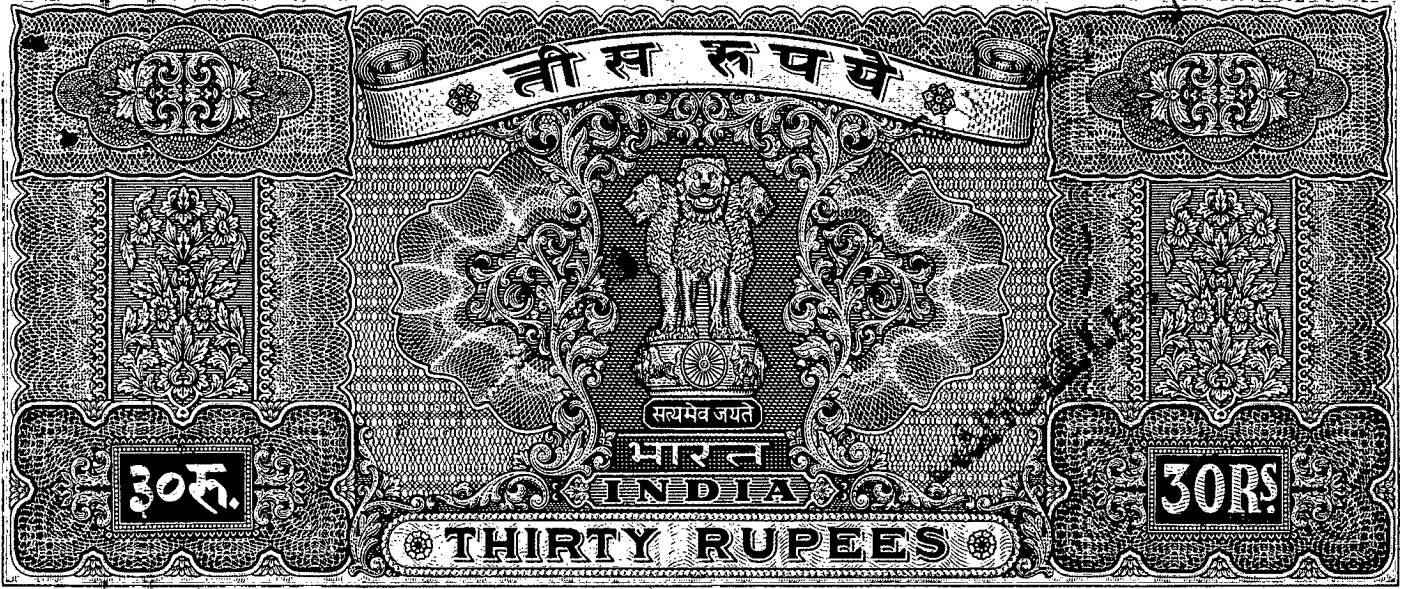
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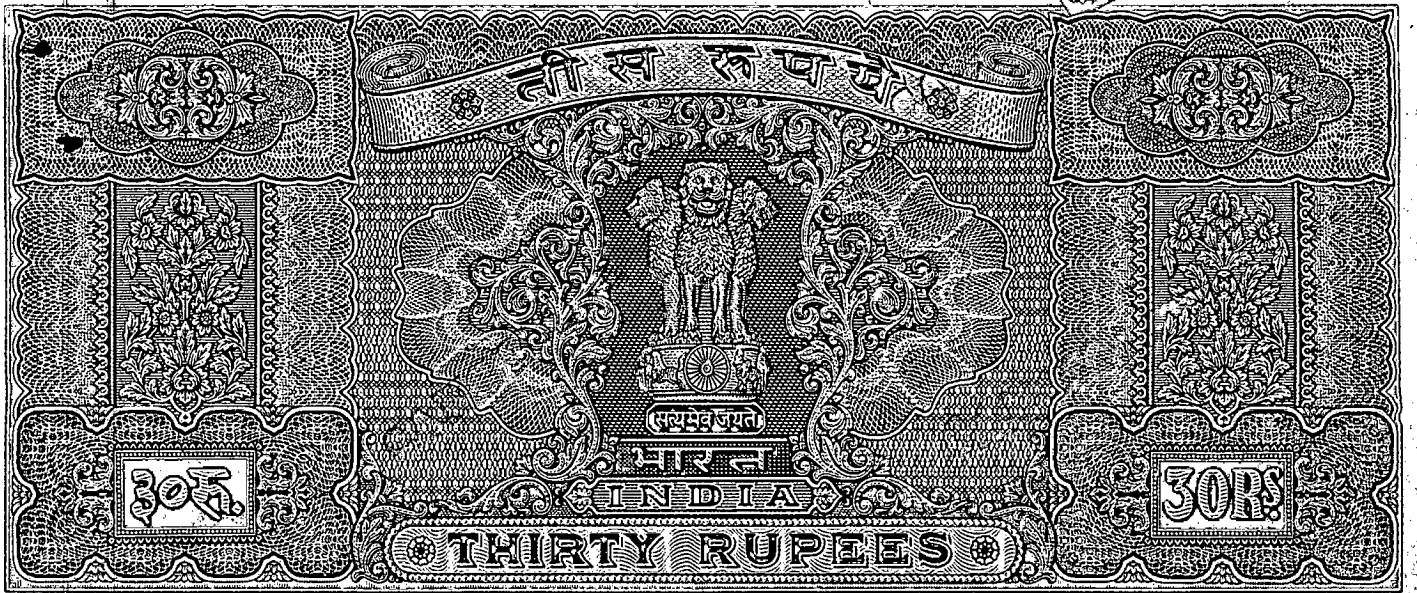
64-

INDIA COURT FEE

30 Rs.



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- 46 -



-47-

INDIA COURT FEE

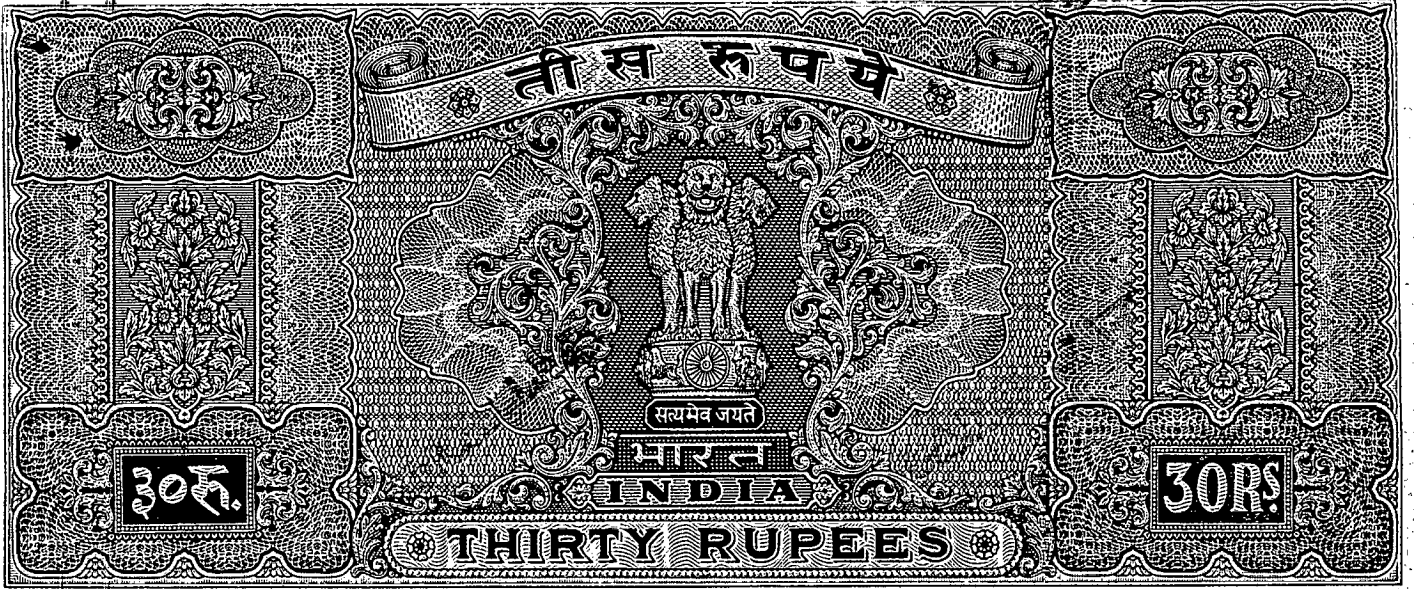
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INDIA COURT FEE

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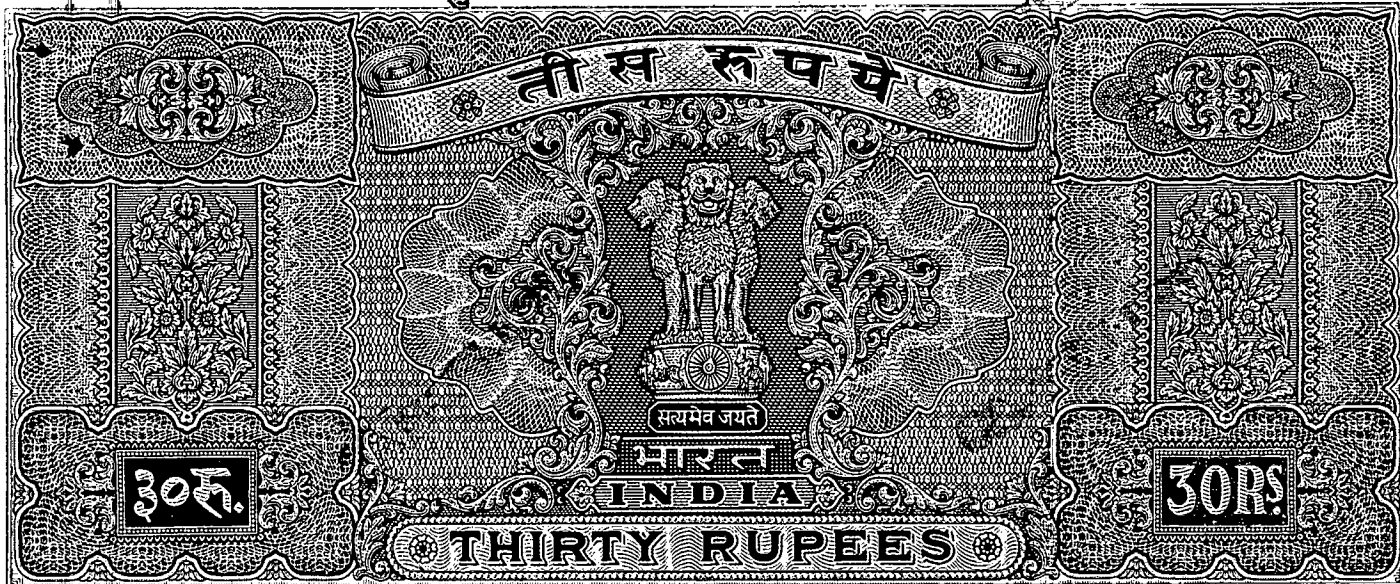


-49-

INDIA COURT FEE

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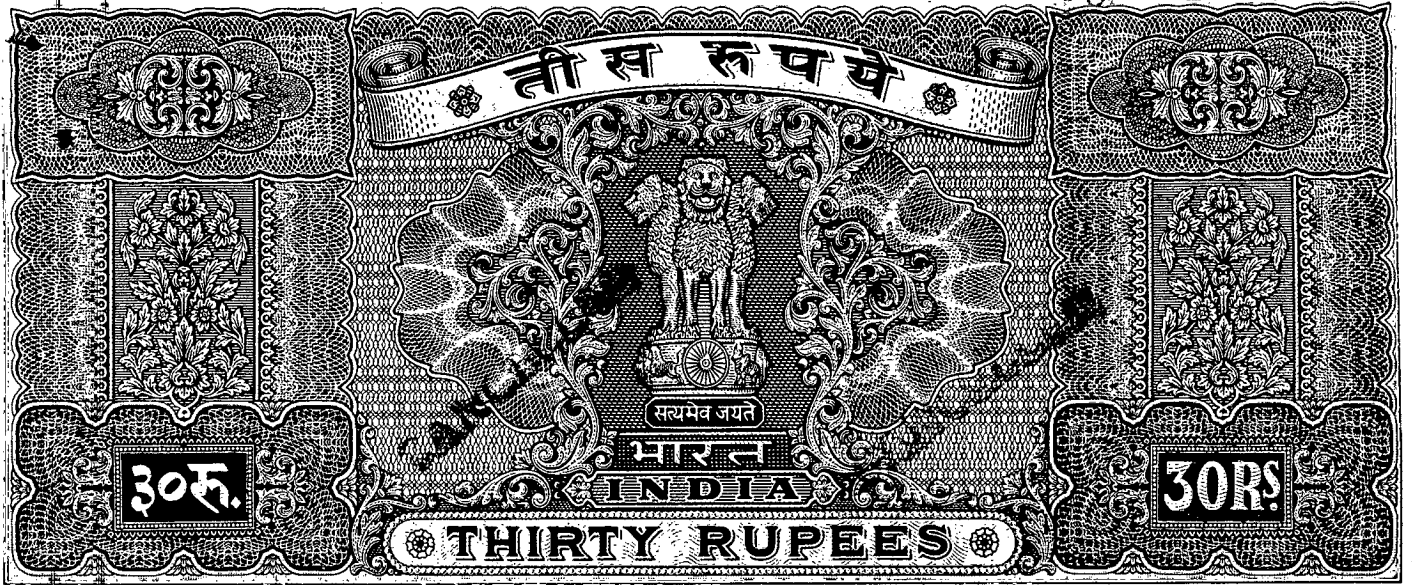
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-50-

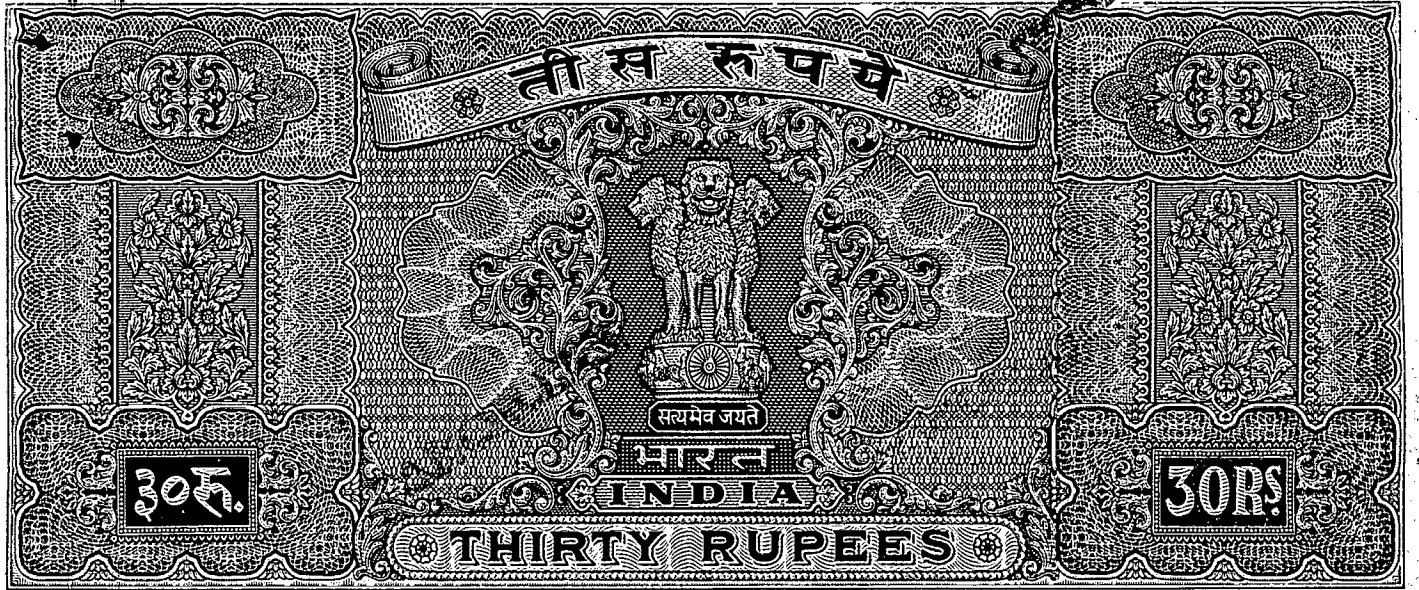
INDIA COURT FEE

30 Rs.



57-

92



- 52 -

INDIA COURT FEE

30 RS.



- 53 -

INDIA COURT FEE

947  
30 Rs.



54-

Shri Kenidhoulie & Co

- Vs -

The Union of India & Co

DISTRICT: KOHIMA.

*Filed through*

-55-

95

KETULHU MERUNO  
Sr. C. G. S. C.  
Gauhati High Court  
Kohima Bench

02-06/03

IN THE GAUHATI HIGH COURT  
(THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA,  
MANIPUR, TRIPURA, MIZORAM AND ARUNACHAL PRADESH)

KOHIMA BENCH

WRIT PETITION (C.) No. 149 (K)/2002

To

THE HON'BLE MR. JUSTICE PRAKASH  
PRABHAKAR NAOLEKAR, B.COM., LL.B., THE  
CHIEF JUSTICE OF THE GAUHATI HIGH COURT  
AND HIS LORDSHIP'S COMPANION JUSTICES OF  
THE SAID HON'BLE HIGH COURT.

Shri Kenidolhoulie & 76 Others .

..... Petitioners.

- VERSUS -

The Union of India and four  
Others.

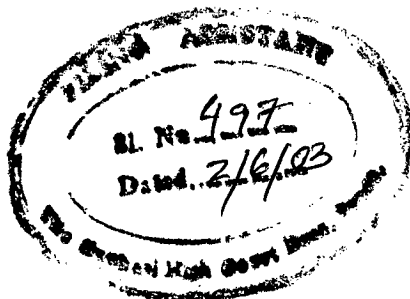
..... Respondents.

- AND -

IN THE MATTER OF:

A Counter Affidavit for and on  
behalf of the respondent No. 5.

*Expdawn*  
सहायक निदेशक 3  
Assistant Director,  
सहायक मासूचना इगुरो,  
Subsidiary Intelligence Bureau  
(गृह मंत्रालय) भारत सफ़द  
(M.H.A.). Govt. of India,  
कोहिमा/KOHIMA.



## COUNTER AFFIDAVIT

I, Shri S.G.K. Pillai, Assistant Director, Subsidiary Intelligence Bureau, Ministry of Home Affairs, Government of India, Kohima, Nagaland, do hereby solemnly affirm and declare as under :


1. That I am fully conversant with the facts and circumstances of the case. I have gone through the statements made in the writ petition and understood the contents made therein. I am competent and duly authorised to swear this affidavit for and on behalf of respondent No.5.
2. That save and except what has been specifically admitted hereinafter, all other statements which are contrary to and inconsistent with what has been stated hereinafter are deemed to have been denied, as if the same are set out and denied in seriatim.
3. That with regard to the statements made in paragraphs 1, 2, 3 and 4 of the writ petition, the deponent offer no comments.
4. That with regards to the averments made in para 5 of the writ petition, the deponent respectfully states that the Apex Court vide its judgment dated.18.2.93 in Civil Appeal No. 2705/91 in Union of India Vs. Shri S.K. Ghosh and Others allowed the benefit from the date of effect of the revised HRA rates as recommended by IV-CPC i.e. 1.10.1986. Initially, the judgment was restricted to the petitioners of the case but later, on demand, Ministry of Finance agreed to give the benefit to all P & T employees. Though our employees posted in Nagaland have been given benefit as available to P & T employees and others from time to time, the ruling of Apex Court in Civil Appeal No.

*S. S. Pillai*  
 सहायक निदेशक,  
 Assistant Director,  
 सहायक आसुचना दुरो,  
 Subsidiary Intelligence Bureau,  
 (मह मंत्रालय) भारत सरकार,  
 (M.H.A.) Govt. of India,  
 कोहिमा/KOHIMA.

*[Signature]*  
 Commissioner of Affidavits  
 Gauhati High Court  
 Kohima Bench.

2705/91 granted benefit of HRA at the rate of 'B' class city to Postal employees only.

5. That with regards to the averments as contained in paragraph 6 of the writ petition, the deponent have nothing to comment being matter of record.
6. That with regards to the averments as contained in paragraph 7 of the writ petition are admitted. The deponent further respectfully states that the payment of HRA at the rate of 'B' class city had been continued to the applicants of OA No. 37/95 even after the sanction order of Ministry of Home Affairs dated 18.4.96, conveying the approval of the Government to the implementation of CAT order dated 22.8.95 due to the misinterpretation of the Court's order by our SIB Kohima Unit, but the same has been got corrected when it came to the notice of IB Headquarters and recovery of excess amount beyond 1.3.91 on account of HRA had been ordered. As per the recommendation of the V-Pay Commission the cities were classified on the basis of population and cities with population from 50000 to 5 lakh were classified as 'C' class and below 50000 population as unclassified. The recommendation of the V-Pay Commission were accepted by the government. Further as per the Ministry of Finance, Department of Expenditure OM No.2(3)/97-F-II(B) dated 3.10.97 and enclosure attached therewith, Kohima and Dimapur were classified as 'C' class cities and accordingly the HRA @ 7.5% of actual basic pay is admissible to all Central Government employees with effect from 1.10.97 onwards. The petitioners have deliberately omitted to mention the implementation of V-Pay Commission recommendations and admissibility of HRA in the light of Ministry of Finance OM dated 3.10.97 referred to above.

  
 सहायक निदेशक,  
 Assistant Director,  
 सहायक मासूचना ब्यूरो,  
 Subsidiary Intelligence Bureau  
 (मह. मंत्रालय) भारत सरकार,  
 (M.H.A.), Govt. of India,  
 कोहिमा/KOHIMA.

  
 Gauhati High Court  
 Kohima Bench,

7. That with regards to the averments as contained in paragraph 8 of the writ petition, as explained in the preceding paragraph of this counter affidavit.
8. That with regards to the averments as contained in paragraph 9 of writ petition, the factual position is that the CAT vide its judgment dated 31.5.2001 has disposed off the OA with the direction that the first relief i.e. (HRA with effect from 1.3.1991 at the rate applicable in lieu of Rent Free Accommodation payable to Central Government employees posted in Nagaland) as agreed by the parties in OA No. 37/95, has been allowed. As regards licence fee at the rate of 10% of their monthly pay, the Court has stated that following the order of the Apex Court in SLP by Geological Survey of India against the order in OA No. 48/91, the applicants are not entitled to relief in respect of licence fee till the pendency of the matter before the Apex Court. Our Kohima Unit had intimated that the amount of overpaid HRA to petitioner from 3/91 to 9/97 is to the tune of Rs. 4,03,703/-. Thereafter, the payment of HRA was being regulated as under:-

- (i) 7.5% at Kohima and Dimapur
- (ii) 5% at remaining part of Nagaland except Kohima and Dimapur.

9. That with regards to the averments as contained in paragraph 10 and 11 of the writ petition, the answering deponent vehemently deny the contention of the petitioner made in this paragraph. The factual position is that in this connection, IB Memo No. 20/Admn(C)/98(1)-127 dated 31/1/2002 forwarding the Desk

*[Signature]*  
 सहायक निदेशक,  
 Assistant Director,  
 सहायक मासुचना ब्यूरो,  
 Subsidiary Intelligence Bureau,  
 (रह. मंत्रालय) भारत सरकार,  
 (M. H. A.), Govt. of India,  
 कोहिमा/KOHIMA.

*[Signature]*  
 Deponent of affidavit  
 Gauhati High Court  
 Kohima Bench

Officer, MHA letter No. 20/Admn(C)98(1)-85 dated 14.1.02 refers to.

10. That with regards to the averments made in paragraph 12 of the writ petition, the deponent deny the same and state that the CAT vide its judgment dated 31.5.2001 has disposed off the OA with the direction that the first relief i.e. (HRA with effect from 1.3.1991 at the rate applicable in lieu of Rent Free Accommodation payable to Central Government employees posted in Nagaland) as agreed by the parties in OA No. 37/95, has been allowed. As regards licence fee at the rate of 10% of their monthly pay, the Court has stated that following the order of the Apex Court in SLP by Geological Survey of India against the order in OA No. 48/91, the applicants are not entitled to relief in respect of licence fee till the pendency of the matter before the Apex Court. Our Kohima Unit had intimated that the amount of overpaid HRA to petitioner from 3/91 to 9/97 is to the tune of Rs. 4,03,703/-. Thereafter, the payment of HRA was being regulated as under as per Government of India OM No.2(2)/93-E-II(A) dated 14.5.93:

- (i) 7.5% at Kohima and Dimapur
- (ii) 5% at remaining part of Nagaland except Kohima and Dimapur.

The implication of the judgment was to recover the difference in HRA paid and their entitled as per Govt. of India, Ministry of Finance OM No. 2(2)/93 E.II(B) dated 14.5.93 which was about Rs. 4,03,708/-. The Ministry of Home Affairs vide their UO dated 14.1.02 had conveyed the sanction of the

*S. P. Datta*  
 सहायक निदेशक,  
 Assistant Director,  
 सहायक आसुचना ब्यूरो,  
 Subsidiary Intelligence Bureau,  
 (मह. मंत्रालय) भारत सरकार,  
 (M. H. A.) Govt. of India,  
 कोहिमा/KOHIMA.

*S. P. Datta*  
 Commissioner of Additional  
 Gauhati High Court,  
 Kohima Bazar,

President to recover the over-paid amount of HRA from March 1991 to Sept. 1997.

11. That with regards to the averments as contained in paragraph 13 of the writ petition, the deponent states that the Hon'ble Tribunal disposed off many application of different departments vide their common judgment delivered on 22.8.95. However, each OA has a separate judgment of its own in respect of the applicants of their OAs respectively. In the judgment in OA No. 279/97, the applicants are entitled to HRA at the rate applicable with effect from 1.3.91.
12. That with regards to the averments as contained in paragraph 14 of the writ petition, the deponent does not admit the correctness of the statement made in this para. As already mentioned in the preceding para, the orders are not illegal, unfair and they do not suffer from any error/infirmity.
13. That with regards to the averments as contained in paragraph 15 of the writ petition, the deponent states that the basis on which it has been mentioned that the employees of Postal Department, Directorate of Census Operations, National Sample Survey Organisation, Telecom Department of Kohima are entitled to HRA @ applicable to 'B' class city have not been specified. Incidentally, it may be mentioned that in SSB, Special Bureau etc., the HRA is being paid at Kohima @ 7.5%. Thus, after the implementation of V-Pay Commission recommendations and Ministry of Finance Order dated 3.10.97 classifying Kohima and Dimapur as 'C' class cities, the petitioners are rightly being paid HRA @ 7.5% of their basic pay.

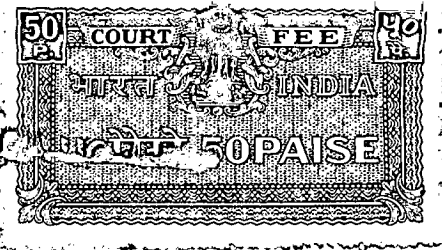
*S. D. D. D.*  
 सहायक निदेशक/03  
 Assistant Director,  
 सहायक आसुचना दफ्तरी,  
 Subsidiary Intelligence Bureau,  
 (मह. मंत्रालय) भारत सरकार  
 (M.H.A.). Govt. of India,  
 कोहिमा/KOHIMA.

Grant of High Court  
 Kohima Bench,  
 14/10/2003

14. That with regards to the averments as contained in paragraph 16 of the writ petition, the deponent states that this Hon'ble High Court, vide their order dated 29.8.2002, granted stay to the operation of letter No. 20/Adm©/98(1)-85 dated 14.1.2002 and Memo No. 20/Admn(C)/98(1)-127 dated 31.1.2002 until further orders from the Court.
15. That with regards to the averments as contained in paragraph 17 of the writ petition are wrong and baseless. The decision of CAT clearly states that the applicants are entitled to HRA at the rate applicable with effect from 1.3.91 which indicates that HRA @ 'B' class city is admissible upto 28.2.91.
16. That with regards to the averments as contained in paragraph 18 of the writ petition, the deponent offers no comments. The deponent further submits that the petitioners have no legal ground to claim the benefit through High Court, Guwahati which they are not entitled to as per Ministry of Finance OM dated 3.10.1997.
17. That with regards to the averments as contained in paragraph 19 of the writ petition, the deponent respectfully submits that the petitioners are not entitled to any relief and their application may be dismissed. In view of the decision taken by the CAT and Apex Court, the HRA @ of 'B' class city was required to be paid upto 28.2.91 and thereafter from 1.3.91 onwards the HRA is admissible at the rate applicable from time to time. IB Headquarters letter No. 20/Adm(C)98(1)-85 dated 14.1.2002 conveying the order of Ministry of Home Affairs for recovery of over-paid HRA is in order and the petition is required to be dismissed.

*Popadram*  
 2/06/03  
 सहायक निदेशक,  
 Assistant Director,  
 सहायक आसुचना केंद्र,  
 Subsidiary Intelligence Bureau,  
 (सह मंत्रालय) भारत सरकार  
 (M.H.A.), Govt. of India,  
 कोहिमा/KOHIMA.

*Popadram*  
 High Courts  
 M. H. B. B.



18. That the statements made in paragraphs 1, 2, 3, 7, 12, 15 + 16 of this Counter Affidavit are true to my knowledge and those made in paragraphs 4, 6, 8, 9, 10, 11, 13, 14, 17. of this Counter Affidavit are true to my information derived from records which I believe them to be true to my information and rest are my humble submission before this Hon'ble Court.

And I sign this Affidavit on this 2nd day of June, 2003 at Kohima.

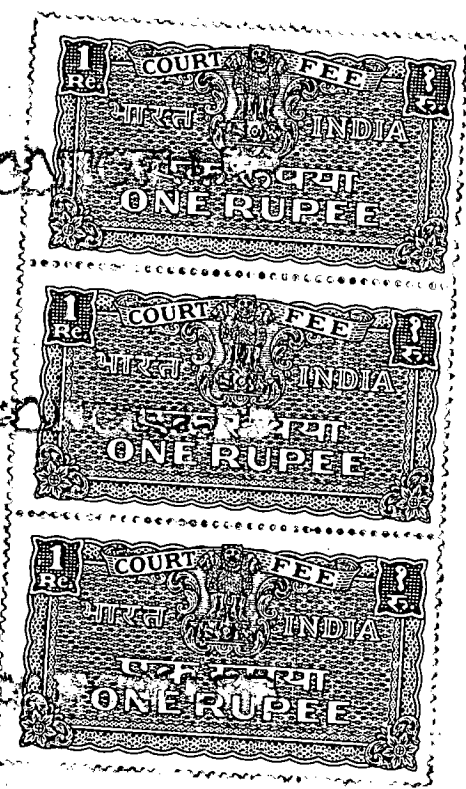
Identified by :

*[Signature]*

Advocate

*[Signature]*  
2.6.2003

DEPONENT  
सहायक निदेशक,  
Assistant Director,  
सहायक आसूचना ब्यूरो,  
Subsidiary Intelligence Bureau  
(गृह मंत्रालय) भारत सरकार,  
(M.H.A.). Govt. of India,  
कोहिमा/KOHIMA.



solely and I have read this the

Identified by

*[Signature]* The deponent

and I have read over and explained to me

and I have read over and explained to me

*[Signature]*  
07/06/03  
GAHATI HIGH COURT  
CONTROL STAMP

के.ए.टी. न्यायपीठ  
Central Bench  
5 SEP 2005  
गुवाहाटी न्यायपीठ  
GUWAHATI Bench

103  
M.U. Ahmad - Addl. C.S. 11/9/05

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Filed by

O.A. No. 230/2004  
M.P. No. 88/2005

( W.P. (C) No. 149(K) of 2002)

IN THE MATTER OF :

Sri Kenidolhoulie & Ors.

... Applicants.

- Versus -

Union of India & Ors.

... Respondents.

- And -

IN THE MATTER OF:

Written statement submitted by the  
Respondent Nos. 1 to 5.

WRITTEN STATEMENT

The humble answering respondent  
submits their written statement as follows:

1. (a) That I am the Assistant Director, SIB  
Kohima and the Respondent No. 5 in the above case. I am  
acquainted with the facts and circumstances of the case. I have gone  
through a copy of the application served on me and have understood  
the contents thereof. Save and except whatever is specifically admitted  
in this written statement, the contentions and statements made in the  
application may deem to have been denied. I am competent and  
authorized to file the written statement on behalf of all the respondents.
- (b) The application is filed unjust and unsustainable both on facts and  
in law.

(c) The application is bad for non-joinder of necessary parties and mis-joinder of unnecessary parties.

(d) That the application is also hit by the principles of waiver, estoppel and acquiescence and liable to be dismissed.

2. That with regard to the statement made in paragraphs 1, 2, 3, 4, 5 and 6 are not admitted which are not based on present/up-to-date record/Rules/orders etc. and the applicant is put to strictest proof thereof.

Furthermore, it is pertinent to refer to Ministry's O.M. No. 2(30)E.II(B)97, dated 3.10.97 relating to grant of Compensatory (City) Allowances and House Rent Allowance to the Central Government employees on the Recommendation of the 5<sup>th</sup> Pay Commission whereby a list of cities/towns classified as 'A-1', 'A', 'B-1' and 'B-2' for the purpose of CCA and another list of cities/towns classified as 'A-1', 'A', 'B-1', 'B-2' and 'C' for the purpose of HRA. The matter relating to re-classification on the basis of census 2001 for the purpose of grant of HRA/CCA to Central Government employees has been considered by the Government. The Hon'ble President is pleased to decide that in supersession of all the existing orders relating to classification of cities/towns for the purposes of grant of HRA/CCA shall now be re-classified as mentioned above.

3. That with regard to the statements made in paragraphs 7 and 8 of the application, the answering respondent begs to submit that the contention of the applicant from Sl. No. 2 - 30 were paid HRA as applicable to 'B' class cities but denied from 1997, it may be mentioned that pay scale of Central Government employees were revised vide Government of India, Ministry of Finance Department of Expenditure resolution No. 191 dated 30.09.1997 issued under No. SO (1)/SC/97 dated 30.09.1997 published under Part I, Section I of the Gazette of India, Extraordinary and accordingly from October, 1997 onwards all Central Government employees including the applicant were being paid HRA as applicable to 'C' class cities. With the revision of pay scale of Central

Government employees as stated above not only HRA but the admissibility of other allowances were also modified.

As per the recommendation of the Vth Pay Commission the cities were classified on the basis of population and cities with population from 50000 to 5 lakh were classified as 'C' class and below 50000 population is unclassified. This recommendation of the Vth Pay Commission were accepted by the Government. Further as per the Ministry of Finance, Department of Expenditure O.M. No. 2(20)/97-F-II(8) dated 3.10.97 and enclosures attached there, Kohima and Dimapur were classified as 'C' class cities and accordingly, the HRA @ 7.5 % of actual basic pay is admissible to all Central Govt. employees w.e.f. 01.10.97 onwards. The applicants have deliberately omitted to mention the implementation of Vth Commission Recommendations and admissibility of HRA in the light of Ministry of Finance O.M. dated 03.10.97 referred to above.

4. That with regard to the statements made in paragraph 9 of the application the answering respondent begs to submit that the decision of the Tribunal clearly stated that the applicants would be entitled to HRA at the rate applicable w.e.f. 01.03.1991. This clearly indicate that HRA @ of B class cities is admissible upto 28.02.1991.

5. That with regard to the statements made in paragraphs 10, 11, 12, 13 & 14 of the application, the answering respondent submits that the decision conveyed in O.A. No. 279/95/ 110/99 etc. and all these O.A.s appears to have been filed before implementation of Vth Pay Commission Recommendation.

A copy of the Judgment passed by this Hon'ble Tribunal is annexed herewith and marked as **ANNEXURE - 1.**

The petitioners mentioned about their entitlement of HRA at 'B' Class city on the basis of Judgment of this Tribunal and on the basis of Judgment of Hon'ble Supreme Court. But it may be stated that this clearly been stated in the Judgment that the applicants would be entitled to HRA at the rate applicable w.e.f. 1/3/91.

6. That with regard to the statements made in paragraphs 15 and 16 of the application the answering respondent submits that the basis on which it has been mentioned that the employees of Postal Department, Directorate of Census Operations, National Sample Survey Organization, Telecom Department of Kohima are entitled to HRA @ applicable to 'B' Class city have not been specified. Incidentally, it may be mentioned that in SSB, Special Bureau etc. the HRA is being paid at Kohima @ 7.5 %. Thus after the implementation of Vth Pay Commission Recommendations and Ministry of Finance order dated 3.10.97 classifying Kohima and Dimapur as 'C' Class cities, the petitioners are rightly being paid HRA @ 7.5 % of their basic pay.

The recovery schedule of each individual is being worked out and thereafter recovery would be affected from individuals salary.

7. That with regard to the statements made in paragraphs 17, 18 and 19 of the Original Application, the answering respondent respectfully submits that the applicants have projected the matter before the Hon'ble Court and as such they are not entitled to any relief as claimed for in view of the decision taken by the Central Administrative Tribunal and the Apex Court, the HRA @ of 'B' Class city was required to be paid upto 28/2/91 and thereafter from 1/3/91 onwards the HRA was admissible @ applicable from time to time. IB Hqrs. Letter No. 20/Admn(C)/98(1)-85 dated 14/1/2002 conveyed the order of Ministry

of Home Affairs for recovery of overpaid HRA is in order and the application is liable to be dismissed.

8. That the answering respondent submits that the application is devoid of any merit and as such, the same is liable to be dismissed.

9. That this written statements is made bonafides and for the ends of justice and equity.

VERIFICATION

I, M. BALASUBRAMANIAN, S/o Shri  
A. MAHADEVAN

.....do hereby solemnly  
affirm, declare and verify that the statements made hereinabove are true  
to my knowledge, belief and information and nothing being suppressed.

I sign this verification on this 29<sup>th</sup> day of August 2005 at  
Kohima  
Guwahati.  
hr

hr

SIGNATURE

सहायक निदेशक,  
Assistant Director,  
सहायक सूचना ब्यूरो,  
Subsidiary Intelligence Bureau  
(गृह मंत्रालय, भारत सरकार,  
(M.H.A.) Govt. of India,  
कोहिमा/KOHIMA.