

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:GUWAHATI.

O.A. No. 2 of 1994.

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DATE OF DECISION 17-3-1994.

All India Postal Employees Union,
P(III) & A.D.A., Divisional Branch,
Kohima-797 001 & Ors.

PETITIONER(S)

Mr B.K.Sharma,
Mr M.K.Choudhury

ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India & Ors.

RESPONDENT(S)

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

ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE Justice Shri S. Haque, Vice-Chairman

THE HON'BLE Shri G.L.Sanglyine, Member(Administrative)

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Justice Shri S.Haque.

Haque
17.3.94

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**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

ORIGINAL APPLICATION NO 2 OF 1994

Date of Order : This the 17th day of March, 1994.

Justice Shri S.Haque, Vice-Chairman

Shri G.L.Sanglyine, Member (Administrative)

1. All India Postal Employees Union,
P(III) & A.D.A., Divisional Branch,
Kohima - 797001, represented by its
Divisional Secretary - Mr V.Angami.
2. All India Postal Employees Union,
Postman Class IV & E.D.,
Kohima Branch, Nagaland, represented
by its Divisional Secretary - Mr K.Tali Ao.

.... Applicants.

By Advocate Shri B.K.Sharma and Shri M.K.Choudhury.

-Versus-

1. The Union of India, represented by the
Secretary, Ministry of Communications,
Department of Posts, New Delhi.
2. The Director General, Posts,
New Delhi - 110 001.
3. Chief Postmaster General,
N.E.Circle, Shillong.
4. The Director of Postal Services,
Nagaland Division, Kohima.

.... Respondents.

ASL By Advocate Shri G.Sarma, Addl.C.G.S.C.

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contd.

O R D E R

HAQUE, J.

The applicant No.1, the All India Postal Employees Union Postman (III) and Extra Departmental Agents, Divisional Branch, Kohima represented by its Divisional Secretary, Mr V. Angami ; and the applicant No.2, the All India Postal Employees Union, Postman Class-IV and E.D. Kohima Branch represented by its Divisional Secretary, Mr K. Tali Ao have filed this application under Section 19 of the Administrative Tribunals Act, 1985 claiming House Rent Allowance (HRA) at the rate of 15% of their pay as applicable to 'B Class cities' and also compensation at the rate of 10% in lieu of Rent Free Accommodation (RFA). They claim that Nagaland falls within 'B Class cities' for the purpose of HRA and compensation in lieu of RFA. The respondents have filed written statements virtually admitting the claim of the applicants by referring to the judgment of the Supreme Court in Civil Appeal No. 2705 of 1991 affirming the judgment of C.A.T., Guwahati Bench in O.A. No. 42(G) of 1989 with modification to give effect of arrears HRA from 1.10.1986 i.e. the date from which the recommendation of the 4th Central Pay Commission was implemented. The judgment of the Supreme Court dated 18.2.1993 arising out of the judgment dated 31.10.90 in O.A. 42(G)/89 C.A.T., Guwahati Bench was in respect of postal employees.

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2. It is an admitted fact that the applicants are entitled to Rent Free Accommodation in Nagaland, but they were deprived of the said facilities.

3. Learned counsel Mr B.K.Sharma on behalf of the applicants submits that the grievances and reliefs sought for by the applicants are covered by judgment in O.A.No.42(G)/89 read with Supreme Court judgment dated 18.2.93 in Civil Appeal No.2705 of 1991 and judgment dated 26.11.93 in O.A.No.48/91 C.A.T., Guwahati Bench. Mr Sharma further submits that the Government of India has decided to allow the benefits of the Supreme Court judgment in Civil Appeal No.2705/91 to all similarly placed postal employees posted in Nagaland vide letter No.Vig-5/2/89-90 dated Shillong, the 10-3-1994 addressed to the Director of Postal Services, Nagaland Division, Kohima. Perused contents of the letter. It was decided in clear terms in the letter that the President of India is pleased to allow the benefit of the Supreme Court in Civil Appeal No.2705/91 to all similarly placed postal employees posted in Nagaland. Learned Addl.C.G.S.C.Mr G.Sarma submits with reference to the written statements which virtually admits the claim of the applicants in respect of HRA and compensation in lieu of RFA.

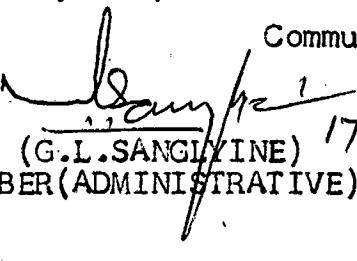
4. Perused our previous judgment in O.A. No.42(G)/89 read with Supreme Court judgment in Civil Appeal No.2705/91 and judgment dated 26.11.93

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in O.A.No.48/91. All observations and findings in these judgments are aptly applicable in the instant case. The grievances and reliefs sought for by the applicants/members of both the Unions are covered by these judgments. Furthermore, the order of the President of India referred in letter No.Vig-5/2/89-90 dated Shillong the 10-3-1994 clearly established that the applicants are entitled for the reliefs sought for. We hold that the applicants are entitled to HRA at the rate of 15% of their pay with effect from 1.10.1986 in terms of O.M. No.11013/2/86-E-11 (B) dated 23-19-1986 and also entitle to the compensation at the rate of 10% of pay in lieu of RFA with effect from 1.7.1987 in terms of O.M. No.11015/4/86-E.11(B) dated 13.11.1987.

5. Accordingly, this application is allowed. The respondents are directed to release HRA to the applicants at the rate of 15% of their pay with effect from 1.10.1986 and also to pay compensation at the rate of 10% of monthly emoluments calculated with reference to the pay of respective applicants with effect from 1.7.1987. The respondents are further directed to release arrears of HRA as well as compensation in lieu of RFA within three months from the date of receipt copy of this judgment/order and shall pay current HRA and compensation from next month (April,1994).

Communicate all concerned.


(G.L.SANGIVINE) 17.3.94
MEMBER(ADMINISTRATIVE)


(S. HAQUE) 17.3.94
VICE-CHAIRMAN