

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

C.P-16/97 ordersheet pg-1
Withdrawal date-02/12/97

INDEX

4

O.A/T.A No. 37/95
R.A/C.P No. 16/97
E.P/M.A No.

1. Orders Sheet. O.A-37/95 Pg. 1 to 3
2. Judgment/Order dtd.....Pg.....to.....
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A. 37/95 Pg. 1 to 40
5. E.P/M.P. NIL Pg.....to.....
6. R.A/C.P. 16/97 Pg. 1 to 13
7. W.S. Pg. 1 to 23
8. Rejoinder.....NIL Pg.....to.....
9. Reply.....NIL Pg.....to.....
10. Any other Papers.....NIL Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendement Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI, 5

O.A.No. 337/95

Misc. Petn.

C.P. No.

R. Appl:

Sri N. Dier APPLICANT'S
frs.

UOI RESPONDENT'S

Mr. B. K. Sharma FOR THE APPLICANTS

Mr. M. K. Choudhary

Mr. S. Sarma

Mr. FOR THE RESPONDENTS

OFFICE NOTE	DATE	ORDER
<p>This application is in</p> <p>882477</p> <p>2/3</p> <p><u>sd/</u></p> <p>By: <u>sd/</u> (2)</p>	16.3.95	<p>Mr B.K. Sharma for the applicant.</p> <p>Question of House Rent Allowance involved. Application admitted. Issue notice to the respondents. 8 weeks for written statement. At this stage Mr G. Sarma, learned Addl. C.G.S.C. seeks to appear for the respondents. However, notice be issued directly to the respondents. Mr G. Sarma to file note of appearance in due course.</p> <p style="text-align: right;"><u>sd/</u> Vice-Chairman</p> <p style="text-align: center;">nkm</p>
<p>Requisites are recd.</p> <p>& closed w'd</p> <p>AD. 1328-3007-2435</p> <p><u>sd/</u></p> <p>21/3</p>		

2

O.A.37/95

24-4-95

Mr. B.K. Sharma / Mr. G. Sharma Addl.

C.G.S.C. four weeks for written statement

Adjourned to 29-5-95 for further orders.

hille
Vice-Chairman

ba
Member

1m

30-5-95

Adjourned to 11-7-95 for orders.

No counter filed till to-day.

hille
Vice-Chairman

ba
Member

1m

8.6.95

To be listed for hearing on 31.7.95 (Not on list).

ba
Member

hille
Vice-Chairman

trd

Notice sent on
2.10.12.

W/Statement has not been
filed.

28/7

OFFICE NOTE

DATE

COURT ORDER

22.8.95
(Kohima),

Mr B.K. Sharma for the applicants.
Mr G. Sarma, learned Addl. C.G.S.C.
for the respondents.

Some of the applicants are also present.

Mr B.K. Sharma submits an application alongwith a list of the applicants, who in fact belong to Group 'B' non-gazetted employees which description has not been given in the O.A. It is stated that in para 4.1 of the O.A. ^{that} it has been inadvertently stated that all the applicants belong to Group 'C' and 'D', whereas the applicant now included in the list filed today should have been described as Group employees. Mr B.K. Sharma submits under the relevant O.M.s there is no difference in the position of Group 'B' employees with the position of Group 'C' and 'D' employees. The applicants will be thus accordingly described for the purposes of the order. *Submissions of Mr G. Sharma will be further heard*
Vide common order separately declared today the O.A. is allowed in terms of the order. No order as to cost

hell
Vice-Chairman

bp
Member

nkm

20.11.95

*Copy of Judg./Order
dtd. 22.8.95 issued
to all concerned
vide D/No. 5013 -
Dtd. 22.11.95
the same
issued to the
Journals alongwith
A. 48/91.*

nb.

Original Application No. 48 of 1991 (Nagaland)

with

Original Application No. 2 of 1994 (Nagaland)

with

Original Application No. 11 of 1995 (Nagaland)

with

Original Application No. 37 of 1995

with

Original Application No. 105 of 1995

Date of decision : This the 22nd day of August, 1995. at Kohima.

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

The Hon'ble Shri G.L. Sanglyine, Member (Administrative).

Original Application No. 48/91 (Nagaland).

Shri M. Lepdon Ao & 46 Others
belonging to C & D Group of employees posted
in the office of the Director, Geological Survey of India,
Operation Manipur-Nagaland, Dimapur, District, Kohima,
Nagaland
... Applicants

By Advocate Mr. N.N. Trikha

- Versus -

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Steel and Mines, Department of Mines, New Delhi.
2. The Director General,
Geological Survey of India,
27, Jawaharlal Nehru Road,
Calcutta-700 016
3. The Deputy Director General,
Geological Survey of India
North Eastern Region,
Asha Kutir,
Laitumkhrah,
Shillong-793003
4. The Director,
Geological Survey of India,
Operation Manipur-Nagaland,
Dimapur.

.... Respondants

By Advocates Mr. S. Ali, Sr. C.G.S.C. and A.K. Choudhury, Addl. C.G.S.C.

G.A. No. 2/94 (Nagaland).

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. Tal.

..... Applicants

By Advocates Mr. B.K.Sharma with M/s M.K.Choudhury and S.Sarma.

-Versus-

1. The Union of India,
represented by the Secretary,
Ministry of Communication,
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

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

G. A. No. 11/95 (Nagaland).

Nagaland Census Employees' Association
represented by its President Mr. L. Angami
Directorate of Census Operations,
Nagaland,
Kohima

..... Applicant

By Advocates Mr. B.K.Sarma with M/s M.K.Choudhury and Mr. S.Sarma.

-Versus-

1. The Union of India
represented by the Secretary
Ministry of Home Affairs,
New Delhi-1
2. The Registrar General of India,
2/A, Mansingh Road,
New Delhi-110001.
3. The Director of Census Operations,
Nagaland,
Kohima

..... Respondents

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

O.A. No. 37/95

Shri N. Aier,
Assistant and 126 Others

..... Applicants

By Advocates Mr. B.K.Sharma with M/s M.K.Choudhury and S. Sarma

~~-Versus-~~

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

..... Respondents

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

O.A. No. 105/95

Shri P.H. Babu and 17 Others

..... Applicants

By Advocate Mr. T.K.Dutta.

-Versus-

- ✓ 1. Union of India,
represented by the Secretary to the Govt. of India,
Ministry of Steel and Mines,
Department of Mines,
New Delhi.
- ✕ 2. The Director General,
Geological Survey of India,
27, J.L.Nehru Road,
Calcutta-700 013
- ✓ 3. The Deputy Director General,
Geological Survey of India
North Eastern Region
Asha Kutir, Laitumkhrah,
Shillong-793003
- ✓ 4. The Director,
Geological Survey of India
Operation Manipur-Nagaland,
Dimapur

..... Respondents

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

Judgement

CHAUDHARI J. (V.C.).

All these applications relate to similar claim made by Group ^B_A C and D employees of the different departments of Govt. of India (concerned in the respective applications) posted in Nagaland and common questions of law arise for determination hence for the sake of a comprehensive consideration of material issues involved and convenience these are being disposed of by this common Judgement.

2. The case of the applicants is that ^{as} Central Government B, C & D Group employees posted in Nagaland they are eligible for free furnished accommodation but none has been provided to them and therefore they are entitled to be paid compensation in lieu of the rent free accommodation (consisting of licence fee and House Rent Allowance) but since that is being denied to them and their various representations have not yielded any positive result, they have approached the Tribunal for redressal. They pray that they be held entitled to get the licence fee and house rent allowance retrospectively from due dates.

3. Facts in D.A. 48/91

(a) This application has been filed by 47 Group C and D employees of Geological Survey of India (Ministry of Steel and Mines, Govt of India) who are posted in Nagaland. Their claim is mainly based on following Memoranda & Orders :

1. O.M. No. 2(22)-E-II(B)/60 dated 2.8.60 read with letter No. 41/17/61 dated 8.1.62 from the D.G. P & T Annexure A.4.
2. O.M. No. 11013/2/86-E-II(B) dated 23.9.86 issued by Ministry of Finance, Govt. of India consistently with the recommendations of the 4th Central Pay Commission and Order No. 11015/41/86-E-II(B)/87 dated 13.11.87 and
3. Earlier decisions of Central Administrative Tribunal, Gauhati Bench with the decision of Hon'ble Supreme Court.

(b) The respondents have filed a common written statement and resist the application. They have raised the bar of limitation on the ground that the cause of action had arisen in 1986 and that

could not be agitated in 1991 and contend on merits inter alia that there have been no instructions from the Ministry of Finance that Central Government Employees posted at Dimapur are entitled to rent free accommodation. They however state that O.M. dated 19.2.87 provides that where rent free accommodation is not available the Group A, B, C & D are entitled to House Rent Allowance plus licence fee in lieu of rent free accommodation. Thus the gravamen of the defence is that since the applicants are not persons eligible to get the benefit at Dimapur they do admit that in lieu of rent free accommodation where it is not provided House Rent Allowance plus licence fee would be payable in lieu thereof.

(c) Arguments of Mr. Trikha and Mr. Ali have been heard.

4. Facts in O.A. 2 of 1994.

(a) All India Postal Employees Union Postmen (III) and Extra Departmental Agents and the All India Postal Employees Union Postmen Class (IV) and Extra Departmental Kohima Branch are espousing the cause of Group C and Group D employees of Postal Department posted throughout Nagaland Division, ~~in this application~~. Their grievance is the same, namely, that they are entitled to rent free accommodation or compensation in lieu thereof with House Rent Allowance @ applicable to B Class Cities but the respondents are denying to extend that benefit to them and have not responded to their representations. Additionally their grievance is that although between January 1974 and December 1979 they were paid House Rent Allowance @ 15% of pay plus Additional House Rent Allowance @ 10% of their pay that has been illegally reduced to 7.5% from 1.5.1980. They rely on self-same material as relied upon by the applicants in the companion cases and

11/11

their contentions are also the same. They pray similarly for a declaration that all the employees of Postal Department posted in Nagaland are entitled to House Rent Allowance applicable to Central Government Employees posted in 'B' Class Cities with effect from 1.10.1986 and for a direction to the respondents to release the same accordingly with effect from 1.10.1986.

(b) The respondents have filed a common written statement and the contentions raised are similar as in companion cases. They deny the claim. They inter alia contend that the staff of P & T Department is not eligible to the benefit claimed.

(c) Arguments of Mr. B.K.Sharma and Mr. G.Sarma, Addl.C.G.S.C. have been heard.

5. Facts in O.A. 11/95.

This application has been filed by the Nagaland Census Employees' Association for and on behalf of Group C & D employees of Census Operation, posted in Nagaland. Their contentions are similar to those made by the applicants in O.A. 48/91. They rely on certain additional material as they have approached the Tribunal in 1995 whereas the other O.A. was filed in 1991. These applicants state that by virtue of the Presidential Order issued on 8.1.62 the cities in the State of Nagaland are equated to cities which have been classified as 'B' Class cities for the purpose of payment of House Rent Allowance and it is still operative and entitles the applicant employees the benefit of House Rent Allowance. They further state that the State of Nagaland is considered to be a difficult area for the purpose of rented accommodation. The employees posted in the State are therefore entitled to rent free accommodation or House Rent Allowance in lieu thereof applicable to 'B' Class cities. The applicant

also point out that in view of the Arbitration Award which held that employees of the Directorate of Census Operations posted in Nagaland are entitled to get House Rent Allowance and personal allowance at the same rate as that of employees of Post & Telegraph Department from 1.5.1976 and although pursuant thereto respondents have been paying the House Rent Allowance that is being paid at the rate meant for 'C' Class cities they have denied payment at the rate meant for 'B' Class Cities to which they are entitled. They also make a grievance that a differential treatment is being given to them in denying that benefit whereas Central Government employees in other departments have been given that benefit. They contend that all Central Government Employees posted in Nagaland are entitled to House Rent Allowance at the rate admissible to B-Class cities and they are also entitled to compensation in lieu of rent free accommodation. The applicants state that they have filed representations to the respondents but have received no response hence they have approached the Tribunal for relief. They pray for a declaration to the effect that all Group 'C' and 'D' employees of the Directorate of Census Operation posted in Nagaland are entitled to House Rent Allowance as well as compensation in lieu of Rent Free Accommodation applicable to the Central Government Employees posted in B Class cities with effect from 1.10.1986 and for a direction to the respondents to release to them House Rent Allowance @ 15% and compensation in lieu of rent free accommodation with effect from 1.10.1986.

(b) The respondents by a common written statement resist the application. Their contentions inter alia are as follows :

1. There is no provision for providing rent free accommodation to employees of Directorate of Census Operations, Nagaland.

12

- ii. For Government accommodation the employees/occupants are supposed to pay licence fee hence it cannot be termed as rent free accommodation.
- iii. House Rent Allowance is being paid according to pay slab of the individual employees as per rules and there is no special order issued for payment at higher rate.
- iv. The applicants cannot compare themselves with other departments where higher House Rent Allowance may have been paid looking to the nature of duties and responsibilities under different working conditions. Likewise essential services cannot be equated with non-essential services. Thus applicants are not similarly circumstanced employees.

(c) The thrust of the defence therefore is to say that applicants are not eligible for rent free accommodation and it is not disputed that on being found to be eligible to the same they would be entitled to the prescribed compensation in lieu of the rent free accommodation.

(d) Arguments of Mr. B.K.Sharma and Mr. G.Sharma, Addl. C.G.S.C. have been heard.

6. Facts in O.A. 37/95

(a) The 127 applicants are employees of Subsidiary Intelligence Bureau posted in the State of Nagaland. Applicants at serial Nos. 1, 2, 4, 13, 18, 33, 56, 62, 70, 76, 79, 80, 105 and 124 are Group 'B' (non-gazetted) employees and others are Group 'C' & 'D' employees. They pray for a declaration to the effect that they are entitled to House Rent Allowance and compensation in lieu of Rent Free Accommodation at the rate applicable to Central Government Employees posted in 'B' Class cities with effect from 1.10.1986 and for a direction to the respondents to release the House Rent Allowance

to them accordingly @ 15% and compensation in lieu of rent free accommodation with effect from 1.10.1985. They contend that cities in Nagaland are declared 'B' Class Cities and they are entitled to be given rent free accommodation or compensation in lieu thereof. They rely on the Presidential Order dated 8.1.62, the U.O. dated 23.9.86, the recommendation of 4th Pay Commission, the Arbitration Award relating to employees in Directorate of Census Operations who are similarly placed, the judgement in O.A. 42/89 along with the Supreme Court decision therein and the circumstance of the benefit extended to employees in other departments of Central Government and also point out that their representations have not yet been replied. Their submissions are the same as in the other O.A.s.

(b) The respondents have filed their written Statement. They oppose the application. It is contended that Kohima & Dimapur in Nagaland are the only cities which are classified as 'C' Class Cities and rest of the Nagaland is unclassified and therefore the claim of applicants for House Rent Allowance at the rate payable to Central Government Employees in 'B' Class Cities is untenable. Other contentions are on the same lines as in companion O.A.s.

(c) Arguments of Mr. B.K.Sharma and Mr. G.Sarma, Addl. C.G.S.C. have been heard.

7. Facts in O.A. 105/95.

(a) This application has been filed on behalf of 47 Group C and D employees working under the Director, Geological Survey of India, Operation Manipur-Nagaland at Dimapur. They were not parties to O.A. ^{48 of 91} 42 (8)/89 although similarly placed with those applicants and their grievance is that they are not being given benefit of

the order in that O.A. on the ground that they were not parties and that they are entitled to get House Rent Allowance applicable to 'B' Class Cities @ 15% and also compensation @ 10% in lieu of Rent free accommodation. They claim to be entitled to such accommodation. Their representations have not brought them relief hence they have approached the Tribunal. They have raised contentions similar to these as have been raised by the applicants in the other companion O.A.s. They pray for an order for payment of House Rent Allowance at B-2 Class City rate with effect from 1.10.86 to the staff in Group C and D by extending the benefit of judgement and order in the earlier O.A. They also rely on the (pre-review) decision in O.A. 48/91.

(b) Although respondents could not file written statement so far we have permitted Mr. G.Sarma, the learned Addl. C.G.S.C. to make his submissions on instructions as may have been received and the learned counsel adopts the contentions urged by the respondents in their written statement in answer to O. A. 48/91.

(c) Arguments of Mr. B.K.Sharma and Mr. G.Sarma, Addl. C.G.S.C. have been heard.

Points

8. The points that arise in all these applications for consideration in common are as follows :

- i. Whether the applicants in the respective O.A.s are eligible to the concession of Rent free accommodation ?
- ii. What are the components of the compensation payable in lieu of the rent free accommodation where it is not made available and what quantum ?
- iii. Whether the licence fee as one of the components of compensation is payable @ 10% of pay ?

iv. Whether HRA (as component of the compensation) is payable @ 15% of pay ?

v. Whether HRA otherwise is payable @ 15 % ?

vi. From what date above payments are applicable ?

vii. Whether applicants are being given differential treatment vis-a-vis other Central Government Departments ?

viii. What relief, if any ?

9. Since all the applications raise same points we shall deal with the entire material relied upon in all these cases together and also deal with submissions of learned counsel appearing for respective applicants and the respondents in the respective applications together. Our answers to above points are as indicated in the concluding part of this order for the reasons that follow.

10. Reasons :

It will be convenient to take a note of relevant Memoranda, Orders and Circulars issued by the Govt. of India from time to time in regard to providing rent free accommodation or compensation in lieu thereof in the first instance and then to take a note of the decisions cited before proceeding to examine the claim of the respective applicants.

11. Mr. S.Ali the learned Sr. C.G.S.C. representing Union of India in all these cases has strongly relied upon an old O.M. G.I. M.H. & W. with O.M. No. 12-11/60 Acc I, dated 2nd August, 1960 and contends that it is still in operation and holds the field. It was not brought to the notice of the Tribunal either in O.A. 42/91 or O.A. 2/94 or O.A. 48/91. It was produced in review application No. 12/94 in O.A. No. 48/91 for the first time (wrongly mentioning as 12-11/63 Acc I though copy annexed shows it as 12-11/60). Now after so many proceedings the respondents cannot describe it as a new

discovery of evidence. That is laying premium on the lapse of the Departments concerned or laches on their part. However, as it goes to the root of the matter according to Mr. Ali and as several employees of various departments are concerned and a vexed question is involved we have permitted to refer to it.

12. That O.M. restricts the concession of rent free accommodation only to a limited class of employees who are required to reside in the campus or in the vicinity of places of work where their presence on duty is essential and does not confer that benefit generally on all the employees, ~~posted in Nagaland (or N.E. Region).~~ It is submitted by Mr. Ali that the O.M. dated 23.9.86 and the clarificatory letter dated 13.11.87 on which all the applicants have based their claim are to be read and understood as applicable to only those employees who fall within the ambit of criteria prescribed by the aforesaid O.M. (12-11/60 Acc-I dated 2.8.60) and since none of the applicants have stated that they fulfil the criteria of that O.M. they are not eligible to get rent free accommodation or compensation in lieu thereof. He submits that their claim all along has been based on a wrong assumption and as they are not at all eligible for the concession of rent free accommodation the entire edifice of their claim must fall down and as the earlier decisions were based upon erroneous hypothesis these cannot confer a right upon the applicants to get the benefit as they were never eligible for the same. These arguments have also been adopted by Mr. G. Sarma the learned Addl. C.G.S.C. Thus question of eligibility has been raised.

13. The Office Memorandum No. 11013/2/86-E-11(B) dated 23.9.86 was issued consequent upon the recommendations of the Fourth Pay Commission containing the decision of the Govt. of India relating

to grant of compensatory (City) and House Rent Allowance to Central Government Employees. It recites that the President of India was pleased to decide in modification of the Ministry's (Ministry of Finance, Department of Expenditure) O.M. No. F 2(37)-E-II (B) 64 dated 27.11.65 as amended from time to time for the Compensatory (City) and House Rent Allowances to Central Government Employees to be admissible at rates mentioned therein.

14. Under the above O.M. (dated 23.9.86) a slab-wise rate of House Rent Allowance was prescribed in place of percentage basis and (in so far as material here) it was provided that the House Rent Allowance at these rates shall be paid to all employees (other than those provided with Govt. owned/hired accommodation) without requiring them to produce rent receipts etc. It further provided that where House Rent Allowance at 15 percent of pay has been allowed under special orders, the same shall be given as admissible in A, B-1 and B-2 Class Cities.

It further provided that these orders will apply to civilian employees of the Central Government belonging to Groups B, C & D only and shall be effective from 1.10.86.

15. It is necessary to understand the true impact of this O.M. It clearly deals only with the quantum of House Rent Allowance payable from 1.10.86 to all Central Government employees in A, B-1 and B-2 Class cities and does not refer to compensation payable in lieu of rent free accommodation where such accommodation is required to be provided. It does not make any reference to eligibility for getting that concession. Rather the words "Other than those provided with Govt. owner/hired accommodation" make it inapplicable to that category of employees who are eligible for rent free accommodation. The claim of the applicants founded on the basis of this Memorandum appears to be misconceived to the extent House Rent Allowance is

claimed as a component of compensation in lieu of rent free accommodation. With this nature of the O.M. there is obviously no reference in it to the O.M. dated 2.8.60 (12-11/60 Acc 1).

The respondents however have not chosen to produce the Resolution No. 14(1)/IC/86 dated 13.9.86 or O.M. No. F 2937)-E-II(8)/64 dated 27.11.65 to enlighten us whether these refer to O.M. dated 2.8.60. We cannot therefore assume that these refer to the aforesaid O.M. dated 2.8.60.

16. The claim of the applicants has to be clearly understood. It is for compensation in lieu of rent free accommodation on the hypothesis that they are entitled to it. It is the O.M. (12-11/60) dated 2.8.60 which provides for the compensation consisting of 2 components namely :

1. Licence fee @ 10% and
2. House Rent Allowance (at prescribed rate).-

subject however to the eligibility criteria prescribed therein. As far as House Rent Allowance is concerned the concept has to be understood in two different ways. One, as House Rent Allowance payable to all Central Govt. Employees except those who are eligible for rent free accommodation and two, as one of the components of compensation payable in lieu of rent free accommodation where such accommodation is not made available. It will however be rational to say that the rate of House Rent Allowance payable as part of compensation should also be the same as prescribed for all civilian employees from time to time such as under the O.M. dated 23.9.86. The applicants however have confused between the rate of House Rent Allowance as payable and eligibility to get compensation of which House Rent Allowance is one of the components. As a result of this confusion they have laid much emphasis on the payment of House Rent Allowance and its rate and have

not clearly shown as to under what specific rule or O.M. or decision of the Government all of them can claim the compensation in lieu of rent free accommodation.

17. The applicants rely upon O.M. No. 2(22)-E-II(B) 60 dated 2.8.60 issued by the President of India in respect of P & T staff and O.M. 41-17-61 dated 8.1.62 as the basis to contend that they are entitled to rent free accommodation as it is provided as a concession to the employees posted in Nagaland which is regarded a difficult area.

O.M. 2(22)-E-II(B) 60 dated 2.8.60 containing the order of the President of India applicable to P & T staff working in NEFA and NHTA - on the subject of revision of allowances, same provided in Clause (1) (iii) as follows :

"Rent free accommodation on a scale approved by the local administration, the P & T staff in NHTA, who are not provided with rent free accommodation, will however draw HRA in lieu thereof at the rates applicable in 'B' class cities contained in Col. 4 of paragraph I of the Ministry of Finance O.M. No. 2(22)-E-II(B)/60 dated 2.8.60".

The O.M. 41-17/61 dated 8.1.62 continued the HRA at rates of B Class cities. It is contended by the respondents in O.A. 2/94 that these concessions were sanctioned to the staff of P & T Department posted in NEFA and NHTA only.

18. As stated earlier the respondents rely upon G.I. M.H & W O.M. No. 12-11/60-Acc-I also dated 2.8.60. It stated that the position as regards the criteria laid down in O.M.s dated 26.11.49 and August 1950 for grant of rent free accommodation has been reviewed in the light of observations made by 2nd Pay Commission and it has been decided that ^{where} ~~where~~ for the efficient discharge of duties it is necessary that an employee should live in or near the premises where he works it would be desirable that he should be provided with a Govt. residence which should be rent free or rent recovered at

7

reduced rates only if the nature of his duties or conditions under which they have to be performed are such that a higher scale of pay or special pay etc. would be granted but for the concession of rent free accommodation or recovery of rent at reduced rates.

This O.M. was produced in Review Application 12/94 but in the body of the Review Application only a truncated portion was mentioned which gives a misleading impression.

19. Now although this O.M. (12-11/60-Acc-I) was issued on the same day on which O.M. 2(22)EII-2-60 was issued it is apparent on a plain reading of these two that these related to different subjects and did not cover the same field. Whereas the earlier one refers to cases where the concession of rent free accommodation is given to those for whom it is obligatory to stay at the office premises the latter conferred that benefit on all employees of P & T Department posted in Nagaland. The 1st O.M. however by itself does not conclusively show that such concession was not available to other employees also. That it could be so can be seen from the latter O.M. that was issued in respect of P & T staff in NHTA. ^{water} Much ~~was~~ however has flown since 1962.

20. The quest has therefore to be still continued to locate the right of the applicants to get this concession.

21. Notification No. 11015/4/86-E-II(B) dated 19.2.87 revised the earlier Memoranda on the basis of 4th Pay Commissions' recommendations accepted by the Govt. on the subject of grant of compensation in lieu of rent free accommodation to Central Govt. employees belonging to Groups 'B' 'C' and 'D' as were applicable from 1.10.86 and the President was pleased to decide that these employees working in various classified and unclassified cities will be entitled to compensation in lieu of rent free accommodation with effect from 1.1.86 as under :

- (i) Amount charged as licence fee for Government accommodation from employees similarly placed but not entitled to rent free quarters; and
- (ii) House Rent Allowance admissible to corresponding employees in that classified city/unclassified place in terms of the orders, dated 23.9.1986.

22. The note below clause 2 provided that for the purpose of these orders the amount charged as licence fee for Government accommodation will be taken as 10% of the monthly emoluments (7½% in the case of employees drawing pay below Rs. 470) calculated with reference to 'Pay' in the pre-revised scales that they are drawing they would have drawn but for their option, if any for the revised scales of pay.

Under Clause 3 'Pay' for the purpose of House Rent Allowance component of compensation was to be 'Pay' as defined in FR 9(21)(a)(1).

23. The above mentioned orders however have to be read subject to Clause 6 which stated :

" These orders will apply only to the incumbents of posts which have been specifically made eligible for the concession of rent free accommodation under Government orders issued with reference to para 2 of Ministry of Works and Housing and Supply's O.M. No. 12/11/60/ACC-I dated the 2nd August, 1960".

24. The note thus restricts the concession only to those employees for whom

for the efficient discharge of duties it is necessary to live on or near the premises where they work, and should be provided with a Govt. residence rent free.

The respondents therefore deny the claim of the applicants.

23

25. The above O.M. was followed by Ministry of Finance O.M. No. 11015/4/86-E-11(B) dated 13.11.87 relating to 'compensation in lieu of rent free accommodation' effective from 1.7.1987. It stated that the President was pleased to decide that Central Govt. Employees belonging to Group A, B, C and D working in various classified cities/unclassified places will be entitled to compensation in lieu of rent free accommodation as under :

- (i) Amount charged as licence fee for Government accommodation as fixed in terms of Ministry of Urban Development (Directorate of Estates)'s O.M. dated 7.8.87, and
- (ii) House Rent Allowance admissible to corresponding employees in that classified city/unclassified city in terms of para 1 of O.M.s dated 23.9.86 and 19.3.87.

By the aforesaid O.M. dated 7.8.87 flat rate of licence fee was introduced on the recommendation of 4th Pay Commission for residential accommodation all over the country. By Fundamental (Amendment) Rules 1987 the Fundamental Rule 45A was correspondingly amended.

26. What is however crucial is that Clause 2 of the O.M. dated 13.11.87 provided as follows :

"Other terms and conditions for admissibility of compensation in lieu of rent-free accommodation indicated in the Ministry's O.M. dated 19.2.87 and 22.5.87 remain the same".

It therefore means that by virtue of Clause 6 of the O.M. dated 19.2.87 which applied to B, C & D Group employees the concession is confined to only those employees who are eligible to rent free Government accommodation under O.M. 12/11/60/ACC-I dated 2.8.60. The Government of India thus did not depart from the criteria as was laid down way

back in 1960 and in the absence of any relief sought to compel the Government to extend the benefit of the recommendation to all the employees in B, C & D Group posted in Nagaland the criteria so prescribed could be applicable for determining the eligibility for earning the compensation in lieu of the rent free accommodation. That would mean that all the B, C & D Group employees would not automatically be entitled to get it but only those falling in the limited class for whom the concession was meant would be eligible to claim it.

28. It must however be held that where independently of these O.M.s the concession of rent free accommodation is made available to all the employees then this restriction would not be valid being inconsistent with that provision. However no such provision has been brought to our notice. At the same time it is important to note that the respondents have admitted at some places that such concession is being given to all the employees. That has complicated the issue which by itself requires involved process to know exactly as to what is the true position. In this context we may refer to the written statement filed by the respondents (Subsidiary Intelligence Bureau - Ministry of Home Affairs) in O.A. 37/95. It is stated thus :

" at the time of Nagaland Hill Tuensang Area (NHTA) was carved out from Assam, the employees of NHTA administration were allowed the concession of rent free accommodation or HRA in lieu thereof as an incentive to attract suitable persons from outside for serving in this difficult tribal area. The benefit was subsequently, extended to other Central Govt. employees also".

Para 8 : ".....Out of 157 group C and D officers posted at Kohima as many as 54 officers have been allotted Govt. accommodation of type-I, II, and III which would speak about the allotment of accommodation".

Para 9 : " As a matter of fact, all group C and D employees who are not allotted any Govt. accommodation are being paid HRA plus Licence Fee as is admissible to I B employees at Kohima @ 'C' class only"

(Underlined by us)

29. These statements indicate that the compensation (composed of licence fee plus HRA) is being paid which means the criteria of the O.M. dated 2.8.60 is not treated as applicable (to SIB under Home Ministry). At the same time it is contended in the written statement filed in O.A. 48/91 (Geological Survey of India, Ministry of Steel and Mines) that there are no instructions from the Ministry of Finance that ~~Contract Govt.~~ Employees posted at Dimapur are entitled to rent free accommodation. In written statement in O.A. 11/95 (Directorate of Census Operations - Ministry of Home Affairs) it is stated that there is no provision for providing rent free accommodation to employees of Directorate of Census Operations, Nagaland, Kohima. (This stand and stand in O.A. 37/95 of the Home Ministry do not appear consistent and it leads to the inference that different departments are understanding the position differently and the situation is wholly confused). In O.A. 2/94 (the Department of Posts, Ministry of Communications) it is negatively stated that the allowances and concessions were sanctioned to the staff of P & T Department posted in NEFA and NHTA only implying thereby that other employees were not entitled to get the same.

30. Much emphasis has been laid by the applicants on the fact that all cities in Nagaland are 'B' class cities and HRA has to be paid at the rate payable for B class cities. Here also confusion

persists between entitlement for compensation in lieu of rent free accommodation (Composed of licence fee plus HRA)* and the rate of HRA payable otherwise than as the component of compensation and under general conditions of employment.

31. The position in this respect would be as follows :

- i. Where Govt. accommodation free of charge or rent is provided
- ii. Where such accommodation is provided on payment of licence fee by the employee to the Govt
- iii. Where compensation is paid in lieu of rent free accommodation by the Govt to the employee where such accommodation is not ~~make~~ available and
- iv. Where no Govt. accommodation is allottable incidental to service in which case HRA is paid by Govt. to the employee at rates prescribed from time to time and regulated by the relevant F.R.

✓ 32. The applicants have linked their claim to the cities in Nagaland being considered B class cities. Ministry of Finance O.M. No. 2(2)/93-E II (B) dated 14.5.93 refers to Ministry of Finance O.M. No. 11016/5/82-E II (B) dated 7.2. 83 as amended from time to time as containing the list of cities/towns classified as 'A', B-1', 'B-2' and 'C' class for the purpose of grant of HRA/CCA to Central Govt. employees. By the aforesaid O.M. (dated 14.5.93) a re-classification was introduced on the basis of 1991 Census. The new classification became effective from 1.3.91. It shows that only Kohima and Dimapur in Nagaland have been classified as class ^{'C'} ~~'B'~~ towns. Hence according to the respondents (in O.A. 37/95 - SIB) other places in Nagaland are unclassified. The position prior thereto was governed by earlier orders of the Govt. of India.

X

33. The applicants in (O.A. 11/95) rely upon O.M. No. 11015/4/86-E-II(B) dated 13.11.87. The applicants in O.A. 2/94 (Postal Department) rely upon Memo No. 41-17-61 dated 8.1.62. That provided that HRA in lieu of rent free accommodation will be payable at the rate payable to 'B' class cities contained in O.M. 2(22)-E-II (B)/60 dated 2.8.60. The applicants in O.A. 48/91 (Geological Survey of India) also rely upon the aforesaid O.M. 2(22)-E-II(B)/60 dated 2.8.60. Besides they also rely upon O.M. 11013/2/86 dated 23.9.86 (already referred to). They state that from 1.11.79 to 30.11.79 they were allowed HRA @ 25% but it was wholly withdrawn between 1.8.76 to 31.10.79. Later between 1.12.79 to 6.1.81 HRA was allowed at 7½% between 7.1.81 and 31.12.85 and from 1.1.86 they were paid at the rate applicable to 'C' class cities. According to them it should be admissible as for 'B' class cities.

34. The contentions based upon the various O.M.s noted above show that the applicants are confusing between HRA payable as component of compensation in lieu of rent free accommodation and HRA otherwise payable. As seen earlier the O.M.s dated 23.9.86 read with O.M. 12-11/60 dated 2.8.60 are relating to compensation and any grievance about the rate of HRA as part thereof can be made only by those who fulfill the criteria for eligibility to get the HRA. The applicants however have not produced any O.M. declaring all towns including Kohima and Dimapur as 'B' class cities even after the 4th Pay Commissions' report as from 1.1.1986 or after 1991 Census.

35. The applicants seek to draw support from the below mentioned decisions :

1. (S.K.Ghosh & Ore Vs. Union of India & Ore.)
O.A. 42(G)89 dated 31.10.90 CAT Guwahati Bench :
It related to Post & Telecommunication Department.
The Bench referred to the provision for payment of HRA in lieu of rent free accommodation based on

order dated 8.1.62 and noticing that the reduction in payment from 15% to 7½% observed that :

"Since Nagaland was considered as a difficult area from the point of view of availability of rented house, all P & T employees posted there either got rent free quarters or, where such quarter could not be provided by the Government, were given house rent at the rate applicable to 'B' class cities".

36. It was therefore held that the applicants (therein) were entitled to HRA applicable to Central Govt. employees posted in 'B' class cities which includes classifications B-1 and B-2. This part of the decision has been confirmed by the Hon'ble Supreme Court as discussed below. It is not therefore open to us to express any opinion differently.

(2) ~~Repealed~~ decision in O.A. 48/91 decided on 26.11.93.

(3) The view taken at that stage was based on the decision in O.A. 42/89 (*supra*) and relating to compensation. The decision mainly dealt with varying rates at which HRA was paid over the years but does not notice the distinction between payment of HRA generally and as part of compensation in lieu of rent free accommodation. The decision however could be read in the context of the Supreme Court decision arising out of O.A. 42/G/89 (*supra*).

37. We may now turn to the judgement of the Hon'ble Supreme Court in Union of India V/S S.K.Ghosh & Ors.(Civil Appeal 2705 of 1991) decided on 18.2.93 (which was the appeal filed against the

order of the Tribunal in O.A. No. 42/89). The decision does not help the respondents but concludes the issue in favour of the applicants. It is submitted by the respondents in R.A. 25/94 (Postal Department) generally that the "Hon'ble Supreme Court did not mention in its judgement about compensatory allowance and as such claim for that portion i.e. compensation @ 10% of monthly emoluments with effect from 1.7.1987 in lieu of rent free accommodation" is not tenable at all.

38. We have endeavoured in the course of above discussion to highlight the difference between payment of compensation in lieu of rent free accommodation which contains HRA as ^{one} of its components and rate of HRA payable otherwise than as part of the compensation. The judgement of the Hon'ble Supreme Court does not refer to the O.M. No. 12-11/60-ACC-I dated 2.8.60 and apparently it was not brought to the notice of Their Lordships. That O.M. which is now pressed into service leads to creating two different situations. Whatever that might be the decision is binding as to the rate of HRA. The material observations are as follows :

"The cities in the State of Nagaland have not been classified and as such the general order prescribing House Rent Allowance for different classes of cities could not be made applicable to the State of Nagaland. It was under these circumstances that the President of India issued an order dated January 8, 1962 granting House Rent Allowance to the P & T staff posted in the State of Nagaland".

39. After quoting Clause 1(iii) of the order which refers to O.M. 2(22)-E-II/B/60 dated 2nd August 1960 their Lordships proceeded to observe thus :

"It is clear from the order quoted above that the P & T employees posted in the State of Nagaland are entitled to rent free accommodation or in the

alternative to the House Rent Allowance at the rates applicable in 'B' class cities. The Presidential Order equates the cities in the State of Nagaland for the purposes of payment of House Rent Allowance to the cities which have been classified as 'B' class".

And further;

" the question for our consideration is whether the respondents are entitled to the House Rent Allowance as provided for 'B' class cities by the IVth Central Pay Commission recommendations which were conferred with effect from October 1, 1986.

It is not disputed that the Presidential Order dated January 8, 1962 is still operative. We are of the view that the State of Nagaland having been equated to 'B' class cities by the Presidential Order the respondents are entitled to be paid the House Rent Allowance at the rates which have been prescribed for the Central Government employees posted in 'B' class cities. Consequently, the respondents are entitled to be paid the House Rent Allowance at the rate which has been prescribed by the IVth Central Pay Commission recommendations for 'B' class cities".

(Emphasis supplied)

40. With the above pronouncement of the Hon'ble Supreme Court it is not open to the respondents to contend that the cities in Nagaland are not declared 'B' class cities or that Kohima and Dimapur are only 'C' class cities or to contend that therefore the applicants are not eligible to claim HRA at the rate prescribed for 'B' class cities.

41. In our view, with respect, the ratio of the decision of the Supreme Court cannot be read as relating to P & T employees only. The observations underlined in the passages quoted above from the judgement clearly show that the view expressed that the cities in the State of Nagaland for the purposes of payment of House Rent Allowance have been equated to the cities which have been classified as 'B' class

cities would apply to all Central Government employees posted in the State of Nagaland irrespective of the department to which they belong. Indeed construing it differently would lead to employees in departments other than the P & T Department being differently treated from employees of P & T Department. Such a situation cannot be contemplated. In view of Articles 14 & 16 of the Constitution. It is useful in this context to refer to Annexure-8 in O.A. 37/95 (SIB) which is a copy of Memorandum from the Assistant Director, SIB Kohima to Assistant Director/EP, IB Hqrs., New Delhi dated 23.3.94 in which in the context of the judgement of the Supreme Court and the Arbitration Award (amongst various orders) a opinion has been expressed as follows :

"In view of the Award of Board of Arbitration referred to in para-2 above, Hon'ble Supreme Court's judgement and its implementation by the P & T Department to all employees without any prejudice to petitioners and non-petitioners which has added new angle to the case, it is requested that the case may please be taken up with MHA/Ministry of Finance to extend the benefits to IB personnel also posted in Nagaland at par with P & T employees on priority basis"

42. Although the opinion is not binding on the Govt. of India it appears to us to be based on correct approach and sound. The respondents in the same O.A. have produced a copy of O.M. No. 2(2)93-E-II(B) dated 14.5.93 (also referred earlier) issued by the Ministry of Finance (Department of Expenditure), Government of India laying down the Re-classification of cities/towns on the basis of 1991 Census for the purposes of grant of House Rent Allowance (and CCA) to Central Government Employees. List II annexed thereto classifies only two cities in the State of Nagaland namely Kohima and Dimapur and those are classified as 'C' class cities. Rest of the

cities and towns would thus fall in unclassified category. However this classification prescribed for State of Nataland being contrary to the judgement of the Hon'ble Supreme Court (supra) it cannot prevail and the O.Fi. has to be looked upon as ineffective during the period prior to the date of its issue since in our opinion the decision of the Supreme Court would be applicable only to those Govt. orders^{as} were^A operating when that O.A. (42/G/89) was filed and till these order were changed by the Govt. of India.

✓ 43. Thus we hold that the applicants though have not claimed that they fulfil the eligibility criteria under O.M. No. 12-11/60 dated 2.8.60 still they are entitled to get House Rent Allowance at the rate prescribed for 'B' class cities to the Central Government employees. It will be payable at the rate of 15% from 1.1.1986 to 30.9.86 and from 1.10.1986 at flat rate prescribed under O.M. dated 7.8.87 (read with O.M. dated 13.11.87 supra) read with Notification GSR No. 623 (E) amending the Fundamental Rule 45A with effect from 1.7.1987.

44. We now turn to the topic of compensation.

45. On the question of payment of compensation in lieu of rent free accommodation also in our view, with respect, the judgement of the Hon'ble Supreme Court (supra) must be held binding and therefore despite our view expressed in the foregoing discussion that the O.M. 12-11/60 dated 2.8.60 is not superseded and ordinarily the compensation would be payable only to those who fall within the eligibility criteria thereunder; that cannot be adopted or applied for the following reasons :

46. In order to understand the ratio of the Supreme Court decision, since it was rendered on appeal against the decision of this Tribunal which is confirmed except the modification as regards arrears to be paid, it will be necessary to note

37

the nature of claim made in that O.A. and the finding of this Tribunal.

47. The case of the applicants (in O.A. 42/89) on the point as stated in the application was as follows :

Para 4(a) "That while the plaintiffs are posted in the State of Nagaland, they are entitled to Rent-free accommodation under the orders of the Ministry of Finance, Union of India, New Delhi".

Para 4(b) That where the Government servants, entitled to rent free accommodation not provided house/quarter by the Government, the rate of House Rent Allowance to such employees was being regulated vide Director General, Post & Telegraph letter No. 41-17/61 P & A dated 8.1.62. Such category of staff while posted in Nagaland were entitled to get House Rent Allowance at the rate applicable to employees posted in 'B' class cities".

Para 4(c) That when such employees were thus allowed and drawing the House Rent Allowance at par with employees posted to 'B' class cities some orders contradictory to each other were issued by various respondents on various dates

Para 4(d) The Govt. of Nagaland vide their Office Memorandum No. FIN/ROP/45/75 dated 16.8.75 has allowed their employees belonging to the category in which the applicants fall, House Rent Allowance at the rate ..
..... which rate is higher admissible to the employees of even the 'B' class cities
the other Central offices located in Nagaland are also allowing the increased rate of House Rent Allowance when employees of such departments are posted in Nagaland.

Para 5 (a) The Government of India and the other Respondents have themselves agreed in the past that the employees placed in this category (i.e. entitled to free accommodation and not provided with accommodation in Nagaland) shall be given the House Rent Allowance at par with 'B' class cities.

With these main averments they sought the following relief :

"All the employees when posted in Nagaland, who are entitled to rent-free accommodation and the same is not provided for by the Government be allowed to draw the House Rent Allowance as is admissible to the employees posted in 'B' class cities as categorised in the Government of India letter No. 11013/2/86-E.II(B) dated 23.9.86".

(Emphasis supplied)

The same was claimed with effect from May 1980 onwards.

48. It would appear from the above nature of their pleadings that the claim for House Rent Allowance at the rate of 'B' class cities was made on the assumption that all the employees posted in Nagaland were entitled to rent free accommodation or compensation in lieu thereof and their grievance was as regards the rate of House Rent Allowance as one of the components of compensation in lieu of rent free accommodation. If the G.I.M.H & W O.M. No. 12-11/60-ACC-I dated 2.8.60 is kept in view then clearly the whole basis of the claim was wrong. The O.A. was filed by 107 P & T employees but it was not stated in the application that all or any of them fulfilled the eligibility criteria prescribed thereunder. Even so the respondents (in that case) did not deny categorically that all the employees posted in Nagaland were not eligible for rent free accommodation or

compensation in lieu thereof when the tenor of the application was to aver that all Central Government employees posted in Nagaland were eligible for the same. Worse still the respondents neither produced nor relied upon the above mentioned O.A. (12-11/60) dated 2.8.60.

49. It would be interesting to note the material statements made in the written statement (in that case) by the respondents which are set out below :

Para 2 "respondents beg to state that as per the D.G. P & T letter No. 41-17/61 P & A dated 8.1.62 the P & T staff posted in NHTA (now renamed as Nagaland) are entitled to rent free accommodation."

Para 3 ".....the payment of HRA to P & T staff in lieu of rent free accommodation was regulated upto April, 1980 as per above letter dated 8.1.62".

Para 4 "The Govt. of India vide orders have revised the rate of HRA admissible in lieu of rent free accommodation with effect from May, 1980.

Para 12 "the respondents beg to state that the P & T staff posted in Nagaland are being paid the HRA in lieu of rent free accommodation correctly at the rate fixed by the Govt. of India".

(Underlines supplied)

The anxiety of the respondents was thus to justify the rate of HRA that was being paid and which was disputed by the applicants and in that process they did not dispute rather - accepted the position that all the applicants (P & T staff) posted in Nagaland were entitled to get rent free accommodation and their

defence related only to the rate of HRA as one of the components of compensation in lieu of rent free accommodation.

50. With ^{the} above nature of the case the then learned Members of this Bench observed in the order dated 31.10.90 as follows :

Para 1 " Briefly stated the facts of the case are that Telecom and Postal employees posted anywhere in Nagaland were provided with rent free accommodation. If they were not given Government accommodation, they were entitled to House Rent Allowance as in 'B' class cities".

Para 3 " On behalf of the Central Government a written statement was filed, followed, on our orders, by a clarificatory statement. In this none of the facts mentioned by the petitioners and summarised in the above paragraph were disputed.....".

Para 4 ".....
Since Nagaland, irrespective (of) the stations of the entire territory, was considered as a difficult area from the point of view of availability of rented house, all P & T employees posted there either got rent free quarters or, where such quarter could not be provided by the Government, were given house rent at the rate applicable to 'B' class cities".

"It appears to us that the HRA is paid by the Central Government for compensating an employee on account of his residential accommodation in the place of posting".

(Emphasis supplied)

With the above conclusions it was held that the applicants were entitled to House Rent Allowance applicable to Central Government employees posted in 'B' class cities which included the classifications B1 & B2 (from 18.5.1980).

51. It is true that the decision related only to P & T employees and the core of controversy decided was as regards the rate of HRA that was payable. However the impact of the decision is to hold

that all the employees of P & T Department posted in Nagaland were entitled to get rent free accommodation or compensation in lieu thereof. The ^{O.M.}~~O.M.~~ 12-11/60 dated 2.8.60 obviously was not invoked to deny that benefit to them. Apparently there was no coordination between the concerned Ministries of the Govt. of India in formulating the defence in that case and that resulted in the aforesaid O.M. not having been relied upon which could ^{restrict}~~resist~~ the eligibility criteria.

SIA. We have seriously considered the aspect whether since that decision related only to P & T employees and although it became applicable to all employees of that Department notwithstanding the O.M. (12-11/60) dated 2.8.60 whether a different view should be taken in the light of the said O.M. (12-11/60 2.8.60) in the instant applications which relate to different departments of the Govt. of India other than P & T Department except O.A. 2/94 which is filed by Postal Employees who ~~are~~^{are} covered by the decision in O.A. 42/89 (supra). Consistently with the view we have indicated on the applicability of O.M. 12-11/60 dated 2.8.60 it would have been open to us to take a different view than taken in O.A. 42/89 in respect of departments other than P & T. We are not however persuaded to do so for two reasons. Firstly, it having been held that the concession of rent free accommodation or compensation in lieu thereof was available all the employees posted in Nagaland which position was not controverted by the Government of India even in respect of P & T employees, we think that that principle should be applied to employees of other Departments concerned in the instant applications also in order to avoid resultant discriminatory treatment to employees of other Departments being ^{meted}~~meted~~ out. Secondly, we are of the opinion that the judgement of the Hon'ble

Supreme Court touching the above aspect does not leave it open to us to take a different view.

52. We therefore now turn to the judgement of the Supreme Court (dated 18.2.93) once again. The opening passage reads :

"Group 'C' and 'D' employees of Telecommunications and Postal Department posted in the State of Nagaland approached the Central Administrative Tribunal Guwahati seeking a direction to the Union of India to pay them the House Rent Allowance at the rates as admissible to the employees posted in 'B' class cities"

Proceeding further Their Lordships' referred to the order of the President of India dated January 8, 1962 and set out the portion 1.(iii) (already quoted above by us) reading as follows :

"1. (iii) Rent free accommodation on a scale approved by the local administration. The P & T staff in NHTA who are not provided with rent free accommodation will, however draw HRA in lieu thereof at the rates applicable in 'B' class cities contained in Col. 4 Paragraph 1 of the Ministry of Finance O.M. No. 1(22)-EII(B)/60 dated the 2nd August, 1960".

and proceeded to observe that :

" It is clear from the order quoted above that the P & T employees posted in the State of Nagaland are entitled to rent free accommodation or in the alternative to the House Rent Allowance at the rates applicable in 'B' class cities "

Lastly, Their Lordships observed :

" We see no infirmity in the judgement of the Tribunal under appeal. We agree with the reasoning and the conclusions reached therein "

53. The respondents (Govt. of India) did not urge before the Supreme Court that the words 'who are not provided with rent free accommodation' occurring in the order of the President dated 2.8.60

meant only those employees who were within the eligibility criteria prescribed in G.I. M.H and W, O.M. No. 12-11/60 ACC-I dated 2nd August, 1960 as is sought to be contended in the instant O.A.s. As stated earlier it follows from the judgement that all the employees of the P & T Department posted in Nagaland irrespective of being covered by O.M. 12-11/60 dated 2.8.60 or not were held to be entitled to rent free accommodation or the compensation in lieu thereof. On a parity of reasoning and with no rational criteria to differentiate employees of departments other than of P & T employees being discernible we are of the view that the benefit of the judgement should be available to the applicants in the instant applications who are posted in Nagaland without applying the criteria in the O.M. dated 12-11/60 dated 2.8.60. We hold that the respondents are estopped from taking up a stand in the instant cases relying upon the said O.M. inconsistently with what was held by the Supreme Court in the aforesaid judgement. The respondents must take the consequences of the failure to draw the attention of the Tribunal or the Hon'ble Supreme Court to the O.M. 12-11/60 dated 2.8.60 in the proceedings in O.A. 42(G)/89. We further hold that the said O.M. though not revoked or withdrawn so far by the Govt. of India has ceased to have any efficacy or applicability in the instant cases being inconsistent with the judgements of the Supreme Court and Central Administrative Tribunal in O.A. 42 (G)/89 and it is not open to the respondents in the instant cases to invoke ^{and} * apply the same in order to deny the concession of rent free accommodation or compensation in lieu thereof to the respective applicants posted in State of Nagaland. We further hold that the latest O.M. issued by Ministry of Finance (Expenditure) O.M. No. 2(25)/92/E-II-B dated 16.5.1994 (discussed below) also does not alter the above position as it does not contain fresh orders but is based on the very O.M. 12-11/60 dated 2.8.60 which can no longer

be applicable to the applicants as held in the preceding discussion. We read the judgement of the Hon'ble Supreme Court, with respect, as conclusive on both the points namely entitlement of rent free accommodation or compensation in lieu thereof as well as rate of House Rent Allowance to be payable as for 'B' class cities.

54. The position that would emerge in the light of above discussion would be as follows :

- (i) The O.M 12-11/60-ACC-I dated 2.8.60 is still operative.
- (ii) By reason of the aforesaid OM which governs the OMs dated 23.9.86 and 13.11.87 the concession of compensation in lieu of rent free accommodation would be available only to those employees who fulfil the criteria of eligibility prescribed under the OM aforesaid dated 2.8.60.
- (iii) There has been no decision of the Govt. of India entitling the Central Government Employees posted in Nagaland (except who are eligible for the concession of rent free accommodation or compensation in lieu thereof under O.M. 12-11/60 ACC-I dated 2.8.60) to get the concession of rent free accommodation or compensation in lieu thereof.

However, even with the above conclusions at (i) to (iii) the relief of compensation cannot be refused to the respective applicants in view of the decision of the Hon'ble Supreme Court.

- (iv) The compensation mentioned above consists of licence fee plus House Rent Allowance.
- (v) The House Rent Allowance even for the purposes of compensation has to be paid as prescribed for 'B' class cities with effect from 1.10.1986 when the recommendations of the IVth Central Pay Commission were enforced.
- (vi) House Rent Allowance where payable to the applicants apart from as a component of compensation in lieu of rent free accommodation will also be payable at the rate payable for 'B' class cities to Central Government employees. 'B' cities include cities classified as B1 and B2 (as held in O.A. 42 (G)/89).

55. In O.A. 48/91 claim is made for payment of House Rent Allowance @ 15% of pay per month from 1974 to 30.6.87 and House Rent Allowance compensation @ 25% from 1.7.87 onwards. In view of conclusions recorded above relief will be granted only to the extent indicated below in the final order. *consistently with the original order.*

56. In O. A. 2/94 the principal claim is made for a declaration that employees of Postal Department posted in Nagaland are entitled to House Rent Allowance applicable to the Central Government Employees in 'B' class cities with effect from 1.10.1986. It is also prayed that relief may be granted in respect of compensation in terms of O.M. dated 13.11.87.

Both these reliefs will be granted to the extent indicated below in the final order consistently with the payments as may have already been made under original order dated 17.3.94.

57. In O.A. 11/95 two fold relief is prayed for. Firstly a declaration is sought to the effect that all Group 'C' & 'D' employees of the Directorate of Census Operations posted in Nagaland are entitled to House Rent Allowance as well as compensation in lieu of rent free accommodation applicable to Central Govt. Employees posted in 'B' class cities with effect from 1.10.1986. These prayers will be granted to the extent indicated below in the final order.

Secondly a direction is sought to the respondents to release the arrears with effect from 1.10.1986 towards the two reliefs claimed in the declaration. This also will be only granted as indicated below.

58. In O. 37/95 also a declaration is sought coupled with direction to pay the arrears from 1.10.1986 towards House Rent Allowance @ 15% and compensation in lieu of rent free accommodation at the rates applicable to Central Government Employees posted in

42
'B' class cities. Here also relief will be granted as indicated below. from 1.10.1986 and 1.7.1987 respectively.

In O.A. 105/95 applicants pray for House Rent Allowance at the rate payable to B-2 class cities and compensation on the lines in O.A. 48/91.

59. A note of a recent Ministry of Finance (Expenditure) O.M. No. F 17(2)-E-II (A)/93 containing copy of O.M. No. 2(25)/92/E-II (B) dated 16.5.1994 issued by the same Ministry is necessary to be taken. That is issued on the subject of grant of compensation in lieu of rent free accommodation.

(It is published at item 44 in journal section of 1995 (1) SLJ P.55). It provides as follows :

" 2. The matter has been considered and the President is pleased to decide that the Central Government employees who are entitled to the facility of rent free accommodation in accordance with the Ministry of Urban Development O.M. No. 12-II/60-ACC-I dt. 2.8.60 and who have not been provided with such accommodation, will be entitled to compensation in lieu of rent free accommodation as under :

- (i) The lowest amount charged as licence fee for the entitled type of accommodation as fixed in terms of Ministry of Urban Development (Directorate of Estates) above mentioned O.M. dt. 26.7.93 and
- (ii) House Rent Allowance admissible to corresponding employees in that classified city/unclassified place in terms of para 1 of this Ministry's O.M. No. 111013/2/86-E.II(B) dt. 23.9.83 for Central Govt. employees belonging to Group 'B' 'C' & 'D' and para 1 of O.M. No. 11013/2/86-E.II(B) dt. 19.3.87 for Central Government employees belonging to Group 'A'.

3. These orders take effect from 1.7.93, the date from which the flat rate of licence fee was revised.

4. All other conditions, laid down in this Ministry's O.M. No. 11015/4/86-E.II (B) dt. 19.2.87, 22.5.87 and 4.5.88 shall continue to be applicable, while regulating grant of compensation in lieu of rent free accommodation under these orders".

60. This notification continues the provisions contained in O.M. No. 12-11/60-ACCI dt. 2.8.60 (considered above). It means that these employees who are eligible to get the compensation in lieu of rent free accommodation under that O.M. will be governed by the formula now laid down with effect from 1.7.93. As already indicated above it is of no help to the respondents to deny the claim of the applicants so long as it is based on the O.M. dated 2.8.60. However it would be open to the Govt. of India to issue fresh orders without correlating it to the aforesaid O.M. and laying down a formula independently thereof as may be considered necessary.

61. We have referred in the course of above discussion to the material produced by the parties in all the applications together as well as to the record of O.A. 42(G)/89 which we called for, and we have done so bearing in mind the requirement of service jurisprudence and in order to avoid the possibility of conflicting decisions on the same points being rendered if each case were to be separately decided strictly on the basis of material produced by the parties in ^{that} each case. That could be the correct way in a technical sense but would have frustrated the cause of justice as the questions arising in all the applications are almost identical touching service matter. We have not specifically referred to other material or the award referred to in the respective applications as that ^{was} not necessary to decide the questions in issue and would have unnecessarily burdened the judgement. However we have perused the said material.

62. The above discussion also leads to the conclusion that the applicants who belong to different departments of Govt. are being discriminated vis-a-vis employees of Posts & Telecommunications Department in whose case the judgement of the Tribunal in O.A. 42/89 has been implemented.

63. Lastly effective dates for payment have to be indicated. Although some of the applicants have laid a claim for the period prior to 1.1.1986 that cannot be granted. We would follow the date indicated in the judgement of the Supreme Court (Supra) namely 1.10.1986. In that case although Tribunal granted the claim from 18 May 1980 Their Lordships have modified that direction in following terms ;

"We are, however, of the view that the Tribunal was not justified in granting arrears of House Rent Allowance to the respondents from May 18, 1980. The respondents are entitled to the arrears only with effect from October 1, 1986 when the recommendations of the Central Pay Commission were enforced".

We therefore adopt the date 1.10.1986 as the basic date for granting relief to the applicants even though the claim may have been made for a period since prior thereto.

This will be subject to concerned employees being in service on that day. For employees posted subsequently the date of posting will be taken into account.

64. However, we are not in a position to specify as to for how long the said benefit would continue. It would depend upon the policy decisions taken by the Government of India from time to time in the exigencies of the situation. To the extent that from 1.10.1986 till the dates of the filing of the respective applications the applicants would be entitled to get the relief there does not arise any difficulty. ^{But as} As noted earlier, from 1.3.1991 the cities and towns have been re-classified under O.M. dated 14.5.1993 on the basis of 1991 Census. Although the classification prevailing under O.M. dated 7.2.1983 as amended from time to time lastly by OM dated 5.7.90 would be subject to the decision of the Supreme Court which was rendered on 18.2.1993 the same cannot be said about the reclassification introduced by OM No. 2(2)/93-E-II(B) dated 14.5.1993. It will be for the respondents

to examine the impact thereof in the light of the discussion in this order and regulate the payment accordingly for the period as from and subsequent to 1.3.1991 until further change has been introduced. We make it clear that as the said O.M. dated 14.5.1993 is not the subject matter of these applications we do not express any opinion about its applicability or otherwise or extent thereof as to the payment of compensation of HRA ^{and} and if any of the applicants would feel aggrieved with any action taken by the respondents on its basis they will be at liberty to pursue their remedies in accordance with the law.

65. We are not impressed by the objection of limitation raised by the respondents in O.A. 48/91 and reject the same.

66. In conclusion we answer the points formulated as follows :

Point i	:	Yes:
Point ii	:	Licence fee plus House Rent Allowance - <i>Quantum as below</i>
Point iii	:	Yes (10%)
Point iv	:	Yes - at the rate applicable to Central Government Employees in 'B' Class Cities. (including B1 or B2) upto 1.3.1991 and thereafter as indicated in the order below :
Point v	:	Yes - as above
Point vi	:	As indicated in final order below
Point vii	:	Yes ^{vis-a-vis} vis-a-vis P & T Department
Point viii	:	As per final order below.

67. In the result following order is passed in respect of each O.A. separately.

hill

O R D E R

O.A. 48/91

It is declared that the applicants are entitled to draw compensation in lieu of rent free accommodation. The respondents do pay the same to the applicants as directed below :

1. (a) House rent allowance at the rate applicable to the Central Government employees in 'B' (B1-B2) class cities/towns for the period from 1.10.1986 or actual date of posting in Nagaland if it is subsequent thereto, as the case may be, upto 28.2.91 and at the rate as may be applicable from time to time as from 1.3.1991 onwards and continue to pay the same.
- (b) For the purpose of above direction it is clarified that the rate may be calculated on the basis of percentage, or flat rate or slab rate as may be applicable from time to time during the period from 1.10.1986 upto date but it shall not be less than 15% of monthly pay for the period between 1.10.1986 and 14.2.1995.
- (c) Arrears from 1.10.1986 upto 14.2.1995^{be} paid accordingly subject to the adjustment of the amount as may have already been paid to the respective applicants for the aforesaid period in compliance with the original order dated 26.11.1993 (set aside on review on 14.2.95)
- (d) No recovery shall be made of any amounts paid in compliance with the order dated 26.11.93 upto 14.2.95.
- (e) Future payment from 15.2.1995 to be regulated in accordance with clause (a) above.

47

(f) Arrears to be paid as early as practicable but not later than a period of 3 months from the date of receipt of the copy of this order by the respondents.

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

(b) Arrears to be paid for the period from 1.7.1987 (or actual date of posting in Nagaland if it is subsequent thereto as the case may be) upto 14.2.1995 payable under the original order dated 26.11.93 (set aside on revision) 14.2.95) subject to adjustment of amount as may have already been paid for this period in compliance with the original order dated 26.11.93 upto 14.2.95.

(c) No recovery shall be made of any amounts paid in compliance with the order dated 26.11.93.

(d) Future payment to continue from 15.2.95 subject to clause (a) above.

(e) Arrears to be paid as early as practicable but not later than a period of 3 months from the date of receipt of the copy of this order by the respondents.

O.A. allowed in terms of above order. No order as to

costs.

O.A. 2/94

It is declared that the applicants are entitled to draw compensation in lieu of rent free accommodation. The respondents do pay the same to the applicants as directed below :

1. (a) House rent allowance at the rate applicable to the Central Government employees in 'B' (B1-B2) class cities/towns for the period from 1.10.86 or actual date of posting in Nagaland if it is subsequent thereto, as the case may be, upto 28.2.1991 and at the rate as may be applicable from time to time as from 1.3.1991 onwards, and continue to pay the same.
- (b) For the purpose of above direction it is clarified that the rate shall be adopted as 15% of monthly pay under the original order dated 17.3.1994 with effect from 1.10.1986 till 21.8.1995 (when the said order was set aside) and as from 22.8.1995 the rate as may be applicable whether on percentage basis or slab basis under the existing Government Memoranda.
- (c) Arrears from 1.10.1986 upto 21.8.1995 to be paid as indicated in clause (b) above subject to the adjustment of the amount as may have already been paid for this period in compliance with the original order dated 17.3.94 upto 21.8.95.
- (d) No recovery shall be made of any amounts paid in compliance with the order dated 17.3.1994.
- (e) Future payment from 22.8.1991 to be regulated in accordance with clause (a) above.

- (f) Arrears to be paid as early as practicable but not later than a period of 3 months from the date of receipt of this order by the respondents.

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

- (b) Arrears to be paid @ 10% of monthly pay for the period from 1.7.1987 (or actual date of posting in Nagaland if it is subsequent thereto as the case may be) upto 21.8.1995 payable under the original order dated 17.3.1994, (set aside on 21.8.1995) subject to adjustment of amount as may have already been paid for this period in compliance with the original order dated 17.3.94 upto 21.8.95.

- (c) No recovery shall be made of any amounts paid in compliance with the order dated 17.3.1994.

- (d) Future payment from 22.8.1995 to be made under this order.

- (e) Arrears to be paid as early as practicable but not later than a period of 3 months from the date of receipt of this order.

O. A. allowed in terms of above order. No order as to

costs.

O.A. 11/95

It is declared that the applicants are entitled to draw compensation in lieu of rent free accommodation. The respondents do pay the same to the applicants as directed below :

1. (a) House rent allowance at the rate applicable to the Central Government employees in 'B' (B1-B2) class cities/towns for the period from 1.10.1986 or actual date of posting in Nagaland if it is subsequent thereto, as the case may be, upto 28.2.1991 and at the rate as may be applicable from time to time as from 1.3.1991 onwards and continue to pay the same.
 - (b) For the purpose of above direction it is clarified that the rate may be calculated on the basis of percentage or flat rate or slab rate as may be applicable from time to time during the period from 1.10.1986 upto date.
 - (c) Arrears from 1.10.1986 upto date to be paid accordingly subject to the adjustment of the amount as may have already been paid to the respective applicants during the aforesaid period.
 - (d) Future payment to be regulated in accordance with clause(a) above.
 - (e) Arrears to be paid as early as practicable but not later than a period of 3 months from the date of receipt of the copy of this order by the respondents.
-
- 2 (a) Licence fee @ 10% of monthly pay (subject to where it was prescribed at a lesser rate depending upon the extent of basic pay) with effect from 1.7.1987 or actual date of posting in Nagaland if it is subsequent thereto as the

case may be, upto date and continue to pay the same until the concession is not withdrawn or modified by the Government of India or till rent free accommodation is not provided.

- (b) Arrears to be paid for the period from 1.7.1987 (or actual date of posting in Nagaland if it is subsequent thereto as the case may be) upto date.
- (c) Future payment to be regulated in accordance with clause (a) above.
- (d) Arrears to be paid as early as practicable but not later than a period of 3 months from the date of receipt of the copy of this order by the respondents.

O.A. allowed in terms of above order. No order as to costs.

O.A. 37/95

It is declared that the applicants are entitled to draw compensation in lieu of rent free accommodation. The respondents do pay the same to the applicants as directed below :

1. (a) House rent allowance at the rate applicable to the Central Government employees in 'B' (B1-B2) class cities/towns for the period from 1.10.1986 or actual date of posting in Nagaland if it is subsequent thereto, as the case may be, upto 28.2.91 and at the rate as may be applicable from time to time as from 1.3.1991 onwards and continue to pay the same.

- (b) For the purpose of above direction it is clarified that the rate may be calculated on the basis of percentage or flat rate or slab rate as may be applicable from time to time during the period from 1.10.1986 upto date.
 - (c) Arrears from 1.10.1986 upto date to be paid accordingly subject to the adjustment of the amount as may have already been paid to the respective applicants during the aforesaid period.
 - (d) Future payment to be regulated in accordance with clause(a) above.
 - (e) Arrears to be paid as early as practicable but not later than a period of 3 months from the date of receipt of the copy of this order by the respondents.
2. (a) Licence fee is 10% of monthly pay (subject to the limit it was prescribed at a lesser rate depending upon the extent of basic pay) with effect from 1.7.1987 or actual date of posting in Nagaland if it is subsequent thereto as the case may be, upto date and continue to pay the same until the concession is not withdrawn or modified by the Government of India or till rent free accommodation is not provided.
- (b) Arrears to be paid for the period from 1.7.1987 (or actual date of posting in Nagaland if it is subsequent thereto as the case may be) upto date.
 - (c) Future payment to continue from 23.8.95 to be regulated in accordance with clause (a) above.

- (d) Arrears to be paid as early as practicable but not later than a period of 3 months from the date of receipt of the copy of this order by the respondents.

O.A. allowed in terms of above order. No order as to costs.

O.A. 105/95

It is declared that the applicants are entitled to draw compensation in lieu of rent free accommodation. The respondents do pay the same to the applicants as directed below:

- 1 (a) House rent allowance at the rate applicable to the Central Government employees in 'B' (B1-B2) class cities/towns for the period from 1.10.1986 or actual date of posting in Nagaland if it is subsequent thereto, as the case may be, upto 28.2.91 and at the rate as may be applicable from time to time as from 1.3.1991 onwards and continue to pay the same.

- (b) For the purpose of above direction it is clarified that the rate may be calculated on the basis of percentage or flat rate or slab rate as may be applicable from time to time during the period from 1.10.1986 upto date.

- (c) Arrears from 1.10.1986 upto date to be paid accordingly subject to the adjustment of the amount as may have been paid to the respective applicants during the aforesaid period.

- (d) Future payment to be regulated in accordance with clause (a) above.

(e) Arrears to be paid as early as practicable but not later than a period of 3 months from the date of receipt of the copy of this order by the respondents.

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

(b) Arrears to be paid for the period from 1.7.1987 (or actual date of posting in Nagaland if it is subsequent thereto as the case may be) upto date.

(c) Future payment to be regulated in accordance with clause (a) above.

(d) Arrears to be paid as early as practicable but not later than a period of 3 months from the date of receipt of the copy of this order by the respondents.

O.A. allowed in terms of above order. No order as to costs.

Sd/- VICE CHAIRMAN

Sd/- MEMBER (ADMN)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH
1567
15 MAR 1995

An application under Section 19 of the Administrative
Tribunals Act, 1985)
গুৱাহাটী বেন্চ

Title of the Case : O.A. No. 37/ of 1995

Shri N. Aier & Others ... Applicants

- Versus -

Union of India & Others ... Respondents

INDEX

&

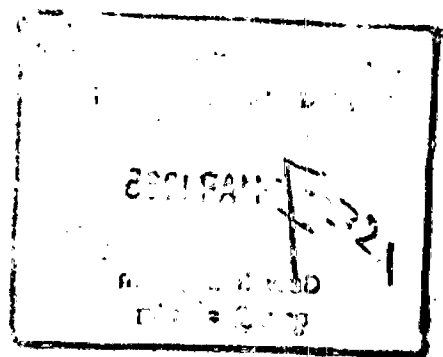
Sl.No.	Particulars of the documents	Page Nos.
1.	Application	1 to 18
2.	Verification	19
3.	Annexure-1	20 to 22
4.	Annexure-2	23 to 24
5.	Annexure-3	25 to 28
6.	Annexure-4	29 to 32
7.	Annexure-5	33 to 36
8.	Annexure-6	37
9.	Annexure-7	38
10.	Annexure-8	39 to 40.

For use in Tribunal's office :

Date of filing : 7.3.95

Registration No.: 37/95

REGISTRAR



Filed by Mr.
of Department-100/94
for Director General
of 10/01/95
4/3/95

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

O.A. No. of 1995

BETWEEN

1. Shri N. Aier, Assistant,
2. Shri A.K. Acharyya, JIO-1/WT,
3. Shri S. Dutta Choudhury, Assistant
Now at ~~SS~~ SIB, Tezpur.
4. Shri C.P. Singh, ACIO-II/WT
5. Shri Kielumbe Namgi, SA
6. Ms. Rose Mary Kamei, LDC
7. S.P. Sharma, JIO-II/G
8. Shri Ubiram Gurung, JIO-I/G
9. Shri Negendra Singh, Wash Boy
10. Shri Sagar Roy, LDC
11. Mrs. Romita Lama, LDC
on behalf of Late Shri Uttam Lama, JIO/G^{-II}
12. Mrs. Nongole, Peon
13. Mrs. Vasumathy Surendran, PA
14. Shri Ganesh Dutta, JIO-I/UT
15. Shri D. Kabui, JIO-I/G
16. Shri P.K. B. Nari, JIO-II/G
17. Shri Johnson Mathew, LDC
18. Shri B.E. Neog, ~~ACIO~~ ACIO-II/G
19. Shri S. Thiagarajan, LDC
20. Shri S. Dutta, LDC
21. Shri Bivash Paul, SA
22. Shri Om Bahadur Chetry, Chowkidar
23. Shri Raj Kumar, SA
24. Shri Lhoupelo Koza, SA
25. ~~Shri~~ Mrs. Romita Lama, LDC
26. Shri Mohan Chandra Saikia, UDC

27. Shri R. Phukan, UDC
28. Shri S.K. Acharjee, JIO-II/G
29. Shri Y. Latha, SA
30. Shri B.K. Sarkar, SA
31. Mrs. Ajitha Venugopal, LDC
32. Mrs. Annamma Chacko, St. Gr-III
33. Shri Des Raj Paul, Assistant
34. Shri C.R. Bhattacharjee, JIO-II/G
35. Shri Asish Bhattacharjee, LDC
36. Shri Sekhar ~~Kx~~ Chatterjee, UDC
37. Shri Bijoy Kumar Dey, UDC
38. Shri Babul Ghosh, JIO-II/G
39. Shri M.K. Khalappa, JIO-II/G
40. Shri John Thomas, JIO-II/G
41. Shri Anjan Roy, UDC
42. Shri Tridip Kumar Deb, LDC
43. Shri Kanailal Singha, SA
44. Shri Khulie Angami, JIO-II/MT
45. Shri Gopal Kumar Das, LDC
46. Shri Potsutso Thira, JIO-II/MT
47. Shri Dhruva Mitra, LDC
48. Shri C. Ramakrishnan, ACIO-II/WT
49. Shri Arya Ram, JIO-II/G
50. Shri Reizelie, SA
51. Shri Raju Kulal, LDC
52. Shri Neidel Kiso, UDC
53. Shri Neizoulie Chale, SA
54. Shri M.T. Venugopalan, SA
55. Shri D.P. Singh, JIO-II/G
56. Shri K.K. Gopidas, ACIO-II/G

Contd...P/4.

57. K.C. Patralekh, JIO-II/G
58. Shri Durga Prasad, JIO-II/WT
59. Shri M. Targain, ACO-II/G
60. Shri Gulab Mahato, ACO-II/G
61. Shri Chandra Sekhar Chauhan, ACO-II/G
62. Shri R.R. Dey, ACIO-II/G
63. Shri A.K. Sharma, JIO-I/WT
64. Shri A.R.S. Shami, ACIO-II/WT
65. Shri M. Long Khangba Yimchunger, JIO-I/G
66. Shri S.P. Singh, JIO-II/G
67. Shri Money Joseph, SA
68. Shri A.H. SBohe, SA
69. Mrs. M. Parukutty, ~~UDC~~ UDC
70. Shri K.S. Arora, ACIO-I/WT
71. Shri Vihasuh Kweho, LDC
72. Shri K. Raju, SA
73. Shri T. Sale, Compounder,
74. Shri T. Dutta, UDC
75. Shri Baby Mathew, UDC
76. Shri Pyara Singh, ACIO-I/WT
77. Shri K.D.D.Nair, ACIO-II/WT
78. Shri A.J. Sebastian, ACIO-II/WT
79. Shri Suba Singh, ACIO-I/WT
80. Shri M.C. Saha, ACIO-I/G
81. Shri A.K. Sanyal, UDC
82. Shri R.C. Singh, ACIO-II/WT
83. Shri T.S.R. Krishmaiah, ACIO-II/WT
84. Shri L.N. Das, JIO-II/WT
85. Shri R.P. Shrestha, SA
86. Shri D. Dhar, UDC
87. Shri Bikramjit Sharma, LDC

88. Shri K. Sema, ACIO-II/G
89. Shri Balkar Singh, ACIO-II/G
90. Shri G.C. Chatterjee, ACIO-II/G
91. Shri J.M. Das, JIO-I/G
92. Shri A.K. Das, JIO-I/G
93. Shri B.K. Chakraborty, JIO-I/G
94. Shri R.A. Rawat, ACIO-II/G
95. Shri S.R. Ghatak, JIO-I/G
96. Shri N. Rengma, JIO-I/G
97. Shri S.N. Saha, UDC
98. Shri A.K. Bhattacharjee, LDC
99. Shri N. Sema, JIO-II/G
100. Shri S.H. Sema, JIO-II/G
101. Shri Y.C. Konyak, JIO-II/G
102. Shri R.D. Angami, JIO-II/G
103. Shri K.H. Sema, JIO-II/G
104. Shri K.G. Sema, JIO-II/G
105. Shri S.K. Sannyal, PA Gr-II
106. Shri U.C. Samanta, JIO-II/WT
107. Shri L.A. Benjamin, JIO-II/G
108. Shri Babulal Bhowmick, JIO-II/G
109. Shri S.K. Dey, JIO-II/G
110. Shri V. Sudarsanan, JIO-II/G
111. Shri K.C. Phom, SA
112. Shri Takameron Ao, SA
113. Shri K.H.E. Achumi, SA
114. Shri A.L. Chishi, SA
115. Shri D.P. Passi, JIO-II/NT
116. Shri T. Rameshan, SA
117. Shri K S.C. Das, SA
118. Shri P.K. Yeptho, SA

119. Shri Narayan Prasad, SA
 120. Shri Mahendra Prasad, JIO-II/G
 121. Mrs. N. Sema,
On behalf of Late Y. Sema, JIO-I/G
 122. Shri S.B. Dutta, SA
 123. Shri A.K. Kuki, JIO-II/G
 124. Shri R.K. Gola, ACIO-I/G
 125. Shri R.R. Dhar, Ex-ACIO-II/G
 126. Shri Sumanta Mukherjee, Ex-LDC, SIB Kohima,
Now Steno in Doordarshan Kendra, Guwahati.
 127. Shri Gautam Dhar, Ex-SA, SBB, Kohima
Now at RBI, Guwahati.
- No. 1 to 87 are working at SIB Kohima
Nos. 88 to 125 are working at ~~SBI~~ SIB Dimapur.

.... Applicants

AND

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

... Respondents

DETAILS OF APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH
THE APPLICATION IS MADE :

The application is made against the implied
rejection of the representations of the applicants for

granting House Rent Allowance as per the rates prescribed for 'B' Class cities. The application is also made praying for a direction to release the House Rent Allowance to the applicants being Group 'C' and Group 'D' employees of Subsidiary Intelligence Bureau posted in Nagaland as is admissible to the Central Government employees posted in 'B' Class cities and also for grant of compensation in lieu of accommodation in terms of O.M. No. 11015/4/86 - E.II(B) dated 13.11.87.

2. JURISDICTION OF THE TRIBUNAL :

The applicants declare that the subject matter of the orders against which they want redressal is within the jurisdiction of the Tribunal.

3. LIMITATION :

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

4. FACTS OF THE CASE :

4.1 That all the applicants are citizens of India and therefore, they are entitled to all the rights, protections and privileges guaranteed under the Constitution of India. The applicants are employees of Subsidiary Intelligence Bureau (hereinafter referred to as 'SIB') Government of India and are posted in the State of Nagaland. They all belong to to Group 'C' and Group 'D' categories. It is pertinent to mention here that some

Contd...P/7

Amended with application
at and order
dt. 22.8.95
② Sr. 1, 2, 4, 13, 18, 33
56, 62, 70, 76, 79, 80
105 and 124
for B.C. Non-gaz.

of the applicants have since been posted out of Nagaland and some have left SIB as stated in the Cause Title.

4.2 That the applicants have got same cause of action and the ~~entire~~ nature of relief prayed for is also same. They have a common interest in the case and have filed this application jointly. It is a case fully covered by the provisions of Rule 4(5) of the C.A.T.(Procedure) Rules, 1987 and as such, the applicants may be permitted to join together in one application.

4.3 That the applicants are and some of the applicants were at the relevant point of time employees of SIB under the Government of India.

4.4 That the employees of SIB and for that matter all Central Government employees posted in Nagaland are required to be provided with rent free accommodation

However, if they are not given rent free Government accommodation, they are entitled to house rent allowance (HRA for short) as in 'B' Class cities declared by the Government of India. Such employees are also entitled to compensation in lieu of rent free accommodation RFA for short).

4.5 That the cities/towns in the State of Nagaland have not been classified by the Government ~~of India~~ and as such the general order prescribing HRA for different classes of cities could not be made applicable to the State of Nagaland. It was under these circumstances, that the President of India issued an order dated 8.1.62

granting HRA to the P & T Staff posted in Nagaland. The operative portion of the said order which is relevant for the purpose of the instant application is quoted below :

"1(iii) Rent free accommodation on a scale approved by the Local Administration. The P&T Staff of NHTA who are not provided with rent free accommodation will, however, draw HRA in lieu thereof at the rate applicable in 'B' class cities contained in Col.4 paragraph 1 of the Ministry of Finance O.M. No. 2(22)-B. II(B)/60 dated 2nd August 1960."

The Presidential order equates the cities in the State of Nagaland for the purpose of payment of HRA to the cities which have been classified as 'B' class. The said Presidential order dated 8.1.62 is still operative. The applicants are not in possession of a copy of the aforesaid order and therefore, crave the leave of the Hon'ble Tribunal to direct the respondents to produce a copy of the same.

4.6 That the applicants state that the former NHTA (Naga Hills and Tuensang Area) and the present state of Nagaland is considered as a specially difficult area for the purpose of rented accommodation. In Nagaland irrespective of the station of the entire territory, the whole state has been considered as a difficult area from the point of view of availability of rented house and therefore, the Central Government employees posted there are either given rent free accommodation or where such ~~employees are~~ accommodation could not be provided by the

Contd...P/9.

Government, the employees are entitled to HRA at the rate applicable to 'E' class cities. This situation has continued since 1962 and the difficulties still exist. The housing situation in Kohima in particular and the State of Nagaland in general has not improved and therefore, rented houses at reasonable rates are not available till date.

4.7 That the applicants state that ~~the~~ most of the Group 'A' and Group 'B' employees of SIB posted in Nagaland have been provided with Government accommodation. However, Group 'C' and Group 'D' are not provided with Government accommodation and therefore, they are required to stay in rented houses which are very scarce and as a result the Group 'C' and Group 'D' employees are facing great hardship all through.

4.8 That inspite of great hardship faced by the applicants and the applicants were neither given Government accommodation nor HRA although the said benefits were given to Group 'A' and Group 'B' officials.

4.9 That the 4th Pay Commission made certain recommendation regarding grant of HRA and compensatory allowances to the Central Government employees and pursuant to such recommendation the Government of India, Ministry of Finance by memorandum dated 23.9.86 communicated the decision of the Government of India of the Pay Commission and the rates for HRA and compensatory allowances were prescribed. It was communicated by the aforesaid decision that HRA

at the rate shown shall be paid to all employees without requiring them to produce rent receipts.

A copy of the aforesaid memorandum dated 23.9.86 is annexed hereto as ANNEXURE-1.

4.10 That from the aforesaid memorandum dated 23.9.86 it is clear that the recommendation of the 4th Pay Commission was accepted by the Government and accordingly, the applicants were also entitled to HRA and compensation in lieu of RFA. However, inspite of repeated requests of the applicants, the said benefits were not granted to the applicants. It is pertinent to mention here that employees of some other departments including the employees of Directorate of Census Operations posted in Nagaland also urged for grant of HRA and compensation in lieu of RFA. When the matter was pursued by the employees of Census Operation, Ministry of Home Affairs issued an office memorandum dated 9.8.67 whereby it was communicated that the grievances raised in the Departmental Council for removal of disparity in payment of HRA etc. between the employees of Ministry of Home Affairs and other Central Government employees posted in Kohima, was not possible to agree and therefore, a formal disagreement was recorded on this demand and consequently, the matter was referred to the Board of Arbitration for decision. The Board of Arbitration has given an Award to the effect that from 1.5.76, the employees of Directorate of Census Operations posted in Nagaland shall get the HRA and personal allowances at the same rate as that of employees

of Posts and Telegraphs Department. Pursuant to such an Award, the Ministry of Finance in consultation with the Department of Personnel and Training decided to implement the Award.

A copy of the aforesaid memorandum dated 9.6.87 is annexed hereto as ANNEXURE-2.

4.11 That the applicants state that although the benefits as claimed in this application are given to other employees of Central Government posted in Nagaland, the applicants are being deprived of the same. The respondents have not agreed to give HRA at the rate prescribed for 'B' class cities to the applicants although the applicants are given their HRA at a lesser rate than the rate prescribed for 'B' class cities whereas the employees of P & T Deptt. are granted HRA at the rate prescribed for 'B' class cities. The employees of P & T Department are also granted compensation at the rate of 10% of their basic pay in lieu of RFA.

4.12 That the applicants state that some employees of Postal Department, before this Hon'ble Tribunal, filed an application being O.A. No. 42(G)/89 (Shri S.K. Ghose & Ors. Vs. Union of India & Ors) raising the claim for grant of HRA at the rate prescribed for 'B' class cities and this Hon'ble Tribunal was pleased to allow the application by order dated 30.10.90. Against this judgment dated 30.10.90, the Union of India preferred an appeal before the Hon'ble

Contd...P/12.

Supreme Court being Civil Appeal No. 2705/91 (Union of India & Ors. Vs. Shri S.K. Ghose & Ors). The Hon'ble Supreme Court disposed of the aforesaid appeal by an order dated 18.2.93 holding that there was no infirmity in the Judgment of the ~~Hon'ble~~ Tribunal under appeal. However, the Hon'ble Supreme Court held that the Tribunal was not justified in granting HRA from May 18, 1980 and the employees are entitled to the arrears only with effect from October 1, 1986 when the recommendations of the 4th Pay Commission were enforced.

A copy of the order of the Hon'ble Supreme Court dated 18.2.93 is annexed herewith ~~and~~ as ANNEXURE-3.

4.13 That the applicants state that some employees of the Geological Survey of India belonging to Group 'C' and 'D' and posted in Nagaland filed an application before this Hon'ble Tribunal being O.A. No. 48/91 claiming HRA at the rate applicable to 'B' class cities i.e. @ 15% of the pay and also for payment of compensation @ 10% in lieu of HRA. The aforesaid application was allowed by this Hon'ble Tribunal by Judgment and Order dated 26.11.93.

A copy of the aforesaid Judgment and Order dated 26.11.93 passed in O.A. No. 48/91 is annexed herewith as ANNEXURE-4.

4.14 That subsequent to it, the All India Postal Employees Union filed another O.A. No. 2/94 claiming the same benefits and the said application was also allowed by this Hon'ble Tribunal.

66
~~4.15~~ A copy of the Judgment dated 17.3.94 passed in O.A. No.2/94 is annexed herewith as ANNEXURE-5.

4.15 That it will be pertinent to mention here that the modification of the Hon'ble Tribunal's order was done by the Hon'ble Supreme Court in view of the recommendation of the 4th Pay Commission which came into effect from 1.10.86. From 1.4.86, the basic grant of HRA was changed according to recommendation of the 4th Pay Commission. The pay Commission in its report, inter alia, stated that where HRA at the rate of 15% has been allowed, under special order, the same shall be given as admissible in a B-1 and B-2 class cities. In other cases covered by special order, the HRA shall be admissible at the rate in other class cities. The applicants crave the leave of the Hon'ble Tribunal to refer to the recommendation of the 4th Pay Commission at the time of hearing, if necessary.

4.16 That the applicants state that after the Judgment of the Hon'ble Tribunal referred to above and the decisions of the Hon'ble Supreme Court dated 18.2.93, all Central Government employees posted in Nagaland are entitled to HRA at the rate admissible to B-class cities and they also entitled to compensation in lieu of rent free accommodation. However, for reason best known to the respondents the applicants are deprived of the said benefits.

4.17 That the applicants state that they urged the matter in the light of the Hon'ble Supreme Court's decision

Contd...P/14.

to the respondents. The applicants pointed out that the employees of the Postal Department posted in Nagaland are granted HRA at the rate applicable to 'B' class cities vide No. 4-40/87-PAP dated 7.3.94 issued by the Directorate General, Posts on the basis of the Judgment of the Hon'ble Supreme Court. The applicants also pointed out that the employees of Intelligence Bureau, Ministry of Home Affairs were also granted HRA at the rate applicable to 'B' class cities vide order No. 3/TERMS(C)/87(5)-528 dated 26.4.89 issued by the Intelligence Bureau New Delhi. However, inspite of such position, the respondents have not acted and are sitting over the matter.

Copies of the aforesaid letters dated 7.3.94 and 26.4.89 are annexed herewith as ANNEXURES-6 and 7 respectively.

4.18 That the applicants have been making representations for the benefits as prayed for in this application to the respondents time and again. This will be evident from a Memorandum dated 23.3.94 issued by the Assistant Director, SIB, Kohima addressed to the I.B. Headquarters New Delhi wherein on the basis of the representations filed by the applicants, the matter was referred to the Headquarters, New Delhi requesting to consider the matter. It was stated in the aforesaid Memorandum that in view of the Hon'ble Supreme Court's judgment and its implementation by the P&T Department to all employees, a new angle has been added to the matter and that the matter be taken up with the Ministry of Home Affairs

and Ministry of Personnel to extend the benefits to the applicants. However, the respondents are sitting over the matter and nothing has happened to this effect.

A copy of the aforesaid memorandum dated 23.3.94 is annexed herewith as ANNEXURE-8.

4.19 That the applicants state that since the ~~members of~~ applicants are similarly circumstanced with those of any other Central Government employees posted in Nagaland, the respondents ought to have extended the said benefits to the employees of the ~~Dixterate~~ SIB. It is a well settled proposition of law that when a decision made by a Court in case of certain employees ~~whenxxdxxxi~~ it is not necessary for other similarly circumstanced employees to approach the Court and similar effects should also be extended to them. However, the respondents by the aforesaid communication dated 10.6.94 has forced the applicants to approach this Hon'ble Tribunal.

4.20 That the applicants state that they are also entitled to compensation in terms of office memorandum dated 13.11.87 as regard to Judgment in O.A. No. 48/91.

4.21 That the applicants state that the wrong committed to the applicants is a continued wrong and therefore, the applicant is within the limits prescribed under Section 21 of the Administrative Tribunals Act.

4.22 That this application has been made bonafide and in the interest of justice.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

5.1 For that the Presidential order of 1962 being operative, the respondents cannot take away the right of receiving HRA by the applicants for their period of posting in Nagaland.

5.2 For that it is a well settled proposition of law that if some employees are found entitled to certain benefits, all similarly circumstanced employees also should be extended with the similar benefits.

5.3 For that the action of the respondents is discriminatory and violative of the rights guaranteed under Part-3 of the Constitution of India.

5.4 For that the employees serving in other Central Government Department, Corporation etc. and posted in Nagaland are given HRA as is admissible to 'B' class cities and as such, the applicants cannot be discriminated against.

5.5 For that in any view of the matter, the impugned order as contained in Annexure-6 liable to be quashed and the respondents are required to be directed to pay HRA to all the employees of Postal Department posted in Nagaland at the rate admissible to B-Class cities.

5.6 For that the applicants are entitled to compensation in lieu of rent free accommodation in terms of the memorandum dated 13.11.87 referred to in the body of the application.

6. DETAILS OF REMEDIES EXHAUSTED :

The applicants have submitted numerous representation but the same have not been replied to. As such, there is no other alternative and efficacious remedy ~~xx~~ except by way of filing this application.

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

The applicants further declare that they had not previously filed any application, writ petition or suit regarding the matter in respect of which the application has been made before any Court of law, or any other authority and/or other Bench of the Tribunal and/or any such application, writ petition or suit is pending before any of them.

8. RELIEFS SOUGHT :

Under the facts and circumstances of the case, the applicants pray that Your Lordships would be pleased to issue notice on the respondents to show cause as to why the reliefs sought for in this application shall not be allowed, call for the records and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following reliefs :

- (i) A declaration that all the applicants of the SIB posted in Nagaland are entitled to House Rent Allowances as well as compensation in lieu of Rent Free Accommodation applicable to Central Government employees posted in 'B' class cities with effect from ~~1xxx~~ 1-10-86.

Contd...P/18

at the rate shown shall be paid to all employees without requiring them to produce rent receipts.

A copy of the aforesaid memorandum dated 23.9.86 is annexed hereto as ANNEXURE-1.

4.10 That from the aforesaid memorandum dated 23.9.86 it is clear that the recommendation of the 4th Pay Commission was accepted by the Government and accordingly, the applicants were also entitled to HRA and compensation in lieu of RFA. However, inspite of repeated requests of the applicants, the said benefits were not granted to the applicants. It is pertinent to mention here that employees of some other departments including the employees of Directorate of Census Operations posted in Nagaland also urged for grant of HRA and compensation in lieu of RFA. When the matter was pursued by the employees of Census Operation, Ministry of Home Affairs issued an office memorandum dated 9.8.67 whereby it was communicated that the grievances raised in the Departmental Council for removal of disparity in payment of HRA etc. between the employees of Ministry of Home Affairs and other Central Government employees posted in Kohima, was not possible to agree and therefore, a formal disagreement was recorded on this demand and consequently, the matter was referred to the Board of Arbitration for decision. The Board of Arbitration has given an Award to the effect that from 1.5.76, the employees of Directorate of Census Operations posted in Nagaland shall get the HRA and personal allowances at the same rate as that of employees

- (ii) A direction to the respondents to release House Rent Allowances at the rate of 15% and compensation in lieu of Rent Free Accommodation to all the applicants posted in Nagaland as applicable to the Central Government employees posted in 'B' class cities forthwith, alongwith arrears with effect from 1-10-86.
- (iii) Cost of the application ;
- (iv) Any other relief or reliefs to which the applicants are entitled under law and equity.

9. INTERIM ORDERS PRAYED FOR :

Pending disposal of the application, the respondents may be directed to release their current HRA at the rate admissible to the Central Government employees posted in 'B' class cities.

10. The application is filed through Advocate.

11. PARTICULARS OF THE I.P.O. :

- (i) I.P.O. No. : 8 03 882470
(ii) Date : 2/3/85
(iii) Payable at : Guwahati.

12. LIST OF ENCLOSURES :

As stated in the Index.

Verification.....

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

I, Shri Tapan Dutta, son of Late N.C. Dutta, aged about 35 years, at present working in Subsidiary Intelligence Bureau, Kohima do hereby verify and state that the statements made in paragraphs 1 to 4 and 6 to 12 are true to my knowledge and those made in paragraph 5 are true to my legal advice. I am also duly authorised to sign this verification on behalf of the other applicants and I have not suppressed any material facts.

And I sign this verification on this the day March 1995.

Tapan Dutta

No. 11013/2/86-E-II(b)
GOVERNMENT OF INDIA MINISTRY OF
FINANCE (Department of Expenditure)

New Delhi the 23rd September 1986.

OFFICE MEMORANDUM

Sub : Recommendation of the Fourth Pay Commission, Decision of the Government relating to grant of Compensatory (City) - & House Rent Allowance to Central Government Employees.

The undersigned is directed to say that consequent upon the decision taken by the Government on the recommendation of the Fourth Pay Commission relating to the above mentioned allowances vide this Ministry's resolution No. 14(1)/IC/86 dtd 13th September 1986, the President is pleased to decide that in modification of this Ministry O.M. No. F.2(37)-E-II(B)/64 dated 27.11.1985 as amended from time to time for compensatory (City) and House Rent Allowances to Central Government employees shall, be admissible at the following rates :

COMPENSATORY (CITY) ALLOWANCES

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

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

II) HOUSE RENT ALLOWANCES

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

Contd...

Attested
Signature of
Associate
7/3/85

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

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

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

5. Pay for the purpose of these orders, will be 'pay' as defined in F.R.9(21) (a)(i). In the case of persons who continue to draw pay in the scales of pay which prevailed prior to 1.1.1986 it will include in addition to pay in the pre-revised scales, dearness pay, dearness allowance, additional Dearness Allowance Ad-hoc DA and Interim Relief appropriate to that pay, admissible under orders in existence on 31.12.85.

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

7. These orders will apply to civilian employees of the Central Government belonging to Group 'E' 'C' & 'D' only. The orders will also apply to the Group 'B' 'C' & 'D' civil employees paid from the Defence Service's Estimates. In regard to Armed Forces Personnel and Railway Employees, separate

Contd...

Attended
Asst. Secy. Secy.
2/3

orders will be issued by the Ministry of Defence and Department of Railway respectively.

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

9. Hindi version of the order is attached.

Sd/-

(B.P. Varma)

Joint Secretary to the Government of India.

To

All Ministries and Department of Government of India etc. as per distribution list.

Copy forwarded to C&AG and UPSC etc. (with usual number of spare copies) as per standard endorsement list.

Attested
As Secretary Secy
R/B

No.10/10/87-NEI
Government of India,
Ministry of Home Affairs,

New Delhi the 9th June 1987.

Subject : Implementation of Award of the Board of Arbitration regarding grant of HRA to the employees of Directorate of Census Operation (Ministry of Home Affairs) Nagaland at the rates applicable to the employees of P&T Department posted at the same station.

The undersigned is directed to say that the staff side of the Departmental Council had raised a demand in the 30th Ordinary Meeting of the Departmental Council of the erstwhile Department of Personnel & Administrative Reforms held in October/November 1980, for removal of disparity in payment of House Rent Allowance, between the employees of the Ministry of Home Affairs, and other Central Government employees posted at Kohima, Nagaland. Since it was not feasible to agree to their demand, formal disagreement was recorded, on this demand and consequently, the matter was referred to the Board of Arbitration for a decision, as per J.C.M. Scheme. The Board of Arbitration has now given the following Award :

" With effect from 1st May, 1976, the employees of the Director of Census Operations, Ministry of Home Affairs, Department of Registrar General of India, posted in Nagaland shall get House Rent Allowances and personal allowance at the same rates under the same conditions and in the same manner as the employees of the Posts & Telegraph Department have been quashed."

2. The Award of the Honourable Arbitration has been considered by the Ministry of Finance in consultation with the Department of Personnel & Training and it has been decided to implement the Award.

3. The erroneous payment of H.R.A. at 15% of pay in the case of employees of Posts & Telegraphs Department was

Contd...

Attested.
Signature of Secy
D.M. Colt
2/3

reduced to 7½% of pay and the remaining 7½% protected in the shape of personal allowance. However, in the case of new entrants i.e. persons posted to Nagaland from 1st April 1980 onwards the House Rent Allowance is being paid at a uniform rate of 7½% of pay only. Accordingly, the employees of the Directorate of Census Operations, Kohima, Nagaland may be allowed House rent Allowance at the rate of 7½% of pay and personal allowance at same rate (7½% of pay) with effect from 1st May 1976 and the employees of the Directorate posted at Nagaland from 1st April 1980 onwards be paid only house Rent Allowance at a uniform rate of 7½% of pay as is being done in the case of the employees of the P&T Department.

4. This issues on the basis of the office memorandum No. 11021/1/86-E.II(B) dated the 12th March, 1986, issued by the Ministry of Finance Department of Expenditure.

Sd/-

(Brijeswar Singh)
DS (NEC)

Copy to :

1. All Ministries/Departments of Government of India
2. All attached and subordinate offices of the Ministry of Home Affairs.
3. Chief Secretaries of all States.
4. Ministry of Finance Department of Expenditure (E-II-B) New Delhi.
5. Office of the Registrar General of India, 2-A, Prithvi-raj Road, New Delhi with reference to their U.O. No. D-11026/7/86-Ad.iii. dt. 22.1.87 (with - 10 spare copies).

Sd/-

(Brijeswar Singh)
DS (NEC)

*Attn: Secy.
7/3*

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2005 OF 1991.

Union of India & Ors.

...

Appellants

- Versus -

Shri S.K. Ghosh & Ors.

...

Respondents

O R D E R

Group 'C' and 'D' employees of Telecommunications and Postal Department posted in the State of Nagaland approached the Central Administrative Tribunal Guwahati seeking a direction to the Union of India to pay them the House Rent Allowance at the rate as admissible to the employees posted in 'B' class cities. The Tribunal allowed the prayer in the following terms :

"The application is allowed. The petitioners shall be entitled to House Rent Allowance applicable to Central Government employees posted in 'B' Class cities which includes the classification B-1 & B-2. The order contained in Dy. Director General's letter dated 30.10.81 (Annexure A-1) is quashed. Arrears of the allowance counting from the 18th of May 1980 shall be paid to the petitioners within a period of 120 days from the date of receipt of this order."

This appeal by way of special ~~may~~ leave is by the Union of India against the judgment of the Tribunal. The cities in the State of Nagaland have not been classified and as such, the general order prescribing House Rent Allowance for different classes of cities could not be made applicable to the State of Nagaland. It was under these circumstances that the President of

Contd.....

Handwritten signature and initials:
A. K. Singh
S. K. Ghosh
2/3

India issued an order dated January 8, 1962 granting House Rent Allowance to the P & T Staff posted in the State of Nagaland. The relevant part of the said order is as under :

"1.(iii) Rent free accommodation on a scale approved by the local administration. The P & T staff in NHTA who are not provided with rent free accommodation, will, however, draw H.R.A. in lieu thereof at the rates applicable in 'B' class cities contained in col. 4 paragraph 1 of the Ministry of Finance O.M. No. 2(22)-E. 11(B)/60 dated the 2nd August 1960."

It is clear from the order quoted above that the P & T employees posted in the State of Nagaland are entitled to rent free accommodation or in the alternative to the House Rent Allowance at the rates applicable in 'B' class cities. The Presidential Order equates the cities in the State of Nagaland for the purposes of payment of House Rent Allowance to the cities which have been classified as 'B' class.

Initially the House Rent Allowance was being paid at the rate of 7½% per cent in the State of Nagaland. It was increased to 15 per cent in the year 1973. From 1979 the House Rent Allowance was again reduced to 7½% per cent. It is not necessary for us to go into the rate of the House Rent Allowance at various stages because the question for our consideration is whether the respondents are entitled to the House Rent Allowance as provided for 'B' Class cities by the IVth Central Pay Commission recommendations which were enforced with effect from October 1, 1986.

Contd...

*Attested
Secretary
2/5*

It is not disputed that the Presidential order dated January 8, 1962 is still operative. We are of the view that the State of Nagaland having been equated to 'B' Class cities by the Presidential Order the respondents are entitled to be paid the House Rent Allowance at the rates which have been prescribed for the Central Government employees posted in 'B' class cities. Consequently, the respondents are entitled to be paid House Rent Allowance at the rate which has been prescribed by the IVth Central Pay Commission recommendations for 'B' class cities.

The Tribunal allowed the application of the respondents on the following reasons :

"There is no dispute that the former N.H.T.A. (Naga Hills and Tuensang Area) and the present Nagaland was considered as a specially difficult area for rented accommodation. For the purpose of H.R.A. Government classified the cities and towns on the basis of their population and paid higher allowance in more populous cities because the rent structure is higher in such cities. Since Nagaland, ~~was~~ irrespective of the stations of the entire territory, was considered as a difficult area from the point of view of availability of rented house, all P & T employees posted there either got rent free quarters or where such quarter could not be provided by the Government, were given house rent at the rate applicable to 'B' Class cities. This situation continued from 1962. The rate of HRA may be reduced with efflux of time. The only reason for doing so can be that the special difficulties which existed from 1962 ~~onwards~~ have since been ameliorated. This can conceivably happen with the development of the area in question. The House stock may improve to such an extent that rented house at reasonable rate may be available. If that was the situation, a downward revision of HRA or even its complete discontinuance would have been justified. In this case, however, the respondents case solely rests

Contd....P/28

Attorney
B. S. S. S.
S. S. S.
S. S. S.

om what is stated as Annexure A-1 which is reproduced in full in the proceeding paragraph. Since no such reason is given for the downward revision we have no other alternative but to hold that the revision effected in compliance to the document at Annexure A-1 is arbitrary and cannot be sustained. No further find that according to the formula adopted after the IV CPC HRA is payable to the Central Government employees posted even in classified places. From Annexure A-7 it is clear that this allowance is at a flat rate is payable without production of rent receipt. It appears to us that the HRA is paid by the Central Government for compensating an employee on account of his residential accommodation in the place of posting is not shown to have undergone any improvement in the matter of ~~xxxxxxx~~ availability and rent of hired accommodation any alteration of the rate of HRA will remain arbitrary and unjustified. In this view of the matter, we feel inclined to allow the application."

We see no infirmity in the judgment of the Tribunal under appeal. We agree with the reasoning and the conclusions reached therein. We are, however, of the view that the Tribunal has not justified in granting arrears of House Rent Allowance to the respondents from May 18, 1980. The respondents are entitled to the arrears only with effect from October 1, 1986 when the recommendations of the IV th Central Pay Commission were enforced. We direct accordingly and modify the order of the Tribunal to that extent. The appeal is therefore, disposed of. No costs.

Sd/-

(Kuldip Singh) J

Sd/-

(N.M. Kasliwal) J.

New Delhi

February 18, 1993.

*Attested
Sd/Phanish Kumar
Advocate
7/5/85*

CENTRAL ADMINISTRATIVE TRIBUNAL:: GUWAHATI BENCH

Original Appellation No. 48 of 1991

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

Shri S. Haque, Vice Chairman,

Shri G.L. Sanglyiana, Member (Administration)

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

- Versus -

1. Union of India, through the Secretary,
to the Government of India,
Ministry of Steel and Mines,
Department of Mines, New Delhi.
2. The Director General, Geological Survey
of India, 27, Jawaharlal Nehru Road,
Calcutta-700 013.
3. The Deputy Director General, Geological
Survey of India, North East Region,
Asha Kutir, Laitumkhrah, Shillong-793003.
4. The Director, Geological Survey of India,
Operation Manipur, Nagaland, Dimapur

... Respondents

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

....

HAQUE J.

ORDER

The applicants numbering 47 (forty seven) are Group 'C' and 'D' employees under the Director, Geological Survey of India, Operation Manipur-Nagaland at Dimapur Nagaland. This application by them under Section 19 of the Administrative Tribunals Act, 1985 claiming House rent Allowance (HRA) at the rate applicable to 'B' class cities i.e. at the rate of 15% of their pay and also claim compensation at the rate of 18% in lieu of Rent Free Accommodation (FRA)

* Contd....

Advocate
Shri M.N. Tirkha
Advocate
2/3

They claim that Nagaland falls within 'B' class cities for the purpose of HRA and compensation in lieu of RFA.

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

3. Learned Counsel Mr. H.N. Trikha for the applicants submits that it was established vide judgment dated 31.10.1990 in O.A. No. 42(G)/89 of this Bench and duly confirmed by the Supreme Court vide order dated 18.2.1993 in Civil Appeal No. 2705/ 91 that Nagaland in general is 'B' class city and the Central Government employees there are entitled for benefits of 'B' class cities granted by various circulars and office memoranda. Mr. Trikha read out the relevant office memoranda. These submissions are not disputed by learned Sr.C.G.S.C. Mr. S. Ali, We have perused the judgments and orders referred to by Mr. Trikha, Nagaland had been recognised as 'B' class cities in general vide our judgment and order dated 31.10.1990 in O.A. No.42(G)/89 read with the Supreme Court order dated 18.2.1993, in Civil Appeal No. 2705 of 1991. This being the established position, we hold that the applicants were entitled to HRA at the rate of 15% on their pay from 1974 to September 1986 ; and thereafter , on flat rate basis group wise with effect from 1.10.1986 pursuant to Office Memo andum No. 11013/2/86-E.II.(B) dated New Delhi the 23rd September 1986 issued by the Ministry of Finance, Government of India (Annexure-A/7).

4. After the fixation of the HRA on flat rate basis groupwisely, the Government of India further granted compensation to Group A, B ~~and~~ C & D employees in lieu of rent free

Contd...

*Attaining
Signature of
A. K. S.*

accommodation with effect from 1.7.1987 vide Government of India, Ministry of Finance, Department of Expenditure O.M. No. 11015/4/86-E.II(B)/87 dated 13.11.1987 which reads as follows :

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

- (i) Amount charged as licence fee for Government Accommodation as fixed in terms of Ministry of Urban Development (Directorate of Estates)'s above mentioned O.M. dated 7.8.1987 and
 - (ii) House rent allowance admissible to corresponding employees in that classified city/unclassified place in terms of para 1 of this Ministry's O.M. No. 11013/2/86-E.II.(B) dated 23.9.1986 for Central Government employees belonging to Groups 'B' 'C' and 'D' and para 1 of O.M. No. 11013/2/86-E.II.(B) dated 19.3.1987, for Central Government Employees belonging to Group 'A'.
2. Other terms and conditions for admissibility of compensation in lieu of rent free accommodation indicated in this Ministry's office Memorandum, dated 19.2.1987 and 22.5.1987, remain the same.
 3. These orders shall take effect from 1.7.1987."

The compensation is fixed at 10% of the monthly emoluments calculated with reference to pay vide NOTE under para 2 of the Government of India, Ministry of Finance Office Memorandum No. 11015/4/86-E.II.(B) dated 25.5.1987. These office Memoranda had been circulated by Geological Survey of India Calcutta vide order No. 14017/(1)/88-34HRA) dated 26.9.1988 f

Contd...

Handwritten signatures and initials:
 [Signature]
 [Signature]
 [Signature]
 [Initials]

necessary action by all branches. Therefore, we hold that the applicants are entitled to compensation at the rate of 10% of pay in lieu of rent free accommodation with effect from 1.7.1987 in terms of O.M. No. 11015/4/36-E.II(B) dated 13.11.1987 in addition to the HRA.

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

6. In the result, this application is allowed. The respondents are directed to pay HRA to the applicants at the rate of 15% of their pay from 1974 and at flat rate groupwise with effect from 1.10.1986 in terms of O.M. No. 11013/2/86-E.II(B) dated 23.9.1986. The respondents are further directed to pay compensation at 10% of the monthly emoluments calculated with reference to the pay of respective applicants with effect from 1.7.1987 besides HRA. The Respondents shall realise 10% of pay of the applicants paid in excess with salary for the month of November 1979.

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

8. Intimate all concerned immediately.

...

Approved
Sd/- Mr. S. S. S. S.
7/3

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORIGINAL APPLICATION NO. 2 OF 1994

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

Justice S. Haque Vice Chairman

Shri G.L. Sanglyine, Member (Administration)

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

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

- Versus -

1. The Union of India, represented by the Secretary, Ministry of Communication Department of Posts, New Delhi
2. The Director General, Posts, New Delhi-110001.
3. Chief Postmaster General, N.E. Circle, Shillong.
4. The Director of Postal Services, Nagaland Division, Kohima.

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

ORDER

HAQUE J.

The applicant No. 1, the All India Postal Employees Union Postman (III) and Extra Departmental A Divisional Branch, Kohima represented by its Divisional Secretary, Mr. V. Angami, and the applicant No. 2, the India Postal Employees Union, Postman Class IV and E.D. 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.

Contd...

Attested
S. Sankar Das
Advocate
7/8

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 HRA. The respondents have filed written statement 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. ~~42/89~~ 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 ~~xxx~~ C.A.T. Guwahati Bench in respect of postal employees.

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. 42/89 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 benefit of the Supreme Court Judgment in Civil Appeal No. 2705 to all similarly placed postal employees posted in Nagaland vide letter No. Vig-5/2/88-90 dated Shillong the 10.3.90 addressed to the Director of Postal Services, Nagaland.

Contd...P/35

Attested
Subhash Chandra
H. S. S. S.
13

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 benefits 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 statement 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.242(G)/89 read with Supreme Court judgment in Civil Appeal No.2705/91 and judgment dated 26.11.93 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 ~~the~~ both the Unions are covered by these judgments. Furthermore, the order of the President of India referred in letter No.Vtg-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.II(B) dated 23.10.1986 and also entitled 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.II(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

Contd....P/36

Attest
Sd/- Secy
Amr
JS

Annex. 5 contd.

respondents are further directed to release arrears of HRA as well as compensation in lieu of ~~HRA with effect~~ 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.

Sd/- S. HAQUE

Vice Chairman

Sd/- G.L. SANGLYINE

Member (Admn.)

...

Attested
Sd/- Dharti Jaiswal
Advocate
8/3

GOVERNMENT OF INDIA
DEPARTMENT OF POSTS
NEW DELHI - 110 001.

No. 4-40/87-PAP

Dated 7.3.94.

To

The Chief Postmaster General,
N.E. Postal Circle,
Shillong-79 3001.

Sub : Implementation of the judgment of the
Hon'ble Supreme Court of India in Civil
Appeal No. 2705/91- Union of India
Vs. Shri S.K. Ghosh & Others regarding
Rent Free Accommodation.

Sir,

I am directed to invite a reference to this office letter of even No. dated 11.6.1993 on the above subject vide which this office had issued instructions directing you to implement the judgment of Hon'ble Supreme Court of India in the above referred Civil Appeal order before 17.6.1993 ~~ix xix~~ limited to the applicants only. The case has been further examined in consultation with the Department of Expenditure, Ministry of Finance.

The President is now pleased to decide that the benefit of the Hon'ble Supreme Court Judgment may be allowed to all similarly placed postal employees posted in Nagaland.

You are also requested to send a report regarding existing status of rent free accommodation within 20 days of the receipt of this letter.

This issues with the concurrence of Finance Advice vide their Diary No. 827/FA/94 dated 2.3.94.

Yours faithfully,

Sd/-
(T.J. BANERJEE)
ASSTT.DIRECTOR GENERAL (PE-II).

Copy to :

1.....

....

8. PAT Section, Sanchar Bhawan

Sd/-

Alam
Sachin
Arora
7/3

No.3/Terms(C)/87(5)
INTELLIGENCE BUREAU
(Ministry of Home Affairs)
Government of India

New Delhi the

To

- (i) The Pay & Accounts Officer,
Intelligence Bureau (MHA),
New Delhi.
- (ii) The Regional Pay & Accounts Officer,
Intelligence Bureau (MHA),
Shillong.

Sub: Sanction of Personal Allowance for the ministerial
staff posted at Kohima (Nagaland) prior to 1.4.80.

Sir,

I am directed to convey the sanction of the Government to the grant of HRA at the rate of 7½% of pay and personal allowance at the rate of 7½% of pay w.e.f. 1.5.1976 to 31.3.1980 to IB personnel who were posted at Kohima (Nagaland) prior to 1.4.1980. Such of the staff who were posted at Kohima (Nagaland) from 1.4.1980 or afterwards should be allowed HRA at the uniform rate of 7½% of pay only. The total expenditure involved is Rs.40,000/- (Rupees forty thousand only) and will be debited to the relevant head of account for the current financial year.

This issues with the concurrence of the Ministry of Finance (Department of Expenditure) U.O. No. 2806/E.II (B)/89 dated 20/27.3.89 and Ministry of Home Affairs No. 628/FPW/89 dated 30.3.89.

Sd/-

(B.B. Lal)
Assistant Director

Copy forwarded for information and necessary action to :

- 1. D.D. SIB, Kohima.
- 2. JD/NE Shillong
- 3. Budget Branch at IB Hqrs.

Sd/-

Assistant Director.

Asst. Dir. Secy.
Asst. Dir. Secy.
Asst. Dir. Secy.
Asst. Dir. Secy.

99

No.12/EST/GE/89-1256
Subsidiary Intelligence Bureau,
(MHA) Govt. of India.

Kohima, the 23.3.94.

MEMORANDUM

Sub- Categorisation of Nagaland as a 'B' class city
for the purpose of HRA w.e.f. 1.10.1986.

Kindly refer to the correspondence resting with
IB Hqrs. New Delhi No. 3/Sanc(C)/91(3)-1807 dated
26.11.1993 on the above subject. We have received a
bunch of applications from our staff posted at Kohima
requesting for grant of HRA at par with P&T employees
posted in Nagaland.

2. Copies of the judgment of CAT, Guwahati and the
Hon'ble Supreme Court were forwarded to IB Hqrs New Delhi
vide our Memo No. 12/EST/GE/89-572 dated 14.2.91 and No.12/ES/
GE/89-1179 dated 7.4.1993 respectively. Attention is also
invited to Ministry of Finance O.M. No. 10/10/87-NE-I dated
9.6.1987 and MHA No. 11021/1/86-E.II(B) dated 12.3.1986 regard-
ing implementation of Award of Board of Arbitration on the
subject, which is reproduced below for ready reference
please. :

"With effect from 1st May 1976, the employees of
the Director of Census Operation (MHA), Department
of Registrar General of India, posted in Nagaland
shall get House Rent Allowance and Personal
Allowance at the same rates, under the same
conditions and the same manner as the employees
of the Post & Telegraph Department have been
granted." (Copies of the above OM are enclosed
for ready reference please.

3. On the basis of the decision as in para-2 above,
IB personnel posted at Kohima (Nagaland) were also
granted HRA @ 15% (7½% as HRA and 7½% as personal pay)
at par with P&T employees and other Central Government
employees posted in Nagaland, vide IB letter No.3/Terms(C)/
87(5)-528 dated 25.4.1989 with the concurrence of M/F
(D.O.E.) U.O. No. 2806/E.II(B)⁸⁹ dated 20/27.3.89 and No.
628/FPV/89 dated 30.3.1989. (copy enclosed).

4. Vide IB Memo No. 3/Sans(C)/91(3)-1807 dated
26.11.93, it has been conveyed that the MHA (Fin.II Br.)

Contd....

Afternoon
Shri. S. S. S. S.
S. S. S.

5. In view of the Award of Board of Arbitration referred to in para-2 above, Hon'ble Supreme Court's judgment and its implementation by the P&T Department to all employees without any prejudice to petitioners and non-petitioners which has added new angle to the case, it is requested that the case may please be taken up with MHA/Ministry of Finance to extend the benefits to IB personnel also posted in Nagaland at par with P&T employees on priority basis and the decision conveyed to us at the earliest.

6. The applications received from the staff are retained here.

Sd/-

(R.N.R. Yadav)

Assistant Director.

To

The Assistant Director/EP
IB Hqrs. New Delhi.

• • •

Affected
Gonorrhea
Bacteria

L/B

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : CIRCUIT SITTING
AT KOHIMA.

:::::::

O.A.NO.37/95 - N.AIER & OTHERS VS U.O.I. & OTHERS

Filed by
Bk Sharma

The applicants beg to state as follows :-

1. That inadvertently in para 4.1 of the O.A. they have stated that all the applicants belong to Group 'C' and 'D'. But in fact, the applicants listed in the enclosed ANNEXURE belong to Group 'B' service. The omission which cropped up in the O.A. is highly regretted and apology is sought for.
2. That the said applicants (group 'B') are also entitled to the relief sought for in the O.A. and there is no impediments against the same.
3. That the application has been filed bonafied and for ends of justice. It is, therefore, prayed for that the applicants in O.A.37/95 may be regarded as inclusive of Group 'B' employees in addition to Group 'C' & 'D' to ^{the} extent indicated in the enclosed ANNEXURE.

With
O.A. 37/95

VERIFICATION

I Tapan Dutta the applicant No.74 of the O.A.37/95 do hereby verify that the statement made in the instant application are true to my knowledge. I am also authorised to sign the verification on behalf of all the applicants.

And I sign this VERIFICATION on the 22nd day of August 1995.

Tapan Dutta

ax

O.A.No.37/95 - N.Aier & others Vs U.O.I and others

LIST OF GROUP 'B' NON-GAZETTED EMPLOYEES INVOLVED IN
THE CASE AS APPLICANTS.

Sr. No.	Name	Designation
1.	N.Aier	Assistant
2.	S.Datta Choudhary	Assistant
4.	C.P.Singh	ACIO-I/WT
13.	Vasumathy Surendran	P.A
18.	B.C.Neog	(now ACIO-I/G)
33.	Des Raj Paul	Assistant
56.	K.K.Gopidas	(now ACIO-I/G)
62.	R.R.Dey	(now ACIO-I/G)
70.	K.S.Aorora	ACIO-I/WT
76.	Pyara Singh	ACIO-I/WT
79.	Suba Singh	ACIO-I/WT
80.	M.C.Saha	ACIO-I/G
105.	S.K.Sanyal	P.A
124.	R.K.Gola	ACIO-I/G

Filed by the applicants

Through

Prashant Sharma
Advocate

22/8/95

7 AUG 1995

Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH

Title of the Case : O.A. No. 37 of 1995

Shri N. Aier & Others Applicants

- Versus-

Union of India & Others Respondents

INDEX

Sl.No.	Particulars of the documents	Page Nos
1.	Written statement on behalf of Respondents	1 to 10
2.	Verification	11
3.	Annexure- R.1	12 to 22
4.	Annexure- R.2	23

R
C. Ram
D. S. S. S.
7-8-95

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

25
filed by
Golap Sarma.
Additional Central
Govt. Standing Counsel
Central Administrative Tribunal
Guwahati Bench.
7-8-95

In the matter of:

O.A. No.37/95

N. Aier & Ors Applicants

-Vs-

Union of India & Ors.

..... Respondents.

-And-

In the matter of:

Written Statement on behalf

of the Respondents.

I, Shri S. Sengupta

Assistant Director, in the Subsidiary Intelligence
Bureau, Guwahati do hereby solemnly affirm and
declare as follows:-

1. That a copy of application along with an
order passed by this Hon'ble Tribunal have been
served upon the respondents and being called upon,
I do hereby file this written Statement on behalf of
the Respondents and say categorically that save and
except what is admitted in this written statement,

rest.....

rest may be treated as total denial by all the Respondents.

2. That with regards to the contents made in paragraphs 1,2,3 & 4 of the application, I beg to state that I have nothing ~~to comment~~.

3. That with regards to the contents made in paragraph 4.1, I beg to state that I have nothing to comment except that all the employees party to the application do not belong to Group 'C' and 'D' as stated in this para. The Assistants and PAs are Group 'B' (non-gazetted) employees.

4. That with regards to the contents made in paragraph 4.2 & 4.3, I beg to state that I have nothing to comment being factual.

5. That with regards to the contents made in paragraph 4.4, I beg to state that no city/town in Nagaland has been classified on the basis of population for the purpose of grant of HRA/CCA as 'B' class city. Except for Kohima and Dimapur, the entire state of Nagaland is unclassified for the purpose of HRA. Even Kohima and Dimapur have been classified only as 'C' class for the purpose of HRA on the basis of 1991 census vide MOF O.M. No.2(2)/93-E.II(B) dated 14.5.1993, copy of which is annexed herewith and marked as Annexure R.1. As such, the question of payment of HRA to the Central Govt. employees and those of IB at the rates applicable to.....

to 'B' class city in lieu of rent free accommodation does not arise.

Under the existing policy, cities/towns are classified for the purpose of grant of HRA/CCA on the basis of their population as reflected in a decennial census. Since, no place in Nagaland qualified for classification as 'B' class city, Central Government employees posted in the state are not entitled to HRA at 'B' class city rates in lieu of rent free accommodation.

6. That with regards to the contents made in paragraph 4.5 of the application, I beg to state that the Presidential order dated 8.1.62 was meant for P&T staff only and not for all Central Govt. employees posted in Nagaland as stated in the application. Moreover, as per the recommendations made by the 4th Pay Commission, the payment of HRA to the employees posted in Nagaland is admissible at the rate stated vide Ministry of Finance O.M. No.2(2)/93-E.II(B) dated 14.5.93(annexure R.1) in which Kohima and Dimapur have been declared as 'C' class cities.

7. That with regards to the contents made in paragraph 4.6, I beg to state that at the time of Nagaland Hill Tuensang Area(NHTA) was carved out from Assam, the employees of NHTA administration were allowed the concession of rent free accommodation of HRA in lieu thereof as an incentive to attract suitable persons from outside for serving in this difficult tribal area. The benefit was, subsequently, extended to

other.....

other Central Government employees also.

8. That with regards to the contents made in paragraph 4.7, I beg to state that the allegations contained in this para are denied. It may be mentioned here that out of actual strength of 31 group 'B' officers, only ten officers have been allotted Govt. accommodation at Kohima. No doubt, all the six group-A officers have been allotted Govt. accommodation since they are occupying type IV, V and VI accommodation which cannot be allotted to group C and D employees. Out of 157 group C and D officers posted at Kohima as many as 54 officers have been allotted Govt. accommodation of type-I, II and III which would speak about the allotment of accommodation.

9. That with regards to the contents made in paragraph 4.8, I beg to state that the contents of this para are totally baseless and denied. As a matter of fact, all group C and D employees who are not allotted any Govt. accommodation are being paid HRA plus Licence Fee as is admissible to I B employees at Kohima @ 'C' class city.

10. That with regards to the contents made in paragraph 4.9, I beg to state that before the recommendation of the third Central Pay Commission were implemented, the Central Govt. employees posted in Nagaland were getting HRA at the rates which corresponded

to the

to the then B-2 class city rates i.e. 7 1/2% of pay.

The rates of HRA payable in 'B-2' class cities was improved by the Third Pay Commission from 7 1/2% to 15% of pay subject to a maximum of Rs.400/- p.m. This applied to the cities classified as such in accordance with the population criterion and not to places where HRA in lieu of rent free accommodation was admissible under special orders, as in the case of Nagaland. However, certain Central Government offices in Nagaland erroneously started paying HRA to their employees @ 15% of pay. When this came to the notice of the Government, it was decided in March, 1980 that the HRA in lieu of rent free accommodation in Nagaland should be paid at the rate of 7 1/2% of pay. However, to avoid financial hardship to employees who were already drawing HRA @ 15% of pay, HRA was restricted to 7 1/2% of pay and the balance 7 1/2% was treated as personal allowance with the stipulation that future recruits would get HRA @ 7 1/2% of pay only.

11. That with regards to the contents made in Paragraph 4.10, I beg to state that it is denied that the employees were not given benefits as per the recommendations of 4th Pay Commission. Moreover, attention is invited to the fact that employees of IB were given the benefits of HRA on the lines of judgement given in the case of employees of Directorate of Census operations w.e.f. 1.5.76 to 31.3.80 as admissible to the employees of P&T Deptt. also vide IB order No.3/terms (c)/87(5) dtd.25.4.89

The employees.....

hmk

The employees of Intelligence Bureau posted in Nagaland are entitled to the facility of rent free accommodation and if the accommodation is not provided to them, they are entitled to HRA in lieu thereof at the rate of 7 1/2% of pay upto the implementation of the 4th Pay Commission Report. After the 4th Pay Commission, HRA is being paid to Central Govt. employees on slab basis with reference to Pay of the employees. Therefore, the employees of Intelligence Bureau posted in Nagaland are entitled to HRA at 'C' class city rates.

12. That with regards to the contents made in paragraph 4.11, I beg to state that as the Supreme Court judgement dated 18.2.1993 was applicable to the similarly placed postal employees only and not other Central Govt. employees posted in Nagaland, the Govt. did not agree to extend these concessions to Intelligence Bureau employees.

13. That with regards to the contents made in paragraphs 4.12, 4.13, 4.14, and 4.15 of the application, I beg to state that I have nothing to comment being matter of records.

14. That with regards to the contents made in paragraph 4.16, I beg to state that the position stated is not correct. As per Supreme Court judgement only postal employees were entitled to the benefit of HRA at the rate admissible to 'B' class cities and

attention.....

attention is again invited to MOF OM No.2(2)/93-B.II(B) dated 14.5.93(Annexure R.1) in which Kohima and Dimapur were declared as 'C' class cities for the purpose of grant of HRA for all Central Govt. employees.

15. That with regards to the contents made in paragraph 4.17, I beg to state that as the Supreme Court judgement dated 18.2.1993 was applicable to the similarly placed postal employees only and not other Central Govt. employees posted in Nagaland, the Govt. did not agree to extend these concessions to Intelligence Bureau employees. However, vide Intelligence Bureau letter No.3/Terms(C)/87(5) dated 25.4.89, copy of which is annexed herewith and marked as Annexure R.2, HRA @ 7 1/2% and personal allowance @ 7 1/2% were granted to the employees(applicants) posted in Nagaland from 1-5-76 to 31-3-80 only. But, since this rate was applicable upto the period ending 31.3.80, the personal allowance was withdrawn w.e.f. 1-4-80 as per the decision made in regard to P&T employees.

16. That with regards to the contents made in paragraph 4.18, I beg to state that the representation was considered at the appropriate level, but as the Supreme Court judgement dated 18-2-1993 was applicable to the similarly placed postal employees only and not other Central Govt. employees posted in Nagaland, the Govt. did not agree to extend these concession to the applicants i.e. employees of Intelligence Bureau.

Contd.....

17. That with regards to the contents made in paragraph 4.19 of the application, I beg to state that as the Supreme Court judgement dtd. 18-2-93 was applicable to the similarly placed postal employees only and not other Central Govt. employees posted in Nagaland, the Govt. did not agree to extend these concessions to the applicants i.e. employees of I.B.

18. That with regards to the contents made in paragraph 4.20, I beg to state that I have nothing to reply being matter of records.

19. That with regards to the contents made in paragraphs 4.21 & 4.22, I beg to state that I have nothing to comment.

20. That with regards to the contents made in paragraph-5, I have nothing to comment and paragraph 5.1 & 5.2, I have nothing to comment as factual information.

21. That with regards to the contents made in paragraph 5.3, I beg to state that these are denied by the respondents. Moreover, attention of this Hon'ble Tribunal is invited to the fact that employees of Intelligence Bureau were given the benefits of HRA on the lines of judgement given in the case of employees of

Directorate.....

Directorate of Census operations w.e.f. 1-5-76 to 31-3-80 as admissible to the employees of P&T Deptt. also vide IB order No.3/Terms(C)/87(5) dtd 25.4.89 (Annexure R.2)

The employees of Intelligence Bureau posted in Nagaland are entitled to the facility of rent free accommodation and if the accommodation is not provided to them, they are entitled to HRA in lieu thereof at the rate of 7 1/2% of pay upto the implementation of 4th Pay Commission Report. After the 4th Pay Commission, HRA is being paid to Central Govt. employees on slab basis with reference to pay of the employees. Therefore, the applicants of Intelligence Bureau posted in Nagaland are entitled to HRA at 'C' class city rates.

Also, as the Supreme Court judgement dtd. 18.2.1993 was applicable to the similarly placed postal employees only and not other central govt. employees including the applicants posted in Nagaland, the Govt. did not agree to extend these concessions to the applicants i.e. employees of Intelligence Bureau.

22. That with regards to the contents made in paragraphs 5.4, 5.5, and 5.6 of the application, I beg to state that I have nothing to comment.

23. That with regards to the contents made in paragraph-6, I beg to state that the position as clarified by the MHA was intimated to the applicants.

Contd.....

24. That with regards to the contents made in paragraphs 7,8,9,10,11 and 12 of the application, I beg to state that I have nothing to comment.

25. That the present application is ill-conceived of fact and mis-conceived of law.

26. That the present application is barred by limitation of law, hence liable to be rejected.

27. That the present application is without any merit and liable to be summarily rejected.

28. That the present application is liable to be rejected outright as the applicants have not exhausted the remedies available to them.

29. That the Respondents crave leave of filing additional written statement if situation so demands.

30. That this written Statement is filed bonafide and in the interest of justice.

Verification.....

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

I, Shri S. Sengupta, Assistant Director,
in the Subsidiary Intelligence Bureau, Guwahati
do hereby solemnly affirm and declare that
the contents made in paragraph 1 of this Written
Statement are true to my knowledge and those made
from paragraph 2 to 24 are derived from records
which I believe to be true and rest are humble
submissions before this Hon'ble Tribunal.

I sign this Verification on this 7th day
of August, 1995 at Guwahati.

S. Sengupta 7.8.95.
DEPONENT.

URGENT

fax No 734

ANNEXURE-RII

-12

From: AD/E, Kalinga
To: AD(D), GADHAT
For Govt Counsel

No.2(2)/93-E.II(B)
Government of India
Ministry of Finance
Department of Expenditure

New Delhi, the 14th May, 1993

OFFICE MEMORANDUM

Subject : Re-classification of cities/towns on the basis of 1991 Census - grant of House Rent Allowance and compensatory (City) Allowance to Central Govt. employees.

The undersigned is directed to refer to this Ministry's OM No.11016/5/82-E.II(B) dt. 7.2.83 as amended from time to time and as last amended by this Ministry's OM No.21011/10/87-E.II(B) dt. 5.7.90, containing the list of cities/towns classified as 'A', 'B-1', 'B-2' and 'C' class for the purpose of grant of HRA/CCA to Central Govt. Employees and to say that the question of re-classification of cities/towns on the basis of 1991 Census for the purpose of grant of HRA/CCA to Central Govt. employees has been considered by the Govt. The President is now pleased to decide that in supersession of all the existing orders relating to classification of cities/towns for the purpose of grant of HRA/CCA to Central Govt. employees, cities/towns shall now be re-classified as 'A', 'B-1' and 'B-2' for the purpose of CCA as enumerated in Annexure-I and as 'A', 'B-1', 'B-2' and 'C' class for the purpose of HRA as enumerated in Annexure-II to these orders.

HRA/CCA
admissible at
'B-2' class rates to Central Govt.

2. The 1991 census has not so far been conducted in the State of Jammu & Kashmir. In terms of existing orders Srinagar(U.A) is 'B-2' class for the purpose both of HRA/CCA and Jammu is 'C' class ~~for the purpose of HRA.~~ However, employees posted in Jammu in terms of special orders contained in this Ministry's O.II.No.2(54)-E.II(B)/73 dt.29.8.79. HRA/CCA at 'B-2' class rates to Central Govt. employees posted in Srinagar (UA) and HRA at 'C' class rate and CCA at 'B-2' rates to Central Govt. employees posted in Jammu(UA) shall continue to be admissible until issue of further orders.

3. The orders issued by this Ministry, as listed at sl. Nos. (1) to (5) in the margin, relating to grant of HRA/CCA to Central Govt. employees posted within the municipal area

1. OM.No.2(4)-E.II(B)/65 dt. 5.11.74 (HRA/CCA at Delhi rates in Faridabad Complex).
2. OM.No.11023/9/E.II(B)/78 dt. 26.5.79 (HRA/CCA at Delhi rates in Ghaziabad municipal area).
3. OM.No.21011/20/89-E.II(B) Vol.II. dt.31.1.90 (HRA/CCA at Delhi rates in NOIDA).

of a city/town at rates admissible in another classified city/town on the basis of the principle of contiguity contained in para 3(a)(i) of this Ministry's OM No. 2(37)/E.II(B)/64 dt.

4. OM.No.11013/2/81-E.II(B) dt. 3.8.8 (HRA at Bombay rates in New Bombay).
 5. OM.No.11013/1/87-E.II(B) dt. 12.10.87 (HRA/CCA at Jallandhar rates in Jallandhar Cantt.)
 6. OM.No.11023/1/86-E.II(B) dt. 9.12.86 (HRA/CCA at Delhi rates in Gurgaon).
 7. OM.No.11018/6/87-E.II(B) dt. 29.12.88 (CCA at 'B-2' rates in Jamnagar).
 8. OM.No.11018/3/83-E.II(B) dt. 16.11.86 (HRA at 'C' class rates in Mahe).
 9. OM.No.2(13)-E-II(B)/74 Vol. II dt. 16.4.92 (HRA at 'C' rates in Goa and UT of Daman & Diu).
 10. OM.No.2(27)-E.II(B)/65 dt. 9.8.65 (HRA at 'C' class rates in Coonoor).
 11. OM.No.2(54)-E.II(B)/73 dt. 29.3.79
and
OM.No.11016/2/81-E.II(B) dt. 30.4.81 (CCA in cities mentioned in these orders on the basis of costliness).
 12. OM.No.11014/1/E.II(B)/84 dt. 5.2.90 (HRA at 'A', 'B-1' and 'B-2' rates in Shillong).
 13. OM.No.11021/1/77-E.II(B) dt. 6.4.78 (HRA at 'C' class rates in hill stations).
- 27.11.65, shall continue to be applicable. The orders listed at Sl.No.(6) to (13) in the margin, issued by this Ministry relating to HRA/CCA to Central Govt. employees posted in cities/towns/hill stations covered under these orders, where HRA/CCA has been granted not on the basis of classification of these cities/towns as per the population criterion but on special reasons, shall also continue to be applicable, until further orders.
4. Patents (UA) in Bikaner, Mandla (UA) and Patna (UA) (Distt. Junagadh) in Gujarat and Barabanki (UA) in Uttar Pradesh have been classified as 'C' class for the purpose of HRA under the existing orders. HRA at 'C' class rate shall continue to be applicable to Central Govt. employees posted within the Urban agglomeration of these towns in terms of this Ministry's O.M.No.11021/6/76-E.II(B) dt. 26.10.77 as Sonada, Surendranagar, Veeraval and Nawabganj, classified as 'C' class for HRA under these orders, fall within the Urban agglomeration of these towns respectively.
5. These orders shall take effect from 1.3.1991.

3
11✓

6. In their application to employees serving in the Indian Audit and Accounts Department, these orders issue after consultation with the CAG of India.
7. Hindi version of this O.M. is attached.

SD/-
(J.P. P. III)
Director

To

All ministries/department of Govt. of India as per standard distribution list etc.

Amrta
07/09/15
Section Officer
Subsidiary Intelligence Bureau
(MHA), Govt. of India
Gandhinagar.

Handwritten: 2/13/60

Handwritten: [Signature]

RECEIVED
U.S. DEPT. OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535

5/11/19

ANNEXURE - I

LIST OF 'A', 'B-1' AND 'B-2' CITIES WHERE IN THE UNION TERRITORY (CITY) ALLOWANCE IS APPLICABLE TO CENTRAL GOVT. EMPLOYEES

Name of State/ Union Territory	'A'	'B-1'	'B-2'
Andhra Pradesh	Hyderabad (UA)	Vijayawada (UA), Visakhapatnam (UA).	Guntur, Rajamahendravaram (UA), Warangal (UA),
Assam	-	-	Guwahati City.
Bihar	-	Dhanbad (UA), Jamshedpur (UA), Patna (UA)	Ranchi (UA)
Chandigarh	-	-	Chandigarh (UA)
Delhi	Delhi (UA)	-	-
Gujarat	Ahmedabad (UA)	Surat (UA), Vadodra (UA)	Bhavnagar (UA), Rajkot (UA)
Haryana	-	-	Faridabad Complex.
Karnataka	Bangalore (UA)	-	Belgaum (UA), Hubli-Dharwad, Mangalore (UA), Mysore (UA)
Kerala	-	Kozhikode (UA), Kochi (UA), Thiruvananthapuram (UA)	Kannur (UA)
Madhya Pradesh	-	Bhopal, Indore (UA), Jabalpur (UA)	Durg, Bilaspur, Bargarh (UA), Gwalior (UA), Raipur (UA).
Maharashtra	Greater Bombay (UA), Nagpur (UA), Pune (UA).	-	Amravati, Aurangabad (UA), Kolhapur (UA), Nashik (UA), Solapur (UA)
Orissa	-	-	Bhubaneswar, Cuttack (UA).
Punjab	-	Ludhiana	Mohali, Jalandhar.
Pondicherry	-	-	Pondicherry (UA)
Rajasthan	-	Jaipur	Ajmer, Bikaner, Jodhpur, Kota

5
114

Name of State/
Union Territory

'A'

'B-1'

'B-2'

Tamilnadu Madras (UA)

Coimbatore (UA)
Madurai (UA)

Salem (UA)
Tiruchirappalli (UA).

Uttar Pradesh Lucknow (UA)
Kanpur (UA)

Agra (UA)
Allahabad (UA)
Meerut (UA)
Varanasi (UA)

Aligarh
Bareilly (UA)
Ghaziabad (UA)
Gorakhpur
Moradabad (UA).

✓ West Bengal Calcutta (UA)

Durgapur
Asansol (UA).

[Signature]
[Signature]
67/8/95
Section Officer,
Subsidiary Intelligence Bureau
(MHA), Govt. of India
Gowahati.

RECEIVED
JAN 10 1964
U.S. DEPT. OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C.

7
15

ANNEXURE-II

and List of 'A', 'B-1' and 'C' Class cities where House Rent
'B-2' Allowance will be admissible to Central Government employees.

'A'	'B-1'	'B-2'	'C'
1.	2.	3.	4.

ANDHRA PRADESH

Hyderabad (UA)	-	Visakhapatnam(UA) Vijayawada(UA) Guntur Warangal(UA)	Srikakulam, Vizianagaram, Bhakapalle, Kakinada(UA), Rajahmundry(UA), Narsapur, Palacole, Tadepalligudem, Tanuku, Eluru, Bhimavaram, Gudivada, Machilipatnam, Bapatla, Chilakaluripet, Narsaraopet, Ponnuru, Tenali, Mangalagiri, Ongole(UA), Chirala(UA), Gudur, Kavali, Nellore, Modanapalle, Srikalahasti, Tirupati(UA), Chittoor, Cuddapah(UA), Proddatur, Dharuavaram, Kadiiri, Tadipatri, Anantapur, Guntakal, Hindupur, Yemmiganur, Kurnool(UA), Adoni, Nandyal, Mahbubnagar, Sangareddy, Biddipet, Bodhan, Nizamabad, Adilabad, Bellampalle, Kagaznagar, Mancherial, Nimal, Jagtial, Sircilla, Karimnagar, Ramagundam, Palwancha, Faramam(UA), Suryapet, Miryalaguda, Nalgonda, Kothagudem(UA).
-------------------	---	---	---

ANDAMAN & NICOBAR ISLANDS

			Port Blair
		<u>ASSAM</u>	
		Guwahati City	Dhubri, Tezpur, Jorhat(UA), Nagaon, Dibrugarh(UA), Tinsukia, Silchar, Karimganj.
		<u>BIHAR</u>	
NIL	Patna(UA)	Ranchi(UA) Jamshedpur(UA)	Kokamch, Bihar, Buxar, Arrah, Dehri, Sasaram, Jhenabad, Nawada, Gaya(UA), Chapra, Siwan, Bettiah, Bagaha, Motihari(UA), Muzaffarpur, Hajipur, Barauni,

1.

2.

3.

4.

Begusarai (U.), Darbhanga,
Machhumbani, Saharsa,
Purnia (U.), Katihar,
Jamalpur, Lakhisarai, Munger,
Bhagalpur (U.), Deoghar (U.),
Bhambad (U.), Giridih,
Bhuxro (U.), Jhauritilaiya,
Bazaribadi, Ramgarh (U.),
Saunda, Daltonganj, Chaibasa,
Dityapur, Kishanganj,
Bokaro Steel City (U.).

CHANDIGARH
Chandigarh (U.)

Delhi (U.)

DELHI

GOA

Margao (U.), Marmugao (U.)

GUJARAT

Ahmedabad (U.) Vadodara
(U.),
Surat (U.)

Rajkot (U.)
Bhavnagar (U.)

Jamnagar (U.), Upleta,
Gondal (U.), Dhoraji (U.),
Jetpur (U.), Morvi (U.),
Dharamdhara, Surendranagar,
Botad, Mahuva (U.), Amreli (U.),
Veraval, Keshod, Junagadh (U.),
Anjar, Porbandar (U.),
Gandhidham, Bhui (U.), Deesa,
Palanpur (U.), Himmatnagar,
Unjha, Beldharpur (U.), Visnagar
(U.), Kalol (U.), Mahesana (U.),
Vilghat, Khamhat (U.),
Nadiad (U.), Anand (U.),
Dohad (U.), Godhra (U.), Debhri,
Anklesvar (U.), Eharuch (U.),
Navsari (U.), Valsad (U.),
Lavarkundla (U.),
Gandhinagar, Patan (U.)
(Under Distt. Mahesana,
Botad).

HARYANA

Faridabad
Complex

Panchkula Urban Estate,
Ambala, Ambala (U.),
Yamunanagar (U.), Thanesar,
Kaithal, Karnal (U.),
Panipat, Sonapat,
Lahna Gurgaon (U.), Rohtak,
Palwal, Gurgaon (U.),
Rewari, Narnaul, Bhiwani,
Jind, Hansi, Hisar (U.),
Sirsa.

9/11/7

1. 2. 3. 4.

HIMACHAL PRADESH

Shimla(UA),

Bangalore
(UA)

KARNATAKA
Hubli-Dharwad,
Mysore(UA)

Channarayana, Dodaballapur,
Ramanagara, Gokak, Nipani,
Belgaum(UA), Bellary,
Bidar(UA), Bagalkot,
Rabkavi-Banhatti, Bijapur(UA),
Chikmagalur, Chitradurga(UA),
Davangere(UA),
Mangalore(UA), Kanibennur,
Gadag-Battigeri, Gulbarga
(UA), Hassan(UA),
Chintamani, Kolar, Kolar
Gold Fields(UA), Mandya,
Gangawati(UA), Raichur(UA),
Bhadravati(UA), Shimoga(UA),
Tumkur(UA), Dandeli
Karwar, Hospet(UA), Harihar.

KERALA

Thiruvananthapuram(UA),
Kozhikode(UA),
Kochi(UA),

Kasaragod, Kanhanged(UA),
Payyannur, Vadakora(UA),
Ponnani, Manjeri, Palakkad
(UA), Thrissur(UA),
Changanassery, Kottayam(UA),
Alappuzha(UA), Thiruvalla,
Kollam(UA), Taliparamba,
Kannur(UA), Kayamkulam.

MADHYA PRADESH

Indore(UA)
Bhopal

Gwalior(UA),
Jabalpur(UA),
Raipur(UA),

Morena, Bhind, Datia,
Tikamgarh, Chhatarpur(UA),
Sagar(UA), Damoh(UA),
Satna(UA), Rewa, Shahdol(UA),
Guna, Mandla, Nagda,
Katni(UA), Ujjain(UA),
Dewas, Dhar, Khajuraho,
Barhanpur, Vidisha,
Sohore(UA), Sarni(UA),
Betul(UA), Hoshangabad,
Itarsi(UA), Murwara(Katni),
Chhindwara(UA), Seoni,
Balaghat(UA), Jabalpur(UA),
Korba, Bhaspur(UA), Shivpuri,
Khamtari, Jagdalpur(UA),
Mhow(UA), Khargone, Durg,
Raigarh(UA), Jaora(UA),
Rajnandgaon, Neemuch(UA),
Rajharajharan Dalli.

1. 2. 3. 4.

MAHARASHTRA

Creator Pune(UA), Nashik(UA),
Bombay(UA), Solapur(UA),
Nagpur(UA), Kolhapur(UA),
Aurangabad(UA),
Amravati.
Virar, Nalasopara, Bhivandi
(UA), Panvel, Ratnagiri,
Mahmad, Malegaon, Nandurbar,
Dhule, Chalisgaon, Amalner,
Bhusawal(UA), Talgaon,
Shrirampur(UA), Ahmednagar(UA),
Satara, Karad, Sangli(UA),
Barshi, Pandharpur,
Ichalkaranji(UA), Jalna,
Hingoli, Parbhani, Parli,
Ambejogal, Bid, Banded(UA),
Osmanabad, Udgir, Latur,
Buldana, Malkapur, Khamgaon,
Akot, Akola, Achalpur, Pusad,
Yavatmal(UA), Hinganghat,
Wardha, Bhandara, Komptee(UA),
Gondiya, Ballarpur(UA),
Chandrapur.

MANIPUR

Imphal(UA),

MEGHALAYA

Shillong(UA)

MIZORAM

Aizawl,

NAGALAND

Kohima, Dimapur,

ORISSA

Cuttack(UA)
Bhubaneswar,

Bargach, Brajarajnagar,
Jharsuguda, Sambhalpur(UA),
Raurkela(UA), Bhadrak,
Balleshwar(UA), Balangir,
Bhawanipatna, Jeypur,
Sunabeda, Brahampur, Puri

PUNJAB

Ludhiana
Amritsar,
Jalandhar,

Gurdaspur, Pathankot(UA),
Batala(UA), Firozpur Cantt.,
Fazilka, Abohar, Khanna,
Kapurthala, Phagwara(UA),
Hoshiarpur, SAS Nagar(Mohali),
Rajpura, Nabha, Patiala(UA),
Malerkotla, Sangrur,
Firozpur, Barnala, Mansa,
Bhatinda, Faridkot(UA),
Kotkapura, Muktsar, Melout,
Moga(UA).

PONDICHERRY

Pondicherry(UA), Karaikal.

1.	2.	3.	4.
		<u>RAJASTHAN</u>	
	Jaipur(UA)	Bikaner, Ajmer, Jodhpur, Kota,	Menumangarh, Ganganagar, Ganganagar, Kelanganah, Sujangarh, Bundi, Jhunjhunna, Nawalgarh, Alwar(UA), Bharatpur(UA), Dhaulpur, Hindon, Gangapur City(UA), Sawai Madhopur(UA), Fatehpur, Sikar, Kishangarh, Beawar(UA), Nagaur, Makrana(UA), Pali, Lathar, Bhilwara, Udaipur, Chittaurgarh, Tonk(UA), Baran, Panswara(UA), Churu(UA).

		<u>TAMIL NADU</u>	
	Madras(UA) Coimbatore (U.), Madurai(UA),		Chengalpattu, Kanchipuram(UA), Arakkonam, Ambur, Tiruppattur, Gudiyattam(UA), Vaniyambadi(UA), Attur, Vellore(UA), Krishnagiri, Dharmapuri, Arani, Tiruvannamalai, Tindivanam, Villupuram, Perambalur, Vriddhachalam, Chidambaram(UA), Cuddalore, Neyveli(UA), Tiruchengodu, Kumarapalayam, Salem(UA), Erode(UA), Udhamandalam, Mettupalayam, Udumalaipattai, Tiruppur(UA), Pollachi(UA), Palani(UA), Dindigul, Tiruchirappalli(UA), Karur(UA), Mayiladuthurai, Mannargudi, Pattukkottai, Nagappattinam(UA), Kumbakonam(UA), Thanjavur, Pudukkottai, Karaikkudi(UA), Rodinayakanur, Kambam, Teni, Allinagar, Srivilliputtur, Virudunagar, Aruppukkottai, Rajapalayam, Sivakasi(UA), Paramakkudi, Ramanathapuram, Kovilpatti, Tuticorin(UA), Puliyanthi, Kadayanallur, Tenkasi, Tirunelveli(UA), Nagercoil, Mettur, Valparai.

TRIPURA

Agartala.

1.

2.

3.

4.

UTTAR PRADESH

Lucknow(U.), Agra(U.), Moradabad(U.), Dehradun(U.), Kashipur,
Kanpur(U.), Varanasi(U.), Meerut(U.), Rudrapur, Haldwani-cum-
Ghaziabad(U.), Kothgodam, Najibabad,
Aligarh, Nagina, Chandpur, Bijnor(U.),
Bareilly(U.), Chandausi, Sambhal, Noida,
Allahabad(U.), Jarooha, Rampur, Deoband,
Gorakhpur, Saharanpur, Roorkee(U.),
Hardwar(U.), Shamli,
Kairana, Muzaffarnagar(U.),
Mawana, Pilkhu, Hapur, Baraut,
Modinagar(U.), Khurja,
Bikandrabad, Bulandshahr,
Bathras, Mathura,
Shikohabad, Firozabad(U.),
Kasganj, Etah, Mainpuri,
Sahaswan, Eudaun, Pili-
bhit, Unnao, Shohjahanpur
(U.), Lakhimpur, Sitapur,
Hafkoi, Shahabad, Ganga
Chat(Distt. Unao), Rae
Bareilly, Kannauj, Orai,
Farrukhabad-cum-Fatehgarh
(U.), Auraiya, Etawah,
Jhansi(U.), Lalitpur,
Mahoba, Banda, Fatehpur,
Bala Pratappgarh, Behrai-ch
Balanpur, Gonda, Nawab-
ganj, Tanda, Faizabad(U.),
Sultanpur, Basti, Deoria,
Maunath Bhanjan,
Azamgarh, Jaunpur, Ballia,
Ghazipur, Bhadohi,
Mugalsarai(U.),
Mirzapur-cum Vinchhyachal.

Calcutta
(U.)

WEST BENGAL

Durgapur

Raiganj(U.), Jalpaigudi,
Alipurduar(U.), Darjiling,
Siliguri, Balurghat(U.),
Habra(U.), English Bazar
(U.), Jangipur,
Baharampur(U.), Chakdaha,
Krishnanagar, Nabadwip(U.),
Santipur, Ranaghat(U.),
Bangson, Basirhat, Rajpur
(U.), Contai, Medinipur,
Haldia, Kharagpur(U.),
Bishnupur, Bankura,
Puruliya, Katwa, Asansol
(U.), Raniganj(U.),
Baidyanagar, Suri, Dolpur,
Koch-Bihar(U.), Chittaranjan,
Dabgram.

Handwritten signature
07/8/54
Section Officer
Subsidiary Intelligence Bureau
(MEA), Govt. of India
Cuttack.

No.3/Terms(C)/87(5) 528
 INTELLIGENCE BUREAU
 (Ministry of Home Affairs)
 Government of India

New Delhi, the

- To
- 1) The Pay & Accounts Officer,
Intelligence Bureau (MHA),
New Delhi.
 - 11) The Regional Pay & Accounts Officer,
Intelligence Bureau (MHA),
Shillong.

25 APR, 1989

Sub: Sanction of Personal Allowance for the ministerial staff posted at Kohima (Nagaland) prior to 1.4.80.

Sir,

I am directed to convey the sanction of the Government to the grant of HRA at the rate of 7 1/2% of pay and personal allowance at the rate of 7 1/2% of pay w.e.f. 1.5.1976 to 31.3.1980 to IB personnel who were posted at Kohima (Nagaland) prior to 1.4.1980. Such of the staff who were posted at Kohima, (Nagaland) from 1.4.1980 or afterwards should be allowed HRA at the uniform rate of 7 1/2% of pay only. The total expenditure involved is Rs.40,000/- (Rupees Forty thousand only) and will be debited to the relevant head of account for the current financial year.

This issues with the concurrence of the Ministry of Finance (Department of Expenditure) U.O. No.2806/E.II (B)/89 dated 20/27.3.89 and Ministry of Home Affairs No.628/FPV/89 dated 30.3.89.

sd/-
 (B.B. Lal)
 Assistant Director

Copy forwarded for information and necessary action to-

1. DD, SIB Kohima.
2. JD/NE Shillong.
3. Budget Branch at IB Hqrs.

Section Officer,
 Subsidiary Intelligence Bureau
 (MHA), Govt. of India
 Guwahati.