

50/600

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

M.P-189/96 ordersheet pg 1 to 2 **INDEX**

Dismissed date- 5/02/97

O.A/T.A No. 133/95

R.A/C.P No.

E.P/M.A No. 189/96

1. Orders Sheet. O.A-133/95 Pg. 1 to 5
2. Judgment/Order dtd. 12/6/96 Pg. 1 to 3 *Disposed*
3. Judgment & Order dtd. Received from H.C/Supreme Court
4. O.A. 133/95 Pg. 1 to 48
5. E.P/M.P. 189/96 Pg. 1 to 10
6. R.A/C.P. NIL Pg. to
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8. Rejoinder. NIL Pg. to
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10. Any other Papers. Pg. to
11. Memo of Appearance.
12. Additional Affidavit.
13. Written Arguments.
14. Amendment Reply by Respondents.
15. Amendment Reply filed by the Applicant.
16. Counter Reply.

SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI

✓ ORIGINAL APPLN.NO. 133 OF 1995
TRANSFER APPLN.NO. OF 1995
CONTEMPT APPLN.NO. OF 1995 (IN OA NO.)
REVIEW APPLN. NO. OF 1995 (IN OA NO.)
MISC. PETN. NO. OF 1995 (IN OA NO.)

Jagadamba Mall APPLICANT(S)

Union of India RESPONDENT(S)

FOR THE APPLICANT(S)

MR. N N Trikha
MR.
MR.
MR.

FOR THE RESPONDENTS

MR. G. Sharma
Addl. C.S.C.

OFFICE NOTE

DATE

ORDER

12-7-95

Mr.N.N.Trikha mentions for admission in view of the previous decisions and Annexure 2. Application is admitted. Issue notice to the respondents. 8 weeks for written statements. Adjourned to 11-9-95. Mr.G.Sharma, Addl.C.G.S.C. is requested to file memo of apperance. However notices be directly issued to the respondents.

W
Vice-Chairman

G
Member

lm

Requisits are
and + covered
no. 3149-50 D. 21-7-95
9/7.

Service of notice
ready.
21-7-95
21-7-95

8/8
statement has not been
d.

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI

✓ ORIGINAL APPLN. NO. 133 OF 1995
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REVIEW APPLN. NO. OF 1995 (IN OA NO.)
MISC. PETN. NO. OF 1995 (IN OA NO.)

..... APPLICANT(S)

-VS-

..... RESPONDENT(S)

FOR THE APPLICANT(S) MR.

MR.

MR.

MR.

FOR THE RESPONDENTS MR.

OFFICE NOTE

DATE

ORDER

1) The case is ready
as regards ab service
of notices.

2) W/statements not
yet filed.

AP
16/6

OFFICE NOTE

DATE

COURT ORDER


21.8.95
(Kohima)

Mr N.N. Trikha for the
applicants.

Mr G. Sarma, learned Addl. C.G.S.C.
for the respondents.

At the request of the officers
of the respondents conveyed ^{through} to Mr G. Sarma
adjourned to tomorrow.


Vice-Chairman


Member

nkm

22.8.95
(Kohima)

Mr N.N. Trikha for the applicants.
In the title it is stated that the
O.A. has been filed by the applicant,
General Secretary and 308 other
employees. The list of names of the
applicants is at page 37 of the O.A.
Mr Trikha now states that there was an
error in putting the serial numbers in
the list and on correct serialisation
the total number of applicants will be
303. Accordingly the title will read the
figure '303' instead of 308.

Mr G. Sarma, learned Addl. C.G.S.C.
for the respondents. The Sr. Deputy
Accountant General, Mr M. John, for the
State of Nagaland is present on behalf
of respondent No.2.

The questions involved in this
O.A. are fully covered by the common
order in O.A.No.48/91 and other matters
delivered separately today. The O.A.
could, therefore, be disposed of on
lines of that order. Mr G. Sarma,
however, submits that the respondents

OFFICE NOTE

DATE

COURT ORDER

22.8.95

may be given an opportunity to file a written statement particularly as the respondent No.2 has referred the claim of the applicants for HRA at the rate applicable to 'B' class cities to the Government of India and the matter is in correspondence and the decision of the Government is awaited. The respondents, therefore, feel that they may be able to effectively place their contentions in the written statement. Since this O.A. has been filed only on 12.7.1995 the respondents are required to be given opportunity to file written statement. We hope that while filing the written statement the order in other companion O.A.s referred to above will also be kept in mind. Mr G. Sarma states that the written statement will be filed within one month. Accordingly respondents are granted one months time to file the written statement. The respondents shall send copy of the written statement directly to Mr Trikha. The applicants will be at liberty to file rejoinder thereafter. A copy of that rejoinder will, however, be sent to respondent No.2 and to the learned Addl. C.G.S.C. on behalf of respondent No.1 within two weeks after service of WS.

O.A. adjourned to 9.10.95 for fixing date of hearing.

16.10.95

Written statement
submitted on behalf of
the parents.

[Signature]

nkm

[Signature]
Member

[Signature]
Vice-Chairman

17.10.95

To be listed for hearing on
4.12.1995.

ba
Member

lull
Vice-Chairman

pg

26.4.96

Mr N.N.Trikha for the applicant is present. He submits that copy of written statement has not been received by him. Respondents to take steps for supply of copy of written statement and let a copy of the written statement submitted by the respondents on 16.10.95 be served on the counsel of the applicant.

List for hearing on 12.6.96.

ba
Member

pg

12.6.96

Mr N.N.Trikha for the applicant. Mr G.Sarma, Addl.C.G.S.C for the respondents.

Arguments of both the counsel heard and concluded. Judgment pronounced in open Court. Application is disposed of as per direction in the order kept in separate sheet. No order as to costs.

ba
Member (A)
ba
Member (J)

pg

W/Statement has been filed

4.12.95

In hearing on 23.1.96

By order

The case is ready as regards service of notices

W/Statement has been filed

23-1-96

Adjourned to 29-2-96 for hearing. Bto.

29-2-96

In hearing on 26-4-96

By order Bto
2/8/96
copy of order issued to the parties vide J.N. 2362 to 2364 dt 5.8.96

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CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Original Application No. 133 of 1995.

Date of decision : This the 12th day of June, 1996.

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

Hon'ble Shri D.C.Verma, Member (J).

Shri Jagdamba Mall,
General Secretary,
Civil Audit & Accounts Association,
and 303 other employees of the
Office of the Accountant General,
Nagaland, KOHIMA, (Nagaland) - 797 001

.....Applicants

By Advocate Mr. N.N. Trikha

-versus-

1. The Comptroller & Auditor General of India,
New Delhi.

2. The Accountant General,
Nagaland,
KOHIMA - 791 001

.... Respondents

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

O R D E R (Oral)

VERMA D.C., MEMBER (J).

A very short question involved in this case is whether the applicants who are posted in the office of the Accountant General, Nagaland at Kohima are entitled to draw House Rent Allowance at the rate of B Class City as is available to other Central Government employees posted there.

2. The learned counsel for the applicant has submitted that by getting benefit from various judgements of the Tribunal and one from Hon'ble Supreme Court in respect of other departments, the employees of other departments posted

A

..... at

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-versus-

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2. The learned counsel for the applicant has submitted that by getting benefit from various judgements of the Tribunal and one from Hon'ble Supreme Court in respect of other departments, the employees of other departments posted



..... at

at Nagaland have been given the benefit of House Rent Allowance as applicable to B Class City. The applicants in this case made representation on 7.4.94 (Annexure A 10 to the O.A.) to the Accountant General, Nagaland, Kohima for grant of such allowance but the department has not granted relief so far.

3. The respondents have filed written statement and in para 9 thereof it is admitted that all the representations submitted by the petitioners have been attended to promptly by the Accountant General and the facts communicated to Headquarters i.e. Comptroller and Auditor General of India vide their letter dated 22.4.94. Even thereafter six reminders including 1 Fax message and 1 D.O. letter was sent to the Comptroller and Auditor General of India. According to the respondents the grievance of the applicants are pending with the Ministry for consideration. On that grounds it has been submitted that the present application is not maintainable as the remedy available to the applicants has not been exhausted.

4. It is no doubt that under Section 20 of the Administrative Tribunals Act, 1985, an aggrieved person can come to the Tribunal only after exhausting departmental remedies available to him. This is, however, subject to limitation provided under Section 21 of the Administrative Tribunals Act, 1985. If the representation is not decided within a period of six months the aggrieved person can, thereafter, make an application before the Tribunal for redressing the grievances. In view of this, the O.A. is maintainable and cannot be thrown out as not maintainable.

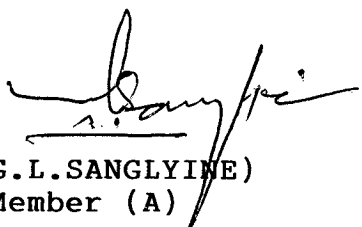
5. We are, however of the view that as the matter is still pending for consideration, it is for the respondents to

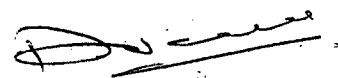
..... to

consider the grievances at their level and decide the matter. The learned counsel for the applicants has submitted that in view of the various decisions the applicants are entitled for the benefits and the department has to agree with the same. We would not like to give our view in the matter at this stage. The matter is pending before the respondents since October 1994. About 1 year 9 months have passed but the department have not been able to take a decision thereon. We do feel and realise about the process of decision making in the department but a such long delay is not excuseable.

6. In view of the above, we dispose of this O.A. by giving directions to the respondents to decide the representation (Annexure A-10 to the O.A.) and the subsequent reminders they have sent within a period of 3 months with effect from the date of receipt of copy of this order, by a reasoned and speaking order. Incase the applicants have grievance thereafter, if so advised, they can come to the Tribunal as per rules.

The O.A. is decided accordingly. No costs.


(G.L.SANGLYINE)
Member (A)


(D.C.VERMA)
Member (J)

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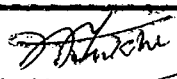
CASE NO. OA.133/95

SHRI JAGDAMBA MALL,
Gen.Secretary, CAAA ,KOHIMA
and 308 others.

-versus-

Comptroller & Auditor General
of India & A.G.Nagaland.

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19.	w/s on behalf of Proprietors — 49 — 67	


Signature of the counsel of the
Applicants.

FOR USE IN TRIBUNAL OFFICE:

Date of Filing -----

Registration No.-----

Signature.
for Registrar.

Filed by the applicants through Counsel
Shri N.N. TRIKHA, Advocate
on 12.7.95.

[Signature]

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH
GUWAHATI.

NO. OA. 133/95

BETWEEN

Shri Jagdamba Mall,
General Secretary,
Civil Audit & Accounts Association,
and 308 other employees of
the Office of the Accountant General, Nagaland,
KOHIMA, (Nagaland): 797 001.
..... Applicants.

VERSUS-

1. The Comptroller & Auditor General of India,
NEW DELHI.
2. The Accountant General, Nagaland,
KOHIMA: 797 001.
..... Respondents.

1. PARTICULARS OF ORDERS AGAINST WHICH THE
APPLICATION IS MOVED.

a) Inordinate delay in the implementation of the recommendations by the Comptroller & Auditor General of India and the other respondent, as contained in the Govt. of India, Ministry of Finance (Department of Expenditure) New Delhi and contained in their O.M.No. 11013/2/86-E.II(B) dated 23.9.86 as consented by the Respondent No.1 in para 8 of the said Office Memorandum.

b) Audit Officer (Admn.), Office of the Accountant General, Nagaland, Kohima letter No. Adm/Audit/7-7/Vol.II/95-96/4706 dated 9.2.95;

c) Letter No.401-NGE/ESTT/5-94(II) dated 23.5.95 (Recd.on 1.6.95) from Respondent No.1 by Respondent No.2.

Copies of the O.M./letters dated 23.9.86, 9.2.95 and 23.5.95 are enclosed and marked as ANNEXURE 'A1', 'A-2' and 'A-3'.

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 as the cause of action continues from day to day.

4. FACTS OF THE CASE:

a) The employees of the office of the Accountant General, Nagaland, Kohima who are under the administrative control of the Comptroller & Auditor General of India, New Delhi, belong to different categories of the Central Govt. employees at par with the employees of the other Central Government departments functioning in Nagaland.

Such employees are entitled to rent-free accommodation or House-rent in lieu thereof. These applicants are hence entitled to House-rent allowance at the rate as applicable and granted to other central government employees, posted in Nagaland and not provided with rent-free accommodation, which is regulated from time to time under various orders/instructions issued by the Government of India.

b) That before 1.7.87, the House-rent allowance of the Central Govt. employees who were entitled to rent-free accommodation and were not provided with such accommodation in Nagaland, was being regulated under the orders issued by the Ministry of Finance vide their O.M.No.2(22)-E.II(B)/60 dated 2.8.60, whereby such employees were allowed to draw the rate of House-rent allowance as in

'B' Class Cities, which in terms of money was 15% of the pay.

An extract of para (iii) from a letter No.41/17/61 dated 8.1.62 (which refers to the said letter dated 2.8.60) is enclosed and marked as ANNEXURE 'A-4'.

c) Subsequently, on the recommendations of the Third Pay commission, the Ministry of Finance vide O.M. dated 6.6.73, the rate of H.R.A. was revised to 15% and for the purpose of H.R.A. Nagaland State was treated as 'B' Class City.

d) That since the order No.11013/2/86-E.II(B) dated 23.9.86, issued by the Govt. of India, Ministry of Finance (Department of Expenditure), New Delhi containing the recommendations of the Fourth Pay Commission, was silent regarding the entitlement of the House Rent Allowance of their employees (who were eligible for Rent Free accommodation but not provided with Govt. accommodation) the petitioners were allowed reduced H.R.A. at par with the rates applicable to 'C' Class Cities, overlooking the fact that such employees were governed by the Special orders issued earlier.

e) The Group 'C' & 'D' employees of the Telecommunication and Postal Departments, posted in Nagaland agitated against such a downward revision and approached the Central Administrative Tribunal, Gauhati Bench, seeking a direction to the Union of India to pay the H.R.A. at the rates as admissible to the employees posted in 'B' Class cities. The Tribunal allowed the petitions.

A copy of the said judgement and order dated 30.10.90 in case No.OA.42(G)/89 is enclosed and marked as ANNEXURE 'A.5'.

f) Similarly, in two other cases viz. OA.30/93 and in O.A. 48/91, the Tribunal vide orders dated 24.9.93 and 26.11.93 allowed the applications of the Petitioners. In the case of No.OA.48/91, the Union

of India filed an appeal No.2705 of 1991 before the Supreme Court and the Hon'ble Supreme Court vide its order dated 18.2.93 saw no infirmity in the judgement of the Central Administrative Tribunal, Gauhati Bench, Guwahati.

A copy each of the orders dated 24.9.93, dated 26.11.93 and dated 18.2.93 (passed by the Supreme Court) is enclosed and marked as ANNEXURE 'A.6', 'A.7' and 'A-8' respectively.

Hence in compliance with the Hon'ble Supreme Court's order dated 18.2.1993, the department of Posts, Telecommunication etc. were consequently directed to implement the said order by allowing H.R.A. at the rate applicable to 'B' Class cities to their employees posted in Nagaland.

5. GROUND'S FOR RELIEF WITH LEGAL PROVISIONS:

a) Central Govt. employees posted in Nagaland and not provided with Govt. accommodation were/are governed by special orders.

b) Before 1.7.87 the H.R.A. was allowed at par with those posted in 'B' Class cities viz. in terms of money at the rate of 15% of the pay.

c) Under the recommendations of the Third Pay Commission, the rate was revised to 15% of the pay vide Ministry of Finance O.M. dated 6.6.73.

d) The orders issued on 23.9.86 by the Govt. of India, Ministry of Finance, conveying the recommendations of the Fourth Pay Commission and allowing the H.R.A. to such employees at par with 'C' Class Cities were misplaced and arbitrary.

e) The Central Administrative Tribunal, Gauhati allowed the Telecommunication, Postal and Geological Survey of India Departments, posted in Nagaland, the H.R.A. at the rate as admissible to the employees posted in 'B' Class Cities.

f) In other two cases, viz. O.A.30/93 (Shri N.C.Das & Others of Canteen Stores Department - versus - Union of India) and O.A.48/91 (Shri M.Lepdan Ao & others of the department of Geological Survey of India - versus - the Union of India) the Hon'ble Tribunal held that the applicants were entitled to H.R.A. at the rate of 15% on their pay from 1974 to September 1986; and thereafter on flat rate basis group-wisely with effect from 1.10.1986.

g) The orders passed by the Tribunal in case No.OA 48/91, when challenged in the Supreme Court, the Hon'ble Supreme Court vide its order dated 18.2.1993 issued directions allowing such employees the H.R.A. at the rate applicable to 'B' Class Cities to all the concerned employees posted in Nagaland.

h) All the orders issued by the Government of India are applicable to the employees of the Comptroller & Auditor General and other offices of the Accountants General in the country and hence the employees of the office of the Accountant General, Nagaland are eligible to draw H.R.A. at the rate of 15% of their pay from 1974 to September 1986 and thereafter on flat rate basis group-wise with effect from 1.10.1986, which till date has been denied to the applicants.

i) It is respectfully submitted that the orders issued on the subject of grant of special allowance to those who are posted to places falling beyond 'Inner-line' are applicable to the applicants also as is evident from the Endorsement. No.757-NGEI/43-70 dated 26.3.71 from the Comptroller & Auditor General of India, endorsing the copy of the Ministry of Finance, Department of Expenditure letter No.F.1(51)-EG.1/70 dated 16.3.1971.

A copy of the letter dated 16.3.71, (with endorsement dated 26.3.71) is enclosed and marked as ANNEXURE 'A.9'.

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j) This being an analogous matter at par with other departments whose cases were decided in their favour by the Administrative Tribunal, Gauhati Bench, Guwahati, applicants deserve and are eligible for the relief(s) asked for in this application.

6. DETAILS OF REMEDIES EXHAUSTED:

The matter had been taken up by the applicants with both the Respondents on a number of occasions, but a stereotype reply is being received from both the respondents.

Copies of Petitions dated 7.4.94, 4.8.94, 2.9.94, 9.12.94, 15.2.95 are enclosed and marked as ANNEXURES 'A-10', 'A-11', 'A-12' 'A-13' and 'A-14'.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY COURT.

The applicants declare that they have not previously filed any application, Writ Petition or suit regarding the matter in respect of which this application has been made, before any court or any other authority or any other Bench of the Tribunal nor any such application, Writ Petition or suit is pending before any of them

8. RELIEF SOUGHT:

The applicants posted in the office of the Accountant General, Nagaland at Kohima be made entitled to draw House Rent Allowance with effect from the date of their posting at Kohima (Nagaland) as follows:-

a) 15% of the pay with effect from 1974 (1974) onwards; and

b) At the rate of 'B' Class City with effect from 1.10.86 onwards on flat rate basis group-wise, pursuance to Office Memo No.11013/2/86-E.II(B) dated 23.9.86 issued by the Ministry of Finance, Govt. of India as consented by the Comptroller & Auditor General of India as far as his staff is concerned.

9. INTERIM ORDER, IF ANY PRAYED FOR:

Since analogous matters had already been decided by the Hon'ble Administrative Tribunal, Gauhati Bench, Guwahati and in spite of the fact that applicants had approached the Respondents on a number of occasions, and even then the Respondents are dragging their feet, interim orders may kindly be passed directing the Respondents to immediately allow the applicants to release the H.R.A. at the rates as prayed for in para 8 above.

10. The application is being filed personally by the counsel of the applicants, who may kindly be allowed oral hearing at the admission stage.

11. That ^{CC 215694 for R. 40/-} postal orders No. ^{41 838639 dt. 8.7.95} ^{for R. 10/-} ~~is~~ enclosed as the Application Fee.

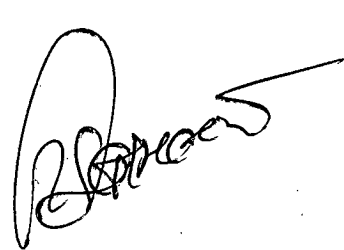
12. LIST OF ENCLOSURES:

- 1) O.M.No.11013/2/86-E.II(B)
dt. 23.9.86 of the Ministry
of Finance:
- 2) A.G.Nagal and Kohima letter No.Adm/Audit/
7-7/Vol.II/95-96/4706 dated 9.2.95.
- 3) Letter No.401-NGE/Estt/5-94(II) dated
23.5.95 (Recd.on 1.6.95) from ~~Comptroller &~~
Auditor General of India to A.G.Nagal and Kohima.
- 4) An extract of para (iii) from a letter No.
41/17/61 dated 8.1.1962.
- 5) A copy of the judgement and order dated
31.10.90 in case No.OA 42(G)/89 passed by the
Administrative Tribunal, Gauhati Bench, Guwahati.
6. Copy of order dated 24.9.93 passed in case
No. O.A.30/93 by the C.A.T., Gauhati Bench.
7. Copy of order dated 16.11.93 passed in case
No. O.A.48/91 by the C.A.T. Gauhati Bench.
8. Copy of order dated 18.2.1993 passed by the
Hon'ble Supreme Court of India, New Delhi.
9. Copy of letter No.757-NGEI/43-70 dated
26.3.1971 (with endorsement dt.16.3.71)

- 10) Copy of the Petition dated 7.4.94.
- 11) Copy of Petition dated 4.8.94.
- 12) Copy of Petition dated 2.9.94.
- 13) Copy of Petition dated 9.12.94.
- 14) Copy of Petition dated 15.2.1995.
- 15) Vakalatnama.
- 16) Postal Orders. *
- 17) List of names of applicants.

I, Shri Jagdamba Mall, General Secretary,
Civil Audit & Accounts Association, Nagaland, Kohima,
aged about 46 years, working as Supervisor in the
office of the Accountant General, Nagaland, Kohima,
District Kohima do hereby verify that the contents
of paras 1,4,5,6 and 7 are true to my personal
knowledge and those of paras. 2,3,8,9 and 10
believed to be true on legal advice and that I have not
supressed any material facts.

Dated the,
8th July, 1995


(JAGDAMBA MALL)
General Secretary
Audit & Accounts Association
O/O Acct. General
Nagaland, Kohima

* : Postal orders :-

- 1) No: CC 215694 for Rs. 40/-
- 2) No: 41 838639 for Rs. 10/-
- Total Rs. 50/-

ANNEXURE - AI

ANNEXURE - AI

(9)

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 + Recommendations of the Fourt Pay Commission .Decisions
of the Government relating to grant of Compensatory(City)
& House Rent Allowances to Central Government Employees.

The undersigned is directed to say that, consequent upon the decisions taken by the Government on the recommendations of the Fourth Pay Commission relating to the above mentioned allowances vide this Ministry's Resolution No.14(1)/IC/86 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 27-11.1965 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 seperately.

11) HOUSE RENT ALLOWANCE:

Type of accommodation to which entitled	Pay range in revised scales	Amount of H.R.A. payable in Rs.p.m		
	6E Pay for ent- itlement.	A, B-1, B-2 C class cities.	Unclass- ified places	
1	2	3	4	5
87	750-949	150	70	30
950-1499	250	120	50	
1500-2799	450	220	100	
2800-3599	600	300	150	

H.R.A at above rates shall be paid to all employees (other than those provided with Government owned/hired accomodation) without requiring them to produce rent receipts. These employees shall,

Cont. to P.2

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 or 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 ~~all~~ other cases covered by special order, HRA shall be admissible at the rate in C class cities. In both these cases there shall be no upper pay limit for payment of HRA.
4. The other condition at present applicable for grant of HRA in cases of housing 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 31-12-1985.
6. These orders shall be effective from 1-10-1986. For 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 Groups 'B' 'C' & 'D' only. The ~~ex~~ 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 orders will be issued by the Ministry of Defence and Department of Railways respectively.
8. In so far as the persons serving in the India Audit and Accounts Department are concerned this order issues after consultation with the comptroller and Auditor General of India.
9. Hindi version of the order is attached.

Sd/-

(B. P. Varma)

Joint Secretary to the Government of India

To
All Ministries and Department of the 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.

CERTIFIED TRUE COPY

(N. K. TRIPATHI)

ADVICE

Dinapur-197118

ANNEXURE - "A2"

(11) 22

OFFICE OF THE ACCOUNTANT GENERAL (AUDIT)
NAGALAND :: KOHIMA.

No. Admn/Audit/7-7/Vol.II/95-96/4706
Dated, Kohima the 9th February, 1995.

To

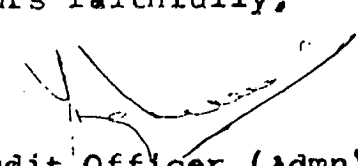
The General Secretary,
Civil Audit & Accounts Association,
Office of the Accountant General,
Nagaland, Kohima.

Subject:- Grant of HRA to the Staff of IA & AD posted
in Nagaland at the rates applicable to 'B'
Class cities.

Sir,

I am directed to invite a reference to the
correspondence resting with your letter No. CAAA/Kohima/54
dated 2.12.94 on the subject cited above. In this subject we
have made frequent correspondences with the Headquarter
Office, and of late it has been informed by the Headquarter
Office vide letter No. 1279 NGE/Entt/48-94 dated 1-12-94
that the matter is still pending with the Ministry, and
further development will be communicated on receipt of the
reply from the Govt. This is for your information.

Yours faithfully,


Audit Officer (Admn)

on 9/2/95

CERTIFIED TRUE COPY


(N N TRIKHA)

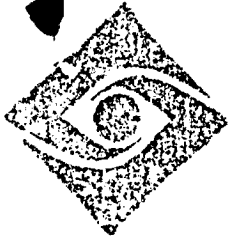
Advocate
Dimapur-797118

ANNEXURE "A-3"

~~15~~ (12) 29

No. 40/-NGE/ENTT/5-94 (11)

भारत के नियंत्रक-महालेखा परीक्षक का कार्यालय
OFFICE OF THE COMPTROLLER
AND AUDITOR GENERAL OF INDIA



23-5-1995

दिनांक
Date

2-1000

To

The Accountant General (Audit)
Nagaland,
KOHIMA - 797001.

SUBJECT:- Grant of H.R.A to the staff of I.A & A.D posted
in Nagaland at the rate applicable to 'B' class
cities - reg.

Sir,

I am to invite a reference to your office D.O. letter
No. Admn./Audit/7-7/Vol.11/197 dated 20.04.95 on the subject
cited above and to state that the matter is in correspondence
with the Ministry. Further developments in the case will be
communicated on receipt of reply from the government.

Yours faithfully,

R.L. Kapoor

(R.L.KAPOOR)

SR. ADMINISTRATIVE OFFICER (N-ENTT)

CERTIFIED TRUE COPY

(N. N. TRIKHA)

Adv. &

Disput-797115

1.6.95

To R. Pan
1/6/95

70/2000

ANNEXURE - "A 4"

13

EXTRACT FROM ORDER NO. 41-17/61-P&A dated 8.1.1992.

.....

PART I (iii):

"Rent free accommodation on a scale approved by the local administration. The F & T staff in NHTA (now known as Nagaland), 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 Co.4 paragraph I of the Ministry of Finance C.M. No.2(22)-E II (B)/60 dated the 2nd August, 1960. "

.....

CERTIFIED TRUE COPY


(N. N. TRIKHA)

Advocate

Dis-2907-797115

Registered with A/D

ANNEXURE - A-5

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: :: :: :: :: GUWAHATI

(14) Judg
Respd No 6.

Despatch No. 3557

Dated, Guwahati, the 07/11/90

S.S./T.A./CIVIL RULE/MISC. PETITION

ENTER APPLICATION/CONTENT PETITION NO.

TRANSFER APPLICATION NO.

ORIGINAL APPLICATION NO. 42(6)/89

S.K. G Roth

APPLICANT/PETITIONER(S)

VERSUS

U.O. Z. & Co

RESPONDENTS.

To

The Telecom District Manager,
Nagaland Division,
Dimapur.

Sir,

I am directed to forward herewith a copy of Judgment
~~and order~~ dated 31.10.90 passed by the Bench of this
Tribunal comprising of Hon'ble Shri K.P.Acharya, Vice-Chairman,
and Hon'ble Shri J.C.Roy, Member Administrative in the above
noted case, for information and necessary action if any.

Please acknowledge receipt.

Yours faithfully,

Enclo : As above.

CERTIFIED TRUE COPY

[Signature]
(N. P. BIKHA)

Advic 6

Dimapur-797115

[Signature] 6.11.90
DEPUTY REGISTRAR(A).

(15) (24)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:::::GUWAHATI.

Original Application No.42(G)/89

Date of decision:- 31 October, 1990

1. Shri S.K. Ghosh son of Late Satish Chandra Ghosh, resident of Dimapur Town, District Kohima and employed as Transmission Assistant, Carrier Station, Dimapur;
2. Shri Dipak Chowdhury, son of late F.N. Choudhury, Sorting Asstt. Dimapur Post Office, Dimapur, resident of Dimapur.
3. And 105 others, a list of their names enclosed.

... .. Applicants.

-Versus-

1. Union of India, represented by the Secretary, Ministry of Telecommunications, New Delhi.
2. The Director General, Telecommunication, Sanchar Bhawan, New Delhi.
3. The Director General, Post, Dak & Tar Bhawan, New Delhi.
4. The Chief General Manager, Telecommunication, North-East Circle, Shillong.
5. The Post Master General, North-East Circle, Shillong.
6. The Telecom District Manager, Nagaland Division, Dimapur.
7. The Director of Postal Services, Nagaland, Kohima.

... .. Respondents.

For the Applicant:- Mr.N.N.Trikha, Advocate.

For the Respondents:- Mr.S.Ali, Sr.C.G.S.C.

C O R A M:

THE HON'BLE SHRI K.P.AGIARYA, VICE-CHAIRMAN,
AND
THE HON'BLE SHRI J.C.ROY, MEMBER (ADMINISTRATIVE)

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not ? *yes*
3. Whether Their Lordships wish to see the fair copy of the judgment ?

J U D G M E N T.

J.C. ROY

In this application under Section 1 of the Administrative Tribunals Act Shri S.K. Ghosh and 10 other Group 'C' and Group 'D' employees of the Telecommunications and the Postal Departments of Nagaland pray for an order declaring them eligible to draw house rent allowance as admissible to employees posted in 'B' Class cities. 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 (HRA for short) as in 'B' Class cities. This was according to an order of Director General Post and Telegraph dated 8.1.1962. The question of payment of H.R.A. arose only when government quarters were not allotted to these employees. For the period January 1974 to December 1979 such employees draw HRA @ 15% of their pay and an additional H.R.A. @ of 10% of their pay. At that time the HRA for 'B' Class cities used to be @ 15% of the pay. From January 1980 to April 1980 the additional HRA @ 10% was discontinued and the employees were given HRA @ of 15%, that is, as in 'B' Class cities. The additional HRA drawn from 1974 to 1979 were also sought to be recovered from their pay. Being aggrieved some such affected employees filed petitions in this Bench against such recovery. These petitions constituted the subject matter of G.C.No. 154/80, G.C.No. 155/80 and G.C.No. 156/80 and were decided on 22.2.81. On the basis of the judgment of this Tribunal the recovery of additional HRA already paid was stopped. From May 1980 onwards the grant of HRA for Telecommunications and Postal Employees were governed by the orders contained in the Dy. Director General's (FD) D.O. letter dated 31.10.1981 addressed to the Postmaster

General Shillong. A copy of this order appears as Annexure A-1 of this application. According to this decision, the HRA was reduced from 15% to 7½% of the pay but protection of the allowance at earlier rate was given to the employees who were borne of the roll and working in Nagaland on and before 1.5.1980. In their cases only in addition to 7½% HRA, another additional 7½% of allowance were continued to be paid as personal allowance. But anybody who was appointed or transferred to Nagaland after 1.5.1980 were entitled to HRA @ 7½%. After 31.3.1986, however, in the matter of HRA the IV Central Pay Commission's (IV C.P.C., for short) recommendations were implemented. According to these recommendations employees drawing basic pay from Rs. 750 to 3500 were divided into four groups and the cities were also divided into three categories of cities. The HRA was payable at determined rate for each block of pay at a lumpsum rate according to the three categories into which the cities were classified. Calculating HRA as a percentage of the basic pay was discontinued. But still the lumpsum amount in each block of pay bore some uniform relationship with the mean pay of the block. A copy of the Government order regulating the HRA IV CPC is available at Annexure A-7 of the petition. The petitioners claim that even after this change of calculation of HRA and adoption of the slab system, in effect, they are getting HRA as prescribed for 'C' Class cities and approximately @ 7½% of their pay. The petitioners, therefore, feel aggrieved and pray for grant of HRA at the higher rate as prescribed for 'E' Class cities.

2. The petitioners' prayer is based on the fact that according to the DG P & T's letter dated 2.1.62 (Annexure A-3)

29 Post and Telegraph staff posted in Nagaland (called NHIA) who were not provided rent-free accommodation were allowed to draw HRA at the rates applicable to 'B' Class cities. From 1952 up to April 1980 these employees have been drawing HRA at this higher rate. At that time Central Government employees posted in 'B' Class cities were allowed to draw HRA @ 15%. By DG P&T's letter dated 31.12.81 the allowance were brought down suddenly to 7.25%. Of course employees who were already drawing the allowance at the higher rate and where in service at Nagaland prior to 1.5.80 are protected by grant of personal allowance. But from the 1.4.86 when the basis of grant of HRA was changed (according to the recommendations of IV C.P.C.) they were given HRA clearly and openly at the lower rate applicable to 'C' Class cities. The applicants stress that nothing has happened during this period to warrant the downward revision. They point out that the employees of the State of Nagaland get house rent allowance @ 17.5% of their basic pay (Annexure A-4), that the Railways continues to pay their employees posted in Nagaland HRA as admissible to 'B' Class cities (Annexure A-5) and that employees of the Khadi Commission, NEPCO etc. also draw HRA equivalent to that for 'B' Class cities. They therefore, pray for an order declaring them eligible to HRA at par with 'B' Class cities as laid down in Annexure A-7 which is a copy of Government of India, Ministry of Finance the office Memorandum No. 11013/2/86-E-II(B) dated 23.9.86. Their further prayer is to order that this would be effective from May 1980 onwards.

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. Their

contention is that the HRA at 15% had to be reduced to 7½% as the Ministry of Finance issued a clarification on this subject for all Central Government employees posted in Nagaland and the Posts and Telecommunications departments have to fall in line with the general instructions of the Union Ministry of Finance. They further point out that the orders governing the Railways employees, Khadi Commission and NEPCO are not applicable to the present petitioner. But basically their case for reducing the House Rent Allowance rests on a D.O. letter dated 31.10.81 written by the Dy. Director General (FB) of the Posts and Telegraph department and addressed to the Post Master General and the General Manager Telecommunication, Shillong. A copy of this D.O. letter is available at Annexure A-1, which is reproduced in full below:-

" The HRA to P & T and other Central Government employees in Nagaland was recently discussed in the Ministry of Finance. The Ministry of Finance have not agreed to the continuance of the H.R.A. at 15% and mentioned that after the issue of clarification all the other Departments have revised H.R.A. to 7½% and the P&T Department should have also fallen in line.

After detailed discussions, the Ministry of Finance have agreed to the continuance of the allowance at the same rate to P&T staff who were in receipt of 15% HRA prior to issue of the clarification by Ministry of Finance. Out of this 7½% will be treated as HRA and the balance as allowance personal to the employees concerned. All the officials who have joined their posts in Nagaland after the issue of the clarification by the Ministry of Finance, including those recruited afterwards would be eligible only for HRA at 7½%.

Kindly confirm that HRA is being paid only at 7½% to the staff who joined Nagaland after April, 1980. The payment of HRA in the case of those officials who were receiving HRA at 15% prior to April, 1980 may be revised as HRA @ 7½% and 7½% personal allowance from that date.

Best wishes.

D. P. S. (H. U.)

4. We heard Mr. N. N. Tirkha Counsel for the applicant and Mr. S. Ali, the Sr. Standing Counsel for Government of India in some detail. There is no dispute that the former K. 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 popular cities because the rents structure in higher such cities. Since Nagaland, irrespective 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 ^{housing} ~~having~~ 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 on what is stated as Annexure A-1 which is reproduced in full in the preceding 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 can not be sustained. We further find that

According to the formula adopted after the IV CIC, HRA is payable to the Central Government employees posted even in unclassified places. From Annexure A-7 it is clear that this allowance 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 employees on account of his residential accommodation in the place of posting. So long as this place of posting is not shown to have undergone any improvement in the matter of availability and rent for 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.

5. 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 classifications B-1 & B-2. The order contained in, the Dy. Director General's letter dated 30.10.1981 (Annexure A-1) is quashed. Arrears of the allowance counting from the 16th of May, 1980 shall be paid to the petitioners within a period of 120 days from the date of receipt of this order.

14/11/81

SD/-

WIDE-CHAKRABARTY
31.10.90

SD/-

MEHRA
31.10.90

CERTIFIED TRUE COPY

[Signature]
(Advocate)
Dinspur-797115

TRUE COPY

[Signature] 6.11.90
Deputy District Judge (Judicial)
Central District Court, Guwahati

[Signature] 6/11

O.A. 30/93

19

Sri N.C. Das & Ors.

... Petitioners

-VS-

Union of India & Ors.

... Respondents

P R E S E N T

THE HON'BLE JUSTICE SHRI S. HAQUE, VICE CHAIRMAN,
THE HON'BLE SHRI G. L. SANGLYINE, MEMBER (ADMN.).

For the Petitioners ... Mr. H. Rahman,
" " ... Mr. N. Baruah.

For the Respondents ... Mr. S. Ali, Sr.CGSC.

24.9.93

Learned counsel for the parties are present. The case has become ready for hearing. Learned counsel Mr H. Rahman for the applicants submits that the reliefs sought for by the applicants are covered by the judgment in O.A. No.42(G)/89, G.C.No.144/88, G.C.No.154 - 156/88 and Civil Appeal No.2705/91 of the Supreme Court upholding the judgment in O.A.No.42(G)/89. Also heard learned Sr. C.G.S.C. Mr S. Ali.

All the sixtythree(63) applicants of this case are employees of Cannon Stores Department under the Ministry of Defence, Government of India, posted at Dimapur, Nagaland. They are claiming House Rent Allowance (HRA) at the rate of 15% for the period from January 1974 to December 1979 and additional HRA at the rate of 10% of their pay and at rates subsequently revised from time to time. The claim of these applicants are similar to the claim made by the applicants of the cases referred to above where reliefs for HRA had been granted. The applicants being similarly situated and posted in Nagaland are entitled HRA applicable to Central Government.

CERTIFIED TRUE COPY

[Signature]
(Advocate)

Advocate

Disorder-797113

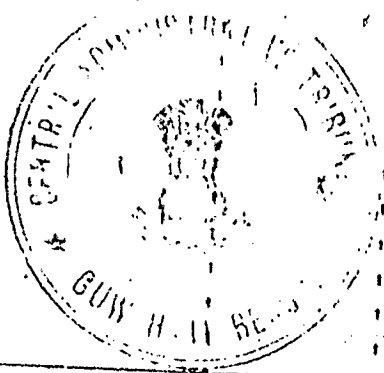
24.9.93

Employees posted in 'B' Class
Citizen. The findings of the above
referred judgments are squarely
applicable to the instant case.
The applicants are entitled to
similar reliefs for the period
they worked at Dimapur, Nagaland.

This application is allowed.
The respondents are directed to
pay HRA to the applicants with
effect from January 1974, at the
rates as per circulars/orders
from time to time. The respondents
are directed to implement the
directions of this order in
respect of the arrear HRA within
a period of 45(fortyfive) days
from the date of receipt of copy
of this order.

No order as to costs.

Inform all concerned with
copy of this order for implementa-
tion.



Sd/- S. Haque
VICE CHAIRMAN

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

led with A/D

no. : 3145

Date : 11/10/93

Copy for information & necessary action to :

- 1) Shri N.C. Das, S/o. Late S. Das, President, Canteen and Stores Deptt. Employees Union, Dimapur Branch, Nagaland. (AND 62 OTHERS).
- 2) The Secretary, Ministry of Defence, Govt. of India, New Delhi.
- 3) The General Manager, Canteen & Stores Department (Adalphi), 119 M.K. Road, Bombay.
- 4) The Deputy General Manager, Personnel, Canteen & Stores Department, (Adalphi), 119 M.K. Road, Bombay.
- 5) The Regional Manager, Canteen & Stores Department, Garoqi, Guwahati, Assam.
- 6) The Manager, Canteen & Stores Department, Dimapur, Nagaland.
- 7) Mr. A. Boruah, Advocate, Guwahati High Court, Guwahati.
- 8) Mr. A. Ali, Sr. C.G.S.C., C.A.T., Guwahati Branch, Guwahati.

4-30/9/93
DEPUTY REGISTRAR (3)

Registered with A/D
ANNEXURE - "A. 7"

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ; GUWAHATI

A-
Respt. No. (20)
(Rajesh)

DESPATCH NO. 4034

DATED GUWAHATI, THE 8/12/93

ORIGINAL, APPLICATION NO. : 48/91
MISC. CASE NO. :
CONTEMPT CASE NO. :
REVIEW APPLICATION NO. :
TRANSFER APPLICATION NO. :

Shri M.L. Ao & Ors. APPLICANT (S) /
PETITIONER (S)

VERSUS
Union of India & Ors. RESPONDENT (S)

To

The Director,
Geological Survey of India,
Operation Manipur - Nagaland,
Dimapur.

Sir,

I am directed to forward herewith a copy of Judgment/Order dated 26.11.93 passed by the Bench of this Tribunal comprising of Hon'ble Justice Shri S. Harye Vice-Chair-man and Hon'ble Shri G.L. Sanglyine Member, Administrative in the above noted case, for information and necessary action, if any.

Please acknowledge receipt.

Yours faithfully,

Encl.: As above.

CERTIFIED TRUE COPY

(N. S. LIKHA)

Advocate

Disepur-797115

DEPUTY REGISTRAR (JUDL.)

21/12/93

9 (21)

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH

Original Application No. 48 of 1991

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

Shri S. Haque, Vice-Chairman

Shri G.L. Sanglyine, Member (Administrative)

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

.... Applicants

By Advocate Shri M.N. Trikha

- 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-793 003
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.

16/11

.....

(10) ORDER (111)

32
HAQUE.J.

The applicants numbering 47 (fortyseven) are Group 'C' and 'D' employees under the Director, Geological Survey of India, Operation Manipur-Nagaland, at Dimapur, Nagaland. This application by them under Section 19 of the Administrative 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 10% in lieu of Rent Free Accommodation (RFA). They claim that Nagaland falls within 'B' class cities for the purpose of HRA and compensation in lieu of RFA.

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

3. Learned counsel Mr N.N. Trikha for the applicants submits that it was established vide judgment dated 31.10.1990 in U.A.No.42(G)/89 of this Bench and only confirmed by the Supreme Court vide order dated 18.2.1993 in Civil Appeal No.2705/91 that Nagaland in general is 'B' class city and the Central Government employees there are entitled for benefits of 'B' class cities granted by various circulars and office memoranda.

Mr Trikha read out the relevant Office Memoranda. These submissions are not disputed by learned Sr. C.G.S.C.

Mr S. Ali. We have perused the judgments and orders referred to by Mr Trikha. Nagaland had been recognised

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 wisely with effect from 1.10.1986 pursuant to Office Memorandum No.11013/2/86-E-11(B) dated New Delhi the 23rd September 1986 issued by the Ministry of Finance, Government of India (Annexure A/7).

4. After the fixation of the HRA on flat rate basis groupwisely the Government of India further granted compensation to Group A, B, C and D employees in lieu of rent free accommodation with effect from 1.7.1987 vide Government of India, Ministry of Finance, Department of Expenditure O.M. No.11015/4/86-E.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 Groups 'B', 'C' and 'D' and also para 1 of O.M. of even number, dated 22.5.1987, regarding Central Government employees belonging to Group 'A' on the subject noted above and to say that consequent upon fixation of flat rate of licence fee for residential accommodation under Central Government all over the country vide Ministry of Urban Development (Directorate of Estates)'s O.M.No.12035/(1)/85-Pol.II (Vol.III) (i), dated 7.8.1987, the President is pleased to decide that Central Government employees belonging to Groups 'A', 'B', 'C' and 'D' working in various classified cities and unclassified placed will be entitled to compensation in lieu of Rent-free Accommodation as under -

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

(11) House Rent Allowance admissible to corresponding employees in that classified city/unclassified place in terms of para 1 of this Ministry's O.M. No.11013/2/86-E.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)/87 dated 25.5.1987. These Office Memoranda had been circulated by Geological Survey of India, Calcutta vide order No.14017(1)/83-3(HRA) dated 26.9.1988 for necessary action by all branches. Therefore, we hold that the applicants are entitled to compensation at the rate of 10% of pay in lieu of rent free accommodation with effect from 1.7.1987 in terms of O.M.No.11015/4/86-E.II(B) dated 13.11.1987 in addition of the HRA.

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

6. In the result, this application is allowed.

The respondents are directed to pay HRA to the applicants at the rate of 15% of their pay from 1974 and at flat rate groupwise with effect from 1.10.1986 in terms of 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.....

(47)

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

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

8. Intimate all concerned immediately.

Sd/- S. Hargus
VICE CHAIRMAN

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

CERTIFIED TRUE COPY

[Signature]
(N. L. K. H. A.)
Advocate
Dhaka-797115

TRUE COPY

[Handwritten: 6/10/2/14/93]
Section Officer (Judicial)
Central Administrative Tribunal
Gurukul Bench, Gurukul

ANNEXURE - "A.8"

24

U.O.I.&ors.

PLT. REGISTRAR(S)

-18/3/93-

S.K. Ghosh &ors.

RESPONDENT(S)

To

The Telecom District Manager,
Nagaland Division, Dimpur, Nagaland.
P.O. Dimapur.

Sir,

I am directed to forward herewith a copy of ~~STAY ORDER~~ dated 18.2.93 passed by the Bench of the Hon'ble Supreme Court of India comprising of ~~Hon'ble the Chief Justice and Hon'ble~~ Mr. Justice KULDIP SINGH and Hon'ble Mr. Justice N.M. KASLIWAL in the above noted case for information and necessary action.

Please acknowledge receipt.

Encl:

As above.

Yours faithfully,

18/3/93

DEPUTY REGISTRAR (JUDICIAL)

9/6/93

CERTIFIED TRUE COPY

(N. S. TRIKHA)

Advocate

Dimapur-797115

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 2705 OF 1991.

429615

25

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Union of India & Ors.

Appellants

Versus

Sri S.K. Ghosh & Ors.

Respondents

Certified to be a true copy

M. K. Singh

Assistant Registrar (J.L.)

573/1992

Supreme Court of India

Group 'C' and 'D' employees of Telecommunication 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. 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 the 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 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 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.N. No.2(22)-EII (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

(26) HH

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 7 1/2 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 7 1/2 per cent. It is not necessary for us to go into the rates 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 14th Central Pay Commission recommendations which were enforced 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.

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

"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 popular cities because the rents structure is higher in such cities. Since Nagaland, irrespective 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 happen, with the conceivable development of the area in question. The housing stock may improve to such an extent that rented house at a 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 on what is stated as Annexure A-1 which is reproduced in full in the preceding 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. We further find that according to the formula adopted after the IV CPC, HRA is payable to the Central Government employees posted even in unclassified 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. So long as this place of posting is not shown to have undergone any improvement in the matter of 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 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 IVth Central Pay Commission were enforced. We direct accordingly and modify the order of

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the Tribunal to that extent. The appeal is, therefore,
disposed of. No costs.

S.I.I-
(Kuldip Singh)
S.I.I-
(N M Kishore)

New Delhi,
February 18, 1993.

CERTIFIED TRUE COPY

(Signature)
(Advocate)
Advocate
Dial 9981-797115

(19) (28) 158

ANNEXURE - A.9

Copy of the letter No.F.1(51)-AG.1/70 dated 16th March 1971 from the Ministry of Finance Department of Expenditure to the Comptroller and Auditor General of India, New Delhi. 48

Subject:- Grant of special Allowances to those who are posted to places which fall beyond 'Inner Line'.

With reference to the correspondence resting with your u.o. No.604-AG.1/43-70 dated 27-2-71 on the above subject I am directed to say that the President has been pleased to decide that such of the staff of the office of the A.G. Assam and Nagaland as may be posted to places which fall beyond 'Inner Line' may be granted the following special allowances at the same rates and scales and on the same terms and conditions as are applicable to the P&T Staff working in the same locality:

- (i) Compensatory Allowance; (ii) Winter Allowance; and (iii) Rent free unfurnished accommodation or H.R.A. in lieu thereof.

Exh. 1/20/71

No. 757-AG.1/43-70
OFFICE OF THE COMPTROLLER AND
AUDITOR GENERAL OF INDIA,
NEW DELHI.

26 MAR 1971

Copy forwarded for information and necessary action by -

1. The Accountant General Assam, Meghalaya & Nagaland, Shillong.
in continuation of this office D.O. letter No. 630-AG.1/43-70 dated 11.2.71

2. G.O. & C.O. of this office.

G. Sharma
(O.P. SHARMA)

ADMINISTRATIVE OFFICER (R)

*Copy to E.O.
D.O.
3/4/71
PA*

CERTIFIED TRUE COPY

[Signature]
(Sd/-)
Advocate

Dizapur-797118

CIVIL AUDIT AND ACCOUNTS ASSOCIATION: NAGALAND, KOHIMA

(Affiliated to All India Audit & Accounts Association, New Delhi)

No.AAA/KOHIMA/27

Dated Kohima, the 7th April '94.

To

The Accountant General,
Nagaland, Kohima

Sub:-

GRANT OF H.R.A. TO THE STAFF OF I.A. & A.D. POSTED
IN NAGALAND AT THE RATES APPLICABLE TO 'B' CLASS
CITIES.

Sir,

With reference to the subject mentioned above I am to state that the staff of I.A. & A.D. posted at Kohima are at present getting H.R.A. at the rate applicable to 'C' class cities (flat rate basis group wisely) as per the recommendations of IVth Pay Commission.

According to O.M. NO. F.I(51)-ECI/70 dated 16.3.71 (Copy enclosed) issued by the Ministry of Finance, Department of Expenditure to the Comptroller and Auditor General of India, the staff working in the office of A.G. Nagaland may be granted special allowances at the same rates and scales and on the same terms and conditions as applicable to the P & T staff working in the same locality viz. (i) Compensatory Allowance (ii) Winter Allowance, (iii) Rent free unfurnished accommodation or H.R.A. in lieu thereof.

Further, the President of India issued an order (No.41-17/61-P&A dated 8.1.1962) granting H.R.A. to the P & T staff posted in the State of Nagaland and the relevant part of the said order is as under :-

" Part I (iii)- Rent free accommodation on a scale approved by the local administration. The P & T staff in NHIA (now known as Nagaland), 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 I of the Ministry of Finance O.M. No. 2(22)-E II (B)/60 dated the 2nd August, 1960".

Subsequently, on the recommendation of 3rd Pay Commission vide Ministry of Finance O.M. dated 6th June 1973 (Annexure-I), the rates of H.R.A. automatically got revised to 15% in respect of Central Government employees posted in Nagaland because for the purpose of H.R.A., Nagaland was treated

as 'B' class city. But as per 4th Central Pay Commission's recommendation, which was came into effect w.e.f. 1.10.1986, the H.R.A. awarded for the Central Government employees posted in Nagaland at par the rates applicable to 'C' class cities.

The Group 'C' & 'D' employees of Telecommunication and Postal Department posted in the State of Nagaland felt the act of 4th Central Pay Commission Report in downward revision of the rates of H.R.A. from 'B' class to 'C' class city as arbitrary and unjustified and approached the Central Administrative Tribunal, Guwahati seeking a direction to the Union of India to pay the H.R.A. at the rates as admissible to the employees posted in 'B' class cities. The Tribunal allowed the prayer in the following terms.

"The petitioners shall be entitled to H.R.A. applicable to C.G.E. posted in 'B' class cities which includes the classification B-1 & B-2. Arrears of the allowance counting from the 18th May 1980 shall be paid to the petitioners." (enclosed Judgement dated 31.10.90 in O.A. 42(G)/89).

The Union Government, however, appealed to the Supreme Court of India (Civil appeal No. 2705 dated 1991) against Tribunal's Award. The Supreme Court vide order dated 18.2.93 (Copy enclosed) upheld the Tribunal's award in their judgement as under :-

"We see no infirmity in the judgement of the Tribunal under appeal. We agree with the reasoning and conclusions reached therein. We are, however, of the view that the Tribunal was not justified in granting arrears of H.R.A. to the respondents from May 18, 1980. The respondents are entitled to the arrears only w.e.f. 1.10.86 when the recommendation of 4th Pay Commission were enforced. We direct accordingly and modify the order of Tribunal to that extent."

In compliance with the Court's judgement stated above, the Government of India (Department of Posts) vide their letter No.4-49/87-PAP dated 7.3.94 (copy enclosed) with the concurrence of Ministry of Finance vide Fin. Advice No.827/FA/94 dated 2.3.94 directed the chief Postmaster General(N.E. Region) Shillong to implement the Supreme Court's judgement by allowing H.R.A. at the rate applicable to 'B' class city to all *postal* employee posted in Nagaland.

In view of the facts stated above, and in the light of instruction contained in O.M. dated 16.3.71 of Ministry of Finance, Department of Expenditure referred in Para 2 above. We feel that similar benefit of the allowance of H.R.A. at the rates applicable to 'B' class cities should be extended to the

employees of I.A. & A.D. posted in Nagaland.

I would, therefore, request our Accountant General Nagaland kindly to allow the H.R.A. at the same rate under the same conditions and manner as the employees of the Post and Telegraph Department have been granted.

An immediate necessary action on the matter would be highly appreciated by all concern.

Yours faithfully,

Encls:- As above

Sd/-
(ASHUTOSH SARKAR)
ASSTT. GENERAL SECRETARY

CERTIFIED TRUE COPY

N. N. Trikha
(N. N. TRIKHA)

Advocate

Diseno-797115

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✓

Affiliated to All India Audit and Accounts Association, New-Delhi)
NO. AAA/KOHIMA/30.
 Dated Kohima

NO. AAA/KOHIMA/30.

The Accountant General,
Nagaland, Kohima.

GRANT OF H.R.A. TO THE STAFF OF IA&AD POSTED IN
NAGALAND AT THE RATES APPLICABLE TO 'B' CLASS
CITIES.

While inviting a reference to our letter no.AAA/KMA/27
Dated,7.4.94 on the subject cited above I am to state that
we are not aware of the developments,if any,in connection
with the granting of H.R.A.to the employees of this Office.

I shall be grateful if the undersigned is informed of the latest developments in this regard.

With regards.

Sincerely Yours

Secretary.

Secretary.
Civil Audit and Accounts
Association.

Office of the Accountant General,
Nagaland, Kohima.

CERTIFIED TRUE COPY

W. L. L. L. L.
(100-100-100)

ABVLC

Disorder-797110

[illegible]

ANNEXURE -

A.12

33

2-9-94

RE-AAA/Kohima/31

To

The Accountant General,
Nagaland, Kohima.

Sub:-

GRANT OF H.R.A TO THE STAFF OF IA&AD POSTED IN
NAGALAND AT THE RATES APPLICABLE TO 'B' CLASS
CITIES.

Sir,

While inviting a reference to our letter No.AAA/KMA/27 dated 7-4-94 and subsequent reminder No.AAA/Kohima/30 dated 4-8-94 on the subject cited above I am to state that after lapse of 5(five) months of our claim we are not aware of the developments, if any, in connection with the granting of H.R.A to the employees of this office.

I shall be grateful if the undersigned is informed of the latest developments in this regard at an early date, so that, we can apprise the staff about the developments and chalk out the future course of action.

Yours faithfully,

(J. MALL) 2/9/94
GENERAL SECRETARY

CERTIFIED TRUE COPY

(N. D. LAKSHMI)

Advocate

Disputes-797118

Received

2/9/94

CIVIL SUPPLY & ACCOUNTS DEPARTMENT
OFFICE OF THE ACCOUNTANT GENERAL
NAGALAND, KONGMA

54 (34)

No. 444/Kongma/ 54
Dated 10th December 1994

The Accountant General
Nagaland, Kongma.

(Kind attention of Accountant General)

Sub:-

Grant of A.R. to the staff of I.A.S. posted in
Nagaland at the rates applicable to 'B' class cities.

Sir,

While inviting a reference to our letter No. AAA/54/27 dated 7-4-94 and subsequent reminder No. AAA/Kongma/30 dated 4-3-94 and No. AAA/Kongma/31 dated 2-7-94 on the subject cited above I am to state that after lapse of 9(Nine) months of our claim we are not aware of the developments and the case has been badly delayed.

~~XXXXXXXXXXXX~~ May I, therefore, request your benign authority to intimate us the latest development in the case, so that, the same could be transmitted to the staff who are restless to hear the positive developments.

Here, we would like to inform you that our patience has been put to test for nearly 9 months and it should not be stretched to a breaking point which may compell us to adopt the path of industrial action.

I hope your kind goodself will understand our grief and do the needful to redress it.

Yours faithfully,

[Signature]
9/12/94
(J. MALL)
GENERAL SECRETARY

CERTIFIED TRUE COPY

[Signature]
(N. N. TRIKHA)

Advocate
Disagar-797118

CIVIL AUDIT AND ACCOUNTS ASSOCIATION, KOHIMA
NAGALAND.

(Affiliated to All India Audit & Accounts Association, New Delhi)

OFFICE OF THE ACCOUNTANT GENERAL
NAGALAND :: KOHIMA

Ref. No. CAAA/KOH/ NL/94-95/8

Dated 15-2-95

To

The Accountant General (A&E)
Nagaland : Kohima.Sub:- Grant of HRA to the staff of IA & AD Posted in
Nagaland at the rates applicable to 'B' class
Cities.

Sir,

While inviting a reference to Admn. letter Admn/
Audit/7-7/Vol.II/95-96/4706 dt.9-2-95 we would like to
draw your kind attention on the subject cited above. It
is stated that even after a long wait of 11 months,
nothing tangible has yet come out. It has miserably
frustrated us and if nothing fruitful comes out by the
end of March⁹⁵ this year, the staff contemplates to seek
the justice from the court of law.

I, for and on behalf of the staff, therefore,
request your benignself to do the needful at the earli-
est to mitigate the woes and worries of the staff so
that the peace and harmony which is first and foremost
requisite for the congenial working atmosphere predo-
minantly prevalent today is not tumulted tomorrow.

With best regards,

Sincerely yours

General Secretary.

CERTIFIED TRUE COPY

(M. K. TRIPHA)

Advocate

Disambig-797116

ADVOCATES

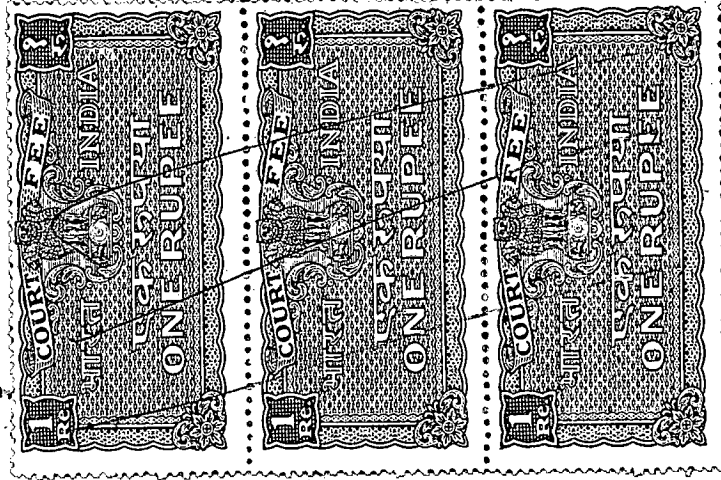
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|-----------------------------|-----------------------------|
| 1. Shri. R. K. Singh. | 30. Shri. Duovikho Nagi. |
| 2. " Madanlal Agarwal. | 31. " K. Kezo. |
| 3. " U. S. Agarwal. | 32. " L. Toshi Imchen. |
| 4. " B. Tako Longkumer. | 33. " L. Inazhe Sema. |
| 5. " Imzang Jamir. | 34. " Talitsungba. |
| 6. " D. K. Mishra. | 35. " Aochuba Jamir. |
| 7. " Y. Ibomcha Singh. | 36. " R. S. Bedi |
| 8. " Sohanlal Jain. | 37. " Imtidakba Imsong. |
| 9. " J. S. Choudury. | 38. " Mahabir Kumar Jain |
| 10. " Ketulhou Meruno. | 39. " P. B. Paul. |
| 11. " Lhunkolal Hangsingh. | 40. " Kezholezo Tase. |
| 12. " T. B. Rai. | 41. " Omprakash Agarwall. |
| 13. " R. Khadria. | 42. " N. Zankhomo Jamio. |
| 14. " Temjenkaba. | 43. " Mezhülie Angami. |
| 15. " M. S. U. Laskar. | 44. Mrs Zubeni Lotha. |
| 16. " N. N. Trikha. | 45. Shri. Neivotsolie Mich. |
| 17. " E. Y. Renthungo. | 46. " Anil Roy. |
| 18. Miss. Chanmayo Jajo. | 47. " Kakheto Sema. |
| 19. Shri. T. Subong Imchen. | 48. Miss. Kevirezou Keshou. |
| 20. " Bhagchand Jain | 49. Shri. Imti Longkumer. |
| 21. " Khriedi Theuno. | 50. " Theyiechutuo Suohu. |
| 22. " P. Pius Lotha. | 51. " Kevilechalie Kehie. |
| 23. " I. Mangko Jamir. | 52. " Visevenou Pienyu. |
| 24. " Manihar Singh. | 53. " Povotso Lohe |
| 25. " N. K. Luikham. | 54. " Idrich Ali Talukdar. |
| 26. " C. Apok Jamir. | 55. " Taka Masa. |
| 27. " Birbal Debnath. | 56. " K. K. Paul. |
| 28. " Rokongulie Iralu. | 57. Mrs Aphien Pamie. |
| 29. Mrs. Deep Bedi. | 58. Shri Zhasakhoto Vupru. |

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(36)

Before

In the... .. Court... ..



AT... ..

(CIVIL/CRIMINAL/REVENUE APPELLATE ORIGINAL JURISDICTION)

No. of 199

Shri Jagdamba Mall, General Secretary, Civil Auditors
and Accountants Association and 308 Muis.

Plaintiff, Appellant, Complainant,

Petitioner, Decree holder.

—VERSUS—

① Rimpstroker and Auditor General of India, New Delhi.
② Accountant General, Nagaland, Kohima.

Defendant, Respondant, Accused,

Opp. Party, Judgement Debtor.

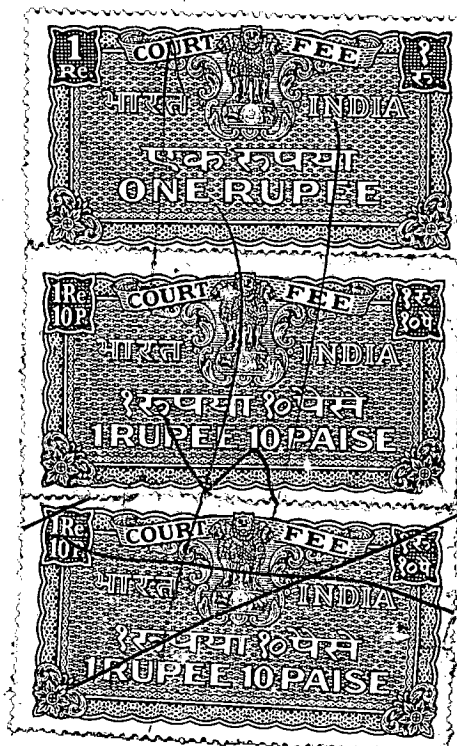
I/we Shri Jagdamba Mall, General Secretary, CAA .. the abovenamed ...
Applicant .., do hereby appoint and retain Shri ... N. N. TRIKHA ..

... ..to act and appear for me/us in the above
Suit/Appeal/Petition/Reference and on my/our behalf to conduct and prosecute or
defend the same and all proceedings that may be taken in respect of any appli-
cation connected with the same or any decree or order passed therein, to file
and obtain return of documents and to deposit and receive money on my/our
behalf in the said suit/Appeal/Petition/Reference and in application for Review, and
to represent me/us and on my/our to sign and present written statement, application
and other petitions for me/us and on my/our behalf in connection with the above
noted case, and to take all necessary steps on my/our behalf in the above matter.
I/we agree to ratify acts done by the aforesaid Advocate/Pleader in pursuance of
this authority. In case of non-payment of the stipulated fee in full the Advocate
shall not be bound to appear or act for on behalf of me/us.

Sign this the... .. 8th day of ... July ... 1995.

ACCEPTED

N. N. Trikha
Advocates.



Signature.

(JAGDAMBA MALL)
General Secretary
Audit & Accounts Association
Office of Acct. General
Nagaland / Kohima

Civil Audit & Accounts Association, (37)
Kohima : Nagaland.

(Affiliated to All India Audit & Accounts Association, New-Delhi).

Office of the Accountant-General,
Nagaland : Kohima.

List of Accounts Employees

		Sr. Acct.
(1)	Mrs. Lekha Chakrabarty.	do —
(2)	Mr. Jagadamba Mall.	do —
(3)	Mrs. Swapna Bhomik.	do —
(4)	Mr. Lambit Ch. Bomah.	do —
(5)	" Pushpa Dhar Sonowal.	do —
(6)	" Pralad Sonowal.	do —
(7)	Miss. Bhanu Kanowan.	do —
(8)	Mrs. Ruby. P. H.	do —
(9)	Mr. Ashutosh Sarkar.	do —
(10)	" Swapan Kr. Dey.	do —
(11)	Mrs. Maya Rani Bonowal.	do —
(12)	Mr. K. Manu R. Naga.	do —
(13)	" Milan Kr. Banerjee.	do —
(14)	" P. Khonglumlung.	do —
(15)	Mrs. Lakshmi Bonowmik.	do —
(16)	" Jyotsna Seng.	do —
(17)	Mr. Swirata Shy.	do —
(18)	" Thangkulian.	do —
(19)	" Harendranath Bomuah.	do —
(20)	" B. Kungliana.	do —

- (21) Pankhamang Gnile.
- (22) B. Langing.
- (23) P. C. Kachari.
- (24) Rajkumar Lama.
- (25) Pradip Shyam.
- (26) Adhir Chakraborty.
- (27) Mrs. Jessy C.
- (28) Mr. Biswaroop Bhattacharya.
- (29) Pradip Kr. Lama.
- (30) Sudhir Kr. Chandra.
- (31) Miss Angela. R. M. Chasie.
- (32) Tapasree Kiso.
- (33) R. Ibomcha.
- (34) N. G. Sen.
- (35) Chuka Temen.
- (36) Samarendra Biswas.
- (37) B. B. Ponatta Chandra.
- (38) Bendang Pokyim.
- (39) Rabintra Acharyee.
- (40) Jayanta Kanti Biswas.
- (41) Siba Deb Nath.

- ✓ (42) Basul Shom.
- (44) Pulak Bhatter Charya.
- (45) Pradip Acherjee.
- (45) Bikash Chakrabarty.
- (46) Bijan Khosla.
- (47) L. Hangsing.
- (48) Dilip Ranjan Chakrabarty.
- (49) Tapash Kr. Seng.
- (50) Virepen Tseikhamo —
- (51) L. Ibomcha Meitei —
- (52) Thiangamang Guite —
- (53) Tapan. Kr. Acherjee —
- (54) V. Rang. gon. Achei —
- (55) Sebastian P. A. —
- (56) Thomas P. C. —
- (57) Pancei Kim. P. —
- (58) Reimila Vasasanuo —
- (59) Pramab Bhosomik —
- (60) Sonjay Bhatter Charya —
- (61) Bijash Chakrabarty —

- (33) Lovejoy Thangjams —
- (34) T. Lucy Veipei —
- (35) Chara Solomon Moyon —
- (36) Tingliana Kim —
- (37) Kaisam veipei —
- (38) Kaikhenmung Thombing —
- (39) A. Daphoo Juliana —
- (40) Bipul Ch. Das —
- (41) Kaikho Arche —
- (42) Yibomo Odyno —
- (43) Letkhokam Kipgen —
- (44) Tingneimang —
- (45) Subrata Brownix —
- (46) Ratou Kombi Mahajan —
- (47) G. R. Santana Shankar —
- (48) Uham Choudhury —
- (49) Hecuno Kiso —
- (50) Mirmal Dhar —
- (51) Hecuno Kiso —
- (52) Hecuno Kiso —
- (53) Hecuno Kiso —
- (54) Hecuno Kiso —
- (55) Hecuno Kiso —
- (56) Hecuno Kiso —
- (57) Hecuno Kiso —
- (58) Hecuno Kiso —
- (59) Hecuno Kiso —
- (60) Hecuno Kiso —

83) Nengkholing —

86) Swarnendu Kar —

87) Stephen G —

88) Gaurām Kr. Bhosmik —

89) Sajal Kr. Biswas —

88) Ashim Kr. Dey —

89) Lhingneihat Khongsai —

90) Losh Saga —

93) Vilakeimuo —

92) Dewi Gurung —

98) Baby P. m —

96) Rajesh R —

97) Ratan Chetri —

98) A. Rumarajan —

99) Lungwar Chara — ~~cpd~~

100) Subrata Sinha —

101) Prem Kr. Chetri —

102) Subhanta Paul —

103) Anup Roy —

104) Tyotirmoy Mukherjee

- 106) G. Vashi Kunderan —
- 107) Tapan Kr. Dey —
- 108) Pradipta Ghosh —
- 109) Uttam Dey C.T. —
- 110) Anup Choudhury —
- 111) Seema Bhowmik —
- 112) M. H. Dary —
- 113) T. Haolai —
- 114) Kachasho. Laishan —
- 115) Siba D. Phimo —
- 116) D. Salew Phimo Mao —
- 117) Debbarshi Roy —
- 118) Sukomal Dey —
- 119) Sanjay Sinha —
- 120) Soumitra Roy —
- 121) S. Stalin —
- 122) S. L. Yeh. Shangne —
- 123) Md. Fakhru'l Islam —
Choudhury
- 124) D. Adani Dominic —
- 125) K. Heniya —
- 126) Vargozoi. Kulane Agnes —
- 127) K. Usha —

- ✓
- 128) S. Adaphoo —
 - 129) Sawapan Kr. Paul —
 - 130) Somudra Boro —
 - 131) Tenkjemwati Janiro —
 - 132) Fazir Uddin Ali —
 - 133) Adeb Ao —
 - 134) Rukunoz en Melha —
 - 135) P. T. Sujathe —
 - 136) K. Saji —
 - 137) Amit Baran Dulla —
 - 138) Loto Pfokrehei —
 - 139) Samir Baidya —
 - 140) Swresh Kr. V. —
 - 141) Biswajit - Paul —
 - 142) Joseph R. A. —
 - 143) Ajay Dulla —
 - 144) Bijay Chakraborty —
 - 145) Tarun Bhattacharya —
 - 146) Anshanka Biswas —
 - 147) Swapan Paul —
 - 148) Intiwapang —
 - 149) Ngenosa Ihu —

- ✓ 151) Imliwapang —
- 152) Adani Kholi Rayina — Gr. 11
- 153) Chandramani Sharma —
- 154) Singekha Rengma —
- 155) Kachino Rengma —
- 156) A. Kaikho Mao —
- 157) Kanchei Vashura Wunga —
- 158) ~~Adani Kholi~~
- 158) T. Nyingolo —
- 159) Revisatuo Yhome —
- 160) Furka Singh Lama —
- 162) M. Watingla —
- 163) Sanico Angami —
- 164) P. Thomas Angami —
- 165) . Matebur Rahman —
- 166) Wizamuddin —
- 167) Ram Bahadur Thapou —
- 168) Puchok Angami —
- 169) Acha Angami —
- 170) Mahanta Sharma — (Ref?)
- 171) Joyeswar Khani Kar —
- 172) William Pherkhecho —
- 173) Nakhuo Zao —

(45)

79

4.7
66

- (174) Smt. Nengneichang — C.T.
(175) Suresh Kr. P.T. —
(176) Rosamma Mathew —
(177) Joinsky Rane —
(178) Nela Virginia —
(179) R. P. Lance Rai —
(180) George Varghese —
(181) Laxman Dey — AAO
(182) Subrata Debroy — AAO
(183) K. B. Deb —
(184) Subhash Dey —
(185) R. M. Das Gupta —
(186) Bipin Kaman —
(187) Asindam Das —
(188) Pragulla Borah —
(189) Meghnad Saha —
(190) Dilip Dutta —
(191) Ramal Nag —
(192) D. Isaac —
(193) Lipon Roy —
(194) P. C. Rabha —
(195)
(196) Dilip Kr. Tha — G. D.
(197) R. Dominic Savio —
(198) V. M. M. M. —

98) Yaseino Yano —

99) Ramesh Ch. Rai —

100) Ramlal Narra —————

(40)
(46)
7

—————

P.T.O.

$$\begin{array}{r} + 200 \\ 109 \\ \hline 309 \\ \hline \end{array}$$

List of Asstt. Employees as on 30.6.95

(47)
d
6

ASSTT. AUDIT OFFICER

S/Shri

1. Kuriakose M.M.
2. S.U. Majorbhuiya
3. Swapan Kr. Dey
4. Budhiram Sharma
5. Ranadhir Singha
6. Ajoy Bose
7. Kapash Das Gupta
8. Dharendra Ch. Paul
9. Sumit Kr. Paul
10. Ranjit Paul
11. Kiron sashi Das
12. Subhash Ch. Paul
13. M.K. Hore
14. Diptendu Chakraborty
15. Jishnu Pratim Deb

SECTION OFFICER

- 16 1. 7Lankeswar Pegu
- 17 2. Brojen Doley
- 18 3. B. Basumatary
- 19 4. Dipak Kr. Das
- 20 5. Jogen Ch. Norah
- 21 6. K. Merajao Kubui

SR. AUDITORS

- 22 1. Rebot Ch. Bora
- 23 2. N.N. Pakhadhara
- 24 3. Parakesh Seal
- 25 4. Bijoy Bhushan Deb
- 26 5. Ananta Baruah
- 27 6. Ganeswar Barman
- 28 7. Debadutta Chakraborty
- 29 8. Haridas Acharyya
- 30 9. S. C. Gum
- 31 10. Lachit Sarkar
- 32 11. James N. Athikho
- 33 12. Vijaya Gopak K.
- 34 13. Sukumar Sinha
- 35 14. Tarapada Banerjee
- 36 15. Dhairyya Gogoi
- 37 16. Tularam Pegu
- 38 17. Rajen Das
- 39 18. Atul Ch. Dutta
- 40 19. Biju Ch. Dutta
- 41 20. Madan Ch. Kachari

- 42 21. L.P. Doley
- 43 22. Ramesh Ch. Pegu
- 44 23. Subhasis Banerjee
- 45 24. Nalin Ch. Buragohain
- 46 25. Niranjan Das
- 47 26. Sudipta Kr. Deb
- 48 27. Debo Kumar Singh
- 49 28. P. Sukhavi Sema
- 50 29. S. Thangtinmang
- 51 30. Jishu Bhattacharjee
- 52 31. Guite Thang
- 53 32. C. Manikandhan
- 54 33. Sankar Das
- 55 34. Badal Rn. Biswas
- 56 35. Adim Monica Rongmei

- 57 36. T.K. Haridasan
- 58 37. M. Madhavan
- 59 38. Suresh Babu P.A.
- 60 39. Samar Kr. Mandal
- 61 40. Dipendra Kr. Das
- 62 41. L. Joymumar Meetei
- 63 42. N. Karizen Zeliang
- 64 43. I. Tiaba AO
- 65 44. Chanchio Shitio
- 66 45. Lanumetong Jamir
- 67 46. Salew Adani

~~XXXXXXXXXXXX~~

AUDITOR

- 68 1. Francis Nungchim Moyan
- 69 2. Nemtinchong Guite
- 70 3. Saji Manuel
- 71 4. R. Guruselvan
- 72 5. Rajesh Pan
- 73 6. Athikho Neli
- 74 7. Sabumon
- 75 8. Ashok Kumar R.
- 76 9. Santanu Bhattacharjee
- 77 10. Alok Acharjee
- 78 11. H. Ajeto Watso
- 79 12. A. Sunil Kumar
- 80 13. Gautam Mazumdar

SR. P.A.

- 81 1. Mantu Ghosh

CLERK/TYPIST

69
48

- 82 1. Gitanjali Doley
83 2. Eyosal Rikha
84 3. Ardhendu Chakraborty
85 4. Biren Saha
86 5. Amar Deep Gurung
87 6. S. Neli
88 7. B. B. Gurung
89 8. Raoping Pou
90 9. N. Chishow Mao
91 10. Chubanungsang

STAFF CAR DRIVER

- 92 1. Puhonol Angami
93 2. Imdongsungba AO

RECORD-KEEPER

- 94 1. Jagadish Joddar
95 2. P. Khazo Angami

DUFTARY

- 96 1. Mohan Lal Routh
97 2. S.P. Joddar
98 3. Teisovillie Angami
99 4.

PEON

- 100 1. S.K. Rai
101 2. Z. Vithapu Sema
102 3. Lakshman Acharjee
103 4. L. Khoto Chekhesang
104 5. Bikash Routh

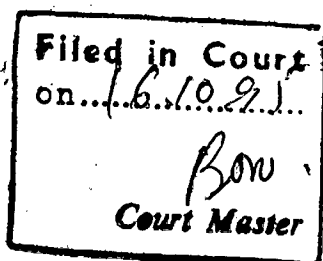
SAFAIWALA

- 105 1. Mina Routh

CANTEEN STAFF

- 106 (1) Bijon Kanti Joddar
107 (2) Ramdip Mondal
108 (3) Ram Shankar Mondal
109 (4) Prakash Joddar

200
109
309 ✓
Total



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

In the matter of:

O.A.No.133/95
Shri J.Mall & Others Applicants
-Versus-
C&AG of India & Others ... Respondents

-AND-

In the matter of:

Written statements on behalf of
the Respondents

I, Shri Menukhol John Sr.Deputy Accountant General, in the office of the Accountant General (Audit), Nagaland, Kohima do hereby solemnly affirm and declare as follows:-

1. That a copy of application along with an order passed by this Hon'ble Tribunal has been served upon the Respondents and myself being authorised to contest the case and being called upon to file the Written Statement, I do hereby file it and say categorically that save and except what is specifically admitted in this written statement, rest may be treated as total denial by the respondents.

2. That with regards to the contents made in paragraph-1(a) of the application, I beg to state that all IA&AD staff posted in Nagaland were not drawing HRA at 15% of pay immediately before issue of Ministry of Finance O.M. No.11013/2/86-E II (B) dated 23.9.86. Only the persons posted in Nagaland prior to 1.4.80 were paid HRA at 7.5% of pay plus 7.5% of pay as personal allowance (to make a total of 15%). Persons posted on or after 1.4.80 were paid only at 7.5% of pay vide CAG's letter No.940-NI/2-86 II dated 22.4.87, copy of which is annexed herewith and marked as Annexure R.1.

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

4. That with regards to the contents made in Paragraph-4(a), I beg to state that according to the Ministry of Finance No.F.I(51)EGL/70 dated 16.3.71 IA&AD staff in Nagaland are to be treated at par with P&T staff in Nagaland. A copy of the O.M. is annexed herewith and the same is marked

16/10/95
Additional Central
govt. of India
Central Administrative Tribunal
Guwahati Bench.

2/50

as Annexure - R.2. As regards other Central Government offices in Nagaland the position is not known to the respondents.

5. That with regards to the contents made in Paragraph-4(b), I beg to state that till 1.10.86 persons posted prior to 1.4.80 at Kohima were paid at the rate of 7.5% HRA and 7.5% personal allowances and for other persons posted on or after 1.4.80 were allowed only 7.5% as per HQrs letter No.940-NI/2-86-II dated 22.4.87 (Annexure - R.1). After 1.10.86, as per the 4th Pay Commission's recommendation, HRA at flat rates for different categories was paid.

6. That with regards to the contents made in Paragraph-4(c) and 4(d), I beg to state that I have nothing to comment.

7. That with regards to the contents made in Paragraphs-4(e) and 4(f) of the application, I beg to state that the Hon'ble Tribunal vide their rulings in the 42(G)/89, 4819 and 30/93 had allowed HRA to the staff of Postal And Telecom., Geological Survey of India and Canteen Stores Department at the rate of 'B' Class city rates. On an appeal by the Union of India (Postal and Telecom Department), the Hon'ble Supreme Court had upheld the rulings of the Hon'ble Central Administrative Tribunal. But no specific/general orders/judgements were issued extending this facility to other Central Government employees posted in Nagaland.

8. That with regards to the contents made in paragraphs 5 (a) to 5(j), I beg to state that the HRA at Shillong rate (refer Govt.of India letter No.N.11025/1/E II (B)/75 dated 3.2.75) i.e. 15% of pay upto Rs.560/- was paid provisionally with effect from 1.1.75 subject to the approval of Hqrs office. Copy of the letter is annexed herewith and marked as Annexure - R.3. However, this was stopped w.e.f. 1.11.79 in terms of Headquarter office letter No.3351-NGE.I/28-77 II dated 15.11.79 and HRA at 7.5% only was allowed with effect from 1.11.79. Copy of the Hqrs letter is annexed herewith and marked as Annexure - R.4.

Headquarters office vide its letter No.940-NI/2-86-II dated 22.4.87 (Annexure - R.1) granted HRA at the rate of 7.5% to all categories of officials who were posted on or after 1.4.80. But for officials who joined or were posted prior to 1.4.80, HRA at the rate of 7.5% and personal allowances at the rate of 7.5% was granted vide the letter ibid with effect

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3 72
from 1.5.76.

9. That with regards to the contents made in Paragraph - 6 of the application, I beg to state that all the representations submitted by the petitioners have been attended to promptly by the Accountant General and the facts communicated to Hqrs (CAG of India) vide our letter No.Admn/Audit/7-7/Vol.I/93-94/156 dated 22.4.94. Thereafter, 6 (six) reminders including 1 Fax message and 1 D.O.letter indicated below were also sent to the CAG. The facts are also regularly conveyed by the Accountant General, Nagaland to the applicants.

- (i) Letter No.Admn/Audit/7-7/Vol.I/93-94/678 dated 19.7.94.
- (ii) Fax No.19 dated 9.8.94
- (iii) Letter No.Admn/Audit/7-7/Vol.I/93-94/1095 dated 12.9.94.
- (iv) Letter No.Admn/Audit/7-7/Vol.I/93-94/4019 dated 20.10.94.
- (v) Letter No.Admn/Audit/7-7/Vol.I/93-94/1484 dated 13.12.94.
- (vi) Letter No.Admn/Audit/7-7/Vol.I/95-96/647 dated 16.6.95.

10. That the present application is ill-conceived of law and mis-conceived of fact and liable to be rejected.

11. That the present application is not at all maintainable as the grievances of the applicants are pending before the Ministry for consideration. This is amply revealed from the letters received vide Headquarters letter No.970-NGE/ENTT/4-94 (II) dated 31.8.94 and letter No.401-NGE/ENTT/5-94 (II) dated 22.5.95, copies of which are annexed herewith and marked as Annexure - R.5 and Annexure - R.6.

12. That the present application is to be rejected solely on the ground that the applicants have not exhausted all the remedies available to them and they even did not wait for the outcome of the Ministry's decision.

13. That the respondents crave for leave of filling written statement in addition if the Hon'ble Tribunal so permits.

13. That this written statement is filed bonafide and in the interest of justice.

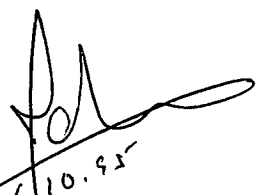
VERIFICATION

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I, Shri Menukhol John, Sr.Deputy Accountant General (Audit), in the office of the Accountant General (Audit), Nagaland, Kohima 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 9 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 ...6. th day of October, 1995 at Kohima.


6 10.95
(MENUKHOL JOHN)
Sr.Dy.Accountant General (Audit),
O/o the Accountant General (Au),
Nagaland :: Kohima.

-Copy-

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OFFICE OF THE COMPTROLLER AND AUDITOR GENERAL OF INDIA
NEW DELHI

NO. 940-NI/2-36-IF

Dated :- 22-4-1987.

To,

The Accountant General (Audit),
Nagaland,
Kohima- 797 001.

Subject:- Grant of House Rent Allowance to the Central Government employees posted to the places which fall beyond inner line.

Sir,

I am to refer to your office letter NO. Admn/Audit/3-52/15-87/633 dated 12.9.1986 on the subject mentioned above and to state that Government of India, Ministry of Finance have since agreed to the grant of House Rent Allowance at the rate of 7 1/2% of pay and personal allowance at the rate of 7 1/2% of pay with effect from 1-5-1976 to such of the IMAD employees who were posted at Kohima, Nagaland prior to 1-4-1980. Those who were posted at Kohima, Nagaland, on or after 1-4-1980 will however be entitled to H.R.A at the rate of 1 1/2% of pay only.

Yours faithfully,

sd/-

(P. RAMAKRISHNAN)
Administrative Officer (I)

etc
A. Joshi
12/7

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Copy of the letter NO.F.1(51)EG.1/70 dated 16th March 1971 from the Ministry of Finance Department of Expenditure to the Comptroller and Auditor General of India, New Delhi.

.....

Subject:- Grant of special Allowances to those who are posted to places which fall beyond 'Inner line'.

Sir,

With reference to the correspondence resting with your u.o. NO.504-NGE/43-70 dated 27-2-71 on the above subject I am directed to say that the president has been pleased to decide that such of the staff of the office of the A.G. Assam and Nagaland as may be posted to places which fall beyond 'Inner Line' may be granted the following special allowances at the same rates and scales and on the same terms and conditions as are applicable to the P&T Staff working in the same locality:

- (i) Compensatory Allowance; (ii) Winter Allowance; and (iii) Rent free unfurnished accommodation or H.R.A. in lieu thereof.

NO. 757-NGE/43-70
OFFICE OF THE COMPTROLLER AND
AUDITOR GENERAL OF INDIA,
NEW DELHI.

Copy forwarded for information and necessary action to :-

1. The Accountant General, Assam, Meghalaya & Nagaland, Shillong in continuation of this office L.O. letter NO. 630-NGE/43-74 dated 11.2.71
2. C.P.I. & G.E.II OF this office.

sd/-

(D.P. SHARMA)

AD. INISTRATIVE OFFICER (1)

CTC
D/20/21
12/7

सहायक वीसा परीक्षा अधिकारी
Assistant Audit Officer
कार्यालय महालेखाकार (वीसा परीक्षा)
O/o The Accountant General (Audit)
नागाबोर्ड, कोहिमा-797001
NAGALAND KOLIMA 797001

-Copy-

NO. N-11025/1/E.II(B)/75

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF EXPENDITURE.

New Delhi, dated 3rd February, 1975.

OFFICE MEMORANDUM.

House Rent allowance at Hill stations-Revision of rates with reference to Pay in the revised scales.

The undersigned is directed to say that the Third Pay Commission have recommended that in hill stations and unhealthy and remote localities where house rent allowances is now admissible under special orders it should continue to be paid and that government may decide upon the appropriate rates. The question of revision of the rates of house rent allowance at hill stations etc. in the light of the aforesaid recommendation of the pay commission has been under consideration of Govt. After careful consideration of the matter the president is pleased to decide the rates of the house rent allowance at various hill stations as specified below.

NAME OF HILL STATION	PAY RANGE	RATE OF HOUSE RENT ALLOWANCE
Shillong upto	Rs. 560/-	15% of pay
	Rs. 560/-and upto	Amount by which Pay
Above	Rs. 599/-	falls short of
		Rs. 644/-
	Rs. 600/-and above	7 1/2% of a pay==
		subject to a maximum
		of Rs. 200/-

2. 'Pay' for the purpose of these orders, will be pay as defined in F.R.9(21)(a) In the case of ~~persons~~ persons who continue to draw pay in the scales of pay which prevailed prior to 1.1.73 it will include, in addition to pay in the pre-revised scales, dearness pay, dearness allowance and interim in existence on 31.12.72.

3. These orders shall take effect from 1.1.75. For the period prior to 1-1-1975 the entitlement to house rent allowance will be regulated on the basis of the existing order with reference to the pay that would be admissible but for the introduction of the Central Civil Services (Revised Pay) Rules 1973.

4. The conditions for eligibility of the house rent allowance will be the same as laid down in this Ministry's O.M. NO.F.2(37)-E.II(B)/64 dt. 27.11.65 as amended from time to time.

5. In so far as persons serving in the Indian Audit & Accounts Deptt. are concerned these orders issue after consultation with the C & A.G. of India.

6. These orders supersede all the existing orders on the subject issued by the Govt. of India except those issued by the Ministry of Defence in respect of which separate orders will issue.

7. It is possible that apart from the Hill Stations referred to in para I above, there may be some other Hill stations where the Central Govt. employees are at present getting house rent allowance in accordance with the orders issued by the various Ministries/Depts. of the Govt. of India. In order to fix the appropriate revised rates in such cases, Ministries are requested to refer them to this Ministry immediately so revised orders in such cases may also be issued without delay.

8. Hindi versions of these orders is enclosed.

Sd/-

R.L. BAHL

Under Secretary to the Government
of India.

Office of the Comptroller General (Audit)
Nagaland Kohima
Subordinate Accounts Officer

9/9/90

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4. In view of the above position, it is, therefore, requested that a revised sanction of the President to the grant of house rent allowance @ 15% of pay to the staff of the office of the A.G. Nagaland posted at Kohima and places beyond Inner Line subject to the same terms and conditions as are applicable to the P&T staff working there, may kindly be communicated to this office at an early date.

Yours faithfully,

sd/-

(D. V. KOHLI)

Administrative Officer (N)

NO. 3351-A-NGE I/28-77 II

Dated : 15-11-1979.

Copy to the Accountant General, Nagaland, Kohima- 797001 with reference to his letter NO. Admn/ 15-6/78-79/1464, dated 21.9.1979. The increased rate of house rent allowance @ 15% of pay can not be allowed to the staff in anticipation of the Government of India orders, which may please be awaited.

(D. V. KOHLI)

Administrative Officer (N)

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NO.970-NGE/Entt/5-94(II)

OFFICE OF THE
CONTROLLER & AUDITOR GENERAL
OF INDIA
10, BAHADUR SHAH ZAFAR MARG
NEW DELHI-110 002.

Date :- 31st August 1994.

To,

The Accountant General (Audit),
Nagaland,
Kohima- 797 001.

Subject:- Grant of H.R.A. to the staff of IASAD posted in Nagaland at the rate applicable to 'B' Class cities regarding.

Sir,

I am to invite a reference to your office letter NO. Adm/Audit/7-7/Vol.I/92-93/156 dated 22.4.94 and subsequent Fax NO. 19 dated 9.8.94 on the subject cited above and to state that the matter has been referred to Govt. of India, Ministry of Finance, A further communication will follow on receipt of reply from the Ministry.

Yours faithfully,

SG/-

(R. L. KAPOOR)
SR. ADMINISTRATIVE OFFICER (N)

CTC
A/2052.
12/X

NO. 401-NCE//ENTT/5-94 (II)
OFFICE OF THE COMPTROLLER AND
AUDITOR GENERAL OF INDIA,
NEW DELHI- 110 002.

Dated :- 22nd May 1995.

To,

The Accountant General (Audit)
Nagaland,
Kohima - 797 001.

Subject:- Grant of H.R.A. to the staff of I.A. & A.D.
posted in Nagaland at the rate applicable
to 'B' class cities-reg./

Sir,

I am to invite a reference to your office
D.O. letter NC. Admn/Audit/7-7/Vol.II/197 dated 20.04.95
on the subject cited above and to state that the matter
is in correspondence with the Ministry. Further develop-
ments in the case will be communicated on receipt of
reply from the Government.

Yours faithfully,

Sd/-

(R. L. KAPOOR)

SR. ADMINISTRATIVE OFFICER (N-ENTT)

सहायक लेखा परीक्षा अधिकारी
Assistant Audit Officer

O/o Tr

(Audit)

NAC..

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OFFICE OF THE ACCOUNTANT GENERAL
NAGALAND : : KOHIMA.

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NO. Admn/Audit/7-7/Vol.I/93-94/156

Dated Kohima, the 22th April 1994.

To,

The Comptroller & Auditor General of India,
10, Bahadur Shah Zafar Marg,
New Delhi- 110 002.

Subject:- Grant of H.R.A. to the staff of IA&AD posted in Nagaland at the rate applicable to 'B' Class Cities.

Sir,

With reference to the subject mentioned above I am enclosing a photo copy of the judgement of Hon'ble Supreme Court of India in the Civil appeal order concerning the civil appeal of 2705 of 1991 and also a copy of endorsement of Government of India, Department of post, New Delhi vide its letter NO. 4-40/87-PAP dated 7.3.94 which are self explanatory.

In this regard, I am to mention that the local Civil Accounts and Audit Association here at Kohima, Nagaland have also pressed that they have to be treated at par with the employees of the posts and telegraph in getting the H.R.A. at the rates applicable to 'B' Class cities. A brief history of the claim is narrated below :-

- (i) The President of India, vide order NO. 41-17/51-PCA dated 8.1.62 (which has been referred to in the judgement under reference) had declared that the P.S.T. staff of the Naga Hills and Tuensang Area (NH&T), now known as Nagaland, 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 Column 4 paragraph I of Ministry of Finance O.M.NO.2(22)-D-II-(J)/60 dated 2nd August 1960. In its judgement, the Hon'ble bench of Supreme Court has clearly stated that this presidential order dated 8.1.62 is still operative.

etc

Agose.
12/4

CCO OF THE ACCOUNTANT GENERAL

AG

17001

17001

Office

General (Atty)

AGC, Kohima-797001

(NAGALAND) COH-1797001

(ii)

In the year 1971 the Ministry of Finance, Department of Expenditure vide its O.M. NO.F-I(51)-EG-I/70 dated 16.3.71(copy enclosed) to the Comptroller & Auditor General of India had accorded approval for granting special allowances to the staff working in the office of the Accountant General, Nagaland, at the same rates and scales and on the same terms and conditions as are applicable to the P.&T. staff in the same locality.

(iii)

However, the 4th Central Pay Commission had recommended that with effect from 1.10.86, H.R.A. for Central Government employees posted in Nagaland was brought at par with the rates applicable to 'C' class cities. Against this recommendation, the employees of Telecommunication posts (Group 'C' and 'D') posted in the State of Nagaland filed a petition in the Central Administrative Tribunal, Guwahati to which the tribunal had awarded that the petitioner shall be entitled to H.R.A. applicable to Central Government Employees posted in 'D' class cities which includes classification B-1 and B-2. Arrears of the allowances counting from 18th May 1980 was also recommended to be paid to the petitioners as per the judgement dated 31.10.90 in the O.A. NO. 42(G)/89.

7

(iv)

The Union Government of India, however, went for an appeal in the Hon'ble Supreme Court of India(Civil appeal NO.2705 dated 1991). The Hon'ble Supreme Court in turn held up the Tribunals award in the judgement dated 18.2.93, the extract of which being as follows :-

"We see no infirmity in the judgement of the Tribunal under appeal. We agree with the reasoning and conclusions reached therein. We are, however, of the view that the tribunal was not justified in granting arrears of H.R.A. to the respondents from May 18, 1980. The respondents are entitled to the arrears only w.e.f. 1.10.86 when the recommendation of 4th Pay Commission were enforced. We direct accordingly and modify the order of Tribunal to that extent".

ATC

A. B. S. 12/4

-Copy-

63

REJUDER

OFFICE OF THE ACCOUNTANT GENERAL (AUDIT)
NAGALAND : : KOHIMA.

NO. Admn/Audit/7-7/Vol.I/93-94/673

Dated Kohima, the 19th July 1994.

To,

The Comptroller & Auditor General of India,
10, Bahadur Shah Zafar Marg,
New Delhi- 110 002.

Subject:- Grant of H.R.A. to the staff of I.A. & A.D.
posted in Nagaland at the rate applicable
to 'D' Class Cities.

Sir,

Kindly refer this office letter NO. Admn/Audit/
7-7/Vol.I/93-94/156 dated 22nd April 1994, on the subject
cited above, where in a proposal to treat the employees of this
office at par with the employees of the post and Tele-
graph Department in respect of payment of H.R.A. at the
rates applicable to 'B' class cities was forwarded to you.

A reply in this regard is awaited from your
end.

Accountant General has seen.

Yours faithfully,

Sd/-

(MENUKHOL JOHN)

Dy. Accountant General (Audit)

CTC

[Handwritten signature]
12/9

सूचना के अधिकारी
जिला कारागार, कोहिमा
नगालैंड
कोहिमा - 797 001
दिनांक 12/07/94

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14

F A X

TO : ARCEL, NEW DELHI
FROM : A.G. (AUDIT), NAGALAND, KOHIMA.

FAX NO. 19

DATED: 9.8.94.

REF OUR LET NO. ADMIN/AUDIT/7-7/VOL.I/93-94/678
DATED 19.7.94 (.) STAFFS ARE PRESSING HARD FOR HOUSE RENT
ALLOWANCES AT PER 'B' CLASS CITIES (.) LATEST DEVELOPMENT
MAY BE INTIATED URGENTLY (.)

sd/-

DY. ACCOUNTANT GENERAL (AUDIT)

CTC
A. G. (A. G.)
12/8

सहायक लेखा परीक्षा अधिकारी
A. G. (A. G.)
NAGALAND
Kohima 797001

-copy-

OFFICE OF THE ACCOUNTANT GENERAL (AUG 1)
NAGALAND : KOHIMA.

D.O.No. Admn/Audit/7-7/Vol.1/93-94/1095
Dated Kohima, the 12th September 1994.

To,

The Comptroller & Auditor General of India,
10, Bahadur Shah Zafar Marg,
New Delhi-110 002.

Subject:- Grant of H.R.A. to the staff of I.A.&A.D.
posted in Nagaland at the rate applicable
to 'B' Class Cities.

Sir,

With reference to Headquarters office letter
NC.366/Audit-1/19-93 dated 26.8.94, regarding grant of
H.R.A. to the staff of I.A.&A.D. posted in Nagaland,
I am to forward herewith a copy of our letter No. Admn/
Audit/7-7/Vol.1/93-94/156 dated 22.4.1994 alongwith all
the enclosures for your kind perusal and necessary action.

Yours faithfully,

29/-

(MENUKHOL JOHN)

Dy. Accountant General (Admn)

9.16
29/9/94
NAGALAND KOHIMA 12001
OFFICE OF THE ACCOUNTANT GENERAL
NAGALAND KOHIMA 12001
10.09.1994
10.09.1994

-Copy-

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81

OFFICE OF THE ACCOUNTANT GENERAL (AUDIT)
NAGALAND : : KOHIMA.

15

NO. Admn/Audit/7-7/Vol.I/93-94/4019

Dated Kohima, the 20th October 1994.

To,

The Comptroller & Auditor General of India,
10, Bahadur Shah Zafar Marg,
New Delhi- 110 002.

Subject:- Grant of H.R.A. to the staff of I.A. & A.D.
posted in Nagaland at the rate applicable
to 'B' Class Cities.

Sir,

In inviting a reference to the Headquarter office letter NO. 970.NGE/ESTT/5-94(II) dated 31.8.94 on the subject cited above where in it was intimated that the matter was referred to Government of India, the Ministry of Finance, for necessary decision at their end.

In this connection I am to state that the staffs of this office (both Audit and A&E wing) are pressing hard for early decision in the matter so that the grievances of the staff arising out of preferential treatment accorded to certain category of Central Govt. employees (P&T.Staff) in the same state/Station may be redressed early. Therefore, it is requested that the matter may please be pursued on top priority.

Yours faithfully,

SC/-

(MENDUKHOL JOHN)

Dy. Accountant General (Audit)

CTC
A/2052
12/10/94

असिस्टेंट ऑडिटर जनरल
Assistant Audit Officer

O/o The Accountant General (Audit)

NAGALAND : : KOHIMA - 797001

-Copy-

66

REMINDER

OFFICE OF THE ACCOUNTANT GENERAL (AUDIT)
NAGALAND : : KOHIMA.

NO. Admn/Audit/7-7/Vol.I/93-94/1484

Dated Kohima, the 13th December 1994.

To,

The Comptroller & Auditor General of India,
10, Bahadur Shah Zafar Marg,
New Delhi- 110 002.

Subject:- Grant of H.R.A. to the staff of I.A. & A.D.
posted in Nagaland at the rate applicable
to 'B' Class Cities.

Sir,

I am directed to invite a reference to the correspondence resting with this office letter NO. Admn/Audit/7-7/Vol.I/93-94/4019 dated the 20th November 1994, on the subject indicated above and to state that the reply is still awaited. The staffs of this office are pressing hard for early decision in this matter.

I would therefore, request you kindly to intimate the decision of the Government of India at an early date.

Yours faithfully,

Sd/-

(MEMUKHOL JOHN)

Dy. Accountant General (Audit)

प्रमाणित किया गया है
Assistan

को

सहायक लेखा अधिकारी

-Copy-

OFFICE OF THE ACCOUNTANT GENERAL (AUDIT)
NAGALAND : : KOHIMA.

NO. Admn/Audit/7-7/Vol.II/95-96/647

Dated Kohima, the 16th June 1995.

To,

The General Secretary,
Civil Audit & Accounts Association,
Office of the Accountant General,
Nagaland, Kohima.

Subject:- Grant of H.R.A. to the staff of I.A. & A.D.
Posted in Nagaland at the rates applicable
to 'D' class cities.

Sir,

In inviting a reference to the subject cited above, I am to state that the Headquarters office has intimated the matter is in correspondence with the Govt. and further development in this regard will be intimated on receipt of reply from the Government.

Yours faithfully,

Sd/-

Audit Officer (Admn)

12/7
कायम लेखा परीक्षा अधिकारी
Assistant Audit Officer
कायम लेखा परीक्षा अधिकारी (लेखा परीक्षा)
O/o The Accountant General (Audit)
नगालैंड, कोहिमा-797001
NAGALAND Kohima 797001