

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

L  
O.A/T.A No. 191/96.....

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

E.P/M.A No.....

1. Orders Sheet.....<sup>SA</sup>.....Pg. 1.....to 2.....
2. Judgment/Order dtd. 1.12.97.....Pg. 1.....to 11, 5, 9, 8, 16 <sup>continuation</sup>  
<sub>order about 14 cases</sub>
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A.....<sup>191/96</sup>.....Pg. 1.....to 48.....
5. E.P/M.P.....Pg.....to.....
6. R.A/C.P.....Pg.....to.....
7. W.S.....Pg.....to.....
8. Rejoinder.....Pg.....to.....
9. Reply.....Pg.....to.....
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.)

*balita*  
30.1.18

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

OA No. 191/96

Sri Kedeto Tap & Ors. Applicant(s)

VS

Junior A India & Ors. Respondent(s)

Mr. B.K. Sarma, M.K. Chandray, Advocates for the applicant(s)  
" B. Nelli, S. Sarma,

Mr. A.K. Chandray, A.C.R.K. Advocates for the Respondent(s)

Office Notes | Date | Courts' Orders

This application is in form and within time C. F. of Rs. 50/- deposited vide IPO No. 46750 G Dated 27.8.96

9.9.96

Learned counsel Mr. M.K. Choudhury for the applicants. Learned Addl. C.G.S.C. Mr. A.K. Choudhury for the respondents.

Sarma  
D.S. Registrar, 31/9/96

Issue notice on the respondents to show cause as to why this application should not be admitted. Returnable within 6(six) weeks.

List for show cause and consideration of admission on 12.11.96.

Member

3/10.96

issued to the concerned parties vide D.No. 3381 dt. 3/10/96

pg 10/9

12.11.96

None is present. Show cause has not been submitted.

List for show cause and consideration of admission on 26.11.96.

Member

16.11.96

Notice deferred on Report No. 2, 3

nkm 12/11

17.1.97

Mr. S.Sarma for the applicant.

Leave note of Mr. A.K.Choudhury, Addl. C.G.S.C.

List for show cause and consideration of admission on 12.2.1997.

*ba*  
Member

25.2.97  
Notice duly served on respondent No 1.

trd  
M  
17/1

14.5.97

Mr S.Sarma, learned counsel for the applicant and Mr A.K.Choudhury, learned Addl.C.G.S.C for the respondents present.

Show cause has not been submitted. The matter of admission cannot be kept pending for so long.

Heard counsel of both sides. Application is admitted. Issue notice on the respondents by registered post. Written statement within four weeks.

List for written statement and further orders on 18.6.97.

*ba*  
Member

*Re*  
13.5.97  
1) Notice duly served on respondents.  
2) NO show cause has been submitted.  
3) Memo of appearance not yet filed.

*Jr*  
13/5

pg  
*Jr*  
15/5

16.5.97  
Copy of order dttd 14.5.97 issued to the concerned parties vide despatch No.

10.6.97  
(Kohima)

Heard the learned counsel for the parties. Hearing concluded. Judgment delivered in open court contained in separate sheets and kept in the record.

The application is disposed of. No order as to costs.

*ba*  
Member

*JK*  
Vice-Chairman

*Ben*  
3.6.97.  
1) w/s has not been filed.

*Jr*  
3/6

nkm

12.9.97  
Copy of the Judgment has been communicated to the respondent's Advocate on 12/9/97.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUAHATI BENCH

Original Application No.266/96 and series

Date of decision: This the 10th day of June 1997  
(AT KOHIMA)

The Hon'ble Mr Justice D.N. Baruah, Vice-Chairman

The Hon'ble Mr G.L. Sanglyine, Administrative Member

.....

1. Original Application No.266 of 1996  
Shri Ram Bachan and 14 others .....Applicants  
By Advocate Mr A. Ahmed  
-versus- ..... Respondents  
Union of India and others ..... Respondents  
By Advocate Mr S. Ali, Sr. C.G.S.C.
2. Original Application No.268 of 1996  
Shri Nomal Chandra Das and 55 others .....Applicants  
By Advocate Mr A. Ahmed  
-versus- ..... Respondents  
Union of India and others ..... Respondents  
By Advocate Mr S. Ali, Sr. C.G.S.C.
3. Original Application No.279 of 1996  
Shri D.D. Bhattacharjee and 31 others .....Applicants  
By Advocate Mr A. Ahmed  
-versus- ..... Respondents  
Union of India and others ..... Respondents  
By Advocate Mr S. Ali, Sr. C.G.S.C.
4. Original Application No.18 of 1997  
Shri Hari Krishan Mazumdar and 24 others .....Applicants  
By Advocate Mr A. Ahmed  
-versus- ..... Respondents  
Union of India and others ..... Respondents  
By Advocate Mr S. Ali, Sr. C.G.S.C.
5. Original Application No.14 of 1997  
Shri Jatin Chandra Kalita and 19 others .....Applicants  
By Advocate Mr A. Ahmed  
-versus- ..... Respondents  
Union of India and others ..... Respondents  
By Advocate Mr S. Ali, Sr. C.G.S.C.

*Handwritten mark*

6. Original Application No.91 of 1996

Shri Daniel Sangma and 81 others .....Applicants  
By Advocate Mr S. Sarma and Mr B. Mehta.

-versus-

Union of India and others .....Respondents  
By Advocate Mr G. Sarma, Addl. C.G.S.C.

7. Original Application No.87 of 1996

Shri C.T. Balachandran and 32 others .....Applicants  
By Advocate Mr S. Sarma and Mr B. Mehta

-versus-

Union of India and others .....Respondents  
By Advocate Mr G. Sarma, Addl. C.G.S.C.

8. Original Application No.45 of 1997

Shri L. Shashidharan Nair and 9 others .....Applicants  
By Advocate Mr S. Sarma and Mr B. Mehta

-versus-

Union of India and others .....Respondents  
By Advocate Mr G. Sarma, Addl. C.G.S.C.

9. Original Application No.197 of 1996

Shri P.C. George and 66 others .....Applicants  
By Advocate Mr S. Sarma

-versus-

Union of India and others .....Respondents  
By Advocate Mr A.K. Choudhury, Addl. C.G.S.C.

10. Original Application No.28 of 1996

Shri Hiralal Dey and 8 others .....Applicants  
By Advocate Mr A.C. Sarma and Mr H. Talukdar

-versus-

Union of India and others .....Respondents  
By Advocate Mr A.K. Choudhury, Addl. C.G.S.C.

B

11. Original Application No.190 of 1996

- 1. National Federation of Information and Broadcasting Employees, Doordarshan Kendra, Nagaland Unit, represented by Unit Secretary - A. Beso.
- 2. Mr A. Beso, working as Senior Engineering Asstt. (Group C), D.D.K., Kohima. ....Applicants

By Advocate Mr S. Sarma and Mr B. Mehta

-versus-

Union of India and others .....Respondents  
By Advocate Mr A.K. Choudhury, Addl. C.G.S.C.

✓ 12. Original Application No.191 of 1996

- Shri Kedolo Tep and 16 others .....Applicants
- By Advocate Mr S. Sarma and Mr B. Mehta

-versus-

Union of India and others .....Respondents  
By Advocate Mr A.K. Choudhury, Addl. C.G.S.C.

13. Original Application No.55 of 1997

- 1. Shri Ranjan Kumar Deb, Secretary, All India R.M.S. & Mail Motor Service Employees Union and 32 others.
- 2. Shri Prasenjit Deb, S.A., Railway Mail Service, Dimapur Railway Station, Dimapur, Nagaland. ....Applicants

By Advocate Mr N.N. Trikha

-versus-

Union of India and others .....Respondents  
By Advocate Mr G. Sarma, Addl. C.G.S.C.

14. Original Application No.192 of 1996

- 1. National Federation of Information and Broadcasting Employees, All India Radio, Nagaland Unit, represented by Unit Secretary - Mr K. Tep.
- 2. Mr Kekolo Tep, Transmission Executive, All India Radio, Kohima, Nagaland. ....Applicants

By Advocate Mr S. Sarma and Mr B. Mehta

-versus-

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

AB

15, Original Application No.26 of 1997

Shri Jagdamba Mali,  
General Secretary, Civil Audit & Accounts  
Association, and 308 other employees of  
the Office of the Accountant General,  
Kohima, Nagaland.

....Applicants

By Advocate Mr N.N. Trikha

-versus-

Union of India and others

....Respondents

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

.....

ORDER

Date of decision: 10-6-1997

Judgment delivered in open court at Kohima (circuit sitting). All the applications are disposed of. No order as to costs.

Sd/- VICE CHAIRMAN

Sd/- MEMBER (A)

O R D E R

BARUAH.J. (V.C.)

All the above applications involve common questions of law and similar facts. Therefore, we propose to dispose of all the applications by this common order.

2. Facts for the purpose of disposal of the applications are:

The applicants are employees of the Government of India working in various departments including Defence Department. O.A.Nos.266/96, 268/96, 279/96, 18/97 and 14/97 are Defence Civilian employees under the Ministry of Defence, O.A.Nos.91/96, 87/96, 45/97, 197/96 and 28/96 are employees in the Subsidiary Intelligence Bureau Department under the Ministry of Home Affairs, in O.A.No.190/96 the members of the applicant Association are employees under Doordarshan, Ministry of Information and Broadcasting, and at present posted at Kohima, in O.A.No.191/96 the applicants are employees of the Department of Census, Ministry of Home Affairs, in O.A.No.55/97 the applicants are employees under Railway Mail Service under the Ministry of Communication, in O.A.No.192/96 the members of the applicant Union are employees of All India Radio, and in O.A.No.26/97 the applicant is an employee under the Comptroller and Auditor General.

3. All the applicants are now posted in various parts of the State of Nagaland. They are, except the applicant in O.A.No.55/97, are claiming House Rent Allowance (HRA for short) at the rate applicable to the employees of 'B' class cities of the country on the basis of the Office Memorandum No.11013/2/86-E.II(B) dated 23.9.1986 issued by the Joint Secretary to the Government of India, Ministry of Finance (Deptt. of Expenditure), New Delhi, on the ground that they have been posted in Nagaland.

The President of India issued an order dated 8.1.1962 to the effect that the employees of P&T Department in the Naga Hills and Tuensang Area who were not provided with rent free quarters would draw HRA at the rate applicable to the employees of 'B' class cities of the country on the basis of O.M.No.2(22)-E.II(B)60 dated 2.8.1960. However, the authorities denied the same to the employees ignoring the circular of 1986. Situated thus, being aggrieved some of the employees approached this Tribunal and the Tribunal gave direction to the authorities to pay HRA to those applicants with effect from 18.5.1986. Being dissatisfied with the aforesaid order passed by this Tribunal in O.A.No.42(G) of 1989, S.K. Ghosh and others -vs- Union of India and others the respondents filed SLP and in due course the Supreme Court dismissed the said SLP (Civil Appeal No.2705 of 1991) affirming the order of this Tribunal passed in O.A.No.42(G) of 1989 with some modification. We quote the concluding portion of the judgment of the Apex Court passed in the above appeal:

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

From the judgment of the Apex Court quoted above, it is now well established that the employees posted in Nagaland would be entitled to get HRA as indicated in the aforesaid judgment.

4. The said judgment relates to the employees of the Telecommunication and Postal Department. Later on, the civilian employees of the Defence Department as well as employees of the other departments of the Central Government who were not paid HRA, therefore, being aggrieved by the action of the respondents.....

respondents in refusing to give the benefit of the HRA in terms of the judgment of the Apex Court quoted above, some employees approached this Tribunal by filing several original applications. All the applications were disposed of by this Tribunal by a common order dated 22.8.1995. In the said order this Tribunal allowed the original applications and directed the respondents to pay HRA to those applicants. The Tribunal, in the aforesaid order, among others observed as follows:

"1.(a) House rent allowance at the rate applicable to the Central Government employees in 'B' (B1-B2) class cities/towns for the period from 1.10.1986 or actual date of posting in Nagaland if it is subsequent thereto, as the case may be upto 28.2.1991 and at the rate as may be applicable from time to time as from 1.3.1991 onwards and continue to pay the same."

Thereafter the civilian employees of Defence Department also claimed HRA on the basis of the said judgment of the Apex Court and circular dated 23.9.1986 by moving various applications, namely, O.A.No.124/95 and O.A.No.125/95. This Tribunal by yet another common order dated 24.8.1995 passed in O.A.Nos.124/95 and 125/95 allowed the applications directing the respondents to pay HRA to the Defence civilian employees posted in Nagaland in the same manner as ordered on 22.8.1995 above. These orders were, however, challenged by the respondents before the Apex Court and the said appeals alongwith some other appeals were disposed of by the Apex Court in C.A.No.1592 of 1997 dealing with Special (Duty) Allowance and other allowances. However, the Apex Court did not make any reference to HRA in the order dated 17.2.1997. Therefore, it is now settled that the employees posted in Nagaland are entitled to HRA.

5. In view of the above and in the line of the Apex Court judgment and this Tribunal's order dated 22.8.1995 passed in O.A.Nos.48/91 and others we hold that all the applicants in the above original applications are entitled to HRA at the rate applicable.....


applicable to the Central Government employees of 'B' class of cities and towns for the period from 1.10.1986 or from the actual date of posting in Nagaland if the posting is subsequent to the said date, as the case may be, upto 28.2.1991 and at the rate as may be applicable from time to time from 1.3.1991 onwards and continue to pay the same till the said notification is in force.

6. Accordingly we direct the respondents to pay the applicants HRA as above and this must be done as early as possible, at any rate within a period of three months from the date of receipt of the order.

7. In O.A.Nos.91/96, 87/96, 190/96, 191/96, 45/97, 192/96, 197/96 and 55/97, the applicants have also claimed 10% compensation in lieu of rent free accommodation. The learned counsel for the applicants submit that this Tribunal in O.A.No.48/91 and others have already granted such compensation. Mr S. Ali learned Sr. C.G.S.C. and Mr G. Sarma, learned Addl. C.G.S.C., do not dispute the same.

8. We have gone through the order dated 22.8.1995 passed in O.A.No.48/91 and others. In the said order this Tribunal, among others, passed the following order:

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

The aforesaid judgment covers the present cases also. Accordingly, we hold that the applicants are entitled to get the compensation in lieu of rent free accommodation in the manner indicated

In the said order.

9. Accordingly we direct the respondents to pay to the applicants 10% compensation in lieu of rent free accommodation as above. This must be done as early as possible, at any rate, within a period of three months from the date of receipt of this order.

10. All the applications are accordingly disposed of. However, considering the entire facts and circumstances of the case we make no order as to costs.

Sd/- VICE CHAIRMAN  
Sd/- MEMBER (A)

nkm

3 SEP 1996  
 Guwahati Bench  
 THE CENTRAL ADMINISTRATIVE TRIBUNAL

THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH  
 AT GUWAHATI

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

Title of the Case : O.A. No. 191 of 1996  
 Shri Kedelo Tap & Others ..... Applicant  
 -Versus-  
 Union of India & Others ..... Respondents

I N D E X

Sl.No.	Particulars of the documents	Page Nos.
1.	Application	1 to 14.
2.	Verification	15.
3.	Annexure-A SET	16 to 25.
4.	Annexure-B	26 to 28.
5.	Annexure-C	29 to 30.
6.	Annexure-D	31 to 34.
7.	Annexure-E	35 to 38.
8.	Annexure-F	39 to 42.
9.	Annexure-G	43.
10.	Annexure-H	44.
11.	Annexure-I & II	45 to 48.

Copy Annexed on  
 Mr. Choudhury  
 AM. CGS  
 Section Officer  
 Admn.

For use in Tribunal's Office :  
 Date of filing : 3-9-96  
 Registration No. : OA 191/96  
 REGISTRAR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH  
GUWAHATI

BETWEEN

1. Kedolo Tep
2. Jetoli Sema
3. Smt. Lanusahi
4. Miss A Chitla
5. Miss Chabula
6. Talichuba
7. Toshi
8. Sabou Thomas
9. Sri Pziivichulio Chatus
10. Smt. ZE "U"
11. Sri Takoyapang
12. Smt. Sridevi
13. Miss Kerokhude
14. Miss R. Purnungla
15. N. Kero
16. Sebastian Zemue
17. Sri Ngutseileo

All were working under the Directorate of Census Operation, Nagaland at the relevant point of time. Their service particulars are given in Annexure-A annexed with this application.

.... Applicant

AND

1. The Union of India, represented by the Secretary, Ministry of Home Affairs, Govt. of India, New Delhi.
2. Director of Census Operation, Nagaland, Kohima
3. Asstt. Director, Census Operation, Nagaland, Kohima

..... Respondents

*Filed by the applicant  
through Advocate General  
2-9-76*

*Ch*

1

DETAILS OF APPLICATION

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

The application is made against the implied rejection of the respondents for granting House Rent Allowance as per prescribed for "B" Class cities. This application is also made praying for a direction to release the House Rent Allowance to the applicants being group C and D employees of the Directorate of Census Operation at the relevant point of time posted in Nagaland as is admissible to the Central Government employees posted in "B" Class cities and also for grant of compensation in lieu of accommodation in terms of O.M. No. 1115/4/86-E.II(B) dated 13.11.87.

2. JURISDICTION OF THE TRIBUNAL :

The applicant declares that the subject matter of the instant case is within the jurisdiction of the Hon'ble Tribunal.

3. LIMITATION :

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

4. FACTS OF THE CASE :

4.1 That all the applicants are citizen of India and therefore, they are entitled to all the rights, protection and privileges guaranteed under the Constitution of India.

The applicants are employees under the Directorate of Census Operation, Government of India and were posted in the State of Nagaland at the relevant time. They all belong to Group C and Group D categories.

Copy of the table showing the period posted in Nagaland alongwith one certificate issued to them are annexed herewith and marked as **ANNEXURE-A** series.

4.2 That as stated above, the applicants are Group C and Group D employees under the respondents. The applicants during their course of service some time appointed in Nagaland (period showing in the form of table at Annexure-A). It will be pertinent to mention here that cause of action and the nature of relief prayed for in this application by the applicants are same and the matter involves a common interest and as such, the applicants crave leave of this Hon'ble Tribunal to join in a single application invoking the power under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987 to minimise the number of litigation and to minimise the valuable time of this Hon'ble Tribunal.

4.3 That as stated above, the applicants were at the relevant time were posted under Government of India, Directorate of Census Operation, Nagaland.

4.4 That the employees of the Directorate of Census Operation and for that matter all Central Government Employees posted in Nagaland are required to be provided

*fn*

with rent free accommodation. However, if they are not given rent free Governmental accommodation they are entitled to House Rent Allowance (HRA in short) as in "B" Class cities declared by the Government. Such employees are also entitled to compensation in lieu of rent free accommodation (FRA in short).

4.5 That the cities/towns in the State of Nagaland have not been classified by the Government of India and as such, the general order prescribing the HRA in different classes of cities could not be made applicable in the State of Nagaland. It was under this circumstance that the President of India issued an order dated 8.1.62 granting HRA to the P&T employees posted in Nagaland. The operative portion of the said order which is relevant for the purpose of the instant application is quoted below :

"1(iii) Rent free accommodation on a scale approved by the Local Administration. The P&T staff of NHTA who are not provided with rent free accommodation will, however, draw HRA in lieu thereof at the rate applicable in "B" class cities contained in Col. 4 paragraph 1 of the Ministry of Finance O.M. No. 2(32)-E.II(B)/60 dated 2nd August, 1960."

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

*h*

4.6. That the applicants state that former NEHA (Naga Hills and Tuensang Areas) and the present State of Nagaland is classified as specially difficult area for the purpose of granting rent free accommodation. In Nagaland, irrespective of the station of entire territory the whole State has been considered as a difficult area for the purpose of granting house rent and therefore, Central Government employees posted there are either given rent free accommodation or where rent free accommodation could not be provided by the Government, the employees are entitled to HRA at the rate applicable to "B" class cities. This situation continued since 1962 and the difficulties still exist. The housing situation in Kohima in particular and in the State of Nagaland in general has not improved and therefore, rented houses at reasonable rates are not available till date.

4.7 That the applicants state that most of the Group A and Group B employees of the Directorate of Census Operation in Nagaland have been provided with Governmental accommodation. However, the employees of lower categories i.e. Group C and Group D are not provided with Governmental accommodation and therefore, they are required to stay in rented house which are very scarce and as a result, the Group C and Group D employees are facing grave hardship all through.

4.8 That inspite of great hardship faced by the applicants, they were neither given Governmental accommodation nor HRA although the said benefits were given to Group A and Group B officers.

M

4.9 That the 4th Pay Commission made certain recommendation regarding the grant of HRA and compensatory allowances to other Central Government employees and pursuant to such recommendation, the Government of India, Ministry of Finance by Memorandum dated 23.9.86 communicated the decision of the Government of India to the Pay Commission and the rates of HRA and Compensatory Allowances were prescribed. It was communicated by the aforesaid decision that HRA at the rate shown shall be paid to all the employees without requiring them to produce rent receipts.

A copy of the aforesaid memorandum dated 23.9.86 is annexed herewith as ANNEXURE-B.

4.10 That from the aforesaid memorandum dated 23.9.86, it is clear that the recommendation of the 4th Pay Commission was accepted by the Government and accordingly, the applicants were also entitled to HRA and compensatory allowance in lieu of RFA. However, inspite of repeated requests by the applicants, the said benefits were not granted to the applicants. It is pertinent to mention here that the employees of some other Departments including some employees of Directorate of Census Operation posted in Nagaland also urged for grant of HRA and compensation in lieu of RFA. When the matter was pursued by the employees of Census Operation, Ministry of Home Affairs issued a office memorandum dated 9.8.67, whereby it was communicated that the grievances raised in the Departmental Council for removal of disparity in payment of HRA etc. between the employees of Ministry of Home Affairs and other Central Government employees posted in Kohima, was not possible to



agree and therefore, a formal disagreement was recorded on this demand and consequently, the matter was referred to the Board of Arbitration for decision. The Board of Arbitration has given an Award to the effect that from 1.5.76, the employees of Directorate of Census Operations posted in Nagaland shall get the HRA and personal allowances at the same rate as that of the employees of Posts and Telegraph Department. Pursuant to such an Award, the Ministry of Finance in consultation with the Department of Personnel and Training decided to implement the Award.

A copy of the aforesaid memorandum dated 9.6.87 is annexed herewith as ANNEXURE-C.

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

4.12 That the applicants state that some employees of Postal Department, before this Hon'ble Tribunal, filed an



application being O.A. No. 42(G)/89 (Shri S.K. Ghose & Ors. Vs. Union of India & Ors.) raising the claim for grant of HRA at the rate prescribed for "B" class cities and this Hon'ble Tribunal was pleased to allow the application by order dated 30.10.90. Against this judgment dated 30.10.90. the Union of India preferred an appeal before the Hon'ble Supreme Court being Civil Appeal No. 2705/91 (Union of India & Ors. Vs. Shri S.K. Ghose & Ors.). The Hon'ble Supreme Court disposed of the aforesaid appeal by an order dated 18.2.93 holding that there was no infirmity in the Judgment of the Tribunal under appeal. However the Hon'ble Supreme Court held that the Tribunal was not justified in granting HRA from May 18, 1980 and the employees are entitled to the arrears only with effect from October 1, 1986 when the recommendation of the 4th Pay Commission were enforced.

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

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

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

h

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

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

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

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



However, for reasons best known to the respondents, the applicants are deprived of the said benefits.

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

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

4.18 That the applicants have been making representations for the benefits as prayed for in this application to the respondents time and again. The matter was referred to the Headquarters, New Delhi requesting to consider the matter. It was stated in the aforesaid Memorandum that in view of the Hon'ble Supreme Court's Judgment and its implementation by the P & T Department to all employees, a new angle has been added to the matter and that the matter be taken up

*lu*

with the Ministry of Home Affairs and Ministry of Personnel to extend the benefits to the applicants. However, the respondents are sitting over the matter and nothing has happened to this effect. *In this connection judgment in OA No 37/95 pursuant to which revision for HRA has been granted vide order dtd. 18.4.96*

A copy of the aforesaid memorandum dated 23.3.94 *is 18-4-96* annexed herewith as ANNEXURE-I; 11.

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

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

4.21 That the applicants state that the wrong committed to the applicants is a continued wrong and therefore, the application is within the limits prescribed under Section 21 of the Administrative Tribunals Act, 1985.

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

*M*

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS :  
-----

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

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

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

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

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

6. DETAILS OF REMEDIES EXHAUSTED :  
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That the applicants declare that they have exhausted all the remedies available to them. As in the instant case

k

no other alternative remedy is available to them. the applicants have come before this Hon'ble Tribunal.

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

The applicants further declare that they have not previously filed any application, writ petition or suit regarding the grievances in respect of which this application is made before any Court or any other Bench of the Tribunal or any other authority nor any such application, writ petition or suit is pending before any of them.

8. RELIEFS SOUGHT :  
-----

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

- (i) A declaration that all the applicants under the Directorate of Census Operation posted in Nagaland are entitled to House Rent Allowances as well as compensation in lieu of Rent Free Accommodation applicable to Central Government employees posted in "B" Class cities with effect from 1.10.86.



(ii) A direction to the respondents to release House Rent Allowances at the rate of 15% and compensation in lieu of Rent Free Accommodation to all the applicants posted in Nagaland as applicable to the Central Government employees posted in "B" class cities forthwith alongwith arrears with effect from 1.10.86

(iii) Cost of the application :

(iv) Any other relief or reliefs to which the applicants are entitled under law and equity.

9. INTERIM ORDER PRAYED :

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

10. ....

The application is filed through Advocate.

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

-----  
11.1 I.P.O. No. : 469506  
11.2 Date : 27-8-96  
11.3 Payable at : Guwahati.

12. LIST OF ENCLOSURES :

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As stated in the Index.

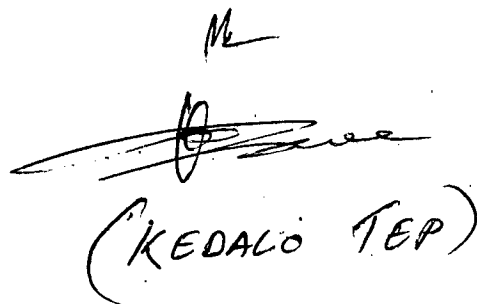
Verification .....

*h*

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

I, Mr. Kedalo Tep, aged about 28 years, at present working as Transmission Executive, All India Radio, Kohima Group "C" the applicant No. 1 in the instant application, do hereby verify and state that the statements made in paragraphs 1 to 4 and 6 to 12 are true to my knowledge and those made in paragraph 5 are true to my legal advice and I have not suppressed any material facts. I am also authorised by the other applicants to sign this verification on behalf of all of us.

And I sign this verification on this the 3<sup>rd</sup> day of August 1996.

  
(KEDALO TEP)

ANNEXURE-A

ANNEXURE-A

TABLE SHOWING THE PERIOD OF SERVICE RENDERED BY THE APPLICANTS IN NAGALAND UNDER THE DIRECTORATE OF CENSUS OPERATION

No.	Name of applicant	Designation	Period
1.	Kedolo Tep	Computor	29.7.91 to 31.12.91
2.	Jetoli Sema	Computor	14.3.91 to 31.12.93
3.	Smt. Lanusahi	Geographer	16.4.92 to 31.12.93
4.	Miss A Chitla	Computor	20.8.92 to 31.12.93
5.	Miss Chabula	Draftsman	21.12.90 to 31.12.93
6.	Talichuba	Computor	24.8.92 to 31.12.93
7.	Toshi	Draftsman	13.12.90 to 31.12.93
8.	Sabou Thoman	Computor	30.7.90 to 31.12.93
9.	Shri Pziivichulio Chatus	Counter Clerk	1.2.85 to 21.2.91
10.	Smti. ZE "U"	Wash Boy	1.2.85 to 34.3.92
11.	Takoyapang	Office Peon	3.7.91 to 31.12.93
12.	Smt. Sridevi	Computor	14.3.91 to 31.12.93
13.	Miss Kerokhude	L.D.C.	18.12.90 to 31.12.93
14.	Miss R. Purnungla	Stenographer	18.12.90 to 31.12.93
15.	N. Kero	Driver	24.4.76 to 19.5.94
16.	Sobastian Zemue	Computor	25.3.91 to 1.5.92
17.	Sri Ngutsuleo	Office Peon	1.10.80 to 9.5.94

\*\*\*

Attes. ea.  
Advocato.  
30-8-96

**ANNEXURE- A1**

GOVERNMENT OF INDIA

गृह मंत्रालय

MINISTRY OF HOME AFFAIRS

संघीय गृह मंत्रालय निदेशक, नागालैण्ड

DIRECTOR OF CENSUS-OPERATIONS  
NAGALAND

TO WHOM IT MAY CONCERN

It is to certify that <sup>✓</sup>Shri/Smt./Miss *Kedalo Teb*  
..... had served in this Directorate  
w.e.f. *29-7-71*..... to *21-12-73* as *Inspector*.....  
..... and subsequently he/she had been  
terminated from service w.e.f. *21-12-73*..... (afternoon)  
as per terms and conditions were given at the time of his/  
her appointment. He/she was appointed purely on ad-hoc  
basis against Census time bound jobs.

<sup>✓</sup>His/her service was satisfactory.

Attested.

*[Signature]*  
20/8/76

Advocate.

*[Signature]* 27/7/76

( P. K. BARNAL ) Director of  
Assistant Director of Census Operations,  
Nagaland, Kohima

**ANNEXURE-A 2**

भारत सरकार  
GOVERNMENT OF INDIA

गृह मंत्रालय  
MINISTRY OF HOME AFFAIRS

जनगणना परिचालन विभाग, नागालैंड  
OFFICE OF THE DIRECTOR OF CENSUS OPERATIONS, NAGALAND

TO WHOM IT MAY CONCERN

It is to certify that Shri/Smt./Miss. Lanusashi.....  
..... had served in this Directorate  
w.e.f. 16-4-92..... to 21-12-93.. as Geographer  
..... and subsequently he/she had been  
terminated from service w.e.f. 21-12-93..... (afternoon)  
as per terms and conditions were given at the time of his/  
her appointment . He/she was appointed purely on ad-hoc  
basis against Census time bound jobs .  
His/her service was satisfactory .

Attested.  
*[Signature]*  
Advocate.

*[Signature]*  
Asst. Director of  
Census Operations,  
Assistant Director of Census Operations,  
Nagaland, Kohima.

**ANNEXURE- A 3**

भारत सरकार  
GOVERNMENT OF INDIA

गृह मंत्रालय  
MINISTRY OF HOME AFFAIRS

जनगणना परिचालन विभाग, नागालैंड  
OFFICE OF THE DIRECTOR OF CENSUS OPERATION, NAGALAND

TO WHOM IT MAY CONCERN

It is to certify that Shri/Smt./Miss. Talichube.....  
..... had served in this Directorate  
w.e.f. 24-8-92..... to 21-12-93.. as Cartographer....  
..... and subsequently he/she had been  
terminated from service w.e.f. 21-12-93..... (afternoon)  
as per terms and conditions were given at the time of his/  
her appointment . He/she was appointed purely on ad-hoc  
basis against Census time bound jobs .  
His/her service was satisfactory .

Attested.  
*[Signature]*  
Advocate.

*[Signature]*  
Asst. Director of  
Census Operations,  
Assistant Director of Census Operations,  
Nagaland, Kohima.

**ANNEXURE- A4**

TO WHOM IT MAY CONCERN

It is to certify that Shri/Smt./Miss *Achitla*.....  
..... had served in this Directorate  
w.e.f. *20.8.92*..... to *31.12.93* as *computer*.....  
..... and subsequently he/she had been  
terminated from service w.e.f. *31.12.93*.....(afternoon)  
as per terms and conditions were given at the time of his/  
her appointment . He/she was appointed purely on ad-hoc  
basis against Census time bound jobs .

His/her service was satisfactory .

*(Signature)*  
Asst. Director of  
Census Operations,  
Nagaland, Kohima.

( P. K. BARIAN )  
Assistant Director of Census Operations,  
Nagaland ; Kohima .

Attested.  
*(Signature)*  
Advocate.

**ANNEXURE- A5**

भारत सरकार  
GOVERNMENT OF INDIA  
गृह मंत्रालय  
MINISTRY OF HOME AFFAIRS  
जनजातीय परिचालन विभाग, कोहिमा  
OFFICE OF THE DIRECTOR OF CENSUS OPERATIONS  
NAGALAND

TO WHOM IT MAY CONCERN

It is to certify that Shri/Smt./Miss *Tochi*.....  
..... had served in this Directorate  
w.e.f. *13.12.20*..... to *31.12.93* as *Asst./M...*.....  
..... and subsequently he/she had been  
terminated from service w.e.f. *31.12.93*.....(afternoon)  
as per terms and conditions were given at the time of his/  
her appointment . He/she was appointed purely on ad-hoc  
basis against Census time bound jobs .

His/her service was satisfactory .

*(Signature)*  
Asst. Director of  
Census Operations,  
Nagaland, Kohima.

( P. K. BARIAN )  
Assistant Director of Census Operations,  
Nagaland ; Kohima .

Attested.  
*(Signature)*  
Advocate.

**ANNEXURE- A6**

भारत सरकार  
GOVERNMENT OF INDIA

गृह मंत्रालय  
MINISTRY OF HOME AFFAIRS  
जनगणना परिचालन निदेशक, नागालैंड  
DIRECTOR OF CENSUS OPERATION  
NAGALAND

TO WHOM IT MAY CONCERN

It is to certify that Shri/Smt./Miss Ojivichilo Chah  
..... had served in this Directorate  
w.e.f. 1.2.85..... to 21.2.91 as Assistant Clerk  
..... and subsequently he/she had been  
terminated from service w.e.f. 21.2.91..... (afternoon)  
as per terms and conditions were given at the time of his/  
her appointment . He/she was appointed purely on ad-hoc  
basis against Census time bound jobs .  
His/her service was satisfactory .

Attested.  
*[Signature]*  
Advocate. 35/8/86

*[Signature]*  
( P. K. Saha )  
Assistant Director of Census Operations,  
Nagaland  
Kohima

**ANNEXURE- A7**

भारत सरकार  
GOVERNMENT OF INDIA

गृह मंत्रालय  
MINISTRY OF HOME AFFAIRS  
जनगणना परिचालन निदेशक, नागालैंड  
DIRECTOR OF CENSUS OPERATION  
NAGALAND

TO WHOM IT MAY CONCERN

It is to certify that Shri/Smt./Miss Takoyapanz  
..... had served in this Directorate  
w.e.f. 3.7.91..... to 31-12-93 as Asst. Clerk  
..... and subsequently he/she had been  
terminated from service w.e.f. 31-12-93..... (afternoon)  
as per terms and conditions were given at the time of his/  
her appointment . He/she was appointed purely on ad-hoc  
basis against Census time bound jobs .  
His/her service was satisfactory .

Attested.  
*[Signature]*  
Advocate. 29-8-86

*[Signature]*  
( P. K. Saha )  
Assistant Director of Census Operations,  
Nagaland  
Kohima

**ANNEXURE- A8** MINISTRY OF HOME AFFAIRS

संघीय जनगणना परिचालन विदेशक, नागालैंड  
OFFICE OF THE DIRECTOR OF CENSUS OPERATIONS  
NAGALAND

TO WHICH IT MAY CONCERN

It is to certify that Shri/Smt./Miss *Kerokhule*  
..... had served in this Directorate  
w.e.f. *18-12-90*..... to *31-12-93*, as *A.S.C.*.....  
..... and subsequently he/she had been  
terminated from service w.e.f. *31-12-93*..... (afternoon)  
as per terms and conditions were given at the time of his/  
her appointment . He/she was appointed purely on ad-hoc  
basis against Census time bound jobs .

His/her service was satisfactory .

Attested.

Advocate.

*31/8/96*

( P. K. BAJAJ ) Director of  
Assistant Director of Census Operations,  
Nagaland, Kohima.

**ANNEXURE- A9**

MINISTRY OF HOME AFFAIRS

संघीय जनगणना परिचालन विदेशक, नागालैंड  
OFFICE OF THE DIRECTOR OF CENSUS OPERATIONS  
NAGALAND

TO WHICH IT MAY CONCERN

It is to certify that Shri/Smt./Miss *N. Kina*  
..... had served in this Directorate  
w.e.f. *24-4-74*..... to *19-5-94*, as *Driver*.....  
..... and subsequently he/she had been  
terminated from service w.e.f. .... (afternoon)  
as per terms and conditions were given at the time of his/  
her appointment . He/she was appointed purely on ad-hoc  
basis against Census time bound jobs .

His/her service was satisfactory .

Attested.

Advocate.

*31/8/96*

( P. K. BAJAJ ) Director of  
Assistant Director of Census Operations,  
Nagaland, Kohima.

**ANNEXURE- A10**  
TO WHOM IT MAY CONCERN

NAGALAND

to certify that Shri/Smt./Miss FC-4.....  
..... had served in this Directorate  
w.e.f. 1.2.85.... to 24.3.92 as Asst. B.P.Y.  
..... and subsequently he/she had been  
terminated from service w.e.f. 24.3.92.... (afternoon)  
as per terms and conditions were given at the time of his/  
her appointment . He/she was appointed purely on ad-hoc  
basis against Census time bound jobs .

His/her service was satisfactory .

*[Signature]*  
( P. K. B. )  
Assistant Director of Census Operations,  
Nagaland  
Kohima

Attested.

*[Signature]*  
Advocate.

**ANNEXURE- A11**  
TO WHOM IT MAY CONCERN

It is to certify that Shri/Smt./Miss Sideri.....  
..... had served in this Directorate  
w.e.f. 14.3.91.... to 31.12.93 as Computer....  
..... and subsequently he/she had been  
terminated from service w.e.f. 31.12.93.... (afternoon)  
as per terms and conditions were given at the time of his/  
her appointment . He/she was appointed purely on ad-hoc  
basis against Census time bound jobs .

His/her service was satisfactory .

*[Signature]*  
( P. K. B. )  
Assistant Director of Census Operations,  
Nagaland  
Kohima

Attested.

*[Signature]*  
Advocate.

**ANNEXURE- A12**

भारत सरकार  
GOVERNMENT OF INDIA

TO WHOM IT MAY CONCERN

गृह मंत्रालय  
MINISTRY OF HOME AFFAIRS  
भारत सरकार  
OFFICE OF THE DIRECTOR OF CENSUS OPERATIONS  
NAGALAND

It is to certify that Shri/Smt./Miss *A. Purnungla* had served in this Directorate w.e.f. *18-12-90* to *21-12-90* as *Steno* and subsequently he/she had been terminated from service w.e.f. *31-12-90* (afternoon) as per terms and conditions were given at the time of his/her appointment. He/she was appointed purely on ad-hoc basis against Census time bound jobs. His/her service was satisfactory.

*P. K. Barua*  
( P. K. BARUA ) Director of Census Operations, Nagaland  
Kohima, Nagaland

Attested.  
*[Signature]*  
Advocate.

**ANNEXURE- AB**

भारत सरकार  
GOVERNMENT OF INDIA  
गृह मंत्रालय  
MINISTRY OF HOME AFFAIRS  
भारत सरकार  
OFFICE OF THE DIRECTOR OF CENSUS OPERATION.  
NAGALAND

TO WHOM IT MAY CONCERN

It is to certify that Shri/Smt./Miss *Sebastian Zemu* had served in this Directorate w.e.f. *25-3-91* to *1-5-92* as *computer* and subsequently he/she had been terminated from service w.e.f. *1-5-92* (afternoon) as per terms and conditions were given at the time of his/her appointment. He/she was appointed purely on ad-hoc basis against Census time bound jobs. His/her service was satisfactory.

Attested.  
*[Signature]*  
Advocate.

*P. K. Barua*  
( P. K. BARUA ) Director of Census Operations, Nagaland  
Kohima, Nagaland

भारत सरकार  
GOVERNMENT OF INDIA

**ANNEXURE- A14**

TO WHICH IT MAY CONCERN

गृह मंत्रालय  
MINISTRY OF HOME AFFAIRS  
कार्यालय जनगणना परिचालन निदेशक, नागालैंड  
OFFICE OF THE DIRECTOR OF CENSUS OPERATIONS  
NAGALAND

It is to certify that Shri/Smt./Miss *Ngutsido*.....  
..... had served in this Directorate  
w.e.f. *1-10-80*..... to *9-5-94* as *Office Prod*  
*(C. Confirmed)*..... and subsequently he/she had been  
terminated from service w.e.f. *9-5-94*..... (afternoon)  
as per terms and conditions were given at the time of his/  
her appointment. He/she was appointed purely on ad-hoc  
basis against Census time bound jobs.  
His/her service was satisfactory.

*[Signature]*  
( P. K. BARMAN )  
Asst. Director of  
Nagaland Census Operations,  
Kohima, Nagaland.

**Attested.**

*[Signature]*  
Advocate.

भारत सरकार  
GOVERNMENT OF INDIA

**ANNEXURE- A15**

TO WHICH IT MAY CONCERN

गृह मंत्रालय  
MINISTRY OF HOME AFFAIRS  
कार्यालय जनगणना परिचालन निदेशक, नागालैंड  
OFFICE OF THE DIRECTOR OF CENSUS OPERATIONS  
NAGALAND

It is to certify that Shri/Smt./Miss *Sabou Thomas*.....  
..... had served in this Directorate  
w.e.f. *30-7-91*..... to *31-12-93* as *Confidential*.....  
..... and subsequently he/she had been  
terminated from service w.e.f. *31-12-93*..... (afternoon)  
as per terms and conditions were given at the time of his/  
her appointment. He/she was appointed purely on ad-hoc  
basis against Census time bound jobs.  
His/her service was satisfactory.

*[Signature]*  
( P. K. BARMAN )  
Asst. Director of  
Nagaland Census Operations,  
Kohima, Nagaland.

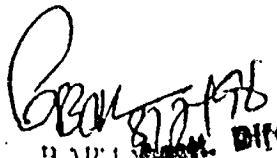
**Attested.**

*[Signature]*  
Advocate.


TO WHOM IT MAY CONCERN

It is to certify that Shri/Smt./Miss Chupala.....  
..... had served in this Directorate  
w.e.f. 21-12-90..... to 31-12-93..... as Assistant.....  
..... and subsequently he/she had been  
terminated from service w.e.f. 31-12-93..... (afternoon)  
as per terms and conditions were given at the time of his/  
her appointment. He/she was appointed purely on ad-hoc  
basis against Census time bound job.

His/her service was satisfactory.

  
( P. K. BARMIA )  
Assistant Director of Census Operations,  
Nagaland, Kohima.

Attested.

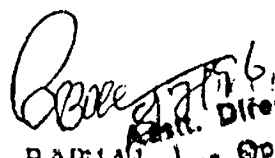
  
Advocate.

ANNEXURE- A17

TO WHOM IT MAY CONCERN

It is to certify that Shri/Smt./Miss Tejaji Singh.....  
..... had served in this Directorate  
w.e.f. 14-3-91..... to 31-12-93..... as Contract.....  
..... and subsequently he/she had been  
terminated from service w.e.f. 31-12-93..... (afternoon)  
as per terms and conditions were given at the time of his/  
her appointment. He/she was appointed purely on ad-hoc  
basis against Census time bound job.

His/her service was satisfactory.

  
( P. K. BARMIA )  
Assistant Director of Census Operations,  
Nagaland, Kohima.

Attested.

  
Advocate.

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

New Delhi the 23rd September 1986.

OFFICE MEMORANDUM

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

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

COMPENSATORY(CITY) ALLOWANCES

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

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

II) HOUSE RENT ALLOWANCES

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

Attes. ed.  
30.9.86  
Advocate.

Contd...

2. H.R.A. at above rates shall be paid to all employees (other than those provided with Government owned/hired accommodation) without requiring them to produce rent receipt. These employees shall however, be required to furnish a certificate to the effect that they are incurring some expenditure on rent/contributing towards rent, H.R.A. at above rates shall also be paid to Government employees living in their own houses subject to their furnishing certificate that they are paying/contributing towards house of property tax or maintenance of the house.
3. Where H.R.A. at 15 percent of pay has been allowed under special orders, the same shall be given as admissible in A, B-1, and B-2 class cities. In other cases covered by special order, HRA shall be admissible at the rate in C class cities. In both these cases there shall be no upper age limit for payment of HRA.
4. The other condition at present applicable for grant of HRA in cases of hearing of accommodation and other categories shall continue to be applicable.
5. Pay for the purpose of these orders, will be 'pay' as defined in F.R.9(21) (a)(1). In the case of persons who continue to draw pay in the scales of pay which prevailed prior to 1.1.1986 it will include in addition to pay in the pre-revised scales, dearness pay, dearness allowance, additional Dearness Allowance Ad-hoc DA and Interim Relief appropriate to that pay, admissible under orders in existence on 31.12.85.
6. These orders shall be effective from 1.10.1986 From the period from 1.1.1986 to 30.9.1986, the above allowance will be drawn at the existing rates on the national pay in the pre-revised scale.
7. These orders will apply to civilian employees of the Central Government belonging to Group 'B' 'C' & 'D' only. The orders will also apply to the Group 'B' 'C' & 'D' civil employees paid from the Defence Service's Estimates. In regard to Armed Forces Personnel and Railway Employees, separate

Attes. ed.  
Advocate.  
21-886

Contd...

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

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

9. Hindi version of the order is attached.

sd/-

( B.P. Varma )

Joint Secretary to the Government of India.

To

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

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

Attos. CC.  
Advocate.  
31/8/86

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

New Delhi the 9th June 1987.

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

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

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

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

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

Contd...

Witnessed.  
21/8/86  
Advocate.

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

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

Sd/-

(Brijeswar Singh)

DS (NEC)

Copy to :

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

Sd/-

( Brijeswar Singh )

DS (NEC)

...

Advocate.  
21.8.86

**ANNEXURE- D**

ANNEXURE-D

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2705 OF 1991.

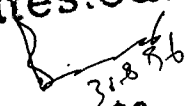
Union of India & Ors.	...	Appellants
- Versus -		
Shri S.K. Ghosh & Ors.	...	Respondents

O R D E R

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

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

This appeal by way of special 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

Attested.  
  
 Advocate.

Contd....

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 NHFA 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.S. No. 2(22)-E. 11(B)/60 dated the 2nd August 1960."

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

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

Attes.ed.

Contd...

Advocate.

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

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

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

Contd....P/28

Attested.

Advocate..

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-A1 is arbitrary and cannot be sustained. No further find that according to the formula adopted after the IV CPC HRA is payable to the Central Government employees posted even in classified places. From Annexure A-7 it is clear that this allowance is at a flat rate is payable without production of rent receipt. It appears to us that the HRA is paid by the Central Government for compensating an employee on account of his residential accommodation in the place of posting is not shown to have undergone any improvement in the matter of ~~xxxxxxx~~ availability and rent of hired accommodation any alteration of the rate of HRA will remain arbitrary and unjustified. In this view of the matter, we feel inclined to allow the application."

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

Sd/-

( Kuldip Singh ) J

Sd/-

( N.M. Kasliwal ) J.

New Delhi

February 18, 1993.

Attested.  
21-8-93  
Advocate:

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. Sanglyiana, Member (Administration)

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

- Versus -

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

... Respondents

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

....

HAGUE J.

ORDER

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

\* Contd....

M. N. Tirkha  
 30/11/93  
 Advocate.

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

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

3. Learned Counsel Mr. H.N. Trikha for the applicants submits that it was established vide judgment dated 31.10.1990 in O.A. No. 42(G)/89 of this Bench and duly confirmed by the Supreme Court vide order dated 18.2.1993 in Civil Appeal No. 2705/ 91 that Nagaland in general is 'B' class city and the Central Government employees there are entitled for benefits of 'B' class cities granted by various circulars and office memoranda. Mr. Trikha read out the relevant office memoranda. These submissions are not disputed by learned Sr.C.G.S.J. 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.II.(D) dated New Delhi the 23rd September 1986 issued by the Ministry of Finance, Government of India (Annexure-A/7).

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

Attested.

Advocate.

Contd...

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

- "The undersigned is directed to refer to para 1 of this Ministry's Office Memorandum of even number dated 19.2.1987 regarding Central Government employees belonging to Group 'B' 'C' and 'D' and also para 1 of O.M. of even number dated 22.5.1987 regarding Central Government employees belonging to Group 'A' on the subject noted above and to say that consequent upon fixation of flat rate of licence fee for residential accommodation under Central Government all over the country vide Ministry of Urban Development (Directorate of Estates)'s O.M. No. 12035/(1)/85-Pol.II (Vol.III) (i) dated 7.8.1987, the President is pleased to decide that Central Government employees belonging to Group 'A' 'B' and 'C' and 'D' working in various classified cities and unclassified places will be entitled to compensation in lieu of Rent free accommodation as under :
- (i) Amount charged as licence fee for Government Accommodation as fixed in terms of Ministry of Urban Development (Directorate of Estates)'s above mentioned O.M. dated 7.8.1987 and
  - (ii) House rent allowance admissible to corresponding employees in that classified city/unclassified place in terms of para 1 of this Ministry's O.M. No. 11013/2/86-E.II.(B) dated 23.9.1986 for Central Government employees belonging to Groups 'B' 'C' and 'D' and para 1 of O.M. No. 11013/2/86-E.II.(B) dated 19.3.1987, for Central Government Employees belonging to Group 'A'.
2. Other terms and conditions for admissibility of compensation in lieu of rent free accommodation indicated in this Ministry's office Memorandum, dated 19.2.1987 and 22.5.1987, remain the same.
  3. These orders shall take effect from 1.7.1987."

The compensation is fixed at 10% of the monthly emoluments calculated with reference to pay vide NOTE under para 2 of the Government of India, Ministry of Finance Office Memorandum No. 11015/4/86-E.II.(B) dated 25.5.1987. These office Memoranda had been circulated by Geological Survey of India Calcutta vide order No. 14017/(1)/88-3(HRA) dated 26.9.1988 for

Attested.

Advocate.

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

5. The applicants are not entitled to 10% compensation in lieu of rent free accommodation for the month of November 1979 and they are liable to refund that amount.
6. In the result, this application is allowed. The respondents are directed to pay HRA to the applicants at the rate of 15% of their pay from 1974 and at flat rate groupwise with effect from 1.10.1986 in terms of O.M. No. 11013/2/86-E.II(B) dated 23.9.1986. The respondents are further directed to pay compensation at 10% of the monthly emoluments calculated with reference to the pay of respective applicants with effect from 1.7.1987 besides HRA. The Respondents shall realise 10% of pay of the applicants paid in excess with salary for the month of November 1979.
7. The respondents shall implement the above directions and pay all arrears within three months (90 days) from the date of receipt of copy of the order.
8. Intimate all concerned immediately.

Attested.  
33886  
Advocate.

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

ORIGINAL APPLICATION NO. 2 OF 1994

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

Justice S. Haque Vice Chairman

Shri G.L. Sanglyine, Member (Administration)

1. All India Postal Employees Union,  
P(III) & A.D.A. Divisional Branch,  
Kohima - 797001, represented by its  
Divisional Secretary - Mr. V. Angami

2. All India Postal Employees Union,  
Postman Class IV & E.D.  
Kohima Branch, Nagaland, represented  
by its Divisional Secretary - Mr. K. Tali Ao

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

- Versus -

1. The Union of India, represented by the  
Secretary, Ministry of Communication  
Department of Posts, New Delhi

2. The Director General, Posts,  
New Delhi-110001.

3. Chief Postmaster General,  
N.E. Circle, Shillong.

4. The Director of Postal Services,  
Nagaland Division, Kohima.

... Respondents.

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

HAGUE J.ORDER

The applicant No. 1, the All India Postal Employees Union Postman (III) and Extra Departmental Agents, Divisional Branch, Kohima represented by its Divisional Secretary, Mr. V. Angami, and the applicant No. 2, the All India Postal Employees Union, Postman Class IV and E.D. Kohima Branch represented by its Divisional Secretary Mr. K. Tali Ao have filed this application under Section 19 of the Administrative Tribunals Act, 1985 claiming House Rent Allowance(HRA)

Attested  
31.3.94  
Advocate.

Contd

at the rate of 15% of their pay as applicable to 'B' class cities and also compensation at the rate of 10% in lieu of Rent Free Accommodation (RFA). They claim that Nagaland falls within 'B' class cities for the purpose of HRA and compensation in lieu of HRA. The respondents have filed written statement virtually admitting the claim of the applicants by referring to the judgment of the Supreme Court in Civil Appeal No. 2705 of 1991 affirming the judgment of C.A.T. Guwahati Bench in O.A. No. 42(G) of 1989 with modification to give effect of arrears HRA from 1.10.1986 i.e. the date from which the recommendation of the 4th Central Pay Commission was implemented. The judgment of the Supreme Court dated 18.2.1993 arising out of the judgment dated 31.10.90 in O.A. 42(G)/89 and C.A.T. Guwahati Bench in respect of postal employees.

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

3. Learned counsel Mr. B.K. Sharma on behalf of the applicants submits that the grievances and reliefs sought for by the applicants are covered by judgment in O.A. No.42(G)/89 read with Supreme Court Judgment dated 18.2.93 in Civil Appeal No. 2705 of 1991 and judgment dated 26.11.93 in O.A. No. 48/91 C.A.T. Guwahati Bench. Mr. Sharma further submits that the Government of India has decided to allow the benefits of the Supreme Court Judgment in Civil Appeal No. 2705/91 to all similarly placed postal employees posted in Nagaland vide letter No. Vig-5/2/88-90 dated Shillong the 10.3.1994 addressed to the Director of Postal Services, Nagaland Division

Attested.  
30.8.96  
Advocate.

Contd...P/35

- 35 -

Kohima. Perused contents of the letter. It was decided in clear terms in the letter that the President of India is pleased to allow the benefits of the Supreme Court in Civil Appeal No. 2705/91 to all similarly placed postal employees posted in Nagaland. Learned Adml. J.G.S.C. Mr. G. Sarma submits with reference to the written statement which virtually admits the claim of the applicants in respect of HRA and compensation in lieu of RFA.

4. Perused our previous judgment in O.A.No.242(G)/89 read with Supreme Court judgment in Civil Appeal No.2705/91 and judgment dated 26.11.93 in O.A. No. 48/91. All observations and findings in these judgments are aptly applicable in the instant case. The grievances and reliefs sought for by the applicants/members of the both the Unions are covered by these judgments. Furthermore, the order of the President of India referred in letter No.Vtg-5/2/89-90 dated Shillong the 10.3.1994 clearly established that the applicants are entitled for the reliefs sought for. We hold that the applicants are entitled to HRA at the rate of 15% of their pay with effect from 1.10.1986 in terms of O.M. No. 11013/2/86-E.II(B) dated 23.10.1986 and also entitled to the compensation at the rate of 10% of pay in lieu of RFA with effect from 1.7.1987 in terms of O.M. No. 11015/4/86-E.II(B) dated 13.11.1987.

5. Accordingly this application is allowed. The respondents are directed to release HRA to the applicants at the rate of 15% of their pay with effect from 1.10.1986 and also to pay compensation at the rate of 10% of monthly emoluments calculated with reference to the pay of respective applicants with effect from 1.7.1987. The

Contd....P/36

Attested.  
30.8.86  
Advocate.

Annex. 5 contd.

respondents are further directed to release arrears of HRA as well as compensation in lieu of ~~HRA with effect~~ RFA within three months from the date of receipt copy of this judgment/order and shall pay current HRA and compensation from next month (April 1994).

Communicate all concerned.

Sd/- S. HATUE  
Vice Chairman

Sd/- G.L. BANGLYINE  
Member (Adm.)

...

Attested.  
[Signature]  
30-8-92  
Advocate.

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

No. 4-40/87-PAP

Dated 7.3.94.

To

The Chief Postmaster General,  
N.E. Postal Circle,  
Shillong-793001.

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

Sir,

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

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

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

This issues with the concurrence of Finance  
Advice vide their Diary No. B27/FA/94 dated 2.3.94.

Yours faithfully,

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

Copy to :

1.....

....

8. PAT Section, Sanchar Bhawan

Sd/-

Attested.  
Advocate. 3.8.94

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

New Delhi the 26.4.89

To

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

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

Sir,

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

This issues with the concurrence of the Ministry of Finance (Department of Expenditure) U.O. No. 2806/E.II (B)/89 dated 20/27.3.89 and Ministry of Home Affairs No. 628/PPV/89 dated 20.3.89.

Sd/-

( E.S. Lal )  
Assistant Director

Copy forwarded for information and necessary action to :

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

Sd/-

Assistant Director.

Attested.  
30.4.89  
Advocate.

~~35~~ - 36

**ANNEXURE- I**

ANNEXURE-8

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

Kohima, the 23.3.94.

MEMORANDUM

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

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

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

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

3. On the basis of the decision as in para-2 above,  
IB personnel posted at Kohima (Nagaland) were also  
granted HRA @ 15% (7 1/2% as HRA and 7 1/2% as personal pay)  
at par with P&T employees and other Central Government  
employees posted in Nagaland, vide IB letter No.3/Tans(O)/  
87(5)-528 dated 25.4.1989 with the concurrence of M/F  
(D.O.E.) U.O. No. 2506/E.II(B)<sup>89</sup> dated 20/27.3.89 and No.  
628/FPV/89 dated 30.3.1989. (copy enclosed).

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

Witnessed  
Advocate.

Contd....

observed that benefit of court judgment is applicable to petitioners only. In this regard, it is stated that the Department of Post and Telegraph had implemented the judgment in respect of the petitioners only in the initial stage and later by a letter dated 7.3.94 conveyed the decision that the benefit of the Hon'ble Supreme Court judgment is allowed to all similarly placed postal employees posted in Nagaland (copy of Govt. of India Department of Posts, New Delhi letter No. 4-40/87-PAP dated 7.3.1994 is enclosed for ready reference please).

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

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

Sd/-

( R.R.R. Yadav )

Assistant Director.

To

The Assistant Director/ED  
IB Hqs. New Delhi.

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Attested.

Director.

New Delhi, the 18.4.96. ANNEXURE. 94

To

The Director,  
Intelligence Bureau (MHA)  
New Delhi

Sub: Payment of arrears of RFA/HRA at 'B' class rates to 127 petitioners of OA No. 37/95 in CAT Guwahati Bench, in pursuance of its orders dated 22.8.95

Sir,

In pursuance of the judgement dated 22.8.95, passed by the Hon'ble CAT Guwahati Bench in OA No. 37/95, I am directed to convey the sanction of the President to the grant of RFA/HRA to 127 applicants only of the said OA (detailed in Annexure I) subject to the outcome of the review to be undertaken by the Department of Posts about the admissibility of RFA/HRA. The terms of RFA/HRA as per the judgement are as under:

1. (a) House Rent Allowance at the rate applicable to the Central Government employees in 'B' (B1-B2) class cities/towns for the period from 1.10.1986 or actual date of posting in Nagaland if it is subsequent thereto, as the case may be, upto 28.2.91 and at the rate as may be applicable from time to time as from 1.3.1991 onwards and continue to pay the same.
  - (b) For the purpose of above direction it is clarified that the rate may be calculated on the basis of percentage or flat rate or slab rate as may be applicable from time to time during the period from 1.10.1986 upto date.
  - (c) Arrears from 1.10.1986 upto date to be paid accordingly subject to the adjustment of the amount as may have been paid to the respective applicants during the aforesaid period.
  - (d) Future payment to be regulated in accordance with clause (a) above.
2. (a) Licence fee @ 10% monthly pay (subject to where it was prescribed at the lesser rate depending upon the extent of basic pay) with effect from 1.7.1987 or actual date of posting in Nagaland if it is subsequent thereto as the case may be upto date and continue to pay the same until the concession is not withdrawn or modified by the Government of India or till rent free accommodation is not provided.

contd...2/

Attested.  
20.8.96  
Advocate.

- (b) Arrears to be paid from the period from 1.7.1987 (or actual date of posting in Nagaland as the case may be) upto date subject to adjustments of the amount as may have already been paid to the respective applicants during the aforesaid period.
- (c) Future payment to be regulated in accordance with clause (a) above.

2. The expenditure will be met from within the sanctioned grants of SIB Kohima under the following heads of accounts:

Major Head	: 2070
Demand No.	: 41, MHA
C.8(1)	: Intelligence Bureau
C.8(1)(1)	: Salaries (RFA/HRA)

3. This issues with the concurrence of Ministry of Finance (Deptt. of Expenditure) vide their U.O. No. 2/13/93-E.II(B) dated 20.2.96 and IFD/MHA vide Dy.No. 432/96/Fin.II dated 20.2.96

Yours faithfully

Sd/-  
(V.K. Sathi)  
Desk Officer (PF.V)

Copy to:

1. Pay & Accounts Officer, IB (MHA), New Delhi
2. Regional Pay & Accounts Officer, IB(MHA), Shillong
3. The Assistant Director, SIB, Kohima
4. Ministry of Finance, Deptt. of Expenditure with referenc e to their O.M. referred to above
5. Fin.II, Mha
6. PF.V

Attested.

30.8.86  
Advocate.