

50/100

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

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 45/96
R.A/C.P No.
E.P/M.A No.

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SECTION OFFICER (Judl.)

[Signature]
28/1/8

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI

ORIGINAL APPLN. NO. 45 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.)

..... N. K. Thakur & ors. APPLICANT(S)

-vs-

..... W. O. I. RESPONDENT(S)

FOR THE APPLICANT(S) ... MR. D. K. Boruah

MR.
MR.
MR.

FOR THE RESPONDENTS ... MR. S. Ali, Sr. CLK.

OFFICE NOTE

DATE

ORDER

This application is in
form and within time
C. F. of Rs. 500
deposited vide
Petition No. 315/00
Date 13.3.96

19/3/96
[Signature]

The dealing assistant in this case has ~~acted~~ not acted properly -

- ① Name of applicant is mentioned as N.K. Thakur only instead of N.K. Thakur and others.
- ② He has not page numbered the Application and the enclosures. 16 pages
- ③ He has not counted whether all applicants have put their signatures in required places.
- ④ He has put up to Court not through the officer in-charge as will be seen from absence of signature of officer in the space provided in the Seal affixed in the margin of this order sheet.

- 1) Name of the applicants and page number corrected.
- 2) no. of applicants is shown in main Petn. as 67 nos and also in the verifications.
- 3) In the verification of main Petn and JT Petn. 65 nos and 36 nos. respectively signed.
- 4) verification of both application are not enclosed in the 'B' file.

In short he had not submitted the application S.O. to please scrutinise and thereafter place for admission. 18/3/96

19/3/96

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI

ORIGINAL APPLN.NO. 45/96 OF 1995
 TRANSFER APPLN.NO. OF 1995
 CONTENT APPLN.NO. OF 1995 (IN OA NO.)
 REVIEW APPLN. NO. OF 1995 (IN OA NO.)
 MISC. PETN. NO. OF 1995 (IN OA NO.)

2

..... APPLICANT(S)

-VI-

..... RESPONDENT(S)

FOR THE APPLICANT(S) ...MR.
 MR.
 MR.
 MR.
 FOR THE RESPONDENTS ...MR.

OFFICE NOTE

DATE

ORDER

19.3.96

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

The application has been purportedly filed by 67 applicants claiming House Rent Allowance. However, it is noticed that both the main O.A. and the application under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules 1987 are defective as there are no signatures against the names of a number of applicants. In the main application 9 applicants have not signed. In the petition under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules 1987 only 36 applicants out of 67 have signed. Learned counsel for the applicants, Mr D.K. Biswas, submits to allow him to withdraw the application with liberty to file fresh application without prejudice to the contentions in this application. Prayer allowed.

The application is disposed of on withdrawal.

26/8
 Copy of the order issued
 to the L/Advocates of the
 parties vide S.No 2822
 2823 of 28.8.96

nkm

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 Member
19/3

26/8

①
HRA

HOUSE RENT ALL. WITH APPL. U/R
Tribunal

Central Administrative Tribunal
18 MAR 1996
Guwahati Bench

Handwritten notes and signatures on the right margin.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Case No : O.A. 45 of 1996.

1. Shri Nanda Kishore Thakur, Mazdur.
2. Shri Surendra Ch. Sukla Baidya, Carpenter.
2. Shri Rambilas Yadav, Mate.
4. Shri Prabhu Dayal, Carpenter.
5. Shri George Mathai, S.K.-II.
6. Shri Prabal Yoyti Deb, Supvr. B/S-II.
7. Shri Bhabananda Das, S.A.-II
8. Shri S.P. Kabiraj,
9. Shri Ratan Deb, D/Man-II.
10. Shri Suren Ch. Bora, F/Printer.
11. Shri Purañ, Mate.
12. Shri D.K. Singha, L.D.C.
13. Shri M.C. Chakraborty, P/Fitter, H.S.-II.
14. Shri Subash Ch. Deb.
15. Shri Ram Chandra, Carpenter.
16. Shri Satyendra Sukla Baidya, Mason.
17. Shri Rama Krishna Harizan, Mate.
18. Shri Ashok Kr. Balmiki, S/Wala.
19. Shri Bikram Yadav, Mate.
20. Shri Ajoy Dutta, Dlec. H.S.-I.
21. Shri Mohan Bhuiya, FGM(SK).
22. Shri N. Nateshan, FGM (SK).
23. Shri KPGK Nair, FGM (SK).
24. Shri Hariprasad Pradhan, Mate.
25. Shri Khush Bahadur Sonar, Mate.
26. Shri Ashok Kr. Dey, FGM, SK.
27. Shri Rashik Ch. Paul, Elect. S.K.
28. Shri Sankar Purakayastha, Mate.
29. Shri M.R. Chowdhury, Elec. S.K.
30. Shri H.M. Nag, Elec. H.S.-II.
31. Shri Pradip Kalita, Dhowk.
32. Shri P.C. Sukla Das, F.G.M.
33. Shri Rama Kanta Horizon, Mazdur,
34. Shri Sudip Sutradhar, F.G.M.
35. Shri Arjun Kr. Roy, Supdt. B/R-I.
36. Shri B.C. Roy,
37. Shri V. Margabandhu, Mate.
38. Shri Pradyuana Dr. Dutta, Supdt. B/R-I.
39. Shri C. Mani, FGM.
40. Shri Chaturgan Hazam, Elec. S.K.
41. Shri Dhanai Yadav, V/Man.
42. Shri Benu Tanti, Mazdur.
43. Shri Jamal Uddin, Elec. S.K.
44. Shri Ali Muddin, P/Fitter-SK.
45. Shri Sirajuddin, FGM
46. Shri Sibendra Nath Chaki, Supdt. BR-II.

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Suresh Ch. Roy

- | | |
|------------------------------------------------|---------------------------------------------|
| 47. Shri Dharanidhar Das. LDC. | 48. Shri Suresh Ch. Roy, Mason. |
| 49. Shri Dipak Ranjan Das. Elec. SK. | 50. Shri S.M.S. Naqvi, A.E., B/R. |
| 51. Shri Nitish Ranjan Kar, A.E. B/R. | 52. Shri Nripendra Ch. Paul, Elec. S.K. |
| 53. Shri T.K. Bhattacharjee, L.D.C. | 54. Shri A.K. Nandy, SK-II. |
| 55. Shri Sujit Kr. Banarjee, Supvr. B/S-II. | 56. Shri S.P. Jain, |
| 57. Shri Dilip Kr. Saha, S.A.-I. | 58. Shri Swapan Choudhury, Supdt. B/R-I. |
| 59. Shri Radhaballab Debnath, Supdt. E/M-I. | 60. Shri A.K. Mitra, S.K.-I. |
| 61. Shri M.C. Das, A.E. B/R. | 62. Shri Kanulal Sukladas, Office Supdt. |
| 63. Shri S.K. Gangopadhy, A.E. B/R. | 64. Shri N.D. Pow, Office Supdt. |
| 65. Shri A.C. Guha, B/R. Gr.-II | 66. Shri Supratish Sarkar, V/Man. |
| 67. Shri B.K. Dutta. | |

All, posted in the Office of the Garison Engineer(P), 872 EWS, C/O 99-A.P.O.

..... Petitioners.

- VERSUS -

Union of India, represented by the Secretary,
Ministry of Defence, Govt. of India, New Delhi.
Garison Engineer(P), 872, Engineering Works 99 A.P.O.

..... Respondents.

PARTICULARS OF THE RESPONDENTS.

- Secretary to the Govt. of India, Ministry of DEFENCE in control of Respondent No.2 and its establishment.
- Garison Engineer, 872 Engineering Works sec. 99 A.P.O. Head of the Office and establishment in which the Applicants are/were posted.

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In vakal = 69
expired on 6.7
9 not signed

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D. S. S. S.

(HOUSE RENT ALL.)

PARTICULARS OF ORDERS AGAINST WHICH THE APPLICATION IS MADE.

The application is directed against the non-implementation of the Government of India, Ministry of Finance (Department of expenditure) O.M. No. 20014/10/86-E-IV dated, 23-09-1986 and denial of House Rent allowance by the Respondents even after the judgement and Order of this Hon'ble Tribunal in O.A. 50..../89 passed on 29-03-94 and implemented by the Respondent No.1 in respect of 149 Applicants similarly situated as the Applicants here.

JURISDICTION OF THE TRIBUNAL

All Applicants are civilian Defence employees posted in same Field area now declared "Modified Field area" from various dates between 1984-1994. The Applicant declare that the subject matter of the application and the redressal prayed for are within the jurisdiction of this Hon'ble Tribunal. The Applicants declare that the application is within the prescribed limitation.

FACTS OF THE CASE

1. All these Applicants joined Shri Mrinal Kanti Das in a joint application before this Hon'ble Tribunal which was registered as O.A. 177 of 1989 and was finally disposed of by Order dated, 11-01-1996. As the joint Petition suffered from procedural infirmity and irregularity this application in proper form is being filed under the leave of this Hon'ble Tribunal.

2. All the Applicants here are civilian defence employees working in various posts described in details in the list of names annexed. They are all posted in the establishment of Respondent No.2 with effect from different dates after 1984.

3. That the allowance i.e. House Rent Allowance admissable to all Central Government employees similarly

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[Handwritten signature]

situated by virtue of Ministry of Defence Office Memo No.4019)85/D(Civ-1) dated, 11-01-1984.

4. The 4th Pay Commission recommended House Rent allowance irrespective of any other consideration in different range according to the classification of the place. On the basis of the recommendation of the Pay Commission sanction of House Rent allowance was made by the Government of India, Ministry of Finance (Department of expenditure) O.M. No.11013/2/1986-E.II(B) dated, 25-09-1986. All the Applicants here, though posted in field area are entitled to House Rent Allowance in terms of the aforesaid office Memo dated, 25-09-1986. The Applicants here thus challenge only the unlawful and arbitrary denial of the allowance.

5. The Applicants are all entitled to the allowance from such dates on which Applicants were individually posted to the establishment of Respondent No.3. The Applicants thus challenge the non-implementation of the allowance to which they are lawfully entitled.

6. As many as 149 Applicants posted in the same establishment of G.E.(P) 892 EWS, at Agartala (Tripura) filed application before this Hon'ble Tribunal challenging the denial/non-implementation of the House Rent allowance. This Hon'ble Tribunal after hearing all the parties passed its final verdict on 29-03-1994 in O.A. 50/89 directing the Respondents to pay all arrears accrued to each individual Applicant with reference to the date of posting and the rate admissable. The said Order of this Hon'ble Tribunal was confirmed in review application. 50/89 1995 and as such the Order of this Tribunal has already been implemented in respect of all those 149 Applicants who are similarly situated as the present Applicants are.

(5)

Agarwal

-: Page-5 :-

7. The Applicants expected that the allowance would be uniformly applied in the case of all similarly situated employees on the decision of this Hon'ble Tribunal. But the Order of this Hon'ble Tribunal not having been implemented beyond the 149 employees, the present Petitioners alongwith others served a Notice demanding justice through their Counsel and despatched registered post on 19-04-1995. No response having been received the Applicants filed the joint application with Shri Mrinal Kanti Das(O.A.177/1995) and that joined the Petition being procedurally defective the present application is filed in proper form.

8. That the decision and the verdict passed by this Hon'ble Tribunal on 11-01-1996 in O.A.177/1996 would be applicable in the case of the present Applicants, all being similarly situated and having common cause of action and identical relief sought for.

RELIEF SOUGHT

(i) The judgement and order of this Hon'ble Tribunal in O.A.50/1989 and in O.A.177/1995 passed on 29-03-94 and 11-01-1996 respectively to be made applicable in the case of the present Applicants.

(ii) This Hon'ble Tribunal would also kindly pass Orders as to cost of this proceeding and such compensation for denying and delaying the payment of the allowance to which the Applicants are lawfully entitled.

THE DOCUMENTS ANNEXED

- 1.
- 2.
- 3.
- 4.

NUMBERS OF I.P.O.

809 315100
809 337001

Agarwal

(6)

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Dutta

Verification

WE the undersigned posted in the establishment of Respondent-3 at Agartala, Tripura, do hereby verify the contents of the application above, which are true to our knowledge, and we have not suppressed any material facts.

- | | |
|----------------------------------|---------------------------------|
| 1. Nanda Kishor Thakur | 21. Bikram Yadav |
| 2. Surendra Ch Suktobadhye | 22. Ajoy Dutta |
| 3. Ram Bilash Yadav | 23. Mohan Bhuiya - M. omk |
| 4. Prabhu Dayal | 24. R. Nadosan |
| 5. George Malhotra | 25. K.P.G.K. Naire |
| 6. P. J. Dev. | 26. Hari PD Pradhan |
| 7. Bhabananda Das | 27. Kushi Bdr Sonar - K. D. Son |
| 8. Shri St. Kabiraj | 28. Ashok Kr Dey |
| 9. Lalan Deb | 29. Rasik Ch Paul |
| 10. Surin Ch. Borthakur | 30. Sankar Suktobadhye |
| 11. Shree Puran | 31. M.R. Chowdhary |
| 12. Su BK Saha | 32. H.M. Neg |
| 13. Mreemat Kanti Das | 33. Praadip Kalita |
| 14. M.C. Chakraborty | 34. P.C. Sukla Das - P.C. Sukla |
| 15. Subhash Ch Deb | 35. Ram Kanti Hazra |
| 16. B.K. Dutta | 36. Sudip Suktobadhye |
| 17. Ram Chandor | 37. Arjun Roy |
| 18. Salynden Suktobadhye | 38. B.C. Roy |
| 19. Ram Kishan Hazra | 39. V. Mangabandhu |
| 20. Ashok Kr Balmiki | 40. P.K. Dutta |

(14) (39)

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Verification

WE the undersigned posted in the establishment of Respondent-3 at Agartala, Tripura, do hereby verify the contents of the application above, which are true to our knowledge, and we have not suppressed any material facts.

- 41. C. Mani - *C. Mani* 21. A.K. Milien
- 2. Chatrayan Hazra - *Chatrayan* 22. Me Das
- 3. Dhonai Yadav - *Ex-Priso* 23. K.L. Sulela Das
- 4. Benu Tanti - *Benu* 24. SR Gogopadhyay
- 5. Jamal Uddin *on leave* 25. N.D. Bhowe
- 6. Alim Uddin - *omirak* 26. A.C. Guha
- 7. Siraj Uddin - *Sirajuddin* 27.
- 8. ~~Shendrak Chaki~~ - *Chaki* 28.
- 9. Shri D.D. Das *Das* 29.
- 10. Sunesh Ch Roy. *Sohay* 30.
- 11. Supratik Sarkar *SS* 31.
- 12. Dipok Ranjan Das. *DR* 32.
- 13. S.M. NAQVI *W* 33.
- 14. N.R. KAR *N.R.* 34.
- 15. N.C. Paul - *Paul* 35.
- 16. T.K. Bhattachagjee *K* 36.
- 17. A.K. Nandy *Nandy* 37.
- 18. SK Banerjee *Banerji* 38.
- 19. S.L. Jaisi *Jaisi* 39.
- 20. Radha Ballab Deb *Radha* 40.

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67
- 8 Not signed

SPL. Ref: Hon'y R. A(5)

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Handwritten signature and initials.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Case No : O.A.of 1996.

1. Shri Nanda Kishore Thakur, Mazdur.
2. Shri Surendra Ch. Sukla Baidya, Carpenter.
3. Shri Rambilas Yadav, Mate.
4. Shri Prabhu Dayal, Carpenter.
5. Shri George Mathai, S.K.-II.
6. Shri Prabal Yoyti Deb, Supvr. B/S-II.
7. Shri Bhabananda Das, S.A.-II
8. Shri S.P. Kabiraj,
9. Shri Ratan Deb, D/Man-II.
10. Shri Suren Ch. Bora, F/Printer.
11. Shri Purnan, Mate.
12. Shri D.K. Singha, L.D.C.
13. Shri M.C. Chakraborty, P/Fitter, H.S.-II.
14. Shri Subash Ch. Deb.
15. Shri Ram Chandra, Carpenter.
16. Shri Satyendra Sukla Baidya, Mason.
17. Shri Rama Krishna Harizan, Mate.
18. Shri Ashok Kr. Balmiki, S/Wala.
19. Shri Bikram Yadav, Mate.
20. Shri Ajoy Dutta, Dlec. H.S.-I.
21. Shri Mohan Bhuiya, FGM(SK).
22. Shri N. Nateshan, FGM (SK).
23. Shri KPGK Nair, FGM (SK).
24. Shri Hariprasad Pradhan, Mate.
25. Shri Khush Bahadur Sonar, Mate.
26. Shri Ashok Kr. Dey, FGM, SK.
27. Shri Rashik Ch. Paul, Elect. S.K.
28. Shri Sankar Purakayastha, Mate.
29. Shri M.R. Chowdhury, Elec. S.K.
30. Shri H.M. Nag, Elec. H.S.-II.
31. Shri Pradip Kalita, Dhowk.
32. Shri P.C. Sukla Das, F.G.M.
33. Shri Rama Kanta Horizon, Mazdur,
34. Shri Sudip Sutradhar, F.G.M.
35. Shri Arjun Kr. Roy, Supdt. B/R-I.
36. Shri B.C. Roy,
37. Shri V. Margabandhu, Mate.
38. Shri Pradyuana Dr. Dutta, Supdt. B/R-I.
39. Shri C. Mani, FGM.
40. Shri Chaturgan Hazan, Elec. S.K.
41. Shri Dhanai Yadav, V/Man.
42. Shri Benu Tanti, Mazdur.
43. Shri Jamal Uddin, Elec. S.K.
44. Shri Ali Muddin, P/Fitter-SK.
45. Shri Sirajuddin, FGM
46. Shri Sibendra Nath Chaki, Supdt. BR-II.

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- | | |
|------------------------------------------------|---------------------------------------------|
| 47. Shri Dharanidhar Das. LDC. | 48. Shri Suresh Ch. Roy, Mason. |
| 49. Shri Dipak Ranjan Das. Elec. SK. | 50. Shri S.M.S. Naqvi, A.E., B/R. |
| 51. Shri Nitish Ranjan Kar, A.E. B/R. | 52. Shri Nripendra Ch. Paul, Elec. S.K. |
| 53. Shri T.K. Bhattacharjee, L.D.C. | 54. Shri A.K. Nandy, SK-II. |
| 55. Shri Sujit Kr. Banarjee, Supvr. B/S-II. | 56. Shri S.P. Jain, |
| 57. Shri Dilip Kr. Saha, S.A.-I. | 58. Shri Swapan Choudhury, Supdt. B/R-I. |
| 59. Shri Radhaballab Debnath, Supdt. E/M-I. | 60. Shri A.K. Mitra, S.K.-I. |
| 61. Shri M.C. Das, A.E. B/R. | 62. Shri Kanulal Sukladas, Office Supdt. |
| 63. Shri S.K. Gangopadhyay, A.E. B/R. | 64. Shri N.D. Pow, Office Supdt. |
| 65. Shri A.C. Guha, B/R. Gr.-II | 66. Shri Supratish Sarkar, V/Man. |
| 67. Shri B.K. Dutta. | |

All, posted in the Office of the Garison Engineer(P),
872 EWS, C/O 99-A.P.O.

..... Petitioners.

- VERSUS -

Union of India, represented by the Secretary,
Ministry of Defence, Govt. of India, New Delhi.
Garison Engineer(P), 872, Engineering Works 99 A.P.O.

..... Respondents.

PARTICULARS OF THE RESPONDENTS.

1. Secretary to the Govt. of India, Ministry of DEFENCE
in control of Respondent No.2 and its establishment.
2. Garison Engineer, 872 Engineering Works sec. 99 A.P.O.
Head of the Office and establishment in which the
Applicants are/were posted.

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35 shown
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-: Page-3 :-

AN APPLICATION UNDER RULE 4(5)(a) OF THE
CENTRAL ADMINISTRATIVE TRIBUNAL (PROCEDURE)
RULES 1987 FOR LEAVE TO SUBMIT A JOINT
APPLICATION BY THE APPLICANTS HAVING COMMON
CAUSE OF ACTION AND SEEKING SAME RELIEF.

The Petitioners, above named respectfully beg to
state as follows :-

1. That the Petitioners are filing a joint application before this Hon'ble Tribunal seeking relief on House Rent Allowance.
2. That all the Petitioners are civilian Defence employees under the same department and posted at the same station in the same establishment. All the Petitioners have identical and common interest and the cause of action is also similar in as much as the denial of the allowance to which the Applicants are entitled is similar and with effect from the same date.
3. That the Petitioners are low-paid employees and cannot afford to engage lawyers independently or bear the expenses involved in filing a separate application and as such the Petitioners agreed to pray for a permission of this Hon'ble Tribunal to submit the application jointly by the Petitioners by one application and hence this application for leave of this Hon'ble Tribunal to file a single application jointly by all the Applicants.

Contd.....P/4.

3. That the present Petitioners were among the 66 Applicants who jointly filed O.A. No. 50 of 1995 which was heard at length by this Hon'ble Tribunal on 11-01-96 at Guwahati Bench. Although the judgement was passed the relief was allowed in respect of the 1st Petitioner Shri Mrinal Kanti Das who had signed the Petition, but not in respect of other 65 who joined the 1st Petitioner. Leave was however, allowed to the Petitioners to file proper applications whereupon this Hon'ble Tribunal would consider extending the benefit of the judgement passed by the Hon'ble Tribunal on 11-01-1996. Hence this Petition for filing a single application jointly by all the Applicants.

It is therefore humbly prayed that this Hon'ble Tribunal would consider the circumstances and allow all the Petitioners to file a single application jointly by all the Petitioners.

A N D

for this act of kindness the Petitioner shall ever pray.

Contd.....P/5.

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Verification

We the undersigned posted in the establishment of Respondent-3 at Agartala, Tripura, do hereby verify the contents of the application above, which are true to our knowledge, and we have not suppressed any material facts.

- | | | | |
|----------------------------|-----|---------------------|--|
| 1. Nand Kishore Thakur | 21. | Ajoy Dutta | |
| 2. Surendra Ch. Suktabadya | 22. | Mohan Bhuyan | |
| 3. Ram Bilasa Yadav. | 23. | R. Nadesan | |
| 4. Prabhu Dayal | 24. | K. P. G. Nair | |
| 5. George Mathai | 25. | Hari Prasad Pradhan | |
| 6. P. J. Dev. | 26. | Kush Bahadur Sonar | |
| 7. Bhabananda Das | 27. | Ashu Kumar Dey | |
| 8. S. P. Kaliraj | 28. | Rasik Ch. Paul | |
| 9. Ratan Deb. | 29. | Sankar Purkayastha | |
| 10. Surendra Ch. Borah | 30. | M. R. Chowdhury | |
| 11. Shri Puran Puri | 31. | H. M. Nay. | |
| 12. Shri Dr. Gupta. | 32. | Pradyo kalita | |
| 13. M. C. Chakraborty | 33. | P. C. Suktadass | |
| 14. Subhas Ch. Deb. | 34. | Ramkanta Hazarika | |
| 15. B. R. Dutta | 35. | Sudib Subudhar | |
| 16. Ram Chauder | 36. | Ajun K. Roy. | |
| 17. Satyendra Suktabadya | 37. | | |
| 18. Ram Kishan Horejan | 38. | | |
| 19. Ashok Kr. Barmiki | 39. | | |
| 20. Bikram Yadav. | 40. | | |

