

**Central Administrative Tribunal
Principal Bench**

OA No. 2414/2018

Order reserved on: 20.09.2018
Order pronounced on : 26.09.2018

Hon'ble Mr. Pradeep Kumar, Member (A)

- 1 Anil Rawat, aged about 52 years
S/O Late Sh.S.S.Rawat,
R/O 90-Smith Nagar,
P.O. Prem Nagar,
Dehradun-248007,
Uttarakhand State.
- 2 Ajay Aggarwal, aged about 52 years
S/O Late Sh.M.L.Aggarwal
R/O 33, Van Vihar Colony,
Shimla Road, Dehradun-248001,
Uttarakhand State,
- 3 Vipin Kumar Singhal, aged about 52 years
S/O Shri J.S.Singhal,
R/O 35, Panchsheel Park,
P.O. New Forest, Dehradun-248006,
Uttarakhand State,
- 4 Narendra Kumar, aged about 59 years
S/O Ram Swaroop,
R/O Upper Nehru Gram,
Dehradun-248001,
Uttarakhand State,
- 5 S.K. Sachdeva, aged about 42 years
S/O Late H.L.Sachdeva,
R/O A-1/47, Gurunanak Enclave,
Mith Beri, Dehradun-248001,
Uttarakhand State.
- 6 Seema Thakur, aged about 49 years
S/O Late Gela Ram,
R/O 80-A, Ram Vihar,
Dehradun-248001,
Uttarakhand State.
- 7 Rajni Duggal, aged about 50 years
S/O M.L.Bharti
R/O 11, Cement Road,

Dehradun-248001,
Uttarakhand State,

8 Madhu Vohra aged about 59 years
S/O Late N.L.Ahuja,
R/O 24, Sri Enclave,
Panditwari, Dehradun-248001,
Uttarakhand State,

9 Prem Lal, aged about 56 years
S/O Late Narad,
R/O Sai Vihar, Pase-I,
Lane No.7, Shyampur,
Dehradun-248001,
Uttarakhand State,

10 Manjeet Sharma aged about 57 years
S/O Late S.Gurbachan Singh,
R/O 12/9, Ashirwad Enclave,
Dehradun-248001,
Uttarakhand State,

11 Jyoti Dua, aged about 59 years
S/O Late K.N.Ghai,
R/O 167/1-1, Rajender Nagar,
Street No.1, Dehradun-248001,
Uttarakhand State,

12 Ramakant Mishra, aged about 55 years
S/O Shri B.D.Mishra
R/O 51, Chukkuwala,
Dehradun-248001,
Uttarakhand State,

13 Raman Nautiyal, aged about 47 years
S/O Shri R.C.Nautiyal,
R/O 150, Canal Road,
Kaulagarh, Dehradun-248001,
Uttarakhand State,

14 Geeta Vohra , aged about 46 years
S/O Shri Devi Dass Arora,
R/O 87-E, Ram Vihar,
Ballupur,, Dehradun-248001,
Uttarakhand State,

15 Archana Joshi, aged about 56 years
S/O Late V.D.Sharma,
R/O 16-A, Sai Lok,
GMS Road, Dehradun-248001,
Uttarakhand State,

16 Pankaj Thapa, aged about 40 years
 S/O Late Shri Jag Prasad
 R/O Prempur mafi,
 Kaulagarh,, Dehradun-248001,
 Uttarakhand State,

17 Vijay Bahadur , aged about 59 years
 S/O Late Pati Ram,
 R/O House No.712,
 Uddiwala, Kaulagarh,
 Dehradun-248001,
 Uttarakhand State,

18 Rakesh Kumar Verma, aged about 50 years
 S/O Hari Singh Verma,
 R/O Kalptaru, Trijal Vihar,
 Near Santi Vihar,
 Kaulagarh, Dehradun-248001,
 Uttarakhand State,

19 Sanjay Pandey , aged about 51 years
 S/O Late Sh.M.K.Pandey ,
 R/O MAPALS,
 Village & PO, Shamshergarh,
 Dehradun-248001, Uttarakhand State,

20 Lalta Prasad, aged about 59 years
 S/O Late Sh.Jag Mohan
 R/O 174, Hathibarkala Gaon,
 Dehradun-248001, Uttarakhand State,

21 Mamta Upreti , aged about 29 years
 S/O Shri Bhuwan Chandra Joshi,
 R/O 35-B, Lane No.3,
 Upasana Enclave, Panditwari,
 Dehradun-248006,
 Uttarakhand State.

22 Arvind Johari , aged about 49 years
 S/O Late S.P.Johari,
 R/O 84, Vyom Prasta,
 GMS Road, Dehradun-248001,
 Uttarakhand State,

23 Sanjay Pathak, aged about 51 years
 S/O Late H.S.Pathak,
 R/O 197-B, Khurbara,
 Dehradun-248001,
 Uttarakhand State.

24 Sudhir Singh Bisht , aged about 30 years
 S/O Shri Gyan Singh,
 R/O New Colony Ranjhawala,
 Raipur, Dehradun-248001,
 Uttarakhand State,

25 Jagminder Singh, aged about 34 years
 S/O Late Harbhajan Singh
 R/O Vill. Shyampur,
 P.O. Ambiwala, Prem Nagar,
 Dehradun-248007,
 Uttarakhand State.

26 Pawan Yadav, aged about 27 years,
 S/O Shri Ram Chander Yadav,
 R/O Vivak Vihar-I, GMS Road,
 Dehradun-248001,
 Uttarakhand State,

27 Vinod Kumar, aged about 31 years,
 S/O Late Sh.Suraj Prasad ,
 R/O 28, Idgah Kumar,
 Mandi, , Dehradun-248001,
 Uttarakhand State,

28 Mahender Sharma, aged about 49 years,
 S/O Late Sh.Dirg Lal,
 R/O Canal Road,
 Kaulagarh,, Dehradun-248001,
 Uttarakhand State,

29 Satish , aged about 51 years,
 S/O Late Sh.Ramu , R/O ½, Sanjay Colony,
 Patel Nagar, Dehradun-248001,
 Uttarakhand State,

30 Kuldeep Singh, aged about 59 years,
 S/O Shri Pratap Singh,
 R/O Lane No.7,
 GMS Road, Dehradun-248001,
 Uttarakhand State,

31 Rajendra Prasad Sharma, aged about 36 years,
 S/O Late Sh.T.R.Sharma,
 R/O 183, Govind Vihar,
 Ambedkar Road,
 Kaulagarh, Dehradun-248001,
 Uttarakhand State,

32 Vinod Kumar Mal, aged about 49 years,
 S/O Late Sh.Bhien B,
 R/O Garam Jamunwalla,

Dehradun-248001,
Uttarakhand State,

33 Amit Dhundiyal, aged about 31 years,
S/O Late Sh.B.D.Dhounadiyal,
R/O Govindgarh, Near Shiv Shan Office,
Dehradun-248001, Uttarakhand State,

34 Jagdish Pandey , aged about 57 years,
S/O Late Sh.Gambir Dutt Pandey,
R/O Village Sukhlapur,
P.O. Amabiwala, Dehradun-248007,
Uttarakhand State,

35 Pradeep Joshi, aged about 31 years,
S/O Shri Narayan Dutt,
R/O Village Lakshmipur,
Prem Nagar, Dehradun-248007,
Uttarakhand State,

36 Sandeep Kumar, aged about 24 years,
S/O Late Sh.Shiv Mangal,
R/O Village Baniyawala,
P.O. Prem Nagar, Dehradun-248007,
Uttarakhand State.

37 Mitra Nand , aged about 51 years,
S/O Late Sh.Mohan Lal ,
R/O Niranjanpur,, Dehradun-248001,
Uttarakhand State,

38 Bhim Bahadur , aged about 50 years,
S/O Late Sh.Ganga Bahadur,
R/O Thakurpur, Dehradun-248007,
Uttarakhand State,

39 Tej Prakash Yadav , aged about 57 years,
S/O Late Sh.Badha Ram ,
R/O 257-D, Panditwari,
Post Prem Nagar, Dehradun-248007,
Uttarakhand State

40 Vijay Prakash, aged about 54 years,
S/O Late Sh.Rameshwar Prasad,
R/O Village Phoolsani,
P.O.Ponda, Dehradun-248007,
Uttarakhand State

41 Anil Ghildiyal aged about 53 years,
S/O Late Shri R.C.Ghildiyal ,
R/O Village Bajawala,

P.O. New Forest, Dehradun-248006,
Uttarakhand State,

42 Nafees Ali, aged about 30 years,
S/O Late Mahmood Hasan,
R/O Naya Nagar, Mehwala Mafi,
Dehradun-248001, Uttarakhand State,

43 Suresh Chand Yadav, aged about 48 years,
S/O Late Sh.Gulab Singh,
R/O Raghav Vihar, Phase-5,
P.O. Dehradun-248007,
Uttarakhand State,

44 Bijendra Singh aged about 54 years,
S/O Shri Pyare Lal,
R/O 32, Pandit wari, Dehradun-248007,
Uttarakhand State,

45 Brijesh Kumar Sharma, aged about 52 years,
S/O Late Sh. M.N.Sharma,
R/O 28, Vyoamprasth,
GMS Road,, Dehradun-248001,
Uttarakhand State.

46 Ram Surat , aged about 50 years,
S/O Late Sh.Rajaram,
R/O Village Baniyawala,
P.O. Prem Nagar, Dehradun-248007,
Uttarakhand State.

47 Sardar Singh Panwar, aged about 51 years,
S/O Late Sh. Satey Singh Panwar,
R/O Village Baniyawala,
P.O. Badowala, Dehradun-248007,
Uttarakhand State.

48 Seva Ram aged about 56 years ,
S/O Late Sh.Sant Ram,
R/O Village Naya Gaun,
P.O. Naya Gaun, Dehradun-248001,
Uttarakhand State,

49 Nawabuddin , aged about 55 years,
S/O Late Sharfuddin,
R/O Village Gorakhpur,
Arcadia Grant, P.O. Badowala,
Dehradun-248007,
Uttarakhand State

50 Noor Ahmad , aged about 57 years,
S/O Late Sharfuddin,
R/O Village Gorakhpur,

Arcadia Grant, P.O. Badowala,
Dehradun-248007, Uttarakhand State

51 S.P.N. Pandey, aged about 51 years,
S/O Late Sh.Udai Raj Pandey,
R/O Krishnapuram,
SBI Colony Pithuwala,,
Dehradun-248001, Uttarakhand State,

52 Bharat Singh Tirthwal,, aged about 53 years,
S/O Late Sh.Prem Singh,
R/O Village & PO Balawala,
Dehradun-248001, Uttarakhand State,

53 M.C.Jain, aged about 56 years,
S/O Late Sh.L.C.Jain,
R/O Lane No.6, Vijay Park Extension,
Dehradun-248001, Uttarakhand State,

54 Rakesh Kumar , aged about 46 years,
S/O Late Sh.Ram Samujh,
R/O 93, Gandhi Nagar,
Ballupur, Dehradun-248001,
Uttarakhand State,

55 Rajesh Kumar, aged about 55 years,
S/O Shri Manohar Singh,
R/O Kehari Gaun, P.O. Prem Nagar,
Dehradun-248007, Uttarakhand State,

56 Salahuddin, aged about 52 years,
S/O Late Sayeed Mohd,
R/O Azad Enclave,
Harbanswala,, Dehradun-248001,
Uttarakhand State,

57 Arvind Kumar Gazwal, aged about 54 years,
S/O Late Mizazi Lal,
R/O Vill. & P.O. Mehuwala,
Mafi Chauhan, Gali Shimla Bypass Road,
Dehradun-248001, Uttarakhand State,

58 Narender Singh Mehta, aged about 49 years,
S/O Late Shri P.S.Mehta,
R/O 6/8 New Vasant Vihar Enclave,
Dehradun-248001, Uttarakhand State,

59 Ram Pal , aged about 52 years,
S/O Late Sh. Gurudas Ram ,
R/O Vill. Baniyawala,
Near Gorakhpur Chowk,
PremNagar,, Dehradun-248007,
Uttarakhand State,

60 Dhirendra Singh Bist, aged about 56 years,
S/O Late Sh.P.S.Bist,
R/O 31/112, Ballupur,
Dehradun-248001, Uttarakhand State.

61 Dinesh Kumar Sharma, aged about 48 years,
S/O Late Sh.Vishnu Prasad Sharma,
R/O 150, Kaulagarh,
P.O. IPE, ONGC, Dehradun-248001,
Uttarakhand State,

62 Amir Singh aged about 55 years,
S/O Late Sh.Sher Singh,
R/O Maherkot,
P.O.Pondha, Dehradun-248007,
Uttarakhand State,

63 Suraj Prakash , aged about 34 years,
S/O Late Sh.Santosh Kumar,
R/O 188, Khubura Mohalla,
Dehradun-248001, Uttarakhand State,

64 Bhim Prakash , aged about 56 years,
S/O Late Sh.Jyoti Prasad,
R/O 18, Dharampur,
Dehradun-248001, Uttarakhand State,

65 S.K.Nautiyal , aged about 56 years,
S/O Late Sh. K.D. Nautiyal,
R/O Village Kaulagarh,
Dehradun-248001, Uttarakhand State,

66 Dharm Singh , aged about 47 years,
S/O Late Sh.Sukh Lal Singh,
R/O 95-A, Rishi Nagar,
Raipur, Dehradun-248001,
Uttarakhand State.

67 Suman Yadav , aged about 46 years,
S/O Late Sh.Raj Pal Yadav,
R/O House No.90, GMS Road,
Kanwali, Dehradun-248001,
Uttarakhand State,

68 Sadruddin , aged about 60 years,
S/O Late Fazalddin,
R/O 235, Mothrowala Road,
Azabpur Kala, Dehradun-248001,
Uttarakhand State.

69 Jagdish Prasad aged about 58 years,
 S/O Late Sh.Sankar Lal,
 R/O Village Kanwali, Vyomprasth,
 GMS Road, , Dehradun-248001,
 Uttarakhand State.

70 Yaqub Ali , aged about 49 years,
 S/O Marsood Ali,
 R/O Village Gorakhpur,
 Shimla pass,
 P.O. Baniyawala Dehradun-248007,
 Uttarakhand State.

71 Rajeev Kumar Ahuja, aged about 52 years,
 S/O Late Sh. A.N.Ahuja,
 R/O Wing No.6/23/10,
 Prem Nagar, Dehradun-248007,
 Uttarakhand State,

72 Anil Kumar Khaneja, aged about 53 years,
 S/O Late Sh.A.P.Khaneja,
 R/O 369/10 Vasant kunj,
 Prem Nagar, Dehradun-248007,
 Uttarakhand State,

73 Vijay Kumar Sharma, aged about 58 years,
 S/O Raj Kumar , R/O Vasant Kumar,
 1st P.O. New Forest, Dehradun-248006,
 Uttarakhand State,

74 Nagender Singh, aged about 53 years,
 S/O Late Sh.Haria,
 R/O Chandanwadi, Dehradun-248007,
 Uttarakhand State,

75 Ankit Kothari , aged about 25 years,
 S/O Late Sh.Jai Prakash Kothari,
 R/O Kaulgarh, Dehradun-248001,
 Uttarakhand State,

76 Navneet Kumar, aged about 50 years,
 S/O Late Sh.Umesh Chand,
 R/O 24, Vijay Park Dehradun-248001,
 Uttarakhand State,

77 Sudhir Sharma aged about 48 years,
 S/O Late Sh.A.N. Sharma,
 R/O 116, Rajendra Nagar,
 Street No.6, Dehradun-248001,
 Uttarakhand State,

78 Anoop Singh Chauhan aged about 59 years,
 S/O Late Sh. S.S.Chauhan,

R/O 101, Shanti Vihar,Kaulgrah,
Dehradun-248001, Uttarakhand State,

79 Brij Mohan Uniyal, aged about 51 years,
S/O Late Sh. D.N.Uniyal,
R/O D-Lane, Street No.3,
Vasant Vihar Enclave,
P.O. New Forest, Dehradun-248006,
Uttarakhand State,

80 Dheerendra Kumar, aged about 36 years,
S/O Shri K.R.Sagar,
R/O 93/1, Lane No.3,
Srirampuram Colony,
Dehradun-248001, Uttarakhand State,

81 Arun Kumar Bharti , aged about 31 years,
S/O Shri Omi Chand ,
R/O 277, Green Park,
Niranjanpur, Dehradun-248001,
Uttarakhand State,

82 Suman Sharma, aged about 55 years,
S/O Shri Govardhan Sharma,
R/O 2, Utsav Vihar,
Near Anurag Nursery,
Dehradun-248001, Uttarakhand State,

83 Sushil Kumar, aged about 58 years,
S/O Late Sh.Devi Prasad,
R/O 269, Panditwari, Bhoor,
P.O. Prem Nagar, Dehradun-248007,
Uttarakhand State,

84 Manmohan Singh Bisht, aged about 56 years,
S/O Late Sh.P.S.Bisht,
R/O H.No.58, Block-II,
Arya Nagar, Dehradun-248001,
Uttarakhand State,

85 Nitesh Nautiyal , aged about 39 years,
S/O Late Sh. M.K.Nautiyal,
R/O Vill. & P.O. Kaulagarh,
Tapkeshwar Road, Dehradun-248006,
Uttarakhand State,

86 Jitendra Singh Negi, aged about 59 years,
S/O Late Sh.V.S.Negi,
R/O Lower Nehrugram,
(Pashupati Nath Enclave),
Dehradun-248001, Uttarakhand State

87 Sunil Chand, aged about 52 years,
S/O Late Sh.Kundal Lal,
R/O Village Kotra, Santor,
P.O.Premnagar, Dehradun-248007,
Uttarakhand State,

88 Anand Singh Negi, aged about 52 years,
S/O Late Sh.Jhot Singh Negi,
R/O Lane No.11, H.No.29,
Indira Prasth Colony,
Upper Nathanpur, Dehradun-248001,
Uttarakhand State,

89 Gopal Singh Bisht , aged about 50 years,
S/O Shri Chandan Singh Bisht,
R/O Baniyawala, Prem Nagar,
Dehradun-248007, Uttarakhand State,

90 Mukesh Bhatt, aged about 32 years,
S/O Prema Nand Bhatt,
R/O Krishna Lok Colony,
Baniyawala, Premnagar,
Dehradun-248007, Uttarakhand State,

91 Santosh Gairola , aged about 54 years,
S/O Late Sh.Ashutosh Gairola,
R/O 206, Tagore Villa, Chakrata Road,
Dehradun-248001, Uttarakhand State,

92 Rahul Rana, aged about 31 years,
S/O Shri Roop Singh Rana,
R/O Vill. Bajawala,
P.O. New Forest, Dehradun-248006,
Uttarakhand State,

93 Sher Bahadur Chhetri , aged about 49 years,
S/O Late Man Bahadur Chhetri,
R/O 351, Sainik Basti, Kaulagarh,
P.O. IPE, Dehradun-248001,
Uttarakhand State,

94 Siyanand , aged about 54 years,
S/O Shri Ram Diya,
R/O Badowala,
P.O. Badowala, Dehradun-248007,
Uttarakhand State,

95 Om Prakash Balmiki , aged about 56 years,
S/O Shri Ram Swaroop,
R/O 70, Chukkhuwala,
Near Kalika Mandir,
Block-3, Dehradun-248001,
Uttarakhand State,

96 Amit Kumar Verma, aged about 30 years,
S/O Shri Ganesh Prasad Sharma,
R/O 115/2, Vasant Vihar,
Dehradun-248007, Uttarakhand State,

97 Namitha Nhandadiyil Kaliyathan ,
Aged about 29 years,
D/O Shri K.Pravithran K,
R/O 115/2, Vasant Vihar,
Dehradun-248001, Uttarakhand State,

98 Mohan Singh, aged about 59 years,
S/O Shri Narayan Singh,
R/O 186, Prempur Mafi,
Kaulagarh, Dehradun-248001,
Uttarakhand State,

99 Chandan Singh Rawat , aged about 54 years,
S/O Late Shri Budh Singh,
R/O Wing No.06, B.No.5/5,
Premnagar, Dehradun-248001,
Uttarakhand State,

100 Piyush Rawat, aged about 32 years,
S/O Shri Sahdev Singh Rawat,
R/O House No.71/3,
Panditwari, Phase-II, Dehradun-248001,
Uttarakhand State.

101 Asha Khatri , aged about 53 years,
S/O Oliver Charan ,
R/O 5, Kishen Nagar Chouk,
Ballurpur Road, Dehradun-248001,
Uttarakhand State,

102 Surender Singh Kharola , aged about 59 years,
S/O Shri Bhagwan Singh,
R/O Vill. Bajawala,
P.O. New Forest, Dehradun-248001,
Uttarakhand State,

103 Afshan Zaidi , aged about 52 years,
S/O Late S.A.H. Zaidi ,
R/O Arkedia Grant, Shimla Road,
Dehradun-248001, Uttarakhand State,

104 Kiran Kumar, aged about 49 years,
S/O Late Ram Swaroop,
R/O Vill. Serla Kala, Priyalok,
Phase-I, Dehradun-248001,
Uttarakhand State,

105 Manjeet Singh Garhia , aged about 55 years,
S/O Late Rishi Ram Garshi,
R/O Village Masanda Wala,
P.O. New Foresh, Dehradun-248001,
Uttarakhand State,

106 H.P.Joshi, aged about 56 years,
S/O Late R.D.Joshi,
R/O 101-A, Megh Enclave,
GMS Road, Karwati, Dehradun-248001,
Uttarakhand State,

107 Satyender Thapa, aged about 57 years,
S/O Late Inder Singh thapa,
R/O Prempur Mafi, Kaulagarh,
P.O. IPE, Kaulagarh, Dehradun-248001,
Uttarakhand State.

108 Sunder Singh , aged about 56 years,
S/O Late Radha Syam,
R/O Village Pitambarpur,
Arcadia, P.O. Badowala,
Dehradun-248001, Uttarakhand State,

109 Srikant Sharma , aged about 32 years,
S/O Shri L.K.Sharma,
R/O Wing-I, No.17/3,
Prem Nagar, Dehradun-248001,
Uttarakhand State,

110 Suman Sakuja , aged about 49 years,
W/O Shri S.K.Sakuja,
R/O 123-A, Lane No.12,
Mohit Nagar, Dehradun-248001,
Uttarakhand State,

111 Pratima Devi, aged about 57 years,
S/O Late Ram Singh,
R/O 72, Ganga Vihar,
Malai Koth Canal Road,
Kaulagarh,, Dehradun-248001,
Uttarakhand State.

112 Sudhir Kumar , aged about 51 years,
S/O Late Sagan Singh,
R/O 78/162, Arya Nagar,
Block-II, Dehradun-248001,
Uttarakhand State,

113 V. Jeeva , aged about 55 years,
S/O Late A.Vellaichany,
R/O 78/162, Arya Nagar,

Block-II,, Dehradun-248001,
Uttarakhand State

- 114 Amod Dangwal , aged about 55 years,
S/O Late Madan Lal Dangwal,
R/O Prempur Maji, Kaulagarh,
Dehradun-248001, Uttarakhand State.
- 115 J.P. Bhatt, , aged about 59 years,
S/O Late B.P.Bhatt,
R/O Vani Vihar, Raipur Road,
Dehradun-248001, Uttarakhand State,
- 116 Anil Sachdeva , aged about 54 years,
S/O Shri M.L.Sachdeva,
R/O 784, Ballupur Road,
1, Vijay Park, Dehradun-248001,
Uttarakhand State,
- 117 Sunil Kumar aged about 48 years,
S/O Late Ramu,
R/O 169, Sanjay Colony,
Patel Nagar, Dehradun-248001,
Uttarakhand State,
- 118 Pawan Singh Panwar , aged about 56 years,
S/O Late Charan Singh Panwar,
R/O Sajowali Nalapari,
Aamwala, Dehradun-248001,
Uttarakhand State,
- 119 Krishan Kant Uniyal, aged about 59 years,
S/O Late B.D.Uniyal,
R/O 272/2, Panditwari,
Near Lovely Market,, Dehradun-248001,
Uttarakhand State,
- 120 Rajesh Kumar Kala , aged about 56 years,
S/O Late B.P.Kala,
R/O Village Bhagwanpur,
P.O.Rajawala, Dehradun-248001,
Uttarakhand State,
- 121 Pushpendra Kumar, aged about 34 years,
S/O Shri Shyam Lal,
R/O 53, Dangwal Marg,
Dehradun-248001, Uttarakhand State,
- 122 Adesh Tiwari , aged about 30 years,
S/O Late Vinod Tiwari,
R/O 11, Mansingh wala,
Dehradun-248001, Uttarakhand State,

123 Nitika Bisht, aged about 27 years,
S/O Shri Govind Singh Bisht,
R/O 384, Haripur Nigam Road,
Post Office Saliguri,, Dehradun-248001,
Uttarakhand State,

124 Rajeshwar Singh , aged about 55 years,
S/O Shri Raghbir Singh,
R/O 17, Upasana Enclave,
Panditwari, Dehradun-248001,
Uttarakhand State,

125 Amar Singh, aged about 56 years,
S/O Late Mani Singh,
R/O 102, Old Dalanwala,
Dehradun-248001, Uttarakhand State,

126 Manoj Kumar Upadhyay , aged about 55 years,
S/O Late S.N.Upadhyay,
R/O Wing No.3/6/5,
P.O.Premnagar, Dehradun-248001,
Uttarakhand State,

127 Sudesh Kumari, aged about 34 years,
S/O Shri Rajendra Kumar,
R/O H.No.32, Lane-I, Phase-II,
Pandit wari, Dehradun-248001,
Uttarakhand State,

128 Sakshi Bahuguna , aged about 33 years,
S/O Shri K.C.Bahuguna,
R/O Badish colony, Lane No.10,
Dehradun-248001, Uttarakhand State,

129 Rajbala, aged about 53 years,
S/O Late Pyarelal Verma,
R/O H.No.5, Haridwar Byepass Road,
Kargi Chowk, Dehradun-248001,
Uttarakhand State,

130 Neelam Yadav , aged about 50 years,
S/O Late Tulsi Ram R/O Nehru Gram Road,
Shanti Kunj, Lane No.5,
Dehradun-248001, Uttarakhand State.

131 Yogesh Kumar, aged about 35 years,
S/O Shri Sita Ram,
R/O Village Haripur,
P.O. Harbartpur, Dehradun-248001,
Uttarakhand State.

132 Ram Singh , aged about 56 years,
S/O Shri Krishanlal,
R/O Village Sevla kalan,
Dehradun-248001, Uttarakhand State,

133 R.K.Soni, aged about 56 years,
S/O Late D.D.Soni,
R/O G-411, Shanti Vihar,
Dehradun-248001, Uttarakhand State,

134 Sachin Gupta , aged about 47 years,
S/O Late B.B.Gupta,
R/O 381/1, Kishan Nagar,
Dehradun-248001, Uttarakhand State,

135 Ravinder Kumar, aged about 50 years,
S/O Late Raghbir Singh,
R/O 345, Prempur Mafi,
Kaulagarh, Dehradun-248001,
Uttarakhand State,

136 Ram Niwaj , aged about 56 years,
S/O Late Raghunath ,
R/O Gangotri Vihar, Lane No.1,
Nathanpur, Dehradun-248001,
Uttarakhand State,

137 Vijay Kumar Ahuja, aged about 59 years,
S/O Late Khem Singh Ahuja,
R/O 11/1, Mitra Lok colony,
Ballupur Road,, Dehradun-248001,
Uttarakhand State,

138 Rajesh Chand Sharma , aged about 50 years,
S/O Late Ram Chandra Sharma ,
R/O Kaulagarh,
P.O. IPE,, Dehradun-248001,
Uttarakhand State,

139 Durga Prasad, aged about 53 years,
S/O Late Shri Hari Ram,
R/O Vill. Badawala, Arkedia,
Prem Nagar Road,, Dehradun-248001,
Uttarakhand State,

140 Man Mohan Lal Yadav , aged about 55 years,
S/O Late Mokhai Lal Yadav,
R/O Nai Basti Mothrowala,
Dehradun-248001, Uttarakhand State.

141 Renu Thapa , aged about 30 years,
S/O Shri Ram Bahadur Thapa,

R/O Brahamwala Kandali Dehradun-248001,
Uttarakhand State.

142 Chhabi Lal Prajuli , aged about 58 years,
S/O Shri Sevakant Prajuli,
R/O 242/1, Durga Mandir,
Shyampur, Dehradun-248001,
Uttarakhand State.

143 Rajender Kumar, aged about 49 years,
S/O Late Suraj Lal,
R/O Prempur Mafi, Kaulagarh,
Dehradun-248001, Uttarakhand State,

144 Sanjay Verma , aged about 39 years,
S/O Late Ram Chander Verma,
R/O Canal Road, Kaulagarh,
Dehradun-248001, Uttarakhand State,

145 Rajesh Kumar aged about 53 years,
S/O Late Chandan Singh,
R/O Vill. Shuklapur,
P.O. Ambiwala, Dehradun-248001,
Uttarakhand State,

146 Anil Bansal , aged about 55 years,
S/O Late P.C.Bansal,
R/O Ekta Vihar, Lane-1,
Sahashtadhra Road,
Dehradun-248001,
Uttarakhand State,

147 Arjun Singh, aged about 52 years,
S/O Late Hari Singh,
R/O 204, Ajabpur Kalan,
Dehradun-248001, Uttarakhand State,

148 J.P.S. Rana , aged about 55 years,
S/O Shri M.D.Rana,
R/O 24, Upasana Enclave,
Panditwari, Dehradun-248001,
Uttarakhand State,

149 Ashok Kumar, aged about 58 years,
S/O Shri Harigopal Dhiman,
R/O House No.74,
Vivek Vihar, Pocket No.74,
Vivek Vihar, GMS Road,
Dehradun-248001, Uttarakhand State

150 Prem Kumar Sharma , aged about 52 years,
S/O Late Ram Nath Sharma,
R/O 344-T, Kalinga Colony,

Garhi Cantt, Dehradun-248001,
Uttarakhand State

151 Ramesh Lal , aged about 59 years,
S/O Late Pishori Lal,
R/O 286, Indra Nagar Colony,
P.O. New Forest, Dehradun-248001,
Uttarakhand State

152 Om Prakash , aged about 59 years ,
S/O Late Shyam Lal,
R/O 130/2, Indra Colony,
Nai Basti, Chukwala,
Dehradun-248001, Uttarakhand State.

153 Sushil Kumar Dhasmana aged about 56 years,
S/O Late L.N.Dhasmana,
R/O 250, Vijay Park Extn,
Lane-11, Dehradun-248001,
Uttarakhand State

... Applicants

(By Advocate: Sh. Apurb Lal with Sh. Daleep Singh and
Ms. Meenu Pandey)

Versus

1 Ministry of Environment and
Forests & Climate Change,
Government of India,
Head Quarters:
Indira Paryavaran Bhawan,
6th Floor, Prithvi Wing Ali Ganj,
Jorbagh Road,
New Delhi-110003

2 The Director General, ICFRE,
Post Office: New Forest,
Sub Office: Dehradun,
Uttarakhand-248006

3 The Additional Secretary(Expenditure)
Ministry of Finance,
Rajpath Marg,
E-Block, Central Secretariat,
New Delhi-110001

4 The Registrar & Estate Officer,
Forest Research Institute,
P.O. New Forest,

Dehradun-248006
Uttarakhand.

... Respondents

(By Advocate: Sh. B.L.Wanchoo for respondents no.1 & 3
Sh. Sanjay Katyal and Sh. Rajesh Katyal for
Respondents no.2 & 4)

ORDER

Heard Sh. Apurb Lal with Sh. Daleep Singh and Ms. Meenu Pandey, learned counsel for applicants and Sh. B.L.Wanchoo, learned counsel for respondents no.1 & 3 and Sh. Sanjay Katyal with Sh. Rajesh Katyal, learned counsel for respondents no.2 & 4.

2. There are 153 applicants in this OA, who all are working in Forest Research Institute (FRI) in Dehradun. All these applicants are drawing House Rent Allowance (HRA) as applicable to them at present. However, they are feeling aggrieved on account of circular issued on 02.04.2018 by Indian Council of Forestry Research and Education addressed to the Director, Tropical Forest Research Institute, Jabalpur and copied to all other Institutes, including FRI, Dehradun, wherein a request has also been made to issue instructions to DDO and Estate Officer to follow these instructions in letter and spirit. The applicants apprehend that in follow up of this letter dated 02.04.2018 the Forest Research Institute, Dehradun may implement the same and in turn payment of HRA may get stopped in future. This is the grievance being ventilated in the instant OA.

3. In support thereof, the applicants brought out that the relevant policy directives for grant of HRA were issued by Ministry of Finance vide their office memorandum dated 27.11.1965. Any alteration thereof can be issued by the Ministry of Finance only and not by any of the subordinate authorities like FRI, and therefore, the directions issued on 02.04.2018 are without jurisdiction and cannot be implemented.

4. The applicants brought out that the Government quarters meant for allotment to the staff working under FRI are not habitable at present, and therefore, the applicants are living either in their own private accommodation at Dehradun or with one of their relatives and accordingly, they are being paid HRA at present. However, vide instructions dated 02.04.2018, it has been laid down that every employee has to first apply for allotment of a quarter and in case such a quarter is not allotted, a non-availability certificate (NAC) has to be issued and it is only thereafter when such a NAC has been issued, he is to be paid HRA.

Therefore, the plea of the applicants is that once the quarters available with the FRI are repaired and made habitable, the applicants will be forced to apply for allotment of the same, which will deprive them of the payment of HRA, which they are drawing at present. The applicants brought out that a coordinate bench of

Tribunal at Jodhpur vide their decision in OA No.71/2008 with batch cases dated 27.02.2009 has laid down as under:

“18. Taking the totality of facts and circumstances into account and legal position in the subject, we come to the considered conclusion that the orders issued by the respondent concerned dated 14.11.2007 (Annexure A-1), dated 15.12.2007 (Annexure A-2), and dated 18.2.2008 being in consonance with the extant Government OM dated 27.11.1965 are legally valid. Para 7 of the OM deals with the Government servant living in the house owned by the employee and such an employee shall be entitled for the HRA. There is justification for the HRA, if applicant having their house where they stay or intend to stay. But, those applicants who desire to stay in private accommodation while the government accommodations are available, are not entitled for HRA. We are of the considered opinion that harmonious construction of all the relevant paragraphs (4 and 7) of OM dated 27.11.1965 bring out that the applicant and their immediate family members having houses/apartments where the applicants stay being different from others, will be eligible to get HRA in the location having surplus Government accommodation. We also find that as per the OM dated 27.11.1965, the NAC is a precondition to draw HRA only in the notified locations. Jodhpur is one of the locations notified by respondents. We also conclude that the demand for NAC from the applicants by the respondent No.2 is just and right procedure. However, we note that it is the executive to decide each applicant’s case about the eligibility for NAC and HRA. In the result we direct the respondent no.2 to adopt the following procedure which is in conformity with the extant OM dated 27-11-1965 and in view of our observations within in deciding each applicant’s case relating to (a) whether the applicant concerned is entitled for NAC and (b) consequently whether the applicant concerned is eligible for HRA:-

I. The “no accommodation certificate” may be issued in case of the applicant who comes in one of the 2 following categories subject to the condition that the applicant declares the accommodation with detailed proof where he stays:-

i. The applicant who owns a house/apartment at the place of posting (Jodhpur).

ii. The applicant whose immediate family member (spouse/child/mother) own a house/apartment where the applicant stays in the posting place of the applicant (Jodhpur).

II. Once the respondent identifies an applicant who does not come within the ambit of I above, the concerned applicant is to be offered Government accommodation as per extant rules/instructions by the competent respondent. If the applicant offered with the Government accommodation accepts or declines, such applicant will not be entitled for no accommodation certificate and consequently not eligible for the house rent allowance.”

Applicants plead that in their case also this order is applicable and in that case they are not required to apply for Govt. quarter and as such payment of HRA needs to be continued.

5. Accordingly, the FRI cannot force the applicants to apply for the quarter first and thereafter issue NAC. In this regard, the very issuance of the instruction dated 02.04.2018 was claimed to be beyond jurisdiction as any such order could be issued by Ministry of Finance who had originally issued the letter dated 27.11.1965.

6. The applicants further brought out that the original letter issued in 1965 did not have any such provision as are contained in letter dated 02.04.2018. In view of the foregoing, the applicants sought quashing of letter dated 02.04.2018.

7. The respondents brought out that the original instructions in respect of HRA were issued in the office memorandum dated 27.11.1965 wherein following provisions have been specified in para 4 (a) (i) and 4 (b) (i) which reads as under:

“4. The grant of house rent allowance shall be subject to the following conditions:-

(a)(i) To those Government servants who are eligible for Government accommodation, the allowances will be admissible only if they have applied for such accommodation in accordance with the prescribed procedure, if any, but have not been provided with it.

Xxx xxx xxx

(b) (i) The allowance shall not be admissible to those who occupy accommodation provided by Government or those to whom accommodation has been offered by government but who have refused it. In the latter case, the allowance will not be admissible for the period for which a Government servant is debarred from further allotment of Government accommodation under the allotment rules applicable to him.”

8. These instructions are still valid and are still holding good and have not been quashed or set aside or modified by any judicial pronouncement or Administrative directions. In the present OA also, the applicants have neither challenged nor sought quashing of this policy letter of 1965.

9. The respondents drew attention to a decision by Apex Court in **Director, Central Plantation Crops Research Institute, Kesaragod vs. M.Purushothaman**, CA No.885/1993 decided on 26.07.1994, the Apex Court had observed as under:

"7. We are also afraid that the Tribunal is not right in including the HRA in the definition of wages. The Fundamental Rule 9[21] (a) which is applicable to the respondent-employees defines "pay" as follows :

"9[21] (a) Pay means the amount drawn monthly by a Government servant as

- (i) the pay, other than special pay granted in view of his personal qualifications, which has been sanctioned for a post held by him substantively or in an officiating capacity, or to which he is entitled by reason of his position in a cadre; and
- (ii) overseas pay, special pay and personal pay; and
- (iii) any other emoluments which may be specially classed as pay by the President."

8. It is obvious from this definition that HRA is not part of "pay. Further, Fundamental Rule 44 defines "Compensatory Allowance" as follows :

"F.R. 44. Compensatory allowance. - Subject to the general rule that the amount of compensatory allowance should be so regulated that the allowance is not on the whole a source of profit to the recipient, the Central Government may grant such allowances to any Government servant under its control and may make rules prescribing their amounts and the conditions under which they may be drawn."

9. The HRA would be covered by the definition of Compensatory Allowance, It is compensation in lieu of accommodation. This definition itself further makes it clear that compensatory allowance is not to be used as a source of profit. It is given only to compensate for the amenities which are not available or provided to the employee. The moment, therefore, the amenities are provided or offered, the employee should cease to be in receipt of the compensation which is given for want of it. We wish the Tribunal had perused the definition of "pay and compensatory allowance" given in the Fundamental Rules before pronouncing that the HRA is a part of the wages or pay and, therefore, cannot be disturbed."

Therefore, the Hon'ble Apex Court has held that HRA is compensation in lieu of accommodation and this compensatory allowance cannot be used as a source of profit.

10. The respondents also drew attention to a judgment of Hon'ble High Court of Delhi titled **Municipal Corporation of Delhi vs. Workmen** in WP (C) no.5173/2003 decided on 19.05.2010. The relevant portion is extracted below:

“1. The question which falls for adjudication in this writ petition is whether an employee in authorized occupation of the premises of the employer is nevertheless entitled to HRA.

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6. It is the admitted position that the Fundamental Rules & Supplementary Rules applicable to Government Servants apply to the payment of HRA to the employees of the MCD. Under the said Rules, HRA is not payable during the stay in Inspection Quarters of their posting or if the Government Servant shares Government accommodation allotted rent-free to another Government Servant or if the Government Servant resides in accommodation allotted to his/her parents/son/daughter by the Central Government, State Government etc. or if the spouse has been allotted accommodation at the same station. However Clause 4 (b)(vii) of the said Rules is as under:

“(vii) Displaced Governments servants who have not been allotted residential accommodation by Government but who are in unauthorized occupation of such accommodation and are paying damages to Government, shall be deemed to have been provided with Government accommodation and as such shall not be eligible for House Rent Allowance. Such persons cannot also be considered as “sharing Government accommodation” for the purpose of paragraph 5 (e) below.”

7. No direct precedent has been found. The Supreme court in Director, Central Plantation Crops Research Institute Vs. M.Purushothaman 1994 Supp. (3) SCC 282 has held that the Government spends public funds for constructing quarters for their employees both for the convenience of the management as well as of the employees; the investment made in constructing and maintaining the employees, though entitled to official quarters, had declined to occupy the same HRA; the Central Administrative Tribunal held the employees to be entitled to HRA for the reason that only those employees who had applied for official accommodation and refused to occupy the same are liable to forfeit the benefit of HRA and not others and for the reason that HRA is a part of wages and no deduction from wages can be made merely on account of refusal to accept the accommodation.

Xxx xxx xxx

8. Seen in the aforesaid light, the order of the Tribunal in the present case cannot be sustained. If the workmen inspite of unauthorizedly occupying the accommodation of the petitioner MCD are also held entitled to HRA, it would tantamount to allowing the workmen to profiteer from the same and which is not permissible.”

The Hon’ble High Court has thus prohibited that HRA cannot be made a source of profit.

11. Respondents also drew attention to another decision of Hon’ble Supreme Court titled **State of Uttar Pradesh vs. Jeet S. Bisht** decided on 20.04.2006 wherein in respect of remuneration and other perks to the members of the National Commission, the Apex Court had decided that a sum of Rs.8000 p.m. shall be paid by way of HRA, if the member is not provided with any Govt. accommodation.

The Apex Court has, therefore, laid down that even for the members of the National Commission, HRA is to be paid only if the Govt. accommodation is not provided.

12. The respondents also drew attention to a decision of Hon'ble High Court of M.P. in WP (C) No. 8772/2012 delivered on 13.07.2012. The relevant paras of the judgment are reproduced below:

“The employer being aggrieved by the order has filed this petition, assailing the order by Tribunal on the ground that the Tribunal has committed grave folly in adjudicating the claim in favour of workmen on the basis of superseded circular and contrary to the General Rules and orders issued in respect of entitlement of House Rent Allowance.

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Issue which crops up for consideration is whether a no accommodation certificate is a condition precedent for grant of House Rent Allowance.

Thus, under the Rules, imperative it is to have no accommodation certificate for grant of HRA, and being a condition precedent unless issued and produced an employee will not be entitled for the grant of HRA. In this context reference can be had of the observations in Director, Central Plantation Crops Research Institute, Kesaragod and others v. M.Purushothaman and others (supra) which is in context to paragraph 4 of office memorandum dated 27.11.1965”

In this case, the Hon'ble High Court in this case had given following concluding directions:

“For these reasons we quash the impugned order dated 18.4.2012 and hold that unless an employee furnishes a no accommodation certificate as is required under paragraph 4 and 8 of the memorandum dated

27.11.1965, they are not entitled for the HRA. The petitioners would be entitled to review past cases in accordance herewith and if some employees are found to be not entitled shall after giving them an opportunity of hearing pass orders in accordance with law."

Therefore, the submission of a NAC is held as pre-requisite for payment of HRA.

13. In view of the foregoing, the respondents pleaded that it is inherent in the original policy letter dated 27.11.1965 that the employees have to first apply for allotment of an accommodation and thereafter in case quarters are available, the same will be allotted and in case quarters are not available the applicants will be put on a waiting list and so long as a quarter of the eligible type has not been allotted to the employee, NAC shall be issued and on the basis of such a NAC, HRA shall be paid. Such of the employees who do not apply for the quarter, NAC cannot be issued and accordingly HRA can also be denied. Such of the employees to whom an allotment is made but still they do not occupy the said quarter, HRA can also be denied.

14. The respondents finally pleaded that in view of the foregoing judgments, the procedure to be followed is as narrated in para 13 above and the same has been clearly and explicitly specified in the letter dated 02.04.2018, as such this letter, being in consonance to policy directives dated 27.11.1965, cannot be quashed.

Further, no such order for not paying HRA has yet been issued and as such applicants have no grievance at present. They only have some apprehension and on this account also the present OA is not maintainable.

15. Matter has been heard at length. The policy directives in the matter were issued in 1965. At various points of time, the matter has been adjudicated. However, this policy circular has never been quashed. The relevant paras have been interpreted right up to Hon'ble Apex Court and by Hon'ble High Court and they had been upheld. The HRA is not a right. It is only a compensation in lieu of accommodation. It follows that the employees are required to apply for allotment of a quarter and depending upon the availability of the same, the departments make an allotment or keep the applicants in a waiting list. Such of the employees who are eligible for allotment but could not be allotted, are paid HRA in lieu of the accommodation. HRA cannot be allowed to become a source of profit by itself. The pleas put forth by the respondents are, therefore, upheld.

The pleas of applicant that letter dated 02.04.2018 is without jurisdiction as this was not issued by Ministry of Finance who had issued the original policy directives on 27.11.1965, also does not sustain. There is nothing in letter dated 02.04.2018 which is repugnant to the provisions contained in letter dated 27.11.1965.

Para 4 (a)(i) of this letter (para 7 supra) is very explicit in that when it specifies “the allowances will be admissible only if they have applied for such accommodation”. The requirement of NAC is only a logical corollary to this provision.

Further, the local departmental heads governing various wings of Govt., are certainly empowered to issue operative instructions for implementing the Policy Directives issued by Govt. of India. The argument of applicant that all such operative directives also need to be issued by Ministry only, cannot be accepted.

The pleas of the applicants do not sustain.

18. In view of the foregoing, the OA is dismissed being devoid of merit. No order as to costs.

(Pradeep Kumar)
Member (A)

‘sd’