

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 95 of 2013

Date of Order: This, the 12th day of October 2018

THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER

THE HON'BLE MR. N. NEHSIAL, ADMINISTRATIVE MEMBER

1. P. No. 7629007
Shri Loknath Chetia
Civilian Motor Driver, Grade-1
Office of the Director Recruitment
Army Recruitment Office, Rangapahar
Dimapur, Pin – 900191, C/O 99 APO.
2. P. No. 7629004
Shri Dharam Deo Sah
Gardner
Office of the Director Recruitment
Army Recruitment Office, Rangapahar
Dimapur, Pin – 900191, C/O 99 APO.
3. P. No. 2478
Shri Raj Kishor Mandal
Messenger
Office of the Director Recruitment
Army Recruitment Office, Rangapahar
Dimapur, Pin – 900191, C/O 99 APO.
4. P. No. 7629008
Shri Samirity Das
Safaiwalla
Office of the Director Recruitment
Army Recruitment Office, Rangapahar
Dimapur, Pin – 900191, C/O 99 APO.
5. P. No. 76629021
Shri T. Luna
Watchman
Office of the Director Recruitment

Army Recruitment Office, Rangapahar
Dimapur, Pin – 900191, C/O 99 APO.

...Applicants

By Advocates: Mr. A. Ahmed, J. Dutta, N.S. Baruah & P. Gogoi

-Versus-

1. The Union of India
Represented by the Secretary
To the Government of India
Ministry of Defence, South Block
New Delhi, Pin – 110011.
2. The Director Recruitment
Army Recruitment Office
Rangapahar, Dimapur
Pin – 900191, C/O 99 APO.

...Respondents

By Advocate: Mr. R. Hazarika, Addl. CGSC

ORDER (ORAL)

MANJULA DAS, JUDICIAL MEMBER:

This O.A. has been remanded back by the Hon'ble Gauhati High Court vide order dated 09.07.2018 in WP (C) No. 638/2016 for its decision afresh after giving an opportunity of hearing to the Union of India i.e. respondents. Accordingly, matter is taken up today by giving opportunity to the respondents to defend their case.

2. Heard Mr. Adil Ahmed, learned counsel for the applicants and Mr. R. Hazarika, learned Addl. CGSC for the respondents.

3. By this O.A., applicants make a prayer for a direction to the respondents to pay the license fee at the rate of 10% compensation per month in lieu of Rent Free Accommodation w.e.f. 01.07.1987 as per direction of this Tribunal in similar cases which are affirmed by the Hon'ble Gauhati High Court as well as Hon'ble Supreme Court of India.

4. Mr. Adil Ahmed, learned counsel for the applicants at the outset prays permission under Section 4(5)(a) of the CAT (Procedure) Rules, 1987 to move the present O.A. jointly as the applicants' grievances and relief sought for are common. Permission is granted.

5. The aforesaid matter is no longer res integra. On identical issue, this Tribunal has decided the matter vide common judgment and order dated **06.11.2000 in OA No. 143 of 1999 (Shri Krishna Sinha and 267 ors. Vs. Union of India and Ors.)**. Relevant portion of the order of the Tribunal is reproduced here as under:-

"3. In the light of the decision rendered by this Tribunal the Application is allowed and the respondents are directed to pay license fee at the rate of 10% of monthly pay with effect from 1.7.1987 or from the actual date of posting in Nagaland whichever is later and continue to pay the same till the compensation is not withdrawn or modified by the Government of India or till Rent free accommodation is not provided."

6. The decision of the Tribunal was upheld by the **Hon'ble Gauhati High Court vide** order dated **21.02.2013** in **WP(C) No. 830 of 2013**. The relevant portion of the order of the Hon'ble Gauhati High Court is reproduced here as under:-

"Considering the fact that the decision of this Court, rendered by the order, dated 06.03.2012, passed, in WP(C) No. 2975/2011, as well as the subsequent order, dated 06.03.2012, passed in the Misc. Case, whereby the petitioners were allowed extension of time to comply with the directions, stand dismissed by the Supreme Court, we are clearly of the view that a fresh writ petition challenging the findings which were arrived at, and the directions, which were given, in WP(C) No. 2975/2011, would not lie.

Situated thus, we find no option, but to dismiss the writ petition.

In the result and for the reasons discussed above, the writ petition stands dismissed."

7. Against the order of the Hon'ble Gauhati High Court dated 21.02.2013, the respondents approached before the **Hon'ble Supreme Court** by filing **Special Leave to Appeal (C)CC No (s) 8050/2014** where the Hon'ble Apex Court vide order dated **02.07.2014** dismissed the said SLP preferred by the respondent authority on the ground of delay as well as on merit.

8. On identical issue of Defence Civilian working in the State of Nagaland has already been settled by the Hon'ble Gauhati High Court in **W.P.(C) No. 830 of 2013 (Union of India and another Vs. Shri Bahadur Sonar and Ors.)** where the Hon'ble High Court vide order dated 21.02.2013 dismissed the said **Writ Petition**.

9. In view of the above, respectfully following the decisions of this Tribunal as well as Hon'ble Gauhati High Court and also Hon'ble Supreme Court, we direct the respondents to decide the present issue in accordance with aforesaid precedents after examining the case of the applicants and pay the license fees at the rate of 10% compensation per month in lieu of Rent Free Accommodation within a period of two months from the date of receipt of a copy of this order. '

10. With the above directions, O.A. stands disposed of accordingly at the admission stage. No order as to costs.

(N. NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)