

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 040/00267/2015

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. 6403303
Shri Sashi Bhusan Tiwari
Mazdoor
Office of the Commanding Officer
50 Coy, ASC (Supply)
Type 'C'
Pin – 905050, C/o 99 APO.
2. P. No. 14117512
Shri Imtitemsu Jamir
Welder
Office of the Commanding Officer
50 Coy, ASC (Supply)
Type 'C'
Pin – 905050, C/o 99 APO.
3. P. No. 64004
Shri Bhagban Naik
Mazdoor
Office of the Commanding Officer
50 Coy, ASC (Supply)
Type 'C'
Pin – 905050, C/o 99 APO.

4. P. No. 14117490
Shri Pannu Behara
Mazdoor
Office of the Commanding Officer
50 Coy, ASC (Supply)
Type 'C'
Pin – 905050, C/o 99 APO.
5. P. No. 6407367
Shri Badal
Safaiwala
Office of the Commanding Officer
50 Coy, ASC (Supply)
Type 'C'
Pin – 905050, C/o 99 APO.
6. P. No. 6406719
Shri Omprakash Gupta
Fireman
Office of the Commanding Officer
50 Coy, ASC (Supply)
Type 'C'
Pin – 905050, C/o 99 APO.
7. P. No. 6407322
Shri Akehey Pradhan
Fireman
Office of the Commanding Officer
50 Coy, ASC (Supply)
Type 'C'
Pin – 905050, C/o 99 APO.
8. P. No. 6404141
Shri Palak Dhari Yadav
Fireman
Office of the Commanding Officer

50 Coy, ASC (Supply)
Type 'C'
Pin – 905050, C/o 99 APO.

9. P. No. 6404143
Shri Ram Prasad Sharma
Fireman
Office of the Commanding Officer
50 Coy, ASC (Supply)
Type 'C'
Pin – 905050, C/o 99 APO.
10. P. No. 6404140
Shri Subash Teli
Fireman
Office of the Commanding Officer
50 Coy, ASC (Supply)
Type 'C'
Pin – 905050, C/o 99 APO.
11. P. No. 6405693
Shri Hamid Mohammad
Fireman
Office of the Commanding Officer
50 Coy, ASC (Supply)
Type 'C'
Pin – 905050, C/o 99 APO.
12. P. No. 6405695
Shri Banchanidhi Gouda
Fireman
Office of the Commanding Officer
50 Coy, ASC (Supply)
Type 'C'
Pin – 905050, C/o 99 APO.

13. P. No. 14860401
Shri Bablu Kumar Saran
Fireman
Office of the Commanding Officer
50 Coy, ASC (Supply)
Type 'C'
Pin – 905050, C/o 99 APO.
14. P. No. 6403299
Shri Dev Kumar Singh
Mazdoor
Office of the Commanding Officer
50 Coy, ASC (Supply)
Type 'C'
Pin – 905050, C/o 99 APO.
15. P. No. 6403302
Shri Durga Prasad Sharma
Mazdoor
Office of the Commanding Officer
50 Coy, ASC (Supply)
Type 'C'
Pin – 905050, C/o 99 APO.
16. P. No. 14117447
Shri Ramsamujh
Mazdoor
Office of the Commanding Officer
50 Coy, ASC (Supply)
Type 'C'
Pin – 905050, C/o 99 APO.
17. P. No. 64001
Shri Ram Narayan
Mazdoor
Office of the Commanding Officer

50 Coy, ASC (Supply)
Type 'C'
Pin – 905050, C/o 99 APO.

18. P. No. 64002
Shri Ramanand
Mazdoor
Office of the Commanding Officer
50 Coy, ASC (Supply)
Type 'C'
Pin – 905050, C/o 99 APO.

19. P. No. 64006
Shri Ramsamujh Chouhan
Mazdoor
Office of the Commanding Officer
50 Coy, ASC (Supply)
Type 'C'
Pin – 905050, C/o 99 APO.

20. P. No. 6404139
Shri Rameshwar
Stn Officer
Office of the Commanding Officer
50 Coy, ASC (Supply)
Type 'C'
Pin – 905050, C/o 99 APO.

21. P. No. 6404142
Shri Dibakar Gouda
Fireman
Office of the Commanding Officer
50 Coy, ASC (Supply)
Type 'C'
Pin – 905050, C/o 99 APO.

22. P. No. 64005
Shri Sanayashi Sabat
Mazdoor
Office of the Commanding Officer
50 Coy, ASC (Supply)
Type 'C'
Pin – 905050, C/o 99 APO.

...Applicants

By Advocates: Mr. A. Ahmed, P. Kalita, P. Gogoi & R.R. Rajkumari

-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 Commanding Officer
50 Coy, ASC (Supply)
Type 'C'
Pin – 905050, C/O 99 APO.

...Respondents

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

O R D E R (ORAL)

MANJULA DAS, JUDICIAL MEMBER:

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.

2. 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.

3. 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.”

4. 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.”

5. 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.

6. 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**.

7. 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. ‘

8. 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)

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