

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 042/00113/2019

Date of Order: This, the 02nd day of April 2019

THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER

THE HON'BLE MR. NEKKHOMANG NEHSIAL, ADMINISTRATIVE MEMBER

1. P. No. 6402447
Shri Bal Bhadra Sharma
Mazdoor
Office of the Officer Commanding
Army Supply Core, Type-A
Pin – 905302, C/O 99 APO.
2. P. No. 6403448
Shri Ram Dev Sahani
Mazdoor
Office of the Officer Commanding
Army Supply Core, Type-A
Pin – 905302, C/O 99 APO.
3. P. No. 6402449
Shri Kanda Gaud
Mazdoor
Office of the Officer Commanding
Army Supply Core, Type-A
Pin – 905302, C/O 99 APO.
4. P. No. 6405179
Shri Lal Mohan Sharma
Mazdoor
Office of the Officer Commanding
Army Supply Core, Type-A
Pin – 905302, C/O 99 APO.
5. P. No. 6405180
Shri Som Bahadur Thapa
Mazdoor
Office of the Officer Commanding
Army Supply Core, Type-A
Pin – 905302, C/O 99 APO.

6. P. No. 6405181
Shri Prahlad Goud
Mazdoor
Office of the Officer Commanding
Army Supply Core, Type-A
Pin – 905302, C/O 99 APO.
7. P. No. 6405182
Shri Sakur Mohmed
Mazdoor
Office of the Officer Commanding
Army Supply Core, Type-A
Pin – 905302, C/O 99 APO.
8. P. No. 6405183
Shri Chander Bahadur
Mazdoor
Office of the Officer Commanding
Army Supply Core, Type-A
Pin – 905302, C/O 99 APO.
9. P. No. 6405537
Shri Gopal Prasad
Mazdoor
Office of the Officer Commanding
Army Supply Core, Type-A
Pin – 905302, C/O 99 APO.
10. P. No. 6405538
Shri Shiv Kumar Shah
Mazdoor
Office of the Officer Commanding
Army Supply Core, Type-A
Pin – 905302, C/O 99 APO.
11. P. No. 6405539
Shri Niranjana Behera
Mazdoor
Office of the Officer Commanding
Army Supply Core, Type-A
Pin – 905302, C/O 99 APO.
12. P. No. 6405540
Shri Jai Lal Mahato
Mazdoor
Office of the Officer Commanding

Army Supply Core, Type-A
Pin – 905302, C/O 99 APO.

13. P. No. 6405541
Shri Subal Goud
Mazdoor
Office of the Officer Commanding
Army Supply Core, Type-A
Pin – 905302, C/O 99 APO.
14. P. No. 6405409
Shri Joginder Singh
Mazdoor
Office of the Officer Commanding
Army Supply Core, Type-A
Pin – 905302, C/O 99 APO.
15. P. No. 6405410
Shri Lal Bahadur Chetty
Mazdoor
Office of the Officer Commanding
Army Supply Core, Type-A
Pin – 905302, C/O 99 APO.

...Applicants

By Advocates: Mr. A. Ahmed, R.R. Rajkumari, D. Goswami & A. Theyo

-VERSUS-

1. The Union of India,
Represented by the Secretary to the
Government of India,
Ministry of Defence, South Block
New Delhi, PIN – 110001.
2. The Office Commanding
302 Army Supply Score (ASC)
Type – A, Pin – 905302, C/O 99 APO

... Respondents

ORDER (ORAL)**MANJULA DAS, MEMBER (J):**

At the outset, prayer for joining together is allowed.

By this O.A., applicants prays for a direction upon the respondents to pay the License Fee at the rate of 10% compensation per month to them in lieu of Rent Free Accommodation w.e.f. 01.07.1987 in reference to the orders and judgments passed by this Tribunal, Hon'ble Gauhati High Court and Hon'ble Supreme Court of India.

2. Mr. Adil Ahmed, learned counsel for the applicants submitted that the present applicants are Defence Civilian Employees of the Ministry of Defence, Government of India. Presently, all of them are working as Mazdoor in the office of the Officer Commanding, 302 Army Supply Core, Type-A, Pin – 905302, C/O 99 APO.

Mr. Adil Ahmed, learned counsel appearing on behalf of the applicant submits that this Tribunal had entertained and passed various judgments and orders in the case of similarly situated employees and in view of that, learned counsel prays similar direction.

4. 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."

5. 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."

6. 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.

7. 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**.

8. It is noted that this Tribunal had passed order on 12.11.2015 in favour of some similarly situated Defence Civilian Employees working in the Office of the Administrative Commandant, Station Headquarters, Rangapahar who approached this Tribunal by filing O.A. No. 377/2015 and the said order was upheld by the Hon'ble Gauhati High Court vide order dated 02.03.2016 in W.P(C) No. 1329/2016.

9. It is further noted that this Tribunal on identical issue, had passed an order on 21.04.2014 in O.A. No. 70/2014 in favour of the applicants therein and accordingly, the respondent authority vide order dated 30.11.2018 has implemented the said order of this Tribunal dated 21.04.2014.

10. 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 verify the case of the present applicants as to whether they are similarly situated with the applicants mentioned above and if so, similar benefits to be extended to them within a period of three months from the date of receipt copy of this order.

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

(NEKKHOMANG NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)