

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 042/00076/2019

Date of Order: This, the 08th day of March 2019

THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER

THE HON'BLE MR. NEKKHOMANG NEHSIAL, ADMINISTRATIVE MEMBER

1. MES No.243672 Shri Kh Sunil Singh Fitter
General Mechanic (High Skilled), Office of
the Garrison Engineer, 869 EWS,
Pin-913869 C/O 99 APO.
2. MES No.244020
Shri Thiyam Ranjeeb Singh
Junior Engineer (Q S&C),
Office of the Garrison Engineer
869 EWS, Pin-913869 C/O 99 APO.
3. MES No.243882 Shri K K Das
Mate Electrician,
Office of the Garrison Engineer
869 EWS, Pin-913869 C/O 99 APO.
4. MES No.244122 Shri Sandip Roy
Mate Electrician,
Office of the Garrison Engineer
869 EWS, Pin-913869 C/O 99 APO.
5. MES No.244124 Shri Upendra Kumar
Mate Painter,
Office of the Garrison Engineer
869 EWS, Pin-913869 C/O 99 APO.
6. MES No.244125 Shri Alok kumar
Mate Electrician,
Office of the Garrison Engineer
869 EWS, Pin-913869 C/O 99 APO.
7. MES No.244127 Shri Prabhat Kumar
Mate Valve Man,
Office of the Garrison Engineer
869 EWS, Pin-913869 C/O 99 APO.

8. MES No.244134 Shri Dhuraj
Mate Pipe Fitter,
Office of the Garrison Engineer
869 EWS, Pin-913869 C/O 99 APO
9. MES No.244139 Shri Ranvir Singh
Mate Pipe Fitter,
Office of the Garrison Engineer
869 EWS, Pin-913869 C/O 99 APO.
10. MES No.244140 Shri M D Masoom
Mate Fitter General Mechanic,
Office of the Garrison Engineer
869 EWS, Pin-913869 C/O 99 APO.
11. MES No.244141 Shri Narendar Kumar
Mate Pipe Fitter,
Office of the Garrison Engineer
869 EWS, Pin-913869 C/O 99 APO.
12. MES No.244144 Shri Ravindra Kumar
Kushawaha, Mate Painter,
Office of the Garrison Engineer
869 EWS,Pin-913869 C/O 99 APO
13. MES No.244146 Shri Sharvan Kumar
Mate Pipe Fitter,
Office of the Garrison Engineer
869 EWS, Pin-913869 C/O 99 APO.
14. MES No.Ex-A6491792P
Shri M.Biren Kumar Singh
Mate Fitter General Mechanic,
Office of the Garrison Engineer
869 EWS, Pin-913869 C/O 99 APO.
15. MES No.220162 Shri Jogbahadur Thapa,
Mate Chowkidar,
Office of the Garrison Engineer
869 EWS,Pin-913869 C/O 99 APO.
16. MES No.238104 Shri C.M.Malik
Electrician High Skilled,
Office of the Garrison Engineer
869 EWS, Pin-913869 C/O 99 APO.

17. MES No.3891 Shri MD.Rahim
Mate(S .S),
Office of the Garrison Engineer
869 EWS,Pin-913869 C/O 99 APO.
18. MES No.238516 Shri P.B.Chhetri
Pipe Fitter,
Office of the Garrison Engineer
869 EWS,Pin-913869 C/O 99 APO.
19. MES No.244121 Shri John Gohain
Mate Electrician,
Office of the Garrison Engineer
869 EWS, Pin-913869 C/O 99 APO.
20. MES No.244227 Shri Bhupesh
Chandra, Mate Painter,
Office of the Garrison Engineer
869 EWS, Pin-913869 C/O 99 APO.
21. MES No.244120 Shri P.Premkumar
Mate Electrician,
Office of the Garrison Engineer
869 EWS, Pin-913869 C/O 99 APO.
22. MES No.244135 Shri Deepak Pal
Mate Carpenter,
Office of the Garrison Engineer
869 EWS, Pin-913869 C/O 99 APO.
23. MES No.244136 Shri Swapan Pradhan
Mate Painter,
Office of the Garrison Engineer
869 EWS, Pin-913869 C/O 99 APO.
24. MES No.243641
Shri G. Manuswamy
(Electrician Skilled)
Office of the Garrison Engineer
869 EWS, Pin-913869 C/O 99 APO.
25. MES No.244115 Shri Guna Kanta
Chetri, Mate(Refrigerator Mechanic)
Office of the Garrison Engineer
869 EWS, Pin-913869 C/O 99 APO.

26. MES No.244119 Shri Subhash Kumar
Mate Pipe Fitter,
Office of the Garrison Engineer
869 EWS, Pin-913869 C/O 99 APO.
27. MES No.244123 Shri Pappu Das
Mate Pipe Fitter
Office of the Garrison Engineer
869 EWS, Pin-913869 C/O 99 APO.
28. MES No.244138 Shri Diju Gogoi
Mate Pipe Fitter
Office of the Garrison Engineer
869 EWS, Pin-913869 C/O 99 APO
29. MES No.229982 Shri Rakesh Deuri
SRA
Office of the Garrison Engineer
869 EWS, Pin-913869 C/O 99 APO.
30. MES No.244130 Shri Dibendu Biswas
Mate Carpenter
Office of the Garrison Engineer
869 EWS, Pin-913869 C/O 99 APO.
31. MES NO.244133 Shri Tarun Ghosh
Mate Carpenter,
Office of the Garrison Engineer
869 EWS, Pin-913869 C/O 99 APO.
32. MES No.244132 Shri Pranjal Dutta
Mate Refrigerator Mechanic
Office of the Garrison Engineer
869 EWS, Pin-913869 C/O 99 APO.
33. MES No.244145 Shri Sanjay Kumar Verma
Mate Refrigerator Mechanic
Office of the Garrison Engineer
869 EWS, Pin-913869 C/O 99 APO.
34. MES No.244147 Shri Himansu Das
Mate Fitter General Mechanic
Office of the Garrison Engineer
869 EWS, Pin-913869 C/O 99 APO.

35. MES No.244143 Shri Uttam Bala
Mate Refrigerator Mechanic
Office of the Garrison Engineer
869 EWS, Pin-913869 C/O 99 APO.
36. MES No.244126 Shri Abhay Kumar Jha,
Mate Pipe Fitter
Office of the Garrison Engineer
869 EWS, Pin-913869 C/O 99 APO
37. MES No.244309 Shri Surja Bahadur Chettri,
Mate Skilled
Office of the Garrison Engineer
869 EWS, Pin-913869 C/O 99 APO.
38. MES No.244148 Shri Amar Jyoti Saikia,
Mate Mason
Office of the Garrison Engineer
869 EWS, Pin-913869 C/O 99 APO.
39. EX-A/No.14816960A
Shri N. Sanatomba Singh,
Mate Painter
Office of the Garrison Engineer
869 EWS, Pin-913869 C/O 99 APO.
40. MES No.238291
Shri N.Shredhran
FGM
Office of the Garrison Engineer
869 EWS, Pin-913869 C/O 99 APO.
41. MES No.243456
Shri A.Moni
Meter Reader
Office of the Garrison Engineer
869 EWS, Pin-913869 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 Garrison Engineer
869 EWS, Pin-913869 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 Fitter General Mechanic (High Skilled), Junior Engineer (Q S&C), Mate Electrician, Mate Painter, Mate Valve Man, Mate Pipe Fitter, Mate Fitter General Mechanic, Electrician High Skilled, Mate (S.S), Mate (Chowkidar) and Mate

Carpenter in the office of the Garrison Engineer 869 EWS, Pin 913869, 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)