

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 046/00270/2017

Date of Order: This, the 19th day of February 2019

THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER

THE HON'BLE MR. NEKKHOMANG NEIHSIAL, ADMINISTRATIVE MEMBER

1. MES No. 243612
Shri A. Subaramani
Mate (Motor Transport Driver)
Office of the Assistant Garrison Engineer (I)
Zakhama, Pin – 900792, C/O 99 APO.
2. MES No. 244013
Shri Pardeshi Prasad Gupta
Mate (Carpenter)
Office of the Assistant Garrison Engineer (I)
Zakhama, Pin – 900792, C/O 99 APO.
3. MES No. 244019
Shri Widambou
Fitter General Mechanic (Skilled)
Office of the Assistant Garrison Engineer (I)
Zakhama, Pin – 900792, C/O 99 APO.
4. MES No. 244069
Shri Ashish Deb Nath
Black Smith (Skilled)
Office of the Assistant Garrison Engineer (I)
Zakhama, Pin – 900792, C/O 99 APO.
5. MES No. 244068
Shri Lekazung Ozie
Refrigerator Mechanic (Skilled)
Office of the Assistant Garrison Engineer (I)
Zakhama, Pin – 900792, C/O 99 APO.

6. MES No. 243639
Shri C. Rajendran
Electrician (Skilled)
Office of the Assistant Garrison Engineer (I)
Zakhama, Pin – 900792
C/O 99 APO.
7. MES No. 243405
Shri R. Mohanan
Black Smith (Skilled)
Office of the Assistant Garrison Engineer (I)
Zakhama, Pin – 900792
C/O 99 APO.
8. MES No. 243623
Shri A. Victor
Pipe Fitter
Office of the Assistant Garrison Engineer (I)
Zakhama, Pin – 900792
C/O 99 APO.
9. MES No. 244023
Shri Nokmarenba Ao
Mate (Mason)
Office of the Assistant Garrison Engineer (I)
Zakhama, Pin – 900792
C/O 99 APO.
10. MES No. 244024
Shri Pukuni Khatso
Mate (Mason)
Office of the Assistant Garrison Engineer (I)
Zakhama, Pin – 900792
C/O 99 APO.
11. MES No. 4349025
Shri Ahon Angami
Chowkidar
Office of the Assistant Garrison Engineer (I)
Zakhama, Pin – 900792
C/O 99 APO.

12. Smti Jay Laxmi
Wife of Late P.C. Kanan
Ex-MES No. 238048
Pipe Fitter
Office of the Assistant Garrison Engineer (I)
Zakhama, Pin – 900792
C/O 99 APO.
13. Smti. M. Munyammal
Wife of Late C. Murugan
Ex-MES No. 237902
Fitter General Mechanic
Office of the Assistant Garrison Engineer (I)
Zakhama, Pin – 900792
C/O 99 APO.
14. Smti. Ataule Angami
Wife of Devid Angame
Ex-MES No. 243915
Chowkidar
Office of the Assistant Garrison Engineer (I)
Zakhama, Pin – 900792
C/O 99 APO.
15. Shri Lalan Prasad
Fitter General Mechanic
Office of the Assistant Garrison Engineer (I)
Zakhama, Pin – 900792
C/O 99 APO.
16. No. 14702931L
Shri Tiasump, Pipe Fitter
Office of the Assistant Garrison Engineer (I)
Zakhama, Pin – 900792
C/O 99 APO.
17. MES No. 243636
Shri S.R. Kashi
Mason (Skilled)
Office of the Assistant Garrison Engineer (I)
Zakhama, Pin – 900792
C/O 99 APO.

18. MES No. 280431
 Shri Rajesh Kumar Gupta
 Junior Engineer (E&M)
 Office of the Assistant Garrison Engineer (I)
 Zakhama, Pin – 900792
 C/O 99 APO.

....Applicants

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

-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 Commander Works Engineer
 Head Quarters, 137 Works Engineer
 Pin – 914137, C/O 99 APO.
3. The Assistant Garrison Engineer (I)
 Zakhama, Pin – 900792
 C/O 99 APO.

...Respondents

By Advocate: Mr. S.K. Ghosh, Addl. CGSC

ORDER (ORAL)

MANJULA DAS, MEMBER (J):

This O.A. has been remanded back from the Hon'ble Gauhati High Court vide order dated 00.07.2018 in WP (C) No. 690/2018 for its decision afresh after giving an opportunity of

hearing to the Union of India i.e. respondents. Thereafter, in the matter, notices were issued to the respondent authorities where Mr. S.K. Ghosh, learned Addl. CGSC accepted notices on behalf of all the respondents. However, no written statement has been filed till date.

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 under the Headquarters 137 Works Engineer, Pin – 914137, C/O 99 APO. According to Mr. Ahmed, similarly situated Defence Civilian Employees working in the same Establishment i.e. office of the Assistant Garrison Engineer (I) Zakhama, Pin – 900792 C/O 99 APO has approached this Tribunal by O.A. No. 377/2015. This Tribunal by its judgment and order dated 12.11.2015 have granted the relief on the ground of Hon'ble Gauhati High Court decision dated 21.02.2013 in **W.P.(C) No. 830 of 2013** and Hon'ble Supreme Court decision dated 02.07.2014 in **Special Leave to Appeal (C)CC No (s) 8050/2014** for grant of 10% compensation per month in lieu of Rent Free Accommodation w.e.f. 01.07.1987.

3. The respondents have already taken steps to implement the same which is apparent from the **WP(C) No.**

1329/2016 disposed by the Hon'ble Gauhati High Court on 02.03.2016 whereby the respondents have sought time for implementation of the decision dated 12.11.2015 in O.A. No. 040/00377/2015 and the Hon'ble High Court has acceded to.

4. Mr. Ahmed vociferously argued that the respondent authorities are not extending the similar benefits to the present applicants as has been granted to the applicants in O.A. No. 040/00377/2015. Hence, they should be granted similar benefits in view of the decision rendered by the Hon'ble Supreme Court in the case of **Inder Pal Yadav and Ors. Vs. Union of India and Ors.** reported in **(1995) 2 SCC 648**, where the Hon'ble Apex Court held that – "Relief granted by the court is to be given to other similarly situated employees without forcing them to court for similar benefits" as well as in view of the decision rendered by the Hon'ble Supreme Court in the case of **State of Karnataka and Ors. Vs. C. Lalitha** reported in **(2006) 2 SCC 747** where the Hon'ble Apex Court has held that – "Service jurisprudence evolved by this Court from time to time postulates that all persons similarly situated should be treated similarly. Only because one person has approached the court that would not mean that persons similarly situated should be treated differently."

5. On query, learned Addl. CGSC prayed that let the matter be sent to the department for its verification and to ensure whether the present applicants are similarly situated with the applicants in O.A. No. 040/00377/2015 or not and if found to be otherwise similarly situated, similar benefits be extended to them thereafter.

6. In view of the above, by accepting the prayer made by the learned Addl. CGSC for the respondents as well as no objection from the learned counsel for the applicants, we direct the respondents to verify the case of the present applicants as to whether they are similarly situated with the applicants in O.A. No. 040/00377/2015 dated 12.11.2015 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.

7. With the above directions, the O.A. stands disposed of accordingly. There shall be no order as to costs.

(NEKKHOMANG NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)