

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 043/00293/2019

Date of Order: This, the 13th day of September 2019

THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER

THE HON'BLE MR. NEKKHOMANG NEIHSIAL, ADMINISTRATIVE MEMBER

1. **5370089 Raj Rani**, AYA
46th Assam Rifles C/O 99 APO
PIN 932046.
2. **5370063 Usha Baban Gaikwad**, AYA
Assam Rifles Training Centre, Dimapur,
Nagaland, PIN 797112.
3. **5370084 Rena Thapa**, AYA
16th Assam Rifles C/O 99 APO
PIN 932016.
4. **530088 Asha Sherpa**. AYA
34th Assam Rifles C/O 99 APO
PIN 932034.
5. **5370040 Danmaya Newar**, AYA
10 Dental Unit Assam Rifles
C/O 99 APO.
6. **5360073 Nanda Devi**, FA
16th Assam Rifles C/O 99 APO
PIN 932016.
7. **5380017 V. Sallemma**, FS
16th Assam Rifles C/O 99 APO
PIN 932016.

8. **5380072, Sarita Basfore, FS**
16th Assam Rifles C/O 99 APO
PIN 932016.
9. **536008 Geeta Limbu, FS**
7th Assam Rifles C/O 99 APO
PIN 932007.
10. **5380050 Janki Devi, FS**
14th Assam Rifles C/O 99 APO.
PIN 932014.
11. **5370067 Sashi Gurung, AYA**
26th Assam Rifles C/O 99 APO
PIN 932026.
12. **5370066 Sushila Thapa, AYA**
24th Assam Rifles C/O 99 APO
PIN 932024.
13. **5361013 Mimi Kewat, FS**
11th Assam Rifles C/O 99 APO
PIN 932011.
14. **5380080 Bishnu Devi, FS**
11th Assam Rifles C/O 99 APO
PIN 932011.
15. **5370047 Nirmaya Ghale, AYA**
6th Assam Rifles C/O 99 APO.
PIN 932006.
16. **5370077 Anju Gurung, AYA**
10th Assam Rifles C/O 99 APO
PIN 932010.
17. **5370021 Meena Lama, AYA**
10th Assam Rifles C/O 99 APO
PIN 932010.

18. **5370081 Sabita Das Sheal**, AYA
36th Assam Rifles C/O 99 APO
PIN 932036.
19. **5380057 Ranjanti Devi**, FS
5th Assam Rifles C/O 99 APO
PIN 932005.
20. **5380058 Kunti Devi**, FS
36th Assam Rifles C/O 99 APO
PIN 932036.
21. **5360067 Meena Chhetri**, FA
C I J W, Diphu, District Karbianglong
PIN- 782460.
22. **5370062 Sandhya Devi**, AYA
22nd Assam Rifles C/O 99 APO
PIN 932022.
23. **5370069 Sarita Bharti**, AYA
22nd Assam Rifles C/O 99 APO
PIN 932022.
24. **5360068 Usha K. , FA**
5th Assam Rifles C/O 99 APO
PIN 932005.
25. **5380055 Radhika Devi**, FS
10th Assam Rifles C/O 99 APO
PIN 932010.
26. **5360079 Bina Tamang**, FA
15th Assam Rifles C/O 99 APO
PIN 932015.
27. **5370033 Meena Devi**, AYA
5th Assam Rifles C/O 99 APO
PIN 932005.

28. **5360092 Mohini Devi**, FA
35th Assam Rifles C/O 99 APO
PIN 932035.
29. **5380018 Madhuri Begum**, FS
6th Assam Rifles C/O 99 APO
PIN 932006.
30. **5370012 Dilmaya Ale**, AYA
5th Assam Rifles C/O 99 APO
PIN 932005.
31. **5360075 Dipanjali Upadhyaya**, AYA
28th Assam Rifles C/O 99 APO
PIN 932028.
32. **5360082 Nutan Singh**, FA
28th Assam Rifles C/O 99 APO
PIN 932028.
33. **538004 Bulbul Tilenga**, FS
28th Assam Rifles C/O 99 APO
PIN 932028.
34. **538005 Jyoti Tilenga**, FS
28th Assam Rifles C/O 99 APO
PIN 932028.
35. **5370020 Vanhlupuh**, AYA
Assam Rifles Training Centre, Diphu
Dist. Karbianglong, Assam, PIN -782460.
36. **5360085 Jayanti Sharma**, FA
Assam Rifles Composite Hospital,
Shukhovi, Nagaland, PIN- 797115.
37. **5360071 Anita Pun**, FA
29th Assam Rifles C/O 99 APO
PIN 932029.

38. **5380011 Arupa Dutta**, FS
Head Quarter 25 Sector Assam Rifles
C/O 99 APO.
39. **5354030 Shanti Sahib**, FS
5th Assam Rifles C/O 99 APO
PIN 9320205.
40. **5360070 K.H. Thonai**, FA
27th Assam Rifles C/O 99 APO
PIN 932027.
41. **5360027 Asha Rani Kalita**, FA
29th Assam Rifles C/O 99 APO
PIN 932029.
42. **5370087 Dil Kumari Thapa**, FA
24th Assam Rifles C/O 99 APO
PIN 932024.
43. **5380035 Nanda Rai**, FS
24th Assam Rifles C/O 99 APO
PIN 932024.
44. **5371011 Babi**, FS
30th Assam Rifles C/O 99 APO
PIN 932030.
45. **5370072 Radha Chetri**, AYA
3rd Assam Rifles C/O 99 APO
PIN 932003.
46. **5370018 Pushpa Kaila**, AYA
Assam Rifles Composite Hospital,
Shukhovi, Nagaland
PIN- 797115.
47. **5360076 Kalyani Chetri**, FA
Assam Rifles Composite Hospital,
Shukhovi, Nagaland, PIN- 797115.

48. **5370070 Sumitra Chetri**, AYA
40th Assam Rifles C/O 99 APO
PIN 932040.
49. **5370048 Bharti Gurung**, AYA
16th Assam Rifles C/O 99 APO
PIN 932016.
50. **5361006 Prabhawati Devi**, FS
29th Assam Rifles C/O 99 APO
PIN 932029.
51. **5380006 Thiembawi Gangte**, FS
46th Assam Rifles C/O 99 APO
PIN 932046.
52. **5384031 Geeta Devi**, FS
44th Assam Rifles C/O 99 APO
PIN 932044.
53. **5370059 Suchitra Thapa**, AYA
34th Assam Rifles C/O 99 APO
PIN 932034.
54. **5370041 Indira Chetri**, FA
32nd Assam Rifles C/O 99 APO
PIN 932032.
55. **5370071 Aparna Baidya**, AYA
Head Quarter Director General,
Assam Rifles Laitkor Shillong, PIN 793011.
56. **5380051 Babli Devi**, FS
Assam Rifles Training Centre, Diphu
Dist. Karbianglong, Assam
PIN -782460.
57. **5360094 Tiaienla**, FA
3rd Dental Unit Assam Rifles
C/O 99 APO.

58. **5370086 Bhagyasree**, FA
20th Assam Rifles C/O 99 APO
PIN 932020.

59. **5370050 Munni Devi**, AYA
20th Assam Rifles C/O 99 APO
PIN 932020.

60. **5360036 Anju Saikia**, FA
20th Assam Rifles C/O 99 APO
PIN 932020.

61. **538002 Sheela Bansfor**, FS
44th Assam Rifles C/O 99 APO
PIN 932044.

62. **5370056 Kamlabati Devi**, AYA
44th Assam Rifles C/O 99 APO
PIN 932044.

63. **5361005 P. Marie**, AYA
8th Dental Unit Assam Rifles
C/O 99 APO.

.....**Applicants.**

By Advocate: Sri Vipin Kumar

-Versus-

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Home Affairs, North Block, New Delhi, PIN 110001.
2. The Director General, Assam Rifles, Mahanideshalaya (Director General Assam Rifles) Shillong, Meghalaya, Pin 793011.
3. The Commander 25 Sector Assam Rifles C/O 99 APO, PIN 932425.

...Respondents

O R D E R (ORAL)

MANJULA DAS, JUDICIAL MEMBER:

Since all these 63 applicants are seeking similar relief from the same respondents, hence their prayer for joining together in a single application under Rule 4(5)(a) of the Central Administrative Tribunals (Procedure) Rules, 1987 is allowed.

2. By this O.A., applicants make a prayer the following reliefs:-

- “8.i) to direct the respondents to disburse and pay the Dress Allowances to the applicants in terms of the instructions contained in OM dated 17.08.2017 with effect from July, 2017.
- ii) to pay interest with effect from July, 2017 onwards for illegally withholding their dress allowances till the date of making payment thereof.
- iii) and/or pass any other order for any other relief to which the applicant is found entitled to under the law and the facts and circumstances of the case and;
- iv) Cost of the application.”

3. Sri Vipin Kumar, learned counsel appearing on behalf of the applicants submits that all the applicants are non-combatised employees working as Civil Paramedical Staff in the position of Aya, Female Attendants etc. in various Hospitals/ Medical Inspection Rooms under the respondent Nos. 2 and 3.

According to Sri Kumar, the Ministry of Finance vide Resolution No. 11-1/2016-IC dated 06.07.2017, inter alia, in supersession of all existing orders relating to uniform allowances, namely Clothing Allowances, Initial Equipment Allowances, Kit Allowances, Robe Allowances, Robe Maintenance Allowances etc and Washing Allowances were subsumed in a single allowance viz – 'Dress Allowances'.

4. The grievances of the applicants are that they have been denied their service benefit of Dress Allowances with effect from July, 2017 when the Ministry of Finance adopted the resolution dated 06.07.2017 thereby subsuming all the allowances (supra). The respondent No. 1 also in furtherance of the resolution dated 06.07.2018 issued the O.M. dated 17.08.2017 by which besides the Officers rank personnel were allowed Rs. 20,000/- as Dress Allowance, the Personnel Below Officer ranks were allowed Rs. 10,000/- as monthly allowance. The applicants being below officers rank personnel have been denied and deprived of their rightful service benefits.

5. Sri Kumar submits that the resolution dated 06.07.2017 has been implemented all across the force including the Civil

Paramedical Combatised/Non Combatised Personnel staff of the respondent No. 2 & 3 but, the same has not been implemented in the case of the present applicants for the reasons best known to the respondents. In view of that, the action of the respondent authorities for withholding the Dress when personnel of other forces and organizations performing similar duties have been granted and are receiving is highly illegal and arbitrary. Accordingly, learned counsel prays for consideration of the case of the applicants only on the following grounds:-

- (i) That there is no categorization in the Office Memorandum dated 17.08.2017;
- (ii) That in terms of Office Memorandum dated 17.08.2017, the applicants are eligible for Dress Allowance; and
- (iii) That the applicants are eligible for granting of Dress Allowances since the civilian employees are getting their Dress Allowances.

6. Learned counsel has drawn our attention to the communication under No. 25SECT/A/A2/2259/2018 dated 14.07.2018 (Annexure-12, Page 65 to the O.A.) addressed by the Dy. Commandant (Respondent No. 3) to Directorate General Assam Rifles (Respondent No. 2) on the subject of 'Dress Allowance to the Civilian Paramedical Staff' with reference to the letter of Directorate

General dated 13.02.2018 wherein it is intimated that "Presently all Civ Paramedical Staff of Assam Rifles have wearing the auth pattern of dress and accoutrements as per prescribed 'Dress Regulation-2017' fwd vide your Dte letter under ref."

7. In the said letter, it is further contended that – "As per 7th CPC Memorandum order about dress allce, all serving pers are entitled to draw Dress Allce as per category wise. However, all paramedical staffs personnel of HQ/att from under Comd Units are not got dress allce till dt."

8. Further learned counsel has drawn our attention to the communication dated 25.07.2018 (Anneuxre-13, page 66 to the O.A.) which was forwarded by Directorate General (respondent No. 2) to the HQ 25 Sect AR on the subject of 'Dress Allce to Civ Paramedical Staff' wherein it is stated that – "Clarification for grant of dress allowance to other categories of Nursing personnel has been sought from MHA. Outcome on the same if any will be intimated."

9. In view of that, we deem fit and proper to direct the respondents more particularly respondent Nos. 1 & 2 i.e. Secretary to the Government of India, Ministry of Home Affairs and Director General, Assam Rifles, Shillong for early disposal of the issue.

Accordingly, we direct the respondents more particularly respondent Nos. 1 & 2 to take up the matter as early as possible so as to arrive at a final decision on the issue of 'Dress Allowance" to Civilian Paramedical Staff by keeping in mind the O.M. under No. II.27012/86/CF.339655.4/2017PF.-1 dated 17.08.2017 issued by the Ministry of Home Affairs on the subject of "Implementation of the recommendation of the Seventh Central Pay Commission dress Allowances" and pass a reasoned and speaking order.

10. The decisions so arrived by the respondent Nos. 1 & 2 shall be communicated to the applicant forthwith.

11. The entire exercise shall be carried out by the respondent Nos. 1 & 2 within a period of four months' from the date of receipt of a copy of this order.

12. 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)