

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Original Application No. 046/00234/2019

Date of Decision: 23.07.2019

THE HON'BLE MRS. MANJULA DAS, JUDICIAL MEMBER

1. P. No. 22090470 Robin Tamang
Washerman, Office of the Commanding Officer
165 Military Hospital, Pin – 903165 C/O 99 APO.
2. P. No. 22090466 Sobha Yadhav
Ward Sahayika, Office of the Commanding Officer
165 Military Hospital, Pin – 903165 C/O 99 APO.
3. P. No. 22090468 Prashant Kumar
Washerman, Office of the Commanding Officer
165 Military Hospital, Pin – 903165 C/O 99 APO.
4. P. No. 22090464, Pangerinla
Ward Sahayika, Office of the Commanding Officer
165 Military Hospital, Pin – 903165 C/O 99 APO.
5. P. No. 22090469, Priyanka Kanaujiya
Safaiwali, Office of the Commanding Officer
165 Military Hospital, Pin – 903165 C/O 99 APO.
6. P. No. 22090467, Beauty Debnath
Safaiwali, Office of the Commanding Officer
165 Military Hospital, Pin – 903165 C/O 99 APO.
7. P. No. 22090471, Moanaro Longkumer
Safaiwali (PH), Office of the Commanding Officer
165 Military Hospitals, Pin – 903165 C/O 99 APO.
8. P. No. 1545411K Nagato Sema
Chowkidar, Office of the Commanding Officer
165 Military Hospital, Pin – 903165, C/O 99 APO
9. P. No. 22090642 Y Eyingbeni Lotha
Safaiwali, Office of the Commanding Officer
165 Military Hospital, Pin – 903165, C/O 99 APO

10. P. No. 22090785 Yapangtula M Ao
Ward Safaiwali, Office of the Commanding Officer
165 Military Hospital, Pin – 903165, C/O 99 APO
11. P. No. 22090786 Priyanka Roy
Safaiwali, Office of the Commanding Officer
165 Military Hospital, Pin – 903165, C/O 99 APO
12. P. No. 22090465 Mamata Kumari
Ex Ward Sahayika, Office of the Commanding Officer
165 Military Hospital, Pin – 903165, C/O 99 APO

.....Applicants

By Advocate: Sri A. Ahmed
Ms. 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 – 110001.
2. The Commanding Officer
165 Military Hospital
Pin – 903165 C/O 99 APO.

.....Respondents

ORDER (ORAL)

MANJULA DAS, JUDICIAL MEMBER:

At the outset, prayer for grant of permission under Section 4(5)(a) of the CAT (Procedure) Rules, 1987 to move this application jointly is allowed as they are seeking similar relief from the same respondents.

2. By this O.A., applicants pray for a direction upon the respondents to pay them 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 judgements passed by this Tribunal, Hon'ble Gauhati High Court and Hon'ble Supreme Court of India.

3. Sri Adil Ahmed, learned counsel for the applicants submitted that all the applicants are Defence Civilian Employees of Ministry of Defence, Government of India. Presently, all of them are working as Washerman, Ward Sahayika, Chowkidar and Safaiwala in the Office of the Commanding Officer 165 Military Hospital, Pin – 903165 C/O 99 APO. According to Sri Ahmed, this tribunal had entertained and passed various judgements and orders in the case of similarly situated employees and in view of that, learned counsel prays similar direction in the case of the present applicant.

4. The aforesaid matter is no longer res integra. On identical issue, this Tribunal has decided the matter vide common judgement and order dated 06.11.2000 in O.A. 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 01.07.1987 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 06.06.2012, 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 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 noted 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. Further it is noted that this Tribunal had passed an another order on 22.04.2019 in favour of similarly situated Defence Civilian Employees working in the office of the Commandant 183 Military Hospital C/O 99 APO who had approached this Tribunal by filing O.A. No. 130/2019.

11. 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, I direct the respondents authorities to verify the case of the present applicants as to whether they were similarly situated with the applicants mentioned above and if so, similar benefits to be extended to the present applicants within a period of three months from the date of receipt copy of this order.

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

MANJULA DAS
MEMBER (J)

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