

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
VACATION COURT**

Original Application No. 046/00328/2019

Date of Decision: 04.10.2019

**THE HO'NBLE MRS N. NEIHSIAL ADMINISTRATIVE MEMBER**

1. P.No. 14117453 Sureshlal Baritha  
Mazdoor, Office of the Commanding  
Officer, 50 Coy, ASC (Supply)  
Type 'C', PIN – 905050 C/O 99 APO
2. P.No 6473183H Sachin Kumar Sahni  
Cook, Office of the Commanding  
Officer, 50 Coy, ASC (Supply)  
Type 'C', PIN – 905050 C/O/ 99 APO
3. P.No. 6407320 Bachcha Singh  
Fire Engine Driver, (FED)  
Office of the Commanding  
Officer, 50 Coy, ASC (Supply)  
Type 'C', PIN – 905050 C/O/ 99 APO
4. P.No. 6407383 Upender Singh  
Fire Engine Driver (FED)  
Office of the Commanding  
Officer, 50 Coy, ASC (Supply)  
Type 'C', PIN – 905050 C/O/ 99 APO
5. P.No. 6405694 Trilokna  
Retired Fireman, Office of the Commanding  
Officer, 50 Coy, ASC (Supply)  
Type 'C', PIN – 905050 C/O/ 99 APO
6. P.No. 14117445 Ramchandrar Gouda  
Retired Mazdoor, Office of the Commanding  
Officer, 50 Coy, ASC (Supply)  
Type 'C', PIN – 905050 C/O/ 99 APO

7. P.No. 14117446 Satyanarayan  
Retired Mazdoor, Office of the Commanding  
Officer, 50 Coy, ASC (Supply)  
Type 'C', PIN – 905050 C/O/ 99 APO
8. P.No. 6406720 Kedar  
Ex-Fireman, Office of the Commanding  
Officer, 50 Coy, ASC (Supply)  
Type 'C', PIN – 905050 C/O/ 99 APO
9. P.No. 6407321 Jagdish Prasad  
Ex-Fireman, Office of the Commanding  
Officer, 50 Coy, ASC (Supply)  
Type 'C', PIN – 905050 C/O/ 99 APO
10. P.No. 6402891NRC Nair  
Retired Mazdoor, Office of the Commanding  
Officer, 50 Coy, ASC (Supply)  
Type 'C', PIN – 905050 C/O/ 99 APO
11. Smti Santhamma  
Wife of late Kunjumooan  
P.No. 6402895  
Mazdoor, Office of the Commanding  
Officer, 50 Coy, ASC (Supply)  
Type 'C', PIN – 905050 C/O/ 99 APO
12. P.No. 14117383 Laldhar  
Retired Mazdoor, Office of the Commanding  
Officer, 50 Coy, ASC (Supply)  
Type 'C', PIN – 905050 C/O/ 99 APO
13. P.No. 14117443 Sirpat Ram  
Retired Mazdoor, Office of the Commanding  
Officer, 50 Coy, ASC (Supply)  
Type 'C', PIN – 905050 C/O/ 99 APO
14. Smti V. Samma  
Wife of late K.N. Thankachan  
P.No. 6403301  
Mazdoor, Office of the Commanding  
Officer, 50 Coy, ASC (Supply)  
Type 'C', PIN – 905050 C/O/ 99 APO

15. Smti S. Kuttan  
Wife of late C. T. Kuttan  
P.No. 6402893  
Mazdoor, Office of the Commanding  
Officer, 50 Coy, ASC (Supply)  
Type 'C', PIN – 905050 C/O/ 99 APO
16. Smti Suseela  
Wife of late P.M. Bhaskaran  
P.No. 6402894  
Mazdoor, Office of the Commanding  
Officer, 50 Coy, ASC (Supply)  
Type 'C', PIN – 905050 C/O/ 99 APO
17. P.No. 14117385 Akshay Rai  
Mazdoor, Office of the Commanding  
Officer, 50 Coy, ASC (Supply)  
Type 'C', PIN – 905050 C/O/ 99 APO

.....Applicants

By Advocate(s):      Sri A. Ahmed  
                                 Smti. D. Goswami  
                                 Ms. 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 Commanding Officer  
50 Coy ASC (Supply), Type 'C'  
PIN – 905050 C/O 99 APO

.....Respondents

By Advocate:    Sri V. K. Bhatra, Sr. CGSC

**ORDER (ORAL)**

**N. NEHSIAL, MEMBER (A):**

Since all these 17 applicants are seeking similar reliefs from the same respondents, the prayer for joining together in a single application under section 4 (5) (a) of the Administrative Tribunal Act, 1987 is allowed.

2. The instant O.A. has been preferred by the applicants under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

- “8.1 To pay the Applicants the License Fee at the rate of 10% compensation per month to the Applicants in lieu of Rent Free Accommodation w.e.f 01.07.1987 in reference to the order and judgement passed by this Hon'ble Tribunal, Gauhati High Court and Supreme Court of India.
- 8.2 To pay the cost of the case to the Applicants.
- 8.3 Any other relief(s) that may be entitled to the Applicants.

3. Sri A. Ahmed, learned counsel for the applicants brought out that the present applicants were/are working under the Office of respondent No. 2 i.e. The Commanding Officer 50 Coy ASC (Supply), Type 'C' PIN – 905050 C/O 99 APO. The applicant Nos. 1, 2, 3, 4 & 17 are Defence Civilian Employees and presently working as Mazdoor, Cook and Fire Engine Driver in the Office of the respondent No. 2 i.e. the Commanding Officer, 50 Coy ASC (Supply),

Type 'C', PIN – 9035050 C/O 99 APO. The applicant Nos. 5, 6, 7, 10, 12 & 13 had retired as Fireman & Mazdoor from the Commanding Officer, 50 Coy ASC (Supply), Type 'C', PIN – 9035050 C/O 99 APO, applicant Nos. 8 & 9 had served as Fireman & Mazdoor in the Commanding Officer, 50 Coy ASC (Supply), Type 'C', PIN – 9035050 C/O 99 APO and applicant Nos. 11, 14, 15 & 16 are the wife of late K.N. Thankachan, late C.P. Kuttan and late P.M. Bhaskaran who had served as Mazdoor in the Commanding Officer, 50 Coy ASC (Supply), Type 'C', PIN – 9035050 C/O 99 APO. Vide order dated 06.11.2000 passed in O.A. No. 143/1999 (Shri Krishna Sinha & Others Vs. the Union of India & Others), this Tribunal had passed orders in favour of the applicants who are similarly situated employees like the present applicants in regards to payment of license fee at the rate of 10% compensation per month in lieu of Rent Free Accommodation. The order of this Tribunal dated 06.11.2000 was upheld by the Hon'ble Supreme Court vide order dated 08.02.2010. Learned counsel also relied on a decision of this Tribunal dated 12.11.2015 passed in O.A. No. 377/2015 which has been affirmed by the Hon'ble Gauhati High Court vide judgement and order dated 02.03.2016 in WP(C) No. 1329/2016 and also other similarly situated cases of this Tribunal has been affirmed by the Hon'ble Supreme Court vide order dated 02.07.2017 in SLP © No. 882/2014. These

present applicants have claimed that they are similarly situated who have been given payment of 10% license fee in lieu of rent free accommodation. Learned counsel for the applicants has also brought out the order of this Tribunal dated 12.10.2018 passed in O.A. No. 267/2015 wherein the direction of this Tribunal reads as hereunder:

"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 decide the present issue in accordance with aforesaid precedents after examining the case of the applicants and pay the license fees at the rate of 10% compensation per month in lieu of Rent Free Accommodation within a period of two months from the date of receipt of a copy of this order."

4. Keeping in view of the above, I found that the O.A. can be disposed of at the admission stage. Accordingly, I direct the respondents to examine and verify whether these applicants are similarly situated as in case of O.A. No. 267/2015 and if they are found to be similarly situated, they may be considered and give the same benefits within a period of six (6) months from the date of receipt copy of this order. In case, some of the applicants have retired and the claim of the benefits is from the legal heir, the same benefits also be extended to them with due verification.

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

**(N. NEIHSIAL)**  
**MEMBER (A)**

BD