

GAHC010176522015



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/3126/2015

UNION OF INDIA and ANR.
REP. BY THE SECY. TO THE
GOVT. OF INDIA, MINISTRY OF DEFENCE,
SOUTH BLOCK, NEW DELHI, PIN- 110011.

2: THE COMMANDANT
HEADQUARTER 137 WORKS ENGINEER
PIN- 914137 C/O- 99 APO

VERSUS

M.E.S. NO 214326 HSRI BISHWAJIT HAZARIKA
ERSTWHILE DRAFTSMEN OF HQ 137
WORKS ENGINEER, PIN- 914137, C/O- 99 APO.

For the petitioners : Mr. R.K.D. Choudhury, D.S.G.I.

For the respondent : Mr. A. Ahmed, Advocate

– B E F O R E –

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI

HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR

09-09-2024

(Vijay Bishnoi, C.J.)

Heard learned counsel appearing for the parties.

This writ petition is filed by the petitioners being aggrieved with the order dated 28.11.2014 passed by the Central Administrative Tribunal (hereinafter to be referred as 'Tribunal'), Guwahati Bench in O.A. No.393/2014 preferred on behalf of the private respondent herein.

The private respondent has approached the Central Administrative Tribunal (hereinafter to be referred as 'Tribunal'), Guwahati with the prayer that the petitioner Union of India be directed to pay the respondent the License Fee at the rate of 10% compensation per month, i.e. from December, 2008 to June, 2011 while he was posted as Draftsman in the office of Commandant Headquarter, 137 Works Engineer, PIN-914137, C/O 99 APO.

The Tribunal after considering the response filed on behalf of the respondent has issued a direction to the petitioners to consider the case of the respondent with due verification as to whether the private respondent is similarly situated with the other persons wherein a direction was issued by this Court vide order dated 21.02.2013 passed in WP(C) No.588/2013, affirmed by the Hon'ble Supreme Court and if the same benefit has to be extended to the private respondent, the same may be given to him within a period of two months.

We are of the view that since the Tribunal has not issued any mandatory

direction to the petitioners to pay the license fee at the rate of 10% compensation from the salary of the private respondent for a particular period and only issued a direction to consider his case in the light of the decision of this Court, no case for interference is made out. Hence, this writ petition is dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant