

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 040/00332/2018

Date of Order: This, the 26th Day of June, 2020

THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER

THE HON'BLE MR.N. NEIHSIAL, ADMINISTRATIVE MEMBER



1. Shri Rajen Chandra Baruah
Assistant/Accountant (Retd.)
Office of the Director Programme
Production Centre (NE)
Doordarshan, R.G. Baruah Road
Guwahati – 781024.
2. Smti. Minati Choudhury
Programme Executive, (Retd.)
Office of the Director
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Guwahati – 781024.
3. Shri Uttam Sarma
Sr. Engineering Asstt. (Retd.)
Office of the Director
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Guwahati – 781024.
4. Shri Bhargab Sarma
Sr. Administrative Officer (Retd.)
Office of the Director
Doordarshan, R.G. Baruah Road
Guwahati – 781024.
5. Shri Subal Ch. Sarma
Retired A.O. (Retd.)
Office of the Director
Doordarshan, R.G. Baruah Road
Guwahati – 781024.

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6. Shri Dipak Choudhury
Assistant/Head Clerk (Retd.)
Office of the Director
Doordarshan, R.G. Baruah Road
Guwahati – 781024.
7. Shri Dhiren Chandra Sarma
Assistant/Head Clerk (Retd.)
Office of the Director
Doordarshan, R.G. Baruah Road
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8. Shri J.N. Talukdar
Security Guard (Retd.)
Office of the Director
Doordarshan, R.G. Baruah Road
Guwahati – 781024.
9. Shri R.C. Dutta
Security Guard (Retd.)
Office of the Director
Doordarshan, R.G. Baruah Road
Guwahati – 781024.
10. Shri Rajen Kalita
Security Guard (Retd.)
Office of the Director
Doordarshan, R.G. Baruah Road
Guwahati – 781024.
11. Shri Soneswar Talukdar
Sr. Engineering Assistant (Retd.)
Office of the Director
Doordarshan, R.G. Baruah Road
Guwahati – 781024.
12. Shri Promod Barman
Administrative Officer (Retd.)
Office of the Director Programme
Production Centre (NE)
Doordarshan, R.G. Baruah Road
Guwahati – 781024.



13. Shri Sankar Brahma
UDC (Retd.)
Office of the Director Programme
Production Centre (NE)
Doordarshan, R.G. Baruah Road
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14. Shri Bongshi Ram Kalita
Security Guard (Retd.)
Office of the Director Programme
Production Centre (NE)
Doordarshan, R.G. Baruah Road
Guwahati – 781024.



15. Shri Joy Chandra Ramchiary
Assistant/Head Clerk (Retd.)
Office of the Doordarshan
Maintenance Centre
R.G. Baruah Road
Guwahati - 781024.

16. Smti. Dipamoni Kalita
Widow of late Nagen Ch. Kalita
(Production Assistant)
Office of the Director Programme
Production Centre (NE)
Doordarshan, RG Baruah Road
Guwahati – 781024.

17. Smti. Dalimi Das
Widow of Late Anubabh Das (Helper)
Office of the Director Programme
Production Centre (NE) Dooordarshan
RG Baruah Road
Guwahati – 781024.

18. Smti. Kunjalata Boro Ramchiary
Widow of late Naren Ch. Boro
(Driver)
Office of the Director Programme
Production Centre (NE) Doordarshan

R.G. Baruah Road
Guwahati – 781024.

19. Smti. A. Ratnama
Widow of Late Kamrajn (Safaiwala)
Office of the Director Programme
Production Centre (NE) Doordarshan
R.G. Baruah Road
Guwahati – 781024.

... Applicant

- Versus -



1. The Union of India,
Represented by the Secretary to
the Government of India,
Ministry Of Information & Broadcasting,
A Wing, Shastri Bhawan, New Delhi,
PIN- 110001.
2. The Director General
Doordarshan, Prasar Bharati,
(India's Public Service Broadcaster)
Doordarshan Bhawan
Copernicus Marg
New Delhi-110 001.
3. The Additional Director General (P&A)
North East Zone, AIR & TV
Doordarshan Complex
R.G. Baruah Road
PIN: 781 024.
4. The Additional Director General (Engineering)
North East Zone, AIR & TV
Doordarshan Complex
R.G. Baruah Road
PIN: 781 024.

5. The Deputy Director
 Programme Production Centre (NE)
 Doordarshan Complex
 R.G.Baruah Road
 Guwahati-781 024.

.....Respondents.

For the Applicants: Sri A Ahmed, Smt R.R.Rajkumari
 & Smt D.Goswami

For the Respondents: Sri S K Ghosh, Addl. C.G.S.C.



ORDER (ORAL)

MANJULA DAS, MEMBER (J):

This matter has been remanded by the Hon'ble High Court for a decision afresh on merits after providing reasonable opportunity to the respondents.

2. In this OA the applicants are praying for set aside the impugned order dated 24.06.2016 by which their prayer for payment of Special Duty Allowance (SDA in short) upto 31.08.2008 was rejected and also for a direction to the respondents for payment of SDA to them from their respective date of joining in the N E Region upto 31.08.2008.

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3. As directed by the Hon'ble High Court for giving reasonable opportunity to the respondents we have given enough opportunity to the respondents to file their written statement. Despite granting sufficient time vide order dated 12.12.2018, 30.01.2019, 05.03.2019 and 08.07.2019, the respondents have failed to file their written statement. Situated thus, this Tribunal vide order dated 02.05.2019 and 14.08.2019 directed the respondents to depute one office who was conversant to the facts and circumstances of the case to be present before this Tribunal on the next date. As per orders of this Tribunal, Sri Dhrubajyoti Adhikari, Senior Administrative Officer, Doordarshan Kendra, Guwahati appeared before the court on 01.01.2020, and submitted that arrear payment to some of the staff was made wrongly and it would be recovered soon. In view of that statement of the officer, Sri S K Ghosh, learned Addl. C.G.S.C. was directed to bring on record the documents relating to payment of SDA and recovery of said arrears if the same was wrongly paid.



4. We have heard Sri A Ahmed, learned counsel for the applicants and Sri S K Ghosh, learned Addl. C.G.S.C. for the respondents.

5. The primary contention of the learned counsel for the applicants is that payment of SDA from the dates of joining in N E Region to 31.08.2008 was made to similarly situated employees working in All India Radio Guwahati, Doordarshan Kendra, Guwahati, Gangtok, Tura, Aizawl, Itanagar, Agartala, Kohima including Doordarshan Kendra, Silchar, however, the same has been denied to the present applicants. Learned counsel therefore prays for a direction to make payment of SDA to the present applicants also.



6. Pursuant to the order of this Tribunal for production of relevant papers, learned counsel for the respondents have produced a set of documents by which recovery of excess payment have been initiated. According to the learned counsel, though some of the employees were granted SDA prior to 01.09.2008, subsequently it was detected that they were granted erroneously. Accordingly, steps were

taken to recover the excess payment of SDA. Show cause notices were issued to them. Therefore, the applicants are not entitled to payment of SDA.

7. From the papers submitted by Sri S K Ghosh, learned Addl. C.G.S.C. for the respondents it is clear that though some of the employees of DDK Guwahati was paid arrears of SDA prior to 01.09.2008, the respondents have initiated recovery of the said excess payment and the employees have been issued show cause notices before effecting recovery. Of course in some cases, recovery from Group C employees were found bad by this Court and upheld by the Hon'ble Gauhati High Court in view of the law laid down by the Hon'ble Supreme Court in the case of **State of Punjab & Others vs Rafiq Masih (White Washer) & others, 2015 (4) SCC 334** and also the DoPT OM No.18/03/2015-Estt. (Pay-I) dated 02.03.2016. However, in our opinion that does not make the present applicants entitled for payment of SDA prior to 01.09.2008 if they are not otherwise entitled for the same.



8. In view of the forgoing reasons, we are of the opinion that applicants have failed to make out a case for themselves. Accordingly no interference is called for.

9. The OA is dismissed. There shall be no order as to costs.



(N. NEHSIAL)
ADMINISTRATIVE MEMBER

(MANJULA DAS)
JUDICAIL MEMBER

/BB/