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Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

Original Application No. 778 of 2006

Monday, this the 05th day of November 2007

Hon'ble Mr. K.S. Menon, Member (A)

1. Janardan Singh, Force No. 881560015 Pharmacist S/o Late Kanu Singh
2. S.D. Agarwal Force No. 881650496 Pharmacist S/o Sri D.C. Ram.
3. Mohammad Alam Force No. 811680042 Pharmacist S/o Late Abdul Mannan.

All applicants are presently posted as Pharmacists in Group Centre, Hospital C.R.P.F. Pandila, Old Airport, Post Office Ismailganj, Allahabad.

Applicants

By Advocate Sri A.S. Dubey

Versus

1. Union of India through its Secretary, Government of India, Ministry of Home Affairs, North Block, New Delhi.
2. Director General of C.R.P.F., C.G.O. Complex Lodhi Road, New Delhi.
3. Director Medical, Directorate General (C.R.P.F.) R.K. Puram, New Delhi.
4. Additional Deputy Inspector General of Police Group Centre, C.R.P.F., Pandila Old Air Port Post Ismailganj, Allahabad.

Respondents

By Advocate Sri S.N. Chatterji

ORDER

By K.S. Menon, Member (A)

The present O.A. has been filed seeking a direction of this Court to be given to the respondents to grant Special Duty Allowance (for short SDA) to the applicants for the period they were posted in the North Eastern region even though their Headquarters was outside the North Eastern region. Learned

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counsel for the applicants' state that the applicants are entitled to this SDA as per Government instructions dated 29.10.1996.

2. The respondents on the other hand submit that the applicants are not entitled to this SDA because their applications were examined in accordance with the rules existing at that time and it was found that they are not eligible for sanction of SDA as the Unit where they were deployed though in the North Eastern region but its' Headquarters was at Shivpuri, Gwalior, which is outside the North Eastern region. Aggrieved by this contention, the applicants have represented to the authorities concerned. However, their cases were not approved and no SDA for the stay in the North Eastern region was sanctioned.

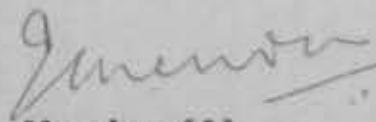
3. Being aggrieved with the aforesaid action of the respondents, the applicants have filed the present O.A.

4. Learned counsel for the respondents Sri S.N. Chatterji has drawn the attention of this Court to the O.M. dated 03.08.2005 which pertains to allowances and facilities for civilian employees of the Central Government serving in the States and Union Territories of North Eastern Region, Andaman and Nicobar Islands and Lakshadweep. This O.M. while referring to the previous order on the subject dated 31.03.1987 in which such Government employees were not entitled to SDA because their Headquarters were outside the North Eastern Region, however, based on re-examination of the issue, Government has now clarified that the said allowances would be admissible to such CPF personnel even if their Headquarters were outside the North Eastern Region, subject to officials ^{should} ~~were~~ ^{be} actually working in the North Eastern Region.

5. From the above, it is clear that while the SDA was being denied by them on the earlier occasions, by the aforesaid clarification through O.M. dated 03.08.2005, civilian employees posted in the North Eastern Regions are entitled to SDA. The respondents are, therefore, directed to consider the

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representation of the applicants dated 17.08.2005 and sanction SDA for the period that applicants have actually worked in the North Eastern Region. This order may be carried out within a period of three months from the date of receipt of a certified copy of this order. The O.A. is accordingly disposed of with the above directions. No order as to costs.



Member (A)

/M.M./