

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

O.A.No.47 of 1993

Shri Balaram Behera ... Applicant  
Vs.  
Union of India & Others ... Respondents

O.A.No.48 of 1993

Shri Harihar Dash ... Applicant  
Vs.  
Union of India & Others ... Respondents

O.A.No.49 of 1993

Shri Purna Chandra Behera ... Applicant  
Vs.  
Union of India & Others ... Respondents

O.A.No.50 of 1993

Shri Bijoy Ram Samal ... Applicant  
Vs.  
Union of India & Others ... Respondents

Date of decision: 31ST MARCH, 1994

(FOR INSTRUCTIONS)

1. Whether it be referred to the reporters or not? *yes*
2. Whether it be circulated to all the Benches of *yes* the Central Administrative Tribunals or not?

*Key 31-3-94*  
(K.P. ACHARYA)  
VICE CHAIRMAN

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For the Applicants in all  
the four cases : Mr. M. S. Panda, Advocate

For the Respondents 1 to 3  
in all the four cases : Mr. Akshya Kumar Misra,  
Additional Standing  
Counsel (Central).

For the Respondent No. 4  
in all the four cases : M/s. Ashok Mohanty,  
P. R. Dash, T. Ratho,  
Advocates.

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CORAM:-

THE HONOURABLE MR. K. P. ACHARYA, VICE-CHAIRMAN

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JUDGMENT

K. P. ACHARYA, V.C.

In all these applications, the Petitioners  
are working in different capacities in the Central  
Institute of Fresh Water Acquaculture, Kausalyaganga

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which has ultimately come within the purview of Indian Council of Agricultural Research. In all these applications, the common prayer of the Petitioners is to quash the decision taken by the Government not to grant compensatory/Remote area Allowance to the Petitioners and other non-scientific staff. It is further more prayed that the decision taken vide Annexure-1 be extended to the petitioners and other non-scientific staffs. A direction be also issued to amend the provisions contained under Chapter 17 of the Administrative Manual and thereby a declaration be made that the petitioners in all these cases are entitled to compensatory/Remote Area Allowance with effect from 10th January, 1980.

2. Shortly stated the case of the petitioners is that they have been working in Kausalyaganga since a very long time. Vide Annexure-1 dated 10th January 1980, under Rule 20(2) of the Agricultural Research Service a scientist may be required to serve a minimum period of time in a backward or comparatively less developed area in the country as may be determined and decided by the controlling authority. The question of evolving suitable criteria for determining backward/less developed areas and the nature and quantum of compensatory benefits to be allowed to the scientists posted in those areas was considered by the Council and it has been decided that the various stations should be categorised as A.B.C.D. and E as given below.

Orissa has been one of the state in which certain categories of districts are coming within the above mentioned grades. Kausalyaganga has been put under category 'C' and those scientists working in a place coming within the category 'C' are entitled to get allowance of Rs.100/- per month. Petitioners prayed in their applications that this benefit should not be confined to the Scientists alone and it should be extended to the non-scientist staff including the petitioners as it is violated of Article 14 and 16 of the Constitution.

3. In their counter, the Opposite Parties maintain that Remote Area Allowance is only admissible to the Scientists and other Officers of I.C.A.R whose services are of all India character - <sup>in</sup> afterwards they have an All India Transfer liability. Further more it is maintained that such allowance is not admissible to the other category of employees who are recruited locally at the level of the particular institute and are not normally transferred from the institute of their posting/recruitment. The said allowance has been exclusively applicable to the Scientists in order to make the Agricultural Research Service more attractive so that best talents would be attracted to serve into the area and shunning lure of Metropolis.

It is further maintained that non-scientist staff working in Kausalyaganga are being paid house rent allowance, city compensatory Allowance as is admissible to the employees, according to the rules and therefore, the claim of the petitioners for remote area allowance is misconceived.

4. All the above mentioned cases were heard one after the other, but since common questions of fact and law are involved in this case, it is directed that this common judgment would govern all the cases mentioned above.

5. I have heard Mr. M. S. Panda learned counsel for the petitioners, Mr. Akshya Kumar Misra learned Additional Standing Counsel (Central) for Opposite Party Nos. 1 to 3 and Mr. Ashok Mohanty learned counsel appearing for the Opposite Party No. 4.

6. Relying on the contents of Annexure 1 it was contended by Mr. Panda that the institution is giving a favour<sup>ad</sup> treatment to the Scientists posted in Kausalyaganga by awarding monetary benefits to such Scientists and thereby making a clear discrimination between the Scientists and the other members of the Administrative staff and thereby Article 14 and 16 of the Constitution is violated.

7. In their counter, the Opposite Parties maintain that though Kausalyaganga has been declared to come within category of 'C', Remote Area Allowances are only admissible

to the Scientists and other officers of I.C.A.R. whose services are of All India Character and hence can be transferred anywhere in the Country. Further more it is averred that this monetary benefit is not admissible to other category of employees who are recruited locally at the level of the particular institute and are not normally transferred from the institute where they are posted/recruited. The Special monetary benefit has been given to the Scientists alone in order to make the Agricultural Research Service more attractive so that the best talents could serve in this area. While repudiating this argument, Mr. Panda learned counsel for the petitioners was also relied upon the contents of Annexure 6 which is an offer of appointment issued in favour of one Shri Balaram Behere on him saddling All India Transfer liability and hence it was contended by Mr. Panda that all the petitioners are entitled to remote area allowance etc. For better appreciation of the contentions put forward by either side, it would be profitable to quote the contents of Annexure 1 which runs thus:

INDIAN COUNCIL OF AGRICULTURAL RESEARCH  
KRISHI BHAVAN, NEW DELHI.

No. 8-18/76-Per. IV

Dated the 10th January, 80

To

The Directors/Project Directors  
of all ICAR Institutes.

Sub: Grant of special allowance to the ARS  
Scientists posted to remote and backward  
areas.

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Sir,

Rule 20(2) of the Agricultural Research Service lays down that a scientist may be required to serve a minimum period of time in a backward or comparatively less developed area of the country as may be determined and decided by the controlling authority. The question of evolving suitable criteria for determining backward/less developed areas and the nature and quantum of compensatory benefits to be allowed to scientists posted in those areas was considered by the Council and it has been decided that the various stations should be categories A,B,C,D and E as given below:-

XX	XX	XX	XX
XX	XX	XX	XX

**(22) O R I S S A**

Category 'A'

(1) Cuttack(CRRI,CIFRI);(2)Bhubaneswar(CTCRI,CIFRI).

Category 'B'

(1) Puri (CMFRI)

Category 'C'

(1) Gopalpur(CMFRI);(2)Palasa(CMFRI);(3)Burhla (CIFT);(4) Kausalyagang(CIFRI);

Category 'D'

(1) Bamra(JARI);(2)Koraput(CRRI)

XX	XX	XX	XX
XX	XX	XX	XX

2. The rates of special allowance to be granted to scientists posted and stationed in the categories C,D and E stations are given below:-

Category 'C' Stations -Rs.100/- p.m.

Category 'D' Stations -Rs.150/- p.m.

Category 'D' Stations -Rs.200/-p.m.

3. For residential accommodation provided by the Council at category 'E' stations, no rent will

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be charged and water will be provided free. Full charges for electricity will, however, be recovered from the employees. For residential accommodation provided by the council at category 'D' stations, rent at 5% of pay only will be charged. Water and electricity charges will be recovered at these stations. These concessions will be admissible if the accommodation provided at these stations is kutcha or thatched ones. Correction vide ICAR No.8-18/76 Per IV M 14-1/80.

4. The Scientists posted at these stations are entitled to get special allowances at the rates indicated above or at the rates already sanctioned by the Central Government for their employees in those stations whichever is beneficial to them. The details regarding the latter allowances have been given in the Broshura on special Allowances, which has been issued by the Council.

5. The receipt of this letter may kindly be acknowledged."

8. From the subject noted above, such allowance has to be confined to Scientists only and in my opinion to no other officers even having all India Transfer liability. The intention of the Government in issuing Annexure-1 is only to attract talented Scientist work to devote themselves to the Researches to be conducted in the Institute and ~~station~~ in the Remote Areas, as defined in Annexure-1. Therefore, the most question that needs determination is as to whether there is actually any discrimination committed between the Scientists and other members of the staff attached to the ICAR. In this connection, I feel tempted to rely on the judgment of the Hon'ble Supreme Court reported in (1991)

Vs. Reserve Bank of India Staff Officers Association and others). Before I deal with the question of law, decided by Their Lordships, it would be necessary to succinctly state the facts of the case giving rise to the appeal before Their Lordships. The Government of India in the Ministry of Finance issued an Office Memorandum bearing No. 20014/3/83-E.IV dated 14.12.1983 communicating the decision of the Government of India to grant special duty allowance to all the Central Government civilian employees posted and serving in North Eastern Region who have an All India Transfer liability at the rate of 25 per cent of their basic pay subject to a maximum of Rs.400/- per month. Later in the year 1988, the quantum was modified to the extent of 12½ per cent of the revised basic pay subject to a maximum of Rs.1,000/- per month. Several employees prayed before the Guwahati Bench and Calcutta Bench for grant of said special duty allowance. Following the view taken by the Full Bench, the Guwahati Bench and the Calcutta Bench directed that the employees be paid special duty allowance posted in North Eastern Region having all India transfer liability irrespective of the fact whether in fact the transfer has been effected or not. I would refrain myself from expressing any opinion on the merits of the cases decided by the Guwahati Bench and the Calcutta Bench because those cases are now under consideration of the Hon'ble Supreme Court. I would

resort to the dictum laid down by Their Lordships in the case of Reserve Bank of India (Supra). The Reserve Bank of India granted and confined payment of Special Duty Allowance to the non-local officers of the Reserve Bank of India posted in different parts of the North Eastern Region. The officers serving under the Reserve Bank of India who are local people felt aggrieved and moved the Hon'ble High Court of Guwahati for issuance of appropriate orders to the concerned authority to pay special duty allowance to the local people who are serving under the Reserve Bank of India in North Eastern Region and had contended before the Hon'ble High Court of Guwahati that a clear discrimination is being committed by the concerned authority in giving extra pecuniary advantages to the non-local officers and denying the same to the local officers. The Hon'ble High Court of Guwahati took the view that all officers at Guwahati suffered substantially from the same hardship and the Hon'ble High Court further held that those employees were discriminated against and directed that they must be given the same benefits as the non-local officers transferred to Guwahati. The matter was carried in appeal to the Hon'ble Supreme Court.

9. In paragraph-4 of the judgment, Their Lordships held that the steps taken by the Bank in granting some extra benefits to the non-local officers is with the

only intention to attract non-local people to render satisfactory work to the Bank so that efficiency could be maintained in the operational system of the Bank and Their Lordships have further held that for grant of extra monetary benefits to the non-local officers cannot be held to be an unlawful discrimination.

10. Keeping inview the averments finding place in the counter that such extra monetary benefits namely remote area allowance has been made admissible to the Scientists alone is with the only intention to attract the talented scientists to conduct their research work in remote areas as defined in Annexure-1 and following and applying the principles laid down by Their Lordships in the case of Reserve Bank of India(supra) to the facts of the present case, I find that there is absolutely no unlawful discrimination committed by the concerned authority in paying remote area allowance to the Scientists alone and denying the same to the other members of the staff including the petitioners . Therefore, I find no merit in all these cases which stands dismissed. No costs.

*Ch. Mohanty* *31.3.94*  
.....  
VICE-CHAIRMAN

Central Administrative Tribunal,  
Cuttack Bench, Cuttack/K. Mohanty/  
31.3.94.