

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.494/2013,
Original Application No.590/2013,
Original Application No.591/2013,
Original Application No.180/00131/2014
& Original Application No.180/00138/2014

Tuesday this the 14th day of October 2014

C O R A M :

HON'BLE Mr.U.SARATHCHANDRAN, JUDICIAL MEMBER

O.A.No.494/2013

1. K.Attakoya,
Light House Attendant,
Amini Light House,
Light Houses & Light Ships,
Kochi – 682 020.
2. K.G.Binod,
Navigational Assistant Grade – II,
Alleppey Light House, Bazar P.O.,
Alappuzha – 688 012.
3. K.C.Mohanan,
Lighthouse Safaiwala,
Minicoy Lighthouse, Minicoy Island,
Lakshadweep – 682 559.
4. A.G.Babu,
Navigational Assistant Grade – II,
Minicoy Lighthouse, Minicoy Island,
Lakshadweep – 682 559.
5. S.Abdul Razheed,
Light House Attendant,
Chetwai Light House, Madu Post,
Orumanayoor (Via), Thrissur – 680 512.
6. K.P.Sushil Raj,
Navigational Assistant Grade – II,
Chetwai Light House, Madu Post,
Orumanayoor (Via), Thrissur – 680 512.

2.

7. T.T.Safiyulla,
Navigational Assistant Grade - II,
Kiltan Light House, Kiltan Island,
Lakshadweep - 682 552.
8. T.Arif-Lha,
Navigational Assistant Grade - II,
Kiltan Light House, Kiltan Island,
Lakshadweep - 682 552,
9. R.Suryanarayanan,
HLKC Sr.(1), Kiltan Light House,
Kiltan Island, Lakshadweep - 682 552.
10. P. Abdulla Koya,
Light House Attendant,
Chetlat Island, U.T of Lakshadweep - 682 552.
11. P.Syed,
Head Light Keeper (S.S),
Kalpeni Light House, Kalpeni Island,
U.T of Lakshadweep.
12. M.K.Koya,
Light House Safaiwala,
Kalpeni Light House, Kalpeni Island,
U.T of Lakshadweep.
13. C.Saisukumar,
Light House Attendant,
Kalpeni Light House, Kalpeni Island P.O.,
U.T of Lakshadweep - 682 557.
14. Prashant M Dhakate,
Minicoy Light House & DGPS Station,
P.O.Minicoy Island, U.T of Lakshadweep - 682 559.
15. I.K.Shahul, S/o.Koya,
Minicoy Light House & DGPS Station,
P.O.Minicoy Island, U.T of Lakshadweep - 682 559.
Residing at Ithithara House, Methur,
P.O.Kaladi, Ernakulam - 683 574.
16. M.Sreejesh Kumar,
Minicoy Light House & DGPS Station,
P.O.Minicoy Island, U.T of Lakshadweep - 682 559.

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17. K.C.S.Koyamma,
Androth Light House, Androth Island,
Karachaetta, Saromapuram,
Androth, Lakshadweep – 682 551.

18. All India Light House Employees Association,
represented by its Zonal Secretary, V.Muraleedharan,
Cochin Light House District, Kavarati Light House,
U.T of Lakshadweep – 682 555. ...Applicants

(By Advocate Mr. Vishnu.S.Cempazhanthiyil)

V e r s u s

1. The Director,
Directorate of Light Houses and Light Ships,
Deep Bhavan, Gandhi Nagar, Kadavanthra P.O.,
Kochi – 682 020.

2. The Union Territory of Lakshadweep,
represented by its Administrator, Lakshadweep – 682 555.

3. Union of India represented by the Secretary,
Ministry of Finance, New Delhi – 110 001. ...Respondents

(By Advocates Mr.Sunil Jacob Jose,SCGSC [R1&3] &
Mr.S.Radhakrishnan [R2])

O.A.No.590/2013

1. K.Sayed Mohammed Koya,
S/o.M.Ahammed Koya,
Work Maistry,
Andaman Lakshadweep Harbour Works, (ALHW)
Amini – 682 252, Union Territory of Lakshadweep.

2. M.C.Cheriyakoya,
S/o.late Muthu Koya N,
Lower Division Clerk,
Andaman Lakshadweep Harbour Works, (ALHW)
Amini – 682 252, Union Territory of Lakshadweep.

3. P.Anversadiq Ali,
S/o.late Muthukoya M.C.,
Junior Engineer (Civil),
Andaman Lakshadweep Harbour Works, (ALHW)
Amini – 682 252, Union Territory of Lakshadweep.

4.

4. P.Zakkariya,
S/o.late K.P.Hamza,
Lower Division Clerk,
Andaman Lakshadweep Harbour Works,
(ALHW) Amini – 682 252,
Union Territory of Lakshadweep.
5. B.Kunhikoya,
S/o.late Aboosalakoya,
Watchman,
Andaman Lakshadweep Harbour Works,
(ALHW) Amini – 682 252,
Union Territory of Lakshadweep.
6. P.P.Siraj,
S/o.late Pookoya P.,
Unskilled Mazdoor,
Andaman Lakshadweep Harbour Works,
(ALHW) Amini – 682 252,
Union Territory of Lakshadweep.
7. T.P.Shaikoya,
S/o.late Ahamed A.,
Lower Division Clerk,
Andaman Lakshadweep Harbour Works,
(ALHW) Amini – 682 252,
Union Territory of Lakshadweep.Applicants

(By Advocate Mr.T.C.Govindaswamy)

V e r s u s

1. Union of India
represented by the Secretary to the Government of India,
Ministry of Shipping, Department of Shipping,
Transport Bhavan, No.1, Parliament Street,
New Delhi – 110 001.
2. The Chief Engineer & Administrator,
Andaman Lakshadweep Harbour Works, (ALHW)
Portblair, Andaman and Nicobar Isles – 682 252.
3. The Deputy Chief Engineer,
Andaman Lakshadweep Harbour Works, (ALHW)
Circle Office – V, Union Territory of Lakshadweep,
Kavaratti – 682 555.



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4. The Executive Engineer,
Andaman Lakshadweep Harbour Works,
(ALHW) Amini Island,
Union Territory of Lakshadweep – 682 252. ...Respondents

(By Advocate Mr.Sunil Jacob Jose,SCGSC)

O.A.No.591/2013

1. P.Mohammed Basheer, S/o.Nalla Koya,
Assistant Engineer (C),
Andaman Lakshadweep Harbour Works, (ALHW)
Androth P.O., Union Territory of Lakshadweep.
2. H.M.Mohammed Raffeeque,
S/o.Muthu Koya,
Junior Engineer (E),
Andaman Lakshadweep Harbour Works, (ALHW)
Androth P.O., Union Territory of Lakshadweep.
3. P.Ramamurthy, S/o.Paramasivam,
Draftsman Gr.II,
Andaman Lakshadweep Harbour Works, (ALHW)
Androth P.O., Union Territory of Lakshadweep.
4. K.C.Mohammed Saleem,
S/o.Cheriya Koya,
W.Assistant,
Andaman Lakshadweep Harbour Works, (ALHW)
Androth P.O., Union Territory of Lakshadweep.
5. P.K.Safira Beegum,
D/o.Pookoya,
Peon, Andaman Lakshadweep Harbour Works, (ALHW)
Androth P.O., Union Territory of Lakshadweep.
6. A.Naser,
S/o.M.I.Kader,
Draftsman Gr.III,
Andaman Lakshadweep Harbour Works, (ALHW)
Androth P.O., Union Territory of Lakshadweep.
7. K.V.Mohammed Farook,
S/o.A.P.K.Thangal,
Lower Division Clerk,
Andaman Lakshadweep Harbour Works, (ALHW)
Androth P.O., Union Territory of Lakshadweep.



8. P.K.Prasanna,
D/o.Kunhikannan,
Foreman Gr.II,
Andaman Lakshadweep Harbour Works, (ALHW)
Androth P.O., Union Territory of Lakshadweep.
9. K.Mohammed Basheer,
S/o.N.Kalid,
Upper Division Clerk,
Andaman Lakshadweep Harbour Works, (ALHW)
Androth P.O., Union Territory of Lakshadweep.
10. G.Sakkrai,
S/o.Gurusami,
Assistant, Andaman Lakshadweep Harbour Works, (ALHW)
Androth P.O., Union Territory of Lakshadweep.
11. T.Venu,
S/o.Damodharan,
Lower Division Clerk,
Andaman Lakshadweep Harbour Works, (ALHW)
Androth P.O., Union Territory of Lakshadweep.
12. P.Balkees,
S/o.M.Nella Koya,
Peon,
Andaman Lakshadweep Harbour Works, (ALHW)
Androth P.O., Union Territory of Lakshadweep.
13. K.Abdul Jabbar,
S/o.Sayed Mohammed,
Foreman Gr.II,
Andaman Lakshadweep Harbour Works, (ALHW)
Androth P.O., Union Territory of Lakshadweep.
14. N.P.Hyder Ali,
S/o.Atta Koya,
Junior Engineer (M),
Andaman Lakshadweep Harbour Works, (ALHW)
Androth P.O., Union Territory of Lakshadweep.
15. K.C.Jamaludheen,
S/o.Aboosala,
Senior Foreman Gr.II,
Andaman Lakshadweep Harbour Works, (ALHW)
Androth P.O., Union Territory of Lakshadweep.

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16. M.Hamza Koya,
S/o.Abdulla,
Operation Gr.I,
Andaman Lakshadweep Harbour Works, (ALHW)
Androth P.O., Union Territory of Lakshadweep.

17. P.Sayed Mohammed,
S/o.Ahamed,
Blacksmith,
Andaman Lakshadweep Harbour Works, (ALHW)
Androth P.O., Union Territory of Lakshadweep.

18. T.Kunhi Seethi,
S/o.Siddique,
Seacunny,
Andaman Lakshadweep Harbour Works, (ALHW)
Androth P.O., Union Territory of Lakshadweep.

19. A.P.Koyamma,
S/o.Ali Ahammed,
Seacunny,
Andaman Lakshadweep Harbour Works, (ALHW)
Androth P.O., Union Territory of Lakshadweep.

20. P.K.Mujeebrahman,
S/o.Asainar,
Seacunny,
Andaman Lakshadweep Harbour Works, (ALHW)
Androth P.O., Union Territory of Lakshadweep.

21. K.Mujeebrahman,
S/o.Sayed Mohammed,
Watchman,
Andaman Lakshadweep Harbour Works, (ALHW)
Androth P.O., Union Territory of Lakshadweep.

22. C.K.Dasan,
S/o.C.C.Kuttan,
Assistant Accounts Officer,
Andaman Lakshadweep Harbour Works, (ALHW)
Androth P.O., Union Territory of Lakshadweep. ...Applicants

(By Advocate Mr.T.C.Govindaswamy)

V e r s u s



1. Union of India
represented by the Secretary to the Government of India,
Ministry of Shipping, Department of Shipping,
Transport Bhavan, No.1, Parliament Street,
New Delhi – 110 001.
2. The Chief Engineer & Administrator,
Andaman Lakshadweep Harbour Works, (ALHW)
Portblair, Andaman and Nicobar Isles – 682 251.
3. The Deputy Chief Engineer,
Andaman Lakshadweep Harbour Works, (ALHW)
Circle Office – V, Union Territory of Lakshadweep,
Kavaratti – 682 555.
4. The Executive Engineer,
Andaman Lakshadweep Harbour Works,
(ALHW) Androth Island,
Union Territory of Lakshadweep – 682 251. ...Respondents

(By Advocate Mr.Sunil Jacob Jose,SCGSC)

O.A.No.180/00131/2014

1. Mohammed Koya,
U.D.C., Andaman Lakshadweep Harbour Works,
Amini – 682 552.
Residing at ALHW Quarters,
Near Fiber Factory, Amini – 682 552.
2. P.Assainar,
Junior Engineer (E),
Andaman Lakshadweep Harbour Works,
Amini – 682 552.
Residing at Pandaram House,
Amini – 682 552.
3. K.Abdul Latheef,
Work Maistry,
Andaman Lakshadweep Harbour Works,
Amini – 682 552.
Residing at Kulappinakkal, Amini – 682 552.
4. P.I.Suharabi,
Peon, Andaman Lakshadweep Harbour Works,
Amini – 682 552.
Residing at Puthiyillam, Amini – 682 552.

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5. B.Mohammed Basheer,
L.D.C., Andaman Lakshadweep Harbour Works,
Amini – 682 552.
Residing at Barali House, Amini – 682 552.
6. T.K.Afthar Khan,
Junior Engineer (C),
Andaman Lakshadweep Harbour Works,
Amini – 682 552.
Residing at ALHW Quarters, Amini – 682 552.
7. Jolly Ronald,
Foreman (C),
Andaman Lakshadweep Harbour Works,
Amini – 682 552.
Residing at Quarters, Amini – 682 552.
8. Saleena Beegum,
Work Maistry,
Andaman Lakshadweep Harbour Works,
Amini – 682 552.
Residing at Ayshechetta House, Amini – 682 552.
9. H.M.Hameedathbi,
L.D.C., Andaman Lakshadweep Harbour Works,
Amini – 682 552.
Residing at Hameedath Manzil, Amini – 682 552.
10. N.Devadasan,
Assistant Engineer (E),
Andaman Lakshadweep Harbour Works,
Amini – 682 552.
Residing at ALHW Quarters, Amini – 682 552.
11. B.Murugan,
Assistant Engineer (C),
Andaman Lakshadweep Harbour Works,
Amini – 682 552.
Residing at ALHW Quarters, Amini – 682 552.
12. T.P.Abdul Rahiman Koya,
Assistant Engineer (C),
Andaman Lakshadweep Harbour Works,
Kadmath – 682 552.
Residing at ALHW Quarters, Kadmath – 682 552.

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13. K.C.Rasheeda Beegum,
Work Assistant,
Andaman Lakshadweep Harbour Works,
Amini – 682 552.
Residing at Koulekkallachetta House,
Amini – 682 552.
14. A.Ali,
Seacunny,
Andaman Lakshadweep Harbour Works,
Amini – 682 552.
Residing at Asummada House, Amini – 682 552.
15. A.Ukkas,
Seacunny,
Andaman Lakshadweep Harbour Works,
Amini – 682 552.
Residing at Achada House, Amini – 682 552.
16. Cheriyakoya,
Crane Operator,
Andaman Lakshadweep Harbour Works,
Kadmath – 682 552.
Residing at Keechoda House, Kadmath.
17. C.P.Pookoya,
Sr.DCS, Andaman Lakshadweep Harbour Works,
Kadmath – 682 552.
Residing at Chettupura House, Kadmath.
18. M.Rajendran,
L.D.C., Andaman Lakshadweep Harbour Works,
Amini – 682 552.
Residing at ALHW Quarters, Amini – 682 552.
19. C.M.George,
Junior Engineer (M),
Andaman Lakshadweep Harbour Works,
Amini – 682 552.
Residing at ALHW Quarters, Amini – 682 552.
20. P.K.Kasim,
L.D.C., Andaman Lakshadweep Harbour Works,
Kadmath – 682 552.
Residing at Puthiyakotta House, Kadmath.



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21. P.Kunhiseedi,
Senior Foreman, Andaman Lakshadweep Harbour Works,
Amini – 682 552.
Residing at ALHW Quarters, Amini – 682 552.
22. K.Pookoya,
Masonry, Andaman Lakshadweep Harbour Works,
Amini – 682 552.
Residing at Koormel House, Amini – 682 552.
23. M.G.Mohammed Ali,
Junior Engineer (M),
Andaman Lakshadweep Harbour Works,
Kadmath – 682 552.
Residing at Moula Giri House, Kadmath.
24. K.I.Musthafa,
Mechanic, Andaman Lakshadweep Harbour Works,
Kadmath – 682 552.
Residing at Keelaillam House, Kadmath.
25. T.Nazer,
USM, Andaman Lakshadweep Harbour Works,
Amini – 682 552.
Residing at Thattathoda House, Amini – 682 552.
26. K.Abdul Muthalif,
Steno, Andaman Lakshadweep Harbour Works,
Amini – 682 552.
Residing at ALHW Quarters, Amini – 682 552.
27. M.Mathai,
Assistant, Andaman Lakshadweep Harbour Works,
Amini – 682 552.
Residing at ALHW Quarters, Amini – 682 552.
28. M.Mohammed Koya,
UDC, Andaman Lakshadweep Harbour Works,
Amini – 682 552.
Residing at ALHW Quarters, Amini – 682 552.
29. C.Mohammed Shafi,
Assistant Engineer (C),
Andaman Lakshadweep Harbour Works,
Amini – 682 552.
Residing at Kannol House, Amini – 682 552.



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30. P.Hamza,
Seacunny, Andaman Lakshadweep Harbour Works,
Kadmath – 682 552.
Residing at Paruthikkunel House, Kadmath.
31. D.Chandrasekaran,
Junior Engineer (C),
Andaman Lakshadweep Harbour Works,
Chetlath – 682 552.
Residing at ALHW Quarters, Chetlath.
32. P.A.Yaser Arafth,
Junior Engineer (C),
Andaman Lakshadweep Harbour Works,
Kiltan – 682 552.
Residing at ALHW Quarters, Kiltan.
33. M.Abdul Khader Koya,
LDC, Andaman Lakshadweep Harbour Works,
Chetlath – 682 552.
Residing at Maidan House, Chetlath.
34. A.P.Ibrahim Koya,
Watchman, Andaman Lakshadweep Harbour Works,
Chetlath – 682 552.
Residing at Achaya Pura House, Chetlath.
35. P.Jabbar,
Operator, Andaman Lakshadweep Harbour Works,
Kiltan – 682 552.
Residing at Ponnalam House, Kiltan.
36. Attakidave,
Seacunny, Andaman Lakshadweep Harbour Works,
Kiltan – 682 552.
Residing at Kodivalapu House, Kiltan.
37. P.Zareena,
Work Assistant, Andaman Lakshadweep Harbour Works,
Kiltan – 682 552.
Residing at Pallihiyoda House, Kiltan.
38. P.S.Hamzath,
Blacksmith, Andaman Lakshadweep Harbour Works,
Kiltan – 682 552.
Residing at Puthyasurambi House, Kiltan.

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39. T.Kuhniseethi,
Operator Grade I,
Andaman Lakshadweep Harbour Works,
Kadmath – 682 552.
Residing at Tholiyoda House, Kadmath.Applicants

(By Advocate Mr. Vishnu S Chempazhanthiyil)

V e r s u s

1. Union of India
represented by the Secretary to the Government of India,
Ministry of Shipping, Department of Shipping,
Transport Bhavan, No.1, Parliament Street,
New Delhi – 110 001.
2. The Chief Engineer & Administrator,
Andaman Lakshadweep Harbour Works, (ALHW)
Portblair, Andaman and Nicobar Isles,
Lakshadweep – 682 555.
3. The Deputy Chief Engineer,
Andaman Lakshadweep Harbour Works, (ALHW)
Circle Office – V, Union Territory of Lakshadweep,
Kavaratti – 682 555.
4. The Executive Engineer,
Andaman Lakshadweep Harbour Works,
(ALHW) Amini Island,
Union Territory of Lakshadweep – 682 552.Respondents

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

O.A.No.180/00138/2014

1. M.P.Hassan,
S/o.Sayed Mohamed,
Upper Division Clerk,
Andaman Lakshadweep Harbour Works,
Androth, Mayampokkada, Androth – 682 551.
2. K.Mohammed Nazir,
S/o.P.Koyamma,
Watchman,
Andaman Lakshadweep Harbour Works,
Androth, Komalam Kad, Androth – 682 551.



3. C.Mariyommabi,
W/o.Kaleel V.T.,
Lower Division Clerk,
Andaman Lakshadweep Harbour Works,
Androth, Chodath, Androth – 682 551.
4. M.Jagannathan,
S/o.C.Mariyappan,
Assistant Engineer (Civil),
Andaman Lakshadweep Harbour Works,
Kalpeni, Assistant Engineer,
Andaman Lakshadweep Harbour Works,
Kalpeni – 682 557.
5. M.K.Saheer Husain,
S/o.C.Mariyappan,
Junior Engineer, Andaman Lakshadweep Harbour Works,
Kalpeni, Mukrikakada House, Kalpeni Island – 682 557.
6. T.P.Sajitha,
W/o.Akber M.P.,
Work Mastry, Andaman Lakshadweep Harbour Works,
Kalpeni, Thithiyapada House, Kalpeni Island – 682 557.
7. K.P.P.Abdu,
S/o.late Badarudheen C.P.,
Work Assistant, ALHW, Kalpeni,
Keelaputhiyapura, Kavaratti.
8. T.Shaikoya,
S/o.late Cheriyakoya.M.,
Seacunny, Andaman Lakshadweep Harbour Works,
Kalpeni, Thenthinada House, Kalpeni – 682 557.
9. K.K.Cheriyakoya,
S/o.late Attakoya,
K.I.N., Foreman (Civil),
Andaman Lakshadweep Harbour Works, Kalpeni,
Kunnamkalam House, Kalpeni – 682 557.
10. K.M.Abdul Muneer,
S/o.Ibrahim M.D.,
Junior Engineer,
Andaman Lakshadweep Harbour Works, Minicoy,
Kunnumange House, Minicoy Island – 682 559.



11. Joy Kurian,
S/o.late O.V.Kuriyan,
Junior Engineer,
Andaman Lakshadweep Harbour Works, Kalpeni,
Oliprakattu House, Velamcode P.O., Calicut.
12. P.Mohammed Manikfan,
S/o.late Ibrahim Manikfan,
Mechanic Gr.I,
Andaman Lakshadweep Harbour Works,
Minicoy, Parippadigothi, Kudchi Village,
Minicoy – 682 559.
13. V.Geetha Devi,
W/o.Bahuleyan Nair T.,
Foreman (Civil),
Andaman Lakshadweep Harbour Works,
Minicoy, Edupadical House, Peramculam P.O.,
Alamcode, Attagi.
14. D.Hussain,
S/o.late Moosa,
Operator, Andaman Lakshadweep Harbour Works,
Minicoy, Donsandhalage, Minicoy Island – 682 559.
15. S.Babu,
S/o.late Sadashivan R,
Mechanic, Andaman Lakshadweep Harbour Works,
Minicoy, Velayilveedu, Karivalligode,
Pavanapuram P.O., Thiruvananthapuram.
16. K.G.Joshi,
S/o.Gopalan.K.R.,
Operator, Andaman Lakshadweep Harbour Works,
Minicoy, Kuruvat House, P.O.Anthikad,
Thrissur – 680 641.
17. P.Vinod,
S/o.late Barathan P,
Assistant Engineer (M),
ALHW/Androth, Painganoor House,
Karaparamba P.O., Calicut – 673 010.Applicants

(By Advocate Mr.T.C.Govindaswamy)

V e r s u s

1. Union of India
represented by the Secretary to the Government of India,
Ministry of Shipping, Department of Shipping,
Transport Bhavan, No.1, Parliament Street,
New Delhi – 110 001.
2. The Chief Engineer & Administrator,
Andaman Lakshadweep Harbour Works, (ALHW)
Portblair, Andaman and Nicobar Isles,
Port Blair – 744 101.
3. The Deputy Chief Engineer,
Andaman Lakshadweep Harbour Works,
(ALHW) Circle Office – V,
Union Territory of Lakshadweep,
Kavaratti – 682 555.Respondents

(By Advocate Mr.Sunil Jacob Jose,SCGSC)

These applications having been heard on 18th September 2014 the Tribunal on 14th October 2014 delivered the following :-

O R D E R

HON'BLE Mr.U.SARATHCHANDRAN, JUDICIAL MEMBER

These five Original Applications are disposed of by a common order in view of the common grievance and common subject matter involved in these cases. Applicants in O.A.No.494/2013 are working under the Directorate of Light Houses and Light Ships and the applicants in the other Original Applications are working under the Andaman and Lakshadweep Harbour Works (ALHW) under the Ministry of Shipping and Transports. Applicants in all the five Original Applications are working in the Union Territory of Lakshadweep.

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2. These applicants have filed M.A.Nos.556/2013, 666/2013, 667/2013, 174/2014 & 184/2014 for joining together in the respective Original Applications. All the aforesaid M.As are allowed as the applicants' grievance is common and they are similarly situated in the matter of their grievance.
3. For the purpose of identifying and referring to the relevant records relating to the issue involved in these cases records in O.A.No.494/2013 are taken into consideration.
4. All applicants are working in the remote locality and hard area far away from the main land. They have been availing of both Hard Area Allowance, Island Special Duty Allowance. Based on the recommendations of the 6th Central Pay Commission Special Compensatory Allowance also was sanctioned to them and they have been enjoying all the aforesaid allowances. However, as a bolt from the blue, the respondents vide Annexure A-1 order have decided to recover the excess payments contending that the employees posted at Lakshadweep cannot draw both Special Compensatory Allowance (SCA) and Hard Area Allowance (HAA) simultaneously. It has been decided that the applicants have the option to choose any one of the allowances which benefits them the most and hence the excess amount paid to them either by way of SCA or HAA are sought to be

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recovered. Respondents contend that they have decided to recover the excess payment on the basis of audit report and that the employees working at Lakshadweep have the option to choose either the SCA or other allowances which benefits them the most.

5. Heard Shri.Vishnu S Chempazhanthiyil, learned counsel for the applicants in O.A.Nos.494/2013 & 180/00131/2014 and Shri.T.C.Govindaswamy, learned counsel for the applicants in O.A.Nos.590/2013, 591/2013 & 180/00138/2014. Shri.Sunil Jacob Jose,SCGSC argued for the respondents department.

6. The short issue involved in these cases is whether the applicants can enjoy both the Special Compensatory Allowance and the Hard Area Allowance simultaneously? Annexure A-2 (in O.A.No.494/2013) is the Government of India decision to grant Hard Area Allowance to the Central Government employees posted in Nicobar Groups of Islands and Minicoy in the Lakshadweep Islands on the basis of the recommendations of the 6th CPC. It reads :

No.12(4)/2008-E.II(B)
Government of India
Ministry of Finance
Department of Expenditure

New Delhi, the 29th August, 2008.

OFFICE MEMORANDUM

Subject : Grant of Hard Area Allowance to the Central Government employees posted in the Nicobar group of Islands and Minicoy in Lakshadweep Islands – Recommendations of Sixth Central Pay Commission.



The undersigned is directed to say that Hard Area Allowance was granted to Central Govt. Employees posted in Nicobar Group of Islands @ 25% of basic pay w.c.f 1.4.2004 vide O.M.No.12(I)E.II(B)2003 dated 1.4.2004.

2. Based on the recommendations of Sixth Central Pay Commission as accepted by the Government, the President is pleased to decide that all the Central Government employees posted in Nicobar Group of Islands and in Minicoy in Lakshadweep shall be paid Hard Area Allowance @ 25% of (basic pay + NPA, where applicable).

3. The term "basic pay" in the revised pay structure means the pay drawn in the prescribed pay band plus the applicable grade pay but does not include any other type of pay like special pay, etc. In the case of Government servants in the pay scales of HAG+ and above, basic pay means the pay in the prescribed scale.

4. In addition to Hard Area Allowance, the Island Special Duty Allowance shall also be admissible.

5. In respect of those employees who opt to continue in their pre-revised scale of pay, the pay for the purpose of these orders shall also include, in addition to the basic pay in the applicable pre-revised scales, Stagnation Increment(s), Dearness Pay and Non-Practising Allowance as per orders in force on 1.1.2006.

6. **These orders shall take effect from September 1, 2008.**

7. These order shall also apply to the civilian employees paid from the Defence Service Estimates and the expenditure will be chargeable to the relevant Head of the Defence Service Estimates. In regard to Armed Forces personnel and Railway employees, separate orders will be issued by the Ministry of Defence and Ministry of Railways, respectively.

8. In so far as the persons serving in the Indian Audit and Accounts Departments are concerned, these orders issue in consultation with Comptroller & Auditor General of India.

9. Hindi version will follow.

Sd/-
Madhulika P Sukul
Joint Secretary to the Government of India

7. This benefit was further extended to the Central Government employees posted in the Islands of Union Territory of Lakshadweep other than Kavarati and Agati vide Annexure A-3 OM. It reads :

No.12(4)/2008-E.II(B)
Government of India
Ministry of Finance
Department of Expenditure

New Delhi, 09th, 2011

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OFFICE MEMORANDUM

Subject : Grant of Hard Area Allowance to the Central Government employees posted in the Islands of UT of Lakshadweep other than Kavarati & Agati.

The undersigned is directed to refer to this Ministry's O.M.No.12(1)/E-II (B)/03 dt. 01.03.2004 on grant of Hard Area Allowance to Central Govt. Employees posted in Nicobar Group of Islands w.c.f 01.04.2004 and subsequent O.M.No.12(4)/2008-E.II(B), dated 29th August 2008, extending this allowance to all central Government employees posted in Minicoy in Lakshadweep (@ 25% of (basic pay + NPA, where applicable), w.e.f 01.09.2008 which was accepted by the Govt. Based on the recommendations of the Sixth Central Pay Commission and to say that the proposal to also extend Hard Area Allowance in Islands other than Minicoy of UT of Lakshadweep has been under consideration of the Government for some time.

2. The President is now pleased to decide that Central Government employees posted in Kiltan, Andrott, Kalpeni, Chetlat, Kadmat, Amini and Bithra Islands of Lakshadweep shall be paid Hard Area Allowance @ 15% of (basic pay + NPA, where applicable), on the existing terms & conditions.

3. These orders shall take effect from the date of issue.

4. In so far as the persons serving in the Indian Audit and Accounts Department are concerned, these orders issue in consultation with Comptroller & Auditor General of India.

5. Hindi version will follow.

Sd/-

Madhulika P Sukul
Joint Secretary to the Government of India

8. Learned counsel for the applicants argued that in neither of the aforesaid Government of India decisions it has been mentioned that both Hard Area Allowance and Special Compensatory Allowance cannot be enjoyed together. They further pointed out that it has been made clear in Annexure A-2 that in addition to Hard Area Allowance the Island Special Duty Allowance shall also be admissible. The counsel for applicants submitted that applicants have been under the bonafide belief that they have been bestowed with the additional financial benefits of all these allowances in view of the hardship and alienated life they are leading in these islands far away from their home stations. Learned counsel further argued that it is in view of the special situation in which the applicants



are placed Government of India in Annexure A-2 decided that in addition to Hard Area Allowance the Island Special Duty Allowance also shall be admissible.

9. Referring to Annexure A-4 (in O.A.No.494/2013) learned counsel for the applicants further submitted that the recommendations on Special Compensatory Allowance and Hard Area Allowance were distinctly and separately made by the 6th CPC. In respect of Special Compensatory Allowance the 6th CPC made its recommendations in Para 4.2.24.2 in the report whereas in the case of Hard Area Allowance the Report carries its recommendations in Para 4.2.26. Counsel argued that the recommendations of the 6th CPC regarding Hard Area Allowance and Special Compensatory Allowance were accepted in toto by the Government of India and nowhere in the 6th CPC Report it has been mentioned that the beneficiary Government servant have to exercise option restricting to one among them. Thus, according to the learned counsel for applicants, all the relevant Government of India instructions and the 6th CPC recommendations strongly suggest that both Hard Area Allowance and Special Compensatory Allowance can be enjoyed together.

10. This Tribunal has perused the Government instructions on 'Special Compensatory (Remote Locality) Allowance' based on the 6th CPC recommendations. The Government of India decision is extracted below :



No.3(1)/2008-E.II(B)
 Government of India
 Ministry of Finance
 Department of Expenditure

New Delhi, the 29th August 2008.

OFFICE MEMORANDUM

Subject : Special Compensatory (Remote Locality) Allowance –
 Recommendations of the Sixth Central Pay Commission – Revision of rates.

The undersigned is directed to say that consequent upon the decisions taken by the Government on the recommendations of 6th Central Pay Commission and in partial modification of O.M.No.3/1/98-E.II(B) dt. 20.7.1998, the President is pleased to decide that the Special Compensatory (Remote Locality) Allowance to the Central Government employees serving in the specified areas in different States and Union Territories listed as Parts A,B,C,D in the Annexure to the O.M shall be admissible at the following rates :-

Category	Part A (Rs.p.m.)	Part B (Rs.p.m.)	Part C (Rs.p.m.)	Part D (Rs.p.m.)
For posts in the grade pay of Rs.5400 and above and pay scale of HAG+ and above	2600	2100	1500	400
For posts in the grade pay less than Rs.5400.	2000	1600	1200	320

2. In case of those employees who opt to retain the pre-revised scale of pay, the corresponding Grade Pay of the pay scale/corresponding pay scale of the post occupied on 1.1.2006, as indicated in CCS (Revised Pay) Rules, 2008 would determine the allowance under these orders.

3. All other terms and conditions governing the grant of Special Compensatory (Remote Locality) Allowance including the classification of different areas for the specific purpose of this allowance shall continue to be applicable.

4. **These orders shall take effect from September 1, 2008.**

5. In case any other Special Compensatory Allowance(s) are also admissible at a particular place, the Central Government employees working there will have the option to choose the allowance which benefits them the most.

6. The rates of this allowance shall automatically increase by 25% whenever the Dearness Allowance payable on revised pay structure goes up by 50%.

7. These orders shall apply to the civilian employees paid from the Defence Service Estimates and the expenditure will be chargeable to the relevant Head of the Defence Service Estimates. In respect of Armed Forces personnel and Railway employees, separate orders will be issued by the Ministry of Defence and Ministry of Railways, respectively.

8. In so far as the persons serving in the Indian Audit and Accounts Department are concerned, these orders issue in consultation with the Comptroller and Auditor General of India.

[Signature]

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9. Hindi version will follow.

Sd/-

(Madhulika P Sukul)

Joint Secretary to the Government of India

(emphasis supplied)

11. Annexure to the aforesaid Government of India decision indicates that Special Compensatory Allowance(RL) is payable in respect of the Government servants working in the entire Union Territory of Lakshadweep.

12. As can be seen from the above extracted Government decision on Special Compensatory Allowance(RL) that in case any other Special Compensatory Allowance is admissible at a particular place, the Central Government employees will have the option to choose the allowance which benefits them the most. This provision in the aforesaid Government of India decision on Special Compensatory Allowance is making the Special Compensatory Allowance(RL) a distinct and separate financial benefit to all the Central Government employees which can be enjoyed either as the sole Special Compensatory Allowance or to opt the other special compensatory allowance which benefits them the most. In other words, the aforesaid Government of India decision makes it unambiguous that only the most beneficial of either of the Special Compensatory Allowance or Hard Area Allowance can be enjoyed by the Central Government employees who are entitled to it. Annexure A-2 O.M dated 29.8.2008 specifically allows its beneficiaries to enjoy the *Island*



Special Duty Allowance in addition to Hard Area Allowance. It is for this reason that the respondents in their reply have stated that the applicants are entitled to draw Island Special Allowance in addition to Special Compensatory Allowance or Hard Area Allowance but they have to exercise an option in the matter of enjoying either Special Compensatory Allowance or Hard Area Allowance.

13. The aforesaid decision of the Government being a fiscal decision based on policy, this Tribunal feels that it is not proper to interfere with the said policy decision. As nothing was pointed out by the applicants about the unconstitutionality or *malafide* motives or arbitrariness in taking such a decision, this Tribunal is of the view that in the light of the express provision in the Government of India decision regarding Special Compensatory Allowance quoted above, the respondents are justified in insisting on the government servants to exercise option of either the Special Compensatory Allowance or the Hard Area Allowance. Therefore, the recovery sought in cases where both the allowances were claimed by the applicants is only justifiable. Moreover, as held by the Hon'ble Apex Court in *Chandi Prasad Uniyal v. State of Utharakhand* AIR 2012 SC 2951, since the money involved is tax payers' money, any excess payment made can be recovered from the government employees concerned within a reasonable period.

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14. However respondents shall effect the actual recovery only after giving individual notices to the applicants and after taking decision on their replies, including the hardships- if any- suffered by them by such recovery - as envisaged in the DoPT instructions issued subsequent to the *Uniyal* decision

15. Accordingly, the O.As are dismissed. The parties shall suffer their own costs.

(Dated this the 14th day of October 2014)



**U.SARATHCHANDRAN
JUDICIAL MEMBER**

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