

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :::GUWAHATI-5.

O.A.No. 177 of 1997

1. 222 A.B.O.D. Mazdoor Union DATE OF DECISION....2.1.1998.....

!! 2. Apurba Goswami (PETITIONER(S))

Mr A. Dasgupta and Mr M. Chanda ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India and others RESPONDENT(S)

Mr A.K. Choudhury, Addl. C.G.S.C.

THE HON'BLE MR JUSTICE D.N. BARUAH, VICE-CHAIRMAN

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.177 of 1997

Date of decision: This the 2nd day of January 1998

The Hon'ble Mr Justice D.N. Baruah, Vice-Chairman

1. 222 A.B.O.D. Mazdoor Union,
Registered under Trade Union,
Office at Satgaon, Narangi,
Guwahati.
2. Apurba Goswami,
General Secretary 222 A A.B.O.D.
Mazdoor Union,
Resident of Noonmati, Guwahati.Applicants

By Advocates Mr A. Dasgupta and Mr M. Chanda.

- versus -

1. The Controller of Defence Accounts,
Guwahati.
2. The Controller General of Defence Accounts,
West Block IV, R.K. Puram,
New Delhi.
3. The Director General of
Ordinance Services,
Army Headquarter, New Delhi.
4. The Administrative Officer,
222 ABOD, C/O 99 A.P.O.
5. The Area Accounts Officer,
Shillong.
6. The Union of India, represente by the
Secretary to the Government of India,
Ministry of Defence, Sena Bhawan,
New Delhi.Respondents

By Advocate Mr A.K. Choudhury, Addl. C.G.S.C.

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O R D E R

BARUAH.J. (V.C.)

The applicants have filed this application challenging the impugned Annexure H order dated 6.8.1997 by which the respondents have sought to recover the amount of Special (Duty) Allowance (SDA for short) paid to the civilian employees of 222 A.B.O.D.

2. Facts for the purpose of disposal of this application are:

The applicants are Civilian Defence Service employees serving under 222 Advance Base Ordnance Depot, C/o 99 A.P.O. On the basis of the Office Memorandum dated 14.12.1983 the applicants were given SDA and they received it. However, as per the decision of the Apex Court in Civil Appeal No.1572 of 1997 and other Civil Appeals, the applicants being residents of the North Eastern Region are not entitled to get SDA. Therefore the respondents by the impugned Annexure H order dated 6.8.1997 wanted to recover the amount of SDA already paid to the applicants. Hence the present application has been filed by the applicants with a prayer for direction to the respondents not to recover the amount of SDA already paid to the applicants.


3. Heard Mr A. Dasgupta, learned counsel for the applicants and Mr A.K. Choudhury, learned Addl. C.G.S.C. appearing on behalf of the respondents. Mr Dasgupta

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submits that the present case is covered by the decision of this Tribunal, namely, the decision of O.A.No.209 of 1996 and others dated 5.12.1997. By the said decision this Tribunal directed the respondents not to recover the SDA paid prior to the date of issue of notice to the applicants of the above original applications. According to Mr Dasgupta the present applicants are also similarly situated, and therefore, he prays for a similar direction. Mr Choudhury also confirms the same.

4. On hearing the learned counsel for the parties and on perusal of the records I am of the opinion that the instant case is covered by the decision of this Tribunal passed in O.A.No.209 of 1996 and others. Accordingly, the respondents are directed not to recover the SDA paid prior to the date of issue of notice to the applicants.

5. The application is accordingly disposed of. However, in the facts and circumstances of the case I make no order as to costs.


(D. N. BARUAH)
VICE-CHAIRMAN