

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI-5

O.A.No.221 of 1997

Date of decision 12.2.1999

41 Vehicle Company Mazdoor Union

PETITIONER(S)

Mr A. Dasgupta and Mr M. Chanda

ADVOCATE FOR THE  
PETITIONER(S)

VERSUS

Union of India and others

RESPONDENT(S)

Mr A. Deb Roy, Sr. C.G.S.C.

ADVOCATE FOR THE  
RESPONDENT(S)

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 Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether the Judgement is to be circulated to the other Benches?

Judgement delivered by Hon'ble Vice-Chairman



CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.221 of 1997

Date of decision: This the 12.2.1999

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

41 Vehicle Company Mazdoor Union,  
a Union registered under the Trade Union  
Act, 1926 having its registered office at  
Amsing, Jorabat, Kamrup, Assam. ....Applicant  
By Advocate Mr A. Dasgupta and Mr M. Chanda.

- versus -

1. The Union of India, through the  
Secretary, Government of India,  
Ministry of Defence,  
New Delhi.
  2. Chief Ordinance Officer,  
41 Vehicle Company,  
C/o 99 APO.
  3. The Area Accounts Officer,  
Defence Department,  
Shillong. ....Respondents
- By Advocate Mr. A. Deb Roy, Sr., C.G.S.C.

.....

O R D E R

BARUAH.J. (V.C.)

The applicant Union has filed this application seeking certain directions to the respondents.

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


The applicants claim that they are entitled to Special (Duty) Allowance (SDA for short) as per the Office Memorandum No.20014/3/83.E-IV dated 14.12.1983, but the same was denied to them. Some of the employees, situated similarly, approached the Tribunal praying, inter alia, for payment of SDA. This Tribunal gave direction to the respondents to pay SDA to those applicants. Though the present applicants did not approach this Tribunal and there was no occasion to give such direction to the respondents for payment of SDA to the present applicants,



however, in view of the order passed by this Tribunal in the earlier cases the respondents continued to pay SDA to the present applicants also. Meanwhile, the respondents challenged the earlier order of this Tribunal before the Apex Court by filing Civil Appeal No.1572 of 1997 and other Civil Appeals. The Apex Court disposed of all the above Civil Appeals holding, inter alia, that persons who belong to the North Eastern Region were not entitled to SDA. The present employees are Defence Civilian employees, but it is not very clearly known whether all the applicants were recruited outside the North Eastern Region and have come on transfer. On the strength of the earlier order of this Tribunal, even those persons who are not entitled to SDA also continued to draw SDA. However, as per the Apex Court's decision in the aforesaid civil appeals those persons who belong to the North Eastern Region are not entitled to SDA. In the said civil appeals the Apex Court also held that the amount of SDA which has already been paid to the employees should not be recovered.

3. I have heard both sides. After hearing the learned counsel for the parties and following the decision of the Apex Court in Civil Appeal No.1572 of 1997 and others, I direct the respondents to first determine whether the present applicants are entitled to SDA or not as per the decision of the Apex Court. If after examination it is found that the applicants or some of them are not entitled to SDA they shall not be paid SDA. However, the amount already paid to them shall not be recovered.

4. With the above observation the application is accordingly disposed of. No order as to costs.

  
( D. N. BARUAH )  
VICE-CHAIRMAN