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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A.No. 247 of 1997

and

O.A.No. 248 of 1997

12.10.1999

DATE OF DECISION.....

1. Smt. S. Das and 2 others (O.A.No.247/97)
2. Shri N.K. Agarwal and 15 others (O.A.No.248/97)

(PETITIONER(S)

Mr K.K. Bhatra

ADVOCATE FOR THE
PETITIONER(S)

-VERSUS-

The Union of India and others

RESPONDENT(S)

Mr B.S. Basumatary, Addl. C.G.S.C.

Mr B.C. Pathak, Addl. C.G.S.C.

ADVOCATE FOR THE
RESPONDENTS.

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

THE HON'BLE MR G.L. SANGLYINE, ADMINISTRATIVE MEMBER

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.247 of 1997

And

Original Application No.248 of 1997

Date of decision: This the 12th day of October 1999

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

The Hon'ble Mr G.L. Sanglyine, Administrative Member

1. O.A.No.247/1997

Smt Sushmita Das and 2 othersApplicants
By Advocate Mr K.K. Bhatra.

- versus -

The Union of India and othersRespondents
By Advocate Mr B. S. Basumatary, Addl. C.G.S.C.

2. O.A.No.248/1997

Shri Nand Kishore Agarwal and 15 othrsApplicants
By Advocate Mr K.K. Bhatra.

- versus -

The Union of India and othersRespondents
By Advocate Mr B.C. Pathak, Addl. C.G.S.C.

O R D E R

BARUAH.J. (V.C.)

Both the applications involve common questions of law and facts. Therefore, we propose to dispose of both the cases by a common order.

2. The applicants are employees under the Geological Survey of India and at present they are working in the North Eastern Region. The applicants are either Group 'A', 'B', 'C' or 'D' employees. They claim that they have all



India Transfer Liability not only as per their appointment letters, but also in practice. The applicants further state that as per Office Memorandum No.20014/2/83-E.IV dated 14.12.1983 Central Government Civilian employees working in the North Eastern Region and wh have all India Transfer Liability are entitled to Special (Duty) Allowance (SDA for short). However, the authority rejected their claim. Hence the present applications.

3. We have heard the learned counsel for the parties. The Apex Court in its judgment dated 7.9.1995 delivered in Civil Appeal No.8208-8213, Union of India - vs- Geological Survey of India Employees' Association and others observed as follows:

"..... It appears to us that although the employees of the Geological Survey of India were initially appointed with an All India Transfer liability, subsequently Government of India framed a policy that Class C and D employees should not be transferred outside the Region in which they are employed. Hence, All India Transfer liability no longer continues in respect of Group C and D employees. In that view of the matter, the Special Duty Allowance payable to the Central Government employees having All India Transfer liability is not to be paid to such Group C and Group D employees of Geological Survey of India who are residents of the region in whcih they are posted. We may also indicate that such question has been considered by this Court in Union of India & others Vs. S. Vijay Kumar & others (1994) (3) SCC 649."

In this case, however, the facts are not very clear from the pleadings as to whether the applicants actually belong to the North Eastern Region or not, even though some of the names of the applicants suggest that they belong to this region. Be that as it may, we do not like to come to any conclusion in this regard without there being any

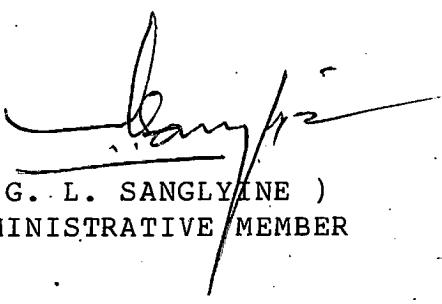
facts.....

facts. Similar cases have been disposed of by this Tribunal. Following the decision given by this Tribunal in those cases, namely, O.A.No.75 of 1996 and others, we dispose of these two applications by directing the respondents to consider the following:

- A) Whether the applicants are entitled to get the SDA even after the aforesaid judgment of the Apex Court dated 7.9.1995.
- B) Whether the applicants were transferred to the North Eastern Region from outside prior to regionalisation which came into effect from 1.8.1984 and are entitled to get SDA even after the judgment of the Apex Court dated 7.9.1995.
- C) The respondents shall further consider whether the applicants are residents of the North Eastern Region and not entitled to SDA as indicated in the Judgment of the Apex Court dated 7.9.1995.

The respondents shall decide these points after taking into consideration of the relevant rules and law and dispose of the matter as early as possible at any rate within a period of three months from the date of receipt of this order. Before a decision is taken by the respondents a personal hearing may be given to the applicants or their representative.

5. The application is accordingly disposed of. No order as to costs.


(G. L. SANGLYINE)
ADMINISTRATIVE MEMBER


(D. N. BARUAH)
VICE-CHAIRMAN