

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

O.A.No. 254 of 1997.

19-12-1997.
DATE OF DECISION.....

!! Shri S.B.Baidya & 102 ors. (PETITIONER(S))

Mr A. Ahmed. ADVOCATE FOR THE PETITIONER(S)

VERSUS

Union of India & Ors. RESPONDENT(S)

Mr S.Ali, Sr.C.G.S.C ADVOCATE FOR THE RESPONDENT (S)

THE HON'BLE JUSTICE SHRI 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 ? *Not to refer*
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.



CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.254 of 1997.

Date of Order : This the 19th Day of December, 1997.

Justice Shri D.N.Baruah, Vice-Chairman.

Shri S.B.Baidya & 102 others . . . Applicants.

By Advocate Mr A.Ahmed.

- Versus -

1. Union of India
represented by the Secretary
of Defence, Government of India,
New Delhi.
2. Garrison Engineer,
583 Engineer Park, C/O 99 APO.
3. Garrison Engineer,
Guwahati, Narengi Camp,
P.O. Satgaon,
Guwahati-27.
4. Controller of Defence Accounts,
Udyan Vihar, Narengi,
Guwahati. . . . Respondents.

By Advocate Mr S.Ali, Sr.C.G.S.C.

O R D E R

BARUAH J(V.C)

103 applicants in this application had been working at the material time under Garrison Engineer, 583 Engineer Park, C/O 99 A.P.O., Guwahati and also Garrison Engineer, Narengi Camp, Guwahati. They are all defence civilian employees. As per the Office Memorandum dated 14.12.1983 persons working in North Eastern Region are entitled to get Special (Duty) Allowance (SDA for short). The relevant portion of the said circular is quoted below :

"Central Government civilian employees who have all India transfer liability will be granted a Special (Duty) Allowance at the rate of 25 per cent of basic pay subject to a ceiling of Rs.400/-per month on posting to any station in the North Eastern Region. Such of those employees who are exempt from payment of income tax will, however, not be eligible for this Special (Duty) Allowance. Special(Duty) Allowance will be in addition to any Special pay

SR

and/or Deputation (Duty) Allowance already being drawn subject to the condition that the total of such Special (Duty) Allowance plus Special Pay/Deputation (Duty) Allowance will not exceed Rs.400/-p.m. Special Allowance like Special Compensatory(Remote Locality) Allowance, Construction Allowance and Project Allowance will be drawn separately."


On the basis of the said circular the applicants were given SDA and they receive it. However, in certain cases of similar nature the Central Government approached the Supreme Court by filing Civil Appeal No.1572 of 1997 and other Civil Appeals. The Apex Court disposed of those cases on 17.2.1997 holding interalia that the person who belong to North Eastern Region would not get SDA. The present applicants also though working under the Garrison Engineer, 583 Engineer Park and Narengi Camp, Guwahati but they are not outsider. They belonged to this Region. As per the decision of the apex Court they were not entitled to SDA. However, the Supreme Court in all the cases held that whatever amount was paid to the employees would not be recovered. In the present case also the applicants who received SDA belong to the North Eastern Region and therefore, they are not entitled to SDA. The Central Government had taken steps to recover the amount which was already paid to the applicants.

2. Heard Mr A.Ahmed, learned counsel appearing on behalf of the applicants and Mr S.Ali, learned Sr.C.G.S.C for the respondents. Mr Ahmed submits that on the similar point this Tribunal held in O.A.Nos.209/96, 11/97, 22/97, 25/97, 31/97, 35/97, 36/97, 37/97, 38/97, 59/97, 71/97 and 72/97 that though the applicants are not entitled to SDA as they belong to the North Eastern Region but whatever amount had been paid would not be recovered from them.

AB

Mr Ahmed submits that the present case is squarely covered by the decision of the aforesaid cases of this Tribunal. Mr S.Ali has very fairly concedes to the same. Therefore, considering the submissions of the counsel for the parties the respondents are directed not to recover the SDA paid prior to the issue of notice to each of the applicant. Application is accordingly disposed of.

Considering the entire facts and circumstances of the case however, I make no order as to costs.


(D.N.BARUAH)
VICE CHAIRMAN