

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

O.A.No. 32 of 1997.

DATE OF DECISION.....4.2.1998.

!! Shri P. Deb Gupta & 5 others. (PETITIONER(S))

S/Shri J.L.Sarka, M.Chanda ADVOCATE FOR THE PETITIONER(S)

VERSUS

Union of India & Ors. RESPONDENT(S)

Shri G.Sarma, Addl.C.G.S.C. ADVOCATE FOR THE RESPONDENT(S)

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

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 ? *NO*
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 Administrative Member.

*[Signature]*  
4.2.98

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 32 of 1997.

Date of Order : This the 4th Day of February, 1998.

Shri G.L.Sanglyine, Administrative Member.

Shri P.Deb Gupta and 5 others . . . Applicants.

By Advocate S/Shri J.L.Sarkar & M.Chanda.

- Versus -

1. Secretary, Government of India,  
Ministry of Health and Family Welfare,  
Department of Family Welfare,  
Nirman Bhawan, New Delhi.
2. Director General of Health Services,  
Nirman Bhawan,  
New Delhi-110011.
3. Regional Director (H & FW)  
Regional Office: for Health & Family Welfare,  
Government of India,  
Dhankheti, Shillong-3. . . . Respondents.

By Advocate Shri G.Sarma, Addl.C.G.S.C.

O R D E R

G.L.SANGLYINE,ADMINISTRATIVE MEMBER

Permission was granted to the 6 applicants to submit this Original Application jointly. The applicants are employees in the Director General Health Service (R.D.Cell) and posted at Regional Officer for Health and Family Welfare, Government of India, Shillong. The prayer of the applicants in this O.A. is that the respondents be directed to pay them the Special (Duty) Allowance, in short SDA.

2. Mr J.L.Sarkar, learned counsel for the applicants submitted that there has been discrimination in denying the SDA to the applicants in-as-much as other similarly placed employees of the same organisation posted in other parts of the North East Region were paid the SDA. He also submitted that the norms relevant to payment of the SDA should have been observed by the respondents and paid the applicants the SDA

contd....2

accordingly. Mr G.Sarma, learned Addl.C.G.S.C., submitted that there is no room for dispute in this matter as the payment of SDA to employees has since<sup>been</sup> settled by the various decisions of the Hon'ble Supreme Court in this regard. Further, he submitted that the case of the applicants is not similar with the cases of other employees cited by them and, in particular, the case of Shri L.A.K.Singh was reviewed by the respondents and the payment of SDA to him was cancelled and recovery of the amount paid was ordered.

3. I have heard counsel of both sides. The question of discrimination in denying payment of SDA to the applicants may arise if any right of the applicants to receive SDA exists. In a number of decisions particularly in Union of India and others vs. Vijay Kumar & Ors. JT 1994(6) 443, Chief General Manager (Telecom) vs. S.Rajendra Ch. Bhattacharjee & Ors. JT 1995(1) SC 440 and in Union of India & Ors. vs. Executive Officers' Association Group 'C', Civil Appeal No. 3034 of 1995 arising out of SLP(C) 18717 of 1994 the Hon'ble Supreme Court had already decided to the effect, in short, that the SDA is not admissible to the persons belonging to North East Region where they were appointed and posted but it was meant to attract persons outside the North East Region to work in that region. The applicants have not denied that they are persons belonging to the North East Region and were appointed to their respective posts in the North East Region and are working in the region during the relevant period. In accordance with the orders of the Hon'ble Supreme Court referred to above the applicants therefore, have no right to receive SDA as they do not fulfil the conditions. Payment of SDA to other employees does not confer on the applicants a right to receive SDA. In terms of the law laid down by the Hon'ble Supreme Court and the facts relevant to the applicants

as above there is no merit in this application of the applicants. Therefore, the applicants are not entitled to payment of SDA and the application is dismissed.

No order as to costs.

  
( G.L.SANGLYINE )  
ADMINISTRATIVE MEMBER

4-2-98