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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A.No. 140 of 1997.

DATE OF DECISION.....28-9-1999.....

Shri Madan Mohan Bhuyan and others. (PETITIONER(S))

Shri M. Chanda.

ADVOCATE FOR THE
PETITIONER(S)

-VERSUS-

Union of India & Ors.

RESPONDENT(S)

Sri 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.



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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 140 of 1997.

Date of Order : This the 28th Day of September, 1999.

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

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

Shri Madan Mohan Bhuyan and 100 others
All the applicants are employees of
Subsidiary Intelligence Bureau,
Ministry of Home Affairs, Govt. of India,
Guwahati-28.

. . . Applicants.

By Advocate Shri M.Chanda.

- Versus -

1. Union of India
represented by the Secretary,
Government of India,
Ministry of Home Affairs,
North Block, New Delhi.
2. Director,
Intelligence Bureau,
North Block, New Delhi.
3. Deputy Director,
Subsidiary Intelligence Bureau,
Basistha Road, Guwahati-28.

. . . Respondents.

By Advocate Shri B.C.Pathak, Addl.C.G.S.C.

O R D E R

BARUAH J.(V.C)

101 applicants have approached this Tribunal by filing this present application. The applicants are working as Group B, C and D employees under the Deputy Director, Subsidiary Intelligence Bureau, Guwahati. On 14.12.1983 the Government of India issued an Office Memorandum for payment of Special Duty Allowance to the employees of North Eastern Region having all India transfer liability. At that point of time the applicants have all India transfer liability. On the basis of the said Office Memorandum the applicants had been drawn the Special Duty Allowance (SDA for short). However, in view of the order passed by the Supreme Court in Civil Appeal No 3251 of 1993 it was held that the employees who belonged to

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North Eastern Region would not be entitled to get SDA even though they were working in the same region. However, it was held that the amount already paid to those persons working in the North Eastern Region even though they were not entitled to get the SDA would not be recovered from them prior to 20.9.1994. By another judgment in Civil Appeal No. 8208-8213 the Supreme Court repeated the same thing. The present applicants also have been receiving SDA as per the Office Memorandum dated 14.12.1983 which has since been stopped. The applicants claim that they are entitled to get the SDA even after the decision of the apex Court. According to us the facts are not very clear, whether all the applicants or some of them are entitled to the SDA. The Supreme Court had made it clear that those persons who belong to the North Eastern Region would not be entitled to SDA. Again in Civil Appeal No. 1572 of 1997 and other Civil Appeals the apex Court held that the persons belonging to the North Eastern Region are not entitled to SDA. The present applicants are working under the Subsidi Intelligence Bureau, Guwahati but it is not clear whether they were recruited outside the Region or in this Region its

2. After hearing the counsel for the parties we dispose of this application with direction to the respondents to first determine whether the present applicants or some of them are entitled to SDA or not as per the decision of the apex Court. If after examination it is found that all 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 following the spirit and ratio of the apex Court's decision.

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


(G.L.SANGLYNE)
ADMINISTRATIVE MEMBER


(D.N.BARUAH)
VICE CHAIRMAN