

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./R.A. No. . 270 . . . of 1998.

DATE OF DECISION ... 20.12.2000.

Shri Bikash Deb and 29 others.

PETITIONER(S)

Sri A. Ahmed.

ADVOCATE FOR THE
PETITIONER(S)

VERSUS -

Union of India & others.

RESPONDENT(S)

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

ADVOCATE FOR THE
RESPONDENTS

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

THE HON'BLE MR M.P.SINGH, 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. 270 of 1998.

Date of Order : This the 20th Day of December, 2000.

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

The Hon'ble Mr M.P.Singh, Administrative Member.

Shri Bikash Deb and 29 others. . . . applicants.

By Advocate Sri A.Ahmed.

- Versus -

Union of India & Ors. . . . Respondents.

By Sri A.Deb Roy, Sr.C.G.S.C.

O R D E R

CHOWDHURY J. (V.C)

All the applicants are serving under the Commandant, 222 A.B.O.D, Narengi Camp. Having regard to the common grievance and seeking common relief, the leave is granted to them under Rule 4(5) (a) of the Central Administrative Tribunal (procedure) Rules 1987 to file this single application. By this application the applicants have sought for a direction on the respondents to pay Special (Duty) Allowance to the applicants in terms of Office Memoranda No. 20014/3/83-E-IV dated 14.12.1983 and No. 20014/16/86 IV/E II(B) dated 1.12.1988. In the light of the aforementioned Memorandum and in view of the decisions rendered by the Hon'ble Supreme Court in Union of India & Ors. vs. B.Prasad, B.S.O. and others, reported in (1997) 4 SCC 189. In that order the Supreme Court observed as follows :

"As regards the payment of Special Duty Allowance to the defence civilian personnel deployed in the border area for support of operational requirement, they face the imminent hostilities supporting the army personnel deployed there. Necessarily,

they alone require the double payment as ordered by the Government but they cannot be deprived of the same since they are facing imminent hostilities in hilly areas risking their lives as envisaged in the proceedings of the Army dated 13.1.1994. But the Modified Field Area, in other words, in the Defence terminology, "barracks" in that area is a lesser risking area; hence they shall not be entitled to double payment. Under these circumstances, Mr P.P.Malhotra is right in saying that the wording of the order requires modification. The Government is directed to modify the order and issue the corrigendum accordingly."

In the light of the aforesaid observation, the respondents are directed to pay Special (Duty) Allowance to the applicants. The application is accordingly allowed. There shall, however, be no order as to costs.


(M.P.SINGH)
ADMINISTRATIVE MEMBER


(D.N.CHOWDHURY)
VICE CHAIRMAN