IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.97 of 1997 and others

Date of decision: This the 26th day of June 1998

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

1. O.A.No.97 of 1997

   All India Junior Engineers Association & others, CPWD, Guwahati.

2. O.A.No.104 of 1997

   All India Engineering Drawing Staff Association and others, C.P.W.D., Guwahati.

3. O.A.No.106 of 1997

   C.P.W.D. Class IV Staff Union, Guwahati Branch, Guwahati.

4. O.A.No.109 of 1997

   C.P.W.D. Staff Association, Guwahati Branch, Guwahati.

5. O.A.No.110 of 1997

   C.P.W.D. Mazdoor Union, Guwahati Branch, Guwahati.

6. O.A.No.244 of 1997

   Shri M.C. Baruah and 289 others

7. O.A.No.24 of 1998

   Shri H.K. Das and 35 others

8. O.A.No.35 of 1998

   Shri R.P. Thakur and 84 others

9. O.A.No.75 of 1998

   Shri A.K. Gohain and 5 others

.....Applicants

By Advocates Mr J.L. Sarkar, Mr B.K. Sharma, Mr M. Chanda, Mr A. Ahmed, Mr S. Sarma and Ms N.D. Goswami.

- versus -

Union of India and others .....Respondents

By Advocates Mr S. Ali, Sr. C.G.S.C. and Mr A.K. Choudhury, Addl. C.G.S.C.

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O R D E R

BARUAH.J. (V.C.)

All the above applications relate to Special (Duty) Allowance (SDA for short). As the applications involve common questions of law and similar facts I propose to dispose of all the applications by this common order.

2. The applicants claim that they are entitled to SDA as per the Office Memorandum No.20014/3/83.E-IV dated 14.12.1983, but the same was denied to them. Some of the employees, situated similarly, approached this Tribunal praying, inter alia, for payment of SDA. This Tribunal gave direction to the respondents to pay SDA to those applicants. Though the present applicants did not approach this Tribunal and there was occasion to give such direction to the respondents for payment of SDA to the present applicants. However, in view of the order passed by this Tribunal in the earlier cases the respondents continued to pay SDA to the present applicants also. Meanwhile, the respondents challenged the earlier order of this Tribunal before the Apex Court by filing Civil Appeal No.1572 of 1997 and other Civil Appeals. The Apex Court disposed of all the above Civil Appeals holding, inter alia, that persons who belong to the North Eastern Region were not entitled to SDA. The present applicants are working in various departments under the Central Government, but it is not very clearly known whether all the applicants were recruited outside the North Eastern Region and have come on transfer. By the strength of the earlier order of this Tribunal, even

those persons who are not entitled to SDA also continued to draw SDA. However, as per the Apex Court's decision in aforesaid civil appeals those persons who belong to the North Eastern Region are not entitled to SDA. In the said civil appeals the Apex Court also held that the amount of SDA which has already been paid to the employees should not be recovered.

3. I have heard both sides. After hearing the learned counsel for the parties and following the decision of the Apex Court in Civil Appeal No.1572 of 1997 and others, I direct the respondents to first determine whether the present applicants are entitled to SDA or not as per the decision of the Apex Court. If after examination it is found that 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.

4. With the above observation all the applications are accordingly disposed of. No order as to costs.

(D. N. BARUAH)
VICE-CHAIRMAN

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