

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A.No. 130

of 1998

DATE OF DECISION. 4.6.99.....

Shri M.M.Beg

(PETITIONER(S))

Mr. A.Ahmed

ADVOCATE FOR THE
PETITIONER(S)

-VERSUS-

Union of India & Ors.

RESPONDENT(S)

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

ADVOCATE FOR THE
RESPONDENTS.

THE HON'BLE MR. JUSTICE 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 ?
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.



4

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 130 of 1998.

Date of decision : This the 4th day of June, 1999..

HON'BLE MR. JUSTICE D.N. BARUAH, VICE-CHAIRMAN.

Shri M.M. Beg,
MES 467160
B.S.O,
serving in the office of the
Garrison Engineer,
868 EWS,
Co 99 APO and 52 others

...Applicants

By Advocate Mr. A. Ahmed.

-versus-

1. Union of India,
Represented by the Secretary
of Defence, Govt. of India,
New Delhi.
2. The Garrison Engineer,
868 EWS, C/o 99 APO
3. Headquarter 137 C.W.E.
C/o 99 APO.
4. Garrison Engineer,
869 E.W.S.,
C/o 99 APO

...Respondents

By Advocate Mr. A. Deb Roy, Sr. C.G.S.C.

O R D E R

BARUAH J.(V.C.).

Fiftythree applicants have approached this Tribunal seeking directions to the respondents for payment of Special Compensatory (Remote Locality) Allowance on the basis of the O.M. dated 16.3.1998. As per the Ministry of Defence letter No. 16037/R/A 2 HQ Corps (A), C/o 99 APO and letter No. B/37269/AG/PS 3

Contd...

X/3

(a) (Pay)/(Service) dated 31.1.95 the applicants were entitled to both the allowances namely Special (Duty) Allowance and Special Compensatory (Remote Locality) Allowance. These benefits were granted to the Defence Civilian persons working in the field area in North Eastern Region. The Government of India also issued another Office Memorandum dated 16.3.1998. As per the said Memorandum Defence Civilian employees working in the field areas would be entitled to the Special Compensatory (Remote Locality) Allowance alongwith other allowances as mentioned in O.M. dated 16.3.98. I quote the relevant portion of the O.M. dt. 16.3.98 hereunder :

"..... Accordingly, I am directed to convey the sanction that Defence Civilians who are working in Field Areas will be entitled in addition to the Field Service Concessions as applicable to receive Special Duty Allowance at the applicable rates provided they had been originally recruited outside the North-Eastern Region and have been transferred to the North Eastern Region from such outside region."

In this case applicants have claimed Special Compensatory (Remote Locality) Allowance with effect from 1.10.1986.

2. Heard Mr. A.Ahmed, learned counsel appearing on behalf of the applicants and Mr. A.Deb Roy, learned Sr. C.G.S.C. for the respondents.

3. Mr. Ahmed submits that as per the Apex Court decision in Civil Appeal No. 1572 of 1997 (Union of India & Ors. Vs. B. Prasad, B.S.O and Ors.) dated 7.2.97 and the various decisions of this Tribunal the applicants are entitled to receive Special Compensatory (Remote Locality) Allowance upto 17.4.95. The applicants have claimed Special Compensatory (Remote Locality) Allowance only upto 17.4.95. On the other hand Mr. Deb Roy submits that the applicants are entitled to two allowances upto 17.4.95 namely Special (Duty) Allowance and Special Compensatory (Remote

AB

(Locality) Allowance and after 17.4.95 they are entitled to one. Mr. Ahmed submits that in this application the applicants have only claimed Special Compensatory (Remote Locality) Allowance for the period 1.10.1986 to 17.4.1995. Mr. Ahmed further submits that the case is covered by the decision of this Bench of the Tribunal in O.A. Nos. 125/95 and 125/95.

4. On hearing the counsel for the parties and on perusal of the records I am of the opinion that the present case is covered by the decision of this Bench of the Tribunal passed in O.A. Nos. 124/95 and 125/95. Therefore the respondents are directed to pay Special Compensatory (Remote Locality) Allowance to the applicants upto 17.4.1995. This must be done as early as possible at any rate within a period of 3 (three) months from the date of receipt of this order.

5. With the above directions, the application is disposed of.

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



(D.N. BARUAH)
Vice-Chairman