

50/600

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

6

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓
O.A/T.A No. 201/2000

R.A/C.P No.

E.P/M.A No.

1. Orders Sheet..... 04Pg. 1.....to 5.....
2. Judgment/Order dtd. 12.12.2000.....Pg. 1.....to 3.....
8/0 Common order
OA 201 R 155/2000
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A..... 201/2000Pg. 1.....to 44.....
5. E.P/M.P.....Pg.....to.....
6. R.A/C.P.....Pg.....to.....
7. W.S.....Pg.....to.....
8. Rejoinder.....Pg.....to.....
9. Reply.....Pg.....to.....
10. Any other Papers.....Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit. In opposition page 1+21.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....
High Court Judgement WP (C) 5614/98 page - 1 to 17

SECTION OFFICER (Judl.)

Sahib
19.12.17

GUWAHATI BENCH : GUWAHATI

ORDER SHEET
APPLICATION NO. 201/2000 OF 199

Advocate for Respondent(s)

C.G. S.C.

Notes of the Registry	Date	Order of the Tribunal
his application is orms and within time F. of Rs. 50/- deposited vide PO B.D.N. 192442 Dated 10.5.2000 B M 7/6/00 N 7/6/2000 Notice prepared and + to Distatch Section fore using the respondents vide 1591 dtd 15-99. 20/- deposited vide Challan 1592 dtd 12/6/00	8.6.00 nkm 9/6/2000	Present: Hon'ble Mr D.C. Verma, Judicial Member Heard Mr S. Sarma, learned counsel for the applicant and Mr B.S. Basumatary, learned Addl. C.G.S.C. The application is admitted. Issue usual notices. Written statement to be filed within four weeks. List for orders on 11.7.00. Meanwhile it is provided that the respondents shall not make any recovery from the applicants. Member(J.)

Notes of the Registry

Date

Order of the Tribunal

29/6/00 Notice duly served
on husband. No. 4 & 6.

11.7.00

Present: Hon'ble Mr. S. Biswas,
Administrative Member

None for the applicant. At the
request of Mr B.S. Basumatary, learned
Addl., the case is adjourned and posted
on 11.8.00 for filing written
statement.

Member(A)

Notice duly served on
respondents No 2 & 5.

nkm

11.8.00

Given by no bench. Adjourned
to 7.9.00.

1870
4

No. u/s has been
billed.

7.9.00

no bench. Adjourned to
21.9.00.

1870
2

20/9.2000.

21.9.00

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

Affidavit has already been filed
by the respondents. The case is ready
for hearing.

List the case for hearing on
6.12.00 along with O.A.170/99. The
applicant may file rejoinder, if
any.

Vice-Chairman

mk

6.12.00

List on 11.12.00 for hearing.

Vice-Chairman

11.12.00

Heard learned counsel for the parties.

Hearing concluded. Judgement delivered in open
court, kept in separate sheets. The application
is disposed of. No costs.

Member

Vice-Chairman

trd

1.12.2000

Copy of the Judgment
has been sent to the
... for issuing the same
to the applicant as well as
Addl. C.S.C. for the
...
...

10.3.2004 List before the available
Division Bench in the month of May
for hearing.

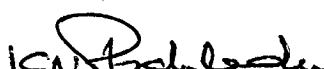

Member (A)

mb

27.8.2004 present: The Hon'ble Shri D. C. Verma
Vice-Chairman (J).

The Hon'ble Shri K.V. Prahladan
Member (A).

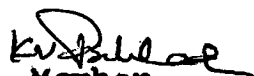
The case is adjourned ~~to~~ and listed
before the next Division Bench.

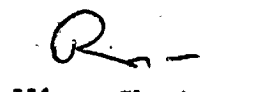

Member (A)


Vice-Chairman

bb

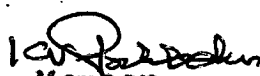
16.9.04 On the request of learned counsel
for both the parties stand over to
29.9.04 for hearing.

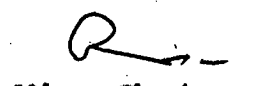

Member


Vice-Chairman

lm

29.9.04 On the request of learned counsel
for the applicant case is adjourned to
22nd Nov, 2004. for hearing.


Member


Vice-Chairman

lm

22.11.2004 List on 17.1.2005 for hearing.


Member (A)

mb

lm

received certain instructions from the applicant. Normally, we are not grant such request more so when the matters were

17.2.2005 Present: The Hon'ble Mr.M.K. Gupta,
Judicial Member.

The Hon'ble Mr. K.V. Prahladan,
Administrative Member.

Request received from Mr. A. Ahmed, learned counsel for the applicant indicating that because of personal ground he would not be able to attend the Court today. Similarly, Mr. S. Sarma, learned counsel for the applicant appearing in O.A. No. 15/00 and 201/00 states that he has received certain instructions from the applicant. Normally, we ^{would} ^{accord} are not grant such request, more so, when the matters were remanded back from the Hon'ble Gauhati High Court. As a matter of ^{indulgence & based} acting on the prayer, all the cases be listed on 03.03.2005.


Member (A)


Member (J)

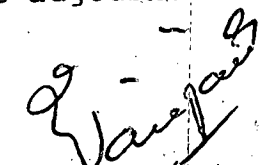
lm

3.3.2005 Present: Hon'ble Justice Shri G. Sivarajan, Vice-Chairman

Hon'ble Shri K.V. Prahladan,
Administrative Member.

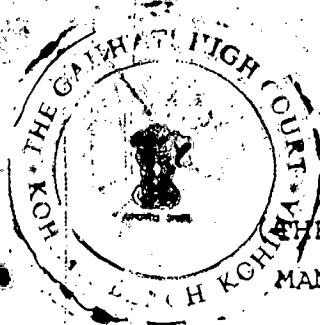
At the request of the learned Standing Counsel appearing for the respondents, the case is adjourned to 7.3.2005.


Member


Vice-Chairman

O.A. 201/2000

Notes of the Registry	Date	Orders of the Tribunal
	22.03.2005	Present : The Hon'ble Mr. Justice G. Sivarajan, Vice-Chairman. The Hon'ble Mr. K.V. Prahladan, Administrative Member. Heard Mr. U.K. Nair, learned counsel for the applicants and also Mr. A.K. Chaudhuri, learned Addl. C.G.S.C. assisted by Ms. U. Das, learned Addl. C.G.S.C. for the respondents. Hearing concluded. Orders reserved. <i>K.V. Prahladan</i> Member (A) <i>G. Sivarajan</i> Vice-Chairman
mb	31.5.05.	Judgment delivered in open Court. Kept in separate sheets. Application is disposed of. No order as to costs. <i>K.V. Prahladan</i> Member <i>G. Sivarajan</i> Vice-Chairman
lm		



IN THE GAUHATI HIGH COURT
(THE HIGH COURT OF ASSAM; NAGALAND; MEGHALAYA;
MANIPUR; MIZORAM; TRIPURA & ARUNACHAL PRADESH)

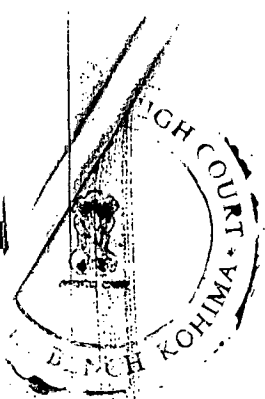
I). CIVIL RULE NO.5614 OF 1998

1. Union of India,
represented by the
Secretary to the
Govt. of India,
Ministry of Defence,
New Delhi.
2. The Commanding Officer,
50 COY, ASC(Supply) Type-C,
C/O 99 APO

..... Petitioners

-Versus-

1. Ulla Gouda
2. Hem Raj
3. Audhu
4. Padmalbha
5. Penchachanidhi
6. Harimuli
7. Gundicha Naik
8. Kirten Gouda
9. Dev Raj
10. Nangalu Behara
11. Dandapani Naik
12. Bhirgu Nath
13. Khadal Gouda
14. Fadda Naik
15. Ramchander
16. Suresh Lal Laretha
17. Sukuru Naik
18. Soma Naik
19. Rasdev Chouhan
20. Sirpat Ram
21. Ram Prasad
22. Pannu Behara
23. Ekat Ram
24. Bipra Sahu
25. Bipra Rawat
26. Linga Naik



8

27. Raghu Rath
28. Cyprian
29. Dayanidhi
30. Bal Karan
31. Ram Kishan
32. Barunda Sahu
33. Achche Lal Rai
34. Santosh Kumar
35. Som Hariya
36. Barunda Naik
37. Bhimu Naik
38. Smt. Kalawati
39. Dinabandhu Naik
40. Ram Briksh
41. Ram Semujh
42. Subhash Singh
43. Kali Sahu
44. Surinder Sahu
45. V.K.Pillai
46. Harkhit
47. Rodha Ram
48. Ramchandar Gouda
49. Badyadhar
50. Mangalu Pradhan
51. Uday Rath
52. Laldhar
53. Murari Prasad
54. Pitambar
55. Bahari Ram
56. Sati Ram
57. Girdhari Mandal
58. Hardev Ram
59. Ramanna
60. Ram Narayan
61. Jay Prakash Ram
62. Ram Badan
63. Tribhuban
64. Roop Ram
65. Ganga Saran
66. Pannu Pradhan



67. Shankar Thakur
68. Ram Prasad
69. Ram Shankar
70. R.K.Chetri
71. Imti Tamsu Jamir
72. S.K.Paul
73. Motilal
74. Moujdar
75. Rameswar
76. Subhas Teli
77. P.P.Yadav
78. Dibakar Gouda
79. R.P.Sarmah
80. Hamid Mohd.
81. Trilok Nath
82. R.N.Gouda
83. Om Prakash Gupta
84. Kedar
85. Rajender

All serving in the Office of the
Commanding Officer, 50 COY ASC
(Supply) Type-C, C/O 99 APO.

..... Respondents

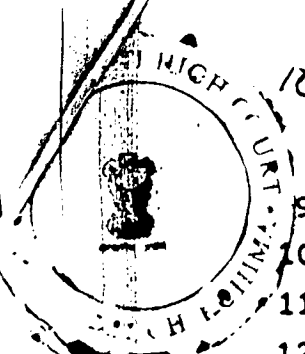
II). WRIT PETITION(C) NO.1685 OF 2001

1. Union of India,
represented by the Secretary,
Ministry of Defence, New Delhi.
2. The Controller of Defence
Accounts, UDHYAN VIHAR,
NARENGI, Guwahati- 781171.
3. The Garrison Engineer,
869 Engineering Workshop,
C/O 99 APO.

..... Petitioners

Versus

1. 243646 Sri Gadadhar Bania
2. 243801 Sri W.Megha Singh
3. 237716 Sri P.K.Houn Roy
4. 243681 Sri S.Mangi Singh
5. 243744 Sri Andrewil
6. 238104 Sri C.M.Mallick
7. 423671 Sri K.K.Sharma
8. 243889 Sri M.L.Kaipibay

- 
9. 243672 Sri Kh. Sunil Singh
 10. 238326 Sri Vishnu Prabhat
 11. 220356 Sri Ishar Bhagat
 12. 238291 Sri N. Shridharan
 13. 238339 Sri M. Ekka
 14. 243679 Sri C. Lotha
 15. 243545 Sri L. Dolley
 16. 243911 Sri L. D. Singh
 17. 220211 Sri Sunil Deb
 18. 238497 Sri N. Ramachandran
 19. 238937 Sri KPC Nair
 20. 228252 Sri Shiv Singh
 21. 238516 Sri Padma Bahadur
 22. 238028 Sri Motilal
 23. 220338 Sri H. Hannifa
 24. 229336 Sri B. B. Thotai
 25. 220304 Sri Singh Bahadur
 26. 220244 Sri Bhubaneswar Ram
 27. 243698 Sri Kailash Patra
 28. 238358 Sri Ram Prasad Horizan
 29. 243641 Sri G. Munu Swamy
 30. 243622 Sri S. K. Rana
 31. 243617 Sri Bhakta Bahadur
 32. 243922 Sri H. Kan Singh
 33. 243643 Sri Till Bahadur
 34. 243603 Sri Dadhi Ram Dahal
 35. 243882 Sri K. K. Das
 36. 243921 Sri Mayangken
 37. 243683 Sri Adhik Lal Mandal
 38. 238042 Sri A. P. Kumar
 39. 243693 Sri J. S. Winner
 40. 243846 Sri A. S. Wungnaoyo
 41. 243434 Sri Gobind Singh
 42. 237988 Sri J. N. Thakur
 43. 243936 Sri Ch. Kaingamang
 44. 243588 Sri Lal Mohan Das
 45. 220270 Sri Shriram Sharma
 46. 243775 Sri Ram Nawal
 47. 220227 Sri Ram Prit
 48. 220266 Sri Vidyanand Thakur
 49. 243798 Sri Atovi Sema
 50. 243644 Sri Lenpao Vaiphei
 51. 238011 Sri M. S. Hoque



52. 238378 Sri Shyambihari
53. 220222 Sri Chondragord
54. 220342 Sri P.C.Pradhan
55. 243522 Sri Aga Rengma
56. 243611 Sri Prem Lal
57. 220251 Sri Usit Mohoto
58. 238033 Sri Son Bahadur
59. 243624 Sri Anevaifai
60. 243914 Sri Thanggen Vaiphei
61. 243821 Sri Manglenjao Singh
62. 243435 Sri Thangkhoon
63. 243823 Sri Hechon Changloi
64. 3891 Sri Mohammad Rahim
65. 220311 Sri M.D.Rasul
66. 243751 Sri Nanda Bahadur
67. 243591 Sri Shavire Hussain
68. 243680 Sri Hariram Chauhan
69. 237840 Sri S.Neog
70. 243433 Sri Sieminthang
71. 243610 Sri Sankar Das
72. 238511 Sri R.D.Das
73. 243842 Sri L.Lhouvum
74. 243783 Sri V.Ruivah
75. 243911 Sri A.Konyak
76. 243943 Sri Soineilal
77. 243923 Sri Dulal Shome
78. 243601 Sri Khuplam
79. 220162 Sri J.B.Thapa
80. 242925 Sri Huriang Zeling
81. 243555 Sri A.S.Markoni

... Petitioners in
OA No.170/99

01. 70 Deba Das Bhattacharjee
02. 2 Budhia Patra
03. 7 Hari Har Ram
04. 10 Sarvadeb
05. 15 N.Kakoti
06. 16 D.Upadhyay
07. 14 K.K.Talukdar
08. 54 Sakunti Devi W/O Late Sukul Roy
09. 55 S.C.Ram
10. 60 S.B.Sherpa
11. 68 Dal Bahadur
12. 69 K.K.Paul
13. 51 T.Ali
14. 48 Sarada
15. 14007205 P.R.Borah
16. 14691330 Mrs.Rina Roy
17. NIP 470 D.Gogoi
18. NIP 37 Tuni Das
19. NIP 36 Venkatiya
20. NIP 42 Prayag
21. NIP 68 Rajendra Rajak
22. NIP 52 Nathuni Thakur
23. NIP 35 Mesg R.Boro

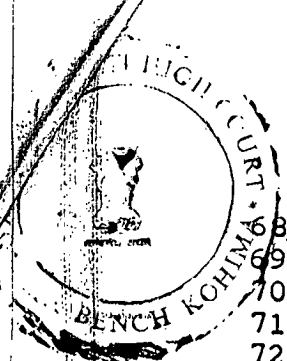
... Petitioner in
OA No.202/99

01. 243506 Shri Krishna Sinha
02. 237851 Shri S.K.Nair
03. 243530 Shri S.C.Das

... Contd...P/6.

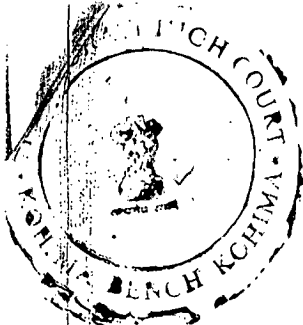


04. 243739 Shri B.K.Goswami
05. 243767 Shri Samir Dey
06. 243512 Shri P.K.Dey
07. 238008 Shri Motichand Koiri
08. 238142 Shri Sepahi Prasad
09. 228628 Shri Z.R.Choudhury
10. 243737 Shri Ayaj Ali Ahmed
11. 237837 Shri Dimbeswar Borah
12. 237883 Shri Jainath Koiri
13. 220308 Shri B.Patra
14. 243899 Shri B.B.Sonar
15. 243738 Shri S.K.Baidya
16. 243515 Shri Nandlosjpr Mahato
17. 243626 Shri Brijnandan Mahato
18. 228740 Shri Jitesh Ch. Das
19. 220153 Shri Ramananda Koiri
20. 237925 Shri S.Shah
21. 237890 Shri Ram Jatan Yadav
22. 243741 Shri Ratan Roy
23. 238016 Shri P.K.Pillai
24. 238014 Shri A.G.Mathew
25. 237928 Shri R.K.Nair
26. 238491 Shri P.G.Patil
27. 237892 Shri K.K.Damodaran Nair
28. 238238 Shri Jakhu Ram
29. 220274 Shri Ram Sarik
30. 243736 Shri K.Mandol
31. 220213 Shri Baljit Ram
32. 238382 Shri Tapan Sen Sharma
33. 243412 Shri Chandreswar Ram
34. 243498 Shri Kitindro Sangma
35. 220064 Shri Shev Chand Koiri
36. 237688 Shri D.N.Hazarika
37. 243820 Shri Peter Ruicham
38. 238363 Shri Sahid Hazam
39. 220109 Shri Ram Girish
40. 220113 Shri Ganga Bahadur
41. 243787 Shri Suresh Ram
42. 237886 Shri Garjan
43. 237997 Shri Sivpujan Singh
44. 237891 Shri Motilal Prasad
45. 243767 Shri T.Kr.Borah
46. 237877 Shri Ramnath Rajbhar
47. 243730 Shri M.Parasuraman
48. 220282 Shri Prem Lal Magar
49. 237876 Shri Wokil Khan
50. 237906 Shri Kalai Kutum
52. 243491 Shri Hari Chand Koiri
53. 243496 Shri M.M.Borah
54. 243762 Shri Bimal Chandra Gogoi
55. 237472 Shri Bhadra Kalita
56. 243499 Shri Sukhdeo Shaw
57. 362396 Shri M.A.Sharma
58. 238434 Shri Hem Lal Sharma
59. 238015 Shri D.Robi
60. 238141 Shri Ramdeor Koiri
61. 237931 Shri Chaman Lal
62. 243753 Shri Balbahadur
63. 220157 Shri Pranay Kr.Chanda
64. 243511 Shri Subash Chand Koiri
65. 238134 Shri Makbul Miya
66. 237920 Shri Ramswar Kurmi
67. 220049 Shri Bansilal Koiri

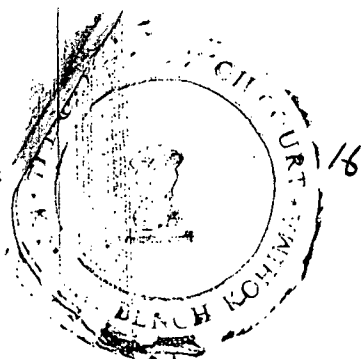
- 
68. 220122 Shri Kulbahadur
69. 238519 Shri Ramrup Koiri
70. 243790 Shri C.B.Chetri
71. 243796 Shri Lolenmar Ao
72. 243423 Shri Gajen Tanti
73. 243559 Shri Panboro Tanti
74. 220050 Shri Chhangur Yadav
75. 243521 Shri T.K.Rao
76. 243497 Shri Rajendar Yadav
77. 238216 Shri Manajer Ansari
78. 243504 Shri Lochan Tanti
79. 237908 Shri P.Anthoni Raj
80. 243803 Shri Rajaram Harijan
81. 220195 Shri American Prasad
82. 220154 Shri Mouzi Rajbhar
83. 220334 Shri Kamal Baruah
84. 243793 Shri G.N.Rao
85. 243758 Shri Suresh Prasad
86. 243742 Shri Swapan Kr.Mandal
87. 220051 Shri Santraaj
88. 220067 Shri R.C.Tiwari
89. 468512 Shri P.K.Bose
90. 237870 Shri Shivji Bharti
91. 243732 Shri S.Karmakar
92. 243867 Shri R.C.Chanda
93. 238006 Shri B.D.Sahni
94. 237220 Shri Ramprasad Mahato
95. 238356 Shri Judda Bahadur
96. 220111 Shri J.Sangma
97. 225806 Shri G.Ramaiah
98. 243489 Shri Jagdhary Yadav
99. 220337 Shri B.N.Dowrah
100. 220189 Shri Khem Bahadur
101. 243492 Shri Bhim Bahadur Chetri
102. 243600 Shri Assamu Tanti
103. 243514 Shri Dhan Bahadur
104. 243901 Shri Filex Lepcha
105. 237972 Shri Kesh Bahadur Thapa
106. 243734 Shri Rajindra Prasad
107. 237992 Shri Jogindar Prasad
108. 243760 Shri Rojeswar Gogoi
109. 243578 Shri Khemlal Sharma
110. 237855 Shri Som Bahadur Pradhan
111. 243458 Shri P.P.Choudhury
112. 220333 Shri Mohan Saikia
113. 237540 Shri Hira Nath Baruah
114. 237947 Shri Noksa Limbu
115. 311640 Shri Ganesh Ch. Mondal
116. 243486 Shri Anyai Phom
117. 243485 Shri K.P.Kewat
118. 243725 Shri Kamu Debnath
119. 220150 Shri S.Jabbar
120. 243797 Shri Suvakar Choudhury
121. 228925 Shri I.P.Joshi
122. 243724 Shri Sanat Kr.Mandal
123. 243503 Shri Murari Mahato
124. 237962 Shri Panchu Naik
125. 238215 Shri Birendar Singh
126. 238380 Shri C.Gogoi
127. 243507 Shri P.K.Sanyal



128. 220075 Shri Rampravesh Yadav
129. 242609 Shri Nagina Prasad
130. 224743 Shri Tulu Ram Boro
131. 243781 Shri D.Gajanandam
132. 243844 Shri Deepen Kr. Borah
133. 238146 Shri Gopal Ch. Shil
134. 243580 Shri Nikhil Chakraborty
135. 237898 Shri B.C.Doley
136. 237929 Shri Brinchilal Yadav
137. 237824 Shri Nagen Saikia
138. 243749 Shri Birbahadur Maurya
139. 237868 Shri Chandeswar Singh
140. 243519 Shri Abhiram Das
141. 220158 Shri Baljit Rajbhar
142. 243945 Shri Atul Ch. Nath
143. 237869 Shri Gorokh Prasad
144. 243525 Shri Lolit Borah
145. 237878 Shri Ramprasad Show
146. 220315 Shri Ramsakal Mahato
147. 243898 Shri Rajesh Kr.Khati
148. 220055 Shri Raseed Hazam
149. 237872 Shri Jogindar Mistri
150. 238222 Shri M.P.Biswakarma
151. 238140 Shri L.Baruah
152. 220275 Shri Bhadaai Ram
153. 243814 Shri Rajendar Sharma
154. 237303 Shri N.K.Goswami
155. 220152 Shri Satya Deo Rajbhar
156. 242580 Shri Man Bahadur
157. 237499 Shri M.C.Neog
158. 237401 Shri P.N.Mishra
159. 237856 Shri Kailash Prasad
160. 243752 Shri Bilash Ch. Dey
161. 243733 Shri Nilimaya Chanda
162. 243784 Shri Ashutosh Chanda
163. 223827 Shri Horen Ch. Boro
164. 238365 Shri Karan Bahadur
165. 220335 Shri K.V.Gopinathan
166. 243729 Shri G.Varghese
167. 238292 Shri Udesb Ram
168. 238520 Shri Kasiram
169. 220272 Shri Harindar Kumar
170. 243819 Shri Vimsen Kurmi
171. 243527 Shri E.R.Marak
172. 238220 Shri Anil Ch. Kokoti
173. 243894 Shri Chandra Kanta Sharma
174. 243442 Shri Horen Ch. Das
175. 243490 Shri Surja Bahadur
176. 243141 Shri Jawad Khan
177. 237917 Shri K.Gogoi
178. 228494 Shri Jitendra Kr. Das
179. 243510 Shri M.Toshi Ao
180. 208219 Shri Suresh Gowala
181. 243765 Shri Jongpong Ao
182. 243759 Shri Champak Kanwar
183. 237916 Shri Lalchand
184. 243784 Shri Baliram Sharma
185. 238133 Shri M.D.Hamid No.2
186. 243036 Shri Khagen Kalita
187. 243731 Shri Ratan Krishna Pal



188. 238370 Shri G.K.Borah
189. 237493 Shri Rampravesh Singh
190. 243757 Shri Ram Bachan
191. 220177 Shri Rameswar Shaw
192. 243766 Shri S.Pandiyan
193. 243596 Shri Sunil Baruah
194. 238145 Shri Mukuu Harijan
195. 243765 Shri Narayan Mazumdar
196. 243367 Shri Dimbeswar Boro
197. 238212 Shri Basant Tanti
198. 243761 Shri Samar Kumar Pal
199. 243432 Shri Sivmuni
200. 237806 Shri Tarapada Biswas
201. 243750 Shri Sheo Kr.Prasad
202. 238360 Shri Nageswar Baruah
203. 238368 Shri Rudra Kanta Gogoi
204. 237850 Shri J.N.Baruah
205. 238010 Shri J.C.B.Gohain
206. 220115 Shri Mahabir Dass
207. 238359 Shri Dil Bahadur Thapa
208. 243782 Shri Rabinson Muivah
209. 208188 Shri Motilal Mahato
210. 220255 Shri Kesav Rao
211. 243903 Shri B.K.Dutta
212. 243896 Shri M.C.Kar
213. 243902 Shri S.D.Nath
214. 243488 Shri J.A.Clary
215. 310013 Shri Satya Narayan Das
216. 243897 Shri Kamal Bahadur Dorjee
217. 243798 Shri N.K.Gaichun
218. 243518 Shri Jaiprakash
219. 243949 Shri Padam Bahadur
220. 224462 Shri Bahar Yadav
221. 237484 Shri M.D.Hamid No.1
222. 243529 Shri Inderdeo Mistri
223. 243957 Shri Bhanubhakta
224. 238441 Shri Ram Swarup Mandal
225. 243686 Shri S.Karim
226. 238268 Shri S.Karim
227. 220112 Shri Rajendra Prasad
228. 237867 Shri Ajit Ch. Deb
229. 243818 Shri Himangshu Paul
230. 237895 Shri Prem Chand Sharma
231. 243524 Shri J.Mazumdar
232. 220114 Shri C.B.Sharma
233. 237993 Shri Jharkhande Koiri
234. 243513 Shri K.Lakshmanan
235. 220104 Shri Giridhari Yadav
236. 243747 Shri Dasai Raj
237. 243516 Shri Ramanand Singh
238. 220076 Shri Nanak Yadav
239. 238352 Shri R.N.Pandit
240. 242851 Shri M.D.Sharma
241. 243642 Shri G.J.Thomas
242. 242616 Shri Kesoram Kadel
243. 238367 Shri Kalipada Roy
244. 243494 Shri Ramesh Doom
245. 238007 Shri A.N.Tripathi
246. 237888 Shri T.M.Babukutty
247. 220350 Shri R.Shanmugam
248. 243746 Shri Bishnu Bahadur
249. 243502 Shri K.Vovindan



250. 243868 Shri D.C.Deb
251. 220322 Shri M.N.Kotoky
252. 220102 Shri Bhesh Bahadur
253. 237935 Shri Shiv Kumar Thakur
254. 243745 Shri Paiso Jochoi
255. 243656 Shri Samar Sarkar
256. 243799 Shri K.Shaji
257. 243684 Shri S.Subhash
258. 243590 Shri K.Subramani
259. 237912 Shri Kishori Das
260. 234550 Shri Y.S.Aso
261. 243495 Shri Kulak Bou
262. 238409 Shri K.Ghose
263. 248468 Shri Tikaram Sonar
264. 243755 Shri Pranab Chakraborty
265. 280323 Shri Upen Kalita
266. 220239 Shri R.A.Sharma
267. 243689 Shri N.Lotha
268. 237903 Shri P.Sarkar
269. 243756 Shri N.C.Roy
270. 243505 Shri Tulshi Tanti
271. 238366 Shri T.K.Baruah
272. 243794 Shri Shibben Paul
273. 243768 Shri Dulal Das
274. 237809 Shri A.C.Bora
275. 243735 Shri Jugamaya Das

... Petitioners in
OA No.319/99.

01. MES/243673 Shri Kulamani Singh
02. MES/486721 Shri Umesh Kumar
03. MES/4867744 Shri Devesh Pandey
04. MES/263634 Shri Soumen Bhattacharya
05. MES/203543 Shri A.K.Mandal
06. MES/A191580 Shri Gudas Singh
07. MES/239005 Shri Ratul Mahanta
08. MES/204078 Shri A.K.Haldar
09. MES/A-125013 Shri Rami Chand
10. MES/242229 Shri B.N.Saikia
11. 224267 Shri P.C.Das
12. MES/264649 Shri Noris Rani
13. MES/237945 Shri Antony Cherian
14. MES/243461 Shri K.Y.Singh
15. MES/264068 Shri Narayan Sharma
16. MES/243554 Shri D.B.Chetri
17. MES/242232 Shri K.C.Saikia
18. MES/220191 Shri Manju Passi
19. MES/243916 Shri Smuel Killing
20. MES/243893 Shri K.Sikhra
21. MES/220145 Shri Rama
22. MES/243924 Shri Satrughan Thakur
23. MES/225161 Shri Amar Singh

... Petitioners in
OA No.179/2000

01. MES/223615 Shri Satya Brata Mazumdar
02. MES/225367 Shri Rajen Chandra Boro
03. MES/238173 Shri R.C.Baishya
04. MES/467160 Shri M.M.Beg
05. MES/237905 Shri P.C.Annamalai
06. MES/208503 Shri Shambhu Ghosh



07. MES/22438 Shri P.Sil
08. MES/420132 Shri S.Biswas
09. Shri F.Anthoniswamy
10. MES/229149 Shri Jogi Pradhan
11. MES/243602 Smt. Shila Devi
12. MES/243604 Smt. Mili Paul
13. MES/238098 Shri A.Hazarika
14. MES/242428 Shri A.C.Gopa & 6 others.

... Petitioners in
OA No.276/2000.

01. MES/242396 Shri Indreswar Rajkumar
02. MES/237523 Shri Phanidhar Chutia
03. MES/229177 Shri Bikash Chakraborty
04. MES/243907 Shri M.K.Dinpi Ziliang
05. MES/229812 Shri Gobinda Narzary
06. MES/229610 Shri Kamal Narayan Goswami
07. MES/243920 Shri M.H.Laskar
08. MES/242028 Shri G.C.Bora

... Petitioners in
OA No.224/2000.

All the respondents are working
under the petitioners at different
stations under the Commandant 310
EME Station Workshop, 869 Engineer-
ing Area, MES, 868 EWS C/o 99 APO.

... Respondents

III). WRIT PETITION(C) NO.4226 OF 2001

1. Union of India,
represented by the
Secretary to the
Government of India,
Defence Department,
New Delhi.
2. Shrimati Vandana Srivastava,
Controller of Defence Accounts,
Udhyan Vihar, Narangi, Guwahati-26.
3. The Chief Engineer, Air Force,
Shillong Zone, P.O. Nonglyer,
Shillong - 9.
4. The Garrison Engineer,
868 E.W.S.,
C/O 99 APO.

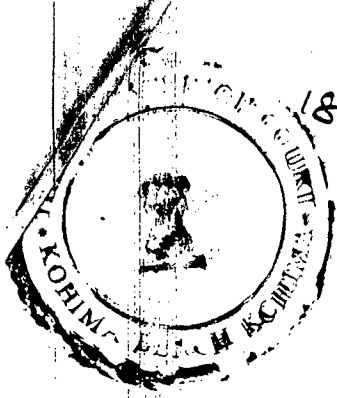
... Petitioners

Versus

Sri Sitangshu Mazumdar,
MES No.233928 S.A.I.,
Office of the Chief Engineer,
(Air Force), Shillong Zone,
Shillong, P.O. Nonglyer,
Shillong-9

... Respondent

Contd.....P/12.



IV). WRIT PETITION(C) NO.4227 OF 2001

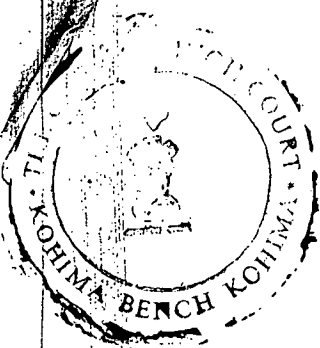
1. Union of India,
represented by the Secretary,
Ministry of Defence, South Block,
New Delhi.
2. The Army Headquarters,
Engineer in Chief, DHE,
P.O. New Delhi-11.
3. Controller General of Defence
Account, R.K.Puram, West Block-V,
New Delhi - 22.
4. Controller General of Defence
Account, Udayan Bihar, Narengi,
Guwahati.
5. Chief Engineer,
Shillong Zone, Shillong.
6. Area Accounts Officer,
Shillong.
7. Chief Works Engineer(CWE),
137, Works Engineer, C/O
99 APO.
8. Garrison Engineer,
869 EWS, C/O 99 APO.
9. Area Accounts Officer,
Garrison Engineer,
869, EWS, C/O 99 APO.

.....

Petitioners

Versus

1. 243601 Sri Sukanta Chakraborty
2. 243827 Sri Ram Sanjiwan Sharma
3. 243585 Sri Tilakeswar Giri
4. 220306 Sri P.C.Borah
5. 248508 Sri R.C.Paul
6. 243670 Sri V.K.Ravindra Nair
7. 243557 Sri Sahid Hussain
8. 243678 Sri Ramjoy Sutradhar
9. 238398 Sri Nihaluddin
10. 243055 Sri MRG Unnithan
11. 238499 Sri Shoib
12. 220181 Sri Pundeo Mahato
13. 237352 Sri Panchu Pradhan
14. 238517 Sri Lakhan Mandal
15. 238301 Sri Laxman Rai
16. 243800 Sri M.D.Muslim
17. 220130 Sri Hasmat Ali
18. 243610 Sri Gulab Singh Pal
19. 243636 Sri S.R.Kassi
20. 238502 Sri J.N.Kunwar
21. 238374 Sri Tika Ram Sharma
22. 243616 Sri Bhoj Raj Sharma
23. 238121 Sri J.K.Prashad
24. 237999 Sri Ram Jatan
25. 220141 Sri Lakhi Chand Mahato

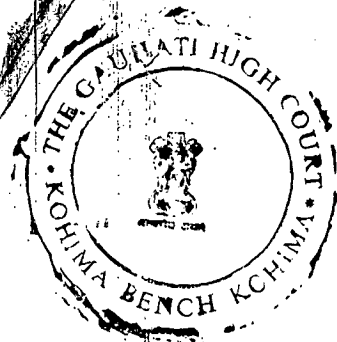
- 
26. 220200 Sri Callactor Dom
 27. 243908 Sri Raju Bahadur
 28. 216846 Sri Bhuni Deo
 29. 243878 Sri Ram Dulara Singh
 30. 220293 Sri Lallan Prashad
 31. 238143 Sri Ram Prashad Koiri
 32. 243606 Sri Ganesh Thakur
 33. 238394 Sri Baleswar Mahato
 34. 238127 Sri Gauri Sankar Prashad
 35. 220165 Sri Ram Nath Mahato
 36. 243594 Sri L.Manikkam
 37. 243374 Sri Dukhan Gaud
 38. 238295 Sri Jagan
 39. 238410 Sri Baleswar Ram
 40. 243802 Sri Prem Singh Paul
 41. 243638 Sri Bahadur Cheetri
 42. 220268 Bhagi Rathi Sharma
 43. 243612 Shri A.Subramani
 44. 238049 Sri S.N.Rajkhwa
 45. 237962 Sri C.Murgan
 46. 265312 Sri Bhajan Manjhi
 47. 220399 Hardeo Bhagat
 48. 237801 Nasib Lal Rai
 49. 243645 Sri Reghubir Rai
 50. 242717 Sri Gopal Dutta
 51. 220208 Sri Narayan Naik
 52. 210885 Shri Mundrika Prashad
 53. 220265 Shri Ugam Sharma
 54. 220271 Sri Shiv Nath Mallah
 55. 238050 Sri A.B.Tirwa
 56. 237296 Sri Sita Ram Harijan
 57. 220329 K.Soman Pillai
 58. 237909 Sri Ghura Prashad
 59. 238027 Sri Parsan Rai
 60. 237728 Sri Lok Bahadur Gurung
 61. 237571 Sri Ram Narayan Prasad
 62. 220320 Sri Lal Bachan Bhagat
 63. 243635 Sri V.Sanna Kris-hnan
 64. 2887 Desai Thakur
 65. 238300 Sri P.S.Winghaway
 66. 243637 Sri Prafulla Chandra Das
 67. 220293 Sri K.O.George
 68. 243912 Sri M.K.Johnson
 69. 243386 Sri Gopi Chand
 70. 238466 Sri Shree Prashad
 71. 238377 Sri Gangu Rajbhar
 72. 243619 Sri Krishna Ram
 73. 243964 Sri Deepak Rai
 74. 243624 Sri Mahindra Sahani
 75. 238397 Sri Krishna Tiwari
 76. 243405 Sri R.Mohanan
 77. 238032 Sri A.Rama Krishanan
 78. 220218 Sri Harka Bahadur
 79. 243621 Sri Ram Awadh Harijan
 80. 220182 Sri Kedar Rai
 81. 243982 Sri CH Willing
 82. 224275 Sri R.C.Chakraborty
 83. 237287 Sri Nandu Mahato
 84. 237932 Sri Lalu Yadav
 85. 238306 Srikul Bahadur



86. 238038 Sri Chandra Deo Thakur
87. 220145 Sri Rama
88. 220249 Sri Sudam Mahto
89. 238002 Sri Ram Paras Manjhi
90. 238406 Sri Sona Ram Borah
91. 220184 Sri Chandar
92. 220260 Sri Dudh Nath Ram
93. 237738 Sri Ambika Mahato
94. 238340 Sri Guna Ramchaliha
95. 243674 Sri Harickson Periera
96. 243658 Sri C.Madhappan
97. 220053 Sri Sushil Kumar
98. 238245 Sri Tribeni Prashad
99. 243403 Sri K.P.S.Nair
100. 220204 Sri K.D.Sahayam
101. 243688 Sri Sashidharan Nair P
102. 228828 Sri Jagdish Singh
103. 243669 Sri M Mohana Krishnan
104. 238030 Shri Asharfi Ram
105. 220129 Sri Kunju Raman
106. 243888 Sri Dipen Kunwar
107. 228334 Shri C.D.Yadav
108. 238247 Sri Soban Singh
109. 2959 Sri Balam Mandal
110. 243914 Sri R.Naganighing
111. 238353 Sri A.R.S.Rana
112. 220185 Sri Ram Chand
113. 220134 Sri A.M.Malik
114. 243608 Manik Chand Borah
115. 243615 Sri Bal Chand Yadav
116. 243675 Sri Param Jit
117. 237118 Sri K.P.Gopinathan Nair
118. 238289 Sri Man Bahadur
119. 238018 J.Y.Thooldhappan
120. 243639 Sri C.Rajendran
121. 364382 Sri P.K.Dixit
122. 220190 Sri Bhakta Bahadur
123. 243633 Sri L.Regon
124. 220194 Sri Usab Singh
125. 220147 Sri Joginder Tiwari
126. 238045 Sri P.C.Kannan
127. 238396 Sri Ram Lochan Sharma
128. 243640 Sri Bhola Mahato
129. 238471 Sri Jaigu Ram Baruah
130. 237729 Sri J.D.Burman
131. 6626517 Sri Dal Bahadur
132. 243381 Sri P.Shreedharan
133. 243609 D.Deena Dayalan
134. 243668 Sri S.P.Ravi Chandran
135. 220234 Sri Chandra Goud
136. 237286 M.Haribandhu Rao
137. 238038 Sri Puran Singh Aale
138. 343461 C.N.Rajjappan

... Respondents in
OA.NO.155/2000

1. 242664 Sri Bhakta Bhadur Chetri
2. 220203 Sri Jagat Bahadur Chetri
3. 237899 Sri Tita Ram Das
4. 238223 M.D.Ayub
5. 243613 MD. Ali



6. 238313 Raj Dali Shah
7. 238108 K.B.Shreshtha
8. 220296 F.F.Periara
9. 243627 O.Apparathnam
10. 238344 Jit Bahadur
11. 243404 Jaimul Hoque
12. 220165 Mundraka Sharma
13. 238297 Bhola Mahto
14. 237073 Rati Kanta Das
15. 238495 Kh. Manglam Singh
16. 263664 Jagabandhu Dhar
17. 197239 Gurdip Singh
18. 405331 Vijoy Augira
19. 243310 Manutra Shah
20. 238296 Ganesh Neog
21. P/3893 S.N.Mandal
22. 243477 Joseph Mathew
23. 238107 B.G.Patra
24. 238749 N.P.Borah
25. 238495 K.H.Mangalam
26. 243483 V.D.Murthy
27. 238701 Mukeswar Kalandi

..... Petitioners/Respondents
in OA NO. 201/2000.

All the respondents are working
under the petitioners at differ-
ent stations under 869 Engineering
Works Section, C/O 99 APO.

RESPONDENTS

B E F O R E

THE HON'BLE CHIEF JUSTICE MR.P.P.NAOLEKAR
THE HON'BLE MR.JUSTICE AMITAVA ROY

For the petitioners : Mr. D. Sur,
Addl.C.G.S.C.,
Mrs.N.Sharma,
Addl.C.G.S.C.

For the respondents : Mr.A.Ahmed,
Advocate.

Date of hearing/ : 18.09.2002
Delivery of Judgment
and Order.

JUDGMENT & ORDER(ORAL)

C.J.

Heard Mr.D.Sur, learned Addl. C.G.S.C. assisted
by Mrs.N.Sharma, learned Addl.C.G.S.C. appearing for the



petitioners as well as Mr.A.Ahmed, learned counsel for the respondents.

2. As common questions of facts are involved in the aforementioned four cases, these are heard analogously and, accordingly, we propose to dispose of the same with the following common judgment and order.

3. After going through the records, we feel that the Tribunal has not taken into consideration the corrigendum dated 17.4.1995(Annexure-V) as well as office memorandum dated 16.3.1998 (Annexure-VIII) issued by the Under Secretary to the Government of India, Ministry of Defence, New Delhi and also the letter dated 10.4.1999 issued by the Controller of Defence Accounts, Udayan Bihar, Narengi, Guwahati (Annexure-X) before reaching to the conclusion whether the Field Service Concessions Allowance can be retained and are entitled to by the petitioners after 17.4.95 and whether such allowance i.e. Field Service Concessions allowance includes Compensatory Field Area Allowance(CFAA) or Compensatory Modified Field Area Allowance(CMFAA). The Tribunal shall be required to consider whether these allowances form part and parcel of the Field Service Concessions or not. It is only after the Tribunal reaches to the conclusion in regard to these two allowances, an order can be passed by the Tribunal in regard to the retention of the Field Service

23

Concessions Allowance by the petitioners, respondents herein or in regard to the payment of the said amount after 17.2.1997. The office memorandum dated 16.3.1998 (Annexure-VIII) and the letter dated 10.4.1999 (Annexure-X) require considerations by the Tribunal on account of the fact that these documents were not before the Apex Court when the judgment was delivered by the Apex Court on 17.2.1997 in the matter of Union of India and other vs. B.Prasad, B.S.O. and others, reported in (1997) 4 SCC 189.

For the aforesaid reasons, we set aside the order passed by the Tribunal and remand the matter for reconsideration afresh of the petitions filed by the petitioners. It is made clear that the Union of India shall not recover the amount from the petitioners, respondents herein till the disposal of the O.As and in accordance with the direction given therein. The petitions stand disposed of.

JUDGE.

CHIEF JUSTICE

as.

TRUE COPY
Sd/-
Substantive cum Stamp Reporter
Gulhati High Court
Kohima Bench

24

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 155 of 2000

-And

Original Application No. 201 of 2000

Date of decision : This the 12th day of December, 2000.

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

Hon'ble Mr. M.P. Singh, Member (A)).

O.A. No. 155 of 2000.

Shri Sukanta Chakraborty
MES No. 243601,
Electrician Skilled
O/o Garrison Engineer,
869 EWS, C/o 99 APO and 137 Ors.

...Applicants

By Advocate Mr. B.K. Sharma

-versus-

... Respondents

The Union of India and Others

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

O.A. No. 201 of 2000

Shri Bhakta Bahadur Chettri
MES No. 242664
FGM
O/o the Asstt. Garrison Engineer (E/M),
869 Engineer Works Section (EWS),
C/o 99 APO and 26 Ors.

...Applicants

By Advocate Mr. B.K. Sharma

-versus-

Union of India & Ors.

... Respondents

By Advocate Mr. B.S. Basumatary, Addl. C.G.S.C.

O R D E R (ORAL)

CHOWDHURY J. (V.C.).

These two applications involve similar facts and common question of law and accordingly these two cases were taken up together for disposal. The cause of action as well as the relief sought for are similar in

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25

nature and accordingly applicants were granted leave for invoking Rule 4 (5) (a) of the Central Administrative Tribunal (Procedure) Rules, 1987.

2. In O.A. Nos. 170/99, 202/99, 319/99, 179/2000 276/2000 and 224/2000 the question of entitlement of Field Service Concession was taken into consideration and we have ordered upon considering aforementioned cases as per the judgement of the Tribunal in O.A. Nos. 124/95 and 125/95 finally disposed of by the Supreme Court holding that the applicants would be entitled for Field Service Concession. These applications are also squarely covered by the aforesaid judgements and therefore they would also be entitled for Field Service Concession in the light of the order passed in O.A. Nos. 170/99, 202/99, 319/99, 179/2000, 276/2000 and 224/2000. Accordingly respondents are directed to pay Field Service Concessions to the applicants as per decision rendered in the aforesaid cases and the measures taken for recovery of the Field Service Concession are set aside. In these applications the other prayer of the applicants relating to the payment of Special Compensatory Allowance (Remote Locality). The Supreme Court in Civil Appeal No. 1572 of 1997 (Arising out of S.L.P. (Civil) No. 14088 of 1996)), it was held that the defence civilian personnel deployed at 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 area risking their lives as envisaged in the proceedings of the Army dated 31.1.1994. But the modified Field Area, in other words, in the defence terminology,

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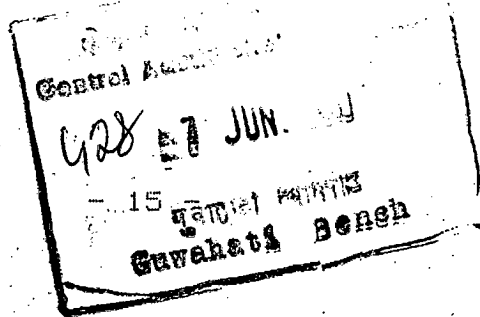
Barracks in that area is a lesser risking area hence they shall not be entitled to double payment.

3. Upon hearing the learned counsel for the applicants Mr. B.K.Sharma and Mr. A. Deb Roy, Sr. C.G.S.C. and Mr. B.S. Basumatary, Addl. C.G.S.C. for the respondents we are of the view that the matter relates to ascertainment of the fact as to whether the applicants are/were deployed at the border area for support of the operational requirement and are/were in the field area and not in the lower danter area at the billets. Since it is a question of evaluation of facts, we leave the matter to the respondent to find out whether the applicants are/were deployed at the Border Area of the Operational requirement and they were in the filed area and not in the lesser risking area like barracks. In the event on assessment of facts, the Respondent finds that the applicants are/were engaged at the frontier area for backing up the operational needs and are/were in the Field area and not in the less risky zone, the respondents are ordered to take prompt steps for paying the Special Compensatory (Remote Locality) Allowance. We accordingly direct the Respondents to determine the entitlement of the applicants at the earliest instance.

4. With the directions made above, the applications are disposed of. There shall, however, be no order as to costs.

Sd/ VICE CHAIRMAN

Sd/MEMBER (Adm)



23

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

(An application under section 19 of the Central Administrative Tribunal Act.1985)

O.A.No. ... 201 of 2000

BETWEEN

Shri Bhakta Bahadur Chetri & ors.
... Applicants.

- AND -

Union of India & Ors.
... Respondents.

INDEX

Sl No.	Particulars	Page No.
1.	Application	1 to 13
2.	Verification	14
3.	Annexure - 1	15
4.	Annexure - 2	18
5.	Annexure - 3	27
6.	Annexure - 4	28
7.	Annexure - 5	30
8.	Annexure - 6	36
9.	Annexure - 7	41
10.	Annexure - 8	43
11.	Annexure - 9	44

Filed By : <

Date :

file No. C\ws\ss\sukanta.

28
Filed by
Siddhanta
Sarma
Advocate
6/6/2000

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Between

Sl. No.	MES No.	Name	Designation
1.	242664	Shri Bhakta Bahadur Chettri	FGM
2.	220203	Shri Jagat Bahadur Chettri	FGM (SK)
3.	237899	Shri Tita Ram Das	FGM HS-II
4.	238223	MD Ayub	Ref/Mech HS-II
5.	243613	MD Ali	Mazdoor (USK)
6.	238313	Raj Bali Shah	Mate (SS)
7.	238108	K.B. Shreshtha	Mate(SS)
8.	220296	F.F. Periera	F/Pipe (SK)
9.	243627	C. Apparatnam	Mazdoor (USK)
10.	238344	Jit Bahadur	FGM (SK)
11.	243404	Jainul Hoque	V/man (SS)
12.	220165	Mundrika Sharma	do
13.	238297	Bhola Mahto	do
14.	237073	Rati Kanta Das	Office Asstt.
15.	238495	Kh. Manglem Singh	FGM HS-II
16.	263664	Jagabandhu Dhar	JE (E & M)
17.	197239	Gurdip Singh	do
18.	405331	Vijoy Augira	AGE (E & M)
19.	243310	Manutra Shah	Mate (SS)
20.	238296	Ganesh Neog	Mate (SS)
21.	P/3893	S. N.Mandal	FGM (SK)
22.	243477	Joseph Mathew	Elec (SK)
23.	238107	B.C. Patra	FGM HS-II
24.	238749	N.P. Borah	C/Jointer HS-II
25.	238495	K.H. Mangalam	FGM (HS-II)
26.	243483	V.D. Murthy	Peon
27.	238701	Mukeswar Kalandi	Mazdoor

All the applicants are Defence Civilian Employees working under the Respondents in Group C & D capacities and their presently posted at Nagaland.

... Applicants

- AND -

Bhola Bahadur
Chakraborty

1. Union of India,
represented by the Secretary to
the Government of India,
Ministry of Defence, South
Block, RK Puram, New Delhi-1.
2. Army Headquarters,
Engineer in Chief, DHE, P.O. New
Delhi-11.
3. Controller General of Defence
Account, RK Puram, West Block-V,
New Delhi-22.
4. Controller General of Defence
Account, Udayan Bihar, Narengi,
Guwahati.
5. Chief Engineer,
Shillong Zone, Shillong.
6. Area Accounts Officer,
Shillong.
7. Chief Works Engineer (CWE),
137, Works Engineer, C/o 99 APO.
8. Garrison Engineer,
869 EWS, C/o. 99 APO.
9. Area Accounts Officer,
Garrison Engineer 869, EWS, C/o,
99 APO.

... Respondents

DETAILS OF THE APPLICATION.

1. PARTICULARS OF ORDER AGAINST WHICH THIS APPLICATION
IS MADE.

The present applicant is directed against the
action of the Respondents for non-payment of Special
Compensatory Allowance which was stopped with effect
from 17.4.1995 and Field Service Concession which was
stopped with effect from April '99 as per the judgment
and order passed in OA No. 148/95. by issuing various

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orders as mentioned in the following paragraphs "FACTS OF THE CASE.

2. JURISDICTION OF THE TRIBUNAL

That the applicants declare that the subject matter of the present application is well within the Jurisdiction of this Hon'ble Tribunal.

3. LIMITATION

The applicants declare that the present application have been filed within the limitation period prescribed under Section 21 of the Administrative Tribunal Act 1985.

4. FACTS OF THE CASE

4.1 That the applicants are citizens of India and as such they are entitled to all the rights and privileges as guaranteed under the Constitution of India and laws framed thereunder. All the applicants are Civilian Employees belonging to Group C & D under the Ministry of Defence.

4.2 That all the applicants have got at common grievance, common cause of action and the nature of relief prayed for is also said they belong to the lower statum of the service and hence having been regard to the facts and circumstances, they intended to prefer this application jointly and accordingly they crave leave of this Hon'ble Tribunal and pray that they may

*Bhakti Bahadur
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be allowed to joint together in this present application invoking Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules 1987. 31

4.3 That the applicants are entitled to Special Compensatory (Remote Locality) allowance and Field Service Concession as have been granted by the Government of India by issuing various circulars. However, the Respondents inspite of repeated persuasion by the applicants have not grant to the said benefits to the applicants. It is therefore the applicants having no other alternative, have come before this Hon'ble Tribunal seeking an appropriate direction for payment of aforesaid allowances including the arrears due thereon.

4.4 That the applicants states that they are all Central Government Civilian Employees working in the Nagaland as stated above and ever since their entry in to their respective service, they have been rendering their sincere and dedicated service to the satisfaction of all concerned.

4.5 That apart from the other benefits, the applicants are entitled to Field Service Concession in terms of Government of India's letters dated 31.1.85, 13.1.94 and 25.1.94. The Respondents inspite of repeated requests have stop the said allowance with effect from April'99 which was paid to them till the month of March'99.

Bhakti Bhaskar
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Copies of the said letters dated 31.1.94, 13.1.94 and 25.1.94 are annexed hereto as Annexure- 1, 2 and 3 respectively.

4.6 That the applicants as stated above being Defence Civilian Employees are also entitled to grant of Special Compensatory (Remote Locality) Allowance in terms of Office Memorandum No. 20014/9/85-E.IV dated 23.9.86. The aforesaid payment of Special Compensatory (Remote Locality) allowances has been deny to the applicants with effect from 17.4.95.

A copy of the OM dated 23.9.86 is annexed herewith and marked as Annexure-4.

4.7 That the applicants claiming the aforesaid benefit of two allowances namely Special Compensatory, (Remote Locality) Allowance and Field Service Concession Allowances alongwith other allowances like HRA and SDA had filed OA No. 148/95 before this Hon'ble Tribunal. The Hon'ble Tribunal after hearing the parties was pleased to allow all the allowances vide its order dated 24.8.95 alongwith other connected matters.

A copy of the aforesaid judgment and order dated 24.8.95 is annexed herewith and marked as Annexure-5.

4.8 That it is pertinent to mention here that in the

Bhakti Bhattacharya
Chief

aforesaid OA 148/95 the applicants had prayed for grant of four allowances i.e. Special Duty Allowance (SDA), House Rent Allowance (HRA), Special Compensatory (Remote Locality) Allowance (SCA)(RL) and Field Service Concession (FSC). All these prayers made by the applicants for payment of aforesaid allowances were allowed by the Hon'ble Tribunal vide Annexure-5 judgment and order dated 24.2.95. The Hon'ble Tribunal in its judgments allowed the SCA(RL) with effect from 1.10.95 and FSC with effect from 1.4.93.

4.9 That the Respondents thereafter challenging the aforesaid judgment and order had approached the Hon'ble Supreme Court by way of filing Civil Appeal No. 1572/97 alongwith some other connected Appeals. The Respondents in the said Civil Appeal has taken the various grounds before the Hon'ble Apex Court regarding Field Service Concession and SCA(RL), but while disposing of the said Civil Appeal, the Hon'ble Apex Court have only dealt with the question of payment of SDA and SCA(RL). In regard to payment of SCA(RL) the Hon'ble Supreme Court has held that the applicants are entitled to the benefit of the said allowance i.e. SCA(RL).

A copy of the said Appeal dated annexed herewith and marked as Annexure-6.

4.10 That the applicants begs to state that Respondent No. 4 Controller of Defence Account on 10.4.93 issued an order to the Garrison Engineer directing him to make

Blake Bhabha
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recoveries of payments already made in regard to FSC to the applicants. It is pertinent to mention here that as per the judgment and order passed in OA No. 148/95 they were enjoying the benefit of FSC. Thereafter the Respondents challenging the said judgment and order approached the Hon'ble Apex Court and the Hon'ble Apex Court was pleased to confirmed the said benefit vide Annexure -6 judgment. Again the Respondents miss interpreting the judgment of the Hon'ble Supreme Court has stopped the payment of SCA (RL) illegally more so when there is a clear cut direction of this Hon'ble Tribunal as well as Hon'ble Supreme Court.

A copy of the order dated 10.4.99 is annexed herewith and marked as Annexure-7

4.11 That the applicants begs to state that the Respondents have been issuing various orders regarding stoppage and recovery of the aforesaid allowances i.e. FSC and SCA(RL). It is pertinent to mention here that the Respondents without applying the mind the Respondents have issued various orders in the form of clarifications as well as directions to the Local Offices regarding stoppage and recovery of arrear payments made towards FSC and SCA(RL) from the applicants. Mention may be made of one of such order dated 5.5.99 by which the amount already paid towards FSC has been sought to be recovered from the applicants.

A copy of the order dated 5.5.99 is annexed herewith and marked as Annexure-8

4.12 That the applicants states that the action of the

*Black to Bahadur
Chakraborty*

Respondents issuing the aforesaid impugned orders are contentious in nature and for that the concerned officers are liable to be punished under the contempt of courts order as well as for their willful and deliberate violation of the same, sincere the order are in violation of clear cut direction issued by the Hon'ble Supreme Court as well as this Hon'ble Tribunal.

4.13 That the applicants beg to state that from the above impugned orders and its other connected orders which could not be obtained by the applicants from the office of the Respondents in relation to non-payment, stoppage and recovery of FSC and SCA(RL) it can be presumed that the same has been issued violating the clear cut directives of this Hon'ble Tribunal and Hon'ble Apex Court. It is noteworthy to mention here that through the correspondences of the Respondents from one office to another regarding the aforesaid allowance it is crystal clear that they are yet to understand the contents and legal implications of the aforesaid judgments and orders of the Hon'ble Tribunal as well as Hon'ble Supreme Court, inspite of its clear and unambiguous wordings directing them to pay the aforesaid allowances. As stated above the Respondents have not applied their mind in issuing the aforesaid impugned orders.

The applicants inspite of best effort could not collect the other connected orders regarding non-payment, stoppage as well as recovery of the aforesaid two allowances i.e. FSC and SCA(RL) and hence they pray before this Hon'ble Tribunal for an appropriate direction for production of the said orders at the time of hearing the case.

*Shakti Bahadur
Chhetri*

4.14 That the applicants beg to state that other similarly situated employees are still getting the benefit of the aforesaid allowances i.e SCA(RL) and FSC pursuant to passing of interim orders by the Hon'ble Tribunal and some are getting the said benefit even without approaching this Hon'ble Tribunal. The law is well settled that if an allowance is fixed under a prescribed circumstances and service conditions, same should be applicable to all the similarly situated employees without discriminating them with each other.

4.15 That the applicants beg to state that since long they have been pursuing the matter before the legal forums but the Respondents even after clear cut direction from the said forums more specifically the Hon'ble Apex Court have been denying the said benefit which has resulted in gross arbitrariness in their action towards issuance of the impugned orders and on this score along the aforesaid impugned orders are liable to set aside and squashed directing the Respondents to pay current as well as arrear payments towards the aforesaid allowance in question.

4.16 That the applicants as stated above that the Respondents have acted illegally and arbitrarily in issuing the impugned orders and the other connected orders by which the payment of FSC and SCA(RL) has been stopped with a further proposal for making recoveries of the same including its arrears. However, till date as per the said impugned orders no follow up orders have been issued towards its recovery. Hence the applicants have got reasonable

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apprehension that at any moment Respondent may issued such order of recovery towards the payments already made under the Head of FSC and SCA(RL). In fact the Garrison Engineer has issued an order dated 25.4.2000 by which the decision of the Comptroller of Defence has been conveyed. It is therefore the applicants pray for an appropriate interim order directing the Respondents not to recover any amount paid towards SCA(RL) and FSC from the applicants during the pendency of this OA.

A copy of the order dated 25.4.2000 is annexed herewith and marked as ANNEXURE-9.

4.17 That this application has been made bonafides and to secure ends of justice.

5. GROUNDS WITH LEGAL PROVISIONS.

5.1 For that the entire action on the part of the Respondents in issuing the impugned orders dated 10.4.99 (Annexure-7), 5.5.99 Annexure-8 AND 25.4.00 (ANNEXURE-9) is illegal, arbitrary and same is also violative Article 14 and 16 of the Constitution of India, and hence same is liable to be set aside and quashed directing the Respondents to pay the current FSC and SCA (RL) allowance to the Applicants with arrears and 18% interests on delayed payment.

5.2 For that action of the Respondents in treating the Applicants not at par with the other Central Government Employees who are receipt of aforesaid allowances are highly discriminatory and same is violative of Article 14 and 16 of the Constitution of India. The Respondents being a model

*Bhalek Behadur
Chalek*

employer should have extended the said benefit to the Applicants without requiring them to approach this Hon'ble Tribunal. Hence the entire action of the Respondents is illegal and not sustainable in the eye of law.

5.3 For that the Respondents have acted contrary to the clear cut direction issued by the Hon'ble Tribunal and which was confirmed by the Hon'ble Apex Court, and hence the entire action of the Respondents in issuing the aforesaid impugned orders dated 10.4.99 , 5.5.99 and 25.4.00 and other connected orders are illegal and liable to set aside and quashed.

5.4 For that in any view of the matter the action on the part of the Respondents is not sustainable in the eye of law and liable to be set aside and quashed.

5.5. For that the applicants are Defence Civilian Employees and presently they are posted at Nagaland and they are attached with armforced personnel in the Field areas and as such they are entitled to FSC and SCA(RL) in view of Annexures 1 to 4 Office Memorandum and denial of same by the Respondents have resulted in hostile discrimination more so when the Hon'ble Apex Court has affirmed the said benefit to the applicants. On this score along the impugned orders are not sustainable and liable to be set aside and quash.

The Applicants crave leave of this Hon'ble Tribunal to advance more grounds both legal as well as factual at the time of hearing of this case.

6. DETAILS OF THE REMEDIES EXHAUSTED:

That the Applicants declare that they have exhausted

*Bhakti Bahadur
Chhah*

all the possible departmental remedies towards the redressal of the grievances in regard to which the present application has been made and presently they have got no other alternative than approached this Hon'ble Tribunal.

7. MATTER PENDING WITH ANY OTHER COURTS.

That the applicants declare that the matter regarding this application is not pending in any other Court of Law or any other authority or any other branch of the Hon'ble Tribunal.

8. RELIEF SOUGHT:

Under the facts and circumstances stand above the Applicants pray that the instant application be admitted, records be call for and upon hearing the parties on the cause or causes that may be shown and on perusal of records be pleased to grant the following reliefs.

8.1 To set aside and quash Annexure-7 order dated 10.4.99, Annexure-8 order dated 5.5.99 and Annexure-9 order dated 25.4.00.

8.2 To set aside and quash other connected orders by which SCA(RL) and FSC has been stopped and direction has been issued for recovery of the same from the applicants.

8.3 To direct the Respondents to pay FSC and SCA(RL) to the applicants and to pay the arrears due to them with an interest of 18% p.a. on the delayed payment.

8.4 Cost of the application.

8.5 Any other relief/reliefs to which the present Applicants

Shakir Rehman
Chairman

are entitled to under the facts and circumstances of the case and as may be deemed fit and proper by the Hon'ble Tribunal.

9. INTERIM ORDER PRAYED FOR:

Under the facts and circumstances of the case the Applicants pray for interim order directing the Respondents not to recover any amount already paid, to them towards SCA(RL) and FSC during the pendency of the OA.

10. THE APPLICATION IS FILED THROUGH ADVOCATE:

11. PARTICULARS OF THE POSTAL ORDER :

(I) I.P.O. No.: 06497442

(ii) Date: 10.5.2000

(iii) payable at Guwahati

12. LIST OF ENCLOSURES :

As stated in the Index.

Bhekti Bhattacharjee
Advocate

VERIFICATION

I, Shri Bhakta Bahadur Chetri, MES No 242664 S/o Late Kam Chandra Chetri, aged about 54 years, presently working as Fitter General Mechanics (FGM), in the office of the Asstt. Garrison Engineer (E/M), under 869 Engineer Works Section (EWS), C/o 99 APO, Presently posted at Zakhama, District Kohima, in the State of Nagaland, do here by solemnly affirm and state that the statement made in this petition from paragraph 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17 and 18 are true to my knowledge and those made in paragraphs 4,5,6,7,8,9,10 and 11 are matters records of records informations derived therefrom which I believe to be true and the rest are my humble submission before this Hon'ble Tribunal.

And I sign this verification on 6th day of May 2000

Shri
SHRI BHAKTA BAHADUR
CHETRI

-15- -30-

-33-

ANNEXURE - 1

Annexure - 06

HQ 3 Corps (A)
C/O 99 AEC

06 Mar 95

16957/R/A2

List A, B, C, E & F

FIELD SERVICE CONCESSIONS TO DEFENCE CIVILIANS
SERVING IN THE NEWLY DEFINED FIELD AREAS

A copy of Govt of India, Min of Def letter No B/37269/AG/PS 3 (a)/165/D (Pay/Services) dated 31 Jan 95 is fwd herewith for your info and necessary action please.

Joseph A...
(D Obhral)
Major
DAAG
for COS

M31/

Copy of above quoted letter.

AS ABOVE

Sir,

I am directed to refer to para 13 of Govt letter No 37269/AG/PS3(a)/D(Pay/Services) dated 13.1.1995 and to convey the sanction of the President to the following Field Services Concessions to Defence Civilians in the newly defined Field Areas and Modified Field Areas as defined in the above mentioned letter :-

- (i) Defence Civilian employees serving in the newly defined Field Areas will continue to be extended the concessions enumerated in Annexure 'C' to Govt letter No A/22534/AG/PS 3 (a)/97-3/D (Pay/Services) dated 25.1.1964. Defence Civilian employees serving in newly defined Modified Field Areas will continue to be extended the concessions enumerated in Annex B to Govt letter No A/25761/AG/PS3(b)/146-S/2/D (Pay/Services) dated 2nd March 1968.
 - (ii) In addition to above, the Defence Civilian employees serving in the newly defined Field Areas and Modified Field Areas will be entitled to payment of Special Compensatory (Remote Locality) Allowance and other allowances as admissible to Defence Civilians as per the existing instructions issued by this Ministry from time to time.
2. These orders will come into force wef 1st April 95.
 3. This issues with the concurrence of Finance Division of this Min vide their UO No 5(1)/85-AG(14-PA) dated 9.1.1995.

Yours faithfully,
Sd/- x x x x x
(L.T. Thanga)
Under Secretary to the Govt of India

Amended.
My notes.

TRUE COPY

...
Deputy Registrar
Central Administrative Tribunal
Bhubaneswar Bench, Bhubaneswar

-76- -84-
(Annexure - 3 (1))
Annexure - 3 (1)

OFFICE OF THE C.D.O., UDAYAGIRI, DISTRICT, GUJARAT-171
Part.I.OO. No. 21 Dated 9.5.95.

Subj:- Field Service Concessions to Defence Civilians
serving in the newly defined Field Areas.

Govt. of India, Ministry of Defence New Delhi letter
Nos.B/37269/AG/PS3(a)/165/D(Pay)/Services dated 31.1.95 and
B/37269/AG/PS3(a)/730/D(Pay/S.-vices) dated 17.4.95 are
reproduced below for information and necessary action.

Please acknowledge receipt.

No.Pay/01/IX
Dated: 26/5/95

Sr.A.O. (Pay)

Distribution:-

- a) All sub-offices :- As per standard List.
- B) All section in M.O.
- c) Spare

Sr.A.O.(Pay)

I am directed to refer to para 13 of Govt. letter No.37269/A/-
PS3(a)/D(Pay/Services) dated 13.1.1994 and to convey the
sanction of the President to the following Field Service
concessions to Defence Civilians in the newly defined Field
Areas and Modified Field Areas as defined in the above mentioned
letter:-

(i) Defence Civilian employees serving in the newly
defined Field Areas will continue to be extended the
concessions enumerated in Annexure 'C' to Govt.letter
No.A/02584/AG/PS3(a)/97-S/D(Pay)Services dated 25.1.1964
Defence Civilian employees serving in newly defined
Modified Field Areas will continue to be extended
the concessions enumerated in Appendix 'D' to Govt.letter
No.A/25761/AG/PS3(b)/146-S/2/D(Pay/Services) dated 2nd
March, 1968.

(ii) In addition to above, the Defence Civilian employees
serving in the newly defined Field Areas and Modified
Field Areas will be entitled to payment of special
compensatory (Remote locality) allowance and other
allowances as admissible to Defence Civilians as per the
existing instructions issued by the Ministry from time
to time.

2. These orders will come into force w.e.f. 1st April, 95.

3. This issues with the concurrence of Finance Division of
this Ministry vide their AO L.S.5(1)/85-M(14-PA) dated
6.1.1995.

Sd/-

(L.F. Thungu)

Under Secretary to the Government
of India.

Attested.

Attente.

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No.B/37239/IG/PS3(a)/730/D(Pay/Service)
Government of India
Ministry of Defence

New Delhi, the 17th April, 1995.

CORRIGENDUM:

The following amendment is made to this Ministry's letter No.B/37269/IG/PS3(a)/165/D(Pay/Services) dated 31.1.1995, regarding Field Service Concessions to Defence Civilians serving in the newly defined Field Areas:-

Para 1(ii) may be deleted and substituted as under :-

"The Defence Civilian employees, serving in the newly defined modified Field Areas, will continue to be entitled to the Special Compensatory (Remote Locality) Allowance and other allowances as admissible to Defence Civilians, as hitherto, under existing instructions issued by this Ministry from time to time. However, in respect of Defence Civilians employed in the newly defined Field Areas, special compensatory (Remote Locality) Allowance and other allowances are not concurrently admissible along with Field Service."

2. This corrigendum issues with the concurrence of the Finance Division/AF of this Ministry vide their L.D.No.388/AF dated 5.4.1995.

Yours faithfully

(L.T.Thuanga)
Under Secretary to the Govt. of India
Tele: 3012739)

To
The Chief of the Army Staff
New Delhi

Copy to:-
As per list attached.

TRUE COPY

[Signature]
B. Registrar (Jr.) 20/12/96
Joint Administrative Tribunal
Central Bench, Guwahati

-18-

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36-

ANNEXURE-2

No 37269/AG/PS 3(a)/90/D(Pay/Services)
Government of India
Ministry of Defence
New Delhi - 110 011

Dated the 13th January 1994

To

The Chief of the Army Staff

Sub : Field Service concessions to Army Personnel.
Implementation of the recommendation of the
4th Central Pay Commission.

Sir,

I am directed to say that the 4th Central Pay Commission in Para 20.98 of their Report, has recommended that the existing classification of areas for the grant of field service concessions and the concessions admissible in field areas to Armed Forces personnel should be reviewed by the Govt. The structure of field service concessions has since been reviewed. I am directed to convey ~~xxxxxxxxxxxx~~ the sanction of the President to implementation of the following decisions taken in this regard in so far as the ofrs and personnel below officer rank of army (including army postal service) are concerned.

2.1 Classification of Areas. At present field areas are classified into three types, namely, Full Field, Modified Field and Improved Modified Field Areas. The areas in which field service concessions are admissible have been re-defined. Hereafter, field areas will be classified as Field areas and Modified Field areas only.

2.2 Pre-requisites for classifying an area as Field Area and Modified Field area will be as follows :-

Field Area. Field Area is an area where troops are deployed near the borders for operational requirements and where imminence of hostilities and associated risk of life exists. Troops in such areas are located for reasons of operational considerations alone and are not living in Cantonments.

Modified Field Area. Modified Field area is an area where troops are deployed in support of Combat echelons/troops in an operational support role. Degree of operational readiness is slightly lower than that in Field Area, though sustained surveillance continues.

2.3 The details of newly defined Field Areas and Modified Field Areas are contained in Appendices A&B respectively.

2.4 Alternation, if any, the Field/Modified Areas will be notified by the Government of India from time to time.

Contd.....2/-

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Attested.
By
Attache.

TRUE COPY

20/1/1994
Jyoti Registrar
Central Administrative Tribunal
Guwahati Bench, Guwahati

46

- 3 -

- 38 - 39 -

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(ii) For a maximum period of 3 months. While on temporary duty subject to the fulfilment of the following conditions :-

- (a) The officer continues to be borne on the strength of the Unit/Formation in the field/modified field area.
- (b) The officer in the ordinary course returns to duty to a ~~next~~ field/modified field area (not necessary/ the one from which he went) on termination of the temporary duty.
- (c) The period of absence is spent wholly on duty.

NOTE : Compensatory field area allowance/compensatory modified field area allowance will not be admissible to officers holding posts elsewhere who proceed on temporary duty from field/modified field area.

3.3.2. Compensatory field area allowances/compensatory modified field area allowances will not be admissible in the following circumstances :-

(a) When an officer is absent from the field area/modified field area on Annual leave or sick leave or any other leave Except casual leave.

(b) When an officer from a peace area is especially appointed to officiate in a vacancy of less than 3 months duration if the permanent incumbent continues to draw the compensatory field area allowance/compensatory modified field area allowance under the exceptions mentioned above.

NOTE : Compensatory field area allowance/compensatory modified field area allowance will not be admissible in addition to ~~to~~ allowance, ~~foreign~~ foreign allowance, compensatory daily allowance for serving ex-India.

3.4 The conditions for the drawal of compensatory field area allowance and modified field area allowance in the case of JCOs/OR including NCOs(S) will be the same as given in Para 1 of annexure A to this Ministry's letter No A/02584/AG/PS3(a)/97-S/D(Pay/services) dated 25-1-64 as amended.

4.1 Admissibility. These rates of allowances will be admissible to :-

(a) Personnel serving in Detachments, Units and Fms in areas mentioned in Appendices A & B.

(b) Personnel of Defence Security Corps employed with Unit whose personnel are eligible for the grant of those concessions.

4.2 Lists of Fms/Units which are in field area of modified field area and are eligible to field service concessions will be notified by the Corps Commander to PAOs concerned quarterly i.e. for the QE May, Aug Nov and Feb every year by the 15th of the month subsequent to the close of the quarter.

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Attested.
Advocate.

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- 3 -

(ii) For a maximum period of 3 months. While on temporary duty subject to the fulfilment of the following conditions :-

(a) The officer continues to be borne on the strength of the Unit/Formation in the field/modified field area.

(b) The officer in the ordinary course returns to duty to a para field/modified field area (not necessary/ the one from which he went) on termination of the temporary duty.

(c) The period of absence is spent wholly on duty.

NOTE : Compensatory field area allowance/compensatory modified field area allowance will not be admissible to officers holding posts elsewhere who proceed on temporary duty from field/modified field area.

3.3.2. Compensatory field area allowances/compensatory modified field area allowances will not be admissible in the following circumstances :-

(a) When an officer is absent from the field area/modified field area on Annual leave or sick leave or any other leave Except casual leave.

(b) When an officer from a peace area is especially appointed to officiate in a vacancy of less than 3 months duration if the permanent incumbent continues to draw the compensatory field area allowance/compensatory modified field area allowance under the exceptions mentioned above.

NOTE : Compensatory field area allowance/compensatory modified field area allowance will not be admissible in addition to allowance, ~~foreign~~ foreign allowance, compensatory daily allowance for serving ex-India.

3.4 The conditions for the drawal of compensatory field area allowance and modified field area allowance in the case of JCOs/OR including NCOs(S) will be the same as given in Para 1 of annexure A to this Ministry's letter No A/02584/AG/PS3(a)/97-S/D(Pay/services) dated 25-1-64 as amended.

4.1 **Admissibility.** Those rates of allowances will be admissible to :-

(a) Personnel serving in Detachments, Units and Fms in areas mentioned in Appendices A & B.

(b) Personnel of Defence Security Corps employed with Unit whose personnel are eligible for the grant of those concessions.

4.2 Lists of Fms/Units which are in field area of modified field area and are eligible to field service concessions will be notified by the Corps Commander to PAOs concerned quarterly in for the QE May, Aug Nov and Feb every year by the 15th of the month subsequent to the close of the quarter.

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Attested.

Advocate.

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- 4 -

4.3 Other concessions : Other concessions in kind at present admissible in full field areas as per details given in Annexure A to the Ministry's letter No A/02584/AG/PS3(a)/97/S/D(Pay/Services) dated 25-1-64, as amended will continue to be admissible in the newly defined field areas as given in Appx A to this letter. Similarly, the concessions admissible in modified field areas as per details given in Appendix A to this Ministry's letter No A/25761/AG/PS3(b)/146-S/2/D(Pay/Services) dated 2.3.69 as amended will be admissible in the modified field areas as per appendix B to this letter.

5. Three allowances will, however, not be admissible to :-

- Static formations/Units eg. Military farms, MES, Recruiting Office, Training Centres & Establishments.
- NCC Directorates and Units.
- IA Units unless embodied.
- Record Offices and similar Establishments.

5.1 High altitude/Uncongenial Climate Allowance. Personnel serving in Field areas which are situated at a height of 9000ft and above including uncongenial climate areas below height of 9000 ft will be entitled to High Altitude/Uncongenial climate allowance. A lower rate would be applicable for areas at with an altitude of 9000 ft to 15,000 ft and higher rate for areas above 15,000 ft (excluding Siachen). The details of these areas are given in Appx C. The rates of High Altitude/Uncongenial climate allowance are given as under :-

Sl No	Rank	Cat-I (Height from 9000 ft to 15000 ft incl uncongenial climate areas below heights of 9000 ft)	Cat II (Heights above 15000 ft (excluding Siachen))
1.	Lt Col & above	400	600
2.	Lt Col (TS) & Maj	350	525
3.	Captain	250	375
4.	2Lt/Lt	200	300
5.	JCs incl Hon'y commissioned offrs	180	270
6.	Headclerk	140	210
7.	Sep/Nk Including erstwhile NC(E)	100	150

5.2 High Altitude/Uncongenial climate allowance will be admissible in addition to the compensatory field area allowance and other concessions in kind

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Advocate.

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-40- 26-
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The other conditions governing the grant of high altitude/uncongenial climate allowance as given in this Ministry's letter No F.69/3/75/D(Pay/Services) Dated 28.2.75, as amended will continue to be applicable.

6.1. Siachen Allowance. Personnel serving in Siachen Glacier area will be eligible to the grant of Siachen allowance at the following enhanced rates :-

- (a) Officers - B. 1,200/- PM
- (b) JCOs/OR - B. 800/- PM

6.2. Siachen allowances will be admissible in addition to compensatory field area allowances but not with high altitude Uncongenial climate allowance. Other conditions governing grant of Siachen allowance as contained in this Ministry's letter No 1(2)/91/D (Pay/Services) dated 01 May 91 will continue to be applicable.

7.1. Consequential Effects : Officers/JCOs/OR who have been allowed to retain family accommodation at the last duty station as on the date of issue of these orders and who on issue of these orders will cease to be entitled to retain such accommodation may continue to retain the accommodation till such time as married accommodation at the present duty station is made available. Alternatively, their families may be allowed to move to a selected place or residence/home at Government expense, if they so choose, in accordance with existing instructions.

7.2. Personnel of formations/Units who will not be eligible to the grant of field service concessions, consequent upon the formation/Unit being outside the newly defined concessional areas will be governed by normal conditions applicable in peace area for all purposes.

8. Concessions on Attachment

(a) Individuals/Detachments from fmn/Units not served by these orders but who are attached for operational purposes to formations or units drawing the field service concessions will if the attachment is for less than two weeks, be entitled to the concessions at present admissible under para 6 of Annexure A to this Ministry's letter No 402584/AG/PS3(a)/97-S/S/D (Pay/Services) dt 25.1.64 as amended.

(b) If the attachment is for two weeks or more, the allowance; compensatory field area allowance/compensatory modified field area allowance under these orders as also the concessions as applicable as per orders referred to in para 8 (a) above be admissible.

(c) No cash TA/DA will be admissible in either case.

9.1. Date of Effect These orders will come into force with effect from 1st April 1993.

Contd.....6/-

Aves.ed.
Attocate.

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9.2. Consequent upon the coming into force of the revised orders, the following monetary allowances will stand withdrawn from 1.4.93 except in cases referred to in para 11.2. below :-

- (a) Special adhoc allowance of Rs. 70/- PM admissible for officers.
- (b) Separation allowance of Rs. 140/- PM admissible for Offrs.
- (c) Special compensatory (field) allowance ranging from Rs. 53 to Rs. 23 PM admissible for JCOs/OR incl MC(E).

10. Special compensatory (R-rato Locality) allowance. This allowance which is at present admissible in notified field areas/peace areas on the civilian pattern will also stand withdrawn but w.e.f 1st Feb 1994.

11.1. Adjustments : The allowances mentioned in para 9.2 above drawn by the individuals concerned after 1st April, 1993 will be adjusted against the compensatory field area allowance and compensatory modified field area allowance, if admissible, under these orders.

11.2. Where, however, an individual has become disentitled to any monetary allowance consequent upon change in the classification of area, no recovery will be made of the monetary allowance already availed of by an indl under the existing orders upto the date of issue of this letter.

12. The existing orders on the subject of field service concessions will stand modified to the extent indicated above.

13. The concessions to be admissible to defence civilians serving in the newly defined field areas will be notified separately.

14. Suitable administrative instructions for implementation of these orders will be issued to the Army HQs, in consultation with CMA.

15. This issues with the concurrence of Finance Division of this Ministry's vide letter JC No. 5(1)/HQ-AG(8-PA) dated 12.1.94.

Yours faithfully,

Sd/- x x x x x x x
(IA Khan)

(Under Secy to the Govt of India)

RESTRICTED

Attes.ed.

Advocate.

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Appendix 'A' to Govt of India
Ministry of Defence letter No
37269/AG/PS 3(a)/90/D(Pay/Services)
dated 13 Jan 94
(Refers to Para 2.3)

LIST OF FIELD AREAS

1. EASTERN COMMAND

(a) Arunachal Pradesh

(i) Tirap and Changlang Districts.

(ii) All areas North of line joining point 4448 in
LZ 4179-Nukme Dong MS 3272-Sepia MT 2969-Palin MO
9213 Daparajo NA 5841 Along NL-1273-Hunli NM 0170
Tawaken Mt 8136-Chunpai Bun NM 8814 all inclusive.

✓(b) Manipur and Nagaland States.

(c) Sikkim : All areas North and NE of line joining Phalut
LV 4750-Gezing LV 7059-Mangkha LV 6160-Penlang La LW 0666
Rungli LW 1448-BP 1 in LW 4453 on Indo-Bhutan Border - all
inclusive.

2. WESTERN COMMAND

Himachal Pradesh : All areas East of line joining Umasila
NV 3951 Udaipur NY 8663 Mani Karan SB 2300 - Pir Parbati
Pass TA 1459 - Taranda TA 2335 - Barasua Pass TA 8801 all
inclusive.

3. CENTRAL COMMAND

Uttar Pradesh : All area North and NE of line joining
Barasua Pass Gangnani TG 1362- Govind Chat TG 0937-Tapevan
TH-1822-Munsiari TN 8987-Rolagad TO 2466 all inclusive.

4. NORTHERN COMMAND

(a) Ladakh Sector : Areas North and East of line joining
Zojila MU 3036 Baralachala NE 6672 along the great Himala-
yan Range all inclusive.

(b) Valley Sector : All areas west of line joining point
1556 in IR 5470 Gulmarg MT 3105 Naushara MY 3105 Rm Ringapat
MT 2133 Handwara MT 2043 Laingyal MT 2339 Point 8405 in NG
4365 North of line joining point 8403 Dunakut MT 5453 Razan
NW 2239 Zojila all inclusive.

(c) Jammu-Rajouri Sector : All areas west of line joining
Tip of Chicken Neck RD 7073 Canal Junction RD 6364 Mawa
Brahmane MY 3854 Point 1556 in IR 5470 all inclusive.

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Attes.ed.
9.
Advocate.

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Appendix B

LIST OF QUALIFIED FIELD AREAS

SOUTHERN AND WESTERN COMMAND

- (a) Rajasthan and Punjab : Areas West of line joining Jassal, Barmer, Jaisalmer, Pokharan, Udasar, Mahajan, Ranges, Suratgarh, Lalgarh, Jattan, Alohah, Govindgarh, Fazilka, Jandiala Guru, Moga, Dholewal, Beas, Bir Sarangwal, Hussainiwala, Dera Daba Nanak, Laisain Bulge upto the International Border all inclusive.
- (b) Haryana : Satrod (Hissar)
- (c) Himachal Pradesh : Areas North of line joining Narkhanda, Keylong upto field area line/high altitude line.

EASTERN COMMAND

- (a) Assam and Arunachal Pradesh :
- (i) Cachar and North Cachar Dists of Assam including Silchar.
- (ii) All areas of Arunachal Pradesh and Assam North of River Bramaputra less Tejpur, Misamari and field areas.
- (b) State of Mizoram and Tripura.
- (c) Sikkim and West Bengal : Areas Northwards of line joining Sevoke LV 9112 Burdong LV 9850 Sherwani LV 9453 Bagrakot LW 0113 Dandim LW 1109 New Mal Hasimara QB 7894 Ganga Ram Tea Estate CA 1377 upto the High altitude line/field area line/International border all inclusive.

CENTRAL COMMAND

Areas North of line joining Uttarkashi, Karn Prayag, Gauchar, Joshimath, Chamoli, Rudra Prayag, Askoto, Charamagad, Dharchula, Kasauli and Nazendra Nagar upto International Border all inclusive.

NORTHERN COMMAND

- (a) Valley Sector : Areas West of line joining Pattan, Baramulla, Kupwara, Drugmulla, Panges, Mankes, Bunyar, Pantha Chowk, Khanabal, Anantnag, Khundru and Khru upto the existing High Altitude line all inclusive.
- (b) Jammu Region : Areas West of line joining BP 19 Brahmano-di-Bari, Jindra, Dhansal, Katra, Sanjhi Chatt, Bototo, Patni Top, Ramban and Dandihal upto the existing High altitude line all inclusive.

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Autos.ed.
Advocate.

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Appendix 'C' to Govt of India
Min of Def letter No 37269/AG/PS3
(a)/90/D (Pay/Services) dt 13 Jan 94

(Refers to para 5.1)

LIST OF HIGH ALTITUDE (UNCONGENIAL CLIMATE) AREA

1. JAMMU AND KASHMIR - Area along the following line beyond:-

Cease Fire Line Nullah crossing IN 2180 SOUTH along Nullah to NALA junc NH 1969 SOUTH along Nullah to NICHINAI BAR NH 2048 SOUTH EAST along KASHMIR/LADAKH boundary passing through heights 17573 (NN 73) 19590 (NN 72) 19830 (NN 91) 17672 (NN 80) FARIADAD (No 10) SOUTH EAST along boundary to GR NT 2490 SOUTH along boundary to point 21570 (NT 2456) again along boundary to GR NT 2758 EAST AND NORTH EAST along boundary to GR NT 4269 SOUTH EAST along boundary to HAGSHULA (NT 5662) SOUTH EAST along boundary to UMASILA (NT 6850) SOUTH and SOUTH EAST along boundary to KANGLA JOT (NT 9420) KAZALWAN GUREZ REGION, RING PAIN AND RING BALA REGION, TITHVAL AND TANKCHAR REGION AND DODA.

2. HIMACHAL PRADESH : Area along the following line and beyond :-

Along foot path and then nullah to point 12380 (NZ 0891) along MIYAR nullah to its junction with CHENAB at NY 8663) SOUTH EAST along R CHENAB to KHOKEAR (NZ 43) to RAHLA (NZ 47) and straight line to MANI KARAN (SE 6486) along ~~xxxxxxx~~ PARBATI R TO PIR PARBATI.

3. UTTAR PRADESH : Area along the following line and beyond, BARSAD pass (944875) point 20370 (949859) HARSIL (973852) KEDARNATH (TG 5555) BADRINATH (TG 9053) PANCH KESHVAR (TH 0739) (excluding town limits) to JUMAGAR (TH 3599) KALANKA (TH 5028) MILAM (TH 7423) SELA (TO 2593) CHHAYALEKH (TO 4994) and area above 9000 ft in the designated field areas in Area 'A'.

4. NEFA : Area along the following line and beyond :-

Point 14600 (MS 2881) to SENGH OZONG (MS 2888) MATAU (MS 6777) SALPMG (MT 1379) LADUNG (MT 2289) KHANAWA (MD 2603) NYARIN (MD 7525) to 8th mile stone (One ZIRO NYARIN Road) 8 th mile stone (on DAPORIJO - LIMEKING ROAD) poyom 2nd (MT 9379) 2nd mile stone north of YARE (MD 9575) DOSING (NL 3592) DAMROH (NE 16208) AHINKOLIN (NF 8844) KHONLI (NG 2401) GURUKON (NN 4592) LARON (NM 7579) HAY LIANG (NN 0199) CHOMAH (NI 9943) KANAPHU (NN 0125) point 6490 (NN 1403) VIJAYNAGAR (NS 4266)

5. SIKKIM

North and North East of the line running from point 12785 (IN 96) point 10140 (LT 17) point 10405 (LT 38) point 9010 (LT RN 40) Nala Junction (LT 5373) PAC UTHER (LT 5751) point 0030 (LT 64)

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Attested.
Advocate.

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Annex me - 4 8

ANNEXURE - 3

Asst Gen of Staff : Direction
Ordnance (Civ) (d)
Adjutant General's Office
Sana Mushyalya
Adj. Dir. Gen of Ordnance (Civ)-
Assistant General (d)

Adjutant General Br...
Army Headquarters
Attn: D: 111 110 011

25 Apr 74

16729/Grq 4(C1v)(d)

Headquarters

Southern Command
Eastern Command
Western Command
Central Command
Northern Command

~~FIELD SERVICE CONCESSIONS TO CIVILIANS AND
FROM XX REFUGEE SERVICE ESTIMATES INCLUDING
CIVILIANS EMPLOYED IN LIEU OF COMBATING AND
NCOs (BOTH FOREIGN AND LOCALLY RECRUITED)~~

1. On the basis of the fourth central pay commission recommendation, the existing classification of areas for grant of field service concessions has been revised recently vide Min of Def letter No 37.69/AF/PS 3(a)90/D(Pay/Services) dt 13 Jan 94. Some of the concessions/compensatory allowances have also been revised in respect of service personnel. As per the ibid Govt order field areas will be classified as field areas and modified field areas only. The details of newly defined field areas and modified field areas contained in Appx 'A' and 'B' respectively to this letter.
2. It is proposed to extend the same concessions to Defence civilians employed in the field areas as they serve side by side with services personnel under similar conditions in the given areas. They are also required to move in to the border areas and also serve in Janso jungles risking their lives for performing duties assigned to them.
3. The following proposals for concessions/allowances to defence civilians posted in these areas have been proposed to Min of Def for consideration :-
 - (a) Defence civilians serving in field areas and modified field areas to be eligible for the grant of field area allowances and compensatory modified field area allowances respectively at the following rates :-

	Date of application	Date of completion
For pay upto 900/- per month	1. 375/-PM	1. 175/-PM
For pay exceeding Rs. 900/- but not exceeding Rs. 1500/-PM	1. 450/-PM	1. 175/-PM
For pay exceeding Rs. 1500/-PM but not exceeding Rs. 2300/-PM	1. 550/-PM	1. 200/-PM
For pay exceeding Rs. 2300/-PM	1. 750/-PM	1. 300/-PM

.....2/-

Attested.

Attested.

Advocate.

of Ministry of Finance (Department of Expenditure) OM No. 20014/9/88, dated 28.8.88 regarding Grant of Special Compensatory (Remote Locality) Allowance to Central Government employees posted in Negaland received under HQ 3 Corps, O/S 99 HQ Letter No. 12011/6/83 dated 26 Dec 83.

SUB: GRANT OF SPECIAL COMPENSATORY (REMOTE LOCALITY) ALLOWANCE TO CENTRAL GOVERNMENT EMPLOYEES POSTED IN NEGALAND

The undersigned is directed to say that consequent upon decisions taken by the Government on the recommendation of the Fourth Pay Commission in regard to grant of Special Compensatory (Remote Locality) Allowance to Central Government employees posted in Negaland, vide Resolution No. 14(1)/19/86 dated 13.2.86, sanction of the President is hereby conveyed, in supersession of all the existing orders on the subject, to the grant of Special Compensatory (Remote Locality) Allowance to Central Government employees posted in Negaland at the following revised rates:-

Pay ranges	Rate of the Special Compensatory allowance per month
Basic Pay below Rs. 950/-	125/-
Basic Pay of Rs. 950/- & above but below Rs. 1500/-	200/-
Basic pay of Rs. 1500/- & above but below Rs. 2000/-	275/-
Basic pay of Rs. 2000/- & above but below Rs. 3000/-	400/-
Basic pay of Rs. 3000/- & above	525/-

2. These order take effect from 01.10.86. For the period from 01.1.86 to 30.9.86, the above allowance will be drawn at existing rates on the notional pay in the pre-revised scale.

3. Pay means pay in the revised scales of pay introduced under the CCS(R.I.) Rules, 1986. In the case of those who retain the existing scale of pay, it will include, besides pay in the pre-revised scale of pay, appropriate Dearness Allowance, additional D.A., dearness pay, ad-hoc and interim relief thereon at the rates results in a loss to an employee, who has been continuously drawing the allowance from a date prior to 1.10.1986 the amount drawn by him immediately prior to that date will be protected by treating the difference between the allowance so drawn and that admissible at the revised rates as personal advance. This protection will continue till the employee remains posted in the Negaland region and becomes eligible to higher amount either on promotion or otherwise.

Note: Pay means pay as defined under F.A. 0(21) (a) (1).

Contd.....P/

Attested.

Advocate.

4. The Central Government employees in receipt of Special Compensatory Allowance under these orders will not be entitled to composite Hill Compensatory Allowance in addition. However, where the Hill Compensatory Allowance or any other Compensatory Allowance admissible in more beneficial the same may be allowed in lieu of the Special Compensatory Allowance.
5. The Special Compensatory Allowance will be regulated during leave, joining time and suspension in the same manner as City Compensatory Allowance under this Ministry's office Memorandum No 2(37)-EII(B)/64 dated the 27th November, 1965 as amended from time to time.
6. These orders will apply to civilian employees of the Central Government belonging to Groups 'B', 'O' and 'D' only. The orders will also apply to Groups 'B' & 'O' civilian employees paid from the Defence Services Estimates. In regard to Armed Forces Personnel and Railway employees separate orders will be issued by the Ministry of Defence and Department of Railways respectively.
7. In their application to the staff of Indian Audit and Accounts Departments, these orders issue in consultation with Comptroller & Auditor General of India.
8. Hindi version of the order is attached.

Sd/-Y-Y-Y-Y-X
(DP Verma)

Joint Secretary to the Government of India

To
All Ministries, Departments of the Govt of India, Etc.

TRUE COPY

[Signature]
Deputy Registrar (Joint)
Central Administrative Tribunal
Guwahati Bench, Guwahati

-30-

ANNEXURE-5

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.148 of 1995

Date of decision: This the 19th day of September, 1995

The Hon'ble Justice Shri M.G. Chaudhari, Vice-Chairman

The Hon'ble Shri G.L. Sanglyine, Member (Administrative)

Shri Chandra Dev Yadav and 213 others

Applicant Nos.1 to 196 are working under
Garrison Engineer, 869, EWS, C/o 99 APO.

Applicant Nos.197 to 214 are working under
557, ASC Battalion, 12 Compu (ASC Supply Point),
Zakhama.

...Applicants

By Advocate Shri B.K. Sharma with Shri B. Mehta
and Shri S. Sarma.

- versus -

1. The Union of India
represented by the Secretary,
Government of India,
Ministry of Defence, New Delhi.
2. The Controller General of Defence Accounts (CGO),
A.A.O., Shillong.
3. The Controller of Defence Accounts (CDA),
Basistha, Guwahati.
4. The Garrison Engineer,
869, EWS, C/o 99 APO.
5. HQ 137, Command Works Engineer,
C/o 99 APO.
6. OC, Supply Point, Zakhama (Nagaland),
C/o 99 APO.

.....Respondents

By Advocate Shri S. Ali, Sr. C.G.S.C.

ORDER

CHAUDHARI.J. V.C.

Mr B.K. Sharma for the applicants.

Mr S. Ali, Sr. C.G.S.C., for the respondents.

Mr S. Ali states that he has not received any
written statement so far from the respondents and hence it
could not be filed. This is an application filed by ...



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58

applicants who are working under the Garrison Engineer, 869, EWS, C/o 99 APO and 557, ASC Battalion, 12 Compu (ASC Supply Point), Zakhama, which falls under the Ministry of Defence, Government of India.

2. Relying upon O.M.No.20014/3/83-E-IV dated 14.12.1983 the applicants claim that they being civilian employees serving in the N.E. Region are entitled to get Special (Duty) Allowance (SDA) in terms of the modified O.M.No.20014/16/86-E.IV/E/II(B) dated 1.12.1988. They contend that as they have All India transfer liability they are covered by the aforesaid memoranda.

3 The applicants further claim Special Compensatory (Remote Locality) Allowance (SCA(RL)) in terms of office memorandum No.20014/9/86-E.IV dated 23.9.1986. The applicants further claim that they are entitled to get House Rent Allowance (HRA) at the rate of 15% on the monthly salary in terms of the recommendations of the Fourth Pay Commission with effect from 1.1.1986. Lastly, the applicants claim that they are eligible for Field Service Concession (FSC) in terms of Government of India's letter dated 13.1.1994, 25.1.1994 and 31.1.1995.

4. It is stated by the applicants that despite repeated demands the aforesaid benefits were not being given to them by the respondents and, therefore, they had filed Civil Suit No.255/88 in the Court of the Deputy Commissioner (Judicial), Nagaland at Dimapur and obtained a decree dated 19.12.1994, but as they have been advised that the decree is a nullity, as the civil court has no jurisdiction to entertain the matter they have approached this Tribunal. They contend that the time spent in pursuing a wrong remedy should be excluded for the purpose.....



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purpose of calculation of limitation and they be granted the relief.

5. In the civil suit which was contested by the present respondents their stand was that since the applicants are enjoying Free Field Concessions they are not entitled to claim other allowances. They also denied that the service conditions of the applicants were the same as that of other Central Government employees.

6. Now the aforesaid contentions of the respondents urged in the civil suit which may also be taken as their defence in the present application have been examined by us in our judgment in the case of S.C. Omar, Asstt. Executive Engineer, -vs- Garrison Engineer and another (O.A.No.174/93), reported in SLJ 1995(1) CAT (Guwahati Bench) 74. We have held in that case that SDA and SCA(RL) are payable to Central Government employees posted in N.E. Region even if they get FSC. We have not accepted the plea that admissibility of FSC deprives them of these benefits. In arriving at that conclusion we had also referred to the earlier decisions in O.A.Nos. 48/89 and 49/89 dated 29.3.1994. We held that the applicant in that case was entitled to get SDA and SCA(RL) apart from the FSC. We have also followed that decision in our order on O.A.No.124/95 with O.A.No.125/95 decided on 24.8.1995. Consistently with the view so taken we are of the view that the claim made by the applicants must be upheld.

7. As far as HRA is concerned the applicants will be covered by the rates prescribed by the Central Government from time to time for B (B1 - B2) and C class cities. The applicants will be entitled to get the allowance at the rates prescribed from time to time depending upon the nature.....

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- 33 -

nature of classification applicable to them.

8. In the instant application the applicants have raised a contention that they are entitled also to get compensation in lieu of rent free accommodation in terms of O.M.No.11015/4/86-E.II(B)/87 dated 13.11.1987. Mr B.K. Sharma, however, submits that he does not press that claim in the instant application without prejudice to make the claim if so advised by filing a fresh application.

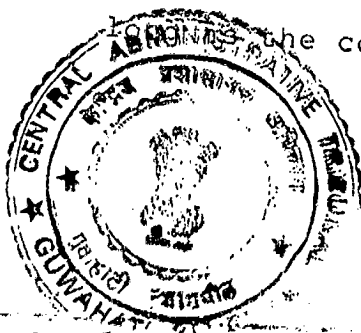
9. It is, however, necessary to mention that as held by the Hon'ble Supreme Court the benefit of SDA is admissible only to those employees who are appointed outside the N.E. Region and are posted inside the N.E. Region. It will be up to the respondents to ascertain the case of each applicant, if necessary, to make the benefit available to such applicants who are entitled to get the same.

10. The SDA will be payable to the applicants who satisfy the above mentioned test with effect from 1.12.1988. They will be entitled to get SCA(RL) with effect from 1.10.1986. We hold that the applicants are entitled to get HRA at the prescribed rate. We also hold that the applicants are entitled to get FSC as admissible from 1.4.1993.

11. In the result following order is passed:

i) It is declared that SDA is payable from 1.12.1988.

ii(a) The respondents are directed to pay to the applicants SDA with effect from the date of actual posting in Nagaland on or after 1.12.1988 as the case may be in respect of each applicant and continue to pay the same so the concession is admissible.



W.H.

-34-

(b) Arrears from the date of actual posting in Nagaland on or after 1.12.1988 upto date to be paid within three months from the date of receipt of copy of this order.

iii(a) It is declared that SCA(RL) is payable from 1.10.1986.

(b) The respondents are directed to pay to the applicants SCA(RL) with effect from the date of actual posting in Nagaland on or after 1.10.1986 as the case may be in respect of each applicant and to continue to pay the same so long as the concession is admissible.

(c) Arrears from the date of actual posting in Nagaland on or after 1.10.1986 upto date to be paid within a period of three months from the date of communication of this order.

iv(a) It is declared that FSC is admissible from 1.4.1993.

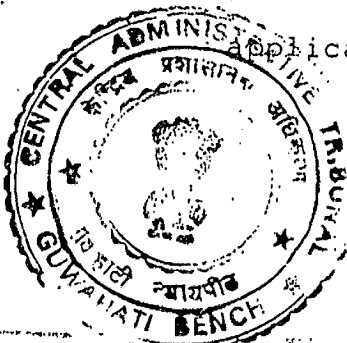
(b) The respondents are directed to extend the FSC to the applicants in the prescribed manner with effect from 1.4.1993 or from the date of actual appointment as the case may be in respect of each applicant upto date and to continue to give the same so long as admissible.

v(a) It is declared that HRA is admissible as indicated below:

(c) The respondents are directed to pay HRA to the applicants at the rate as was applicable to the Central Government employees in B, B-1, B-2 class cities/towns for the period from 1.10.1986 or from the actual date of appointment as the case may be in respect of each applicant upto 28.2.1991 and at the rate as may be applicable from time to time as from 1.3.1991 upto date and

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to continue to pay the same at the rate prescribed hereafter.

(c) Arrears to be paid accordingly subject to the adjustment of the amount as may have already been paid to the respective applicants during the aforesaid period towards HRA.

(d) Future payment to be regulated in accordance with clause (a) above.

(e) Arrears to be paid as early as practicable, but not later than a period of three months from the date of communication of this order to the respondents.

12. The original application is allowed in terms of the aforesaid order. No order as to costs.



Sd/- M. G. Chandhrai
Vice Chairman

Sd/- G. L. Sanghyine
Member (A)

Certified to be true Copy

প্রমাণিত প্রতিলিপি

[Signature] 22/09/95

COURT OFFICER

স্বাক্ষরিত অধিকারী

Central Administrative Tribunal

কেন্দ্রীয় প্রশাসনিক আদালত

Guwahati Bench, Guwahati-8

গুৱাহাটী ব্যাংকপথ, গুৱাহাটী-৪

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1572 OF 1997

(Arising out of SLP (C) No.14088 of 1996)

Union of India & Ors. etc.

... Appellants

Versus

B. Prasad, B.S.O. & Ors, etc.

... Respondents

WITH

CIVIL APPEAL NOS. 1573-1576, 1577, 1578, 1579, 1580-1585/97

(Arising out of SLP (C) Nos. 17236-39, 14104, 15141-42, 15740, 25108-10 of 1996, SLP (C) No. 4336/96 (CC-5040/96), and SLP (C) No. 4338/96 (CC-6860/96))

O R D E R

Leave granted. We have heard learned counsel for the parties.

These appeals by special leave arise from the various orders passed by the Central Administrative Tribunal, Gauhati Bench in different matters. The main order was passed on 17.11.1995 in RA No.4/95 in OA No.49/89.

The Government of India have been issuing orders from time to time for payment of allowances and

facilities for civilian employees of the Central Government servants working in the States and Union Territories of the North-eastern region. It is not in dispute that Special Duty Allowance was ordered by the Government @ 25% of the basic pay subject to a ceiling of Rs.400/- per month on posting on any station in the North-eastern region. Subsequently, the Government have been issuing orders from time to time. In the proceedings dated April 17, 1995, the Government modified the payment of the Special Duty Allowance and Special Compensatory (Remote Locality) Allowance as under:

"The Defence Civilian employees, serving in the newly defined modified Field Areas, will continue to be entitled to the Special Compensatory (Remote Locality) Allowance and other allowances as admissible to Defence Civilians, as hitherto, under existing instructions issued by this Ministry from time to time. However, in respect of Defence Civilian employees in the newly defined Field Areas, Special Compensatory (Remote Locality) Allowance and other allowances not concurrently admissible along with Field Service Concessions."

It is contended by Mr. P.P. Malhotra, learned senior counsel appearing for the Union of India, that the view taken by the Tribunal that they are entitled to both, is not correct and that they would be entitled

to either of the allowances. Shri P.P. Rao, learned senior counsel appearing for some of the respondents has contended that those civilian employees working in the defence service at various stations in the North-eastern region were given Special Duty Allowance with a view to attract the competent persons and the persons having been deployed, are entitled to the same and the amended concessions would be applicable to those employees who are transferred after April 17, 1975. All those who were serving earlier would be entitled to both. Shri Arun Jaitely, learned senior counsel appearing for some of the respondents has drawn our attention to the distinction between Field area and Modified Field area and submitted that in cases where civilian employees are supporting the field defence persons deployed for the border operational requirements facing the immense hostilities, they will be denied the payment of both allowances while the personnel working in the Modified Field Area, in other words, in barracks, will be entitled to double benefit of both the allowance. This creates hostile discrimination and unjust results.

Having regard to the respective contentions, we are of the view that the Government having been

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- 39 -

extending the benefit of payment of Special Duty Allowance to all the defence employees working in the North-eastern region as per the orders issued by the Government from time to time as on April 17, 1995, they are entitled to both the Special Duty Allowance as well as Field Area Special Compensatory (Remote Locality) Allowance. The same came to be modified w.e.f. that date. Therefore, irrespective of the fact whether or not they have been deployed earlier to that date, all are entitled to both the allowances only upto that date. Thereafter, all the personnel whether transferred earlier to that or transferred from on or after that date, shall be entitled to payment of only one set of Special Duty Allowance in terms of the above modified order.

As regards the payment of Special Duty Allowance to the defence civilian personnel deployed at 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 January 13, 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.

The appeals are disposed of accordingly. It is made clear that the Union of India is not entitled to recover any payments made of the period prior to April 17, 1995. No costs.

.....J.
(K. RAMASWAMY)

NEW DELHI;
FEBRUARY 17, 1997.

.....J.
(G.T. NANAVATI)

श्रीमती अना स्रीवास्तावा
नियंत्रक
ANNA SRIVASTAVA
CONTROLLER



Tel : 0361 - 550110 (C)
0361 - 550549 (H)
Fax : 0361 - 550204 (F)

रक्षा क्षेत्र निदेशिका
उपय विभाग, गुवाहाटी - 781 171
CONTROLLER OF DEFENCE ACCOUNTS
UDAYAN VIHAR, MAHAHATI,
GUWAHATI - 781171

DO NO. PAY/TECH/025
Dated : 10th April, 1999

Dear General Chopra,

This is regarding the admissibility of Field Service concessions to Defence civilians serving in Field and in Modified Field areas in conformity with Government order issued from time to time.

2. The Defence civilians serving in Field and Modified Field areas as re-classified in Ministry of Defence letter No. 37269/AG/PS/3(a)/90/D(Pay/services) dated 13/1/94 are entitled to non-monetary field service concessions as envisaged in Appendix 'C' to Ministry of Defence letter No. A/02584/AG/PS-3(a)/97/S/D(Pay/services) dated 25/1/1964 and Appendix-'B' to Ministry of Defence letter No. 25761/AG/PS3(b)/146-5727/D(Pay/services) dated 02/03/68 respectively.

3. Admissibility of only non-monetary field service concessions in Field and Modified Field areas was brought out in the following Govt. orders consequent upon reclassification of areas vide Ministry of Defence letter of 13/1/94.

(i) Ministry of Defence
No. B/37269/AG/PS3(a)/165/D(Pay/services) dt. 31/1/95.

Defence

(ii) Ministry of Defence
No. B/37269/AG/PS3(a)/730/D(Pay/services) dt. 17/4/95.

Defence

(iii) Ministry of Defence
No. B/37269/AG/PS3(a)/1862/D(Pay/services) dt. 12/9/95.

Defence

4. The Field service concessions thus do not include any monetary allowance in the form of Compensatory Field Area Allowance (CFAA) or Compensatory Modified Field Area Allowance (CMFAA) as is applicable to service personnel but a large number of Defence civilians are being paid CFAA and CMFAA in the form of monetary allowance. A copy of Ministry of Defence letter No. 30(4)/96/D(Pay/services) dated 12/3/99 in this regard in response to a reference made and CDA's instructions thereon is enclosed herewith which is self explanatory. Payment of monetary allowance in the form of CFAA or CMFAA to Defence civilians as a part of FSC has to be stopped immediately and payments made so far are to be recovered after giving show cause notice. The details of recoveries to be effected would be available with the Unit authorities and they may be advised accordingly.

Contd. P/2

*Attn: J
R*

5. In view of the above you are requested to kindly issue necessary instructions to various service branches of your HQ and lower formations to effect recoveries of payment already made earlier on the basis of Court judgements or otherwise after giving show cause notices. We are also instructing our sub-offices to stop payment of the monetary allowance from this month. Further, CAT judgements on the above account awaiting implementation are to be held in obedience and ongoing cases contested in CAT for payment of FSC are required to be defended on the basis of Ministry of Defence letter dated 12/3/99.

6. A copy of the instructions issued in this regard may kindly be endorsed to us.

With regards.

Yours sincerely,

V. B. Srivastava

(VANDANA SRIVASTAVA)

Lt Gen S.C. Chopra
Chief of Staff
Hqs. Eastern Command
Fort William,
CALCUTTA-700 021

Copy to :-

1. Maj Gen S.D. Mahanti
Chief of Staff
HQ-3 Corps
C/O 99 APO
2. Maj Gen S.S. Chahal
Chief of Staff
HQ-4 Corps
C/O 99 APO
3. Maj Gen S.S. Puri
Chief Engineer
Hqs. E.C.
Calcutta
4. Maj Gen V.K. Dua, VSM
G.O.C., 101 Area
C/O 99 APO
5. Brig. S.K. Sharma
Chief Engineer
Shillong Zone
6. Brig. D.S. Thukral
CE (Air Force)
Shillong Zone

Copies of MOD communication dated 12/3/99 and CGDA New Delhi letter dated 1/4/99 mentioned above are enclosed with request :

- i) to get claiming of payment of CFPA & CMFAA from April '99 pay bill stopped.
- ii) to get recoveries of payment whatsoever already made effected after serving show cause notice.
- iii) Withholding payment on above account against CAT Judgement awaiting implementation.
- iv) to defend on going CAT cases/contempt proceedings based on MOD letter of 12/3/99.

(F.S. KUPARIJHI)
JL.CDA

Contd.....P/3

COPY/

-43-

Recd

P/11/213/PCA/GE 869
Area Accounts Office
Shillong

dt 5/5/99

To

The GE 869 EWS
C/O 93 APOSub:- Sy Pay Bills on a/c of Address of FSC/HRARef :- Your Lt No. 1104/Basic/214/ELP dt 12/2/99, 1104/Basic/221/ELP
dt 15/2/99, 1104/Basic/243/ELP dt 12/3/99, 1104/Basic/224/ELP
dt 18/2/99, 1104/Basic/230/ELP dt 13/2/99.Sy Bills bearing Vr No. CV/869/01/229 dt 23.10.98, Vr No.
CV/869/01/328 dt 18/2/99, CV/869/02/91 dt 10.8.98, CV/869/01/198
dt 15.9.98, CV/869/02/200 dt 2.2.99, CV/869/06/67 dt 18.8.98,
CV/869/03/120 dt 1.2.99, CV/869/03/121 dt 1/2/99, CV/869/06/206
dt 4/2/99 are returned herewith unpassed with the following
remarks :-As per the recent order/clarification of Govt of India
Ministry of Defence, defence civilians who are in receipt of
Field Concessions in kind, as per relevant appendix of Govt
letters No A/025/AG/PS - 3(a)/97/SID (Pay/Services) dt 25.1.64
are not entitled to other allowances viz. SGA, HRA, etc.
Area allowances SGA & HRA.In view of the above clarification the claims on a/c of
the above subject are returned herewith.Amt already paid towards the above mentioned allowances
are therefore treated as irregular and overpayments worked out
in each case and recovery of overpayment may be effected under
intimation to this office.

Encls :- As above.

Sd/- K K K K
A.O.

C. T. C.

(I Rajkumar)

AB

for Garrison Engineer

CONFIDENTIAL

ANNEXURE-9

PERSONAL ATTENTION OF AGES

- 44 -

Garrison Engineer
859 Engr Hqs Engr
C/O 99 APO

Apr 2000

C/1000/ 02 /EIC

✓ AGE #107 Zafrawa
All AGES

RECOVERY OF PSC ALICE

1. It has been decided by CDA to effect recovery of PSC Alice from all persons who have been paid the said Alice under various OAs based on CAT direction. You are requested to send nominal roll of persons who are not involved in any OA so that further necessary action can be taken by this office.

2. Please fwd your reply by 30 Apr 2000 treat matter more urgent.

(W K Gupta)
Major
Garrison Engineer

Copy to :-

MAJ GEN DSG ENGR
C/O 99 APO

May

1. Alongwith copy of CDA's No 1000/1000/1000 dated 19 Apr 2000.
2. Please recover amount of non applicants as per direction of CDA.

CONFIDENTIAL

Handwritten signature/initials

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I, Major Vijaya Kumar VS, Son of Late TK Sreedharan Nair aged about 42 years serving as Garrison Engineer 869 Engineer Works Section, do hereby solemnly affirm and declare as follows :-

(1) That I have been impleaded as the Respondent Number 8 in the aforesaid O.A. I have received a copy of the said petition and on going through the same and understanding the contents thereof, I file the following reply for and on behalf of all Respondents.

(2) That save and except what have been admitted here-in-after, all other statements as contained in the O.A which are contrary to and inconsistent with what has been admitted here-in-after are deemed to have been denied by the deponent.

(3) That with regard to statement contained in para 1, 2 and 3 of the O.A, the deponent has no comments to offer.

(4) That with regard to statement contained in para 4, 4.1 and 4.2 of the Petition, the deponent admit the same to the extent borne out of record.

(5) That in reply to the statement contained in para 4.3 of O.A which are contrary to and inconsistent with what has been admitted here-in-after are deemed to have been denied by the deponent.

(6) That with regard to statement contained in para 4.4 the deponent admit the same to the extent borne out of record.

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(7) That in reply to the statement contained in Para 4.5, the deponent beg to state that as per Appx 'C' to Government of India, Min of Defence letter No. A/02584/S/PS-3(a)/97-S/D(Pay/Services) dated 25 Jan 1964 (Annexed as Annexure-I) the Petitioner are already availing field service Concession which is non Monetary benefit in field area. The position of FSC has also been clarified by Government of India Min of Defence vide letter No.30(4)/96/D(Pay/Services) dated 12 Mar 1999 (Annexed as Annexure-II). As such action to effect recovery is justified.

(8) That in reply to the statement contained in Para 4.6 of the O.A, the deponent beg to state that as per instructions contained in Government of India, Min of Defence letter No.B/37269/AG/PS3(A)/730/D(Pay/Services) dt 17 Apr 1995 (Annexed as Annexure-III) SCA (RL) allowance and other allowances are not concurrently admissible alongwith FSC.

(9) & That in reply to the statement contained in Para 4.7 of the O.A, the deponent beg to state that judgement on OA No.148/95 for payment of various allowances as stated by petitioners was delivered based on earlier judgement of Hon'ble Tribunal on OA No.124/95 and 125/95 which were pronounced in the absence of written statement of respondents. Moreover while delivering the judgement by Hon'ble Tribunal in OA No.148/95, the Hon'ble Tribunal has directed the respondents TO EXTEND THE FSC whereas in other allowances viz SDA, HRA and SCA(RL) the respondents were directed TO PAY. Therefore the direction of Hon'ble Tribunal is contradictory. It is pertinent to mention that the petitioner have claimed FSC by suppressing the facts.

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The statement of petitioners in this regard has no substances. The judgement of Hon'ble Tribunal is required to be re-perused in correct prospective.

(10) That with regard to statement contained in Para 4.8 the deponent admit the same.

(11) That with regard to statement contained in Para 4.9, the deponent beg to submit that this is required to be examined by Hon'ble Tribunal in accordance with clarification contained in Government of India Min of Defence letter No.30(4)/96/D(Pay/Services) dated 12 Mar 2000 (Annexed as Annexure-II)

(12) That in reply to statement contained in Para 4.10, the deponent beg to state that the case be decided in the light of Government of India Min of Defence letter No.A/02684/AG/PS-3(a)/97/D(Pay/Services) dated 25 Jan 1964, B/37269/AG/PS3(a)/730/D(Pay/Services) dated 17 Apr 1995 and clarification contained in Govt's letter No.30(4)/96/D(Pay/Services) dated 12 Mar 1999 (Annexed as Annexure-I,II and III).

(13) That with regard to statement contained in Para 4.11 of OA, the deponent beg to state that under the provision of Government of India Min of Defence letter No.D/37269/AG/PS3(a)/D(Pay/Services) dated 17 Apr 95 and clarification contained in Govt's letter No.30(4)/96/D(Pay/Services) dated 12 Mar 99 (Annexed as Annexure -III & II) the SCA(RL) and other allowances are not concurrently admissible alongwith FSC.

...Contd

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- (14) That with regard to statement contained in Para 4.12 and 4.13 the deponent has no comments as the Hon'ble Tribunal has to decide the case in natural justice.
- (15) That in reply to the statement contained in Para 4.14 the deponent beg to state that this office is not aware of facts.
- (16) That in reply to the statement contained in Para 4.15, the deponent has no comments.
- (17) That in reply to the statement contained in Para 4.16, the deponent beg to state that being lower formation, bound to act upon the Govt's orders issued from time to time. As such the deponent has no option except to stop FSC and recovery thereof as per instruction contained in Govt of India Min of Def letter No.30(4)/96/D(Pay/Services) dated 12 Mar 99 (Annexed as Annexure-II) and CDA Guwahati letter No.Pay/025 dated 01 Mar 2000 (Annexed as Annexure-IV)
- (18) That with regard to statement contained in Para 4.17, the deponent has no comments.
- (19) That with regard to statement contained in Para 5, the deponent has no comments.
- (20) That in reply to statement of petitioners contained in Para 5.1, 5.2, 5.3 and 5.4 the deponent beg to submit that no injustice and discrimination has been done to petitioners. The matter is required to be resolved in the light of Govt's clarification contained in their letter No.30(4)/96/D(Pay/Services) dated 12 Mar 1999 (Annexed as Annexure-II) in true nature.

....Contd.

(21) That in reply to the statement contained in Para 5.5, the deponent beg to submit that the Petitioners are posted in Nagaland/Manipur and availing facilities of FSC at Par with Armed forces personnel. The petitioners were paid SCA(RL) and FSC based on judgement of Hon'ble Tribunal in OA No.148/95. While asking for remedy vide OA No.148/95, the petitioners suppressed the facts of availing FSC in terms of Govt of India Min of Def letter No.A/02584/AG/PS-3(a)/97-S/D(Pay/Services) dated 25 Jan 1964, which is violation of code of conduct by a Govt employee.

(22) That in reply to statement contained in Para 6, 7 and 8, the deponent has no comments.

(23) That with regard to statement contained in Para 8.1 and 8.2, the deponent beg to ^{submit} state that the instance ^{may} OA be dismissed to avoid duplicacy as the similar issue FSC filed under OA No.170/99 by Shri Gadadhar Bonia and others and department filed Review application before Hon'ble Tribunal, are under examination. The outcome of the same is still awaited.

As regards in the matter of SCA (RL), the deponent beg to state that no orders of recovery has been issued by Govt of India. As such the statement of petitioners are misleading and mischevious.

(24) That in reply to the statement contained in Para 8.3, the deponent beg to state that FSC and SCA (RL) are not concurrently admissible under the provision of Govt of India Min of Def letter No.B/37269/AG/PS-3(a)/730/D(Pay/Services) dated 17 Apr 1995. ~~As regards the FSC,~~

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As such the SCA(RL) was paid to the petitioner upto 17 Apr 95. As regard the FSC, the question of further payment does not arise because it is a Non Monetary benefit & the petitioners are already availing FSC under the Provision of Appx 'C' to Govt of India Min of Def letter No.A/02584/AG/PS3(a)/97/S/D(Pay/Services) dated 25 Jan 1964.

(25) That with regard to the statement contained in Para 8.4 and 8.5, the deponent has no comments.

(26) That in reply to the statement contained in Para 9 of the OA, the deponent beg to state that similar issue of FSC is under examination of the Hon'ble Tribunal vide OA No.170/99 filed by Shri Gadadhar Bonia and Review application by the Deptt. The outcome of the same is still awaited.

As regards in the matter of SCA(RL), the deponent beg to state that neither any Govt's order for recovery received nor any step for recovery taken by the department.

(27) That with regard to statement contained in Para 10, 11 and 12, the deponent admit the same to the extent borne out of record.

(28) That in view of the aforesaid facts and circumstances, the deponent respectfully beg to submit that the petition has not made out a case for invoking the extraordinary Jurisdiction of this Hon'ble Court under Article 226 and as such the instant writ OA must be dismissed.

...Contd

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(29) That the statement made in this affidavit in Paragraphs 1, 2, 3, 5, 10, 14, 16, 18, 19 and 25 are true to the best of my knowledge and those made in paragraphs 4, 6, 7, 8, 9, 12, 13, 15, 17, 23, 24, 26 & 27 are true to my information derived therefore which I believe them to be true and rest are my humble submission before this Hon'ble Tribunal.

And I sign this affidavit on this the 16th day of August 2000.

Identified by

Bhabin Singh Basumaty
16/8/2000
Addl. CGSC, CAT
Advocate

[Signature]
.....
Deponent

The Deponent has solemnly affirmed and declared before me who has been identified by Sri B. S. Basumaty, Addl. CGSC, CAT, Gained Bench, this the 16th day of Aug, 2000.

[Signature]
16/8/2000
Advocate

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Annexure-I (26)
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APPENDIX-III

Copy of Govt. of India, Min of Def Secret/Immediate letter No A/02581/3/PSS(a)/9/-S/D(Pay/Service) dated 25 Jan 61 addressed to Chief of the Army Staff and copy to CMA Patna/

Subject : FIELD SERVICE CONCESSIONS TO ARMY PERSONNEL AND DEFENCE CIVILIANS IN OPERATIONAL AREAS

I am directed to convey the sanction of the President to the grant wef 1-2-61 for the field service concessions as given in following Paragraphs to Army Personnel (including Army Postal Service Personnel) and Defence Civilians in the defined areas.

2. The concessions detailed in Annexure 'A' to this letter will be admissible to Army Personnel of detachments, units and formations located in the areas defined in Annexure 'B' to this letter. These concessions will not be admissible to static formations/units e.g. Military Farms, MBS, Recruiting Officers, Training Centres and Establishments, HQ Directorates and Lok Sahayak Sona Units. The personnel of the Defence Security Corps employed with units whose personnel are eligible for the grant of these concessions will also be allowed these concessions.

3. Personnel of Formations/units, which will not be given field service concessions, being static or outside the concessional area will be governed by normal conditions applicable in peace stations for all purposes, e.g. provision of family accommodation, medical facilities for families and grant of TA and DA.

4. Officers, JCOs and ORs who have been allowed to retain family accommodation in the last duty station and who on issue of these orders will not be entitled to retain such accommodation, may continue to retain the accommodation until time as married accommodation in the Officers duty station is made available or the family may be allowed to go to a selected place of residence at Government expenses, if they so choose, in accordance with Para 2 and 7 of Annexure 'A' as applicable.

5. Defence Civilians, including civilians employed in lieu of combatants and JCOs (3) (both posted and locally recruited) serving the areas defined in Annexure 'B' with units and formations whose combatant personnel have been allowed field service concession and Para 2 above will be entitled to the concessions detailed in Annexure 'C' to this letter.

6. Individual/detachments from static/field units not covered by the above which are attached for operational purpose to units or formations during the concessions will be entitled to the concessions enumerated at Serial Nos 1, 3, 8, 9 and 12 of Annexure 'A', if the attachment is less than two weeks. If the attachment is for two weeks or more, the concessions enumerated in Serial Nos 4, 5, 6, 7 and 10 of the Annexure will also be admissible in addition. No cash TA/DA will be admissible in either case.

7. These orders supersede the provisions contained in this Ministry's letter referred to below:

- (a) No 69/1/53/260/SA/D(Pay/Services) dated the 6th Jul 60 as modified by No 02682/G/MOR(a)/260/S/D(Pay/Services) dated the 7th Mar 62.

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- 10 -

(b) No 96459/AG/PS3(a)/55-54/E(Pay-Services) dated the 30th Jan 62 as extended by No 96459/AG/PS3(a)/52E-S/D(Pay/Services) dated the 25th Mar 63 except the provision relating to separation allowance.

(c) No 92587/AG/PS3(a)/951/S-D(Pay/Services) dated 10 Nov 62 as extended/amended by No 92587/AG/PS3(a)/59/S/D(Pay/Services) dated 5 Apr 63 and corrigendum No 92587/AG/PS3(a)1286/S/D(Pay-Services) dated 9 Oct 63.

(d) No 92711/Org 4(Civ) (d)11-S/D(Civ-II) dated 21 Jan 63 as amended from time to time.

8. These orders will be in force for a period of after which they will be reviewed.

9. This issued with the concurrence of the Ministry of Finance (Defence) vide their U.O. No 92-C/ID of 1964.

ANNEXURE 'A'

To Govt. of India, M^o of Def Letter
No A/92584/AG/PS3(a)/97-S/D(Pay/
Services) dated 25 Jan 64.

Serial No	Particulars of concessions	Rank to whom applicable
1.	Free single accn including furniture (if any) light and water.	Officers
2. (a)	Free conveyance of families of the officers from the old duty station to a selected place in India and from there to the new duty station on re-posting, or alternatively retention of married accommodation by the family at the previous duty station at normal concessional rent for house and similar concessional charges for furniture, electricity and water, if permitted by the station Commander or the allotting authority.	"
(b)	Baggage normally upto a limit of 20 mounds on warrant. General Officers Commanding-in-Chief Command will however be authorised to sanction free conveyance to the selected place of residence in India of the combined family scale of baggage (i.e. the scale applicable to the individual and the family) less the quantity taken by the individuals in respect of those families in those cases the restriction of free conveyance to families scale of baggage would, in the opinion of these authorities, cause exceptional hardship. The General Officer Commanding-in-Chief may delegate this power to Corps, Division, Area Sub-Area and Brigade commanders. In cases of personnel serving in the Army Headquarters, head of the branch concerned will accord the necessary sanction.	"

(c) Conveyance for servants accompanying the family will be allowed on warrant upto the scale laid down in Rule 515 Travel Regulations. Offrs.

(d) Conveyance for baggage and servants from the selected place of residence to the new duty station on reposting of the officer will be admissible at the same scale as laid down in 2 (b) & (c) above.

5. Exemption from recovery of hospital stoppages on account of wounds or injuries received or illness contracted (except through one's own fault) while serving in the specified area.

4. Free remittance of families' allotments to families residing at stations where banking facilities do not exist.

5. Special supplementary allowance at the following rates JCOs, NCOs, ORs and NCSE

JCOs	Rs. 15/-p.m.
NCOs	Rs. 10/-p.m.
ORs	Rs. 8/-p.m.
NCSE	Rs. 6/-p.m.

Note : The allowance will continue to be admissible to the extent indicated in any one of the circumstances specified below :-

(a) During Casual Leave - Upto a maximum of 21 days.

(b) During leave including sick leave and during treatment in hospital

If the period of absence does not exceed 28 days and provided the individual returns to his unit/formation in the specified area immediately on termination of his leave/treatment.

The allowance will not, however, be admissible during :-

i) treatment in hospital if the disability is due to the individual's own fault or when a stoppage of two annas per diem is made for the period in hospital on account of sickness certified by the Medical Officer attending on the patient to have been caused by his own misconduct or imprudence, and

ii) circumstances laid down in Rule 31 pay and allowances Regulations (OR) 1955 edition.

(c) During temporary duty within a unit/formation outside the task force

If the period of temporary duty does not exceed 21 days and provided the individual returned to the specified area immediately on termination of the temporary duty, but when temporary duty is followed by leave and vice-versa the allowance will be admissible only if the total period of absence from the Task Force does not exceed 28 days and also the period of any one of them does not exceed 21 days.

Continued on 4/2

Note :- 2 Warrant officers of the Army Postal Service will be equated to JCOs.

6. (a) Free remittance of two family allotments. JCOs, NCOs, ORs and JCOs.
- (b) Casual remittance once a quarter on special occasions such as marriages, deaths etc.
7. (a) Retention of family accommodation subject to restrictions as laid down in AI 19/53 for JCOs/ORs or alternatively free conveyance of their families to their homes or selected places of residence and similar return free conveyance to join the head of the family at the new post.
- (b) GOCs C-in-C Commands are authorised to sanction free conveyance on warrant to the selected place of residence in INDIA, of combined family scales of baggage (i.e. the scale admissible to the individual and the family) less the quantity taken by the individual, in respect of those families of JCOs/ORs/NCOs in whose case the restriction on free conveyance to family scale baggage would, in the opinion of those authorities, cause exceptional hardship. GOCs C-in-C Command may delegate this power to Corps, Division, Area, Sub-Area and Brigade Commanders. In case of personnel serving at Army HQ, head of the Branch concerned will accord the necessary sanction. Similar conveyance to the new duty station can be sanctioned by the above authorities when the families rejoin the heads of families on their reposting.
8. (a) Scales of ration as per AI 11/3/58 to officers and AI 4/5/53 to JCOs/OR (without 5/2% percent emergency cut in rations).
- (b) Extra rations as indicated in Appendix 'A' to Ministry of Defence letter No 4/OSCON/STGD/SG2-S/D(Q3) dated 7 Nov 60 as amended, and in this Ministry's letter No S/STGD/SG2-S/D(Q3) dated the 15 Sep 62.
9. Two postage free Forces Letters Forms per individual per week (all ranks).
10. Remittance within Indian limits of money orders and Indian postal order free of commission upto a maximum of Rs. 50/- per month.
11. Special family allowance to the families of those who are reported missing or who die. The detailed rules will be as laid down in AI 111 of 1959.
12. (a) Gratuitis to widows permanent Regular (Officers only) commissioned officers governed by AI 2/3/53, at the rates and under the conditions laid down therein. These rates and conditions also govern the cases of non-regular Officers laid down in AI 1/3/53.
- (b) Gratuitis to heirs of JCOs/OR/ARs (3) at the rates and conditions laid down in AI 1/3/53.

Extra paid of uniforms drill O.C. and one shirt High Collular O.C.

Contd.... 5/-

84

- 13 -

Note :- Conveyance for baggage as provided for in paras 2(b) and 7(b) above may be allowed to a place other than the selected place of residence of the family provided no extra expenses to the state is involved thereby. This will not, however, give the family any title to conveyance for baggage from that place to the new duty station of the individual on his posting to a family station. For such return conveyance of baggage the Government's liability will be restricted to what would have been admissible on warrant had the baggage been conveyed from the selected place of residence of the family to the new duty station of this individual.

RECEIVED 131

To the Govt. of India, Min of Def letter
PSSS/13/PSS(a)/97-5/3 (Pay/Services)
Dated the 25th January 1964.

EASTERN TERRITORIES

- (a) ASSAM
- (b) Area North of line running along river BOMAPUTRA North East boundary of SIBSAGAR District joining TIRAP Frontier Division.
- (ii) Army units etc employed for the defence of the Air Fields and directly supporting the operational units of the Air Force at GURATI and JORHAT, e.g. HQ units of RASC, Signals, ACE, DCC and arty.
- (iii) MI20 District.
- (iv) Disturbed areas of SIBSAGAR and NORTH GACHAR DISTRICTS South of the line connecting PATKAR, NAOJAGI, DIPIN LIEPING.
- (b) NAGA and states of NAGALAND and MANIPUR.
- (c) Districts of IMPHAL, JALPAIGURI (including STEIGHE) and COCHIN NAGAL of West Bengal.

2. UTTAR PRADESH

North of the line LOSHAKAT, BAKHAR, LONDA, RUDRAYAG Trig Point
8895, DHANAU, UTTARAKASHI.

PUNJAB/HIMACHAL PRADESH

North of the line connecting the following :-

BARALACHA, PASS, DIPAK, KILUNG, KEMALI junction of the river CHITAI and the Kullian at 32 8801- extending into the boundary of the Central Command and running along inter Command boundary up to the boarder.

Contd. 6/-

(COPY)

Annexure 'C' to the Govt of India
Min of Def letter No. A/020/AS/133
(a) 97-5/3 (Pay) / Services) dt 28 Jan 64

CONCESSION ADMISSIBLE TO CIVILIAN PWD FROM
DEFENCE SERVICE ESTIMATES INCLUDING CIVILIAN
EMPLOYED IN OF COMBATANTS AND REG (E) BOTH
POSTED AND LOCALITY RECRUITED

- (a) ✓ Free rations on scale applicable to combatants of the Army or Air Force as the case may be and fuel.
- (b) ✓ Free tented/bashe accommodation and connected services to the extent feasible.
- (c) ✓ Free clothing on minimum essential scale of Army personnel. If the corps Commander/ACC in C Air Force Command considers the issue of such clothing essential for operational reasons.
- (d) ✓ Free remittance of family allotments.
- (e) ✓ Free medical treatment and hospital treatment.
- (f) ✓ Death/injury or family pension or gratuity under Chapter GRI or AI 157/87/AGI 20/88 as the case may be or compensation under the Workmen's Compensation Act where applicable.
- (g) ✓ 2 Postage free forces letters per individual per week.
- (h) ✓ Remittance within India limits of money orders and Indian Postal orders free of commission upto the maximum value of Rs 30/- per month per individual.
- (j) ✓ Retention of family accommodation allotted by Govt at the old duty station on payment of nominal rent. If the accommodation retained to be allotted to another entitled personnel for exigencies of service, the family may be shifted to alternative accommodation whether appropriate or inferior to the status of the individual concerned.

- Notes :-
1. Dearness allowances will continue to be admissible in full.
 2. The concession in (i) above is applicable only in respect of accommodation held by the Min of Defence separate orders will follow in respect of accommodation to the Min of HD & R.

Annexure-II
15
MOST IMMEDIATE
COURT CASE
BY SPEED POST



No. 30(4)/96/D(Pay/Services)
Government of India
Ministry of Defence
New Delhi
the 12th March, 1999

Shri B.C. Pathak, LL.M.,
Addl. Central Govt. Standing Counsel
'Udayan' 1st Floor,
Ganeshguri,
RGB Road(Main)
Guwahati-781 005.

Subject : Various Writ Petitions filed in CAT Guwahati Bench regarding
Payment of Field Service Concessions to Defence civilians.

Sir,

This has reference to the various Writ Petitions filed in the CAT Guwahati Bench by Defence civilians regarding payment of Field Service Concessions (FSC) to them. In this connection, a brief note on the subject has been prepared by this Ministry bringing out the position regarding payment of FSC to Defence civilians vis-a-vis Defence Service personnel. The salient features of the said note are as follows.

2. In order to compensate the troops serving in various Field Service Concessional Areas, the Government from time to time defines such areas as also the concessions admissible in such areas to Service personnel as well as Defence civilians. Prior to 1st April, 1993 the Service personnel and Defence civilians were entitled to the following concessions :-

SERVICE PERSONNEL

- (a) Non-monetary Field Service Concessions as per relevant appendices of Govt. letter No. A/02584/AG/PS3(a)/97/S/D(Pay/ Services), dated 25.1.1964 in field areas and letter No. A/25761/AG/PS-3(b)/148/S/2/D(Pay/Services), dated 2nd March, 1968 in Modified Field Areas.

16

(b) Special Compensatory(Remote Locality) Allowance in designated areas falling in peace and Modified Field Areas.

U (c) Special ad-hoc allowance of Rs.70/- per month admissible to officers.

(d) Relief @ Rs.150/- to Rs.300/- p.m. to those officers whose families were not in occupation of any type of Govt. accommodation anywhere in India w.e.f. 1st October, 1986 onwards admissible in erstwhile field/improved modified field areas.

(e) Separation allowance of Rs.140/- p.m. admissible to officers.

(f) Special Compensatory (Field) allowance ranging from Rs.23/- to Rs.53/- to JCOs/Ors including NC(E)s.

Admissibility of various concessions to civilians

(a) Non-monetary concessions of FSC, as per relevant appendices of Govt. letters of 25.1.1964 and 2.3.1968 in field and modified field areas, respectively.

(b) Special Duty Allowance

(c) SCRLA

(d) Tribal Area Allowance

(e) Special Compensatory Allowance

(f) URA

Note: It may be noted that allowances mentioned at (b) to (f) are not applicable in case of civilians availing FSC as per Appendix 'C' of letter No. A/02584/AG/PS-3(a)/97/S/D(Pay/Services) dated 25.1.1964. This has also been clarified that FSC and SCRLA and other allowances are not concurrently admissible to Defence civilians vide Min. of Defence letter No.B/37269/AG/PS-3(a)/730/D(Pay/Services) dated 17.4.1995.

3, Based on the recommendations of 4th Pay Commission, a package of concessions was worked out for service personnel by a High Level Committee specially constituted for this purpose. The Committee inter alia decided to do away with multiplicity of allowances admissible to service personnel and recommended monetary compensation for them. Accordingly, vide Government letter dated 13th January, 1994, monetary allowance was given to Service personnel subject to the discontinuance of the following allowances:

6-88

- (i) Special ad-hoc allowance of Rs.70/- p.m. admissible for officers.
- (ii) Separation Allowance of Rs.140/- p.m. admissible for officers.
- (iii) Special Compensatory (Field) Allowance ranging from Rs.23/- to Rs.53/- p.m. admissible for JCOs/Ors including NC(E)s.

Note : The above allowances were discontinued from 1.4.1993.

- (iv) Special Compensatory (Remote Locality) Allowance was also discontinued from 1.2.1994. This was withdrawn even from designated areas falling in peace stations.

4. A proposal for grant of monetary allowance of FSC to Defence civilians based on the equivalence laid down for Service personnel was referred to all Command HQs vide Org. 4(Civ)(d) letter No. 16729/Org-4(Civ)(d) dated 25.4.1994 for comments, views and financial implications. This letter was basically to seek views of the Commands/HQs/Units in order to formulate a policy. However, it did not have the due approval of the competent authority in the Government which could be taken as a policy letter containing Govt. pronouncement. In the proposal, Army HQs had suggested to consider payment of monetary allowances on the basis of pay scale as there is no laid down equivalent rank structure among Defence civilians vis-à-vis Service personnel, as under :

	Rate of compensatory Field Area Allowance.	Rate of Compensatory Modified Field Area Allowance
Pay upto Rs.900/- p.m.	Rs.375/- p.m.	Rs.150/- p.m.
For pay exceeding Rs.900/- but not exceeding Rs.1500/-p.m.	Rs.450/- p.m.	Rs.175/- p.m.
For pay exceeding Rs.1500/- but not exceeding Rs.2300/-p.m.	Rs.650/- p.m.	Rs.225/- p.m.
For pay exceeding Rs.2300/- but not exceeding Rs.3000/-p.m.	Rs.750/- p.m.	Rs.300/- p.m.
For pay exceeding Rs.3000/-p.m.	Rs. 975/- p.m.	Rs.325/- p.m.

5. Extension of Field Service Concessions sanctioned for the Service personnel to civilians was duly deliberated by Army HQs, and it was decided not to grant monetary allowance of FSC to Defence civilians for the following reasons :-

- (a) Civilians were serving mostly in peace areas and very few civilians were serving in Field Areas.

596
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18

(b) Had monetary allowance of FSC been extended to them, it would have resulted in corresponding withdrawal of SCRLA and other concessions from civilians

This would have adversely affected a majority of civilian employees while benefiting only a small percentage of them. Hence Army HQrs had recommended that the monetary allowance of FSC need not be extended to civilian employees because payment of SCRLA was more beneficial to them.

6. All the Commands were also informed of the above decision vide letter No.16729/Org-4(Civ)(d) dated 16.11.1995. It appears that the petitioners have not deliberately brought the same to the notice of the Hon'ble Court and thus held back vital information which had a bearing on the final outcome of this case.

7. The civilian employees while praying for grant of FSC have not mentioned about discontinuance of a number of allowances for Service personnel. As on date Service personnel even when serving in peace areas or even in Field Areas and drawing no FSC (i.e. static units which are not entitled to FSC) are not entitled to SCRLA whereas their civilian counterparts serving side-by-side with them are in receipt of the same.

8. The Hon'ble Tribunal in its judgement dated 10th June, 1997 in various petitions has directed the respondents to pay Field Service Concessions to the petitioners.

9. Due to the position stated above, it is clarified that civilians are entitled to only the concessions mentioned in relevant appendices of 1964 and 1968 letters quoted above. Monetary allowances of FSC are not admissible to them as per the existing policy of the Government as explained at paras 4 to 5 above and since the Tribunal has directed to pay Field Service Concessions to Defence civilians, it should be the non-monetary Field Service Concessions as admissible to them as per policy.

10. In this connection Shri R. Babulaxmanan, ACGDA had also met you and explained the position. It is requested that the factual position as given above may be kept in view while defending the cases and a written statement in the matter be filed, if necessary.

Yours faithfully,

(R.K. Grover)

Under Secretary to the Govt. of India.

N.O.O.

Copy to

✓ O/O CGDA - w.r.t. their UO Note dated 18.1.1999. In view of the position brought out in the letter, O/O CGDA are requested to immediately stop payment of monetary allowances as part of Field Service Concessions to Defence civilians as the same are not admissible to them and also make recoveries of payment made with reference to various Govt. letters implementing the CAT Guwahati decision after giving show cause notice.

Annexure II (C)

RESTRICTED

No. B/37259/G/PS3(a)/730/3(Pay/Services)
Government of India
Ministry of Defence

New Delhi, the 17th April, 1995.

CORRIGENDUM

The following amendment is made to this Ministry's letter No. B/37267/G/PS3(a)/165/D(Pay/Services) dated 31.1.1995, regarding Field Service Concessions to Defence Civilians serving in the newly defined Field Areas:-

Para 1(ii) may be deleted and substituted as under:-

"The Defence Civilian employees, serving in the newly defined modified Field Areas, will continue to be entitled to the Special Compensatory (Remote Locality) Allowance and other allowances as admissible to Defence Civilians, as hitherto, under existing instructions issued by this Ministry from time to time. However, in respect of Defence Civilians employed in the newly defined Field Areas, special compensatory (Remote Locality) Allowance and other allowances are not concurrently admissible alongwith Field Service."

2. This corrigendum issues with the concurrence of the Finance Division/Min of this Ministry vide their I.O. No. 300/P dated 5.4.1995.

Yours faithfully

(L.T. Tiwari)

Under Secretary to the Govt. of India
Tele: 3012739

To

The Chief of the Army Staff
New Delhi

Copy to:-

As per list attached.

TRUE COPY

By Registrar (D.O. 20/12/96)

Administrative Tribunal

Small Bench, Guwahati

61
a1
DO NO. PAY/025
Dated : 1st March, 2000
CONTROLLER OF DEFENSE ACCOUNTS
UDAYAN VIHAR, BARANGLI,
GUWAHATI - 781171

DO NO. PAY/025
Dated : 1st March, 2000

Kindly refer to your letter No. 77551/90/Policy/236 dated 21.1.2000 on the payment of CFAA, SC(RL)A and duty station HRA to Defence Civilians in field areas in respect of (I) HQ 137 WE (II) GE 868 EWS and (III) GE 869 EWS.

2. The report containing the following discrepancies :
- (i) The report on account of payment of duty station HRA has not been furnished by GE 868 EWS.
 - (ii) GE 869 EWS has furnished a combined report without giving the bifurcation of figures between T.P. & N.I.P. The figure of payment in respect of N.I.P. and related information thereon, therefore, could not be got verified by AAO Shillong.
 - (iii) Payment of SC(RL)A made upto 17.4.95 and beyond 17.4.95 has not been shown separately in r/o GE 869 EWS. This is required to be shown separately as payment of SC(RL)A beyond 17.4.95 is recoverable as per provisions contained in MoD letter No. 4(3)/98/D(Civ-I) dt. 16.3.98.

3. Besides rectification of discrepancies pointed above the following information may kindly be furnished.

- (i) Payment of duty station HRA in r/o GE 869 EWS and HQ 137 WE has been shown to have been made upto 9/99 and 9/97 respectively. This does not appear to be factually correct. Kindly indicate whether payment is still continuing and, if so, at what rate.
- (ii) Payment of CFAA has been stopped from the month of 4/99. As per instructions contained in MoD letter No. 30(4)/96/D(Pay/Services) dt. 12.3.99 payment of CFAA made with reference to various Govt. letters implementing the CAT Guwahati decisions is required to be recovered after giving show cause notice. Necessary steps may please be taken in this regard.

Contd. P/2

92

Similarly, in per provision of para VIII of letter No. 4(1)/98/D(Civ) dated 16.1.98 payment of SC(RL)A made beyond 17.4.95 in field areas is required to be recovered. Necessary action to effect the recoveries may please be taken.

4. As rendition of the report to MoD is held-up for want of the above information and rectification of discrepancies, an early action in the matter is requested.

Yours

(VANDANA SRIVASTAVA)

Brig. S.K. Sharma
Chief Engineer
Shillong Zone
Spread Eagle Falls
SHILLONG-793 001

Copy to :-

1. Col P.B. Suri
HQ 137 WE
C/O 99 APO
2. Maj Ashoke Kumar
GE 868 EWS
C/O 99 APO
3. Maj A.K. Gupta
GE 869 EWS
C/O 99 APO

With request for furnishing the above information and taking necessary steps towards recovery of payment of CFPA after giving show cause notice and recovery of payment of SC(RL)A for period beyond 17.4.95.

Taliremba

(TALIREMBA)
DY.CDA