

30/100

X

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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dismissal date-23/04/2001

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SECTION OFFICER (Judl.)

FORM NO. 4

( See Rule 42 )

**In The Central Administrative Tribunal**

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 21/2000

OF 199

Applicant(s) Sri Louis Khysiem and others.

Respondent(s) Union of India and ors.

Advocate for Applicant(s) Mr. A. Ahmed.

Advocate for Respondent(s) C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
<p>Application is form and within time of Rs. 500 deposited vide IPO No. 456902 Date 19-1-2000 By 20/1-2000 27-1-2000 Service of notices prepared and sent to D. Section for issuing of the same to the respondents through Regd. post with A.D. By vide D.Nos. 238 to 27-1-246 Dtd. 27-1-2000</p>	21.1.2000	<p>Present. : Hon'ble Mr Justice D.N. Baruah, Vice-Chairman Hon'ble Mr G.L. Sanglyine, Administrative Member.</p> <p>Application is admitted. Issue usual notice.</p> <p>List on 21.2.2000 for written state- ment and further orders.</p> <p>Mr A. Ahmed, learned counsel for the applicants prays for an interim order. Mr A. Deb Roy, learned Sr.C.G.S.C for the respondents opposes the prayer. Recovery of Special Duty Allowance shall not be made until further orders.</p> <p>Member</p> <p>Vice-Chairman</p>

pg

NS  
24/1/2000

2

EB 21/2000

Notes of the Registry

Date

Order of the Tribunal

18-2-00

1) Service reports are awaited.

2) w/statement has not been filed.

21.2.00

Two weeks time is allowed on the prayer of Mr. A. Deb Roy, learned Sr. C.G.S.C.

List on 9.3.00 for filing of written statement.

Member

mk

9.3.00

On the prayer of Mr. A. Deb Roy, learned Sr. C.G.S.C. two weeks time is allowed for filing of written statement.

List on 24.3.00 for written statement and further orders.

Member(J)

Member(A)

trd

24.3.00

On the prayer of Mr. B.C. Pathak learned Addl. C.G.S.C. two weeks time is allowed for filing of written statement. List on 24.7.4.00 for orders.

Member

lm

7.4.00

On the prayer of Mr. B.C. Pathak, learned Addl. C.G.S.C. two weeks time is allowed for filing of written statement. List on 28.4.00 for filing of written statement and further orders.

Member

lm

28.4.00

On the prayer of Mr. B.C. Pathak, learned Addl. C.G.S.C. two weeks time is allowed for filing of written statement. List on 17.5.00 for orders.

Member

lm

17.5.00

Mr A. Deb Roy, learned Sr. C.G.S.C seeks time to file written statement.

List on 20.5.00 for written statement and further orders.

Member(J)

Notes of the Registry	Date	Order of the Tribunal
	14.7.00	Present : Hon'ble Mr.S.Biswas, Administrative Member  The case is adjourned for filing of written statement. Post on 7.8.00 for filing of written statement and further orders.  S. Biswas Member (A)
No. written statement has been filed.	mk	
By 13.11.2000	7.8.00	There is no Bench today. Adjourned 12.9.00. 18/10 16.
	12.9.00	no Bench. To be listed on 14.11.00. 18/10 16.
11-12-2000 Written statement has been filed by the respondents No. 1,2,3,4,5.	14.11.00	Present : The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman.  List on 19.12.2000 for hearing along -with other connected cases. The respon- dents may file written statement within two weeks from today.  Vice-Chairman
	pg 15/11	
22x 1m	19.12.00	Heard learned counsel for the parties. Hearing concluded. Judgment reserved.  Vice-Chairman Member
22.12.00	22.12.00	Judgment pronounced in open Court. Kept in separate sheets. Application is allowed.  Member Vice-Chairman
	1m	

2



Notes of the Registry	Date	Order of the Tribunal
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[Faint, illegible text]		
[Faint, illegible text]		
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## Notes of the Registry

Date

Order of the Tribunal

19.12.00

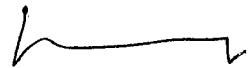
Heard learned counsel for the parties.  
Hearing concluded. Judgment reserved.

Member

Vice-Chairman

22.12.00

Judgment delivered in open Court.  
Kept in separate sheets. Application is  
allowed.

  
Member  
Vice-Chairman

lm

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Notes of the Registry	Date	Order of the Tribunal

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

ORIGINAL APPLICATION NO.149 OF 1999.

(AND 17 OTHER ORIGINAL APPLICATIONS)

(O.As 217, 274, 297, 296 and 187 of 1998; 18, 21, 223, 23, 380 and 81 of 1999 AND 282, 208, 24, 21, 428 and 234 of 2000)

Date of decision - December, 22, 2000.

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

THE HON'BLE MR. M.P. SINGH, ADMINISTRATIVE MEMBER.

1. Ordinance Depot Civil  
Workers' Union,  
Masimpur, P.O. Arunachal,  
Dist Cachar, Assam.
2. Sri Badal Ch Dey,  
President,  
Ordinance Depot Civil  
Workers' Union,  
Masimpur,  
P.O. Arunachal,  
Dist Cachar, Assam.
3. Sri Badal Chandra Dey,  
Son of Late Birendra Chandra Dey,  
Vill. Badarpur Part-II,  
P.O. Nij Jaynagar,  
(via Arunachal),  
Cachar, Pin 788025.
4. Sri Salim Uddin Barbhuyan,  
Son of Late Abdul Hakim Barbhuyan,  
Village-Uzam Gram, P.O. Nij Jaynagar,  
(Via Arunachal) Dist Cachar, Assam.

(Applicant Nos.3 and 4 are effected  
members of the aforesaid Association  
working under No.1 Det 57 Mountain  
Division, Ordinance Unit as Mazdoor).

- APPLICANTS

By Advocates Mr. J.L. Sarkar, Mr. M. Chanda,  
Mrs.S. Deka and Ms U. Dutta.

- Versus -

1. Union of India,  
Through the Secretary to the Govt  
of India, Ministry of Defence,  
New Delhi.

contd ...



2. Officer Commanding,  
57 Mountain Division,  
Ordinance Unit,  
C/O 99 APO.
3. LAO (A),  
Silchar, Masimpur Cantonment,  
No.1 Det 57 Mountain Division,  
C/O 99 APO.

- RESPONDENTS

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

J U D G M E N T

M.P. SINGH, MEMBER (ADMN.) -

By filing this O.A. under Section 19 of the Administrative Tribunals Act, 1985, the applicants have challenged the impugned order dated 12th January, 1999 whereby the Special (Duty) Allowance granted in the light of the Office Memorandum No.20014/3/83.2.IV dated 14th December, 1983 and Office Memorandum No.F.No.20014/16/86/E.IV/E.II(B) dated 1st December, 1988 is now sought to be recovered by the respondents. The applicants have sought relief by praying that the Office Memorandum dated 12th January, 1996 (Annexure-4) and 12th January, 1999 (Annexure-5) be quashed and set aside and the respondents be directed to continue to pay S.D.A. to the members of the applicant association in terms of O.M. dated 14th December, 1983, 1st December, 1988 and 22nd July, 1998. The applicants have also sought direction to the respondents not to make any recovery of any part of S.D.A. already paid to the members of the applicant association.

2. The cause of action, the issues raised and relief sought for in this O.A. are same as raised in O.A. No.217/98 (All India Central Ground Water Board Employees Association, North Eastern Region Central Ground Water Board, Tarun Nagar, Guwahati-5 and others - Vs - Union of India and others), (2) O.A. No.274/98 (Sri Dulal Sarma and others)-Vs- Union of India and others), (3) O.A. No.18/99 (National Federation of Postal Employees Postmen and Gr.D - Vs - Union of India and others), (4) O.A. No.21/99 (Makhon Ch. Das and others - Vs - Union of India and others), (5) O.A. No.282/2000 (Rabi Shankar Seal and others - Vs - Union of India and others), (6) O.A. No.223/99 (Shri K. Letso and others - Vs - Union of India and others), (7) O.A. No.208/2000 (Krishanlal Saha and others - Vs - Union of India and others), (8) O.A. No.23/99 (Ordinance Mazdoor Union and another - Vs - Union of India and others), (9) O.A. No.24/2000 (Ramani Bhattacharyya - Vs - Union of India and others), (10) O.A. No.21/2000 (Sri Louis Khyriem and others - Vs - Union of India and others), (11) O.A. No.428/2000 (Sri T. Ahmed and others - Vs - Union of India and others), (12) O.A. No.297/98 (Biswajit Choudhury and others - Vs - Union of India and others), (13) O.A. No.380/99 (Smt. Sanghamitra Choudhury and others - Vs - Union of India and others), (14) O.A. No.296/98 (Dwijendra Kumar Debnath and others - Vs - Union of India and others), (15) O.A. No.187/98 (All Assam M.E.S. Employees Union and another - Vs - Union of India and others), (16) O.A. No.234/2000 (Gautam Deb and others - Vs - Union of India and others), (17) O.A. No.81/99 (Sri Nitya Nanda Paul - Vs - Union of India and others) and (18) O.A. No.84/2000 (Subodh Ch Gupta and 56 others - Vs - Union of India and others). We, therefore, proceed to hear all the

cases together. Among these O.As, O.A. No.149/99 is to be treated as a leading case and the orders passed in this O.A. shall be applicable to all other aforesaid O.As.

3. The brief facts as stated in O.A. No.149/1999 are that the applicant No.1 is an association of Group 'D' employees representing 155 persons working under the Officer Commanding No.1, Det, 57 Mountain Division, C/O 99 APO. The applicant No.2 is the President of the aforesaid association and the applicant No.3 and 4 are the affected members of the said association. They are civilian Government employees working under the Officer Commanding of the aforesaid Mountain Division.

4. The Government of India granted certain facilities to the Central Government civilian employees serving in the States and Union Territories of North Eastern Region vide Office Memorandum dated 14th December, 1983. As per clause II of the said memorandum, Special (Duty) Allowance was granted to the Central Government civilian employees, who have all India transfer liability on posting to any station in the North Eastern Region. The respondents after being satisfied that all the members of the said Association who are civilian Central Government employees are saddled with all India transfer liability and are, therefore, entitled to S.D.A. in terms of the office memorandum dated 14th December, 1983 and office memorandum dated 1st December, 1988, The Special (Duty) Allowance was accordingly granted to the members of the applicant association. <sup>But</sup> The Respondent No.3 issued the impugned order dated 12th January, 1999

wherein ...

wherein it is stated that in view of the Supreme Court judgment, the persons who belong to North Eastern Region would not be entitled to S.D.A. but the said allowance would be payable only to the employees posted to North Eastern Region from outside the region. All the industrial persons working also fall within the same category and it is further requested to submit a list of employees showing permanent residential address for verification for entitlement of S.D.A. It was <sup>also</sup> further instructed to start recovery in respect of the employees who belong to North Eastern Region with effect from 21.9.1994 in instalments. As such, the applicants apprehend that in view of the instructions issued through impugned letter dated 12.1.1999, the respondents may start recovery of S.D.A. from the Pay Bill of May, 1999. The action of the respondents to stop the S.D.A. to the members of the applicant association is without any show cause notice and without following the principles of natural justice.

5. On an enquiry made by the applicants, they came to know that the Government of India while issuing the office memorandum dated 12th January, 1996 clarified the position regarding the entitlement of S.D.A. In para 6 of the said office memorandum, it is stated that the Hon'ble Supreme Court in the judgment dated 20th September, 1994 (in Civil Appeal No. 3281 of 1993) upheld the submission of the Government civilian employees, <sup>that those</sup> who have all India transfer liability are entitled to the grant of S.D.A. on being posted to any station in the North Eastern Region from outside the region and S.D.A. would not be payable merely because of

the clause ...

the clause in the appointment order relating to all India transfer liability. It is also stated that the Apex Court also added that the grant of this allowance only to the officers transferred from outside the region would not be violative of the provisions contained in Article 14 of the Constitution as well as the equal pay doctrine. The Hon'ble Supreme Court further directed that whatever amount has already been paid to the respondents or for that matter to other similarly situated employees would not be recovered from them. But a contradictory view has been taken in regard to recovery of the Special (Duty) Allowance from the applicants vide para 7 of the office memorandum dated 12th January, 1996. The relevant para 7 of the office memorandum dated 12th January, 1996 is as follows :-

"In view of the above judgment of the Hon'ble Supreme Court, the matter has been examined in consultation with the Ministry of Law and the following decisions have been taken :

- i) the amount already paid on account of SDA to the ineligible persons on or before 20.9.94 will be waived; &
- ii) the amount paid on account of SDA to ineligible persons after 20.9.94 (which also includes those cases in respect of which the allowance was pertaining to the period prior to 20.9.94, but payments were made after this date i.e. 20.9.94) will be recovered."

6. According to the applicants, the Hon'ble Supreme Court keeping in mind the possible hardship to the low paid employees directed not to make recovery of the S.D.A. which is already paid to the employees. After a lapse of

considerable ...

considerable period, the respondents have now sought to recover the amount of S.D.A. paid to them after 20.9.1994. Aggrieved by this, they have filed this O.A. seeking relief as mentioned in Para-1 above.

6. The respondents have contested the case and stated in their reply that in order to retain the services of civilian employees from outside the North Eastern Region, who do not like to come to serve in the North Eastern Region being a difficult and inaccessible terrain, the Government of India brought out a scheme under the office memorandum dated 14th December, 1983 thereby extending certain monetary and other benefits including "Special (Duty) Allowance" (in short SDA). While the provisions of the office memorandum dated 14th December, 1983 were wrongly interpreted which raised some confusion relating to payment of S.D.A., the Government of India brought out a clarification to remove the ambiguity of the earlier office memorandum dated 14th December, 1983 by the office memorandum dated 20th April, 1987 and also extended the benefit to Andaman, Nicobar and Lakshdweep Islands. According to this clarification for the sanctioning of S.D.A., the all India transfer liability of the members of any service/cadre or incumbents of any posts/Group of posts has to be determined by applying the test of recruitment zone, promotion zone etc. i.e. whether recruitment to the service/cadre/posts has been made on all India basis and whether promotion is also done on the basis of all India zone of promotion based on common seniority for the service/cadre/posts as a whole. Mere clause in the appointment order that the person concerned is liable to be transferred anywhere in India does not make him eligible for the grant of S.D.A.

7. Thereafter, a number of litigations came up challenging the non-payment/stoppage of payment of S.D.A. to certain classes of employees who were not coming within the zone of consideration as stated in the office memorandum dated 14th December, 1983 and 20th April, 1987. The Hon'ble Supreme Court in Civil Appeal No.3251/93 vide judgment dated 20th September, 1994 held that the benefit under the office memorandum dated 14.12.1983 read with office memorandum dated 20.4.1987 are available to the non-residents of North Eastern Region and such discrimination denying the benefit to the residents civilian employees of the region is not violative of Article 14 and 16 of the Constitution of India. It has also been held that as per the office memorandum dated 20th April, 1987 the S.D.A. would not be payable merely because of the clause in the appointment order to the effect that the person concerned is liable to be transferred anywhere in India. According to another decision dated 7th September, 1995, the Hon'ble Supreme Court in Civil Appeal No.8208-8213 held as follows :-

"It appears to us that although the employees of the Geological Survey of India were initially appointed with an All India Transfer Liability, subsequently, Government of India framed a policy that Class C and D employees should not be transferred outside the Region in which they are employed. Hence All India Transfer Liability no longer continues in respect of Group C and D employees. In that view of the matter, the Special Duty Allowance payable to the Central Government employees having All India Transfer Liability is not to be paid to such group C and D employees of Geological Survey of India who are residents of the Region in which they are

posted. We may also indicate that such question has been considered by this Court in Union of India and others - Vs - S. Vijayakumar and others (1994) 3 SCC 649."

8. This Tribunal in O.A. No.75/96 (Hari Ram and others - Vs - Union of India and others) vide judgment dated 4th January, 1999 held that the S.D.A. is not payable to those employees who are residents of the North Eastern Region. In pursuance of the Supreme Court judgment, the Government of India took a policy decision vide office memorandum No.11(3)/95-E-II(B) dated 12th January, 1996. According to the respondents, the applicants No.3 and 4 and those in Annexure-'I' are resident of North Eastern Region and are locally recruited in the region and they do not have all India transfer liability although the list does not indicate that these employees are either residents of North Eastern Region or they belong to some other region outside the North Eastern Region and posted from outside the region as per the office memorandum dated 14th December, 1983. In view of the instructions contained in the office memorandum dated 12th January, 1996, no S.D.A. has been paid after 31st January, 1999. It was proposed to recover the amount already paid after 20th September, 1994 to 31st January, 1999. No recovery has been effected by them so far. In view of the aforesaid legal position, the O.A. is misconceived and cannot sustain in law.

9. Heard both the learned counsel for rival contesting parties and perused the records.





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10. The question for consideration before us is as to whether the applicants are entitled for the payment of S.D.A. and if not, whether the recovery of the amount of S.D.A. already paid to them beyond 20.9.1994 is to be effected. The issue relating to the grant of S.D.A. has been considered and decided by the Hon'ble Supreme Court in Union of India and others - Vs - S.Vijayakumar and others, reported in 1994 Supp (3) SCC 649. The Hon'ble Supreme Court in that case has held as under :

"We have duly considered the rival submissions and are inclined to agree with the contention advanced by the learned Additional Solicitor General, Shri Tulsi for two reasons. The first is that a close perusal of the two aforesaid memoranda, along with what was stated in the memorandum dated 29.10.1986 which has been quoted in the memorandum of 20.4.1987, clearly shows that allowance in question was meant to attract persons outside the North-Eastern Region to work in that Region because of inaccessibility and difficult terrain. We have said so because even the 1983 memorandum starts by saying that the need for the allowance was felt for "attracting and retaining" the service of the competent officers for service in the North Eastern Region. Mention about retention has been made because it was found that incumbents going to that Region on deputation used to come back after joining there by taking leave and, therefore, the memorandum stated that this period of leave would be excluded while counting the period of tenure of posting which was required to be of 2/3 years to claim the allowance depending upon the period of service of the incumbent. The 1986 Memorandum makes this position clear by stating that Central Government Civilian Employees who have All India Transfer Liability would be granted the allowance "on posting to any station to the North Eastern Region". This

aspect ...

aspect is made clear beyond doubt by the 1987 Memorandum which stated that allowance would not become payable merely because of the clause in the appointment order relating to All India Transfer Liability. Merely because in the Office Memorandum of 1983 the subject was mentioned as quoted above is not enough to concede to the submission of Dr. Ghosh."

The position has been further clarified by the Supreme Court vide their judgment in Union of India and others - Vs - Geological Survey of India Employees Association and others passed in Civil Appeal No.8208-8213 (arising out of S.L.P. Nos.12450-55/92) as stated in para 7 above.

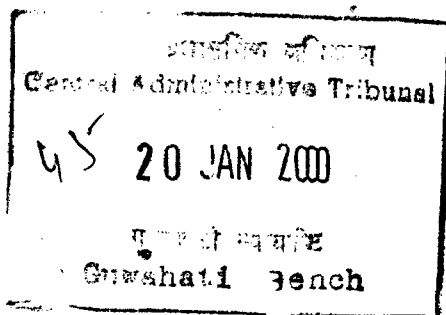
11. In view of the criteria laid down by the Hon'ble Supreme Court in the aforesaid judgments, the applicants are not entitled to the payment of S.D.A. as they are resident of North Eastern Region and they have been locally recruited and they do not have all India Transfer Liability. As regards the recovery of the amount already paid to them by way of S.D.A., the Hon'ble Supreme Court in the aforesaid judgments has specifically directed that whatever amount has been paid to the employees, would not be recovered from them. The judgment of the Supreme Court was passed on 20.9.1994 but the respondents on their own had continued to make the payment of S.D.A. to the applicants till 31.1.1999. The orders have been passed by the respondents to stop to payment of S.D.A. only on 12.1.1999. The order passed on 12.1.1999 can have only prospective effect and, therefore, the recovery of the SDA already paid to the applicants would have to be waived.

12. For the reasons recorded above, the O.A. is partly allowed and the respondents are directed that no recovery would be made by them of the amount of S.D.A. already paid to the applicants upto 31.1.1999. In case any amount on account of payment of S.D.A. has been recovered/withheld from retiral dues, the same shall be refunded/released to the applicants immediately.

The O.A. is disposed of with the above direction.  
No order as to costs.

Sd/-VICECHAIRMAN  
Sd/MEMBER (A)

21/1/2000



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH, GUWAHATI.

(AN APPLICATION UNDER SECTION 19 OF THE  
CENTRAL ADMINISTRATIVE TRIBUNAL ACT, 1985)

ORIGINAL APPLICATION NO. 21 OF 2000.

Sri Louis Khyriem & others

..Applicants.

-Versus-

Union of India & Others.

.. Respondents.

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Filed by

Advocate.

(Adv. AHYE)

Filed by  
Thaneswar Malakar  
Shiv through  
(Abul AHMED) 21  
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI.

(AN APPLICATION UNDER SECTION 19 OF THE  
CENTRAL ADMINISTRATIVE TRIBUNAL ACT, 1985)

ORIGINAL APPLICATION NO. 21 OF 2000.

BETWEEN

1] Sri Louis Khyriem,  
Superintendent,  
National Sample Survey  
Organisation.

2] Dwigendra Nath Hajonj,  
Superintendent,  
National Sample Survey  
Organisation.

3] Thaneswar Malakar,  
Superintendent,  
National Sample Survey  
Organisation.

Now all the applicants are  
working under the Office of the  
Regional Assistant Director,  
National Sample Survey Organisa-  
tion (Field Operation Division),  
Meghalaya Region, Oak land Road,  
Shillong-793001.

.. Applicants.

-Versus-

Thaneswar Malakar.

1. The <sup>3</sup> Union of India, represented by the Secretary, Ministry of Planning, Department of Statistics, Shardar Patel Bhawan, New Delhi - 110001.
2. The Director National Sample Survey Organisation, (Field Operation Division), Department of Statistics, Government of India, C-Block, 3<sup>rd</sup> Floor, Pushpa Bhawan, Madangir Road, New Delhi-110062.
3. The Regional Assistant Director, National Sample Survey Organisation, (Field Operation Division) Meghalaya Region, Oak Land Road, Shillong-793001.

. . Respondents.

DETAILS OF THE APPLICATION:

- 1) PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:

This application is made against the impugned Order of stoppage of payment of Special Duty Allowance in short, (S.D.A.), vide Office Memorandum No. 128/Megh/99/1731-35

*Ilaneswar Malakar*

dated 09-11-99 and also praying for direction upon the Respondents for continuation of payment of Special Duty Allowance to all the applicants as per the Hon'ble Tribunal's Judgment & Order passed in O.A. No. 82 of 1990 dated 31<sup>st</sup> August, 1990.

2) JURISDICTION OF THE TRIBUNAL

The applicants declare that the Subject matter of the instant application is within the jurisdiction of this Hon'ble.

3) LIMITATION

The applicant further declare that the application is within the limitation period prescribed under Section 21 of the Administrative Tribunal Act, 1985.

4) FACTS OF THE CASE :

4.1 That all the applicants are citizens of India and as such, they are entitled to all the rights and privileges guaranteed under the Constitution of India.

4.2 That your applicants beg to state that all the applicants are working under the Regional Assistant Director, National Sample Survey Organisation (Field Operations Division), Meghalaya Region, Shillong. The applicants are working as Superintendent, in the National Sample Survey Organization. They also served in the different parts of India as

*Shaneswar Mahanta*

Investigator and Assistant Superintendents. Now, all of the applicants are posted in this North Eastern Region as Superintendent of National Sample Survey Organization.

4.3 That your applicants beg to state that as the grievances and reliefs prayed in this application are common, therefore, they pray for grant of permission under Section 4 (5)(6) of the Central Administrative Tribunal (Procedure) rules, 1987 to move this application jointly.

4.4 That the Government of India, Ministry of Finance, Department of Expenditure granted certain improvements and facilities to the Central Government Civilian Employees of the Central Government serving in the states and Union Territories of North Eastern Region vide Office Memorandum No. 20014/3/83-IV dated 14-12-1983. In clause II of the said office memorandum Special (Duty) Allowance was granted to Central Government Civilian Employees, who have all India Transfer Liability at the rate of Rs. 25% of the basic pay subject to ceiling of Rs. 400/- per month on posting to any station in the North Eastern Region. The relevant portion of the office Memorandum dated 14.12.1983 is quoted below:

\*(iii) Special (Duty) Allowance:

Central Government Civilian employee who have all India Transfer Liability will be granted a Special (Duty)

*Praneshwar Malakar.*



Allowance at the rate of Rs. 25% of basic pay subject to a ceiling of Rs. 400/- per month on posting to any station in the North East Region. Such of these employees who are exempted from payment of Income Tax, will however not be eligible for the Special (Duty) Allowance, Special (Duty) Allowance will be in addition to any Special Pay and for allowances already being drawn subject to the condition that the total of such Special (Duty) Allowance plus Special Deputation (Duty) Allowance will not exceed Rs. 400/- per month. Special Allowance like Special Compensatory (Remote) Locality Allowance, Construction Allowance and Project Allowance will be drawn separately.■

An Extract of Office Memorandum dated 14-12-1983 and Office Memo dated 01-12-1988 are annexed hereto and the same are marked as Annexure- 1 & 2 respectively.

4.5 That after issuance of the aforesaid Office Memorandum dated 14-12-83 the applicants have approached the local authorities for payment of Special (Duty) Allowance in terms of Office Memorandum Dated 14-12-83 as the applicants fulfilled the criteria laid down in the Office Memo. Dated 14-12-83. They demanded for payment of Special (Duty) Allowance. But the authority refused to give them the above said Special Duty Allowance to

*Thakurwar Malakar*

them. Some other employee who are similarly situated with the applicant and also who are not applicants of this instant application filed the Original Application No. 82 of 90 before the Hon'ble Central Administrative Tribunal for payment of Special Duty Allowance. The Hon'ble Tribunal after hearing both sides on 31<sup>st</sup> August, 1990 allowed the payment of Special Duty Allowance to all the applicants of the No. No. 82 of 1990. Accordingly the applicants were paid the Special Duty Allowance by the above Respondents. Those applicants who are not applicants of the Original Application 82 of 1990 they are also being paid the Special Duty Allowance as per letter No. C-18011/4/90-B & A dated 28<sup>th</sup> December, 1990 issued by the Office of the Respondent No. 2.

Annexure-3 is the photocopy of Judgment and Order dated 31<sup>st</sup> August, 1990 passed in O.A. No. 82 of 1990.

Annexure-3A is the photocopy of Office letter No. C - 18011/4/90-B & A dated 28<sup>th</sup> December, 1990.

4.6 That the present applicants beg to state that they are saddled with All India Transfer Liability in terms of their offer of appointment and with this said liabilities they have received the offer of appointment and joined the service of the respondents. Be it stated that, all the applicants have

*Thaneewar Malik*

already served in the different parts of India and also they are liable to be transferred outside the North Eastern Region. Therefore, the applicants are in practice saddled with all India Transfer Liability and in terms of Office Memorandum dated 14-12-1983 they are legally entitled for grant of Special (Duty) Allowances.

4.7 That your applicants further beg to state that the payment of Special (Duty) Allowance has been granted to the applicants by virtue of the Judgment and Order dated 31<sup>st</sup> August, 1990 passed in the Original Application No. 82 of 1990 and they have been paid for last 9(nine) years continuously. It is pertinent to mention here that in the above said Original Application No. 82 of 1990 the Respondents have not filed any review before the Hon'ble Tribunal or appeal before the Hon'ble Supreme Court of India. As such, Respondents have accepted the Hon'ble Tribunal's Judgment in O.A. No. 82 of 1990.

4.8 That your applicants beg state that from the month of October, 1999 the Respondents have stopped the payment of Special Duty Allowance to the applicants and instruction has been issued to recover the Special Duty Allowance amount paid by Respondents to the applicants. Meanwhile the applicants have also filed representation against the stoppage and recovery of Special Duty Allowance from them before the Respondents. In the above said representation the applicants have stated all

*Praneshwar Mallick*

the facts and Judgment & Order passed by the Tribunal in No. 82 of 1990.

Most surprisingly, the Respondent No.4 has rejected the representation of the applicants and issued an Office Memorandum No. 128/Megh/99/1731-35 dated 09-11-99 informing the applicants the benefit of payment of Special Duty Allowance to the applicant has been stopped and recovery will be made from them.

Annexure- 4 is the photo copy of Office Memorandum No. 128/ Megh / 99/ 1731 -35 dated 09-11-99 issued by the Respondent No. 4.

4.9 That the applicants beg to state that the payment of Special (Duty) Allowance is made to the applicants with effect from 01-11-1983 or from the respective dates of their joining in this Department. The payment of Special (Duty) Allowance is made to the applicants only after the Respondents are directed by the Hon'ble Central Administrative Tribunal Guwahati and now the Special (Duty) Allowance was stopped by the Respondents without any review before the Hon'ble Central Administrative Tribunal and also any appeal filed before the Hon'ble Supreme Court of India and as such, the act of the respondents is arbitrary regarding stoppage of payment of Special Duty Allowance and recovery of the same. As such, the Hon'ble Tribunal may be pleased to direct the Respondents to pay

*Thaneswar Malakar*

the Special (Duty) Allowance to the applicants of the instant application.

4.10 That your applicants beg to state that in a similar case filed before the Hon'ble Central Administrative Tribunal, Guwahati Bench by the Employees State Insurance Corporation, N. E Region against the stoppage and recovery of Special Duty Allowance by the authority which was Numbered as O.A. No. 103/96 the Hon'ble Tribunal held that the employee of the said corporation are entitled to get the Special Duty Allowance as per earlier Original Application No. 130(G) of 1989 dated 28-02-99 filed by the employees and also allowed the Original Application No. 103 of 1996. In the Original Application 103/96 the Hon'ble Tribunal held that no SLP was filed before the Hon'ble Supreme Court against the order dated 28-02-90 passed in O.A. No. 130(G)/1989. We are therefore of the view that the order dated 28-02-1990 in O.A. No. 130(G) of 1989 has become final and unless it is set aside it will continue to be operative insofar as it relates to the Union applicant and its members and consequently, the employees will continue to receive SDA in terms of the order. Accordingly, we are of the view that Annexure-3 order No. 43-A/28/15/86-Estt. Dated June 12, 1996 is not sustainable. Therefore it is hereby set aside. And the Hon'ble Tribunal Allowed the application.

Annexure-5 is the photocopy of the Judgment & Order of the Original Application No. 103 of 1996.

*Thaneswar Malikan*

4.11 That your applicants beg to state that the Respondents had discontinued the payment of Special (Duty) Allowance to the Applicants in terms of Office Memo No.128/Megh/99/1731-35 dated 9-11-99 from the pay bill of October, 1999 and under the circumstances finding no other alternative the applicants approached this Hon'ble court for protection of rights and interests of the applicants through this Original Application and this Hon'ble Tribunal may be pleased to stay the impugned order issued under Memo. No.128/ Megh/99/1731-35 dated 9-11-99 as interim measure and further be pleased to set aside and quash the Office Memorandum dated 09-11-99 at Annexure-4.

4.12 That your applicants submit that there is no other alternative remedy and the remedy sought for if granted would be just, adequate and proper.

4.13 That this application is filed bona fide and for the cause of justice.

5) GROUND'S FOR RELIEF WITH LEGAL PROVISIONS:

5.1 For that the applicants satisfied the criterion for grant of Special (Duty) Allowance laid down in Office Memorandum dated 14-12-1983 and 01-12-1988 issued by the Government of India, Ministry of Finance, therefore, discontinuation of the Special (Duty) Allowance in terms of impugned Office

*Thakurwar Malakar*

Memorandum dated 9-11-99 is violative of the provisions and is liable to be set aside and quashed.

5.2 For that the applicants have been paid the Special Duty Allowance as per virtue of the Hon'ble Tribunal's Judgment & Order dated 31<sup>st</sup> August, 1990 passed in O.A. No. 82 of 1990 and as such the applicants cannot be deprived the benefits by the Respondents without filing any review or appeal before the Hon'ble Apex Court against the Judgment of the Hon'ble Tribunal.

5.3 For that the Hon'ble Tribunal held in similar case that the applicants are entitled to get the payment of Special Duty Allowance as per earlier order passed by the Hon'ble Tribunal unless it is stayed by the Hon'ble Apex Court. As such, the instant applicant are also entitled to get the payment of Special Duty Allowance as per their earlier order passed by the Hon'ble Tribunal in Original Application No. 82/90 dated 31<sup>st</sup> August, 90.

5.4 For that the action of the Respondents are mala fide and illegal and with a motive behind. As such, the impugned order is liable to be set aside and quashed.

5.5 For that the Respondents have paid the Special (Duty) Allowance to the applicants after being fully satisfied with the Judgment of the Original Application No. 82 of 1990 and

*Thakurwar Malika*

also in terms of the Office Memorandum dated 14-12-83 and Office Memo. Dated 01-12-88 issued by the Ministry of Finance, Government of India.

5.6 For that the payment of Special (Duty) Allowance was not obtained by the applicants by any fraudulent means but the Respondents after finding them eligible, paid the Special (Duty) Allowance to the applicants.

5.7 For that that the applicants are having practically All India transfer liability. As such, they are legally entitled to draw the Special (Duty) Allowance as per Office Memorandum dated 14-12-83 and 01-12-83.

5.8 For that the order issued in terms of impugned Office Memorandum dated 9-11-99 is without following any established procedure of rules and law.

6) DETAIL REMEDY EXHAUSTED:

That there is no other alternative and efficacious remedy available to the applicants except invoking the jurisdiction of this Hon'ble Court under Section 19 of the Administrative Tribunal Act, 1985.

7) MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT:

*Thaaswar Malakar*



The applicants further declares that they have not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other court, authority or any other bench of this Hon'ble Tribunal nor any such, application, writ petition or suit is pending before any of them.

8) RELIEF PRAYED FOR:

Under the facts and circumstances stated above in this application the of the applicants pray for the following reliefs:

8.1 That Hon'ble Tribunal may be pleased to direct the Respondents to continue the Special Duty Allowance to the Applicants as per earlier decision of the Hon'ble Tribunal in terms of O.A. No. 82/90.

8.2 That the Hon'ble Tribunal may be pleased to declare that the applicants are entitled to draw the Special (Duty) Allowance in terms of Office Memo. No. 20014/3/83 E-IV dated 14-12-83 and Office Memorandum No. 20014/16/86 IV/E II (B) dated 01-12-88.

8.3 The impugned Office Memorandum issued under letter No. 128/Megh/ 99/ 1731-35 dated 09-11-99 at Annexure-4 issued by the Respondent No. 4 be set aside and quashed.

8.4 To pass any other order or orders as deem fit and proper by the Hon'ble Tribunal.

*Prakeshwar Malakar*

8.5 Cost of the case.

9) INTERIM ORDER PRAYED FOR:

Pending final decision of this application the applicants seek issue of the interim order:

9.1) That the Hon'ble Tribunal may be pleased to stay the order dated 09-11-99 at Annexure-4 and to pay Special Duty Allowance continuously to the applicants.

10. APPLICATION IS FILED THROUGH ADVOCATE.

11) PARTICULARS OF I.P.O.

I.P.O.No.	: 06456907
Date of Issue	: 19.1.2000
Issued from	: Guwahati
Payable at	: Guwahati

12) LIST OF ENCLOSURES:

As stated in index.

■ Verification.

*Pranwar Malakar*

Verification

I Shri Thaneswar Malakar, Superintendent, National Sample Survey Organisation, working under the Office of the Regional Assistant Director, National Sample Survey Organisation (Field Operation Division) Meghalaya Division, Oak Land Road, Shillong-1, applicant No. 3 of this instant application and as authorised to sign this verification on behalf of other applicants and verify the statement made in accompanying application and in paragraph ~~4.1 to 4.3~~, 4.6 to 4.7, 4.9 to 4.11 are true to my knowledge and those made in paragraphs 4.4, 4.5, 4.8 are true to my information being matter of records and which I believe to be true and those made in paragraph 5 are true to my legal advise and I have not suppressed any material facts. 21

I signed this verification on this day 20th of January, 2000 at Guwahati.

*Thaneswar Malakar*  
Declarant.

28-12-83  
Annexure-1 (tract)  
96

No. 20014/2/83/E.IV  
Government of India  
Ministry of Finance  
Department of Expenditure

New Delhi, the 14th Dec '83

OFFICE MEMORANDUM

Sub : Allowances and facilities for civilian employees of the Central Government serving in the States and Union Territories of North Eastern Region-improvements thereof.

The need for attracting and retaining the services of competent officers for service in the North Eastern Region comprising the States of Assam, Meghalaya, Manipur, Nagaland and Mizoram has been engaging the attention of the Government for some time. The Government had appointed a Committee under the Chairmanship of Secretary, Department of Personnel and Staff Administrative Reforms, to review the existing allowances & Administrative Reforms, to review the existing allowances and facilities admissible to the various categories of Civilian Central Government employees serving in this region and to suggest suitable improvements. The recommendations of the Committee have been carefully considered by the Government and the President is now pleased to decide as follows :-

- i) Tenure of posting/deputation.  
x x x x x x x x
- ii) Weight-age for Central deputation/training abroad and special mention in confidential Records.  
x x x x x x x x
- iii) Special (Duty) Allowance :

Central Government civilian employees who have All India transfer liability will be granted a special (Duty) Allowance at the rate of 25 percent of basic pay subject to any a ceiling of Rs. 400/- per month on posting to any station in the North Eastern Region. Such of those employees who are exempted from payment of income tax will, however, not

Contd..

Attested  
Signature  
Secretary

be eligible for this Special (Duty) Allowance. Will be Special (Duty) Allowance will be in addition to any special pay and pre Deputation (Duty) Allowance already being drawn subject to the condition that the total of such Special (Duty) Allowance plus special pay/deputation (Duty) Allowance will not exceed Rs. 400/- p.m. Special Allowance like Special Compensatory (Remote Locality) Allowance, Construction Allowance and Project Allowance will be drawn separately.

XXXXXXXX

XXXXXXXX

XXXXXXXXXX

XXXXXXXXXX

XXXXXXXXXX

30/- B.C. KAMALIK

JOINT SECRETARY TO THE GOV. SECRET OF INDIA

Attested  
J.S.K.  
Advocate

- 19 -  
ANNEXURE-2  
25-2-86  
Annexure-2 (Extract)

S.No. 20014/1/86/E.IV/E.11 (9)  
Govt. of India, Ministry of Finance  
Department of Expenditure

New Delhi the 1 Dec 1986

OFFICE MEMORANDUM

**Subject : Improvements and facilities for Civilian employees of the Central Govt. serving in the States of North Eastern Region, Andaman Nicobar and Lakshadweep.**

The undersigned is directed to refer to this Ministry's G.O. No. 20014/1/86-E.IV dated 14th December, 1983 and 10th March, 1984 on the subject mentioned above and to say that the question of making suitable improvements in the allowances and facilities to Central Government employees posted in North East in Region comprising the States of Assam, Meghalaya, Manipur, Nagaland, Tripura, Arunachal Pradesh and Mizoram has been engaging the attention of the Govt. Accordingly the President is now pleased to decide as follows.

- 1) xxxxxxxxxxxx  
11) x x x x x x x

**111) Special (Duty) Allowance.**

The Central Govt. Civilian employees who have all India transfer liability will be granted special (Duty) Allowance at the rate of 12% of basic pay subject to ceiling of Rs. 1000/- per month on posting to any station in the North Eastern Region. Special (Duty) Allowance will be in addition to any special pay and/or deputation (Duty) allowance already being drawn subject to the condition that the total of such allowance will not exceed Rs. 1000/- p.m. Special allowance like special compensatory (Remote locality) Allowance, Construction Allowance and Project Allowance will be drawn separately.

The Central Govt. civilian employees who are members of Scheduled Tribes and are otherwise eligible for the grant special (Duty) Allowance under this para and are exempted from payment of Income-Tax under the Income Tax Act will also draw Special (Duty) Allowance.

xx xxxxx  
xx xx

Attest  
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A.No.82 of 1990

Date of decision: The 31st day of August, 1990.

1. Shri D. Gurung
2. Shri Marylies Nongrum
3. Shri Subhash Pegu
4. Shri Niran D
5. Shri Ranjit
6. Shri Puran Ch
7. Shri Bipul Bordoloi
8. Shri B.K. Paul
9. Shri A.K. Brahma
10. Shri U.R. Sinha
11. Shri S.N. Rabidas
12. Shri Nabab Ali
13. Shri E. Hye
14. Shri S.K. Deb
15. Shri Priyavrata Kumar
16. Shri Ram Chandra Singh
17. Shri M.D. Chyne
18. Shri Mama Kanta Deka
19. Shri H.D. Momin
20. Shri M.L. Singh
21. Shri R.C. Nath
22. Shri D.P. Chakraborty
23. Shri P. Kharnaier

... Applicants

Applicant Nos 1 to 13 are Investigators, applicant No.14 is an Upper Division Clerk, applicant No.15 is a Junior Hindi Translator, applicant No. 16, 19 20 and 21 are Peons, applicant No. 18 is a Daftry, applicant Nos.17, 22 and 23 are Lower Division Clerks, in the office of the Regional Assistant Director, National Sample Survey Organisation (Field Operation Division) Meghalaya Region, T. K. Road, Shillong-793001. Applicant Nos. 1, 12, 13 and 19 are posted at Tura, Meghalaya, and the rest are posted at Shillong.

-Versus-

1. The Union of India, represented by the Secretary, Ministry of Planning, Department of Economic Affairs, Government of India, West Block, R.K. Puram, New Delhi-110066

Attstl  
J.S.  
A. Shoula

2. The Director, National Sample Survey Organisation, (Field Operations Division), Department of Statistics, Government of India, West Block No.8, Wing No.6, R.K. Puram, New Delhi-110066

3. The Regional Assistant Director, National Sample Survey Organisation, (Field Operations Division), Meghalaya Region, Oakland Road, Shillong-793001

..... Respondents

For the applicants

: Mr. B.K. Sharma,  
Mr. M. Choudhury &  
Mr. A.K. Roy, Advocates

For the respondents

: Mr. A.K. Choudhury,  
Addl. C.G.S.C.

-----

C O R A M:

THE HON'BLE SHRI K.P. ACHARYA, VICE-CHAIRMAN

AND

THE HON'BLE SHRI J.C. ROY, ADMINISTRATIVE MEMBER

-----

1. Whether reporters of local papers may be allowed to see the judgment?
  2. To be referred to the reporters or not?
  3. Whether Their Lordships wish to see the fair copy of the judgment?
- 

*Attested  
Sd/-  
Admin*



ACHARYA.J.

In this application under Section 19 of the Administrative Tribunal Act, 1995, the petitioners (twentythree in number) pray for a direction to the opposite parties to give effect to the office memorandum No.20014/2/83-E.IV dated 14.12.1983 and 20014/16/86/E.IV./E.II(B) dt 1. 1988 and to pay to the petitioners the amount of \_\_\_\_\_ of them under such office memorandum.

2. Petitioners 1 to 13 are Investigators, petitioner No.14 is an Upper Division Clerk, petitioner No.15 is a Junior Hindi Translator, petitioner Nos. 16, 19, 20 and 21 are Peons, petitioner No.18 is a Daftry, petitioner Nos. 17, 22 and 23 are Lower Division Clerks, working in the office of the Regional Assistant Director, National Sample Survey Organisation (Field Operations Division) posted at different places within the N.E. Region. According to the petitioners the Government of India, Ministry of Finance by issuance of office memorandum No.20014/2/83-E.IV dt 14.12.1983 and 20014/16/86-E.IV./E.II(B) dt 1. 1988 has directed the improvement of facilities to the Civilian Employees of the Central Government serving in the North Eastern Region relating to the conditions of service. Amongst other facilities, the Ministry had allowed Special (Duty) Allowance to such Civilian Employees who have been saddled with All India Transfer Liability. It is further envisaged in the said office memorandum that such Civilian Employees were entitled to Special (Duty) Allowance shall be paid at the rate of 25% of their basic pay subject to a maximum of Rs.400/- per month. Later this memorandum was amended by issuance of an office memorandum bearing.....

*Attetel*  
*CSA*  
*Advocate*


bearing No.20014/16/86/E.IV/E.II(E) dated 1.12.1988

modifying the amount payable and the rate prescribed was modified to the extent that such employees will be entitled to 12½% of the basic pay subject to a maximum of Rs.1000/-. According to the petitioners each of them having an All India Transfer liability, they are entitled to Special (Duty) Allowance which should be paid to them and such payment not having been made they have filed this application with the aforesaid prayer.

3. No counter has been filed on behalf of the opposite parties even though several adjournments have been given for filing of counter. On the date of hearing i.e. on 22.8.1990 prayer was also made by Mr. A.K.

Choudhury, the learned Addl. C.G.S.C., for further adjournment. We did not allow the prayer because of several adjournments given in the past and for this simple matter we find no justifiable reason for delay having been caused to file counter and, therefore, we did not feel inclined to allow the matter to linger. Hence we proceeded to hear the matter on merits from the counsel for both sides and accordingly we heard Mr. B.K. Sharma, the learned counsel for the petitioners and Mr. A.K. Choudhury, learned Addl. C.G.S.C., at some length. Before we express our opinion regarding the entitlements of the petitioners to Special (Duty) Allowance and whether they have an All India Transfer liability it is worthwhile to mention that at a particular time, several cases of this nature came up before the Guwahati Bench and the Guwahati Bench accepted the position that though by virtue of those memorandum the employees having All India Transfer liability are entitled to Special (Duty) Allowance, yet such allowance should be paid to the persons who have been

Cases of a similar nature came up before the Calcutta Bench

Attested by  A. K. Choudhury

and while disposing of those cases the Calcutta Bench held that once there is a transfer liability on All India basis, cases of those Central Government employees covered under the above mentioned memorandum as one of the conditions of service such employees were entitled to Special (Duty) Allowance irrespective of the fact as to whether the employee has been transferred or not. Because of the conflicting views expressed by the two different Benches, Hon'ble Chairman of the Principal Bench constituted a Full Bench to resolve the controversy and accordingly a Full Bench heard O.A.No.16/88, O.A.No.17/88 and O.A.No.18/88. They were disposed of on 12.4.1989. After considering the views of the Calcutta Bench and that of the Guwahati Bench, the Full Bench held as follows:

" We are of the opinion that when the conditions of service impose an All India service liability and so long as that liability continues to exist and has not been revoked by an order of the competent authority, it is not open to the Government to deny the benefit of the Special (Duty) Allowance to any employee on the ground that the All India Transfer liability has not been in fact enforced."

4. The Full Bench approved the view taken by the Calcutta Bench and thus the law laid down by the Guwahati Bench was overruled. After pronouncement of the judgment of the Full Bench, this Bench has disposed of several cases of the present nature including O.A.No.131/89 and O.A.No.138/89 (disposed of on 23.2.1990) in which the petitioners are also working in the National Sample Survey Organisation at Guwahati, entitling the petitioners in those cases and the petitioners in several other cases to Special (Duty) Allowance, Applying the principles laid down by the Full Bench and the precedents covering the cases of the present nature relating to cases disposed of by

this.....

*[Handwritten signature]*  
*[Handwritten signature]*  
*[Handwritten signature]*

-25-

this Bench, the only question now remains to be determined as to whether the petitioners have been saddled with All India Transfer liability and if so whether they are entitled to Special (Duty) Allowance. At paragraph 4(II) it is averred that the petitioners carry with their services All India Transfer liability. This assertion of fact made by the petitioners has not been contradicted by the opposite parties. The above mentioned statements of the petitioners gains corroboration from Annexures 'A, B, C, and D' (letters of appointment) that though the place of duty will be at Shillong at present, but the appointment carries with it the liability to serve in any part of India. Therefore, we find without hesitation that the petitioners have an All India Transfer liability and, therefore, they are entitled to Special (Duty) Allowance provided that the contentions put forward by Mr. A.K. Choudhury are not accepted. Mr. A.K. Choudhury submitted that the case is barred by limitation both under Section 21 of the Administrative Tribunals Act and under the general law of limitation. We are unable to accept this contention because this is a continuous cause of action and hence Section 21 of the Administrative Tribunals Act is not attracted and the period of limitation would run against the petitioners from the date of settlement of the claim so far as the general law of limitation is concerned. Hence the aforesaid contention carries no force. So far as the contention of Mr. A.K. Choudhury that case is barred under Section 20 of the Administrative Tribunals Act is concerned, the parliament has intentionally vested a discretion with the Tribunal by stating 'ordinarily an application under Section 19 will not be admitted if other remedies are not exhausted'. Discretion having been vested with the Tribunal we would waive this in favour of the petitioners, because in many cases in the past this Bench

add.....

Advocate

and the Calcutta Bench have passed decree in favour of the petitioners who have been saddled with All India Transfer liability and, therefore, we find no substance in the argument of Mr. A.K. Choudhury that this case should not be entertained because the petitioners have not exhausted other remedies.

5. Mr. A.K. Choudhury has today filed a copy of the office memorandum issued by the Ministry of Finance dated 20.4.1987 wherein it is stated that for the purpose of sanctioning Special (Duty) Allowance the All India Transfer liability of the members of any service/cadre or incumbents of any posts/groups of posts has to be determined by applying tests of recruitment zone, promotion zone, etc.

1.8. whether recruitment to the service/cadre/posts has been made on All India basis and whether promotion is also done on the basis of the All India Zone of promotion and it is further stated that the mere clause in the appointment order that the person concerned is liable to be transferred anywhere in India does not make him eligible for the grant of Special (Duty) Allowance. Hence it was submitted by

Mr. A.K. Choudhury that in the present case the petitioners should not be paid Special (Duty) Allowance. He also relied upon the memorandum issued by the Ministry of Planning, Department of Statistics, National Sample Survey Organisation, dated 18.9.1984 laid down that the Special (Duty) Allowance is admissible only to the Accountants, Office Superintendents etc. and not to Investigators, WDCs, WDCs, Stenographer Grade III and Group 'D' staff as their recruitment/promotion is on state basis. If the aforesaid contention of Mr. A.K. Choudhury is accepted, then we have principles laid down by the Full Bench, which under the law we cannot do. We are bound by the view expressed by the Full Bench that incorporation of a clause

of All India Transfer liability in the appointment order

of....

*Attorney General*  
*Advocate*

of an appointee would make him eligible for Special (Duty) Allowance irrespective of the fact that whether it has been enforced or not and without any other considerations. So far as the office memorandum issued by the National Sample Survey Organisation is concerned it cannot override the office memorandum issued by the Ministry of Finance wherein there is no limitation imposed in regard to the particular category of the Civil Service employees and at the cost of repetition that the Full Bench has not limited the entitlement to any particular category of employees and, therefore, we are unable to accept the aforesaid contention of Mr. A.K. Choudhury being devoid of merit.

6. Having rejected the contentions of Mr. A. K. Choudhury, and having found that the petitioners having All India Transfer liability, ~~xxxx~~ are entitled to Special (Duty) Allowance, we direct the opposite parties that the petitioners be paid Special (Duty) Allowance with effect from 1.11.1983 or from the date on which the petitioners joined their respective posts in the Western Region (whichever is later) within ninety days from the date of receipt of a copy of this judgment.

7. Thus the application stands allowed, leaving the parties to bear their own costs.

SD/-

MEMBER  
31.8.90

SD/-

VICE-CHAIRMAN  
31.8.90

TRUE COPY

Deputy-Registrar (J. & J)  
Central Administrative Tribunal  
Guwahati Bench, Guwahati

NR  
8/11/90  
31/12/90

भारत सरकार  
योजना मंत्रालय  
सांख्यिकी विभाग  
राष्ट्रीय प्रतिदर्श सर्वेक्षण संगठन  
(क्षेत्र संकार्य प्रभाग)  
पश्चिमी बंग मं. 8, स्वयं सं. 6,  
प्रथम मंजिल, रामकृष्णपुरम,  
नई दिल्ली-110022

28 -

28/12/90

ANNEXURE-3 (a)

STATISTICS  
GOVERNMENT OF INDIA  
Ministry of Planning  
Department of Statistics  
NATIONAL SAMPLE SURVEY  
ORGANISATION  
(Field Operations Division)  
West Block No. 8, Wing No. 6,  
1st Floor, R. K. Puram  
NEW DELHI 110022

सं. C-18011/4/90-B&A

No. ....

दिनांक

Dated the 28 DEC 1990

The Regional Asstt. Director,  
NSSO ( FOD, Meghalaya, Region,  
SHILLONG.

Subject:- Grant of Spl. Duty Allowance to  
the Investigators in Meghalaya. CAT  
Case No. OA 82 of 1990.

Sir,

Please refer to your letter No. A.125/Megh/  
84-90/2735 dated 6.12.90 on the subject cited  
above and to advise you to please pay Special  
Duty Allowance to the non-petitioners also for  
the period they worked or are working in your  
Region in accordance with the instructions  
contained in the Min. of Finance O.M. No.  
20014/3/83-E.IV dated 14.12.83 and No. 20014/  
16/86/F.IV/E.II(B) dated 1.12.88.

Yours faithfully,

*[Signature]*  
[ A. L. Sastry ]  
Senior Admn. Officer  
for Director.

*[Signature]*  
Advocate

-29-~~22~~-

ANNEXURE-4

No.128/Megh/99/1731-35  
Government of India  
Ministry of Planning  
Department of Statistics  
National Sample Survey Organisation.  
(Field Operations Division.)

Meghalaya Region  
Oakland Rd.Shillong

Dt. 9.11.99.

OFFICE MEMORANDUM

It is for the information of all the staff members of Meghalaya Region who have sent their representations to the Division for stoppage and recovery of Special Duty Allowance forwarded by this office vide letter No. of even No. dt. 5.10.99 are informed that their representations have been considered and rejected.

Further, the Division has informed this office vide O.M.No. A-46011/3/94-O.M.(Vol.III) dt. 1.11.99 that the amount paid on account of SDA to the ineligible persons after 20.9.1994 will be recovered into 12 or so instalments.

This should be brought to the notice of all concerned.

To

*File 17/11/99*  
( L. Khyriem ).  
Supdt. and H.O.Shillong

The Concerned Officials  
N.S.S. (FOD) Meghalaya Region  
Copy to: Shillong.

1. The Deputy Director (ADMN) NSSO (FOD) New-Delhi for favour of information
2. The Supdts. SRO(s) Agartola and Tura with request to circulate amongst the staff working under them.
3. The Pay-bill section for necessary action.
4. Esstablishment for record.

*Attd  
J.S.  
Advt*

( L.Khyriem ).  
Supdt. and H.O.Shillong.



= 30 - ANNEXURE-5  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.103 of 1996

Date of order: This the 17th day of February 1999.

HON'BLE MR.JUSTICE D.N.BARUAH, VICE-CHAIRMAN  
HON'BLE MR.G.L.SANGLYINE, ADMINISTRATIVE MEMBER

1. Employees State Insurance Corporation  
Employees' Union, N.E.Region,  
Guwahati-21, represented by its  
General Secretary.
2. Shri Nagen Chandra Sarma,  
Upper Division Clerk,  
Employees State Insurance Corporation  
N.E. Region, Guwahati-21. ... Applicants

By Advocate Mr. B.K.Sharma, Mr.S.Saikia

-Vs-

1. Union of India represented by
  - (a) Secretary to the Govt. of India  
Ministry of Labour,  
Shram Shakti Bhawan,  
New Delhi.
  - (b) Secretary to the Govt. of India  
Ministry of Finance,  
Department of Expenditure,  
Government of India,  
New Delhi.
2. The Director General, Employees State  
Insurance Corporation,  
Kokla Road,  
New Delhi.
3. The Regional Director,  
Employees State Insurance Corporation,  
N.E.Region, Panunimaidan,  
Guwahati-21. ... Respondents

By Advocate Mr.B.S.Basumatary, Advl.C.A.T.C.

O R D E R.

SANGLYINE, MEMBER(A):

This Original Application has been submitted  
by the Employees State Insurance Corporation Employees'  
Union, North Eastern Region alongwith one of the  
persons. Permission under Rule 4(5)(b) of the Central  
Administrative Tribunal Procedure Rules, 1937 was

contd/-

*Attal*  
*S.Saikia*  
*A. Sharma*

granted to the applicants to join in the single application as prayed for.

Members of the Union applicant No.1 as well as applicant No.2 are employees of the Employees' State Insurance Corporation, Northeastern Region, Guwahati. They were drawing Special(Duty) Allowance (SDA for short). The respondent No.3, the Regional Director, Employees' State Insurance Corporation, N.E. Region, Guwahati issued the Office Memorandum No.43-A-28/15/26-4stt. dated 12-6-1996 intimating that payment of SDA to the employees of the Corporation who are not eligible for the SDA was being stopped with immediate effect and the amount of SDA paid to such persons after 20-9-94 was to be recovered. Hence this application.

The respondents have contested the application and filed written statement.

In this application the applicants have prayed for setting aside of the aforesaid Office Memorandum dated 12-6-96, Annexure 3, and the Office Memorandum No.11/3/95-1 II(B) dated 12-1-96, Annexure 2, and also for a direction on the respondents not to make recovery of the amount of SDA already paid to the applicants. The contention of the applicants is that the above mentioned office Memoranda are not applicable to the case of the applicants in view of the fact that the applicants are entitled to SDA in virtue of the order of this Tribunal dated 28-2-1990 passed in O.A.No.130(C) of 1989 against which no appeal had been preferred before the Hon'ble Supreme Court by the respondents. Further, the respondents have not identified who are the ineligible persons and therefore, they cannot

continue.

*Atul*  
*Sharma*  
*Sharma*

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arbitrarily order any recovery of the amount paid from the employees. At any rate, the amounts of SDA paid so far cannot be recovered from the employees without affording them an opportunity of being heard. The respondents, on the otherhand, submitted that it is true that there was no appeal against the order dated 28-2-90 in O.A.No.130(G) of 1989 and the employees were being paid the SDA but the prder of the Tribunal ceased to have any operation after the judgment dated 20-90-94 of the Supreme Court delivered in respect of Civil Appeal No.3251/93 pertaining to admissibility of SDA and that the applicants are not entitled to SDA after the Office Memorandum dated 12-1-1996 and dated 12-6-96 were issued. Therefore, the office Memorandum dated 12-6-96 cannot be assailed.

"e have heard counsel of both sides. The learned counsel for the applicant had relied on our order dated 27-10-1998 in O.A.No.189 of 1996 in support of the contention of the applicants that the above office Memoranda have no application in the case of the applicants as they have been receiving the SDA on the strength of the order of the Tribunal dated 28-2-90, which has become final against which there was no appeal. In the order dated 27-10-98 we had held :

"On the rival contention of the parties it is now to be seen whether the applicants are entitled to get the SDA. This Tribunal cannot pass any order reviewing order passed earlier by this Tribunal as the Supreme Court had dismissed the SLP against the said order of the Tribunal. Therefore, we agree with the submission of Mr. Parker that the applicants are entitled to get the SDA on the basis of the judgment passed by this Tribunal in O.A.No.208/91 and in the Annexure 3 O.M. dated 12-1-96 shall not have any effect so far the present applicants are concerned, unless the Supreme Court reviews the order dated 8-2-91 passed by this Tribunal in O.A.No.208/91. Therefore, we set aside the Annexure 5 order. The applicants shall continue to get the SDA."

contd/-

Atul  
A. H. H. H.

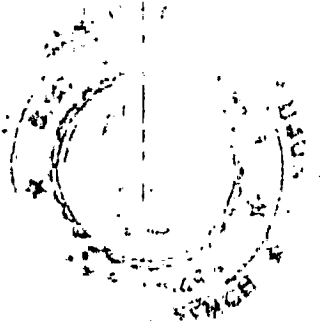
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O.A.No.130(G) of 1989 was filed by the Employees' State Insurance Corporation Employees Union, N.E. Region, Guwahati and it was disposed by this Tribunal by order dated 28-2-1990 allowing the application. No SLP was filed before the Hon'ble Supreme Court against the order. We are therefore of the view that the order dated 28-2-1990 in O.A.No.130(G) of 1989 has become final and unless it is set aside it will continue to be operative insofar as it relates to the Union applicant and its members and consequently, the employees will continue to receive SDA in terms of the order. Accordingly, we are of the view that Annexure 3 order No.43-A.28/15/35-Estt. dated June 12th, 1996 is not sustainable. Therefore it is hereby set aside.

Application is allowed. No costs.

Sd/- VICE-CHAIRMAN

Sd/- MEMBER (ADMIN)



TRUE COPY

प्रतिलिपि

*[Signature]*  
21/8/99

Section Officer (A)

अनुसूचित अधिकारी (अ) एवं  
Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय  
Guwahati Branch, Guwahati-8  
गुवाहाटी शाखा, गुवाहाटी-8

*[Signature]*  
Advocate

*[Signature]*  
21/8/99

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

O.A. NO. 21/2000

Sri Louis Khyriem and others

-Vs-

Union of India and others

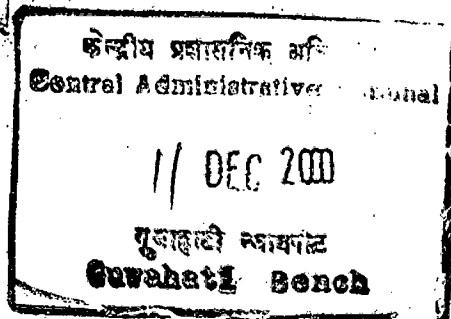
.....Applicants

....Respondents

(Written statement submitted by the respondents No. 1, 2, 3 and 4.)

The Written Statements of the respondents are as follows :-

1. That a copy of the Original Application No. 21/2000 (in short application) has been served in the respondents and after going through the same the contents thereof are understood by them.
2. That the statements made in the said application which are not specifically admitted are hereby denied by the respondents.
3. That the interest of the respondents being common as raised in the application a common written statement has been filed by all the respondents.
4. That before traversing the various paragraphs in the application, the respondents beg to place before this Hon'ble Tribunal, all the relevant law and rules which has not been done by the applicants as follows:
  - (a) With the clear and definite intention to attract and retain the services of civilian employees from outside the North-Eastern Region, as officials do not like to come to serve in the North-Eastern Region being a difficult and inaccessible terrain, the Government of India brought out a scheme under the O.M. No.20014(3)/83-E-IV dated 14-12-83 thereby extending certain monetary and other benefits out of which the payment of "Special Duty Allowances" (in short SDA) is one. This benefit is made available only to



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filed  
11/12/00  
(B. C. Pathak)  
Addl. Central Govt. Standing Counsel  
Central Administrative Tribunal  
Guwahati Bench : Guwahati  
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those civilian employees, who are serving in the North – Eastern Region, namely, in the state of Assam, Meghalaya, Manipur, Nagaland, and Union Territory of Arunachal Pradesh and Mizoram (as it was at that time).

- (b) While the provisions of the O.M. dated 14-12-83 were wrongly interpreted and raised some confusion relating to payment of SDA, the Government of India brought out a clarification to remove the ambiguity of the earlier O.M. dated 14-12-83 by the O.M. No.20014/3/83-E-IV dated 20-4-87 and extending the benefit to A& N Islands and Lakshadweep. According to this clarification for the sanctioning of SDA, the All India transfer liability of the members of any services/cadre or incumbents of any post/Group of posts has to be determined by applying the test of recruitment Zone, promotion Zone, etc. i.e., whether recruitment to the service/cadre/posts has been made on All India basis and whether promotion is also done on the basis of the All India Zone of promotion based on common seniority for the service/cadre/posts as a whole. Mere clause in the appointment order (as is done in the case of almost all posts in the Central Secretariat etc. to the effect) that the person concerned is liable to be transferred any where in India does not make him/her eligible for the grant of SDA.
- (c) Thereafter, a number of litigations came up challenging the non-payment/stoppage of payment of SDA to certain classes of employees who were not coming within the zone of consideration as stated in O.M. dated 14-12-83 and 20-4-87. The Honourable Supreme Court in Civil Appeal No. 3251/93 vide judgement dated 20-9-94 held that the benefit under the O.M. dated 14-12-83 read with O.M. dated 20-4-87 are available to the non-residents of North Eastern Region and such discrimination denying the benefit to the residents civilian employees of the region is not violative of the Articles 14 and 16 of the Constitution of India. It has also been held that as per O.M. dated 20-4-87 the SDA would not become payable merely because of the clause in the appointment order to the effect that the person concerned is liable to be transferred any where in India. In another decision dated 7-9-95 the

Honourable Apex Court in Civil Appeal No. 8208 – 8213, which is quoted below :-

“ It appears to us that although the employees of the Geological Survey of India were initially appointed with an All India transfer liability, subsequently, Government of India framed a policy that Class C and D employees should not be transferred outside the region in which they are employed. Hence, All India transfer liability no longer continues in respect of Group C and D employees. In that view of the matter, the special duty allowance payable to the Central Government employees having all India transfer liability is not to be paid to such group C and D employees of Geological Survey of India who are residents of the region in which they are posted. We may also indicate that such question has been considered by this court in Union of India and others Vs S. Vijay Kumar and others (1994) 3 SCC 649”.

- (d) This Honourable Tribunal in O.A. No. 75/96 (Hariram and others Vs. Union of India and others) vide judgement dated 4-1-99 held that the SDA is not payable to those employees who are residents of the North Eastern Region.
- (e) After the above decision passed by the Hon'ble Apex Court the Government of India vide O.M. No. 11(3) /95-E-II(B) dated 12-1-96 took policy decisions as under :-
- i. The amount already paid on account of SDA to the ineligible persons on or before 20/09/94 will be waived and
  - ii. The amount paid on account of SDA to ineligible persons after 20/09/94 (which also includes these cases in respect of which the allowance was pertaining to the period prior to 20/09/94, but payments were made after this date i.e. 20/09/94) will be recovered.

By the said O.M. dated 12/01/96 the Government of India issued the said instructing to all the Ministries/Departments etc. for strict compliances. *The respondents craves the leave of this Honble Tribunal to produce such records at the time of hearing.*

5. That with regard to the statements made in paragraph 1 and 2 of the application, the answering respondents state that the application is barred by the doctrine of res-judicata and hence the same is liable to be dismissed.
6. That with regard to paras 3 and 4.1 of the application the respondents beg to offer no comments.
7. That with regard to para 4.2 of the application the respondents beg to state that all the applicants were posted initially at North Eastern Region and they belong to the NE Region at the time of their initial appointment. Due to their transfer they were posted outside the North Eastern Region but they were transferred again to this region at their own request and own cost. ( Details of their posting profile and permanent address at the time of their initial appointment are enclosed as annexure).
8. That with regard to para 4.3 of the application , the respondents beg to offer no comment.
9. That with regard to the statements made in paragraph 4.4 of the application, the respondents state that the applicants have not brought out all the relevant rules and by doing so, have placed a misconceived fact before the Tribunal without any basis. The real position relating to payment of SDA has been clearly laid down in the forgoing paragraph 4 of this written statements.
10. That with regard to statement made in paragraph 4.5 the respondents state that it is incorrect to say that the applicants fulfilled the criteria laid down in the O.M. dated 14-12-1983 and accordingly the authorities had paid them SDA. In the case of the applicants they did not (and do not) satisfy the criteria for All India transfer liability as their transfer and postings are done on a Regional basis. They



- also do not pass the test of recruitment nor promotion Zone being on an All India basis. Therefore, it is clear that the mere fact that the application were being paid SDA all those days, does not make them entitled to continue to draw this SDA, even after the Government of India have clearly indicated the conditions for eligibility (based on the Apex Court Judgement) according to which the applicants are ineligible.
11. That the statements made in para 4.6 are denied that the applicants are saddled with All India transfer liability. The applicants are relying on the terms in their offer of appointment, which indicates that they are liable to be transferred any where in India. As already indicated above both the Ministry of Finance and Honourable Supreme Court have made it very clear that the mere existence of such a clause in their appointment letter does not entitle them to the grant of SDA.
  12. That with regard to the statements made in para 4.7 of the application, the respondents beg to state that none of the applicants in the present case were applicants in the OA. No. 82 of 1990.
  13. That the statements made in para 4.8 are denied that as indicated in para 9 above, the applicants donot satisfy the condition of All India transfer liability and hence the competent Authority has held that the applicants are not entitled for SDA because their terms of transfer liability are not sufficient to fulfil the conditions laid down by the Honourable Supreme Court as well as the Ministry of Finance.
  14. That the statements made in para 4.9 the respondents beg to state that the stoppage of payment of SDA to the non-eligible employees is as per the Apex Court order dated 20/09/94. However, it is to state that no recovery has been made from the in-eligible employees as directed by the interim order of the Hon'ble CAT, Guwahati dated 21/01/2000.
  15. That with regard to para 4.10 of the application the respondents beg to state that it is already stated that none of the applicants in present case were applicants of the

earlier case, OA No. 103/96 and 130(G)/89. The case pertaining to employees of State Insurance Corporation, N.E. Region is not similar to this case. Moreover, in view of the Apex Court order dated 20/09/94 the applicants are not eligible for SDA.

16. That with regard to para 4.11 of the application the respondents beg to state that as stated above the applicants are not eligible and as such the O.M. dated 09/11/99 is not violative of any rule and law.
17. That with regard to statements made para 5.1 it is submitted that the impugned order dated 09/11/99 it is not violative of any provisions of law in as much as it follows strictly the orders of the Ministry of Finance and Apex Court Judgement refusing to recognise Regional transfer liability as equivalent to All India Transfer Liability, which is a very obvious fact on which there can be no dispute.
18. That with regard to para 5.2 and 5.3 the respondents beg to state that as stated in para 10 none of the applicants in the present case were applicants in the case O.A. No. 82 of 1990. Moreover, the Honourable Supreme Court in their judgement dated 20-9-94 (OA-3251/93) have very clearly indicated that Central Govt. employees would be entitled for SDA only if they have All India transfer liability and only on being posted to NE region from outside the NE region. They have further clarified that SDA would not be payable merely on the strength of a clause in their appointment letter relating to All India transfer liability.
19. That with regard to para 5.4 of the application the respondents beg to state that the impugned order is in total compliance with the Apex Court order dated 20/09/94
20. That with regard to para 5.5, it is denied that the respondents have paid SDA to the applicants after being fully satisfied about their eligibility. This aspect has been elaborated in paras 8 & 9 above.

- 51 7 40
21. That with regard to para 5.7 it is denied that the applicants have All India Transfer Liability. This point has been elaborated in para 8 above and as such the applicants are not eligible for SDA.
  22. That with regard to para 5.8 of the application the respondents beg to state that the statements have already been made in para 15 above.
  23. That the applicants are not entitled to any relief or relieves whatsoever as prayed for and the interim order dated 21/01/2000 is liable to be vacated.
  24. That in any view of the facts and circumstances of the case, the application is liable to be dismissed with cost.

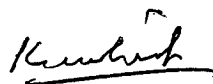
In the premises, it is, therefore, prayed that Your Lordship would be pleased to hear the parties peruse the records and after having the parties and perusing the records, would further be pleased to dismiss the application and vacate the interim order dated 9-4-99 and /or pass such further order or orders that Your Lordships may deem fit and proper.

80 8 91

## VERIFICATION

I, Dr. K.M. Singh, presently working as Assistant Director, National Sample Survey Organisation (Field Operations Division), Ministry of Statistics & Programme Implementation, 3<sup>rd</sup> Floor, C-Block, Housefed Complex, Basistha Road, Beltola, Dispur, Guwahati-6, being authorised and competent to sign this verification, do hereby solemnly affirm and declare that the statements made in paragraphs 2 and 3 are true to the best of my knowledge and belief and those made in paragraphs 1, 4, 7-20 being matter of records, are true to my information derived therefrom and the rest are my humble submission before this Hon'ble Tribunal.

And I sign this verification on this 8-th day of Dec., 2000 at Guwahati.



DEPONENT

## POSTING PROFILE OF APPLICANTS OF O.A. NO. 21/2000 ALONG WITH THEIR PERMANENT ADDRESSES IN NORTH EASTERN REGION

SL.NO.	NAME	DESIGNATION	PLACES OF POSTINGS		REMARKS	ADDRESS AT THE TIME OF INITIAL APPOINTMENT
			FROM	TO		
1	Shri L. Khyriem	Investigator	Shillong	-	Joined at Shillong on 20/12/1966	Shri L. Khyriem, Superintendent, Chynna Sor Cottage, Lawjynriew Upp. Nongthymmai Shillong-793014 Tel. No. (0364)500218
		Assistant Superintendent	Shillong	Patna	Joined at Patna on transfer to the post of Assistant Superintendent on 15/05/1974 at Govt. cost	
		Assistant Superintendent	Patna	Jorhat	Joined at Jorhat on transfer from Patna in the same capacity on 15/07/1977 at own cost	
		Assistant Superintendent	Jorhat	Guwahati	Joined at Guwahati on transfer from Jorhat in the same capacity at own cost on 18/05/1982	
		Superintendent	Guwahati	Jorhat	Joined at Jorhat on transfer on promotion at Govt. cost from Guwahati on 08/05/1992	
		Superintendent	Jorhat	Shillong	Joined at Shillong on transfer in the same capacity at own cost on 04/07/1994	
2	Shri D.N. Hajong	Investigator	Shillong	-	Joined at Shillong on 20/12/1971	Shri D. N. Hajong Vill: Kuralbhaga, P.O. Kalapani District :- Dhubri(Assam)
		Investigator	Shillong	Tura	Joined at Tura on transfer in the same capacity on 06/07/1972	
		Investigator	Tura	Faridabad	Joined at Faridabad on transfer at Govt. cost on 13/03/1974	
		Assistant Superintendent	Faridabad	Aligarh	Joined at Aligarh on transfer on promotion at Govt. cost on 27/01/1977	
		Assistant Superintendent	Aligarh	Guwahati	Joined at Guwahati on transfer in the same capacity at own cost on 12/06/1978	
		Assistant Superintendent	Guwahati	Kohima	Joined at Kohima on transfer in the same capacity at Govt. cost on 27/01/1995	
		Superintendent	Kohima	Agartala	Joined at Agartala on transfer on promotion on 18/11/1996	
		Superintendent	Agartala	Guwahati	Joined at Guwahati on transfer in the same capacity at own cost on 11/19/00	

3	Shri T. Malakar	Investigator	Kokrajhar	-	Joined at Kokrajhar on 01/02/1971	Shri T. Malakar, VILL. Bhomafbari, Bagta, P.O. Hajo, Kamrup
		Assistant Superintendent	Kokrajhar	Tezpur	Joined at Tezpur on transfer on promotion on 08/08/1974	
		Assistant Superintendent	Tezpur	Guwahati	Joined at Guwahati on transfer in the same capacity on 21/09/1978	
		Superintendent	Guwahati	Faridabad	Joined at Faridabad on transfer at Govt. cost on 01/06/1997	
		Superintendent	Faridabad	Tura	Joined at Tura on transfer in the same capacity at own cost on 25/11/1998	

*K.M. Siungh*  
*K.M. Siungh*  
 (Dr. K.M. Siungh)  
 Assistant Director