

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 212/2000

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SECTION OFFICER (Judl.)

Bahis
19.12.17

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 212/2000 OF 199

Applicant(s) Sri Subal Ch. Mazumdar and ors.

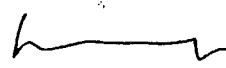
Respondent(s) Union of India and ors.

Advocate for Applicant(s) Mr. B.K. Sharma.
Mr. S. Sarma.

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

Notes of the Registry	Date	Order of the Tribunal
The application is filed and within the limit of Rs. 500 deposited vide IPO BD No. 492345 Dated 13.6.00 13/6/00 Charges for issuing the notices received. 16/6/00 Notice prepared and sent to D/s for issuing the respondent No. 1 to 8 vide S/Ns 1671 to 1678 dtd. 20/6/00 nkms 13/6/00	13.6.00	Present: Hon'ble Mr D.C. Verma, Judicial Member Learned counsel Mr S. Sarma for the applicant and Mr A. Deb Roy, learned Sr. C.G.S.C for the respondents. Heard the learned counsel for the parties The application is admitted. Issue usual notices. Written statement to be filed within a period of four weeks. As regards interim order it is provided that the respondents shall not make any recovery in pursuance to the order dated 10.4.99 Annexure 7 to the O.A. The respondents to show cause why the interim order granted be not made absolute. List the case on 17.7.00 for orders. Member(J)

Notes of the Registry	Date	Order of the Tribunal
<u>12/7/00</u> <u>Respondent No 7.</u> Returned with remark by Post Man "No Such Unit" Dtd. 12/7/00. <u>12/9/00.</u> Notice duly served on Respondent No 1, 2 & 3 <u>12</u>	17-7-00	There is no Bench today. Adj'd to 25-7-00. 18/0 12
No. written Statement has been filed. <u>28/9/00</u>	25-7-00	No Bench is available. Adj'd to 10-8-00. 18/0 12
No. written Statement has been filed. <u>31/10/00</u>	10-8-00	No Bench is available. Adj'd to 1-9-00. 18/0 12
No. written Statement has been filed. <u>31/10/00</u>	1-9-00	No Bench. Adj'd to 29-9-00. 18/0 12
No. written Statement has been filed. <u>31/10/00</u>	29.9.00	Present : Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman Three weeks time is allowed to the respondents to file written statement, on the prayer of Mr. A. Deb Roy, learned Senior C.G.S.C. for the respondents. List on 1.11.00 for written statement and further orders. <u>Vice-Chairman</u>
<u>13-11-2000</u> ① Notice duly served on R. No. 1, 2 & 3, Respt. No. 4 to 8 are still awaited. ② No. WB has been filed. <u>13/11</u>	mk 1-11-00	No Representation. List again on 14-11-00 for orders. By order.

Notes of the Registry	Date	Order of the Tribunal
No. written statement has been filed. <u>30</u> 4.1.2001	14.11.00	On the prayer of Mr. A. Deb Roy, learned Sr. C.G.S.C. the case is adjourned to 12.12.2000 for filing of written statement. List on 12.12.2000 for written statement and further orders.  Vice-Chairman
	trd A. Deb Roy 15/11	
	12-12	No S.B. Adjourned to 5.1.2001, Mh A. Deb Roy 12/12
No. written statement has been filed. <u>30</u> 5.3.01	5.1.01	List for hearing 2.2.2001 alongwith the connected matter O.A.290/2000. The respondents may file written statement in the meantime, if they so advised.  Vice-Chairman
	pg	
30.3.2001 copy of the Judgment has been sent to the Dy Sec. for issuing the order to the applicant as well as to the S.C.C. for the Respondent. H	2-2	connected matter Shetty Adjourned to 2-3-2001. Mh A. Deb Roy 2-2.
	7.3.01	Heard learned counsel for the parties. Hearing concluded. Judgement delivered in the open court, kept in separate sheets. The application is allowed to the extent indicated in the order. No costs.  Vice-Chairman
	trd	

Notes of the Registry

Date

Order of the Tribunal

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CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./R.A. No. 212/2000 . . of

DATE OF DECISION 7.3.2001

Shri Subal Chandra Majumdar PETITIONER(S)

By Advocate Mr. S. Sarma. ADVOCATE FOR THE
PETITIONER(S)

VERSUS -

Union of India & Ors. RESPONDENT(S)

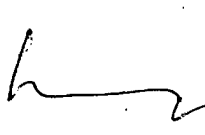
Mr. A. Deb Roy, Sr. C.G.S.C. ADVOCATE FOR THE
RESPONDENTS

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

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman



X

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 212 of 2000.

Date of order : This the 7th day of March, 2001.

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

Shri Subal Chandra Majumdar,
MES No. 6406007
Mazdoor,
Office of the O.C. Supply Point,
Zakhama, Nagaland. & 9 Ors.

...Applicants

By Advocate Mr. S. Sarma

-versus-

1. Union of India,
represented by the Secretary to
the Government of India,
Ministry of Defence,
South Block, R.K. Puram,
New Delhi-1.
2. Army Headquarters,
Engineer in Chief, DHE,
P.O. New Delhi.
3. Controller General of Defence Accounts,
R.K.Puram, West Block-V,
New Delhi-22.
4. Controller General of Defence Accounts,
Udayan Bihar, Narengi,
Guwahati.
5. Area Accounts Officer,
Shillong.
6. Area Accounts Officer,
C/o 99 A.P.O.
7. The Commanding Officer,
557 ASC Battalion,
Masimpur.
8. The O.C. Supply Point,
Zakhama,
Nagaland.

...Respondents

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

O R D E R (ORAL)

CHOWDHURY J. (V.C.).

The issue relates to payment of Field Service Concessions as well as Special Compensatory (Remote Locality) Allowance. The applicants are ten in number serving as Defence civilian employees in Group C & D

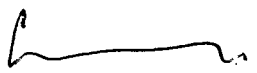
capacities and posted in Nagaland. The issue raised in this application is already covered by the decision rendered in Civil Appeal No. 1572 of 1997 (Arisen out of SLP (C) No. 14088 of 1996) - Union of India & Ors. vs. B. Prasad, B.S.O. & Ors. alongwith other connected matters disposed of on 17.2.1997 interpreting the Govt. order dated 17.4.1995 and other like provision the Supreme Court observed that all the defence employees working in the North Eastern Region as per the orders issued by the Government from time to time as on 17.4.1995 would be entitled to the benefit of the Special (Duty) Allowance as well as Field Area Special Compensatory (Remote Locality) Allowance. As regards the payment of Special Duty Allowance to the defence civilian personnel deployed at the border area for support of operation requirement, the face the imminent hostilities supporting the army personnel deployed there. Necessarily, they alone require the double payment as ordered by the Government for facing imminent hostilities in hilly areas risking their lives as envisaged in the proceedings of the Army dated 30.1.1994. But the modified field area, in other words, in the defence terminology Barracks in that area is a lesser risking area they would not be entitled to double payment. In the context of the Supreme Court order the respondents issued an Notification dated 16.3.1998. By that Notification it was enjoin the Special Compensatory (Remote Locality) would not be admissible alongwith Field Service Concession in the field area beyond 17.4.1995 and other payments made on this account would be recovered.

2. In these circumstances these applicants shall no doubt be entitled for the Field Service Concession, the applicants shall however seemingly not be entitled for Special Compensatory (Remote Locality) Allowance. The orders dated 10.4.99, 5.5.99 and 25.4.00 shall stand modified

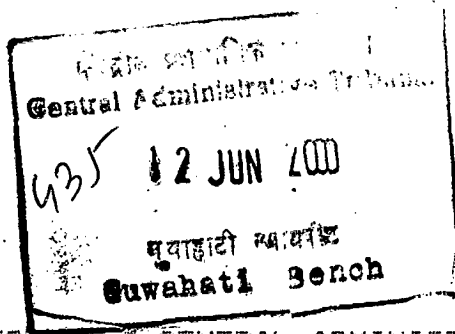
Contd....

accordingly. It is made clear that the applicant shall not be entitled Special Compensatory (Remote Locality) Allowance. It appears that the respondents after the decision rendered by the Supreme Court passed the O.M.dated 16.3.98 holding specifically that Special Compensatory (Remote Locality) Allowance would not be admissible alongwith Field Service Concession in field areas. Any direction for recovery of the amount prior to the communication issued would not be fair and accordingly no recovery shall be made so far the Special Compensatory (Remote Locality) Allowance is concerned prior to 16.3.1998.

3. The application is allowed to extent indicated above. There shall however, be no order as to costs.


(D.N.CHOWDHURY)
Vice-Chairman.

trd



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

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

O.A.No. 212 of 2000.

- BETWEEN -

Shri Subal Ch. Majumdar & ors.Applicants.

- AND -

Union of India & Ors.Respondents.

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Filed By :

Regd No :

File :- C:\S7\SUBAL

Date :

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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

D.A. No. 212.....2000.

- Between -

Sl.No.	MES No.	Name	Designation
1.	6406087	Shri Subal Ch. Mazumdar	Mazdoor
2.	6406088	Shri Durga Bahadur Kumar	-do-
3.	6406089	Shri Pankish Surich Karkata	-do-
4.	6406090	Shri Bir Bahadur	-do-
5.	6406091	Shri Shaid Hussain	-do-
6.	6406092	Shri Ram Bilash Pasowan	-do-
7.	6406093	Md. Ashiam	-do-
8.	6406095	Shri Shakal Dev Yadav	-do-
9.	6406094	Shri Shair Bahadur	-do-
10.	6406096	Shri Tileshfor Ming	-do-

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

... Applicants

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- AND -

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 Accounts, RK Puram, West Block-V, New Delhi-22.
4. Controller General of Defence Account, Udayan Bihar, Narengi, Guwahati.
5. Area Accounts Officer, Shillong.
6. Area Accounts Officer, C/o. 99 APO.
7. The Commanding Officer, ~~557~~ ASC Battalion, Massimpur.
8. The D.C. Supply Point, Zakhama, Nagaland.

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

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 31.1.95, 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.

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. 20014/9/86-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 along with other allowances like HRA and SDA had filed DA 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 along with other connected matters.

A copy of the aforesaid judgment and order dated

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24.8.95 is annexed herewith and marked as
Annexure-5.

14.8. That it is pertinent to mention here that in the 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 24.8.95. The Hon'ble Tribunal in its judgments allowed the SCA(RL) with effect from 1.10.86 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 along with 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 10.4.99 issued an order to the Garrison Engineer directing him to make 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

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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 b 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 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

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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.

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

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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 impugn orders no follow up orders have been issued towards its recovery. Hence the applicants have got reasonable 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.

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

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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 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

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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 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 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.: 0G 497345
- (ii) Date: 6-6-2000.
- (iii) payable at Guwahati

12. LIST OF ENCLOSURES :

As stated in the Index.

Sent

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VERIFICATION

I, Shri Subal Ch. Mazumdar, MES No 6406087, S/o Late Jatin Ch. Mazumdar, aged about 36 years, presently working as Mazdoor, in the office of the D.C. Supply Point ASC Zakhama, Nagaland, 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, 4.1-4.4, 4.8, 4.10, 4.12, to 4.15 and 5 to 12 are true to my knowledge and those made in paragraphs 4.5-4.7, 4.9-4.11 and 4.16 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 12th day of June 2000.

S. C. MAZUMDAR

-13-

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- 30 -

- 33 -

118/2

ANNEXURE - 1

Annexure - 06

HQ 3 Corps (A)
C/O 99 AFC

06 Nov 95

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16037/R/A2

Lt. A, B, C, E & F

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

A copy of Govt of India, Mtn of Def Letter No 4/37269/AG/99 3
(a)/165/R (Pay/Services) dated 31 Jan 95 is fwd herewith for your
info and necessary action please.

Major
(IX Obhral)
Major
DAAG
for COS

119/1

Copy of above quoted letter.

ATTACHMENT

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 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/22534/AG/PS 3
(a)/17-3/E(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/PS2(b)/146-3/E/D (Pay/Services)
dated 2nd March 1964.
- (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 Constabulary
(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 w.e.f 1st April 95.
3. This agrees with the concurrence of Finance Division of this
Ministry their HQ No 3(1)/US-AG(14-PA) dated 9.1.1995.

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

Approved.
Procato.

TRUE COPY

Deputy Registrar

General Administrative Division
Government of India, New Delhi

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(Annexure 2-1)

Annexure - 3(1)

OFFICE OF THE C.D.C. OFFICIALS, P.O. BOX 11-171
RAILROAD, No. 21 dated 2.5.95.

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

Govt. of India, Ministry of Defence has both letter
No. B/37269/A/PSB(a)/166/B/(Pay)/Services dated 31.1.95 and
B/37269/A/PSB(a)/230/B/(Pay)/Services dated 17.4.95 are
reproduced below for information and necessary action.

Please acknowledge receipt.

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

Sr. A.O. (Pay)

Distribution:-

- a) All sub-offices : As per standard list.
- b) All section in A.O.
- c) Spare

Sr. A.O. (Pay)

I am directed to refer to para 13 of Govt. letter No. 37269/A/-
PSB(a)/B/(Pay)/Services dated 31.1.1995 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/02504/A/PSB(a)/97-S/O(Pay) Services dated 25.1.1964
Defence Civilian employees serving in newly defined
Modified Field employees Areas will continue to be extended
the concessions enumerated in Appendix 'B' to Govt. letter
No. A/25751/A/PSB(b)/146-S/2/O(Pay/Services) dated 2nd
March, 1960.
- (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 (Respite Locality) Allowance and other
allowances as applicable to Defence Civilians as per the
existing instructions issued by the Ministry from time
to time.
2. These orders shall come into force w.e.f. 1st April, 95.
3. This issues with the concurrence of Finance Division of
Ministry vide B.O. No. L.S.5(1)/B5-M(14-PA) dated
6.1.1995.

Sd/-
(L. L. Thangar)

Under Secretary to the Government
of India.

Attached.
File.

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SECRET

No. 4/12259/73/153(a)/730/0(P)/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. 4/12259/73/153(a)/730/0(P)/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) All Stages and other allowances are not concurrently admissible alongwith Field Service."

2. This corrigendum issued with the concurrence of the Finance Division/Secy of this Ministry, vide their L.D.No. 300/73 dated 3.4.1995.

Yours faithfully

(L. I. Fluanga)
Under Secy to the Govt. of India
File: 3012739)

To :
The Chief of the Army Staff
New Delhi

Copy to:-
As per list attached.

TRUE COPY

By Registrar (d. 7/2/96)
of Administrative Tribunal
New Delhi Bench, New Delhi

-16-

-36- 32- ANNEXURE-2 25

U. J/269/AC/PS J(n)/90/D(Pay/Services)
Government of India
Ministry of Defence
New Delhi - 110 011

Dated: The 11th January 1994

To

The Chief of the Army Staff

SUB: 1 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 ~~the following~~ the sanction of the President to implementation of the following decisions taken in this regard in so far as the officers 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 Prerequisites 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 Alteration, if any, the Field/Modified Areas will be notified by the Government of India from time to time.

Contd.....2/-

RECEIVED

Attested.
By
Secretary.

TRUE COPY

By Registrar
and Administrative Officer
Muzam Shah, Guwahati

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- (ii) For a maximum period of 3 months, while on temporary duty subject to the fulfillment 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 post 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 officer's 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 incumbent continues to draw the compensatory field area allow/compensatory modified field area allow under the exceptions mentioned above.

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

3.4. The conditions for the drawal of compensatory field area allow and modified field area allow in the case of JCOs/OR including WOs(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 these concessions.

4.2 Lists of Fms/Units which are in field area or modified field area and are eligible to field service concessions will be notified by the Corps Commander to PACs 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.

Contd....4/-

Attested.
 2.
 Advocate.

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(11) For a maximum period of 3 months. While on temporary duty subject to the fulfillment 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 post 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 1 : 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 incumbent continues to draw the compensatory field area allow/compensatory modified field area allow under the exceptions mentioned above.

NOTE 1 : Compensatory field area allow/compensatory modified field area allow will not be admissible in addition to
to
allow, foreign foreign allow,
compensatory daily allow for serving ex-India.

3.4 The conditions for the drawal of compensatory field area allow and modified field area allow in the case of JCOs/OR including Nis(S) will be the same as given in Para 1 of annexure A to this Ministry's letter No A/02504/AG/PS3(a)/97-S/D(Pay/services) dated 29-1-64 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 these 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 PACs concerned quarterly in for the QE May, Aug Nov and Feb every year by the 10th of the month subsequent to the close of the quarter.

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4.3 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 2.3.64 as amended will be admissible in the modified field areas as per appendix A to this letter.

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

- (a) Static formations/Units eg. Military farms, AGS, Recruiting Office, Training Centres & Establishments.
- (b) NCC Directorates and Units.
- (c) RA Units unless embodied.
- (d) 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 an altitude of 9000 ft to 15,000 ft and higher rates for areas above 15,000 ft (excluding Siachen). The details of these areas are given in Annex 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	220 200	2X 300
5.	JCs incl Hon'y commissioned offrs	180	270
6.	Navjidar	140	210
7.	Sep/Hk including erstwhile IC(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

Contd...3/-

Antes.ed.

Advocate.

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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 20.2.76, 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 - Rs. 1,200/- PM
- (b) JCOs/OR - Rs. 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 of 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/Attachments 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 par with admissible under para 6 of Annexure A to this Ministry's letter No 402504/AG/PSJ(a)/97-6/S/D (Pay/Services) dt 25.1.64 as amended.

(b) If the attachment is for two weeks or more, the allocation; compensatory field area allocation/compensatory modified field area allocation 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/-

Attes.cd.
Advocate.

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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 Officers.
- (c) Special compensatory (field) allowance ranging from Rs. 55 to Rs. 23 PM admissible for JCOs/OR incl HC(E).

10. Special compensatory (photo locality) allowance. This allowance which is at present admissible in controlled field areas/ places or areas on the civilian pattern will also stand withdrawn with effect 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 individual 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 by the Ministry of Defence in consultation with the Ministry of Finance.

15. This issues with the concurrence of Finance Division of this Ministry vide GO No 5(1)/93-AG(B-Pa) dated 12.1.94.

Yours faithfully,

Sd/- x x x x x x x

(IA Khan)

(Under Secy to the Govt of India)

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Antes.ed.
12.1.94

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Appendix 'A' to Govt of India
Ministry of Defence letter No
37269/AD/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

(1) Tirap and Chunglang Districts.

(11) All areas North of line joining point 4448 in
LV 4179-Mukmo Dong BS 3272-Sopla MT 2969-Palin MO
9213 Daparijo BS 5841 Along NL-1273-Hunli NM 0170
Tawoken MT 8136-Champai Dun NM 0814 all inclusive.

✓(b) Manipur and Nagaland States.

(c) Sikkim : All areas North and NE of line joining Phalut
LV 4780-Guzing LV 7058-Mangkha LV 6160-Ponlang La LW 0666
Rungli LW 1448-DP 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 0663 Mani Karan SB 2300 - Pir Parbati
Pass TA 1459 - Taranda TA 2335 - Baraun Pass TA 0801 all
inclusive.

3. GUJARAT CENTRAL COMMAND

Uttar Pradesh : All areas North and NE of line joining
Baraun Pass Gangnadi TO 1362- Govind Chat IG 0937-Tapovan
TH-1022-Mansari TH 0280 Relayed TO 2466 all inclusive.

4. NORTHERN COMMAND

(a) Ladakh Sector : Areas North and East of line joining
Zojila MU 3036 Baraichala NE 0672 along the great Himala-
yan Range all inclusive.

(b) Valley Sector : All areas west of line joining point
1956 TH 01 5670 Gulmarg MT 3105 Naushara MY 3105 Rn Ringspat
MT 2133 Handwara MT 2043 Lalngyal MT 2337 Point 8405 in NG
4365 North of line joining point 8403 Bunkut MT 5453 Razan
NW 2239 Zojila all inclusive.

(c) Jammu-Baramulla Sector : All areas west of line joining
Tip of Chicken Beak RD 7073 Canal Junction RD 6364 Mawa
Brahmans MY 3054 Point 1956 in DS470 all inclusive.

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Attested.
9.
Associate.

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Appendix B

LIST OF CONFIRMED FIELD AREAS

SOUTHERN AND WESTERN COMMAND

- (a) Rajasthan and Punjab : Areas West of line joining Jassai, Barmer, Jaisalmer, Pokharan, Udasar, Mahajan, Ranjos, Suratgarh, Lilgarh, Jattan, Atohar, Govindgarh, Fazilka, Jandiala Guru, Moga, Dholewal, Beas, Sir Sarangwal, Hussainiwala, Dera Baba Nanak, Laisain Bulge upto the International Border all inclusive.
- (b) Haryana : Salod (Hisar)
- (c) Himachal Pradesh : Areas North of line joining Narkhanda, Koylung upto field area line/high altitude line.

EASTERN COMMAND

- (a) Assam and Arunachal Pradesh :
- (i) Cachar and North Cachar Distts of Assam including Silchar.
- (ii) All areas of Arunachal Pradesh and Assam North of River Bramaputra less Tojpur, Misamari and field areas.
- (b) State of Mizoram and Tripura.
- (c) Sikkim and West Bengal : Areas Northwards of line joining Sovoke LV 9417 Burdong LV 9850 Sharwani LV 9453 Bagrakot LW 0113 Dandim LW 1102 New Mol Hasimara OR 7024 Ganga Ram Ten Estate CA 1377 upto the High altitude line/field area line/International border all inclusive.

CENTRAL COMMAND

Areas North of line joining Uttarkhandi, Keren Prayag, Gauchar, Joshimath, Chamoli, Rudra Prayag, Askoto, Charamayad, Dharchula, K. ali and Haridwar Nagar upto International Border all inclusive.

NORTHERN COMMAND

- (a) Valley Sector : Areas West of line joining Pattan, Baramulla, Kupwara, Drugmala, 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, Sanghi Chatt, Batoto, Pethi Top, Ramban and Dandih upto the existing High altitude line all inclusive.

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Assesd.
12/00/00.

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Appendix 'C' to Govt of India
Min of Def letter No 37269/AG/PS3
(P)/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 LN 2180 SOUTH along Nullah to HALA Junc NN 1969 SOUTH along Nullah to WICHINAI BAR NN 2048 SOUTH EAST along KASHMIR/LADAKH boundary passing through heights 17573 (NN 73) 17590 (NN 72) 19030 (NN 91) 17672 (NN 80) FARIAHAD (NN 10) SOUTH EAST along boundary to GR NT 2490 SOUTH along boundary to point 21570 (NT 2496) again along boundary to GR NI 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 6050) SOUTH and SOUTH EAST along boundary to KANGLA JOT (NT 9420) KAZALWAN GUMER REGION, RIMAI PAIN AND KING BALA REGION, TITHRAL AND FARACHAR REGION AND DODA.

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

Along foot path and then nullah to point 12300 (NZ 0091) along MIYAN nullah to its junction with CHENAB at NY 8663) SOUTH EAST along H CHENAB to KHOKHAR (NZ 43) to RAHLA (NZ 47) and straight line to MANI KARAN (SE 6486) along line to PARDATI H TO PUN PARDATI.

3. UTTAR PRADESH : Area along the following line and beyond, BARSAN pass (944875) point 20370 (949859) HARSIL (973852) KEDARNATH (TG 5555) BADRINATH (TG 9053) PANT KESHLAR (TH 0730) (excluding town limits) to JUMARAH (TH 3530) KALANKA (TH 5020) MILAM (TH 7423) SELA (TO 2593) CHHAYALEKHI (TG 4994) and area above 9000 ft in the designated field areas in Appx 'A'.

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

Point 14600 (MS 2081) to SENSE OZONG (MS 2080) MATAP (MS 6777) SALPANG (MT 1379) LAPANG (MT 2209) KHANAWA (MT 2803) NYARIN (MT 7525) to 0th mile stone (One ZERO NYARIN Road) 3 th mile stone (on DAPORJO - LIMEKING ROAD) poyom Rmt (MT 9379) 2nd mile stone north of YARE (MT 9575) LOSING (NL 3592) DARRON (NE 16200) AHINKOLIN (NE 0044) KHONLI (NE 2401) GARUTON (NN 4592) LALON (NM 7579) HAYLIANG (NM 0199) CHUJAH (NE 9943) KUMTHU (NE 0125) point 6490 (NM 1402) VIJAYNAGAR (NS 4366)

5. SIKKIM

North and North East of the line running from point 12785 (IN 96) point 10140 (LT 17) point 10405 (LT 30) point 9010 (LT 00 46) Dala Junction (LT 5373) PAS UTHAM (LT 9751) point 0030 (LT 04)

Attested.
/s/
Attorneys.

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Annexure - 8

SUBJECT - 45 -

ANNEXURE - 3

Tele : 2016433

A per the ...
Ordnance ...
A ...
Smt ...
Advt ...
Adjutant General ...
Army Headquarters ...
Dtd ...

25 Apr 24

16729/Grp 4(Civ)(d)

Headquarters

- Southern Command
- Eastern Command
- Western Command
- Central Command
- Northern Command

FIELD SERVICE CONCESSIONS TO DEFENCE CIVILIANS EMPLOYED IN FIELD AREAS
FROM THE FIELD SERVICE ESTIMATES UNIT
NOTE: (Both to be read and locally required)

- 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 37.62/AF/PS 3(a)20/D(Pay/Services) dt 13 Jan 94. Some of the concessions/compensatory allowances have also been revised in respect of services personnel. As per the ibid Govt order field areas are still to 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.
- 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 those border areas risking their lives for performing duties assigned to them.
- The following proposals for concessions/allowances to defence civilians posted in these areas have been suggested to Min of Def for consideration:-

(a) Defence civilians serving in field areas and modified field areas to be eligible to the grant of field area allowances and compensatory allowances respectively at the following rates:-

	Date of ... field area allowances	Rate of compensatory field area allowances
For pay up to 900/- per month	...	...
For pay exceeding Rs. 900/- but not exceeding Rs. 1500/- PM	Rs. 375/- PM	Rs. 150/- PM
For pay exceeding Rs. 1500/- PM but not exceeding Rs. 2300/- PM	Rs. 450/- PM	Rs. 175/- PM
For pay exceeding Rs. 2300/- PM	Rs. 550/- PM	Rs. 200/- PM
	Rs. 750/- PM	Rs. 300/- PM
		Rs. 375/- PM

Attested.

Advocate.

29

of Ministry of Finance (Department of Expenditure) on 15.2.2004/9/81. E.V.
No. 28. Bop 08 regarding grant of Special Compensatory (Remote Locality)
allowance to Central Government employees posted in Negaland regarding under
No. 28. Bop 08 dated 12.10.83 dated 26.10.83 dated 26.10.83 dated 26.10.83

**GRANT OF SPECIAL COMPENSATORY (REMOTE LOCALITY) ALLOWANCE
TO CENTRAL GOVERNMENT EMPLOYEES POSTED IN NEGLAND**

The undersigned is directed to say that consequent upon decision taken by
the Government on the recommendation of the Fourth Pay Commission in regard to
grant of Special Compensatory (Remote Locality) Allowance to Central Govern-
ment employees posted in Negaland, vide resolution No. 14(13)/10/86 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	625/-

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 the existing rates on the
notified pay in the pre-revised scale.

3. Pay means pay in the revised scales of pay introduced under the CCS (R.T.)
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, transitional D.A., dearness pay, ad-hoc and interim relief thereon
at the rates results in a bonus to an employee, who has been continuously drawing
the allowance from a date prior to 1.10.1986 the amount drawn by him/her daily
prior to that date will be protected by treating the difference between the
allowance as drawn and that admissible at the revised rates as per annum.
The protection will continue till the employee remains posted in the
region and becomes eligible to higher amount either on promotion or on

Note: Pay means pay as defined under, F.R. 9(21) (c) (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)-RII(D)/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", "C" and "D" only. The orders will also apply to Groups "B", "C" & "D" 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 Department, these orders issue in consultation with Comptroller & Auditor General of India.
8. Hindi version of the order is attached.

Sd/-x-x-x-x
(DP Verma)

Joint Secretary to the Government of India

To

All Ministers, Departments of the Govt of India, Etc.

TRUE COPY

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

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 Compn (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 214

Attested.

Advocate.



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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.....

Attested.

Advocate.

OA 135/2 K

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.....



Arrested.
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Mroonto.

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-3-

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. Goswami

(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.

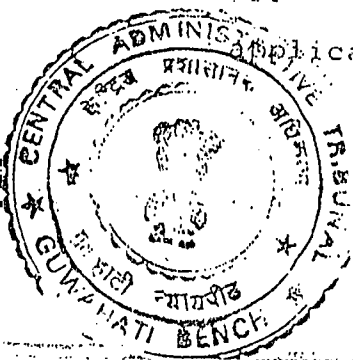
iv(a) It is declared that FSC is admissible from 1.4.1993.

(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

to.....



Attested.

Advocate.

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. Chandhri
Vice Chairman
Sd/- G. L. Sanghying
Member (A)

Certified to be true Copy
প্রমাণিত প্রতিলিপি

[Signature]
27/6/95

COURT OFFICER
সহকারী জজ
Central Administrative Tribunal
কেন্দ্রীয় প্রশাসনিক আদালত
Guwahati Bench, Guwahati-8
গুৱাহাটী স্যাম্পল, গুৱাহাটী-৪

Attested.

[Signature]
Advocate.

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ANNEXURE-643

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

Attested.

Advocate

Advocate.

35

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

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S.D.A./FSC
S.C.
FSC/R/L

L.33081
U. G. G. G. G.
L.33081

- 36 -

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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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

SDA

SCRAL

Noted.
M. G. Jaiswal
Secretary

-28- ST

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.

(K. RAHASWARY)

NEW DELHI;
FEBRUARY 17, 1997.

(G.L. NANAVATI)

SRINIVASTAVA
CONTROLLER



-39-

Phn : 0301 - 550110 (C)
0301 - 550549 (H)
Fax : 0301 - 550204 (F)

रक्षा क्षेत्र नियंत्रक
अर्थ विभाग, प्रभुगढ़ - 701 171
CONTROLLER OF DEFENCE ACCOUNTS
UDAYAN VIHAR, MAHAJAL
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 25/1/1994 and Appendix 'B' to Ministry of Defence letter No. 25761/AG/PS3(b)/146-57270(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.

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

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

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.

Concl. P/2

Attested.

W. Goswami
Minister.

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, CAF judgements on the above account awaiting implementation are to be held in obedience and ongoing cases contested in CAF 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
Hqrs. Eastern Command
Fort William,
CALCUTTA-700 021

Copy to :-

1. Maj Gen S.V. Makanti
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
Hqrs. 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 CAF judgement awaiting implementation.
- iv) to defend on going CAF cases/contempt proceedings based on MOD letter of 12/3/99.

(U.S. REFERENCE)
JL CPA

Contd. P/3

1 COPY/

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ANNEXURE - 8

Recd

P/11/313/PSA/GE 869
Area Accounts Office
Shillong

dt 5/5/99

To

The GE 869 EWS
C/O 93 APO

Sub:- Sy Pay Bills on a/c of arrears of FSC/HRA

Ref :- Your Lt No. 1104/Basic/214/ULP dt 12/2/99, 1104/Basic/221/ELP
dt 18/2/99, 1104/Basic/243/ELP dt 12/3/99, 1104/Basic/224/ELP
dt 18/2/99, 1104/Basic/230/ELP dt 28/2/99.

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/869/01/128
dt 16.9.98, 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. (SCA, HRA, etc.).
Area allowances SCA & 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.

Attested:

W. J. Garrison

Advocate

(I Rajkumar)
AB
for Garrison Engineer

CONFIDENTIAL

PERSONAL ATTENTION OF AGES

ANNEXURE - 9

Carrison Engineer
USG Engr. Hqs. Engr
C/O DP APO

C/1000/ 02 /EAC

Apr 2000

✓ AGF 8/07 Zaf Lona
XII 12000

RECOVERY OF FDC ALICE

1. It has been decided by CIA to effect recovery of FDC Alice from all porn who have been paid the said Alice under various OAs issued on CAT direction. You are requested to send nominal roll of porn 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 most urgent.

Shubh
(M K Gupta)
(MA)
Carrison Engineer

COPY TO :-

ADD CN USG ENGR
C/O DP APO

Baray

Attested,
Uthayaram
Advocate

- 1. Alongwith copy of CNM's PO Letter No 1000/100/11000 dt 22 Apr 2000.
- 2. Please recover amount of non application as per direction of DPA.

CONFIDENTIAL