

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

*babu*  
*19.12.19*

**In The Central Administrative Tribunal**

GUWAHATI BENCH : GUWAHATI

**ORDER SHEET**APPLICATION NO. 218/2000 OF 199

Applicant(s)

Sri Rishikesh Paul and ors.

Respondent(s)

Union of Ind'n and ors.

Advocate for Applicant(s)

Mr. M. Chanda.  
Mrs. N.D. Goowami

Advocate for Respondent(s)

Mr. G.N. Chakrabarty.  
C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
<p>16.6.00</p> <p>Present : Hon'ble Sri D.C.Verma, Member(J).</p> <p>Mr. M.Chanda for the applicant and Mr. B.S. Basumatary learned Addl. C.G.S.C. for the respondents.</p> <p>Application is admitted. Issue usual notices. Respondents to file written statement within three weeks. Meanwhile it is provided that if the respondents are making any recovery as per Annexure-2 dated 17.2.2000 to the O.A. that shall not be made until further orders.</p> <p>List on 5.7.2000 for further orders.</p> <p>Member(J)</p> <p>19/6/00</p> <p>Notice filed and sent to D/S for issuing the fresh No 1 to 4 vide D/No 1722 to 1725 dtd 28/06/00</p> <p>19/6/00</p>	<p>16.6.00</p>	<p>Present : Hon'ble Sri D.C.Verma, Member(J).</p> <p>Mr. M.Chanda for the applicant and Mr. B.S. Basumatary learned Addl. C.G.S.C. for the respondents.</p> <p>Application is admitted. Issue usual notices. Respondents to file written statement within three weeks. Meanwhile it is provided that if the respondents are making any recovery as per Annexure-2 dated 17.2.2000 to the O.A. that shall not be made until further orders.</p> <p>List on 5.7.2000 for further orders.</p> <p>Member(J)</p>

Notes of the Registry	Date	Order of the Tribunal
<p>12/7/00</p> <p>Notice duly served on Respondent No 1, 2, 3, 4.</p> <p><i>[Signature]</i></p>	<p>5.7.00</p> <p>nkm</p>	<p>Present: Hon'ble Mr S. Biswas, Administrative Member</p> <p>Learned counsel Mr M. Chanda for the applicant and Mr B.S. Basumatary, learned Addl. C.G.S.C. for the respondents.</p> <p>At the request of the learned counsel for the respondents the case is adjourned and posted on 3.8.00 for written statement and orders.</p> <p><i>[Signature]</i> Member(A)</p>
<p>8-8-2000</p> <p>Written statement has been filed by the respondents No. 1, 2, 3, 4.</p> <p><i>[Signature]</i></p>	<p>3.8.00</p> <p>22-8-00</p>	<p>There is no business done to 22-8-00.</p> <p><i>[Signature]</i></p> <p>There is no business done to 19-9-00.</p> <p><i>[Signature]</i></p>
<p>18-9-2000</p> <p>1) Wfs has been filed.</p> <p>2) No rejoinder has been filed.</p> <p><i>[Signature]</i></p>	<p>19.9.00</p> <p>mk</p>	<p>Present : Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.</p> <p>Written statement has been filed. The case is ready for hearing. List on 25.10.2000 for hearing.</p> <p><i>[Signature]</i> Vice-Chairman</p>
<p>The case is ready for hearing.</p> <p><i>[Signature]</i></p> <p>24.10.2000</p>	<p>25.10.2000</p>	<p>Heard the learned counsel for the parties. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is disposed of. No order as to costs.</p>
<p>11.12.2000</p> <p>Copy of the Judgment has been sent to the D/Sec for filing the same to the L/2 recd for the parties.</p> <p><i>[Signature]</i></p>	<p>nkm</p>	<p><i>[Signature]</i> Vice-Chairman</p>

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A.No. 218 ..... of 2000

DATE OF DECISION. 25.10.2000.....

Shri Rishikesh Paul and 5 others

PETITIONER(S)

Mr M. Chanda, Ms N.D. Goswami and

Mr G.N. Chakraborty

ADVOCATE FOR THE  
PETITIONER(S)

-VERSUS-

The Union of India and others

RESPONDENT(S)

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

ADVOCATE FOR THE  
RESPONDENT(S)

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

THE HON'BLE

DATE OF DECISION.....

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

ADVOCATE FOR THE  
RESPONDENT(S)

ADVOCATE FOR THE  
RESPONDENT(S)

THE HON'BLE

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 ?

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.218 of 2000

Date of decision: This the 25th day of October 2000

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

1. Shri Rishikesh Paul
2. Shri Jang Bahadur Gurung
3. Shri Lilaram Sharma
4. Shri Bola Krishna Sharma
5. Shri Raj Narayan Rai
6. Shri Dhan Bahadur Pradhan

....Applicants

All the applicants are Fitter General  
Mechanic working in the establishment  
of Garrison Engineer, Shillong.

By Advocates Mr M. Chanda, Ms N.D. Goswami  
and Mr G.N. Chakrabarty.

- versus -

1. The Union of India, represented by the  
Secretary to the Government of India,  
Ministry of Defence,  
New Delhi.
2. The Engineer in Chief,  
ARHQ, DHQ,  
Kashmir Bhawan, New Delhi.
3. The Controller of Defence Accounts (Pay),  
Uday Vihar, Narangi,  
Guwahati.
4. The Garrison Engineer,  
Shillong.

....Respondents

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

.....

O R D E R

CHOWDHURY.J. (V.C.)

The issue relates to admissibility of Night Duty Allowance (NDA for short) to the Pump House Operators (PHO for short) serving in the Military Engineering Service redesignated as Fitter General Mechanic (FGM for short) with effect from 6.7.1994.

2. The applicants are six in number who have joined together and filed a single application. Since the cause of action and the nature of relief prayed for are same and of similar nature, the applicants are accordingly allowed to espouse their grievance by this single application under the provisions of Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987.

3. Prior to the impugned order dated 17.2.2000, Annexure 2, the applicants were working as PHO and were awarded NDA for the work they performed during the night at the rate of ten paise per house hour. Such allowance, according to the applicants, came to around Rs.100/- per mansion. The PHO was redesignated with effect from 6.7.1994 as FGM. The nature of duty and grade in service remained the same and they continued to get the NDA calculating on the hours of night duty performed by each individual FGM. According to the applicants after redesignation was made in 1994, NDA was made admissible only to those categories which were enlisted in the Government Order. In the order there is no mention of FGM and therefore, the Army Headquarters, Eastern Command took up the matter with the Ministry of Defence in order to include the FGM in the list of the Government Order for the purpose of NDA. No decision in the matter was taken. The concerned authority made correspondence with the Army Headquarters, Eastern Command. One such communication is annexed As Annexure I to the application. By his communication dated 17.2.2000 the Senior Accounts Officer informed the concerned authority to stop the payment of NDA and advised to initiate action to regularise the overpayment.

4. Written statement has been filed on behalf of the respondents. The respondents admitted that the applicants are discharging similar nature of duties, having also not disputed that the applicants are attending their night

duties.....

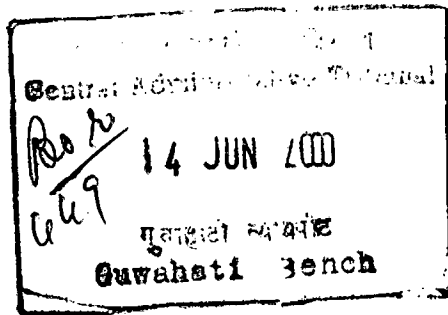
duties. The respondents, however, submitted that though the nature of duties remained the same the FGM were not caterogirsed in the list of the Government Order for grant of NDA and accordingly the case of the applicants were taken up with the Government of India, Ministry of Defence for clarification regarding the admissiblity of NDA to the FGM.

5. From the facts alluded above, it emerges that the applicants were provided with some extra allowance of 10 paise per hour for rendering night duty. Since they are discharging the same and similar nature of duty as FGM as they were earlier as PHO, it is difficult to discern the rationale behind the refusal of the allowance for NDA for similar duty. the allowance was provided against the services rendered. The matter has already been referred to the Ministry of Defence and it is expected that the Ministry of Defence would take up an appropriate decision as per law for providing the Night Duty Allowance for rendering such duty as was done earlier.

6. After considering all the aspects of the matter the respondents are directed to take an early decision in the matter, preferably within three months from today. Till completion of such exercise the respondents are directed not to give effect to the Circular dated 17.2.2000 issued by the Senior Accounts Officer so far the present applicants are concerned.

7. The application is accordingly disposed of. No order as to costs.

( D. N. CHOWDHURY )  
VICE-CHAIRMAN



In the Central Administrative Tribunal

Guwahati Bench ::: Guwahati.

( An application under Section 19 of the Administrative  
Tribunals Act, 1985 ).

Title of the case : O.A. No. 218 /2000.

Shri Rishikesh Paul : Applicants  
and others.

- Vs-

Union of India and others. : Respondents.

I N D E X

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Filed by

N.D. Goswami

Advocate.

Rishikesh Paul



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In the Central Administrative Tribunal

Guwahati Bench :::: Guwahati

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

Original Application No. \_\_\_\_\_/2000.

BETWEEN

1. Shri Rishikesh Paul
2. Shri Jang Bahadur Gurung.
3. Shri Lilaram Sharma.
4. Shri Bola Krishna Sharma
5. Shri Raj Narayan Rai.
6. Shri Dhan Bahadur Pradhan.

All Fitter General Mechanic working in the  
establishment of Garrison Engineer, Shillong.

..... Applicants.

- AND -

1. The Union of India  
Represented through the Secretary  
to the Government of India,  
Ministry of Defence,  
New Delhi.
2. The Engineer in Chief  
ARHQ, DHQ,  
Kashmir Bhawan,  
New Delhi.

*Rishikesh Paul*

3.       Controller of Defence Accounts (Pay)  
          Uday Vihar, Narangi,  
          Guwahati-21.
4.       The Garrison Engineer  
          Shillong.

..... Respondents.

DETAILS OF APPLICATION.

1.       Particulars of orders against which this application is made.

1.       This application is made against the impugned order of recovery of Night Duty Allowance issued by the office of the CDA, Guwahati vide their NO. Pay/024/IV/PC/86-VII dated 17.2.2000 and also praying for a direction upon the respondents to allow the applicants to continue to draw the Night Duty Allowance which is sought to be recovered from the salary of the applicants.

2.       Jurisdiction.

The applicants declare that the subject matter of the applicants is within the jurisdiction of the Tribunal.

3.       Limitation.

The applicants further declare that the application is within the limitation period prescribed in section 21 of the Administrative Tribunal Act 1985.

*Rishi Kesh Paul*

4. Facts of the case.

4.1. The applicants state that they are the Citizen of India and as such all of them are entitle to all the rights, privileges and protections as guaranteed under the provisions of the Constitution of India. The applicants further beg to state that their grivances are common and the relief sought for are also common and as such crave for permission to move this application jointly under Rule 4(5)(a) of CAT Procedures Rules 1987.

4.2. The Pump House Operators ( for short PHO) serving in the Military Engineering Service ( for short MES) were allowed Night Duty Allowance for such hours as they individually worked during the nigh @ 10 paise per house hour. On such allowance one single Pump House Operator could get a sum around Rs.100/- in a month.

4.3. That the PHO were redesignated as Fitter General Mechanic (FGM) w.e.f. 06-07-1994. There nature of duty and grade in service remaining same, they continued to get the said N.D.A. calculating on the hours of night duty performed by each individual F.G.M.

4.4. That consequent on the redesignation in the year 1994 the N.D.A. admissable only to those categories which were enlisted to the Government Order issued by the Ministry of Defence. The FGM not being in the list the Army Headquarter, Eastern Command has taken up the matter with the Ministry of Defence so that the FGM may be included in the list of the Government Order for the

Rishi Kesh Paul -

purpose of N.D.A. But the Ministry of Defence has not yet taken the decision or communicated anything denying the admissability of N.D.A. to the P.H.O now redesignated as F.G.M.

4.5. It would be clear from the letter from the Engineer in Chief referring to the Army Headquarter, Eastern Command letter No. A/20050/NDA/EIC(3) dated, 14th July, 1999 which has been forwarded to the applicants by the Garrison Engineer, <sup>Shillong</sup> 872 EWS under Order No. 1020/424/EI dated, 19.11.1999.

4.6. Copies of which letters/orders are annexed and marked as Annexure - 1 series.

4.6. It would be relevant to state that the applicants have been paid the N.D.A. since July, 1994 when they were redesignated, and their bills have been passed by the C.D.A. ( Respondent -3) every month during the last six <sup>4</sup> years in the absence of any order to stop the Night Duty Allowance.

4.7. That the suddenly it appears that the CDA (Respondent No.3) asked the AAO, GE, Shillong/AG to stoped payment of N.D.A. and also to recover such Night Duty - Allowance paid since 7. 6.7.94 till date as a result of such communication made by the CDA vide letter bearing no. Pay/024/IV/PC/86-VII dated 17.2.2000 the respondents made arrangement to make recovery of the Night Duty - Allowance paid on after 6.7.94 to the present applicants from the pay bill of the applicants for the month of

June

Rishikesh Pad

June '2000 as because their is a instruction given by the CDA in the impugned circular dated 17.2.2000 to initiate action to regularise the over payment so made, The decision of the recovery of Night Duty Allowance paid to the applicants w.e.f. 6.7.94 has been taken by the Controller of Defence Accounts Guwahati without issuing any notice or show cause to the applicants and also without following the Principle of Natural Justice, as such the impugned letter dated 17.2.2000 is liable to be set aside and quashed.

A copy of the circular dated 17.2.2000 is enclosed as Annexure - 2.

4.8. That your applicants further beg to state that they have been re-designated as fitter General Mechanic (F.G.M.) from Pump House Operator but they are still performing the Night Duty as the nature of job remain same till date. As such they are entitled to Night Duty Allowance and the same cannot be denied to the applicant merely because they have been re-deginated as F.G.M., therefore Hon'ble Tribunal be pleased to direct the respondent continue to pay Night Duty Allowance to the applicants as the duty and responsibility of the applicants remain same even after re-degination.

4.9. That it is stated that the applicant could not prefer anyrepresentation as the arbitrary decision of recovery is going to be affected from the pay bill of the applicants in the current month.

Rishikesh Paul

5. Grounds for Relief with Local Provisions.

5.1. The C.D.A., Guwahati has no authority to decide admissability of NDA, and whether the Pump House Operators being re-designated as Fitter General Mechanic performing the same work and in the same grade shall be denied or allowed the N.D.A. is a matter to be decided by the <sup>M</sup>inistry. The Audit authority cannot take the ~~an~~ administrative decision and as such the Order for deduction to recover the N.D.A. is illegal.

5.2. That there is no dispute that P.H.O. and F.G.M. are not different in work and grade, and when the Army Headquarter has taken up the matter with the Ministry of Defence to Enlist the category of F.G.M. for the purpose of N.D.A., it is without any jurisdiction and authority the C.D.A. ( Respondent No.3) has intimated the Garrison Engineer, Shillong ( Respondent No. 4) to recover the N.D.A. since the redesignation.

5.3. That until the Government of India, Ministry of Defence communicates the decision about non-admissability of N.D.A. to the Pump House Operators only due to their redesignation the N.D.A. may be stopped, but before that the F.G.M. who are actually the P.H.O. in a different ~~a~~ name have to get the Night Duty Allowance as usual.

5.4. That the applicants are low paid employees and if recovery is started in compliance of the order of the C.D.A. Guwahati they would be seriously prejudice

R. B. Kishore Paul

particularly as in each individual case the recoverable amount would stand in each case around Rs. 7000/- such a financial loss is going to be effected without the due process of law, or observing the principle of natural justice.

6. Details of Remedies Exhausted.

The applicants were intimated only on 9th April 2000 that recovery would be effected as per instructions given by C.D.A. (Respondent No.3) and such deduction would commence by deduction from the Salary of M June'2000. This being the situation no representation could be made or Notice served in compliance of Sec. 20 of the Administrative Tribunal Act, 1985. Unless this Hon'ble Tribunal admits this application and consider the urgency for which exhausting other remedies is impossible, the applicants would be seriously prejudiced and would be deprived of justice and equity.

7. Matters not previously filed or pending with Any other Court.

The applicants declare that they have not previously filed any application or Writ Petition or suits regarding the matter in respect of which this application has been made, before any Court or any other authority or any other bench of the Tribunal, nor any such application, writ petition or suit is pending before any of them.

*Rishi Kesh Paul*

8. Relief sought for

~~Six~~ In view of the facts mentioned in Para-6 above the applicants pray for the following reliefs :-

8.1. The direction of the C.D.A. ( Respondent No.3) <sup>vide</sup> Order dt 17.2.2000 issued to Garrison Engineer, Shillong ( Respondent No. 4) being perse illegal and without authority has to be declared void and non-est.

8.2. That recovery of the Night Duty Allowance drawn by the Pump House Operators since they are redesignation as Fitter General Mechanic on 06.07.1994 has to be declared void and illegal until the decision is taken by the Ministry of Defence .

8.3. The Pump House Operators and the Fitter General Mechanic being same and identical in the nature of work and grade the Night Duty Allowance @ 10 Paise per hour has to be ordered to continue until a final decision taken by the Ministry.

9. Interim prayer for

Pending final decision on the application the applicants seek the following interim relief :-

9.1. The Hon'ble Tribunal be pleased to stay operation of the impugned circular dated 17.2.2000 (Annexure -2) and further be pleased to direct

Rishikesh Paul



the respondents not make any recovery of Night-Duty Allowance till final disposal of this application.

- 9.2. That the respondent be directed to continued to pay Night Duty Allowance till final disposal of the case.

10. ....

This application has been filed through advocate.

11. Particulars of I.P.O.

- i. I.P.O. : 062 4274 76  
ii. Date of Issue : 13/6/2K  
iii. Issued from : G.P.O., Guwahati.  
iv. Payable at : G.P.O., Guwahati.

12. List of enclosures.

As stated in the Index.

..... Verification.

Rishikesh

V E R I F I C A T I O N

I, Shri Rishikesh Paul, son of Shri Harandra-Kumar Paul aged about 45 years presently working as Fitter General Mechanic in the office of the Garrison Engineering Shillong. I have been authorised by other applicants to signed this verification. I do hereby verify and declare that paragraph 1 to 4 and 6 to 12 are true to my knowledge and these made in paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 14 day of June, 2000 at Guwahati.

Rishikesh Paul

Signature.

-----  
AHQ E-in-C's letter No A/20050/NDA/E1C(3) dt 14 Jul '99

NDA TO PUMP HOUSE OPERATOR AND  
DRIVER ENGINE STATIC IN MES.

**ANNEXURE-1 SR.**

1. A case regarding admissibility of Night Duty Allowance to PHO and DES consequent to redesignation as FGM was referred to Ministry of Defence by CGOA New Delhi for clarification. Ministry of Defence has however clarified that the Night Duty Allowance is admissible only to those categories which are enlisted to the Government order. A copy of Ministry of Defence ID No 569/99/D(Wks) dated 3 Mar '99 in which said clarification has been communicated to this HQ is enclosed for your information and necessary action.

2. Since ~~XX~~ FGM categories is not enlisted in the govt order for grant of NDA a case has been taken up by this HQ with Ministry of Defence to issue necessary Govt order to grant of NDA to those FGM who are employed as PHO & DES.

Sd/- x x x  
( KD Chettri )  
SAO  
SO 2 Engrs(Pers)  
for Engineer-in-Chief

*Clamped to my 99*

12  
Annexure-2

No. Pay/024/IV/PC/86-VII  
Office of the CDA Guwahati  
Udayan Vihar, Narangi  
Guwahati - 781 171.  
Dated: 17/02/2000.

To AAO GE  
Shillong 793072

1) AAO Shillong  
2) All LAOs  
3) All AAO GES/AGE(I)s

Sub:- Grant of Night Duty Allowance to Pumb House Operator and Engine Driver static of MES who are redesignated as Fitter General Mechanic.

In consistence with the provision of HQ office, New Delhi letter No. AT/2366-NDA-VIII dated 16-7-99 circulated vide Part I G.O. No. 227 dated 14-9-99, the category of Pumb House Operator and Engine Driver Static of MES redesignated as Fitter General Mechanic (FGM) with effect from 6-7-94 are not entitled to draw Night Duty Allowance, as the category of FGM has not been included in the Govt. orders issued from time to time entitling them Night Duty Allowance (NDA).

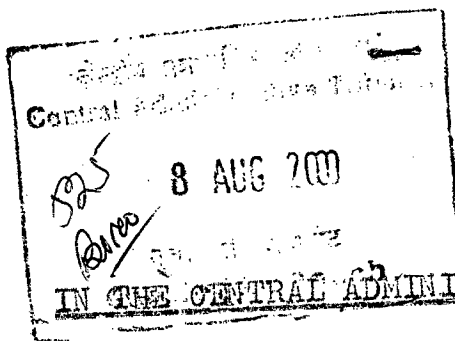
Of late it has come to our notice that one of our sub offices is admitting the Night Duty Allowance claim in respect of the category of FGM, which is in contravention of the provisions contained in CGDA's New Delhi clarificatory order mentioned in para 1 above.

In view of above you are advised to review with reference to records held by you that whether NDA has been paid to FGM and if so initiate action to regularise the overpayment so made of in your audit area in consultation with GE and further payment of Night Duty Allowance (NDA) to FGM may please be stopped immediately.

A confirmation to the effect that NDA is not being paid to FGM may please be sent to this office by all AAOs GES/AAO AGE(I)s.

G.O. has seen.

Attest  
S. Prasad  
SR. ACCOUNTS OFFICER.



GUWAHATI BENCH, GUWAHATI

OA NO. .... 218/2000

Shri Rishikesh Paul and others

- Vs -

Union of India and others

- AND -

In the matter of

Written statement submitted by the  
Respondent Nos 1, 2, 3 & 4

(Written Statement)

The humble respondents submit their  
written statements as follows :-

Para 1, 2 & 3 : Statement made in  
para 1, 2 & 3 are matter of records.

Para 4.4 : The statement made in  
paragraph 4.4 are matter of records.

However the respondent respectfully  
submitted that though the nature of  
duties remain same, but categories of  
FGM is not enlisted in the Govt Order  
for grant of NDA. In any event case is

contd....2/-

being taken up with Govt of India, Min of Def  
for clarifications regarding the admissibility of NDA.

Para 4.5 and 4.6 : Statement made in paragraph 4.5  
& 4.6 are matter of records.

Para 4.7 : With regards to the statements made in  
para 4.7 the respondents respectfully submitted  
that the process of recovery the amount of NDA paid  
from 1994 has been initiated after getting order  
from CDA Guwahati. In view of the non-inclusion  
of the employees in FGM categories for entitlement of NDA.  
Merely because the petitioners were paid the said  
allowances and this bonafide mistake does not  
entitle the applicants to enjoy the same benefit  
in parpertual.

Para 4.8 : The redesignation is being done for  
better promotion facilities of industrial staffs  
and case was taken up with Min of Def regarding the  
payment of NDA to the then PHO & DES.

Para 4.9 : With regards to statement made in  
Para 4.9 it is respectfully submitted that the  
respondents are very much within the rights to  
regularise the payment made without entitlement  
to the petitioners as such issue of notice for  
such is not warranted.

Para 5.1 : Since CDA Guwahati being the respon-  
sible for auditing and accounting of defence  
funds and CDA is a competent to direct the  
disburshing authority to regularise the unautho-  
rised payment or the payment not permissible under  
relevant rules.

15  
27

Para 5.2 : With regards to para 5.2 it respectfully submitted that the order by CDA Guwahati to recover the NDA paid between 1994 to till date from the petitioners is as per rules and hence it is incorrect to assert that CDA has no jurisdiction to order for recovery.

Para 5.3 : Not legally tenable and denied hereby in as such FGM are not entitle to get NDA till date and in the event the inclusion of FGM in list of the entitlement for NDA by Min of Def then they will be paid.

Para 5.4 : With regards to the statement made in para 5.4, the respondent respectfully submit that the payment made not in accordance with rule is liable to be recovered and as such it is legally can't be questioned.

Para 6 : The statement made in Para 6 are matter of facts and deserve no comments from the respondents.

Para 7 : The statement made are the matter in knowledge of the petitioners.

Para 8.1, 8.2 & 8.3 : Being the auditing authority, the CDA has full right to direct for the stopping of payment of NDA which is not payable to petitioner as per the rule and also to order for recovery the amount already paid without entitlement till date and as such the instant petition as filed by the petitioners are not entitle to any relief and liable to be rejected with cost to the respondents.


Para 9.1 & 9.2 : Prayed for rejection and interim order passed by Hon'ble Tribunal needs to be vacanted.

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VERIFICATION

I, Shri RM Rout, AEE E/M Shillong, S/O Shri BD Rout do hereby solemnly declare that the comments given in the written statement from para 1 to 9.2 above are based on the informations and derived from available records and true to my information and the rest are my humble submission before this Honourable Tribunal.

And I sign this verification on this 03 day of Aug 2000.

  
(RM Rout)  
AEE  
Legal Officer