

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

M.P-15/06 ordersheet pg-1 to 2

INDEX

Disposed Date-17/02/2006

M.P-43/06 ordersheet pg-1 to 2

Disposed Date-10/05/2006

O.A./T.A No. 224/2000

R.A/C.P No.

E.P/M.A No. 15/06

1. Orders Sheet. OA-224/2000 Pg. 1 to 4
2. Judgment/Order dtd. 11/12/2000 Pg. 1 to 5 allowed
3. Judgment & Order dtd. 18/09/2002. Received from H.C/Supreme Court
WPCO pg-1 to 17
4. O.A. 224/2000 Pg. 1 to 87
5. E.P/M.P. 15/06 Pg. 1 to 7
6. R.A/C.P. MP-43/2006 Pg. 1 to 7
7. W.S. Pg. 1 to 44
8. Rejoinder. N/A Pg. to
9. Reply. N/A Pg. to
10. Any other Papers. Pg. to
11. Memo of Appearance.
12. Additional Affidavit.
13. Written Arguments.
14. Amendment Reply by Respondents.
15. Amendment Reply filed by the Applicant.
16. Counter Reply.

M.P-146/05 ordersheet pg-1

Disposed Date-11/11/05

Petition copy pg-1 to 6

Caveat No-5/2000 ordersheet pg-1

Petition copy pg-1 to 28

SECTION OFFICER (Judl.)

In The Central Administrative Tribunal
GUWAHATI BENCH : GUWAHATI

ORDER SHEET
APPLICATION NO. 224/2000 OF 199

Applicant(s) Sri Indraswar Rajkumar and ors.

Respondent(s) Union of India and ors.

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

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

Notes of the Registry	Date	Order of the Tribunal
RECEIVED GUWAHATI BENCH CENTRAL ADMINISTRATIVE TRIBUNAL 17/7/2000 19/7/2000 14/7/2000	5.7.00	Present: Hon'ble Mr S. Biswas, Additional Member Learned counsel Mr A. Ahmed for applicant and Mr B.C. Pathak, learned C.G.S.C. for the respondents. Heard the learned counsel for the parties on the admissibility of the O.A. regarding whether Field Service Concession Allowance (FSCA for short) as a specific item is admissible to the civilian employees in Defence Services. The O.A. is admitted. The joint application is also allowed. Mr B.C. Pathak, learned Addl. C.G.S.C. mentions that he has already filed a caveat so that such type of applications are not admitted. His contention is that the Hon'ble Supreme Court's decision dated 17.2.1997 cited

Notes of the Registry

Date

Order of the Tribunal

5.7.00

by both the counsel, does not cover FSCA.

The dispute needs to be sorted - out by legal interpretation. The case is, therefore, committed to the Division Bench whenever available.

However, the learned counsel for the applicant wants that consistency should be maintained in respect of his clients (applicants), who are posted in Guwahati. If the respondents are not stopped from recovery they would be financially loser and the application would be infructuous. Considering the submission of the learned counsel for the applicants, as in other cases, the respondents shall not enforce the recovery till the next date of hearing by the Division Bench. The learned counsel for the respondents is at liberty to argue on the vacation of the interim order before the Division Bench.

Post on 7.8.00 before the Division Bench.

S. A. B.
Member(A)

nkm

MS
6/7/2000

7.8.00

There is no Bench today.
11.8.00 to 13.8.00

8.9.00

No Bench. To be listed on
15.11.00

13.11.00

Written statement has been filed. Similar matters are already posted for hearing before the Division Bench on 6.12.2000. List the matter on 6.12.2000 before Division Bench for hearing.

[Signature]
Vice-Chairman

trd

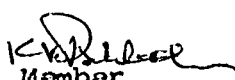
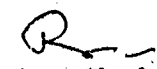
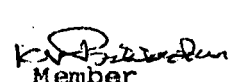
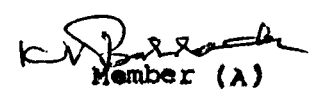
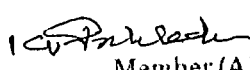
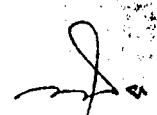
[Signature]
1416

5/7/00 Notice

Order dtd. 5/7/00 communi-
cated to the respondents No
1 to 6 & BETH the Advocates
vide Memo No 1795 to 1800
dtd. 2/8/00

15.9.2000
Written Statement
has been filed by the
respondents.

[Signature]
R. B. B.

Notes of the Registry	Date	Order of the Tribunal
6	16.9.04	On the request of Mr. B. C. Pathak, learned Addl. C.G.S.C. stand over to 29.9.04 for hearing.  Member  Vice-Chairman
lm	29.9.04	On the request of learned counsel for the applicant stand over to 22nd Nov, 2004 for hearing.  Member  Vice-Chairman
lm	22.11.2004	List on 17.1.2005 for hearing.  Member (A)
mb	17.2.05.	Present : The Hon'ble Mr. M.K. Gupta, Judicial Member. The Hon'ble Mr. K.V. Prahladan, Administrative Member. Request received from Mr. A. Ahmed, learned counsel for the applicant indicating that because of personal ground he would not be able to attend the Court today. Similarly, Mr. S. Samra, learned counsel for the applicant appearing in O.A. No. 15/00 and 201/00 states that he has received certain instructions from the applicant. Normally, we ^{would} are not ^{accede} grant such request, more so, when the matters were remanded back from the Hon'ble Gauhati High Court. As a matter of ^{indulgence or based} acting on the prayer, all the cases be listed on 03.03.2008.  Member (A)  Member (J)

CA 229/2000

3.1.2001
Copy of the Judgment
has been sent to the
D/Sec. for issuing the
order to the L/Advocate
for the parties.
HS

Notes of the Registry	Date	Order of the Tribunal
	5.12.00	List on 11.12.00 for hearing. Vice-Chairman
	11.12.2000	Present: Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman Hon'ble Mr M.P. Singh, Administrative Member .. Heard the learned counsel for the parties. Hearing concluded. judgment delivered in open court, kept in separate sheets. The application is allowed. No order as to costs. Member(A) Vice-Chairman
	10.3.2004	List before the available Division Bench in the month of May for hearing. Member (A)
	27.8.2004	Present: The Hon'ble Shri D. C. Verma, Vice-Chairman (J). The Hon'ble Shri K.V.Prahlad Member (A). Since Mr.A.Ahmed, learned counsel for the applicant and Mr.B.C.Pathak, learned Adal.C.G.S.C. for the respondents, both have submitted leave notes, the case is adjourned and listed before the next Division Bench. Member (A) Vice-Chairman

bb

Notes of the Registry Date Order of the Tribunal

3.3.2005

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

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

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

K.V. Prahladan
Member

G. Sivarajan
Vice-Chairman

nkm

7.3.05.

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

Hon'ble Mr. K.V. Prahladan, Administra-
tive Member.

At the request of learned counsel for
parties, case is adjourned to 22.3.05.

K.V. Prahladan
Member

G. Sivarajan
Vice-Chairman

lm

22.03.2005

Present : The Hon'ble Mr. Justice G.
Sivarajan, Vice-Chairman.

The Hon'ble Mr. K.V. prahladan
Administrative Member.

Heard Mr. A. Ahmed, learned counse
for the applicants and also Mr. A.K.
Chaudhuri, learned addl. C.G.S.C. for th
respondents.

Hearing concluded. Orders reserved

Member (A)

Vice-Chairman

nkm

Notes of the Registry	Date	Order of the Tribunal
-----------------------	------	-----------------------

22.03.2005

Present : The Hon'ble Mr. Justice G. Sivarjan, Vice-Chairman.
The Hon'ble Mr. K.V. Prahlanadan Administrative Member.

Heard Mr. A. Ahmed, learned counsel for the applicants and also Mr. A.K. Chaudhuri, learned Addl. C.G.S.C. assisted by Ms. U. Das, learned Addl. C.G.S.C. for the respondents.

Hearing concluded. Orders reserved.

K.V. Prahlanadan
Member (A)

G. Sivarjan
Vice-Chairman

mb

31.5.05.

Judgment delivered in open Court. Kept in separate sheets. Application is disposed of. No order as to costs.

K.V. Prahlanadan
Member

G. Sivarjan
Vice-Chairman

lm

Received Judgment
and ORDER to-day on
03.06.05 at 11:45 AM
N. S. S. S.
3.6.05
at 11:45 AM



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

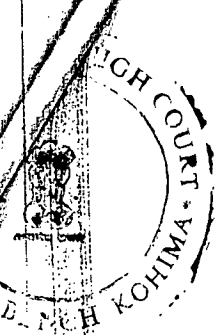
I). CIVIL RULE NO.5614 OF 1998

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

..... Petitioners

-Versus-

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



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



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

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

..... Respondents

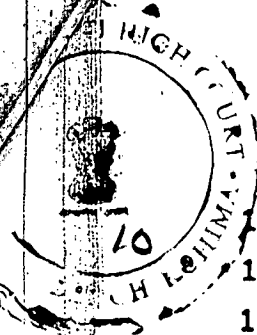
II). WRIT PETITION(C) NO.1685 OF 2001

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

..... Petitioners

Versus

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



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



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

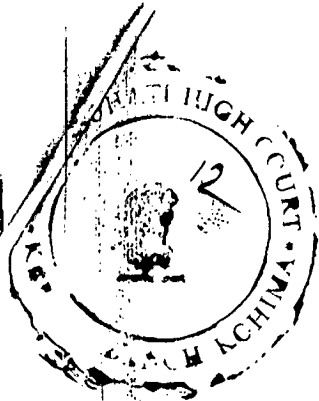
... Petitioners in
OA No.170/99

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

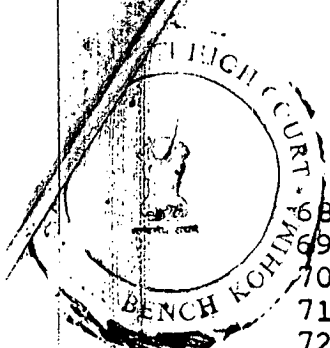
... Petitioner in
OA No.202/99

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

... Contd...P/6.



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

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

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

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



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

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

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

... Petitioners in
OA No.179/2000

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

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

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

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

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

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

... Respondents

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

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

... Petitioners

Versus

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

... Respondent



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

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

..... Petitioners

Versus

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



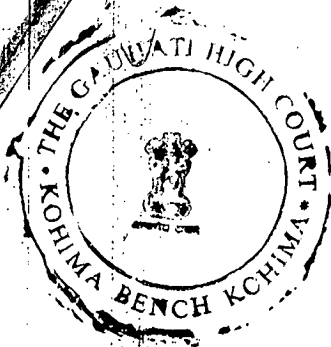
26. 220200 Sri Callactor Dom
27. 243908 Sri Raju Bahadur
28. 216846 Sri Bhuni Deo
29. 243878 Sri Ram Dulara Singh
30. 220293 Sri Lallan Prashad
31. 238143 Sri Ram Prashad Koiri
32. 243606 Sri Ganesh Thakur
33. 238394 Sri Baleswar Mahato
34. 238127 Sri Gauri Sankar Prashad
35. 220165 Sri Ram Nath Mahato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



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

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

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



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

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

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

RESPONDENTS

B E F O R E

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

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

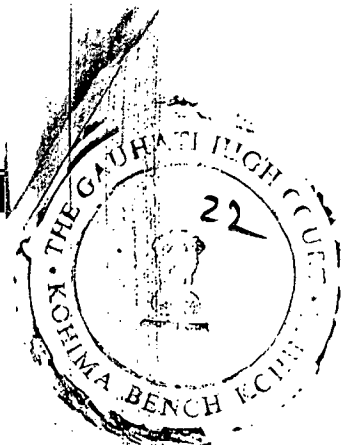
For the respondents : Mr.A.Ahmed,
Advocate.

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

JUDGMENT & ORDER(ORAL)

C.J.

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

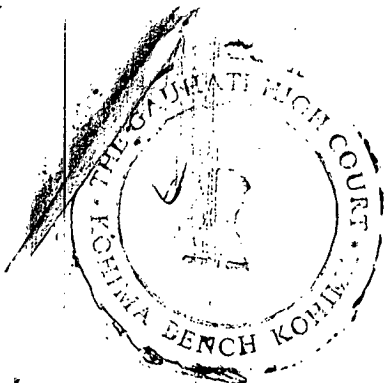


petitioners as well as Mr.A.Ahmed, learned counsel for the respondents.

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

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

3
2



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

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

sg
JUDGE.

sg
CHIEF JUSTICE

as.

TRUE COPY
Sd/-
Stent-cum Stamp Reporter
Gauhati High Court
Kohima Bench

24

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.170 of 1999
Original Application No.202 of 1999
Original Application No.319 of 1999
Original Application No.179 of 2000
Original Application No.276 of 2000
And
Original Application No.224 of 2000

Date of decision: This the 11th day of December 2000

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

Hon'ble Mr M.P. Singh, Administrative Member

O.A.No.170/99

Shri Gadahar Bania and 80 others
By Advocate Mr A. Ahmed

.....Applicants

- versus -

The Union of India and others
By Advocate Mr B.C. Pathak, Addl. C.G.S.C.

.....Respondents

O.A.No.202/99

Shri Deba Das Bhattacharjee and 22 others
By Advocate Mr A. Ahmed.

.....Applicants

- versus -

The Union of India and others
By Advocate Mr B.C. Pathak, Addl. C.G.S.C.

.....Respondents

O.A.No.319/99

Shri Krishna Sinha and 274 others
By Advocate Mr A. Ahmed

.....Applicants

- versus -

The Union of India and others
By Advocate Mr B.C. Pathak, Addl. C.G.S.C.

.....Respondents

O.A.No.179/2000

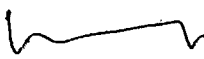
Shri Kulamani Singh and 23 others
By Advocate Mr A. Ahmed.,

.....Applicants

- versus -

The Union of India and others
By Advocate Mr A. Deb Roy, Sr. C.G.S.C.

.....Respondents



O.A.No.276/2000

Shri Satya Brata Mazumder and 20 others
By Advocate Mr A. Ahmed.

.....Applicants

- versus -

The Union of India and others
By Advocate Mr B.C. Pathak, Addl. C.G.S.C.

.....Respondents

O.A.No.224/200

Shri Indreswar Rajkumar and 7 others
By Advocate Mr A. Ahmed.

.....Applicants

- versus -

The Union of India and others
By Advocate Mr B.C. Pathak, Addl. C.G.S.C.

.....Respondents

.....

O R D E R (ORAL)

CHOWDHURY.J. (V.C.)

All these cases pertain to Field Service Concession (FSC for short) admissible to Defence Civilian employees pertaining to Group 'C' and 'D' employees. Since the cases involve common question of facts and common questions of law, all these cases were taken up together for hearing.

2. The applicants are serving in the State of Nagaland and Manipur as Defence Civilian employees. The subject matter that has come up for adjudication were earlier adjudicated upon by this Tribunal in a number of cases, more particularly in O.A.Nos.124, 125, 217 and 218 of 1995. The Tribunal by Judgment and Order dated 24.8.1995 passed in O.A.Nos. 124 and 125 of 1995 held that FSC was admissible to the applicants with effect from 1.4.1993 and the respondents were directed to extend the FSC to the applicants in the prescribed manner with effect from 1.4.1993.

3. The Tribunal in the aforesaid cases basically dealt with, amongst others, the communication No.16729/GG4(civ)(d) dated 25.4.1994 issued by Sena Mukhyalaya. The respondent authority thereafter went to the Supreme Court by filing SLP and the Supreme Court granted

the leave. The Civil Appeals were finally disposed of by the Supreme Court. The respondents specifically raised the point that the Tribunal committed a grave error by holding that the applicants were entitled for FSC as per Army Headquarters letter dated 25.4.1994 without understanding the contents of the letter. It was raised that the Army Headquarter letter dated 25.4.1994 was addressed to the various Army Commands pertaining to certain proposals for concessions/allowances to Defence Civilians posted in certain areas. The operative portion of the judgment of the Supreme Court is reproduced below:

"Having regard to the respective contentions, we are of the view that the Government having been 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 allowance only upto that date. Thereafter, all the personnel whether transferred earlier to that or transferred from on or after that date, shall be entitled to payment of only one set of Special Duty Allowance in terms of the above modified order.

As regards the payment of Special Duty Allowance to the defence civilian personnel deployed at the border area for support of operational requirement, they face the imminent hostilities supporting the army personnel deployed there. Necessarily, they alone require the double payment as ordered by the Government but they cannot be deprived of the same since they are facing imminent hostilities in the 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 wordings of the order requires modification. The Government is directed to modify the order and issue the corrigendum accordingly."

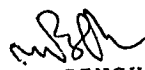
27 4. The judgment rendered by this Tribunal was finally merged with the judgment of the Supreme Court. The respondents by the impugned communication dated 10.4.1999 sought to make a distinction between payment of monetary and non-monetary allowance in the FSC and by the direction dated 10.4.1999 they instructed the concerned authorities to recover the payments already granted earlier on the basis of court judgments. The issue in these applications have already been adjudicated upon in O.A.Nos.124 and 125 of 1995, which went upto the Supreme Court and the determination on these matters has already attained its finality. According to the respondents, which appears from the written statement, the earlier judgment of the Tribunal was based on a misconception of facts, which was relatable to the Army personnel and not to the civilians. It was also averred that there was a lapse on the part of the respondents in placing the matters on record.

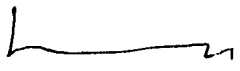
5. The controversy relating to FSC has already been adjudicated upon in the aforementioned O.A.s by this Tribunal and the Supreme Court finally disposed of the applications as mentioned above. The judgment of this Tribunal delivered earlier has been merged with the judgment of the Supreme Court and it is binding on the parties. If there was any lapse on the part of the respondents in placing the matters in its entirety it was open for the respondents to take appropriate measures, but it was not permissible on the part of the respondents to act in defiance of the order of the Tribunal, which was finally dealt with by the Supreme Court. The finding of the Tribunal in the O.A.s as regards the admissibility of the FSC and the SCA(RL) were not disturbed by the judgment of the Supreme Court, in this regard. The FSC as alluded earlier was granted by this Tribunal and not interfered by the Supreme Court and it was not proper on the part of the respondents to modify the same and take a different

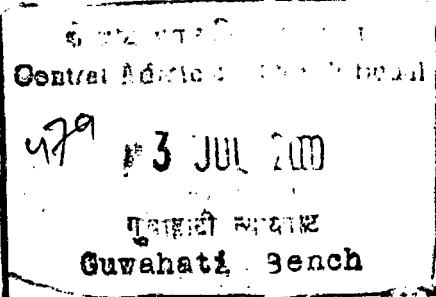
conclusion. The plea of admissibility of FSC was specifically taken in the SLP and the Supreme Court did not accept the plea. The relief would therefore be deemed to have been refused.

6. Mr B.C. Pathak, learned Addl. C.G.S.C., referred to the two decisions of the Supreme Court, reported in AIR 1966 Sc 1547, State of Orissavs. Durga Charan Das, and (1997) 3 SCC 321, State of Haryana and others vs. Ram Kumar Mann. Both the cases are decisions on facts pertaining to interpretation of the rules. In State of Orissa vs. Durga Charan Das (Supra) the Supreme Court observed that the State might have misconstrued the scope and effect of R.6 of the Protection Rules, but that would not preclude the authority to interpret the rule justly and reasonably. In State of Haryana vs. Ram Kumar Mann (Supra) the court was concerned as to whether a wrong decision rendered by the Government does not preclude them to take a right decision. But, here is a case in which the fact in issue was already adjudicated upon, maybe on a wrong premise. If the document was wrongly relied upon which was adjudicated upon, it was not open for the respondents to interpret the same on the face of the judgment of the Tribunal, which was not disturbed by the Supreme Court.

7. In the circumstances the applications are allowed and the impugned orders and/or directions for stoppage and recovery of Field Service Concession are set aside. There shall, however, be no order as to costs.


(M. P. SINGH)
ADMINISTRATIVE MEMBER


(D. N. CHOWHDURY)
VICE-CHAIRMAN



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.
(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL
ADMINISTRATIVE TRIBUNAL ACT, 1985)

ORIGINAL APPLICATION NO 224 OF 2000.

Shri Indreswar Rajkumar & Others.

Applicants.

-Versus-

Union of India & Others

Respondents.

INDEX

Sl.No.	Particulars	Page No.
1	Application	1 to 20
2.	Verification	21
3.	Annexure-1	22 to 27
4.	Annexure-1/A	28 to 32
5.	Annexure-1/B	33 to 38
6.	Annexure-1/C	39 to 40
7.	Annexure-2	41 to 50
8.	Annexure-3	51 to 75
9.	Annexure-3/A	76 to 80
10.	Annexure-4	81 to 83
11.	Annexure-5	84
12.	Annexure-6	85
13.	Annexure-7	86
14.	Annexure-8	87

Filed by

Advocate. (Adv. Anurag)

Filed by
Shri Indreswar Rajkumar
application
Hank Dill
(ADIL AHMED)
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GAUHATI BENCH AT GAUHATI.

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

ORIGINAL APPLICATION NO. 224 OF 2000.

BETWEEN

- 1] MES No. 242396 Sri Indreswar Rajkumar
A.E., E/M
Presently working under
The Garrison Engineer, Guwahati.
Formerly served under the Garrison
Engineer, 869 EWS, C/o 99 APO.
- 2] MES No. 237523 Sri Phanidhar Chutia,
Supervisor, B/S-II
Presently working under
The Garrison Engineer, Guwahati.
Formerly served under the Garrison
Engineer, 868 EWS, C/o 99 APO.
- 3] MES No. 229177 Sri Bikash Chakrabarty,
J.E., QS/C
Presently working under
The C.W.E., A/F, Guwahati
Formerly served under the Garrison
Engineer, 869 EWS, C/o 99 APO.
- 4] MES No. 243907 Sri M. K. Dinpi Zeliang
Mazdoor,
Presently working under the Garrison
Engineer, 869 EWS, C/o 99 APO.

Ran

- 5] MES No. 229812 Sri Gobinda Narzary
J.E.(Civil)
Presently working under
The C.W.E., A/F, Guwahati
Formerly served under the Garrison
Engineer, 868 EWS, C/o 99 APO.
- 6] MES No. 229610 Sri Kamal Narayan Goswami
J.E.(Civil)
Presently working under
The Garrison Engineer, Narengi.
Formerly served under the Garrison
Engineer, 868 EWS, C/o 99 APO.
- 7] MES No. 243920 M.H. Laskar, J.E., E/M
Presently working under
The Garrison Engineer, Guwahati.
Formerly served under the Garrison
Engineer, 868 EWS, C/o 99 APO.
- 8] MES No. 242028 Sri G. C. Bora
U.D.C.,
Presently working under
The Garrison Engineer, Narengi.
Formerly served under the Garrison
Engineer, 868 EWS, C/o 99 APO.

Applicants.

-AND-

- 1] Union Of India,
represented by the Secretary
to the Government of India,
Defence Department, New Delhi.
- 2] Shrimati Vandana Srivastava,
Controller of Defence Accounts,
UDHYAN VIHAR, Narengi,
Guwahati-781171.



- 3] The Commandant,
137 CWE, Head Quarter,
C/o 99 APO.
- 4] The Garrison Engineer,
868 E.W.S.,
C/o 99 A.P.O.
- 5] The Garrison Engineer,
869 E.W.S.,
C/o 99 A.P.O.
- 6] The Accounts Officer,
Office of the Area Accounts
Office, Ministry of Defence,
Bivar Road, Shillong-1.

Respondents.

DETAILS OF THE APPLICATION:

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:

This instant application is made against the impugned order of recovery of Field Service Concession Allowance as well as stoppage of the Field Service Concession Allowance vide D.O. No. Pay/Tech/025 dated 10th April 1999 issued by the Respondent No. 2 at Annexure-4 and also praying for direction upon the Respondents for Continuation of the Field Service Concession Allowance as per this Hon'ble Tribunal's Judgement and order in O.A.



No. 124, 125, 217, 218 of 1995 and 135 of 1997 and which was affirmed by the Hon'ble Apex Court of India in Civil Appeal No. 1572/97.

2. JURISDICTION OF THE TRIBUNAL:

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

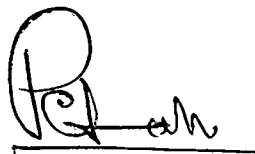
3. LIMITATION

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

4. FACTS OF THE CASE:

Facts of the case in brief are given below:

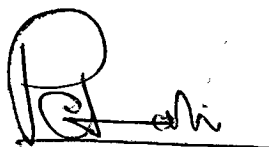
4.1 That your humble applicants are citizens of India and as such, they are entitled to all the rights and privileges guaranteed under the Constitution of India. The applicants are all Defence Civilian Employees belonging to group B, C and D. They are serving under the various establishments of Ministry of Defence, C/o 99 APO since a long time.



4.2. That your applicants beg to state that the applicant No. 1 to 3 and 5 to 8 earlier served in the Field Area of Nagaland & Manipur under the Garrison Engineer, 868 EWS and 869 EWS, C/o 99 APO as A.E., Supervisor B/S-II, J.E. The applicant No. 4 is still serving as Mazdoor in the Field Area of Manipur under the Garrison Engineer, 869 EWS, C/o 99 APO.

4.3. That your applicants beg to state that they have got common grievances, Common cause of action and the nature of relief prayed for is also same and similar and hence having regard to the facts and circumstances they intend prefer this application jointly and accordingly they pray for grant of permission under Rule 4(5) (a) of the Central Administrative Tribunal (procedure) Rules 1987 to move this application jointly.

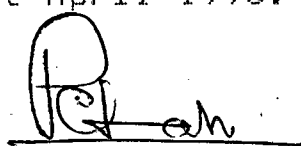
4.4 That your applicants beg to state that under the Government of India various orders, Memos, Circulars, these Defence Civilian Employees who are serving in Field Areas including Nagaland, Manipur, are eligible for certain benefits due to involving risk of life along with Armed Force personnel. These Defence Civilian Employees are facing imminent hostilities in these hilly Areas


P. G. Rani

- 6 -

risking their lives in supporting the army personnel development there.

4.5. That your applicants beg to state that these Defence Civilian Employees are entitled to get the benefit of Field Service Concession and also Allowance as per various Government Circulars and orders. These orders are as per Letter No. 16729/Org 4(Civ)(d) dated 25th April 1994 and vide letter No. B/37269/AG/PS3(a)/165/0 (pay/Service) issued by the Govt. of India, Ministry of Defence, dated 31st January, 1995. These letters were forwarded vide letter No. 16037/R/A2 HQ 3 Crops (A), C/o 99 APD dated 6-3-95. In the above mentioned letters and circulars it has been clearly stated that the Defence Civilian (Both locally recruited and outsiders) posted at field area like Nagaland & Manipur are entitled to get certain monetary allowance, i.e., Field Service Concession with effect from 01-04-1993. It is pertinent to mention here that in these letters it has been clearly mentioned in paragraph I that the Defence Civilian Employees serving in the newly defined field areas will continue to be extended the concession and facilities enumerated at Annexure-C of the Government letter No. A/02584 /AG/PS-3 (a)/97- S/D (Pay/Service) dated 25-01-64. The Field Service allowance as mentioned in the above mentioned letters are addition to Field Service Concession which was granted by the Government of India vide letter dated 25-01-64. The Additional Field Service Allowance has become effective from 1st April 1993.



Annexure-1 is the Photocopy of the letter No. 16727/Org 4(Civ)(d) dated 25th April 1994.

Annexure-1(A) is the photocopy of letter No. B/37269/AG/PS3 (a)/165/0 (Pay/Service) dated 31st January, 1995.

Annexure-1(B) is the photocopy of letter No. 16037/R/A2 HQ 3 Crops (A), C/o 99 APO, dtd. 6-3-95.

Annexure-1(C) is the Photocopy of the Defence Office Memo No. A/ 02584/ AG/ PS-3 (a)/97-S/D (Pay/ Service) dated 25-01-64.

4.6 That your applicants beg to state that they enjoying Field Service Concession since 1964 as per Annexure 1(C). But when the Defence Department issued another circular for Filed Service Allowance in addition to Field Concession as enumerated in letter dated 25-1-64, the applicants approached the authority to get the additional allowance. The authority refused to give this allowance in spite of their Office Memos at Annexure-1, Annexure-1(A) & Annexure-1(B). The applicants being aggrieved by non-payment of Field Service Concession Allowance they approached the Hon'ble Tribunal by filing the Original Application No. 124, 125, 217, 218 of 1995 and O.A. No. 135 of 1997. The Hon'ble Tribunal after hearing both sides allowed the Field



Service Concession Allowance as per Government letter No. 37269/ AG/ PS 3(a) /D/ Pay/ Service dated 13-01-94.

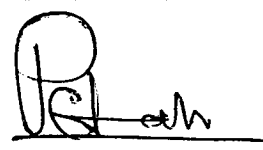
Annexure-2 is the photocopy of Judgment & Order dated 24-08-95 passed in Original Application No. 124 & 125 of 1995.

4.7 That it is pertinent to mention that in the Original Application No. 124, 125 & 217 & 218 of 1995 the applicants prayed for grant of four allowances, i.e., Special Duty Allowance, House Rent Allowance, Special Compensatory (Remote Locality) Allowance & Field Service Concession. All these allowances are allowed by this Hon'ble Tribunal in the above mentioned Original Applications. The Hon'ble Tribunal in its judgments allowed the Special Duty Allowance from 1-12-88, House Rent Allowance from 1-10-86, Special Compensatory (Remote Locality) Allowance from 1-10-86 & Field Service Concession with effect from 1-4-93. Accordingly, the Respondents have paid the above allowances to the applicants as per Hon'ble Tribunal's Order & Judgement. It may be stated that in O.A. 135/97 the Defence Civilian prayed before the Hon'ble Central Administrative Tribunal, Guwahati Bench for payment of Field Service Concession Allowance and accordingly the Hon'ble Tribunal granted the prayer and the Respondents paid the Field Service Concession Allowance to the Applicants.



4.8 That your applicants beg to state that the Respondents, that is, the Union of India challenged the above-mentioned Judgment & Order and other similarly situated cases before the Hon'ble Supreme Court of India. The appeal was numbered as Civil Appeal No. 1572/97. The grounds taken by the Union of India before the Hon'ble Apex Court regarding payment of Field Service Concession are given below:

■ Because the Hon'ble Central Administrative Tribunal committed a grave error by directing that the petitioner are entitled for Field Service Concession as per Army Head Quarter letter dtd 25-04-94 with effect from 01-04-93. A reading of Army Head Quarter letter dtd 25-04-1994 clearly show that the Hon'ble Tribunal has pass the order without understanding the contents of the letter. Actually, the Army Head Quarter letter dtd 25-04-94 was addressed to the various Army Commandants indicating certain proposal for Concession/ Allowance to the Defence Civilian Employees in certain areas and which had been forwarded to the Ministry of Defence for consideration and the Commandants, Head Quarter, were requested to examine the stated proposal and give their comments/views. The Hon'ble Tribunal has to the extent of directing the Government to pay such allowance even without Government sanction. The Army Head Quarter, on the proposal submitted that the Hon'ble Tribunal committed an error when



it directed the Government to make payments as per this letter of Army Head Quarter. No such allowances could be given in the absence of the Government Sanction.

But the Hon'ble Apex court only dealt with the Special Duty Allowance and the Special Compensatory (Remote Locality) Allowance. The Apex court held that the Special Compensatory (Remote Locality) Allowance will be payable to the Defence Civilian Employees till 17th April, 1995 as per Government letter regarding payment of Special Duty Allowance. The Apex court held that the Defence Civilian Employees serving in the Field Areas are entitled to get both the allowances, the Special Duty Allowance and the Field Service Concession Allowance. In this judgment it was nowhere mentioned by the Apex court that the Defence Civilian Employees are not entitled to get Field Service Allowance as the Army Letter dated 13-01-94 in addition to Field Service Concession as per the Ministry of Defence letter dated 25-01-64 and as such, these Defence Civilian employees posted in the Field Areas of Nagaland, Manipur, etc. are eligible for payment of Field Service Allowance in addition to Field Service Concession as the Hon'ble Tribunal and Hon'ble Apex Court's decision in Civil Appeal No. 1572/97.

Annexure-3 is the Photo copy of Judgment and Order passed in O.A. 124 and 125 of 1995 passed by the Hon'ble



Central Administrative Tribunal,
Guwahati Bench, Guwahati.

Annexure-3(A) is the Photo copy of
S.L.P. No. 1572 of 1997.

Annexure-3 (B) is the Photo copy of
Judgment in Civil Appeal No. 1572/97.

4.9 That your applicants beg to state that most surprisingly the Respondent No.2 Smti. Vandana Srivastava, the Controller of Defence Accounts, Guwahati, Narengi issued a letter directing the Garrison Engineer, 868, 869 EWS, C.W.E. 137 and other Defence Establishments under C/o 99 APD to recover the Field Service Concession Allowance from the applicants and also direct them to stop further payment of Field Service Concession Allowance.

It may be worth to mention here that the applicants are enjoying the Field Service Concession Allowance as per Judgment & Order passed on O.A. No. 124, 125, 217, 218 of 1995 and O.A. No. 135/97 by the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati. They are enjoying this benefit since 1993 and this benefit has also been affirmed by the Hon'ble Supreme Court of India. Accordingly, the Respondents have sanctioned the above-mentioned allowance from the Defence Ministry, New Delhi, and also from the Ministry of Finance. But surprisingly the Respondents particularly Respondent No. 2 has issued the

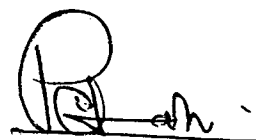


- 12 -

impugned order at Annexure-4 dated 10th April, 1999 after four years of passing of this Hon'ble Tribunal Judgment regarding payment of Field Service Concession Allowance. The Respondents have already contested the similar matter before the Hon'ble Tribunal and also in the Hon'ble Supreme Court of India. The Hon'ble Supreme Court of India affirmed the judgment of this Tribunal regarding payment of Field Service Concession Allowance on 17-02-97. As such, the Respondent No. 2 has acted whimsically and arbitrarily and she also has disobeyed the order of the Highest Court of Justice. Hence, the Respondent No. 2 deserve severe punishment from this Hon'ble Tribunal. The Respondent No. 2 in her impugned Order dated 10th April, 1999 stated that withholding payment of Field Service Concession against Hon'ble Central Administrative Tribunal Judgement. The Order issued by the Respondent No. 2 has shown willful disobedience to the entire judiciary. The Respondent No. 2 is not above the Judiciary. She cannot pass an order by over riding the highest judiciary system of India.

Annexure-4 is the recovery & Stoppage of Field Service Concession Allowance vide letter No. DO No. Pay/Tech/025 dated 10th April, 1999.

4.10 That your applicants beg to state that the Respondent No. 2 has violated the Hon'ble Tribunal's order & Judgment in O.A. No. 124, 125, 217 & 218 of 1995 and also the



Hon'ble Apex court's Judgment in Civil Appeal No. 1572 in similar cases regarding payment Field Service Concession Allowance to the Defence Civilian employees who are serving in the Field Area. As such, the Respondent No. 2 is liable for contempt of court for disobeying and suppressing the facts regarding payment of Field Service Concession Allowance to the Defence Civilian Employees who are serving in the Field Areas. Accordingly, the Hon'ble Tribunal may issue notice for personal appearance of Respondent No. 2 as she has violated the Hon'ble Tribunal order as well as the Hon'ble Supreme Court of India's order.

4.11 That your applicants beg to state that similarly situated Defence Civilian personnel who are serving under the various establishments of Ministry Defence, C/o 99 APO have already approached this Hon'ble Tribunal by filing various Original Applications before this Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati against illegal recovery and stoppage of Field Service Concession Allowance paid to them. The Hon'ble Tribunal after hearing both sides stayed the operation of impugned recovery order and stoppage of Field Service Concession Allowance (Annexure-4) dated 10-04-99, until further order.

Annexure-5, 6, 7 & 8 are the photocopies of such interim orders passed in various Original applications.

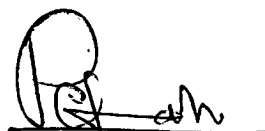


- 14 -

4.12 That your applicant begs to state that the Respondents have already issued recovery order of Field Service Concession Allowance from the applicants. As such, finding no other alternative the applicants approached this Hon'ble Tribunal for seeking justice.

4.13 That your applicants beg to state that the recovery and stay of Field Service Concession Allowance and discontinuation of Field Service Concession Allowance by the Respondent No. 2 is highly illegal, arbitrary, unfair and violative of the principle of natural justice as well as fundamental rights of the applicants.

4.14 That your applicants beg to state that the applicants are enjoying the Field Service Concession Allowance as per this Hon'ble Tribunal's various judgments and orders as well as the Apex Court's judgment in this matter from a very long time. They are not enjoying this benefit with a back door policy or illegally. As such, the Respondents cannot deprive them by issuing a D.O. Letter for recovery as well as stoppage of Field Service Concession Allowance which has been paid by the Respondents as per judgment of this Tribunal and also Apex Court's Judgment. The respondents without reviewing the Hon'ble Supreme Court's judgment in Civil Appeal No. 1572/97 can not pass an illegal order by overriding the highest Judiciary institute of



India. The Respondents cannot supercede or by pass the judgment passed by the Hon'ble Supreme Court of India.

4.15 That your applicants beg to state that in the above circumstances finding no other alternative the applicants are approaching the Hon'ble Tribunal for protection of their rights and interest through this Original Application and the Hon'ble Tribunal may be pleased to stay the impugned order No. Pay/Tech/025/ dated 10th April 1999 issued by the Respondent No. 2 and also direct the Respondents to continue the Field Service Concession Allowance to the present applicants as interim measure and further be pleased to set aside and quashed the impugned letter dated 10th April 1999.

4.16 That this application is filed bona fide and for the ends of justice.

5. GROUND'S FOR RELIEF WITH LEGAL PROVISION:

5.1 For that, the action of the Respondents are highly illegal, arbitrary and violative of the principle of natural justice as well as the fundamental rights of the applicants.

5.2 For that, the applicants are enjoying the Field Service Concession Allowance as per Hon'ble Tribunal's order as well as the Apex Court's order and the Respondents can not



deprive them these facilities of Field Service Concession Allowance and as such, the order of recovery and the order of stoppage of the above said allowance are illegal and are liable to be set aside and quashed.

5.3 For that, the applicants are Defence Civilian Employees serving in Nagaland and being attached with the armed force personal who are deployed in the Field Areas for operational requirement facing the immense hostilities and also facing risk of life along with the armed forces, as such, they are entitled to get the Field Service Concession and as such, the same cannot be discontinued.

5.4 For that, the Field Service Concession was not obtained by the applicants by any fraudulent means but the respondents after accepting the judgment of the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati and also accepting the Hon'ble Supreme Courts Judgment they were paying the Field Service Concession and as such the order issued by the Respondent No. 2 is liable to be set aside and quashed.

5.5 For that, it has been already conclusively held that the Hon'ble Supreme Court of India in other similar cases that the Defence Civilian who are serving in this area are entitled to get the said benefit of Field Service concession Allowance with effect from 01-04-93 and the Field Service concession with effect from 25-01-64 as per Govt. letters as



- 17 -

- 17 -

such, the respondents cannot discontinue these facilities to the present applicants.

5.6 For that, the Respondents have acted in a whimsical manner and particularly the Respondent No.2 without going through the Hon'ble Tribunal's Judgement & Hon'ble Apex Court's judgement has issued the letter dated 10th April, 1999 by suppressing all relevant facts and documents. The Respondent No. 2 has deliberately and intentionally violated the Hon'ble Tribunal's order & Hon'ble Apex Court's Judgment and as such, the order issued by the Respondent No.2 is liable to set aside and quash.

5.7 For that, the order of stoppage and recovery issued in terms of impugned order No. pay/tech/ 025 dated 10-04-99 is in total violation and disobedience of the Apex Court's Judgment and the Hon'ble Tribunal's Judgment and as such, the order issued by the Respondent No. 2 is liable to be set aside and quashed.

5.8 For the, in any view of the matter the action of the respondents are not sustainable in the eye of law.

The applicants crave leave of this Hon'ble Tribunal to advance further grounds at the time of hearing of this instant application.



6. DETAILS OF REMEDIES EXHAUSTED:

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

7. MATTERS NOT PREVIOUSLY FILED OR
PENDING IN ANY OTHER COURT:

That the applicants further declare that they have not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other Court, authority, nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the applicants most respectfully prayed that your Lordship may be pleased to admit this petition and may be direct the respondents to give the following reliefs.

8.1 That the Hon'ble Tribunal may be pleased to declare that the applicants are entitled to get the Field Service Concession *Allotment* as per Government Letter No. 16729/Org 4(Civ)(d) dated 25th April 1994 and also as letter dated 31st January, 1995 and letter dated 6-3-95 as mentioned in this Original

Rah

Application as Annexure-1, Annexure-1(A) & Annexure-1(B).

8.2 That the stoppage and recovery of Field Service Concession ^{Allowance} vide letter No. DO No. Pay/Tech/025 dated 10 April 1999 issued by the respondent No. 2 be set aside and quashed. 27

8.3 That the Respondents may be directed to continue the Field Service Concession Allowance as per Judgment & Order passed in O.A. No. 124, 125, 217, 218 of 1995 and O.A. No. 135/97 by this Hon'ble Tribunal.

8.4 That the respondents may be directed to continue the Field Service Concession in terms of Appendix 'C' to the Government of India, Ministry of Defence letter No. A/02584/AG/PS 3(a)/97-S/D(pay-Service) dated 25-01-64 along with the Field Service Concession (Monetary) Allowance with effect from 1st April, 1993.

8.5 To pass any other order or orders as deem fit and proper by the Hon'ble Tribunal.
Cost of the case.

9. INTERIM ORDER PRAYED FOR:

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



20

9.1 That the Hon'ble Tribunal may be pleased to stay the recovery and stoppage of Field Service Concession Allowance as per D.O. letter No. Pay /Tech/025 dated 10th April 1999 issued by the respondent No. 2 at Annexure-4 and also to continue the Field Service Concession Allowance given to the applicants as per Hon'ble Tribunal's Judgement passed in O. A.124, 125, 217, 218 of 1995 and O.A. No. 135/97 which was affirmed by the Hon'ble Apex Court of India.

10. Application Is Filed Through Advocate.

11. Particulars of I.P.O.:

I.P.O. NO. 06497383

Date Of Issue 7.6.2000

Issued from Guwahati G.P.O.

Payable at Guwahati

12. LIST OF ENCLOSURES:

As stated above.

.. Verification.

Pran

VERIFICATION

I, MES No. 237523 Sri Phanidhar Chutia, Supervisor, B/S-II Presently working under The Garrison Engineer, Guwahati Formerly served under the Garrison Engineer, 868 EWS, C/o 99 APO applicant No. 2 of the instant application and as authorised by the other applicants do hereby solemnly verify that the statements made in paragraphs ~~1 to 4.4~~, 4.7, 4.9 } 4.10, 4.12 to 4.14 are true to my knowledge, those made in paragraphs 4.5, 4.6, 4.8, 4.11 are being matters of records are true to information derived therefrom which I believe to be true and those made in paragraph 5 are true to my legal advice and rest are my humble submissions before this Hon'ble Tribunal I have not suppressed any material facts.

And I sign this verification today on this 3rd day of July 2000 at Guwahati.

Phani dhar chutia
Declarant.

- 22 -

- 26 -

198

ANNEXURE - 1

RESTRICTED

Annexure - 0

As per Unit

Org 4 (Civ) (d)

Adjutant General

Sena Mukhyalaya

Addl. Dte. Gen. of

Adjutant General Board

Army Headquarters

Now Delhi - 110 001

16729/org 4 (Civ) (d)

25 Apr. '94

Headquarters

Southern Command

Eastern Command

Western Command

Central Command

Northern Command

FIELD SERVICE CONCESSIONS TO CIVILIANS AND
FROM XX SERVICE ESTIMATES INCLUD-
ING CIVILIANS EMPLOYED IN LIEU OF COMBATANTS
AND NESE (BOTH POSTED AND LOCALLY RECRUITED)

1. On the basis of the fourth central pay commi-
ssion recommendation, the existing classification of

.....2

Asst
Advocate

199.

.. 2 ..

areas for grant of field service concessions has been revised recently, vide Min. of Defence letter No. 37269/AF/PS3(a) 90/D (Pay/Services) dated 13 Jan. 94.

Some of the concessions/compensatory allowances have also been revised in respect of service personnel.

As per the ibid Govt. order held are as will be classified as field areas and modified field areas only. The of newly defined field areas and modified field are as contained in Annex 'A' and 'B' respectively to this letter.

2. It is proposed to extend the same concessions to Defence civilians employed in the field areas as they serve side by side with services personnel under similar conditions in the given areas. They are also required to move in to the border areas and also serve in dense jungles risking their lives for performing duties assigned to them.

3. The following proposals for concessions/allowances to defence civilians posted in these areas have been proposed to Min. of Defence for consideration :-

- (a) Defence civilians serving in similar area, and modified field areas to be eligible to the

.....3

Attached
JSL
Advocate

-24-

-25-

200

3

grant of field area allowances and
compensatory modified field area
allowances respectively at the follow-
ing rates:-

Pay	Date of comp. modified area allowances	Rate of comp. modified filed area allowances
For pay upto 900/-per month	Rs.375/-PM	Rs.100/-PM
For pay exceeding Rs.900/- but not exceeding Rs.1500/-	Rs.450/-PM	Rs.175/-PM
For pay exceeding Rs.1500/- but not exceeding Rs.2300/-	Rs.650/-PM	Rs.225/-PM
For pay exceeding Rs.2301/- but not exceeding Rs.3000/-	Rs.750/-PM	Rs.300/-PM
For pay exceeding Rs.3000/-	Rs.975/-PM	Rs.325/-PM

(b) The special compensatory allowance
such as Hill Compensatory and
winter allowances, and climate
allowances etc. not to be addi-
tion to this allowances.

Asst
Advocate

(c) The other concessions in kind at present admissible in full field areas as per details given in Annexure 'C' to Min. of Defence OM No. A 02504/ACV PS-3(a)/97-S/D (Pay/Services) dated 25 Jan. 68 as amended from time to time to continue to be admissible in the newly defined field area listed at appx. 'B' to this letter.

(d) The above mentioned allowances will not be admissible to :-

(i) Static formation/units eg. military forms, MES, Recruiting office, Training Centres and establishments.

(ii) NCC Directorates and Units.

(iii) TA units unless embodied.

(iv) Record office and similar establishments.

.....5

Atty
28/1
Advocate

4. High altitude/Uncongenial climate allowance
Civilian serving in field areas which are situated
as a height of 9000 ft. and above including un-
congenial climate areas below the height of 9000 ft.
to be entitled. The details of these areas are
given in Appx. 'C' to this letter. The rates of
High Altitude/Uncongenial climate allowances are
given as under :-

Pay	Cat-I (Height from 9000 ft to 15000 ft incl. uncongenial climate areas of 9000 ft.	Cat-II (Height above 15000 ft excl. Siachen)
For pay not exceeding Rs.950/-	Rs.100/-PM	Rs.150/-PM
For pay exceeding Rs.950/-PM But not exceeding Rs.2300/-PM	Rs.140/-PM	Rs.210/-PM
For pay exceeding Rs.1500/-PM but not exceeding Rs.3000/-PM	Rs.180/-PM	Rs.270/-PM
For pay exceeding Rs.3000/-PM	Rs.300/-PM	Rs.325/-PM

The High Altitude/Uncongenial climate
allowance to be admissible in addition
to the field compensatory allowances and
other concession in kind.

.....6

Advtel
Advocate

- 27 -
- 2 - 203
11 6 11

5. Command Headquarters are requested to examine the above proposal submitted to Ministry of Defence and given their comments/views. Annual financial implication on the above proposals may please be worked out separately in respect of field allowance modified field area allowance and High Altitude/Uncogential climate allowance and furnished to this Headquarters latest by 20 May, 1994.

SA/- x x x x x

(Promod Ji Saxena)
SCSO
Director (MP)
Org 4 (Civ.) (d)
for Adjutant General

RESTRICTED

Attested
J.S.
Baveta

RESTRICTED

no. B/37269/AC/PS3 (a)/165/D (Pay/Service)

Government of India

Ministry of Defence

New Delhi, the 31st January 1995.

TO

The Chief of the Army Staff

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

Sir,

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

- (1) Defence Civilian employees serving in the
newly defined Field Areas will continue

ATL
Sh
Amor

29-
33-

114

2

to be extended the concessions enumerated in Annexure 'C' to Govt. letter No. 25761/AG/PS3 (a)/97-S/D (Pay/Services) dated 25.1.1964. Defence Civilian employees serving in newly defined Modified Field Areas will continue to be extended the concessions enumerated in Appendix 'B' to Govt. letter No. 25761/AG/PS3 (b)/140-S/2/D (Pay/Services) dated 20th March 1968.

- (11) In addition to above, the Defence Civilian employees serving in the newly defined Field Areas and Modified Field Areas will be entitled to payment of Special Compensatory (Remote Locality) 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, 1993.

3. This issues with the concurrence of Finance Division of this Ministry vide their GO No. 5 (1)/PS-AG (14-FV) dated 9.1.1995.

Yours faithfully,

21/-

(D. T. Thibanga)

Under Secretary to the Govt. of India.

Attest
Advocate

RECEIVED

30 -
103

Appendix 'A' to Govt. of India
Ministry of Defence letter No.
87269/AQ/RS 1 (b) /VO/D (v.v./services)
dated 13 Jan. '94

(Refers to para .23)

LIST OF FIELD AREAS

1. EASTERN COMMAND

(a) Arunachal Pradesh

- (i) Tirap and Changlang Districts.
- (ii) All areas North of line joining
point 4448 in LZ 4179-Nuland Dong
MS 3272-sepla MT 2969-Palin MO
9213 Deparijo NR 5841 Along
NL-1273-Hunli NM 0170 Tawakon
MT 8136-Chempai Bun NM 8814
all inclusive.

✓ (b) Manipur and Nagaland States ✓

- (c) Sikkim: All areas North and NE of line
Joining Phalut IV 4750-Gezing IV 7059-Mangha

.....2

Attd
SSd
Advocate

.. 2 ..

104

LW 6160-Panlang La LW 0666 Rangli
LW 1448-BP 1 in LW 2453 on Indo-
Bhutan Border - all inclusive.

2. WESTERN COMMAND

Himachal Pradesh:

All areas East of line joining Umasila
NY 3951 Udaipur NY 8663 Mani Karan SB 2300
- Pir Parbati Pass TA 1459 - Taranda TA 2335
✓ Barasua Pass TA 8901 all inclusive.

3. CENTRAL COMMAND

Uttar Pradesh:

All area North and NE of line joining Barasua
Pass Gangnani TG 1362 - Govind Chat TG 0937 -
Tapovan TH-1822 - Munsuari TN 8989 Relagad
TO 2466 all inclusive.

4. NORTHERN COMMAND

(a) Laksh Sector:

Areas North and East of line joining
Zojila NJ 3036 Baralachala NE 6672 along

.....3

Atk
S
Dante

11 3 11

105

the great Himalayan Range all
inclusive.

(b) valley sector:

All areas west of line joining point
1556 in UR 8470 Gulmarg MT 3105 Nauphar MT
3105 Ringapati MT 2133 Marydwar MT 2013
Laingyal MT 2339 point 8405 in NC 4865
North of line joining point 8403 Bunakut
MT 5453 Razan NN 2239 Zojila all inclusive.

(c) Jammu-Rajouri sector:

All areas west of line joining Tip
of Chicken Neck RD 7073 Canal Junction
RD 6364 Mawa Brahman MT 3054 point
1556 in NR 5470 all inclusive.

.....

Hester
Advocate

- 33 -

ANNEXURE - 1 (B)

Annexure - 3

HQ 3 CIROS (A)

C/o 99 APO

16037/R/A2

06 Mar. '95

List A, B, C, E & F.

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

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

sd/-
(D. Chhral)
Major
DAAG
for COS

Copy of above quoted letter.

IS ABOVE

Sir,

1. I am directed to refer to para 13 of Govt. letter No. 37269/AG/PS3 (a)/D (Pay/Services) dated

.....2

AH
Q8
Amite

13.1.1994 and to convey the sanction of the President to the following Field services Concessions to Defence Civilians in the newly defined Field Areas and Modified Field Areas as defined in the above mentioned letter :-

- (i) Defence Civilian employees serving in the newly defined Field Areas will continue to be extended the concessions enumerated in Annexure 'C' to Govt. letter No. A/02584/AG/PS 3 (a)/97-3/ (Pay/services) dated 25.1.1964.
- Defence Civilian employees serving in newly defined Modified Field Areas will continue to be extended the concessions enumerated in Appendix 'B' to Govt. letter No. A/25761/AG/PS3 (b)/146-S/2/D (Pay/services) dated 2nd March 1968.
- (ii) In addition to above, the Defence Civilian employees serving in the newly defined Field Areas and

.....3

Atst
G. S. I
Advocate

13 -
-29-35-

11 3 11

269

Modified Field Areas will be entitled to payment of Special Compensatory (Remote Locality) Allowance and other allowances as admissible to Defence Civilians as per the existing instructions issued by this Ministry from time to time.

2. These orders will come into force w.e.f. 1st April 1993.

3. This issues with the concurrence of Finance Division of this Min. vide their U.O. NO.5(1)/85-AG(14-Pa) dated 9.1.1995.

Yours faithfully,

Sd/- x x x x x

(L.T. Luanga)

Under secretary to the Govt. of India.

Attested
R.S.
Advocate

RESTRICTED

Appendix 'A' to Govt. of India
Ministry of Defence letter No. *269*
87269/AG/PS 3 (a)/90/D (Pay/Services)
dated 13 Jan. '94

(Refers to para .23)

LIST OF FIELD AREAS

1. EASTERN COMMAND

(a) Arunachal Pradesh

- (i) Tirap and Changlang Districts.
- (ii) All areas North of line joining
point 4448 in LZ 4179-Nukme Dong
MS 3272-Sepia MT 2969-Palin MO
9213 Deparijo NR 5841 Along
NL-1273-Hunli NM 0170 Tawaken
MT 8136-Champai Bun NM 8814
all inclusive.

✓ (b) Manipur and Nagaland States:

- (c) Sikkim: All areas North and NE of line
Joining Phalut LW 4750-Gazing LW 7039-Mongkha

.....2

Attal
h/s
Ananta

293

LV 6160-Penlang La LW 0666 Rangli
LW 1448-BP 1 in LW 2453 on Indo-
Bhutan Border -- all inclusive.

2. WESTERN COMMAND

Himachal Pradesh:

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

3. CENTRAL COMMAND

Uttar Pradesh:

All area North and NE of line joining Barasua
Pass Gangnani TG 1362 - Govind Chat TG 0937 -
Tapevan TH-1822 - Munsiri TN 8989 Relagad
TO 2466 all inclusive.

4. NORTHERN COMMAND

(a) Ladakh Sector:

Areas North and East of line joining
Zojila MU 3036 Baralochala NE 6672 along

.....3

Atto
SS
Atto

16-38-
42-38-
:: 3 ::

the great Himalayan Range all
inclusive.

(b) Valley sector:

299
All areas west of line joining point
1556 in UR 5470 Gulmarg MT 3105 Naushara MY
3105 Ringapati MT 2133 Mandwara MT 2043
Laingyal MT 2339 point 8405 in NG 4865
North of line joining point 8403 Bunakut
MT 5453 Razan NN 2239 Zojila all inclusive.

(c) Jammu-Rajouri sector:

All areas west of line joining Tip
of Chicken Neck RD 7073 Canel Junction
RD 6364 Mawa Brahmana MY 3854 Point
1556 in NR 5470 all inclusive.

.....

Attest
Raj
Advocate

CONCESSIONS ADMISSIBLE TO CIVILIANS PAID FROM DEFENCE
SERVICES ESTIMATES INCLUDING CIVILIANS EMPLOYEES IN
COMBATANTS AND HCs (E) (BOTH POSTED AND LOCALLY
RECRUITED)

- (a) Free rations as scale applicable to combatants of the Army of Air Force, as the case may be, and Fuel.
- (b) Free tented/bashe accommodation and connected service to the extent feasible.
- (c) Free clothing on minimum essential scale of Army personnel if the crps commander/AOC in C Air Force Command considers the issue of such clothing essential for operational reasons.
- (d) Free remittance of family allotments
- (e) Free medical treatment and hospital treatment.
- (f) Wound/injury or family pension or gratuity under Chapter XXXVIII CSR or AI/57/57/AFI 20/58 as the case may be, or compensation under the worker's compensation Act where applicable.
- (g) 2 postage free forces letters per individual per week.
- (h) Remittance within India limits of money orders and Indian Orders free of Commission upto the maximum value of Rs. 30/- per month per individual.

Retention of family accommodation allotted by Government at the old duty station on payment of normal rent. If the accommodation retained is required to be allotted to another entitled personnel for exigences of service, the families may be shifted to alternative accommodation whether appropriate or inferior to the status of the individual concerned.

Attest
[Signature]
Attest
[Signature]

Note:- 1. Dearness allowance will continue to be admissible in full.

2. The concession in (1) above is applicable only in respect of accommodation held by the Ministry of Defence. Separate orders will follow in respect to accommodation belonging to the Ministry of WII & R.

The concessions in this annex. are also applicable to DAP vide C.G.D.A No.21013(1)/66-An-C/22. Orders are also applicable to Industrial employees (Min of Defence letter No.A/11452/Org.4(civ)(d)/F 47/S/D (Civ.II)/07 8-12-65) - P184.A

Attest
S. S. /
Aswate

~~43-41-27~~ ANNEXURE-2
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.124 of 1995

With

Original Application No.125 of 1995

Date of decision: This the 24th day of August 1995
(AT KOHIMA)

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

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

O.A.No.124/95

Shri Krishna Sinha and 116 others

All are serving in the Office of the Garrison Engineer,
868 EWS C/o 99 APO.

.....Applicants

- versus -

1. Union of India represented by
The Secretary, Defence,
Government of India, New Delhi.
2. The Garrison Engineer,
868 EWS C/o 99 APO.
3. The Garrison Engineer,
869 EWS, C.o 99 APO.

.....Respondents

O.A.No.125/95

Shri N. Limbu and 14 others

All are serving in the Office of the Garrison Engineer,
868 EWS C/o 99 APO.

.....Applicants

- versus -

1. Union of India represented by
The Secretary, Defence,
Government of India, New Delhi.
2. The Garrison Engineer,
868 EWS, C/O 99 APO.

.....Respondents

For the applicants in both the cases : By Advocate Shri A. Ahmed

For the respondents in both the cases : By Advocate Shri S. Ali, Sr. C.G.S.C.

Handwritten signatures:
A. Ahmed
S. Ali
Advocate



28-46
ORDER - 42 -

CHAUDHARI J. V.C.

Mr A. Ahmed for the applicants.

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

Both these cases involve same question and therefore are being disposed of by this common order.

Facts of O.A.No.124 of 1995:

The applicants belong to Group "C" serving in the Defence Department as civilian employees. The application is restricted to applicants at serial No. 1 to 117. These applicants are from inside North Eastern Region and are serving in different capacities as Central Government employees in Nagaland under GE 868 EWS 99 APO. Their grievance is that they are being denied the payment of:

- i) Special (Duty) Allowance (SDA) payable under Memo No.20014/3/83-E-IV of the Government of India, Ministry of Defence dated 14.12.1983 read with O.M.No.4(19)/83/D, Civil-I dated 11.1.1984
- ii) House Rent Allowance (HRA) as per the circular No.11013/2/86-E-II(B) dated 23.9.1986 issued by the Government of India, Ministry of Finance.
- iii) Special Compensatory (Remote Locality) Allowance SCA(RL) under the Ministry of Defence letters No.16037/E/A2 HQ 3 Corps (A) C/o 99 APO and No.B/37269/AG/PS3(a)/165/D/(Pay)/Service dated 31.1.1995
- iv) Field Service Concession (FSC) vide letter No.16729/GG4 (clv)(d) dated 25.4.1994 of Army Headquarter, New Delhi, although they are entitled to get these concessions.

2. Although no written statement has been filed, Mr S. Ali, learned Sr. C.G.S.C., fairly states that we may decide the matter.

AH24.
J.V.C.

luc

-43-
29-47

in the light of earlier decisions on the point although he has instructions to say on behalf of the respondents that they oppose the claim.

Facts of O.A.No.125 of 1995:

3. The applicant Nos.1 to 15 (other applicants already deleted) who belong to Group "A", "B", "C" and "D" employed in the Defence Department as civilian employees and posted in Nagaland make a grievance that the respondents are denying them the benefit of SDA, HRA, SCA(RL) and FSC although they are entitled to get these concessions.
4. The respondents have not filed any written statement. However, Mr S. All, learned Sr. C.G.S.C., fairly states that we may decide the matter in the light of earlier decisions on the point although he has instructions to say on behalf of the respondents that they oppose the claim.

REASONS (common to both the cases) :

5. The applicants place reliance upon the O.M. dated 14.12.1983 which provides that Central Government civilian employees who have All India Transfer Liability will be granted SDA at the rate prescribed thereunder per month on posting to any station in the North Eastern Region. Likewise, the letter of Ministry of Defence dated 31.1.1995 provides that the Defence Civilian Employees serving in the newly defined Field Areas and Modified Field Areas will be entitled to payment of SCA(RL) together with other allowances as may be admissible. The O.M. dated 23.9.1986 issued by the Ministry of Finance (Department of Expenditure) provides that on the recommendation of the 4th Pay Commission it has been decided that the Central Government employees shall be entitled to HRA, on a slab basis related to their pay and separately prescribed for "A", "B-1" and "B-2", "C" class and "Unclassified" cities with effect from.....

huk

Ahtel
JL
Amib

from 1.10.1986. It is further provided that HRA at the rates prescribed shall be paid to all employees (other than those provided with Government home/hired accommodation) without requiring them to produce rent receipts, but on compliance with the prescribed procedure thereunder. It also provides that where HRA at 15% has been allowed under special orders the same shall be given as admissible in "A", "B-1" and "B-2" class cities and it shall be admissible at the rates in "C" class cities in other areas. The memorandum issued by the Army Headquarter - Org 4(civ)(d) dated 25.4.1994 bearing No.16729/ GG4(Civ)(d) on the subject of FSC to civilians paid from Defence Service Estimates including civilians employed in lieu of combatants and NCsE (both posted and locally recruited) provides that 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 and the same shall be paid at the rates prescribed under the said memorandum. It has, however, been provided that SCA such as bad climate allowance etc. shall not be in addition to these allowances.

6. The applicants have based their respective claims on these memorandums.

7. It appears that the applicants in both the cases had filed a Civil Suit in the court of DC(Judicial), Dimapur, Nagaland, being Civil Suit No.255/89 making the same claims. The civil court by judgment and decree dated 19.12.1994 has allowed the claims and directed the respondents to make the payment accordingly. The civil court relied upon the decision of this Tribunal in O.A.Nos.48, 49 and 50 of 1989 of the Central Administrative Tribunal, Guwahati Bench. The decree has not been complied with, but the applicants have now stated in the applications that they would not proceed with the execution of the decree as they have now realised that they had obtained the decree from the court which lacked inherent

jurisdiction.....

Attd.
28
A. Wrote

hll

- 31-44 -
- 45 -

jurisdiction to entertain and try the suit in view of the
of jurisdiction arising under the provisions of the
Administrative Tribunal Act and, therefore, they have
approached this Tribunal for relief by these applications.
Since the applicants were agitating the claim in respect
of SDA and HRA in a wrong forum it is just and proper to
give them the benefit of exclusion of the period of
pendency of the civil suit for the purpose of holding the
said claims within limitation in these applications. The
relief sought in respect of the other two claims is
within jurisdiction.

3. The question of entitlement for all these
claims in respect of Defence civilian employees have
exhaustively examined by us in the decision in the case
of S.C. Omar, Assistant Executive Engineer, -vs- Garrison
Engineer and another (O.A.No.174 of 1993) reported in SLJ
1995(1) CAT (Guwahati Bench) ^{p.74}. We have held in that case
that SDA and SCA(RL) are payable to civilians with All
India transfer liability posted in Nagaland even if they
get Field Service Concessions. We have not accepted the
plea that admissibility of Field Service Concession
deprives them of these benefits. In view of this
conclusion since facts are identical and as we had also
referred to the earlier decisions in O.A.No.48/89 and
O.A.No.49/89 dated 29.3.1994 in support, we are satisfied
that the relief claimed by the applicants in the instant
applications relating to SDA and SCA(RL) must be allowed.
We, therefore, declare that the applicants in the
respective applications are entitled to be paid SDA with
effect from 1.12.1988 or from the actual date of posting

as.....

Attested
by
Ducto

full

TI BENCH

101
~~50~~
~~46~~

as the case may be. We further declare that the applicants in the respective applications are entitled to be paid SCA(RL) also, with effect from 1.10.1986. For specifying these dates in respect of these two reliefs we rely upon O.M.No.20014/16/86/E-IV/E-II(B) dated 1.12.1988. This is consistent with the decision in S.C. Omar's case (Supra). It is, however, made clear that this applies only to such of the applicants who are appointed outside N.E. Region, but are posted in N.E. Region on tenure basis.

9. Consistently with the view we have taken in Omar's case on the nature of FSC and with the view taken that SDA and SCA(RL) are payable independently of FSC we hold that on the subject the applicants in the respective applications are entitled to draw the same as provided in the letter of the Government of India No.37269/AG/PS 3(a)/D(Pay & Services) dated 13.1.1994 with effect from 1.4.1993 subject to fulfilment of other conditions prescribed therein.

10. Lastly, in so far as the claim for HRA is concerned we follow our decision in O.A.No.48/91 dated 22.8.1995 and hold that under the O.M. dated 23.9.1986 the applicants are entitled to draw the HRA prescribed for B class cities with effect from 1.10.1986 at the rates prescribed from time to time since 1.10.1986 whether on percentage basis or flat rate or slab basis till (28.2.1993) and thereafter to be regulated in accordance with the O.M.No.2(2)93-E-2(B) dated 14.5.1993 with effect from 1.3.1991 and continued to be paid.

11. For the purpose of the aforesaid order it is made clear that as now held by the Hon'ble Supreme Court the benefit of SDA is admissible only to those employees who are appointed outside the North Eastern Region and are posted in the North Eastern Region. It will be open

(Affix)
Arvate

full

~~51~~ - 47 -
~~33~~

to the respondents to ascertain the case of each applicant for that purpose if necessary. Further it is made clear that this order has been passed on the footing that all the applicants in the two cases are posted in Nagaland.

12. For the aforesaid reasons following order is passed:

(A) O.A.No.124/95:

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

ii) (a) The respondents are directed to pay to the applicants Special (Duty) Allowance (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 long as the concession is admissible.

(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.

Attended
1/10
Dwite

1/10

1-1-1993 2(22)-FII (16)/60 V1-52-11-1986
: 7 :
- 48 -

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.

(b) 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 continue to pay the same at the rate prescribed hereafter.

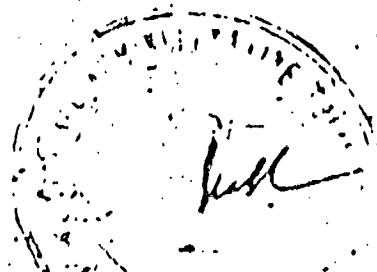
(c) Arrears to be paid accordingly subject to the adjustment of the amount as may have already been paid to the respective applicants during the aforesaid period towards HRA.

(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.

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

Attetd
28
Answer to



53
34
49

(B) O.A.No.125/95

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

ii) (a) The respondents are directed to pay to the applicants Special (Duty) Allowance (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 long as the concession is admissible.

(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.....

Handwritten signatures and initials:
At the bottom left, there is a signature that appears to be "S. K. Prasad" and another signature to its right. At the bottom right, there is a signature that appears to be "K. L. Singh".

and to continue to give the same so long as admissible.

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

(b) 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 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.

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

Sd/- VICE CHAIRMAN

Sd/- MEMBER (ADMN)

TRUE COPY

प्रतिनिधि

Section Officer (J)

Central Administrative Tribunal

Central Administrative Tribunal
New Delhi



Attst
Advocate

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (C) NO. 1578-79/97 OF 1995
IN CIVIL APPEAL NO 1572 OF 1997 WITH
In the matter of: NO 1573-85 OF 1997

(Arising out of CA 124 of 1995
Guwahati Bench)

1. Union of India represented
by Secretary of Defence,
Government of India,
New Delhi,
2. Garrison Engineer,
868 EWS O/o 99 A.P.O.
3. The Garrison Engineer,
869, EWS C/o 99 APO Petitioners

Versus

1. 243506 Shri Krishna Sinha,
Elect. HS-II, Silchar, Assam.
2. 237837 Shri D. Baara,
Ch/Elect, Jorhat, Assam.
3. 238368, Shri H.K. Gogoi,
Elect. HS-II, Assam.

..2..

Attested
JS
Answer to

12

4. 233370 Shri G.K. Borah,
Ch./Elect, Assam.

5. 243768, Shri Dulal Das,
Mate, Dimapur, Nagaland.

6. 243765 Shri Shymal Deb,
Mate, Dimapur, Nagaland.

7. 243761 Shri Samar Kr. Paul,
Mason(SK), Rangapahar,
Nagaland.

8. 243782 Shri Robinson Mulvah,
Carpt(SK),
Ukhrul, Manipur.

9. 243783 Shri Varaykham Luivah,
Carpt(SK),
Ukhrul, Manipur.

10. 243764 Shri Samir Dey,
Carpt(SK), Rangapahar,
Nagaland.

11. 43760 Shri Roseswar Gogoi,
Carpt(SK),
Jorhat, Assam.

12. 248596 Shri Sunil Barua, Maz. Assam.

13. 237906 Shri Kulai Kuttum,
Ftr-pipe(SK),
Jorhat, Assam.

...5...

Attended
28/1
Advocate

19

14. 243496 Shri M.M.Morah, Maz.,
Jorhat, Assam.
15. 208219 Shri Suresh Gowala,
Maz, Jorhat, Assam.
16. 243820 Shri Peter Fuchium, Maz.
Ukhral, Manipur.
17. 287917 Shri K. Gogoi, Mason
Ex-II, Assam.
18. 243498, Shri K. Sangma, Maz.
Nagaland.
19. 243763 Shri Narayan Ch. Mazumdar,
Maz., Dimapur, Nagaland.
20. 243768 Shri Tarun Kr. Borah,
Maz. Jorhat, Assam.
21. 238220 Shri A.C. Kakati,
Elect. HS-II, Golaghat,
Assam.
22. 224743 Sh. T. R. Boro,
Mate, Kamrup, Assam.
23. 243731 Shri R.K. Pal, Elect(SK),
Dimapur, Nagaland.
24. 243818 Shri Himangshu Paul,
Mate, Dimapur, Nagaland.
25. 223827 Shri H.C. Boro, Elect(SK),
Kamrup, Assam.

Atul
Lil
Ashwate

26. 243604 Shri Luchan Tanti, Haz.,
Dimapur, Nagaland.
27. 238010 Shri J.C. Boragohain,
Fitter HS-I, Sibasagar, Assam.
28. 230134 Shri M.K. Das, FGM(SK),
Golaghat, Assam.
29. 237668 Shri Dinanath Hazarika,
Ch/Mech. Cochar, Assam.
30. 243736 Shri A.K. Mondol,
F.O.M., Cachar, Assam.
31. 243036 Shri K. Kalita, FGM, Nalbari,
Assam.
32. 243737 Shri A. Ali Ahmed,
FGM, Cachar, Assam.
33. 228628 Shri Z.R. Choudhary, FCH, Cochar,
Assam.
34. 243510 Shri Toshi AO, Maz.,
Mokokohang, Nagaland.
35. 237624 Shri Nagin Saikia,
V/Man, Jorhat, Assam.
36. 243442 Shri H.C. Das, Elect HS-II,
Guwahati, Assam.

Att. to
S.S. /
Director

21

37. 220112 Shri Rajendra Prasad,
Chow, Bapar Shina, Manipur.
38. 237990 Shri S.K. Rul, Mota,
Dimapur, Nagaland.
39. 243605 Shri Tulshi Tanti, Maz.
Dimapur, Nagaland.
40. T/No. 126 Shri Shanu Bhakt, Mota
(O/Pt) Diphu, Assam.
41. 243630 Shri Gushil Ch. Doo,
Elect. HS-II, Lunding,
Assam.
42. 243580 Shri N. Chakraborty,
Elect. HS-II, Silchar, Assam.
43. 243751, Shri W. Bahadur, Maz.,
Dimapur, Nagaland.
44. 243789 Shri N.K. Guichun, Maz.,
Tamonglong, Manipur.
45. 243738 Shri S.K. Balidhya, FCM,
Cochar, Assam.
46. 243739 Shri B.K. Goswami,
FCM, Cachar, Assam.
47. 238117 Shri K.O. Boro,
Elect. (SK), Darrang, Assam.

Attal

Q.S.

Signature

22

48. 237830 Shri J.N. Baruah,
Elect. HS-II, Jorhat, Assam.
49. 243756 Shri H.C. Roy, Elect. SK,
Luding Assam.
50. 243744 Shri L. Angrow, Elect. HS-II,
Ukhrul, Manipur.
51. 238509 Shri K. Chosh, FCM, Assam.
52. 243740 Shri Himangshu Ranjan Das,
FCM, Assam.
53. 248366 Shri T.K. Baruah,
Elect. (SK), Jorhat, Assam.
54. 243741 Shri Ratan Roy Elect (SK)
Dimapur, Nagaland.
55. 243867 Shri Rakesh Chanda,
Elect (SK), Dimapur, Nagaland.
56. 243732 Shri S. Karamakar,
Elect (SK), Karimganj, Assam.
57. 243735 Shri Jyngay Das, FCM (SK)
Silchar, Assam.
58. 238356 Shri Jodh Bahadur, Mate,
Dimapur, Nagaland.
59. 243897 Shri K.B. Dorjee, Maz.
Karbianglong, Assam.

Shri
H.C. Roy
S. C. (K.)
PSC

Attested
28/1
Admote

60. 243752 Shri Bilash Ley Mz. Dimapur, Nagaland. 23
61. 243753 Shri Bal Bahadur, Maz., Dimapur, Nagaland.
62. 220111 Shri J. Sangma, Rofg./Mech. Kamrup, Assam.
63. 238382 Shri Tapan Sen Sharma, Mate, Dibrugarh, Assam.
64. 243754 Shri Chandrama Mahato, Mate, Dimapur, Nagaland.
65. 208206 Shri R. Neog Maz., Jorhat, Assam.
66. 237499 Shri M. C. Neog, V/Man, Jorhat, Assam.
67. 237195 Shri Adiram Hazarika, Pipe Fitter, Jorhat, Assam.
68. 220334 Shri Kamal Baruah, V/Man, Sibsagar, Assam.
69. 237806 Shri T. P. Biswas, FCM, Bongalgaon, Assam.
70. 237898 Shri B. C. Doloy, FCM, Assam.
71. 228867 Shri L. B. Rai, Mate, Cachar, Assam.

Atte
R/S
Shante

- 24
72. 237468 Shri Maliram Deb,
Mate, Jorhat, Assam.
73. 220337 Shri B.N. Dowrah, Pipe/Fitter,
Golaghat, Assam.
74. 237903 Shri Pranotosh Sarkar,
Mate, Nagaland.
75. 243493 Shri P. Vaskaran, Mate, Nagaland.
76. 243650 Shri Y.S. Aso, Mate, Nagaland.
77. 243895 Shri Ram Bahadur, Maz.
Assam.
78. 243111 Shri Bahiraj,
H/Man, Assam.
79. 228494 Shri J.K. Das, Carpt. H.S.-I,
Assam.
80. 243765 Shri Jong Pong Ao,
Carpt. Nagaland.
81. 243367 Shri Dimbeswar Baro, Mate,
Assam.
82. 243796 Shri Lolonmar AO, Maz.
Mokokchung, Nagaland.
83. 243492 Shri Bhim Bahadur, Maz.
Cachar, Assam.
84. 243759 Shri Champok Kouwar, Maz.
Jorhat, Assam.

Attended
Jil
Amount

25-1

85. 243195 Shri. Kaikuk Bou, S/wala,
Ukhrul, Manipur.
86. 243686 Shri. Havi. Zolung, S/wala
Nagaland.
87. 243782 Shri. Bimal Ch. Gogoi, Maz.,
Jorhat, Assam.
88. 243894 Shri. Shandra Kanta Sharma,
Maz. Dimaapur, Nagaland.
89. 820323 Shri. Upen Kallita, Mason
H.S. II, Assam.
90. 243590 Shri. J. C. Das, Cable Joiner,
Nowgaon, Assam.
91. NO OP/Hesg/70 Sh. Atul. Nau, Maz.
Kamrup, Assam.
92. 242217 Shri. J. Marandi, Elect. (SK),
Assam.
93. 243905 Shri. Hiralal, Maz.,
Nagaland.
94. 238146 Shri. Copal Shool, V/Mun, Assam.
95. M 238367 Shri. Kalipada Roy, Elect. (SK),
Assam.
96. 237809 Shri. A. C. Borah, Elect. L3-II,
Jorhat, Assam.

7
1
Attel
RS
Anonte

26

97. 243507 Shri P.K. Sanyal, Maz.
Assam.
98. 237867 Shri Ajit Chandra Deb PGM
(SK), Dimapur, Nagaland.
99. 243755 Shri Pranab Chakraborty, Maz.,
Dimapur, Nagaland.
100. Army No. 72505M Shri L. John Tangkhul,
FCH (SK), Dimapur, Nagaland.
101. 220322 Shri M.N. Kalita, V/Man,
Jorhat, Assam.
102. 237472 Shri B. Kalita, Maz.
Jorhat, Assam.
103. 243866 Shri Keyhon Chung, Maz.
Nagaland.
104. 243806 Shri Indra Bahadur, Mate,
Kohima, Nagaland.
105. 237278 Shri B.N. Mazumdar,
Painter HS-I, Dimapur, Nagaland.
106. 237303 Shri N.K. Goswami, Painter
HS-II, Dimapur, Nagaland.
107. 238140 Shri L. Baruah, Block Smith
(SK) Jorhat, Assam.

..13..

Attest
[Signature]
Ananta

27

108. 230360 Shri Nagesh Baruah,
Capt(SK), Dibrugarh, Assam.

109. 243527 Shri E.R. Narak, Maz.
Guwahati, Assam.

110. 243525 Shri Jatan Mazumdar,
Lumding, Assam.

111. 243525 Shri Lalit Bora, Maz.
Jorhat, Assam.

112. 243791 Shri Shibon Paul, Maz.
Dimapur, Nagaland.

113. 243791 Shri Iman Bahadur, Maz.
Bangapahar, Nagaland.

114. 243771 Shri H.S. Prem, S/Wala, Manipur.

115. 243662 Shrimati Sumitra Doom,
S/Wala, Silchar, Assam.

116. 243512 Shri P.K. Roy, Elect. Assam..

117. 243844 Sh. D.K. Doruah, Maz.,
Assam.

And in the matter of:

(Arising out of OA No. 125 of 1995,
Guwahati Bench).

Attal
S. S.
Anura E

Versus

28

1. 237947 Shri N. Limbu, Peon,
Mukhuchang, Nagaland.
2. 237332 Shri B. R. Bora, ULC, Jorhat,
Assam.
3. 233928 Shri B. S. Majumdar, S. A. Grade-I,
Silchar, Assam.
4. 243486 Shri A. Pham, Peon, Sangtam,
Nagaland.
5. 238324 Shri K. K. Chutia, L.D.C.
Jorhat, Assam.
6. 220333 Shri Mohan Saikia, LDC, Assam.
7. 237540 Shri Hironath Barua,
Ferro Printer, Jorhat, Assam.
8. 243458 Shri P. P. Chowdhury, LDC,
Dimapur, Nagaland.
9. 223615 Shri S. E. Mazumdar, ULC,
Guwahati, Assam.
10. 232243 Shri M. L. Dey, Dufcry,
Tezpur, Assam.
11. 243725 Shri Kanu Debnath, Peon,
Dimapur, Nagaland.
12. MES/237323 Shri N. C. S. Neog, D. Man
Grade I, Jorhat, Assam.

..15..

Attended
File
Annotate

13. PNO 695496 Shri B. G. Baruah, I.D. 29
Jorhat, Assam.
14. MES/237523 Shri P. L. Chutia, S.K. Grade-I,
Jorhat, Assam.
15. MES/225367 Shri R. C. Boro, S.K. Grade I,
Guwahati, Assam. Respondent

A N D

In the matter of:

Two Special Leave petitions under
Article 136 of the Constitution of
India.

To

The Hon'ble Chief Justice of India
and His Companion Judges of the
Hon'ble Supreme Court of India, at New Delhi.

The humble petition of the
petitioners aforesaid

Most Respectfully Showeth:

1. That these are two petitions for
Special Leave to appeal against the Judgment
and order dated 24.8.1995 passed by CAT, Guwahati
Bench in OA No. 124 of 1995 and OA 125 of 1995.

Attested
[Signature]
[Signature]
[Signature]

and the facts and circumstances giving rise to the same are mentioned hereinafter.

Both the above shown OAs were decided by a common judgment by the CAT.

2. That the petitioner has not filed any other petition for Special Leave to Appeal or writ petition against the impugned order in this Hon'ble Court.

3. That the present petitioner seeks to raise the following substantial question of law of general public importance under Article 136 of the Constitution of India.

A: Whether the CAT was justified in allowing Special duty allowance and the other allowances to the persons, who are not entitled to them as per Government orders and circulars.

B: Whether an order of the CAT, which is passed on the non-consideration of material facts is not perverse?

Regarding OA No. 124 of 1995:

4. That the respondents (restricted to No. 1 to 117 in the Special Leave petition,

..17..

Attested
J.S. [Signature]
Adopt

filed the said OA on the allegations that they belong to Group C and they are serving in the Defence Department as civilian employees since a long time. Some are working since 1963, some are from 1964, some are from 1981, some are from 1987 onwards.

5. That the said respondents claimed that are from inside North Eastern region and they were serving in different capacities as Central Government Employee in Nagaland under the Office of GE 868 EWS 99 A.P.O. since long time. They were originally appointed in the Office of GE Panagarh, CE (West) Delhi Cantt., GE (A/F) Hasimara, GE Leh Ladakh, 856 EWS, B.T Kankinara. They have been transferred from their original posting to the different places of India. Now they are serving as Electrician, M/Reader, Carpenter, Fitter, V/Man, FGM, Pipe Fitter, Plumber, Mate, Mazdoor, Charge Electrician, Refg. Mechanic and S/wala etc. In fact they are serving in different capacity as Central Government employee in Nagaland in the Office of the G.E. 868 EWS C/o 99 A.P.O. from different dates from 1963 onwards.

Attor

Sig
Anu

6. That the said respondents alleged under the Central Government various orders, memos, circulars, the civilian employees serving in Defence department in Nagaland are eligible per certain benefits for involving risk of life alongwith Armed Forces. They claimed the following benefits:

(i) S.D.A. (Special Duty Allowance) under the Defence Ministry Office Memorandum CM 31, 4(19)/93/D, New Delhi dated 11.1.1984 and Finance Ministry Memo No. 20014/3/83-E-IV Govt. of India, Ministry of Expenditure, New Delhi.

(ii) H.R.A. (House Rent Allowances) at the rate of 16% on the monthly salary as per circular No. 11013/2/B6-k-II(B) 23.9.1986 issued by the Government of India, Ministry of Finance (Department of Expenditure, New Delhi) the 23rd September, 1986 (Annexure-2) and O.M. No. 18/91 Judgment and order dated 26.11.1993.

(iii) Special Compensatory (Remote Locality) Allowance to Defence Department Civilian Employees as per letter No. 16037/E/A2 HC 3 Corps (a) C/O 99 A.P.O. issued by the Under Secretary (Defence) to the Government of India, (Annexure-3) and as per Government of India,

..10..

Handwritten signature and initials
Shroat

Ministry of Defence New Delhi letter

No. SB/37269/AG/PS 3(a)/165/D/(Pay)/serv. con.
dated 31.1.1995.

(iv) Field Service concessions to the civilian employee of Defence Service on the basis of a mere proposal vide letter No. 16729/004 (Civ) (d) 25th April, 1994 issued by the Director (MP) Org. 4 (Civ) (d) for adjutant General Army Headquarter, New Delhi.

7. That the said respondents alleged that they have failed to obtain the said benefits inspite of their repeated requests both oral and in writing. They had filed a suit in the Court of Deputy Commissioner (Judicial) Dimapur, Nagaland.

8. That respondent herein alleged that they alongwith other numbering 847 filed a Civil Suit No. 268/89 against the Union of India and others before the Deputy Commissioner (Judicial) Nagaland Dimapur praying for decree for payment of S.D.A. H.R.A. Special Compensatory Allowances (Remote Locality) Allowances. The suit was contested by the Union of India and others. In the said Suit, the plea was taken that the Court of

...20...

Attested
18/11
Aswato

-72-68-34

Deputy Commissioner(Judicial) has no authority to adjudicate the above mentioned of Central Government Employees and the same is to be dealt with by the Central Administrative Tribunal Gauhati Bench at Guwahati. The Deputy Commissioner decreed the suit vide Judgment and order dated 19.12.1994 giving a direction to Union of India and others to pay Special Duty Allowances Special Compensatory (Remote Locality Allowances), House Rent Allowances by the Respondents. However, the said Judgment of the D.C.(Judicial) has been suspended until further order by the Guwahati High Court vide order dated 21.4.1995.

9. That the respondents claimed that they having fulfilled all the terms and conditions of S.D.A., H.R.A. Special Compensatory (Remote Locality Allowance), field allowances and other allowances as admissible as Central Government Employees serving at North Eastern Region particularly in Nagaland, are entitled to the above mentioned benefits. The copy of the said O.A. along with its annexures is marked herewith as Annexure 'A' (Copy)...

..21..

Attd
S.S. +
Advocate

-21-

69-

Regarding O.A. No. 125 of 1995: 35

10. The petitioners in O.A. No. 125 of 1995 also made similar claims.

11. That both the above O.As were heard by the CAT Bench at Guwahati at Kohima which by means of its Judgment and order dated 24.9.95 held as under:

(i) That the applicants are entitled to receive Special Duty Allowance payable from 1.12.88 or from the date of actual posting in Nagaland as the case may be.

(ii) The petitioners are entitled to receive Special Compensatory (Remote Locality) Allowance from 1.10.86 or from the date of actual posting of the applicants in Nagaland as the case may be.

(iii) The respondents are directed to extend the Field Service Concessions to the applicants in the prescribed manner w.e.f. 1.1.1993.

That the said Bench of CAT has stated that while granting relief to the

...22...

Aletu
D.S.
Advocate

-74-70-36

respondents herein, they have relied upon the decision of this Tribunal in O.A.No.48,49 and 50 of 1989.

Aggrieved by the order of the CAT the Special Leave Petition is preferred on the following other grounds against the impugned order:

G R O U N D S

(a) Because the impugned order was passed by basing the earlier decision of the CAT Guwahati Bench in O.A.No.48,49 and 50/89 and since the petitioner had filed review applications before the CAT on the basis of this Hon'ble Court's directions on 10.2.1995 for the review of the said decisions, for the maintenance of judicial consistency the Tribunal should have first decided the review application on merit as directed by this Hon'ble Court before any judgment was passed in O.A.No.124 and 125 of 1995.

(b) Because the petitioners in both the cases had obtained a similar judgment

..23..

Attested
[Signature]
Advocate

in civil suit in the court of D.C. Judicial Dhimapur, Nagaland being civil Suit No. 255/88 and the Civil Court by Judgment dated 19.12.94 had allowed the claims and directed the respondents to make the payments accordingly. The Guwahati High Court has already admitted the appeal of the Union of India and suspended the impugned order dated 19.12.1994 until further orders. The Hon'ble Tribunal committed grave error of law by passing judgment when the Judgment passed by the DC Judicial Dhimapur is already under appeal in the High Court and the High Court has stayed the judgment.

- (c) Because the employees who are locally recruited and posted in the offices situated in the North-Eastern States shall not be eligible for Special Duty Allowance as already decided by this Hon'ble Court in several decisions as reported in Reserve Bank of India Vs. Reserve Bank of India Staff Association (1991 (4) SCC 32 (Para 5), Union of India Vs. S. Vijay Kumar (JT 1994 (6)

Attys
J.S.
Advocate

72 -
76 -

38

-24-

SC 443 Union of India Vs. Mazdoor

Union of 14 PAD arising out SLP
(Nos. 21234-35 of 1994). The order of
the Tribunal is therefore in conflict
with the law laid down by this Hon'ble
Court.

(d) Because it is against the basic
concept of payment of HRA that any
employee is paid HRA even when he is
provided with free accommodation. The
payment of HRA and free accommodation
cannot go together.

(e) Because as per Ministry of Defence
orders dated 17.4.1995 in respect
of Defence Civilian employees in
field areas, Special Compensatory
(Remote Locality) Allowance are not
concurrently admissible alongwith
Field Service Concessions. The CAT
has directed that the petitioners
are entitled for the Remote Locality
Allowance in respect of they are
getting Field Service Concessions in
terms of Ministry of Defence letter
dated 13.1.1994. In fact as per
Ministry of Defence letter dated 13.1.94

..25..

Attor
Sh
Arvate

the Special Compensatory (Remote Locality) Allowance has been actually withdrawn from 1.2.1994. The Hon'ble Tribunal's orders but also illegal in that the MOD orders clearly provide the ISC and Remote Locality Allowance are not concurrently admissible.

(f)

Because the Tribunal committed a grave error by directing that the petitioners are entitled for Field Service Concession as per Army Hqrs. letter dated 25.4.94 w.r.f. 1.4.93. A reading of Army Hqrs letter dated 25.4.1994 will clearly show that the Tribunal has passed the orders without understanding the contents of the letter. Actually the Army Hqrs letter dated 25.4.1994 is addressed to the various Army Commands indicating that certain proposals for concessions/allowances to Defence Civilians posted in certain areas have been forwarded to Ministry of Defence for consideration and the Command Hqrs were requested to examine the stated proposals and give their comments/views. The Hon'ble Tribunal has gone to the extent of

Handwritten signature and initials

-74-
28
46

directing that the Government should pay such allowances even without a Government sanction. The Army Hqs. on the proposal submitted and the Tribunal was committing an error when it issued directions to the Government to make payment as per this letter of Army Hqs. No such allowance could be paid in the absence of Government sanction.

(g) Because the Judgment and order of the CAT is illegal, unsound and has been passed without applying its mind seriously on the question of fact and law.

(h) Because otherwise also the view of the CAT that the respondents herein were entitled to any concession on the matter of exclusion of limitation by pursuing their remedy in wrong forum is not legally sound.

(i) Because, in any case, the order of the CAT is liable to be set aside.

Handwritten signature and initials, possibly "A. S. Anote".

75-
-79- 41
-27-
PILAYER

It is, therefore, most respectfully
prayed that this Hon'ble Court may be pleased
to: -

- a) grant Special Leave to Appeal
against the Judgment and Order
passed by C.A.T Guwahati in OA Nos.
124/125 of 1995 on 24.8.1995.
- b) pass such other and further
order as be deemed fit and proper
in the circumstances of the case
to meet the ends of justice.

Drawn by:

Filed by:

(ANIL KATIYAR)
Advocate for the petitioners

Filed on: Jan. 1996

Att
JS
Anita

Certified to be true copy
J. M. L. S. S.
Assistant Registrar (Judl.)
3/3/97
Supreme Court of India

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1572 OF 1997

(Arising out of SLP (C) No. 14008 of 1996)

100181

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. 4306/96 (CC-5040/96) and SLP (C) No. 4308/96 (CC-6860/96))

ORDER

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

Handwritten signature and initials at the bottom right.

~~ST~~ 28
25

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 at 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 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

Atk
SS
Anete

~~ST~~

~~SA~~

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

Atk
Private

~~21-40~~
- 79 -

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 Locally) 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

Handwritten signature/initials
Adwite

~~48~~ 84
80

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. RAHASWANY)

(G. I. NARAYANI)

NEW DELHI;
FEBRUARY 17, 1997.

Akshat
Advocate

SRIVASTAVA
CONTROLLER



~~85~~
~~58~~
~~81~~
ANNEXURE - 4

Tele : 0301 - 550110 (4)
0301 - 550549 (10)
Fax : 0301 - 550204 (1)

उत्तर प्रदेश सरकार
उत्तर प्रदेश, गोरखपुर - 201 121
CONTROLLER OF DEFENCE ACCOUNTS
UDAYAN VIHAR, NARAINI,
GUWAHATI 781 121

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/PS3(a)/90/D(Pay/services) dated 13/1/94 are entitled to non-monetary field service concessions as envisaged in Appendix 'C' to Ministry of Defence letter No. A/02584/AG/PS-3(a)/97/S/D(Pay/services) dated 25/1/1964 and Appendix 'B' to Ministry of Defence letter No. 25761/AG/PS3(b)/146-5/27/D(Pay/services) dated 02/03/68 respectively.

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

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

(ii) Ministry of Defence
No. B/37269/AG/PS3(a)/1730/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.

Contd.....P/2

Attested
[Signature]
[Signature]

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

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

With regards.

Yours sincerely,

[Signature]
(VANDANA SRIVASTAVA)

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

Copy to :-

1. Maj Gen S.D. Mallanti
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. Maj V.S. Thukral
C/Min (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 CIAA & CMFAA from April '99 pay bill stopped.
- ii) to get recoveries of payment whatsoever already made effected after serving show cause notice.
- iii) Withholding payment on above account against CAT Judgement awaiting implementation.
- iv) to defend on going CAT cases/contempt proceedings based on MOD letter of 12/3/99.

(11.S. KRIPANIDHI)
H.CDA

Contd.....P/3

[Signature]
Date

(3)

~~68~~
~~87~~ 83

Headquarter
137 WE
C/O 99 A.P.O.

Copies of Ministry of Defence communication dated 12-03-99 and CGDA New Delhi letter dated 01-04-99 mentioned above are enclosed with request:

i) to get claiming of payment of CFMA & CMFAA from April '99 pay bill stopped.

ii) to get recoveries of payment whatsoever already made effected after serving show cause notice.

iii) withholding payment on above account against CAT Judgement awaiting implementation.

iv) to defend on going CAT cases/contempt proceedings based on Ministry of Defence letter of 12-03-99.

8. Adm Comdt
Station Headquarter
Dimapur
Rangapahar
Nagaland.

9. OC
SD Dimapur
Nagaland.

10. 165 Military Hospital
C/O 99 A.P.O.

11. 310 Stn Wksp
C/O 99 A.P.O.

12. Garrison Engineer
868 EWS
C/O 99 A.P.O.

13. Garrison Engineer
869 EWS
C/O 99 A.P.O.

14. OC
Supply Point
Leimakhong.

(TALIREMBA)
D.C.D.A.

Am te

FORM NO. 4
(See Rule 42)

Annexure - 2

ANNEXURE - 5

In The Central Administrative Tribunal
GUWAHATI BENCH : GUWAHATI

ORDER SHEET
APPLICATION NO. 170/99

OF 199

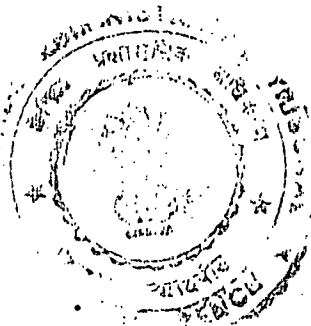
Applicant(s) G. Radhakrishnan and or.

Respondent(s) U.O.I. and or.

Advocate for Applicant(s) M/s. D. Pharo.

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

Notes of the Registry	Date	Order of the Tribunal
	28.5.99	Present : Hon'ble Mr. Justice D.N. Baruah, Vice-Chairman. Application is admitted. Issue usual notices. Returnable on 9.7.99. Heard Mr. A. Ahmed learned counsel appearing on behalf of the applicants on the interim prayer. Issue notice as to why the interim prayer shall not be granted as prayed for. Meanwhile the operation of the Annexure-4 order dated 10.4.1999 is stayed until further orders.



TRUE COPY

प्रतिलिपि

[Signature]
29/6/99

Section Officer (J)

अनुमान अधिकारी : आचार्य नारायण
Central Administrative Tribunal
केंद्रीय प्रशासनिक अधिकरण
Guwahati Bench, Guwahati
गुवाहाटी बेंच, गुवाहाटी

sd/ VICE CHAIRMAN

[Signature]
sd/

In The Central Administrative Tribunal
GUWAHATI BENCH, GUWAHATI

ORDER SHEET
APPLICATION NO. 319/99 OF 199

Applicant(s) Sri Krishna Sarda and ors.

Respondent(s) Union of India and ors.

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

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

Notes of the Registry	Date	Order of the Tribunal
 1.10.99	1.10.99	Present: Hon'ble Mr Justice D.N. Baruah, Vice-Chairman Heard Mr A. Ahmed, learned counsel for the applicants. The application is admitted. Issue usual notices. Returnable on 12.11.99. Heard Mr Ahmed on the interim prayer. Issue notice to show cause why interim prayer shall not be granted. Returnable on 12.11.99. Meanwhile the operation of the Annexure 4 order dated 10.4.1999 is stayed until further orders. List it on 12.11.99 for orders. Vice-Chairman
COPIES 11/6/10/99	nkm	

Ahmed
1
Date

FORM NO. 4
(See Rule 42)

86-
ANNEXURE-7

In The Central Administrative Tribunal
GUWAHATI BENCH : GUWAHATI

ORDER SHEET
APPLICATION NO. 179/2000 OF 199

Applicant(s) *See Kulamoni Singh and ors.*

Respondent(s) *Union of India and ors.*

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

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

Notes of the Registry	Date	Order of the Tribunal
	5.6.00	Present: Hon'ble Mr D.C. Verma, Judicial Member Hoard Mr A. Ahmed, learned counsel for the applicant and Mr A. Deb Roy, learned Sr. C.G.S.C. The application is <u>admitted</u>. Issue usual notice. Counter reply be filed within four weeks. List the case on 6.7.00 for orders. Meanwhile the respondents are directed not to make any recovery of any allowance paid earlier under the Head of Field Service Concession allowance.

Sd/MEMBER (J)

Certified to be true Copy

प्रमाणित प्रतिलिपि

Section Officer (J)

आनुमान अधिकारी (न्यायिक शाखा)
Central Administrative Tribunal

केन्द्रीय प्रशासनिक अधिकरण
Guwahati Bench, Guwahati-8
गुवाहाटी न्यायपीठ, गुवाहाटी-8

Handwritten signature and initials

In The Central Administrative Tribunal
GUWAHATI BENCH : GUWAHATI

ORDER SHEET
APPLICATION NO. 219/2000 OF 199

Applicant(s) Sri Sitangoku Mazumder.

Respondent(s) Union of India and or.

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

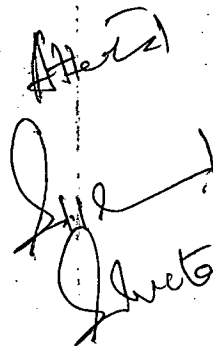
Advocate for Respondent(s) C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
	16.6.00	Present: Hon'ble Sri D.C.Verma, Member(J). Mr. A. Ahmed, learned counsel for the applicant and Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents. Application is admitted. Issue usual notice. Respondents to file written statement within three weeks. It is provided that the respondents shall not make any recovery from the applicants so far as the Field Service Concession^{Advances} is concerned. List on 5.7.2000 for written statement and further orders.

TRUE COPY

प्रतिनिधि
Section Officer (A)
सनुभाग अधिवक्ता (प्रशासन)
Central Administrative Tribunal
केन्द्रीय प्रशासनिक अधिकरण
Guwahati Bench, Guwahati-8
गुवाहाटी न्यायाधीश, गुवाहाटी-8

Sd/MEMBER(J)



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BECH : GUWAHATI

19 SEP 1999 OA NO 224/2000

Shri. Indreswar Rajkumar

File by:-
P. B. Choudhary
19/9/2000
Addl. CGSC
CAT. Gt.

and 7 others Applicants.

- Versus -

Union of India and others

. Respondents.

(Written Statements of the Respondents)

The Written Statements of the Respondents are follow :-

1. That the copy of OA No 224/2000 alongwith a notice from this Hon'ble Tribunal has been served on the respondents with a direction to file written statements. The interest of all the respondents being common, a common written statements are filed in the case.

2. That before traversing the various paragraphs of the OA No 224/2000 (referred to as application), a brief history about the various changes in the mode of payment of various allowances to the defence civilian employees from time to time is given below :-

(a) That the Government of India, Ministry of Defence vide its letter No A/02584/AG/PS3(a)/97-S D(Pay/Services) dt 25.01.64 made provisions for certain concessions to the civilians. These non-monetary concessions are detailed in the Annexure- 'C' of the said letter dated 25.01.64. According to the said letter, these non-monetary concessions were subject to review after two years.

(b) That the Government of India vide its letter No A/25761/AG/PS-3(b)/146-S/2/D(Pay/Services) dated 02.03.68 modified the Field Service Concessions. According to the said letter dated 02.03.68, the following modifications were effected :-

(i) The rates of Special Compensatory Allowances were revised with effect from 01.03.68.

(ii) Field Service Concessions ceased to be admissible in the stations of Srinagar, Jammu, Udhampur, Darjjeling with effect from 01.03.68 and Siliguri and Bagdogra with effect from 01.03.69.

(iii) Consequent upon the withdrawal of Field Service Concession in the above stations, some other concessions were sanctioned to the service

personnel as provided in Appendix 'A' and for defence civilians as in Appendix 'B' in the said letter dated 02.03.68.

The non monetary Field Service Concessions in other stations were continued as provided in Annexure 'C' of the letter dated 25.01.64 for the Defence Civilians.

(c) That as a result of implementation of 4th Pay commission recommendations, the Field Areas and Modified Field Areas were re-classified for entitlement of Field Service Concessions and other allowances to the Army (Service) Personnel. This was issued vide letter No 37269/AG/PS3(a)/90/D(Pay/Services) dated 13.01.94. By the said letter dated 13.01.94 it was clearly stated that the concessions to be admissible to Defence Civilians serving in the newly defined Field Areas would be notified separately.

(d) That in the meantime, the Army Headquarters, New Delhi vide its letter No 16729/Org-4(Civ)(d) dated 25.04.94, communicated to the different Command Headquarters that a proposal for concessions/allowances to Defence Civilians has been proposed to the Ministry of Defence for consideration. This proposal was said to have been made to give similar benefit to Defence Civilians in the line of 4th Pay Commission recommendation as in the case of Army Personnel.

(e) That while the aforesaid 'Proposal' was pending the Government of India, vide letter No B/37269/AG/PS3(a)/165/D(Pay/Services) dated 31.01.95 gave its sanction and thereby modified the non-monetary concessions and the said order was made effective from 01.04.93. This was done independent of the said proposal. According to the said order dated 31.01.95 the following concession/allowances were extended to the Defence Civilians :-

(i) Defence Civilians employees serving in the newly defined Field Areas will continue to be extended the concessions enumerated in Annexure 'C' to the Govt letter No A/02584/AG/PS3(a)/97-S/(D)/(Pay/Services) dated 25.01.64. Defence Civilian Employees serving in the newly defined Modified Field Area will continue to be extended the concessions enumerated in Appendix 'B' to Govt letter No A/25761/AG/PS3(b)/146-S/D(Pay/Services) dated 02.03.68.

Contd 3/-

(ii) In addition to above, the Defence Civilians employees serving in the newly defined Field Areas and Modified Field Areas will be entitled to payment of Special Compensatory (Remote Locallity) Allowance and other allowances as admissible to Defence Civilians as per the existing instructions issued by this Ministry from time to time.

(f) That the Govt of India vide another letter No B/37269/AG/PS3(a)/730/D(Pay/Services) dated 17.04.95 Modified the Para 1 (ii) of the letter No B/37269/AG/PS3(a)/165/D(Pay/Services) dated 31.01.95 and substituted as under :-

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

(g) That the Govt of India vide its letter No B/37269/AG/PS3(a)/1862/D(Pay/Services) dated 12.9.95 further modified the instructions contained in the letter No B/37269/AG/PS3(a)/165/D(Pay/Services) dated 31.01.95 and thereby deleted the para 2 and substituted the following :-

"These orders will come into force w.e.f the date of issue of this letter namely wef 31.01.95. In other words no recovery will be made on account of Concession like free ration/free single accommodation etc. already availed of by Defence Civilians as part of Field Service Concessions from 01.04.93 to 31.01.95. Similarly no payment on account of SDA/SCA/SCA(RL) will also be made from 01.04.93 to 20.01.95".

(h) That the 'Proposal' as referred to the Army Headquarters letter dated 25.04.94 was ultimately examined at a very high level and decided that no monetary concessions/allowances as proposed can be granted to the Defence Civilians. It was also made clear that the concessions for the Defence Civilians

working in the Field Areas and Modified Field Areas shall remain extended as provided in order letter No B/37269/AG/PS3(a)/165/D(Pay/Services) dated 31.01.95 and No B/37269/AG/PS3(a)/730/D (Pay/Services) dated 17.04.95.

The copies of letter dated 25.01.64, 02.03.68, 13.01.94, 25.04.94, 31.01.95, 17.04.95 and 12.09.95 are annexed as R₁, R₂, R₃, R₄, R₅, R₆ and R₇ respectively.

3. That the statement made in the application which are not specifically admitted are hereby denied by the respondents.
4. That with regard to the statement made in paragraph 1 of the applications, the respondents state that the application is premature and is liable to be dismissed. In the impugned order dated 10.04.99, it has been clearly stated that the authority will give show cause notice before any recovery is made and to such show cause notice, the applicants could have submit their reply to justify their claim which has not been done.
5. That with regard to the statement made in paragraphs 2, 3, 4.1, 4.2, 4.3 and 4.4 the respondents have no comments.
6. That with regard to the statements made in paragraphs 4,5, the answering respondents state that as per Annexure 'C' to Govt of India letter No A/02584/AG/PS3(a)/97-S/D(Pay/Services) dated 25.01.64, the applicants are already availing Field Service Concession (FSC) which is non monetary benefit applicable to Field Area. In addition to FSC, the applicants were getting Special Compensatory (Remote Locality) Allowance, upto 17.04.95. At present they are getting House Rent Allowance (HRA) alongwith living in Barracks and Special Duty Allowance (SDS) (for those coming from outside the North-Easter Region). It is surprised to note that the Annexure-1C dated 25.01.64 as alleged to have been annexed to the application is in fact different one. This is deliberate attempt to mislead the Hon'ble Tribunal by furnishing different documents. Moreover the letter dated 25.04.94 as in annexure 1 is a more proposal and not a sanction order for payment of any FSC allowances.
7. That in reply to the statements made in para 4.6 of the application, the respondent state that the entitlement of FSC to Defence Civilians are clarified hereinable. It is pertinent to mention here that the applicants filed the OA Nos 124, 125, 217 and 218 of 1995 by suppressing material facts and the respondents also could not contest the case in

92

proper perspective by furnishing the information to the Hon'ble Tribunal and consequently the decision went in favour of the applicants. The respondents had also no alternative but to comply with the order passed in the said OA Nos 124, 125, 217 and 218 of 1995. The respondents also state that there is no such allowance as "Field Service Allowance" as stated in the para 4.6 of the application. Most significantly, the Govt of India order letter No 37269/AG/PS3(a)/90/D(Pay/Services) dated 13.01.94 as stated in the said para and also quoted in the judgement dated 24.08.95 passed in OA Nos 124 and 125 of 1995 relates exclusively to Army personnels and not to Defence Civilians. Hence, the applicants in OA Nos 124, 125, 217 and 218 of 1995 being Defence Civilians, misled the Hon'ble Tribunal and thereby illegally managed to get the undue benefit. The respondents further state that it is a fit case where this Hon'ble Tribunal would be pleased to review its earlier judgements also as in OA Nos 124, 125, 217 and 218 of 1995 on the basis of the records submitted herewith this written statements.

8. That with regard to statement made in paragraph 4.6 of the application, the respondents state that the FSC was granted to the applicants was depending upon the judgement of this Tribunal and this Hon'ble Tribunal passed the judgement depending/relying upon a Govt order which relates to Army Personnels only and not to defence civilians. Apparently there was a lapse on the part of the respondents at the time of hearing of the said case and the respondents perhaps could not place their case in the proper way in spite of clear documentary proof.

9. That with regard to statement made in paragraph 4.8 of the application, the respondents state that the applicants are again trying to twist the matter on this or that ground by mentioning the Appeal No 1572/1997(SLP) and the Judgement passed by the Hon'ble Apex Court in the said appeal. Moreover, the FSC and payment of any allowance etc are not the matter under the purview of any Court or Tribunal, it is a matter of Govt Policy and rules which are being changed, altered or modified from time to time as per Govt policy/decision and rules made thereunder. Hence, neither the Judgement of this Hon'ble Tribunal nor the Apex Court can put a seal to continue such FSC/Allowances indefinitely in future. The present position regarding the admissibility of FSC and other allowance are very clear as detailed in this written statement in paragraph 2 above.

10. That with regard to the statements made in paragraph 4.9 of the application the answering respondents state that the applicants are not entitled to any monetary concession known as "Field Service Allowance" as alleged that they are getting

Contd 6/-

it by virtue of judgement passed in OA Nos 124, 125, 217 and 218 of 1995. As clarified above, the allowances (Monetary) named "Compensatory Field Area Allowance" and "Compensatory Modified Field Area Allowance" are admissible to only Army Personnel and not to Defence Civilians as detailed in Govt of India order No 37269/AG/PS3(a)/90/D(Pay/Services) dated 13.01.94. The Payment which was made, was the effect of wrong interpretation and misreading of the aforesaid order dated 13.01.94 and the Army Headquarters Proposal dated 25.04.94 while the order dated 13.01.94 was exclusively made for Army Personnel (excluding the Defence Civilians), the 'Proposal' dated 25.04.94 is nothing but a "Proposal" seeking comments on it by the concerned authority. This "Proposal" never got approval/sanction of the Govt of India (President) and no payment could be made on such "Proposal" without any Govt Sanction. Hence, the impugned order (Annexure-4 in application) was rightly issued and it must be given effect to.

11. That with regard to the statement made in paragraphs 4.10, 4.11 and 4.12 of the application, the respondents state that as explained hereinabove, it is clear that the applicants are not entitled to any monetary concession under any provision of law, hence, there is no violation of any law or judgement of any court as alleged. Moreover, the Hon'ble Tribunal and Apex Court interpreted the provisions of law only and such pronouncement can not take away the law making power of the Government unless it is unconstitutional and contrary to any other law.

12. That with regard to the statement made in paragraphs 4.13 and 5.1 to 5.8, the respondents state that the applicants knowing very well that they are not entitled to such monetary benefit (other than non-monetary FSC) have filed their application for wrongful gain and as such the application is liable to be dismissed with cost.

13. That with regard to the statement made in paragraphs 8.1 to 8.5 and 9 to 9.1 of the application, the respondent beg to submit that the applicants are not entitled to any relief whatsoever as prayed for and the stay order passed in the case may kindly be vacated so that the impugned order dated 10.04.99 could be given effect to.

The answering respondents further beg to submit that in any view of the facts and circumstance of the case, the applicants are not entitled to any such monetary concessions and the payment so made may kindly be allowed to be recovered and the application may be dismissed with cost.

In the premises, it is therefore, prayed that Your Lordship may be pleased to pursue the records, hear the parties and after pursuing the records and hearing the parties be further pleased to dismiss the application with cost.

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

I, Shri Ashok Kumar, S/O Shri Ramesh Singh, Presently working as Major, Garrison Engineer, 868 Engineer Works Section, C/O 99 APO being competent and duly authorised to sign this verification do hereby solemnly affirm and state that the statements made in paragraphs 1 to 13 are true to my knowledge and belief those made in paragraphs 1 to 13 being matter of records are true to my information derived therefrom and the rest are my humble submission before this Hon 'ble Tribunal.

And I sign this verification on this th day of July, 2000 at Guwahati.


Ashok Kumar
Major
Garrison Engineer

Copy of Govt. of India, Min of Def Secret/Immediate Letter No. A/02501/5/PS5(a) /9/-S/D(Pay/Service) dated 25 Jan 64 addressed to Chief of the Army Staff and copy to CMA Patna/

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

I am directed to convey the sanction of the President to the grant of Ref 1-2-64 for the field service concessions as given in following Paragraphs to Army Personnel (including Army Postal Service Personnel) and Defence Civilians in the defined areas.

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

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

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

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

6. Individual/detachments from static/field units not covered by the above which are attached for operational purpose to units or formations during the campaign will be entitled to the concessions enumerated at Serial Nos 1, 5, 6, 9 and 10 of Annexure 'A', if the attachment is less than two weeks. If the attachment is for two weeks or more, the concessions enumerated in Serial Nos 4, 5, 6, 7 and 10 of the Annexure will also be admissible in addition. In each TA/DA will be admissible in either case.

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

- (a) No 69/1/63/260/3A/D(Pay/Service) dated the 6th Jul 63 as modified by No 22682/1/PS5(a)/2005/D(Pay/Service) dated the 27th Nov 63

(b) No 9211/11/PS3(a)/8-5A/D(Pay-Services) dated 20 Jan 63 as extended by No 96489/11/PS3(a)/8-5A/D(Pay-Services) dated 20 Jan 63

(c) No 9211/11/PS3(a)/1200/5/D(Pay-Services) dated 9 Oct 63.

(d) No 92711/Org 4(Civ) (d)12-3/D(Civ-II) dated 21 Jan 63 as amended from time to time.

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

This issued with the concurrence of the Ministry of Finance (Defence) vide their U.O. No 92-7/10 of 1964.

11/11/63

To Govt. of India, Secy to Govt. of India
No A/92501/11/PS3(a)/8-5/D(Pay-Services) dated 20 Jan 63.

Serial No	Particulars of concessions	Remarks to whom applicable	Officer
1.	Free single acen including furniture (if any) light and water.		
2. (a)	Free conveyance of families of the officers from the old duty station to a selected place in India and from there to the new duty station on re-posting, or alternatively retention of married accommodation by the family at the previous duty station at normal concessional rent for house and similar concessional charges for furniture, electricity and water, if permitted by the station Commander or the allotting authority.		
(b)	Baggage normally upto a limit of 80 maunds on warrant. General Officers Commanding-in-Chief Command will however be authorised to sanction free conveyance to the selected place of residence in India of the combined family and of baggage (i.e. the scale applicable to the individual and the family) less the quantity taken by the individual in respect of their families in their own the portation of free conveyance to families and of baggage should, in the opinion of those authorities, arise exceptional hardship. The General Officer Commanding-in-Chief may delegate this power to Corps, Division, Area and Brigade commanders. In cases of personnel serving in the army headquarters, head of the branch concerned will arrange the necessary sanction.		

- (c) Conveyance for servants accompanying the family will be allowed at warrant upto the scale laid down in Rule 515 Travel Regulations. Offrs.
- (d) Conveyance for baggage and servants from the selected place of residence to the new duty station on reporting of the officer will be admissible at the same scale as laid down in 2 (b) & (c) above.
3. Exemption from recovery of hospital stoppage on account of wounds or injuries received or illness contracted (except through one's own fault) while serving in the specified area.
4. Free remittance of families' allowances to families residing at stations where banking facilities do not exist.
5. Special temporary allowance at the following rates JCOs, HCOs, OEs and NCOs
- | | |
|------|--------------|
| JCOs | Rs. 15/-p.m. |
| HCOs | Rs. 10/-p.m. |
| OEs | Rs. 8/-p.m. |
| NCOs | Rs. 6/-p.m. |

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

- (a) During Casual Leave - Up to a maximum of 20 days.
- (b) During Leave including sick leave and during treatment in hospital

If the period of absence does not exceed 20 days and provided the individual returns to his unit/formation in the specified area immediately on termination of his leave/treatment.

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

- i) treatment in hospital if the disability is due to the individual's own fault or when a stoppage of two wages per day is made for the period in hospital on account of sickness certified by the Medical Officer attending on the patient to have been caused by his own misconduct or imprudence, etc.
- ii) circumstances laid down in Rule 515 of pay and allowances regulations (OR) 1955 edition.
- (c) During temporary duty with a duty formation outside the local area

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

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

6. (a) Free remittance of two family allotments.
(b) Casual remittance once a quarter on 1st class mail for such as marriages, deaths etc.
7. (a) Retention of family accommodation subject to restrictions as laid down in AI 12/53 for JCOs/ORs or alternatively free conveyance of their families to their homes or selected places of residence and similar return free conveyance to join the head of the family at the new post.
(b) GOCs-in-Chief Commands are authorized to sanction free conveyance on warrant to the selected place of residence in India, of combined family scales of baggage (i.e. the scale admissible to the individual and the family) less the quantity taken by the individual, in respect of those families of JCOs/ORs/AGs in those cases the restriction on free conveyance to family scale baggage would, in the opinion of these authorities, cause exceptional hardship. GOCs-in-Chief Commands may delegate this power to Corps, Division, Army, Sub-Army and Brigade Commanders. In case of personnel serving at Army HQ, head of the family concerned will accord the necessary sanction. Similar conveyance to the new duty station can be sanctioned by the above authorities when the families rejoin the heads of families on their reporting.
8. (a) Scales of ration as per AI 11/3/50 for officers and AI 1/5/53 for JCOs/OR (without 1/2 person's emergency but in ration).
(b) Extra rations as indicated in Appendix I to Ministry of Defence letter No 4/05001/STG/Sec-5/1/53 dated 7 Nov 50 as amended, and in this Ministry's letter No 8/11713/0/STG/Sec-5/1/53 dated 15 Sep 50.
9. Two postage free letters from per individual per week (all ranks).
10. Remittance within Indian limits of money orders and Indian postal order free of commission upto a maximum of Rs. 50/- per month.
11. Special family allowance to the families of those who are reported missing or who die. The detailed rules will be as laid down in AI 111 of 1950.
12. (a) Gratuities to widows permanent Regular (Officers only) commissioned officers governed by AI 2/3/55, at the rates and conditions laid down therein. These rates and conditions also govern the cases of non-regular officers laid down in AI 1/5/55.
(b) Gratuities to heirs of JCOs/ORs (3) at the rates and conditions laid down in AI 1/3/53.

22. Paid of transport drill 0.00 and one short Ration 0.00.

Contd... 5/-

Annexure 'C' to the Govt. of India
Min. of Def. Letter No. A/020/A3/133
(a) 97-5/5 (Pay) / Services) dt 28 Jan 64

CONNECTION ADMISSIBLE TO CIVILIAN PAID FROM
DEFENCE SERVICE ESTIMATES INCLUDING CIVILIAN
EMPLOYED IN OR COMBATANTS AND NEA (E) WITH
FAMILY AND LOCALITY INCURRED

- (a) ✓ Free rations on scale applicable to combatants of the Army or Air Force as the case may be and fuel.
- (b) ✓ Free tented/booth accommodation and home leave services to the extent feasible.
- (c) ✓ Free clothing on minimum essential scale of Army personnel. If the Corps Commander/CC in C Air Force Command considers the issue of such clothing essential for operational reasons.
- (d) ✓ Free assistance on family allotments.
- (e) ✓ Free medical treatment and hospital treatment.
- (f) ✓ Death/injury or family pension or gratuity under Chapter XXI or AI 157/57/AGI 20/58 as the case may be or compensation under the Workmen's Compensation Act where applicable.
- (g) ✓ 2 Postage free forces letters per individual per week.
- (h) ✓ Remittance within India limits of money orders and Indian Postal orders free of commission upto the maximum value of Rs 20/- per month per individual.
- (i) ✓ Retention of family accommodation allotted by Govt. at the old duty station on payment of normal rent. If the accommodation retained to be allotted to another entitled personnel for exigencies of service, the family may be shifted to alternative accommodation whether appropriate or inferior to the status of the individual concerned.

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

IMMEDIATE SERVICE

ANNEXURE-2.2

No. A/12741/A4/PS3(a)/97-8/D(Pay/Services)
 Government of India,
 Ministry of Defence,
 New Delhi, The 1st March, 1968

To

The Chief of the Army Staff.

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

Sir,

I am directed to refer to this Ministry's letter No. A/O2504/AG/PS3(a)/97-8/D(Pay/Services) dated the 15th January, 1964 as extended and Army Instruction 77/8/40 as amended from time to time, and to say that the President is pleased to sanction the following modification with effect from the dates shown:-

- (a) The rates of special compensatory allowances of leave revised as under with effect from the 1st March, 1968:-

Rank				Rate
<u>Hony. Commissioned Officers</u>				
JCOs	...	...	...	20.00
Plav.	...	...	...	25.00
Nr.	...	...	...	10.00
OR	...	...	...	15.00
NCS(E)	...	...	...	13.00
				10.00

- (b) Field service concessions will cease to be admissible to officers and personnel (including civilians paid from Defence Services Estimation) serving in Municipal and Cantonment areas of:-

- (i) SRINAGAR, JAMMU, UDINATH and DARJEELING with effect from the 1st March, 1968.
 (ii) SILIGURI and JACDOGRA with effect from 1st March, 1969.

- (c) Consequent upon the withdrawal of field service concessions, the following concessions would become admissible at the stations mentioned in (b) above with effect from the dates shown therein to Army officers and personnel to whom the orders referred to in para 2 above originally applied.

- (1) Concessions listed in Appendix 'A' to this letter to Service officers and personnel and those in Appendix 'B' to this letter paid from Defence Services Estimation.

RECEIVED

26/7/99

attested

26/7/99

SECRET

-2-

- (II) Special ad hoc allowance of Rs. 20/-p.m. to married Service Officers forced to live alone due to non-availability of married accommodation for 2 years, the position to be reviewed before the expiry of that period;
- (III) The concessions listed in Appendix (A) and the special ad hoc allowance referred to at (II) above, will be withdrawn when married accommodation is available to the extent of 10%.

2. Field service concessions for all the other areas would be reviewed every two years.

3. This letter issues with the concurrence of the Ministry of Finance (Defence) vide their u.o. No 279-S/PA of 1968.

Yours faithfully,

D. K. Jaiswal
(P.R. Jaiswal)

Under Secretary to the Government of India

Copy of the above forwarded to:-

The Controller General of Defence Accounts; the Director of Audit, Defence Services; the Deputy Directors of Audit, Defence Services, Poona; Dehra Dun; Patna; Western and Central Commands; the Senior Deputy Directors of Audit, Defence Services Poona and Meerut; the Controllers of Defence Accounts (Officers), Poona; (Other Ranks), Madras; Central Command; (P) Allahabad; Southern Command; Western Command; (Cys); and (Air Force), Dehra Dun; the Controller of Defence Accounts, Patna; Accountant General, PWT Simla; the Director of Audit and Accounts (AFS) Section, Meerut; and the Deputy Controller of Defence Accounts (Air Force), New Delhi.

The Deputy Chief of the Army Staff (10)
AG (Coord/Budget) (10) AG/PSI (300)
QHC/Q1(A) (10) MGO Branch/DAG, (10) Air Headquarters/
PWT (150), The Directorate of Accounts, Air Headquarters
The Directorate of Personnel (P), Air Headquarters
The Directorate of Personnel (L), Air Headquarters
Air Force Central Accounts Office, New Delhi

attested
I RAJ KUNWAR
FOR

2/10/72

103
16
General Headquarters/PP-7. DO AFIS/DQA

Directorate of Public Relations.

Research and Development Organisation -HD 23(a)

GS Branch/Defence Security Corps Det.

AG/Orig 4 (Civ) (d)....(50), B-In-C Branch SA(A)....(23)

The Deputy Financial Advisers (A)....(3); (Q); (GS); (P);
(O); (B); (W); and (AF)

The Secretary DADS....(4) The DPM.....(5)

Copy signed in ink sent to:-

The Controllers of Defence Accounts, Southern Command;
Western Command; Central Command; (O); (BIS); (Air Force);
Factories); (P), Allahabad; and Director of Audit and Accounts,
PD Section, Nagpur; and Controller of Defence Accounts, Punjab;
and the Deputy Controller of Defence Accounts (AF), New Delhi.

Sections; D(GS-1); D(Hov); D(O-2); D(IG-11); D(Pensioners/
Services); Pen-C; D(Q.C); D(Civ-11); D(Air-11); D(Air-111)
and D(Air-IV).

750 copies.

SECRET

attested

[Signature] 26/7/99

I RAJKONWAR

AR

ADDITIONAL SECRETARY

- 17 -

104

RESTRICTED

Appendix 'A' to Ministry of Defence
letter No A/25741/AG/PS3(b)/10445/
2/0 (Pay/Services) dated 2nd
Mar 1948

LIST OF CONCESSIONS TO BE ADMITTED TO OFFICERS AND PERSONNEL
BELOW OFFICER RANK OF ARMY SERVING IN MUNICIPAL AND CAMPUS
AREAS OF SRINAGAR, JAMMU, DELHIAHAR AND DARGILLING WITH EFFECT
FROM THE 1ST MARCH 1948 AND SILIGURI/HARDUARA WITH EFFECT FROM
THE 1ST MARCH 1948

Serial No.	Particulars of concessions	Rank to which admissible
---------------	----------------------------	-----------------------------

CONCESSIONS TO OFFICERS AND PERSONNEL ALREADY
POSTED AT THESE STATIONS WHO ARE SINGLE OR IF
MARRIED CANNOT BE PROVIDED WITH MARRIED
ACCOMMODATION

1. Free conveyance of families of the officers from the old duty station to a selected place of residence in India, and from there to the new duty station on re-posting, or alternatively retention of married accommodation by the family at the previous duty station or selected place of residence (from the list of stations where provision has been made for accommodation for separated families) at normal concessional rent for house and similar concessional charges for furniture, electricity, and water, as permitted by the Station Commander or the allotting authority. - Officer
2. Baggage normally upto a limit of 20 maunds on warrant. General Officers - Officers Commanding-in-Chief Command will, however be authorized to sanction free conveyance to the selected place of residence in India of the combined family scale of baggage (ie the scale admissible to the individual and the family) less the quantity taken by the individuals. In respect of those families in whom case the restriction of free conveyance to families scale of baggage would, in the opinion of those authorities, cause exceptional hardship. The General Officer Commanding-in-Chief may delegate this power to Corps, Division, Area, Sub Area and Brigade Commanders. In cases of personnel serving in Army Headquarters, head of the Branch concerned will accord the necessary sanction.
3. Conveyance for servants accompanying the family will be allowed on warrant upto the scale laid down in Rule 515 Travel Regulations. - Officer
4. Conveyance for baggage and servants from the selected place of residence to the new duty station on re-posting of the officer will be admissible at the same scale as laid down in 2 and 3 above. - Officer

attested

28/7/99
I RAJONWAR
AE
AGE CM LE MAKHONG

(1)

(2)

(3)

5. The leave travel concessions under Army Instruction 235/84 as amended by AI 259/86.
6. Retention of family accommodation, subject to restrictions as laid down in AI 19/51 for JCOs/OR or alternatively free conveyance of their families to their homes or selected place of residence and similarly return free conveyance to join the head of the family at the new post.
7. GOC C-in-C Commands are authorised to sanction free conveyance on warrant to the selected place of residence in INDIA, of the combined family scale of baggage (in the scale admissible to the individual and the family), less the quantity taken by the individual, in respect of those families of JCOs/OR/M.s () in whose case the restriction on free conveyance to family scale of baggage would, in the opinion of those authorities, cause exceptional hardship. GOC C-in-C Command may delegate this power to Corps, Division, Area, Sub Area and Brigade Commanders. In case of personnel serving at Army HQ, head of the Branch concerned will accord the necessary sanction. Similar conveyance to the new duty stat on can be sanctioned by the above authorities when the families rejoin the head of family on their reporting.

8.

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

attested
I RAJKONWAR 26/7/99
AE
ACE EM LEMARHONG

3/-

(1) (2) (3)

CONCESSIONS TO OFFICERS AND PERSONNEL WHO ARE ALREADY POSTED TO THESE STATIONS. FREE FAMILY ACCOMMODATION CAN BE PROVIDED

8. Families, who continued to stay at the old peace duty station of the personnel retaining Government accommodation at the normal concessional rent, consequent on the India posting away to Units/Formations in these four stations.
Free conveyance from the old peace duty station and return to the present peace duty station of the personnel.
9. Families, who had moved to a selected place of residence at the old peace duty station consequent on the India posting to Units/Formations in these four stations.
Free conveyance from such selected place of residence to the present duty station of the personnel.
10. Free conveyance of baggage and servants in respect of personnel mentioned at 8 and 9 above, from old duty station/selected place of residence to the present peace duty station of the personnel, at the scales laid down at serial Nos 2(b), (c), (d) and 7(b) of Annexure 'A' to the Ministry of Defence No A/02584/AG/PS3(c)/97-3/D (Pay/Service) dated 29.1.66.

Note The conveyance of the family of personnel below officer rank contemplated in 8 and 9 above is subject to the condition that the India are within the authorized percentages for which it is admissible.

11. Free conveyance of motor cars/motor cycles from the old duty station/selected place of residence to the present peace duty station of the personnel provided the requisite conditions under Rule 524, Travel Regulations are otherwise fulfilled and provided the transportation of the same initially to the selected place of residence had been at Govt expense under A/274.

CONCESSIONS TO OFFICERS AND PERSONNEL HEREFTER POSTED TO THESE FOUR STATIONS

12. Those to whom married accommodation cannot be provide :-
(a) Free conveyance of families and baggage of officers from the old duty station to a selected place of residence in INDIA and from there to the new duty station on reposting, or alternatively retention of married accn by the family at the previous duty station or selected place of residence (from the list of station where provision has been made for accn for separated families) at normal concessional charges for furniture, electricity and water, if permitted by the Station Commander to the allotting authority.

attested
26/7/99
I RAJ KONIWAR
ACCOMMODATION

(b) The leave travel concessions under AI 235/64 Office as amended by 259/66.

(c) Retention of family leave, subject to Personal restrictions as laid down in AI 19/51 for Below 100 rank JCOs/OR or alternatively free conveyance of their families and baggage to their homes or selected places of residence and similar return free conveyance to join the head of the family at the new post.

(d) Free conveyance of motorcars/motor cycles Office from old duty stations to the selected place of residence under the provisions of AI 22/3/63 provided the requisite conditions and otherwise fulfilled.

13. Those to whom married accommodation can be initially provided or is subsequently provided

(a) Free conveyance of families and baggage from All ranks the last duty station/selected place of residence to the duty station of the head of the family.

(b) Free conveyance of motor cars/motor cycles Office from the old duty station/selected place of residence to the present duty station provided the requisite conditions under Rule 524, Travel Regulations are otherwise fulfilled and provided the transportation of the same initially to the selected place of residence had been at Government expense under AI 22/3/63.

attested

[Signature]
26/7/88
I RAJKONWAR
AE
AGE 51/11/1930

(1)	(2)	(3)
-----	-----	-----

OTHER CONCESSIONS COMMON TO ALL PERSONNEL POSTED AT THESE STATIONS

- | | | |
|-----|--|------------------------------|
| 14. | Free remittance of family allotments to residing at stations where banking facilities do not exist. | Officers |
| 15. | Free remittance of two family allotments | personnel below officer rank |
| 16. | Casual remittance once a quarter on special occasions such as marriages, deaths etc. | " |
| 17. | Two postage free forces letter forms per indl per week. | All ranks |
| 18. | Remittance within INDIAN limits of money orders and Indian Postal Orders free of Commission upto a maximum of Rs. 50/- per month | " |
| 19. | The mode of travel of all future moves of officers to and from the above stations will be as for a non-concessional area. | Officers |

attached

[Signature] 26/9/99

I RAJKONWAR

AE

ACEE, MITMAHONG

- 22 -

~~SECRET~~

APPENDIX 'B' to Ministry of
Defence Letter No A/23/61/
10/12/51 (5/14-5/20/51) (Ex/Services)
of the 2nd May 1951

CONCESSION ADMISSIBLE TO CIVILIANS PAID FOR DEFENCE SERVICES
RELATIVES INCLUDING OFFICERS SERVING IN COMBAT AND NOT
NOT TESTED AND EMPLOYED OUTSIDE

- (a) Free remittance of family allowances.
- (b) 2 postage free forced letter per individual per week.
- (c) Remittance within India limits of money orders and Indian postal orders free of commission up to the maximum value of Rs 30/- per month per individual.
- (d) Retention of family accommodation allotted by Govt at the old duty station on payment of normal rent. If the accommodation retained to be allotted to another entitled personnel for exigencies of service, the family may be shifted to alternative accommodation whether appropriate or inferior to the status of the individual concerned.

- Notes:-
- 1. Dearness allowances will continue to be admissible in full.
 - 2. The concession in () shown in applicable only in respect of accommodation held by the Min of Defence separate orders will follow in respect of each belongs to the Min of W H & S.

~~SECRET~~

// COPY //

RESTRICTED

No: 37269/AG/PS (a)/9870 (Pay/Services)
Government of India
Ministry of Defence
New Delhi-110 011

Dated the 13th January 1994

To

The Chief of the Army Staff

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

Sir,

I am directed to say that the 4th Central Pay Commission in Para 28.96 of their Report, had 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 Government. The structure of Field Service Concessions has since been reviewed. I am directed to convey 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 Pre-requisites for classifying an area as Field Area and Modified Field Area will be as follows :-

Field Area : Field Area is an area where troops are deployed near the borders for operational requirements and where imminence of hostilities and associated risk to 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.

Contd...

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

2.5 Areas classified as Field Areas and Modified Field Areas will be reviewed every three years. The review process will commence one year in advance of the completion of three years.

3.1 Concessions - Monetary Allowance : Personnel serving in Field Areas and Modified Field Areas will be eligible to the grant of Compensatory Field Area Allowance and Compensatory Modified Area Allowance, respectively

3.2 The rates of the allowances are given below :

Sl No.	Rank	Rate of Compensatory Field Area Allowance	Rate of Compensatory Modified Field Area Allowance
		In Rs. pm	In Rs. pm
1.	Lt Col & above	975	375
2.	Lt Col (TS) & Major	895	350
3.	Captain	870	325
4.	2 Lt/Lt	780	300
5.	JCOs including Hony. Commissioned Officers	650	225
6.	Havildar	450	175
7.	Sep/Nk including erstwhile NC(E)	375	150

3.3.1 The conditions governing the grant of Compensatory Field Area Allowance and Modified Field Area Allowance in the case of officers will be as follows :-

Admissibility of Compensatory Field Area Allowance and Compensatory Modified Field Area Allowance will commence from the date on which an officer arrives in Field Area/Modified Field Area on being posted to a Unit/Formation Field Area subject to the following exceptions :-

Exceptions : An officer who is absent from a Field Area/Modified Field Area in any one or more of the following circumstances shall be eligible for Compensatory Field Area Allowance/Compensatory Modified Field Area allowance :

- 25 -

RESTRICTED

: 3 :

(I) For a maximum period of 15 days :-

(a) When placed on the sick list provided that immediately on the expiry of the period on the sick list, he returns to an area at which the allowance is admissible;

(b) When on Casual Leave;

(c) While on transit from one Field Area/Modified Field Area to another;

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

(a) The officer continues to be borne on the strength of the Unit/Formation in the Field Area/Modified Field Area;

(b) The officer in the ordinary course returns to duty to a Field Area/Modified Field Area (not necessarily the one from which he went) on termination of the temporary duty ;

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

NOTE : Compensatory Field Area Allowance/Compensatory Modified Field Area Allowance, will not be admissible to officers holding posts elsewhere who proceed on temporary duty to a Field Area/Modified Field Area.

3.3.2 Compensatory Field Area Allowance/Compensatory Modified Field Area Allowance will not be admissible in the following circumstances :-

(I) 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;

(II) When an officer from a Peace Area is specially appointed to officiate in a vacancy of less than 3 months duration. If the permanent incumbent continues to draw the Compensatory Field Area Allowance/Compensatory Modified Field Area Allowance under the exceptions mentioned above.

NOTE : Compensatory Field Area Allowance/Compensatory Modified Field Area Allowance will not be admissible in addition to Expatriation Allowance, Foreign Allowance, Compensatory/Daily Allowance for serving ex-India.

3.4 The conditions for the drawal of Compensatory Field Area Allowance and Modified Field Area Allowance in the case of JCO/OR including NC(E) will be the same as given in Para 5 of Annexure A to this Ministry's letter No. A/02504/AG/PS 3(a)/97-S/D(Phy/Services) dated 25-1-64, as amended.

Contd...4

- 26 -

RESTRICTED

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

- (a) Personnel serving in Detachments, Batts and Formations in areas mentioned in Appendices A & B.
- (b) Personnel of Defence Security Corps employed with Units whose personnel are eligible for the grant of these concessions.

4.2 Lists of Formation/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 PAOs concerned, quarterly i.e. for the quarters ending May, August, November and February every year by the 10th of the month subsequent to the close of the quarter.

4.3 Other Concessions : Other concessions in kind at present admissible in Full Field Areas as per details given in Annexure A to this Ministry's letter No. A/02584/AG/PS 3(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 Appendix 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/PS 3(b)/146 S/2/D(Pay/Services) dated 2.3.68, as amended, will be admissible in the Modified Field Areas as per Appendix B of this letter.

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

- (a) Static Formations/Units e.g. Military Farms, MBS, Recruiting Office, Training Centres & Establishments.
- (b) NCC Directorates and Units.
- (c) TA 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 9000 ft. 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 with an altitude of 9000 ft. to 15000 ft. and a higher rate for areas above 15,000 ft. (excluding Siachen). The details of these areas are given in Appendix C. The rates of High Altitude/Uncongenial Climate Allowance are given as under :-

Sl No.	Rank	Cat-I (Heights from 9000 ft to 15000 ft including uncongenial climate areas below heights of 9000 ft.)	Cat-II (Heights above 15000 ft excluding Siachen)

112

- 27 -

RESTRICTED

: 5 :

In Rs. pm In Rs. pm

1. Lt Col & above	400	600
2. Major & Lt Col (T&S)	350	525
3. Captain	250	375
4. 2 Lt/Lt	200	300
5. JCOs including Hon'y Commissioned Officers	180	270
6. Havildar	140	210
7. Sepoy/Nalk including erstwhile NC(E)	100	150

5.2 High Altitude/Uncongenial Climate Allowance will be admissible in addition to the Compensatory Field Area Allowance and other concessions in kind.

5.3 The other conditions governing the grant of High Altitude/Uncongenial Climate Allowance as given in this Ministry's letter No. F.69/3/75/D(Pay/Services) dated. 28.2.76, as amended, will continue to be applicable.

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

- | | |
|--------------|-------------|
| (a) Officers | Rs. 1200 pm |
| (b) JCOs/ORs | Rs. 800 pm |

6.2 Slachen Allowances will be admissible in addition to Compensatory Field Area Allowances but not with High Altitude/Uncongenial Climate Allowance. Other conditions governing grant of Slachen 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/ORs 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 areas for all purposes.

Contd...6

- 28 -

RESTRICTED

8. Concessions on Attachment :

(a) Individuals/Detachments from Formation/Units not covered by these orders but who are attached for operational purposes to Formations or Units drawing the Field Service Concessions will, if the attachment is for less than two weeks, be entitled to the concessions at present admissible under Para 6 of Annexure A to this Ministry's letter No. A/02504/AC/PS 1(a)/97-S/D(Pay/Services) dated 25.1.64 as amended.

(b) If the attachment is for two weeks or more, the allowance i.e. Compensatory Field Area Allowance/Compensatory Modified Field Area Allowance under these orders as also the concessions as applicable as per orders referred to in Para 8(a) above be admissible.

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

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

9.2 Consequent upon the coming into force of the revised orders, the following monetary allowances will stand withdrawn from 1.4.1993 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.53 to Rs.23 pm admissible for JCOs/ORs including NC(E).

10. Special Compensatory (Remote Locality) Allowance : This allowance which is at present admissible in Modified Field Areas/Pence Areas on the civilian pattern will also stand withdrawn but w.e.f. 1st Feb 1994.

11.1 Adjustments : The allowances mentioned in Para 9.2 above drawn by the individuals concerned after 1st April, 1993 will be adjusted against the Compensatory Field Area Allowance and Compensatory Modified Field Area Allowance, if admissible, under these orders.

11.2 Where, however, an individual has become disentitled to any monetary allowance consequent upon change in the classification of area, no recovery will be made of the monetary allowance already availed of by an individual under 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.

Contd...7

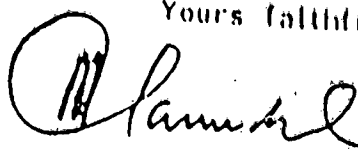
112

- 29 -

RESTRICTED

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 Army HQs. in consultation with CGDA.
15. This issues with the concurrence of Finance Division of this Ministry vide their U.O. NO. 5(1)/85-AG(B-PA) dated 12.1.1994.

Yours faithfully,



(U.A. Khan)
Under Secy to the Govt of India.

Distribution as per the
attached list

Distribution List

Copy to:-

1. CGDA, New Delhi.
2. DGADS, New Delhi.
3. DADS, SC, Pune.
4. DADS, AF, Dehradun.
5. DADS, EC, Patna.
6. DADS, WC, Chandigarh.
7. DADS, CC, Meerut.
8. DADS, Navy, Bombay.
9. CDA(officers), Pune.
10. CDA(AF), Dehradun.
11. CDA(Navy), Bombay.
12. CDA(Pensions), Allahabad.
13. CDA(Fys), Calcutta.
14. CDA(ORS), South, Bangalore.
15. CDA(ORS), North, Meerut.
16. CDA(CC), Meerut.
17. CDA(SC), Pune.
18. CDA(WC), Chandigarh.
19. CDA(NC), Jammu and Jullundhar.
20. CDA(EC), Patna.
21. Dy. CDA(AF), New Delhi.
22. Director of Audit and Accounts(Postal),
APB Section, Nagpur.
23. Director of Audit, P&T, Nagpur.
24. CDA, Lucknow and Madras.
25. AG/PS-3(a) - 200 copies
26. DCOAS/SD-1 - 17 copies
27. E-in-C's DE/E-1A- 15 copies
28. QMG's Branch/O-1A- 7 copies
29. MGO's Branch/OS-8 - 8 copies

Copy signed in ink to:-

- | | |
|---|--------------------------------|
| 1. CDA(O), Pune. | 2. CDA(AF), Dehradun. |
| 3. CDA(Pensions), Allahabad. | 4. CDA(ORS), South, Bangalore. |
| 5. CDA(ORS), North, Meerut. | 6. CDA(SC), Pune. |
| 7. CDA(CC), Meerut. | 8. CDA(WC), Chandigarh. |
| 9. CDA(NC), Jammu and Jullundhar. | 10. CDA(Fys), Calcutta. |
| 11. CDA(EC), Patna. | 12. Dy. CDA(AF), New Delhi. |
| 13. Director of Audit and Accounts(Postal),
APB Section, Nagpur. | |
| 14. CDA(Navy), Bombay. | 15. CDA(ORS), Central, Nagpur. |

31-
RESTRICTED

115
Appendix A to Govt of India
Ministry of Defence letter No 37269/
AO/PB 3(a)/90/D(Pny/Services)
dated 13 Jan 94
(Refers to Para 2.3)

LIST OF FIELD AREAS

1. EASTERN COMMAND

(a) Arunachal Pradesh

(i) Tirap and Changlang Districts.

(ii) All areas North of line joining point
4448 in LZ 4179-Nukme Dong MS 3272-Sepia MT
2969-Palin MO 9213-Daporijo NR 5841-Along
NL 1273-Hunli NM 3196-Tidding Tuwi MT
6369-Hayuliang NN 0170-Tawaken MT
8136-Champai Nun NM 8814 all inclusive.

(b) Manipur and Nagaland States.

(c) Sikkim. All areas North and NE of line
joining Phalut LV 4750-Gezing LV 7059-Mangkhla LV
6160-Penlang La LW 0666-Rangli LW 1448-BP 1 in
LW 2453 on Indo-Bhutan Border - all inclusive.

2. WESTERN COMMAND

Himachal Pradesh

- All areas East of line
joining Unasila NV 3951 Udaipur NY 8663 - Mani
Karan SH 2300 - Pir Parbati Pass TA 1459-Taranda
TA 2335-Barasua-Pass TA 0801 all-inclusive.

3. CENTRAL COMMAND

Uttar Pradesh

- All area North and NE of line
joining Barasua Pass Ganghadi TG 1362-Govind
Ghat TG 0937-Tapovan TH 1822-Munnair TH
8982-Relagad TO 2466 all inclusive.

RESTRICTED

RESTRICTED

Appendix A continued

4. NORTHERN COMMAND

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

(b) Valley Sector. All areas West of line joining Point 1556 in NR 5470 - Gulmarg MT 3105 - Naushara MY 3105 - Ringapat MT 2133 - Handwara MT 2043 - Laingyal MT 2339 - Point 8405 in NG 4565 - North of line joining point 8403 - Bunakut MT 5453 - Razan NN 2239 - Zojila all inclusive.

(c) Jammu-Rajouri Sector. All areas West of line joining Tip of Chicken Neck RD 7073 - Canal Junction RD 6364 - Mawa Brahmana RD 6183 - Chauki RD 6393 - Road junction RD 6499 - Baramgala MY 3854 - Point 1556 in NR 5470 all inclusive.

----- X ----- X ----- X -----

116

— 33 —

RESTRICTED

Appendix B to Govt of India
Ministry of Defence Letter No 37269/
AG/IS 3(a)/90/D(Pay/Service)
dated 13 Jan 94
(Refers to Para 2.3)

LIST OF MODIFIED FIELD AREAS

SOUTHERN AND WESTERN COMMAND

- (a) Rajasthan and Punjab. Areas West of line joining Jessal, Barmer, Jaisalmer, Pokharan, Udasar, Mahajan Ranges, Suratgarh, Balgarh Jattan, Abohar, Govindgarh, Fazilka, Jandiala Guru, Moga, Dholewal, Beas, Bir Sarangwal, Hussainiwala, Dera Baba Nanak, Laisain Bulge upto the International Border all inclusive.
- (b) Haryana. Satrod (Hissar)
- (c) Himachal Pradesh. Areas North of line joining Narkhanda, Keylong upto Field Area line/High Altitude line.

EASTERN COMMAND

- (a) Assam and Arunachal Pradesh
 - (i) Cachar and North Cachar Distts of Assam including Silchar.
 - (ii) All areas of Arunachal Pradesh and Assam North of River Brahmaputra less Tejpur, Misamari and Field Areas.
- (b) State of Mizoram and Tripura.
- (c) Sikkim and West Bengal. Areas Northwards of line joining Sevoke LV 9112 - Burdong LV 9850 - Sherwani LV 9453 - Bagrakot LW 0113 - Damdin LW 1109 - New Mal - Hasimara - QB 7894 Ganga Ram Tea Estate QA 1377 upto the High Altitude line/Field Area line/International Border all inclusive.

RESTRICTED

Appendix B continued

CENTRAL COMMAND

Areas North of line joining Uttarkashi, Karan Prayag, Gauchar, Joshimath, Chamoli, Rudra Prayag, Askote, Charamagad, Dharchula, Kasauli and Narendra Nagar upto International Border all inclusive.

NORTHERN COMMAND

(a) Valley Sector. Areas West of line joining Pattan, Baramulla, Kupwara, Drumula, Panger, Mankes, Buniyar, 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, Brahmana-di-Bari, Jindra, Dhansal, Katra, Sanjhi Chatt, Batote, Pathi Top, Ramban and Banihal upto the existing High Altitude line all inclusive.

-----X-----X-----X-----

112

- 25 -

RESTRICTED

Appendix C to Govt of India
Ministry of Defence letter No 37269/
AO/PS 3(a)/90/D(Pay/Services) dt 13 Jan 94
(Refer to Para 5.1)

LIST OF HIGH ALTITUDE (UNCONGENIAL CLIMATE) AREA

1. JAMMU AND KASHMIR - Area along the following line and beyond :-
Cease Fire Line nullah crossing NN 2180 SOUTH along nullah to NALA Junc NN 1969 SOUTH along nullah to NICHINAL BAR NN 2048 - SOUTH EAST along nala to SOWAHARG NN 3443 ZOJILA NN 5141 SOUTH EAST along KASHMIR/LADAKH boundary passing through heights 17573 (NN 73) 19590 (NN 72) 19830 (NN 91) 17672 (NN 80) FARIABAD (No. 10) SOUTH EAST along boundary to GR NT 2490 SOUTH along boundary to point 21570 (NT 2466) again along boundary to GR NT 2758 EAST AND NORTH EAST along boundary to GR NT 4269 SOUTH EAST along boundary to HAGSHULA (NT 5662) SOUTH EAST along boundary to UMASILA (NT 6850) SOUTH and SOUTH EAST along boundary to KANGLA JOT (NT 9420) KAZALWAN GUREZ REGION, RING PAIN AND RING BALA REGION, TITHWAL AND TANGDIHAR REGION AND DODA.
2. HIMACHAL PRADESH - Area along the following line and beyond :-
Along foot path and then nullah to Point 12380 (NZ 6891) along MIYAR nullah to its junction with CHENAB at (NY 8663) SOUTH EAST along R CHENAB ^{to} KHOKHAR (NZ 43)

RESTRICTED

-36-

RESTRICTED

Appendix C continued

5. SIKKIM

North and North East of the line running from
Point 12785 (IN 96) Point 10140 (LT 17) Point
10405 (LT 38) Point 9010 (LT 48) Nala Junction
(LT 5373) PADAMOTHE (LT 6751) Point 10030 (LT
64).

— X ——— X ——— X ——— X ——— X ———

RESTRICTED

118
ANNEXURE-2-4

Tele : 3010-431

Appar Mahamudonthalai Sangathan/
Org 4 (Civ) (d)
Adjutant General Shukha
Sena Mukhyalaya
Addl Dto Gen of Org/Org 4 (Civ) (d)
Adjutant General's Branch
Army Headquarters
Dir Post Office, New Delhi-110011

16729/Org 4 (Civ) (d)

Headquarters

Southern Command
Eastern Command
Western Command
Central Command
Northern Command

25 Apr 94

FIELD SERVICE CONCESSIONS TO CIVILIANS PAID FROM DEFENCE
SERVICE ESTIMATES INCLUDING CIVILIANS EMPLOYED IN THE
OF COMPENSATORY ALLOWANCES AND FIELD AREAS (SECRETED)

On the basis of the Fourth Central Pay Commission recommen-
ations, the existing classification of areas for grant of Field
service Commissions has been revised recently, vide Ministry of
Defence letter No 37265/76/90-3(a)/90/1 (Pay/Services) dated 13 Jan 94.
One of the concessions/Compensatory Allowances have also been
revised in respect of Service Personnel. As per the Government
order, field areas will be classified as field areas and modified
field areas only. The details of newly defined Field areas and
modified field areas are contained in Appendices 'A' and 'B'
respectively to this letter.

It is proposed to extend the same concessions to Defence
villians employed in the field areas as they serve side by side
with service personnel under similar conditions in the given areas.
They are also required to move into the border areas and also serve
dense jungles risking their lives for performing duties assigned
them.

The following proposals for concessions/allowances to Defence
villians posted in these areas have been proposed to Ministry of
Defence for consideration :-

attested

RESTRICTED

26/7/99
1 RAJKONWAR

AE

AGE E/M LEIMAKHONG

RESTRICTED

719

- (a) Defence Civilians serving in field areas are entitled to be eligible to the grant of Field Area Allowance and Compensatory Modified Field Area Allowance respectively at the following rates:-

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

- (b) The Special Compensatory allowances such as Hill Compensatory and Winter Allowances, Bad Climate Allowances etc. are not to be admissible in addition to Field Allowance.

- (c) The other concessions in kind at present admissible in Full Field Areas as per details given in Annexure 'A' to Ministry of Defence OM No. A02504/AG/PS-3(a)/07-5/1 (Pay/Services) dated 25 Jan 64 as amended from time to time to continue to be admissible in the newly defined Field Areas listed in Appendix 'A' to this letter.

- (d) Similarly, the concessions admissible in Modified Field areas as per details given in Appendix 'B' to the Ministry of Defence letter No A/25761/AG/PS-3(b)/14-5/2A (Pay/Services) dated 2 Mar 68, as amended from time to time, to be admissible in the Modified Field Areas listed at Appendix 'B' to this letter.

RESTRICTED

attest
21/1/69
I RAJONWAR

RESTRICTED

17/20

- 2 - 38 -

(e) The above mentioned allowances will not be admissible to :-

(A) Static Formations/Units o.g. Military Farms, MES, Recruiting Office, Training Centres and Establishments.

ii) NCC Directorates and Units

iii) TA Units unless embodied,

iv) Record Offices and similar establishments.

4. High Altitude/Uncongenial Climate Allowance - Civilians serving in Field Areas which are situated at a height of 9000 ft and above including uncongenial climate areas below the height of 9000 ft to be entitled. The details of these areas are given in Appendix 'C' to this letter. The rates of High Altitude/Uncongenial Climate Allowance are given as under :-

Pay	Cat-I (heights from 9000 ft to 15000 ft including uncongenial climate areas below heights of 9000 ft)	Cat-II (height above 15000 ft. excluding Siachen)
For Pay not exceeding Rs 950/-	Rs 100/- p.m.	Rs 150/- p.m.
For Pay exceeding Rs 950/- p.m. but not exceeding Rs 2300/- p.m.	Rs 140/- p.m.	Rs 210/- p.m.
For Pay exceeding Rs 1500/- p.m. but not exceeding Rs 2300/- p.m.	Rs 180/- p.m.	Rs 270/- p.m.
For pay exceeding Rs 2300/- p.m. but not exceeding Rs 3000/- p.m.	Rs 200/- p.m.	Rs 300/- p.m.
For pay exceeding Rs 3000/- p.m.	Rs 350/- p.m.	Rs 325/- p.m.

The High Altitude/Uncongenial Climate Allowance to be admissible in addition to the compensatory allowance and other concessions in kind

attested

28/7/99

RAJENDRA

AG

AGENT, TIRUPATI

RESTRICTED

40
121
RESTRICTED

-4-

5. Command Headquarters are requested to examine the above proposal submitted to Ministry of Defence and give their comments/ views. Annual financial implications on the above proposal may please be worked out separately in respect of Field Area Allowance, Modified Field Area Allowance and High Altitude/Uncongenial Climate Allowance and furnished to this Headquarters latest by 20 May 94.

(Signed JI Saxena)
SCSO
Director (MP)
Org 4 (Civ) (d)
for Adjutant General

Copy to :-

EIC
QIC
SD-1
MGO (S&C)/A
MI-19
MT-7
AC-1
Arty-3
SD-6B
DEC-2
TA-3
Sigs 4(C)
Mech Forces (Pers)
Inf-6(Pers)

Q Mov D
OS-10A
OS Pers
EMH C-3
Reg Adm
Reg S (C) (B)
DC Adm
AG/PM
JAG Dep H
ST-12
IV-1
MI-1
APS-2B
Pers-1

attested
26/7/99
I RAJ KUMAR

RESTRICTED

AE
AGE EM LEMAKHONG

6th
File : 3375033

122
(81)
-4/-
Adjutant General's Branch
Sena Mukhyalaya
Addl. Dir. Gen. of Org/Org-4 (Civ) (d)
Adjutant General's Branch
Army Headquarters
D/O P.O. No. P.O. 1-110 011

16729/Org-4 (Civ) (d)

11 Nov 95

Headquarters

Southern Command
Eastern Command
Western Command
Central Command
Northern Command

FIELD SERVICE CONCESSIONS TO CIVILIANS PAID FROM
DEFENCE SERVICES ESTIMATES INCLUDING CIVILIANS
EMPLOYED IN-LIEU OF COMBATANTS AND NCS (E) (BOTH
POSTED AND LOCALLY RECRUITED)

1. Reference this HQ letter of even number dated 25 Apr 94.
2. It is intimated that the subject matter was examined at a very high level at this HQ and it was decided that no new monetary concessions/allowances can be granted to the civilian employees in field areas since the move will result in withdrawal of many compensatory allowances those are admissible at present exclusively to civilian employees even in peace areas.
3. Now, Defence civilian employees serving in newly defined Field Areas/Modified Field Areas will continue to be extended the concessions as per Govt. orders No.B/37269/AG/P33(a)/165/D(Pay/Services) dated 31 Jan 95 and No.B/37269/AG/P33(a)/730/D(Pay/Services) dated 17 Apr 95. Copies of these letters have already been circulated to all concerned.
4. However, it is requested that the information regarding High Altitude/Uncongenial Climate Allowance asked for vide this HQ letter of even number dated 15 Jun 95 may please be furnished at the earliest to enable us to take further necessary action.

attested
I RAJKONWAR

AE

AGE EIMLEIMAKHONG

(Bhannu Pratap)

CSO

DAAG/Org-4 (Civ) (d)

for Adjutant General

P.T.O.

120
2-5
ANNEXURE

No.B/37269/AG/PS3(a)/169 /D(Pay/Services)
Government of India
Ministry of Defence
New Delhi, the 31st January, 1995.

To

The Chief of the Army Staff

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

Sir,

I am directed to refer to para 13 of Govt. letter
No.37269/AG/PS3(a)/D(Pay/Services) dated 15.1.1994 and
to convey the sanction of the President to the following
Field Service Concessions to Defence Civilians in the
newly defined Field Areas and Modified Field Areas as
defined in the above mentioned letter:-

(i) Defence Civilian employees serving in the newly
defined Field Areas will continue to be extended the
concessions enumerated in Annexure to Govt. letter
No.A/02504/AG/PS3(a)/D(Pay/Services) dated 15.1.1994.
Defence Civilian employees serving in newly defined
Modified Field Areas will continue to be extended the
the concessions enumerated in Appendix III to Govt.
letter No.A/02504/AG/PS3(a)/D(Pay/Services)
dated 2nd March, 1968.

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

2. These orders will come into force w.e.f. 1st April, 93.
3. This issues with the concurrence of Finance Division
of this Ministry vide their HO No.5(1)/85-AC(14-PA) dated
9.1.1995.

Yours faithfully,

(L.T. Thakur)
Under Secretary to the Government of India

RESTRICTED

attested
26/7/99
RAKONWAL
AGE E/M LEMAHONG

43
RESTRICTED

No.B/37269/AG/PS3(a)/730/D(Pay/Service)
Government of India
Ministry of Defence

New Delhi, the 17th April, 1995.

CORRIGENDUM

The following amendment is made to this Ministry's letter No.B/37269/AG/PS3(a)/165/D(Pay/Service) 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 admissible to Defence Civilians, as hitherto, under existing instructions issued by this Ministry from time to time. However, in respect of Defence Civilians employed in the newly defined Field Areas, Special Compensatory (Remote Locality) Allowance and other allowances are not concurrently admissible alongwith Field Service Concessions."

This Corrigendum issues with the concurrence of the Finance Division/AG of this Ministry vide their L.D.No. 389/ dated 5.4.1995.

Yours faithfully,

(L.T. Phanka)

Under Secretary to the Govt. of India
(Tele: 3042730)

To

The Chief of the Army Staff,
New Delhi.

Copy to:-

As per list attached.

attested

28/7/99

I RAJKONWAR

AE

AGE E/M LEIMAKHONG

New Delhi, the 12th September, 95.

C O R R I G E N D U M

The following amendment is made to this Ministry's letter No.B/37269/AG/PS-3(a)/165/D(Pay/Service) dated 31.1.95, regarding Field Service Concessions to Defence Civilians serving in the newly defined Field Areas:-

Para 2 may be deleted and substituted as under:-

"These orders will come into force w.e.f. the date of issue of this letter namely w.e.f. 31.1.95. In other words, no recovery will be made on account of concessions like free rations/free single accommodation etc. already availed of by Defence Civilians as part of Field Service Concessions from 1.4.93 to 30.1.95. Similarly, no payment on account of SDA/CCA/CCA(RL) will also be made from 1.4.93 to 30.1.95".

2. This Corrigendum issues with the concurrence of the Finance Division/AG of this Ministry vide their T.D. No.1033-PA dated 11.9.95.

(L.T. THANGA)

Under Secretary, to the Govt. of India

To

The Chief of the Army Staff
New Delhi.

Copy to :-

1. CGDA, New Delhi - 5 copies
2. DADS, New Delhi - 5 copies
3. DADS, CG, Meerut Cantt.
4. DADS, SC, Pune
5. DADS, EC, Patna
6. DADS, AF, Dehradun
7. DADS, WC, Chandigarh
8. DADS(Navy), Bombay
9. Director of Audit(GF), East Wing, Calcutta
10. Deputy DADS, NC, Jammu
11. Deputy DADS(Pens), Allahabad
12. CDA(O), Pune: Please connect your letter No. Tech/O/6 dated 7 Mar 94.

attested

I RAJKONWAR

AE

ACE/111/LEMAKHONG

..... 2/-