

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

CP-4/2003 ordered sheet Pg. 1 to 3

Appeal Date- 24/03/2003

Pl. P-36/2002 ordered sheet Pg- 1

allowed Date- 8/04/2002

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R.A/C.P No. 4103

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SECTION OFFICER (Judl.)

## FORM NO. 4

(See Rule 42)

## In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

## ORDER SHEET

APPLICATION NO. 238/2000 OF 199

Applicant(s) Sri Pareiyarathu Madhavan Kittan and others.

Respondent(s) Union of India and others.

Advocate for Applicant(s) Mr. A. K. Roy.

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

Notes of the Registry	Date	Order of the Tribunal
Summons issued to the Respondent to appear and within time of 21.9.2000 and within time of Rs. 50/- deposited vide I.P.O.B.D. No. 492296 Dated on 21/9/2000 AMM/APP/100 [REDACTED]	22.9.00	Present : The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman. Adjourned to 25.11.2000 for admission on the prayer of the learned counsel for the applicant.
Requisition dated 23/10/2000 N.S 23/10/2000	27.9.00	Present : Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman. Mr. A.K.Roy for the applicant and Mr. B.S. Basumatary, learned Addl.C.G.S.C. for the respondents. The cause of action and the relief sought for are similar and accordingly a prayer has been made for permission to move this application jointly. Prayer allowed.

Contd....

Notes of the Registry	Date	Order of the Tribunal
Notice duly served on respondent No 1,2,384 24/11/00	27.9.00	<p>Application is admitted. Call for the records.</p> <p>Issue notice as to why interim order shall not be granted. In the meantime respondents are directed not to make any deduction with regard to the amount of SDA that has already paid to the applicants.</p> <p>Notice returnable on 27.10.00.</p> <p>List on 27.10.00 for further order.</p>
Within Galimur has not filed by the respondents.	trd 27/9/2000	
No wife has been filed.	27.11.2000	<p>Three weeks time allowed for filing of written statement on the prayer of Mr A. Deb Roy, learned Sr. C.G.S.C. List it on 18.12.00 for orders.</p>
By 9.1.2001		
No written statement has been filed.	10.1.2001	<p>Four weeks time allowed for filing of written statement on the prayer of Mr B.S. Basumatary, learned Addl. C.G.S.C. List it on 9.2.01 for orders.</p>
By 13.2.01		
No written statement has been filed.	14.2.01	<p>List on 20.3.01 to enable the respondents to file written statement.</p>
By 19.3.01	lm	<p>CC Usha Member</p>
		<p>Vice-Chairman</p>

Notes of the Registry	Date	Order of the Tribunal
No. written statement has been filed.	20.3.01	List on 10.4.01 to enable the respondents to file written statement. nkm 1m
	10.4.2001	Three weeks time allowed to the respondents to file written statement. List for orders on 8.5.01. nkm
21-5-2001 No. Written statement has been filed.	8.5.01	List on 22.5.01 to enable the respondents to file written statement. pg
No. written statement has been filed.	22.5.01	List on 21-6-01 for orders. bb
No. wof has been filed.	21.6.01	Mr.A.Deb Roy, learned Sr.C.S.S.C. for the respondents prays for and granted three weeks time and no more time for filing of written statement. Applicant will have two weeks time thereafter to file rejoinder, if any. List on 28-8-2001. bb
27.8.2001 No. written statement has been filed.	28.8.01	No written statement so far been filed. List the matter for hearing on 25/9/01. The respondents may file written statement, if any, within 2 weeks from today. mb

Notes of the Registry	Date	Order of the Tribunal
<p>15.10.2001 Copy of the Judgment has been sent to Defee. for issue to the Appellate as well as to the Add. C.G.S.C for LC Report.</p> <p>LS</p>	25.9.01 1m	<p>Judgment delivered in open Court. Kept in separate sheets. Application is allowed. No order as to costs.</p> <p>PC Ushan Member</p> <p>Vice-Chairman</p>

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 238 of 2000

Date of Decision. 25.9.01.....

Sri P.M.Kittan & Ors.

Petitioner(s)

Mr.A.K.Roy, Mr.I Gogoi

Advocate for the  
Petitioner(s)

Versus-

Union of India & Ors.

Respondent(s)

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

Advocate for the  
Respondent(s)

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

THE HON'BLE MR.K.K.SHARMA, ADMINISTRATIVE MEMBER

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

Judgment delivered by Hon'ble : VICE-CHAIRMAN



CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 238 of 2000

Date of Order: This the 25th Day of September 2001

HON'BLE MR.JUSTICE D.N.CHOWDHURY, VICE-CHAIRMAN  
HON'BLE MR.K.K.SHARMA, ADMINISTRATIVE MEMBER

1. Shri Pariyarthu Madhavan Kittan  
Upper Division Clerk  
NES/223980, Tezpur
2. Shri Ashim Kumar Bhattacharjee  
Superintendent, BIR, Grade-1  
MES/236465, Tezpur.
3. Shri Binoy Bhusan Das  
Supervisor, B/S, Grade-1  
NES/242236, Tezpur. .... .... Applicants.

By Advocate Mr. A.K.Roy, Mr.I Gogoi.

-Vs-

1. Union of India represented by the  
Secretary to the Govt. of India,  
Ministry of Defence, New Delhi
2. The Controller General of Defence Accounts,  
West Block V, R.K.Puram,  
New Delhi-1100056.
3. Area Accounts Officer,  
Bivar Road, Shillong-1
4. Garrison Engineer, Tezpur  
P.O. - Dekargaon(Solmara)  
Dist-Sonitput. .... .... Respondents.

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

O R D E R.

CHOWDHURY J. (VC):

The three Civilian Employees are working under the Ministry of Defence. Their grievances are common as to the entitlement of Special Duty Allowance. All the applicants were initially appointed in the N.E.Region subsequently they were transferred outside and posted.

  
contd/-

The Applicant No.1 ~~was~~ was appointed as Lower Division Clerk in the year 1964 and posted at Barjhar. In the year 1976 he was transferred to West Bengal where he worked up to 1993. In the year 1993, he was again transferred and posted at Tezpur. Similarly, the Applicant No.2 was appointed as Superintendent Grade II in the year 1970 and posted at Tezpur and he was transferred from Tezpur and posted at West Bengal. He was retransferred to N.E. Region in the year 1990 and again transferred to Calcutta in the year 1993 and he was reposted in Tezpur in 1997. The applicant No.3 was also similarly situated person. Initially he was appointed at Chabua in 1964 and in June 1984 he was transferred and posted at Kumbhirgram and thereafter he was transferred to Jammu and Kashmir. In September, 1993 he was reposted. As per Government instructions issued from time to time all the Civilian Employees who are transferred from outside the Region and subsequently posted in the N.E. Region are entitled to Special Duty Allowance.

We have heard Mr. I. Gogoi learned counsel appearing on behalf of the applicant and Mr. B.C. Pathak, Addl. C.G.S.C. for the Respondents. Admittedly, there is no dispute that a person who are posted from outside to N.E. Region and reposted to the N.E. Region ~~was~~ is entitled to the Special Duty Allowance. Since no written statement had been filed. In the circumstances, we direct the respondents to examine the case of the applicants individually and if it is found that the applicants were posted from outside to N.E. Region and thereafter transferred and posted in the N.E. Region, in that event the respondents shall take steps for payment of Special Duty Allowance to the applicants from the date of reposting in the respective places. If any deduction was made from the applicants these

are to be refunded to them forthwith on completion of the exercise.

The applicants may file fresh representations individually or collectively narrating all the relevant facts within three weeks from the receipt of the order. The Respondents are directed to complete the exercise preferably within 3 months from the date of receipt of this order.

Application is allowed to the extent indicated. There shall however, be no order as to costs.

*K.K.Sharma*  
(K.K.SHARMA)  
ADMINISTRATIVE MEMBER

*D.N.Chowdhury*  
(D.N.CHOWDHURY)  
VICE-CHAIRMAN

LM

503 13 JUL 2000

IN THE Central Administrative Tribunal  
Guwahati Bench( An application under Section of the Administrative  
Tribunal Act 1985 )O. A No. 238

/2000

Shri P. M. Kitan Ors.

... Applicant

- Versus -

Union of India &amp; Ors.

... Respondents.I N D E X

<u>Sl. No.</u>	<u>Documents</u>	<u>Pages</u>
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For use in the office : -

Signature : -

Date : -

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH.

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

Filed by the applicants  
through Ashok K. Roy  
Advocate.

BETWEEN

1. Shri Pariyarthu Madhavan Kittam

Upper Division Clerk

MES/ 223980, Tezpur.

2. Shri Ashim Kumar Bhattacharjee

Superintendent, BIR, Grade - I

MES/ 236465, Tezpur.

3. Shri Benoy Bhusan Das

Supervisor, B/S, Grade - I

MES/ 242236, Tezpur.

... APPLICANTS

-AND-

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

2. The Controller General of Defence Accounts,  
West Block - V  
R.K.Puram, New Delhi- 110056.

3. Area Accounts Officer,  
Bivar Road, Shillong - 1

...2

Benoy Bhusan Das

4. Garrison Engineer, Tezpur

P.O - Dekargaon ( Solmara )

Dist- Sonitpur.

... RESPONDENTS.

1. Particulars of orders against which this application is directed : -

This application is made due to non-payment of Special duty allowance to the applicants since August 1998.

2. Jurisdiction : -

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

3. Limitation : -

That the applicants also declare that this application is made within the time limit as has been prescribed under section 21 of the Administrative Tribunal Act 1985.

4. Fact of the Case : -

(i) That all the three applicants are similarly situated persons and have been aggrieved by the same cause of action and the reliefs prayed by them are also same. They also states that they have common interest in the matter and hence they crave leave of this Hon'ble Tribunal to file this application jointly under Rule 4(5) (a) of the Central Administrative Tribunal ( Procedure ) Rules 1987.

*Devyashwami*

- (ii) That the applicant No. 1 joined in service as Lower Division clerk in the year 1964 under the respondents and was posted at Barjhar. In the year 1976, he was transferred to West Bengal and he worked there upto 1993. In the year 1993, he was again transferred and posted at Tezpur i.e. in the North East Region and now he is working under the respondent No. 4 at Tezpur.
- (iii) That the applicant No. 2 was appointed as Superintendent, BIR, ( Grade - II ) in the month of March 1970 and was posted at Tezpur. In the month of June 1973 he was transferred from Tezpur and was posted at Bagdogra i.e. out side the North East Region. Thereafter , he was transferred from time to time and worked in several places out side the N. E.Region . After about seventeen years i.e. in the year 1990 he was again transferred to N.E.Region and was posted at Borjar. In the year 1993 the applicant No. 2 was transferred to Calcutta and thereafter he was again transferred to this Region and posted at Tezpur in the month of October 1997 and since then he has been working under the Respondent No. 4.
- (iv) That the applicant No. 3 was appointed on 3.9.64 under the respondents and was posted at Chabua and there he worked in several places within this region till 1984. In the month of June 1984, he was transferred from this Region and was posted at Kumbhirgram and thereafter he was transferred to Udhampur (J.K.). In the month of September 1993 he was again transferred to this Region and was posted at Tezpur and now he had been working under the Respondent No. 4 .

(v) That the applicants state that they were transferred and posted to this region on administrative ground to serve this region and hence they were allowed to draw Special Duty allowance (in short SDA) as per the Govt. of India's Rule and policy and they received the same till July 1998 . Thereafter since August 1998 , the payment of SDA to the applicant has been stopped and started to deduct the amount which was earlier paid to them . Be it also stated that no order has been issued in respect of deduction from salary.

(vi) That the applicants state that on enquiry , they came to know that the same has been stopped on the basis of instruction of Respondent No. 3 vide D.O letter dated 1.9.98. Be it stated here that in the said letter the reference of Govt. of India's memorandum No. P.NO.11(2)/97.E. 11(B) dated 22 July 1998 has been made .

One copy of the D.O. letter dated 1.9.98  
is annexed herewith as Annexure - A.

(vii) That the applicants state that as per the Memorandum dated 22 July 1998 they are fully eligible to the SDA in as much as they have been transferred to this region and their services are also "All India Transfer Liability".

" (iii) Special (Duty Allowance :-

Central Government civilian employees having "All India Transfer Liability " and posted to the specified Territories in the North Eastern Region shall be granted the special (Duty )Allowance at the rate of 12.5 per cent of their basic pay as prescribed in the Ministry's M.O. No. 20014/16/86 .E.IV/E.II (B) dated December 1, 1988

....."

.....5

Bengaluru

One copy of the said office memorandum dated July 22, 1998 is annexed as ANNEXURE-B

(viii) That being aggrieved the applicants submitted their representations individually to the respondents for a number of times, but till date, the respondents ~~neither~~ ~~draw SDA~~ allowed ~~the~~ the applicants to draw SDA nor have replied to any representation whatsoever.

Copies of some representations are annexed herewith as ANNEXURE - C series.

(ix) That the applicants state that recently they have come through a clarification letter / guidelines regarding payment of SDA, issued for the civilian employees of Kendriya Vidyalaya Sangathan, which has been issued on the basis of the circular issued by the Ministry of Finance, Department of Expenditure. As per the said guidelines, all the civilian employees transferred on administrative ground from out side the Region to N E Region are entitled to the Special Duty Allowance .

One copy of the said guidelines is annexed as ANNEXURE - D

(x) That the applicant states that though they were appointed to this Region but later on they were transferred to out side region and they served there for about 16/17 years together and thereafter again they have been transferred on administrative ground to this Region. As they have been transferred from out side to this Region on administrative ground, they are fully eligible to SDA.

(xi) That the applicants state that inspite of their repeated representations, the respondents neither issued any order regarding payment of SDA nor have replied to them and hence being aggrieved, they approach this Hon'ble Tribunal by filing this Original application.

(5) Grounds for Reliefs : -

(i) For that non payment of SDA to the applicant is discriminatory treatment in as much as they have also been transferred and posted to this region on administrative ground.

(ii) For that as the similarly situated persons of other organisation of Central Govt. is entitled to SDA as is clear from the guidelines issued by the Kendriya Vidyalaya Sangathan, the applicants, being a civilian employees of Central Govt. are also entitled to the same benefit and that should not be denied.

(iii) For that though they were recruited in this region initially, but later on they were transferred to out side of this Region and served there for more than 16/17 years together and after a long gap they have again transferred and posted to this N.E.Region on administrative ground and hence they are entitled to SDA.

(iv) For that as their services have " All India Transfer Liability " and have been transferred and posted to this region on administrative ground, the respondents are duty bound to pay the SDA.

Benoy Bhattacharya

(v) For that the office Memorandum dated July, 22 1998 in no way prevent the respondents to pay SDA to the applicant and hence the D.O Letter dated 1.9.98 has been issued by mis-interpreting the office Memorandum dated July 22, 1998 and also other relevant circulars of Govt. of India.

(vi) For that the action of the respondents is arbitrary, whimsical and illegal and hence is not maintainable in the eye of law.

(vii) For that the action of the respondents completely violates the Article 14 of the Constitution of India.

(viii) For that the action of the respondents is illegal in as much as it violates the principle of natural justice and administrative fair play.

(ix) For that at any rate, the action of the respondents is not maintainable in the eye of law and liable to be quashed.

6. Detail of remedies availed : -

That the applicants declares that they have taken recourse to all the remedies available to them~~but~~ but failed to get justice and hence there is no other alternative efficacious remedy open to them other than to approach this Hon'ble Tribunal.

7. Matter not previously filed and/ or pending before any Court : -

That the applicants further declare that they have

Benoy Bhushan D.O

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not previously filed any application, Writ petition or suit regarding the matter before any court ,authority or any other branch of this Hon'ble Tribunal nor any such application ,writ petition or suit is pending before any court .

8. Reliefs sought for :-

Under the circumstances stated above the applicants pray for the following reliefs :-

- (i) To direct the respondents to pass necessary order for payment of Special Duty Allowance to the applicants since August 1998 onwards.
- (ii) To direct the respondents to pay the SDA amount which has already been deducted .
- (iii) To grant any other relief as Your Lordships may deem fit and proper.
- (IV) Cost of the application.

9. Interim reliefs, if any :-

Under the circumstance stated above Your Lordships may please to direct the respondents to stop the deduction of amount of SDA which has already been paid ,from the salary of the applicants .

10. ....

11. Particulars of Indian Postal Order :-

i) I.P.O. NO. :- OG 497396

ii) Date of issued :- 9-6-2000 Payable at :- Guwahati

12. List of enclosures :-

As stated in the index .

Deyan Basumatary

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

I, Shri Benoy Bhusan Das, son of Late Sarat Chandra Das, aged about 54 years, resident of C/O. G.E. (MES) Tezpur, P.C. Dekar Gram, Dist - Sonitpur (Assam) do hereby verify that the contents of paragraphs 1 to 12 of the application are true to my knowledge and belief and that I have not suppressed any material fact of the case.

And I sign this verification on this the 12<sup>th</sup> day of July 2000

*Benoy Bhusan Das*

Shri S.C. Prasad  
Accounts Officer.

D. No. RM/III/301/P &  
Area Accounts Office,  
Bivar Road,  
Shillong - 793001.

Dated - 01.09.98.

Dear Shri Kardong,

I am writing this in connection with some anomalies noticed in regular pay Bills of your unit. The same is enumerated below.

1. **SPECIAL DUTY ALLOWANCE :** The same is to be regulated as per ~~EXEM~~ G.O.I order from time to time, only to the employees recruited outside the NER and posted to NER @ 12.5% of B.P. w.e.f 8/97. Please refer to G.O.I No. F.11(2)/97-E11(B) dt. 22.07.98. Any payment made to ineligible persons may please be stopped and intimate, recovery, with full details under intimation to this Office. Please quote the Nos and date and forward a copy of the said alongwith the names of the listed case, if in any case order for stoppage of recovery ~~is~~ is obtained.
2. **LICENCE FEE :** Off late ~~is~~ it is observed that, Licence Fee is being deducted at your level, without mentioning the L.F Bill No. & date at the Foot Note of the P.B. on the other hand, AAO GE/AAO BSC is also floating L.F/A.C Bills direct to AAO/Shillong for necessary recovery which creates confussion and some times double recovery at time. You are requested to quote the L.F. No. & date clearly if any made at your level in the future.
3. **(C/D & NER )** a house ent. allowance are being admitted at the new rate as per classification of City w.e.f 8/97, to the individuals who are not occupying Govt. accomodation. House rent allowance (old duty station) which is applicable to the officials who are posted to NER from outside NER, is ~~not~~ being admitted at old rate only, to those individuals, who have before the declaration of the '97.

Attested by

*DK*  
12/7/2000  
Advocate.

Cont ... P/2.

And of the new rate, which is being clearly reflected in LPC. Any over payment made to the officials in the new rate, through he is eligible for the former, may please be worked out and necessary recovery may please be initiated at your end under intimation to this Office.

4. **TRANSPORT ALLOWANCE** : Transport allowance is being admitted to the eligible persons, strictly on the basis of G.O.I M.O.F (D. .E) .M. No. 21 (1) 97/E 11(B) dt. 03.10.97. A clear certificate may please be furnished inform the competent authority regarding the occupation of the Govt. accommodation and whether the working place & Housing is in the same campus or not, irrespective of the distance of 1 Km. Necessary receipt may please be initiated in case of over payments under intimation to this Office for the non-eligible persons.

5. **WASTING ALLOWANCE** : It is observed from the regular pay bills that W.A. is being claimed without clear part II whether the Liveries are being issued from time to time. You are requested to furnished the Part II for issue of Liveries for whom washing allowance is admissible to eligible categories of employees (GP C & GP D) in support of the claim.

6. **REC VERY OF PM TA/DA & LTC etc.**

Recovery of PM TA/DA & LTC, TY TA/DA are being initiated by this Office on receipt of demand from M CDA/ Gauhati, or through LPC, copy is also being endorsed to you. This Office is rendering report monthly to our HQ Office on subject. Any discrepancy on the subject may please be represented directly to M CDA, Gauhati or the concerned authority authorising the recovery.

7. **SUBMISSION OF RPB** : Inspite of repeated correspondence on the subject, it is still being observed that R.P.B is not being received upto 15th of each month. The same may please be forwarded within the above date for proper audit/check and issue cheque in time.

8. (A) ARREARS OF PAY AND ALLOWANCES UNDER RPR 1997.

Claims must be supported due and drawn statements together Photo copy of pay ~~XXX~~ Fixation Proforma duly approved by the audit authorities.

(B) CLAIMS FOR T/F, CEA AND NDA : Claims must be supported with certificate as required under rules and No and date of Vr under which last claims submitted may also be indicated to enable this Office to take prompt action.

9. CONTRIBUTION OF GPF : It is seen that contribution to GPF is not being made at the prescribed minimum rate of at least of 6% of B.P is so many cases. This creates unnecessary correction in the schedule. It is also observed that GPF A/C No. is not quoted in the schedule, ~~however~~ hence discrepancies is noticed in CC - 9.

10. SPECIAL PAY FOR SMALL FAMILY NORMS :

Special pay for small family norms should be admitted at the pre-revised rate only, prior to the 1.1.96 and RPR - 97. The same may please be regulated at your end and necessary recovery is to be worked out under ~~in~~ intimation to this under subjected schedule.

11. INCOME TAX : Recovery of Income Tax may please be initiated for eligible person to avoid financial hardship at the end of the assessment year.

In view of the above ~~xxx~~ points, I request your good Office to co-operate with A.A.O/Shillong for better and effective service from this end. Your kind intervention and co-operation on the above subjects will be highly appreciated.

With regards.

Yours Sincerely,

Sd/-

S.R. KARDONG  
AO II  
CWE Tezpur  
POST. Dekargaon  
Dist. Sonitpur (Assam)

Cont ....

Attested by  
A. K. Gony  
2/7/2000  
Advocate.

P.NO. II(2)/97-E-N(B)  
GOVERNMENT OF INDIA  
MINISTRY OF FINANCE  
DEPARTMENT OF EXPENDITURE

New Delhi, Dated July 22, 1998.

OFFICE MEMORANDUM

**Subject :** Allowances and Special Facilities for civilian employees of (illegible) and Union Territories of North Eastern Region and Andaman & Nicobar and Laksha dweep Groups of Island - Recommendations of the Fifth Central Pay Commission.

With a view to attracting and retaining competent Officers for serving in the North Eastern Region, comprising the Territories of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura orders were issued in this Ministry's O.M No. 20014/3/83-E.IV. dated Dec. 14, 1983 extending certain allowances and other facilities to the civilian Central Government employees serving in this region in terms of paragraph 2 there ~~xx~~ of these orders other than those contained in paragraph 1(iv) ibid were also to apply ( Illegible ) to the civilian Central Government employees posted to the Andaman & Nicobar Island. These were further extended to the Central Government employees posted to the Lakshadweep Island in this Ministry's O.M. of even number dated ~~X~~(illegible) 1994. The allowances and facilities were further liberalised of this Ministry's O.M. No. 200114/10/88/E.IV/E.N(B) dated Dec. 1, 1988 and were also ( illegible ) posted in the North Eastern Council when stationed in the North Eastern Region.

2. The fifth Central Pay Commission have made certain recommendations suggesting further improvements of the allowances and facilities admissible to the Central Government employees including Officers of the All India Services posted in the North Eastern Region. They have further

Cont .... P/2.

Attested by  
Anthony  
2/7/2000  
Advocate

- 14 -  
: 2 :  
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recommended that these may also be extended to the Central Government employees, including Officers of the all India Services, posted at Shikim. The recommendations of the Commission have been considered by the Government and President of India ( illegible ) decide as follows :-

(i) Tenure of posting/Deputation :

( illegible )

(ii) Weightage for Central Deputations/Training Abroad and Special mention in Confidential Records :

( illegible )

(iii) Special (Duty) Allowances :

Central Government civilian employees having an All India transferability and posted in the specified Territories in the North Eastern Region shall be granted the Special (Duty) Allowances at the rate of 9.5% of their basic pay as prescribed in this Ministry's O.M. No. 20014/16/88.E.IV/E.N(B) dated Dec. 1, 1988 ( illegible ) In other words, the ceiling Rs. 1,000 per month ( illegible ) in force shall no longer be applicable and the condition that the aggregate or the option ( illegible ) Special Duty/Deputation(Duty) Allowance, if any, will no exceed Rs. 1,000/- per month shall also be dispensed with. Other terms and conditions governing the grant of this allowance shall however, continue to be applicable.

In terms of the orders contained in this Ministry's O.M. No. 20022/2/88-E.II(B) dated May 24, 1989, Central Government civilian employees having as " All India Transfer Liability " and posted to serve in the Andaman & Nicobar and Lakshadweep Groups of Islands are presently entitled to an Island Special Allowance at varying rates in lieu of the Special (Duty) Allowance admissible in the North Eastern Region. This Allowances shall continue to be admissible to the specified categories of Central Government employees at the same rate as prescribed for the different specified areas in the O.M. dated May 24, 1998 but without any ceiling on its quantum, This allowance shall

also hence forth be termed as Island Special(Duty) Allowance. Separate order in regard to this Allowance have been issued in this Ministry's O.M. No. 12(1)/98-E.H(B) dated July 17, 1998.

Attention is also invited in this connection, to the ~~xx~~ clarificatory orders contained in this Ministry's O.M. No. 11(3)/95.E.H(B) dated January 12, 1995 which shall continue to be applicable not only in respect of the Central Government employees posted ~~xx~~ to serve in the North Eastern Region but also to the persons serve in the ~~xx~~ Andaman & Nicobar and Lakshadweep Group of Island.

(iv) ( illegible )

( Illegible )

Sd/-

( N. SUNDER RAJAN )  
Joint Secretary to the Govt. of India.

To,

All Ministry/

Attested by  
C. N. S. RAJAN  
Advocate.

FROM :-

ANNEXURE - C,

MES/223930 EM KITTAN, UDC  
CE Tezpur

To

CDA Guwahati (Through proper channel )

Sir,

With due respect may I put forward the following for your perusal and favourable orders please.

That sir, AAO Shillong vide their letter No. PW/III/301/P & Adt. Cl. 20p 93 has issued certain instructions included admissibility of SDA. Which specified "SDA is admissible only the employees recruited out side NE region and posted to NE". This underlined sentence is no where mentioned in the Govt letter No. - 7.11 (2)/97-EII (B) dated 22 Jul 93. (Copy enclosed)

But, the above quoted Govt letter does not mentioned whether the individual is recruited outside or inside NE, NEFA and clearly specified that "SDA is entitled to Central Govt Employees having an All India Transfer Liability and posted to the specialised territory in the NE region shall be享受 SDA @ 12.5%.

In view of above, clarification on the following may please be given so that I shall also avail the facilities along with others who are enjoining the special allowance.

(a) I have been appointed in RGR during Sep 1964 on All India transfer liability. In the year 1976 I have been permanently posted to CWS Kalaikunda (W/Bengal) in the interest of state.

(b) After completion of more than 16 years of service in W/Bengal, again in the year 1993 I have been transfer to NE region in the interest of state.

(c) As per Govt order I believe that I am eligible to get SDA as because I am appointed on ~~All India Transfer Liability~~ All India transfer liability and posted to North East Region and serving with CE Tezpur.

In this connection I have already approached AAO Shillong vide my appeal dt. 25 Sep 93 (copy enclosed) but no response have so far been received. Hence you are requested to kindly look into the matter and favourable orders may please be given at the earliest so that I shall also avail the facility of SDA in this hard stage of lively need.

Thanking you.

Yours faithfully

Tezpur  
Date : 25 Nov 93  
Copy to :-

( PM KITTAN )  
UDC

CEEC Calcutta - with a request to kindly looking in to the matter and clarification may please be given as early as possible.

AAO Shillong - for inf.

Attested by  
Anil Ray  
1/1/2005  
Advocate.

To

The Garrison Engineer Tezpur (Through AGO 71)

SUB : ADMISSIBILITY OF SDA

Sir,

With due respect and humble submission it is stated that in response to my appeal dated 25 Nov 98, CDA Gauhati vide letter No. Pay/01/XIV dt. 20 Jan 99 has given instruction to AAO Shillong to regulate payment of SDA. The favourable positive reply together with my appeal given by CDA Gauhati to AAO Shillong is considered to be on the ground of eligibility and admissibility of the allowances. Copy of CDA's letter is already given to this office alongwith CEC Calcutta.

2. In view of CDA's instruction, you are requested to kindly instruct the concerned sec to claim my entitled allowances along with arrears due for payment and paid to me without further delay to enable me to overcome from financial hardships.

3. Besides the above; AAO Shillong has recovered a sum of Rs. 737/- from my pay & allowances for Feb 99 through pay bill Vr No. 09/cash/512 dt. 11-2-99 for which neither advance information nor any details of recoveries were received. Such illegal recoveries from pay & allowances not only put an individual, who is wholly dependent only on monthly salary with pre-planned Budget, in to financial hardships but also drag them in to mental depression. To overcome from financial hardship, you are requested to kindly instruct pay sec to re-claim Rs. 737/- through this month pay bill and paid to me as there is nothing outstanding against me for receivers.

4. An early action on both the cases are requested.

Thanking you.

Yours faithfully

Copy to :-

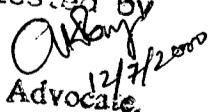
AAO Shillong - with a  
request to  
kindly consider  
my case.

  
MEL/223930  
PM Kitten, UDC

Station :- Tezpur

Dt. 06 Apr '99.

Attested by

  
12/7/2000  
Advocate.

MS/223930  
PM Kitton UDC  
CCE Tezpur

CCDA New Delhi (Through proper channel)

Subject: Admissibility of SDA in NE Region  
Sir,

With the due respect I beg to state that, having with any reason to stop the legitimate allowances i.e. SDA, AAO Shillong has ordered to stop payment. As per Govt order, I am entitled to get the said allowances as I am recruited on All India Transfer Liabilities and now posted to North Region in the interest of state.

2. In this connection I have made a lot of correspondences to get clarification and the following documents are forwarded herewith for your perusal and further orders please.

(a) Xerox Copy of G of I & Min of Fin, letter No. F. No 11 (2) 97/E-III (B) dt 22.7.98.

(b) Xerox copy of AAO Shillong letter No. PM/III/301/P&A dt 01.9.98, ordering in restriction of payment of SDA quoting the above Govt letter as authority.

(c) Xerox copy of my appeal dt 25 Nov' 98, addressed to CDA Gauhati.

(d) Xerox copy of CDA Gauhati letter No. Pay/01/XIV dt 20 Jan 99, addressed to AAO Shillong with direction to regulate payment of SDA.

3. Despite clear instruction from their higher authority, AAO Shillong is seems to be reluctant to issue suitable instruction to enable me to avail the facilities provided by Govt. Even a DO letter dt 22 Apr 99 from our Garrison Engr to Sr AAO at Shillong, no reply has so far been received.

4. The only source from where we deserve all type of Co-operation/Welfare, especially to tally concerned with financial matters, since kept silent there is no other way except your office for a favourable order.

5. Put up for your further orders and early decision will highly be appreciated.

Thanking you,

Yours faithfully,

( P M Kitton )  
UDC  
MES/223980

Station : Tezpur

Dated : 03 Jun 99.

Copy to -

1. CDA Gauhati
  2. AAO Shillong
  3. Sri DC Bahukhandi - Together with a copy of docs at para (Gen Secretary) 2 (a) to (d). You are requested to kindly do the needful under intimation to our Br office.
- AIMESCC & CDEA  
C/o CCE Delhi Zone  
New Delhi  
(Through Br Secy  
Sri Ananda Kalita  
CCE Tezpur Branch)

Attested by

(A. K. Ray)  
12/7/2001

Advocate.

Case No. -

ANNEXURE-C4

MSR - 235165  
 Shri AK Bhattacharya  
 Suptdt R/R Ode-II  
 O/S CR Tezpur  
 Post - Dibrugarh  
 Dist - Sonitpur  
 Assam - 784 501

To :-

The Controller General of Defence Accounts  
 (Complaint cell)  
 West Block - V  
 RK Puram, New Delhi - 110 056  
 (Through proper channel)

MINISTRY OF DEFENCE AND 1300

Respected Sirs,

1. With due respect and humble submission I would like to bring the following few lines for your consideration and favourable decision please.

2. That Sir, I had been drawing SDA as per Govt rules from October '97 but the same has been stopped by my office since August '98 stating that being MS Recruitee, though I had been posted from outside of IR Region 1.04 from CR Civil Engineering Coll (CRB) Calcutta, West Bengal to CR Tezpur on 08 Sep '97 (copy of movement orders is attached herewith) my permanent home station is 3/1/14 RR Mission Road Calcutta, West Bengal.

3. The Govt of India (MoF) letter No XII (3/97 EII dated 22 Jul 98) where it is clearly specified that "SDA is entitled to certain Govt employees having all India transfer liabilities and posted to the specialised territory in the IR Region shall be granted SDA @ 12.5% (copy enclosed please)".

4. Particulars of my posting/canctor in last 29 years of service are as under :-

FROM

CR (NIZ) Tezpur  
 CR (NIZ) Tezpur  
 CR (W) Bagdogra  
 CR Central Calcutta  
 CR Portwilliam Calcutta  
 AOE(I) 507 RUM  
 CR Portwilliam Calcutta  
 CR (AP) Dibrugarh  
 CR Civil Engineering Coll (CRB) Calcutta

TO

Appointed as Suptdt R/R Ode II  
 CR (AP) Bagdogra  
 CR Central Calcutta  
 CR Portwilliam Calcutta  
 AOE(I) 507 SURF (BIHAR + STATE)  
 CR Portwilliam Calcutta  
 CR (W) Dibrugarh (ASSAM)  
 CR Civil Engineering Coll (CRB) Calcutta  
 CR Tezpur (ASSAM)

5. In view of above facts stated above and as per Govt of India order (as enclosed) I pray to your goodself that you will be kind enough to allow me that payment of SDA and necessary

contd .... 2/-

Attested by  
 Aditya  
 Advocate.

30

directive may please be issued to AAO Shillong for my legitimate benefit and pay order for the amount of SDA @ 12.5% P.M as mentioned.

6. It is also mentionable that some of the officers and staffs of this area is getting SDA that they had posted from outside to NE Region but recruited in NE Region originally.

7. Your early action is requested please.

8. With profound regards.

Thanking you,

Yours faithfully,

*A. Bhattacharya*

(AK Bhattacharya)  
Supdt B/R Cdo I  
KED - 236 463

Dated : 31 May 99

COPY TO :-

1. CDA, Udyan Vihar  
Naxangli, Cuttack - 71  
2. AAO Shillong

Attested by

*A. Bhattacharya*  
Advocate.

SACM 6

MS/236465 AK Bhattacharjee  
 Supdt B/R Cde I  
 O/O Garrison Engineer Tezpur  
 Dibrugarh : Post  
 Sonitpur : Dist  
 ASHAN : 784 501

## ANNEXURE-C5

To:

Controller General of Defence Accounts  
 (Complaint Cell)  
 West Block V  
 RK Puram  
 New Delhi - 110 056

(through proper channel)

Sub : NON PAYMENT OF SDA SINCE SEP' 1992

Respected Sirs:

1. Further to my application No 311 dated 31 May' 99 addressed to your office and copy to CDA Guwahati and M/o Shillong

2. With due respect and humble submission I would like to bring again following few lines for your kind consideration and favourable action please:

3. That Sir, I had been drawing SDA as per Govt. Rules from Oct' 97 but the same has been stopped by my office since Aug' 98 stating that being NE Recruitee, though I had been posted from outside NE Region i.e. from CR Civil Engg Cell (O/P) Calcutta, West Bengal to CR Tezpur on 08 Sept' 97 (copy of movement order already fwd vide my earlier application quoted above). My permanent home station is 3/171, RK Mission Road, Calcutta.

4. It is also submitted that as per Kendriya Vidyalaya - Gangathan, New Delhi - 110 016 vide their letter No R-130-46/RVS/Budget dated 4/5 Mar' 99 (copy is attached for ready reference) where it is clearly specified that SDA is entitled to Central Govt having all India transfer liability and appointment in the North Eastern Region shall be granted. I have already fwd my posting / transfer in last 29 years vide my application No quoted above.

5. In view of above facts stated above, I pray to your goodness that you will be kind enough to allow me for payment of SDA and necessary directive may please be issued to M/o Shillong for my legitimate benefit and pay order for the arrears of SDA @ 12.5% PA as mentioned.

6. Your early action is requested please.

7. With profound regards,

Thanking you,

Yours faithfully

AKC/AG

(AK Bhattacharjee)  
 Supdt B/R Cde I

Station : Tezpur

Dated : 16 July' 99

Attested by  
 Alkay  
 Advocate  
 27/7/2001  
 Advocate.

T.C.

Garrison Engineer Tengpur

## ADMISSIBILITY OF SDA IN NER

sir,

With due respect and humble submission, I hereby submit copy of CSEB Calcutta letter No. 131724/2/CE/112/Engrs/EIC(S) dt. 28/3/98 for your perusal and further orders please.

Lew Tengpur, and

It comes to understood from reliable sources that based on the above quoted CSEB letter/GE (A/F) Tengpur are making similar nature of payment of SDA to their employees who are posted from out side NER and are being admitted by 310 Skillong also. In my case it is not understood as to why the legitimate allowances is being stopped by AAO Skillong with violation of all Govt orders as well as CDA Gauhati ruling vide No. Pay/01/XIV dt. 20-1-99.

3. In view of above, you are requested to kindly look in to the matter and action may please be taken to make payment of SDA as I am entitled for the allowances.

4. If my entitlement is not paid within a reasonable time, I will be compelled to move to law of Justice/Court for justification in dis allowing entitled allowances.

Thanking You,

Yours faithfully,

S. Bhattacharya

(A K BHATTACHARJEE)

M.E.S/ 236465

Supdt BIR Gd. 1

Tengpur,

Dt. 17 Aug 1999

Copy to me

1. EFFF Calcutta
2. FESZ Skillong
3. CDA Gauhati
4. AAO Skillong

13/9/1998

GE	
AGE (Tech)	✓
A E (Plg)	
B S O	
J S W	
Office Sapdt	✓
Section	GP

Attested by

O. N. Datta  
Advocate.

CC, Tezpur

ADMISSIBILITY OF SDA

sir,

1. further to my appeal dated 17 Aug '99.
2. With due respect, I beg to state that before proceeding to court of law I would like to request you once again to give necessary instruction in favour of claiming the SDA through this month ( Oct '99 ) pay bill on the authority of CDA Guwahati letter No : Pay/31/XIV dated 20 Jan '99.
3. This may help to get audit views on the subject matter.

Thanking you,

Yours faithfully,

Abhijit Bhattacharjee

REG- 1236465  
Shri A K BHATTACHARJEE  
Rank Subdt BTR

Dated : Tezpur

30 sep '99

GE	V
AGE (Year)	
AI (yr)	
B TO	
15 yr	
Officer	20/9
Native	6/11

14/10/99

14/10/99

Attested by

Abhijit Bhattacharjee  
21/7/2000  
Advocate.

To,  
Garrison Engineer,  
Tezpur.

ADMISSIBILITY OF SDA IN NER

Sir,

With due respect and humble submission, I hereby submit copy of CEFC Calcutta letter No, 131734/2/GE/118/Engrs/ (3) dt. 28.08.98 for your perusal and further orders please.

2. It comes to understood from reliable sources that based on the above quoted CEEC letter CW. Tezpur GE (A/F) Tezpur is making similar nature of payment of SDA to their employees who are posted from out side NER & and are being admitted by AAO/Shillong also. In my ~~xxxx~~ case it is not understood as to why the legitimate allowances is being stopped by AAO/Shillong with violation of all Govt. orders as well as CDA/Gauhati ruling vide No. Pay/ dt. 20.01.99.

3. In view of above, you are requested to kindly look into the matter and action may please be taken to make payment of SDA as I am entitled for the allowances.

4. If my entitlement is not paid within a reasonable time, I will be compelled to move to law of justice/ Court for justification in dis-allowing entitled allowances.

Thanking you,

Yours faithfully,

Sd/-

Tezpur,  
Dated 17 Aug. '99

( B.B. Das )  
MES/242236  
Suprv. B/S Gde.I

Copy to :-

1. CEEC Calcutta
2. CESZ Shillong
3. CDA Gauhati
4. AAO Shillong

Attested by

*Alam*  
12/4/2000  
Advocate.

GE, Tezpur

ADMISSIBILITY OF SDA

Sir,

1. Further to my appeal dated 17 Aug '99.
2. With due respect, I beg to state that before proceeding to court of law I would like to request you once again to give necessary instruction in favour of claiming the SDA through this month ( Oct '99 ) pay bill on the authority of CDA Guwahati letter No : Pay/01/XIV dated 20 Jan '99.
3. This may help to get audit views on the subject matter.

Thanking you,

Yours faithfully,

MES- 2122 36  
 Shri B.B. Das  
 Rank Sub Inspector

GE	
AGE(Tech)	
A E (Ptg)	
B S O	
J S W	
Other Supdt	
Section	

Attested by

  
Advocate

ANNEXURE - D

*COPY*  
f/14

FAX : 03141170  
Telegrom : KVI1341K  
TEL : 0350566, 0350567, 0350570, 0350571

KENDRIYA VIDYALAYA SANGATHAN  
10, Institutional Area  
Shahid Jot Singh Marg  
New Delhi 110 016

No. F.130-46/KVS/Budget

Dated : 4/5 March, 1999

The Asstt. Commissioner,  
Kendriya Vidyalaya Sangathan,  
Regional Office,  
Gauhati/Silchar.

Sir,

I am directed to refer to this office circular No. F.130-46/KVS/Budget/Part.II, dated 25th September, 1997 circulating the Ministry of Finance, Doptt. of Expenditure OM No.11(3)/95-E.II(B), dated 12/01/1996 regarding Special Duty Allowance for Civilian employees working in the State and the Union Territories in North Eastern Region. Your attention is also invited to this office letter No. F.130-46/KVS/Budget/P.t. file dated 21/01/1998 clarifying the conditions to be fulfilled for the drawal of Special Duty Allowance by the employees of KVS. After issue of this clarificatory letter, still we have been receiving letters from some of the Kendriya Vidyalayas for seeking further clarification/guidelines for the payment of Special Duty Allowance. The matter has been reexamined and the following clarifications/guidelines are issued for regulating drawal of Special Duty Allowance :-

(A) Transfer postings

- (i) Administrative transfer from outside the Region to NE Region. SDA will be payable  
(ii) Request Transfers SDA will not be payable.

(B)

- (i) Appointment by promotion & posted to NE Region from outside the Region SDA will be payable

(ii) Direct Recruitment

- (a) KVS/Central Govt./Central/State Autonomous Bodies employees working outside the NE Region on their selection and appointment in NE Region. SDA will be payable

- (b) Other candidates belonging from outside the NE Region on their selection and appointment in the North Eastern Region on a post having All India Transfer Liability. SDA will be payable.

2. It may please be noted that the staff (Teaching/Non-Teaching) specially recruited for NE Region is not eligible for the payment of Special Duty Allowance.

Yours faithfully,

SD/-

( P. K. AGGARWAL )  
DEPUTY COMMISSIONER(FINANCE)

Affected by

Advocate  
2/4/2000