

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

Caveat APPLICATION NO. 5/2000 OF 199
O.A. 224/2000

Applicant(s) Union of India and ors.

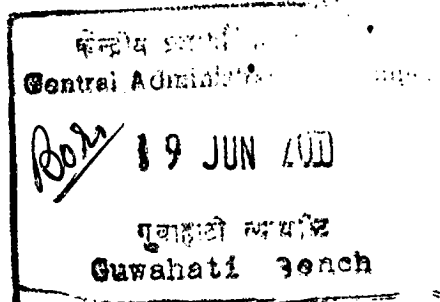
Respondent(s) Sri Indraswar Rajkumar and ors.

Advocate for Applicant(s) Mr. B.C. Patra
Addl. C.G.S.

Advocate for Respondent(s) Mr. A. Bhunia.

Notes of the Registry	Date	Order of the Tribunal
The Learned Addl. C.G.S. has been filed by the Applicant regarding before Administrative Bench in O.A. for the granting of interim order.	5.7.00 nkm	Present: Hon'ble Shri S. Biswas, Administrative Member Let this caveat be listed before the Division Bench on 7.8.00 alongwith O.A.No.224/00. S. Biswas Member(A)
Laid before Hon'ble court for further orders. Section Officer 4/7/2000	7-8-00	To be listed alongwith O.A. on 8-8-00 mo h.

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File by: 2-
16/6/2000
Addl. C.A.T. Guwahati

In the Central Administrative Tribunal

Guwahati Bench;::: Guwahati.

Caveat No. 5 /2000

In the matter of :

A Caveat under Section 148A of the
Code of Civil Procedure..

- And -

In the matter of :

1. The Union of India
(Through the Secretary to the
Govt. of India, Ministry of
Defence, South Block,
New Delhi- 110 011.
2. Garrison Engineer
869 Engineer Works Section
C/O. 99 APO.

.....Caveators
Prospective -
Respondents.

- Versus -

1. MES-246931 Shri P.C. Mele, AGE/EXM
C/O GE (1) (R&D) Chandipur
2. MES-232247 Shri A Kundu, ESO
C/O GE (AF) Bagdogra.

3. MES-300360 Shri Shashi Inderpal Singh, AEE B/R
C/O GE (AF) Chandigarh.
4. MES-242396 Shri I Rajkonwar, AE E/M
C/O GE Guwahati.
5. MES-234966 Shri N K Desgupta, B/R-I
C/O HQ 137 Works Engrs.
C/O 99 APO.
6. MES-240988 Shri P K Dutta, E/M-II
C/O GE (AF) Barakpore .
7. MES-212037 Shri A K Panja, E/M-I
C/O CME (AF) Kalaikunda.
8. MES-265107 Shri K Sengupta, B/R-I
C/O AGE (I) Bengdubi.
9. MES-217027 Shri K K Dutta, B/R-I
C/O GE Sewak Road Siliguri .
10. MES-264565 Shri A K Das, SA-II
C/O GE Bennaguri
11. MES-242246 Shri B Paul, SK-II
C/O GE 869 EWS
C/O. 99 APO.
12. MES-238098 Shri A Hazarika, SK-II
C/O GE (AF) Jorhat.
13. MES-242427 Shri AC Gope, SK-II
C/O GE (AF) Jorhat.

14. MES-243456 Shri A Mani, M/Reader
C/O GE (AF) Jalahalli.
15. MES-243553 Shri PT Ao, MT Dvr
C/O B/S Det Dimapur
C/O GE 869 EWS
C/O 99 APO.
16. MES-228822 Shri Joymani Das, MT Dvr
C/O GE Silchar.
17. MES-228822 Shri Jmy L Mark, Peon
C/O HQ 137 Works Engrs
C/O 99 APO.
18. MES-220210 Shri Ramadhar, Chow
C/O AGE (I) (AF) Khumbirgram.
19. MES-NYA Dilip Kumar Chetri
C/O B/S Det Dimapur
C/O GE 869 EWS
C/O 99 APO.
20. MES-220149 Shri Jogi Pradhan, Chow
C/O B/S Det Dimapur
C/O GE 869 EWS
C/O 99 APO
21. MES-238284 Shri Jogdish Das, Chow
C/O GE 869 EWS
C/O 99 APO.
22. MES-243656 Shri Somar Sarkar, Chow
C/O GE 869 EWS
C/O 99 APO.

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- ✓ 23. MES-229177 Shri Bikash Chakraborty, SA-I
C/O CWE (AF) Guwahati.
24. MES-237336 Shri GC Baruah, UDC
C/O GE (AF) Chabua.
25. MES-209734 Shri C S Chakraborty, UDC
C/O GE Panagarh.
26. MES-224275 Shri R C Chakraborty, SK-II
C/O GE Narangi.
27. MES-242570 Shri Md. Hussain, SK-II
C/O GE Dinjan.
28. MES-242524 Shri T C Dutta, SK-II
C/O CWE Dinjan.
29. MES-349825 Shri Ahon Angami, Chow
C/O AGE B/R Zakhama
C/O GE 869 EWS
C/O 99 APO
30. MES-228945 Shri U K Paul, SK-II
C/O B/S Det Dimapur
C/O GE 869 EWS
C/O 99 APO
31. MES-455289 Shri A K Bhadra, DMan-II
C/O CEEC Calcutta Zone.
32. MES-264665 Shri A K Das, SA-II
C/O GE Khaprail.

33. MES - Shri Chandra Bhan Paul, Peon
C/O CDS (I) Jhansi.
34. MES- Late M. Balmiki, S/Wala
C/O AGE (I) R & D Kanpur.
35. MES- Shri A K Devnath, D'Man
C/O GE(P) Agartala.
36. MES-237293 Shri Rameshwar Prasad, HS-II
C/O GE 869 EWS
C/O 99 APO
37. MES-237988 Shri J N Thakur, Ref Mech. . .
C/O GE 869 EWS
C/O 99 APO.
38. MES- 238394 Shri Revindra Nath, Elect-II
C/O GE 869 EWS
C/O 99 APO.
39. MES-243608 Shri Manik Chandra Bora, Elect(SK)
C/O GE 869 EWS
C/O 99 APO.
40. MES-243822 Shri Madhavendra Das, Elect (SK)
C/O GE 869 EWS
C/O 99 APO.
41. MES-243829 Late Gope Kumar C, Elect (SK)
C/O 869 EWS
C/O 99 APO.
42. MES-242717 Shri Gopal Dutta, FGM
C/O GE 869 EWS
C/O 99 APO.

43. MES-NYA Shri Dinesh Chandra Singh, FGM
C/O GE 869 EWS
C/O 99 APO.
44. MES-238111 Shri SN Teti, FGM
C/O GE 869 EWS
C/O 99 APO.
45. MES-113893 Shri Satya Narayan, FGM
C/O GE 869 EWS
C/O 99 APO.
46. MES-238431 Shri Jagu Ram Barugh, Carpenter
C/O GE 869 EWS
C/O 99 APO
47. MES-238127 Shri Md Sheeib, Mason (SK)
C/O GE 869 EWS
C/O 99 APO.
48. MES-238374 Shri Tika Ram Sharma, U/Man (SK)
C/O GE 869 EWS
C/O 99 APO.
49. 220053 Shri Sushil Kumar, Mate
C/O GE 869 EWS
C/O 99 APO.
50. MES-13699214 Shri Nanbat, Mate
C/O GE 869 EWS
C/O 99 APO.
51. MES-236292 Shri Laxman Das, Mate
C/O GE 869 EWS
C/O 99 APO.

52. MES-238410 Shri Beleswar Ram, Mate
C/O GE 869 EWS
C/O 99 APO.
53. MES-243800 Shri Mohammdc Muslim, Mate
C/O GE 869 EWS
C/O 99 APO.
54. P/3888 Shri Hirdey Kant Jha, Mate
C/O GE 869 EWS
C/O 99 APO.
55. MES-220207 Shri Tribhuvan Mahata, Mate
C/O GE 869 EWS
C/O 99 APO.
56. MES-237819 Shri Nasib Lal Rail Mate
C/O GE 869 EWS
C/O 99 APO.
57. MES-237118 Shri Gopinatham Nair, Mate
C/O GE 869 EWS
C/O 99 APO.
58. MES-238289 Shri Man Bahadur, Mate
C/O GE 869 EWS
C/O 99 APO.
59. MES-238309 Shri Lalan Tiwari, Mate
C/O GE 869 EWS
C/O 99 APO.

60. MES-228652 Shri JN Banik, Mate
C/O GE 869 EWS
C/O 99 APO.
61. MES-NYA Shri Gopilal Sharma, Mazdoor
C/O GE 869 EWS
C/O 99 APO.
62. MES-243605 Shri Mulidharan Nair, Mazdoor
C/O GE 869 EWS
C/O 99 APO.
63. MES-238301 Shri Dilip Kungar Saikia, Mazdoor
C/O GE 869 EWS
C/O 99 APO.
64. MES-243623 Shri A Victor, Mazdoor
C/O GE 869 EWS
C/O 99 APO.
65. MES-NYA Shri Kisheto Sama, Mazdoor
C/O GE 869 EWS
C/O 99 APO.
66. MES-NYA Shri Angami Kenyak, Mazdoor
C/O GE 869 EWS
C/O 99 APO.
67. MES-238590 Shri Dhaniram Bahadur, Mazdoor
C/O GE 869 EWS
C/O 99 APO.

68. MES-243557 Shri Saihed Hussain, Chowkidar
C/O GE 869 EWS
C/O 99 APO.
69. MES-243632 Shri Shish Pal, Mazdoor
C/O GE 869 EWS
C/O 99 APO.
70. MES-220220 Shri SB Gurung, Chowkidar.
C/O GE 869 EWS
C/O 99 APO.
71. MES-NYA Shri Iansu Zeliang, Chowkidar
C/O GE 869 EWS
C/O 99 APO
72. ~~MES-220172 Shri Mohan Ram, Chowkidar~~
MES-220172 Shri Mohan Ram, Chowkidar
C/O GE 869 EWS
C/O 99 APO.
73. MES-243592 Shri Revindran Nair, Chowkidar
C/O GE 869 EWS
C/O 99 APO.
74. MES-NYA Shri David Angami, Chowkidar
C/O GE 869 EWS
C/O 99 APO.
75. MES-243618 Shri Ramji Rai, Chowkidar
C/O . GE 869 EWS
C/O . 99 APO.

76. MES-280526 Shri Morpal Balmiki, S/Wala
C/O GE 869 EWS
C/O 99 APO.
77. MES-243893 Shri NDK Rai, S/Wala.
C/O GE 869 EWS
C/O 99 APO.
78. MES-243602 Shri Krishan Pal, S/Wala.
C/O GE 869 EWS
C/O 99 APO.
79. MES-264025 Shri S K Medhi, Daftry
C/O GE 869 EWS
C/O 99 APO.
80. MES -4339104 Shri N C Ao, Chowkidar
C/O GE 869 EWS
C/O 99 APO.
81. MES-220179 Shri Gopiram Sharma, Chowkidar
C/O GE 869 EWS
C/O 99 APO.
82. MES-243602 Late Arjun Ram, Chow (Expired)
83. MES-243673 Shri I K Singh, Maz (USK)
C/O AGE B/R Leimakhongh
C/O GE 869 EWS
C/O 99 APO.
84. MES-255814 Shri Shivaath Prasad, B'Seith (Rtd)
85. MES-220324 Shri Prabhu Dayal, Mate
C/O GE 872 EWS
C/O 99 APO.
86. MES-237880 Late KM Chakraborty, Elect(HS-I) (Retired)
87. MES-243604 Late RK Paul, Elect (HS-II) (Expired)
88. MES-238128 Shri Tulsii Nunia, FGM(SK) (RETIRED)

The Caveators above named most respectfully begs to state as follows :-

1. That the Caveators are Military Engineer Service (M.E.S. in short) under the Ministry of Defence, Government of India, having its functions through out Union of India including one of its present Headquarters is located in North Eastern Region, C/O 99 APO.
2. That the opposite party/prospective Petitioners are entitled to Field Service Concession (Non Monetary Benefits) in terms of Government of India letter No A/02584/AG/PS-3(a)/97/S/D(Pay/Services) dated 25 January 1964 in Field Areas and letter No A/25761/AG/PS-3(b)/148/S/2/D(Pay/Services) dated 02 March 1968 in Modified Field Areas as classified vide Government of India, Ministry of Defence letter No 30(4)/96/D(Pay/Services) dated 12 March 1999 and these concessions are provided/ granted to the opposite party/prospective Petitioners strictly and regularly by the Caveators/prospective Respondents as per above said Government orders. However, in addition to above facilities, the opposite party/prospective petitioners had drawn/paid extra an unauthorized monetary benefits in the form of FSCA (Field Service Concession Allowance) upto and including the month of March 1999 which results illegal payment and as such illegally paid amount of Public Money/Government Money is required to be recovered immediately as the prospective petitioners are not entitled to such allowance under any provisions. The SCFA is exclusively meant for Army Personnel as per Ministry of Defence OM/Circular No 372269/AG/PS-3(a)/90/D(Pay/Services) dated 13 Jan 1994.

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Accordingly Caveators have taken steps to recover the illegally paid amount from opposite party/prospective petitioners after giving proper notice by the Caveator as directed by Controller of Defence Accounts, Narangi, Guwahati (CDA Narangi in short) DO No Pay/025 dated 01 Mar 2000. Accordingly Caveator/prospective Respondents have already taken all necessary steps to issue proper notice and recovery of illegally paid amount from the opposite party/prospective petitioners as per directions from higher HQs/CDA Narangi.

3. That in view of the above facts, the opposite party/Prospective petitioners may file an application under Section 19 of the Central Administrative Tribunal Act, 1995 with a prayer for interim order for stay of the order of recovery of illegally paid amount of Public/Government money for which all necessary steps have already been taken by the Caveator/Prospective respondents after complying with all procedure as per rules/directions from higher HQs/CDA Narangi.

4. That if any such application is made before this Hon'ble Tribunal, challenging the order No PAY/025 dated 01 March 2000 issued by the CDA Narangi, Guwahati, the interest of the Caveator is going to be affected and as such the Caveator has a right to appear before this Hon'ble Tribunal to oppose such application and the Caveator is to be heard and accordingly this Caveat is filed.

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In the promises aforesaid, it is prayed that your Lordships would be graciously pleased to issue notice to this Caveators to enable them to present on the hearing of such application that may be filed by the Prospective Petitioners/Opposite party with a direction to the Prospective Petitioners/opposite party to serve a copy of such application and fix a date for hearing of the application and allow the Caveators to be heard on that application before passing any order and/or any interim order or stay.

And for this, the Caveator as in duty bound shall ever pany.

Identified by me

Deponent

Advocate

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VERIFICATION

I, Major Vijaya Kumar VS presently working as Garrison Engineer 869 Engineer Works Section, C/O 99 APO being duly authorized and Competent to sign this verification, do hereby solemnly declare that the statements made in this Caveat are true to my knowledge and belief and I sign this verification on this 16th day of June 2000 at Guwahati.

Identified by me

Deponent [Signature]

Advocate

15/11

1. Name of the Caveator : 1. The Union of India
(Through the Secretary to
the Govt. of India, Ministry
of Defence, South Block,
New Delhi - 110 011.
2. Garrison Engineer
869 Engr Works Section
C/O 99 APO.
2. Name and Address of : 1. MES-246931 Shri PC Malo,
Prospective petition- AGE E/M
ers/Opposite Party. C/O GE (I) Chandipur
2. MES-232247 Shri A Kundu, ESO
C/O GE (AF) Bagdogra.
3. MES-300360 Shri Shashi-
Inderpal Singh, AEE B/R.
C/O GE (AF) Chandigarh.
4. MES-242396 Shri I Rajkonwar,
AE E/M
C/O GE Guwahati.
5. MES-234966 Shri N K Dasgupta,
B/R- I
C/O HQ 137 Works Engrs.
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6. MES-240988 Shri P K Dutta,
E/M-II
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C/O GE (AF) Chabua.
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C/O BE Panagarh
22. MES-224275 Shri R C Chakraborty, SK-II
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28. MES-264665 Shri A K Das, SA-II
C/O GE Khaprail.
29. MES- Shri Chandra Bhan Paul, Peon.
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30. MES- Late M. Balmiki, S/Wala
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40. MES-238111 Shri S N Tati, FGM
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C/O 99 APO.
41. MES- 113893 Shri Satya Narayan, FGM
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C/O 99 APO.
42. MES-238431 Shri Jagu Ram Baruah, Carpenter.
C/O GE 869 EWS
C/O 99 APO.
43. MES-238127 Shri Md. Shealb, Mason (SK)
C/O GE 869 EWS
C/O 99 APO.
44. MES-238374 Shri Tika Ram Sharma, V/Nan (SK)
C/O GE 869 EWS
C/O 99 APO.

45. MES-220053 Shri Sushil Kumar, Mate
C/O GE 869 EWS
C/O 99 APO.
46. MES-13699214 Shri Nanbat, Mate
C/O GE 869 EWS
C/O 99 APO.
47. MES-238292 Shri Laxman Das, Mate
C/O GE 869 EWS
C/O 99 APO.
48. MES-238410 Shri Baleswar Ram, Mate
C/O GE 869 EWS
C/O 99 APO.
49. MES-243800 Shri Mohammed Muslim, Mate.
C/O GE 869 EWS
C/O 99 APO.
50. P/3888 Shri Hirdey Kant Jha, Mate
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77. MES-220179 Shri Gopiram Sharma, Chowkidar
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78. MES-243602 Late Arjun Ram, Chow (Expired)

79. MES-220324 Shri Prabhu Dayal, Mate
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C/O 99 AFO.
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Retired.
81. MES-243604 Late R K Paul, Elect (HS-II)
Expired.
82. MES-238128 Shri Tulsi Nunia, FGM(SK) .
Retired.

..... Opposite Party
Prospective Petitioners.



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MOST IMMEDIATE
COURT CASE
BY SPEED POST

No.30(4)/96/D(Pay/Services)
Government of India
Ministry of Defence
New Delhi
the 12th March, 1999

Shri B.C. Pathak, LLM,
Addl. Central Govt. Standing Counsel
'Udayan' 1st Floor,
Ganeshguri,
RGB Road(Main)
Guwahati-781 005.

Subject : Various Writ Petitions filed in CAT Guwahati Bench regarding
Payment of Field Service Concessions to Defence civilians.

Sir,

This has reference to the various Writ Petitions filed in the CAT Guwahati Bench by Defence civilians regarding payment of Field Service Concessions (FSC) to them. In this connection, a brief note on the subject has been prepared by this Ministry bringing out the position regarding payment of FSC to Defence civilians vis-a-vis Defence Service personnel. The salient features of the said note are as follows.

2. In order to compensate the troops serving in various Field Service Concessional Areas, the Government from time to time defines such areas as also the concessions admissible in such areas to Service personnel as well as Defence civilians. Prior to 1st April, 1993 the Service personnel and Defence civilians were entitled to the following concessions :-

SERVICE PERSONNEL

- (a) Non-monetary Field Service Concessions as per relevant appendices of Govt. letter No. A/02584/AG/PS3(a)/97/S/D(Pay/Services), dated 25.1.1964 in field areas and letter No. A/25761/AG/PS-3(b)/148/S/2/D(Pay/Services), dated 2nd March, 1968 in Modified Field Areas.

(c) Special ad-hoc allowance of Rs.70/- per month, admissible to officers in peace and Modified Field Areas.

(c) Special ad-hoc allowance of Rs.70/- per month, admissible to officers.

(d) Relief @ Rs.150/- to Rs.300/- p.m. to those officers whose families were not in occupation of any type of Govt. accommodation anywhere in India w.e.f. 1st October, 1986 onwards admissible in erstwhile field/improved modified field areas.

(e) Separation allowance of Rs.140/- p.m. admissible to officers.

(f) Special Compensatory (Field) allowance ranging from Rs.23/- to Rs.53/- to JCOs/Ors including NC(E)s.

Admissibility of various concessions to civilians

(a) Non-monetary concessions of FSC, as per relevant appendices of Govt. letters of 25.1.1964 and 2.3.1968 in field and modified field areas, respectively.

(b) Special Duty Allowance

(c) SCRLA

(d) Tribal Area Allowance

(e) Special Compensatory Allowance

(f) URA

Note: It may be noted that allowances mentioned at (b) to (f) are not applicable in case of civilians availing FSC as per Appendix 'C' of letter No. A/02584/AG/PS-3(a)/97/S/D(Pay/Services) dated 25.1.1964. This has also been clarified that FSC and SCRLA and other allowances are not concurrently admissible to Defence civilians vide Min. of Defence letter No.B/37269/AG/PS-3(a)/730/D(Pay/Services) dated 17.4.1995.

3. Based on the recommendations of 4th Pay Commission, a package of concessions was worked out for service personnel by a High Level Committee specially constituted for this purpose. The Committee inter alia decided to do away with multiplicity of allowances admissible to service personnel and recommended monetary compensation for them. Accordingly, vide Government letter dated 13th January, 1994, monetary allowance was given to Service personnel subject to the discontinuance of the following allowances:

- 28
- (i) Special ad-hoc allowance of Rs.70/- p.m. admissible for officers.
 - (ii) Separation Allowance of Rs.140/- p.m. admissible for officers.
 - (iii) Special Compensatory (Field) Allowance ranging from Rs.23/- to Rs.53/- p.m. admissible for JCOs/Ors including NC(E)s.

Note : The above allowances were discontinued from 1.4.1993.

- (iv) Special Compensatory (Remote Locality) Allowance was also discontinued from 1.2.1994. This was withdrawn even from designated areas falling in peace stations.

4. A proposal for grant of monetary allowance of FSC to Defence civilians based on the equivalence laid down for Service personnel was referred to all Command HQs vide Org. 4(Civ)(d) letter No. 16729/Org 4(Civ)(d) dated 25.4.1994 for comments, views and financial implications. This letter was basically to seek views of the Commands/HQs/Units in order to formulate a policy. However, it did not have the due approval of the competent authority in the Government which could be taken as a policy letter containing Govt. pronouncement. In the proposal, Army HQs had suggested to consider payment of monetary allowances on the basis of pay scale as there is no laid down equivalent rank structure among Defence civilians vis-à-vis Service personnel, as under :

	Rate of compensatory Field Area Allowance.	Rate of Compensatory Modified Field Area Allce
Pay upto Rs.900/- p.m.	Rs.375/- p.m.	Rs.150/- p.m.
For pay exceeding Rs.900/- but not exceeding Rs.1500/-p.m.	Rs.450/- p.m.	Rs.175/- p.m.
For pay exceeding Rs.1500/- but not exceeding Rs.2300/-p.m.	Rs.650/- p.m.	Rs.225/- p.m.
For pay exceeding Rs.2300/- but not exceeding Rs.3000/-p.m.	Rs.750/- p.m.	Rs.300/- p.m.
For pay exceeding Rs.3000/-p.m.	Rs. 975/- p.m.	Rs.325/- p.m.

5. Extension of Field Service Concessions sanctioned for the Service personnel to civilians was duly deliberated by Army HQs, and it was decided not to grant monetary allowance of FSC to Defence civilians for the following reasons :-

- (a) Civilians were serving mostly in peace areas and very few civilians were serving in Field Areas.

- (b) Had monetary allowance of FSC been extended to them, it would have resulted in corresponding withdrawal of SCRLA and other concessions from civilians

This would have adversely affected a majority of civilian employees while benefiting only a small percentage of them. Hence Army HQrs had recommended that the monetary allowance of FSC need not be extended to civilian employees because payment of SCRLA was more beneficial to them.

6. All the Commands were also informed of the above decision vide letter No. 16729/Org-4(Civ)(d) dated 16.11.1995. It appears that the petitioners have not deliberately brought the same to the notice of the Hon'ble Court and thus held back vital information which had a bearing on the final outcome of this case.

7. The civilian employees while praying for grant of FSC have not mentioned about discontinuance of a number of allowances for Service personnel. As on date Service personnel even when serving in peace areas or even in Field Areas and drawing no FSC (i.e. static units which are not entitled to FSC) are not entitled to SCRLA whereas their civilian counterparts serving side-by-side with them are in receipt of the same.

8. The Hon'ble Tribunal in its judgement dated 10th June, 1997 in various petitions has directed the respondents to pay Field Service Concessions to the petitioners.

9. Due to the position stated above, it is clarified that civilians are entitled to only the concessions mentioned in relevant appendices of 1964 and 1968 letters quoted above. Monetary allowances of FSC are not admissible to them as per the existing policy of the Government as explained at paras 4 to 5 above and since the Tribunal has directed to pay Field Service Concessions to Defence civilians, it should be the non-monetary Field Service Concessions as admissible to them as per policy.

10. In this connection Shri R. Babulaxmanan, ACGDA had also met you and explained the position. It is requested that the factual position as given above may be kept in view while defending the cases and a written statement in the matter be filed, if necessary.

Yours faithfully,

(R.K. Grover)

Under Secretary to the Govt of India

N.O.O.

Copy to

✓ O/O CGDA - w.r.t. their UO Note dated 18.1.1999. In view of the position brought out in the letter, O/O CGDA are requested to immediately stop payment of monetary allowances as part of Field Service Concessions to Defence civilians as the same are not admissible to them and also make recoveries of payment made with reference to various Govt. letters implementing the CAT Guwahati decision after giving show cause notice.

7. Headquarter
137 WE
C/O 99 A.P.O.
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 Str Wksp
C/O 99 A.P.O.
12. Garrison Engineer
868 EWS
C/O 99 A.P.O.
13. Garrison Engineer
869mEWS
C/O 99 A.P.O.
14. OC
Supply Point
Leimakhong.

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 CFAA & CMFAA from April '99 pay bill stopped
- ii) to get recoveries of payment whatsoever already made effected after servi show cause notice.
- iii) withholding payment on above account against CAT Judgement awaiting implementation.
- iv) to defend on going CAT cases/content proceedings based on Ministry of Defence letter of 12-03-99.

(TALIREMBA)
D.C.D.A.

Contd.....P/4.

228-
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DO NO. PAY/025
Dated : 1st March, 2000
GUWAHATI

Kindly refer to your letter No.77551/90/Policy/236 dated 21.1.2000 on the payment of CFAA, SC(RL)A and duty station HRA to Defence Civilians in field areas in respect of (I) HQ 137 WE (II) GE 868 EWS and (III) GE 869 EWS.

2. The report containing the following discrepancies :

- (i) The report on account of payment of duty station HRA has not been furnished by GE 868 EWS.
- (ii) GE 869 EWS has furnished a combined report without giving the bifurcation of figures between I.P. & N.I.P. The figure of payment in respect of N.I.P. and related information thereon, therefore, could not be got verified by AAO Shillong.
- (iii) Payment of SC(RL)A made upto 17.4.95 and beyond 17.4.95 has not been shown separately in r/o GE 869 EWS. This is required to be shown separately as payment of SC(RL)A beyond 17.4.95 is recoverable as per provisions contained in MoD letter No.4(3)/98/D(Civ-I) dt.16.3.98.

3. Besides rectification of discrepancies pointed above the following information may kindly be furnished.

- (i) Payment of duty station HRA in r/o GE 869 EWS and HQ 137 WE has been shown to have been made upto 9/99 and 9/97 respectively. This does not appear to be factually correct. Kindly indicate whether payment is still continuing and, if so, at what rate.
- (ii) Payment of CFAA has been stopped from the month of 4/99. As per instructions contained in MoD letter No.30(4)/96/D(Pay/Services) dt. 12.3.99 payment of CFAA made with reference to various Govt. letters implementing the CAT Guwahati decisions is required to be recovered after giving show cause notice. Necessary steps may please be taken in this regard.

Contd.....P/2

(111)

and further per provision of para VIII of
Letter No. 111/200/D(111) dated 16.1.98 per para 11
of SC(RL)A made beyond 17.4.95 in field areas is
required to be recovered. Necessary action to
effect the recovery may please be taken.

4. As rendition of the report to MoD is held-up for
want of the above information and rectification of
discrepancies, an early action in the matter is requested.

Yours

(VAIDANA SRIVASTAVA)

Brig. S.K. Sharma
Chief Engineer
Shillong Zone
Spread Eagle Falls
SHILLONG-793 001

Copy to :-

1. Col P.B. Suri
HQ 137 WE
C/O 99 APO
2. Maj Ashoke Kumar
GE 868 EWS
C/O 99 APO
3. Maj A.K. Gupta
GE 868 EWS
C/O 99 APO

With request for furnishing
the above information and
taking necessary steps to-
wards recovery of payment of
CFAA after giving show cause
notice and recovery of payment
of SC(RL)A for period beyond
17.4.95.

(TALIREMBA)
DY.CDA