

FORM NO.4.

(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWHATI BENCH ::::: GUWAHATI

CP 9/2001

ORDER SHEET

APPLICATION NO 428 OF 2000

Applicant (s) Sri T. Ahmed & ors.

Respondent(s) Sri V. Kollis, 1st & 2 ors.

Advocate for Applicant(s) Mr. A. Ahmed

Advocate for Respondent(s) CGSC

Notes of the Registry

Date

Order of the Tribunal

This CP has filed
by the counsel of the
applicant for non-imple-
mentation of the
judgment order of.

22.12.2000 passed by
the Honble Tribunal.

Placed before the
Court for order.

23.3.01

Issue notice to show cause as
to why a contempt proceeding shall
not be drawn up against the alleged
contemnors.

List on 27.4.01 for order.

Usha
Member

h
Vice-Chairman

pg

26/3/01

27.4.2001

Await service report. List for
orders on 28.5.01.

Usha
Member

h
Vice-Chairman

nk m

27.3.2001

Service of notice
issued to the
respondents vide D.
No. 1179-1181 dt. 28.03.01.

Bar

① Service report are
still awaited

② Show cause has not
been filed.

26.4.01

Vakalatnama filed
by Sree B. C. Patthake
Addl. C.A. Sec.

28.5.01

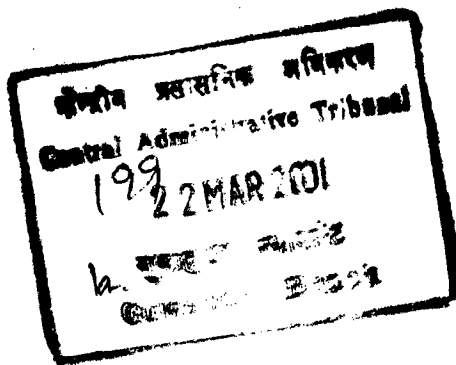
The Order dated 22-12-2000 passed by the Tribunal in O.A. 149 of 1999 and a batch of such applications are already under examination of the High Court in a Writ application No. 2004 of 2000. The above Order of the Tribunal passed in the said O.A. and a batch of such applications have been suspended, by the High Court.

In that view of the matter, the contempt proceeding stands dismissed.


Vice-Chairman

bb

12.6.2001
Copy of the order
has been sent to the
D/Sec. for issuing
the same to the L/Sec.
for the parties.
H/S



Filed by
Shri Tasiruddin Ahmed
Thugh Lil
(App. A/H/121)
Thugh Lil

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:
GUWAHATI BENCH AT GUWAHATI.

CONTEMPT PETITION NO. OF 2001.

In O.A. No. 428 of 2000

IN THE MATTER OF:

A petition under Section 17 of the Central Administrative Tribunal Act, 1985 praying for punishment to the contemners/ Respondents for non-compliance Judgment & order dated 22-12-2000 passed by this Hon'ble Tribunal.

-AND-

IN THE MATTER OF:

Sri Tasiruddin Ahmed & ors.

-Versus-

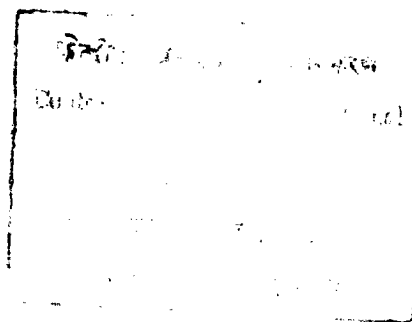
Union of India & Others.

-AND-

IN THE MATTER OF:

Sri Tasiruddin Ahmed,
Scientist-C,
Employee Code No. 02364 Office
of the Technical Director,

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State Informatic Officer,
National Informatic Centre
(NIC), F Block, Assam
Secretariat, Guwahati-781006.

-Petitioner.

-Versus-

1] Sri Vinay Kohli, IAS,
Secretary, Ministry of infor-
mation Technology, Electronics
Niketan, 6 CGO Complex, New
Delhi 110003.

2] Sri N. Vijay Aditya,
Director General,
National Informatic Centre,
Head Quarter, New Dehli,
Lodhi Road, A Block,
New Delhi- 3.

3] Sri Deepak Goswami,
Technical Director,
State Informatic Officer,
National Informatic Centre,
(NIC), F Block,
Assam Secretariat,
Guwahati-781006.

-Respondents/
Contemners.

The humble petition of the
above named applicant:

MOST RESPECTFULLY SHEWETH:

1) That your applicant and others have filed the Original Application No. 428 of 2000 before the Hon'ble Tribunal, Guwahati Bench, Guwahati against the Impugned order of recovery of Special Duty Allowance issued by the Respondent/Contemner, No. 2 vide Office Memo. No. 2(3)/97-P&V dated 12-05-2000.

2) That the Hon'ble Tribunal finally heard the matter on 22-12-2000 along with other similar cases. The Hon'ble Tribunal was pleased to pass a common judgment and order dated 22-12-2000 partly allowed the Original Application and directed the Respondents/Contemnners not to make any recovery of amount of S.D.A. already paid to the applicants up to 31-01-1999. In case, any amount on account of S.D.A. has been recovered/ withheld from retiral dues the same shall be refunded/ released to the applicants immediately.

Annexure-1 is the photocopy common judgment & Order dated 22-12-2000 passed in O.A. 428/2000.

3) That your applicant begs to state that, as per Hon'ble Central Administrative Tribunal's Judgement & Order dated 22-12-2000 the Respondents/contemnners are directed to not to make any recovery of Special Duty Allowance from the applicants. But surprisingly, even after receiving of the said judgment the

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respondents made recovery of Special Duty Allowance paid to the applicants till 1997.

Annexures- 2, 2(A) & 2(B) are the photocopies of Monthly Pay Slip for the month of February 2001 in which recovery of the SDA has been shown.

4] That your applicant begs to state that the Respondents/ Contemnners till now have not implemented the said judgment regarding stoppage of recovery of S.D.A. from the applicants.

5] That your applicant begs to state that he along with other applicants approached the Respondent/Contemnners No. 3, with a copy of common Judgement & Order dated 22-12-2000 passed by the Hon'ble Tribunal in O.A. No. 428/2000 for stoppage of recovery of S.D.A. But till today the Respondents/Contemnners did not comply with the Judgement & Order dated 22-12-2000 passed by the Hon'ble Tribunal in O.A. No. 428/2000.

6] That your applicant begs to state that in spite of clear direction from the Hon'ble Tribunal the Respondent/Contemner have deliberately not complied with the Judgement & order dated 22-12-2000 with a motive behind and no steps has yet been taken for stoppage of recovery of S.D.A. from the applicants.

7] That your applicant begs to state that the Respondents/Contemnners have shown dis-

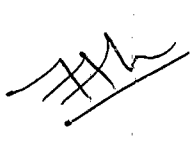
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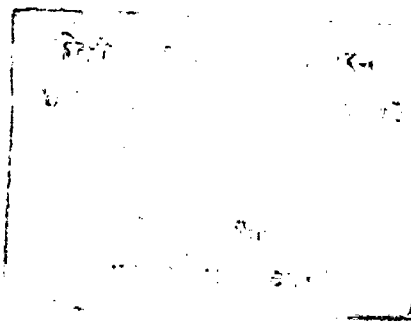
regard, disobedience to this Hon'ble Tribunal and had not cared to carry out the Judgement & order dated 22-12-2000 passed by this Hon'ble Tribunal and this amounts to serious contempt of court. As such, they deserve the punishment for disobedience, disregard and disrespect shown to the Hon'ble Tribunal by not implementing the Judgement & Order dated 22-12-2000 passed in O.A. No. 428/2000.

8] That your applicant submits that unless the Respondents/Contemners are held up in contempt of court proceedings the Contemners will not implement the Judgement & order dated 22-12-2000 passed by this Hon'ble Tribunal and as such, it is a fit case where the Contemners may be directed to appear before this Hon'ble Central Administrative Tribunal to explain as to why they have shown disrespect to this Hon'ble Tribunal and why they have not yet implemented the Judgement & order dated 22-12-2000.

9] That your applicant submits that all the Respondents/ Contemners deliberately and intentionally had' disobeyed and dishonoured the order passed by this Hon'ble Court in O.A. No. 428/2000 and hence all of them are liable to be punished under the provision of contempt of court proceeding.

10] That your applicant submits that he has filed this petition bona fide and for the ends of justice.



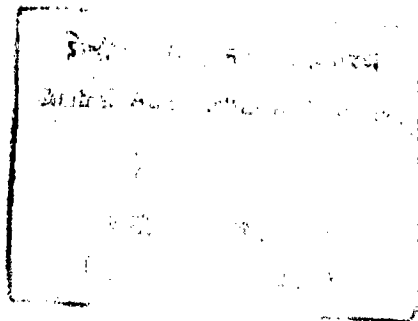


Under the facts and circumstances narrated above, it is, therefore, respectfully prayed that your Lordship may be pleased to admit this petition and issue contempt notice to the respondents/Contemners to show cause as to why they should not be punished under Section 17 of the Central Administrative Tribunal Act, 1985 or pass such any other order or orders as the Hon'ble Tribunal may deem fit and proper.

Further, it is also prayed that in view of the deliberate disrespect and disobedience to carry out the Hon'ble Tribunal's order the Contemners should be asked to appear in person before this Hon'ble Tribunal to explain as to why they should not be punished for contempt of Court.

And for this act of kindness, your petitioner as in duty bound shall ever pray.

TH

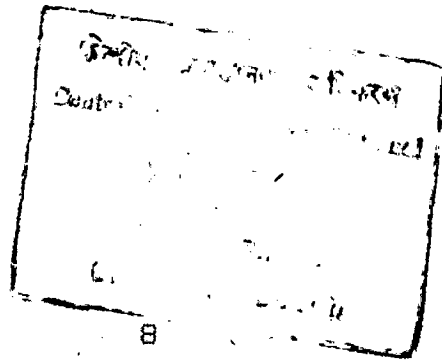


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DRAFT CHARGE

The applicants aggrieved for non-compliance of the Hon'ble Tribunal's Judgement & order dated 22-12-2000 passed in O.A. No. 428 of 2000. The contemnors/Respondents have willfully, deliberately violated the judgement and order passed in O.A. No. 428 of 2000 by not implementing the direction contained therein till date. Accordingly, the Respondents/Contemnors are liable for contempt of Court proceeding and severe punishment thereof as provided under the law. They may also be direct to appear in person and reply the charge of this Hon'ble Tribunal.

-Affidavit.



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Affidavit

I, Sri Tasiruddin Ahmed, Scientist C, Employee Code No. 02364 Office of the Technical Director, State Informatic Officer, National Informatic Centre (NIC), F Block, Assam Secretariat, Guwahati-781006, do hereby solemnly affirm and state as follows:

1) That I am the applicant No.1 in O.A. No. 428 of 2000 and also petitioner of the above contempt petition and as such I am fully conversant the instant case and I am well conversant with the facts and circumstances of the case and being authorised I am competent to swear this affidavit on behalf of all the applicants.

2) That the statement made in paragraphs 1, 4, 5 to 7 are true to best of my knowledge and those made in paragraphs 2, 3, are being matters of record are true to my information derived therefrom which I believe to be true and rests are my are humble submissions before this Hon'ble Tribunal.

I sign this affidavit on this the 21st day of 2001 at Guwahati.

Identified by me: 1

Advocate

(Adil Ahmed)

Tasiruddin Ahmed
Deponent

Solemnly affirmed before me by the deponent who is identified by Mr. Adil Ahmed, Advocate.

Sukumar Sarma
Advocate

21-3-2001

- 9 -

ANNEXURE - I

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORIGINAL APPLICATION NO. 149 OF 1999.

(AND 17 OTHER ORIGINAL APPLICATIONS)

(O.As 217, 274, 297, 296 and 187 of 1998; 18, 21, 223, 23, 380 and 81 of 1999 AND 282, 208, 24, 21, 428 and 234 of 2000)

Date of decision - December, 22, 2000.

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

THE HON'BLE MR. M.P. SINGH, ADMINISTRATIVE MEMBER.

1. Ordinance Depot Civil Workers' Union,
Masimpur, P.O. Arunachal,
Dist Cachar, Assam.
2. Sri Badal Ch Dey,
President,
Ordinance Depot Civil Workers' Union,
Masimpur,
P.O. Arunachal,
Dist Cachar, Assam.
3. Sri Badal Chandra Dey,
Son of Late Birendra Chandra Dey,
Vill. Badarpur Part-II,
P.O. Nij Jaynagar,
(via Arunachal),
Cachar, Pin 788025.
4. Sri Salim Uddin Barbhuyan,
Son of Late Abdul Hakim Barbhuyan,
Village-Uzam Gram, P.O. Nij Jaynagar,
(Via Arunachal) Dist Cachar, Assam.

(Applicant Nos. 3 and 4 are effected members of the aforesaid Association working under No.1 Det 57 Mountain Division, Ordinance Unit as Mazdoor).

- APPLICANTS

By Advocates Mr. J.L. Sarkar, Mr. M. Chanda,
Mrs. S. Deka and Ms U. Dutta.

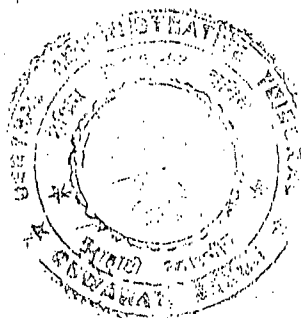
- Versus -

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

contd ...

Att. I
 LS
 Adv. to

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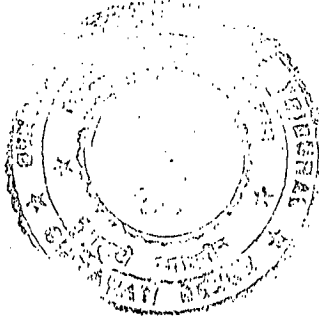
2. Officer Commanding,
57 Mountain Division,
Ordinance Unit,
C/O 99 APO.
3. LAO (A),
Silchar, Masimpur Cantonment,
No. 1 Det 57 Mountain Division,
C/O 99 APO.

- RESPONDENTS

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

J U D G M E N T

M. P. SINGH, MEMBER (ADMN.) -



By filing this O.A. under Section 19 of the Administrative Tribunals Act, 1985, the applicants have challenged the impugned order dated 12th January, 1999 whereby the Special (Duty) Allowance granted in the light of the Office Memorandum No. 20014/3/83.E.IV dated 14th December, 1983 and Office Memorandum No. F.No. 20014/16/86/E.IV/E.II(B) dated 1st December, 1988 is now sought to be recovered by the respondents. The applicants have sought relief by praying that the Office Memorandum dated 12th January, 1996 (Annexure-4) and 12th January, 1999 (Annexure-5) be quashed and set aside and the respondents be directed to continue to pay S.D.A. to the members of the applicant association in terms of O.M. dated 14th December, 1983, 1st December, 1988 and 22nd July, 1998. The applicants have also sought direction to the respondents not to make any recovery of any part of S.D.A. already paid to the members of the applicant association.

Att. to
1
Att. to

2. The cause of action, the issues raised and relief sought for in this O.A. are same as raised in O.A. No.217/98 (All India Central Ground Water Board Employees Association, North Eastern Region Central Ground Water Board, Tarun Nagar, Guwahati-5 and others - Vs - Union of India and others), (2) O.A. No.274/98 (Sri Dulal Sarma and others) - Vs - Union of India and others), (3) O.A. No.18/99 (National Federation of Postal Employees Postmen and Gr.D - Vs - Union of India and others), (4) O.A. No.21/99 (Makhon Ch. Das and others - Vs - Union of India and others), (5) O.A. No.282/2000 (Rabi Shankar Seal and others - Vs - Union of India and others), (6) O.A. No.223/99 (Shri K. Letso and others - Vs - Union of India and others), (7) O.A. No.208/2000 (Krishanlal Saha and others - Vs - Union of India and others), (8) O.A. No.23/99 (Ordinance Mazdoor Union and another - Vs - Union of India and others), (9) O.A. No.24/2000 (Ramani Bhattacharyya - Vs - Union of India and others), (10) O.A. No.21/2000 (Sri Louis Khyriem and others - Vs - Union of India and others), (11) O.A. No.428/2000 (Sri T. Ahmed and others - Vs - Union of India and others), (12) O.A. No.297/98 (Biswajit Choudhury and others - Vs - Union of India and others), (13) O.A. No.380/99 (Smt. Sanghamitra Choudhury and others - Vs - Union of India and others), (14) O.A. No.296/98 (Dwijendra Kumar Debnath and others - Vs - Union of India and others), (15) O.A. No.187/98 (All Assam M.E.S. Employees Union and another - Vs - Union of India and others), (16) O.A. No.234/2000 (Gautam Deb and others - Vs - Union of India and others), (17) O.A. No.81/99 (Sri Nityo Nanda Paul - Vs - Union of India and others) and (18) O.A. No.84/2000 (Subodh Ch Gupta and 56 others - Vs - Union of India and others). We, therefore, proceed to hear all the

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A. K. S. / Advocate

cases together. Among these O.As, O.A. No.149/99 is to be treated as a leading case and the orders passed in this O.A. shall be applicable to all other aforesaid O.As.

3. The brief facts as stated in O.A. No.149/1999 are that the applicant No.1 is an association of Group 'D' employees representing 155 persons working under the Officer Commanding No.1, Det, 57 Mountain Division, C/O 99 APO. The applicant No.2 is the President of the aforesaid association and the applicant No.3 and 4 are the affected members of the said association. They are civilian Government employees working under the Officer Commanding of the aforesaid Mountain Division.

4. The Government of India granted certain facilities to the Central Government civilian employees serving in the States and Union Territories of North Eastern Region vide Office Memorandum dated 14th December, 1983. As per clause II of the said memorandum, Special (Duty) Allowance was granted to the Central Government civilian employees, who have all India transfer liability on posting to any station in the North Eastern Region. The respondents after being satisfied that all the members of the said Association who are civilian Central Government employees are saddled with all India transfer liability and are, therefore, entitled to S.D.A. in terms of the office memorandum dated 14th December, 1983 and office memorandum dated 1st December, 1988. The Special (Duty) Allowance was accordingly granted to the members of the applicant association. ^{But} the Respondent No.3 issued the impugned order dated 12th January, 1999

wherein ...

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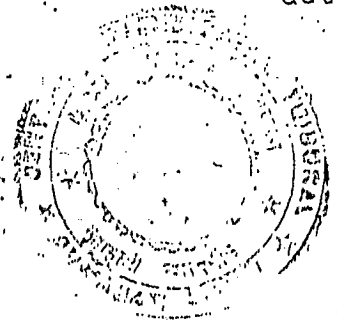
wherein it is stated that in view of the Supreme Court judgment, the persons who belong to North Eastern Region would not be entitled to S.D.A. but the said allowance would be payable only to the employees posted to North Eastern Region from outside the region. All the industrial persons working also fall within the same category and it is further requested to submit a list of employees showing permanent residential address for verification for entitlement of S.D.A. It was ^{also} further instructed to start recovery in respect of the employees who belong to North Eastern Region with effect from 21.9.1994 in instalments. As such, the applicants apprehend that in view of the instructions issued through impugned letter dated 12.1.1999, the respondents may start recovery of S.D.A. from the Pay Bill of May, 1999. The action of the respondents to stop the S.D.A. to the members of the applicant association is without any show cause notice and without following the principles of natural justice.

5. On an enquiry made by the applicants, they came to know that the Government of India while issuing the office memorandum dated 12th January, 1996 clarified the position regarding the entitlement of S.D.A. In para 6 of the said office memorandum, it is stated that the Hon'ble Supreme Court in the judgment dated 20th September, 1994 (in Civil Appeal No. 3281 of 1993) upheld the submission of the Government civilian employees, ^{that there are} who have all India transfer liability are entitled to the grant of S.D.A. on being posted to any station in the North Eastern Region from outside the region and S.D.A. would not be payable merely because of

the clause ...

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Advocate

the clause in the appointment order relating to all India transfer liability. It is also stated that the Apex Court ~~also~~ added that the grant of this allowance only to the officers transferred from outside the region would not be violative of the provisions contained in Article 14 of the Constitution as well as the equal pay doctrine. The Hon'ble Supreme Court further directed that whatever amount has already been paid to the respondents or for that matter to other similarly situated employees would not be recovered from them. But a contradictory view has been taken in regard to recovery of the Special (Duty) Allowance from the applicants vide para 7 of the office memorandum dated 12th January, 1996. The relevant para 7 of the office memorandum dated 12th January, ¹⁹⁹⁶ is as follows :-



"In view of the above judgment of the Hon'ble Supreme Court, the matter has been examined in consultation with the Ministry of Law and the following decisions have been taken :

- i) the amount already paid on account of SDA to the ineligible persons on or before 20.9.94 will be waived; &
- ii) the amount paid on account of SDA to ineligible persons after 20.9.94 (which also includes those cases in respect of which the allowance was pertaining to the period prior to 20.9.94; but payments were made after this date i.e. 20.9.94) will be recovered."

6. According to the applicants, the Hon'ble Supreme Court keeping in mind the possible hardship to the low paid employees directed not to make recovery of the S.D.A. which is already paid to the employees. After a lapse of

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considerable period, the respondents have now sought to recover the amount of S.D.A. paid to them after 20.9.1994. Aggrieved by this, they have filed this O.A. seeking relief as mentioned in Para-1 above.

6. The respondents have contested the case and stated in their reply that in order to retain the services of civilian employees from outside the North Eastern Region, who do not like to come to serve in the North Eastern Region being a difficult and inaccessible terrain, the Government of India brought out a scheme under the office memorandum dated 14th December, 1983 thereby extending certain monetary and other benefits including "Special (Duty) Allowance" (in short SDA). While the provisions of the office memorandum dated 14th December, 1983 were wrongly interpreted which raised some confusion relating to payment of S.D.A., the Government of India brought out a clarification to remove the ambiguity of the earlier office memorandum dated 14th December, 1983 by the office memorandum dated 20th April, 1987 and also extended the benefit to Andaman, Nicobar and Lakshdweep Islands. According to this clarification for the sanctioning of S.D.A., the all India transfer liability of the members of any service/cadre or incumbents of any posts/Group of posts has to be determined by applying the test of recruitment zone, promotion zone etc. i.e. whether recruitment to the service/cadre/posts has been made on all India basis and whether promotion is also done on the basis of all India zone of promotion based on common seniority for the service/cadre/posts as a whole. Mere clause in the appointment order that the person concerned is liable to be transferred anywhere in India does not make him eligible for the grant of S.D.A.

[Signature]

page 8 ...

[Signature]
[Signature]

7. Thereafter, a number of litigations came up challenging the non-payment/stoppage of payment of S.D.A. to certain classes of employees who were not coming within the zone of consideration as stated in the office memorandum dated 14th December, 1983 and 20th April, 1987. The Hon'ble Supreme Court in Civil Appeal No. 3251/93 vide judgment dated 20th September, 1994 held that the benefit under the office memorandum dated 14.12.1983 read with office memorandum dated 20.4.1987 are available to the non-residents of North Eastern Region and such discrimination denying the benefit to the residents civilian employees of the region is not violative of Article 14 and 16 of the Constitution of India. It has also been held that as per the office memorandum dated 20th April, 1987 the S.D.A. would not be payable merely because of the clause in the appointment order to the effect that the person concerned is liable to be transferred anywhere in India. According to another decision dated 7th September, 1995, the Hon'ble Supreme Court in Civil Appeal No. 8208-8213 held as follows :-

"It appears to us that although the employees of the Geological Survey of India were initially appointed with an All India Transfer Liability, subsequently, Government of India framed a policy that Class C and D employees should not be transferred outside the Region in which they are employed. Hence All India Transfer Liability no longer continues in respect of Group C and D employees. In that view of the matter, the Special Duty Allowance payable to the Central Government employees having All India Transfer Liability is not to be paid to such group C and D employees of Geological Survey of India who are residents of the Region in which they are

posted ...

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posted. We may also indicate that such question has been considered by this Court in Union of India and others - Vs - S. Vijaykumar and others (1994) 3 SCC 649."

8. This Tribunal in O.A. No.75/96 (Hari Ram and others - Vs - Union of India and others) vide judgment dated 4th January, 1999 held that the S.D.A. is not payable to those employees who are residents of the North Eastern Region. In pursuance of the Supreme Court judgment, the Government of India took a policy decision vide office memorandum No.11(3)/95-E-II(B) dated 12th January, 1996. According to the respondents, the applicants No.3 and 4 and those in Annexure-'I' are resident of North Eastern Region and are locally recruited in the region and they do not have all India transfer liability although the list does not indicate that those employees are either residents of North Eastern Region or they belong to some other region outside the North Eastern Region and posted from outside the region as per the office memorandum dated 14th December, 1983. In view of the instructions contained in the office memorandum dated 12th January, 1996, no S.D.A. has been paid after 31st January, 1999. It was proposed to recover the amount already paid after 20th September, 1994 to 31st January, 1999. No recovery has been effected by them so far. In view of the aforesaid legal position, the O.A. is misconceived and cannot sustain in law.

9. Heard both the learned counsel for rival contesting parties and perused the records.

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10. The question for consideration before us is as to whether the applicants are entitled for the payment of S.D.A. and if not, whether the recovery of the amount of S.D.A. already paid to them beyond 20.9.1994 is to be effected. The issue relating to the grant of S.D.A. has been considered and decided by the Hon'ble Supreme Court in Union of India and others - Vs - S.Vijayakumar and others, reported in 1994 Supp (3) SCC 649. The Hon'ble Supreme Court in that case has held as under :

"We have duly considered the rival submissions and are inclined to agree with the contention advanced by the learned Additional Solicitor General, Shri Tulsi for two reasons. The first is that a close perusal of the two aforesaid memoranda, along with what was stated in the memorandum dated 29.10.1986 which has been quoted in the memorandum of 20.4.1987, clearly shows that allowance in question was meant to attract persons outside the North-Eastern Region to work in that Region because of inaccessibility and difficult terrain. We have said so because even the 1983 memorandum starts by saying that the need for the allowance was felt for "attracting and retaining" the service of the competent officers for service in the North Eastern Region. Mention about retention has been made because it was found that incumbents going to that Region on deputation used to come back after joining there by taking leave and, therefore, the memorandum stated that this period of leave would be excluded while counting the period of tenure of posting which was required to be of 2/3 years to claim the allowance depending upon the period of service of the incumbent." The 1986 Memorandum makes this position clear by stating that Central Government Civilian Employees who have All India Transfer Liability would be granted the allowance "on posting to any station to the North Eastern Region". This

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aspect is made clear beyond doubt by the 1987 Memorandum which stated that allowance would not become payable merely because of the clause in the appointment order relating to All India Transfer Liability. Merely because in the Office Memorandum of 1983 the subject was mentioned as quoted above is not enough to concede to the submission of Dr. Ghosh."

The position has been further clarified by the Supreme Court vide their judgment in Union of India and others - Vs - Geological Survey of India Employees Association and others passed in Civil Appeal No.8208-8213 (arising out of S.L.P. Nos.12450-55/92) as stated in para 7 above.

11. In view of the criteria laid down by the Hon'ble Supreme Court in the aforesaid judgments, the applicants are not entitled to the payment of S.D.A. as they are resident of North Eastern Region and they have been locally recruited and they do not have all India Transfer Liability. As regards the recovery of the amount already paid to them by way of S.D.A., the Hon'ble Supreme Court in the aforesaid judgments has specifically directed that whatever amount has been paid to the employees, would not be recovered from them. The judgment of the Supreme Court was passed on 20.9.1994 but the respondents on their own had continued to make the payment of S.D.A. to the applicants till 31.1.1999. The orders have been passed by the respondents to stop to payment of S.D.A. only on 12.1.1999. The order passed on 12.1.1999 can have only prospective effect and, therefore, the recovery of the SDA already paid to the applicants would have to be waived.



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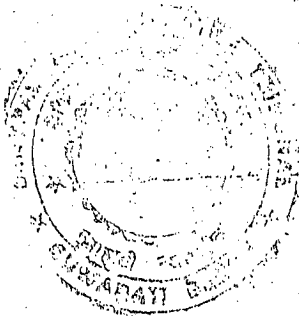
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23

12. For the reasons recorded above, the O.A. is partly allowed and the respondents are directed that no recovery would be made by them of the amount of S.D.A. already paid to the applicants upto 31.1.1999. In case any amount on account of payment of S.D.A. has been recovered/withheld from retiral dues, the same shall be refunded/released to the applicants immediately.

The O.A. is disposed of with the above direction.
No order as to costs.

Sd/-VICECHAIRMAN
Sd/MEMBER (A)



mk

Certified to be true Copy
প্রমাণিত প্রতিলিপি

21/1/2000

Section Officer (J)
आनुमान अधिकारी (न्यायिक शाखा)
Central Administrative Tribunal
देखीया प्रशासनिक अधिकरण
Guwahati Bench, Guwahati-8
গুৱাহাটী ন্যায্যপীঠ, গুৱাহাটী-৮

21/1/2000

28
21/1/2000

27

- 21 -

ANNEXURE-2

(28)

PAY SLIP

FEB 2001

NATIONAL INFORMATICS CENTRE (ER)
SALARY FOR THE MONTH OF FEB 2001NAME : Mr. TASIRUDDIN AHMED
DESIGN : SCIENTIST "C"CODE NO. : 2364/
STATION : GAUHATI/ASSAM

PAY SCALE : 10000-15200

E A R N I N G S			D E D U C T I O N S			T O T / B A L	
1.	BASIC PAY	11300	1.	G.P.F./C.P.F.	2000	-	
2.	D.A.	4633	2.	INCOME TAX	4517	13097	
3.	H.R.A.	1695	3.	C.G.H.S.	100	-	
4.	S.C.R.L.A.	200	4.	C.G.E.G.I.S.	120	-	
5.	TRANS. AL.	400	5.	SDA REC	1048	10480/2096	
			6.	PROF. TAX	128	-	
		18228			7913		

NET PAY : RS.10315/-
(RUPEES TEN THOUSAND THREE HUNDRED AND FIFTEEN ONLY)R. Anty
Anty

ONLY)

PAY SLIP

(23)

FEB 2001

NATIONAL INFORMATICS CENTRE (ER)
SALARY FOR THE MONTH OF FEB 2001

NAME : Mr.DIGANTA BARMAN
DESIGN : SCIENTIST "C"

CODE NO.: 1692/4
STATION : GAUHATI/ASSAM

PAY SCALE : 10000-15200

EARNINGS

1.	BASIC PAY	11300
2.	D.A.	4633
3.	H.R.A.	1695
4.	S.C.R.L.A.	200
5.	TRANS. AL.	400

		18228

DEDUCTIONS

1.	G.P.F./C.P.F.	2000
2.	INCOME TAX	3252
3.	C.G.H.S.	100
4.	C.G.E.G.I.S.	120
5.	SDA REC	1048
6.	PROF. TAX	128
7.	P.F. ADV. RECV.	2000

		8648

TOT / BAL

-
14033
-
-
10480/2096
-
48000/42000

NET PAY : RS.9580/-
(RUPEES NINE THOUSAND FIVE HUNDRED AND EIGHTY ONLY)

[Handwritten signature]
Advocate

PAY SLIP

(25)

23-

FEB 2001

NATIONAL INFORMATICS CENTRE (ER)
SALARY FOR THE MONTH OF FEB 2001

NAME : Mr.DINESH KUMAR BHUYAN
DESIGN : SCIENTIST "C"

CODE NO.: 2349/
STATION : GAUHATI/ASSAM

PAY SCALE : 10000-15200

ANNEXURE-2(6)

E A R N I N G S

1.	BASIC PAY.	11300
2.	D.A.	4633
3.	H.R.A.	1695
4.	S.C.R.L.A.	200
5.	TRANS. AL.	400

18228

D E D U C T I O N S

1.	G.P.F./C.P.F.	1600
2.	INCOME TAX	65
3.	C.G.H.S.	100
4.	C.G.E.G.I.S.	120
5.	SDA REC	1032
6.	PROF. TAX	128
7.	P.F. ADV. RECV.	2500

5545

T O T / B A L

-
3868
-
-
10328/2072
-
60000/57500

NET PAY : RS.12683/-
(RUPEES TWELVE THOUSAND SIX HUNDRED AND EIGHTY THREE ONLY)

AS

A/c