

30/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 155/2000

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SECTION OFFICER (JUDI.)

Charita
19/12/17

FORM NO. 4
(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 155/2000 OF 199

Applicant(s) Sri Sekhata Chakrabarty and ors.

Respondent(s) Union of India and ors.

Advocate for Applicant(s) Mr. B.K. Sarma
Mr. S. Sarma.

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

Notes of the Registry	Date	Order of the Tribunal
1. This application is filed and, within the time limit of 15 days, the fee of Rs. 50/- has been deposited with the Registry. Application No. 155/2000 Dated 16/5/2000 16/5/2000 21/5/2000 Requisite filed. ✓ Service of Cost fee & deposit to Accounts Section.	17.5.2000	Present : Hon'ble Mr. A.K. Misra, Judicial Member. Issue notice to the respondents to show cause as to why the application should not be admitted. Returnable by 23.6.00. Considered the prayer for interim relief. The operation of the impugned letter dated 10.4.99 (Annexure-7) issued by the respondents is hereby stayed. Issue notice to the respondents to show cause as to why the interim order should not be made absolute till disposal of the case. Returnable by 23.6.00. List on 23.6.00 for consideration of admission.
		<i>From</i> Member (J)
		<i>mk</i> 16/5/2000

Notes of the Registry	Date	Order of the Tribunal
25. 5. 2000 Service of notices prepared and sent to D. Section 303 issuing of the same to the respondents through Regd. post with A.P.D. Vide S.O. Nos. 1496 for 1504 dt.d. 31.5.2000.	23.6.00 12.7.00 mk	There is no Bench today. Adjourned to 12.7.2000. B.M. Present : Hon'ble Mr. S. Biswas, Administrative Member. None for the applicant. Mr. A. Deb Roy, learned Sr CGSC is present. The case is adjourned and posted for admission on 7.8.00. S. Biswas Member (A)
11 - 7 - 2000 Show cause has not been filed. Noticedly served on respondent No 5 Show cause has not been filed.	7.8.00 25.8.00 21.9.00 pg 22.9.00 1m	There is no Bench, adjourned to 25.8.00. B.M. There is no Bench, adjourned to 21.9.00. B.M. Present : The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman. List on 22.9.2000 for admission on the prayer of Mr U.K. Goswami, learned counsel for the applicant. Vice-Chairman Heard Mr. B.K. Sharma learned counsel for the applicant and Mr. A. Deb Roy, Sr. C.G.S.C. for the respondents. Application is admitted. No fresh notice be issued. List it along with other cases as already fixed. In the meantime the interim order dated 17.5.2000 shall remain operative. Vice-Chairman

Notes of the Registry	Date	Order of the Tribunal
	5.12.00	List on 11.12.00 for hearing. Vice-Chairman
21.12.2000 Copy of the Judgment has been sent to the D/sec. for issuing the same to the applicant as well as to the Sr. C.G.S.C. for the record. H.S.	1m	
	11.12.00	Heard learned counsel for the parties. Hearing concluded. Judgement delivered in open court, kept in separate sheets. The application is disposed of no costs. Member
	trd	
	10.3.2004	15/10/2004 List before the available Division Bench in the month of May for hearing. Member (A)
	27.8.2004	present: The Hon'ble Shri D.C.Verma Vice-Chairman (J). The Hon'ble Shri K.V.Prahladan Member. Adjourned and listed before the next Division Bench.
	bb	
26/9/2004	26/9/2004	On the request of learned Addl. Counsel, stand over to 26/9/2004 for hearing. Vice-Chairman
	26/9/2004	On the request of learned Addl. Counsel, stand over to 26/9/2004 for hearing. Vice-Chairman
	lm	

Notes of the Registry	Date	Order of the Tribunal
	16.9.04	On the request of learned counsel for both the parties stand over to 29.9.04 for hearing. K.V. Prahadan Member
	29.9.04	On the request of learned counsel for the applicant stand over to 22nd Nov, 2004 for hearing. K.V. Prahadan Member
	22.11.2004	List on 17.1.2005 for hearing. K.V. Prahadan Member (A)
	17.2.05	Present: The Hon'ble Mr. M.K. Gupta, Judicial Member. The Hon'ble Mr. K.V. Prahadan, Administrative Member. Request received from Mr. A. Ahmed, learned counsel for the applicant indicating that because of personal ground he would not be able to attend the Court today. Similarly, Mr. S. Samra, learned counsel for the applicant appearing in O.A. No. 15/00 and 201/00 states that he has received certain instructions from the applicant. Normally, we would ^{accuse} not grant such request, more so, when the matters were remanded back from the Hon'ble Gauhati High Court. As a matter of acting ^{indulgence & based} on the prayer, all the cases be listed on 03.03.2005. K.V. Prahadan Member (A)

es of the Registry Date

Orders of the Tribunal

3.3.2005

Present: Hon'ble Justice Shri G. Sivarajan, Vice-Chairman
Hon'ble Shri K.V. Prahladan, Administrative Member.

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

ICP Dated
Member

G. Sivarajan
Vice-Chairman

nkm

7.3.05.

Present: Hon'ble Mr. Justice G. Sivarajan, Vice-Chairman
Hon'ble Mr. K.V. Prahladan, Member (A).

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

ICP Dated
Member

G. Sivarajan
Vice-Chairman

lm

22.03.2005

Present : The Hon'ble Mr. Justice G. Sivarajan, Vice-Chairman.
The Hon'ble Mr. K.V. Prahladan, Member (A).

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

Hearing concluded. Orders reserved.

ICP Dated
Member (A)

G. Sivarajan
Vice-Chairman

mb

Notes of the Registry Date [redacted] Orders of the Tribunal

31.5.05.

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

Parikh
 Member

Ortak
 Vice-Chairman

1m

*Received
 Bhandari
 Advocate
 26/5/05*

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A. / ~~R.A.~~ No. 155/2000 . . of
and
O.A. No. 201/2000

DATE OF DECISION 12.12.2000

Sri Sukanta Chakraborty (O.A. No. 155/2000) PETITIONER(S)
Sri Bhakta Bahadur Chettri (O.A. No. 201/2000)

Mr. B.K. Sharma.

ADVOCATE FOR THE
PETITIONER(S)

VERSUS -

Union of India & Ors.

RESPONDENT(S)

Mr. A. Deb Roy, Sr. C.G.S.C. (O.A. 155/2000) ADVOCATE FOR THE
MR. B.S. Basumatary, Addl. C.G.S.C. (O.A. 201/2000) RESPONDENTS

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

THE HON'BLE MR. M.P. SINGH, MEMBER (A),

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. 155 of 2000

--And

Original Application No. 201 of 2000

Date of decision : This the 12th day of December, 2000.

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

Hon'ble Mr. M.P.Singh, Member (A)).

O.A. No. 155 of 2000.

Shri Sukanta Chakraborty
MES No. 243601,
Electrician Skilled
O/o Garrison Engineer,
869 EWS, C/o 99 APO and 137 Ors.

By Advocate Mr. B.K.Sharma

...Applicants

-versus-

The Union of India and Others

... Respondents

By Advocate Mr. A. Deb Roy, Sr. C.G.S.C.

O.A. No. 201 of 2000

Shri Bhakta Bahadur Chettri
MES No. 242664
FGM
O/o the Asstt. Garrison Enginer (E/M),
869 Engineer Works Section (EWS),
C/o 99 APO and 26 Ors.

By Advocate Mr. B.K. Sharma

...Applicants

-versus-

Union of India & Ors.

... Respondents

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

O R D E R (ORAL)

CHOWDHURY J. (V.C.).

These two applications involve similar facts and common question of law and accordingly these two cases were taken up together for disposal. The cause of action as well as the relief sought for are similar in

Contd. .

nature and accordingly applicants were granted leave for invoking Rule 4 (5) (a) of the Central Adminisitrive Tribunal (Procedure) Rules, 1987.

2. In O.A. Nos. 170/99, 202/99, 319/99, 179/2000 276/2000 and 224/2000 the question of entitlement of Field Service Concession was taken into consideration and we have ordered upon considering aforementioned cases as per the judgement of the Tribunal in O.A. Nos. 124/95 and 125/95 finally disposed of by the Supreme Court holding that the applicants would be entitled for Field Service Concession. These applications are also squarely covered by the aforesaid judgements and therefore they would also be entitled for Field Service Concession in the light of the order passed in O.A. Nos. 170/99, 202/99, 319/99, 179/2000, 276/2000 and 224/2000. Accordingly respondents are directed to pay Field Service Concessions to the applicants as per decision rendered in the aforesaid cases and the measures taken for recovery of the Field Service Concession are set aside. In these applications the other prayer of the applicants relating to the payment of Special Compensatory Allowance (Remote Locality). The Supreme Court in Civil Appeal No. 1572 of 1997 (Arising out of S.L.P. (Civil) No. 14088 of 1996)), it was held that the defence civilian personnel deployed at the border area for support of operational requirement, they face the imminent hostilities supporting the army personnel deployed there. Necessarily, they alone require the double payment as ordered by the Government but they cannot be deprived of the same since they are facing imminent hostilites in hilly area risking their lives as envisaged in the proceedings of the Army dated 31.1.1994. But the modified Field Area, in otherwords, in the defence terminology,

Contd...

Barracks in that area is a lesser risking area hence they shall not be entitled to double payment.

3. Upon hearing the learned counsel for the applicants Mr. B.K.Sharma and Mr. A. Deb Roy, Sr. C.G.S.C. and Mr. B.S. Basumatary, Addl. C.G.S.C. for the respondents we are of the view that the matter relates to ascertainment of the fact as to whether the applicants are/were deployed at the border area for support of the operational requirement and are/were in the field area and not in the lower danter area at the billets. Since it is a question of evaluation of facts, we leave the matter to the respondent to find out whether the applicants are/were deployed at the Border Area of the Operational requirement and they were in the ^{field} area and not in the lesser risking area like barracks. In the event on assessment of facts, the Respondent finds that the applicants are/were engaged at the frontier area for backing up the operational needs and are/were in the Field area and not in the less risky zone, the respondents are ordered to take prompt steps for paying the Special Compensatory (Remote Locality) Allowance. We accordingly direct the Respondents to determine the entitlement of the applicants at the earliest instance.

4. With the directions made above, the applications are disposed of. There shall, however, be no order as to costs.


(M.P.SINGH)
Member(A)


(D.N.CHOWDHURY)
Vice-Chairman

trd



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

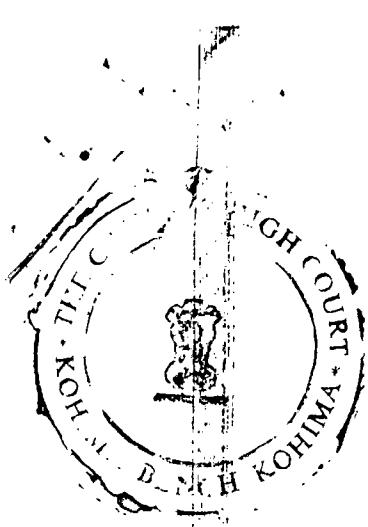
I). CIVIL RULE NO.5614 OF 1998

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

..... Petitioners

-Versus-

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



13

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



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

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

..... Respondents

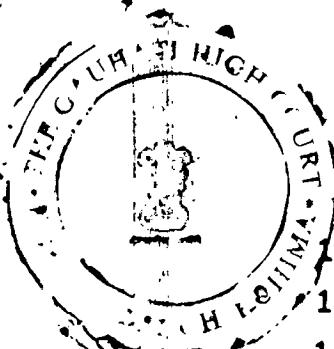
II). WRIT PETITION(C) NO.1685 OF 2001

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

..... Petitioners

Versus

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



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



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

... Petitioners in
OA No.170/99

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

... Petitioner in
OA No.202/99

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

... Contd...P/6.



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

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



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



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



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

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

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

... Petitioners in
OA No.179/2000

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



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

22
 ... Petitioners in
 OA No.276/2000.

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

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

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

... Respondents

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

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

... Petitioners

Versus

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

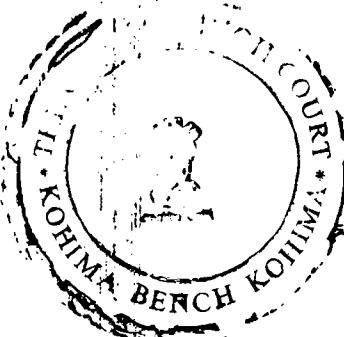
... Respondent

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

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

PetitionersVersus

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



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

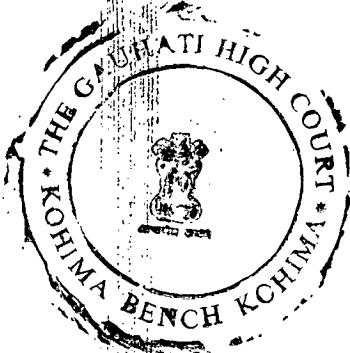


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86.	238038	Sri Chandra Deo Thakur
87.	220145	Sri Rama
88.	220249	Sri Sudam Mahto
89.	238002	Sri Ram Paras Manjhi
90.	238406	Sri Sona Ram Borah
91.	220184	Sri Chandar
92.	220260	Sri Duh Nath Ram
93.	237738	Sri Ambika Mahato
94.	238340	Sri Guna Ramchaliha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

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

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



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

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

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

RESPONDENTS

B E F O R E

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

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

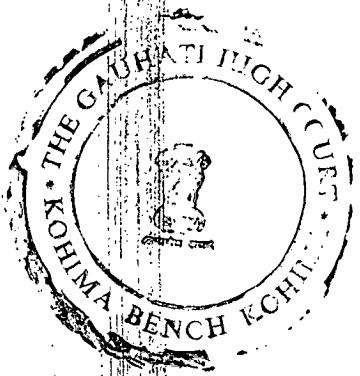
For the respondents : Mr.A.Ahmed,
Advocate.

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

JUDGMENT & ORDER (ORAL)

C.J.

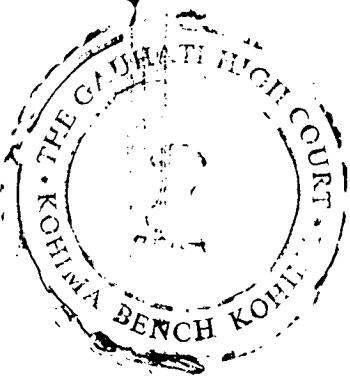
Heard Mr.D.Sur, learned Addl. C.G.S.C. assisted
by Mrs.N.Sharma, learned Addl.C.G.S.C. appearing for the



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

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

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



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

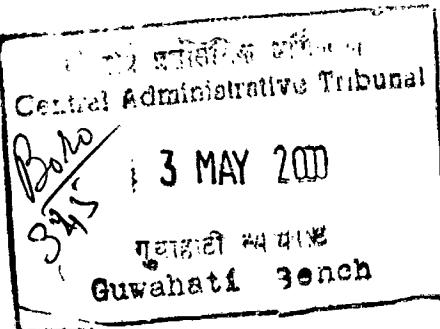
For the aforesaid reasons, we set aside the order passed by the Tribunal and remand the matter for reconsideration afresh of the petitions filed by the petitioners. It is made clear that the Union of India shall not recover the amount from the petitioners, respondents herein till the disposal of the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

SJ
JUDGE.

SJ
CHIEF JUSTICE

as.

TRUE COPY
Sub. to: *[Signature]*
Court-cum stamp Reporter
Gauhati High Court
Kohima Bench



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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

Title of the case.....

OA No. 155 /2000

Between

Shri Sukanta Chakraborty & Ors.Applicants

- AND -

Union of India & Ors. Respondents

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Filed by

For Office Use

S. Sarma
(Advocate)

Registration No.

Date :

File- ws/ss sukanta

Filed by C/o
 Lijshain Chowdhury
 Advocate

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Between

S1. No.	MES No.	Name	Designation
1.	243601	Shri Sukanta Chakraborty,	Electrician Skilled
2.	243827	Shri Ram Sanjivan Sharma,	Mazdoor(USK)
3.	243585	Shri Tilakeswar Giri	do
4.	220306	Shri FC Borah	Welder HS-I
5.	248508	Shri RC Paul	Carpenter HS-II
6.	243670	Shri VK Ravindran Nair	Electrician (SK)
7.	243557	Shri Shahid Hussain	Mate(SS)
8.	243678	Shri Ramjoy Sutradhar	Electrician (Sk)
9.	238398	Shri Nihaluddin	do
10.	243055	Shri MRG Unnithan	do
11.	238499	Shri Shaib	Mason (SK)
12.	220181	Shri Fundeo Mahato	Mate (SS)
13.	237352	Shri Panchu Pradhan	do (OTP)
14.	238517	Shri Lakhon Mandal	Carpenter HS-I
15.	238301	Shri Laxman Rai	Mate (SS)
16.	243800	MD Muslim	do
17.	220130	Shri Hasmat Ali	P/Fitter (SK)
18.	243610	Shri Gulab Singh Pal	Ref/Mech (SK)
19.	243636	Shri SR Kassi	Mate (SS)
20.	238502	Shri JN Kunwar	do
21.	238374	Shri Tika Ram Sharma	V/Man (SS)
22.	243616	Shri Bhoj Raj Sharma	Mate(SS)
23.	238121	Shri JK Prashad	do
24.	237999	Shri Ram Jatan	FGM(SK)
25.	220141	Shri Lakhi Chand Mahato	do
26.	220200	Shri Callactor Dom	Mate (SS)
27.	243908	Shri Raju Bahadur	MAZ(USK)
28.	216846	Shri Bhuni Deo	FGM(SK)
29.	243878	Shri Ram Dulare Singh	MAZ(USK)
30.	220293	Shri Lallan Prashad	FGM(SK)
31.	238143	Shri Ram Prashad Koiri	do
32.	243606	Shri Ganeshi Thakur	Mazdoor (USK)
33.	238394	Shri Baleswar Mahato	Mate(SS)
34.	238127	Shri Gauri Sankar Prashad	Mason(SK)
35.	220165	Shri Ram Nath Mahato	Mate (SS)
36.	243594	Shri L Manikkam	Maz(USK)
37.	243374	Shri Dukhan Gaud	Mate (SS)
38.	238295	Shri Jagan	Mate(OTP)
39.	238410	Shri Baleswar Ram	FGM(SK))
40.	243802	Shri Prem Singh Paul	Electrician (SK)
41.	243638	Shri Bahadur Chhetri	V/Man(SS)
42.	220268	Shri Bhagi Rathi Sharma	Carpenter(SK)
43.	243612	Shri A Subramani	Mate(SS)
44.	238049	Shri SN Rajkhowa	Carpenter(S)

45.	237962	Shri C Murgan	FGM(SK))
46.	265312	Shri Bhajan Manjhi	V/Man(SS)
47.	220399	Hardeo Bhagat	P/Fitter HS-II
48.	237801	Nasib Lal Rai	FGM(SK)
49.	243645	Shri Raghbir Rai	V/Man(SS)
50.	242717	Shri Gopal Dutta	FGM(SK)
51.	220208	Shri Narayan Naik	do
52.	210885	Shri Mundrika Prashad	do
53.	220265	Shri Ugam Sharma	Carpenter HS-II
54.	220271	Shri Shiv Nath Mallah	Mason (SK)
55.	238050	Shri A B Tirwa	P/Fitter (SK)
56.	237296	Shri Sita Ram Harijan	do
57.	220329	K Soman Pillai	Electrician HS-II
58.	237909	Shri Ghura Prashad	Carpenter (SK)
59.	238027	Shri Parsan Rai	Mate(SS)
60.	237728	Shri Lok Bahadur Gurung	do
61.	237571	Shri Ram Narayan Prasad	do
62.	220320	Shri Lal Bachan Bhagat	Mat (OTP)
63.	243635	Shri V Sanna Krishnan	Electrician (SK)
64.	3887	Desai Thakur	P/Fitter(SK)
65.	238300	Shri P S Wighaway	Mate(SS)
66.	243637	Shri Prafulla Chandra das	Elert(SK)
67.	220293	Shri K O George	Mat(SSK)
68.	243912	Shri M K Johnson	Maz(USK)
69.	243386	Shri Gopi Chand	Mason (SK)
70.	238466	Shri Shree Prashad	Mate (SS)
71.	238377	Shri Gangu Rajbhar	do
72.	243619	Shri Krishna Ram	do
73.	243964	Shri Deepak Rai	Maz(USK)
74.	243624	Shri Mahindra Sahani	Mate (SS)
75.	238397	Shri Krishna Tiwari	do
76.	243405	Shri R Mohanan	H/Man (SS)
77.	238032	Shri A Rama Krishnan	FGM(SK)
78.	220218	Shri Harka Bahadur	Mate(SS)
79.	243621	Shri Ram Awadh Harijan	Maz(USK)
80.	220182	Shri Kedar Rai	Mate(SS)
81.	243982	Shri CH Willing	Chowkidar
82.	224275	Shri RC Chakraborty	SK-II
83.	237287	Shri Nandu Mahato	Mate(SS)
84.	237932	Shri Lalu Yadav	FGM(SK)
85.	238306	Shri Kul Bahadur	Painter(SK)
86.	238038	Shri Chandra deo Thakur	V/Man(SS)
87.	220145	Shri Rama	Chow
88.	220249	Shri Sudam Mahato	Black Smith (SK)
89.	238002	Shri Ram Paras Manjhi	Mate(SS)
90.	238406	Shri Sona Ram Borah	do
91.	220184	Shri Chandar	Safaiwala(Mate,OTP)
92.	220260	Shri Duddh Nath Ram	Mason HS-I
93.	237738	Shri Ambika Mahato	FGM(SK)
94.	238340	Shri Guna Ram Chaliha	Mate(SS)
95.	243674	Shri Harickson F Feriera	FGM(SK)
96.	243658	Shri C Madhappan	Electrician (SK)
97.	220053	Shri Sushil Kumar	Ref/Mech(SK)
98.	238245	Shri Tribeni Prashad	Mate(SS)
99.	243403	Shri K P S Nair	V/Man(SS)
100.	220204	Shri KD Sahayam	Mate(SS)
101.	243688	Shri Sashidharan Nair P	Electrician (SK)
102.	228828	Shri Jagdish Singh	C/Man
103.	243669	Shri M Mohana Krishnan	Electrician (SK)

104.	238030	Shri Asharfi Ram	Mate(OTP)
105.	220129	Shri Kunju Raman	Mate(SS)
106.	243888	Shri Dipen Kunwar	FGM (SK)
107.	228334	Shri CD Yadav	Ch/Ref/Mech
108.	238247	Shri Soban Singh	Mate (SS)
109.	2959	Shri Balam Mandal	do
110.	243914	Shri R Naganighing	Maz(USK)
111.	238253	Shri A R S Rana	Veh/Mech (SK)
112.	220185	Shri Mam Chand	Ref/Mech (SK)
113.	220134	Shri A M Mallik	P/Fitter (SK)
114.	243608	Manik Chand Borah	Electrician (SK)
115.	243615	Shri Bal Chand Yadav	Mazdoor(USK)
116.	243675	Shri Param Jit	FGM (SK)
117.	237118	Shri KP Gopinathan Nair	Electrician (SK)
118.	238289	Shri Man Bahadur	Mate(SS)
119.	238018	J Y Thooldhappan	FGM HS-II
120.	243639	Shri C Rajendran	V/Man (SS)
121.	364382	Shri PK Dixit	FGM HS-II
122.	220190	Shri Bhakta Bahadur	Mate(SS)
123.	243633	Shri L Regon	Mazdoor (USK)
124.	220134	Shri Usab Singh	FGM(SK)
125.	220147	Shri Joginder Tiwari	do
126.	238045	Shri p C kannan	P/Fitter
127.	238396	Shri Bhola Mahato	V/Man (SS)
128.	243640	Shri Ram Lochan Sharma	Carpenter (SK)
129.	238471	Shri Jaigu Ram Baruah	do
130.	237729	Shri J D Burman	Mate(OTP)
131.	6626517	Shri Dal Bahadur	K/Chowkidar
132.	243381	Shri P Shreedharan	H/Man (SS)
133.	243609	D Deena Dayalan	FGM (SK)
134.	243668	Shri Sp Ravi Chandran	Mate(SS)
135.	220234	Shri Chandra Goud	Chow (Mate,OTP)
136.	237286	M Haribandhu Rao	P/Fitter (SK)
137.	238038	Shri Puran Singh Aale	Mate(SS)
138.	343461	CN Rajjappan	FGM (SK)

All the applicants are Defence Civilian Employees working under the Respondents in Group C & D capacities and their presently posted at Nagaland.

... Applicants

- AND -

1. Union of India,
represented by the Secretary to
the Government of India,
Ministry of Defence, South
Block, RK Puram, New Delhi-1.

Sar.

2. Army Headquarters,
Engineer in Chief, DHE, P.O. New
Delhi-11.
3. Controller General of Defence
Account, RK Puram, West Block-V,
New Delhi-22.
4. Controller General of Defence
Account, Udayan Bihar, Narengi,
Guwahati.
5. Chief Engineer,
Shillong Zone, Shillong.
6. Area Accounts Officer,
Shillong.
7. Chief Works Engineer (CWE),
137, Works Engineer, C/o 99 APO.
8. Garrison Engineer,
869 EWS, C/o. 99 APO.
9. Area Accounts Officer,
Garrison Engineer 869, EWS, C/o.
99 APO.

... Respondents

DETAILS OF THE APPLICATION.

1. PARTICULARS OF ORDER AGAINST WHICH THIS APPLICATION
IS MADE.

The present applicant is directed against the action of the Respondents for non-payment of Special Compensatory Allowance which was stopped with effect from 17.4.1995 and Field Service Concession which was stopped with effect from April '99 as per the judgment and order passed in OA No. 148/95. by issuing various orders as mentioned in the following paragraphs "FACTS OF THE CASE".

2. JURISDICTION OF THE TRIBUNAL

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

3. LIMITATION

The applicants declare that the present application have been filed within the limitation period prescribed under Section 21 of the Administrative Tribunal Act 1985.

4. FACTS OF THE CASE

4.1 That the applicants are citizens of India and as such they are entitled to all the rights and privileges as guaranteed under the Constitution of India and laws framed thereunder. All the applicants are Civilian Employees belonging to Group C & D under the Ministry of Defence.

4.2 That all the applicants have got a common grievance, common cause of Action and the nature of relief prayed for is also said they belong to their statum of the service and hence have been regard to the facts and circumstances, they intended to prefer this application jointly and accordingly they crave leave of this Hon'ble Tribunal and pray that they may be allowed to joint together in this present application invoking Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules 1987.

4.3 That the applicants are entitled to Special Compensatory (Remote Locality) allowance and Field Service Concession as have been granted by the Government of India by issuing various circulars. However, the Respondents inspite of repeated persuasion by the applicants have not grant to the said benefits to the applicants. It is therefore the applicants having no other alternative, have come before this Hon'ble Tribunal seeking an appropriate direction for payment of aforesaid allowances including the arrears due thereon.

4.4 That the applicants states that they are all Central Government Civilian Employees working in the Nagaland as stated above and ever since their entry in to their respective service, they have been rendering their sincere and dedicated service to the satisfaction of all concerned.

4.5 That apart from the other benefits, the applicants are entitled to Field Service Concession interms of Government of India's letters dated 31.1.95, 13.1.94 and 25.1.94. The Respondents inspite of repeated requests have stop the said allowance with effect from April'99 which was paid to them till the month of March'99.

Copies of the said letters dated 31.1.94, 13.1.94 and 25.1.94 are annexed hereto as Annexure- 1, 2 and 3 respectively.

4.6 That the applicants as stated above being Defence Civilian Employees are also entitled to grant of Special Compensatory (Remote Locality) Allowance in terms of Office Memorandum No. 20014/9/86-E.IV dated 23.9.86. The aforesaid payment of Special Compensatory (Remote Locality) allowances has been deny to the applicants with effect from 17.4.95.

A copy of the OM dated 23.9.86 is annexed herewith and marked as Annexure-4.

4.7 That the applicants claiming the aforesaid benefit of two allowances namely Special Compensatory, (Remote Locality) Allowance and Field Service Concession Allowances alongwith other allowances like HRA and SDA had filed OA No. 148/95 before this Hon'ble Tribunal. The Hon'ble Tribunal after hearing the parties was pleased to allow all the allowances vide its order dated 24.8.95 alongwith other connected matters.

A copy of the aforesaid judgment and order dated 24.8.95 is annexed herewith and marked as Annexure-5.

4.8 That it is pertinent to mention here that in the aforesaid OA 148/95 the applicants had prayed for grant of four allowances i.e. Special Duty Allowance (SDA), House Rent Allowance (HRA), Special Compensatory (Remote Locality) Allowance (SCA)(RL) and Field

See

Service Concession (FSC). All these prayers made by the applicants for payment of aforesaid allowances were allowed by the Hon'ble Tribunal vide Annexure-5 judgment and order dated 24.8.95. The Hon'ble Tribunal in its judgments allowed the SCA(RL) with effect from 1.10.86 and FSC with effect from 1.4.93.

4.9 That the Respondents thereafter challenging the aforesaid judgment and order had approached the Hon'ble Supreme Court by way of filing Civil Appeal No. 1572/97 alongwith some other connected Appeals. The Respondents in the said Civil Appeal has taken the various grounds before the Hon'ble Apex Court regarding Field Service Concession and SCA(RL), but while disposing of the said Civil Appeal, the Hon'ble Apex Court have only dealt with the question of payment of SDA and SCA(RL). In regard to payment of SCA(RL) the Hon'ble Supreme Court has held that the applicants are entitled to the benefit of the said allowance i.e. SCA(RL).

A copy of the said Appeal dated annexed herewith and marked as Annexure-6.

4.10 That the applicants begs to state that Respondent No. 4 Controller of Defence Account on 10.4.99 issued an order to the Garrison Engineer directing him to make recoveries of payments already made in regard to FSC to the applicants. It is pertinent to mention here that as per the judgment and order passed in OA No. 148/95

they were enjoying the benefit of FSC. Thereafter the Respondents challenging the said judgment and order approached the Hon'ble Apex Court and the Hon'ble Apex Court was pleased to confirmed the said benefit vide Annexure -6 judgment. Again the Respondents miss interpreting the judgment of the Hon'ble Supreme Court has stopped the payment of SCA (RL) illegally more so when there is a clear cut direction of this Hon'ble Tribunal as well as Hon'ble Supreme Court.

A copy of the order dated 10.4.99 is annexed herewith and marked as Annexure-7

4.11 That the applicants begs to state that the Respondents have been issuing various order's regarding stoppage and recovery of the aforesaid allowances i.e. FSC and SCA(RL). It is pertinent to mention here that the Respondents without applying the mind the Respondents have issued various orders in the form of clarifications as well as directions to the Local Offices regarding stoppage and recovery of arrear payments made towards FSC and SCA(RL) from the applicants. Mention may b made of one of such order dated 5.5.99 by which the amount already paid towards FSC has been sought to be recovered from the applicants.

A copy of the order dated 5.5.99 is annexed herewith and marked as Annexure-8

4.12 That the applicants states that the action of the Respondents issuing the aforesaid impugned orders

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are contentious in nature and for that the concerned officers are liable to be punished under the contempt of courts order as well as for their willful and deliberate violation of the same sincere the order are in violation of clear cut direction issued by the Hon'ble Supreme Court as well as this Hon'ble Tribunal.

4.13 That the applicants beg to state that from the above impugned orders and its other connected orders which could not be obtained by the applicants from the office of the Respondents in relation to non-payment, stoppage and recovery of FSC and SCA(RL) it can be presumed that the same has been issued violating the clear cut directives of this Hon'ble Tribunal and Hon'ble Apex Court. It is noteworthy to mention here that through the correspondences of the Respondents from one office to another regarding the aforesaid allowance it is crystal clear that they are yet to understand the contents and legal implications of the aforesaid judgments and orders of the Hon'ble Tribunal as well as Hon'ble Supreme Court, inspite of its clear and unambiguous wordings directing them to pay the aforesaid allowances. As stated above the Respondents have not applied their mind in issuing the aforesaid impugned orders.

The applicants inspite of best effort could not collect the other connected orders regarding non-payment, stoppage as well as recovery of the aforesaid two allowances i.e. FSC and SCA(RL) and hence they pray

before this Hon'ble Tribunal for an appropriate direction for production of the said orders at the time of hearing the case.

4.14 That the applicants beg to state that other similarly situated employees are still getting the benefit of the aforesaid allowances i.e., SCA(RL) and FSC pursuant to passing of interim orders by the Hon'ble Tribunal and some are getting the said benefit even without approaching this Hon'ble Tribunal. The law is well settled that if an allowance is fixed under a prescribed circumstances and service conditions, same should be applicable to all the similarly situated employees without discriminating them with each other.

4.15 That the applicants beg to state that since long they have been pursuing the matter before the legal forums but the Respondents even after clear cut direction from the said forums more specifically the Hon'ble Apex Court have been denying the said benefit which has resulted in gross arbitrariness in their action towards issuance of the impugned orders and on this score along the aforesaid impugned orders are liable to set aside and squashed directing the Respondents to pay current as well as arrear payments towards the aforesaid allowance in question.

4.16 That the applicants as stated above that, the Respondents have acted illegally and arbitrarily in issuing the impugned orders and the other connected

orders by which the payment of FSC and SCA(RL) has been stopped with a further proposal for making recoveries of the same including its arrears. However, till date as per the said impugn orders no follow up orders have been issued towards its recovery. Hence the applicants have got reasonable apprehension that at any moment Respondent may issued such order of recovery towards the payments already made under the Head of FSC and SCA(RL). It is therefore the applicants pray for an appropriate interim order directing the Respondents not to recover any amount paid towards SCA(RL) and FSC from the applicants during the pendency of this OA.

4.17 That this application has been made bonafides and to secure ends of justice.

5. GROUNDS WITH LEGAL PROPROVISIONS

5.1 For that the entire action on the part of the Respondents in issuing the impugned orders dated 10.4.99 (Annexure-7) and 5.5.99 Annexure-8 is illegal, arbitrary and same is also violative Article 14 and 16 of the Constitution of India, and hence same is liable to be set aside and quashed directing the Respondents to pay the current FSC and SCA (RL) allowance to the Applicants with arrears and 18% interests on delayed payment.

5.2 For that action of the Respondents in treating the Applicants not at per with the other Central Government Employees who are receipt of aforesaid allowances are

highly discriminatory and same is violative of Article, 14 and 16 of the Constitution of India. The Respondents being a model employer should have extended the said benefit to the Applicants without requiring them to approach this Hon'ble Tribunal. Hence the entire action of the Respondents is illegal and not sustainable in the eye of law.

5.3 For that the Respondents have acted contrary to the clear cut direction issued by the Hon'ble Tribunal and which was confirmed by the Hon'ble Apex Court, and hence the entire action of the Respondents in issuing the aforesaid impugned orders dated 10.4.99 and 5.5.99 and other connected orders are illegal and liable to set aside and quashed.

5.4 For that in any view of the matter the action on the part of the Respondents is not sustainable in the eye of law and liable to be set aside and quashed.

5.5. For that the applicants are Defence Civilian Employees and presently they are posted at Nagaland and they are attached with armforced personnel in the Field areas and as such they are entitled to FSC and SCA(RL) in view of Annexures 1 to 4 Office Memorandum and denial of same by the Respondents have resulted in hostile discrimination more so when the Hon'ble Apex Court has affirmed the said benefit to the applicants. On this score along the impugned orders are not sustainable and liable to be set aside and quash.

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The Applicants crave leave of this Hon'ble Tribunal to advance more grounds both legal as well as factual at the time of hearing of this case.

6. DETAILS OF THE REMEDIES EXHAUSTED:

That the Applicants declare that they have exhausted all the possible departmental remedies towards the redressel of the grievances in regard to which the present application has been made and presently they have got no other alternative than approached this Hon'ble Tribunal.

7. MATTER PENDING WITH ANY OTHER COURTS

That the applicants declare that the matter regarding this application is not pending in any other Court of Law or any other authority or any other branch of the Hon'ble Tribunal.

8. RELIEF SOUGHT:

Under the facts and circumstances stand above the Applicants pray that the instant application be admitted, records be call for and upon hearing the parties on the cause or causes that may be shown and on perusal of records be pleased to grant the following reliefs.

8.1 To set aside and quash Annexure-07 order dated 10.4.99 and Annexure-8 order dated 5.5.99.

8.2 To set aside and quash other connected orders by which SCA(RL) and FSC has been stopped and direction

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has been issued for recovery of the same from the applicants.

8.3 To direct the Respondents to pay FSC and SCA(RL) to the applicants and to pay the arrears due to them with an interest of 18% p.a. on the delayed payment.

8.4 Cost of the application.

8.5 Any other relief/reliefs to which the present Applicants are entitled to under the facts and circumstances of the case and as may be deemed fit and proper by the Hon'ble Tribunal.

9. INTERIM ORDER PRAYED FOR:

Under the facts and circumstances of the case the Applicants pray for interim order directing the Respondents not to recover any amount already paid to them towards SCA(RL) and FSC during the pendency of the OA.

10. THE APPLICATION IS FILED THROUGH ADVOCATE:

11. PARTICULARS OF THE POSTAL ORDER :

(i) I.P.O. No.:

O.G. 494213

(ii) Date:

4.4.2000

(iii) payable at Guwahati

12. LIST OF ENCLOSURES :

As stated in the Index.

VERIFICATION

I, Shri Sukanta Chakraborty, S/o Late Sudhir Ch. Chakraborty, aged about 42 years, presently working as Electrician (SK), in the office of the Garrison Engineer 869 EWS C/o 99 APO, Presently posted at Zakhama, District Kohima, in the State of Nagaland, do hereby solemnly affirm and state that the statement made in this petition from paragraph 1-341-44, 48, 412-419 and 5-12 are true to my knowledge and those made in paragraphs 45, 46, 47, 49-411 are matters records of records informations derived therefrom which I believe to be true and the rest are my humble submission before this Hon'ble Tribunal.

And I sign this verification on 15th day of May 2000.

Sukanta Chakraborty

ANEXURE - 1

10057/R/A2
HQ 3 CORPS (A)
C/O 99 AFC

06 MAR 95

List A, B, C, E & F

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

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

Deputy
(D. Obhrai)
Major
DAG
for COS

Copy of above quoted letter.

AS ABOVE

Sir,

I am directed to refer to para 13 of Govt letter No 37269/AG/
PS3(4)/D(Pay/Services) dated 13.1.1995 and to convey the sanction of
the President to the following Field Services Concessions to Defence
Civilians in the newly defined Field Areas and Modified Field Areas
as defined in the above mentioned letter :-

(i) Defence Civilian employees serving in the newly defined
Field Areas will continue to be extended the concessions
enumerated in Annexure 'C' to Govt letter No A/22534/AG/PS 3

(a)/97-3/D(Pay/Services) dated 25.1.1964. Defence Civilian
employees serving in newly defined Modified Field Areas will
continue to be extended the concessions enumerated in Appx.B
to Govt letter No A/22761/AG/PS3(b)/146-S/2/D (Pay/Services)
dated 2nd March 1968.

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

These orders will come into force wef 1st April 95.

This issues with the concurrence of Finance Division of this
Min. vide their WO No 5(1)/85-AG(14-PA) dated 9.1.1995.

Yours faithfully,

Sd/- x x x x x
(L.T. Tluanga)

Under Secretary to the Govt of India

Attested.
Advocate.

TRUE COPY

1. *Parry Registrar*
2. *Central Administrative*
3. *Guwahati Bench, Guwahati*

OFFICE OF THE C.D.I. UDAYAL Vihar, DELHI, GUWAHATI-171
Part. I.OO. No. 21 Dated 9.5.95.

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

Govt. of India, Ministry of Defence, New Delhi letter
No. B/37269/AG/PS3(a)/165/D(Pay)/Services) dated 31.1.95 and
B/37269/AG/PS3(a)/730/D(Pay/Services) dated 17.4.95 are
reproduced below for information and necessary action.

Please acknowledge receipt.

No. Pay/01/IX
Dated: 26/5/95

Sr. A.O. (Pay)

Distribution:-

- a) All sub-offices as per standard List.
- b) All section in M.O.
- c) Spare

Sr. A.O. (Pay)

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

(i) Defence Civilian employees serving in the newly
defined Field Areas will continue to be extended the
concessions enumerated in Annexure 'C' to Govt. letter
No. A/02584/AG/PS3(a)/97-5/D(Pay/Services) dated 25.1.1964
Defence Civilian employees serving in newly defined
Modified Field Areas will continue to be extended
the concessions enumerated in Appendix 'B' to Govt. letter
No. A/29761/AG/PS3(b)/146-5/2/D(Pay/Services) dated 2nd
March, 1968.

(ii) In addition to above, the Defence Civilian employees
serving in the newly defined Field Areas and Modified
Field Areas will be entitled to payment of special
compensatory (Remote locality) allowance and other
allowances as applicable to Defence Civilians as per the
existing instructions issued by the Ministry from time
to time.

2. These orders will come into force w.e.f. 1st April, 95.

3. This issues with the concurrence of Finance Division of
the Ministry vide their MO. D.O. 5(1)/85-VI(14-PA) dated
5.1.1995.

S.I./
(L.T. Bhupna)
Under Secretary to the Government
of India.

Attested.

RECORDED.

RESTRICTED

No. B/37239/G/PS3(a)/730/D(Pay/Service)
Government of India
Ministry of Defence

New Delhi, the 17th April, 1995.

CORRIGENDUM

The following amendment is made to this Ministry's letter No. B/37239/G/PS3(a)/135/D(Pay/Service) dated 31.1.1995, regarding Field Service Concessions to Defence Civilians serving in the newly defined Field Areas:-

Para 1(ii) may be deleted and substituted as under : -

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

2. This corrigendum issues with the concurrence of the Finance Division/VI of this Ministry via their I.D. No. 388/P, dated 5.4.1995.

Yours faithfully

(L.T. Tiwanga)
Under Secretary to the Govt. of India
Tele: 3012739

To:

The Chief of the Army Staff
New Delhi

Copy to:

as per list attached.

TRUE COPY

R. Sharma
Army Registrar (J.J.)
Administrative Tribunal
Guwahati Bench Guwahati

No 37269/AG/PS 3(a)/90/D(Pay/Services)
Government of India
Ministry of Defence
New Delhi - 110 011

Dated the 13th January 1994

To

The Chief of the Army Staff

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

Sir,

I am directed to say that the 4th Central Pay Commission in Para 28,98 of their Report, has recommended that the existing classification of areas for the grant of field service concessions and the concessions admissible in field areas to Armed Forces personnel should be reviewed by the Govt. The structure of field service concessions has since been reviewed. I am directed to convey ~~recommendations~~ the sanction of the President to implementation of the following decisions taken in this regard in so far as the offrs and personnel below officer rank of army (including army postal service) are concerned.

2.1 Classification of Areas. At present field areas are classified into three types, namely, Full Field, Modified Field and Improved Modified Field Areas. The areas in which field service concessions are admissible have been re-defined. Hereafter, field areas will be classified as Field areas and Modified Field areas only.

2.2 Pre-requisites for classifying an area as Field Area and Modified Field area will be as follows :-

Field Area. Field Area is an area where troops are deployed near the borders for operational requirements and where imminence of hostilities and associated risk of life exists. Troops in such areas are located for reasons of operational considerations alone and are not living in Cantonments.

Modified Field Area. Modified Field area is an area where troops are deployed in support of Combat echelons/troops in an operational support role. Degree of operational readiness is slightly lower than that in Field Area, though sustained surveillance continues.

2.3 The details of newly defined Filed Areas and Modified Field Areas are contained in Appendices A&B respectively.

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

Contd.....2/-

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Attested.
Advocate.

TRUE COPY

City Registrar
Central Administrative Tribunal
Guwahati Bench, Guwahati

20/12/96

2.8 Areas classified as field areas and modified Field Areas will be reviewed every three years. The review process will commence one year in advance of the completion of three years.

3.1 Concessions. - Monetary Allowance. Personnel serving in Field areas and modified field areas will be eligible to the grant of compensatory field areas allowance and compensatory modified area allowance, respectively.

3.2 The rates of the allowances are given below :-

Sl No	Rank.	Rate of compensatory field area allowance	Rate of compensatory modified field area allowance
1.	Lt Col & above	975	375
2.	Lt Col (TS) & Maj	895	350
3.	Captain	820	325
4.	2 Lt/Lt	780	300
5.	JCOs including Hon'ble Commissioned Offrs	650	225
6.	Havildar	450	175
7.	Sep/11k including erstwhile NCs (E)	375	150

3.3 The conditions. Governing the grant of compensatory field area allowance and modified field area allowance in the case of Offrs will be as follows :-

Admissibility of compensatory field area allowance and compensatory modified field area allowance will commence from the date on which an Offr arrives in field area/modified field area on being posted to a unit/Formation field area subject to the following exceptions :-

Exceptions. An Offr who is absent from a field area/modified field area in any one or more of the following circumstances shall be eligible for compensatory field area allowance/compensatory modified field area allowance.

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

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

(b) When on Casual leave

(c) While on transit from one field area/modified field area to another.

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

(a) The officer continues to be borne on the strength of the Unit/Formation in the field/modified field area.

(b) The officer in the ordinary course returns to duty to a ~~part~~ field/modified field area (not necessary/ the one from which he went) on termination of the temporary duty.

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

NOTE : Compensatory field area allowance/compensatory modified field area allowance will not be admissible to officers holding posts elsewhere who proceed on temporary duty from field/modified field area.

3.3.2. Compensatory field area allowances/compensatory modified field area allowances will not be admissible in the following circumstances :-

(a) When an officer is absent from the field area/modified field area on Annual leave or sick leave or any other leave. Except casual leave.

(b) When an officer from a peace area is especially appointed to officiate in a vacancy of less than 3 months duration if the permanent incumbent continues to draw the compensatory field area allowances/compensatory modified field area allowances under the exceptions mentioned above.

NOTE : Compensatory field area allowance/compensatory modified field area allowances will not be admissible in addition to daily allowance, foreign foreign allowance, compensatory daily allowance for serving ex-India.

3.4 The conditions for the drawal of compensatory temporary field area allowance and modified field area allowance in the case of JCOs/OR including NCs(S) will be the same as given in para 1 of annexure A to this Ministry's letter No A/02584/AG/PS3(a)/ 97-S/D(Pay/services) dated 25-1-64 as amended.

3.4.1 Admissibility. These rates of allowances will be admissible to :-

(a) Personnel serving in Detachments, Units and Arms in areas mentioned in Appendices A & B.

(b) Personnel of Defence Security Corps employed with Unit concessions.

4.2 Lists of Fmsns/Units which are in field area of modified field area and are eligible to field service concessions will be notified by the Corps Commander to PAOs concerned quarterly i.e. for the QEs May, Aug Nov and Feb every year by the 15th of the month subsequent to the close of the quarter.

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Attas.ed.
Advocate.

4.3 Other concessions : Other concessions in kind at present admissible in full field areas as per details given in Annexure A to the Ministry's letter No A/02584/AG/PS3(a)/97/S/D(Pay/Services) dated 25-1-64, as amended will continue to be admissible in the newly defined field areas as given in Appx A to this letter. Similarly, the concessions admissible in Modified field areas as per details given in Appendix A to this Ministry's letter No A/25761/AG/PS3(b)/146-S/2/D(pay/Services) dated 2.3.69 as amended will be admissible in the modified field areas as per appendix B to this letter.

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

- (a) Static formations/Units e.g. Military farms, MES, Recruiting Office, Training Centres & Establishments.
- (b) NCC Directorates and Units.
- (c) TA Units unless embodied.
- (d) Record Offices and similar Establishments.

5.1 High altitude/Uncongenial Climate Allowance, personnel serving in Field areas which are situated at a height of 9000ft and above including uncongenial climate areas below height of 9000 ft will be entitled to High Altitude/Uncongenial climate allowance. A lower rate would be applicable for areas at with an altitude of 9000 ft to 15,000 ft and higher rate for areas above 15,000 ft (excluding Srinchen). The details of these areas are given in Appx C. The rates of High Altitude/Uncongenial climate allow are given as under :-

Sl No	Rank	Cat-I (Height from 9000 ft to 15000 ft incl uncongenial climate areas below heights of 9000 ft	Cat II (Heights above 15000 ft (excluding Srinchen)
1.	Lt Col & above	400	600
2.	Lt Col (TS) & Maj	350	525
3.	Captain	250	375
4.	2Lt/Lt	xx 200	xx 300
5.	JCOs incl Non-commissioned offrs	180	270
6.	Havildar	140	210
7.	Sep/Nk Including erstwhile NC(E)	100	150

5.2 High Altitude/Uncongenial climate allowance will be admissible in addition to the compensatory field area allow and other concessions in kind

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Advocate.

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- 24 -

The other conditions governing the grant of high altitude/congenial climate allowance as given in this Ministry's letter No F.69/3/75/D(Pay/Services) dated 28.2.75, as amended will continue to be applicable.

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

(a) Officers	-	R. 1,200/- PM
(b) JCOs/OR	-	R. 800/- PM

6.2. Siachen allowances will be admissible in addition to compensatory field area allowances but not with high altitude Uncongenial climate allowance. Other conditions governing grant of Siachen allowance as contained in this Ministry's letter No 1(2)/91/D (Pay/Services) dated 01 May 91 will continue to be applicable.

7.1. Consequential Effects : Ofirs/JCOs/OR who have been allowed to retain family accommodation at the last duty station as on the date of issue of these orders and who on issue of these orders will cease to be entitled to retain such accommodation may continue to retain the accommodation till such time as married accommodation at the present duty station is made available. Alternatively, their families may be allowed to move to a selected place or residence/home at Government expense, if they so choose, in accordance with existing instructions.

7.2. Personnel of formations/Units who will not be eligible to the grant of field service concessions, consequent upon the formation/Unit being outside the newly defined concessional areas will be governed by normal conditions applicable in peace area for all purposes.

8. Concessions on Attachment

(a) Individuals/Participants from fmn/Units not served by these orders but who are attached for operational purposes to formations or KMC units drawing the field service concessions will if the attachment is for less than two weeks, be entitled to the concessions at rates admissible under para 6 of Annexure A to this Ministry's letter No A/02584/AG/PS3(a)/97-6, S/D (Pay/Services) dt 25.1.64 as amended.

(b) If the attachment is for two weeks or more, the alloc area; compensatory field area allowances/compensatory modified fd area will be under these orders as also the concessions as applicable as per orders referred to in para 8 (a) above be admissible.

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

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

Contd.....6/-

Arct. Secd.
Advocate.

9.2. Consequent upon the coming into force of the revised orders, the following monetary allowances will stand withdrawn from 1.4.93 except in cases referred to in para 11.2, below : -

- (a) Special adhoc allowance of Rs. 70/- p.m. admissible for officers.
- (b) Separation allowance of Rs. 140/- p.m admissible for Offrs.
- (c) Special compensatory (field) allowance ranging from Rs. 53 to Rs. 23 p.m admissible for JCOs/OR incl NC(E).

10. Special compensatory (Non Locality) allowance. This allowance which is at present admissible in modified field areas/peace areas on the civilian pattern will also stand withdrawn but wif 1st Feb 1994.

11.1. Adjustments : The allowances mentioned in para 9.2 above drawn to the individuals concerned after 1st April, 1993 will be adjusted against the compensatory field area allowance and compensatory modified field area allowance, if admissible, under these orders.

11.2. Where, however, an individual has become disentitled to any monetary allow consequent upon change in the classification of area, no recovery will be made of the monetary allow already availed of by him under the existing orders upto the date of issue of this letter.

12. The existing orders on the subject of field service concessions will stand modified to the extend indicated above.

13. The concessions to be admissible to defence civilians serving in the newly defined field areas will be notified separately.

14. Suitable administrative instructions for implementation of these orders will be issued by the Army HQs, in consultation with CIMA.

15. This issues with the concurrence of Finance Division of this Ministry's vide their JG No 5(1)/45-AG(8-PA) dated 12.1.94.

Yours faithfully,

Sd/- x x x x x x

(I A Khan)

(Under Secy to the Govt of India)

RECORDED

Attested.
Advocate.

Appendix 'A' to Govt of India
Ministry of Defence letter No
37269/AG/PS 3(e)/90/D(Pay/Services)
dated 13 Jan 94

(Refers to Para 2.3)

59

LIST OF FIELD AREAS

1. EASTERN COMMAND

(a) Arunachal Pradesh

(i) Tirap and Changlang Districts.

(ii) All areas North of line joining point 4448 in
LZ 4179-Nukme Dong MS 3272-Sepla MT 2969-Palin NO
9213 Daparijo NR 5841 Along NL-1273-Hunli NM 0170
Tawaken Mt 8136-Champai Bun NM 8814 all inclusive.

(b) Manipur and Nagaland States.

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

2. WESTERN COMMAND

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

3. Guwahati CENTRAL COMMAND

Uttar Pradesh : All area North and NE of line joining
Barasua Pass Gangnani TG 1362- Govind Chat TG 0937-Tapevan
TH-1822-Munsieri TH 898-Relagad TU 2466 all inclusive.

4. NORTHERN COMMAND

(a) Ladakh Sector : Areas North and East of line joining
Zojila MU 3036 Baralachala NE 6677 along the great Himala-
yan Range all inclusive.

(b) Valley Sector : All areas west of line joining point
1556 in NR 5470 Gulmarg MT 3105 Naushara NY 3105 RM Ringapat
MT 2133 Handwara MT 2043 Laingyal MT 2339 Point 8405 in NG
4365 North of line joining point 8403 Bunakut MT 5453 Razan
NN 2239 Zojila all inclusive.

(c) Jammu-Rajouri Sector : All areas west of line joining
Tip of Chicken Neck RD 7073 Caneel Junction RD 6364 Mawa
Brahmane NY 3854 Point 1556 in NR 5470 all inclusive.

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Bites.ed.
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Advocate.

Appendix B

LIST OF QUALIFIED FIELD AREAS

SOUTHERN AND WESTERN COMMAND

(a) Rajasthan and Punjab : Areas West of line joining Jassai, Barmer, Jaisalmer, Pokharan, Udasar, Mahajan, Ranjes, Suratgarh, Lalgadh, Jattan, Alohar, Govindgarh, Fazilka, Jandiala Guru, Moga, Dholewai, Beas, Bir Sarangwal, Hussainiwala, Dera Baba Nanak, Laisain Bulge upto the International Border all inclusive.

(b) Haryana : Satrod (Hissar)

(c) Himachal Pradesh : Areas North of line joining Narkhanda, Keylong upto field area line/high altitude line.

EASTERN COMMAND

(a) Assam and Arunachal Pradesh :

(i) Cachar and North Cachar Dists of Assam including Silchar.

(ii) All areas of Arunachal Pradesh and Assam North of River Bramaputra less Tejour, Misamari and field areas.

(b) State of Mizoram and Tripura.

(c) Sikkim and West Bengal : Areas Northwards of line joining Sevoke LW 9112 Burdong LW 9850 Sherwani LW 9453 Bagrakot LW 0113 Damdim LW 1109 New Mal Hasimara QB 7894 Ganga Ram Tea Estate CA 1377 upto the High altitude line/ field area line/International border all inclusive.

CENTRAL COMMAND

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

NORTHERN COMMAND

(a) Valley Sector : Areas West of line joining Patti, Baramulla, Kupwara, Drugmula, Panges, Mankes, Bonyar, Pantha Chowk, Khanabal, Anantnag, Khundru and Khru upto the existing High Altitude line all inclusive.

(b) Jammu Region : Areas West of line joining DP 19: Ibrahim-d-i-Bar, Jindra, Dhansal, Katra, Sanjhi Chatt, Botote, Raini le, Haman and Banihal upto the existing High altitude line all inclusive.

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~~RESTRICTED~~

*Attested.
Advocate.*

Appendix 'C' to Govt of India
Min of Def letter No 37269/AG/PS3
(2)/90/D (Pay/Services) dt 13 Jan 94

(Refers to para 5.1)

LIST OF HIGH ALTITUDE (UNCONGENIAL CLIMATE) AREA

1. JAMMU AND KASHMIR : Area along the following line beyond :-

Cease Fire Line Nullah crossing NN 2180 SOUTH along Nullah to NALA junc NM 1969 SOUTH along Nullah to NICHINAI MAR NN 2048 SOUTH EAST along KASHMIR/LAUAKH boundary passing through heights 17573 (NN 73) 19590 (NN 72) 19830 (NN 91) 17672 (NN 80) FARIAAD (No 10) SOUTH EAST along boundary to GA NT 2490 SOUTH along boundary to point 21570 (NT 2456) again along boundary to GA NT 2758 EAST AND NORTH EAST along boundary to SR NT 4269 SOUTH EAST along boundary to HAGSHULA (NT 5602) SOUTH EAST along boundary to UMASILA (NT 6850) SOUTH and SOUTH EAST along boundary to KANGLA JOT (NT 9429) KAZALWAN GUREZ REGION, RING PAIN AND RING BALA REGION, TITHWAL AND TANJHAR REGION AND DODA.

2. HIMACHAL PRADESH : Area along the following line and beyond :-

Along foot path and then nullah to point 12380 (NZ 0891) along MIYAR nullah to its junction with CHENAB at NY 8663) SOUTH EAST along R CHENAB to KHOKEAR (NZ 43) to RAHLA (NZ 47) and straight line to MANI KARAN (SE 6486) along

PARBATI R TO PIR PARBATI.

3. UTTAR PRADESH : Area along the following line and beyond, DAKSAU pass (944875) point 20370 (949859) HARSIL (973852) KEDARNATH (TG 5555) BADRINATH (TG 9053) RAM KESHAR (TH 0739) (excluding town limits) to JUMAQUAN (TH 2539) KALANKA (TH 5028) MILAM (TH 7423) SHALA (TG 2593) CHI'IYALEKH (TG 4994) and areas above 9000 ft in the designated field areas in Aprox 'A'.

4. NEFA : Area along the following line and beyond :-

Point 14600 (MS 2881) to SENGE DZONG (MS 2888) MATAU (MS 6777) SALPMG (MT 1379) LABUNG (MT 2289) KHANGWA (D 2603) NYARIN (D 7525) to 8th mile stone (One ZIRO NYAPIN Road) 8 th mile stone (on DAPORIJO - LIMEKING ROAD) poyom Rmt (MT 9379) 2nd mile stone north of YARE (MP 9575) DOSING (NL 3592) DAIROH (NE 16208) AHINKOLIN (NF 8884) KHONLI (NG 2401) GURUNCON (NN 4592) LATON (NM 7579) HAYLIANG (NN 0199) CHOWHAI (NN 9943) KAMHU (NM 0125) point 6490 (NN 1403) VIJAYNAGAR (TG 4366).

5. SIKKIM

North and North East of the line running from point 12785 (IN 96) point 10140 (LI 17) point 10405 (LT 38) point 9010 (LT 28 40) Nala Junction (LT 5373) RAP LTHEN (LT 5751) point 0030 (LT 64)

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Attested.
Advocate.

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ANNEXURE - 3

Tele : 2016433

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Aper 10th in. Adjutant General

Org 4 (Civ) (d)

Adjutant General Staff

Smti Ushiyalaya

Adm Dte Gen o-f C. Org 4 (Civ) -

(d)

Adjutant General Br. C. S.

Army Headquarters

Delhi 110 011

16729/Org 4(Civ)(d)

25 Apr 24

Headquarters

Southern Command

Eastern Command

Western Command

Central Command

Northern Command

**FIELD SERVICE CONCESSIONS TO CIVILIANS AID
FROM FIELD SERVICE ESTIMATES INCLUDING
CIVILIANS EMPLOYED IN LIEU OF COMBATANTS AND
NCSE (BOTH LOCAL AND LOCALLY RECRUITED)**

1. On the basis of the fourth central pay commission recommendation, the existing classification of areas for grant of field service concessions has been revised recently, vide Min of Def letter No 37.69/AF/PS 3(a)90/D(Pay/Services) dt 13 Jan 94. Some of the concessions/compensatory allowances have also been revised in respect of service personnel, as per the ibid Govt order. Field areas are also to be classified as field areas and modified field areas only. The details of newly defined field areas and modified field areas are contained in Appx 'A' and 'B' respectively to this letter.

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

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

(a) Defence civilians serving in field areas and modified field areas to be eligible to the grant of field area allowances and compensatory allowances in field areas respectively at the following rates :-

	Date of grant in field areas	Date of grant in modified field areas
For Pay upto 900/- per month	Rs. 175/-PM	Rs. 175/-PM
For pay exceeding Rs. 900/- but not exceeding Rs. 1500/-PM	Rs. 450/-PM	Rs. 175/-PM
For pay exceeding Rs. 1500/-PM but not exceeding Rs. 2300/-PM	Rs. 550/-PM	Rs. 175/-PM
For pay exceeding Rs. 2300/-PM	Rs. 750/-PM	Rs. 300/-PM
	2/-

Attested

Advocate

but not exceeding Rs. 3000/-PM
For pay exceeding Rs. 3000/-PM

Rs. 975/-PM Rs. 325/-PM

(b) The special compensatory allowances such as Hill Compensation and winter allowances, Bad climate allowances etc not to be in addition to this allowances.

(c) The other concessions in kind at present admissible in full field areas as per details given in Annexure 'C' to Min of Def OM No A 02584/AG/PS-3(a)/97-SB (Pay/Services) dt 25 Jan 64 as amended from time to time to continue to be admissible in the newly defined field area listed at appx 'B' to this letter.

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

- (i) Static formation/units of, military farms, MES, Recruiting office, Training centres and establishments.
- (ii) NCC Directorates and Units.
- (iii) TA units unless embodied.
- (iv) Record office and similar establishments.

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

Pay	Cat - I (Height from Cat-II 9000 ft to 15000 ft incl uncongenial above climate areas of 15000 ft 9000 ft excl Sinchon)	Cat - II (Height from 15000 ft to 20000 ft incl uncongenial above climate areas of 20000 ft 15000 ft excl Sinchon)
For pay not exceeding Rs. 950/-	Rs. 100/-PM	Rs. 150/-PM
For pay exceeding Rs. 950/-PM but not exceeding Rs. 2300/-PM	Rs. 140/-PM	Rs. 210/-PM
For pay exceeding Rs. 1500/-PM but not exceeding Rs. 3000/-PM	Rs. 180/-PM	Rs. 270/-PM
For pay exceeding Rs. 3000/-PM	Rs. 300/-PM	Rs. 325/-PM

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

5. Command Headquarters are requested to examine the above proposal submitted to Ministry of Defence and given their comments /views. Annual financial implication on the above proposal may please be worked out separately in respect of field allowances and High altitude/Uncongenial climate allowances and furnished to this Headquarters latest by 20 May 94.

(sd/- x x x x x)
(Promod Ji Saxena)
SCSO
Director (MP)
Org 4 (Civ)(d)
for Adjutant General

RESTRICTED

Attested.
Advocate.

- 31 -

ANNEXURE 4

of Ministry of Finance (Department of Expenditure) OM No 2001/3/9/86 FIV dated 25 Sep 86 regarding Grant of Special Compensatory (Remote Locality) Allowance to Central Government employees posted in Nagaland received under HQ 3 Corps, C/3/99 AR Letter No 120/1/6/86 dated 26 Dec 86.

Sub : GRANT OF SPECIAL COMPENSATORY (REMOTE LOCALITY) ALLOWANCE
TO CENTRAL GOVERNMENT EMPLOYEES POSTED IN NAGALAND

The undersigned is directed to say that consequent upon decisions taken by the Government on the recommendations of the Fourth Pay Commission in regard to grant of Special Compensatory (Remote Locality) Allowance to Central Government employees posted in Nagaland, vide Resolution No. 14(1)/IC/86 dated 13-3-86, something of the present is hereby conveyed, in supersession of all the existing orders on the subject, to the grant of Special Compensatory (Remote Locality) Allowance to Central Government employees posted in Nagaland state following revised rates.

Pay ranges	Rate of the Special Compensatory allowance per month
Basic Pay below Rs. 950/-	125/-
Basic Pay of Rs 950/- & above but below Rs 1500/-	200/-
Basic pay of Rs 1500/- & above but below Rs 2000/-	275/-
Basic pay of Rs 2000/- & above but below Rs 3000/-	400/-
Basic pay of Rs 3000/- & above	525/-

2. These rates take effect from 01.10.86. For the period from 01.1.1986 to 30.9.86, the above allowance will be drawn at the existing rates on the monthly pay in the pre-revised scale.

3. Pay means pay in the revised scales of pay introduced under the CGS(R.F.) Rules, 1986. In the case of those who retain the existing scale of pay, it will include, besides pay in the pre-revised scale of pay, appropriate allowances, additional D.A., dearness pay, ad-hoc & ad interim relief, the cost of the rates results in a loss to an employee, who has been continuously drawing the allowance from a date prior to 1.10.1986 the amount drawn by him/misappropriated prior to that date will be deducted by treating the difference between the allowance so drawn and that admissible at the revised rates as personal. The deduction will continue till the employee remains posted in the said region and becomes eligible to higher amount either on promotion or otherwise.

Note : Pay means pay as defined under SR 0(21) (c) (i).

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Attested.

Advocate.

4. The Central Government employees in receipt of Special Compensatory Allowance under these orders will not be entitled to composite Hill Compensatory Allowance in addition. However, where the Hill Compensatory Allowance or any other Compensatory Allowance admissible is more beneficial the same may be allowed in lieu of the Special Compensatory Allowance.

5. The Special Compensatory Allowance will be regulated during leave, joining time and suspension in the same manner as City Compensatory Allowance under this Ministry's office Memorandum No 2(37)-EII(B)/64 dated the 27th November, 1965 as amended from time to time.

6. These orders will apply to civilian employees of the Central Government belonging to Groups "B", "C" and "D" only. The orders will also apply to Groups "B7C" & "D" civilian employees paid from the Defence Services Estimates. In regard to Armed Forces Personnel and Railway employees separate orders will be issued by the Ministry of Defence and Department of Railways respectively.

7. In their application to the staff of Indian Audit and Accounts Department, these orders issue in consultation with Comptroller & Auditor General of India.

8. Hindi version of the order is attached.

SI/-r-r-r-r-x
(BP Varma)

Joint Secretary to the Government of India

To

All Ministries, Departments of the Govt of India etc.

TRUE COPY

D. Danu
20/12/78
Deputy Registrar (JUL)
Central Administrative Tribunal
Guwahati Bench, Guwahati

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.148 of 1995

Date of decision: This the 19th day of September 1995

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

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

Shri Chandra Dev Yadav and 213 others

Applicant Nos.1 to 196 are working under
Garrison Engineer, 869, EWS, C/o 99 APO.

Applicant Nos.197 to 214 are working under
557, ASC Battalion, 12 Compu (ASC Supply Point),
Zakhama.Applicants

By Advocate Shri B.K. Sharma with Shri B. Mehta
and Shri S. Sarma.

- versus -

1. The Union of India
represented by the Secretary,
Government of India,
Ministry of Defence, New Delhi.
2. The Controller General of Defence Accounts (CGO),
A.A.O., Shillong.
3. The Controller of Defence Accounts (CDA),
Basistha, Guwahati.
4. The Garrison Engineer,
869, EWS, C/o 99 APO.
5. HQ 137, Command Works Engineer,
C/o 99 APO.
6. OC, Supply Point, Zakhama (Nagaland),
C/o 99 APO.Respondents

By Advocate Shri S. Ali, Sr. C.G.S.C.

.....
O R D E R

CHAUDHARI.J. V.C.

Mr B.K. Sharma for the applicants.

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

S. Ali states that he has not received any

written statement so far from the respondents and hence it
cannot be filed. This is an application filed by 214



-34-

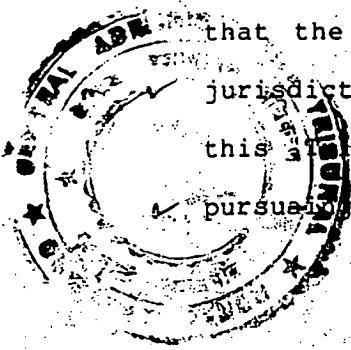
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applicants who are working under the Garrison Engineer, 869, EWS, C/o 99 APO and 557, ASC Battalion, 12 Compu (ASC Supply Point), Zakhama, which falls under the Ministry of Defence, Government of India.

2. Relying upon O.M.No.20014/3/83-E-IV dated 14.12.1983 the applicants claim that they being civilian employees serving in the N.E. Region are entitled to get Special (Duty) Allowance (SDA) in terms of the modified O.M.No.20014/16/86-E.IV/E/II(B) dated 1.12.1988. They contend that as they have All India transfer liability they are covered by the aforesaid memoranda.

3. The applicants further claim Special Compensatory (Remote Locality) Allowance (SCA(RL)) in terms of office memorandum No.20014/9/86-E.IV dated 23.9.1986. The applicants further claim that they are entitled to get House Rent Allowance (HRA) at the rate of 15% on the monthly salary in terms of the recommendations of the Fourth Pay Commission with effect from 1.1.1986. Lastly, the applicants claim that they are eligible for Field Service Concession (FSC) in terms of Government of India's letter dated 13.1.1994, 25.1.1994 and 31.1.1995.

4. It is stated by the applicants that despite repeated demands the aforesaid benefits were not being given to them by the respondents and, therefore, they had filed Civil Suit No.255/88 in the Court of the Deputy Commissioner (Judicial), Nagaland at Dimapur and obtained a decree dated 19.12.1994, but as they have been advised that the decree is a nullity as the civil court has no jurisdiction to entertain the matter they have approached this tribunal. They contend that the time spent in pursuing a wrong remedy should be excluded for the purpose.....



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purpose of calculation of limitation and they be granted the relief.

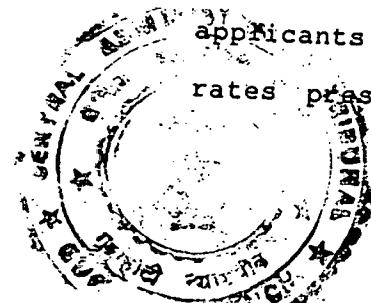
5. In the civil suit which was contested by the present respondents their stand was that since the applicants are enjoying Free Field Concessions they are not entitled to claim other allowances. They also denied that the service conditions of the applicants were the same as that of other Central Government employees.

6. Now the aforesaid contentions of the respondents urged in the civil suit which may also be taken as their defence in the present application have been examined by us in our judgment in the case of S.C. Omar, Asstt. Executive Engineer, -vs- Garrison Engineer and another (O.A.No.174/93), reported in SLJ -1995(1) CAT (Guwahati Bench) 74. We have held in that case that SDA and SCA(RL) are payable to Central Government employees posted in N.E. Field Service Category FCA

SCA(R)

Region even if they get FSC. We have not accepted the plea that admissibility of FSC deprives them of these benefits. In arriving at that conclusion we had also referred to the earlier decisions in O.A.Nos. 48/89 and 49/89 dated 29.3.1994. We held that the applicant in that case was entitled to get SDA and SCA(RL) apart from the FSC. We have also followed that decision in our order on O.A.No.124/95 with O.A.No.125/95 decided on 24.8.1995. Consistently with the view so taken we are of the view that the claim made by the applicants must be upheld.

7. As far as HRA is concerned the applicants will be covered by the rates prescribed by the Central Government from time to time for B (B1 - B2) and C class cities. The applicants will be entitled to get the allowance at the rates prescribed from time to time depending upon the nature....



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nature of classification applicable to them.

8. In the instant application the applicants have raised a contention that they are entitled also to get compensation in lieu of rent free accommodation in terms of O.M.No.11015/4/86-E.II(B)/87 dated 13.11.1987. Mr B.K. Sharma, however, submits that he does not press that claim in the instant application without prejudice to make the claim if so advised by filing a fresh application.

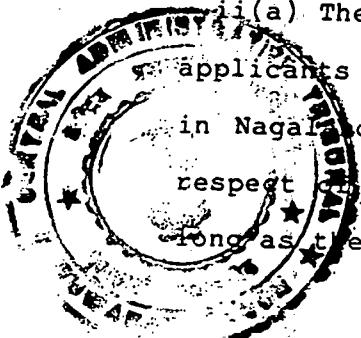
9. It is, however, necessary to mention that as held by the Hon'ble Supreme Court the benefit of SDA is admissible only to those employees who are appointed outside the N.E. Region and are posted inside the N.E. Region. It will be up to the respondents to ascertain the case of each applicant, if necessary, to make the benefit available to such applicants who are entitled to get the same.

10. The SDA will be payable to the applicants who satisfy the above mentioned test with effect from 1.12.1988. They will be entitled to get SCA(RL) with effect from 1.10.1986. We hold that the applicants are entitled to get HRA at the prescribed rate. We also hold that the applicants are entitled to get FSC as admissible from 1.4.1993.

11. In the result following order is passed:

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

ii) (a) The respondents are directed to pay to the applicants SDA with effect from the date of actual posting in Nagaland on or after 1.12.1988 as the case may be in respect of each applicant and continue to pay the same so long as the concession is admissible.



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(b) Arrears from the date of actual posting in Nagaland on or after 1.12.1988 upto date to be paid within three months from the date of receipt of copy of this order.

iii(a) It is declared that SCA(RL) is payable from 1.10.1986.

(b) The respondents are directed to pay to the applicants SCA(RL) with effect from the date of actual posting in Nagaland on or after 1.10.1986 as the case may be in respect of each applicant and to continue to pay the same so long as the concession is admissible.

(c) Arrears from the date of actual posting in Nagaland on or after 1.10.1986 upto date to be paid within a period of three months from the date of communication of this order.

iv(a) It is declared that FSC is admissible from 1.4.1993.

(b) The respondents are directed to extend the FSC to the applicants in the prescribed manner with effect from 1.4.1993 or from the date of actual appointment as the case may be in respect of each applicant upto date and to continue to give the same so long as admissible.

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

(c) The respondents are directed to pay HRA to the applicants at the rate as was applicable to the Central Government employees in B, B-1, B-2 class cities/towns for the period from 1.10.1986 or from the actual date of appointment as the case may be in respect of each applicant upto 28.2.1991 and at the rate as may be applicable from time to time as from 1.3.1991 upto date and to.....

bill

to continue to pay the same at the rate prescribed hereafter.

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

(d) Future payment to be regulated in accordance with clause (a) above.

(e) Arrears to be paid as early as practicable, but not later than a period of three months from the date of communication of this order to the respondents.

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

Sd/- VICE CHAIRMAN

Sd/- MEMBER(ADM)

TRUE COPY

प्रतिलिपि

11/5/2012

Section Officer (J)

Central Administrative Tribunal
Guwahati Bench, Guwahati-6

प्राप्ति दिन: 11/5/2012
केन्द्रीय प्रशासन न्यायिक आयोग
गुवाहाटी बैच, गुवाहाटी-6
प्राप्ति न्यायिक आयोग-6

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1572 OF 1997
(Arising out of SLP (C) No. 14088 of 1996)

Union of India & Ors. etc.

... Appellants

Versus

B. Prasad, B.S.O. & Ors. etc.

... Respondents

WITH

CIVIL APPEAL NOS. 1573-1576, 1577, 1578, 1579, 1580-1585/97
(Arising out of SLP (C) Nos. 17236-39, 14104, 15141-42,
15740, 25108-10 of 1996, SLP (C) No. 4336 /96 (CC-
5040/96) and SLP (C) No. 4338 /96 (CC-6860/96))

O R D E R

Leave granted. We have heard learned counsel
for the parties.

These appeals by special leave arise from the
various orders passed by the Central Administrative
Tribunal, Gauhati Bench in different matters. The main
order was passed on 17.11.1995 in RA No. 4/95 in OA
No. 49/89.

The Government of India have been issuing
orders from time to time for payment of allowances and

facilities for civilian employees of the Central Government servants working in the States and Union Territories of the North-eastern region. It is not in dispute that Special Duty Allowance was ordered by the Government @ 25% of the basic pay subject to a ceiling of Rs.400/- per month on posting on any station in the North-eastern region. Subsequently, the Government have been issuing orders from time to time. In the proceedings dated April 17, 1995, the Government modified the payment of the Special Duty Allowance and Special Compensatory (Remote Locality) Allowance as under:

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

It is contended by Mr. P.P. Malhotra, learned senior counsel appearing for the Union of India, that the view taken by the Tribunal that they are entitled to both, is not correct and that they would be entitled

to either of the allowances. Shri P.P. Rao, learned senior counsel appearing for some of the respondents has contended that those civilian employees working in the defence service at various stations in the North-eastern region were given Special Duty Allowance with a view to attract the competent persons and the persons having been deployed, are entitled to the same and the amended concessions would be applicable to those employees who are transferred after April 17, 1975. All those who were serving earlier would be entitled to both. Shri Arun Jaitley, learned senior counsel appearing for some of the respondents has drawn our attention to the distinction between Field area and Modified Field area and submitted that in cases where civilian employees are supporting the field defence persons deployed for the border operational requirements facing the immense hostilities, they will be denied the payment of both allowances while the personnel working in the Modified Field Area, in other words, in barracks, will be entitled to double benefit of both the allowance. This creates hostile discrimination and unjust results.

Having regard to the respective contentions, we are of the view that the Government having been

extending the benefit of payment of Special Duty Allowance to all the defence employees working in the North-eastern region as per the orders issued by the Government from time to time as on April 17, 1995, they are entitled to both the Special Duty Allowance as well as Field Area Special Compensatory (Remote Locality) Allowance. The same came to be modified w.e.f. that date. Therefore, irrespective of the fact whether or not they have been deployed earlier to that date, all are entitled to both the allowances only upto that date. Thereafter, all the personnel whether transferred earlier to that or transferred from on or after that date, shall be entitled to payment of only one set of Special Duty Allowance, in terms of the above modified order.

As regards, the payment of Special Duty Allowance to the defence civilian personnel deployed at the border area for support of operational requirement, they face the imminent hostilities supporting the army personnel deployed there. Necessarily, they alone require the double payment as ordered by the Government but they cannot be deprived of the same since they are facing imminent hostilities

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in hilly areas risking their lives as envisaged in the proceedings of the Army dated January 13, 1994. But the Modified Field Area, in other words, in the defence terminology, "barracks" in that area is a lesser risking area; Hence they shall not be entitled to double payment. Under these circumstances, Mr. P.P. Malhotra is right in saying that the wording of the order requires modification. The Government is directed to modify the order and issue the corrigendum accordingly.

The appeals are disposed of accordingly. It is made clear that the Union of India is not entitled to recover any payments made of the period prior to April 17, 1995. No costs.

.....
(K.RAMASWAMY)

.....
(G.T.NANAVATE)

NEW DELHI;
FEBRUARY 17, 1997.

SCA
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द्रष्टव्याः श्री वाराहताम्
नियंत्रक
UDAYAN SRIVASTAVA
CONTROLLER



Tel: 0361 - 550110 (O)
0361 - 550519 (M)
Fax: 0361 - 550204 (F)

रक्षा लोखा नियंत्रक
उदयन विहार, गुवाहाटी - 781 171
CONTROLLER OF DEFENCE ACCOUNTS
UDAYAN VIHAR, NAHANGI,
GUWAHATI 781171

DO NO. PAY/TECH/025

Dated : 10th April, 1999

10

Dear General Chakraborty,

This is regarding the admissibility of Field Service Concessions to Defence civilians serving in Field and in Modified Field areas in conformity with Government order issued from time to time.

2. The Defence civilians serving in Field and Modified Field areas as re-classified in Ministry of Defence letter No. 37269/AG/PS/3(a)/90/D (Pay/services) dated 13/1/94 are entitled to non-monetary field service concessions as envisaged in Appendix 'C' to Ministry of Defence letter No. A/02581/AG/PS-3(a)/97/S/DT (Pay/services) dated 25/1/1994 and Appendix 'B' to Ministry of Defence letter No. 25761/AG/PS3(b)/146-5/27/D (Pay/services), dated 02/03/68 respectively.

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

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

(ii) Ministry of Defence
No. B/37269/AG/PS3(a)/170/D (Pay/services) dt. 17/4/95.

(iii) Ministry of Defence
No. B/37269/AG/PS3(a)/1862/D (Pay/services) dt. 12/9/95.

4. The Field service concessions thus do not include any monetary allowance in the form of Compensatory Field Area Allowance (CFAAA) or Compensatory Modified Field Area Allowance (CMFAAA) as applicable to service personnel but a large number of Defence civilians are being paid CFAAA and CMFAAA in the form of monetary allowance. A copy of Ministry of Defence letter No. 30(4)/96/D (Pay/services) dated 12/3/99 in this regard in response to a reference made and CGDA's instructions thereon is enclosed herewith which is self explanatory. Payment of monetary allowance in the form of CFAAA or CMFAAA to Defence civilians as a part of FSC has to be stopped immediately and payments made so far are to be recovered after giving 'show cause' notice. The details of recoveries to be effected would be available with the Unit authorities and they may be advised accordingly.

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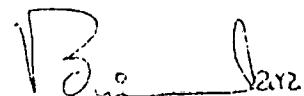
(2)

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

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

With regards,

Yours sincerely,



(BRIJENDRA SRIVASTAVA)

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

Copy to :-

1. Maj Gen S.D. Makanti
Chief of Staff
HQ 3 Corps
C/O 99 APO
2. Maj Gen S.S. Chahal
Chief of Staff
HQ 4 Corps
C/O 99 APO
3. Maj Gen S.S. Puri
Chief Engineer
Hqrs. E.C.
Calcutta
4. Maj Gen V.K. Dua, USM
G.O.C., 101 Area
C/O 99 APO
5. Brig. S.K. Sharma
Chief Engineer
Shillong Zone
6. ~~Brig. D.S. Thukral
CE(Air Force)
Shillong Zone~~

Copies of MOD communication dated 12/3/99 and CGDA New Delhi letter dated 14/4/99 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 serving show cause notice.
- iii) Withholding payment on above account against CAT judgement awaiting implementation.
- iv) to defend on going CAT cases/contempt proceedings based on MOD letter of 12/3/99.

1/ -->
I.R.S. RRPANTUH
I.R.CPA

ANNEXURE - 8

COPY/

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Recd

P/LI/313/PSA/GE 869 EWS
Area Accounts Office
Shillong

dt 5/5/99

To

The GE 869 EWS
C/O 93 APO

Sub:- Sy Pay Bills on & a/c of Arrears of FSC/HRA

Ref :- Your Lt No. 1104/Basic/214/EIP dt 12/2/99, 1104/Basic/221/EIP
dt 15/2/99, 1104/Basic/243/EIP dt 12/3/99, 1104/Basic/224/EIP
dt 18/2/99, 1104/Basic/230/EIP dt 23/2/99.

Sy Bills bearing Vr No. CV/869/01/229 dt 23.10.98, Vr No.
CV/869/01/328 dt 18/2/99, CV/869/02/91 dt 10.8.98, CV/869/01/198
dt 15.9.98, CV/869/02/200 dt 2.2.99, CV/869/06/67 dt 18.8.98,
CV/869/03/120 dt 1.2.99 CV/869/03/121 dt 1/2/99, CV/869/06/206
dt 4/2/99 are returned herewith unpassed with the following
remarks :-

As per the recent order/clarification of Govt of India
Ministry of Defence, defence civilians who are in receipt of
Field Concessions in kind, as per relevant appendix of Govt
letters No A/025/AG/PS - 3(a)/37/SID (Pay/Services) dt 25.1.84
are not entitled to other allowances viz., SCA, SCA(RL), DSA
Area allowances SCA & HRA.

In view of the above clarification the claims on &c of
the above subject are returned herewith.

Amt already paid towards the above mentioned allowances
are therefore treated as irregular and overpayments worked out
in each case and recovery of overpayment may be effected under
intimation to this office.

Enclo 8= As above,

Sd/- x x x x
A.O.

C. T. C.

2/1/99
(I Rajkonwar)
AE
for Garrison Engineer