

30/100  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

## FORM NO. 4

(See Rule 42)

**In The Central Administrative Tribunal**

GUWAHATI BENCH : GUWAHATI

## ORDER SHEET

APPLICATION NO. 187/2000 OF 199

Applicant(s) Sri Apurba Kr. Ghorak and another.

Respondent(s) Union of India and others.

Advocate for Applicant(s)

Mr. M. Chanda

Mrs. N. D. Gogoi

Mr. G.N. Chatterjee

Mr. S. K. Ghosh

C.G. Sl.

Advocate for Respondent(s)

Notes of the Registry	Date	Order of the Tribunal
his application is in form and within time. C. F. of Rs. 50/- deposited vide IPO BID No. 492813 Dated 15/6/2000	8.6.00	<p>Present : The Hon'ble Shri D.C.Verma, Judicial Member.</p> <p>Heard Mr M.Chanda, learned counsel for the applicants and Mr A. Deb Roy, learned Sr.C.G.S.C for the respondents.</p> <p>Application is admitted. Issue notice to the respondents to file written statement within four weeks <del>xx</del> and to show cause as to why the interim relief shall not be granted. Interim relief prayer shall be considered on the next date.</p> <p>List on 10.7.2000 for show cause and filing written statement.</p> <p><i>[Signature]</i> Member (J)</p>

Notice Referred. Short two  
more copies. Inform Adv. for Supply  
the same.9/6/2000  
Notice referred. Short two  
more copies. Inform Adv. for Supply  
the same.pg  
9/6/2000

## Notes of the Registry

## Date

## Order of the Tribunal

12/6/00

Notice preferred and sent to D/Section for hearing of the respondents No. 1 to 6 vide D/No 1619 to 1624 dtd. 19/6/00.

Am 13/6/007.7.00

No 157s has been filed by

10/7/00

Notice duly served on respondents No 1, 2, 4, 5 & 6.

DR 16/7/225. 9. 2000

No. Written statement has been filed.

2630-10-2000

1) Notice duly served on R - 1, 2, 4, 5 & 6.

12.9.00

2) No Bench. To be listed on 26.9.00.

1670

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

Heard Mrs. N.D. Goswami, learned counsel for the applicants and Mr. A. Deb Roy, learned Sr. CGSC for the respondents.

Three weeks time is allowed to the respondents to file written statement. List on 31.10.00 for written statement and further orders.

Vice-Chairman

## Notes of the Registry

## Date

## Order of the Tribunal

29-11-2000	31.10.2000	Four weeks further time is granted to the respondents to file written statement on the prayer of Mr A. Deb Roy, learned Sr. C.G.S.C. Mr M.Chanda, learned counsel for the applicant is present. List it for orders on 30.11.00.
① Notice duly served on R.No. 1, 2, 4, 5 & 6, respondent No. 3 are still awaited.	nkm	Vice-Chairman
② Writs has been filed.	30.11.00	Four weeks time is granted to file written statement on the prayer of Mr A. Deb Roy, learned Sr.C.G.S.C. List on 3.1.2001 for order.
29-11-2000 Writs has been filed by the respondents No. 1-6.	pg	Vice-Chairman
19-12-2000 Writs has been filed.	3.1.01	It has been stated that written statement is filed. The applicant may file rejoinder, if any within two weeks from today. List on 19.1.2001 for hearing.
29-12-2000 The case is ready for hearing.	pg 19-1	Vice-Chairman
23-1-2001	20-1-2001	Ms. S. B. Adjourned to 24.1.2001. M/s. A. Deb Roy 9.11.
23-1-2001	24.1.01	Adjourned the case to 7.2.2001 on the prayer of Mr. M.Chanda, learned counsel for the applicant. List on 7.2.2001 for hearing.
	trd	Vice-Chairman

Notes of the Registry	Date	Order of the Tribunal
	7.2.2001	List again on 2.3.01 to enable the parties to obtain further instructions in the matter.
	nkm	Vice-Chairman
<u>30.3.2001</u>  Copy of the Judgement has been sent to the Spec. for issuing a notice to the applicant as well as to the Spec. for the Respondent 85	2-3 6.3.01	No 2-3. Adjudicated 6-3-2001. By R. B. T. 2-3
		Heard learned counsel for the parties. Hearing concluded. Judgement delivered in the open court, kept in separate sheets. The application is allowed. No order as to costs.
		Vice-Chairman

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CENTRAL ADMINISTRATIVE TRIBUNAL ::  
GUWAHATI BENCH.

O.A./XXXX No. 187/2000 of

DATE OF DECISION 5.3.01

SHRI Apurba Kumar Ghosh & Another.

PETITIONER(S)

Mr. M.Chanda.

ADVOCATE FOR THE  
PETITIONER(S)

VERSUS -

Union of India & Ors.

RESPONDENT(S)

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

ADVOCATE FOR THE  
RESPONDENTS

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

THE HON'BLE

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.



X

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**

Original Application No. 187 of 2000.

Date of order : This the 5th day of March, 2001.

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

At the Court of Justice, Guwahati.

1. Sri Apurba Kumar Ghosh  
Son of Shri Amrendra Narayan Ghosh  
Senior Engineering Assistant  
All India Radio, Guwahati  
resident of village Gangamia  
P.O. Kuleynia, Satgachia  
P.S. Monteswar,  
District Burdwan, West Bengal.
2. Sri Sujit Kumar Soam  
Senior Engineering Assistant  
All India Radio, Guwahati  
Resident of village Hairagram  
P.O. Batgobindapur  
District-Burdwan,  
West Bengal

Applicants

By Advocate Mr. M.Chanda.

-versus-

1. The Union of India  
Represented through the Secretary  
to the Government of India,  
Ministry of Information and Broadcasting,  
New Delhi.
2. The Director General  
All India Radio  
New Delhi.
3. The Chief Engineer(EZ),  
All India Radio & television  
Akashvani Bhawan, Eden Garden,  
Calcutta.
4. The Station Director,  
All India Radio,  
Guwahati.
5. The Deputy Director  
All India Radio,  
Guwahati.
6. The Administrative Officer,  
All India Radio,  
Station Guwahati,  
Guwahati.

...Respondents

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

Contd...

O R D E R (ORAL)

CHOWDHURY J.(V.C.).

The admissibility of Special Duty Allowance to these two applicants is the issue involved in this application. The applicants are working as Senior Engineering Assistants in the All India Radio, Guwahati. Both of them hail from district Burdwan, West Bengal. The applicant No. 1 was initially appointed as Engineering Assistant in All India Radio, Station Guwahati vide order dated 21.7.1988. He worked in Guwahati upto 7.6.1993 in Doordarshan Kendra thereafter he was transferred to Doordarshan Kendra, Murshidabad, Behrampore, West Bengal. While the applicant was posted in Guwahati he found to be eligible for SDA under the Scheme of 1983 and revised scheme of 1988 and he was paid SDA upto 31.5.1993. The applicant no.1 was thereafter transferred to Murshidabad in the month of June 1993 and continued to work at Murshidabad till September 1997. He was transferred from Murshidabad to All India Radio, Guwahati on 13.10.1997 and he joined at Guwahati accordingly thereafter. The applicant No.2 was initially posted at Ranchi, All India Radio, as Engineering Assistant. He was transferred and posted from All India Ranchi to All India Radio, Shillong in the year 1988 and accordingly he reported for duty at Shillong on 16.12.1988 and continued thereat Shillong upto 26.12.1993. During the said period of stay at Shillong the applicant was declared eligible for Special Duty Allowance and he was paid SDA. Subsequently in the last part of 1993 he was ordered for posting in AIR, Calcutta and accordingly he joined thereat Calcutta on 4.1.1994. By the order dated 12.1.98 he was again ordered for posting at Guwahati, All India Radio and the applicant joined the AIR, Guwahati on 7.4.1998. Both the applicants

Contd....

after their second stint at North Eastern Region have not been paid SDA as was paid earlier. The applicants submitted representation praying for grant of SDA. By orders dated 18.5.99 and 25.11.99 the respondents turned down their claim. According to the respondents since their transfer and posting was limited to North Eastern Region are not entitled to SDA. The respondents further intimated by the said letter that only those employees who have All India transfer liability on posting to NER are eligible for grant of SDA as per Ministry of Finance, Department of Expenditure O.M. dated 22.7.98. The applicants does not have All India transfer liability as they are transferable only in a particular zone. In the circumstances the claim of the applicants for grant of SDA was turned down by the respondents.

2. Admittedly these two applicants do not belong to North Eastern Region. They belong to Burdwan, West Bengal and came from the state of West Bengal. These two applicants were posted in North Eastern Region from Murshidabad, West Bengal and Ranchi, Bihar. The N.E. Region is indicated in the O.M. dated 14.12.1983 comprising the States of Assam, Meghalaya, Manipur, Nagaland, TRipura and the then Union Territory of ARunachal Pradesh and Mizoram. The Memorandum granting SDA used the expression attracting and retaining in services. In Union of India Vs. Executive Officer's Association Group C reported in (1995) 29 ATC 517, the Supreme Court observed as follows :

..... The intention of the Government and spirit behind the office memorandum is to provide an incentive and attraction to the competent officers belonging to a region other than the North Eastern Region to come and serve in the North Eastern Region. It can hardly be disputed that the geographical, climatic, living and food conditions of people living in North Eastern Region and the States comprising therein are different from other regions of the country. The

North Eastern Region is considered to be "hard zone" for various reasons and it appears that it is for these reasons that the Government provided certain extra allowances, benefits and other facilities to attract competent officers in the North Eastern Region at least for two to three years of tenure posting. The Ministry's Office Memorandum in question came up for consideration before this Court in Chief General Manager (Telecom) v. Rajendra Ch. Bhattacharjee which was decided by us by judgement dated 18.1.1995 in which this Court took this view that the said office memoranda are meant for attracting and retaining the services of competent officers in the North Eastern Region, from other parts of the country and not the person belonging to the region where they were appointed and posted. This was also the view expressed by this Court in yet another case reported in Union of India Vs. Vijaykumar. In Vijaykumar the point for consideration was exactly identical, with regard to the entitlement to Special Duty Allowance to those employees/officers who are residents of North Eastern Region itself. After considering the Memorandum dated 14.12.1983 and other related office memorandums indicated above, it was held that the purpose of the allowance was to attract persons from outside the North Eastern Region to work in the North Eastern Region because of inaccessibility and difficult terrain."

3. Mr. A. Deb Roy, learned Sr. C.G.S.C. appearing on behalf of the respondents submitted that these two applicants belong to North Eastern Region and their transfer and posting is always been confined within eastern region including N.E. Region, therefore in the appointment though mentioned All India Transfer Liability but their transfer and posting always confined to Eastern Region. Mr. M.Chanda learned counsel for the applicant on the other hand stated that the terms and conditions shows that they have All India Transfer Liability and that their inter se seniority etc. and promotion are made on the basis of All India Seniority.

4. From the facts enumerated above it is clear that these two applicants have come from outside the N.E. Region and posted in N.E. Region. Their appointment letter carries all India transfer liability. The SDA introduced by the Central Government by the O.M. dated 1.12.83 for the

Contd..

civilian employees serving in the States and Union Territories of North Eastern Region. Thus the applicants cannot be disentitled SDA solely on the statement of the respondents that the transfer and posting of the applicants is confined to a particular zone.

5. In the circumstances and on consideration on the rival submissions I am of the view that these two applicants are entitled to SDA and the decision of the respondents to deny the benefit of SDA to these applicants are not justified. The respondents are therefore directed to pay SDA to the applicants from the date of their subsequent posting in N.E. Region. The Respondents are also directed to pay the arrear SDA within six months from the date of receipt of a certified copy of this order.

6. The application is accordingly allowed. There shall however, be no order as to costs.

  
(D.N.CHOWDHURY)  
Vice-Chairman

trd

7 JUN 2000

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गुवाहाटी बायाद  
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

(An Application under Section 19 of the Administrative Tribunals Act, 1985).

12  
This application is filed by the applicant through the advocate Sri D. B. Ghosh.

Title of the Case : O.A. No. 187/2000

Sri Apurba Kumar Ghosh &amp; : Applicants

Another

-versus-

Union of India &amp; Ors. : Respondents

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

(An Application under Section 19 of the Administrative  
Tribunals Act, 1985).

Original Application No. 187 2000

BETWEEN

1. Sri Apurba Kumar Ghosh  
Son of Shri Amarendra Narayan Ghosh  
Senior Engineering Assistant  
All India Radio, Guwahati  
resident of village Gangamia  
P.O. Kuleynia, Satgachia  
P.S. Monteswar  
District Burdwan, West Bengal.

2. Sri Sujit Kr. Soam  
Senior Engineering Assistant  
All India Radio, Guwahati  
Resident of Village Hairagram  
P.O. Batgobindapur  
District-Burdwan, Westbengal

..... Applicants

-AND-

1. The Union of India  
Represented through the Secretary to the  
Government of India, Ministry of  
Information and Boradcasting,  
New Delhi.

Contd....

*S. Sujit Kr. Soam*

2. The Director General,  
All India Radio,  
New Delhi.

3. The Chief Engineer (EZ),  
All India Radio & Television  
Akashvani Bhawan, Eden Garden,  
Calcutta.

4. The Station Director,  
All India Radio,  
Guwahati.

5. The Deputy Director,  
All India Radio  
Guwahati.

6. The Administrative Officer,  
All India Radio,  
Station Guwahati,  
Guwahati.

.... Respondents

DETAILS OF APPLICATION

1. Particulars of which order(s) against which this application is made.

This application is made against the impugned Memorandum issued under letter No. 7(2)/99-AC/2093 dated 18.5.99 by the Deputy Director, All India Radio, Guwahati by which the applicants are informed that they are not entitled for Sepcial (Duty) Allowance to the applicants from the date of joining in N.E. Region along

*S. S. Jit* *Asst. Asst. Secy.*

with the arrears due to them.

2. Jurisdiction

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

3. Limitation

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

4. Facts of the Case.

4.1 That both the applicants are citizens of India and as such they are entitled to all the rights, privileges and protections as guaranteed by the Constitution of India.

4.2 That both the applicants are working as Senior Engineering Assistants under the Station Director, All India Radio, Guwahati. The grievances and reliefs sought for in this application are common as such the applicants pray before the Hon'ble Tribunal for grant of permission to move this applicant jointly in a single application under provision of Rule 4(5) (a) of the Central Administrative Tribunal (Procedure) Rules, 1987.

4.3 That the applicant No. 1 is initially appointed as Engineering Assistant at All India Radio Station, Guwahati vide Memorandum issued under letter No. TVC/DTCL/I(4)  
doi: 1/68-8/7077 dated 21.7.88. In the said letter of

S. S. Jit Mr. Asom

appointment dated 21.7.1988 it is categorically stated in paragraph 7 that the appointee will be liable to be posted and transferred any where in India. The relevant portion of the Memorandum dated 21.7.1988 is quoted below :

" 7. The appointee will be liable to be posted and transferred anywhere in India."

The said offer of appointment has been accepted by the applicant and joined as Engineering Assistant in the Doordarshan Kendra Guwahati on 12.8.1988. In view of the clause No.7 of the offer of appointment letter the applicant is saddled with All India Transfer Liability.

Similarly, the applicant No.2 also appointed as Engineering Assistant and the offer of appointment offered to him after being qualified in the selection for appointment. In the said offer of appointment letter clause of All India Transfer Liability has been ~~xxx~~ laid down by the authority like the applicant no.1. The applicant No.2 also accepted the offer of appointment and joined the department as Engineering Assistant in All India Radio, Ranchi on 29.2.1984.

Applicant No.2 urged to produce the offer of appointment letter at the time of hearing of this application. It is categorically stated that the applicant No.2 is saddled with All India Transfer Liability like the applicant No.1.

Copy of the Memorandum dated 21.7.88 is annexed as Annexure-1.

*S. Jit M. Damm*

4.4 That both the applicants during their entire service period transferred and posted in different places by the respondents and the applicants being saddled with All India Transfer Liability had to carry out all the orders of transfer and posting made by the respondents. It is relevant to mention here that the applicant No.1 has been promoted as Senior Engineering Assistant during the year 1992 and the applicant no.2 has been promoted <sup>as</sup> <sub>sv.</sub> Engineering Assistant during the year 1989. The details particulars of transfer and posting in respect of the applicants are furnished hereunder :

Sl. No.	Name	Period of stay	Transferred to
<u>Applicant No.1</u>			
1.	Sri Apurba Kr.Ghosh	12.8.1988 to 07.6.1993	Doordarshan Kendra (Murshidabad, Behramport, West Bengal in Doordar- shan Kendra Assam, Ghy,
2		08.6.93 to 30.9.1997 & till date continuing at All India Radio, Guwahati, Assam.	All India Radio Guwahati Assam,
<u>Applicant No.2</u>			
1	Sri Sujit Kr. Soam	29.2.84 to 30.11.88	All India Radio, Ranchi
2		16.12.88 to 24.3.89	All India Radio, Shillong

*Sujit Kr. Soam*

3.	25.3.89 to 26.12.93	All India Radio, Shillong as Sr. Engineering Assistant.
4.	04.1.94 to 26.3.94	CBS, All India Radio, Calcutta
5. 07	07.04.98 to till date	All India Radio, Guwaha- Ti, Assam.

4.5 That the Government of India had decided to give some incentive to the civilian employees of the Central Government civilian employees working in the States and Union Territories of North Eastern Region, The scheme amongst other granted Special (Duty) Allowance (for short SDA) to the employees having All India Transfer Liability. The Original Scheme was issued under Ministry of Finance, O.M. No.II 20014/3/83/E.IV dated 14.12.1983. Those who are covered by the scheme dated 14.12.1983 were given SDA with effect from 1.11.1983 as per para 3 of the said O.M. The rate of payment was subsequently modified from time to time. The Central Government civilian employees posted in North Eastern Region covered by the said O.M. dated 14.12.1983 and were paid SDA in terms of the said O.M.

4.6 That your applicant No.1 initially posted at Doordarshan Kendra, Guwahati, Assam with effect from 12.8.1988 to 31.5.1993. During the said period the respondents declared the applicant eligible for drawal of SDA under the Special (Duty) Allowance scheme of 1983

*S. J. K. Datta*

as well as the revised scheme of 1988 and accordingly he was paid SDA during his stay at Guwahati with effect from 12.8.1988 to 31.5.1993. Thereafter the applicant was posted back to Doordarshan Kendra, Murshidabad, Behrampur, West Bengal in the month of June 1993 and the applicant no.1 continued thereat Murshidabad till September 1997. As the applicant no.1 is saddled with All India Transfer Liability he was posted on transfer vide order bearing No. 1(33)/97-5 dated 13.6.97 at All India Radio, Guwahati from Murshidabad to All India Radio, Guwahati on 13.10.97 and the applicant no. 1 accordingly joined at Guwahati, which would be evident from the letter issued bearing no. MSD/TERC(HPT)/14(1)/97/A/340 dated 22.9.97 and letter bearing No. Ghy 1(18)/97-SI/7602 dated 16.10.97. Thereafter the applicant continuously working hereat Guwahati in the capacity of Senior Engineering Assistant. He is posted at Guwahati in public interest following a routine transfer.

It is further stated that the applicant No.2 initially posted at All India Radio, Ranchi as Engineering Assistant. However he was ordered for posting at AIR, Shillong during the year 1988 in public interest. Accordingly he joined at All India ~~Radio~~ Radio, Shillong on 16.12.1988 and continued at Shillong station of All India Radio till 26.12.1993. During the said period of his stay at Shillong the same respondents also declared him eligible for Special (Duty) Allowance and accordingly the applicant no. 2 was paid Special (Duty) Allowance during his posting at All India Radio, Shillong.

S. Jit. D.

Subsequently the applicant no.2 was ordered for posting at AIR Calcutta in the last part of 1993 and accordingly the applicant no.2 also joined at All India Radio, Calcutta on 4.1.1994. He worked there as Senior Engineering Assistant till 26.3.1994. Thereafter he was ordered for posting at All India Radio, Guwahati vide Chief Engineer, Eastern Zone, All India Radio and T.V. Calcutta's order bearing no. 1(33)/98-S dated 12.1.98 in public interest. In compliance with the said order of transfer and posting the applicant no.2 reported for duty on 7.4.1998 which would be evident from the letter bearing No. Cal/CBS/1(6)/97-S/318 dated 19.3.97 and letter bearing No.1(18)/98-S1.531 dated 17.4.98.

Copy of the orders dated 13.6.97, 22.4.97, 16.10.97, 19.3.97, 17.4.98, and O.M. dated 14.12.83, 1.12.1988 and 22.7.1998 annexed as Annexures-2,3,4,5,6,7,8 and 9 respectively.

4.7. That your applicants beg to state that both of them are permanent resident of Burdwan district in the State of West Bengal and they have declared thier home town respectively which are as follows :

Sl. No.	Name	Home Town
1	Sri Apurba Ghosh	Village Gangania P.O. Kuley via Satgachhia P.S. Monteswar District-Burdwan West Bengal
2	Sri Sujit Kr. Soam	village-Haira Gram, Hatgovindapur district-Burdwan, West Bengal

*Sujit Kr. Soam*

4.8 But most surprisingly when the applicant no.1 joined at Guwahati on 13.10.1997 as Senior Engineering Assistant and the applicant no.2, joined at Guwahati on 7.4.98 as Senior Engineering Assistant they have been denied Special (Duty) Allowance by the same respondents who earlier declared them eligible for drawal of Special (Duty) Allowance. Both the applicants approached the authorities repeatedly for grant of Sepcial (Duty) Allowance. However the applicant no.1 finding no response from the respondents submitted representations on 21.9.98 and 28.4.99, 22.9.99. The applicant no.2 also submitted representation on 28.4.99. However the respondents particularly the Deputy Director of All India Radio, Guwahati vide issued a memorndum under letter no. 7(2)/99-AC/2093 dated 18.5.99 informed both the applicants that as per the existing order they are not entitled for Special (Duty) Allowance since ~~they have transferred~~ their transfer are limited to N.E. Region only. It is further relevant to mention here that the Station Director vide memorandum bearing letter No. 7(2)/99/AC/10660 dated 25.11.99 regarding grant of Special (Duty) Allowance <sup>stated</sup> that as they are not having All India Transfer Liability and they <sup>are</sup> liable to be transferred only in a particular Zone as such they are not entitled to Special (Duty) Allowance. In the compelling circumstances the applicants had served a legal notice through their lawyer upon the respondents on 20.12.99 for grant of Special (Duty) Allowance but even then the respondents remained silent and maintain their stand regarding payment of Special (Duty) Allowance as stated earlier.

S. Jit Mr. Arora

Copies of the representation dt. 21.9.98, 28.4.99, 22.9.99 and memorandum dated 18.5.99 and 25.11.99 are annexed as Annexures-10,11,12,13 and 14 respectively.

4.9 That your applicants begs to state that denial of Special (Duty) Allowance on the ground stated in the Memorandum dt. 18.5.99 and 25.11.99 are highly arbitrary, illegal and discriminatory. It is categorically stated that as per the clause laid down in the appointment letter of the applicants the applicants are saddled with All India Transfer Liability. Both the applicants joined at Guwahati on transfer basis from outside the North Eastern Region in public interest. The condition laid down in the Memorandum dated 14.12.1983, 1.12.1988 and 22.7.1998 have fulfilled by both the applicants. Firstly they are saddled with All India Transfer Liability. They have joined at All India Radio, Guwahati on transfer and posting in public interest from outside the N.E. Region. Secondly, they are the permanent residents of district Burdwan, West Bengal. As such they fulfill all the criteria laid down for grant of Special (Duty) Allowance in O.M. dated 14.12.1983, 1.12.88 and 22.7.98. In this connection it is further stated that as per the law laid down by the Hon'ble Supreme Court for entitlement of Special (Duty) Allowance in the case of Union of India & Ors. Vs. S. Vijay Kumar & Ors in Civil Appeal No. 3251/93 with Civil Appeal Nos. 6163-81 of 1994 decided on 20.9.1994, reported in 1994(28) ATC, 598. The relevant portion of paragraph 4 of the said judgement and order dated 20.9.1994 is quoted below :

*S. Jit Mohan*

"4. We have only considered the rival submissions and are inclined to agree with the contention advanced by the learned Additional Solicitor General, Shri Tulsi for two reasons. The first is that a close perusal of the two aforesaid memoranda, along with what was stated in the memorandum dated 29.10.1986 which has been quoted in the memorandum of 20.4.1987, clearly shows that allowance in question was meant to attract persons outside the North-Eastern Region to work in that Region because of inaccessibility and difficult terrain. We have said so because even the 1983 memorandum starts by saying that the need for the allowance was felt for "attracting and retaining" the service of the competent officers for service in the North-eastern Region. Mention about retention has been made because it was found that incumbents going to that Region on deputation used to come back after joining there by making leave and, therefore, the memorandum stated that this period of leave would be excluded while counting the period of tenure of posting which was required to be of 2/3 years to claim the allowance depending upon the period of service of the Central Government civilian employees who have All India Transfer Liability would be granted the allowance "on posting to any station to the North-Eastern Region." This aspect is made clear beyond doubt by the 1987 memorandum which stated that allowance would not become payable merely because of the clause in the appoint-

*S. Jit. Mr. Jit*

ment order relating to All India Transfer Liability. Merely because in the office memorandum of 1983 the subject was mentioned as quoted above is not enough to concede to the submission of Dr. Ghosh."

In view of the above decision of the Apex Court, the present applicants are squarely covered for grant of SDA as per their clause of appointment letter, the they are saddled with All India Transfer Liability. Practically they have been transferred and posted from outside the N.E. Region as such they are entitled to payment of SDA in terms of O.M. dated 14.12.1983, 1.12.1988 and 22.7.1998.

The applicants urged to produce the aforesaid judgement and order referred above before the Hon'ble Tribunal at the time hearing of this application.

4.10 That your applicants beg to state that the seniority of the applicants in the cadre of Senior Engineering Assistant are being maintained on All India Basis separately for the purpose of promotion to the Grade of Assistant Engineer which would be evident from the letter bearing No. 1(28)/99-S dated 27.9.99 whereby the office of the Chief Engineer (EZ) AIR & Television prepared the draft eligibility test for promotion of Senior Engineering Assistant to the Grade of Assistant Engineer as on 1.1.99. Therefore, it is quite clear that the present applicants are saddled with All India Transfer liability and their recruitment and promotion zone also on All India basis as such the applicants fulfil all the requirements as laid down in the O.M. dated 14.12.1983, 1.12.1988 and O.M. dated 22.7.1998 as such they are entitled to Special

*S. Jitendra Joshi*

S

Duty Allowance, more particularly in view of the fact that both the applicants came to North Eastern Region on transfer in public interest from the outside of the North Eastern Region and they are not permanent resident of North Eastern Region. Therefore Hon'ble Tribunal be pleased to declare that the present applicants are entitled to SDA from the respective date of their joining in All India Radio, Guwahati.

Copy of the draft elegibility published under letter dated 27.9.99 is annexed as Annexure-15.

4.11 That it is stated that many of the similarly situated Senior Engineering Assistants who join on transfer in North Eastern Region from outside the N.E. Region have declared eligible to draw SDA by the present respondents under the same scheme referred to above which would be evident from the certificate issued by the Deputy Director General, vide his letter bearing No. DDK/GUW/69(29)/99-2000/1543 dated 5.4.2000 whereby it is certified that Shri M. D. Nasim, Senior Engineering Assistant who came on transfer from West Bengal to Doordarshan Kendra, Guwahati has been granted benefit of the Special Duty Allowance. Similarly Sri A.J. Saha, Senior Engineering Assistant also granted SDA which would be evident from the extract of the pay slip for the month of March, 2000. Therefore denial of SDA to the present applicants is amount to hostile discrimination and the action of the respondents so far grant of SDA is concerned are violative of the Article 14 and 16 of the Constitution.

Copy of the certificate dated 5.4.2000 and pay slip of A.J.Saha for the month of March 2000 are enclosed as Annexures-16 & 17 respectively.

*S. Jit Mohan*

4.12 That this application is made bona fide and for the cause of justice.

5. Grounds for relief(s) with legal provisions :

5.1 For that the present applicants are saddled with All India Transfer Liability and their recruitment zone as well as the promotion zone is being maintained on All India basis.

5.2 For that similarly situated Engineering Assistant who came on transfer in the N.E. Region are being paid SDA by the present respondents.

5.3 For that denial of SDA to the present applicants is violative of Article 14 and 16 of the Constitution of India.

5.4 For that the applicants fulfil all the conditions laid down in the scheme of SDA issued by the Government of India from time to time.

6. Details of remedy exhausted.

The applicants beg to state that there is no other remedy available before the applicants under any rule. However, the applicants submitted representation but the same have been arbitrarily rejected by the respondents.

7. Matter not pending before any other court or any other Bench of the Tribunal.

The applicants further declare that they have not previously filed any application, writ petition or suit regarding the matter in respect of which the application has been made, before any court of law or any other auth-

*S. Jit Kr. Dasm*

rity or Bench of the Tribunal and/or any such application writ petition or suit is pending before any of them.

8. Relief(s) sought for :

Under the facts and circumstances of the case the applicants pray that Your Lordships would be pleased to issue notice to the respondents to show cause as to why the relief sought for by the applicants shall not be granted, call for the records of the case and on perusal of the records and after hearing the parties on the cause or causes thay may be shown be pleased to grant the following relief (s) :

- 8.1 That the Hon'ble Tribunal be pleased to direct the respondents to pay Special (Duty) Allowance to the applicants in terms of the O.M. dated 14.12.1983, 1.12.1988 and 22.7.1998 issued by the Government of India, Ministry of Finance, from the date of joining of the applicants in North Eastern Region from outside the North Eastern Region on transfer in the interest of public service.
- 8.2 That the Hon'ble Tribunal be pleased to declare that the applicants are entitled to Special (Duty) Allowance as they fulfill the conditions laid down for grant of Special Duty Allowance in O.M. dated 14.12.1983, 1.12.1988 and 22.7.98.
- 8.3 Costs of the Application.
- 8.4 Any other relief/reliefs/ to which the 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.

S. Jitendra Kumar

9. Interim Relief prayed for :

9.1 That the respondents be directed to pay current Special (Duty) Allowance to the applicants from the date of filing of this application considering the facts that the applicants are saddled with All India Transfer Liability and their seniority are also maintained on All India Basis and they are the permanent resident of West Bengal and have/ been posted to North Eastern Region on transfer in the interest of public service.

10. ....

That this application ~~xxxxxxxxxxxxxx~~ has been filed through advocate.

11. Particulars of Postal Order

i.	I.P.O. No.	:	02 497813
ii.	Date of Issue	:	1/6/20
iii.	Issued from	:	G.P.O., Guwahati.
iv.	Payable at	:	G.P.O., Guwahati.

12. List of enclosures

As stated in the Index.

*S. S. Jit Sen*

VERIFICATION

I, Sri Sujit Kumar Soam, Son of Shri A. Ghosh  
aged about 43 years, presently working as Senior  
Engineering Assistant, All India Radio, Guwahati,  
permanent resident of village Hairagram, P.O. Batogobindan-  
pur, District-Burdwan, West Bengal, applicant No.2 in  
this Original Applicant I have been duly authorised  
by the other applicant to sign this verification, accord-  
ingly I verify and declare that the statements made in  
paragraphs 1 to 4 and 6 to 12 are true to my knowledge  
and those made in paragraph 5 are true to my legal advice  
which I believe to be true and I have not suppressed any  
material fact.

And I sign this verification on the the 5th day  
of June 2000, at Guwahati.

Sujit Kr. Soam

Signature

GOVERNMENT OF INDIA  
DOORDARSHAN KENDRA : GUWAHATI

No. TVG/DTC/1(4)/88-S/7017 Dated Tuwahati, the 21.7.88

MEMORANDUM

Shri Apurba Kr. Ghosh, allotted vide CE(E/Z), AIR & TV, Cal. letter No. 1(30)/87-S dated 5.1.88, is offered a temporary post of ENGINEERING ASSISTANT at Doordarshan Kendra, Guwahati on the following terms and conditions.

1. The post is Class III (Non-Gazetted) and carries a scale of pay of Rs.1400-20-1600-50-2300-EB-60-2600/- He will be given an initial pay of Rs.1400/- in the scale plus other allowances, as admissible under the rules.
2. The appointment is purely temporary and until further orders. It will not confer any title to permanent employment.
3. The services of the appointee will be terminable on one month's notice from either side. The appointing authority, however, reserves the right of terminating without assigning any reasons the services of the appointee forthwith or before expiration of the stipulated period of notice by making payment to him of a sum equivalent to the pay and allowances for the period of notice or the unexpired portion thereof.
4. The appointee will be on probation for a period of two years probation from the date of appointment which may be extended or curtailed at the discretion of the appointing authority. During the period of probation, the services of the appointee may be terminated at any time without notice and without any cause being assigned.
5. Other ~~allowances~~ conditions of service will be governed by the relevant rules and orders in force from time to time.
6. The appointee shall strictly observe the rules laid down in the Central Govt. Servants Conduct Rules, 1955. Any breach of these rules will render him liable for disciplinary action.
7. The appointee will be liable to be posted and transferred anywhere in India.
8. The appointee will have to give an undertaking that he has not more than one wife living. In the event of the declaration in the negative being found to be incorrect after his appointment, he will be liable to be dismissed from service.
9. On joining the post, the appointee will be required to take an oath of Allegiance to the Constitution of India or make a solemn affirmation to that effect.
10. The appointee will be required to produce a certificate of physical fitness from the competent medical authority Chief Medical & Health Officer before his is allowed to join duty.

11. No travelling allowance will be admissible for joining the appointment/Travelling Allowance at the rate admissible under the relevant rules in force will be allowed for joining the appointment.
12. At the time of joining, the post he should produce two Vouching certificates of character in the enclosed from not more than 3 months old duly signed and stamped by two Gazetted -
  - (a) Certificates in proof of his academic qualification.
  - (b) Certificate of age.
  - (c) Undertaking referred to in (8) at page 1.
  - (d) Certificate in the prescribed form in support of his claim to belong to a scheduled Caste/Tribe or Anglo Indian Community.
  - (e) Certificate in the prescribed form in support of his claim that he is, a refugee.
14. If any declaration given or information furnished by the appointee proves to be false or if the appointee is found to have wilfully suppressed any material information, he will be liable to removal from service and such other action as Government may deem necessary.
15. He will be liable to transfer, at any time to service under a public co-operation, if formed and then on such transfer he will be liable to conditions of service to be laid down for the employee of that co-operation.

If Shri Apurba Kr. Ghosh accepts the offer on the above terms and conditions he is requested to intimate his acceptance to the undersigned and report himself for duty by 30.8.88. In case no reply is received within a fortnight of the date of issue of the Memorandum, the offer will be treated as cancelled without any further reference to him.

Sd/- R.N.Chakravarti  
Director  
Doordarshan Kendra:Guwahati

To  
Shri Apurba Kr. Ghosh,  
Vill- Gangania, P.O. Kuleng,  
Via Satgachia, Dist. Burdwan  
West Bengal

GOVERNMENT OF INDIA  
OFFICE OF THE CHIEF ENGINEER (EAST ZONE)  
ALL INDIA RADIO & TELEVISION  
CALCUTTA

No. 1 (33)/97-S

Aakashvani Bhavan, 4th floor,  
Calcutta-700001,  
Dated : 13.6.97

O R D E R

The following Senior Engineering Assistants are transferred in the same capacity at the Station/Office against each with immediate effect :-

Sl. No.	Name of	Present posting	Transferred to	Remarks
1	S/Shri Uttam Ch. Sharma	ATR, Nagaon	DDK Guwahati	Against a vacant post.
2	Swapan Saha	DDMC, Itanagar	DDK Calcutta	Vice Shri Ashim Das tfd.
3	Ashim Das	DDK Calcutta	DDMC Itanagar	Vice Shri Swapan Saha tfd.
4	Barun Sanvashi	DDK Agartala	DDK Calcutta	Vice Shri Subir Chatto- padhyay tfd.
5	Subir Chattopadhy- yay	DDK Calcutta	DDK Agartala	Vice Shri Barun Sanva- shi tfd.
6	Laltu Ghosh	DDK Itanagar	HPTV Murshidabad	Vide Shri Apurba Kr. Ghosh tfd.
7	D.C.Duvedi	DDK Tura	DDK Patna	Vice Shri Timir Kr.Gup- ta tfd.
8	Timir Kr. Gupta	DDK Patna	DDK Tura	Vice Shri D. C.Duvedi tfd.
9	Tarit Gupta	AIR Tura	HPT, AIR, Chinsurah	Vice Shri D. N.Samanta tfd.
10	D.N.Samanta	HPT, AIR Chinsurah	AIR, Itanagar	Against a vacant post.
11	K.L.Pal	DDK Calcutta	DDK Itanagar	Against a vacant post.
12	Tapan Kr. Bhattacharya	DDK Calcutta	LPTV Chaibasa	Vice Shri K. K.Mahato tfd.
13	K.K.Mahato	LPTV Chaibasa	LPTV Jhargram	Vice Sri Ni- tish Shymal tfd.

Contd...

1	2	3	5	5
14	Nitish Shymal	LPTV Jhargram	HPTV Lunglei	Against a vacant post.
15	Chumki Lahiri	DDK Itanagar	DDK Calcutta	Vice Sri Subrata Roy transferred.
16	Subrata Roy	DDK Calcutta	DDK Itanagar	Vice Smt. Chumki Lahiri tfd.
17	Debasis Ghosh	DDK <del>Exxxxxxx</del> Gangtok	DDK Calcutta	Vice Smt. Suder- sana Mondal tfd.
18	Smt. Sudarsana Mondal	DDK Calcutta	AIR Gangtok	Vice Debasis Ghosh tfd.
19	R.B.Kolav	DDK Tura	DDK Calcutta	Vice Shri R. Sab Chakraborty tfd.
20	Basab Chakraborty	DDK Calcutta	DDK Tura	Vice Shri R.B. Kolav tfd.
21	Naba Kr. Roy (Bag)	DDK Itanagar	DDK Calcutta	Vice Sri Pintu Modak tfd.
22	Pintu Modak	DDK Calcutta	DDK Itanagar	Vice Sri N.K.Roy (Bag) tfd.
23.	I.B.Das	DDK Kohima	DDK Calcutta	Vice Sri Manik Kr. Mondal tfd.
24	Manik Kr.Mondal	DDK Calcutta	DDK Kohima	Vice Sri I.B. Das tfd.
25	Sachin Kr.Bhadra (To be relieved on or after 8-7- 97).	DDK Calcutta	DDK Dibrugarh	Vice Sri Abani Dibrugarh Hazarika tfd.
26	Abani Hazarika	DDK Dibrugarh	DDK Imphal	Against a vacant post
27	Broto Ghosh	DDK Calcutta	DDK Guwahati	Vice Debojyoti Gogoi tfd.
28	Debojyoti Gogoi	DDK Guwahati	LPTV Tuensang	Against a vacant post
29	Pabitra Biswas	DDK Calcutta	DDK Muzaffarpur	Vice Shri R. N. Singh tfd.
30	R.N.Singh	DDK Muza- ffarpur	DDK Kohima	Against a vacant post.
31	Gour Hari Das (To be relieved on or after 4.8. 97)	AIR, Bhawani- patna	CBS, AIR, Cuttack	Vice Shri R.C. Nanda tfd.
32	R.C.Nanda (To be relieved on or after 4.8. 97).	CBS, AIR Cuttack	LPTV Sitamari	Against a vacant

Contd....

1	2	3	4	5
23	Swapan Kr.Dutta (To be relieved on or after 4.8. 97)	DDK Calcautta	AIR, Bhawa- nipatna	Vice Sri G.H. Das tfd.
34	Siba Pada Saha	DDK Calcutta	AIR Tezu	Against a vacant post
35	Smt Lutto Vittv Singh	DDK Muza- ffarpur	DDK Kohima	Against a vacant post
36	Smt. Sulata Biswas	DDK Calcutta	DDK Muza- ffarpur	Vice Sri B.S. Chowdhury tfd.
37	B.S.Chowdhury	DDK Muza- ffarpur	DDK Itanagar	Vice Shri Laltu Ghosh tfd.
38	Samiran Das (To be relieved on or 18.8.97)	DDK Calcutta	DDK Shillong	Against a vacant post.
39	Prabir Saha	DDK Calcutta	DDK Dibrugarh	Vice transfer of Sri S.K.Adhikari Modified
40	Sanjay Banerjee (To be relieved on 28.8.97)	DDK Itanagar	LPTV Shantinike- tan	Vice Sri Sajal Paul tfd.
41	Sajal Paul (To be relieved on or after 28.8.97)	LPTV Shantini- ketañ	DDK Aizawl	Vice Shri Prabir Kr. Dutta tfd.
42	Prabir Kr.Dutta	DDK Aizawl	HPTV Asansol	Vice Sri C.R. Bandyopadhyay tfd
43	C.K.Bandyopadh- yay	HPTV Asansol	LPTV Dumka	Vice Sri G. Marandi tfd.
44	G.Marandi	LPTV Dumka	AIR Nagaon	Vice Sri Uttam Ch.Sarma tfd.
45	Binayak Das	DDK Shillong	DDK Bhuba- neswar	Vice Sri R.K. Sarangi tfd.
46	R.K.Sarangi	DDK Bhubaneswar	DDK Shillong	Vice Sri Binayak Das tfd.
47	Md.Nasim	DDK Imphal	DDK Guwahati	Vice A.Ali Ahmed tfd.
48	A.Ali Ahmed	DDK Guwahati	DK Imphal	Vice Md.Nasim tfd.
49	M.C.Patro (To be relieved on or after 19.8.97)	AIR Berham- pur (Orissa)	LPTV Lohardagga	Vice P.C.Yadav tfd
50	P.C.Yadav (To be relieved on or after 19.8.97)	LPTV Lohardaga	AIR Darbhanga	Vice Shri Rajeev Kumar tfd.
51	Rajeev Kumar	AIR Darbhanga	AIR Kokrajhar	Vice transfer order of G.P. Mallick modified

1	2	3	4	5
52	Faizem Ahmed	LPTV Madhepura	AIR Sasaram	Xxx Against a vacant post
53	Ashim Mazumdar (To be relieved on or after xx.9.8.97)	DDK Patna	AIR Tura	Vice Shri Tarit Gupta
54	Arun Kalita	DDK Guwahati	AIR Aizawl	Against a clear vacancy
55	Sekhar Roy (To be relieved on or after 31.7.97)	CE (EZ) Calcutta	DDK Calcutta	Vice Shri G.C. Mondal to be retired on 31.7. 97.
56	S.K.Verma (To be relieved on or after 9.8.97)	AIR Guwahati	DDK Patna	Vice Shri Ashim Mazumder tfd.
57	Apurba Ghosh	HPTV Murshidabad	AIR Guwahati	Vice Shri S.K. Verma tfd.

In partial modivication of this office order of even number dated 1.8.96 & 21.2.97, the following Senior Engineering Assistants are transferred in the same capacity to the Station/Office mentioned against each with immediate effect.

Sl. No.	Name of SEA's	Presentposting	Transferred	Remarks
1	S/Shri M.Saha	DDK Tura	DDK Calcutta	Vice Sri T.K. Bhattacharya tfd (In lieu of CE (EZ), Calcutta)
2	Smt Nandana Gupta	DDK Dibrugarh	DDK Calcutta	Vice Shri K.L. Pal (In lieu of CE (EZ) Calcutta)
3	G.P.Mallick	LPTV Hazaribagh	AIR Ber- hampore (Orissa)	Vide Sri H.C. Patra tfd.
4	Javed Anjum	LPTV Forbesganj	LPTV Madhepura	Vice Faizen Ahmed tfd. (In lieu of DDK xxx xxx Kohima)
5	Sujit Kr. Adhikari	APT Balughat	DDK Guwahati (In lieu of DDK Dibrugarh)	Vice Sri Arun Kalita tfd.

The date of joining and relieving of the officials may please be intimated/records.

The Head of Office of AIR/DDK/HPTV/DDMCS are requested to contact the corresponding Head of Station/Office at the time of relieving the incumbent to avoid any complication.

Sd/- Illegible (S.C.GUPTA)  
16.6.97

DEPUTY DIRECTOR ENGINEERING  
for CHIEF ENGINEER (EAZT ZONE)

Government of India  
T.V.Relay Centre (HPT) : Murshidabad  
West Bengal (PIN:742101)

No. MSD/TVRC (HPT)/14 (1)/97/A/340 Dated : 22.9.97

O R D E R

Consequent upon his transfer in the ~~same~~ capacity to All India Radio, Guwahati, Vide Chief Engineer (EZ), AIR & TV, Calcutta Order No.1(33)/97-S dated 13.6.97, Shri Apurba Kumar Ghosh, Senior Engineering Assistant of this Kendra is relieved from his duties at this kendra w.e.f. 30.9.97 (A.N.) with instruction to report himself for duty to the Director, All India Radio, Guwahati after availing the usual joining time.

Shri Ghosh, Senior Engineering Assistant, should return the Identity Card, Library Books and other officer materials etc. if any issued to him and ensure that no Govt. dues remain outstanding against him so far as this kendra is concerned.

Sd/- Illegible  
(SASADHAR MANDAL)  
Station Engineer

Copy to :

1. Shri Apurba Kumar Ghosh, Sr. Engineering Assistant, T.V.Relay Centre (HPT), Murshidabad.
2. The Chief Engineer (EZ) (Shri S.C.Rudra-DDE-by name), AIR & TV Akashvani Bhavan, 4th floor, Eden Gardens, Calcutta-700001 with reference to your order referred to above.
3. The Director, All India Radio, Guwahati, Assam. The service Book and upto date leave account is being sent shortly.
4. The Pay & Accounts Office, Doordarshan, Calcutta.
5. All Assistant Engineer, TVRC (HPT), Murshidabad.
6. Transmitter Hall/Notice Board, TVRC (HPT), Murshidabad.
7. Shri S.K.Deb UDC, TVRC (HPT) Murshidabad.
8. Shri U.K.Banik, Stenographer Gr.III, TVRC (HPT) Murshidabad
9. Shri A.K.Dutta, Store-Keeper (Jr) TVRC (HPT) Murshidabad.
10. Personal File of Shri A.K.Ghosh, SEA.
11. Spares - 10 copies.

Sd/- Illegible  
Station Engineer

No. Vhy. 1 (18) / 97-SI/7602  
Government of India  
Ministry of Information & Broadcasting  
All India Radio : Guwahati

Guwahati, October 16, 1997

The Chief Engineer (East Zone)  
All India Radio & Television  
Akashvani Bhavan, 4th floor,  
Eden Gardens,  
Calcutta-700 001

Sub : Transfer of Senior Engineering Assistant in  
Eastern Zone in the same capacity.

Ref : The CE (EZ), AIR & TV, Calcutta's Order No. 1 (33) /  
97-S dated 13.6.97.

Sir,

, Shri Apurba Kumar Ghosh, Senior Engineering Assistant  
has reported himself for duty at All India Radio, Guwahati  
as Senior Engineering Assistant with effect from the  
forenoon of 13th October '97 consequent on his transfer  
in the same capacity from T.V. Relay Centre (HPT),  
Murshidabad.

Yours faithfully,

SD/-

(P. Radhakrishnan)  
Administrative Officer  
for Station Director

Copy to :

1. The Director General, SIV Section, AIR Akashvani Bhavan, Parliament Street, New Delhi-110 001 for kind information.
2. The Station Engineer, TV Relay Centre (HPT), Murshidabad West Bengal, PIN 742 101 with reference to his order No. TVRC (HPT) / 14 (1) / 97 / A / 342 dated 22.09.97 for information.
3. The DDG (NE), AIR, Guwahati for kind information.
4. The Hindi Officer, AIR, Guwahati for Hindi version.
5. PA to Supdt. Engineer. 6. PA to SD
7. Accountant, AIR, Guwahati (2 copies).
8. Sr. Storekeeper 9. Library & Information Astt.
10. P. Naha, UDA 11. A. Khan, LDC
12. N. Deka, LDC 13. S. Sarcar, LDC
14. Shri Apurba Kumar Ghosh, SEA, AIR, Guwahati.
15. Personal file/SB of Sh Ghosh, SEA

Sd/- Illegible  
for Station Director

PRASAR BHARATI  
BROADCASTING CORPORATION OF INDIA  
COMMERCIAL BROADCASTING SERVICE  
ALL INDIA RADIO : CALCUTTA

No.Cal-CBS-1(6)/97-S/318      Dated 19.3.1997

O R D E R

In compliance with CE(EZ), AIR & TV, Calcutta's Order No. 1(33)/98-S dated 12.1.1998 Shri Sujit Kr. Soam, Sr. Engineering Assistant of this office stands relieved of his duties on the forenoon of 26th March, 1998 on his transfer in the same capacity to All India Radio, Guwahati. He is instructed to report himself for duty to the office of the Station Director, All India Radio, Guwahati immediately. He is entitled to avail joining time as admissible under the rules.

Shri Soam should return the Identity/C.G.H.S. cards, Library Books, Tools etc. and any other office materials, if any issued to him and also ensure that no dues remain outstanding against him so far this office is concerned.

Sd/-

(A.K.SEN)  
STATION DIRECTOR

Copy for information to :

1. Shri Sujit Kr. Soam, Sr. Enggr. Assistant, CBS, AIR, Calcutta.
2. The Chief Engineer (EZ), AIR & TV, Akashvani Bhavan, Eden Gardens, Calcutta with reference to his above quoted order.
3. The Station Director, All India Radio, Guwahati.
4. The Asstt. Station Engineer, CBS, AIR, Calcutta/The Asstt. Station Engineer, 100 KW Tr., Chandi.
5. Station Engineer/Control Room/Security Officer/Reception Officer (Jr.)/All India Radio, Calcutta.
6. Steno to SD/PEX/Library/Duty Room/Store-keeper (Jr.)/Stationery Store keeper/Cashier/Accountant (P/C)/Smt. Uma Ghosh, UDC/Shri Ankur Bose, LDC, CBS, AIR, Calcutta.
7. The Secretary, AIR & DD Employees Co-operative Society Ltd. Calcutta.
8. Hindi Section, CBS, AIR, Calcutta.
9. Personal File of Shri Sujit Kr. Soam, Sr. Engg. Asstt.
10. Spare copy.

Sd/-

STATION DIRECTOR

PRASAR BHARATI  
(BROADCASTING CORPORATION OF INDIA)  
ALL INDIA RADIO : GUWAHATI

No. : 1(18)/98-SI.581      Dated Guwahati, the 17.4.1998

The Chief Engineer (East Zone),  
All India Radio & TV  
Akashvani Bhavan,  
Eden Gardens  
CALCUTTA-700001

Subject : Transfer of Senior Engineering Assistants in the  
Eastern Zone in the same capacity.

Reference: The CE (E/Z), AIR & TV, Calcutta's Order No.1(33)/  
98-S dated 12.1.98.

Sir,

Shri Sujit Kumar Soam, Senior Engineering Assistant  
has reported himself for duty at All India Radio, Guwahati  
as Senior Engineering Assistant with effect from the fore-  
noon of 07-04-1998 consequent on his transfer in the same  
capacity from C.B.S., AIR, Calcutta.

Yours faithfully,

Sd/-

(P. RADHAKRISHNAN)  
Administrative Officer,  
for Station Director

Copy to :

1. Sri Sujit Kr. Soam, SEA, AIR, Guwahati.
2. The Director General, SIV-Section, All India Radio,  
Akashvani Bhavan, Parliament Street, New Delhi-110001  
for kind information.
3. The Station Director, Commercial Broadcasting Service,  
All India Radio, Calcutta for information.
4. The Dy. Director General (NE), AIR, Guwahati for kind  
information.
5. The Pay & Accounts Officer, Doordarshan, Min. of I &D,  
H.R.Path, Hazarika Bhavan, Guwahati-3 for information.
6. The Hindi Officer, AIR, Guwahati for Hindi version.
7. PA to Supdt. Engineer.
8. PA to SD
9. Accountant, AIR, Guwahati (2 copies).
10. Shri P.Naha UDC
11. Shri J.C.Medhi, SSK
12. Shri A. Khan, LDC
13. Shri M.R.Deka, LDC
14. Shri S.Sarcar, LDC
15. Personal file of Shri S.K.  
Soam, SEA.

Sd/-

(P. RADHAKRISHNAN)  
Administrative Officer  
for Station Director

No. 20014/3/83/E.IV  
Government of India  
Ministry of Finance  
Department of Expenditure

New Delhi, the 14th Dec '83

OFFICE MEMORANDUM

Sub : Allowances and facilities for civilian employees of the Central Government serving in the States and Union Territories of North Eastern Region - improvements thereof.

The need for attracting and retaining the services of competent officers for service in the North Eastern Region comprising the States of Assam, Meghalaya, Manipur, Nagaland, and Mizoram has been engaging the attention of the Government for sometime. The Government had appointed a committee under the Chairmanship of Secretary, Department of Personnel and Administrative Reforms, to review the existing allowances and facilities admissible to the various categories of Civilian Control Government employees serving in this region and to suggest suitable improvements. The recommendations of the Committee have been carefully considered by the Government and the President is now pleased to decide as follows :-

i) Tenure of posting/deputation.

x x x x x x x x x x x x

ii) Weightage for Central deputation/training abroad and special mention in confidential Reports.

x x x x x x x x x x x x

iii) Special (Duty) Allowance

Central Government civilian employees who have all India transfer liability will be granted a Special (Duty) Allowance at the rate of 25% of basic pay subject to a ceiling of Rs.400/- per month on posting to any station in the North Eastern Region. Such of those employees who are exempted from payment of Income Tax will, however, not be

Contd...

eligible for this Sepcial (Duty) Allowance. Special (Duty) Allowance will be in addition to any special pay and the deputation duty allowance already being drawn subject to the condition that the total of such Special (Duty) Allowance will not exceed Rs. 400/- p.m. Special Allowance like Special Compensatory (Remote Locality) Allowance, Construction Allowance and Project Allowance will be drawn separately.

xxx x x x x x

Sd/- S.B. MAHALIK

JOINT SECRETARY TO THE GOVERNMENT OF INDIA

-17-  
-30-  
-28-

Annexure-8 42

Annexure-2 (Extract)

F.No. 20014/16/86/E.IV/E.II (D)  
Govt. of India, Ministry of Finance,  
Department of Expenditure

New Delhi the 1 Dec 1988

OFFICE MEMORANDUM

**Subject :** Improvements and facilities for Civilian Employees of the Central Govt. serving in the States of North Eastern Region, Andaman Nicobar and Lakshadweep

The undersigned is directed to refer to this Ministry's O.M. No. 20014/3/83-Z.IV dated 14th December, 1983 and 30th March, 1984 on the subject mentioned above and to say that the question of making suitable improvements in the allowances and facilities to Central Government employees posted in North Eastern Region comprising the States of Assam, Meghalaya, Manipur, Nagaland, Tripura, Arunachal Pradesh and Mizoram has been engaging the attention of the Government. Accordingly the President is now pleased to decide as follows :

- 1) x x x x x xx
- ii) x x x x x x x
- iii) Special Duty Allowance.

The Central Govt. Civilian Employees who have All India Transfer Liability will be granted Special (Duty) Allowance at the rate of 12% of basic pay subject to ceiling of Rs.1000/- per month on posting to any station in the North Eastern Region. Special (Duty) Allowance will be in addition to any special pay and/or deputation (duty) allowance already being drawn subject to the condition that the total of such allowance will not exceed Rs. 1000/- p.m. Special allowance like special compensatory (Remote locality) allowance, Construction Allowance and Project Allowance will be drawn separately.

The Central Govt. civilian employees who are members of Scheduled Tribes and are otherwise eligible for the grant of special (Duty) Allowance under this para and are exempted from payment of Income-Tax under the Income-Tax Act will also draw Special (Duty) Allowance.

x x x x x x  
xxxxxxxxxxxx

Sd/- Illegible

30.31  
dt. 27-8-98  
An-2A  
Annexure-9  
Forwarded for information  
and necessary action.

F. No. 11(2)/97-E.II(B)  
Government of India  
Ministry of Finance  
Department of Expenditure

~~Mr. VENKATARAMAN~~  
(ii. VENKATARAMAN)  
SR. ADMINISTRATIVE OFFICER  
(AUDIT RULES)

New Delhi, Dated July 22, 1998.

### OFFICE MEMORANDUM

**Subject: Allowances and Special Facilities for Civilian Employees of the Central Government serving in the States and Union Territories of the North-Eastern Region and in the Andaman & Nicobar and Lakshadweep Groups of Islands — Recommendations of the Fifth Central Pay Commission.**

With a view to attracting and retaining competent officers for service in the North-Eastern Region, comprising the territories of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura, orders were issued in this Ministry's O.M. No. 20014/3/83-E.IV dated December 14, 1983 extending certain allowances and other facilities to the Civilian Central Government employees serving in this region. In terms of paragraph 2 thereof, these orders other than those contained in paragraph 1(iv) ibid. were also to apply mutatis mutandis to the Civilian Central Government employees posted to the Andaman & Nicobar Islands. These were further extended to the Central Government employees posted to the Lakshadweep Islands in this Ministry's O.M. of even number dated March 30, 1984. The allowances and facilities were further liberalised in this Ministry's O.M. No. 20014/16/86/E.IV/E.II(B) dated December 1, 1988 and were also extended to the Central Government employees posted to the North Eastern Council when stationed in the North-Eastern Region.

2. The Fifth Central Pay Commission have made certain recommendations suggesting further improvements in the allowances and facilities admissible to the Central Government employees, including Officers of the All India Services, posted in the North-Eastern Region. They have further recommended that these may also be extended to the Central Government employees, including Officers of the All India Services, posted in Sikkim. The recommendations of the Commission have been considered by the Government and the President is now pleased to decide as follows :

(i) **Tenure of Posting/Deputation**

The provisions in regard to tenure of posting/deputation contained in this Ministry's O.M. No. 20014/3/83-E.IV dated December 14, 1983, read with O.M. No. 20014/16/86-E.IV/E.II(B) dated December 1, 1988, shall continue to be applicable.

(ii) **Weightage for Central Deputations/Training Abroad and Special Mention in Confidential Records**

The provisions contained in this Ministry's O.M. No. 20014/3/83-E.IV dated December 14, 1983, read with O.M. No. 20014/16/86-E.IV/E.II(B) dated December 1, 1988, shall continue to be applicable.

(iii) **Special [Duty] Allowance**

Central Government Civilian employees having an "All India Transfer Liability" and posted to the specified Territories in the North-Eastern Region shall be granted the Special [Duty] Allowance at the rate of 12.5 per cent of their basic pay as prescribed in this Ministry's O.M. No. 20014/16/86-E.IV/E.II(B) dated December 1, 1988, but without any ceiling on its quantum. In other words, the ceiling of Rs 1,000 per month currently in force shall no longer be applicable and the condition that the aggregate of the Special [Duty] Allowance plus Special Pay/Deputation (Duty) Allowance, if any, will not exceed Rs 1,000 per month shall also be dispensed with. Other terms and conditions governing the grant of this Allowance shall, however, continue to be applicable.

In terms of the orders contained in this Ministry's O.M. No. 20022/2/88-E.II(B) dated May 24, 1989, Central Government Civilian employees having an "All India Transfer Liability" and posted to serve in the Andaman & Nicobar and Lakshadweep Groups of Islands are presently entitled to an Island Special Allowance at varying rates in lieu of the Special [Duty] Allowance admissible in the North-Eastern Region. This Allowance shall continue to be admissible to the specified category of Central Government employees at the same rates as prescribed for the different specified areas in the O.M. dated May 24, 1989, but without any ceiling on its quantum. This Allowance shall also henceforth be termed as Island Special (Duty) Allowance. Separate orders in regard to this Allowance have been issued in this Ministry's O.M. No. 12(1)/98-E.II(B) dated July 17, 1998.

Attention is also invited in this connection to the clarificatory orders contained in this Ministry's O.M. No. 11(3)/95-E.II(B) dated January 12, 1996, which shall continue to be applicable not only in respect of the Central Government employees posted to serve in the North-Eastern Region but also to those posted to serve in the Andaman & Nicobar and Lakshadweep Groups of Islands.

## (iv) Special Compensatory Allowances

Orders in regard to revision of the rates of various Special Compensatory Allowances, such as Remote Locality Allowance, Bad Climate Allowance, Tribal Area Allowance, Composite Hill Compensatory Allowance, etc., which are location-specific, have either been separately issued or are under issue based on the Government decisions on the recommendations of the Fifth Central Pay Commission relating to these allowances. These orders shall apply to the eligible Central Government employees posted in the specified localities in the North-Eastern Region, Andaman & Nicobar Islands and Lakshadweep Islands, depending on the area(s) of their posting and subject to the observance of the terms and conditions specified therein. Such of those employees who are entitled to the Special [Duty] Allowance or the Island [Special Duty] Allowance shall also be entitled, in addition, to the Special Compensatory Allowance(s) as admissible to them in terms of these separate orders.

Central Government employees entitled to Special Compensatory Allowances, separate orders in respect of which are yet to be issued, will continue to draw such allowances at the existing rates with reference to the 'notional' pay which they would have drawn in the applicable pre-revised scales of pay but for the introduction of the corresponding revised scales till the revised orders are issued on the basis of the recommendations of the Fifth Central Pay Commission and the Government decisions thereon.

## (v) Travelling Allowance on First Appointment

The existing concessions as provided in this Ministry's O.M. No. 20014/3/83-E.IV dated December 14, 1983 and further liberalised in O.M. No. 20014/16/86-E.IV/E.II(B) dated December 1, 1988, shall continue to be applicable.

## (vi) Travelling Allowance for Journeys on Transfer; Road Mileage for Transportation of Personal Effects on Transfer; Joining Time with Leave

The existing provisions as contained in this Ministry's O.M. No. 20014/3/83-E.IV dated December 14, 1983 shall continue to be applicable.

## (vii) Leave Travel Concession

In terms of the existing provisions as contained in this Ministry's O.M. No. 20014/3/83-E.IV dated December 14, 1983, the following options are available to a government servant who leaves his family behind at the old headquarters or another selected place of residence, and who has not availed of transfer travelling allowance for the family :

(a) the government servant can avail of the leave travel concession for journey to the Home Town once in a block period of two years under the normal Leave Travel Concession Rules;

OR

(b) in lieu thereof, the government servant can avail of the facility for himself/herself to travel once a year from the station of posting to the Home Town or the place where the family is residing and for the family [restricted only to the spouse and two dependent children of age up to 18 years in respect of sons and up to 24 years in respect of daughters] also to travel once a year to visit the government servant at the station of posting.

These special provisions shall continue to be applicable.

In addition, Central Government employees and their families posted in these territories shall be entitled to avail of the Leave Travel Concession, in emergencies, on two additional occasions during their entire service career. This shall be termed as "Emergency Passage Concession" and is intended to enable the Central Government employees and/or their families [spouse and two dependent children] to travel either to the home town or the station of posting in an emergency. This shall be over and above the normal entitlements of the employees in terms of the O.M. dated December 14, 1983, and the two additional passages under the Emergency Passage Concession shall be availed of by the entitled mode and class of travel as admissible under the normal Leave Travel Concession Rules.

Further, in modification of the orders contained in this Ministry's O.M. No. 20014/16/86-E.IV/E.II(B) dated December 1, 1988, Officers drawing pay of Rs 13,500 and above and their families, i.e. spouse and two dependent children [up to 18 years in respect of sons and up to 24 years in respect of daughters] will be permitted to travel by air on Leave Travel Concession between Agartala/Aizawl/Imphal/Lilabari/Silchar in the North East and Calcutta and vice versa; between Port Blair in the Andaman & Nicobar Islands and Calcutta/Madras and vice versa; and between Kavaratti in the Lakshadweep Islands and Cochin and vice versa.

**(viii) Children Education Allowance and Hostel Subsidy**

The existing provisions as contained in this Ministry's O.M. No. 20014/3/83-E.IV dated December 14, 1983 shall continue to be applicable. The rates of Children Education Allowance and Hostel Subsidy having been revised in the Department of Personnel & Training O.M. No. 21017/1/97-Estt.(Allowances) dated June 12, 1998, the Allowance and Subsidy shall be payable at the revised monthly rates of Rs 100 and Rs 300 respectively per child.

**(ix) Retention of Government Accommodation at the Last Station of Posting**

The facility of retention of Government accommodation at the last station of posting by the Central Government employees posted to the specified territories and whose families continue to stay at that station is available in terms of the orders contained in the erstwhile Ministry of Works & Housing O.M. No. 12035/24/77-Vol. VI dated February 12, 1984, as amended from time to time. This facility shall continue to be available to the eligible Central Government employees posted in the North-Eastern Region, Andaman & Nicobar Islands and Lakshadweep Islands. In partial modification of these orders, Licence Fee for the accommodation so retained will be recoverable at the applicable normal rates in cases where the accommodation is below the type to which the employee is entitled to and at one and a half times the applicable normal rates in cases where the entitled type of accommodation has been retained. The facility of retention of Government accommodation at the last station of posting will also be admissible for a period of three years beyond the normal permissible period for retention of Government accommodation prescribed in the Rules.

**(x) House Rent Allowance for Employees in Occupation of Hired Private Accommodation**

The orders contained in this Ministry's O.M. No. 11016/1/E.II(B)/84 dated March 29, 1984, and extended in this Ministry's O.M. No. 20014/16/86-E.IV/E.II(B) dated December 1, 1988, shall continue to be applicable.

**(xi) Retention of Telephone Facility at the Last Station of Posting**

As provided in this Ministry's O.M. No. 20014/16/86-E.IV/E.II(B) dated December 1, 1988, Central Government employees who are eligible for residential telephones may be permitted to retain their residential telephone at their last station of posting, provided the rental and all other charges are paid by the concerned employees themselves.

**(xii) Medical Facilities**

Families and the eligible dependents of Central Government employees who stay behind at the previous stations of posting on the employees being posted to the specified territories shall continue to be eligible to avail of CGHS facilities at stations where such facilities are available. Detailed orders in this regard will be issued by the Ministry of Health & Family Welfare.

3. The President is also pleased to decide that these orders, in so far as they relate to the Central Government employees posted in the North-Eastern Region, shall also be applicable *mutatis mutandis* to the Civilian Central Government employees, including Officers of the All India Services, posted to Sikkim.

4. These orders will take effect from August 1, 1997.

5. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these orders issue after consultation with the Comptroller and Auditor General of India.

6. Hindi version will follow.

*Amended by  
Sunder Rajan  
10.1.97*

*N. Sunder Rajan*

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

To

All Ministries/Department of the Government of India [As per standard Distribution List]

Copy [with usual number of spare copies] forwarded to C&AG, UPSC, etc. [As per standard Endorsement List]

Copy also forwarded to Chief Secretary, Andaman & Nicobar Islands and Administrator, Lakshadweep.

To

Date : 21.9.98

The Station Director,  
All India Radio  
Guwahati

Sub : Grant of Special (Duty) Allowances to the employees  
in the cadre of Sr. Engg. Asstt. of AIR & Doordarshan  
posted in the NE Region.

Sir,

This is for your kind information that the undersigned  
had joined on duty w.e.f 13.10.1997 at F/N at your station  
of All India Radio, Guwahati being relieved from TVRC(HPT)  
Murshidabad vide office order No. MSD/TVRC(HPT)/14(1)/97/  
A/340 dated 22.9.97, in the same capacity as Senior Engineering  
Assistant.

Still, right from my joining at AIR, GUWAHATI, I have yet  
to get SDA @ 12 and half percent of my basic pay vide GI,  
M.F. O.M. No. 20014/16/86-EN/EII (B), dated December, 1, 1988,  
which is also being recommended by the Fifth Central Pay  
Commission by suggesting further improvements and considered  
by the Govt. of India vide Min. of Finance, Department of  
Expenditures, Office Memorandum No. F.No.11(2)/97-EII (B),  
New Delhi, dated July 22, 1998. According to this order,  
employees getting SDA under the perview of Ministry of  
Finance O.M. No. 20014/16/86-EIV/EII (B) dated December 1,  
1988, shall be granted the Special (Duty) Allowances at the  
rate of 12.5 percent of the basic pay, but without any  
ceiling on its quantum.

It is to be noted that in pursuance of the judgement of  
Hon'ble Supreme Court dated 20.9.1994 in C.A. No. 3251 of  
1993 and subsequent instruction of M.F. contained in their  
O.M. No.11(3)/95-EII (B) dated 12.1.1996 the Min. of I & B  
have issued Order No. 512/24/93-TV(A) dated 16.01.1997, by  
which the Min. of I & B's earlier Order No. 512/24/93-TV(A)  
dated 20.10.1993, relating to extension the facilities of  
SDA to rest of all dacers working in the NE Region after  
obtaining undertaking from each of them, stands partially  
withdrawan. Apart from this, CAT, Guwahati's order dt. 7.5.  
1997 in O.A. No. 166/94 is also being taken into account.

Keeping all these orders and judgements in view, this is for  
your kind notice that undersigned would get SDA as SEA during  
the tenure at DDK, Guwahati w.e.f. April 92 to May, 1993,  
vide M.F. O.M. No. 20014/16/86-EIV/EII (B) dt. December 1, 1988  
and till now there is no further order being issued to  
surpass the above mentioned order.

I, therefore, fervently urged upon your goodself to grant  
me SDA at the rate of 12.5% of the revised basic pay as  
early as possible as I have come to NE Region from outside  
of North Eastern Region.

Hope, you would be the needful and oblige.  
Thanking you,

Enclo :

Photocopy of the O.M.  
No. F.No.11(2)/97-E-11  
(B) dt. 22.7.98, Govt.  
of India, Min.of Finance,  
Dept. of Expenditures.

Yours faithfully,

Sd/-Apurba Kumar Ghosh  
Senior Engineering Assistant, All  
India Radio, Guwahati.

To

The Station Director,  
All India Radio  
Guwahati-3

Date 28.04.99

Sub : Grant of Special (Duty) Allowance to the employees in the cadre of Sr. Engg. Asstt. of AIR & DD posted in the N.E. Region.

Respected Sir,

It is regretted to inform you once again that being a S.E.A., I have yet to get S(D)A @ 12.5.% of my basic pay w.e.f. my date of joining at AIR, Guwahati vide GI.M.F., OM No. 20014/16/86-EN/EII (B), dated December 1, 1988 which is still now vide after 5th Central Pay Commissions Récommendation being considered by the Govt. of India vide Min of Finance, Department of Expenditure, Office Memorandum No. F.No.11(2)/97-EII (B), New Delhi, dated July 22, 1998.

In my earlier letter dated 21.09.98 in this regard (copy enclosed for ready reference), I have tried my best to justify the following aspects of various orders issued in this regard.

- (1) S.E.A.'s and other Gr. B employees & Higher Officers posted in N.E. Region fulfilling the stipulated conditions may get S(D)A vide GI.MF.OM No.20014/16/86-EN/E-11 (B) dated 01.12.1988.
- (2) Other then these employees and lower cadre may get S(D)A vide Min. of I & B, order No.512/24/93-TV (A) dated 29.10.1993.
- (3) Min. of I & B partially withdrawn the order of even number dated 29.10.1993 vide letter No.512/24/93-TV (A), New Delhi, dated 16th January '97 imposing certain condition in pursuance of judgement of Hon'ble Supreme Court dated 20.9.1994 in C.A. No.3251 and

Contd...

subsequent instruction of Min. of Finance contained in their OM No.11(3)/95-EII (B) dated 12.01.96.

4. Apart from this CAT, Guwahati's order dt.07.05.97 in O.A. No. 166/94 reiterated that the employees who belong to the N.E. Region are not entitled to the S(D)A.

(5) SEA(s) and other higher officers are not under the purview of the judgement of Supreme Court as they would get S(D)A vide G.I. MF, OM No.20014/16/86-EN/EII (B) dated 01.12.88 not by the order of Min. of I & B No. 512/24/93-TV(A) dated 29.10.93.

But I am very much sorry to intimate you that even after a long interval of seven months I have not received any response of my letter from your end which compells me to persue further in this regard.

It is to be noted that DDK & PCC Guwahati have already released S(D)A to the SEA and other eligible employees at the rate recommended by the 5th Central Pay Commission, after getting clarification vide O.M. No.23/12/93 SIV dated 11.09.1998 (copy enclosed for necessary action) but A.I.R. Guwahati being under the same pay and accounts office does not take initiative in this regards.

Under these circumstances, I would like to request your good self once again for kind intervention and valuable comments in this regard so that I may not be compelled to go to the higher authorities or the court of law for this settlement of my legitimate demand.

Thanking you,

Yours faithfully,

Enclo :

Sd/- Apurba Kumar Ghosh

1. One copy of earlier letter. Senior Engineering Assistant All India Radio, Guwahati.
2. Photocopy of the clarification vide O.M. No.23/12/93 SIV/dated 11.09.1998.

Copy for kind information and necessary action to :

1. The Deputy Director, General (N.E) AIR, Guwahati.
2. The Unit Secretary, ARTEE, AIR, Guwahati.

Senior Engineering Assistant  
All India Radio, Guwahati.

To

The Station Director  
All India Radio  
Guwahati-3

Date : 22.09.99

Sub : Payment of SDA to Group A & Group B Officers.

Sir,

Although you are aware regarding non-payment of SDA to me, this is for your kind information that the content of the letter issued by DDG (NE), AIR to PAO (IRLA), New Delhi vide No. DDG (NE)/2(7)/99-Ac/1878-1879, dated 26th Aug '99 on the above mentioned subject (copy enclosed), is ~~XXXX~~ very much favourable to my case of entitlement of SDA, as I am a Gr. B Officer having been transferred from outside of North-East Region to AIR, Guwahati with Home Town at Burdwan in West Bengal.

Hope you would take necessary action towards the payment of my SDA @ 12.5% of my basic pay with arrear w.e.f. 13.10.1997 at your earliest otherwise I have no other alternative but to proceed on to Court of Law for justice.

Thanking you in anticipation.

Yours faithfully,

Sd/- Apurba Kr. Ghosh  
SEA, AIR-GHY

Copy to :

1. Ms M.S. Rugmini, Dy. Director General (NE) AIR for kind information and necessary action please.
2. Unit Secretary, ARTEE, AIR, Guwahati for necessary action please.

PRASAR BHARATI  
(BROADCASTING CORPORATION OF INDIA)  
ALL INDIA RADIO : GUWAHATI)

No. 7(2)/99-AC/2093

Dated Guwahati the 18.05.99

M E M O R A N D U M

The representation submitted by you on 28.04.99 has been referred to the Directorate for their perusal. In this connection it is to inform you that as per the existing order you are not entitled for S.D.A. Since your transfer is limited to N.E. Region only. As regards to enhanced HRA we have not yet received any Directorate Instruction so far. As soon as a revised instruction is received, we have no difficulty in paying enhanced HRA.

Sri A.K.Ghosh, SEA,  
" S.K.Soam, SEA,  
AIR, Guwahati.

Sd/- Surya Das  
Deputy Director  
All India Radio, Guwahati

*After fax  
Surya Das*

No. 7(2)/99/AC/10660

PRASAR BHARATI  
(BROADCASTING CORPORATION OF INDIA)  
ALL INDIA RADIO- GUWAHATI

Chandmari, Guwahati-781003

Dated November 25, 1999

MEMORANDUM

With reference to his representation dated 22.09.99 regarding grant of SDA, Shri A.K.Ghosh, Senior Engineering Assistant of this office is informed that only those employees who have All India transfer liability on posting to NER are eligible for the grant of SDA as per Minl of Finance, Department of Expenditure O.M. No. F.No. 11(2)/97-E(B) dated 22.07.98. Senior Engineer Assistants does not have All India transfer liability as they are transferable only in a particular zone.

Sd/- Illegible 25.11.99

(P. Radhakrishnan)  
Administrative Officer  
for Station Director

1. Sh. S.K. Soam, SEA, AIR, Guwahati.
2. Sh. A.K. Ghose, SEA, AIR, Guwahati.
3. Sh. Rajee Kumar, SEA, AIR, Kokrajhar
4. Sh. G.D. Panda, SEA, AIR, Kokrajhar

Copy to : DDG (NE), AIR, Guwahati for kind information.

For Station Director

*AK Untied  
Chitrak  
Date*

GRAM: AIRWORKS  
PHONE: 2489131

Annexure 15

- 40 -

PRASAR BHARATI  
( BROADCASTING CORPORATION OF INDIA )  
OFFICE OF THE CHIEF ENGINEER (EAST ZONE)  
ALL INDIA RADIO & TELEVISION  
\*\*\*\*\*

Mr. 10/11/99  
No. 1 (28) / 99-S.

10985  
11/11/99

Akashvani Bhavan,  
4th Floor,  
Calcutta - 700001.  
Dated : 27-09-99.

Subject : Draft Eligibility List for promotion of  
Sr. Engineering Assistant to the grade  
of Assistant Engineer as on 01-01-99.  
\*\*\*\*\*

Draft Eligibility List for promotion of Sr. Engineering Assistant to the grade of Assistant Engineer as on 01-01-99 prepared by the Directorate is enclosed herewith.

All the Station Heads are requested to circulate the same to all S.E.A.s working under their control. Discrepancy, if, any, pointed out by the officials may be intimated to this office latest by 05-10-99 to enable this office to intimate the same to the Directorate by 08-10-99.

( S. K. ARORA )  
DY. DIRECTOR (ENGINEERING)  
FOR CHIEF ENGINEER (EAST ZONE)

Copy to :-

1. All Station Heads of All India Radio in East Zone.
2. All Station Heads of Doordarshan Kendras in East Zone.
3. All Doordarshan Maintenance Centres in East Zone.

A

MOST IMMEDIATE  
BY SPEED POST

PRASAR BHARATI  
(BROADCASTING CORPORATION OF INDIA )  
DIRECTORATE GENERAL: ALL INDIA RADIO

\*\*\*\*\*

No. 1/22/99-SIV(A)/S25 New Delhi, dated the 17th September, 1999.

**Subject:** Draft eligibility list for promotion of Senior Engg. Assistants to the grade of Assistant Engineer, as on 01-01-99.

.....

According to clause I (a) and I (b) of Appendix-I of Assistant Engineer, Askashvani and Doordarshan (Group 'B' posts) Recruitment Rules, 1985, as amended vide notification dated 6.12.91, SEAs with three years regular service in the grade, failing which SEAs with 8 years combined regular service in the grades of SEA and EA and possessing educational qualifications not lower than those prescribed for direct recruits to the post of EAs in AIR and Doordarshan, are eligible for promotion to the grade of Assistant Engineer against 25% quota for promotion.

2. Accordingly, a draft eligibility list as on 01-01-99 has been prepared, on the basis of details provided by Zonal Chief Engineers, for filling up vacancies against the 25% promotion quota for the year 1999-2000.

3. Chief Engineers of all the zones are requested to circulate the list to all Stations/Offices of AIR & DD and intimate to the Directorate, latest by 8th October, 1999, any discrepancy that might be pointed out by the officers concerned. Offices of Zonal CEs may also check the particulars of each office from their own records and intimate discrepancies, if any. The discrepancies reported after the due date will not be taken cognizance of. The discrepancies may be routed through respective Zonal Chief Engineer with an advance copy to DG: AIR. The Zonal Chief Engineers are requested to kindly forward the representations received, alongwith their comments, within three days of the receipt of such representations.

*G. S. Raipuria*  
( M.L. Raipuria )  
Director (EA)

173.	Smt. Sushma Ahulawalia, Delhi-TV-Pitam Pura (NZ)	-	04-04-61	Dip in Elect.	28-10-88	Extract of Seniority List
174.	Debabarta Sarkar, DDK-Calcutta (EZ)	SC	03-11-59	LEE	31-03-89	A.E.
175.	V.D. Kasture, LPT-Nagda (WZ)	-	05-01-64	DEE, BE(PTDC)	26-04-89	
176.	Mahesh Chand Dhuwalia, Hyderabad-DDK(SZ)	-	27-02-63	D.E.E.	31-07-89	
177.	Vrishti, Delhi-TV-DDK (NZ)	-	24-10-61	Dip in Elects.	28-10-88	
178.	Sujit Kr. Adhikary, DDK-Guwahati (EZ)	-	12-10-57	LEE	31-03-89	
179.	D. Mukharjee, LPT-Bhavnagar (WZ)	-	12-12-61	MSC(PHY) Elect.	31-03-89	
180.	Usha Narayanan, Bangalore, DDK(SZ)	-	04-05-63	Dip in Elect	28-06-89	
181.	S.C. Tiwari, Banswara-AIR-FM(NZ)	-	12-06-62	B.SC(PHY)	07-01-89	
182.	R.P. Chaturvedi, LPT-Rajgarh (WZ)	-	25-11-62	DEE	01-05-89	
183.	Gajraj Singh, LPT-Madhulani (EZ)	-	01-01-58	DEE	23-05-89	
184.	Jayanandan T., Calicut-AIR(SZ)	-	01-01-45	DEB/RCE	30-09-89	
185.	Smt. Veena Khanna, Delhi-AIR-BH (NZ)	-	01-09-62	Dip in Elects.	28-10-88	
186.	Sujit Kr. Shome, AIR-CBS-Calcutta (EZ)	-	02-01-58	HS, LEE	01-03-89	
187.	A.K. Soni, LPT - Mandsaur (WZ)	-	25-01-61	DEE	18-05-89	
188.	Satish Kumar, H.A., Brahmavar, AIR(SZ)	-	08-05-61	M.SC	25-11-89	
189.	Shashi Kant Puri, LPTV-Pathankot (NZ)	-	12-09-62	Dip in Elects.	30-11-88	
190.	S.S. Joshi, LPT - Ichalkaranji (WZ)	-	30-11-63	DEE, DME	30-03-89	
191.	Arup Kr. Dutta, DDK - Guwahati (EZ)	-	02-02-58	LEE	27-05-89	
192.	Loganathan, S. Kuppam, LPT (SZ)	-	15-01-62	Dip in Elects.	12-09-89	

865. Rajiv Saena, Delhi-TV-DDK (NZ)  
 866. Apurba Kr. Ghosh, AIR-Guwahati (EZ)  
 867. Murugaiyah, S. Madras CBS-AIR (SZ)  
 868. V.G. Khedekar, AIR-SPT-Bambalim (WZ)  
 869. Kak Singh Rathore, Agra-AIR (NZ)  
 870. Peddappa. K. Giddalur-LPT (SZ)  
 871. Akhil Saikia, DDK-Guwahati (EZ)  
 872. A.B. Nirwane, LPT-Ichalkaranji (WZ)  
 873. Har swaroop, Banda-LPT-TV (EZ)  
 874. Chitra A. Avadi-HPT-AIR (SZ)  
 875. Sajal Kr. Paul, DDK-Aizwal (EZ)  
 876. Smt. M.V. Joshi, LPT-Nasik (WZ)  
 877. Baljit Singh, Delhi-AIR-Khampur (NZ)  
 878. Kalanchezhain, S. Coimbatore-LPT (SZ)  
 879. Partha Patim Dey, DDK-Silchar (EZ)  
 880. I. Banavi, LPT-Akluj (WZ)  
 881. Jagdish Raj, Jalandhar-DDK (NZ)  
 882. Kodiyarasan, O.L. Madras-DDK (SZ)  
 883. G.K. Sil, AIR-Gangtok (EZ)  
 n.s. Thakur, LPT-Datia (WZ)

- 46 -  
 - 10-03-64 MSG(PHY) with Elect. 20-03-91  
 - 28-08-63 LEE 08-04-92  
 SC 04-11-54 DECE 30-04-93  
 - 09-03-62 B.SC(PHY) 25-03-94 Promoted  
 - 06-08-59 B.E. (Elect) 01-04-92  
 - 15-07-63 LEE 27-06-93  
 - 01-01-64 BSC 29-09-93  
 - 01-06-62 DEE 16-04-94  
 - 08-07-64 Dip in Elect. 30-04-92  
 SC 10-12-66 D.E.C.E. 30-07-93 Promoted  
 - 05-02-64 LEE 28-08-93  
 - 03-05-63 DEE 30-04-94  
 SC 26-05-60 MATRIC/Dip in Elect 20-06-91  
 Engg.  
 SC 10-06-65 DEE 11-07-93  
 - 25-03-64 DEE 13-08-93  
 - 01-06-63 DEE 14-06-94  
 SC 04-05-61 Dip in Elect Engg. 12-11-91  
 SC 22-06-66 DEEE 06-01-94  
 - 14-07-52 LEE 31-01-94  
 - 04-06-63 DEE 25-10-94  
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193.	Harish Sharma, Udaipur-LPTV (NZ)	SC	09-09-58	Dip. in Elects	02-05-89
194.	N.N. Patil, AIR - Nagpur (WZ)	SC	06-01-59	B. SC	19-05-89
195.	Sachin Kr. Bhadra, DDK-Dibrugarh (EZ)	SC	01-04-59	B. SG	21-06-89
196.	Smt. VeenaLashini.R, Tiruchirapalli-AIR (SZ)	SC	26-06-61	Dip. in Elects.	03-11-89
197.	Mukesh Kumar Sharma, DDK-Lucknow (NZ)	SC	15-04-59	Dip. in Elect.	31-10-88
198.	S.N. More, LPT - Ahwa (WZ)	SC	08-08-61	DEE	07-11-88
199.	Bipul Biswas, AIR-Cuttack (EZ)	SC	04-08-57	LEE	28-04-89
200.	Mangaiyarkarasi, S., Trivandrum-DDK(SZ)	SC	13-06-62	Dip in Elects/SSLC	08-09-89
201.	Kalicharan Verma, LPT - Bhind (WZ)	SC	02-04-55	DEE	17-11-88
202.	N.C. Sen, Sirohi -LPTV (NZ)	SC	13-05-60	B. SC(PHY)	21-11-88
203.	Biswajit Sarkar, AIR-Guwahati (EZ)	SC	25-12-57	LEE	29-04-89
204.	Chandrasekhar Raju, R. CE(SZ) Chennai	SC	01-01-59	L.E.E.	11.09.89
205.	M.G. Mangle, LPT - Amalner (NZ)	SC	11-08-60	D. E. E.	25-09-88
206.	Avinesh Kumar, Aligarh-AIR-HPT (NZ)	SC	10-09-60	Dip in Elect.	31.10.88
207.	Utpal Kr. Hazra, DDK-Cuttack (EZ)	SC	05-01-58	BSC, BOAT	02-03-89
208.	Rojeswari, K., Hyderabad-DDK (SZ)	SC	05-08-59	LECE	12-08-93
209.	V.R. Salunke, DDK-Mumbai (WZ)	SC	01-06-57	DEE	23-09-88
210.	Prem Pal Singh, DDK, Lucknow (NZ)	SC	01-07-61	M. SC(PHY)	04-11-88
211.	Mihir Kr. Dey, AIR-Aizawl (EZ)	SC	24-09-58	B. SC	27-03-89
212.	Meenakshi. S., Coimbatore, AIR (SZ)	SC	07-01-60	DEE	14-09-89

22-02-94

44.	Baju S. Soli, LPT-Gadchiroli (WZ)	ST	01-06-59	DEE	
45.	L.N. Dwivedi, ORAI-LPTV (NZ)	-	10-06-61	Dip in Elects.	19-6-91
46.	P.K. Sarkar, DDK-Guwahati (EZ)	SC	08-07-61	LEE	15-11-92
47.	Shivakumar, A(II) Rajapalayam-LPT (SZ)	SC	11-05-68	DEEE/B.E.	13-04-93
48.	Anand V. Mane, LPT-Akluj (WZ)	ST	01-06-65	DEE	04-03-94
49.	Ali Ahmad Khan, Leh-AIR (NZ)	-	05-08-62	B.SC(PHY)	30-05-91
50.	B.K. Singh, LPT-Godda (EZ)	-	05-03-62	MP, DEE	30-10-92
51.	Sivakumar, A. (I) Avadi (HPT)-AIR (SZ)	SC	30-03-67	DIE	08-04-93 Promoted
52.	Ramchandra Meena, AIR-Bombay (WZ)	ST	26-03-62	DEE	30-06-93
53.	S.K. Srivastava, Lucknow-DDK(NZ)	-	27-06-63	Dip in Elects.	30-03-91
54.	N.K. Banerjee CS(EZ) Calcutta (EZ)	-	22-08-62	BSC	20-01-93
55.	Havaneetha Perumal, N, Trivandrum-DDK(SZ)	SC	08-02-63	B.SC	03-06-93 Promoted
56.	Vishwanath Ughade, LPT-Hingoli (WZ)	ST	28-10-59	DEE	09-08-93
57.	Rajat Kumar Rai, Lucknow-AIR(NZ)	-	12-11-63	Dip in Elects.	30-03-91
58.	P.K. Sharma DDK-Shillong (EZ)	-	24-12-62	BSC	08-04-92
59.	Venkateswara Rao, M. Tirupathy, TW HPT (SZ)	SC	08-09-64	LECE	02-06-93 Promoted
60.	Hemraj S. Burde, AIR-Nagpur (WZ)	ST	25-12-62	DEE	13-07-93
61.	<del>Sur Singh Sandhu, Amritsar-HPTV (NZ)</del>	-	27-11-63	Dip in Elect Engg	18-04-91
62.	Arun Dutta, DDK-Dibrugarh (EZ)	-	01-02-63	BSC	08-04-92
63.	Jayakumar, A. Bangalore, DDK (SZ)	SC	12-04-66	DEE	09-06-93
64.	Malay Kumar Datta, LPT - Satna (WZ)	-	01-12-65	DETE	07-03-94

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केन्द्रीय अधीक्षण	Central Admin. Court of India
919 19 Oct 2000	
गुवाहाटी बैच	
Guwahati Bench	

Filed by

A. DEB ROY  
Sr. C. C. S. C.  
C. A. T., Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :::: GUWAHATI.

O.A. NO. 187 OF 2000 .

Shri Apurba Kr. Ghosh & Others

- Versus -

Union of India and others.

- And -

In the matter of :

Written Statement submitted by  
respondents No. 1 to 6.

The humble respondents beg to submit preliminary  
objection which may be treated as part of written statement.

(PRELIMINARY OBJECTION )

Shri Apurba Kumar Ghosh, Sr. Engg. Assistant and  
Shri S.K. Soam, Sr. Engg. Assistant have filed 'CAT' case  
O.A. No. 187/2000 in CAT Guwahati Bench regarding payment of  
special duty allowance. The applicant have filed this O.A.  
against the impugned memorandum No. 7(2)/99-AC/2093 dated  
18.5.99 issued by Dy. Director, AIR, Guwahati vide which  
they have been informed that as per existing orders they are  
not entitled for SDA because their transfer is limited to  
N.E. Region only. The applicants are however claiming that  
they have all India transfer liability simply on the ground  
that there is a clause to this effect in their Offer of  
Appointment.

Contd.....

2. Ministry of Finance vide its O.M. No. 20014/3/83-E.IV dated 14.12.83 ( page 127/Cor.) granted certain incentives to the Central Govt. Civilian employees posted to the N.E. Region. One of the incentives was payment of 'Special Duty Allowance' (SDA) to those who have 'All India Transfer Liability'. It was subsequently clarified vide Ministry of Finance O.M. No. 20014/3/83-E.IV dated 20.4.87 (Page 123/Cor.) that for the purpose of sanctioning 'Special Duty Allowance' the all India transfer liability of the members of any service/cadre or incumbents of any post/group of posts has to be determined by applying the tests of recruitment zone, promotion zone, etc. i.e. whether recruitment to service/cadre/post has been made on all India basis and whether promotion is also done on the basis of an all India common seniority list for the service/cadre/post as a whole. A mere clause in the appointment letter to the effect that the person concerned is liable to be transferred anywhere in India, did not make him eligible for the grant of SDA.

3. The Hon'ble Supreme Court in their Judgement on 20.9.94 ( in Civil Appeal No. 3251 of 1993) also upheld the submission of the Govt. of India that Central Govt. Civilian employees who have all India transfer liability are entitled to the grant of SDA, on being posted to any station in the N.E. Region from outside the region and SDA would not be payable merely because of the clause in the appointment order relating to all India transfer liability.

4. The cadres of EAS and SEA's are zonal cadres and their transfer liabilities are limited to well defined zones only. For the purpose the entire network of AIR & DDN has been divided into four zones- East Zone, West Zone, North Zone & South Zone. The East Zone consists of West Bengal, Orissa, Bihar and all the North Eastern States under the control of the Chief Engineer ( East Zone ), AIR & TV, Calcutta. Engineering Staff upto Sr. Engineering Assistants are transferable to any where in the Eastern Zone. In other words upto Sr. Engineering Assistants, the cadres are Zonal Cadre only and they are not transferable from one zone to another or on all India basis.

5. It is further submitted that, the examination for Direct recruitment to the post of EA is held on zonal basis and the select list is also prepared on zonal basis. At the time of promotion from EA to the post of SEA, the DPC is also held zone wise by respective zonal offices.

6. The seniority of SEAs is also maintained zone wise in their respective zones. For the purpose of promotion to the post of AE, the eligibility list is prepared on the basis of four zonal seniority lists containing the names of SEAs. In other words, the eligibility list is prepared by interpolation of officers drawn from the respective zonal seniority lists i.e. an officer is drawn from each of the four zonal seniority lists, thus making it a grouping of four officers whose positions are arranged strictly as per their seniority.

7. The applicant have also mentioned that since their joining as Engineering Assistants they have been transferred and posted to various station/offices of AIR/Doordarshan and were also allowed to draw SDA while posted in Guwahati/Shillong but were not allowed to draw SDA when Applicant No. 1 joined Guwahati on 13.10.97 as SEA and Applicant No. 2 joined Guwahati on 7.4.98 as SEA. In this regard it is submitted that both the applicants have been transferred/posted within the same zone only for which they have been recruited. As regards payment of SDA during their posting in Guwahati/Shillong during the period before 1994 it is submitted that SDA was paid to the staff in the N E Region till the case was finally decided by the Hon'ble Supreme Court of India vide their Judgement dated 20.9.94 in Civil Appeal No. 3251 of 1993 filed by Govt. of India Vs S. Vijaya Kumar and others. But in view of the above judgement of the Supreme Court and subsequent orders issued by the Ministry of Finance only those who have all India transfer liability on posting to N E Region from outside the N.E. Region are entitled for the grant of SDA. These two applicants do not fulfil these conditions and have therefore not been allowed SDA as per extant instructions of Ministry of Finance.

8. As regards payment of SDA by Doordarshan to Shri M.D. Hussain and Shri A.C. Saha, SEA working in Doordarshan - Kendra, Guwahati has been duly examined in the office of the DG, Doordarshan and Dte. Doordarshan have vide their O.M. No. 3/18/2000-S. IV, dated 20.10.2000 clarified that SDA is payable only to the employees who don't belong to North East Region and who are posted in the Region with all India transfer liability

The employees who are employed locally or on zonal basis and don't have all India transfer liability are not entitled for SDA notwithstanding the existence of all India transfer liability clause in their appointment letter.

9.

Both the applicants are natives of West Bengal. They have been recruited as EA on zonal basis and the select list is prepared on zonal basis. Although their offer of Appointment contains all India transfer liability clause they are transferred within the zone only. Both the applicants do not fulfil the conditions for grant of SDA as per the Ministry of Finance O.M. No. 11(3)/95-E.II(B), dated 12.1.96 and are therefore not entitled for payment of SDA. The O.A. is therefore not maintainable and should be set aside by the Hon'ble Tribunal.

#### PARAWISE REPLIES

1. That with regard to para I the respondents state that the Applicants are not entitled for the drawl of SDA. Hence the reply given to the representations dated 28.4.99 vide memo. dated 18.5.99 is in order.
2. That with regard to para 2 and 3 no comment.
3. That with regard to para 4 the respondents deny all the averments contained in the Applicant except those that are specifically admitted hereunder.
4. That with regard to para 4.1 and 4.2 the respondents beg to offer no comment as these are matter of records.

5. That with regard to the averments contained in this para 4.3 it is submitted that vide para 3 of Ministry of Finance, Deptt. of Expenditure O.M. No. 11(3) 95-E-11(B) dated 12th Jan, 1996 it has been clarified that a mere clause in the appointment letters to the effect that the person concerned is liable to be transferred any where in India did not make him eligible for the grant of SDA.

Copy of the O.M. dated 12.1.96 is annexed hereto and marked as Annexure - I.

6. That with regard to para 4.4 it is submitted that both the cadres i.e. Engineering Assistants and Senior Engineering Assistants are Zonal Cadres under the "East Zone". East Zone consists of West Bengal, Orissa, Bihar and all the North Eastern States under the control of the Chief Engineer ( East Zone), AIR & TV, Calcutta, Engineering Staff upto Sr. Engineering Assistants are transferable to any where in the Eastern Zone. In other words upto Sr. Engineering Assistants, the cadre are Zonal Cadre only and they are not transferable from one Zone to another or on All India basis. 6

Copies of recruitment Rules of EA and SEA are Annexed as Annexure - R.II.

7. That with regard to para 4.5 it is submitted that the SDA was paid to all the staff in the N.E. Region till the case was finally decided by the Hon'ble Supreme Court of India vide their Judgement dated 20.9.94 in Civil Appeal No. 3251 of 1993 filed by Govt. of India - Vs -

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-Vs- S. Vijaya Kumar and others.

In view of the above judgement of the Hon'ble Supreme Court and subsequent orders issued by the Min. of Finance ( Para-6 of O.M. dated 12.1.96) only those who have All India transfer liability on posting to N.E. Region from outside the N.E. Region are entitled for the grant of SDA. It is once again submitted that the following cadres do not have All India transfer liability.

1. Senior Technician : Gr. 'C' Cadre.
2. Engineering Assistant :
3. Sr. Engineering Asstt. Gr. 'B' Non Gazetted.

Only from Assistant Engineers ( Gr. 'B' Gazetted ), Assistant Station Engineers up words are actually having All India Transfer liability and are posted to any where in India and they are paid SDA on posting to N.E. Region. Apart from this, the Hon'ble CAT, Guwahati Bench in their order dated 7.5.97 in O.A. No. 166/94 have reiterated that the payment of SDA to the Central Govt. Employees located in the N.E. - Region has been settled by the decision of the Hon'ble Supreme Court, whereby the employees who belong to the NER are not entitled to the SDA notwithstanding the existence of All India Transfer liability in their appointment letter.

8. That with regard to para 4.6 the Respondents don't dispute the avertments contained in this para. The only dispute to be settled here is whether the Applicants in this O.A. actually have All India transfer liability

or not for the grant of SDA. According to the Recruitment Rules for the post of SEA, it is a Zonalised Cadre only and their normal Zone of transfer is East Zone which includes N.E. Region also.

9. That with regard to para 4.7 the respondents state that there is no disputes regarding the Applicants Home Town.

10. That with regard to the avertments contained in para 4.8 and 4.9 of the Application, the Respondents respectfully submit that both the Applicants are not having All India transfer liability. They are liable to be transferred only within Eastern Zone.

11. That with regard to para 4.10 the respondents state that from para 1 and 2 of D.G. AIR, New Delhi letter No. 1(22)/99-S.IV(A)/525 dated 17.9.99 it is evident that the SEAs with 3 years regular service in the grade or 8 years combined regular service in the grade of EA and SEA and possessing educational qualifications not lower than those prescribed for direct recruiites to the post of Engineering Assistants are eligible for promotion to the grade of Assistant Engineer against 25% quota earmarked for promotion. Accordingly Zonal Chief Engineer provide the date for preparing an All India eligibility list by DG, AIR for making promotion to the post of Assistant Engineers against 25% quota. From the above it is clear that seniority list is one thing and eligibility list is another thing.

12. The matter of payment of SDA to non entitled employees of Doordarshan Kendra Guwahati has been examined in the Directorate General, Doordarshan and DG, Doordarshan have vide their O.M. No. 3/18/2000-S.IV dated 20.10.2000 ( Copy enclosed as Annexure ) claridied that SDA is payable only to the employees who dont belong to North East Region and who are posted in the Region with All India Transfer Liability. The employees who are employed locally or on Zonal basis and don't have all India transfer liability are not entitled for SDA notwithstanding the existence of all India transfer liability clause in their appointment letter. Doordarshan have also issued direction to Director, DDK, Guwahati to clarify as to how Shri M.D. Nasim, SEA and Shri A.C. Saha, SEA are being paid Special Duty Allowance, because SEAs are transferred within the concerned zone <sup>and</sup> only <sub>do not</sub> have all India transfer liability. The DDK, Guwahati has further been advised to enquire whether SDA is being paid to some other non entitled employees also and if so to stop the same immediately and recover amount paid wrongly as per proper procedure.

A copy of Doordarshan's O.M. dated 20.10.2000 is annexed hereto and marked as Annexure -III.

Verification.....

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bx

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VERIFICATION

I, Shri Lutfur Rehman, SD, AIR, Guwahati  
being authorised do hereby solemnly affirm and declare  
that the contents of the written statement are true to  
my knowledge and information.

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



Declarant.

(L. REHMAN)  
STATION DIRECTOR,  
ALL INDIA RADIO  
GUWAHATI.

ANNEXURE-R-I

PRASAR BHARATI  
(BROADCASTING CORPORATION OF INDIA)  
ALL INDIA RADIO:HQRS.

No. 15/3/97-A&G (Vol. II).

New Delhi, the 4th August 1999. 26/8

Subject :- Payment of Special Duty Allowance to employees of AIR, governed by All India Transfer Liability and actually transferred to North Eastern Region.

A copy of this Directorate's letter No. 15/3/97-A&G, dated 27.8.98 alongwith a copy of the Govt. of India, Ministry of Finance's O.M. No. 11/3/95-E.II(B) dated 12.1.96 and a copy of the DG: AIR's letter No. 15/3/97-A&G dt. 9/15.6.99 are again sent herewith for information and strict compliance.

2. Since, these orders are self-explanatory no further representation on the issue of Special Duty Allowance in North Eastern Region will be entertained after the issue of this communication.

(S.C.LATHER)  
SECTION OFFICER  
FOR DIRECTOR GENERAL.

To,

1. All Heads of AIR Stations/Offices/HQs/ in the North Eastern Region.
2. Spare Copies - 30.

.....2/.....

PRASAR BHARATI  
(BROADCASTING CORPORATION OF INDIA),  
ALL INDIA RADIO:HQRS.

No. 15/3/97-A&amp;G.

New Delhi, the 27/08/1993.

Subject :- Payment of Special Duty Allowance to employees of AIR, governed by all India transfer liability and actually transferred to North Eastern Region.

Consequent upon the issue of modified instructions on the above subject vide Order No. 15/3/97-A&G dated 3.2.1997, requests for clarifying the eligibility of AIR Employees working in North Eastern Region have been received from a number of AIR Stations for the purpose of granting Special Duty Allowance. This matter has been considered and it is found that both Doordarshan and All India Radio had issued similar instructions regarding payment of Special Duty Allowance to its employees with all India transfer liability and actually transferred to Office in the North Eastern Region. This modified instruction has been issued in pursuance of the Hon'ble Supreme Courts judgement dated 20.9.94 in C.A. No. 3251 of 1993 in UOI and others Vs. S. Vijay Kumar and others and subsequent instructions of Ministry of Finance contained in their OM. No. 11(3)/95-E.II(B) dated 12.1.96 (Copy enclosed). DG: IDn, vide their OM. No. 23/12/93-S.IV dated 4.8.97 also stated that apart from this, in CAT Guwahati's Order dated 7.5.97 in O.A. No. 166/94 reiterated that the payment of SDA to the Central Govt. Employees located in the North Eastern Region has been settled by the decision of the Hon'ble Supreme Court as stated above whereby the employees who belong to the North Eastern Region are not entitled to the SDA notwithstanding the existence of all India Transfer Liability in their appointment letter.

2. All AIR Stations/IPTs/Field Offices in North Eastern Region are again requested to follow the instructions on the subject. The AIR Stations/Offices in the North Eastern Region may also send the compliance reports to this Directorate immediately.

Sd/-

(D.K.MUSTAFI)  
DEPUTY DIRECTOR OF ADMINISTRATION  
FOR DIRECTOR GENERAL.

To,

1. All Heads of AIR Stations/IPTs/C.C.W. in North Eastern Region.
2. Spare Copies - 30.

...3/1...

.., M.F. O.M. No. 11/3/95-E.II(B) dated 12.1.1996.

pecial Duty Allowance for civilian employees serving in the State and Union Territories of North Eastern Region.

The undersigned is directed to refer to this Department's O.M. No. 20014/3/83-E.IV dated 14.12.1983 and 20.4.1987 read with O.M. No. 20014/16/86-E.IV/E.II(B) dated 1.12.1988 on the subject mentioned above.

2. The Government of India vide the above mentioned OM, dated 14.12.1983, granted certain incentives to the Central Government civilian employees posted to the N.E. Region. One of the incentives was payment of 'Special Duty Allowance' (SDA) to those who have 'All India Transfer Liability'.

3. It was clarified vide the above mentioned OM dated 20.4.1987, that for the purpose of sanctioning 'Special Duty Allowance' of the members of any service/cadre or incumbents of any post/group of posts has to be determined by applying the tests of recruitment zone, promotion zone, etc. i.e., whether recruitment to service/cadre/post has been made on All India basis and whether promotion is also done on the basis of an All India common seniority list for the service/cadre/post as a whole. A mere clause in the appointment letter to the effect that the person concerned is liable to be transferred anywhere in India, did not make him eligible for the grant of SDA.

4. Some employees working in N.E. Region approached the Hon'ble Central Administrative Tribunal (CAT) (Guwahati Bench) praying for the grant of SDA to them even though they were not eligible for the grant of this allowance. The Hon'ble Tribunal had upheld the prayers of the petitioners as their appointment letters carried the clause of All India Transfer Liability and accordingly, directed payment of SDA to them.

5. In some cases, the directions of the Central Administrative Tribunal were implemented. Meanwhile, a few Special Leave Petitions were filed in the Hon'ble Supreme Court by some Ministries/Departments against the orders of the CAT.

6. The Hon'ble Supreme Court in their judgment delivered on 20.9.1994 (in Civil Appeal No. 3251 of 1993) upheld the submissions of the Government of India that Central Government civilian employees who have all India Transfer Liability are entitled to the grant of SDA, on being posted to any station in the N.E. Region from outside the region and SDA would not be payable merely because of the clause in the appointment order relating to All India Transfer Liability. The Apex Court further added that the grant of this allowance only to the officers transferred from outside the region to this region ~~BY USE OF MONEY~~ would not be violative of the provisions contained in Article 14 of the

constitution as well as the equal pay doctrine. The Hon'ble Court also directed that whatever amount has already been paid to the respondents or for that matter to other similarly situated employees would not be recovered from them in so far as this allowance is concerned.

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

- (i) the amount already paid on account of SDA to the ineligible persons on or before 20.9.1994 will be waived; and
- (ii) the amount paid on account of SDA to ineligible persons after 20.9.1994 (which also includes those cases in respect of which the allowance was pertaining to the period prior to 20.9.1994, but payments were made after this date i.e. 20.9.94) will be recovered.

8. All the Ministries/Departments, etc., are requested to keep the above instructions in view for strict compliance.

Copy of Prasar Bharati, DG: AIR (HQRS.) No. 15/3/97-A&G,  
dated 9/15th June' 99.

Subject :- Payment of Special Duty Allowance to employees in North Eastern Region.

A copy of the communication received from the General Secretary, N.F.I.B.E., Agartala bearing No. NFIEB/TSC/AGT/SDA/Corr. dated 10.5.99 is sent herewith for necessary comments.

2. In this connection, attention is invited to Ministry of Finance (Dept. of Expenditure) OM. No. 11(3)/95-E.II(B) dated 12.1.96 (Copy also enclosed for ready reference) clarifying that the Supreme Court in their judgement delivered on 20.9.94 (in civil Appeal No. 3251) upheld the submissions of the Government of India that Central Government Civilian employees who have All India Transfer Liability, are entitled to the Grant of SDA being posted to any station in the North East Region from outside the region and SDA would not be payable merely because the clause in the appointment order relating to All India Transfer Liability. The apex Court further added that the grant of this allowance only to the officers transferred from outside the region to this region would not be violative of the provisions contained in Article-17 of the Constitution as well as the equal pay doctrine. The Hon'ble Court also directed that whatever amount has already been paid to the respondents or for that matter to other similarly situated employees would not be recovered from them in so far as this allowance is concerned.

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3. DDG (North East Region) is requested to dev  
admissibility of SDA in accordance with the above  
and intimate PAO (IRIA) views of persons who are  
to the same.

Sd/-

( N.C. GAUR )

DEPUTY DIRECTOR OF ADMINISTRATION  
FOR DIRECTOR GENERAL.

RAJIV

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## SCHEDULE 3

1. Name of the post	Senior Engineering Assistant
2. No. of posts	608 (as on 1.7.74) subject to variation dependent on workload
3. Classification	General Central Services Group 'B'
4. Scale of pay	non-gazetted non-ministerial Rs. 550-25-750-EB-30-900 (now revised to Rs. 1640-60-2600-EB-75-2900)
5. Whether selection post or non-selection post	Non-selection
6. Age limit for direct recruitment	Not applicable
7. Educational and other qualifications required for direct recruitment	Not applicable
8. Whether age and educational qualifications prescribed for the direct recruitment will apply in the case of promotees	Not applicable
9. Period of probation, if any	Two years
10. Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer and percentage of the vacancies to be filled by various methods	By promotion on seniority-cum-fitness basis
11. In case of recruitment by promotion/deputation/transfer, grades from which promotion/deputation/transfer to be made	<i>Promotion</i> Engineering Assistants working in the region with at least 3 years approved service in the grade
12. If a Departmental Promotion Committee exists, what is its composition	Class II Departmental Promotion Committee
13. Circumstances which UPSC is to be consulted in making recruitment	Not applicable

*Note:* A common seniority list will be maintained for Senior Engineering Assistants working at all India Radio Stations and offices located in a group of states comprising a Region as indicated below and transfers will be made within the respective Regions on the basis of said list.

*Eastern Region:* States of Assam, Orissa, West Bengal, Bihar, Meghalaya, Manipur and Tripura and Union Territories of Mizoram and Arunachal Pradesh.

*Northern Region:* States of Jammu and Kashmir, Punjab, Haryana, Uttar

Pradesh, Himachal Pradesh and Rajasthan and Union Territories of Chandigarh and Delhi.

*Western Region:* States of Maharashtra, Gujarat and Madhya Pradesh and Union Territories of Goa, Daman and Diu and Dadra and Nagar Haveli.

*Southern Region:* States of Tamil Nadu, Andhra Pradesh, Karnataka, and Kerala and Union Territories of Lakshadweep, the Andaman and Nicobar Islands and Pondicherry.

*Authority:* Notified vide Min. of I&B Notification No. 1/1/71-S-IV dated 30.6.1976 circulated vide DG, AIR Memo. No. 1/1/71-S-IV dated 19.11.1976.

*Extracts of supplementary instructions issued by the Government and DG, AIR.*

1. The Regional Engineers (now Chief Engineers) have been delegated powers to transfer (i) Ministerial Staff from one project to another within the same region (ii) Maintenance and Project Staff up to the rank of Senior Engineering Assistant within the same region.

(Govt. of India, Min. of I&B Memo No. 1/1/71-S-IV dated 5.11.1976)

The following instructions will be observed regarding the procedure for promotion, transfers, seniority, etc. in the grade of Senior Engineering Assistant in All India Radio.

#### *Promotion*

2. The Promotion to the grade of Senior Engineering Assistants will hereafter be made from amongst the eligible Engineering Assistants belonging to the respective regions. The select list for promotion will be drawn up by the regional Departmental Promotion Committee and submitted to the Directorate for approval. The orders of promotion will also be issued from the Directorate. The posting of persons so promoted will be made by the Regional Engineer of the region concerned.

#### *Regional D.P.C.*

3. The following will be the composition of the Departmental Promotion Committee to be constituted for each region for selection of candidates for promotion to the grade of Senior Engineering Assistants against the available vacancies in the region.

(1) Regional Engineer (Now Chief Engineer)	Chairman
(2) Two Senior Engineers/Engineers-in-charge from the Region nominated by the Chief Engineer from outside the Regional Engineers Office	Member

#### *Seniority*

4. With effect from the date of the above mentioned Notification (No. 1/1/71-SIV dated 30.6.76), the seniority list of Senior Engineering Assistants will be maintained region-wise by the Regional Engineer of

the region concerned. The existing Senior Engineering Assistants will be given the option in regard to the region where they wish to serve. Each one of them should state three preferences. It must be made clear that the option exercised by a Senior Engineering Assistant does not, in *so facto*, confer on him any right unless the option so exercised, is accepted by the Directorate General. If a particular Senior Engineering Assistant cannot be accommodated according to his first preference, he will have to accept allotment to another region according to his second or third preference or even to any other region. The final allotment will be at the discretion of the Directorate. The names of the persons concerned will be included in the seniority list of Senior Engineering Assistants of the regions to which they are so allotted. The process of transferring persons to the regions to which they are allotted will be completed gradually.

*Transfer*

5. The Regional Engineers have been delegated powers to transfer the Senior Engineering Assistant from one Station/office to another within their respective regions, vide Ministry of I&B Lr. No. 1/1/71-SIV dated 5.11.76 (Copy reproduced above). The delegation is subject to condition that procedural and other general or specific instructions issued by Government and DG, AIR from time to time will be observed while exercising the delegated power. No inter-regional transfers will ordinarily be permitted, excepting in the following circumstances:

- (a) For administrative reasons, i.e. when the transfer is in the interest of Service, for a specific period.
- (b) Mutual transfers or transfer on person's own request on compassionate grounds.

The persons transferred to another region in the circumstances mentioned at (b) above, will rank juniormost to all other Senior Engineering Assistants serving in that region on the date he joins the new region.

(DG, AIR Memo. No. 1/1/71-SIV dated 19.11.1976).

SCHEDULE 4

1. S. No.
2. Name of the post
3. No. of posts
4. Classification
5. Scale of pay
6. Whether selection post or non-selection post
7. Age limit for direct recruitment
8. Educational and other qualifications required for direct recruits

1  
Engineering Assistant  
2088 (1986) (subject to variation dependent on workload)  
General Central Service, Group 'C'  
non-gazetted, non-ministerial  
Rs. 425-15-500-EB-15-560-20-640-  
EB-20-700-25-750 (now revised to  
Rs. 1400-40-1600-50-2300-EB-  
60-2600)  
Non-selection  
18-25 years (relaxable up to the age of 35 years for Government servants in accordance with the instructions issued by the Central Government from time to time in this regard)

*Note 1:* The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India (other than those in Andaman and Nicobar Islands and Lakshadweep)  
*Note 2:* In the case of recruitment made through the Employment Exchange, the crucial date for determining the age limit shall be last date upto which the Employment Exchange is asked to submit the names.

*Essential*  
Three years Diploma in Radio/ Telecommunication/ Electrical/ Electronics/ Electrical Communication Engineering recognised by the Govt. of India  
or  
Degree with Physics as one of the subjects from a recognised university  
or  
Degree in Electrical Engineering from a recognised University or equivalent degree  
or  
Diploma in Sound Recording and Sound Engineering awarded by

the Film and TV Institute of India, Pune

*Desirable*  
Knowledge of Wireless or Radio Engineering  
No

9. Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees
10. Period of probation if any
11. Method of recruitment, whether by direct recruitment or by promotion or by deputation/transfer and percentage of the vacancies to be filled by various methods
12. In case of recruitment by promotion/deputation/transfer grades from which promotion/deputation/transfer to be made

Two years.  
80 percent by direct recruitment. 10 per cent by promotion on seniority-cum-fitness. 10 percent through limited departmental competitive examination

*Promotion*

Senior Technicians in All India Radio/Doordarshan with 5 years' service in the grade or in a higher grade, rendered after appointment to the grade on a regular basis

*Limited Departmental Competitive Examination*

Senior Technicians in All India Radio/Doordarshan with 5 years' service in the grade rendered after appointment thereto on a regular basis or, with 8 years' total service in the grades of Technician and Senior Technician rendered after appointment to these grades on a regular basis, or, Mast Technicians/Diesel Technicians with 8 years' service rendered in the grade after appointment thereto on a regular basis

(substituted vide MIB notification No. 310/10/82-B(D) dated 11.3.87)

13. If a Departmental Promotion

Group 'C' Departmental Promotion

Committee exists what is its composition

Committee consisting of:

1. Director (Engineering) dealing with Administration Chairman
2. An Engineering Officer of the level of Deputy Director (Engineering) from All India Radio/ Doordarshan dealing with administration Member
3. A Group 'A' Engineering Officer of another Department having requisite technical background Member

14. Circumstances in which UPSC is to be consulted in making recruitment

Not applicable

*Authority:* Notified vide Ministry of I&B Notification No. 310/10/82-B(D) dated 18.8.86 and modified vide their notification No. 310/10/82-B(D) dated 11.3.1987 circulated vide DG, AIR OM No. 16/18/85-SIV(A) dated 22.5.87/3.6.87.

*Extract of supplementary instructions issued by DG, AIR*

1. The selection Committee for recruitment of Engineering Assistant in All India Radio/Doordarshan will comprise the following:
  - (i) Chief Engineer of Zonal Office Chairman
  - (ii) Station Director of the Local station of AIR/ or Addl. Member SD if nominated by the SD
  - (iii) Professor of Physics, Electronics or Electrical Tele- Member communication Engineering Etc. in a University or I.I.T./ Madras Institute of Technology
  - (iv) A senior Technical officer not lower in rank than Divisional Engineer or equivalent, from either P&T Department, or Civil Aviation (Communications Wing) or overseas Communication Service Member

(DG, AIR Memo. No. 3/14/76-SIV dated 25/27-7-1977)

PRASAR BHARATI  
(BROADCASTING CORPORATION OF INDIA)  
DG:DOORDARSHAN  
MANDI HOUSE:NEW DELHI

No. 3/18/2000- S.IV

Dated 20.10.2000

## OFFICE MEMORANDUM

Subject : Payment of SDA to employees posted  
in Nort East Region in Doordarshan.

It has come to the notice of this Directorate that Special(Duty) Allowance is being paid to some of the non entitled employees of Doordarshan posted/working in North East region. It has been clarified from time to time by the instructions issued by this Directorate on the subject that Special (Duty) Allowance is payable only to the employees who do not belong to North East region and who are posted in the region with All India transfer liability. The employees who are appointed locally or on Zonal basis and do not have All India transfer liability are not entitled for SDA notwithstanding the existance of All India transfer liability in their appointment letter.

All concerned are, therefore, directed to follow the above instructions strictly. It is further directed that in case SDA is being paid to any non-entitled employees the payment may be stopped immediately and the amount paid against SDA erroneously be recovered after giving a notice and a chance to represent and considering the representation. The action taken in this regard may be intimated to this Directorate.

This issues with the approval of DDG(A).

(S.M. BAJAJ)  
DEPUTY DIRECTOR (ADMN)

To:

1. DDG(NER). / OFFICE OF THE CE (E2)
2. Director, DDK, Guwahati/Dibrugarh/Shillong/ Imphal/Kohima/Agartala/Silchar/Tura/Itanagar/ Aizawl.
3. Station Engineer, DDC, Tezpur/Jorhat/Imphal/ Dimapur/Guwahati/Dibrugarh/Itanagar.
4. SE, PPC, Doordarshan Guwahati.

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CAT CASE  
MOST IMMEDIATE

PRASAR BHARATI  
(BROADCASTING CORPORATION OF INDIA)  
DG:DOORDARSHAN  
MANDI HOUSE:NEW DELHI

No.3/18/2000-S.IV

Dated 20.10.2000

Office Memorandum

Subject : O.A.No.187/2000/1620 filed by Shri Apruba Kumar Ghosh, SEA in the CAT Guwahati Bench regarding payment of SDA.

It has come to the notice of this Directorate that Special (Duty) Allowance is being paid to some non entitled employees by the Doordarshan Kendra, Guwahati; probably Shri M.D. Nasim, SEA and Shri A.C. Saha, SEA are among those. As Senior Engineering Assistants are transferred within the zone concerned and do not have All India Transfer liability, they are not entitled for SDA.

DDK, Guwahati is, therefore, requested to clarify as to how these employees are being paid SDA. The Kendra is advised to enquire whether SDA is being paid to some other non-entitled employees also and if so the payment of SDA may be stopped immediately and amount wrongly paid be recovered after giving notice and a chance to represent and considering the representations.

This issues with the approval of DDC(A).

(S. M. BAJAJ)  
DEPUTY DIRECTOR (ADMN)

Director,  
DDK,  
Guwahati.

1/23/10/2000