

30/100

3

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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✓  
O.A/T.A No. 210/2001

R.A/C.P No.

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SECTION OFFICER (Judl.)

*Shahla*  
7.12.17

FORM NO.4  
(See Rule 42 )

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

ORDER SHEET

APPLICATION NO .....OF 2001.

Applicant (S) S. B. Baidya & ORS.

Respondent (S) LLOI & ORS

Advocate for Applicants (s) Mr ADIL AHMED

Advocate for Respondent (s)

CASE

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form but not in time Condonation Petition is filed vide M. P. No. C. F. for Rs. 50/- deposited vide IPO/BO No 64792502 Dated.....J.S.S. 2001.</p> <p><i>bb</i></p> <p><i>JS</i></p> <p><i>28/5</i></p> <p><i>11.7.01</i></p> <p><i>Remits filed.</i></p> <p><i>JS</i></p> <p><i>28/5/2001</i></p> <p><i>Notice prepared and sent to DB for Aming the Respondent No 182 by Regd AHD vide D No 2024/2022 dtd 13/6/07</i></p> <p><i>4/8/07.</i></p> <p><i>Service report are still awaited.</i></p> <p><i>JS</i></p> <p><i>10.7.01</i></p>	<p>29.5.01</p>	<p>Issue notice on the respondents, returnable by six weeks.</p> <p>List on 11-7-2001 for admission.</p> <p><i>Vice-Chairman</i></p> <p>The application is admitted.</p> <p>Call for the records.</p> <p>Four weeks time is allowed to the respondents for filing of the written statement as prayed for by Mr.B. C.Pathak, learned Addl.C.G.S.C. for the respondents.</p> <p>List on 13-8-2001 for order.</p> <p><i>Member</i></p> <p><i>Vice-Chairman</i></p>

V

13.8.01

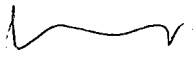
Pleadings are complete. The case is ready for hearing. The applicant may file rejoinder within ten days.

List on 18/9/01 for hearing.

30.7.2001

W/S on behalf  
of Respondent no. 1 & 2  
has been filed.

IC Ushara  
Member

  
Vice-Chairman

mb




No. rejoinder has been  
filed.

30  
17.9.01

18.9.2001

Heard the learned counsel for the parties.  
Hearing concluded. Judgment delivered in open  
court, kept in separate sheets. The application  
is disposed of. No order as to costs.

IC Ushara  
Member

  
Vice-Chairman

nk m

15.10.2001

Copy of the Judgment  
has been sent to the  
Office for is by the  
one to the Applicant  
as well as to the  
Add. Cg. Sec. & the  
Resp. In.

RE

CENTRAL ADMINISTRATIVE TRIBUNAL ::  
GUWAHATI BENCH.

O.A./XXX. No. . 210. . . . . of 2001

DATE OF DECISION 18.9.2001.....

Shri S.B. Baidya and 67 others

APPLICANT(S)

Mr A. Ahmed

ADVOCATE FOR THE APPLICANT(S)

- VERSUS -

The Union of India and others

RESPONDENT(S)

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

ADVOCATE FOR THE  
RESPONDENTS.

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

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

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

5.

Judgment delivered by Hon'ble Vice-Chairman



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.210 of 2001

Date of decision: This the 18th day of September 2001

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

The Hon'ble Mr K.K. Sharma, Administrative Member

Shri S.B. Baidya and 67 others

.....Applicants

All the applicants are working in the  
Office of the Garrison Engineer, Dinjan,  
P.O.- Panitola, District- Tinsukia, Assam.

By Advocate Mr A. Ahmed.

- versus -

1. The Union of India, represented by  
The Secretary, Defence,  
Ministry of Defence,  
Government of India, New Delhi.
2. The Garrison Engineer, Dinjan,  
P.O.- Panitola, District- Tinsukia,  
Assam.

.....Respondents

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

.....

O R D E R (ORAL)

CHOWDHURY. J. (V.C.)

The sole controversy in this application pertains to grant of the benefit of Special (Duty) Allowance.

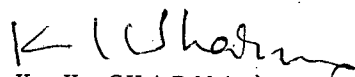
2. The applicants in this application stated and contended that they were earlier given the Special (Duty) Allowance (SDA for short) and subsequently the said allowance was withdrawn in a most illegal manner.

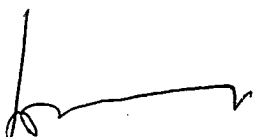
3. The respondents contested the case and filed their written statement. In the written statement the respondents asserted that these applicants were either local residents of the North Eastern Region or persons from outside the North Eastern Region, but posted for the first time in the North Eastern Region. All the applicants are working

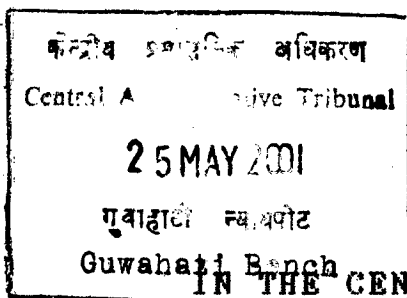
in the North Eastern Region from the beginning and they have not been transferred out from the North Eastern and, therefore, none of them are entitled for SDA as was held in a series of decisions rendered by this Tribunal as well as the Apex Court.

4. We have heard Mr A. Ahmed, learned counsel for the applicants, and Mr B.C. Pathak, learned Addl. C.G.S.Cl. Mr Ahmed referred to a decision rendered in O.A.No.270 of 1998 (Shri Bikash Deb and 29 others Vs. Union of India and others) disposed of on 20.12.2000. In our view the aforementioned decision pertains to payment of SDA to the Defence Civilian Personnel deployed in the border areas for support to the army personnel deployed there. Be that as it may, the applicants obviously being persons working in the North Eastern Region from the beginning and who were not transferred out of the North Eastern Region and reposted in the North Eastern Region are not as a matter of fact entitled for SDA. Mr Ahmed, however, submitted that some of these applicants were transferred out of the North Eastern Region and thereafter they have been reposted in the North East and therefore, they will be entitled for SDA. In the absence of any materials on record it will be difficult for us to direct the respondents for granting SDA to those applicants. It will, however, be open to any of the applicants to show that they, in fact, were posted out of the North Eastern Region and subsequently reposted in the North Eastern Region and in that case the respondents would be duty bound to consider the case of those applicants and pay them the Special (Duty) Allowance if they were found eligible.

5. Subject to the observations made above the application stands disposed of. No order as to costs.

  
( K. K. SHARMA )  
ADMINISTRATIVE MEMBER

  
( D. N. CHOWDHURY )  
VICE-CHAIRMAN



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH, GUWAHATI.

(AN APPLICATION UNDER SECTION 19 OF THE  
CENTRAL ADMINISTRATIVE TRIBUNAL ACT, 1985)

ORIGINAL APPLICATION NO. 210 OF 2001.

Sri Sadhan Bikash Baidya & others  
-Applicants.

-Versus-

The Union of India & Others.

-Respondents.

I N D E X

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Filed by

(Adil Ahmed)

Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GAUHATI BENCH AT GAUHATI.

(AN APPLICATION UNDER SECTION 19 OF THE  
CENTRAL ADMINISTRATIVE TRIBUNAL ACT, 1985.)

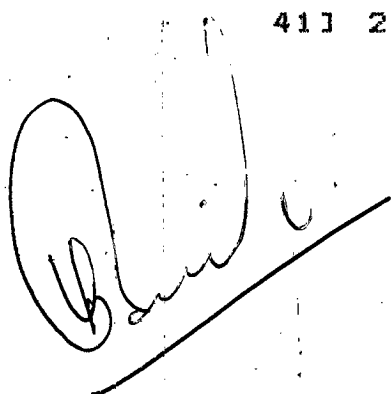
ORIGINAL APPLICATION NO. OF 2001.

B E T W E E N

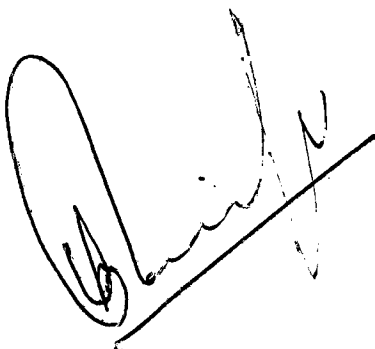
Sl. No.	MES No.	Name	Rank
11	224411	Sri Sadhan Bikash Baidya	SK Gr-I
21	228130	" Bidhu Bhushan Das	D'Man I
31	243723	" Sanjay Debnath	JE QS&C
41	242325	" Sushil Kumar Das	UDC
51	242068	" Nitya Ranjan Paik	UDC
61	238655	" Cheni Ch Saikia	UDC
71	238654	" Amal Ch Das	UDC
81	237030	" Hem Ch Phukan	ASST
91	238657	Miss Puspa Baruah	LDC
101	238798	Smt Mala Dhar	LDC
111	242972	Sri Bhypen Saikia	LDC
121	238801	Miss Usha Rani Baruah	LDC



131	242094	Sri Chitra Ranjan Gogoi	Duftry
141	242405	" Kumud Ch Saikia	Duftry
151	242360	" L C Moran	Duftry
161	238703	" Manik Ch Dutta	MT DVR
171	242308	" Panchuram Gohain	MT DVR
181	243299	" Ramlal Singh	MT DVR
191	238535	" Soharam Saikia	MT DVR
201	280539	" Minaram Barua	Chowkidar
211	242570	" Mafrose Hussain	SK GDE II
221	242559	" Dhaneswar Baruah	Peon
231	242078	" Andherias Ekka	Duftry
241	239154	" Pabitra Nath Gogoi	MT DVR
251	223402	" Haider Ali	MT DVR
261	238530	" Jiten Baruah	MT DVR
271	280541	" Ghanen Das	Chowkidar
281	230540	" Joyram Patra	Chowkidar
291	242252	" Abani Kant Chetia	Storeman
301	249591	" Dulal Baruah	Chowkidar
311	231833	" Dhaneswar Deka	-do-
321	238833	" Milan Das Chowdhury	-do-
331	248631	" G K Sonowal	-do-
341	NYA	" S Gogoi	-do-
351	238979	" Narayan Balmiki	S/Wala
361	242926	" K L Balmiki	-do-
371	243337	" Govind Das	Chowkidar
381	220180	" Tezu Passi	Mate/OTP
391	239092	" Rohindra Baruah	Chowkidar
401	234047	" Krishna Das	-do-
411	242426	" Gam Bahadur	-do-



421	239053	"	D. N. Baruah	-do-
431	A/1556	"	Rahabuddin Miyan	-do-
441	239194	"	Ram Bahadur Thapa	-do-
451	239194	"	Bijoy Ch Bhagat	S/Wala
461	280550	"	Sundarlal Gor	-do-
471	243593	"	Md. Tyub Khan	Chowkidar
481	238094	"	Kali Charan Teli	-do-
491	220169	"	Kirpal Prasad	-do-
501	239000	"	Prasant Saikia	-do-
511	238929	"	Sukhladhar Baruah	-do-
521	242322	"	Man Bahadur Magar	-do-
531	239094	"	Sukhdeb Tiwari	-do-
541	242885	"	Subodh Baruah	K/Chow
551	239137	"	Nagesh Bahadur	Chowkidar
561	249027	"	Dipen Phukan	-do-
571	238561	"	L.C.Gorh	Meter/Reader
581	243052	"	R Borghain	-do-



591	232793	"	T.N. Rai	-do-
601	238795	"	Girish Sonwal	-do-
611	242193	"	Padmeshwar Borah	Storeman
621	224716	"	S C roy	JE Civil
631	238963	"	Janen Baruah	Chowkidar
641	237114	"	Ajit Ch Baruah	UDC
651	239133	"	Sukhadev Rawat	Chowkidar
661	243314	"	Lambo Tanti	Mate
671	239102	"	Sadhan Shan	FGM
681	243313	"	Chotelal Balmiki	S/Wala

-Applicants.

All applicants are working under the office of the Garrison Engineer, Dinjan, P.O. -Panitola, District - Tinsukia, Assam.

-AND-

- 1] The Union of India represented by the Secretary Defence, Ministry of Defence Government of India, New Delhi.
- 2] The Garrison Engineer, Dinjan, P.O. - Panitola, District - Tinsukia, Assam.

-Respondents.

# 1] DETAILS OF THE APPOLOCATION:

1] The application is made for non-implementation of Memo No. 20014/3/83-IV, Government of India, Ministry of Expenditure, New Delhi and office Memo No. 4(19)/83/D Civil -I dated 11-01-84 regarding payment of Special Duty Allowance for Defence Civilian Employees.



ii) The application is made for non-implementation of the Hon'ble Apex Court's judgement in Civil Appeal No. 1572/97 dated 17.02.97 for payment of special Duty Allowances to the Defence Civilian Employees working in the North Eastern Region.

2] JURISDICTION OF THE TRIBUNAL:

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

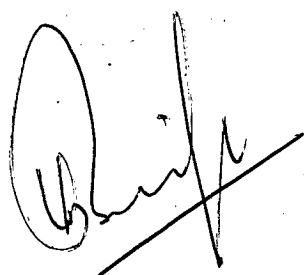
3] LIMITATION:

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

4] FACTS OF THE CASE:

The facts of the case in brief are given below:

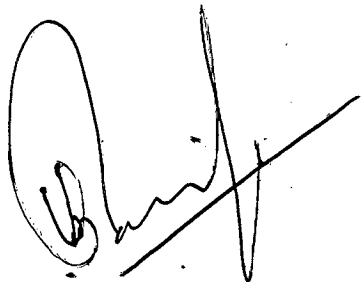
4.1 That your humble applicants are all Indian Citizens as such they are entitled to all the rights and privileges guaranteed under the Constitution of India. The applicants are all Defence Civilian employees and they are serving under the Ministry of Defence in different capacities since long time. Now they are serving under the Office of the Garrison



Engineer, Dinjan, P.O.-Panitola, District-Tinsukia, Assam.

4.2 That all the applicants have got common grievances, common course of action and nature of their relief prayed for is also same and similar and hence having regard to the facts and circumstances they intend to prefer this instant application jointly and accordingly they crave leave of the Hon'ble Tribunal under Rule 4(5) (a) of the Central Administrative Tribunal (procedure) Rules, 1987. They also crave leave of the Hon'ble Tribunal and pray that they may be allowed to file this joint application and pursue the instant application redressal of their common grievances.

4.3 That the Government of India, Ministry of Finance, Department of Expenditure granted certain improvement and facilities in the Central Government Civilian Employees of the Central Government serving in the States and Union Territories of North-Eastern Region vide Office Memorandum No. 20014/3/83-IV dated 14.12.1983. In clause II of the said office Memorandum Special (Duty) Allowances was granted to Central Government Civilian Employees who have all India Transfer Liability at the rate of Rs. 25% of the basic pay subject to ceiling of Rs. 400/- per month on posting to any station in the North-Eastern Region. The relevant portion of O. M. dated 14.12.1983 is quoted below:



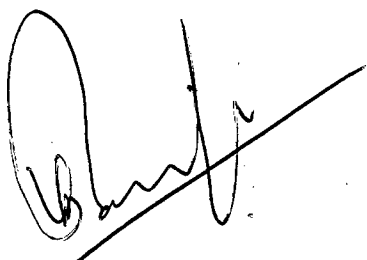
■ (iii) Special (Duty) Allowance:

Central Government Civilian Employees who have all India Transfer Liability will be granted a (special) Duty Allowance at the rate of Rs. 25% of basic pay subject to a ceiling of Rs. 400/- per month on posting to any station in the North-East Region. Such of these employees who are exempted from pay of income Tax, will however not be eligible for the special (duty) Allowance, Special (duty) Allowance will be in addition to any special Pay and for allowances already being drawn subject to the condition that the total of such special (duty) Allowance plus special deputation (Duty) Allowance will not exceed Rs. 400/- per month. Special Allowance like Special Compensatory (Remote) Locality Allowance, Construction Allowance and project Allowance will be drawn separately:

An extract of office Memorandum dated 14.12.88 are annexed hereto and the same are marked as Annexure- 1 and 2 respectively.

4.4 That your applicants beg to state that, they are all scheduled with all India Transfer Liability in terms of their offer of appointment and with the said liability they have received the offer of appointment and joined the service of the respondents.

4.5 That these Defence Civilian Employees are entitled to get the benefits of Special

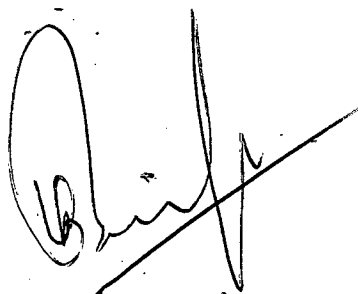


(Duty) Allowance vide recent judgement of the Hon'ble Supreme Court of India in civil Appeal No. 1572/97. dated 17.2.97. The Hon'ble Supreme Court in their judgement it has been clearly stated that all the Defence Civilian Employees who are working in the North-Eastern Region are entitled to get the benefits of Special (Duty) Allowance because the Defence Civilian employee deployed at the North Eastern Region for support of Operational Requirement they face the imminent hostilities supporting the Army Personnel deployed there.

Annexure-3 is the photocopy of the Judgment & Order dated 17-02-1997 passed in Civil Appeal No. 1572/97.

4.6 That your applicant begs to state that they have fulfilled all the terms and condition of Special (Duty) Allowance as admissible to all the Defence Civilian Employees serving in the North-Eastern Region and the recent Hon'ble Supreme Court's order/judgement in which it was held that all those Defence Civilian Employees who are serving in the North Eastern Region are entitled to get the benefit of Special Duty Allowance and as such, they can not be denied by the Respondents to get the benefits of Special (Duty) Allowance and as such, the applicants are legally entitled to get the benefits of Special (Duty) Allowance.

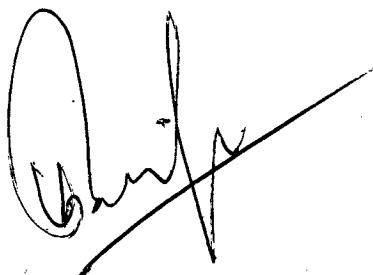
It may be stated applicants were enjoying the benefit of Special Duty Allowance till 1996 but it was recovered and stopped by the respondents. 24



4.7 That your applicants beg to state that they have submitted representation before the Respondents for payment of Special (Duty) Allowance to the Defence Civilian Employees as per the recent Hon'ble Supreme Court's Judgement in Civil Appeal No. 1572/97 dated 17.2.97. But the Respondents have not yet taken any steps for payment of Special (Duty) Allowance to the Defence Civilian Employees and in the circumstances finding no other alternative way the applicants are approaching before this Hon'ble Tribunal for protection of their interest and rights.

4.8 That your applicant begs to state that the similarly situated some Defence Civilian Employees of the filed an Original Application No. 270 of 1998 before this Hon'ble Tribunal with a prayer for payment of Special Duty Allowance to the Defence Civilian Employee as per Hon'ble Supreme Court Judgment in Civil Appeal No. 1572 of 1997 [Reported in SCC (1997) 4 Page 189]. The Hon'ble Tribunal after hearing both the parties allowed the Original Application No. 270 of 1998 and directed the Respondents to pay the Special Duty Allowance to the Defence Civilian Employees.

Annexure-4 is the Photocopy of Judgment and Order dated 20-12-2000 passed in O.A. No. 270 of 1998 by this Hon'ble Tribunal.





4.9 That your applicants submit that there is no other alternative remedy and the remedy sought for, if granted, would be just, adequate and proper.

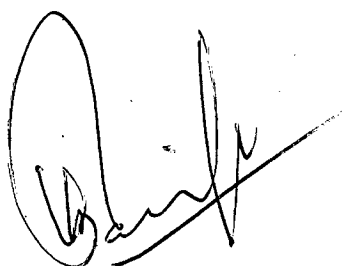
4.10 That this application is filed bona fide and for the cause of justice.

#### 5. GROUNDS FOR RELIEF WITH LEGAL PROVISION

5.1 For that the applicants having fulfilled the entire Criterion laid down by the Hon'ble Supreme Court judgement in Civil Appeal No. 1572 of 1997 towards granting the Special (Duty) Allowance, to the Defence Civilian Employees of North Eastern Region. Hence the Respondents can not deny the same to the applicants without any jurisdiction.

5.2 For that there is no jurisdiction in denying the said benefits granted to the applicants and the denial has resulted in violation of the Articles 14 and 16 of the Constitution of India and also other similarly situated employees already have been granted the said benefits.

5.3 For that the applicants having fulfilled all the criterion laid down in the aforesaid Memorandum towards granting the Special (Duty) Allowance, the respondents can not deny the same to the applicants without any jurisdiction.



5.4 For that the application has been denied the said benefits without any principle of being heard. There is a violation of the principle of natural justice in denial of the benefits to the applicants and accordingly proper reliefs and required to be granted to the applicants.

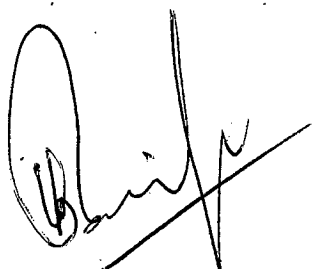
5.5 For that it is a settled proposition of law that when the same principle have been laid down in given cases, all other persons who are similarly situated should be granted the said benefits without requiring them to approach in the court of law.

5.6 For that the recent Hon'ble Supreme court's judgement it was held that irrespective of facts and circumstances the Defence Civilian Personnel who are posted in the North Eastern Region are entitled to get the benefits of Special (Duty) Allowance and as such, the same can not be denied to the applicants by the Respondents.

5.7 For that the action of the Respondents are illegal, arbitrary and not sustainable in law.

6 DETAIL REMEDY EXHAUSTED:

That there is no other alternative and efficacious remedy available to the applicants except invoking the jurisdiction of this Hon'ble Court under Section 19 of the Administrative Tribunal Act, 1985.



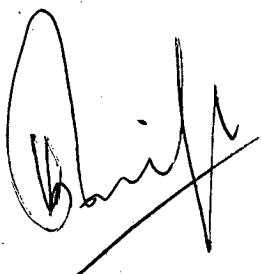
7. MATTERS NOT PREVIOUSLY FILED OR  
PENDING BEFORE ANY COURT:

The applicants further declare that they have not filed any application, the applicants most respectfully pray that your Lordship may be pleased to admit this application and grant the following reliefs:-

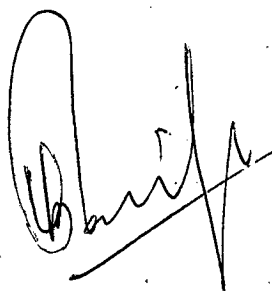
8. RELIEF PRAYED FOR:

Under the facts and circumstances stated above in this application it is therefore most respectfully prayed that your Lordship may be pleased to admit this application and call for the records, issue notices to the Respondents to show cause as to why the reliefs sought for should not be granted to the applicants and after hearing the parties on the cause or cause that may be shown and also on perusal of records your Lordships may be pleased to pass the necessary order or orders as your Lordships may deem fit and proper for granting the following reliefs to the applicants:

- 8.1 That the Hon'ble Tribunal may be pleased to grant the Special (Duty) Allowance to the applicants in terms of Memo No. 20014/ 3/83 E-IV dated 14.12.83 and office Memorandum No. 20014/16/86 IV/E II (B) dated 1.12.88.



- 8.2 That the respondents may be directed to pay the Special (Duty) Allowance to the applicants in terms of Hon'ble Supreme Court's Judgment in civil Rule No. 1572 of 1997 dated 17-02-97.
- 8.3 To pass any other order or orders as deem fit and proper by the Hon'ble Tribunal.
- 8.4 Cost of the Case.
9. APPLICATION IS FILED THROUGH ADVOCATE
10. PARTICULARS OF I.P.O.
- |               |   |                  |
|---------------|---|------------------|
| I.P.O. No.    | : | GG792502         |
| Date of issue | : | 15.8.2001        |
| Issue from    | : | Guachate, G.P.O. |
| Payable at    | : | Guachate         |
11. LIST OF ENCLOSURES: As stated above.



## VERIFICATION

I, Sri Sadhan Bikash Baidya, SK Gr-I  
MES No. 224411, working under the Office of  
the Garrison Engineer, Dinjan, P.O.-Panitola,  
District-Tinsukia, Assam and applicant No. 1  
of the instant application also authorised by  
the other applicants do hereby solemnly affirm  
and verify the statements in paragraphs Q.1,  
Q.2, Q.4, Q.6, Q.7, are true to my  
knowledge, those made in paragraphs Q.3, Q.5,  
Q.8, are being matters of  
record true to my information and those made  
in paragraph 5 of the application are true to  
my legal advice and those made in the rest are  
my humble submissions before this Hon'ble  
Tribunal.

And I sign this verification today on  
this 28th day of May, 2001 at Guwahati.

*Sadhan Bikash Baidya*  
DECLARANT.

No. 20014/2/03/E.IV  
 Government of India  
 Ministry of Finance  
 Department of Expenditure

22  
ANNEXURE-11

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 some time. The Government had appointed a Committee under the Chairmanship of Secretary, Department of Personnel and Staff Administrative Reforms, to review the existing allowances & Administrative Reforms, to review the existing allowances and facilities admissible to the various categories of Civilian Central 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
- ii) Weight-age for Central deputation/training abroad and special mention in Confidential Records.  
 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 percent of basic pay subject to any 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

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be eligible for this Special (Duty) Allowance. Special (Duty) Allowance will be in addition to any special pay and pre Deputation (Duty) Allowance already being drawn subject to the condition that the total of such Special (Duty) Allowance plus special pay/deputation (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.

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HQ/- H.C. RAIPUR  
JOINT SECRETARY TO THE GOVERNMENT OF INDIA

Attd  
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Amr to

Annexure-2 (Extract)

ANNEXURE-2

No. 20014/13/EG/E.IV/E.II (3)  
Govt. of India, Ministry of Finance  
Department of Expenditure

New Delhi the 1 Dec 1986

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.P. No. 20014/3/EG-E.IV dated 14th December, 1983 and 20th 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 East in Region comprising the States of Assam, Meghalaya, Manipur, Nagaland, Tripura, Arunachal Pradesh and Mizoram has been engaging the attention of the Govt. Accordingly the President is now pleased to decide as follows.

- i) xxxxxxxxxxxx
- ii) x x x x x x x x

111) 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 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.

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ANNE XURE-3

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

Certified to be true copy  
James P. C. D.  
Assistant Registrar - (JULI)  
3/3/97  
Supreme Court of India

CIVIL APPEAL NO. 1572 OF 1997  
(Arising out of SLP (C) No. 14068 of 1996)

Union of India & Ors. etc.

Appellants

100181

Versus

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

Respondents

WITH

CIVIL APPEAL NOS. 1573-1576, 1577, 1578-1579, 1580-1585/97  
(Arising out of SLP (C) Nos. 17236-39, 14104, 15141-42,  
15740, 25108-10 of 1996, SLP (C) No. 4396/96 (CC-  
5040/96) and SLP (C) No. 4398/96 (CC-6660/96))

O R D E R

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

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

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

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

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

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

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

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

*Shri Arun Jaitely*  
*Shri P.P. Rao*

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

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

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

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

(K. RANASWAMY)

(G. T. NANAVATI)

NEW DELHI;  
FEBRUARY 17, 1997.

Asst  
Sd/-  
Asst

- 35 - 23 - ANNEXURE - 4

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 270 of 1990.

Date of Order : This the 20th Day of December, 2000.

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

The Hon'ble Mr M.P.Singh, Administrative Member.

Shri Bikash Deb and 29 others.

... applicants.

By Advocate Sri A.Ahmed.

- Versus -

Union of India & Ors.

... Respondents.

By Sri A.Deb Roy, Sr.C.G.S.C.

ORDER

CHOWDHURY J.(V.C)

All the applicants are serving under the Commandant, 222 A.B.O.D, Narengi Camp. Having regard to the common grievance and seeking common relief, the leave is granted to them under Rule 4(5) (a) of the Central Administrative Tribunal (Procedure) Rules 1987 to file this single application. By this application the applicants have sought for a direction on the respondents to pay Special (Duty) Allowance to the applicants in terms of Office Memoranda No. 20014/3/83-E-IV dated 14.12.1983 and No. 20014/16/86 IV/II(B) dated 1.12.1988. In the light of the aforementioned Memorandum and in view of the decisions rendered by the Hon'ble Supreme Court in Union of India & Ors. vs. B.Prasad, B.S.O.and others, reported in (1997) 4 SCC 189. In that order the Supreme Court observed as follows ;

"As regards the payment of Special Duty Allowance to the defence civilian personnel deployed in the border area for support of operational requirement, they face the imminent hostilities supporting the army personnel deployed there. Necessarily

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they alone require the double payment as ordered by the Government but they cannot be deprived of the same since they are facing imminent hostilities in hilly areas risking their lives as envisaged in the proceedings of the Army dated 13.1.1994. But the Modified Field Area, in other words, in the Defence terminology, "barracks" in that area is a lesser risking area; hence they shall not be entitled to double payment. Under these circumstances, Mr P.P.Malhotra is right in saying that the wording of the order requires modification. The Government is directed to modify the order and issue the corrigendum accordingly."

In the light of the aforesaid observation, the respondents are directed to pay Special (Duty) Allowance to the applicants. The application is accordingly allowed. There shall, however, be no order as to costs.

Sd/ VICE CHAIRMAN  
Sd/MEMBER (Adm)

Certified to be true Copy

प्रमाणित प्रतिलिपि

Section Officer (A)

आनुमान कतिवारी (अ) सहायक सचिव

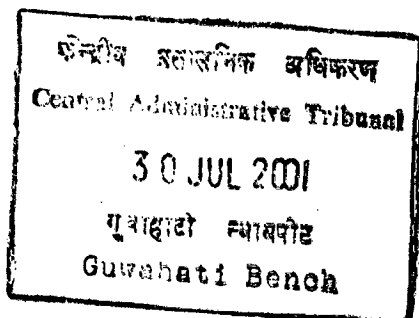
Control Administration Tribunal

कन्द्रीय प्रशासनिक न्यायालय

Gowahati Bench, Gauhati

गोवाहाटी बेंच, गुवाहाटी

Signature



Filed by: [Signature]  
30/7/01  
(2. C. Pathy)  
Addl. Central Gov. Standing Counsel  
Central Administrative Tribunal  
Guwahati Bench: Guwahati

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH :: GUWAHATI

O.A. NO. 218/2001

Shri Sadhan Bikash Baidya

..... Applicants

- Vs -

Union of India & Ors.

..... Respondents.

( Written Statements on behalf of the respondents  
No. 1 and 2 )

The written statements of the abovenoted  
respondents are as follows :

1. That a copy of the O.A. No. 218/2001 ( referred to as the "application" ) has been served on the respondents. The respondents have gone through the same and understood the contents thereof. The interest of all the respondents being common and similar, common written statements have been filed by them.
2. That the statements made in the applications, which are not specifically admitted are hereby denied by the respondents.
3. That before traversing the various paragraphs of the application, a brief note regarding the various Office Memorandum/Circular and Judicial decisions with regard to such previously are given hereinbelow :



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(a) The Govt. of India, Ministry of Finance, Department of Expenditure, brought out an Office Memorandum vide No. 20014/3/83-E.IV dated 14.12.83 by which contain monetary incentives were provided two contain classess of persons. Among such monetary incentives, one of such is the Special Duty Allowance (SDA). Such allowance was meant for exclusively for the states and Union Territories of the North Eastern Region. From the wor-ding of the said O.M. itself, ~~Exhibit 1~~ the allowances were ~~as~~ extended only for attracting and retaining the services of Central Civilian Employees serving in the North Eastern Region.

(b) By wrong interpretation of the aforesaid O.M. dated 14.12.83, Departments sanctioned and paid SDA to some employees who were not entitled to within the meaning of said OM dated 14.12.83. In view of this above facts an such payment being against the spirit of the said OM, the Govt. of India, Ministry of Finance, Department of Expenditure, made some amendments to the OM dated 14.12.83 vide OM No. 20014/3/83-E.IV dated 29.10.86 which was reproduce vide OM No. 20014/3/83-E.IV dated 20.4.87. According to the said OM dated 20.4.87 the sanction of SDA should be considered on the basis of All India Transfer Liability and such transfer liability shall be determined by applying the tests of recruitments zone, promotion zone etc. Mere close in the appointment order to the effect

that the person concerned is liable to be transferred by any were in India does not make him eligible for the grant of SDA.

(c) The provisions of SDA as in OM dated 14.12.83, was further extended by the Govt. of India vide OM F. No. 20014/16/86/E.II(D) dated 1.12.88.

(d) That some classes of Central Civilian Employees, who were not granted SDA or SDA granted wrongly for which order of recovery was passed, being aggrieved approached Court/Tribunal questioning the action of the Govt. In one such batches of cases the matter went up to the Hon'ble Supreme Court in Civil Appeal No. 3251/93 (Union of India and others -Vs- S. Vijay Kumar and others). The Hon'ble Supreme Court in the same case held 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 NE Region from outside the region ~~th~~ 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 the grant of these allowance only to the officers transferred from outside the region to this region would not be violative of the provisions contained in Article 14 of the Constitution as well as the equal pay doctrine. The Hon'ble

Court also directed not to recover of SDA already paid upto 20.9.94.

(c) In another decision, in Civil Appeal No. 9208-8213 ( Union of India and others - Vs- Geological Survey of India Employees' Association and Ors ), the Hon'ble Apex Court further relying on Union of India - Vs. S. Vijay Kumar and others ( 1994 ) 3 SCC 649, held that the SDA payable Central Govt. Employees having All India Transfer Liability is not to be paid to such Group 'C' & 'D' Employees of Geological Survey of India who are residents of the region in which they are posted.

(f) Thereafter the Govt. of India, Ministry of finance, Department of Expenditure, vide OM No. 11(3)/95-E.II(B) dated 12.1.96 issued the direction in the line of the Hon'ble Apex Court decision to all Ministry's and Departments of the Govt. of India to recover SDA if paid after 20.9.94 to such eligible employees.

(g) In spite of the above legal decisions and clarification as stated hereinabove, some Departments sought further clarifications with regard to transfer and posting leading entitlement of grant of SDA. The Cabinet Secretariat vide U.O. No. 20/12/99-EA.I/1798 dated 2.5.2000 gave the detail clarification in the form of questionnaire and answer form, according to the said clarification an employee who is a local

resident of a North East and posted in North East for the first time and an employee who is not a local resident of North East, but posted in the North East for the first time and continue in North East, shall not be entitled to grant of SDA.

The copies of the OM dated 14.12.83, 20.4.87, 01.12.88, Judgement dated 20.9.94, Judgement dated 7.9.95, OM dated 12.1.96 Memo dated 2.5.2000 are annexed as Annexure - R<sub>1</sub>, R<sub>2</sub>, R<sub>3</sub>, R<sub>4</sub>, R<sub>5</sub>, R<sub>6</sub> and R<sub>7</sub> respectively.

4. That the respondents state that the applicants in this application are either local residents of North East or persons from outside the North East, but posted for the first time in the North East. They are all working in the North East from the beginning and has not been transferred out from the North East to other places outside the region. In view of the Judgements passed by the Hon'ble Apex Court and the office Memorandum and clarification issued by the Govt. of India, none of the applicants are entitled to grant of SDA. The respondents verified the antecedents of each and every applicants from their service records/service Books maintained by them and found that most of them local residents of North East or some of them are posted in the North East from outside and they are continuing in the North East without any transfer outside the North Eastern Region. The promotion zone or the seniority zone of such Group D and 'C' applicants are also maintain by the Eastern Command and they are not liable to All India Transfer

Liability. The respondents prepared a statements on the basis such service records/Service Books of the applicants and in-consultation of the anticedent as on ~~at~~ 06.07.2001. These state-ments may be treated as a part of the written statements.

The copy of the said statements as on 6.7.2001  
is annexed as Annexure - R8 .

5. That with regard to the statement made in para 1 of the application, the respondents state that the applicants are not entitled to grant of SDA under any provision as explained hereinabove.

6. That the respondents have no comments to make with regard to the statements made in para 2 & 3 of the application

7. That with regard to the statements made in paragraphs 4.1 to 4.3 of the application the ensuring respondents have no comments, these statements being matter of record.

8. That with regard to the statements made in paragraph 4.4, 4.5 of the application, the respondents state that as held by the Hon'ble Apex Court, a mere close in the appointment order for All India Transfer Liability is not a ground for grant of SDA, the applicants are not entitled to get SDA as stated above.

9. That with regard to the statements made in paragraph 4.6, and 4.7 of the application, the respondents state that as explained hereinabove the applicants are not entitled to SDA.

10. That with regard to the statements made in paragraph 4.8, 4.9 and 4.10 of the application the respondents state that these subject matter and the relevent office Memorandum/Circulars as in the case of Union of India and others -Vs- B. Prasad and others as reported in (1997) 4 SCC and also the status of the applicants are quite different from the instant case and can not be applied to the present case. Hence the applicants are put to strict proof thereof. The applicants in no way have any right to claim SDA.

11. That with regard to the statements made in paragraph 5.1 to 5.7 of the application the respondents state that the grounds as shown in the application are no grounds in the eye of law NR not relevent as applicable in the instant case. Hence the application liable to be dismissed with cost.

12. That with regard to the statements made in paragraph 6 & 7 of the application, the respondents have no comments.


13. That with regard to the statements made in paragraph 8.1 to 8.4 of the application, the respondents state that in view of the above facts and circumstances, provisions of Rules and law, the applicants are not entitled to any relief what soever as prayed for and the application is liable to be dismissed with cost being devoid of any merit.

In the premises aforesaid, it is prayed that Your Lordships would be pleased to hear the parties, peruse the records and after hearing the parties and perusing the records, shall further be pleased to dismiss the application with cost.

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

I, Shri Major V. Sudhakar , presently working as Garrison Engineer, Division, being duly authorised an competent to sign these verification, do hereby solemnly affirm and state that the statements made in paragraph 1, 2, 5 to 13 are true to my knowledge and belief, those made in paragraph 3 and 4 being matter of records are true to my X information derived therefrom and the rest are my humble submission before ~~this~~ this Hon'ble Tribunal . I have not suppressed/concealed any material facts.

And I sign this verification on this        th day of July, 2001 at Guwahati.

  
V. Sudhakar  
Major  
Garrison Engineer Dinjan

Deponent.

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

New Delhi, the 14th December, 1983.

OFFICE MEMORANDUM

Subject:- 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 Tripura and the Union Territories of Arunachal Pradesh and Mizoram has been engaging the attention of the Government for some time. The Government had appointed a Committee under the Chairmanship of Secretary, Department of Personnel & Administrative Reforms, to review the existing allowances and facilities admissible to the various categories of Civilian Central 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:

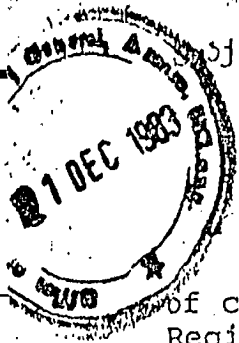
There will be a fixed tenure of posting of 3 years at a time for officer, with service of 10 years or less and of 2 years at a time for officers with more than 10 years of service. Periods of leave, training, etc. in excess of 15 days per year will be excluded in counting the tenure period of 2 / 3 years. Officers, on completion of the fixed tenure of service mentioned above, may be considered for posting to a station of their choice as far as possible.

The period of deputation of the Central Government employees to the States/Union Territories of the North Eastern Region will generally be for 3 years which can be extended in exceptional cases in exigencies of public service as well as when the employee concerned is prepared to stay longer. The admissible deputation allowance will also continue to be paid during the period of deputation so extended.

(ii) Weightage for Central deputation/training abroad and special mention in Confidential Records.

Satisfactory performance of duties for the

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prescribed tenure in the North East shall be given due regard in the case of eligible officers in the matter of -

- (a) promotion in cadre posts;
- (b) deputation to Central tenure posts; and
- (c) courses of training abroad.

The general requirement of at least three years service in a cadre post between two Central tenure deputations may also be relaxed to two years in deserving cases of meritorious service in the North East.

A specific entry shall be made in the C.R. of all employees who rendered a full tenure of service in the North Eastern Region to that effect.

(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 per cent 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 exempt from payment of income tax will, however, not be eligible for this Special (Duty) Allowance. 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 Special (Duty) Allowance plus special pay/Deputation (Duty) Allowance will not exceed Rs. 400/- p.m. Special Allowances like Special Compensatory (Remote Locality) Allowance Construction Allowance and Project Allowance will be drawn separately.

(iv) Special Compensatory Allowance :

1. Assam and Meghalaya

The rate of the allowance will be 5% of basic pay subject to a maximum of Rs. 50/- p.m. admissible to all employees without any pay limit. The above allowance will be admissible with effect from 1.7.1982 in the case of Assam.

2. Manipur

The rate of allowance will be as follows for the whole of Manipur :-

Pay upto Rs. 260/-

Rs. 40/- p.m.

Pay above Rs. 260/-

15% of basic pay subject to a maximum of Rs. 150/- p.m.

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The rates of the allowance will be as follows:-

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(a) Difficult Areas

25% of pay subject to a minimum of Rs. 50/- and a maximum of Rs. 150/- p.m.

(b) Other Areas

Pay upto Rs. 260/-

Rs. 40/- p.m.

Pay above Rs. 260/-

15% of basic pay subject to a maximum of Rs. 150/- p.m.

There will be no change in the existing rates of Special Compensatory Allowance admissible in Arunachal Pradesh, Nagaland and Mizoram and the existing rate of Disturbance Allowance admissible in specified areas of Mizoram.

(v) Travelling Allowance on first appointment :

In relaxation of the present rules (S.R. 105) that travelling allowance is not admissible for journeys undertaken in connection with initial appointment, in case of journeys for taking up initial appointment to a post in the North-Eastern region, travelling allowance limited to ordinary bus fare/second class rail fare for road/rail journey in excess of first 400 kms. for the Government servant himself and his family will be admissible.

(vi) Travelling Allowance for Journey on transfer:

In relaxation of orders below S.R. 116, if on transfer to a station in the North-Eastern region, the family of the Government servant does not accompany him, the Government servant will be paid travelling allowance on tour for self only for transit period to join the post and will be permitted to carry personal effects upto 1/3rd of his entitlement at Government cost or have a cash equivalent of carrying 1/3rd of his entitlement or the difference in weight of the personal effects he is actually carrying and 1/3rd of his entitlement as the case may be, in lieu of the cost of transportation of baggage. In case the family accompanies the Government servant on transfer, the Government servant will be entitled to the existing admissible travelling allowance including the cost of transportation of the admissible weight of personal effects according to the grade to which the officer belongs, irrespective of the weight of the baggage actually carried. The above provisions will also apply for the return journey on transfer back from the North Eastern Region.

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(vii) Road mileage for transportation of personal effects on transfer:

In relaxation of orders below S.R. 116, for transportation of personal effects on transfer between two different stations in the North-Eastern region, the rate of allowance admissible for transportation in 1st class cities subject to the actual expenditure incurred by the Government servant will be admissible.

(viii) Joining Time with leave:

In case of Government servants proceeding on leave from a place of posting in North-Eastern region, the period of travel in excess of two days from the station of posting outside that region will be treated as joining time. The same concession will be admissible on return from leave.

(ix) Leave Travel Concession:

A Government servant who leaves his family behind at the old duty station or another selected place of residence and has not availed of the transfer travelling allowance for the family will have the option to avail of the existing leave travel concession of 7 days journey to home town once in a block period of 2 years, or in lieu thereof, facility of travel for himself once a year from the station of posting in the North East to his home town or place where the family is residing and in addition the facility for the family (restricted to his/her spouse and two dependent children only) also to travel once a year to visit the employee at the station of posting in the North Eastern Region. In case the option is for the latter alternative, the cost of travel for the initial distance (400 kms./140 kms.) will not be borne by the officer.

Officers drawing pay of Rs. 2250/- or above, and their families, i.e., spouse and two dependent children (upto 18 years for boys and 24 years for girls) will be allowed air travel between Imphal/Silchar/Agartala and Calcutta and vice-versa, while performing journeys mentioned in the preceding paragraph.

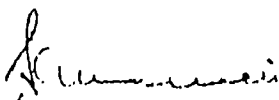
(x) Children Education Allowance/Hostel Subsidy

Where the children do not accompany the Government servant to the North-Eastern Region, Children Education Allowance upto class XII will be admissible in respect

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children studying at the last station of posting of the employee concerned or any other station where the child reside, without any restriction of pay drawn by the Government servant. If children studying in schools are put in hostels at the last station of posting or any other station, the Government servant concerned will be given hostel subsidy without other restrictions.

2. The above orders except in sub-para (iv) will also mutatis mutandis apply to Central Government employees posted to Andaman and Nicobar Islands.
3. These orders will take effect from 1st November, 1983 and will remain in force for a period of three years upto 31st October, 1986.
4. All existing special allowances, facilities and concessions extended by any special order by the Ministries/Departments of the Central Government to their own employees in the North Eastern Region will be withdrawn from the date of effect of the orders contained in this office Memorandum.
5. Separate orders will be issued in respect of other recommendations of the Committee referred to in paragraph 1 as and when decisions are taken on them by the Government.
6. In so far as the persons serving in the Indian Audit and Accounts Department are concerned, these orders issue after consultation with the Comptroller and Auditor General of India.

  
( S.C. MAHALIK )

JOINT SECRETARY TO THE GOVERNMENT OF INDIA.

To,  
All Ministries/Departments of the Government of India,  
etc. etc.  
Copy (with spare copies) to C.& A.G., U.P.S.C. etc.

.....

J.K.

New Delhi, the 20th April, 1987.

OFFICE MEMORANDUM

Subject: Allowances and facilities for civilian employees of the Central Government serving in the States and Union Territories of North Eastern Region and A & N Islands and Lakshadweep - improvement thereof.

The undersigned is directed to refer to para 1(iii) of Ministry of Finance, Department of Expenditure O.M.No.20014/3/83-E.IV dated 14th December 1983 as amended vide Office Memorandum of even number dated 29.10.1986 on the above subject, which is reproduced below:-

1(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. 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 Special (Duty) Allowance plus special pay/Deputation(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."

2. Instances have been brought to the notice of this Ministry where special(duty) Allowance has been allowed to Central Government employees serving in the North East Region without the fulfilment of the condition of all India Transfer liability. This is against the spirit of orders on the subject. For the purpose of sanctioning special(duty) allowance, the all India transfer liability of the members of any service/Cadre or incumbents of any posts/group of posts has to be determined by applying tests of recruitment zone, promotion zone, etc. i.e., whether recruitment to the service/cadre/posts has been made on all India basis and whether promotion is also done on the basis of the all-India Zone of promotion based on common seniority for the service/cadre/posts as a whole. More clause in the appointment order(as is done in the case of almost all posts in the Central Secretariat ) etc. to the effect that the person concerned is liable to be transferred anywhere in India does not make him eligible for the grant of special(duty) allowance.

...2/-

3. Financial Advisors of the administrative Ministries/Departments are requested to review all such cases where special (duty) allowance has been sanctioned to the Central Government employees serving in the various offices including those of autonomous organisations located in the North East Region which are under administrative control of their Ministries/Departments.

Sd/-  
(A.N. SINHA)  
Director (EG)  
Telo: 3011819

To  
Financial Advisors of all Ministries/Departments.

K-6

-16-

Annexure K 3

F.No. 20014/16/EG/E.IV/E.II(D)  
Government of India  
Ministry of Finance  
Department of Expenditure

New Delhi, the 1 December, 1983

OFFICE MEMORANDUM

Subject:- Improvement in facilities for Civilian employees of the Central Govt. serving in the States of North-Eastern Region, Andaman & Nicobar Islands and Lakshadweep

O.M. No. 20014/3/EG-E.IV dt. 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 Govt. 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 Govt. Accordingly the President is now pleased to decide as follows:-

(i) Tenure of posting/deputation

The existing provisions as contained in this Ministry's P.M. dated 14.12.83 will continue.

(ii) Weightage for Central deputation and training abroad

The existing provisions as contained in this Ministry's P.M. dated 14.12.83 will continue. Cadre authorities are advised to give due weightage for satisfactory performance of duties for the prescribed tenure in the North-East in the matter of promotion to the cadre posts, deputation to Central tenure post and courses of training abroad.

(iii) Special (Duty) Allowance:-

Civilian employees who have All India Transfer Liability will be granted Special (Duty) Allowance at the rate of 10% of basic pay subject to a 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 Special (Duty) Allowance plus Special pay/Deputation (Duty) Allowance will not exceed Rs 1000/- p.m. Special allowances like Special Compensatory (Remote Locality) Allowance, Construction Allowance and Project Allowance will be drawn separately.

....2/-

- 7 - 47 -

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

(iv) Special Compensatory Allowance:-

The recommendations of the 4th Pay Commission have been accepted by the Govt. and Special Compensatory Allowance at the revised rates have been made effective from 1.10.86.

(v) Travelling Allowance on First appointment:-

The present concessions as contained in this Ministry's O.M. dt. 14.12.83 will continue with the liberalisation that on first appointment T.A. should be admissible for the total distance instead of for the distance in towns of first 400 Kms. only.

(vi) Travelling Allowance for Journey on transfer:-

The existing provisions as contained in this Ministry's O.M. dated 14.12.83 will continue.

(vii) Boarding Allowance for transportation of personal effect on transfer:-

The existing provisions as contained in this Ministry's O.M. dated 14.12.83 will continue.

(viii) Joining time with leave:-

The existing provisions as contained in this Ministry's O.M. dated 14.12.83 will continue.

(ix) Leave Travel Concession:-

The existing concession as contained in this Ministry's O.M. dated 14.12.83 will continue.

Officers drawing pay of Rs 5100/- or above, and their families (i.e. spouse and the dependent children (upto 8 years for boys and 4 years for girls) will be allowed air travel between Imphal/Silchar/Aizawl/Agartala/Dibrugarh/Dispur and Calcutta and vice-versa; between Port Blair and Calcutta/Madras and vice-versa in case of postings in A & N Islands; and between Karaikal and Cochin and vice-versa in case of postings in Lakshadweep.

(x) Children Education Allowance (Hotel subsidy)

Where the children do not accompany the Government servant to the North-Eastern Region, Children Education Allowance upto Rs 100/- will be admissible in respect of children studying at the last station of posting of the employees concerned or any other station where the children reside. If children studying in any other station, the Government servant concerned will be given hotel subsidy without other restrictions.

...3/-



- 8 -

The rates of Children Education Allowance/Hostel subsidy will be as in the DORF, O.M. 10011/1/87-Estt. (Allowances) dt. 31.12.87. as amended from time to time.

(xi) Concession regarding grant of House Rent Allowance to officers posted in the States of North Eastern Region, Andaman & Nicobar Island and Lakshadweep Islands.

The present concession as contained in this Ministry's O.M. No. 11016/1/E, II(B)/84 dt. 29.3.84 as amended from time to time will continue to be applicable.

(xii) Telephone facilities:-

The officers who are eligible to have residential telephone may be allowed to retain their telephone at their residences in their last place of the posting subject to the condition that the rental and all other charges are paid by such officers.

2. The above orders will also apply ~~mutatis mutandis~~ to the Central Govt. employees posted in Andaman & Nicobar Islands and Lakshadweep Island. These orders will also apply ~~mutatis mutandis~~ to officers posted to N.E. Council, when they are stationed in the N.E. Region.

3. These orders will take effect from the date of issue.

4. In so far as the persons serving the Indian Audit & Accounts Deptt. are concerned these orders issue after consultation with the Comptroller & Auditor General of India.

5. Hindi version of this Memorandum is attached.

(A. JAYARAMAN)

JOINT SECRETARY TO THE GOVT. OF INDIA.

To

All Ministries/Departments of Govt. of India, etc.

Copy (with serial number of spare copies) forwarded to C.S.A.O., J.P.S.O., etc., etc., as per standard endorsement list.

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R - 4

In the Supreme Court of India  
CIVIL APPELLATE JURISDICTION

Civil Appeal No. 3251 of 1993

Union of India and Others

Appellants.

Versus

S. Vijayakumar and Others

Respondents.

[with Civil Appeal Nos. 6163-81 of 1994 (arising out of SLP(C) Nos. 1879/91, 10078-79/93, 10090-93/93, 18461/93, 9248/94)]

J U D G M E N T

HANSARIA, J.

The point for determination in this appeal and in the special leave petitions (which have our leave) is whether the respondents are entitled to special duty allowance (herein after referred to as 'the allowance'), even though they are residents of North-Eastern Region merely because of the posts to which they were appointed were of "All India Transfer Liability". The Tribunal has answered the question in affirmative. Those appeals have been preferred by the Union of India.

2. The Tribunal took the aforesaid view because the Office Memorandum dated 14.12.1983 which is on the subject of "Allowances and facilities for civilian employees of the Central Government serving in the States and Union Territories of the North-Eastern Region - improvement thereof" had stated that allowance shall be payable if the posts be those which have "All India Transfer Liability". The stand of the Union of India, however, is that this Office Memorandum, if it is read along with what was stated subsequently in Office Memorandum dated 20.4.1987, it would become clear that the allowance was required to be paid to those incumbents who had been posted in North-Eastern Region carrying the aforesaid service condition and not to those who were residents of this Region. The Office Memorandum of 1987 has clearly stated that the allowance would not become payable merely because of the clause in the appointment order to the effect that the person concerned is liable to be transferred anywhere in India.

3. Dr. Ghosh appearing for the Respondents contends that the Office Memorandum of 1983 having not stated what is contained in the Memorandum of 1987, rider cannot be added to the former that the allowance could be payable only to those who had been given posting in the North-Eastern Region, and not to those who were residents of this Region. It is also contended that denial of the allowance to the residents, while permitting the same to the non-residents, would be violative of doctrine of equal pay for equal work and as such of *Articles 14 and 16 of the Constitution*.

4. We have duly considered the rival submissions and are inclined to agree with the contention advanced by the learned Additional Solicitor General, Shri. Tuli for two reasons. The first is that a close perusal of the two aforesaid Memoranda, along with what was stated in the Memorandum dated 29.10.1986 which has been quoted in the Memorandum of 20.4.1987, clearly shows that allowance in question was meant to attract persons outside the North-Eastern Region to work in that Region because of inaccessibility and difficult terrain. We have said so because even the 1983 Memorandum starts by saying that the need for the allowance was felt for attracting and retaining the service of the competent officers for service in the North-Eastern Region. Mention about retention has been made because it was found that incumbents going to that Region on deputation used to come back after joining there by taking leave and, therefore, the Memorandum stated that this period of leave would be excluded while counting the period of tenure of posting which was required to be of 2/3 years to claim the allowance depending upon the period of service of the incumbent. The 1986 Memorandum makes this position clear by stating that Central Government Civilian employees who have All India Transfer Liability would be granted the allowance "on posting to any station to the North Eastern Region". This aspect is made clear beyond doubt by the 1987 Memorandum which stated that allowance would not become payable merely because of the clause in the appointment order relating to All India Transfer Liability. Merely because in the Office Memorandum of 1983 the subject was mentioned as quoted above is not be enough to concede to the submission of Dr. Ghosh.

5. The submission of Dr. Ghosh that the denial of the allowance to the residents would violate the equal pay doctrine is adequately met by what was held in *Reserve Bank of India Vs. Reserve Bank of India Staff Officers Association and others*, 1991 to which our attention has been invited by the learned Additional Solicitor General,

in which grant of Special Compensatory Allowance or Remote Locality Allowance only to the officers' transferred from outside to Gauhati Unit of the Reserve Bank of India, while denying the same to the local officers posted at the Gauhati Unit, was not regarded as violative of *Article 14 of the Constitution*.

6. In view of the above, we hold that the Respondents were not entitled to the allowance and the impugned judgements of the Tribunal are, therefore, set aside. Even so, in view of the fair stand taken by the Additional Solicitor General we state that whatever amount has been paid to the Respondents or, for that matter to other similarly situated employees, would not be recovered from them in so far as the allowance is concerned. The Appeals are allowed accordingly. There will be no order as to costs.

New Delhi.

September 20, 1994.

Sd/- KULDIP SINGH.

Sd/- B. L. HANSARIA.

R - 5

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.8208 - 8213

(Arising out of SLP Nos.12450 - 55/92)

Union of India & Others

- versus -

Geological Survey of India  
Employees' Association & Others.

- Appellants

- Respondants

ORDER

Delay condoned

Leave granted

Mr. P. K. Goswami, Learned Senior Counsel appears for Geological Survey of India Employees' Association and Mr. S. K. Nandy, Advocate, appears for the other respondents in all the matters.

Heard learned counsels for the parties. It appears to us that although the employees of the Geological Survey of India were initially appointed with an All India Transfer liability, subsequently Government of India framed a policy that Class C and D employees should not be transferred outside the Region in which they are employed. Hence, All India Transfer liability no longer continues in respect of Group C and D employees. In that view of the matter, the Special Duty Allowance payable to the Central Government employees having All India Transfer liability is not to be paid to such Group C and Group D employees of Geological Survey of India who are residents of the region in which they are posted. We may also indicate that such question has been considered by this Court in Union of India & others Vs. S.Vijay Kumar & others (1994) (3) SCC 649.

Accordingly, the impugned order is set aside. We however direct that the appellant will not be entitled to recover any part of payment of Special Duty Allowance already made to the concerned employees. Appeals are accordingly disposed of.

New Delhi

September 7, 1995.

Sd/- G.N.Ray,

Sd/- S.B.Majumdar

No. 11(3)/95-E.II(B)  
Government of India  
Ministry of Finance  
Department of Expenditure  
\*\*\*\*\*

New Delhi, the 12th Jan. 1996

OFFICE MEMORANDUM

Sub: Special Duty Allowance for civilian employees of the Central Government serving in the State and Union Territories of North Eastern Region-regarding

1. The undersigned is directed to refer to this Department's OM No. 20014/3/83-E.IV dated 14.12.83 and 20.4.1987 read with OM No. 20014/16/86-E.IV/E.II(B) dt. 1.12.88 on the subject mentioned above.

2. The Government of India vide the abovementioned OM dt. 14.12.83 granted certain incentives to the Central Government civilian employees posted to the NE Region. One of the incentives was payment of a 'Special Duty Allowance' (SDA) to those who have "All India Transfer Liability".

3. It was clarified vide the above mentioned OM dt. 20.4.1987 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.

4. Some employees working in the NE 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 Judgement delivered on 20.9.94 (in Civil Appeal no. 3251 of 1992) 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 NE 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 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 20.9.94 will be waived;
- ii) the amount paid on account of SDA to ineligible persons after 20.9.94 (which also includes those cases in respect of which the allowance was pertaining to the period prior to 20.9.94 but payments were made after this date i.e. 20.9.94) will be recovered.

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

9. In their application to employees of Indian Audit and Accounts Department, these orders issued in consultation with the Controller and Auditor General of India.

10. Hindi version of this ( ) is enclosed.

(C. Balachandran)

Under Secy to the Govt of India

All Ministries/Departments of the Govt. of India, etc.

Copy (with spare copies) to C&AG, UPSC etc. as per standard endorsement list.

-25-

Annexure R 7

50 (3)



22/11/99

No.ARC/Coord/4/99- 452  
Directorate General of Security  
(Cabinet Secretariat)  
O/o The Director, ARC  
East Block-V, R K Puram  
New Delhi - 110 066.

Dated, the 05/12/2000

D.O. (Admin.)  
From: ...  
Aviation ... Centre,  
S. S. H.  
Doom Dooma

MEMORANDUM

Subject : Special Duty Allowance for civilian employees of the Central Government serving in the States & Union Territories of North Eastern Region - Regarding.

A copy of Cabinet Secretariat U.O. No.20/12/99-EA.I-1798, dated 02.5.2000 on the above subject is sent herewith for information and necessary action.

Encl : as above.

( V DORAI SWAMY )  
ASSTT DIRECTOR(NGO)

To

- (1) A.D.(A)/AD(B)/AD(C)/AD(D) of ARC Hqrs.
- (2) The A.O., ARC Hqrs.
- (3) The A.D.(A), ARC, Charbatia/Doom Dooma/Sarsawa.
- (4) File copy.

No. ESTT/DDM/SDA/99-II- 6575  
ARC, Doom Dooma

Dated the, 01/6/2000

1. Copy forwarded to the Accounts Officer, ARC, Doom Dooma for information and necessary action.

2. All Unit Heads.

(ed, cee, Adm), DDC, DDM/ARC  
Atcc, DDM, Sarsawa, etc.

( R.N. CHAKRABORTY )  
SECTION OFFICER



1389  
05/8/2000  
GOM

26

COURT CASE  
MOST IMMEDIATE

30

Cabinet Secretariat  
(EA.I Section)

Subject: Special Duty Allowance for civilian employees of the Central Government serving in the States and Union Territories of North Eastern Region - regarding.

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SSB Directorate may kindly refer to their UO No.42/SSB/A1/99(18)-2369 dated 31.3.2000 on the subject mentioned above.

2. The points of doubt raised by SSB in their UO No. 42/SSB/A1/99(18)5282 dated 2.9.1999 have been examined in consultation with our Integrated Finance and Ministry of Finance (Deptt. of Expenditure) and clarification to the points of doubt is given as under for information, guidance and necessary action:

- i) The Hon'ble Supreme Court in their judgement delivered on 26.11.96 in Writ Petition No.794 of 1996 held that 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 in the following situation whether a Central Govt. employee would be eligible for the grant of SDA keeping in view the clarifications issued by the Ministry of Finance vide their UO No.11(3)/95.E.II(B) dated 7.5.97.

(a) A person belongs to outside N.E. region but he is appointed and on first appointment posted in the N.E. Region after selection through direct recruitment based on the recruitment made on all India basis and having a common/centralised seniority list and All India Transfer Liability.

NO

(b) An employee hailing from the NE. region selected on the basis of an All India recruitment test and borne on the Centralised cadre/service common seniority on first appointment and posted in the N.E. Region. He has also All India Transfer Liability.

ii) An employee belongs to N.E. Region was appointed as Group 'C' or 'D' employee based on local recruitment when there were no cadre rules for the post (prior to grant of SDA vide Ministry of Finance OM No.20014/2/83-E.IV dated 14.12.83 and

NO

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A1

DD(B)

-28-

20.4.87 read with OM 20014/16/86 E.II(B) dated 1.12.88), but subsequently the post/cadre was centralised with common seniority list/promotion/All India Transfer Liability etc. on his continuing in the NE Region though they can be transferred out to any place outside the NE Region having All India Transfer Liability.

iii) An employee belongs to NE Region and subsequently posted outside NE Region, whether he will be eligible for SDA if posted/transferred to NE Region. He is also having a common All India seniority and All India Transfer Liability.

YES

iv) An employee hailing from NE Region, posted to NE Region initially but subsequently transferred out of NE Region but re-posted to NE Region after sometime serving in non-NE Region.

YES

v) The MoF, Deptt. of Exdpr. vide their UO No.11(3)/95-E.II(B) dt.7.6.97 have clarified that a mere clause in the appointment order to the effect that the person concerned is liable to be transferred anywhere in India does not make him eligible for the grant of Special Duty Allowance. For determination of the admissibility of the S.D.A. to any Central Govt. Civilian Employees having All India Transfer Liability will be by applying tests (a) whether recruitment to the Service/Cadre/Post has been made on All India basis (b) whether promotion is also done on the basis of All India Zone of promotion based on common seniority for the service/Cadre/Post as a whole (c) in the case of SSP/DGS, there is a common recruitment system made on All India basis and promotions are also done on the basis of All India Common Seniority basis. Based on the above criteria/tests all employees recruited on the All India basis and having a common seniority list of All India basis for promotion etc. are eligible for the grant of SDA irrespective of the fact that the employee hails from NE Region or posted to NE Region from outside the NE Region.

In case the employee hailing from NE Region is posted with-in NE Region he is not entitled to SDA till he is once transferred out of that Region.

vi) Based on point (iv) above, some of the units of SSB/DGS have authorised payment of SDA to the employees hailing from NE Region and posted within the NE Region while in the case of others, the DACS have objected payment of SDA to employees hailing from NE Region and posted within the NE Region irrespective of the fact that their transfer liability is All India Transfer Liability or otherwise. In such cases what should be the norm for payment of SDA i.e. on fulfilling the criteria of All India Recruitment Test & to promotion of All India Common seniority basis having been satisfied are all the employees eligible for the grant of SDA.

It has already been clarified by MoF that a mere clause in the appointment order regarding All India Transfer Liability does not make him eligible for grant of SDA.

vii) Whether the payment made to some employees hailing from NE Region and posted in NE Region be recovered after 20/9/1991 i.e. the date of decision of the Hon'ble Supreme Court and/or whether the payment of SDA should be allowed to all employees including those hailing from NE Region with effect from the date of their appointment if they have All India Transfer Liability and are promoted on the basis of All India Common Seniority List.

The payment made to employees hailing from NE Region & posted in NE Region be recovered from the date of its payment. It may also be added that the payment made to the ineligible employees hailing from NE Region and posted in NE Region be recovered from the date of payment or after 20th Sept. 94 whichever is later.



3. This issues with the concurrence of the Finance Division, Cabinet Secretariat vide Dy. No. 1349 dated 11.10.99 and Ministry of Finance (Expenditure)'s I.D. No. 1204/E-II(B)/99 dated 30.3.2000.

623/AD000  
4/1/00

A-1546  
Dated 2/5/2000

336/DD/11  
2/5/2000

180  
A-1546  
4-05-2000

- |                           |                       |             |
|---------------------------|-----------------------|-------------|
| 1. Shri R.S. Bedi,        | Director,             | ARC.        |
| 2. Shri R.P. Kureel,      | Director,             | SSB.        |
| 3. Brig (Retd) G.S. Uban, | IG,                   | SFF.        |
| 4. Shri S.R. Mehra,       | JD (P&C),             | DGS.        |
| 5. Shri Ashok Chaturvedi, | JS(Pers),             | R&AW.       |
| 6. Shri B.S. Gill,        | Director of Accounts, | DACS.       |
| 7. Smt. J.M. Menon,       | Director-Fiance (3),  | Cab. Sectt. |
| 8. Col. K.L. Jaspal       | CIOA.                 | CIA.        |

Cab. Sectt. UO No.20/12/99-EA.I dated 02-5.2000  
1798  
2 MAY 2000

(. P.N. Thakur )  
Director (SR)

DD(B)

AD (NGO)

Soc(1)

h. R.S.

05/5/2000


4/5 - psc put up for regulation  
4/5

-30-6

Annexure K 8

STATEMENTS SHOWING THE APPOINTMENT/POSTING IN NE REGION INCLUDING TRANSFER  
LIABILITY ETC. BASED ON SERVICE RECORDS OF EACH APPLICANTS AS ON 6.7.2001.

Ser No	Name of the applicant	Grade	Whether 1st Posting in the North East (Yes/No), Since when?	Whether transferred & posted in NE Region if Yes, since when?	Whether 1st posting in NE Region/then posted out of NE Region and the again reposted in NE Region. Since when?	Whether applicant is a local resident of NE Regions
1	2	3	4	5	6	7
1	MES 224411 Shri Sadhan Bikash Baidya	SK Gde I	Yes. 01 Feb 65	No	No	Yes. Cachar (Assam)
2	MES 228130 Shri Bidhu Bhushan Das	D'Man I	Yes. 20 Oct 65	No	No	Yes. Cachar (Assam)
3	MES 243723 Shri Sanjay Debnath	JE QS&C	Yes. 17 Nov 87	No	No	Yes. Lumding (Assam)
4	MES 242325 Shri Sushil Kumar Das	UDC	Yes. 24 Sep 64	No	No	Yes. Dibrugarh (Assam)
5	MES-242068 Shri Nitya Ranjan Paik	UDC	Yes. 24 Sep 64	No	No	Yes. Dibrugarh (Assam)
6	MES-238655 Shri Cheni Chandra Saikia	UDC	Yes. 07 Jul 81	No	No	Yes. Dibrugarh (Assam)
7	MES-238654 Shri Anil Chandra Das	UDC	Yes. 21 May 81	No	No	Yes. Dibrugarh (Assam)
8	MES-237030 Shri Hem Chandra Phukan	UDC	Yes. 02 Nov 62	No	No	Yes. Dibrugarh (Assam)
9	MES-238657 MS Puspa Baruah	LDC	Yes. 23 May 81	No	No	Yes. Dibrugarh (Assam)
10	MES-238798 MS Maja Dhar	LDC	Yes. 01 Sep 83	No	No	Yes. Sibsagar (Assam)
11	MES-232972 Shri Bhupen Saikia	LDC	Yes. 01 Feb 82	No	No	Yes. Dibrugarh (Assam)
12	MES-238801 MS Usha Rani Baruah	LDC	Yes. 27 Dec 83	No	No	Yes. Dibrugarh (Assam)
13	MES-242094 Shri Chitra Ranjan Gogoi	Duftry	Yes. 09 Mar 64	No	No	Yes. Dibrugarh (Assam)
14	MES-242405 Shri Kumud Chandra Saikia	Duftry	Yes. 08 Mar 65	No	No	Yes. Dibrugarh (Assam)
15	MES-242360 Shri Lalit Chandra Moran	Duftry	Yes. 25 Mar 65	No	No	Yes. Dibrugarh (Assam)

  
**V. Sudhakar**  
 Major  
 Garrison Engineer Dinjan

Ser No	Name of the applicant	Grade	Whether Ist Posting in the North East (Yes/No), Since when?	Whether transferred & posted in NE Region if Yes, since when?	Whether Ist posting in NE Region/then posted out of NE Region and the again reposted in NE Region. Since when?	Whether applicant is a local resident of NE Regions
1	2	3	4	5	6	7
16	MES-238703 Shri Manik Chandra Dutta	Civ MT Dvr (OG)	Yes. 27 Oct 80	No	No	Yes. Sibsagar (Assam)
17	MES-242308 Shri Panchuram Gohain	do	Yes. 23 Jun 69	No	No	Yes. Dibrugarh (Assam)
18	MES-243299 Shri Ramlal Singh	do	Yes. 01 Oct 68	No	No	Yes Dibrugarh (Assam)
19	MES-238535 Shri Sonaram Saikia	do	Yes. 25 Sep 72	No	No	Yes. Jorhat (Assam)
20	MES-280539 Shri Minaram Baruah	Chowkidar	Yes. 12 May 94	No	No	Yes. Dibrugarh (Assam)
21	MES-242570 Shri Mafrose Hussain	SK Gde II	Yes. 23 Nov 65	No	No	Yes. Dibrugarh (Assam)
22	MES-242559 Shri Dhaneswar Baruah	Peon	Yes. 08 Mar 65	No	No	Yes. Dibrugarh (Assam)
23	MES-242078 Shri Andherias Ekka	Duftry	Yes. 01 Apr 64	No	No	Yes. Dibrugarh (Assam)
24	MES-239154 Shri Pabitra Nath Gogoi	Civ MT Dvr (OG)	Yes. 11 Mar 81	No	No	Yes Dibrugarh (Assam)
25	MES-223402 Shri Haidar Ali	do	Yes. 01 Feb 63	No	No	Yes. Dibrugarh (Assam)
26	MES-238530 Shri Jiten Baruah	do	Yes. 01 Oct 68	No	No	Yes. Assam
27	MES-280541 Shri Ghanen Das	Chowkidar	Yes. 02 Jun 94	No	No	Yes. Dibrugarh (Assam)
28	MES-280540 Shri Joyram Patra	do	Yes. 19 May 94	No	No	Yes. Dibrugarh (Assam)
29	MES-242252 Shri Abani Kanta Chetia	Storeman	Yes. 01 Jan 64	No	No	Yes. Assam
30	MES-243591 Shri Dulal Baruah	Chowkidar	Yes. 30 Jul 82	No	No	Yes. Assam

*Sudhakar*  
**D. Sudhakar**  
 Major  
 Garrison Engineer Dimapur

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31	Dhaneswar Deka			No	No	Yes Kamrup (Assam)
32	MES-238833 Shri Milan Das Chowdhary	do	Yes. 17 Nov 83	No	No	Yes. (Assam)
33	MES-238831 shri GK Sonowal	do	Yes. 06 Dec 83	No	No	Yes. (Assam)
34	MES-NYA Shri S Gogoi	SWala	Yes 06 Jun 97	No	No	Yes Dibrugarh (Assam)
35	MES-238979 Shri Narayan Balmiki	SWala	Yes 08 Jun 85	No	No	No UP
36	MES-242926 Shri KL Balmiki	do	Yes 29 Jun 73	No	No	No UP
37	MES-243357 Shri Govind Das	Chowkidar	Yes. 24 Sep 84	No	No	Yes. (Assam)
38	MES-220180 Shri Tezu Passi	do	Yes. 01 Jna 69	No	No	No (UP)
39	MES-239052 Shri Rohindra Baruah	do	Yes. 23 Dec 85	No	No	Yes (Assam)
40	MES-239047 Shri Krishna Das	do	Yes. 31 Dec 85	No	No	No. Kerala
41	MES-242426 Shri Gom Bahadur	do	Yes. 01 Aug 66	No	No	Yes. Nepal
42	MES-239053 Shri DN Baruah	do	Yes. 24 Sep 87	No	No	Yes. (Assam)
43	A/1556 Shri Rahabuddin Miyan	do	Yes. 19 Aug 63	No	No	No. Bihar
44	MES-239194 Shri Ram Bahadur Thapa	do	Yes. 16 Oct 64	No	No	No Nepal
45	MES-239194 Shri Bijoy Ch Bhagat	SWala	Yes 04 Jun 87	No	No	No UP
46	MES-280550 Shri Sundarlal Gor	SWala	Yes 04 Jun 97	No	No	Yes Assam

*Sudhakar*  
Sudhakar  
Main

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47	MES-243593 Shri Md Tyub Khan	Chowkidar	Yes. 26 Jul 83	No	No	No. Bihar
48	MES-238964 Shri Kali Charan Teli	do	Yes. 26 Feb 86	No	No	Yes. (Assam)
49	MES-220169 Shri Kirpal Prasad	do	Yes. 29 Mar 67	No	No	No Bihar
50	MES-239099 Shri Prasant Saikia	do	Yes. 28 Sep 87	No	No	Yes (Assam)
51	MES-238929 Shri Sukhladhar Borah	do	Yes. 13 Jun 85	No	No	Yes. (Assam)
52	MES-242322 Shri Man Bahadur Magar	do	Yes 16 Oct 64	No	No	No Nepal
53	MES-239049 Shri Sukhdeb Tiwari	do	Yes. 01 Jan 86	No	No	Yes (Assam)
54	MES-242885 Shri Subodh Baruah	K/Chowkid	Yes 01 Oct 66	No	No	Yes Sibsagar (Assam)
55	MES-239137 Shri Gagesh Bahadur	Chowkidar	Yes 26 Feb 86	No	No	Yes Assam
56	MES-239057 Shri Dipen Phukan	do	Yes. 28 dec 85	No	No	Yes. Dibrugarh (Assam)
57	MES-238561 Shri LC Gorth	Meter Reader	Yes 12 Feb 76	No	No	Yes Assam
58	MES-243052 Shri R Borghain	do	Yes 16 Jun 69	No	No	Yes Assam
59	MES-232793 Shri TN Rai	do	Yes 02 Jun 80	No	No	Yes Assam
60	MES-238795 Shri Girish Sonwal	do	Yes 28 Feb 81	No	No	Yes Assam
61	MES-242193 Shri Padmeshwar Borah	Storeman	Yes 24 Mar 65	No	No	Yes Dibrugarh (Assam)

*[Signature]*  
**Major**  
**Carlson Engineer Dinjar**



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62	MES-224716 Shri S C Roy	JE( Civil)	Yes. 07 Dec 71	No	No	Yes. Kamrup (Assam)
63	MES-238963 Shri Janen Baruah	Chowkidar	Yes 21 Dec 85	No	No	Yes Assam
64	MES-237114 Shri Ajit Ch Baruah	UDC	Yes. 16 Sep 63	No	No	Yes. Jorhat (Assam)
65	MES-239133 Shri Sukhadev Rawat	Chowkidar	Yes 26 Feb 86	No	No	No, Bihar
66	MES-243314 Shri Lambo Tanti	Mate	Yes 31 Jul 72	No	No	No, Dibrugarh (Assam)
67	MES-239102 Shri Sadhan Shan	FGM	Yes	No	No	No Bihar
68	MES-2423313 Shri Chotelal Balmiki	SWala	Yes, 31 Jul 72	No	No	No UP

*Sudhakar*  
**D. Sudhakar**  
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 Garrison Engineer Dinjan