

30/100

3

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 239/2001

R.A/C.P No.....

E.P/M.A No.....

1. Orders Sheet. OA-239/2001Pg. 1to 2.....
2. Judgment/Order dtd. 09/08/01Pg. No separate orders allowed
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A.....239/2001Pg. 1to 25.....
5. E.P/M.P.....NILPg.....to.....
6. R.A/C.P.....NILPg.....to.....
7. W.S.....NILPg.....to.....
8. Rejoinder.....Pg.....to.....
9. Reply.....Pg.....to.....
10. Any other Papers.....Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

FORM NO.4
(See Rule 42)

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

ORDER SHEET
APPLICATION NO239.....OF 2001.

Applicant (S) Vinod Basore 2 ans.

Respondent (S) U.O. 1, 2 ans.

Advocate for Applicants (s) Mr Adil Ahmed.

Advocate for Respodbent (s) Cse.

Notes of the Registry	Date	Order of the Tribunal
<p>1018 application is in form for not being a donation petition filed vide M.F.No. C.F. No. 18.18.18 reported vide No. 64 7.70/2006 2/7/2007 Dy. Registrar</p> <p>Requests filed.</p> <p>Notice prepared and sent to D/S for in vs the Respondent No 1704 by Regd Adl vide D/No 2476 to 2479 dttd 12/7/07</p> <p>No reply has been filed.</p>	<p>4.7.01</p> <p>9.8.01</p>	<p>Heard learned counsel for the parties.</p> <p>Issue notice to show cause as to why the application shall not be admitted. Mr.A.Deb Roy, Sr.C.G.S.C accepts notice on behalf of the respondents. Returnable by 4 weeks. List on 9.8.01 for for Admission.</p> <p>Meanwhile, the impugned measure for recovery of the SDA from the applicants on the strength of the order dated 23.4.2001, Annexure C and the order dated 22.5.01 Annexure D shall remain suspended till the returnable date.</p> <p>K.K.Sharma Member</p> <p>Vice-Chairman</p> <p>Present : Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman. Hon'ble Mr. K.K.Sharma, Administrative Member.</p> <p>The applicants are 12 in persons.</p> <p>contd.../-</p>

Handwritten mark at top left corner.

Notice prepared and sent to D/S for in vs the Respondent No 1704 by Regd Adl vide D/No 2476 to 2479 dttd 12/7/07

Handwritten signature at bottom center.

2

9.8.01

They are working under Respondents nos. 3 and 4 as Junior Stenographer, Drafty, Peon, Choukidar, LDC ect. They are Central Government Employees belonging to group 'C' and 'D'. They were paid SDA. By impugned order dated 23.4.01 and 22.5.01 steps were taken by Respondents for recovery of SDA already paid the applicants on and from 29.4.94. In a series of decisions, this bench ordered the respondents not to recover the amount already paid as SDA to the applicant in O.A. 149/99, O.A. 244/97 and O.A. 189/01. In the light of judgement in O.A. 189 of 2001, accordingly, the respondents are directed not to make any recovery so far as the SDA is concerned from the applicants.

The application is allowed to the extent indicated above.

There shall, however, be no order as to costs.

K. C. Sharma

Member

[Signature]

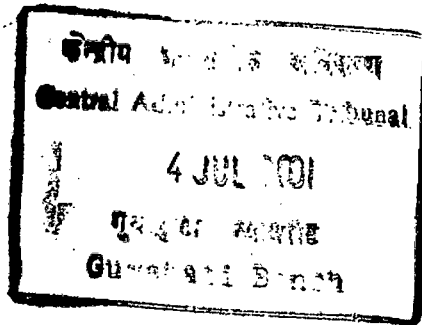
Vice-Chairman

mb

13.8.2001

Copy of the order has been sent to the office for issue of the order to the L/ADM. for the parties.

JS



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

ORIGINAL APPLICATION NO. 239 OF 2001.

Sri Vinod Basfore & Ors.,
..Applicants.

-Versus-

Union of India & Others
.. Respondents.

I N D E X

S1.No.	Particulars	Page No.
1.	Application	1 to 14
2.	Verification	15
3.	Annexure-A	16 to 17
4.	Annexure-B	18
5.	Annexure-C	19 to 21
6.	Annexure-D	22 to 24
7.	Annexure-E	25

Filed by
Advocate.

(ADIC AHMED)

Filed by
Vinod Basfore
applicant no 1
- (Abic 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.	Name	Designation
11	Sri Vinod Basfore	L.D.C.
21	" Ranjit Kumar Das	Junior Steno
31	" Uma Kanti Bhattarai	Deftary
41	" Golak Chandra Das	Driver
51	" Achyut Chandra Kalita	Peon
61	" Surendra Kumar Sinha	Chowkidar
71	" Jagat Das	-do-
81	Smt. Gorgina Lyndoh	Junior Steno
91	Sri Peteris Khar Kanger	L.D.C.
101	" Mashwar Rai	Chowkidar
111	" San Bahadur Thapa	Duplicating Operator
121	" Areek Massar	Chowkidar

All the applicants are working under
the Centre Incharge, Central
Institute of Hindi, Guwahati and
Shillong.

-Versus-

- 1] The Union of India, represented by the Secretary, Ministry of Human Resource and Development Department, New Delhi.
- 2] The Director, Central Institute of Hindi, Sansthan Marg, Agra, P.O.-Agra, Uttar Pradesh, PIN-282005.
- 3] The Centre Incharge, Central Institute of Hindi, R. G. Baruah Road, Ganeshguri, Guwahati-6.
- 4] The Centre Incharge, Central Institute of Hindi, Shillong, Lower Lachumaya, Shillong-1.

- Respondents.

DETAILS OF THE APPLICATION:

- 1) PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:

This application is made against the impugned Order of recovery of payment of Special Duty Allowance in short, (S.D.A.), vide Office Memorandum No. 2-14/2001-2002/638 dated 23-04-2001 and Office Memo. No. 2-14/2001-2002/1412 dated 22-05-2001 issued by the office of the Respondent No. 2.

Vinod B. B. B.

2) JURISDICTION OF THE TRIBUNAL

The applicants declares that the Subject matter of the instant application is within the jurisdiction of this Hon'ble.

3) LIMITATION

The applicant 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 :

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

4.2 That your applicants beg to state that they are working under the Respondent Nos. 3 & 4 as Junior Stenographer, Daftary, Peon, Chowkidar, LD.C., etc. They are Central Government Employees belonging to Group-'C' and 'D'.

4.3 That your applicants beg to state that as the grievances and reliefs prayed in this application are common, therefore, they pray for grant of permission under Section 4 (5)(a) of the Central Administrative Tribunal

Vinod Bapre

(Procedure) rules, 1987 to move this application jointly.

4.4 That the Government of India, Ministry of Finance, Department of Expenditure granted certain improvements and facilities to 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) Allowance 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 the office Memorandum dated 14.12.1983 is quoted below:

* (iii) Special (Duty) Allowance:

Central Government Civilian employee 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 payment 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

Vinod Basfore

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 14-12-1983 and Office Memo dated 01-12-1988 are annexed hereto and the same are marked as Annexure- A & B respectively.

4.5 That your applicants beg to state that with reference to the said Office Memorandum dated 14-12-83 and 01-12-88 the applicants have approached the appropriate authorities for payment of Special (Duty) Allowance in terms of Office Memorandum Dated 14-12-83 and 01-12-88 as the applicants fulfilled the criteria laid down in the Office Memo. Dated 14-12-83 and 01-12-88. They demanded for payment of Special (Duty) Allowance. Accordingly the authorities paid the Special Duty Allowance to the applicants.

4.6 That the present applicants beg to state that they are saddled with All India Transfer Liability in terms of their offer of appointment and with this said liabilities they have received the offer of appointment

Vinod Bafra

and joined the service of the respondents. Be it stated that, they are liable to be transferred outside the North Eastern Region. Therefore, the applicants are in practice saddled with all India Transfer Liability and in terms of Office Memorandum dated 14-12-1983 they are legally entitled for grant of Special (Duty) Allowances.

4.7 That your applicants beg state that the Respondents No. 2 issued the impugned Office Memo. No. 2-14-2001-2002/638 dated 23-04-2001 and Office Memo. No. No. 2-14-2001-2002/1412 dated 22-05-2001 by giving direction to the Respondent No.3 & 4 to recover the amount of Special Duty Allowance which has been paid to the applicants from 20-09-1994 to 01-03-2001 from the applicants' monthly Pay from July 2001 till recovery is completed. As such the applicants have compelled to approach this Tribunal for seeking justice.

Annexure-C & D are the photo copies of Office Memorandum No. 2-14-2001-2002/638 dated 23-04-2001 and Office Memo. No. No. 2-14-2001-2002/1412 dated 22-05-2001 issued by the office of the Respondent No. 2.

4.8 That the applicants beg to state that the payment of Special (Duty) Allowance is made to the applicants with effect from 01-11-1983 or from the respective dates of their joining in this Department. The payment of

Vinod Basfore

Special (Duty) Allowance is made to the applicants only after full satisfaction of the Respondents. Now the Respondents have issued the recovery order of Special (Duty) Allowance. As such, the act of the respondents is arbitrary regarding recovery of payment of Special Duty Allowance. As such, the Hon'ble Tribunal may be pleased to direct the Respondents not to make any recovery of any amount of the Special (Duty) Allowance which has been paid by the Respondents to the applicant.

4.9 That your applicants beg to state that similarly situated persons have also approached this Hon'ble Tribunal for not to recover the Special Duty Allowance amount which has been paid by the Respondents and this Hon'ble Tribunal vide its common judgment and order passed in O.A. No. 149/99 and others similar cases on 22-12-2000 directed the Respondents not to make any recovery of Special Duty Allowance. In case, any amount on account of payment of Special Duty Allowance has been recovered/withheld from retirement dues, the same shall be refunded/released to the applicants immediately.

Annexure-E is the photocopy of judgment and order passed by the Hon'ble Tribunal in O.A. No. 187 of 2001.

Vinod Basra

4.10 That your applicants beg to state that the Hon'ble Tribunal may be pleased to stay the impugned order of recovery issued under Office Memorandum Office Memo. No. 2-14-2001-2002/638 dated 23-04-2001 and Office Memo. No. No. 2-14-2001-2002/1412 dated 22-05-2001 issued by the office of the Respondent No. 2 as interim measure and further be pleased to set aside and quash the Office Memorandum Office Memo. No. 2-14-2001-2002/638 dated 23-04-2001 and Office Memo. No. No. 2-14-2001-2002/1412 dated 22-05-2001.

4.11] That your applicants submit that they are low paid Central Government Employees and it is not possible for them to refund the Special Duty Allowance after a decade.

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

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

5) GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:

5.1] For that on the reason and facts which are narrated above the action of the Respondents is prima facie illegal and without jurisdiction.

Vinod Basra

5.2] For that the action of the Respondents are mala fide and illegal and with a motive behind. As such, the impugned order of recovery is liable to be set aside and quashed.

5.3] For that the Respondents have paid the Special (Duty) Allowance to the applicants after being full satisfaction with their eligibility criteria. Also in terms of the Office Memorandum dated 14-12-83 and Office Memo. Dated 01-12-88 issued by the Ministry of Finance, Government of India. Hence, the impugned recovery order of Special Duty Allowance is mala fide, illegal and without jurisdiction.

5.4] For that the payment of Special (Duty) Allowance was not obtained by the applicants by any fraudulent means but the Respondents after finding them eligible, paid the Special (Duty) Allowance to the applicants.

5.5] For that that the applicants are having practically All India transfer liability. As such, they are legally entitled to draw the Special (Duty) Allowance as per Office Memorandum dated 14-12-83 and 01-12-83.

Vinod Basfore

- 14
- 5.6] For that the order issued in terms of impugned Office Memorandum Office Memo. No. 2-14-2001-2002/638 dated 23-04-2001 and Office Memo. No. 2-14-2001-2002/1412 dated 22-05-2001 is without following any established procedure of rules and law.
- 5.7] For that similarly situated persons who are working in the same Office have already been given the reliefs but the Respondents have not given the same reliefs to the instant applicants. As such, the impugned order is bad in the eye of law and also not maintainable.
- 5.8] For that being a model employer the Respondents can not deny the same benefits to the instant applicants which have been granted to other similarly situated persons. As such, the Respondents should extend this benefit to the instant applicants without approaching this Hon'ble Tribunal.
- 5.9] For that in any view of the matter the action of the Respondents are not sustainable in the eye of law.

The applicants crave leave of this Hon'ble Tribunal to advance further grounds at the time of hearing of instant application.

Vinod Basore

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 OTHER COURT:

The applicants further declares that they have not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other court, authority or any other bench of this Hon'ble Tribunal nor any such, application, writ petition or suit is pending before any of them.

8) RELIEF PRAYED FOR:

Under the facts and circumstances stated above your Lordships may be pleased to admit this petition and show cause as to why the impugned recovery order vide Office Memo. No. 2-14-2001-2002/638 dated 23-04-2001 and Office Memo. No. No. 2-14-2001-2002/1412 dated 22-05-2001 issued by the office of the Respondent No. 2 should not be quashed and after hearing the parties your Lordships may be pleased to pass following reliefs:

Vinod Basora

8.1 The impugned Office Memorandum vide Office Memo. No. 2-14-2001-2002/638 dated 23-04-2001 and Office Memo. No. No. 2-14-2001-2002/1412 dated 22-05-2001 issued by the office of the Respondent No. 2 directing recovery of Special Duty Allowance at Annexures-C & D may be set aside and quashed.

8.2 To pass any other order or orders as deem fit and proper by the Hon'ble Tribunal.

8.3 Cost of the application.

9) INTERIM ORDER PRAYED FOR:

Pending final decision of this application the applicants seek issue of the interim order:

9.1) That the Hon'ble Tribunal may be pleased to stay the impugned order of recovery vide Office Memo. No. 2-14-2001-2002/638 dated 23-04-2001 and Office Memo. No. No. 2-14-2001-2002/1412 dated 22-05-2001 dated 14-03-2001.

10. APPLICATION IS FILED THROUGH ADVOCATE.

Vinod Balfore

11) PARTICULARS OF I.P.O./BANK DRAFT

I.P.O.No./Bank ~~Draft~~: EG770426
Date of Issue : 2.7.2001
Issued from : Guwahati S.P.O.
Payable at : Guwahati

12) LIST OF ENCLOSURES:
As stated in index.

-Verification.

Vinod Basra

Verification

I, Sri Vinod Basfore, Lower Division Clerk, working under the Centre Incharge, Central Institute of Hindi, R. G. Baruah Road, Guwahati-6. I am the applicant No. 1 of the instant application and as such I am authorised by other applicants to sign this verification and verify the statements made in accompanying application and in paragraphs 4.1 to 4.3, 4.5, 4.6, 4.8, 4.10 are true to my knowledge and those made in paragraphs 4.4, 4.7, 4.9 — are true to my information being matter of records and which I believe to be true and those made in paragraph 5 are true to my legal advise and I have not suppressed any material facts.

I signed this verification on this day 3rd of July 2001 at Guwahati.

Vinod Basfore
Declarant.

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

15-16-

ANNEXURE - A

New Delhi, the 14th Dec 03

OFFICE MEMORANDUM

Subject: Allowances and facilities for civilian employees of the Central Government serving in the States and Union Territories of North Eastern Region-Improvement 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 :-

- 1) Tenure of posting/deputation.
x x x x x x x x
- 11) Eight-ann for Central deputation/training abroad and special mention in confidential Record.
x x x x x x x
- 111) 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 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

Contd..

Attested
[Signature]
Secretary

be eligible for this Special (Duty) Allowance. If a person is eligible for Special (Duty) Allowance, will be in addition to any special pay and 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.

XXXXXXXXXX
XXXXXX
XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX

30/- B.V. PAVANIK
JOINT SECRETARY, THE GOVERNMENT OF INDIA

Abhishek
Abhishek

केन्द्रीय हिन्दी संस्थान, आगरा

11/11/2001
30/11/01

सं० 2-14/2001-2002/638

दिनांक-23.4.2001

सेवा में,

- 1- केन्द्र प्रभारी
केन्द्रीय हिन्दी संस्थान
गुवाहाटी केन्द्र
- 2- केन्द्र प्रभारी
केन्द्रीय हिन्दी संस्थान
शिलांग केन्द्र

विषय:- स्थानीय कर्मचारियों को एस०डी०एस० भुगतान के संबंध में ।

महोदय,

इस कार्यालय के समसंख्यक पत्र सं० 2-14/2000-2001/6389-6390/ दिनांक- 29.3.2001 के क्रम में आपको सूचित किया जाता है कि वित्त मंत्रालय के आदेश सं० 11/3/95-ई०/बी० दिनांक 12.1.1996 के अनुसार गुवाहाटी एवं शिलांग केन्द्रों पर कार्यरत स्थानीय कर्मचारियों को दिनांक 20.9.1994 के बाद एस०डी०एस० के रूप में भुगतान की गई राशि को वसूल करने के लिए मुख्यालय को अवगत कराने की कृपा करें ।

मुख्यालय के आदेशानुसार

20/9/1994 से मार्च, 2001

तक का S.D.A संबंधित

स्थानीय कर्मचारियों का

परिचय बनाकर

भवदीय,

11/11/01

§ राधेन्द्र सक्सेना §

उप कुलसचिव

स्टालमेट्रल में जुलाई, 2001

के वेबन से कार्रवाई आरंभ करें ।

Aht
Aht

उमराज शीजा

24/5/2001

126

Annexure- C

CENTRAL INSTITUTE OF HINDI, AGRA

Memo No. 2-14/2002/638 Dtd. 23-04-2001

To

1] Centre Incharge,
Central Institute of Hindi,
Guwahati Center.

2] Centre Incharge,
Central Institute of Hindi,
Shillong Center.

Sub: Regarding entitlement of SDA to the Local employees.

Sir,

With reference to letter of this Office vide No. 2-14/2000-2001/6389-6390 dated 29-03-2001 you are hereby informed that as per order vide No. 3/95-E/B dated 12-01-1996 of the Ministry of Finance your are requested to recover the S.D.A. from local employee since 12-9-1994 which were paid to the local employee of Shillong and Guwahati and inform the same to the Head Quarter.

Yours faithfully,

Sd/- Illegible,
(RAJENDRA SAKSENA),
Deputy Registrar

Atty
1
1/1/2001

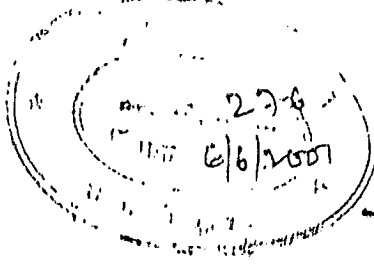
~~18~~

On the Basis orders of Head Quarter
you are directed to make recovery of
amount of S.D.A from 20-09-1994 to March 2001
of the Local employees and start to
recover the amount from their salaries.

Sd/- Hem Raj Sharma

24/5/2001.

Attested
Advocate



Handwritten notes and signatures including 'केंद्र प्रभारी', 'श्रीधर', '6/6/01', 'श्रीधर', '6/6/01', 'मुख्यालय को सूचित करें', 'डेप्युटी प्रभारी', '6/6/2001'.

फाटोसो 2-14/2001-2002/1412

सेवा में,

शुभ्री अस्फा श्री 0 सेन
अनुभाग अधिकारी (भा 0)
मानव संसाधन विकास मंत्रालय
शास्त्री भवन, नई दिल्ली

विषय:- Special Duty Allowance (SDA) to the Central Government Employees posted in North Eastern Region.

संदर्भ:- आपका पत्र स्फ-3-5/2000 एल0ती0सी0 दिनांक 10.5.2001.

महोदया,

उपर्युक्त विषय के संदर्भ में सूचित करना है कि पूर्वांचल में कार्यरत कर्मचारियों को एल0डी0-ए0 भुगतान पर इस कार्यालय के पत्र 2-14/2000-2001/3172 दिनांक 28.9.2000 के द्वारा सितम्बर, 2000 से पूर्णतया रोक लगा दी गयी है। साथ ही पूर्वांचल स्थित संस्थान के केन्द्र प्रभारियों को सूचित किया जा चुका है कि गुवाहाटी एवं शिलांग केन्द्रों पर कार्यरत स्थानीय कर्मचारियों को दिनांक 20.9.1994 के बाद एल0डी0ए0 के रूप में भुगतान की गई राशि को वसूल करते हुए मुख्यालय को सूचित करें। तत्काल संदर्भ के लिए उक्त दोनों पत्रों की प्रतित तत्काल संदर्भ के लिए संलग्न की जा रही है।

भवदीय,

संलग्न:- यथोपरि।

श्रीराजेन्द्र स्वसेना
उप-कुलसचिव

प्रतिलिपि:- केन्द्र प्रभारी, गुवाहाटी एवं शिलांग को इस कार्यालय के पत्र 2-14/2001-2002/638/639 दिनांक 23.4.2001 के संदर्भ में सूचनार्थ एवं आवश्यक कार्यवाही हेतु।

उप-कुलसचिव

Attest.
Advocate

25

- 23 -

(Translated from Hindi to English)

Annexure-D

Memo No. 2-14/2002/1414

Dtd. 22-5-2001

To
Mr. Arun B. Sen,
Sectional Officer,
Ministry of Human Resource Development,
Shastri Bhawan,
New Delhi..

Sub: Special Duty Allowance (SDA) to the
Central Government Employees, posted in
North Eastern Region.

Ref: Your Letter No. F-3-5/2000 LCC
dated 10-05-2001.

Madam,

I have to inform you regarding above stated subject that as per letter of this office vide No. 2-14/2000-2001/3172 dated 28-09-2000 complete stoppage has been imposed on the payment of S.D.A. to the employees of the North Eastern Region. This has also been informed to the Incharge officers of the North Eastern Region and they are directed to recover the S.D.A. from 20-09-1994 onwards from the employees who are serving under the Guwahati and Shillong Centres and also directed to inform the same to the Head Quarter. These two letter are enclosed for your ready reference.

Atty Cl
AS — I
Advt

- 24 -

~~18~~

Yours faithfully
Sd/-Rajendra Saksena,
Deputy Registrar.

Enclosure: As stated above.

Copy to:-

To the Central Incharge, Guwahati & Shillong
for information and to take necessary action
regarding Letter No. 2-14/2001-2002/ 638/639
dated 23-04-2001.

Sd/- illegible
Deputy Registrar.

Attchd
Sd/-
Advocate

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO.

189

OE 199
2001

Applicant(s) H. Ali & ors

Respondent(s) U.O. 1 D ors.

Advocate for Applicant(s) Mr. A. Ahmed

Advocate for Respondent(s) B.C. Pathak
Addl. C.G.S.C

Notes of the Registry	Date	Order of the Tribunal
-----------------------	------	-----------------------



22.5.01

Heard Mr. Adil Ahmed, learned counsel for the applicant and Mr. B. C. Pathak, Addl. C.G.S.C. for the respondents.

The present case is squarely covered by the judgment and order rendered by the Tribunal in a series of O.A. 149 of 1999 and 17 such O.A.s including O.A. 244 of 97 and 75 of 98. In that view it is ordered that recovery of the SDA, already paid to the applicant also, is not to be recovered.

In the light of the judgment mentioned above, the O.A. is partly allowed and the respondents are directed not to make any recovery from the amount of SDA already paid to the applicant.

Subject to the observations and directions made above, the application stands disposed of, no costs.

TRUE COPY
प्रतिनिधि

W.S. S
28/6/2001

Section Officer (J)
 अधिकांश अधिकारी (अतिरिक्त) द्वारा
 Central Administrative Tribunal
 केन्द्रीय प्रशासनिक न्यायालय
 Guwahati Bench, Guwahati-8
 गुवाहाटी न्यायालय, गुवाहाटी-8

Adil Ahmed
AS

Sd/VICE CHAIRMAN
Sd/MEMBER (Adm)