

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 343/01

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SECTION OFFICER (Judl.)

8.12.17

FORM No. 4  
(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI.

ORDERS SHEET

Original APPLICATION NO. 343 / 2001

Applicant (S) Bomdoh Bar Son

Respondant (S) H.O.I Son

Advocate for the Applicant: A. Dasgupta, S. Chatterjee

Advocate for the Respondant: case

Notes of the Registry	Date	Order of the Tribunal
This application is in form but not in time. Corrigendum Petition is filed not filed vide M. P. No. <u>X</u> C.F. for Rs. 50/- deposited vide IPO/BD No. <u>79,548820</u> Dated <u>24.8.2001</u>	30.8.01	The application is admitted. Call for the records. List on 1/10/01 for further order.
<u>Dy. Registrar.</u>	mb 1.10.01	Awaited service report. List on 17.10.01 for order.
Notice perforce and sent to D/S for copy to the Respondent No 1 to 5 by Regd A/D.	mb 17.10.01	Service report is not complete. List on 27.11.01 for order.
<u>3/9/01</u> Inss vide D/No <u>3434</u> in <u>3438</u> dtd <u>6/9/01</u>	pg 28.9.01	
① Service report are still awaited.		
Service report are still awaited.		

Service report are still awaited

27.11.01

List on 7.1.02 to enable the respondents to file written statement.

*26.11.01*

*IC Ushan*  
Member

*[Signature]*  
Vice-Chairman

mb

Nb. written statement has been filed.

7.1.2002

List on 7.2.2002 enabling the respondents to file written statement.

*6.2.02*

*IC Ushan*  
Member

*[Signature]*  
Vice-Chairman

bb

7.2.02

List on 13.3.2002 to enable the respondents to file written statement.

N/s has been filed on behalf of the respondents.

*13/3/02*

*IC Ushan*  
Member

*[Signature]*  
Vice-Chairman

mb

13.3.02

Written statement has been filed.  
List for hearing on 5.4.02.

*IC Ushan*  
Member

lm

*26.4.2002 - There was a reference. The case referred to 26.4.2002. Mo Abg Day.*

26.4.2002

Heard counsel for the respondents. Hearing concluded. Judgment delivered in open Court, kept in separate sheets.

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

*[Signature]*  
Vice-Chairman

bb

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH A::GUWAHATI-5.

O.A.No. 31343 of ~~XXXX~~ 2001.

DATE OF DECISION<sup>26.4.2002.</sup>.....

!! Sri Byomkesh Dev & 4 Others. (PETITIONER(S))

Mr.A.Dasgupta & S.Chakraborty. ADVOCATE FOR THE  
PETITIONER(S)

VERSUS

Union of India & Others. RESPONDENT(S)

Mr.A.Dev Roy, Sr.C.G.S.C. ADVOCATE FOR THE  
RESPONDENTS.

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

THE HON'BLE

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

Judgment delivered by Hon'ble Vice-Chairman,

5

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.343 of 2001.

Date of Order : This the 26th Day of April, 2002.

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

1. Sri Byomkesh Dev  
S/o Late Barindra Kumar Dev  
C/o:- GE Dinjan, P.O:- Panitola  
Dist:- Dibrugarh, Assam.
  2. Sri Gopal Krishna Mazumdar  
S/o Late K.C.Mazumdar  
C/o GE Dinjan, P.O:- Panitola  
Dist:- Dibrugharh, Assam.
  3. Sri Kamakhya Sengupta  
S/o Late R.N.Sengupta  
C/o:- GE Dinjan, P.O:- Panitola
  4. Sri Rama Kanta Das  
S/o Late Dinesh Chandra Das  
C/o:- GE Dinjan, P.O:- Panitola  
Dist:- Dibrugarh, Assam.
  5. Sri Bisweswar Paul  
S/o Late Bhupati Kumar Paul  
C/o:- GE Dinjan, P.O:- Panitola  
Dist:- Dibrugarh, Assam. . . . Applicants.
- By Advocate Mr.A. Dasgupta and Mr.S.Chakraborty.

- Versus -

1. Area Accounts Officer  
Shillong.
2. Garrison Engineer Dinjan, MES  
Post:- Dinjan, Dist:-Dibrugarh, Assam.
3. Controller Defence Accounts, Guwahati  
Udayan Vihar, Narengi, Guwahati.
4. Assistant Garrison Engineer (I)  
Lekhapani, P.O:- Lekhapani  
Dist:-Tinsukia, Assam
5. Union of India  
Represented by the Secretary to the  
Government of India  
Ministry of Defence, New Delhi. . . . Respondents.

Contd./2

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

O R D E R

CHOWDHURY J.(V.C.) :

The grievance relates to payment of Special Duty Allowance. The grievance of these applicants are same and similar in nature and accordingly leave was granted to espouse their cause in one application.

2. Admittedly, the initial posting of these applicants were in N.E.Region. They however, claimed that all the five applicants were transferred out from N.E.Region and re-posted thereafter. According to them, the applicant no.1 Shri Byomkesh Dev, J.E.(Civil) was first posted at GE(AF) Tezpur on 16.9.1970. He was then transferred out from N.E.Region to the Office of the CE Siliguri and then he was re-transferred to N.E.Region i.e. AGE(I) Lekhapani on 5.1.1997. According to him, he was transferred on May, 1994 and worked in Siliguri upto 4.1.1997. Similarly, the applicant No.2 Shri G.K.Mazumder, applicant No.3 Shri K. Sengupta and applicant No.5 Shri Bisweswar Paul were transferred out to CE Siliguri/GE Sevok Road, AGE(I) Sevok Road, GE Binnasguri (WB) and GE(A/F) Hassimara (WB) respectively and re-transferred. The applicant No.4 Shri Rama Kanta Das who was first posted at GE(P) Chabua on 28.1.1980 was transferred to CE Ahmedabad on 24.4.1988 and again re-transferred to N.E.Region i.e. 869 EWS on 15.8.1991 and thereafter he was again transferred out to Secunderabad on 1.7.1998.


3. From the materials it is indicated that the five applicants belong to N.E.Region. Ordinarily they are not entitled for the S.D.A., but if they were really transferred out to N.E.Region and thereafter posted again, they will be entitled for the same in terms of the Cabinet Secretariat Memo No.20/12/99-EA-I-1799 dated 2.5.2000 clarifying the points. As per the said clarification an employee hailing from N.E.Region, posted to N.E.Region initially but subsequently transferred out of N.E.Region but re-posted to N.E.Region after sometime serving in non N.E.Region is entitled for Special Duty Allowance.

4. I have heard Mr.A.Deb Roy, learned Sr.C.G.S.C. for the respondents. Considering all the aspects of the matter, I am of the view that the matter requires to be scrutinized by the Department and infact the statements made by the applicants are correct and the applicants were really transferred out of N.E.Region and re-posted to N. E. Region, they will be eligible for payment of Special Duty Allowance. The respondents are accordingly directed to take steps for examining each case of the applicants. If it is found that the applicants are eligible for payment of the Special Duty Allowance, the respondents shall pay the same with all arrears with utmost expedition.

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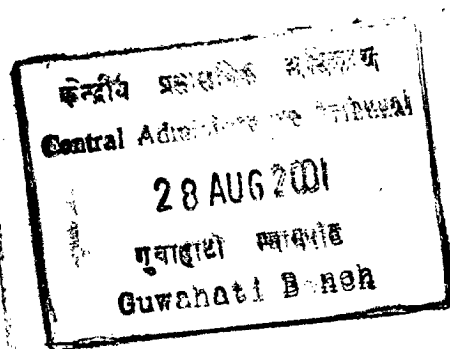
The application is allowed to the extent indicated above.

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

  
( D.N.CHOWDHURY )  
VICE CHAIRMAN

BB





IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI .

O.A NO. 343 /2001

Sri Bomkesh Dev & Ors .

- Vs -

Union of India & Ors .

I N D E X

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Filed by -

Suman Chakraborty  
Advocate .

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI .

O.A.NO. /2001

PARTICULARS OF THE APPLICANT -

1. Sri Byomkesh Dev  
Son of Late Barindra Kumar Dev .  
C/O. GE Dinjan , P.O. Panitola  
Dist - Dibrugarh , Assam .
2. Sri Gopal Krishna Mazumdar  
Son of Late K.C.Mazumdar ,  
C/O. GE Dinjan , P.O. Panitola ,  
Dist - Dibrugarh , Assam .
3. Sri Kamakhya Sengupta  
Son of Late R.N.Sengupta  
C/O GE Dinjan , P.O. Panitola ,  
Dist- Dibrugarh , Assam .
4. Sri Rama Kanta Das  
Son of Late Dinesh Chandra Das  
C/O GE Dinjan , P.O. Panitola ,  
Dist - Dibrugarh , Assam .
5. Sri Bisweswar Paul  
Son of Late Bhupati Kumar Paul  
C/O GE Dinjan , P.O. Panitola ,  
Dist - Dibrugarh , Assam .

Conted... 2

Filed by  
Byomkesh Dev.  
Through  
Suman Chakraborty  
Advocate

Bryonkar Div.

PARTICULARS OF THE RESPONDENTS -

1. Area Accounts Officer  
Shillong .
2. Garrison Engineer Dinjan , MES .  
Post - Dinjan , Dist - Dibrugarh , Assam .
3. Controller Defence Accounts , Guwahati  
Udayan Vihar , Narengi , Guwahati .
4. Assistant Garrison Engineer (I)  
Lekhapani ,  
P.O. Lekhapani , Dist - Tinsukia , Assam .
5. Union of India  
( Represented by the Secretary to the  
Ministry of Defence , New Delhi ) .

1. PARTICULARS FOR WHICH THIS APPLICATION IS MADE -

Non payment of Special duty allowance to the Employees hailing from NE Region and posted in NE Region subsequently transferred to outside N.E. Region and again re-transferred to a place in North Eastern Region . Area Accounts Officer , Shillong vide his letter dated 27.11.2000 raised an objection which was served on GE Dinjan by the Assistant Executive Engineer , Assistant Garrison Engineer (1) Lekhapani vide his letter No. 1002/3711/E<sub>1</sub> .

2. JURISDICTION OF THE TRIBUNAL -

This application is within the Jurisdiction of this Hon'ble Tribunal .

3. LIMITATION -

This application is within the period of limitation as prescribed under the provision of the Administrative Tribunal Act .

4. FACTS OF THE CASE -

(i) That the applicants are Civilian in Military Engineering Service ( MES ) under the Ministry of Defence , Govt. of India . This application is with respect to a Common Cause of action arising out of non payment of EX S.D.A inspite of being elligible to get the same in terms of Govt. Circular dtd.2.5. 2000 . Accordingly ~~the~~ the applicants crave leave of this Hon'ble Tribunal under Rule 4(S)(a) of Central Administrative Tribunal Procedure Rules , 1987 to file this joint application .

(ii) That the applicants are citizen of India and <sup>were posted</sup> ~~at~~ at Dinjan , P.O. Panitola Dist- <sup>by different orders of posting &</sup> Dibrugarh , Assam . They are all Group 'C' employees

Byemman An,

of MES and posted under Garrison Engineer Dinjan .

The applicants no. 1 to 4 are Junior Engineer and the applicant no. 5 is a Store Keeper .

(iii) That the applicants were initially appointed and posted in various office of MES within the North Eastern Region . The applicant no. 1 was appointed in the year 1970 and posted under GE(A/F) Tezpur . The applicant no. 2 was appointed in the year 1969 and posted under GE (Project ) No. 2 Missamari .The applicant no.3 was initially appointed in the year 1970 and posted under GE ( Project ) No. 2 Missamari . The applicant no. 4 was appointed in the year 1980 and posted under GE Chabua . The applicant no. 5 was posted under GE Dinjan at the time of his appointment .

(iv) That initially the applicants no. 1,2,3 were appointed as Superintendent Grade II . Subsequently they were promoted to the post of Superintendent Grade I based on all India Seniority . The applicant no. 4 was initially appointed as Surveyor Assistant Grade II . Subsequently promoted to Surveyor Assistant Grade I now re-designated as Junior Engineer on the basis of All India Seniority .

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Byomkesh Das

14  
Byem Ksh. Dn.

Applicant No. 5 was initially appointed as Store Keeper Grade II and subsequently promoted to the post of Store Keeper Grade I .

(v) That all the aforesaid applicants were recruited and posted in North Eastern Region having all India Transfer liability . The applicant No. 1 was transferred to Siliguri on 18.3.94 vide order of transfer no. 1034/BR-I/986/E . The applicant No. 2 was transferred to Siliguri on 18.2.88 vide order of transfer no. 1004/2/133/E1 issued by GE 868 Eng. Works Section . C/O 99 APO . The applicant No. 3 was transferred to Siliguri on 14.8.95 vide order of Transfer no. 1092-651/EIE issued by GE 869 Engineer Works section C/O 99 APO<sup>O</sup> . The applicant No. 4 was transferred to Ahmedabad on 2.4.88 vide order of transfer No. 1401/1604/EI issued by GE Chabua . The applicant no. 5 was transferred to Hasimara on 13.12.95 vide order of transfer no. 1209/674/EIE issued by GE 869 Works Section , C/O. 99 APO .

Copies of respective Orders of Transfer are annexed hereto and marked as Annexure - A,B,C,D,E respectively .

(vi) That all these applicants , initially appointed in North Eastern Region , were again transferred to North Eastern Region on different dates and posted in different places in that zone . All of them have been performing their respective duties in that zone in different places.

Thus applicant no. 1 was transferred from Siliguri to Lekhapani , District Tinsukia on 11.12.96 and at present he is posted at GE Dinjan . The applicant no. 2 was transferred from Siliguri to GE Dinjan where he is now working as Junior Engineer , Civil . The applicant no. 3 was transferred on 1.12.99 from Siliguri to GE Dinjan . The applicant no. 4 was transferred from Ahmedabad to GE 869 Engr. Works Section , Dinjan now merged with GE Dinjan . The applicant no. 5 was transferred from Hasimara to GE Dinjan on 4.4.2000 .

- Copies of the order of transfer whereby
- the applicants were transferred from out side the N.E.Zone to N.E.Zone are Annexed hereto and marked as Annexures F, G, H, I respectively.

(vii) That on 14.12.83 , the Govt. of India , Ministry of Finance , Department of Expenditure issued an order whereby a Special Duty Allowances was granted to All Central Government Employees Working in the North Eastern Region having All India Transfer Liability. Subsequently the Government took a stand that the Employees posted in North Eastern Region . On being transferred from a place from out side the North Eastern Region would be entitled to the said allowances .

Conted... 7

*Byomkesh Das*

A large number of cases were filed by the Employees of Central Government posted at NE Region having all India Transfer policy for grant of Special Duty Allowances on the ground that the Central Government classified two groups - (1) Employees posted on transfer and (2) Employees posted on recruitments. Initially ~~this~~ Tribunal held that this classification was not reasonable and all categories of employees were entitled for Special Duty Allowances. On being assailed, the Supreme Court of India held that the classification made was justified and the employees posted in North Eastern Zone on recruitment were not entitled to have this Special Duty Allowances. However it was held the Special Duty Allowances availed by inelligible persons should not be recovered. Accordingly, necessary orders was issued by the Government of India, Ministry of Defence on 16.3.98 wherein the entitlement of Special Duty Allowances was circulated to all concerned. Clause 3 (ii) of the said letters stipulated "Defence Civilians recruited from out side the North Eastern Region and posted from out side into the North Eastern Region would be entitled to the Special duty allowanees in addition to the Field Service Concession".

A copy of the Office Memorandum dated 16.3.98 issued by Government of India, Ministry of Defence is Annexed hereto and marked as Annexure J to this application.



(viii) That the question of grant of Special duty allowances to the Central Government Employee hailing from NE Region, posted to NE Region initially but subsequently transferred out of NE Region and ~~re~~ posted to NE Region after some time serving in non NE Region was cropped in other department. This point of doubt was raised by the Department of S.S.B and it was referred to the Ministry of Finance for their classification. It was also duly classified by the Ministry of Finance. According to their classification this category of employees are entitled for Special Duty Allowances. So necessary Office Memorandum was issued from the office of the Director, SSB on 8.5.2000. This Memorandum circulates the decision of the Finance department. It, ~~is~~ interalia, stipulates that an employee hailing from NE Region, posted to NE Region initiaably but subsequently transferred out of NE Region but re-posted to NE Region after some time serving in non NE Region would be entitled to Special Duty Allowance.

A copy of the Office Memorandum dated 8.5.2000 issued from the office of the Director, SSB, East Block -V R.K.Puram, New Delhi is annexed hereto and marked as Annexure - K to this application.

Conted... 9

(ix) That the applicants are entitled for Special duty allowances . Accordingly they were being paid with due Special Duty Allowances . But the Area Accounts Officer vide this letter dated 27.11.2000 raised an objection on the basis of the letter dated 16.3.98 by stating that this category of employees are not entitled to have Special duty allowance . A copy of the letter dated 27.11.2000 issued by the Area Accounts Officer was served on GE Binjan by the Assistant Executive Engineer , Assistant Garrison Engineer (1) Lekhapani vide his letter dated 2.12.2000 .

A copy of the said letter dated 02.12.2000 containing the letter of Area Accounts Officer , Shillong is Annexed hereto and marked as Annexure - L to this application .

(x ) That feeling aggrieved by the aforesaid letter of the Area Accounts Officer , Shillong , the applicant no.1 preferred a representation before the Area Accounts Officer Shillong 16.12.2000 , but , it failed to evoke any response Thereafter the applicant no. 1 submitted a representation before the controller of Defence Accounts , Guwahati on 9.1.2001 . Nothing has been done for the purpose of grant of Special Duty Allowance to the applicants .

A copy of the representation submitted by one of the applicants is annexed hereto and marked as Annexure - M to this application .

By *Byomkesh Das*

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Byomkesh Das

(xi) That the applicants have no other alternative but to prefer this application . This application is being filed bonafide and for the interest of justice .

5) GROUND WITH LEGAL PROVISIONS -

Being aggrieved by the action of the respondents the applicants , the applicants prefer this application on the following grounds :-

1) That the applicants are entitled to have Special duty allowance in terms of the letter dated 16.3.98 issued by the Ministry of Defence Civilian recruited from outside the North Eastern Region and posted from outside into the North Eastern Region would be entitled to Special duty allowance . In view of this position , it is apparant that all applicants , posted to N.E.Region from outside the N.E.Region is entitled to have Special duty allowances .

2) That the impugned order suffers from non application of mind and the applicants are entitled to have their due Special duty allowances .

3) That the entitlement of Special duty allowance would be guided by the order dated 16.3.98 and not by the earlier orders . This order specifically states that any person posted to North Eastern Region from out side of this Region is entitled to Special Duty Allowances . In view of this position all applicants are entitled to have that Special duty allowances . The impugned order denying the special duty allowance is not at all tenable in law

20.  
Byomkesh Das

and the same is liable to be set aside and quashed .

4) The applicants are entitled to have their Special Duty Allowances from their date of posting at North Eastern Region .

5) That for in any view of the matter the applicants are entitled to have Special duty allowances .

6) DETAILS OF REMEDY EXHAUSTED -

The applicants state that representation was preferred to the controller Defence Accounts , Guwahati , but, till to -day nothing has been done .

7) MATTER NOT PENDING BEFORE ANY COURT/TRIBUNAL -

The applicants declare that they have not ~~xx~~ filed any application before any Court or Tribunal for adjudication of this Case .

8) RELIEF SOUGHT -

The applicants , therefore , pray that this Hon'ble Tribunal may be pleased to -

1) Quash the imp ugned order passed by the

2) To declare that the applicants are entitled to Special Duty Allowances as they are defence civilian who were posted to North Eastern Region from out the said Zone..

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Bygonees' den,

3) To direct the respondents authority to pay Special Duty Allowances from the date of their posting in this Zone from outside the said Zone .

4) To pass any further or other order or orders as this Hon'ble Tribunal may deem fit and proper .

9) INTERIM RELIEF PRAYED FOR -

The applicant , therefore , pray that this Hon'ble Tribunal may be pleased to direct the respondents to pay Special Duty Allowances during pendency of their application .

10) PARTICULARS OF I.P.O -

I.P.O. Number	-	74548870
Date of Issue	-	24.8.2001
To whom payable	-	Registrar CAT Guwahati Bench
Payable at	-	Guwahati.

11) DOCUMENTS -

Detailed particulars of the documents are indicated in the Index of this application .

.... Verification

VERIFICATION

I, Sri Byomkesh Dev, Son of Late Barindra Kumar Dev, C/O. GE Dinjan, P.O. Panitola, District - Dibrugarh, Assam do hereby affirm to state that -

1. I am one of the applicants and am well acquainted with the facts and circumstances of this Case. I have been authorised by other applicants to take necessary steps on their behalf.
2. That the statements made in paragraphs 4[i, ii, iii, iv] are true to my knowledge and that are made in paragraphs 4[v, vi, vii, viii, ix, x] are matters of records and rest are humble submissions before this Hon'ble Court.

Byomkesh Dev

# ANNEXURE-A

## MOVEMENT ORDER

Garrison Engineer Dinjan  
Post : Panitola  
Dist : Dispur (Assam)

1034/EE-I/ 986/E1

3 Mar 94

MES-232896 Shri Byomkesh Dev, Supdt B/R I.  
(Through AGE B/R (P) Dinjan.)

### POSTING/TRANSFER ON TURNOVER : SUPDT B/R AGE I

1. You are hereby permanently transferred to CE Siliguri Zone in the interest of State.

Authority : CE Eastern Command/posting order No 131322/2/93/3A/71/Engrs/EIC (I) dt 09 Oct 93 and as amended No 131322/2/93/3A/116/Engrs/EIC (I) dt 28 Dec 93. /Calcutta

2. You will be relieved from this office on 02 May 94 (AN) and you will report to your new formation after availing usual joining time/journey period.

3. Advance of TA/DA and pay may be had on application.

4. You will submit the following before leaving the office :-  
(a) Clearance certificate (b) Departure Report

5. Identity card may be surrendered to your new formation.

6. Please note that your pay and allowances for the month of Apr 94 will be claimed by this office and May 94 onwards will be claimed by your new formation after reporting for duty there.

7. Your attention is invited to CSR Article 189 and note that if you fail to report to new unit by the date specified, you will have no lien of appointment.

(Anil Dubey)

Major  
Garrison Engineer

Copy to :-

1. CEEG Calcutta, Calcutta-21	For CE Siliguri Zone only
2. CE Shillong Zone, Shillong-11	The details of pay and allow of
3. CWE Dinjan	the above named individual are as
4. CE Siliguri Zone, Siliguri	under :-
5. JCDA (Funds) Meerut	Pay & allow
6. AAO Shillong	Basic pay - Rs. 2480.00
7. CDA Gauhati	DA - Rs. 2406.00
8. AGE B/R (P) Dinjan	SCA - Rs. 80.00
9. AA6 GE Dinjan	JDA - Rs. 310.00
10. AGE E/M Dinjan	I/R - Rs. 100.00
11. BSO Dinjan	
12. Internal	
E-1(Pay)/E-1(Con)/E-5(C)/ 2	Total Rs. 5376.00

EDUCATION

GP Fund-150  
(A/C No-536/3)  
CGEGIS - 30

Date of new  
increment :-  
01 Jan 95

Date of appt :- 16 Sep 70  
Date of Birth :- 01 Oct 48

ATTESTED

KARAMJIT SINGH  
AE B/R  
AGE B/R MOHANBARI

# ANNEXURE B

CE 268 Engrs Wks Sec  
C/O 99 APC

1004/2/ 133 /E1

Feb 88

MES/268025

Shri Gopal Krishna Mazumdar,  
Supdt B/R Gde II

(Through AGE B/R II)

ATTESTED

PROMOTION/POSTING : SUPDT B/R GDE II/GDE I  
(ADHOC) TO SUPDT B/R GDE I ON REGULAR BASIS

1. You are hereby permanently transferred to CE Siliguri Zone on promotion from Supdt B/R Gde II to Supdt B/R Gde I (Offg) in the interest of State.

Auth :- CE HQ EC Calcutta letter No. 131841/3/615/Engrs/E1D.  
dt 20 Jan 88 and Signal No. 7092 dt 21 Jan 88.

2. You will be relieved from your duties by this office on Mar 88 (AM) and report to your new formation after availing usual joining/journey time.

3. You will submit the following before leaving the station :-

- Clearance certificate from all concerned.
- Departure report.
- Ration card if held.

4. Advance of TA/DA/TG etc may be had on application.

5. Please note that your pay and allowances for the month of Mar 88 will be claimed by this office and Apr 88 and onwards will be claimed by your new formation after you have physically report there for duty.

(SV Hirkar)  
Major  
Garrison Engineer

## Distribution :-

- CE EC Calcutta
- CE Shillong Zone
- CE Siliguri Zone
- HQ 127 Wks Engrs
- CD, Patna/Gaohati
- AAC Shillong
- LAO (A) Jorhat
- CE 268 Engrs
- AGE B/R II
- El-Pa., E1D, E1G

The individual is not involved in any disciplinary cases/Court of Inquiry/SFC cases.

Date of birth : 01-4-1947

Date of next increment : 12-1-89

For CE Siliguri Zone only :-  
Details of pay & allowances :-

B/Pay : Rs. 2050/-

DA : Rs. 267/-

Deduction :

GPF Subs : Rs. 200/- pm

(A/C No. 533009)

CCEGIS : Rs. 20/- pm

Availed of CL

" - RE

NIL days

NIL days

## Distribution:

Normal and  
CE Siliguri Zone/CE (FW) Calcutta

Contd . . P/2

KARAMJIT SINGH  
AE B/R  
AGE B/R MOH. NEARI



ANNEXURE- C

MOVEMENT ORDER

Garrison Engineer  
869 Engr Wks Sec  
C/O 99 APO

1205/671/EIE

11/ Aug 95

MEO/265107 B/R Cde II Pt  
Shri K Sencunta, Supdt B/R Gde-I

LETTERING/TRANSFER ON TURN OVER : B/R-I

1. You are hereby permanently transferred to AGE (I) ZL Bemdubi in the interest of the state.  
Authy :- Ho CEEC Calcutta letter No 131322/2/93/3A/217/Engrs/EIC(I) dated 19 Apr 93. as amended 131322/2/93/3A/217/Engrs/EIC(I) dt 15 Nov 94
2. You will be relieved of your duties from this office on 1/ Aug 95 (AN) and will report to your new formation after availing usual journey/joining time.
3. Advance of TA/DA may be had on application.
4. You will submit the following before leaving this office :-  
(a) Clearance certificate (b) Departure Report  
(c) Identity card may be surrender to your new unit.
5. Please note that your pay and allowances for the month of Aug 95 will be claimed by this office and pay for Sep 95 onward will be claimed by your new formation after reporting for duty there.

*(Signature)*  
(Ganesh Sharma)  
Major  
Garrison Engineer

Service :-

1. Ho CEEC Calcutta
2. Ho CEZS Shillong
3. Ho 137 Works Engrs
4. Cde Naramdi Guhati
5. CBA Patna
6. AAC Shillong
7. CBA (Funds) Meerut
8. AAC Siliguri, Sevoka road
9. AGE (I) ZL Bemdubi
10. AN 12 3rd EWS
11. E11, E12, E1R, E5 (Cash)

AGE (I) ZL Bemdubi only

Basic Pay details  
Basic pay Rs 2540/-  
DA Rs 3175/-  
IR Rs 354/-  
HRA (old Rs 450/-  
duty stn)

Deduction :-

GP Fund A/C No 533593  
CGEIS Subscription Rs 30/-  
GP Fund Subscriptions Rs 125/-

Date of birth 01 Feb 47  
Next increment 1 Apr 95  
Last 12 days  
2 days

*Accepted*  
*Rev - 1*  
R.R. ALAR  
AGE BK II DINJAN

TOL A/F 292

Karyalaya Durg Abhiyanita  
Office of the GE Chabua  
PO : Chabua (Assam)

No. 1401/1604 /E1

02 Apr '88

MES 238623 Shri Rama Kanta Das, SA Gdo II,  
( Through E-8 Section ).

PROMOTION/POSTING : SURVEYOR ASSISTANT GRADE II  
TO SURVEYOR ASSISTANT GRADE I OFFICIATING

1. You are hereby permanently transferred to GE Ahmedabad Zone in the interest of state to take up the appointment of Surveyor Assistant Grade I (Offg) :-

Authority :- HQ CEEC Calcutta letter No. 131841/7/209/Engra/EIS Dated 27-11-87,

2. You will be relieved from your duties by this office on 23 April '88 (AN) and will report to your new duty station after availing usual joining time and journey period.

3. Before departure from this office, the following documents be submitted :-

- (a) Clearance Certificate from all concerned. (b) Departure report.  
(c) Identity Card (d) Ration Card.

4. It may be noted that your pay and allowances upto April '88 will be claimed/paid by this office and pay and allowances there after i.e. w.e.f May '88 onwards will be claimed/paid by your new office on reporting physically duty there. The named individual is not involved in any disciplinary case/Court of Inquiry etc.

( V K Srivastava )

EE  
Garrison Engineer Chabua.

Distributions.

1. Chief Engineer Eastern Command Calcutta-21
2. Chief Engineer  
Shillong Zone  
Shillong-11.
3. GE Ahmedabad Zone.
4. GWE Jorhat
5. CDA Gauhati
6. AAO Shillong
7. UA GE Chabua
8. E-1 Pay
9. E-1(R)
10. E-1 (C)

FOR GE AHMEDABAD ZONE ONLY

Pay and allowances in respect of above individual upto April '88 will be claimed/paid by this office.

Details of pay and allowances are furnished below :-

B/Pay :- Rs. 1640/-, DA :- Rs. 213/- ,  
SCA :- Rs. 60 /- ,  
Deduction  
CPF 100/-, CGELIS 20/-, ULTC 28000/-  
CPF A/C No. 1052636. Balance Rs.  
DNI :- 1-1-89 6000/-  
Date of Birth :- 1-3-59.

ATTESTED

19/3/88

( KARAMJIT SINGH )

AE B/R  
AGE B/R MOHANB

2X

Annexure - E

GOVERNMENT ORDER

Garrison Engineer  
869 Engr. Wks Sec  
C/O 99 APO

1209/674/EIE

12 Dec 95

MES/242245

Shri B Paul , BK-II.

POSTING/TRANSFER ON TURN OVER . SK-II

1. You are hereby permanently transfer to GE(AF) Hasimara in the interest of the state .
- 2x Authy :- HQ CECC CAL - Letter No. 131322/2/93/50/01/Engrs/EJC(I) dt. 24 Mar 93 .
2. You will be relieved of your duties from this office on 15 Dec. 95 (AN ) and will report to your new formation after availing usual journey/joining time .
3. Advance of T.A/D.A may be had on application .
4. You will submit the following before leaving this Stn -  
    (a) Clearance certificate (b) Departure Report  
    (c) Identity Card may be surrender to your new unit .
5. Please note that your pay and allowances for the month of Dec 95 will be claimed by this office and pay for Jan 96 onward will be claimed by your new formation after reporting for duty there .

Sd/- Eligible

( Umesh Sharma )  
Major  
Garrison Engineer .

Conted.. 2

Attested by  
S. Chandra Mohan  
Advocate

- 2 -

Copy to -

For GE (AF) Hasimara only

1. HQ CESE Cal- 21	Basic Pay	Rs. 1375/-
2. HQ CESE Shillong	DA	Rs. 1870/-
3. HQ 137 WE	IR	Rs. 238/-
4. CDA Narangi, Shy		
5. CDA Patna	<u>Deduction</u>	
6. AAO Shillong		
7. JCDA(Fund )	GP Fund A/C No 402049	
8. A.C. Siliguri m Sev,Kc.Rd		
9. AAO GE 869 <del>Hasimara</del> FWS	GP Fund subscription -	Rs. 1000/-
10. GE (AF) Hasimara	CGEIS, Subscription	Rs. 30/-
11. EIP , EIR ( Internal )		
Date of Birth - 1 Jan 1945		
Date of Next Increment - 1 May 1996		
Balance Cl- 5 days		
Balance Rs. 2 days .		

-20-

ANNEXURE-F

Tle: II/267

Garrison Engineer Bengdubi  
PO: Bengdubi (Darjeeling)

1103/458/E1

11 Dec 96

MES-232896 Shri  
BK Dev, Supdt B/R-I

(Through AGE B/R-I)

POSTING/TFR ON TURN OVER : SUPDT B/R-I

1. You are hereby permanently transferred to AGE (I) Lekapani in the interest of state.

Auth: HQ CEEC L/No 131322/2/96/3A/41/Engrs/EIC(I) dt 31 Oct 96.

2. You will be relieved from your duties from this office on 04 Jan 97 (AN) and will report to your new Fmn after availing of usual joining/journey time.

3. You may draw TA/DA advance on application if required.

4. You will submit the following before leaving this office:-

(a) Departure report (b) Clearance Cert from all concerned.

(c) Ration Card if any.

5. I/Card may be surrendered at new Fmn.

6. Please note that your pay and allces for the month of Dec 96 will be paid to you by this office and pay and allces of Jan 97 and onwards will be claimed by your new Fmn.

7. Certified that the indl is not involved in any Disp/Court of Inquiry/SPE/suspension case.

( Sanjay Sharma )

EE

Garrison Engineer

Distr:-

1. HQ CEEC Calcutta-21.
2. HQ CESZ Sevoke Road.
3. CDA Patna-19.
4. JCDA(Funds)Meerut.
5. HQ CWE Bengdubi
6. AAC GE Bengdubi
7. AGE (I) Lekhapani, C/O-99 APO
8. CE Shillong Zone.
9. CDA Gauhati.
10. CWE Dinjan.
11. All Secs/Sub Divns.

The Pay & Allces and other particulars of the above named indl:-

Basic Pay Rs 2825/- As on 1.1.97  
DA @159% Rs 4492/-  
IR Rs 665/-

GPF Sess Rs 2000/-  
CGEGIS Rs 30/-  
P/Tax Rs 25/-

Other Particulars:-

Dt of next increment: 01.01.98  
Dt of Appt : 16.9.70  
Date of Birth : 01 Oct 48  
GPF A/C No : 536780

Balance of Leave

CL - 12 days and R/H 02 days

ATTESTED

*[Signature]*

Rao/\*

KARAMJIT SINGH  
AE B/R  
AGE B/R MOHANBARI

ANNEXURE - G

AGE(1) Zonal Laboratory  
Sevoke Road  
P O. Salugara  
Dist - Jalpaiguri ( W.B )

1014/2/Lab/732/EI

Date 01 Dec 99

MES/265107

Shri Kamakhya Sengupta  
JE ( Civil )

POSTING / TRANSFER ON TURN OVER - JE ( Civil )

1. You are hereby permanently transferred to GE Dinjan in the interest of state .

Athy - HQ, EE, Calcutta letter No. 131322/2/98/3/01/  
Engrs/~~EE~~/EIC (1) dated 13 Apr 98 .

2. You will be relieved from your duties on 01 Jan ( AN ) 2000 and will report to your new duty station after availing usual joining time journey period .

3. Advance of TA/DA pay as admissible may be had on application .

4. You will submit the following before leaving this Office -  
a/ Clearance Certificate b/Departure Report c/Ration Card .

5. You will surrender your Identity Card on reporting at your new Stn .

6. You pay Allowances for the month of Jan 2000 will be claimed by your new unit only after you report for duty there .

7. FOR GE DINJAN - Certified that the individual is not involved in any disciplinary's of I/SFE Cases ,

Counter Signed

Sd/- Eligible  
( Surya Prakash )  
JE ( SG ), G I ( J )

Sd/- Eligible  
( K Sengupta )  
JE ( Civil )  
Offe. AGE (I) Zonal

Attested by  
S. Chakraborty  
Advocate .

- 2 -

For Chief Engineer

FOR GE DINJAN ONLY -

Details of pay of Allowances for the month of Dec 99 has been claimed by this office as under -

Basic pay - Rs. 8,900/-

Rs. 3293/- HRA- Convy, Allces

Other Information -

Date of Birth - 01- 02- 1949

Date of increment -01 Jan 99

Deduction -

GPF- Rs. 3050/ p.m.

( A/C No. 533398 H )

CGEGIS - Rs. 30/- P.M.

LEAVE AT CREDIT - C/L = 08 days

R/H = 02 days

E/L =

Distribution

- |                                         |                               |
|-----------------------------------------|-------------------------------|
| 1. HQ JEES , FW , Cal - 21              | 2. HQ CE Siliguri Zone        |
| 3. HQ CE Shillong Zone                  | 4. HQ CE (A/E ) Shillong Zone |
| 5. CWE Dinjan                           | 6. GE Dinjan                  |
| 7. CDA Gauhati                          | 8. AAO Shillong               |
| 9. AO Siliguri                          | 10. CDA Patna                 |
| 11. JCDA( <del>RM</del> funds ) Merrut. |                               |

CONFIDENTIAL MEDICAL CASE- 380003.

- C.T.C

ATTESTED

( KARAMJIT SINGH )

AE B/R

AE BAR  
A E R F MOHAN



20. His attention is drawn to CSR article 189. If he fails to report to new duty station by the due date, he will be entitled for no pay and allowances and after availing journey period will have no lien on any appointment.

21. is in possession of Pt Identity Card bearing No C-557073 which will be surrendered at his new unit who will return the same to this office.

10209/55/ 14 /EID(39)

Chief Engineer  
Admin. Zone  
Amroli - 280003

( B Thirumala Rao )  
Adm. Offr I  
Chief Engineer

22 Jul 91

DISTRIBUTION

1. CE EC Calcutta

2. GE 869  
Ews

AAO (CDA SC) Jaipur

MES-238623 Shri R K Dass, SA-I  
(Through E-8 Section  
six copies)

INTERNAL

EIR SECTION

EIP SECTION

EID SECTION

# ANNEXURE- I

Tele: AF- 387

1027/ 312 /E1A

Garrison Engineer(AF)  
Hasimara Pin-735215  
04 Apr'2000

MES-242246 SHRI B PAUL, SK I  
(Through B S O Hasimara )

## POSTING/TRANSFER ON TENURE TURN OVER : S K GDE I

1. You are hereby permanently transferred to GE DINJAN in the interest of State.

Authority: HQ CE EC Calcutta letter No 131322/98/EC/68/Engrs/E1C(I) dated 31 Oct'98. 13/322/2/98/54/18/

2. You will be relieved from your duties of this office on 30 Apr'2000(AN) and will report to your new formation after availing usual joining/journey time.

3. You will submit the following before leaving this office:-  
(a) Departure report .(b) Clearance certificate.  
(c) Handing/Taking over notes.

4. Please note that your pay and allowances for the month of Apr'2000 will be claimed and be paid by this office and from May'2000 onwards will be claimed by your new formation after arrival for duty there.

5. You will surrender your Identity Card to your new formation on reporting for duty there.

6. Advance of TA/DA/Day as admissible may be had on demand on the authority of this Movement order.

7. GE DINJAN ONLY :- " It is certified that the above named individual is not involved in disciplinary Cases/C of I/SIE cases".

(Er. G D PUGALY, IDSE)  
EE  
Garrison Engineer(AF)

### (V Borth) Distribution

- Tech Offr.**  
**For GE Dinjan**
1. HQ CE EC Calcutta-21
  2. HQ CE(AF) Shillong Zone
  3. HQ CWE(AF) GAUHATI
  4. HQ CWE DINJAN
  5. GE DINJAN
  6. CDA PATNA-19
  7. AAO SILIGURI
  8. CDA Gauhati
  9. AAO Dinjan
  10. AGE B/RI(AF) Hasimara
  11. AGE B/R II(AF) Hasimara
  12. AGE B/R III(AF) Hasimara
  13. AGE E/M (AF) Hasimara
  14. B S O Hasimara
  15. MES Employees Co Op Credit Society LTD Hasimara
  16. All Sec:- EE, E1C, E1A, E2, E3, E4, E5, E6, E8 R & D

### FOR GE DINJAN ONLY

Details of Pay & Allowances in r/o MES-242246 Shri B Paul, SK I are as under:-

(a) Basic Pay	- 4700.00
(b) DA	- 1739.00( 10)
(c) Transport/Allo	- 75.00

### DEDUCTION

(a) GPF	- 15000.00
(b) CGEIS	- 30.00
D O B	- 01-1-19
D N I	- 01-5-200

### Details of leave

(a) CL availed	- Nil, RL availed
(b) Bal- EL-300(4)	Nil
(c) Bal HPL	- 586

ATTESTED

KARAM SINGH  
AE B/1.  
AGE 41/10/1957No 4(3)/98/D(Civ.I)  
Government of India  
Ministry of Defence  
New Delhi, the 16th March 1998

## OFFICE MEMORANDUM

Subject : Field service concessions admissible to Defence civilians in area classified as Field Area and Modified Field Area - Clarifications.

.....

The undersigned is directed to refer to Corrigendum No 2/37267/AG/PS-3(a)/730/D(Pay/Services) dt 17.4.95 and to say that the Hon'ble Supreme Court in civil Appeal No 1572/1997 had observed as under and had directed the Government to modify the order dated 17.4.95 accordingly :-

(a) "We are of the view that the Government having been extending the benefit of payment of Special Duty Allowance to all the defence employees working in the North-Eastern region as per the orders issued by the Government from time to time as on April 17, 1995, they are entitled to both the special Duty allowance as well as Field Area Special compensatory (Remote locality) Allowance. The same came to be modified wef 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."

(b) "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 in hilly areas risking their lives as envisaged in the proceedings of the Army dated January 13, 1994."

2. The Hon'ble Supreme Court in civil Appeal No 3251/93, Union of India V/S. S. Vijaykumar and others had held that the Special Compensatory Allowance including Special Duty Allowance to Central Government employees in the North-Eastern Region will be admissible to only those who are originally recruited in regions other than the North-East and subsequently transferred from such outside region to the North-Eastern Region. Accordingly, I am directed to convey the sanction that Defence Civilians who are working in Field service concessions as applicable, to receive special Duty Allowance at the applicable rates provided they had been originally recruited outside the North-Eastern Region and have been transferred to the North-Eastern Region from such outside region.

3. Any payment made not in accordance with the aforesaid Corrigendum dated 17.4.95 read with clarification in the preceding paragraph, will be recovered in so far as they relate to the period beyond 17.4.95. In other words :-

(a) No recovery would be made on account of payment made to Defence Civilians in respect of Special Compensatory (Remote Locality) Allowance as well as Special Duty Allowance in respect of personnel posted in North-Eastern Region prior to 17.4.95.

(ii) The Defence civilians recruited from outside the North-Eastern Region and posted from outside into the North-Eastern Region would be entitled to the Special Duty Allowance in addition to the Field Service concessions.

(iii) Special compensatory (Remote Locality) Allowance will not, however, be admissible alongwith field service concession in Arcas beyond 17.4.95 and overpayment made on this account would be recovered.

4. This issues with the concurrence of Finance Division/ IAG of this Ministry vide their ID No 232-PA/98 dated 11.3.98.

Sd/- x x x x

(C.A. Subramanian)

Under Secretary to the Govt of India.

No. 42/SSB/AI/99(18) 34 3/186-2  
Directorate General of Security  
Office of the Director, SSB,  
East Block-V, R.K. Puram,  
New Delhi - 110066.

Dated the, 5/5/2000

Memorandum

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

.....

Enclosed please find herewith a copy of Cabinet  
Secretariat UO No. 20/12/99-IA-I-1799 dated 2.5.2000 clarifying  
the position of points raised by SSB Directorate vide UO No.  
42/SSB/AI/99(18)-5282 dated 2.9.1999 on the above subject for  
further necessary action at your end.

2. Please acknowledge receipt.

( S.S. BORA )  
JOINT DEPUTY DIRECTOR (IA)

To, .

1. The Divisional Organisers, HP/UP/AP/NA/NB&S/M&N/SHG/R&G/J&K,
2. The DISG, TC Haflong/TC Sarahan/TC Salonibari/TC Jammu/  
TC Kumarsain/PA Gwaldam.
3. The Commandant, TC Faridabad/CSD&W Bhopal/CSD&W Salonibari,  
CSD&W Sarsawa.
4. The Section Officers, A-2/A-4 Branch.
5. Office Guard file.

MEMO NO. NGE/SDA/91-2000/ 4645-33

17/5/2000

Copy to :-

1. AO, SSB TSK/NLP/TZP/NK/KJR
2. Accounts Officer, Div. HO. NAD,
3. COMMANDANT, WATS D NAGAR,
4. Commandant, G P DNR/SSN

for favour of  
information and  
necessary action.

ATTESTED

KARAMJIT SINGH  
AE B/R  
AGE B/R MOHANB.

ADJ. A. REGISTRAR (STAFF)  
HAD, SSB, TZP PUN.

Cabinet Secretariat  
(E.A.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.

SSB Directorate may kindly refer to their UO No.42/SSB/AI/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/AI/99(18)-5282 dated 2.9.1999 have been examined in consultation with our Integrated Finance and Ministry of Finance (Department of Expenditure) and clarification to the points of doubt is given as under for information, guidance and necessary action :

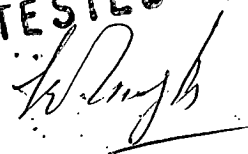
- 1.) The Hon'ble Supreme Court in their judgement delivered on 26.11.96 in Writ Petition No.794 of 1996 held that civilian employees who have All India transfer liability are entitled to the grant of SDA on being posted to any station in the N.E. region from outside the region, and in the following 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.
  - 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.
  - 11) 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 20.4.87 read with

No

NO

Contd...

ATTESTED



KARAMJIT SINGH  
AE B/R  
AGE B/R MOHANBAR

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

The MOF, Deptt. of Expdr. vide their UO No.11(3)/95-E.II(B) dated 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 SDA 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 SSB/DOs, 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 within NE Region he is not entitled to SDA till he is once transferred out of that Region.

ATTESTED

*K. Singh*

KARAMJIT SINGH  
AE B/R

40

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.

Sd/-  
( P.N. THAKUR )  
DIRECTOR (SR)

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-Finance (S), Cab. Sectt.
8. Col. K.L. Jaspal, CIOA, CIA

ATTESTED  
*[Signature]*

Cab. Sectt. No. 115.20/12/99-EX-111799 dated 2.5.2000

KARAMJIT SINGH  
AE B/R  
AGE B/R MOHANBARI



Tele : 82609

ANNEXURE- L

Office of the AGE (I)  
Lekhapani (Post)  
Tihukia (Dt), Assam

1002/ 274 /E1

Dec 2000

GE Dinjan

FWD OF SY PAY BILL IN RESPECT OF  
SHRI BK DEV B/R I

1. A copy of AAO Shillong letter No PM/1/303-I dt 27 Nov 2000 ~~in respect of the above indl~~ in respect of the above indl is fwd herewith for your further action please. Indl may please be informed accordingly.

(Pheol Chand)

AEE

AGE (I) Lekhapani

copy of AAO Shillong letter No PM/1/303-I dt 27 Nov 2000

SUB : AS ABOVE

Sy pa bill on account of SDA for staff/offrs bearing Vr No CV/01/Lek/86 dt 10 Jul 2000 and CV/01/Lek/87 dt 10 Jul 2000 in r/o MES/237515 Shri JP Baruah, AE E/M, MES/232896 Shri BK Dev B/R-I and Shri Pheol Chand AEE, MES/264707 is returned herewith unactioned with certain remarks.

In this connection your attention is in ruled to the provision contained in para 3(ii) of Govt of India MOD OM No 4(3) 98/D/CW-D dt 16 Mar 98 which clearly lays down that defence civ recruited from outside the North Eastern Region and posted from outside into North Eastern Region would be entitled to special duty allowance, as the indls have first been appointed in NER as such they are not eligible for SDA as per above provision in spite of fulfilling the other condition of having all India tfr lia ability.

Sd/ x x x

(GD Singh)

AO

ATTESTED

KARAMJIT SINGH  
AE B/R  
AGE B/R MOHANBARI

To

The Controller of Defence Accounts  
Gauhati.

( Through GE Dinjan )

SUB : ADMISIBILITY OF SDA

Sir,

1. With due respect I beg to state that AAO Shillong is taking different attitude with regards to admisibility of SDA. It is surprise to note that individual working in the same Station, admisibility of SDA is different under same circumstances/similar condition. Individual working under GE Dinjan/AGE(I) Lekhapant are denied SDA whereas individual of GE Dinjan are allowed.

2. That Sir, arrears bill of Jan to June 2K was prepared by AGE(I) and forward to AAO Shillong vide Vr No.CV/01/Lek/86 dated 10 Jul 2K. The same has been returned vide AAO, Shillong letter No.PW/1/303-I dt 27 Nov 2K(Copy enclosed). It is an established fact that Govt of India issued any policy/clarification taking into consideration of all the earlier policies and automatically earlier one to be treated as void.

3. In the present case Govt of India <sup>has</sup> giving clarification on 2-5-2K regarding admisibility of SDA whereas AAO Shillong disallowing refering a policy dt 16 Mar 98, which is very much contradictory, accordingly your intervention is requested.

4. In this connection I am enclosing herewith the following letter/Application for your kind consideration :-

- (i) My application dt 30 Jun 2K
- (ii) -do- dt Nil
- (iii) -do- dt 16 Dec 2K
- (iv) AAO Shillong ~~letter~~ letter No PW/1/303 dt 27 Nov 2K
- (v) Govt of India cabinet Secretary letter No. UA/20/12/99-RA-I-1799 dt 2-5-2K.

Thanking you Sir,

Dated : 9 Jan 2K

Yours faithfully,

( BK Deb ) *BK Deb* 9/1/2007  
Suptt B/R Gde-I  
NLSM232896

Copy to :-

- 1. AAO Shillong
- 2. AGE(I) Lekhapant.

ATTESTED

*[Signature]*

KARAMJIT SINGH  
AE B/R  
AGE B/R MOHANBARI

13 MAR 2001  
GUWAHATI BENCH

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH :: GUWAHATI.

O.A. NO. 343 OF 2001

Shri B.Dev and Others

- vs -

Union of India & Ors.

- AND -

IN THE MATTER OF ::

Written statements submitted  
by the respondents.

The respondents beg to submit written statement  
as follows :-

1. That with regard to paras 1,2,3,4.1,4.2 and 4.3 to 4.6 of OA, the respondents beg to offer no comments.
2. That with regard to ~~state~~ para 4.7 of OA, the respondents beg to state that as per Govt. of India, Min of Fin (Deptt of Expdr).O.M. No-20014/93-E-IV dtd. 14.12.83, special Duty allowance granted to the Central Govt. Employees who have all India transfer liability. The Hon'ble Supreme Court in Civil Appeal No- 3251/93, Union of India-vs- S. Vijaykumar and others had held that the Special Compensatory Allowance including Special Duty Allowance to Central Govt. Employees in the N.E Region will be admissible to only those who are originally recruited in regions~~x~~ and CAT Guwahati

Filed by  
13/3/02 43

judgment delivered on 21/11/2001 that NE recruitees are not entitled for payment of SDA.

3. That with regard to para 4.8 of OA, the respondents beg to offer no comments.

4. That with regard to paras - 4.9, 4.10 & 4.10 of OA, the respondents beg to offer no comments.

5. That with regard to para 5.1 to 5.5 of OA, the respondents beg to state that the Hon'ble Supreme Court in Civil Appeal No 3251/93. U.O.I - Vs- ~~Dr~~ S. Vijaykumar and others had held that the Special Compensatory Allowance including Special Duty Allowances to Central Govt. Employees in the N.E. Region will be admissible to only those who are outside region to the N.E. Region and <sup>The Hon'ble</sup> CAT Guwahati judgment delivered on 21/11/2001 that NE recruitees are not ~~ent~~ en-titled for payment of SDA.

6. That with regard to para - 6 & 7 of OA, the respondents beg to offer no comments.

7. That with regard to para - 8(1) to 8(4) of OA, the respondents beg to state that as per the Hon'ble Supreme Court in Civil Appeal No- 3251/93 U.O.I. -vs- S. Vijaykumar and others had held that the Special Compensatory Allowance including Special Duty Allowance to Central Govt. Employees in the N.E. Region will be admissible to only those who are ~~taxes~~ originally recruited to the N.E. Regions other than N.East and subsequently transferred from such outside region to the N.E. Region and hence the claims of the applicants are not

justified and are to be denied in toto and CAT's  
Guwahati judgment delivered on 21/11/2001 that  
N.E. recruitees are not entitled for payment SDA.

8. That with regard to para - 9 of OA, the  
respondents beg to state that as the applicants  
are not entitled for SDA being originally N.E.  
recruitees hence no SDA is applicable for them.

9. That with regard to para-10 & 11 of OA, the  
respondents beg to offer no comments.

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

I, ~~Shri~~ Major V Sudhakar, Garrison Engineer  
Dinjan being authorised do hereby verify and declare  
that the statements made in the written statements  
are true to best of my knowledge and information and  
believe and I have not suppressed any material facts.

And I sign this verification on /3 th day  
of March 2002.

*Sudhakar*

Declarant.

V Sudhakar

Major

Garrison Engineer Dinjan

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No. 102 of 2001

Date of order : This the 21<sup>st</sup> Day of November, 2001

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

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

Shri Nimbu Lal Yadav and 24 others. Applicant.

By Advocate Sri A. Ahmed

-Versus -

1. Union of India,  
represented by the Secretary  
to the Govt. of India.  
Ministry of Defence, New Delhi.
2. The Garrison Engineer  
Missamari, PO Missamari,  
Dist. Sonitpur (Assam)

.....Respondents

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

ORDER

CHOWDHURY J.(V.C.)

The issue pertains to granting of the Special Duty Allowance (SDA). According to the applicants the respondents unlawfully deprived them from the D.D.A granted to the similarly situated persons. According to the respondents all the applicants are N.E.R. recruitees and therefore they are not entitled for S.D.A in terms of the decision rendered by the Supreme Court in Union of India Vs Sivijay Kumar, disposed of on 20.9.1994, save and except the person named at serial No. 18 Sri Pani Ram Das. The respondents in their written statement has categorically stated that all of them except serial No. 18 are N.E.R. recruitees and therefore they are not entitled for the allowance.

2. Heard Mr A. Ahmed, learned counsel for applicants and also Mr A. Deb Roy, learned Sr C.G.S.C for the respondents. In view of the position stated above we reject the application save and except the case of the applicant No. 18 Sri Pani Ram Das, who according to the own showing of the respondents is entitled for the D.D.A. The respondents are directed to pay S.D.A. to the person cited at serial No. 18 if not already paid.

The application is disposed of accordingly. There shall however, be no order as to costs.

Sd/ VICE CHAIRMAN  
SD/MEMBER (Adm)

TRUE COPY

Sd/-

CAT GUWAHATI