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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES,1990)

INDEX

O.A/T.A No. 385/01
R.A/C.P No.
E.P/M.A No.

1. Orders Sheet O.A 385/01 Pg. 1 to 2 Dismissed 11/10/01
2. Judgment/Order dtd. 11/10/01 Pg. No Separate order to
3. Judgment & Order dtd. Received from H.C/Supreme Court
4. O.A. 385/01 Pg. 1 to 21
5. E.P/M.P. Pg. to
6. R.A/C.P. Pg. to
7. W.S. Pg. 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. Amendement Reply by Respondents
15. Amendment Reply filed by the Applicant
16. Counter Reply

SECTION OFFICER (Judl.)

FORM No. 4
(See Rule 42)

IN THE CENATRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:GUWAHATI.

ORDERS SHEET

APPLICATION NO. 385 /2001

Applicant (S) S. Gogoi & ors

Respondant(S) U.O.I & ors

Advocate for the Applicant: A. Ahmed

Advocate for the Respondant: Mr. B.C. Pathak, Addl. CASC.

Notes of the Registry	Date	Order of the Tribunal
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/BD No. 7G 548927 Dated 9.8.2001 Dy. Registrar	24.9.01	Issue notice as to why the application shall not be admitted. Returnable by two weeks. Mr.B.C.Pathak, learned Addl.C.G.S.C., accepts notice on behalf of the respondents. List on 11/10/01 for admission. Endeavour shall be made to disposed of the same at the admission stage. In the meantime, respondents are ordered not to make further recovery from the applicants in persuance of the order dated 29th/30th August, 2001 until further order. Member Vice-Chairman
Notice prepared and sent to DLS for comp the respondent No 1 to 3 by Regd A.D. 25/9/01	mb	
DI No 3671 & 3673 dtd 26/9/01	11.10.01	Mr A.Ahmed, learned counsel for the applicant fairly stated that there is no notification applying the provision of the Act in the NCERT, which is the main respondent. In the circumstances Mr Ahmed prays for withdrawal of the application with liberty to file it in the appropriate forum. Also heard Mr B.C.Pathak, learned Addl.C.G.S.C.
(1) Service report are still awaited. 10.10.01		contd..

O.A. 385/2001.

11.10.01 The application is dismissed on withdrawal. Interim order dated 24.9.2001 stands vacated.

Member Vice-Chairman

pg

One copy received for the respondent No. 3.

Advocate
11.10.01

Copy of the order has been sent to the Office for issuing the same to the L/Adm for the parties.
13/11/01

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

ORIGINAL APPLICATION NO. 365 OF 2001.

Sri Someswar Gogoi & Ors.
..Applicants.

-Versus-

Union of India & Others
.. Respondents.

I N D E X

Sl.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
6.	Annexure-D	20
7.	Annexure-E	21

Filed by

Advocate. (ADIL AHMED)

Filed by Someswar Gogoi applicant No 1 through (Apia 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. 385 OF 2001.

B E T W E E N

Sl. No.	Name	Designation
1]	Sri Someswar Gogoi	Personal Assistant
2]	'' Mahendra Prasad Ram	Assistant
3]	'' Bhabendra Lal Nath	U.D.C.
4]	Kumari Parishora Syiemlieh	Steno-III
5]	Sri Mazirul Hoque	Driver
6]	'' Yogendra Prasad Roy	-do-
7]	'' Narendra Chandra Roy	Peon
8]	'' Ram Lagan Roy	Messenger
9]	'' J S Noghkhlaw	Grade-IV
10]	'' Taizuddin Ahmed	LDC
11]	'' Rabi Raj Rai	LDC

All the applicants are working in the Office of the North East Regional Institute of Education, National Council of Educational Research and Training, Jowai Road Laitumkhrah, Shillong-793003.

S. Gogoi

-Versus-

1] The Union of India, represented by the Secretary, Ministry of Human Resource and Development Department, New Delhi.

2] The Secretary, National Council of Educational Research and Training, Shri Aurobindo Marg, New Delhi-110016.

3] The Officer on Special Duty, North East Regional Institute of Education, National Council of Educational Research and Training, Jowai Road Laitumkhrah, Shillong-793003.

- 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 Order No. F.2-10/99-2000-NERIE/(ACCTT)/MISC/614-617/623-633 dated 29th /30th August 2001 issued by the office of the Respondent No. 3.

S. Gogoi

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 No. 3 as Stenographer-III, Peon, L.D.C., U.D.C., Personal Assistant, Driver, 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 relief prayed in this application are common, therefore, they pray for grant of permission under Section 4 (5)(a) of the Central Administrative Tribunal

S. Gogoi

(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 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 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. 3 issued the impugned Office Order No. F.2-10/99-2000-NERIE/(ACCTT)/MISC/614-617/623-633 dated 29th /30th August 2001 to recover the amount of Special Duty Allowance which has been paid to the applicants from 20-09-1994 to 31-08-2001 from the applicants' monthly Pay from September, 2001 till recovery is completed. As such, the applicants have compelled to approach this Tribunal for seeking justice.

Annexure-C is the photo copies of Office Order No. F.2-10/99-2000-NERIE/(ACCTT)/MISC/ 614-617 /623-633 dated 29th /30th August 2001 issued by the office of the Respondent No. 3.

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

S. Gogoi

joining in this Department. The payment of 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 may 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-D is the photocopy of judgment and order passed by the Hon'ble Tribunal in O.A. No. 149/99 and others.

S. Gogi

4.10 That your applicants beg to state that the Hon'ble Supreme Court of India in the case Union of India and others Versus- Geological Survey of India Employees Association and others vide their judgment passed in Civil Appeal No. 8208-8315 (arising out of SLP No. 12450-55/92) dated 07-09-1998 have directed the appellants, i.e., Union of India and others that ''the appellant will not be entitle to recover any part of payment of Special Duty Allowance already made to the concerned employees.

Annexure-E is the photocopy of judgment and order dated 7th September, 1998 passed by the Hon'ble Supreme Court in Civil Appeal No. 8208-8315 (arising out of SLP No. 12450-55/92).

4.11 That your applicants beg to state that the Hon'ble Tribunal may be pleased to stay the impugned order of recovery issued under Office Order No. F.2-10/99-2000-NERIE/(ACCTT)/MISC/ 614-617 /623-633 dated 29th /30th August 2001 issued by the office of the Respondent No. 3 as interim measure and further be pleased to set aside and quash the above said Office Order.

4.12] That your applicants submit that they are low paid Central Government Employees and

S. Gogoi

it is not possible for them to refund the Special Duty Allowance after a decade.

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

4.14 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.

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

S. Gogoi

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.

5.6] For that the order issued in terms of impugned Office Order No. F.2-10/99-2000-NERIE/(ACCTT)/MISC/ 614-617 /623-633 dated 29th /30th August 2001 issued by the office of the Respondent No. 3 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

S. Gogoi

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.

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:

S. Gogi

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 Order No. F.2-10/99-2000-NERIE/(ACCTT)/MISC/ 614-617 /623-633 dated 29th /30th August 2001 issued by the office of the Respondent No. 3 should not be quashed and after hearing the parties your Lordships may be pleased to pass following reliefs:

8.1 The impugned Office Order No. F.2-10/99-2000-NERIE/(ACCTT)/MISC/ 614-617 /623-633 dated 29th /30th August 2001 issued by the office of the Respondent No. 3 may be set aside and quashed at Annexure-C.

S. Gogi

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 Order No. F.2-10/99-2000-NERIE/(ACCTT)/MISC/ 614-617 /623-633 dated 29th /30th August 2001 issued by the office of the Respondent No. 3.

10. APPLICATION IS FILED THROUGH ADVOCATE.

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

I.P.O.No./~~Bank~~ Draft: 76548927
Date of Issue : 28.8.2001
Issued from : Guwahati
Payable at : G.P.O. Guwahati.

12) LIST OF ENCLOSURES:
As stated in index.

-Verification.

S. Gogoi

Verification

I, Sri Someswar Gogoi, Personal Assistant working in the North East Regional Institute of Education, National Council of Educational Research and Training, Jowai Road Laitumkhrah, Shillong-793003 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, 4.11 are true to my knowledge and those made in paragraphs 4.4, 4.7, 4.9, 4.10 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 24th of September 2001 at Guwahati.

Someswar Gogoi
Declarant.

Annexure-I (Contd)

No. 20014/2/83/E.IV
Government of India
Ministry of Finance
Department of Expenditure

- 16 -

ANNEXURE - A

New Delhi, the 14th July 1983

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 Pack 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 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
Advocate

Annexure-I (Contd.)

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

xxxxxxx

xxxxxxxx

xxxxxxxxx

xxxxxxxxxx

xxxxxxxxx

Sd/- D.K. [illegible]

[illegible] to the Govt. of India

Attested
Advocate

Annexure-3 (Extract)

ANNEXURE - B

F.No. 20014/1/86/E.IV/E.II(B)
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 Lakshadeep.

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

i) xxxxxxxxxxxxx

ii) xxxxxxxxxxxxx

iii) Special (Duty) Allowance.

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

The Central Govt. civilian employees who are members of Scheduled Tribes and are otherwise eligible for the grant 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.

xxxxxxxxxxxxx

Attested
Advocate

ANNEXURE-C (410)

NORTH EAST REGIONAL INSTITUTE OF EDUCATION
NATIONAL COUNCIL OF EDUCATIONAL RESEARCH AND TRAINING
JOWAI ROAD::LAITUMKHRAH::SHILLONG:793003

F.2-10/99-2000-NERIE/(ACCTT)/MISC/614-617, 623-633 Dated:29th/30 August 2001

OFFICE ORDER

In persuance of Council's instructions received Vide letter No.F.15-1/2000-EC dated 12/03/2001 alongwith a copy of the D.O.letter No.11(28),'97-E.II(B) dated 15-08-2000 issued by the Govt.of India,Ministry of Finance,Department of Expenditure,New Delhi and again Council's instructions received Vide letter No.F/Misc/IAC/Acctts/2001/386 dated 30-7-2001 the payment of Special Duty Allowance may be stopped from the month of August 2001 in respect of following ineligible employees of NERIE(NCERT) Shillong and recovery of the SDA paid to ineligible officials after 20.9.94 to 31st July 2001 may also be made from the month of September 2001.

No recovery along with pay & SDA paid to the employees

(DR.(Mrs) U.Konwar)
Officer on Special Duty

Copy to:-

1. Academic - Dr.M.K.Mishra,Reader in English NERIE,Shillong

29/8/2001

2. Non-Academic

1. Sri.S.Gogoi, P.A,NERIE,Shillong
2. Sri.M.P.Ram,Assistant,NERIE Shillong
3. Sri.B.L.Nath,UDC, NERIE Shillong
4. Km.P.Syiemlieh,Steno-Gd-III,NERIE Shillong
5. Sri.R.R.Rai,LDC, NERIE,Shillong
6. Sri.M.Haque, Driver,NERIE Shillong
7. Sri.Y.P.Roy, Driver,NERIE Shillong
8. Sri.R.L.Roy, Messenger,NERIE Shillong
9. Sri.N.C.Roy, Peon, NERIE Shillong
10. Sri.J.S.Nongkhlaw,Security Guard NERIE Shillong
11. Sri.T.Ahmed,Night Chowkidar and now on deputation as L.D.C. in the O/O Director of Census Operation,Assam,Guwahati
12. Accounts Assistant,NERIE for taking necessary action
13. Office Order File
14. Accounts File
15. Shri.A.K.S.Pillai,Senior Accounts Officer, Accounts Branch,NCERT,New Delhi-16 with reference to his latest letter No.F/Misc/IAC/Acctts/2001/386 dated 30/7/2001 for information.

Attested
Advocate

ANNEXURE - D

FORM NO. 4
(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET
APPLICATION NO. 189 OF ~~199~~ 2001

Applicant(s) H. Ali & ors

Respondent(s) U.O.I & ors.

Advocate for Applicant(s) Mr. A. Ahmed

Advocate for Respondent(s) B.C. Pathak Addl. CGSC

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. Subjection to the observations and directions made above, the application stands disposed of. No costs. Sd/VICE CHAIRMAN Sd/MEMBER (Adm)

TRUE COPY
प्रतिलिपि
28/6/2001

Section Officer (J)
अनुभाग अधिकारी (न्यायिक)
Central Administrative Tribunal
केन्द्रीय प्रशासनिक अधिकरण
Guwahati Bench, Guwahati-5
गुवाहाटी न्यायपीठ, गुवाहाटी-5

-Versus-

ANNEXURE-E

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO 8208-8315
(Arising out of S.L.P.No.12450-55/92)

Union Of India & Ors

.....appallants

-Versus-

Geological Survey of India
Employees Association & Oths

..... respondant

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 respondants in all the matters.

Heard learned Counsel 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 the 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 and Others Vs. Vijay Kumar and Others (1994(3) ECC 649).

Accordingly, the impugned order is set aside, however, direct that the appallant 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, 1998

Attested
Advocate

Sd/-

(G.N. Roy)