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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal
GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 53/2001. OF 199

Applicant(s) *Civil Accounts Association & Ors.*Respondent(s) *H. O. I. L. B.S.*Advocate for Applicant(s) *Mr. J. N. Sarkar**Mr. M. Chanda*Advocate for Respondent(s) *Mr. G. N. Chatterjee**CASC.*

Notes of the Registry	Date	Order of the Tribunal
This application was filed by Mr. M. Chanda, learned Advocate with Bank draft Rs. 50/- and two copies only.	2.2.01 Shillong)	Heard Mr. M. Chanda, learned counsel for the applicants. Application is admitted. Issue usual notice. Call for the records. List on 8.3.2001 for written statement and further orders.
Laid before High Court in order	pg 8.3.01 2/2/2001 50 (T)	<i>I C Usha</i> Member List on 9.4.01 to enable the respondents to file written statement.
1602-2001 Service of Notice today received a issued to the respondent side No.	1m	<i>I C Usha</i> Member Vice-Chairman

Recd

Notes of the Registry	Date	Order of the Tribunal
<i>The cause is fixed Concill sitting at Manipur.</i> <i>11/5/01</i>	9.4.2001	Four weeks time allowed to the respondents to file written statement. List it for orders on 8.5.01.
<i>Written statement brought on behalf of the respondents at page - 67 - 77.</i> <i>5.6.01</i>	28.5.01 (Imphal)	<p>Present : The Hon'ble Mr Justice K. Agarwal, Chairman and Hon'ble Mr K.K. Sharma, Administrative Member.</p> <p>Written statement has been filed. The same is taken on record. On application made on behalf of the applicant the C.A. is stood over in order to enable the applicant to file rejoinder.</p> <p>List on 21.6.2001 for order.</p>
<i>11.6.2001</i> <i>Rejoinder to the written statement has been submitted by the applicants.</i> <i>18.7.01</i>	29.6.01	<p><i>By order</i></p> <p>Written statement has already been filed. in this case. Learned counsel for the applicant prays for and granted 2 weeks time to file rejoinder.</p> <p>List on 18-7-2001.</p>
	18.7.01	<p><i>18.7.01</i></p> <p><i>18-7-2001 to enable the res- pondents to file reply and affidavit.</i></p>
	2-8-01	<p><i>18.7.01</i></p> <p><i>18-7-2001 to enable the res- pondents to file reply and affidavit.</i></p> <p>The case is ready as regards pleadings. The case is listed for hearing on 12-9-2001.</p>
	mb	<p><i>18.7.01</i></p> <p><i>18-7-2001 to enable the res- pondents to file reply and affidavit.</i></p> <p>The case is ready as regards pleadings. The case is listed for hearing on 12-9-2001.</p>

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Registry Note	Date	Order of Tribunal
<p><u>25.9.2001</u></p> <p>Copy of the Judgment has been sent to the D.P.C. for issuing the same to the applicant as well as to the D.C.C.C.</p>	12.9.01	<p>Heard counsel for the parties. Hearing concluded. Judgement delivered in open court, kept in separate sheets. The application is dismissed in terms of the orders. No order as to costs.</p> <p>1 C C Shauz Member</p> <p>26 14/9/01</p> <p>Vice-Chairman</p>

pg

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 53 of 2001.

Date of Decision. 12-9-2001.

Civil Accounts Association, A.G. Manipur & ors.

Petitioner(s)

Sri M. Chanda.

Advocate for the
Petitioner(s)

Versus-

Union of India & Ors.

Respondent(s)

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

Advocate for the
Respondent(s)

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

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

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

Judgment delivered by Hon'ble : Vice-Chairman

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 53 of 2001.

Date of Order : This the 12th Day of September, 2001.

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

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

Civil Accounts Association,
Office of the Accountant General (A&E)
Manipur, Imphal and others. . . . Applicants.

By Advocate Sri M.Chanda.

- Versus -

Union of India & Ors. . . . Respondents.

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

O R D E R

CHOWDHURY J. (V.C)

^{old}
The same/issue as to the entitlement of Special Duty Allowance to the employees of the office of the Accountant General, Manipur, Imphal. These applicants earlier knocked the door of this Tribunal claiming for a direction for granting Special Duty Allowance (SDA for short) in O.A. 263 of 1999. Vide judgment and order dated 25.2.2000 the Tribunal directed the respondents to consider the case of the applicant's Association and their claim in the light of violation of the Article 14 of the Constitution and also with a direction to dispose of the same within the stipulated period by way of a reasoned order. The Under Secretary, Government of India by communication dated 6.6.2000 conveyed the decision of the Government of India, Ministry of Finance rejecting the representations of the applicants. Similar order was also conveyed by the Assistant Comptroller and Auditor General vide order dated 6.7.2000 declining to grant SDA to these applicants. In both the orders the respondents

relied upon the consistend view expressed by the Apex Court confining the SDA only to the persons posted in North Eastern Region from outside the region. It was also inter alia contended that such SDA was not payable merely because of the clause in the appointment order relating to all India transfer liability. It was mentioned that SDA was admissible only to the officers transferred from outside the North Eastern Region and it was not violative of Article 14 of the Constitution and the doctrine of equal pay for equal work. The applicants thus assailed the aforesaid two orders passed by the respondents in this proceeding as arbitrary and discriminatory.

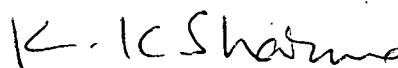
2. Mr M.Chanda, learned counsel appearing for the applicants strenuously urged that the denial of SDA to the applicants on the ground that they belong to North Eastern Region is perse arbitrary and discriminatory. The learned counsel submitted that persons of the North Eastern Region also faces similar situation when they are posted in the same region from one State to another because of the geographical disparity, divergence of living and unlikeness of habitat as well as indiet from place to place. Mr Chanda further cited instances of some officers who were conferred the benefit of the SDA though those people belonged to the same region.

3. Mr A.Deb Roy, learned Sr.C.G.S.C appearing for the respondents referring to the office memorandum as well as the decision rendered by the Apex Court in Union of India vs. S.Vijaykumar, reported in 1994 Suppl (5) SCC 649 disposed of on 20.9.1994 submitted that non payment of allowance to ineligible officers could not be considered as violative of Article 14 of the Constitution. Referring

to the provisions of FR 15 and 11 vis-a-vis the executive instructions Mr Deb Roy submitted that the respondents rightly rejected the representations of the applicants.

4, We have given our anxious consideration to the matter. The contention of Mr Chanda that each area of North East are different and persons of the North East Region also while posted out from their home State to another State faces the similar condition like that of the persons transferred from other part of India may have some merit, but then in view of the consistent pronouncement of the Supreme Court in the subject, it is difficult on our part to uphold the contention raised by Mr Chanda in this application on the basis of the materials on record. The other ground of discrimination raised by Mr Chanda that persons of similarly situated were favoured with SDA also cannot be accepted. If some people were conferred with the benefit unlawfully that cannot be a ground for giving a direction to grant similar benefit. In this circumstances the application stands dismissed.

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


(K.K.SHARMA)
ADMINISTRATIVE MEMBER


(D.N.CHOUDHURY)
VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

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

53/2001

Title of the Case : O.A. No. 53/2001

Civil Accounts Association and Ors. : Applicants

-versus-

Union of India & Ors. : Respondents

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Date

Filed by

Advocate

M. Ranjana M

Filed by the applicant
for Justice Michael
21/12/2001 A.D.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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

Original Application No. _____/99

BETWEEN

1. Civil Accounts Association
Office of the Accountant General (A&E)
Manipur, Imphal.
2. Civil Audit Association
Office of the Accountant General (Audit)
Manipur, Imphal.
3. All India Census Employees Association,
Manipur Circle,
Imphal, P.O. Imphal, District-Imphal,
Manipur.
4. Coordination Committee Civil Audit
Civil Accounts Association,
Office of the Accountant General,
Manipur, P.O. Imphal,
District-Imphal.
5. Shri L. Braja Kumar Singh
Son of late L. Manaoton Singh
Working as Senior Accountant in
the office of the Accountant General
and also convenor of the Co-ordination
Committee, Civil Audit and Accounts ~~Officer~~.
Association, Office of the Accountant
General, Manipur, Imphal.

Contd...

M. Romshur P

6. Shri Rameswar Singh,
Son of Shri M. Leibakmacha Singh
Working as Stenographer in the office
of the Accountant General (A&E), Manipur,
Imphal and Member of the Civil Accounts
Association, office of the Accountant
General (A&E) and also Member of the
Coordination Committee Civil Audit and
Accounts Association, office of the Accountant
General Manipur, Imphal.

7. Md. Sabir Ahmed,
Son of late Nur Ahmed,
working as Clerk-typist in the office
of the Accountant General (Audit), Manipur,
Imphal and Assistant Secretary, Civil Audit
Association, office of the Accountant
General (Audit), Manipur, Imphal.

...Applicants

-versus-

1. Union of India
Through Secretary to the
Government of India
Department of Expenditure
Ministry of Finance,
New Delhi.

2. The Comptroller and Auditor
General of India, 10 Hahadurshah Zafar
Marg, New Delhi-110002.

Contd....

M. Ramchandra Sh

3. The Assistant,
Comptroller and Auditor General (N)
10 Bahadurshah Zafar Marg,
New Delhi-110002.
4. The Accountant General (A&E)
Manipur, P.O. Imphal,
District-Imphal,
Manipur
5. The Accountant General (Audit),
Manipur, P.O. Imphal,
District-Imphal, Manipur.
6. The Secretary to the Government
of India, Ministry of Home Affairs,
Department of Census Operation,
New Delhi.
7. The Director of Census Operations,
Manipur, Imphal.
8. The Secretary,
Government of India,
Department of Personnel & Training,
New Delhi.
9. The Senior Accounts Officer (Admn/DDO),
Office of the Senior Deputy Accountant
General (A&E), Manipur,
Imphal.
10. The Audit Officer (Admn/DDO),
Office of the Accountant General (Audit)
Manipur, Imphal.

Contd...

11. The Assistant Director/DDO
Office of the Director,
Census Operations, Manipur,
Imphal

... Respondents.

DETAILS OF APPLICATION

1. Particulars of orders against which this application is made.

This application is made against the order dated 6.7.2000 issued by the Assistant Comptroller and Auditor General (N) whereby the representation of the applicants is rejected for grant of Special (Duty) Allowance (for short SDA) holding that the employees of the office of the Accountant General, Manipur do not have All India Transfer Liability and hence they are not entitled to payment of Spedial (Duty) Allowance and the denial of Special (Duty) Allowance to the members of the applicant Association is thus not violative of Article 14 of the Constitution of India, but the Assistant Comptroller and Auditor General did not deal with the question raised and involved in the representations of the applicant as directed by this Hon'ble Tribunal on 22.2.2000 in O.A. No. 263 of 1999 and also the impugned office order issued by the Under Secretary to the Govt. of India, Ministry of Finance, Department of Expenditure, New Delhi dated 6.6.2000 whereby it is observed in the said impugned office memorandum that association of civil

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M. Ramkumar

Accounts, civil audit and employees of Census case for grant of SDA cannot be considered in terms of the order passed by the learned Central Administrative Tribunal as well as on the basis of the interim order dated 13.1.2000 passed by the Supreme Court of India in Civil Appeal No. 5456/99 in the matter of Union of India Vs. Telecom Engineering employees and others and also praying for a direction upon the respondents for payment of Special Duty Allowance to all the members of the applicant association in the light of the decision passed by the Hon'ble Supreme Court in the case of Union of India and Ors. Vs. V.S.Prasad and others reported in (1997) 2 scale 363 with arrear monetary benefit in terms of the Office Memorandum dated 14.12.1983, 1.12.1988 and 22.7.1998 issued by the Government of India, Ministry of Finance, Department of Expenditure, New Delhi.

2. Jurisdiction of the Tribunal.

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

3. Limitation

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

4. Facts of the Case.

That the applicant No.1 is the Association of the Civil Accounts Employees of the office of the Accountant General (A&E) and the same is affiliated to the All India Contd..

Audit and Accounts Association with the Headquarter at New Delhi. Similarly the applicant No.2 is also Association of Audit Employees under the Accountant General (Audit), Manipur, Imphal and the same is also affiliated to the All India Audit and Accounts Association with Headquarter at New Delhi. The applicant No.3 is a recognised Association of Group C & D employees working under the Census Operation, Imphal. The applicant No.4 is a Coordination Committee is an organisation constituted by the Civil Audit Accounts Association, Civil Audit Employees Accosiation and also by All India Census Association, Manipur Circle, Imphal.

The applicant No.5 is the General Secretary of the Civil Accounts Association as well as the Convenor of the Coordination Committee. He is an affected Member serving under the Senior Deputy Accountant General (A&E), Manipur, Imphal. It is stated that the applicant No.5 is authorised by and on behalf of the Civil Accounts Association as well as by the Coordination Committee. He is also authorised by the All India Census Operations Association, Manipur, Imphal to file this Original Application claiming payment of the Special (Duty) Allowance before this Hon'ble Tribunal.

The applicant No.6 is the Member of the Civil Accounts Association as well as the member of the Coordination Committee. He is an affected Member serving under the Senior Deputy Accountant General (A&E), Manipur, Imphal. ~~xx xxxxakxxdixxxkxxaxxxaplikaxxxaxxxxx~~

The applicant No.7 is the Member of the Civil Audit Association, Manipur, Imphal. He is also authorised

by the Civil Audit Association to submit this Original Application claiming payment of "Special Duty Allowance in short SDA) on behalf of the Association.

The applicants urged to produce the letter of authority before the Hon'ble Tribunal at the time of hearing of this application.

4.2 That the grievances and reliefs sought for in this application are common, therefore the Hon'ble Tribunal would be pleased to permit all these seven applicants to move their grievances through a single application under Section 4 (5) (b) of the Central Administrative Tribunal (Procedure) Rules, 1987.

4.3 That the members of the aforesaid Association are serving in the cadre of Group C & D and posted in different offices at Imphal under the Respondents.

4.4 That the Government of India, Ministry of Finance, Department of Expenditure issued an Office Memorandum under letter No. 20014/2/83/Estt.IV dated 14.12.1983 granting certain improvement and facilities to the Central Government Civilian employees serving in the North Eastern Region. As per the said office memorandum the SDA has been granted to the civilian employees of the Central Government who are saddled with All India Transfer Liability. The relevant portion of the said O.M. dated 14.12.1983 is quoted below :

"The need for attracting and retaining the services of the competent officers for service in the North Eastern Region comprising the

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M-Ramkrishna M

States of Assam, Meghalaya, Manipur and Tripura and the Union Territories of Arunachal Pradesh and Mizoram has been engaging the attention of the Government for sometime. The Government has appointed a Committee under the Chairmanship of Secretary, Department of Personnel and Administrative Reforms, to review the existing allowances and facilities admissible to the various categories of civilian Central Government employees serving in the 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 :

iii) Special (Duty) Allowance.

Central Government civilian employees who have All India transfer liability will be granted Special (Duty) Allowance at the rate of 25 percent of basic pay subject to a ceiling of Rs. 400/- per month on posting to any station in the North Eastern Region, such of those employees who are exempt from payment of income tax, will however, not be eligible in addition to any special pay and/or Deputation (Duty) Allowance already being drawn subject to the condition that the total of such Special (Duty) Allowance will not exceed Rs. 400/- p.m. Special Allowance like Special Compensatory (Remote Locality) Allowance, Construction Allowance and Project Allowance will be drawn separately.

Subsequently the Govt. of India, Ministry of Finance, issued Office Memorandum dated 1.12.1988 and 22.7.98 extending

M. Rengarao

the benefit of SDA to the Central Government civilian employees serving in the North Eastern Region from time to time.

Copies of the O.M. dated 14.12.83, 1.12.88, and 22.7.98 are annexed hereto and the same are marked as Annexurs 1,2, and 3 respectively.

4.5 That due to anomalous interpretation of All India Transfer Liability contained in O.M. dated 14.12.1983 referred above some officers of IA & AD serving in the office of the Accountant General located in North Eastern Region has been drawing Special (Duty) Allowance with effect from 1.11.1983 and some officers/employees of some offices were not allowed to draw the said allowance. The matter was referred to the office of Comptroller and Auditor General of India, New Delhi and the Assistant Comptroller and Auditor General (N), now has clarified in para 7 of the impugned letter bearing No. 996-GE.II/8-97 dated 16.7.99 (Annexure-5) that 'The employees who do not fulfil twin conditions, All India Transfer Liability and posting to the North Eastern Region etc. from outside that region/state, cannot be granted Special (Duty) Allowance.

4.6 That, against the said impugned letter dated 16.7.99, the Civil Audit & Accounts Association, Imphal submitted a representation on 22.7.99 to the competent authority that the order is unjustified, partial and further prays to pay Special (Duty) Allowance to the Members of the applicant association but to no result.

4.7 That the applicants being employees under the Indian Audit and Accounts Department, all of them have

M. Rinku

got All India Transfer Liability in terms of F.R. 15 read with Rule 11 of FR 1922 and hence they are entitled to the payment of Special (Duty) Allowance.

4.8 That your applicants state that in regard to Special (Duty) Allowance of North Eastern Region, the Government of India issued an O.M. dated 20.4.87, The relevant portion of the O.M. dated 20.4.87 is quoted below :

" 1(iii) Special (Duty) Allowance.

Central Government civilian employees who have All India Transfer Liability will be granted Special (Duty) Allowance at the rate of 25% of basic pay subject to a ceiling of Rs. 400 per month on posting to any station in North Eastern Region. Special (Duty) Allowance will be in addition to any Special Pay and/or deputation (Duty) Allowance already being drawn subject to the condition that the total of such Special (Duty) Allowance plus Special Pay/ Deputation (Duty) Allowance 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 per month, Special Allowance like Special Compensatory Allowance (Remote Locality) Allowance, Construction Allowance and Project Allowance will be drawn separately.

2. Instance have been brought to the notice of this Ministry where Special (Duty) Allowance has been allowed to Central Government employees serving in North Eastern Region without the fulfillment of

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M. Ramkumar

the condition of All India Transfer Liability. This is against the spirit of orders on the subject for the purpose of sanctioning Special (Duty) Allowance. the All India Transfer Liability of the members of any service/cadre or incumbent of any post/group of post has to be determined by applying test of recruitment zone, promotion zone, etc. i.e. whether recruitment to the service/cadre/post has been on All India basis and whether promotion is also done on the basis of the All India Zone of promotion based on common seniority for the service/cadre/post as a whole. Mere clause in the appointment order (as is done in the case of almost all post in the Central Secretariat etc.) to the effect that the person concerned is liable to be transferred anywhere in India does not make him eligible for grant of Special (Duty) Allowance."

The relevant portion of the O.M. dated 1.12.1988 is quoted below :

"Special (Duty) Allowance.

Central Government civilian employees who have all India Transfer Liability will be granted Special (Duty) Allowance at the rate of 12 1/2 percent of basis pay subject to a ceiling of Rs. 1000/- per month on posting to any station in the North Eastern Region, Special (Duty) Allowance will be inaddition to any special pay and/or deputation (Duty) Allowances already being drawn subject to the condition that the total of such Special (Duty) Allowance, like Special Compensatory (Remote Locality) allowance, construction allowance

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M. Raghunath

and project allowance will be drawn separately.

The Central Civilian Employees who are members of scheduled tribes and are otherwise eligible for grant of Special (Duty) Allowance under this para and are exempted from payment of income tax under the Income Tax Act will also draw Special (Duty) Allowance.

The relevant portion of O.M. dated 12.1.1996 issued under No. 11(3)/95 E.II (P) dated 12.1.1996 in regard to Special (Duty) Allowance for the employees serving in North Eastern Region is quoted below :

" 1. The officers who are resident of North Eastern Region are not entitled to get Special (Duty) Allowance even though they may have been selected on All India seniority basis and promoted on the basis of All India Common seniority basis and posted in North Eastern Region. This is in conformity with the observations of the Hon'ble Court.

2. The officers resident of North Eastern Region having All India Transfer Liability working on promotion outside North Eastern Region on completion of the tenure are not entitled for special (Duty) Allowance when posted to Home Circle viz. North Eastern Region.

3. The Supreme Court of India judgement dated 20.9.93 as clarified by the Government of India vide O.M. dated 12.1.1996 is applicable to all Central Government employees of all departments whether they are party to Original application filed in any of

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M. Ranganath

the CAT on the subject or not.".

The relevant portion of O.M. dated 22.7.1998 in regard to SDA issued by the Ministry of Finance, Govt. of India is quoted below :

"(iii) Special (Duty) Allowance.

Central Government Civilian Employees having an All India Transfer Liability and posted to the specified Territories in the North Eastern Region shall be granted Special (Duty) Allowance at the rate of 12.5 percent of their basic pay as prescribed December 1, 1998, but without any ceiling ~~existing~~ on its quantum. In other words, the ceiling of Rs. 1,000 per month currently in force will no longer be applicable and the condition that the aggregate of the Special (Duty) Allowance plus Special Pay/Deputation (Duty) Allowance, if any, will not exceed Rs. 1000 per month shall also be dispensed with. Other terms and conditions governing the grant of this Allowance shall, however, continue to be applicable.

Copy of the O.M. dated 12.1.1996 and O.M. dated 20.4.1987 are annexed as Annexures 4 & 5 respectively.

4.10 In "Fundamental Rules, the 'temporary post' means a post carrying a definite rate of pay sanctioned for a limited time (F.R. 9(30) a 'tenure post' means a permanent post which an individual Government servant may not hold for more than a limited period (FR 9(30A) and a 'permanent post' means a post carrying a definite rate of pay sanctioned without limit of time (F.R.9(22).

M. Ramchandra

4.11 F.R. 11 declares that unless in any case it is otherwise distinctly provided, the whole time of a Government servant is at the disposal of Government which pays him and he may be employed in any manner required by proper authority" Under F.R. 110, a Government Servant's transfer to foreign service cannot be effected against his will. That restriction does not, however, apply to transfer of Government servant from one post under Government to another which is permissible under F.R. 15. This rule clearly contemplates that transfers may be to any post within or outside the parent department or service. F.R. 15 is reproduced below :

"F.R. 15 (a) The President may transfer a Government servant from one post to another, provided that except -

- (1) on account of inefficiency or misbehaviour, or
- (b) on his own request

a Government servant shall not be transferred substantively, to or, except in a case covered by Rule 49, appointed to officiate in a post carrying less pay than the pay of the permanent post on which he holds a lien, or would hold a lien had his lien not been suspended under Rule 14.

- (b) Nothing contained in clause (a) of this Rule or in clause (13) of Rule 9 shall operate to prevent to re-transfer of a Government servant to the post on which he would hold a lien had it not been suspended in accordance with the provisions of clause (a) of Rule 14.

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M. Ramnath

4.12 The objects for granting Special (Duty) Allowance Special Compensatory (Remote Locality) Allowance, in case of inaccessibility and difficult terrain, Special Compensatory (Remote Locality) Allowance at different rates at different states. The SDA was also granted for attracting and retaining in the services of North Eastern Region specially in factors like, insurgency, disturbance etc. in North Eastern Region along with like Special Compensatory (Remote Locality) Allowance, Special (Duty) Allowance but also other concessions and facilities Leave Traveller Concession (Improved), Children Education Allowance (Improved) were also sanctioned by the same O.M. dated 14.12.1983.

4.13 That it is stated that Article 14 of the Constitution forbids class legislation, it does not forbid classification for purposes implementing the right of equality guaranteed by it. In order, however to pass the test of permissible classification two conditions must be founded on an intelligible differentia which distinguishes person or things that are grouped together from others left out of the group and (ii) that the differentia must have a rational relation to the object ought to be achieved (Motor General Traders V. State of Arunachal Pradesh (1984) SCC 222, 229 230). The classification of locals and non-locals working for the same post or duty in the same office i.e. local Manager, non-local Manager, local clerk, non-local clerk in order to pay wages/allowances/salary would surely contradicted the principles enunciated by the Apex Court stated above and, hence shall be violative Article 14 of the Constitution.

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M. Ranjana M

4.14 That the Govt. of India, Ministry of Home Affairs Deptt. of Personnel Administrative Reforms, also granted Special Duty Allowance to the members of the All India Services serving in the states in NER vide O.M. No. 14017/21/83-AIS II dated 3.2.84 whereby the Govt. of India as follows :

"The Central Government are of the view that the different conditions in which the members of the All India services have to serve in the N.E. Region are similar as in the case of Central Government employees are posted in the region on a tenure basis, members of the All India services allocated to the cadres of the States in the region have to serve in the region for longer period. In fact most of them have to serve in those area as for their entire service period except with some of them may be on Central deputation outside the North Eastern Region. Obviously the need for improving the service condition of members of the All India Services serving in the region cannot be overlooked and if anything those should be better than those who are deputed for only short tenures of 2/3 years.

I am, therefore, to request the State Govt. to extend the orders contained in the Min. of Finance, Deptt. of Expenditure office memorandum No. 8001/3/83-E.IV dated 14.12.1983 to members of all India services serving in connection with the affairs of the State Govt. with effect from the dates these have been applied to Central Govt. employees".

M. Ranjan

Therefore, when the Govt. of India, Min. of Home Affairs, of the view that the All India officers are entitled to SDA although they are not saddled with All India Transfer Liability. As such the view of the Ministry of Finance, regarding grant of SDA to the civilian employees of Central Govt. only on posting from outside the region is highly unreasonable, arbitrary hence the matter requires further reconsideration in the light of the views expressed by the Govt. of India, Ministry of Home Affairs while granting the said allowances to the members of all India Services. Therefore non-payment of SDA to the Members of application association is violative of Article 14 of the Constitution of India.

A copy of the O.M. dated 3.2.1984 issued by the Govt. of India, Ministry of Home Affairs is annexed as Annexure-6.

4.14 That the applicants beg to state that the Additional Secretary (ER) Cabinet Secretariat vide his letter dated 17.7.1985 clarifying the position regarding entitlement of Special (Duty) Allowance to the Group 'C' employees serving in the North Eastern Region. In this connection it is also stated in the said letter dated 17.7.1985 that this matter was examined in consultation with the Ministry of Finance and the clarification was issued stating that the Group C employees recruited locally in the North Eastern Region but who are liable to serve anywhere in India would be eligible for Special (Duty) Allowance although they may not have been transferred outside the region, since their service due to administrative reasons and in paragraphs

M. Ramchandra

3 it is further stated that in view of the above position the Director of Accounts may continue to pay the Special (Duty) Allowance to Group C & D employees and in case any recoveries have been made. The relevant portion of the Cabinet Secretariat letter dated 17.7.85 is quoted below :

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

Director of Accounts may please refer to this Secretariat's U.O. of even No. dated 28.9.84 under which certain clarification were issued regarding drawal of Special (Duty) Allowance.

2. The matter was further examined in consultation with the Ministry of Finance and the following clarifications are issued.

(G.D.W.)
Group C employees recruited locally in the North Eastern Region, but also liable to serve anywhere, will be eligible for special duty allowance though may not have been transferred outside that region since their joining the service due to Administrative reasons.

3. In view of the above position Directorate of Accounts may continue to pay the Special (Duty) Allowance to Group C employees mentioned above.

In case of any recoveries have been made from them on the basis of the earlier clarification issued on the 28.9.84 may be paid back to them."

M. Ranjhan

In view of the above clarification the present applicants are entitled to SDA as per term of O.M. dated 14.12.1983, 1.12.1988 and also in terms of O.M. dt. 22.7.98 of the Ministry of Finance. Therefore clarification which was subsequently given by the Ministry of Finance vide letter dated 12.1.1996 is contrary to the clarification given earlier, therefore O.M. dated 12.1.96 is liable to be set aside and quashed.

4.15 That the applicants beg to state that members of the Civil Audits and Accounts Association and their Coordination Committee repeatedly approached the authority for payment of SDA. Thereafter the matter was referred by the local authority to the Comptroller and Auditor General, New Delhi. However the Comptroller and Auditor General vide his letter dated 16.7.99 addressed to all the Accountant General of NER informing that local employees belong to NER are not entitled to SDA in view of the Apex Court Judgement dt. 20.9.94 and also in view of clarification given by the Ministry of Finance vide O.M. dated 12.1.1996 in quoting the reference of Apex Court Judgement, and further stated that it should be ensured that ineligible persons should not be paid Special (Duty) Allowance, whereas Group 'A' officers serving in the establishment of IA & AD at Manipur are still drawing the said Special (Duty) Allowance whereas the members of the Association are not being drawn the SDA. Being aggrieved by the said letter dated 16.7.99 the members of the Civil Audit and Accounts association approached the authorities through their representation dated 22.7.99 wherein it is stated that always incentives are granted

M. Ramkumar

to the Central Govt. employees posted in NER as because the same distrubed and insurgency prone area as for example the Govt. of India granted SCA and Disturbed Area Allowance since 1974 to Central Govt. employees serving at Mizoram and also stated that in terms of F.R.S.R. 15 they are saddled with All India Transfer Liability therefore they are entitled to Special (Duty) Allowance. But no communication is made thereafter and the representation is still pending before the ~~xxxx~~ authority.

A copy of the letter dated 16.7.99 and representation dated 22.7.99 are annexed here and marked as Annexures 7 & 8 respectively.

4.16 That your applicants beg to state that in the circumstances stated above the applicant association finding no other alternative approached the Hon'ble Tribunal by way of filing O.A. No. 263/99 praying for a direction upon the respondents for payment of SDA. The matter was duly contested by the respondents before the Hon'ble Tribunal and the same was finally disposed of on 25.2.2000 by this Hon'ble Tribunal with a direction to the respondents to consider the case of the applicant association and passa reasoned order within one month from the date of receipt of the copy of the order.

A copy of the judgement and order dated 25.2.2000 is annexed as Annexure-9.

4.17 That the under Secretary to the Government of India, Ministry of Finance, Department of Expenditure, New Delhi vide his O.M. issued under letter No 1 25(1)/

M. Ramkumar

2000-E.II(B) dated 6.6.2000. It is stated in the said O.M. dated 6.6.2000 that the matter for grant of SDA has been examined and the claim for grant of SDA has been settled with the judgement of the Supreme Court delivered in Civil Appeal No. 3151/93 and the case of all Central Government employees are to be regulated in terms of O.M. dated 12.1.1996 issued in pursuance of the judgement of the Supreme Court. It is further stated that the interim order dated 13.1.2000 of the Supreme Court of India in Civil Appeal No. 5456/99 makes exception in case of employees of the Telecommunication. The case of Central Government employees in general therefore cannot be considered in terms of the interim order dated 13.1.2000 and thereby in fact rejected the claim of the applicants without explaining/discussing the grounds raised by the applicant association and as such the impugned office memorandum dated 6.6.2000 ~~xxxxxxxx~~ has avoided the basic question of discrimination raised by the applicant association in their representation addressed to the competent authority. As such impugned office memorandum dated 6.6.2000 has been issued without application of mind and the same is arbitrary, unreasonable and unfair, and it is also violative of Article 14 of the Constitution of India. As such the said O.M. dated 6.6.2000 issued by the Under Secretary, Govt. of India, Ministry of Finance, Department of Expenditure is liable to be set aside and quashed.

Copy of the O.M. dated 6.6.2000 is annexed as
Annexure-10.

4.18 That most surprisingly another Office order was issued by the Assistant Comptroller and Auditor General

M. Ramkumar

of India on 6.7.2000 whereby he has also rejected the claim for grant of SDA to the members of the applicant association allegedly holding that the grant of SDA will be determined by applying the test of recruitment zone, promotion zone and not by applying the clause relating the transfer liability in accordance with F.R. 15. It is further stated in the said impugned order dated 6.7.2000 that the Hon'ble Supreme Court has held that grant of SDA only to officers posted to NER from outside that region is not violative of the provisions contained in Article 14 of the Constitution and the doctrine of equal pay for equal work. Govt. has issued instructions for discontinuance of payment of SDA to ineligible officials and also stated in any case, SDA cannot be granted to employees who do not fulfil the requisite conditions merely because some ineligible persons elsewhere are being paid this allowance irregularly. The employees of the office of the Accountant General, Manipur do not have all India transfer liability and hence they are not entitled SDA and therefore denial of SDA to them is thus not violative of Article 14 of the Constitution of India, and accordingly the representation of the applicant association has been rejected on the ground that no merit for the grant of SDA. In this connection it is relevant to mention here that the prayer for grant of SDA has been rejected in the light of the order passed by the Govt. of India, Ministry of Finance O.M. dated 20.4.87 as well as in terms of the O.M. dated 12.1.96. The details of which are already stated by the applicant association in the preceding paragraphs of this application.

M. Ramchandra

The applicant being dissatisfied with the order dated 6.6.2000 as well as 6.7.2000 submitted a detail representation addressed to the Accountant General, Manipur, Imphal through Co-ordination committe of Civil Aud & Accounts Association, Manipur in the form of resolution. In the said representation/resolution the applicant association stated that Assistant CAG (N) is not competent authority to issue an order amending original O.M. dated 14.12.1983 issued by the Govt. of India, Ministry of Finance, New Delhi which was issued in fact in the name of the President of India. It is further stated that under Article 283 of the Constitution the Assistant CAG has no jurisdiction to deal with pay and allowances including SDA to the members of the applicant association in terms of rule 92 of Central Government Account (Receipt and Payment) Rules 1983. It is further contended by the applicant association that the Assistant C & AG (N) has wrongly interpreted the condition laid down in O.M. dated 14.12.1983 vide their Memorandum dated 16.7.1999 and also vide memorandum dated 6.7.2000 based on illegal and void O.M.s dated 20.4.82 as well O.M. dated 12.1.1996 so as to deprive the SDA to the eligible members of the association. It is further stated categorically that the members of the applicant association saddled with all India Transfer liability as per FR 15 read with FR 11 which issued in the name of the President of India. It is also stated that the clarificatory office memorandum dated 20.4.87 under which the condition imposed that all India transfer liability

M. Ramkumar M

is to be determined by applying the test of recruitment zone, promotion zone etc. i.e. whether recruitment to the service/cadre/post has been made on all India zone of promotion based on common seniority list for the service cadre/post as a whole. In fact the said order was issued by an officer of the Ministry of Finance in his own capacity by misinterpreting the original office memorandum dated 14.12.1983 issued by the President of India and thus the said O.M. dated 20.4.87 as well as the O.M. dated 12.1.96 are void ab initio and the same cannot be acted upon by the Govt. of India while determining the question of payment of Special Duty Allowance to the members of the applicant association. And accordingly the clarification issued by the Assistant C & AG dated 16.7.99 and 6.7.2000 are also has not force as the same has been issued following the impugned memorandum dated 20.4.87 and as well as O.M. dated 12.1.96. As such the same are liable to be set aside and quashed.

It is also stated that since the impugned order dated 6.7.2000 has been passed in violation of allocation of business rule 1961 the same cannot be treated as an order passed by the Govt. of India and the same is void ab initio as per Article 77 of the Constitution of India. It is further stated that judgement passed in S. Vijay Kumar cannot be applied arbitrarily as the applicant in no way connected with the case of S. Vijay Kumar as well as the case of Union of India Vs. Executive Officers Association Group C. It is further stated by the

M. Rehman M

applicant association that though judgement was passed should be treated as judgement in personem and the same cannot be applied in the instant case of the applicant association. It is further stated that the view of Assistant C & AG is partial and shows non-application of mind to the case of the applicant association for grant of SDA. It is further contended by the applicant association in their resolution/representation that there are two conditions stipulated for permissible classification under Article 14 of the Constitution of India as enunciated by the Apex Court in Motor General Traders Vs. State of Arunachal Pradesh (1984) SCC 222, 229, 230 but the authority failed to furnish the reason that the two conditions stipulated by the Hon'ble Supreme Court have been fulfilled in the impugned O.M. dated 20.4.87, 12.1.1996 as well as the letter dated 16.7.99 and 6.7.2000 passed by the Assistant C & AG (N) in violation of Article 14 of the Constitution of India, infact the Office Memorandum dated 14.12.83, 1.12.1988 and 22.7.98 whereby the benefit of SDA was granted in order to attract and retention their services due to disturbance and insurgencies etc. in the N.E. Region. The said view is also expressed ~~and~~ by the Hon'ble Supreme Court in the case of Union of India Vs. V.S. Prasad, reported in 1997 (2) scale 3. The relevant portion of the said judgement is quoted below :

"As regards the payment of Special Duty Allowance to the Defence Civilian Personnel deployed at the border area for support of operation requirement, they face the imminent hostilities support the

M. Renukumar

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 16, 1994. But the Modified Field Area, in otherwords, in the defence terminology, "barracks" in that ~~xxx~~ area is a lesser risking area hence they shall not be entitled to double payment. Under these circumstances, Mr. P.P. Malhotra is right in saying that the working of the order requires modification. The Government is directed to modify the order and issued the corrigendum accordingly."

It is quite clear from the above decision of the Hon'ble Supreme Court passed in the case of Union of India Vs. V.S. Prasad that civilian employees of defence are entitled to special duty allowance as because they are supporting the army personnel in the border areas for operational requirement. It is also held by the Hon'ble Supreme Court that though civilian employees are also facing imminent hostilities while supporting the army personnel deployed therein necessarily they alone require the double payment as ordered by the Government they cannot be deprived of the same since they are facing imminent hostilities in hilly areas risking their lives. This views of the Hon'ble Supreme Court also supporting the case of the members of the applicant association as because the members of the applicant association are

M. Rambhia

also part and parcel of the Government of India and it is the united ~~assommer~~ contribution of all coordinating department of the Government of India to built up the nation and also it cannot be denied that there is no contribution on the other civilian employee serving in other Central Government office for the safety and security of the nation. In other wors it can rightly be said that the members of the applicant association are also rendering their services towards the Govt. of India and the members of the applicant association are equally circumstanced and placed like those defence civilian employees under the Government of India. More particularly and speciall the members of the applicant association are serving in the border area of Manipur and facing imminent hostilities and also risking their lives in their day to day work, as such the members of the applicant are entitled to the benefit of grant of SDA inthe light of the order passed by the Hon'ble Supreme Court in the case of Union of India Vs. V.S.Prasad. In the facts and circumstances sated above the case of the applicant association are also squarely covered as they are serving in the state of Manipur which is also declared as disturbed area throught the territory of Manipur and in view of the judgement and order passed in the case of Union of India Vs. V.S. Prasad by the Hon'ble Supreme Court the applicants association are entitled SDA. As such the Hon'ble Tribunal be pleased to direct the respondents for payment of SDA to the members of the applicant association interms of the O.M. dated 14.12.83, 1.12.1988 and 22.7.98.

4.19 That your applicants association submi ted representation/representation for payment of SDA vide letter

M. Ramkumar

dated 25.7.2000 ~~but~~ after receipt of the impugned order, but the same is still pending without any decision.

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

5. Grounds for relief with legal provisions.

5.1 For the applicants fulfilled the criteria for grant of SDA laid down in the O.M. dated 14.12.1983, 1.12.1988 and 22.7.1998, issued by the Ministry of Finance, therefore non-payment of SDA to the applicants is illegal, arbitrary and unfair.

5.2 For that the clarification issued vide Cabinet Secretariat letter dated 17.7.1995 declaring the applicants are eligible for grant of SDA which has issued after consultation with the Ministry of Finance, Govt. of India.

5.3 For that letter dated 17.7.95 issued by the Cabinet Secretariat after consultation with the Ministry of Finance, Govt. of India.

5.4 For that the attempt of the respondents to declare the applicants in terms of impugned O.M. dated 12.1.1996 in the fact of the clarification earlier given by the Govt. of India, Ministry of Finance issued vide Cabinet Secretariat letter dated 17.7.95 barred the action of the Govt. of India, Ministry of Finance to declare the applicants are ineligible.

5.5 For that the action of the respondents to declare the applicants are ineligible for drawal of SDA is barred by law of estoppel.

M. Rukhul

5.6 For that prima facie, the impugned order dt. 16.7.99 is not tenable in the eye of law and therefore the same is liable to be set aside and quashed.

5.7 For that executive orders issued on 20.4.87 (except omission portion of non income tax payer) 12.1.96 and 16.7.99 were violation of Rule 15 read with Rule 11 of Fundamental Rule, and any clarificatory issued without the sanction of the President of India without giving any opportunity to the affected persons consequent to O.M. dated 14.12.83 is not tenable in the eye of law and violative of natural justice.

5.8 For that action of the Respondents created anomalous against Group A B C and D without fulfilling two conditions stipulated for permissible classification under Article 14 of the Constitution of India as enunciated by the Apex Court in Motor General Traders v. State of ~~Andhra Pradesh~~ A.P. (1984)/SCC 222, 229, 230.

5.9 For that the order passed by the Comptroller & Auditor General on 6.6.2000 is void ab initio as he has no jurisdiction to pass any order rejecting the prayer of the original applicants of O.A. No. 263/99 on behalf of the Government of India or Union of India in terms of the judgement and order dated 25.2.2000 passed by this Hon'ble Tribunal.

Contd...

M. Renuka W

5.10 For that, denial of SDA to the members of the applicant association is violative of Article 14 of the constitution, more so no reasonable clarification could be made out by the Respondents for granting SDA to others similarly situated and locally recruited Group A officers of the same establishment of Accountant General, Imphal, Manipur.

5.11 For that, the applicants are similarly situated like those civilian employees/respondents of Civil Appeal No. 1572 of 1997 (Union of India & Others Vs. B.Prasad, B.S.O. I Ors etc. as such they are entitled to SDA in the light of the aforesaid decision of Hon'ble Supreme Court.

5.12 For that the representation/resolutation for payment of SDA submitted by the applicant association to the Accountant General, Manipur, Imphal is still pending without any decision.

6. Details of the remedies exhausted

That the applicants declare that they have availed all the remedies available to them under the relevant service rules, etc. and further state that they have no other alternative efficacious remedy except by way of approaching this Hon'ble Tribunal.

7. Matters no previously filed & or pending with any other court.

The applicants further declare that they have had filed an O.A. before the Hon'ble Tribunal i.e. O.A. No. 263/99 and the same was disposed of by the Hon'ble Tribunal

M. Rehman

with direction to the respondents to consider the case of the applicants, but the a~~pp~~ respondents have arbitrarily rejected the claim of the applicants by their letter dtl 6.6.2000 and 6.7.2000. The applicants further declare that no such application is pending before any of the authority or any other bench of the Tribunal.

8. Relief(s) sought for :

In view of the facts mentioned in the above paragraphs mentioned, it is most respectfully prayed that the Hon'ble Tribunal be pleased to admit this application, call for the records of the case and upon hearing the parties on the cause or causes that may be shown and on perusal of the records be pleased to grant the following reliefs :

- 8.1 That the Hon'ble Tribunal be pleased to set aside the impugned letters issued under No. F.No. 25(1)/2000-E.II(11) dated 6.6.2000, and order dated 6.July, 2000 and the letter dated 16.7.99 (Annexures- 1631)).
- 8.2 That the Hon'ble Tribunal be pleased to direct the respondents to grant SDA to the members of the applicant association in th~~ems~~ms of the O.M. dated 14.12.1983, 1.12.1983 and 22.7.98.
- 8.3 Costs of the application.
- 8.4 Any other relief(s) to which the applicant association are entitled to under the facts and circumstances of the case.

Contd..

M. Ranjana 11

9. Interim order prayed for :

Pending decision on the application, the applicants pray for the following reliefs :

9.1 Hon'ble Tribunal be pleased to direct the respondents to make the payment of SDA to the ~~applicants~~ members of the applicant association at least from the date of filing the instant application till final disposal of this application.

10.

This application has been filed through advocate.

11. Particulars of I.P.O.

- i. I.P.O. No. Bankraft no - 571974, dt -
- ii. Date of Issue : 29-1-2001
- iii. Issued from : G.P.O., Guwahati.
u/c P.M.
- iv. Payable at : G.P.O., Guwahati.
u/c P.M.

12. List of enclosures.

As stated in the Index.

Verification

M. Roshan

VERIFICATION

I, M. Rameshwar Singh, son of Shri M. Leibakmacha Singh, aged about 41 years, working as Stenographer in the office of the Senior Deputy Accountant General (A&E), Manipur, Imphal, and Member of the Civil Accounts Association, office of the Accounts Association and also Members of the Coordination Committee Civil Audit and Accounts Association, Office of the Accountant General, Manipur, Imphal do hereby verify that the contents of paragraphs 1 to 4 and 6 to 12 are true to my personal knowledge and those made in paragraph 5 are on the legal advice which I believe to be true and I have not suppressed any material fact.

I, sign this verification on this the 30th day of January, 2001.

M. Rameshwar Singh

Signature

ANNEXURE :- 2

No.20014/3/83-E.IV dated

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF EXPENDITURE

New Delji, the 14th
December 1983

OFFICE MEMORANDUM

Subject :- ALLOWANCES AND FACILITIES FOR CIVILIAN
EMPLOYEES OF THE CENTRAL GOVERNMENT SERVING
IN THE STATES AND UNION TERRITORIES OF NORTH
EASTERN REGION & IMPROVEMENTS THEREOF.

The need for attracting and retaining the services
of competent officers for service in the North Eastern
Region comprising the states of Assam, Meghalaya, Manipur,
Nagaland and Tripura and the Union Territories of Arun-
achal Pradesh and Mizoram has been engaging the attention
of the Government for some time. The Government had
appointed a committee under the Chairmanship of Secretary
Department of Personnel & Administrative Reforms to
review the existing allowances and facilities & Adminis-
trative Reforms, to review the existing allowances and
facilities admissible to the various categories of civili-
an Central Government employees serving this region &
to suggest suitable improvements. The recommendation
of the Committee have been carefully considered by the
Government and the President is now ~~for~~ pleased to
decide as follows :

*Allowances
20-3-83*

Contd....2

Contd page 2, Annex-3

(i) Tenure of posting/Deputation :-

There will be a fixed tenure of posting of 3 years at a time for officers with service of 10 years or less and 2 years at a time for officers with more than 10 years of service. Periods of leave, training etc. in excess of 15 days per year will be excluding counting the ~~total~~ tenure period of 2/3 years. Officers on completion of the fixed tenure of service mentioned above, may be considered for posting to a station of their choice as far as possible. Satisfactory performance of duties for the prescribed tenure in the North Eastern Shall be given due recognition in the case of eligible officers in the matter :-

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

Contd.....3

Contd page - 3, Annex-3

ii). Weightage for Central Deputation/Training abroad
AND SPECIAL MENTION in confidential Records.

- (a) Promotion in cadre posts;
- (b) deputation to central tenure posts ; and
- (c) Course of training abroad .

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

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

(iii) Special (Duty) Allowance :

Central Government civilian employees who have all India transfer liability will be granted a special (Duty) allowance at the rate of 25 percent of basic pay subject to a ceiling of Rs. 400/- per month on posting the any station in the North Eastern Region . Such of those employees who are except from payment of Income tax will, however, not be eligible for this special (Duty) Allowance . Special (Duty) Allowance will be in addition to any Special pay and/or deputation (Duty) Allowance already being drawn subject to

will not exceed Rs. 400/- per month. Special Allowance like Special Compensatory Allowance will be drawn separately.

(iv). Special Compensatory Allowance :

Assam and Meghalaya :

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

2. Manipur

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

pay upto Rs. 260	Rs. 40/- p.m.
pay above Rs. 260/-	15% of basic pay subject to maximum of Rs. 150 p.m.

3. Tripura

The rates of the allowance will be as follows :

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

(b) Other areas

Pay upto Rs. 260/-

Rs. 40/- p.m.

Pay above Rs. 260/-

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

There will be no change in the existing rate of
special compensatory allowance admissible in Arunachal
Pradesh, Nagaland and Mizoram and the existing rate of
disturbance Allowance admissible in specified areas
of Mizoram .

3d/-

Under Secretary to the Govt. of India

F.No.20014/36/36E.IV/E.II(B)

Govt. of India, Ministry of Finance
Department of Expenditure.

New Delhi, the 1 Dec 1988

OFFICE MEMORANDUM

Subject : - IMPROVEMENT AND FACILITIES FOR CIVILIAN EMPLOYEES OF THE CENTRAL GOVT. SERVANT IN THE STATES OF NORTH EASTERN REGION ANDAMAN NICOBAR ISLAND AND LAKSHADWEEP

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

i). Tenure of posting/Deputation

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

ii). Weightage for Central deputation and training abroad

Special mention in confidential records :

The existing provisions as contained in this Ministry's O.M. dated 14.12.83 will continue. Cadre authorities are advised to give due weightage for satisfactory

performance of duties for the prescribed tenure in the North East in the matter of promotion in the cadre post deputation to Central tenure post and courses of training abroad.

iii). Special (Duty) Allowance :

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 a ceiling of Rs. 100/- per month on posting to any station in the north Eastern Region. Special (Duty) Allowance will 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 allowances like special compensatory (Remote Locality) Allowance, construction allowance and project allowance will be drawn separately.

The Central Govt. Civilian employees who are members of Schedule 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.

*Amendment
Draftable
D. No. 10*

Forwarded for information
and necessary action.

E.O. 11(2)/97-E.II(B)
Government of India
Ministry of Finance

ACROSS
(H. VENKATARAMAN)
ER. ADDL. INSPECTIVE OFFICER
(AUDIT RULES)

Department of Expenditure

90
Annexure-3.

New Delhi, Dated July 22, 1998.

OFFICE MEMORANDUM

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

With a view to attracting and retaining competent officers for service in the North-Eastern Region, comprising the territories of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura, orders were issued in this Ministry's O.M. No. 20014/3/83-E.IV dated December 14, 1983 extending certain allowances and other facilities to the Civilian Central Government employees serving in this region. In terms of paragraph 2 thereof, these orders other than those contained in paragraph 1(iv) ibid, were also to apply mutatis mutandis to the Civilian Central Government employees posted to the Andaman & Nicobar Islands. These were further extended to the Central Government employees posted to the Lakshadweep Islands in this Ministry's O.M. of even number dated March 30, 1984. The allowances and facilities were further liberalised in this Ministry's O.M. No. 20014/16/86/E.IV/E.II(B) dated December 1, 1986 and were also extended to the Central Government employees posted to the North-Eastern Council when stationed in the North-Eastern Region.

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

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

The provisions in regard to tenure of posting/deputation contained in this Ministry's O.M. No. 20014/3/83-E.IV dated December 14, 1983, read with O.M. No. 20014/16/86/E.IV/E.II(B) dated December 1, 1986, shall continue to be applicable.

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

The provisions contained in this Ministry's O.M. No. 20014/3/83-E.IV dated December 14, 1983, read with O.M. No. 20014/16/86/E.IV/E.II(B) dated December 1, 1986, shall continue to be applicable.

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

Central Government Civilian employees having an "All India Transfer Liability" and posted to the specified Territories in the North-Eastern Region shall be granted the Special [Duty] Allowance at the rate of 12.5 per cent of their basic pay as prescribed in this Ministry's O.M. No. 20014/16/86/E.IV/E.II(B) dated December 1, 1986, but without any ceiling on its quantum. In other words, the ceiling of Rs. 1,000 per month currently in force shall no longer be applicable and the condition that the aggregate of the Special [Duty] Allowance plus Special Pay/Deputation (Duty) Allowance, if any, will not exceed Rs. 1,000 per month shall also be dispensed with. Other terms and conditions governing the grant of this Allowance shall, however, continue to be applicable.

In terms of the orders contained in this Ministry's O.M. No. 20022/2/90/E.II(B) dated May 24, 1989, Central Government Civilian employees having an "All India Transfer Liability" and posted to serve in the Andaman & Nicobar and Lakshadweep Groups of Islands are presently entitled to an Island Special Allowance at varying rates in lieu of the Special [Duty] Allowance admissible in the North-Eastern Region. This Allowance shall continue to be admissible to the specified category of Central Government employees at the same rates as prescribed for the different specified areas in the O.M. dated May 24, 1989, but without any ceiling on its quantum. This Allowance shall also henceforth be termed as Island Special [Duty] Allowance. Separate orders in regard to this Allowance have been issued in this Ministry's O.M. No. 12(1)/91-E.II(B) dated July 17, 1991.

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

(iv) Special Compensatory Allowances

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

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

(v) Travelling Allowance on First Appointment

The existing concessions as provided in this Ministry's O.M. No. 20014/3/03-E.IV dated December 14, 1983 and further liberalised in O.M. No. 20014/16/06-E.IV/E.II(1) dated December 1, 1988, shall continue to be applicable.

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

The existing provisions as contained in this Ministry's O.M. No. 20014/3/03-E.IV dated December 14, 1983 shall continue to be applicable.

(vii) Leave Travel Concession

In terms of the existing provisions as contained in this Ministry's O.M. No. 20014/3/03-E.IV dated December 14, 1983, the following options are available to a government servant who leaves his family behind at the old headquarters or another selected place of residence, and who has not availed of transfer travelling allowance for the family:-

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

OR

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

These special provisions shall continue to be applicable.

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

Further, in modification of the orders contained in this Ministry's O.M. No. 20014/3/03-E.IV/E.II(1) dated December 1, 1988, Officers drawing pay of Rs. 17,400 and above and their families, i.e. spouse and two 'dependent' children [up to 18 years in respect of sons and up to 24 years in respect of daughters] will be permitted to travel by air on Leave Travel Concession between Agartala/Airport/Imphal/Iliban/ Silchar in the North East and Calcutta, and vice versa; between Port Blair in the Andaman & Nicobar Islands and Calcutta/Chittagong and vice versa; and between Kavaratti in the Lakshadweep Islands and Cochin/Trivandrum and vice versa.

(viii) Children Education Allowance and Hostel Subsidy

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

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

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

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

The orders contained in this Ministry's O.M. No. 11016/1/E-II(I)/94 dated March 29, 1984, and extended in this Ministry's O.M. No. 20014/16/86-E.IV/E-II(I) dated December 1, 1986, shall continue to be applicable.

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

As provided in this Ministry's O.M. No. 20014/16/86-E.IV/E-II(I) dated December 1, 1986, Central Government employees who are eligible for residential telephones may be permitted to retain their residential telephone at their last station of posting, provided the rental and all other charges are paid by the concerned employees themselves.

(xii) Medical Facilities

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

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

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

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

6. Hindi version will follow.

A. Subrahmanyam
(A. SUBRAHMANYAM)

Joint Secretary to the Government of India

7. All Ministry/Department of the Government of India [As per standard Distribution List] (1 copy)

8. Copy [with serial number of 1 per 1 copy] forwarded to CGAC, DPA, etc [As per standard Distribution List]

9. Copy [1] forwarded to Chief Secretary, Andaman & Nicobar Islands and Administrator, Lakshadweep.

/ COPY /

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

28/45
 New Delhi, the 12th Jan 1996.

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OFFICE MEMORANDUM

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

The undersigned is directed to refer to this Department's O.M. No. 20014/3/86-EI V dated 14.1.83 and 20.4.88 read with O.M. No. 20014/16/86.E.IV/E.II(B) dated 1.12.88 on the subject mentioned above.

2. The Government of India vide the above mentioned O.M. dt 14/12/83 granted certain incentives to the Central Government civilian employees posted to the NE Region. One of the incentives was payment of a "Special Duty Allowance" (SDA) to those who have "All India Transfer Liability".
3. It was clarified vide the above mentioned O.M. dt 20.4.87 that for the purpose of sanctioning "Special Duty Allowance" the All India Transfer Liability of the members of any service/cadre or incumbents of any post/group of posts has to be determined by applying the tests of recruitment zone, promotion zone etc. i.e. whether recruitment to service/cadre/post has been made on all India basis and whether promotion is also done on the basis of an all India common seniority list for the service/cadre/post as a whole. A mere clause in the appointment letter to the effect that the person concerned is liable to be transferred anywhere in India, did not make him eligible for the grant of SDA.
4. Some employees working in the NE Region approached the Hon'ble Central Administrative Tribunal (CAT) (Guwahati Bench) praying for the grant of SDA to them even though they were not eligible for the grant of this allowance. The Hon'ble Tribunal had upheld the prayers of the petitioners as their appointment letters carried the clause of All India Transfer Liability and accordingly, directed payment of SDA to them.
5. In some cases, the directions of the Central Administrative Tribunal were implemented. Meanwhile, a few Special Leave Petitions were filed in the Hon'ble Supreme Court by some Ministries/Department against the orders of the CAT.
6. The Hon'ble Supreme Court in their judgement delivered on 20.9.94 (in Civil Appeal no. 3251 of 1993) upheld the submission of the Government of India that Central Government civilian employees who have all India transfer liability are entitled to the grant of SDA, on being posted to any station in the NE Region from outside the region and SDA would not be payable merely because of the clause in the appointment order relating to all India Transfer Liability. The apex Court further added that the grant of this allowance only to the officers transferred from outside the region to this region would not be violative of the provisions contained in Article 14 of the Constitution as well as the equal pay doctrine. The Hon'ble court also directed that whatever amount has already

Contd...2..

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been paid to the respondents or for that matter to other similarly situated employees would not be recovered from them in so far as this allowance is concerned.

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

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

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

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

10. Hindi version of this OM is enclosed.

Sd/- xx xx xx
(C. Balachandran)

Under Secy to the Govt. of India

All Ministries/Departments of Govt of India, etc.

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Annexure-5

ANEXURE-P-2(Colly)

47-
No. 20014/3/83-E.IV
Government of India
Ministry of Finance
Department of Expenditure

Now Delhi, the 20th April, 1987
J. B. S.

OFFICE MEMORANDUM

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

....
The undersigned is directed to
refer to para 1(iii) of Ministry of Finance
Department of Expenditure O.M. No. 20014/3/83-
E.IV dated 14th December 1983 as amended vide
Office Memorandum of even number dated 29.10.86
on the above subject, which is reproduced below:-

1(iii) "Special (Duty) Allowance".

"Central Government civilian employees

contd.

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1 2 3
who have all-India transfer liability will be granted a special (duty) allowance at the rate of 25% of basic pay subject to a ceiling of Rs.400/- per month on posting to any station in the North Eastern Region. Special (Duty) Allowance will be in addition to any special pay and/or Deputation (Duty) Allowance already being drawn subject to the condition that the total of such Special (Duty) Allowance plus special pay/Deputation (Duty) Allowance will not exceed Rs.400/- p.m. Special Allowance like special compensatory (remote locality) allowance, construction allowance and Project Allowance will be drawn separately."

2. Instances have been brought to the notice of this Ministry where special (duty) allowance has been allowed to Central Government

contd.

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

3. Financial Advisers of the administrative Ministries/Departments are requested

contd.

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

(A. N. SINHA)
DIRECTOR (EG)
TELE: 3011819

To

Financial Advisors of all Ministries/Departments.

....

NO.14017/21/83-AIS II

Govt. of India, Ministry of Home Affairs, Deptt. of Personnel & A.R.

New Delhi 3 Feb. 1984.

To:

The Chief Secretary to the Govt. of Assam, Dispur
 The Chief Secretary to the Govt. of Meghalaya
 The Chief Secretary to the Govt. of Manipur, Imphal
 The Chief Secretary to the Govt. of Tripura.
 The Chief Secretary to the Govt. of Nagaland.

Sub :- Allowances and facilities for members of the All India Services serving in the States and U.T. of North Eastern Region, improvement thereof.

Sir,

I am directed to say that the Ministry of Finance (Dept. of Expenditure) have issued orders revising the existing allowances and facilities admissible to the various categories of Central Government employees serving in the N.E. Region comprising of the States of Assam, Meghalaya, Manipur, Tripura, Nagaland and the U.T. of Arunachal Pradesh and Mizoram vide their Office Memo No.20014/3/83 E.IV dt. 14.12.83 a copy of this memo is enclosed.

The Central Government are of the view that the different conditions in which the members of the All India Services have to serve in the N.E. Region are similar as in the case of Central Government employees are posted in the region on a tenure basis, members of the All India Services allocated to the cadres of the States in the region have to serve in the region for longer period. In fact, most of them have to serve in these areas for their entire service period except with some of them may be on Central deputation outside the North Eastern Region. Obviously the need for improving the service condition of members of the All India Services serving in the region cannot be overlooked and if anything those should be better than those who are deputed for only short tenures of 2/3 years.

I am, therefore, to request the State Government to extend the orders contained in the Min. of Finance, Deptt. of Expenditure office Memo No.8001/3/83-E.IV dt.14.12.83 to members of all India Services serving in connection with the affairs of the State Govt. with effect from the dates these have been applied to Central Govt. employees.

Yours faithfully,

Sd/- Illegible
 Dy. Secy. to the Govt. of India.



BY SPEED POST

R SIVASUBRAMANIAN
ASSTT. COMPT. & AR. GENL(N)

Annexure - 7
No. 996-CE.II/8-97

भारत के नियंत्रक-महालेखापरीक्षक का कार्यालय
10, बहादुरशाह जफर मार्ग,
नई दिल्ली - 110 002
OFFICE OF THE
COMPTROLLER & AUDITOR GENERAL
OF INDIA
10, BAHADUR SHAH ZAFAR MARG,
New Delhi - 110 002
दिनांक / DATE JULY 16, 1999

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Dear Shri Ghosh,

Kindly refer to your demi official letter number Estt(Au)/1-12(A)/98-99/556 dated July 5, 1999 about admissibility of Special Duty Allowance.

2. As it is, only such Central Government civilian employees having All India transfer liability are, on posting to North Eastern Region, Andaman and Nicobar Islands, Lakshadweep and Sikkim, entitled to Special Duty Allowance, presently @ 12½% of their basic pay.

3. Some employees working in the North Eastern region who were otherwise not entitled to this allowance did approach CAT praying for the grant of this allowance and CAT upheld their prayers as their appointment letters carried the clause of All India transfer liability.

4. The apex court, in its judgement dated September 20, 1994, however, upheld the submissions of the Government made in the appeal against CAT's judgement that the employees who had All India transfer liability were entitled to this allowance only on posting in the North Eastern Region etc. from outside the region and it would not be payable merely because of the clause in the appointment order relating to All India transfer liability.

5. Based on the Supreme Court judgement, Ministry of Finance issued clarificatory orders vide OM No. 11(3)/95-E.II(B) dated January 12, 1996 and making it clear that while the amount already paid on account of Special Duty Allowance to the ineligible persons on or before September 20, 1994 would be waived, the amount paid to them after September 20, 1994 would be recovered.

6. Thus, Special Duty Allowance is admissible only to those who have All India transfer liability and who are posted to the North Eastern Region etc. from outside that region/state. An officer can be said to have All India transfer liability if :

(a) recruitment to the cadre/post has been made on All India basis and

फ़ोन / Phone : 3231440, 3231761
टेलेकॉम / Telex : 031-65981, 031-65847

गार./ Telegram : ARGEL NEW DELHI
फैक्स / Fax : 91-11-3235446, 91-11-3234014

(b) promotion is also done on the basis of All India common seniority list for the cadre/post as a whole.

7. The employees who do not fulfil the twin conditions, All India transfer liability and posting to the North Eastern region etc. from outside that region/state, cannot be granted Special Duty Allowance. The CAG's judgement is no more valid in view of the apex court's order upholding the appeal of the Government against the judgement of CAG.

8. I have, therefore, been directed to request you to ensure that the employees who do not fulfil the conditions are not granted this allowance on the specious plea that ineligible officers in other departments are drawing this allowance.

Yours sincerely

[Signature]

(R. Selvamurugan)

Sr. Secy. (Coch),
Accountant General (Audit),
Tribunal
ACG(A&E) 781029

No. 997-CE, II/8-97, dated JULY 16, 1999

16 JUL 1999

(Copy) for information and necessary action, to :

- (1) Shri DJ Bhadra, Accountant General(A&E), Assam, Cauhati-781029.
- (2) Shri K Manjit Singh, Accountant General(Audit), Assam, Cauhati-781029.
- (3) Shri RK Verma, Accountant General(Audit), Kerala, Trivendrum-695039.
- (4) Shri Roy S Mathrani, Accountant General(Audit), Manipur, Imphal-795001.
- (5) Shri Vashum Sword, Accountant General(A&E), Meghalaya, Shillong-793001.
- (6) Shri Rochila Sajawi, Accountant General(Audit), Meghalaya, Shillong-793001.
- (7) Shri ER Solomon, Accountant General(Audit), Nagaland, Kohima-797001.
- (8) Shri AWK Langstieh, Accountant General(Audit), Sikkim, Gangtok-737101.
- (9) Smt. Mala Sinha, Pr. Director of Audit, Central, Poddar Court, 18, Rabindra Sarani, Calcutta-700001.

Mannan

Asstt. Compt. & Ar. Genl(N)

16/1

CIVIL AUDIT & ACCOUNTS ASSOCIATION

MANIPUR

OFFICE OF THE ACCOUNTANT GENERAL, MANIPUR
IMPHAL - 795001

Sl. No. 1537

Affiliated to the All India Audit & Accounts Association, New Delhi.

No. CAAA / Imphal / 99-2000/118

Dated Imphal, the 22-7-99

To

The Accountant General (Audit)
Manipur

Subs: Payment of Special (Duty) Allowance to All Group 'A', 'B' 'C' and 'D' employees posted in both the offices of the Accountant General (Audit) Manipur and Sr. Dy. Accountant General (A&E), Manipur

Re: Asstt. Comptroller & Auditor General (N)'s letter No. 996-G.E-II/8-97 dated 16-7-99.

Sir,

This Association has understood that the payment of Special (Duty) Allowance to all Group 'A' 'B' 'C' and 'D' posted in both the offices of the Accountant General (Audit) Manipur and Sr. Dy. Accountant General (A&E), Manipur, has been doing an anomalous manner since 1-11-1983 due to anomalous interpretation of "All India Transfer Liability" at the wisdom of Heads of Offices posted in these offices from time to time. Now, the matter has been clarified by the Asstt. Comptroller & Auditor General (N) vide his letter No. 996-G.E-II/8-97 dated 16-7-99 as an executive order. We had carefully discussed it and this Association feel it unjustified as per findings enclosed (Comprehensive Note on Special (Duty) Allowance for North Eastern Region dated 21-7-99).

2. In terms of para 4.7 of the Comprehensive Note, the Hon'ble Apex Court also observed that denying Special (Duty) Allowance to local officers of N.E.R. was not regarded as violative of Article 14 of the Constitution. However, these Appex Court's observation was not followed by many Central offices of N.E.R. including these two offices as two conditions stated in Motor General Traders v. State of A.P. (1984)/SCC 222,229,230 held by the Appex Court were not fulfilled. Accordingly, previous local A.G (Shri K. Vaiphei), Sr.DAG (N. Neihsial), DAG (Audit) S. Hongrey, DAG (Atnikho Chalai) etc. including A.G (Nagaland) E.R. Solomon draw a Special (Duty) Allowance from these two offices.

In view of the grounds stated above, you are requested to kindly prepare pay bills to all Group 'A' 'B' 'C' and 'D' employees of this office with Special (Duty) Allowance at prescribed rate fixed by the Ministry of Finance, O.M. dated 14-12-83 as amended from time to time.

Yours faithfully,

(/c) (L. Brajakumar Singh)
General Secretary

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.263 of 1999

Date of decision: This the 25th day of February 2000

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

The Hon'ble Mr G.L. Sanglyine, Administrative Member

Civil Accounts Association and
5 othersApplicantBy Advocate Mr J.L. Sarkar, Mr M. Chanda,
Mrs S. Deka & Mr G.N. Chakraborty.

-versus-

Union of India and othersRespondents

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

.....
ORDERBARUAH.J. (V.C.)

In this application the applicant No.4, i.e. Coordination Committee Civil Audit, Civil Accounts Association, seeks certain directions to the respondents. According to the applicant No.4, the members of the Association are employees of the Office of the Accountant General, Manipur, Imphal. They claim Special (Duty) Allowance (SDA for short) on the basis of the Annexure 1 Office Memorandum dated 14.12.1983. It is also stated by the said applicant that similarly situated persons have been granted SDA on the basis of the aforesaid O.M. by the same department, totally discriminating the members of the applicant No.4 association. Being aggrieved the association submitted Annexure 6 representation dated 22.7.1999. However, the said representation has not yet been disposed of. Hence the present application.

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2. We have heard Mr. M. Chanda, learned counsel for the applicant and Mr. B.S. Basumatary, learned Addl. C.G.S.C. Mr. Basumatary disputes the claim of the applicant association on the ground that as per the decision of the Apex Court, the benefit of the O.M. dated 14.12.1983 is not applicable to the present applicant association. To counter this, Mr. Chanda submits that in a recent case the Supreme Court passed an order in Civil Appeal No.5456 of 1999. The SLP has been admitted condoning the delay and directed, as an interim measure, to pay SDA to those persons who are locally recruited Telecom employees of the North Eastern Region. The respondents in that appeal were asked to pay SDA by way of interim measure upto 13.3.2000. According to the applicant association, the members of the association are similarly situated with the above case, inasmuch as they were recruited locally in the Telecom Department.

3. As the Annexure 6 representation submitted by the applicant association has not been disposed of, it is difficult for this Tribunal to decide the matter because we are deprived of the views of the department, more specifically why the applicant association has been discriminated while similarly situated persons have been paid SDA.

4. In view of the above, we dispose of this application with direction to the respondents to consider the case of the applicant association and the alleged claim of violation of Article 14 of the Constitution and pass a reasoned order as early as possible, at any rate within a period of two months from the date of receipt of this order.

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5. Mr Chanda also prays that as an interim measure the respondents may be directed to pay SDA to the applicant. We leave it to the respondents to consider the same.

5. The application is accordingly disposed of. No order as to costs.

Sd/-VICE CHAIRMAN

Sd/-MEMBER(ADM)

Certified to be true Copy

ପ୍ରାପ୍ତିକାରୀ ପରିଚିତି

11/3/2000

ମୁଦ୍ରଣ ତାରିଖ
ମାତ୍ରମାତ୍ର ଅବଧି
Central Appellate Tribunal
କେନ୍ଦ୍ରୀୟ ଅଧିକାରୀ ବିଭାଗ
Guwahati - 781 006, Assam
ଅଧିକାରୀ ପରିଚିତି-6

18/3/2000

New Delhi, the 6th June, 2000.

OFFICE MEMORANDUM

Subject: Judgement passed on 25.2.2000 in CAT, Guwahati Bench in OA No.263/99 filed by Civil Accounts Association & 5 Ors. Vs UOI & Ors. in the matter of Special Duty Allowance.

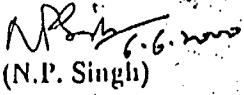
The undersigned is directed to invite a reference to this Ministry's O.M.No.20014/3/83-E.IV dt. 14.12.83 and 20.4.1987 read with O.M. dt. 1.12.88 relating to grant of Special Duty Allowance (SDA) to Central Government servants who have All India Transfer Liability and are posted in the N. E. Region. The term All India Transfer Liability is determined by applying the tests of recruitment zone, promotion zone etc., i.e. whether recruitment to service/cadre/post has been made on all India basis and whether promotion is also based on all India common seniority list for the service/cadre/post as a whole. This incentive of SDA was not intended for those Central Government servants who have merely a clause in the appointment order relating to All India Transfer Liability. However, in a number of cases SDA was allowed to Government servants, otherwise ineligible, on the plea that their appointment order contained a clause for All India Transfer Liability. When the grant of SDA was stopped in their case, a number of employees working in different offices filed applications before CAT. In a number of cases, the Tribunal decided the matter in favour of employees. Thereupon, an SLP was filed before the Supreme Court of India.

2. The Supreme Court in their judgement delivered on 20.9.94 in Civil Appeal No.3251 of 1993 upheld the contention of the Government of India that Central Government civilian employees who have All India Transfer Liability are entitled to the grant of SDA, on being posted to any station in the NE Region from outside the region and SDA would not be payable merely because of the clause in the appointment order relating to All India Transfer Liability. The Apex Court further added that the grant of this allowance only to the officers transferred from outside the region to this region would not be violative of the provisions contained in Article 14 of the Constitution as well as the equal pay doctrine. Consequently, in pursuance to the judgement of the Supreme court, necessary instructions were issued vide Ministry of Finance (Dept. of Expenditure), O.M.No.11(3)/95-E.II.(B) dt. 12.1.96. With the issue of these instructions, the matter regarding admissibility of SDA to Central Government employees stand settled. As these instructions are based on the judgement of the Supreme Court, these have the force of law for its applicability on all India basis. Accordingly, the cases of all Central Government employees, in the matter of grant of SDA, are required to be regularised in terms of the provisions of O.M. dt. 12.1.96 ibid.

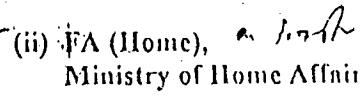
3. It is observed that Association of Civil Accounts, Civil Audit and employees of Sepsus filed applications before the CAT, Guwahati Bench for grant of SDA on the basis of an interim order dated 13.1.2000 passed by the Supreme Court of India in Civil

Att on 2nd
Date
2000

Appeal No.5456/99 in the matter of UOI & Ors. vs Telecom Engineering Employees Union & Ors. The CAT, Guwahati Bench in OA No.263/99 has issued directions to respondents to consider the case of applicants association and alleged claim of violation of Article 14 of the Constitution and pass a reasoned order. The matter has been examined in the light of position explained in paras 2 & 3 above viz. the claim for grant of SDA stand settled with the judgement of the Supreme Court delivered in CA No.3251/93 and the cases of all Central Government employees are to be regularised in terms of O.M. dt. 12.1.96 issued in pursuance to this judgement of the Supreme Court. The interim order dt. 13.1.2000 of the Supreme Court of India in CA No.5456/99 makes exception in case of employees of the Dep't. of Telecom. The cases of Central Government employees in general, therefore, cannot be considered in terms of this interim order.


(N.P. Singh)

Under Secretary to the Government of India.

- (i) Office of C&AG,
Bahadurshah Jaffar Marg,
New Delhi.
- (ii) 
MEA (Home),
Ministry of Home Affairs.
(Attn: Letter No.B-11011/1/99-Well./2905 dt. 29.3.2000 of the office of the
Director of Census of Operations, Manipur (copy enclosed)).

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Annexure - 13

ORDER

In compliance of orders dated February 25, 2000 passed by Hon'ble CAT Guwahati Bench in OA No.263 of 1999 filed by Civil Audit & Accounts Association, Manipur for the grant of Special (Duty) Allowance (SDA) for short) to all the employees posted in the offices of Indian Audit & Accounts Department in Manipur on the basis of Ministry of Finance OM dated December 14, 1983, the case of the Association as contained in the representation dated July 22, 1999 has been carefully considered in consultation with Ministry of Finance.

2. In the said representation, submitted as a rejoinder to this office letter dated July 16, 1999 clarifying the position regarding admissibility of SDA to the employees posted in the North Eastern Region (NER for short), the Association has requested that all the employees of the office of the Accountant General, Manipur be granted SDA as denial of this benefit to all is unjustified and violative of Article 14 of the Constitution.
3. It has been clearly mentioned in the OM dated December 14, 1983 that the Central Government Civilian employees having all India transfer liability shall be granted SDA on posting to NER. What will constitute all-India transfer liability for the purpose of sanctioning SDA has also been clearly defined in the OM dated April 20, 1987. It has been clarified in the said OM that for the purpose of sanctioning SDA, the all India transfer liability is to be determined by applying the tests of recruitment zone, promotion zone etc. i.e. whether recruitment to the service/cadre/post has been made on an all India basis and whether promotion is also done on the basis of the all-India zone of promotion based on common seniority list for the service/cadre/post as a whole. It has also been made clear that SDA will not be admissible merely because of the clause in the appointment order relating to all India transfer liability. SDA is, as held by the Apex Court in Civil Appeal No.3251 of 1993 in the case of Union of India vs. S. Vijaykumar, meant to attract persons from outside NER to work in that region because of inaccessibility and difficult terrain. SDA was not introduced due to increase in disturbance, insurgencies etc. in that region. Hon'ble Supreme Court has also upheld the submissions of the Central Government in the S. Vijaykumar's case 1994 Suppl.(3) SCC 649 that only those Central Government civilian employees who have all India transfer liability, as clarified in OM dated April 20 1987, are entitled to SDA on posting to NER from outside the region and SDA shall not be payable merely because of the clause in the appointment order relating to all India transfer liability (which is normally stipulated as per FR 15). The Apex Court has

Attended
John
K

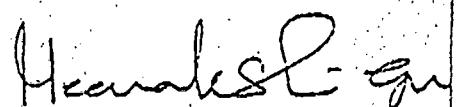
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also held that grant of SDA is admissible only to officers transferred to NER from outside and is not violative of the provisions contained in Article 14 of the Constitution or the doctrine of equal pay for equal work.

4. On the SLP filed by the Central Government in the National Union of Telecom Engineering Employees case, Hon'ble Supreme Court has in its recent orders dated April 28, 2000 stayed the impugned judgement of Hon'ble CAT, Cuttack Bench in view of the Apex Court's decision in the cases of Union of India Vs. S. Vijaykuumar 1994 Suppl (5) SCC 649 and Union of India Vs. Executive Officers' Assistant Group 'C' 1995 Suppl(5) SCC 757. Ministry of Communications has accordingly advised all offices to immediately discontinue payment of SDA to the ineligible employees.

5. It is thus clear that only such civilian employees of the Central Government having all India transfer liability which is determined by applying the tests of recruitment zone, promotion zone etc., and not by applying the clause relating to transfer liability in accordance with FR 15, are entitled to SDA when they are posted to NER on transfer from outside that region. Hon'ble Supreme Court has held that grant of SDA only to officers posted to NER from outside that region is not violative of the provisions contained in Article 14 of the Constitution and the doctrine of equal pay for equal work. Government has issued instructions for discontinuance of payment of SDA to ineligible officials. In any case, SDA cannot be granted to employees who do not fulfil the requisite conditions merely because some ineligible persons elsewhere are being paid this allowance irregularly. The employees of the office of the Accountant General, Manipur do not have all India transfer liability and hence they are not entitled to SDA. Denial of SDA to them is thus not violative of Article 14 of the Constitution of India. Accordingly, there is no merit in the representation of the Association for the grant of SDA to every employee posted in NER.



6
(Meenakshi Gupta)
Asstt. Compt. & Auditor
General (N).

JULY 6, 2000

Co-ordination Committee of Civil Audit & Accounts Association, Manipur

OFFICE OF THE ACCOUNTANT GENERAL, MANIPUR
IMPHAL-795001

Sl. No. 335

Affiliated to the All India Audit & Accounts Association, Ghaziabad (U.P.)

No. Co-ord / CAAA / Imphal / 25-01/63

Dated Imphal, the 25-7-2000.

To,

The Accountant General,
Manipur, Imphal.
(Controlling Authority of both A&E and Audit Offices)

Sub:- To withdraw your office intimation dated 18-07-2000 read with Asst. C&AG(N)'s order dated 06-07-2000 in which Special Duty Allowances snatched away from the eligible employees of Accountant General, Manipur -incorrect implementation of CAT, Guwahati Bench O.A. NO.263 of 1999 passed on 25 02-2000.

Sir,

We are directed to submit an extract copy of resolution passed by Civil Accounts Association, Civil Audit Association, All India Census Employees Association, Manipur in its Working Committee meeting held on 19-07-2000 for your kind information and necessary disposal within a month from the date of receipt of this letter.

Extract copy of Resolution

"This Working Committee of Civil Accounts Association, Civil Audit Association and All India Census Employees Association, Manipur carefully considered an order dated, 06-07-2000 issued by Asst. C&AG (N) in compliance order dated Feb 25th 2000 passed by Hon'ble CAT, Guwahati bench in OA No 263 of 1999 file&by Civil Audit, Accounts Association and All India Census Employees Association, Manipur for the grant of *Special Duty Allowance* to all the employees posted in the offices of Accountant General Manipur and decided to press for issue of an order afresh at the level of Head of Office in consultation with higher authority, if necessary, within a period of one month so as to grant SDA to the aforesaid members from the due dates on the following grounds:

Asst C&AC (N) is not a competent Authority to issue an order amending original O.M. Dated December 14th, 1983 which was issued in the name of the President. Under Article 283 of the Constitution he has nothing to do regarding payment of Pay and Allowances including SDA to the members of the

O/C

Association vide Rule 92 of Central Government Account (Receipt and Payment) Rules, 1983.

(ii) Original O.M. dated December 14th, 1983 under which a condition was imposed for grant of SDA as "*all India transfer liability has been wrongly interpreted by the Asst.C&AG (N)*" repeatedly on 16-07-1999 and 06-07-2000 based on illegal and void O.M.s dated 20-04-87, 12-01-1996 so as to deprive of SDA to the eligible members of this Association. The members of this Association saddled with all India transfer liability as per FR 15 read with FR 11 which issues in the name of the President.

(iii) A clarification O.M. dated 20-04-1987 under which a condition imposed that, all India transfer liabilities is to be determined by applying the tests of recruitment zone, promotion zone, etc. i.e., whether recruitment to the service /cadre/post has been made on all India zone of promotion based on common seniority list for the service/cadre/post as a whole, was issued by orders of an officer of the Ministry of Finance without the name of the President and thus attempted to snatched away SDA from the eligible members of this Association without any valid reason. Therefore this O.M. is ultra vires to Article 14 of the Constitution. Under OA 263 of 1999 respondent No 1 (Secretary to the Govt. of India, Ministry of Finance) who issued the aforesaid O.M. dated 20-04-1987 was a necessary party. Such clarifications issued up to the level of Secretary to the Government of India, Ministry of Finance that restricted SDA to the eligible members of this Association are therefore not enforceable in the eye of law and treated as orders issued in the personal capacity of the concerned officer. Therefore, *O.M. dated 20-04-1987 and the consequent clarifications including Asstt. C&A G(N)'s order dated 06-07-2000 are invalid orders and not to be treated as orders of the Government of India as per Government of India (Allocation of Business) Rules, 1961.*

(iv) The status of Hon'ble Judges of CAT is higher than that of Secretary to the Govt. of India and any opinion of the Hon'ble Judges cannot be easily overruled by a Secretary or his subordinate officers in so far as the case of members of this Association are concerned. The facts furnished by the Asstt. C&A G(N) in its order dated 06-07-2000 are contradictory with the records of the Hon'ble Tribunal, the Ministry of Finance and the Ministry of Personnel so as to deprive of SDA to the eligible members of this Association and mislead the Hon'ble Tribunal in the contempt of Court Case already registered under C.P. 14 of 2000.

(v) In O.A. 263 of 1999, this Association in para 5.7 submitted that O.M. dated 20-04-1987, 12-01-1996 and Asstt.C&AG(N)'s letter dated 16-07-99 were violation of Rule 15 read with Rule 11 of Fundamental Rules, 1922 and any clarification issued without the sanction of the President of India without giving any

opportunity to the effected persons consequent to O.M. dated 14-12-83, is not tenable in the eye of law and *violative of natural justice*. The Asstt.C&AG(N) in its order dated 06-07-2000 failed to furnish a reason thereof even after the Hon'ble Tribunal directed to pass a reasoned order.

(vi) The Asstt.C&AG(N) or the authority attempted to enforce the verdicts of (a) Union of India vs. S.Vijaykumar 1994 Suppl(5) SCC 649 and (b) Union of India vs. Executive Officers Assistant Group 'C' 1995 Suppl(5) SCC 757 to the members of this Association. However, if the authority intended to enforce the aforesaid verdicts to the members of this Association on all India basis in terms of Order 1 Rule 8 of Code of Civil Procedure, 1908 prior to passing the above judgements, the authority or Asstt.C&AG(N) must issue a public advertisement with the permission of the Hon'ble Supreme Court so as to enable to the member of this Association to submit objections in time in the above cases. As the members of the Association were ~~not~~ parties in the aforesaid cases. The authority failed to do it and not complied laws made by the Parliament. Therefore, the aforesaid judgements are not enforceable to the employees of this Association on all India basis and the judgements would be treated as *judgement in personam*. For example, in case of Telecom employees court cases only Telecom employees got SDA but employees of A.G.Manipur and Census Operations, Manipur who did not join the case never got SDA. Besides this, the contentions of the members of this Association raised in O.A. 263/99 was not placed before the Supreme Court and considered in the aforesaid cases.

(vii) Even after passing of interim orders on 12.01.2000 and 28.04.2000 under SLP filed by the Central Government in the National Union of Telecom Engineering Employees case the Telecom authorities are still making payment SDA to all Group 'B' 'C' and 'D' employees till today i.e. till the pay of June,2000 as it is legitimate claim of the employees of the Ministry of Communication and *in pursuance of a Supreme Court order dated 23.07.1992 in the Union of India vs. K.C.Sharma & others(SLP No.9381), the authority is still paying SDA to Group 'B', 'C' and 'D' employees who are similarly situated with the employees of A.G. Manipur and Director of Census Operations, Manipur*. Besides this, the Head of Office (Accountant General and Director Census Operations, Manipur) authorised SDA to the resident of North Eastern Region who are Class-I Officer saddled with all India transfer liability till today without any specific approval of Head of Department. The Asstt.C&AG(N) failed to furnish a reason thereof inspite of directed by the Hon'ble Tribunal. Therefore, *the view of Asstt.C&AG(N) or authority is partial and shows non-application of mind*. The Asstt. C&A G(N) further failed to apply law of equitable consideration pronounced in several cases by the Hon'ble Supreme Court.

(viii) In O.A. 263 of 1999, this Association in para. 5.8 submitted that for the action of the respondents created anomalous amongst Group A B C and D without fulfil

two conditions stipulated for permissible classification under Article 14 of the Constitution of India as enunciated by the Appex Court in Motor General Traders v. State of A.P.(1984)/SCC 222,229,230. However, the authority failed to furnish a reason that the two conditions stipulated by the Hon'ble Supreme Court have been fulfilled in the impugned O.Ms dated 20-04-87, 12-01-96 and Asstt. C&AG(N)'s letter dated 16-07-99 and order dated 06-07-2000 even the Hon'ble Tribunal directed to pass a reason order thereof. Therefore, authority clearly violated Article 14 of the Constitution of India and shows non-application of mind.

- (ix) In order to attract and retain the services of competent officers Special Compensatory (Remote Locality) Allowance was also sanctioned under the aforesaid O.M.s dated 14-12-1983, 01-12-1988 and 27-07-1998 to the Cenetal Government Employees posted in North Eastern Region and this allowance is still paid to all resident and non-resident central government employees of North Eastern Region without any classification. *The aforesaid O.M.s intended to grant SDA to the members of this Association too in order to attract and retain their services due to increase of disturbance, insurgencies etc. in North Eastern Region.* The Asstt. (C&A G (N) or the Authority without taking into account relevant records available in the Department of Personnel attempted to mislead facts of the Government of India.
- (x) The Asstt. C&AG(N) and Head of Office failed to implement orders of Hon'ble Tribunal in letter and spirit for which a contempt of court case already registered as C.P. No.14 of 2000 before the Hon'ble Tribunal. The President of India is the sole sanctioning authority of allowances including SDA and under Article 283 of the Constitution of India the Head of Office (not the Head of Department) is the sole authority for making payment of pay and allowances including Special Duty Allowance therefore, the action of the Assistant C&AG(N) is void, illegal and without any jurisdiction in the eyes of law.

The Working Committee Meeting, therefore, resolved to place the above facts before the authority so as to pass a reasoned order by the Competent Authority i.e. Head of Office afresh making payment of SDA to the employees within a period of one month in compliance of the Presidential Order.

Further, resolved that a general body meeting of the association will held on 28-08-2000 after one month to consider for any industrial action if due SDA is not paid to all the members of this Association within the stipulated time.

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The Working Committee further resolved to return the Order dated 06-07-2000 of Asstt. C&A G(N) in original to the concerned Asstt. C&A G(N) through the Head of Office".

Encl:- An original intimation

Dated 18-07-2000 with
Order dated 06-07-2000
of Asstt. C&A G(N)

Yours faithfully,

L. Brajakumar Singh 25/7/2000
(L. BRAJAKUMAR SINGH)

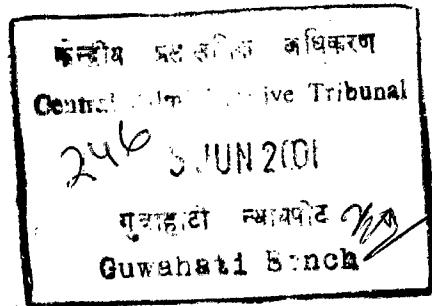
General Secretary,
Civil Accounts Association, Imphal.

P.S. 25.7.2000
(Y. PISHAK SINGH)
General Secretary,
Civil Audit Association, Imphal

*Copy to - All the Hon'ble Members for information
of the Civil Audit Association, Civil Accounts Association
and all other various operating Employees Association
Members Branch and Secretary Divisional
Accountants Association, Members*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI

File No. 12857
S.C. 86



O.A. NO. 53 OF 2001

Civil Accounts Association & Ors

-Vs-

Union of India & Others

-And-

In the matter of :

Written Statement submitted by the Respondents

The respondents beg to submit the written statement as follows :

1. That with regard to para 1 to 4.4, the respondents beg to offer no comments.
2. That with regard to para 4.5, the respondents beg to state that there is no anomalous interpretation of the term "All India Transfer Liabilities" contained in O.M. dated 14-12-83 which allows drawal of Special Duty Allowance by some officers of IA&AD posted in the office of the Accountant General located in North Eastern Region.

The Respondent No.3 has clarified the meaning of the term "All India Transfer Liability" in its letter dated 16-07-99 (Annexure-5) to the application as,

- (a) Recruitment to the Cadre/post has been made in All India basis.
- (b) Promotion is also done on the basis of All India Common Seniority list for the cadre post as a whole.
3. That with regard to para 4.6, the respondents beg to state that the representation dated 22-07-99 submitted by the applicants is not entertainable on the ground that the members of the Association do not fulfill the condition of All India Transfer Liability in view of the Supreme Court's decision in Civil Appeal No.3034 of 1995 decided on 23-02-1995.

A copy of the Apex Court's decision dated 23-02-95 is annexed hereto and marked as Annexure - R1.

4. That with regard to para 4.7, the respondents beg to state that the submission of the applicants that they have got All India Transfer Liability is not true since they do not belong to all India cadre/post and their promotions are not made on the basis of All India Common Seniority.

5. That with regard to para 4.8, the respondents beg to state that the respondent has no comment to offer since the para states the position of the Government of India O.M. dated 20-04-87, dated 01-12-88 and 12-01-96..

6. That with regard to para 4.10, the respondents beg to offer no comments.

7. That with regard to para 4.11, the respondents beg to state that it has nothing to offer except that the para is not relevant to the present application/issue.

8. That with regard to para 4.12, the respondents beg to offer no comments.

9. That with regard to para 4.13, the respondents beg to state that the Apex Court in Union of India Vs S. Vijay Kumar 1994 Suppl (5) SCC 649 held that grant of SDA only to offices transferred to North Eastern Region from outside is not violative of the provisions of the Art. 14 of the Constitution of India.

10. That with regard to para 4.14, the respondents beg to state that the SDA is meant for attracting and retaining the service of the competent officers for service in the North Eastern Region and therefore there is no question of classification amongst the officers of the same cadre/post in the same office. Hence non payment of the allowance to the local officers serving in the North Eastern Region is not regarded as violative of Art 14 of the Constitution in terms of Supreme Court's ruling in the case of Union of India & Ors. Vs S. Vijay Kumar and Others - Civil Appeal No.3251 of 1993 with Civil Appeal Nos. 6163-81 of 1994 decided on 20-09-94.

A copy of the order dated 20-09-94 is annexed herewith and marked as Annexure - R2

11. That with regard to para 4.14(2), the respondents beg to state that grant of SDA to the Group 'C' employees who have localized cadre and are not holding transferable post outside the local cadre is not covered by rules. In the present case, the applicants belong to North Eastern Region, their cadre is a localized cadre and are not liable to be transferred anywhere in India as they were not recruited on All India basis and their promotion is not done on the basis of an All India common seniority list for the service/cadre/post as a whole.

12. That with regard to para 4.15, the respondents beg to state that the representation dated 22-07-99 is not entertainable on the ground that the SDA is granted by the Government of India to those who are having the All India transfer liability whereas the applicant's cadre is a localized cadre and they are not holding transferable post on All India basis. The incumbents mentioned in the para are having All India transfer liability and hence drawal of SDA by them on their posting in NER is regular.

13. That with regard to para 4.16, the respondents beg to offer not disputed.

14. That with regard to para 4.17, the respondents beg to state that the O.M. dated 06-06-2000 issued by the Government of India, Ministry of Finance was after examination of the present applicant's case and in the light of the judgment delivered on 20-09-94 by the Supreme Court in Civil Appeal No.3251/1993.

15. That with regard to para 4.18, the respondents beg to state that the order dated 06-07-2000 issued by the Assistant Comptroller & Auditor General of India was in compliance with the direction of the Hon'ble Tribunal's order where the Hon'ble Tribunal directed the respondents to pass a reasoned order. The order dated 06-07-2000 is a reasoned order and while issuing a reasoned order as per direction of a court of law there is no violation of the Rule 92 of Central Government Account (Receipt & Payment) Rules 1983 although the said order concerns with pay & allowances.

The direction of the Supreme court in the case of Union of India Vs V.S. Prasad reported in 1997(2)scale 3 was related with the Defence Civilian

Personnels deployed in the border area. The present applicants are not Defence Civilian personnel and their case cannot be squarely covered by the said direction of the Supreme Court.

16. That with regard to para 4.19, the respondents beg to state that the representation dated 25-07-2000 is not intertainable in view of the observations cited in the foregoing paras.
17. That with regard to para 4.20, the respondents beg to offer no comments.
18. That with regard to para 5.1, the respondents beg to state that applicants do not satisfy the criteria for grant of SDA. Hence, non payment of SDA to the applicants is not illegal and arbitrary.
19. That with regard to para 5.2, the respondents beg to state that the clarification dated 17-07-1985 issued by the Cabinet Secretariat do not cover the applicants and hence they are not eligible for grant of SDA.
20. That with regard to para 5.3, the respondents beg to offer no comments.
21. That with regard to para 5.4, the respondents beg to state that the expression is not clear. However, O.M. dated 12-01-96 relates to the officers who are residents of the NER selected on all India seniority basis and promoted on the basis of All India Common Seniority basis and posted in NER. Again, the Cabinet Secretariat letter dated 17-07-85 is a clarification regarding entitlements of the SDA to the Group 'C' employees recruited locally in the NER but are liable to serve anywhere in India. Hence the OM dated 12-01-96 and letter dated 17-07-85 indicates the admissibility of SDA to the employees who are having All India Transfer Liability and do not contradict each other.
22. That with regard to para 5.5, the respondents beg to state that in view of the statements made in the aforesaid paras, the SDA is not admissible to the applicants. The plea of estoppel~~s~~ cannot be allowed to raise against law.
23. That with regard to para 5.6, the respondents beg to state that the letter dated 16-07-99 of the Assistant Comptroller & Auditor General(N) is clarificatory guidelines issued to the field offices in the NER on the condition of eligibility for

Personnels deployed in the border area. The present applicants are not Defence Civilian personnel and their case cannot be squarely covered by the said direction of the Supreme Court.

16. That with regard to para 4.19, the respondents beg to state that the representation dated 25-07-2000 is not intertainable in view of the observations cited in the foregoing paras.
17. That with regard to para 4.20, the respondents beg to offer no comments.
18. That with regard to para 5.1, the respondents beg to state that applicants do not satisfy the criteria for grant of SDA. Hence, non payment of SDA to the applicants is not illegal and arbitrary.
19. That with regard to para 5.2, the respondents beg to state that the clarification dated 17-07-1985 issued by the Cabinet Secretariat do not cover the applicants and hence they are not eligible for grant of SDA.
20. That with regard to para 5.3, the respondents beg to offer no comments.
21. That with regard to para 5.4, the respondents beg to state that the expression is not clear. However, O.M. dated 12-01-96 relates to the officers who are residents of the NER selected on all India seniority basis and promoted on the basis of All India Common Seniority basis and posted in NER. Again, the Cabinet Secretariat letter dated 17-07-85 is a clarification regarding entitlements of the SDA to the Group 'C' employees recruited locally in the NER but are liable to serve anywhere in India. Hence the OM dated 12-01-96 and letter dated 17-07-85 indicates the admissibility of SDA to the employees who are having All India Transfer Liability and do not contradict each other.
22. That with regard to para 5.5, the respondents beg to state that in view of the statements made in the aforesaid paras, the SDA is not admissible to the applicants. The plea of estoppel cannot be allowed to raise against law.
23. That with regard to para 5.6, the respondents beg to state that the letter dated 16-07-99 of the Assistant Comptroller & Auditor General(N) is clarificatory guidelines issued to the field offices in the NER on the condition of eligibility for

Department has already been announced by the issue of order dated 06-07-2000 issued by the Assistant C&AG of India. Hence no representation is pending unresolved.

30. That with regard to para 6, the respondents beg to offer no comments.
31. That with regard to para 7, the respondents beg to state that as per the direction of the Hon'ble Tribunal dated 25-02-2000 in O.A.263/99, the Respondents considered the case of the applicants and passed the reasoned orders dated 06-06-2000 and 06-07-2000.
32. That with regard to para 8.1, the respondents beg to state that the letter dated 06-06-2000, order dated 06-07-2000 and letter dated 16-07-99 shall stand for the reason stated in para 5.6 and 5.9 above.
33. That with regard to para 8.2, the respondents beg to state that the payment of SDA is admissible only to the eligible officers who fulfill the criteria for grant of SDA.
34. That with regard to para 8.3, the respondents beg to state that cost of the application claimed by the applicants may not be awarded.

Verification

I, Shri Lhunkhothang Hanguing, Deputy Accountant General, being authorized do hereby verify and declare that the statements made in this written statement are true to my knowledge, information and belief and I have not suppressed any material fact.

And I sign this verification on thisth day of May 2001.

Lhunkhothang Hanguing
Declarant
 उप अकाउंटेंट (मणि)
 Deputy Accountant General (Accounts)
 Manipur, Imphal.

(1995) 29 Administrative Tribunals Cases 516

Supreme Court of India

(BEFORE KULDIP SINGH AND YOGESHWAR DAYAL, JJ.)

STATE OF U.P. AND ANOTHER

Appellants;

Versus
ONKAR YADAV AND ANOTHER

.. Respondents.

Civil Appeal No. 728 of 1994^t, decided on February 7, 1994

Termination — Police Department — Wrongful termination — Struck down by High Court but long period elapsed since then — Effect of, on relief — Punitive Deputy Superintendents of Police, without affording opportunity — High Court although legally justified in setting aside the termination, in view of the lapse of a very long period (about 13 years in this case), held, it would not be in the interest of a disciplined force to permit the respondents to join the police force in a responsible position — Further held, the respondents being already in responsible positions (in the posts of Deputy Registrar Cooperative Societies and Sales Tax Officer) would not suffer any prejudice in their careers — Hence, implementation of the High Court's judgment restrained

(Para 4)

Appeal allowed

H-M/14235/SLA

ORDER

1. Delay condoned.
2. Special leave granted.

3. Onkar Yadav and Ram Narayan Yadav respondents in the appeal herein, were selected and appointed as Deputy Superintendents of Police in the State of Uttar Pradesh. While they were undergoing training at the Police Training College, Moradabad, their services were terminated on 31-7-1981. The orders of termination were passed during the period of probation without assigning any reason. The respondents challenged the orders of termination by way of a writ petition before the Allahabad High Court. The High Court allowed the petition and set aside the orders of termination.

4. We have heard learned counsel for the parties. We have been taken through the judgment of the High Court. The High Court, on the basis of the attendant circumstances and admitted facts came to the conclusion that the termination of services of the respondents was as a measure of punishment. Since no opportunity was afforded to the respondents, the High Court set aside the orders of termination. We are of the view that the High Court judgment, on the question of law, is unexceptionable. We are, however, not inclined to permit the respondents to join the police force after a lapse of about 13 years. The services of the respondents were terminated on 31-7-1981 and as such it would not be in the interest of the disciplined force to permit the respondents to join the police force in a responsible position after such a long time. It is not disputed before us that respondent Onkar Yadav is working as Deputy Registrar, Cooperative Societies in the State of Uttar Pradesh. Similarly,

^t Arising out of SLP (C) No. 3929 of 1993

respondent Ram Narayan Yadav is working as a Sales Tax Officer. Since these respondents are working in responsible positions, they would not suffer any prejudice in their careers. We, therefore, allow the appeal and direct that the High Court judgment be not implemented in the interest of justice. The appeal is disposed of with no order as to costs.

(1995) 29 Administrative Tribunals Cases 517

Supreme Court of India

ANNEXURE - R/1.

(BEFORE S.C. AGRAWAL AND FAIZAN UDDIN, JJ.)

UNION OF INDIA AND OTHERS

.. Appellants;

Versus

EXECUTIVE OFFICERS' ASSOCIATION GROUP-C .. Respondents.

Civil Appeal No. 3034 of 1995^t, decided on February 23, 1995

Allowances — Special Duty Allowance — Entitlement to — North-Eastern Region States — Special Duty Allowance payable to Central Government employees in view of the need for "attracting and retaining the services" of competent officers — Employees belonging to the North-Eastern Region itself, even if having all-India transfer liability, held, not entitled to such allowance — OMs Nos. 20014/2/83-E, IV dated 14-12-1983; 20014/16/86, IV/E.II(B) dated 1-2-1988; No. 20014/3/83

(Paras 4 and 8)

Chief General Manager (Telecom) v. Rajendra Ch. Bhattacharjee, (1995) 2 SCC 532; JT (1995) 1 SC 440; Union of India v. S. Vijayakumar, 1994 Supp (3) SCC 649; 1995 SCC (L&S) 189; (1994) 28 ATC 598; JT (1994) 6 SC 443; followed

Appeal allowed

H-M/T/14187/SLA

Advocates who appeared in this case :

N.N. Goswamy, Senior Advocate (S.D. Sharma, V.K. Verma and D.S. Mahra, Advocates, with him) for the Appellants;

Krishnamurthi Swami, Advocate, for the Respondents.

The Judgment of the Court was delivered by

FAIZAN UDDIN, J. — Delay condoned.

2. Leave granted. The counsel for parties are heard.

3. This appeal has been directed by the appellants against the judgment dated 28-5-1993 passed by the Central Administrative Tribunal, Guwahati Bench (hereinafter referred to as Tribunal) in OA No. 172 of 1972. By the said judgment the Tribunal held that the respondents are entitled to Special Duty Allowance in terms of Office Memorandum dated 14-12-1983 with effect from the date specifically indicated in the said Office Memorandum and directed the appellants herein to pay and clear the Special Duty Allowance to the respondents herein within 90 days from the date of receipt of copy of the judgment in respect of the arrears due and to release the current Special Duty Allowance with effect from the month of June 1993.

^t From the Judgment and Order dated 28-5-1993 of the Central Administrative Tribunal, Guwahati Bench in OA No. 172 of 1991.

4. Respondent 1 is an Association of Group (C) Inspectors of Customs and Central Excise under the Collectorate of Customs and Central Excise, Shillong and Respondents 2 and 3 are its President and General Secretary respectively. The respondents approached the Tribunal claiming Special Duty Allowance on the strength of Office Memorandum No. 20014/2/83-E.IV dated 14-12-1983 and the Office Memorandum No. 20014/16/86.IV/E.II(B) dated 1-12-1988 issued by the Ministry of Finance, Government of India. The respondent-Association claimed that its members have all-India transfer liability under the Central Excise and Land Customs Department Group (C) Posts Recruitment Rules, 1979 which were applicable to its members and in pursuance of which three of its members had been transferred and one Smt Lisa L. Rynjan of Shillong had been posted at Goa under the said recruitment rules and, therefore, they are eligible and entitled to claim Special Duty Allowance. The appellants herein opposed and contested the aforesaid claim of the respondents before the Tribunal. The appellants took the defence by stating that the Office Memorandum No. 20014/3/83.E/IV dated 20-4-1987 had clarified that the Special Duty Allowance is payable only to those officers, incumbents of Group (C) posts who are having all-India transfer liability defined in the said office memorandum keeping in view the original Office Memorandum dated 14-3-1983 and that the conditions stipulated in the Recruitment Rules, 1979 referred to above cannot be taken as basis for saddling the respondents or its members with all-India transfer liability and consequent payment of Special Duty Allowance to them. The appellants also took the plea that all-India transfer liability of the members of any service/cadre or incumbent of any posts/group of posts is to be determined by applying the tests of recruitment to the service/cadre/post made on all-India basis and that mere clauses in the Recruitment Rules/Appointment Order stipulating all-India transfer liability do not make him/them eligible for grant of Special Duty Allowance in terms of Office Memorandum dated 14-12-1983.

5. After considering the rival contentions the Tribunal observed that the contents of Office Memorandum dated 12-4-1984 as well as the Letter No. 7/47/48.EA dated 28-9-1984 have been fully discussed by the Full Bench, Calcutta and held that the real test/criteria for determination is whether all-India transfer liability exists and opined that without recalling the Office Memorandum issued in 1983 the departments concerned had no reason to deny the benefit of memorandum available to certain classes of employees and to withdraw its application to certain other classes. Relying on the said Bench decision of the Central Administrative Tribunal, Calcutta, the Tribunal allowed the application of the respondents by the impugned judgment and granted the relief as stated above against which this appeal has been preferred.

6. Learned counsel for the appellants submitted that the Tribunal has failed to appreciate the true meaning, intention and spirit behind the term "all-India transfer liability" which occurred in the Finance Ministry Office Memorandum referred to above and has thus seriously erred in holding that the members of the respondent-Association are entitled to the Special Duty Allowance. He further submitted that the package of incentives contained in, the Ministry's Office Memorandum dated 14-12-1983 (as amended) is based on the recommendations of the committee to review the facilities and allowance admissible to Central

Government employees in the North-Eastern Region and it was with a view to attract and retain competent officers' service in the States and Union Territories in the North-Eastern Region that the Government of India on the recommendations of the committee made the provision for Special Duty Allowance to be paid to such officers who come on posting and deputation to North-Eastern Region from other regions. It was, therefore, submitted that since the members of the respondent-Association belonged to the North-Eastern Region itself who were recruited and posted in the same region, they were not entitled for Special Duty Allowance.

7. The main source for claiming the Special Duty Allowance is the Office Memorandum dated 14-12-1983 the very first para of which reads as under:

"The need for attracting and retaining the services of competent officers for service in the North-Eastern Region comprising the States of Assam, Meghalaya, Manipur, Nagaland and Tripura and the Union Territories of Arunachal Pradesh and Mizoram have 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 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."

8. A careful perusal of the opening part of the Office Memorandum reproduced above would show that the Government had appointed a committee under the Chairmanship of the Secretary, Department of Personnel and Administrative Reforms to review the existing allowances and facilities admissible to the various categories of Civilian Central Government employees serving in the North-Eastern Region so that competent officers may be attracted and retained in the North-Eastern Region States. The use of words "attracting and retaining in service" are very much significant which only suggest that it means the competent officers belonging to a region other than the North-Eastern Region. The question of attracting and retaining the services of competent officers who belong to North-Eastern Region itself would not arise. The intention of the Government and spirit behind the office memorandum is to provide an incentive and attraction to the competent officers belonging to a region other than the North-Eastern Region to come and serve in the North-Eastern Region. It can hardly be disputed that the geographical, climatic, living and food conditions of people living in North-Eastern Region and the States comprising therein are different from other regions of the country. The North-Eastern Region is considered to be "hard zone" for various reasons and it appears that it is for these reasons that the Government provided certain extra allowances, benefits and other facilities to attract competent officers in the North-Eastern Region at least for two to three years of tenure posting. The Ministry's Office Memorandum in question came up for consideration before this Court in *Chief General Manager (Telecom) v. Rajendra Ch. Bhattacharjee*

which was decided by us by judgment dated 18-1-1995 in which this Court took the view that the said office memoranda are meant for attracting and retaining the services of competent officers in the North-Eastern Region, from other parts of the country and not the persons belonging to that region where they were appointed and posted. This was also the view expressed by this Court in yet another case reported in *Union of India v. S. Vijayakumar*². In *Vijayakumar*² the point for consideration was exactly identical, with regard to the entitlement to Special Duty Allowance to those employees/officers who are residents of North-Eastern Region itself. After considering the Memorandum dated 14-12-1983 and other related office memorandums indicated above, it was held that the purpose of the allowance was to attract persons from outside the North-Eastern Region to work in the North-Eastern Region because of inaccessibility and difficult terrain. In the facts and circumstances stated above the view taken by the Tribunal cannot be upheld and deserves to be set aside.

9. For the reasons stated above the appeal is allowed. The impugned order of the Tribunal is set aside and the application filed by the respondents before the Tribunal for grant of Special Duty Allowance to them is dismissed. In the facts and circumstances of the case, we make no order as to costs.

(1995) 29 Administrative Tribunals Cases 520

Supreme Court of India

(BEFORE K. RAMASWAMY AND B.L. HANSARIA, JJ.)

S. SATHYANANDA SHETTY AND ANOTHER .. Appellants;

Versus

STATE OF KARNATAKA AND OTHERS .. Respondents.

Civil Appeals Nos. .. of 1994¹, decided on February 7, 1994

Increments — Advance increments for acquiring higher qualifications — G.O. stating that after reviewing the then existing scheme, the Government directed the grant of advance increments to be applicable to the categories of employees specified therein and regulated w.e.f. the specified date — Interpretation — Such a provision, held, had the effect of discontinuing the benefit of advance increments available to other categories of employees under earlier notifications — Karnataka State G.O. FD 14/SRP(1)/77 dated 24-5-1977

(Para 4)

H-M/14233/SLA

ORDER

- Leave granted. Heard learned counsel for the appellants.
- Learned counsel contends that the Government by its order dated 9-10-1964, while reading various orders issued by the Government of Karnataka starting from 27-12-1961, have extended the benefit of two advance increments to augment efficiency in service to such of those employees who

² 1994 Supp (3) SCC 649; 1995 SCC (L&S) 189; (1994) 28 ATC 598; JT (1994) 6 SC 443

¹ Arising out of SLPs (C) Nos. 788-89 of 1994

improve their qualifications and acquire graduation qualification. Therein it was specifically stated that such of those employees who were in the junior division Grade II and were within the specified scale of pay on acquiring graduation qualification would get two advance increments. The order of the Government in order FD 14/SRP(1)/77, Bangalore, dated 24-5-1977 was only to elongate the benefits envisaged on the earlier notifications to such of those categories of the employees mentioned therein and they are also equally entitled to the benefits of two advance increments. The G.O. did not intend to exclude or take away the benefit of two advance increments on acquiring graduation qualification by any other categories. The Tribunal has, therefore, committed illegality in construing that, by necessary implication, it excluded all others except those covered by the notification. We find no force in the contentions.

3. In the order dated 24-5-1977, the Government have stated that the existing scheme of grant of advance increments to certain categories of Government employees for possessing or acquiring higher qualifications has been reviewed by Government, in the light of the recommendations of the Pay Commission and the Official Committee. Thereafter, the Government have directed that the grant of advance increments would be applicable (to the following category of employees and be regulated with effect from 1-1-1977) to the designated four categories of employees subject to which they are entitled to advance increments:

d	SL No.	Designation	Qualification for which advance increments are granted	No. of advance increments
	1.	Second Division Clerks/ Junior Assistants/Pry. School Teachers	Degree	2. adv. increments
e	2.	Typists	i. Degree ii. Proficiency in typewriting	1. adv. increment 2. adv. increments
	3.	Stenographers	i. Degree ii. Proficiency in Shorthand	1. adv. increment 2. adv. increments
f	4.	First Division Clerks/First Division Accounts Clerks/Superintendent Asstt. Controller or Asstt. Accounts Officer	Cost Accounts examination of ICWA of India	2. adv. increments

4. It would, therefore, be clear that the Government obviously are aware of their previous scheme. After reviewing the scheme in the light of the recommendation made by the Pay Commission and the Official Committee the Government have confined the benefit of grant of advance increments to the categories of employees enumerated hereinbefore; that too with effect from 1-1-1977. In other words, the Government have chosen not to extend any benefit to any other categories except the categories enumerated above. Admittedly, the appellants do not come within any of the four enumerated categories. Thereby, the previous benefit existing from 1964 is no longer in vogue and superseded by the later order passed by the Government. Under these

13. Having gone through the material placed before us we are unable to accept the contentions raised by Respondent 1 relying upon the final report firstly, because, the misconducts and for that matter, the allegations on which they are based, are not confined to only acquisition of assets disproportionate to the known source of income. Secondly, the final report submitted by the CBI recommending discharge of Respondent 1 on the ground of non-availability of sufficient evidence has to be considered in the context of the standard of proof for a successful prosecution vis-à-vis a departmental enquiry. While in the former onus is one of beyond all reasonable doubts in the latter it is one of probability. Another reason which impels us to reject the contention of Respondent 1 is that the enquiry has proceeded to some length in that six witnesses have already been examined.

14. Coming now to the impugned orders we find that one of the reasons which weighed with the learned Single Judge in making the same was that Respondent 1 was suspended since the date the charge-sheet was issued, but that is admittedly incorrect. We are also of the view that considering the seriousness of the charges, the explanation offered by the appellant for the delay in concluding the enquiry, which cannot be said to be unsatisfactory and the fact that the enquiry has proceeded to some length the High Court ought not to have rejected the reasonable prayer of the appellant for extension of time.

15. We, therefore, allow this appeal, set aside the impugned orders of the High Court so far as they refused to grant time to the appellant to complete the enquiry and direct the appellant to conclude the enquiry as expeditiously as possible, preferably within a period of six months. There will, however, be no order as to costs.

ANNEXURE - R/2

(1994) 28 Administrative Tribunals Cases 598

Supreme Court of India

(BEFORE KULDIP SINGH AND B.L. HANSARIA, JJ.)

UNION OF INDIA AND OTHERS

Appellants;

Versus

Respondents;

S. VIJAYAKUMAR AND OTHERS

Civil Appeal No. 3251 of 1993 with Civil Appeal Nos. 6163-81 of 1994,
decided on September 20, 1994

Allowances — Special duty allowance payable to Central Government employees appointed to posts of All India Transfer Liability in North-Eastern Region — Held, not payable to employees who were residents of that region — Subject of 1983 OM, not decisive of the question — Further held, denial of the allowance to such employees, did not violate Art. 14 — OM dated 14-12-1983, 29-10-1986 and 20-4-1987 — Constitution of India, Arts. 14 and 16 — Pay — Equal pay for equal work

Held:

A close perusal of the Office Memoranda dated 14-12-1983, 20-4-1987 and 29-10-1986 clearly show that allowance in question was meant to attract persons outside

[†] From the Judgment and Order dated 29-5-1992 and 9-6-1992 of the Central Administrative Tribunal, Ernakulam Bench in RA No. 71 of 1992

1994]

UNION OF INDIA v. S. VIJAYAKUMAR (SC)

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the North-Eastern Region to work in that Region because of inaccessibility and difficult terrain. Even the 1983 memorandum starts by saying that the need for the allowance was felt for "attracting and retaining" the service of the competent officers for service in the North-Eastern Region. Mention about retention has been made because it was found that incumbents going to that Region on deputation used to come back after joining there by taking leave and, therefore, the memorandum stated that this period of leave would be excluded while counting the period of tenure of posting which was required to be of 2/3 years to claim the allowance depending upon the period of service of the incumbent. The 1986 memorandum makes this position clear by stating that Central Government civilian employees who have All India Transfer Liability would be granted the allowance "on posting to any station to the North-Eastern Region". This aspect is made clear beyond doubt by the 1987 memorandum which stated that allowance would not become payable merely because of the clause in the appointment order relating to All India Transfer Liability. (Para 4)

The contention that the denial of the allowance to the residents would violate the equal pay doctrine and Articles 14 and 16 of the Constitution is adequately met by the Supreme Court's decision in *Reserve Bank of India case*. (Para 5)

Reserve Bank of India v. Reserve Bank of India Staff Officers Assn., (1991) 4 SCC 132: 1991 SCC (L&S) 1090: (1991) 17 ATC 295, followed

Appeals allowed

H-M/13562/SLA

Advocates who appeared in this case:

K.T.S. Tulsia, Additional Solicitor General, V.C. Mahajan, N.N. Goswamy and Dr Shankar Ghosh, Senior Advocates (C.V.S. Rao, Ms A. Subhashini, Ms Sushma Suri, Ms Binu Tamta, S. Wasim A. Qadri, S.N. Terdal, P. Narasimhan, S.K. Nandy and D.S. Mahra, Advocates, with them) for the appearing parties.

Respondent in person in CA No. 3251 of 1993.

The Judgment of the Court was delivered by

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

2. The Tribunal took the aforesaid view because the Office Memorandum dated 14-12-1983 which is on the subject of "Allowances and facilities for civilian employees of the Central Government serving in the States and Union Territories of the North-Eastern Region — improvement thereof" had stated that allowance shall be payable if the posts be those which have "All India Transfer Liability". The stand of the Union of India, however, is that this office memorandum, if it is read along with what was stated subsequently in office memorandum dated 20-4-1987, it would become clear that the allowance was required to be paid to those incumbents who had been posted in North-Eastern Region carrying the aforesaid service condition and not to those who were residents of this region. The office memorandum of 1987 has clearly stated that the allowance would not become payable merely because of the clause in the appointment order to the effect that the person concerned is liable to be transferred anywhere in India.

3. Dr Ghosh, appearing for the respondents contends that the office memorandum of 1983 having not stated what is contained in the memorandum

1987, a rider cannot be added to the former that the allowance could be payable only to those who had been given posting in the North-Eastern Region, and not to those who were residents of this Region. It is also contended that denial of the allowance to the residents, while permitting the same to the non-residents, would be violative of doctrine of equal pay for equal work and as such of Articles 14 and 16 of the Constitution.

4. We have duly considered the rival submissions and are inclined to agree with the contention advanced by the learned Additional Solicitor General, Shri Tulsi for two reasons. The first is that a close perusal of the two aforesaid memoranda, along with what was stated in the memorandum dated 29-10-1986 which has been quoted in the memorandum of 20-4-1987, clearly shows that allowance in question was meant to attract persons outside the North-Eastern Region to work in that Region because of inaccessibility and difficult terrain. We have said so because even the 1983 memorandum starts by saying that the need for the allowance was felt for "attracting and retaining" the service of the competent officers for service in the North-Eastern Region. Mention about retention has been made because it was found that incumbents going to that Region on deputation used to come back after joining there by taking leave and, therefore, the memorandum stated that this period of leave would be excluded while counting the period of tenure of posting which was required to be of 2/3 years to claim the allowance depending upon the period of service of the incumbent. The 1986 memorandum makes this position clear by stating that Central Government civilian employees who have All India Transfer Liability would be granted the allowance "on posting to any station to the North-Eastern Region". This aspect is made clear beyond doubt by the 1987 memorandum which stated that allowance would not become payable merely because of the clause in the appointment order relating to All India Transfer Liability. Merely because in the office memoranda of 1983 the subject was mentioned as quoted above is not enough to concede to the submission of Dr Ghosh.

5. The submission of Dr Ghosh that the denial of the allowance to the residents would violate the equal pay doctrine is adequately met by what was held in *Reserve Bank of India v. Reserve Bank of India Staff Officers' Assn.*, to which our attention has been invited by the learned Additional Solicitor General, in which grant of special compensatory allowance or remote locality allowance only to the officers transferred from outside to Gauhati Unit of the Reserve Bank of India, while denying the same to the local officers posted at the Gauhati Unit, was not regarded as violative of Article 14 of the Constitution.

6. In view of the above, we hold that the respondents were not entitled to the allowance and the impugned judgments of the Tribunal are, therefore, set aside. Even so, in view of the fair stand taken by the Additional Solicitor General we state that whatever amount has been paid to the respondents, or for that matter to other similarly situated employees, would not be recovered from them insofar as the allowance is concerned.

7. The appeals are allowed accordingly. There will be no order as to costs.

(1994) 28 Administrative Tribunals Cases 601

Central Administrative Tribunal, Patna

(BEFORE A.K. SINHA, JUDICIAL MEMBER AND
K.D. SAHA, ADMINISTRATIVE MEMBER)

B.P. SINGH

Applicant;

UNION OF INDIA AND OTHERS

Respondents.

O.A. No. 540 of 1991, decided on February 16, 1994

~~Promotion — Procedure — Bench-mark — Prescription of — Held, is a policy decision of Government — Tribunal therefore refusing to interfere in Government decision to prescribe 'very good' bench-mark for promotions to pay scale of Rs 3700-5000 and above whereas it was 'good' for posts below this scale — Further held, Government was justified in prescribing higher bench-mark for posts carrying pay scale of Rs 3700-5000 or above because these are administrative grade posts which are filled up by selection on merit — Challenge of arbitrariness therefore repelled — Constitution of India, Arts. 14 and 16~~

~~Promotion — Procedure — Yearwise segregation of vacancies — Consideration of promotion according to Government orders applicable in those years — DPC held in October/November 1990 considering candidates against vacancies occurring from 1986 to 1991 — Applicant considered against vacancies arising in 1989 and 1990 but not included in the panel on account of his lesser merit — Held on facts, applicant's exclusion on the basis of bench-mark prescribed in Government orders dated 10-4-1989, valid — Plea that his case should have been considered according to previous instructions dated 30-12-1976 rejected~~

P. Ganeshwar Rao v. State of A.P., 1988 Supp SCC 740: 1989 SCC (L&S) 123: (1988) 8 ATC 957: AIR 1988 SC 2068; *A.A. Caltran v. Director of Education*, (1983) 3 SCC 33: 1983 SCC (L&S) 356: AIR 1983 SC 1143; *N.T. Bevin Katti v. Karnataka Public Service Commission*, (1990) 3 SCC 157: 1990 SCC (L&S) 416: (1990) 14 ATC 688: AIR 1990 SC 1233, distinguished

S.K. Balbir Singh v. Union of India, (1991) 17 ATC 904 (Cuttack), relied on

~~Confidential Reports — Adverse remarks — Grading, on facts, whether adverse — Applicant given overall grading 'good' and therefore not included in the panel because this grading was below the prescribed bench-mark — Held, the grading could not be treated as adverse — Hence need not be communicated~~

R.S. Das v. Union of India, 1986 Supp SCC 617: (1987) 2 ATC 628: AIR 1987 SC 593, relied on
K-M/A-04044(SN)

Advocates who appeared in this case :

Ganpati Trivedi and *P.K. Jha*, Counsel, for the Applicant;
Lalit Kishore, Counsel, for the Respondents.

Extracts from the Order of the Bench pronounced by

K.D. SAHA, ADMINISTRATIVE MEMBER, are as follows:

* * *

[T]he points for decision are:

(i) whether the instruction contained in Para 6.3.1(ii) of the amended guidelines at Annexure-5 changing the bench-mark 'good' to 'very good' for the purpose of promotion to the administrative grades is illegal, arbitrary and violative of the principles of natural justice and provision of Article 14 of the Constitution;

In the Central Administrative Tribunal

केन्द्रीय प्रस सनिक विधिकरण
Central Administrative Tribunal

Guwahati Bench : Guwahati

গুৱাহাটী ন্যায়পাল

Guwahati Bench

11 JUN 2001

O.A. No. 53 of 2001

Civil Accounts Association & Ors

Vs

Union of India & Others

AND

In the matter of :-

Rejoinder of written statement dated 28-05-2001
submitted by the applicants.

The humble applicants beg to submit the rejoinder of the written statement dated 28-05-2001 filed by the respondents as follows :

1. That with regard to para 1, the applicants beg to offer no comments.
2. That with regard to para 2, the applicants beg to state that there is an anomalous interpretation in the term "All India Transfer Liability" contained in O.M. dated 14-12-1983 on the following grounds,

- (i) The term "All India Transfer Liability" contained in O.M. dated 14-12-1983 issued with the sanction of the President under Article 77 of the Constitution is applicable to all Central Government Servants including the applicants whereas the term as interpreted under O.M. dated 20-04-1987 onwards issued without the approval of President in violation to Article 77 of the Constitution is applicable only to Group "A" officers including Group 'A' Officers of IA&AD.
- (ii) The term "All India Transfer Liability" as interpreted by Respondent No.1 and 3 in O.M. dated 20-04-87 or letter dated 16-07-99 (Annexure 5) one void because while dealing with this O.M. dated 20-04-87, the Division Bench of this Tribunal in G.C. Case No.105 of 1987 disposed of on 12-05-1989 which has reached finality has observed as follows :-

"Subsequent letters issued by the Government of India as mentioned above cannot be taken to have modified or circumscribed the contents and applicability of the O.M. issued in 1983."

- (iii) Further the position of transfer liability existed in 1983 as per Government of India O.M. dated 24-03-1955 is reproduced below :

"Under F.R.110, a government servant's transfer to "foreign service" cannot be effected against his will. That restriction does not, however, apply

File by the applicant
J. M. George
1/6/2001
6/2/2007

to transfer of a government servant from one post under government to another which is permissible under F.R.15. This rule clearly contemplates that transfers may be to any post within or outside the parent department or service." In the case of the Central Service, F.R. 11 refers to liability of the government servants in the post in which they are paid by that government."

3. That with regard to para 3, the applicants beg to state that the defendant, namely Shri L. Hangsing, Deputy Accountant General(A&E),Manipur who filed this written statement on behalf of all the respondents is a resident of North Eastern Region still drawing Special Duty Allowance with the approval of Respondent No.9 upto the month of May 2001 vide Bill No.5(A) dated 23-05-2001. In view of the Supreme Court's decision in Civil Appeal No.3034 of 1995 decided on 23-02-1995 residents of North Eastern Region are not entitled SDA as the Apex Court observed that "not the persons belonging to that region(NER)". If the judgement is applicable equally to all the residents of NER the defendant is also not eligible SDA as he is a resident of NER. However, the Apex Court in a later case in the Union of India Vs. V.S. Prasad (Civil Appeal No.1572 of 1997) upheld the contention of the civilian employees (Group "B","C","D") who are the residents of North Eastern Region and observed that :

"As regards the payment of Special Duty Allowance to the Defence Civilian personnel deployed in the border area for support of operation requirement, they face the imminent hostilities support 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 imminent hostilities in hilly areas risking their lives. The Government is directed to modify the order and issue the corrigendum accordingly."

In view of the grounds furnished in para 2 & 3 above, the view of the defendant is not tenable in the eyes of law and is a misleading statement with a view to his gain and to deprive of legitimate claim of his subordinate staff.

4. That with regard to para 4, the applicants submitted that in terms of void O.M. dated 20-04-87 and its subsequent clarifications, the respondents defined "All India Transfer Liability" as (a) recruitment to the cadre/post has been made on All India basis (b) promotion is also done on the basis of All India common seniority list for the cadre/post as a whole.

As per this term the services of the applicants are not treated as "All India Transfer Liability" by the respondents. However, Respondent No.1 on 17-07-85 had clarified that SDA is admissible to "Group C" employees recruited locally in the North Eastern Region but are liable to serve anywhere in India". Para 21 of this written statement also upheld this position and such Group 'C' employees recruited locally in the NER are also treated as

"All India Transfer Liability" employees for the purpose of eligible for SDA. The Respondents, therefore, definded "All India Transfer Liability" even without recruitment made on All India basis and promotion is alsoo done without the All India common seniority list for the cadre/post as a whole. As the applicants had "All India Transfer Liabilities" in terms of FR 15 as explained in Para 2 (iii) above, and also in view of the position explained by the Respondents in para 21 of this written statement, the contention of the Respondents is a self contradictory statement and is a hostile which is bad in law.

5. That with regard to para 5, the applicant has no other comment to offer
6. That with regard to para 6, the applicant has no other comment to offer.
7. That with regard to para 7, the applicants beg to state that the standing rules & orders of transfer liability of Government of India in existence in 1983 is applicable to all government servants. Such rules & orders are also applicable to both the respondents and applicants and FR&SR are relevant to this issue and there is no two meaning of transfer liability in the service jurisprudence.
8. That with regard to para 8, the applicant beg to offer no other comments.
9. That with regard to para 9, the applicant beg to offer no comment except to mention that S. Vijaykumar & his party are residents of outside NER whereas the applicants are residents of North Eastern Region and the applicants had no connection with S. Vijaykumar and his party at all. Further, the applicants had cited a case law of the Apex Court – Motor General Traders Vs State of Andhra Pradesh (1984) SCC 222,229,230 for the violation of Article 14 of Constitution which the respondents offer no comment or objection in their written statement. In any case the applicants relied on Civil Appeal No.1572 of 1997(V.S Prasad's case) not in the light of S. Vijaykumar's case of 1994 which is outdated now.
10. That with regard to para 10, the applicants beg to offer no comment except as stated in para 9 of rejoinder and with the following additions that "payment of SDA to some selected regional/state controlled officers and non payment of SDA to the applicants whose cadre is controlled on regional/state basis is discriminatory and violative of Article 14 of the Constitution of India. A list of officers authorized SDA by the defendants whose cadre is controlled on regional/state basis and not effected any transfer outside NER is furnished in Annexure 1.
11. That with regard to para 11, the applicants had commented at para 4 & 10 of this rejoinder and further to state that transfer liability of Central Government Servants including the present applicants cannot be revoked except by way of amending relevant FR&SR irrespective of local cadre, All India cadre, local seniority, all India seniority basis. Therefore, this part of written statement has no valid sanction under the law.

12. That with regard to para 12, the applicants had commented at para 3 of rejoinder.
13. That with regard to para 13, the applicants had no other comment to offer.
14. That with regard to para 14, the applicants beg to state that Civil Appeal No.5456 /99 is still pending before the Hon'ble Supreme Court of India and the interim order dated 13-01-2000 allowed to draw SDA to locally recruited employees of P&T even after the Apex Court noted/taken into account S. Vijaykumar case (Civil Appeal No.3251 of 1993). Though, this Hon'ble Tribunal ordered to consider interim payment of SDA to the applicants no consideration is done for interim payment by the respondents. Hence, at least the applicants are legally entitled to draw SDA upto the date the respondents of Civil Appeal No.5456/99 allowed SDA. Therefore, O.M. dated 06-06-2000 is issued without application of mind and is liable to be set aside as arbitrary, unconstitutional and unfair.
15. That with regard to para 15, the applicants beg to state that by virtue of executive decision under Article 77 of the Constitution, the President is pleased to sanction SDA to Civilian Central Government employees posted in NER and by virtue of Article 283 of the Constitution, the President is authorized to the Head of Offices to draw and disburse pay and allowances including SDA. In any case, the Respondent No.3 is not a Head of Office who is authorized to draw and disburse pay and allowances including SDA under Rule 92 of Central Accounts(Receipt & Payment Rules 1983. Therefore, Respondent No.3 is an unauthorized person as per the Constitution of India.

Though, the applicants are Civilian Central Government employees and in all service regulations for entitlement of pay & allowances there is no distinction with other Defence Civilian Central Government employees too. All rates of allowances including SDA,DA,HRA sanctioned by the Ministry of Finance from time to time are equally applicable to both of them. Hence, the Union of India Vs. V. S. Prasad's case is squarely applicable to the present applicants also. For the sake of arguments it may further be added that the judgements of S. Vijaykumar passed on 20-04-1994 and Executive Officers Group 'C': passed on 23-02-95 had been virtually over ruled by V.S. Prasad's case of 1997. Even by an interim order dated 13-01-2000 the Apex Court allowed to draw SDA to the respondents of SLP No.5456/99 and till a final outcome is reached, the Head of Offices would continued to draw SDA and is continued to draw SDA even upto the month of May 2001 too. A finality has also been reached in case of Civilian Central Government employees (Group 'B','C','D') who are similarly situated with the applicants of the Ministry of Health and allowed to draw SDA till today by the Apex Court in Union of India Vs K.C. Sharma and others (SLP No.9381 of 1992).

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16. That with regard to para 16, the applicants beg to state that the representation dated 25-07-2000 is a legitimate claim and entertainable for the end of justice on the ground stated in the preceding paras.
17. With regard to para 17, the applicants beg to state that the representation dated 25-07-2000 is still pending without disposing from any of the respondents.
18. That with regard to para 18, the applicants shall stand as per O.A.
19. That with regard to para 19, the applicants beg to state that Respondent No.1 allowed to draw SDA to locally recruited employees and therefore the case of applicants is within the ambit of instructions of Respondent No.1.
20. That with regard to para 20, the applicants beg to offer no other comments.
21. That with regard to para 21, the applicants beg to state that the respondents attempted to read harmoniously both locally recruited employees and recruited on All India basis employees within the ambit of "All India Transfer Liability" as contained in O.M. dated 14-12-1983 and thus indicated that those employees who are not recruited on All India basis are also admissible SDA.
22. That with regard to para 22, the applicants beg to state that SDA is admissible to the applicants as indicated at para 21 of rejoinder and the law of estoppel barred the action taken by the respondents on 20-04-87 and its subsequent similar clarifications including impugned orders dated 16-07-1999, 06-06-2000 and 06-07-2000.
23. That with regard to para 23, the applicants beg to state that the impugned order dated 16-07-1999 was issued by Respondent No.3 based on Respondent No.1's O.M. dated 20-04-87, 12-01-1996 but Respondent No.1 in its clarification letter dated 17-07-85 already allowed to draw SDA to locally recruited employees. Besides this, the Apex Court virtually overruled the judgment of S. Vijaykumar's case. Hence, letter dated 16-07-99 is not tenable in the eyes of law.
24. That with regard to para 24, the applicants beg to state that the respondents has no objection to the contention of the applicants that the respondent had violated natural justice by way of issuing orders dated 20-04-87, 12-01-96 and 16-07-99 and clarificatory issued without the sanction of President consequent to O.M. dated 14-12-83 is not tenable in the eyes of law. FR&SR which is applicable to the applicants and necessary standing orders of Government of India are cited in para 2 & 4 of rejoinder.
25. That with regard to para 25, the applicants beg to state that the applicant had commented their position at para 9 of rejoinder.

26. That with regard to para 26, the applicants beg to state that both the impugned order dated 06-07-2000 issued by Respondent No.3 and impugned order dated 06-06-2000 issued by Respondent No.1 is void ~~an~~ ~~initio~~ as the same were issued in violation of the Presidential Order dated 14-12-83. An executive order issued under Article 77 of the Constitution in the name of the President cannot be amended at the whims of some officers, as at present, except in the manner passed earlier. Hence, both the impugned orders are unconstitutional.
27. That with regard to para 27, the applicants beg to state that the Apex Court on 20-09-94 decided that residents of NER are not entitled SDA but the defendant, namely, Shri L. Hangsing, Deputy Accountant General(A&E) who is a resident of NER draws SDA by Respondent No.9. Similarly, Respondent No.7 who is a resident of NER also draws SDA by Respondent No.11. Whereas the applicants even having All India Transfer Liability are not allowed to draw SDA by both Respondent No.9 and 11. Hence, there is a clear violation of Article 14 of Constitution of India.
28. That with regard to para 28, the applicants beg to state that the contention of the Union of India was turned down in 1997 and allowed SDA to Civilian Defence personnel who are similarly situated with the applicants.
29. With regard to para 29, the applicants offered their comments in para 17 of rejoinder.
30. With regard to para 30, the applicant offers no further comments.
31. That with regard to para 31, the applicants offer no comment except the reasoned orders dated 06-06-2000 and 06-07-2000 is void ~~an~~ ~~initio~~ as the same were passed by unauthorized persons as per Constitution of India.
32. That with regard to para 32, the applicants shall stand for the reasons stated in O.A. and rejoinder.
33. That with regard to para 33, the applicants shall stand for the reasons stated in O.A. and rejoinder.
34. With regard to para 34, the applicants beg to state that the cost of application be paid from Respondent No.4.

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VERIFICATION

I, Shri M. Rameshwar Singh, S/o M. Leibakmacha Singh age 41 working as Stenographer in the Office of the Senior Deputy Accountant General(A&E), Manipur a resident of Katching Wairi Part-II do hereby verify that the contents to para 1 to 34 are true on legal advice and that I have not suppressed any material fact.

Place : *Dibrukar*
Dated : *11/6/2001*

M. Rameshwar

Signature of the Applicant

ANNEXURE-I

Sl.No.	Name	Home Address	Cadre
1	Shri S. Kritibas Sharma, IAS	North Eastern Region	Manipura, Tripura Cadre
2.	Shri S. Kunjabihari Singh, IAS	North Eastern Region	Manipura, Tripura Cadre
3.	Shri Ch. Birendra Singh, IAS	North Eastern Region	Manipura, Tripura Cadre
4	Shri L. Ibomcha Singh, IAS	North Eastern Region	Manipura, Tripura Cadre
5	Shri L. Haokip, IAS	North Eastern Region	Manipura, Tripura Cadre
6	Shri L. Gangte, IAS	North Eastern Region	Manipura, Tripura Cadre
7	Shri K.K. Chhetry, IAS	North Eastern Region	Manipura, Tripura Cadre
8	Shri Ng. Luikham, IAS	North Eastern Region	Manipura, Tripura Cadre
9	Md. Abdul Sattar, IAS	North Eastern Region	Manipura, Tripura Cadre
10	Md. A.R. Khan, IAS	North Eastern Region	Manipura, Tripura Cadre
11	Md. Abdur Rahman Shah, IPS	North Eastern Region	Manipura, Tripura Cadre
12	Shri A. Pradeep Singh, IPS	North Eastern Region	Manipura, Tripura Cadre
13	Shri Clay Khongsai, IPS	North Eastern Region	Manipura, Tripura Cadre
14	Shri A. Romen Kumar Singh, IPS	North Eastern Region	Manipura, Tripura Cadre
15	Shri Christopper Dongel, IPS	North Eastern Region	Manipura, Tripura Cadre
16	Shri C. Peter Ngahanyai, IPS	North Eastern Region	Manipura, Tripura Cadre
17	Shri Eric Ekka, IPS	North Eastern Region	Manipura, Tripura Cadre
18	Shri M. Karnajit Singh, IPS	North Eastern Region	Manipura, Tripura Cadre
19	Shri M. Shantikumar Singh, IPS	North Eastern Region	Manipura, Tripura Cadre
20	Shri M. Sushilkumar Singh, IPS	North Eastern Region	Manipura, Tripura Cadre
21	Shri L. Muhindro Singh, IFS	North Eastern Region	Manipura, Tripura Cadre
22	Shri H. Brajamani Sharma, IFS	North Eastern Region	Manipura, Tripura Cadre
23	Shri S. Dhananjoy Singh, IFS	North Eastern Region	Manipura, Tripura Cadre
24	Shri Kh. Ibomcha Singh, IFS	North Eastern Region	Manipura, Tripura Cadre
25	Shri L. Gopal Singh, IFS	North Eastern Region	Manipura, Tripura Cadre
26	Shri K. Thambou Singh, IFS	North Eastern Region	Manipura, Tripura Cadre
27	Dr. Khai Zalian, IFS	North Eastern Region	Manipura, Tripura Cadre
28	Shri L. Saratchandra Singh, IFS	North Eastern Region	Manipura, Tripura Cadre
29	Shri Th. Priyobar Singh, IFS	North Eastern Region	Manipura, Tripura Cadre
30	Shri Th. Ibobi Singh, IFS	North Eastern Region	Manipura, Tripura Cadre