

GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 79/2001
R.A/C.P No.
E.P/M.A No.

1. Orders Sheet..... OAPg. 1to 2
2. Judgment/Order dtd. 5.10.2001Pg.to.....
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A..... 79/2001Pg. 1to 50
5. E.P/M.P.....Pg.to.....
6. R.A/C.P.....Pg.to.....
7. W.S.....Pg.to.....
8. Rejoinder.....Pg.to.....
9. Reply.....Pg.to.....
10. Any other Papers.....Pg.to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

Bahly
5/12/17

FORM NO.4

(See Rule 42)

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

ORDER SHEET
APPLICATION NO

79/2001 200

Applicant (S) Sri Nanda Ram Das.

Respondent(s) Union of India & Ors.

Advocate for Applicant(s) Mr. Q. S. Kutubuddin

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

Notes of the Registry. Date

Order of the Tribunal

20.2.01

Present: Hon'ble Mr. Justice
D.N. Choudhury, Vice-Chairman
and Hon'ble Mr. K.K. Sharma,
Administrative Member.

Heard learned counsel for
the parties.

Application is admitted.
Call for records. Mr. B.C. Pathak,
Addl. C.G.S.C., receives notice
on behalf of all the respondents.
Returnable by 4 weeks. List on
22.3.01 for orders.

Member

Vice-Chairman

lm

22.3.01

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

List on 14.5.01 for hearing.
In the meantime the respondents
may file written statement.

Member

Vice-Chairman

lm

for Form
Petition
M.P.
for B.C.
IPO/BE
Dated 12.2.2001

By: Registrar.

19/2/01

Requisite B.O.

28-2-2001

Service of Notice
issued to the
respondents vide D.O.
972-73 dt. 26.2.2001

Boo

① Service report are
still awaited.

21.3.01

O.A.79 of 2001

14.5.01

On the prayer of Mr. B.C. Pathak, additional C.G.S.C. the case is adjourned to 14.6.2001 for hearing.

K.C. Sharma
Member

Vice-Chairman

bb

14.6.01

Mr. B.C. Pathak, learned Addl. C.G.S.C. for the respondents prays for and granted 4 weeks time and no more time as last opportunity to file written statement. The applicant may file rejoinder within 2 weeks. List on 16th August 2001.

K.C. Sharma
Member

Vice-Chairman

lm

16.8.01

The case was posted for hearing today and as a matter of fact, we have heard Mr. Q.S. Kutubuddin, learned counsel for the applicant at length. At this stage, Mr. B.C. Pathak, learned Addl. C.G.S.C. for the respondents sought for some time to produce some records/statement.

In this circumstance, the case is adjourned. List the matter on 4.9.2001 for hearing.

K.C. Sharma
Member

Vice-Chairman

bb

4.9. There is no submission made today. The case is adjourned to 5/10/2001.

M.A. Jeyaraj
4.9

5.10.01

Heard learned counsel for the parties. Hearing concluded. Judgement delivered in the open court, kept in separate sheets. The application is disposed of in terms of the observations made in the order. No costs.

K.C. Sharma
Member

Vice-Chairman

trd

29.3.01

Notice duly served on No. 1, 2, 4.

Rem

No written statement has been filed.

By
13.6.01

No w/s has been filed.

By
14.8.01

No written statement has been filed.

By
3.9.01

No written statement has been filed.

By
4-10-2001

15.11.2001

Copy of the Judgment has been sent to the Office for issuing the same to the Applicant as well as to the Addl. C.G.S.C. for the Respondent.

HS

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./R.A. No. 79 of 2001. . of

DATE OF DECISION 5.10.2001 ..

Sri Nanda Ram Das & 37 Ors.

APPLICANT(S)

Mr. Q.S.kutubuddin

ADVOCATE FOR THE APPLICANT(S)

VERSUS -

Union of India & Ors.

RESPONDENT(S)

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

ADVOCATE FOR THE
RESPONDENTS.

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

THE HON'BLE MR. K.K.SHARMA, MEMBER (A).

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the judgment is to be circulated to the other Benches ?
5. Judgment delivered by Hon'ble Vice-Chairman.

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Original Application No.79 of 2001.

Date of decision : This the 5th day of October, 2001.

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

Hon'ble Mr. K.K.Sharma, Member (A).

Shri Nanda Ram Das
Laboratory Attendant
Son of Late Hareswar Das,
Working in the office of the
Principal Forest Service College,
Bournihat, Assam & 37 Ors.

...Applicants

By Advocate Mr. Q.S. Kutubuddin

-versus-

1. Union of India
Represented by the Secretary,
Government of India, the Ministry
of Environment and Forest,
Department of Environment,
Forest and Wild Life,
Pariyavaran Bhavan, C.G.O. Complex,
Lodi Road,
New Delhi-110003.
2. Principal,
State Forest Service College,
Barnihat-793101.
3. Director,
Forest Education,
Government of India,
Ministry of Environment & Forest.
Directorate of Forest Education,
P.O. New Forest,
District Dehradun-248006.
4. Secretary,
Labour and Employment Department,
Government of Assam,
Dispur, Guwahati-781006,
Assam

...Respondents

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

O R D E R (ORAL)

CHOWDHURY J.(V.C.).

Issue of adjudication is relatable to the Executive instructions for payment of Special (Duty) Allowance to the Civil Central Government Employees. The applicants are 38 in

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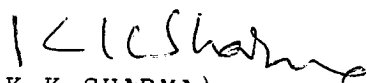
number who are working as Group C and D cadre in the office of the Principal State Forest Service College, Bournihat. The grievance of the applicants is that all throughout they were paid Special (Duty) Allowance on the strength of Office Memorandum No. 20014/3/83/E.IV/ dated 14.12.1983 issued by the Govt. of India, Ministry of Finance, Department Expenditure, New Delhi and the subsequent O.M. dated 1.12.1988 and 22.7.1998. The issue is no longer res integra as per decision rendered by the Supreme Court in Civil Appeal No. 3251/94 dated 20.9.1994. In the said decision the Supreme Court held that Central Government civilian employees who have all India transfer liability are entitled to be granted SDA on being posted to any State in the North Eastern Region from outside the Region and SDA would not be payable merely because of the clause on the appointment order relating to All India Transfer liability. The Supreme Court also directed that the amount has already been paid to the respondents or for that matter to other similarly situated employees would not be recovered from them in so far as this allowance is concerned.

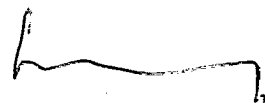
Admittedly the applicants are from N.E. Region and posted at N.E. Region. Therefore these applicants are not covered by the circular. Mr. Q.S. Kutubudding, learned counsel for the applicants however, submitted that those officers who were posted outside the N.E. Region on transfer and subsequently reposted to N.E. Region are entitled to SDA under the Notification issued by the Govt. of India. Basically, there is no dispute that if someone was posted in N.E. Region and transferred outside the region and subsequently reposted in N.E. Region would be entitled SDA. From the materials on record it is not discernible who are those officers. It will be open for any of the applicants to represent the said fact before the

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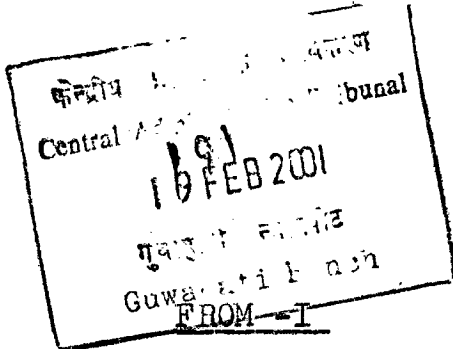
competent authority and if such representation is made and in fact such officers were transferred outside from N.E.Region and reposted to N.E. Region the respondents shall pay SDA to those employees from the date of reposting in N.E.Region.

Subject to the observations made above, the application stands disposed of. There shall, however be no order as to costs.


(K.K.SHARMA)
Member(A)


(D.N.CHOWDHURY)
Vice-Chairman

trd



(See Rule -4)

Application- Under Section 19 of the Administrative
Tribunal Act, 1985.

O.A. No. 79 of 2001

Shri. Nand Ram Das & 37 ors.Petitioner.

- Vs -

The Union of India and others.....Respondents.

I N D E X

<u>Sl.No.</u>	<u>Description of do-cuments relied upon</u>	<u>Page</u>
1. Application	1 A	1 to 23
2. Annexure	1 A	24 to 26
3. Annexure	1 B	27 to 29
4. Annexure	1C	30 to 32
5. Annexure	1 B	23 to 34
6. Annexure	1 E	35 to 37
7. Annexure	2	38 to 40
8. Annexure	3	41
9. Annexure	4	42 to 48
10. Annexure	5	49 to 50

Nanda Ram Das.

Signature of the applicant

For use in Tribunal's office.

Date of filing :

Date of receipt by post:

Registration No.

16/02/01
Signature for Registrar.

9

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH::
GUWAHATI.

O.A.NO. 79 OF 2001

1. Shri. Nanda Ram Das
Laboratory Attendent
S/O Late. Hareswar Das
2. Shri Ananda Sarma
Libraian.
S/O. Late Jibeswar Sarma
3. Shri Prafulla Sarma
Caretakar
S/O. Late Pramod Sarma
4. Shri. Dhireswar Tumung
U. D. C.
S/O. Late Sukmal Tumung
5. Shri Jit Bahadur Thappa
P. T. and Games Instructor
S/O. Late Amar Singh Thapa
6. Shri Kamala Kanta Patowary
U. D. C.
S/O. Late Biapal Patowary.
7. Shri Bhaben Ch. Pathak
U. D. C.
S/O. Late Anandi Pathak
8. Shri. Sadhan Roy
L. D. C.
S/O. Late Amulya Roy.

Filed by—
Nanda Ram Das.
the petitioner
through Q.S. K. K. K. K. K.
at 16/2/2001

10
Nanda Ram Das.

(3)

9. Shri. Chayan Priyan Paul
Steno-III
S/O. Late Harendra Kumar Paul
10. Shri. Brijesh Kumar
L. D. C. (Hindi Typist)
S/O. Late Krishna Singh.
11. Shri. Kenneth Mazumdar
Artist.
S/O. Shri. Satya Ranjan Majumdar
12. Shri. Rajen Ch. Rabha
Asstt. Curatar
S/O. Late Hatar Rabha
13. Sri. Prafulla Ch. Laskar
Driver
S/O. Late Dhani Ram Laskar
14. Shri Dinu Brahma
Driver
S/O. Late Suren Brahma
15. Sri. Paramananda Deka
Driver
S/O. Late Gajen Deka
16. Md. Madhin Hussain
Laboratory Asstt.
S/O. Late Mahamad Ali
17. Sri. Durga Singh
S. R. A.
S/O. Late Ram Bachan Singh
18. Sri. Durga Basumatary,
Peon
S/O. Late. Banaram Basumatary.

Contd...4/-

11
Nanda Ram Das

(4)

19. Sri. Kushal Das
Peon
S/O. Late. Kashiram Das
20. Sri. Girindhar Haloi
Peon
S/O. Late. Harsharam Das
21. Sri. Sirish Chandra Kalita
Peon
S/O. Late Manu Deka
22. Sri. Prafulla Deka
Peon
S/O. Late Manu Deka
23. Sri. Ananda Kalita
Peon
S/O. Late Kaliram Kalita
24. Sri. Kameswar Das
Peon
S/O. Late Alit Chandra Das
25. Sri. Basistha Boro
Peon
S/O. Late. Jogeswar Boro
26. Sri. Utchab Chandra Seal
Mali
S/O. Late Brozra Nath Seal
27. Sri. Maneswar Saha
Mali
S/O. Late Khirodhar Saha
28. Sri. Dinesh Chandra Barman
Groundman
S/O. Late Lankeswar Barman

Contd..... 5/-

12
Nanda Ram Das

(5)

29. Sri. Akhil Chandra Das
Groundman
S/O. Late. Thaneswar Das
30. Sri. Om Prasad Sarma
Chaukidar
S/O. Kumb Singh Garang
31. Sri. Nagen Chandra Daimari
Chaukidar
S/O. Late Gajen Chandra Daimari.
32. Sri. Ram Prasad Sarma
Chaukidar
S/O. Late Rikhi Ram Sarma
33. Sri Ram Chandra Basfor
Safiwala
S/O. Late Ram Sarup Basfor
34. Sri Premlal Basfor
Safaiwala
S/O. Late Sabila Basfor
35. Srimati Gajori Basfor
Safaiwala
S/O. Premlal Basfor
36. Sri Prafulla Terang
Mazdoor
S/O. Sri. Gobinda Terang.
37. Sri Pradip Bey
Mazdoor
S/O. Mohai Bey
38. Sri Bichitra Nath
Mazdoor
S/O. Late Bhagiram Nath.

Contd.....6/-

(6)

The applicant No. I has represented the
37 others applicants.

All are working in the office of the
State Forest Service College Burnihat-
793101, Assam.

.....Applicants

- Versus -

1. Union of India

Represented by the Secretary
Government of India, the Ministry
of Environment and Forest, Department
of Environment, Forest and Wild life,
Pariyavaran Bhavan, C.G.O. Complex,
Lodi Road,
New Delhi- 110003.

2. Principal-

State Forest Service College,
Barnihat- 793101.

3. Director,

Forest Education,
Government of India,
Ministry of Environment & Forest.
Directorate of Forest Education,
P.O. New Forest,
Dist. Dehradun- 248006.

4. Secretary,

Labour and Employment Department
Govt. of Assam,
Dispur, Guwahati- 781006, Assam.

Contd.....7/-

13
Nanda Ram Das -

(7)

- 1) Particulars of the order against which application
is made.

i) This application is made by the applicants for redressal of their grievances as the payment of special Duty Allowances enjoying by them was stopped by the Principal, the State Forest Service College, Burnihat- 793101. Vide order dated 5-1-2001, Respondent No.2 under Memo No. SFSC/BHT/40-96/26, as per direction of the Director of Forest Education, New Forest, Dehradun office letter under the Memo No.14-24/2000- DFT/2791-Dt.15-11-2000.

ii) The Special Duty Allowances was stopped in view of the Central Rules Appendix-9 Incentivs for Serving in Remote Areas " (2) clarification on Special Duty Allowance for Civilian Employees serving in the State and Union Territories of North Eastern Region, Adaman & Nicobar, and Lakshadweep group of Islands.

iii) The Central Govt. Civilian Employees who have ' All India Transferred Liability ' will be granted Special Duty Allowances at the rate of 12.5% of basic pay subject to a ceiling of Rs.1000.00/- per month on posting of any station in the North Eastern Region as per the Govt. of India, Ministry of Finance Deptt. of Expenditure, New Delhi under O.M. No. 20014/16/86/E.IV/E.II (B), dated 1-12-1988.

iv) That the above Special Duty Allowances was accepted by the Govt. of India as recommended by the 4th pay Commission w.e.f. 1-10-1986.

v) As Clearified vide O.N.No. 20014/3/83-E.IV, dtd.20.4.87

Contd....8/-

14
Nanda Ram Das.

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Nanda Ram Pals.

(8)

that for the purpose of sanctioning "Special Duty Allowances" of the members of any service/ Cadre or incumbents of any post /group of post has to be determined by applying the tests of recruitment Zone, Promotion Zone, etc. is whether recruitment to service/ cadre/ post has been made on All India basis and whether Promotion is also done on the basis of and All India Common seniority list for service/cadre/post as a whole. A mere clause in appointment letter to the effect that person concerned is liable to transferred any where in India, did not make him eligible for the grant of Special Duty Allowance.

vi) As per submissions of the Govt. of India the Hon'ble Suprem Court vide judgement delivered on 20.9.1994 (in Civil Appeal No.3251 of 1993) held that the Central Govt. Civilian employees who have All India Transferred Liability are entitled to grant of special Duty Allowance, on being posted to any station in the N.E.Region from outside the Region and S.D.A. would not be payable merely because of the clause in the appointment order relating All India Transfer Liability. The Hon'ble Apex. Court further added that the grant of this allowance and to the officer transferred from outside the Region to this Region would not be violative of the Provisions Constitution /contained in Article -14 of the Constitution as well as the equal pay doctrine.

vii) In view of the judgment 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:-

(a) The Amount already paid on account of S.D.A. to the in-eligible person on or before 20.9.1994 will be waived.

Contd.....9/-

16
Nanda Ram Das.

(9)

(b) The amount paid on account of S.D.A. to in eligible persons after 20.9.1994 (which also enclose those Case in respect of which the Allowance was pertaining to the period prior to 20-9-1994, but payments were made after this date i.e. 20-9-1994) will be recovered.

2) Jurisdiction of the Tribunal:::

The aggrieved applicants declared that the subject matter of the order pertaining to the stoppage of the payment of Special Duty Allowance for which the implementation of the order passed by Govt. of India under O.M.No.20014/16/36/E.IV/E.II(B) dated 1-12-1988 has been affected are sought to be implemented or given effect and same are within the jurisdiction of the Hon'ble Tribunal.

3) LIMITATION:::

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

4) Facts of the Case :::

a) The 38 nos. of the applicants working in the office of the principal State Forest Service College, Bornihat, Assam, are the Regular and permanent employees the above Central Civillian Govt. Employees are of Group 'C' & 'D' and almost all the applicants have rendered more than 10/20/25 years of Services in the aforesaid College.The applicant have been appointed and posted in their respective pay scale and they are entitled to draw dearness and other allowances at the rates admissible under, and subject to the condition laid down in Rules and orders Governing the grant of such allowances in force from time to time.

Contd....10/-

(10)

The applicants were given appointment on certain terms and conditions and one such condition of appointment is that though the applicants would be required to serve at Bournihat they are liable to serve in any other concerning institute and they are liable to serve in any part of India. i.e. the appointment letters of the applicants carries the Clause "All India Transfer Liability"

The photo copy of four number of appointment letters of some of the applicants are Annexed herewith and marked as Annexure Nos. 1A, 1B, 1C, 1D, 1E, respectively of this application.

4)(b) The applicants are enjoying the payments and benefits of special Duty Allowances Duty Allowances extended to them under the improvement in facilities for civilian employees of the Central Govt. Serving in the States of North Eastern Region, Andaman & Nicobar Island and Lakshadweep at the rate of 12.5% of the basic pay subject to a Ceiling of Rs. 1000/- per months on posting to any station in the North Eastern Region. The aforesaid Special Duty allowance was granted by the Govt. of India, Ministry of Finance, Deptt. of expenditure, New Delhi, vide order dated 1-12-1988 under O.M.No. 20014/16/86/E, IV/E.II(B) the Govt. of India accepting the recommendation of the fourth pay commission paid the same with effect from dated 1-10-1986.

The photo copy of the above order dated 1-12-1988 of the Govt. of India is annexed herewith and marked as Annexure No. 2 of this application.

Contd....11/-

17
Kanda Ram Das

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Nanda Ram Das.

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4.C) The Respondent No.2 the principal, the State Forest Service College, Bournihat vide order dated 5.1.2000 under O.M. No.SPSC/BHT/40-96/26 in-formed all the applicants and other staff of state Forest Service College, Bournihat that the payments of special Duty Allowance enjoying by the Civillian Central Govt. Employee serving in the North Eastern Region under the liaberatised facilities extended to the employees by the Govt. of India has been stopped with effect from December, 2000 as per direction of the Director of Forest Education, Dehradun. Under letter No.14-24/2000. DFT/2791 dated 15/11/2000 the Director of Forest Education P.O. New Forest Dehradun 248006 advised the Respondent No.2 to stop the special duty allowances to the employee of Bournihat, State Forest Service College with immediate effect, in view of the clarification made in Swamy's Complation of F R S R Part-I General Rules appendix-9" ~~Ex~~ Incertives for serving in Remote Areas"

2) Clearification Special Duty Allowances for Civillian employees serving in the state and Union Teritorries of the North Eastern Region, Andaman & Nicobar and Lakshadweep Group of Islands.

The appendix- 9 incentives for serving in the Remote Areas provides as follows :-

The General requirements of at least 3 years of service in cadre post between two Central Tenure deputation may also be relaxed to two years in deserving cases of meritorious service in the North East.

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

Contd.....12

Navda Ram Dhs, 19

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SPECIAL DUTY ALLOWANCE :-

The Central Govt. Civilian Employee who have all India Transfer liability will be granted special duty allowance at the rate of 12.5% of the basic pay subject to a ceiling of Rs. 1000/- P.M. 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 such duty allowance plus special pay deputation duty allowance will not exceed Rs. 1000/- P.M. Special allowances like special compensatory (Remote locality) allowances, construction allowance and project allowance will be drawn separately.

NOTE:-

The Special duty allowance will not be admissible during periods of leave/ Trainee beyond 15 day at a time and beyond 30 day in a year. The allowance is not admissible during suspension and joining time AND the clarification on special Duty Allowance for civilian employees made in the letter under O.M. No. 20014/3/83-E. IV dated 20/4/1987 that for the purpose of sanctioning special duty allowance of the member of any service/ cadre/ incumbents of any post/ Group of post has to be determined by applying the test of Recruitment from, 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 All India Common Seniority for the Service/ Cadre/ Post as a whole. A mere

contd.....13

20
Nanda Kumar Das -

= 13 =

clause in the appointment letter to the effect that the person concerned is liable to be Transferred in any where in India did not make him eligible for the grant of S. D. A.

The Hon'ble Supreme Court in the submission of Court of India in Civil Appeal No. 3251/1993 vide judgement delivered on 20.9.1994 held that the Central Govt. Civilian employees who have All India Transfer Liability are entitled to the grant of SDA, on being posted to any station in the North Eastern Region from the outside the Region and S. D. A. would not be payable merely because of the clause in the appointment order relating All India Transfer liability. The Hon'ble Court also added that the grant of this allowance only to the officers transfer from outside this Region to this North Eastern Region would not be violative of the provisions contained in Art. 14 of the Constitution of India as well as equal pay Doctrine.

In view of the above judgement of the Hon'ble Supreme Court and in Consultation of the Ministry of Law the following decision have been taken -

(i) The amount already on account of SDA to the ineligible person on or before 20.9.1994 will be waived, and

(ii) The amount paid on account of SDA to ineligible person after 20.9.1994 (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. 20.9.1994) will be recovered.

contd....14

21
Nanda Ram Das.

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The photo copy of the order dated 5-1-2001 under OM No. SPSC/BHT/40-96/26 of Respondent No. 2 and the photo copy of the order dated 15.11.2000 under O.M. No. 14-24-2000-DFT/2791 of Respondent No. 2 along with General Rules appendix -9 " incentives on serving in Remote Areas are Annexed herewith and marked as Annexure No. 3 & 4 respectively of this application.

(d) All the 38 Nos. of applicants vide their representation dated 17.6.2001 approach the Respondent No. 2 the Principal, the State Forest Service College, Bournihat and prayed that the payment of special Duty allowance to the applicant may not be stopped as the SDA from their salaries for the month of December, 2000 had not been paid though the employees similarly situated working in other Central Offices of the same North Eastern Region are drawing and enjoying the benefits of the payment of SDA till date. The applicants also prayed that the recovery of the payment of SDA from their salary may not deducted under the circumstances that the Central Govt. employees working under the Central Govt. officers having All India Transfer Liability are still drawing and enjoying the S.D.A. the Respondent authorities have neither replied to the representation of the applicants nor paid the S.D.A. to the applicants in their salary for the month of January, 2001. The stoppage of payment of special duty allowance has caused great hardships and financial detriment to the applicants as the Govt. of India vide order dated 1.12.1988

contd....15

22
Nanda Ram Das,

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under Annexure No.2. have allowed the payment of special Duty allowance under the improvement in the facilities for Civilian employees working in the North, Eastern Region.

The photo copy of the representation dated- 17.1.2001 of the applicants to the respondent No.2 is annexed herewith and marked as Annexure No.5 of this application.

(e) The aggrieved applicants have approached this Hon'ble Tribunal for redressal of their aforementioned grievances and pray to give a direction to the respondents to stay the operation of the impugned orders (Annexures-3&4 of the Respondents Nos. 2 & 3 respectively) was with-out any justification as the benefits of the payment of SDA has been extended to the employees by creating some classification on the basis of recruitment and posting and therefore there is a his crimination in extending the facilities towares the ~~applicants~~ applicants, and the applicants and the subject matter may be considered under the facts and circumstances stated above in the interest of jistice.

(f) That your applicants beg to state they have get common grievances, common cause of action and the nature of relief prayed for is also same accordingly they pray for grant of permission under Rule 4(5)(a) of the C.A.Tribunal(Procadure)Rules 1987 to move this application jointly.

Cont.16.

5) GROUND FOR RELIEF WITH LEGAL PROVISIONS:::

The grounds urged by the applicants for the actions of the Respondents denying the special duty allowance (SDA) are as follows :-

- A) For that the appointment letter of the applicants carries the clause that the applicants are liable to serve in any part of India and therefore they are eligible for the SDA granted under the O.M.No.20014/16/86/E.IV/E.II (B) dated 1.12.1988 circulated by the Govt. of India, Ministry of Finance, Department of expenditure, New-Delhi and as such the stoppage of the order of SDA passed under the impugned orders are liable to be set aside and quashed.
- B) For that the applicants as per the contract of their appointment letters are eligible and entitled to draw the legitimate SDA granted to them and as such the impugned orders are liable to be set aside and quashed.
- C) For that the Respondents denying and refusing to pay the SDA have committed the breach of terms of Contract as there can not be a change of the terms and conditions of services all-on-a-sudden by making classifications of employees amongst the similarly situated persons working in the same North Eastern Region and as such the impugned orders are liable to be set aside and quashed.
- D) For that the decision of withdrawal and stoppage of SDA after December, 2000 and to recover the payment of SDA made after 20-9-1994, taken unilaterally, Arbitrarily are violative of the principle of Natural Justice and as such the impugned orders are liable to be set aside and quashed.

Contd..17.

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Nanda Ram Das

(17)

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Nanda Ram Das

E) For that the classifications of Civilian Employees on the basis of recruitment and posting to the North Eastern Region from any other out side Region other than North East Region and allowing the payment of SDA to those persons and depriving the persons and posted in North Eastern region is a discrimination for the contract Govt. Civilian Employees who have " All Indian Transfer Liability" and is violative of the Art.14 and 16 of the constitution of India and as such the impugned orders are liable to be set aside and quashed.

F) For that the action of the Govt. of India to stop the payment of SDA and the decision to recover the payment of SDA made after 20-9-1994 from the Central Govt. Employees like those of the applicants after the delivery of the judgement of the Hon'ble Supreme Court (In civil Appeal No.3251/1994) without giving an opportunity of being heard and without ~~giving~~ considering the situation and the hardships that will be facing by the applicants are the essence of the subject matter of apprehension for the applicants as there is no legality and justification in the stoppage of the payment of SDA and also recover the same from the applicant who have been rightly enjoying the payment of SDA since several year ago as per the order dated 1-12-1988 under O.M. No. 200014/16/86/E.IV/E.II (B) and as such the impugned orders are liable to set aside and quashed.

G) For that the applicants have been drawing and enjoying the payment of SDA from time immemorial without any interruptions as the appointments of the applicants were made on the criteria that they are liable to be served in any part

Contd... 18

of the India and i.e. the appointments have been made on the basis of " All India Transfer Liability" and subsisting the above terms and conditions of liability of All India Transfer during the tenure services. The applicants have been deprived of the improvement in facilities extended for Civilian Employee of Central Govt. Serving in the states of North Eastern Region and violating the above terms and conditions of services illegally, Unilaterally and unreasonably to the disadvantage of the applicants and they have been prejudiced and causing financial detriment to the applicants and as such the impugned orders are liable to be set aside and quashed.

H) For that the Respondents however have totally misconceived the position of the applicants and their prayer and claim for payment of SDA which is required to be considered in the light of the order dated 1-12-1988 under O.M.No. 20014/16/86/E.IV/E.II (B) and in reference to O.M.No.20014/3/83.E.IV. dated 14-12-1981 and 30-3-1984 as it was conceded by the Govt. of India and the decision to stop the payment of SDA without any reasonable ground making classification of employees amongst the similarly situated persons working in the same North Eastern region and as such the impugned orders are liable to be set aside and quashed.

I) For that the description contained in order dated 14-12-1983 under O.M. No.20014/3/83-E.IV read with O.M. No. 20014/16/86/E.IV/E.II(B) dated 1-12-1988 regarding the payment of SDA has to be understood in the context and for the purpose of the said memoranda and can not be read as an exclusive description like a trade mark so as to preclude its use

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Nayla Ram Das.

(19)

for describing and allowance paid other- wise then under memo dated 14/12/1983 and as such the impugned orders are untenable in law and without any legal basis and as such the impugned orders are liable be set aside and quashed.

6) DETAILS OF THE REMEDIES EXHAUSTED:::

The applicants declared that they have exhausted all the remedies available to them under the service Rule.

7) MATTER NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT.

The applicants further declare that the matter regarding which this application has been made is not pending before any other court of law or authority or any other Bench of the Tribunal.

8) RELIEF SOUGHT:::

In view of the facts and the Circumstances mentioned above, the applicants pray for the following reliefs :-

- i) That your Lordship would be pleased to admit this application call for this the records and after hearing the parties would be pleased to direct the respondent authorities to give effect and implement to the payment of special duty allowances as the applicants have been drawing and enjoying the benefits of special duty allowance guaranteed by the Govt. of India vide O.M. No.20014/16/86 E.IV/E.IV (B) dated 1-12-1988 (Annexure-2) as the payments of special duty allowance was stopped by the Respondent No.I vide his order dated 5-1-2001 under O.M. No.SFC/BHT/40-96/26 (Annexure No.3) as per the direction of the Director of forest education, New

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forest Dehradun 248006 under O.M.No.14-24/2000-DFT/2791 dtd.
15/11/2000 (Annexure No.4)

ii) That the applicants service may not be effected for approaching the Hon'ble Tribunal for the purpose of redressal of their greivance for stoppage of the payment of special Duty Allowances since the months of December, 2000, and January, 2001.

iii) That the stoppage of the payment of special duty allowance since the month of December, 2000 and thereafter may be directed to be paid to the applicant.

iv) That the applicant further pray that the operation of the impugned order dated 5-1-2001 under O.M.No.SFSC/BHT/40-96/26 of respondent No.2 (Annexure-3) and the order under Memo No.14-24/2000 -DFT/2791 dated 15/11/2000 (Annexure- 4) of Respondent No.3 may kindly be stayed till dispossal of this application.

v) That a direction to the respondent authorities may be made to give benefit/ benefits to the applicants as has been enjoying under the circular published by the Govt. of India, Ministry of Finance, Deptt. of expenditure, New Delhi, under O.M. No. 20014/16/86/E.IV/E.II(B) dated 1-12-1988 (Annexure-2) as the Hon'ble Tribunal has already allowed and granted the prayer for the payment of S D A to some of the applicant who are simillarily situated and working under the central Govt. of India in the North Eastern Region, approached the Hon'ble Tribunal in the subject matter reffered above on the facts and circumstances stated above.

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Nanda Ram Das.

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9) INTERIM ORDER PREFERRED:::

Pending final decision of the application the applicants seek the interim relief :-

i) That the respondent authorities may be directed that the operation of the impugned order dated 15-11-2000 passed under O.M. No. 14/2000-BFT/2791 of the respondent No.3 director of Forest Education P.O. New Forest, Dehradun and subsequent order dated 5-1-2001 passed under O.M. No. STC/BHT/40-96/26 of Respondent No. I, Principal State Forest College Service, Bournihat, Assam may kindly be stayed under the facts and circumstances of the case.

ii) That the Respondents authorities may be directed not to take any action for approaching the Hon'ble Tribunal for redressal of their grievances for stoppage of their payment of SDA since the month of December, 2000.

10) APPLICATION COPIES TO BE FORWARDED TO THE RESPONDENTS:::

The copies of the application alongwith self address envelopes are Annexed here with to intimate the Respondents.

11) PARTICULARS OF THE POSTAL ORDER IN RECEIPT OF THE APPLICATION FEES::: I.P.O. for Rs. 50/-

- | | | |
|------|-----------------------|---------------------|
| i) | No. of I.P.O. | :- 5G 422039 |
| ii) | Name of the P.O. | :- G.P.O. Guwahati. |
| iii) | Date of issue | :- 12/2/2001. |
| iv) | P.O. at which payable | :- G.P.O. Guwahati. |

Index in triplicate containing the details of the documents to be relied upon is enclosed.

DETAILS OF INDEX12) List of enclosures :-

Enclose details of index.

	<u>Page</u>
1. Particulars of orders against which the application is made.	:- 7 to 9
2. Jurisdiction of Tribunal	:- 9
3. Limitation.	:- 3
4. Facts of the case	:- 9 to 15
5. Grounds for relief with provisions.	:- 16 to 19
6. Details of Remedies exhausted	:- 19
7. Matters not previously filed or, pending with any other Court.	:- 19
8. Relief sought	:- 19 & 20
9. Interim order	:- 21
10. Particulars of the postal order filed in respect of the application fee	:- 21
11. Annexure No.1A	:- 24 to 26
12. Annexure No.1B	:- 27 to 29
13. Annexure No.1C	:- 30 to 32
14. Annexure No.1D	:- 33 to 34
15. Annexure No.1E	:- 35 to 37
16. Annexure No.2	:- 38 to 40
17. Annexure No.3	:- 41
18. Annexure No.4	:- 42 to 48
19. Annexure No. 5	:- 49 to 50
20. Postal order for Rs. 50.00 being IPO No.5G 422039 Dated 12.2.2001 Gauhati G.P.O.	:- 1 No.
21. Vakalatnama	:- 1 No.
22. Envelopes No.(with Addresses)	:- 4 Nos.
23. Copy of the application along with self addressed envelops.	:- 4 Nos.

Contd... Verification.P/23

Nande Ram Das.

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(23)

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

I, Shri Nanda Ram Das, S/O Late Hareshwar Das ,working in the office of the State Forest Service College, Bournihat- 793101, Assam as Laboratory attendants do hereby solemnly affirm and declare that the contents of the accompany application from para 1 to 12 are true to the best of my knowledge and belief and I have not suppressed any matterial facts.

And I sign this verification on myself and on behalf of the other 37 applicants on this. 16 th day of February, 2001 at Guwahati.

Place : Guwahati.

Date : 16th Feb, 2001

Nanda Ram Das .
Signature of the Applicant.

-24-

Ax. No. 14

No. 1825/78-PHC/90-2

Government of India

State Forest Service College-cum-Research
Centre, Burnihat, Assam.

Dated the 28th Feb. 1978

MEMORANDUM

The undersigned hereby offers Shri Durga Singh a temporary post of Class Room Attendant at the State Forest Service College-cum-Research Centre, Burnihat, Assam, on a pay of Rs. 196/- in the scale of Rs. 196-3-220-EB-3-232/2 P.m. The appointee will also be entitled to draw dearness and other allowances at the rates admissible under, and subject to the conditions laid down in, rules and orders governing the grant of such allowances in force from time to time.

2. The terms of appointment are as follows :-
- (i) The appointment is temporary and will not confer any title to permanent employment.
 - (ii) The appointment is purely provisional pending the issue of eligibility certificate in the candidate's favour and shall stand cancelled in the event of such certificate being refused. The candidate is required to give a written undertaking in the form attached.
 - (iii) The appointment may be terminated at any time during the period of probation without assigning any reason and thereafter on one month's notice given by either side, viz. the appointee or the appointing authority, without assigning any reasons. The appointing authority, however, reserves the right of terminating the services of the appointee forthwith or before the expiration of the stipulated period of notice and on such termination the Government servant shall be entitled to claim a sum equivalent to the pay and allowances for the period of notice or the unexpired portion thereof.
 - (iv) He will be on probation for a period of two years from the date of his appointment which may be extended or curtailed at the discretion of the competent authority. Within the period of two years in respect of the probation period it shall be deemed to have been extended until further orders. The appointee will be required to serve at Burnihat or any other Centre of the Institute. The appointment carries with it the liability to serve in any part of India.
 - (v) If no action is taken by the competent authority
 - (vi) Other conditions of service will be governed by the relevant rules and orders in force from time to time.

....2/-----

Attested
Q.S. K. K. K.
Advocate
dt. 8-2-2007

3.

The appointment will be further subject to :-

- (i) Production of a certificate of fitness from the Chief Medical Officer/ Civil Surgeon, who is being addressed in the matter by this Office.
- (ii) Submission of a declaration regarding marriage in the form enclosed and in the event of the candidate having more than one wife living, or being married to a person having more than one wife living, the appointment will be subject to his being exempted from the enforcement of the requirement in this behalf.
- (iii) Taking of an oath of allegiance/faithfulness to the Constitution of India (or making of a solemn affirmation to that effect) in the prescribed form.
- (iv) Production of the following original certificates :-
 - (a) Degrees/Diplomas/Certificates of educational and other technical qualifications with attested copies thereof.
 - (b) Certificate of age.
 - (c) Character certificate in the prescribed form :-
 - (i) Attested by a District Magistrate or Sub-Divisional Magistrate or their Superior Officers (for Group 'C' Post).
 - (ii) from a Gazetted Officer or Magistrate (for Group 'D' post).
 - (d) Certificate in the prescribed form in support of candidate's claims to belong to a Scheduled Caste/Scheduled Tribe community.
 - (e) Discharge certificates in the prescribed form of previous employment, if any.
 - (f) Attestation Form duly filled (attached) with pass-port size photograph.
 - (g) Personal data of candidate's relatives duly filled in prescribed form (attached).
 - (h) Declaration of Home Town for the purpose of Leave travel concession (form attached).
 - (i) Declaration of particulars of Hindi qualification in the prescribed form in duplicate (form attached).

4. It may please be stated whether the candidate is serving under obligation to serve, another Central Government Department, a State Government or a public authority.

5. If any declaration given or information furnished by the candidate proves to be false or if the candidate is found to have wilfully suppressed any material information, he will be liable to removal from service and such other action as Government may deem necessary.

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3
6. If Shri Surge Singh accept the offer on the above terms, he should report to the Principal and Head of Research, State Forest Service College-cum-Research Centre, Burnihat, Assam by the together with the forms and certificates as mentioned above. If no reply is received or the candidate fails to report for duty by the prescribed date, the offer will be treated as cancelled.

7. No travelling allowance will be allowed for joining the appointment.

(H.K. BAISYA)
Principal and Head of Research
State Forest Service College-cum-Research
Centre, Burnihat
Assam

TO
Shri Surge Singh Class Room Attendant
SFS College, Burnihat
(ASSAM)

No. even of date.

Copy forwarded to:-

The District Health Officer, _____
He may kindly examine Shri _____
and grant him Medical certificate of fitness as required under F.R.10. He may also get the enclosed declaration form filled by the candidate in his presence and return the same to this office.

2.

3.

Date of birth _____

(Certificate - by - _____)

Received one copy

Shri
28/2/78

(H.K. Baisya)
Principal and Head of Research
State Forest Service College-cum-Research
Centre, Burnihat,
Assam

Shri/278.

-27-
No. 1843/78-PTC/90-02

Government of India
State Forest Service College-cum-Research
Centre, Burnihat, Assam.

RECEIVED

Ax. No. 1B

Dated the 28th Feb., 1976.

MEMORANDUM

The undersigned hereby offers Shri Nagen Chandra
Deimary a temporary post of Chaukidar
at the State Forest Service College-cum-
Research Centre, Burnihat, Assam, on a pay of Rs. 196/-
in the scale of Rs. 196-3-220-EB-3-232/- P.M.
The appointee will also be entitled to draw dearness and
other allowances at the rates admissible under, and subject
to the conditions laid down in, rules and orders governing
the grant of such allowances in force from time to time.

2.

The terms of appointment are as follows :-

- (i) The appointment is temporary and will not confer any title to permanent employment.
- (ii) The appointment is purely provisional pending the issue of eligibility certificate in the candidate's favour and shall stand cancelled in the event of such certificate being refused. The candidate is required to give a written undertaking in the form attached.
- (iii) The appointment may be terminated at any time during the period of probation without assigning any reason and thereafter on one month's notice given by either side, viz. the appointee or the appointing authority, without assigning any reasons. The appointing authority, however, reserves the right of terminating the services of the appointee forthwith or before the expiration of the stipulated period of notice and on such termination, the Government servant shall be entitled to claim a sum equivalent to the pay and allowances for the period of notice or the unexpired portion thereof.
- (iv) He will be on probation for a period of two years from the date of his appointment which may be extended or curtailed at the discretion of the competent authority within the period of two years in respect of the probation period it shall be deemed to have been extended until further orders.
- (v) The appointee will be required to serve at Burnihat or any other Centre of the Institute. The appointment carries with it the liability to serve in any part of India.

/If no action is taken by the competent authority

- (vi) Other conditions of service will be governed by the relevant rules and orders in force from time to time.

....2/-----

Attested
Q.S. K. K. K. K.
28/2/2001

3. The appointment will be further subject to :-

- (i) Production of a certificate of fitness from the Chief Medical Officer/ Civil Surgeon, who is being addressed in the matter by this Office.
- (ii) Submission of a declaration regarding marriage in the form enclosed and in the event of the candidate having more than one wife living, or being married to a person having more than one wife living, the appointment will be subject to his being exempted from the enforcement of the requirement in this behalf.
- (iii) Taking of an oath of allegiance/faithfulness to the Constitution of India (or making of a solemn affirmation to that effect) in the prescribed form.
- (iv) Production of the following original certificates:-
 - (a) ~~Degree/Diploma/Certificate~~ of educational and other technical qualifications with attested copies thereof.
 - (b) Certificate of age.
 - (c) Character certificate in the prescribed form:-
 - (i) Attested by a District Magistrate or Sub-Divisional Magistrate or their Superior Officers (for Group 'C' Post).
 - (ii) from a Gazetted Officer or Magistrate (for Group 'D' post).
 - (d) Certificate in the prescribed form in support of candidate's claims to belong to a Scheduled Caste/Scheduled Tribe community.
 - (e) Discharge certificates in the prescribed form of previous employment, if any.
 - (f) Attestation Form duly filled (attached) with pass-port size photograph.
 - (g) Personal data of candidate's relatives duly filled in prescribed form (attached).
 - (h) Declaration of Home Two for the purpose of Leave travel concession (form attached).
 - (i) Declaration of particulars of Hindi qualification in the prescribed form in duplicate (form attached).

4. It may please be stated whether the candidate is serving under obligation to serve, another Central Government Department, a State Government or a public authority.

5. If any declaration given or information furnished by the candidate proves to be false or if the candidate is found to have wilfully suppressed any material information, he will be liable to removal from service and such other action as Government may deem necessary.

He (

dnr/278.

No. 1877 /78-PFC/90-02.
Government of India
State Forest Service Collego-cum-Research
Centre, Burnihat, Assam.

Dated the 9th March/1978.

MEMORANDUM

The undersigned hereby offers Shri Sirish
Chandra Kalita a temporary post of peon
at the State Forest Service Collego-cum-
Research Centre, Burnihat, Assam, on a pay of Rs. 196/-
in the scale of Rs. 196-3-216-EB-3-232/-.
The appointee will also be entitled to draw dearness and
other allowances at the rates applicable under, and subject
to the conditions laid down in, rules and orders governing
the grant of such allowances in force from time to time.

2. The terms of appointment are as follows :-
- (i) The appointment is temporary and will not confer any title to permanent employment.
 - (ii) The appointment is purely provisional pending the issue of eligibility certificate in the candidate's favour and shall stand cancelled in the event of such certificate being refused. The candidate is required to give a written undertaking in the form attached.
 - (iii) The appointment may be terminated at any time during the period of probation without assigning any reason and thereafter on one month's notice given by either side, viz. the appointee or the appointing authority, without assigning any reason. The appointing authority, however, reserves the right of terminating the services of the appointee forthwith or before the expiration of the stipulated period of notice and on such termination, the Government servant shall be entitled to claim a sum equivalent to the pay and allowances for the period of notice or the unexpired portion thereof.
 - (iv) He will be on probation for a period of two years from the date of his appointment which may be extended or curtailed at the discretion of the competent authority within the period of two years. In respect of the probation period it shall be deemed to have been extended until further orders.
 - (v) The appointee will be required to serve at Burnihat or any other Centre of the Institute. The appointment carries with it the liability to serve in any part of India.
 - (vi) Other conditions of service will be governed by the relevant rules and orders in force from time to time.

/If no action is taken by the competent authority

Attested
Q.S. K. B. B. B.
8/2/2001

3.

The appointment will be further subject to :-

- (i) Production of a certificate of fitness from the Chief Medical Officer/ Civil Surgeon, who is being addressed in the matter by this Office.
- (ii) Submission of a declaration regarding marriage in the form enclosed and in the event of the candidate having more than one wife living, or being married to a person having more than one wife living, the appointment will be subject to his being exempted from the enforcement of the requirement in this behalf.
- (iii) Taking of an oath of allegiance/faithfulness to the Constitution of India (or making of a solemn affirmation to that effect) in the prescribed form.
- (iv) Production of the following original certificates:-
 - (a) Degrees/Diplomas/Certificates of educational and other technical qualifications with attested copies thereof.
 - (b) Certificate of age.
 - (c) Character certificate in the prescribed form:-
 - (i) Attested by a District Magistrate or Sub-Divisional Magistrate or their Superior Officers (for Group 'C' Post).
 - (ii) from a Gazetted Officer or Magistrate (for Group 'D' post).
 - (d) Certificate in the prescribed form in support of candidate's claims to belong to a Scheduled Caste/Scheduled Tribe community.
 - (e) Discharge certificates in the prescribed form of previous employment, if any.
 - (f) Attestation Form duly filled (attached) with pass-port size photograph.
 - (g) Personal data of candidate's relatives duly filled in prescribed form (attached).
 - (h) Declaration of Home Two for the purpose of Leave travel concession (form attached).
 - (i) Declaration of particulars of Hindi qualification in the prescribed form in duplicate (form attached).

4. It may please be stated whether the candidate is serving under obligation to serve, another Central Government Department, a State Government or a public authority.

5. If any declaration given or information furnished by the candidate proves to be false or if the candidate is found to have wilfully suppressed any material information, he will be liable to removal from service and such other action as Government may deem necessary.

39

6. If Shri Sirish Chandra Kalita the offer on the above terms, he should report to the Principal and Head of Research, State Forest Service College-cum-Research Centre, Burnihat, Assam by the 31st March 1979 together with the forms and certificates as mentioned above. If no reply is received or the candidate fails to report for duty by the prescribed date, the offer will be treated as cancelled.

7. No travelling allowance will be allowed for joining the appointment.

(H.K.DAISYA)

Principal and Head of Research
State Forest Service College-cum-Research
Centre, Burnihat
Assam.

TO

Shri Sirish Chandra Kalita
Village - Bagla, P.O. Bagla
Dist:- Kamrup (Assam)

No. given of date.

Copy forwarded to:-

The District Health Officer, Kamrup
District, Gauhati (Assam). He may kindly examine Shri Sirish
Ch. Kalita and grant him Medical certificate of fitness as required under F.R.10. He may also get the enclosed declaration form filled by the candidate in his presence and return the same to this office.

2. 90-02 "D"

3. Date of birth ----- (Certificate - by -)

(H.K.Daitya)

Principal and Head of Research
State Forest Service College-cum-Research
Centre, Burnihat,
Assam

dasr/278.

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Ax. No. 1D

No. 134 /87-PFC/15-02

GOVERNMENT OF INDIA
OFFICE OF THE PRINCIPAL & HEAD OF RESEARCH
STATE FOREST SERVICE COLLEGE-CUM-RESEARCH CENTRE, BURNIHAT
A S S A M

Dated Burnihat the 16 th Jan 87

O R D E R

The Services of Shri Kamala Kanta Satowary appointed vide this office order No. 4295/83-PFC/15-02 dt. 19/7/83 in the scale of pay Rs. 260-5-290-RS-326-8-366-RS-390-10-400/-p.m. on temporary basis is hereby regularised from the date of joining subject to good police verification and medical ^{fitness} certificate. The appointee will also be entitle to draw the allowances at the rate admissible under and subject to the condition laid down in rules and orders governing the grant of such allowances in force in time to time.

2. The terms of appointment are as follows:-

- (i) The appointment is temporary and will not confer any title to permanent employment.
- (ii) The appointment is purely provisional pending the issue of eligibility certificate in the candidate's favour and shall stand cancelled in the event of such certificate being refused. The candidate is required to give a written undertaking in the form attached.
- (iii) The appointment may be terminated at any time during the period of probation without assigning any reason and thereafter on one month's notice given by either side, viz. the appointee or the appointing authority, without assigning any reason. The appointing authority, however reserves the right of terminating the services of the appointee forthwith or before the expiration of the stipulated period of notice and on such termination, the Government servant shall be entitled to claim a sum equivalent to the pay and allowance for the period of notice or the unexpired portion thereof.
- (iv) He will be on probation for a period of two years from the date of his appointment which may be extended or curtailed at the discretion of the competent authority. If no action is taken by the competent authority within the period of two years in respect of the probation period it shall be deemed to have been extended until further orders. The appointee will be required to serve at BURNIHAT or any oth Centre of the Institute. The appointment carries with it the liability to serve in any part of India.
- (v) Other conditions of service will be governed by the relevant rules and orders in force from time to time.

3. The appointment will be further subject to:-

- (i) Production of a certificate of fitness from the Chief Medical Officer/Civil Surgeon, who is being addressed in the matter by this Office.

Contd..

Attested
A. S. K. Satowary
8/2/87

- (ii) Submission of a declaration regarding marriage in the form enclosed and in the event of the candidate having more than one wife living, or being married to the person having more than one wife living, the appointment will be subject to his being exempted from the enforcement of the requirement in this behalf.
- (iii) Taking of an Oath of allegiance/faithfulness to the constitution of India (or making of a solemn affirmation to that effect) in the prescribed form.
- (iv) Production of the following original certificates:-
- (a) Degree/Diploma/Certificates of educational and other technical qualifications with attested copies thereof.
 - (b) Certificate of age.
 - (c) Character certificate in the prescribed form:-
 - (i) Attested by District Magistrate or Sub-Divisional Magistrate or their superior Officers (for Group 'C' post).
 - (ii) From a Gazetted Officer or Magistrate (for Group 'D' post).
 - (d) Certificate in the prescribed form in support of candidate's claims to belong to a scheduled Caste/Scheduled tribe community.
 - (e) Discharge certificate in the prescribed form of previous employment, if any.
 - (f) Attestation form duly filled (attached) with passport size photograph.
 - (g) Personal data of candidate's relatives duly filled in prescribed form (attached).
 - (h) Declaration Home Town for the purpose of leave travel concession (form attached).
 - (i) Declaration of particulars of Hindi qualification in the prescribed form in duplicate (form attached).
4. If may please be stated whether the candidate is serving under obligation to serve, another Central Government, Department, a State Government or a public authority.
5. If any declaration given or information furnished by the candidate proves to be false or if the candidate is found to have wilfully suppressed any material information, he will be liable to removal from service and such other action as Government may deem necessary.

(S. N. KALITA) 16/1/87
Principal & Head of Research
State Forest Service College-cum-Research
Centre, Burnihat, Assam.

3. The appointment will be further subject :-

- (i) Production of a certificate of fitness from the Chief Medical Officer/ Civil Surgeon, who is being addressed in the matter by this office.
- (ii) Submission of a declaration regarding marriage in the form enclosed and in the event of the candidate having more than one wife living, or being married to the person having more than one wife living, the appointment will be subject to this being exempted from the enforcement of the requirement in this behalf.
- (iii) Taking of an Oath of allegiance/ faithfulness to the constitution of India (or making of a solemn affirmation to that effect) in the prescribed form.
- (iv) Production of the following original certificates :-
 - (a) Degree/ Diploma/ Certificate of educational and other technical qualifications with attested copies thereof.
 - (b) Certificate of age.
 - (c) Character certificate in the prescribe form :-
 - (i) Attested by District Magistrate of Sub-Divisional Magistrate or their superior Officers (for Group 'C' post.)
 - (ii) Form a Gazetter Officer or Magistrate (for Group 'D' Post)
 - (d) Certificate in the prescribed form in support of candidate's claims to belong to a scheduled Caste/ Scheduled tribe Community.
 - (e) Discharge certificate in the prescribed form of previous employment, if any.
 - (f) Attestation Form duly filled (attached) with passport size photograph.
 - (g) Personal data of candidate's relatives duly filled in prescribed form (attached).
 - (h) Declaration Home Town for the purpose of leave travel concession. (form attached).
 - (i) Declaration of particulars of Hindi qualification in the prescribed form in duplicate (form attached).

4. It may please be stated whether the candidate is serving under obligation to serve, another Central Government, Department, a State Government or a public authority.

5. If any declaration given or information furnished by the candidate proves to be false or if the candidate is found to have wilfully suppressed any material information, he will be liable to removal from service and such other action as Government may deem necessary.

....3....

6. If Shri. SADHAN ROY accepts the offer on the above terms, he should report to the Principal, State Forest Service College, Burnihat, Assam by the 22nd June/1993 together with the forms and certificates as mentioned above. If no reply is received or the candidate fails to report for duty by the prescribed date, the offer will be treated as cancelled.
7. The offer is subject to final police verification received from I.G.P.(SB), Assam Guwahati.
8. No travelling allowances will be allowed for joining the appointment.

S. Talukdar
(S. TALUKDAR)
PRINCIPAL
STATE FOREST SERVICE COLLEGE
BURNIHAT.

10.

Shri Sadhan Roy,
C/O. Narendra Roy (R.P.F.),
Railway New Colony,
Near Silchar Road,
P.O. & District. Karimgang,
(Assam).

NO. EVER OF DATE.

Copy forwarded to :-

1. The District Medical & Health Officer, Karimgang, Assam. He may kindly examine Shri Sadhan Roy and grant him Medical Certificate of fitness as required under Directorate of Forest Education, D.Dun. He may also get the enclosed declaration form filled by the candidate in his presence and return the same to this office.
(Date of Birth _____ (by certificate))
- The Director of Forest Education, Ministry of Environment and Forest, P.O. New Forest, Dehradun. (U.P.) This has a reference to his letter No.18-7/91-DFT, dated 22-2-1993.
- The Regional Director, Staff Selection Commission (NER) Chenikuti, Guwahati for information.
- The Under Secretary to the Govt. of India, (F.E.), Ministry Environment & Forests, Parvathan Bhavan, C.G.O. Complex, 11 Road, New Delhi- 110003, for information.

S. Talukdar
(S. TALUKDAR)
PRINCIPAL
STATE FOREST SERVICE COLLEGE
BURNIHAT.

F.No. 20014/16/EG/E. 1/E, II(E)

Government of India
Ministry of Finance
Department of Expenditure

New Delhi, the 1 December, 1968

OFFICE MEMORANDUM

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

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

(i) Tenure of posting/deputation

(1) Tenure of posting
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.

Special mention in confidence

The existing provisions as contained in this Ministry's D.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 posts, deputation to Central tenure post and courses of training abroad.

(111) Special (Duty) Allowance:-

Central Govt. Civilian employees who have All India transfer liability will be granted Special(Duty) Allowance at the rate of 12 1/2% of basic pay subject to a ceiling of Rs 1000/- per month on posting to any station in the North Eastern Region. Special (Duty) Allowance will be in addition to any special pay, and/or deputation(duty) allowance already being drawn subject to the condition that the total of such Special(Duty) Allowance plus Special pay/Deputation(Duty) Allowance will not exceed Rs.1000/-p.m. Special allowances like Special Compensatory(Remote Locality) Allowance, Construction Allowance and Project Allowance will be drawn separately.

...2/-

Arrested
Q.S. Kumbakonam
Advocate
8-2-2011

-39-

The Central Govt. Civilian employees who are Scheduled Tribes and are otherwise eligible for the 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.

(iv) Special Compensatory Allowance:-

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

(v) Travelling Allowance on First appointment:-

The provisions of the O.M. dt. 14.12.83 will continue with the liberalisation. first appointment T.A. should be admissible for the total distance instead of for the distance in excess of first 400 Kms. only.

(vi) Travelling Allowance for journey on transfer:-

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

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

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

(viii) Joining time with leave:-

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

(ix) Leave Travel Concessions:-

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

Officers drawing pay of Rs 5100/- or above, and their families i.e. spouse and two dependent children (Upto 18 years boys and 24 years for girls) will be allowed air travel between Imphal/Silchar/Agartala/Aizawl/Dibrugarh and Calcutta and vice-versa; between Port Blair and Calcutta/Madras and vice-versa in case of postings in A & N Islands; and between Kavaratti and Cochin and vice-versa in case of postings in Lakshadweep.

(x) Children Education Allowance/Hostel subsidy

Where the children do not accompany the Government servant to the North-Eastern Region, Children Education Allowance upto Class XII will be admissible in respect of children studying at the last station of posting of the employees concerned or any other station where the children reside. If children studying in schools are put in hostels at the last station of posting or any other station, the Government servant concerned will be given hostel subsidy without other restrictions.

The rates of Children Education Allowance/Hostel subsidy will be as in the DOP&T, O.M. 18011/1/87-Estt. (Allowances) dt. 31.12.87, as amended from time to time.

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

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

(xii) Telephone facilities:-

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

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

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

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

5. Hindi version of this Memorandum is attached.

(A. JAYARAMAN)

JOINT SECRETARY TO THE GOVT. OF INDIA.

To

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

Copy (with usual number of spare copies) forwarded to C.&A.G., U.P.S.C. etc. etc. as per standard endorsement list.

.....

-44-

Ax. No. 3

NO. SFSS/DIT/40-96/ 26
Government of India
Ministry of Environment and Forests,
State Forest Service College, Burnihat,
Assam.

48

Dec-5/5 Jan/2001

This is for general information of all the staff
of State Forest Service College, Burnihat that the payment
of special duty allowance is stopped w.e. from Dec/2000
as per the Director of Forest Education letter No. 14-24/2000-
DFT/2791. D/O-15-4-2000

Principal
State Forest Service College,
Burnihat: Assam.

-000-

Attested
Qsk. Subin
Advocate
dt 8-2-2001
o/c

- 42 -

REGD
49
Ar. No. 4

Government of India
Ministry of Environment & Forests
DIRECTORATE OF FOREST EDUCATION
P.O. New Forest, Dehradun - 248 006

No. 14-24/2000-DFT/2797

Dated 15th November, 2000

To

The Principal,
State Forest Services College,
Barnihat - 793 101.

Sub : Quarterly Return for the quarter ending June, 2000 regarding actual expenditure incurred on pay and various types of allowances of regular civilian employees of Central Government.

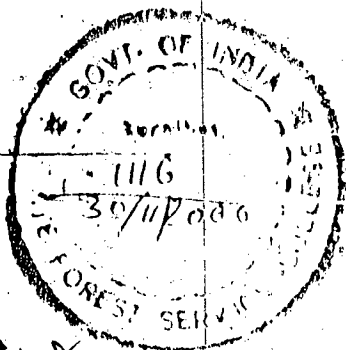
Ref : Your Letter No. SFSC/40-27/694-96, Dated 30th August, 2000
This Office Letter No. 14-24/2000-DFT/1973, Dated 22nd September, 2000 and
Letter No. 14-24/2000-DFT/2554, Dated 6th November, 2000.

Your attention is invited towards the above mentioned letters. You were requested to submit the criteria adopted along-with latest Government orders and justifications for payment of Remote Locality Allowance & Special Duty Allowance for North Eastern region, which is still awaited from you. In view of clarification given in the Swamy's Compilation of FR SR Part - I General Rules Appendix - 9 "Incentives for serving in Remote Areas" (2) *Clarification on Special Duty Allowance for Civilian employees serving in the State and Union Territories of North-Eastern Region, Andaman & Nicobar, and Lakshadweep group of Islands* (copy enclosed for ready reference), you are advised to stop the payment of the Special Duty Allowance to the employees of your college in light of above orders with immediate effect. A copy of the Government orders relating to Remote Locality Allowance may be supplied immediately to this office for record.

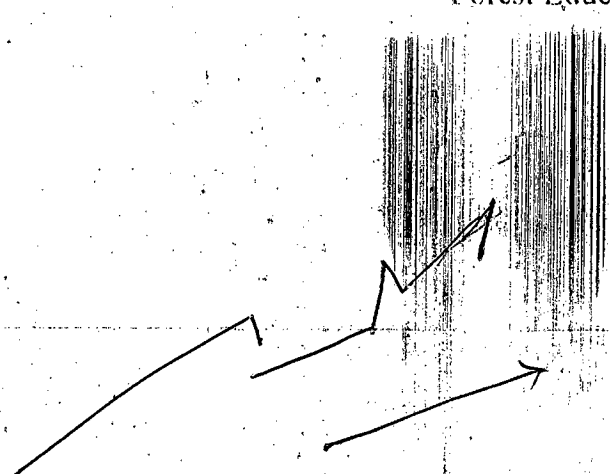
Encl : As above.

0

BSJ
(Jarnail Singh)
Director
Forest Education



Attested
Q.S.K. [Signature]
18-2-2001



APR 91

INCLUSIVE LIST

The general requirement of at least three years service in a cadre post between two Central tenure appointments, in any one of which is not less than two years in deserving cases of meritorious service in the North-East.

A specific entry shall be made in the R of all employees who are granted a full tenure of service in the North-East, in accordance with the R of 1951.

✓ (iii) Special (Duty) Allowance:

Central Government civilian employees who have All India transfer liability will be granted a Special (Duty) Allowance at the rate of 25 per cent of basic pay subject to a ceiling of Rs. 400 per month on posting to any station in the North-Eastern Provinces. This allowance will be in addition to any Special Pay and any other allowances already being drawn subject to the condition that the total of such special (Duty) Allowance plus Special Pay, wherever applicable, shall not exceed Rs. 400 p.m. Special Allowance for Remote Locality (Remote Locality) Allowance, Remoteness Allowance and Project Allowance will be drawn separately.

[G.O. M.L. O.M. No. 2001, dated 11.12.1956]

NOTE:—Special duty allowance will not be payable to holding posts of extra/acting and temporary nature.

The allowance is also not admissible to employees on leave or on tour.

[G.O. M.L. O.M. No. 2001, dated 11.12.1956]

(iv) Special Concessions:

For orders regarding current rates of Special Concessions Allowance for the various posts and Special Concessions Allowance admissible to special duty posts, see the list of posts. Compilation—HR & C.

(v) Travelling Allowance on tour:

In relaxation of the present orders, the travelling allowance is not admissible for journey to and from the place of appointment in case of journey to and from the place of appointment in the North-Eastern region, away from the place of appointment by bus fare/second class rail fare for the journey of the Government servant himself.

(vi) Travelling Allowance for family:

In relaxation of orders G.O. M.L. O.M. No. 2001, dated 11.12.1956, in the North-Eastern region, the family of the Government servant does not accompany him, the Government servant is entitled to travelling allowance on tour for self only for transit purposes. He will be permitted to carry personal effects of his family at Government cost or have them carried at his own cost at a big contribution for the difference in weight. He will be entitled to a big contribution and part of his own contribution.

Point

Clarification

been withdrawn and what new benefits and concessions have been given in lieu thereof to the employees. This needs to be specified clearly.

[C. & A.G., Circular Letter No. 908-Audit/117-83, dated the 11th December, 1984.]

9. It has been enquired whether the Special (Duty) Allowance sanctioned vide M.F., O.M. No. 20014/283-E. IV, dated 14-12-1983, for the staff posted in North-Eastern Region will form part of "emoluments" for the purpose of deciding eligibility of employees to a quantum of *ad hoc* bonus in terms of relevant orders issued vide MF, OM of even number, dated 28-9-1984.

It is clarified that the Special (Duty) Allowance is not to be treated as part of "emoluments" as it is of a compensatory nature like Special Compensatory (Remote Locality) Allowance, etc.

[G.I., M.F., O.M. No. 14 (I)E. (Co-ord.)84, dated Nil, January, 1985.]

(2) Clarification on Special Duty Allowance for civilian employees serving in the State and Union Territories of North-Eastern Region, Andaman & Nicobar, and Lakshadweep group of Islands.—*** 3. It was clarified vide O.M. No. 20014/3/83-E. IV, dated 20-4-1987, that for the purpose of sanctioning 'Special Duty Allowance' 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 N-E Region approached the Hon'ble Central Administrative Tribunal (CAT) (Guwahati Bench) praying for the grant of SDA to them even though they were not eligible for the grant of this allowance. The Hon'ble Tribunal had upheld the prayers of the petitioners as their appointment letters carried the clause of All India Transfer Liability and accordingly, directed payment of SDA to them.

5. In some cases, the directions of the Central Administrative Tribunal were implemented. Meanwhile, a few Special Leave Petitions were filed in the Hon'ble Supreme Court by some Ministries/Departments against the orders of the CAT.

6. The Hon'ble Supreme Court in their judgment delivered on 20-9-1994 (in Civil Appeal No. 3251 of 1993) upheld the submissions of the Govern-

ment 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 N-E Region from outside the region and SDA would not be payable merely because of the clause in the appointment order relating to All India Transfer Liability. The Apex Court further added that the grant of this allowance only to the officers transferred from outside the region to this region would not be violative of the provisions contained in Article 14 of the Constitution as well as the equal pay doctrine. The Hon'ble Court also directed that whatever amount has already been paid to the respondents or for that matter to other similarly situated employees would not be recovered from them in so far as this allowance is concerned.

7. In view of the above judgment 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:—

- the amount already paid on account of SDA to the ineligible persons on or before 20-9-1994 will be recovered; and
- the amount paid on account of SDA to ineligible persons after 20-9-1994 (which also includes those cases in respect of which the allowance was pertaining to the period prior to 20-9-1994, but payments were made after this date, i.e., 20-9-1994) will be recovered.

8: ***

[G.I., M.F., O.M. No. 11 (3)95-E-II (B), dated the 10th January, 1996, and No. 11 (2)97-E-II (B), dated the 22nd July, 1995.]

II

(A)

Retention of/Allotment of alternative general accommodation to civilian employees/officers of AIS posted to

North-Eastern Region

Orders have been issued from time to time for retention of general pool accommodation/allotment of accommodation to civilian Central Government employees of All India Services posted to the States of Assam, Meghalaya, Manipur, Nagaland, Mizoram, Tripura and Union Territories of Arunachal Pradesh, Andaman and Nicobar Islands for a period of three years before the expiry of the normal period for retention of Government accommodation.

Details given below for retention of general pool accommodation/allotment of accommodation to civilian Central Government employees and officers of All India Services posted to the States of Assam, Meghalaya, Manipur, Nagaland, Mizoram, Tripura and Union Territories of Arunachal Pradesh, Andaman and Nicobar Islands for a period of three years before the expiry of the normal period for retention of Government accommodation.

- O.M. No. 12035 (24)/77-Pol II, dated 1-1-1984.
- O.M. No. 12035 (24)/77-Pol II, dated 1-1-1984.
- O.M. No. 12035 (24)/77-Pol II, dated 1-1-1985.
- O.M. No. 12035 (24)/77-Pol II (Vol. II), dated 19-5-1986.
- O.M. No. 12035 (24)/77-Pol II (Vol. II), dated 27-1-1987.

SPEEDY

GOVT. OF INDIA
OFFICE OF THE COMPTROLLER AND AUDITOR
GENERAL OF INDIA
NEW DELHI

DATE: 5-8-98

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 - Recommendation of the Fifth Central Pay Commission.

A copy of Government of India, Ministry of Finance, Deptt. of Expenditure, New Delhi Office Memorandum No. F.No. 11(2)97-E.II(B) dated 22.7.98 (Received on 4.8.98) on the subject mentioned above is forwarded for information and necessary action to:

1. Accountant General(A&E)
Assam
Gawahati
Fax No. 0361 - 563142
2. Accountant General(A&E)
Himachal Pradesh
Shimla
Fax No. 0177 - 6935
3. Jr. Dy. Accountant General(J&K)
Srinagar
Fax No. 0194 - 52002
4. Accountant General(Audit)
Manipur, Imphal
Fax No. 0385 - 228525
5. Accountant General(A&E)
Meghalaya, Arunachal Pradesh and
Mizoram, Shillong
Fax No. 0364 - 223103
6. Accountant General(Audit)
Nagaland, Kohima
Fax No. 0370 - 22947
7. Accountant General(A&E)
Tripura, Agartala
Fax No. 0331 - 224749
8. Accountant General(A&E)
Sikkim
Gangtok
Fax No. 03592 - 22871
9. Accountant General(A&E)
West Bengal
Calcutta
Fax No. 033 - 2487849

FOR M/A

11.8

2/2/98

(S. VENKATARAMAN)
DEPUTY COMPTROLLER AND AUDITOR
GENERAL OF INDIA

New Delhi, Dated July 22, 1998.

OFFICE MEMORANDUM

(H. VISITATAMAT)
ADMINISTRATIVE OFFICER
(AUDIT RULES)

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.

view to attracting and retaining competent officers for service in the North-Eastern Region, comprising States 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 facilities to the Civilian Central Government employees serving in this region. In terms of paragraph 2 thereof, 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 Lakshadweep Islands in this Ministry's O.M. of even number dated December 1, 1984. The allowances and facilities were further liberalised in this Ministry's O.M. No. 20014/16/86-E.IV dated December 1, 1988 and were also extended to the Central Government employees posted to the North-Eastern Region.

The Fifth Central Pay Commission have made certain recommendations suggesting further improvements in 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 do as follows:

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, 1988, shall continue to be applicable.

Weightage 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, 1988, shall continue to be applicable.

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, 1988, 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. 20022/2/88-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 specified areas in the O.M. dated May 24, 1989, but without any ceiling on its quantum. This shall henceforth be termed as Island Special (Duty) Allowance. Separate orders in regard to the same have been issued in this Ministry's O.M. No. 12(1)/98-E.II(B) dated July 17, 1998.

Attention is drawn to the fact that the rates of the Island Special (Duty) Allowance are to be applied to the Central Government Civilian employees posted to serve in the North-Eastern Region but not to those posted to serve in the Andaman & Nicobar and Lakshadweep Groups of Islands.

Education Allowance and Hostel Subsidy

Existing provisions as contained in this Ministry's O.M. No. 20014/3/83-E.IV dated December 14, 1981, 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-Estt.(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 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 Rules.

(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(B)/84 dated March 23, 1984, and extended in this Ministry's O.M. No. 20014/16/86-E.IV/E.II(B) dated December 1, 1988, 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(B) dated December 1, 1988, 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 issue after consultation with the Comptroller and Auditor General of India.

6. Hindi version will follow

(N. SUNDER RAJAN)

Joint Secretary to the Government of India

To

All Ministries/Department of the Government of India (As per standard Distribution List)

Copy [with usual number of spare copies] forwarded to C&AG, UPSC, etc. (As per standard Endorsement List)

Copy also forwarded to Chief Secretary, Andaman & Nicobar Islands and Administrator, Lakshadweep.

Compensatory Allowances

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 Compensatory 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 area(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 Compensatory Allowance(s) as admissible to them in terms of these separate orders.

Central Government employees entitled to Special Compensatory 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.

i) Travelling Allowance on First Appointment

The existing concessions as provided in this Ministry's O.M. No. 20014/3/83-E.IV dated December 14, 1983 and further liberalised in O.M. No. 20014/16/86-E.IV/E.II(B) dated December 1, 1988, shall continue to be applicable.

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

The existing provisions as contained in this Ministry's O.M. No. 20014/3/83-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. 20014/3/83-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:

- (a) 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

- (b) in lieu thereof, the government servant can avail of the facility for himself/herself 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 10 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. 20014/16/86-E.IV/E.II(B) dated December 1, 1988, Officers drawing pay of Rs 13,500 and above and their families, i.e. spouse and two dependent children (up to 10 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/Silchar/Jamshilpur/Jalpaiguri/Siliguri in the North East and Calcutta, and vice versa; between Port Blair in the Andaman & Nicobar Islands and Calcutta/Madras and vice versa, and between Karaikal in the Lakshadweep Islands and Cochin and vice versa.

St. 17th Jan/007

56

To

The Principal,
State Forest Service College, Burnihat, Assam.

Ax No. 5

Sub:- Payment of Special Duty Allowances to the Staff of S.F.S. College, Burnihat.

Ref:- Your letter No. SFSC/BHT/40-96/26 dtd. 05/01/2001.

Sir,

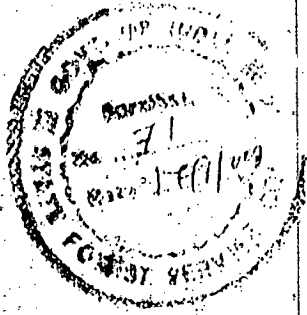
With reference to your letter No. cited above, and as directed by the Director of Forest Education, Dehradun vide his letter No. 14-24/2000-DEF/2791 dtd. 15/11/2000 that S.D.A of this Institute has been stopped from the salary bill of Dec/2000. We would like to bring your kind notice that some of the Central Govt. Offices in Assam who have All India transfer liability are drawing S.D.A till date. As per example the Institute of Rain and Moist deciduous Forest Research, Jorhat under the Ministry of Environment and Forest, still drawing S.D.A and some other Central Govt. offices in Guwahati i.e. CPED office, Barunimaidan, Central Ground Water Board, Central Water Labour Commission office, Rajgarh Road, Guwahati and Survey of India office, Ganeshguri Chariali etc. are drawing Special duty allowance. So request you not to deduct S.D.A from the staff of S.F.S. College, Burnihat and request you kindly allow to draw the S.D.A w.e. from Dec/2000 accordingly.

This is for favour of your kind information and necessary action.

Thanking you,

Yours faithfully

1. Sri Ananda Sarma
2. Mr. D. S. Das
3. P. S. S. S. S.
4. K. D. S.
5. P. S. S. S. S.
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Attested
Q.S. K. S. S. S. S.
18-2-2001

18. Ujjwal Singh
19. Ujjwal Singh
20. B. B. Singh
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