

30/10/02
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

✓ (DESTRUCTION OF RECORD RULES, 1990)

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Referred Date- 11/12/02

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

E.P/M.A No. 64/2002.....

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SECTION OFFICER (Judl.)

FORM NO.4
(See Rule 42)

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

ORDER SHEET
APPLICATION NO 88 OF 2001

Applicant (s) *Sri Amritlal Majumdar*

Respondent(s) *Co. of ens.*

Advocate for Applicant(s) *Mrs. M. Chanda, Mrs. M. Goswami,
Mr. G. N. Chakrabarty, Mr. S. K. Gohain*

Advocate for Respondent(s) *CG SC*

Notes of the Registry	Date	Order of the Tribunal
This application is filed in proper form & deposited in sum of Rs. 50/- through IPO no 422052 Dt. 15.2.01 in office DR, CAT, GHY. Also submitted in recognizable copies with envelopes. It is found in order.	1.3.01	Application is admitted. Issue usual notice. Call for the records. List on 3.4.01 for written statement and further orders.
Submitted in order & placing before the court, as per .	3.4.01	Await Service Report. List for orders on 24.4.01.
<i>b/f 27.02.01</i>	<i>24.4.01</i>	Await service report. List on 16.5.01 for orders.
<i>7.3.2001</i>	<i>1m</i>	
Service of notice issued to the respondents vide D. No. 875-78 Dt. 12.3.01 Balti Registered 4 copy filed only		

pg

*NS
M/S/1*

IC Usha
Member

l
Vice-Chairman

Await Service Report. List for orders on 24.4.01.

IC Usha
Member

l
Vice-Chairman

Await service report. List on 16.5.01 for orders.

IC Usha
Member

l
Vice-Chairman

7.3.2001
Service of notice issued to the respondents vide D. No. 875-78 Dt. 12.3.01
Balti Registered 4 copy filed only

1) Service report are still awaited

16.5.2001

Four weeks time is allowed to the respondents to enable to file written statement.

List on 18.6.2001 for orders.

Zig
24.01

I.C. (Chair)
Member

L
Vice-Chairman

bb

No written statement has been filed.

18.6.01

Written statement has been filed by the respondents. Mrs. N.D. Goswami prays for and granted 3 week time to file rejoinder.

List on 18.7.2001 for order.

Zig
29.4.2001

I.C. (Chair)
Member

L
Vice-Chairman

pg

25.5.2001
W.S. has been filed
on R. 1 to 5.

18.7.01

Applicant may file rejoinder to the written statement filed by the respondents within two weeks from today.

List on 2-8-2001 for further order

N.D.
25.5.2001

Written statement has been filed.

Zig
15.6.01

I.C. (Chair)
Member

L
Vice-Chairman

bb

1-8-2001

2.8.01

The case is ready as regards pleadings. List on 12-9-2001 for hearing.

I.C. (Chair)
Member

L
Vice-Chairman

bb

Zig

12.9.01

Heard counsel for the parties. Hearing concluded. Judgment delivered in open court, kept in open庭簿. The application is allowed in view of the order. No order as to costs.

I.C. (Chair)
Member

L
Vice-Chairman

No rejoinder has been filed.

Zig
11.10.01

24.8.2001

Zig
27.9.2001
27.9.2001
27.9.2001

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 88 of 2001.

12-9-2001.
Date of Decision.....

Sri Ambika Majumdar

Petitioner(s)

Sri M. Chanda.

Versus-

Advocate for the
Petitioner(s)

Union of India & Ors.

Respondent(s)

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

Advocate for the
Respondent(s)

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

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

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

Judgment delivered by Hon'ble : Vice-Chairman



CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 88 of 2001.

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

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

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

Sri Ambika Majumdar,
Son of late Chakradhar Majumdar,
Resident of Jatia,
Kahilipara Road,
Guwahati-6.

... . Applicant.

By Advocate Sri M.Chanda.

- Versus -

1. Union of India,
through the Secretary to the
Government of India,
Ministry of Defence,
New Delhi.
2. The Headquarter Chief Engineer,
Eastern Command,
Fort William,
Calcutta.
3. The Chief Engineer,
MES, Shillong Zone,
S.E.Falls, Shillong.
4. The Area Accounts Officer,
MES Shillong Zone,
Shillong.
5. The Garrison Engineer, (I)(P)
Narengi,
MES, Guwahati.

... . Respondents.

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

O R D E R

CHOWDHURY J. (V.C.)

This is an application under Section 19 of the Administrative Tribunals Act 1985 seeking for a direction on the respondents for granting Special Duty Allowance (SDA) in terms of Office Memorandum dated 14.12.83, 1.12.96, 22.7.98 and 12.1.96. The applicant no doubt belongs to the North Eastern Region. He was however, posted out of North

Eastern Region vide order dated 21.11.90 whereby he was posted to Balasore on promotion to the post of Superintendent B/R Grd.I. Pursuant thereto he joined in Balasore on 31.12.90 and subsequently reposted to North Eastern Region. After serving outside the North Eastern Region is the applicant thus squarely covered by the direction contained in para 2 clause (iv) of the Cabinet Secretariat communication dated 2.5.2000.

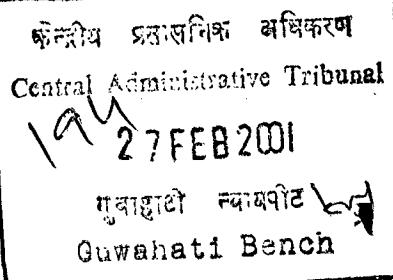
The application is accordingly allowed and the respondents are directed to continue to pay SDA to the applicant in terms of the Office Memorandum dated 14.12.83 and 12.1.96.

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

K.K.Sharma

(K.K.SHARMA)
ADMINISTRATIVE MEMBER

D.N.Chowdhury
(D.N.CHOWDHURY)
VICE CHAIRMAN



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :::: GUWAHATI

Filed by the
Applicant through
Sujithosh
Adv. 23.2.2001

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

Title of the Case : O.A. No. 88 / 2001
 Shri Ambika Majumdar : Applicant.
 -Versus -
 Union of India & Ors. : Respondents.

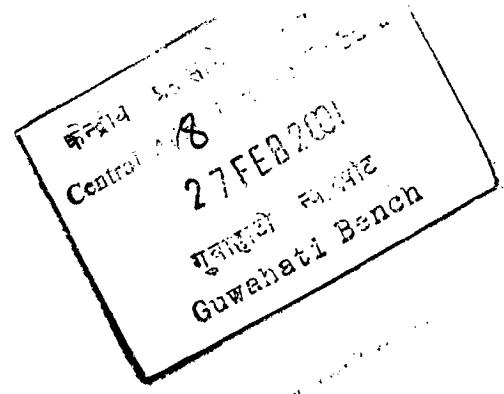
I N D E X

<u>S1. No.</u>	<u>Annexures</u>	<u>Particulars</u>	<u>Page No.</u>
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3.	1,2, & 3	Copies of the transfer and posting order dated 21.11.90, 22.3.94 and 8.6.2000.	12 - 15
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Filed by

Sujithosh

Advocate.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :::: GUWAHATI.

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

O. A. NO. 88 /2001

BETWEEN

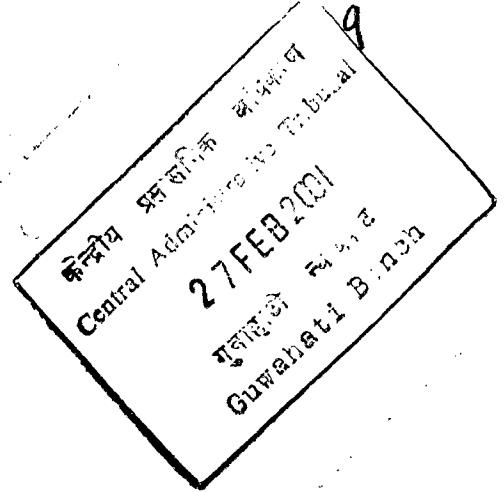
Sri Ambika Majumdar
Son of Late Chakradhar Majumdar
Resident of Kazi Jatia,
Kahilipara Road,
Guwahati-6.

(Working as Junior Engineer (Civil) in the office
of the Garrison Engineer, Narengi, Guwahati MES).

AND

1. Union of India
through the Secretary to the
Government of India ,
Ministry of Defence,
New Delhi.
2. The Headquarter Chief Engineer
Eastern Command,
Fort William
Calcutta.

Contd.....



3. The Chief Engineer
MES, Shillong Zone
S.E. Falls, Shillong.

4. The Area Accounts Officer
MES Shillong Zone,
Shillong.

5. The Garrison Engineer (I)(P)

Narengi,
MES, Guwahati.

..... Respondents.

DETAILS OF THE APPLICATION.

1. Particulars of orders against which the application is made :

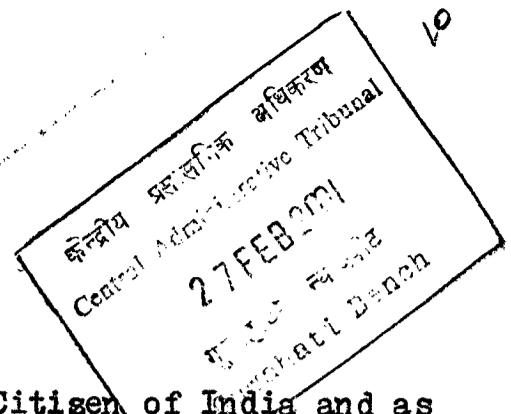
The instant application is directed to in respect of the Office Memorandum No. 11(3)/95-E.II dated 12.1.96 circulated under Ministry of Defence letter No. 1(19)/83-D(Civ-1) Vol. II dated 18.1.1996 and praying for a direction to pay Special (Duty) Allowance to the applicant in terms of the office Memorandum dated 14.12.83, 1.12.99, 22.7.98 and also in terms of Cabinet Secretary letter dated 8.5.2000.

2. Jurisdiction of the Tribunal

The applicant declare that the subject matter of the applicant is within the jurisdiction of the Hon'ble Tribunal.

3. Limitation.

The applicant further declare that the application is within the period of limitation under Section 21 of the Administrative Tribunal Act, 1985.



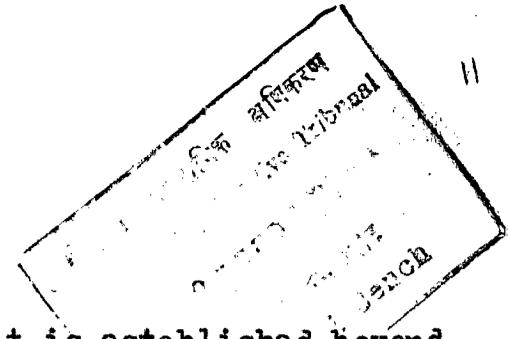
4. Facts of the Case

4.1 That your applicant is a Citizen of India and as such he is entitled to all the privileges guaranteed by the Constitution of India. The applicant is presently serving as Junior Engineer (Civil) in the office of the Garrison - Engineer Narangi, Guwahati MES.

4.2 That your applicant ~~xxxxxxxxxx~~ is initially appointed Superintendent (Building and Road) Grade-II in the year 1971 in the Department of MES, the recruitment of the post of S.A.-II is being done on All India basis and the seniority of the applicant in the cadre of S.A. Grade II/I is being maintained on All India basis. As per condition laid down in the appointment order/recruitment rule the applicant is saddled with All India transfer liability.

Surveyor
The applicant was promoted to the post of *Surveyor* Grade-I during the year 1990 vide order bearing no. 1551/1/777/E1 dated 21.11.90 the said promotion of the applicant was considered on All India Basis. The applicant immediately after his promotion transferred and posted at GE (I(P)R & D Balasore Chandipur, Dist Balasore (Orissa) and joined them on 31.12.90 and the applicant stayed at Balasore for about 3½ years in the cadre of the Grade-I thereafter he was transferred back to GE 869 EMS C/O 99 APO, at DINJAN, Assam and the transfer and posting of the applicant mentioned above was made in public interest.

It is stated that the applicant was transferred and posted in different place in North Eastern Region including



his posting at Balasore therefore it is established beyond all doubt that the applicant is ~~saddled~~ saddled with All India Transfer Liability. He is presently posted at GE, Guwahati working as a Junior Engineer (Civil) .

Copy of the transfer and posting order dated 21.11.90, 22.3.94 and 8.6.2000 are annexed as Annexure - 1, 2 and 3 respectively.

4.3 That the Government of India, Department of Expenditure, Ministry of Finance, New Delhi granted certain allowances and facilities to Civilian Central Government Employees, serving in the North Eastern Region and in the Union Territories under the office memorandum No. 20014/3/83-II -IV dated 14.12.83, one of such allowance is called ^{as} Special Duty Allowance (in short SDA) was ^{given} to the Civilian Central Government Employees on posting to any station in the N.E. - Region, who are saddled with all India Transfer Liability, the said allowances is granted 25% with a maximum of Rs.400/- as per O.M. dated 14.12.85 . However the said rate was revised from time to time by the Government vide O.M. dated 1.12.88 and O.M. dated 22.7.98.

Copies of the O.M. dated 14.12.83, 1.12.88 and 22.7.98 are enclosed as Annexure - 4, 5 and 6 .

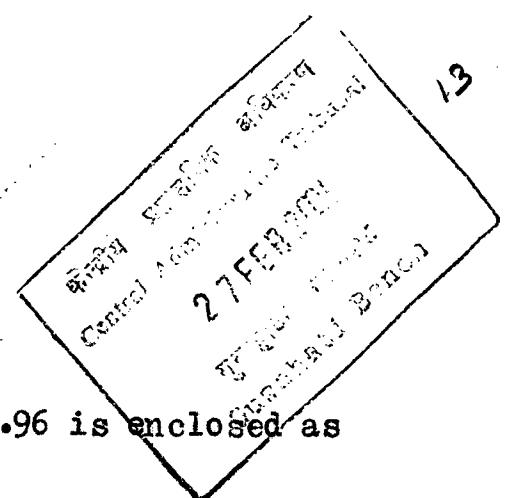
4.4 That your applicant beg to state that the applicant was found eligible by the respondents for payment of SDA in terms of the office memorandum dated 14.12.83, 1.12.88 and 22.7.98 and accordingly they have started paying SDA to the applicant since 1983 as per O.M. dated 14.12.83 except for the period during his stay at Balasore in Orissa.

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4.5 But most surprisingly in the month of May 2000 the respondent without any notice/allowances and in total violation of principle of Natural Justice stopped the payment of SDA as well as the respondent proposed to be recovered the amount of the SDA which was paid to the ^{applicant} respondent with effect from 20.9.94. The applicant also came to know that the stoppage and proposed recovery of SDA has been made following the order/direction contained in the O.M. No. 11(3)/93-E,II dated 12.1.96 circulated under Ministry of Defence letter No. 4(19) 4(19)/83-B/Civ-I Vol.II dated 18.1.96 whereby it is directed that locally ~~recruited~~ recruited employees are not entitled to SDA as such whatever payment is made as after 20.9.94 should be recovered from the employee concerned. It is relevant to mention here that there was a mention of the Decision of Hon'ble Supreme Court delivered on 20.9.94 in Civil Appeal No. 3251/1993 where Hon'ble Supreme Court upheld the submission of Government of India that Central Govt. employees who have All India Transfer Liability are entitled to ^{payment} of SDA ^{posting} on being to any station in N.E. Region from out side the region and on the alleged ground of locally recruited the respondents stopped the payment of SDA and proposed to be recovery of payment of SDA which has been paid in earlier.

A mere reading of the circular dated 12.1.96 makes it abundantly clear that the applicant fulfilled all the condition laid down therein for grant of SDA. It is categorically submitted that the circular dated 12.1.96 supporting case of the applicant as such stoppage the SDA without notice from the salary of May 2000 onward is contrary to law and the said decision is liable to be set aside and quashed.

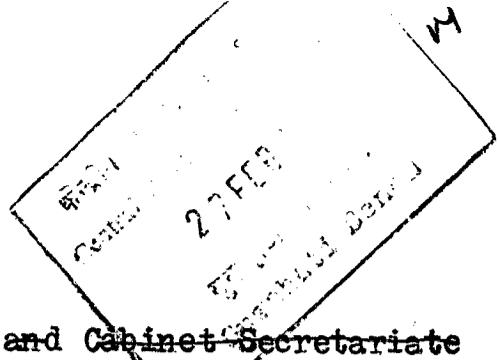




Copy of the O.M. dated 18.1.96 is enclosed as
Annexure-7.

4.6 That your applicant beg to state that the clarification given by the Cabinet Secretariate which is communicated through Memorandum dated 8.5.2000 ~~is such~~ by the Director General of Security, New Delhi where in the Cabinet Secretariat in para 3 of Sub-para (b) it is categorically stated that an employee belongs to N.E. Region and subsequently posted outside N.E. - Region if again transferred back to N.E. Region having common All India Seniority and All India Transfer Liability is entitled to payment of SDA as per clarification given by the Cabinet Secretariat after consultation with the Ministry of Finance. It is stated that this clarification of Cabinet Secretariate has been issued with the concurrence of the Finance Division, Cabinet Secretariate vide Dy. No. 1349 dated 11.10.99 and Ministry of Finance (Expenditure) I.D. No. 1204/E.II dated 30.3.2000.

In view of this above clarification given by the Cabinet Secretariate the clarification given vide memorandum dated 12.1.96 is stated modified as such applicant is entitled to payment of SDA. It is further stated that the applicant ~~satisfied~~ satisfied the ~~criteria~~ criteria laid down in sub clause of b of Cabinet Secretariate clarification the applicant was transferred to the ~~situated~~ Balsore of Orissa which was the outside of the N.E. Region and again transferred to the N.E. Region as such the applicant is entitled to payment of SDA.



Copies of the Seniority list and Cabinet Secretariate

letter dated 8.5.2000 are enclosed as Annexure - 8-B.

and Cabinet Secretariate letter dated 8.5.2000 is enclosed
here with as ANNEXURE - 8-A.

4.7 That your applicant categorically stated that in similar facts and circumstances some of the Central Civilian Govt. employee approached this Hon'ble Tribunal vide in O.A. 237/2000 and the Hon'ble Tribunal was pleased to allow the application and continued ~~the~~ to payment of ~~px~~ SDA and also stopped the recovery of payment of SDA. In view of the above decision of the Tribunal the applicant is entitled to payment of SDA.

Copy of the Tribunal order dated 22.10.2000 in O.A.

237/2000 is enclosed as Annexure - 9.

4.8 That your applicant in the compelling circumstances stated above finding no other alternative ~~approaching~~ approaching this Hon'ble Tribunal praying for a direction upon the respondent to continue to pay SDA and not to make any recovery of SDA and also for a declaration that the applicant is entitled to SDA.

4.9. That this application is made bonafide and for the ends of justice.

5. Ground for relief(s) with legal provision.

5.1 For that the impugned memorandum dated 12.1.96 circulated under letter dated 18.1.96 is not applicable in the instant case of the applicant rather support the case of the applicant.

5.2 For that the applicant posting at Balasore in Orissa~~from N.E. Region during the year 1990 made it abundantly clear that he is saddled with All India Transfer Liability.~~

5.3 For that the applicant was posted to GE 869 EMS during the year 1994 from Balasore i.e. from outside to N.E. Region as such entitled to SDA .

5.4 For that ~~payment of SDA and recovery has been made in total violation of the Principle of Natural justice~~

5.5 For that no notice or show cause was issued to the applicant before the proposed deduction is to made from salary which is violation of the Natural of justice.

5.6 For that the applicant is saddled with All India Transfer Liability interms of O.M. dated 14.12.83, 1.12.96, 22.7.98 and also interms of Cabinet Secer-
tariate letter dated 8.5.2000 where in ^{it is} stated that if ^{Local resident} one who went to the outside the N.E. Region and again came back to this N.E. Region though he is originally recruited from N.E. Region he is entitled to SDA as such the present applicant is entitled payment of SDA.

5.7 For that the applicant is eligible for grant of SDA in terms of clarification ^{laid down} ~~governed by~~ the Govt. of India Department of Expenditure, Ministry of Finance, New Delhi in paragraph 3 of the said O.M. 12.1.1996.



6. Details of remedy exhausted.

The applicant beg to state that there is no other alternative remedy under any rule available before the applicant then to approach the Hon'ble Tribunal by way of filing this Original Application.

7. Matter not pending before any other Court/Tribunal.

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made before any court of law or any other authority or any other Bench of the Tribunal and/or any such application writ petition or suit is pending before any of them.

8. Relief(s) sought for :

8.1 That the Hon'ble Tribunal be pleased to declare that the applicant is entitled to payment of SDA in terms of O.M. dated 14.12.83, 12.1.98 and 22.7.98 and also in terms of under O.M. dated 12.1.96.

8.2 That the respondents be directed to continue to pay SDA to the applicant in terms of O.M. dated 14.12.83, 12.1.88 and 22.7.98.

8.3 That the Hon'ble Tribunal be pleased to declare that the respondents are not entitled to recovery of SDA already paid to the applicant.

Contd.....



8.4 That the Hon'ble Tribunal be pleased to declare that the respondents are not entitled to recovery of SDA already paid to the applicant.

8.5 To pass any other order or orders as deem fit and proper.

8.6 Cost of the case.

9. Interim Prayer

During the pendency of the case the applicant ~~prayer~~ for the following relief .

9.1 That the Hon'ble Tribunal be pleased to stay the operation of the impugned letter ~~1~~ dated 18.1.96 and further be pleased to direct the respondents not to make any recovery of SDA already paid to the applicant.
10.

This application is filed through Advocate.

11. Particulars of Postal Order :

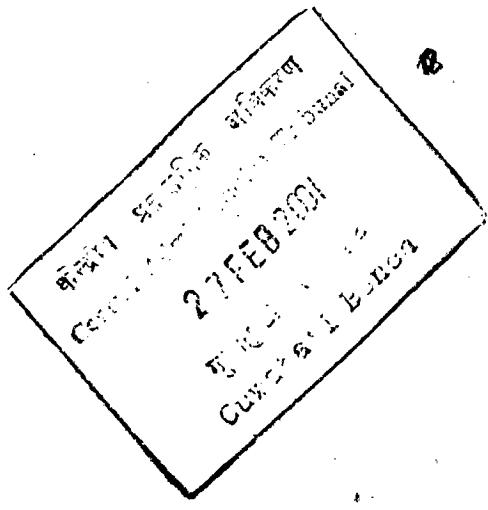
- i. I.P.O. No. : 5G 422 052
- ii. Date of Issue : 15-2-2001
- iii. Issued from : G.P.O. Guwahati.
- iv. Payable at : G.P.O. GUWAHATI.

12. List of Enclosures :

As stated in the Index.

Verification.....



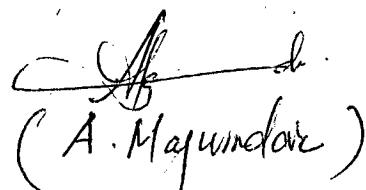


-11-

VERIFICATION

I, Shri Ambika Majumdar, son of late Chakradhar Majumdar aged about 50 years, resident of Jatia, Kahilipara, Guwahati-6 and working as Junior Engineer (Civil) in the office of the Garrison Engineer, Narengi, applicant in this original application do hereby verify that the statements and declare that the statements made in paragraphs 1 to 4 and 6 to 12 are true to my knowledge and those made in paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 19th day of February, 2001, at Guwahati.


(A. Majumdar)

Signature.

Garrison Engineer (P) Umroi
Umroi Cantonment
Darpani - P.O.
Shillong - 793 103

1551/1/777/E1

21 Nov '90

MES/224721 Shri
Anubika Mazumdar,
Supit./R Gde-II (Opt)
(Through AGE /R- II).

PROMOTION/POSTING : SUPDT /R GDE-II
TO SUPDT /R GDE-I

1. You are hereby posted to GE (P) Shillong on promotion to Supit /R Gde-I (Offg) in the interest of State.

Auth :- HQ CEEC Calcutta letter No 131341/3/82/En;rs/EID dated 22 Sep '90. *from*

2. You will be relieved of your duties in this office on 15 Dec '90 (A/N) and will report to your new duty Station *after availin; usual journey/joining time*.

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

(a) Clearance Certificate (b) Ration Card
(c) Departure report (d) Identity Card (may be surrendered to new formation)

4. Your pay and allowance for the month of ~~Dec '90~~ ~~Dec '90~~ ~~Dec '90~~ ~~Dec '90~~ will be claimed by this office and for the month of ~~Dec '90~~ ~~Dec '90~~ ~~Dec '90~~ ~~Dec '90~~ and onward will be claimed by your new formation after reporting for duty there.

5. Advance of TA/DA may be had on application.

6. It is certified that the above named individual is not involved in any disciplinary case/court of inquiry and SPE case.

Ans
(A G Kinikar)
EE
Garrison Engineer (P)

Copy to :-

1. CEEC Calcutta
2. CESZ Shillong
3. CWE Shillong
4. GE (P) Shillong
5. UA GE (P) Umroi
6. CDA Jaisi Tha Gauhati
7. AAO Shillong
8. LAO (A) Shillong
9. Chief Engineer (Range R&D Shillong)
10. JCDA (P) Meerut
11. UA GE (P) Shillong
12. AGE /R II (P) Umroi
13. Internal
EIC, EID, EIP, ESC

FOR GE (P) SHILLONG ONLY
Pay and allowances details
Basic Pay : Rs. 2150.00
DA : Rs. 925.00
HCA/WA : Rs. 150.00
HRA : Nil
SDA : Rs. 269.00
Deductions
GPF : Rs. 400.00
(A/C No 900125)
CGEGIS : Rs. 30.00
Date of App'tt : 08.10.71
Date of Birth : 01.7.51
Date of next increment (as Gde-II) : 08.10.01

Balance of Leave

C/L : - NIL

R/H : - 2 days

E/L : - Up to DEC '90 - 251 days

To be copied
B. S. P. D.
P. D. W.

MOVEMENT ORDER

GE (I) (P) R&D Balasore,
 Post Chandipur
 Dist Balasore (Orissa)
 Pin Code - 756 025

1011/1303/E1

2 Mar 94

MES-224721 Shri
 A Kazumdar Supdt B/R Gde-I
 (Through AGE B/R No 2)

POSTING/TRANSFER ON TURN OVER : SUPDT B/R GDE I

1. You are hereby permanently transferred to GE 869 E.S
 in the interest of state.

Auth :- HQ Eastern Command, Engrs Branch posting order No 84/
 131322/2/93/3A/71/Engrs/EIC (I) dated 09 Oct 93

/bearing letter No

2. You will be relieved of your duties from this office wef
 30 Apr 94 (AN) and you will report to your new unit after availing
 normal joining time/journey period as admissible.

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

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

(a) Clearance Certificate (b) Departure Report

5. Identity Card bearing No C-354818 issued to you by this
 office will be surrendered to your new formation.

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

7. For GE 869 E.S only The individual is not involved in any
 disciplinary case/Court of Inquiry/SPE Cases.

(D Sheel)

EE

GE (I) (P) R&D Balasore

Copy to :-

1. Chief Engineer, Eastern Command
 Fort William, Calcutta-21
2. CE (P) R&D Picket Secunderabad
3. GE 869 E.S 3 A HQ 137 WE
4. CDA Patna, CDA Gauhati
5. JCDA (Funds) Meerut
6. AAO (Pay Cell) Shillong
7. AAO (Pay Cell) Calcutta
8. GE (I) R&D Chandipur
9. CE Shillong Zone, Shillong.
10. AAO GE (I)(P) R&D Balasore

Details of Pay as on 31.3.94

Basic Pay : Rs 2480.00

DA @ 97% : Rs 2406.00

Interim : 3s 100.00

Relief

HRA : Rs 220.00

Deductions

GPF Subs : Rs 600/-

(A/C No 900126)

CGEGIS : Rs 30/-

True copy
 Subhadeep
 Adhikari

14
 Shillong Zone
 Elephant Falls
 PU Nonoyer Post
 Upper Shillong-793009
 87101/04/21 /E7B Jun 2000
 08
 MES-224721 SHRI AMBIKA MAZUMDAR
 JE(CIVIL)
 (THROUGH E-5 SECTION)

POSTING/TRANSFER ON TURN OVER: JE(CIVIL)

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

Auth : HQ CEEC Calcutta letter No. 131322/2/2000/JE(Civ)/16/
 Engrs/EIC(1) dated 15.4.2000.

2. You will be relieved of your duties from this office on 30 Jun 2000(A/N) and will report to your new duty station after availing usual joining/journey period.

3. TA/DA may be had on application.

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

5. (a) Ration Card (b) Departure Report (c) Clearance Certificate from all concerned.

6. Identity Card bearing No. C-606663 issued by this office be surrendered at your new formation/Unit for their necessary action.

7. Please note your pay and allowances for the month of July 2000 onwards will be claimed/paid by your new formation/Unit after reporting for duty there.

8. JE(C) Service Book- Centralised.

FOR GE GUWAHATI - The above named individual is not involved in any disciplinary/SPE/C of 1 cases.

1. You are hereby permanently transferred to BS (N) Guwahati in the interest of the state.

Auth : HQ CEEC Calcutta letter No. 131322/2/2000/JE(Civ)/16/
Distribution Engrs/EIC(1) dated 15.4.2000.

1. HQ CEEC Calcutta- 21

2. You will be relieved of your duties from this office on 30 Jun 2000(A/N) and will report to your new duty station after availing GE Shillong joining/journey period.

3. TA/DA Shillong be had on application.

4. CDA Nanganj Guwahati following before leaving this office:-

5. HQ GE Shillong Zone (b) Departure Report (c) Clearance Certificate from all concerned.

6. JCIK(F) Meerut Identity Card bearing No. C-606663 issued by this office.

7. Please note your pay and allowances for the month of July 2000 onwards will be claimed/paid by your new formation/Unit after reporting for duty there.

8. Please note your pay and allowances for the month of July 2000 onwards will be claimed/paid by your new formation/Unit after reporting for duty there.

To be signed
 Digitized by
 T.D.

Warranted to be correct in all respects. I am in receipt of the above mentioned letter dated 10.6.2000 and I have no objection to the same. I am enclosing herewith a copy of the letter addressed to me by the concerned authority.

Yours faithfully,
S. K. Mazumdar
JE (Civil)
Date: 10.6.2000

DETAILS OF PAY AND ALLOWANCES

Pay and allowances in respect of NES-224721 Smti. Sambika Mazumdar, JE (Civil) claimed in this office for the month of Jun 2000 (earlier under Government of India, Ministry of Home Affairs).

- (a) Basic Pay - Rs. 9100/-
- (b) DA @ 38% - Rs. 3458/-
- (c) HRA @ 15% - Rs. 1365/-
- (d) HCA - Rs. 1300/-

DEDUCTION

- (a) GPF - Rs. 4200/- PM
- (b) CGEGIS - Rs. 130/- PM

(GPF Account Number - 900126)

DATE OF BIRTH - 01 July, 1950

DATE OF APPOINTMENT - 08.10.1971

DATE OF NEXT INCREMENT - 01 Jan 2001

LEAVE DETAILS

- (a) EL - 123 days upto Jun 2000
- (b) HPL - 418 days upto Jun 2000

Subash

Annexure-4 (Extract)

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

New Delhi, the 14th Dec '83

OFFICE MEMORANDUM

Sub 1. Allowances and facilities for civilian employees of the Central Government serving in the States and Union Territories of North Eastern Region- improvements thereof.

The need for attracting and retaining the services of competent officers for service in the North Eastern Region comprising the States of Assam, Meghalaya, Manipur, Nagaland and Mizoram has been engaging the attention of the Government for sometime. The Government had appointed a committee under the Chairmanship of Secretary, Department of Personnel and Administrative Reforms, to review the existing allowances and Administrative Reforms, to review the existing allowances and facilities admissible to the various categories of Civilian Control Government employees serving in this region and to suggest suitable improvements. The recommendations of the Committee have been carefully considered by the Government and the President is now pleased to decide as follows :-

i) Tenure of posting/deputation

xxxxxxxxxxxxxxxx

ii) Weightage for Central deputation/training abroad and special mention in confidential Records.

xxxxxxxxxxxxxx

iii) Special (Duty) Allowance.

Central Government civilian employees who have All India transfer liability will be granted a Special (Duty) Allowance at the rate of 25 percent of basic pay subject to a ceiling of Rs. 400/- per month on posting to any

Contd...

To be completed
Date

Annexure 2 (Contd.)
24

station in the North Eastern Region. Such of thos employees who exempted from payment of income tax will, however, not be eligible for this Special (Duty) Allowance. Special (Duty) Allowance will be in addition to any special pay and pre Deputation (Duty) Allowance already being drawn subject to the condition that the total of such Special (Duty) Allowance will not exceed Rs. 400/- p.m. Special Allowance like Special Compensatory (Remote Locality) Allowance, Construction Allowance and Project Allowance will be drawn seperately.

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X XXXXXXXX

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Sd/- S.C. MAHALIK
JOINT SECRETARY TO THE GOVERNMENT OF INDIA

-26-

Annexure-2 (Extract)

F.No. 20014/16/86/E.IV/E.II (B)
 Govt. of India, Ministry of Finance,
 Department of Expenditure

New Delhi the 1 Dec 1988

OFFICE MEMORANDUM

To chairman

Subject : Improvements and facilities for Civilian Employees of the Central Govt. serving in the States of North Eastern Region, Andaman Nicobar and Lakshadweep.

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

- 1) x x x x x xx
- ii) x x x x x x x
- iii) Special Duty Allowance.

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

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

x x x x x
 XXXXXXXXXXXX

Sd/- Illegible

Tour. exp.
 Dr. Shyamal
 Dov.

Forwarded for information
and necessary action.

F. No. 11(2)/97-E.II(B)
Government of India
Ministry of Finance
Department of Expenditure

(H. VISKATARAJAN)

SR. ADMINISTRATIVE OFFICER
(AUDIT RULES)

New Delhi, Dated July 22, 1998.

OFFICE MEMORANDUM

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

With a view to attracting and retaining competent officers for service in the North-Eastern Region, comprising the territories of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura, orders were issued in this Ministry's O.M. No. 20014/3/83-E.IV dated December 14, 1983 extending certain allowances and other facilities to the Civilian Central Government employees serving in this region. In terms of paragraph 2 thereof, these orders other than those contained in paragraph 1(iv) ibid. were also to apply mutatis mutandis to the Civilian Central Government employees posted to the Andaman & Nicobar Islands. These were further extended to the Central Government employees posted to the Lakshadweep Islands in this Ministry's O.M. of even number dated March 30, 1984. The allowances and facilities were further liberalised in this Ministry's O.M. No. 20014/16/86-E.IV/E.II(B) dated December 1, 1988 and were also extended to the Central Government employees posted to the North Eastern Council when stationed in the North-Eastern Region.

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

(i) Tenure of Posting/Deputation

The provisions in regard to tenure of posting/deputation contained in this Ministry's O.M. No. 20014/3/83-E.IV dated December 14, 1983, read with O.M. No. 20014/16/86-E.IV/E.II(B) dated December 1, 1988, shall continue to be applicable.

(ii) 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.

(iii) Special [Duty] Allowance

Central Government Civilian employees having an "All India Transfer Liability" and posted to the specified Territories in the North-Eastern Region shall be granted the Special [Duty] Allowance at the rate of 12.5 per cent of their basic pay as prescribed in this Ministry's O.M. No. 20014/16/86-E.IV/E.II(B) dated December 1, 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 different specified areas in the O.M. dated May 24, 1989, but without any ceiling on its quantum. This Allowance shall also henceforth be termed as Island Special (Duty) Allowance. Separate orders in regard to this Allowance have been issued in this Ministry's O.M. No. 12(1)/98-E.II(B) dated July 17, 1998.

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

Done on
the 22nd
July 1998
At New Delhi

(iv) Special Compensatory Allowances

Orders in regard to revision of the rates of various Special Compensatory Allowances, such as Remote Locality Allowance, Bad Climate Allowance, Tribal Area Allowance, Composite Hill 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.

(v) 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 18 years in respect of sons and up to 24 years in respect of daughters] also to travel once a year to visit the government servant at the station of posting.

These special provisions shall continue to be applicable.

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

Further, in modification of the orders contained in this Ministry's O.M. No. 20014/16/86-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 18 years in respect of sons and up to 24 years in respect of daughters] will be permitted to travel by air on Leave Travel Concession between Agartala/Aizawl/Imphal/Lilabari/Silchar 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 Kavaratti in the Lakshadweep Islands and Cochin and vice versa.

(vii) Children Education Allowance and Hostel Subsidy

The existing provisions as contained in this Ministry's O.M. No. 20014/3/83-E.IV dated December 14, 1983 shall continue to be applicable. The rates of Children Education Allowance and Hostel Subsidy having been revised in the Department of Personnel & Training O.M. No. 21017/1/97-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 so retained will be recoverable at the applicable normal rates in cases where the accommodation is below the type to which the employee is entitled to and at one and a half times the applicable normal rates in cases where the entitled type of accommodation has been retained. The facility of retention of Government accommodation at the last station of posting will also be admissible for a period of three years beyond the normal permissible period for retention of Government accommodation prescribed in the 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 29, 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.

*Accepted by
N. Sunder Rajan
D. 1. 8. 97*

N. Sunder Rajan

(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.

Annexure- 7

Ministry of Defence
D (Civil)

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

A copy of the Ministry of Finance (Department of Expenditure) O.M. No. 11(3)/95-E.II(B) dated 12 Jan. 1996 on the above mentioned subject is forwarded heretith for information and necessary action in so far as civilians paid from Defence Services Estima es are concerned. Hindi version is also enclosed herewith.

Sd/- R. S. Sharma
Section Officer

AG/Orr 4 (Civ) (d)	DTYCC/Pers (C)	DGDE/Admin
BR Hqrs/PPA -2	DTAF S/7G-2 (3#	STDAF (Air)/Admin
MIS/CP Dte	The CFC Calcutta	Coord)
BRD/Orgn/DOP	DPR	

M of D.I.D. No. 4(19)/83-D(Civ.I) Vol.II dated 18.1.96
Copy to :-

The CGDA, All DADA, All Sr. Dy. DADA, The CDAS; The Asstt. Audit Officers (Defence Services), Kanpur, Bangalore and Allahabad. The Director of Accounts (Postal) APS Section.

DFA (RS); DFA (Navy); DFA (AF); DFA, DPA (DP-I), CCA (Factory) Calcutta.

Copy of Ministry of Finance (Department of Expenditure) O.M. No. 11(3)/95-E.II (B) dated 12th January 1996 regarding Special (Duty) Allowance for civilian employees of the Central Government serving in the State of Union Territories of North Eastern Region.

The undersigned is directed to refere to this Department's OM No. 20014/3/83-E.IV dated 14.12.1983 and 20.4.87 read with O.M No. 20014/16/86-E.IV/E.II (3) dated 1.12.1988 on the subject mentioned above.

2. The Government of India vide the above mentioned OM dated 14.12.1983 granted certain incentives to the Central

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Tone 900
Supt. P.M.

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Annexure- 7

The undersigned is directed to refer to this Department's O.M. 20014/3/83-E.IV dated 14.12.1983 and 20.4.87 read with O.M. No. 20014/16/86-E.IV/E.II(B) dated 01/12/88 on the subject mentioned above.

2. The Government of India vide the above mentioned O.M. dated 14.12.1983 granted certain incentives to the Central Government civilian employees posted to the N.E. Region, one of the incentives was payment of a 'Special Duty Allowance' (SDA) to those who have "All India Transfer Liability."

3. It was clarified vide the above mentioned O.M. dated 20.4.87 that for the purpose of sanctioning 'Special Duty Allowance' the All India Transfer Liability of the members of any service/cadre or incumbents of any post/group of posts has to be determined by applying the tests of recruitment ~~excludes/post~~ 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 this allowance. The Hon'ble Tribunal had upheld the prayers of the petitioners as their appointment letters carries the clause of All India Transfer Liability and, accordingly directed payment of SDA to them.

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

6. The Hon'ble Supreme Court in their Judgement delivered on 20.9.94 (in Civil Appeal No. 3251 of 1993) uphold the submissions of the Government of India that Central Government Civilian employees who have all India transfer liability are entitled to the grant of SDA, on being posted to any station in the 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 ~~affix~~ 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 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 judgement of the Hon'ble Supreme Court, the matter has been examined in consultation with the Ministry of Law and the following decisions have been taken.

- i) the amount already paid on account of SDA to the ineligible persons on or before 20.9.94 will be waived;
- ii) the amount paid on account of SDA to ineligible persons after 20.9.94 (which also include those case

in respect of which the allowance was pertaining to the period prior to 20.09.94, but payments were made after this date i.e 20.9.94) will be recovered.

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

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

10. Hindi version of this OM is enclosed.

Sd/-

(C.B. LACHANDRAN)
Under Secretary to the Govt. of India

PANEL FOR PROMOTION TO SUPDT B/R GDE-I IN MES

Ser No MES No and Name

S/ Shri

1.	440078	H B Gupta
2.	304716	Dev Dutt Basón
3.	100954	Ram Prakash Dharna
4.	232201	Abdul Rehman Kunju H
5.	305392	Ajaib Singh Gill
6.	455085	KK Banerjee
7.	116088	Noble Lal KN
8.	446285	Swinder Pal Singh
9.	308495	Pramod Kumar Garg
10.	446063	Mela Singh
11.	308545	Vijay Kumar Kapoor
12.	306623	Pramod Kumar Bansal
13.	308706	Joginder Singh Plaha
14.	206729	Joharlal Das Gupta ✓
15.	220078	Pranab Kumar Das ✓
16.	305270	Amar Nath ✓
17.	136616	Lucas David
18.	144229	K Shanmugam (S/C)
19.	263091	Radha Kanta Sinha (S/T) ✓
20.	263259	Pradip Kumar Choudhury ✓
21.	228498	Prabin Chandra Goggi ✓
22.	452132	Arun Lal (S/C)
23.	148847	N Chandra Sekaran
24.	167792	Yograj Mandiratta
25.	440161	Girish Chandra Upretti
26.	461554	Vijay Kumar
27.	237966	Swapan Purkayastha ✓
28.	310572	Jatinder Kumar Aneja
29.	311494	Asliok Kumar Bhatia
30.	310812	Hargobind Singh
31.	310441	Vinod Kumar Sachdova
32.	310829	Narinder Kumar Bahl
33.	310506	Krishan Kumar Panjani
34.	310477	Hargovind Wadhwa
35.	224735	Ashok Kumar Bhattacharjee ✓
36.	242597	Pradyumna Kishore Dutta ✓
37.	413286	Dharam Abhay Kumar Mishriketkar
38.	311141	Sohan Pal Singh Saravat
39.	310648	Ved Prakash Gomber
40.	310573	Baleshwar Prasad Tayal
41.	310544	Darshan Singh
42.	310576	Ashok Nath Sood
43.	310763	Satish Chander Arora
44.	311664	Ramchand Kumar Gupta
45.	310458	Narinder Pal Suri
46.	310433	Hardev Singh Jandu
47.	310874	Harcharan Singh
48.	310795	Karanjit Singh (S/C) ✓
49.	242995	Bhabesh Chandra Doy ✓
50.	311033	Ashwani Kumar Kakar

Contd... P/2

True copy of the original
Signature of the Officer

Ser No and Name

No

S/Sir

22

51. 311032 Vijay Kumar
 52. 311092 Subhash Chander Aggarwal
 53. 310500 Vijaya Kumaran
 54. 311561 Surinder Kumar Batra
 55. 455132 Rameshwar Dayal Tayal
 56. 224721 Ambika Mazundar

57. 168232 Surendra Prakash Singhal
 58. 468070 Sudama Jee
 59. 263287 Prodyat Kumar Basu ✓
 60. 224734 Pullak Kumar Trafdar ✓
 61. 425092 Jasbir Singh
 62. 224751 Suren Chandra Kalita ✓
 63. 432143 Chhadi Lal Sharma
 64. 125241 C K Rajagopalan
 65. 181070 Noochikkal Belagopalan
 66. 432144 Neel Sushil Ismail
 67. 228550 Pujush Kanti Kar ✓
 68. 157638 KN Gopinathan Pillai
 69. 454557 Gopala Krishna Budkalaketi
 70. 263283 Ram Kumar Gangopadhyay ✓
 71. 127645 Futtaswamy
 72. 157064 MG Pathukale
 73. 455184 Santosh Kumar Gupta
 "4. 224715 Rajit Das Gupta ✓
 "5. 224716 Samar Chandra Roy ✓
 76. 263634 Seumen Bhattacharya
 77. 181094 J Srinivasa Murthy
 78. 181093 Sanyasi Rao S
 79. 181090 KV Srinivasa Chari
 80. 311111 Dimonder Pratap
 81. 156379 Kaneshwar Prasad
 82. 206359 Sarejendu Biswas ✓
 83. 125247 G Renachandra Menon
 84. 148343 A Moosa
 85. 311031 Raj Kumar
 86. 311054 Ashok Kumar Sharma
 87. 207130 Akhinda Kumar Chowdhury ✓
 88. 263405 Kajal Kumar Bhattacharya
 89. 224748 Santinoy Son ✓
 90. 409694 Vijay Kumar Nigan
 91. 202657 Kalyan Kumar Mandal
 92. 207127 Mohit Lal Basu Roy ✓
 93. 408053 Pran Kapoor
 94. 407641 Gurdev Singh
 95. 310876 Virender Kumar Kohli
 96. 102028 Shirshath Ajil Kumar Jayawant Rao
 97. 311091 Mohan Kadan
 98. 311734 Hira Lal Uppal
 99. 158167 Arvind Achyut Rao Kulkarni
 100. 311394 Shobha Ram Gupta

congratulations

Ser No 86 to 126
 have been selected
 against vacancies
 reserved for
 SC/ST candidates.

S/ Shri

101.	311622	Ginoth Kumar Pal
102.	127648	VR Natoth
103.	158171	Ashok Kushran
104.	158169	Dilip Kantilal Phoria
105.	158170	Ashok Vasant Joshi
106.	144281	Amu Shaukara Rao
107.	157093	Pradip Madhukar Talim
108.	455242	Dul Krishan Nawani
109.	419751	Munna Lal
110.	407081	Madhao Wanraoakale
111.	202420	Mihir Kumar Saha
112.	207128	Parimal Chandra Biswas
113.	181569	KV Kunhi Raman
114.	202225	Satyendra Nath Pal
115.	263277	Satyajit Das Bhounik
116.	101759	Balkrishna G Shah
117.	311600	Shanti Saroop Gupta
118.	311000	Amujit Singh
119.	310933	Baldev Singh
120.	419707	Varghese Yohannan
121.	311050	Sukhdev Singh
122.	470387	Ramharihar Raitor
123.	470903	Vasant Sitaram Dhanando
124.	183052	S Satyanarayana
125.	419700	Krishna Singh
126.	110515	Balloo Singh
127.	181519	Motha Bathula Aseervadam (S/C)
128.	104168	V Ranosan (S/C)
129.	170327	Chandra Sekhar Ramachandra Naik (S/T)
130.	112472	A U Thankappan (S/C)
131.	112471	T K Appurni (S/C)
132.	142371	G Ganogan (S/C)
133.	116972	P Ravindran (S/C)
134.	506350	Gandharav Singh (S/C)
135.	117124	Tikaram Ramachandra Jungs (S/T)
136.	191993	Fakira Ram Liller (S/C)
137.	117024	Paroshbhoci Dabubhai Chauhan (S/C)
138.	169453	Motha Ram Meghwali (S/C)
139.	141676	Rukathotti Adisoshu (S/C)
140.	117134	Vala Farosh Kumar Vithal Das (S/C)
141.	194177	C H Manohar Rao (S/C)
142.	183533	A Ramu (S/C)
143.	189523	Toppa Appa Rao (S/C)
144.	147822	Tallur Siva Kishore (S/C)
145.	313802	Kashniri Lal Baroka (S/C)
146.	314058	Darshan Lal Gauri (S/C)
147.	314082	Kashmir Singh (S/C)
148.	314005	Gurmoj Singh (S/C)
149.	194198	Dasharath Naik (S/T)
150.	315350	Avtar Singh (S/C)

Scr No 86 to 126
have been selected
against vacancies
reserved for
SC/ST candidates.

35

MES No and Name

194195 D Khinya Nair (S/T)
 205294 Lok Nath Saha (S/C)
 189436 Venepalli Gangadhara Rao (S/C)
 507488 Gurdial Singh Dalotra (S/C)
 159758 Pramod Vithal Shankhe (S/C)
 314234 Gurdip Chand (S/C)
 314235 Harpal Singh (S/C)
 126995 Kunakaraj Ganeshkar (S/C)
 117394 K J Bhagwandas (S/C)
 141315 Churchill Puppala (S/T)
 600238 Ravindra Ranakant Kudale (S/C)
 123733 R K Om Prakash (S/C)

K. Srinivasa Rao

(K Srinivasa Rao)
 SAO
 S02/EIR(Sub)
 Engineer-in-Chief

Congratulations Apply soon

K. Srinivasa Rao
 10/7

COURT CASE/HEAT INCIDENT

No.42/SSB/AI/99(10)-52000 S. 3186-53
Directorate General of Security
Office of the Director, SSB,
Hindi Block-V, R.K.Puram,
New Delhi - 110066.

Dated the, 5/5/2000

Replies to:

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

Enclosed please find herewith a copy of Circular Directorate (O) No.20/12/99-NA-1-1799 dated 2.5.2000 clarifying the position of points raised by SSB Directorate vide UO No. 42/SSB/AI/99(10)-52000 dated 2.9.1999 on the above subject for further necessary action at your end.

Please acknowledge receipt.

ASST
(S.S. BOMA)
JOINT DEPUTY DIRECTOR (DA)

To:

1. The Divisional Organisers, AP/UP/AP/MA/MEG/MAH/SHG/RJD/JSS/
2. The DISG, TC Itanagar/TC Itanagar/TC Saloni/TC Jhansi/TC Itanagar/TC Itanagar.
3. The Commandant, TC Faridabad/CSDAM Bhopal/CSDAM Saloni.
4. The Sectoral Officers, A-2/A-4 Branch.
5. Security Guard file.

NO. 42/SSB/AI/99(10)-52000-4645-53 Dated 17/5/2000

Copy to :-

1. AD, SSB TSK/MLP/TSD/DR/KJR
2. Accounts Officer, DIV. NO. MA
3. CSDAM/MEG/MAH/JHAN/
4. Commandant, CSDAM/SCA

For favour of
Authorisation and
Emergency action.

ASST DEPUTY DIRECTOR (DA)
Hindi Block-V, R.K.Puram

True copy
S. S. BOMA

COURT CASE
MOST IMMEDIATE

Cabinet Secretariat
(EA. I Section)

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

1. SSB Directorate may kindly refer to their UO No.42/SSB/AT/99(18) - 2369 dated 31.03.2000 on the subject mentioned above.
2. The points of doubt raised by SSB in their UN No.42/SSB/AT/99(18) - 5282 dated 2.9.1999 have been examined in consultation with our Intengrated Finance and Ministry of Finance (Department of Expenditure) and clarification to the points of doubt is given under for information, guidance and necessary action :

i) The Hon'ble Supreme Court in their Judgement delivered on 26.11.96 in Writ Petition No. 794 of 1996 held that civilian employees who have All India transfer liability are entitled to the grant of SDA on being posted to any station in the N.E. region from outside the region and in the following situtation whether a Central Government employee would be eligible for the grant of SDA keeping in view the clarifications issued by the Ministry of Finance vide their UO No.11(3)/95.E.II(B) dated 7.5.97.

a) A person belongs to outside N.E. region but he is appointed and on first appointment posted in the N.E. Region after selection through direct recruitment based on the recruitment made on all India basis and having a common/centralised seniority list and All India Transfer Liability.

NO

b) An employee hailing from the N.E. Region selection on the basis of an All India recruitment test and borne on the Centralised cadre / service common seniority on first appointment and posted in the N.E. Region. He has also All India Transfer Liability.

Contd - 2/

- 2 -

ii) An employee belongs to NE Region was appointed as Group 'C' or 'D' employee based on local recruitment when there were no cadre rules for the post (prior to grant of SDA vide Ministry of Finance OM. No. 20014/2/83 - E. IV dated 14.12.83 and 20.4.87 read with OM 20014/16/86 E.II (B) dated 1.12.88) but subsequently the post / cadre was centralised with common seniority list / promotion / All India Transfer Liability etc. on his continuing in the N.E. Region though they can be transferred out to any place outside the NE Region having All India Transfer Liability.

iii) An employee belongs to N.E. Region and subsequently posted outside N.E. Region, whether he will be eligible for SDA if posted/transferred to NE Region. He is also having a common All India seniority and All India Transfer Liability.

iv) An employee hailing from NE Region, posted to NE region initially but subsequently transferred out of NE Region but re-posted to NE Region after sometime serving in non NE Region.

v) The MOF. Deptt. of Expdr. Vide their UO No.11(3)/95-E.II(B) dated 7.6.97 have clarified that a mere clause in the appointment order to the effect that the person concerned is liable to be transferred anywhere in India does not make him eligible for the grant of Special Duty allowance. For determination of the admissibility of the SDA to any Central Govt. Civilian employees having All India Transfer Liability will be by applying tests (a) whether recruitment to the Service/Cadre/Post has been made on All India basis (b) whether promotion is also done on the basis of All India Zone of promotion based on common seniority for the service / Cadre / Post as a whole © in the case of SSB/ DGS, there is a common recruitment system made on All India basis and promotions are also done on the basis of All India Common Seniority basis. Based on the above criteria / tests all employees recruited on the All India basis and having a common seniority list of All India basis for promotion etc. are eligible for the grant of SDA irrespective of the fact that the employee hails from NE Region or posted to NE Region from outside the NE Region.

NO

YES

YES

In case the employee hailing from NE Region is posted within NE Region he is not entitled to SDA till he is once transferred out of that Region

Contd 3/-

vi) Based on point (iv) above, some of the units of SSB/DGS have authorised payment of SDA to the employees hailing from NE Region and posted within the NE Region while in the case of others, the DACS have objected payment of SDA to employees hailing from NE Region and posted within the NE Region irrespective of the fact that their transfer liability is All India Transfer Liability or otherwise. In such cases what should be the norm for payment of SDA i.e. on fulfilling the criterial of All India Recruitment Test & to promotion of All India Common Seniority basis having been satisfied are all the employees Eligible for the grant of SDA.

It has already been clarified by MOF that clause in the appointment order regarding All India transfer Liability does not make him eligible for grant of SDA

vii) Whether the payment made to some employees hailing from NE Region and posted in NE Region be recovered after 20-9-1994 i.e. the date of decision of the Hon'ble Supreme Court and/or whether the payment of SDA should be allowed to all employees including those hailing from N.E. Region with effect from the date of their appointment if they have All India Transfer Liability and are promoted on the basis of All India Common Seniority List.

The payment made to employees hailing from NE Region & Posted in NE Region be recovered from the date of its payment. It may also be added that the payment made to the ineligible employee hailing from NE Region and posted in NE Region be recovered from the Date of payment Or after 20th Sept, 94 whichever is later.

Contd 3/-

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3. This issues with the concurrence of the Finance Division, Cabinet Secretariat vide Dy. No.1349 dated 11.10.99 and Ministry of Finance (Expenditure)'s I.D. No.1204/E.II(B) dated 30.3.2000.

25/3
Sd/-

(P.N. THAKUR)
DIRECTOR(SR)

1. Shri R.S. Bedi, Director ARC
2. Shri R.P. Kureel, Director, SSB
3. Brig (Retd) G.S. Uban, IG, SFF
4. Shri S.R. Mehra, JD(P&C), DGS
5. Shri Ashok Chaturvedi, JS(Pers), R&AW
6. Shri B.S. Gill, Director of Accounts, DACS
7. Shri J.M. Menon, Director Finance (S), Cab.Sectt.
8. Col. K.L. Jaspal, CIOA, CIA

Cao, Sectt. UO.No.20/12/99 - EA - 1 - 1799 dated 2.5.2000

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORIGINAL APPLICATION NO.237 OF 2000.

Date of decision - December 22, 2000.

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

THE HON'BLE MR. M.P. SINGH, ADMINISTRATIVE MEMBER.

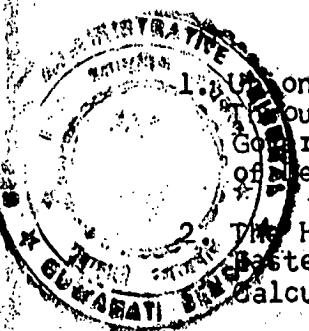
Sri Paban Chandra Paul,
Son of Late Santosh Ch. Paul,
aged about 43 years,
Resident of Dewal Road, Jorhat.

Working as JE (Presently Survey and
Contract) in the office GE (I)(P)
Teliamura, C/O Ex.GE(P) Agartala,
MES No.238713,
P.O. Salbagan, Agartala - 12.

- APPLICANT

By Advocates Mr. M. Chanda, Mr. V.D. Goswami
& Mr. G.N. Chakraborty.

- Versus -



1. The Union of India,
through the Secretary to the
Government of India, Ministry
of Defence, New Delhi.
2. The Headquarter Chief Engineer,
Eastern Command, Fort William,
Calcutta.
3. The Chief Engineer,
MES, Shillong Zone,
S.E. Falls, Shillong.
4. The Area Accounts Officer,
MES Shillong Zone, Shillong.
5. The Garrison Engineer(I)(P),
Teliamura, C/O Ex-GE(P)
Agartala, P.O. Salbagan,
Agartala-12.

- RESPONDENTS

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

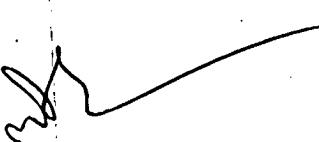
JUDGMENT

M. P. SINGH, MEMBER (ADMN.) -

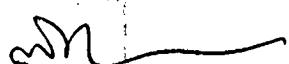
By filing the original application, the applicant has challenged the Office Memorandum dated 12th January, 1996 circulated by the Ministry of Defence under letter No.1(19)/83-D(Civ.I)Vol.II dated 18.1.1996. He has sought relief by praying for a direction to the respondents not to make any recovery of Special (Duty) Allowance (S.D.A. in short) already paid to the applicant and also for a direction to continue to pay S.D.A. to the applicant in terms of the Office Memorandum (O.M. in short) dated 14th December, 1983, 1st December, 1988 and 22nd July, 1998.

2. The facts of the case as stated by the applicant are that the applicant was initially appointed as a Surveyor Assistant Grade-II during the year 1980 in the department of M.E.S. The recruitment to the post of Surveyor Assistant Grade-II (S.A.II in short) is being made on All India basis and the seniority of the applicant in the cadre of S.A.II is being maintained on All India basis. As per condition laid down in the appointment order/recruit-
all India basis.

4. The applicant was promoted to the post of Surveyor Grade-I in 1988. On his promotion, he was transferred to Mumbai under Southern Command, M.E.S. He stayed in Mumbai for about 3 years in the cadre of S.A. Gr.I. He was again

 transferred ...

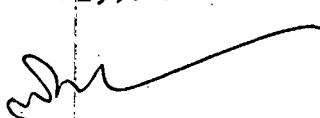
transferred to Jorhat in the year 1992 in the office of the C.W.E. Both the transfer and posting of the applicant were made in the public interest. He is presently posted as J.E. Quantity Survey and Contract in the office of the G.E. (1) (p) Teliamura, Agartala. The Government of India granted certain allowances and facilities to civilian Central Government employees vide Office Memorandum dated 14th December, 1983. One of such allowances granted vide the above stated O.M. to the civilian Central Government employees is called Special Duty Allowance (S.D.A. in short). The applicant was found eligible by the respondents for payment of S.D.A. in terms of the said O.M. and accordingly, they have started paying S.D.A. to the applicant since 1983 as per O.M. dated 14th December, 1983 except for the period during his stay at Bombay. However, in the month of May, 2000, the respondents stopped the payment of S.D.A. as well as recovered an amount at the rate of Rs.1,000/- from the pay bill of the applicant for the months of May and June, 2000. The applicant came to know that the stoppage and recovery of S.D.A. has been made following the order/direction contained in O.M. dated 12th January, 1996 circulated by the Ministry of Defence vide their letter dated 18th January, 1996 whereby it is directed that the locally recruited employees are not entitled to S.D.A. as such whatever payment is made after 20th September, 1994 should be recovered from the employees concerned. It is also mentioned therein that these instructions have been issued in pursuance of the decision of the Supreme Court dated 20th September, 1994 in Civil Appeal No.3251/1993. According to the judgment of the Hon'ble Supreme Court, the Central Government employees who have all India transfer



liability ...

liability are entitled to payment of S.D.A. on being posted to any station in the North Eastern Region from outside the region. A mere reading of the circular dated 12th January, 1996 makes it abundantly clear that the applicant fulfilled all the conditions laid down therein for grant of S.D.A. The applicant's recruitment zone, promotion zone and seniority of the cadre are being maintained on all India basis and the question of all India transfer liability is evident from his transfer and posting to Bombay during the year 1988 and as such, the applicant is entitled to S.D.A. in terms of the O.M. dated 14th December, 1983. Aggrieved by the action of the respondents to stop the payment of the S.D.A. to the applicant and issuing the order for recovery of the same, he has come before this Tribunal and sought the relief as mentioned in para-2 above.

5. The respondents have contested the case and have stated that as per O.M. dated 12th January, 1996 issued by the Ministry of Finance, mere clause in the appointment letter to the effect that persons concerned are liable to be transferred anywhere in India, did not make him eligible for the grant of S.D.A. Thus, the S.D.A. payable to the Central Government employees having all India transfer liability is stopped and recovery on account of S.D.A. paid after 20th September, 1994 was ordered. However, the respondents have not disputed the contention of the applicant made in para-4.2 about his transfer to Mumbai in the year 1988 and thereafter, he was transferred back to Jorhat in the year 1992. On perusal of the O.M. dated 12th January, 1996 issued by the Ministry of Finance, we find that the

 Central ...

Central Government civilian employees who have all India transfer liability are entitled to the grant of S.D.A. on being posted to any station in the North Eastern Region from outside the region. Para-6 of the O.M. dated 12th January, 1996 issued by the Ministry of Finance states as follows :-

"The Hon'ble Supreme Court in their judgment delivered on 20.9.94 (in Civil Appeal No.3251 of 1993) upheld the submissions of the Government of India that Central Government Civilian employees who have all India transfer liability are entitled to the grant of S.D.A., on being posted to any station in the NE Region from outside the region and S.D.A. 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 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."

6. Heard both the learned counsel for rival contesting parties and perused the records.

7. On perusal of records placed before us, we find that the applicant in this case has the transfer liability on all India basis. He has been recruited to the post of

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S.A. Grade-II on all India basis and his seniority in the cadre is being maintained on all India basis. He has been transferred to North Eastern Region from outside in 1992.

Keeping in view the criteria laid down in Ministry of Finance letter dated 12.1.1996, the applicant is entitled to the payment of S.D.A. As regards the recovery of the amount of S.D.A. already paid to the applicant, the Hon'ble Supreme Court in their judgment dated 20th September, 1994 in Union of India and others - Vs - S. Vijayakumar and others (reported in 1994 Supp (3) SC 649) has 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. In this view of the matter, no recovery can be made from the amount of S.D.A. already paid to the applicant. Therefore, the amount already recovered at the rate of Rs.1,000/- from the pay Bill of the applicant for the months of May and June, 2000 as stated in para-4.5 of the O.A. will have to be refunded to the applicant by the respondents.

8. In the light of the above discussion, the O.A. is allowed and the respondents are directed to continue to pay the S.D.A. to the applicant in terms of the O.M. dated 14th December, 1983 and 12th January, 1996. The respondents are further directed that no recovery would be made from the amount of S.D.A. already paid to the applicant. In case, any amount of S.D.A. already paid has been recovered by the respondents, the same shall be refunded to the applicant immediately. The above direction shall be complied with within a period of 2(two) months from the date of receipt of a copy of this order.

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9. Application is disposed of with the above directions.
No order as to costs.

Sd/ VICE CHAIRMAN

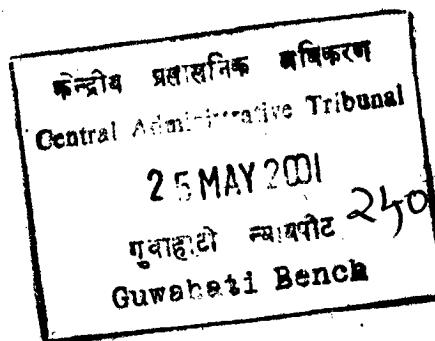
Sd/ MEMBER (Adm)

TRUE COPY

প্রতিলিপি

Section Officer (J.V)
সামুদায় অধিকারী (সামাজিক শাস্তি)
Central Administrative Tribunal
কেন্দ্রীয় প্রাধানিক অধিকরণ
Guwahati Bench, Guwahati-8
প্রাপ্তাদলী ব্যাবস্থা, প্রাপ্তাদল

HS 5/2/201



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41-
Filed by
B. C. Pathak
25/5/2001
Addl. Central Govt. Standing Counsel
Central Administrative Tribunal
Guwahati Bench : Guwahati

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BRANCH

OA 88 OF 2001

Shri Ambika Mazumdar

Applicant

vs

Union of India & others

Respondents

In THE MATTER OF

Written statement submitted on behalf of the
Respondent No. 1 to 5.

WTITTEN STATEMENT

The humble respondents begs to submit
written statement as follows :-

... 2

That

1. I am the Garrison Engineer Guwahati Division the respondent No. 5 above named. I am authorised to verify and file this written statement on behalf of the respondent No. 1. I am aquatinted with the facts and circumstances of the case, I have gone through a copy of the application and have understood the contents thereof. Save and except whatever is specifically admitted in this written statement the other contentions, statements allegations and averments made in the application have been categorically denied.
2. That with regard do para 1 (i) the answering respondent beg to state that as per office memorandum No 11 (3)/95-E.II dated 12.1.96 circulated under Ministry of Defence letter No. 4 (19)-83/D Civ-I dated 18-1-96 (enclosed and marked as Annexure I) pertains to non recovery of special duty allowance already paid to the def Civ employees having all India Transfer Liability and also is a direction to continue to pay special duty allowance in terms of the office memorandum dt 14.12.83, 1.12.88 and 22.7.98. That with regard to paragraphs 2 and 3, it is stated that the same are matters of record and no comment is required from the answering respondents.
3. ~~That~~ with regard to para 4 respondent begs to state that as per para of Ministry of Finance (Department of Expensiture) OM No. 11 (3)95-E (B) dated 12.1.96 Hon'ble Supreme court has ruled out that ~~more~~ 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 as stated the Government of India's letters .. Thus the SDA payable to the Central Government Employees having all India Transfer liability is stopped and recovery on account of SDA paid after 20 September 1994 was ordered.

4. That with regard to para 5 the respondent begs to state that on the basis of the memorandum dated 14.12.1983 the applicants were given SDA and they received, However in certain cases of similar nature " THAT ALL ASSAM MES EMPLOYEES UNION" filing civil appeal No. 1572 of 1997. The Apex court disposed of those case on 17.2.1997 as directed the Government to modify the order and issue the Corrigendum accordingly. Later, the case was appealed by " ALL ASSAM MES EMPLOYEES UNION" vide appeal No. OA 71/97 and the Hon'ble CAT Guwahati Bench has passed the order subsequently vide dispatch No. 28 dated 2-01-98. Accordingly to the CAT Judgement, I would like to submit that the present applicants also though working the various departments under the Central Government were not outsiders. He belongs to this Rigion. As per the common judgement dated 03-1-98 (copy enclosed as Annexure II and as per the decision of the Apex Court they were not entitled to get the SDA. However applicant is in receipt of SDA as admissible. In view of the facts stated above, the grounds mentioned in para 5 of the application are misconceived and untenable. NER recruitee are not authorised for SDA even on some occasion they might have to be transferred outside NER for a fixed tenure.

5. That with regard to paragraphs 6 and 7 it is stated that the same is matter of records and no comment is required from the answering respondents.

6. That with regard to paragraphs 8 and 9, it is stated that in view of the facts already stated herein above in this written statement, the applicant is not entitled to any of the reliefs and an applicants is deserved to be dismissed in limine.

H

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VERIFICATION

I, Shri Sunil Mathur, Garrison Engineer Guwahati do hereby declare that the statement made in this verification including those have been made in the paragraphs 1,2,3,4, 6 of this written statement are true to the best of my knowledge and behalf and those have been made in paragraphs _____ are true to the best of my information which have been derived from the records.

I sign this verification of this the 24th day of 2001 May at Guwahati.

fullfill
(Sunil Mathur)
EE
Garrison Engineer
Guwahati