

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 318/2002

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( SEE RULE -4 )

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI

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ORDER SHEET

Original Application No : 318/02  
Misc. Petition No. \_\_\_\_\_  
Contempt Petition No. \_\_\_\_\_  
Review Application No. \_\_\_\_\_

Applicant (s) P. K. Datta Jons

Respondent (s) M. O. P. Jons

Advocate for the Applicant (s) In Person

Advocate for the Respondent(s) Cage

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in time and is C. E. Rs. 7650/- Date 11-9-02</p> <p>By Register.</p> <p>7650/- 11-9-02</p> <p>along with Teller</p> <p>gives envelope 26/9/02</p> <p>Notice prepared and sent to 1/8 for giving the respondent No 1 to 4 by Regd. A.D.</p> <p>DINo 2817152822 9/10/02</p>	25.9.02	<p>Issue notice to show cause as to why the application shall not be admitted.</p> <p>List on 15.11.2002 for admission. Endeavour shall be made to dispose of the application at the admission stage.</p>
	PG 13.11.02 Shillong	<p>Heard the parties. Judgment delivered in open Court, kept in separate sheets.</p> <p>The application is allowed in terms of the order. No order as to costs.</p>

Vice-Chairman

U. C. Usha  
Member

26/11/2022

copy of the Judgment  
was been sent to the  
Officer for sending  
the same to the opposite  
as well as to the Addl.  
C.G.S.C for the Register

SLR

S.D.E.C.S

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUJARATI BENCH (CAMP:- SHILLONG)

O.A. /XXX. No. 318. of 2002...ex

DATE OF DECISION. 13.11.2002.....

Shri Prabir Kumar Dutta, UDC & Another.

APPLICANT(S)

Appeared in person.

ADVOCATE FOR THE APPLICANT(S)

-VERSUS-

Union of India & Others.

RESPONDENT(S)

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

ADVOCATE FOR THE  
RESPONDENT(S)

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

THE HON'BLE

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

Judgment delivered by Hon'ble Administrative Member.

lC Ushar

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

CIRCUIT COURT AT SHILLONG.  
Original Application No. 318 of 2002.

Date of Order: This the 13th Day of November, 2002.

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

1. Shri Prabir Kumar Dutta, UDC  
O/O Joint Director  
Subsidiary Intelligence Bureau  
(Ministry of Home Affairs)  
Government of India  
Dhankheti Point, Shillong - 3.
2. Shri Dhan Bahadur Chhetri, UDC  
O/O Joint Director  
Subsidiary Intelligence Bureau  
(Ministry of Home Affairs)  
Government of India  
Dhankheti Point, Shillong - 3. . . . . Applicants.

The applicants appeared in person.

- Versus -

1. Union of India  
Represented by the Secretary  
Government of India  
Ministry of Home Affairs  
North Block, New Delhi.
2. The Director  
Intelligence Bureau  
(Ministry of Home Affairs)  
Government of India, North Block  
New Delhi.
3. The Joint Director/NE  
Subsidiary Intelligence Bureau  
(Ministry of Home Affairs)  
Govt.of India, Shillong-793003.
4. The Joint Director  
Subsidiary Intelligence Bureau  
(Ministry of Home Affairs)  
Govt.of India, Guwahati-781028. . . . Respondents.

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

O R D E R

K.K.SHARMA, MEMBER (ADMN.):

There are two applicants in this application  
who have sought for permission to pursue their case by

*KK Sharma*

Contd/2

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way of a common application under section 4(5) a of CAT Procedure Rules, 1987. As the grievance and relief sought for by the applicants are similar in nature, their prayer is accepted.

1. The relief claimed by the applicant is regarding non-payment of SDA(Special Duty Allowance) to the applicants and quashing of orders dated 10.11.2000 and 26.4.2000 directing recovery of SDA already paid to the applicants.

2. The employers are employed with the Intelligence Bureau. From the documents filed, it is seen that the applicant No.1 was transferred from IB Hq. Delhi to SIB, Guwahati and the applicant No.2 was transferred from SIB, Siliguri to SIB, Shillong. Both the applicants have come to N.E.Region after serving outside the N.E.Region. It is stated that the applicants have All India Transfer Liability. Otherwise the applicants are entitled to SDA.

3. Heard the applicants in person and also heard Mr.B.C.Pathak, learned Addl.C.G.S.C. for the respondents. Mr.Pathak does not deny the fact that the applicants have come to the N.E.Region from outside the region.

4. Considering the factual situation of the matter, it is observed that the applicants are entitled to payment of SDA. The applicants will be entitled for SDA from the date of their joining from outside the region.

ICU Shar

Subject to the observations made above, the application is treated as allowed. There shall, however, be no order as to costs.

*K K Sharma*  
( K.K.SHARMA )  
ADMINISTRATIVE MEMBER

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**CENTRAL ADMINISTRATIVE TRIBUNAL  
PROCEDURE) RULES, 1987**

**APPENDIX A**

**[FORM-1]**

**APPLICATION UNDER SEC. 19 OF THE ADMINISTRATIVE  
TRIBUNALS ACT, 1985**

O.A. 318/02 INDEX

Sl.No.	Description of documents Relied upon	Page No.
1.	Application.	— Page 1 to 7
2.	Verification.	— Page 8
3.	Copy of The Judgment on OA No. 140/1997 of Hon'ble C.A.T., Guwahati. (Anx-I)	Page - 11
4. ,,	MOF OM dated 12.1.1996. (Anx-II)	— Page - 12
5. ,,	Cabinet Secretariat U.O. dated 2.5.2000 (Anx-III)	Page 13 - 14
6. ,,	Judgment on OA No. 56/2000 of Hon'ble C.A.T., Guwahati. (Anx-IV)	— Page 15 - 16
7. ,,	Petitions of the applicants. (Anx-V)	— Page 17 - 23
8. ,,	IB's Circular Memo dated 21.12.2001. (Anx-VI)	Page - 24
9. ,,	SIB, Guwahati Memo dated 10.11.2000 (Anx-VII)	— Page - 25

Signature of the  
Applicants

1. *Am*  
(P.K. DUTTA)  
2. *Shan* SIB, Shillong.  
(D.B. Shillong)

For use on Tribunal's Office

Date of filling

Or

Date of receipt by post

Registration No.

Signature  
For Registrar

O. A. 318/02

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**CENTRAL ADMINISTRATIVE TRIBUNAL  
PROCEDURE) RULES, 1987**

**APPENDIX A  
[FORM-1]**

**APPLICATION UNDER SEC. 19 OF THE ADMINISTRATIVE  
TRIBUNALS ACT, 1985**

**- BETWEEN -**

1. Shri Prabir Kumar Dutta, UDC  
O/O Joint Director,  
Subsidiary Intelligence Bureau,  
(Ministry of Home Affairs)  
Government of India,  
Dhankheti Point, Shillong-3.
2. Shri Dhan Bahadur Chhetri, UDC  
O/O Joint Director,  
Subsidiary Intelligence Bureau,  
(Ministry of Home Affairs)  
Government of India,  
Dhankheti Point, Shillong-3.

**----- APPLICANTS**

**- AND -**

1. Union of India represented by  
The Secretary, Govt. of India,  
Ministry of Home Affairs,  
North Block, New Delhi.
2. The Director,  
Intelligence Bureau,  
(Ministry of Home Affairs)  
Govt. of India, North Block, New Delhi.
3. The Joint Director/NE,  
Subsidiary Intelligence Bureau,  
(Ministry of Home Affairs),  
Govt. of India, Shillong-793003.
4. The Joint Director,  
Subsidiary Intelligence Bureau,  
(Ministry of Home Affairs),  
Govt. of India, Guwahati-781028.

**--- RESPONDENTS.**

**Contd...2**

### **1. Particulars of the order against which the application is made :**

This application is made against the section of the respondents in not paying Special Duty Allowance (SDA) to the applicants in violation of the Cabinet Secretariat (EA.1 Section) notification dated 2.5.2000 (Annexure-III) and Hon'ble Central Administrative Tribunal Guwahati Bench Order disposing the OA No. 56 of 2000 dated 19.3.2001.(Annexure-IV)

### **2. Jurisdiction of the Tribunal :**

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

### **3. Limitation :**

That the applicants also declare that this application is made within the time period as has been prescribed under Section 21 of the Administrative Tribunal Act, 1985.

### **4. Facts of the case :**

a) That the applicants are citizen of India and hence are entitled to all the right, protection and privileges granted by the constitution of India.

b) That the applicant No. 1 hails from Karimganj district of the State of Assam and was recruited as LDC in the O/O the Joint Director, SIB, MHA, Govt. of India, Shillong on 4.3.1982 vide IB Hqrs, New Delhi appointment order No. 74/Ett(G)/81(8) NER-650 dated 20.2.1982. The applicant was confirmed vide IB Hqrs, New Delhi order No. 5/Conf(CC)/86(2)-II-226-286 dated 1.2.1990 and promoted to the rank of UDC vide IB Hqrs Order No. 4/TP/C-V/88(37)-118 dated 12.1.1989. The seniority of the applicant is maintained by the IB Hqrs, New Delhi and circulated vide its memo No. 4/Seniority(CC)/2002(3)-843 dated 13.3.2002 (Sl. No. 208).

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c) That the applicant No. 2 hails from Shillong, East Khasi Hills district, Meghalaya and was recruited as LDC in the O/O the Joint Director, SIB, MHA, Govt. of India, Shillong on 19.12.1986 vide IB Hqrs, New Delhi appointment order No. 74/Estt(G)/86(2)-7609 dated 11.12.1986. The applicant was confirmed vide IB Hqrs, New Delhi order No. 4/Conf(CC)/90(9)-561-67 dated 4.5.1994 and promoted to the rank of UDC vide IB Hqrs Order No. 4/TP/C-V/96(21)-326 dated 16.1.1997. The seniority of the applicant is maintained by the IB Hqrs, New Delhi and circulated vide its memo No. 4/Seniority(CC)/2002(3)-843 dated 13.3.2002 (SL. No. 535).

d) Applicant No. 1 was transferred from IB Hqrs., New Delhi to SIB Guwahati vide IB Hqrs. order No. 7/EST/CV/82(49) dated 2.6.97 and joined SIB, Guwahati on 31.7.1997 (Copy enclosed at page No. 9) and applicant No. 2 was transferred to SIB, Shillong from SIB, Siliguri vide IB Hqrs. order No. 4/TP/CV/99(21)-1078 dated 30.3.1999 and joined SIB, Shillong on 12.7.1999. (Copy enclosed at page No. 10). Both the applicants were getting SDA from the date of joining at SIB, Guwahati and Shillong respectively. However, the payment of SDA to them have been stopped w.e.f. 1.1.2000 in pursuance of Hon'ble C.A.T. Guwahati judgement dated 28.9.1999 (OA No. 140 of 1997) (Annexure-1) and IB Hqrs. TPM issued from file No. 20/Adm©/97(2)-472 dated 6.4.2000. The analogy for stoppage of payment of SDA in the instant cases was made merely on the ground that persons hailing from N.E. Region are not entitled for SDA.

e) Although the criteria for grant of SDA have been determined by the Hon'ble Supreme Court judgement delivered on 20.9.1994 (Civil Appeal No. 3251 of 1993), the contents of which was circulated vide MOF O.M. No. 11(3)/95-EII(B) dated 12.1.1996(Annexure-II) to the following conditions that :-

"for the purposes of sanctioning SDA, the all India transfer liability of the members of any service/cadre or incumbents of any post/group of posts has to

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be determined by applying to 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 all India common seniority list for the service/cadre/post as a whole. The Central Govt. civilian employees who have all India transfer liability are entitled to grant of SDA, on being posted to any station in the N.E. Region from out side the region. The appex court further added that the grant of this allowance only to the officers transferred from out side the region to this region would not be violated of the provisions contained in Article-14 of the constitution as well as equal pay doctrine".

(f) Subsequently, the clarification over this issue have been circulated vide MOF (Expdr) ID No. 1204/E-II(B)/99 dated 30.3.2000 and Cabinet Secretariat U.O. No. 20/12/99-EA-I dated 2.5.2000 (para-V) clearly indicated that "an employee hailing from N.E. Region, posted to N.E. Region initially but subsequently transferred out of N.E. Region but re-posted to N.E. Region after some time serving in non-N.E. Region are entitled to SDA "(Annexure-III). The clarifications of Cab. Sectt. U.O. dated 2.5.2000 was upheld by the Hon'ble C.A.T. Guwahati judgement delivered on 19.3.2001 (O.A. 56 of 2000) (Annexure-IV) indicating that an employee hailing from NER initially but subsequently transferred out of the NER but reposted to NER would also be entitled to SDA.

(g) The department has adopted a dubious policy over payment of SDA. While they have implemented the judgement of Hon'ble CAT, Guwahati (OA 140/97) by issuing SIB, Guwahati Memo No. E-45/SDA-CAT/97-17877 dated 10.11.2000 (Annexure-VII) and SIB, Shillong Memo No. Admn-30/2000(I)-341-2217 dated 26.4.2000 as a matter of common cause and stopped payment of SDA w.e.f. 1.1.2000 even though the Applicants were not the party of the case, on the contrary they have denied to release payment of SDA over the

Contd....5

M/s

recent judgement of CAT, Guwahati on OA 56/2000 by stating that " the cases of other applicant were not examined since they were not the petitioners of the case " (Annexure-VI). It is further added that two of the officers figured at Sl. No. 1 of both SIBx Guwahati and Shillong memo dated 1.11.2000 and 26.4.2000 referred above) namely Shri T.K. Deka, Assistant Director and Shri T.Gwite, Joint Director were allowed to draw SDA till they remained posted in the respective SIBx for some obvious reasons even though they hail from Assam and Manipur respectively. There was, perhaps, no such Govt. order inforce which could over rule the orders of Hon'ble C.A.T. enabling them to draw SDA whereas the implementation of the judgement on OA 147/97 was in question.

(h) In the light of the above facts it may not be inappropriate to state that the dilly dallying tactics and preferential policy adopted by IB Hqrs over payment of SDA is devoid of the principles of natural justice. It is therefore, humbly submitted before your kind honour for redressal of the applicants' legitimate claims and a judicious orders for natural justice towards common cause.

*Since the grievances of relief prayed for are common, we pray for grant of permission under Section 4(3)(a) of C.A.T. (P) Rules 1987 to move this application jointly.*

#### 5. Grounds for relief with legal provisions :

a) The applicants fulfill all the criteria as stated in Para- 4 (e) and (f) above i.e. recruited on all India basis through SSC, promoted on centralised basis, having an all India common seniority list required for confirmation and promotion as already indicated in Para-4 (b) and (c) above i.e. bio-data particulars as well as posting profile (from outside NE to NE), which determines the applicants eligibility for grant of SDA.

(b) The applicants (Sl.No. 1 & 2) have made several representations to the appropriate authorities (SIB/IB Hqrs.) for release/grant of SDA w.e.f. 1.1.2000 in the light of the Cab. Sectt. U.O. dated 2.5.2000 and judgement of

Contd... 6

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C.A.T., Guwahati on OA 56/2000 but of no avail. Hence this application. The copies of representations submitted over this issue are placed in Annexure-V (a,b,c, etc,)

**6. Details of the remedies exhausted :**

That the applicants declare that they have taken recourse to all the remedies available to them as stated in the fact of the case but failed to get justice and hence there is no other alternative remedy open to them than to approach the Hon'ble Tribunal.

**7. Matters not previously filed or pending with any other court :**

That the applicants declare that they have not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any Court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

**8. Relief's sought :**

Under the facts and circumstances stated above, the applicants pray for the following reliefs :-

- i) To quash and set aside SIB, Guwahati Memo No. E-45/SDA-CAT/97-17877 dated 10.11.2000 and SIB, Shillong memo No. Admn-30/2000(1)-341-2217 dated 26.4.2000.
- ii) To direct the respondents to pass necessary order for release of withheld SDA to the applicants w.e.f. 1.1.2000.
- iii) To pass any other order/orders as your Lordships may deem fit and proper.
- iv) Cost of litigation.

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**9. Interim order, if any, prayed for :**

Under the facts and circumstances stated above, the applicants pray for issuance of the direction to the respondents to make immediate payment of SDA admissible to them.

**10. The applicants desire to have oral hearing at the admission stage.**

**11. Particulars of Bank Draft/Postal Order filed in respect of the application fee.**

1. IPO No. 7G-597754 dated 11.9.2002 payable at GPO, Guwahati.

2. IPO No. ~~7G-597755~~ dated 11.9.2002 payable at GPO, Guwahati. ~~Now~~

**12. List of enclosures : As indicated in the INDEX.**

**HUMBLE PETITIONERS**

**NO. 1** *Dmr*  
*(P. K. DUTTA)*

**AND**

**NO. 2** *Chm*  
*(D. B. Chettri)*

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(8)  
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## VERIFICATION

We, Shri Prabir Kumar Dutta S/O, (L) P.C.Dutta age 43 years resident of Karimganj, Dist. Karimganj, Assam by occupation Govt. service and Shri Dhan Bahadur Chhetri S/O, Shri G.S.Chhetri age 37 years resident of Shillong, East Khasi Hills district, Meghalaya do hereby solemnly verify, affirm and declare as follows :-

1. That the statement made in paras 1 to 7 are true to ~~our~~ personal knowledge, information and belief based on the records annexed herein and we have not suppressed any material fact.
2. That the statement made in para 8 to 10 are our humble submission before the Hon'ble C.A.T., Guwahati.
3. That we are both employed in the Office of Joint Director/NE, Subsidiary Intelligence Bureau, (Ministry of Home Affairs), Shillong-  
as Upper Division Clerks and sign this verification here unto this the 24<sup>th</sup> day of September, 2002 at Shillong.

*Dutta*

(P.K.Dutta)

*Chhetri*

(D.B.Chhetri)

HUMBLE APPLICANT NO. 1 AND NO. 2

⑨  
P  
Restricted

O R D E R

Shri P.K. Dutta, UDC (PIS No. 115473) is transferred from IB HQs. to SIB, Guwahati with immediate effect.

8977/10/2  
3/6

sd/-  
(R.N. GUPTA)  
Deputy Director

No.7/EST/CV/82(49)- 2064  
INTELLIGENCE BUREAU  
(Ministry of Home Affairs)  
Government of India

New Delhi, the 2.6.79

COPY TO:

T. 1. DDCB, IB HQs. and SIB, Guwahati.  
2. ADI SE  
3. ED/C-S Br.  
4. SDR/SO's folder.

(K.D. Prabhakar)  
Assistant Director

Sh. P.K. Dutta, UDC is being  
ordered and transferred to SIB, Guwahati  
Lef 15-7-97 (AN)

भारत सरकार  
सरकारी अधिकारी  
भारत सरकार  
Intelligence Bureau  
गृह मंत्रालय  
Ministry of Home Affairs  
लोक सरकार  
केन्द्रीय सरकार  
सरकारी अधिकारी  
सरकारी अधिकारी

self attested  
Now  
(P.K. DUTTA)  
UDC

OFFICE ORDER NO 519 DATED 26-07-99

(10)  
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Ref:- 1) I.B. Hqrs., New Delhi order issued under endorsement No.4/TP/CV/99(21)-1076 dated 30-3-99.  
2) SIB, Siliguri O.O. No. 204/99 under endorsement No.S.1/Estt/87(27)-810 dated 28.4.99.

Consequent upon his transfer from SIB, Siliguri, Shri D.B. Chhetri, UDC was relieved from his duties at SIB, Siliguri (Jalpaiguri) w.e.f. 30-6-99/FN and reported for duty at SIB, Shillong on 12-7-99/FN.

2. He was on joining time from 1-7-99 to 9-7-99, suffixing 10-11/7/99 being Saturday and Sunday for which period he is entitled to draw joining time pay and allowances as per admissibility.

3. He is granted duty pay @ Rs. 4,200/- pm w.e.f. 12/7/99(FN) in the pay scale of Rs. 4000-100-6000/-.

4. DA and other allowances as admissible under the rules at the place of his posting (Shillong).

5. Deduction as per LPC.

*Alvin 23/7/99*  
Assistant Director/Admn.

No.E-33/99(28)-3073 - 4972  
Subsidiary Intelligence Bureau,  
(MHA) Govt. of India,  
Shillong-793004.

Dated, the 25 JUL 1999

Copy to:-

- 1) The Assistant Director/CC, I.B. Hqrs. New Delhi,
- 2) The Assistant Director, SIB, Siliguri,
- 3) The Section Officer/A, SIB, Shillong (2 copies) alongwith LPC of Shri D.B. Chhetri, UDC,
- 4) Shri D.B. Chhetri, UDC, SIB, Shillong,
- 5) The 'R' Br. SIB, Shillong,
- 6) The Office Order Book, SIB, Shillong,
- 7) Shri ACJM/Ms. P. Sen, SIB, Shillong.

*Alvin 23/7/99*  
Assistant Director/Admn.

*self attested*  
Dinesh DUTTA  
(P.K. UDC)

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 140 of 1997.

Date of Order : This the 28th Day of September, 1999.

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

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

Shri Madan Mohan Bhuyan and 100 others  
All the applicants are employees of  
Subsidiary Intelligence Bureau,  
Ministry of Home Affairs, Govt. of India,  
Guwahati-28. . . . Applicants.

By Advocate Shri M.Chanda.

- Versus -

1. Union of India  
represented by the Secretary,  
Government of India,  
Ministry of Home Affairs,  
North Block, New Delhi.

2. Director,  
Intelligence Bureau,  
North Block, New Delhi.

3. Deputy Director,  
Subsidiary Intelligence Bureau,  
Basistha Road, Guwahati-28. . . . Respondents.

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

O R D E R

BARUAH J. (V.C.)

101 applicants have approached this Tribunal by filing this present application. The applicants are working as Group B, C and D employees under the Deputy Director, Subsidiary Intelligence Bureau, Guwanati. On 14.12.1983 the Government of India issued an Office Memorandum for payment of Special Duty Allowance to the employees of North Eastern Region having all India transfer liability. At that point of time the applicants have all India transfer liability. On the basis of the said Office Memorandum the applicants had been drawing the Special Duty Allowance (SDA for short). However, in view of the order passed by the Supreme Court in Civil Appeal No. 3251 of 1993 it was held that the employees who belonged to

S.B.

contd..2

North Eastern Region would not be entitled to get SDA even though they were working in the same region. However, it was held that the amount already paid to those persons working in the North Eastern Region even though they were not entitled to get the SDA would not be recovered from them prior to 20.9.1994. By another judgment in Civil Appeal No. 8208-8213 the Supreme Court repeated the same thing. The present applicants also have been receiving SDA as per the Office Memorandum dated 14.12.1983 which has since been stopped. The applicants claim that they are entitled to get the SDA even after the decision of the apex Court. According to us the facts are not very clear, whether all the applicants or some of them are entitled to the SDA. The Supreme Court had made it clear that those persons who belong to the North Eastern Region would not be entitled to SDA. Again in Civil Appeal No. 1572 of 1997 and other Civil Appeals the apex Court held that the persons belonging to the North Eastern Region are not entitled to SDA. The present applicants are working under the Subsidiary Intelligence Bureau, Guwahati but it is not clear whether they were recruited outside the Region or in this Region itself.

2. After hearing the counsel for the parties we dispose of this application with direction to the respondents to first determine whether the present applicants or some of them are entitled to SDA or not as per the decision of the apex Court. If after examination it is found that all the applicants or some of them are not entitled to SDA they shall not be paid SDA. However, the amount already paid to them shall not be recovered following the spirit and ratio of the apex Court's decision.

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

SD/- VICE-CHAIRMAN  
SD/- MEMBER (A)

Not attended  
Now  
C.P. DUTTA  
JSC

Deputy Registrar (A)  
Central Administrative Tribunal  
Guwahati Bench  
1/1/1/5

Mo.11(3)/95-L.11(8)  
Government of India  
Ministry of Finance  
Department of Expenditure

Amx-II

New Delhi, the 12th Jan. 1996

OFFICE MEMORANDUM

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

The undersigned is directed to refer to this Department's OM No. 20014/3/83-L.1V dated 14.12.83 and 20.4.1987 read with OM No. 20014/16/86-L.11(L) dt 1-12-89 on the subject mentioned above.

2. The Government of India via the aforesaid OM dt. 14.12.83 granted certain incentives to the Central Government civilian employees posted to the NE Region. One of the incentives was payment of a 'Special Duty Allowance' (SDA) to those who have "All India Transfer Liability".

3. It was clarified vide the above mentioned OM dt. 20.4.1987, that for the purpose of sanctioning 'Special Duty Allowance', the 'All India Transfer Liability' of the members of any service/cadre or incumbents of any post/group of posts has to be determined by applying the tests of recruitment zone, promotion zone, etc. i.e. whether recruitment to service/cadre/post has been made on all India basis and whether promotion is also done on the basis of an all India common seniority list for the service/cadre/post as a whole. A mere clause in the appointment letter to the effect that the person concerned is liable to the transferred anywhere in India, did not make him eligible for the grant of SDA.

4. Some employees working in the NE Region approached the Hon'ble Central Administrative Tribunal (CAT) (Guwahati Bench) praying for the grant of SDA to them even though they were not eligible for the grant of this allowance. The Hon'ble Tribunal had upheld the prayers of the petitioners as their appointment letters carried the clause of 'All India Transfer Liability' and, accordingly directed payment of SDA to them.

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

.....2/-

Now

6. The Hon'ble Supreme Court in their judgement 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 SLA, on being posted to any station in the NL Region from outside the region and SLA would not be payable merely because of the clauses 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 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 SLA to the ineligible persons on or before 20.9.94 will be waived, &
- ii) the amount paid on account of SLA to ineligible persons after 20.9.94 (which also includes those cases in respect of which the allowance was pertaining to the period prior to 20.9.94, but payments made after this date i.e. 20.9.94) will be recovered.

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

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

10. Hindi version of this OM is enclosed.

Sd/-

( C. Balachandran )  
Under Secy to the Govt of India

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

Copy (with spare copies) to CAG, UPSC etc. as per standard endorsement list.

S. Balachandran  
CP&DUTA  
VOU

MRG PERS.5  
R. MN 2000

Cabinet Secretariat  
(RA. I Section)

COURT CASE  
MOST IMMEDIATE

1847/US (P-II)

Annex

13

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

SSB - Directorate may kindly refer to their UO No. 12/SSB/A1/99(18)-2369 dated 31.3.2000 on the subject mentioned above.

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2. The points of doubt raised by SSB in their UO No. 12/SSB/A1/99(18) S202 dated 2.9.1999 have been examined in consultation with our Integrated Finance and Ministry of Finance (Dept. of Expenditure) and clarification to the points of doubt is given as under for information, guidance and necessary action:

- 1) The Hon'ble Supreme Court in their judgement delivered on 26.11.96 in Writ Petition No.794 of 1996 held that civilian employees who have All India transfer liability are entitled to the grant of SDA on being posted to any station in the N.E. region from outside the region and in the following situation whether a Central Govt. employee would be eligible for the grant of SDA keeping in view the clarifications issued by the Ministry of Finance vide their UO No.11(3)/95.E.11(B) dated 7.5.97.
  - (a) A person belongs to outside N.E. region but he is appointed and on first appointment posted in the N.E. Region after selection through direct recruitment based on the recruitment made on all India basis and having a common/centralised seniority list and All India Transfer liability.
  - (b) An employee hailing from the N.E. region selected on the basis of an All India recruitment test and borne on the Centralised cadre/service common seniority on first appointment and posted in the N.E. Region. He has also All India Transfer liability.
  - (c) An employee belongs to N.E. Region was appointed as Group 'C' or 'D' employee based on local recruitment when there were no cadre rules for the post (prior to grant of SDA vide Ministry of Finance OM No.20011/2/83-E.IV dated 14.12.83 and

NO

NO

POW

20.4.97 read with (a) 20014/16/46 P.11(3) dated 1.12.001 but subsequently the recruitment/cadre was centralised with common seniority list/promotion/All India Transfer Liability, etc. on his continuing in the NE Region though they can be transferred out to any place outside the NE Region having All India Transfer Liability.

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

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

(v) The MoF, Deptt. of Exptdr. vide their UO No. 11(3)/95-E.11(D) dt. 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 S.D.A. to any Central Govt. Civilian Employee having All India Transfer Liability will be by applying tests (a) whether recruitment to the Service/Cadre/Post has been made on All India basis (b) whether promotion is also done on the basis of All India Zone of promotion based on common seniority for the service/Cadre/Post as a whole (c) in the case of SSB/DJS, there is a common recruitment system made on All India basis and promotions are also done on the basis of All India Common Seniority basis. Based on the above criteria/tests all employees recruited on the All India basis and having a common seniority list of All India basis for promotion etc. are eligible for the grant of SDA irrespective of the fact that the employee hails from NE Region or posted to NE Region from outside the NE Region.

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

Ans

vii) Based on point (3v) above, none of the MULCO/DOU have authorized payment of SDA to the employees hailing from NE Region and posted within the NE Region while in the case of others, the DACS have objected payment of SDA to employees hailing from NE Region and posted within the NE Region irrespective of the fact that their transfer liability is All India Transfer Liability or otherwise. In such cases what should be the norm for payment of SDA i.e. on fulfilling the criteria of All India Recruitment Test & to promotion of All India Common seniority basis, having been satisfied are all the employees eligible for the grant of SDA.

viii) Whether the payment made to some employees hailing from NE Region and posted in NE Region be recovered after 20/9/1991 i.e. the date of decision of the Hon'ble Supreme Court and/or whether the payment of SDA should be allowed to all employees including those hailing from NE Region with effect from the date of their appointment if they have All India Transfer Liability and are promoted on the basis of All India Common Seniority List.

It has already been clarified by MoF that a mere clause in the appointment order regarding All India Transfer Liability does not make him eligible for grant of SDA.

The payment made to employees hailing from NE Region & posted in NE Region be recovered from the date of its payment. It may also be added that the payment made to the ineligible employees hailing from NE Region and posted in NE Region be recovered from the date of payment or after 20th Sept. 91 whichever is later.

RDW

28  
This issues with the concurrence of the Finance Division,  
Cabinet Secretariat vide Dy. No. 1349 dated 11.10.99 and Ministry  
of Finance (Expenditure)'s I.D. No. 1204/E-II(B)/99 dated  
30.3.2000.

*P. H. Thakur*

P. H. Thakur  
Director (SR)

1. Shri R.S. Bedi,	Director,	ARC.
2. Shri R.P. Kuriel,	Director,	SSB.
3. Dr Ig. (Ptd) G.S. Uban,	IG,	SFF.
4. Shri S.P. Nehru,	JD (P&C),	UDS.
5. Shri Ashok Chaturvedi	JS (Pers),	R&AW.
6. Shri B.S. Gill,	Director of Accounts, DACS.	
7. Smt. J.H. Menon,	Director-Finance (S), Cab. Sectt.	
8. Col. K. K. Jaswal	CIOA	CIA.

Cab. Sectt., UO No. 20/12/99-EN.1 - dated 02-5-2000

1802

= 2 MAY 2000

*Self attested  
Par  
(P. K. DUTTA)  
UNC*

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

ANX-II

Original Application No. 56 of 2000

Date of decision : This the 19th day of March, 2001.

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

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

Shri Manoj Kumar,  
Lower Division Clerk,  
Office of the Deputy Director,  
Subsidiary Intelligence Bureau,  
Basistha Road, Guwahati-28 & 167 Ors. .... Applicants.

By Advocate Mr. A. Ahmed.

-versus-

1. Union of India,  
represented by the Secretary to the  
Government of India, Ministry of  
Home Affairs, North Block,  
New Delhi.

2. The Director,  
Intelligence Bureau,  
North Block, New Delhi.

3. The Deputy Director,  
Subsidiary Intelligence Bureau,  
Basistha Road,  
Guwahati-28.

... Respondents

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

O R D E R (ORAL)

CHOWDHURY J. (V.C.).

The applicants are one hundred and sixty eight in number serving under the Deputy Director, Subsidiary Intelligence Bureau, in different capacities, like Lower Division Clerk, Assistant, Stenographer, Security Assistant, ACIO-I/G, P.S., JIO-II/G, Section Officer, Upper Division Clerk etc. Their grievance is common in nature claiming Special Duty Allowance (hereinafter referred to as SDA) payable to the Central Government employees serving in the North Eastern Region. By now the issue is involved is settled on the basis of numerous decision of the Supreme

Contd..

DNV

Court subsequently clarified by the department. The Cabinet Secretariat (EA.I Section) clarified the matter by a Notification dated 2.5.2000. The civilian employees who have all India transfer liability are entitled for grant of SDA on being posting to any station in the NE Region from outside the Region. An employee hailing from the North Eastern Region selected on the basis of all India recruitment test and borne on the centralised cadre/service, common seniority on first appointment and posted in the N.E. region per se is not entitled for the SDA. He or she would be entitled to SDA only if posted outside NE Region on transfer. An employee hailing from NE Region initially but subsequently transferred out of the NE Region but reposted to NE Region would also be entitled to SDA.

From the materials made available in this application it is difficult for the Tribunal to determine/evaluate as to nature of posting of each individual applicant.

In the circumstances upon hearing the learned counsel Mr. A.Ahmed for the applicant and Mr. A.Deb Roy, learned Sr. C.G.S.C. we are of the view that ends of justice will be met if a direction is issued to the applicant to submit individual representation before the concerned authority narrating the factual position. Accordingly we direct the applicants to make individual representations within a period of one month from the date of receipt of certified copy of this order. The respondents on receipt of such application consider the same in the light of the OM issued from time to time more particularly on the basis of the Clarification issued by the Director(SR), Cabinet Secretariat dated 2.5.2000 with the concurrence of the Finance Division as early as possible at any rate within the

Contd.....

period of two months from the date of receipt of individual representation from the applicants. 29

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

Sd/ VICE CHAIRMAN

Sd/ MEMBER (Adm)

Certified to be true Copy

প্রাণি প্রতিষ্ঠি

*N. N.*  
3/3/2017

Section Officer (J)

গুৱাহাটী অধিবাদি (ন্যায়িক রাজ্য)  
Central Administrative Tribunal

কেন্দ্ৰীয় প্রযোজন পরিষদ  
Guwahati Bench, Guwahati-৭  
গুৱাহাটী ন্যায়পীঠ, পূর্বাঞ্চল

*dk 3/3/2017*

*sent to authorized  
Bir  
C. K. DUTTA  
VDC*

To

The Joint Director(E)  
Intelligence Bureau  
New Delhi

(8)

(Through proper channel)

Subject : Request for continuation of S.D.A.

Sir,

Most respectfully, I beg to lay down the following few lines for your kind perusal please.

That Sir, as per the Civil appeal No.3251 of 1993 the Hon'ble Supreme Court delivered the judgement dated 20-9-1994 (copy enclosed) upheld the decision of the Govt. of India that, the Central Govt. employees who have All India transfer liability are entitled to the grant of S.D.A. on being posted to any station in the N.E. region from outside the region. The Appex Court further added that the grant of this allowances only to the Officers transferred from outside to the N.E. region would not be violative of the provision contained in the Article 14 of the Constitution as well as the Central pay doctrine.

That Sir, I joined this SIB in the forenoon of 31st July, 1997 on transfer from IB Hqrs., New Delhi and was drawing the S.D.A.. But as per the judgement of Hon'ble C.A.T. on 22-9-1999 the S.D.A. has been stopped and recovery has been made from Jan. 2000.

However, as per clarification of Cabinet Secretariate vide their U.O. No. 20/12/99/EA-1-1802 dated 2-5-2000 with the concurrence of M.O.F. I.D. No. 1204/E-11(B)/99 dated 30-3-2000 where it is categorically mentioned in the column No. III & IV that an employee hailing from N.E. region posted to N.E. region initially but subsequently transferred out of N.E. region, but re-posted to N.E. region are eligible for SDA (copy enclosed).

Under the above circumstances, I earnestly pray for consider my case sympathically and allow me to draw S.D.A. for my posting in the N.E. region at SIB, Guwahati on transfer from IB, Hqrs, New Delhi and recovery may please be stopped with immediate effect.

Thanking you Sir,

Yours faithfully,

*PKD*

( P.K.Dutta )  
UDC, SIB Guwahati

Guwahati  
9-2-2001

Self attested  
P.K.Dutta  
( P.K.Dutta )  
UDC

To

The Director, The Central Bureau of Investigation, Ministry of Home Affairs, New Delhi.  
 The Director, The Central Bureau of Investigation, Ministry of Home Affairs, New Delhi.  
 The Director, The Central Bureau of Investigation, Ministry of Home Affairs, New Delhi.  
 The Director, The Central Bureau of Investigation, Ministry of Home Affairs, New Delhi.

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Through Proper channel

Sub : Request for grant of S.D.A.

Ref. : IB Hqrs. Memo. No. 20/Adm(c)/2000(1)-1682 dt. 21.12.2001  
 Conveyed vide SIB, Shillong Endt. No. Admn. -30/2001(1)-  
 1561 dtd. 31.12.2001.

Respected sir,

With reference to IB Hqrs. Memo. cited above, I would like to submit the following for your kind perusal and redressal of my claim.

2. That sir, as per Hon'ble Supreme Court judgement delivered on 20.9.1994 (Civil appeal No. 3251 of 1993) and Min. of Finance (Expdr.) ID No. 1204/E-II(B)/99 dt. 30.3.2000, the criteria for grant of SDA have been determined to the effect that the Central Govt. employees having all India transfer liability, a centralised /common seniority and DPC for promotion and transferred to N.E. Region from outside the N.E. region are entitled for SDA. In the light of the above, my service conditions fulfil all the criteria especially when I remained posted at IB Hqrs. from Jan/95 to July/97 and subsequently transferred to SIB, Guwahati. It is quite unfortunate that inspite of my representation on the subject submitted through SIB, Guwahati for payment of SDA, SIB, Guwahati have rather stopped payment of SDA and recovered the amount w.e.f. 1.1.2000.

3. Besides, the recent Judgement of CAT, Guwahati while disposing the OA 56/2000 also emphasised the need to examine the claims of SDA in the light of the Cabinet Sectt. O.U. No. 20/12/99-EA-I-1802 dtd. 2.5.2000, wherein it has clearly been indicated that an employee hailing from N.E. region but subsequently transferred out of the N.E. region but reposed to N.E. region would also be entitled to SDA.

4. In the aforesaid IB's memo. dt. 21.12.01, they have technically rejected the claims on the point that I (alongwith others also) was not the party of the case (OA 56/2000) and asked to submit any documentary proof to the effect that I was a party of the said case for further examination of the claim. While quoting the Cab. Sectt. O.U. dtd. 2.5.2000 (referred in Para-3 above), IB Hqrs. vide their Memo. dt. 21.12.01 (Para-1) have tactfully avoided to refer the fact that the employees, though appointed/hailing from N.E. but transferred out of N.E. and re-posted to N.E. on transfer are entitled to SDA. Moreover, IB Hqrs., while directing all the SIBx to stop the payment of SDA (vide TPM No. 20/Adm(c)/97(2)-472 dt. 6.4.2000) did never take into account that I was neither a petitioner nor a party of OA 140/97, whereas a question has been raised at the time of reviewing/release of SDA that only the cases of the petitioners of OA 56/2000 have been examined and the claims of others (like me) were not processed as we were not the party of the case.

5. On the above foregoing, may I take the privilege <sup>32</sup> to point out the arbitrary decisions and preferential treatment adopted by IB Hqrs. over payment of SDA to me, as explained in para-4 above.

6. I, therefore, farvently request your kind honour to reconsider my legitimate claim for SDA at an early date.

Thanking you sir,

Yours faithfully,

*PKD*

(PRABIR KUMAR DUTTA)  
U.D.C.  
SIB, Shillong.

Dated, Shillong

on the 11-1-2002

*self attested*  
self attested  
Prabir Kumar Dutta  
U.D.C.

To,  
The Assistant Director/Admn.,  
SIB, Shillong.

Through proper Channel.

Sub: Request for release of SDA.

Sir,

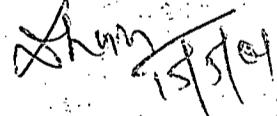
With due honour it is to inform you that I am in receipt of a zeroxed certified copy of an order of CAT, Guwahati, disposing the OA No. 56 of 2000 regarding admissibility of SDA.

2. The CAT order stated that the Cabinet Secretariat(E.A.I Section) clarified the matter by a notification dated 2.5.2000 with concurrence of the finance division that an employee of Central Govt. hailing from NE Region initially but subsequently transferred out of the NE Region, but reposted to NE Region would also be entitled to SDA and viewed that the justice to be mated out to such employee by the authority as per the clarification issued by the Director(SR), Cabinet Secretariat dated 2.5.2000.

3. Since I belong to the above catagory of employee, justice may please be mated to me as per the directive of CAT Guwahati and held up SDA w.e.f. 1.1.2000 may be released to me forthwith. For this act of your kindness, I shall remain ever grateful to you.

Thanking you,

Yours faithfully,

  
(D.B. Chhetri, UDC)  
SIB, Shillong.

Dated.

Left ~~affixed~~  
for  
(P.K. DUTTA)  
UDC

To,  
The Assistant Director/EP,  
IB Hqrs., New Delhi.

(Through proper channel)

Sub: Request for release of held up SDA.

Ref: IB Hars Memo No. 20/Adm©/200(1)-1682 dated 21.12.2001] conveyed vide SIB,  
Shillong memo No. Admn-30/2001(1)-1561 dated 31.12.2001.

Sir,

With reference to IB Hqrs memo referred above on the subject, I like to bring the following few lines for favour of your information and immediate consideration.

2. That Sir, although myself and 22 other employees of this SIB were not the party to the case, the payment of SDA to me and 22 others working under different capacity including Shri T.Gwite, honourable JD/NE of SIB, Shillong was held up w.e.f. 1.1.2000 following the rulings of CAT, Guwahati. However, the payment of SDA was restored to the honourable JD/NE without any formal order in due course, but the payment of SDA to me and 21 others of this SIB is yet to be restored. I hailed from N.E. Regions, served outside the N.E. Region for a long period of 12 years and transferred back to NE Region. As per the Hon'ble Supreme Court judgement delivered on 20.9.1994 (in Civil appeal No. 3251 of 1993) and Ministry of Finance (Expenditure)'s ID No. 1204/E-II (B) /99 dated 30.3.2000, O.U. No. 20/12/99-EA-I-1802 dated 2.5.2000 I fulfill the criteria for grant of SDA. Besides, the recent order of CAT, Guwahati disposing the case No OA. 56 of 2000 also confirm that I am entitled to SDA. When SDA was stopped w.e.f. April, 2000 and recoveries were made w.e.f. 1.1.2000, the matter whether I was party to the case was not taken into consideration, but at the time of releasing the SDA wherefrom the question whether I was a party to the case or not is coming. Since 1.1.2000, I have submitted several representations at different level in IB/SIB on this score providing relevant documents in support of my claim and also sought permission to present my claim to the honourable president of India for his kind consideration but till date, I have not received any reply from any corner.
3. That Sir, from the above it clear that I am being deprived of my legitimate claim of SDA and the office is adopting step motherly attitude towards the employees hailing from N.E. Regions, besides it seems that the rights can be availed only by seniors in the department and projection of legitimate rights by juniors staff are kept aside.
4. That Sir, in the above light I shall be highly obliged if you can kindly consider to release my held up SDA immediately.

Thanking you,

Yours faithfully,

  
D.B. Chhetri, UDC  
PIS No. 120970  
SIB, Shillong.

sent attested  
Dr  
(P.M. DUTTA)  
UDC

To, The Hon'ble Director, Intelligence Bureau, (MHA), Govt. of India, New Delhi.

(Through proper channel)

**Sub: Request for release of held up SDA.**

Sir,

With profound respect and humble submission I lay the following few lines for favour of your information and immediate sympathetic consideration.

2. That Sir, I joined the Bureau in Shillong on 18.12.1986 (AN) as LDC after successful competition in SSC Examination 1985. I was subsequently transferred to SIB, Siliguri where I served for a period of 12 year. After that I was again selected for my transfer to SIB, Shillong where I resumed my duty on 12.7.1999. Since then, I was granted SDA. However, the payment of SDA to myself and 22 other employees working under different capacity including Shri T.Gwite, honourable JD/NE of SIB, Shillong was discontinued w.e.f. 1.1.2000 allegedly following the rulings of CAT, Guwahati. The payment of SDA to the honourable JD/NE was restored without any formal order. However, the payment of SDA to me is yet to be restored. Although I was not a party to the petitioners I have been made scape goat by implementing the rulings of CAT Guwahati.

3. That Sir, I have submitted a number of representations at different levels of IB/SIB supported by relevant documents in support of my claim and requesting for restoration of SDA but my effort yielded no results till date. The department like Cabinet Secretariat have issued clarification as regards to entitlement of SDA to the Central Govt. Civilian employees serving in the States and Union Territories of North Eastern Region vide their OU No.20/12/99 EA-I-1802 dated 2.5.2000 with concurrence of the Finance Division, Cabinet Secretariat vide Dy. No.1349 dated 11.10.99 and Ministry of Finance (Expenditure)'s ID No. 1204/E-II (B) /99 dated 30.3.2000 (a copy of which was provided to the hon'ble Director vide my representation dated 28.11.2000). According to para (2) sub-para (III) and (IV) of the said clarification, I am a fit case for grant of SDA. Besides, this CAT Guwahati while delivering judgement in OA No. 56 of 2000 on 19.3.2001 ordered the respondents i.e. union of India and others to consider payment of SDA to the Central Govt. Civilian employees on the light of the OM issued from time to time more particularly on the basis of clarification issued by the Director (SR), Cabinet

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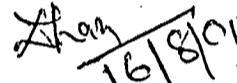
Secretariat with concurrence of the finance division as early as possible at any rate within the period of two month from the date of receipt of individual representation from the applicants. I have submitted my representation dated 15.5.2001 along with a copy of the certified copy of the CAT Guwahati Order dated 19.3.2001. However, the payment of SDA is yet to be restored to me even after over three months.

4. That Sir, as in the case of Cabinet Secretariat, if the department feels that it requires its own clarification in the matter of payment of SDA it should have consulted the concerned ministry in this regard. The department like Intelligence Bureau should perhaps not require a period of long time more then one and half years to get such clarification. Hence, the SDA payment to me has been held up in violation of not only Supreme Court verdict etc but also in violation of article 14 of the constitution and equal pay doctrine.

5. That Sir, in the light of above, I would fervently request your honour to kindly take necessary steps so that the payment of SDA w.e.f. 1.1.2000 is immediately restored to me. For this act of your kindness, I shall remain ever grateful to your honour.

Thanking you,

Yours faithfully,

  
16/8/01

(D.B. Chhetri, UDC)

PIS No. 120970

SIB, Shillong.

(1) To AD/EP - No. Admin-30/2001(1)-1171-392  
dated 20/7/2001.

(2) To DIB - No. Admin-30/2001(1)-1258-436  
dated 28/8/2001

Self attached  
Dm  
(P.K. DUTTA)  
UDC

No. Admn-30/2001(1)-1561  
Subsidiary Intelligence Bureau,  
Ministry of Home Affairs,  
Government of India.

Shillong,

Dated the,

31 DEC 2001

Memorandum

Sub : Implementation of the Judgement in OA No.56/2000 filed by  
Shri Manoj Kumar & 167 others of CAT Guwahati for grant of SDA.

A copy of IB Hqrs. Memo. No. 20/Adm(C)/2000  
(1)-1682 dated 21-12-2001 on the subject mentioned above is reproduced  
below for information and necessary action.

With respect

( B.R. Sharma ) 28/12/01  
Assistant Director/Admn

To

All Concerned.

Shri P.K.Dutta, UDC

'Estt.' Br., SIB, Shillong.

Copy of IB Hqrs. Memo. No. 20/Adm(C)/2000(1)-1682  
Dated 21-12-2001.

Sub:- Implementation of the Judgement in OA No.56/2000 filed by  
Shri Manoj Kumar & 167 others of CAT Guwahati for grant of SDA.

In continuation of our Memo. of even number dated 08-10-2001 on the subject cited above, it is informed that none of the petitioners(11) who have represented for grant of SDA in accordance with CAT Guwahati judgement dated 19-3-2001 is found to be entitled to SDA in terms of Cabinet Secretariat clarification issued vide their UO No. 20/12/99-EA-1-1802 dated 02-5-2000 and Ministry of Finance advice that IB employees who have initially been appointed in North - East Region and have remained posted there are not entitled to SDA.

As regards, representations of other applicants(29), it may be stated that their claims were not processed as they were not figuring in the list of petitioners of the OA . The representatives have already been informed individually. In case of any dispute, they are advised to produce documentary evidence to establish that they were petitioners of the above quoted OA.

Sd/-

(P.V.Karunakaran )  
Assistant Director

To ( XXX X X X )  
all concerned.

4/3/82 - 871

*sent attested*  
P.K.DUTTA  
(P.K.DUTTA)

30/11/94 Trans IBHQ ND  
15/7/97 Trans to GS

Dated, the 10 NOV 2000

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MEMORANDUM

It has since been clarified that, such officials who hail from North East (i.e. whose permanent home address as per their Service Book falls in North East) are not eligible for drawing S.D.A. and that amounts already paid to the officials are liable for recovery from January 2000 onwards in view of Hon'ble C.A.T. Guwahati judgement dated 28-9-99.

2. The following officials whose home address as per their service book falls in North East and are not eligible for drawing S.D.A.

Sr. Name/Designation	Home Address
No. -	
S/Shri,	
1. T.K.Deka, AD	Tezpur, Assam
2. J.N.Neogi, AD	Goalpara, Assam
3. C.M.Mandal, DCIO	Guwahati, Assam
4. B.Newar, DCIO	Darrang, Assam
5. R.K.Sharma, DCIO	Tezpur, Assam
6. N.B.Chetri, ACIO-I/G	Darrang, Assam
7. C.K.Talukdar, ACIO-I/G	Nalbari, Assam
8. P.Banikya, ACIO-I/G	Goalpara, Assam
9. D.K.Lahkar, ACIO-I/G	Rangiya, Assam
10. S.D.Purkayastha, ACIO-I/G	Tinsukia, Assam
11. J.R.Saikai, ACIO-I/G	North Lakhimpur, Assam
12. E.C.Paul, ACIO-I/G	Tezpur, Assam
13. B.Paltu Kumar, ACIO-I/G	Sonitpur, Assam
14. G.Kisko, ACIO-I/G	Darrang, Assam
15. A.K.Dey, ACIO-I/G	Tinsukia, Assam
16. S.K.Ghosh, ACIO-II/G	Dhubri, Assam
17. T.C.Das, -do-	Kamrup, Assam
18. Smt. D.Sastri, -do-	Guwahati, Assam
19. R.Baruah, -do-	Sibsagar, Assam
20. S.Abel, -do-	Ukhrul, Manipur
21. M.Sutradhar, -do-	Nagaon, Assam
22. C.V.Chakma, -do-	Dharmanagar, Tripura
23. D.Baruah, -do-	Guwahati, Assam
24. J.N.Upadhayay, -do-	Tinsukia, Assam
25. K.K.Dev, -do-	Cachar, Assam
25. N.C.Goswami, -do-	Arundul inagar, Tripura
27. A.R.Das, -do-	Shillong, Meghalaya.
28. D.Chakraborty, -do-	Cachar, Assam
29. R.Das, -do-	Darrang, Assam
30. D.K.Ganguly, -do-	Darrang, Assam
31. P.K.Dutta, UDC	Karimganj, Assam
32. S.Mandal, UDC	Guwahati, Assam
33. P.K.Dey, UDC	Dibrugarh, Assam
34. A.Dey, UDC	Guwahati, Assam
35. P.K.Rakha, UDC	Kamrup, Assam
36. T.P.Upadhayay, UDC	Guwahati, Assam
37. P.Kumar, LDC	Kamrup, Assam
38. B.Borkakoty, ACIO-II/WT	Sonitpur, Assam

Contd...p/2...

Down

Sl. No.	Name/Designation	Home Address
39.	G.C.Borah, ACIO-II/WT	Tezpur, Assam
40.	K.C.Paul, -do-	Tezpur, Assam
41.	B.C.Borthakur, -do-	Sibsagar, Assam
42.	R.K.Suklabaidya, ACIO-II/WT	Cachar, Assam
43.	D.C.Baishya, JIO-I/G	Kamrup, Assam
44.	B.K.Dev, JIO-I/G	Karimganj, Assam
45.	T.L.Das, -do-	Karimganj, Assam
46.	P.C.Chanda, JIO I/G	Cachar, Assam
47.	J.Chakraborty, JIO-I/G	Goalpara, Assam
48.	K.C.Saharia, JIO-I/G	Darrang, Assam
49.	A.C.Deka, JIO-I/WT,	Nalbari, Assam
50.	B.C.Sharma, JIO-I/WT	Nalbari, Assam
51.	H.G.Mahanta, JIO-I/WT	Sonitpur, Assam
52.	B.K.Goswami, JIO-I/MT	Nalbari, Assam
53.	A.Paudel, JIO-II/G,	Sonitpur, Assam

To

Section Officer/G

- 1) Shri Sl. No.31, 81B, Guwahati <sup>11/12/80</sup> Sectt.  
for information.
- 2) The Section Officer/A, SIB, Guwahati  
for information and necessary action.

*Amber*  
S. N. Dutt  
(P.W. DUTTA)