

30/600
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

MP-155/02 | ordersheet pg-1 to 2

INDEX

Disposed Date-23/05/03

O.A/T.A No. 342/02.....

M.P-154/03 ordersheet Pg-1

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

Disposed Date-23/05/2003

E.P/M.A No. 155/02.....

Petition copy Pg-1 to 5

1. Orders Sheet. O.A-342/02..... Pg..... 1 to 3

2. Judgment/Order dtd. 23/05/2003 Pg..... 1 to 5 allowed
Common order 249 316, 342 8367/02

3. Judgment & Order dtd..... Received from H.C/Supreme Court

4. O.A..... 342/02..... Pg..... 1 to 7

5. E.P/M.P..... 155/02..... Pg..... 1 to 11

6. R.A/C.P..... N.I.L..... Pg..... to

7. W.S Filed by the Respondents..... Pg..... 1 to 7

8. Rejoinder Filed by the Applicant..... Pg..... 1 to 16

9. Reply..... Pg..... to

10. Any other Papers..... Pg..... to

11. Memo of Appearance..... Pg..... to

12. Additional Affidavit..... Pg..... to

13. Written Arguments..... Pg..... to

14. Amendment Reply by Respondents..... Pg..... to

15. Amendment Reply filed by the Applicant..... Pg..... to

16. Counter Reply..... Pg..... to

W.S Filed by the Respondents pg- 1 to 70

SECTION OFFICER (JUDL.)

(SEE RULE -4)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI

ORDER SHEET

Original Application No : 342/02
Misc. Petition No. _____
Contempt Petition No. _____
Review Application No. _____

Applicant (s) A. K. Raha & Ors

-Vs-

Respondent (s) H. O. P. Form

Advocate for the Applicant (s) A. C. Sarma, C. M. Das, S. Saikia

Advocate for the Respondent(s) Case

Notes of the Registry	Date	Order of the Tribunal
20 F 059551 SIE 20832, 21C 10537 9/10/02 <i>Major</i> <i>By. Registrar</i>	10.10.02	Heard Mr. A. C. Sarma, learned counsel for the applicants. Issue notice to show cause as to why the application shall not be admitted. Returnable by four weeks. In the meantime, the respondents are directed not to make any further recovery of SDA. List on 15.11.2002 for admission.
Stamps SARMA GK	15.11.	<i>ICC Usha</i> Member Vice-Chairman
<i>Notice received and sent to SAs for issuing the warrant No 1105 by Regd AD.</i> 10/10/02 DINo 2886-W-2890 Dtd 21/10/02	mb	Due to circuit sitting at Silchar, the case is adjourned to 29/11/2002. <i>AKR</i> AKR 15/11/02

22.11.02

List on 29.11.02 for Admission.

K.K.Sharma
Member

1m

29.11.02

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

No. written statement
has been filed.S.C. for the respondents prayed for time
for filing reply or written statement.
Prayer is allowed. List on 7/01/2003
for admission.By
6/1/03Interim order dated 10.10.2002
shall continue until

Vice-Chairman

mb

7.1.2003

Present:- The Hon'ble Mr.Justice
V.S.Agarwal, ChairmanThe Hon'ble Mr.K.K.Sharma
Member (A).Mr.B.C.Pathak, learned Addl.C.G.S.C
states that he would be filing written
statement in four weeks from today.

List the case on 6.2.2003 for admission.

Interim order to continue on the
same term till further orders.K.K.Sharma
Member

Chairman

No. written statement
has been filed.

bb

6.2.03

Present : The Hon'ble Mr Justice D.N.
Chowdhury, Vice-Chairman.
The Hon'ble Mr S.K.Hajra,
Member (A).Written statement filed. Application
is admitted. No fresh notice need be
issued to the respondents. The Case may
now be listed for hearing on 4.3.03.The applicant may file rejoinder if
any within two weeks from today.

Interim order shall continue.

Guru
MemberOrder dtd 6/2/03
Commended to the
Parties Council.

7/2

7.2.03
was submitted by
the Respondents.

pg

Vice-Chairman

(3)

O.A. No. 342/02

3

Notes of the Registry	Date	Order of the Tribunal
<u>3. 3. 03</u> Rejoinder submitted by the applicant.	4/3.	Court did not sit today. The case is adjourned to 13/3/2003. By faz
<u>Slips taken. Notices crossed wide Dispatch No. 2886 & 2890 dtd. 21/10/02.</u> 17/3.	13.3.2003	Heard Mr. C.M. Das, learned counsel for the applicant and also Mr. B.C. Pathak, learned Addl. C.G.S.C. for the respondents. On the prayer of Mr. B.C. Pathak, learned Addl. C.G.S.C. for the respondents four weeks time is allowed to the respondents to take necessary steps on the matter. List on 2.5.2003 for hearing.
<u>5. 5. 03</u> W.P.s submitted by the Respondents.	2.5.2003	Put up on 13.5.03 for hearing alongwith connected matters.
<u>The case is ready for hearing.</u> 12.5.03.	18.5.03	Hearing Concluded. Judgment reserved.
<u>6. 6. 2003</u> Copy of the Judgments sent to the Office of the Court of Appeal by post.	23.5.2003	Judgment delivered in open Court, kept in separate sheets. The application is partly allowed. No order as to costs.

Notes of the Registry

Date

Order of the Tribunal

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.249 of 2002
Original Application No.316 of 2002
Original Application No.342 of 2002

And

Original Application No.367 of 2002

Date of decision: This the 23rd day of May 2003

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

O.A.No.249/2002

Shri Bangshidhar Boro and 3 othersApplicants
By Advocates Mr S. Ali and Mrs K. Chetri

- versus -

The Union of India and othersRespondents
By Advocates Mr A. Deb Roy, Sr. C.G.S.C.
and Mr B.C. Pathak, Addl. C.G.S.C.

O.A.No.316/2002

Shri Khagen Ch Medhi and 80 othersApplicants
By Advocates Mr A.C. Sarma, Mr C.M. Das
and S. Saikia

- versus -

The Union of India and othersRespondents
By Advocate Mr B.C. Pathak, Addl. C.G.S.C.

O.A.No.342/2002

Shri Abhit Kumar Raha and 6 othersApplicants
By Advocates Mr A.C. Sarma, C.M. Das and
S. Saikia

- versus -

Union of India and othersRespondents
By Advocate Mr B.C. Pathak, Addl. C.G.S.C.

O.A.No.367/2002

Shri P. Neogi and 60 othersApplicants
By Advocates Mr A. Sarma and Mr S. Saikia

- versus -

The Union of India and othersRespondents
By Advocate Mr A. Deb Roy, Sr. C.G.S.C.
and Mr B.C. Pathak, Addl. C.G.S.C.

O R D E R

CHOWDHURY. J. (V.C.)

All the four O.A.s were taken up together since it involves common questions of fact as well as law pertaining to the Special (Duty) Allowance.

2. The employees of different posts in the Postal Department in Assam Circle and N.E. Circle through the office bearers of various unions of the postal employees working under the Chief Post Master General, Assam Circle, Guwahati and N.E. Circle, Shillong, in O.A. No.249/2002, mainly assailed the action of the respondents as regards the recovery of Special (Duty) Allowance (SDA for short) so far paid to them. In O.A. Nos.316, 342 and 367 of 2002, the applicants in addition, also assailed the action of the respondents in stopping the payment of SDA to the applicants and more particularly assailed the Office Memorandum whereby the respondents took steps for recovery of the amount of SDA paid to ineligible persons after 5.10.2001.

3. For the purpose of adjudication of the cases, the pleadings cited in O.A.No.249/2002 and O.a.No.342/2002 shall be referred to. The Office Memorandum bearing F.No.11(5)97-E.II(B) dated 29.5.2002 recounted the background of payment of SDA, the full text of which is reproduced below:

"The undersigned is directed to refer to this Department's O.M. No.20014/3/83 E.IV dated 14.12.83 and 20.4.1987 read with O.M. No.20014/16/86-E.IV/E.II(B) dated 1.12.88, and OM No.11(3)/95-E.II(B) dt. 12.1.1996 on the subject mentioned above.

2. Certain incentives were granted to Central Government employees posted in NE region vide OM dt.14.12.83. Special Duty Allowance (SDA) is one of the incentives granted to the Central Government employees having 'All India Transfer Liability'. The necessary clarification for

6

determining the All India Transfer Liability was issued vide OM dt.20.4.87, laying down that the All India Transfer Liability of the members of any service/cadre or incumbents of any post/group of posts has to be determined by applying the tests of recruitment zone, promotion zone etc. i.e. whether recruitment to service/cadre/post has been made on All India basis and whether promotion is also done on the basis of an all India common seniority list for the service/cadre/post as a whole. A mere clause in the appointment letter to the effect that the person concerned is liable to be transferred anywhere in India, did not make him eligible for the grant of Special Duty Allowance.

3. Some employees working in NE region who were not eligible for grant of Special Duty Allowance in accordance with the orders issued from time to time agitated the issue of payment of Special Duty Allowance to them before CAT, Guwahati Bench and in certain cases CAT upheld the prayer of employees. The Central Government filed appeals against CAT orders which have been decided by Supreme Court of India in favour of UOI. The Hon'ble Supreme Court in judgement delivered on 20.9.94 (in Civil Appeal No.3251 of 1993 in the case of UOI and Ors V/s Sh. S. Vijaya Kumar and Ors) have upheld the submissions of the Government of India that C.G. civilian Employees who have All India Transfer Liability are entitled to the grant of Special Duty Allowance on being posted to any station in the North Eastern Region from outside the region and Special Duty Allowance would not be payable merely because of a clause in the appointment order relating to All India Transfer Liability.

4. In a recent appeal filed by Telecom Department (Civil) Appeal No.7000 of 2001 - arising out of SLP No.5455 of 1999, Supreme Court of India has ordered on 5.10.2001 that this appeal is covered by the judgement of this Court in the case of UOI & Ors. vs. S. Vijayakumar & Ors. reported as 1994 (Supp.3) SCC, 649 and followed in the case of UOI & Ors vs. Executive Officers' Association Group 'C' 1995 (Supp.1) SCC 757. Therefore, this appeal is to be allowed in favour of the UOI. The Hon'ble Supreme Court further ordered that whatever amount has been paid to the employees by way of SDA will not, in any event, be recovered from them inspite of the fact that the appeal has been allowed.

5. In view of the aforesaid judgements, the criteria for payment of Special Duty Allowance, as upheld by the Supreme Court, is reiterated as under :-

"The Special Duty Allowance shall be admissible to Central Government employees having All India Transfer Liability on posting to North Eastern region (including Sikkim) from outside the region."

All cases for grant of Special Duty Allowance including those of All India Service Officers may

be.....

be regulated strictly in accordance with the above mentioned criteria.

6. All the Ministries/Departments etc are requested to keep the above instructions in view for strict compliance. Further, as per direction of Hon'ble Supreme Court, it has also been decided that -

(i) The amount already paid on account of Special Duty Allowance to the ineligible persons not qualifying the criteria mentioned in 5 above on or before 5.10.2001, which is the date of judgment of the Supreme Court, will be waived. However, recoveries, if any, already made need not be refunded.

(ii) The amount paid on account of Special Duty Allowance to ineligible persons after 5.10.2001 will be recovered.

7. These orders will be applicable mutatis mutandi for regulating the claims of Islands Special (Duty) Allowance which is payable on the analogy of Special (Duty) Allowance to Central Government Civilian employees serving in the Andaman & Nicobar and Lakshadweep Groups of Islands.

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

4. Mr A.C. Sarma, learned counsel for the applicants, in O.A. Nos.342 and 367 of 2002, however, strenuously urged that the applicants in the aforementioned O.A.s are entitled for SDA in view of the fact that these applicants have All India Transfer Liability, which was also admitted by the respondents in Annexure-16 annexed to O.A.No.342/2002. According Mr A.C. Sarma the aforesaid communication dated 31.3.2000/3.4.2000 clearly spelt out that SDA was paid to all categories of officers and members of the staff of the Meteorological Department posted in the North Eastern Region according to the conditions laid down in the Ministry of Finance (Department of Expenditure) O.M. No.11(3)/95-B.II(B) dated 12.1.1996 and clarificatory O.M. No.20014/3/83-E.II dated 20.4.1987 as they have actual 'All India Transfer liability'. The learned counsel for the applicants contended.....

contended that in view of the aforementioned admission of facts, the respondents cannot now turn around and contend that these applicants are not entitled for SDA.

5. I have also heard Mr A. Deb Roy, learned Sr. C.G.S.C. who seriously disputed the claim of the applicants.

6. I have given my anxious consideration in the matter and also perused the lone document referred to by the applicants issued by the Deputy Director General of Meteorology (Administration & Stores). On the face of the available documents it cannot lead to the conclusion that the applicants are also entitled for the SDA. The issue raised in this application is no longer res integra in view of the consistent pronouncements made by the Supreme Court in Reserve Bank of India Vs. Reserve Bank of India Staff Officers' Association and others, reported in (1991) 17 ATC 295, Union of India and others Vs. S. Vijayakumar and others, reported in (1994) 28 ATC 598, Chief General Manager (Telecom), N.E. Telecom Circle Vs. R.C. Bhattacharjee and others, reported in AIR (1995) SC 813, Union of India Vs. Executive Officers' Association Group C, reported in 1995 SCC (L&S) 661, as well as the judgment rendered by the Supreme Court in Civil Appeal No.7000 of 2001, Union of India Vs. National Union of Telecom Employees' Union and others disposed of on 5.10.2001.

7. In the fact situation, therefore, the claim of the applicants for grant of SDA cannot be entertained. The only other issue for consideration is as to the admissibility on the part of the authority in recovering the amount of SDA already paid to the applicants. The aforementioned action of the respondents goes counter to

the.....

the legal policy as well as in view of the consistent decision of the Supreme Court. In the case of Union of India and another Vs. National Union of Telecom Employees Union referred to by the respondents as well as the decision rendered by the Supreme Court in Civil Appeal No.8208-8213 (Union of India and others Vs. Geological Survey of India Employees' Association and Others) itself indicated the concern expressed by the Apex Court in disentitling the authority from recovering any part of the payment of SDA already made to the concerned employees. Such recovery is inequitous and will invite misery to the employees. The action of the respondents for recovering the amount already paid is, therefore, held to unsustainable in law and the respondents are accordingly directed not to make any further recovery.

8. The applications are thus partially allowed. There shall, however, be no order as to costs.

Sd/ VICE CHAIRMAN

12
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH.

(An application under Section 19 of the Admini-
strative Tribunals Act, 1985)

Title of the suit O.A. No. 342/2002.

Sri Abhit Kr. Raha & Ors. ... Applicants.

- Vs -

Union of India & Ors. ... Respondents.

I N D E X

<u>Sl. No.</u>	<u>Particulars</u>	<u>Page No.</u>
1.	Application	1 to 21
2.	Verification	22
3.	Annexure-1,2,3,4,5	23-30
4.	Annexure-6	31-35
5.	Annexure-7	36-38
6.	Annexure-8	39-40
7.	Annexure-9	41-42
8.	Annexure-10	43-44
9.	Annexure-11	45
10.	Annexure-12	46
11.	Annexure-13	47-48
12.	Annexure-14	49-51
13.	Annexure-15	52
14.	Annexure-16	53
15.	Annexure-17	54
16.	Annexure-18	55-61
17.	Annexure-19	62-63
18.	Annexure-20	64
19.	Annexure-21	65
20.	Annexure-22	66-67
21.	Annexure-23	68-70

For use in Tribunal Office only :

Date of Filing :

REGISTRY

Registration No. :

13
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI

BENCH

Filed by
Abhit Kumar Raha

Abhit Kumar Raha
through his Advocate

O.A. No. 342 /2002.

1. Sri Abhit Kumar Raha
Asstt. Meteorologist, Gr-II (B),
Regional Meteorological Centre (RMC)
Guwahati, Secretary, Gazetted Officers
Association, RMC L.G.B. Airport,
Guwahati-15.
2. Sri Pradip Kr. Mahanta
Scientific Assistant, RMC Guwahati
Regional Secretary,
India Meteorological Department (IMD)
Non Gazetted Scientific Staff
Association, RMC L.G.B. Airport,
Guwahati-15.
3. Sri Hara Kanta Das
U.D.C., RMC Guwahati,
Secretary, IMD, Non Gazetted
Administrative Staff Association
RMC L.G.B. Airport, Guwahati-15
4. Sri Mukul Ch. Das,
Met. Attendant RMC, Guwahati
Regional Secretary, Group "D" Staff
Association, RMC L.G.B. Airport,
Guwahati-15.

Contd.... 2/-

5. Sri Binjit Sinha

S.A. Central Seismological Observatory (C.S.O.) Shillong.

6. Sri Ram Ashok Rai

U.D.C., C.S.O., Shillong,

President, IMD Non Gazetted

Administrative Staff Association

C.S.O., Shillong.

7. Sri Anthony Kharshong

Mett. Attendant, C.S.O., Shillong,

Secretary Group-"D" Staff Association

C.S.O., Shillong

..... PETITIONERS.

- Vs -

1. The Union of India

Represented by the Secretary

Department of Science and Technology,

New Delhi.

2. The Director General of Meteorology

India Meteorological Department (IMD)

New Delhi.

3. The Deputy Director General

(Administration Stores), India

Meteorological Department,

New Delhi.

4. The Deputy Director General of

Meteorology, Regional Meteorolo-

gical Centre, L.G.B. Airport,

Guwahati-15.

5. The Director,

C.S.O., Shillong

India Meteorological Department,

Meath home, 3rd Mile, Upper Shillong,

Shillong-5.

..... RESPONDENTS.

DETAILS OF APPLICATIONS

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE :

The instant application is made challenging the following orders :

i) Govt. of India, Ministry of Finance O.M. No.11(5) /97-E.II(B) dtd. 29-5-2002.

ii) Order issued, vide DGM,IOI no. GW-30000(Pt) 4424 dtd. 30-7-02 issued by the Deputy Director General(Admn. and Stores) for Director General of Meteorology.

iii) Fax message no. GW-30000 dtd. 3-10-02 issued by the Director(Admn) for DGM, New Delhi.

All the above orders relate to discontinuation and recovery of S.D.A. from the applicants.

Contd.... 4/-

This application is made for stay of recovery of the S.D.A. amount already paid to the applicant members of the Associations and to continue the payment of ~~xxx~~ S.D.A. to them in future.

2. JURISDICTION OF TRIBUNAL :

The applications declare that the subject matter of the instant application for which they want redressal is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION :

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

4. FACTS OF THE CASE :

4.(i) That all the applicants are citizens of India and as such they are entitled to all the rights protections and privileges as guaranteed under the constitution of India.

4.(ii) That all the applicants are employees of India Meteorological Deptt. (I.M.D.) under the Ministry of Science and Technology, Govt. of India. The applicants are the representatives of their respective service Associations/Unions

A.D.D.L.K.R. Raha

and they represent the interest of their members as shown in the enclosed lists. The applicant no.1 being the Secretary of the India Meteorological Department Gazetted Officers Association, Guwahati Branch he represents the interest of as many as 38 members of the Association as shown in the annexure-1. The petitioner no.2 being the Regional Secretary of I.M.D. Non Gazetted Scientific Staff Association R.M.C., Guwahati, he represents the interest of as many as 109 members of the Association as shown in the annexure-2. The petitioner no.3 being the Secretary of the I.M.D. Non Gazetted Administrative Staff Association, Guwahati, he represents the interest of 7 members of the Association as shown in the annexure-3. The petitioner no.4 being the Regional Secretary, Group-"D" Union of R.M.C. Guwahati he represents the interest of as many of 50 members of the Association as shown in the Annexure-4. The petitioner no.5 being the President of I.M.D. Non Gazetted Scientific Staff Association of Central Seismological Observatory, Shillong he represents the interest of 8 no. of members of his Association as shown in the annexure-5. The petitioner no.6 being the president of I.M.D. Non Gazetted Administrative Staff Association of C.S.O. Shillong, he represents the interest of ~~hix~~ ~~xxxx~~ 4 nos. of members of his Association as shown in the annexure-6. The petitioner no.7 being the Secretary I.M.D. Group-"D" Staff Union C.S.O., Shillong, he represents the interest of 14 members of the Union as shown in the annexure-7.

(The above members lists are annexure as Annexure-1, 2, 3, 4, 5) 6 & 7)

4.(iii)That, all the members included in the lists mentioned above are having common interest in the matter and as such they have joined together in the single application through their union representatives. The applicants crave the leave of this Hon'ble Court to allow them to file the single application as provided in Rule-4(5) of the Central Administrative Tribunal (Procedure) Rules 1987.

4.(iv)That, all the members represented by the applicants were directly recruited to the service of India Meteorological Deptt. on all India basis having all India transfer liability and at present posted in N.E.Region. All the members of the applicants union are having common seniority on All India basis and promotion is also made on All India basis only.

4.(v) That, to make the Central Govt. Civil Services in the N.E.Region more attractive the Govt. of India vide their dated 14-12-83
gkawed office memo no.20014/2/83-E.I.V. granted some additional allowances to the civilian employees of the Central Govt. serving in the N.E.region. Amongst the various allowances granted by the Govt. one was the payment of Special Duty, Allowances(S.D.A.) to the Central Govt. Civilian Employees who have all India transfer liability. @Rs. 25% of basic pay subject to a ceiling of Rs.400/- per month on their posting to any station in the N.E.region. The rate of allowance was subsequently modified as 12½% of basic pay.

(Copy of the above memo is annexed as Annexure-6)

Contd....7/-

4.(vi)That in view of the above decision of the Govt. of India all members of the applicants unions serving in the N.E. region of India Meteorological Deptt. were allowed the benefit of S.D.A. at the rate prescribed by the Govt.

4.(vii)That, the contents of the Govt. of India, Ministry of Finance OM No.-20014/3/83-E.IV dated 14-12-1983 itself speaks clearly that all the facilities extended thereunder are meant for all the civilian central Govt. employees posted in N.E. region. However clarification regarding application of tenure of posting/deputation as provided in Para-1(i) of the above memo was sought for from the Govt. by the Audit vide U.O. No-519-Audit/117-83 dtd. 21-6-84 and the Govt. of India Ministry of Finance in their deptt. of expenditure U.O.No.- 3943-E.IV/84 dtd. 17-10-84 clarified the matter stating that their orders are applicable to all central Govt. employees posted in the states/union territories of North Eastern Region. Hence it is implied that the special duty allowance as sanctioned in para 1(iii) of the said Govt. memo dtd. 14-12-83 will also be similarly applicable to all central Govt. employees posted in the states/union territories of North eastern region. A further clarification to the point as to why the persons who may not have any all India transfer liability but would be prepared to serve in the N.E. region should be denied the allowance ^{which} to encourage Govt. servant to serve in that region and it was clarified through a reply that "it is a conscious decision to allow special duty allowance to only those who have all India transfer liability.

(A copy of the publication from swanys handbook is annexed as Annexure-7)

Contd....8/-

4.(viii)That, the period of the office memorandum dated 14-12-83 was further extended vide Govt. of India Ministry of Finance O.M. No.20014/3/83-E.IV dtd. 29-10-86 on the existing terms and conditions and it was extended from time to time thereafter also .

(A copy of the above O.M. No. is annexed as Annexure-8)

4.(ix)That, the Govt. of India Ministry of Finance vide their O.M. No. 20014/3/83-E.IV dated 20-4-87 further clarified the matter that 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 illegible for the grant of S.D.A. but for the purpose of sanctioning the S.D.A., the all India transfer liability of the members of any service/cadre or ~~incumbents~~ incumbents of any post/Group of posts has to be determined by applying test of recruitment zone, promotion zone etc. i.e. whether the recruitment to the service/cadre/post has been made in all India basis and 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.

(A copy of the above memo is annexed as Annexure-9)

4.(x) That, the Govt. of India Ministry of Finance vide their OM No.20014/16/86/E.IV/E 11(B) dtd. 1-12-88 had modified the rate of S.D.A. from 25% to 12 $\frac{1}{2}$ % of the basic pay subject to a ceiling of Rs.1000/- per month. It is further mentioned in the

Contd....9/-

paragraph-2 of the above memo that the above orders would also apply mutatis-mutandis to the central Govt. employees posted in Aundaman & Nicobar and Lakhya deep, Island. These order would also apply mutaties-mutadis to officers posted to N.E. region council when they are stationed in the N.E. region.

(A copy of the above memo is annexed as Annexure-10)

4.(xi)That, in the year 1992 the respondent no.2 for the first time vide his letter no.GW 30000(Pt) dtd. 14-1-92 addressed to the D.D.G.M. Regional Meteorological Centre, Calcutta intimated that the local persons belonging to N.E. region are not entitled to S.D.A. in view of the judgement passed by the Hon'ble Supreme Court in their order dt. 9-8-91 in the case of RBI -Vs-RBI Staff Association in C.A. No.3107/91.

(A copy of the above letter is annexed as Annexure-11)

4.(xii)That, inspite of the above letter also S.D.A. was continued to be paid and ultimately the S.D.A. case was reviewed by the department and the respondent no.2 vide his memo no.GW-30000(Pt) dtd. 27-2-92 addressed to the DDGM RMC Calcutta informed that the case was reviewed and has been decided to continue payment of S.D.A. to all categories of officers and members of staff of the department posted in the North-Eastern Region according to the orders contained in the Ministry of Finance(deptt. of Expenditure) OM.No.20014/16/86/E-IV/E-11 (B) dtd. 1-12-88 in supersession of the order contained in

in D.G.M. UOI No. GW - 30000(Pt) dated 14-1-92 and D.G.M. UOI of even no dated 28-1-92.

(A copy of the above letter is annexed as
Annexure-12)

4.(xiii)That, the Govt. of India Ministry of Finance vide their office memo no.11(3)/95-E II(B) dtd. 12-1-96 referring to the judgement dtd. 20-9-94 passed by the Hon'ble Supreme Court of India in C.A. No.3251/93 has informed that the central Govt. civilian employees who have All India transfer liability are entitled to the grant of SDA on being posted to any station in the N.E. region from outside the region and the following decisions were taken.

- (a) The amount already paid on account of SDA to the in-eligible persons on or before 20-9-94 will be waived and
- (b) The amount paid on account of SDA to in-eligible persons after 20-9-94 will be recovered.

(A copy of the above memo is annexed as Annexure-13)

4.(xiv)That, after the above order also the members of the applicant associations were getting SDA regularly as paid by the IMD deptt.

4.(xv)That, the Govt. of India Ministry of Finance vide their OM No.11(2)/97.E-11(B) dtd. 22-7-98 has circulated about the recommendations of the 5th Central pay Commission for the facilities as granted by the Ministries office memorandum dtd. 14-12-83.

Affidavit by Raja

(Copy of the above memo is annexed as Annexure-14)

4.(xvi)That, the Govt. of India Ministry of Finance (Dept. of Expenditure) vide their letter No.11(28)/97-E.11(D) dtd. 15-3-2000 addressed to the Financial adviser Ministry of Science and Technology directed him to ensure that SDA is not paid to the employees who don't fulfill the conditions of ~~eligibility~~ in terms of OM dtd. 12-1-96.

(A copy of the above order is annexed as Annexure-15)

4.(xvii)That, in pursuance of the above letter the Deptt. of Science & Technology issued necessary instructions to the respondent no.2 and in response to which the respondent no.2 vide his letter no.CW-30000 dtd. 31-3-2000 clearly informed that SDA is paid to all categories of officers and members of Staff of India meteorological Deptt. posted in the N.E.region according to the conditions laid down in the Ministry of Finance(Dept. of Expenditure) in OM No. 11(3)/95 -E.11(B) dated 12-1-96 and clarificatory OM no.20014/3/83-E.11 dtd. 20-4-87 as they have actual all India liability. It was also mentioned in that letter that no CAT/Court cases so far the Deptt. is concerned was pending.

(A copy of the above letter is annexed as Annexure-16)

4.(xviii)That, the respondent no.3 on behalf of respondent no.2 vide his letter no.CW-30000(Pt)/2442 dated 15-4-02 issued to the respondent no.4 has reiterated the provision for payment of SDA on the basis of the Apex Court virdict dtd. 20-9-94 and has mentioned that SDA is applicable only to the officers transferred from outside the N.E.region and posted to N.E.region and Andaman & Nicobar Island etc. and directed the respondent no.4 to initiate action to recovery arrears paid in the form of SDA to ineligible IMD officers after 20-9-94.

(A copy of the above letter is annexed as Annexure-17)

4.(xix)That, after the aforesaid order the IMD officials of N.E.region formed an adhoc committee for safeguarding SDA and submitted a representation on 23-5-02 to the respondent no.2 through proper channel highlighting all the important points in detail showing justification for continuing payment of SDA to them.

(A copy of the above representation is annexed as Annexure-18)

4.(xx)That, the Govt. of India Ministry of Finance (Dept. of Expenditure) vide their clarificatory order issued under OM No.11(5)/97 E.11(B) dtd. 29-5-02 has referred to the latest judgement of the Hon'ble Supreme Court of India dtd. 5-10-2001 and it has been reiterated that the SDA shall be

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admissible to central Govt. employees having all India transfer liability on posting to North Eastern region (including Sikkim) from outside the region and it has been decided that the amount paid on account of SDA to ineligible persons ~~as on~~ 5-10-01 will be recovered. It may be mentioned that the Hon'able Supreme Court in its order dtd. 5-10-01 while disposing C.A. No.7000/01 ordered that the appeal is covered by two earlier judgements as reported in 1994 (Supp.3) Sec.649 and 1995 (Supp.1) SC.C. 757 and hence the appeal was allowed in favour of UOI. The Hon'able Supreme Court further ordered that whatever amount has been paid to the employees by way of SDA will not in any event be recovered from them inspite of the fact that the appeal has been allowed.

(Copy of the above order is annexed as
Annexure-19)

4.(xxi)That, in pursuance of the above order the respondent no.3 vide his letter no.CW-30000(Pt) 4424 dtd. 30-7-02 has directed RMC Guwahati, RMC Calcutta and C.S.O. Shillong to recover the amount paid on account of SDA to ineligible persons after 5-10-01. The respondent no.3 vide his above order has further superceds DGM's earlier order issued vide no.CW-30000(T) dtd. 14-1-92, 10-9-92, 31-3-2000 and 15-4-02.

(A copy of the above letter is annexed as
Annexure-20)

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4.(xxii)That, the staff members of C.S.O. Shillong also made representation to the respondent no.2 through proper channel and the respondent no.2 vide his letter no. CW-30000(Pt)/3045 dtd. 27-9-02 has instructed the C.S.O. Shillong that in case the staff feel dissatisfied with the decision of SDA they are free to file fresh petition before the Supreme Court of India.

(A copy of the above letter is annexed as Annexure-21)

4.(xxiii)That, the Director Administration for the D.G.M. New Delhi vide his Fax message no.CW-30000 dtd. 3-10-02 has directed the RMC Guwahati to stop payment of SDA to all officers/staff who belong to N.E.region including Sikkim and to start recovery of SDA paid after 5-10-01 to intellible Officials only. The RMC Guwahati has also been asked to ascertain ~~elligibility~~ for SDA payment from service book.

(copy of the above order is annexed as Annexure-22)

4.(xxiv)That, it is submitted that some central Govt. civilian employees proffered an application before this Hon'ble Tribunal in connection with admissibility of SDA and their application was allowed by this Hon'ble Tribunal vide judgement and order dtd. 12-5-89 passed in G.C.No.105/85. Subsequently OA No.7/99 submitted by one of the earlier applicants on the same matter was also allowed by the Hon'ble Tribunal vide judgement and order dtd. 2-11-2000.

(A copy of the above order is annexed as
Annexure-23)

4. (xxv) That, this application has been made bonafide for the ends of justice and equity.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

i) For that, members of the applicants Association/Unions as mentioned in annexure-1,2,3,4 & 5 are recruited all India basis, there having all India transfer liability and they are promoted on all India basis having all India common seniority and as such they are having the ~~elligibility~~ criteria for grant of SDA in terms of OM dtd. 14-12-83(annexure-6) as well as OM dtd. 20-4-87(Annexure-9) issued by the Govt. of India Ministry of Finance, Dept. of expenditures and as such the sudden decision to discontinue and to make recovery of the amount paid to the members of the applicants association without issuing any individual notice to the members of the association is arbitrary, illegal and unfair and as such the impugned order passed by the respondent authority are bad and liable to be set aside.

ii) For that, the respondent authorities have paid SDA to the members of the applicants Association/Union on being fully satisfied with their ~~elligibility~~ criteria in terms of Govt. orders issued from time to time and the respondent authorities now can not hold that the members of the applicants Association are not ~~elligible~~ to get SDA and as such the impugned orders are bad and liable to be quashed.

iii) For that, the N.E. region is comprising of a vast area major portion of which is comprised of high hilly terrains and the I.M.D. department is having their offices towards the most interior locality of the region and the IMD officials irrespective of the fact whether they belong to N.E. region or to outside the region are to work in those stations with much difficulties and problems. It may be mentioned here that the problems faced by one official belonging to Guwahati while he is to work in any interior place of the region is much more incomparison to that faced by any official of the dept. coming from Delhi, Madras, Calcutta etc. to work in any stations of IMD located in plain area of N.E. region.

iv) For that, the respondent authorities are paying SDA to all the officials of IMD deptt. posted in N.E. region irrespective of being local or posted from outside even after Apex Court judgement reported in 1994 Supp 3 S.C.C. 649 and 1995(Supp 1 S.C.C. 757. And the latest Apex Court order passed in CA 7000 of 2001 being passed only on the basis of the earlier two judgements the impugned orders issued by the respondent authority to discontinue and recover the SDA from the IMD officials including members of the applicants Associations are bad and liable to be quashed.

v) For that, the matter regarding applicability of the benefits extended under the OM No. dtd 14-12-83 being clarified by the Govt. of India Ministry of Finance to the querry made by the audit in the year 1984 itself(Annex-7) to

the effect that their orders are applicable to all central Govt. employees posted in states/union territories of N.E. region the present impugned orders are bad and liable to be set aside.

vi) For that, the respondent no.2 himself vide his memo dtd. 31-3-2000 (Annex-16) intimated the Ministry of Science & Technology that all the IMD officials posted in N.E. region were allowed SDA in pursuance of the Ministry of Finance OM dtd. 12-1-96 (Annex-13) and clarificatory OM dtd. 20-4-87 (Annex-9) and all the officials are having all India transfer liability. These being the decision of the highest departmental authority as on 31-3-2000 i.e. even much after the Apex Court judgement as reported in 1994(Supp 3) S.C.C. 649 and 1995(Supp 1) S.C.C. 757 the IMD dept. now can not take a different view on the matter and as such the impugned orders are bad and liable to be quashed.

vii) For that, the SDA was paid to the members of the applicants Associations as well as other central Govt. Civilian employees posted in N.E. region on the basis of the statutory orders having consent of the President of India issued vide OM dt. 14-12-83, 1-12-88 and 22-7-98 (Annex-6, 10 & 14) and these benefits in no way can be withdrawn by the Govt. through the clarificatory orders without having consent of the President of India issued vide OM dtd. 12-1-96 and 29-5-2002(Annex-13 & 19).

viii) For that, while the respondent no. 3 vide his letter dtd. 30-7-02 (Annex-20) has superceded earlier orders issued vide no. GW-30000(T) dt. 14-1-92 (Annex-11), 10-9-92, 31-3-2000 (Annex-16) and 15-4-02 (Annex-17) he has not superceded the DGM UOI No. GW-30000(Pt) dtd. 27-2-92 (Annex-12) under which it was decided that the IMD officers and members of staff posted in N.E. region are entitled to SDA and as such the members of the applicants Associations are till entitled to SDA.

ix) For that, the members of the applicants Association have got their own identity and criteria of their service their matter have not yet been adjudicated upon by the court of law. There may be some difference in service conditions between them and those who have already approached the court of law and as such the applicants have approached this Hon'ble Tribunal for getting their eligibility examined before the impugned orders are given effect to.

x) For that, the service condition of the employees as well as geographical situation of the N.E. region not being changed after 1983 when the special benefits including the SDA were extended to the employees the impugned decision of the Govt. to allow the benefit only to one section of the employees who have been posted in the N.E. region from outside the region and to deprive the other section who are posted from within the region is discriminatory in as much as both sections of employees are to work under the same conditions, environment and problems.

xi) For that, the members of the applicants Association got their SDA for the month of September also. Recovery have also not been stated as yet. But it is learnt that the concerned respondent are going to discontinue and recover the amount from the month of October, 2002.

6. DETAILS OF REMEDIES EXHAUSTED :

A representation was submitted on 23-5-02 by the Secretary adhoc committee for safeguarding SDA on behalf of the IMD officials of N.E. region to the respondent no.2 but impugned orders have been issued.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING
IN ANY OTHER COURT :

The applicants further declare that they have not previously filed any application, writ petition or suit regarding the matters in respect of which this application has been made before any court or any other authority or other bench of Tribunal nor any such application, writ petitions or suit is pending before any of them.

8. RELIEF SOUGHT :

In view of the fact and circumstances stated above it is most respectfully prayed that this Hon'ble Tribunal may be pleased to admit this application and upon perusal of the cause or causes that may be shown and upon hearing the parties may be pleased to grant the following reliefs.

i) To continue payment of S.D.A. to the members of the applicants Association and not to make recovery of S.D.A. amount already paid to them.

ii) To quash the impugned order issued vide (a) DGM UOI No. GW-30000(Pt) 4424 dtd. 30-7-02 issued by the D.D.G. (Admn. & Stores) New Delhi (Annex-20).

(b) Fax message issued vide no. GW-30000 dt. 3-10-02 by Director (Admn.) for DGM New Delhi (Annex-22).

iii) And alternative to issue direction to the respondent Govt. to change the service conditions of the IMD officials of North East region by making it zonal basis in all aspects from that of the All India Basis.

And for which act of your kindness the applicants shall ever pray.

9. INTERIM RELIEF IF ANY PRAYED FOR :

It is further prayed that your Lordship may be pleased to stay the operations of the impugned orders issued vide DGM UOI No. GW-30000(Pt)/4424 dtd. 30-7-02(Annex-20) and Fax message dtd. 3-10-02(Annex-22) issued by the DGM New Delhi, to continue payment of SDA and not to make recovery of SDA amount already paid to the members of the applicants Association till disposal of the application.

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10. PARTICULARS OF THE I.P.O. :

- (i) I.P.O. No. :
- (ii) Date :
- (iii) Payable at Guwahati:

11. LIST OF ENCLOSURES :

As stated in the index.

Contd...22/-

S. B. H. K. R. R. A.

VERIFICATION

I, Sri Abhit Kr. Raha, S/O Late Satish Ch. Raha, aged about 52 years, Assistant Meteorologist (Grade-II) R.M.C. Guwahati being the Secretary Gazetted Officers Association R.M.C. Guwahati, do hereby verify that the statements made in paragraphs 1 to 4 of the accompanying application are true to my knowledge which I believe to be true and rest are my humble submission before this Hon'ble Tribunal. I being one of the applicants have been authorised by other applicants to sign this verification on behalf of all the applicants and I have not suppressed any material facts.

And I sign of this verification on this 9 th day of October, 2002 at Guwahati.

Abhit Kr. Raha

S I G N A T U R E

Members of IMDGOA of Guwahati Branch.

35

S.No.	Name	Desig.	Class	Office
01. "	H. Pathak	Met Gr-I	"	RMC Guwahati
02. "	M.L.Sutradhar	"	"	"
03. "	D.K.Handique	"	"	"
04. "	H.N.Das	AM Gr-I	B	RMC Guwahati
05. "	A.T.Bhattacharyya,,	"	"	"
06. "	B.B.Das	"	"	"
07. "	H.Malakar	"	"	"
08. "	J.C.Rabha	"	"	"
09. "	G.C.Bhattacharyya,,	"	"	"
10. "	A.K.Stasford	"	"	"
11. "	G.K.Mech	"	"	MO Mohanbari
12. "	M.C.Sarmah	"	"	"
13. "	R.C.Kachari	"	"	CSO Shillong
14. "	A.K.Raha	AMGr-II	"	RMC Guwahati
15. "	P.K.Saikia	"	"	"
16. "	I.K.Sinha	"	"	"
17. "	P.C.Kalita	"	"	"
18. "	M.K.Chakravorty	"	"	"
19. "	T.R.Rajbangshi	"	"	"
20. "	B.K.Das	"	"	"
21. "	U.Das	"	"	"
22. "	S.Kalita	"	"	"
23. "	S. Pathak	"	"	"
24. "	K. Bhattacharjee	"	"	"
25. "	D. Choudhury	"	"	"
26. "	B. Hore	"	"	"
27. "	B.C.Barman	"	"	"
28. "	D.C.Tahbildar	"	"	"
29. "	P.C.Baishya	"	"	"
30. "	S.B.Baulari	"	"	"
31. "	P.Sonowal	"	"	PET Jorhat
32. "	K.M.C.Singh	"	"	MO Imphal
33. "	N.C.Khoud	"	"	CSO Shillong
34. "	M.Taid	AM GR-II	B	CSO Shillong
35. "	G.N.Gogoi	"	"	MO Mohanbari
36. "	N. Islam	"	"	"
37. "	R.K.Baitung	"	"	"
38. "	W.Rahman	"	"	"

Certified to be
true copy
P.Kalita
Adv.

Members of IMDNGSSA of RMC Guwahati.

96

S/ No.	Name	Desig.	Class	Office
01	Sri J.P. Sarma	SA	B (NG)	RMC Guwahati
02.	„ R.K.Goswami	„	„	„
03.	„ L.Khrita	„	„	„
04.	„ R. Ghose	„	„	„
05.	„ T. Banik	„	„	„
06.	„ R. C. Debnath	„	„	„
07.	„ P. Ali	„	„	„
08.	„ C. K. Bhuyan	„	„	„
09.	„ B.C.Das	„	„	„
10.	„ T. Patowari	„	„	„
11.	„ D.K. Barthakur	„	„	„
12.	„ P. K. Mahanta	„	„	„
13.	„ D.C. Das	„	„	„
14.	„ S.K. Roychoudhury	„	„	„
15.	„ M. Ghose	„	„	„
16.	„ C.D.Barman	„	„	„
17.	„ S.Chakraborty	„	„	„
18.	„ B. Barman	„	„	„
19.	„ N.K.Debnath	„	„	„
20.	„ K.C. Sarkar	„	„	„
21.	„ N.C.Bhuyan	„	„	„
22.	„ M.Goswami	„	„	„
23.	„ R.N.Saha	„	„	„
24.	„ A.C.Sarmah	„	„	M.O.Lengpui on tour.
25.	„ C.Patowari	SO	C	RMC Guwahati
26.	„ A.C.Sarmah	„	„	„
27.	„ B.C.Nath	„	„	„
28.	„ Pinu Das	„	„	„
29.	„ K. Baidya	„	„	„
30.	„ D.Talukdar	„	„	„
31.	„ B.K.Barman	„	„	„
32.	„ P.Sarma	„	„	„
33.	„ S. Kathar	„	„	„
34.	„ Basu Sen	„	„	„
35.	„ S. Saikia	„	„	„
36.	„ B.C.Sarkar	„	„	„
37.	„ H.C.Gogoi	„	„	„
38.	Mrs R.B.Goyary	„	„	„
39.	„ D. Haloi	„	„	„
40.	Sri R. Ramchiary	„	„	„
41.	„ M. Sarma	„	„	„

42.	„	C. Kalita	SO	C	RMC Guwahati
43.	„	K. C. Brahma	„	„	„
44.	„	M.P. Luitel	„	„	„
45.	„	B.L. Mandal	„	„	„
46.	„	D.K. Sarkar	„	„	„
47.	„	S. Das	„	„	„
48.	„	J.K. Sarma	„	„	„
49.	„	Amorjyoti Bhuyan	„	„	„
50.	„	B.P. Mandal	„	„	„
51.	„	B.K. dutta	Mech. Gr. I	„	Lengpui on Tour
52.	„	A.C. Rabha	Mech. Gr. I	„	RMC Guwahati
53.	„	H.C. Barman	Mech. Gr. II	„	„
54.	„	S.N. Sarma	Radio Mech.	„	„
55.	„	B. Teran	„	„	„
56.	„	K. Patgiri	„	„	„
57.	„	B.R. Saikia	„	„	„
58.	„	B.K. Bora	„	„	„
59.	„	S. Choudhury	„	„	„
60.	„	R.C. Nath	Lab. Asstt.	„	„
61.	„	A.R. Mali	„	„	„
62.	„	G.C. Hazarika	„	„	„
63.	„	B.C. Roy	SA	„	„
64.	„	S.K. Bhattacharjee	„	B (NG)	MO Mohanbari
65.	„	C. Das Choudhury	„	„	„
66.	„	D. Dey	„	„	„
67.	„	S. Dutt	„	„	„
68.	„	K. Hazarika	„	„	„
69.	„	J.P. Sarma	„	„	„
70.	„	J.C. Sarma	„	„	„
71.	„	A. Choudhury	„	„	„
72.	„	A.H. Choudhury	„	„	„
73.	„	D. Gohain	SO	„	„
74.	„	S.K. Choudhury	„	C	„
75.	„	U. Bora	„	„	„
76.	„	S. Tewari	„	„	„
77.	„	G.K. Adhikari	„	„	„
78.	„	P.H. Roy	„	„	„
79.	„	D. Chetia	„	„	„
80.	„	N. Das	„	„	„
81.	„	A. Nongrum	LA	„	„
82.	„	I. Gogoi	„	„	„
83.	„	B.C. Konwar	„	„	„
84.	„	P. Dutta	Mech. Gr. II	„	„
85.	„	D.N. Das	SO	„	PET. Jorhat
86.	„	S. Chanda	SA	B	Seismo Lekhapani
87.	„	A. Bora	SO	C	„

88.	Sri	B.Gogoi	SO	C	MO Passighat
89.	"	S.Gogoi	"	"	"
90.	"	M.Das	SA	B (NG)	MO North Lakhimpur
91.	"	P.Barpatra Gohain	SO	C	"
92.	"	J.Ganguli	"	"	"
93.	"	T.R.Karki	SA	B (NG)	MO Tezpur
94.	"	R.Saikia	SO	C	"
95.	"	B.K.Nath	"	"	"
96.	"	D.C.Das	"	"	"
97.	"	P.Das	SA	B (NG)	MO Dhubri
98.	"	R.K.Das	SO	C	"
99.	"	B.Chakraborty	"	"	"
100.	"	A.C.Roy	"	"	MO Dimapur
101.	"	S.Choudhury	"	"	MO Barapani
102.	"	D.C.Sarkar	"	"	"
103.	"	B.K.Dutta	"	"	MO Cherrapunjee
104.	"	A.Choudhury	"	"	"
105.	"	N.Das	SA	B(NG)	Seismo Tura
106.	"	T.K.Bora	SO	C	"
107.	"	S.S.Debroy	SA	B (NG)	MO Silchar
108.	"	M.R.Das	SO	C	"
109.	"	B.Deka	"	"	"

IMD NG ASA, RMC, GUWAHATI

<u>Sl. No.</u>	<u>Name</u>	<u>Designation</u>
1.	H.K. Das	U.D.C.
2.	Shyamal Das	U.D.C.
3.	D. Das	L.D.C.
4.	Bhaskar Choudhury	L.D.C.
5.	A.R. Kalita	L.D.C.
6.	Jagadish Bora	L.D.C.
7.	Magan Das	L.D.C.

Certified to be
true copy
R. Kalita
Adv.

Member list of Group-D union of RMC Guwahati

S.No.	Name	Desig.	Class	Office
01.	Sri B. R. Deka	M.A.	D	RMC Guwahati
02.	„ B. Barua	„	„	„
03.	„ T. K. Das	„	„	„
04.	„ A. K. Das	„	„	„
05.	„ P. Mahili	„	„	„
06.	„ S. Bhuyan	„	„	„
07.	„ A. C. Das	„	„	„
08.	„ M. C. Das	„	„	„
09.	„ Arun Kr. Das	„	„	„
10.	„ S. K. Roy	„	„	„
11.	„ H. N. Das	„	„	„
12.	„ D. Gogoi	„	„	„
13.	„ J. C. Das	„	„	„
14.	„ S. Maral	„	„	„
15.	„ K. C. Das	„	„	„
16.	„ M. Das	„	„	„
17.	„ D. C. Das	„	„	„
18.	„ kanak Ch. Das	„	„	„
19.	„ T. Deka	„	„	„
20.	„ S. Talukdar	„	„	„
21.	„ K. C. Das	„	„	„
22.	„ Anil Das	„	„	„
23.	„ S. Das	„	„	„
24.	„ R. Das	Peon	„	„
25.	„ N. Boro	„	„	„
26.	„ N. Talukdar	„	„	„
27.	„ C. D. Das	„	„	„
28.	„ D. Saikia	M.A.	„	M. O. Mohanbari
29.	„ P. C. Saikia	„	„	„
30.	„ D. Rajkhowa	„	„	„
31.	„ S. Kenwar	„	„	„
32.	„ B.C. Gogoi	„	„	„
33.	„ J. Ali	„	„	„
34.	„ B. C. Konwar	„	„	„
35.	„ K. N. Bora	„	„	M. O. N. Lakhimpur
36.	„ R. C. Konwar	Peon	„	„
37.	„ R. Bordoloi	M.A.	„	M. O. Dimapur
38.	„ A. K. Das	„	„	M.O. Tezpur
39.	„ R. K. Bhakat	„	„	M.O. Dhubri
40.	„ G. Barman	Peon	„	„
41.	„ K. S. Thanmi	M.A.	„	Seismo Imphal
42.	„ R. C. Bora	Chowkidar	„	„

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true copy.
R. Kalita
Adv.*

43.	„ M. G. Allaudin	M.A.	D	M. O. Imphal
44.	„ A. K. Singh	„	„	„
45.	„ L. I. Singh	„	„	„
46.	„ S. Thankiew	„	„	M.O. Barapani
47.	„ K. Baishya	„	„	Seismo Tura
48.	„ S. R. Dalu	Chowkidar	„	„
49.	„ N. K. Barua	M.A.	„	M.O. Cherrapunjee
50.	„ M. Barua	„	„	M. O. Lekhapani

Members of IMDNGSSA of Central Seismological Observatory, Shillong

S. No.	Name	Desig.	Class	Office
01.	Sri B. Sinha	SA	B (NG)	CSO Shillong
02.	„ M. Wankhar	SO	C	„
03.	„ R. Pariong	„	„	„
04.	„ B. Majumdar	„	„	„
05.	„ B. Pandey	„	„	„
06.	„ T.D. Sarmah	D/Man	„	„
07.	„ A. Lyngrah	Mech. Gr-I	„	„
08.	„ J. Tamil	Mech. Gr-II	„	„

Members of IMDNGASA of CSO Shillong.

01.	Sri	A. Guite	A. Asstt.	C	CSO Shillong
02.	„	R.A. Ray	UDC	„	„
03.	Smt.	S. Bhattacharya	„	„	„
04.	„	E. Kurbah	„	„	„

Members of IMD Group-D Union of CSO Shillong

S. No	Name	Desig.	Class	Office
01.	Sri C.L. Upadhyay	MA	D	CSO Shillong
02.	„ L. Nongkynrih	„	„	„
03.	„ K. Thapa	„	„	„
04.	„ A. Kharshong	„	„	„
05.	„ A.K. Sonar	„	„	„
06.	„ K.B. Sonar	Chowkidar	„	„
07.	„ M.L. Sarmah	„	„	„
08.	„ D. Tatung	„	„	„
09.	„ L.B. Chetri	Peon	„	„
10.	„ B. Lama	„	„	„
11.	„ R. Rai	Gardener	„	„
12.	„ L. Rani	„	„	„
13.	„ D. Singh	Safaiwala	„	„
14.	„ K.B. Sonar	Wash Boy	„	„

certified to be
true copy
R. Kalita
Asst.

No. 2001/3/83-E.IV
Government of India
Ministry of Finance
Department of Expenditure

New Delhi, the 14th Dec., 1983.

OFFICE MEMORANDUM

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

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

(i) Tenure of posting/deputation:

There will be a fixed tenure of posting of 3 years at a time for officers with service of 10 years or less and of 2 years at a time for officers with more than 10 years of service. Periods of leave, training, etc. in excess of 15 days per year will be excluded in counting the tenure period of 2/3 years. Officers, on completion of the fixed tenure of service mentioned above, may be considered for posting to a station of their choice as far as possible.

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

(ii) Waiver for Central deputation/training abroad and
confidential mention in confidential Records.

Satisfactory Performance of duties for the

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R. K. Lalita
Adv.*

recognition

prescribed tenure in the North East shall be given due in the case of eligible officers in the matter of -

- (a) promotion in cadre posts;
- (b) Deputation to Central tenure posts; and
- (c) courses of training abroad.

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

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

(iii) Special (Duty) Allowance

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

(iv) Special Compensatory Allowance

1. Assam and Meghalaya

The rate of the allowance will be 5% of basic pay subject to a maximum of Rs.50/- p.m. admissible to all employees without any pay limit. The above allowance will be admissible with effect from 1-7-1982 in the case of Assam.

2. Manipur

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

Pay upto Rs.260/-

Rs. 40/- p.m.

Pay above Rs.260/-

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

3. Tripura

The rates of the allowance will be as follows:-

(a) Difficult Areas

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

(b) Other Areas

Pay upto Rs.260/- Rs.40/- p.m.

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

There will be no change in the existing rates of Special Compensatory Allowance admissible in Arunachal Pradesh, Nagaland and Mizoram and the existing rate of Disturbance Allowance admissible in specified areas of Mizoram.

(v) Travelling Allowance on first appointment

In relaxation of the present rules (S.R. 1/65) that travelling allowance is not admissible for journeys undertaken in connection with initial appointment, in case of journeys for taking up initial appointment to a post in the North-Eastern region, travelling allowance limited to ordinary bus fare/second class rail fare for road/rail journey in excess of first 400 kms. for the Government servant himself and his family will be admissible.

(vi) Travelling Allowance for journey on transfer

In relaxation of orders below S.R. 116, if on transfer to a station in the North-Eastern region, the family of the Government servant does not accompany him, the Government servant will be paid travelling allowance on tour for self only for transit period to join the post and will be permitted to carry personal effects upto 1/3rd of his entitlement at Government cost or have a cash equivalent of carrying 1/3rd of his entitlement or the difference in weight of the personal effects he is actually carrying and 1/3rd of his entitlement as the case may be, in lieu of the cost of transportation of baggage. In case the family accompanies the Government servant on transfer, the Government servant will be entitled to the existing admissible travelling allowance including the cost of transportation of the admissible weight of personal effects according to the grade to which the officer belongs, irrespective of the weight of the baggage actually carried. The above provisions will also apply for the return journey on transfer back from the North Eastern Region.

(vii) Road mileage for transportation of personnel effects on transfer

In relaxation of orders below S.R. 116, for transportation of personal effects on transfer between two different stations in the North-Eastern region, higher rate of allowance admissible for transportation in 'A' class cities subject to the actual expenditure incurred by the Government servant will be admissible.

(viii) Joining Time with leave

In case of Government servants proceeding on leave from a place of posting in North-Eastern region, the period of travel in excess of two days from the station of posting to outside that region will be treated as joining time. The same concession will be admissible on return from

(ix) Leave Travel Concession

A Government servant who leaves his family behind at the old duty station or another selected place of residence and has not availed of the transfer travelling allowance for the family will have the option to avail of the existing leave travel concession of journey to home town once in a block period of 2 years, or in lieu thereof, facility of travel for himself once a year from the station of posting in the North East to his home town or place where the family is residing and in addition the facility for the family (restricted to his/her spouse and two dependent children only) also to travel once a year to visit the employee at the station of posting in the North Eastern Region. In case the option is for the latter alternative, the cost of travel for the initial distance (400 kms./150 kms.) will not be borne by the officer.

Officers drawing pay of Rs.2250/- or above, and their families, i.e., spouse and two dependent children (upto 18 years for boys and 24 years for girls) will be allowed air travel between Imphal/Silchar/Agartala and Calcutta and vice-versa, while performing journeys mentioned in the preceding paragraph.

(x) Children Education Allowance/Hostel Subsidy

Where the children do not accompany the Government Servant to the North-Eastern Region, Children Education Allowance upto class XII will be admissible in respect of children studying at the last station of posting of the employee concerned or any other station where children reside, without any restriction of pay drawn by the

Government Servant. If children studying in schools are put in hostels at the last station of posting or any other station, the Government servant concerned will be given hostel subsidy without other restrictions.

2. The above orders except in sub-para (iv) will also mutatis mutandis apply to Central Government employees posted to Andaman and Nicobar Islands.

3. Those orders will take effect from 1st November, 1983 and will remain in force for a period of three years upto 31st October, 1986.

4. All existing special allowances, facilities and concessions extended by any special order by the Ministries/Departments of the Central Government to their own employees in the North Eastern Region will be withdrawn from the date of effect of the orders contained in this office Memorandum.

5. Separate orders will be issued in respect of other recommendations of the Committee referred to in paragraph 1 no. and when decisions are taken on them by the Government.

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

sd/-

(S.C. MAHALIK)

JOINT SECRETARY TO THE GOVERNMENT OF INDIA

the posting subject to the condition that the rental and all other charges are paid by such officers.

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

4. All existing special allowances, facilities and concessions extended by any special order by the Ministries/Departments of the Central Government to their own employees in the North-Eastern Region will be withdrawn from the date of effect of the orders contained in this Office Memorandum, (viz. 1-11-1983).

NOTE.—These facilities are admissible also to the Central Government servants deputed to serve under the Governments of Manipur and Tripura.—See GIO (10) below FR 111.

Clarifications.—1. With reference to the Government of India, Ministry of Finance, O.M. No. 20014/3/83-E. IV, dated 14-12-1983 (vide it. 1 in this Appendix), clarification received from the Government of India, Ministry of Finance, in their Department of Expenditure, U.O. No. 3943-E. IV/84, dated 17-10-1984, with reference to our points of doubts raised in this Office U.O. No. 519-Audit/117-83, dated 21-6-1984 in the matter, are detailed below—

Point	Clarification
1 (a) Tenure of posting/deputation [Para. 1 (i) of the OM]:	Since orders contained in O.M. No. 20014/3/83-E. IV, dated 14-12-1983, have also been extended to the members of All India Services serving in the States and Union Territories of the North-Eastern Region in terms of para. 3 of the Government of India, Ministry of Home Affairs, Department of Personnel and Administrative Reforms, Letter No. 14017/21/83-AIS. 7, dated 3-2-1984, it is presumed that the orders contained in the OM, dated 14-12-1983, will also apply to all such cases of appointments/postings, transfers of Central Government employees from one station/State, Union Territory of North-Eastern Region to another of the North-Eastern Region. This needs confirmation.

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R. K. Lalita
Adm.*

Point	Clarification
1. (b) Since terms of deputation and admissibility of deputation allowance are in relaxation of the general condition of grant of deputation allowance, it is presumed that they will cover all cases of deputation of Central Government employees to Central and State Government organizations and companies, autonomous bodies, in N-E Region even if their parent offices are in that Region, e.g., Central Government employees from AG, Assam office deputed to such organization in the N-E Region. This may please be confirmed.	As stated above, the orders are applicable to Central Government civilian employees posted in the region in Central Government offices and will not be applicable on deputation to State Government organizations, Companies/Boards, etc.
2. Special (Duty) Allowance—[para. 1 (iii) of OM]: As already pointed out in our U.O., dated 13-12-1983, referred to above, <u>it is not clear as to why persons who may not have any All India transfer liability but would be prepared to serve in the N-E Region should be denied the allowance as the very purpose of the grant of the allowance is to encourage Government servants to serve in that region.</u> Further decision in this respect is solicited.	It is a conscious decision to allow special (duty) allowance to only those who have All India transfer liability.
3. Special Duty Allowance is described as a "duty" allowance and total of such allowance <i>plus</i> special pay/deputation (duty) allowance has been limited to Rs. 400 p.m., but its treatment for various purposes, i.e., T.A., DA, HRA, etc., has not been stated. It is felt that this should be treated as "Special Pay" as defined in F.Rs. like Deputation (Duty) Allowance for all such purposes. Position needs to be clarified clearly in this respect.	The special (duty) allowance is to be treated as allowance and not as special pay.
4. Special Compensatory allowance [para. 1 (iv) of OM]: It is felt that special compensatory allowance should be treated as compensatory allowance for all purposes (including for calculation of "Emoluments" under F.R. 45-C and regulated in the same manner as applicable in cases of compensatory (city) allowance during leave transfer, suspension, training,	In our OM, dated 14-12-1983, only the rates of the Special Compensatory Allowance have been revised in certain areas; the original orders laying down the conditions, etc., remain the same. In those orders, regulation of SCA during leave, transfer, suspension, etc., has been provided.

Point	Clarification
etc., as well as in the case of payments to staff paid out of contingencies.	
5. T.A. on first appointment [para. 1 (v) of OM]: Grant of T.A. limited to ordinary bus fare/second class train fare for the distance in excess of the first 400 km has been allowed under the OM (now admissible for the entire distance) in case of journeys for taking up initial appointment to a post in the N-E Region in relaxation of the provisions of S.R. 105 but it is not clear whether this concession would be admissible to all appointees irrespective of the station from which the journey to take up the new appointment is undertaken. Position may be clarified.	It is confirmed that this concession is admissible irrespective of the station from which the journey commences.
6. T.A. for journey on transfer [para. 1 (vi) of OM]: It is to be clarified whether this provision will also apply to transfers from one station to another station both of which are in the N-E Region.	This concession is admissible only in cases where the Government servant is transferred from a station outside the region to a station in the N-E Region and vice versa, the same is not applicable from one station to another station within the region.
7. Road mileage on transportation of personal effects [para. 1 (vii) of the OM]: The higher road mileages have been prescribed under S.R. 116 only for application between places not connected by Railways. It is presumed that this condition would still apply while granting road mileage in terms of the above OM. This may please be confirmed.	It is confirmed that higher rate of road mileage as for 'A' class cities is admissible only between stations not connected by rail.
8. Withdrawals of all the existing special allowances, facilities and concessions extended by any special order by the Ministries/Departments of the Central Government (para. 4 of the OM): It is not clear which are the special allowances, facilities and concessions which have been withdrawn and what new benefits and concessions have been given in lieu therefor to the employees. This needs to be specified clearly.	This relates to special orders issued by different Ministries/Departments, for their own employees posted in N-E Region, e.g., Ministry of Railways had granted higher rate of compensatory allowance to their employees in Lumbding area, which now stands withdrawn.

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

New Delhi, the 29th October, 1986

OFFICE MEMORANDUM

Subject:- Allowances and facilities for civilian employees of the Central Government serving in the States and Union Territories of North-Eastern Region, Andaman and Nicobar Islands and Lakshdweep.

The undersigned is directed to say that the Special facilities extended to Central Government civilian employees posted to N.E. Region, Andaman and Nicobar Islands and Lakshdweep vide this Ministry's Office Memorandum No.20014/3/83-E, IV dated 14.12.1983 as amended from time to time are to be reviewed as a result of recommendations of the Fourth Pay Commission and Govt.'s decision thereon. Pending such review, the President is pleased to extend these orders on the existing terms and conditions for a period of six months w.e.f. 1.11.1986 or issue of revised orders, whichever is earlier.

2. Orders effective from 1.10.1986 regarding grant of Special Compensatory Allowance to Central Government employees of Groups B, C & D posted in the States/UTs. of North Eastern Region, Andaman & Nicobar Islands and Lakshdweep have been issued separately on the basis of recommendations of Fourth Pay Commission and Government's decision thereon. Central Government employees of Groups B, C & D working in these States/UTs. will, therefore, draw Special Compensatory Allowance on the basis of the revised orders w.e.f. 1.10.1986. Separate orders have also been issued for drawal of Special Allowance (Disturbed Area Allowance) by Central Government employees posted in Mizoram at existing rates pending its review by the Government.

3. Group 'A' employees will continue to draw Special Compensatory Allowance at the existing rates till revised orders are issued on the basis of the recommendations of Fourth Pay Commission and Government's decision thereon. In the case of persons who are either appointed to Group 'A' posts on or after 1.1.1986 or initially recruited on or after that date 'notional' pay which they would have drawn in the pre-revised scale but for the introduction of revised scale should be taken into account for drawal of Special Compensatory Allowance.

*certified to be
true copy.*

*R. Kalita
Adv.*

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4. In so far as persons serving in the Indian Audit and Accounts Department, are concerned, these orders issue after consultation with C. & A.G.

(A. N. SINHA)
DIRECTOR (EG)

To:

All Ministries/Departments of the Government of India etc.,etc.
as per standard list of distribution.

Copy also to:

1. Department of Personnel and Training(A.I.S.)	For necessary action.
2. MHA (States and UT Side)	
3. Ministry of Urban Development	
4. E.II(B) Section,Dept. of Expenditure	

Mo.20014/3/83-E. IV
Government of India
Ministry of Finance
Department of Expenditure

New Delhi, the 20th April, 1987.

OFFICE MEMORANDUM

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

The undersigned is directed to refer to para 1(iii) of Ministry of Finance, Department of Expenditure O.M. No.20014/3/83-E. IV dated 14th December 1983 as amended vide Office Memorandum of even number dated 29.10.1986 on the above subject, which is reproduced below:-

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

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

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R. Kalita
A.O.

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

Sd/-
(A. N. SINHA)
Director (EG)
TELE: 3011819

To

Financial Advisers of all Ministries/Departments.

F.No.20014/16/83/E.IV/E.II(B)
Government of India
Ministry of Finance
Department of Expenditure

New Delhi, the 1st December, 1983

OFFICE MEMORANDUM

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

The undersigned is directed to refer to this Ministry's O.M. No.20014/8/83-E.IV dt.14th December, 1983 and 30th March 1984 on the subject mentioned above and to say that the question of making suitable improvements in the allowances and facilities to Central Govt. employees posted in North-Eastern Region comprising the States of Assam, Meghalaya, Manipur, Nagaland, Tripura, Arunachal Pradesh and Mizoram has been engaging the attention of the Govt. Accordingly the President is now pleased to decide as follows :-

(i) Tenure of posting/deputation

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

(ii) Weightage for Central deputation and training abroad; special mention in confidential records;

The existing provisions as contained in this Ministry's O.M. dated 14.12.83 will continue. Cadre authorities are advised to give due weightage for satisfactory performance of duties for the prescribed tenure in the North-East in the matter of promotion in the cadre posts, deputation to Central tenure post and courses of training abroad.

(iii) Special (Duty) Allowance

Central Govt. Civilian employees who have All India Transfer liability will be granted Special (Duty) Allowance at the rate of 12½% of basic pay subject to a ceiling of Rs.1000/- per month on posting to any station in the North Eastern Region and/or deputation (duty) allowance already being drawn subject to the condition that the total of such Special (Duty) Allowance plus Special allowances like Special Compensatory (Remote Locality) Allowance, Construction Allowance and Project Allowance will be drawn separately.

The Central Govt. Civilian employees who are members of Scheduled Tribes and are otherwise eligible for the grant of Special (Duty) Allowance under this para and are exempted from payment of Income-Tax under the Income Tax Act will also draw Special (Duty) Allowance.

(iv) Special Compensatory Allowance

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

(v) Travelling Allowance on First appointment

The present concessions as contained in this Ministry's O.M. dt. 14.12.83 will continue with the liberalisation that on first appointment T.A. should be admissible for the total distance instead of for the distance in excess of first 400 Kms. only.

(vi) Travelling Allowance for journey on transfer

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

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true copy.*

R. Kalita

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

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

(viii) Joining time with leave:

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

(ix) Leave Travel Concession

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

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

(x) Children Education Allowance/Hostel subsidy

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

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

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

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

(xii) Telephone facilities:

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

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

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

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

5. Hindi version of this memorandum is attached.

Sd/-

(A. JAYARAMAN)
JOINT SECRETARY TO THE GOVT. OF INDIA

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MOST IMMEDIATE

DGM, RMC, Calcutta (Shri P.K. Misra)

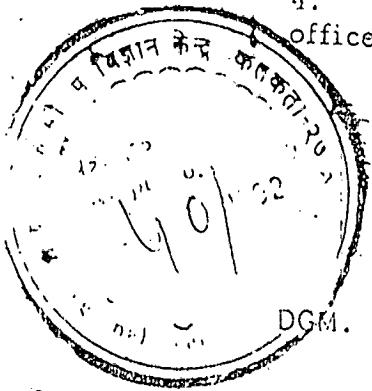
Sub: Special (Duty) Allowance admissible to Central Govt. civilian employees having All India Transfer liability on their posting to North Eastern Region.
Ref: Calcutta RC UOI No.CA-01011(iv)/182 dated 6.1.92.

Ministry of Finance (Dept. of Expenditure) has clarified that Special (Duty) Allowance may be given to Central Govt. officers having All India Transfer liability who get transferred to a station in the North East from outside the Region. The local persons belonging to North East Region are not entitled for getting the benefit of Special (Duty) Allowance. This has been made very clear in D.O. letter No.1(1)/E.11(B)/91 dated 3rd Oct., 91 from Shri S.L. Verma, Under Secretary /written to Shri J. Valdhinathan, Dy. Director (Admin.) of the office of the Development Commissioner, Small Scale Industries, New Delhi- copy endorsed vide DGM UOI No.GW-30000(PT) dated 27.12.91. The judgement passed by the Hon'ble Supreme Court in their order dated 9.8.91 in the case of RBI vs RBI Staff Association in CA No.3107/91 is quite clear.

2. The local IMD staff belonging to North East Region are not, therefore, eligible for drawal of Special (Duty) Allowance. This point has been ignored by R.C. Calcutta while sending their comments to this office.

3. Payment of Special (Duty) Allowance to the local officers and members of staff belonging to North East Region may be stopped immediately and should not be drawn from the pay of January 1992 onward.

4. Action taken in the matter may kindly be intimated to this office.



10/1/92
(K. Raman)
for D. G. M.

DGM. UOI. NO.GW-30000(PT) Dated New Delhi-3, the 10/1/92.

Copy for similar action to C.S.O. Shillong.

R.C. A copy of DGM UOI No.GW-30000(PT) dated 27.12.91 to Calcutta together with its enclosures are also sent herewith.

Sd.

(K. Raman)
for D. G. M.

DGM. UOI. NO.GW-30000(PT) Dated New Delhi-3, the 10/1/92.

Copy to Vig.Cell at H.Q. w.r.t. their No.V-00802/SDA/91 dated 13.12.91.

Sd.

(Miss Singh Saini)

Certified to be
true copy
R. Kalita
Adv.

RCM, Calcutta (Shri P.K.Misra)

Sub:- Special (Duty) Allowance admissible to Central Govt. Civilian Employees having All India Transfer liability on their posting to North Eastern Region.

Ref:- RC Calcutta T/R No. CA-01011(IV) dated 10.2.92.

The case was reviewed. It has been decided to continue payment of Special (Duty) Allowance to all categories of officers and members of staff of this department posted in the North Eastern Region according to the orders contained in the Ministry of Finance (Dept. of Expenditure) O.M. No. 20014/16/86/E-IV/E-II(B) dated 1.12.1988.

2. This supercedes the orders contained in DGM.UOI. NO.GW-30000(PT) dated 14.1.92 and DGM.UOI of even No. dated 28.1.92.

Sd/- 26.2.92

(K. Raman)
for D.G.M.

DGM. UOI. NO.GW-30000(PT) dated New Delhi-3, the 27.2.1992.

Copy forwarded for information and further necessary action in supersession of DGM UOI No. GW-30000(PT) dated 14.1.92 and DGM. UOI Q of even No. dated 28.1.92 to C.S.O. Shillong.

DGM. UOI. NO.GW-30000(PT). Dated New Delhi-3, the 27.2.1992.

Copy to Vig. Cell at HQ.

MOST URGENT

IMPORTANT

Copy forwarded to the following stations for circulation to all officers & members of staff posted at the station. Action is being taken for continuation of S.D.A. w.e.f. March '92 onwards as per above instruction. The arrears for Jan '92 & Feb '92 will be paid shortly.

M.Cs. Bhubaneswar/Gauhati/Patna
M.Os. Agartala/Mohanbari/Ranchi/Gaya/Imphal/Jharsuguda/Rajpsi/Silcher/North Lakhimpur/Keonjhar/Baruipur/Port Blair/Puri/Tezpur/Cooch Behar/Sambalpur/Passighat/Cherrapunji/Barapani/Haldia/Sriniketan/Hirakud/Tadong/Digha/Diamond Harbour/Malda/Daltongang/Dimapur/Chandbali.

FMOs. Bhubaneswar/Patna/Gauhati/Jalpaiguri/Asansol.

Seismos. Lekhapani/Turk/Chatra/Bokaro/Imphal.

RS.RW. Ranchi/Siliguri.

CDR. Paradip.

Agromet/Gangtok.

(R.N.CHANDRA) 3/92

for D.D.G.M.

Regional Met. Centre, Calcutta-27.
Calcutta R.C. UO. NO. CA-01011(IV)/II/26 Dated -03-1992.

Copy forwarded to DGM, New Delhi for information.

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true copy
R. Kalita
Adv.

SECTION 21

NORTH-EASTERN REGION—ALLOWANCES AND FACILITIES

103

*M.F., O.M. No. 11(3)/95-E. II (B), dated 12-1-1996***Special Duty Allowance for civilian employees serving in the State and Union Territories of North-Eastern Region**

The undersigned is directed to refer to this Department's O.M. No. 20014/3/83-E.IV, dated 14-12-1983 and 20-4-1987 read with O.M. No. 20014/16/86-E. IV/E. II (B), dated 1-12-1988 (*Sl. No. 214 of Swamy's Annual, 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 Government civilian employees posted to the N-E Region. One of the incentives was payment of 'Special Duty Allowance' (SDA) to those who have 'All India Transfer Liability'.

3. It was clarified *vide* the above-mentioned OM, dated 20-4-1987, that for the purpose of sanctioning 'Special Duty Allowance' of the members of any service/cadre or incumbents of any post/group of posts has to be determined by applying the tests of recruitment zone, promotion zone, etc., i.e., whether recruitment to service/cadre/post has been made on All India basis and whether promotion is also done on the basis of an All India common seniority list for the service/cadre/post as a whole. A mere clause in the appointment letter to the effect that the person concerned is liable to be transferred anywhere in India, did not make him eligible for the grant of SDA.

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

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

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

*certified to be
true copy
R. Kalita
Asstt.*

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 further added that the grant of this allowance only to the officers transferred from outside the region to this region would not be violative of the provisions contained in Article 14 of the Constitution as well as the equal pay doctrine. The Hon'ble Court also directed that whatever amount has already been paid to the respondents or for that matter to other similarly situated employees would not be recovered from them in so far as this allowance is concerned.

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

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

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

23-01-02 16:39

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CSO, SHILLONG

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

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. 20014/2/83-E.IV dated December 14, 1983, read with O.M. No. 20014/3/83-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, 1995, 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.

*certified to be
true copy
R. K. Kothari
Now.*

-50-

(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 Kanyakumari and Lakshadweep Islands and Calcutta and vice versa.

-51-

(i) Children Education Allowance and Hostel Subsidy

The existing provisions as contained in this Ministry's O.M. No. 20014/3/88-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 or 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 C. 2... 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, 1989.

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

6. Hindi version will follow.

(N. SUNDER RAJAN)
Joint Secretary to the Government of India

To

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

Copy (with usual number of spare copies) forwarded to CSAG, UPSC, etc. (As per standard Endorsement List)

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

उषा माथुर
संयुक्त सचिव
USHA MATHUR
Joint Secretary

भारत राष्ट्रकार
प्रधान मंत्रालय
व्यापार मंत्रालय

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF EXPENDITURE

नई दिल्ली/New Delhi, the 25th March, 2000

Dear Shri [Redacted]

Based on a judgement of the Supreme Court of India, the Ministry of Finance directed all the Ministries/Departments that Special Duty Allowance (SDA) to the Central Government employees posted in North Eastern Region may be restricted to the employees who fulfil the conditions laid down in Ministry of Finance, Department of Expenditure O.M. No.11(3)/95-E.II(B). In short SDA is required to be paid to only those Govt. servants who have actual 'All India Transfer Liability' and not simply on the ground that the condition of 'all India Transfer Liability' has been mentioned in their letters of appointments. Based on that judgement SDA already paid to ineligible employees on or before 20.9.1994 was waived and thereafter no payment on this account was required to be continued to ineligible employees.

2. It is observed that in spite of these clear instructions, some Departments/Offices have been continuing to pay SDA to their employees otherwise ineligible, posted in North Eastern Region. In certain cases this payment to non-eligible employees is being continuing on the plea that the applications filed by the employees before CAT/Court are pending or on other similar grounds. As the judgement of the Supreme Court has the effect of law on all India basis, the cases pending before CAT/Court should have been got disposed of accordingly. No payment to ineligible employees should have been continued.

3. In order to ensure that instructions contained in this Ministry's O.M. dt.12.1.96 ibid are implemented uniformly, you are requested to confirm that SDA is not being paid to the employees who do not fulfil the conditions of eligibility in terms of O.M. dt. 12.1.96. Further the details of pending CAT/court cases on the subject, if any, may be furnished to this Ministry viz. (i) No. of OA/Writ Petition, (ii) name of the Bench of CAT/Court, (iii) names of parties and (iv) brief contents of the claim and latest position. In case of any doubt this matter may be referred to this Ministry for clarification. If still payment of SDA to ineligible employees is continued, the responsibility of the officer concerned for wrong payment may have to be fixed. The information regarding CAT/Court cases should reach Ministry of Finance latest by 25th March, 2000.

Yours sincerely,

[Signature]

(Usha Mathur)

To

Sh. Arun Sharma,
Financial Adviser,
Min. of Science & Technology

certified to be
true copy
R. Kaliwal
Advocate

INDIA METEOROLOGICAL DEPARTMENT
(Bharat Mausam Vigyan, Vigyan)

b/s
Annex-16

Sub : Special Duty Allowance (SDA) to the Central Government Employees posted In North Eastern Region.

Ref : DST letter No.5-3/97-CDN dated 24th March, 2000.

.....

Special Duty Allowance (SDA) is paid to all categories of officers and members of staff of this department posted in the North Eastern Region according to the conditions laid down in the Ministry of Finance (Department of Expenditure) O.M. No.11(3)/95-E.11(B) dated 12.1.96 and clarificatory O.M. No.20014/3/83-E.11 dated 20.4.1987 as they have actual. 'All India Transfer liability'.

✓ 2. Accordingly there are no pending CAT/ Court cases in so-far-as this department is concerned.

S/No. 80

(S. NIRANJAN)
By Director General of Meteorology
(Administration & Stores)
for Director General of Meteorology

DST (Shri Harmohinder Singh, U.S.).

DCM UOI No.CW-30000 dt. New Delhi-3; the 31st March, 2000.

Copy to : 1. DDCM, RNC, Guwahati (Shri Dhanna Singh).
2. Met. Incharge, CSO Shillong (Shri S.C. Sahu).
3. DDCM RNC, Calcutta, (Shri P.K. Misra).

This is in continuation of DCM UOI No.CW-30000(pt)
dated 27/30.3.2000.

Hir CS, L Secy

(MIR SINGH SAINI)
for D. G. M.

DCM UOI No.CW-30000

dt. New Delhi-3; the 27 March, 2000.

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certified to be
true copy
R. Kalita
Adu.

- 54 -

Annex - 1Z. 6b

DDGM, RMC GUWAHATI (Dr. Kanti Prasad)

SNTL

Sub:- Special duty allowance to Central Govt. Employees posted in N.E. - Region

Ref:- i. RMC CHI UOI No.CHT-00940/6016 dt.11.1.2002
 ii. Min. of Fin.(Dept. of Exp.) D.O. No.11(28)97-E-
 11(D), dt.15.3.2000(copy enclosed),
 iii. DCM UOI No.GW-30000(PT), dt.28.1.92(copy enclosed).

Apex Court's verdict dt.20.9.94 against Civil Appeal No.3251/07/1993 and Court's instructions on the subject issue reiterate provision for payment of Spl. Duty Allowance only to the officers transferred from outside the N.E. Region and posted to N.E. Region and Andaman & Nicobar Islands etc. and would not be payable merely because of the clause "All India Transfer Liability". The S.D.A. is Not payable to the persons belonging to that region. As such, persons, not of N.E. domicile, who have been transferred to N.E. Region only get S.D.A.

As such, payment of SDA made to all ineligible IMD officials prior to 20.9.1994 have to be condoned and waived-off and payments of SDA made to ineligible IMD officials after 20.9.1994 are to be recovered.

Action may, therefore, be initiated to recover arrears paid in the form of SDA to ineligible IMD officials after 20.9.94 under intimation to this office.

(J.S. ARYA)
 Dy. Director General (A&S)
 for D. C. M.

DCM UOI No.GW-30000(PT) 2442 Dated: New Delhi-3; the 15.11.2002

REGISTERED 17

Copy to: MoS:Mohanbari/North Lakhimpur/Tezpur/Silchar/Dhubri/ Imphal/Barapani/Cherrapunjee/Dimapur/Passighat/Lengpui.

Seismos: Imphal/Tura/Lekhapani.

P.E.T: Jorhat for information.

(A. K. STAFFORD) 24/4/02
 for DDGM, R.M.C Guwahati

RMC Guwahati Uo:No.GH-E.00940/

dated:24.4.02

Copy to:CB/RADAR/COMP/GS(FO)/AAS/FMO/IS/SMC/MB/VIG/GS(OT)/TS/TELECOM/ WBRT/PBO units for information.

certified to be
 true copy
 R. Kalita
 Adm.

(A. K. STAFFORD) 24/4/02
 for DDGM RMC Guwahati

To,

The Director General of Meteorology (Kind attention to Dr R.R.Kelkar,DGM)
India Meteorological Department
Mausam Bhawan, Lodi Road
New Delhi-110003

(Through Proper Channel, Kind attention to Dr. K.Prasad, DDGM)

Sub:- Request for review and Cancellation of HQ's order dated 15-4-02 regarding recovery/discontinuation of SDA to IMD officials serving in the N.E.region

Ref:- 1. DGM Letter No GW-30000(PT)/2442 Dated 15-4-02
2. Letter from undersigned dated 2-5-02

Sir,

Your kind attention is drawn hereby in continuation of earlier letter dated 2-5-2002 from the undersigned regarding above mentioned subject. It contains a broad perspective in connection with SDA drawn since 1983 by IMD Officials for their services rendered in the NE region and the reactions among officers and staff under RMC Guwahati on receipt of the above mentioned letter dated 15-4-02. It is a sincere effort from the undersigned to highlight all aspects in this respect so that this perennial problem can be solved and genuine IMD officials can continue getting SDA as per Government orders from time to time.

1. Letter Dated 15-4-02 from HQ New Delhi requires reviewal and thereby cancellation.

Sir, your kind attention is drawn again to highlight some facts stated below which seem not reflected in your above mentioned letter.

- (i) All IMD official posted to N.E. region are genuine eligible employees for availing SDA, as per existing Govt. orders issued time to time during 1983, 1988 and 1998. They have actual all India transfer liability and their promotions etc are also based on common all India level seniority list.
- (ii) The Court Verdict dt 20.9.94 against Apex court civil appeal No. 3251 of 1993 cannot be the basis for declaring a particular group of IMD officials ineligible for payment of SDA, in which verdict, IMD is not concerned at all and such verdict cannot be implemented in the Department.
- (iii) Neither officers and staff nor the Department has filed any court/CAT case in respect of payment of SDA till date.
- (iv) Once IMD officials are well covered by existing Govt. circulars for payment of SDA, the question of referring to Court/CAT judgement does not arise further and not required also.
- (v) The letter has not reflected anything about the Govt., as well as Departmental orders which are in force allowing SDA. However departmental order cannot supersede any existing Govt. order especially financial related matters. For this purpose a subsequent order from Ministry of Finance and department of expenditure is required specifying the related matter.

certified to be

true copy

*R. Kalita
B.M.*

- (vi) As the letter dt. 15.4.2002 could not supersede the existing Govt. orders allowing SDA, IMD officials are still eligible. The question of recovery & discontinuation of SDA does not arise at this stage.
- (vii) No Govt. circular contains the clause like "The SDA is not payable to the persons belonging to that region. As such persons not of N.E. domicile, who have been transferred to the N.E. region only get SDA" as referred in the letter dt. 15.4.2002.
- (viii) For administrative smooth functioning, for reducing Govt. financial involvements and for public interest, Department may frame regional outlines, regulate its transfer/posting etc, but it does not mean that the national outlines of the individual employee working in different regions will disappear or vary.
- (ix) Since 1983 to till date, no Auditor has so far objected to the payment of SDA, except the recent audit of RMC Guwahati dt. 19.11.2001 which has advised the Department to review the admissibility of payment of SDA to Staff only as per orders/instructions issued from time to time from Ministry. Till 1.4.1997, IMD officials posted to N.E. region were under RMC Kolkata. Interestingly audit report of RMC Kolkata has not declared IMD Officials posted to N.E. Region ineligible to receive SDA so far.
- (x) The letter dated 15-4-2002 seemed endorsed to CSO Shillong for similar action in addition to RMC Guwahati, but was not endorsed to RMC Kolkata. It is not understood why SDA is going to be discontinued with recovery of arrear from 20.9.1994 from certain employees of RMC Guwahati, but not from any employees of RMC Kolkata posted to N.E. region. But during the period from 20.9.1994 to 1.4.1997, the same set of IMD officials were working under RMC Kolkata.
- (xi) In certain Govt. department, SDA is not admissible for certain Govt. employees whose certain service aspects are zonal in nature. IMD Officials posted to N.E. region do not possess such zonal character.
- (xii) The letter could not ascertain the grief of officers and staff for deprival of such huge financial benefit ignoring their genuineness, where a question of violation of article 14 of constitution, as well as equal pay doctrine may arise.

It is therefore requested that Department should review and cancel this letter for the interest of genuine benefit given by the Govt. of India to its employees.

Sir, some kinds of misinterpretation of existing Govt. orders, Court case/verdict and recent Auditor's report of RMC Guwahati dt. 19.11.2001 is seemed arised in certain input levels in your good office, for the reason of which such review of payment of SDA to IMD officials and recovery from them has came up. An attempt is made herewith to explain about the eligibility of SDA by all IMD officials posted to N.E. region considering all aspects of Govt circular and court verdicts etc in the subsequent paras in support of your perusal.

2. Basic Clause for SDA :-

The SDA was granted by Govt of India and endorsed by President of India. The basic clause related to payment of SDA is read as : "Central Government Civilian Employees who have All India transfer liability will be granted a Special (Duty) Allowance at the rate of per month on posting to any station in NE region". In all Govt circulars circulated time to time incorporating clarifications, the basic criteria remained intact and nowhere it mentioned that the person on posting to any station of NE region from outside the region will get SDA (Ref : MF & DE OM NO. 20014/3/83-E-E.IV/ dt14.12.1983, 20014/16/86.E-IV/E-II(B) dt 1.12.1988, 11(2)/97-E-II(B) dt 22.7.1998). The Posting referred here means either posting on initial recruitment or on transfer from anywhere in India, irrespective of any particular zone/region. Such posting is done in public interest as per requirement of the department only: For employees having All India transfer liability, such explanation like "Posting from outside to the NE region" carries no meaning.

IMD officials posted to NE region covers well by this basic clause for SDA.

3. Status of Central Govt employees :-

Govt of India recruits employees for various Ministries/departments for fulfilling their requirements and to cater to the needs of various services for a particular region, as well as nation as a whole. Accordingly Central Govt. employees can be classified in three categories.

- (i) Central Govt. employees having all India transfer liability. They are posted either on initial recruitment or on transfer to any station of India and remain for a fixed period of time and are again transferred to other stations. Their promotions are based on common All India level seniority as per vacancy available in All India level.
- (ii) Central employees on deputation to other department go for a fixed tenure.
- (iii) In certain department both All India level and zonal level employees work together. Zonal level employees are in the lower cadres upto certain scale of pay. Their service aspect, seniority, promotion etc are within the zone as per available vacancy within the zone.

4. Clarification Regarding All India transfer liability for payment of SDA :-

In certain Central Govt. department, where both all India level and zonal level employees are working some confusion arose about all India level transfer liability. To avoid all such confusion, Govt of India has clarified criteria regarding all India transfer liability, vide MF & DE OM No.20014/3/83-E-IV dt20.4.1987, that an employee will be considered having All India transfer liability for payment of SDA, only if the Department has an All India level seniority list in the cadres/posts and promotion etc are based on such common all India level seniority list.

IMD Officials posted to NE region are also well covered by this clarification and are clearly eligible for drawal of SDA.

5. Status of IMD official as All India level and eligible of SDA:-

IMD officials posted to NE region have same service status as mentioned in para 3(i) having actual all India transfer liability. Their promotions are also based on All India common seniority list as per available vacancies in different parts of India. As such IMD officials posted to NE region are genuine employees for payment of SDA. It will not be proper if their services are compared with zonal categories of Central Govt employees stated above in para 3(iii). If SDA is discontinued and arrear is recovered from certain IMD officials posted to NE region, as mentioned in letter dated 15-4-02 above, it will be a great injustice and gross discrimination shown, by the department to those employees who are working hard in their remote localities for which Govt of India had to declare SDA. Perhaps a question of violation of Article 14 of the constitution, as well as equal pay doctrine, will arise if one group of employees is well remunerated in the form of SDA, while the other group is deprived of such financial benefit when both group are working in same place and environment with same service status under same recruitment rules.

In view of above, it is desirable that the department should not discriminate its employees in this manner and payment of SDA be continued to all IMD officials posted in N.E. region of India.

6. Court Cases , conflicting clause and related court verdict for ineligible Govt employees for payment of SDA :-

The conflicting clause "persons on posting to NE region from outside the region" has appeared later on only, during court verdict dated 20-9-94 against Apex court civil appeal No 3251 Dated 93. It came in the judgement of court case to explain ineligible central Govt employees who do not have all India transfer liability and are drawing SDA in the department. Such clause have no meaning for the employee having actual all India transfer liability. This clause is applicable in the department where both Zonal as well as All India level employees are working together and to make zonal level employees ineligible for drawal of SDA as per clarification given in para 4 above.

As per existing circular from MF & DE, such zonal based employees are not eligible for SDA. However, in the same department, the All India level employees are eligible and drawing SDA till date.

IMD officials posted to NE region cannot be compared with such employees having zonal character and as such the clause related to posting from outside the region cannot be the basis of payment of SDA to IMD officials. Moreover, above verdict is not related to IMD officials. Even no Court/CAT case is pending against any ineligible IMD employees drawing SDA.

7. Auditor's report of RMC Guwahati dt 19.11.2001 regarding payment of SDA :

It is understood that department has initiated recovery action of SDA from certain IMD officials based on recent Audit report stated above. The auditor's report is also understood based on a particular clause para 6 of Govt of India MF & DE OM No. 11(3)/95-E-II(B) dt 12.1.1996, which is referred to Apex court verdict stated above which is again not applicable to IMD official. Such report is to be clarified by the department

only to the concerned Auditor, as because department only knows who is genuine IMD officials drawing SDA and whether any court case is pending against ineligible IMD officials or not. Since there is no court /CAT case regarding SDA pending in the department, this particular clause is not to be applied to IMD officials, as IMD officials have actual All India transfer liability as per requirement of Govt of India, MF and DE circular in respect of payment of SDA. Auditors report cannot be the sole basis of withdrawing existing financial benefits available for the employees. Auditor's report highlighted some discrepancies as per their interpretations. But actual interpretation and thereby implementation of Govt. circulars will be best known only by the department. It is the Department to clarify such queries to Auditor and concerned office accordingly. The Department should clarify clearly that :

- (i) The SDA payments made to the IMD officials are not irregular.
- (ii) It is well guided by the existing Govt circular.
- (iii) The court case does not require to support for eligibility of SDA for IMD official and no court case has been filed by or pending in the department.

Govt. of India has given full authority to the different Ministry/Department to look towards the service aspects and requirements of the department to be framed/implemented in their respective Ministry/department. It is the individual department which will judge best for their requirements and service aspects while implementing Govt circular for financial payment to their employees. Accordingly Auditors are to be clarified if they point out any discrepancies as interpreted by them.

As mentioned above, the auditors report based on court verdict for other department cannot be implemented in IMD. Department knows it well and should be able to explain better to the Auditors. Because they may not be knowing the all India service aspects of IMD and also that no Court/CAT cases are pending in the department regarding payment of SDA to ineligible IMD officials. The eligibility of SDA for IMD officials posted to NE region are to be defined by the department only and IMD officials are already eligible for drawing SDA as per Govt. orders issued time to time. Thus question of referring to Court/CAT verdict does not arise. Accordingly Auditor is to be clarified and hope that Department will do it for the interest to safe guard the financial benefit given to its employees by Govt. of India. The department is aware that the court verdict dated 20-9-94 stated above, is not related to genuine eligible IMD officials. Department is also aware that prior to the recent audit, quite a number of times audit of RMC Kolkata and RMC Guwahati were undertaken by different group of Auditors and no such discrepancies were pointed out then. If this recent Audit report is to be considered correct, then all other earlier audit reports are to be considered incorrect. Interestingly the Audit report for the same period of RMC Kolkata has not apparently reported such irregularities. Otherwise HQ could have also taken up the case accordingly, since Tripura state also belongs to N.E. region and same Govt. circular is applicable there regarding payment of SDA.

As such Department should nullify the auditor's report accordingly and intimate the concerned audit Office at Kolkata and SDA should be allowed to continue to all IMD officials as it has been paid for last 20 years since 1983 onwards on the basis of eligibility criteria as per Govt. circulars

8. Decadal problem created for IMD officials working in N.E.region:

Question of payment of SDA to IMD officials were reviewed time to time and on the basis of Govt. orders/circulars it is continued till date. But periodically the problem is raised putting the employees posted in the region in mental strain and chaotic situation.

SDA was allowed by the department in 1984 after vigorous persuasion from Officers and staff posted here and finally implemented from the initial date of 1983, paying all arrears at that time. In 1992, the point raised with RBI court/CAT. Officers and staff of the region well supplemented their eligibility for SDA payment with facts and figures specifying Govt. circular. Department also agreed and continued payment of SDA accordingly to all IMD officials posted to NE region.

In the year 2000 also, department has clarified the matter to DST/ MF & DE and clearly mentioned about the eligibility of SDA of IMD official , as they have actual All India transfer liability and no court/CAT case is pending in the department in respect of payment of SDA to ineligible employees. This reply was referred to D.O. letter No.11(2B)/97-E.II(D) dt 15.3.2000 from Usha Mathur. But quoting the same letter, the department want to discontinue SDA and recover the arrear from 20-9-94 from certain IMD officials. Sir ,it is best known to you that this D.O. letter was issued only to ensure whether any ineligible Govt. employee is still paid SDA by any department and if there is any court/CAT case pending in the department in respect of payment of SDA to ineligible Govt. employee. It is not the order to discontinue SDA for certain officials who have similar all India level service status and recruitment rules working in the same place and environment. As such it will be great generosity for the employees if this decadal problem of IMD officials is waived off by continuing SDA to all IMD official till new Govt. circular is received from MF & DE for discontinuation of SDA for all Central Govt employees as a whole.

9. Embryo of New Concept developed among IMD officials working in NE region on receipt of the latest letter dated 15-4-2002.

Sir, it may not be proper at this stage to highlight certain other aspects that has started growing in the minds of IMD officials on receipt of your letter dated 15-4-2002. But for the gravity of the matter and the interest of the office, the fact is brought to your kind knowledge that IMD officials posted to N.E. region have started feeling that department is going to really discriminate one group of IMD officials who are working hard in the remote locality from the IMD officials of mainstream. The accumulation of their thoughts also reflects that if the department really tries to discriminate in this way by discontinuing their genuine and legitimate financial benefit in the form of SDA on the basis of newly defined so called Local or domicile terms which are not seen in any Govt. circular, then they will certainly raise for real zonal status asking seniority, promotions etc within the zone of NE region as per available vacancies, in various cadres/posts. The posting of IMD employees from outside to the region will not be required then and in that case there will not be any financial involvements in the department and a lot of Govt. money will be saved..

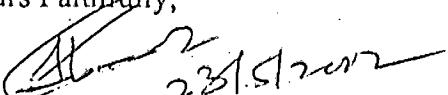
However, department will look into all pros and cons carefully in this respect and will consider the humiliating injustice factor being imposed on officers and staff belonging to N.E.region. If their genuine financial benefit is not safe guarded, it may affect the present normal working environment in the region.

10. Conclusion and requests for continuing SDA to All IMD official working in NE region :-

The above facts are brought to your kind knowledge and consideration, based on all aspects of genuiness of the case and to the best of my knowledge and understanding on the subject. I request you fervently, on behalf of officers and staff of RMC Guwahati, to review the order dated 15-4-2002 accordingly so that all IMD officials posted to NE region can continue their financial benefit in the form of SDA for better service to the region.

Thanking you,

Yours Faithfully,

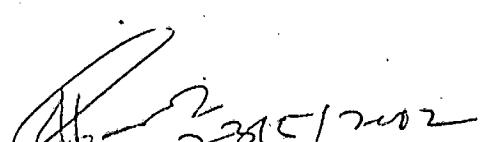

(H. PATHAK)

Secretary,

Ad-hoc Committee for safe Guarding SDA
For IMD officials of N.E. region

Copy to :

1. The President/Secretary, GOA New-Delhi for necessary action at HQ level.
2. The President ?Secretary, IMDNGSA, New-Delhi for necessary action at HQ level
3. The President/Secretary, GOA., RMC Guwahati for n/a.
4. The president/Secretary, IMDNGSA, RMC Guwahati for n/a.
5. C so Shri Bong, M.o. MNB, IMP,


(H. PATHAK)

Secretary

Ad-hoc committee for Safe Guarding SDA
For IMD officials of N-E Region
Central Office : RMC Guwahati

F.No.11(3)/97-E.H.(B)
Government of India
Ministry of Finance
Department of Expenditure

New Delhi, dated the 29th May, 2002.

OFFICE MEMORANDUM

Subject: Special Duty Allowance for civilian employees of the Central Government Serving in the State and Union Territories of North Eastern Region including Sikkim.

The undersigned is directed to refer to this Department's OM No.20014/3/83-E.IV dated 14.12.83 and 20.4.1987 read with OM No.20014/16/86-E.IV/E.H.(B) dated 1.12.86, and OM No.11(3)/95-E.H.(B) dt. 12.1.1996 on the subject mentioned above.

2. Certain incentives were granted to Central Government employees posted in NE region vide OM dt. 14.12.83. Special Duty Allowance (SDA) is one of the incentives granted to the Central Government employees having 'All India Transfer Liability'. The necessary clarification for determining the All India Transfer Liability was issued vide OM dt.20.4.87, laying down that the All India Transfer Liability of the members of any service/cadre or incumbents of any post/group of posts has to be determined by applying the tests of recruitment zone, promotion zone etc., i.e., whether recruitment to service/cadre/post has been made on All India basis and whether promotion is also done on the basis of an all India common seniority list for the service/cadre/post as a whole. A mere clause in the appointment letter to the effect that the person concerned is liable to be transferred anywhere in India, did not make him eligible for the grant of Special Duty Allowance.

3. Some employees working in NE region who were not eligible for grant of Special Duty Allowance in accordance with the orders issued from time to time agitated the issue of payment of Special Duty Allowance to them before CAT, Guwahati Bench and in certain cases CAT upheld the prayer of employees. The Central Government filed appeals against CAT orders which have been decided by Supreme Court of India in favour of UOI. The Hon'ble Supreme Court in judgement delivered on 20.9.94 (in Civil Appeal No. 3251 of 1993 in the case of UOI and Ors v/s Sh. S. Vijaya Kumar and Ors) have upheld the submissions of the Government of India that C.G. civilian Employees who have All India Transfer Liability are entitled to the grant of Special Duty Allowance on being posted to any station in the North Eastern Region from outside the region and Special Duty Allowance would not be payable merely because of a clause in the appointment order relating to All India Transfer Liability.

4. In a recent appeal filed by Telecom Department (Civil Appeal No.7000 of 2001 - arising out of SLP No.5455 of 1999), Supreme Court of India has ordered on 5.10.2001 that this appeal is covered by the judgement of this Court in the case of UOI & Ors. vs. S. Vijayakumar & Ors. reported as 1994 (Supp.3) SCC, 649 and followed in the case of UOI & Ors vs. Executive Officers' Association 'Group C' 1995.

certified to be
true copy
R. Malita
Hdly

(Supp.1) SCC, 757. Therefore, this appeal is to be allowed in favour of the UOI. The Hon'ble Supreme Court further ordered that whatever amount has been paid to the employees by way of SDA will not, in any event, be recovered from them inspite of the fact that the appeal has been allowed.

5. In view of the aforesaid judgements, the criteria for payment of Special Duty Allowance, as upheld by the Supreme court, is reiterated as under:-

"The Special Duty Allowance shall be admissible to Central Government employees having All India Transfer Liability on posting to North Eastern region (including Sikkim) from outside the region"

All cases for grant of Special Duty Allowance including those of All India Service Officers may be regulated strictly in accordance with the above mentioned criteria.

6. All the Ministries/Departments etc. are requested to keep the above instructions in view for strict compliance. Further, as per direction of Hon'ble Supreme Court, it has also been decided that -

- (i) The amount already paid on account of Special Duty Allowance to the ineligible persons not qualifying the criteria mentioned in 5 above on or before 5.10.2001, which is the date of judgement of the Supreme Court, will be waived. However, recoveries, if any, already made need not be refunded.
- (ii) The amount paid on account of Special Duty Allowance to ineligible persons after 5.10.2001 will be recovered.

7. These orders will be applicable *mutatis mutandis* for regulating the claims of Islands' Special (Duty) Allowance which is payable on the analogy of Special (Duty) Allowance to Central Government Civilian employees serving in the Andaman & Nicobar and Lakshadweep Groups of Islands.

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

N.P. Singh

(N.P. Singh)
Under Secretary to the Government of India.

All Ministries/Departments of the Government of India, etc.

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

Most Immediate

REGISTERED

R.M.C. Guwahati (Dr. Kanti Prasad, DDCM)
 R.M.C. Kolkata (Sh. R.N. Goldar, DDCM)
 C.S.O. Shillong (Sh. S.C. Saha, Director)

Sub:- Special Duty Allowance for civilian employees the Central Govt. Serving in the State & Union Territories of North Eastern Region including Sikkim.

Kindly find enclosed the copy of Ministry of Finance, G.O. No.11 (5)/97-E.II.(B), dated 29.5.2002 on the subject issue. The case of grant of Special Duty Allowance to India Meteorological Department employees serving in North Eastern region has been considered by the Govt. and it is now decided in accordance with Apex Court's verdict and DOPT directives that:-

(i) The Special Duty Allowance will be admissible to Central Govt. Employees having All India Transfer Liability on posting to North Eastern region (including Sikkim) from OUTSIDE THE REGION.

A mere clause in the appointment letter to the effect that the person concerned is liable to be transferred anywhere in India does not make him eligible for the grant of SDA. This supercedes DCM's earlier orders issued vide No.CW-30000(T), dated 14.1.1992, 10.9.1992, 31.3.2000 and 15.4.2002.

(ii) The amount already paid on account of Special Duty Allowance to the ineligible persons not qualifying the criteria mentioned above on or before 5.10.2001, may be waived.

(iii) The amount paid on account of Special Duty Allowance to ineligible persons after 5.10.2001 may be recovered forthwith.

Officials under your jurisdiction be advised to refrain from making Special Duty Allowance an issue as their action will not only be against the Govt. directives but also display contempt of Apex Court.

(J.S. ARYA)
 Dy. Director General
 (Administration & Stores)
 for Director General of Meteorology

D.G.I. O.O.F. No.CW-30000 (PT), Dated New Delhi-3; the 20.7.2002.

certified to be
 true copy.
 R. Valita
 Adv.

C.S.O. Shillong

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Sub:- Special Duty Allowance (SDA) to Central Govt. Employees.

Ref:- CSO Shillong UOI No.A-27014/1/02/1196 dated 28.8.2002.

Request of staff members of CSO Shillong is considered sympathetically. It has been stated that the orders issued by Ministry of Finance (Dept. of Expenditure) O.M. No.F.No.1(5)/97-E-11(B) dated 29.5.2002 in consequence of Supreme Court judgement have already been circulated and stands implemented. In case staff still feels dissatisfied they are free to file a fresh petition in Supreme Court of India.

Y.P. Singh

27/9/02

(Y.P. SINGH)
for D. C. M.

DCM UOI No.CW-30000(PT) Dated New Delhi-3; the 9.2002.

3045

Certified to be
true copy.

R. Kalita
SOL.

FAX MESSAGE DATED 3.10.2002

R.M.C., GUWAHATI (SH. D. SINHA, DIRECTOR LACD OF DDCM)

NO.CW-30000, DATED 3.10.2002 AAA KDLY REF YOUR NO.CH-E-00940/DATED 1.10.2002 AAA SDA PAYMENT OF ALL OFFICERS/STAFF WHO BELONG TO NE-REGION INCLUDING SIKKIM IS TO BE STOPPED RPT STOPPED IMMEDIATELY AAA START RECOVERY OF SDA PAID AFTER 5TH OCT 2001 TO INELIGIBLE OFFICIALS IMMEDIATELY AAA ALL THOSE OFFICERS AND STAFF WHO BELONG TO OUTSIDE NE-REGION ARE ELLIGIBLE FOR DRAWL OF SDA AAA ELLIGIBILITY FOR SDA PAYMENT IS TO BE ASCERTAINED FROM SERVICE BOOK AAA KDLY SIGNAL ACTION TAKEN (.)

H. C. Asthana

(M.C. ASTHANA) 3.10.67
Director (Admin)

for Director General of Meteorology

As per above DGM New Delhi Fax message order, payment of S.D.A to all officers and staff belonging to N.E Region is to be stopped w.e.f Salary of October, 2002.

The following officers and staff not belonging to N.E Region are eligible to draw S.D.A.

S/Sri

1. Vivek Sinha, Met.Gr.I
2. Chattar Singh Met.Gr.I
3. S.O.Neill Shaw Met.Gr.II
4. G.Kumar Met.Gr.II
- 5.A. D. Tathe Met.Gr.II
6. P.N. Hansda AM.Gr.II
7. Mohan Prasad Lab.Asstt.

CB may please take necessary action as above and compute the overdrawn S.D.A after 5.10.2001 onwards i.r.o inelligible officials for recovery in suitable monthly instalments to be decided in consultation with H.Q.

certified to be
true copy

P. Kalita
Asst.

Contd.....P/2

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-67-

All officers and staff are hereby requested to receive the order calmly with restraint and in spirit of service.

D. Sinha
(D. SINHA) 4/10/2002
Director
L.A.C.D, D.D.G.M
Regional Met. Centre, Guwahati

RMC Guwahati UO.NO. GH-E.00940/

dated: 4.10.02

Copy to:-

1. DGM New Delhi for information and requested to suggest equal monthly instalments for recovery of overdrawn S.D.A.

2. M.O Mohanbari / MO North Lakhimpur / MO Tezpur / M.O Dhubri / M.O Silchar / MO Imphal / MO Passighat / MO Barapani / MO Cherrapunjee / MO Dimapur / MO Lengpui / P.E.T Jorhat / Seismo Imphal / Seismo Tura / Seismo Lekhapani for information and necessary action.

3. D.D.O, RMC Guwahati for information and necessary action.

4. FMO/ GS(FO)/ AAS/ Despatch/ IS/ SMC/ MB/ VIG/ GS(OT)/ Security/ Telecom/ TS/ WBRT/ PBO/ Welfare units for information and necessary action.

Copy to:-
(B. B. DAS) 4/10/02
for DDGM, RMC Guwahati

RMC Guwahati UO.NO.GH-E.00940/ 3498

dated: 4.10.02

*Certified to be
true copy.*

*R. Kalita
b/w*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Annex - 23

80

Original Application No.7 of 1999

Date of decision: This the 2nd day of November 2000

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

Shri Tushar Kantl. Paul,
Assistant Accounts Officer,
Regional Pay and Accounts Officer(NH),
Ministry of Surface and Transport,
Government of India,
Guwahati.

.....Applicant

By Advocates Mr S. Ali and Ms. N.D. Goswami.

- versus -

1. The Union of India, represented by the Secretary to the Government of India, Department of Expenditure, Ministry of Finance, New Delhi.
2. The Chief Controller of Accounts, Ministry of Surface and Transport, I.D.A. Building, Jamnagar, Shahjahan Road, New Delhi.
3. The Regional Pay and Accounts Officer (NH), Ministry of Surface Transport, Guwahati.
4. Shri Panne Lal Dey, Regional Pay and Accounts Officer (NH), Guwahati.
5. The Pay and Accounts Officer, Geological Survey of India, North Eastern Region, Shillong.

.....Respondents

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

ORDER (ORAL)

CHOWDHURY, J. (V.C.)

The legitimacy of the direction issued by the Regional Pay and Accounts Officer(NH), vide letter No.PAO(G)NH/1(25)08-99 dated 30/31.12.1998 is the subject matter of this application.

*certified to be
true copy
R. Kalita
Advocate*

2. The applicant alongwith ten others earlier presented an application before this Tribunal under Section 10 of the Administrative Tribunals Act, 1985 against the present respondents. The ten applicants in aforementioned application alongwith the present applicant sought for a direction for grant of Special (Duty) Allowance (SDA for short) which was granted to all Central Government employees serving in the North Eastern Region carrying an All India Transfer Liability. The Tribunal after considering the rival contentions and the O.M. No.20014/3/Estt.-IV dated 14.12.1983 by its Judgment and Order dated 12.5.1989 in G.C.No.105 of 1987 allowed the application and directed the respondents to grant SDA as per the O.M. dated 14.12.1983 issued by the Government of India, Ministry of Finance, Department of Expenditure, including arrears. The said Judgment and Order dated 12.5.1989 of the Tribunal was accepted by the respondents and the respondents never challenged the aforesaid Judgment of the Tribunal in any higher Court. The respondents accordingly paid SDA to the applicants of the aforesaid O.A. till receipt of the impugned order dated 30/31.12.1998 by the respondents. According to the respondents though the applicant is subject to All India Transfer Liability he is not entitled to the benefit of SDA, moreso in view of the subsequent judgments pronounced by the Apex Court in Civil Appeal No.3251 of 1993 and No.3034.



3. Mr. S. Ali, learned Sr. Counsel for the applicant submitted that the Tribunal has already passed an order and that order attained finality. The legality and validity of the order was never under challenge and in these circumstances the respondents are not entitled to question the legality of the same on the strength of the decision of the Apex Court in subsequent cases. Mr. Ali, in support of his contention, also referred to some earlier decisions of the Tribunal in respect of the same subject matter. In aid of his submission, Mr. Ali referred to the Judgment and Order of this Tribunal passed in O.A.No.208 of 1991, on 8.2.1991. The learned counsel submitted that the aforesaid Judgment of the Tribunal dated 8.2.1991 was challenged in the Apex Court by the respondents of the said case by filing SLP No.381/92 and the said SLP was rejected by the Apex Court by order.....

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order dated 23.7.1992. Mr. Ali further submitted that the Judgment and Order of the Tribunal dated 8.2.1991 in O.A.No.208/91 has not yet been set aside and in the circumstances the directions given by the Regional Pay and Accounts Officer are contrary to the decisions of this Tribunal and therefore, not binding.

4. Considering all the aspects of the matter, I am of the view that since the Tribunal has already passed an order, the question of challenging the wisdom of that order by the Administration is not permissible. In the circumstances the impugned communication dated 30/31.12.1998 is not binding and operative and the same is hereby set aside.

The application is allowed. No order as to costs.

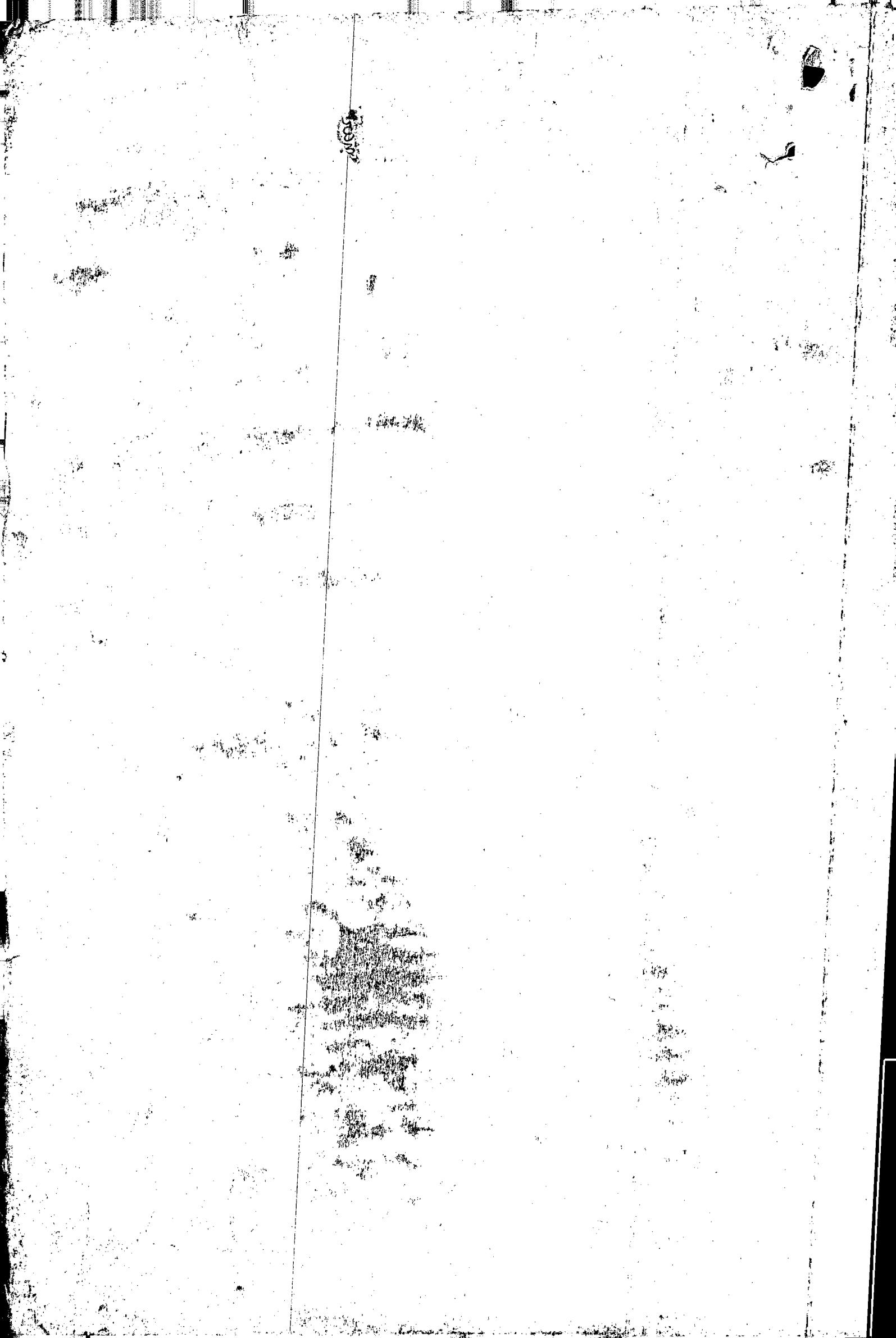
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XXII नं प्रिलिपि

21/8/02

Deputy Officer (I)
Central Administrative Tribunal
केन्द्रीय प्राधिकारिक अधिकार
Regional Bench, Guwahati
वायापाता, गोवाल, गुवाहाटी



6 FEB 2003

गुवाहाटी न्यायालय
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI

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(B. C. Path. k)
Addl. Central Govt. Standing Counsel
Central Administrative Tribunal
Guwahati Bench : Guwahati

O.A. No. 342/2002

Shri Abhit Kr. Raha & Others ... Applicants.

- Vs -

Union of India & Others ... Respondents.

(Written statements filed by the respondents).

The written statements of the respondents are as follows :

1. That a copy of the above noted application (referred to as the "Application") has been served in the respondents. The respondents have gone through the same and understood the contents thereof.
2. That the statements made in the application, which are not specifically admitted, are hereby denied by the respondents.
3. That before traversing the various paragraphs of the application, the respondents beg to state a brief resume to the facts and circumstances of the case and the basis for entitlement for payment of Special Duty Allowance (referred to as the "SDA") as under :
 - (a) That the Govt. of India, Ministry of Finance, Department of Expenditure, New Delhi, vide Office Memorandum No. 20014/3/83-E.IV dt.14.12.1983 brought out a scheme thereby extending certain facilities and allowances including the SDA for the civilian employees of the Central Govt. serving in the North-Eastern States and Union Territories etc. This was done to attract and retain the services of officers in the region due to inaccessibility and difficult

terrain. A bare reading of the provisions of the said O.M. it is clear that these facilities and allowances are made available only to those who are posted in the region from outside on transfer.

A true copy of the said O.M.Dt.14.12.83 is annexed as ANNEXURE-R1.

(b) That after some time, some departments sought some clarifications about the applicability of the said O.M. dt.14.12.83. In response to the said clarification, the Govt. of India issued another Office Memo. Vide No.20014/3/83-E.IV dt. 20.4.1987. The relevant portion of the said O.M. is quoted below:

“2. Instances have been brought to the notice of this Ministry where Special (Duty) Allowance has been allowed to Central Govt. employees serving in the North East Region without the fulfillment of the condition of all India Transfer liability. This against the spirit of the orders on the subject. For the purpose of sanctioning special (duty) allowance, the all India transfer liability of the members of any service/cadre or incumbents of any posts/group of posts has to be determined by applying the tests of recruitment zone, promotion zone, etc. i.e. whether recruitment to the service/cadre/posts has been made on all India basis and whether promotion is also done on the basis of the all-India zone of promotion based on common seniority for the service/cadre/posts as a whole. Mere clause in the appointment order (as is done in the case of almost all posts in the Central Secretariat etc.) to the effect that the person concerned is liable to be transferred anywhere in India, does not make him eligible for the grant of special (duty) allowance.”

A true copy of the said O.M. dt.20.4.87 is annexed as ANNEXURE-R2.

(c) That the Govt. of India again brought out another Office Memo. Vide F.No.20014/16/86/E.IV/E.II(B) dt. 1.12.88. By the said O.M. the special (duty) allowance was further continued to the central Govt. employees at the rate prescribed therein.

A true copy of the said O.M. dt.1.12.88 is annexed as ANNEXURE-R3.

(d) That in the meantime, several cases were filed in the court/Tribunal challenging the refusal of grant of SDA and some of such cases went to the Hon'ble Supreme Court. The Hon'ble Supreme Court in Union of India & others - vs- S.Vijaykumar & others (C.A. No.3251/93) upheld the provisions of the O.M. dt.20.4.87 and also made it clear that only those employees who were posted on transfer from outside to the N.E.Region were entitled to grant of SDA on fulfilling the criteria as in O.M.dt.20.4.87. Such SDA was not available to the local residents of the N.E.Region. The Hon'ble Supreme Court also went into the object and spirit of the O.M.dt.14.12.83 as a whole.

A true copy of the said judgment dt.20.9.94 is annexed as ANNEXURE-R4.

(e) That the Hon'ble Supreme court in another decision dated 23.2.1995, in Ca.No.3034/95 (Union of India & ors -vs-Executive Officers Association Group-C) held that the spirit of the O.M. dt. 14.12.83 is to attract and retain the services of the officers from outside posted in the North-Eastern Region, which does not apply to the officers belonging to the North-Eastern Region. The question of attracting and retaining the services of competent officers who belong to North-Eastern Region itself would not arise. Therefore, the incentives granted by the said O.M. is meant for the persons posted from outside to the North-Eastern Region, not for the local residents of the said defined reason. The Hon'ble Supreme Court in this decision also held that the spirit of the O.M

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dt.14.12.83 is to attract and retain the services of the officers posted in the N.E Region from outside and therefore, application of these provisions to the local residents of N.E.Region does not arise.

A true copy of the said judgment dt.23.2.95 is annexed as ANNEXURE-5.

(f) That the Hon'ble Supreme court in another judgment dt.7.9.95 passed in Union of India & others -vs- Geological Survey of India employees' Association & others (CA No. 8208-8213) held that the Group C and D employees who belong to the N.E.Region and whose transfer liability is restricted to their region only, they do not have all India transfer liability and consequently , they are not entitled to grant of SDA.

A true copy of the judgment dt. 7.9.95 is annexed as ANNEXURE-R6.

(g) That after the judgment of the Hon'ble supreme court, the Govt. of India brought yet another Office Memo. Vide No. 11(3)/95-E.II(B) dt.12.1.96 and directed the departments to recover the amount paid to the ineligible employees after 20.9.94 as held by the Hon'ble Supreme Court.

A true copy of the said O.M.dt.12.1.96 is annexed as ANNEXURE-R7.

(h) That in another case vide Writ petition No.794/1996 in Sadhan Kumar Goswami & others -vs- Union of India & others, the Hon'ble Supreme Court again put reliance on the earlier decision as in S. Vijaykumar case and held that

the criteria required for the grant of SDA is same for both group A and B officers as in the case of Group C and D, and there is no distinction. By the said judgment, the said Hon'ble court also held that the SDA paid to the ineligible employees after 20.9.94 be recovered.

A true copy of the judgment dt. 25.10.96 is annexed as ANNEXURE-R8.

(i) That the Ministry of Finance further in connection with query made by the Directorate General of Security, New Delhi gave some clarification to the questions raised by some employees regarding eligibility of SDA. This was done vide I.D. No.1204/E-II(B)/99 and which was duly approved by the Cabinet Secretariat U.O. No.20/12/99-EA.I-1798 dt.2.5.2000. According to that clarification, an employee belonging to the N.E.Region, posted in the N.E.Region having all India transfer liability as a condition of service, shall not be entitled to grant of SDA. But if such employee is transferred out of the N.E.Region and reposted to N.E.Region on transfer from outside, in that case such employee would be entitled to SDA. Hence, the applicants in the instant case have no cause of action to agitate in this Tribunal.

A true copy of the said clarification of Cab. Sectt. Dt. 2.5.2000 is annexed as ANNEXURE-R9.

(j) That in a recent decision dt. 5.10.2001, in Union of India & others -vs- National Union of Telecom Engineering Employees Union & others (CA No. 7000/2001) the Hon'ble Supreme court once again clinched on the vexed question of grant of SDA to the central govt. employees and by relying on the

earlier decision of S.Vijaykumar held that the amount already paid to such ineligible employees should not be recovered.

The true copy of the judgment dt. 5.10.2001 is annexed as ANNEXURE-R10.

(k) That pursuant to the said judgment passed in CA No. 7000/2001, the Govt. of India, Ministry of Finance, Department of Expenditure, brought out another Office Memo. F.No.11(5)/97-E.II(B) dt.29.5.2002 and thereby directed all the departments to recover the amount of SDA already paid to such ineligible employees with effect from 6.10.2001 onwards and to waive the amount upto 5.10.2001 i.e. the date of the said judgment.

The true copy of the O.M. dt. 29.5.2002 is annexed as ANNEXURE-R11.

Now, from the above facts and circumstances of the case and the clarifications made in the matter, it is very much clear that only those employees irrespective of their group in A,B,C or D, shall be entitled to grant of SDA if they fulfil the criteria as underlined in O.M. dt. 20.4.87 and such employees are in fact posted in the North-Eastern Region actually on transfer. Therefore the amount paid to the ineligible employees upto 5.10.2001 would be waived. However, the amount paid after 5.10.2001 should be recovered. This aspect of the matter is clear as indicated by the Hon'ble Supreme Court in its all earlier decisions also. According to the Hon'ble Supreme court, as stated above, the provision for SDA is to attract and retain the services of the officers from out side the N.E.Region and therefore, payment of the SDA to the local residents of N.E.Region does not arise.

4. That with regard to the statements made in para 1, the respondents state that the payment of SDA has been stopped and recovery is being made in terms of the Hon'ble Supreme Court's decision and guidelines issued by the Government.
5. That the contents in para 2,3 and 4(i) need no reply.
6. That with regard to the statements made in para 4(ii) and 4(iii) the respondents state that these being matter of facts/records. They need no reply.
7. That with regard to the statements made in para 4(iv), the respondents state that these are matter relating to records only. Therefore, nothing is admitted which is not supported by such records. In this connection the respondents crave the leave of this Hon'ble Tribunal to allow them to support such records through the statements showing the transfer and posting of such applicants in this application. These statements are prepared in the basis of Service Book/personal files of the applicants. The statements would indicate that some of such applicants are transferred and posted in the North-East Region from outside while majority of them were posted in the North-East Region initially and are continuously serving in the department in North-East Region only without any transfer to outside of North-East Region or reposted to North-East Region from outside. These statements may be treated as a part of this written statements.

These statements are annexed as Annexure - R12(Series).

8. That with regard to the statements made in para 4(v), 4(vi), 4(vii), 4(viii), 4(ix) and 4(x), the respondents reiterate and reassert the statements made hereinabove in the written statements.

9. That with regard to the statements made in para 4(xi) to 4(xv), the respondents state that the SDA was paid like some other departments by misinterpretation of the provisions required for grant of SDA. Such mistake can not be legalized. This has been clarified as stated above.

10. That with regard to the statements made in para 4(xvi) to 4(xxiii), the respondents state that as indication above, only the employees/officers who are transferred on posting to North-East Region and who are not local residents of North-East region are only entitled to SDA and accordingly steps are taken by the Government to stop and recover SDA to the ineligible employees. This is done strictly as per Hon'ble Supreme Court's order.

11. That with regard to the statements made in para 4(xxiv) and 4(xxv), the respondents state that the facts and circumstances of the Annexure-23 order dated 2.11.2000 is different from the present sets of facts and circumstances, hence, the said order has nothing to do with this instant case.

12. That with regard to the statements made in para 5(i) to 5(xi), the respondents state that the grounds show to support the claims of the applicants are no grounds in view of the legal provisions as stated hereinabove and hence the application is liable to be dismissed with cost as baseless and without any merit.

13. That with regard to the statements made in para 6 and 7, the respondents have no reply to offer.

14. That with regard to the statements made in para 8(i) to 8(iii) and 9 the answering respondents state that in view of the facts and circumstances of the case and also the legal provisions of the matter, the applicants are not entitled to any relief whatsoever as prayed for and the application is liable to be dismissed with cost.

In the premises aforesaid, it is, therefore, prayed that Your Lordships would be pleased to hear the parties, peruse the records and after hearing the parties and perusing the records, shall also be pleased to dismiss the application with cost.

VERIFICATION

I, Shri D. K. HANDIQUE, at present working as Meteorologist Gr. I at Guwahati, who is taking steps in this case, being duly authorised and competent to sign this verification, do hereby solemnly affirm and state that the statements made in para 1, 2, 4, 5, 6, 8 to 14 are true to my knowledge and belief, those made in para 3 and 7 being matter of records, are true to my information derived therefrom and the rest are my humble submission before this Hon'ble Court. I have not suppressed any material fact.

And I sign this verification on this 5th day of February, 2003 at Guwahati.

DEPONENT.

Dhandique
572103

Meteorologist
Regional Meteorological Centre,
Guwahati
Guwahati Airport: 781.015

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

01/11/1983
14 NOV 1983
Assam Circle, Guwahati-781001

New Delhi, the 14th December, 1983.

OFFICE MEMORANDUM

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

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

(i) Tenure of posting/deputation

There will be a fixed tenure of posting of 3 years at a time for officers with service of 10 years or less and of 2 years at a time for officers with more than 10 years of service. Periods of leave, training, etc., in excess of 15 days per year will be excluded in counting the tenure period of 2/3 years. Officers, on completion of the fixed tenure of service mentioned above, may be considered for posting to a station of their choice as far as possible.

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

(ii) Weightage for Central deputation/training abroad and special mention in confidential records

Satisfactory performance of duties for the

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Certified
Date 17/11/83

Asstt. Director (Vig.)

C/o Mr. R. P. Ali
Guwahati

Prescribed tenure in the North East shall be given due recognition in the case of eligible officers in the matter of:-

- (a) promotion in cadre posts;
- (b) deputation to Central tenure posts; and
- (c) courses of training abroad.

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

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

(iii) Special (Duty) Allowance

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

(iv) Special Compensatory Allowance

1. Assam and Meghalaya

The rate of the allowance will be 5% of basic pay subject to a maximum of Rs.50/- p.m. admissible to all employees without any pay limit. The above allowance will be admissible with effect from 1.7.1982 in the case of Assam.

2. Manipur

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

Pay upto Rs.260/-

Rs.40/- p.m.

Pay above Rs.260/-

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

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3. Tripura

The rates of the allowance will be as follows:-

(a) Difficult Areas

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

(b) Other Areas

Pay upto Rs.260/- Rs.40/- p.m.

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

There will be no change in the existing rates of Special Compensatory Allowances admissible in Arunachal Pradesh, Nagaland and Mizoram and the existing rate of Disturbance allowance admissible in specified areas of Mizoram.

(v) Travelling Allowance on first appointment

In relaxation of the present rules (S.R.105), that travelling allowance is not admissible for journeys undertaken in connection with the initial appointment, in case of journeys for taking up initial appointment to a post in the North-Eastern region, travelling allowance limited to ordinary bus fare/second class rail fare for road/rail journey in excess of first 100 kms. for the Government servant himself and his family will be admissible.

(vi) Travelling Allowance for journey on transfer

In relaxation of orders below S.R.116, if on transfer to a station in the North-Eastern region, the family of the Government servant does not accompany him, the Government servant will be paid travelling allowance on tour for self only for transit period to join the post and will be permitted to carry personal effects upto 1/3rd of his entitlement at Government cost or have a cash equivalent of carrying 1/3rd of his entitlement or the difference in weight of the personal effects he is actually carrying and 1/3rd of his entitlement as the case may be, in lieu of the cost of transportation of baggage. In case the family accompanies the Government servant on transfer, the Government servant will be entitled to the existing admissible travelling allowance including the cost of transportation of the admissible weight of personal effects according to the grade to which the officer belongs, irrespective of the weight of the baggage actually carried. The above provisions will also apply for the return journey on transfer back from the North Eastern Region.

Contd....4....

(vii) Round trip or transportation of personal effects on transfer:

In relaxation of orders below S.R. 116, for transportation of personal effects on transfer between two different stations in the North-Eastern region, higher rate of allowance admissible for transportation in 'A' class cities subject to the actual expenditure incurred by the Government servant will be admissible.

(viii) Joining Time with leave:

In case of Government servants proceeding on leave from a place of posting in North-Eastern Region, the period of travel in excess of two days from the station of posting to outside that region will be treated as joining time. The same concession will be admissible on return from leave.

(ix) Leave Travel Concession:

A Government servant who leaves his family behind at the old duty station or another selected place of residence and has not availed of the transfer travelling allowance for the family will have the option to avail of the existing leave travel concession of journey to home town once in a block period of 2 years, or in lieu thereof, facility of travel for himself once a year from the station of posting in the North East to his home town or place where the family is residing and in addition the facility for the family (restricted to his/her spouse and two dependent children only) also to travel once a year to visit the employee at the station of posting in the North Eastern Region. In cases, the option is for the latter alternative, the cost of travel for the initial distance (400 Kms./160 Kms.) will not be borne by the officer.

Officers drawing pay of Rs. 2250/- or above, and their families, i.e., spouse and two dependent children (upto 18 years for boys and 24 years for girls) will be allowed air-travel between Imphal/Silchar/Agartala and Calcutta and vice-versa, while performing journeys mentioned in the preceding paragraph.

(x) Children Education Allowance / Hostel Subsidy:

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

- 5 :-

2. The above orders except in sub-para (iv) will also mutatis mutandis apply to Central Government employees posted to Andaman and Nicobar Islands.

3. These orders will take effect from 1st November, 1983 and will remain in force for a period of three years upto 31st October, 1986.

4. All existing special allowances, facilities and concessions extended by any special order by the Ministries/Departments of the Central Government to their own employees in the North-Eastern region will be withdrawn from the date of effect of the orders contained in this Office Memorandum.

5. Separate orders will be issued in respect of other recommendations of the Committee referred to in paragraph 1 as and when decisions are taken on them by the Government.

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

sd/-

(S.C. MAHALIK)
JOINT SECRETARY TO THE GOVERNMENT OF INDIA.

TO,

All Ministries/Departments of the Government of India,
etc. etc.
Copy. (with spare copies) to C. & A.G., U.P.S.C. etc.

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ANNEXURE - 16
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13.20014/3/83-IV
Government of India
Ministry of Finance
Department of Expenditure

ANNEXURE - R2

ANNEXURE - R2

New Delhi, the 20th April, 1987.

OFFICE MEMORANDUM

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

The undersigned is directed to refer to para 1(iii) of Ministry of Finance, Department of Expenditure O.M. No.20014/3/83-IV dated 14th December 1983 as amended vide Office Memorandum of even number dated 29.10.1986 on the above subject, which is reproduced below:-

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

2. Instances have been brought to the notice of this Ministry where special (duty) Allowance has been allowed to Central Government employees serving in North East Region without the fulfilment of the condition of all India transfer liability. This is against the spirit of orders on the subject. For the purpose of sanctioning special (duty) allowance, the all India transfer liability of the members of any Service/cadre or incumbents of any posts/group of posts has to be determined by applying tests of recruitment zone, promotion zone, etc. i.e. whether recruitment to the service/cadre/posts has been made on all-India basis and whether promotion is also done on the basis of the all-India zone or promotion based on common seniority for the service/cadre/posts as a whole. No clause in the appointment order (as is done in the case of almost all posts in the Central Secretariat etc.) to the effect that the person concerned is liable to be transferred anywhere in India does not make him eligible for the grant of special (duty) allowance.

Contd... 2/-

Attached

TDU - 1/1987

ASST. Director (U.G.)
S/o T.D.U. L.T.M.L.

Ex-Subah

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

Q.S. - 12

(A.N. SINHA)

DIRECTOR (EG)

TELE: 3011819

Financial Advisors of all Ministries/Departments.

J.K.

17 - 18

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F. No. 20014/16/16/E.IV/R.1(I)(B)

Government of India
Ministry of Finance
Department of Expenditure

Now Delhi, the 1 December,

88
Annexure - A

100
ANNEXURE : R3

1900

ANNEXURE : R3

OFFICE MEMORANDUM

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

The undersigned is directed to refer to this Ministry's
O.M. No. 20014/3/63-E.IV dt. 14th December, 1953 and 30th March,
1954 on the subject mentioned above and to say that the question
of making suitable improvements in the allowances and facilities
to Central Govt. employees posted in North-Eastern and facilities
the States of Assam, Meghalaya, Manipur, Nagaland, Tripura, Arunachal
Pradesh and Mizoram has been ensuing the attention of the Govt.
Accordingly the President is now pleased to decide as follows:-

1. Remise of posting/deputation

(i) The existing provisions as contained in this Ministry's
O.M. dated 14.12.03 will continue.

(ii) Payments for Central deputation and training abroad
and service in confidential record

The existing provisions as contained in this Ministry's
O.M. dated 14.12.03 will continue. Cadre authorities are advised
to give due weightage for satisfactory performance of duties for
the prescribed tenure in the North-East in the matter of promotion
in the cadre posts, deputation to Central tenures and courses
of training abroad.

2. Special(Duty) Allowance

Central Govt. Civilian employees who have All India
transfer liability will be granted Special(Duty) Allowance at the
rate of 10% of basic pay subject to a ceiling of Rs 1000/- per
month on posting in any station in the North-Eastern Region.
Special(Duty) Allowance will be in addition to any special pay
and/or deputation(duty) allowance already being drawn subject to
the condition that the total of such Special(Duty) Allowance plus
Special pay/Deputation(Duty) Allowance will not exceed Rs 1000/- p.m.
Special allowances like Special Compensatory(Rugato Locality)
Allowance, Construction Allowance and Project Allowance will be
drawn separately.

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The Central Govt. Civilian employees who are members of
various Tribals and are otherwise also eligible for the grant of
special allowances under this para and are exempted from
payment of Income-Tax under the Income-Tax Act will also draw
special (Duty) Allowance.

101

(iv) Special Expenditure Allowance:-

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

(v) Traveling Allowance on First Appointment:-

The present concession as contained in this Ministry's
O.M. dated 14.12.83 will continue with the liberalisation that on
first appointment T.A. should be admissible for the total distance
instead of for the distance in excess of first 400 Kms. only.

(vi) Traveling Allowance for Journey on Transfer:-

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

(vii) Allowance for Transportation of Personal Effect

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

(viii) Joining Time withLeave:-

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

(ix) Leave and Travel Concession:-

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

Officers drawing pay of Rs 500/- or above, and their
dependents (spouse and the dependent children (Upto 18 years for
boys and 16 years for girls)) will be allowed air travel between
Mysore/Gulbarga/Hartalik/Aizawl/Mizoram and Calcutta and vice-
versa; between Port Blair and Calcutta/Indrapuram and vice-versa in
case of postings in I & II Islands; and between Kavaratti and
Cochin and vice-versa in case of posting in Lakshadweep.

(x) Childern Education Allowance/Hotel Allowance

If the children do not accompany the Government servant
to the North-Eastern Region, Children Education Allowance upto
class XII will be admissible in respect of children studying at
the last station of posting of the employee concerned or any
other station where the officer resides. If children studying
in schools etc. but in hospitals at the last station of posting
or any other station, the Government servant concerned will be
given hospital subsidy without other restrictions.

31/-

The rates of Children Education Allowance/Household subsidy will be as in the P.O.P.R. O.M. 10011/1/07-Eott. (H10041-008). dt. 31.12.07. as amended from time to time.

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

The present concession as contained in this Ministry's O.M. No. 11016/1/M, II (II)/06 dt. 29.3.04 as amended from time to time will continue to be applicable.

(x1) ~~Using one facilitator~~

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

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

Plaintiff agrees with take off date from time date of hearing.

4. In so far as the government regarding the Indian Audit & Accounts Deptt, etc concerned shall do so take after consultation with the Comptroller & Auditor General of India.

5. Handwritten copy of this Memorandum is attached.

A. Jayaraman
(A. JAYARAMAN)
JOINT SECRETARY TO THE GOVT. OF INDIA.

T₀

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

Copy (with serial number of serial option) forwarded to
C.G.A.O., U.P.G.G., etc., etc., for per standard endorsement
list.

ANNEXURE-~~E~~ (95)

← 20 — 21 —

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3214 (1993)

102
ANNEXURE : R₄

ANNEXURE : R₄

Union of India and others

... Appellants

VERSUS

S. V. Joyakumar and others

... Respondents

With Civil Appeal Nos. 6163-81 of 1991 (arising out of
SLP (C) Nos. 16794/91, 18070-79/93, 16791-93/93,
10461/93, 9210/93).

JUDGEMENT

HANSARIA

The point for determination in this appeal
and in the special leave petitions (which have our傍文)

In whether the respondents are entitled to special duty allowance (hereinafter referred to as "the allowance"), even though they are residents of North-Eastern Region merely because of the posts to which they were appointed were of "All India Transfer Liability". The Tribunal has answered the question in affirmatively. These appeals have been preferred by the Union of India.

2. The Tribunal took the aforesaid view because the Office Memorandum dated 14.12.1906 which is on the subject of "Allowances and facilities for civilian employees of the Central Government serving in the States and Union Territories of the North-Eastern Region"improvident thereof" had stated that, "allowance shall be payable if the posts be those which have "All India Transfer Liability". The stand of the Union of India, however, is that this office memorandum, if it is read along with what was stated subsequently in office memorandum dated 20.4.1907, it would become clear that the allowance was required to be paid to those incumbents who had been posted in North-Eastern Region carrying the aforesaid service condition and not to those who were residents of this region. The office memorandum of 1907 has clearly stated that the allowance

because of inaccessibility and difficult terrain
have said so because even the 1983 memorandum stated
saying that "there is no difficulty in getting the services of the competent
officers for service in the North-Eastern Region".
Mention about retention has been made because it was
found that incumbents going to that Region on deputation
used to come back after joining thereby taking leave
and, therefore, the memorandum stated that this period
of leave would be excluded while counting the period of
tenure of posting which was required to be of 2/3 years
to claim the allowance depending upon the period of
service of the incumbent. The 1983 memorandum makes this
position clear by stating that "Central Government
employees who have All India Transfer Liability
would be granted the allowance "on posting to a
station to the North Eastern Region". This aspect is
made clear beyond doubt by the 1987 memorandum which
stated that allowance would not become payable merely
because of the clause in the appointment order relating
to All India Transfer Liability. Merely because in the
Office memoranda of 1983 the subject was mentioned
quoted above is not enough to conclude that
submission of Dr. Ghosh.

would not be become payable merely because of the clause in the appointment order to the effect that the person concerned is liable to be transferred anywhere in India.

3. ⁹⁴ "Dr. Ghosh appearing for the ~~Opposition~~ contends that the office memorandum of 1983 having not stated what is contained in the memorandum of 1987, a rider cannot be added to the former that the allowance could be payable only to those who had been given posting in the North-Eastern Region, and not to those who were residents of this Region. It is also contended that denial of the allowance to the residents, while permitting the same to the non-residents, would be violative of the doctrine of equal pay for equal work and an such of Articles 14 and 16 of the Constitution."

4. We have duly considered the rival submissions and are inclined to agree with the contention advanced by the learned Additional Solicitor General, Shri Tulsidas for two reasons. The first is that a close perusal of the two aforesaid memoranda, alongwith what was stated in the memorandum dated 28.6.1983 which has been quoted in the memorandum of 20.4.1987, clearly shows that allowance in question was meant to attract persons outside the North-Eastern Region to work in that Region.

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The submission of Dr. Ghosh that the denial of the allowance to the residents would violate the equal pay doctrine is adequately met by what was held in Reserve Bank of India vs. Reserve Bank of India Staff Officers Association and others, 1981 (1980) 3 SCC 122 to which an abatement has been invited by the learned Additional Solicitor General, in which grant of special compensatory allowance or remote locality allowance only to the officers transferred from outside to Gauhati Unit, of the Reserve Bank of India, while denying the same to the local officers posted at the Gauhati Unit, was not regarded as violative of Article 14 of the Constitution.

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

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P-12

...fixed to be true copy

Assistant Registrar (Judicial)

Assistant Registrar (Judicial)

11/3/9

..... 199

Supreme Court of Indi.

Supreme Court of Indi.

IN THE SUPREME COURT OF INDIA

Supreme Court of Indi.

CIVIL APPELLATE JURISDICTION

579905

ANNEXURE : 5

CIVIL APPEAL NO. OF 1995
(Arising out of S.L.P. (C) NO. 16717 of 1994)

Union of India & Ors.

.....Appellants

Vis.

Executive Officers Association
Group-C

••••• Respondents •••••

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Faizan Nuddin. 3.

1. Delay condoned.
2. Leave granted. The counsel for parties are heard.
3. This appeal has been directed by the appellants against the judgment dated May 28, 1993 passed by the Central Administrative Tribunal, Guwanati Bench (hereinafter referred to as Tribunal) in O.A. No.

172 of 1972. By the said judgment the Tribunal held that the respondents are entitled to Special Duty Allowance in terms of Office Memorandum dated December 14, 1983 with effect from the date specifically indicated in the said Office Memorandum and directed the appellants herein to pay and clear the Special Duty Allowance to the respondents herein within 90 days from the date of receipt of copy of the judgment in respect of the arrears due and to release the current Special Duty Allowance with effect from the month of June, 1993.

4. The respondent No. 1 is an Association of Group (C) Inspectors of Customs and Central Excise under the Collectorate of Customs and Central Excise, Shillong and respondent Nos. 2 and 3 are its President and General Secretary respectively. The respondents approached the Tribunal claiming Special Duty Allowance on the strength of Office Memorandum No. 20014/2/83-E.IV dated December 14, 1983 and the Office Memorandum No. 20014/16/86.IV/E.11(B) dated December 1, 1986 issued by the Ministry of Finance, Government of India. The respondent-Association claimed that its members have all India transfer liability under the Central Excise and Land Customs Department Group (C) Posts Recruitment Rules, 1979 which were applicable to its members and in pursuance of which three of its members had been

transferred and one Smt. Lisa L. Rynjan of Shillong has been posted at Goa under the said recruitment Rules and, therefore, they are eligible and entitled to claim Special Duty Allowance. The appellants herein opposed and contested the aforesaid claim of the respondents before the Tribunal. The appellants took the defence by stating that the Office Memorandum No. 20014/3/83.E/IV dated April 20, 1987 had clarified that the Special Duty Allowance is payable only to those officers, incumbents of Group (C) of posts who are having all India transfer liability defined in the said Office Memorandum keeping in view the original Office Memorandum dated March 14, 1983 and that the conditions stipulated in the Recruitment Rules, 1979 referred to above cannot be taken as basis for saddling the respondents or its members with all India transfer liability and consequent payment of Special Duty Allowance to them. The appellants also took the plea that all India transfer liability of the members of any service/cadre or incumbent of any posts/Group of posts is to be determined by applying the tests of recruitment to the service/cadre/post made on all India basis and that mere clauses in the Recruitment Rules/Appointment Order stipulating all India transfer liability does not make him/them eligible for grant of Special Duty Allowance in terms of Office Memorandum dated December 14, 1983.

5. After considering the rival contentions, the Tribunal observed that the contents of Office Memorandum dated April 12, 1984 as well as the letter No. 7/47/48.EA dated September 28, 1984 have been fully discussed by the Full Bench, Calcutta and held that the real test/criteria for determination is whether all India transfer liability exists and opined that without recalling the Office Memorandum issued in 1982 the concerned departments had no reason to deny the benefit of memorandum available to certain classes of employees and to withdraw its application to certain other classes. Relying on the said Bench decision of the Central Administrative Tribunal, Calcutta, the Tribunal allowed the application of the respondents by the impugned judgment and granted the relief as stated above against which this appeal has been preferred.

6. Learned counsel for the appellants submitted that the Tribunal has failed to appreciate the true meaning, intention and spirit behind the term 'all India transfer liability' which occurred in the Finance Ministry Office Memorandum referred to above and has thus seriously erred in holding that the members of the respondent-Association are entitled to the Special Duty Allowance. He further submitted that the package of incentives contained in the Ministry's Office Memorandum

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P-16

dated December 14, 1983 (as amended) is based on the recommendations of the committee to review the facilities and allowance admissible to Central Government Employees in the North-Eastern Region and it was with a view to attract and retain competent officers service in the States and Union Territories in the North-Eastern Region that the Government of India on the recommendations of the committee made the provision for Special Duty Allowance to be paid to such officers who come on posting and deputation to North-Eastern Region from other Regions. It was, therefore, submitted that since the members of the respondent-Association belonged to the North-Eastern Region itself who were recruited and posted in the same Region, they were not entitled for Special Duty Allowance.

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

"The need for attracting and retaining the services of competent officers for service in the North-Eastern Region comprising the States of Assam, Meghalaya, Manipur, Nagaland and Tripura and the Union Territories of Arunachal Pradesh and Mizoram have been engaging the attention of the Government for some time. The Government had appointed a Committee under the Chairmanship of Secretary Department of Personnel & Administrative Reforms, to review the existing allowances, and

facilities admissible to the various categories of Civilian Central Government employees serving in this region and to suggest suitable improvements. The recommendations of the Committee have been carefully considered by the Government and the President is now pleased to decide as follows."

.....

8. A careful perusal of the opening part of the Office Memorandum reproduced above would show that the Government had appointed a Committee under the Chairmanship of the Secretary Department of Personnel and Administrative Reforms to review the existing allowances and facilities admissible to the various categories of Civilian Central Government Employees serving in the North-Eastern Region so that competent officers may be attracted and retained in the North-Eastern Region States. The use of words 'attracting and retaining in service' are very much significant which only suggest that it means the competent officers belonging to the Region other than the North-Eastern Region. The question of attracting and retaining the services of competent officers who belong to North-Eastern Region itself would not arise. The intention of the Government and spirit behind the Office Memorandum is to provide an incentive and attraction to the competent officers belonging to the Region other than

the North-Eastern region to come and serve in the North-Eastern Region. It can hardly be disputed that the geographical, climatic, living and food conditions of people living in North-Eastern Region and the States comprising therein are different from other Regions of the country. The North-Eastern Region is considered to be 'hard zone' for various reasons and it appears that it is for these reasons that the Government provided certain extra allowance, benefits and other facilities to attract competent officers in the North-Eastern Region at least for two to three years of tenure posting. The Ministry's Office Memorandum in question came up for consideration before this Court in Chief General Manager (Telecom) vs. S. Rajender S.H. Bhattacharjee & Ors. [J.T. 1995 (1) SC 420] which was decided by us by judgment dated January 18, 1995 in which this Court took the view that the said Office Memoranda are meant for attracting and retaining the services of competent officers in the North-Eastern Region from other parts of the country and not the persons belonging to that region, where they were appointed and posted. This was also the view expressed by this Court in yet another case reported in J.T. 1994 (6) 143 - Union of India Vs. S. Vijaya Kumar & Ors. In Vijaya Kumar (Suor) the point for consideration was exactly identical, with regard to the entitlement to Special Duty Allowance to those employees/officers who

are residents of North-Eastern Region itself. After considering the memorandum dated December 14, 1983 and other related Office Memorandums indicated above, it was held that the purpose of the allowance was to attract persons from outside the North-Eastern Region to work in the North-Eastern Region because of inaccessibility and difficult terrain. In the facts and circumstances stated above the view taken by the Tribunal cannot be upheld and deserves to be set aside.

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

Sd/-
.....J.
(S.C. Agrawal)

Sd/-
.....J.
(Faizan Uddin)

New Delhi.

February 23, 1995.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.8208-8213

(Arising out of SLP Nos.12450 - 55/92)

ANNEXURE : R 6

Union of India & Others

- Appellants

- versus -

Geological Survey of India
Employees' Association & Others.

- Respondants

ORDER

Delay condoned

Leave granted

Mr. P. K. Goswami, Learned Senior Counsel appears for Geological Survey of India Employees' Association and Mr. S. K. Nandy, Advocate, appears for the other respondents in all the matters.

Heard learned counsels for the parties. It appears to us that although the employees of the Geological Survey of India were initially appointed with an All India Transferability, subsequently Government of India framed a policy that Class C and D employees should not be transferred outside the Region in which they are employed. Hence, All India Transfer liability no longer continues in respect of Group C and D employees. In that view of the matter, the Special Duty Allowance payable to the Central Government employees having All India Transfer liability is not to be paid to such Group C and Group D employees of Geological Survey of India who are residents of the region in which they are posted. We may also indicate that such question has been considered by this Court in Union of India & others Vs. S Vijay Kumar & others (1994) (3) SCC 649.

Accordingly, the impugned order is set aside. We however direct that the appellant will not be entitled to recover any part of payment of Special Duty Allowance already made to the concerned employees. Appeals are accordingly disposed of.

New Delhi

September 7, 1995.

Sd/- G.N.Ray,

Sd/- S.B.Majumdar

No. 11(3)/95-E.11(B)
Government of India

Government of India
Ministry of Finance
Department of Exchequer

Department of Finance
Department of Expenditure

New Delhi, the 12th Jan. 1996

OFFICE MEMORANDUM

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

The undersigned is directed to refer to this Department's 'OM No.' 20014/3/83-E.IV dated 14.12.83 and 20.4.1987 read with OM No. 20014/16/86 E.IV/E.III(B) dt. 1.12.88 on the subject mentioned above.

The Government of India vide the above-mentioned 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".

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 be transferred anywhere in India, did not make him eligible for the grant of SDA.

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

5. In some cases, the directions of the Central Administrative Tribunal were implemented. Meanwhile, a few Special Leave Petitions were filed in the Hon'ble Supreme Court by some Ministries/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) 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 SDA, on being posted to any station in the NE Region from outside the region and SDA would not be payable merely because of the clause in the appointment order relating to All India Transfer Liability. The apex Court further added that the grant of this allowance only to the officers transferred from outside the region to this region would not be violative of the provisions contained in Article 14 of the Constitution as well as the equal pay doctrine. The Hon'ble Court also directed that whatever amount has already been paid to the respondents or for that matter to other similarly situated employees would not be recovered from them in so far as this allowance is concerned.

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

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

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

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

10.. Hindi version of this OM is enclosed.

(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.

5155 (2) 7/2
All communications should be
sent to the Registrar,
Supreme Court, by designation,
NOT by name.
Telegraphic address:-
"SUPREMECO"

5155 (2) 7/2
a/c/15/10/16
11. No. 3366/96/X
Appendix (R-7) 6
9R

SUPREME COURT

INDIA

Dated New Delhi, the 28th November, 1996
19

FROM: ASSISTANT REGISTRAR (JUDL)

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28 - 37 -

ANNEXURE 1

ANNEXURE R 8

TO : 1. The Union of India,
represented by the Cabinet Secretary,
Government of India, North Block,
NEW DELHI.
2. The Director, SSB,
Office of the Director, SSB,
East Block- V, R.K.Puram,
New Delhi - 110 065
3. The Divisional Organiser,
SSB Shillong Division,
A.P. Secretariat building,
Shillong, Meghalaya.
4. Commandant, Group Centre, SSB,
Tripura, Salbagan, Kartala,
Tripura West.

WIDAL PETITION NO. 724 OF 1996
(Under Article 32 of the Constitution of India)

WITH

11th BENCH APPLICATION NO. 1
(Application for ex-parte Stay)

Sudan Kumar Goswami & Ors.

.. PETITIONERS

10/ Union of India & Ors.

.. RESPONDENTS

Sir,

I am directed to forward herewith for your information
and necessary action a certified copy of the Signed Order dated
the 25th October, 1996, of this Court passed in the Writ
Petition and application for stay.

11/12 11/10/96 Please acknowledge receipt.

Yours faithfully,

ASSISTANT REGISTRAR (JUDL)

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Wanted to be true
Nizam
Assist. Registrar
..... 9-5-1996
Supreme Court of India
RECORDED-1278/95

133724

III THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

Writ PETITION NO. 794 OF 1996

(Under Article 32 of the Constitution of India)

Sub-Inspector Sadiq Kumar Goswami &
Ors.

...Petitioners

...Respondents

THE 25TH DAY OF OCTOBER, 1996

Hon'ble Mr. Justice K. Ramaswamy
Hon'ble Mr. Justice S. P. Kurdukar

Sankar Ghosh, Sr. Adv. and Amalan Ghosh, Adv. with him for
the Petitioners.

O_R_D_E_R

the following Order of the Court was delivered:

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IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WIT PETITION NO. 784 OF 1996

Sub-Inspector Sadiq Kumar Goswami &
Ors.

... Petitioners

VERSUS

The Union of India & Ors.

... Respondents

ORDER

This writ petition under Article 32 is one of the series of cases we have come across to reopen the judgments/orders of this Court rendered under Article 136 of the Constitution of India after their becoming final.

The aforesaid facts are that the petitioners who joined service under the Special Security Bureau (SSB) in North Eastern Region of India, claimed special duty allowances as per order of the Central Government. The question was considered by this Court in Union of India vs. S. Vilay Kumar [CA No. 3251 of 93] decided on September 20, 1994; wherein this Court had held thus:

"We have duly considered the rival submissions and are inclined to agree with the contention advanced by the

learned Additional Solicitor General, Shri Tulsji for two reasons. The first is that a close perusal of the two aforesaid memoranda, along with what was stated in the memorandum dated 28.10.1966, which has been quoted in the memorandum of 20.4.1967, clearly shows that allowance in question was meant to attract persons outside the English Eastern Region to work in that Region because of inaccessibility and difficult terrain. We have said so because even the 1963 memorandum starts by saying that the need for the allowance was felt for "attracting and retaining" the service of the competent officers for service in the North-Eastern Region. Mention about retention has been made because it was found that incumbents going to that Region on deputation used to come back after joining thereby taking leave and therefore the memorandum stated that this period of leave would be excluded while counting the period of tenure of posting which was required to be of 2½ years to claim the allowance depending upon the period of service of the incumbent. The 1966 memorandum makes this position clear by stating that Central Government civilian employees who have All India Transfer Liability would be granted the allowance "on posting to any station to the North-Eastern Region". This aspect is made clear beyond doubt by the 1967 memorandum which stated that allowance would not become payable merely because of the clause in the appointment order relating to All India Transfer Liability, merely because in the office memorandum of 28.10.63 the subject was mentioned as quoted above is not enough to concede to the submission of Mr. Ghosh.

The submission of Dr. Ghosh that the denial of the allowance to the residents would violate the equal pay doctrine is adequately set by what was held in

Reserve Bank of India vs. Reserve Bank of India Staff Officers Association & Ors. [(1991) 4 SCC 132] to which an attention has been invited by the learned Additional Solicitor General, in which grant of special compensatory allowance or remote locality allowance only to the officers transferred from outside to Gauhati Unit of the Reserve Bank of India, while denying the same to the local officers posted at the Gauhati Unit, was not regarded as violative of Article 14 of the Constitution.

In view of the above, this Court allowed the appeals of the State and held that the respondents were not entitled to the allowances but whatever amount was paid upto the date of the judgment was directed not to be recovered from them. The petitioners are relying upon the Office Memorandum dated July 11, 1996 which provided that "it is not applicable from one station to another station within the region of Group A and B staff will further continue to get the facilities". They have filed this writ petition contending that while the Group C and D employees have been denied the benefit of the above judgment, special duty allowance benefit is being granted to Group A and B; it tantamounts to violation of Article 14 and, therefore, the writ petition should be allowed so as to give them the same benefit. Admittedly, the petitioners are Group C and D employees and are bound

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by the above declaration of law made by this Court. Merely because they were not parties to the judgment, they cannot file writ petition under Article 32. The contention that they are entitled to get the benefit along with Group A and B officers under the above Memorandum dated July 11, 1996, is ~~incorrect~~ ^{not correct}. Apart from the fact that Group A and B employees are entitled to special duty allowance contrary to the law declared by this Court in the above judgment, they too are bound by it; whether or not they are entitled to the above benefit due to this Court's judgment, the petitioners are not entitled to the benefits of the allowances as claimed by them. The judgment of this Court would indicate that it did not make any distinction between Group C and D and Group A and B Officers. All are governed by the law under Article 141. The petitioners are not entitled to the payment of the special duty allowance irrespective of whether or not they were parties to the judgment rendered in Vijay Kumar's case (supra); they cannot be permitted to raise new grounds, though not raised or argued in earlier case, to canvass the correctness of the judgment by filing the writ petition under Article 32.

Of late, we have been coming across this type

of writ petitions filed by several parties. We are constrained to take the view that the learned counsel who are advising them to move this court under Article 32 should certify to the court that though they advised the petitioners that the judgment of this Court binds them and cannot canvass its correctness and still, in spite of such advice, the party insisted upon filing the writ petition. It would then be for this Court to consider and deal with the case appropriately. Hereinafter, it would be necessary that the Advocate-on-Record should file, as part of the paper book of the writ petition filed under Article 32, a statement and certificate that the party concerned has advised that the matter is covered by the judgment of this Court and yet the writ petitioner insisted to file the same. Should such certification form part of the record of the petition, then only the Court would deal with the writ petition. In view of the fact that Class C and D employees are not entitled to special duty allowance as per the law already declared by this Court, the petitioners are not entitled to the benefit.

It is next contended that the Government is recovering as per Memorandum dated January 17, 1990 the amounts paid which is contrary to the direction issued

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by this Court in the above judgment. The petitioners are not right in their contentions. It is seen that the Government have limited the payments already made after the date of the judgment of this Court; payments made prior to that date are not being recovered.

Under those circumstances, we do not think that there will be any justification to direct the respondents not to recover the amount from the petitioner after the date of the judgment of this Court.

The writ petition is accordingly dismissed.

(K.R.RASHAY) J.

(S.P.KURUKAR) J.

NEW DELHI;
OCTOBER 25, 1976.

SEALED IN MY PRESENCE
11/11/1976

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21st - 36

D.D.C. (admin.)
Aviation Training Centre,
Aviation Training Centre,

“Goom Dooms”

MEMORANDUM

~~AMERICAN~~

ANNEXURE : R.

Subject : Special Duty Allowance for civilian employees of the Central Government serving in the States & Union Territories of North Eastern Region - Regarding. ANN

A copy of Cabinet Secretariat U.O. No.20/12/99-EA.I-1798, dated 02.5.2000 on the above subject is sent herewith for information and necessary action.

Encl : as above.

(V DORN SWAMY)
ASSTT DIRECTOR(NGO)

T₀

(1) A.D. (A)/AD (B)/AD (C)/AD (D) of ARC Hqrs.
(2) The A.O., ARC Hqrs.
(3) - The A.D. (A), ARC, Charbatia/~~Doom~~ Dooma/Sarsawa.
(4) File copy.

No. ESTT/DDM/SDA/98-II- 6.1.1
ARC, Dang Deema

Dated the 01/01/2011

1. Copy forwarded to the Accounts Officer, ARC, Doem Dacma for information and necessary action.
2. All Unit Heads.

(R.N. CHAKRABORTY)
SECTION OFFICER

1384
05/6/2000
Cabinet Secretariat
(EA.I Section)

36-46-
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Subject: Special Duty Allowance for civilian employees 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. 42/SSB/A1/99(18)-2369 dated 31.3.2000 on the subject mentioned above.

2. The points of doubt raised by SSB in their UO No. 42/SSB/A1/99(18)5282 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:

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 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.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.

(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.

ii) 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.20014/2/83-E.IV dated 14.12.83 and

NO

NO

20.4.87 read with OM 20014/16/86 E.II(B) dated 1.12.86, but subsequently the post/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.

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 Expir. vide their UO No.11(3)/95-E.II(B) 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 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 (c) in the case of SSP/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.

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

vi) Based on point (iv) above, some of the units of SSB/DCS 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.

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.

vii) 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.

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.

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(1)/99 dated 30.3.2000.

(P.N. Thakur)
Director(SR)

✓ 1. Shri R.C. Bedi, Director, ARC.
2. Shri R.P. Kureel, Director, SSB.
3. Brig. (Retd) G.S. Uban, IG, SF.
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. Smt. J.M. Menon, Director-Finance(S), Cab. Sectt.
8. Col. K.L. Jaspal, CIOA, CIA.
Cab. Sectt. UO No. 20/12/99-EA.I-
date 102-5-2000
1798
- 2 MAY 2000

DDL(B)

AD. (N.R.)

Secy)

Dr. (R.S.)

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05/5/2000

ANEXURE - 8

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Corresponding to the true copy
Assistant Registrar (JULY 1.)
..... 20 - 11 - 2001
Supreme Court of India

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 7000 OF 2001
(Arising out of S.L.P. (C) NO. 6465 of 1999)

ANEXURE - R

544783

ANNEXURE - R
10

Union of India & Anr. Appellants
versus
National Union of Telecom Engineering
Employees Union & Ors. Respondents

ORDER

Leave granted.

It is stated on behalf of the respondents that this appeal of the Union of India is covered by the judgment of this Court in the case of Union of India & Ors. Vs. S. V. Jayakumar & Ors. reported as 1994 (Supp. 3) SCC 649 and followed in the case of Union of India & Ors. Vs. Executive Officers' Association Group 'C' 1995 (Supp. 1) SCC 757. Therefore, this appeal is to be allowed in favour of the Union of India. It is ordered accordingly.

It is, however, made clear that when this appeal came up for admission on 13.1.2000, the learned Solicitor General had given an undertaking that whatever amount has been paid to the respondents by way of special duty allowance will not, in any case or event, be recovered from them. It is on this assurance that delay was condoned. It is made clear

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that the Union of India shall not be entitled to recover any amount paid as special duty allowance inspite of the fact that this appeal has been allowed.

(H. SANTOSH HEGDE)

(T. G. BALAKRISHNAN)

New Delhi,
October 06, 2001.

- 43 -

- 52 -

New Delhi, dated the 29th May, 2002.OFFICE MEMORANDUM

Subject: Special Duty Allowance for civilian employees of the Central Government Serving in the State and Union Territories of North Eastern Region including Sikkim.

The undersigned is directed to refer to this Department's OM No 20014/3/8.I-E.IV dated 14.12.83 and 20.4.1987 read with OM No 20014/16/86-E.IV/E.II.(B) dated 1.12.88, and OM No.11(3)Y95-E.II.(B) dt. 12.1.1996 on the subject mentioned above.

2. Certain incentives were granted to Central Government employees posted in NE region vide OM dt. 14.12.83. Special Duty Allowance (SDA) is one of the incentives granted to the Central Government employees having 'All India Transfer Liability'. The necessary clarification for determining the All India Transfer Liability was issued vide OM dt. 20.4.87, laying down that the All India Transfer Liability of the members of any service/cadre or incumbents of any post/group of posts has to be determined by applying the tests of recruitment zone, promotion zone etc., i.e., whether recruitment to service/cadre/post has been made on All India basis and whether promotion is also done on the basis of an all India common seniority list for the service/cadre/post as a whole. A mere clause in the appointment letter to the effect that the person concerned is liable to be transferred anywhere in India, did not make him eligible for the grant of Special Duty Allowance.

3. Some employees working in NE region who were not eligible for grant of Special Duty Allowance in accordance with the orders issued from time to time agitated the issue of payment of Special Duty Allowance to them before CAT, Guwahati Bench and in certain cases CAT upheld the prayer of employees. The Central Government filed appeals against CAT orders which have been decided by Supreme Court of India in favour of UOI. The Hon'ble Supreme Court in judgement delivered on 20.9.94 (in Civil Appeal No. 3251 of 1993 in the case of UOI and Ors V/s Sh. S. Vijaya Kumar and Ors) have upheld the submissions of the Government of India that C.G. civilian Employees who have All India Transfer Liability are entitled to the grant of Special Duty Allowance on being posted to any station in the North Eastern Region from outside the region and Special Duty Allowance would not be payable merely because of a clause in the appointment order relating to All India Transfer Liability.

4. In a recent appeal filed by Telecom Department (Civil Appeal No 7000 of 2001 - arising out of SLP No.5455 of 1999), Supreme Court of India has ordered on 5.10.2001 that this appeal is covered by the judgement of this Court in the case of UOI & Ors. vs. S. Vijayakumar & Ors. reported as 1994 (Supp.3) SCC, 649 and followed in the case of UOI & Ors vs. Executive Officers' Association 'Group C' 1995

A.R

O/PMS/12

b/b

(Supp.) SCC, 757. Therefore, this appeal is to be allowed in favour of the U.O.I. The Hon'ble Supreme Court further ordered that whatever amount has been paid to the employees by way of SDA will not, in any event, be recovered from them inspite of the fact that the appeal has been allowed.

5. In view of the aforesaid judgements, the criteria for payment of Special Duty Allowance, as upheld by the Supreme court, is reiterated as under:-

"The Special Duty Allowance shall be admissible to Central Government employees having All India Transfer Liability on posting to North Eastern region (including Sikkim) from outside the region."

All cases for grant of Special Duty Allowance including those of All India Service Officers may be regulated strictly in accordance with the above mentioned criteria.

6. All the Ministries/Departments etc. are requested to keep the above instructions in view for strict compliance. Further, as per direction of Hon'ble Supreme Court, it has also been decided that -

(i) The amount already paid on account of Special Duty Allowance to the ineligible persons not qualifying the criteria mentioned in 5 above on or before 5.10.2001, which is the date of judgement of the Supreme Court, will be waived. However, recoveries, if any, already made need not be refunded.

(ii) The amount paid on account of Special Duty Allowance to ineligible persons after 5.10.2001 will be recovered.

7. These orders will be applicable mutatis mutandis for regulating the claims of Andaman and Nicobar Islands Special (Duty) Allowance which is payable on the analogy of Special (Duty) Allowance to Central Government Civilian employees serving in the Andaman & Nicobar and Lakshadweep Groups of Islands.

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

NA/CA

(N.P. Singh)
Under Secretary to the Government of India.

For distribution to All Ministries/Departments of the Government of India, etc.

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

124

ANNEXURE 12 (series)

54
STATEMENT OF OFFICERS AND STAFF OF RMC GUWAHATI SHOWING THEIR TRANSFER AND POSTING IN THE NE REGION (DEFINED AREA) SINCE THEIR INITIAL APPOINTMENT

(O.A No 342/02 Dated 10-10-2002) filed by Shri A.K. Raha & party versus Union of India regarding stoppage of payment & recovery of SDA

SN	Name & Designation	Initial Appointment		If transferred from outside NER		If transferred from NER to outside & re-transferred		Whether resident of NER	Remarks	
		Date	Place	Date	Place		Re-transferred date	Re-transferred Place		
					From	To		From	To	
1	S/Sri D. Sinha, Director	2/3/70	Bhubaneswar, PA (UPSC)	9/11/73	Bhubaneswar	Guwahati	7/8/1989 11-10-82	Kolkata Ranchi	Guwahati Guwahati	Yes
2	H. Pathak, Met-I	20-2-74 20-7-93	Guwahati as SO New Delhi as Met-II	24-2-95	New Delhi	Guwahati	No	No	No	Yes
3	V. Sinha, Met-I	30-1-91	Agartala as Met Gr-II	No	No	No	30-8-97 23-8-01	Patna Patna	Agartala Guwahati	No
4	D.K. Handique, Met-I	5/9/73	Mohanbari	No	No	No	No	No	No	Yes
5	M.L. Sutradhar, Met-I	31-12-73	Guwahati	No	No	No	16-4-86	Jalpaiguri	Guwahati	Yes
6	C. Singh, Met-I	19-7-83	Chandigarh	19-1-01	Chandigarh	Guwahati	No	No	No	No

125

125

SN	Name & Designation	Initial Appointment		If transferred from outside NER			If transferred from NER to outside & re-transferred			Whether resident of NER	Remarks	
		Date	Place	Date	Place		Re-transferred date	Re-transferred Place				
					From	To		From	To	Yes/No		
7	D.D. Chakraborty, Met-I	30-8-65	Guwahati	No	No	No	11/5/1971 20-10-2000	Bhubaneswar -do-	Guwahati Guwahati	Yes		
8	G. Kumar, Met-II	22-6-99	Guwahati as Met-II	No	No	No	No	No	No	No		
9	A.D. Tathe, Met-II	22-6-99(AN)	Guwahati as Met-II	No	No	No	No	No	No	No		
10	S.O' Neil Shaw, Met Gr-II	19-9-97(AN)	Mohanbari as Met-II	No	No	No	No	No	No	No		
11	B.B. Das, AM-I	5/8/65	Rupsi	No	No	No	No	No	No	Yes		
12	H.N. Das, AM-I	2/8/72	Guwahati	No	No	No	13-2-96	Kolkata	Guwahati	Yes		
13	A.K. Stafford, AM-I	11/12/67	Guwahati	No	No	No	15-1-97 26-4-83	Kolkata Kolkata	Guwahati Guwahati	Yes		
14	M.C. Sarmah, AM-I	17-7-65	Mohanbari	No	No	No	No	No	No	Yes		
15	G.C. Bhattacharjee, AM-I	22-6-67	Mohanbari	No	No	No	28-12-76	New Delhi	Guwahati	Yes		
16	J.C. Rabha, AM-I	15-3-76	Pune	17-4-76	Pune	Jorhat	8/6/95	Gaya	Guwahati	Yes		
17	H. Malakar, AM-I	22-7-73	Guwahati	No	No	No	No	No	No	Yes		
18	A.T. Bhattacharjee, AM-I	24-7-72	Guwahati	No	No	No	No	No	No	Yes		

126

SN	Name & Designation	Initial Appointment		If transferred from outside NER			If transferred from NER to outside & re-transferred			Whether resident of NER	Remarks	
		Date	Place	Date	Place		Re-transferred date	Re-transferred Place				
					From	To		From	To	Yes/No		
19	G.K. Mech, AM-I	4/7/69	Mohanbari	No	No	No	No	No	No	Yes		
20	R.C. Kachari, AM-I	1/11/71	Guwahati	No	No	No	Sep-88	Jaipur	Shillong	Yes		
21	S. Kalita, AM-II	24-5-73	Guwahati	No	No	No	No	No	No	Yes		
22	G.N. Gogoi, AM-II	10/9/64	Mohanbari	No	No	No	25-1-74	Jhersugadha	Mohanbari	Yes		
23	A.K. Raha, AM-II	13-2-74	Guwahati	No	No	No	1/2/80	Carnicober	Guwahati	Yes		
24	P.K. Saikia, AM-II	17-5-76	Guwahati	No	No	No	23-4-85	New Delhi	Gerakamukh	Yes		
25	T.R. Rajbangshi, AM-II	24-4-76	Guwahati	No	No	No	6/4/86	New Delhi	Mohanbari	Yes		
26	I.K. Sinha, AM-II	11/2/75	Guwahati	No	No	No	4/5/91	Patna	Guwahati	Yes		
27	S.B. Baulari, AM-II	11/4/79	Guwahati	No	No	No	11/6/93	New Delhi	Guwahati	Yes		
28	P. Sonwal AM-II	9/4/79	Mohanbari	No	No	No	16-5-92	New Delhi	Mohanbari	Yes		
29	B.K. Das, AM-II	13-3-75	Guwahati	No	No	No	No	No	No	Yes		
30	D. Choudhury, AM-II	2/6/76	Guwahati	No	No	No	6/5/91	Jalpaiguri	Guwahati	Yes		
31	B. Hore, AM-II	26-5-75	Cherrapunjee	No	No	No	No	No	No	Yes		
32	U. Das, AM-II	8/8/77	Guwahati	No	No	No	2/5/88	Varanasi (BABATPUR)	Guwahati	Yes		

127

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127

SN	Name & Designation	Initial Appointment		If transferred from outside NER			If transferred from NER to outside & re-transferred			Whether resident of NER	Remarks	
		Date	Place	Date	Place		Re-transferred date	Re-transferred Place				
					From	To		From	To	Yes/No		
33	W. Rahman, AM-II	27-12-73	Mohanbari	No	No	No	No	No	No	Yes		
34	K.M.C. Singh, AM-II	12/3/75	Imphal	No	No	No	No	No	No	Yes		
35	K. Bhattacharjee, AM-II	3/3/75	Guwahati	No	No	No	13-1-97	Jalpaiguri	Guwahati	Yes		
36	P.C. Kalita, AM-II	11/7/74	Guwahati	No	No	No	7/5/97	Patna	Guwahati	Yes		
37	D.C. Tahbildar, AM-II	13-7-73	Guwahati	No	No	No	No	No	No	Yes		
38	R.K. Bailung, AM-II	19-5-75	Mohanbari	No	No	No	No	No	No	Yes		
39	P.C. Baishya, AM-II	28-4-75	Mohanbari	No	No	No	16-5-89	Chandigarh	Guwahati	Yes		
40	S. Pathak, AM-II	15-5-73	Guwahati	No	No	No	No	No	No	Yes		
41	M.K. Chakraborty, AM-II	21-4-73	N'Lakhimpur	No	No	No	No	No	No	Yes		
42	B.C. Barman, AM-II	14-5-73	Guwahati	No	No	No	No	No	No	Yes		
43	N. Islam, AM-II	15-10-68	Mohanbari	No	No	No	No	No	No	Yes		
44	P.N. Hansda, AM-II	11/7/90	Asansol	22-11-96	Bankura	Mohanbari	No	No	No	No		
45	T.R. Karki, AM-II	15/3/85	Guwahati	No	No	No	No	No	No	Yes		

SN	Name & Designation	Initial Appointment		If transferred from outside NER			If transferred from NER to outside & re-transferred			Whether resident of NER	Remarks	
		Date	Place	Date	Place		Re-transferred date	Re-transferred Place				
					From	To		From	To	Yes/No		
46	O.R. Singh, SA	8/3/91	Tezpur	No	No	No	No	No	No	Yes		
47	B.C. Das, SA	27-4-84	Pune	29-5-84	Pune	Jorhat	No	No	No	Yes		
48	R. Ghosh, SA	26-11-84	Guwahati	No	No	No	No	No	No	Yes		
49	A. Dasgupta, SA	6/1/82	Guwahati	No	No	No	4/5/93	Jalpaiguri	Agartala	Yes		
50	T. Banik, SA	5/3/84	Guwahati	No	No	No	No	No	No	Yes		
51	N. Das, SA	23-3-82	Guwahati	No	No	No	No	No	No	Yes		
52	A. Choudhury, SA	23-3-91	Guwahati	No	No	No	No	No	No	Yes		
53	M. Goswami, SA	20-11-91	Mohanbari	No	No	No	No	No	No	Yes		
54	D. Dey, SA	9/9/91	Mohanbari	No	No	No	No	No	No	Yes		
55	N.C. Bhuyan, SA	23-8-82	Guwahati	No	No	No	5/8/94	New Delhi	Mohanbari	Yes		
56	N.K. Debnath, SA	16-10-81	Tura	No	No	No	7/9/91	Chandigarh	Guwahati	Yes		
57	J.P. Sarma, SA	19-12-85	Along	No	No	No	No	No	No	Yes		
58	M. Ghosh, SA	7/12/81	Guwahati	No	No	No	No	No	No	Yes		

SN	Name & Designation	Initial Appointment		If transferred from outside NER			If transferred from NER to outside & re-transferred			Whether resident of NER	Remarks	
		Date	Place	Date	Place		Re-transferred date	Re-transferred Place				
					From	To		From	To	Yes/No		
59	K.C. Sarkar, SA	13-2-88	N'Lakhimpur	No	No	NO	NO	No	No	Yes		
60	D.C. Das, SA	11/9/91	Cherrapunjee	No	No	No	No	No	No	Yes		
61	A.H. Choudhury, SA	3/6/85	Guwahati	No	No	No	No	No	No	Yes		
62	C. Das. Choudhury, SA	31-12-81	Agartala	No	No	No	No	No	No	Yes		
63	S. Chakraborty, SA	31-8-87	Guwahati	No	No	No	5/8/96	New Delhi	Mohanbari	Yes		
64	Jagdish Pd. Sarma, SA	13-2-82	Cherrapunjee	No	No	No	No	No	No	Yes		
65	S.K. Bhattacharjee, SA	14-10-77	Guwahati	No	No	No	13-5-92 15-3-87	New Delhi Jalpaiguri	Mohanbari Guwahati	Yes		
66	S. Dutta, SA	30-8-91	Shillong	No	No	No	No	No	No	Yes		
67	S.S. Debroy, SA	28-4-84	Guwahati	No	No	No	No	No	No	Yes		
68	J.C. Sarma, SA	28-12-82	Guwahati	No	No	No	19-6-96	Ahmedabad	Guwahati	Yes		
69	L. Kalita, SA	12/6/75	Guwahati	No	No	No	3/12/87	Gangtok	Guwahati	Yes		
70	P. Ali, SA	1/8/77	Mohanbari	No	No	No	No	No	No	Yes		
71	C.K. Bhuyan, SA	29-5-85	Guwahati	No	No	No	No	No	No	Yes		

130

SN	Name & Designation	Initial Appointment		If transferred from outside NER			If transferred from NER to outside & re-transferred			Whether resident of NER	Remarks	
		Date	Place	Date	Place		Re-transferred date	Re-transferred Place				
					From	To		From	To	Yes/No		
72	R.N. Saha, SA	6/11/84	Guwahati	No	No	No	No	No	No	Yes		
73	D.K. Barthakur, SA	15-5-85	Guwahati	No	No	No	No	No	No	Yes		
74	R.K. Goswami, SA	17-3-82	Guwahati	No	No	No	9/9/91	Chandigarh	Guwahati	Yes		
75	R.C. Debnath, SA	9/8/90	Lekhapani	No	No	No	No	No	No	Yes		
76	T. Patowary, SA	25-11-85	Roing	No	No	No	No	No	No	Yes		
77	B. Barman, SA	31-1-78	Mohanbari	No	No	No	No	No	No	Yes		
78	M. Das, SA	27-11-84	Mohanbari	No	No	No	No	No	No	Yes		
79	P.K. Das, SA	3/9/90	Guwahati	No	No	No	No	No	No	Yes		
80	B.C. Roy, SA	4/12/81	Mohanbari	No	No	No	No	No	No	Yes		
81	S. Chanda, SA	15-11-81	Imphal	No	No	No	No	No	No	Yes		
82	K. Hazarika, SA	17-1-85	Mohanbari	No	No	No	No	No	No	Yes		
83	S.K. Roy Choudhury, SA	15-9-81	Agartala	No	No	No	15-6-01	New Delhi	Guwahati	Yes		
84	P.K. Mahanta, SA	15-11-84	Guwahati	No	No	No	No	No	No	Yes		
85	A.C. Sarma, SA	1/11/85	Shillong	No	No	No	No	No	No	Yes		

141

62

SN	Name & Designation	Initial Appointment		If transferred from outside NER			If transferred from NER to outside & re-transferred			Whether resident of NER	Remarks		
		Date	Place	Date	Place		Re-transferred date	Re-transferred Place					
					From	To		From	To				
86	N.B. Singh, SA	13-5-68	Imphal	No	No	No	No	No	No	Yes			
87	C.D. Barman, SA	16/9/74	Guwahati	No	No	No	No	No	No	Yes			
88	B.K. Barman, SO	24-1-91	Guwahati	No	No	No	No	No	No	Yes			
89	D. Talukdar, SO	23/2/98	Guwahati	No	No	No	No	No	No	Yes			
90	B.C. Nath, SO	1/12/95	Guwahati	No	No	No	No	No	No	Yes			
91	R. Saikia, SO	26/6/95	Tezpur	No	No	No	No	No	No	Yes			
92	B.K. Nath, SO	16-1-98	Tezpur	No	No	No	No	No	No	Yes			
93	D.C. Das, SO	20/4/98	Tezpur	No	No	No	No	No	No	Yes			
94	K.R. Ramchary, SO	31-10-94	Guwahati	No	No	No	No	No	No	Yes			
95	S.R. Paul, SO	8/1/91	Mohanbari	No	No	No	No	No	No	Yes			
96	T.K. Boarh, SO	24-9-97	Tura	No	No	No	No	No	No	Yes			
97	J. Ganguly, SO	1/8/90	Rupsi	No	No	No	17-10-95	Chatra	Silchar	Yes			
98	A.C. Sarma, SO	25-7-78	Guwahati	No	No	No	No	No	No	Yes			
99	N. Das, SO	4/9/91	Tezpur	No	No	No	No	No	No	Yes			
100	J.K. Sarma, SO	30/7/96	Guwahati	No	No	No	No	No	No	Yes			
101	S.K. Choudhury, SO	18/9/96	Guwahati	No	No	No	No	No	No	Yes			
102	R.K. Das, SO	7/4/98	Rupsi	No	No	No	No	No	No	Yes			

142

132

SN	Name & Designation	Initial Appointment		If transferred from outside NER			If transferred from NER to outside & re-transferred			Whether resident of NER	Remarks	
		Date	Place	Date	Place		Re-transferred date	Re-transferred Place				
					From	To		From	To	Yes/No		
103	P. Ghosh, SO	7/4/98	N'Lakhimpur	No	No	No	No	No	No	Yes		
104	B.C. Sarkar, SO	7/9/91	N'Lakhimpur	No	No	No	No	No	No	Yes		
105	D. Chetia, SO	19/1/95	Mohanbari	No	No	No	No	No	No	Yes		
106	S.K. Kathar, SO	18/3/96	Guwahati	No	No	No	No	No	No	Yes		
107	S. Das, SO	9/3/98	Guwahati	No	No	No	No	No	No	Yes		
108	A. Choudhury, SO	11/12/89	Guwahati	No	No	No	No	No	No	Yes		
109	B.K. Dutta, SO	5*11*90	Guwahati	No	No	NO	NO	No	No	Yes		
110	D.C. Sarkar, SO	7/4/98	Barapani	No	No	No	No	No	No	Yes		
111	S.K. Gogoi, SO	5/8/97	Passighat	No	No	No	No	No	No	Yes		
112	U. Borah, SO	23/2/95	Lekhapani	No	No	No	No	No	No	Yes		
113	A.C. Roy, SO	20/2/97	N'Lakhimpur	No	No	No	No	No	No	Yes		
114	Smt K. Komuni, SO	6/10/89	Imphal	No	No	No	No	No	No	Yes		
115	M. Sarma, SO	23/2/98	Guwahati	No	No	No	No	No	No	Yes		
116	P.H. Roy, SO	11/4/90	Guwahati	No	No	No	No	No	No	Yes		
117	C. Kalita, SO	4/11/94	Guwahati	No	No	No	No	No	No	Yes		
118	S.H. Singh, SO	5/9/87	Imphal	No	No	No	No	No	No	Yes		

149

(133)

b3

SN	Name & Designation	Initial Appointment		If transferred from outside NER			If transferred from NER to outside & re-transferred			Whether resident of NER	Remarks		
		Date	Place	Date	Place		Re-transferred date	Re-transferred Place					
					From	To		From	To				
119	Y.B. Singh, SO	31/10/91	Dimapur	No	No	No	No	No	No	Yes			
120	B. Chakraborty, SO	6/4/93	Guwahati	No	No	No	No	No	No	Yes			
121	P. B. Gohain, SO	5/8/95	N'lakhimpur	No	No	No	No	No	No	Yes			
122	K. Baidya, SO	10/9/92	Mohanbari	No	No	No	No	No	No	Yes			
123	C. Patowary, SO	23/2/98	Guwahati	No	No	No	No	No	No	Yes			
124	D. N. Das, SO	1/1/91	Guwahati	No	No	No	No	No	No	Yes			
125	A. Borah, SO	7/8/97	Dimapur	No	No	No	No	No	No	Yes			
126	B.L. Mandal, SO	30/9/93	Cherrapunjee	No	No	No	No	No	No	Yes			
127	G.K. Adhikari, SO	5/12/81	Mohanbari	No	No	No	18/4/89	Malda	Mohanbari	Yes			
128	B. Gogoi, SO	22/8/96	Mohanbari	No	No	No	No	No	No	Yes			
129	D. Gohain, SO	5/12/94	Mohanbari	No	No	No	No	No	No	Yes			
130	B.B. Sarma, SO	4/9/91	Imphal	No	No	No	No	No	No	Yes			
131	Smt R.B. Gayari, SO	23/8/96	Guwahati	No	No	No	No	No	No	Yes			
132	K.C. Brahma, SO	12/8/96	Guwahati	No	No	No	No	No	No	Yes			
133	S. Tiwari, SO	17/3/90	Mohanbari	No	No	No	No	No	No	Yes			

144

64

134

SN	Name & Designation	Initial Appointment		If transferred from outside NER			If transferred from NER to outside & re-transferred			Whether resident of NER	Remarks
		Date	Place	Date	Place	Re-transferred date	Re-transferred Place				
		Date	Place	From	To	From	To	Yes/No			
134	H.C.Gogoi, SO	18/9/96	Guwahati	No	No	No	No	No	No	Yes	
135	B.P. Mandal SO	17/1/91	Rupsi	No	No	No	No	No	No	Yes	
136	S. Saikia, SO	10/7/92	Passighat	No	No	No	No	No	No	Yes	
137	Smt. D. Haloi, SO	5/12/94	Guwahati	No	No	No	No	No	No	Yes	
138	B. Sen, SO	1/1/82	N'Lakhimpur	No	No	No	9/1/92	Kolkata	Guwahati	Yes	
139	P. Sarma, SO	17/2/97	Passighat	No	No	No	No	No	No	Yes	
140	S. Choudhury, SO	18/1/88	Agartala	No	No	No	No	No	No	Yes	
141	M.P. Luitel, SO	13/8/87	Guwahati	No	No	No	No	No	No	Yes	
142	B.K. Deka, SO	7/3/98	Silchar	No	No	No	No	No	No	Yes	
143	M.R. Das, SO	29/9/82	Guwahati	No	No	No	No	No	No	Yes	
144	A. Bhuyan, SO	30/7/96	Guwahati	No	No	No	No	No	No	Yes	
145	P. Das, SO	20/1/98	Imphal	No	No	No	No	No	No	Yes	
146	D.K. Sarkar, SO	6/5/97	Lucknow	28-4-92	Lucknow	Guwahati	6/3/02	Lucknow	Guwahati	Yes	
147	S. Deb, SO	12/10/92	Guwahati	No	No	No	7/10/02	New Delhi	Guwahati	Yes	
148	G. Hazarika, LA	15/7/75	Mohanbari	No	No	No	No	No	No	Yes	
149	R.C. Nath, LA	1/3/77	Guwahati	No	No	No	No	No	No	Yes	
150	M. Prasad, LA	15/12/83	New Delhi	17-5-99	New Delhi	Guwahati	No	No	No	No	

b

135

SN	Name & Designation	Initial Appointment		If transferred from outside NER			If transferred from NER to outside & re-transferred			Whether resident of NER	Remarks		
		Date	Place	Date	Place		Re-transferred date	Re-transferred Place					
					From	To		From	To				
151	I.S. Gogoi, LA	20/7/74	Mohanbari	No	No	No	No	No	No	Yes			
152	S. Choudhury, LA	1/9/81	Shillong	No	No	No	No	No	No				
153	A.R. Mali, LA	10/9/75	Guwahati	No	No	No	No	No	No	Yes			
154	A. Nongrum, LA	9/3/81	Shillong	No	No	No	No	No	No	Yes			
155	B.C. Konwar, LA	17/9/73	Passighat	No	No	No	No	No	No	Yes			
156	H.K. Das, UDC	27/7/72	Guwahati	No	No	No	12/2/1990 8-1-99	Kolkata	Guwahati				
157	S. Das, UDC	27-8-86	Guwahati	No	No	No	6/6/01	Kolkata	Guwahati	Yes			
158	A.R. Kalita, LDC	1/8/73	Guwahati	No	No	No	11/11/91	Kolkata	Guwahati	Yes			
159	M.C. Das, LDC	25/2/75	Silchar	No	No	No	No	No	No	Yes			
160	D.K. Das, LDC	29/7/93	Kolkata	9/6/97	Kolkata	Guwahati	No	No	No	Yes			
161	B. Choudhury, LDC	11/4/94	Kolkata	9/6/97	Kolkata	Guwahati	No	No	No	Yes			
162	J. Borah, LDC	29/12/97	Guwahati	No	No	No	No	No	No	Yes			
163	A.C. Rabha, Mech Gr-I	1/9/80	Guwahati	No	No	No	No	No	No	Yes			
164	B.K. Dutta, Mech Gr-I	25/5/66	Mohanbari	No	No	No	18-3-90	New Delhi	Shillong	Yes			
165	P. Dutta Mech Gr-II	28/4/88	Mohanbari	No	No	No	No	No	No	Yes			

120

SN	Name & Designation	Initial Appointment		If transferred from outside NER			If transferred from NER to outside & re-transferred			Whether resident of NER	Remarks		
		Date	Place	Date	Place		Re-transferred date	Re-transferred Place					
					From	To		From	To				
166	H.C. Barman, Mech Gr-II (Driver)	28/2/94	Guwahati	No	No	No	No	No	No	Yes			
167	S.N. Sarma, R/M	13/2/73	Guwahati	No	No	No	3/12/82	New Delhi	Guwahati	Yes			
168	B.R. Saikia, R/M	22/1/98	Guwahati	No	No	No	No	Nil	Nil	Yes			
169	B.K. Borah, R/M	16-1-98	Guwahati	No	No	No	No	No	No	Yes			
170	B. Teron, R/M	23/2/98	Guwahati	No	No	No	No	No	No	Yes			
171	K. Patgiri, R/M	2/3/98	Guwahati	No	No	No	No	No	No	Yes			
172	D. Saikia, MA	23/9/72	Mohanbari	No	No	No	No	No	No	Yes			
173	P.C. Saikia, MA	29/9/72	Mohanbari	No	No	No	No	No	No	Yes			
174	A.K. Paul, MA	14/2/81	Passighat	No	No	No	No	No	No	Yes			
175	D.C. Das, MA	22/3/73	Guwahati	No	No	No	No	No	No	Yes			
176	T.K. Das, MA	11/12/85	Guwahati	No	No	No	No	No	No	Yes			
177	D. Rajkhowa, MA	11/9/87	Gerakamukh	No	No	No	3/9/91	New Delhi	Mohanbari	Yes			
178	Md. Alauddin, MA	22/2/81	Imphal	No	No	No	No	No	No	Yes			
179	B.R. Deka, MA	26/10/73	Guwahati	No	No	No	No	No	No	Yes			
180	K.T. Thangkhul, MA	19/7/83	Imphal	No	No	No	17-7-89	Gangtok	Imphal	Yes			
181	K.C. Das, MA	22/5/87	Guwahati	No	No	No	No	No	No	Yes			

147

b/s

SN	Name & Designation	Initial Appointment		If transferred from outside NER		If transferred from NER to outside & re-transferred		Whether resident of NER	Remarks		
		Date	Place	Date	Place	Re-transferred date	Re-transferred Place				
				From	To						
182	S. Konwar, MA	29/8/73	Mohanbari	No	No	No	No	No	Yes		
183	P. Mahili, MA	13-10-97	Guwahati	No	No	No	No	No	Yes		
184	J.C. Das, MA	25-11-64	Guwahati	No	No	No	No	No	Yes		
185	K.N. Bora, MA	23-11-73	N'Lakhimpur	No	No	No	No	No	Yes		
186	S.K. Roy, MA	22-2-92	Guwahati	No	No	No	No	No	Yes		
187	S. Thankhiew, MA	7-3-92	Barapani	No	No	No	No	No	Yes		
188	R.K. Bhakat, MA	25-1-92	Rupsi	No	No	No	No	No	Yes		
189	Amil Ch. Das, MA	3/9/93	Mohanbari	No	No	No	No	No	Yes		
190	B. Baruah, MA	15-2-82	Guwahati	No	No	No	No	No	Yes		
191	S. Moral MA	22-9-79	Gerukamukh	No	No	No	4/11/91	Patna	Guwahati		
192	Aditya Kr. Das, MA	29-9-92	Tezpur	No	No	No	No	No	Yes		
193	B.C. Gogoi, MA	6/8/78	Tezpur	No	No	No	No	No	Yes		
194	Md. J. Ali, MA	3/10/97	Mohanbari	No	No	No	No	No	Yes		
195	Apurba Kr. Das, MA	20-10-73	Guwahati	No	No	No	No	No	Yes		
196	S. Bhuyan, MA	26-8-72	Guwahati	No	No	No	No	No	Yes		
197	Mukul Ch. Das, MA	26-4-83	Guwahati	No	No	No	No	No	Yes		
198	D. Gogoi, MA	15-9-97	Guwahati	No	No	No	No	No	Yes		

V38

SN	Name & Designation	Initial Appointment		If transferred from outside NER			If transferred from NER to outside & re-transferred			Whether resident of NER	Remarks	
		Date	Place	Date	Place		Re-transferred date	Re-transferred Place				
				From	To	From		From	To		Yes/No	
199	L.I. Singh, MA	15-12-76	Imphal	No	No	No	No	No	No	Yes		
200	Ajit Ch. Das, MA	16-4-75	Guwahati	No	No	No	No	No	No			
201	Arun Kr. Das, MA	3/12/93	Imphal	No	No	No	No	No	No	Yes		
202	A.K. Singh, MA	1/5/91	Imphal	No	No	No	No	No	No	Yes		
203	B.C. Konwar, MA	17-9-73	Mohanbari	No	No	No	No	No	No	Yes		
204	R. Bordoloi, MA	18-8-97	Dimapur	No	No	No	No	No	No			
205	M. Das, MA	26-8-72	Guwahati	No	No	No	No	No	No	Yes		
206	H.N. Das, MA	28-5-84	Guwahati	No	No	No	No	No	No			
207	S.F. Ali, MA	22-4-91	Rupsi	No	No	No	No	No	No	Yes		
208	M.P. Yadav, MA	26-2-97	Dimapur	No	No	No	No	No	No	Yes		
209	Khagen Ch. Das, MA	10/8/73	Guwahati	No	No	No	No	No	No	Yes		
210	R.K. Paul, MA	6/4/73	Silchar	No	No	No	No	No	No			
211	D. Baruah, Peon	31-7-98	Silchar	No	No	No	No	No	No	Yes		
212	T. Deka, Peon	6/7/98	Guwahati	No	No	No	No	No	No			
213	K. Baishya, MA	9/7/98	Tezpur	No	No	No	No	No	No	Yes		

149

6

13

150

80

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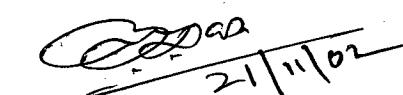
SN	Name & Designation	Initial Appointment		If transferred from outside NER		If transferred from NER to outside & re-transferred		Whether resident of NER	Remarks
		Date	Place	Date	Place	Re-transferred date	Re-transferred Place		
		Date	Place	From	To	From	To		
229	Smt K. Basfore, Sfwl	15-4-94	Guwahati	No	No	No	No	No	Yes
230	K. Harijan, Sfwl	9/2/88	Guwahati	No	No	No	No	No	Yes

Certified that above data are based on the service book / Personal file / Bio data of the officers and staff concerned.



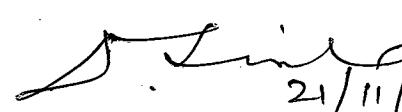
21/11/02

(Compiled by)



21/11/02

(Checked by)
प्रशासनिक अधिकारी / Admin. Officer
प्रादेशिक मौसम केन्द्र, गुवाहाटी
Regional Met. Centre, Guwahati.



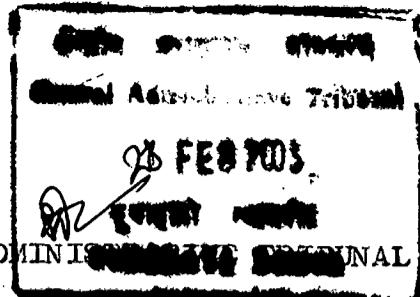
21/11/2002
 (D. SINHA)
 Director, & LACD, DDGM
 Regional Met. Centre,
 Guwahati: 781 015
 LACD, D.D.G.M.
 Regional Meteorological Centre
 Guwahati
 Guwahati Airport: 781 015



151

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI

BENCH : GUWAHATI



Filed by: Applicant
Abhit Kumar Raha

Abhit Kumar Raha
through: S. Sankha Advocate. 28

O.A. No. 342/2002.

Sri Abhit Kumar Raha & Ors.

.... Applicants.

- Vs -

Union of India & Ors.

.... Respondants.

IN THE MATTER OF :

A rejoinder of the applicants
to the written statements filed
by the respondents.

The applicants beg to submit their
rejoinder as follows :

1. That, the applicants have received a copy of the written statements filed by the respondents, they have gone through it and understood the contents thereof.
2. That, Sri D.K.Handique who has signed the verification annexed to the written statement is not duly authorised to sign the same according to law. Although he has used a designation seal as Meteorologist, Regional Meteorological Centre, Guwahati in fact there is no such post in Indian

Contd... 2/-

- 2 -

Meteorological Dept. (I.M.D.). The meteorologists in I.M.D. are always designated as Meteorologist-I or Meteorologist-II.

Moreover said Sri D.K.Handique also being a member of the I.M.D. Gagetedt officers Association, his name was included in Annexure-I of the O.A. with his consent and as such he is not in a position to sign the verification on behalf of the respondents in the present case.

3. That, the applicants have no comments as regard to the statements made in paragraph-1 & 2 of the written statements filed by the respondents.

4. That, the statements made in paragraph-3(a) as regard to the scheme adopted by the Govt. of India vide O.M. No.20014/3/83-E.IV dated 14-12-83 extending certain facilities and allowances including the S.D.A. for the civilian employees of the central Govt. serving in the N.E. states and Union territories is correct but the statements made therein that a bare reading of the provisions of the said O.M. it is clear that these facilities and allowances are made available only to those who are posted in the region from outside on transfer is not correct and it is denied by the applicants.

5. That, the statements made in paragraph-3(b) of the written statement is true and it is the vital order issued by the Govt. of India on the basis of which all the members of the applicant unions are entitled to S.D.A. The applicants

Abul K. Raja

reiterate that on the basis of O.M. dated 20-4-87 the Central Govt. civilian employees who are having actual All India transfer liabilities and those who fulfill all other All India Characteristics of their service condition as stipulated in the above memo they are entitled to S.D.A. and all the I.M.D. officials ~~the~~ having fulfilled the above criteria they are entitled to S.D.A.

6. That, the statements made in paragraph-3(c) of the written statement is also true and all the I.M.D. officials working in N.E. region were accordingly getting the S.D.A.

7. That, as regard to the statements made in paragraph-3(d) of the written statement the applicant beg to state that the employees involved in that case were not having actual all India transfer liability and other all India Characteriatiess in their service condition as stipulated in the O.M. dtd. 20-4-87 for which they were not given the benefit of S.D.A., but the members of the applicant Associations before this Hon'ble Tribunal, rather all the I.M.D. officials working in the N.E. region having actual all India transfer liability along with all other all India Characteristices of their service conditions as stipulated in O.M. dtd. 20-4-87 they can not be debarred from the benefit of S.D.A.

- 4 -

8. That, as regards to the statements made in paragraph-3(e) of the written statement it is stated that the employees involved in the C.A.No.3034/95 were also not considered to have fulfilled the service conditions as stipulated in Govt. of India's O.M. dtd. 20-4-87 for the entitlement of the S.D.A. for which those employees were denied the benefit of S.D.A. but the members of the applicant Associations having all India transfer liability and they having fulfilled all ~~other~~ all India Criteria of service condition as stipulated in Govt. of India O.M. dtd. 20-4-87 the members of the applicants associations can not be denied the benefit of S.D.A.

9. That, the statements made in paragraph-3(f) of the written statement is true and admitted by the applicant Associations. Applicants further states here that the judgement dt. 7-9-95 passed in C.A.No.8208-8213 by the Hon'ble Supreme Court of India made it clear that the S.D.A. is payable only to those central Govt. civilian employees who are having actual All India transfer liability and posted in N.E.region but it is not payable to those central Govt. civilian employees who are not having All India transfer liability in their services condition although they are posted in N.E.region and as such the applicants reaffirmed that in view of the judgement dt. 7-9-95 passed by the Hon'ble Supreme Court India in C.A. No.8208-8213 all the I.M.D. officials working in the N.E. region are entitled to S.D.A. as they fulfill all the criterias as stipulated in Govt. of India O.M. dtd. 20-4-87.

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Alok Kumar Ray

- 5 -

10. That, as regard to the statements made in paragraph-3(g) of the written statement it is stated that in view of Govt. of Indias O.M. dtd. 12-1-96 as referred therein also the I.M.D. officials working in N.E.region were considered eligible for S.D.A. and the Govt. continued payment of the same to the employees. The eligibility of the I.M.D. officials posted in N.E.region was confirmed by the Director General of Meteorology vide his letter dtd. 31-3-2000 (annexure-16 of the O.A.) to the Govt. of India Deptt. of Science and Technology.

11. That, as regards the statements made in 3(h) of the written statements the applicants beg to state that in the judgement dtd. 25-10-96 passed by the Hon'ble Supreme Court of India in writ petition No.794/96 it has been made clear that the S.D.A. is payable only to those employees who fulfill the conditions laid down in Govt. of Indias O.M. dtd. 20-4-87 and accordingly it was held by the Hon'ble Supreme Court of India in the above referred judgement that S.D.A. was payable to group A and B and it was not payable to C & D as they were not having all India criteria in their service condition including all India transfer liability. Therefore, the members of the applicant Association can not be denied the benefit of S.D.A. in view of the aforesaid judgement also as they are having all India criteria of service condition in all aspects including actual all India transfer liability, All India recruitment zone, All India seniority as well as promotion on All India common seniority as stipulated in Govt. of India O.M. dtd. 20-4-87.

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High Court Order
147

- 6 -

12. That, as regards to the statements made in paragraph-3(i) of the written statement the applicants begs to state that the order issued by the Cabinet Secretariate vide their No.20/12/99-EA.1-1798 dt. 2-5-2000 clarifying the questions raised by S.S.B. has not changed the admitted position of the fact that S.D.A. is applicable to those Central Govt. Civilian employees working in N.E. region who fulfill the All India Criteria of service conditions including actual All India transfer liability as stipulated in Govt. of India O.M. dtd. 20-4-87. To speak more clearly a reference may be made to the reply given against the question no.2(vi) of the above order in which it has been confirmed that a mere clause in the appointment order regarding All India transfer liability does not make one eligible for grant of S.D.A. which implies that those who are having actual All India transfer liability fulfilling the conditions laid down in Govt. of India's O.M. dtd. 20-4-87^{are only entitled} and as such all the applicants having fulfilled all the criterias as laid down in above O.M. they are entitled to S.D.A. and they can not be denied the same in view of the above cabinet order also. The statements made in the above paragraph of written statement stating that according to the clarification given in cabinet secretariate E.O.No.20/12/99-EA.1-1798 dtd. 2-5-2000 that an employee belonging to the N.E. region, posted in the N.E. region having All India Transfer liability as a condition of service shall not be entitled to grant of S.D.A. is not correct and is denied by the applicants. The interpretation made therein that if such employee is transferred out of the N.E. region and reposted to N.E. region on transfer from outside, in that case such employee would be

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Rohit & Roha

- 7 -

entitled to S.D.A. is applicable only in case of the Central Govt. civilian employees who are having only zonal characteristics in their service conditions and who are not having the service conditions as given in the Govt. of Indias O.M. dtd. 20-4-87. Moreover applicant respectfully beg to submit here that if the Govt. wants to discriminate the similarly situated employees in the manner as stated in the above paragraph of the written statement it would be violative of Art-14 and 16 of the constitution of India.

13. That, as regard to the statement made in paragraph-3(j) of the written statement the applicant respectfully state that the Hon'ble Supreme Court of India has passed their order dt. 5-10-2001 in C.A. 7000/01 only stating that the appeal is covered by the earlier judgements reported in (1994) ₃ S.C.C. Pg. 649 and (1995) ₁ S.C.C., 757 and no other new findings have been ^{given} by the Hon'ble Supreme Court of India. The applicants respectfully submits that they are eligible for S.D.A. in view of the above two judgements passed by the Hon'ble Supreme Court of India also and the Govt. of India also considered them eligible and continued payment of S.D.A. accordingly.

14. That, as regards to the statements made in paragraph-2(k) of the written statement the applicants beg to state that the respondents can not discontinue the S.D.A. payable to the members of the applicant Associations on the

- 8 -

basis of finance department O.M. dtd. 29-5-02 in view of the facts and circumstances of the case already stated by the applicants. Moreover the Ministry of Finance, Deptt. of Expenditure O.M. dtd. 29-5-02 is not having the consent of the president of India and as such the respondents can not withdraw the S.D.A. on the basis of the above O.M. as the S.D.A. was granted in pursuance of Govt. of India, Ministry of Finance Department of Expenditure O.M. dtd. 14-12-88 (Annexure-⁶ of O.A.) and O.M. dtd. ¹⁴⁻¹²⁻⁸⁸ ~~14-12-88~~ (Annexure-10 of O.A.) and O.M. dt. 22-7-98 (Annexure-14 of O.A.) all of which were passed with the consent of the President of India and as such the applicants have challenged the validity of the O.M. dtd. 29-5-02 itself in the present application. Regarding the other statements made in the above paragraph the applicants reiterates that they having fulfilled the criteria as underlined in O.M. dtd. 20-4-87 they are entitled to the S.D.A. It is further submitted by the applicants that for the said benefit the applicants need not be posted in the N.E. region on transfer only as they are already having actual All India transfer liability. The applicants are entitled to S.D.A. on the basis of their own service conditions and the said allowance is permissible to them in view of the judgments passed by the Hon'ble Supreme Court of India from time to time. Respondents can not make any recovery on account of the said allowance already paid to them.

15. That, as regard to the statement made in paragraph-4 of the written statement it is stated that the respondents have illegally stopped the payment of S.D.A. to the members of Applicant Association. The recovery of the amount already paid has been stayed by this Hon'ble Tribunal vide interim order dated 10-10-02.

Contd...9/-

- 9 -

16. That, as regard to the statements made in paragraph-7 of the written statements the applicants reiterate that all the members of the applicants Association being recruited on All India basis, their promotion being done on the basis of the All India Zone of promotion based on common seniority for the service/cadre/posts as a whole and they having actual All India transfer liability all of them are entitled to S.D.A. in view of the decision made by the Govt. of India, Ministry of Finance Department of Expenditure O.M. dtd. 20-4-87.

17. That, as regard to the statement made in paragraph-9 of the written statement applicants beg to state that S.D.A. was paid to the members of the applicants Associations lawfully as per decision of the Govt. but now the respondents is trying to misinterpret the provision which was already settled.

18. That, the statements made in paragraph-10 of the written statement as regard to the entitlement of the S.D.A. is not correct and denied by the applicants. This interpretation is not applicable in case of central Govt. Civilian employees who fulfill the service criteria as laid down in Govt. of India, Deptt. of Finance O.M. dtd. 20-4-87 and who are serving in the N.E. region irrespective of the fact wheather they are local residents of N.E. region or not or wheather they are transferred on posting to N.E. region or they are initially appointed in the N.E. region. The respondents plea that S.D.A.

- 10 -

is payable only to them who are not local residents of N.E. region is itself contradictory to the cabinet decision issued vide Cabinet Secretariate U.O.No.20/12/99-E.A.1-1798 dated 2-5-2000 (Annexure R 9 of W.S.).

19. That, the statements made in paragraphs-11 & 12 of the written statements are not correct and those are denied by the applicants.

20. That, the applicants respectfully beg to state that the Govt. of India, Ministry of Personnel, P.G. and Pensions (Dept. of Personnel & Training) vide their O.M. No. 21015/5/99 Estt (AL) issued in the month of June, 2001 has re-affirmed that the Central Govt. Civilian Employees working in the N.E. region who fulfill the all India Service Criteria as laid down in Ministry of Finance O.M. dtd. 20-4-87 are entitled to the benefit of S.D.A. The Govt. vide their above O.M. has further taken up the prayer of the Central Govt. employees of same Deptt. serving in N.E. regions who are even locally recruited and also called for the required information of likely financial implications for the same from the concerned Ministries/Departments. The applicants respectfully submit before this Hon'ble Tribunal that the above O.M. clearly proves the intention of the Govt. to extend the benefit of S.D.A. even to the Central Govt. employees working in the N.E. region even without having all India criteria of service condition also. Hence, the impugned order for withdrawal of

S.D.A. in respect of the members of the Association who are having all India criteria of service conditions in all respects as laid down in Ministry of Finance O.M. dt. 20-4-87 is illegal and liable to be quashed.

(A copy of the above memo is annexed as
Annexure-A)

21. That, a clarification regarding eligibility of S.D.A. has also been published in BAHRI HANDBOOK FOR CENTRAL GOVERNMENT EMPLOYEES - 2003 on the basis of Govt. C.M. dtd. 13-6-01 and it has been clarified that there is no bar in eligibility of special duty allowance for the officers belonging to the N.E. region if they satisfy the criteria that their appointment in service/post is made on all India basis and the promotion is also done on the basis of all India Common Seniority.

(A copy of the above publication is annexed
as Annexure-B)

Contd... 12/-

Abhilash Rao

22. That, the members of the applicants Association although belongs to the N.E. region they are recruited on All India basis, their promotions are also made on the basis of All India Zone of Promotion based on Common Seniority, they are having condition of actual all India transfer liability in their appointment letters and as such all of them are entitled to the benefit of S.D.A. Many of them were transferred outside the N.E. region from time to time and reposted in the N.E. region.

23. That, the respondents have committed wrong in proposing to withdraw the S.D.A. from the applicants through the impugned orders superceding some of their own earlier orders and as such the impugned orders are liable to quashed.

Contd... 13/-

- 13 -

VERIFICATION

I, Sri A.K.Raha, son of Late Satish Ch.
 Raha, aged about 52 years, Assistant Meteorologist
 (Grade-II) R.M.C., Guwahati being the Secretary,
 Gazetted Officer Association R.M.C., Guwahati, do
 hereby verify and state that the statements made in
 paragraph 1 to 22 of the accompanying
 rejoinder are true to my knowledge which I believe
 to be true and rest are my humble submission before
 this Hon'ble Tribunal. I being one of the applicant
 have been authorised by other applicants to sign this
 verification on behalf of all the applicants and I
 have not suppressed any material facts.

And I sign this verification on this
 28th day of February, 2003 at Guwahati.

Abhit Kr. Raha.

S E G N A T U R E

No. 21015/5/99 ESTL. (M.L.)

Government of India

Ministry of Personnel, P.U. & Pensions
(Department of Personnel & Training)

* * *

D.D. 11/6/2001.

D. D. G. (T & M)
Dy. No. 3584.....
Date of 16/6/2001

OFFICE MEMORANDUM

F. No. (M.M.)

L. No. (P.M.)

Date 16/6/2001

Subject:- Payment of SOA to Central Govt. employees working/posted to NE Region.

The undersigned is directed to invite attention to para 2 of Ministry of Finance's "OM" No. 20014/3/83-E.IV dated 20.4.1987 as per which for the purpose of sanctioning special (duty) allowance, the all India transfer liability of the members of any Service/Cadre or incumbents of any posts/group, of posts has to be determined by applying tests of recruitment zone, promotion zone, etc. i.e. whether recruitment to the service/cadre/posts has been made on all-India basis and whether promotion is also done on the basis of the all-India zone of promotion based on common seniority for the service/cadre/posts as a whole. More clause in the appointment order (as is done in the case of almost all posts in the Central Secretariat etc. to 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. Besides this, the benefit is also restricted to only such Central Govt. employees who are posted to NE region from outside the NE region and is not admissible to employees recruited locally i.e., from within the NE Region.

Representations have been received from various service Organisations/Unions/Associations from NE region for grant of SOA even to such Central Govt. employees who have been employed/posted to NE region from within the NE region i.e. to locally recruited employees as well. It is understood that Ministries of Finance /Railways/Defence/Urban Affairs & Employees and Deptt. of Posts and Telecommunications are, the major Ministries/Deptts. whose employees have been working/posted to the NE region.

In order to enable this Deptt. to examine the demand of those Associations/Unions an estimate of the likely financial implications involved in acceptance of the demand is to be made. The Ministries/Deptts. noted above are therefore, requested to furnish to this Deptt. the likely financial implications in respect of the Central Govt. employees working under their

AP

mem

Certified to be true
by
Advocate
28/2/05

Administrative Control and are presently not getting SDA or not entitled to it as per Ministry of Finance's orders on the subject. Besides, the expenditure already being incurred on this Head may also be indicated.

Yours faithfully

J. Wilson
(J. Wilson)
Deputy Secretary to the Govt. of India

1. M/Finance. (Dept. of Exp.)
Smt. Usha Mathur, JS(Pers)
2. M/Railways (Railway Board)
Shri A.C. Bakshi, JS(G)
3. M/Defence, South Block,
Shri R.P. Bagai, JS (E/PG)
New Delhi.
4. Deptt. of Urban Devlopt.
& Poverty Alleviation.
Shri G. Banerjee, JS(A)
Nirman Bhawan
N.D.
5. M/Communications
Ms. Jyotsna Dinesh, DOG(T&E)
Dak Tar Bhawan, N.D.
6. Shri H.K. Gupta,
DOG (Eatt.)
Sanchar Bhawan,
20, Ashok Road, N.D.

*certified to be true
O/S 28/2/1960
vacant*

HANDBOOK FOR CENTRAL GOVERNMENT EMPLOYEES 2003



BAHRI BROTHERS

Contract to
D. & D. Vocational
Inst. 2003

14. Project Allowance—

(i) Project allowance is a special kind of allowance. It is granted to employees working on major Projects either funded by Central Government or Autonomous Bodies/Corporations in undeveloped areas to compensate them for lack of basic civic amenities such as housing, school, hospital, transport etc. The allowance is withdrawn in a phased manner as and when these amenities become available or near the project site;

(ii) The Project Allowance at the following rates shall be admissible: (effective from 1.8.1997).

Pay Range (Basic Pay + S.I. + N.P.A.)	Rates of Project Allowance per month
Below Rs. 3,000 p.m.	Rs. 150
Rs. 3,000 p.m. to Rs. 4,499 p.m.	300
Rs. 4,500 p.m. to Rs. 5,999 p.m.	450
Rs. 6,000 p.m. to Rs. 8,999 p.m.	600
Rs. 9,000 p.m. and above	750

Note : Employees of other Departments whose offices have been located in the project area not specifically for the work of project authorities, shall be allowed Project Allowance at 50% of the above rates.

(iii) In case the new rates are not beneficial to an employee, who has been continuously drawing the allowance since before 1.8.1997, the project allowance will be allowed at new rates and difference will be treated as personal to him which he will continue to draw till the employee becomes eligible to draw allowance at higher rates.

[M.F., (Dept. of Expr.), O.M., No. 6(6)/97—E. II(B), dated 1.4.1998.]

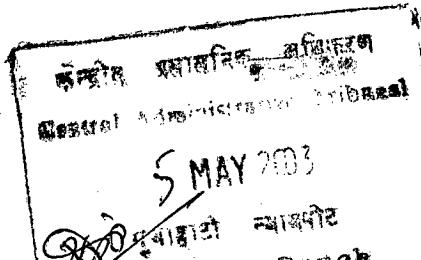
15. ¹[Special (Duty) Allowance—(1) is admissible at the rate of 12½ per cent of basic pay plus S.I. plus NPA to civilian employees having All India Transfer Liability on posting to any station in North-Eastern Region comprising the States of Assam, Meghalaya, Manipur, Nagaland, Tripura, Arunachal Pradesh, Mizoram and ²[Sikkim. Also admissible to officers posted in N.E. Council, when they are stationed in North-Eastern Region. The allowance is not granted to Group 'A' & 'B' Officers belonging to N.E. and posted to NE Region. [O.M. dated 13.6.2001.]

¹Clarification—There is no bar in eligibility of Special Duty Allowance for the officers belonging to the NE region. If they satisfy the criteria that their appointment in service/post is made on All India basis and the promotion is also done on the basis of All India Common Seniority. [O.M. dated 13.6.2001.]

(2) This allowance will be in addition to any special pay and/or Deputation (Duty) Allowance already being drawn.

¹[Amended provisions are effective from 1.8.1997. The allowance is given as an incentive to attract talented officers to serve in N.E. Region from outside the Region.

²[M.F., O.M. No. 11(2)/97-EII(B), dated 17.7.1998 and 22.7.1998.]



158
Filed by
B.C. Pathak
(B.C. Pathak) 5/9/03
Addl. Central Govt. Standing Counsel
Central Administrative Tribunal
Guwahati Bench : Guwahati

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI

O.A. No. 342/2002

Shri Abhit Kr. Raha & Others

...Applicants.

- Vs -

Union of India & Others

...Respondents.

(Written statements filed by the respondents).

The written statements of the respondents are as follows :

1. That a copy of the above noted application (referred to as the "Application") has been served in the respondents. The respondents have gone through the same and understood the contents thereof.
2. That the statements made in the application, which are not specifically admitted, are hereby denied by the respondents.
3. That before traversing the various paragraphs of the application, the respondents beg to state a brief resume to the facts and circumstances of the case and the basis for entitlement for payment of Special Duty Allowance (referred to as the "SDA") as under :
 - (a) That the Govt. of India, Ministry of Finance, Department of Expenditure, New Delhi, vide Office Memorandum No. 20014/3/83-E.IV dt.14.12.1983 brought out a scheme thereby extending certain facilities and allowances including the SDA for the civilian employees of the Central Govt. serving in the North-Eastern States and Union

Territories etc. This was done to attract and retain the services of officers in the region due to inaccessibility and difficult terrain. A bare reading of the provisions of the said O.M. it is clear that these facilities and allowances are made available only to those who are posted in the region from outside on transfer.

A true copy of the said O.M.Dt.14.12.83 is annexed as ANNEXURE-R1.

(b) That after some time, some departments sought some clarifications about the applicability of the said O.M. dt.14.12.83. In response to the said clarification, the Govt. of India issued another Office Memo. Vide No.20014/3/83-E.IV dt. 20.4.1987. The relevant portion of the said O.M. is quoted below:

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

A true copy of the said O.M. dt.20.4.87 is annexed as ANNEXURE-R2.

(c) That the Govt. of India again brought out another Office Memo. Vide F.No.20014/16/86/E.IV/E.II(B) dt. 1.12.88. By the said O.M. the special (duty) allowance was further continued to the central Govt. employees at the rate prescribed therein.

A true copy of the said O.M. dt.1.12.88 is annexed as ANNEXURE-R3.

(d) That in the meantime, several cases were filed in the court/Tribunal challenging the refusal of grant of SDA and some of such cases went to the Hon'ble Supreme Court. The Hon'ble Supreme Court in Union of India & others -vs- S.Vijoykumar & others (C.A. No.3251/93) upheld the provisions of the O.M. dt.20.4.87 and also made it clear that only those employees who were posted on transfer from outside to the N.E.Region were entitled to grant of SDA on fulfilling the criteria as in O.M.dt.20.4.87. Such SDA was not available to the local residents of the N.E.Region. The Hon'ble Supreme Court also went into the object and spirit of the O.M.dt.14.12.83 as a whole.

A true copy of the said judgment dt.20.9.94 is annexed as ANNEXURE-R4.

(e) That the Hon'ble Supreme court in another decision dated 23.2.1995, in Ca No.3034/95 (Union of India & ors -vs-Executive Officers Association Group-C) held that the spirit of the O.M. dt. 14.12.83 is to attract and retain the services of the officers from outside posted in the North-Eastern Region, which does not apply to the officers belonging to the North-Eastern Region. The question of attracting and retaining the services of competent officers who belong

incentives granted by the said O.M. is meant for the persons posted from outside to the North-Eastern Region, not for the local residents of the said defined reason. The Hon'ble Supreme Court in this decision also held that the spirit of the O.M dt.14.12.83 is to attract and retain the services of the officers posted in the N.E Region from outside and therefore, application of these provisions to the local residents of N.E.Region does not arise.

A true copy of the said judgment dt.23.2.95 is annexed as ANNEXURE-5.

(f) That the Hon'ble Supreme court in another judgment dt.7.9.95 passed in Union of India & others -vs- Geological Survey of India employees' Association & others (CA No. 8208-8213) held that the Group C and D employees who belong to the N.E.Region and whose transfer liability is restricted to their region only, they do not have all India transfer liability and consequently , they are not entitled to grant of SDA.

A true copy of the judgment dt. 7.9.95 is annexed as ANNEXURE-R6.

(g) That after the judgment of the Hon'ble supreme court, the Govt. of India brought yet another Office Memo. Vide No. 11(3)/95-E.II(B) dt.12.1.96 and directed the departments to recover the amount paid to the ineligible employees after 20.9.94 as held by the Hon'ble Supreme Court.

A true copy of the said O.M.dt.12.1.96 is annexed as ANNEXURE-R7.

(h) That in another case vide Writ petition No.794/1996 in Sadhan Kumar Goswami & others -vs- Union of India & others, the Hon'ble Supreme Court again put reliance on the earlier decision as in S. Vijoykumar case and held that the criteria required for the grant of SDA is same for both group A and B officers as in the case of Group C and D, and there is no distinction. By the said judgment, the said Hon'ble court also held that the SDA paid to the ineligible employees after 20.9.94 be recovered.

A true copy of the judgment dt. 25.10.96 is annexed as ANNEXURE-R8.

(i) That the Ministry of Finance further in connection with query made by the Directorate General of Security, New Delhi gave some clarification to the questions raised by some employees regarding eligibility of SDA. This was done vide I.D No.1204/E-II(B)/99 and which was duly approved by the Cabinet Secretariat U.O. No.20/12/99-EA.I-1798 dt.2.5.2000. According to that clarification, an employee belonging to the N.E.Region, posted in the N.E.Region having all India transfer liability as a condition of service, shall not be entitled to grant of SDA. But if such employee is transferred out of the N.E.Region and reposted to N.E.Region on transfer from outside, in that case such employee would be entitled to SDA. Hence, the applicants in the instant case have no cause of action to agitate in this Tribunal.

A true copy of the said clarification of Cab. Sectt. Dt. 2.5.2000 is annexed as ANNEXURE-R9.

(j) That in a recent decision dt. 5.10.2001, in Union of India

vs National Union of Telecom Engineering Employees Union & others (CA No. 7000/2001) the Hon'ble Supreme court once again clinched on the vexed question of grant of SDA to the central govt. employees and by relying on the earlier decision of S.Vijaykumar held that the amount already paid to such ineligible employees should not be recovered.

The true copy of the judgment dt. 5.10.2001 is annexed as ANNEXURE-R10.

(k) That pursuant to the said judgment passed in CA No. 7000/2001, the Govt. of India, Ministry of Finance, Department of Expenditure, brought out another Office Memo. F.No.11(5)/97-E.II(B) dt.29.5.2002 and thereby directed all the departments to recover the amount of SDA already paid to such ineligible employees with effect from 6.10.2001 onwards and to waive the amount upto 5.10.2001 i.e. the date of the said judgment.

The true copy of the O.M. dt. 29.5.2002 is annexed as ANNEXURE-R11.

Now, from the above facts and circumstances of the case and the clarifications made in the matter, it is very much clear that only those employees irrespective of their group in A,B,C or D, shall be entitled to grant of SDA if they fulfil the criteria as underlined in O.M. dt. 20.4.87 and such employees are in fact posted in the North-Eastern Region actually on transfer. Therefore the amount paid to the ineligible employees upto 5.10.2001 would be waived. However, the amount paid after 5.10.2001 should be recovered. This aspect of the matter is clear as indicated by the Hon'ble Supreme Court in its all earlier decisions also. According to the Hon'ble Supreme court, as

services of the officers from out side the N.E.Region and therefore, payment of the SDA to the local residents of N.E.Region does not arise.

4. That with regard to the statements made in para 1, the respondents state that the payment of SDA has been stopped and recovery is being made in terms of the Hon'ble Supreme Court's decision and guidelines issued by the Government.
5. That the contents in para 2,3 and 4(i) need no reply.
6. That with regard to the statements made in para 4(ii) and 4(iii) the respondents state that these being matter of facts/records. They need no reply.
7. That with regard to the statements made in para 4(iv), the respondents state that these are matter relating to records only. Therefore, nothing is admitted which is not supported by such records. In this connection the respondents crave the leave of this Hon'ble Tribunal to allow them to support such records through the statements showing the transfer and posting of such applicants in this application. These statements are prepared in the basis of Service Book/personal files of the applicants. The statements would indicate that some of such applicants are transferred and posted in the North-East Region from outside while majority of them were posted in the North-East Region initially and are continuously serving in the department in North-East Region only without any transfer to outside of North-East Region or reposted to North-East Region from outside. These statements may be treated as a part of this written statements.

These statements are annexed as Annexure - R12(Series).

8. That with regard to the statements made in para 4(v), 4(vi), 4(vii), 4(viii), 4(ix) and 4(x), the respondents reiterate and reassert the statements made hereinabove in the written statements.
9. That with regard to the statements made in para 4(xi) to 4(xv), the respondents state that the SDA was paid like some other departments by misinterpretation of the provisions required for grant of SDA. Such mistake can not be legalized. This has been clarified as stated above.
10. That with regard to the statements made in para 4(xvi) to 4(xxiii), the respondents state that as indication above, only the employees/officers who are transferred on posting to North-East Region and who are not local residents of North-East region are only entitled to SDA and accordingly steps are taken by the Government to stop and recover SDA to the ineligible employees. This is done strictly as per Hon'ble Supreme Court's order.
11. That with regard to the statements made in para 4(xxiv) and 4(xxv), the respondents state that the facts and circumstances of the Annexure-23 order dated 2.11.2000 is different from the present sets of facts and circumstances, hence, the said order has nothing to do with this instant case.
12. That with regard to the statements made in para 5(i) to 5(xi), the respondents state that the grounds show to support the claims of the applicants are no grounds in view of the legal provisions as stated

hereinabove and hence the application is liable to be dismissed with cost as baseless and without any merit.

13. That with regard to the statements made in para 6 and 7, the respondents have no reply to offer.

14. That with regard to the statements made in para 8(i) to 8(iii) and 9 the answering respondents state that in view of the facts and circumstances of the case and also the legal provisions of the matter, the applicants are not entitled to any relief whatsoever as prayed for and the application is liable to be dismissed with cost.

In the premises aforesaid, it is, therefore, prayed that Your Lordships would be pleased to hear the parties, peruse the records and after hearing the parties and perusing the records, shall also be pleased to dismiss the application with cost.

VERIFICATION

I, Shri Suresh Ram, at present working as Meteorologist Gr-I (Vigilance) at Guwahati, who is taking steps in this case, being duly authorized and competent to sign this verification, do hereby solemnly affirm and state that the statements made in para 1, 2, 4, 5, 6, 8 to 14 are true to my knowledge and belief, those made in para 3 & 7 being matter of records, are true to my information derived therefrom and the rest are my humble submission before this Hon'ble Court. I have not suppressed any material fact.

And I sign this verification on this <sup>31st March
th day of January, 2003 at
Guwahati.</sup>

DEPONENT: Suresh Ram

31/03/03
Meteorologist Gr-I
Regional Meteorological Centre,
Guwahati
Guwahati Airport: 781 010

No. 20014/3/01-2.IV.
Government of India
Ministry of Finance
Department of Expenditure

10. (67) ANNEXURE : R
Ministry of Finance
14th Floor, Comptroller & Auditor General's Office, Government of India
14th Floor, Comptroller & Auditor General's Office, Government of India

NEW DELHI, the 14th

OFFICE MEMORANDUM

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

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

(1) Tenure of posting/deputation

There will be a fixed tenure of posting of 3 years at a time for officers with service of 10 years or less and of 2 years at a time for officers with more than 10 years of service. Periods of leave, training, etc., in excess of 15 days per year will be excluded in counting the tenure period of 2/3 years. Officers, on completion of the fixed tenure of service mentioned above, may be considered for posting to a station of their choice as far as possible.

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

(II) Qualification for Central deputation/ training abroad and special mention in confidential orders

Satisfactory performance of duties for the

....2/....

Central
Govt.
Ministry of Finance
Central
Govt.
Ministry of Finance
Central
Govt.
Ministry of Finance

described tenure in the North East shall be given due recognition in the case of eligible officers in the matter of:-

- (a) promotion in cadre posts;
- (b) deputation to Central tenure posts; and
- (c) courses of training abroad.

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

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

(iii) Special (Duty) Allowance

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

(iv) Special Compensatory Allowance

1. Assam and Meghalaya

The rate of the allowance will be 5% of basic pay subject to a maximum of Rs.50/- p.m. admissible to all employees without any pay limit. The above allowance will be admissible with effect from 1.7.1982 in the case of Assam.

2. Manipur

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

Pay upto Rs.260/- Rs.40/- p.m.

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

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3. Tripura

The rates of the allowance will be as follows:-

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

(b) Other Areas

Pay upto Rs.260/- Rs.40/- p.m.

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

There will be no change in the existing rates of Special Compensatory Allowances admissible in Arunachal Pradesh, Nagaland and Mizoram and the existing rate of Disturbance allowance admissible in specified areas of Mizoram.

(v) Travelling Allowance on first appointment:

In relaxation of the present rules (S.R.105), that travelling allowance is not admissible for journeys undertaken in connection with the initial appointment, in case of journeys for taking up initial appointment to a post in the North-Eastern region, travelling allowance limited to ordinary bus fare/second class rail fare for road/rail journey in excess of first 100 kms. for the Government servant himself and his family will be admissible.

(vi) Travelling Allowance for journey on transfer:

In relaxation of orders below S.R.116, if on transfer to a station in the North-Eastern region, the family of the Government servant does not accompany him, the Government servant will be paid travelling allowance on tour for self only for transit period to join the post and will be permitted to carry personal effects upto 1/3rd of his entitlement at Government cost or have a cash equivalent of carrying 1/3rd of his entitlement or the difference in weight of the personal effects he is actually carrying and 1/3rd of his entitlement as the case may be, in lieu of the cost of transmigration of baggage. In case the family accompanies the Government servant on transfer, the Government servant will be entitled to the existing admissible travelling allowance including the cost of transmigration of the admissible weight of personal effects according to the grade to which the officer belongs, irrespective of the weight of the baggage actually carried. The above provisions will also apply for the return journey on transfer back from the North Eastern Region.

Contd...4.....

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

In relaxation of orders below S.R. 116, for transportation of personal effects on transfer between two different stations in the North-Eastern region, higher rate of allowance admissible for transportation in 'A' class cities subject to the actual expenditure incurred by the Government servant will be admissible.

(viii) Joining Time with leave:

In case of Government servants proceeding on leave from a place of posting in North-Eastern Region, the period of travel in excess of two days from the station of posting to outside that region will be treated as joining time. The same concession will be admissible on return from leave.

(ix) Leave Travel Concession:

A Government servant who leaves his family behind at the old duty station or another selected place of residence and has not availed of the transfer travelling allowance for the family will have the option to avail of the existing leave travel concession of journey to home town once in a block period of 2 years, or in lieu thereof, facility of travel for himself once a year from the station of posting in the North East to his home town or place where the family is residing and in addition the facility for the family (restricted to his/her spouse and two dependent children only) also to travel once a year to visit the employee at the station of posting in the North Eastern Region. In cases the option is for the latter alternative, the cost of travel for the initial distance (400 Kms./160 Kms.) will not be borne by the officer.

Officers drawing pay of Rs. 2250/- & above, and their families, i.e., spouse and two dependent children (upto 18 years, for boys and 24 years for girls) will be allowed air-travel between Imphal/Silchar/Agartala and Calcutta and vice-versa, while performing journeys mentioned in the preceding paragraph.

(x) Children Education Allowance / Hostel Subsidy:

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

Contd...5...

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2. The above orders except in sub-para (iv) will also mutatis mutandis apply to Central Government employees posted to Andaman and Nicobar Islands.

3. These orders will take effect from 1st November, 1903 and will remain in force for a period of three years upto 31st October, 1906.

4. All existing special allowances, facilities and concessions extended by any special order by the Ministries/Departments of the Central Government to their own employees in the North-Eastern region will be withdrawn from the date of effect of the orders contained in this Office Memorandum.

5. Separate orders will be issued in respect of other recommendations of the Committee referred to in paragraph 1 as and when decisions are taken on them by the Government.

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

sd/-

(S.C. MAHALIK)
JOINT SECRETARY TO THE GOVERNMENT OF INDIA.

TO,
All Ministries/Departments of the Government of India,
etc. etc.
Copy. (with spare copies) to C. & A.G., U.P.S.C., etc.

13.20014/3/83-H.19
Government of India
Ministry of Finance
Department of Expenditure

ANNEXURE

R2

R2

New Delhi, the 20th April, 1987.

OFFICE MEMORANDUM

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

The undersigned is directed to refer to para 1(iii) of Ministry of Finance, Department of Expenditure O.M. No. 20014/3/83-E. IV dated 14th December 1983 as amended vide Office Memorandum of even number dated 29.10.1986 on the above subject, which is reproduced below:-

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

2. Instances have been brought to the notice of this Ministry where special (duty) Allowance has been allowed to Central Government employees serving in North East Region without the fulfilment of the condition of all-India transfer liability. This is against the spirit of orders on the subject. For the purpose of sanctioning special (duty) allowance, the all India transfer liability of the members of any Service/cadre or incumbents of any posts/group of posts has to be determined by applying tests of recruitment zone, promotion zone, etc. i.e. whether recruitment to the service/cadre/posts has been made on all-India basis and whether promotion is also done on the basis of the all-India zone of promotion based on common seniority for the service/cadre/posts as a whole. No clause in the appointment orders (as is done in the case of almost all posts in the Central Secretariat etc.) to the effect that the person concerned is liable to be transferred anywhere in India, does not make him eligible for the grant of special (duty) allowance.

Contd... 2/-

Attended
T. N. N. S.
M.S.A. Director (R)
S. T. M. L. T. M.
S. T. M. L. T. M.

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

Ans. 1

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

To

Financial Advisors of all Ministries/Departments.

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F. No. 20014/16/LG/E.IV/P.11(11)
Government of India
Ministry of Finance
Department of Expenditure

1. New Delhi, the 1 December
1947, by the Government of India.

ANNEXURE

ANNEXURE

PR3

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

The undersigned is directed to refer to the Ministry's O.M. No. 20014/3/73-E.IV dt. 14th December, 1973 and 30th March, 1974 on the subject mentioned above and to say that the suggestion of making suitable improvements in the allowances and facilities to Central Govt. employees posted in North-Eastern Region comprising the States of Assam, Nagaland, Manipur, Meghalaya, Tripura, Arunachal Pradesh and Mizoram has been accepted by the Government. Accordingly the President is now pleased to direct as follows:-

Requirement of reagent/agent

(1) Review of posting/rotation
The existing provisions contained in the Ministry's
D.M. dated 14.12.03 will continue.
Central deputation and training already

(ii) Requirements for central deputation
in confidential records

(ii) Reinforcement for Central deputation
present paragraph in confidential record
The existing provisions as contained in this Ministry's
dated 11.12.03 will continue. Extra authorities are advised
to take due weightage for satisfactory performance of duties for
the proposed tenure in the North-East in the matter of promotion
in the cadre. Extra deputation to Central tenure post and overseas
of existing abroad.

(11) Residential Allowance

(11) Special(Duty) Allowance - Central Govt. Civilian employees who have All India liability will be granted Special(Duty) Allowance at the rate of 12% of basic pay subject to a ceiling of Rs 100/- per month on posting in 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 no condition on the total of such Special(Duty) Allowance plus Special pay/Deputation(Duty) Allowance will not exceed Rs 100/- per month. The Special Commissary (Rugby Locality) Allowance, Construction Allowance and Project Allowance will be drawn separately.

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The Central Govt. Civilian employees who are members of
and Tribes shall be other civilian eligible for the grant of
allowances under this para and are exempted from
service tax. The under the Income-Tax act will also draw
local (Party) allowances.

D.A.

186

(iv) Special Extraordinary Allowance:-
The recommendations of the 14th Pay Commission have been
accepted by the Govt. and Special Extraordinary Allowance at the
revised rates have been made effective from 1.10.86.

(v) Traveling Allowance on first appointment:-
The present concession is contained in this Ministry's
O.M. dt. 14.12.81 will continue with the limitation that on
first appointment, P.A. should be admissible for the total distance,
instead of 100 km. the distance in excess of first 100 km. only.

(vi) Traveling Allowance for journey on transfer:-
The existing provisions as contained in this Ministry's
O.M. dt. 14.12.81 will continue.

(vii) Allowance for expenses of marriage:-
The existing provisions as contained in this Ministry's
O.M. dt. 14.12.81 will continue.

(viii) Traveling Allowance:-
The existing provisions as contained in this Ministry's
O.M. dt. 14.12.81 will continue.

(ix) Traveling Concession:-
The existing concession as contained in this Ministry's
O.M. dt. 14.12.81 will continue.

Officer arrears of Rs. 500/- or above, and their
children (upto 18 years) will be allowed air-travel between
Loyola and Lycaen Park (Air-Strip) will be allowed air-travel between
Agra/Aligarh/Barabanki/Hajrajan/Llibabri and Calcutta and vice-versa in
either direction. Between Port Blair and Calcutta/Hudco and vice-versa in
either direction. In the islands, and between Kavaratti and
Cochin, and vice-versa in case of posting in Lakshadweep.

(x) Children Education Allowance/Hotel Allowance:-
Where the children do not accompany the government servant
to the North-Eastern region, Children Education Allowance upto
Rs. 200/- will be admissible in respect of children studying at
the institution of posting of the employing concerned or any
other institution where the officer posted. If children studying
in schools etc. in hospitals in the institution of posting
or any other institution, the government servant concerned will be
given hardship allowance without which restriction.

State of Children Education Allowance/Hotel subsidy will be
in the D.O.P.C. O.M. 11011/1/07-Hott. (Allowances). dt. 31.12.07.
amended from time to time.

(xi) Concurrence regarding grant of House Rent Allowance to
officers posted in the States of North Western Frontier,
Andaman & Nicobar Island and Lakshadweep Islands.

The present concession as contained in this Ministry's
O.M. No. 11016/1/M.II.(II)/07 dt. 29.3.08 as regards from time to
time will continue to be applicable.

(xii) Telephone installation.

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

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

4. The above will take effect from 1st date of issue.

In so far as the persons carrying the Indian Audit &
Accountant Deptt, are concerned these orders take effect after consultation
with the Comptroller & Auditor General of India.

5. Annual variation of this Memorandum is attached.

(A. S. SAWARAKAR)

JOINT SECRETARY TO THE GOVT. OF INDIA.

To

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

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

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ANNEXURE-V

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

ANNEXURE, R4

R4

Union of India and others

... Appellants

VERSUS

S. V. Jayakumar and others

... Respondents

With CIVIL APPEAL Nos. 6103-81 of 1951 arising out of
SLP(C) Nos. 16794/91, 18370-79/80, 16791-92/83,
10461/83, 9210/83.

JUDGEMENT

HANSRAJ J.

The point for determination in this appeal
and in the special leave petitions (which have our honor)

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(b5)

whether the respondents are entitled to special duty allowance (hereinafter referred to as "the allowance"), even though they are incumbents of posts in the Eastern Region merely because of the posts to which they were appointed were of "All India Transfer Liability". The Tribunal has accepted the contention of the appellants. These appeals have been preferred by the Union of India.

22. The Tribunal took the aforesaid view because an Office Memorandum dated 14.4.1905 wherein the subject of "Allowances and facilities for civilian employees of the Central Government serving in the States and Union Territories of the North-Eastern Region improvement thereof" had stated that "allowance shall be payable if the posts be those which have "All India Transfer Liability". The aforesaid Office Memorandum, however, is that this office memorandum, if it is read along with what was stated subsequently in office memorandum dated 20.4.1907, it would become clear that the allowance was required to be paid to those incumbents who had been posted in North-Eastern Region carrying them in a foreign service condition and not to citizens who were residents of this region. The office memorandum of 1907 has clearly stated that the allowance

-22- 23

cause of inaccessibility and difficult terrain
and so because even the 1983 memorandum states
that the period for the allowance was "in the
service of the competent
officers" for "service in the North-Eastern Region".
Mention about retention has been made because it was
found that incumbents going to that Region on deputation
used to come back after joining thereby taking leave
and, therefore, the memorandum stated that this period
of leave would be excluded while counting the period of
tenure of posting which was required to be of 2/3 years
to claim the allowance depending upon the period of
service of the incumbent. The 1983 memorandum makes this
mention clear by stating that "Government of India
employees who have All India Transfer Liability
would be granted the allowance "on posting to a
station to the North Eastern Region". This aspect is
made clear beyond doubt by the 1987 memorandum which
stated that allowance would not become payable mere
because of the clause in the appointment order relating
to All India Transfer Liability. Merely because in the
Office memoranda of 1983 the subject was mentioned
quoted above is not enough to conclude that
submission of Dr. Ghosh.

not become payable merely because of the clause in the appointment order to the effect that the person concerned is liable to be transferred anywhere in India.

Dr. Ghosh, appearing for the ~~Government~~ ^{Government}, contends that the office memorandum of 1983 having not stated what is contained in the memorandum of 1987, it could be added to the former that the allowance relating to those who were given leave were residents of this region. It is also contended that denial of the allowance to the residents, while permitting the same to the non-residents, would be contrary to the doctrine of "equal pay for equal work" and an article 14 and 16 of the Constitution.

We have duly considered the rival submissions and are inclined to agree with the contention advanced by the learned Additional Solicitor General, Sri Tulsidas for two reasons. The first is that a close perusal of the two aforesaid memoranda, including what was stated in the memorandum dated 26.6.1983 which has been quoted in the memorandum of 26.6.1987, clearly shows that allowance in question was meant to attract persons outside the North Eastern Region to work in that Region.

The submission of Dr. Ghosh that the denial of allowance to the residents would violate the equal pay doctrine is adequately met by what was held in Reserve Bank of India vs. Reserve Bank of India Staff Officers' Association and others (1991 (2) SCC 325) in which an association has been invited by the learned Additional Solicitor General in which grant of special compensatory allowance or remote locality allowance only to the officers transferred from outside to Gauhati Unit of the Reserve Bank of India, while denying the same to the local officers posted at the Gauhati Unit, was not regarded as violative of Article 14 of the Constitution.

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

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Supreme Court of India.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

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ANNEXURE : 5

CIVIL APPEAL NO. 3034 OF 1995
(Arising out of S.L.P. (C) NO. 18717 of 1994)

Union of India & Org.

.....Appellants

Vis.

Executive Officers Association
Group-C

.....Respondents..

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Faizan Nordin. 3.

1. Delay condoned.
2. Leave granted. The counsel for parties are heard.
3. This appeal has been directed by the appellants against the judgment dated May 28, 1993 passed by the Central Administrative Tribunal, Guwahati Bench (hereinafter referred to as Tribunal) in O.R. No.

172 of 1972. By the said judgment the Tribunal held that the respondents are entitled to Special Duty Allowance in terms of Office memorandum dated December 14, 1983 with effect from the date specifically indicated in the said Office memorandum and directed the appellants herein to pay and clear the Special Duty Allowance to the respondents herein within 90 days from the date of receipt of copy of the judgment in respect of the arrears due and to release the current Special Duty Allowance with effect from the month of June, 1993.

4. The respondent No. 1 is an Association of Group (C) Inspectors of Customs and Central Excise under the Collectorate of Customs and Central Excise, Shillong and respondent Nos. 2 and 3 are its President and General Secretary respectively. The respondents approached the Tribunal claiming Special Duty Allowance on the strength of Office Memorandum No. 20014/2/83-E.IV dated December 14, 1983 and the Office Memorandum No. 20014/16/86.IV/E.11(B) dated December 1, 1986 issued by the Ministry of Finance, Government of India. The respondent-Association claimed that its members have all India transfer liability under the Central Excise and Land Customs Department Group (C) Posts Recruitment Rules, 1979 which were applicable to its members and in pursuance of which three of its members had been

transferred and one Smt. Lisa L. Rynjan of Shillong has been posted at Goa under the said recruitment Rules and, therefore, they are eligible and entitled to claim Special Duty Allowance. The appellants herein opposed and contested the aforesaid claim of the respondents before the Tribunal. The appellants took the defence by stating that the Office Memorandum No. 20014/3/83.E/IV dated April 20, 1987 had clarified that the Special Duty Allowance is payable only to those officers, incumbents of Groups (C) of posts who are having all India transfer liability defined in the said Office Memorandum keeping in view the original Office Memorandum dated March 14, 1983 and that the conditions stipulated in the Recruitment Rules, 1979 referred to above cannot be taken as basis for saddling the respondents or its members with all India transfer liability and consequent payment of Special Duty Allowance to them. The appellants also took the plea that all India transfer liability of the members of any service/cadre or incumbent of any posts/Group of posts is to be determined by applying the tests of recruitment to the service/cadre/post made on all India basis and that mere clauses in the Recruitment Rules/Appointment Order stipulating all India transfer liability does not make him/them eligible for grant of Special Duty Allowance in terms of Office Memorandum dated December 14, 1983.

5. After considering the rival contentions the Tribunal observed that the contents of Office Memorandum dated April 12, 1984 as well as the letter No. 7/47/4B.EA/ dated September 28, 1954 have been fully discussed by the Full Bench, Calcutta and held that the real test/criteria for determination is whether all India transfer liability exists and opined that without recalling the Office Memorandum issued in 1963 the concerned departments had no reason to deny the benefit of memorandum available to certain classes of employees and, to withdraw its application to certain other classes. Relying on the said Bench decision of the Central Administrative Tribunal, Calcutta, the Tribunal allowed the application of the respondents by the impugned judgment and granted the relief as stated above against whom this appeal has been preferred.

6. Learned counsel for the appellants submitted that the Tribunal has failed to appreciate the true meaning, intention and spirit behind the term 'all India transfer liability' which occurred in the Finance Ministry Office Memorandum referred to above and has thus seriously erred in holding that the members of the respondent-Association are entitled to the Special Duty Allowance. He further submitted that the package of incentives contained in the Ministry's Office Memorandum

P-16

dated December 14, 1983 (as amended) is based on the recommendations of the committee to review the facilities and allowance admissible to Central Government Employees in the North-Eastern Region and it was with a view to attract and retain competent officers service in the States and Union Territories in the North-Eastern Region that the Government of India on the recommendations of the committee made the provision for Special Duty Allowance to be paid to such officers who come on posting and deputation to North-Eastern Region from other Regions. It was, therefore, submitted that since the members of the respondent-Association belonged to the North-Eastern Region itself who were recruited and posted in the same Region, they were not entitled for Special Duty Allowance.

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

"The need for attracting and retaining the services of competent officers for service in the North-Eastern Region comprising the States of Assam, Meghalaya, Manipur, Nagaland and Tripura and the Union Territories of Arunachal Pradesh and Mizoram have been engaging the attention of the Government for some time. The Government had appointed a Committee under the Chairmanship of Secretary Department of Personnel & Administrative Reforms, to review the existing allowances, and

facilities admissible to the various categories of Civilian Central Government employees serving in this region and to suggest suitable improvements. The recommendations of the Committee have been carefully considered by the Government and the President is now pleased to decide as follows."

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Office Memorandum reproduced above would show that the Government had appointed a Committee under the Chairmanship of the Secretary Department of Personnel and Administrative Reforms to review the existing allowances and facilities admissible to the various categories of Civilian Central Government Employees serving in the North-Eastern Region so that competent officers may be attracted and retained in the North-Eastern Region States. The use of words 'attracting and retaining' in service are very much significant which only suggest that it means the competent officers belonging to the Region other than the North-Eastern Region. The question of attracting and retaining the services of competent officers who belongs to North-Eastern Region itself would not arise. The intention of the Government and spirit behind the Office Memorandum is to provide an incentive and attraction to the competent officers belonging to the Region other than

the North-Eastern region to come and serve in the North-Eastern Region. It can hardly be disputed that the geographical, climatic, living and food conditions of people living in North-Eastern Region and the States comprising therein are different from other Regions of the country. The North-Eastern Region is considered to be 'hard zone' for various reasons and it appears that it is for these reasons that the Government provided certain extra allowance, benefits and other facilities to attract competent officers in the North-Eastern Region at least for two to three years of tenure posting. The Ministry's Office Memorandum in question came up for consideration before this Court in Chief General Manager (Telecom) Vs. S. Rajender S.H. Bhattacharjee & Ors. [J.T. 1995 (1) SC 449] which was decided by us by judgment dated January 18, 1995 in which this Court took the view that the said Office Memorandums are meant for attracting and retaining the services of competent officers in the North-Eastern Region from other parts of the country and not the persons belonging to that region, where they were appointed and posted. This was also the view expressed by this Court in yet another case reported in J.T. 1994 (6) 1443 - Union of India Vs. S. Vinaya Kumar & Ors. In Vinaya Kumar (Suor) the point for consideration was exactly identical, with regard to the entitlement to Special Duty Allowance to those employees/officers who

are residents of North-Eastern Region itself. After considering the memorandum dated December 14, 1993 and other related Office Memorandums indicated above, it was held that the purpose of the allowance was to attract persons from outside the North-Eastern Region to work in the North-Eastern Region because of inaccessibility and difficult terrain. In the facts and circumstances stated above the view taken by the Tribunal cannot be upheld and deserves to be set aside.

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

Sd/-

.....
(S.C. Agrawal)

Sd/-

.....
(Fazlur Uddin)

New Delhi.

February 23, 1995.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 8208-8213
(Arising out of SLP Nos. 12450 - 55/92)

Union of India & Others
- versus -
Geological Survey of India
Employees' Association & Others.

Appellants
Respondents

ORDER

Delay condoned

Leave granted

Mr. P. K. Goswami, Learned Senior Counsel appears for Geological Survey of India Employees' Association and Mr. S. K. Nandy, Advocate, appears for the other respondents in all the matters.

Heard learned counsels for the parties. It appears to us that although the employees of the Geological Survey of India were initially appointed with an All India Transfer liability, subsequently Government of India framed a policy that Class C and D employees should not be transferred outside the Region in which they are employed. Hence, All India Transfer liability no longer continues in respect of Group C and D employees. In that view of the matter, the Special Duty Allowance payable to the Central Government employees having All India Transfer liability is not to be paid to such Group C and Group D employees of Geological Survey of India who are residents of the region in which they are posted. We may also indicate that such question has been considered by this Court in Union of India & others vs. S. Vijay Kumar & others (1994) (3) SCC 649.

Accordingly, the impugned order is set aside. We however direct that the appellant will not be entitled to recover any part of payment of Special Duty Allowance already made to the concerned employees. Appeals are accordingly disposed of.

New Delhi

September 7, 1995.

Sd/- G.N.Ray,

Sd/- S.B.Majumdar

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

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

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

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

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

10. Hindi version of this O.M is enclosed.

(C. Balachandran)

Under Secy to the Govt of India

All Ministries/Departments of the Govt. of India, etc.
etc.
Copy (with spare copies) to CAG, UPSC etc. as per standard endorsement list.

All communications should be
addressed to the Registrar,
Supreme Court, by designation,
NOT by name.
Telegraphic address:-
"SUPREMECOR"

10/24/1956 (X-4) 9A
No. 3366/96/1
SUPREME COURT
INDIA
26th November, 1956 19
- 37 -
- 28 -
Dated New Delhi, the 26th November, 1956

FROM: ASSISTANT REGISTRAR (JUDL)

ANNEXURE R

ANNEXURE R 78

TO : 1. The Union of India,
represented by the Cabinet Secretary,
Government of India, North Block,
New Delhi.
2. The Director, SSB,
Office of the Director, SSB,
East Block- V, R.K.Puram,
New Delhi - 110 065
3. The Divisional Organiser,
SSB Shillong Division,
A.P. Secretariat building,
Shillong, Meghalaya.
4. Commandant, Group Centre, SSB,
Tripura, Salbagh, Gartala,
Tripura West.

WIT PETITION NO. 724 OF 1956
(Under Article 32 of the Constitution of India)

WITH
THE PETITION NO. 1
(Application for ex-parte stay)

Sudan Kumar Goswami & Ors.

.. PETITIONERS

TO Union of India & Ors.

.. RESPONDENTS

Sir,

I am directed to forward herewith for your information
and necessary action a certified copy of the signed Order dated
the 25th October, 1956, of this Court passed in the Writ
Petition and application for stay.

Yours faithfully,

ASSISTANT REGISTRAR (JUDL)

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WIT PETITION NO. 782 OF 1996

Sub-Inspector Sadhan Kumar Goswami &
Ors. Petitioners

versus
The Union of India & Ors. Respondents

QUESTION

This writ petition under Article 32 is out of the series of cases we have come across to reopen the judgments/orders of this Court rendered under Article 136 of the Constitution of India after their becoming final.

The aforesaid facts are that the petitioners who joined service under the Special Security Bureau (SSB) in North Eastern Region of India, claimed special duty allowances as per order of the Central Government. The question was considered by this Court in Union of India vs. S. Vilay Kumar [(C.A. No. 3231 of 93) decided on September 20, 1994; wherein this Court had held thus:

"We have duly considered the rival submissions and are inclined to agree with the contention advanced by the

learned Additional Solicitor General, Shri Tulsi for two reasons. The first is that a close perusal of the above aforesaid memorandum, along with what was stated in the memorandum, is dated 25.10.1966 which has been quoted in the memorandum of 20.4.1967, clearly shows that allowance in question was meant to attract persons outside the North Eastern Region to work in that region because of inaccessibility and difficult terrain. We have said so because even the 1963 memorandum starts by saying that the need for the allowance has been for attracting and retaining the service of the competent officers in the service in the North-Eastern Region. Retention grant retention has been made because it was found that incumbents, going to that Region on deputation used to come back after joining thereby taking leave and therefore, the memorandum stated that this period of leave would be excluded while counting the period of tenure of posting which was required to be of 2½ years to claim the allowance depending upon the period of service of the incumbent. The 1966 memorandum makes this position clear by stating that Central Government civilian employees who have All India transfer liability would be granted the allowance on posting to any station to the North-Eastern Region. This aspect is made clear beyond doubt by the 1967 memorandum which stated that allowance would not become payable merely because of the clause in the appointment order relating to All India transfer liability. Merely because in the office memorandum of 1963 the subject was mentioned as quoted above is not enough to conclude to the submission of Sir Ghosh.

The submission of Dr. Ghosh that the denial of the allowance to the residents would violate the equal pay doctrine is adequately set by what was held in

Reserve Bank of India vs. Reserve Bank of India Staff Officers Association & Ors. [(1991) 4 SCC 152] to which an attention has been invited by the learned Additional Solicitor General, in which grant of special compensatory allowance or remote locality allowance only to the officers transferred from outside to Gauhati Unit of the Reserve Bank of India, while denying the same to the local officers posted at the Gauhati Unit, was not regarded as violative of Article 14 of the Constitution.

In view of the above, this Court allowed the appeals of the State and held that the respondents were not entitled to the allowances but whatever amount has been paid upto the date of the judgment has directed not to be recovered from them. The petitioners are relying upon the Office Memorandum dated July 11, 1986 which provided that it is not applicable from one station to another station within the region of Group A and B staff will further continue to get the facilities. They have filed this writ petition contending that while the Group C and D employees have been denied the benefit of the above judgment, special duty allowance benefit is being granted to Group A and B, it amounts to violation of Article 14 and, therefore, the writ petition should be allowed so as to give them the same benefit. Admittedly, the petitioners are Group C and D employees and are bound

by the above declaration of law made by this Court. Merely because they were not parties to the judgment, they cannot file a writ petition under Article 32. The contention that they are entitled to get the benefit at par with Group A and B officers under the above Memorandum dated July 11, 1996 is incorrect. Apart from the fact that Group A and B employees are entitled to special duty allowance contrary to the law declared by this Court in the above judgment, they too are bound by it. Whether or not they are entitled to the above benefit due to this Court's judgment, the petitioners are not entitled to the benefits of the allowances as claimed by them. The judgment of this Court would indicate that it did not make any distinction between Group C and D and Group A and B officers. All are governed by the law under Article 151. The petitioners are not entitled to the payment of the special duty allowance irrespective of whether or not they were parties to the judgment rendered in Vijay Kumar's case (supra); they cannot be permitted to raise new grounds, though not raised or argued in earlier case, to canvass the correctness of the judgment by filing the writ petition under Article 32.

Of late, we have been coming across this type

of writ petitions filed by several parties. We are constrained to take the view that the learned counsel who are advising them to move this court under Article 32 should certify to the court that though they advised the petitioner's that the judgment of this court binds them and cannot canvass its correctness and still, in spite of such advice, the party insisted upon filing the writ petition. It would then be for this Court to consider and deal with the case appropriately. Hereinafter, it would be necessary that the Advocate-on-Record should file, as part of the paper book of the writ petition filed under Article 32, a statement and certificate that the party concerned has advised that the matter is covered by the judgment of this Court and yet, the writ petitioner insisted to file the same. Should such certification form part of the record of the petition, then only the Court would deal with the writ petition. In view of the fact that Class C and D employees are not entitled to special duty allowance as per the law already declared by this Court, the petitioners are not entitled to the benefit.

It is next contended that the Government is recovering as per Memorandum dated January 17, 1996 the amount paid which is contrary to the direction issued

by this Court in the above judgment. The petitioners are not right in their contentions. It is seen that the Government have limited the payments already made after that date of the judgment of this Court; payments made prior to that date are not being recovered. Under those circumstances, we do not think that there will be any justification to direct the respondents not to recover the amount from the petitioner after the date of the judgment of this Court.

The writ petition is accordingly dismissed.

(K. R. RAVASHAY)

(S. P. KUPUKAR)

NEW DELHI;
OCTOBER 25, 1976.

SEALED IN MY PRESENCE
✓ 25/10/1976

110 (Admin.)
Post Office Bag,
Avondale Park, Cape Town,
South Africa
1950
Doom Doom

No. ARC/Coord/4/99- 1/1/2000
Directorate General of Security
(Cabinet Secretariat)
O/o The Director, ARC
East Block-V, R K Puram
New Delhi - 110 066.

Dated, the 05/05/2000

ANNEXURE : R₉

MEMORANDUM

ARTICULATIONS

Subject : Special Duty Allowance for civilian employees of the Central Government serving in the States & Union Territories of North Eastern Region - Regarding.

12/99-EL.1-1798, dated 02.5.2000 on the above subject is sent herewith for information and necessary action.

Encl : as above

(V DONALD SPANBY)
ASSTT DIRECTOR (ILO)

To

(1) A.D. (A)/AD (B)/AD (C)/AD (D) of ARC Hqrs.
(2) The A.O., ARC Hqrs.
(3) The A.D. (A), ARC, Charbagh/Doom Dooma/Sarsawa.
(4) File copy.

No. ESTT/ODM/SDA/98-II- 4.2.1
ARC, ପ୍ରଦୀପ ଦୋମାନ୍

Dated this 01/01/2000

Dated the, 01/01/2017

1. Copy forwarded to the Accounts Officer, ARC, Deon Deon for information and necessary action.
2. All Unit Heads.

(R.N. CHAKRAUDRY)
SECTION OFFICER

202
213

Subject: Special Duty Allowance for civilian employees 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. 42/SSB/A1/99(18)-2369 dated 31.3.2000 on the subject mentioned above.

2. The points of doubt raised by SSB in their UO No. 42/SSB/A1/99(18)-5282 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:

i) The Hon'ble Supreme Court, in their judgement delivered on 26.11.95 in 'Writ Petition' No. 794 of 1996 held that civilian employees who have entitlement 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.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 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.

ii) An employee belongs to N.E. Region was appointed in 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. 20014/2/03-E.IV dated 14.12.93 and

NO

NO

DD(B)

20.4.97 read with O.M. 20514/16/96 R.11(3) dated 1.12.96) but subsequently the post/cadre was centralized 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.

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 Expir. vide their GO No. 11(3)/95-E.II(B) 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 Employees having All India Transfer Liability will be by applying test (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 SSP/LGS, 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/test 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.

25/204
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i). Based on point (iv) above, some of the units of SSB/DCG 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.

ii) 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 BoF that a new 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.

3. This issues with the concurrence of the Finance Division, Cabinet Secretariat vide D.Y. No. 1349 dated 17.10.99 and Ministry of Finance (Expenditure)'s I.D. No. 1204/E-11(1)/99 dated 30.3.2000. . .

45. A-1566. R.R. NICK.
Traced 2/1/1940.

C. P.N. Thakur)
Director (SIC)

1. Shri R.C. Bedi,	Director,	ABC.
2. Shri R.I. 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. Smt. J.M. Menon,	Director-Finance,	Cab. Sectt.
8. Col. K.L. Jaapal	CIOA,	CIOA.
Cab. Sectt.	UO No. 20/12/86	

- 2 MAY 2000

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Al-Salim

✓ (1)

Dr. R. S.

465 - present up for consideration

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 7000 OF 2001
(Arising out of S.L.P. (C) NO. 646 of 1999)

Corrillas to be run copy
Assistant Registrar (JULY 1.)
... 20-10-2001
Supreme Court of India

ANNEXURE-10

564783

ANNEXURE: R10

R10

Union of India & Anr. Appellants
versus

National Union of Telecom. Engineering
Employees Union v/s. Respondents

ORDER

Leave granted.

It is stated on behalf of the respondents that this appeal of the Union of India is covered by the judgment of this court in the case of Union of India v/s. S. V. Jayakumar & Ors. reported as 1994 (Supp. 3) SCC 649 and

followed in the case of Union of India v/s. Executive Officers' Association Group 'G' 1995 (Supp. 1) SCC 757.

Therefore, this appeal is to be allowed in favour of the Union of India. It is ordered accordingly.

It is, however, made clear that in this appeal case, up to for admission on 13.1.2000, the learned Solicitor General had given an undertaking that whatever amount has been paid to the respondents by way of special duty allowance will not, in any case or event, be recovered from them. It is on this assurance that delay was condoned. It is made clear

the Union of India shall not be entitled to recover any amount paid as special duty allowance inspite of the fact that this appeal has been allowed.

(II. SANTOSH HEGDE)

(H.G. BALAJIRISHNAH)

New Delhi,
October 06, 2001

F.No.11(5)/97-E.II.(B)
Government of India
Ministry of Finance
Department of Expenditure

9

-52-

New Delhi, dated the 29th May, 2002.OFFICE MEMORANDUM

Subject:

Special Duty Allowance for civilian employees of the Central Government Serving in the State and Union Territories of North Eastern Region including Sikkim.

The undersigned is directed to refer to this Department's OM No 20014/3/8.1-E.IV dated 14.12.83 and 20.4.1987 read with OM No 20014/16/86-E.IV/E.II.(B) dated 1.12.88, and OM No.11(3)Y95-E.II.(B) dt. 12.1.1996 on the subject mentioned above.

2. Certain incentives were granted to Central Government employees posted in NE region vide OM dt. 14.12.83. Special Duty Allowance (SDA) is one of the incentives granted to the Central Government employees having 'All India Transfer Liability'. The necessary clarification for determining the All India Transfer Liability of the members of any service/cadre or incumbents of any post/group of posts has to be determined by applying the tests of recruitment zone, promotion zone etc., i.e., whether recruitment to service/cadre/post has been made on All India basis and whether promotion is also done on the basis of an all India common seniority list for the service/cadre/post as a whole. A mere clause in the appointment letter to the effect that the person concerned is liable to be transferred anywhere in India, did not make him eligible for the grant of Special Duty Allowance.

3. Some employees working in NE region who were not eligible for grant of Special Duty Allowance in accordance with the orders issued from time to time agitated the issue of payment of Special Duty Allowance to them before CAT, Guwahati Bench and in certain cases CAT upheld the prayer of employees. The Central Government filed appeals against CAT orders which have been decided by Supreme Court of India in favour of UOI. The Hon'ble Supreme Court in judgement delivered on 20.9.94 (in Civil Appeal No. 3251 of 1993 in the case of UOI and Ors v/s Sh. S. Vijaya Kumar and Ors) have upheld the submissions of the Government of India that C.G. civilian Employees who have All India Transfer Liability are entitled to the grant of Special Duty Allowance on being posted to any station in the North Eastern Region from outside the region and Special Duty Allowance would not be payable merely because of a clause in the appointment order relating to All India Transfer Liability.

4. In a recent appeal filed by Telecom Department (Civil Appeal No 7000 of 2001 - arising out of SLP No.5455 of 1999), Supreme Court of India has ordered on 5.10.2001 that this appeal is covered by the judgement of this Court in the case of UOI & Ors. vs. S. Vijayakumar & Ors. reported as 1994 (Supp 3) SCC, 649 and followed in the case of UOI & Ors vs. Executive Officers' Association 'Group C' 1995.

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b/b

(Supp.) SCC, 757. Therefore, this appeal is to be allowed in favour of the U.O. The Hon'ble Supreme Court further ordered that whatever amount has been paid to the employees by way of SD(A) will not, in any event, be recovered from them inspite of the fact that the appeal has been allowed.

5. In view of the aforesaid judgements, the criteria for payment of Special Duty Allowance, as upheld by the Supreme court, is reiterated as under:-

"The Special Duty Allowance shall be admissible to Central Government employees having All India Transfer Liability on posting to North Eastern region (including Sikkim) from outside the region"

All cases for grant of Special Duty Allowance including those of All India Service Officers may be regulated strictly in accordance with the above mentioned criteria.

6. All the Ministries/Departments etc. are requested to keep the above instructions in view for strict compliance. Further, as per direction of Hon'ble Supreme Court, it has also been decided that -

(i) The amount already paid on account of Special Duty Allowance to the ineligible persons not qualifying the criteria mentioned in 5 above on or before 5.10.2001, which is the date of judgement of the Supreme Court, will be waived. However, recoveries, if any, already made need not be refunded.

(ii) The amount paid on account of Special Duty Allowance to ineligible persons after 5.10.2001 will be recovered.

7. These orders will be applicable *mutatis mutandis* for regulating the claims of Islands Special (Duty) Allowance which is payable on the analogy of Special (Duty) Allowance to Central Government Civilian employees serving in the Andaman & Nicobar and Lakshadweep Groups of Islands.

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

N.P. Singh

(N.P. Singh)
Under Secretary to the Government of India.

All Ministries/Departments of the Government of India, etc.

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

210

 ANNEXURE : 12 (Series)
 ANNEXURE : 12 (Series)

STATEMENT OF OFFICERS AND STAFF OF RMC GUWAHATI SHOWING THEIR TRANSFER AND POSTING IN THE NE REGION (DEFINED AREA) SINCE THEIR INITIAL
APPOINTMENT

(O.A No 342/02 Dated 10-10-2002) filed by Shri A.K. Raha & party versus Union of India regarding stoppage of payment & recovery of SDA

SN	Name & Designation	Initial Appointment		If transferred from outside NER		If transferred from NER to outside & re-transferred		Whether resident of NER	Remarks	
		Date	Place	Date	Place		Re-transferred date	Re-transferred Place		
					From	To				
1	S/Sri D. Sinha, Director	2/3/70	Bhubaneswar, PA (UPSC)	9/11/73	Bhubaneswar	Guwahati	7/8/1989 11-10-82	Kolkata Ranchi	Guwahati Guwahati	Yes
2	H. Pathak, Met-I	20-2-74 20-7-93	Guwahati as SO New Delhi as Met-II	24-2-95	New Delhi	Guwahati	No	No	No	Yes
3	V. Sinha, Met-I	30-1-91	Agartala as Met Gr-II	No	No	No	30-8-97 23-8-01	Patna Patna	Agartala Guwahati	No
4	D.K. Handique, Met-I	5/9/73	Mohanbari	No	No	No	No	No	No	Yes
5	M.L. Sutradhar, Met-I	31-12-73	Guwahati	No	No --	No	16-4-86	Jalpaiguri	Guwahati	Yes
6	C. Singh, Met-I	19-7-83	Chandigarh	19-1-01	Chandigarh	Guwahati	No	No	No	No

SN	Name & Designation	Initial Appointment		If transferred from outside NER			If transferred from NER to outside & re-transferred			Whether resident of NER	Remarks	
		Date	Place	Date	Place		Re-transferred date	Re-transferred Place				
					From	To		From	To	Yes/No		
Date	Place	From	To	Yes/No								
7	D.D. Chakraborty, Met-I	30-8-65	Guwahati	No	No	No	11/5/1971 20-10-2000	Bhubaneswar -do-	Guwahati Guwahati	Yes		
8	G. Kumar, Met-II	22-6-99	Guwahati as Met-II	No	No	No	No	No	No	No		
9	A.D. Tathe, Met-II	22-6-99(AN)	Guwahati as Met-II	No	No	No	No	No	No	No		
10	S.O' Neil Shaw, Met Gr-II	19-9-97(AN)	Mohanbari as Met-II	No	No	No	No	No	No	No		
11	B.B. Das, AM-I	5/8/65	Rupsi	No	No	No	No	No	No	Yes		
12	H.N. Das, AM-I	2/8/72	Guwahati	No	No	No	13-2-96	Kolkata	Guwahati	Yes		
13	A.K. Stafford, AM-I	11/12/67	Guwahati	No	No	No	15-1-97 26-4-83	Kolkata Kolkata	Guwahati Guwahati	Yes		
14	M.C. Sarmah, AM-I	17-7-65	Mohanbari	No	No	No	No	No	No	Yes		
15	G.C. Bhattacharjee, AM-I	22-6-67	Mohanbari	No	No	No	28-12-76	New Delhi	Guwahati	Yes		
16	J.C. Rabha, AM-I	15-3-76	Pune	17-4-76	Pune	Jorhat	8/6/95	Gaya	Guwahati	Yes		
17	H. Malakar, AM-I	22-7-73	Guwahati	No	No	No	No	No	No	Yes		
18	A.T. Bhattacharjee, AM-I	24-7-72	Guwahati	No	No	No	No	No	No	Yes		

SN	Name & Designation	Initial Appointment		If transferred from outside NER			If transferred from NER to outside & re-transferred			Whether resident of NER	Remarks	
		Date	Place	Date	Place		Re-transferred date	Re-transferred Place				
					From	To		From	To	Yes/No		
19	G.K. Mech, AM-I	4/7/69	Mohanbari	No	No	No	No	No	No	Yes		
20	R.C. Kachari, AM-I	1/11/71	Guwahati	No	No	No	Sep-88	Jaipur	Shillong	Yes		
21	S. Kalita, AM-II	24-5-73	Guwahati	No	No	No	No	No	No	Yes		
22	G.N. Gogoi, AM-II	10/9/64	Mohanbari	No	No	No	25-1-74	Jhersugadha	Mohanbari	Yes		
23	A.K. Raha, AM-II	13-2-74	Guwahati	No	No	No	1/2/80	Carnicober	Guwahati	Yes		
24	P.K. Saikia, AM-II	17-5-76	Guwahati	No	No	No	23-4-85	New Delhi	Gerakamukh	Yes		
25	T.R. Rajbangshi, AM-II	24-4-76	Guwahati	No	No	No	6/4/86	New Delhi	Mohanbari	Yes		
26	I.K. Sinha, AM-II	11/2/75	Guwahati	No	No	No	4/5/91	Patna	Guwahati	Yes		
27	S.B. Baulari, AM-II	11/4/79	Guwahati	No	No	No	11/6/93	New Delhi	Guwahati	Yes		
28	P. Sonwal AM-II	9/4/79	Mohanbari	No	No	No	16-5-92	New Delhi	Mohanbari	Yes		
29	B.K. Das, AM-II	13-3-75	Guwahati	No	No	No	No	No	No	Yes		
30	D. Choudhury, AM-II	2/6/76	Guwahati	No	No	No	6/5/91	Jalpaiguri	Guwahati	Yes		
31	B. Hore, AM-II	26-5-75	Cherrapunjee	No	No	No	No	No	No	Yes		
32	U. Das, AM-II	8/8/77	Guwahati	No	No	No	2/5/88	Varanasi (BABATPUR)	Guwahati	Yes		

SN	Name & Designation	Initial Appointment		If transferred from outside NER			If transferred from NER to outside & re-transferred			Whether resident of NER	Remarks	
		Date	Place	Date	Place		Re-transferred date	Re-transferred Place				
					From	To		From	To	Yes/No		
		Date	Place									
33	W. Rahman, AM-II	27-12-73	Mohanbari	No	No	No	No	No	No	Yes		
34	K.M.C. Singh, AM-II	12/3/75	Imphal	No	No	No	No	No	No	Yes		
35	K. Bhattacharjee, AM-II	3/3/75	Guwahati	No	No	No	13-1-97	Jalpaiguri	Guwahati	Yes		
36	P.C. Kalita, AM-II	11/7/74	Guwahati	No	No	No	7/5/97	Patna	Guwahati	Yes		
37	D.C. Tahbildar, AM-II	13-7-73	Guwahati	No	No	No	No	No	No	Yes		
38	R.K. Bailung, AM-II	19-5-75	Mohanbari	No	No	No	No	No	No	Yes		
39	P.C. Baishya, AM-II	28-4-75	Mohanbari	No	No	No	16-5-89	Chandigarh	Guwahati	Yes		
40	S. Pathak, AM-II	15-5-73	Guwahati	No	No	No	No	No	No	Yes		
41	M.K. Chakraborty, AM-II	21-4-73	N'Lakhimpur	No	No	No	No	No	No	Yes		
42	B.C. Barman, AM-II	14-5-73	Guwahati	No	No	No	No	No	No	Yes		
43	N. Islam, AM-II	15-10-68	Mohanbari	No	No	No	No	No	No	Yes		
44	P.N. Hansda, AM-II	11/7/90	Asansol	22-11-96	Bankura	Mohanbari	No	No	No	No		
45	T.R. Karki, AM-II	15/3/85	Guwahati	No	No	No	No	No	No	Yes		

SN	Name & Designation	Initial Appointment		If transferred from outside NER		If transferred from NER to outside & re-transferred					
		Date	Place	Date	Place	Re-transferred date	Re-transferred Place		Whether resident of NER	Remarks	
							From	To			
		Date	Place	From	To		From	To	Yes/No		
46	O.R. Singh, SA	8/3/91	Tezpur	No	No	No	No	No	No	Yes	
47	B.C. Das, SA	27-4-84	Pune	29-5-84	Pune	Jorhat	No	No	No	Yes	
48	R. Ghosh, SA	26-11-84	Guwahati	No	No	No	No	No	No	Yes	
49	A. Dasgupta, SA	6/1/82	Guwahati	No	No	No	4/5/93	Jalpaiguri	Agartala	Yes	
50	T. Banik, SA	5/3/84	Guwahati	No	No	No	No	No	No	Yes	
51	N. Das, SA	23-3-82	Guwahati	No	No	No	No	No	No	Yes	
52	A. Choudhury, SA	23-3-91	Guwahati	No	No	No	No	No	No	Yes	
53	M. Goswami, SA	20-11-91	Mohanbari	No	No	No	No	No	No	Yes	
54	D. Dey, SA	9/9/91	Mohanbari	No	No	No	No	No	No	Yes	
55	N.C. Bhuyan, SA	23-8-82	Guwahati	No	No	No	5/8/94	New Delhi	Mohanbari	Yes	
56	N.K. Debnath, SA	16-10-81	Tura	No	No	No	7/9/91	Chandigarh	Guwahati	Yes	
57	J.P. Sarma, SA	19-12-85	Along	No	No	No	No	No	No	Yes	
58	M. Ghosh, SA	7/12/81	Guwahati	No	No	No	No	No	No	Yes	

SN	Name & Designation	Initial Appointment		If transferred from outside N.E.R			If transferred from N.E.R to outside & re-transferred				
		Date	Place	Date	Place	Re-transferred date	Re-transferred Place	From	To	Whether resident of N.E.R	Remarks
				Date	Place						
59	K.C. Sarkar, SA	13-2-88	N'Lakhimpur	No	No	NO	NO	No	No	Yes	
60	D.C. Das, SA	11/9/91	Cherrapunjee	No	No	No	No	No	No	Yes	
61	A.H. Choudhury, SA	3/6/85	Guwahati	No	No	No	No	No	No	Yes	
62	C. Das. Choudhury, SA	31-12-81	Agartala	No	No	No	No	No	No	Yes	
63	S. Chakraborty, SA	31-8-87	Guwahati	No	No	No	5/8/96	New Delhi	Mohanbari	Yes	
64	Jagdish Pd. Sarma, SA	13-2-82	Cherrapunjee	No	No	No	No	No	No	Yes	
65	S.K. Bhattacharjee, SA	14-10-77	Guwahati	No	No	No	13-5-92 15-3-87	New Delhi Jalpaiguri	Mohanbari Guwahati	Yes	
66	S. Dutta, SA	30-8-91	Shillong	No	No	No	No	No	No	Yes	
67	S.S. Debroy, SA	28-4-84	Guwahati	No	No	No	No	No	No	Yes	
68	J.C. Sarma, SA	28-12-82	Guwahati	No	No	No	19-6-96	Ahmedabad	Guwahati	Yes	
69	L. Kalita, SA	12/6/75	Guwahati	No	No	No	3/12/87	Gangtok	Guwahati	Yes	
70	P. Ali, SA	1/8/77	Mohanbari	No	No	No	No	No	No	Yes	
71	C.K. Bhuyan, SA	29-5-85	Guwahati	No	No	No	No	No	No	Yes	

(216)

SN	Name & Designation	Initial Appointment		If transferred from outside NER		If transferred from NER to outside & re-transferred			Whether resident of NER	Remarks
		Date	Place	Date	Place	Re-transferred date	Re-transferred Place			
		Date	Place	From	To	From	To	Yes/No		
72	R.N. Saha, SA	6/11/84	Guwahati	No	No	No	No	No	Yes	
73	D.K. Barthakur, SA	15-5-85	Guwahati	No	No	No	No	No	Yes	
74	R.K. Goswami, SA	17-3-82	Guwahati	No	No	9/9/91	Chandigarh	Guwahati	Yes	
75	R.C. Debnath, SA	9/8/90	Lekhapani	No	No	No	No	No	Yes	
76	T. Patowary, SA	25-11-85	Roing	No	No	No	No	No	Yes	
77	B. Barman, SA	31-1-78	Mohanbari	No	No	No	No	No	Yes	
78	M. Das, SA	27-11-84	Mohanbari	No	No	No	No	No	Yes	
79	P.K. Das, SA	3/9/90	Guwahati	No	No	No	No	No	Yes	
80	B.C. Roy, SA	4/12/81	Mohanbari	No	No	No	No	No	Yes	
81	S. Chanda, SA	15-11-81	Imphal	No	No	No	No	No	Yes	
82	K. Hazarika, SA	17-1-85	Mohanbari	No	No	No	No	No	Yes	
83	S.K. Roy Choudhury, SA	15-9-81	Agartala	No	No	15-6-01	New Delhi	Guwahati	Yes	
84	P.K. Mahanta, SA	15-11-84	Guwahati	No	No	No	No	No	Yes	
85	A.C. Sarma, SA	1/11/85	Shillong	No	No	No	No	No	Yes	

(217)

Sl.	Name & Designation	Initial Appointment		If transferred from outside NER		If transferred from NER to outside & re-transferred		Whether resident of NER	Remarks	
		Date	Place	Date	Place		Re-transferred date	Re-transferred Place		
					From	To				
		Date	Place							
86	N.B. Singh, SA	13-5-68	Imphal	No	No	No	No	No	Yes	
87	C.D. Barman, SA	16/9/74	Guwahati	No	No	No	No	No	Yes	
88	B.K. Barman, SO	24-1-91	Guwahati	No	No	No	No	No	Yes	
89	D. Talukdar, SO	23/2/98	Guwahati	No	No	No	No	No	Yes	
90	B.C. Nath, SO	1/12/95	Guwahati	No	No	No	No	No	Yes	
91	R. Saikia, SO	26/6/95	Tezpur	No	No	No	No	No	Yes	
92	B.K. Nath, SO	16-1-98	Tezpur	No	No	No	No	No	Yes	
93	D.C. Das, SO	20/4/98	Tezpur	No	No	No	No	No	Yes	
94	K.R. Ramchhary, SO	31-10-94	Guwahati	No	No	No	No	No	Yes	
95	S.R. Paul, SO	8/1/91	Mohanbari	No	No	No	No	No	Yes	
96	T.K. Boarh, SO	24-9-97	Tura	No	No	No	No	No	Yes	
97	J. Ganguly, SO	1/8/90	Rupsi	No	No	17-10-95	Chatra	Silchar	Yes	
98	A.C. Sarma, SO	25-7-78	Guwahati	No	No	No	No	No	Yes	
99	N. Das, SO	4/9/91	Tezpur	No	No	No	No	No	Yes	
100	J.K. Sarma, SO	30/7/96	Guwahati	No	No	No	No	No	Yes	
101	S.K. Choudhury, SO	18/9/96	Guwahati	No	No	No	No	No	Yes	
102	R.K. Das, SO	7/4/98	Rupsi	No	No	No	No	No	Yes	

SN	Name & Designation	Initial Appointment		If transferred from outside NER			If transferred from NER to outside & re-transferred			Whether resident of NER	Remarks	
		Date	Place	Date	Place		Re-transferred date	Re-transferred Place				
					From	To		From	To	Yes/No		
Date	Place	From	To	Yes/No								
103	P. Ghosh, SO	7/4/98	N'Lakhimpur	No	No	No	No	No	No	Yes		
104	B.C. Sarkar, SO	7/9/91	N'Lakhimpur	No	No	No	No	No	No	Yes		
105	D. Chetia, SO	19/1/95	Mohanbari	No	No	No	No	No	No	Yes		
106	S.K. kathar, SO	18/3/96	Guwahati	No	No	No	No	No	No	Yes		
107	S. Das, SO	9/3/98	Guwahati	No	No	No	No	No	No	Yes		
108	A. Choudhury, SO	11/12/89	Guwahati	No	No	No	No	No	No	Yes		
109	B.K. Dutta, SO	5*11*90	Guwahati	No	No	NO	NO	No	No	Yes		
110	D.C. Sarkar, SO	7/4/98	Barapani	No	No	No	No	No	No	Yes		
111	S.K. Gogoi, SO	5/8/97	Passighat	No	No	No	No	No	No	Yes		
112	U. Borah, SO	23/2/95	Lekhapani	No	No	No	No	No	No	Yes		
113	A.C. Roy, SO	20/2/97	N'Lakhimpur	No	No	No	No	No	No	Yes		
114	Smt K. Komuni, SO	6/10/89	Imphal	No	No	No	No	No	No	Yes		
115	M. Sarma, SO	23/2/98	Guwahati	No	No	No	No	No	No	Yes		
116	P.H. Roy, SO	11/4/90	Guwahati	No	No	No	No	No	No	Yes		
117	C. Kalita, SO	4/11/94	Guwahati	No	No	No	No	No	No	Yes		
118	S.H. Singh, SO	5/9/87	Imphal	No	No	No	No	No	No	Yes		

219

SN	Name & Designation	Initial Appointment		If transferred from outside NER		If transferred from NER to outside & re-transferred		Whether resident of NER	Remarks		
		Date	Place	Date	Place	Re-transferred date	Re-transferred Place				
119	Y.B. Singh, SO	31/10/91	Dimapur	No	No	No	No	No	Yes		
120	B. Chakraborty, SO	6/4/93	Guwahati	No	No	No	No	No	Yes		
121	P. B. Gohain, SO	5/8/95	N'lakhimpur	No	No	No	No	No	Yes		
122	K. Baidya, SO	10/9/92	Mohanbari	No	No	No	No	No	Yes		
123	C. Patowary, SO	23/2/98	Guwahati	No	No	No	No	No	Yes		
124	D. N. Das, SO	1/1/91	Guwahati	No	No	No	No	No	Yes		
125	A. Borah, SO	7/8/97	Dimapur	No	No	No	No	No	Yes		
126	B.L. Mandal, SO	30/9/93	Cherrapunjee	No	No	No	No	No	Yes		
127	G.K. Adhikari, SO	5/12/81	Mohanbari	No	No	No	18/4/89	Malda	Mohanbari		
128	B. Gogoi, SO	22/8/96	Mohanbari	No	No	No	No	No	Yes		
129	D. Gohain, SO	5/12/94	Mohanbari	No	No	No	No	No	Yes		
130	B.B. Sarma, SO	4/9/91	Imphal	No	No	No	No	No	Yes		
131	Smt R.B. Gayari, SO	23/8/96	Guwahati	No	No	No	No	No	Yes		
132	K.C. Brahma, SO	12/8/96	Guwahati	No	No	No	No	No	Yes		
133	S. Tiwari, SO	17/3/90	Mohanbari	No	No	No	No	No	Yes		

180

SN	Name & Designation	Initial Appointment		If transferred from outside NER		If transferred from NER to outside & re-transferred			Whether resident of NER	Remarks
		Date	Place	Date	Place	Re-transferred date	Re-transferred Place			
		Date	Place	From	To	From	To	Yes/No		
134	H.C.Gogoi, SO	18/9/96	Guwahati	No	No	No	No	No	Yes	
135	B.P. Mandal SO	17/1/91	Rupsi	No	No	No	No	No	Yes	
136	S. Saikia, SO	10/7/92	Passighat	No	No	No	No	No	Yes	
137	Smt. D. Haloi, SO	5/12/94	Guwahati	No	No	No	No	No	Yes	
138	B. Sen, SO	1/1/82	N'Lakhimpur	No	No	No	9/1/92	Kolkata	Guwahati	Yes
139	P. Sarma, SO	17/2/97	Passighat	No	No	No	No	No	Yes	
140	S. Choudhury, SO	18/1/88	Agartala	No	No	No	No	No	Yes	
141	M.P. Luitel, SO	13/8/87	Guwahati	No	No	No	No	No	Yes	
142	B.K. Deka, SO	7/3/98	Silchar	No	No	No	No	No	Yes	
143	M.R. Das, SO	29/9/82	Guwahati	No	No	No	No	No	Yes	
144	A. Bhuyan, SO	30/7/96	Guwahati	No	No	No	No	No	Yes	
145	P. Das, SO	20/1/98	Imphal	No	No	No	No	No	Yes	
146	D.K. Sarkar, SO	6/5/97	Lucknow	28-4-92	Lucknow	Guwahati	6/3/02	Lucknow	Guwahati	Yes
147	S. Deb, SO	12/10/92	Guwahati	No	No	No	7/10/02	New Delhi	Guwahati	Yes
148	G. Hazarika, LA	15/7/75	Mohanbari	No	No	No	No	No	Yes	
149	R.C. Nath, LA	1/3/77	Guwahati	No	No	No	No	No	Yes	
150	M. Prasad, LA	15/12/83	New Delhi	17-5-99	New Delhi	Guwahati	No	No	No	

201

SN	Name & Designation	Initial Appointment		If transferred from outside NER		If transferred from NER to outside & re-transferred		Whether resident of NER	Remarks		
		Date	Place	Date	Place	Re-transferred date	Re-transferred Place				
				From	To						
151	I.S. Gogoi, LA	20/7/74	Mohanbari	No	No	No	No	No	Yes		
152	S. Choudhury, LA	1/9/81	Shillong	No	No	No	No	No	Yes		
153	A.R. Mali, LA	10/9/75	Guwahati	No	No	No	No	No	Yes		
154	A. Nongrum, LA	9/3/81	Shillong	No	No	No	No	No	Yes		
155	B.C. Konwar, LA	17/9/73	Passighat	No	No	No	No	No	Yes		
156	H.K. Das, UDC	27/7/72	Guwahati	No	No	No	No	No	Yes		
157	S. Das, UDC	27-8-86	Guwahati	No	No	12/2/1990 8-1-99	Kolkata Kolkata	Guwahati Guwahati	Yes		
158	A.R. Kalita, LDC	1/8/73	Guwahati	No	No	6/6/01	Kolkata	Guwahati	Yes		
159	M.C. Das, LDC	25/2/75	Silchar	No	No	11/11/91	Kolkata	Guwahati	Yes		
160	D.K. Das, LDC	29/7/93	Kolkata	9/6/97	Kolkata	Guwahati	No	No	Yes		
161	B. Choudhury, LDC	11/4/94	Kolkata	9/6/97	Kolkata	Guwahati	No	No	Yes		
162	J. Borah, LDC	29/12/97	Guwahati	No	No	No	No	No	Yes		
163	A.C. Rabha, Mech Gr-I	1/9/80	Guwahati	No	No	No	No	No	Yes		
164	B.K. Dutta, Mech Gr-I	25/5/66	Mohanbari	No	No	18-3-90	New Delhi	Shillong	Yes		
165	P. Dutta Mech Gr-II	28/4/88	Mohanbari	No	No	No	No	No	Yes		

132

(222)

SN	Name & Designation	Initial Appointment		If transferred from outside NER			If transferred from NER to outside & re-transferred			Whether resident of NER	Remarks	
		Date	Place	Date	Place	Re-transferred date	Re-transferred Place					
				From	To		From	To	Yes/No			
166	H.C. Barman, Mech Gr-II (Driver)	28/2/94	Guwahati	No	No	No	No	No	No	Yes		
167	S.N. Sarma, R/M	13/2/73	Guwahati	No	No	No	3/12/82	New Delhi	Guwahati	Yes		
168	B.R. Saikia, R/M	22/1/98	Guwahati	No	No	No	No	Nil	Nil	Yes		
169	B.K. Borah, R/M	16-1-98	Guwahati	No	No	No	No	No	No	Yes		
170	B. Teron, R/M	23/2/98	Guwahati	No	No	No	No	No	No	Yes		
171	K. Patgiri, R/M	2/3/98	Guwahati	No	No	No	No	No	No	Yes		
172	D. Saikia, MA	23/9/72	Mohanbari	No	No	No	No	No	No	Yes		
173	P.C. Saikia, MA	29/9/72	Mohanbari	No	No	No	No	No	No	Yes		
174	A.K. Paul, MA	14/2/81	Passighat	No	No	No	No	No	No	Yes		
175	D.C. Das, MA	22/3/73	Guwahati	No	No	No	No	No	No	Yes		
176	T.K. Das, MA	11/12/85	Guwahati	No	No	No	No	No	No	Yes		
177	D. Rajkhowa, MA	11/9/87	Gerakamukh	No	No	No	3/9/91	New Delhi	Mohanbari	Yes		
178	Md. Alauddin, MA	22/2/81	Imphal	No	No	No	No	No	No	Yes		
179	B.R. Deka, MA	26/10/73	Guwahati	No	No	No	No	No	No	Yes		
180	K.T. Thangkhul, MA	19/7/83	Imphal	No	No	No	17-7-89	Gangtok	Imphal	Yes		
181	K.C. Das, MA	22/5/87	Guwahati	No	No	No	No	No	No	Yes		

(133)

SN	Name & Designation	Initial Appointment		If transferred from outside NER			If transferred from NER to outside & re-transferred			Whether resident of NER	Remarks	
		Date	Place	Date	Place		Re-transferred date	Re-transferred Place				
					From	To		From	To	Yes/No		
182	S. Konwar, MA	29/8/73	Mohanbari	No	No	No	No	No	No	Yes		
183	P. Mahili, MA	13-10-97	Guwahati	No	No	No	No	No	No			
184	J.C. Das, MA	25-11-64	Guwahati	No	No	No	No	No	No	Yes		
185	K.N. Bora, MA	23-11-73	N'Lakhimpur	No	No	No	No	No	No	Yes		
186	S.K. Roy, MA	22-2-92	Guwahati	No	No	No	No	No	No	Yes		
187	S. Thankhiew, MA	7-3-92	Barapani	No	No	No	No	No	No	Yes		
188	R.K. Bhakat, MA	25-1-92	Rupsi	No	No	No	No	No	No	Yes		
189	Amil Ch. Das, MA	3/9/93	Mohanbari	No	No	No	No	No	No	Yes		
190	B. Baruah, MA	15-2-82	Guwahati	No	No	No	No	No	No	Yes		
191	S. Moral MA	22-9-79	Gerukamukh	No	No	No	4/11/91	Patna	Guwahati	Yes		
192	Aditya Kr. Das, MA	29-9-92	Tezpur	No	No	No	No	No	No	Yes		
193	B.C. Gogoi, MA	6/8/78	Tezpur	No	No	No	No	No	No			
194	Md. J. Ali, MA	3/10/97	Mohanbari	No	No	No	No	No	No	Yes		
195	Apurba Kr. Das, MA	20-10-73	Guwahati	No	No	No	No	No	No	Yes		
196	S. Bhuyan, MA	26-8-72	Guwahati	No	No	No	No	No	No	Yes		
197	Mukul Ch. Das, MA	26-4-83	Guwahati	No	No	No	No	No	No	Yes		
198	D. Gogoi, MA	15-9-97	Guwahati	No	No	No	No	No	No	Yes		

(224)

SN	Name & Designation	Initial Appointment		If transferred from outside NER			If transferred from NER to outside & re-transferred			Whether resident of NER	Remarks
		Date	Place	Date	Place	Re-transferred date	Re-transferred Place	From	To	From	To
Date	Place	From	To								
199	L.I. Singh, MA	15-12-76	Imphal	No	No	No	No	No	No	No	Yes
200	Ajit Ch. Das, MA	16-4-75	Guwahati	No	No	No	No	No	No	No	
201	Arun Kr. Das, MA	3/12/93	Imphal	No	No	No	No	No	No	No	Yes
202	A.K. Singh, MA	1/5/91	Imphal	No	No	No	No	No	No	No	Yes
203	B.C. Konwar, MA	17-9-73	Mohanbari	No	No	No	No	No	No	No	Yes
204	R. Bordoloi, MA	18-8-97	Dimapur	No	No	No	No	No	No	No	
205	M. Das, MA	26-8-72	Guwahati	No	No	No	No	No	No	No	Yes
206	H.N. Das, MA	28-5-84	Guwahati	No	No	No	No	No	No	No	Yes
207	S.F. Ali, MA	22-4-91	Rupsi	No	No	No	No	No	No	No	Yes
208	M.P. Yadav, MA	26-2-97	Dimapur	No	No	No	No	No	No	No	Yes
209	Khagen Ch. Das, MA	10/8/73	Guwahati	No	No	No	No	No	No	No	Yes
210	R.K. Paul, MA	6/4/73	Silchar	No	No	No	No	No	No	No	Yes
211	D. Baruah, Peon	31-7-98	Silchar	No	No	No	No	No	No	No	Yes
212	T. Deka, Peon	6/7/98	Guwahati	No	No	No	No	No	No	No	Yes
213	K. Baishya, MA	9/7/98	Tezpur	No	No	No	No	No	No	No	Yes

(105)

SN	Name & Designation	Initial Appointment		If transferred from outside NER			If transferred from NER to outside & re-transferred			Whether resident of NER	Remarks	
		Date	Place	Date	Place	Re-transferred date	Re-transferred Place					
							From	To	Yes/No			
214	S. Das, MA	3/7/98	Guwahati	No	No	No	No	No	No	Yes		
215	Anil Das, Peon	3/7/98	Guwahati	No	No	No	No	No	No	Yes		
216	M. Baruah, MA	3/7/98	Imphal	No	No	No	No	No	No	Yes		
217	S. Talukdar, MA	22-5-98	Guwahati	No	No	No	No	No	No	Yes		
218	N.K. Baruah, peon	2/7/98	Cherrapunjee	No	No	No	No	No	No	Yes		
219	R. Das, Peon	24/12/98	Guwahati	No	No	No	No	No	No	Yes		
220	G. Barman, Peon	24/12/98	Rupsi	No	No	No	No	No	No	Yes		
221	P.K. Das, Peon	24-12-98	Mohanbari	No	No	No	No	No	No	Yes		
222	N.C. Boro, Peon	20-12-2000	Guwahati	No	No	No	No	No	No	Yes		
223	C.D. Das, Peon	27-6-94	Guwahati	No	No	No	No	No	No	Yes		
224	N. Talukdar, Peon	25-5-95	New Delhi	New Delhi	22-10-96	New Delhi	Guwahati	No	No	Yes		
225	R.C. Konwar, Peon	4/10/79	N'Lakhimpur	No	No	No	4/9/91	New Delhi	Guwahati	Yes		
226	K. Hazarika, Chow,	23-4-77	Lekhapani	No	No	No	No	No	No	Yes		
227	R.C. Boro, Chow	28-4-98	Imphal	No	No	No	No	No	No	Yes		
228	S.R. Dalu, Chow	27-5-75	Tura	No	No	No	No	No	No	Yes		

226

SN	Name & Designation	Initial Appointment		If transferred from outside NER		If transferred from NER to outside & re-transferred					
		Date	Place	Date	Place	Re-transferred date	Re-transferred Place	Whether resident of NER	Remarks		
				From	To				From	To	Yes/No
229	Smt K. Basfore, Sfwl	15-4-94	Guwahati	No	No	No	No	No	No	Yes	
230	K. Harijan, Sfwl	9/2/88	Guwahati	No	No	No	No	No	No	Yes	

Certified that above data are based on the service book / Personal file / Bio data of the officers and staff concerned.

(Compiled by)

(Checked by)
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