

01/100

3

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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(See Rule 42)

ORDER SHEET

Misc. Petition No. 97

Contempt Petition No. _____

Review Application No. _____

Respondent(s) LP.O.112 015

Advocate for Applicant(s) M.A. Adil Ahmed

Advocate for Respondent(s) ALL GSO. A.K. Chandru.

Notes of the Registry	Date	ORDER OF THE TRIBUNAL
<p>Form 53/- Attached 07.05.2002 Dated 11.2.2002 Dy. Registrar 21/2/02</p>	22.2.02	<p>Heard Mr. A. Ahmed, learned counsel for the applicant.</p> <p>The application is admitted. Call for the records.</p> <p>List on 26.3.2002 for order.</p> <p><i>K. C. Sharma</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p>
<p>Steps Taken - Notice prepared and sent D/s for filing the same to Regd. A.D. D/No 768/577/ Dtd 7/3/02</p>	26.3.02	<p>List on 30.4.2002 to enable the Respondents to file written statement.</p> <p><i>K. C. Sharma</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p>
<p>No. written statement has been filed. 29.4.02</p>	30.4.02	<p>List on 28.5.02 to enable the respondents to file written statement.</p> <p><i>K. C. Sharma</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p>

23.5.2002

W/s Submitted
by the Respondent nos.
1, 2, 3 & 4.

28.5.02

Written statement has been filed.

The case may now be listed on 27.6.2002
for hearing. The applicant may file,
rejoinder, if any, within two weeks
from today.

Vice-Chairman

mb

The case is ready
for hearing as regards
W/s.

27.6.02

It is stated that Mr A.Ahmed,
learned counsel for the applicant is
on accommodation.

List again on 19.8.2002 for
hearing.

Member

Vice-Chairman

pg

19.8.2002

Heard the learned counsel for
the parties. Hearing concluded.
Judgment delivered in open court,
kept in separate sheets. The
application is disposed of. No order
as to costs.

Member

Vice-Chairman

nkm

Judgment dtd 19/8/02
Communicated to the parties
& the Counsel & the applicant

Received Copy

27.8.2002

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./~~XXX~~No.....57.....of 2002

DATE OF DECISION.....19.8.2002.....

Shri Namal Chandra Das & 134 others APPLICANT(S),

Mr A. Ahmed

ADVOCATE FOR THE APPLICANT

-VERSUS-

The Union of India and others RESPONDENT(S)

Mr A.K. Chaudhuri, Addl. C.G.S.C.

ADVOCATE FOR THE
RESPONDENT(S)

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

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

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

Judgment delivered by Hon'ble Vice-Chairman



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.57 of 2002

Date of decision: This the 19th day of August 2002

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

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

Shri Nomal Chandra Das and 134 othersApplicants

All the applicants are working
under the Area Manager, Canteen Stores
Department, Area Depot,
Army Supply Depot Road,
P.O.-Dimapur, Nagaland.

By Advocate Mr A. Ahmed.

- versus -

1. The Union of India, represented by the
Secretary to the Government of India,
Ministry of Defence,
New Delhi.

2. The General Manager,
Canteen Stores Department,
Mumbai.

3. The Regional Manager (East),
Canteen Stores Department,
Narengi, Guwahati.

4. The Area Manager,
Canteen Stores Department,
Area Depot, Army Supply Depot Road,
P.O.- Dimapur, Nagaland.

.....Respondents


By Advocate Mr A.K. Chaudhuri, Addl. C.G.S.C.

.....

O R D E R (ORAL)

CHOWDHURY. J. (V.C.)

The issue relates to payment of Field Service
Concession to Civilian employees. The applicants are
under the Area Manager, Canteen Stores Department, Area
Depot, Army Supply Depot Road, Dimapur, Nagaland. All the
applicants joined together for redressal of their common
grievances.....



grievances as to the payment of Field Service Concession (FSC for short) at the revised rate as per recommendation of the Fifth Central Pay Commission with effect from 1.5.1999. Earlier, a batch of applications were filed before this Tribunal seeking for direction for providing FSC to the applicants of those cases in terms of Government Circulars and Orders. The O.A.s, namely O.A.No.267/1996, O.A.No.280/1996, O.A.No.17/1997, O.A.No.12/1997 and O.A.No.269/1996 were finally disposed of by this Tribunal on 10.6.1997 directing the appropriate authority to pay FSC in the light of the decision rendered by the Tribunal in O.A.No.124/1995 and O.A.No.125/1995. According to the applicants all of them are being paid FSC at the old rates though the rates have been revised as per the recommendations of the Fifth Central Pay Commission. The local authority, namely the Area Manager, Canteen Stores Department, Dimapur, vide communication dated 16.3.2001 wrote to the concerned authority for making appropriate disbursement of the allowance on the basis of the Fifth Central Pay Commission Report. The Deputy General Manager on behalf of the General Manager, Canteen Stores Department, Mumbai by communication dated 10.4.2001 wrote to the Secretary, Board of Control, Canteen Services, New Delhi for taking appropriate steps for releasing the revised FSC to Dimapur, B D Bari and Masimpur Depots. In the said communication the authority referred to its earlier letter dated 30.8.2000 and reminders on the issue dated 16.11.2000 and 12.1.2001. Thereafter also reminders were issued by the authority, but till now no decision has been taken.

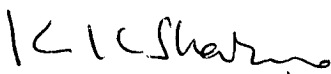
2. In the written statement the respondents have stated that they are awaiting appropriate decision by the authority.


3. We have heard Mr A. Ahmed, learned counsel for the applicants as well as Mr A.K. Chaudhuri, learned Addl. C.G.S.C. at length. Mr A. Ahmed submitted that there was no justification for delay in taking appropriate decision since the matter was clarified by the Government of India in its communication dated 5.8.1998 vide memo No.95257/2/BOCCS/2149/D(Mov)/98. Mr Ahmed submitted that as per the Presidential sanction the applicants are entitled for FSC who are serving in the Canteen Stores Department as indicated in the said communication.

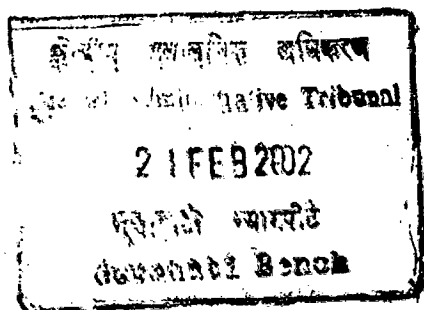
4. The material facts clearly indicated that FSC was further modified on the recommendation of the Fifth Central Pay Commission. If such recommendations were made we do not find any justification for withholding such benefit to the eligible employees. We are, however, not inclined to go into the merits of the application at this stage in view of the statement made by the learned Addl. C.G.S.C. that the authority are in seisin of the matter and they would soon take an appropriate decision on the matter.

5. We accordingly direct the respondents including respondent No.1 to take appropriate decision in the matter with utmost dispensation and communicate the same to the applicants as expeditiously as possible preferably within two months from the date of receipt of the order.

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


(K. K. SHARMA)
ADMINISTRATIVE MEMBER


(D. N. CHOWDHURY)
VICE-CHAIRMAN



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH AT GUWAHATI.

(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL
ADMINISTRATIVE TRIBUNAL ACT, 1985)

ORIGINAL APPLICATION NO. 57 OF 2002.

Sri Nomal Chandra Das & Ors.

- Applicants

-Versus-

The Union of India & Others

- Respondent

I N D E X

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Filed by

Advocate.

Filed by
 Shri Nomal Chandra Das
 Application No. 9
 through [Signature]
 (Abul HAMEED)
 Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GAUHATI BENCH AT GAUHATI.

(AN APPLICATION UNDER SECTION 19 OF THE
CENTRAL ADMINISTRATIVE TRIBUNAL ACT, 1985.)

ORIGINAL APPLICATION NO. OF 2002

S/No.F/No.	Name	Design.
1] 3190	SHRI NOMAL CHANDRA DAS	PEON
2] 0070	SHRI K.N.R. PILLAI	AGM
3] 1079	SHRI R.C.	AM
4] 1089	SHRI B.B. MAZUMDAR	SK II
5] 1243	SHRI AMALENDER DEB	SUPET
6] 1271	SHRI P.C. VAISH	SKI
7] 1273	SHRI R.K. CHAKRABORTHY	ACCT
8] 1473	SHRI S.K. BISWAS	SGC
9] 1636	SHRI P.T. ISSAC	SK II
10] 1987	SHRI ANAND SWARUP VERMA	SK III
11] 2022	SHRI P.JS.RAWAL	SK III
12] 2163	SHRI S.S. VISHAL	SK III
13] 2295	SHRI BHAGIRATHI RAM	SK III
14] 2364	SHRI BHOOP SINGH	SK III
15] 2464	SHRI P.K.ROY	LDC (S)
16] 2481	SHRI T.LAL SINGH	S/INCHARGE
17] 2580	SHRI WAHAZUDDIN	DRIVER
18] 2685	SHRI GOUR ACHARJEE	LDC (S)
19] 2710	SHRI AMAR NATH SHARMA	LDC (S)
20] 2712	SHRI T. MOHAN DASAN	UDC
21] 2729	SHRI S.K. BAJAJ	UDC
22] 2751	SHRI B.SASI KUMAR	LDC (S)

[Handwritten signature]

S/No.	P/No.	Name	Design.
231	2752	SHRI S.SARKAR	UDC
241	2819	SHRI SUBHASH CHAND	LDC (S)
251	2860	SHRI ASHISH CHAKRABORTY	LDC (S)
261	2986	SHRI DEBASHISH DEB	LDC (S)
271	3167	SHRI M.KHAN	PEON
281	3190	SHRI N.C.DAS	PEON
291	3310	SHRI D.N.RAI	H.W/N
301	3885	SHRI RATNAKAR SHARMA	MUK
311	3886	SHRI K.L. DEBNATH	CARPT
321	391	SHRI PADAM BAHADUR	MUK
331	3994	SHRI N.C. TIWARI	PACKER(O)
341	4033	SHRI P.C.SAHA	MAZ
351	4203	SHRI SHIV MANGAL RAI	DRIVER
361	4299	SHRI U.N. SINGH	MAZ
371	4030	SHRI RAJENDRA RAM	MAZ
381	4314	SHRI KEDAR NATH	MAZ
391	4331	SHRI RAM BACHAN	MAZ
401	4385	SHRI I.T. BAHADUR	W/M
411	4514	SHRI RAMANUJ RAI	MAZ
421	4515	SHRI PRABHU RAI	W/M
431	4524	SHRI KEWAL GOWALA	MAZ
441	4549	SHRI SUDAMA CHOUDHARY	W/M
451	4617	SHRI CHANDESWAR PARASAD	W/M
461	4713	SHRI SRI RAM BAHADUR	COOK
471	4722	SHRI SRI GOPAL BISWAS	MAZ
481	4726	SHRI NAND KISHORE RAI	MAZ
491	4735	SHRI BRISHA ORANG	S/WALA
501	4800	SHRI RAMCHANDRA NAIR	MAZ
511	4837	SHRI MAHESH SAHU	MAZ
521	5022	SHRI R. PRASAD	LDC (S)
531	5197	SHRI A.R. PAUL	W/M

S/No.	P/No.	Name	Design.
54J	5212	SHRI P.N. SINGH	LDC (O)
55J	5213	SHRI L.M. SHARMA	W/M
56J	5215	SHRI S.N. MAHATO	MAZ
57J	5216	SHRI NAR SINGH BEHRA	MAZ
58J	5270	SHRI D.S.SONAR	MAZ
59J	5315	SHRI V. KUMAR	W/M
60J	5318	SHRI K.B.CHHETRI	W/M
61J	5319	SHRI M.N.GOUR	W/M
62J	5320	SHRI L.B.ROY	W/M
63J	5312	SHRI B.S. SUBEDI	MAZ
64	5329	SHRI VIDYA RAI	W/M
65J	5338	SHRI K.D.RAO	MAZ
66J	5357	SHRI C.K. RAJWAR	MAZ
67J	5375	SHRI RAMSAKAL RAJWAR	LDC (S)
68J	5414	SHRI BANARSI SINGH	MAZ
69J	5526	SHRI KRISHNA PASWAN	MAZ
70J	5551	SHRI KAMALUDDIN	W/M
71J	5575	SHRI MUSLIM MIYAN	W/M
72J	5584	SHRI BISHNU LAL CHETRI	W/M
73J	5705	SHRI JOGENDER SAH	COOK
74J	5755	SHRI G.R.KORI	MAZ
75J	5833	SHRI MOOLCHAND	MAZ
76J	5842	SHRI S.S. GUPTA	MAZ
77J	5898	SHRI MAZIBAR REHMAN	COOK
78J	5986	SHRI C.J.VERMA	W/M
79J	6005	SHRI B.C.BARUAH	W/M
80J	6036	SHRI B.C.NATH	CLEANER
81J	6040	SMT REKHA GUPTA	PEON
82J	6102	SHRI DADIRAM SHARMA	W/M
83J	6196	SHRI KRISHNA SHARMA	W/M
84J	6198	SHRI S.N. SHARMA	W/M

85J	6199	SHRI SANJAY KUMAR SINGH	W/M
86J	6200	SHRI G.C. SEAL	W/M
87J	6201	SHRI MONTAJ ALI	W/M
88J	6202	SHRI JITU DAS	W/M
89J	6203	SRI DEBASHIS SENGUPTA	W/M
90J	6224	SRI MOHAN THAPA	W/M
91J	8002	SRI CHUNILAL RAM	LDC(S)
92J	8148	SRI PRADIP KUMAR PRASAD	LDC(O)
93J	8160	" Sahas Nath Pradhan	LDC(O)
94J	8182	" Pradip Baruah	UDC
95J	9230	" Debasish Chowdhury	LDC(O)
96J	8272	" Udit Pal Nag	LDC(O)
97J	8429	" Neeraj Jain	LDC(O)
98J	8445	" Joy Das	-do-
99J	12270	" Ram Prasad	W/Boy
100J	12271	" Ram Chandra Saha	Tea-Maker
101J	1941	" Phool Chandra	SK-I
102J	2200	" A P Diwedi	SK-II
103J	3888	" Bhola Nath	Maz
104J	3949	" Ram Ashan	Mali
105J	4150	" R K Paul	Maz
106J	4199	" Anand Kumar	Peon
107J	4364	" D R Singh	SK-II
108J	4614	" R S Yadav	Peon
109J	4719	" P C Verma	Maz
110J	4728	" Mata Prasad	-do-
111J	4926	" R C Prajapati	W/M
112J	5267	" N P Singh	W/M
113J	5443	" Shivji Yadav	Maz
114J	5999	" Antu Ram	-do-
115J	8255	" Binod Kumar	LDC(O)
116J	1400	" J Gogoi	SGC

1171	8159	"	Smrity Chaudhury	LDC(O)
1181	2753	"	T K Das	LDC(O)
1191	6197	"	T B Karki	W/M
1201	4661	"	Raj Kumar	LDC(S)
1211	1840	"	A Roy	SK-II
1221	4754	"	Chandan Sarkar	Maz
1231	4754	"	T Mukherjee	UDC
1241	1729	"	M A Koshy	SK-II
1251	2219	"	N C Bahgera	SK-III
1261		"	K K Mandal	Acct.
1271		"	Mehavir Kasman	LDC
1281		"	Raju Prasad	Maz
1291		"	Hari Nath	Maz
1301		"	Ram Bilas	Maz
1311		"	Ganesh Sahu	Maz
1321		"	Narayan	Maz
1331		"	Laxmi Paswan	Maz
1341		"	Ramesh Yadav	LDC
1351		"	T B K Rao	LDC

Applicants.

Now all the applicants are working under the Area Manager, Canteen Store Department, Area Depot, Army Supply Depot Road, P.O.-Dimapur, Nagaland.

-AND-

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- 1] Union Of India,
represented by the Secretary
to the Government of India,
Ministry of Defence, New Delhi.
- 2] The General Manager,
Canteen Store Department,
'ADELPHI' 119 Maharshi Karve Road,,
Mumbai-400020.
- 3] The Regional Manager (East)
Canteen Store Department,
P.O.- Satgaon, Narengi,
Guwahati.
- 4] The Area Manager,
Canteen Store Department,
Area Depot, Army Supply Depot Road,
P.O.- Dimapur, Nagaland.

-Respondents.

DETAILS OF THE APPLICATION:

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

This instant application is made for up-
gradation and revised Scale of Field Service
Concession Allowance of the applicants as per Fifth
Pay Commission Recommendation.

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2] JURISDICTION OF THE TRIBUNAL

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

3] LIMITATION

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

4] FACTS OF THE CASE

Facts of the case in brief are given below:

4.1 That your humble applicants are citizens of India and as such, they are entitled to all the rights and privileges guaranteed under the Constitution of India. The applicants are all Defence Civilian Employees serving under the Ministry of Defence at Dimapur in Nagaland since a long time.

4.2 That your applicants beg to state that all the applicants are serving under the The Area Manager, Canteen Store Department, Area Depot, Army Supply Depot Road, P.O.- Dimapur, Nagaland.

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4.3 That your applicants beg to state that they have got common grievances, Common cause of action and the nature of relief prayed for is also same and similar and hence having regard to the facts and circumstances they intend prefer this application jointly and accordingly they pray for grant of permission under Rule 4(5) (a) of the Central Administrative Tribunal (procedure) Rules 1987 to move this application jointly.

4.4 That your applicants beg to state that under the Government of India various orders, Memos, Circulars, these Defence Civilian Employees who are serving in Field Areas including Nagaland, Manipur, are eligible for certain benefits due to involving risk of life along with Armed Force personnel. These Defence Civilian Employees are facing imminent hostilities in these hilly Areas risking their lives in supporting the army personnel development there.

4.5 That your applicants beg to state that these Defence Civilian Employees are entitled to get the benefit of Field Service Concession and also Allowance as per various Government Circulars and orders. Accordingly, your applicants earlier filed an Original Application No. D.A. 269 of 1996 before this Hon'ble Tribunal for payment of Field Service Concession Allowance. The Hon'ble Tribunal was

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pleased to pass a judgment on 10-06-1997 alongwith series of similar cases allowing the applicants' case for payment of Field Service Concession Allowance. As per the judgment of the Hon'ble Tribunal the Respondents paid the Field Service Concession Allowance to the applicants till date as per 4th Pay Commission Recommendation. The applicants are enjoying this benefit till today.

Annexure-A is the photocopy of judgment and order dated 10-06-1997 passed in O.A. 269/96 alongwith the other cases.

- 4.6 That your applicants beg to state that they filed representation and also made verbal requests to the Respondent No. 4 for payment of Field Service Concession Allowance at the revised rate as admissible under the Fifth Pay Commission with effect from 1st May 1999. The Respondent No. 4 vide his reminder No. DPD/EST/FSC/961 dated 22nd September 2000 requested the Respondent Nos. 2 and 3 for early revision of Field Service Concession Allowance rate. The Respondent No. 2 vide his letter No. REF No. 3/ADMN/B-9 1791/ dated 18-12-2000 has recommended the Revised Pay Scale and Field Area Allowance to the Canteen Store Department Employees. The copies of the letters are also sent to All India C.S.D. Officers' Association C.S.D. Employees Union, C.S.D. Workers Association.
- ls*

In the mean time, the Respondent No. 4 sent a Telex Message to the Respondent No. 2 requesting him for early payment of revised rate of Field Service Concession Allowance with effect from 1st May 1999. The Respondent No. 4 also submitted before the Respondent No. 2 the revised Field Service Allowance rate to the civilian employees working in Field Areas of Dimapur, Nagaland as per letter No. DPD/0020/20/Est/1980 dated 16-03-2001. The Respondent No. 4 again requested the Respondent No. 2 for approval of revised rate of Field Service Concession Allowance to the applicants vide his letter dated 20-03-2001. After that the Respondent No. 2 sent a reminder No. 3 to the Board of Control Canteen service, New Delhi for early payment of revised rate of Field Service Concession Allowance to the applicants vide his letter dated 10-04-2001. The Office of the Respondent No. 2 has also issued a letter to the Office of the Respondent No. 4 vide reference No. 6 D/PR/FAA/551 dated 18/24 April 2001. In this letter it has been state that revised rate of Field Service Concession Allowance will be paid to the applicants on receipt of clarification from the Board of Control. The Respondent No. 4 vide his letter No. DPD/0020/20/Est/849 dated 14-08-2001 has also requested the Respondent No. 2 for early payment of revised rate of Field Service Concession Allowance. But till today the Respondents are not paying the revised rate of

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Field Service Concession Allowance to the applicants. Hence finding no other alternative the applicants approached this Hon'ble Tribunal for seeking justice in this matter.

Annexure-B is the photocopy of letter No. DFD/Est/FSC/96 dated 22-09-2000.

Annexure-C is the photocopy of Reference No. 3/ADMN/B-9/1791 dated 18-12-2000.

Annexure-D is the photocopy Telex Message dated 02-03-2001.

Annexure-E is the photocopy of letter No. DFD/0020/20/Est/1980 dated 16-03-2001.

Annexure-F is the photocopy of Letter No. DFD/0020/20/Est/2008 dated 20-03-2001.

Annexure-G is the photocopy of letter No. REF No. 3/ADMN/B-1/1634 (FC)/1958 dated 10-04-2001.

Annexure-H is the photocopy of Ref. No. SD/PR/FAA/551 dated 18-04-2001.

Annexure-I is the photocopy of letter No. DFD/0020/20/Est/849 dated 14-08-2001.

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- 4.7 That your applicants beg to state that the non-payment of revised rate of Field Service Concession Allowance to the applicants as per Fifth Pay Commissioner Recommendation is highly illegal, arbitrary, unfair and violative of the principle of natural justice as well as fundamental rights of the applicants.
- 4.8 That your applicants beg to state that the Army Personnel who are working along with the applicants are enjoying the revised rate of Field Service Concession Allowance as per Fifth Pay Commission Recommendation with effect from 1st May 1999. But the Respondents with a motive behind discriminated your applicants by paying the Field Service Concession Allowance at the old rate that is as per 4th Pay commission.
- 4.9 That your applicants submit that the Respondents have resorted the colourable exercise of power to deprive the applicants from their legitimate due. The actions of the Respondents are arbitrary and whimsical.
- 4.10 That this application is filed bona fide and for the ends of justice.

5: GROUNDS FOR RELIEF WITH LEGAL PROVISION:

by

5.1 For that, the action of the Respondents are highly illegal, arbitrary and violative of the principle of natural justice as well as the fundamental rights of the applicants.

5.2 For that, the applicants are Defence Civilian Employees serving in Nagaland and being attached with the armed force personnel who are deployed in the Field Areas for operational requirement facing the immense hostilities and also facing risk of life along with the armed forces, as such, they are entitled to get the revised rate of Field Service Concession allowance as per recommendation of Fifth Pay Commission and as such, the same cannot be discriminated with the Armed Force Personnel.

5.3 For that, the Field Service Concession Allowance was not obtained by the applicants by any fraudulent means but the respondents after accepting the judgment of the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati and also accepting the Hon'ble Supreme Courts Judgment they are paying the Field Service Concession Allowance to the Civilian Employee of Canteen Store Department.

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5.4 For the, in any view of the matter the action of the respondents are not sustainable in the eye of law.

The applicants crave leave of this Hon'ble Tribunal to advance further grounds at the time of hearing of this instant application.

6. DETAILS OF REMEDIES EXHAUSTED:

That there is no other alternative and efficacious remedy available to the applicants except invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

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

That the applicants further declare that they have not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other Court, authority, nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

ly

Under the facts and circumstances stated above the applicants most respectfully prayed that your Lordship may be pleased to admit this petition, call for the records and issue rule to show cause as to why the relief prayed for should not be granted to the applicants and if any cause or causes are shown by the Respondents then after hearing the application this Hon'ble Tribunal may be pleased to pass any order or orders as your Lordships may deem fit and proper and may be pleased to direct the respondents to give the following reliefs.

8.1 That the Hon'ble Tribunal may be pleased to direct the respondents to give revised rate of Field Service Concession Allowance to the applicant with effect from 1st May 1999 as per Fifth Pay Commission Recombination.

8.2 To pass any other order or orders as deem fit and proper by the Hon'ble Tribunal.

8.3 Cost of the case.

9. INTERIM ORDER PRAYED FOR:

1/3

The applicants do not seek any interim relief at this stage, the Hon'ble Tribunal, if desires, may be pleased to pass any order or orders as deem fit and proper.

10. Application Is Filed Through Advocate.

11 Particulars of I.P.O.:

I.P.O. NO. 76551722

Date Of Issue 17.1.2002

Issued from Guwahati G.P.O.

Payable at Guwahati

12. LIST OF ENCLOSURES:

As stated above.

- Verification.

hs

VERIFICATION

I, Shri Nomal Chandra Das, P No. 3190
 Applicant No. 1, Working as peon in the Office of
 the The _____ Area Manager, Canteen
 Store Department, Area Depot, Army Supply Depot
 Road, P.O.- Dimapur, Nagaland as authorised by the
 other applicants do hereby solemnly verify that the
 statements made in paragraphs 4.1 to 4.4, 4.7, 4.8 —
 — are true to my know-ledge,
 those made in paragraphs 4.5, 4.6,
 — are being matters of records
 are true to information derived therefrom which I
 believe to be true and those made in paragraph 5
 are true to my legal advice and rest are my humble
 submissions before this Hon'ble Tribunal I have not
 suppressed any material facts.

And I sign this verification today on this
21st day of February 2002 at Guwahati.

Nomal ch Das

Declarant.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 267 of 1996 (Series)
Date of decision : This the 10th day of June, 1997.

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

Hon'ble Shri G.L. Sanglyine, Administrative Member.

O.A. No. 267 of 1996.

Ram Bachan & 14 Ors.

By Advocate Mr. A. Ahmed.

.....Applicants

-versus-

Union of India & Ors.

...Respondents

By Advocate Mr. S. Ali, learned Sr. C.G.S.C.

O.A. No. 280 of 1996.

D.D. Bhattacharjee & 31 Ors.

....Applicants

By Advocate Mr. A. Ahmed

-versus-

Union of India & Ors.

....Respondents

By Advocate Mr. S. Ali, learned Sr. C.G.S.C.

O.A. No. 17 of 1997.

Shri Hari Krishna Mazumdar & 24 Ors.

...Applicants

By Advocate Mr. A. Ahmed.

-versus-

Union of India & Ors.

....Respondents

By Advocate Mr. S. Ali, learned Sr. C.G.S.C.

O.A. No. 12 of 1997.

Sri Jatin Chandra Kalita & 19 Ors.

....Applicants

By Advocate Mr. A. Ahmed.

-versus-

Union of India & Ors.

....Respondents

By Advocate Mr. S. Ali, learned Sr. C.G.S.C.

....O.A.

SB

Ahmed
S. Ali
A. G.

O.A. No. 269 of 1996.

Nomal Chandra Das & 94 Ors.

....Applicants.

By Advocate Mr. A.Ahmed.

-versus-

Union of India & Ors.

....Respondents

By Advocate Mr. S.Ali, learned Sr.C.G.S.C.

O R D E R

BARUAH J. (V.C.).

The above applications involve common questions of law and similar facts therefore we are disposing of all the applications by this common order. The facts are;

2. All the applicants are Group III & IV Civilian Employees serving under the Defence Department since long time. They are now posted in Nagaland. The applicants state that Central Government by various circulars gave directions that the Civilian Employees serving under the Defence Department in Nagaland are eligible for Certain benefits for taking risk of their life. They further state that as per the various Government circulars and Office Memorandum the Civilian Employees are entitled to get the benefit of Field Service Concession. As per the Government letter No. 372/AG/PS 3(a)/D(Pay)/Services dated 13.1.1994, the applicants being Civilian Employees under the Defence Department and at present posted in Nagaland are entitled to the benefit of Field Service Concession. In spite of ...repeated

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Adhikari

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repeated requests and demands the respondents have refused to give the said benefit. Hence the present application..

3. We have heard learned counsel appearing on behalf of the applicants and Mr. S.Ali, learned Sr. C.G.S.C. Learned counsel for the applicants submits that the present cases are covered by the decision of this Tribunal namely, the decision of O.A. Nos. 124 & 125 of 1995 dated 24.8.1995. By the said order this Tribunal directed the respondents to give the benefit of Field Service Concessions to the applicants of the above two Original Applications. The present applicants are also similarly situated and so they are also entitled to the said benefit. Learned counsel for the applicants further submits that in spite of repeated requests and demands respondents have till now denied such benefit to the present applicants which is not only arbitrary, discriminatory but also unreasonable and unfair. Mr. Ali, learned Sr.C.G.S.C. very fairly concedes that this Tribunal in similar facts and circumstances of the case directed the authority to give such benefit to those applicants and Mr. Ali also confirms that the present is covered by the said order.

4. On hearing the counsel for the parties and on perusal of the records we are of the opinion that the present cases are covered by the decision of this Tribunal passed in O.A. Nos. 124/95 and 125/95 and therefore we direct the respondents to pay Field Service Concession to the present applicants. This ...must

Sb

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Rm E

must be done as early as possible at any rate within
3 (three) months from the date of receipt of the copy
of this order.

5. The application is allowed.

6. Considering the entire facts and
circumstances of the case, however we make no order
as to costs.

sd- Vice-Chairman

sd- Member (A)



Certified to be true copy

प्रमाणित प्रतिलिपि

[Signature]
23/1/79

Registrar (A)
Central Administrative Tribunal
Lucknow

[Signature]
23/1/79

Attested

[Signature]
23/1/79

- 22 -

CSD DEPOT
DIMA PUR

THE DGM (P&A)
CSD HO. MUMBAI

Reminder

DPD/EST/FSC/961

22 Sept '2000.

SUB : REVISION OF FIELD SERVICE
CONCESSION(FSC) W.E.F 1ST MAY'99.

Reference our letter No.DPD/EST/FSC/630 dt.2nd Aug'2K
and HO.letter No.3/Admn/B-1/1791/3296 dt.16th Aug'2000
(Both copies enclosed).

Please be informed that we have not received any
intimation regarding FSC matter. The staff is pressing
hard for early payment as in other Department the
employees have got the payment on revised FSC rate.

You are therefore requested to expedite the matter
and pay before Diwali festival. Your word of confirmation
is requested.

(R.K.SHARMA)
AREA MANAGER

Encl : a/a

CC : THE DGM (F&A)
CSD HO. MUMBAI

: - With a request to km make an
arrangement for early payment.

CC : THE R.M.(E)
CSD NARANGI

: - You are requested to kind
intervens in the matter.

Attested
[Signature]
[Signature]

GOVERNMENT OF INDIA
MINISTRY OF DEFENCE
CANTEEN STORES DEPARTMENT
'ADELPHI' 119 M K ROAD
MUMBAI - 400 020.

ANNEXURE - C 31

Ref.No. 3/Admn/B-9/1791/

Date : / 8 Dec '2000.

CSD ORDER NO.17/2000

PART : PERSONNEL & ADMINISTRATION

SUB : REMOVAL OF ANOMALIES ARISING FROM THE IMPLEMENTATION OF THE REVISED PAY SCALES AND ALLOWANCES CONSEQUENT TO THE V CPC RECOMMENDATIONS - FIELD AREA ALLOWANCE, HIGH ALTITUDE ALLOWANCE AND SPECIAL COMPENSATORY COUNTER INSURGENCY ALLOWANCE - REG.

A copy of Govt. of India, Ministry of Defence letter No. 1(26)/97/XX/D(Pay/Services) dated 29th February, 2000 on the above subject is reproduced as Annexure 'A' to this CSD Order.

D S Sharma

(D S SHARMA)
ASST GENERAL MANAGER (ADMN)
FOR GENERAL MANAGER

DISTRIBUTION

- | | |
|--|-------------------|
| 1. The Secretary, BOCCS, New Delhi | (2 copies each) |
| 2. GM | (1 copy each) |
| 3. JGM I/JGM II | (" ") |
| 4. All DGMS/AGMS/Managers at HO | (" ") |
| 5. All RMS | (" ") |
| 6. All Depot Manager/Base | (4 copies each) |
| 7. HO Accounts Branch | (5 copies each) |
| 8. All other branches at HO | (1 copy each) |
| 9. CDA(CSD) | (" ") |
| 10. LAO | (" ") |
| 11. Sub Group B-1/B-2/A-1/A-2/B-8/C-3 | (" ") |
| 12. AAO(Admn) | (" ") |
| 13. All India CSD Officers Association | (" ") |
| 14. CSD Employees Union | (" ") |
| 15. CSD Workers Association | (" ") |

* DGM(Base)/Depot Manager will provide one copy each to Union/Association Branch if exist at their station.

Attache
Signature

ES-1
10/1/01

contd.... 2/-

No.1(26)/97/XX/D(Pay/Services)
Government of India,
Ministry of Defence.

New Delhi -110 011, dated the 29th February, 2000

To

The Chief of the Army Staff,
The Chief of the Air Staff,
The Chief of the Naval Staff.

Subject : Removal of anomalies arising from the implementation of the revised pay scales and allowances consequent to the V CPC recommendations - Field Area Allowance, High Altitude Allowance and Special Compensatory Counter Insurgency Allowance - Reg.

Sir,

I am directed to refer to this Ministry's letter No.1(22)/97/D(Pay/Services) and 3(4)/97/D(Pay/Services) both dated 8.1.1998 and to state that the issue regarding certain anomalies arising from the implementation of revised pay scales and allowances consequent to the V CPC award has been considered in the light of the recommendations of a Committee specially constituted on the above subject and it has been decided that the following shall be the rates of Field Area Allowance, High Altitude Allowance and Special Compensatory Counter Insurgency Allowance -

FIELD AREA ALLOWANCE

Rank	<u>Highly Active Field Area</u>		<u>Modified Field</u>
	<u>Field Area</u>		<u>Area</u>
			(Amt. Rs. per month)
Lt. Col. and Above and Equivalent	4,200	2,600	1,000
Major & Equivalent	3,880	2,400	930
Captain & Equivalent	3,550	2,200	860
Lieutenant & Equivalent	3,390	2,100	800
JCOs and Equivalent	2,910	1,800	600
Headclerk & Equivalent	1,940	1,200	400
Sep/Nk & Equivalent	1,620	1,000	400

(Contd....2/-)

Handwritten signature and initials

High Altitude Allowance

Rank

Category I
(9000 to 15000 feet)

Category II
(Above 15000 feet)

	(Amount in Rupees per month)	
Lieutenant Colonel and above and Equivalent	1,060	1,600
Major and Equivalent	930	1,400
Captain and Equivalent	660	1,000
Lieutenant and Equivalent	530	800
COs and Equivalent	480	720
Javildar and Equivalent	370	560
Sepoy/Nalk and Equivalent	270	400

CI Operations Allowance

Rank

In Field Areas

In Modified Field Areas

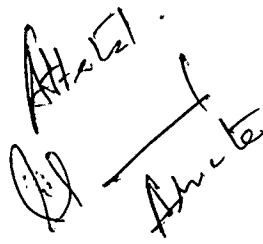
In Peace Areas

(Amount in Rupees per month)

Lieutenant Colonel and above and Equivalent	3,900	3,000	2,600
Major and Equivalent	3,600	2,770	2,400
Captain and Equivalent	3,300	2,540	2,200
Lieutenant and Equivalent	3,150	2,420	2,100
COs and Equivalent	2,700	2,000	1,800
Javildar and Equivalent	1,800	1,300	1,200
Sepoy/Nalk and Equivalent	1,500	1,150	1,000

3. The matter regarding concurrent applicability of different risk-related allowances has also been under considered by the Government. It is clarified that as a rule only one of the risk-related allowance at the highest rates should be admissible in a designated area in addition to the applicable Field Area Concessions. The allowances that will be concurrently admissible in different areas and operation are indicated below:

Type of Area/Nature of Operations	Allowances concurrently admissible
(i) Siachen Glacier	Siachen Allowance Highly Active Field Area Allowance


 A. H. Patel
 J. K. Arora

E : Personnel who are also entitled to Flying Allowance shall draw either the Station Allowance or Flying Allowance along with the Highly Active Field Area Allowance. (The Station and Flying Allowances shall not be admissible concurrently).

(II) Highly Active Field Area	High Altitude Allowance I or II
Field Area	High Altitude Allowance I or II
Modified Field Area	High Altitude Allowance I or II

(NOTE : Personnel who are also entitled to Flying Allowance while serving in one of the designated Field Areas shall draw, in addition, only the applicable Field Area Allowance depending on the area of their deployment)

(III) CI Operations in Field Areas	High Altitude Allowance I or II
CI Operations in Modified Field Areas	High Altitude Allowance I or II
CI Operations in Peace Areas	High Altitude Allowance I or II

(NOTE : Personnel who are also entitled to Flying Allowance and are deployed in CI Operations shall draw, in addition, only the applicable CI Operation Allowance depending on the area of the CI operations)

(iv) In addition to the Special Forces Allowance, the Special Forces personnel shall be entitled to the applicable Field Area and High Altitude Allowance when they are deployed in areas where these allowances are also admissible. However, when deployed on CI operations, they shall be entitled, in addition, only to the applicable CI Ops Allowance depending on the area of CI operations.

4. The grant of risk-related allowances to Defence Service Personnel will be regulated in accordance with the clarification given above.

5. Highly Active Field Areas will be notified by the Government separately. However, all allowances as applicable to Field areas will be payable. The difference between the rates at which Field Area Allowance is drawn and the Highly Active Field Area Allowance, will be paid as arrears.

6. The relevant Rules in Pay and Allowances Regulations for Army, Navy and Air Force will be suitably amended in due course.

7. This letter will take effect from 1st May, 1999.

This issues with the concurrence of Ministry of Defence (Finance) vide their U.O. No. 1/77/99 dated 23-2-2000.

Yours faithfully,

(Signature)
(R.R. Grover)

Under Secretary to the Government of India

Copy to : As per standard list of distribution.

(Handwritten signatures)

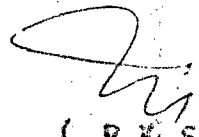
TELEX/TELEGRAM

ANNEXURE-D

CANSIND
MUMBAI

FOR DGM (F&A) (.) FIELD AREA ALLOWANCE ENHANCED W.E.F 1st MAY'
1999 (.) TWO MONTHS LAPSE (.) STAFF ARE PRESSING ~~2~~ HARD FOR
EARLY IMPLEMENTATION IN CURRENT PAYSHEET (.) ALSO PLEASE INFORM
US WHO WILL PREPARE ~~NECESSARY~~ APPEARS OF PAYMENT W.E.F 1st MAY'
1999 (.) PLEASE CONFIRM SERVICE ORDER NO.17/2000 DATED 18th
DEC'2000 (.)

CANSIND
DIMA PUR


(R.K. SHARMA)
AREA MANAGER
CSD DEPOT, DIMAPUR.

REF : DPD/EST/0020/20/TLX-09

Date: 1 Mar'2001.

CC BY POST TO:

THE DGM (F&A)
CSD HO. MUMBAI

:- We confirm having sent the above message
to you.

As per CSD Service order 17/2000 dt.18th
Dec'2000.

Field Area Allowance enhanced w.e.f 1st
May'1999, which is not implement on current
Paysheet in ie Feb'2001. Staff are pressing
us hard for early release of Payment.

Please expedite.

Am CGS - For Inv. J.S.

*Attache
J.S.
Amante*

Date: 16 Nov 2001

DPD/0020/20/EST/1980

DCM (DAA)
HQ-MUMBAI

KAX NO 028-200-1114

8/2001/1051

**SUB : FIELD SERVICE CONCESSIONS TO CSD
EMPLOYEES IN FIELD AREA DIMAPUR.**

Reference our letter No. DPD/0020/20/EST/1241 dt. 10-9-98.

1. The rate of allowances which were being paid to the Civilian Employees based on Old Basic Pay as per Army HQ Order No. 15729/0 (CIV)(D) dt. 25-4-94 is given as under (Copy enclosed herewith for reference).

Pay Range (Basic Pay)	Old Rate of Allowance	Existing Rate as per Govt. order dt. 5-8-98
0 - 900/- P.M	Rs. 375/- P.M	Rs. 500/- P.M
901 - 1500/- P.M	Rs. 475/- P.M	Rs. 600/- P.M
1501 - 2300/- P.M	Rs. 650/- P.M	Rs. 900/- P.M
2301 - 3000/- P.M	Rs. 750/- P.M	Rs. 1050/- P.M
3001 - above	Rs. 975/- P.M	Rs. 1300/- P.M

2. After Fifth Pay Commission, the Basic Pay should be revised under and allowances should be fixed accordingly as under :-

Pay Range (Basic Pay) Estimate from old Basic Pay	Old rate of Allowance	New Rate approved by Govt. As per O/O dt. 18-12-2001
0 - 3020 - P.M	Rs. 900/- P.M	Rs. 1000/- P.M
3021 - 4590 - P.M	Rs. 600/- P.M	Rs. 1200/- P.M
4591 - 8000 - P.M	Rs. 900/- P.M	Rs. 1800/- P.M
8001 - 10000 - P.M	Rs. 1050/- P.M	Rs. 2100/- P.M
10001 - above	Rs. 1300/- P.M	Rs. 2600/- P.M

We hope this will clear to your letter No. 3/Adm/E-1/1634 (FC) 308 dt. 12-1-2001 (Para-iv) addressed to the Secretariat, Board of Cor New Delhi and copy to us regarding rank of Pay.

Please arrange to pay w.e.f 1st May 1999 as per Service order 17/2000 dt. 18-12-2000 at the earliest since this point is being raised by staff side in almost all Depot level CMS Meeting.

(Sd/-) (Sd/-)
AREA MANAGER
CSD DEPOT, DIMAPUR.

CC : THE DCM (DAA)

CSD HQ, MUMBAI

For kind information and to advise I.O. for clearance of PSC, since the point is appearing in CMS Meeting.

CC : THE DCM (DAA)
CSD HQ, MUMBAI

:- Kindly get the arrears of amount paid to the entitled staff to enable us to maintain cordial relations in the depot, since staffs is getting agitated due to non-clearance of arrears w.e.f. 01-05-1999.

Handwritten signature and initials.

CSD DEPOT

IGM F&A (Pay Roll)

DIMAPUR

HO MUMBAI

DPD/0020/20/EST/ 2008

DPD/0020/20/EST/

20 March 2001

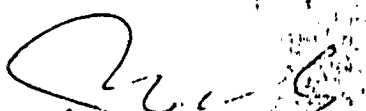
FIELD SERVICE CONCESSIONS TO
CSD DEPT EMPLOYEES IN FIELD AREA DIMAPUR

Kindly refer CSD Order No.17/2000 dated 18th Dec 2000 issued on the subject.

2. We have already forwarded a letter No.DPD/0020/20/EST/1980 dated 16 March 2001 regarding rank of pay on receipt of our copy of your letter No.3/Admn/B-1/1634(EC)/388 dated 12.01.2001 (Copy enclosed).

3. Further we enclosed herewith a statement of Paysheet for the arrears of FSC to be paid to the staff on the basis of above CSD order for your necessary approval for payment. The point has been brought by the Union during the CMS meeting for early finalisation of payment.


Please treat matter urgent.


(R.K. SHARMA)
AREA MANAGER

Encl: a/c

cc: IGM (P&A) for your necessary action please.



Attested

Admn B-1



भारत सरकार
GOVERNMENT OF INDIA
रक्षा मंत्रालय
MINISTRY OF DEFENCE

कैंटीन स्टोअर्स विभाग

CANTEEN STORES DEPARTMENT

Telegrams: CANSIND
Telex: 011-82761/011-85503 CASO IN
Telephone: 203 71 20/40/42/80

ADELPHI
119, MAHARSHI KARVE
MUMBAI - 400 020.

Ref. No: 3/Admn/B-1/1634 (FC) / 1958

Date: 10 April 2001

The Secretariat
Board of Control
Canteen Services,
L-1 Block, Room No.16,
Church Road,
New Delhi - 110 001.

Reminder No: 3

Sub : PAYMENT OF FIELD/MODIFIED
FIELD AREA ALLOWANCE

Reference our letter No.3/Admn/B-1/1634 (FC) /
3598 dated 30.8.2000 and reminder Nos.3/Admn/B-1/
1634 (FC) /4698 dated 16.11.2000 and 3/Admn/B-1/1634 (FC) /
308 dated 12.1.2001.

2. You are once again requested to forward the
clarification on the equivalent rank of Civilian
Officers vis-avis service officers. Revised Field/
Modified field area allowance has not been released
to Dimapur, B D Bari and Masimpur depots.

3. Please accord priority.

(N B SINGH)
DY. GENERAL MANAGER (P&A)
FOR GENERAL MANAGER

cc: The Manager
OSD Depot
Dimapur/BD Bari/Masimpur

cc: RM(E)/RM(N) : For information.

cc: DGM(E&A) : For information.

कृपया पत्र व्यवहार विभाग के नाम से करें, न किसी व्यक्ति के नाम से।
Please address the communications to the department only and not to any individual by name.

Attchd
Signature

कैंटीन स्टोर्स विभाग
CANTEEN STORES DEPARTMENT

ANNEXURE 2

From: AAO (PAYROLL),
ACCOUNTS BRANCH,
SECTION - 6,
CSD, HO. MUMBAI-20.

To: THE MANAGER,
CSD DEPOT,
DIMAPUR.

संदर्भ क्र.
Ref. No. 6D/PR/FAA/50

दिनांक:
Date: 18 April 2001.

SUB: PAYMENT OF FIELD/MODIFIED
FIELD AREA ALLOWANCE.

Reference Admn. Branch letter No. 3/Admn/B-1/
1634 (FD)/1558 dtd. 10th April 2001.
2. It is intimated that the revised rate of Field/
Modified Field Area Allowance as per CSD order No. 17/2000
dtd. 18th Dec. 2000 will be paid only on receipt of the
certification from BOCCS on the equivalent rank of
civilian officers vis-a-vis service officers.

(MRS V.B. MENON)
AAO (PAYROLL)
FOR DGM (F&A)

cc: AAO (ARIN.)
cc: AAO (F&A)

Atk Et
Jil
Adm E

- 32 -

ANNEXURE

CSD DEPOT
DIMAPUR

THE DGM (P&A)
HQ, MUMBAI

DPD/0020/20/EST/ 849

14th Aug' 2001

**GRANT OF SPECIAL COMPENSATORY FIELD AREA
MODIFIED FIELD AREA AND COUNTER INSURGENCY
OPERATION ALLOWANCE.**

Reference our letter No. DPD/0020/20/EST/2008 Dt.
20-3-2001 and DPD/0020/20/EST/1980 dated 16-3-2001.

Enclosed are two copies of HQ 3 Corps letter
16037/21(A) Dt. 16-6-2001 alongwith a list of entitled
UNITED FOR PSC. As per list, the name of GE, CIJU School
AGE, Smt. Mrs. HQ Cdr of Engineer (P), BRT, BRO etc. etc.
are included who almost civilian staff work there in
like of CSD Staff.

It is intimated that staff of Cantonment stores
Department, Dimapur are drawing PSC at the previous rate
as per Govt. orders on the subject. Non-applicability
of revised rate does not sound well.

You are therefore, requested to do the needful at
the earliest so that the staff in this important area
get their entitled dues without affecting their moral and
overcoming financial constraints. Your word of advice
is requested.

Encls: a/a

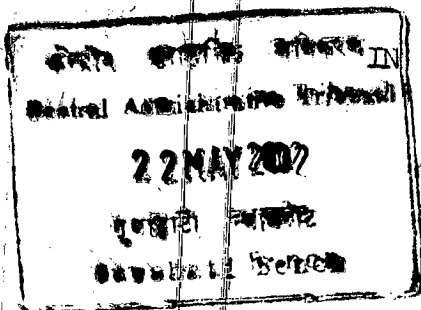
(R.K. SHARMA)
AREA MANAGER

CC: THE R.M. (EAST)
CSD, NARANGI

CC: THE DGM (P&A)
CSD, MUMBAI

For information pl.

Attd
Qs
Adwarte



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : : : GUWAHATI

*Union of India & Ors.
through - 4,
Shri Kumar Choudhary
22/*

In the matter of :

O.A. NO. 57 of 2002

Shri Nomal Ch. Das & Ors.

-Vs-

Union of India & Ors.

Written Statements for and on behalf of Respondents
Nos. 1, 2, 3 and 4.


I, Mohar Singh, Regional Manager(East), Canteen
Stores Department, C.S.D. Depot Complex, Narangi,
Guwahati - 781027, do hereby solemnly affirm and say as
follows :

1. That I am the Regional Manager(East), Canteen
Stores Department, Manager, Guwahati and Respondent No.3
in the case. I have gone through a copy of the application
served on me and have understood the contents thereof.
Save and except whatever is specifically admitted in
this written statement, the other contentions and state-
ments may be deemed to have been denied and the applicants
should be put to strict proof of whatever they claim to
the contrary. I am authorised and competent to file this
written statement on behalf of all the respondents.

2. That the respondents have no comments to the statements made in paragraphs 1, 2, 3, 4.3 and 4.4 of the application.
3. That the respondents admit that the statements made in paragraphs 4.1 and 4.2 of the application are correct.
4. That the respondents beg to state that the statements made in paragraph 4.5 of the application being matter of record are admitted to be correct.
5. That with regard to the statements made in paragraph 4.6 of the application the respondents beg to state that the consequent to the direction of Hon'ble Tribunal Guwahati Bench vide order dated 10.6.97 in O.A. No.269/96, Government of India, Ministry of Defence vide order No. 95257/Q/BOCCS/2149/D(Mov)/98 dated 05.08.98 extended the field service concession to the employees of CSD serving in Field/Modified field Areas as applicable to Defence Civilian employees of Ministry of Defence.

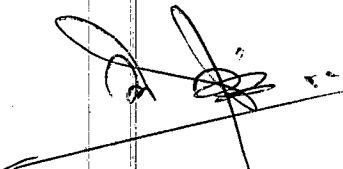
A copy of the Government order dated 5.8.98 is annexed hereto and marked as Annexure - 1.

The rate of Field Service Concession applicable to service personnel (Army, Navy and Air Force) has been revised vide Ministry of Defence order No. 1(26)/97/XX/D(Pay/Service) dated 29.2.2000. Copy of the order has been annexed as Annexure -C to the OA. However, there is no separate Government order issued by the Ministry for payment of the Field Concession at revised rate to Civilian employees of the Ministry



of Defence serving the Field/Modified field areas as has been done earlier vide order dated 05.08.1998. Due to non-availability of separate order applicable to civilian employees specifying the pay scale/rank equivalent to that of the service personnel, the respondents cannot release the payment at revised rates. On the basis of the representation and letters received from the applicants the respondents have taken up the matter with AG's Branch Army HQs and DDGCS office, New Delhi to intimate as to whether any Government order for payment of the revised rate of Field Service Concession to civilian employees of Ministry of Defence is available. However, so far the respondents did not receive any positive reply. Copies of letter No. 3/Adm/B-1/1634/(FC)/5049 dated 10.08.2001, 3/Adm/B-1/1634/(FC)/5494 dated 13.09.2001, 3/Adm/B-1/1634 (FC)/6561 dated 16.11.2001 and No.3/Adm/B-1/1634/(FC)/7012 dated 19.12.2001 are annexed hereto and marked as Annexure 2, 3, 4 and 5 respectively. The respondents have also made efforts to find out from defence establishments located at Dimapur, Narangi, Misamari, B.D. Bari and Leh the rate of allowance being paid to the civilian employees like MES. All the CSD Depots located at their stations intimated that revised rates of Field Service Concession are not being paid to the civilian employees of MES.

6. That with regard to the statements made in paragraphs 4.7 of the application the respondents beg to state that there is no Government order for payment of revised rate of Field Service Concession to the applicants, hence there is



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no question of denial of justice.

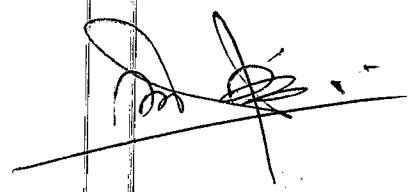
7. That with regard to the statements made in paragraph 4.8 of the application the respondents beg to state that there is a Government order dated 09.02.2000 for payment the Field Service Concession at revised rates for service personnel, they are being paid whereas there is no separate order applicable to civilian employees serving at the specified areas for payment of the Field Service Concession at revised rate.

8. That the statements made in paragraphs 4.9 and 4.10 of the application are denied.

9. That with regard to the statements made in paragraph 5 of the application the respondents beg to state that the respondents have not done any injustice or discrimination to the applicants as alleged.

10. That the respondents have no comments to the statements made in paragraphs 6, 7, 8, 9, 10, 11 and 12 of the application.

11. That the applicants are not entitled to any relief sought for the application and the same is liable to be dismissed with costs. Moreso, when the applicants have failed to even annexe copy of Government order, if any, revising the rate of Field Service Concession in respect of civilian employees of the Ministry of Defence, which would be applicable to the applicants also.

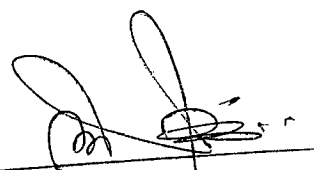


Verification.....

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

I, Mohar Singh, presently working as Regional Manager, Canteen Stores Department C.S.D. Depot, Narangi, Guwahati being duly authorised and competent to sign this verification do hereby solemnly affirm and state that the statements made in paragraphs 1-4 + 8-10 of the application are true to my knowledge and belief, those made in paragraphs 5, 6 + 7 being matter of record are true to my information derived there from and those made in the rest are humble submission before the Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 15th day of May, 2002, at Guwahati.


(MOHAR SINGH)
Dependent.
Regional Manager (East)
Canteen Stores Department
Govt. of India, Ministry of Defense
Guwahati - 781029

6

Annexure I

27

No. 25257/2/BOCCS/2149/D(Mov)/98 ✓
Government of India
Ministry of Defence
New Delhi, the 05th August, 1998.

46 ✓

To

The Secretary,
Board of Control
Canteen Services
L-I Block, Room No.16,
Church Road,
New Delhi- 110 001.

Subject :- Field Service Concessions to Canteen
Stores Department employees serving
in the newly defined Field/Modified
Field Areas.

.....

Sir,

I am directed to refer to Ministry of Defence letters No. 37269/AG/PS 3(a)/90/D(Pay/Services) dated 13-1-94, No. B/37269/AG PS 3(a)/165/D(Pay/Services) dated 31-1-95, Corrigendum No. B/37269/AG/PS 3(a)/730/D(Pay/Services) dated 17.4.95, No. 1(22)/97/D(Pay/Services) dated 8-1-98 and No. 3(4)/97/D(Pay/Services) dated 8-1-98 and to convey the sanction of the President to the following Field Services Concessions to employees of Canteen Stores Department serving in the newly defined Field Areas and Modified Field Areas as enumerated in Govt letter dated 13-1-94:-

- i) Canteen Stores Department employees serving in the newly defined Field Areas will be entitled to the concessions enumerated in Annexure 'C' to Govt letter No. A/02534/AG/PS 3(G)/97-S/D(Pay/Services) dated 25-1-1964. Canteen Stores Department employees serving in the newly defined Modified Field Areas will be entitled to the concessions enumerated in Appendix 'B' to Govt letter No. A/25761/AG/PS3(b) 146-S/2/D(Pay/Services) dated 2nd March 1968. ✓
- ii) Canteen Stores Department employees serving in the newly defined Modified Field Areas will be entitled to the Special Compensatory (Remote Locality) allowance and other allowances as admissible to Defence Accounts Department

...../2-

42

Civilian employees as hitherto under existing instructions issued by this Ministry from time to time. However, in respect of CSD employees serving in the newly defined Field Areas, Special Compensatory (Remote Locality) Allowance and other allowances are not concurrently admissible along with Field/Service concessions.

iii) Consequent upon the decisions of Government on the recommendations of Fifth Central Pay Commission relating to allowances and concessions in respect of the Officers of Army, Navy & Air Force, the revised rates of allowances/concessions as per the Appendix attached to the letters No.1(22)/97/D(Pay/Services) and No.3(4)/97/D(Pay/Services) dated 8-01-98 will be admissible to the Canteen Stores Department employees serving in Newly Defined Field Areas and Newly Defined Modified Field Areas.

2. These orders will come into force from the date of issue of this letter.

3. This issues with the concurrence of Ministry of Defence (Finance/QB) vide their ID No.1367/QB dated 5-8-98.

Yours faithfully,

(T.P. MONDAL)

Under Secretary to the Government of India.
Tele : 301 2962.

Copy to:-

CGDA, New Delhi.
CDA CSD (Adelphi), 119 MK Road, Mumbai-20
CSD Mumbai
Jt Dir DADS, HQ SC Pune
Audit Officer (DS) Resident Audit Cell, Adelphi, Mumbai.
DDGCS - 10 copies.

File for review

MOHAN SINGH

Regional Manager (East)

Canteen Stores Department

Govt. of India, Ministry of Defence

Gawahati - 781029



भारत सरकार
GOVERNMENT OF INDIA
रक्षा मंत्रालय
MINISTRY OF DEFENCE

Annexure 2

कैंटीन स्टोअर्स विभाग

CANTEEN STORES DEPARTMENT

Telegram : CANSIND
Telex : 011-82761/011-85503 CASD IN
Telephones : 203 71 20/40/42/80

"ADELPHI"
119 MAHARSHI KARVE ROAD,
MUMBAI - 400 020

Ref. 3/Admn/B-1/1634(FC)/ 5049

10 Aug 2001

The Addl. Dte. Gen. Of Civ/Org'4' (Civ)(d)
Adjutant General Branch
Army Headquarters
New Delhi- 110 011

FIELD SERVICE CONCESSION TO CIVILIANS PAID FROM DEFENCE SERVICE ESTIMATES, CIVILIANS EMPLOYED IN LIEU OF COMBATANTS AND NCSE (BOTH POSTED AND LOCALLY RECRUITED)

Reference your letter No. 16729/Org-4(Civ) (d) dated 25.04.94.

- 2 It is brought to your kind notice that payment is being made to the employees of this Department posted in Field Area on the basis of your letter No. 16729/Org-4(civ) (d) dated 25.04.94 on the subject.
- 3 At present, Auditors have raised objection on payment for want of latest revised circular issued at your end to all the commands after the Vth Pay Commission.
- 4 Moreover, the employees posted in field Area are pressing hard for latest allowances. Therefore, you are requested to kindly send a copy of such letter addressed to all Headquarters enabling us to pay revised Field Service Concessions/Allowances to our employees serving at Field Areas and Modified Field Areas like Dimapur, B D Bari & Masimpur. Similar circulars to Leh-High Altitude Allowance, may also kindly be provided and oblige.
- 5 Please treat the matter as most urgent.

(N B SINGH)

DY GENERAL MANAGER (P&A)
FOR GENERAL MANAGER

CC : DGM(F&A) - For information

कैंटीन स्टोअर्स विभाग के नाम से करें, न किसी व्यक्ति के नाम से
Please address the communication to the department only and not to any individual by name

Atishwara
MOHAR SINGH
Regional Manager (East)
Canteen Stores Department
Govt. of India, Ministry of Defence
Guwahati - 781029

9
GOVERNMENT OF INDIA,
MINISTRY OF DEFENCE,
CANTEN STORES DEPARTMENT
"ADELPHI," 11, M. R. ROAD,
MUMBAI - 400 012

Annexure 3

(12)

11-A

49

13 Sept '2001.

3/Admn/B-1/1634(FC)/5494

The Addl. Dte. Gen. of Civ/Org '4' (Civ) (d)
Adjutant General Branch
Army Headquarters
NEW DELHI - 110 011.

Sub : FIELD SERVICE CONCESSION TO
CIVILIANS PAID FROM DEFENCE
SERVICE ESTIMATES, CIVILIANS
EMPLOYED IN LIEU OF COMBATANTS
AND NCSE (BOTH POSTED AND LOCALLY
RECRUITED)

Reference our letter No. 3/Admn/B-1/1634(FC)/
5049 dt. 10th Aug 2001. Flag A

2. You are once again requested to send a copy
of the latest revised circular issued at your end to
all the commands after the Vth Pay Commission so as to
enable us to pay revised Field Service Concessions/
Allowances to our employees serving at Field Areas and
Modified Field Areas like Dimapur, B.D. Bari and
Masimpur. A copy of similar circular to Leh - High
Altitude Allowance may also kindly be sent to this
office alongwith the copy of above referred circular
for our further necessary action.

3. Kindly accord TOP PRIORITY.

(N.B. SINGH)
DY. GENERAL MANAGER (F&A)
FOR GENERAL MANAGER

cc : DGM(F&A) : For information.

Contd. 2/-

MOHAR SINGH
Regional Manager (East)
Canteen Stores Department

Govt. of India, Ministry of Defense
Gwahati - 781027

10 Annexure 4

21/10/01

GOVERNMENT OF INDIA
MINISTRY OF DEFENCE
CANTEEN STORES DEPARTMENT
'ADELPHI', 119 M K ROAD,
MUMBAI: 400 020

Ref No 3/Admn/B-1/1634 (FC) 6561

16 Nov 2001

DDGCE
Q (Canteen Services)/QMG Branch
13/L-1 Block
Army Head quarters.
DHO PO New Delhi : 110 011

**SUB : FIELD SERVICE CONCESSION TO CIVILIAN PAID
FROM DEFENCE SERVICE ESTIMATES. CIVILIANS
EMPLOYED IN LIEU OF COMBATANTS AND NCSE
(BOTH POSTED AND LOCALLY RECRUITED)**

Photocopies of the following letters (which are self explanatory) are forwarded herewith
for your kind information and further necessary action.

Sr.No	Letter Reference	Date
1.	A G's Branch, A H Qrs, New Delhi letter No.16729/Org-4 (Civ)(d)	25.04.94
2.	Our letter No.3/Admn/B-1/1634(FC)5049	10.08.2001
3.	Our letter (Reminder) No. 3/Admn/B-1/1634(FC)5494	13.09.2001
4.	A G's Branch A H Qrs, New Delhi letter No.16729/MP-4 (Civ) (d)	09.10.2001

P/3-A
P/4
P/12
P/20

In this connection, it is to inform you that our employees posted at field Areas and
Modified Field Areas like Dimapur, B D Bari and Masimpur Depots are pressing hard for early
payment of the revised Field Service Concessions/ Allowances and High Altitude Allowance.
(For Leh Depot). As such you are requested to send the copies of the Govt. orders/ letters on
priority to this branch for our further necessary action.

3. Please treat this as **MOST URGENT**

MOHAR SINGH

Regional Manager (East)
Canteen Stores Department

(N B SINGH)
DY. GENERAL MANAGER (P&A)
FOR GENERAL MANAGER

Govt. of India, Ministry of Defence
Gawahati - 781027

For information please.

11 Annexure 5.

(22) ✓

GOVERNMENT OF INDIA
MINISTRY OF DEFENCE
CANTEEN STORES DEPARTMENT
'ADELPHI', 119 M K ROAD,
MUMBAI: 400 020

Ref.No.3/Admn/B-1/1634 (FC)/7012

19 Dec'2001

DDGCS
Q (Canteen Services)/QMG Branch
13/L'-1 Block
Army Head quarters,
DHQ PO New Delhi : 110 011

REMINDER - I

SUB : FIELD SERVICE CONCESSION TO CIVILIAN PAID
FROM DEFENCE SERVICE ESTIMATES. CIVILIANS
EMPLOYED IN LIEU OF COMBATANTS AND NCSE
(BOTH POSTED AND LOCALLY RECRUITED)

Reference our letter No.3/Admn/B-1/1634(FC)/6561 dated 16.11.2001.

2. You are once again requested to send the copies of the Government orders/ letters called for vide para - 2 of our above referred letter on priority to this branch for our further necessary action.
3. Please treat this as MOST URGENT

(N B SINGH)
DY.GENERAL MANAGER (P&A)
FOR GENERAL MANAGER

CC : DGM (F&A) : For information please.

14/11/12 14/12 14/12

Attested True copy

MOHAR SINGH
Regional Manager (East)
Canteen Stores Department
Govt. of India, Ministry of Defence
Guwahati - 781027