

( RULE - 4 )  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
.....

ORDER SHEET

Original Application No. \_\_\_\_\_/

Misc. Petition No. \_\_\_\_\_/

Contempt Petition No. 23/03 COA 57/2002

Review Application No. \_\_\_\_\_/

Applicant (s) Nomal Ch. Das.

- Vs. -

Respondent (s) Sri S. Datta & ors.

Advocate for the applicant (s) Mu. Adil Ahmed.

Advocate for the respondent (s) \_\_\_\_\_

Case.  
B.M. Choudhury, A.B. Choudhury  
for Applt. No. 2, 3 & 4.

Notes of the Registry

Date

Order of the Tribunal

30.4.2003

Heard Mr. A. Ahmed, learned counsel for the applicant.

Issue notice to show cause as to why the contempt proceedings shall not be initiated.

List on 29.5.2003 for orders.

  
Vice-Chairman


mb

29.5.2003

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

The Hon'ble Mr. S.K. Hajra, Member (A).


Heard Mr. A. Ahmed, learned counsel for the applicant. Mr. B.M. Choudhury, learned counsel has entered appearance on behalf of the respondent Nos. 2, 3, & 4 and sought for time for filing written statement. Prayer is allowed. Put up again on 27.6.2003 for orders.

  
Member

  
Vice-Chairman

This contempt petition has been filed by the applicant u/s 17 of The C.A.T. Act, 1985 praying for punishment of the Contemners/Respondents for non-compliance of Judgment and order dated 16/8/2002 which was passed by the Hon'ble Tribunal in COA 57/2002.

Filed before Hon'ble Court for orders.

  
Section Officer (J).

Notice prepared & sent to all for filing the return/objection No. 1 to 4 by Regd. A.O.

26/5/03

2/No 911/914 dtd 6/5/03

(2)

(4)

27.6.2003

The respondent Sri Vinod Kumar, Regional Manager (East) Canteen Store Department has filed affidavit-in-opposition. The other respondents may also file affidavit-in-opposition if they so advised. List again on 24.7.2003 to enable the respondents to file reply.

No. Written statement has been filed.

*By*  
*26.6.03*

Pre-comply order dated 27/6/03.

*NTS*  
*27/6/03*

*[Signature]*  
Vice-Chairman

mb-

24.7.2003 Present : The Hon'ble Mr. Justice D. N. Chowdhury, Vice-Chairman.  
The Hon'ble Mr. N.D. Dayal, Administrative Member.

30.6.03

An affidavit in opposition on behalf of the Respondents/Contemners No.3 has been submitted.

Reply has been filed by the respondent No.3. The respondent Nos. 1 and 2 are yet to file reply. Further two weeks time is allowed to respondent No. 1 and 2 to file reply, if any.

Put up again on 12.8.2003 for orders.

*[Signature]*

*[Signature]*  
Member

*[Signature]*  
Vice-Chairman

mb

30.7.03

12.8.2003

Put up on 22.8.2003 for further orders.

An affidavit-in-opposition on behalf of Contemner No.122 has been submitted.

*[Signature]*

mb

22.8.2003

Present: The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman  
The Hon'ble Mr. K.V. Frahaladan Administrative Member.

*[Signature]*  
Vice-Chairman

21.8.03

Newly draft charge has been filed by the Advocate for the applicant.

*[Signature]*

Heard Mr. A. Ahmed, learned counsel for the applicant and also Mr. B. M. Choudhury, learned counsel who appeared for the respondents. Also perused the affidavit in opposition. Let the matter be posted for further hearing on 17.9.2003 on which date

Contd.

Contd.

Notice prepared & sent  
to Lfs for mis the  
respondent No 2 by  
Speed Post.

X/No 1820  
X/d 25/8/03

25/8/03

22.8.2003 the respondent No.2 i.e. Major General P.K.Singh, A.V.S.M., General Manager, Canteen Store Department is directed to appear in person.

K.V. Prahalada  
Member

Vice-Chairman

bb

17.9.2003 Present : The Hon'ble Mr K.V.Prahalada Administrative Member.

Pl. comply order  
dated 17/9/03.

AS  
18/9/03

Order dated 17/9/2003

Sent to D/S for furnishing  
information to the  
both the parties.

26/9/03

Heard Mr A.Ahmed, learned counsel for the applicants and Mr B.M.Choudhury learned counsel appearing for the alleged contemner. Mr P.K.Singh, General Manager, Canteen Stores Department, Mumbai also appeared in person and submitted that as per the order received from the Government of India Ministry of Defence he took action for payment of Field Service Concession to the applicants. He has not yet received any new orders for payment of FSC at the new rates and thus he is handicapped to pay FSC to the applicants at the new rates. He also tendered unconditional apology for a commission and commission on his part in carrying out the Tribunal's order.

List the case again on 28.10.23 for order before Division Bench.

K.V. Prahalada  
Member

pg

28.10.2003

Heard Mr A.Ahmed, learned counsel for the applicant and also Mr B.M.Choudhury, learned counsel for the alleged contemner.

Major General P.K.Singh, General Manager, Canteen Store Department, was ordered to appear in person by our order dated 22.8.2003. On 17.9.2003 the Officer appeared in person and tendered unconditional apology. Since there was no

Contd

Received Copy  
C.F. (A.V.S.M.)  
17.10.2003

21.10.03

An affidavit on behalf  
of the Contemner/Respondent  
No. 2. has been submitted.

Dis.

Contd.

28.10.2003

Division Bench on that day no order was passed exempting his personal appearance. Without any specific order exempting his personal appearance, it was improper on the part of the officer for not appearing today before us. At any rate, we however, considering the facts situation and considering the affidavit filed by the Officer, more particularly, for the unconditional apology tendered by him, condoned the lapse of the Officer for not appearing today.

Order dated 28/10/03  
Sent to D/Section for  
issuing to respondent  
No. 1 to 4 and Advocate  
for applicant.

3/11/03

The order for appearance of Major General P.K.Singh dated 22.8.03 is kept in abeyance until further order and the Officer shall have to appear in person until further orders.

List the case on 28.11.2003 for further orders.

Member

Vice-Chairman

bb

28.11.2003 No court. Adjourned  
to 16/12/03.

By order.

16.12.03

List again on 27.1.2004 for order.

Member.

pg

~~A/D card return~~  
~~from resp. No~~

21.7.2004 Present: Hon'ble Shri K.V. Sachidanandan  
Judicial Member

Hon'ble Shri K.V. Prahladan,  
Administrative Member.

When the matter came up for  
hearing, the learned counsel for the  
respondents requested for two weeks  
time to get instructions.

Post before the next available  
Division Bench.

*K.V. Prahladan*  
Member (A)

*[Signature]*  
Member (J)

nkm

23.8.2004 Present: Hon'ble Shri D.C. Verma,  
Vice-Chairman

Hon'ble Shri K.V. Prahladan,  
Administrative Member.

Mr A. Ahmed, learned counsel  
for the petitioner, has submitted  
a leave note. Adjourned. List the matter  
before the next available Division  
Bench.

*K.V. Prahladan*  
Member

*[Signature]*  
Vice-chairman

nkm

14.12.04.

Let this case be listed for hearing  
on 25th January, 2005. being Division  
Bench matter

lm

*[Signature]*  
Vice-Chairman

25.1.2005

List before the next Division  
Bench.

*K.V. Prahladan*  
Member (A)

mb

11.3.2005

Mr.A.Ahmed, learned counsel for the  
petitioner has already informed that he  
will not be available in the Tribunal  
till March, 2005.

Post on 29.3.2005.

*[Signature]*  
Member

*[Signature]*  
Vice-Chairman

b<sub>2</sub>

Case is ready for hearing.

The case is ready for  
hearing as signals  
affidavit in opposition  
on behalf of the Res/  
continues.

The case is ready  
for hearing.

24-1-05

Received

*[Signature]*  
13/8/04  
22/7/09

24.2.2004 Present: Hon'ble Shri Shanker Raju,  
Judicial Member

Hon'ble Shri K.V. Prahladan,  
Administrative Member.

Pleadings are complete in  
this Contempt Petition. List it for  
hearing on 23.3.04.


The case is ready  
for hearing.

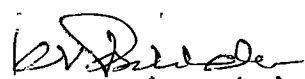
  
Member(A)

  
Member(J)

nkm

23.3.2004 List before the next Division  
Bench.

  
12.5.04


  
Member (A)

mb

13.5.2004 Present : The Hon'ble Sri Mukesh Kumar  
Gupta, Judicial Member.

The Hon'ble Sri K.V. Prahladan,  
dan, Member (A).

None appears for the petitioner.  
Learned counsel for the respondents  
seeks time. Adjourned. List for hearing  
on 17.6.2004.

  
Member (A)

  
Member (J)

mb

17.6.2004 Present; The Hon'ble Smt. Bharati Roy  
Member (J).

The Hon'ble Shri K.V.Prahladan  
Member (A).

Learned counsel for the petition-  
er Mr.A.Ahmed is not present and he filed  
a letter expressing his inability to  
attend the Court on 17th & 18th of June,  
2004.

Mr.B.M.Choudhury, learned counsel  
for respondent Nos.2, 3 & 4 was present.  
post the matter before the next Division  
Bench.

  
Member (A)

  
Member (J)

29.3.05.

Post the matter on 29.4.05 for  
~~order~~ hearing

*[Signature]*  
Vice-Chairman

Case is ready for hearing.

lm

29.4.2005

~~xxxx~~ Heard Mr. A. Ahmed, learned  
counsel for the applicnat and also Mr.  
B.M. Choudhury, learned counsel for the  
Respondents.

List on 26.5.2005.

*[Signature]*  
Vice-Chairman

mb

26.5.2005

Division Bamh is not available.  
Adjourned to 19.7.2005 for hearing.

*[Signature]*  
Member

bb

19.7.2005

On behalf of Mr B.M.  
Choudhuri, learned counsel for the  
respondents adjournment is sought.  
Post on 29.7.05.

*[Signature]*  
Member

*[Signature]*  
Vice-Chairman

nkm

29.7.05.

Mr.A.Ahmed learned counsel for the  
applicant submits that in view of the  
reply filed by the Respondents the appli-  
cant do not want to press the matter.

Heard Mr.B.N.Choudhury, learned  
counsel for the Respondents. He has no  
objection. Accordingly, C.P. is closed.

*[Signature]*  
Member

*[Signature]*  
Vice-Chairman

lm

The case is ready  
for hearing.

*[Signature]*  
23.7.05

1/8/05  
C. Copy has been  
collected by the L/Adv.  
for the Contempt and  
a copy of the same  
has been sent to the J/Sec.  
for issuing the L/Adv. from  
the applicant.

May kindly be seen  
at page 'A'.

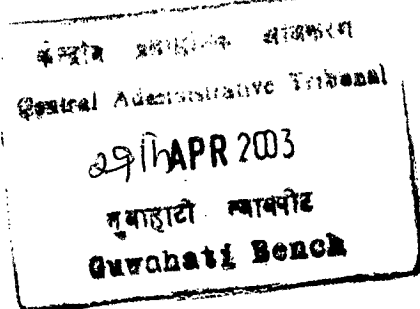
This is letter of absence  
submitted by the learned Counsel  
B. M. Chaudhary who is appeared  
on behalf of the Contemners Nos. 2, 3 & 4,  
in Contempt petition No. 23/2003  
arising out of O.A. 57/2002. The C.P.  
has been fixed by this Honble  
Tribunal on 19.7.05 for hearing.  
But the learned Counsel will be  
not available on 19.7.05 due to  
urgent work at N. Delhi. He prays  
by this letter to fix another  
date preferably first week of July/05.

kind ~~request~~ for forum  
O.S.

80(5)

Page  
30/6/05





Filed by 9  
Nomal ch. Das  
petition  
through  
(ADIL AHMED)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH AT GUWAHATI.

CONTEMPT PETITION NO. 23 OF 2003.  
IN O. A. No. 57 OF 2002.

IN THE MATTER OF:

A petition under Section 17  
of the Central Administrative  
Tribunal Act, 1985 praying  
for punishment of the Contem-  
ners/Respondents for non-com-  
pliance of judgment and order  
passed by the Hon'ble Tri-  
bunal in O.A. No. 57 of 2002  
on 16-08-2002.

-AND-

IN THE MATTER OF

Sri Nomal Chandra Das  
and 134 others -Applicants.

-Versus-

The Union of India & Ors.

-Respondents.

10  
- 2 -

-AND-

IN THE MATTER OF

Sri Nomal Chandra Das,  
P. No. 3190, Peon,  
Office of the Area Manager,  
Canteen Store Department,  
Area Depot, Army Supply Depot  
Road, P.O.-Dimapur, Nagaland.

-Applicant.

-Versus-

1) Sri Subir Dutta, 101 South  
Block, Secretary of Defence,  
Ministry of Defence,  
New Delhi-1.

2) ~~Sri~~ Maj General P.K. Singh: A.V.S.M.  
General Manager,  
Canteen Store Department,  
'ADELPHI' 119 Maharshi Karve  
Road, Mumbai-400020.

3) Sri Vinod Kumar,  
The Regional Manager (East)  
Canteen Store Department,

Secy, Bd of Central  
Canteen Services  
N. D.

Nomal ch. Das

P.O.-Satgaon, Narengi,  
Guwahati-781027.

- 4) Sri D.M. Sarkar, Area Manager  
Canteen Store Department,  
Area Depot, Army Supply Depot  
Road, P.O.-Dimapur, Nagaland.

-Respondents  
Contemners.

The Humble Petition of the  
above named Petitioner:

MOST RESPECTFULLY SHEWETH:

1) That your humble petitioner alongwith  
134 others had filed the Original Application  
No. 57 of 2002 before this Hon'ble Central  
Administrative Tribunal, Guwahati Bench,  
Guwahati for payment of revise rate of Field  
Service Concession Allowance as per recommenda-  
tion of the 5<sup>th</sup> Central Pay Commission with  
effect from 01-05-1999.

2) That the Hon'ble Central Administra-  
tive Tribunal, Guwahati Bench, Guwahati on 19-  
08-2002 heard the matter finally and the above  
said Original Application No. 57 of 2002 was

*Normal ch. As*

- 4 -

allowed by the Hon'ble Tribunal directing the Respondents, including the 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. The Respondents got the copy of the said order and also filed a Misc. Petition No. 152 of 2002 praying for another three months time extension with effect from 01-11-2002 for implementation of the said judgment dated 19-08-2002. The Hon'ble Tribunal vide its order dated 12-11-02 extended the time for implementation of the said judgment within 28-02-2003. But, till today the Respondents/Contemners did not impleament the said judgment although they were granted five months time from the date of judgment and order of the said O.A. 57 of 2002. As such, your petitioner is compelled to filed this Contempt Petition before this Tribunal for seeking justice.

71-3-03 /  
at P13

Annexure-A is the photocopy of the Judgment Order dated 19-08-2002 passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench Guwahati in OA No. 57 of 2002.

*Normal ch. Jy*

- 5 -

Annexure-B ~~are~~ the photocopies of order dated 12-11-02 passed by the Hon'ble Tribunal in M.P. No. 152/02 & 28,62.03 in M.P No 14/03.

3) That your petitioner begs to state that the Respondents/contemners have shown disrespect, disregard and disobedience to this Hon'ble Tribunal. The Respondents/Contemners deliberately with a motive behind have not complied the Hon'ble Tribunal's Judgment and order dated 19-08-2002 passed in OA No. 57 of 2002. As such, the Respondents/Contemners deserve punishment from this Hon'ble Tribunal. It is a fit case where the Respondents/Contemners may be directed to appear before this Hon'ble Tribunal to explain as to why they have shown disrespect to this Hon'ble Tribunal.

4) That this petition is filed bona fide to secure the ends of justice.

In the premises, it is, most humbly and respectfully prayed that your Lordship would be pleased to admit this petition and issue Contempt notice to the

Normal ch. Ray

- 6 -

Respondents/Contemners to show cause as to why they should not be punished under Section 17 of the Central Administrative Tribunal Act, 1985 or pass such any other order or orders as this Hon'ble Tribunal may deem fit and proper.

Further, it is also prayed that in view of the deliberate disrespect and disobedience to this Hon'ble Tribunal's order dated 19-08-2002 passed in O.A. No. 57 of 2002 the Respondents/Contemners may be asked to appear in persons before this Hon'ble Tribunal to explain as to why they should not be punished under the contempt to court proceedings.

And for this act of kindness your petitioner as in duty bound shall ever pray.

... Draft Charge

*Normal Ch. Jy*

15  
- 7 -

DRAFT CHARGE

The petitioner aggrieved for non-compliance of Judgment and order dated 19-08-2002 passed by this Hon'ble Tribunal in O.A. No. 57 of 2002. The Contemners/Respondents have willfully and deliberately violated the Judgment and Order dated 19-08-2002. Accordingly, the Respondents/Contemners are liable for contempt of court proceedings and severe punishment thereof as provided under the law. They may also be directed to appear in persons and reply the charges leveled against them before this Hon'ble Tribunal.

*Normal ch. Any*

16  
- 8 -

Affidavit

I, Sri Nomal Chandra Das, P. No. 3190, Peon, Office of the Area Manager, Canteen Store Department, Area Depot, Army Supply Depot Road, P.O.-Dimapur, Nagaland do hereby solemnly affirm and say as follows:

1) That I am one of the applicant in O.A. No. 57 of 2002 and also the petitioner of the instant petition and as such I am acquainted with the facts and circumstances of the case and I am also authorized to swear this affidavit on behalf of the other petitioners.

2) That the contents of this affidavit and The statements made in paragraphs 1, 3 — of the above petition are true to my knowledge and those made in paragraphs 2, are being matters of records derived there from I believe to be true and those made in the rests are my humble submissions before this Hon'ble Tribunal.

I sign this affidavit on this the 29th day of April 2003 at Guwahati.

Identified by me:

Advocate

(Adil Ahmed)

Nomal ch. Das.

Solemnly affirmed before me by the Deponent who is identified by Mr. Adil Ahmed, Advocate.

*Signature*



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 others .....Applicants

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.

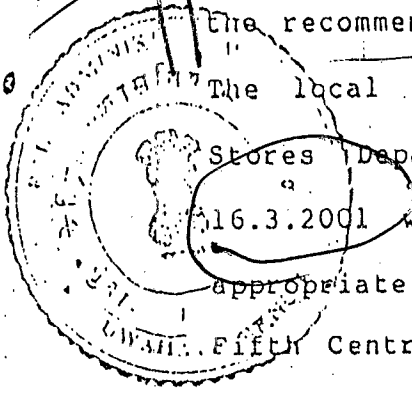
ORDER (ORAL)

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.....

Attested  
[Signature]  
Advocate

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.

Attested  
 J.L. ———  
 Advocate

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.

FSC

Payu

TRUE COPY

Section Officer (Judicial)  
Central Administrative Tribunal

SO/VICE CHAIRMAN

SO/MEMBER

Att. to

Private

Private

Private

( JUDGE ROLL - 4 )  
 CENTRAL ADMINISTRATIVE TRIBUNAL  
 GUWAHATI BENCH  
 GUWAHATI

20  
ANNEXURE - B

ORDER SHEET

Original Application No : \_\_\_\_\_  
 Misc. Petition No. 1522/02 in O.A.S. 1/02  
 Contempt Petition No. \_\_\_\_\_  
 Review Application No. \_\_\_\_\_

Applicant (s) Mr. A. India Goms

-Vs-

Respondent (s) Normal Ch. Das Goms

Advocate for the Applicant (s) A.K. Choudhury, Add. case.

Advocate for the Respondent(s) Mr. A. Ahmed

Notes of the Registry

Date

Order of the Tribunal



12.11.02

Heard Mr. A.K. Choudhury, learned counsel for the applicants and also Mr. A. Ahmed learned counsel for the respondent.

Considering the facts and circumstances of the case we allowed the respondents to implement the judgment within 28.2.2003.

The M.P. accordingly allowed.

Sd/ VICE CHAIRMAN

Sd/ MEMBER (Adm)

Memo No 3126

Dtd. 26/11/02

Copy for information and necessary action to:

- 1) Mr. A.K. Choudhury, Addl. C.S.C.
- 2) Mr. A. Ahmed, Advocate, Guwahati Bench

Attis  
 Advocate

15/11/02  
 Section Officer (C).

( RULE - 4 )  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

ORDER SHEET

ANNEXURE-B

Original Application No. \_\_\_\_\_  
Misc. Petition No. 14/03 M.O.A 57/02  
Contempt Petition No. \_\_\_\_\_  
Review Application No. \_\_\_\_\_

Applicant (s) The Union of India & Ors.

- Vs. -

Respondent (s) Nomal Chandra Das & Ors

Advocate for the applicant (s) A.K. Choudhury, Cal.

Advocate for the respondent (s) Adil Ahmed

Notes of the Registry

Date

Order of the Tribunal

28.2.2003

Heard Mr. A.K. Chaudhury, learned Addl. C.G.S.C. for the petitioners and also Mr. A. Ahmed, learned counsel for the opposite party.

The application is made for extension of time. Already the respondents were allowed time till 28.2.2003. The respondents instead filed this application on 21.2.2003 praying for some time to implement of the judgment. As alluded, already sufficient time was granted. However considering the prayer of Mr. A.K. Chaudhury, learned Addl. C.G.S.C., the respondents are allowed last chance to complete the exercise on or before 31.3.2003. No such prayer shall be entertained thereafter.

Accordingly the M.P. stands allowed.

Sd/ VICE CHAIRMAN

TRUE COPY

সত্যি কপি

W. S. S. S. S.  
4/3/03

প্ৰতিপক্ষৰ বাবে  
অতিৰিক্ত/অতিৰিক্ত  
অতিৰিক্ত/অতিৰিক্ত  
অতিৰিক্ত/অতিৰিক্ত  
অতিৰিক্ত/অতিৰিক্ত

4/3/2003

Attested  
Adil Ahmed

-14-

22

27 JUN 2003  
GUWAHATI BENCH

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH AT GUWAHATI.**

Filed by  
B. H. Choudhury  
Advocate  
through Sri Vinod Kumar.  
27.6.03.

**IN THE MATTER OF:**

Contempt petition No. 23 of 2003

In O.A No. 57 of 2002

And

**IN THE MATTER OF:**

Sri Nomal Chandra Das and  
134 others

Versus

The Union of India & Others.

And

**IN THE MATTER OF:**

An Affidavit-in-Opposition on behalf  
of the Respondents-Contemners against  
the petition under Section 17 of the  
Central Administrative Tribunal Act  
1885 for non compliance of the  
Judgement and Order dated 19.8.02  
passed in O.A. No. 57 of 2002 of the  
Applicants.

**An Affidavit-in-Opposition on behalf of the Respondents-  
Contemners**

I, Shri Vinod Kumar, Regional Manager (East) Canteen Store  
Department P.O. Satgaon, Narangi, Guwahati 781027, aged  
about 58 years, do hereby solemnly affirm and state as  
follows:

- 1) That, I have been impleaded as Respondent-Contemner  
No.3 in the above noted Contempt Petition, herein  
after to be referred to as the Petition, as such I am

fully conversant with the facts and circumstances of the case. A copy of the said Petition has been served upon me and I have understood the meaning of the content of the said Petition after perusal of the same.

2) That, with reference to the averments made in the Para 1 of the Petition the Deponent begs to state that the Hon'ble Tribunal vide its Order dated 19.8.02 directed the Respondents to provide Field Service Concession to the civilian employees of the Canteen Store Department serving in newly Defined Field Areas and Modified Field Areas as per recommendation of the Fifth Central Pay Commission.

3) That, with reference to the averments made in para 2 of the Petition, the Deponent hereby denies the same, save and except, what ever is borne out of record. The Deponent begs to state that the Ministry of Defence, Govt. of India, vide its letter No. 95257/Q/BOCCS/2149/D(Mov)/98 dated 5.8.98, conveyed the sanction of the President of India, of Field Services Concession to the employees of Canteen Stores Department serving in the newly Defined Field Areas and Modified Field Areas w.e.f.5.8.98. But the Ministry of Defence, Govt. of India, vide its letter No.95257/Q/BOCCS/224/CC/D(Mov)/98 dated 27.11.98 corrected the date of enforcement of the said concessions w.e.f. 1.4.93 instead 5.8.98.

Copies of letter dated 5.8.98 and letter dated 27.11.98 are annexed herewith and marked as **ANNEXURE I** and **II** respectively.

4) That, the Ministry of Defence, Govt. of India, vide its letter No.4(6)/2000/D(Civ.I) dated 21.9.02 has

decided to consolidate the Orders contained in a number of Govt. letters on the subject of Field Service Concessions. The Ministry also opined that henceforth the following are the Field Service Concessions/Compensatory Allowances admissible to the civilians working in Field Areas and Modified Field Areas as per the existing rules and instructions issued by the Ministry of Defence from time to time. Following are the facilities available in Field Service Concessions in the Field Areas.

**"A. Field Service Concessions in the Field Areas:**

- a) Free rations on scale applicable to combatants of the Army or Air Force, as the case may be, and fuel.
- b) Free tented/basha accommodation and connected services to the extent feasible.
- c) Free clothing on minimum essential scale of Army Personnel if the Corps Commander/AOC-in-C Air Force Command considers the issue of such clothing essential for operational reasons.
- d) Free remittance of family allotments.
- e) Free medical treatment and hospital treatment.
- f) Wound/injury or family pension or gratuity under chapter XXXVIII CSR or 157/57/AFI 20/58, as the case may be, or compensation under the Workmen's Compensation Act where applicable.
- g) 2 Postage free letters per individual per week.
- h) Remittance within Indian limits of money orders and Indian Postal orders free of commission upto the maximum value of Rs.30/- per month per individual.
- i) Retention of family accommodation allotted by Govt. at the old duty station on payment of normal rent. If the accommodation retained is required to be allocated to another entitled



personnel per exigencies of service, the families may be shifted to an alternative accommodation whether appropriate or inferior to the status of the individual concerned.

The **above concessions are non-monetary in nature** and no compensation in the form of monetary allowance as part of FSC is admissible under the existing rules.

Refer to ANNEXURE 'C' to the Govt. letter No. A/02584/AG/P83(a)/97-S/D(Pay/Services)dt.

25.1.1964.

**B. Field Service Concessions in Modified Field Areas.**

- (a) Free remittance of Family allotments.
- (b) 2 postage free Forces letters per individual per week.
- (c) Remittance within Indian limits of money orders and Indian Postal orders free of commission upto the maximum value of Rs. 30/- per month per individual.
- (d) Retention of family accommodation allotted by Govt at the old duty station on payment of normal rent. If the accommodation retained is required to be allotted to another entitled personnel for exigencies of service, the families may be shifted to alternative accommodation whether appropriate or inferior to the status of the individual concerned.

The **above concessions are non-monetary** in nature and no compensation in the form of monetary allowance as part of FSC is admissible under the existing rules. (Refer to Appendix 'B' to the Govt letter No. A/25761/AG/P83 (b)/146-S/2/D (Pay / Services) dt. 2.3.1968)".

A copy of the letter dated 21.9.02 is annexed herewith and marked as **ANNEXURE III**.

5) That, as per the said letters of the Ministry of Defence, Govt. of India, the Area Manager, Canteen Stores Department, Dimapur, the Respondent/Contemnor No.4 herein informed the Regional Manager (East), Narangi, Guwahati, that the staffs of Dimapur Depot are drawing Field Service Concessions vide letter No. DPD/0020/20/EST/377 dated 31.5.03.

A copy of said letter dated 31.5.03 is annexed herewith and marked as **ANNEXURE IV**.

6) That, the Petitioner begs to state that the Applicants under the Canteen Store Department are enjoying Field Service Concession.

7) That, with reference to averments made in para 3 of the contempt Petition, the Deponent hereby denies the same. The Respondents/Contemnors have never shown any disrespect, disregard to the Hon'ble Tribunal, so question of disobedience does not arise at all. The Respondent/Contemnors have complied with the Judgement and Order dated 19.8.02 passed in OA No. 57 of 2000. The Applicants on the basis of wrong interpretation of the Govt. Circulars Notification etc. made some illegal demands before the authority concerned.

8) That, as the Applicants made illegal demands on the basis of wrong interpretation of law, the Petition is liable to be dismissed in limine.


9) That, as the Applicants made false claims as above, the Hon'ble Tribunal may impose some cost to be recovered from the 135 Nos. of Applicants.

10) That, the statements of facts made in para 1 to 9 above are true to my knowledge and the rest are my humble submissions before the Hon'ble Court.

I hereunto set my hand on this the 27<sup>th</sup> day of June 2003 before the Hon'ble Central Administrative Tribunal at Guwahati

Identified by me

B. M. Choudhury  
Advocate

  
~~DEPONENT~~  
Vinod Kumar  
Regional Manager (East)  
C S D Narangji.

The Deponent swear the Affidavit in front of me who is identified by Sri B. M Choudhury, Advocate on this the 27<sup>th</sup> day of June 2003 at Guwahati

Julie Mahanta 27.6.03  
Mrs. Julie Mahanta  
Advocate,  
Gauhati High Court.

ANNEXURE 'A' TO CSD ORDER NO. 36/98 DATED 18 Aug '98.

No. 95257/2/BOCCS/2149/D(Mov)/98  
Government of India  
Ministry of Defence  
New Delhi, the 05th August, 1998.

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/02584/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/PS 3(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-

Civilian employees as hithertofore 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.

ANNEXURE 'A' TO CSD ORDER NO. 54/98 DATED 11 DEC'98.

No.95257/Q/BOCCS/224/CC/D(Mov)/98  
Government of India  
Ministry of Defence  
New Delhi, the 27th November, 1998.

CORRIGENDUM

The following amendment is made to this Ministry's letter No.95257/Q/BOCCS/2149PD(Mov)/98 dated 05 August, 1998, regarding Field Service Concession to Canteen Stores Department employees serving in the newly defined Field/Modified Field Areas:

Para 2 may be read as :

"These orders will come into force w.e.f. 01.4.1993"

2. This corrigendum issues with the concurrence of Ministry of Defence (Finance/QB) vide their UO No.2018/QB dated 25.11.1998.

Yours faithfully,

  
( T.P. MONDAL )

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

To

The Secretary,  
Board of Control  
Canteen Services  
L-I Block, Room No.16  
Church Road, New Delhi-110001.

Copy to:-

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

No.4(6)/2000/D(Civ.I)  
Government of India  
Ministry of Defence

New Delhi, the 21st Sept, 2000

To

The Chief of Army Staff

The Chief of Air Staff

Subject: Admissibility of Concessions/Allowances to civilians paid from Defence Service Estimates working in the Defence Establishments located in Field Areas/Modified Field Areas

Sir,

I am directed to refer to the subject as mentioned above and to state that on the basis of the recommendations of the 4th Central Pay Commission, Ministry of Defence had issued letter No.37269/AG/PS3(a)/98/D(Pay/Services) dt.13.1.94 read with Air HQ/S.24016/41/1/FSC(R)/PPGR-1/1438/D(Pay/Sers) dt.17.7.1995 as amended from time to time, by which, the then definition of Field Areas were reviewed and all of them were reclassified as Field Areas and Modified Field Areas. The above said two letters also enumerated the concessions admissible to Service Personnel working in Field Areas and Modified Field Areas apart from High Altitude/Uncongential Climate Allowance and Siachen Allowance. Also, the Para 13 of the letter dt.13.1.94 stated that the concessions to be admissible to Defence civilians serving in the newly defined Field Areas would be notified separately. Accordingly, the Ministry of Defence issued letter No.B/37269/AG/PS3(a)/165/D(Pay/Services) dt.31.1.95 as amended on 17.1.95 and 12.9.95 granting Field Service Concessions(FSC) admissible to civilians in Defence Establishments working in Field Areas and Modified Field Areas.

2. It has been decided to consolidate the orders contained in a number of Govt letters on the subject of Field Service Concessions. Hence the following are the Field Service Concessions/Compensatory Allowances admissible to the civilians working in Field Areas and Modified Field Areas as per the existing orders/Instructions issued by the Ministry of Defence from time to time:-

A. Field Service Concessions in the Field Areas:

- (a) Free rations on scale applicable to combatants of the Army or Air Force, as the case may be, and fuel.
- (b) Free tented/pasha accommodation and connected services to the extent feasible.

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- (c) Free clothing on minimum essential scale of Army personnel if the Corps Commander/AOC-in-C Air Force Command considers the issue of such clothing essential for operational reasons.
- (d) Free remittance of family allotments.
- (e) Free medical treatment and hospital treatment.
- (f) Wound/injury or family pension or gratuity under Chapter XXXVIII CSR or AI 157/57/AFI 20/58, as the case may be, or compensation under the Workmen's Compensation Act where applicable.
- (g) 2 Postage free Forces letters per individual per week.
- (h) Remittance within Indian limits of money orders and Indian Postal orders free of commission upto the maximum value of Rs. 30/- per month per individual.
- (i) Retention of family accommodation allotted by Govt. at the old duty station on payment of normal rent. If the accommodation retained is required to be allotted to another entitled personnel for exigencies of service, the families may be shifted to an alternative accommodation whether appropriate or inferior to the status of the individual concerned.

The above concessions are non-monetary in nature and no compensation in the form of monetary allowance as part of FSC is admissible under the existing rules.

(Refer to Annexure 'C' to Govt letter No. A/02584/AG/PS3(a)/97-S/D (Pay/Services) dt. 25.1.1964.

#### B. Field Service Concessions in Modified Field Areas:

- (a) Free remittance of Family allotments.
- (b) 2 Postage free Forces letters per individual per week.
- (c) Remittance within Indian limits of money orders and Indian Postal Orders free of commission upto the maximum value of Rs. 30/- per month per individual.
- (d) Retention of family accommodation allotted by Govt. at the old duty station on payment of normal rent. If the accommodation retained is required to be allotted to another entitled personnel for exigencies of service, the families may be shifted to alternative accommodation whether appropriate or inferior to the status of the individual concerned.

The above concessions are non-monetary in nature and no compensation in the form of monetary allowance as part of FSC is admissible under the existing rules. (Refer to Appendix 'B' to Govt letter No. A/25761/AG/PS3(b)/146-S/2/D (Pay/Services) dt. 2.3.1968).

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C. Special Duty Allowance (SDA) in the North-Eastern Region:

The Defence civilians recruited from outside the North Eastern Region and posted from outside into the NEER and serving in the Field/Modified Field Areas would be entitled to the SDA in addition to the FSC in the Field/Modified Field Area.

D. Remote Locality Allowance:

Special Compensatory (Remote Locality) Allowance will not be admissible alongwith FSC in Field Areas for the period beyond 17.4.95. Any overpayment made for the period beyond 17.4.95 on this account will be recovered. However, no recovery would be made on payment made on this account to the Defence civilians for the period prior to 17.4.95. (Refer to MOD O.M. No.4 (3)/98/D (Civ.I) dt.16.3.98)

E. House Rent Allowance (HRA) in Field Areas:

Civilians transferred from a family station to a non-family station in Field Area are entitled to HRA at the rate applicable to the old duty station provided the Govt servant is keeping his family in the house owned by him or in a rented accommodation at the old duty station for the duration of his posting in the non-family station in the Field Area. The drawal of such HRA will be subject to the fulfilment of other conditions laid down in MOD O.M. No.4 (1)/66/D (Civ.I) dt.4.3.66 as amended from time to time. (Refer to MOD Corrigendum No.A/40083/VII/Orq-4 (Civ.) (d)/47-S/D (Civ.I) dt.6th February, 1979).

The Defence civilian employees who had been locally and directly recruited and posted in Field Areas and serving in the non family stations are entitled to HRA as admissible for unclassified towns subject to fulfilment of conditions laid down in Ministry of Finance O.M. dt.23.9.86 provided such employees are required not to keep their families with them at the station of posting in view of the nature of their duty at such station. Payment made on account of HRA in Field Areas based on CAT orders and specific sanctions issued by MOD may be admitted to the petitioners till further action.

F. House Rent Allowance in Modified Field Areas:

Civilians serving in the Modified Field Areas who are not retaining the Govt accommodation at old peace duty station with reference to MOD letter No.A/25761/AQ/PS3 (b)/146-S/2/D (Pay-Services) dt.2.3.68 and are also not

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provided with Govt accommodation in the newly defined Modified Field Area are entitled to draw HRA applicable for their place of posting in the Modified Field Area subject to the conditions prescribed in Govt of India, Ministry of Finance O.M. No.2(37)E-II(B)/64 dt.27.11.65 as amplified from time to time. If, however, any Modified Field Area is located in Kashmir Valley, then the package as announced by the Govt of India circulated vide Ministry of Defence No.11(4)/90/D(Civ.I) dt.27.11.90 and as extended from time to time concessions are applicable, whichever is more beneficial, would be applicable. (Refer to letter No.4(2)/99/D(Civ.I) dt.8.9.99).

3. In addition to the above, allowances like Dearness Allowance which are applicable to Central Govt Employees in general will also be admissible to civilians in Field Areas/Modified Field Area subject to fulfilment of the conditions prescribed for drawal of such allowances.

4. All concerned organisations are requested to issue suitable instructions to units and formations for restricting the concessions strictly according to the existing orders on the subject. It is also necessary that wide publicity should be given to enable the Defence civilians to know their correct entitlements while serving in Field/Modified Field Areas.

Yours faithfully,

Sd/-  
(O.A. Subramanian)  
Deputy Secretary to the Govt. of India

Ref- DPD/0020/20/EST/ 377 F A 7 03612640801 Date: - 31 May 03

To,  
RM (L)

**Sub: - Field Service Concessions/Allowances to CSD Employees serving in the Field/Modified Field Area.**

This refers to the telephonic discussion between Mr S. K. Gupta, Area Manager, CSD Depot Narangi and the under signed on 30.05.03.

2. As desired by DGM (P & A) and information is gathered from Stn. HQ Rangapahar, that it is learnt that no monetary compensation is being given to Defence Civilians posted in Dimapur.
3. The staffs of Dimapur depot are drawing following concessions.

Applicable Field Area Concessions at Dimapur as per letter No. 4(c)/2000/d (civ-I) dt. 21.09.2000

Whether facility extended to CSD employees Dimapur or Not

- a) Free rations on scale applicable to combatants of the Army or Air Force as the case may be and fuel. -Yes
- b) Free tented /basha accommodation and connected services to the extent feasible. -Yes
- c) Free clothing on minimum essential scales of Army personnel if the corps Commander/ADC in C Air force command considers the issue of such clothing essential for operational regains. -No
- d) Free remittance of family allotments upto Rs. 5000/- per month. -Yes
- e) Free medical treatment and hospital treatment. -Yes
- f) Wound/injury or family pension or gratuity under chapter XXX, VIII CSR or AI/157/S7/AFI/20/58, as the case may be, or compensation under the workmen's compensation Act where applicable. -Not yet availed
- g) 2 Postage Free Forces letters per individual per week.

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Office of the
Area Manager
Dimapur
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h) Remittance within Indian limits of money orders and Indian Postal orders free of commission up to the maximum value of Rs. 30/- per month per individual. -Yes

i) Retention of family accommodation allotted by Govt. at the old duty station on payment of normal rent. If the accommodation retained is required to be of service, the families may be shifted to an alternative accommodation. Whether appropriate or inferior to the status of the individual concerned. -Yes

C. Special Duty Allowance(SDA) in the North eastern Region:

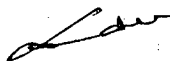
The Defence civilians recruited from outside the North Eastern Region and posted from outside into the NER and serving in the Field/modified field Areas would be entitled to the SDA in addition to the FSC in the Field /Modified field Area. -Yes

D. Remote Locality Allowances:

Special Compensatory (remote Locality) Allowance will not be admissible alongwith FSC in Field Areas for the period beyond 17.04.95. Any overpayment made for the period beyond 17.04.95. -No (Since FSC old rate is paid upto now)

E. House Rent Allowance (HRA) in Field Areas:

Civilians transferred from a family station to a non-family station in Field Area are entitled to HRA at the rate applicable to the old duty station provided the Govt. servant is keeping his family in the house owned by him or in a rented accommodation at the old duty station, for the duration of his posting in the non-family station in the Field Area. -Yes

  
(D M SARKAR)

AREA MANAGER  
CSD DEPOT DIMAPUR

CC to DGM (P & A): - For kind information please

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH AT GUWAHATI

IN THE MATTER OF :

**Contempt petition No.23 of 2003**

In O.A. No.57 of 2002

And

IN THE MATTER OF :

Sri Nomal Chandra Das and

134 others

Versus

The Union of India & Others.

And

IN THE MATTER OF :

An Affidavit-in-Opposition on behalf of the Respondent-Contemners against the petition under Section 17 of the Central Administrative Tribunal Act 1885 for non compliance of the Judgement and Order dated 19.8.02 passed in O.A. No.57 of 2002 of the Applicants.

**An Affidavit-in-Opposition on behalf of the Respondents-Contemners**

I, Ajay Prasad, Secretary, Ministry of Defence, Room No.101, South Block, New Delhi-110011, aged about 56 years, do hereby solemnly affirm and state as follows :

1. That, I have been impleaded as Respondent-Contemner No.1 in the above noted Contempt Petition, herein after to be referred to as the Petition, as such I am fully conversant with the facts and circumstances of the case. A copy of the said Petition has been served upon me and I have understood the meaning of the content of the said Petition after perusal of the same.
2. That, with reference to the averments made in the Para 1 of the Petition the Deponent begs to state that the Hon'ble Tribunal vide its Order dated 19.8.02 directed the Respondents to provide Field Service Concession to the civilian employees of the Canteen Store Department serving in newly Defined Field

29-  
Filed by  
Sri Ajay Prasad  
through  
B. N. Choudhury  
Advocate  
29.7.03.

Areas and Modified Field Areas as per recommendation of the Fifth Central Pay Commission.

39

3. That, with reference to the averments made in para 2 of the Petition, the Deponent hereby denies the same, save and except, what ever is borne out of record. The Deponent begs to state that the Ministry of Defence, Govt of India, vide its letter No.95257/Q/BOCCS/2149/D(Mov)/98 dated 5.8.98, conveyed the sanction of the President of India, of Field Service Concession to the employees of Canteen Stores Department serving the newly Defined Field Areas and Modified Field Areas w.e.f. 5.8.98. But the Ministry of Defence, Govt of India, vide its letter No.95257/Q/BOCCS/224/CC/D(Mov)/98 dated 27.11.98 corrected the date of enforcement of the said concessions w.e.f. 1.4.93 instead 5.8.98.

Copies of letter dated 5.8.98 and letter dated 27.11.98 are annexed herewith and marked as **ANNEXURE-I** and **II** respectively.

4. That, the Ministry of Defence, Govt of India, vide its letter No.4(6)/2000/D(Civ.I) dated 21.9.00 has decided to consolidate the Orders contained in a number of Govt letters on the subject of Field Service Concessions. The Ministry also opined that henceforth the following are the Field Service Concessions/Compensatory Allowances admissible to the civilians working in Field Areas and Modified Field Areas as per the existing rules and instructions issued by the Ministry of Defence from time to time. Following are the facilities available in Field Service Concessions in the Field Areas.

**A. Field Service Concessions in the Field Areas :**

- a) Free rations on scale applicable to combatants of the Army or Air Force, as the case may be, and fuel.
- b) Free tented/basha accommodation and connected services to the extent feasible.
- c) Free clothing on minimum essential scale of Army Personnel if the Corps Commander/AOC-in-C Air Force Command considers the issue of such clothing essential for operational reasons.
- d) Free remittance of family allotments.
- e) Free medical treatment and hospital treatment.
- f) Wound/injury or family pension or gratuity under

chapter XXXVIII CSR or AI 157/57/AFI 20/58, as the case may be, or compensation under the Workmen's Compensation Act where applicable.

- g) 2 Postage free letters per individual per week.
- h) Remittance within Indian limits of money orders and Indian Postal orders free of commission upto the maximum value of Rs.30/- per month per individual.
- i) Retention of family accommodation allotted by Govt at the old duty station on payment of normal rent. If the accommodation retained is required to be allocated to another entitled personnel per exigencies of service, the families may be shifted to an alternative accommodation whether appropriate or inferior to the status of the individual concerned.

The above concessions are non-monetary in nature and no compensation in the form of monetary allowance as part of FSC is admissible under the existing rules.

Refer to ANNEXURE -'C' to the Govt letter No.A/02584/AG/PS3(a)/ 97-S/D(Pay/Services) dt. 25.1.1964.

**B. Field Service Concessions in Modified Field Areas :**

- a) Free remittance of family allotments.
- b) 2 postage free Forces letters per individual per week.
- c) Remittance within Indian limits of money orders and Indian Postal orders free of commission upto the maximum value of Rs.30/- per month per individual.
- d) Retention of family accommodation allotted by Govt at the old duty station on payment of normal rent. If the accommodation retained is required to be allotted to another entitled personnel for exigencies of service, the families may be shifted to alternative accommodation whether appropriate or inferior to the status of the individual concerned.

The above Concessions are non-monetary in nature and no compensation in the form of monetary allowance as part of FSC is admissible under the existing rules. "(Refer to Appendix -'B' to the Govt letter No.A/25761/AG/PS3(b)/146-S/2/D(Pay/Services) dt. 02.3.1968)"

A copy of the letter dated 21.9.00 is annexed herewith and marked as **ANNEXURE III.**

5. That, as per the said letters of the Ministry of Defence, Govt of India, the Area Manager, Canteen Stores Department, Dimapur, the

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Respondent/Contemnor No.4 herein informed the Regional Manager (East), Narangi, Guwahati, that the staffs of Dimapur Depot are drawing Field Service Concessions vide letter No.DPD/0020/20/EST/377 dated 31.5.03.

A copy of said letter dated 31.5.03 is annexed herewith and marked as **ANNEXURE IV.**

6. That, the Respondent begs to state that the Applicants under the Canteen Store Department are enjoying Field Service Concession.

7. That, with reference to averments made in para 3 of the contempt Petition, the Deponent hereby denies the same. The Respondents/Contemnors have never shown any disrespect, disregard to the Hon'ble Tribunal, so question of disobedience does not arise at all. The Respondent/Contemnors have complied with the Judgement and Order dated 19.8.02 passed in OA No.57 of 2002. The Applicants on the basis of wrong interpretation of the Govt Circulars Notification etc. made some illegal demands before the authority concerned.

8. That, as the Applicants made illegal demands on the basis of wrong interpretation of law, the Petition is liable to be dismissed in limine.


9. That, as the Applicants made false claims as above, the Hon'ble Tribunal may impose some cost to be recovered from the 135 Nos. of Applicants.

10. That, the statements of facts made in para 1 to 9 above are true to my knowledge and the rest are my humble submissions before the Hon'ble Court.

Identified by me

B. M. Choudhury  
29.7.03.

Advocate's Clerk

  
(Ajay Prasad)  
Defence Secretary  
Ministry of Defence  
Room No.101, South Block  
New Delhi-110011  
**DEPONENT**

(अजय प्रसाद)  
(AJAY PRASAD)  
रक्षा-सचिव  
Defence Secretary  
दूरभाष/Tel-23012390

The Depment Swear  
Affidavit.

Julie Mahanta  
(Advocate)



ANNEXURE 'A' TO CSD ORDER NO. 36/98 DATED 18 Aug '98.

- 33 - 42

No. 95257/2/BOCCS/2149/D(Mov)/98  
Government of India  
Ministry of Defence  
New Delhi, the 05th August, 1998.

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/PS 3(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-

Civilian employees as hithertofore 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.

ANNEXURE 'A' TO CSD ORDER NO. 54/98 DATED 11 DEC'98.

No.95257/Q/BOCCS/224/CC/D(Mov)/98  
Government of India  
Ministry of Defence  
New Delhi, the 27th November, 1998.

CORRIGENDUM

The following amendment is made to this Ministry's letter No.95257/Q/BOCCS/21497D(Mov)/98 dated 05 August, 1998, regarding Field Service Concession to Canteen Stores Department employees serving in the newly defined Field/Modified Field Areas:

Para 2 may be read as :

"These orders will come into force w.e.f. 01.4.1993"

2. This corrigendum issues with the concurrence of Ministry of Defence (Finance/QB) vide their UO No.2018/QB dated 25.11.1998.

Yours faithfully,

( T.P. MONDAL )

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

To

The Secretary,  
Board of Control  
Canteen Services  
L-I Block, Room No.16  
Church Road, New Delhi-110001.

Copy to:-

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

To

New Delhi, the 21st Sept, 2000

The Chief of Army Staff  
The Chief of Air Staff

Subject: Admissibility of Concessions/Allowances to civilians paid from Defence Service Estimates working in the Defence Establishments located in Field Areas/Modified Field Areas

Sir,

I am directed to refer to the subject as mentioned above and to state that on the basis of the recommendations of the 4th Central Pay Commission, Ministry of Defence had issued letter No.37269/AG/PS3(a)/98/D (Pay/Service) dt.13.1.94 read with Air HQ/S.24016/41/1/FSC(R)/PPGR-1/1438/D (Pay/Sers) dt.17.7.1995 as amended from time to time, by which, the then definition of Field Areas were reviewed and all of them were reclassified as Field Areas and Modified Field Areas. The above said two letters also enumerated the concessions admissible to Service Personnel working in Field Areas and Modified Field Areas apart from High Altitude/Uncongenial Climate Allowance and Siachen Allowance. Also, the Para 13 of the letter dt.13.1.94 stated that the concessions to be admissible to Defence civilians serving in the newly defined Field Areas would be notified separately. Accordingly, the Ministry of Defence issued letter No.B/37269/AG/PS3(a)/165/D (Pay/Service) dt.31.1.95 as amended dt.12.9.95 granting Field Service Concessions(FSC) admissible to civilians in Defence Establishments working in Field Areas and Modified Field Areas.

2. It has been decided to consolidate the orders contained in a number of Govt letters on the subject of Field Service Concessions. Hence the following are the Field Service Concessions/Compensatory Allowances admissible to the civilians working in Field Areas and Modified Field Areas as per the existing orders/Instructions issued by the Ministry of Defence from time to time:-

A. Field Service Concessions in the Field Areas:

- (a) Free rations on scale applicable to combatants of the Army or Air Force, as the case may be, and fuel.
- (b) Free tented/pasha accommodation and connected services to the extent feasible.

..... 2/-

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- 2 -

- (c) Free clothing on minimum essential scale of Army personnel if the Corps Commander/AOC-in-C Air Force Command considers the issue of such clothing essential for operational reasons.
- (d) Free remittance of family allotments.
- (e) Free medical treatment and hospital treatment.
- (f) Wound/injury or family pension or gratuity under Chapter XXXVIII CSR or AI 157/57/AFI 20/58, as the case may be, or compensation under the Workmen's Compensation Act where applicable.
- (g) 2 Postage free Forces letters per individual per week.
- (h) Remittance within Indian limits of money orders and Indian Postal orders free of commission upto the maximum value of Rs. 30/- per month per individual.
- (i) Retention of family accommodation allotted by Govt. at the old duty station on payment of normal rent. If the accommodation retained is required to be allotted to another entitled personnel for exigencies of service, the families may be shifted to an alternative accommodation whether appropriate or inferior to the status of the individual concerned.

The above concessions are non-monetary in nature and no compensation in the form of monetary allowance as part of FSC is admissible under the existing rules. (Refer to Annexure 'C' to Govt letter No. A/02584/AG/PS3 (a) / 97-S/D (Pay/Services) dt. 25.1.1964.

#### B. Field Service Concessions in Modified Field Areas:

- (a) Free remittance of Family allotments.
- (b) 2 postage free Forces letters per individual per week.
- (c) Remittance within Indian limits of money orders and Indian Postal Orders free of commission upto the maximum value of Rs. 30/- per month per individual.
- (d) Retention of family accommodation allotted by Govt. at the old duty station on payment of normal rent. If the accommodation retained is required to be allotted to another entitled personnel for exigencies of service, the families may be shifted to alternative accommodation whether appropriate or inferior to the status of the individual concerned.

The above concessions are non-monetary in nature and no compensation in the form of monetary allowance as part of FSC is admissible under the existing rules. (Refer to Appendix 'B' to Govt letter No. A/25761/AG/PS3 (b) / 146-S/ 2/D (Pay/Services) dt. 2.3.1968).

..... 3/-

- 3 -

### C. Special Duty Allowance (SDA) in the North-Eastern Region:

The Defence civilians recruited from outside the North Eastern Region and posted from outside into the NEER and serving in the Field/Modified Field Areas would be entitled to the SDA in addition to the FSC in the Field/Modified Field Areas.

### D. Remote Locality Allowance:

Special Compensatory (Remote Locality) Allowance will not be admissible alongwith FSC in Field Areas for the period beyond 17.4.95. Any overpayment made for the period beyond 17.4.95 on this account will be recovered. However, no recovery would be made on payment made on this account to the Defence civilians for the period prior to 17.4.95.

(Refer to MoD O.M. No.4 (3)/99/D (Civ.I) dt.16.3.99)

### E. House Rent Allowance (HRA) in Field Areas:

Civilians transferred from a family station to a non-family station in Field Areas are entitled to HRA at the rate applicable to the old duty station provided the Govt servant is keeping his family in the house owned by him or in a rented accommodation at the old duty station, for the duration of his posting in the non-family station in the Field Area. The drawal of such HRA will be subject to the fulfilment of other conditions laid down in MoD O.M. No. 4 (1)/66/D (Civ.I) dt.4.3.66 as amended from time to time.

(Refer to MoD Corrigendum No.A/40083/VII/Orq-4 (Civ.) (d) dt.47-8/D (Civ.I) dt.6th February, 1979).

The Defence civilian employees who had been locally and directly recruited and posted in Field Areas and serving in the non family stations are entitled to HRA as admissible for unclassified towns subject to fulfilment of conditions laid down in Ministry of Finance O.M. dt.23.9.86, provided such employees are required not to keep their families with them at the station of posting in view of the nature of their duty at such station. Payment made on account of HRA in Field Areas based on CAT orders and specific sanctions issued by MoD may be admitted to the petitioners till further action.

### F. House Rent Allowance in Modified Field Areas:

Civilians serving in the Modified Field Areas who are not retaining the Govt accommodation at old peace duty station with reference to MoD letter No.A/25761/AG/PS3 (b) dt.146-8/2/D (Pay-Services) dt.2.3.68 and are also not

-11-

(5)

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provided with Govt accommodation in the newly defined Modified Field Area are entitled to draw HRA applicable for their place of posting in the Modified Field Area subject to the conditions prescribed in Govt of India, Ministry of Finance O.M. No.2(37)E-II(B)/64 dt.27.11.65 as amplified from time to time. If, however, any Modified Field Area is located in Kashmir Valley, then the package as announced by the Govt of India circulated vide Ministry of Defence No.11(4)/99/D(Civ.I) dt.20.4.99 and as extended from time to time in the concessions of the Modified Field Area, whichever is more beneficial, would be applicable. (Refer to letter No.4(2)/99/D(Civ.I) dt.8.9.99).

3. In addition to the above, allowances like Dearness Allowance which are applicable to Central Govt Employees in general will also be admissible to civilians in Field Areas/Modified Field Area subject to fulfilment of the conditions prescribed for drawal of such allowances.

4. All concerned organisations are requested to issue suitable instructions to units and formations for restricting the concessions strictly according to the existing orders on the subject. It is also necessary that wide publicity should be given to enable the Defence civilians to know their correct entitlements while serving in Field/Modified Field Areas.

Yours faithfully,

Sd/-  
(C.A. Subramanian)

Deputy Secretary to the Govt of India

Ref: DPD/0020/20/EST/ 377 F A 7 03612640801 Date: - 31 May 03

To,  
RM (E)**Sub: - Field Service Concessions/Allowances to CSD Employees serving in the Field/Modified Field Area.**

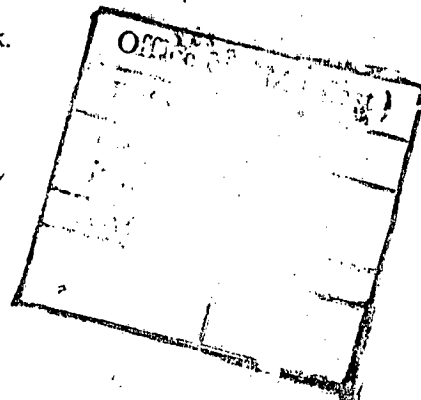
This refers to the telephonic discussion between Mr S. K. Gupta, Area Manager, CSD Depot Narangi and the under signed on 30.05.03.

2. As desired by DGM (P & A) and information is gathered from Stn. HQ Rangapahar, ~~that~~ it is learnt that no monetary compensation is being given to Defence Civilians posted in Dimapur.
3. The staffs of Dimapur depot are drawing following concessions.

Applicable Field Area Concessions at Dimapur as per letter No. 4(c)/2000/d (civ-I) dt. 21.09.2000

Whether facility extended to CSD employees Dimapur or Not

- a) Free rations on scale applicable to combatants of the Army or Air Force as the case may be and fuel. -Yes
- b) Free tented /basha accommodation and connected services to the extent feasible. -Yes
- c) Free clothing on minimum essential scales of Army personnel if the corps Commander/ADC in C Air force command considers the issue of such clothing essential for operational regains. -No
- d) Free remittance of family allotments upto Rs. 5000/- per month. -Yes
- e) Free medical treatment and hospital treatment. -Yes
- f) Wound/injury or family pension or gratuity under chapter XXX, VIII CSR or AI/157/S7/AFI/20/58, as the case may be, or compensation under the workmen's compensation Act where applicable. -Not yet availed
- g) 2 Postage Free Forces letters per individual per week.



Contd 2/-

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h) Remittance within Indian limits of money orders and Indian Postal orders free of commission up to the maximum value of Rs. 30/- per month per individual. -Yes

i) Retention of family accommodation allotted by Govt. at the old duty station on payment of normal rent. If the accommodation retained is required to be of service, the families may be shifted to an alternative accommodation. Whether appropriate or inferior to the status of the individual concerned. -Yes

C. Special Duty Allowance(SDA) in the North eastern Region:

The Defence civilians recruited from outside the North Eastern Region and posted from outside into the NER and serving in the Field/modified field Areas would be entitled to the SDA in addition to the FSC in the Field /Modified field Area. -Yes

D. Remote Locality Allowances:

Special Compensatory (remote Locality) Allowance will not be admissible alongwith FSC in Field Areas for the period beyond 17.04.95. Any overpayment made for the period beyond 17.04.95. -No (Since FSC old rate is paid upto now)

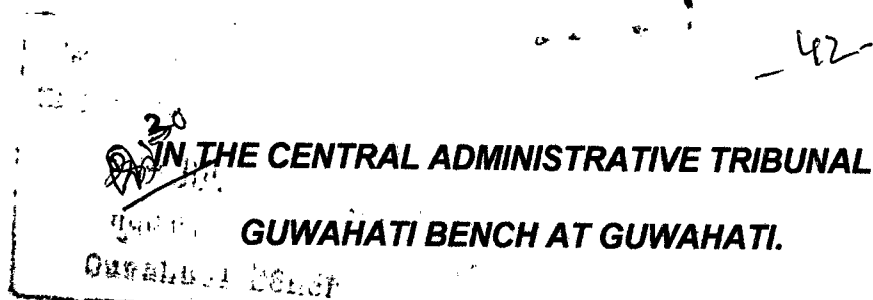
E. House Rent Allowance (HRA) in Field Areas:

Civilians transferred from a family station to a non-family station in Field Area are entitled to HRA at the rate applicable to the old duty station provided the Govt. servant is keeping his family in the house owned by him or in a rented accommodation at the old duty station, for the duration of his posting in the non-family station in the Field Area. -Yes

  
(D M SARKAR)

AREA MANAGER  
CSD DEPOT DIMAPUR

CC to DGM (P & A): - For kind information please



**IN THE MATTER OF:**

Contempt Petition No.23 of 2003

In O.A. No.57 of 2002

And

**IN THE MATTER OF:**

Sri Nomal Chandra Das and

134 others

Versus

The Union of India & Others.

And

**IN THE MATTER OF:**

An Affidavit-in-Opposition on behalf  
Of the Respondent-Contemner No.2  
against the petition under Section 17  
of the Central Administrative Tribunal  
Act 1885 for non compliance of the  
Judgement and Order dated 19.8.02  
Passed in O.A.No.57 of 2002 of the  
Applicants.

**An Affidavit-in -opposition on behalf of the Respondent-  
Contemner No.2**

I Major General P.K.Singh, General Manager, Canteen Store  
Department ADELPHI, 119 Maharshi Karve Road, Mumbai-400 020, aged  
about 55 years, do hereby solemnly affirm and state as follows:-

1. That, I have been impleaded as Respondent-contemner No.2 in the  
above noted Contempt Petition, herein after to be referred to as the  
petition, as such I am fully conversant with the facts and circumstances of  
the case. A copy of the said petition has been served upon me and I have

- 2 -

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understood the meaning of the content of the said Petition after perusal of the same.

2. That, with reference to the averments made in the para 1 of the Petition the Deponent begs to state that the Hon'ble Tribunal vide its Order dated 19.8.02 directed the Respondents to provide **Field Service Concession** to the civilian employees of the Canteen Store Department serving in newly Defined Field Areas and Modified Field Areas as per recommendation of the Fifth Central Pay Commission.

3. That, with reference to the averments made in Para 2 of the petition, the Deponent hereby denies the same, save and except, what ever is borne out of record. The Deponent begs to state that the Ministry of Defence, Government of India, vide its letter No.95257/Q/BOCCS/2149/D(Mov)/98 dated 5.8.98, conveyed the sanction of the President of India, of Field Services Concession to the employees of Canteen Stores Department serving in the newly Defined Field Areas and Modified Field Areas w.e.f.5.8.98. But the Ministry of Defence, Government of India, vide its letter No. 95257/Q/BOCCS/224/CC//D(Mov)/98 dated 27.11.98 corrected the date of enforcement of the said concessions w.e.f.1.4.93 instead 5.8.98.

Copies of letter dated 5.8.98 and letter dated 27.11.98 are annexed herewith and marked as **ANNEXURE I** and **II** respectively.

4. That, the Ministry of Defence, Government of India, vide its letter No.4 (6)/2000/D(Civ.I) dated 21.9.2002 has decided to consolidate the orders contained in a number of Government letters on the subject of Field Service Concessions. The Ministry also opined that henceforth the following are the Field Service Concession/Compensatory Allowance admissible to the civilians working in Field Areas and Modified Field Areas as per the existing rules and instructions issued by the Ministry of Defence from time to time. Following are the facilities available in Field Service Concessions in the Field Areas.

**A. Field Service Concessions in the Field Areas:**

- a) Free rations on scale applicable to combatants of the Army or Air Force, as the case may be , and fuel.
- b) Free tented/basha accommodation and connected services to the extent feasible.

- c) Free clothing on minimum essential scale of Army Personnel if the Corps Commander/AOC-in-C Air Force Command considers the issue of such clothing essential for operational reasons.
- d) Free remittance of family allotments.
- e) Free medical treatment and hospital treatment.
- f) Wound/injury or family pension or gratuity under chapter XXXVIII CSR or 157/57/AFI 20/58, as the case may be, or compensation under the Workmen's Compensation Act where applicable.
- g) 2 postage free letters per individual per week.
- h) Remittance within Indian limits of money orders and Indian Postal Orders free of commission upto the maximum value of Rs.30/- per month per individual.
- i) Retention of family accommodation allotted by Government at the old duty station on payment of normal rent. If the accommodation retained is required to be allocated to another entitled personnel per exigencies of service, the families may be shifted to an alternative accommodation whether appropriate or inferior to the status of the individual concerned

The above concessions are non-monetary in nature and no compensation in the form of monetary allowance as part of FSC is admissible under the existing rules.

Refer to ANNEXURE 'C' to the Government letter No.A/02584/AG/P83(a)/97-S/D(Pay/Services) dt.25.1.1964.

**B. Field Service Concessions in Modified Field Areas.**

- a) Free remittance of Family allotments.
- b) 2 postage free Forces letters per individual per week.
- c) Remittance within Indian limits or money orders and Indian Postal Orders free of commission upto the maximum value of Rs.30/- per month per individual.
- d) Retention of family accommodation allotted by Government at the old duty station on payment of normal rent. If the accommodation retained is required to be allotted to another entitled personnel for exigencies of service, the families may be shifted to alternative accommodation whether appropriate or inferior to the status of the individual concerned.

The **above Concessions are non-monetary** in nature and no compensation in the form of monetary allowance as part of FSC is admissible under the existing rules. (Refer to Appendix 'B' to the Government letter No.A/25761/AG/P83 (b)/146-S/2/D (Pay/Services) dt.2.3.1968).

A copy of the letter-dated 21.9.02 is annexed herewith and marked as **ANNEXURE III.**

5. That, as per the said letters of the Ministry of Defence, Government of India, the Area Manager, Canteen Stores Department, Dimapur, the Respondent-Contemner No.4 herein informed the Regional Manager(East), Narangi, Guwahati, that the staffs of Dimapur Depot are drawing Field Service Concessions vide letter No.DPD/0020/20/EST/377 dated 31.5.03.

A copy of said letter-dated 31.5.03 is annexed herewith and marked as **ANNEXURE IV.**

6. That, the respondent-Contemner begs to state that the Applicants under the Canteen Stores Department are enjoying Field Service Concession, as directed by the Hon'ble Central Administrative Tribunal, Guwahati.

7. That, the Respondent-Contemner No.2 begs to state that the matter regarding rate of allowances payable as per the pay scales of the employees of Canteen Stores Department in comparison with the ranks of combatant personnel was put up to the Controller of Defence Accounts for their concurrence, but the same has not been accepted by the Controller of Defence Accounts. To that effect a letter Ref. No.3/ADMN (B-1)/1634(FC)/2673 dated 26.6.03 was issued by the Deputy General Manager (P&A) Canteen Stores Department, Mumbai to the Respondent-Contemner No.3.

A copy of the said letter dated 26.6.03 is annexed herewith and marked as **ANNEXURE V.**

8. That, with reference to averments made in para 3 of the Contempt Petition, the Deponent hereby denies the same. The Respondents-Contemnors have never shown any disrespect, disregard to the Hon'ble Tribunal, so question of disobedience does not arise at all. The

Respondent-Contemners have complied with the Judgement and order dated 19.8.02 passed In OA No.57 of 2002. The Applicants on the basis of wrong interpretation of the Government Circular, Notification etc. made some illegal demands before the authority concerned.

9. That, the Respondent-Contemner No.2 begs to state that, if the Hon'ble Tribunal comes to a conclusion that the Respondents-Contemners have committed contempt of the order dated 16.8.02 in OA No. 57 of 02, the Respondent-Contemner No.2 begs unconditional apology and begs to be excused for the same.

10. That, as the Applicants made illegal demands on the basis of wrong interpretation of law, the petition is liable to be dismissed in limine.

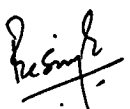
11. That, as the Applicants made false claims as above, the Hon'ble Tribunal may impose some cost to be recovered from the 135 Nos. of Applicants.

12. That , the statement of facts made in para 1 to 9 above are true to my knowledge and the rest are my humble submissions before the Hon'ble Court.

I hereunto set my hand on this the 29 th day of July 2003 before the Hon'ble Central Administrative Tribunal at Guwahati

Identified by me

B.M.Choudhary  
Shri B.M.Choudhary,  
(Advocate) 29.7.03.

  
(P.K.Singh)  
Major General, AVSM  
General Manager  
Canteen Stores Department,  
119, Adelphi, M.K.Road,  
Churchgate,  
Mumbai-400 020

The Deponent swear the Affidavit

Julie Mahankar  
(Advocate)  
29.7.03

ANNEXURE 'A' TO CSD ORDER NO. 36/98 DATED 18 Aug '98.

No. 95257/2/BOXCS/2149/D(Mov)/98  
Government of India  
Ministry of Defence  
New Delhi, the 05th August, 1998.

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/02584/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/PS 3(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-

Civilian employees as hithertofore 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 Cantonment 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 5-2-98.

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.



ANNEXURE - II

-49- 28

ANNEXURE 'A' TO CSD ORDER NO. 54/98 DATED 11 DEC'98.

No.95257/Q/BOCCS/224/CC/D(Mov)/98  
Government of India  
Ministry of Defence  
New Delhi, the 27th November, 1998.

CORRIGENDUM

The following amendment is made to this Ministry's letter No.95257/Q/BOCCS/2149/D(Mov)/98 dated 05 August, 1998, regarding Field Service Concession to Canteen Stores Department employees serving in the newly defined Field/Modified Field Areas:

Para 2 may be read as :

"These orders will come into force w.e.f. 01.4.1993"

2. This corrigendum issues with the concurrence of Ministry of Defence (Finance/QB) vide their UO No.2018/QB dated 25.11.1998.

Yours faithfully,

  
( T.P. MONDAL )

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

To

The Secretary,  
Board of Control  
Canteen Services  
L-I Block, Room No.16  
Church Road, New Delhi-110001.

Copy to:-

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

(2) 50  
ANNEXURE - II

New Delhi, the 21st Sept, 2000

To

The Chief of Army Staff  
The Chief of Air Staff

Subject: Admissibility of Concessions/Allowances to civilians paid from Defence Service Estimates working in the Defence Establishments located in Field Areas/Modified Field Areas

Sir,

I am directed to refer to the subject as mentioned above and to state that on the basis of the recommendations of the 4th Central Pay Commission, Ministry of Defence had issued letter No.37269/AG/PS3(a)/90/D (Pay/Services) dt.13.1.94 read with Air HQ/S.24016/41/1/RSC(R)/PPGR-1/1430/D (Pay/Sers) dt.17.7.1995 as amended from time to time, by which, the then definition of Field Areas were reviewed and all of them were reclassified as Field Areas and Modified Field Areas. The above said two letters also enumerated the concessions admissible to Service Personnel working in Field Areas and Modified Field Areas apart from High Altitude/Uncongenial Climate Allowance and Siachen Allowance. Also, the Para 13 of the letter dt.13.1.94 stated that the concessions to be admissible to Defence civilians serving in the newly defined Field Areas would be notified separately. Accordingly, the Ministry of Defence issued letter No.B/37269/AG/PS3(a)/165/D (Pay/Services) dt.31.1.95 as amended on 17.1.95 and 12.9.95 granting Field Service Concessions (FSC) admissible to civilians in Defence Establishments working in Field Areas and Modified Field Areas.

2. It has been decided to consolidate the orders contained in a number of Govt letters on the subject of Field Service Concessions. Hence the following are the Field Service Concessions/Compensatory Allowances admissible to the civilians working in Field Areas and Modified Field Areas as per the existing orders/Instructions issued by the Ministry of Defence from time to time:-

A. Field Service Concessions in the Field Areas:

- (a) Free rations on scale applicable to combatants of the Army or Air Force, as the case may be, and fuel.
- (b) Free tented/basha accommodation and connected services to the extent feasible.

..... 2/-

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- (c) Free clothing on minimum essential scale of Army personnel if the Corps Commander/AOC-in-C Air Force Command considers the issue of such clothing essential for operational reasons.
- (d) Free remittance of family allotments.
- (e) Free medical treatment and hospital treatment.
- (f) Wound/injury or family pension or gratuity under Chapter XXXVIII CSR or AI 157/57/AFI 20/58, as the case may be, or compensation under the Workmen's Compensation Act where applicable.
- (g) 2 Postage free Forces letters per individual per week.
- (h) Remittance within Indian limits of money orders and Indian Postal orders free of commission upto the maximum value of Rs. 30/- per month per individual.
- (i) Retention of family accommodation allotted by Govt. at the old duty station on payment of normal rent. If the accommodation retained is required to be allotted to another entitled personnel for exigencies of service, the families may be shifted to an alternative accommodation whether appropriate or inferior to the status of the individual concerned.

The above concessions are non-monetary in nature and no compensation in the form of monetary allowance as part of FSC is admissible under the existing rules.

(Refer to Annexure 'C' to Govt letter No. A/02584/AG/PS3(a) / 97-S/D (Pay/Services) dt. 25.1.1964.

#### B. Field Service Concessions in Modified Field Areas:

- (a) Free remittance of Family allotments.
- (b) 2 postage free Forces letters per individual per week.
- (c) Remittance within Indian limits of money orders and Indian Postal Orders free of commission upto the maximum value of Rs. 30/- per month per individual.
- (d) Retention of family accommodation allotted by Govt. at the old duty station on payment of normal rent. If the accommodation retained is required to be allotted to another entitled personnel for exigencies of service, the families may be shifted to alternative accommodation whether appropriate or inferior to the status of the individual concerned.

The above concessions are non-monetary in nature and no compensation in the form of monetary allowance as part of FSC is admissible under the existing rules. (Refer to Appendix 'B' to Govt letter No. A/25761/AG/PS3(b) / 146-S/ 2/D (Pay/Services) dt. 2.3.1968).

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### C. Special Duty Allowance (SDA) in the North-Eastern Region:

The Defence civilians recruited from outside the North Eastern Region and posted from outside into the NEER and serving in the Field/Modified Field Areas would be entitled to the SDA in addition to the FSC in the Field/Modified Field Area.

### D. Remote Locality Allowance:

Special Compensatory (Remote Locality) Allowance will not be admissible alongwith FSC in Field Areas for the period beyond 17.4.95. Any overpayment made for the period beyond 17.4.95 on this account will be recovered. However, no recovery would be made on payment made on this account to the Defence civilians for the period prior to 17.4.95.

(Refer to MOD O.M. No.4(3)/98/D (Civ.I) dt.16.3.98)

### E. House Rent Allowance (HRA) in Field Areas:

Civilians transferred from a family station to a non-family station in Field Area are entitled to HRA at the rate applicable to the old duty station provided the Govt servant is keeping his family in the house owned by him or in a rented accommodation at the old duty station for the duration of his posting in the non-family station in the Field Area. The drawal of such HRA will be subject to the fulfilment of other conditions laid down in MOD O.M. No.4(1)/66/D (Civ.I) dt.4.3.66 as amended from time to time.

(Refer to MOD Corrigendum No.A/40083/VII/Ord-4 (Civ.) (d) / 47-S/D (Civ.I) dt.6th February, 1979).

The Defence civilian employees who had been locally and directly recruited and posted in Field Areas and serving in the non family stations are entitled to HRA as admissible for unclassified towns subject to fulfilment of conditions laid down in Ministry of Finance O.M. dt.23.9.86, provided such employees are required not to keep their families with them at the station of posting in view of the nature of their duty at such station. Payment made on account of HRA in Field Areas based on CAT orders and specific sanctions issued by MOD may be admitted to the petitioners till further action.

### F. House Rent Allowance in Modified Field Areas:

Civilians serving in the Modified Field Areas who are not retaining the Govt accommodation at old peace duty station with reference to MOD letter No.A/25761/AG/PS3 (b) / 146-S/2/D (Pay-Services) dt.2.3.68 and are also not

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provided with Govt accommodation in the newly defined Modified Field Area are entitled to draw HRA applicable for their place of posting in the Modified Field Area subject to the conditions prescribed in Govt of India, Ministry of Finance O.M. No.2(37)E-II(B)/64 dt.27.11.65 as amplified from time to time. If, however, any Modified Field Area is located in Kashmir Valley, then the package as announced by the Govt of India circulated vide Ministry of Defence No.11(4)/99/D(Civ. I) dt.7.1.99 and as extended from time to time in the conditions of Modified Field Area, whichever is more beneficial, would be applicable. (Refer to letter No.4(2)/99/D(Civ. I) dt.8.9.99).

3. In addition to the above, allowances like Dearness Allowance which are applicable to Central Govt Employees in general will also be admissible to civilians in Field Areas/Modified Field Area subject to fulfilment of the conditions prescribed for drawal of such allowances.

4. All concerned organisations are requested to issue suitable instructions to units and formations for restricting the concessions strictly according to the existing orders on the subject. It is also necessary that wide publicity should be given to enable the Defence civilians to know their correct entitlements while serving in Field/Modified Field Areas.

Yours faithfully,

Sd/-

(O.A. Subramanian)

Deputy Secretary to the Govt of India

ANNEXURE - IV

Ref: DDPD/0020/20/1234/ 377 F A T 0361240801 Date: - 31 May 03

To,  
RM (E)

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**Sub: - Field Service Concessions/Allowances to CSD Employees serving in the Field/Modified Field Area.**

This refers to the telephonic discussion between Mr S. K. Gupta, Area Manager, CSD Depot Naranyi and the under signed on 30.05.03.

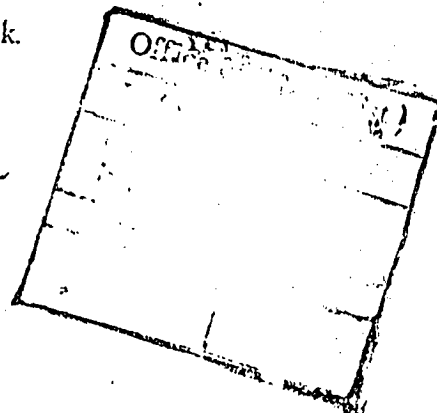
2. As desired by DGM (P & A) and information is gathered from Stn. HQ Rangapahar, that it is learnt that no monetary compensation is being given to Defence Civilians posted in Dimapur.
3. The staffs of Dimapur depot are drawing following concessions.

Applicable Field Area Concessions at Dimapur as per letter No. 4(c)/2000/d (civ-I) dt. 21.09.2000.

Whether facility extended to CSD employees Dimapur or Not

- a) Free rations on scale applicable to combatants of the Army or Air Force as the case may be and fuel. ☒ -Yes
- b) Free tented /basha accommodation and connected services to the extent feasible. ☒ -Yes
- c) Free clothing on minimum essential scales of Army personnel if the corps Commander/ADC in C Air force command considers the issue of such clothing essential for operational regains. ☒ -No
- d) Free remittance of family allotments upto Rs. 5000/- per month ☒ -Yes
- e) Free medical treatment and hospital treatment. ☒ -Yes
- f) Wound/injury or family pension or gratuity under chapter XXX, VIII CSR or AI/157/S7/AIF/20/58, as the case may be, or compensation under the workmen's compensation Act where applicable. ☒ -Not yet availed
- g) 2 Postage Free Forces letters per individual per week.

Contd 2/-



- h) Remittance within Indian limits of money orders and Indian Postal orders free of commission up to the maximum value of Rs. 30/- per month per individual. -Yes
- i) Retention of family accommodation allotted by Govt. at the old duty station on payment of normal rent. If the accommodation retained is required to be of service, the families may be shifted to an alternative accommodation. Whether appropriate or inferior to the status of the individual concerned. -Yes

C. Special Duty Allowance(SDA) in the North eastern Region:

The Defence civilians recruited from outside the North Eastern Region and posted from outside into the NER and serving in the Field/modified field Areas would be entitled to the SDA in addition to the FSC in the Field /Modified field Area. -Yes

D. Remote Locality Allowances:

Special Compensatory (remote Locality) Allowance will not be admissible alongwith FSC in Field Areas for the period beyond 17.04.95. Any overpayment made for the period beyond 17.04.95 -No (Since FSC old rate is paid upto now)

E. House Rent Allowance (HRA) in Field Areas:

Civilians transferred from a family station to a non-family station in Field Area are entitled to HRA at the rate applicable to the old duty station provided the Govt. servant is keeping his family in the house owned by him or in a rented accommodation at the old duty station, for the duration of his posting in the non-family station in the Field Area. -Yes

(D M SARKAR)

AREA MANAGER  
CSD DEPOT DIMAPUR

CC to DGM (P & A): - For kind information please

27/06/2003 15:02 FAX 2083468

C S D HO

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कॉन्टीन स्टोर्स विभाग

## CANTEEN STORES DEPARTMENT

द्वारा

From DGM(P&A)  
CSD HO  
Mumbai

प्रति,

To The RM(East)  
CSD Depot  
Narangi

संदर्भ क्र:

दिनांक:

Ref.No.3/Admn (B-1)/1634(FC)/ 2673

Date: 26 Jun'03

BY FAX & COURIER

**SUB: CONTEMPT PETITION NO.23/03 IN OA NO.57/02 FILED BY  
SHRI N C DAS Vs UOI & OTHERS IN RESPECT OF  
FIELD SERVICE CONCESSION**

Reference your letter No.RME/094/ESZST/475 dated 16 June 2003 forwarding the parawise comment to be filed at CAT, Guwahati on the above cited Contempt Petition.

2. The matter regarding the rate of allowances payable as per the payscales of CSD employees in comparison with the ranks of combatant personnel was put up to CDA(CSD) for their concurrence, but the same has not been accepted by them. The comments of CDA(CSD) are appended here under:-


"As per govt. letter dated 24.05.2003, the FAA/FSC are extended to CSD employees serving in field areas. But no where, it is mentioned that the same should be paid in cash. The FAA/FSC are to be applicable in kind, which is extended to uniform personnel. As such Govt. sanction for payment in cash if obtained will be in order as the order states that the concessions are non-monetary in nature and no monetary allowance is admissible.

In other words, defence civilians posted to North East-Region are entitled for special duty allowance (SDA) as per para C of ibid letter. Defence civilians posted to field area/modified field area will be entitled for concession of para D, E and F of Govt. letter dated 21 Sep 2000"

Therefore, proposal of payment of field allowance, modified allowance, drawn on the rate of pay & allowance of civilians is not acceptable in audit being a new practice."

3. In case the Hon'ble tribunal does not accept the reply filed by you during the hearing tomorrow ie, 27.06.03, you may inform /file the views of the audit, as stated above, in the CAT for their orders.

4. Please acknowledge and confirm.

  
(MOHAR SINGH)  
DY GENERAL MANAGER (P&A)  
FOR GENERAL MANAGER



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH AT GUWAHATI

24 OCT 2003

IN THE MATTER OF ;

Contempt Petition No.23 of 2003

In O.A. No.57 of 2002

And

IN THE MATTER OF :

Sri Nomal Chandra Das and 134 others

Versus

The union of India and Others

IN THE MATTER OF:

An Affidavit on behalf of the Respondent- contemner No.2

I, Major General P.K.Singh, Ati Vishist Sewa Medal, General Manager, Canteen Stores Department Adelphi, 119, Maharshi Karve Road, Mumbai-400020, aged about 55 years, do hereby solemnly affirm and state as follows:-

1. That, I have been impleaded as Respondent – contemner No.2 in the above noted Contempt Petition, herein after to be referred to as the petition, as such I am fully conversant with the facts and circumstances of the case.
2. That, as per direction made by the Hon'ble Tribunal, the Deponent personally appeared before the Hon'ble Tribunal at Guwahati on 17.9.03 and, amongst others, submitted the following as per requests made by the Hon'ble Tribunal.
3. That, the Field Service Concessions were being paid to the Canteen Stores Department's Employees at Dimapur in terms of letter No.95257/Q/BOCCS/2149/D(Mov)/98 dated 05.8.98 as amended of the Ministry of Defence, Govt of India.

Filed by  
Major General P.K.Singh  
through  
B. M. Choudhury, Advocate  
17.10.03

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4. That, the Ministry of Defence, Govt. of India vide its letter No.4(6)/2000/D(Civ.I) dated 21.9.2000 has consolidated all the orders on the subject and decided that henceforth Field Service Concessions /Allowances as given in the letter, will only be admissible. At this point, Shri B M Choudhary, the learned counsel for the Respondents very humbly drew the attention of the Hon'ble Tribunal, to this letter which had already been filed alongwith the affidavit in July 2003.

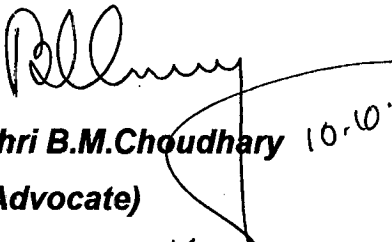
5. That, the Deponent executes all the orders given to him by the Govt. of India.

6. That, the Deponent has the highest regard for the Hon'ble Central Administrative Tribunal , Guwahati Bench, Guwahati and has committed no contempt willfully or otherwise.

7. That, the statements of fact made in para 1 to 5 above, are true to my knowledge and the rest are my humble submissions before the Hon'ble Tribunal.

I hereunto set my hand on this the 10th day of October 2003.

**The Deponent swears the  
Affidavit who is  
Identified by me**

  
**Shri B.M.Choudhary 10.10.**  
**(Advocate)**  
**on this the 10th day of**  
**October 2003**

  
**(P.K.Singh)**

**Major General, AVSM**  
**General Manager**  
**Canteen Stores Department**  
**119, Adelphi, M.K.Road**  
**Churchgate**  
**Mumbai-400020**

The deponent swears this Affidavit  
who is identified by Sri B. M.  
Choudhary (Advocate)

Julie Mahanta (Advocate)  
Guwahati High Court.