

01/00
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES,1990)

INDEX

O.A/T.A No. 248/03

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

E.P/M.A No.....

1. Orders Sheet..... *OA* Pg.1.....to.....
2. Judgment/Order dtd *23/12/03* Pg.1.....to *3.00*.....
3. Judgment & Order dtd..... Received from H.C/Supreme Court
4. O.A. *248/2003* Pg.1.....to *41*.....
5. E.P/M.P..... Pg.....to.....
6. R.A/C.P..... Pg.....to.....
7. W.S..... Pg.....to.....
8. Rejoinder..... Pg.....to.....
9. Reply..... Pg.....to.....
10. Any other Papers..... Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

FROM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No: 248/2003

Misc Petition No: _____/

Contempt Petition No: _____/

Review Application No: _____/

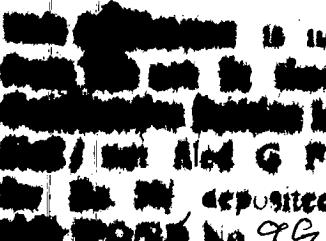
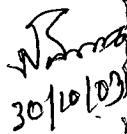
Applicants: - A.K. Palia & ors.

Respondents: - Letors.

Advocate for the Applicants: - Mr. M. Chanda, G.N. Chakrabarty,
S. Nath & S. Choudhury,

Advocate for the Respondents: -

CSC.

Notes of the Registry	Date	File	Order of the Tribunal
 10/10/03 2003 No. 92702992 30/10/03	31.10.2003		Heard Mr. M. Chanda, learned counsel for the applicants. Issue notice to show cause as to why the application shall not be admitted List on 3.12.2003 for admission.
			Vice-Chairman
Steps Taken  30/10/03	23.12.2003		Present : The Hon'ble Mr. Justice B. Panigrahi, Vice-Chairman. The Hon'ble Mr. K.V. Prahladan Member (A) Heard learned counsel for the parties. The application is disposed of at the admission stage in terms of the order passed in separate sheets. No costs.
Pl. comply order dated 31/10/03.  31/10/03			 Member
Notice and order dt. 31/10/03 Sent to DI section for issuing the respondent No. 1 to 3, by R/Post.			 Vice-Chairman
13/11/03 0.76	D/No - Dt.	mb	00

13.1.2014

copy of the protest
has been sent to the
Dfsec. for training
in some do the opposite
as well as to the
min-c-b-e-c further
respects. C.R.

Aug 19/1

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./R.A.No. 111 248 of 2003

DATE OF DECISION 23.12.2003

Sri A.K. Patre & Ors. APPLICANT(S).

Mr. M. Chanda

..... ADVOCATE FOR THE
APPLICANT(S).

-VERSUS-

Union of India & Ors. RESPONDENT(S)

Mr. A. Deb Roy, Sr. C.G.S.C. ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE MR. JUSTICE B. PANIGRAHI, VICE CHAIRMAN.

THE HON'BLE MR. K.V. PRAHLADAN, ADMINISTRATIVE MEMBER.

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

Judgment delivered by Hon'ble ~~Member~~ Vice-Chairman.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Original Application No. 248 of 2003.

Date of Order : This the 23rd day of December, 2003.

HON'BLE MR. JUSTICE B. PANIGRAHI, VICE CHAIRMAN.

HON'BLE MR. K.V. PRAHLADAN, ADMINISTRATIVE MEMBER.

1. Sri Ashok Kumar Patre

Asstt. Hydrogeologist (Group-B Cadre)
C/o R.K. Silvaliya, Teacher, N/O Chiman
Sao Kawade, Bhatera Chowki - Baleghat (M.P.)
PIN - 481 001.

2. Sri Rajeev Ranjan Shukla

S/o Sri R.N. Shukla
Junior Hydrogeologist (Group-A Cadre)
Chotti Bazar Vidyapuri Mogalpura
Patna City, Patna - 8 (Bihar).

3. Dr. Nabendu Mazumdar

S/o Sri Nirmal Mazumdar
Asstt. Hydrogeologist (Group-B Cadre)
Ramkrishna Pally, Rahara
Dist. Noth 24 Pargans
Kolkata - 700 018 (W.B.)

4. Sri Ratikanta Nayak

S/o Sri Ramakanata Nayak
Junior Hydrogeologist (Group-A Cadre)
Bida Para, Sayed Pur
Dist. Jaipur (Orissa)
PIN 755 027.

5. Sri Sanjib Chakrabarty

S/o Late Kalipada Chakrabarty
Asstt. Hydrogeologist (Group-B Cadre)
DN-4, Coke Oven Colony
P.O. Durgapur,
District - Burdwan (W.B.)
PIN- 731 202.

... . . . Applicants.

By Advocate Mr. M. Chanda.

- Versus -

1. The Union of India,
Represented by the Secretary to the
Government of India, Ministry of Water Resources,
New Delhi.

2. The Director (Admn.)
Central Ground Water Board
N.H.IV Faridabad.

Contd...2

3. The Regional Director,
 Central Ground Water Board
 Ministry of Water Resources,
 N.E. Region, Tarun Nagar,
 Guwahati - 781 005.

... Respondents.

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

O R D E R

PANIGRAHI J. (V.C.):

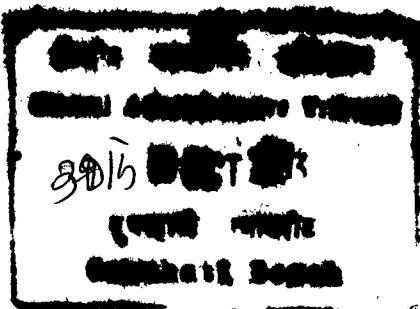
All the applicants allegedly got Special Duty Allowance (SDA) from the Respondents as per notification under O.M. No. 20014/2/83/E.IV dated 14.12.1983 which has been subsequently extended from time to time. The Respondents abruptly stopped paying SDA to the applicants by virtue of the notification dated 12.01.1996 vide Order No. 11(3)95-E.II(B) issued by the Government of India, Ministry of Finance. Mr. M. Chanda, learned counsel appearing for the applicants has submitted that such arbitrary action of the Respondents is unsustainable in law inasmuch as before stopping SDA the Respondents did not give any justifiable reasons for stopping the SDA. It has been further highlighted that the Applicants have been posted in North Eastern Region, therefore, they shall be entitled to the benefits by virtue of the notification. Mr. Chanda, learned counsel for the applicants has also submitted that this issue also contested before this Tribunal, accordingly direction was given to the Respondents in O.A. No. 136/2000 on 20.12.2000. Mr. A. Deb Roy, learned Sr. C.G.S.C. appearing on behalf of the Respondents has submitted that if an employee originally posted in the North East Region, he shall not be entitled for SDA. He should be transferred ^{Q Come QM} ~~from~~ outside this Region. Generally such benefits extended to such employees.

2. Keeping in view of the aforesaid fact, we therefore, direct the Respondents to examine the case of the Applicants in the light of the notification dated 12.01.1996 and if the Applicants satisfy those criteria then such benefits will stand revived. The aforesaid exercise shall over ^{be} within three (3) months from the date of communication of this order.

Accordingly, the application is disposed of. No order as to costs.


(K.V. PRAHLADAN)
ADMINISTRATIVE MEMBER


(B. PANIGRAHI)
VICE CHAIRMAN



6

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

O.A. No. 248/2003

Sri Ashok Kumar Patra & Ors.

-vs-

Union of India & Ors.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

14.12.83 Govt. of India, issued O.M. No. 20014/2/83/E.IV introducing Special (Duty) Allowance (SDA) for the civilian employees of the Central Government posted in the N.E.Region from outside who are saddled with all India Transfer liability.

20.07.1987 Ministry of Finance, Government of India issued further order in respect of entitlement of SDA.

01.12.1988 Government of India issued O.M. enhancing the permissible limit of SDA of Rs. 400/-, followed by further order dated 22.07.1998.

12.01.1996 Government of India issued clarificatory order specifying that those civilian employees who are saddled with all India transfer liability and posted in N.E.Region are entitled to SDA provided their recruitment, promotion and seniority are being maintained on All India basis.

18.09.00 to All the applicants were appointed on 18.05.01 different dates during the period and were granted SDA w.e.f. their respective dates of joining by the respondents at their own, on being satisfied about the eligibility of the applicants. The said SDA was paid to them till November, 2002. Suddenly payment of SDA to the applicants were discontinued from December, 2002 without prior notice or without any valid reasons and thereafter SDA already paid to them was recovered from December 02 to Jan 2003 in an arbitrary manner, in spite of their application and in spite of the decision of the Hon'ble Tribunal dated 20.12.2000 in O.A. No. 136/2000 rejecting such recovery of SDA in similar situation.

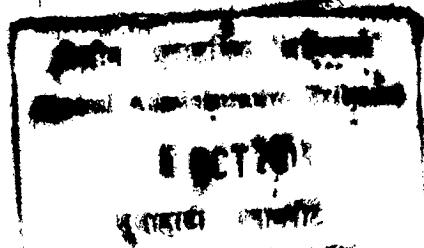
Hence this application before the Hon'ble Tribunal.

P R A Y E R

- 8.1 That the respondents be directed to consider the case of the applicant for choice station posting in Delhi in terms of the Office Memoranda dated 14.12.1983, 22.7.1998 issued by the Government of India, Ministry of Finance, Department of Expenditure, New Delhi with immediate effect against the post going to fall vacant on retirement on superannuation of Sri B.N.Tripathy, Deputy Director, New Delhi.
- 8.2 That the respondents be directed not to fill up or shift the post of Deputy Director which is going to fall vacant due to retirement on superannuation of Sri B.N.Tripathy on 31.10.2003 till consideration of the case for choice station posting of the applicant.

8.2 Costs of the application.

8.3 Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.



Filed by the applicant
Subrata Nath
Advocate
29/10/03

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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

Title of the case : O. A. No 247 /2003

Sri Ashok Kumar Patre & Ors. : Applicants

- Versus -

Union of India & Others : Respondents.

INDEX

SL. No.	Annexure	Particulars	Page No.
01.	----	Application	1-16
02.	----	Verification	17
03.	I	O.M.No Dated 14.12.1983	18-19
04.	II	Copy of result sheet copies of appointment letter	20-35
05.	III	Office order dated 12.01.1996	36-37
06.	IV	Copies of representation dated 20.08.2002	38-41

Filed by

Subrata Nath
Advocate

Date 29.10.03.

1

17

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

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

O. A. No. 248

/2003

BETWEEN

1. Sri Ashok Kumar Patre
Asstt. Hydrogeologist (Group-B Cadre)
C/o R.K. Silvaliya, Teacher, N/O Chiman
Sao Kawade, Bhatera Chowki-Baleghat(M.P)
PIN - 481001
2. Sri Rajeev Ranjan Shukla
S/o Sri R.N. Shukla
Junior Hydrogeologist (Group-A Cadre)
Chotti Bazar Vidyapuri Mogalpura
Patna City, Patna-8 (Bihar)
3. Dr. Nabendu Mazumdar
S/o Sri Nirmal Mazumdar
Asstt. Hydrogeologist (Group-B Cadre)
Ramkrishna Pally, Rahara
Dist. North 24 Parganas
Kolkata-700018(W.B.)

Nabendu Mazumdar

2
13

4. Sri Ratikanta Nayak
S/o Sri Ramakanta Nayak
Junior Hydrogeologist (Group - A Cadre)
Bida Para, Sayed Pur
Dist. Jaipur (Orissa),
PIN 755027

5. Sri Sanjib Chakraborty
S/o Late Kalipada Chakraborty
Asstt. Hydrogeologist (Group-B Cadre)
DN-4, Coke Oven Colony
P.O. Durgapur,
District-Burdwan (W.B)
PIN-731202

■Applicants

-AND-

1. The Union of India,
Represented by the Secretary to the
Government of India, Ministry of Water Resources,
New Delhi.

2. The Director (Admn.)
Central Ground Water Board
N.H.IV, Faridabad,

3. The Regional Director,
Central ground Water Board
Ministry of Water Resources,
N.E.Region, Tarun Nagar,
Guwahati-781005

■Respondents

Narajimdar

DETAILS OF THE APPLICATION

1. Particulars of order(s) against which this application is made.

This application is made praying for a direction upon the respondents to continue to make payment of the Special (Duty) Allowance to the applicants from the date of discontinuation in terms of O.M. dated 14.12.1983, 1.12.1988 and 22.7.1998 and also for a direction upon the respondents to refund the amount of SDA already recovered from the applicants.

2. Jurisdiction of the Tribunal.

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

3. Limitation.

The applicants further declare that this application is filed within the limitation prescribed under section-21 of the Administrative Tribunals Act, 1985.

4. Facts of the Case.

4.1 That the applicants are citizens of India and as such they are entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.

Narayanan

4
15

4.2 That the present applicants are working in different capacities in the office of the Central Ground Water Board, Ministry of Water Resources, N.E. Region, Guwahati under the administrative control of the Regional Director, Central Ground Water Board (for short CGWB) in the cadre of Group A and B.

4.3 That the applicants pray for permission to move this application jointly in a single application under Section 4 (5) (a) of the Central Administrative Tribunal (Procedure) Rules 1985 as the reliefs sought for in this application by the applicants are common. Therefore the applicants pray before the Hon'ble Tribunal for permission to move this application jointly.

4.4 That your applicants state that by the O.M. No. 20014/2/83/B.IV dated 14.12.1983 Special (Duty) Allowance (for short SDA) was introduced by the Govt. of India, and thereby it was decided to provide incentive to the civilian employees working in the States of Union Territories of the N.E. Region. The said allowances were granted with a maximum limit of Rs. 400 per month. It was also decided under the said memorandum that the SDA would be granted to the Central Government Civilian Employees (who are saddled with all India Transfer liability) on being posted to N.E. Region. The said rate of Rs. 400 was however, subsequently revised from time to time by the

Nanjumdar

Government of India vide O.M. dated 1.12.1988 and O.M. dated 22.07.1998.

4.5 That the applicants state that they being the civilian Central Government employees having all India Transfer liability were granted SDA by the respondents in terms of O.M. dated 14.12.1983. Be it stated that the applicants have been continuously working in the N.E.Region from their date of joining with all India transfer liability and all of them are from outside the North Eastern Region. As per the said O.M. dated 14.12.1983 Special (Duty) Allowance are entitled to such civilian employees of the Central Government who are saddled with All India Transfer liability. The relevant portion of the O.M. dated 14.12.1983 is quoted below :

"The need for attracting and retaining the services of competent officers for service in the North Eastern Region comprising the States of Assam, Meghalaya, Manipur, and Tripura and the Union Territories of Arunachal Pradesh and Mizoram has been engaging the attention of the Government for some time. The Government has appointed a Committee under the Chairmanship of Secretary, Department of Personnel and Administrative Reforms, to review the existing allowances and facilities admissible to the various categories of civilian Central Government employees serving in the region and to suggest suitable improvements.

Narayana Prasad

6 X

The recommendations of the Committee have been carefully considered by the Government and the President is now pleased to decide as follows:

(iii) **Special Duty Allowance**

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

An extract copy of the O.M. dated 14.12.1983 is annexed hereto and marked as **Annexure-I**.

4.6 That it is therefore seen that all the 5 applicants are the permanent residents of places outside the North Eastern Region. All the applicants are posted in North Eastern Region and all of them came from outside the North Eastern Region for the sake of job and incentives attached to it. Moreover at the time when applicants

Naseemuddin

7

were given appointment in the C.G.W.B through U.P.S.C. they had all India transfer liability and it is only for carrying out their official duties the above mentioned applicants are at present working in the N.E.Region, their permanent dwelling house is outside the North Eastern Region.

4.7 That it is stated that on the basis of the O.M. dated 14.12.1983, 1.12.1988 and 22.07.1998 issued by the Government of India, Ministry of Finance, Department of Expenditure the respondents on their own started paying SDA to the applicants with effect from the date of their initial joining in the N.E.Region. The detail particulars of joining, designation, permanent home address and particulars of payment of SDA made by the respondents are shown hereunder :

Name and Designation	Date of joining	Permanent Home Address	Particulars of payment of SDA and recovery
Ashok Kr. Patre, Asstt. Hydro-geologist	18.05.2001	Bhatera Chowki, P.O. Balurghat, Dist. Balurghat, Madha Pradesh	Payment made upto February 2002 and recovery made during the month of Dec.'02 to Jan'03
Rathikanta Nayak, Junior Hydro-geologist	02.11.2000	Bidapada, P.O. Sayeed Pur, Dist. Jaipur, Orissa	Payment made up to Feb 2002 and recovery made during the month of Dec'2002 and Jan'2003
Rajeev Ranjan Shukla	18.09.2000	Chottibazar Vidyapuri, Mughal Para,	Payment made up to February 2002

Nirajimdar

		Patna City, Patna-8	and recovery made during the month of Dec'2002 and Jan'2003
Dr. Nabendu Mazumdar, Asstt. Hydrogeologist	28.11.2000	Ramakrishna Pally Rahera, North 24 Parganas, Kolkata-700118	Payment made up to February 2002 and recovery made during the month of Dec'2002 and Jan'2003
Sanjeev Chakraborty, Asstt. Hydrogeologist	25.09.2000	D/N-4 Coke Oven Colony, P.O. Durgapur, Dist. Burdwan, West Bengal	Payment made up to Feb Nov. 2002 and recovery made during the month of Dec'2002 and Jan'2003

It is quite clear from the above particulars that all the above applicants are permanent residents of different states outside the N.E. Region. Be it stated that recruitment of the applicants are made on All India Basis following the recommendation of the U.P.S.C. and their seniority and promotion in the respective grade are also being maintained on All India Basis. It is further categorically submitted that the applicants are saddled with All India Transfer liability and they are not the permanent residents of N.E. Region. All the applicants are posted at N.E. Region from outside the N.E. Region, as such they are entitled to payment of Special (Duty) Allowance in terms of the O.M. dated 14.12.1983, 1.12.1988 and 22.7.1998 issued by the Government of India, Ministry of Finance, New Delhi.

Nanajimder

The applicants urge to produce the copy of the O.M. dated 1.12.1998 and O.M. dated 22.7.1998 at the time of hearing.

A copy of the advertisement, result sheet and few copies of appointment order annexed hereto and the same is marked as **Annexure II series**.

4.8 That it is stated that the respondents on scrutiny of the service records of the applicants found that they are eligible for grant of Special (Duty) allowance. Accordingly payment of SDA was made to each of the applicants by the respondent themselves since their posting in N.E.Region and such payment of SDA to the applicants was made till November, 2002.

4.9 That most surprisingly the respondents without providing any opportunity or notice to the applicants discontinued/stopped the payment of Special (Duty) allowance from the month of December, 2002 and started recovery of SDA during the month of December 2002 and January 2003, which were made earlier without issuing any prior notice to the applicants, as such recovery of SDA is made during the months of December 2002 and January 2003 is in total violation of principle of natural justice. Moreover, arbitrary stoppage of payments of SDA in respect of present applicants without assigning any valid reason has lead to civil consequences and the same is in violation of principles of natural justice and law of equality contained in

Nirajjindal

Article 14 of the Constitution of India as such decision of the respondents for discontinuation of payment of SDA is void ab initio.

4.10 That the Govt. of India, Ministry of Finance vide O.M. No. 11(3)/95-E.11(B) dated 12.01.1996 issued clarificatory order in respect of entitlement of SDA, wherein it is categorically stated in the said O.M. that those civilian employees who are posted in N.E. Region having saddled with all India transfer liability are entitled to SDA, provided their recruitment, promotion and seniority are being maintained on All India basis. It is categorically submitted that the present applicants are posted at Guwahati from outside the North Eastern Region and working in the cadre of Group A and B, their recruitment, promotion and seniority are being maintained on All India basis. As such applicants are entitled to payment of Special (Duty) Allowance along with arrear monetary benefit at least from the date of discontinuation payment of SDA and also entitled to get refund of the amount of SDA which are already recovered by the respondents from their pay.

A copy of the O.M. dated 12.1.1996 is enclosed as Annexure-III.

4.11 That it is stated that similar issues were involved in O.A. 136/2000 in the case of Sri Santosh Kr. N.V. Vs. Union of India and Ors. Wherein the respondent Union of India denied the benefit of SDA to a similarly situated

Niraj Kumar

applicant on the alleged ground of initial posting at N.E.Region, however, the Division Bench of the Hon'ble Tribunal vide its judgment and order dated 20.12.2000 held that since the applicant of the said case recruited through All India selection basis and posted to N.E.Region, the benefit of SDA cannot be denied to such applicant when he is permanent resident of outside the N.E.Region, the instant case of the applicants are therefore squarely covered by the decision of this Hon'ble Tribunal referred to above.

4.12 That it is stated that the applicants came to learn from a reliable source that the payment of SDA has been discontinued to the applicant by the respondent Union of India on the alleged ground that the applicants are posted in N.E.Region on their first appointment, however, the said ground is rejected by the Hon'ble Tribunal in a series of cases decided by this Hon'ble Tribunal.

In view of the aforesaid factual position all the applicants are entitled to payment of SDA from the date of their initial posting in N.E. Region.

4.13 That your applicants submitted representations addressed to the Regional Director CGWB, Guwahati for grant of/continuation of payment of Special (Duty) Allowance but to no result.

A few copies of representations are annexed hereto and marked as Annexure-IV series.

Nmajumdar

4.14 That your applicants have acquired a valuable and legal right for grant of SDA in terms of O.M. dated 14.12.1983, 1.12.1988 and in terms of O.M. dated 22.7.1998. They have approached the respondents for payment of SDA but no action is initiated by the respondents for payment of SDA.

In such compelling circumstances, applicants are approaching this Hon'ble Tribunal for grant of adequate relief by passing an appropriate direction upon the respondents for payment of SDA with arrear monetary benefit.

4.15 That this application is made bonafide and for the cause of justice.

5. Grounds for relief(s) with legal provisions.

5.1 For that, the applicants have fulfilled all the conditions/criteria laid down in the Memorandum dated 14.12.1983, 1.12.1988 and also in O.M. dated 22.07.1998, as such they are entitled to payment of SDA in the terms of the O.M. referred to above.

5.2 For that, the applicants are posted at Guwahati from outside the N.E.Region, and they are not the permanent residents of N.E.Region.

5.3 For that, the recruitment of the applicants were made on All India basis through UPSC, and promotion and

Narajendar

seniority of the applicants are also maintained on All India basis as they are working in the cadre of Group A and B, as such applicants are entitled to Special Duty Allowance.

- 5.4 For that, the applicants had been directed to move to N.E. Region for their posting at Guwahati.
- 5.5 For that, the applicants are saddled with all India Transfer liability as per condition stipulated in their offer of appointment orders.
- 5.6 For that, non-payment of SDA on the alleged ground of initial posting at N.E. Region cannot be sustained in the eye of law.
- 5.7 For that the clarificatory order relating to payment of SDA i.e. O.M. dated 12.01.1996 issued by the Government of India, Ministry of Finance has specifically dealt with the issues and the criteria laid down therein supports the case of the applicants, as such they are entitled to draw SDA.
- 5.8 For that discontinuation of payment of SDA has been made in total violation of Article 14 of the Constitution.
- 5.9 For that recovery and discontinuation of payment of SDA has been made in total violation of principles natural justice.
- 5.10 For that issues involved in the instant case has already been settled by this Hon'ble Tribunal in a series of cases of the similar nature.

Narayan Mukherjee

6. Details of remedies exhausted.

That the applicants state that they have exhausted all the remedies available to him and there is no other alternative and efficacious remedy than to file this application.

7. Matters not previously filed or pending with any other Court.

The applicants further declare that they had not previously filed any application, Writ Petition or Suit before any Court or any other authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

8. Relief(s) sought for:

Under the facts and circumstances stated above, the applicants humbly pray that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief(s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

8.1 That the Hon'ble Tribunal be pleased to declare that all the applicants are entitled to draw SDA in terms of O.M. dated 14.12.1983, 01.12.1988 and 22.07.1998 and

Nayakumar

also in terms of the O.M. dated 12.01.1996 issued by the Government of India, Ministry of Finance, New Delhi with arrear monetary benefit.

8.2 That the respondents be directed to pay SDA to all the applicants at the rate prescribed by the Government of India from time to time and further be pleased to direct the respondents to refund the amount of SDA already recovered from the applicants with immediate effect.

8.3 Costs of the application.

8.4 Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for

During pendency of this application, the applicant prays for the following relief: -

9.1 That the Hon'ble Tribunal be pleased to make an observation that pendency of this application shall not be a bar for the respondents to grant the reliefs as has been prayed for by the applicants in the instant application.

10.
This application is filed through Advocates.

Nirajinder

11. Particulars of the I.P.O.

i) I. P. O. No. 9G702992
ii) Date of Issue 20.10.03
iii) Issued from G.P.O. Guwahati
iv) Payable at G.P.O. Guwahati

12. List of enclosures.

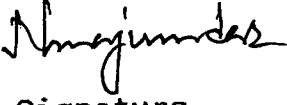
As given in the index.

Najimuddin

VERIFICATION

I, Dr. Nabendu Majumdar, Son of Sri Nirmal Majumdar, aged about 33 years, working as Assistant Hydro Geologist, Central Ground Water Board, North Eastern Region, Tarun Nagar Bye Lane 1, Guwahati-781005, Assam, one of the applicants in the instant application and duly authorized by the other applicants to verify the statements made in this application and to sign this verification. Accordingly I declare that the statements made in paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in paragraph 5 are true to My legal advice which I believe to be true. I have not suppressed any material fact.

And I sign this verification on this the 28th day of October, 2003.


Signature

Annexure-I

No.20014/2/83/B.IV
 Government of India
 Ministry of Finance
 Department of Expenditure

New Delhi, the 14th Dec '83

OFFICE MEMORANDUM

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

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

i) Tenure of posting/deputation :-

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

The period of deputation of the Central Government employees to the States/Union Territories of the North Eastern Region, will generally be for 3 years which can be extended in exceptional cases in exigencies of public service as well as when the employee concerned is prepared to

*After 1st
Sach
Advocate
9/10/03*

stay longer. The admissible deputation allowance will also continue to be paid during the period of deputation so extended.

ii) Weightage for Central deputation/training abroad and Special mention in confidential Records:

xx

ii) Special (Duty) Allowance :

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

Sd/ S.C. MAHALIK

Joint Secretary to the Government of India

20
GEOLOGISTS' EXAMINATION, 1998

Dear Candidate,

1. Your Admission Certificate-cum-Attendance Sheet for Geologists' Examination, 1998 is enclosed herewith.
2. The Time-Table for this examination is also enclosed.
3. Also enclosed is a set of important instructions for your guidance which you should go through carefully, and adhere to while appearing for the examination.
4. The Admission Certificate and Attendance Sheet are important documents and you should keep it carefully and bring it with you to the Examination Hall. Failure to bring Admission Certificate-cum-Attendance Sheet with you to the Examination Hall will deny you admission to the Examination.
5. **IMPORTANT**

The candidate will notice that the Admission certificate is accompanied by the Attendance Sheet. Directions for filling the Attendance Sheet are detailed in Para 4(d) under INSTRUCTIONS TO CANDIDATES. These directions should be carefully followed.

GEOLOGISTS' EXAMINATION, 1998

TIME TABLE

(Indian Standard Time will be observed)

Date & Day	Subject	Time
13th December, 1998 (Sunday)	(i) General English (ii) Geology Paper-I (comprising General Geology, Geomorphology, Structural Geology, Stratigraphy & Palaeontology).	10.00 AM to 12.00 Noon 2.00 PM to 5.00 PM
14th December, 1998 (Monday)	(i) Geology Paper-II, (comprising Crystallography, Mineralogy, Petrology & Geo-Chemistry). (ii) Geology Paper-III, (comprising Indian Mineral Deposits, Mineral Exploration, Mineral Economics & Economic Geology).	10.00 AM to 1.00 PM 2.30 PM TO 4.30 PM
15th December, 1998 (Tuesday)	Hydrogeology	10.00 AM to 12.00 Noon

CODE NUMBER FOR SUBJECTS

Code Numbers for subjects as given below should be followed while filling in details on answer sheet during the examination. (Detailed Instructions below).

Subject	Code No.
General English	01
Geology Paper-I, comprising General Geology, Geomorphology, Structural Geology, Stratigraphy and Palaeontology.	02
Geology Paper-II, comprising Crystallography, Mineralogy, Petrology and Geo-Chemistry.	03
Geology Paper-III, comprising Indian Mineral Deposits, Mineral Exploration, Mineral Economics and Economic Geology.	04
Hydrogeology	05

EXPLANATION OF SUBJECT CODES FOR CATEGORIES

- Subjects with code Nos. 01 to 04 are compulsory for posts under Category-I.
- Subjects with code Nos. 01 to 03 and 05 are compulsory for posts under Category-II.
- Subjects with code Nos. 01 to 05 are compulsory for candidates competing for posts under Category-I and Category-II.

Attested
S. S. Patil
29/12/98

24
87
"Candidate for
Examination Hall only"

SPEED POST/REGISTERED A.D./IMMEDIATE

ALLOWED TO ENTER
U.P.S.C. BUILDING
ON THE SPECIFIED
DATE AND TIME FOR
APPEARING BEFORE
THE INTERVIEW BOARD

DATE OF INTERVIEW: 18/8/99

TIME OF INTERVIEW: 09.00 A.M.

SECTION OFFICER
UNION PUBLIC SERVICE COMMISSION

NO. GEO' 98/ROLL NO. 424/E-VIII
UNION PUBLIC SERVICE COMMISSION
DHOLPUR HOUSE, SHAHJAHAN ROAD,
NEW DELHI-110011.

DATED THE 19/7

To

Sh. A. K. Patre
Balaghat (M.P.)

SUBJECT : GEOLOGISTS' EXAMINATION, 1998.

Sir/Madam,

With reference to your candidature for the above mentioned Examination, I am directed to request you to present yourself at the Commission's Office, Dholpur House, Shahjahan Road, New Delhi for the purpose of Personality Test to be conducted by the Union Public Service Commission as per date and time indicated on the top of this letter.

2. You should also note that no request for change in the date and time for the Personality Test once intimated to you will be entertained under any circumstances and if you fail to present yourself before the Personality Test Board on the scheduled date and time, you will be treated as Absent at the Personality Test. No further correspondence will be made in this

... contd. p2/-

Attest
Smt. Advocate
9/1/03

regard and you will not be called again for Personality Test for Geologists' Examination, 1998.

3. The Union Public Service Commission do not defray the travelling or other expenses of the candidates summoned for interview. They, however, contribute towards these expenses to the extent mentioned in the enclosed note. For this purpose, two blank travelling allowance bill forms are sent herewith. You should fill up these forms with particulars in respect of both the onward and return journeys and hand them over to the Assistant concerned of the Accounts Branch as soon as you report to the Commission's Office (for the Personality Test). The Commission's contribution towards your travelling expenses would be paid to you in cash on the date of Interview itself. You should collect the same from the cashier of the Commission's Office before you leave.

4. Please note that if you are declared successful on the results of the Examination, you would not be appointed-unless you are eligible, inter-alia, in terms of Rules for the Geologists' Examination, 1998.

5. In accordance with the "Instructions to Candidates" a copy of which was supplied to you alongwith the blank Detailed Application Form and in terms of the conditions of admission communicated to you in the Admission Certificate permitting you to take the above Examination provisionally, you are required to submit the following certificates :-

(i) Matriculation/Higher Secondary or equivalent certificate in original (with a copy thereof) issued by the University/Board concerned for verification of your date of birth.

(ii) B.Sc. Degree and M.Sc. Degree in Geology or Applied Geology or Marine Geology or equivalent certificates in original (with a copy of each, thereof) issued by the University/Institute concerned, for verification of your educational qualification.

(iii) Scheduled Caste/Scheduled Tribe/Other Backward Classes Certificate, in original (with a photo copy thereof) in the prescribed proforma (copy enclosed) issued by the competent authority of the District to which you belong (in case you have claimed to belong to Scheduled Caste/Scheduled Tribe/Other Backward Classes).

:3:

(iv) You should bring the above mentioned certificates with you when you present your self at the Commission's Office for Personality Test.

6. In the event of your inability to produce the original certificates mentioned in paragraph 5 above you should submit an explanation for their non-submission and should bring with you at the time of your interview, the following alternative certificates which the Commission may consider on merits :-

(i) A certificate in original (with a copy thereof) from the Head of the institution from which you passed the Matriculation/Higher Secondary or equivalent examination showing your exact date of birth as entered in the records of that Institution or any other certificate/document, in original (with a copy thereof) issued by the Board/University from which you passed the Matriculation/Higher secondary or equivalent examination indicating your date of birth in Christian Era.

(ii) A certificate in original (with a copy thereof) from the Principal/Registrar/Dean of the College/University concerned, certifying that you have passed the qualifying examination, viz. M.Sc. degree in Geology or applied Geology or Marine Geology or equivalent examination or Diploma of Associateship in applied Geology of the Indian School of Mines, Dhanbad, or M.Sc. degree in Mineral Exploration of the Karnataka University or Master degree in Hydrogeology from a recognised University.

7. You should also furnish the following documents/information to this Office immediately and in any case before the date of your interview.

(a) Enclosed columns.....of the application form, duly filled in and signed by you.

(b) Higher Sec School certificate

(c) Degree of B.Sc. and M.Tech

(d) Caste certificate

8. You should bring with you two passport size (5 cm X 7 cm approx.) copies of your photograph taken recently say within the preceeding three months.

9. You may please note that in case you fail to comply with above requirements, you may not be interviewed and further the Commission's contribution towards travelling expenses will also not be paid to you. You may also please note that the documents called for in Para (5) above must be submitted as soon as possible after the interview, even if you submit on the day of your interview, the alternative certificate mentioned in Para (6) above.

10. You may also please note that even if you do not present yourself for the Personality Test, you are required to submit the original certificates called for in Para 5 above to the Commission for verification so as to reach Commission's Office within 7 days of the date fixed for your Personality Test. Otherwise your candidature for the examination will be cancelled and you will not be entitled to know your detailed result.

11. Any change in your postal address should be communicated to this Office at once.

12. You are informed that your medical examination will be conducted at one of the Govt. hospitals in Delhi normally on the next working day after the date of your interview. You should, therefore, come prepared accordingly for your stay in Delhi for this purpose also. You are further informed that detailed correspondence regarding your medical examination should be addressed to the Secretary to the Govt. of India M/O Steel & Mines, Deptt. of Mines, M-II(SM) Section, Shastry Bhawan, New Delhi-110001 directly who are to make arrangements for your medical examination.

13. Please acknowledge receipt of this letter IMMEDIATELY and also state the address at DELHI where you intend to stay.

14. You should submit the enclosed five copies of the Attestation Forms after completing the same either in your own hand-writing or in typed script duly signed alongwith your five identical passport size (5 cms X 7 cms. approx.) recent photographs signed in ink on the front and affixed on each of the Attestation form direct to the Secretary to Govt. of India, M/O Steel & Mines, Deptt. of Mines, M-II(SM) Section, Shastry Bhawan, New Delhi within one month of the issue of this letter. You are also requested to indicate your Roll No. on the right hand corner of each Attestation Form while sending them to the Ministry.

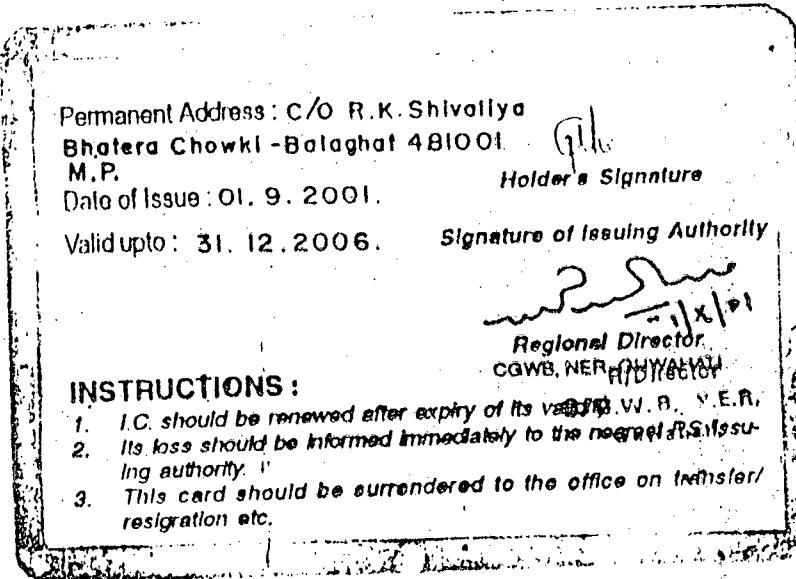
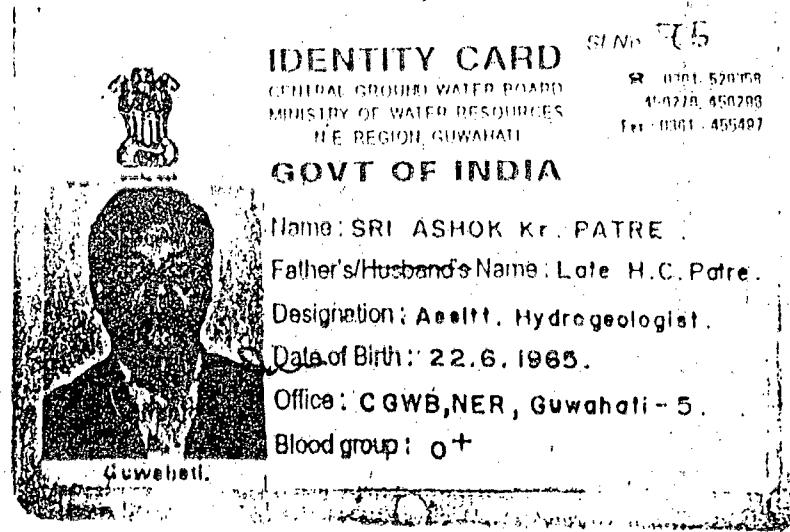
... contd. p. 5/-

25
JB
:5:

15. Please bring this letter with you when you come for Personality Test and report to the Reception Officer of the Union Public Service Commission on arrival.

Yours faithfully


C. D. BHARGAVA
COMMISSIONER
UNDER SECRETARY



REGISTRATION

464/992/Sc/1/2005
Central Ground Water Board
Ministry of Water Resources
Central Ground Water Board
NCLIV, Banda Bahadur

DATED

OFFER OF APPOINTMENT

Sh. Ishok Kumar Patre is offered an appointment to a temporary post of *Visiting Hydrogeologist* in the office of the *Regional Director, Central Ground Water Board NER, Near Rajiv Bhawan, Tarun Yatra Bhawan, 3rd Circular, 781005*, in the pay of Rs. 7,500/- pm in the scale of Rs. 7,500/- to 12,000/- The appointee will also be entitled to draw dearness and other allowances at the rates admissible under rules and order governing the grant of such allowances enforced from time to time.

1. The appointment is temporary but likely to continue.
2. He will be on probation for a period of two years from the date of taking over charge of the post. The probation may be extended at the discretion of the Competent Authority, if considered necessary.
3. The appointment can be terminated according to the Central Civil Service (Temporary Rules), 1965 as amended from time to time.
4. The appointment carries with it the liability to serve anywhere in India.
5. He will not be eligible for appointment, if he has entered into or contracted a marriage with any person having a spouse living or if he has a spouse living and has entered into or contracted a marriage with any person provided that the Central Government may, if satisfied that such a marriage is permissible under the personal law applicable to him and the other party to the marriage and that there are other grounds for so doing grant exemption from the operation of this rule.
6. He will have to take an oath of allegiance/ faithfulness to the constitution of India and make solemn affirmation to that effect, if not already done.
7. He will have to declare whether he is serving in or under obligation to serve another Central Government / State Government or any other authority.
8. He will have to produce certificates of his educational qualifications etc., in original, before his appointment.

Afternoon
Sarkar
9/10/16

9. If any information furnished by him in his application to the Union Public Service Commission or the Government proves to be false or if he is found to have willfully suppressed any material or information, he will be liable to be removed from service and to such other actions as the Government may deem necessary.
10. No travelling allowance will be allowed to him for joining duties on appointment.
11. He will be governed by all other conditions of service as per the relevant rules and orders issued by the Government from time to time.
12. It shall be purely at the discretion of the appointing authority in the event of an offer being made to him to forward or withhold his application to the other offices, the undersigned also reserves to himself the right to relieve him to join the appointment secured in other office.
13. If the offer is acceptable to him on the above terms and conditions, he should communicate his acceptance to this office by 8.5.2001. If no reply is received or the candidate failed to report for duty in the said office by 21.5.2001, the offer will be treated as cancelled.

(P. P. GUHA)
DIRECTOR(ADMIN)

REGISTERED

To:

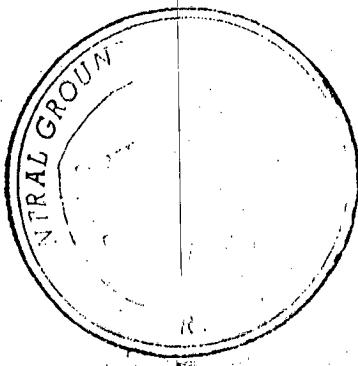
Sh Ashok Kumar Patre,
C/o Sh. R. K. Shivaliya (Teacher),
N/o Chiman Sao Kawde,
Bhatera Chowki,
BALASATI - 781001 (MP)

COPY TO:

1. The Regional Director, CGWB - NER, Near Rajiv Bhawan, Tariq Nagar Bye Lane-1, Guwahati - 5.
2. The Director(GW), Ministry of Water Resources, Shram Shakti Bhawan, New Delhi with reference to Ministry's letter No. 77708-GW.I dated 21.12.1999.
3. PS to Chairman, CGWB.
4. Personal file.

(P. P. GUHA)
DIRECTOR(ADMIN)

30
31
TO BE PUBLISHED IN PART III, SECTION I OF GAZETTE OF INDIA.



No. 3-1313/2001/Sci. Estt 5078
Government of India
Ministry of Water Resources
Central Ground Water Board
NH IV, Faridabad.

DATED : 29 JUN 2001

NOTIFICATION

Sh. Ashok Kumar Patre is appointed as Assistant Hydrogeologist (Group -B, Gazetted), in the pay scale of Rs.7500-250-12000 in temporary capacity with effect from 18.5.2001(FN), with his posting in the Office of the Regional Director, CGWB, NER, Guwahati.

He will be on probation for a period of 2 years from the date of his joining which can be extended by the competent authority at his discretion, if considered necessary.

Sd/-
(B. S. PATWAL)
ADMINISTRATIVE OFFICER

To

The Manager
Government of India Press,
FARIDABAD.

COPY TO

✓ 1. Sh. Ashok Kumar Patre, Assistant Hydrogeologists, CGWB, NER, Guwahati.
2. The Director (GW), Ministry of Water Resources, Shram-Shakti Bhawan, New Delhi.
3. The Member (SML), Central Ground Water Board, NH IV, Faridabad.
4. The Regional Director, CGWB, NER, Guwahati.
5. The Pay and Accounts Officer, CGWB, NH IV, Faridabad.
6. PS to Chairman, CGWB.
7. PA to Director (Admn).
8. Office Order File.

3-1313/2001/Sci. Estt 5078
(B. S. PATWAL)
ADMINISTRATIVE OFFICER

*Attested
Rakesh
Associate
29/6/01*

संघ लोक सेवा आयोग, धौलपुर हाउस, शाहजहाँ रोड, नई दिल्ली-110011
**UNION PUBLIC SERVICE COMMISSION, DHOLOUPUR HOUSE,
 SHAHJAHAN ROAD, NEW DELHI-110 011.**

F.1/5(6)/98-E.VIII

प्रवेश प्रमाण पत्र **ADMISSION CERTIFICATE**

आपको प्रवेश दिया जाता है।

YOU ARE ADMITTED TO THE

GEOLOGISTS EXAMINATION, 1998

अनुमति क्रमांक
ROLL NO. 000662नाम
NAME RAJEEV RANJAN SHUKLA

CATEGORY : CAT - I & II

परीक्षा का स्थान

PLACE OF EXAMINATION

गोचर
CENTRE CALCUTTA

EXAM: HALLS OF THE WEST BENGAL PUBLIC SERVICE COMMISSION,
 161-A, SHYAMA PRASAD MUKHERJEE ROAD (NEAR TOLLYGUNGE RAILWAY
 BRIDGE), CALCUTTA-700026.

कृपया इस प्रमाण-पत्र को परीक्षा में प्रवेश के लिए प्रतिदिन लाएं।

PLEASE BRING THIS CERTIFICATE DAILY TO SECURE ADMISSION

रागय-सारणी और अनुदेश संलग्न हैं।

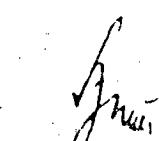
TIME-TABLE AND INSTRUCTIONS ARE ENCLOSED.

परीक्षा में आपका प्रवेश परीक्षा के नियमों और संलग्न अनुदेशों पर निर्भर है।

YOUR ADMISSION TO THE EXAMINATION IS SUBJECT TO RULES
 OF EXAMINATION AND ENCLOSED INSTRUCTIONS

आयश्यक सूचना : यदि आप परीक्षा प्रारम्भ हो जाने के 10 मिनट बाद परीक्षा
 भवन में उपरिथित होते हैं तो, आपको परीक्षा में नहीं बैठने दिया जाएगा।

**IMPORTANT : YOU WILL NOT BE ADMITTED TO THE EXAMINATION
 IF YOU REPORT AFTER 10 MINUTES OF ITS COMMENCEMENT.**



सचिव
SECRETARY

कृपया अगले पृष्ठ पर दिये गये अनुदेश देखें PLEASE SEE INSTRUCTIONS OVERLEAF

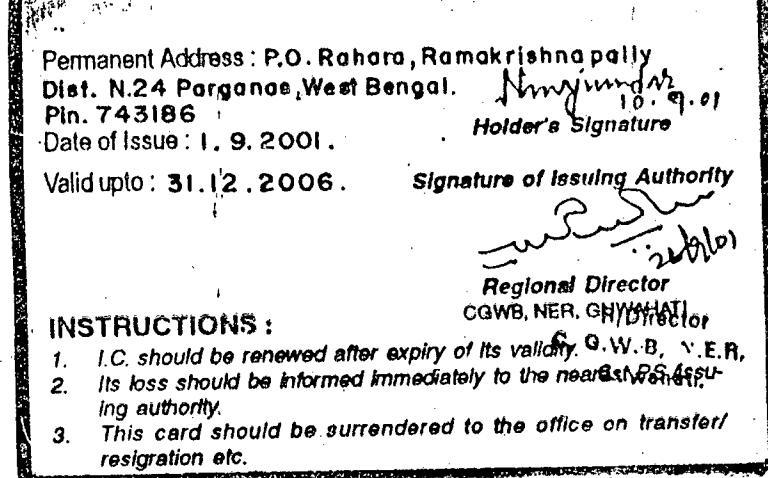
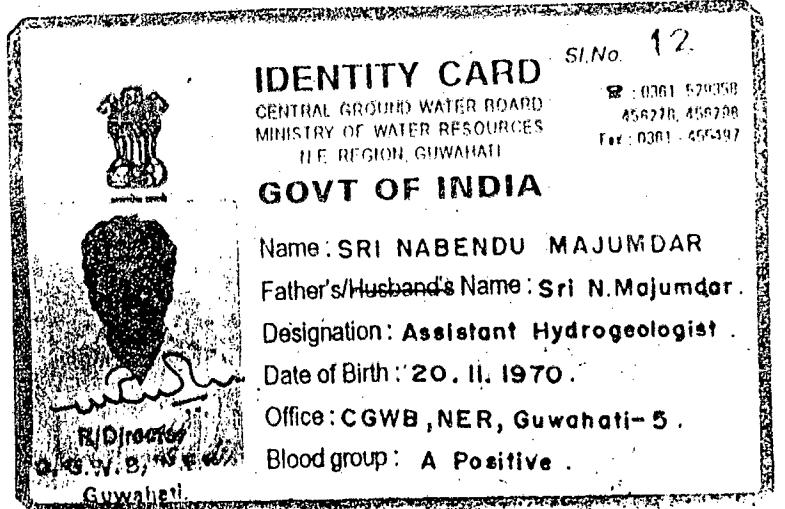
M. M. Shukla
29/10/98

अनुदेश

- (i) समीक्षार द्वारा दिए गए नियमों का अनुसार, नियमों के विविध रूपों से वैरागी फोटो निपाका हो जाए ताके उसे आवेदन पत्र में लगाया जाए। ये उत्तरां किए विर्ति पत्रकों में नहीं घैठने दिया जाएगा।
- (ii) यदि कोई उम्मीदवार आगोग लाइसेंस दिये गये प्रयोग प्रमाण पत्र में उणीषु गए केन्द्र/उपकेन्द्र/वैकल्पिक विषय के अनुसार परीक्षा में नहीं पैठता है तो ऐसे उम्मीदवार नीं उत्तर पुरितकाओं का मूल्यांकन नहीं किया जाएगा और उसकी उम्मीदवारी रद्द नीं जा सकती है।
- (iii) उम्मीदवार को आपने उपरांत दीक लगी प्रकार से करने जाएँ तो यह कि उसने आवेदन पत्र में किये थे और इस दृश्य से कहें कि हरयार का आधा भाग उपरिवर्ति पत्रक पर और दूसरी का भाग फोटो पर आए।
- (iv) उपरिथित परांत के कालग्र. ii, iii, iv, v, vi तथा vii उम्मीदवार ग्राहक राशि आपने द्वाध रो भार जाना चाहिए।

INSTRUCTIONS

- (i) Candidate should note that he will not be admitted to the examination without production of Attendance Sheet with Photo pasted on, identical to one fixed on the application form.
- (ii) If any candidate appears at a subject/subject/optional subject other than the one indicated by the Commission in his Admission Certificate, the papers of such candidate will not be valued and his candidature will be liable to cancellation.
- (iii) Candidate should sign exactly in the same style as in the Application Form and in such a manner that half of the signature should appear on the paper of the attendance sheet and the other half on the photograph.
- (iv) Columns ii, iii, iv, v, vi & vii of the Attendance Sheet should be filled in by the candidate.



*After this
Date : 29/10/03
Author : [Signature]*

34

SI No 76

Ph: 0361-529258
458276, 459209
Fax: 0361-455497

IDENTITY CARD

CENTRAL GROUND WATER BOARD
MINISTRY OF WATER RESOURCES
N.E. REGION, GUWAHATI

GOVT OF INDIA



Name: SRI SANJIB CHAKRABORTY

Father's/Husband's Name: Late K.P. Chakraborty

Designation: Assistant Hydrogeologist

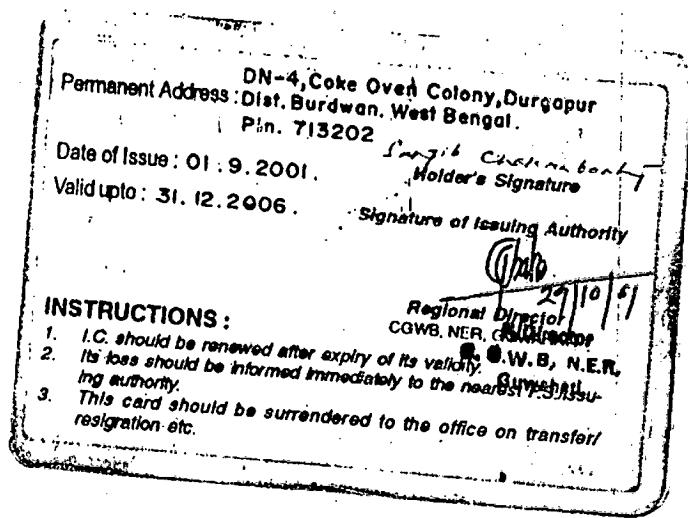
Date of Birth: 07. 02. 1974

Office: CGWB/NER/G.S. Road/GHY - 5

Q. G. W. B. N. E. R. Blood group: O +ve
Guwahati

Attested
Ranu.
Advocate
29/6/03

285
N^o
Back side of office Identity
Card.



Attested
Smt. Adwita
29/10/01

Annexure-III

No. 11(3)/95-E.II(B)
 Government of India
 Ministry of Finance
 Department of Expenditure

New Delhi, the 12th Jan 1996

OFFICE ORDER

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

The undersigned is directed to refer to this Department's O.M. No. 20014/3/83-EIV dated 14.12.1983 and 20.4.87 read with O.M. No. 20014/16/86 E.IV/E.II(B) dated 1.12.88 on the subject mentioned above.

2. The Government of India vide the above mentioned OM dated 14.12.83 granted certain incentives to the Central Government civilian employees posted to the N.E. region. One of the incentives was payment of a 'Special Duty Allowance' (SDA) to those who have 'All India Transfer Liability'.

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

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

5. In some cases, the directions of the Central Administrative Tribunal were implemented. Meanwhile, a few Special Leave Petitions

Rehman
 Sarker
 Advocate
 29/10/03

37

21
48

were filed in the Hon'ble Supreme Court by some Ministries/Departments against the orders of the CAT.

6. The Hon'ble Supreme Court in their judgment delivered on 20.9.94 (in Civil appeal No. 3251 of 1993) upheld the submission of the Government of India that Central Government civilian employees who have all India transfer liability are entitled to the grant of SDA, on being posted to any station in the NE Region from outside the region and SDA would not be payable merely because of the clause in the appointment order relating to all India Transfer Liability. The apex Court further added that the grant of this allowance only to the officers transferred from outside the region to this region would not be violative of the provisions contained in Article 14 of the Constitution as well as the equal pay doctrine. The Hon'ble Court also directed that whatever amount has already been paid to the respondents or for that matter to other similarly situated employees would not be recovered from them in so far as this allowance is concerned.

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

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

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

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

10. Hindi version of this OM is enclosed.

Sd/- xxxxxxx

(C. Balachandran)

Under Secy to the Govt. of India

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

To,

20.08.2002. 39

The Regional Director
Central Ground Water Board
North-Eastern Region
Guwahati - 5.

sub: Special Duty Allowance.

Sir,

With due reference to G.I., M.F., OM, No. 11(5)/97-E. 11(B) dated 29.5.2002 in Page 17 & 18 of Swamys news July, 2002, I request you to kindly grant special Duty Allowance on the ground of posting to North-Eastern region from outside the region.

This is for your kind perusal and sanction please.

Thanking you.

Yours faithfully

Q/H
20.08.02

A.K. Patra (AHG)

CGWB, NER Guwahati - 5

Encl.

1. copy of G.I. M.F. OM No. 11(5)/97-E 11(B) dated 29.5.2002 of Swamys news July - 2002.

Abhijit
Sarkar
Advocate
29/05/03

28

28

To:

The Regional Director
Central Ground Water Board
North Eastern Region
Gumarali, S.

Sub: Disbursement of Special duty Allowance

reference: G.I., M.F., O.M., No. 11(5)/97-E & 11(3), dated 29-5-2002
published through the Swamynews dated 29-05-2002

Sir,

I would like to request you that kindly grant me
special duty allowance on the basis of my
posting in C.G.W.B., M.E.R. from outside the
region. This is for your kind formal and
necessary action please.

Thanking you.

Yours faithfully
Ranjeet Ranjan Shukla
(RANJEET RANJAN SHUKLA)

S.C.B.
C.G.W.B., M.E.R.
G.M.Y. 5

Dated: 20-06-02

Crt.: Copy of the order
issued by M.F.

Affd
Sar.
Advocate
29/6/02

TO

The Regional Director,
Central Ground Water Board,
North Eastern Region,
Guwahati - 781005.

HO

5

Sub: i. Disbursement of Special Duty
Allowance.

Sir,

With due reference to "G.I. M.F. OM. No.
II(5)/97-E, II(B)" dated 29. 05. 2002. ventilated
through the Swarnmysnews, July 2002, I fervently
request you to kindly grant me Special
Duty Allowance on the ground of my posting
in C.G.W.B., NER from outside the
region. This is for your kind perusal
and necessary action please.

Thank You.

Date: 20. 08. 2002.

Encl.: Copy of the order
issued by M.F.

Yours sincerely.

(N. MAJUMDAR)
Asstt. Hydrogeologist,
C.G.W.B., NER
Ghy. - 5.

Attested
Kab.
Advocate
29/10/03

61
62
The Regional Director,
Central Grand Water Board, NER
Guwahati - 5

Sub: Disbursement of Special duty allowance

Sir,

With due reference to "G.I. M.F., O.M., NO. 11(5)/97-E II (C)
dated 29.05.2002 published through Swarnyavati, July 2002
I request you to kindly grant me Special Duty Allowance
on the ground of my posting in C.G.W.B., NER, from
outside the region. This is for your kind perusal and
necessary action please.

Thanking you.

Date: 20.08.02

Encd: Copy of the order
issued by M.F.

Yours faithfully

Ratikanta Nayak
20/08/02

(RATIKANTA NAYAK)

Scientist - B
C.G.W.B., NER
Guwahati - 5

ALL INFORMATION CONTAINED
HEREIN IS UNPUBLISHED,
Proprietary and Confidential.