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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A./T.A No...32/2003.....

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SECTION OFFICER (Judl.)

(SEE RULE -4)

CENTRAL-ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI
....

ORDER SHEET

Original Application No : 32/03
Misc. Petition No.
Contempt Petition No.
Review Application No.

Applicant (s) Chandrabhuj Rai & 17 others

Respondent (s) -Vs- W.O.P. Iam

Advocate for the Applicant (s) M. Chanda, G.N. Chakraborty

Advocate for the Respondent(s) Cabe

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form but not in time</p> <p><u>Condone</u></p> <p>filed / for Rs. 79,605/767</p> <p>vide IPO Dated 19.2.03</p> <p><i>[Signature]</i> By, Registrar</p> <p><i>[Signature]</i> 6/3/03</p> <p>slips taken without envelopes</p> <p>Notice prepared and sent to DPs for filing the response No 1 to 6 by Regd. A.D.</p> <p><u>D/No 586/558</u> dated <u>28/3/03</u></p> <p>① Service report are still awaited. 28.5.03</p>	<p>21.3.2003</p> <p>bb</p> <p>25.4.2003</p> <p>mb</p>	<p>Issue notice on the respondents to show cause as to why the application shall not be admitted returnable by four weeks.</p> <p>List the case on 25.4.2003 for admission.</p> <p><i>[Signature]</i> Vice-Chairman</p> <p>Await service report. List on 12.5.2003 for admission.</p> <p><i>[Signature]</i> Vice-Chairman</p>

(2)

O.A. 32/2003

12.5.2003

Heard Mr. M. Chanda, learned counsel for the applicant. Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents stated that he has obtained instructions and shall file written statement on behalf of the respondents. The Application is admitted. List again on 16.6.2003 ~~for~~ to enable the respondents to file written statement.

No. written statement has been filed.

2/3
13.6.03.



Vice-Chairman

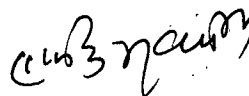
mb

16.6.2003

Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman
The Hon'ble Mr. R.K. Upadhyaya Member (A).

Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents stated that the respondents are filing written statement within short time. The case is accordingly adjourned.

List again on 21.7.2003 to enable the respondents to file written statement.



Member



Vice-Chairman

mb

21.7.2003

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

Put up again on 12.8.2003 to enable the respondents to file written statement.



Member



Vice-Chairman

mb

29.7.03
ifs submitted by the Respondents.

Asi

(3)

O.A. 32/2003

12.8.2003

Written statement has been filed. The case may now be listed for hearing on 5.9.2003. The applicant may file rejoinder, if any, within two weeks from today.

No Rejoinder has been filed.

20
4.9.03.


Vice-Chairman

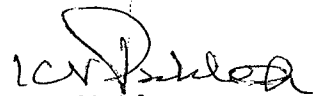
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5.9.03 Adjourned to 12.9.03 for hearing.

B/N


19.9.03

~~xxxx~~ On the prayer of learned counsel for the applicant case is adjourned to 23.9.03 for hearing.


Member

lm

23.9.2003

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


Member

nkm

27.10.2003

Copy of the Judgment has been sent to the office for issuing the fine to the applicant as well as to the H.C.G.S.C. in the response.

WSP
27/10/03

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./~~P.A.~~ No. 1111 32 of 2003

DATE OF DECISION 23.9.2003

Shri Chaturbhuji Rai and 17 others

.....APPLICANT(S).

Mr M. Chanda and Mr G.N. Chakraborty

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

-VERSUS-

The Union of India and others

.....RESPONDENT(S)

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

.....ADVOCATE FOR THE
RESPONDENT(S).

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

THE HON'BLE

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

Judgment delivered by Hon'ble ~~Member~~ Administrative Member

CMF

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.32 of 2003

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

The Hon'ble Mr K.V. Prahaladan, Administrative Member

1. Shri Chaturbhuj Rai
2. Shri Dilkeshwar Singh
3. Shri Sarreshwar Burman
4. Shri Hari Nath Prasad Singh
5. Shri Surendra Rai
6. Shri Raghu Bansh Rai
7. Shri Moti Lal Rai
8. Shri Dil Maya Sonar
9. Shri Bas Deo Rai
10. Shri Ram Shankar Shah
11. Shri Deep Singh
12. Smt Padma Rai
13. Smt Sita Thapa
14. Smt Binati Devi
15. Smt Biro Devi
16. Smt Madina Khatoon
17. Smt Maya Devi
18. Smt Anita Hindu

.....Applicants

All the applicants are working in the
Office of the Umroi Military Station,
C/o 99 APO.

By Advocates Mr M. Chanda and Mr G.N. Chakraborty.

- versus -

1. The Union of India, represented by
The Secretary to the Government of India,
Ministry of Defence,
New Delhi.
2. The Headquarter Chief Engineer
Eastern Command, Fort Williams,
Calcutta.
3. The Controller of Defence Accounts
Narengi, Guwahati.
4. The Station Staff Officer
Military Station,
Umroi Cantonment,
C/o 99 APO.

.....Respondents

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

.....

O R D E R (ORAL)

K.V. PRAHALADAN, ADMINISTRATIVE MEMBER

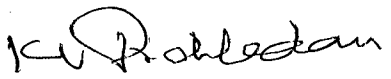
This application under Section 19 of the Administrative Tribunals Act, 1985 has been filed praying for a direction for payment of Composite Hill Compensatory Allowance in lieu of Special Compensatory (Remote Locality) Allowance to the applicants, who are Group 'D' employees working under Adhoc Station Headquarters, Umroi Cantonment, Shillong. The condition for grant of Composite Hill Compensatory Allowance (CHCA for short) is that the duty area should be situated above 1000 (one thousand) metres and is not a municipality or notified area or Cantonment and should be at a distance of eight kilometres from the municipal area of Shillong. The Dependency Certificate issued by the Deputy Commissioner, Shillong dated 28.1.1992 also supports the view of the applicants. Similarly situated Group 'D' employees working under the Garrison Engineer, Umroi Cantonment, are also drawing CHCA. In O.A.No.78 of 1997 also this Bench vide order dated 4.3.1998 directed the Army Headquarters, Engineer-in-Chief's Branch, New Delhi to take a decision on the payment of CHCA in respect of similarly placed employees.

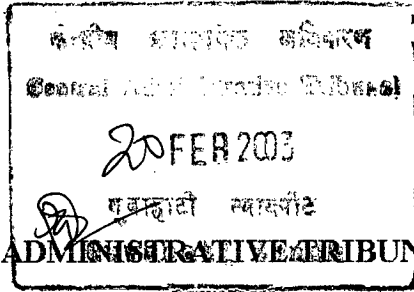
2. The respondents plead that without any Government order, the present applicants who are employees of Adhoc Station, Umroi Cantonment cannot be paid CHCA. The case for payment of CHCA to the applicants has also been taken up by the respondents.

LOW

3. Having heard Mr M. Chanda, learned counsel for the applicants and Mr A. Deb Roy, learned Sr. C.G.S.C., the respondents, more particularly the Army Headquarters, Engineer-in-Chief's Branch, are directed to take a decision in the matter by applying the same yardstick as done in the case of the applicants of O.A.No.78/1997 disposed of on 4.3.1998 for payment of Composite Hill Compansatory Allowance to the applicants. Action may be taken within three months from the date of receipt of the order for payment of Composite Hill Compensatory Allowance to the applicants.

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


(K. V. PRAHALADAN)
ADMINISTRATIVE MEMBER



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. 22/2002

Sri Chaturbhuj Rai & 17 Ors. : Applicants

- Versus -

Union of India & Others : Respondents.

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Filed by

G. N. Chakraborty
Advocate

Date 20-2-2003

Filed by the applicant
through advocate Sri
G. N. Chakraborty on
20-2-03.

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

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

O.A. No. *32*/2003

BETWEEN

1. Shri Chaturbhuji Rai
2. Shri Dilkeshwar Singh
3. Shri Sarreshwar Burman
4. Shri Hari Nath Prasad Singh
5. Shri Surendra Rai
6. Shri Raghu Bansh Rai
7. Shri Moti Lal Rai
8. Shri Dil Maya Sonar
9. Shri Bas Deo Rai
10. Shri Ram Shankar Shah
11. Shri Deep Singh
12. Smti Padma Rai
13. Smti Sita Thapa
14. Smti Binati Devi
15. Smti Biro Devi
16. Smti Madina Khatoon
17. Smti Maya Devi
18. Smti Anita Hindu

.....Applicants

(All are working in the office of the ~~Station~~
~~Headquarters~~, Umroi Military Station, C/o 99 APO).

-AND-

1. The Union of India,
Represented by the Secretary to the
Government of India,
Ministry of Defence
New Delhi.
2. The Headquarter Chief Engineer,
Eastern Command, Fort William
Calcutta
3. The Controller of defence Accounts
Narengi
Guwahati
4. The Station Staff Officer
Military Station
Umroi Cantonment
C/o 99 APO

.....Respondents.

DETAILS OF THE APPLICATION

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

This application is made for immediate payment of Composite Hill compensatory Allowance in lieu of Special Compensatory (Remote Locality) Allowance as the Composite Hills Compensatory Allowance is more beneficial than the Special Compensatory (Remote Locality) allowance and the same is entitled/admissible to the applicants in terms of the Office Memorandum No. 20014/6/86.E.IV dated 23.9.1986 issued by the Government of India, Ministry of Finance, Department of Expenditure wherein it is stated in paragraph 4 that the Central Government employees in receipt of Special

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Compensatory Allowance under this order will not be entitled to composite Hill Compensatory Allowance in addition. However where the Hill Compensatory allowance or any other compensatory allowance admissible is more beneficial the same may be allowed in lieu of the Special Compensatory Allowance and also praying for a direction upon the respondents to pay the arrears of Composite Hill compensatory Allowance in terms of the Office Memorandum dated 23.9.1986 with effect from 1.8.1991 to till date and for a declaration that the applicants are entitled to draw composite Hill Compensatory Allowance in lieu of Special Compensatory (Remote Locality) allowance.

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 declares 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, protection and privileges as guaranteed under the Constitution of India. All the applicants are working in the of Group 'D' cadre under Station Staff Officer, Military Station, Umroi Cantonment, Military Engineering Services (MES), Shillong in different capacities and appointed on different dates.

- 4.2 That the applicants pray for permission to move this applicants 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.
- 4.3 That the Office of the Station Headquarter, Umroi, came into existence and started functioning in the year 1984 in Umroi Cantonment, Shillong. Be it stated that Umroi is situated within 6 kilometers from Shillong City as per aerial distance as confirmed from Aircraft by the National Airport Authority, Shillong Airport. However due to hilly terrain distance by road is approximately 32 kilometers. However, due to hilly terrain Umroi could not be connected in straight way from Shillong city by road and the road had to build up and connected with Umroi in a curve manner therefore the distance which is only 6 kilometres from Shillong city in fact stands about 32 kilometres by road.
- 4.4 That the Umroi being a newly upcoming cantonment, the basic civic amenities such as residential accommodation, marketing facilities School facilities in vernacular medium, hospital facilities etc. are not available and it is not likely to be available for another one decade or more. So virtually for all basic needs the staff of Station Headquarter Umroi is fully dependent on the nearest township i.e. Shillong which is situated about 32 kms. away from Umroi Cantonment by road.
- 4.5 That the office of the Garrison Engineer, Umroi approached the Deputy Commissioner, East Khasi Hills District, Shillong immediately after shifting office at Umroi for issuance of dependency certificate and accordingly after consideration of the factual position in respect of the employees serving in the establishment of Garrison engineer, Umroi issued the

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Certificate on 26.10.1987. In this connection it may be stated that the National Airport Authority, Shillong Airport issued a certificate addressed to the Executive Engineer, Garrison Engineer, (Project) Umroi (Meghalaya) wherein it is intimated that the aerial distance from Shillong City to Shillong Airport is 6 Kilometres as confirmed from Aircrafts issued by Aerodrome Office, National Airport Authority, Civil Aerodrome Barapani, Shillong. Be it stated that *military* Station ~~Headquarter~~ office at Umroi is situated adjacent to the office of the Garrison Engineer (P), Umroi, Shillong.

A copy of the certificate issued by the National Airport Authority dated 4.9.1991 is annexed hereto and the same is marked as **Annexure-1**.

- 4.6 That after obtaining the dependency certificate dated 26.10.1987 issued by the Deputy Commissioner, East Khasi Hills district, the Garrison Engineer (P), Umroi had allowed to draw the Composite Hill Compensatory Allowance for the employees working at Umroi at par with the Central Government Civilian Employees serving at Shillong till July, 1991. But surprisingly the same has been stopped with effect from August 1991 by the area Accounts Officer, Shillong and the said benefit of CHCA also discontinues to present applicants following the order of discontinuation passed by the office of the Garrison Engineer (P) Umroi. In this connection, it may be stated that the Area Accounts Officer, Shillong, under his letter No. PM/III/7/322-II dated 14.5.1991 asked the office authority to show the authority under which the Garrison Engineer is authorised to draw HRA/CHCA at the Shillong rate. However on receipt of the letter, Garrison Engineer intimated the Area Accounts Office, Shillong vide his letter no. 1651/P/621/E.1(P) dated 17.5.91 that the Hill Compensatory Allowance for the

employees of the Office of the Garrison engineer, Umroi is being drawn at par with staff of Shillong on the basis of dependency certificate issued by the Deputy Commissioner, East Khasi Hills District, Shillong in accordance para 2 (ii) (iii) of Controller of Defence Accounts, Basistaha letter No. Pay/6/HRA & CHCA dated 9.1.1986 (in the case of Garrison Engineer Borjhar) and further on 27.5.91 in accordance with the Govt. of India, Ministry of Finance (Department of expenditure) O.M. No. 21011/19/GE-E-II (B) dated 22.9.1989 of fresh dependency certificate was forwarded to Area Accounts Officer Shillong vide G.E.'s letter No. 1651/P/622 E1 dated 27.5.91 but Area Accounts Officer, Shillong had stopped the payment of HRA and CHCA with effect from May/July 1991. Thereafter on 30.5.1991 a statement of the case along with a fresh dependency certificate which was obtained by the office of the Station Headquarter Umroi Shillong from the deputy Commissioner, East Khasi Hills District, Shillong issued on 21.5.1991 was forwarded to Commander Works Engineer, Shillong and copy also endorsed to the Controller of Defence Accounts, Guwahati and Area Accounts Office, Shillong vide G.E.'s letter No. 165/7/623/E1 P dated 30.5.91 for obtaining sanction for payment of HRA/CHCA from higher headquarter. It was further requested by the Office of the Station Headquarter Umroi vide letter No. 1651/P/626/E1 (P) dated 18.6.1991 to controller of Defence Accounts, Basistha, Guwahati for provisional sanction of HRA/CHCA till receipt of Government sanction. All efforts are being made by the Garrison Engineer (P) and the Station Headquarer, Umroi for obtaining sanction of composite Hill Compensatory Allowance at the Shillong rate immediately after the arbitrary stoppage of Composite Hill Compensatory Allowance with effect from July 1991. In this connection it may be stated that these applicants are entirely dependent upon the

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Shillong town ship for all basic minimum requirements like those employees of Garrison Engineer (P), of Umroi Cantonment. Mention is also to be made that private accommodation is also not available in the nearby area of Umroi Cantonment. Therefore, for all purposes the applicants and their family are depending at Shillong City even for food grains, education, medical facilities shopping etc. Considering these aspect the authority also very my sympathetic for payment of Composite Hill Compensatory Allowance to the present applicants at the Shillong rate and therefore a lot of correspondences are being made by the local authorities for obtaining sanction for payment of composite Hill Compensatory allowance at par with the employees serving at Shillong to the applicants immediately after stoppage of payment of Composite Hill Compensatory Allowance with effect from July, 1991.

- 4.7 That your applicants further beg to state that the Assistant Controller of Defence Accounts, Area Accounts Office, Shillong also wrote a letter to the Controller of Defence Accounts, Basistha, Guwahati strongly recommending for extension of admissibility of HCA at par with the employees working in Shillong serving under Garrison Engineer (P), Umroi Cantonment including the staff area Accounts Office, Garrison Engineer quoting reference of para (B) (iii) of Government of India, Ministry of Finance Office Memorandum No. F.2 (37)-E-II(b) 164 dated 27.11.65 read in conjunction with Office Memorandum No. 11021/6/76 E.II(b) dated 26.10.1977. It is also indicated that Govt. Order with effect from 12.12.1987 to 30.1.1991. Initially the present applicants and the employees of Garrison Engineer (P) were allowed to draw the Composite Hill Compensatory Allowance and House Rent Allowance at par with Shillong rate for the period between 12.12.1987 and 30.4.1991. Hillthe Station

Headquarter from S.E. Falls, Shillong to Umroi Cantonment, Umroi all the employees/staff including the present applicants were allowed to draw the Hill Compensatory Allowance and House Rent Allowance at par with Shillong rate with effect from 12.12.1987 to 30.4.1991. But no action was initiated for obtaining the Government sanction for payment of composite Hill Compensatory Allowance at par with the Shillong rate to the applicants. In this connection it may also be stated that the authorities are now paying the Special Compensatory (Remote Locality) allowance to the present applicants at the rate of unclassified cities. But the applicants are entirely dependent for all basic requirements at Shillong township only. It may be stated that for grant of Composite Hill Compensatory Allowance the height of the duty place must be above 1000 metres and the Umroi Cantonment, Umroi is situated in a height of 1034 metres above and the duty place Umroi for the present applicants is within 8 kilometres from the Shillong City.

- 4.8 That the Controller of Defence Accounts, Guwahati vide his letter No. Pay/6/HRA/Umroi dated 6.8.1991 addressed to the Chief Engineer, Eastern Command, Fort William Calcutta also recommended for grant of CHCA/HRA to the employees of Garrison Engineer (P), Umroi Cantonment by forwarding statement of case proposing admissibility of HRA for the defence civilian employees serving under the Garrison Engineer (P), Umroi Cantonment at the Shillong rate by enclosing dependency certificate issued by the Deputy Commissioner, East Khasi Hills, Shillong and other relevant documents. It is however, stated in the said letter that the case of admissibility of CHCA/HRA to the employees of Garrison Engineer (P), Umroi Cantonment is not covered under the existing order on the subject therefore sanction of the Government is required for payment of CHCA/HRA to the

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employees serving in the Umroi Cantonment at par with Shillong. In this connection it may be stated that Under Secretary to the Government of India also issued the Office Memorandum bearing No. 21011/19/88-E.II (B) dated 22.2.1989 regarding admissibility of CCA on the basis of dependency certificate wherein it is stated that the Compensatory Allowance may be admissible in terms of para 3 (h) (iii) of Ministry of Finance Office Memorandum No. 2(37) E.II(B)/64 dated 27.11.65 to Central Government employees working at places within 8 kilometres of the periphery of the qualified city at the rates admissible in that city even though they may not be resided within the Municipal limits of that city and the President is pleased to decide that the Central Government employees working at places within 8 kilometres of a qualified city which is not an Urban Agglomeration town/city may be granted Compensatory (City) allowance admissible in that qualified city provided there is no sub-urban municipality, notified area or cantonment with 8 kilometres limit of the places and further there should be a certificate of the Collector/Deputy Commissioner having jurisdiction over the area that the place is generally dependent for its essential supplies i.e. food grains, milk, vegetables, fuel etc. on the qualified city and the above certificate would remain valid for a period of three years after which a fresh certificate will be required for continuance of the allowance. The same principle also adopted by the Ministry of Finance for grant of composite Hill Compensatory Allowance to the Central Government Civilian Employees who are working at a places within 8 kilometres of a qualified city which is not an urban agglomeration town/city. The above conditions laid down in the O.M. dated 22.9.89 are also applicable for grant of composite Hills Compensatory Allowance to the present applicants. Therefore the above order is quoted as

reference, and other conditions for grant of composite Hill Compensatory Allowance is that the height of duty point must be above 1000 metre. The office of the Station Staff Officer, Military Station Umroi, is also situated above the 1034 metre, therefore it satisfy the criteria of height required under the rule, and as such all the applicants are entitled to composite Hill Compensatory Allowance.

A copy of the letter dated 6.8.1991 and O.M. dated 22.9.1989 are annexed hereto and the same are marked as **Annexure 2 & 3** respectively.

- 4.9 That the office of the Garrison Engineer (P), Umroi also approached the Deputy Commissioner, East Khasi Hills, Shillong for issuance of dependency certificate immediately after stoppage of composite Hill Compensatory Allowance at par with Shillong rate to the present applicants and the Deputy Commissioner also was pleased to issue the dependency certificate dated 28.1.92 where the distance of Umroi from Shillong shown as 8 kilometres. This distance is perhaps shown straight distance from Shillong to Umroi ignoring the road distance due to hilly terrain.

A copy of the dependency certificate issued on 28.1.1992 is annexed hereto and the same is marked as **Annexure-4**.

- 4.10 That the Garrison Engineer (P), vide his letter No.1551/P/457/E1 dated 7.5.92 addressed to the Army Headquarter Engineer-in-Chief's Branch, Kashmir House, New Delhi in reference to the letter No.02986/HRA/Umroi/EIC (B) dated 27.3.92 which received under Headquarter Chief Engineer, Shillong zone letter No. 70402/12/819/EIC(3) dated 8.4.92 given certain clarification in support of the claim of composite Hill Compensatory Allowance at par with the

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Shillong for the employees serving under Garrison Engineer, Umroi.

A copy of the letter No. 1551/P/457/E1 dated 7.5.92 is annexed as **Annexure-5**.

4.11 That all the Central Government employees working as Shillong are drawing Composite Hill Compensatory Allowance which is more beneficial than city Compensatory allowance/Special Compensatory Allowance. Be it stated that the present applicants are now granted Special Compensatory (Remote Locality) Allowance which is less than Composite Hill Compensatory Allowance and not beneficial to the applicants.

A DETAILED CHART SHOWING THE DIFFERENCE IS FURNISHED BELOW :

Scale of Pay	CHCA Scale	SCA(RL)	Difference
Below Rs. 950	50	20	30
Below Rs. 1499	70	40	30
Below Rs. 1999	120	60	60
Below Rs. 2000	150	80	70
Above Rs. 3000	150	100	50

From the above table it would be evident that composite hill compensatory allowance is more beneficial to the applicants than that of Special Compensatory (Remote Locality) Allowance and there is clear provision laid down in the O.M. bearing No. 20014/6/86-E.IV dated 23.9.1986 regarding grant of Special Compensatory (Remote Locality) Allowance to the Central Government employees posted in Meghalaya wherein it is stated that consequent upon decision by the Government of India on the recommendation of the 4th Central Pay Commission in regard to grant of Special Compensatory (Remote Locality) allowance to Central Government employees posted in Meghalaya vide resolution No. 14(1)/IC/86 dated 13.9.1986 sanction of the President is conveying in

supersession of the existing orders on the subject to the grant of Special Compensatory (Remote Locality) allowance to the Central Government employees posted in Meghalaya at the following rates :

Pay Range	Rate of Special Compensatory Allowance per month (Rs.)
Basic pay below Rs. 900	30
Basic pay of Rs. 900 & above but below Rs/ 1500	40
Basic pay of Rs. 1500 & above but below Rs/ 2000	60
Basic pay of Rs. 2000 & above but below Rs/ 3000	80
Basic pay of Rs. 3000 & above	100

But in paragraph 4 it is specifically stated that the Central Government employees in receipt of Special Compensatory allowance under these orders will not be entitled to composite Hill Compensatory Allowance in addition and it is further stated in the said O.M. dated 23.9.1986 that where the Hill Compensatory Allowance or any other Compensatory Allowance admissible is more beneficial the same may be allowed in lieu of the Special Compensatory Allowance. The relevant portion of paragraph of the O.M. dated 23.9.1986 is reproduced below :

"4. The Central Government employees in receipt of Special Compensatory Allowance under these orders will not be entitled to Composite Hill Compensatory Allowance in addition. However, where the Hill Compensatory Allowance or any other Compensatory Allowance admissible is more beneficial the same may be allowed in lieu of the Special Compensatory Allowance."

2122572124

Therefore it is quite clear that for the purpose of this grant of Composite Hill Compensatory Allowance the height of a Hill Station above sea level should be highest point within the notified area or the municipality or other local body as determined and accepted by the Survey of India, where however the hill station has no municipality local area or other local body duly constituted under statute the height of the hill station as determined and accepted by the Survey of India. In this connection it may be stated that duty point of Umroi for the present applicants satisfy the above criteria of height from the present applicants satisfy the above criteria of height from the sea level as per certificate issued by the Survey of India by the Director, North Eastern Circle, with reference to the Garrison Engineer's letter dated 22.8.92 issued the certificate certifying that highest point within Umroi Cantonment limit is above 1000 metres but below 1500 metres. This certificate was issued vide letter No. 2545/18-B-2 dated 10.9.1992. Therefore the applicants who are serving under the Garrison Engineer, Umroi, Cantonment are entitled to Compensatory Hill Compensatory Allowance in lieu of Special Compensatory Allowance as the same is more beneficial to the applicants and the criteria for grant of composite hill compensatory allowance being satisfied in terms of paragraph 6 of the Government instructions as stated above.

Copy of the O.M. dated 23.9.1986 and Survey of India's certificate dated 10.9.92 are annexed hereto and the same are marked as **Annexure - 6 & 7** respectively.

- 4.12 That the applicants beg to state that Sri Jaleswar Rai and 196 other employees working in the same Umroi Cantonment under the same respondents who are similarly situated as that of the present applicants agitated against the nonpayment of Composite Hill Compensatory Allowance in lieu of Special Compensatory (Remote Locality) Allowance and filed O.A. No. 78/1997 before this Hon'ble

Tribunal, praying for payment of CHCA. This Hon'ble Tribunal after adjudicating the case, passed its judgment and order on 04.03.1998 in O.A. No. 78/97 with the following directions:-

"..... The Respondents, particularly the Army Headquarters, Engineer-in-Chief's Branch, New Delhi, are therefore directed to make final decision on the claim of the applicants after consideration of the relevant facts and rules with regard to the payment of CHCA to the applicants. They shall issue a speaking order in this matter within 3 months from the date of their receipt of this order. The applicants are at liberty to contest the decision of the respondents if they are aggrieved with it.

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

It is stated that following the above mentioned order of this Hon'ble Tribunal, the respondents had taken actions to pay the CHCA and accordingly have paid CHCA to those 197 applicants with effect from May, 1991 which they have now been receiving.

Copy of judgment and order dated 4.3.1998 is annexed Hereto as **Annexure-8**.

- 4.13 That the present applicants have been constantly approaching the respondents for grant of Composite Hill Compensatory Allowance which has already been extended to 197 persons covered under judgment dated 04.03.1998 in O.A. No. 78 of 1997, working in the same office/cantonment at Umroi. Even a Lawyers Notice was also served on the respondents on 16.12.2000 urging for grant of CHCA to these present applicants but the same has not been granted till now and these applicants have been deprived of their legitimate entitlement of CHCA as per the policy laid down by the Government.

24/12/2002

24
4.14 That under the circumstances stated above the applicants are entitled to grant of Composite Hill Compensatory Allowance in lieu of Special Compensatory Allowance which are being allowed to the present applicants is far less than the composite Hill Compensatory Allowance. Therefore under the circumstances stated above the applicants finding no other alternative approaching this Hon'ble Tribunal for a direction upon the respondents for grant of Composite Hill Compensatory Allowance with effect from August 1991 and further be pleased to declare that the applicants serving under the Station Staff Officer, Umroi Cantonment, Umroi are entitled to draw Composite Hill Compensatory Allowance in lieu of Special Compensatory Allowance and further be pleased to pass any other order or orders as deemed fit and proper by the Hon'ble Tribunal.

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 are entitled to grant of Composite Hill Compensatory Allowance in terms of paragraph 4 of the Office Memorandum dated 23.9.1986 in lieu of Special Compensatory (Remote Locality) Allowance.

5.2 For that, height criteria as prescribed by the Government of India for grant of Composite Hill Compensatory Allowance has been satisfied by the applicants serving under the Station Headquarter, at Umroi Cantonment, Umroi.

5.3 For that, the applicants are being allowed to draw Special Compensatory (Remote Locality) Allowance which is far less than the Composite Hill Compensatory Allowance in terms of paragraph 4 of the O.M. dated 23.9.1986.

- 5.4 For that, civilian Central Government employees working in Shillong City classified as B2 and drawing composite hill compensatory allowance as the same is more beneficial than the Special Compensatory Allowance.
- 5.5 For that, Umroi Cantonment is situated within 8 kilometres from Shillong municipality limit as per dependency certificate issued on 28.1.92 issued by the Deputy Commissioner, East Khasi Hills District, Shillong.
- 5.6 For that, the applicants are wholly dependent upon the Shillong city for its essential supplies i.e. Food grains, milk, vegetables, fuel, medical facilities and transport etc.
- 5.7 For that following the judgment dated 04.03.1998 in O.A. No. 78/97, Composite Hill Compensatory Allowance has been granted to 197 other employees who are similarly situated and working in the same Umroi Cantonment.

6. Details of remedies exhausted.

That the applicants states that he has 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 declares that he 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.

24

8. Relief(s) sought for:

Under the facts and circumstances stated above, the applicants humbly prays 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 the applicants serving under the Station Staff Officer, Military Station, Umroi Cantonment, Umroi are entitled to Composite Hill Compensatory Allowance in lieu of Special Compensatory (Remote Locality) Allowance.
- 8.2 That the respondents be directed to pay compensatory Hill Compensatory Allowance to the applicants with immediate effect in lieu of Special Compensatory (Remote Locality Allowance).
- 8.3 That the respondents be directed to pay the Composite Hill Compensatory Allowance with effect from the date initial posting of individual applicant at Umroi with arrears after deduction of payment if any, already made towards Special

Compensatory (Remote Locality) Allowance already paid to the applicants.

8.4 Costs of the application.

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

9. Interim order prayed for.

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

9.1 That the Hon'ble Tribunal be pleased to consider the payment of current CHCA to the applicants with immediate effect.

10.

This application is filed through Advocates.

11. Particulars of the I.P.O.

i) I. P. O. No.	: 76 60 57 67 .
ii) Date of Issue	: 19.2.2003
iii) Issued from	: Guwahati
iv) Payable at	: Guwahati

12. List of enclosures.

As given in the index.

VERIFICATION

I, Shri Chaturbhuj Rai, presently working in the Umroi Cantonment, ^{Station Staff Officer Military Station} under ~~Garrison Engineer~~, Umroi Cantonment, Umroi, one of the applicants in the instant application 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 20th day of Feb May, 2002.

4N2 257212

NATIONAL AIRPORTS AUTHORITY
Shillong Airport

Ref No. BP/Misc-57/2464

Dated 04-09-1991

Yr. Ref : Your letter No. 1651/P/654/E1
dt. 26.08.91

Sub : ISSUE OF DEPENDENCY CERTIFICATE IN RESPECT
OF THE OFFICE OF THE GARRISON ENGINEER
(PROJECT) UMROI.

To

The Executive Engineer,
Garrison Engineer (Project)
Umroi (Meghalaya)

Sir,

It is intimated that the aerial distance from
Shillong to Shillong Airport (Barapani) is 6 kms. as
confirmed from Aircraft.

Yours faithfully,

Sd/- Illegible

(M. GOAPY)

Aerodrome Officer,
National Airports Authority,
Civil Aerodrome
Barapani, Shillong

*Attested
for
Advocate*

Attested

CONTROLLER OF DEFENCE ACCOUNTS
BASISTHA, GAUHATI-781028

No. PAY/6/MRS/UMROI
Dated 6.8.91

To

Hqr. C.E.,
Eastern Command
Fort William
CALCUTTA-21

SUB : ADMISSIBILITY OF HRA/HCA TO THE EMPLOYEES OF GE (P)
UMROI CANTT.

Statement of case proposing admissibility of House Rent Allowance/Hill compensatory Allowance for the defence civilian employees serving in the GE (P) Umroi Cantt. at the rate of Shillong together with -

- i) Dependency certificate issued by Dy. Commissioner, East Khasi Hills, Dist. Shillong.
- ii) Copy of AHQE. E-in-G's Branch letter No.02986/HRA/EIC dated 20-7-91.
- iii) Hqr. CE Shillong Zone, Shillong letter No.70402/12/746/EIC(3) dated 18.7.91 and
- iv) The statement containing financial effect is forwarded herewith with the following audit report.

2. The case of admissibility of HRA/HCA to the employees of GE (P) Umroi Cantt. is not covered under the existing orders on the subject. Sanction of the Govt. is required for payment of HRA/HCA to the employees serving in the GE (P) Umroi Cantt. at par with Shillong.

Sd/- BALAK RAM
A.C.D.A. 6.8.

Copy to :-

1. CWE, SE Falls,
SHILLONG

With reference to his DO letter
No. 23568/RKS/90/DO dated 3.8.91

2. AAO
SHILLONG

With reference to his No. P/III/
7/I-IV dated 2.8.91.

Sd/- BALAK RAM
S.C.D.A.

Attended
By

*Shillong
Jy
Adro cabt*

Copy of Ministry of Finance (Department of Expenditure)
O.M. No. 21011/19/88-E-II(B) dated 22nd Sept, 1989 regarding
admissibility of CCA on the basis of Dependency certificate.

.....

1. The undersigned is directed to refer to Para 3(h) (iii) of this Ministry's O.M. No. F.2(37)E.II(B)/64 dated 27.11.65 as amended/modified from time to time, and to say that the matter regarding grant of compensatory (City) Allowance to Central Govt. employees working at places with 8 kms of the periphery of a qualified city at the rates admissible in that city even though they may not be residing within the municipal limits of that city, has been under consideration of this Ministry for sometime past. In consultation with the staff side of the National Council (JCM) the President is pleased to decide that Central Govt. employees working at places within 8 kms of a qualified city which is not an Urban agglomeration town/city may be granted compensatory (City) Allowance admissible in the qualified city provided that :-

i) There is no other sub-urban municipality, notified area or Cantonment within 8 kms limits of the places; and

ii) It is certified by the collector/deputy commissioner having jurisdiction over the area, that the place is generally dependent for its essential supplies i.e. goodgrains, milk, vegetables, fuel etc. on the qualified city.

Certificates at (i) and (ii) above will remain valid for a period of three years after which a fresh certificate will be required for continuance of the allowance.

2. It is clarified that the above concession is admissible irrespective of the fact whether the qualified city has been classified for the purpose of CCA on the basis of its population under general orders or special orders. Extension of existing concession to a particular city shall not be construed as classification made general or special orders.

It is further clarified that this concession will not be admissible in respect of places which are within 8 kms of a qualified city/town which has been given the status of U.A. town/city.

3. These orders take effect from the date of issue.

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

5. Hindi version of this O.M. is attached.

Sd/- xxxxxx
(S.L.Verma)

Under Secretary to the Govt. of India

*Advised
for
Signature*

*Advised
On*

CERTIFICATE

It is hereby certified that :-

(a) * UMROI CANTT is a Non-Municipal area ** village/Panchayat/
Non Municipal area.

(b) UMROI CANTT is not a municipality or notified area or
Cantonment.

(c) * UMROI CANTT is within a distance of 8 kilometres from
the periphery of the municipal limits of SHILLONG.

(5) excepting SHILLONG there is no other municipality notified
area of cantonment within a distance of 8 kms from UMROI
CANTT and it is generally dependent for its essential
supplies e.g. foodgrains, milk, vegetables, fuel, Health
coverage, education, transportation etc. on SHILLONG TOWN.

(d) Although there is no *** municiplaity/notified area/
cantonment within a distance of 8 kms from UMROI CANTT
the latter is generally dependent for its essential supplies,
e.g. food grain, milk, vegetables, fuel health coverage,
education transporation etc. on SHILLONG TOWN @ .

Seal of the Collector/
Deputy Commissioner

Sd/- Signature of the
Collector
Deputy Commissioner
having jurisdiction
over the place.

Dated 28.1.92

* None of the place in respect of which the proposal
relates.

** The civic status of the place, i.e. village, panchayat,
non-municipal area etc. should be indicates.

@ Name of the qualified town/city.

*** The name of the other municipality within 8 kms. limit.

2 Delete whichever clause is not applicable.

Attested
for
Advocate

Attested
for
Advocate

BY SPEED POST

Garrison Engineer Umroi
Umroi Cantt
PO Barapani
Shillong-793103

1551/P/457/E1

07 May 92

Army Headquarters
Engineer in Chief's Branch
Kashmir House,
DHQ P.O. New Delhi
PIN 110011

ADMISSIBILITY OF HRA/HCA TO STAFF OF GE(P) UMROI.

1. Reference your letter No. 02986/HRA/Umroi/EIC (3) dated 27 Mar 92 received under HQ CE Shillong letter No. 70402/12/819/EIC (3) dated 08 Apr 92.
2. Parawise reply of Ministry of Finance, Department of Expenditure E-II (B) Branch letter No. Nil dated 19 Feb 92 are furnished below :

Para 2 (1) : It is submitted that GE(P) Umroi (Ex-GE (P) Barapani came into existence and started functioning in 1970 with official address of SE Falls, Shillong 793011. In the initial stage only essential staff of GE(P) Umroi were enjoying the facilities of HRA/HCA like all other employees serving at Shillong as GE(P) Umroi was situated at Shillong. The entire office was shifted from Shillong to works site at Umroi wef 12 Dec 1987. No. Md. Accn., market, education facilities are available at Umroi and to all employees as such they are residing at Shillong and used to come to their duty place by Govt. vehicle. The Cantt, is totally dependent on Shillong for all basic needs As such this office claimed HRA/HCA on the basis of dependency certificate as per Shillong rate. In this connection clause 2 of para 3 (b) (iii) of Ministry of Finance (Department of Expenditure) OM No. F-2 (37)-211 (B)/64 dated 27 Nov 65 and Appendix 6 of Swamy's compilation of the Fundamental Rules and Supplementary rules 3 (b) (2) under which it clearly indicate that where staff concerned had to reside within the qualified city limits barely out of necessity, i.e. for want of accommodation and other amenities nearer to their place of duty, are eligible to get HRA/HCA at the rate admissible at city, is relevant. Further it is submitted that Shillong has been classified as B-2 city

Contd...

for the purpose of HRA/HCA under special order of Ministry of Finance OM No. F4(3)-E-II(B)/71 dated 12 Dec 73 and extended vide the Ministry's O.M. No. 4(5)E-II(B)/73 dated 28 Jan 74 and subsequent letters. Accordingly the employees of Indian Council of Agriculture situated at Barapani next door to Umroi Cantt are enjoying the facilities of HRA/HCA at par with the employees of Shillong (letter already enclosed alongwith original application).

Para 2(ii) : The case is applicable under Para 3 (b) (iii) of Ministry of Finance letter dated 27 Nov 65.

Para 2(iii) : Not agreed to, in view of following comments :-
Office of GE(P) shifted from SE Falls Shillong to Umroi Cantt on 12 Dec 87 vide this Office letter No.1651/1/204/E1 dated 12 Dec 87 (copy enclosed for perusal please), before shifting office from Shillong the staff enjoyed HRA/HCA @ Shillong rates. Dependency Certificate from D.C. East Khasi Hills obtained on 26 Oct 87 i.e. prior to shifting of the office to make continuity in claiming HRA/HCA at par with Shillong. The dependency Certificate issued during 1987 cannot in anyway be set aside/proved otherwise, or minor ground that the certificate was not on format as required. Dependency Certificate issued by D.C., East Khasi Hills dated 26th Oct 1987 does not alter the contents of facts. However, to remove this discrepancy observed a C.T.C. of the Dependency Certificate as per format is enclosed herewith.

Para 2 (iv) : The distance between Shillong peak to Umroi is 32 Km due to hilly circuits but aerial distance is 8 Km from the municipal limit of Shillong.

Para 2(v) : The intention is to claim Hill Compensatory Allowances and winter allowances i.e. Hill composite allowance as accepted by Ministry of Finance on the recommendation of the 4th Pay Commission vide para 9 of resolution dated 13 Sep 86 which was accepted vide Ministry of Finance letter No. F 15(1)/IC/86 dated 22 Sep 86 as the station Umroi is situated at a height

*Allyzed
for
Advocate*

11.08.87

of 1034 metre. The height given in dependency certificate by D.C., East Khasi Hills based on Survey report given by Survey of India. In this connection please also refer Ministry of Finance Department of Expenditure Office Memorandum letter No. F-4(4)-E-II(B)/73 dated 06 Jun 74.

3. In view of above you are requested to take up the case with appropriate authority for expediting early sanction to avoid unrest among the staff on this account please.

Enclo : e Nos.

Sd/-

(AG Kiniker)

EE

Garrison Engineer

Copy to :-

1. HQ CE EC Calcutta
2. HQ CE Shillong Zone
3. CWE Shillong

*Attended
law
Advocate*

*Attended
Adv.*

No. 20014/9/86-FIV
Government of India
Ministry of Finance
(Department of Expenditure)

New Delhi, the 23rd September, 1986

OFFICE MEMORANDUM

Subject : Grant of Special Compensatory (Remote Locality)
Allowance to Central Government employees posted
in Meghalaya.

The undersigned is directed to say that consequent upon decisions taken by the Government on the recommendations of the Fourth Pay Commission in regard to grant of Special Compensatory (Remote Locality) Allowance to Central Government employees posted in Meghalaya, vide Resolution No.14(1)/IC/86 dated 13.9.1986 sanction of the President is hereby conveyed in supersession of all the existing orders on the subject, to the grant of Special Compensatory (Remote Locality) Allowance to Central Government employees posted in Meghalaya at the following revised rates :

Pay Range	Rate of Special Compensatory Allowance per month (Rs.)
Basic Pay below Rs. 900/-	20/-
Basic Pay of Rs. 950/- & above but below Rs. 1500/-	40/-
Basic Pay of Rs. 1500/- & above but below Rs. 2000/-	60/-
Basic Pay of Rs. 2000/- & above but below Rs. 3000/-	80/-
Basic Pay of Rs. 3000/- & above	100/-

2. These orders take effect from 1.10.1986. For the period from 1.1.1986 to 30.9.1986 the above allowances will be drawn at the existing rates on the notional pay in the prevised scales.

3. Pay means pay in the revised scales of pay introduced under the CSS (R.P) Rules, 1986. In the case of those who retain the existing scale of pay, it will include, besides pay in the pre-revised scale of pay, appropriate dearness allowance, additional D.A. dearness pay, ad-hoc D.A. and interim relief thereon at the rates in force on 31.12.1985. Where the application of revised rates results in a loss to an employee, who has been continuously drawing the allowance from a date prior to 1.10.1986 the amount drawn by him immediately prior to that date will be protected by treating the difference between the allowance so drawn and that admissible at the revised rates as personal to him. The protection will continue till the employee remains posted in the said region and becomes eligible to higher amount either on promotion or otherwise.

Contd....

*Disputed
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Sero cali*

Att. cert. ed

Note : Pay means pay as defined under FR 9(21) (a) (i).

4. The Central Government employees in receipt of Special Compensatory Allowance under these orders will not be entitled to composite Hill Compensatory Allowance in addition. However where the Hill Compensatory Allowance or any other Compensatory Allowance under this Ministry's Office Memorandum No. 2(37)-E.I.II(B)/64 dated the 27th November, 1965 is more beneficial the same may be allowed in lieu of the Special Compensatory Allowance.

5. The Special Compensatory Allowance will be regulated during leave, joining time and suspension in the same manner as City Compensatory Allowance under this Ministry's Office Memorandum No. 2(37)-E.I.II(B)/64 dated the 27th November, 1965 as amended from time to time.

6. These orders will apply to civilian employees of the Central Government belonging to Groups 'B' 'C' and 'D' only. The order will also apply to the Groups 'B' 'C' and 'D' civilian employees paid from the Defence Services Estimates. In regard to Armed Forces personnel and Railway employees, separate orders will be issued by the Ministry of Defence and Department of Railways respectively.

7. In their application to the staff of Indian Audit and Accounts Departments, these orders issue in consultation with Comptroller & Auditor General of India.

8. Hindi version of the order is attached.

Sd/- B.P. Varma
Joint Secretary to the Govt. of India

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

*Allocated
Jm
Sd/- ali*

*Approved
@*

SURVEY OF INDIA

No. E-2545/1B-B-2

NORTH EASTERN CIRCLE OFFICE
POST BOX NO. 89
SHILLONG-793001 (MEGHALAYA) -
INDIA

Dated 10th Sep, 92

To

The Garrison Engineer Umroi,
Umroi Cantonment,
P.C. Barapani,
Shillong-793103

SUB : ISSUE OF CERTIFICATE FOR GRANT OF G.E. UMROO
CANTT.

REF : Your letter No. 1651/P/465/EIP dated 22.8.92.

Sir,

It is certified that the highest point within Umroi
Cantonment limit is above 1000 metres but below 1500 metres.

Yours faithfully,

Sd/- R.K. JAYAVELY
DEPUTY DIRECTOR,
for DIRECTOR, NORTH EASTERN CIRCLE

*Attested
for
Advocate*

*Attested
for
Advocate*

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.78 of 1997.

Date of Order : This the 4th Day of March, 1998.

Shri G.L.Sanglyine, Administrative Member.

Shri Jaleswar Rai & 196 others.
All the applicants are working under
Garrison Engineer, Umroi Cantonment,
Military Engineering Services, Umroi,
Barapani, Meghalaya. . . . Applicants.

By Advocate S/Shri J.L.Sarkar & M.Chanda.

- Versus -



Union of India
through the Secretary,
Government of India, Ministry of Defence,
New Delhi.

2. The Headquarter Chief Engineer,
Eastern Command, Fort William,
Calcutta.

The Controller of Defence Accounts,
Basistha,
Guwahati-28.

4. The Army Headquarter Engineer-in-Chief's
Branch, Kashmir House,
DHQ, P.O. New Delhi-110011.

5. The Garrison Engineer(P),
Umroi,
Umroi Cantonment, Barapani,
Shillong-793103.

. . . Respondents.

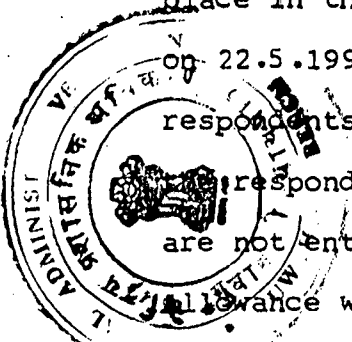
By Advocate Shri S.Ali, Sr.C.G.S.C.

O R D E R

G.L.SANGLYINE, ADMINISTRATIVE MEMBER

The applicants are employees under the Garrison Engineer, Umroi Cantonment, Military Engineering Services working in different capacities in Group 'C' and 'D' categories. They have been permitted to file this single application vide order dated 11.4.1997. In this application the applicants submitted that they are entitled to Composite Hill Compensatory Allowance in lieu of Special Compensatory

(Remote Locality) Allowance. They pray that they be allowed the Hill Compensatory Allowance in place of Special Compensatory (Remote Locality) Allowance with effect from August 1991 after due deduction of amount already received by them on account of Special Compensatory (Remote Locality) Allowance. Mr J.L.Sarkar, learned counsel for the applicants has submitted that the applicants are entitled to Hill Compensatory Allowance as it is more beneficial to them than the Special Compensatory (Remote Locality) Allowance and this is permissible under the relevant rules. He has also submitted that all relevant details and facts had been placed before the competent authorities of the respondents. Dependency certificate from competent authority, namely, Deputy Commissioner was submitted. The aerial distance was certified by National Airport Authority and the Survey of India has furnished the certificate regarding altitude. The local authorities had recommended payment of Hill Compensatory Allowance to the applicants. Discussion between the authority and the representative of the employees had taken place in this matter from time to time, the last one being on 22.5.1996, but no decision had been finally taken by the respondents. Mr Ali has supported the written statement of respondents, in which it is stated that the applicants are not entitled to the grant of Composite Hill Compensatory Allowance with effect from 1991 as there is no circular issued by the higher authorities to draw the allowance by the applicants.



2. I have heard counsel of both sides. It appears to me that the applicants in this O.A. have come before this Tribunal with the grievances simply because of the indecision of the respondents. The matter remains undisposed of before

the Army Headquarters, Engineer-in-Chief's Branch, New Delhi. The statement of the respondents that the Composite Hill Compensatory Allowance (CHCA) as prayed for by the applicants in this O.A. cannot be granted as there is no circular issued by the higher authority shows their inaction and that they have made an attempt to avoid the issue. This is a matter long pending and it cannot be allowed to linger on in this manner. The respondents, particularly the Army Headquarters, Engineer-in-Chief's Branch, New Delhi are therefore directed to make final decision on the claim of the applicants after consideration of the relevant facts and rules with regard to the payment of CHCA to the applicants. They shall issue a speaking order in this matter within 3 months from the date of their receipt of this order. The applicants are at liberty to contest the decision of the respondents if they are aggrieved with it.

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

Certified to be true copy

प्रमाणित प्रतिलिपि

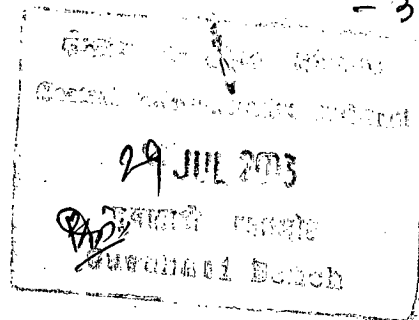
Sd/MEMBER (ADMN)

13/5/02

Section Officer (J)

अनुमान अधिकारी (न्यायिक शाखा)
Central Administrative Tribunal

केन्द्रीय न्यायनिक अधिकरण
Guwahati Bench, Guwahati
गुवाहाटी न्यायपीठ, गुवाहाटी



Filed by 22/03/03
(A. DEB ROY)
Sr. C. O. S. G.
G. A. T. Guwahati Bench

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

O.A. NO. 32 OF 2003

Shri Chaturbhuj Ray & Ors.

- Vs - Applicants.

Union of India & Ors.

..... Respondents.

- And -

In the matter of :

Written Statement submitted by the
Respondents.

The humble respondents beg to submit the para-wise
written statement as follows :-

1. That with regard to para 1, 2, and 3, of the application the respondents beg to offer no comments.
2. That with regard to the statement made in para 4(1) of the application the respondents beg to state that all the applicants are working as group 'D' employees under Adhoc Station Headquarters, Umroi Cantt, Shillong.
3. That with regard to para 4(2), 4(3), 4(4) and 4(5) of the application the respondents beg to offer no comments.
- 4.

4. That with regard to the statement made in para 4(6) of the application the respondents beg to state that Shri Chaturbhuj Ray and 17 others Civilian employees of Adhoc Station Headquarters, Umroi Military Station have filed O.A. No.32/2003 in Hon'ble CAT Guwahati Bench for grant of Composite Hill Compensatory Allowance (CHCA) Umroi Station in lieu of Special Compensatory Allowance or any other compensatory Allowance admissible is more beneficial, the same may be allowed in lieu of the Special Compensatory Allowance (RL). This office had taken up a case with JCDA, Shillong for payment of CHCA to the Civilian Employees of Adhoc Station Headquarters, Umroi Cantt on the basis of Govt. of India Ministry of Defence letter No. 90237/6028/EIC Legal-C/146-X-1C/D(Civ)-I) dated 15 March 1999 under which the Civilian employees of GE, Umroi Cantt are permitted to draw to CHCA. The case was not accepted by JCDA. Shillong vide their letter No. Pay/IV/17 Vol-II dated 27 March 2000 on a plea that the order pertains to the Civilian employees of GE(P), Umroi Cantt only and no Govt. order exist in case of Civilian employees of Adhoc Station HQ Umroi Cantt. for grant of CHCA.

Copy of letter dated 15.3.1999 is annexed herewith and marked as Annexure-A and Copy of letter dated 27.3.2000 is annexed herewith and marked as Annexure-B.

5. That with regard to para 4(7), 4(8), 4(9) and 4(10) of the application the respondents beg to offer no comments.

6. That with regard to the statement made in para 4(11) of the application the respondents beg to state that the applicants Group 'D' employees presently working at Adhoc Station HQ, Umroi

~~XXXXXXXX~~

Umroi Cantt are drawing SCA (RL) at the @ of Rs. 80/- PM vide Govt. of India Min. of Def. letter No. 20014/9/86-F.IV dated 23 Sep. 1986.

7. That with regard to the statement made in para 4(12), of thea applicants have quoted the Hon'ble Tribunal order Tribunal directing Army Headquarters E-in-C's Branch to issue the speaking order dated 21 Oct 98 granting CHCA w.e.f. 10 Sep 92 and formal sanction to this effect was conveyed by Min. of Def. vide their letter No. 90237/6028/EIC/D(Civ) dated 15 Mar 99 in respect of Civilians employees of GE(P) Umroi (copies enclosed) on the basis of which they are being paid. However no such sanction from Min. of Def. exists in respect of Civilian Employees of Adhoc Station Hos Umroi.

~~Copy of order dated 23.10.1998 and~~ copy of letter dated 15.3.1999 ~~is~~ enclosed and marked as Annexure-C. ~~and Annexure-D respectively.~~

8. That with regard to the statement made in para 4(13) of the application the respondents beg to state that it has been stated by the applicants that they had been constantly approaching the respondents for grant of CHCA which has been extended to 197 pers of GE(P) Umroi Cantt. vide Govt. of India Min. of Def. letter No. 90237/6028/EIC Legal-C/ 146-LC/D(Civ.I) dated 15 Mar 1999. They have also stated that lawyer notice was served on the respondent on 16 Dec 2000 urging for grant of CHCA. This office did not receive any lawyer notice for grant of CHCA as stated.

-4-

However, this office, at its own, keeping in view the welfare of the applicants had taken up a case with concerned Finance Authority but CHCA could not be granted in absence of Govt. order as responded in para 4(6) & 4(12) above. However this office is submitting a Statement of Case to the Min. of Def. through proper channel for grant of CHCA to the applicants, Shri Chaturbhuj Ray and 17 others Group 'D' Civilian employees of Adhoc Station HQ, Umroi Cantt. in light of Min. of Def. letter No. 90237/6028/EIC Legal-C/146-LC/D(Civ.I) dated 15 Mar 1999 under which the Civilian Employees of GE(P) Umroi Cantt. are drawing CHCA. Respondent No.4 is perswing the case to get Govt. order.

9. That with regard to para 4(15) 5, 5(1) to 5(7), 6 and 7, of the application the respondents beg to offer no comments

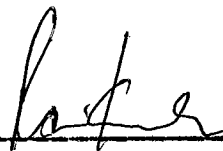
Verification.....

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

I, ~~Shri~~ IC-56869p Capt Ravi Kumar , presently
working as Station Staff Officer (SSO) , being duly
~~and~~ authorised and competent to sign this verification, do
hereby solemnly affirm and declare that the statements made
in paragraphs of this written statement
are true to my knowledge, those made in paragraph being
matters of record are true to my information derived therefrom
and those made in the rest are humble submission before the
Hon'ble Tribunal.

And I sign this verification on this th day of
June' 2003.

Deponent.



IC-56869P
Capt
Ravi Kumar
Station Staff Officer

No. 90237/6028/EIC Legal-C/146-LC/D(Civ.I)
Government of India
Ministry of Defence

New Delhi, the 15th March, 1999

To

Chief of the Army Staff,
New Delhi.

Subject: Admissibility of Composite Hill
Compensatory Allowance to the
employees of GE(P) Umroi Cantt.

Sir,

I am directed to refer to Army Headquarter's letter No. 90237/6028/EIC Legal-C dt. 21st October, 1998, and to convey the sanction of President to grant Composite Hill compensatory Allowance (CHCA) to the civilian employees of GE(P), Umroi Cantt, w.e.f. 10.9.92 on the basis of the height certificate issued by the Survey of India as per the conditions contained in Ministry of Finance O.M.No. 5(3)-E.II(B)/64 dt. 29.5.84 as amended from time to time and as per their revised orders vide O.M.No. 4(3)/97-E.II(B) dt. 17.8.98 issued on the basis of the recommendations of the Fifth Central Pay Commission.

2. This issues with the concurrence of Ministry of Defence/Finance vide their Dy.No. 201/AG/PB/99 dt. 26-2-99 and in consultation with Ministry of Finance vide their U.O.No. 1/E.II(B)/98 dt. 10.9.98,

Yours faithfully,

(Signature)

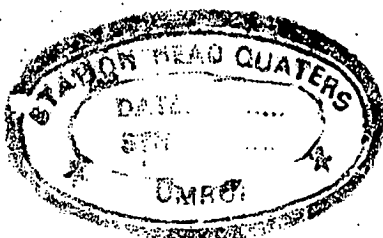
(C.A. Subramanian)

Under Secretary to the Govt. of India

Copy to:

1. CGDA, New Delhi (ink signed)
2. CDA, Guwahati (ink signed)
3. CE, Shillong Zone
4. CWE, Shillong
5. GE Umroi Cantt.
6. DFA(Works)
7. DFA(AG)

CTC



(Signature)

day/ day

310

Per Secy

Annexure B

मा.से.फ.जेड-2011(बड़ा)
L.A.F.Z-2011 (Large)

REGD

जायन
Memorandum

सेवा में
From

A.A.O. Shillong

सेवा में The Comdt,

To Adhoc Station Hq Umroi
Mily Station c/o Hq Umroi
C/O 99A-P.O.

सं. No.

PAY/IV/17 Vol II
Station

तारीख
Date

27/3/2000.

SUB:- Supplementary Pay bill on A/c of arrears of
CH.C.A. in go Consy staff for the period from
1/9/92 to 31/12/99.

Ref:- your no. 785/4/8 (III) dated:- 24-1-2000.

-x-

Sy Pay bill No. Civ/31/2000 dated:- 22-1-2000
for Rs 38,600/- on A/c of arrears of CH.C.A. in go
Consy staff for the period from 1/9/92 to 31/12/99.
received under your memo cited above is
returned herewith the following remarks:-

(1) It is seen from C.T.C. of Govt of India.
Min of Def. New Delhi letter no. 96237/6028/EIC
Legal-c/46-Lc/D (Civ-I) dated:- 15-3-99 (enclosed)
that the sanction for CHCA has been accorded
to the Civilian employees of GEC (P) Umroi Cantt
and not to the Civilian employees of Hq Umroi
Mily Station. The bill may please be resubmitted
alongwith the Govt order underwhich the sanction
of CHCA has been accorded to the Civilian
employees of your Hq to enable us to admit
the bill in audit.

Encl:- As Above.

Accounts Officer

Copy to:- The J.D.A. (Pay Section)
Udayan Vihar, Narangi, Guwahati-71-

P.T.O.

Annexure - C

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No.90237/6028/EIC Legal-C/146-LC/D(Civ.I)
Government of India
Ministry of Defence

New Delhi, the 15th March, 1999

To

Chief of the Army Staff,
New Delhi.

Subject: Admissibility of Composite Hill
Compensatory Allowance to the
employees of GE(P) Umroi Cantt.

Sir,

I am directed to refer to Army Headquarter's letter No.90237/6028/EIC Legal-C dt.21st October, 1998 and to convey the sanction of President to grant Composite Hill compensatory Allowance (CHCA) to the civilian employees of GE(P), Umroi Cantt, w.e.f.10.9.92 on the basis of the height certificate issued by the Survey of India as per the conditions contained in Ministry of Finance O.M.No.5(3)-E.II(B)/64 dt.29.5.64 as amended from time to time and as per their revised orders vide O.M.No.4(3)/97-E.II(B) dt.17.8.98 issued on the basis of the recommendations of the Fifth Central Pay Commission.

2. This issues with the concurrence of Ministry of Defence/Finance vide their Dy.No. 201/AG/PB/99 dt. 26-2-99 and in consultation with Ministry of Finance vide their U.O.No.1/E.II(B)/98 dt.10.9.98.

Yours faithfully,

A. Subramanian

A. Subramanian

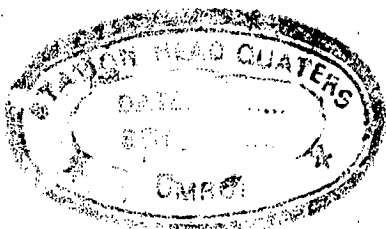
(C.A. Subramanian)

Under Secretary to the Govt. of India

Copy to:

1. CGDA, New Delhi (ink signed)
2. CDA, Guwahati (ink signed)
3. CE, Shillong Zone
4. CWE, Shillong
5. GE Umroi Cantt.
6. DFA(Works)
7. DFA(AG).

CTC



[Signature]

Adj. Gen

310

Per Secy