

0/100  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 104/2004

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

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

1. Orders Sheet..... Pg. 1..... to 3.....
2. Judgment/Order dtd. 7.9.04..... Pg. X..... to No. Supreme order 8/04
3. Judgment & Order dtd..... Received from H.C/Supreme Court
4. O.A..... OA (04/04)..... Pg. 1..... to 19.....
5. E.P/M.P..... Pg..... to.....
6. R.A/C.P..... Pg..... to.....
7. W.S..... Pg. 1..... to 2.....
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.)

6/11/17  
09/11/17

FORM No. 4  
(SEE RULE 12)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

ORDER SHEET

Org. App. / Misc Petn / Cont. Petn / Rev. App. .... 104/2004.....

In O.A.....

Name of the Applicant(s) Sasi Tapaswaro Rai.....

Name of the Respondent(s) 11012018.....

Advocate for the Applicant Ma. Adil Ahmed.....

Counsel for the Railway/CGSC... Case... A.K. Chaudhury.....

OFFICE NOTE

DATE

ORDER OF THE TRIBUNAL

30.4.2004

Heard Mr. A. Ahmed, learned counsel for the applicant and also Mr. A.K. Chaudhury, learned Addl. C.G.S.C. for the respondents.

Issue notice to show cause as to why the application shall not be admitted, returnable within four weeks.

List on 31.5.2004 for admission. Meanwhile, the operation of the order dated 12.02.2004 (Annexure-E) is stayed until further orders.

Notice & Order  
dt. 30/4/04 Sent  
to 1/Section Govt. mb  
issuing to 31.5.2004  
respondent nos. 1 to 3,  
by Regd. with A/D post.

14/5/04.

A/D card return  
from respondent No. 1.

10/6/04.

I.C. D. Webb  
Member (A)

Further four weeks time is given to the respondents to file written statement. List on 5.7.2004 for admission.

I.C. D. Webb  
Member (A)

31.8.2004

List the matter on 6.9.2004.

31/8/04

N/S has been led  
on behalf of the  
Respondents 12.2.  
but its verification  
is not clear.

bb

*[Signature]*  
Member (A)

6.9.04

Pass over for the day.

*[Signature]*  
31/8/04

lm

*[Signature]*  
Member

7.9.04

Present: Hon'ble Mr.K.V.Prahladan,  
Administrative Member.

Heard Mr.A.Ahmed learned  
counsel for the applicant and Mr.A.K.  
Choudhury, Addl.C.G.S.C. for the Res-  
pondents.

In this application the appli-  
cant has prayed for direction on the  
Respondents not to make any recovery  
from the applicant. The applicant was  
posted in International Border of China,  
therefore, the applicant could not be  
a party to O.A. No.74 of 1999 <sup>in the</sup> where order  
was passed by this Tribunal on 4th day  
of April, 2001. The applicant is similar-  
ly situated as those applicants in O.A.  
No.74 of 99. Therefore, the learned  
counsel for the applicant has prayed  
that the similar benefits may be granted  
to the applicant.

I, however, find that it will be  
harsh and oppressive to the applicant if  
such recoveries are made on the strength  
of the communication dated 9.2.99. The  
authority finally decided to recover the  
said amount only in February 1999 and  
therefore, the aforesaid move shall be  
prospective only and therefore, the  
move taken by the respondents for reco-

contd-

3  
O.A. 104 of 2004

Notes of the Registry	Date	Order of the Tribunal
<p>10.9.04 Copy of the order has been sent to the Office for issuing the same to the applicant as well as to the Add. C.G.S.C. for the Respon. <i>BS</i></p>	7.9.04.	<p>very the amount on account of free ration supplied with effect from 31.1.1995 vide order dated 9.2.99 is held to be unsustai- nable and same is accordingly set aside. In the light of the above, the appli- cation stands disposed of. There shall, however, be no order as to costs.</p> <p><i>K. S. M. Mohan</i> Member</p> <p><i>Received 13/9/04</i></p>

29 APR 2004

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

GUWAHATI BENCH, GUWAHATI

गुवाहाटी न्यायालय  
Guwahati Bench

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

ORIGINAL APPLICATION NO. 104 OF 2004.

BETWEEN

Shri Tapeswari Rai

... Applicant

-Versus-

The Union of India & Others

... Respondents

**LIST OF DATES AND SYNOPSIS**

Annexure-A is the photocopy of such letters dated 25-01-1964.

Annexure-B is the photocopy of letter No.106/4/PC/Q dated 9<sup>th</sup> February 1999.

Annexure-C is the photocopy of interim order dated 19-03-1999 passed by this Hon'ble Tribunal in O.A.No.75 of 1999

Annexure-D is the photocopy of Common Judgment and Order dated 4<sup>th</sup> April 2001 passed in O.A.No. 48 of 1999, O.A.No. 69 of 1999, O.A.No. 74 of 1999, O.A.No. 75 of 1999, O.A.No. of 1999 and O.A.No.77 of 1999 by this Hon'ble Tribunal. Annexure-B is the photocopy of Judgment Order dated 24<sup>th</sup> February 2004 passed by this Hon'ble Tribunal in O.A.No.106 of 2003.

Annexure-E is the photocopy of letter No.420404/WP/KS/ST-12 (Civ) dated 12<sup>th</sup> February 2004.

This Original Application is made against the impugned order of recovery of Field Service Concession vide letter No.420404/WP/KS/ST-12 (Civ) dated 12 Feb2004 issued by the Office of the Respondent No.2.

6

The applicant is a Defence Civilian working under the Respondent No.2 as permanent labour. The applicant had enjoyed the field service concession till February 1999 as the area under which he was working was a field area and from February 1999 the Respondents had stopped the said concession on the plea that the area was reclassified as modified field area from January 1995. In the mean time the Respondents has issued a letter No.106/4/PC/Q dated 9<sup>th</sup> February 1999 for recovery and stoppage of Field Service Concession from the various unit of Defence establishment. It is worth to mention here that at the relevant time when the recovery letter was issued the applicant was working in a High Altitude Area near international border of China. Being aggrieved by the letter No.106/4/PC/KO dated 9<sup>th</sup> February 1999 issued by the Respondents, some of the Defence Civilian of various unit had approached the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati by filing O.A.No. 48 of 1999, O.A.No. 69 of 1999, O.A.No. 74 of 1999, O.A.No. 75 of 1999, O.A.No. of 1999 and O.A.No.77 of 1999 against the impugned order of recovery of Field Service Concessions. The Hon'ble Tribunal vide its Interim Order dated 19-03-1999 passed in the above said Original Application stayed the operation of impugned Order dated 09-02-1999 issued by the Respondents until further order. The Hon'ble Tribunal finally heard the above all the Original Application on 4<sup>th</sup> April 2001 and passed a common judgment by setting aside the impugned Order dated 09-02-1999 for Recovery of Field Service Concession from the Defence Civilian Employee. It is to be stated that due to Special Assignment at the International Border near China at a High Altitude the applicant could not approached the Hon'ble Tribunal, Guwahati Bench, Guwahati against the impugned recovery letter dated 9<sup>th</sup> February 1999 issued by the Respondents. Now the Respondents have issued a letter No.420404/WP/KS/ST-12 (Civ) dated 12<sup>th</sup> February 2004 for recovery of the Field Service Concession from the Applicant on the ground that he was not party in the Original Applications filed by the similarly situated persons. Hence the applicant had filed this Original Application for setting aside the impugned letter No.420404/WP/KS/ST-12 (Civ) dated 12<sup>th</sup> February 2004 for recovery of the Field Service Concession from the Applicant.

2

1

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH, GUWAHATI**  
**(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL  
ADMINISTRATIVE TRIBUNAL ACT 1985)**  
**ORIGINAL APPLICATION NO. 104 OF 2004.**

Filed by  
Shri Tapeswari Rai  
Applicant  
Through  
Advocate  
Abul Ahmed

BETWEEN

Shri Tapeswari Rai  
P/No. 6403130  
Permanent Labour  
Son of Late Sohan Rai  
Office of the Commanding Officer  
505 ASC Battalion  
C/o 99 APO

... Applicant

-AND-

1. The Union of India represented by the Secretary to the Government of India, Ministry of Defence, South Block, and New Delhi-1.
2. The Commanding Officer,  
505 ASC Battalion  
C/o 99 APO
3. The Controller of Defence Accounts (CDA),  
Ministry of Defence, Udayan Vihar,  
Guwahati-781171.

... Respondents

**1) DETAILS OF THE APPLICATION PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:**

This Original Application is made against the impugned order of recovery of Field Service Concession vide letter No.420404/WP/KS/ST-12 (Civ) dated 12 Feb2004 issued by the Office of the Respondent No.2.

**2) JURISDICTION OF THE TRIBUNAL**

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

**3) LIMITATION**

The applicant further declares that the subject matter of the instant application is within the limitation prescribed under Section 21 of the Administrative Tribunal Act 1985.

**4) FACTS OF THE CASE:**

Facts of the case in brief are given below:

- 4.1) That your humble applicant is a citizen of India and as such he is entitled to all rights and privileges guaranteed under the Constitution of India. The applicant is Defence Civilian Employee belongs to Group-D category. He is low paid poor employee serving under the Commanding Officer 505 ASC Battalion, C/o 99 APO.
- 4.2) That your applicant begs to state that the Defence Civilians serving under field area are entitled for field service concession as per details given in Appendix "C" to the Ministry of Defence O.M. No. AO 2584/AG/PS-3 (a)/97-S/D (Pay/Service) dated 25-01-1964.

Annexure-A is the photocopy of such letters dated 25-01-1964.

*d*

4.3) That your applicant begs to state that the applicant had enjoyed the field service concession till February 1999 and from February 1999 the said concession was stopped by the Respondents on the plea that the area where applicant is working has been reclassified as modified field area from January 1995. As such the applicant was denied the benefit of field service concession. In the mean time the Respondents has issued a letter No.106/4/PC/Q dated 9<sup>th</sup> February 1999 for recovery and stoppage of Field Service Concession from the various unit of Defence establishment. It is worth to mention here that at the relevant time when the recovery letter was issued the applicant was working in a High Altitude Area near international border of China. Being aggrieved by the letter No.106/4/PC/KO dated 9<sup>th</sup> February 1999 issued by the Respondents, some of the Defence Civilian of various unit had approached the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati by filing O.A.No. 48 of 1999, O.A.No. 69 of 1999, O.A.No. 74 of 1999, O.A.No. 75 of 1999, O.A.No. of 1999 and O.A.No.77 of 1999 against the impugned order of recovery of Field Service Concession dated 9<sup>th</sup> February 1999. The Hon'ble Tribunal vide its Interim Order dated 19-03-1999 passed in the above said Original Applications stayed the operation of impugned Order dated 09-02-1999 issued by the Respondents until further order. The Hon'ble Tribunal finally heard the above all the Original Application on 4<sup>th</sup> April 2001 and passed a common judgment by setting aside the impugned Order dated 09-02-1999 for Recovery of Field Service Concession from the Defence Civilian Employee. It is to be stated that due to Special Assignment at the International Border near China at a High Altitude the applicant could not approached the Hon'ble Tribunal, Guwahati Bench, Guwahati against the impugned recovery letter dated 9<sup>th</sup> February 1999 issued by the Respondents.

Annexure-B is the photocopy of letter No.106/4/PC/Q dated 9<sup>th</sup> February 1999.

Annexure-C is the photocopy of interim order dated 19-03-1999 passed by this Hon'ble Tribunal in O.A.No.75 of 1999

*d*

Annexure-D is the photocopy of Common Judgment and Order dated 4<sup>th</sup> April 2001 passed in O.A.No. 48 of 1999, O.A.No. 69 of 1999, O.A.No. 74 of 1999, O.A.No. 75 of 1999, O.A.No. of 1999 and O.A.No.77 of 1999 by this Hon'ble Tribunal.

4.4) That your applicant begs to state that it is settled law persons similarly situated to the beneficiaries of a Judgment are to be extended to other similarly situated persons without approaching any court of law but surprisingly the instant Respondents vide its letter No.420404/WP/KS/ST-12 (Civ) dated 12<sup>th</sup> February 2004 ordered Recovery of field service concession from the instant applicant. In the impugned order dated 12<sup>th</sup> February 2004 it has been stated by the Respondents that the applicant was not a party in the cases which was filed before this Hon'ble Tribunal against the Recovery of field service concession.

Annexure-E is the photocopy of letter No.420404/WP/KS/ST-12 (Civ) dated 12<sup>th</sup> February 2004.

4.5) That your applicant begs to state that it is unjust to discriminate among the employees similarly placed in the same department and it is also not proper to insist on every aggrieved employee to approached the court when the actions are identical.

## 5) GROUNDS FOR RELIEF WITH LEGAL PROVISION:

In view of the humble submissions made and facts and circumstances explained in the foregoing paras, the impugned order is arbitrary, mala fide, discriminatory and badly misconceived on the following amongst other grounds: -

5.1) For that, the similarly situated persons who are working under the same department and in the same office have been granted the relief's which has been settled by the Hon'ble Tribunal but the Respondents are not giving the same reliefs to the instant applicant. As such the action of the Respondents are bad in law and also not

W

maintainable. Hence the impugned Recovery Order dated 12<sup>th</sup> February 2004 issued by the Respondents to be set aside and quashed.

5.2) For that, being a model employer the Respondents cannot deny the same benefits to the instant applicant which have been granted to the other similarly persons. As such the Respondents should extend this benefit to the instant applicant without approaching this Hon'ble Tribunal.

5.3) For that, the matter has already been settled by the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati in similar Cases as such the Respondents cannot deny the same to the applicants.

5.4) For that the Respondents have violated the Article 14,16 & 21 of the Fundamental rights guaranteed under the Constitution of India.

5.5) For that, the action of the respondents is arbitrary, mala-fide and discriminatory with an ill motive.

5.6) For that, in any view of the matter the action of the matter the action of the Respondents are not sustainable in the eye of law as well as fact.

The applicant craves leave of this Hon'ble Tribunal advance further grounds the time of hearing of this instant application.

#### **6) DETAILS OF REMEDIES EXHAUSTED:**

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

#### **7) MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:**

*d m*

That the applicant further declares that he has not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other court, authority, nor any such application, writ petition or suit is pending before any of them.

**8) RELIEF SOUGHT FOR:**

Under the facts and circumstances stated above the applicant most respectfully prayed that Your Lordship may be pleased to admit this application, call for the records of the case, issue notices to the Respondents as to why the relief and relieves sought for the applicant may not be granted and after hearing the parties may be pleased to direct the Respondents to give the following relieves.

8.1) That the Hon'ble Tribunal may be pleased set aside and quashed the Impugned Order No.420404/WP/KS/ST-12(Civ) dated 12<sup>th</sup> February 2004 issued by the Respondents.

8.2) To Pass any other relief or relieves to which the applicant may be entitled and as may be deem fit and proper by the Hon'ble Tribunal.

8.3) To pay the cost of the application.

**9) INTERIM ORDER PRAYED FOR:**

9.1) The Hon'ble may be pleased to stay the Impugned Order No.420404/WP/KS/ST-12(Civ) dated 12<sup>th</sup> February 2004 issued by the Respondents and also direct the Respondents not to make any recovery from the applicant.

10) Application is filed through Advocate.

*D. L.*

**11) Particulars of L.P.O.:**

L.P.O. No. 11-6 389222

Date of Issue 28-4-04

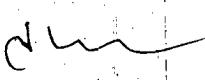
Issued from

Payable at GP 0

**12) LIST OF ENCLOSURES:**

As stated above.

**Verification...**



VERIFICATION

I, Shri Tapeswari Rai, P/No. 6403130, Permanent Labour, Son of Late Sohan Rai, Office of the Commanding Officer, 505 ASC Battalion, C/o 99 APO do hereby solemnly verify that the statements made in paragraph nos. are true to my knowledge, those made in paragraph nos. are being matters of records are true to my information derived there from which I believe to be true and those made in paragraph 5 are true to my legal advice and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 29<sup>th</sup> day of 2004  
at Guwahati.

142192 14

-9-  
-B-

ANNEXURE - A

Appendix 'C' to Government of India  
Ministry of Defence letter No. A/02504/AG/  
PS 3 (a)/97-S/D (Pay/Services) dt. 25/1/64.

CONCESSIONS ADMISSIBLE TO CIVILIANS PAID FROM DEFENCE  
SERVICES ESTIMATES INCLUDING CIVILIANS EMPLOYEES IN / / / /  
COMBATANTS AND NCs (E) (BOTH POSTED AND LOCALLY  
RECRUITED)

- (a) Free rations as scale applicable to combatants of the Army or Air Force, as the case may be, and Fuel.
- (b) Free tented/bashe accommodation and connected service to the extent feasible.
- (c) Free clothing on minimum essential scale of Army personnel if the crps commander/AOC in C Air Force Command considers the issue of such clothing essential for operational reasons.
- (d) Free remittance of family allotments
- (e) Free medical treatment and hospital treatment.
- (f) Wound/injury or family pension or gratuity under Chapter XXXVIII CSR or AI/57/57/AFI 20/58 as the case may be, or compensation under the worker's compensation Act where applicable.
- (g) 2 postage free forces letters per individual per week.
- (h) Remittance within India 1 lts of money orders and Indian Orders free of Commission upto the maximum value of Rs. 30/- per month per individual.

Retention of family accommodation allotted by Government at the old duty station on payment of normal rent. If the accommodation retained is required to be allotted to another entitled personnel for exigencies of service, the families may be shifted to alternative accommodation whether appropriate or inferior to the status of the individual concerned.

*Attn:*  
*JL* *Attn:*  
*JL* *Attn:*

- 10 -

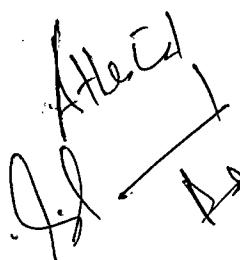
~~BB~~

- 2 -

Note:- 1. Dearness allowance will continue to be admissible in full.

2. The concession in (i) above is applicable only in respect of accommodation held by the Ministry of Defence. Separate orders will follow in respect to accommodation belonging to the Ministry of W.H. & R.

The concessions in this annex. are also applicable to DAP vide C.G.D.A No.21013(I)/ 66-An-C/22. Orders are also applicable to Industrial employees (Min of Defence letter No.A/11452/Org.4(civ) (d) /F-47/S/D (Civ.II)/07 8-12-65) - P184.A

Attested  
J. S.   
A. S. 

Sthaniya Mukhyalaya  
Station Headquarters  
Tonga

109 Feb 99

106/4/PG/Q

181 NH  
505 ASC Bn  
238 Transit Camp  
482 Coy ASC (Sup) Type 'A'  
GE 859 Engr & Admin Sec  
5 Mtn DCO

FD SERVICE CONCESSION

1. Further to our letter of even No dated 13 Jan 99 and ALAO Dihung letter No ALAO/L/170/Vol 1/21 dated 04 Feb 99.
2. Confirmations/completion report may please be fwd to this HQ as directed by CDA Gwahati letter circulated vice our letter under ref on the following aspects :-
  - (a) Recoveries on account of Ration supplied free wef 31 Jan 95.
  - (b) Recoveries on account of Licence fee single accn wef 31 Jan 95.
  - (c) Late or stoppage of issue of free ration and free accomodation.
  - (d) Regularisation of eligibility for SCA/SLA wef 01 Feb 95 as applicable.

109 Feb 99

( M S billion )  
Col  
Adm Comdt Cl-I  
for Stn Cdr

Copy to :-

CDA Nriangi  
Udayan Vihar  
Gwahati - 781111

ALAO 482 Coy ASC (sup)  
Dihung

For your information please.

Allected  
JL Adonate

-125-

ANNEXURE-1

## In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 75/99

ANNEXURE-1

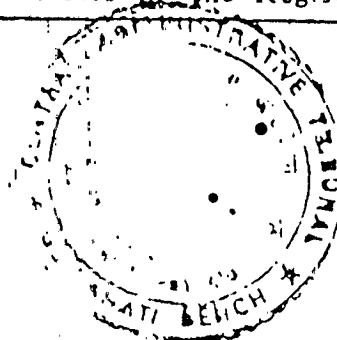
OF 199

Applicant(s) S. P.R. Das and an.

Respondent(s) Union of India et al.

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

Advocate for Respondent(s) C.S.C.

Notes of the Registry	Date	Order of the Tribunal
	19.3.99	<p>Present : Hon'ble Mr. Justice D.N. Buruh, Vice-Chairman.</p> <p>Issue notice as to why the application shall not be admitted.</p> <p>Heard Mr. A. Ahmed, learned counsel appearing on behalf of the applicants on the interim prayer. Tuan Miftah as to why the interim prayer shall not be granted as prayed for.</p> <p>Meanwhile the operation of the Annexure-5 order dated 09.02.99 is stayed until further orders.</p> <p>Notice is returnable on 23.4.99.</p> <p style="text-align: right;">S.D. - Vice-Chairman</p>
Certified 09.03.99 R. S. - - 52/3/99 Attest Date tr1		

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Date of Order : This the 4th Day of April, 2001.

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

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

O.A. No. 48 of 1999.

Shri Rama Bhadram and 364 others . . . . . Applicants

- Versus -

Union of India &amp; Ors. . . . . Respondents.

O.A. No. 69 of 1999.

Shri Pulin Chandra Nath &amp; 43 others . . . . . Applicants

- Versus -

Union of India &amp; Ors. . . . . Respondents

\* O.A. No. 74 of 1999.

Shri Kishori Rai and 13 others . . . . . Applicants

- Versus -

Union of India &amp; Ors. . . . . Respondents.

. . . . . O.A. No. 75 of 1999.

Shri Pranab Ranjan Das and 10 others . . . . . Applicants

- Versus -

Union of India &amp; Ors. . . . . Respondents.

O.A. No. 76 of 1999.

Shri Anu Ram Nath and 105 others . . . . . Applicants

- Versus -

Union of India &amp; Ors. . . . . Respondents.

O.A. No. 77 of 1999.

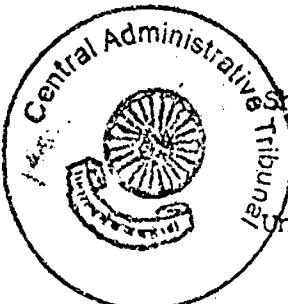
Shri Ajit and 41 others . . . . . Applicants

- Versus -

Union of India &amp; Ors. . . . . Respondents.

Shri A. Ahmed, Advocate for all the applicants.

Shri B.C. Pathak, Addl. C.G.S.C for the respondents



13  
Affd  
Ans

## C R D E R

20

CHOWDHURY J. (V.C.)

The issue involved in all these cases since are of similar nature. All these applications were accordingly taken up together for consideration.

2. The key issue raised in these applications pertains to the entitlement of these applicants to get the Field Service Concession in terms of Office Memorandum No. A 02584/AG/PS-3(a)/97-S/D(Pay Service) dated 25.1.1964. According to the applicants since the authority considering all the aspects of the matter granted Field Service Concession and they are enjoying the same for decades together there cannot be any reason on the part of respondents for denying the aforesaid concession. The applicant also assailed the communication issued by the respondents whereby the respondents sought to stop and recover the Field Service Concession from the applicants.

3. We have heard the learned counsel for the parties at length. We have also considered the respective pleadings including the written statement of the respondent. From the facts enumerated it thus appears that by memorandum dated 25.1.1964 provisions were made for certain concessions to the civilians. Details of which were indicated in the letter No. A/02584/AC/P: 83(a)/97- S/D (Pay Service) dated 25.1.1964. The Government of India by its letter dated 2.3.68 modified the Field Service Concession in the following manner :

- "(i) The rates of Special Compensatory Allowances were revised w.e.f. 01.03.68.
- (ii) Field Service concessions ceased to be admissible in the stations of Srinagar, Jammu, Udhampur, Darjeeling w.e.f. 01.03.69. and Siliguri and Bagdogra w.e.f. 01.03.69.
- (iii) Consequent upon the withdrawal of the Field Service Concession in the above



*After* *Ansata*

contd...3

stations, some other concession, were sanctioned to the service personnel as provided in Appendix 'A' and for Defence civilians as in Appendix 'P' in the said letter dated 02.03.68.

The non monetary Field Service Concession in other stations were continued as provided in Annexure 'O' of the letter dated 25.01.64 for the Defence civilians."

As a result of the implementation of the Pay Commission recommendations there was further modification and the Field areas and Modified Field Areas were re-classified. By letter dated 13.1.94 it was indicated that the concessions to be admissible to Defence civilians serving in the newly defined Field areas was to be notified separately. The Government of India in January 1995 provided the sanction and modified the non-monetary concessions which was made effective from 2.4.1993. According to the communication dated 31.1.1995 the following concessions/allowances were extended to the Defence civilians.

• "Defence civilian employees serving in the newly defined Field Areas will continue to be extended the concessions enumerated in Annexure-C to the Govt. letter No.A/02584/AG/P83/(a)/97-S/D(Pay/Services) dated 25.1.64 Defence civilian employees serving in the newly defined Modified Field Areas will continue to be extended the concessions enumerated in Appendix 'B' to Govt. letter No.A/25761/AG/P83/(b)/146-S/2/D(Pay/Services) dated 02.03.68.

In addition to above, the defence civilian employees serving in the newly defined Field Areas and Modified Field Areas will be entitled to payment of Special Compensatory (Remote Locality) Allowance and other allowances as admissible to Defence civilians as per the existing instructions issued by this Ministry from time to time.

....."

The Government of India by communication dated 17.04.1995 made further modification/substitution in the following way :

"The Defence Civilian employees serving in the newly defined modified Field

Attached  
J.S. *[Signature]*

contd..4

Areas will continue to be entitled to Special Compensatory (Remote Locality) Allowance and other allowances as admissible to Defence civilians, as hitherto, under existing instructions issued by this Ministry from time to time. However, in respect of Defence civilian employees in the newly defined Field Areas, Special Compensatory (Remote Locality) Allowance and other allowances are not concurrently admissible alongwith Field Service concessions."

There was further modification by Government letter dated 12.9.95 deleting para 2 of the order dated 31.01.95 substituted the following.

"These orders will come into force w.e.f. the date of issue of this letter namely, w.e.f. 01.01.95. In otherwords no recovery will be made on account of concessions like free ration/free single accommodation etc. already availed of by Defence civilians as part of Field Service Concessions from 01.04.93 to 30.01.95. Similarly no payment on account of SDA/SCA/SCA(RL) will also be made from 01.04.93 to 10.01.95."



The proposal was finally examined by the respondents authority and decided that no monetary concessions/allowances could be granted to the Defence Civilians. It was also made clear that concessions for the Defence civilians working in the Field Areas and Modified Field Areas shall remain extended as provided in the order dated 31.01.1995 and 17.04.1995 with corrigendum dated 12.9.95. The applicants are in modified Field Areas and therefore they are not entitled for any non monetary Field Service Concession. We however, find that it will be harsh and oppressive to the applicants if such recoveries are made on the strength of the communication dated 9.2.99. The authority finally decided to recover the said amount only in February 1999 and therefore the aforesaid move shall be prospective only and before the move taken by the respondents for recovery

A. H. El  
J. S. Bawali

contd..5

175  
23  
the amount on account of free ration supplied with effect from 31.1.1995 vide order dated 9.2.99 is held to be unsustainable and same is accordingly set aside.

In the light of the above, the application stands disposed of. There shall, however, be no order as to costs.



Sd/ VICE CHAIRMAN

Sd/ MEMBER (Adm)

Certified to be true Copy  
कार्यालय प्रतिलिपि

Section Officer (J)  
C.A.T. GUWAHATI BANCH  
Guwahati-781005

28/4

Attn: J  
JL Answer G

24  
ANNEXURE - E

BY HAND  
505 ASC Battalion  
C/O 99 APO

1420404 WP KS ST-12(Civ)

12 Feb 2004

No-6403130 Pmt lab

Tapesvari Rai

Vill : Jalalpur

P.O : Jalalpur (Mohuidin Nagar)

P.S : Sahapur

Dist : Samastipur (Bihar)

UNAUTHORISED PAYMENT OF FIELD SERVICE  
CONCESSION TO DEF CIVILIANS

1. It is intimated that due to withdrawal of Field Service Concession by the Govt of India Min of Def vide letter No B/37269/AG/PS3(a)/730/D(Pay/Service) dt 17 Apr 1995 the payment of same wef 31 Jan 95 to 30 Sep 98 has become unauthorised and hence treated as excess payment.

2. On scrutiny of documents it has been seen that you are not covered by Central Administrative Tribunal Guwahati and hence it has been ordered by CDA Guwahati vide their letter No FA II 15 MFAI/ Vol-XXXII dated 02 Dec 2003 to effect recoveries against you (photo copy attached).

3. In view of the above you are warned that the recoveries will be effected from your future pay bill.

4. However, you are afforded a time of 30 days from the date of receipt of this letter to present your case if any to this office.

(Nipil Bahuguna)  
Lt Col  
Coy C  
For CO

Adjil Director of Sups & Tpt (ST-12 (Civ)) - for info please  
Quartermaster General Branch  
Army Headquarters  
DHQ PO, New Delhi - 110 011

HQ Eastern Command (ST) - for info please  
Kolkata - 71

HQ 5 Min Div (A)  
C/O 99 APO - for info wrt your letter No 3307 A1  
dt 19 Dec 2003.

CDA Guwahati  
Guwahati - 78  
1. Refer to your letter No FA III  
LS-Misc Vol-XIII dt 23 Oct 2003 and  
FA II 15 MFAI Vol-XXXII dt 02 Dec 2003.

2. You are requested to ascertain the amount to be recovered against the above labour since he is not covered by CAT.

Attn'd  
J.S. - 12/2

19  
25  
BY HAND  
505 ASC Battalion  
C/O 99 APO

420404 WP KS ST-12(Civ)

17 Mar 2004

No 63403/30 Pmtlab  
Tapeswari Rai  
505 ASC Bn  
C/O 99 APO

UNAUTHORISED PAYMENT OF FIELD SERVICE  
CONCESSION TO DEF CIVILIANS

1. Refer to your letter No Nil dated 11 Mar 2004.
2. Photocopy of CAT Order No CAT/GHT/UDL 1570 dated 27 Apr 2001 is enclosed herewith for your necessary action.
3. Please acknowledge receipt.

*Chh*  
(T. S. Daud)  
Major  
For Offg CO

Enccls : As above  
This is to inform you that the above order is in accordance with the instructions of the Comptroller and Auditor General of India dated 27th April 2001.

It is the responsibility of the Comptroller and Auditor General of India to ensure that the payment of field service concession to def. civilians is in accordance with the instructions of the Comptroller and Auditor General of India.

*Attest  
J. S. Daud*

31 AUG 2004 29

मात्र २००४ १३ ११

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH::GUWAHATI

-20-

26 Union of India - Respondent  
through:  
Army Human Resources  
Addl. C

31/8/04

In the matter of :-

O.A. No.104 of 2004

Tapeswari Rai ... Applicant

-Versus-

Union of India & Ors.

.... Respondent

WRITTEN STATEMENT FOR AND ON BEHALF OF  
RESPONDENTS NOS. 1 and 2.

I, Lt Col K. Bahuguna, Second-in-Command, 505 ASC Battalion, C/O 99 APO, do hereby solemnly affirm and say as follows :-

1. That I am the Second-in-Command, 505 ASC Battalion, C/O 99 APO and as such fully acquainted with the facts and circumstances of the case. I have gone through a copy of the application and have understood the contents thereof. Save and except whatever is specifically admitted in this written statement the other contentions and statement may be deemed to have been denied. I am authorised to file the written statement on behalf of all the respondents.
2. That with regard to the statements made in paragraph 1 of the application, the respondents beg to state that the letter No.420404/WP/KS/ST-12(Civ) dated 12th Feb/2004 was issued to the applicant on instruction received from CDA Guwahati vide their letter No.FA/II/15/MFAI/Vol-XXXII dated 02nd Dec 2003 and HQ 5 Mountain Division vide their letter No.3307/A1, dtd.19th Dec, 2003 ( ANNEXURE-I ).
3. That the respondents have no comments to the statements made in paragraph 2 and 3 of the application.
4. That with regard to the statements made in paragraph 4.1 of the application, the respondents beg to state that the applicant is employed with 505 ASC Battalion in capacity of industrial labour. His pay scale is Rs.2610-60-3150-65-3540. ( ANNEXURE-II ).

5. That with regard to the statements made in paragraph 4.2 of the application, the respondents beg to state that the individuals serving in field area are only authorized concession as per Ministry of Defence letter No.A/02584/AG/PS-3(a)/97-S/D (Pay/Services), dated 25th Jan 1964 where as the applicant is serving in a modified field area where these concessions are not applicable vide Ministry of Defence letter No.37269/AG/PS-3(a)/90/D(Pay/Services) dtd.13th Jan 1994 ("Annexure-III) and appendix 'B' to Ministry of Defence letter No.A/25761/AG/PS.-3(b)/146-5/2/D(Pay & services) dated 02nd March 1968 (ANNEXURE-IV)-

6. That with regard to the statements made in paragraph 4.3 of the application, the respondents beg to state that the area where the applicant is serving has been classified as modified field area vide Ministry of Defence letter No.37269/AG/PS-3(a)/90/D(Pay/Services) dtd.13th Jan 1994. Subsequently CDA Guwahati vide their letter No.FA/II/15/MFAI/Vol-XXXII dated 02 Dec 2003 and HQ 5 Mountain Division vide their letter No.3307/A1 dtd. 19th Dec 2003 instructed this unit to effect recoveries against the individuals who were not covered by the Hon'ble Tribunal order dated 04 April 2001. On a scrutiny of our documents it was found that the applicant was not included in the initial Order passed by the Hon'ble Tribunal, Guwahati. It only included Shri Kishori Rai and thirteen others. The fact was also confirmed by the applicant to which he had answered in affirmative that he was not party in Shri Kishori Rai and thirteen others.

The statement that the applicant at the instance of issuance of letter No.106/4/PC/Q dated 09 Feb 1999 was working in high altitude area near international border of China is incorrect. His pay bill for the month of Mar 1999 is attached as Annexure-V as proof of his presence with Battalion Head - quarters at Dahung.

At the time of issue of Station Headquarters, Tenga letter No.106/4/PC/Q dtd.09 February 1999 for recovery and stoppage of field service concession, the applicant was very much present with Battalion Headquarters and he was not on a special assignment at international border near China at a high altitude.

7. That with regard to the statements made in paragraph 4.4 , 4.5 and 5 of the application, the respondents beg to state that letter No.420404/WP/KS/ST-12 (Civ) dtd. 12 Feb,2004 was issued to the applicant on instruction received from CDA Guwahati vide their letter No.FA/II/15/MFAI/Vol-XXXII dated 02 Dec 2003 and HQ 5 Mountain Division vide their letter No.3307/A1 dated 19th Dec 2003 (Annexure-I) since the applicant was not a party to

✓ 22 ✓

O.A. 74/1999 which states Shri Kishori Rai and thirteen others. On interviewing the applicant and Shri Kishori Rai, it was confirmed that the applicant was not a party to O.A. 74/1999.

8. That the respondents have no comments to the statements made in paragraph 6 and 7 of the application.

9. That with regard to the statements made in paragraph 8 of the application, the respondents beg to state that the applicant was serving in high altitude area, near international border of China. Applicant did not deem fit to be party to O.A. 74/1999. Action for recoveries was instituted vide CDA Guwahati letter No.FA/II/15/MFAI/Vol-XXXII dtd.2nd Dec 2003.

10. That with regard to the statements made in paragraph 9 of the application, the respondents beg to state that action for recoveries has been instituted as per order of Headquarters 5 Mountain Division letter No.3307/A1 dtd.19 Dec 2003 and CDA Guwahati letter No.FA/II/15/MFAI/Vol-XXXII dtd.02 Dec 2003 hence the stay order should be vacated.

11. That the applicant is not entitled to any relief sought for in the application and the same is liable to be dismissed with costs.

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

I, Lt Col. K. Bahuguna, presently working as Second-in-Command, 505 ASC Battalion, C/O 99 APC, being duly authorised and competent to sign this verification do hereby solemnly affirm and state that the statements made in paragraphs of the application are true to my knowledge and belief, those made in paragraphs being matter of record are true to my information derived there from and those made in the rest are humble submission before the Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 8<sup>th</sup> day  
of June 2004

  
(K. Bahuguna)  
Lt Col  
Deponent

-23-

3307/AJ

→ 303 ASC Bn  
5 Min DOU  
181 MH  
859 Engr Wks Section  
481 Log ASC (Sup)  
236 Trpcat Camp

UQ 5 Min Div  
X/0 99 APO

19 Dec 03

UNAUTHORISED PAYMENT OF ED SERVICE CONCESSION  
(REFUGEE)

1. Re: CIIA Circular letter No. IAI/15/MRA/IV/1 XXXII dt 02 Dec 03 (photocopy att).

2. You are requested to take necessary action to effect recovery from those individuals who are not covered by CAT order of stay on the exries.

Sd/- XXX  
(S. Nidhar)  
Lt Col.  
Offg AAG  
For Col Adm

Expt On

सौ. ज्ञानराम  
संयु. नियंत्रक  
JOINT CONTROLLER



E mail : cda-guw@hub.nic.in  
Tele : 0361 - 2642367 (O)  
0361 - 2642352 (R)  
Fax : 0361 - 2640204 (F)

रक्षा लेखा नियंत्रक  
उदयन विहार, नारंगी, गुवाहाटी - 781171  
CONTROLLER OF DEFENCE ACCOUNTS  
UDAYAN VIHAR, NARANGI  
GUWAHATI - 781171

26/12/03

NO.FA/III/15/MFAI/vol-XXXII  
Dt. 2/12/03.

This is regarding regularisation of overpaid amount of Field service concession by GE 859 EWS and other units of Tenga Garrison. In this connection your attention is invited to MFAI conference held on 11/04/03 at HQrs EC Kolkata wherein it was decided that your HQrs will take following course of action for early finalisation of the issue.

a) The CoI which was already underway to be finalised expeditiously. In this connection kindly refer to this office letter no.FA/III/MISC/vol-XIII dt. 23/10/03 addressed to the HQs 505 ASC BN and copy endorsed to you.

b) An appeal was to be made to the High Court to contest the stay imposed by CAT on recoveries to be made from the employees who were overpaid.

c) To effect recoveries from those individuals who are not covered by CAT order of stay on recoveries.

I, would be grateful, if the above MFAI item is examined very carefully and confirm whether the directives issued by the HQrs EC Kolkata has been complied with and if so full details thereof may kindly be intimated for our further necessary action please.

With warm regards,  
Maj Gen. Deepak Kapoor, VSM  
HQrs 4 Corps  
c/o 99 APO

Yours

Sincerely  
R. Mohankumar  
2/12

THE ASSURED CAREER PROGRESSION SCHEME FOR THE CENTRAL GOVT EMPLOYEES PAY FIXATION PROFORMA FR 22 (I) & (II)

28/

01. I, No Rank and Name : 6403130 Pmt/Lab  
Shri Tapasheri Rai

02. Date of appointment : 31 Dec 1978

03. Date of completion of 12 yrs service : 30 Dec 1990

04. Date of completion of 24 yrs service : -

05. Date of promotion, if promoted with in 12 Yrs service : -

06. Date of promotion, if promoted with in 24 Yrs Service : -

07. Present scale of pay : 2550-55-2660-60-3200

08. Present pay as on 09-08-99 : 3200/-

09. Scale of pay (First Upgradation) : 2610-60-3150-65-3540

10. Present pay after granting first Upgradation : 3345/-

11. Scale of pay (Second Upgradation) : -

12. Pay after granting second upgradation : -

13. Date of next increment : 01 Aug 2000

14. Ante dated : -

15. Daily Order Part II No & date : -

16. Certified that all promotion forms as per the scheme (Condition No.6) have been fulfilled for upgradation under the scheme  
Pay fixed at Rs. 3345/- W.e.f. 9-8-99  
On the Staff of PAY Bldg/056053/053-65-3540  
Under D.Y. 18-2000 07/08/2000  
60/5

17. Recommendation of the Officer

RECOMMENDED/NOT RECOMMENDED

Station : C/o 99 APO

Dated : 2 Feb 2001

Major/Lt Col  
Personnel Officer (Offr for  
Commandant) OC  
HQ 'C' Coy (Sup)  
905 ASC BN

REMARKS OF THE AUDIT AUTHORITIES

(A.I. No.)

D. K. GHOSH, ALAO,  
682 COY ASC (A) TYPE 'A'  
C/O 99 APO

*ab*RESTRICTED

No.37269/AC/PS 3(a)/90/D(Pay/Services)  
 Government of India  
 Ministry of Defence  
 New Delhi-110 011

Dated the 13th January 1994

To

The Chief of the Army Staff

Sub : Field Service Concessions to Army Personnel -  
 Implementation of the recommendation of the 4th Central  
 Pay Commission.

Sir,

I am directed to say that the 4th Central Pay Commission in Para 26.96 of their Report, had recommended that the existing classification of areas for the grant of Field Service Concessions and the concessions admissible in Field Areas to Armed Forces personnel should be reviewed by the Government. The structure of Field Service Concessions has since been reviewed. I am directed to convey the sanction of the President to implementation of the following decisions taken in this regardd in so far as the officers and personnel below officer rank of Army (including Army Postal Service) are concerned.

2.1 Classification of Areas : At present, Field Areas are classified into three types, namely, Full Field, Modified Field and Improved Modified Field Areas. The areas in which Field Service Concessions are admissible have been re-defined. Hereafter, Field Areas will be classified as Field Areas and Modified Field Areas only.

2.2 Pre-requisites for classifying an area as Field Area and Modified Field Area will be as follows :-

Field Area : Field Area is an area where troops are deployed near the borders for operational requirements and where imminence of hostilities and associated risk to life exists. Troops in such areas are located for reasons of operational considerations alone and are not living in Cantonments.

Modified Field Area : Modified Field Area is an area where troops are deployed in support of Combat echelons/troops in an operational support role. Degree of operational readiness is slightly lower than that in Field Area, though sustained surveillance continues.

2.3 The details of newly defined Field Areas and Modified Field Areas are contained in Appendices A & B, respectively.

27

3

RESTRICTED

: 2 :

the Field/Modified Field Areas will be India from time to time.

d Areas and Modified Field Areas will be The review process will commence one year in advance of the review cycle.

3.1 Concessions :-

Areas and Modified Field Areas will be eligible to the grant of Compensatory Field Area Allowance and Compensatory Modified Area Allowance, respectively.

3.2 The rates of the allowances are given below :-

SI No.	Rank	Rate of Compensatory Field Area Allowance In Rs. pm	Rate of Compensatory Modified Field Area Allowance In Rs. pm
1.	Lt Col & above	975	375
2.	Lt Col (TS) & Major	895	350
3.	Captain	820	325
4.	2 Lt/Lt	780	300
5.	JCOs including Hon'ble Commissioned Officers	650	225
6.	Havildar	450	175
7.	Sep/NK including erstwhile NC(E)	375	150

3.3.1 The conditions governing the grant of Compensatory Field Area Allowance and Modified Field Area Allowance in the case of officers will be as follows :-

Admissibility of Compensatory Field Area Allowance and Modified Field Area Allowance will commence from the date on which an officer arrives in Field Area/Modified Field Area on being posted to a Unit/Formation Field Area subject to the following exceptions

Exceptions : An officer who is absent from a Field Area/Modified Field Area in any one or more of the following circumstances shall be eligible for Compensatory Field Area Allowance/Compensatory Modified Field Area allowance :

RESTRICTED

: 3 :

3.3.1 (i) For a maximum period of 15 days :-

(a) When placed on the sick list provided that immediately on the expiry of the period on the sick list, he returns to an area at which the allowance is admissible;

(b) When on Casual Leave;

(c) While on transit from one Field Area/Modified Field Area to another;

(ii) For a maximum period of 3 months :- While on temporary duty subject to the fulfilment of the following conditions :-

(a) The officer continues to be borne on the strength of the Unit/Formation in the Field Area/Modified Field Area;

(b) The officer in the ordinary course returns to duty to a Field Area/Modified Field Area (not necessarily the one from which he went) on termination of the temporary duty;

(c) The period of absence is spent wholly on duty.

NOTE : Compensatory Field Area Allowance/Compensatory Modified Field Area Allowance will not be admissible to officers holding posts elsewhere who proceed on temporary duty to a Field Area/Modified Field Area.

3.3.2 Compensatory Field Area Allowance/Compensatory Modified Field Area Allowance will not be admissible in the following circumstances :-

(i) When an officer is absent from the Field Area/Modified Field Area on Annual Leave or Sick Leave or any other leave except Casual Leave;

(ii) When an officer from a Peace Area is especially appointed to officiate in a vacancy of less than 3 months duration. If the permanent incumbent continues to draw the Compensatory Field Area Allowance/Compensatory Modified Field Area Allowance under the exceptions mentioned above.

NOTE : Compensatory Field Area Allowance/Compensatory Modified Field Area Allowance will not be admissible in addition to Expatriation Allowance, Foreign Allowance, Compensatory Daily Allowance for serving ex-India.

3.4 The conditions for the drawal of Compensatory Field Area Allowance and Modified Field Area Allowance in the case of JCO/OR including NC(E) will be the same as given in Para 5 of Annexure A to this Ministry's letter No. A/02584/AG/PS 3(a)/97-S/D(Pay/Services) dated 25-1-64, as amended.

29  
35

RESTRICTED

: 4 :

4.1 Admissibility : These rates of allowances will be admissible to :-  
(a) Personnel serving in Detachments, Units and Formations in areas mentioned in Appendices A & B.

(b) Personnel of Defence Security Corps employed with Units whose personnel are eligible for the grant of these concessions.

4.2 Lists of Formation/Units which are in Field Area or Modified Field Area and are eligible to Field Service Concessions will be notified by the Corps Commander to PAOs concerned quarterly i.e. for the quarters ending May, August, November and February every year by the 10th of the month subsequent to the close of the quarter.

4.3 Other Concessions : Other concessions in kind at present admissible in Full Field Areas as per details given in Annexure A to the Ministry's letter No. A/02584/AG/PS 3(a)/97-S/D(Pay/Services) dated 25.1.64, as amended, will continue to be admissible in the newly defined Field Areas as given in Appendix A to this letter. Similarly, the concessions admissible in Modified Field Areas as per details given in Appendix A to this Ministry's letter No. A/25761/AG/PS 3(b)/14/S/2/D(Pay/Services) dated 23.6.68, as amended, will be admissible in the Modified Field Areas as per Appendix B of this letter.

5. These allowances will, however, not be admissible to :-

- (a) Static Formations/Units e.g. Military Farms, MES, Recruiting Office, Training Centres & Establishments.
- (b) NCC Directorates and Units.
- (c) TA Units unless embodied.
- (d) Record Offices and similar Establishments.

5.1 High Altitude/Uncongenial Climate Allowance

Personnel serving in Field Areas which are situated at a height of 9000 ft. and above including uncongenial climate areas below height of 9000 ft., will be entitled to High Altitude/Uncongenial Climate Allowance. A lower rate would be applicable for areas with an altitude of 9000 ft. to 15000 ft and a higher rate for areas above 15,000 ft. (excluding Siachen). The details of these areas are given in Appendix C. The rates of High Altitude/Uncongenial Climate Allowance are given as under :-

SI. No.	Rank	Cat-I (Heights from 9000 ft to 15000 ft including uncongenial climate areas below Heights of 9000 ft.)
---------	------	--------------------------------------------------------------------------------------------------------

Cat-II (Heights above 15000 ft excluding Siachen)

RESTRICTED

: 5 :

	In Rs. pm	In Rs. pm
1. Lt Col & above	400	600
2. Major & Lt Col (T&S)	350	525
3. Captain	250	375
4. 2 Lt/Lt	200	300
5. JCOs including Hon'y Commissioned Officers	180	270
6. Havilder	140	210
7. Sepoy/Naik including erstwhile NC(E)	100	150

5.2 High Altitude/Uncongenial Climate Allowance will be admissible in addition to the Compensatory Field Area Allowance and other concessions in kind.

5.3 The other conditions governing the grant of High Altitude/Uncongenial Climate Allowance as given in this Ministry's letter No. F.69/3/75/D(Pay/Services) dated 28.2.76, as amended, will continue to be applicable.

6.1 Slachen Allowance : Personnel serving in Slachen Glacial area will be eligible to the grant of Slachen Allowance at the following enhanced rates :-

(a) Officers	Rs. 1200 pm
(b) JCOs/ ORs	Rs. 800 pm

6.2 Slachen Allowances will be admissible in addition to Compensatory Field Area Allowances but not with High Altitude/Uncongenial Climate Allowance. Other conditions governing grant of Slachen Allowance as contained in this Ministry's letter No. 1(2)/91/D(Pay/Services) dated 01 May 91 will continue to be applicable.

7.1 Consequential Effects : Officers/JCOs/ ORs who have been allowed to retain family accommodation at the last duty station as on the date of issue of these orders and who on issue of these orders will cease to be entitled to retain such accommodation may continue to retain the accommodation till such time as married accommodation at the present duty station is made available. Alternatively, their families may be allowed to move to a selected place of residence/home at Government expense, if they so choose, in accordance with existing instructions.

7.2 Personnel of Formations/Units, who will not be eligible to the grant of Field Service Concessions, consequent upon the Formation/Unit being outside the newly defined concessional areas will be governed by normal conditions applicable in peace areas for all purposes.

3V

RESTRICTED

: 6 :

8. Concessions on Attachment :

(a) Individuals/Attachments from Formations/Units not covered by these orders but who are attached for operational purposes to Formations or Units drawing the Field Service Concessions will, if the attachment is for less than two weeks, be entitled to the concessions at present admissible under Para 6 of Annexure A to this Ministry's letter No. A/02584/AC/PS. 3(a)/97-S/D(Pay/Services) dated 25.1.64 as amended.

(b) If the attachment is for two weeks or more, the allowance i.e. Compensatory Field Area Allowance/Compensatory Modified Field Area Allowance under these orders as also the concessions as applicable as per orders referred to in Para 8(a) above be admissible.

(c) No cash TA/DA will be admissible in either case.

9.1 Date of Effect : These orders will come into force with effect from 1st April, 1993.

9.2 Consequent upon the coming into force of the revised orders, the following monetary allowances will stand withdrawn from 1.4.1993 except in cases referred to in Para 11.2 below :-

(a) Special adhoc allowance of Rs.70/- pm admissible for Officers.

(b) Separation Allowance of Rs.140/- pm admissible for Officers.

(c) Special Compensatory (Field) Allowance ranging from Rs.53 to Rs.23 pm admissible for JCOs/ ORs including NC(E).

10. Special Compensatory (Remote Locality) Allowance : This allowance which is at present admissible in Modified Field Areas/Peace Areas in the civilian pattern will also stand withdrawn but w.e.f. 1st Feb 1994.

11.1 Adjustments : The allowances mentioned in Para 9.2 above drawn by the individuals concerned after 1st April, 1993 will be adjusted again the Compensatory Field Area Allowance and Compensatory Modified Field Area Allowance, if admissible, under these orders.

11.2 Where, however, an individual has become disentitled to a monetary allowance consequent upon change in the classification of area no recovery will be made of the monetary allowance already availed by an individual under <sup>the</sup> existing orders upto the date of issue of this letter.

12. The existing orders on the subject of Field Service Concessions will stand modified to the extent indicated above.

32

RESTRICTED

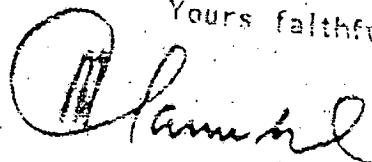
: 7 :

3. The concessions to be admissible to the newly defined Field Areas will be notified separately.

4. Suitable administrative instructions orders will be issued by the Army HQs.

5. This issues with the concurrence of Finance Division of this Ministry vide their U.O. NO. 5(1)/85-AG(8-PA) dated 12.1.1994, for implementation of these in consultation with CGDA.

Yours faithfully,



(B.A. Khan)  
Under Secy to the Govt of India

Distribution as per the attached list

33-

## Distribution list

Copy to:-

1. CGDA, New Delhi.
2. DGADS, New Delhi.
3. DADS, SC, Pune.
4. DADS, AF, Dehradun.
5. DADS, EC, Patna.
6. DADS, WC, Chandigarh.
7. DADS, CC, Meerut.
8. DADS, Navy, Bombay.
9. CDA(Officers), Pune.
10. CDA(AF), Dehradun.
11. CDA(Navy), Bombay.
12. CDA(Pensions), Allahabad.
13. CDA(Fys), Calcutta.
14. CDA(ORs), South, Bangalore.
15. CDA(ORs), North, Meerut.
16. CDA(CC), Meerut.
17. CDA(SC), Pune.
18. CDA(WC), Chandigarh.
19. CDA(NC), Jammu and Jullundhar.
20. CDA(EC), Patna.
21. Dy. CDA(AF), New Delhi.
22. Director of Audit and Accounts(Postal),  
APS Section, Nagpur.
23. Director of Audit, P&T, Nagpur.
24. CDA, Lucknow and Madras.
25. AG/PS-3(a) - 200 copies
26. DCOAS/SD-1 - 17 copies
27. E-in-C's Br/E-1A - 15 copies
28. QMG's Branch/O-1A - 7 copies
29. MGO's Branch/QS-8 - 8 copies

Copy signed in ink to:-

1. CDA(O), Pune.
2. CDA(AF), Dehradun.
3. CDA(Pensions), Allahabad.
4. CDA(ORs), South, Bangalore.
5. CDA(ORs), North, Jullundhar.
6. CDA(SC), Pune.
7. CDA(CC), Meerut.
8. CDA(WC), Chandigarh.
9. CDA(NC), Jammu and Jullundhar.
10. CDA(Fys), Calcutta.
11. CDA(EC), Patna.
12. Dy. CDA(AF), New Delhi.
13. Director of Audit  
and Accounts(Postal),  
APS Section, Nagpur.
14. CDA(Navy), Bombay.
15. CDA(ORs), Central, Nagpur.

34

RESTRICTED

Appendix A to Govt of India  
 Ministry of Defence letter No 37269/  
 AG/FS 5(a)/90/D(Pay/Services)  
 dated 13 Jan 94  
 (Refers to Para 2.3)

LIST OF FIELD AREAS1. EASTERN COMMAND(a) Arunachal Pradesh

- (i) Tirap and Changlang Districts.
- (ii) All areas North of line joining point 4448 in LZ 4179-Nukme Dong MS 3272-Sepla MT 2969-Palin MO 9213-Daporijo NR 5841-Along NL 1273-Hunli NM 3196-Tidding Tuwi MT 6369-Hayuliang NN 0170-Tawaken MT 8136-Champai-Bun NM 8814 all inclusive.

## (b) Manipur and Nagaland States.

(c) Sikkim. All areas North and NE of line joining Phalut LV 4750-Gezing LV 7059-Mangkha LV 6160-Peniang La LW 0666-Rangli LW 1448-BP 1 in LW 2453 on Indo-Bhutan Border - all inclusive.

## 2.

WESTERN COMMAND

Himachal Pradesh - All areas East of line joining Umasila NV 3951 Udaipur NY 8663 - Mani Karan SB 2300 - Pir Parbati Pass TA 1459-Taranda TA 2335-Barasua-Pass TA 6801 all inclusive.

## 3.

CENTRAL COMMAND

Uttar Pradesh - All area North and NE of line joining Barasua Pass Gangnani TG 1362-Govind Ghat TG 0937-Tapovan TH 1822-Munsiari TN 8982-Relagad TO 2466 all inclusive.

RESTRICTED

41  
35  
RESTRICTED

Appendix A continued

4. NORTHERN COMMAND

(a) Ladakh Sector. Areas North and East of line joining Zojila MU 3036 - Baralachala NE 6672 along the Great Himalayan Range all inclusive.

(b) Valley Sector. All areas West of line joining Point 1556 in NR 5470 - Gulmarg SMT 3105 - Naushara MY 3105 - Ringapat MT 2133 - Handwara MT 2043 - Laingyal MT 2339 - Point 8405 in NG 4565 - North of line joining point 8403 - Bunakut MT 5453 - Razan NNU 2239 to Zojila all inclusive.

(c) Jammu-Rajouri Sector. All areas West of line joining Tip of Chicken Neck RD 7073 - Canal Junction RD 6364 - Mawa Brahmanar RD 6193 - Chauki RD 6393 - Road junction RD 6499 - Baramgala MY 3854 - Point 1556 in NR 5470 all inclusive.

RESTRICTED

RESTRICTED

Appendix B to Govt of India  
 Ministry of Defence letter No 37269/  
 AG/PS 3(a)/90/D(Pay/Services)  
 dated 13 Jan 94  
 (Refers to Para 2.3)

LIST OF MODIFIED FIELD AREASSOUTHERN AND WESTERN COMMAND

- (a) Rajasthan and Punjab. Areas West of line joining Jessai, Barmer, Jaisalmer, Pokharen, Udasar, Mahajan Ranges, Suratgarh, Lalgarh Jattan, Abohar, Govindgarh, Fazilka, Jandiala Guru, Moga, Dholewali, Beas, Bir Sarangwal, Hussainiwala, Dera Baba Nanak, Laisain Bulge upto the International Border all inclusive.
- (b) Haryana. Satrod (Hissar)
- (c) Himachal Pradesh. Areas North of line joining Narkhanda, Keylong upto Field Area line/High Altitude line.

EASTERN COMMAND

- (a) Assam and Arunachal Pradesh
  - (i) Cachar and North Cachar Distts of Assam including Silchar.
  - (ii) All areas of Arunachal Pradesh and Assam North of River Brahmaputra less Tejpur, Misamari and Field Areas.
- (b) State of Mizoram and Tripura.
- (c) Sikkim and West Bengal. Areas Northwards of line joining Sevoke LV 9112 - Burdong LV 9850 - Sherwani LV 9453 - Bagrakot LW 0113 - Damdim LW 1109 - New Mal - Hasimara - QB 7894 Ganga Ram Tea Estate QA 1377 upto the High Altitude line/Field Area line/International Border all inclusive.

48  
37  
  
**RESTRICTED**

**Appendix B continued**

**CENTRAL COMMAND**

Areas North of line joining Uttarkashi, Karan Prayag, Gauchar, Joshimath, Chamoli, Rudra Prayag, Askote, Charmagad, Dharchula, Kasauli and Narendra Nagar upto International Border all inclusive.

**NORTHERN COMMAND**

(a) Valley Sector. Areas West of line joining Pattan, Baramulla, Kupwara, Drungmula, Panges, Mankes, Buniyar, Pantha Chowk, Khanabal, Anantnag, Khundru and Khru upto the existing High Altitude line all inclusive.

(b) Jammu Region. Areas West of line joining - BP 19, Brahmana-di-Bari, Jindral, Dhansal, Katra, Sanjhi Chatt, Batote, Patni Top, Ramban and Banihal upto the existing High Altitude line all inclusive.

**RESTRICTED**

-38-

RESTRICTED

Appendix C to Govt of India  
 Ministry of Defence letter No 37269/  
 AG/PS 3(a)/90/D(Pay/Services) dt 15 Jan 90  
 (Refers to Para 5.1)

LIST OF HIGH ALTITUDE (UNCONGENIAL CLIMATE) AREA

1. JAMMU AND KASHMIR - Area along the following line and beyond :-

Cease Fire Line nullah crossing NN 2180 SOUTH along nullah to NALA Junc NN 1969 SOUTH along nullah to NICHINAI BAR NN 2048 - SOUTH EAST along nala to SOWAHARG NN 3443 ZOJILA NN 5141 SOUTH EAST along KASHMIR/LADAKH boundary passing through heights 17573 (NN 73) 19590 (NN 72) 19830 (NN 91) 17672 (NN 80) FARIABAD (No. 10) SOUTH EAST along boundary to GR NT 2490 SOUTH along boundary to point 21570 (NT 2466) again along boundary to GR NT 2758 EAST AND NORTH EAST along boundary to GR NT 4269 SOUTH EAST along boundary to HAGSHULA (NT 5662) SOUTH EAST along boundary to UMASILA (NT 6850) SOUTH and SOUTH EAST along boundary to KANGLA JOT (NT 9420) KAZALWAN GUREZ REGION, RING PAIN AND RING BALA REGION, TITHWAL AND TANGDHAR REGION AND DODA.

2. HIMACHAL PRADESH - Area along the following line and beyond :-

Along foot path and then nullah to Point 12380 (NZ 0891) along MIXAR nullah to its junction with CHENAB at (NY 8663) SOUTH EAST along R CHENAB KHOKEAR (NZ 43)

RESTRICTED

- 39 -

45

SECRET

APPENDIX II to Ministry of  
Defence letter No A/252617  
AG/FE3(b)/116-5/2/D (Pay/Services)  
dt the 2nd Mar 1968

CONCESSION ADMISSIBLE TO CIVILIANS PERTAINING DEFENCE SERVICES  
NOTWITHSTANDING CIVILIAN EMPLOYED IN OR COMBATANT AND DUE  
TO REPORTS AND FACILITY REQUIRED

- (a) 100/- remittance of family allowances.
- (b) 2.00/- to 1.00/- rupees letter per individual per week.
- (c) Remittance within India limits of money orders and Indian postal orders free of commission up to the maximum value of Rs 30/- per month per individual.
- (d) Provision of family accommodation allotted by Govt at the old duty station on payment of normal rent. If the accommodation is retained to be allotted to another entitled personnel for continuation of service, the family may be shifted to alternative accommodation whether appropriate or inferior to the status of the individual concerned.

Notes :- 1. Dearness allowances will continue to be admissible in full.

2. The concession in ( ) shown is applicable only in respect of accommodation held by the Min of Defense separate orders will follow in respect of whom belongs to the Min of Defense.

SECRET

1/ COPY 1/ *attested*

Capt/Major  
OC  
HQ 'C' Coy (Sup)  
SOS ASC BN



