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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. OA 116/2004

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SECTION OFFICER (Judl.)

Shahid
29.11.17

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

ORDER SHEET

Org. App./Misc Petn/Cont. Petn/Rev. Appl. 116/04.....
In O.A.
Name of the Applicant(s) .. Ashok. Mr. Patree J. ors. (3)..
Name of the Respondent(s) ... H.O.P. J. ors.
Advocate for the Applicant M. Chanda, G.N. Chakrabarty, S. Nath
Counsel for the Railway/CGSC.

OFFICE NOTE

DATE

ORDER OF THE TRIBUNAL

18.5.2004 present: The Hon'ble Shri Mukesh Kumar Gupta, Member (J).

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

Heard Mr. M. Chanda, learned counsel for the applicant.

Admit. Issue notice to the respondents to file reply.

List on 16.6.2004 for order.

Member (A)

Member (J)

bb

16.6.04

Present : The Hon'ble Mrs Bharati Ray, Judicial Member.
The Hon'ble Sri K.V. Prahladan Administrative Member.

Mr A. Deb Roy, learned Sr. C.G.S.C for the respondents prays for three weeks time to file written statement. Prayer allowed. Rejoinder if any be filed one week thereafter.

List before the next Division Bench for hearing.

Member (A)

Member (J)

pg

Notice & order sent to D/Section for issuing to respondent nos 1 to 3 by regd. with A/D post.

20/5/04.

Memo No- No-

Received notices by D.D.O, C.O.W.B, NER, CHY-It. 28/5/04, at file "C".

✓
Notice return
from respondent
No. 1, for incom-
plete address.

Case
9/6/04.

25.8.04. Present: Hon'ble Mr.D.C.Verma,
Vice-Chairman.
Hon'ble Mr.K.V.Prahladan, Admini-
strative Member.

Heard learned counsel for
the parties.

This application involves
common question of law and facts
and it would be heard together.
The learned counsel for ~~the~~ both
sides prays that this case may
be fixed before the next availa-
ble Division Bench.

Notices were sent to
the Respondents. But they have
not filed written statement. The
same may be filed before the
next available Division Bench.

Let this case be listed
before the next available Divi-
sion Bench as prayed for.

lm

lm

[Signature]
Member

[Signature]
Vice-Chairman

29.3.05.

Post the meter for hearing on
26.4.05.

[Signature]
Vice-Chairman

lm

17.5.2005

At the request of Ms. U. Das,
learned Addl. C.G.S.C. for the
respondents the case is adjourned
to 14.6.2005.

[Signature]
Member

[Signature]
Vice-Chairman

mb

28-3-05
no w/s has been
filed.

25-4-05
no w/s has been
filed.

16-5-05
no w/s has been
filed.

10.6.05
w/s submitted
by the Respondents.

① Wks has been filed

229
20.6.05

19.7.05
Rejoinder filed
by the Applicant.

The case is ready
for hearing.

30
26.7.05

25.8.05

C.C. of the party
has been called by the
advocate for the party
today.

Received
Usha Das
addl. Secy
25/8/05

Office Notes	Date	Order of the Tribunal
	14.6.05	Mr M.Chanda, learned counsel for the applicant wants some more time. Post on 21.6.05 for hearing. <div> <div>Member</div> <div>Vice-Chairman</div> </div>
	pg	
	21.06.2005	Post on 19.7.2005. No further adjournment under any circumstances. <div> <div>Member</div> <div>Vice-Chairman</div> </div>
	bb	
	19.7.2005	At the request of learned counsel for the parties the case is adjourned to 27.7.2005 as first item. <div> <div>Member</div> <div>Vice-Chairman</div> </div>
	mb	
	27.7.2005	Heard Mr. M. Chanda, learned counsel for the applicant and Ms. U. Das, learned C.G.S.C. for the Respondents. Hearing concluded. Orders reserved. <div> <div>Member</div> <div>Vice-Chairman</div> </div>
	mb	
	12.8.2005	Judgment delivered in open Court, kept in separate sheets. The application is disposed of in terms of the orders passed in separate sheets. <div> <div>Member</div> <div>Vice-Chairman</div> </div>

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A.No.116 of 2004

DATE OF DECISION : 12-08-2005.

Shri Ashok Kumar Patra & 3 others

APPLICANT(S)

Mr M. Chanda, Mr G.N. Chakraborty
and Mr S. Nath.

ADVOCATE(S) FOR
THE APPLICANT(S)

- VERSUS -

Union of India & Ors.

RESPONDENT(S)

Ms U. Das, Addl. C.G.S.C.

ADVOCATE(S) FOR THE
RESPONDENT(S)

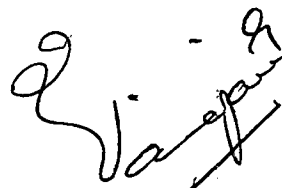
THE HON'BLE MR JUSTICE G. SIVARAJAN, VICE CHAIRMAN

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

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

Judgment delivered by Hon'ble Vice-Chairman.

.....

no


CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.116 of 2004

Date of Order: This the 12th ^{Day} of August 2005.

The Hon'ble Justice Shri G. Sivarajan, Vice-Chairman.

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

1. Shri Ashok Kumar Patra
Asstt. Hydrogeologist (Group-B Cadre),
C/o R.K. Silvaliya, Teacher,
N/O Chiman Sao Kawade,
Bhatera Chowki-Baleghat (M.P.)
Pin- 481001.
2. Dr Nabendu Majumdar
S/o Sri Nirmal Majumdar,
Asstt. Hydrogeologist (Group-B Cadre),
Ramkrishna Pally, Rahara,
Dist.- North 24 Parganas,
Kolkata-700118 (W.B.).
3. Shri Ratikanta Nayak
S/o Shri Ramakanta Nayak,
Junior Hydrogeologist (Group-A Cadre),
Bida Para, Sayed Pur,
Dist.- Jaipur (Orissa),
Pin- 755027.
4. Shri Sanjib Chakraborty
S/o Late Kalipada Chakraborty,
Asstt. Hydrogeologist (Group-B Cadre),
DN-4, Coke Oven Colony,
P.O.- Durgapur, Dist.- Burdwan (W.B.),
Pin- 731202.

.....Applicants

By Advocates Mr M. Chanda, Mr G.N. Chakraborty and Mr S. Nath.

- versus -

1. The Union of India, represented by the
Secretary to the Government of India,
Ministry of Water Resources,
New Delhi.
2. The Director (Admn.),
Central Ground Water Board,
H.IV, Faridabad.

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

.....Respondents

By Advocate Ms U. Das, Addl. C.G.S.C.

.....

ORDER

SIVARAJAN. I. (V.C.)

The applicants, four in number, are Group 'A' and 'B' cadre employees under the respondent Nos.2 and 3. They have filed this O.A. seeking to set aside and quash the order dated 29.4.2004 (Annexure-VII series) rejecting the claim of the applicants for payment of Special (Duty) Allowance (SDA for short) in terms of O.M.s dated 14.12.1983 and 1.12.1988 and also in terms of O.M. dated 22.7.1998. They also seek for a declaration that they are entitled to SDA in terms of the said Government Orders with arrear monetary benefit. A claim of refund of the amount of SDA already recovered from the applicants is also made.

2. It is the case of the applicants that they are permanent residents of places outside the North Eastern Region, the details of which are given in para 4.7 of the application. All of them, it is stated, are posted in the North Eastern Region and all of them came from outside the North Eastern Region for the sake of job and incentives attached to it. It is also stated that when the applicants were given appointment in the Central Ground Water Board through the Union Public Service Commission; they had All India Transfer liability and it

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is only for carrying out their official duties they are presently working in the North Eastern Region. Their permanent dwelling houses are outside the said region. It is also stated that the recruitment of the applicants were made on All India basis following the recommendations of the Union Public Service Commission and their seniority and promotions in the respective grades are also being maintained on All India basis. It is stated that the applicants were getting SDA with effect from the date of their initial joining in the North Eastern Region and that it was discontinued from December 2002 without prior notice. Certain amounts were also recovered from the applicants.

3. The applicants being aggrieved by the discontinuation of payment of SDA and recovery filed O.A.No.248 of 2003 before this Tribunal. The said application was disposed of by order dated 23.12.2003 (Annexure-V). The respondents were directed to examine the case of the applicants in the light of the Notification dated 12.1.1996 and it was observed that if the applicants satisfy those criteria then such benefits will stand revived. Pursuant to the said directions the respondents have passed the order dated 29.4.2004 (Annexure-VII series) stating that the applicants are not eligible to get SDA. The said orders are under challenge in this application.

4. According to the applicants all of them belong to outside region, namely Madhya Pradesh, Orissa and West Bengal and they were selected and appointed on All India basis. It is stated that they have got All India Transfer liability and their promotions are based on All India Common Seniority. It is also their case that they have joined the North Eastern Region only for the sake of job and incentives attached to it. These circumstances, according to the applicants,

[Signature]

would satisfy the requirements mentioned in O.M.s dated 14.12.1983 and 12.1.1996 and the Government Order dated 29.5.2002. They also rely on the decision of this Tribunal in O.A. Nos.84 of 2001 rendered on 10.8.2001 and other cases.

5. Mr M. Chanda, learned counsel for the applicants, submitted that the applicants belong to outside the North Eastern Region; that they were selected by the Union Public Service Commission on All India basis and they are posted in the North Eastern Region from outside. He further submitted that though the applicants are continuing in the North Eastern Region they have got All India Transfer liability and promotions based on All India Common Seniority. The counsel submitted that the applicants had joined in the North Eastern Region and are continuing as such till date for the purpose of jobs and for getting the incentives such as SDA. Counsel submitted that the applicants had fulfilled all the conditions/criteria for getting SDA as per the Government orders right from 14.12.1983 till 29.5.2002. Counsel also relied on the decision of this Tribunal rendered in the applicants' case itself (O.A.No.248/2003) and the decision in O.A.No.84/2001.

6. Ms U. Das, learned Addl. C.G.S.C. appearing for the respondents, based on the averments in the written statement, submitted that the benefit of SDA cannot be granted to Central Government Civilian employees first posted to North Eastern Region from outside. In other words, she submitted that the benefit of SDA can be granted only to persons who are having All India Transfer liability and promotions based on All India Common Seniority list transferred to the North Eastern Region from outside region. She submitted that since the applicants do not satisfy the above

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requirement they are not entitled to grant of SDA. She also drew our attention to para 42 of the common judgment in O.A.No.170 of 1999 and connected cases where we had, with reference to the decision in O.A.Nos.124 and 125 of 1995 rendered by this Tribunal, observed that in that case it was noted that "..... In view of the decisions of the Supreme Court the benefit of SDA is admissible only to those employees who are appointed outside the North Eastern Region and are posted in the North Eastern Region....."

7. We have considered the rival submissions. The applicants have clearly stated that they are permanent residents of outside the North Eastern Region, i.e. Madhya Pradesh, Orissa and West Bengal and they are posted on the basis of All India Selection by the Union Public Service Commission in the North Eastern Region and that they are continuing in the North Eastern Region only for the purpose of jobs and for getting the incentives such as SDA etc. They have also stated that they have got All India Transfer liability. It is also stated that they have continued in the North Eastern Region right from the inception; they have got All India Transfer liability and that their promotions are based on All India Common Seniority list. SDA was granted to Central Government Civilian employees working in the North Eastern Region by the O.M. dated 14.12.1983. So many modification and clarification orders were issued by the Government to the said notification. The last of such Government order is the one issued on 29.5.2002 pursuant to a decision of the Supreme Court.

8. We had considered the question regarding grant of SDA to Central Government Civilian employees working in the North Eastern Region in the judgment dated 31.5.2005 in O.A.No.170/1999 and connected cases with reference to all Government orders on the point



and the decisions rendered by the Supreme Court and this Tribunal. We have summarized the legal position emerging from the said Government orders and the decisions of the Supreme Court in paras 52 and 53 of the said judgment as follows:

"52 The position as it obtained on 5.10.2001 by virtue of the Supreme Court decisions and Government orders can be summarized thus:

Special Duty Allowance is admissible to Central Government employees having All India Transfer Liability on posting to North Eastern Region from outside the region. By virtue of the Cabinet clarification mentioned earlier, an employee belonging to North Eastern Region and subsequently posted to outside N.E. Region if he is retransferred to N.E. Region he will also be entitled to grant of SDA provided he is also having promotional avenues based on a common All India seniority and All India Transfer liability. This will be the position in the case of residents of North Eastern Region originally recruited from outside the region and later transferred to North Eastern Region by virtue of the All India Transfer Liability provided the promotions are also based on All India Common Seniority.

53. Further payment of SDA, if any made to ineligible person till 5.10.2001 will be waived."

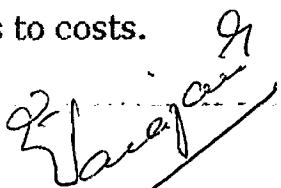
9. In para 52 we have clearly stated that SDA is admissible to Central Government Civilian employees having All India Transfer liability on posting to North Eastern Region from outside the Region. We had not made any distinction in that regard with reference to Central Government Civilian employees transferred from outside the region and those posted for the first time from outside the region. According to us SDA is admissible to both categories of employees mentioned above. Though the applicants have clearly stated that they satisfy all the aforesaid conditions, we are of the view that an opportunity must be given to the respondents to verify as to whether the aforesaid conditions are satisfied. We note that the respondents in the impugned communication did not give any reason as to why the

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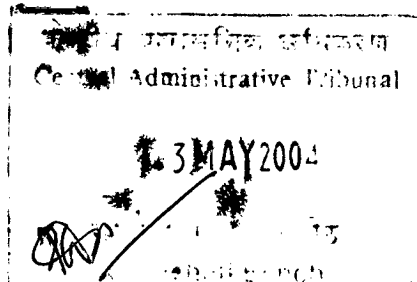
applicants are not entitled to SDA. For the said reason we quash the impugned communication at Annexure-VII series and direct the respondent Nos.2 and 3 to verify as to whether the applicants are permanent residents of outside North Eastern Region, whether they are posted from outside the North Eastern Region to North Eastern Region on the basis on All India Selection by the Union Public Service Commission, as to whether the applicants have All India Transfer liability and as to whether their promotions are based on All India Common Seniority list. If all the above circumstances are satisfied in view of our decision contained in para 52 of the order dated 31.5.2005 in O.A.No.170/1999 and connected cases extracted hereinabove, the applicants will be entitled to the grant of SDA. In such event the applicants shall be entitled to all consequential benefits flowing therefrom. The respondents will pass a reasoned order and communicate the same to the applicants within four months from the date of receipt of this order.

The O.A. is disposed of as above. No order as to costs.


(K.V. PRAHLADAN)
ADMINISTRATIVE MEMBER


(G. SIVARAJAN)
VICE-CHAIRMAN

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

O.A. No. 116 /2004

Sri Ashok Kumar Patre & Ors.

-vs.-

Union of India & Ors.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

- 14.12.1983- Govt. of India, issued O.M. No. 20014/2/83/E.IV introducing Special (Duty) Allowance (SDA) for the civilian employees of the central Government posted in the N.E. Region from outside who are saddled with all India Transfer Liability. (Annexure-I).
- 20.07.1987- Ministry of Finance, Government of India issued further order in respect of entitlement of SDA.
- 01.12.1988- Government of India issued O.M enhancing the permissible limit of SDA of Rs. 400/- followed by further order dated 22.07.1998.
- 12.01.1996- Govt. of India issued clarificatory order specifying that those civilian employees who are saddled with all India Transfer Liability and posted in N.E. Region are entitled to SDA provided their recruitment, promotion and seniority are being maintained on All India basis. (Annexure-III)
- 18.09.2000 to 18.05.2001- All the applicants were appointed on different dates during the period and were granted SDA w.e.f. their respective dates of joining by the respondents as their own, on being satisfied

Narinder Majumdar

about the eligibility of the applicants. The said SDA was paid to them till November 2002. Suddenly payment of SDA to the applicants were discontinued from December, 2002 without prior notice or without any valid reason and thereafter SDA already paid to them was recovered from December, 02 to January, 2003 in an arbitrary manner.

23.12.2003- Being aggrieved by the decision of discontinuation of SDA the applicants approached the Hon'ble CAT, Guwahati through O.A. No. 248/2003. This Hon'ble Tribunal disposed of the Original Application with the direction to the respondents to examine the case of the applicants in the light of the notification dated 12.01.1996. The Hon'ble Tribunal also observed while disposing the matter that case of the applicants are covered following the decision of the Hon'ble Tribunal in O.A. No.136/2000 passed on 20.12.2000. (Annexure-V)

03.02.2004- Applicants submitted representations enclosing copy of the aforesaid judgment including the judgments and order already decided by this Hon'ble Tribunal in the similar facts and circumstances.

29.04.2004- Regional Director, Central Ground Water Board, vide his impugned order bearing letter No. 116/6-75/CGWE/NER/ESTT/96 dated 29.4.04 stated that the applicants are not eligible for grant of special Duty Allowance as decided by the competent authority of central ground water Board, N.E. Region, Guwahati. (Annexure-VII Series)

29.05.2002- Govt. of India vide O.M dated 29.05.02 made it clear that the an employee having all India transfer liability on his posting to N.E. Region from outside the region is entitled to payment of SDA. (Annexure-VIII)

30.01.2004- HQ, Chief Engineer, Shillong vide his letter dated 30.1.04 stated that Central Govt. employees who have All India transfer liability are entitled to SDA on their transfer/posting in North Eastern Region form outside the region. (Annexure-VIII)

Hence this application before this Hon'ble Tribunal.

P R A Y E R S

Relief(s) sought for:

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

1. That the Hon'ble Tribunal be pleased to set aside and quashed the impugned order dated 29.04.2004 (Annexure-VII Series) rejecting the claim of the payment of S.D.A in terms of the O.M. Dated 14.12.1983, 01.12.1988 and also in terms of the O.M. dated 22.07.1998.
2. That the Hon'ble Tribunal be pleased to declare that all the applicants are entitled to draw SDA in terms of O.M. dated 14.12.1983, 01.12.1988 and 22.07.1998 and also in terms of the O.M. dated 12.01.1996, 29.05.2002

issued by the Government of India, Ministry of Finance, New Delhi with arrear monetary benefit.

3. That the respondents be directed to pay SDA to all the applicants at the rate prescribed by the Government of India from time to time and further be pleased to direct the respondents to refund the amount of SDA already recovered from the applicants with immediate effect.
4. Costs of the application.
5. Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

Interim order prayed for.

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

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

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

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

Title of the case : O. A. No. 110 /2004

Sri Ashok Kumar Patre & Ors. : Applicants

- Versus -

Union of India & Others : Respondents.

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Date: 13.05.04.

Filed by

Subrata Nath
Advocate

Nabendra Majumder

Filed by the applicants through:-
Subrata Nath
Advocate
13.05.04.

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

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

O. A. No. 116 /2004

BETWEEN

1. Sri Ashok kumar Patre
Asstt. Hydrogeologist (Group-B Cadre)
O/o R.K. Silvaliya, Teacher, N/O Chiman
Sao Kawade, Bhatera Chowki-Baleghat(M.P)
PIN - 481001.
 2. Dr. Nabendu Majumdar
S/o Sri Nirmal Majumdar
Asstt. Hydrogeologist (Group-B Cadre)
Ramkrishna Pally, Rahara
Dist. North 24 Parganas
Kolkata-700118 (W.B.)
 3. Sri Ratikanta Nayak
S/o Sri Ramakanta Nayak
Junior Hydrogeologist (Group - A Cadre)
Bida Para, Sayed Pur
Dist. Jaipur (Orissa),
PIN 755027
 4. Sri Sanjib Chakraborty
S/o Late Kalipada Chakraborty
Asstt. Hydrogeologist (Group-B Cadre)
DN-4, Coke Oven Colony
P.O. Durgapur,
District-Burdwan (W.B)
PIN-731202
- Applicants---

Nabendu Majumdar

-AND-

1. The Union of India,
Represented by the Secretary to the
Government of India, Ministry of Water Resources,
New Delhi.
2. The Director (Admn.)
Central Ground Water Board
N.H.IV, Faridabad,
3. The Regional Director,
Central ground Water Board
Ministry of Water Resources,
N.E.Region, Tarun Nagar,
Guwahati-781005

...Respondents.

DETAILS OF THE APPLICATION

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

This application is made praying for a direction upon the respondents to continue to make payment of the Special (Duty) Allowance to the applicants from the date of discontinuation in terms of O.M. dated 14.12.1983, 1.12.1988 and 22.7.1998 and also for a direction upon the respondents to refund the amount of SDA already recovered from the applicants, and also for setting aside the Impugned letter dated 29.04.2004.

Nabendu Majumdar

2. Jurisdiction of the Tribunal.

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

3. Limitation.

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

4. Facts of the Case.

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

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

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

Nabendu Majumdar

Tribunal for permission to move this application jointly.

4.4 That your applicants state that by the O.M. No. 20014/2/83/B.IV dated 14.12.1983 Special (Duty) Allowance (for short SDA) was introduced by the Govt. of India, and thereby it was decided to provide incentive to the civilian employees working in the States and Union Territories of the N.E. Region. The said allowances were granted with a maximum limit of Rs. 400 per month. It was also decided under the said memorandum that the SDA would be granted to the Central Government Civilian Employees (who are saddled with all India Transfer liability) on being posted to N.E. Region. The rate of SDA Rs. 400 was however, subsequently revised from time to time by the Government of India vide O.M. dated 14.12.1983, 1.12.1988 and O.M. dated 22.07.1998.

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

saddled with All India Transfer liability. The relevant portion of the O.M. dated 14.12.1983 is quoted below:

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

(iii) Special Duty Allowance

Central Government civilian employees who have All India transfer liability will be granted Special (Duty) Allowance at the rate of 25 percent of basic pay subject to a ceiling of Rs. 400/- per month on posting to any station in the North Eastern Region. Such of those employees who are exempt from payment of income tax, will however, not be eligible in addition to any special pay and/or Deputation (Duty) Allowance already being

Nabendu Majumdar

drawn subject to the condition that the total of such Special (Duty) Allowance will not exceed Rs. 400/- P.M. Special Allowances like Special Compensatory (Remote Locality) allowance, Construction Allowance and Project Allowance will be drawn separately."

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

4.6 That it is stated that all the 4 applicants are the permanent residents of places outside the North Eastern Region. All the applicants are posted in North Eastern Region and all of them came from outside the North Eastern Region for the sake of job and incentives attached to it. Moreover, at the time when applicants were given appointment in the C.G.W.B through U.P.S.C. they had all India transfer liability and it is only for carrying out their official duties the above mentioned applicants are presently working in the N.E.Region, their permanent dwelling houses are outside the North Eastern Region.

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

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address and particulars of payment of SDA made by the respondents are shown hereunder:

Name and Designation	Date of joining	Permanent Address	Home	Particulars of payment of SDA and recovery
1. Ashok Kr. Patre, Asstt. Hydro-geologist.	18.05.2001	Bhatera Chowki, P.O. Balurghat, Dist. Balurghat, Madha Pradesh		Payment made upto February 2002 and recovery made during the month of Dec.'02 to Jan'03
2. Rathikanta Nayak, Junior Hydro-geologist	02.11.2000	Bidapada, P.O. Sayeed Pur, Dist. Jaipur, Orissa		Payment made up to Feb 2002 and recovery made during the month of Dec'2002 and Jan'2003
3. Dr. Nabendu Majumdar, Asstt. Hydrogeologist	28.11.2000	Ramakrishna Pally Rahera, North 24 Parganas, Kolkata-700118		Payment made up to February 2002 and recovery made during the month of Dec'2002 and Jan'2003
4. Sanjib Chakraborty, Asstt. Hydrogeologist	25.09.2000	D/N-4 Coke Oven Colony, P.O. Durgapur, Dist. Burdwan, West Bengal		Payment made up to Feb. 2002 and recovery made during the month of Dec'2002 and Jan'2003

It is quite clear from the above particulars that all the above named applicants are permanent residents of different states outside the N.E. Region. Be it stated that recruitment of the applicants are made on All India Basis following the recommendation of the U.P.S.C. and their seniority and promotion in the respective grade are also being maintained on All India

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Basis. It is further categorically submitted that the applicants are saddled with All India Transfer liability and they are not the permanent residents of N.E.Region. All the applicants are posted at N.E.Region from outside the N.E.Region, as such they are entitled to payment of Special (Duty) Allowance in terms of the O.M. dated 14.12.1983, 1.12.1988 and 22.7.1998 issued by the Government of India, Ministry of Finance, New Delhi.

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

A copy of the advertisement, result sheet and few copies of appointment order annexed hereto and the same are marked as Annexure- II (series).

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

4.9 That most surprisingly the respondents without providing any opportunity or notice to the applicants discontinued/stopped the payment of Special (Duty) allowance from the month of March, 2002 and started recovery of SDA during the month of December 2002 and

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January 2003, which were made without issuing any prior notice to the applicants, as such recovery of SDA is made during the months of December 2002 and January 2003 is in total violation of principle of natural justice. Moreover, arbitrary stoppage of payments of SDA in respect of present applicants without assigning any valid reason has lead to civil consequences and the same is in violation of principles of natural justice and law of equality contained in Article 14 of the Constitution of India as such decision of the respondents for discontinuation of payment of SDA is void ab initio.

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

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discontinuation of payment of SDA and also entitled to get refund of the amount of SDA, which are already recovered by the respondents from their pay.

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

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

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

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

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

4.13 That your applicants have acquired a valuable and legal right for grant of SDA in terms of O.M. dated 14.12.1983, 1.12.1988 and in terms of O.M. dated 22.7.1998. They have approached the respondents for

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payment of SDA but no action was initiated by the respondents for payment of SDA.

In such compelling circumstances applicants earlier approached this Hon'ble Tribunal through Original Application No. 248/2003, however the said original application was disposed of by the this Hon'ble Tribunal at the admission stage with the direction to the respondents to examine the case of the applicants in the light of the notification dated 12.01.1996 and it was observed by the Hon'ble Tribunal that if the applicants satisfy those criterion then such benefits would stand revived. And further directed to complete the said exercise within 3(Three) months from the date of receipt of the order. The Hon'ble tribunal also observed while disposing the matter that case of the applicants are covered following the decision of the Hon'ble tribunal in O.A. No. 136/2000 passed on 20.12.2000.

A Copy of the Judgment and Order dated 23.12.2003 is enclosed herewith as Annexure- V.

4.14 That your applicants after receipt of the judgment and order dated 23.12.2003 passed in O.A. No. 248/03 submitted representations enclosing copy of the aforesaid judgment including the copies of the judgments and order already decided by this Hon'ble Tribunal in the similar facts and situations where the Hon'ble Tribunal held that similarly situated employees

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are entitled to Special (Duty) Allowances on posting to N.E. Region. Other decisions of this Hon'ble Tribunal regarding entitlement of SDA i.e. Judgment dated 20.12.2000 in O.A. No. 136/2000 (Santosh Kumar Vs. Union of India & Ors.), judgment dated 10.08.2001 passed in O.A. No. 84/2000 (Jogmohan Singh Vs. Union of India & Ors.), Judgment dated 13.02.2003 passed in O.A. No. 163/2002 (Santosh Raina Wallia Vs. Union of India & Ors.).

The question of entitlement of SDA in the similar facts and circumstances specifically dealt by this Hon'ble Tribunal in the aforesaid judgments rendered by this Hon'ble Bench and the case of the present applicants regarding entitlement of SDA are squarely covered following the aforesaid decisions of this Hon'ble Tribunal. Applicants urge to produce copy of the Judgments at the time of hearing of this Original Application.

A copy of the judgment and order dated 10.08.2001 is enclosed herewith and marked as Annexure-VI.

- 4.15 That it is stated that the respondents after receipt of the judgment and order dated 23.12.2003, the Regional director most arbitrarily without application of mind and without any least regards to the direction passed by this Hon'ble tribunal in the Judgment and order dated 23.12.2003 in o.A.No.248/03, issued the impugned order bearing letter no.116/6-75/CGWE/NER/ESTT/96 dated 29.04.2004 and communicated the same to all the

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applicants individually, in the said impugned order, it is stated that the applicants are not eligible for grant of special Duty allowance as decided by the competent authority of central ground water Board, N.E.Region, Guwahati. And surprisingly no reason was assigned for denial of Special Duty allowance, it is a cryptic, non-speaking order and it appears that the said impugned order have been passed simply to avoid implementation of the direction contained in the Judgment and Order dated 23.12.2003 in O.A.No 248/03.

It is further submitted that a mere reading of the impugned order, it does not appear that the respondent have considered the case of the applicant in the light of the direction contained in the judgment and Order dated 23.12.2003. Moreover there is no indication that the respondent have taken into consideration the memorandum dated 12.01.1996 while the arbitrary decision for denial of payment of S.D.A was taken. Hence, the impugned order dated 29.04.2004 (Annexure-VII) are liable to be set aside and quashed.

A Copy of the impugned order dated 29.04.2004 are enclosed here with as **Annexure-VII** (Series).

- 4.16 That it is stated that the case of the applicants are squarely covered in view of the clarification given by the Govt. of India in their office Memorandum dated 12.01.1996. Be it stated that applicants belong to group A and Group B category of employees of the Central government, having all India transfer

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liability, moreover recruitment and promotion zone of the applicants are maintained on all India basis which would be evident from the documents enclosed in the instant original application. Therefore the impugned order dated 29.04.2004 are liable to be set aside and quashed.

- 4.17 That it is stated that a mere perusal of the recent office memorandum issued by the Govt. of India vide letter no. G.I., M.F., O.M. No. 11(5)/97-E.II (B), dated 29.05.2002, It would be evident that the present applicants are entitled to payment of S.D.A. The subject matter itself indicated in the O.M as follows.

“Special Duty Allowance to civilian employees posted from outside the region only.”

Moreover Para 5 of the O.M. dated 29.05.2002 further makes it abundantly clear that an employee having All India Transfer liability on his posting to N.E.Region from outside the region is entitled to payment of S.D.A, relevant portion of the O.M. is quoted below;

“5. In view of the above aforesaid judgment, the criteria for payment of Special Duty Allowance, as upheld by the Supreme Court, is reiterated as under: -

“The Special Duty Allowance shall be admissible to Central Government employees having all India Transfer liability on posting to North-Eastern region (including Sikkim) from outside the region.”

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All cases for grant of Special Duty Allowance including those of All India Service Officers may be regulated strictly in accordance with the above-mentioned criteria".

It is quite clear from above that on posting to N.E.Region from outside, a Central Government civilian employee is entitled to payment of S.D.A. as such the benefit of S.D.A. cannot be denied on the alleged ground that the applicant is initially posted in the N.E.Region, which is contrary to O.M. dated 29.05.2002. It is further submitted that the aforesaid contention of the present applicant is also made clear by the clarificatory letter issued by the Ministry of Defence, quoting the reference of Directorate General of Pers/E1C (Legal), E-in-C's Branch letter no. 90237/7521/E1C (Legal-C) dated 04 Jun 2003 and even no dated 03 Oct 03 and also army Head Quarter letter no.77551/90/Policy/SDA/09/E1 (Legal) dt 11 July 2003, 77551/90/Policy/SDA/13/E1(Legal) dt 29 July 2003, which were communicated by the H.Q. Chief Engineer, Shillong vide its letter bearing no. 7755/90/Policy/SDA/57/E1(Legal) dated 30.01.2004, wherein in Para 2 it is categorically stated that Central Government employee who have All India Transfer liability are entitled to SDA on their transfer/posting in North Eastern region from outside the region. The relevant portion of the clarificatory letter dated 30.01.2004 are quoted below;

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"2. SDA is admissible to the Central Govt. employees who have all India transfer liability on their posting to N.E.Region from outside the region. No restriction is made to the effect that the residents of N.E.Region shall not be entitled to SDA when they fulfill the criteria of All India Transfer Liability and are transferred/posted in N.E.Region from outside the region.

Therefore it is quite clear even on initial posting Civilian central Govt. employees are entitled to SDA. Hence the present applicants are entitled to payment of SDA with arrears from the date of stoppage of the said allowance.

Copy of the office memorandum dated 29.05.2002 and a copy of the letter dated 30.01.2004 are enclosed herewith as **Annexure-VIII**.

4.18 That it is stated that the case of the applicants are squarely covered following the decision, rendered by this Hon'ble Tribunal in O.A.No. 84/2000 and O.A. No 163/2002 of this Hon'ble Tribunal.

Moreover Army Head Quarter letter bearing no. 90237-7521 E1C (legal-C) dated 04.06.2003, whereby the army Head Quarter, New Delhi in consultation with the Ministry of Finance clarified that all Group 'A' and Group 'B' officers are entitled to SDA on posting to N.E.Region. Therefore, the impugned order dated 29.04.2004 passed by the respondents rejecting the claim of the applicants are liable to be set aside and

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quashed, and the Hon'ble Court further be pleased to declare that the applicants are entitled to S.D.A with all consequential benefits.

4.19 That this application is made bonafide and for the ends of justice.

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

5.1 That the impugned order is cryptic, non-speaking and the same has been passed in total violation of the direction contained in the Judgment and order dated 23.12.2003 passed in O.A.No.243/03.

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

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

5.4 For that, the recruitment of the applicants were made on All India basis through UPSC, and promotion and seniority of the applicants are also maintained on All India basis and they are working in the cadre of Group A and B, as such applicants are entitled to Special Duty Allowance.

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- 5.5 For that, the applicants had been directed to move to N.E. Region for their posting at Guwahati.
- 5.6 For that, the applicants are saddled with all India Transfer liability as per condition stipulated in their offer of appointment orders.
- 5.7 For that, non-payment of SDA on the alleged ground of initial posting at N.E. Region cannot be sustained in the eye of law.
- 5.8 For that the clarificatory order relating to payment of SDA i.e. O.M. dated 12.01.1996 issued by the Government of India, Ministry of Finance has specifically dealt with the issues and the criteria laid down therein supports the case of the applicants, as such they are entitled to draw SDA.
- 5.9 For that discontinuation of payment of SDA has been made in total violation of Article 14 of the Constitution.
- 5.10 For that recovery and discontinuation of payment of SDA has been made in total violation of principles natural justice.
- 5.11 For that issues involved in the instant case has already been settled by this Hon'ble Tribunal in a series of cases of the similar nature.
- 5.12 For that the case of the applicants are squarely covered following the clarificatory order contained in the O.M. dated 29.05.2002 issued by the Govt. of India,

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Ministry of Finance. More particularly in view of the clause 5 of the aforesaid memorandum.

- 5.13 For that the contention of the applicants gain support from the Ministry of Defence, Army Head Quarters letter dated 4th Jun 2003, 30th January 2004, wherein it is clarified that even on posting from outside the region the civilian Central Govt. employees are entitled to S.D.A.
- 5.14 For that the respondents neither examined O.M.dated 12.01.1996 nor O.M. dated 29.05.2002 issued by the Govt. of India, Ministry of Finance which support the case of the present applicants.
- 5.15 For that decision rendered by this Hon'ble Tribunal on 10.08.2001 as well as in O.A.No.163/2002 decided on 13.02.2003 also gain support of the contention raised by the present applicants in the instant proceeding.
- 5.16 For that non-payment of S.D.A to the present applicants is in violation of Article 14 of the Constitution of India.
- 5.17 For that, no reason has been assigned in the impugned order dated 29.04.2004 for denial of the payment of S.D.A to the present applicants.

6. Details of remedies exhausted.

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

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

The applicants further declare that they had previously filed O.A No. 248/2003 and the same was disposed of on 23.12.2003. However, no application, thereafter is pending before any Court or any other authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

8. Relief(s) sought for:

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

- 8.1 That the Hon'ble Tribunal be pleased to set aside and quashed the impugned order dated 29.04.2004 (Annexure-VII Series) rejecting the claim of the payment of S.D.A in terms of the O.M. Dated 14.12.1983, 01.12.1988 and also in terms of the O.M. dated 22.07.1998.
- 8.2 That the Hon'ble Tribunal be pleased to declare that all the applicants are entitled to draw SDA in terms of O.M. dated 14.12.1983, 01.12.1988 and 22.07.1998 and

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also in terms of the O.M. dated 12.01.1996, 29.05.2002 issued by the Government of India, Ministry of Finance, New Delhi with arrear monetary benefit.

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

8.4 Costs of the application.

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

9. Interim order prayed for.

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

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

10.
This application is filed through Advocates.

11. Particulars of the I.P.O.

i)	I. P. O. No.	: JS G 389276
ii)	Date of Issue	: 1.05.04.
iii)	Issued from	: G. P.O. Gussachah
iv)	Payable at	: G. P.O., Gussachah.

12. List of enclosures.
As given in the index.

Nabendu Majumdar

VERIFICATION

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

And I sign this verification on this the 13th day of May, 2004.

Nabendu Majumdar

Annexure-I

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

New Delhi, the 14th Dec '83

OFFICE MEMORANDUM

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

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

i) (i) Tenure of posting/deputation :-

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

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

*Attested
Sujit Choudhary
Advocate
on 13.5.09.*

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GEOLOGISTS' EXAMINATION, 1998

Dear Candidate,

1. Your Admission Certificate-cum-Attendance Sheet for Geologists' Examination, 1998 is enclosed herewith.
2. The Time-Table for this examination is also enclosed.
3. Also enclosed is a set of important instructions for your guidance which you should go through carefully, and adhere to while appearing for the examination.
4. The Admission Certificate and Attendance Sheet are important documents and you should keep it carefully and bring it with you to the Examination Hall. Failure to bring Admission Certificate-cum-Attendance Sheet with you to the Examination Hall will deny you admission to the Examination.
5. **IMPORTANT**
The candidate will notice that the Admission certificate is accompanied by the Attendance Sheet. Directions for filling the Attendance Sheet are detailed in Para 4 (d) under INSTRUCTIONS TO CANDIDATES. These directions should be carefully followed.

GEOLOGISTS' EXAMINATION, 1998

TIME TABLE

(Indian Standard Time will be observed)

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

CODE NUMBER FOR SUBJECTS

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

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

EXPLANATION OF SUBJECT CODES FOR CATEGORIES

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

*Admitted
Sury's Chetty
Advocate
on 13.5.04*

-26- -24-
For Examination Hall only "Candidate for"

SPEED POST/REGISTERED A.D./IMMEDIATE

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

DATE OF INTERVIEW:--18/8/99--

TIME OF INTERVIEW:--09.00.11.5

SECTION OFFICER
UNION PUBLIC SERVICE COMMISSION

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

DATED THE 19/7

To

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

SUBJECT : GEOLOGISTS' EXAMINATION, 1998.

Sir/Madam,

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

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

...contd. p2/-

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Higher Sec School Certificate

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

(d) Caste Certificate

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

...contdp. 4/-

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

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

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

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

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

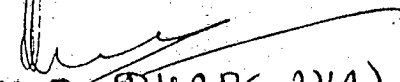
14. You should submit the enclosed five copies of the Attestation Forms after completing the same either in your own hand-writing or in typed script duly signed, alongwith your five identical passport size (5 cms X 7 cms. approx.) recent photographs signed in ink on the front and affixed on each of the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



...contd. p. 5/-

15:

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

Yours faithfully


C. D. BHARGAVA)
UNDER SECRETARY



Guwahati.

IDENTITY CARD

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

Sl.No. 75

SR : 0301-520350
450270, 450280
Fax : 0301-455407

GOVT OF INDIA

Name: SRI ASHOK Kr. PATRE .
Father's/Husband's Name: Late H.C. Patre.
Designation: Asstt. Hydrogeologist.
Date of Birth: 22.6.1965.
Office: CGWB,NER, Guwahati-5.
Blood group: O+

Permanent Address: C/O R.K. Shivaliya
Bhatera Chowki -Balaghat 481001
M.P.
Date of Issue: 01.9.2001.
Valid upto: 31.12.2006.

[Signature]
Holder's Signature

[Signature]
Signature of Issuing Authority

[Signature]
Regional Director
CGWB, NER, GUWAHATI

INSTRUCTIONS:

1. I.C. should be renewed after expiry of its validity.
2. Its loss should be informed immediately to the nearest issuing authority.
3. This card should be surrendered to the office on transfer/resignation etc.

REGISTERED

No. 11-61/99-SC/180.
Ministry of India
Ministry of Water Resources
Central Ground Water Board
NH IV, Faridabad.

DATED :

OFFER OF APPOINTMENT

Sh. Ashok Kumar Patre is offered an appointment to a temporary post of Assistant Hydrogeologist in the office of the Regional Director, Central Ground Water Board, NER, Near Rajiv Bhawan, Tarun Nagar, Bye Lane No. 1, Guwahati - 781005 in the pay of Rs. 7,500/- pm in the scale of Rs. 500/- to 12000/-. The appointee will also be entitled to draw dearness and other allowances at the rate admissible under rules and orders governing the grant of such allowances enforced from time to time.

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



संघ लोक सेवा आयोग

भूविज्ञानी परीक्षा, 1998

जिन उम्मीदवारों को नियुक्ति हेतु अनुशंसित किया गया है, उनकी सूची वरीयता क्रम में निम्न प्रकार है :

- वर्ग-I : (I) भूविज्ञानी (कनिष्ठ) ग्रुप "क"
(II) सहायक भूविज्ञानी ग्रुप "ख"
वर्ग-II : (I) कनिष्ठ जल भूविज्ञानी ग्रुप "क"
(II) सहायक जल भूविज्ञानी ग्रुप "ख"

संघ लोक सेवा आयोग, द्वारा दिसम्बर, 1998 में आयोजित भूविज्ञानी परीक्षा, 1998 के परिणाम के आधार पर नियुक्ति के लिए अनुशंसित किए गए उम्मीदवारों की संख्या सूची-I में 137 है, जिनमें से अन्य पिछड़े वर्गों के लिए 43, अनुसूचित जाति के 20 और अनुसूचित जनजाति के 8 उम्मीदवार सम्मिलित हैं तथा सूची-II में उम्मीदवारों की संख्या 82 है जिनमें से अन्य पिछड़े वर्गों के 27, अनुसूचित जाति के 11 और अनुसूचित जनजाति के 4 उम्मीदवार सम्मिलित हैं।

सभी वर्गों में नियुक्ति उपलब्ध रिक्तियों की संख्या के अनुसार की जाएगी। उपलब्ध रिक्तियों की संख्या इस प्रकार है :

वर्ग-I	सामान्य	अधिव	अजा	अजजा	कुल
वर्ग-I	71	38	20	10	139
वर्ग-II	42	22	11	9	84

अनुक्रमिक संख्या 85, 418, 419, 1180 तथा 2111 वाले 5 उम्मीदवारों की उम्मीदवारी अनन्तित है।

वर्गों के सामने दर्शाए गए आंकड़े उम्मीदवारों के अनुक्रमिक हैं। संघ लोक सेवा आयोग का अपने परिसर में गेट नं. "सी" के पास एक सुविधा काउन्टर है। उम्मीदवार अपनी परीक्षा/वर्गों के सम्बन्ध में किसी भी प्रकार की जानकारी/समस्या के लिए काउन्टर में प्रातः 10.00 बजे से सायं 5.00 बजे तक प्राप्त कर सकते हैं।

भूविज्ञानिक

अनुक्रमिक	नाम	अनुक्रमिक	नाम
1 000741	शैलेन्द्र सिंह	40 000989	रूपम मुखर्जी
2 000434	अ. पी. प्रदीप कुमार	41 000128	शान्त नन्दी
3 000757	स्निग्धा बनर्जी	42 001332	ए. ए. मोहम्मद अस्लम
4 000426	हरीश बहुगुणा	43 002713	तपन चक्रवर्ती
5 000649	अनिन्द भट्टाचार्य	44 000375	राजीव कर्
6 001049	प्रमोद कुमार सिंह	45 000069	संदीप नन्दी
7 000086	मनीष खार	46 000463	टी वैदीस्वर्न
8 001192	अशोक एस बालपांडे	47 000072	आशुतोष कुमार त्रिपाठी
9 000901	अनंदा मोहन	48 000546	वी.एस. जोशी
10 000418	पंजाब जायसवाल	49 000647	मार्गी दास
11 002083	ए. पी. प्रदीप कुमार	50 000200	सुपर्णा गोस्वामी
12 002610	सी. सी. मुन्नी	51 000922	मृदुल श्रीवास्तव
13 000329	रंजन कुमार राय	52 000349	पर्यंत सिंह चंदावत
14 001794	रविशंकर पाण्डे	53 002222	देबाहुति मुखर्जी
15 000070	दीपक हजारा	54 001678	मनीष श्रीवास्तव
16 000000	मि. ए. ए. प्रदीप	55 003020	पी. देवजीत सिंह
17 000677	मृणांका चटक	56 000793	ए. अनिल कुमार
18 001198	रविशंकर भट्टाचार्य	57 000305	मिनय कुमार मिश्रा
19 000584	सिद्ध लाल सरकार	58 000000	मणिमिता सेन गुप्ता
20 000761	श्रीमती दास गुप्ता	59 002349	संजय पांडे
21 002076	के. वी. मारुधि	60 001770	राजेश कुमार चन्द
22 000043	पंकज कुमार	61 000360	वी. अम्बिली
23 000126	प्रशांत कुमार राय	62 001820	सुभाषीय राय चौधरी
24 000789	के. राज	63 001219	शशि काद
25 002443	संदीप कुमार राय	64 000102	सुदिपतो नाथ
26 002775	पी. प्रवीण कुमार	65 000351	नरूल अंबसार
27 000381	वासुदेव दास	66 001678	जी. जे. सिताराम प्रसाद
28 001854	सुदीप भट्टाचार्य	67 001720	राकेश मिश्रा
29 001747	भद्रलाल झा	68 001234	भृगु शंकर
30 000682	राजीव रंजन शर्मा	69 001034	एन विजय दुर्गा
31 000098	राजीव कुमार त्रिपाठी	70 001608	पी. सी. सी. कुरियन
32 001396	अनिल दास	71 000570	संजीव भट्टाचार्य
33 000118	आशीष शिखरिया	72 000432	शंकर दाता
34 000051	सैमिरी शंकर दास	73 000652	शंभु राय
35 000547	एस के रिजाल बरीर	74 001797	बिजय राय
36 001421	एम. एन. प्रवीण	75 000043	आर विजय कुमार
37 001880	प्रशांत कुमार सिंह	76 000817	एम लक्ष्मी देव
38 002707	मोनालिका जोशी	77 001776	हेमन्त कुमार
39 001233	नमोल शर्मा	78 000674	कल्लोल कुमार बेहरे
		79 002312	डी ज्ञानसुन्दर
		80 000201	आशीष कुमार नाथ
		81 001154	शम्भु नाथ भगत

82 001092	पी. सी. सी. कुमार	18 002610	सी. सी. मुन्नी
83 001916	मि. ए. ए. रंजन साहू	19 001883	अशोक कुमार बिस्वा
84 000777	शिवदत्त साहू	20 000546	वी. एस. जोशी
85 000074	पवन कुमार एस दत्ते	21 002713	तपन चक्रवर्ती
86 002250	राजेश कुमार वर्मा	22 000761	श्रीमती दास गुप्ता
87 002232	श्रीकांत कुमार गुरू	23 000126	प्रशांत कुमार राय
88 000085	मि. ए. ए. रंजन साहू	24 000329	रंजन कुमार राय
89 002466	रंजना कुमारी	25 001770	राजेश कुमार चन्द
90 001464	पद्म कुमार सिंह	26 000351	नरूल अंबसार
91 000387	टी. प्रह्लाद	27 001049	प्रमोद कुमार सिंह
92 000425	भूपण आर लम्सो	28 001878	मनीष श्रीवास्तव
93 001605	ए. एस. सुरेश कुमार	29 000045	पंकज कुमार
94 000925	राजेश सोम	30 000853	नरेश मुखर्जी
95 001909	अनंद वी. डेन्डे	31 001192	अशोक एस बालपांडे
96 002939	ई. कितोबल्लंग भतखि	32 001233	नमोल शर्मा
97 002112	एस सरिया	33 000839	अशोकगुरु मुखर्जी
98 000018	एन मोहम्मद शरीफ	34 000465	जी. श्रीनाथ
99 000737	सुधांशु शेखर दाता	35 002349	संजय पांडे
100 000419	नरेश जायसवाल	36 000749	पर्यंत सिंह चंदावत
101 001722	टी. नृपति	37 000360	वी. अम्बिली
102 001176	मि. ए. ए. रंजन	38 000426	हरीश बहुगुणा
103 002181	एम. सिन्हादेवार	39 000736	संजीव चक्रवर्ती
104 000334	ए. एस. ए. रंजन साहू	40 000375	राजीव कर्
105 000405	राजीव राय	41 002312	डी ज्ञानसुन्दर
106 000734	सुनयति खनिकर	42 000989	रूपम मुखर्जी
107 000343	सी. वी. गोपालन	43 001608	पी. सी. सी. कुरियन
108 001777	इरीश कुमार	44 001797	विजय कुमार साहू
109 001762	रंजय सेन	45 001776	हेमन्त कुमार
110 002826	संदीप कुमार स्वरूप	46 000043	आर विजय कुमार
111 002187	एस. पद्मन	47 000201	आशीष कुमार नाथ
112 000315	दीपक कुमार साहू	48 000674	कल्लोल कुमार बेहरे
113 001139	कमलानगर एस. मंगलदास	49 001194	शम्भु नाथ भगत
114 000150	अमर कुमार प्रधान	50 000534	राकेश कुमार मुखर्जी
115 001401	एम. सत्यनारायण	51 001092	पी. सी. सी. कुमार
116 000873	एम. सुब्रामणियम	52 000893	एस. सुब्रामणियम
117 002137	डी. धामलार	53 001464	पद्म कुमार सिंह
118 001361	गलिन पी. धनविजय	54 002112	एस. सरिया
119 000164	सुनील कुमार	55 000425	भूपण आर लम्सो
120 000151	रिना वर्मा	56 002458	संध्या कुमारी
121 001760	वी. अजय कुमार	57 001180	वासुदेव मुदी
122 002220	पुष्प लता	58 002737	डी. धामलार
123 002220	रोसे अनिता कुर्	59 000074	पवन कुमार एस दत्ते
124 000436	प्रकाश के. गजपति	60 000867	दिवाकर मोहन
125 002531	विस्मय रे	61 002230	राजेश कुमार वर्मा
126 000920	अजय निर्वाण	62 000734	सुनयति खनिकर
127 000620	श्री. मोहनो सिंह	63 001401	एम. सत्यनारायण
128 000564	प्रशांत टी. इलंगकर	64 000387	टी. प्रह्लाद
129 000923	अर्चना एस. मेघराय	65 001709	अनंद वी. डेन्डे
130 002111	संजीव कुलदीप	66 000777	शिवदत्त साहू
131 000421	अशोक कुमार पात्रे	67 000939	सुधांशु शेखर दाता
132 002141	प्रशांत वी. कलपांडे	68 002531	विस्मय रे
133 001703	पी. राजेश दुर्गा	69 002826	संदीप कुमार स्वरूप
134 001703	अमर कुमार	70 000923	राजेश सोम
135 002974	निकोखोले चुसी	71 001139	कमलानगर एस. मंगलदास
136 001507	पी. नागेश	72 002939	ई. कितोबल्लंग भतखि
137 000867	सतोश चन्द सवैयन	73 000405	राजीव राय
		74 002228	रोसे अनिता कुर्
		75 001768	वी. अजय कुमार
		76 002320	पुष्प लता
		77 002674	जे. दविप्राज
		78 000928	अजय निर्वाण
		79 002974	निकोखोले चुसी
		80 000424	अशोक कुमार पात्रे
		81 001507	पी. नागेश
		82 002016	विकारा बस्न्या

सेवा . जल-भूविज्ञानिक

1 000737	स्निग्धा बनर्जी
2 001198	राजेश भट्टाचार्य
3 000086	मनीष खार
4 000524	विभास सेन
5 000677	मृणांका चटक
6 001794	रतिकान्त नायक
7 000534	सिद्ध लाल सरकार
8 002443	संदीप कुमार राय
9 000030	दीपक हजारा
10 002083	ए. पी. प्रदीप कुमार
11 000341	शैलेन्द्र सिंह
12 001747	भद्रलाल झा
13 000682	राजीव रंजन शर्मा
14 000649	अनिन्द भट्टाचार्य
15 001232	एम. ए. मोहम्मद अस्लम
16 000741	अनुराधा मोहन
17 000434	प्रमोद कुमार सिंह

डी.एस. 3301 (106) 999

पे.स. 30/4

Keval Singhania 347
Sec. 100
Nishy of Nishy
Shankar Bhatnagar

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

(P. P. GUHA)
DIRECTOR (ADMIN)

REGISTERED

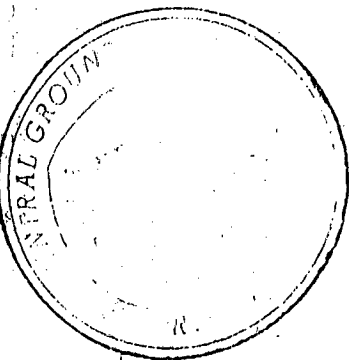
To

✓ Sh Ashok Kumar Patre,
C/o Sh. R. K. Shivaliya (Teacher),
N/o Chiman Sao Kawde,
Bhatera Chowki,
BALACHALI - 481001 (M.P.)

COPY TO:

1. The Regional Director, CGWB - NFR, Near Rajiv Bhawan, Tarun Nagar Bye-Lane-I, Guwahati - 5.
2. The Director(GW), Ministry of Water Resources, Shram Shakti Bhawan, New Delhi with reference to Ministry's letter No.7/7/98-GW.I dated 21.12.1999.
3. PS to Chairman, CGWB.
4. Personal file.

(P. P. GUHA)
DIRECTOR (ADMIN)



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

DATED : 29 JUN 2001

NOTIFICATION

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

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

scd/

(B. S. PATWAL)
ADMINISTRATIVE OFFICER

The Manager
Government of India Press,
FARIDABAD.

COPY TO

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

B. S. Patwal
(B. S. PATWAL)
ADMINISTRATIVE OFFICER

संघ लोक सेवा आयोग, धौलपुर हाउस, शाहजहाँ रोड, नई दिल्ली-110011

UNION PUBLIC SERVICE COMMISSION, DHOLPUR HOUSE,
SHAHJAHAN ROAD, NEW DELHI-110 011.

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

प्रवेश प्रमाण पत्र

ADMISSION CERTIFICATE

आपको प्रवेश दिया जाता है।
YOU ARE ADMITTED TO THE

GEOLOGISTS EXAMINATION, 1998.

अनुक्रमांक 000662
ROLL NO.नाम RAJEEV RANJAN SHUKLA
NAME

CATEGORY : CAT - I & II

परीक्षा का स्थान
PLACE OF EXAMINATIONकेन्द्र CALCUTTA
CENTREEXAM. HALLS OF THE WEST BENGAL PUBLIC SERVICE COMMISSION,
161-A, SHYAMA PRASAD MUKHERJEE ROAD (NEAR TOLLYGUNGE RAILWAY
BRIDGE), CALCUTTA-700026.कृपया इस प्रमाण-पत्र को परीक्षा में प्रवेश के लिए प्रतिदिन लाएं।
PLEASE BRING THIS CERTIFICATE DAILY TO SECURE ADMISSIONसमय-सारणी और अनुदेश संलग्न हैं।
TIME-TABLE AND INSTRUCTIONS ARE ENCLOSED.

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

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

आवश्यक सूचना : यदि आप परीक्षा प्रारम्भ हो जाने के 10 मिनट बाद परीक्षा
भवन में उपस्थित होते हैं तो, आपको परीक्षा में नहीं बैठने दिया जायेगा।
IMPORTANT : YOU WILL NOT BE ADMITTED TO THE EXAMINATION
IF YOU REPORT AFTER 10 MINUTES OF ITS COMMENCEMENT.


सचिव
SECRETARY

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

37-

54

अनुदेश

- (i) सम्मीदवार यह ध्यान रखे कि उसी उपस्थिति पत्रक, जिस पर विधिवत रूप से वैसा ही फोटो चिपका हो जैसा उसने अपने आवेदन पत्र में लगाया था, को प्रस्तुत किए बिना परीक्षा में नहीं बैठने दिया जाएगा।
- (ii) यदि कोई सम्मीदवार आयोग द्वारा दिये गये प्रवेश प्रमाण पत्र में दर्शाए गए केन्द्र/उपकेन्द्र/वैकल्पिक विषय के अनुसार परीक्षा में नहीं बैठता है तो ऐसे सम्मीदवार की उत्तर पुस्तिकाओं का मूल्यांकन नहीं किया जाएगा और उसकी सम्मीदवारी रद्द की जा सकती है।
- (iii) सम्मीदवार को अपने हस्ताक्षर तीक लची प्रकार से करने चाहिए जैसा कि उसने आवेदन पत्र में किये थे और इस ढंग से करें कि हस्ताक्षर का आधा भाग उपस्थिति पत्रक पर और बाकी का भाग फोटो पर आए।
- (iv) उपस्थिति पत्रक के कॉलम ii, iii, iv, v, vi तथा vii सम्मीदवार द्वारा स्वयं अपने हाथ से भरा जाना चाहिए।

INSTRUCTIONS

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



33 -38 - 5

Sl.No. 12

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

GOVT OF INDIA

Name: SRI NABENDU MAJUMDAR
 Father's/Husband's Name: Sri N. Majumdar.
 Designation: Assistant Hydrogeologist
 Date of Birth: 20.11.1970.
 Office: CGWB, NER, Guwahati-5.
 Blood group: A Positive



 R/D Director
 CGWB, NER, Guwahati

Permanent Address: P.O. Rahara, Ramakrishnapally
 Dist. N.24 Parganas, West Bengal.
 Pin. 743186
 Date of Issue: 1.9.2001.
 Valid upto: 31.12.2006.

N. Majumdar
 10.9.01
 Holder's Signature

[Signature]
 Signature of Issuing Authority

Regional Director
 CGWB, NER, GUWAHATI

INSTRUCTIONS:



1. I.C. should be renewed after expiry of its validity.
2. Its loss should be informed immediately to the nearest issuing authority.
3. This card should be surrendered to the office on transfer/resignation etc.

30-39-56

SI.No. 76

IDENTITY CARD
CENTRAL GROUND WATER BOARD
MINISTRY OF WATER RESOURCES
I.L.E. REGION, GUWAHATI

GOVT OF INDIA

Name: SRI SANJIB CHAKRABORTY
Father's/Husband's Name: Late K.P. Chakraborty
Designation: Assistant Hydrogeologist
Date of Birth: 07. 02. 1974
Office: CGWB/NER/G.S.Road/GHY - 5
Blood group: O +ve
C. G. W. B., N.E.R., Guwahati

Handwritten signature and date: 29/10/01

Back side of office Identity Card.

DN-4, Coke Oven Colony, Durgapur
Permanent Address: Dist. Burdwan, West Bengal.
Pin. 713202

Date of Issue: 01.9.2001.
Valid upto: 31.12.2006.

Holder's Signature
Signature of Issuing Authority

29/10/01
Regional Director
CGWB, NER, Guwahati
C.W.B., N.E.R.

INSTRUCTIONS:

1. I.C. should be renewed after expiry of its validity.
2. Its loss should be informed immediately to the nearest issuing authority.
3. This card should be surrendered to the office on transfer/resignation etc.

Attested
Surjit Choudhary
Advocate
on 23.5.07.

Annexure-III

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

New Delhi, the 12th Jan 1996

OFFICE ORDER

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

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

2. The Government of India vide the above mentioned OM dated 14.12.83 granted certain incentives to the Central Government civilian employees posted to the N.E. region. One of the incentives was payment of a 'Special Duty Allowance' (SDA) to those who have 'All India Transfer Liability.
3. It was clarified vide the above mentioned OM dated 20.4.87 that for the purpose of sanctioning "Special Duty Allowance" the All India Transfer Liability of the members of any service/cadre or incumbents of any post/group of posts has to be determined by applying the tests of recruitment zone, promotion zone etc. i.e. whether recruitment to service/cadre/post has been made on all India basis and whether promotion is also done on the basis of an all India common seniority list for the service/cadre/post as a whole. A mere clause in the appointment letter to the effect that the person concerned is liable to be transferred anywhere in India, did not make him eligible for the grant of SDA.
4. Some employees working in the NE Region approached the Hon'ble Central Administrative Tribunal (CAT) (Guwahati Bench) praying for the grant of SDA to them even though they were not eligible for the grant of this allowance. The Hon'ble Tribunal had upheld the prayers of the petitioners as their appointment letters carried the clause of All India Transfer Liability and, accordingly, directed payment of SDA to them.
5. In some cases, the directions of the Central Administrative Tribunal were implemented. Meanwhile, a few Special Leave Petitions

*Attested
Suraj Choudhary
Advocate
on 13.5.04.*

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

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

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

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

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

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

10. Hindi version of this OM is enclosed.

Sd/- xxxxxx

(C. Balachandran)

Under Secy to the Govt. of India

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

To,

20.08.2002.

60

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

Sub: Special Duty Allowance

Sir,

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

This is for your kind perusal and sanction please.

Thanking you

Yours faithfully

Plu 20.08.02

A.K. Palie (AHG)

CGWB, NER Guwahati-5.

Encl.

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

Approved
Suryi Choudhary
Advocate
on 13.5.04.

To

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

Sub: Disbursement of Special duty Allowance

Reference: G.I., M.F., O.M. No. 11(S)/97-E & 11(B), dated 29.5.2002
Published through the Swamynews dated 29.05.2002

Sir,

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

Thanking you.

Yours Faithfully

Rajeev Ranjan Shukla
(RAJEEV RANJAN SHUKLA)

Secy B

C.G.W.B., N.E.R.

G117-5

Dated: 20.08.02

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

TO

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

Sub. Disbursement of Special Duty Allowance.

Sir, With due reference to "G.I. M.F. OM. No. 11(5)/97-E, II(3)" dated 29.05.2002 ventilated through the Swarnysnews, July 2002, I fervently request you to kindly grant me Special Duty Allowance on the ground of my posting in C.G.W.B., NER from outside the region. This is for your kind perusal and necessary action please.

Thank You.

Date: 20.08.2002.

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

He

Yours sincerely.

Nmujumdar

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

The Regional Director,
Central Ground Water Board, NER
Guwahati - 5

Sub : Disbursement of Special duty allowance

Sir,

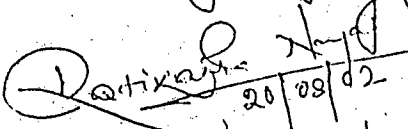
With due reference to "G.I. M.F., O.M., NO. 11(S)/97-E II(B), dated 29.05.2002 published through Swamynews, July 2002. I request you to kindly grant me Special Duty Allowance on the ground of my posting in C.G.W.B., NER, from outside the region. This is for your kind perusal and necessary action please.

Thanking you.

Date : 20.08.02

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

Yours faithfully


20/08/02
(RATIKANTA NAYAK)
Scientist 'B'

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

Original Application No. 248 of 2003..

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

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

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

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

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

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

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

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

... Applicants.

By Advocate Mr. M. Chanda.

- Versus -

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

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

Contd...2

Sanjib Chakrabarty
Advocate
04.12.04

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

... Respondents.

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

ORDER

PANIGRAHI J. (V.C.):

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

Contd... 3

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

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

Sd/ VICE-CHAIRMAN

Sd/ MEMBER (A)

Certified to be true copy
প্রমাণিত প্রতিলিপি

Section Officer (J)

C.A.T. GUWAHATI DANCH

Guwahati-781005

13/1

- 50 -

ANNEXURE - VII VI

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 84 of 2001

Date of order : This the 10th day of August, 2001.

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

Hon'ble Mr. K.K. Sharma, Member (A).

Shri Jagmohan Singh
Son of Sri Magan Singh
Working as Senior Field Assistant (Homeo)
O/o the Sub Area Organiser, Changsari
Rangia,
District-Kamrup, Assam.

....Applicant

By Advocate Mr. M. Chanda.

-versus-

1. The Union of India
Represented through the Secretary
to the Government of India
Ministry of Home Affairs
New Delhi.
2. Directorate General of Security
Office of the Director, SSB,
West Block-V,
R.K.Puram,
New Delhi-110066.
3. The Divisional Organiser
North Assam Division
SSB, Tezpur.
4. Area Organiser,
SSB, North Kamrup Area,
Howly.
5. Area Organiser (Staff)
North Assam Division,
Tezpur.

...Respondents

By Advocate Mr. B.C. Pathak, Addl. C.G.S.C.

O R D E R

CHOWDHURY J. (V.C.).

The applicant was initially working as Constable Group Central at SSB, Tehri Garowal, UP. He applied for the post of Senior Field Assistant (Homeo) and he was selected in course on all India recruitment basis. The said recruitment was made vide order dated 16.9.1996 by the Director General of

Disputed
Sanjiv Choudhary
Advocate
13.5.04.

ly. The applicant was appointed as SFA(H) on transfer basis. Pursuant to the notice dtd 16.9.1996 personnel of Group Central SSB Chamma selected for the post of SFA(H) on transfer basis were relieved from the Group Central with effect from 30.11.1996 (AN) with a direction to report to their respective unit as shown. The applicant was advised to report to S.A.O., Rangia. Accordingly he joined to the post of Senior Field Assistant (Homeo), Rangia. The applicant was provided with Special (Duty) Allowance as was paid to the Civilian Central Government employees serving in the North Eastern States. While things rested at this stage an impugned communication dated 13.11.2000 was served on the applicant indicating that the payment of SDA made to the applicant was irregular and accordingly ordered for recovery of the amount already paid to the applicant with effect from 21.09.1994 in suitable instalments. Consequent thereto the impugned Memorandum dated 19.1.2000 issued by the Area Organiser, SSB, N.E. is reproduced below :

"It is apparent that Shri Jagmohan Singh, SFA(H) was appointed on selection from Group Centre on "Transfer basis" therefore, this is a case of first appointment in Civil side as SFA (H). As such, SDA is not admissible to him as per clarifications vide para (1) (a) of Cabinet Secretariat U.O. No. 20/12/99-EA-I-1-1799 dated 2.5.2000.

The copy of Memo No. D/SSB/A2/89(9)2375 dated 16.9.96 furnished by Shri Singh, SFA(H) with his representation speaks that he was selected for appointment as SFA (H) "on transfer basis", so this order does not indicate his transfer from outside N.E. region to N.E.

Shri Jagmohan Singh, SFA (H) may please be informed accordingly, and recovery of irregular payment of SDA may be made with immediate effect."

Heard Mr. M. Chanda, learned counsel for the applicant and Mr. B.C. Pathak, learned Addl. C.G.S.C.

The order dated 19.1.2001 per se is not sustainable in law. The appointment and posting order itself indicated that the applicant who was working in Tehri Garowal was selected for appointment as SFA (H) on transfr basis and he was posted from outside the N.E. Region. The applicant was not selected from

Contd..

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Region, he was selected on the basis of all India recruitment basis. The inter se seniority of the applicant is also maintained on all India basis and having all India Transfer Liability. The case of the applicant is squarely covered by the O.M. dated 14.12.1983 issued by the Government of India, Ministry of Finance, and the clarification issued on 12.1.1996. The issue is also squarely covered by the decision of this Bench rendered in O.A. No.136 of 2000 on 20.12.2000.

In the circumstances, in our opinion the impugned orders dated 13.11.2000 and 19.1.2001 cannot be sustained in law and accordingly the same are set aside. The respondents are directed to pay SDA to the applicant from the date from which the applicant was denied with the SDA. The above exercise shall be completed by the respondents as early as possible preferably within a period of two months from today.

The application is accordingly allowed. There shall, however be no order as to costs.

Sd/ VICE CHAIRMAN

Sd/ MEMBER (Adm)

Certified to be true C.F.

प्रमाणित इतिदिनि

[Signature]
1/4/03

Section Officer (J)

G.A.T. GUWAHATI BANCH

Guwahati-78'003

law

direct

the

NO 116 / 6-75/CGWB/NER/ESTT/96-
Government of India,
Central Ground Water Board,
North Eastern Region,
G.S.Road, Tarun Nagar,
Bye Lane No. I
Guwahati-5

Dated:- 29/4/2009

To,

Shri A.K. Patray, Asstt. Hyg.
Central Ground Water Board,
North Eastern Region,
Guwahati.

Sub: Special Duty Allowances.

Ref: Judgement & Order dated.23.12.2003 of CAT of
Guwahati Branch in O.A.No.248/2003.

Sir,

With reference to the subject as cited above, I
am to convey the decision of the competent authority, Central
Ground Water Board, North Eastern Region, Guwahati, that you are
not eligible to get this S.D.A.

Yours faithfully,

B. C. Kalita
(B.C.KALITA)
Sc'B' & D.D.O.
FOR REGIONAL DIRECTOR

Ref:

Sir,

Approved
Sanjit Choudhary
on 13.5.09

NO 116 /6-75/CGWB/NER/ESTT/96-
Government of India,
Central Ground Water Board,
North Eastern Region,
G.S.Road, Tarun Nagar,
Bye Lane No. I,
Guwahati-5

Dated:- 29/4/04

To,

Shri N. Mazumdar Asst. Hg.
Central Ground Water Board,
North Eastern Region,
Guwahati.

Sub: Special Duty Allowances.

Ref: Judgement & Order dated.23.12.2003 of CAT of
Guwahati Bench in O.A.No.248/2003.

Sir,

With reference to the subject as cited above, I
am to convey the decision of the competent authority, Central
Ground Water Board, North Eastern Region, Guwahati, that you are
not eligible to get this S.D.A.

Yours faithfully,

(B.C.KALITA)
Sc'B' & D.D.O.

FOR REGIONAL DIRECTOR

Sub:

Ref:

NO 116/6-75/CGWB/NER/ESTT/96-
Government of India,
Central Ground Water Board,
North Eastern Region,
G.S.Road, Tarun Nagar,
Bye Lane No. I
Guwahati-5

Dated:- 29.4.2004

To,

Shri R. Nayak, Pr. Hq.
Central Ground Water Board,
North Eastern Region,
Guwahati.

Sub: Special Duty Allowances.

Ref: Judgement & Order dated. 23.12.2003 of CAT of
Guwahati Branch in O.A.No. 248/2003.

Sir,

With referench to the subject as cited above, I
am to convey the decision of the competent authority, Central
Ground Water Board, North Eastern Region, Guwahati, that you are
not elligible to get this S.D.A.

Yours faithfully.

B. C. Kalita

(B.C. KALITA)
Sc'B' & D.D.O.

FOR REGIONAL DIRECTOR

Sub:

Ref:

CC:

NO 116 /6-75/CGWB/NER/ESTT/96--
Government of India,
Central Ground Water Board,
North Eastern Region,
G.S.Road, Tarun Nagar,
Bye Lane No. I,
Guwahati-5

Dated:- 29.4.2004

To,

Shri S. Chakraborty *Shri S. Chakraborty*
Central Ground Water Board,
North Eastern Region,
Guwahati.

Sub: Special Duty Allowances.

Ref: Judgement & Order dated.23.12.2003 of CAT of
Guwahati Bench in O.A.No.248/2003.

Sir,

With referench to the subject as cited above, I
am to convey the decision of the competent authority, Central
Ground Water Board, North Eastern Region, Guwahati, that you are
not elligible to get this S.D.A.

Yours faithfully,

B.C. Kalita

(B.C.KALITA)
Sc'B' & D.D.O.

FOR REGIONAL DIRECTOR

Group

no

Group

no

To

F.NO.11(5)/97-E.11.(R)

Government of India

Ministry of Finance

Department of Expenditure.

New Delhi; dated the 29th May, 2002

OFFICE MEMORANDUM

SUBJECT: SPECIAL DUTY ALLOWANCE FOR CIVILIAN EMPLOYEES
OF THE CENTRAL GOVERNMENT SERVING IN THE STATE
AND UNION TERRITORIES OF NORTHEASTERN REGION
INCLUDING SIKKIM.

The undersigned is directed to refer to this Department's OM NO.20014/3/8 E.IV dated 14.12.83 and 20.4.87 read with OI NO20014/16/86-IV/E.11 (I) date 1.22.88, and O.M.NO.11 (3)/95-/95-E.11 (I) dt.12.1.1996 on the subject mentioned above.

2. Certain incentives were granted to Central Government employees posted NE region vide OM dt.14.12.83. Special Duty Allowance (SDA) is one of the incentives granted to the Central Government employees having All India Transfer Liability. The necessary clarification for determining the All India Transfer Liability was issued vide OM dt.20.4.87, laying down that the All India Transfer Liability the members of any service/cadre or incumbents of any post/ group of posts has to be determined by applying the tests of recruitment None, promotion zone etc, i.e. whether recruitment to service/cadre/post has been made on All India basis or whether promotion is also done on the basis of an all India common seniority list for the service/cadre/post as a whole. A mere clause in the appointment letter to the effect that the person concerned is liable to be transferred anywhere in India, did not make him eligible for the grant of Special Duty Allowance.

3. Some employees working in NE region who were not eligible for grant Special Duty Allowance in accordance with the orders issued from time to time agitated the issue of payment of Special Duty Allowance to them before CAT Guwahati Bench and in certain cases CAT upheld the prayer of employees. The Central Government filed appeals against CAT orders which have been decided, Supreme Court of India in favour of UOI. The Hon'ble Supreme Court in judgement delivered on 20.9.94 (in Civil Appeal NO.3251 of 1993 in the of UOI and CAT V/S Sh. S.V. Jay Kumar and Ors) have upheld the submissions of the Government of India that C.G. civilian Employees who have All India Transfer Liability are entitled to the grant of Special Duty Allowance on being posted to any station in the North Eastern Region from outside the region and Special Duty Allowance would not payable merely because in the appointment order relating to All India Transfer Liability.

Al Deated
Savjit Choudhary
Advocate
01 13.5.04.

4. In a recent appeal filed by Telecom Department (Civil Appeal NO.7000 2001-arising out of SLP NO.5455 of 99 1999) supreme Court of India has ordered 5.10.2001 that this appeal is covered by the judgement of this Court in the case of UOL & Ors vs.S.Vijayakumar & Ors reported as 1994 (Supp.3)SCC,649 and follow-in the case of UOL & ORS vs.Executive officer 'Association' Group C '1995 (Supp.1) SCC,757. Therefore, this appeal is to be allowed in favour of the UOL. The Hon'ble Supreme Court further ordered that whatever amount has been paid to the employees by way of SDA will not, in any event, be recovered from them inspite of the fact that appeal has been allowed.

5. In view of the aforesaid judgements, the criteria for payment of Special Duty Allowance, as upheld by the Supreme court, is reiterated as under.

"The Special Duty Allowance shall be admissible to Central Government employees having All India Transfer Liability on posting to North Eastern region (including Sikkim) from outside the region"

All cases for grant of Special Duty Allowance including those of All India Service officers may be regulated strictly in accordance with the above mentioned criteria.

6. All the Ministries/Departments etc. are requested to keep the above instructions in view for strict compliance. Further, as per direction of Hon'ble supreme Court, it has also been decided that.

(i) The amount already paid on account of Special duty Allowance to the ineligible persons not qualifying the criteria mentioned in 5 above on or before 5.10.2001, which is the date of judgement of the Supreme Court, will be waived. However, recoveries, if any, already made need not be refunded.

ii) The amount paid on account of Special Duty allowance to ineligible persons after 5.10.2001 will be recovered.

7. These orders will be applicable mutatis mutandis for regulating the claims of Islands Special (Duty) Allowance which is payable on the analogy of special (Duty) Allowance to Central Government Civilian employees serving in the Andaman & Nicobar and Lakshadweep Groups of Islands.

8. In their application to employees of Indian Audit & accounts Department, these orders issue in consultation with the Comptroller and Auditor General of India.

(N.P. SINGH)

Under Secretary to the Government of India)

All Ministries/Depts. of the Govt. of India, etc.

Copy (with spare copies) to C&AG, UPSC etc. as per standard endorsement list.

Tel: 5032

Headquarters
Chief Engineer
Shillong Zone
SE Falls
Shillong - 11

77551/90/Policy/SDA/ 67 /E1 (Legal)

30

Jan 2004

Col JK Satpathy

CWE

HQ 137 Works Engrs

G/O 99 APO

Col SK Pathak

CWE Tezpur

Shri GC Jain, SE

CWE Dinjan

Shri RK Pandey, SE

CWE Shillong

PAYMENT OF SDA TO MES EMPLOYEES

1. Reference is made to the following letters :-

77551/

(a) Dte Gen of Pers/E1C (Legal), E-in-C's Branch letter No 90237/7521/E1C (Legal-C) dt 04 Jun 2003 and even No dt 03 Oct 03 (copies att),

17

(b) This HQ letter No 77551/90/Policy/SDA/07/E1 (Legal) dt 01 Jul 2003, 77551/90/Policy/SDA/09/E1 (Legal) dt 11 Jul 2003, 77551/90/Policy/SDA/13/E1 (Legal) dt 29 Jul 2003.

2. SDA is admissible to the Central Govt employees who have All India Transfer Liability on their posting to NE Region from outside the region. No restriction is made to the effect that the residents of NE region shall not be entitled to SDA when they fulfill the criteria of All India Transfer Liability and are transferred/posted in NE Region from outside the region.

Contd...2/

13.5.04.
Advocate

The following categories of MES employees are covered by the criteria of all India Transfer Liability and hence considered for grant of SDA on their posting to NE Region from outside the region:-

"All Gp 'A', 'B' officers; Erstwhile Supdt ~~B/R~~ Gde I (now redesignated JE), Supvr B/S Gde I, D'Man Gde I, Steno Gde I and Asstts"

4. All other categories, such as Supvr B/S II, SK I & II, Steno Gde II & III, UDC, LDC, D'man Gde II, Peon, Chowkidar, all industrial staff are not covered for grant of SDA and hence as per Para 6 (ii) of Govt of India, Ministry of Finance, Department of Expenditure OM NO 11(5)/97-E11(B) dt 29 May 02 (copy att), the amount paid on account of SDA to ineligible persons after 05 Oct 2001 is to be recovered.

5. In view of above, you are requested to take all corrective actions stipulated above. Non-adherence of above policy and for any financial irregularities/overpayments, your office will be held responsible.

✓ 6. Please also intimate details of ineligible pers who were paid SDA after 05 Oct 2001 alongwith financial effect. In this connection please refer our letter No. 7551/90/Policy/SDA/52/E1 (Legal) dt 13 Jan 2004.

(ML Das)
Dy Dir (B/S)
for Chief Engineer

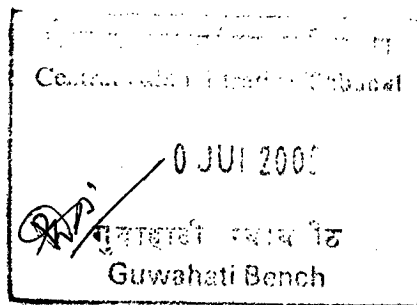
Copy to :-

All GEs/GE (I) & AGE (I) FILE NOTED

AAO Shillong - alongwith above policy letters.

Internal

E7 Sec - for information and necessary action please.



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

O. A. NO. 116 6F 2004

Sri A. K. Patre & Ors.

- Vs -

Union of India & Ors.

In the matter of :

written Statement Submitted by the respondents.

The humble respondenets ^obg to submit the parawise written statement as follows :-

1. That with regard to the steatement made in para 1, of the application, the application does not have any merits for consideneration for the payment of SDA (Special Duty Allowance) to the applicants since they are not eligible for it as pere Govt. orders/ clarifications in the matter issued time to time. The Hon'ble CAT may direct the applicants to drop their illegal demand for SDA.
2. That with regard to paras 2, 3, 4.1, 4.2, & 4.3, of the application, the respondents beg to offer no comments.

Filed by
The Respondents through
Alsha Das. 78
Addl CHS C
CAT, Guwahati Bench
10/8/05

3. That with regard to the statement made in para 4.4, of the application, the respondents beg to state that some special facilities including payment of Special Duty Allowance (SDA) were provided to the Central Govt. Employees posted in NER states vide Govt. OM No. 20014/2/83/B. IV dated 14.12.83 subject to the fulfillment of the conditions laid down therein. But subsequently when some points of doubt were raised by different Departments/Organization, the matter regarding admissibility was clarified by Govt. time to time. The applicants do not qualify the criteria for grant of SDA.

4. That with regard to the statement made in para 4.5, of the application, the respondents beg to state that based on Govt. OM dated 14.12.83, SDA was continued upto 2/2002 i.e, till the clarification received based on Hon'ble S.C. Judgement dated 510.2001. The SDA is not payable to in-eligible employees beyond 5.10.2001 as per Hon'ble supreme Court Judgement. The applicants were posted here on their first appointment.

5. That with regard to para 4.6, of the application, the respondents beg to offer no comments as it is a fact.

6. That with regard to the statement made in para 4.7, of the application, the respondents beg to state that till clarification was received from the Govt. SDA was continued up to 2/2002. As per GI. MF OM No. 11 (5/97.E.II(B) dated 29.05.2002 issued based on Hon'ble Supreme Court Judgement dated 5.05.2002 issued based on Hon'ble Supreme Court Judgement dated 5.10.2001. SDA is not payable to the ineligible employees beyond 5.10.2001. The respondent is to honour Supreme Court Judgement and also obliged to implement Govt. orders. Hence payment of SDA was stopped from 3/2002 as the applicants were not eligible.

Copy of the OM dated 29.05.2002 is annexed

hereto and marked as Annexure-I

7. That with regard to the statement made in para 4.8, of the application, the respondents beg to state that SDA is not payable to the ineligible Govt. employees beyond 5.10.2001 as per Hon'ble Supreme Court Judgement dated 5.10.200. The applicants are not eligible for SDA. The Hon'ble Supreme Court Judgement and Govt. order have been honoured and implemented immediately by discontinuing the payment of SDA to ineligible Govt. employees.

8. That with regard to the statement made in para 4.9, of the application, the respondents beg to state that SDA is not to be paid to ineligible Govt. servants after 5.10.2001 and SDA drawn already by such ineligible employees beyond 5.10.2001 is to recover as per orders contained in G.MF OM dated 29.5.2002 (Annexure-II). Accordingly payment of SDA was stopped from 3/2002 and necessary orders for the recovery of SDA drawn already from 6.10.2001 to 28.02.2002, was issued by the respondent. Hence there is not an arbitrary order. There is not violation of any provision of the constitution for the issue of such orders by the competent authority for the implementation of Govt. policy.

9. That with regard to the statement made in para 4.1, of the application, the respondents beg to state that the respondent issued orders to stop payment of SDA from 3/2002 and make recovery from 6.10.2001 onwards paid to ineligible officials based on the :

A. G.O.I MOF OM NO. 11 (5/97.E.II(B) dated 29.5.2002 (Anx-II)

B. MOWR letter No. 22/31/98GW.I dated 18.9.2002

C. GGMB, CHQ, letter No. 14-17/98-(E/Lit cell vol.II- 7878 dated 27.9.2002.

As per clarificatory OM dated 2.5.2000 (Annexure-I) from Cabinet Secretariate (issued with the concurrence of the Finance Ministry) the applicants are not eligible for the drawn of SDA.

10. That with regard to the statement made in para 4.11, of the application, the respondents beg to state that SDAs are not admissible to Central Govt. employees posted in NER. Hence the applicants are not eligible for grant of SDA since they were posted here directly on their first appointment.

11. That with regard to the statement made in para 4.12, of the application, the respondents beg to state that their representations do not have any merit for consideration for payment of SDA since it is not admissible to them.

12. That with regard to the statement made in para 4.13, of the application, the respondents beg to state that as per Hon'ble CAT orders dated 23.12.2003, the R/D had examined the cases of the applicants in the light of Govt. OM dated 12.01.96 and subsequent orders/clarifications in this matter but the criteria laid down therein do not qualify them for the payment of SDA. Accordingly they were informed in writing by the R/D vide letter dated 29.04.2004.

13. That with regard to the statement made in para 4.14, of the application, the respondents beg to state that the case of the applicants may not be treated as similar to the other cases decided already by the Hon'ble CAT. The applicants do not satisfy the criteria for payment of SDA.

14. That with regard to para 4.15, of the application, the respondents beg to offer no comments.
15. That with regard to the statement made in para 4.16, of the application, the respondents beg to state that payment of SDA to the applicants was stopped in pursuance of Hon'ble Supreme Court Judgement dated 5th October 2001 as the applicants were not eligible for grant of SDA.
16. That with regard to the statement made in para 4.17, of the application, the respondents beg to state that Central Government servants merely having All India Transfer Liability is not admissible for SDA on their posting in NER from outside. SDA is admissible subject to fulfillment of all the criteria for the payment of SDA. The applicants were ineligible for SDA. SDA is not to be paid to ineligible Government employees beyond 5th October 2001. Hence the decision taken by the respondent for stopping payment of SDA is not contrary to Government orders.
17. That with regard to the statement made in para 4.18, of the application, the respondents beg to state that as mentioned in army H.Q. New Delhi letter dated 4th June 2003 SDA is not admissible to group A & B officers for merely being

-7-

officers of group A & B on posting in NER states. They will have to fulfill all the conditions laid down in Government orders/clarifications to qualify themselves for eligibility for SDA.

The applicants are not eligible for grant of SDA since they do not satisfy the criteria for drawl of SDA.

18. That with regard to para 4.19, of the application, the respondents beg to offer no comments.

19. That with regard to the statement made in para 5.1, of the application, the respondents beg to state that this office letter dated 29th April 2004 informing the applicants about their ineligibility for SDA is not impugned and also not cryptic. The respondent has honoured the Judgement of the Hon'ble CAT passed on 23rd December, 2003.

20. That with regard to the statement made in para 5.2, of the application, the respondents beg to state that the applicants are not eligible for SDA as they do not fulfill the criteria for payment of SDA as laid down/clarified in Government orders/clarifications.

21. That with regard to para 5.3, of the application, the respondents beg to offer no comments as it is a fact.

22. That with regard to the statement made in para 5.4, of the application, the respondents beg to state that merely for being group A & B officers the applicants are not eligible for SDA because they were posted here directly in their first appointment.

23. That with regard to para 5.5 & 5.6, of the application, the respondents beg to offer no comments.

24. That with regard to the statement made in para 5.7, of the application, the respondents beg to state that SDA is not admissible on posting in NER and also SDA is not payable to ineligible officials beyond 5th October 2001 as per Hon'ble Supreme Court Judgement. Hence stopping payment of SDA to the ineligible Government servants (i.e. applicants) is not an illegal action of the respondent (competent authority).

25. That with regard to the statement made in para 5.8, of the application, the respondents beg to state that the existing Government orders/clarifications in the matter do not support the case of the applicants.

26. That with regard to the statement made in para 5.9, of the application, the respondents beg to state that discontinuation of payment of SDA in respect of ineligible officers has been made based on Hon'ble Supreme Court Judgement which has to be honoured by the respondent. Hence the question of violation of any article of the constitution does not arise.

27. That with regard to the statement made in para 5.10, of the application, the respondents beg to state that the recovery and discontinuation of payment of SDA was ordered

based on Hon'ble Supreme Court Judgment and GI ministry of Finance OM no. 11 (5/97.E.II(B) dated 29th May 2002 (Anx-II). Hence there is not any violation of principle of natural justice on implementation of Supreme Court order.

28. That with regard to para 5.11, of the application, the respondents beg to offer no comments.

29. That with regard to the statement made in para 5.12, of the application, the respondents beg to state that the applicants are ^{not} eligible for payment of SDA. _{for}

30. That with regard to the statement made in para 5.13, of the application, the respondents beg to state that SDA is not admissible ^{merely} on posting in NER from outside the region. All the criteria should be satisfied for the eligibility of SDA.

31. That with regard to the statement made made in para 5.4, of the application, the respondents beg to state that the respondent has very carefully examined the case of the applicants but the criteria for the payment of SDA do not support the case of the applicants.

32. That with regard to para 5.15, of the application, the respondents beg to offer no comments.

33. That with regard to the statement made in para 5.16, of the application, the respondents beg to state that payment of SDA to the applicants was stopped in pursuance of Hon'ble Supreme Court Judgment as they were not eligible for the same. Implementation of Court/Government orders is not violation of any Article of the Constitution of India.

34. That with regard to the statement made in para 5.17, of the application, the respondents beg to state that the payment of SDA is denied to the applicants since it is not admissible to them.

35. That with regard to para 6 & 7, of the application, the respondents beg to offer no comments.

36. That with regard to the statement made in para 8, of the application, the respondents beg to state that relief can not be granted because Hon'ble Supreme Court order says that after 5th October 2001 SDA should not be paid to any of the employees who are not eligible.

37. That with regard to the statement made in para 8.1, of the application, the respondents beg to state that this office letter dated 29th April 2004 issued to the applicants informing about their ineligibility for SDA is within the jurisdiction of the issuing authority.

38. That with regard to the statement made in para 8.2, of the application, the respondents beg to state that the Hon'ble CAT may order the respondent to implement this

office order dated 25th November 2002 for discontinuation/recovery of SDA in respect of ineligible Government employees in view of Hon'ble Supreme Court Judgment dated 5th October 2001.

39. That with regard to the statement made in para 8.3, of the application, the respondents beg to state that the order issued for stopping of payment of SDA from March 2002 and recovery of SDA drawn after 5th October 2001 by the ineligible official is Legal and within the Jurisdiction of the issuing authority.

40. That with regard to para 8.4, of the application, the respondents^d beg to offer no comments.

41. That with regard to the statement made in para 8.5, of the application, the respondents^e beg to state that the applicants cannot be granted any relief as they are not entitled to SDA after 5th October 2001 as per Supreme Court Judgment dated 5th October 2001.

42. That with regard to para 9.1, of the application, the respondents beg to offer no comments.

Verification.....

-12-

VERIFICATION

I, A. R. Bakshi, Regional Director, Central Ground Water Board, North Eastern Region, G.S. Road, Guwahati, do hereby verify that statements made in paragraph 12,

of the written statement are true to my knowledge, those made in paragraphs 3 to 42 being matter of records are true to my information derived therefrom which I believe to be true and those made in the rest are humble submissions before the Hon'ble Tribunal. I have not suppressed any material facts.

And I signed this verification on this 10th day of June, 2005 at Guwahati.



Deponent.

Regional Director,
Central Ground Water Board
N. E. R., Guwahati.

Cabinet Secretary
(P.A. Section)

SECRET
NO DISSEMINATION

Special Duty Allowance (SDA) for employees of the Central Government, Union Territories of North Eastern Region.

SSB Directorate, No. 11(3)/95 E.II(D) dated 7.5.97 to their UO No. 12/SSB/AI/99(10)-2369 dated 10.10.99.

The points of doubt raised by SSB in their UO No. 12/SSB/AI/99(10)-2369 dated 10.10.99 have been examined in consultation with our Finance and Ministry of Finance (Dept. of Expenditure) and in application to the points of doubt given as under for information, guidance and necessary action:

1) The Hon'ble Supreme Court in their judgement delivered on 26.11.96 in writ petition No. 794 of 1996 held that civil and employees who have All India Transfer Liability are entitled to the grant of SDA on being posted to any station in the NE region from outside the region and in the following situation whether a Central Govt. employee would be eligible for the grant of SDA keeping in view the clarifications issued by the Ministry of Finance vide their UO No. 11(3)/95 E.II(D) dated 7.5.97.

(a) A person belongs to outside N.E. region but he is appointed and on first appointment posted in the N.E. Region after selection through direct recruitment based on the recruitment made on All India basis and having a common/centralised seniority list and All India Transfer Liability.

NO

(b) An employee hailing from the NE region selected on the basis of an All India recruitment test and borne on the Centralised cadre/service common seniority on first appointment and posted in the N.E. Region. He has also All India Transfer Liability.

(c) An employee belongs to N.E. Region was appointed as Group 'C' or 'D' employee based on local recruitment when there were no cadre rules for the post (prior to grant of SDA vide Ministry of Finance No. 20014/2/03 E.IV dated 14.12.03 and

NO

20/4/97 dated 20/4/2001 /06: B.A.T.(B)
dated 12/06/01 by the post/
cadre was centralized with common seni-
ority list/promotion/All India Transfer
Liability etc. on him considering all the
NE Region though they can be transferred
out to any place outside NE Region
having All India Transfer Liability.

iii) An employee belongs to NE Region and
subsequently posted outside NE Region,
whether he will be eligible for SDA if
posted/transferred to NE Region. He
is also having a common All India seni-
ority and All India Transfer Liability.

YES

iv) An employee hailing from NE Region,
posted to NE Region initially but
subsequently transferred out of NE
Region but re-posted to NE Region
after sometime serving in non-NE Region.

YES

v) The MoF, Deptt. of Expenditure vide their UO
No.11(3)/95-E.II(U) dt. 6.27 have clari-
fied that a mere clause in the appoint-
ment order to the effect that the person
concerned is liable to be transferred
anywhere in India does not make him
eligible for the grant of Special Duty
Allowance. For determination of the
admissibility of the SDA to any
Central Govt. Civilian employees having
All India Transfer Liability will be by
applying tests (a) whether recruitment
to the Service/Cadre/Post has been made
on All India basis (b) whether promotion
is also done on All India basis
Zone of promotion band/basis of seniori-
ty for the service/cadre/post as a
whole (c) in the case of SSP/DGS, there
is a common recruitment system made on
All India basis and promotions are also
done on the basis of All India Common
Seniority basis. Based on the above
criteria/tests all employees recruited
on the All India basis and having a
common seniority list will be eligible for the
grant of SDA irrespective of the fact
that the employee has been recruited from NE Region
or posted to NE Region from outside
the NE Region.

In case of
employee
hailing
NE Region
posted
in NE Region
he is
entitled
SDA till
he is
transferred
out of that
Region.



vi) Based on point (iv) above, some of the units of SSD/DCS have authorized payment of SDA to the employees hailing from NE Region and posted within the NE Region while in the case of others, the DACS have objected payment of SDA to employees hailing from NE Region and posted within the NE Region, irrespective of the fact that their transfer liability is All India Transfer Liability or otherwise. In such cases what should be the norm for payment of SDA i.e. on fulfilling the criteria of All India Recruitment Test or to promotion of All India Common Seniority basis having been satisfied are all employees eligible for the grant of

It has already been clarified by MOF that a mere clause in the appointment order regarding All India Transfer Liability does not make him eligible for grant of SDA.

vi) Whether the payment made to some employees hailing from NE Region and posted in NE Region be recovered after 20/9/1991, the date of decision of the Hon'ble Supreme Court and/or whether the payment of SDA should be allowed to all employees including those hailing from NE Region with effect from the date of their appointment if they have All India Transfer Liability and are promoted on the basis of All India Common Seniority List.

The payment made to employees hailing from NE Region & posted in NE Region be recovered from the date of its payment. It may also be added that the payment

of the ineligible employees hailing from NE Region and posted in NE Region be recovered from the date of payment or after 20th Sept 91 whichever is later.



- 16 -

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This is issued with the concurrence of the Finance Division,
 Joint Secretariat vide Dy. No. 1349 dated 10.09.99 and Ministry
 of Finance (Expenditure) vide Dy. No. 1349 dated 10.09.99 and Ministry
 of Finance (Expenditure) vide Dy. No. 1349 dated 10.09.99

Mr. A/C

(H. Thakur)
 Director (SR)

- | | | |
|-----------------------------|-----------------------|-----------|
| 1. Shri R. S. Bedi, | Director, | SSD |
| 2. Shri R. I. Kureel, | Director, | SFF |
| 3. Brig (Retd) G. S. Ubani, | IG, | DGS |
| 4. Shri S. R. Mehra, | JD (P&C), | RAAW |
| 5. Shri Ashok Chaturvedi, | JS (Pers), | DACS |
| 6. Shri B. S. Gill, | Director of Accounts, | C. Sectt. |
| 7. Smt. J. H. Menon, | Director-Finance, | C. Sectt. |
| 8. Col. K. D. Jaspal, | C19A | C. Sectt. |

Cab. Sectt. DO No. 20/12/99-EA.1 - 1798 - date 22-5-2000
 2 MAY 2000

4/5 - proposed by...

4/5

2
 D
 05/5/2000

108

G.I., M.F., O.M. No. 11 (5)/97-E. II (B), dated 29-5-2002

**Special Duty Allowance to civilian employees posted
from outside the region only**

The undersigned is directed to refer to this Department's O.M. No. 20014/3/83-E. IV, dated 14-12-1983 and 20-4-1987 read with O.M. No. 20014/16/86-E.IV/E. II (B), dated 1-12-1988 and O.M. No. 11 (3)/95-E.II (B), dated 12-1-1996 (Sl. Nos. 214 and 103 of Swamy's Annual, 1988 and 1996 respectively) on the subject mentioned above.

2. Certain incentives were granted to Central Government employees posted in N-E. region vide OM, dated 14-12-1983. Special Duty Allowance (SDA) is one of the incentives granted to the Central Government employees having "All India Transfer Liability". The necessary clarification for determining the All India Transfer Liability was issued vide OM, dated 20-4-1987, laying down that the All India Transfer Liability of the members of any service/cadre or incumbents of any post/group of posts has to be determined by applying the tests of recruitment zone, promotion zone, etc., i.e., whether recruitment to service/cadre/post has been made on All India basis and whether promotion is also done on the basis of an All India common seniority list for the service/cadre/post as a whole. A mere clause in the appointment letter to the effect that the person concerned is liable to be transferred anywhere in India, did not make him eligible for the grant of Special Duty Allowance.

3. Some employees working in N-E. region who were not eligible for grant of Special Duty Allowance in accordance with the orders issued from time to time agitated the issue of payment of Special Duty Allowance to them before CAT, Guwahati Bench and in certain cases CAT upheld the prayer of employees. The Central Government filed appeals against CAT orders which have been decided by Supreme Court of India in favour of UoI. The Hon'ble Supreme Court in judgment delivered on 20-9-1994 (in Civil Appeal No. 3251 of 1993 in the case of *UoI and Others v. Sh. S. Vijaya Kumar and Others*) have upheld the submissions of the Government of India that Central Government civilian employees who have All India Transfer Liability are entitled to the grant of Special Duty Allowance on being posted to any station in the North-Eastern Region from outside the region and Special Duty Allowance would not be payable merely because of a clause in the appointment order relating to All India Transfer Liability.

4. In a recent appeal filed by Telecom Department (Civil Appeal No. 7000 of 2001-arising out of SLP No. 5455 of 1999), Supreme Court of India has ordered on 5-10-2001 that this appeal is covered by the judgment of this Court, in the case of *UOI and Others v. S. Vijaya-kumar and Others*, [reported as 1994 (Supp. 3) SCC, 649] and followed in the case of *UOI and Others v. Executive Officers' Association Group 'C'* [1995 (Supp. 1) SCC, 757]. Therefore, this appeal is to be allowed in favour of the UOI. The Hon'ble Supreme Court further ordered that whatever amount has been paid to the employees by way of SDA will not, in any event, be recovered from them inspite of the fact that the appeal has been allowed.

5. In view of the aforesaid judgments, the criteria for payment of Special Duty Allowance, as upheld by the Supreme Court, is reiterated as under:-

"The Special Duty Allowance shall be admissible to Central Government employees having All India Transfer Liability on posting to North-Eastern region (including Sikkim) from outside the region."

All cases for grant of Special Duty Allowance including those of All India Service Officers may be regulated strictly in accordance with the above-mentioned criteria.

6. All the Ministries/Departments, etc., are requested to keep the above instructions in view for strict compliance. Further, as per direction of Hon'ble Supreme Court, it has also been decided that—

(i) The amount already paid on account of Special Duty Allowance to the ineligible persons not qualifying the criteria mentioned in 5 above on or before 5-10-2001, which is the date of judgment of the Supreme Court, will be waived. However, recoveries, if any, already made need not be refunded.

(ii) The amount paid on account of Special Duty Allowance to ineligible persons after 5-10-2001 will be recovered.

7. These orders will be applicable *mutatis mutandis* for regulating the claims of Islands Special (Duty) Allowance which is payable on the analogy of Special (Duty) Allowance to Central Government Civilian employees serving in the Andaman and Nicobar and Lakshadweep Groups of Islands.

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

(B)

22/31/98-GW.I

180
a6

MOST IMMEDIATE
COURT CASE

No.22/31/98-GW.I
Government of India
Ministry of Water Resources

New Delhi, dated the 18th September 2002

To,

The Director (Admn.)
Central Ground Water Board
HH IV, Faridabad.

Sub: Review Application No. 3/2001 in OA No. 217/98 filed by AICGWP Employees Association – against order dated 22.12.2000 of CAT, Guwahati Bench and WP No.2112 of 2002 filed by AICGWEMA, BEC, NR, Guwahati and Anr. Versus UOI and Others.

Sir,

213W
I am directed to refer to CGWB's letter No. 14-17/98 (S)/Lit-Cell dated 02.04.2002, 13.5.2002 & 07.08.2002 on the subject mentioned above and to say that as per instructions issued by the Ministry of Finance (Deptt. of Expenditure) vide their O.M. No. F.11(5)/97-E.II (B) dated 29th May, 2002, "the Special Duty Allowance shall be admissible to Central Government employees having All India Transfer Liability on posting to North Eastern Region (including Sikkim) from outside the region" and all cases of SDA including those of All India service officers are to be regulated strictly in accordance with this criteria. The instructions further lay down that (i) the amount paid on account of SDA to the ineligible persons not qualifying the above stated criteria on or before 5.10.2001 will be waived but recoveries, if any, already made need not be refunded; and (ii) the amount of SDA to ineligible persons paid after 5.10.2001 will be recovered.

The Board is accordingly requested to implement the CAT order in accordance with the O.M. dated 29.05.2002 issued by the Ministry of Finance. In case the SDA to ineligible persons has not been stopped administrative responsibility may be fixed on defaulting officers.

Yours faithfully

Sohan S. Saini
(Sohan S. Saini)

Under Secretary to the Govt. of India

RECEIVED
19/9/02
10-3260
19/9/02

EXPRESS POST

MOST IMMEDIATE/COURT CASE REG. SDA



No.14-17/98-(E)/Lit. Cell Vol.II 7878
Government of India
Ministry of Water Resources
Central Ground Water Board
NH-IV, FARIDABAD-121 001

Dated:

27 SEP 2002

To

Sh. A. R. Bakshi,
Regional Director Incharge,
Central Ground Water Board,
NER, Guwahati.

Sub: Review Application No.3/2001 in OA No.217/99 filed by AICGWBEA against Judgement/Order dated 22.12.2000 of CAT, Guwahati Bench and WP No.2112/2002 filed by AICGWBEA, BEC, NER, Guwahati and another Vs. UOI & Others.

Sir,

I am to invite a reference to your letter No.2767/CGWB/NER/Acctt./SDA/2002 dated 8.8.2002 on the above cited subject and to enclose herewith a copy of the Ministry's letter No.22/31/98-GW.I dated 18.9.2002, which is self-explanatory.

As per instructions issued by the Ministry of Finance (Department of Expenditure) vide their OM No.F.11(5)/97-E.II(B) dated 21.5.2002 (copy enclosed for ready reference), the special duty allowance shall be admissible to Central Govt. Employees having All India Transfer liability on posting to North Eastern Region (including Sikkim) from outside the region and all cases of SDA including those of All India Service Officers are to be regulated strictly in accordance with this criteria. The instructions further lay down that :-

- i) the amount paid on account of SDA to the ineligible persons not qualifying the above stated criteria on or before 5.10.2001 will be waived but recoveries, if any, already made need not be refunded; and,
- ii) the amount of SDA to ineligible persons paid after 5.10.2001 will be recovered.

In view of the above, you are requested to implement the order dated 22.12.2000 passed by the Hon'ble CAT, Guwahati Bench in accordance with the OM dated 29.5.2002 issued by Ministry of Finance immediately under intimation to this office as

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well as to the Ministry. In case the SDA to ineligible persons has not been stopped administrative responsibility may also be fixed on defaulting officers.

Aforesaid direction of the Ministry may be adhered strictly for compliance.

Yours faithfully,

Encl: As above.

(P. P. GUHA) 25/09/02
DIRECTOR (ADMINISTRATION)

COPY TO:

1. The Director (GW), Govt. of India, MOWR, Shram Shakti Bhavan, New Delhi with reference to Ministry's letter No.22/31/98-GW.I dated 18.9.2002 for information.
2. The Executive Engineer, CGWB, Div.VII, Guwahati along with a copy of Ministry's letter referred to above and copy of OM No.11(5)/97/E-II(B) dated 29.5.2002 for immediate necessary action & compliance.
3. PS to Chairman, Central Ground Water Board,
4. PA to Director (Admn.), Central Ground Water Board, Faridabad.

(P. P. GUHA)
DIRECTOR (ADMINISTRATION)

//Rsinha//
25.09.2002

19 JUL 2005

मुख्यालय गुवाहाटी
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

99
Filed by the applicants
through
Subrata Nath
Advocate
19.07.05

In the matter of:-

O.A. No. 116 of 2004

Sri Ashok Kumar Patre & Ors.

-Vs-

Union of India and Others.

-And-

In the matter of:-

Rejoinder submitted by the applicants in reply to the written statements submitted by the respondents.

The applicants above named most humbly and respectfully begs to state as under:-

1. That with regard to the statements made in Para 1, 3, 4 and 6 of the written statements applicants categorically deny the statements of the respondents to the effect that the claim of the applicants regarding grant of SDA is very much legitimate and lawful and the said claim cannot be termed as "illegal demand" as stated in the paragraph 1 of the written statement. It is categorically submitted with regard to the statements made in paragraph 2, 3 and 4 that the applicants are eligible for grant of SDA in terms of the O.M dated 14.12.1983, 01.12.1988 and 22.07.1998 as well as in terms of the clarification given by the Govt. of India vide O.M dated 20.04.1987, 12.01.1996 as well as in terms of O.M dated 29.05.2002. Moreover, the judgment dated 05.10.2001 referred in para 4 has no relevancy with the instant case of the applicants, rather the clarification

given following the judgment dated 05.10.2001 i.e. by the O.M dated 29.05.2002 has categorically stated that the civilian Central Government employees saddled with all India transfer liability, all India common seniority are entitled to payment of SDA provided they are posted from outside the region. The similar issue came up before this Hon'ble Tribunal in the case of Shri Santosh Kumar N.V. -Vs- Union of India & Ors in O.A. No. 136/2000 and the same was decided by this Hon'ble Tribunal on 20.12.2000, wherein it is held that in view of the decision rendered by the Hon'ble Supreme Court in S. Vijaykumar's case even a central Govt. employee who fulfills all conditions posted from outside region is eligible for grant of SDA. The applicants rely on the judgment dated 20.12.2000 in O.A. No. 136/2000 as well as judgment dated 28.07.2004 in O.A. No. 101/2003 in the case of Shri Mahanth Vishwakarma -Vs- Union of India & Ors.

Copy of the judgment dated 20.12.2000 as well as judgment dated 28.07.04 in O.A. No. 101/03 are enclosed herewith for perusal of Hon'ble Tribunal as Annexure- A and B respectively.

2. That with regard to the statements made in paragraphs 7, 8, 9, 10, 15 and 16 of the written statements, the applicants deny the correctness of the same and further beg to say that the applicants are entitled for payment of SDA in terms of the judgment passed by the Hon'ble Supreme Court in the case of Union of India & Ors. -Vs- S. Vijakumar reported in 1994 Supp (3) SCC 649 as well as other judgments referred in written statement. Moreover, when the applicants are legally entitled to the payment of SDA the question of recovery does not arise at all. The applicants further rely on the O.M dated 29.05.2002 which supports the case of entitlement of payment of SDA to the applicants and in fact issue involved in the case has already been dealt by this Hon'ble Tribunal in O.A. No. 248/2003, therefore, the question of initial posting or first posting in N.E. Region cannot stand on the way for grant of SDA. Moreover, the latest

clarifications given by the Ministry of Defence, Engineer-in-Chief's Branch, New Delhi quoting the reference of letter dated 04.06.2003, 01.07.2003, 11.07.2003, 29.07.2003 vide their communication dated 30.01.2004, wherein in para 2 of the said clarification it is categorically stated that even in the matter of transfer or posting in N.E. Region from outside the region in the case of a civilian central Govt. employee are entitled to payment of SDA.

A copy of the communication dated 30.01.04 issued by the HQ, Chief Engineer, Shillong is enclosed herewith for perusal of the Hon'ble Tribunal as Annexure- C.

3. That with regard to the statements made in paragraphs 17, 19, 20, 22, 24, 25, 26, 27, 30, 31, 33, 34, 36, 37, 38, 39 and 41 of the written statement the applicants deny the correctness of the averments made in those paragraphs rather the Supreme Court judgments referred therein and Govt. circulars supports the case of the applicants for their entitlement for payment of SDA. It appears from the contention raised by the respondents that they are confused with regard to the Govt. orders for entitlement of the SDA and also confused about the judgment of the Apex Court and deliberately has passed the impugned order and denied the legitimate claim of the applicants for payment of SDA.

In the facts and circumstances stated above, the Original Application deserves to be allowed with cost.

4 102

VERIFICATION

I, Dr. Nabendu Majumdar, Son of Sri Nirmal Majumdar, aged about 34 years, working as Assistant Hydro Geologist, Central Ground Board, North Eastern Region, Tarun Nagar, Bye Lane-1, Guwahati- 781005, Assam, one of the applicants in the instant Original Application duly authorized to verify the statements made in the rejoinder, do hereby verify that the statements made in paragraph 1 to 3 are true to my knowledge and I have not suppressed any material facts.

And I sign this verification on the 19th day of July 2005.

Nabendu Majumdar

-5- ~~Enclosure~~ Annexure - A

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

103

Original Application No. 136 of 2000.

Date of decision : This the 20th day of December, 2000.

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

Hon'ble Mr. M.P. Singh, Member (A).

Santosh Kumar N.V.,
Office of the Superintending Engineer,
Civil Construction Wing,
All India Radio,
Zoo Roads Tiniali, 1st Bye Lane (North),
P.O. Bamunimaidan,
Guwahati-781021

Applicant

By Advocates Mr. B.K. Sharma and Mr. J.L. Sarkar.

-versus-

1. Union of India through the Secretary
to the Government of India,
Ministry of Information & Broadcasting,
Shastri Bhawan,
New Delhi-110001.

2. The Director General,
All India Radio, Prasar Bharati,
Akashvani Bhawan,
Parliament Street,
New Delhi-11001.

3. The Deputy Director General (NER),
All India Radio,
Chandmari,
Guwahati-781003.

The Superintending Engineer (Civil),
Civil Construction Wing,
All India Radio, Zoo Road Tiniali,
1st Bye Lane (North), P.O. Bamunimaidan,
Guwahati-781021

..Respondents

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

.....

O R D E R (ORAL)

CHOWDHURY J. (V.C.).

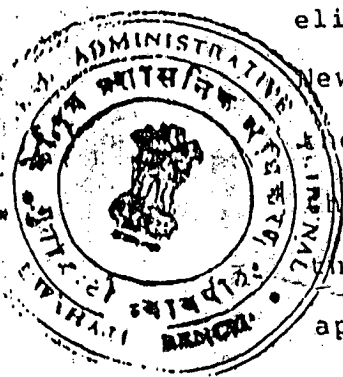
The entitlement of Special (Duty) Allowance is the key question in this application. The applicant is holding a group C post in the All India Radio. He was appointed in the All India Radio and was posted at

Contd. ...

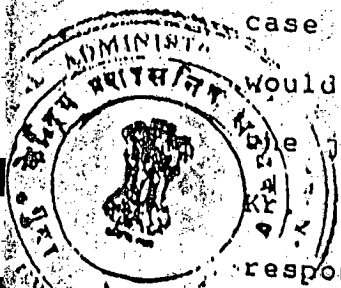
*Attested
for
Advocate*

Tezu. The applicant was recruited through open competitive examination conducted at national level on 27.10.1991 for recruitment to the post of Lower Division Clerks for various groups of services namely Group X posts in the Ministries/attached offices of the Govt. of India. It was also stated out of 27,861 candidates qualified in the written part of the examination and were called for type writing test subject to their eligibility, 6625 candidates were recommended for appointment subject to their fulfilling all conditions of eligibility. The result was published in the Employment News in its issue of 12-18 December 1992. On the basis of the aforesaid selection the applicant was appointed in the post of Clerk Grade II at All India Radio, Tezu by the Station Engineer of All India Radio, Tezu. The applicant came to North Eastern Region and joined Tezu. The applicant is a permanent resident of Kerala came to N.E. Region and joined in the said post in 1993 and since then the applicant is serving in the N.E. Region. As per the Govt. policy the applicant was paid SDA upto November, 1997 and since December 1997 the said allowance was discontinued and the applicant thereafter moved the authority for reviving the SDA. Failing to get redressal from the administration the applicant moved this Tribunal by filing this O.A. The O.M. dated 14.12.1983 which was issued by the Ministry of Finance to provide some incentive to the Central Government Civilian Employees posted in North Eastern Region. A number of litigations were filed before the Tribunal and finally the matter was resolved by the decision of the Supreme Court rendered in the case of Union of India vs. S. Vijay Kumar & Ors. reported in 1994 (28) ATC 598. Interpreting the O.M. dated 14.12.1983, 29.10.1986 and 20.4.1987 and

Contd..



Considered the rival submission Supreme Court inter alia observed that in the O.M. dated 29.10.1986 which was quoted in O.M. dated 20.4.1987 clearly shows that allowance in question was meant to attract persons outside the North Eastern Region to work in this Region because of inaccessibility and difficult terrain. The Supreme in the said case also observed referring to 1983 O.M. "that need for the allowance was felt for "attracting and retaining" the service of the competent officers for service in the North Eastern Region." In these circumstances the Supreme Court held that 1986 memorandum made the position clear by stating that Central Government civilian employees who have All India Transfer Liability would be granted the allowance "on posting to any station to the North Eastern Region. The key issue in the Vijay Kr. case was basically as to the admissibility of SDA by the resident of the N.E. Region, since their postings linked with the All India transfer liability. The Supreme Court in Vijay Kumar's case (Supra) held that mere all India Transfer Liability would not be the only issue for giving benefit of SDA. After the judgement of the Supreme Court rendered in S. Vijay (Supra) the concerned authority including the respondents issued some clarification. One such clarification was reflected at Annexure-6 to the O.A. vide O.M. No. 23/12/93-SIV dated 4.8.1997 referring to the instructions issued by the Govt. of India from time to time from the Finance Department. The Directorate mentioned that as per the decision rendered by the Supreme Court who belong to the N.E. Region are not entitled to the SDA notwithstanding the existence of all India Transfer Liability in their appointment letter. By the aforesaid notification the respondents in terms of the Supreme Court decision excluded the applicant from granting SDA. Notifications were issued by the



by the respondents to that extent by its Memorandum dated 5.1.1998 and 11.8.1998. The applicant after discontinuation of SDA when moved the authority the respondents mentioned that the employees who have all India Transfer Liability with all India common seniority list and posted/transferred to any station in the N.E.Region from outside the North Eastern Region are entitled to SDA. Accordingly the respondents denied the claim of the applicant. The applicant in that situation pursued the matter by his representation dated 26.2.1999 and the same was forwarded to the Director General by the respondent no.4, the Superintending Engineer (Civil) by his communication dated 11.3.1999. The respondents realising the situation sought clarification from the Director General. Some of the observations of the respondent no.4 made in the aforementioned letter are reproduced below :



"Sri Santosh Kumr, LDC, is recruited by Staff Selection Commission & was posted at AIR, Tezu. Sri Kumar is a resident of Kerala & was selected by SSC after coming successful in the exam. As per the appointment order, Sri Kumar is having an All India Transfer Liability. In addition to this, the Supreme Court has given a Judgement regarding admissibility of SDA. The copy of judgement is enclosed. In the above judgement, vide para 8, it has been clarified that the SDA was given to attract people from outside the region irrespective of the fact that the first appointment/posting was in the N.E. Region or not."

Sri Kumar has enclosed the Supreme Court judgement, the appointment letter as LDC at TEzu and Finance Ministry order dated 2.8.98 regarding admissibility of SDA as per Vth Pay commission report.

It is requested to kindly examine the representation of Sri S. Kumar & decide, once for all, the admissibility of SDA to the employees of Clerical cadre posted in the N.E. Region in the light that the transfer of LDCs are on All India Basis."

Contd.

The respondents by the communication dated 26/28.4.1999 turned down the claim of the applicant only referring to the Office Memorandum No. 11(3)/95-E.II(B) dated 12.1.1996. The respondents in its written statement denied the claim of the applicant and stated that recruitment to the post was made by All India Radio on zonal basis not on All India Basis. Applicant was accordingly recruited Staff Selection and appointed as Clerk Grade-II for N.E. Region only. His seniority was maintained on zonal basis and not on all India basis. His promotion to the next higher grade of CG-I was also made on zonal basis. According to the respondents he is not liable to be transferred outside the N.E. Region. The aforementioned observations made in paragraphs 3 and 9 of the written statement had not been supported by any records. The source of the above statement in the written statement was verified to be true to his knowledge and information without being precise. The materials on record including the statement of the respondent no. 4 as reflected in his communication dated 11.3.1999, it is apparently clear that the applicant was selected by the Staff Selection Commission and was posted at Tezu. The applicant is a resident of Kerala and was posted at Tezu on selection to his post through Staff Selection Commission.

2. In our view, the applicant being a person hailing from outside the N.E. Region and selected through All India Selection cannot be excluded from the benefit of the SDA, more so in view of the decision of the Supreme Court in the case of S. Vijay Kumar (Supra) which was basically a decision as to admissibility of SDA to the resident of N.E. Region. The applicant because of the order of

Contd..



appointment was required to move to North Eastern Region. This movement and posting may occasion either because of transfer or posting.

3. For the foregoing reasons stated above, in our view the impugned action of the respondents to exclude the applicant from the benefit of SDA are not justified. Accordingly the respondents are directed to pay SDA to the applicant with effect from December 1997 i.e. from the date from which the applicant was denied with the SDA. The above exercise shall be completed by the respondents as early as possible preferably within a period of two months from today.

4. The application is accordingly allowed. There shall, however no order as to costs.



trd

Sd/ VICE CHAIRMAN
Sd/ MEMBER (A)

TRUE COPY

W. Sanyal
29/8/03
Section Officer (J)
C.A.T. GUWAHATI DANCH
Guwahati-781005

*Alister
Advocate*

-11-

Annex no. B

✓

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application no. 101/2003

Date of decision : This the 18th day of July, 2004

Hon'ble Mrs. Bharati Ray, Member (J)
Hon'ble Shri K.V. Prahaladan, Member (A)

Shri Mahanth Vishwakarma,
Laboratory Technician,
C/o. Commandant,
SSB Group Centre, Tezu,
Dist. Lohit,
Arunachal Pradesh.

.. Applicant

By Advocate Mr. M. Chanda.

-versus-

1. The Union of India,
Represented through
the Secretary to the Govt. of India,
Ministry of Home Affairs,
New Delhi.

2. The Director General of Security,
Office of the Director, SSB,
Block-V (East), R.K. Puram,
New Delhi 110 066.

3. The Divisional Organiser,
A.P. Division, S.S.B.
Itanagar, Arunachal Pradesh.

4. The Area Organiser (Staff),
Divisional Headquarters, SSB
Itanagar, Arunachal Pradesh.

5. The Asstt. Commandant/DDO,
Group Centre, SSB
Tezu, Arunachal Pradesh.

.. Respondents.

By Advocate Mr. A. Deb Roy, Sr.CGSC

O R D E R

Mrs. BHRATI RAY, MEMBER (J)

This is an application filed by the applicant u/s
19 of the A.T. Act, 1985 seeking the following relief:

8.1 That the Hon'ble Tribunal be pleased to set
aside and quash the impugned memorandum issued

under No.GCT/0531/2002-03/SDA/12601 dated
05.10.02 and all other letters associated
thereto.

8.2 That the Hon'ble Tribunal be pleased to direct the respondents to pay Special Duty Allowance (SDA) to the applicant in terms of O.M. dated 14.12.83/1.12.88 and O.M. dated 22.7.98, and also in the light of judgment and order passed on 10.8.2001 in O.A. No.84/2001 by this Hon'ble Tribunal, along with arrear, with retrospective effect from the date from which it was stopped.

8.3 That the Hon'ble Tribunal be pleased to declare that the applicant is entitled to payment of SDA in terms of the O.M. dated 14.12.83, 1.12.88, 22.7.98 and in terms of O.M. dated 12.1.96 issued by the Govt. of India, Ministry of Finance.

8.4 That the respondents be directed to refund the full amount of SDA recovered from the applicant immediately.

8.5 Cost of application.

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

2. The undisputed facts of the case are that the applicant was initially appointed as Laboratory Technician by the Directorate General of Security, SSB, New Delhi vide appointment letter No.D/SSB/A-2/89(18) dated 23.2.90 and was posted in the Office of the Divisional Organiser, SSB, Arunachal Pradesh Division, Itanagar in the North Eastern Region and joined there w.e.f. 19.3.90.



3. Government of India had decided to give some incentive to the civilian employees of the central government working in the states and Union Territories of the North Eastern Region. The scheme amongst others granted Special Duty Allowance (hereinafter referred to as SDA) to the employees having all India transfer liability. The original scheme was issued under Ministry

of Finance's O.M. No. II 20014/3/83/E-IV dated 14.12.83 whereby SDA was given with effect from 1.11.1983 in terms of para 3 of the said O.M. The period and rate of payment was subsequently modified from time to time. The central government employees posted in North Eastern Region covered by the said OM dated 14.12.83 were paid SDA in terms of the said OM. Copy of the OM dated 14.12.1983 is enclosed as Annexure -III to the OA.

4. In terms of the above OM and on fulfillment of the eligibility criteria, the applicant was granted SDA which was paid to him since his initial appointment. But thereafter, all of a sudden, the payment of SDA has been denied to the applicant and recovery has been effected from his salary on the plea that the applicant is not entitled to get SDA. The applicant submitted

representation to the respondents on 22.4.2002 requesting for payment of SDA and refund of the amount recovered on account of SDA to him. The said representation was followed by subsequent representations dated 22.5.2002, 10.8.2002 and 5.10.2002. Ultimately the respondent no.5 vide impugned memorandum No. GCT/0531/2002-03/SDA/12601 dated 5.10.02 rejected the prayer of the applicant informing him that he is not eligible for SDA and forbidding him from making further correspondence in this regard. Being aggrieved by the same the applicant approached this Tribunal seeking the relief mentioned above.

...4/-

5. It is the contention of the applicant that in terms of para 10 of the appointment letter dated 23.2.90 applicant has all India transfer liability and he hails from outside the North Eastern region and posted at Itanagar w.e.f. 19.3.90 and subsequently transferred to Group Centre, SSB, Tezu where he joined on 22.7.1995, both of which are in the North Eastern region. Therefore, in terms of O.M. dated 14.12.83 and O.M. dated 12.1.96 the applicant is entitled to get the SDA. The learned counsel for the applicant in this context has placed reliance on the judgment of the Hon. Supreme Court in the case of Union of India and Ors. vs. S. Vijayakumar and Ors. reported in 1994 Supp(3)SCC 649 and a judgment of this Bench in OA 136/2000 decided on 20.12.2000 which was allowed following the above mentioned decision of the Hon'ble Supreme Court.



6. Heard Mr. M. Chanda, ~~xxxxx~~ learned counsel for the applicant and Mr. A. Deb Roy, learned Sr.C.G.S.C for the respondents. We have gone through the facts of the case and material papers placed before us. We have also gone through the judgments relied upon by the learned counsel for the parties.

7. The O.M. dated 14.12.1983 which was issued by the Ministry of Finance to provide some incentive in North Eastern Region was subsequently clarified by further O.M. dated 29.10.1986 and 20.4.1987. A number of litigations were filed before the Tribunal and finally the matter was resolved by the decision of the Supreme Court rendered in the case of Union of India vs. S.

Vijay Kumar and Ors. reported in 1994 (29) ATC 598. It was observed by the Hon'ble Supreme Court that in the O.M. dated 29.10.1986 which was quoted in the O.M. dated 20.4.1987 clearly shows that allowance in question was meant to attract persons outside the North Eastern Region to work in this region because of the inaccessibility and difficult terrain and held that 1986 memorandum made the position clear by stating that Central Government civilian employees who have All India Transfer liability would be granted the allowance "on posting to any station to the North Eastern Region and the allowance (SDA) is not payable to employees who are residents of that region." It is further held that denial of the allowance to such employees did not violate Article 14 and 16 of the Constitution.



8. On going through the judgment of this Bench in OA 136/2000 we find that the applicant in the said OA is a person hailing from outside North Eastern region and selected on All India selection was initially sanctioned SDA but thereafter he was denied the payment of SDA. This Tribunal following the decision of the Hon. Supreme Court (supra) allowed the OA. The applicant in this OA is similarly placed. We have gone through the decision of this Bench in OA No. 43/2000 decided on 11.1.2001 relied upon by the respondents and find that in the said case the applicant therein hails from the North Eastern Region and permanent residents of Assam and recruited in the Special Service Bureau in the initial stage and consequent upon the promulgation of the Cadre Rules they

were absorbed in D.G(S) Secretarial Cadre Rules during 1975 and therefore held that they are not entitled to the benefits of the above OMs. Therefore, the case relied upon by the respondents has no application in the case in hand.

9. In view of the above facts and circumstances we are of the view that the applicant's case is squarely covered by the decision of the Hon'ble Supreme Court as well as the decision of this Bench in OA No.136/2000. Therefore, the impugned order dated 05.10.2002 is not sustainable and is quashed and set aside. The respondents are directed to pay the SDA along with arrears from the date it was stopped. Respondents are also directed to refund the amount, if any, already recovered from the applicant. Respondents shall complete the above exercise within two months from the date of communication of the order.

10. In result, the G.A. is allowed with no order as to costs.

Certified to be true Copy
प्रमाणित प्रतिनिधि

Behen
29.7.04
Section Officer (J)

C.A.T. GUWAHATI BANCH
Guwahati-781005

Sd/MEMBER(J)
Sd/MEMBER(Adn)



Headquarters
Chief Engineer
Shillong Zone
SE Falls
Shillong - 11

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Jan 2004

77551/90/Policy/SDA/ 67 /E1 (Legal)

Col JK Satpathy

CWI:

HQ 137 Works Engrs

C/O 99 APO

Col SK Pathak

CWI Tezpur

Shri GC Jain, SE

CWI Dinjan

Shri RK Pandey, SE

CWI Shillong

PAYMENT OF SDA TO MES EMPLOYEES

Reference is made to the following letters :-

(a) Dte Gen of Pers/EIC (Legal), E-in-C's Branch letter No 90237/7521/EIC (Legal-C) dt 04 Jun 2003 and even No dt 03 Oct 03 (copies att),

(b) This HQ letter No 77551/90/Policy/SDA/07/E1 (Legal) dt 01 Jul 2003, 77551/90/Policy/SDA/09/E1 (Legal) dt 11 Jul 2003, 77551/90/Policy/SDA/13/E1 (Legal) dt 29 Jul 2003.

2. SDA is admissible to the Central Govt employees who have All India Transfer Liability on their posting to NE Region from outside the region. No restriction is made to the effect that the residents of NE region shall not be entitled to SDA when they fulfill the criteria of All India Transfer Liability and are transferred/posted in NE Region from outside the region.

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Advocate

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The following categories of MES employees are covered by the criteria of All India Transfer Liability and hence considered for grant of SDA on their posting to NE Region from outside the region:-

1. All Gp 'A', 'B' officers; Erstwhile Supdt B/R Gde I (now redesignated JE); Supr B/S Gde I, D'Man Gde I, Steno Gde I and Asstts"

4. All other categories, such as Supr B/S II, SK I & II, Steno Gde II & III, UDC, LDC, D'man Gde II, Peon, Chowkidar, all industrial staff are not covered for grant of SDA and hence as per Para 6 (ii) of Govt of India, Ministry of Finance, Department of Expenditure OM, NO 11(5)/97-EI(B) dt 29 May 02 (copy att), the amount paid on account of SDA to ineligible persons after 05 Oct 2001 is to be recovered.

5. In view of above, you are requested to take all corrective actions stipulated above. Non-adherence of above policy and for any financial irregularities/overpayments, your office will be held responsible.

6. Please also intimate details of ineligible pers who were paid SDA after 05 Oct 2001 alongwith financial effect. In this connection please refer our letter No. 7551/90/Policy/SDA/52/E1 (Legal) dt 13 Jan 2004.

(ML Das)
Dy Dir (B/S)
for Chief Engineer

Copy to:

All GES/GE (I) & AGE (I) FILE No. 1000/...
AAO Shillong alongwith above policy letters.

Internal

E7 Sec for information and necessary action please.