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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 117/2004

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SECTION OFFICER (Judl.)

bahts
09.11.17

ORDER SHEET

Counsel for the Railway/CGSC..... Mr. M. H. ~~Ali~~ Ahmed.....

Notice & order dt. 14/5/04
sent to O/section for
issuing to respondent
nos 1, 2 & 3.

On the plea of learned counsel
for the respondents list on 21.6.2004
for admission.

Member (A)

20.7.04.

The learned counsel for the Respondents prays for ~~xxx~~ time to get instruction. Two weeks time is allowed to file reply. The interim order shall continue.

List on 12.8.04 for Admission.

K.V. Prahladan
Member(A)

[Signature]
Member(A)

lm

Order dt. 20/7/04 sent to D/Section for issuing the learned counsel for both parties.

Ces
27/7/04.

Order dt. 20/7/04, 12.8.2004 issuing the learned counsel for both parties.

D.A. is admitted. List ~~an~~ before the next Division Bench for hearing. Interim order dated 14.5.2004 shall continue.

K.V. Prahladan
Member (A)

mb

25.8.04.

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

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

Heard learned counsel for the parties.

This application involves a common question of law and facts and it would be heard together. The learned counsel for both sides prays that this case may be fixed before the next available Division Bench. Notices were issued 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 Division Bench as prayed for.

K.V. Prahladan
Member

[Signature]
Vice-Chairman

lm

23.03.2005 The case is adjourned to 24.03.2005 for hearing.

K.V. Prahladan
Member (A)

[Signature]
Vice-Chairman

mb

29.9.04.

W/c Submitted by the Respondents.

[Signature]

22-3-05

W/c has been filed.

[Signature]

Notes of the Registry

Date

Order of the Tribunal

24.3.2005

Present : The Hon'ble Mr. Justice G. Sivarajan, Vice-Chairman.

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

Mr. M. Chanda, learned counsel for the applicants submits that this matter may be taken up on another date. List on 12.4.2005 for hearing.

K. V. Prahladan
Member (A)

G. Sivarajan
Vice-Chairman

mb

12.4.05.

Post the matter on 9.5.05. for hearing.

K. V. Prahladan
Member

G. Sivarajan
Vice-Chairman

lm

9.5.2005

At the request made by learned counsel for the parties the case is adjourned to 2.6.2005.

K. V. Prahladan
Member

G. Sivarajan
Vice-Chairman

bb

2.6.05.

Judgment delivered in open Court. Kept in separate sheets. Application is disposed of. No costs.

K. V. Prahladan
Member

G. Sivarajan
Vice-Chairman

lm

5-4-05

Rejoinder submitted by the applicant.

Case is ready for hearing.

G. Sivarajan
11-4-05

M. M. Chanda
7/1/05

Advocate for applicant
13/4

13.6.05

Copy of the order handed over to the L/Advocate for the parties.

Notes of the Registry	Date	Orders of the Tribunal

CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH.

O.A. No 117 of 2004.

DATE OF DECISION: 2-6-2005.

Shri Biplab Roy Choudhury. *OPS*

APPLICANT(S)

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

ADVOCATE FOR THE
APPLICANT(S)

- VERSUS -

U.O.I. & Ors.

RESPONDENT(S)

Mr.M.U.Ahmed, Addl.C.G.S.C

ADVOCATE 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.

[Signature]

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original application No.117 of 2004

Date of Order : This the 2nd day of June, 2005.

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

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

1. Shri Biplab Roy Choudhury,
U.D.C.
2. Shri Pranab Sarkar,
U.D.C.
3. Shri Shyamal Mazumdar,
U.D.C.
4. Shri Satya Ranjan Ghosh
U.D.C.
5. Shri Mridul Kanti Sen
U.D.C.
6. Sshri Pranab Chandra Sarkar
U.D.C.
7. Shri Niranjana Prasad Singh
Assistant.
8. Shri Roma Prasad Sarkar.
L.D.C.

Applicants

All the applicants are working in the cadre of Group 'C' in the Office of the G.E.Narangi/GE,Guwahati.

By Advocate Mr.M.Chanda, Mr.G.N.Chakraborty, Mr.S.Nath..
Mr.S.Choudhury

-Versus-

1. The Union of India,
Represented by the Secretary to the
Government of India,
Ministry of Defence.
New Delhi-110001.
2. E-in-C's Branch,
Army Headquarter,
Kashmir House,
DHQ Post, New Delhi-11
3. Chief Engineer ,
Eastern Command Engineer's Branch,
Fort William,
Kolkata-21.

4. Chief Engineer,
Shillong Zone,
S.E.Falls, Shillong-11.

5. CWE, Shillong.
SE Falls, Shillong-11

6. GE, Narangi.
Narangi, Guwahati.

7. GE, Guwahati.
Guwahati

Respondents.

By Advocate Mr.M.U.Ahmed, Addl.C.G.S.C.

ORDER(ORAL)

SIVARAJANJ,(VC)

There are 8 applicants. All of them jointly filed this application seeking for grant of SDA. According to them they have satisfied all the requirements for grant of SDA being posted in the N. E. Region and that on finding them eligible SDA was granted to them. However, this was discontinued with effect from 29.3.2004. The applicants are aggrieved by this order.

2. We have heard Mr.M.Chanda learned counsel for the Applicant and Mr.M.U.Ahmed learned Addl.C.G.S.C. for the Respondents. The communication dated 29.3.04 (Annexure-4) only says that any payment made to ineligible persons after 5.10.01 must be recovered. This is on the basis that the Government has issued a communication with reference to the Supreme Court decision that unless the Central Government Civilian employees satisfy the requirement for grant of SDA as per decision by the Supreme Court and the orders issued by the Government of India in implementation thereof they are not entitled to get SDA from 5.10.01. We had occasion to consider the question regarding the admissibility of SDA in the case of Central Government civilian employees working in the N.E region in our judgment dated 31.5.2005 in O.A.No.170 of 99

[Signature]

and connected cases wherein we have set out the governing principles regarding to grant of SDA as follows:

"52. The position as it obtained on 5.10.2001 by virtue of the Supreme Court decisions and the 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 bases 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 an All India Common Seniority

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

3. In the instant case Mr.M.Chanda learned counsel for the applicant submits that all the applicants belong to outside the N. E. Region, that they were transferred to the N. E. Region under all India Transfer liability and they are also governed by all India seniority which is not denied in the written statement filed by the Respondents. The counsel accordingly submitted that by applying the governing principles stated in the common order the applicants are entitled to get SDA. Mr. M. U. Ahmed, Addl. CGSC submits that as per government policy (Annexure 1) the applicants did not satisfy the requirements.

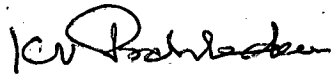
4. We do not think that it is necessary to go into this matter in this application. We have considered all the government orders relating to grant of SDA, the decision by the Supreme Court and the High Court in that regard. We have deduced the governing principles from this and have set out as above in the common order dated 31.5.05. In the circumstances, notwithstanding the submission of Mr.M.Chanda, counsel for the applicant that all the applicants have satisfied all the requirements, we are of the view that the satisfaction of the

[Signature]

governing principles stated above is a matter to be verified by the competent authority among the respondents herein.

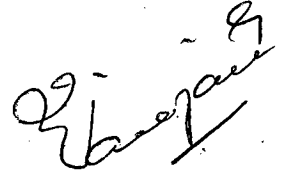
5. In the circumstances, we dispose of this application with direction to the 3rd respondent to consider the claim of the applicant for the grant of SDA in the light of the governing principle stated by us herein above after ascertaining the factual situation. This will be done within two months from the date of receipt of this order. The order must be a speaking one.

The O.A. is disposed of as above. The applicant will produce this order before the 3rd respondents for compliance.



(K.VPRAHLADAN)

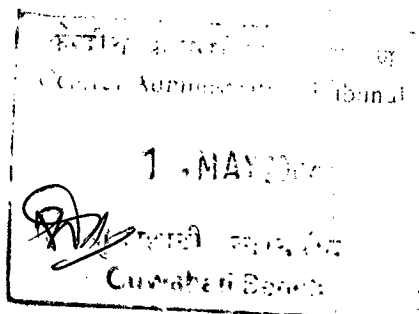
ADMINISTRATIVE MEMBER



(G.SIVARAJAN)

VICE-CHAIRMAN

LM



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

O.A. No. 117 /2004

Sri Biplab Roy Choudhury & 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-2)
- 20.07.1987- Ministry of Finance, Government of India issued further order in respect of entitlement of SDA.
- 12.01.1988- Government of India issued O.M. enhancing the permissible limit of SDA of Rs. 400/- followed by further order dated 22.07.1998.
- 01.12.2001 to 30.12.2003- All the applicants were posted on different dates to G.E, Narangi and G.E, Shillong during the period and were granted SDA w.e.f their respective dates of joining by the respondents as their own, on being satisfied about the eligibility of the applicants. The said SDA was paid to them till November 2002. Suddenly payment of SDA to the applicants were discontinued from March, 2004 without prior notice or without any valid reason.
- 06.03.2003- Chief Engineer, HQ, Eastern Command, Kolkata vide letter bearing No.

Biplab Roy Choudhury

131900/238/PMK/159/Engrs/E-I (legal) dated 6.3.03 informed the Chief Engineer, Shillong that the post of BS-II, B/R Gde II and LDC/UDC have not been found eligible for grant of SDA but no reason is assigned as to why the posts of LDC or UDC did not having all India transfer liability. (Annexure-3)

29.03.2004- CWE, Shillong vide his letter bearing No. 1151/Policy/Gen/92/E-I (legal) dated 29.03.04 informed that GEs of this area have been directed to initiate action to effect the recovery of payment of SDA made to ineligible person w.e.f. 06.10.01 and afterwards.

(Annexure-4)

28.02.2002- It would be evident from the letter bearing No. A/41205/EIR (SUB) dated 28.02.02 wherein panel of U.D.C/Steno Grade-III for promotion to the cadre of Assistant for the year 2001 and 2002 have been prepared on all India basis. (Annexure-5)

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- 8)

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-7)

Hence this application before this Hon'ble Tribunal.

Replied Roy Chowdhury

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):

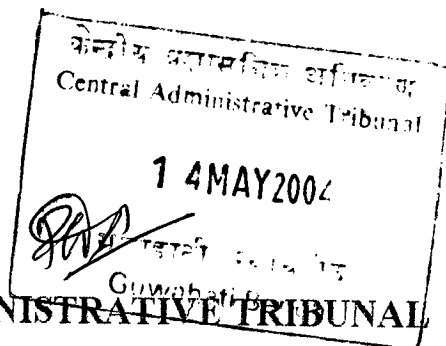
1. That the Hon'ble Tribunal be pleased to set aside and quash the impugned order bearing letter No.131900/238/2000/PMK/159/Engrs/E-I (legal) dated 06.03.2003 (Annexure-3), 1151/Policy/Gen/92/EI (legal) dated 29.03.04 (Annexure-4) and letter dated 30.01.04 (Annexure-7).
2. That the Hon'ble Tribunal be pleased to declare that the applicants are entitled to payment of SDA in terms of O.M dated 14.12.1983, 01.12.1988 and also in terms of O.M dated 22.07.98 with arrear monetary benefits.
3. Costs of the application.
4. Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for.

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

- 9.1 That the Hon'ble Tribunal be pleased to direct the respondents not to make any recovery on account of SDA all ready paid to the applicants till disposal of the application.

Bipal Singh Choudhary



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. 117 /2004

Biplab Roy Choudhury & Ors. : Applicants.

- Versus -

Union of India & Others : Respondents.

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Date: 14.05.2004.

Filed by
Surgjit Choudhury,
Advocate

Biplab Roy Choudhury

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

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

O. A. No. 117 /2004

BETWEEN

1. Shri Biplab Roy Choudhury.
U.D.C.
2. Shri Pranab Sarkar.
U.D.C.
3. Shri Shyamal mazumdar.
U.D.C.
4. Shri Satya Ranjan Ghosh.
U.D.C.
5. Shri Mridul Kanti Sen.
U.D.C.
6. Shri Pranab Chandra sarkar.
U.D.C.
7. Shri Niranjana Prasad Singh.
Assistant.
8. Shri Roma Prasad Sarkar.
U.D.C.

...Applicants

All the applicants are working in the cadre of Group-'C'
In the office of the G.E. Narangi/G.E. Guwahati.

Filed by the Applicant
through Surajit Choudhury
Advocate
on 14.5.2004.

Biplab Roy Choudhury

-AND-

1. The Union of India,
Represented by the Secretary to the
Government of India,
Ministry of Defense,
New Delhi- 110001.
2. E-in-C's Branch,
Army Headquarter,
Kashmir House,
DHQ Post, New Delhi-11.
3. Chief Engineer,
Eastern command Engineer's Branch,
Fort William,
Kolkata-21
4. Chief Engineer,
Shillong Zone,
SE Falls, Shillong-11.
5. CWE, Shillong,
SE Falls, Shillong-11.
6. GE, Narangi,
Narangi, Guwahati.
7. GE, Guwahati
Guwahati.

... Respondents.

Biplab Roy Chowdhury

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 in terms of O.M. dated 14.12.1983, 1.12.1988 and 22.7.1998 and also against the order of recovery of Special (Duty) Allowance from the pay bill of May, 2004 without any notice to the applicants and also with a prayer for declaration that the applicants are entitled to the payment SDA.

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.

Deplab By Choudhary

- 4.2 That the applicants pray for permission to move this application jointly in a single application under Section 4 (5) (a) of the Central Administrative Tribunal (Procedure) Rules 1985 as the reliefs sought for in this application by the applicants are common. Therefore the applicants pray before the Hon'ble Tribunal for permission to move this application jointly.
- 4.3 That all the applicants while working as Upper Division Clerk/Lower Division Clerk in the state of West Bengal outside the Northeastern Region under the administrative control of different GE under the Eastern Command, Kolkata, they were transferred and posted on different dates under the GE, Narangi and GE, Guwahati in public interest. Be it stated that the applicants while appointed as L.D.C a specific clause was there in the appointment letter that the applicants are liable to serve in anywhere in India and will be subject to civilian in Defense Service Rule, 1957. All the applicants accepted the said clause of all India transfer liability and appointed to the post of L.D.C.
- A few copies of appointment letter are enclosed for perusal of Hon'ble Tribunal. Copies of appointment letter dated 08.04.82 and 25.03.84 are enclosed as Annexure-1 (Series).
- 4.4 That it is state that all the applicants were initially appointed in different places outside the North Eastern Region and they are not the permanent residents of NE

Debab Roy Choudhary

Region. The detail particulars of their posting in NE Region and the initial place of posting are furnished here under: -

Ser No	MES/Army No, Name and Designation	Date of Appointment With Formation	Present formation with date
1	2	5	6
1.	A/No.9498053 Shri Satya Ranjan Ghosh, UDC	22 Aug 1979 to 13 Oct 1980 11 GRRC (Darjeeling) LDC	GE Narangi 01 Dec 2001
2.	MES/213951 Shri Pranab Sarkar, UDC	20 mar 1987 585 Engr sub park, C/o 99 APO (Bengdubi) LDC	GE Narangi 15 Jun 2003
3.	MES/214524 Shri Biplob Roy Choudhury, UDC	03 Aug 1979 GE Kaprail LDC	GE Narangi 06 May 2003
4.	MES/266002 Shri Pranab Kumar Sarkar, UDC	15 Jan 1983 HQ CE, Siliguri Zone. LDC	GE Narangi
5.	MES/203271 Shri Shyamal Mazumdar, UDC	28 Feb 1981 GE(P) Calcutta, LDC	GE Guwahati 03 Jul 2003
6.	MES/105481 Shri Mridul Kanti Sen, UDC	08 Apr 1982 GE Khaprail, LDC	GE Guwahati 30 Dec 2003
7.	MES/266021 Shri Rama Prasad Sarkar, LDC	30 Mar 1984 HQ CE Siliguri Zone, LDC	GE Guwahati 15 Jun 2003
8.	MES/260142 Shri Niranjana Prasad Singh, Asstt.	05 May 1965 ASC Supply C/O 99 APO CEEC Kolkata, LDC	GE Narangi 26.12.2000

It is quite clear from the above that the applicants have been transferred and posted to this region from outside the region and they are saddled with all India transfer liability in practice.

4.5 That your applicants state that by the G.M. No. 20014/2/83/B.IV dated 14.12.1983 Special (Duty)

Biplob Roy Choudhury

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.

- 4.6 That the applicants state that they being the civilian Central Government employees having all India Transfer liability were granted SDA by the respondents themselves, 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

Deputy Regional Commissioner

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 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."

Diplob Roy Chaudhary

An extract copy of the O.M. dated 14.12.1983 is annexed hereto and marked as Annexure-2.

4.7 That it is stated that all the present applicants are entitled to payment of SDA in terms of O.M dated 14.12.1983, 12.01.1988 and also in terms of O.M dated 22.07.1998. All the applicants fulfilled the requirements of aforesaid O.M for entitlement of payment of SDA, as because they have posted here on transfer from outside the region and the applicants are saddled with all India transfer liability. The cases of the present applicants are also covered following the decision of Supreme Court of India in the case of Union of India and ors. Vs. S. Vijayakumar and Ors. reported in 1994 Supp (3) SCC 649. Moreover, the decision of this Hon'ble Tribunal in the of O.A. No. 136/2000 decided on 20.12.2000 in the case of Santosh Kr. N.V. Vs. Union of India and Ors. and in the case of O.A. No. 8/2003 decided on 13.02.2003 in the case of Mrs. Santosh Raina Walli Vs. Union of India and Ors. and also in O.A. No. 187/2001 decided on 05.03.2001 in the case of Shri Apurba Ghosh & ors. Vs. Union of India & Ors. The applicants urge to produce the aforesaid decisions at the time of hearing.

4.8 That it is stated that after their posting at GE, Narangi and at GE, Guwahati respondents on their own granted Special (Duty) Allowances to the applicants after being found eligible for payment of SDA. But most surprisingly the respondents without any prior notice

Deplab Roy Chowdhury

to the applicants all of a sudden discontinued/stopped the payment of Special (Duty) allowance from the month of March, 2004. It is a settled principle of law that any pay and allowances cannot be reduced without prior notice and on that score alone the action of the respondents are liable to be declared void ab initio.

- 4.9 That it is stated that the applicants on an enquiry came to learn from a reliable source that Chief Engineer, HQ, Eastern Command, Kolkata vide letter No. 131900/238/2000/PMK/159/Engrs/E-I (legal) dated 06.03.2003 informed the Chief Engineer, Shillong that the post of BS-II, B/R Gde II and LDC/UDC have not been found eligible for grant of SDA as the said posts are not considered having all India transfer liability by the MOD, and asked the authority to take action on the subject matter. However no reason is assigned as to why the posts of LDC or UDC did not adjudged having all India transfer liability, whereas basic condition in the memorandum is that civilian central Govt. employees on posting to NE Region having all India transfer liability are entitled to payment of SDA. The applicants fulfill such criteria as such they are entitled to payment of SDA. The impugned letter dated 06.03.2003 is a cryptic and non-speaking order, as such the same is liable to be set aside and quashed. as the said the payment of SDA has been discontinued

Depleb. Roy Choudhury

A copy of the impugned letter dated 06.03.2003 is enclosed hereto for the perusal of the Hon'ble Tribunal and marked as Annexure-3.

- 4.10 That it is stated that the CWE, Shillong vide his letter bearing No. 1151/Policy/Gen/92/E-I (legal) dated 29.03.2004 informed that GEs of this area have been directed to initiate action to effect the recovery of payment of SDA made to ineligible person w.e.f. 06.10.2001 and afterwards. On receipt of the said impugned letter the GE, Narangi/GE Guwahati now decided to proceed with the recovery of the amount on account of SDA already paid to the applicants. In fact GE has instructed to made recovery from April, 2004, however recovery is now going to be effected from the pay bill of May, 2004 without prior notice and on that score alone the impugned order of recovery dated 29.03.2004 is liable to be set aside and quashed.

A copy of the impugned order dated 29.03.2004 is annexed hereto for the perusal of the Hon'ble Tribunal and marked as Annexure- 4.

- 4.11 That it is stated that recruitment and promotion of the applicants are being made on all India basis, which would be evident from the letter bearing No. A/41205/EIR (SUB) dated 28.02.2002 wherein panel of U.D.C/Steno Grade-III for promotion to the cadre of Assistant for the year 2001 and 2002 have been prepared on all India basis.

Dimpled Roy Chowdhury

Copy of the letter dated 28.02.02 is enclosed hereto for the perusal of Hon'ble Tribunal as Annexure-5.

4.12 That it would also be evident from the various documents relating to appointment, posting, transfer of the applicants issued on different dates by the competent authorities that they are saddled with all India transfer liabilities. Those documents have been annexed hereto for the perusal of the Hon'ble Tribunal and marked as Annexure-6 (Series).

4.13 That it is stated that by the order bearing letter No. 77551/90/Policy/SDA/57/EI (legal) dated 30.01.2004 issued by the HQ, Chief Engineer, Shillong to the CWE, Shillong informed that the post of UDC and LDC are not covered for the grant of SDA. As per para 6(ii) of the Govt. of India, Ministry of Finance O.M dated 29.05.02 but surprisingly para 6 (ii) of O.M dated 29.05.02 does not speak about any condition which is adverse to the interest of the applicants, rather clause 5 of the said O.M dated 29.05.02 infact support the case of the applicants, wherein it is specifically state that central Govt. employees having all India transfer liability on posting to NE Region from outside the region is entitled to payment of SDA. No reason has been assigned for exclusion of the category of LDC and UDC more particularly who are posted from outside the region for denial of SDA in the impugned letter dated

Deepak Roy Choudhary

30.01.04 and on that score alone the impugned letter dated 30.01.04 is liable to be set aside and quashed.

In the facts and circumstances stated above the applicants are saddled with all India transfer liability and as such they are entitled to payment of SDA.

A copy of the impugned letter dated 30.01.2004 and a copy of the O.M dated 29.05.02 are enclosed herewith for the perusal of the Hon'ble Tribunal and marked as Annexure-7 & 8 respectively.

4.14 That it is stated that the respondents have already started the process of recovery of SDA without issuing any notice from the applicants from the pay bill of May, 2004, therefore the Hon'ble Tribunal be pleased to restrain them by passing an appropriate interim order and also be pleased to declare that the applicants are entitled to payment of SDA with arrear monetary benefits. There is no opportunity on the part of the applicants to submit representation for stoppage and recovery of SDA at this stage and therefore approaching this Hon'ble Tribunal in the compelling circumstances for grant of immediate reliefs to the applicants by passing an interim order.

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

Debab Roy Chowdhury

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

- 5.1 For that, the applicants have fulfilled all the conditions/criteria laid down in the Memorandum dated 14.12.1983, 01.12.1988 and also in O.M. dated 22.07.1998, as such they are entitled to payment of SDA in terms of the O.M. referred to above.
- 5.2 For that, the applicants are posted at Guwahati from outside the N.E.Region, and they are not the permanent residents of N.E.Region.
- 5.3 For that, the applicants had been directed to move to N.E. Region for their posting at Guwahati, in public interest.
- 5.4 For that, the applicants are saddled with all India Transfer liability as per condition stipulated in their offer of appointment orders.
- 5.5 For that discontinuation of payment of SDA has been made in total violation of principle of natural justice, without any show cause or notice.
- 5.6 For that recovery and discontinuation of payment of SDA has been made in total violation of principles natural justice.
- 5.7 For that issues involved in the instant case has already been settled by this Hon'ble Tribunal in a series of cases of similar nature.

Deputy P. Choudhury

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

5.9 For that decision rendered by this Hon'ble Tribunal on 20.12.2000 in O.A.No.136/2000 and in O.A. No.8/2002 decided on 13.02.2003 also gain support of the contention raised by the present applicants in the instant proceeding.

5.10 For that non-payment of S.D.A to the present applicants is in violation of Article 14 of the Constitution of India.

6. Details of remedies exhausted.

That the applicants state that there is no scope to submit any representation, for stoppage and recovery of SDA, as the process of recovery whereby started by respondents without any notice.

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

The applicants further declare that they had not previously filed any application, Writ Petition or Suit before any Court or any other authority or any other Bench of the Tribunal regarding the subject matter of

Biplab Roy Chowdhury

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 quash the impugned order bearing letter No.131900/238/2000/PMK/159/Engrs/E-I (legal) dated 06.03.2003 (Annexure-3), 1151/Policy/Gen/92/EI (legal) dated 29.03.04 (Annexure-4) and letter dated 30.01.04 (Annexure-7).

8.2. That the Hon'ble Tribunal be pleased to declare that the applicants are entitled are entitled to payment of SDA in terms of O.M dated 14.12.1983, 01.12.1988 and also in terms of O.M dated 22.07.98 with arrear monetary benefits.

8.3. Costs of the application.

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

Dipak Roy Chowdhury

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 direct the respondents not to make any recovery on account of SDA all ready paid to the applicants till disposal of the application.

10.

This application is filed through Advocates.

11. Particulars of the I.P.O.

- | | | |
|------|---------------|-----------------|
| i) | I. P. O. No. | : 11G389377 |
| ii) | Date of Issue | : 13.5.04 |
| iii) | Issued from | : GPO, Guwahati |
| iv) | Payable at | : GPO, Guwahati |

12. List of enclosures.

As given in the index.

Debab Ray Choudhury

VERIFICATION

I, Shri Biplab Roy Choudhury, Son of Late Phani Bhusan Roy Choudhury, aged about 46 years, working U.D.C in G.E, Narangi, 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 14th day of May, 2004.

Biplab Roy Choudhury

Tels : Mil 2/253

Registered Ack Due

Office of the Chief Engineer
Siliguri Zone
Bengdubi Post
Darjeeling Dist (W.B)

95 Mar 84

90036/10/ 93 AC(1)

Shri Ramprasad Sarkar

C/O Shri Ramprasad Sarkar

Siliguri City Colony

P.O. Siliguri, Dist. Darjeeling (W.B)

APPOINTMENT ORDER

1. You have been selected and appointed as Asst. Secy of CE Siliguri Zone in the scale of Rs. 10,000-12,000-15,000 along with other allowances as admissible from time to time as per Central Govt Rules and posted to _____.
2. Your appointment is subject to the conditions as mentioned in the attached Appendix 'A'.
3. You will be on probation for a period of two years from the date of appointment, which may be extended at the discretion of the appointing authority.
4. Further annual increment will be granted as and when due.
5. You are requested to report to Asst. Secy of CE Siliguri Zone for assuming Asst. Secy appointment in the existing vacancy on or before 16 Apr 84 otherwise this offer of appointment will be cancelled.
6. Please note that No TA/DA will be paid for the journey.
7. Please acknowledge receipt.

Authority :

Asst. Secy of CE Siliguri Zone
Asst. Secy of CE Siliguri Zone
Asst. Secy of CE Siliguri Zone

AS/-

H.O.

Copy to :-

HQ Eastern Command
 Engrs Branch (W.B.)
 Fort William
 Calcutta - 21.

(3R Gupta)
 Adm Offr I
 for Chief Engineer

Contd 2/-

AS/Secy
 Surgit Chowdhury
 Advocaat
 on 14.5.04.

Internal

CONFIDENTIAL

✓ 4.7 Section - Alongwith CV Roll in respect of the candidate verified by State Policy and CBI authorities for documentation. Please intimate the date of assumption or otherwise of the individual to all concerned. ~~CONFIDENTIAL FOR OFFICIAL USE ONLY~~

Please note.

Encls: (11)

APPENDIX 'A'

TERMS AND CONDITIONS OF SERVICE FOR APPOINTMENT AS LDC IN THE MES
EASTERN COMMAND

1. He will be on probation for a period of two years from the date of appointment which may be extended at the discretion of the appointing authority. Failing to complete the period of probation to the satisfaction of competent authority will render him liable to discharge from service.
2. The appointment may be terminated at any time on one months notice given by either side viz, the appointee or the appointing authority without assigning any reasons. The appointing authority however, reserves the right of terminating the service of the appointee forthwith or before the expiry of the stipulated period on notice by making payment to him of a sum equivalent to the pay and allowances for the period of notice or the unexpired portion thereof.
3. He will be required to serve anywhere in India and will be subject to civilians in Defence Services (Field Service Liability Rules), 1957.
4. He will be required to take oath/affirmation on the following form :
"I do swear/solemnly affirm that I will be faithful and bear true allegiance to India and to the Constitution of India as by Law established and that I will uphold the sovereignty and integrity of India and that I will carry out the duties of my office loyally, honestly and with impartiality (SO GOD BLESS US)."
5. The offer of appointment is subject to the condition that he does not have more than one wife living as per Central/Civil Services (Conduct) Rules 1964. A declaration to this effect will be produced on reporting for duty.
6. He will be subject to conditions of service as applicable to temporary civilian Govt servants paid from defence service estimates in accordance with the orders issued by the Govt of India from time to time.
7. If any declaration given or information furnished by you proves to be false, or if you found to have wilfully suppressed any material information you will be liable for removal from service and such other action as the Department may deem necessary.
8. The following will be produced to the authority to whom he is directed to report for duty :-
 - (a) Educational Qualification Certificate in Original in proof of his date of birth.
 - (b) Since you are a Serviceman Discharged from Army Certificate for fitness for Civil Job, as shown in Discharged Certificate/Medical Report on fitness of civilians for Field service (Sch III)
 - (c) Those who belong to SC/ST they must produce Caste Certificate from the Deputy Commissioner.

Tha/4 -

Headquarters
136 Works Engineers
C/O 99 AFO

08 Apr '82

11037
208/EIA

MES-105481

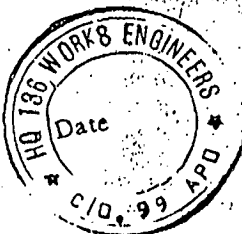
SRI MEINDL KANTIL SEN, Haridwar Q/R

APPOINTMENT ORDER

Dear Sir,

1. You have been selected and appointed for the post of Lower Divn Clerk the scale of Rs. 260-6-290-15-326-3-346-15-390-10-400/- alongwith other allowances as admissible from time to time as per Central Government rules and posted to GE Kharail.
2. Your appointment is subject to the condition as mentioned in the attached appendix 'A'.
3. You will be on probation for a period of two years from the date of appointment, which may be extended at the discretion of the appointing authority.
4. Further annual increment will be granted as and when due.
5. You are requested to report 16 Apr 82 to GE Kharail for assuming Lower Division Clerk appointment in the existing vacancy on or before 16 Apr 82, otherwise this offer of appointment stands cancelled.
6. Please note that no TA/DA will be paid for the journey.
7. Please acknowledge receipt.

Authority :- GE HQ MG Calcutta letter No 131303/1/490/Eng re/MIC(1)
dated 02 Feb 82.



(Signature)
(S R Iyengar)
Lt Col
Cdr Works Engineers

Copy to :-

1. Chief Engineer Eastern Command Calcutta
 2. Chief Engineer Bengal Zone Calcutta
 3. CEA Patna
 4. DDA (Area Account Office) Siliguri
 5. GE Kharail
 6. GE
- MS Shan/*

- alongwith police verification,
GE report and medical in
original.

TERMS AND CONDITIONS OF SERVICE FOR APPOINTMENT

1. **Shri Hiralal Kanti Sarda** will be on probation for a period of 12 months from the date of appointment. The appointment may be extended for a further period of 12 months. The probationer will be liable to discharge from service at any time during the probation period.
2. The appointment may be terminated at any time on the month's notice given by either side viz the appointee or the appointing authority without assigning any reasons. The appointing authority however, reserve the right of terminating the services of the appointee at any time before the expiry of the stipulated period of notice by making payment to him of a sum of equivalent to the pay and allowances for the period of the notice of the unexpired portion thereof.
3. He will be required to serve anywhere in India and will be subject to Civilian Defence Service (Liability Rules) 1967.
4. No TA/DA will be admissible to join the first appointment.
5. He will be required to take oath/affirmation on the following form :-

I do swear/solemnly affirm that I will be faithful and bear true allegiance to India and to the constitution of India as by law established and that I will uphold to sovereignty and integrity of India and that I will carry out the duties of my office loyally, honestly and with impartiality. (SG/CD HELP.LF)
6. This offer of appointment is subject to the condition that he does not have more than one wife living as per Central/Civil Service (Conduct) Rules 1964 and declaration to this effect will be produced while reporting for duty.
7. He will be subject to conditions of service as applicable to Temporary Civilian Govt servants paid from Defence Service Estimates in accordance with the orders issued by the Govt of India from time to time.
8. The following will be produced to the authority to whom he is directed to report for duty :-
 - (a) Educational certificate in original in proof of his date of birth.
 - (b) Since you are Ex-Serviceman discharged from Army certificate of fitness for Civil job, as shown in Discharged certificate/Medical Report on fitness of civilians for field service (Schedule III).
 - (c) Declaration to the effect that he does not have more than one wife living.
 - (d) Those who belongs to SC/ST they must produced Caste certificate from the Deputy Commissioner.

- 2 -

9. After submission of the documents mentioned above, the appointee will be required to submit the following documents:

- a) Declaration of oath/affirmation regarding allegiance to the Government of India.
- (b) Declaration of movable and immovable property held by him.

10. If any declaration given or information furnished by him proves to be false, he will be liable for disciplinary action and such other action as the Government may deem necessary.

M. S. Iyengar

(SR Iyengar)
Lt Col

Commander Works Engineers

9. After submission of the documents mentioned above, the appointee will be required to submit the following documents:

- (a) Declaration of oath/affirmation regarding allegiance to the Government of India.
- (b) Declaration of movable and immovable property held by him.

9. After submission of the documents mentioned above, the appointee will be required to submit the following documents:

*Admitted
Suryjit Choudhary
Advocate
on 19.5.04*

Annexure-2

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

*Advised
Surajit Choudhury
Advocate
on 19.5.04.*

39

XX

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

Joint Secretary to the Government of India

26
E1 Legal
Tel: Mil -2449

3 MAR 2003
Annexure-3
Chief Engineer
HQ Eastern Command
Fort William
Kolkata -21

131900/238/2000/PWK/159/Engro/E1(Legal) 06 Mar 03

Chief Engineer
Shillong Zone
SE Falls
Shillong -793011

(For Personal perusal of CE)

IMPLEMENTATION OF CAT GUWAHATI JUDGMENT
DATED 25 SEP 01 IN OA NO 230/2000 FILED
BY SHRI P M KITTAN AND 2 OTHERS

1. Reference HQ E-in-C's Branch letter No 90237/7521/
E1C(Legal-C) dt 24 Feb 03.

2. Please take immediate action to initiate Charged
Expenditure in respect of Shri B. B Das, BSO and Shri
A K Bhattacharjee, AE. Contempt petition is already pending
against Deptt in the subject case. Also confirm that
speaking order has since been served to Shri B. B Das, BSO
and Shri P M Kittan, UOC by GE Dinjan and GE Tupper
respectively. Please forward copy of receipt for onward
transmission to HQ E-in-C's Branch.

3. From perusal of speaking orders, it is observed that
post of BS-II, B/R Gao II and LDC/UOC have not been found
eligible for grant of SDA bds as posts are not considered
having All India Transfer Liability by MOD. As per
information of this HQ, all the individuals (Posted in NER)
who were not recruited in NER are receiving SDA on regular
basis irrespective of posts they are holding. Please look
into the matter and take immediate corrective action on the
subject matter. Also forward list of categories of Govt
Servants who are in receipt of SDA as per pay bill of Feb 03.

Copy to :-

CE (AF)
Shillong Zone

Internal

EIC (3) Sec

(ADM.) IS
File
(Ajay Kumar)
SE
SO-1(Legal)
for Chief Engineer

For information and similar action on
para 3 above. Copies of speaking
orders is enclosed.

For information and necessary action.
Necessary clarification/direction be
issued on the subject matter. Conclm

ADP
Surjit Choudhary
Advocate
ON 14.5.04.

Telex : 5045(Mily)

C/O Commander Works Engineer
Spread Eagle Falls
Shillong- 793011

1151/Policy/Gen/ 92 /EI(Legs1) 29 Mar 2004

HQ CE Shillong Zone
Spread Eagle Falls
Shillong- 793011

PAYMENT OF SDA TO MES EMPLOYEES

1. Reference your HQ letter No. 77551/90/Policy/SDA/57/EI(Legal) dated 30 Jan 2004.
2. Details of ineligible personnel those who have been paid SDA after 05 Oct 2001 alongwith financial effect indicated against the name of each individual is fwd herewith as per proforma attached in duplicate.
3. In spite of repeated reminders inclusive of DO letter from CWE, the subject report in respect of GE Unroi is still awaited. The same will be fwd on receipt.
4. GE Shillong has submitted Nil report stating therein that there is no one who is involved for payment of SDA wof 05 Oct 01 till date as per regular pay bills except one Shri Susovan Ghosh, JE(E/M) who has posted in from Kolkata.
5. GEs of this area have been directed to initiate action to effect the recovery of payment of SDA made to ineligible personnel wof 05 Oct 2001. Ineligible personnel include those who have been paid posted out wof 05 Oct 2001 and after-wards.

(V Dhar)
Addl Asstt Director(Adm)
For CWE Shillong

Encls :- As above

Copy to :-

GE Unroi - In spite of repeated reminders, the subject report as called for and due to reach this office latest by 29 Feb 2004 has not yet been received. Please expedite the same with explanation for inordinate delay.

GE Narangi ✓ For information and necessary action as per para 5 above.
GE Guwahati ✓

GE 533 Engrs Parky
C/O 99 APC

Advised
Surjit Chakraborty
Advocate
on 19.5.04.

UNITED STATES DEPARTMENT OF JUSTICE

EIE

2
01/04

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

432-

3/2

Hj 08

11 Apr

Start recovery from lay - bills of
Apr 2004 onwards.

DP
2/4

Tele : 3019687

Coord : Pers Director (EIR(SUB))
Engineering Division
Army HQ, Delhi
New Delhi - 110 001

A/41205/EIR(SUB)

18 Feb 2002

All CEs Command
(List 'A')

PANEL OF UDCs/STENO GDE III (Cik Optee) FOR PROMOTION
TO THE GRADE OF ASSISTANT IN PERS, EIR OF DEF

1. A panel of 780 UDCs/Steno Gde III (Cik Optee) including extended panel, enclosed as Appx 'A' have been approved for promotion to the grade of Assistant in Military Engineer Services, Min of Def.
2. The above mentioned panel will be operative upto and including 26 Feb 2003 unless reviewed earlier by the Departmental Promotion committee or specifically extended beyond this date by the competent authority.
3. Actual appointment of Assistant included in the panel will be made in the order shown therein subject to the availability of the vacancies and issue of the order of promotion by the competent authority.
4. Power to accept the refusal of promotion has been delegated to CEs Command by this HQ. Therefore it may kept in view that no representation regarding refusal of promotion shall be entertained unless representation is preferred within 45 (Forty five) days from the date of communication of order. After acceptance of refusal a list of individuals who refused their regular promotion may please be submitted to this HQ by 31 Oct 2002.
5. In case of ACP, individuals who will refuse regular promotion, their case may be dealt in accordance with instructions issued by this HQ letter No 79812/ACP/11/EIC(1) dt 08 Aug 2000 and ACP's by ACP letter No 15575/MP-4(Civ)(a) dt 25 Jul 2000.
6. Instruction contained in Para 4 and 5 quoted above may please be brought to the notice of the affected individuals.
7. Before placing in position on promotion, it should be ensured by the concerned CE Comd that the individuals are not involved in any disp/SPE cases.
8. Although every care has been taken by this HQ as well as DPC for verification of service records, the same may please be checked from relevant documents by respective CEs Comd before placed in position.

Encl: As above

Copy to:

1. List 'B'

2. DGP Mumbai

4. CME Pune - 31.

3. DGP Vishakhapatnam

INTERNAL - EIC & E Coord 1

(Sd/-) [Signature]
SO I (Pers)
for Engineering Division

[Signature]
Advocate
on 14.5.04

Appendix 'A'

(Refers to E-in-C's Branch letter No.
41205/EIR(Sub) dated Feb 2002)

**PANEL OF UDC/STENO GDE-III (CLK OPTEE) FOR PROMOTION
TO ASSISTANT IN THE MES FOR THE YEAR 2001-02**

Sl No	MES No & Name	Design	Whether SC/ST/ UR	Date of Birth	Command
1	2	3	4	5	6
1.	224511 Sh. GR Pillai	Steno	UR	26-12-46	SC
2.	408692 Sh. K. Bhaskaran Nair	Steno	-do-	03-11-46	CC
3.	242154 Sh. Suresh Kumar Soni	Steno	-do-	15-6-43	WC
4.	157855 Sh. PG Thite	UDC	-do-	01-11-44	SC
5.	154007 Sh. Srikant Shakar Panas	UDC	-do-	01-5-44	SC
6.	465519 Sh. Surendra Kumar Karan	Steno	-do-	29-1-47	CC
7.	243013 Sh Swapan Kumar Deb	Steno	-do-	01-1-47	EC
8.	263290 Sh. CR Menon	Steno	-do-	15-3-49	SC
9.	439022 Sh. G Sukumaran Pillai	Steno	-do-	28-6-47	CC
10.	238019 Sh. VS Gopinathan	Steno	-do-	31-10-48	SC
11.	116382 Sh. A Ramachandran	Steno	-do-	26-5-49	SC
12.	405288 Sh. PV Chandran	Steno	-do-	07-6-51	SC
13.	125249 Smt. Gomati Krishnan	Steno	-do-	04-1-48	SC
14.	238021 Sh. M Mukundan	Steno	-do-	14-4-47	SC
15.	310783 Smt Suman Sikka	Steno	-do-	20-10-52	WC
16.	4665536 Sh. Jata Shankar Prasad	Steno	-do-	02-7-47	CC
17.	460070 Sh Nand Kishore	UDC	-do-	02-11-43	CC
18.	232961 Sh. Tarak Nath Mukhopadhyay	Steno	-do-	04-10-48	EC
19.	202426 Sh. Tara Pada Ghosh	Steno	-do-	05-9-47	EC
20.	467663 Sh Ashok Kumar Verma	Steno	-do-	07-7-52	CC
21.	169570 Sh. Amar Jit Singh	Steno	-do-	01-5-50	WC

.....2/-

1	2	3	4	5	
22.	419797 Sh. Jose KS	Steno	-do-	04-4-48	
23	418502 Smt Valsamma John	Steno	-do-	06-11-43	SC
24.	455200 Sh P Ali	Steno	-do-	24-9-49	SC
25.	311124 Smt Meena Rani	Steno	-do-	13-1-51	WC
26.	311071 Smt Charanijit Kaur	Steno	-do-	18-6-51	WC
27	439523 Sh Ramesh Chandra Srivastava	Steno	-do-	28-1-49	CC
28	311430 Sh Satish Kumar Seligal	Steno	-do-	08-4-53	WC
29	265237 Sh PK Jayaraj	Steno	-do-	23-3-49	SC
30	439015 Sh. Birendra Nath Choubey	Steno	-do-	21-1-54	CC
31	439524 Sh. Sosamma Joseph	Steno	-do-	16-5-51	CC
32	312384 Sh Vinod Kumar	Steno	-do-	06-1-50	SC
33	312410 Sh. Jasbir Singh	Steno	-do-	02-2-52	WC
34	312363 Smt Ajit Kaur	Steno	-do-	09-3-52	WC
35	312411 Sh Jagdish Singh Bhandari	Steno	-do-	30-12-53	CC
36	312212 Sh. AC Malik	Steno	-do-	26-11-53	WC
37.	430362 Sh. Janardhan Trivedi	UDC	-do-	02-10-42	CC
38.	450083 Sh. Inder Lal Manwani	UDC	-do-	14-10-41	CC
39	502019 Sh. Dharam Bir	Steno	-do-	15-10-55	WC
40.	312386 Sh. RK Pillai MN	Steno	-do-	12-12-54	SC
41.	312371 Sh. VJ Chacko	Steno	-do-	23-5-51	WC
42	311417 Sh. KP Ravi	Steno	-do-	10-6-51	SC
43.	312378 Sh SS Nair	Steno	-do-	10-2-50	SC
44.	312399 Sh Surendra Kumar Arora	Steno	-do-	01-1-47	CC
45	465531 Sh Dineswar Prasad Singh	UDC	-do-	23-6-43	CC
46.	440630 Sh. Vishwa Bandhu Rastogi	UDC	-do-	07-6-42	CC
47.	167360 Sk KV Pitambaran	Steno	-do-	10-12-51	SC
48.	312473 Sh Pramod Kumar Khera	Steno	-do-	27-4-53	WC
49.	A/8003865 Sh. Prayag Datt Kandpal	UDC	-do-	20-5-41	CC
50	101732 Sh. M Sreeramulu	UDC	-do-	05-7-42	SC
51.	455407 Sh. Hari Dutt Upadhyay	UDC	-do-	10-1-42	CC
52.	137055 Sh. DJ Devanbu	UDC	-do-	14-4-42	SC

..... 3/-

-15-

1	2	3	4	5	6
482	455439 Sh Kunwar Ram Arya	UDC	S/C	13-1-45	CC
483	440682 Sh Nand Ram	UDC	S/C	01-7-42	CC
484	406090 Sh BD Dongare	UDC	S/C	21-7-43	CC
485	237545 Sh MS Ghodeswar	UDC	S/C	09-9-43	SC
486	A/6427429 Sh Jaswant Singh	UDC	U/R	01-8-42	WC
487	113098 Smt KP Nair	UDC	U/R	10-5-41	WC
488	502335 Sh Hans Raj	UDC	S/C	07-5-55	NC
489	303474 Sh Hari Chand	UDC	U/R	02-1-42	WC
490	50232339 Sh Mohinder Kaur	UDC	S/C	01-10-50	NC
491	303913 Sh Arjundev Kakar	UDC	U/R	05-3-42	WC
492	308284 Sh VM Mohan	UDC	U/R	03-4-45	WC
493	305369 Sh Dhian Singh	UDC	U/R	01-10-42	WC
494	303915 Sh KL Ratra	UDC	U/R	01-4-44	WC
495	304441 Kuldip Singh	UDC	U/R	04-10-41	WC
496	304160 Sh Virendera Pratap	UDC	U/R	17-10-42	WC
497	232221 Sh Sobha Ram Deka	UDC	U/R	01-9-41	EC
498	206222 Sh Sudhansu Kumar Ghosh	UDC	U/R	22-3-44	EC
499	223421 Sh Subal Chandra Dutta	UDC	U/R	01-3-44	EC
500	224061 Sh N Babu Rao	UDC	U/R	31-1-42	EC
501	201102 Sh Basudeb Samanta	UDC	U/R	21-5-44	EC
502	212033 Sh Rameshwar Singh	UDC	U/R	13-12-44	EC
503	210234 Sh Mihir Kanti Rudra	UDC	U/R	01-01-44	EC
504	224061 Sh Tarun Chandra Banerjee	UDC	U/R	01-02-44	EC
505	210232 Sh Bimalendu Das Gupta	UDC	U/R	09-2-43	EC
506	216107 Sh Sridam Chandra Paul	UDC	U/R	02-12-44	EC
507	242164 Sh Biranda Chandra Dutta	UDC	U/R	01-10-43	EC
508	242090 Sh Khirod Chandra Bora	UDC	U/R	01-2-45	EC
509	246435 Sh Chittaranjan Dutta	UDC	U/R	15-2-42	EC
510	224195 Sh Promod Chandra De	UDC	U/R	01-4-42	EC
511	206520 Smt Rekha Gulia	UDC	U/R	24-1-44	EC
512	242159 Sh Hemanta Kumar Dutta	UDC	U/R	01-3-42	EC

.....16/-

/A

1	2	3	4	5	6
513	232155 Sh Gouri Sankar Chakraborty	UDC	U/R	01-6-43	EC
514	216106 Sh Tarapada Ghosh	UDC	U/R	01-1-46	EC
515	210241 Smt Surama Das	UDC	U/R	19-3-43	EC
516	263022 Sh Krishna Chandra Sarkar	UDC	U/R	03-1-42	EC
517	224240 Sh Rajat Kanti Dev	UDC	U/R	01-8-43	EC
518	210619 Sh Narendra Nath Das	UDC	U/R	02-1-46	EC
519	237535 Sh Dharma Kanta Phukan	UDC	U/R	01-6-43	EC
520	260144 Sh Panchanan Ghosh	UDC	U/R	01-9-44	EC
521	263113 Sh PJ Mathai	UDC	U/R	31-7-42	EC
522	260130 Sh R Aravindakshan	UDC	U/R	14-11-45	EC
523	237268 Sh Nirmal Kumar Chakraborty	UDC	U/R	05-7-43	EC
524	246558 Sh Anil Krishna Roy	UDC	U/R	31-3-44	EC
525	253091 Sh Tara Das Banerjee	UDC	U/R	10-4-43	EC
526	<u>400431 Sh Nirmalendu Chakraborty</u>	UDC	U/R	01-2-44	EC
527	264003 Sh Balai Chandra Basu	UDC	U/R	01-5-43	EC
528	264045 Sh Ajodhya Prasad Sen	UDC	U/R	01-4-42	EC
529	A/9920294 Sh OP Sharma	UDC	U/R	13-10-45	WC
530	140012 Sh L Raghupathi	UDC	U/R	14-1-45	SC
531	113220 Sh A C Mathai	UDC	U/R	08-5-41	SC
532	148231 Sh V N Chengal Varayan	UDC	U/R	22-7-43	SC
533	154065 Smt Sarala P Patni	UDC	U/R	06-1-45	SC
534	151941 T Sankhuv	UDC	U/R	01-3-42	SC
535	113232 Km Usha H Shahani	UDC	U/R	27-10-44	SC
536	153067 Sh VD Gabhane	UDC	U/R	01-3-45	SC
537	103359 Smt Lata S Varadakar	UDC	U/R	26-2-44	SC
538	105409 Sh D V. Likhitar	UDC	U/R	05-5-43	SC
539	141063 Sh M Gopal Krishna	UDC	U/R	13-2-43	SC
540	1055402 Sh S A Sayyed	UDC	U/R	27-7-44	SC
541	305534 Sh P Madhawan	UDC	U/R	08-9-45	SC
542	129252 Smt A Varghese	UDC	U/R	29-1-42	SC
543	100951 Sh A R Dhanpande	UDC	U/R	01-10-44	SC

/h.....17/-

1	2	3	4	5	6
726	425030 Sh U K Mullick	UDC	U/R	08-5-41	CC
727	305320 Sh Ajaib Ali Khan	UDC	U/R	11-8-43	CC
728	445019 Sh Tilak Raj	UDC	U/R	15-10-41	CC
729	440653 Sh L K Saxena	UDC	U/R	08-1-44	CC
730	253920 Sh Girdhari Lal Goel	UDC	U/R	05-1-45	CC
731	430535 Sh S D Banerjee	UDC	U/R	01-7-41	CC
732	445085 Sh Gopal Kishan	UDC	U/R	07-3-44	CC
733	460570 Sh Harish Chandra	UDC	U/R	05-12-44	CC
734	446619 Sh Surendera Kumar	UDC	U/R	10-6-41	CC
735	460765 Sh R K Kurcel	UDC	S/C	01-1-45	CC
736	450467 Sh Kalu Ram Dhanuk	UDC	S/C	07-3-42	CC
737	504120 Sh Lal Singh	UDC	S/C	14-4-53	NC
738	312290 Sh Shankar Dass	UDC	U/R	01-6-52	NC
739	312357 Sh Maddan Lal Kanotra	UDC	U/R	11-10-42	NC
740	2656 Sh PG Soman	UDC	U/R	20-1-52	SC
741	312358 Sh Rajinder Kumar	UDC	U/R	12-1-52	NC
742	8057183 Sh Sukumaran Nair	UDC	U/R	08-1-55	SC
743	232255 <u>Sh Rabindra Nath Bose</u>	UDC	U/R	01-6-42	EC
744	263026 Smt Renuka Biswas	UDC	U/R	18-1-44	EC
745	206048 Smt Anita Das	UDC	U/R	16-12-43	EC
746	242150 Smt Safali Dey	UDC	U/R	11-4-43	EC
747	201125 Smt Anita Dhar	UDC	U/R	28-1-42	EC
748	201117 Smt Anjali Sarbadhikary	UDC	U/R	04-11-42	EC
749	465537 Smt Dipali Dey	UDC	S/C	10-10-53	EC
750	202633 Smt Anjali Mondal	UDC	S/C	01-1-55	EC
* 751A 751	A/8053319 Sh Som Nath Belhera	UDC	S/C	02-4-52	EC
752	460697 Sh SP Verma	UDC	U/R	12-2-42	CC
753	303777 Sh D S Uniyal	UDC	U/R	25-7-42	CC
754	242168 Sh. Chandra Kant Mishra	UDC	U/R	22-3-44	CC
755	400358 Sh Brij Mohan Gola	UDC	U/R	06-4-44	CC
756	412114 Sh R S Tewari	UDC	U/R	20-6-42	CC
* 751A	400155 Smt Avinash Bafai	UDC	U/R	20-12-44	CC

24/-

1	2	3	4	5	6
757	201215 Sh Banarsi Lal	UDC	U/R	08-8-44	CC
758	430912 Sh A H Khan	UDC	U/R	04-10-41	CC
759	466227 Sh B D Prasad	UDC	U/R	03-1-43	CC
760	450379 Sh Dauji	UDC	U/R	01-8-44	CC
761	312638 Sh Dharam Beer	UDC	U/R	15-2-57	WC
762	305790 Sh Jit Ram	UDC	S/C	20-10-41	WC
763	306841 Smt Leela Rani	UDC	U/R	15-7-42	WC
764	430878 Sh P C Sharma	UDC	U/R	20-11-44	CC
765	430485 Sh Chhiter Mal	UDC	U/R	15-1-45	CC
766	455443 Sh K C Thomas	UDC	U/R	20-5-41	CC
767	430625 Sh I N Agarwal	UDC	U/R	15-10-42	CC
768	400325 Sh M L Sah	UDC	U/R	06-2-42	CC
769	430877 Sh OP Agarwal	UDC	U/R	20-11-42	CC
770	408281 Sh J P Mishra	UDC	U/R	25-2-45	CC
771	305399 Sh Shanti Swaroop	UDC	U/R	10-8-43	WC
772	303987 Sh Baldev Raj Batra	UDC	U/R	10-2-44	WC
773	309649 Sh Devki Nandan	UDC	U/R	05-7-42	WC
774	308915 Sh Gurbir Singh	UDC	U/R	12-11-42	WC
775	307757 Sh SD Mehta	UDC	U/R	08-2-43	WC
776	306842 Sh M M Bajaj	UDC	U/R	01-3-42	WC
777	305661 Sh Madan Lal Gakhar	UDC	U/R	10-3-43	WC
778	308311 Sh Roop Ram	UDC	S/C	20-11-41	WC
779	216348 Sh Ajit Singh	UDC	S/C	01-1-43	CC
780	400248 Sh Ram Chandra	UDC	S/C	06-6-43	CC

(Total seven hundred eighty names only)

A K Gangopadhyay)
PAO
SO I Engrs (Pers)/EIR
For Engineer-in-Chief

Dr. S. S. Choudhary
Surg. J. Choudhary
Adv. S. S. Choudhary
on 14.5.04.

REGISTERED
Headquarters
136 Works Engineers
C/O 99 A 0

Jan '83

11037/ 532 /LTA

Shri Pranab Kumar Sankar
Village E. Bairagi Para
Post Sevoko Road, Dist Dargaching

APPOINTMENT ORDER

Sir,

You have been selected and appointed for the post of LDC in the scale of Rs 200-600-EP-6-32-68-300-33-3-100-10-100/- along with other allowances as admissible from time to time as per Central Government rules and posted to CE Bengdubi Zone, Bengdubi.

1. Your appointment is subject to the condition as mentioned in the attached Appendix 'A'.
2. You will be on probation for a period of two years from the date of appointment, which may be extended at the discretion of the appointing authority.
3. Further annual increment will be granted as and when due.
4. You are requested to report to CE Bengdubi Zone, Bengdubi for assuming Lower Division Clerk appointment in the existing vacancy on or before 30 Jan '83 otherwise this offer of appointment stands cancelled.
5. Please note that no TA/DA will be paid for the journey.
6. Please acknowledge receipt.

Authority : CE Rg BC Calcutta letter no 13103/1/554/Engrs /JC(1) dated 20 April 82 and 13103/1/201/ Engrs/JIC(1) dated 13 Dec 82.



Yours faithfully,

[Signature]
(S. S. S. S.)
Lt Col

Comdr Works Engrs

Copy to :-

1. CE Calcutta - 21
2. CE Bengdubi Zone, Bengdubi - along with Police Verification, FBI report and medical in original.

*Advised
Surgit Chaudhary
Advocate
on 14.5.04.*

L report

Appendix 'A'

TERMS AND CONDITIONS OF SERVICE FOR APPOINTMENT
AS IN THE DEFENCE SERVICE

1. Shri Pranab Kr Sarkar S/O/M/O Shri Nagendra Chandra Sarkar
will be on probation for a period of two years from the date of appointment
which may be extended at the discretion of the appointment authority.
Failure to complete the period of probation to the satisfaction of the com-
mission authority will render him liable to discharge from service.

2. The appointment may be terminated at any time on the month's notice
given by either side viz the appointee or the appointing authority without
assigning any reasons. The appointing authority however, reserve the right
of terminating the services of the appointee forthwith or before the expiry of
the stipulated period of notice by making payment to him of a sum of
equivalent to the pay and allowances for the period of the notice of the
un-expired portion thereof.

3. He will be required to serve any where in India and will be subject to
Civil Defence Services (Field Service Liability Rules) 1967.

4. No B.A/DA will be admissible to join the first appointment.

5. He will be required to take oath/affirmation on the following form :-

" I do swear/solemnly affirm that I will be faithful and bear true
allegiance to India and to the constitution of India as by law establ
and that I will uphold to sovereignty and integrity of India and that
will carry out the duties of my office loyally, honestly and with
impartiality, (SO GOD HELP ME)".

6. This offer of appointment is subject to the condition that he does not
have more than one wife living as per Central/Civil Service (Conduct) Rule
1964 and Declaration to this effect will be produced while reporting for d

7. He will be subject to conditions of service as applicable to Tempore
Civilian Govt services paid from Defence Service Estimates in accordance
the orders issued by the Govt of India from time to time.

8. The following will be produced to the authority to whom he is direc
to report for duty :-

(a) Educational certificate in original in proof of his date of bi

(b) Since you are Ex-Serviceman discharged from Army, certificate of
fitness for Civil job, as shown in Discharged certificate/Mod
Report on fitness of civilians for field service (Schedule -I

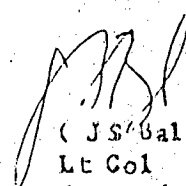
Declaration to the effect that he does not have more than one

9. After submission of the documents mentioned above, the appointee will be required to sign the following documents :-

(a) Declaration of oath/affirmation regarding allegiance to the Constitution of India.

(b) Declaration of movable/immovable property held by him.

10. If any declaration given or information furnished by him proven to be false, or if he is found to have wilfully suppressed any material information, he will be liable for removal from service and such other action as the department may deem necessary.



(JS Bal)

Lt Col

Commander Works Engineers

rk/*

SOS
to GE Narangi

File : 6060

004/5-B/FW/1638 /EIC(I)

12/9498053
Sri Satya Ranjan Ghosh, LDC
(Through E5 Sec)

GE (Fort William) Kol
No 4 R R Camp
Fort William Kol-21
Oct 2001

POSTING /TRANSFER ON PROMOTION : LDC

You are hereby permanently transferred to GE Narangi in the interest of state to take up the appointment of UDC.

(Authy : CE HQ Eastern Command FW Kol-21 letter No 131841/11/5309/Engrs/EID dated 19.9.2001)

2 You will be relieved of your duties from this office on 01 Dec 2001 (A/N) and will report to your new formation after availing usual joining time/journey period.

3 TA/DA may be had on application

4 You will submit the following before leaving this office

- a) Departure Report b) Clearance Certificate c) Identity Card to be surrendered to your new formation d) CGHS Card if any

5 Please note that your pay and allces for the month of Oct 2001 will be paid by this office and pay/allces from Nov 2001 onwards will be paid by your new formation only after reporting there for duty.

6 The individual is not involved in any disc/SPE/D of I case.

Distributions:-

CE HQ EC Fort William Kol-21
CE Kol Zone Kol-19
CWE Kolkata-27
CDA Patna
AAO (PC) Kolkata-17
GE Narangi
CE Shillong Zone
CWE Shilling
CDA Gauhati
AAO Shilling
JCDA(Fund) Meerut
Secretary MES Co-Operative Credit Society

(Lalit Kumar)
EE IDSE
Garrison Engineer

Details of Pay/Allces

Basic Pay : 4700/-
DA : 2115/-
TA : 100/-
HRA : 1410/-
CCA : 200/-

DEDUCTIONS

GPF : 2000/- (A/C No 949381)
CGEGIS : 30/- P/Tax : 90/-

CL 02 RH 02 stand at credit

DNI 01 Aug 2002 DOB 03.02.1955

Rs 1500/- paid on a/c of Dussehra Festival Adv to be recovered in 10 monthly instalments @ Rs 150/-IM

MOVEMENT ORDER

File No: 6060

Garrison Engineer Sevoke Road
PC : Salugara, DT : Jalpaiguri

(CIB) / 47 / EIC

20 Mar 2003

SR/256021

Mr R P Sarkar, LDC

(Through AGE B/R II Sevoke Road)

POSTING/TRANSFER : LDC

1. You are hereby permanently transferred to GE Guwahati in the interest of state.

Authy : HQ CE Eastern Command letter No 131322/2/7D/105/Engrs/EIC(I) dated 06 Aug 2002 & amendment letter No 131322/2/7D/99/Engrs/EIC(I) dated 28 Dec 2002.

2. You will be relieved from your duties from this office on 10 May 2003 (A/N) and will report to your new formation after availing of usual joining/journey period as admissible.

3. Advance of TA/DA may be had on application.

4. You will submit the following before leaving this office.

- (a) Departure report (b) Clearance certificate from all concerned.
(c) Ration Card if any.

5. Identity Card may be surrendered at new formation.

Please note that your pay & allowances for the month of May 2003 will be claimed by this office and Jan 2003 onward will be claimed by your new formation on your physical reporting at new formation.

7. Service Book of the individual is centralised.

(R.K. Dubey)
Major
Garrison Engineer

DISTRIBUTIONS :-

1. HQ CEEC Kolkata-21.
2. HQ CESZ Sevoke Road
3. HQ CE Shillong Zone
4. HQ CWD Bengdubi
5. HQ CWD Guwahati
6. GE Guwahati
7. CDA Patna
8. M JCDA(Fund) Meerut
9. AAO Siliguri
10. AAO GE Sevoke Road
11. All Sub Divisions
12. All Sections

Pay DETAILS FOR THE MONTH OF MAR 2003
IS AS UNDER (FOR GE GUWAHATI ONLY)

Basic Pay = Rs. 4600/-
DA 52% = Rs. 2392/-
H R A = Rs. 345/-
TA = Rs. 75/-

DEDUCTIONS :-

GPF Subs = 500/-
(A/C No 1 0 7 8 9 8 7 Y)
CGEGIS = Rs. 30/-

LEAVE DETAILS

E/L = 300 + 15(Upto 6/2003)
C/L = 8 Days
HPL = 233 Days
R/H = 2 Days
D N I = 01-03-2003
D O B = 01-11-1950

Recovery of F/Adv

6/10 instalment @ Rs. 150/-

pm. on a/c of F/Adv to be

recovered upto 5/2003 by

this office. Bal Rs. 450/- to be recovered by GE Guwahati.

Garrison Engineer Sevoke Road
P.O. Salugara, Dt. Jalpaiguri

17

May 2003

9/ EIC

2002

Sarkar, LLC

Through (G.E./S.E./Sevoke Road)

ADDENDUM/AMENDMENT - MOVEMENT ORDER IN RESPECT
MES/26602] SHRI R P SARKAR, LLC

Reference our movement order No. 1018/147/EIC dtd 20 Mar 2003,

The following addendum/amendment may please be made to our above
movement order:-

(a) Para-2-1 The individual will be relieved from this office

FOR 19 May 2003 (A/N)

READ 14 June 2003 (A/N)

(b) Para-6

FOR

Please note that your pay & allowances for the
month of May 2003 will be claimed by this office
and Jun 2003 onward will be claimed by your new
formation on your physical reporting at new
formation.

READ

Please note that your pay & allowances for the
month of Jun 2003 will be claimed by this office
and July 2003 onwards will be claimed by your
new formation on your physical reporting at your
New formation.

(c) The individual is not involved in any disciplinary/S&E/
Court Cases.

(d) FOR

Pay details for the month of Mar 2003.

READ

Pay details for the month of May 2003.

(e) FOR

D A 52% = Rs. 2392.00

READ

D A 59% = Rs. 2530.00

(f) RECOVERY OF FESTIVAL ADVANCE

FOR

8/10 instalments @ Rs. 150/- P M on a/c 6f
Festival Advance to be recovered upto 5/2003
by this office. Balance of Rs. 450/- to be
recovered by GE Guwahati.

READ

8/10 instalments @ Rs. 150/- P M on a/c of
Festival Advance to be recovered upto 5/2003
by this office. Balance of Rs. 300/- to be
recovered by GE Guwahati.

3. All other entries will remain unchanged please.

(R K Dubey)

Major

Garrison Engineer

Distributions :-

1. HQ CEEC Kolkata-21
2. HQ CESZ Sevoke Road
3. HQ CE Shillong Zone
4. HQ CWE Bengdubi

5. HQ CWE Guwahati
6. GE Guwahati
7. CDA Patna
8. JCDA (FUND) Meerut

9. AAO Siliguri
10. AAO GE Sevoke Road
11. All Sub-Divns
12. All Sections

MOVEMENT ORDER

Tele Mily : 2/6258

585 Engr Sub Park
C/O 99 APO

1028/50/EIA

// Mar 2003

MES-214524 Shri
Biplab Roy Chowdhury,
UDC

POSTING/TRANSFER ON TENURE TURN OVER UDC

1. You are hereby permanently posted to GE Narang in the interest of state.
Authority: Headquarters Chief Engineers, Eastern Command, Kolkata letter No. 131322/2/7B/12/Engr/EIC(I) Dated 07 Oct 2002.

2. You will be relieved from your duties on 19 Apr 2003 (AN) and will report to your New Duty Station/Formation after availing usual joining/journey time as applicable for same station.

Advance of TA/DA may be laid on application.

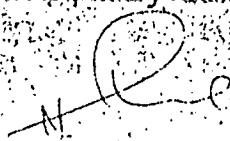
You will submit the following documents before leaving this Station.

- (a) Departure Report
- (b) Clearance Certificate
- © Ration Card if any.

Identity Card issued by this office be surrendered at your New Formation for further action.

3. Please note that your pay and allowance for the month May 2003 onward will be claimed by your New Formation only after Physically Reporting for duty there.

4. Certified that the individual is not involved in any Disciplinary Case/Court of inquiry/SPE cases.



(Neelamber Jha)
Major
Officer-In-Charge
585 Engr Sub Park

Contd.....P/2.....

-12:-

DISTRIBUTERS:-

- | | |
|---------------------------------------|---------------------------------------|
| 1. HQ CE Eastern Command, Kolkata -21 | 2. HQ CE Siliguri Zone, Sevoke Road, |
| 3. HQ CE 33 Corps, C/O 99 APO. | 4. HQ CE Shillong Zone, Shillong-11 |
| 5. HQ 136 Works Engrs, C/O 99 APO. | 6. CWE Shillong |
| 7. CDA Patna, Patna -19. | 8. JCDA (W) Meerut. |
| 9. CDA Gubbali. | 10. AAO Siliguri, Sevoke Road |
| 11. AAO Shillong. | 12. AAO 585 Engr Sub Park, C/O 99 APO |
| 13. CE Narangi | 14. . |

INTERNAL:-

- | | | |
|---------------------|---------------------|----------------------|
| 1. IID Section. | 2. EI(Pay) Section | 3. EI (Con) Section. |
| 4. IW Section. | 5. Traffic Section. | 6. Security Section. |
| 7. E5 & E8 Section. | 8. E2, E3 & E4 Sec | 9. . |

Date of Birth:	06 Sep 1967
Date of Appt	03 Aug 1979
Date of Increment	Aug 2003
Balance of EL upto Jun 2003.	300 + 15 Days
Balance of HPL upto Jun 2003	378 Days
Balance of CL	10 Days
Balance of RPL	62 Days

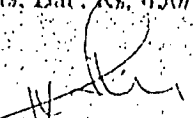
FOR CE NABANGLO ONLY:-

Pay and allowance for the month of Apr 2003 in respect of the individual will be paid by this office at the following rates:-

BASIC PAY	Rs. 4,300.00
DA @ 52%	Rs. 2,496.00
HRA @ 5%	Rs. 240.00
FICA	Rs. 100.00
TA	Rs. .

DEDUCTION:-

GPF Account No.	9475351
GPF subscription	Rs. 300.00
GPF Advances Recovery	Rs. 1,000.00 PM (12/18 th Inst, Bal: Rs. 6,000/-)
CORERS	Rs. 50.00
Personal Advance	Rs. 1,500.00
Personal Advance Recovery	Rs. 150.00 PM (07/10 th Insts, Bal: Rs. 450/-)


 (Neelamber Jha)
 Major
 Officer-In-Charge
 585 Engr Sub Park

File No. 111 : 2/6258

1020/ 1596

/ELI

Ingr Sub. Para
99 150

13-21/521

Sri. Birla Roy Chowdhury, UDC

19 Apr 1963

POSTING/TRANSFER ORDER
Reference to this office movement Order No. 1020/1596/ELI

1. Reference to this office movement Order No. 1020/1596/ELI
2. The following amendments are made in our letter under reference :-

(1) Page 2 of above order: Date of Birth

FOR: Date of Birth: "06 Sep 1967"

READ: Date of Birth: "06 Sep 1957"

All other entries shall remain unchanged.

Distribution:

1. H2 CE Eastern Command, Kolkata-21
2. H2 CE Siliguri Zone
3. H2 CE 33 Corps, C/O 99 150
4. H2 CE Siliguri Zone
5. H2 136 Tks Engrs, C/O 99 150
6. H2 CE Siliguri Zone
6. CD1 Patna, Patna-15
7. H2 CE Siliguri Zone
8. CD1 Gauhati
9. H2 CE Siliguri Zone
10. JCD1 (7) Teerit
11. H2 CE Siliguri Zone
12. H2 CE Siliguri Zone
13. GE Naranao
14. H2 CE Siliguri Zone
15. H2 CE Siliguri Zone

Internal

BI(D) Sec, BI(P) Sec

GE Khapraail Spl PTC No. 1/Spl/79 dated 20 Aug 79

51

Part II (B) NIL

Part III/Ex III

MES/NYA Shri K.B. Choudhury

Chow 02 Aug 79

(Ty) (FN)
(Now LDC)
(Prob)

Having been found suitable for appointment as LDC, is hereby appointed to the post of LDC on Rs. 260/- pm plus usual allowances as admissible from time to time in the scale of Rs. 260-6-290-EB-6-326-8-366-EB-8-390-10-400/-

Probation for 2 yrs

Certified that the individual has been appointed as LDC after passing the prescribed typing Test (30 W pm)

EDUCATIONAL QUALIFICATION

Passed H.S. Exm. in 1972 from BIHAR School Exm. Board.

Date of birth
5 Jul 1954

Medically examined by Matigara Health Centre and declared fit for general and field service. Having been found suitable for appointment as LDC, is hereby appointed to the post of LDC on Rs. 260/- pm plus usual allowances as admissible from time to time in the scale of Rs. 260-6-290-EB-6-326-8-366-EB-8-390-10-400/-

Medical officer in charge

CWE Siliguri No. 11/3/A/1315/EIC(I) dtd 1 Aug 79 & GE Khapraail M.C. No. 1053/794/E1 dtd 08.8.79

MES/NYA Shri Biplab Roy Choudhury

Maz 03 Aug 79
(Ty) (FN)
(Now LDC)
(Prob)

Probation for 2 yrs

for GE

ROY Contd....

Telephone : 24791280

Garrison Engineer Alipore
Military Engineer Services
1, National Library Avenue
Alipore : Kolkata-700027

1008/3/ 1795 /E1A

26 May 2003.

MES/203271

Shri Shyamal Mazumdar, UDC

POSTING/TRANSFER ON TENURE TURN OVER : UDC

1. You are hereby permanently transferred to GE Guwahati in the interest of state.

Authy : HQ Eastern Command, Engineers Branch letter No.131322/2/7B/70/Engrs/EIC(I) dated 26 Apr'2003.

2. You will be relieved of your duties from this office on 30 June'2003(AN) and will report to your new duty station after availing usual journey/joining period.

3. You will submit the following before leaving this Office :-

(a) Clearance Certificate (b) Departure Report.

4. You will surrender your identity card to your new formation after reporting for duty there.

5. Please note that your pay and allowances for the month of July'2003 and onwards will be claimed by your new formation after reporting for duty there.

6. Advance of TA/DA may be had on application.

7. Certified that the above named individual is not involved in any C of I/Disciplinary/SPE cases.

(Suman Kumar, IDSE)

EE

Garrison Engineer.

D i s t r i b u t i o n

1. HQ CEEC Kolkata
2. CE Kolkata Zone
3. CE Shillong Zone
4. CWE Kolkata
5. CWE Shillong

DETAILS FOR PAY AND ALLOWANCES

B/Pay	DA	HRA	CCA	TA
Rs.4800/-	2640/-	1440/-	200/-	100/-

GPF Account No. 1053920 P

DEDUCTION

GPF Subs	CGEGIS	CGHS	P/Tax
Rs. 1225/-	30/-	40/-	110/-

6. GE Guwahati
7. CDA Patna
8. CDA Guwahati
9. AAO Pay Cell Kolkata
10. AAO Pay Cell Shillong.
11. JCDA(Funds) Meerut Cantt
12. DDP Cell CDA Patna
13. MES Employees Co-Operative Credit Society Ltd.
4. Red Road Camp, F.W. Kolkata-21

Rs.150/- Recovered on a/c of Fes Adv of Rs.1500/- by 8/10 Instt. Balance Rs.300/- to be recovered.

DOB : 29 Nov'1960, DNI : 01 FEB'2004

DETAILS OF LEAVE BALANCE (NO OF DAYS)

EL : 300+15 HPL -272. CL-8, RH-2

Internal

E-1(Pay), E-1(Records), E-1(Con).

POSTING ORDER NO. 09/2003

Tele : 2222 2700

Mukhyalaya Purvi Kaman
HQ Eastern Command
Abhiyanta Shakha
Engineers Branch
Fort William
Kolkata- 21

20 Apr 2003

131322/2/7B/ 70 /Engrs/EIC(I)

CE Kolkata Zone

CE Siliguri Zone

CE Shillong Zone

CE(AF) Shillong Zone

POSTING/TRANSFER ON TENURE TURN OVER : UDC

The following posting/transfer are hereby ordered in the interest of state :-

Ser No	MES No, Name	Posted		Move date	Remarks
		From	To		
(a)	(b)	(c)	(d)	(e)	(f)
1.	MES-232967 Shri Tilk Chandra Kalita, UDC	GE Silchar	CWE Tezpur	Forthwith	
2.	MES-420034 Shri Indrajit Roy, UDC	CWE Dinjan	GE(A) Kol.	-do-	
3.	MES-214706 Shri HS Pasi, UDC	CE(AF) Shillong Zone	CE Siliguri Zone	-do-	
4.	MES-268285 Shri MK Mazumdar, UDC	CE(AF) Shillong Zone	GE(S) Binnaguri	-do-	
5.	MES-265589 Shri DC Saikia, UDC	GE Dinjan	GE Tezpur	-do-	
6.	MES-268305 Shri Rajendra Baraik, UDC	GE(I) R&D Chandipur	GE(South) Binnaguri	-do-	
7.	MES-203732 Shri Mohan Ram, UDC	GE(I) R&D Chandipur	GE(C) Kolkata	-do-	
8.	MES-209767 Shri Nagiri Dakshina Rao, UDC	GE Guwahati	GE(AF) Kalaikunda	-do-	

ab

- : 2 : -

	(b)	(c)	(d)	(e)	(f)
9.	MES-233926 Shri Kalyan Medhi, UDC	CWE Tezpur	CWE Dinjan	Forthwith	
11.	MES-203271 Shri Shyamal Mazumdar, UDC	GE(A) Kol	GE Guwahati	-do-	
11.	MES-238656 Shri Horen Sonwal, UDC	AGE(I) Lekhapani	GE Dinjan	-do-	
12.	MES-105481 Shri MK Sen, ULC	CWE Bengdubi	* GE Guwahati GE(I, R&D) Chandipur	-do-	
13.	MES-208010 Shri AK Chatterjee, UDC	GE(C) Kol	GE(I, RED) Chandipur	-do-	
14.	MES-209472 Shri SK Chakraborty, UDC	GE(AF) Kalakunda	GE Silchar	-do-	

amended vide HQ CEEC Kolkata letter No 131322/2/70/130/ Egr/EIC(I)
dated 27 Aug 2003.

(fourteen indls only)

2. Your attention is drawn to this HQ letter No 131306/1/9/ Egrs/EIC(I) dated 20 Dec 2001 for strict compliance. All concerned may be informed accordingly.

3. The posting order to be implemented within 60 days of date indicated. The concerned unit will also forward compliance report, indicating the date of SOS within the same time.

4. Failing of above will be seriously viewed and will be treated as insubordination of the order of CE Eastern Command.

(Achintya Dass)
Lt Col
Offg Col(Pers)
for Chief Engineer

Copy to :-

CWE Dinjan, CWE Kolkata, CWE Bengdubi, HQ 136 WE,
CWE Shillong, HQ 137 WE, CWE Tezpur, CWE(AF) Borjar,
CWE(AF) Kalakunda, CWE(AF) Jorhat, GE Silchar, GE Dinjan,
GE(I) R&D Chandipur, GE Guwahati, GE(A) Kolkata, GE(C) Kolkata,
GE(AF) Kalakunda, AGE(I) Lekhapani, GE(South) Binnaguri, GE Tezpur

Internal :-

E-7, EID, EIR, EDP Cell, M/File, Office copy,
etc/-

Garrison Engineer
KhaprailPO : Matigara - 734 428
Dist : Darjeeling (W/S)

20 Nov 2003

614

63

RES-260002

Shri Pranab Kumar Sarkar, LDC

You are hereby permanently transferred to GE Narangi in the interest of state on promotion to UDC.
Authority : HQ CE EC Kolkata costing order No. 131341/1/15593/Engrs/EID dated 12 Apr 2003.

2. You will be relieved of your duties from this office on 20 Dec 2003 (AN) and will report to your new unit/formation immediately.

3. TA/DA, journey/joining time is admissible

4. You will submit the following documents before leaving this office:

(a) Clearance Certificate

(b) Departure Report

Identity Card issued to you by this office be surrendered to your new unit/formation for their necessary use.

Please note that your Pay & Allowances for the month of Dec 2003 will be claimed by this office and 2004 onwards will be claimed by your new unit/formation after reporting for duty.

Certified that the Indl is not involved in any disciplinary/Court of Inquiry and SPE cases.

(V Samuel Prakash)
Major
Garrison Engineer

Distribution :-DETAILS OF PAY & ALLOWANCES

Basic Pay = Rs 4,700/-
D.A. (59%) = Rs 2773/-

Deduction :-

GPF Subscription = Rs 2500/-
CGEGIS = Rs 30/-
House Rent (7.5%) = Rs 353/-
Fixed Med Allow = Rs 100/-
TDT Allow = Rs 75/-

GPF ACCOUNT NUMBER : 1067337 W

Balance of Leave upto Dec 2003

EL = 300 + 15 days days
HPL = 331 days
CL/RL = 07 days/02 days

Date of Birth : 20 May 1958
DNI : 01 Aug 2004

RESTRICTED

Internal

E-1 Sec, E-1(P), E-1(R), E-5(B), E-5(C), E-2,
E-3, E-4, E-6, E-8, R&D Sec

1. HQ Eastern Command, Kolkata-21
2. HQ CE-Siliguri Zone, Siliguri
3. HQ CE Shillong Zone
4. CWE Shillong
5. HQ 133 Wks Engrs, C/O 99 APC
6. GE Narangi
7. JCDA (Funos) Maerut
8. CDA Patna-19
9. CDA Guwahati
10. AAO Siliguri
11. AAO Shillong
12. AAO GE Narangi
13. AAO GE Khaprail
14. AGE B/R-I Khaprail
15. AGE B/R-II Khaprail
16. AGE E/M Sukna
17. BSO Khaprail

Headquarters
Commander Works Engineers
Bongdubi
Post : Bongdubi
Distt : Darjeeling (W/D)

1102/1/ 2129 /EIC(I)

02 Dec 2003

MES/105481
Shri : M K Son
UDC

POSTING/TRANSFER ON TENURE TURN OVER : UDC

1. You are hereby permanently transferred to GE Guwahati in the interest of State.

Authority :- HQ CEEC Engr Branch Fort William Kolkata
Posting Order No. 131322/2/7B/70/Engrs/
EIC(I) dated 26 April 2003 and amendment
letter No. 131322/2/7B/130/engrs/EIC(I)
dated 27 Aug 2003.

2. You will be relieved from your duties from this office on 20 Dec 2003 (A/E) and will report to your new formation after availing of usual joining/journey period as admissible.

3. Advance of TA/DA may be had on application.

4. You will submit the following before leaving this office.
(a) Departure Report (b) Clearance Certificate from all Concerned.
(c) Ration Card if any.

5. Identity Card may be surrendered at new formation.

6. Please note that your pay & allowances for the month of Dec 2003 will be claimed by this office and Jan 2004 onward will be claimed by your new formation on your physical reporting at new formation.

7. Service Book of the individual is Centralised.

(K S Roy, Nonpara)
SBSO
For CWE, Bongdubi

Distributions :-

1. HQ CE EC Engr Branch
Fort William Kolkata=21

2. HQ CE Siliguri Zone
3. CWE Shillong

4. GE Guwahati

4A. HQ CE Shillong Zone

5. CDA Patna 6. CDA Guwahati

7. JCDA(Funds) Meerut

8. AAO Siliguri

9. AAO Shillong

10. Steno to CWE

11. EIC(I) Sec 12. EID Sec

13. EID Sec

MOVEMENT ORDER (CONTD)

For GE Guwahati Only : The individual is not involved in any disciplinary C of I/SPE Cases.

The pay and allowances in respect of MES/105431 Shri : M.K. Son, UDC is as under :-

PAY DETAILS

1.	Basic Pay	:	Rs. 4,700.00
2.	DA @ 50%	:	Rs. 2,773.00
3.	HRA @ 5%	:	Rs. 235.00
4.	F M A	:	Rs. 100.00

DEDUCTION

1.	G P F Subs	:	Rs. 1000.00 P.M.
2.	G P F A/C No.	:	0 3 6 3 8 2 W
3.	CGEGIS	:	Rs. 30.00
4.	F/Advance	:	Rs. 150.00

LEAVE DETAILS

1.	Earned Leave	:	300 Days (Max)
2.	U P L	:	204 Days
3.	Date of Apptt	:	08-10-1971
4.	Date of Birth	:	01-02-1951
5.	Date of Superannuation:		31-01-2011
6.	Date of Next Increment:		01 - 08 - 2004

Note :-

3-10 Instalments @ Rs. 150.00 PM on account of Festival advance (Durga Puja) to be recovered upto Dec 2003 by this office, vide pay bill Vr. No. 06/ dated Dec 2003. Balance Rs. 1050.00 to be recovered By CE Guwahati.

(K S Roy Hongrum)
SISO
For CWF Denguabi

Office of the GE (AF) Bagdogra
Post: Bagdogra Airport
Dist: Darjeeling (W.B)
PIN: 734 421

03 Dec 2002

3/ 604 EIC (1)

S/213951

Pranab Sarkar, UDC

POSTING/TRANSFER ON TENURE TURN OVER : UDC

You are hereby permanently transferred to GE Narangi in the interest of State.

Auth: HQ CE EC, Kolkatta letter No 131322/2/78/22/Engrs/EIC (1) dt 13 Apr 2002

You will be relieved of your duties from this office on 14 Dec 2002 (AN) and will report to your new formation after availing usual joining/journey period as per existing rules.

TADA is admissible as per existing rules and may be had on application.

You will surrender your identity card to your New Station.

You will submit the following before leaving this station:

- (a) Departure Report (b) Clearance Certificate
(c) Handing/Taking Over Notes (d) Ration Card if any issued by HQ 20 Wing (AF)

Your Pay & Allowance for the month of Dec 2002 onward will be claimed by your new Formation Unit after you have reported physically there on duty.

Certified that the individual is not involved in any disciplinary cases/SPE/C of I.

(Subash Chandra Goyal, IDSE)
EE (SG)
GE (AF) Bagdogra

Contribution :-

HQ CE EC, FW, Kolkatta-21
HQ CE (AF) Shillong Zone
HQ CWE (AF) Kalaikunda
JCDA (Funds) Meerut (U.P)
CDA Patna-19
AAO Shillong
AAO Siliguri
AAO GE (AF) Bagdogra
AAO GE Narangi
MES Co-op credit Society
Bagdogra
GE Narangi

FOR GE NARANGI

Details of Pay & Allowances in r/o MES/213951
Shri Pranab Sarkar, UDC

Basic Pay	Rs 4,300/-
DA @ 52 %	Rs 2,236/-
HRA	Rs 323/-
Tptl Allow	Rs 75/-

Details of Deductions

GPF	Rs 1,425/- pm
A/C No 1089418 L	
CGEGIS	Rs 30/- pm
Festival Adv.	Rs 150/-
Details of Leave	1
EI - 300 + 02 days	HPL - 223 days
CL - 02 days	RH - 01 day

Bal : Rs. 1350/-

Personal

Sec, E1 P Sec, E-5 (C), E1 Con,

Date of Birth: 28-01-1959
Date: 01-08-2003

Subscribed
Surajit Choudhury
14.5.04.

File: 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
C/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 :-

(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.

Contd...2/

Sanjit Choudhary
Advocate
14-5-04

3. 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-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. 1007.1

AAO Shillong - alongwith above policy letters.

Internal

E7 Sec - for information and necessary action please.

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

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 NORTH EASTERN 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 20.4.88 1987 read with OM NO20014/16/86-EIV/E.11 (1) date 1.12.88, and O.M.NO.11 (3)/95-95-E.11 (E) 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 by 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.

Advised
Sanjit Choudhary
Advocate
ON 14.5.04

4. In a recent appeal filed by Telecom Department (Civil Appeal NO.7000 2001-arising out of SLP NO.5455 of 98 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 in spite of the fact that appeal has been allowed.

5. In view of the aforesaid judgement, 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 officials 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.

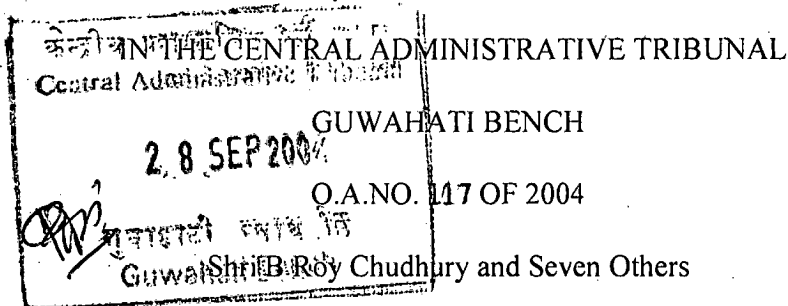
7. These orders will be applicable mutatis mutandis for regulating the claims of Islands Special (Duty) Allowance which is payable on the analogy of special (Duty) Allowance to Central Government Civilian employees serving in the Andaman & Nicobar and Lakshadweep Groups of Islands.

8. In their applications 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 Govt. of India, etc.

All Ministries/Deptt. of the Govt. of India, etc.
Copy (with spare copies) to CSAG, DSC etc. as per standard endorsement list.



Filed by:

(B. C. Pathak)
Addl. Central Govt. Standing Counsel
Central Administrative Tribunal
Guwahati Bench : Guwahati

-VS-

Union of India & Others

.....Respondents

IN THE MATTER OF

Written statement submitted by respondents

Written Statement

The humble respondents beg to submit

Their written statement as follows:

1. That with regards to para 1 to para 8 the respondents beg to state as follows:
 - (a) That with regard to averment made in para 1 of the petition, the answering respondents beg to state that the applicants except SI No. 7 namely Shri Niranj Prasad Singh, Assistant of GE Narangi of above OA are not entitled for grant of SDA on their posting to NE Region from outside NE Region as they do not fulfill the eligibility criteria of "All India Transfer Liability" and "All India Common Seniority list" in accordance with recent policy of Instructions issued by Govt of India Ministry of Finance, Department of Expenditure vide OM dated 29/5/2002(Annexed as per Annexure-I) and adopted by the highest authority of the respondents i.e. AHQ E-in-C's Branch for execution/implementation by al subordinates Units/Formations under its territory jurisdiction vide letter No 90237/7521/E1C(Legal-C) date 04 Jun 03 as amended vide Even No. dated 03 Oct 03(Annex as per Annexure-II and III). Therefore, filing of the instant petition vide OA No. OA/117/2004 by the petitioners (except SI No.7) seeking Court's direction upon the responder authority to make continue payment of SDA to them in terms of Office Memorandum dated 14-12-83,1-12-98 and 22-7-98 is ultra motive to extract

Contd ...2/-

something which is otherwise not eligible to them as Policies formulated by the authority at Ministry level at different point of time and adopted by the department concerned for their execution/implementation on ground are subject to further revision/modification/alteration and issuances of such policies by the Ministry higher department authority always take precedence over policies formulated earlier even though a word specific to supersession of such policies formerly formulated may not be found mentioning while formulating new policies on the same subject time and again. But the fact on ground that formulations of such policies time and again not only take precedence over formerly formulated policies but also meant for their strict implementation on ground. As such the contention of the petitioner that they should be allowed to payment of SDA through judicial intervention is devoid of merit of the issue in question and therefore the petition is liable to be rejected and quashed in toto.

(b) That with regard to averment made in para 2 of the petition, the respondents authority beg to offer no comments being the matter within the jurisdiction of the Hon'ble Court.

(c) That with regard to averment made in para 3 of the petition, the answering respondents beg to offer no comments being the matter within the limitation period specified for filing any application seeking redressal of grievances irrespective of issue of such grievances through judicial process. However, it may be considered necessary for the Hon'ble Court to decide whether filing of such application is not barred by limitation period of 3 months or otherwise.

(d) That with regard to averment made in para 4.1 and 4.2 of the petition, the answering respondents beg to offer no separate comments as it is a matter of right, protection and privileges as granted under the Constitution of India.

Contd3/-

(e) That with regard to averment made in para 4.3 of the petition, the answering respondents beg to offer no separate comments being matter of facts on ground.

(f) That with regard to averment made in para 4.4 of the petition, the answering respondents beg to offer no separate comments as it is a fact that all the applicants of the above OA were initially recruited outside NE Region and subsequently post to NE Region and are rendering continuous service in ER Region from the date of their posting in the interest of the state.

(g) That with regard to statement made in para 4.5 and 4.6 of the petition, the answering respondents beg to offer no comments being matter of facts on ground. However, it is imperative for the respondents authority to mention here that the Govt of India vide OM dated 14.12.1983 had introduced policies for grant of certain allowances to the Central Govt employees posted from other parts of the Country to NE Region as incentive for working in. One of such allowances to the Central Govt employees was "Special Duty Allowances" (SDA in short). The tone of tenor of granting such allowances to central Govt employees of outside NE Region vide OM dated 14.12 was to "attract the outsiders to come and work in NE Region in view of hostilities prevailing in NE Region as a whole". Thus on this count, the contention of the petitioners is not denied being matter of facts on ground.

(h) That with regard to averment made in para 4.7 of the petitioner, the answering respondents beg to state that the applicant (except SI No.7) of the above OA are bit entitled for grant of SDA on their posting to NE Region as they do not fulfill the eligibility criteria of All India Transfer liability and All India Common Seniority list in accordance with latest policy of Instructions issued by Govt of India Min of Finance vide OM dated 29/5/ and AHQ

Contd ..4/-

E-in-C's Branch Policy letter dated 04/6/2003 as amended vide No. dated 03 Oct 2003. On perusal of the Ministry of Finance, Department of Expenditure recent OM dated 29/5/02 it may be seen that The Hon'ble Supreme Court in response to appeal filed by the Telecom Department (Civil Appeal No. 7000 of 2001 arising out of SLP No. 54550 of 1999) has ordered on 05 Oct 2001 that this appeal of Telecom Department is convened by the Judgment delivered by the Hon'ble Supreme Court in the case of UOI and ORs Vs S. Vijaykumar and reported as 1994(Supp.3) SCC 649 and followed in the case of UOI and ORs Executive Officers Associations Gp 'C' 1995 (Supp.I) SCC 757. Therefore, the appeal of the Telecom department was allowed by the Hon'ble Supreme Court with the direction to the concerned departmental authority not to recover whatever amount of SDA has already been paid. The Hon'ble Supreme Court in its judgment dated 20/9/04 delivered in case of UOI and ORs Vs. Vijaykumar and ORs held that mere clause of All India Transfer Liability in the appointment letter does not qualify the employees payment of SDA. It was on the basis of Hon'ble Supreme Court Judgment/order dated 05 Oct 2001 in the appeal of Telecom Department, the Ministry of Finance, Department of Expenditure vide its OM dated 29/5/02 introduced policy whereby Special Duty Allowances (SDA in Short) has been allowed to Central Govt employees posted to NE Region (including Sikkim) from outside NE Region on the basis of Criteria of "All India Transfer liability" and accordingly AHQ E-in-C's Branch (Respondent No. 2) the highest decision making body of the respondents authority had categorized and drawn up a list of categories of staff in MES under the Ministry of Defence who are having "All India Transfer Liability" and "All India Common Seniority list" by applying the recruitment and promotional Zone too determine as to whether the recruitment/promotion to service/cadre post has been made on All India Transfer Liability and All India Common Seniority list for the purpose of SDA on the posting of incumbents of such service/cadre/post to NE Region from outside NE Region. Based on the criteria of recruitment as well as

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promotional Zone, the following categories of subordinates staff in MES under MIN of Defence are found to have the criteria of "All India Transfer Liability" and All India Common Seniority list" for grant of SDA on their posting/re-posting to NE Region from outside NE Region:-

"Erstwhile Supdt Gde-I (Now redesignated JES) Supvr B/S-I and
D'Man Gde-I, Asstt and Steno Gde-I".

As per the recent policy of instructions on SDA formulated by the highest decision making body of respondents authority i.e E-in-C's branch, all other categories of staff other than those specifically specified in letter of policy dated 04/6/03 as amended vide No. dated 03 Oct 03 do not fulfill the criteria of "All India Transfer liability" and "All India Common Seniority list" for the purpose of SDA on their posting/re-posting to NE Region from outside NE Region. The posts held by all the Petitioners except Sl No. 7 (Shri NP Singh) do not come under the eligibility criteria of "All India Transfer liability" and "All India Common Seniority list" for grant of SDA on posting/re-posting to NE Region from outside NE Region. Hence payment of SDA to all the applicants had been stopped as a matter of right and corrective action in accordance with policy in vague. Therefore, contention of the petitioner is devoid of merit and therefore liable to be set aside.

(j) That with regard to averment made in para 4.8, the answering respondents beg to contest the same being baseless, concepts and imaginary. The respondents authority are not aware of existence of any law or policy where prior notice for effecting recovery of any unlawful amount paid in terms of pay and allowances is considered necessary and mandatory. Therefore, action on the part of the respondents authority to enforce recovery of already paid SDA to the applicants in contravention to recent policy of Instructions is in accordance with law and cannot and ought not be declared as void as a matter of right or remedy on the more

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plea of the applicants.

(k) That with regard to averment made in para 4.9, the answer respondents beg to state that the matter regarding grant of SDA in respect of Central Govt employees on their posting/re-posting to NE Region from outside NE Region is governed by the recent policy of Instructions formulated by Ministry of Finance, Department of Expenditure in pursuance to Hon'ble Supreme Court order/judgment dated 05 Oct 2001 delivered in the appeal of Telecom Department. In pursuance to Ministry of Finance Department of expenditure OM dated 29/5/02, AHQ E-in-C's Branch has drawn up a list of categories of staff in MES who are found to have fulfilled the Criteria of All India Transfer liability" and "All India Common Seniority list for the purpose of SDA on their posting/re-posting to NE Region irrespective of fact whether they are initially recruited in NE Region or outside NE Region. The following categories of Staff in MES under Ministry of Defence are fulfilling the eligibility criteria of SDA on the basis of "All India Transfer liability" and "All India Common Seniority list" on their posting/re-posting to NE Region from outside NE Region:

"Erstwhile Supdt Gde-I (Now JEs) Supvr B/S-I, D'Man Gde-I and Steno Gde-I"

It was on the basis of recent policy formulated by the highest decision making body of the respondent authority, the applicant of above OA except It was on the basis or recent policy formulated by the highest decision making body of the respondent authority, the applicant of above OA except SI No. 7 were found ineligible for grant of SDA on their posting to NE Region. Thus the letter mounting from HQ CEEC Kolkata (respondent No. 3) to HQ CE Shillong Zone (respondent No.4) in the form of directive was valid, correct and no way can be declared as void.

(k) That with regard to statement made in para 4.10, the respondents authority beg to stated

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that the letter 1151/Policy/Gen/92/Ei(Legal) dated 29 Mar 2004 mounting from Commander Works Engineer Shillong (respondent No. 5) to all lower formations under its jurisdiction directing them to initiate recovery action was in accordance with the recent policy of instructions received from the highest authorities of the respondents as it is imperative and obligatory for all formations to follow and implement the executive orders issued by highest decision making body of the respondent authority. Thus the contention of the petitioners that this letter of respondent No 5. to be declared as void is baseless, conceited and imaginary, self manifest having no material facts on ground and therefore shall not be taken cognizance of.

(m) With regard to statement made in para 4.11 of the petition, the respondents authority beg to state that being a promotional post of UDC/Steno-III (Clerical Optee), the promotion order for the post of Assistant having all India Transfer Liability and All India Common seniority list is being finalised/issued on the basis of All India Seniority list of UDC/Steno-III (Clerical Optee). Since the post of Assistant is a promotional of UDC/Steno-III (Clerical Optee) and having covered by "All India Transfer Liability" and All India Common seniority list" for the purpose of posting/transfer on all India basis, the preparation/maintaining Seniority list of UDCs/Steno-III (Clerical Optee) is a pre-requisite as a normal course of action. Further the Post of UDC is a promotional post of LDC and seniority list of eligible LDCs for the purpose of promotion to the post of UDC is being maintained at Command level. Therefore preparation of Seniority list of UDCs/ Steno-III (Clerical Optee) for the purpose of promotion to the post of Assistant having all India Transfer Liability and All India Common seniority list does not mean the incumbents of posts of UDCs/Steno-III (Clerical Optee) are covered by the Criteria of "All India Transfer Liability" and All India Common seniority list" for the purpose of payment of SDA on the posting of incumbents to NE Region from outside NER. Thus the

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contention of the petitioners in the ibid para is out of misconception/misinterpretation of the policy in question framed at the highest upto Ministry level and therefore the same is baseless, self manifest and figment of imagination and liable to be set aside being contrary to facts on ground.

(n) In view of the submission made in opposition in the preceeding para 4.12, the contention of the petitioner is denied in toto being false, self manifest imaginary and therefore liable to be set aside.

(o) With regard to contention made in para 4.13 of the petition, the respondents authority beg to deny the same in toto in view of the fact that letter No 77551/90/Policy/SDA/57/E1(Legal) dt 31.01.2004 from HQ CE Shillong Zone (repondent No. 4) to Commander Works Engineer Shillong (repondent No. 5) informing that post of UDC/LDC amongst others are not covered for payment of SDA is in according with policy of Instructions received from the highest decision making body of the respondents authority and it is mandatory of all formations to implement such policy in question on ground. Clause No. 5 of Govt of India, Min of Finance OM dated 29/5/2002 clearly stiulates that central Govt employees who are covered by "All India Transfer Liability" are eligible for payment of SDA on posting to NE Region (including Sikkim) from outside NER which is supportive of cause of action of the respondents authority in challenging the legal validity of instant petition. Since the post of UDC amongst others is not covered by All India Transfer Liability and All India Common seniority list as per the latest policy of Instructions issued by the highest decision making body of the respondents authority, all the petitioners except Sl No 7 of the OA No 117/2004 are ineligible for payment of SDA on their posting to NE Region from outside NE Region, irrespective of the fact whether whey were initially recruited in NE Region or outside

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NE Region. Therefore contention of the petitioners in ibid para is baseless, frictuous, imaginary being contraty to excutive order of the respondent authority framed at the highest level and therefore the same is liable to be set aside.

(p) With regard to contention made in para 4.14 of the petition, the respondents submits that since the petitioners except Sl No. 7 are not covered by "All India Transfer Liability" and All India Common seniority list" for the purpose of payment of SDA on posting to NE region from outside Region, they are considered to be ineligible persons for payment of SDA on their posting to NE Region and as such the recovery of payment of SDA made after 05 Oct 2001 is liable to leived on them being corrective legitimate course of action.

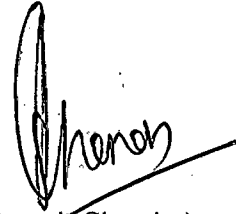
(q) With regard to contention made in para 4.15 of the petition, the respondents submits that in view of the submission made in opposition in preceding paras, the application of the applicants seeking re-dressal of the issue which has otherwise been decided in principle by the latest policy of instructions through judicial intervention is devoid of merit and therefore liable to be set aside.

(r) That with regard to grounds for relief adduced in para 5.1 to 5.10, the answering respondents beg to deny the same and therefore liable to be set aside.

(t) Relief sought for

In view of submission made in opposition in proceeding paras, the relief sought for vide para 8.1 to 8.4 the answering respondents beg to deny the same being false, fabricated, imaginary and therefore liable to be set aside.

2. That in view of the facts and circumstances submitted above, the applicant is not entitled to any relief from court of law and humble respondents pray that interim order granted to the applicant be vacated and OA be dismissed in limine with costs.



(Rajneesh Chandra)
EE
Garrison Engineer

-11-

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VERIFICATION

I, Shri Rajneesh Chandra, Executive Engineer, Garrison Engineer Guwahati, age about 38 years, being authorised to hereby solemnly declare that the comments made in this written statement are true to my knowledge, and information and no material that has been suppressed.

And I sign this verification on this the 28th day of Sept., 2004.



(Rajneesh Chandra)
EE
Garrison Engineer

F.No.11(5)/97-E.II.(B)
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 North Eastern Region including Sikkim.

The undersigned is directed to refer to this Department's OM No.20014/3/83-B.IV dated 14.12.83 and 20.4.1987 read with OM No.20014/16/86-B.IV/E.II.(B) dated 1.12.88, and OM No.11(3)/95-B.II.(B) dt. 12.1.1996 on the subject mentioned above.

2. Certain incentives were granted to Central Government employees posted in 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 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 NE 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 judgement delivered on 20.9.94 (In Civil Appeal No. 5251 of 1993 in the case of UOI and Ors Vs. Sh. S. Vijaya Kumar and Ors) have upheld the submission 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 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 judgement of this Court in the case of UOI & Ors. vs. S. Vijayakumar & Ors. reported as 1994 (Supp.3) SCC, 649 and followed in the case of UOI & Ors vs. Executive Officers' Association 'Group C' 1995

Me
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Addl Pkld
5/6/02
copy to
C.G. Pkld
6/6/02

(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 in spite of the fact that the 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.

M22

(N.P. Shighi)

Under Secretary to the Government of India.

All Ministries/Departments of the Government of India, etc.

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

Dir Gen of Pers EIC (Legal),
Military Engineer Service
Engineer in Chief's Branch
Army Headquarters
Kashmir House
DIIQ PO New Delhi-110011.

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84
Jun 2003

No. 90237-7521 EIC (Legal-C)

CP Eastern Command
Kolkata-21

DISPOSAL OF ALL COURT CASES ON PAYMENT
OF SDA TO MES EMPLOYEES

Reference this HQ letter of even number dated 24 Feb 2003.

We had vide our above mentioned letter forwarded copies of four MOD letters No. PC/90237-7521 EIC (Legal-C) 89-LC/ED (Civ-I)/2003 dated 21 Feb 2003 containing MOD decision regarding grant of SDA to applicants of OA No. 238/2000 filed by Shri PM Kuttan and two others in CAT Guwahati. The decision of MOD in the ibid case arrived in consultation with Ministry of Finance will apply to all cases relating to grant of SDA. It is, accordingly advised that eligibility of all individuals including applicants of the various Court/CAT cases on SDA filed in different CATs/higher Courts may be examined based on the following criteria reproduced from Min of Finance (D/Exp) OM No. 11(5) 97 E-II(B) dated 29 May 02 (copy enclosed) :-

"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 fulfil the criteria of All India Transfer Liability and are transferred posted in NE region from outside the region."

The Ministry of Finance vide Para 2 of their OM No. 11 (5)/97-E-II(B) dated 29 May 2002 referred above has clarified the concept of all India Transfer Liability.

Particular attention may be given to this para 2 of Ministry of Finance OM ibid while deciding the eligibility of applicants for grant of SDA. Going by the stipulations laid down in ibid Para 2, the following categories of MES employees are covered by the criteria of all India Transfer Liability and hence may be considered for grant of SDA :-

(a) Basic Subordinate Categories - Enstwhile Supdt Gde I (now re-designate JE) Super B/S I, D'Man Gde I and Assts.

(b) Officers - All Gp 'B' & Gp 'A'

For deciding the eligibility of the applicants of various Court/CAT cases, data be compiled at your HQ separately for each OA as per format enclosed as Appx 'A' letter. Proof for deciding the eligibility will comprise the following :-

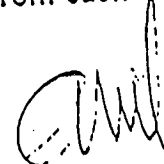
✓(a) Copies of orders regarding recruitment or promotion to one of the grades mentioned at Para 3(a) and (b) above and the relevant Part II order regarding assumption of an appointment in that grade.

✓(b) Copies of orders posting the eligible Officer to an Unit/Establishment in North East and the relevant TOS Part II Order issued by the receiving Unit.

After identifying the applicants found eligible for grant of SDA, their cases accompanied with proofs as indicated at Para 4 (a) & (b) above, should be sent to concerned Audit Office for making the payment. In case of Court judgements, sanction of competent authority for incurring charged expenditure would be required. It is possible that out of the applicants found eligible for grant of SDA, some might have already been paid the SDA for some time but the same was stopped afterwards. In case of such employees the payment should continue from the date it was stopped till the period they continued to be posted in North Eastern Region.

In the case of applicants of CAT/Court cases are found ineligible for payment of SDA, necessary Speaking Orders be issued to them.

You are requested to forward a completion report separately from each OA by 30 July 03.


(Mam Raj)
SAO
Offg SO I (Legal)
For E-in-C

Encls : As above

Copy to :-

Shillong Zone

CGDA (AT)

Min of Def/D (Civ-I) :

E-in-C's Br/E-5(Budget) :

ELC

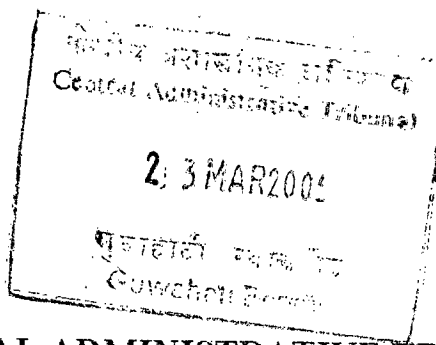
for info and necessary action.

for info and necessary action. You are requested to issue necessary instructions to your subordinate Offices in this matter and forward a copy for our information and record.

for info wrt Note 34 dated 27 May 03 recorded on our PC No. 90237/7521/EIC (Legal-C).

for info alongwith a copy each of all relevant enclosures and the refs quoted in para 1 above.

: You are requested to issue appropriate instructions for payment of SDA to non applicants in the light of clarifications issued vide Min of Fin M No. 11 (5)/97/E II (B) dated 29 May 02 and their II No. 25(4)/E II(B)/2001 dt. 19 Feb 03 (copies enclosed).



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

O.A. No. 117/2004

Shri B. Roy Choudhury & Ors.

----Applicants

-Vs-

Union of India & Ors.

----Respondents.

-AND-

In the matter of:

Rejoinder submitted by the applicants against the
written statement submitted by the respondents.

The humble applicants abovenamed most respectfully begs to state as follows: -

1. That with regard to the statements made in paragraph 1(a), 1(h) and 1 (j), (k), (m), (n), (o), the applicants deny the correctness of the same and further beg to say that all the applicants are saddled with all India transfer liability as per terms and conditions of the appointment orders, moreover all the applicants are transferred and posted from outside of the N.E. region, therefore they are entitled to payment of Special Duty Allowances, more particularly in view of the clause 5 of the O.M dated 29.05.2002 issued by the Govt. of India, Ministry of Finance. Hence the contention of the respondents that only the applicant No. 7 is entitled for such payment in view of his category of post rather attract Article 14 of the Constitution of India as because payment of Special Duty Allowance should be

made on the basis of a reasonable classification but in the instant case it appears that an artificial classification as well as a hostile discrimination is sought to be made by the respondents on the basis of rank and status even among the Group 'C' employees which is not permissible under the law. The decision rendered by the Hon'ble Supreme Court in Vijyakumar's case also supports the entitlement of the applicants who are posted to this region from outside. The contention of the respondents that a recent policy has been framed for the purpose of grant of Special Duty Allowance does not appear to be reasonable and the said policy cannot be used to make a differential treatment among the similarly situated employees on the basis of rank and status more so when they fulfill all the requirements laid down in the Govt. policy for entitlement of SDA.

2. That your applicants further beg to say that paragraph 1 (f) rather supports the case of the present applicants.

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

75- 28

VERIFICATION

I, Shri Biplab Roy Choudhury, Son of Late Phani Bhusan Roy Choudhury, aged about 46 years, working U.D.C in G.E, Narangi, 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 2 are true to my knowledge and I have not suppressed any material fact.

And I sign this verification on this the _____ day of March, 2005.

Biplab Roy Choudhury