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**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

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

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

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

1. Orders Sheet..... Pg..... to.....  
2. Judgment/Order dtd 02.06.2005 Pg. 1..... to 4.....  
3. Judgment & Order dtd..... Received from H.C/Supreme Court  
4. O.A..... Pg. 1..... to 5.....  
5. E.P/M.P..... Pg..... to.....  
6. R.A/C.P..... Pg..... to.....  
7. W.S..... Pg. 1..... to 15.....  
8. Rejoinder..... Pg. 1..... to 3.....  
9. Reply..... Pg..... to.....  
10. Any other Papers..... Pg..... to.....  
11. Memo of Appearance.....  
12. Additional Affidavit.....  
13. Written Arguments.....  
14. Amendment Reply by Respondents.....  
15. Amendment Reply filed by the Applicant.....  
16. Counter Reply.....

SECTION OFFICER (Judl.)

*Farahil*  
09/11/17

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

ORDER SHEET

Org. App. / Misce Petn / Cont. Petn / Rev. appl. .... 112/04 .....

In O.A. ....

Name of the Applicant(s) ... B. C. Pathak, S. Chaudhury, Tony .....

Name of the Respondent(s) ... M. Chanda, O. N. Chakraborty, S. Chaudhury, S. Pathak .....

Advocate for the Applicant ... M. Chanda, O. N. Chakraborty, S. Chaudhury, S. Pathak .....

Counsel for the Railway/CGSC ..... Mr. M. H. Das, Ahmed .....

OFFICE NOTE	DATE	ORDER OF THE TRIBUNAL
This application is filed on 13.5.2004 and deposited with No. 1163893372.	14.5.2004	Present : The Hon'ble Sri K.V. Prahaladan, Administrative Member.
Dated ... 13.5.04		Heard Mr. M. Chanda, learned counsel for the applicant and also Mr. B.C. Pathak, learned Addl. C.G.S.C. for the respondents.
Step's taken wth envelop		Issue notice to show cause as to application shall not be admitted.
<i>Par</i>		Also, issue notice to show cause as to why interim order as prayed for shall not be granted, returnable within three weeks.
<i>Par</i>		List on 4.6.2004 for admission. In the meantime, no recovery shall be made from the applicants till the returnable date.
Received notice and copy for respondent No. 4/107/2004 M. Chanda (K. H. Mukherjee) C. H. Legal	mb 4.6.2004	<i>KV Prahaladan</i> Member (A)
Notice of order dt. 14/5/04 Sent to O/Section for issuing to respondent nos 1, 2 & 3.	mb	On the plea of learned counsel for the respondents list on 21.6.2004 for admission.
<i>Par</i> 19/5/04		<i>KV Prahaladan</i> Member (A)

20.7.04.

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

(cc)  
27/7/04.

lm

K. P. Bhatia  
Member (A)

Member (A)

List on 12.8.04 for Admission.

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

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

(cc)  
13/8/04.

mb

K. V. Prahla<sup>d</sup>an  
Member (A)

25.8.04.

29.9.04.  
W/s Submitted  
by the Respondents.

(P.D.)

22-3-05

w/s for ~~answ~~ filed.

(G)

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

Hon'ble Mr. K. V. Prahla<sup>d</sup>an, 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.

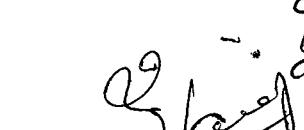
Let this case be listed before the next available Division Bench as prayed for.

K. P. Bhatia  
Member

  
Vice-Chairman

lm

23.03.2005. The case is adjourned to 24.03.2005 for hearing.

  
K. P. Bhatia  
Member (A)

Vice-Chairman

mb

## Notes of the Registry | Date | Orders 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.

*[Signature]*  
Member (A)

*[Signature]*  
Vice-Chairman

5-4-05

mb

12.4.05.

Post the matter on 9.5.05. for hearing.

*[Signature]*  
Member

*[Signature]*  
Vice-Chairman

lm

9.5.2005

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

*[Signature]*  
Member

*[Signature]*  
Vice-Chairman

bb

2.6.05.

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

*[Signature]*  
Member

*[Signature]*  
Vice-Chairman

lm

13.5.05  
Copy of the Judgment  
handed over to the  
L/Advocates for the  
parties.  
*[Signature]*

Notes of the Registry) Date

## Orders of the Tribunal

Notes of the Registry

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.

*D.P.S*

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 Biplob 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 Niranjan 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

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

Respondents.

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

*9pm*

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 out side 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

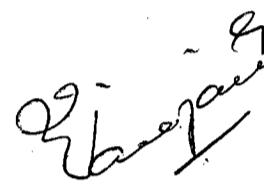
*jmz/*

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 3<sup>rd</sup> respondents for compliance.

  
 (K. VPRAHADAN)  
 ADMINISTRATIVE MEMBER

  
 (G. SIVARAJAN)  
 VICE-CHAIRMAN

LM

1, MAY, 2004

*DR. Biplab Roy Choudhury*  
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI

D.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*

12

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 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.

*Rephab Roy Chowdhury*

19

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 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.

*Bijalabai Ray Choudhury*

14 MAY 2004

Guwahati

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.

INDEX

SL. No.	Annexure	Particulars	Page No.
01.	----	Application	1-16
02.	----	Verification	-17-
03.	1 (Series)	Copies of appointment letter dated 8.4.82 and 25.03.84.	18-23
04.	2	An extract copy of the O.M dated 14.12.1983.	24-25
05.	3	Copy of the impugned letter dated 06.03.03.	24-25 -26-
06.	4	Copy of the impugned order dated 29.03.04.	-26- 27-28
07.	5	Copy of the letter dated 28.02.02.	27-28 29-35
08.	6 (Series)	Copies of documents relating appointment, posting & transfer.	29-35 36-52
09.	7	Copy of the letter dated 30.01.04.	36-52 53-54
10.	8	Copy of the O.M dated 29.5.02.	53 55-56

Date: 14.05.2004.

Filed by  
Surjyit Choudhury,  
Advocate

Biplab Roy Choudhury

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI

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

Filed by the Applicant  
Swarajit Choudhury  
Advocate  
throughout

on 14.6.2004

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 Niranjan 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.

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.

*Dipak Ray Chaudhury*

### 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.

*Beoplal Ray Choudhury*

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



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 Niranjan 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 O.M. No. 20014/2/83/B.IV dated 14.12.1983 Special (Duty)



Allowance (for short SDA) was introduced by the Govt. of India, and thereby it was decided to provide incentive to the civilian employees working in the States and Union Territories of the N.E. Region. The said allowances were granted with a maximum limit of Rs. 400 per month. It was also decided under the said memorandum that the SDA would be granted to the Central Government Civilian Employees (who are saddled with all India Transfer liability) on being posted to N.E. Region. The rate of SDA Rs. 400 was however, subsequently revised from time to time by the Government of India vide O.M. dated 14.12.1983, 1.12.1988 and O.M. dated 22.07.1998.

4.6 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

*Dipak Ray Chowdhury*

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."

*Biplob Roy Chaudhury*

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

*Dipak Ray 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

*Dipak Roy Chakraborty*

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.



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

*Dipak Ray Choudhury*

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.

*Dipak Ray 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.

*Debabati Roy 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

Biplob Roy Choudhury

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 Ray Choudhury*

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
iii)	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.

Biplab Ray Choudhury

**VERIFICATION**

I, Shri Diplab Roy Choudhury, Son of Late Phani Bhushan Roy Choudhury, aged about 46 years, working U.D.C in C.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 14<sup>th</sup> day of May, 2004.

*Diplab Roy Choudhury*

Registered Ack Due

Tele : MII 2/253

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

05 Mar 86

93006/10/93 AC(1)

~~Shri Ramkrishna Sarkar~~  
~~C/o Mr. Ramkrishna Sarkar~~  
~~Subhas Ch. Galaxy~~  
~~No. 5 Siliguri, Dist. Darjeeling (W.B)~~

APPOINTMENT ORDER

1. You have been selected and appointed for the post of ~~143~~ along with other allowances 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 ~~5th Sep 86 Siliguri Zone~~ for assuming appointment in the existing vacancy on or before ~~16 Aug 86~~ 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.

~~By C.E.C. Calcutta letter No 131303/1/862/Accts/AC(1) dt~~  
Authority : ~~08 Mar 86 and 131303/1/1417/Accts/AC(1) dt 22 Feb 86.~~

AS/-

~~H.O.A~~  
Copy to :-

~~SR Gupta~~  
Adm Offr I  
for Chief Engineer

~~HQ Barracks Compound  
Angre Branch AC(1)~~  
Fort William  
Calcutta - 700009

~~Contd ... 2/-~~

~~Amritlal  
Surajit Choudhury  
Advocacy  
on 14.5.86~~

Internal

~~CONFIDENTIAL~~

✓ 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. ~~For consideration of the concerned authorities.~~

Please note

Encs : (10)

APPENDIX A

TERMS AND CONDITIONS OF SERVICE FOR APPOINTMENT AS LDC IN THE ARS  
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 month's 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 GOG H.D. 13)."
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 service man 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.

Ths/B

1877-1881

Headquarters  
136 Works Engineers  
c/o 99 AFU

08 Apr '82

11037  
308  
EIA  
MFG. NO. 1005A23

SHRI MULAKANTA SHIV, MASTODON Q/F 23

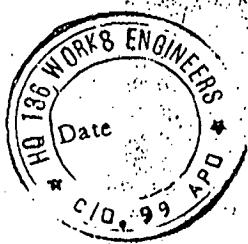
APPOINTMENT FOR DERR

Dear Sir;

1. You have been selected and appointed for the post of Lower Divn Clerk the scale of Rs. ~~600~~ alongwith other allowances as admissible from time to time as per Central Government rules and posted to GS Khasra.  
~~Rs. 260-6-290-18-6-326-3-366-2-3-390-10-400/-~~
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 ~~within 15 days~~ to GS Khasra for resuming Lower Division Clerk appointment in the existing vacancy on or before 15 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 :— SK HQ RG Calcutta letter No 131303/1/490/Eng re/RIC(X)

dated 02 Feb 82.



Copy to :-

1. Chief Engineer Eastern Command Calcutta
2. Chief Engineer Bengal Zone Calcutta
3. CLE Patna
4. DDOA (Area Account Office) Siliguri
5. GE ~~Shan~~
6. GE

MS Shan/\*

- along with police verification, G.R. report and medical in original, /

( S R Iyengar )  
Lt Col  
Cdr Works Engineers

TERMS AND CONDITIONS OF SERVICE FOR APPOINTMENT

Shri Magdal Kanti Sen d/b/a Loco Driver Chandra Sen which  
will be on probation for a period of one month, during which  
may be entered in the Circular Log of the appointment, in which render  
the person appointed liable to the discipline of the service, and  
him liable to discipline from his date of joining, the term of appointment.

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, reserves the right of terminating the  
services of the appointee for giving 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 any where in India and will be subject to Civil  
in Defence Services (Conduct) 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. IN 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) 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 servant 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 7A).

(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:

- Declaration of oath/affidavit regarding his allegiance to the Government of India.
- Declaration of movable property held by him.
- Any declaration or statement of information furnished by him proves to be false, or if it is found that he has given material information which is not true or which is not correct as the document may deem necessary.

*Myry Gopal*

( SR Iyengar )

Lt. Col.

Commander Works Engineers

9. After the documents

required to be submitted

are submitted, the

Government will

not be liable for

any damage or loss

incurred by the

Government.

( SR Iyengar )

Lt. Col.

Commander Works Engineers

9. After the documents

required to be submitted

are submitted, the

Government will

not be liable for

any damage or loss

incurred by the

Government.

Advised  
Surajit Chaudhury  
Advocet  
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

*Admitted  
Sug. of Chandra  
Advocet  
on 19.5.84.*

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

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

XX

ii) Special (Duty) Allowance :

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

Sd/ S.C. MAHALIK

Joint Secretary to the Government of India

22 MAR 2003

Annexure-3

Tel No.: MIL - 2449

26  
E1 (Legal)

Chief Engineer  
HQ Eastern Command  
Fort William  
Kolkata - 700 011

131900/238/2000/PNK/159 /Engrs/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/  
EIC(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 Doptt in the subject case. Also confirm that  
speaking order has since been served to Shri B B Das, BSO  
and Shri P M Kitan, WOC by GE Dibrugarh and GE Tezpur  
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 LOC/UOC have not been found  
eligible for grant of SDA bodes as posts are not considered  
having All India Transfer Liability by MOD. As per  
information at 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

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

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

Addressed  
Suvajit Choudhury  
Advocate  
on 19.5.04.

Tele : 5045(Mily)

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

1151/Policy/Gen/ 92 /EI(Legal)

29 Mar 2004

HQ GE Shillong Zone  
Spread Eagle Falls  
Shillong- 793011PAYMENT OF SDA TO MEG 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. Inspite of repeated reminders inclusive of DO letter from CWE, the subject report in respect of GE Umroi is still awaited. The same will be fwd on receipt.
4. GR Shillong has submitted Nil report stating therein that there is no one who is involved for payment of SDA wef 05 Oct 01 till date as per regular pay bills except one Shri Susovan Ghosh, JE(E/M) who has posted in from G Kolkata.
5. GEs of this area have been directed to initiate action to effect the recovery of payment of SDA made to ineligible personnel wef 05 Oct 2001. Ineligible personnel include those who have been paid posted out wef 06 Oct 2001 and afterwards.

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

Encls :- As above

Copy to :-

GE Umroi - Inspite 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 Mersangiv  
GE Guwahati  
GR 533 Engrs Park  
C/O 99 APC

For information and necessary action as per para 5 above.

A/Asstt  
Swejit Chawla  
Advocet  
on 19.5.04.

EIE

2  
01/04

432

3

08

Start recovering from day - bills of  
11/04. Start recovering from day - bills of  
After 2004 onwards.

①

2 | 4

Tele : 3019687

Coord & Para Engineers/EIR(SUB)  
Engineer-in-Chief, Army  
Army HQ, DDCW, PO  
Sector Delhi - 110 011

A/41205/EIR(SUB)

29 Feb 2002

All CE's Command  
(List 'A')

PANEL OF UDCs/STENO GDE III (CIV. OFFICE) FOR PROMOTION  
TO THE GRADE OF ASSISTANT IN THE LINE OF DCE

1. A panel of 780 UDCs/Steno Gde III (Civ. Office) 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 persons 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 CE's Command by this HQ. Therefore it may be 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/E1C(1) dt 08 Aug 2000 and ACP's Br 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 DSp/SP/ 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 CE's Comd before placed in position.

Encl: As above  
Copy to:

1. List 'B'
2. DCP Number
3. DCP Vice-Chairman
4. CME Pune - 31
- INTERNAL - EIC & E Coord 1

1. M. S. Chaudhary  
2. SO I (Pers)  
for Engineer-in-Chief

Mr. P. Chaudhary  
Advocate  
on 19.5.09.

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

SI No	MES No & Name	Desgn	Whether SC/ST/ UR	Date of Birth	Command
1	2	3	4	5	6
1.	224511 Sh. GR Pillai	Steno	U/R	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-	04-10-45	EC
19.	4202426 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
24.	455200 Sh P Ali	Steno	-do-	24-9-49
25.	311124 Smt Meena Rani	Steno	-do-	13-1-51
26.	311071 Smt Charanjit Kaur	Steno	-do-	18-6-51
27.	439523 Sh Ramesh Chandra Srivastava	Steno	-do-	28-1-49
28.	311430 Sh Satish Kumar Seligal	Steno	-do-	08-4-53
29.	265237 Sh PK Jayaraj	Steno	-do-	23-3-49
30.	439015 Sh. Birendra Nath Choubey	Steno	-do-	21-1-54
31.	439524 Sh. Sosainma Joseph	Steno	-do-	16-5-51
32.	312384 Sh Vinod Kumar	Steno	-do-	06-1-50
33.	312410 Sh. Jasbir Singh	Steno	-do-	02-2-52
34.	312363 Smt Ajit Kaur	Steno	-do-	09-3-52
35.	312411 Sh Jagdish Singh Bhandari	Steno	-do-	30-12-53
36.	312212 Sh. AC Malik	Steno	-do-	26-11-53
37.	430362 Sh. Janardhan Trivedi	UDC	-do-	02-10-42
38.	450083 Sh. Inder Lal Manwani	UDC	-do-	14-10-41
39.	502019 Sh. Dharam Bir	Steno	-do-	15-10-55
40.	312386 Sh. RK Pillai MN	Steno	-do-	12-12-54
41.	312371 Sh. VJ Chacko	Steno	-do-	23-5-51
42.	311417 Sh. KP Ravi	Steno	-do-	10-6-51
43.	312378 Sh SS Nair	Steno	-do-	10-2-50
44.	312399 Sh Surendra Kumar Agrawal	Steno	-do-	01-1-47
45.	465531 Sh Dineswar Prasad Singh	UDC	-do-	23-6-43
46.	440630 Sh. Vishwa Bandhu Rastogi	UDC	-do-	07-6-42
47.	167360 Sk KV Pitambaran	Steno	-do-	10-12-51
48.	312473 Sh Pramod Kumar Khera	Steno	-do-	27-4-53
49.	A/8003865 Sh. Prayag Datt Kandpal	UDC	-do-	20-5-41
50.	101732 Sh. N Sircaramulu	UDC	-do-	05-7-42
51.	455407 Sh. Hari Dutt Upadyay	UDC	-do-	10-1-42
52.	137055 Sh. DJ Devanbu	UDC	-do-	14-4-42

..... 3/-

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 Birinda 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	206529 Smt Rekha Guha	UDC	U/R	24-1-44	EC
512	21159 Sh Hemanta Kumar Dutta	UDC	U/R	01-3-42	EC

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 Smi 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 Dharmā 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 Smi Sarala P Patni	UDC	U/R	06-1-45	SC
534	151941 T Sankunny	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 Smi Lata S Varavdakar	UDC	U/R	26-2-44	SC
538	105409 Sh D V Likhitkar	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 Smi A Varghese	UDC	U/R	29-4-42	SC
543	100951 Sh A R Deshpande	UDC	U/R	01-10-44	SC

1	2	3	4	5	6
726	425030 Sh U K Mullick	UDC	U/R	08-5-41	CC
727	305320 Sh Ajai Ali Khan	UDC	U/R	11-8-43	CC
728	445019 Sh Tilak Raj	UDC	U/R	15-10-41	CC
729	440633 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	08-1-45	SC
743	232255 Sh Rabindra Nath Bose	UDC	U/R	01-5-42	EC
744	263026 Smt Renuka Biswas	UDC	U/R	18-3-44	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
751	A/8053319 Sh Som Nath Behera	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 Bafat	UDC	U/R	20-12-44	CC

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 Chhiner 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

*Abasleed  
Surajit Choudhury  
Adroeff  
19.5.09.*

11037/ 532

/T/A

Shri. Pranab Kumar Sarkar  
Village E. Bajrati Para  
Post Sevoke Road, Dist Darjeeling

REMOVAL  
Headquarters  
136 Works Engineers  
C/O 99, 26  
11 Jan 1883

APPOINTMENT ORDER

2/ Sir,

You have been selected and appointed for the post of LDC in the scale of Rs 20/--200/--20/--20/--20/--20/--20/- along with other allowances as admissible from time to time as per Central Government rules and posted to CE Bengdubi Zone, Bengdubi.

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 to CE Bengdubi Zone, Bengdubi for assuming Lower Division Clerk appointment in the existing vacancy on or before 10 Jan 1883 or the same this offer of appointment stands cancelled.
6. Please note that no TA/DA will be paid for the journey.
7. Please acknowledge receipt.

Authority : CC No EC Calcutta letter no 131303/1/564/Encr  
/H.C.I. dated 20 April 84 and 131303/1/451/  
Encr/H.C.I. dated 13 Dec 1882.



136 Works Engineers

CE Bengdubi  
at col  
Conder Works Tents

Copy to :-

1. CECO Calcutta 21

2. CE Bengdubi Zone, Bengdubi - along with folio of  
Verification, CECI report  
and mediation original.

Report

Addressed  
Surajit Chandra  
Advocate  
on 19.5.04.

Appendix 'A'

TERMS AND CONDITIONS OF SERVICE FOR APPOINTMENT  
AS IN THE FIELD SERVICES

Shri Pranab Kr Sarkar S/o Chandra Shri Nagendra Chandra Sarkar

1. Shri Pranab Kr Sarkar S/o Chandra 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 commanding authority will render him liable to discharge from service.

2. The appointment may be terminated at any time in the month's notice given by either side viz. the appointee or the appointing authority without assigning any reason. 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 unexpired portion thereof.

3. He will be required to serve anywhere in India and will be subject to Civilian Defence Services (Field 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 the sovereignty and integrity of India and that I 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 duty.

7. He will be subject to conditions of service as applicable to Tempore Civilian Govt services 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/Model Report on fitness of civilians for field service (Schedule - I)

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

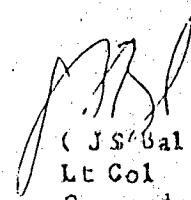
- 2 -

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 proves 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.

  
( J S Bal )  
Lt Col  
Commander Works Engineers

rk/\*

File : 6060

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

61/9498053  
Pari 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 10.9.2001)

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 allowances for the month of Oct 2001 will be paid by this office and pay/allotments 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/SPS 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 Shillong

CDA Gauhati

AAO Shillong

JCDA (Fund) Meerut

Secretary MES Co-Operative Credit

Society

CL 03 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/-M

( Lalit Kumar )

EE IDSE

Garrison Engineer

Details of Pay/Allowances

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

DEDUCTIONS

GPF : 2000/- (A/C No 949381)

CGEGIS : 30/- P/Tax : 90/-

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

MOVEMENT ORDER

Ref. No. : 6060

Garrison Engineer Sevoke Road  
PC : Salugara, DT : Jalpaiguri

018 / 7 / EIG

20 Mar 2003

13/266021

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 avail-  
ing 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  
(c) Ration Card if any, all concerned.

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 from 1st June 2003 onward will be claimed by your new formation on your physical reporting at new formation.

6. Service Book of the individual is centralised.

(R K Dubey)  
Major  
Garrison Engineer

DISTRIBUTIONS :

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

Pay DETAILS FOR THE MONTH OF M/R 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 | D N I = 01-03-2003

R/H = 2 Days | DO B = 01-11-1950

Recovery of E/Adv

6/10 instalment @ Rs.150/-

pm. on a/c of E/Adv to be recovered upto 3/2003 by

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

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

17

May 2003

Subject: C

B/PMT Sevoke Road)

ADDITION/AMENDMENT TO MOVEMENT ORDER IN RESPECT  
MES/23602) SHRI R. P. SARKAR LTC

Reference our movement order No. 4018/147/EIG dt'd 20 Mar' 2003,

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

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

FOR 19 May 2003 (A/N)

READ 14 June 2003 (A/N)

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.

(b) The individual is not involved in any disciplinary/SPE/  
Court Cases.

FOR

1. Pay details for the month of Mar' 2003.

READ

1. Pay details for the month of May 2003.

FOR

1. DA 52% = Rs. 2392.00

READ

1. DA 55% = Rs. 2530.00

RECOVERY OF FESTIVAL ADVANCE

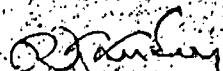
FOR

1. 8/10 instalments @ Rs. 150/- M on a/c of  
Festival Advance to be recovered upto 5/2003  
by this office. Balance of Rs. 450/- to be  
recovered by GE Guwahati.

READ

1. 8/10 instalments @ Rs. 150/- M on a/c of  
Festival Advance to be recovered upto 6/2003  
by this office. Balance of Rs. 300/- to be  
recovered by GE Guwahati.

All other entries will remain unchanged please.

  
( R.K. Dubey )

Major  
Garrison Engineer

9. A.O. Siliguri

10. A.O. Sevoke Road

11. All Sub-Divns

12. All Sections

Distributions:-

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

5. HQ CWE Guwahati

6. GE Guwahati

7. CDA Patna

8. JODA (FUND) Meerut

MOVEMENT ORDER

Tele Mily : 2/6258

585 Engr Sub Park  
C/O 99 APO

1028/50/EIA

11 Mar 2003

MES-214524 Shri  
Biplab Roy Chowdhury,  
UDC

POSTING/TRANSFER ON TENURE TURN OVER : HBC

1. You are hereby permanently posted to GE Narangpur 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/Formalisation after availing usual joining/Journey time as applicable for same.

Advance of EA/DA may be lost 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.

5. 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.

Certified that the individual is not involved in any Disciplinary Case/Court of Inquiry/SPL cases.

(Neelambar 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 Ingrs, C/O 99 APO.
6. CWE Shillong
7. CDA Patna, Patna -19.
8. JCDA (19) Meerut.
9. CDA Gauhati
10. AAO Siliguri, Sevoke Road
11. AAO Shillong
12. AAO 585 Engr Sub Park, C/O 99 APO.
13. CE Narangi
14. ...

INTERNAL

1. EI(D) Section
2. EI(Pgy) 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 Appit : 03 Aug 1979

Date of Incriment : 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 TR : 02 Days

FOR GR NARANGI ONLY

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

<b>BASIC PAY</b>	Rs. 4,800.00
DA @ 52%	Rs. 2,496.00
HRA @ 5%	Rs. 240.00
FA	Rs. 100.00
T	Rs. -

DEDUCTION

QPF Account No.	9475351
QPF subscription	Rs. 300.00
QPF Advances Recovery	Rs. 1,000.00 PM (12/18 <sup>th</sup> Inst, Bal : Rs. 6,000/-)
<b>CREDITS</b>	
Personal Advance	Rs. 30.00
Personal Advances Recovery	Rs. 150.00 PM (07/10 <sup>th</sup> Insts, Bal : Rs. 450/-)

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

Ref ID: A1111216258

44

58

10201 1526

1/11

19 Apr 2005  
Sub. Part  
OC 1/PO

13-21/521

Smti Binzid Roi Chowdhury, UDC

19 Apr 2005

1/11

17 Mar 12003

Reboration this office movement order No. 10201/1521/1/11  
2. The following men left this command in our letter  
under reference:-

(2) Name 2 of above. C.R. Director of Smti

TO:

Director birth "16 Sep 1967"

RBID

Director birth "16 Sep 1957"

417-6. Entries shall remain un-analysed.

### Distribution:

(Regulation 10201/1521/1/11)

1. 1/2 C.R. Eastern Command, Kolkata-21

2. 1/2 C.R. Sikkim zone

Sevoke road

10201/1521/1/11

Sikkim zone

C.R. Sikkim

10201/1521/1/11

C.R. Sikkim

10201/1521/1/11

10201/1521/1/11

10201/1521/1/11

10201/1521/1/11

10201/1521/1/11

10201/1521/1/11

10201/1521/1/11

10201/1521/1/11

10201/1521/1/11

10201/1521/1/11

10201/1521/1/11

10201/1521/1/11

### Internal:

1. 1/2 C.R. Sikkim zone

2. 1/2 C.R. Sikkim zone

3. 1/2 C.R. Sikkim zone

4. 1/2 C.R. Sikkim zone

5. 1/2 C.R. Sikkim zone

6. 1/2 C.R. Sikkim zone

7. 1/2 C.R. Sikkim zone

8. 1/2 C.R. Sikkim zone

9. 1/2 C.R. Sikkim zone

10. 1/2 C.R. Sikkim zone

10201/1521/1/11

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

Part I (b) NIL  
Part I (c) & (d)

MES/NYA SHRI K B Choudhury Chow 02 Aug 79 Having been found  
suitable for appointment as LDC, is  
hereby appointed to the post of LDC on  
Rs. 260/- p.m. plus  
usual allowances as  
admissible from time  
to time in the scale  
of Rs. 260-6-290 EB-  
6-326-8-366 EB-8-  
8-390-10-400/-

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

EDUCATIONAL QUALIFICATION

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

Date of birth  
5 Jul 1954

CWE Siliguri No.  
1173/A/1315/EIC(I) dtd  
1 Aug 79 & GE Khaprail  
M.C. No. 1053/794/EI dtd  
08.8.79

Medical officer Incharge  
Medically examined  
by Matigara Pet  
Centre and declare  
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/- p.m.  
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/-

for GE

ROY ( Contd...)

Telephone : 24791280

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

1008/3/1795/EA

16 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 :-

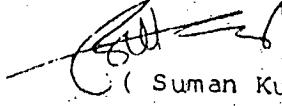
(a) Clearance Certificate (b) Departure Report.

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.

Distribution

1. HQ CEEC Kolkata

2. CE Kolkata Zone

3. CE Shillong Zone

4. CWE Kolkata

5. CWE Shillong

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

Internal

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

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/-

Rs. 700/- Recovered on a/c of GPF Adv of

Rs. 25000/- by 9/36 Instt. Bal Rs.18700/-

to be recovered.

Rs.150/- Recovered on a/c of Fees 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

POSTING ORDER NO. 09 / 2003

Tele : 2222 2700

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

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

20 Apr 2003

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  
int rest of state :-

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

Ab

...1...P/2

- 2 -

	(b)	(c)	(d)	(e)	(f)
9.	MES-238926	Shri Kalyan Medhi, UDC	CWE Tezpur	CWE Dinjan	Forthwith
10.	IPS-203271	Shri Shyamal Mazumdar, UDC	GE(A) Kol	GE Guwahati	-do-
11.	MES-238656	Shri Hiren Sonwal, UDC	AGE(I) Lekhapani	GE Dinjan	-do-
12.	MES-105481	Shri MK Sen, UDC	CWE Bengdubi	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) Kalaikunda	GE Silchar	-do-

amended vide HQ CEEC Kolkata Letter No 131322/2/20/120/ Engrs/EIC (I)

Dated 27 Aug 2003

(fourteen indls only)

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

The posting order to be implemented within 60 days of  
date indicated. The concerned unit will also forward  
a situation report indicating the date of SOS within the same

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) Kalaikunda, CWE(AF) Jorhat, GE Silchar, GE Dinjan,  
GE(I) R&D Chandipur, GE Guwahati, GE(A) Kolkata, GE(C) Kolkata,  
GE(AF) Kalaikunda, AGE(I) Lekhapani, GE(South) Binnaguri, GE Tezpur

Internal

EID, EIR, EDP Cell, M/File, Office copy,

SR/-

Sukna/6060

MOVEMENT ORDER

-49-

614

63

160/15

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

20 Nov 2003

RES-268002

Shri Pranab Kumar Sarkar, LDC

You are hereby permanently transferred to GE Narangi in the interest of state on promotion to LDC.  
Authority : HQ CE EO Kolkata posting order No: 131341/11/5595/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 action.

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

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

(V Samuel Prakash)  
Major  
Garrison Engineer

Subscription :-

- 1. HQ Eastern Command, Kolkata-21
- 2. HQ CE/Siliguri Zone, Siliguri
- 3. HQ CE Shillong Zone
- 4. CNE Shillong
- 5. HQ 133 Wks Engrs, C/O 98 APC
- 6. GE Narangi
- 7. JCDA (Funos) Meerut
- 8. CDA Patna-19
- 9. CDA Guwahati
- 10. AAC 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

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/-  
TPT Allow = Rs 75/-

GPF ACCOUNT NUMBER : 1067387W

Balance of Leave upto Dec 2003

SL = 300 + 15 days days

HPL = 361 days

CL/RH = 07 days/02 days

Date of Birth : 20 May 1958

SNI : 01 Aug 2004

RESTRICTED

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

1102/1 2129 /EIC(I)

02 Dec 2003

64

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.M) and will report to your new formation after availing of usual joining/journey period as admissible.

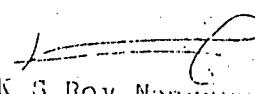
3. Advance of TA/DA may be had on application.

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 Nongrum )

SBSO  
For CWE Bengdubi

Distributions

1. HQ CE EC Engr Branch Fort William Kolkata-21	5. CDA Patna - 65% CDA Guwahati
2. HQ CE Siliguri Zone	7. JCDA(Funds) Hazrat
3. CWE Shillong	8. AAO Siliguri
4. GE Guwahati	9. AAO Shillong
4A. HQ CE Shillong Zone	10. Steno to CWE
	11. EIC(S)-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.	Banned Leave	:	300 Days (Max)
2.	U.P.L	:	204 Days
3.	Date of App'tt	:	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 CG Guwahati.

*K S Roy*  
( K S Roy Ilongrum )  
S/No  
For CWB Dengdubi

4421

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

33/ 604 /E1C (i)

03 Dec 2002

MES/213951

Shri Pranab Sarkar, UDC

POSTING/TRANSFER ON TENURE TURN OVER : UDC

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

Auth: HQ CE EC, Kolkatta letter No 131322/2/78/22/Engrs/E1C (i) 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.

TA/DA 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 & Allowances 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

*Subash Chandra Goyal*  
(Subash Chandra Goyal, IDSE)

EE (SG)

GE (AF) Bagdogra

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 Allowance	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	Bal : Rs. 1350/-
EL - 300 + 02 days	1
CL - 02 days	HPL - 223 days
	RH - 01 day

Final :-  
See, E1 P Sec, E-5 (C), E1 Con,

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

*Approved  
Shri Pranab Sarkar  
04-12-2002*

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/

*Abdul  
Surajit Choudhury  
Advocate  
19-5-04.*

*1100 N*

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/S Gde I (now redesignated JE), Supvr B/S Gde I, D'Man Gde I, Steno Gde I and Ass'ts"

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-EH(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/EI (Legal) dt 13 Jan 2004.

004  
(ML Das)  
Dy Dir (B/S)  
for Chief Engineer

Copy to :

All GEs/GE (I) & AGE (I) FILE NO 100004/2

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 WORKING IN THE STATE AND UNION TERRITORIES OF NORTHEASTERN REGION INCLUDING SIKKIM.**

The undersigned is directed to refer to this Department's OM NO.20014/5/8-E.IV dated 14.12.83 and 20.4.87, read with OM NO20014/16/86-EIV/E.11 (1) date 1.12.83, and O.M.NO.11 (3)/95-95-E.11 (1) dt.12.1.1996 on the subject mentioned above.

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

3. Some employees working in NE region who were not eligible for grant Special Duty Allowance in accordance with the orders issued from time to time agitated the issue of payment of Special Duty Allowance to them before CAT Guwahati Bench and in certain cases CAT upheld the prayer of employees. The Central Government filed appeals against CAT orders which have been decided Supreme Court of India in favour of UOI. The Hon'ble Supreme Court 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 be payable merely because in the appointment order relating to All India Transfer Liability.

Attested  
Surajit Choudhury  
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 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'1925 (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 employee by way of SDA will not, in any event, be recovered from them inspite of the fact that appeal has been allowed.

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

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

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

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

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

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

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

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

(N.P. SINGH)

Under Secretary to the Govt. of India

All Ministries/Deptts. of the Govt. of India, etc.  
Copy (with spare copies) to CEAU, UGC etc. as per required  
endorsement list.

-57-

केन्द्रीय IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
Central Administrative Tribunal

GUWAHATI BENCH

28 SEP 2004

O.A.NO. 117 OF 2004

Guwahati Shri B. Roy Chudhury and Seven Others

-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/-

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

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 polices by the Ministry higher department authority always take precedence over policies formulated earlier even though a word specific to supercession 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 polices 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 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 re-dressal 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.

(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 posted 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 not 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

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. 54550f 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 to 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, Assstt 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

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 Min of Finance, Department of Expenditure in pursuant to Hon'ble Supreme Court order/judgment dated 05 Oct 2001 deliver in the appeal if Telecom Department. In pursuant to Ministry of Finances 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 Sl 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 from 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

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 mainfest 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 (respondent No. 4) to Commander Works Engineer Shillong (respondent 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

NE Region. Therefore contention of the petitioners in ibid para is baseless, frictuous, imaginary being contraty to executive 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 SI 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.

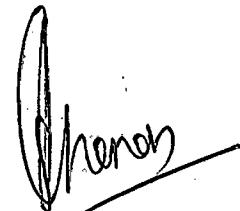
(q) With regard to contention made in para 4.15 of the petition, the respondents submits that in view of the submission made in opposition in preceding paras, the application of the applicants seeking re-dressal of the issue which has otherwise been decided in principle by the latest policy of instructions 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-

-67 21

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

E. No. 11(5)/97-E.II.(1))  
Government of India  
Ministry of Finance  
Department of Expenditure

Now Delhi, dated the 29<sup>th</sup> 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.

*Mr. A. B. P. B. C. D. E. F. G. H. I. J. K. L. M. N. O. P. Q. R. S. T. U. V. W. X. Y. Z.*  
The underlined is directed to refer to this Department's OM No.20014/J/83-B.IV dated 14.12.83 and 20.1.1987 read with OM No.20014/16/86-B.IV/E.II.(B) dated 1.12.88, and OM No.11(3)Y95-B.II.(D) dt. 12.1.1996 on the subject mentioned above.

2. Certain Incentives were granted to Central Government employees posted in NE region vido 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 classification for determining the All India Transfer Liability was issued vido 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. 3251 of 1993 in the case of UOI and Ors v/s. Sh. S. Vijaya 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 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.) SCC, 649 and followed in the case of UOI & Ors vs. Executive Officers' Association 'Group C' 1995

5/6/62

Copy to  
C. M. S. D. I. A.

6/6  
6/6/2002

(Supp.1) SCC, 757. Therefore, this appeal is to be allowed in favour of the U.O. 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 despite 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, those orders issued in consultation with the Comptroller and Auditor General of India.

*N.P.A.*  
Under Secretary to the Government of India  
(N.P. Shrivastava)

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  
DHQ PO New-Delhi-110011.

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No. 90237-7521 EIC (Legal-C)

13 Jun 2003

C- 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-E/C/D(Civ-1)/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 fulfill 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 - erstwhile Supdt Gds I (now re-designated as Supvr B/S I, D'Man Gds 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' to this letter. Proof for deciding the eligibility will comprise the following :-

21

(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 Part 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

Enclos : As above

Copy to :-

Swilling Zone

CCDA (AT)

Min of Def/D (Clv-1) :

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

## Central Administrative Bureau

2: 3 MAR 2009

ପୁନାଶ୍ଵାରୀ ପଦ୍ଧତି ।

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Fined by the Apparatus.  
Through James'it Charkley.  
Adroelli.

on 23. 3. 05 —

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

O.A. No. 117/2004

Shri B. Roy Choudhury & Ors.

-----Applicant-----

- 15 -

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 Vijayakumar'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.

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### **VERIFICATION**

I, Shri Biplob 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 \_\_\_\_\_ day of March, 2005.

*Biplob Roy Choudhury*