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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

No separate order in CP **INDEX**

O.A./T.A No. 193/2005

R.A/C.P No. 41/2005

E.P/M.A No.

1. Orders Sheet OA-193/2005 Pg. 1 to 2 *cropped 10/3/06*
CP-41/2005 Pg. 1
2. Judgment/Order dtd. 22/07/2005 Pg. 1 to 3 *Disposed*
3. Judgment & Order dtd. Received from H.C/Supreme Court
4. O.A. 193/2005 Pg. 1 to 33
5. E.P/M.P. Pg. to
6. R.A/C.P. 41/2005 Pg. 1 to 13
7. W.S. Pg. to
8. Rejoinder. Pg. to
9. Reply CP-41/2005 Pg. 1 to 3
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.)

FORM NO. 4.
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

ORDER SHEET

Original Application No. 193/05

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicant(S): Bhaskar Debbar

Respondant(S): U.O.I. Jans

Advocate for the Applicant(S): Adil Ahmed

Advocate for the Respondant(S): case

Notes of the Registry	Date	Order of the Tribunal
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This application is filed on 22.7.2005
is filed in P.T. No. 206/160439
deposited vide IPO/PO
No. 206/160439
Dated 5.7.05

[Signature]
Dy. Registrar

8 slips taken

[Signature]

Heard learned counsel for the parties. Judgment delivered in open Court, kept in separate sheets.

The O.A. is disposed of at the admission stage itself in terms of the order.

[Signature]
Member

[Signature]
Vice-Chairman

bb

11.11.2005
26/7/05
ADD. C.S.S.

26.7.05
Copy of the Judgment has been sent to the Dy. Sec. for issuing the same to the applicant by post.
[Signature]

CENTRAL ADMINISTRATIVE TRIBUNAL:::GUWAHATI BENCH.

O.A. No. 193 of 2005

DATE OF DECISION: 22.7.2005.

Shri Bhaskar Deb Lala

APPLICANT(S)

Mr. A. Ahmed

ADVOCATE FOR THE
APPLICANT(S)

- VERSUS -

Union of India & 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.

G. Sivarajan

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CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH.

Original Application No. 193 of 2005.

Date of Order: This, the 22nd day of July, 2005.

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

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

Shri Bhaskar Deb Lala
MES No.243375
Son of Sri Bhupendra Kumar Deb Lala
Junior Engineer (E/M)
Office of the Garrison Engineer
(Air Force), Borjhar
Guwahati - 15.

.... Applicant.

By Advocate Mr. A. Ahmed.

- Versus -

1. The Union of India
• Represented by the Secretary
to the Government of India
Ministry of Defence
101 South Block
New Delhi - 1.
 2. The Chief Engineer
Air Force, Elephant Falls
Shillong, Meghalaya.
 3. The Chief Engineer
HQ Eastern Command
Fort William, Kolkata - 700 021.
 4. The Garrison Engineer (Air Force)
Borjhar, Guwahati-15.
 5. The Garrison Engineer
Silchar, P.O: Arunachal
Dist: Cachar, PIN- 788 025.
 6. The Controller of Defence Account (CDA)
Udayan Vihar, Narangi
Guwahati - 781 171.
 7. The Area Accounts Officer
Ministry of Defence, Bivar Road
Shillong-1, Meghalaya.
- Respondents.

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

.....

ORDER (ORAL)

SIVARAJAN, J. (V.C.) :

The applicant is presently working in the office of the Garrison Engineer (Air Force), Borjhar as Junior Engineer (E/M). It is stated that he was transferred from Bagdogra, West Bengal to N. E. Region. According to the applicant, since he has got all India transfer liability, in view of the various Government orders right from 14.12.1983 till 29.5.2002 besides circular dated 4.6.2003 (Annexure-E) he is entitled to get special duty allowance (for short SDA). It is the grievance of the applicant that though the bill for payment of SDA (Annexure-F) was submitted, the same was returned back by Annexure-G letter. According to the applicant, similarly situated persons were granted SDA in view of the decisions of this Tribunal in O.A. Nos. 301 of 2003 and 79 of 2005.

2. Mr. A. Ahmed, learned counsel for the applicant, submits that the applicant is entitled to get SDA and that the respondents have erroneously declined to grant the same to the applicant. Counsel also draws our notice the Government orders and the various decisions of this Tribunal in O.A. Nos. 56/2000, 11/2003 and 30/2003 (Annexures- H, I & J respectively) in support.

3. We have also heard Mr.M.U.Ahmed, learned Addl.C.G.S.C. appearing for the respondents. He has brought^{to}our notice the decision rendered by this Tribunal on this issue vide order dated 31.5.2005 passed in O.A. Nos. 179/1999 and other connected cases and submitted that it is for the applicant to place all the facts and figures before the authority for considering his case with reference to

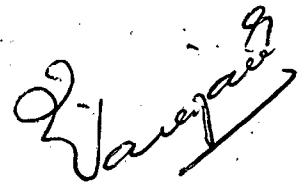
[Signature]

the said order. We find merit in the said submission. Accordingly, we direct the applicant to make appropriate representation pointing out all the factual details and the decision dated 31.5.2005 rendered by this Tribunal in O.A. Nos.170/1999 and series. If any such representation is filed respondents will consider the same and pass appropriate order as per law.

With the above direction and observations this application is disposed of at the admission stage itself.



(K.V.PRAHLADAN)
ADMINISTRATIVE MEMBER



(G.SIVARAJAN)
VICE CHAIRMAN

BB

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

(An Application Under Section 19 Of The Central Administrative Tribunal Act 1985)

ORIGINAL APPLICATION NO. 193 OF 2005.

Shri Bhaskar Deb Lala

... Applicant

- Versus -

The Union of India & Others

... Respondents

LIST OF DATES

Annexure-A is the photocopy of extract of Office Memorandum dated 14-12-1983.

Annexure-B is the photocopy of Office Memorandum No.F.No.11 (2)/97-E-II (B) dated 22-07-1998.

Annexure - C is the photocopy of the movement order vide order no. 1002 /367/EI dated 20.08.2001.

Annexure - D is the photocopy of Letter No.20-12-19999-EA-1-1799 Dated 02-05-2000.

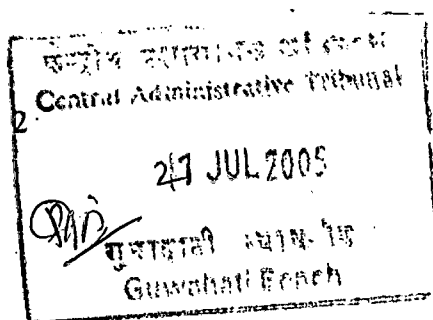
Annexure - E is the photocopy of letter No.90237/752/EIC(Legal-C) Dated 4th June 2003.

Annexure- F is the photocopy of pay bill for payment of Special Duty Allowance of the applicant.

Annexure - G is the photocopy of the return back of the said bill vide memo No. P/1/316/Pt A dated 17.05.2004.

Annexure - H, I & J are the photocopies of the Judgment and Order dated 19-03-2001, 25-04-2003 and 17-02-2004 in O.A.Nos.56/2000, 11/2003, 30/2003 and O.A.No.301/2003 respectively passed by this Hon'ble Tribunal.

Bhaskar Deb Lala



Filed by 8
Shri Bhaskar Deb Lala
Applicant
Through [Signature]
(Adil Ahmed)
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

(An Application Under Section 19 Of The Central Administrative Tribunal Act 1985)

ORIGINAL APPLICATION NO. 193 OF 2005.

BETWEEN

Shri Bhaskar Deb Lala
MES No.243375
Son of Sri Bhupendra Kumar Deb Lala
Junior Engineer (E/M)
Office of the Garrison Engineer,
(Air Force), Borjhar Guwaati - 15.
...Applicant

- AND -

1. The Union of India, represented by the
Secretary to the Government of India,
Ministry of Defence, 101 South Block, New
Delhi-1.
2. The Chief Engineer,
Air Force, Elephant Falls, Shillong,
Meghalaya.
3. The Chief Engineer,
HQ, Eastern Command,
Fort William, Kolkata-700021.
4. The Garrison Engineer (Air Force),
Borjhar, Guwahati-15.
5. The Garrison Engineer
Silchar, P.O.-Arunachal,
Dist. - Cachar, PIN - 788025.

Bhaskar Deb Lala.

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5. The Controller of Defence Account (CDA) a
LIDHYAN VIHAR, Narangi, Guwahati-
781171.

6. The Area Accounts Officer,
Ministry of Defence, Bivar Road,
Shillong-1, Meghalaya.

... Respondents

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

This application is not made against any particular order but praying for a direction from this Hon'ble Tribunal to the Respondents for payment of Special Duty Allowance to the Applicant as per Government of India, Cabinet Secretariat Letter No.20-12-1999-EA-1-1789 dated 02-05-2000 and also as per other similar judgments passed by this Hon'ble Tribunal in O.A.No.56 of 2000, O.A.No.11 of 2003, O.A.No.30 of 2003, O.A.No.301 of 2003, O.A.267 of 2004 and O.A.No.79 of 2005.

2) JURISDICTION OF THE TRIBUNAL:

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

3) LIMITATION:

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

4) FACTS OF THE CASE:

Facts of the case in brief are given below:

4.1 That your humble Applicant is the citizens of India and as such he is entitled to all rights and privileges guaranteed under the Constitution of India. He is aged about 52 years.

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4.2 That your applicant beg to state that he was appointed as Superintendent E/M Grade II in April 1977 and he was posted at the Office of the Garrison Engineer, 868 EWS, C/o 99 APO. After that he was transferred to Office of the Garrison Engineer 872 EWS C/o 99 APO, Office of the Garrison Engineer, Silchar, GE Shillong, Office of the Garrison Engineer (Project) (Air Force) Bagdorga, West Bengal, Garrison Engineer Silchar etc. Now he is working at office of the Garrison Engineer (Air Force) Borjhar as Junior Engineer (E/M). It is to be stated that he was posted to the post of Superintendent E/M Grade I in the year 1995. The said post was re-designated as Junior Engineer from 1998.

4.3 That your Applicant begs to state that the Government of India, Ministry of Finance, Department of Expenditure granted certain improvements and facilities to the Central Government Civilian Employees of the Central Government serving in the States and Union Territories of North Eastern Region vide Office Memorandum No.20014/3/83-IV dated 14-12-1983. In clause II of the said Office Memorandum Special (Duty) Allowance was granted to Central Government Civilian Employees, who have All India Transfer liability at the rate of Rs.25% of the basic pay subject to ceiling of Rs.400/- (Rupees Four Hundred) only per month on posting to any station in the North Eastern Region. The relevant portion of the Office Memorandum dated 14.12.1983 is quoted below:

(iii) **Special (Duty) Allowance: -**

“Central Government Civilian employee who have All India Transfer liability will be granted a Special (Duty) Allowance at the rate of Rs.25% of basic pay subject to a ceiling of Rs.400/- (Rupees Four Hundred) only per month on posting to any station in the North East Region. Such of these employees who are exempted from payment of Income Tax, will however not be eligible for the Special (Duty) Allowance, Special (Duty) Allowance will be in addition to any Special Pay and for allowances already being drawn subject to the condition that the total of such Special (Duty) Allowance plus Special Deputation (Duty) Allowance will not exceed Rs.400/- (Rupees Four Hundred) only per month. Special Allowance like Special Compensatory (Remote) Locality Allowance, Construction Allowance and Project Allowance and Project Allowance will be drawn separately.”

The Govt. of India, Ministry of Finance, Department of Expenditure vide its Office Memorandum No.F.No.11 (2)/97-F-II (B) dated 22-07-1998 continued the said facilities as per recommendation of the Fifth Central Pay Commission.

Annexure-A is the photocopy of extract of Office Memorandum dated 14-12-1983.

Annexure-B is the photocopy of Office Memorandum No.F.No.11 (2)/97-F-II (B) dated 22-07-1998.

4.4. That your Applicant begs to state that he is saddled with All India Transfer liability and seniority in terms of his offer of appointment and with the said liabilities he has accepted for All India Transfer liability as per their appointment letter. It is worth to mention here that as per the said All India Transfer Liability he was transferred to Office of the Garrison Engineer (Project), (Air Force) Bagdora West Bengal from North Eastern Region and after serving there he was transferred to Garrison Engineer, Silchar.

Annexure - C is the photocopy of the movement order vide order no. 1002 /367/FI dated 20.08.2001.

✓ 4.5 That your Applicant beg to state that he is saddled with All India Transfer Liability in terms of his offer of Appointment and with the said liabilities he has accepted the transfer order of posting from North Eastern Region to outside of this region and also from outside of this region to the North Eastern Region. He was transferred from Bagdorgra, West Bengal to the North Eastern Region. Therefore, the Applicant is in practice saddled with All India Transfer Liability and in terms of Office Memorandum dated 14-12-1983 and he is legally entitled for grant of Special (Duty) Allowances.

4.6 That your applicant begs to state that as per Cabinet Secretariat Letter No.20-12-1999-FA-1-1799 dated 02-05-2000 it has been further clarified that an employee hailing from NE Region and subsequently

posted to outside of NE Region and reposted from outside of NE Region to NE Region will also be entitled for Special Duty Allowance.

Annexure - D is the photocopy of Letter No.20-12-19999-EA-1-1799 Dated 02-05-2000.

4.7 That your applicant begs to state that the Respondent No.2 vide his letter No.90237/752/EIC(Legal-C) Dated 4th June 2003 also clarified regarding payment of Special Duty Allowance payable to MES Employees relating to Court Cases. In the said Letter it has been stated "SDA is admissible to the Central Government Employees who have All India Transfer Liability on their posting to NE Region from outside 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". It may be stated that the Office of the Garrison Engineer Silchar has submitted pay bill of Special Duty Allowance of the applicant before the Respondent No. 6 i.e., the Area Accounts Officer but surprisingly Area Accounts officer returned the said bill to the applicant vide Memorandum No. P/1/316/Pt A dated 17.05.2004. After that also the applicant has approached and submitted his bill before the concerned authority but till today they have not taken any steps or action in this matter. Hence finding no other alternative the Applicant is compelled to approach this Hon'ble Tribunal for seeking justice in this matter.

Annexure - E is the photocopy of letter No.90237/752/EIC(Legal-C) Dated 4th June 2003.

Annexure- F is the photocopy of pay bill for payment of Special Duty Allowance of the applicant.

Annexure - G is the photocopy of the return back of the said bill vide memo No. P/1/316/Pt A dated 17.05.2004.

4.8 That your applicant begs to state that similarly situated persons have earlier approached this Hon'ble Tribunal by filing O.A.No.56/2000 and this Hon'ble Tribunal vide its Judgment dated 19-03-01 in the said case has stated that an employee hailing from NE Region initially but subsequently

Bhaskar Deb Raja

transferred out of NE Region but reposted to NE Region would also be entitled to S.D.A. and similar other copy of judgment passed by this Hon'ble Tribunal is also annexed herewith for ready reference of this Hon'ble Tribunal.

It is worth to mention here that similarly situated person who is working under the same Ministry has already given the similar relief by this Hon'ble Tribunal in O.A.No.301 of 2003 and O.A. 79/2005.

Annexure - H, I & J are the photocopies of the Judgment and Order dated 19-03-2001, 25-04-2003 and 17-02-2004 in O.A.Nos.56/2000, 11/2003, 30/2003 and O.A.No.301/2003 respectively passed by this Hon'ble Tribunal.

4.9 That your Applicant begs to state that he has fulfilled all the criteria laid down in the aforesaid Memorandum regarding payment of Special Duty Allowance, hence the Respondents can not deny the same to the Applicant without any justification.

4.10 That your Applicant begs to state that similarly situated persons are enjoying this benefit without any interruption as such the action of the Respondents is arbitrary, malafide, whimsical and also not sustainable in the eye of law as well as on facts.

4.11 That your Applicant submits that there is no other alternative remedy and the remedy sought for if granted would be just, adequate and proper.

4.12 That this application is filed bona fide and for the cause of justice.

5) GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1) For that, due to the above reasons and facts, which are narrated in details, the action of the Respondents is prima facie illegal, malafide, arbitrary and without justification.

5.2) For that, the Applicant is practically having All India Transfer liability and seniority as such he is legally entitled to draw Special Duty Allowance as per various office memorandums in this regard.

Bhaskar Deb Hala

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5.3) For that, similarly situated persons who are working under the same Ministry have been granted the Special Duty Allowance but the Respondents are not giving the same relief to the instant Applicant. As such, the actions of the Respondents are bad in the eye of law and also not maintainable.

5.4) For that, similarly situated persons have already granted this relief by this Hon'ble Tribunal in O.A.No.30 of 2003 and in O.A.301 of 2003.

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

5.6) For that, it is unjust to discriminate among the employee similarly placed in the same ministry and also it is not proper to insist on every aggrieved employee to approach the court when the cause of action is identical.

5.7) For that, in any view of the matter the action of the Respondents are not sustainable in the eye of law.

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

6) DETAILS OF REMEDIES EXHAUSTED:

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

7) MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT:

That the Applicant further declares that he has not filed any application, writ petition or suit in respect of the subject matter of the

instant application before any other court, authority, nor any such application, writ petition of suit is pending before any of them.

8) RELIEF PRAYED FOR:

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

8.1 That the Hon'ble Tribunal may be pleased to direct the Respondents to pay the Special Duty Allowance to the Applicant.

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

8.3 To pay the cost of the application.

9. INTERIM ORDER PRAYED FOR:

At this stage no interim order is prayed for, if the Hon'ble Tribunal deem fit may pass any order or orders.

10. APPLICATION IS FILED THROUGH ADVOCATE.

11. PARTICULARS OF I.P.O.

I.P.O. No. :- 200160479
 Date of Issue :- 3.7.2005
 Issued from :- Guwahati C.P.O.
 Payable at :- Guwahati C.P.O.

12. LIST OF ENCLOSURES:

As stated in Index.

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-VERIFICATION-

I, Shri Bhaskar Deb Lala, MES No.243375, Son of Sri Bhupendra Kumar Deb Lala, Junior Engineer (EM), Office of the Garrison Engineer, (Air Force), Borjhar Guwaati - 15 do hereby solemnly verify that the statements made in paragraph nos. 4.1, 4.2, 4.5, 4.9, 4.10 — are true to my knowledge, those made in paragraph nos. 4.3, 4.4, 4.6, 4.7, 4.8 are being matters of records are true to my information derived there from which I believe to be true and those made in paragraph 5 are true to my legal advice and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 21st day of ^{July}~~March~~ 2005 at Guwahati. 21

Bhaskar Deb Lala

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

Annexure-A

ANNEXURE - A

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 Central 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 :-

1) Tenure of posting/rotation :-

There will be a fixed tenure of posting of 2 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 computing the tenure period of 2/3 years. Officers, on completion of the fixed tenure of service mentioned above, may be

Approved
Advocate
A. J. Lamb

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1. The first part of the document is a title page. It contains the title "THE HISTORY OF THE UNITED STATES OF AMERICA" and the author "BY JAMES MADISON".

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Admitted
Admitted

New Delhi, Dated July 22, 1990.

OFFICE MEMORANDUM

Subject: Allowances and Special Facilities for Civilian Employeess of the Central Government serving in the States and Union Territories of the North-Eastern Region and in the Andaman & Nicobar and Lakshadweep Groups of Islands - Recommendations of the Fifth Central Pay Commission.

With a view to attracting and retaining competent officers for service in the North-Eastern Region, comprising the territories of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura, orders were issued in this Ministry's O.M. No. 20014/3/03-E.IV dated December 14, 1983 extending certain allowances and other facilities to the Civilian Central Government employees serving in this region. In terms of paragraph 2 thereof, no orders other than those contained in paragraph 1(iv) ibid, were also to apply mutatis mutandis to the Civilian Central Government employees posted to the Andaman & Nicobar Islands. These were further extended to the Central Government employees posted to the Lakshadweep Islands in this Ministry's O.M. of even number dated March 30, 1984. The allowances and facilities were further liberalized in this Ministry's O.M. No. 20014/16/06-E.IV/E.II(B) dated December 1, 1988 and were also extended to the Central Government employees posted to the North-Eastern Council when stationed in the North-Eastern Region.

2. The Fifth Central Pay Commission have made certain recommendations suggesting further improvements in the allowances and facilities admissible to the Central Government employees, including Officers of the All India Services, posted in the North-Eastern Region. They have further recommended that these may also be extended to the Central Government employees, including Officers of the All India Services, posted in Sikkim. The recommendations of the Commission have been considered by the Government and the President is now pleased to decide as follows:

(i) Tenure of Posting/Deputation

The provisions in regard to tenure of posting/deputation contained in this Ministry's O.M. No. 20014/3/03-E.IV dated December 14, 1983, read with O.M. No. 20014/16/06-E.IV/E.II(B) dated December 1, 1988, shall continue to be applicable.

(ii) Weightage for Central Deputations/Training Abroad and Special Mention in Confidential Records

The provisions contained in this Ministry's O.M. No. 20014/3/03-E.IV dated December 14, 1983, read with O.M. No. 20014/16/06-E.IV/E.II(B) dated December 1, 1988, shall continue to be applicable.

(iii) Special (Duty) Allowance

Central Government Civilian employees having an "All India Transfer Liability" and posted to the specified Territories in the North-Eastern Region shall be granted the Special (Duty) Allowance at the rate of 12.5 per cent of their basic pay as prescribed in this Ministry's O.M. No. 20014/16/06-E.IV/E.II(B) dated December 1, 1988, but without any ceiling on its quantum. In other words, the ceiling of Rs. 1,000 per month currently in force shall no longer be applicable and the condition that the aggregate of the Special (Duty) Allowance plus Special Pay/Deputation (Duty) Allowance, if any, will not exceed Rs. 1,000 per month shall also be dispensed with. Other terms and conditions governing the grant of this Allowance shall, however, continue to be applicable.

In terms of the orders contained in this Ministry's O.M. No. 20022/2/00-E.II(B) dated May 24, 1989, Central Government Civilian employees having an "All India Transfer Liability" and posted to serve in the Andaman & Nicobar and Lakshadweep Groups of Islands are presently entitled to an Island Special Allowance at varying rates in lieu of the Special (Duty) Allowance admissible in the North-Eastern Region. This Allowance shall continue to be admissible to the specified category of Central Government employees at the same rates as prescribed for the different specified areas in the O.M. dated May 24, 1989, but without any ceiling on its quantum. This Allowance shall also henceforth be termed as Island Special (Duty) Allowance. Separate orders in regard to this Allowance have been issued in this Ministry's O.M. No. 12(1)/88-E.II(B) dated July 17, 1988.

Attention is also invited in this connection to the clarificatory orders contained in this Ministry's O.M. No. 11(3)/85-E.II(B) dated January 12, 1990, which shall continue to be applicable not only in respect of the Central Government employees posted to serve in the North-Eastern Region but also to those posted to serve in the Andaman & Nicobar and Lakshadweep Groups of Islands.

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Special Compensatory Allowances
Orders in regard to revision of the rates of various Special Compensatory Allowances, such as Family Allowance, Dearness Allowance, Dear Canteen Allowance, Tribal Area Allowance, Composite Hill Compensatory Allowance, etc., which are location-specific, have either been separately issued or are under issue based on the Government decisions on the recommendations of the Fifth Central Pay Commission relating to these allowances. These orders shall apply to the eligible Central Government employees posted in the specified areas in the North Eastern Region, Andaman & Nicobar Islands and Lakshadweep Islands, depending on the area(s) of their posting and subject to the observance of the terms and conditions specified therein. Such of these employees who are entitled to the Special (Duty) Allowance or the Island (Special Duty) Allowance shall also be entitled, in addition, to the Special Compensatory Allowance(s) as admissible to them in terms of these separate orders.

Central Government employees entitled to Special Compensatory Allowances, separate orders in respect of which are yet to be issued, will continue to draw such allowances at the existing rates with reference to the 'national' pay which they would have drawn in the applicable pre-revised scales of pay but for the introduction of the corresponding revised scales till the revised orders are issued on the basis of the recommendations of the Fifth Central Pay Commission and the Government decisions thereon.

(v) Travelling Allowance on First Appointment
The existing concessions as provided in this Ministry's O.M. No. 20014/3/83-E.IV dated December 14, 1983 and further liberalised in O.M. No. 20014/16/86-E.IV/E.II(B) dated December 1, 1988, shall continue to be applicable.

(vi) Travelling Allowance for Journeys on Transfer; Road Allowance for Transportation of Personal Effects on Transfer; Joining Time with Leave
The existing provisions as contained in this Ministry's O.M. No. 20014/3/83-E.IV dated December 14, 1983 shall continue to be applicable.

(vii) Leave Travel Concession
In terms of the existing provisions as contained in this Ministry's O.M. No. 20014/3/83-E.IV dated December 14, 1983, the following options are available to a government servant who leaves his family behind at the old headquarters or another selected place of residence, and who has not availed of transfer travelling allowance for the family:

(a) The government servant can avail of the leave travel concession for journey to the Home Town once in a block period of two years under the normal Leave Travel Concession Rules;

OR

(b) In lieu thereof, the government servant can avail of the facility for himself/herself to travel once a year from the station of posting to the Home Town or the place where the family is residing and for the family (restricted only to the spouse and two dependent children of age up to 10 years in respect of sons and up to 24 years in respect of daughters) also to travel once a year to visit the government servant at the station of posting.

These special provisions shall continue to be applicable.
In addition, Central Government employees and their families posted in these territories shall be entitled to avail of the Leave Travel Concession, in emergencies, on two additional occasions during their entire service career. This shall be termed as "Emergency Passage Concession" and is intended to enable the Central Government employees and/or their families (spouse and two dependent children) to travel either to the home town or the station of posting in an emergency. This shall be over and above the normal entitlements of the employees in terms of the O.M. dated December 14, 1983, and the two additional passages under the Emergency Passage Concession shall be availed of by the entitled mode and class of travel as admissible under the normal Leave Travel Concession Rules.

Further, in modification of the orders contained in this Ministry's O.M. No. 20014/16/86-E.IV/E.II(B) dated December 1, 1988, Grants involving pay of Rs. 13,500 and above and their families, i.e. spouse and two dependent children (up to 10 years in respect of sons and up to 24 years in respect of daughters) will be permitted to travel by air on Leave Travel Concession between Agartala/Aizawl/Vijaypur/Lillabai/Silchar to the North East and Calcutta and vice versa; between Port Blair in the Andaman & Nicobar Islands and Cochin and vice versa; and between Kavaratti in the Lakshadweep Islands and Cochin and vice versa.

Attest
A
Agent

Education Allowance and Hostel Subsidy

Existing provisions as contained in this Ministry's O.M. No. 20914/73-E.IV dated December 14, 1973 shall continue to be applicable. The rates of Children Education Allowance and Hostel Subsidy having been revised in the Department of Personnel & Training O.M. No. 21017/1/77-E.II. (Allowances) dated June 12, 1977, the Allowance and Subsidy shall be payable at the revised monthly rates of Rs 100 and Rs 300 respectively per child.

(ix) Facility of Government Accommodation at the Last Station of Posting

The facility of retention of Government accommodation at the last station of posting by the Central Government employees posted to the specified territories and whose families continue to stay at that station is available in terms of the orders contained in the erstwhile Ministry of Works & Housing O.M. No. 12035/24/77-Vol. VI dated February 12, 1984, as amended from time to time. This facility shall continue to be available to the eligible Central Government employees posted in the North-Eastern Region, Andaman & Nicobar Islands and Lakshadweep Islands. In partial modification of these orders, Licence Fee for the accommodation so retained will be recoverable at the applicable normal rates in cases where the accommodation is below the type to which the employee is entitled to and at one and a half times the applicable normal rates in cases where the entitled type of accommodation has been retained. The facility of retention of Government accommodation at the last station of posting will also be admissible for a period of three years beyond the normal permissible period for retention of Government accommodation prescribed in the Rules.

(x) House Rent Allowance for Employees in Occupation of Hired Private Accommodation
The orders contained in this Ministry's O.M. No. 11016/1/E.II(B)/84 dated March 28, 1985
this Ministry's O.M. No. 20014/1/E.II(B)/85 dated March 28, 1985

The orders contained in this Ministry's O.M. No. 11016/1/E.II(B)/84 dated March 29, 1984, and extended in this Ministry's O.M. No. 20014/10/80-E.IV/E.II(B) dated December 1, 1980, shall continue to be applicable.

(xi) Retention of Telephone Facility at the Last Station of Posting
As provided in this Ministry's O.M. No. 200/1/6/95 dated 15.5.95

As provided in this Ministry's O.M. No. 20014/16/86-E.IV/E.II(b) dated December 1, 1980, Central Government employees who are eligible for residential telephones may be permitted to retain their residential telephones at their last station of posting, provided the rental and all other charges are paid by the concerned employees themselves.

(xii) Medical Facilities

Families and the eligible dependants of Central Government employees who stay behind at the previous stations of posting on the employees being posted to the specified territories shall continue to be eligible to avail of CGHS facilities at stations where such facilities are available. Delisted orders in this regard will be issued by the Ministry of Health & Family Welfare.

The President is also pleased to declare that

The President is also pleased to decide that these orders, in so far as they relate to the Central Government employees, including Officers of the All India Services, posted to Sikkim, shall also be applicable *mutatis mutandis* to the Civilian Central Government employees posted in the North-Eastern Region. These orders will take effect from August 1, 1967.

These orders will take effect from August 1, 1997.

1. Indian persons serving in the Indian Audit and Accounts Department are concerned; those outside India
 2. Hindi version will follow.

Handi version will follow.

(H.SUNDERIAJAN)
Joint Secretary to the Government of India

Joint Secretary to the Government of India

All Ministries/Department of the Government of India (As per standard Distribution List)

Copy (with usual number of spare copies) forwarded to C&AG, UPSC, etc. (As per standard Endorsement List)

Copy also forwarded to Chief Secretary, Andaman & Nicobar Islands and Administrator, Lakshadweep.

Approved
J.S. / Sent

Tele : AF/4428

GE (P) (AF) Bagdogra
Post : Bagdogra Air port
Distt : Darjeeling (WB)

1002/

367

/E1

21 Aug 2001

MES/243375

Shri B D Lala, JE (E/M)

ANNEXURE - C

POSTING/TRANSFER ON COMPASSIONATE GROUND CIV
SUBORDINATE WITHIN COMMAND : JE (E/M)

1. You are hereby permanently posted/transferred to GE Silchar on compassionate grounds.
(Authy : HQ CEEC Kolkata letter No. 131306/2/61/34/Engrs/
EIC(I) dt 14 May 2001)
2. You will be relieved of your duties from this office on 31 Aug 2001(A/N) and will report to your new formation.
3. Joining/Journey period and TA/DA is not admissible.
4. You will be submit the following before leaving this office :-
(a) Departure Report (b) Clearance Certificate
(c) Ration Card.
5. Your Identity Card will be surrendered to your new formation for further disposal.
6. Please note that your Pay and Allowances upto Aug 2001 has been claimed by this office and Pay & Allices for the month of Sep 2001 onwards will be claimed by your new formation after reporting for duty.
7. Certified that the individual is not involved in any disciplinary/C of I/SPE cases.
8. Service Books is Centralised.

(Er. V. K. Singh, IDSE)

EE

GE (P) (AF) Bagdogra

Distribution :-

1. HQ CEEC Kolkata - 21
2. HQ CE (AF) Shillong Zone
3. HQ CE Shillong Zone
4. HQ CWE (AF) Kalaikunda.
5. HQ CWE 137 WE, C/O 99 APO
6. JCDA (Funds) Meerut
7. CDA Patna
8. CDA Guwahati
9. AAO Siliguri
10. AAO Shillong
11. RAO (MES) Siliguri
12. AAO GE (AF) Bagdogra
13. All sub-divns
14. All Sec
15. Steno
16. PTO Folder

Details of Pay and Allowances

Basic Pay	: Rs. 8300/-
D A	: Rs. 3569/-
Tpt Allices	: Rs. 200/-
HRA	: Rs. 623/-

DEDUCTION

GPF Subscrip	: Rs. 2000/-
GPF A/C No	: 9 3 1 6 3 5
CGEGIS	: Rs. 30/-

LEAVE DETAILS

Earned Leave	: 212 days upto 12/2001
HPL	: 307 days upto 12/2001
C/L	: 07
R/H	: 02

OTHER PARTICULARS

Date of Birth : 01-8-1953
Date of Appnt : 01-4-1977
Date of Increment : 01-4-2002.

Approved
J. I.
Sharma

COURT CASE
MOST IMMEDIATE

Cabinet Secretariat
(L.A. Section)

Subject: Special Duty Allowance for Civilian employees of the Central Government serving in the State and Union Territories of North Eastern Region - regarding.

ANNEXURE - D

1. SHD Directorate may kindly refer to their UO No. 42/SHD/AT/99(18)-2369 dated 31.03.2000 on the subject mentioned above.
2. The points of doubt raised by SHD in their UO No. 42/SHD/AT/99(18) - 5282 dated 22.9.1999 have been examined in consultation with our Integrated Finance and Ministry of Finance (Department of Expenditure) and clarification to the points doubt is given under for information, guidance and necessary action:

1)	The Hon'ble Supreme Court in its judgment delivered on 26.11.96 in Writ Petition No. 794 of 1996 held that civilian employees who have All India transfer liability are entitled to the grant of SDA on being posted to any station in the N.E. Region from outside the region and in the following situation whether a Central Government employee would be eligible for the grant of SDA keeping in view the clarifications issued by the Ministry of Finance vide their UO No. 11(3)/95.L.H(1) dated 7.5.97.	
a)	A person belongs to outside N.E. Region but he is appointed and on first appointment posted in the N.E. Region after selection through direct recruitment based on the recruitment made on all India basis and having a common/centralised seniority list and All India Transfer Liability.	No
b)	An employee hailing from the N.E. Region selection on the basis of an All India recruitment list and borne on the Centralised cadre/service common seniority on first appointment and posted in the N.E. Region. He has also All India Transfer Liability.	No
ii)	An employee belongs to N.E. Region was appointed as Group "C" or "D" employee based	No

(Signature)
(Signature)

(Signature)
(Signature)

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	on local recruitment when there were no cadre rules for the post/ (prior to grant of SDA vide Ministry of Finance OM No. 20014/2/83-2.IV dated 14.12.1983 and 20.4.87 read with O.M. 20014/16/86-2(B) dated 1.12.1988) but subsequently the post/cadre was centralized with common seniority list/promotion/All India Transfer Liability etc. on his continuing in the N.E. Region though they can be transferred out to any place outside the NE Region having All India Transfer Liability.	
iii)	An employee belongs to N.E. Region and subsequently posted outside N.E. Region, whether he will be eligible for SDA if posted/transferred to N.E. Region. He is also having a common All India seniority and All India Transfer Liability	YES
iv)	An employee hailing from NE Region, posted to NE region initially but subsequently transferred out of NE Region but reported to NE Region after sometime serving in non NE Region	YES
v)	The MOF, Deptt. Of Expend. vide their UO No. 11(3)/93-2.II(B) dated 7.6.97, have clarified that a mere clause in the appointment order to the effect that the person concerned is liable to be transferred anywhere in India does not make him eligible for the grant of Special Duty Allowance. For determination of the admissibility of the SDA to any Central Govt. Civilian employees having All India Transfer Liability will be by applying points (a) whether recruitment to the Service/Cadre/Post has been made on All India basis (b) whether promotion is also done on the basis of All India Zone of promotion based on common seniority for the service/cadre/post as a whole (c) in the case of SSB/DGS, there is a common recruitment system made on All India basis and promotions are also made on the basis of All India Common Seniority. Based on the above criteria/points, all employees recruited on the All India basis and having a common seniority list of All India basis for promotion etc. are eligible for the grant of SDA irrespective of the fact that the employee hails from N.E. Region or posted to N.E. Region from outside the N.E. Region	In case the employee hailing from NE region is posted within NE Region he is not entitled to SDA till he is once transferred out of that Region
vi)	Based on point (iv)-above, some of the units of SSB/DGS have authorized payment of SDA to other employees hailing from NE Region and posted within the N.E. Region while in the case of others, the DACS have objected payment of SDA	It has already been clarified by MOF that clause in the appointment order regarding All India

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S. I.
Date

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	to employees hailing from NE Region and posted within the NE Region irrespective of the fact that their transfer liability in All India Transfer Liability or otherwise. In such cases what should be the norm for payment of SDA i.e. on fulfilling the criteria of All India Recruitment Test & to promotion of All India Common Seniority basis having been satisfied are all the employees eligible for the grant of SDA	transfer Liability does not make him eligible for grant of SDA
vi)	Whether the payment made to some employees hailing from NE Region and posted in NE Region be recovered after 20.9.1994 i.e. the date of decision of the Hon'ble Supreme Court and/or whether the payment of SDA should be allowed to all employees including those hailing from NE Region with effect from the date of their appointment if they have All India Transfer Liability and are promoted on the basis of All India Common Seniority List.	The payment made to employees hailing from NE Region & posted in NE Region be recovered from the date of its payment. It may also be added that the payment made to the ineligible employee hailing from NE Region and posted in NE region be recovered from the date of payment or after 20th Sept., 94 whichever is later.

3. This is done with the concurrence of the Finance Division, Cabinet Secretariat vide Dy. No. 1349 dated 11.10.1999 and Ministry of Finance (Expenditure) s ID. No. 1204/E.II(B) dated 30.3.2000.

Sd/-
Illegible
(P.N. THAKUR)
DIRECTOR (SR)

1. Shri R.S. Bodi, Director ARC.
 2. Shri R.P. Kureel, Director, SSB
 3. Btng. (Retd) G.S. Uban, IG, SFF
 4. Shri S.P. Mehra, JD(P&C), DGS
 5. Shri Ashok Chaturvedi, JS(Pers), R&AW,
 6. Shri B.S. Gill, Director of Accounts, DACC
 7. Shri J.M. Menon, Director Finance(S), Cabi. Secy.
 8. Col. K.L. Jangal, CICA, CIA
- Cabi. Secy. UO. No. 20/12/99-PA-1-1799 dated 2.5.2000.

Attent
Jil
Fute

121 Legal

176 JUN 2003

Jun 2 003

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

- (a) Basic Subordinate Categories - Erstwhile Supdt Gde I (now re-designated JE) Super B/S I, D'Man Gde I and Asstts.

- (b) Officers: All Op 'B' & Op 'A'

4. For deciding the eligibility of the applicants of various Court/AT cases, data may be compiled at your HQ separately for each C/A as per format enclosed as Annex 'A' to this letter. Proof for deciding the eligibility will comprise the following:-

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

...2/-

Handwritten signature: *Handwritten signature*

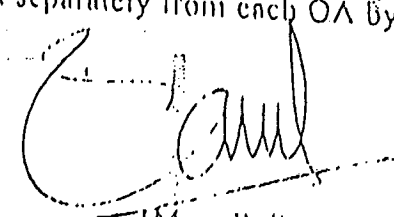
212

(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.

5. After identifying the applicants found eligible for grant of SDA, their cases accompanied with proofs as indicated at Para (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.

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

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


(Manoj Raj)
SAO
Offg SO 1 (Legal)
For E-In-C

Encls : As above

Copy to :-

✓ Shillong Zone

CGDA (AT)

Min of Def (I) (Civ-I)

✓ E-In-C's Br/E-5 (Budget)

EIC

✓ for info and necessary action.

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

for info wrt Note dated 27 May 03 recorded on our PC No. 90237/7521/E-1 (Legal C).

for info along with list of all relevant enclosures and the refs quoted in para 5 above.

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

Attest
[Signature]
Asst

22

ANNEXURE - F

Amount payable : Rs. 31,990.00
(Rupees thirty one thousand
nine hundred ninety only)

UNIT : GE Silchar
Vr No: 00/CV/ 488 /Sil
Date : 28 Feb 04

SY PAY BILL IN RESPECT OF MES-243375
SHRI BD LALA JE (E/M) (ERSTWHILE)
SUPDT E/M GDE I) ON ACCOUNT OF SPECIAL
DUTY ALLOWANCE FROM SEP 2001 TO FEB 2004

Bank's Name : SBI Silchar
Credit into : Public Fund Account of
GE Silchar

CB No: 31,990.00
1/230/02

(J Chakraborty)
BSO
For Garrison Engineer

Auth :- E-in-C's Branch, Army Headquarters letter
No 90237/7521/ElC(Legal-C) dt 04 Jun 03
and CDA Guwahati letter No Pay/Tech/SDA/
CAT/IV dated 05 Dec 2003 (copies attached)

CERTIFICATE

Certified that, Special Duty allowance claimed
in respect of this individual having All India Transfer
Liability as per clarification issued by E-in-C's Br.
Army HQ letter No. 90237/7521/ElC(Legal-C) dt 04-6-03.

15 APR 2004

(J Chakraborty)
BSO
for Garrison Engineer

Attested
21

For Garrison Engineer
T. SDA
3A

23

Ser No	ES No, Name and designation	Amount claimed	Deduction if any	Net amount payable	Remarks
1.	MES 243375 - Shri BD Lala JE (E/M)	Rs. 31,990.00	NIL	Rs. 31,990.00	

Note :- Drawn/Due statement attached as Appendix 'A' to this Sy Pay Bill.

5/04-21-11-1X-1050/

Checked & passed for Rs 31,990/-
(Rupees thirty one thousand nine hundred ninety only) for payment as under:-

	Treasury	Payee	Amount
Rs 31990/-	1/230/02-31990/	SBI	Rs 31,990/-
31990	31990	Silchar	

A.O
C.

Advt
AD
1/11/11

DRAWN DUE STATEMENT OF SDA IN RESPECT OF MES/243375 SHRI BD LALA JE (E/M)
FROM SEP 2001 TO FEB 2004 AT GE SILCHAR

Appendix 'A'

Sl. No	W. No	Date	Drawn		Due		Remarks
			Basic Pay	SDA	Basic Pay	SDA @ 12.5%	
1	248/SIL	08.09.01	8,300.00	-	8,300.00	1,038.00	7266
2	249/SIL	10.10.01	8,300.00	-	8,300.00	1,038.00	
3	401	10.11.01	8,300.00	-	8,300.00	1,038.00	
4	403	11.12.01	8,300.00	-	8,300.00	1,038.00	
5	404	10.01.02	8,300.00	-	8,300.00	1,038.00	
6	406	07.02.02	8,300.00	-	8,300.00	1,038.00	
7	405	11.03.02	8,300.00	-	8,500.00	1,063.00	12756
8	407	10.04.02	8,500.00	-	8,500.00	1,063.00	
9	408	11.05.02	8,500.00	-	8,500.00	1,063.00	
10	409	11.06.02	8,500.00	-	8,500.00	1,063.00	
11	410	10.07.02	8,500.00	-	8,500.00	1,063.00	
12	411	09.08.02	8,500.00	-	8,500.00	1,063.00	
13	412	10.09.02	8,500.00	-	8,500.00	1,063.00	
14	413	10.10.02	8,500.00	-	8,500.00	1,063.00	
15	414	13.11.02	8,500.00	-	8,500.00	1,063.00	
16	415	17.12.02	8,500.00	-	8,500.00	1,063.00	
17	416	20.01.03	8,500.00	-	8,500.00	1,063.00	11965
18	417	15.02.03	8,500.00	-	8,500.00	1,063.00	
19	418	13.03.03	8,500.00	-	8,500.00	1,063.00	
20	419	04-04-03	8,700.00	-	8,700.00	1,088.00	
21	420	05.05.03	8,700.00	-	8,700.00	1,088.00	
22	421	06.06.03	8,700.00	-	8,700.00	1,088.00	
23	422	09.07.03	8,700.00	-	8,700.00	1,088.00	
24	423	09.08.03	8,700.00	-	8,700.00	1,088.00	
25	424	06.09.03	8,700.00	-	8,700.00	1,088.00	
26	425	10.10.03	8,700.00	-	8,700.00	1,088.00	
27	426	06.11.03	8,700.00	-	8,700.00	1,088.00	
28	427	08.12.03	8,700.00	-	8,700.00	1,088.00	
29	428	06.01.04	8,700.00	-	8,700.00	1,088.00	
30	429	07.02.04	8,700.00	-	8,700.00	1,088.00	
					31,990.00		

*Attended
 Silchar
 1/10/04*

(Signature)
 BSO
 For Garrison Engineer
 Suchar Camp

MEMORANDUM

Registered

1366

ANNEXURE - C

From / Sea Accounts Office
Shillong - 1

To The GE
Silchar.

No. P/1316/14A

Shillong

Date 17-5-04

Sub: Sy. Pay bill on account of SDA.
Ref: Your Office letter no: 1604/1821/EIP dt. 6/4/04.

Sy. bill bearing Vanno: 007 w/488/Sil dt. 28/2/04 on account of SDA in A/o MES- 243375. Shri B.D. Lalor, Jr (b/m) is again submitted herewith with the following remarks:-

It is seen from the claim that the individual being a north-east recruit, is not entitled to claim SDA.

FR / MR
1915 / 182

Encls:- As above.

(P. Venkateswari)
Accounts Officer.

1604/EIP
CA
27/5

3,00,000 Rs

Attchd
21/1
Amto

B.S.O.
J.S.W.
Office Supt
Section

Original Application No. 56 of 2000
Date of decision: This the 19th day of March, 2001.

Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.
Hon'ble Mr. K.K. Sharma, Member (A).

Shri Manoj Kumar,
Cover Division Clerk,
Office of the Deputy Director,
Subsidiary Intelligence Bureau,
Basilatha Road, Guwahati-28 & 167 Ors.
Applicants.
By Advocate Mr. A. Ahmed.

Union of India,
represented by the Secretary to the
Government of India, Ministry of
Home Affairs, North Block,
New Delhi.
The Director,
Intelligence Bureau,
North Block, New Delhi.

The Deputy Director,
Subsidiary Intelligence Bureau,
Basilatha Road,
Guwahati-28.

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

Respondents

ORDER (ORAL)

CHOWDHURY J. (V.C.).

The applicants are one hundred and sixty eight in number serving under the Deputy Director, Subsidiary Intelligence Bureau, in different capacities, like Lower Division Clerk, Assistant, Stenographer, Security Assistant, ACIO-1/C, P.S., JIO-11/C, Section Officer, Upper Division Clerk etc. Their grievance is common in nature claiming Special Duty Allowance (hereinafter referred to as SDA) payable to the Central Government employees serving in the North Eastern Region. By now the issue is involved in notified on the basis of numerous decision of the Supreme Court.

Attest
[Signature]

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332

... court subsequently clarified by the department. Cabinet

Secretariat (SA.1 Section) clarified the matter by a Notification dated 2.5.2000. The civilian employees who have all India transferability are entitled for grant of SDA on being posted to any station in the NE Region from outside the Region. An employee hailing from the North Eastern Region selected on the basis of all India recruitment test and borne on the central and cadre/service, common seniority on first appointment and posted in the N.E. region per se is not entitled for the SDA. He or she would be entitled to SDA only if posted outside NE Region on transfer. An employee hailing from NE Region but subsequently transferred out of the NE Region, but reported to NE Region would also be entitled to SDA.

From the materials made available in this application, it is difficult for the Tribunal to determine/evaluate as to nature of posting of each individual applicant.

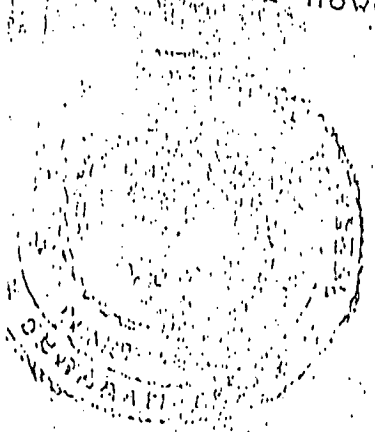
In the circumstances upon hearing the learned counsel Mr. A. Ahmed for the applicant and Mr. A. Deb Roy, learned Sr. C.G.S.C. we are of the view that ends of justice will be met if a direction is issued to the applicant to submit individual representation before the concerned authority narrating the factual position. Accordingly, we direct the applicants to make individual representations within a period of one month from the date of receipt of certified copy of this order. The respondents on receipt of such application consider the same in the light of the order issued from time to time more particularly on the basis of the clarification issued by the Director(SR), Cabinet Secretariat dated 2.5.2000 with the concurrence of the Finance Division as early as possible at any rate within the

Contd....

*Attested
by
Date*

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period of two months from the date of receipt of individual representation from the applicants.
 The application is disposed of accordingly. There shall however, no order as to costs.



Sd/ VICE CHAIRMAN
 Sd/ MEMBER (ADM)

Certified to be true Copy
 प्रमाणित प्रतिलिपि

[Handwritten signature]
 31.9.2017

Dection Officer (J)
 आचार्य अधिकारी (न्यायिक शाखा)
 Central Administrative Tribunal
 केन्द्रीय प्रशासनिक न्यायालय
 Guwahati Bench, Guwahati-8
 गुवाहाटी बेंच, गुवाहाटी-8

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 31.9.2017

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 31.9.2017

Original Application No. 11/03
 Misc. Petition No.
 Contempt Petition No.
 Review Application No.

2292 35
 ANNEXURE 1

Applicant(s) Nenik. Sengupta
 Respondent(s) A.C.T. Group
 Advocate for the Applicant(s) Abul Kalam
 Advocate for the Respondent(s) C.A.C.

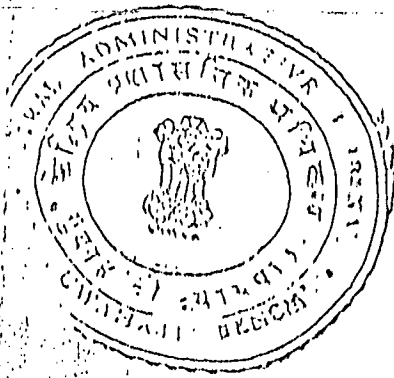
Name of the Registry	Date	Order of the Tribunal
	25.4.2003	

Held Mr. A. Alvaed, learned counsel for the applicant and also Mr. A. Sub Roy, learned Mr. G.O.D.C. for the respondents.

The controversy pertains to granting of Special Duty Allowance (SDA) to the applicant. The respondents in their written statement contended that SDA is admissible only to the civilian employees posted from outside the region and not to others. Admittedly, the applicant who belongs to North East Region was initially posted at Siliguri and by order dated 0.3.1995 the applicant was re-posted at Guwahati from Siliguri. Thereafter, as per memorandum issued by the Cabinet Secretariat an employee hailing from N.E. Region, posted to N.E. Region initially but subsequently transferred out N.E. Region after some time serving in non N.E. Region in entitled SDA. As a matter of fact the respondent admitted the same in the written statement and asserted that in terms of the memorandum of the Cabinet Secretariat the respondents continued to pay the SDA to the applicant from 20.2.2001. However, the same was stopped later on in the light of the observation made in the Swamydas in terms of the Supreme Court judgment. The aforementioned considerations are totally irrelevant on the facts situation in the context of the decisions of the Central Govt. The impugned action of the respondents in withholding the SDA due to the applicant and consequent recovery of the same is thus unsustainable in law.

In the circumstances and in the light of the decision rendered by the Tribunal, the impugned office order No. A11/CV/32-01/2(2)/2002-A/6110-14 dated 07.12.2002 issued by the respondents No. 4 is thus set aside and quashed.

Contd./



Abul Kalam
 A.C.T. Group

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25.4.2003

25.4.2003 and the respondents are directed to pay the SBA to the applicant forthwith.

The application is allowed
No order as to costs.

SEC/VICE CHAIRMAN

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Original Application No. 32/07,
 Misc. Petition No. _____
 Contempt Petition No. _____
 Review Application No. _____

ANNEXURE-J

Applicant (a) Ranjit Subudhina

Respondent (a) H. N. G. Ann.

Advocate for the Applicant (a) H. Chandan G. M. Chakraborty

Advocate for the Respondent (a) Mr. K. J. K. Ray

1. J. 6. 2003

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

The issue relates to payment of Special Duty Allowance (SDA). The applicants are 25 in number who were working group 'C' and 'D' cadre in the Canteen Store Department. Respondent gave and except applicant No. 9 who was posted at Port Blair Canteen Store Department at the time of filing this Application.

Considering the nature of the cause of action and relief sought for, the applicants were allowed to espouse their cause in a single Application under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1905.

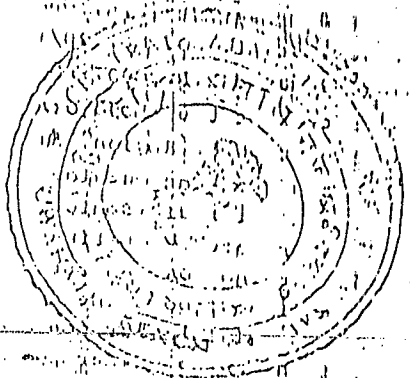
According to the applicants, they were paid SDA in terms of memorandum dated 1.12.1993, 1.12.1998 and 22.7.1999 and the same was sought to be stopped whereupon the applicants moved this Tribunal by the O.A.

The respondents submitted written statement and contended that in view of the decision rendered by the Supreme Court in Sh. N. Vijaya Kumar and Ors. vs. Union of India and the Ministry of Finance issued appropriate direction for taking appropriate measures in regard to payment of SDA vide communication dated 29.1.2002. According to the respondents SDA is admissible only to civilian employees posted from the outside region and not others. The decision of the Supreme Court in U.C.I. & Ors. vs. Sh. N. Vijaya Kumar & Ors. has clarified this issue. It was also mentioned that SDA would not be payable merely because of a clause in the appointment order relating to All India Transfer Liability.

I have heard Mr. H. Chandan, learned counsel for the applicant and

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Attended
 1/1/03



3.6.2003

also Mr. A. Deb Roy, learned Sr. C.G.J.C, for the respondents at length.

In view of the decision rendered by the Courts, the matter of payment of SDA is no longer unresolved. Normally, SDA is admissible to the employees posted at North-eastern region from the outside region. As a matter of fact, the same was clarified by the Cabinet Secretariat (E.A. Section) vide C.A. Sectt. UD. No. 20/12/99-EX-1-1799 dated 2.5.2000. There is no dispute that the these officers who belong to N.E. Region, subsequently posted from the outside region have common All India Seniority and All India Transfer Liability and are eligible for the SDA. As per memorandum mentioned above the applicants are also eligible for the SDA. The applicants were either posted North Eastern public interest or transferred out from North East and posted out who were subsequently reported in N.E. Region. The above communication clarified and resolved the issue in favour of these applicants. In the circumstances, it would not be appropriate to deny the claim of the applicants.

Accordingly, the application is allowed in the light of the decision of this Bench in O.A. No. 30/2001 disposed on 12.9.2001.

The application is allowed.
No order as to costs.

S/VICE DEPARTMENT

CERTIFIED TRUE COPY

Section Officer (J)
C.A.T. GUWAHATI BENCH
Guwahati 12.12.03

Attested
By
Asstt

33-39
ANNEXURE-3R

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Original Application No:- 301/03

Miss Petition No:

Contempt Petition No:

Review Application No:

Name of the Applicant(s): K R Datta

Name of the Respondent(s):

Advocate for the Applicant:- Mr. N. Ahmed

Advocate for the Respondent:- C.S.C.

Dates of the Registry & date of the Order of the Tribunal

17.2.2004

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

By this application the applicants have claimed Special Duty Allowance (SDA for short) on the strength of the Circular No.20-12-1999-BA-1-1709 dated 2.5.2003 of the Cabinet Secretariat.

Heard Mr A. Ahmed, learned counsel for the Applicants and also perused the application. On hearing the learned counsel for the Applicants and on perusal of the application, I dispose of the application with the following direction:

The respondents may regulate the payment of SDA to the applicants in terms of the Circular dated 2.5.2003 of the Cabinet Secretariat on SDA for civilian employees of the Central Government in the States of N.E. Region and Union Territories.

The respondents are directed to complete the above exercise within four weeks from the date of receipt of the order.

The O.A. is accordingly disposed of.

(K. V. PRAHLADAN)
Administrative Member



Certified to be true copy
Secretary

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

20/2/04 nkm

Attested
Signature