

50/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

S. M. Saha
06/11/07

FORM NO. 4.
(S. RULE 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATI BENCH.

3 R SHEET

Original Application No. 236/05

Wise Petition No. 1

Review Application No. /

Applicant(s): M-K-Das & Sons

Respondant (S) : W-O-T - 963

Advocate for the Applicant(s):- Adil Ahmed

Advocate for the Respondent(s):- Cafe

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form is filed/C. E. for Rs. 50/- deposited v/sd IPC/PD No. 209157196</p> <p>Dated.....6.9.05.....</p>	9.9.05	<p>President: Hon'ble A Heard learned counsel for the parties. Judgment delivered in open Court. Kept in separate sheet Application is disposed of.</p> <p>09</p>

Dy. Registrar

Vice-Chairman

15.9.05
Copy of the first
letter been sent to the
Office. for issuing the
one to the applicant
well as to the Adm.
C.G.S.C. for the property
the 11

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P.M. 16/9/05

CENTRAL ADMINISTRATIVE TRIBUNALGUWAHATI BENCH.

O.A. No. 236 of 2005

DATE OF DECISION: 09.09.2005

Shri Mani Kanta Das &
Shri Ramesh Chandra Bordoloi

APPLICANT(S)

Mr. Adil Ahmed.

**ADVOCATE FOR THE
APPLICANT(S)**

VERSUS.-

Union of India & Ors.

RESPONDENT(S)

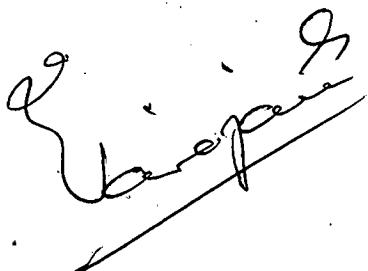
Mr. A.K. Choudhury, Addl.
C.G.S.C.

**ADVOCATE FOR THE
RESPONDENT(S)**

THE HON'BLE MR. JUSTICE G. SIVARAJA- VICE-CHAIRMAN

1. Whether Reporters of local papers may be allowed to see the judgments?
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



CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.236 of 2005

Date of Order: This the 9th Day of September , 2005.

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

1. Shri Mani Kanta Das
Son of Late Teka Ram Das
Khalasi
Office of the Executive Engineer(Electrical)
Guwahati
Electrical Divjision-1 Bamunimaidam,
Guwaqhjati-21.
2. Shri Ramesh Chandra Bordoloi,
Son of Late Kali Nath Bordoloi
Lift Operator
Office of the Executive Engineer(Electrical)
Guwahati
Electrical Division-1
Bamunimaidan
Guwahati-21.

Applicants

By Advocate Mr.A. Ahmed

-Versus-

1. The Union of India represented by the Secretary
To the Government of India,
Ministry of Urban Affairs, Nirman Bhawan,
New Delhi-110011.
2. The Director General Works,
Central Public Works Department, 118-
Nirman Bhawan,
New Delhi-110011
3. The Chief Engineer(EL)(EZ)
CPWD, Nizam Palace,
234/4A.J.C.Bose Road,
Kolkata-20.
4. The Superintending Engineer
(Electrical), Guwahati Central Electrical Circle
Central Public Works Department
Bamunimaidan ,Guwahati-21.
5. The Executive Engineer(Electrical)
Guwahati Electrical Division No.1
Central Public Works Department, Guwahati-21

Respondents

By Advocate Mr.A.K. Choudhury, Addl.C.G.S.C.

ORDER (ORAL)SIVARAJAN,J(V.C):

The applicants are presently working as Khalasi and Lift Operator respectively, under the Respondents. Their grievance is that though they are entitled to Special Duty Allowance (SDA for short) for working in the N.E.Region under various Government orders and the decisions of Courts and Tribunals, the Respondents are not paying SDA to the applicants. The applicants made representations to the Respondent, which were returned by the 5th Respondent stating that :

"We should not forward this type of case to SE (E) when no. of such rep. has been turned down by Govt./Sup. Court. He may file the case in Guw. CAT."

2. I have heard Mr. A .Ahmed learned counsel for the applicant and Mr.A.K. Choudhury, learned Addl.C.G.S.C. appearing for the Respondents. Mr. A.Ahmed counsel for the applicant submits that it is in the above circumstances the applicants are forced to file this application for the relief sought for therein. I also heard Mr. A. K. Choudhury, learned Addl, C.G.S.C. appearing for the Respondents. As already noted the applicants are claiming SDA on the basis of various Government orders and the decisions of this Tribunal. In order to get SDA the applicants have to satisfy various conditions stipulated Government orders granting SDA. In the circumstances it is a matter for the applicants to place all relevant facts before the authorities and it is for the authorities to take decision thereon with reference to the Government order on the point and the decision of the Tribunal and the court in the first instance. In the instant case though the

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applicants had preferred representation in that regard they were returned of the endorsement noted herein before.

3. This Tribunal had occasion to consider the question of admissibility of SDA in the common order dated 31.5.2005 in O.A.No.170 of 1999 and connected cases. The principle deduced from the various Government orders and the decisions of Courts and Tribunals are summed up in paragraphs 52 and 53 of the said order which reads thus:-

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

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

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

4. In the circumstances I am of the view that this application can be disposed of with the following directions:-

The applicants are directed to file a fresh representation with all requisite details before the competent Respondent within 1 month from to day. The concerned Respondent will dispose of the said representations on merits in the light of the principles stated in the common order extracted above and in accordance with the law within



a period of three months thereafter. The Respondent will pass speaking order and communicate the same to the applicants.

The O.A. is disposed of as above at the admission stage itself. This will be produced alongwith the representations before the concerned respondent for compliance.



(G.SIVARAJAN)
VICE-CHAIRMAN

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI

Central Administrative Tribunal
Guwahati Bench

7 SEP 2005

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

ORIGINAL APPLICATION NO. 236 OF 2005.

Shri Mani Kanta Das & another

... Applicants

- 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 Office Memorandum No.10 (7)/GEDII/92/1894 Dated 30-12-1992

Annexure - D is the photocopy of the Office Order No. 10(1)/AESD-V/COB/93/336 Dated 01-05-1993.

Annexure - E is the photocopy of the Office Order No.9(42)/LO/94/SE(C)/CAL/1077 Dated 01-06-1994.

Annexure - F is the photocopy of Letter No.20-12-1999-EA-1-1799 Dated 02-05-2000.

Annexure - G is the photocopy of turn down letter issued by the Office of the Respondent No.3.

Annexure - H is the photocopy of one of the Representation dated 26.3.04 submitted by the Applicant No.2 before the Chief Engineer (Electrical), East Zone, Kolkata.

Annexure - I is the photocopy of the Judgment and Order dated 19-03-2001 in O.A.Nos.56/2000 passed by this Hon'ble Tribunal.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 236 /2005

Shri Mani Kanta Das & Another

...Applicants

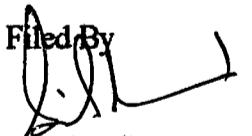
- Versus -

The Union of India & Others

...Respondents

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Filed By

(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. 236 OF 2005.

BETWEEN

1. Shri Mani Kanta Das
Son of Late Teka Ram Das
Khalasi
Office of the Executive
Engineer (Electrical) Guwahati
Electrical Division - I
Bamunimaidan,
Guwahati - 21.

2. Shri Ramesh Chandra Bordoloi
Son of Late Kali Nath Bordoloi
Lift Operator
Office of the Executive
Engineer (Electrical) Guwahati
Electrical Division - I
Bamunimaidan,
Guwahati - 21.

...Applicants

- AND -

1. The Union of India represented by the Secretary to the Government of India, Ministry of Urban Affairs, Nirman Bhawan, New Delhi-110011.
2. The Director General Works, Central Public Works Department, 118-A, Nirman Bhawan, New Delhi- 10011.
3. The Chief Engineer (EL) (EZ) CPWD, Nizam Palace, 234/4 A. J. C. Bose Road, Kolkata - 20.
4. The Superintending Engineer (Electrical), Guwahati Central Electrical Circle, Central Public Works Department, Bamunimaindan, Guwahati - 21.

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5. The Executive Engineer
(Electrical), Guwahati
Electrical Division No.1.
Central Public Works
Department, Guwahati - 21.
...Respondents

DETAILS OF THE APPLICATION

1. 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.

2. JURISDICTION OF THE TRIBUNAL :

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

3. LIMITATION :

The Applicants 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 Applicants are Indian Citizen by birth and as such they are entitled to get all the rights and privileges guaranteed under the Constitution of India.

4.2 That your Applicants beg to state that the applicant No.1 is working as Khalasi under the Respondent No. 5, the applicant No. 2 is working as Lift Operator under

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the Respondent No. 2. They have got common grievances, common cause of action and the nature of relief prayed for is also same and similar and hence having regard to the facts and the circumstances they intended to prefer this application jointly and accordingly they crave leave of the Hon'ble Tribunal under Rule 4 (5) (a) of the Central Administrative Tribunal (Procedure) Rules, 1987. They also crave leave of the Hon'ble Tribunal and pray that they may be allowed to file this joint application and pursue the instant application for redressal to their common grievances.

4.3 That your Applicants 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-E-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-E-II (B) dated 22-07-1998.

4.4 That your Applicants beg to state that the Applicant No.1 belongs to North Eastern Region and he was appointed as Khalasi by the Respondent No.4 vide Office Memorandum No.10 (7)/GEDII/92/1894 Dated 30-12-1992 in pursuance of the letter No.10(1)/GCEC/92/2973 Dated 28-12-1992 issued by the Superintending Engineer (Electrical), Guwahati Central Electrical Circle, Central Public Works Department, Guwahati - 21. He was attached to the Assistant Engineer (Electrical) Aviation Electrical Sub-Division No. V Central Public Works Department, Coach Bihar, West Bengal. In the said Office Memorandum dated 30-12-1992 in paragraph 4 it has been clearly stated the appointment carries with it the liability to serve in any part of the India or outside where the CPWD has an Organisation. The Applicant No.1 was transferred to the Office of the Assistant Engineer (Electrical) Guwahati Central Electrical Sub-Division No. I, Central Public Works Department, Guwahati - 21 vide Office Order No. 10(1)/AESD-V/COB/93/336 Dated 01-05-1993. The Applicant No.2 also belongs from North Eastern Region and

M. K. Das

he was surplus skill worker, Grade - II of Small Industries Service Institute under the Office of the Development Commissioner, Small Scale Industries, New Delhi and subsequently redeployed and appointed as Lift Operator under the instant Respondents vide Office Order No.9(42)/LO/94/SE(C)/CAL/1077 Dated 01-06-1994. The Applicant No.2 was transferred and posted from Office of the Development Commissioner, Small Scale Industries, New Delhi to Calcutta Central Electrical Division - IV, Central Public Works Department, Calcutta -20. The Applicant No.2 was transferred to the Office of the Respondent No.3, i.e. Superintending Engineer, Guwahati Central Electrical Circle, Guwahati from Calcutta Central Electrical Division IV, Central Public Works Department vide Office Order No.9/42/LO/SE(C)/EZ/CAL/564 Dated 22-07-1997.

Annexure - C is the photocopy of the Office Memorandum No.10 (7)/GEDII/92/1894 Dated 30-12-1992

Annexure - D is the photocopy of the Office Order No. 10(1)/AESD-V/COB/93/336 Dated 01-05-1993.

Annexure - E is the photocopy of the Office Order No. 9(42)/LO/94/SE(C)/CAL/1077 Dated 01-06-1994.

4.5 That your Applicants beg to state that they are saddled with All India Transfer liability in terms of their offer of appointment and with the said liabilities they have 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 the Applicant No.1 was transferred to Office of the Assistant Engineer (Electrical), Guwahati Central Electrical Sub-Division No. I from Assistant Engineer (Electrical) Aviation Electrical Sub-Division - V, Central Public Works Department, Coach Bihar. The Applicant No.2 was

M K Das

also transferred from Calcutta Central Electrical Division IV, Central Public Works Department, Calcutta to Office of the Superintending Engineer, Electrical, Guwahati Central Electrical Circle, Guwahati. Therefore, the Applicants are in practice saddled with All India Transfer Liability and in terms of Office Memorandum dated 14-12-1983 and they are legally entitled for grant of Special (Duty) Allowances.

4.6 That your Applicants beg to state that as per Cabinet Secretariat Letter No.20-12-1999-EA-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 - F is the photocopy of Letter No.20-12-1999-EA-1-1799 Dated 02-05-2000.

4.7 That your Applicants beg to state that they have submitted representations before the concerned authority for payment of Special Duty Allowance. But the authority did not take any steps in this matter in spite of clear cut direction issued by the cabinet secretariat letter dated 2.5.2000 (Annexure - F) regarding payment of Special Duty Allowance. The Applicants has fulfilled the eligibility criteria regarding entitlement of Special Duty Allowance as per above said cabinet secretariat letter dated 2.5.2000. The Applicant No.1 lastly submitted his representation on 3.5.2005 before the Respondent No.3 through Respondent No.4. The Office of the Respondent No.3 vide their remark dated 17.5.2005 has stated that "we should not forward this type of case to SE (E) when no. of such rep. has been turned down by Govt. He may file the case in Guw. CAT. in the body of the forwarding letter which was forwarded by the Respondent No.4. As such your Applicants are compelled to approach this Hon'ble Tribunal for seeking justice in this matter.

Annexure - G is the photocopy of turn down letter dated issued by the Office of the Respondent No.3 to the applicant No. 1.

Annexure - H is the photocopy of one of the Representation dated 26.3.04 submitted by the Applicant No.2 before the Chief Engineer (Electrical), East Zone, Kolkata i.e. the Respondent No.3.

4.8 That your Applicants beg 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 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.

Annexure - I is the photocopy of the Judgment and Order dated 19-03-2001 in O.A.No.56/2000 passed by this Hon'ble Tribunal.

4.9. That your applicants beg to state that recently this Hon'ble Tribunal vide its Judgment and order dated 31.05.2005 passed in O.A. No. 170/1999 and other series of cases held that an employee belongs to N.E. Region and subsequently posted to outside the North Eastern Region and again he is reposted to North Eastern Region, he will be entitled for payment of Special Duty Allowance.

The applicants crave leave of this Hon'ble Tribunal to refer to and rely upon a copy of the said Judgment at the time of hearing of the instant case.

4.9 That your Applicants beg to state that they have fulfilled all the criterion laid down in the aforesaid

Memorandum regarding payment of Special Duty Allowance, hence the Respondents cannot deny the same to the Applicants without any justification.

4.10 That your Applicants beg to state that similarly situated persons are enjoying the same 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 Applicants submit 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 bonafide and for the cause of justice.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

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 Applicants are practically having All India Transfer liability and as such, they are legally entitled to draw Special Duty Allowance as per various office memorandums in this regard.

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 Applicants. 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.

5.5 For that, being a model employer the Respondents cannot deny the same benefits to the instant Applicants,

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which have been granted to the other similarly persons. As such, the Respondents should extend this benefit to the Instant Applicants without approaching this Hon'ble Tribunal.

5.6 For that, it is unjust to discriminate among the employees who are similarly placed in the same ministry and also it is not proper to insist on every aggrieved employee to approach the court of law 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 Applicants crave 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 Applicants 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 Applicants further declare that they have not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other court, authority, nor any such application, writ petition or suit is pending before any of them.

8. RELIEF PRAYED FOR :

Under the facts and circumstances stated above, the Applicants most respectfully prayed that Your Lordships may be pleased to admit this application, call for the records of the

M.K.Das

case, issue notices to the Respondents as to why the relief and relieves sought for the Applicants 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 Applicants.

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

8.3 To pay the costs 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. THIS APPLICATION IS FILED THROUGH ADVOCATE.

11. PARTICULARS OF I.P.O.

I.P.O. No. :-

Date of Issue :-

Issued from :-

Payable at :-

12. LIST OF ENCLOSURES:

As stated in Index.

Verification

M.K.Dag

VERIFICATION

I, Shri Mani Kanta Das, Son of Late Teka Ram Das, Khalasi, Office of the Executive Engineer (Electrical), Guwahati Electrical Division - I, Bamunimaidan, Guwahati - 21, do hereby solemnly verify that I am the Applicant No. 2 of the instant application and I am authorized by the other applicant to sign this verification. That the statements made in paragraph 4.1, 4.2, 4.5—

are true to my knowledge, those made in paragraph Nos. 4.3, 4.4, 4.7, 4.8, 4.9 — are being matters of record are true to my information derived therefrom which I believe to be true and those made in paragraph 5 are true to my legal advice and the rests are my humble submission before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 7th day of September 2005 at Guwahati.

Mani Kanta Das

D E C L A R A N T

(Typed Copy)
Relevant portion

ANNEXURE - A

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 civilians employees of the Central Government serving 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 States 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 not pleased to decides as follows:-

i) Tenure of posting/deputation

There will be a fixed tenure posting of 3 years at a time for Officers with service of 10 years of less and of 2 years at a time for Officers with more than 10 years of service, periods of leave. Training etc. in the excess of 15 days per year will be excluded in counting the tenure period of 2 / 3 years. Officer 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 station / 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 concern in prepared to stay longer. The admissible deputation allowance will also continue to be paid during the period of deputation so extended.

Attested
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ii) Weightage for Central deputation / training abroad and special mention in confidential records.

iii) Central Government Civilian employees who have all India transfer liability will be granted a special (Duty) Allowance at the rate of 25 percent of basic pay subject to any ceiling of Rs. 400/- per month on postings 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/- eligible

JOINT SECRETARY TO THE GOVERNMENT OF INDIA

Attested
John J. Edwards

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(Typed Copy)

ANNEXURE - B

Government of India
Ministry of Finance
Department of Expenditure

New Delhi dated July, 22, 1998

OFFICE MEMORANDUM

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

With a view to attracting and retaining competent officers for serving in the North Eastern Region, comprising of the territories of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura orders were issued in this Ministry's O.M. No. 20014/3/83-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, these orders other than those contained in paragraph 1(iv) ibid were also to apply mulalis mulandis 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. 20014/16/86/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 posting/deputation contained in this Ministry's O.M. No. 20014/3/83-E.IV dated December 14, 1983, read

Attested
J. H. J. Advocate

15 ✓ 24

with O.M. No. 20014/16/86-E.II(8) dated December 1, 1988, shall continue to be applicable.

- (ii) Weightage for Central Deputation/Training Abroad and Special Mention in Confidential Records. The provisions contained in this Ministry's O.M. No. 200014/3/83.E.IV date December 14, 1983, read with O.M. No. 20013/16/86-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 percent of their Basic pay as prescribed in this Ministry's O.M. No. 20014/16/86-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 in this Ministry's O.M. No. 20022/2/88.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)/98-E.II(8) dated Duly 17.1998.

Attested
M. L. Adwani

16 ✓ 25

Attention is also invited in this connection to the clarificatory orders contained in this Ministry's O.M. No. 11(3)/95-E.II(B) dated January 12, 1996, 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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XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

3. The President is also pleased to decide that these orders, in so far as they relate to the Central Government employees posted in the North - Eastern Region, shall also be applicable mulalis mulandis to the Civilian Central Government Employees, including Officers of the All India Services, posted to Sikkim.

4. These orders will take effect from August 1, 1997.

5. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these orders issued after consultation with the Comptroller and Auditor General of India.

6. Hindi version will follow.

Sd/-

(N. SUNDER RAJAN)

Joint Secretary to the Government of India

To

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.

Attended
Smt. Advocate

Govt. of India
Central Public Works Department.

No. 10(7)/GEDII/92/1894

Date 30/12/92.

MEMORANDUM.

In pursuance of the Superintending Engineer (E), Gauhati Central Elect. Circle, C.P.W.D., Gauhati, 21 letter No. 10(1)/GCEC/92/2973 dt. 28.12.92, Sri Mani Kanta Das son of Late Tika Ram Das is hereby offered a purely temporary appointment as Khalasi until further orders conferring on him no right of confirmation on the following terms and conditions.

1. An initial pay of Rs. 750/- p.m. in the scale of pay 750-12-870-EB-14-940/- plus usual allowances as admissible.
2. The appointment will take effect from the date he actually joins duty.
3. No travelling allowances will be paid for joining this appointment.
4. The appointment carries with it the liability to serve in any part of the India or outside where the CPWD has an organisation.
5. His services are liable to be terminated by the Govt. at any time without assigning any reasons but ordinarily one month notice will be given. If, however he wishes to resign, he has to submit his resignation and wait for its acceptance by the Govt. In case he goes away without its acceptance he will be treated as having been dismissed from service with a disqualification for future employment under the Central Govt.
6. He is required to produce a certificate of Character from a stipendiary 1st Class Executive Magistrate (including a district Magistrate or a Sub-Divisional Magistrate) or from two Gazetted Officers who are known to him for the last three years but not related to him before he is allowed to join the appointment. Medical fitness certificate from District Medical Officer must be submitted before the joining.
7. Original certificate and testimonials in support of his qualification, experience and age should be produced before joining duty.
8. If he has been employed anywhere previously he will have to submit a discharge certificate from his last employer.
9. In case it is proved after the acceptance of offer and appointment that he is dismissed employee of the Union or State Govt. disqualifying him for future employment under Govt. or that he has obtained employment deceit he will be dismissed from service without any remuneration.
10. He is an Indian national.

Contd....2...

Attested
J. M. Adhikari

11. He will not keep two wives at any time through out his service.
12. His service will be terminated if he is found to an alcoholic.
13. He has to take oath of allegiance to the constitution of India at the time of taking up of the appointment.
14. His appointment will be provisional subject to him being declared medically fit.
15. He will be on probation for a period of 2 years and liable to be extended by the appointing authority.
16. He will has to fill in a declaration of temporary service on joining the department.
17. He will be governed by the subordinate services disciplinary control and Appeal Rules etc. as framed by the Govt. of India from time to time.
18. He will has to give details of his movable and immovable property within 4 weeks from the date of his appointment. Similar information will have to be furnished in respect of his family members.
19. He will not leave the department on an offer being received from any other department where he might have applied before nominated here. Also he will not apply direct for any post outside the CPWD.
20. He will have to give his Home Town declaration within 7 days.
21. Scheduled Tribe/Scheduled Caste candidate will have to furnish a Certificate in the prescribed form in support of candidate's claim to ~~habitation~~ belong to a Scheduled Caste/Tribes.
22. His appointment will be governed by the relevant rules and others of Govt. issued from time to time.
23. If any declaration given or information furnished by the candidate proves to be false or if the candidate is found to have wilfully suppressed any materials information, he will be liable to be removed from service and such other action taken as governed may deem necessary.
24. If he is accept the offer on the terms given above he should report for duty to the Assistant Engineer(E), Avn. Elect. Sub-Division No. V, CPWD., Coochbehar on or before 18.1.93. If the candidate fails to report for duty by the prescribed date, the offer will be treated as cancelled.
25. The formal appointment order will be issued on his joining after completing required formalities by the Executive Engineer(E) of the concerned Division.

Executive Engineer(E),
Gauhati Elect. Division No- II,
CPWD., Gauhati Airport, Ghy-15.

Contd... 3....

Attested
[Signature]
[Signature]

- 3 -

To

Sri Mani Kanta Das,
Mirzapur, P.O. Azara,
Gauhati- 15.

Copy for information to :-

1. The Superintending Engineer, Gauhati Central Elect. Circle, CPWD., Gauhati-21 with reference to his letter no. mentioned above.
2. The Zonal Officer (EZ), CPWD., Calcutta-20.
3. The Assistant Engineer (E), Avn. Elect. Sub- Divn. No- V, C.P.W.D., Coochbehar.

✓ Executive Engineer (E),
Gauhati Elect. Divn. No- II,
CPWD., Gauhati- 15.
✓ 360

Attested
filed
S. D. S. S.

20

GOVERNMENT OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENT

ANNEXURE - D

NO: 10 (1)/APD-V/CCE/93/336

dt. 1/5/93.

OFFICE ORDER

In pursuance of the Superintending Engineer(E), Guwahati Central Electrical Circle, C.P.W.D., Guwahati-21 office order No. 10(1)/GCECX 93/433. dt. 31/3/93. Sri Mani-Kanta Das, Khalasi has been relieved from this Sub-Division on 1/5/93. A.N., to report duty under Assistant Engineer(E), Guwahati cent. Elect. Sub-Divn. No. I, C.P.W.D. Guwahati-21.

-sd-

(A. SINHA ROY)
Assistant Engineer(E)
Avn. Elect. Sub-Divn. V,
C.P.W.D., Khudiram Sarani,
Cooch Behar.

Copy to:-

1. The Executive Engineer(E), GED-II, C.P.W.D., Guwahati-15 for his information, please.
2. The Superintending Engineer(E), CCEC, C.P.W.D. Guwahati-21 for information W.R.T. office order quoted above. Sri Mani Kanta Das, Khalasi has been paid by this office up-to 30/4/93. His pay details are furnished below for 4/93.

i) Pay	Rs. 750/-	Deduction:-	
ii) P.A.	Rs. 623/-	i) Insurance - 25	Rs. 15/- (B)
iii) H.R.A.	Rs. 70/-		
iv) W.R.	Rs. 15/-		

Gross Amount Rs. 1458/- (A)

Net amount paid during the month 4/93... Rs. 1443/-

2. Liveries:-

1. Soap : Due from 01/93
2. Duster : Due from 03/93
3. Summer Liveries:-

- a) Terricotton Trouser : Due from (not yet issued) Since joined on Jan
- b) Terricotton bush shirt : Due from — do —
- c) Welted Chappal : Due from — do —
- d) Cap : Due from — do —

4. Winter liveries :-

- a) Short Coat : Due from — do —
- b) Long Pant : Due from — do —
- c) Welted Shoe : Due from — do —
- d) Woolen Journey : Due from — do —
- e) Woolen Sock : Due from — do —

3. Assistant Engineer(E), Central Sub-Div. C.P.W.D. Guwahati-21
4. 1. Chintamani Das, Miranai, Rupnagar, Dist. Dibrugarh, Assam.
(Duly paid for Service)

ASSTANT ENGINEER (E)

Akash
file
private

ANNUAL UPD - C

GOVERNMENT OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENT

No.9(42)/LO/94/SE(c)/Cal/ 1077

Dated : 1/6/94.

OFFICE ORDER

As per direction of Department of Personnel and Training Ministry of Personnel, Public Grievances and Pensions, New Delhi issued vide his letter No.4/27/93-CS.III dated 25.4.94 following Central Government officials are hereby Redployed in the CPWD, Region 'B' as Lift Operator on the terms and condition given below.

Terms and Conditions

1. The surplus staff of Development Commr., Small Scale Industries, Ministry of Industries, New Delhi are Redployed in CPWD in the post of Lift Operator as a fresh entrant and they will not claim any seniority in the Grade of Lift Operator in CPWD for the past services rendered by them in Development Commr. Small Scale Industries, New Delhi. Their seniority in the post of Lift Operator will be reckoned from the date they actually join in CPWD.
- ii. Scale of Pay Rs.950-20-1150-EB-25-1500/- plus usual allowances as admissible to the Central Government servant.
- iii. The benefit of the past service rendered in Development Commr., Small Scale Industries will have however, be admissible for protection of Last Pay drawn carry forward of Leave & Pensionary benefits.

As per provision of the scheme of redeployment of surplus staff, these officials are permitted to carry their own pay scale as personal to them in the scale of pay of Rs.950-1500/-.

Consequent on above, following transfer and posting are hereby ordered with immediate effect.

Sl. No.	Name	From	To	Remarks
1.	S/Sri Pratap Ch. Das SW. Gr-II	Development Commr. Small Scale Industries, New Delhi.	Calcutta Cent. Elect. & Division-III, Razzak CPWD, Cal-20.	Vice Sri Abdul retired on 31.8. 93 vide letter No.1990 dt.6.9.93
2.	" Promod Ch. Das (SC) S.W.Gr.II	- do -	- do -	Vice Sri Fulchand Misra reti- red on 31- 8-93 vide EE's letter No.1989 dt. 6.9.93

Contd.,....P/2.

Sl.No.	Name	From	To	Remarks
3.	M.U. Laskar S.W. Gr.II	- do -	- do -	Vice Sri Ram Nehra Singh expired on 8.6.91
4.	Ramesh Ch. Borodoloi S.W. Gr. II	- do -	Calcutta Cent.Elect. Division-IV, CPWD, Cal-20.	Existing vacancy

Superintending Engineer
Coordination Circle(EZ)
C.P.W.D., Calcutta-20

Copy forwarded to :-

1. The Under Secretary, Deptt. of Personnel & Training, M/O Personnel, Public Grievances and Pension, 3rd floor, (Hall), Lok Nayak Bhawan, New Delhi-1100023. This has a reference to his letter No. 4/27/93-CS.III dated 25.4.94.
2. The Development Commissioner, Small Scale Industries, M/O Industries, 'A' Wing, 7th floor, Nirman Bhawan, New Delhi for information and necessary action please.
3. The Superintending Engineer, Cal.Cent.Elect.Circle-II, CPWD, Calcutta-20.
4. The Executive Engineer, Cal. Cent. Elect. Division-III, & IV, C.P.W.D., Calcutta-20.

5. Person concerned.

J. Chakrabarty,
SUPERINTENDING ENGINEER(COORD)/EZ
1/6/79

Sh. Ramesh Ch. Borodoloi

Attested
J. Chakrabarty
Private

COURT CASE

MOST IMMEDIATE

Cabinet Secretariat
(E.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.

- SSB Directorate may kindly refer to their UO No. 42/SSB/AT/99(18)- 2369 dated 31.03.2000 on the subject mentioned above.
- The points of doubt raised by SSB in their UO No. 42/SSB/AT/99(18) - 5282 dated 2.9.1999 have been examined in consultation with our Integrated Finance and Ministry of Finance (Department of Expenditure) and clarification to the points of doubt is given under for information, guidance and necessary action :

i)	The Hon'ble Supreme Court in their 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.E.II(B) 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 test and borne on the Centralised cadre/service common seniority on first appointment and posted in the N.E. Region. He has also All India Transfer Liability.	No
ii)	An employee belongs to N.E. Region was appointed as Group "C" or "D" employee based	No

After 1st
Ans

	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-E.IV dated 14.12.1983 and 20.4.87 read with O.M. 20014/16/86E.II(B) dated 1.12.1988) but subsequently the post/cadre was centralised 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 N.E. 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 reposted to NE Region after sometime serving in non NE Region	YES
v)	The MOF. Deptt. Of Expr. Vide their UO No. 11(3)/95-E.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 tests (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, if there is a common recruitment system made on All India basis and promotions are also done on the basis of All India Common Seniority. Based on the above criteria/tests, 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 authorised 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

A. H. S.
A. H. S.
A. H. S.

34

	to employees hailing from NE Region and posted within the NE Region irrespective of the fact that their transfer liability is All India Transfer Liability or otherwise. In such cases what should 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
vii)	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 N.E.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 reverred 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 issues with the concurrence of the Finance Division, Cabinet Secretariat vide Dy. No. 1349 dated 11.10.1999 and Ministry of Finance (Expenditure)'s I.D. No. 1204/E.II(B) dated 30.3.2000.

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

1. Shri R.S.Bedi, Director ARC
2. Shri R.P. Kureel, Director, SSB
3. Birg.(Retd)G.S.Uban, IG,SFF
4. Shri S.R.Mehra, JD(P&C), DGS
5. Shri Ashok Chaturvedi, JS(Pers),R&AW,
6. Shri B.S.Gill, Director of Accounts, DACS
7. Shri J.M.Menon, Director Finance(S), Cab. Sectt.
8. Col. K.L. Jaspal, CIOA, CIA

Cab. Sectt. UO. No. 20/12/99-EA-1-1799 dated 2.5.2000.

Abdul
JL *Abdul*

GUWALIJI POWER & LIGHT DEPARTMENT
GUWALIJI ELECTRICAL DIVISION NO. 1
P.O. Box No. 100, P.O. Bumunimaidan, Guwahati - 781 021
Phone: 0361-2550215

11. DIVISIONAL ENGINEER

Dated, Guwahati the 10.05.2005

Ref. No. 2005

To:

The Superintending Engineer (Elect.),
Guwahati Central Electrical Circle
C.P.W.D., Bumunimaidan
Guwahati - 21

Sub: Representation in respect of Shri Mani Kanta Das,
Khalasi for grant of BDA.

A self explanatory representation dated 03-05-2005
addressed at your office submitted by Shri Mani Kanta Das, Khalasi
attached under GCESD is forwarded herewith for necessary action
please.

Encd: As stated.

Executive Engineer (Elect.)
Guwahati Electrical Division No. 1
C.P.W.D., Bumunimaidan
Guwahati - 21

Forwarded with copy
of case to concerned
authorities for
due consideration
11.5.

Attest
Amit

31/5/05

ENO: 377/05/01

To

The Superintending Engineer(Elect.)
Guwahati Central Electrical Circles
CPWD, Guwahati 21.

Dated, Guwahati the 3rd May, 2005.

प्रायरी/Dairy No. 251
Date 16/5/05
Guwahati Central Electrical Circles
क.सी.पी.डी. (स.स.)
Through Proper channel

Sub:- Special Duty Allowance in respect of Shri Mani Kanta Das, Khalashi.

Sir,

Most respectfully, I have the honour beg to state that I have been appointed and posted as Khalashi in the office of Assistant Engineer,(E), Aviation Electrical Sub-division No.V, CPWD, Cooch Behar (W.B). Subsequently, I have been transferred and posted at Guwahati under Guwahati Electrical Division No.I,CPWD, Guwahati 21. Sir, in accordance to the Circular in respect of Special Duty Allowance, officers/staff who have been transferred and posted from outside NE. Region are being allowed to draw Special Duty Allowance (SDA). It is regretted to inform you that in my case the same rules are not being maintained.

Therefore, I request your benign-self to kindly look into the matter so that I am not deprived of my legitimate dues please.

With kind regards,

Yours faithfully,

M.K.Das

(Mani Kanta Das)

Khalashi

Guwahati Central Electrical Sub-division
CPWD, Guwahati 21.

Forwarded to Ex-Engg (E) & E.O - If in duplicate
for favour of further onward
transmission,

DA-65/05

Superintending Engineer (Elect.)
Guwahati Central Electrical Sub-Division
CPWD, Guwahati 21

Attn
Abhijit

To

28 -

Date: 26-3-04

The Chief Engineer (EL/EZ)
 CPWD, Nizam Palace,
 234/4 A.J.C.Bose Road,
 Kolkata - 20

Sub: Payment of S.D.A. to Group 'C', 'D' & W.C. official of CPWD in NER - Regarding

Sir,

With due respect to your honour I beg to draw your kind attention on the following facts for perusal and favourable consideration please.

That I have been posted to Guwahati under Executive Engineer (EL), Guwahati Electrical Division No.I on transfer from Kolkata vide your No.17/1/94-Admn. Dated 11/07/97 and presently working under said Division at Guwahati & I was drawing SDA accordingly. But the said payments thus since been discontinued to me from 3/2002 on the ground specified in SE(EL)/GCEC, CPWD, Guwahati No.9(36)/GCEC/01-02 dt.Nil/2002 that "you belong to one of Gr. "C" staff & posted to N.E.R. but not posted from outside of N.E.R."

That, I had represented to SE(EL), GCEC, CPWD, Guwahati 21 (Copy enclosed) to re-consider my case in the light of O.M.No.11(5)/97-E-II(B) dated 29/5/02 of M/o Finance, Deptt. Of Expdr., G.O.I. communicated vide Dy. No.1069/DOI/W&E/02 dt.06/06/02, O.M.No.26/2001-ADG (ER) dated 10/06/02 and 7/1/2002-Admn. Dated 11/06/02 of M/O Urban Development & Poverty alleviation (Finance Division), A.D.G.(ER), CPWD, Kolkata 20 & Chief Engineer (NEZ), CPWD, Shillong respectively (Copy enclosed for ready reference).

But to my utter surprise, I have again been disallowed payment of S.D.A. vide No.19(2)/MIASC/GCEC/03/1512 dt.10/10/03 of SE(EL), GCEC, CPWD, Guwahati with reference to the terms of DG(W), CPWD, New Delhi Office Order No.14/21/91-EC.IV(C) dated 07/01/02 O.M.No.71/2/2002-Admn. dt.17/07/2002 of Chief Engineer (NEZ), CPWD, Shillong (Copies enclosed for ready reference). At the same time the facility has been extended to other Gr. "C" staff i.e. JEs.

In this connection it is stated in terms of above mentioned O.M. of M/o Finance, Deptt. Of Expdr., G.O.I. that all cases for grant for special duty allowance including those of All India Service Officer, are regulated strictly in accordance with the criteria "The Special Duty Allowance shall be admissible to Central Government Employees having All India Transfer liability of posting to North Eastern Region (including Sikkim) from outside the region.

In view of above mentioned decision of M/o Finance, Govt. Of India there is no scope of making further differentiation among officers with their grades / cadre etc. as emphasized vide letter No.10(2)/MISC/GCEC/2003/1512 dt.10/10/03 of SE(EL), GCEC, CPWD, Guwahati 21 (Copy enclosed) since invited reference of DG(W) & Chief Engineer (NEZ) on the said letter by passed all circulars / clarifications of any authority with the issue of O/M dated 29/05/02 of M/O Finance, Govt. of India (Copy attached).

It is, therefore, earnestly requested to reconsider my case sympathetically in the light of above made O/M of M/O Finance, Govt. of India so that I may not be deprived again from me legitimate claim of getting SDA as per admissible rates.

Submitted for favour of your kind consideration & favourable action.

Enclo: As above

Yours faithfully

Sd/-

(R.C.Bordoloi)

Lift Operator

GEDI, CPWD, Guwahati 21

Seal

Assistant Engineer
 Guwahati Central Elect. Sub - Division
 CPWD, Guwahati - 21.

*Abhijit
 H. Banta*

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

- 29 -

ANNEXURE - 1

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,
Lower Division Clerk,
Office of the Deputy Director,
Subsidiary Intelligence Bureau,
Basistha Road, Guwahati-28 & 167 Ors. Applicants.

By Advocate Mr. A. Ahmed.

-versus-

1. Union of India,
represented by the Secretary to the
Government of India, Ministry of
Home Affairs, North Block,
New Delhi.
2. The Director,
Intelligence Bureau,
North Block, New Delhi.
3. The Deputy Director,
Subsidiary Intelligence Bureau,
Basistha Road,
Guwahati-28.

... Respondents

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

O R D E R (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-I/G, P.S., JIO-II/G, 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 is settled on the basis of numerous decision of the Supreme

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fil. Adm.*

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Court subsequently clarified by the department. The Cabinet Secretariat (E.A.I Section) clarified the matter by a Notification dated 2.5.2000. The civilian employees who have all India transfer liability are entitled for grant of SDA on being posting 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 centralised 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 initially but subsequently transferred out of the NE Region but reposted 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.

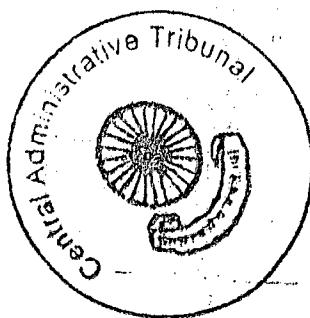
In the circumstances upon hearing the learned counsel Mr. A.Ahmed for the applicant and Mr. A.Deb Roy, learned Sr. C.G.S.C. we are of the view that ends of justice will be met if a direction is issued to the applicant to submit individual representation before the concerned authority narrating the factual 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 OM 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

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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)

trd

Date of Application : 26.8.05

Date on which copy is ready : 26.8.05

Date on which copy is delivered : 26.8.05

Certified to be true copy

N S 26.8.05
Section Officer (Jdly)

C. A. T. Guwahati Bench
Guwahati S.

Attest
G. J. Amrit