

FORM NO. @
(See Rule 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

ORDER SHEET

Original Application No. _____

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicant(s) _____

Respondent(S) _____

Advocate for the Applicants _____

Advocate for the Respondent(S) _____

Order of the Tribunal

Notes of the Registry Date 23.12.05.

This Contempt petition has been filed by the counsel for the petitioners and praying for punishment of the respondents for non-compliance of Judgement and order passed by this Honble Tribunal in O.A 79/05 dated 14.6.05.

kind before the Honble Court for further order.

Section officer
22.12.05

Heard Mr.A.Ahmed learned counsel for the applicant. Issue notice to the respondents to show cause as to why the contempt proceedings shall not be initiated against the respondents for the alleged violation of the direction issued order in the O.A. Counter affidavit if any within six weeks. Post on 10.2.06. Personal appearance of the respondents is dispensed with for the time being.

Vice-Chairman

Post on 10.03.2006.

Vice-Chairman

Contd.....

Notice & order
sent to D/Section
for issuing to
resp. Nos-1,2 by
regd. A/D Post.

Case 3/11/06 - D/No=13/14
Dt= 4/11/06.

8-2-06

- ① Service report are
awaited.
- ② No Affidavit has
been filed.

[Signature]

9-3-06

- ① Service report
awaited.
- ② No Affidavit has
been filed.

[Signature]

13.3.06

13/3/06

order dt. 10/3/06
issuing to learned
advocate's for the
both the parties.

Case 13/6/06

30-3-06

No Affidavit has been
filed.

[Signature]

10.3.2006

Mr.A.Ahmed, learned counsel
for the applicant and Mr.M.U.Ahmed,
learned Addl.C.G.S.C. for the alle-
ged contemnors/respondents are
present. Vide order dated 14.6.2006
Annexure-A ~~xxxx~~ ~~xxx~~ in O.A.79/05
this Tribunal has directed to consi-
der the claim of the applicant and
to take a decision within 3 months.
A speaking order dated 28.9.2005 was
issued by the Chief Engineer stating
that "In view of the above, you are
entitled for grant of special duty
allowance as per the all different
orders, rule and policy as ref ~~above~~
above."

Subsequently, vide Annexure-D
order dated 24.11.2005 the same was
denied to the applicants obviously
on the ground that respondent nos.
9 & 10 (in O.A.) have not granted
the same. We make it clear that when
the Tribunal passed the order and
subsequently implemented by the
department the AAO has no business
to deny the same. But however, we
find that 9th respondent/alleged
contemner has already retired counsel
for the applicant submits that he
will collect the correct name of the
concerned officer.

Post on 31.3.2006. Copy of the
order shall be furnished to both
the counsel.

Vice-Chairman(J)

Vice-Chairman(A)

bb

31.3.2006

Mr.M.U.Ahmed, learned Addl.C.G.S.
C. for the alleged contemnors submits
that the amount have been paid to the
applicants. Mr.A.Ahmed, learned counsel
for the applicants wanted to verify the
same. Let it be done. post on 2.5.2006.

Vice-chairman

bb

C.P. 40/05 in O.A. 79/05

Notes of the Registry	Date	Order of the Tribunal
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5.4.06

An affidavit or compliance report has been submitted by the respondent No. 9.

Di.
5/4/06

02.05.2006 Present : Hon'ble Sri K.V. Sachidanandan
Vice-Chairman.

Heard Mr. A. Ahmed, learned counsel for the applicant and Mr. M.U. Ahmed, learned Addl. C.G.S.C. for the respondents.

This contempt petition has been filed for non-compliance of the Judgment and Order dated 14.06.2005 passed in O.A. No. 79/2005. The 1st applicant moved this contempt petition since as per the compliance report that has been submitted by the respondents shows that he alone is aggrieved for non compliance of the order dated 14.06.2005. Mr. A. Ahmed, learned counsel for the applicant submitted that he has filed this petition on behalf of the other applicants as well. However, when the matter came up for hearing, Mr. M.U. Ahmed, learned Addl. C.G.S.C. for the respondents submits that the order of this Tribunal has been complied with and the amount has been disbursed to the applicants including the 1st applicant. Since this contempt petition pertains to Division Bench matter, post before the next Division Bench.

1-8-06

Compliance report
filed by the respondents.

mb

Vice-Chairman

2.8.05

Learned counsel for the applicant submits that amount due to the applicant has already been received and she does not want to press the Contempt petition. C.p is dismissed as not pressed.


Member


Vice-Chairman

pg


24/8/06

24.8.06
Copy of the
order handed over
to the L/A advocates
for the parties
slh

केन्द्रीय प्रशासकीय न्यायालय
Central Administrative Tribunal

22 DEC 2005

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI

Contempt Petition No. 40 of 2005

IN

Original Application No. 79 of 2005

IN THE MATTER OF:

A Petition under Section 17 of the Administrative Tribunals Act, 1985 praying for punishment of the Contemnors/ Respondents for non-compliance of Judgment and Order passed by the Hon'ble Tribunal in O. A. No. 79 of 2005 dated 14.06.2005.

- AND -

IN THE MATTER OF:

Sri Manik Mazumdar & Ors.

... Applicants.

- VERSUS -

The Union of India & Others.

... Respondents.

- AND -

IN THE MATTER OF :

1. Shri Prabin Chandra Saikia
MES No. 238699,
Draftsman Grade-I,
Office of the Garrison Engineer
(A/F), Borjhar, Guwahati-15.
2. Shri Manik Mazumdar
MES No. 264690,
Junior Engineer (QS&C),
Office of the Garrison Engineer,
Guwahati, Satgaon, P.O.-Satgaon,
Guwahati-27.

Filed by
Shri Prabin Chandra Saikia
Applicant
Through
Jil &
(Abul AHMAD)
Advocate

3. Shri Pradip Chandra Das
MES No.243448,
Junior Engineer (QS&C),
Office of the Garrison Engineer,
Guwahati, Satgaon, P.O.-Satgaon,
Guwahati-27.
 4. Shri Pran Gopal Nath
MES No.243447,
Junior Engineer (QS&C),
Office of the Assistant Garrison
Engineer (I), Rangia, P.O.-Rangia.
 5. Shri Biswanath Roy,
MES No.264682,
Draftsman Grade-I,
Office of the Chief Engineer,
Shillong Zone,
Spread Eagle Falls Camp,
Shillong-793001.
 6. Shri Pratul Sharma Khound
Junior Engineer, B/R,
Office of the Garrison Engineer,
Narangi, P.O.-Satgaon,
Guwahati-27.
 7. Shri Suren Chandra Kalita
Assistant Engineer (AGE B/R),
Office of the Garrison Engineer,
Borjhar, Guwahati-15.
- ... Applicants

- 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 Engineer in Chief's Branch
Army Head Quarters,
Kashmir House
DHO PO, New Delhi-110011.
3. The Chief Engineer,
HQ, Shillong Zone, Spread Eagle
Falls Camp, Shillong-793001.
4. The Chief Engineer,
Air Force, Elephant Falls, Shillong,
Meghalaya.

5. The Chief Engineer,
HQ, Eastern Command,
Fort William, Kolkata-700021.
6. The Garrison Engineer,
Guwahati, P.O.-Satgaon,
Guwahati-27
7. The Garrison Engineer,
868 EWS, C/o 99 APO.
8. The Garrison Engineer,
Narangi, P.O.-Satgaon,
Guwahati-27.
9. The Controller of Defence Account
(CDA) UDHYAN VIHAR, Narangi,
Guwahati-781171.
10. The Area Accounts Officer,
Ministry of Defence, Bivar Road,
Shiillong-1, Meghalaya.

... Respondents

-AND-

IN THE MATTER OF:

MES No.238699
Shri Prabin Chandra Saikia
Draftsman, Grade-I
Office of the Garrison Engineer(A/F)
Borjar, Guwahati-15.

... Petitioner

-VERSUS-

- ✓ 1. K. Vaipai
Controller of Defence Accounts
✓ (CDA), Udayan Vihar, Narengi
Guwahati - 781 171.
- ✓ 2. Smt. Sarika Agarwal
Area Accounts Officer
Ministry of Defence, Bivar Road
Shillong - 1, Meghalaya.

... Respondents/Contemnors

The humble Petition of the above named
Petitioner:

P C Saikia

The Petitioner of the above named
Petitioner.

Respondent's counter.

Shillong - I, Meghalaya.
Ministry of Defence, Bazar Road.
Area Accounts Office.
Smt. Sonika Agarwal.

Guwahati - 781 171.
(CDA) (Dy. Asst. V. N. N. N.)
Controller of Defence Accounts
K. Vaipai.

-VERSUS-

...Petitioner

Solapur, (Guwahati-15).
Office of the Garrison Engineer (VP)
Classroom, Grade-I
Shri Prabin Chandra Saha
MP-2 No. 238699

IN THE MATTER OF

-AND-

...Respondents

Shillong - I, Meghalaya.
Ministry of Defence, Bazar Road.
The Area Accounts Officer.

Guwahati-781171.
(CDA) UDHYAN VIHAR, Naga
The Controller of Defence Accounts

Guwahati-27.
Naga, P.O.-Sargam.
The Garrison Engineer.

883 EWS, CO 99 AFO
The Garrison Engineer.

Guwahati-27.
Guwahati, P.O.-Sargam.
The Garrison Engineer.

For Warrant, Kolkata-700021.
HQ. Eastern Command,
The Chief Engineer.

MOST RESPECTFULLY SHEWETH:

1. That your humble Petitioner and six others had filed the Original Application No. 79 of 2005 before this Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati for seeking a direction from this Hon'ble Tribunal to the Respondents for payment of Special Duty Allowance to the Applicants as per Government of India, Cabinet Secretariat letter No. 20-12- 1999-EA-1-1789 dated 02.05.2000.

2. That this Hon'ble Central Administrative Tribunal on 14.06.2005 finally heard both the parties in the matter and disposed of the Original Application by directing the Respondent No. 9, (i.e. the instant Respondents/Contemner No. 1) to consider the claim of the applicants in the light of the governing principles stated in paragraph 52 and 53 of the common Judgment and Order dated 31.05.2005 passed in O.A. No. 170/1999 and connected cases and to take a decision within a period of three months from the date of receipt of the order.

ANNEXURE - A is the photocopy of Judgment & Order dated 14.06.2005 passed in O. A. No. 79 of 2005.

3. That your Petitioners beg to state that as per direction of this Hon'ble Tribunal, the Respondent No. 3 of the Original Application had passed a speaking order vide No. 70222/OA 79/2005/39/EI(Legal) dated 28.09.2005 with copy to all respondents concerned in O.A. No. 79 of 2005. In the said order it has been stated that all the applicants of the Original Application No.79 of 2005 are entitled for grant of Special Duty Allowance as per all different orders, rule and policy as referred in the speaking order. Moreover, the Respondent No. 5 in the Original Application vide his letter No. 131900/267/04/RKS/35/Engrs/EI(Legal) dated 19.10.2005 has stated that "Speaking Order has been issued by your HQ allowing claim of applicant. Please ensure that SDA is being paid in regular monthly pay bill. At this point no Govt. Sanction is required as CGDA has passed necessary instruction to CDA for allowing SDA to eligible persons."

MOST RESPECTFULLY SHEWETH:

1. That your humble Petitioner and six others had filed the Original Application No. 79 of 2002 before His Hon'ble Central Administrative Tribunal (HAT) for seeking a direction from His Hon'ble Tribunal to the Respondents for payment of Special Duty Allowance to the Applicants as per Government of India (Capitulation) Order No. 20-13-1990-IA-1-1789 dated 02.02.2002.

2. That this Hon'ble Central Administrative Tribunal on 14.06.2002 finally heard both the parties in the matter and disposed of the Original Application by directing the Respondent No. 2 (i.e. the instant Respondent/Contender No. 1) to consider the claim of the applicants in the light of the governing principles stated in paragraph 22 and 23 of the common Judgment and Order dated 31.05.2002 passed in O.A. No. 1301/2002 and connected cases and to take a decision within a period of three months from the date of receipt of the order.

ANNEXURE - A is the photocopy of Judgment & Order dated 14.06.2002 passed in O.A. No. 79 of 2002.

3. That your Petitioner beg to state that as per direction of this Hon'ble Tribunal, the Respondent No. 2 of the Original Application had passed a speaking order vide No. 70232/04-70200239251 (Legal) dated 28.09.2002 with copy to all respondents concerned in O.A. No. 79 of 2002. In the said order, it has been stated that all the applicants of the Original Application No. 79 of 2002 are entitled for grant of Special Duty Allowance as per all different orders, rules and policy as referred in the speaking order. Moreover, the Respondent No. 2 in the Original Application vide his letter No. 13190026304/RK283251 (Legal) dated 19.10.2002 has stated that speaking Order has been issued by Govt. allowing claim of applicant. Please ensure that SDA is being paid in regular monthly pay bill. At this point no Govt. sanction is required as CDA has passed necessary instruction to CDA for allowing SDA to eligible persons.

- 5 -

ANNEXURE - B is the photocopy of Speaking order 70222/OA 79/2005/39/EI (Legal) dated 28th September 2005.

ANNEXURE - C is the photocopy of letter No.131900/267/04/RKS/35/Engrs/EI (Legal) dated 19 October 2005.

4. That your Petitioner begs to state that in spite of clear cut order by this Hon'ble Tribunal and also Speaking Order passed by the Respondent No.3 & 5. (of the Original Application), the Respondents/Contemnors No.1 & 2 disallowed the payment of Special Duty Allowance to the Applicant vide their letter No.PM/III/325-XXII dated 24.11.2005 and also deducted the Special Duty Allowance of the Applicants from their pay bill for the month of November 2005. The Respondents/Contemnors No.1 & 2 have willfully and deliberately violated the Governing Principle adopted by this Hon'ble Tribunal in regard to the payment of Special Duty Allowance and also the Speaking Order dated 28th September 2005 passed by the Respondent No.3. The Respondents /Contemnors have shown disrespect, disregard and disobedience to this Hon'ble Tribunal. The Respondents/Contemnors deliberately with a motive behind have not complied the Hon'ble Tribunal's Judgment and Order dated 14.06.2005 passed in O. A. No.79 of 2005 and also the Speaking Order dated 28th September 2005 passed by the Respondent No.3 regarding payment of Special Duty Allowance to the Applicants of the Original Application No.79 of 2005. Hence the Respondents/Contemnors deserve punishment from this Hon'ble Tribunal. It is a fit case where the Respondents/Contemnors may be directed to appear before this Hon'ble Tribunal to explain as to why they have shown disrespect to this Hon'ble Tribunal.

ANNEXURE - D is the photocopy of letter No.PM/III/325-XXII dated 24.11.2005 and the regular pay bill of the month of November 2005 of the Applicants.

5. That this Petition is filed bona fide to secure the ends of justice.

P C Sarkis

In the premises, it is, most humbly and respectfully prayed that Your Lordships may be pleased to admit this petition and issue Contempt notice to the Respondents/Contemnors to show cause as to why they should not be punished under Section 17 of the Administrative Tribunals Act, 1985 or pass such any other order or orders as this Hon'ble Tribunal may deem fit and proper.

Further, it is also prayed that in view of the deliberate disrespect and disobedience to this Hon'ble Tribunal's order dated 14.06.2005 passed in O. A. No.79 of 2005, the Respondents/Contemnors may be asked to appear in person before this Hon'ble Tribunal to explain as to why they should not be punished under the Contempt of Court proceeding.

And for this act of kindness your petitioner as in duty bound shall ever pray.

Draft Charge

P C Saikia

DRAFT CHARGE

The petitioner has aggrieved for non-compliance of the Judgment and Order dated 14.06.2005 passed in O.A. No.79 of 2005 and also the Speaking Order dated 28th September 2005 issued by the Respondent No.3 in connection with the Original Application No.79 of 2005. The Contemnors/Respondents have willfully and deliberately violated the Order dated 14.06.2005. Accordingly, the Contemnors/Respondents are liable for Contempt of Court proceedings and severe punishment thereof as provided to appear in persons and reply the charges leveled against them before this Hon'ble Tribunal.

P C Saikia

AFFIDAVIT

I, Shri MES No.238699, Shri Prabin Chandra Saikia, son of Premadhar Saikia, aged about 42 years, Draftsman, Grade-I, Office of the Garrison Engineer (A/F), Borjar, Guwahati-15, do hereby solemnly affirm and state as follows:-

1) That I am petitione in the instant Contempt Petition and also the applicant No.4 in O.A. No.79 of 2005 and as such, I am fully acquainted and well conversant with the facts and circumstances of the case.

2) That the statements made in paragraphs 1, 5 — of the Contempt Petition are true to my knowledge those made in paragraphs 2, 3, 4 — of the petition being matters of record are true to my information which I believe to be true and the rest are my humble submissions before this Hon'ble Court.

And I put my hand hereunto this affidavit on this 22nd day of December 2005 at Guwahati.

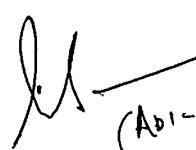
Identified by me:

Hina Sen

Advocate

P C Saikia

Solemnly affirmed by the
Deponent before me who is identified
by Hina Sen Advocate


(Adv - Hina Sen)
Hina

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 79 of 2005.

Date of Order: This, the 14th Day of June, 2005.

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

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

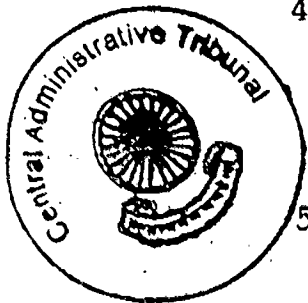
1. Shri Manik Mazumdar
MES No.264690
Junior Engineer (QS&C)
Office of the Garrison Engineer, Guwahati
Satgaon, P.O: Satgaon, Guwahati-27.
2. Shri Pradip Chandra Das
MES No.243448
Junior Engineer (QS&C)
Office of the Garrison Engineer, Guwahati
Satgaon, P.O: Satgaon, Guwahati-27.
3. Shri Pran Gopal Nath
MES No.243447
Junior Engineer (QS&C)
Office of the Garrison Engineer (I), Rangia
P.O: Rangia.
4. Shri Prabin Chandra Saikia
MES No.238699
Draftsman Grade-I
Office of the Garrison Engineer (A/F)
Borjhar, Guwahati-15.
5. Shri Biswanath Roy
MES No.238682
Draftsman Grade-I
Office of the Chief Engineer, Shillong Zone
Spread Eagle Falls Camp
Shillong- 793 001.
6. Shri Pratul Sharnia Khound
Junior Engineer, B/R
Office of the Garrison Engineer
Narangi, P.O: Satgaon, Guwahati-27.
7. Shri Suren Chandra Kalita
Assistant Engineer (AGE B/R)
Office of the Garrison Engineer
Borjhar, Guwahati-15.

..Applicants.

By Advocate Mr. A. Ahmed.

- Versus -

Handwritten signature and date:
A. Ahmed
14 June 05



- 19
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 Engineer in Chief's Branch
Army Head Quarters
Kashmir House
DHO PO, New Delhi - 110 011.
 3. The Chief Engineer
HQ, Shillong Zone
Spread Eagle Falls Camp
Shillong - 793 001.
 4. The Chief Engineer
Air Force, Elephant Falls
Shillong, Meghalaya.
 5. The Chief Engineer
HQ, Eastern Command
Fort William, Kolkata - 700 021.
 6. The Garrison Engineer
Guwahati, P.O: Satgaon
Guwahati-27.
 7. The Garrison Engineer
868 EWS, C/o 99 APO.
 8. The Garrison Engineer
Narangi, P.O: Satgaon
Guwahati-27.
 9. The Controller of Defence Account (CDA)
Udayan Vihar, Narangi
Guwahati- 781 171.
 10. 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, L(V.C.) :

The applicants seven in number are working in the different capacities - Junior Engineer, Draftsman Grade, Assistant Engineer etc. under the respondents 3 to 8. They have filed this

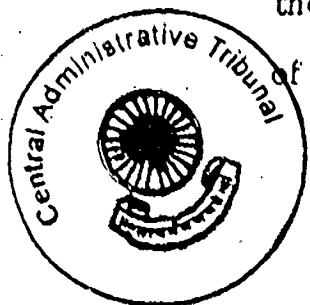
Encl

*Attn
J.L. /
Pmt*

application seeking for direction to the respondents to pay Special Duty Allowance (SDA in short) to them. It is stated that the applicants are entitled to SDA for working in the N. E. Region as per Office Memorandums dated 14.12.1983 and 22.7.1998 issued by the Govt. of India, Ministry of Finance, Department of Expenditure. Their grievance is that in spite of satisfying the requirements of all India transfer liability and all India common seniority list and though they were transferred from N. E. Region to outside region and re-transferred therefrom to N. E. Region which would satisfy the requirement for grant of SDA, respondents are not paying SDA to them.

2. We have heard Mr. A. Ahmed, learned counsel for the applicants and Mr. M. U. Ahmed, learned Addl. C. G. S. C. for the respondents. We had occasion to consider the question regarding the admissibility of SDA in the case of Central Govt. civilian employees working in N. E. Region in our judgment and order dated 31.5.2005 in O.A. Nos.170/1999 and connected cases and had summarized the legal position with reference to the various Government orders and the decisions of the Hon'ble Supreme Court in paragraphs 52 and 53

of the said judgment as follows:-



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

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

JS

*Attended
J. I. /
Amte*

- 12 -

10

1

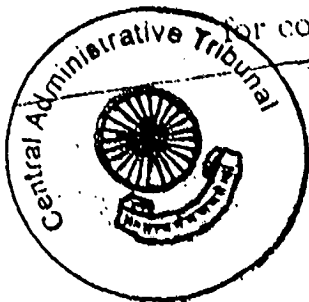
Region by virtue of the All India Transfer liability provided the promotions are also based on an All India Common Seniority.

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

3. Though the applicants have stated that they satisfy all the requirements stated in the said decision, in the absence of positive materials we are of the view that the concerned respondent must be directed to consider their claim and pass appropriate orders in the matter. In the circumstances, we direct the respondent no.9 to consider the claim of the applicants herein in the light of the governing principles stated in paragraphs 52 and 53 of the common judgment extracted hereinabove after ascertaining the factual situation of each of the applicants and to take a decision within a period of three months from the date of receipt of copy of this order.

The Original Application is disposed of as above. The applicants will produce this order before the concerned respondent for compliance.

Sd/ VICE CHAIRMAN
Sd/ MEMBER (A)



Declaration to be true Copy
प्रमाणित प्रतिलिपि

[Signature]
21/6/05
Section Officer (J)
C.A. T. GUWAHATI BENCH
Guwahati-781005

[Signature]
21/6

[Signature]
21/6

- 13 -

ANNEXURE - B

SPEAKING ORDER

Tele : 5052 (Mil)
Fax : 0364-2537640
Email: ces2@sancharnet.in

REGD SDS/POST
HQ Chief Engineer
Shillong Zone
Spread Eagle Falls
Shillong - 11

70222/OA 79/2005/ 31 /EI(Legal)

28 Sep 2005

MES/265091
Shri Manik Mazumdar, JE(S&C)
GE Guwahati

MES/243448
Shri Pradip Chandra Das, JE(QS&C)
GE Guwahati

MES/243447
Shri Pran Gopal Nath, JE(QS&C)
AGE(I) Rangiya

MES/238699
Shri Prabin Chandra Saikia,
D' Man Gde -I
GE(AF) Borjar

MES/238682
Shri Biswanath Roy
D' Man Gde -I
HQ CE Shillong Zone

Shri Pratul Sharma Khound, JE(B/R)
GE Narangi

Shri Suren Chandra Kalita
AE(AGE B/R)
GE(AF) Borjar

**OA NO 79/2005 FILED BY SHRI MANIK MAZUMDAR AND OTHERS
VS UOI AND OTHERS AT CAT GUWAHATI**

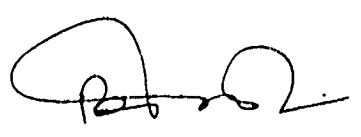
1. Please refer Honorable CAT Guwahati Judgement order dated 14 Jun 2005 on the above Original Application filed by you regarding grant of special duty allowances.
2. In the above Judgement the Honorable CAT Guwahati directed that :-

" To consider their claim and pass appropriate orders in the matter. In the circumstances, we direct the respondent No. 9 i.e. CDA Guwahati to consider the claim of the applicants herein in the light of the governing principles stated in paragraphs 52 and 53 of the common judgment extracted hereinabove after ascertaining the factual situation of each of the applicants and to take a decision within a period of three months".

Contd..2/-

Attended
1/1
Amte

3. Grant of special duty allowances or payment of special duty allowances in respect of central Government employees on their posting/re-posting to NE Region from outside region is governed by the existing policy of Instructions formulated by Min of Finance, Department of Expenditure in pursuant to Hon'ble Supreme Court Judgement order dated 05 Oct 2001 delivered in the appeal of Telecom department. In pursuant to Ministry of Finance, Department of Expenditure OM dated 29 May 2002, AHQ Engineer-in-Chief's Branch has drawn up a list of categories of staff in MES who are found to have fulfilled the criteria of all India Transfer Liability and All India common seniority list for the purpose of SDA on their posting/re-posting to NE Region irrespective of fact whether you are initially recruited in NE region or outside region.
4. In the light of above policy of Engineer-in-Chief's Branch letter No 90237/7521/El(Legal) dated 04 Jun 2003 and amended vide 03 Oct 2003, According to that, payment of special duty allowances is applicable in your case as you come under the categories which are decided by Engineer-in-Chief's Branch.
5. In compliance with the orders of CAT, Guwahati, your case has been examined keeping in view the orders contained in the Ministry of Finance, Deptt of Expdr MO dated 11(5)/97-E.II(B) dated 29.5.2002 circulated vide Ministry of Defence ID No, Ministry of Defence ID No 4(6)/2002/D(Civ.I) dated 10 Oct 2002.
6. In the case of payment of special duty allowance, Hon'ble CAT Guwahati delivered judgment order dated 31 May 2005 in OA No 170/1999 that "special duty allowances is admissible to Central Government employees having All India Transfer liability on posting to North Eastern Region from outside Region. By virtue of the Cabinet clarification mentioned earlier, if an employee belonging to North Eastern Region and subsequently posted to outside NE Region, is retransferred to NE Region, 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 Command Seniority".
7. In view of the above, you are entitled for grant of special duty allowance as per the all different orders, rule and policy as ref above.
8. With the issue of this speaking order, the direction of the Hon'ble CAT Guwahati Bench in OA No 79/2005 filed by you has been complied with.
9. Please ack.


(B P Singh)
Lt Col
SO-I(Pers. & legal)
for Chief Engineer

Copy to :-

Engineer-in-Chief's Branch
EIC (Legal-C)
Army Headquarters
Kashmir House
New Delhi - 110 011.

Contd....3/-

Attent
J. I.
Banta

Chief Engineer
HQ Eastern Command
Fort William
Kolkata - 21

Office of CGDA
RK Puram
New Delhi - 66

Office of the CDA Guwahati
"Udayan Vihar" Narangi
Guwahati - 781 171

HQ Chief Engineer (AI)
Shillong Zone
Elephant Falls
Shillong - 09

AAO Shillong

CWE Shillong

CE Guwahati

Handwritten signature and initials.

Slc : Mil 2449

- 16 -

ANNEXURE - C

Chief Engineer
IIQ Eastern Command
Fort William
Kolkata -21

(7)

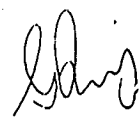
131900/267/04/RKS/ 35 /Engrs/E1 (Legal)

19 Oct 2005

IIQ Chief Engineer
Shillong Zone
SE Falls
Shillong -793011

OA NO 267/2004 FILED BY SHRI R K SINHA
Vs UOI AND OTHERS AT CAT GUWAHATI

1. Ref your IIQ letter No 70222/OA 267/2004/ 73/E1 (Legal) dt 06 Oct 2005.
2. Speaking Order has been issued by your IIQ allowing claim of applicant. Please ensure that SDA is being paid in regular monthly pay bill. At this point no Govt Sanction is required as CGDA has passed necessary instruction to CDA for allowing SDA to eligible persons.



(Goutam Roy)
SE
Dir (Legal)
for Chief Engineer

Copy to :-

CWE Shillong
CWE (AF) Borjar ✓
(H. Umroi)

Attn:
Jil
Jil

17 -

21

ANNEXURE -

(Typed Copy)

No.PM/111/325-XXII
Area Accounts Officer
Dt. 24-11-2005

To

The GE (A.F.) Borjar

Sub: Disallowance memo for the month of 11/2005 in 2/o GE (A.F.) Borjar

- (1) Vr.No. 00/194/RPB-08 dt.07.11.05. Net Pay - 38,513/-
Sl. No.1 = SDA disallowed
Sl. No.2 = SDA, HRA & Old HRA disallowed for LPC
For SDA Service details may pls. be forwarded
- (2) Vr. No. 00/195/ RPB-Sy old. 06.11.05. Net Pay = 16,153/=
Sl. No. 1 = Old HRA, SDA disallowed.
- (3) Vr. No. 00/196/RPB-08 dt.07.11.05. Net Pay = 91,567/=
Sl. No.] SDA disallowed
] = Sl. No.1 TPT = Rs.75/= not 200/=
1, 7 & 8]
Sl. No.7 = Old HRA disallowed
- (4) Vr. No.00/197/RPB = 08 dt. 07.11.05. Net Pay = 34,487/=
Sl. No.1 & 2 = SDA disallowed
Sl. No. 1 = Old HRA disallowed
Sl. No. 5 = Pay disallowed. Intimate details of last unit.
- (5) Vr. No.00/198/RPB-08 dt.07.11.05. Net Pay = 1,33,920/=
- (6) Vr. No. 00/199/RPB-08 dt. 07.11.05. Net Pay = 9547/=
- (7) Vr. No.00/200/RPB-Sy dt. 07.11.05. Net Pay = 11,323/=
- (8) Vr. No.23/CV/287/RPB/N/ dt. 07.11.05. Net Pay = 36,667/=
Sl. No.3,4,5 = A1 disallowed (Pt 0.0.& not rd.)
Sl. No. 06 = PP disallowed (Acctts. & not rd.)
- (9) Vr.No.23/CV/288/RPB/N1 dt. 07.11.05. Net Pay = 27,682/=
- (10)Vr.No.24/CV/1389/RPB-15 dt. 03.11.05. Net Pay = 1,19,837/=
Sl.No. 2 = Net Pay = 7826/=
Sl. No. 3 = Net Pay = 9570/=
- (11) Vr. No.26/CV/3144/RPB dt. 07.11.05. Net Pay = 86,380/=
- (12) Vr. No.25/CV/2149/RPB dt 05.11.05. Net Pay = 82568/=
- (13) 00/199/RPB-08 dt.7/11/05. Net Pay 9517/=

(GMC & IC in created on increase of DA)

Sd/- Illegible
SO(A)
(Pay III)

Attest
Sd/-
Date

NO. PM/111/325-XII
 Annex Accounts Office
 Dt. 26-11-2005

To
 The C.E (AF) Bonyan

Sub- Disallowance memo for the month of 11/2005
 in 2/0. C.E (AF) Bonyan.

(1) V. NO. 00/194/RPB-08 dt. 07.11.05. Net Pay = 38,513/-

SL NO. 1 = SDA disallowed
 " " 2 = SDA, HRA & old HRA disallowed
 P.S. SDA same details may be forwarded

(2) V. NO. 00/195/RPB-Sy dt. 06.11.05. Net Pay = 16,153/-

SL NO. 1 = Old HRA, disallowed

(3) V. NO. 00/196/RPB-08 dt. 07.11.05. Net Pay = 91,577/-

SL NO. 1 = SDA disallowed
 1,728 } SL NO. 7 = Old HRA disallowed
 SL NO. 7 = Old HRA disallowed

(4) V. NO. 00/197/RPB-08 dt. 07.11.05. Net Pay = 34,487/-

SL NO. 12 = SDA disallowed
 " " 1 = Old HRA disallowed
 " " 5 = Pay disallow. Intimate details sent

(5) V. NO. 00/198/RPB-08 dt. 07.11.05. Net Pay = 1,33,920/-

(6) V. NO. 00/199/RPB-08 dt. 07.11.05. Net Pay = 95,417/-

(7) V. NO. 00/200/RPB-Sy dt. 07.11.05. Net Pay = 11,323/-

(8) V. NO. 23/287/RPB/NI dt. 07.11.05. Net Pay = 36,667/-

SL NO. 34,5 = A-1 disallowed (PT 00. not sent)
 SL NO. 06 = PP disallowed (Auth. l. not sent)

(9) V. NO. 23/288/RPB/NI dt. 07.11.05. Net Pay = 27,682/-

(10) V. NO. 24/1389/RPB-15 dt. 03.11.05. Net Pay = 1,19,837/-

SL NO. 2 = Net Pay = 78,26/-
 " " 3 = " " = 9,570/-

(11) V. NO. 26/3144/RPB dt. 07.11.05. Net Pay = 86,380/-

(12) V. NO. 25/2149/RPB dt. 05.11.05. Net Pay = 82,568/-

(13) 00/199/RPB-08 dt 7/11/05 Net Pay 9517/-

(G.M.C. indicator on increase of D.A.)

Sd/-
 (Signature)

Attended
 (Signature)

