

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

6

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

Mahter
24/10/17

FROM No. 4.
(See Rule 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDERSHEET

1. Original Application No. 170/06
2. Misc Petition No. 7
3. Contempt Petition No.
4. Review Application No.

Applicant(S) Sri. Sushil Kr. Tamuli

Respondants UOI & A.S.

Advocate for the Applicant(S) Mr. A. Ahmed, Ms. S. Bhattacharya

Advocate for the Respondant(S) Addl. C.G.S.C. M. U. Ahmed

Notes of the Registry	Date	Order of the Tribunal
<p>This application is a first instance application for deposition vide PC/BD No. <u>266/324564</u> Dated <u>19.6.06</u></p> <p><i>[Signature]</i> Dy. Registrar <i>[Signature]</i> 5.7.06</p>	<p>07.07.2006</p>	<p>Present : Hon'ble Sri K.V. Sachidanandan Vice-Chairman.</p> <p>The applicant is a retired person, who was working in Assam as District Savings Officer, National Savings Organisation. The applicant was promoted and transferred as Dy. Regional Director, National Savings Organisation to Gaya (Bihar) and again re-transferred to Assam. The applicant's claim is for Special Duty Allowance for one year.</p> <p>Heard Mr A. Ahmed, learned counsel for the applicant and Ms. U. Das, learned Addl. C.G.S.C. for the respondents.</p> <p>Ms. U. Das, learned Addl. C.G.S.C. for the respondents wanted time to take instructions.</p>

Contd/-

Contd/-
07.07.2006

However, considering the issue involved, I am of the view that the O.A. has to be admitted. Admit.

Post on 23.08.2006.

Vice-Chairman

/mb/

23.8.06

The counsel for the respondents wants to file reply. Let this case be listed on 15.9.06.

Vice-Chairman

lm

15.9.06.

Counsel for the Respondents Wants to file written statement. Let it be done post the matter on 17.11.06.

Vice-Chairman

lm

17.11.2006 Present: Hon'ble Sri K.V. Sachidanandan
Vice-Chairman.

Learned Counsel for the Respondents wanted to have further time to file reply statement. Post on 19.12.2006.

Vice-Chairman

/mb/

19.12.2006

Mr.M.U.Ahmed, learned Addl. C.G.S.C. seeks further time to file reply statement. Let it be done. post on 22.1.2007.

Vice-Chairman

bb

16.11.06.

22.12.2007

alongwith the SDA cases for hearing. In the meantime respondents are at liberty to file reply statement. Post on 22.2.2007.

Vice-Chairman

Pl. comply order
dated 7/7/06.
ms

Notice & order
Sent to D/section
for issuing to
resp. nos. 1 to 4
by regd. A/D post.

13/7/06 D/No = 728 to 731
DT = 20/7/06.

① Service Report
awaited.

22.8.06.

No Wb has been
filed.

14.9.06.

① Service report awaited.

② No Wb has been filed.

22

16.11.06.

No Wb has been
filed.

22

18.12.06.

No Wb has been
filed. 24.1.07.

CA. 17/2006 3 -

7

22.1.2007

~~Reply not filed. Let the case be listed
alongwith the SDA cases for hearing. In the
meantime respondents are at liberty to file
reply statement. Post on 22.2.2007.~~

~~BB/~~
~~/bb/~~

~~Vice-Chairman~~

No Wb has been
billed.

22
8.2.07.

22.1.2007

Reply not filed. Let the case be listed
alongwith the SDA cases for hearing. In the
meantime respondents are at liberty to file
reply statement. Post on 22.2.2007.

2

Vice-Chairman

/bb/

9.2.07

Written statement has not been filed
by the respondents. Counsel for the
respondents prays for time to file written
statement. Let it be done. Four weeks time
is granted to file written statement. It is
made clear that if the written statement is
not filed, the right of the written statement
will be forfeited. Post the matter after four
weeks.

Vice-Chairman

lm

2-4-07

No Wb filed so far
lm -

3.4.07.

Counsel for the respondents prays for time to file written statement. It be done. Post the matter on 7.5.07.

Vice-Chairman

No Wls have been filed.

lm

7.5.2007

Mr M.U.ahmed, learned Addl.C.G.S.C has filed letter of absence.

Post the matter on 5.6.07

for hearing.

Vice-Chairman

No Wls have been filed.

/pg/

5.6.2007

This is a SDA matter. At the request of the learned counsel for the Respondents post the case on 13.6.2007 for hearing.

Vice-Chairman

No Wls have been filed.

/bb/

13.6.2007

At the request for the Applicant the case is adjourned and posted on 2.7.2007 for hearing.

Vice-Chairman

/bb/

02.07.07.

Post the matter on 03/07/07 for hearing.

Vice-Chairman

lm

OA 170/06

3.7.07.

Heard learned counsel for the parties. Hearing concluded. Judgment reserved.

Vice-Chairman

2.8.07

C. Copy of the budget collected by the L/Adv. for the applicant on 1.8.07 and a copy have been handed over to the L/Advocate on 1.8.07.
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lm

13.7.07.

Judgment delivered in open Court. Kept in separate sheets. Application is allowed

Vice-Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI BENCH.

(O.A. No 170 of 2006)

DATE OF DECISION 13-7-2007

Mr. Susil Kumar Tamului

APPLICANT/S

Mr.Mr.A.Ahmed, Ms..S.Bhattacharjee,

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)

CORAM

HON'BLE MR.K.V.SACHIDANANDAN, 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 to be forwarded for including in the Digest Being compiled at Jodhpur Bench & other Benches?
4. Whether their Lordships wish to see the fair copy of the Judgment?

Judgment delivered by Hon'ble Vice-Chairman

13/7/07

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.170 of 2006

Date of Order: This the 13th Day of July, 2007.

HON'BLE MR.K.V.SACHIDANANDAN, VICE-CHAIRMAN

Shri Sushil Kr.Tamuli
Retd. Deputy Regional Director of
National Savings
Resident of "F" Lane
Milan Nagar
P.O.C.R.Building
Dibrugarh
786003.

Applicant

By Advocate Mr. A. Ahmed.

-Versus-

1. The union of India represented
by the Secretary to the Government of India,
Ministry of Finance,
Economic Affairs, New Delhi.
2. The Additional Secretary (Budget)
Ministry of Finance ,
Department of Economic Affairs, New Delhi.
3. The Director
National Savings Institute
CGO Complex, "A" Wing,
4th Floor, Seminary Hilla,
Nagpur, Pin-440006.
4. The Regional Director
National Savings Institute,
Udai Path, R.G. Baruah Raod,
Guwahati-781024.

Respondents.

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

ORDER (ORAL)

K.V.SACHIDANNANDAN, V.C.

The applicant is working as Deputy Regional Director, National Savings Institute, Guwahati, Assam. The applicant retired from his service in the month of January, 2003 under Special Voluntary

b

Retirement Scheme after serving under the Respondents more than 30 years. He had served both outside and inside of North Eastern Region in different capacity. The applicant belongs to North Eastern Region and his service seniority was on all India basis and his transfer liability was also on All India Transfer basis. He was promoted from the post of District Savings Organisation vide order dated 12.09.1991. He was posted and transferred to Gaya (Bihar) as Deputy Regional Director, National Savings Organisation from Dibrugarh, Assam. After serving at Gaya (Bihar) he was again transferred to Guwahati as Deputy Regional Director, National Savings, Guwahati, Assam. 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 dated 14.12.1983. He has also brought to my notice the said Office Memorandum Special (Duty) Allowance was granted to Central Government Civilian Employees, who have All India Transfer liability to any station in the North Eastern Region. The applicant was transferred to Guwahati in the same capacity as Deputy Regional Director, National Savings. The applicant is with All India Transfer Liability and Seniority; he was entitled for grant of Special (Duty) Allowances. The applicant has made various representations in different dates before the respondents claiming the Special Duty Allowance. The counsel also submitted that identical persons Sri P.R. Kalita, Deputy Regional Director, S.B. Chakraborty, Deputy Regional Director under the same Ministry were also granted the Special Duty Allowance but the applicant has been single out. Earlier one O. A. was filed O.A.No.237 of 2000 before this Tribunal for payment of Special



Duty Allowance. This Tribunal vide order dated 22.12.2000 allowed the said O.A and directed the Respondents to pay the Special Duty Allowance to the applicant therein. The said Judgment was challenged before the Hon'ble Gauhati High Court by the Union of India in W.P.© No.107 of 2000. The High Court vide order dated 05.03.2001 dismissed the Writ Petition. Being aggrieved by the certain action of the respondents the applicant has filed this O.A. seeking the following reliefs:-

- 8.1 "That the Hon'ble Tribunal may be pleased to direct the respondents to pay of Special Duty Allowance to the applicant from the date of his entitlement.
- 8.2 To pass any other appropriate relief or reliefs to which the applicant may be entitled to and as may be deem fit and proper by this Hon'ble Tribunal."

2. The respondents have filed their written statement contending that the application is also hit by the principles of waiver estoppels and acquiescence and liable to be dismissed. The applicant served as Deputy Regional Director only outside North East Region, but he served in different capacity within the North East Region. The applicant was transferred to outside N.E.Region under Limited regional transfer liability and subsequent posting to N.E.Region has limited role to allow him the solicited benefit. Respondents also submitted that during the period of his stay at Shillong from where the applicant proceeded on retirement under voluntary Scheme, he was working as Drawing and Disbursing Officer. As such, he could have drawn the said allowance himself, provided he was entitled for. Further more the applicant is not entitled for SDA for the period he remained posted outside N.E.Region and the case is not covered under the orders issued by the Ministry of Finance from time to time.

3. I have heard Mr.A.Ahmed learned counsel for the applicant and Mr. M. U. Ahmed learned Addl.C.G.S.C. for the Respondents. The learned counsel for the parties has taken attention to various pleadings, materials and evidence placed on record. The learned counsel for the applicant has submitted that the applicant belongs to N.E.Region and he was transferred from North Eastern Region to outside the Region and subsequently reposted to North Eastern Region. Therefore, he is entitled to get the benefit. Counsel for the Respondents has submitted that if it could be shown that the applicant has all India Transfer liability he could have brought the amount of SDA by himself as Drawing and Disbursing Officer at Shillong. I have given my anxious consideration to the arguments and materials placed on record, point to be considered is whether the applicant is entitled for Special Duty Allowance or not. The entire relief that is being claimed for the benefit is based on the O.M dated 14.12.1983 (Annexure D) issued by the Government of India, Ministry of Finance, Department of Expenditure, the existing benefit to the Central Government Civilian Employees serving in the States and Union Territories of North Eastern Region. The relevant portion of the said Memorandum with reference to the SDA is quoted below:-

" 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 this 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

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Allowance and Project Allowance and Project Allowance will be drawn separately."

Admittedly, the applicant was saddled with all India transfer liability and all India Seniority. He was promoted as Deputy Regional Director and posted at Gaya. Thereafter, he was posted at Guwahati. The counsel for the applicant has brought to my notice to the Cabinet Secretariat letter dated 02.05.2000, it has been clarified that an employee hailing from N.E.Region and reposted from outside of NE Region to NE Region and also having All India Transfer liability with Seniority will also be entitled to get the Special Duty Allowance. The letter dated 02.05.2000 (Annexure -J) is quoted below:

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

1. SSB Directorate may kindly refer to their U.O.No.42/SSB/AT/99(8)-2369 dated 31.03.2000 on the subject mentioned above.

2. The points of doubt raised by SSB in their UN 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 doubt is given under for information, guidance and necessary action:

- (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, 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.
- (iv) An Employee hailing from N.E.Region, posted to N.,E. Region initially but subsequently transferred out of N.E.Region but reposted to NE Region after sometime serving in non N.E.Region."

The counsel for the applicant has brought to my notice to the decision of this Tribunal in O.A. No.237 of 2000 dated 22.12.2000 wherein an

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identical matter was disposed of. The relevant portion of the said judgment is reproduced below:-

"The applicant came to know that the stoppage and recovery of SDA has been made following the order/direction contained in O.A. dated 12th January, 1996 circulated by the Ministry of Defence vide their letter dated 18th January, 1996 whereby it is directed that the locality recruited employees are not entitled to SDA as such whatever payment is made after 20th September, 1994 should be recovered from the employees concerned. It is also mentioned therein that these instructions have been issued in pursuance of the decision of the Supreme Court dated 20th September, 1994 in Civil Appeal No.3251/1998. According to the judgment of the Hon'ble Supreme Court Central Government employees who have all India Transfer liability are entitled to payment of SDA on being posted to any station in the North Eastern Region from outside the Region. Mere reading of the circular dated 12th January, 1996 makes it abundantly clear that the applicant fulfilled all the conditions laid down therein for grant of SDA. The applicant's recruitment zone, promotion zone and seniority of the cadre are being maintained on all India basis and the question of all India Transfer liability is evident from his transfer and posting to Bombay during the year 1988 and as such, the applicant is entitled to SDA in terms of the O.M dated 14th December, 1983. Aggrieved by the action of the respondents to stop the payment of the SDA to the payment of the SDA to the applicant and issuing the order for recovery of the same he has come before this Tribunal and sought the reliefs mentioned in para-2 above.

5. The respondents have contested the case and has stated that as per O.M dated 12th January, 1996 issued by the Ministry of Finance, more clause in the appointment letter to the effect that persons concerned are liable to be transferred to anywhere in India, did not make his eligible for the grant of SDA. Thus, the SDA payment to the Central Government employees having all India transfer liability is stopped and recovery on account of SDA and after 20th September, 1994 was ordered. However the respondents have not disputed the contention of the applicant made in para - 4.2 about his transfer to Mumbai to the year 1988 and therefore, he was transferred back to Jorhat in the year 1992. On perusal of the O.M. dated 12th January, 1996 issued by the ministry of Finance, we find that the Central Government Civilian employees who have all India transfer liability are entitled to

the grant of DSA on being posted to any station in the North Eastern Region from outside the region."

In the said decision the Court referred to the para 6 of the O. M. dated 12th January, 1996 which is also reproduced below:-

"The Hon'ble Supreme Court in their judgment delivered on 20.9.94 (in Civil Appeal No.3251 of 1993) upheld the submissions of the Government of India that Central Government Civilian employees who have all India transfer liability are entitled to the grant of SDA, on being posted to any station in the NE Region from outside the Region and S.D.A would not be payable merely because of the clause in the appointment order relating to All India Transfer Liability. The Apex Court further added that the grant of this allowance only to the officers from outside the region to this region would not be violative of the provisions contained in Article 14 of the constitution as well as the equal pay doctrine. The Hon'ble Court also directed that whatever amount has already been paid to the respondents or for that matter to other similarly situated employees would not be recovered from them in so far as this allowance is concerned."

Further the operative portion of the said judgment is reproduced below:-

"In the light of the above discussion the O.A. is allowed and the respondents are directed to continue the SDA to the applicant in terms of the O.M. dated 12th January, 1996. The respondents are further directed that no recovery would be made from the amount of SDA should be paid to the applicant. In case, any amount of SDA already paid has been recovered by the respondents. The above direction shall be completed within a period of two months from the date of receipt of a copy of this order.

The O.A allowed and relief granted.

The said judgment was challenged before the Hon'ble Gauhati High Court by the respondents in W.P.© No.107 of 2000. The High Court vide order dated 05.03.2001 dismissed the Writ Petition. I am in respectful argument with the finding of the O.A and the order of the Hon'ble High Court binding on us.



In the conspectus facts and circumstances, I am of the view that the applicant is entitled to get the benefit. The applicant is directed to make a fresh representation with all pertaining records specifying the period for which he is entitled for the same before the 1st and/or 2nd Respondent for consideration who shall dispose of the same by granting the relief within a period of three months from the date of receipt of this order.

The O.A. is disposed of accordingly. There will be no order as to costs.



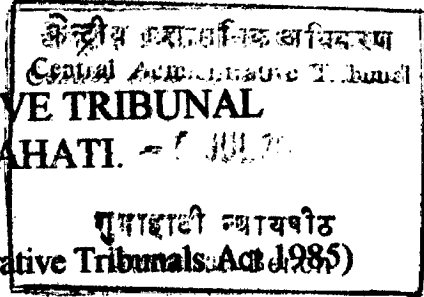
(K.V.SACHIDANANDAN)
VICE-CHAIRMAN

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI. - 5 JUL 2006

(An Application Under Section 19 of The Administrative Tribunals Act 1985)



ORIGINAL APPLICATION NO. 170 OF 2006.

BETWEEN

Shri Sushil Kr. Tamuli

...Applicant

- Versus -

The Union of India & Others

...Respondents

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Date: 5. 7. 2006.

Filed By:

Smita Bhattachajee

Advocate

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**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI.**

(An Application Under Section 19 of The Administrative Tribunals Act 1985)

ORIGINAL APPLICATION NO. 170 OF 2006.

Shri Sushil Kr. Tamuli

...Applicant

- Versus -

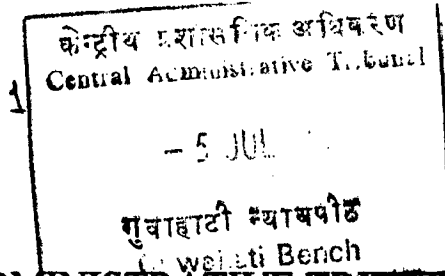
The Union of India & Others

... Respondents

LIST OF DATES/SYNOPSIS

- | | |
|------------|--|
| 14.12.1983 | The Government of India, Ministry of Finance, Department of Expenditure has granted the Special Duty Allowance to the Civilian Central Government employees posted to North Eastern Region. |
| 12.09.1991 | The applicant was promoted and transferred to Gaya (Bihar) as Deputy Regional Director, National Savings Organisation from Dibrugarh Assam. |
| 11.10.1991 | The applicant joined at <u>Gaya (Bihar).</u> |
| 15.09.1992 | The Regional Director, National Savings Bihar forwarded the service book and leave account of the applicant to the Regional Director, National Savings, Assam. |
| 22.07.1998 | The Government of India, Ministry of Finance, Department of Expenditure has extended the <u>facility of Special Duty Allowance to the Civilian Central Government employees posted to North Eastern Region as recommended by the 5th Central Pay Commission.</u> |
| 02.05.2000 | The Cabinet Secretariat issued letter for clarification of criteria of entitlement of the Special Duty Allowance to the Central Government Civilian Employee. |
| 21.12.2000 | The Hon'ble Tribunal vide its Judgment and Order in O.A. No. 237 of 2000 granted Special Duty Allowance to the employees who are transferred from North Eastern Region to outside the Region and subsequently reposted to North Eastern Region. |
| 05.03.2001 | The Hon'ble Gauhati High Court dismissed the Writ Petition No. 107 of 2000 filed by the Union of India in O.A. No. 237 of 2000. |
- The applicant submitted various representations for grant of Special Duty Allowance, but the respondents did not grant the same till date. Hence, this Original Application.





FILED BY

Shri Sushil Kr. Tamuli
... applicant
Through - Smita Bhattacharjee
/g (Advocate)

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI.**

(An Application Under Section 19 of The Administrative Tribunals Act 1985)

ORIGINAL APPLICATION NO. 170 OF 2006.

BETWEEN

Shri Sushil Kr. Tamuli
Retd. Deputy Regional Director of
National Savings
Resident of 'F' Lane
Milan Nagar
P.O.-C.R. Building
Dibrugarh
786 003, Assam

... Applicant

- AND -

1. The Union of India represented by the Secretary to the Government of India, Ministry of Finance, Economic Affairs, New Delhi.
2. The Additional Secretary (Budget), Ministry of Finance, Department of Economic Affairs, New Delhi.
3. The Director,
National Savings Institute
CGO Complex, 'A' Wing,
4th Floor, Seminary Hills,
Nagpur, Pin-440006.
4. The Regional Director
National Savings Institute, Udai
Path, R.G. Baruah Road,
Guwahati-781 024.

... 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 the similarly situated persons are enjoying this benefits without any interruption..

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 Indian Citizen by birth and as such he is entitled to get all the rights and privileges guaranteed under the Constitution of India.

4.2 That your Applicant begs to state that he had served as Deputy Regional Director, National Savings Institute under the Respondents. He retired from his service in the month of January 2003 under Special Voluntary Retirement Scheme after serving under the Respondents more than 30 (thirty) years. He had served both outside and in side of North Eastern Region in different capacity.



4.3 That your Applicant begs to state that he belongs to North Eastern Region. His service seniority was on all India basis and his transfer liability was also on All India Transfer basis. On the basis of his All India Seniority and All India Transfer Liability, he was promoted from the post of District Savings Officer to the post of Deputy Regional Director, National Savings Organisation vide Order No.25925/34/DPC/13-1/91 dated 12.09.1991. He was posted and transferred to Gaya (Bihar) as Deputy Regional Director, National Savings Organisation from Dibrugarh, Assam. After serving at Gaya (Bihar) he was again transferred to Guwahati as Deputy Regional Director, National Savings, Guwahati, Assam.

ANNEXURE-A is the photocopy of Transfer Order No.25925/34/DPC/13-1/91 dated 12.09.1991 of the applicant.

ANNEXURE-B is the photocopy of joining report of the applicant at Gaya (Bihar) dated 11.10.1991.

ANNEXURE-C is the photocopy of forwarding of service book and leave account of the applicant by the Regional Director, National Savings, Bihar to the Regional Director, National Savings, Assam vide letter dated 15.09.1992.

4.4 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-E-II (B) dated 22-07-1998 continued the said facilities as per recommendation of the Fifth Central Pay Commission.

ANNEXURE – D is the photocopy of extract of Office Memorandum dated 14-12-1983.

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

4.5 That your Applicant begs to state that he was saddled with All India Transfer liability and all India Seniority. It is to be stated that as per the said All India Transfer Liability and all India Seniority basis, he was promoted to the post of Deputy Regional Director, National Savings and posted at Gaya (Bihar). Thereafter, he was transferred to Guwahati in the same capacity. Therefore, the Applicant is in practice saddled with All India Transfer Liability and Seniority. In terms of the aforesaid Office Memorandum dated 14.12.1983, he was legally entitled for grant of Special (Duty) Allowances. Accordingly,

the applicant submitted various representations in different dates before the respondents claiming the Special Duty Allowance. However, the respondents granted the Special Duty Allowance to other similarly situated persons, viz. Sri P.R. Kalita, Deputy Regional Director, S.B. Chakrabarty, Deputy Regional Director under the same Ministry, denying the claim of the applicant.

ANNEXURE - F is the photocopy of the of the representation submitted by the applicant.

ANNEXURE - G is the photocopy of the representation submitted by the applicant.

ANNEXURE - H is the photocopy of the last pay certificate of the similarly situated persons grating the Special Duty Allowance.

ANNEXURE - I is the photocopy of the last pay certificate of the similarly situated persons grating the Special Duty Allowance.

4.6 That your applicant begs to state that as per Cabinet Secretariat letter No.20-12-1999-EA-I-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 and also having All India Transfer Liability with Seniority will also be entitled for Special Duty Allowance.

ANNEXURE - J is the photocopy of letter No. 20-12-1999-EA-I-1799 Dated 02-05-2000.

4.7 That your applicant begs to state that similarly situated persons had earlier approached this Hon'ble Tribunal by filing Original Application No. 237 of 2000 before this Hon'ble Tribunal for payment of Special Duty Allowance. The Hon'ble Tribunal vide its order dated 22.12.2000 allowed the said Original Application and directed the respondents to pay the Special Duty Allowance to the applicants therein. The said Judgment was challenged before the Hon'ble Gauhati High Court by the Union of India in W.P. (C) No.

107 of 2000. The Hon'ble Gauhati High Court vide its order dated 05.03.2001 dismissed the Writ Petition and affirmed the Judgment of this Hon'ble Tribunal. 3
✓

ANNEXURE -K is the photocopy of the Judgment and Order of this Hon'ble Tribunal passed in O.A. No. 237 of 2000.

ANNEXURE -L is the photocopy of the Judgment and Order of the Hon'ble Gauhati High Court passed in W.P. (C) No. 107 of 2000.

4.8 That your Applicant begs to state that he has 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.

4.9 That your Applicant begs 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.


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

4.11 That this application is filed bonafide and for the cause of justice.

5. GROUND 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 was practically having All India Transfer liability with Seniority and as such, he is 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 Applicant. 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 and the Hon'ble Gauhati High Court.

5.5 For that, being a model employer the Respondents cannot deny the same benefits to the instant Applicant, which have been granted to the other similarly persons. 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 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.

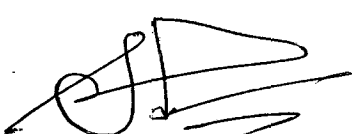
5.7 For that, the applicant is legally entitled for payment of Special Duty Allowance in terms of the various Judgments of this Hon'ble Tribunal.

5.8 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 remedy available to the Applicant except the invoking the jurisdiction of this



Hon'ble Tribunal under Section 19 of the Administrative Tribunals 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 or 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 by the Applicant may not be granted and after hearing the parties, the Hon'ble Tribunal may be pleased to direct the Respondents to give the following relief (s) : -

8.1 That the Hon'ble Tribunal may be pleased to direct the respondents to pay of Special Duty Allowance to the applicant from the date of his entitlement.

8.2 To pass any other appropriate relief or reliefs to which the applicant may be entitled to 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, however, if the Hon'ble Tribunal may deem fit and proper may pass any appropriate order or orders.



10. THIS APPLICATION IS FILED THROUGH ADVOCATE.

11. **PARTICULARS OF L.P.O.**

I.P.O. No. :- 26 G 324564

Date of Issue :- 19-6-2006

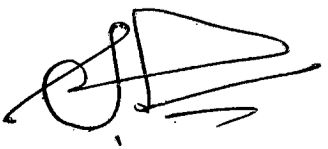
Issued from :- Guwahati G.P.O.

Payable at :- Guwahati.

12. **LIST OF ENCLOSURES:**

As stated in Index.

Verification



VERIFICATION

I, Shri Sushil Kr. Tamuli, Retd. Deputy Regional Director of National Savings, Resident of 'F' Lane, Milan Nagar, P.O.-C.R. Building, Dibrugarh 786 003, Assam do hereby solemnly verify that the statements made in paragraph 4.1, 4.2, 4.8 and 4.9 — are true to my knowledge, those made in paragraph Nos. 4.3 to 4.7 — 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 5th day of July 2006 at Guwahati.

Sushil Kr. Tamuli

संचयन "संचयन"
Teletype : "SANCHAYA"
715-315

सरकार, भारत
GOV. OF INDIA, MINISTRY OF FINANCE
राष्ट्रीय बचत आयोग का कार्यालय
OFFICE OF THE NATIONAL SAVINGS COMMISSIONER
१२, सेमिनरी हिल्स, नागपुर-४४०००८
12, SEMINARY HILLS, NAGPUR - 440 008

टेलीफोन : 833830
832047
Telephone : 834424

Dated 12.9.1991

ORDER

On the recommendations of the D.P.C. and also in pursuance of Ministry of Finance letter No. F.2/23/90-MS.I, dated April 9th, 1991, the undermentioned District Savings Officers of the National Savings Organisation are appointed as Dy. Regional Director, National Savings, in the pay scale of Rs.2000-60-2300-EB-75-3200-100-3500 on officiating basis with effect from the date they take over charge. Their places of postings are also shown against their respective names :-

S.No.	Name of officer	Place/region of posting	Place/region of posting
1.	Shri S.R.Tamuli	Dibrugarh (Assam)	Gaya (Bihar)
2.	Shri Bahadur Singh	Amritsar (Punjab)	Nainital (U.P.)

The officers mentioned above should submit charge report as per rules to the respective Regional Director under intimation to us and the P.O. (N.S.), Nagpur. The promoted officers may also exercise their options for fixation of their pay as per rules and submit them to their respective Regional Directors, National Savings.

The promotion of the above DSOs may be modified (if need be) subject to the outcome of the petition in O.A.No. 388/01 pending in CAT, Delhi.

(T.S.Eurty)
Jt. National Savings Commissioner.

ATTESTED

Smita Bhattacharjee
ADVOCATE

GOVERNMENT OF INDIA
OFFICE OF THE DY. REGIONAL DIRECTOR
NATIONAL SAVINGS, GAYA DIVISION.

ANNEXURE-B

No. 521 / NSO/G/1(P)/91 Dated. 11th Oct'91.

To,

The Regional Director
National Savings (Govt. of India)
Bihar, Patna.

Sub:- Joining Report.

Ref:- Order bearing No. 25925/34/IPC/13-1/91, dated 12th Sept' 1991 issued by the Joint National Savings Commissioner, Nagpur.

Sir,

In response to the letter referred to above, I have joined and reported for duty to day fore-noon as the Deputy Regional Director, National Savings (Govt. of India) Gaya, Bihar.

This is for favour of your kind information and necessary action.

Yours faithfully.

(S. K. TAMULI)
Dy. Regional Director
National Savings (G.O.I.)
Gaya Division.

No. 522-24 / NSO/G/1(P)/91 Dated. 11th Oct'91.

Copy to the :-

1. The Joint National Savings Commissioner, Nagpur for favour his kind information and necessary action.
2. The Pay & Accounts officer, National Savings (Govt. of India) Nagpur for favour of information and necessary action.
3. Regional Director, National Savings (G.O.I.) Assam, Gauhati for favour of information.

(S. K. TAMULI)
Dy. Regional Director
National Savings (G.O.I.)
Gaya Division
Bihar.

ATTESTED

Smita Bhattachajee
ADVOCATE

तार : "संचय"
Telegram "SANCHAYA"

सर्वोच्च शिक्षा विभाग,
राष्ट्रीय बचत



HAPPY CHILD -
NATION'S PRIDE

भारत सरकार
GOVERNMENT OF INDIA

वित्त मंत्रालय

MINISTRY OF FINANCE

कार्यालय क्षेत्रीय निदेशक, राष्ट्रीय बचत

OFFICE OF THE

REGIONAL DIRECTOR, NATIONAL SAVINGS

बिहार, पटना

BIHAR, PATNA

दूरभाष/Telephone :

कार्यालय/Office : 22964

निवास/RESIDENCE : 50032

Registered

जारी संख्या

Memo. No.

SKT/P/91

पटना, दिनांक

Patna, the

September 19 12

to

The Regional Director ,
National Savings (Govt. of India) ,
Meniram Bihan Road ,Opp. to Voltas ,
Gauhati -3 (ASSAM).

Sub:- Forwarding of Service Book and Leave Account in respect
of Shri S.K. Tamuli , Dy. Regional Director, N.S.

Sir ,

The Service Book together with the Leave Account
in respect of Shri S.K. Tamuli , ex-Dy. Regional Director,
N.S. , Gaya (Bihar) and now Dy. Regional Director, N.S. ,
Gauhati (Assam) is sent herewith for your necessary -
action.

The receipt of the Service Book as well as the
Leave Account of Shri S.K. Tamuli may please be acknowl-
edged.

Yours faithfully ,

sep/12

Regional Director ,
National Savings (Govt. of India) ,
Bihar.

Encl.:- As above

ATTESTED

Smita Bhattacharjee

ADVOCATE

Annexure-1, (Extract)

ANNEXURE-- D

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

New Delhi, the 14th Dec '83

OFFICE MEMO

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 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 Staff 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 :-

i) Tenure of posting/deputation.

x x x x x x x

ii) Weight-age for Central deputation/training abroad and special mention in confidential Record.

x x x x x x x

iii) Special (Duty) Allowance :

Central Government civilian employees who have All India transfer liability will be granted a special (Duty) Allowance at the rate of 25 percent of basic pay subject to any ceiling of Rs. 400/- per month on posting to any station in the North Eastern Region. Such of those employees who are exempted from payment of income tax will, however, not

ATTESTED

Contd..

Smita Bhattacharjee
ADVOCATE

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be eligible for this Special (Duty) Allowance. Special (Duty) Allowance will be in addition to any special pay and pro 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 Allowances like Special Compensatory (Remote Locality) Allowance, Construction Allowance and Project Allowance will be drawn separately.

XXXXXXX

XXXXXXXXXX

XXXXXXXXXXXX

XXXXXXXXXXXX

XXXXXXXXXX

30/- S.C. HANDEK
JOINT SECRETARY TO THE GOVERNMENT OF INDIA

ATTESTED

Smita Bhattacharjee
ADVOCATE

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 & 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. 20014/3/83-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 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 liberalised 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 of posting/deputation contained in this Ministry's O.M. No. 20014/3/83-E.IV dated December 14, 1983, read with O.M. No. 20014/16/86-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. 20014/3/83-E.IV dated December 14, 1983, read with O.M. No. 20014/16/86-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. 20014/16/86-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 contained 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)/95-E.II(B) dated July 17, 1995.

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.

ATTESTED

Smita Bhattacharjee

ADVOCATE

Special Compensatory Allowances

Orders in regard to revision of the rates of various Special Compensatory Allowances, such as Remote Locality Allowance, Bad Climate Allowance, Tribal Area Allowance, Compensatory 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 localities 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 those 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 Mileage 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 18 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, Officers drawing pay of Rs 13,500 and above and their families, i.e. spouse and two dependent children (up to 18 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/Imphal/Itanagar/Silchar in the North East and Calcutta and vice versa; between Port Blair in the Andaman & Nicobar Islands and Calcutta/Madras and vice versa; and between Kavaratti in the Lakshadweep Islands and Cochin and vice versa.

ATTESTED

Smita Bhattachajee
ADVOCATE

(viii) Children Education Allowance and Hostel Subsidy

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. The rates of Children Education Allowance and Hostel Subsidy having been revised in the Department of Personnel & Training O.M. No. 21017/1/97-Estt.(Allowances) dated June 12, 1998, the Allowance and Subsidy shall be payable at the revised monthly rates of Rs 100 and Rs 300 respectively per child.

(ix) Retention 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 29, 1984 and extended in this Ministry's O.M. No. 20014/16/86-E.IV/E.II(B) dated December 1, 1988 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. 20014/16/86-E.IV/E.II(B) dated December 1, 1988, Central Government employees who are eligible for residential telephones may be permitted to retain their residential telephone 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. Detailed orders in this regard will be issued by the Ministry of Health & Family Welfare.

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 *mutatis mutandis* 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 issue after consultation with the Comptroller and Auditor General of India.

6. Hindi version will follow.

N. Sunder Rajan

(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.

ATTESTED

Smrita Bhattacharjee

ADVOCATE

- 19 -

(-1)

Agd with ATT

36

The Director, (By Name),
National Savings Institute,
C.G.O. Complex 'A' Wing, 4th floor,
Semenary Hills, Nagpur - 440006
Dated, Dibrugarh the 30/8 Aug/05

ANNEXURE-- F

Subject : Regarding claim of special duty allowance.

Ref : My prayer petition dated, 10th May/05 and reminder dated, 11th July/05.

Respected Sir,

With due respect and humble submission, I am to state that I have submitted the above prayer petition to you through the Regional Director, National Savings Institute, Assam, Guwahati which is self explanatory. A photostate copy of the same is enclosed herewith for favour of your kind persual and ready reference. As I did not received any response so I submitted the above reminder by registered post directly to you for an early action. I am extremely sorry to bring in to your kind attention that till this date I have not received any response though it has crossed more than three months. It is not understood about the cause of such delay in attending my prayer by your good office in time to a person who retired in Jan. 2003 under special voluntary retirement scheme after serving the department dedicatedly more than 30 years.

It may kindly be added that my case is similar to those Deputy Regional Directors who received special duty allowance as an arrear in the year 2004 (i.e. after my retirement) and regularly thereafter. Like them, I was also promoted to the post of Deputy Regional Director on the basis of All India seniority list and posted out from Assam region to Gaya (Bihar region) and transferred back again to Assam region after serving in Bihar region. While considering payment of special duty allowance to above Deputy Regional Directors in 2004 i.e. after my retirement, I was not taken into account for payment though I was also due to receive the said allowance pertaining to the period of my service in the department.

As such, with a view to get an early action and to avoid further Correspondances and help of other source, I felt it necessary to apprise you (by name) about my prayer for favour of your kind action at the earliest.

I hope, your kind action in this respect will surely help me in attending my prayer and for which act of your kindness, I shall remain grateful to you for ever.

With kind regards

Encls. - As stated above.

Yours faithfully,

(S.K. Tamuli)

Retd. Deputy Regional Director,

F Bye Lane, Milan Nagar

P.O.-C.R. Building, Dibrugarh-786003,

Assam

ATTESTED

Smita Bhattacharjee

ADVOCATE

The Director,
National Savings Institute,
C.G.O. Complex, 'A' wing, 4th floor
Seminary Hills, Nagpur.
Dated, Dibrugarh the 15th December/05

Subject :- **Payment of special duty allowances - regarding.**

- Ref. (1) My prayer petition dated, 10th May/05 submitted through Regional Director, N.S.I. Guwahati.
(2) Reminder dated, 11th July/05 submitted under registered post
(3) Registered letter dated, 30th Aug/05 (By name)

Sir,

Kindly refer to my above letters regarding non payment of special duty allowances pertaining to the period of my service in the department

I am extremely sorry to say that I have not received neither reply nor any response till date despite of my several requests made to you through proper channel and by name also. The reason of non attending my prayer in due Course is best known to you although it has crossed more than seven months which shows your neglecting attitude toward me only.

It is needless to mention that your office as well as you are busy and could not be able to take the care of a retired employee who is expending amount in sending papers etc. by post and kept in dark totally knowingly which does not seems proper and fare. So, it is a great lapses in the part of the department who could not be able to settle the prayer of a retired employee who is always maintaining his life hand to mouth for want of money. As you know that my case is quite genuine and authentic if the payment of above allowance to 3 Deputy Regional Directors of this region is regular.

However, I would request you once again to consider my prayer sympathetically within a stipulated period (20 days) after the receipt of this letter **failing which I would be Compelled that there is no other alternative for me except to seek legal help instead of praying you in future.**

I hope, you will be kind enough to take appropriate action in this regard and action taken may kindly be intimated to me at an early date.

Photostate Copy of my above letters are enclosed herewith again for favour of your ready reference and kind perusal

Thanking you in anticipation.

Encls :- As stated.

Yours faithfully,

(S.K. Tamuli)

Retd. Deputy Regional Director,
'F' Lane, Milan Nagar,
P.O. C.R. Building,
Dibrugarh-786003, Assam.

Copy to the Regional Director, National Savings Institute, Guwahati for information and necessary action. He is requested to send a photostate copy of the forwarding letter to the undersigned which he failed while forwarding my prayer dated, 10th May/05 to the Director, NSI, Nagpur.

ATTESTED

Smrita Bhattachajee
ADVOCATE

G.A.R. 2

LAST PAY CERTIFICATE

[See Rules 11 (4) and 80 of Central Government Account, Receipts & Payments Rules, 1983]

1. Last Pay Certificate of Shri/Smt. M. P. R. Kalita, Dy. Regional Director of Ministry/
Department/Office MOF/DEA/RDNS, Assam proceeding on Redeployment
2. He/She has been paid up to and at the following rates:— Shall be paid upto 21st March on April/05

Entitlement	(Monthly) upto 21-3-05	Amount Rs.
1. Pay	8750.00	59278.00
2. Special Pay D.P.	4375.00	2964.00
3. DA	1838.00	1245.00
4. CCA	200.00	135.00
5. ADA S.D.A.	1641.00	1112.00
6. HRA	984.00	657.00
	<u>17,788.00</u>	<u>12,050.00</u>

Deduction

	Amount Rs.
1. Income Tax	1000.00
2. GPF Subs.	2204.00
3. GPF Adv.	-
4. Festival Adv.	-
5. MCA/OMCA/Cycle Adv.	-
6. HBA	60.00
7. CGEGIS Cont.	-
8. Licence Fee	-
9. CGHS Cont.	-
10. PLI	-

3. His/Her PF Account No. PAO/NS/NP/1122 is maintained by P.A.O. 3264800 N.S.I. Nagpur

4. He/She made over charge of the office/post of Relieved on 21-3-05 (Afternoon)
on the forenoon/afternoon of

5. Recoveries are to be made from the pay of the Government servant as detailed on the reverse.

6. He/She is also entitled to joining time for days.

7. He/She has been sanctioned leave preceding joining time for days.

8. * [Redundant — Not printed]

9. Details for PLI recovery through pay bill.

10. Details of Income Tax recovered up to the date from the beginning of the current financial year are noted on the reverse.

11. Service for the period from 01-04-04 to 21-03-05 (during
his stay in this office) has been verified. A copy of LPC has been given to the Government servant.

Date 21/3/05

Signature [Signature] 21/3/05
Designation Deputy Regional Director
National Savings, (Govt. of India)
Assam, Gauhati

*Relates to Insurance Policies financed from GPF.

ATTESTED

Smita Bhattacharjee

ADVOCATE

G.A.R. 2

LAST PAY CERTIFICATE

[See Rules 11 (4) and 80 of Central Government Account, Receipts & Payments Rules, 1983]

1. Last Pay Certificate of Shri/Smt./Ms. **S. B. Chakraborty, Dy. Regional Director** Ministry/
Department/Office **MOF/DEA/RDNS/ASSAM** proceeding on **Redeployment**

2. He/She has been paid up to and at the following rates:— **Shall be paid upto 24-03-05 on April '05**

Entitlement	(Monthly) upto 24-3-05	Amount Rs.
1. Pay	9000.00..	6968.00 ..
2. Special Pay D.P.	4500.00..	3484.00 ..
3. DA	1890.00..	1461.00 ..
4. CCA	200.00..	155.00 ..
5. ADA SDA	1688.00..	1307.00 ..
6. HRA	1013.00..	784.00 ..

Deduction	Amount Rs.
1. Income Tax	...
✓ 2. GPF Subs.	...
3. GPF Adv.	...
4. Festival Adv.	...
5. MCA/OMCA/Cycle Adv.	...
6. HBA	...
✓ 7. CGEIS Cont.	...
8. Licence Fee	...
9. CGHS Cont.	...
10. PLI	...
	5000.00
	60.00

3. His/Her PF Account No. **PAO/NS/NP/1122** is maintained by **P.A.O. N.S.I. Nagpur**

4. He/She made over charge of the office/post of **Relieved on 24-3-05 (Afternoon)**
on the forenoon/afternoon of

5. Recoveries are to be made from the pay of the Government servant as detailed on the reverse.

6. He/She is also entitled to joining time for days.

7. He/She has been sanctioned leave preceding joining time for days.

8. * [Redundant — Not printed]

9. Details for PLI recovery through pay bill.

10. Details of Income Tax recovered up to the date from the beginning of the current financial year are noted on the reverse.

11. Service for the period from **01-04-04** to **24-03-05** (during
his stay in this office) has been verified. A copy of LPC has been given to the Government servant.

No.

Date **24/3/05**

Signature **[Signature]** **24/3/05**
Deputy Regional Director
National Savings, (t. of India)
Assam, Guwahati

*Relates to Insurance Policies financed from GPF.

ATTESTED

Smita Bhattacharjee
ADVOCATE

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.

1. SSB Directorate may kindly refer to their UO No. 42/SSB/AT/99(18)- 2369 dated 31.03.2000 on the subject mentioned above.
2. The points of doubt raised by SSB in their UN 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 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

Attested for Advocates

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<p>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 NE Region having All India Transfer Liability.</p>	
<p>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</p>	<p>YES</p>
<p>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</p>	<p>YES</p>
<p>v) The MOF. Deptt. Of Expdr. 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 Serv/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 one 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</p>	<p>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</p>
<p>vi) Based on point (iv) above, some of the units of SSB/DGS have authorised payment of SDA to othe 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</p>	<p>It has already been clarified by MOF that clause in the appointment order regarding All India</p>

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	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.

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Smrita Bhattacharjee
ADVOCATE

26-

43

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ORIGINAL BENCH

ORIGINAL APPLICATION NO. 237 OF 2000.

Date of decision - December 22, 2000.

THE HON'BLE MR. JUSTICE D.M. CHOWDHURY, VICE-CHAIRMAN.

THE HON'BLE MR. A.P. SINGH, ADMINISTRATIVE MEMBER.

Sri Paban Chandra Paul,
Son of Late Santosh Ch. Paul,
aged about 43 years,
Resident of Dewal Road, Jorhat.

Working as JE (Presently Survey and
Contract) in the office CE (1)(P)
Teliamura, C/O Ex-GE(P) Agartala,
MES No. 230713,
P.O. Salbagan, Agartala - 12.

- APPLICANT

By Advocates Mr. M. Chanda, Mr. V.D. Goswami
& Mr. G.N. Chakraborty.

- Versus -

1. Union of India,
Through the Secretary to the
Government of India, Ministry
of Defence, New Delhi.

2. The Headquarter Chief Engineer,
Eastern Command, Fort William,
Calcutta.

3. The Chief Engineer,
MES, Shillong Zone,
S.E. Falls, Shillong.

4. The Area Accounts Officer,
MES Shillong Zone, Shillong.

5. The Garrison Engineer (1)(P),
Teliamura, C/O Ex-GE(P)
Agartala, P.O. Salbagan,
Agartala-12.

- RESPONDENTS

By Advocate Mr. D.S. Prasad, Addl. G.O.S.C.

Page 2 ...

ATTESTED

Smita Bhattacharjee
ADVOCATE

JUDGMENT

M. P. SINCH, MEMBER (ADJUT.) -

By filing the original application, the applicant has challenged the Office Memorandum dated 12th January, 1996 circulated by the Ministry of Defence under letter No.1(19)/83-D(Civ.I)Vol.II dated 18.1.1996. He has sought relief by praying for a direction to the respondents not to make any recovery of Special (Duty) Allowance (S.D.A. in short) already paid to the applicant and also for a direction to continue to pay S.D.A. to the applicant in terms of the Office Memorandum (O.M. in short) dated 14th December, 1983, 1st December, 1988 and 22nd July, 1990.

The facts of the case as stated by the applicant are that the applicant was initially appointed as a Surveyor Assistant Grade-II during the year 1980 in the department of M.E.S. The recruitment to the post of Surveyor Assistant Grade-II (S.A.II in short) is being made on All India basis and the seniority of the applicant in the cadre of S.A.II is being maintained on All India basis. As per condition laid down in the appointment order/recruitment rules, the applicant is liable to be transferred on all India basis.

4. The applicant was promoted to the post of Surveyor Grade-I in 1988. On his promotion, he was transferred to Mumbai under Southern Command, M.E.S. He stayed in Mumbai for about 3 years in the cadre of S.A. Gr.I. He was again

Transferred to

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transferred to Jorhat in the year 1992 in the office of the C.W.B. Both the transfer and posting of the applicant were made in the public interest. He is presently posted as J.E. Quantity Survey and Contract in the office of the C.F. (1) (p), Teliamura, Agartala. The Government of India granted certain allowances and facilities to civilian Central Government employees vide Office Memorandum dated 14th December, 1983. One of such allowances granted vide the above stated O.M. to the civilian Central Government employees is called "Special Duty Allowance" (S.D.A. in short). The applicant was found eligible by the respondents for payment of S.D.A. in terms of the said O.M. and accordingly, they have started paying S.D.A. to the applicant since 1983 as per O.M. dated 14th December, 1983 except for the period during his stay at Bombay. However, in the month of May, 2000, the respondents stopped the payment of S.D.A. as well as recovered an amount at the rate of Rs.1,000/- from the pay bill of the applicant for the months of May and June, 2000. The applicant came to know that the stoppage and recovery of S.D.A. has been made following the order/direction contained in O.M. dated 12th January, 1996 circulated by the Ministry of Defence vide their letter dated 18th January, 1996 whereby it is directed that the locally recruited employees are not entitled to S.D.A. as such whatever payment is made after 20th September 1994 should be recovered from the employees concerned. It is also mentioned therein that these instructions have been issued in pursuance of the decision of the Supreme Court dated 20th September, 1994 in Civil Appeal No.3251/1993. According to the judgment of the Hon'ble Supreme Court Central Government employees who have all India transfer

HABIBUL

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liability are entitled to payment of S.D.A. on being posted to any station in the North Eastern Region from outside the region. A mere reading of the circular dated 12th January, 1996 makes it abundantly clear that the applicant fulfilled all the conditions laid down therein for grant of S.D.A. The applicant's recruitment zone, promotion zone and seniority of the cadre are being maintained on all India basis and the question of all India transfer liability is evident from his transfer and posting to Bombay during the year 1988 and such, the applicant is entitled to S.D.A. In terms of the O.M. dated 14th December, 1983. Aggrieved by the action of the respondents to stop the payment of the S.D.A. to the applicant and issuing the order for recovery of the same he has come before this Tribunal and sought the relief mentioned in para-2 above.

5.11. The respondents have contested the case and have stated that as per O.M. dated 12th January, 1996 issued by the Ministry of Finance, more clause in the appointment letter to the effect that persons concerned are liable to be transferred in anywhere in India, did not make him eligible for the grant of S.D.A. Thus, the S.D.A. payable to the Central Government employees having all India transfer liability is stopped and recovery on account of S.D.A. paid after 20th September, 1994 was ordered. However, the respondents have not disputed the contention of the applicant made in para-4.2 about his transfer to Mumbai in the year 1988 and thereafter, he was transferred back to Bombay in the year 1992. On perusal of the O.M. dated 12th January, 1996 issued by the Ministry of Finance, we find that the

Central

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Smita Bhattacharjee

ADVOCATE

Central Government civilian employees who have all India transfer liability are entitled to the grant of S.D.A. on being posted to any station in the North Eastern Region from outside the region. Para-6 of the O.M. dated 12th January, 1996 issued by the Ministry of Finance states as follows :-

"The Hon'ble Supreme Court in their judgment delivered on 20.9.94 (in Civil Appeal No. 3251 of 1993) upheld the submissions of the Government of India that Central Government Civilian employees who have all India transfer liability are entitled to the grant of S.D.A., on being posted to any station in the NE Region from outside the region and S.D.A. would not be payable merely because of the clause in the appointment order relating to All India Transfer Liability. The apex Court further added that the grant of this allowance only to the officers from outside the region to this region would not be violative of the provisions contained in Article 14 of the Constitution as well as the equal pay doctrine. The Hon'ble Court also directed that whatever amount has already been paid to the respondents or for that matter to other similarly situated employees would not be recovered from them in so far as this allowance is concerned."

6. Heard both the learned counsel for rival contenting parties and perused the records.

7. On perusal of records placed before us, we find that the applicant in this case has the transfer liability on all India basis. He has been recruited to the post of

S.A. Grade 11

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Smita Bhattacharjee
ADVOCATE

S.A. Grade-II on all India basis and his seniority in the cadre is being maintained on all India basis. He has been transferred to North Eastern Region from outside in 1992. Keeping in view the criteria laid down in Ministry of Finance letter dated 12.1.1996, the applicant is entitled to the payment of S.D.A. As regards the recovery of the amount of S.D.A. already paid to the applicant, the Honble Supreme Court in their judgment dated 20th September, 1994 in Union of India and others - Vs. - S. Vijayakumar and others (reported in 1994 Supp (3) SCC 649) has directed that whatever amount has already been paid to the respondents or for that matter to other similarly situated employees would not be recovered from them in so far as this allowance is concerned. In this view of the matter, no recovery can be made from the amount of S.D.A. already paid to the applicant. Therefore, the amount already recovered at the rate of Rs. 1,000/- from the pay Bill of the applicant for the months of May and June, 2000 as stated in para-4.5 of the O.A. will have to be refunded to the applicant by the respondents.

8. In the light of the above, the O.A. is allowed and the respondents are directed to continue to pay the S.D.A. to the applicant in terms of the O.M. dated 14th January, 1996. The respondents are further directed that no recovery would be made from the amount of S.D.A. already paid to the applicant. In case, any amount of S.D.A. already paid has been recovered by the respondents, the same shall be refunded to the applicant immediately. The said direction shall be complied with within a period of 2 months from the date of receipt of a copy of this order.

ATTESTED

Smita Bhattacharjee

ADVOCATE

ANNEXURE- 1

"TYPED COPY"

W.P. (C) No.107 of 2000

Noting by officer or advocate	Serial No.	Date	Office Notes, reports, orders or proceedings
1	2	3	4
<p>Seal Gauhati High Court</p> <p>TRUE COPY</p> <p>Sd/- illegible</p> <p>Superintendent Bench, Gauhati High Court</p>		5-3-2001	<p><u>BEFORE</u></p> <p>THE HON'BLE THE CHIEF JUSTICE THE HON'BLE MR. JUSTICE B. B. DEB</p>
			<p>Heard Mr. P. K. Dhar, the learned Senior Central Government Standing Counsel for the petitioners.</p> <p>This writ petition, in our considered view, deserves to be dismissed in limine. The impugned judgment rendered by the Central Administrative Tribunal, Guwahati has been on the basis of not only notification but a judgment of the Apex Court. We are in respectful agreement with the view taking by the Tribunal.</p> <p>Finding no merit in the writ petition, the same is dismissed in limine.</p> <p>Learned Tribunal in the ultimate decision granted 2 months' time. Time would stand extended. The payment be now made within 2 (two) months from today.</p> <p>Copy of the order be made available to the learned Senior Central Government Standing Counsel at the earliest.</p>

ATTESTED

Smrita Bhattacharyee
ADVOCATE

The Office of
AdvocateSerial
No.

Date

Office notes, reports, orders or proceedings
with signature

BEFORE

THE HON'BLE THE CHIEF JUSTICE
THE HON'BLE MR. JUSTICE B.D. DEB

5-3-2001

Heard Mr. P.K. Dhar, the learned

Senior Central Government Standing
Counsel for the petitioners

This writ petition, in our
considered view, deserves to be
dismissed in limine. The impugned
judgment rendered by the Central
Administrative Tribunal, Guwahati, on
the basis of not only notification but
a judgment of the Apex Court. We are
in respectful agreement with the view
taken by the Tribunal.

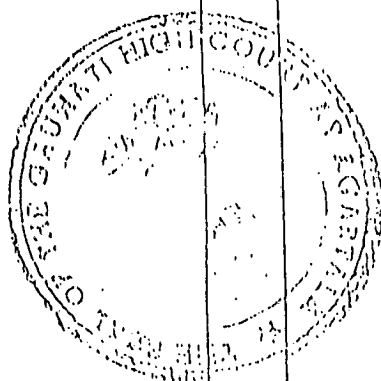
Finding no merit in the writ
petition, the same is dismissed in
limine.

Learned Tribunal in its ultimate
decision granted 2 months' time. This
would stand extended. The costs
payment be not made within 2 (two)
months from today.

Copy of the order be made
available to the learned Senior Central
Government Standing Counsel at the
earliest.

ATTESTED

Smita Bhattacharjee
ADVOCATE



TRUE COPY

Superintendent (Records)
Small Cause Court,
Agartala Bench.

1.02