

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓ O.A/T.A No. 230/2006

R.A/C.P No.

E.P/M.A No.

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SECTION OFFICER (Judl.)

Kalita
26/10/17

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDERS SHEET

1. Original Application No. 230/06

2. Miscellaneous No. /

3. Contempt Petition No. /

4. Review Application No. /

Applicant(s) A. R. Poddar & Co

Respondant(s) U. O. R & Co

Advocate for the Applicant(s) M. Chandra, S. Nath
G. N. Chakrabarty
U. K. Dutta

Advocate for the Respondant(s) CASE

Notes of the Registry

Date

Order of the Tribunal

05.09.2006 Present: Hon'ble Sri K.V. Sachidanandan
Vice-Chairman.

There are six Applicants in this Application. Their claim is for grant of Special Duty Allowance.

Mr S. Nath, learned Counsel for the Applicants submits that all the Applicants originally belong to Kolkata and they have been transferred to N.E. Region on different dates. But they have not been paid Special Duty Allowance. The learned Counsel for the Applicants has also brought to my notice a decision of this Tribunal dated 05.03.2001 passed in O.A. 187 of 2000, wherein same benefit has been granted to the Applicants therein, which was also further confirmed by the Hon'ble Gauhati High Court.

Mr G. Baishya, learned Sr. C.G.S.C. for the Respondents would like to take instructions to file statement. Let it be done.

Considering the issue involved, I am of the view that the O.A. is to be admitted. Admit. Issue notice to the Respondents.

Post on 16.10.2006.

Vice-Chairman

26.9.3261.55
30.8.06
Sd/-

Steps not taken
Sd/-

Notice & order sent to
D/Section for issuing
to resp. nos. 1 to 4 by
regd. A/D post and
another resp. nos. 5 & 6
sent to received by
hand: D/No. 968 to 971
19/10/06. Dt= 18/9/06.
Notice duly served
on resp. nos- 5, 6.
19/10/06.

1.11.2006

Mr.G.Baishya, learned Sr.C.G.
S.C. is granted four weeks time to
file reply statement.
post on 4.12.2006.

Vice-Chairman

bb

4.12.06

3 weeks further time is granted
to the respondents to file ~~xxx~~
written statement.

List on 22.12.06 for order.

Vice-Chairman

① Notice duly served
on R.No- 5 & 6.

② Service report awaited
from R.No- 1 to 4.

22.12.2006

Let the case be listed on 1.2.2007
for filing of reply statement, if any and
memo of appearance.

Vice-Chairman

No Ws have been
biled.

31.10.06.

/bb/

No Ws have been
biled.

21.12.06.

14.2.2007

Post on 16.3.2007. In the meantime
Applicant shall file rejoinder, if any to the
reply statement filed by the Respondents..

Vice-Chairman

/bb/

16.3.07.

Post the matter on 25.4.07
for filing rejoinder.

Vice-Chairman

Member

1m

Ws submitted by
the respondents and page
contains 1 to 24.

No rejoinder biled. 15.3.07.

Received copy
for Respondant
no. 5 & 6.

Sh. Tapash Chakraborty,
UDC
PPC(KE), Doodarshan
Guwahati

25/9/06

~~Received copy~~

Notes of the Registry

Order of the Tribunal

24-4-07

- ① Wks have been filed.
- ② No rejoinder has been filed.

24.4.07.

No rejoinder has been filed.


14.5.07.

No rejoinder has been filed.

6.6.07.

25.4.2007

Mr. S. Nath, learned counsel for the Applicant and Mr. G. Baishya, learned Sr. C.G.S.C. for the Respondents are present. Registry is directed to post the case for hearing on 15.05.2007. In the meantime, Applicant is permitted to file rejoinder, if any.


Member (A)


Member (J)

/bb/

15.5.2007

Written statement has already been filed. Applicant may file rejoinder, if any.

Post the matter on 7.6.07.


Vice-Chairman

/pg/

7.6.2007

Further three weeks time is allowed to file rejoinder.

Post the case on 29.6.2007.


Vice-Chairman

/bb/

29.6.07.

At the request of learned counsel for the applicant four weeks further time is granted to file rejoinder. Post the matter on 16.7.07.


Vice-Chairman

Rejoinder not filed.

16.7.07.

0-A- 230/06 -4-

Notes of the Registry,

17.7.2007

30.7.07
Rejoinder Submitted
by Applicant, page 1 to 13
copy served.

Dis.

pg

The case is ready
for hearing.

M
2.8.07.

3.8.07

Post on 29.8.07 for hearing.

Vice-Chairman

Vice-Chairman

pg

The case is ready for
hearing.

M
28.8.07.

29.8.2007

Post on 19.9.2007.

Vice-Chairman

The case is ready
for hearing.

M
26.9.07.

nkm

27.9.2007

Heard Mr.M.Chanda, learned counsel
for the Applicant and Mr.G.Baishya, learned
Sr. Standing Counsel for the Central
Government.

CAV.

(Khushiram)
Member (A)

(M.R.Mohanty)
Vice-Chairman

/bb/

OA 230/06

4

28.9.2007

Judgment pronounced in open Court in presence of the learned counsel for both the parties.

The O.A. is allowed in terms of the order placed in separate sheets. No costs.

Admitted
8.10.
Dutta
9/10/07

(Khushiram)
Member (A)

(M.R.Mohanty)
Vice-Chairman

/bb/

17/10/07

Copy of the order
handed over to the
Advocates for the
parties on 8.10.07
on 9.10.07 respectively.
and copy of the order
has been sent to the
Office for issue the
due to the Ref No
3 and 5 by post.
Hm.

21.11.07

order sent
vide D.No. 1352
on 1353 on 16.11.07.
Hm

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.230/2006.

DATE OF DECISION : 28-09-2007

Shri Asish Ranjan Poddar & 5 others.

.....Applicant/s

Mr M. Chanda

.....Advocate for the
Applicant/s

-Versus -

Union of India & Ors.

.....Respondent/s

Mr G. Baishya, Sr.C.G.S.C

.....Advocate for the
Respondent/s

CORAM

THE HON'BLE MR MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE MR KHUSHIRAM, ADMINISTRATIVE MEMBER

1. Whether reporters of local newspapers may be allowed to see the judgment ? ~~Yes~~/No
2. Whether to be referred to the Reporter or not ? ~~Yes~~/No
3. Whether their Lordships wish to see the fair copy of the judgment ? ~~Yes~~/No.

Vice Chairman/Mamber(A)

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No. 230/2006.

Date of Order : This the 28th Day of September, 2007.

THE HON'BLE MR MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE MR KHUSHIRAM, ADMINISTRATIVE MEMBER

1. Shri Asish Ranjan Poddar
2. Shri Janardhan Chakraborty
3. Shri Ranjit Sarkar
4. Mrs Sampa Hazra
5. Shri Debabrata Sarkar
6. Shri Manik Kumar Mandal

Applicants No.1 to 5 are Engineering Assistant
and Applicant No.6 is Senior Engineering Assistant of
All India Radio, Guwahati. Applicants

By Advocate Shri Manik Chanda

- Versus -

1. Union of India,
represented by Secretary to the
Government of India,
Shastri Bhawan 'A' Wing,
New Delhi-110001.
2. Prasar Bharati Broadcasting Corporation of India,
represented by the Chief Executive Officer,
Parliament Street, New Delhi - 110001.
3. The Director General,
Doordarshan, Mandi House,
Copernicus Marg, New Delhi-110001.
4. The Director General,
All India Radio,
Prasar Bharati Broadcasting Corporation of India,
Akashbani Bhawan,
Parliament Street, New Delhi - 110001.
5. Director,
Programme Production Centre (N.E)
Doordarshan,
R.G.B.Road, Guwahati-781024.

6. The Deputy Director General (NER),
Programme Production Centre (N.E)
Doordarshan,
R.G.B.Road, Guwahati-781024.

.....Respondents

By Advocate Shri G. Baishya, Sr.C.G.S.C

ORDER

KHUSHIRAM (MEMBER(A))

Six Applicants who are now posted as Engineering Assistants in All India Radio, Guwahati have approached this Tribunal with the present Original Application filed under Section 19 of the Administrative Tribunals Act 1985 claiming Special Duty Allowance (in short SDA) for the reason of their posting in North Eastern Region of India.


2. The Applicants were transferred at different times, from Kolkata (in the State of West Bengal) to Guwahati in the North Eastern State of Assam and, as such, claimed to be entitled to SDA (after their posting to North Eastern Region) in terms of Office Memorandum No.11(5)/97-E.II.(B) dated 29.5.2002 of the Government of India, in the Ministry of Finance, but they were denied the benefit on the ground that the personnel employed as Engineering Assistant are appointed on zonal basis and AIR Guwahati and entire North Eastern Region happened to be a part of the East Zone and, as such, they are under obligation to serve anywhere within the East Zone of All India Radio; which includes North Eastern States and that, therefore, they are not entitled to SDA. Admittedly the Applicants are residents of West

Bengal (outside North East Region of India) and their initial appointment had a specific clause of "All India Transfer Liability".

3. In their reply, the Respondents have admitted that the Applicants were initially appointed in the department with a clause of "All India Transfer Liability" and as per terms appended in the orders of their appointment, they have been posted to the North East Region and that a mere clause in the appointment letter to the effect that the persons concerned is liable to be transferred anywhere in India did not make him eligible for grant of SDA. It has been pointed out that SDA is one of the incentives granted to Central Government employees having 'All India Transfer Liability' and not merely because they belong to East Zone Cadre and they have been transferred to North East Region in exigencies of service. It has also been stated clearly that East Zone of All India Radio consists of the States of West Bengal, Orissa, Bihar and North East Region States of India (that consists of all the states in North East India including Sikkim) and that mere transfer to North East Zone does not entitle the Applicants for grant of SDA.

4. We heard Mr M.Chanda, learned counsel appearing for the Applicant and Mr G.Baishya, learned Sr.C.G.S.C appearing for the Respondents.

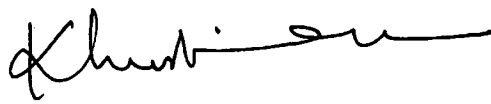
5. The counsel for the Applicant argued that in a similar case that was decided on 5.3.2004 by this Bench of the Tribunal (rendered in O.A. 187/2000) Applicants therein, who were also Engineering Assistants of All India Radio, Guwahati (now they have been posted back at Kolkata) full relief were granted to them and they were paid




SDAs. Learned counsel for the Applicant further submitted that Hon'ble Gauhati High Court in Writ Petition(C) No.7057/2001 decided on 04.01.2006 have already decided the issue involved in the present matter and have granted relief to such categories of employees. The learned counsel appearing for Respondents did not challenge these assertions of the counsel for Applicants, ^{on the face of the fact that the} Hon'ble High Court, in that case (W.P.(C) 7057/2001 & other connected cases) held, on 04.01.2006, "that the officers and employees, who belongs to the region other than the N.E.Region, will be entitled to SDA." It may be noted here that admittedly the Applicants are residents of West Bengal (outside North East Region of India) and their initial appointment had a specific clause of "All India Transfer Liability".

6. In view of the foregoing discussions and the settled position of law (the order of the CAT as well as that of Hon'ble High Court, allowing similar claims), the present case is allowed. The Respondents are directed to pay the SDA to the Applicants, for the period they served in the North East Region of States, within a period of three months from the date of receipt a copy of this order.

7. The Original Application is accordingly allowed. There will be, however, no order as to costs.


(KHUSHIRAM)
ADMINISTRATIVE MEMBER


(MANORANJAN MOHANTY)
VICE CHAIRMAN

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[Signature]
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

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

O. A. No. 230 /2006

Shri Asish Ranjan Poddar & Ors.
-Vs-

Union of India and Others.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

- 02.04.2003- Applicant No. 1 while working as E.A. at AIR, Kolkata he was transferred and posted in NE Region in public interest, accordingly he joined at AIR Guwahati on 08.05.2003. (Annexure- 3)
- 02.04.2003- Applicant No. 2 while working as E.A. at AIR, Kolkata, he was transferred at AIR, Guwahati on 02.04.2003 and released on 28.04.03. However, he joined at AIR, Guwahati on 12.05.2003. (Annexure- 4)
- 02.04.2003- Applicant No. 3 while working as E.A at AIR, Kolkata, he was transferred at DDK, Guwahati vide order dated 02.04.03, accordingly he joined at Guwahati on 22.07.2003.
- 04.05.1990- Applicant No. 4 while working as E.A at AIR, Kolkata She was transferred from AIR, Kolkata to AIR, Guwahati and accordingly she joined at Guwahati on 11.06.02. (Annexure- 5, 6 and 7)
- 02.04.2003- Applicant No. 5 while working at DDK, Kolkata as E.A, he was transferred and posted at DDK, Guwahati on 02.04.03 accordingly he joined at Guwahati on 17.07.03.
- 28.01.2005- Applicant No. 6 while working to the cadre of Sr. E.A, at AIR, Kolkata he was transferred to AIR, Guwahati. Accordingly he joined at Guwahati on 24.03.05. (Annexure- 8, 9, 10)
- 14.12.1983- Govt. of India, issued O.M dated 14.12.83, granting Special Duty Allowance to the central Govt. civilian employees who are saddled with all India transfer liability on their posting to NE Region from

Asish Ranjan Poddar

outside of the NE Region. The said O.M was subsequently extended by the O.M dated 01.12.88, 12.01.96 and 22.07.98.

(Annexure- 11)

29.05.2002- Govt. of India, Ministry of Finance issued O.M dated 29.05.02, whereby SDA has been granted to the central Govt. civilian employees having all India transfer liability on posting to NE Region from outside the region. (Annexure- 12)

All the applicants are permanent resident of West Bengal and they are saddled with all India transfer liability as per the clause laid down in their offer of appointment and as per the O.M 14.12.83, dated 01.12.88, 12.01.96 and 22.07.98 as well as O.M dated 29.05.02 they are entitled to payment of SDA.

06.12.04, 06.07.06, 25.10.05, 04.07.06 and 19.08.05- Applicants submitted representations praying for payment of SDA since their posting in NE Region but to no result. (Annexure- 13 series)

05.03.2001- Similarly situated employees who were working as Sr. E.A filed O.A. No. 187/2000 before this Hon'ble Tribunal and the said O.A was decided on 05.03.01 holding that those applicants are entitled to payment of SDA from the date of their posting in NE Region. The judgment dated 05.03.01 of this Hon'ble Tribunal has been confirmed by the Hon'ble Gauhati High Court vide it's judgment and order dated 04.01.06 passed in WP (C) No. 7057/2001.

The present applicants being similarly situated employees working in the cadre of E.A as such they are also entitled for payment of SDA with arrear monetary benefits.

P R A Y E R S

1. That the Hon'ble Tribunal be pleased to direct the respondents to pay SDA to all the applicants at least from the date of their joining in N. E. Region with arrear monetary benefit, in terms of the clause 5 of the O.M dated 29.05.2002 as well in terms of the O.M dated 14.12.1983 and 22.07.1998.
2. That the Hon'ble Tribunal would be pleased to declare that the applicants are entitled to payment of SDA in terms of the O.M dated 14.12.1983, 22.07.1998 and also in terms of the clause 5 of the O.M dated 29.05.2002.

Ashis Ranjan Poddar

3. Costs of the application.
4. Any other relief (s) to which the applicants are entitled as the Hon'ble Tribunal may deem fit and proper.

Interim order prayed for:

During pendency of the application, the applicant prays for the following interim relief: -

1. That the Hon'ble Tribunal be pleased to direct the respondents that the pendency of this application shall not be a bar for the respondents for consideration of the case of the applicants for providing relief as prayed for.
-

Ashis Ranjan Poddar

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

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

Title of the case : O.A. No. 230 /2006

Shri Ashis Ranjan Poddar & Ors. : Applicants.

-Versus-

Union of India & Ors. : Respondents.

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Filed By:

Date: -

Advocate

Ashis Ranjan Poddar

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

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

O.A. No. _____/2006

BETWEEN:

1. **Shri Asish Ranjan Poddar,**
S/o- Shri Ranjit Kumar Poddar,
Engineering Assistant
All India Radio, Guwahati.
2. **Shri Janardhan Chakraborty,**
Engineering Assistant
All India Radio, Guwahati.
3. **Shri Ranjit Sarkar,**
Engineering Assistant
All India Radio, Guwahati.
4. **Mrs. Sampa Hazra,**
Engineering Assistant
All India Radio, Guwahati.
5. **Shri Dehabrata Sarkar,**
S/o- Shri Golak Ch. Sarkar,
Engineering Assistant
All India Radio, Guwahati.
6. **Shri Manik Kumar Mandal,**
Senior Engineering Assistant
All India Radio, Guwahati.

-----Applicants.

-AND-

1. **The Union of India,**
Represented by Secretary to the
Government of India,
Ministry of Information and Broadcasting,
Shastri Bhawan 'A' Wing,
New Delhi- 110001.
2. **Prasar Bharati Broadcasting Corporation of India,**
Represented by the Chief Executive Officer,

1
'8
Filed by the applicants
through U. Dutta, Advocate
on 4.09.06.

Asish Ranjan Poddar

Parliament Street, New Delhi- 110001.

3. The Director General,
Doordarshan,
Mandi House,
Copernicus Marg, New Delhi- 110001.
4. The Director General,
All India Radio,
Prasar Bharati Broadcasting Corporation of India,
Akashbani Bhawan,
Parliament Street, New Delhi- 110001.
5. Director,
Programme Production Centre (N.E)
Doordarshan,
R.G.B Road, Guwahati- 781024.
6. The Deputy Director General (NER),
Programme Production Centre (N.E)
Doordarshan,
R.G.B Road, Guwahati- 781024.

..... Respondents.

DETAILS OF THE APPLICATION

1. Particulars of the order (s) against which this application is made:

This application is made not against any particular order but for non payment of S.D.A to the applicants in terms of the O.M dated 14.12.1983, 01.12.1988, 22.07.1998 and also in terms of the O.M dated 29.05.2002 and praying for a direction upon the respondents to pay S.D.A to the applicants with arrear monetary benefits from the date of their joining in N.E. Region from outside the region and further be pleased to declare that the applicants are entitled to payment of S.D.A.

2. Jurisdiction of the Tribunal:

The applicants declare that the subject matter of this application is well within the jurisdiction of this Hon'ble Tribunal.

Ashis Ranjan Podder

3. Limitation:

The applicants further declare that this application is filed within the limitation prescribed under Section- 21 of the Administrative Tribunals Act 1985.

4. Facts of the case:

- 4.1 That the applicants are citizens of India and as they are entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.
- 4.2 That the applicants pray permission to move this application jointly in a single application under Sec 4 (5) (a) of the Central Administrative Tribunal (Procedure) Rules 1987 as the relief's sought for in this application by the applicants are common, therefore, they pray for granting leave to approach the Hon'ble Tribunal by a common application.
- 4.3 That the applicants No. 1 to 6 are working as Engineering Assistant and applicant No. 7 is working in the cadre of Sr. Engineering Assistant. However all the applicants belongs to Group "C" category employees under the AIR/Doordarshan, Govt. of India, Ministry of Information and Broadcasting. All the applicants presently posted at Guwahati from outside the N.E. Region. All the applicants are permanent resident of different places of the State of West Bengal.
- 4.4 That your applicant No. 1 was initially appointed on 01.02.1989 on direct recruitment basis through competitive examination on all India basis as Technician in the office of the Chief Engineer, Eastern Zone, Kolkata. The applicant No. 1 while working as Technician appeared in the direct recruitment competition examination on all India basis for the post of Engineering Assistant (in short E.A). And after being successful in the said examination, the applicant was directly appointed to the post of E.A and joined at A.I.R. Kolkata on 11.06.1992 vide offer of appointment bearing

Ashis Ranjan Poddar

letter No. CAL-1 (5)/92-S (EA) dated 21.05.1992. In the said offer of appointment letter there is specific clause that the applicant will be liable to transfer at any time to serve under a public corporation if formed and on such transfer he will be liable to the conditions of service to be laid down for employees of that corporation. In other words the applicant is liable to be served anywhere in the corporation office if formed. In the earlier appointment order bearing letter No. 1 (1279) E dated 13.02.1989, wherein also there was a clause that the applicant is liable to be transferred and posted anywhere in India. The applicant No. 1 is a permanent resident of Bardwan District, West Bengal. The applicant while working at AIR, Kolkata, he was transferred and posted at AIR, Gangtok and joined on 21.08.1996, again he was transferred back to AIR, Kolkata and joined on 01.03.1999. The applicant while working as E.A at AIR, Kolkata, he was transferred and posted in the N.E. Region in public interest vide order bearing letter No. 1 (25)/2003-S dated 02.04.2003, however he was joined at AIR, Guwahati on 08.05.2003. The applicant No. 1 is saddled with all India transfer liability as such he is entitled for payment of SDA

(A Copy of the appointment letter dated 13.02.1989, 21.05.1992 and transfer order dated 02.04.2003 are enclosed as Annexure-1, 2 and 3 respectively).

- 4.5 That your applicant No. 2 was appointed on direct recruitment basis through competitive examination on all India basis as Engineering Assistant vide letter bearing No. A 22015/1/91 Admn. I (E.A) dated 18.03.1991 accordingly he joined on 01.04.1991 and posted at AIR, Kolkata. In the offer of appointment letter dated 18.03.1991 there was a specific clause of all India transfer liability is incorporated. While working at AIR, Kolkata as E.A, he was transferred and posted at AIR, Gangtok in public interest, where he joined on 20.01.1996. Thereafter the applicant No. 2 was again posted back to AIR, Kolkata and joined on 09.10.1998. The applicant

Ashis Ranjan Poddar

again transferred and posted at AIR, Guwahati vide letter bearing No. 1 (25)/2003-S dated 02.04.2003 in public interest and joined on 12.05.2003. It is needless to mention here that similar clause of All India transfer liability is also incorporated in the offer of appointment letter of the applicant No. 2. Consequent on his transfer, the applicant No. 2 was relieved in the afternoon of 05.05.2003 vide order dated 28.04.2003. He is a permanent resident of the state of West Bengal.

(Copy of the release order dated 28.04.2003 is enclosed as Annexure-4).

4.6 That your applicant No. 3 was initially appointed as Technician direct recruitment basis through competitive examination on all India basis and joined on 11.12.1984 under Chief Engineer, Eastern Zone, Kolkata, thereafter he was promoted as Senior Technician on 24.11.1988. The applicant was further promoted as Engineering Assistant on 29.07.1996 and he was posted on promotion at AIR, Gangtok. However, he was transferred back and posted at DDK, Kolkata, where he joined on 01.04.1999. The applicant while working at Kolkata, he was transferred and posted at programme Production centre, DDK, Guwahati, vide order No. Z cadre-1 (25)/2003-S dated 02.04.2003. However, he was joined at Guwahati on 22.07.2003. He is a permanent resident of the state of West Bengal and posted from outside the N.E. Region. A clause of All India transfer liability is also incorporated in his initial offer of appointment letter. As such applicant No. 3 is also saddled with all India Transfer liability.

4.7 That your applicant No. 4 was initially appointed on 04.05.1990 on direct recruitment basis through competitive examination on all India basis as Engineering Assistant at AIR, Kolkata. Thereafter she was transferred and posted at AIR, Silchar in public interest where she joined on 05.03.1995. After serving for a period of about 2 years at Silchar, he was transferred and posted back at Kolkata, where she joined on 01.08.1997. The applicant

Ashis Ranjan Podder

was again transferred and posted at Guwahati in public interest vide order bearing No. 1 (25)/2001-S dated 28.06.2001 and pursuant to the said order dated 28.06.2001 another consequential order of release was issued vide letter No. CAL-TV-14 (3)/2002-A III (EA) dated 01.05.2002, and thereafter one more consequential order was issued on 11.06.2002 by the station Director, indicating her joining at AIR, Guwahati on 10.06.2002. The applicant No. 4 is also a permanent resident of the state of West Bengal and she was transferred and posted at AIR, Guwahati from outside the N.E. Region. In terms of the appointment letter a similar clause of all India transfer liability is also incorporated like that of applicant No. 1. Therefore she is also saddled with all India transfer liability.

(Copy of the transfer order dated 28.06.2001, relieving order dated 01.05.2002 and joining order dated 11.06.2002 are enclosed as Annexure-5, 6 and 7 respectively).

- 4.8 That your applicant No. 5 was initially appointed on direct recruitment basis through competitive examination on all India basis as Technician and posted at AIR, Kolkata. However, he was promoted to the cadre of Sr. Technician in the year 1989. In his appointment letter there is a specific clause of All India Transfer liability. The applicant was further promoted to the cadre of E.A in the year 1994. The detailed particulars of his transfer and posting are given below for the perusal of the Hon'ble Court.

<u>SERVICE</u>	<u>JOINING DETAILS</u>
1. AIR - Kolkata	17 th July, 1985-1989
2. CE/E/Z - Kolkata	1989-1994
3. DDK - Kolkata	1994-1996
4. AIR - Itanagar	1996-1999
5. DDK - Kolkata	1999-2003
6. DDK - Guwahati	17 th July 2003- till date

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The applicant No. 5 was transferred and posted at DDK, Guwahati in public interest vide order dated 02.04.2003, however he was joined on 17.07.2003 at DDK, Guwahati. In terms of his initial appointment letter, there is a specific clause of All India Transfer liability and accordingly he is saddled with all India transfer liability.

- 4.9 That your applicant No. 6 was appointed on direct recruitment basis through competitive examination on all India basis as EA on 20.02.1985 and posted at AIR, Kolkata. During the his entire service carrier, he was transferred and posted at different places, the detailed particulars of the transfer and posting are given below; -

<u>Name of station</u>	<u>Period of posting</u>		
AIR, Kolkata, E.A	20.02.1985	to	30.06.1989
AIR, Shillong, E.A	01.07.1989	to	15.11.1989
AIR, TERU, S.EA	16.11.1989	to	29.02.1992
DDK, Kolkata, S.EA	10.03.1992	to	30.06.1997
DDK, Kohima, S.EA	10.07.1997	to	14.11.2000
AIR, Kolkata, S.EA	25.11.2000	to	11.03.2005
AIR, Guwahati	21.03.2005	to	till date.

Be it stated that the applicant was promoted to the cadre of Sr. EA in the year 1989. All the above transfer and posting orders were issued in public interest, however vide transfer order bearing letter No. Z cadre -1 (33)/2004-S dated 28.01.2005 and consequent on his transfer the applicant was relieved on the afternoon of 11.03.2005, which would be evident from the order dated 01.03.2005 and accordingly he has reported for duty at Guwahati on 21.03.2005, which would be evident from the letter dated 24.03.2005. The applicant No. 5 is also a permanent resident of West Bengal and posted at Guwahati from outside the N.E. Region. In the offer of appointment letter of the applicant No. 5 there is similar clause of transfer

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liability like that of applicant No. 1. Therefore the applicant No. 5 is also saddled with all India transfer liability.

(Copy of the transfer order dated 28.01.2005, relieving order dated 01.03.2005 and joining letter dated 24.03.2005 are enclosed as Annexure- 8, 9 and 10 respectively).

- 4.10 That it is stated that the Govt. of India, vide office memorandum dated 14.12.1983, granted Special (Duty) Allowance to such central Govt. employees who are saddled with all India transfer liability. The relevant portion of the O.M dated 14.12.1983 is quoted below:

"The need for attracting and retaining the services of competent officers for service in the North Eastern Region comprising the States of Assam, Meghalaya, Manipur and Tripura and the Union territories of Arunachal Pradesh and Mizoram has been engaging the attention of the Government for some time. The Government has appointed a Committee under the Chairmanship of Secretary, Department of Personnel and Administrative Reforms, to review the existing allowances and facilities admissible to the various categories of civilian Central Government employees serving in the region and to suggest suitable improvements. The recommendations of the Committee have been carefully considered by the Government and the President is now pleased to decide as follows:

(iii) Special Duty Allowance

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

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Deputation (Duty) Allowance already being drawn subject to the condition that the total of such Special (Duty) Allowance will not exceed Rs. 400/- P.M special allowance like Special Compensatory (Remote locality) allowance, Construction Allowance and Project Allowance will be drawn separately."

The O.M dated 14.12.1983 was subsequently extended by the O.M dated 01.12.1988, 12.01.96, 22.07.98. All the applicants are eligible for grant of SDA in terms of the aforesaid Office Memorandum issued by the Govt. of India.

Copy of the O.M dated 14.12.83 is herewith enclosed as Annexure-11).

- 4.11 That the Govt. of India, Ministry of Finance vide its O.M bearing No. F. No. 11 (5) 97-E. II (B) dated 29.05.2002 issued certain clarification regarding admissibility of SDA following the decision of the Hon'ble Supreme Court. But there are certain inconsistencies exists in the said memo dated 29.05.2002 with the condition laid down in the O.M dated 14.12.1983, where it is specifically laid down that Civilian Central Govt. employees are entitled to SDA on posting to any station at N.E. Region provided they are having all India transfer liability. All the applicants in the instant case are saddled with all India transfer liability and they are permanent resident of West Bengal and have been posted in NE Region on transfer from outside the NE Region. Moreover, the O.M dated 29.05.2002 specifically laid down in para 5, that the SDA shall be admissible to the Central Govt. employees having all India transfer liability on posting to N.E. Region (including Sikkim) from outside the region. The relevant portion of para 5 of the O.M dated 29.05.2002 is quoted below;

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" 5. In view of the aforesaid judgments, the criteria for payment of Special Duty Allowance, as upheld by the Supreme Court, is reiterated as under: -

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

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

Therefore, it is quite clear, as per latest clarification given by the Govt. of India, through O.M dated 29.05.2002, that the Central Govt. employees having all India transfer liability are entitled to payment of SDA on their posting to N.E. Region since all the applicants are saddled with all India transfer liability and posted at Guwahati in the N.E. Region are legally entitled to payment of SDA in terms of the O.M dated 14.12.1983. But surprisingly in spite their repeated approach, the said allowance has been denied to the applicants in a most arbitrary manner for the reasons best known to the authority. Hence the present application.

(A copy of the O.M dated 29.05.2002 is enclosed as Annexure-12).

4.12 That all applicants approached the authorities through their representations submitted on 06.12.2004, 06.07.2006, 25.10.2005, 04.07.2006 and 19.08.2005. But unfortunately no reply is given to the applicants and no steps has been taken on the part of the respondents and as a result, the applicants have been denied payment of SDA since their posting in the N. E Region. In such compelling circumstances, the applicant have no other alternative, but to approach this Hon'ble Tribunal for payment of SDA

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from the date of their initial posting at N.E. Region with arrear monetary benefit as well as current SDA.

Copies of the representations are enclosed as Annexure-13 (series).

4.13 That it is stated that some similarly situated employees who were working as Sr. EA in the non-gazetted cadre earlier filed an Original Application, which was registered as O.A No. 187/2000 (Shri Apurba Kumar Ghosh & another -Vs- U.O.I & Ors.) and the Hon'ble Court decided the said O.A on 5th march, 2001 holding that applicants are entitled to SDA and accordingly they were directed to pay SDA from the date of their posting in N.E. Region. The present applicants are similarly situated who are working in the cadre of EA, as such they are entitled to payment of SDA with arrear monetary benefit.

4.14 That your applicants further beg to state that some of them have been paid SDA during their stay in NE Region pursuant to the earlier transfer and posting order but surprisingly they were found eligible earlier for grant of SDA but on their subsequent posting in NE Region said payment of SDA has been denied to the applicant without disclosing any valid reasons. Therefore, once the applicants are paid SDA, the same cannot be denied to them subsequently under the same terms and conditions of the service as well as in terms of the OM dated 14.12.1983, 01.12.88 and 22.07.98. Therefore, all the applicants are entitled to payment of SDA at least from the date they rendered service in NE Region but denied the benefit of SDA with arrear monetary benefit as well as current SDA.

4.15 That your applicant submitted representations claiming SDA, but the authority neither paid the SDA nor taken any decision on the said representation, since the case of the applicants are covered by the decision of this Hon'ble Tribunal in O.A No. 187/2000, which was further confirmed by the Hon'ble High Court vide its judgment and order dated 04.01.2006

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passed in WP (C) No. 7057/2001 as such the Hon'ble Court would be pleased to direct the respondents to pay arrear SDA as well as the current SDA from the date of their posting in N. E. Region in each spell.

4.16 That this application is made bonafide and for the cause of justice.

5. Grounds for relief (s) with legal provisions:

- 5.1 For that, all the applicants are saddled with all India transfer liability in terms of their offer of appointment letter and they have been posted at Guwahati, from outside the N. E. Region. As such they are entitled to SDA in terms of the clause 5, clarificatory O.M dated 29.05.2002 as well as in terms of the O.M dated 14.12.1983 and O.M dated 22.07.1998.
- 5.2 For that, the applicants are entitled to payment of SDA since they are not the permanent resident of N.E. Region and posted from outside the region, as such they fulfill the criteria laid down in clause 5 of the clarificatory O.M dated 29.05.2002 and as such applicants are entitled to payment of SDA with arrear monetary benefit from respective date of joining in N.E. Region.
- 5.3 For that, the applicants fulfill all the condition laid down in O.M dated 14.12.1983 issued by the Govt. of India, Ministry of Finance, New Delhi, as such applicants are entitled to payment of SDA in the light of the decision rendered by the Hon'ble Supreme Court in S. Vijaykumar's case and also in terms of the O.M dated 29.05.2002 as well as in terms of the decision rendered by the Hon'ble High Court in WP (C) No. 7057/2001 (Union of India and others. -Vs- Apurba Kr. Ghose and others), as such the applicants are entitled to payment of arrear of SDA.
- 5.4 For that, denial of payment of SDA to the applicants when the similarly situated employees of other central Government employees including the department of AIR and DDK are being paid SDA, as such action of the

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respondents attract Article of 14 and also they are matted out with hostile discrimination in the payment of SDA.

- 5.5 For that, all the applicants are permanent residents of West Bengal, having all India transfer liability; as such they are eligible and entitled to payment of SDA.

6. Details of remedies exhausted.

That the applicants declare that they have exhausted all the remedies available to and there is no other alternative remedy than to file this application.

7. Matters not previously filed or pending with any other Court.

The applicants further declare that they had not previously filed any application, Writ Petition or Suit before any Court or any other Authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

8. Relief (s) sought for:

Under the facts and circumstances stated above, the applicants humbly pray that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief (s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

- 8.1 That the Hon'ble Tribunal be pleased to direct the respondents to pay SDA to all the applicants at least from the date of their joining in N. E. Region with arrear monetary benefit, in terms of the clause 5 of the O.M dated 29.05.2002 as well in terms of the O.M dated 14.12.1983 and 22.07.1998.

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8.2 That the Hon'ble Tribunal would be pleased to declare that the applicants are entitled to payment of SDA in terms of the O.M dated 14.12.1983, 22.07.1998 and also in terms of the clause 5 of the O.M dated 29.05.2002.

8.3 Costs of the application.

8.4 Any other relief (s) to which the applicants are entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for:

During pendency of the application, the applicant prays for the following interim relief: -

9.1 That the Hon'ble Tribunal be pleased to direct the respondents that the pendency of this application shall not be a bar for the respondents for consideration of the case of the applicants for providing relief as prayed for.

10.

11. Particulars of the I.P.O

i)	I.P.O No.	:	26 G 326155
ii)	Date of issue	:	30.08.2006
iii)	Issued from	:	G.P.O, Ghy
iv)	Payable at	:	G.P.O, Ghy

12. List of enclosures:
As given in the index.

Arshis Ranjan Poddar

VERIFICATION

I, **Shri Asish Ranjan Poddar**, S/o- **Shri Ranjit Kumar Poddar**, aged about 40 years, working as Engineering Assistant, All India Radio, Guwahati, applicant No. 1 in the instant original application duly authorized by the others to verify the statements in the original application, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 4th day of September, 2006.

Asish Ranjan Poddar

Annexure-1

GRAM: AIRWORKS
PHONE: 28-9131

GOVERNMENT OF INDIA
OFFICE OF THE CHIEF ENGINEER(EAST ZONE)
ALL INDIA RADIO & TELEVISION

No. 1(1279)E.

Akashvani Bhavan, 4th floor,
Calcutta-700001, Dated: 13.2.89

ORDER OF APPOINTMENT

Further to this office order of appointment No.1(3)/89-S(T) dated 18.1.89 and with reference to his joining report dated 1.2.89(FN), Shri Ashis Ranjan Poddar, is appointed to the post of Technician in this office with an initial pay of Rs.1200/- p.m. in the scale of pay of Rs.1200-30-1440-EB-30-1800/- on purely temporary capacity with effect from the forenoon of 1.2.89 until further order.

2. Shri Ashis Ranjan Poddar is liable to be transferred and posted anywhere in India and to proceed on tour to installation sites anywhere in Eastern Zone.

3. He will be on probation for a period of 2 years from 1.2.89.

(R.K. RAY)
DY. DIRECTOR ENGINEERING
FOR CHIEF ENGINEER(EAST ZONE).

Copy to :-

1. Shri Ashis Ranjan Poddar, Technician, Office of the CE(EZ), All India Radio, Calcutta.
2. Establishment Section/Bill Clerk (Shri K.C. Matabbar, CG-II) Shri Poddar may be shown under 4221-COB(Sound). He was medically examined and found fit. He has taken Oath of allegiance of constitution of India.
3. Administration Section:- S/Shri S.C. Bhattacharya, CG-I/ A.Chakraborty/S.Ghosh/D.Banerjee/S.Bose/N.K.Panja, CG-IIs.
4. The Pay & Accounts Officer, All India Radio, Calcutta.
5. Shri A.K.Halder, Steno.Gr.II, Office of the Chief Engineer (East Zone), All India Radio, Calcutta.
6. Zonal Section (Shri S.M. Chaudhury, CG-II), Office of the Chief Engineer (EZ), All India Radio, Calcutta.
7. P.A. to Chief Engineer (East Zone), All India Radio, Calcutta.
8. Akashvani Co-operative Society Ltd. AIR, Calcutta.
9. File No. 1(3)/88-S(T)/Rectt.

Attested
Mulla
Advocate

S/D:

FOR CHIEF ENGINEER(EAST ZONE).

13/4/89

Government of India
All India Radio
Calcutta

Annexure-2

No. Cal-1(5)/92-S(EA)/

Dated, the 21st May, 1992.

Offer of Appointment

In compliance with the Chief Engineer(East Zone), All India Radio, Calcutta's letter No. Cal-CE(EZ)1(1)/92-DE dated 11.05.92, the Station Director, All India Radio, Calcutta is pleased to offer the post of Engineering Assistant to Shri Ashis Ranjan Podder, Technician, Office of the Chief Engineer(EZ), All India Radio & Television, Calcutta in the pay scale of Rs.1400-40-1600-50-2300-EB-60-2600/- on purely temporary capacity with effect from the date ~~of~~ he reports for duty.

Shri Podder will be on probation for a period of 2(two) years from the date of his joining as Engineering Assistant at this Station.

He will be liable to transfer at any time to service under a public Corporation, if formed, and that ~~so~~ such transfer he will be liable to conditions of service be laid down for the employees of that Corporation.

Sd/-
(C. R. DAS),

Senior Administrative Officer,
For Station Director,

Copy to:-

1. Shri Ashis Ranjan Podder, Technician, O/O the Chief Engineer(EZ), All India Radio & Television, Akashvani Bhavan, Calcutta-700 001.
2. The Director General, SIV(A) Section, All India Radio, Akashvani Bhavan, Parliament Street, New Delhi - 110 001 for information.
3. The Chief Engineer(EZ), All India Radio & Television, Calcutta with reference to his letter no. quoted above and letter No.1(2)/92-S dated 15.05.92. It is requested that Shri Podder, Technician may be relieved of his duties immediately, if the offer is acceptable to him.
4. The Superintending Engineer, All India Radio, Calcutta for information.
5. Personal file of Shri Ashis Ranjan Podder, Engineering Assistant.

*Attested
Dutta
Advocate*

[Signature]
For Station Director,

PRASAR BHARATI
BROADCASTING CORPORATION OF INDIA
OFFICE OF THE CHIEF ENGINEER (EAST ZONE)
ALL INDIA RADIO & DOORDARSHAN
KOLKATA

Annexure-3³²

No. Z/CE/125/2003-S

Akashvani Bhavan,
Kolkata-700001
Dated : 02-04-2003.

ORDER

Subject: Transfer of E.As

The following Engineering Assistants are transferred to the station / office mentioned against them with immediate effect.

SL. NO.	PRESENT POSTING	NAME	TRANSFERRED TO	REMARKS
1	AIR KOLKATA	MR. SOURAV DAS	LPTV JALDA	
2	AIR CE(Z) KOLKATA	MR. SANJEEV ROY	AIR GANGTOK	
3	DDK KOLKATA	MR. INDRANIL BANDYOPADHYAYA	DDK DIBRUGARH	
4	DDK KOLKATA	MR. UTTAM KR. DAS	DDK MURSHIDABAD	
5	AIR KOLKATA	MR. JANARDAN CHAKRABORTY	AIR GUWAHATI	✓
6	DDK KOLKATA	MR. GHANCHAL MONDAL	AIR GANGTOK	
7	DDK KOLKATA	MR. KHALENDRA KR. DAS	PPC GUWAHATI	
8	DDK KOLKATA	MR. NIRMAL CHANDRA MALLICK	DDK GANGTOK	
9	AIR KOLKATA	MR. TARUN KUMAR DAS	AIR ITANAGAR	
10	AIR KOLKATA	MR. ANDE MALLICK	AIR GANGTOK	
11	DDK KOLKATA	MR. DEBABRATA SARKAR	DDK GUWAHATI	
12	AIR KOLKATA	MR. ASHIS PANJAN PODDAR	AIR, GUWAHATI	✓
13	AIR KOLKATA	MR. SUDAL SAHUKAR	AIR AGARTALA	
14	AIR KOLKATA	MR. SOMNATH MUKHERJEE	DDK SHANTINIKETAN	
15	DDK KOLKATA	MR. RAJEEV SARKAR	PPC GUWAHATI	✓
16	AIR KOLKATA	MR. DEBASHIS MITRA	AIR GANGTOK	
17	AIR KOLKATA	MR. T. K. BISWAS	AIR GANGTOK	
18	AIR PATNA	MR. RAJENDRANATH TIWARI	CE(NZ) GUWAHATI	
19	DDK DIBRUGARH	MR. ASH KUMAR	AIR PATNA	
20	AIR IMPHAL	MR. LALMO ANGBA KERING	AIR CHURACHANDPUR	
21	AIR ITANAGAR	MR. LALJI PATHAY	AIR KOLKATA	
22	DDK SHILLONG	SMT. GLISSIA DASARY MOIT	LPTV JOWAI	
23	DDK SHILLONG	SMT. ENORIS KONGTHUNG	AIR NONGSTAIN	
24	AIR CHURACHANDPUR	MR. CHITRAKUT SINGH	AIR IMPHAL	
25	AIR IMPHAL	MR. ATONG KONGTHUNG	AIR LUNGLEI	

Att. Secy
10-7

(Signature)
(N. SRINIVASAN)
Director (Eng.) & HOO
Off. Chief Engineer AIR & DD, Kol-1

26	AIR SILCHAR	MR. KUSH PRASAD YADAV	AIR HAL FLONG
27	AIR JOWAI	MR. TARLING LLYNGDOH	DDK SHILLONG
28	AIR KONGJHAR	MR. SURYAKANTA SAHU	RSTI(T) BHUBANESWAR
29	AIR JEYPORE	MR. SUNIL KUMAR P.	AIR BARIPADA
30	DDK GUWAHATI	MR. SAMBHUJANATH SARKAR	DDK KOLKATA
31	AIR SASARAME	MR. INDRAJIT SINGH	AIR PATNA
32	AIR GANGTOK	MR. U.S. MONDAL	DDK KOLKATA
33	AIR GANGTOK	MR. RABIN DHEENKI	DDK KOLKATA
34	AIR SHILLONG	MR. BASANTI TAPADAR	AIR KOLKATA
35	LPT KAILASHAHAR	MR. DEBANAND BARMAN	AIR SILCHAR
36	AIR BHAWANIPATNA	MR. SUBODH DAS	AIR KOLKATA
37	PPC GUWAHATI	MR. U.K. BARMAN	DDK KOLKATA
38	AIR NONGSTON	SMT. DEJBHA MAWLONG	DDK SHILLONG
39	AIR GANGTOK	MR. BHASKAR DEBNATH	DDK KOLKATA
40	AIR GANGTOK	MR. SK. ABUL KALAM	AIR KOLKATA
41	AIR TUENSANG	MR. KAMEL GATHIAONGAM	DDK IMPHAL
42	AIR TUENSANG	MR. G. THANTHANLIAN	AIR IMPHAL
43	DDK GUWAHATI	MR. SUNIL KUMAR	DDK RANCHI
44	LPTV KONGJHAR	MR. TARAK MUKHERJEE	AIR KOLKATA
45	AIR TEZPUR	MR. ASHIS BINDU CHAKRABORTY	AIR KOLKATA
46	LPTV DIBRUGARH	MR. SANTOSH KUMAR	DDK PATNA
47	AIR GUWAHATI	MR. DEBASIS BISWAS	DDK KOLKATA
48	DDK GUWAHATI	MR. PRASANTA KR. SANTRA	DDK KOLKATA
49	DDK GANGTOK	MR. SUBHAS DATTA	DDK KOLKATA
50	AIR GANGTOK	MR. PANKAJ KR. ROY	AIR KOLKATA
51	AIR DIBRUGARH	MR. ASHIS KUMAR SARKAR	DDK KOLKATA
52	LPTV GUWAHATI	MR. DHANESWAR BURMAN	DDK GUWAHATI
53	DDK GUWAHATI	MR. SUJOY PAUL	DDK SILCHAR
54	AIR DHUBRI	MR. TIMIR HARAN NATH	DDK KOLKATA
55	DDK KOHIMA	MR. KAPIL DEO RAM	DDK RANCHI
56	DDK GUWAHATI	MR. SOMNATH DAS	DDK KOLKATA
57	LPTV MAJULI	MR. BASANTA KR. NEOG	LPTV JORHAT
58	LPTV JEYPORE	MR. GOUTAM ADAK	DDK KOLKATA
59	AIR GUWAHATI	MR. PARTHA GANGULY	AIR KOLKATA
60	AIR GUWAHATI	MR. JAGABANDHU MONDAL	DDK KOLKATA
61	AIR HANAGARI	MR. SISIR BISWAS	DDK KOLKATA
62	AIR TURK	MR. C.K. KANJI	AIR KOLKATA
63	LPTV DIBRUGARH	MR. PANKAJ BARIK	LPTV BARDHAMAN
64	DDK DIBRUGARH	MR. SANDIP SINHA ROY	DDK GUWAHATI
65	AIR GUWAHATI	MR. DEBAPRASAD CHAKRABORTY	AIR KOLKATA
66	AIR GUWAHATI	MR. NARENDRA NATH MANDAL	DDK KOLKATA
67	AIR KOHIMA	MR. SUMAN SUTRAJHAR	AIR SILGURI
68	AIR TEZPUR	MR. PADALAY VENKATESHWARI	AIR BIRHAMPUR
69	AIR ALWAI	MR. MONO MOHAN DAS	AIR SILCHAR

70	AIR GULSHAN	MR. HIRAN DAS	DDK MURSHIDABAD	
71	AIR KOLHATA	MR. HANUJ DUTTA	LPTV BIRHAMPUR	
72	AIR PAWAN	MR. SUDHATA PAUL	DDK KOLKATA	
73	AIR KURSIPORE	SMT. SUJATA DATTA	DDK JALPAIGURI	NO TADA
74	AIR PAWAN	MR. AMARESH C. PATHAK	AIR GANGTOK	
75	AIR MOKOKCHUNG	MR. P. N. BHUSHAN SINGH	AIR SILCHAR	
76	AIR PASIGHAT	MR. K. SINGH	AIR JAMSHEDPUR	
77	LPTV BIRHAMPUR	SMT. SUPRIYA DANDAPATI	AIR BARIPADA	
78	LPTV COBDA	SMT. MAMATA PRUSTY	LPTV PURI	
79	DDK KOLHATA	MR. VISHU KR. SETHI	DDK SAMBALPUR	
80	AIR BILAWANIDHIA	MR. BISOT	AIR SAMBALPUR	NO TADA
81	LPTV JALPAIGURI	MR. PAUL KANTI BILANDARI	DDK SANTINIKETAN	
82	AIR JAMSHEDPUR	MR. J. K. CHAUDHURY	AIR CHITABASA	
83	LPTV RAJAHATA	MR. A. K. BISWAL	DDK BHUBANESWAR	
84	AIR JAMSHEDPUR	MR. S. K. MISHRA	AIR DALTONGANJ	
85	DDK SHANTINIKETAN	MR. K. M. DAS	AIR JAMSHEDPUR	
86	DDK MURSHIDABAD	MR. B. K. BISWAS	LPTV BALURGHAT	
87	AIR KURSIPORE	MR. J. C. MANDAL	DDK SHANTINIKETAN	
88	AIR SILIGURI	MR. SUBIR DAS	AIR MURSHIDABAD	
89	LPTV BIRDHAMAN	MR. D. CHAKRABORTY	LPTV KEONJHAR	
90	AIR DARBHANGA	MR. E. S. JAIRI	DDK MUZAFFARPUR	
91	DDK MUZAFFARPUR	MR. ABHISAR	LPTV PHULPARAS	
92	LPTV KURAIPORE	MR. M. A. ELAI	AIR CUTTACK	NO TADA
93	AIR CUTTACK	MR. SWAPAN CHAKRABORTY	LPTV JILARGRAM	NO TADA
94	AIR PATNA	MR. MANOJ K. MATHUR	AIR GUWAHATI	
95	AIR KOLHATA	MR. LAKMIKANTH SATYAL	LPTV BIRHAMPUR	
96	DDK PATNA	MR. VIJESH KUMAR	DDK GUWAHATI	

Relieving Stations / offices from North East & Class 'C' Centre are to ensure that the Concerned official has completed tenure as per relevant rules. This is to be entered in their Service book. A.C.R.s may also be got completed till date of relief and forwarded to this office.

Date of relief and joining of the above E.A.s may be forwarded to this office immediately after their relieving and joining at concerned stations / offices.

(Signature)

(N. SRINIVASAN)
DIRECTOR (ENGINEERING)
FOR CHIEF ENGINEER (EAST ZONE)

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To

1. Chief Engineer (North East Zone), AIR & TV, Radha Bhavan, Sanjiali Path, Guwahati-781003.
2. Engineering Head, All India Radio, Kolkata / Gangtok / Guwahati / PPC Guwahati / Itanagar / Agartala / Dibrugarh / Patna / Bhopal / Sasaram / Shillong / Kailashahar / Bhawanipatna / Imphal / Tezpur / Dhubri / Tura / Kohima / Siliguri / Churachandpur / Nongstien / Lunglei / Silchar / Haflong / Jowai / Koenjhar / RSTI(T) Bhubnaswar / Jeypore / Darbhanga / Daltonganj / Murahidabad / Cuttack / Chaibasa / Imphal / Tezu / Berhampur / Aizawl / Tawang / Kurseong / Mokokchung / Pasighat / Jamshedpur / Sambalpur.
3. Engineering Head, Doordarshan Kendra, Kolkata / Dibrugarh / Murahidabad / Gangtok / Guwahati / Tura / Shantiniketan / Shillong / Imphal / Ranchi / Patna / Silchar / Kohima / Jalpaiguri / Bhubnaswar / Sambalpur / Muzaffarpur / Daltonganj.
4. Engineering Head, BDMC, Jamshedpur / Agartala / Koenjhar / Shillong / Jorhat / Jeypore / Guwahati / Bhubnaswar / Sambalpur / Bardhaman / Jorhat / Berhampur / Purnea / Mothihari / Dimapur.
5. D. D. A. of this office.

Copy to:

1. Director General, All India Radio, S-IV(A) Section, New Delhi-110001.
2. Director General, Doordarshan, S-IV Section, Mandi House, New Delhi-110001.
3. Chief Engineer (North East Zone), AIR & TV, Radha Bhavan, Sanjiali Path, Guwahati-781003.
4. CE(I) / CE(TV) / CE(TV-M) / DE(P-AIR) / DE(P-TV) / DE(M-AIR) / DE(M-TV).
5. Vice President, A.R.T.E.E. East Zone, Kolkata.
6. Vice President, A.R.T.E.E. North East Zone, DDK Guwahati, Guwahati, Assam.
7. Vice President, A.I.R. & D.D. T.E.A. East Zone, Kolkata.
8. Vice President, A.I.R. & D.D. T.E.A. North East Zone, Post Box No.123, Guwahati-1.
9. Confidential Section (Smt. Baby Das & Kum. Gita Das, U.D.C.).

Attested
10/11/2018
Adhikari

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PRASAR BHARATI
(BROADCASTING CORPORATION OF INDIA)
ALL INDIA RADIO :: KOLKATA

Annexure-4 37


No. KOL-1(5)/2002-03-S (EA)

Dated: 28-4-2003.

ORDER

Consequent on his transfer in the same capacity vide CE(EZ), AIR&TV, Kolkata Order No.Z. Cadre-1(25)/2003-S, dt.02-4-2003 Shri Janardan Chakraborty, EA of this office stands relieved on the afternoon of 5-5-2003 with the instruction to report himself for duty at AIR, Guwahati, after availing of usual joining time as per rule.


Shri Chakraborty, EA should return the Identity card/Lib. book/Tapes/ Tools / CGHS Card etc., if any, issued to him from this station and also ensure that no dues remain outstanding against him so far as this station is concerned.


(R. N. Saha)
Administrative Officer
for Station Director

Copy for information & necessary action to :-

- 1) Shri Janardan Chakraborty, EA, AIR, Kolkata.
- 2) The Chief Engineer(EZ), AIR&TV, Akashvani Bhava, 4th floor, Kolkata.
- 3) The Director General, S.IV Section, All India Radio, Parliament Street, New Delhi-1.
- 4) The Station Engineer, All India Radio, Guwahati.
- 5) The Pay & Accounts Officer, All India Radio, Kolkata.
- 6) Sg. Engg./SEs/AEs/AES/SO/HO AIR, Kolkata.
- 7) The Accountant, AIR, Kolkata(2)copies.
- 8) All HCs/Steno Gr. I to SD/Steno Gr. II to Sg.E/ S/Sri ABD/MKM/ Ashim Roy/B. JANA/ Asim De/D.Sar/Anil Mitra/BRC/M.M./R.Chatterjee/Cashier/JRO/LIAs/HINDI SECTION/ CT/ Stat. Store / Engg. Store/EPAEX/Computer Room/Control Room/Transst, AIR, Kol.
- 9) The Secretary, AIR&DDK Employees Co-Operative Credit Society Ltd., 2nd Floor, Akashvani Bhawan, Kolkata.
- 10) Personal File /Service Book of Shri Chakraborty, EA.

Attested
Mutta
Advocate


FOR STATION DIRECTOR 29/4/03
28/4/03

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Annexure-5

PRASAR BHARATI
(BROADCASTING CORPORATION OF INDIA)
OFFICE OF THE CHIEF ENGINEER(EAST ZONE)
ALL INDIA RADIO & TELEVISION
KOLKATA

No. 1(25)/2001-S.

Akashvani Bhavan, 4th floor,
Kolkata - 700001.
Dated : 28-06-2001.

ORDER

Subject : Transfer of E.A.s in same capacity in Eastern Zone.

The Engineering Assistants enlisted in Annexure are transferred in the same capacity after completion of normal tenure at the station/office mentioned against each with immediate effect.

The respective officials may be relieved immediately to accommodate the Transferred Officials from North East and 'C' Category difficult stations. North East and 'C' Category difficult stations may ensure that concerned officials have completed their normal tenure at their station before their relief.

Date of relief and joining of the above E.A.s may be forwarded to this office immediately after their relieving and joining at concerned stations / office.


(N. SRINIVASAN)
DIRECTOR (ENGINEERING)
FOR CHIEF ENGINEER (EAST ZONE)

To :-

1. Engineering Heads of concerned All India Radio Stations.
2. Engineering Heads of concerned Doordarshan Kendras.
3. The Station Engineers of concerned Doordarshan Maintenance Centres.
4. Engineering Heads of concerned Doordarshan HPTs.

Copy to :-

1. Director General, All India Radio, S-IV(A) Section, New Delhi-110001.
2. Director General, Doordarshan, S-IV Section, Mandi House, New Delhi-110001.
3. CE(P) / DE(TV) / CE(TV-M) / DE(M-AIR) / DE(M-TV) / DE(P-AIR) / DE(P-TV) H.O.O.
Office of the CE(EZ), AIR & TV, Calcutta.
4. President, A.R.T.E.E., Post Box No. 422, New Delhi-110001.
5. Vice President, A.R.T.E.E., Akashvani Bhavan, Calcutta.
6. General Secretary, A.I.R. & D.D. T.E.A., Post Box No. 736, New Delhi-110001.
7. Zonal Secretary, A.I.R. & D.D. T.E.A., Akashvani Bhavan, Calcutta.
8. Confidential Section (Shri J. Chakraborty, U.D.C. & Kum. Gita Das, U.D.C.).

Attested
Maita
Advocate

ANNEXURE

- 24 -

PRESENT STATION	NAME	TRANSFERRED TO	INSTEAD OF
AIR AIZWAL	MR. PRAKASH RAJ GABRIEL	AIR LUNGLEI	
AIR ASANSOL	MR. SAMIR KR. DAS	DDK JALPAIGURI	
AIR BHAWANIPATNA	MR. BASUDEV MAL	DDK CALCUTTA	
AIR BHAWANIPATNA	MR. BISWANATH DAS	DDK CALCUTTA	
AIR BHAWANIPATNA	MR. BIPLAB SARKAR	DDK CALCUTTA	
AIR BHAWANIPATNA	MR. PRASENJIT KR. PAUL	DDK CALCUTTA	
AIR BHAWANIPATNA	MR. BHOLANATH BANDYOPADHYAY	DDK CALCUTTA	
AIR CALCUTTA	MR. SUBHRANGSU GHOSH	AIR GANGTOK	
AIR CHAIBASA	MR. SWAPAN KR. BISWAS	DDK CALCUTTA	
AIR CHAIBASA	SMT. P. V. PADMAJA	AIR JAMSHEDPUR	
AIR CUTTACK	MR. SURENDRA NATH GIRI	AIR BHAWANIPATNA	
AIR CUTTACK	MR. ABIR CH. BARAL	LPTV PHULBANI	
AIR CUTTACK	MR. MD ABDUL HAI	LPTV KORAPUT	
AIR CUTTACK	MR. PRITI RANJAN SARANGI	LPTV TIRTOL	
AIR DIBRUGARH	MR. AMIL KR. SINHA	AIR PATNA	
AIR GANGTOK	MR. JIBANANDA MONDAL	DDK CALCUTTA	
AIR GUWAHATI	MR. RAJNIKANT	DDMC JAMSHEDPUR	
AIR ITANAGAR	MR. SUMIT KANTI PAIT	AIR CALCUTTA	
AIR ITANAGAR	MR. S. N. P. SINHA	DDK RANCHI	
AIR JAMSHEDPUR	MR. RAJA RAM SHARMA	AIR CHAIBASA	
AIR JEYPORE	MR. ATANDRA GHOSH	DDK CALCUTTA	
AIR KAILASAHAR	MR. SANJAY PAUL PUROKAYSTHA	DDK SILCHAR	
AIR KAILASAHAR	MR. ANUP KUMAR	AIR AIZWAL (without TA/DA)	
AIR KEONJHAR	MR. ABHIJIT ROY	AIR CALCUTTA	
AIR KOHIMA	MR. SATISH KR. CHAKKI	AIR CHAIBASA	LPTV CHAIBASA
AIR KURSEONG	MR. SOMNATH SAMANTA	LPTV JHARGRAM	
AIR KURSEONG	MR. DHRUJBA BHANUMICK	AIR SILIGURI	
AIR LUNGLEI	MR. KARWOOD THABAH	AIR SHILLONG	
AIR LUNGLEI	MR. LALPANTHANGA	AIR AIZWAL	
AIR SAMBALPUR	MR. SANKARSAN BISOI	AIR BHAWANIPATNA	
AIR SAMBALPUR	MR. PRADOSH KUMAR PATRA	AIR CUTTACK	
AIR SHILLONG	MR. NARAYAN CH. BENIA	AIR GUWAHATI	
AIR SHILLONG	MR. J. KURMI	AIR SILCHAR	
AIR SILCHAR	MR. NIRMALENDU DEB	AIR KAILASAHAR	
AIR SILCHAR	MR. B. K. ROY	HPTV ASANSOL	
AIR SILCHAR	MR. SURENDRA PRASAD	DDK PATNA	
AIR SILIGURI	MR. PALLAB SARKAR	AIR KURSEONG	
AIR SILIGURI	SMT. SUDIPTA GHOSH (PATRA)	AIR KURSEONG	
AIR TAWANG	MR. P. R. VERMA	AIR PATNA	
AIR TAWANG	MR. INDRANIL GHOSH	DDK CALCUTTA	
AIR TURA	MR. SATYAJIT CHAKRABORTY	DDK CALCUTTA	
AIR TURA	MR. S. C. MALLICK	AIR CALCUTTA	
AIR TURA	MR. MONOJ KR. GHATANI	AIR SILIGURI	
DDK AGARTALA	MR. SAMIR KR. MALLICK	DDK CALCUTTA	
DDK AGARTALA	MR. BIBAKANADA CHOWDHURY	DDK CALCUTTA	
DDK AGARTALA	MR. KARTIK CH. NASKAR	DDK CALCUTTA	
DDK AIZWAL	MR. MANOJ CHAKRABORTY	DDK SILCHAR	
DDK AIZWAL	SMT. K. REVATTY	DDK CALCUTTA	
DDK BHUBANESWAR	MR. BASUDEV HEMBRAM	AIR TAWANG	
DDK CALCUTTA	MR. KANAK KR. DEB	AIR GUWAHATI	
DDK CALCUTTA	MR. BISWAJIT GHOSAL	DDK DIBRUGARH	
DDK CALCUTTA	SMT. SHAMPA HAZRA	AIR GUWAHATI	
DDK CALCUTTA	MR. BIPUL SARKAR	AIR KEONJHAR	
DDK CALCUTTA	MR. BISWANATH BISWAS	AIR SHILLONG	

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PRESENT STATION	NAME	TRANSFERRED TO	INSTEAD OF
DDK CALCUTTA	MR JAYANTA LAL	DDK IMPHAL (without TA/DA)	
DDK CALCUTTA	MR. RABINDRA NATH SAHA	LPTV GOALPARA	
DDK CALCUTTA	MR PRABHAT KR DAS	DDK BHUBANESWAR	
DDK CALCUTTA	MR SUKANTA KR. BISWAS	DDMC BHAWANIPATNA	
DDK CALCUTTA	MR K C SAHA	LPTV BONGAIGAON	
DDK CALCUTTA	MR. R. K. ROY	DDK AGARTALA	
DDK CALCUTTA	MR. BIMAL SARKAR	DDK BHUBANESWAR	
DDK CALCUTTA	MR. ARUN KR GARAI	DDK ITANAGAR	
DDK CALCUTTA	MR. DILIP KR. MONDAL	DDK BHUBANESWAR	
DDK CALCUTTA	MR. AVIJIT KUNDU	DDK DIBRUGARH	
DDK DALTONGUNJ	MR. SUBRATA PAUL	AIR TAWANG	
DDK DELHI	MR. N. K. SRIVASTAVA	LPTV SIWAN	LPTV KHAGARIA
DDK DIBRUGARH	MR. M. N. PEGU	AIR ZIRO	AVTUENSANG_CRC
DDK DIBRUGARH	MR. ANIL MATHEW	DDK BHUBANESWAR	
DDK DIBRUGARH	MR. CHANDRACHUR MONDAL	DDK CALCUTTA	
DDK DIBRUGARH	MR. SWAPAN MAZUMDER	DDK CALCUTTA	
DDK GUWAHATI PPC	MR. S. P. RASTOGI	DDK PATNA	
DDK ITANAGAR	MR. SK NAYAMATULLAH	HPTV CUTTACK	
DDK PATNA	MR. R. K. SINHA	AIR ITANAGAR	
DDK PATNA	MR. ISHTIYAR AHMAD	LPTV DARBHANGA	
DDK PATNA	SMT. NARMADA KUMAR	LPTV GAYA	
DDK PATNA	MR. TRIBHUWAN CH. BAQULI	DDK GUWAHATI	
DDK PATNA	MR. GULZARI CHOUDHARY	LPTV PASSIGHAT	
DDK PATNA	MR. CHITTARANJAN KUMAR	LPTV BOKARO	
DDK RANCHI	SMT. DEBJANI ROY	DDK SHANTINIKETAN	
DDK RANCHI	MR. MD. MOBINUDDIN	LPTV CHAIBASA	
DDK RANCHI	MR. JAYANTA SAMAJDAR	DDK SHANTINIKETAN	
DDK SAMBALPUR	MR. PROMOD KR. PATNAIK	AIR BHAWANIPATNA	DDK KOHIMA
DDK SHANTINIKETAN	MR. FAZLUL HAQUE	LPTV DUMKA	
DDK SHANTINIKETAN	MR. SANDIP PAL	AIR TURA	
DDK SILCHAR	MR. KRISHNENDU CHAKRABORTY	DDK AIZWAL	
DDK SILCHAR	MR. JICHCHHOO MONDAL	LPTV KHAGARIA	
DDK TURA	MR. AMIT KR. DAS	DDMC BARDHAMAN	
DDMC BARDHAMAN	MR. SUBHASHIS MONGAL	LPTV BASANTI	
DDMC JAMSHEDPUR	MR. RAJEEV KR. JHA	LPTV GHATSILA	
HPTV KATIHAR	MR. RANJIT KR. AMBASTH	LPTV BARHARWA	
LPTV ANANDPUR	MR. KALI CHARAN CHATTAR	LPTV RAIRANGPUR	
LPTV BALIGURAH	MR. B. N. NAYAK	AIR CUTTACK	
LPTV BARIPADA	MR. SANTI SADHAN PATI	DDK SAMBALPUR	
LPTV BOKARO	MR. RAM NIWAS TIWARI	AIR PASSIGHAT	
LPTV BOKARO	MR. S. K. THAKUR	AIR ASANSOL	
LPTV CHAIBASA	MR. ANUJ KUMAR	DDK PATNA	
LPTV DHENKANAL	MR. CHHABI KANTA NAYAK	DDK SAMBALPUR	
LPTV GAYA	MR. AJOY KRISHNA	LPTV DUMKA	
LPTV GHATSILA	MR. ASIM KUMAR NATH	AIR KEONJHAR	
LPTV GOALPARA	SMT. RUBY SAHAY	LPTV GIRIDHI (without TA/DA)	
LPTV JHARGRAM	MR. HARAPRASAD BHATTACHARYA	LPTV KHARAGPUR	
LPTV JHARGRAM	MR. ARUN KR. SAMADDAR	LPTV CHAIBASA	
LPTV KEONJHAR	MR. BHAGENDRA NATH DAS	AIR CUTTACK	
LPTV KHARAGPUR	MR. BISWANATH DAS	LPTV KRISHNA NAGAR	
LPTV PASSIGHAT	MR. RANJIT KUMAR SAMANTA	DDK RANCHI	
LPTV PASSIGHAT	MR. NALINI KANTI MISHRA	DDK BHUBANESWAR	
LPTV PHULBANI	MR. MAHESWAR PADHY	AIR BERHAMPUR	
LPTV RAIRANGPUR	MR. TARAK CH. DAS	LPTV FARAKKA	

Arrested
Writ
Advocate

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Annexure-6

PRASAR BHARATI
BROADCASTING CORPORATION OF INDIA
DOORDARSHAN KENDRA : KOLKATA

No.CAL-TV-14(3)/2002-AD(1)(EA)

Doordarshan Bhavan,
 18/3, Uday Shankar Sarani,
 Golf Green,
 Kolkata - 700 095.
 Dated : 01.05.2002

ORDER

In accordance with the CE(EZ), AIR & TV, Calcutta order No.1(25)/2001-S dated 28.6.2001, 14.8.2001, 26.12.2001 & 02.01.2002 and order No.2.Cadre-1(25)/2001-S dated 18.1.2002, the following Engineering Assistants stand relieved of their duties at this kendra with the instruction to report themselves for duty in the same capacity to the new place of posting as mentioned below immediately.

Sl. Name No.	Date of Relieve	Place of Posting
1. Shri Dilip Kr. Mondal	05.05.2002(FN)	DDK, Dibrugarh
2. Shri Avijit Kundu	05.05.2002(FN)	DDK, Dibrugarh
3. Shri Pravat Kr. Das	05.05.2002(FN)	DDK, Dibrugarh
4. Smt. Sampa Hazra	05.05.2002(FN)	AIR, Guwahati
5. Shri Sukanta Kr. Biswas	05.05.2002(FN)	DDMC, Bhawanipatna
6. Shri S.R. Bala	05.05.2002(FN)	DDK, Gangtok
7. Shri Apurba Kr. Das	05.05.2002(FN)	DDK, Tura
8. Shri Ashim Kr. Adhikary	05.05.2002(FN)	AIR, Keonjhar
9. Shri Krishnendu Bhattacharya	05.05.2002(FN)	AIR, Murshidabad

They should return their Identity Card, Library Books, CGHS Card and other articles, if any, issued to them before leaving this kendra and also ensure that 'NO Dues' including unsettled leaves remain outstanding against them.

(KALLOO PRASAD)
 ADMINISTRATIVE OFFICER
 FOR DIRECTOR

Copy forwarded for information and necessary action to :-

1. S/Shri Dilip Kr. Mondal, Avijit Kundu, Pravat Kr. Das, Sukanta Kr. Biswas, S.R. Bala, Apurba Kr. Das, Ashim Kr. Adhikary, Smt. Sampa Hazra, all engg. Assistants, DDK, Kolkata.
2. The Director, DDK, Dibrugarh.
3. The Station Director, AIR, Guwahati.
4. The Station Engineer, DDMC, Bhawanipatna.
5. The Director, DDK, Gangtok.
6. The Director, DDK, Tura.
7. The Station Director, AIR, Keonjhar.
8. The Station Director, AIR, Murshidabad.

*Attested
 Maitra
 Advocate*

To Secretary

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- 27 -
PRASAR BHARATI
(BROADCASTING CORPORATION OF INDIA)
ALL INDIA RADIO:GUWAHATI

REGISTERED

Annexure-7

NO:1(18)/2002-S. 9834

Dated Guwahati, the 11.06.2002.

The Chief Engineer(East Zone),
(Kind Attn:- Shri. Vinivasan, Director(Engineering)),
All India Radio, Visio.
Akashvani Bhavan,
4th Floor,
Eden Gardens,
KOLKATA - 700001.

Subject:- Transfer of Engineering Assistants in the
same capacity in Eastern Zone.

Reference:- The CE(E/Z), AIR & TV, Kolkata's Order No.
1(25)/2001-S dated 28.6.2001.

Sir,

Smt. Sampa Hazra, Engineering Assistant has reported
herself for duty at All India Radio, Guwahati as Engineering
Assistant with effect from the forenoon of 10.06.2002 consequent
on her transfer from Doordarshan Kendra, Kolkata in the same
capacity.

Yours faithfully,

Suryya Das
(Suryya Das)

Asstt. Station Director,
for Station Director.

Copy to:-

- ✓ 1. Smt. Sampa Hazra, Engineering Assistant, All India Radio, Guwahati.
2. The Director General, SVI-Section, All India Radio, Akashvani
Bhavan, Parliament Street, New Delhi-110001 for kind information.
3. The Director, Doordarshan Kendra, Doordarshan Bhavan, 18/3, Uday
Shankar Sarani, Golf Green, Kolkata-700095 with reference to
your Order No. CAL-TV-14(3)/2002-AIII(EA) dated 01.05.2002 for
information. It is requested that the Service Book and Leave
Account of Smt. Sampa Hazra, EA may kindly be sent to this
office immediately.
4. The Dy. Director General (NE), AIR, Guwahati for kind information.
5. The Pay & Accounts Officer, Doordarshan, Ministry of I&B, H.R.
Path, Hazarika Bhavan, Guwahati-3 for information.
6. The Superintending Engineer, AIR, Guwahati for information.
7. The Hindi Officer, AIR, Guwahati for Hindi version.
8. PA to Supdt. Engineer. (9) PA to SD. (10) Sr. Storekeeper.
11. Accountant, AIR, Guwahati (2 copies).
12. Shri P.C. Das, SK. HPT, Jhalukbari. (13) Shri P. Naha, UDC.
14. Library & Information Asstt. (15) Shri Amulya Sarma, UDC.
16. Shri R. Bhaia, LDC. (17) Shri A. Khan, LDC.
18. Shri S. Sargar, LDC. (19) P.F. of Smt. Sampa Hazra, EA.

*Attended
Mulla
Advocate*

PRASAR BHARATI
OFFICE OF THE CHIEF ENGINEER (EAST ZONE)
ALL INDIA RADIO & DOORDARSHAN
KOLKATA

No. Z.Cadre - 1(33)/2004-S.

Akashvani Bhavan,
Kolkata - 700001,
Dated : 28/01/2005.

ORDER

Sub. : Transfer of S.E.A. in same capacity .

Following Sr. Engineering Assistants are hereby transferred in same capacity at the Station / Office mentioned against each with immediate effect .

SL. NO.	NAME OF THE S.E.A.	PRESENT STATION	TRANSFERRED TO	REMARKS
1.	MR. P.K. ROY	AIR, CHINSURAH	AIR, GANGTOK	MR. S. GHOSH
2.	MR. MD. M. AHAMED	AIR, CHINSURAH	AIR, TURA	S. ACHARYA
3.	MR. G.C. PATRA	AIR, CUTTACK	LPT, PARADEEP (Instead of AIR, ITANAGAR)	MR. S. SWAIN
4.	MR. S. GHOSH	AIR, GANGTOK	AIR, KOLKATA	S. CHATTOPADAYA
5.	MR. N. K. SINHA	AIR, GUWAHATI	AIR, PATNA	MR. B.K. ROY
6.	MR. S.K. MAZUMDAR	AIR, JAMSHEDPUR	LPT, GHATSILA	T.K. CHAKRABORTY
✓ 7.	MR. MANIK MONDAL	AIR, KOLKATA	AIR, GUWAHATI	H.K. BURMA
8.	MR. S.CHATTOPADAYA	AIR, KOLKATA	DDK, SILLONG	S.K.MALLICK
9.	MR. AJAY KR. DAS	AIR, PASSIGHAT	AIR, JAMSHEDPUR	S.K.MAZUMDAR
10.	MR. BRIJ KISHOR ROY	AIR, PATNA	AIR, HAZARIBAGH	MR. H. S. PRASAD
11.	MR. C.R.C SINGH	AIR, RANCHI	AIR, JAMSHEDPUR	CANCELLED
12.	MR. S.K. JHA	AIR, RANCHI	DDK, PATNA	MR. R.KUMAR
13.	MR. A.P. SINGH	AIR, RANCHI	DDK, PATNA	MR. S. RAM
14.	MR. B.N. KAR	AIR, SILIGURI	AIR, SILIGURI (Instead of PBF JALPAIGURI)	B. CHAKROBATY
15.	MR. P.K. SARKAR	AIR, SILLONG	AIR, KOLKATA	MR. M.M MONDAL
16.	MR. BROTO GHOSH	CE(EZ), KOLKATA	AIR, GUWAHATI	MR. N.K SINHA
17.	MR. BHASKAR BOSE	CE(EZ), KOLKATA	DDK, TURA (Instead of LPT, JEYPORE)	MR. R.N. SAHA
18.	MR. R.K. SARANGI	DDK, BBSR	DDK, B' PATNA	MR. S. DAS
19.	MR. G.N. MONDAL	DDK, BBSR	DDK, SAMBALPUR	MRS. K. BEHERA
20.	SMT. P.P. MOHANTY	DDK, BBSR	LPTV, BALASORE (Instead of LPT, BARIPADA)	MR. B.GHOSH HAZARA
21.	MR. N. SWAIN	DDK, BBSR	HI TV, BERHAMPUR	M.C. PATRA
22.	MR. R. K. SINHA	DDK, GUWAHATI	CI (EZ), KOLKATA	BROTO GHOSH
23.	MR. U.K. SINHA	DDK, GUWAHATI	DDK, PATNA	MR. N.K. SINGH

*Attested
 With
 Advocate*

28/01


प्रसार भारती (अभियंत्रण)
 Dy. Director (Engineering)
 प्रसार अभियंत्रण का कार्यालय (पू. मं.)
 C/o The Chief Engineer (East Zone)
 प्रसार भारती और यू. ए. AIR & TV
 कोलकाता-700001

Copy to :-

1. The Engineering Heads of All India Radio, Chitaurah / Cuttack / Gangtok / Guwahati / Hazaribagh / Itanagar / Jamshedpur / Kolkata / Passighat / Patna / Ranchi / Roukela / Siliguri / Shillong / Tawang / Tura .
2. The Engineering Heads of Doordarshan Kendra, Aizwal / Balasore (HPTV) / Berhampur / Bhawanipatna / Bhubaneswar / Dibrugarh / Guwahati / Jalpaiguri / Katihar (HPTV) / Kolkata / Patna / Ranchi / Sambalpur / Shillong / Tura .
3. The Engineering Heads of Doordarshan Maintenance Centre, Balasore / Bardhaman / Berhampur / Bhawanipatna / Darjeeling / Dhenkanal / Gaya / Jamshedpur / Jeypore / Keonjhar / Sambalpur .
4. Dy. Director (Administration) , Office of the Chief Engineer (EZ), AIR & TV, Kolkata

Copy also to :-

1. To the Director General [By name : Shri Y. Baja , DE(EPM)], All India Radio, Akashvani Bhavan, Parliament Street, New Delhi - 110001 .
2. To the Director General [By name : Shri D. K. Gupta, DE], Doordarshan, Mandi House, Copernicus Marg, New Delhi - 110001 .
3. The Chief Engineer(North-East Zone), AIR & TV, [By name : Shri R. K. Sinha, DE], Dr. P. Kakati's Building, Guwahati - Shillong Road, Ganeshguri Flyover, Guwahati-781006 .
4. CE(P) / CE(M) / DE(M-AIR) / DE(M-TV) / DE(P-AIR) / DE(P-TV) of this office .
5. Vice President, A.R.T.E.E.(East Zone), CE(EZ) - TV Wing, Golf Green, Kolkata .
6. Vice President, A.R.T.E.E.(North-East Zone), DDK Guwahati, Guwahati, Assam .
7. Zonal Secretary, A.I.R. & D.D. T.E.A. (East Zone), Akashvani Bhavan, Kolkata .
8. Zonal Secretary, A.I.R. & D.D. T.E.A. (North-East Zone), Post Box No. 123, G.P.O., Guwahati - 781001 .
9. Confidential Section (Kum. Gita Das, U.D.C.) .


FOR CHIEF ENGINEER (EAST ZONE)

15
- 30 -
45
Annexure-9
PRASAR BHARATI
(BROADCASTING CORPORATION OF INDIA)
ALL INDIA RADIO :: KOLKATA

No. KOL-1(5)/2005-S (SEA)

Dated: 01-03-2005

ORDER

Consequent on his transfer in the same capacity vide CE(EZ), AIR&TV, Kolkata Order No.Z. Cadre-1(33)/2004-S, dt.28-1-2005 Sri Manik Mondal, SEA of this office stands relieved on the afternoon of 11-3-2005 with the instruction to report himself for duty at AIR, Guwahati after availing of usual joining time as per rule.

Sri Mondal, SEA should return the Identity card/Lib. book/Tapes/ Tools / CGHS Card etc., if any, issued to him from this station and also ensure that no dues remain outstanding against him so far as this station is concerned.

(A.K. Pal)
Asstt. Station Director(DDO)
for Station Director

Copy for information & necessary action to :-

- 1) Sri Manik Mondal, SEA, AIR, Kolkata.
- 2) The Chief Engineer(EZ), AIR&TV, Akashvani Bhava, 4th floor, Kolkata.
- 3) The Director General, S.IV Section, All India Radio, Parliament Street, New Delhi-1.
- 4) The Head of Office, All India Radio, Guwahati.
- 5) The Pay & Accounts Officer, All India Radio, Kolkata.
- 6) Sg. Engg./SEs/ASEs/AEs/SO/HO AIR, Kolkata.
- 7) The Accountant, AIR, Kolkata(2)copies.
- 8) All HCs/Steno Gr. I to SD/Steno Gr. II to Sg.E/ S/Sri ABD/MKM/ Ashim Roy/D. Banerjee/ Asim De/D.Sar/Anil Mitra/BRC/M.M./C.D.. Banerjee/B.Jana/Cashier/JRO/LIAs/HINDI SECTION/ CT/ Stat. Store / Engg. Store/EPABX/Computer Room/Control Room, AIR, Kol.
- 9) The Secretary, AIR&DDK Employees Co-Operative Credit Society Ltd., 2nd Floor, Akashvani Bhawan, Kolkata for information & necessary action if any.
- 10) Personal File /Service Book of Sri Mondal. SEA.

Attested
Maita
Advocate

FOR STATION DIRECTOR

No.1 (18)/2004-SW 9511

PRASAR BHARATI
(BROADCASTING CORPORATION OF INDIA)
ALL INDIA RADIO: GUWAHATI

Annexure-10

Chandmarl, Guwahati-781 003
Dated the March 24, 2005

The Chief Engineer (EZ),
All India Radio & Television,
Akashvani Bhavan,
Eden Garden,
Kolkata-700 001

Sub: Transfer of S.E.A. In same capacity.

Ref: CE (EZ), AIR&TV, Kolkata's order No.Z.Cadre-1 (33)/2004-S dated 28/01/2005.

Sir,

Consequent on his transfer in the same capacity from AIR, Kolkata vide CE (EZ), Kolkata's order under reference, Shri Manik Mondal, Sr. Engineering Assistant has reported for duty at this office on the forenoon of 21/03/2005.

Yours faithfully,



(D. K. Das)
Sr. Administrative Officer,
for Station Director.

Copy to:

1. Chief Engineer (NEZ), AIR&TV, Dr. P. Kakoti's Building, Near Ganeshguri flyover, G.S.Road, Guwahati-781 006 for kind information.
2. Station Director, All India Radio, Akashvani Bhavan, Eden Garden, Kolkata-700 001.
3. Pay & Accounts Office, MIB, Hazarika Bhavan, H.R.Path, R.G.B.Road, Guwahati-781 003.
4. Shri Manik Mondal, Sr. Engineering Assistant, AIR, Guwahati.
5. PA to SD / PA to Sg.E / Hindi Officer for Hindi version / Security Officer.
6. AGES/ Assistant (Accounts)/ Assistant (Store) / Store Keeper, HPT / LIA.
7. Sh A Sarma, UDC / Smt D. Boro Daimary, UDC / Sh N. Deka Barua, UDC / Sh C. Basumatary, LDC / Sh A. Khan, LDC / Smt P. Das Kalita, LDC
8. Personal file / SB of Shri Mondal, SCA

Attested
Mulla
Advocate



for Station Director

(Typed True copy)

Annexure - 11

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

New Delhi, the 14th Dec'83

OFFICE MEMORANDUM

Sub: Allowances and facilities for civilian employees of the Central Government-servicing in the States and Union Territories of North Eastern Region-improvements thereof.

The need for attracting and retaining the services of competent officers for service in the North Eastern Region comprising the State of Assam, Meghalaya, Manipur, Nagaland and Mizoram has been engaging the attention of the Government for some time. The Government had appointed a Committee under the Chairmanship of Secretary, Department of Personnel and Administrative Reforms, to review the existing allowances & Administrative Reforms, to review the existing allowances and facilities admissible to the various categories of Civilian Control Government employees serving in this region and to suggest suitable improvements. The recommendations of the Committee have been carefully considered by the Government and the President is now pleased to decide as follows:-

i) Tenure of posting/deputation:-

There will be a fixed tenure of posting of 3 years at a time for officers with service of 10 years or less and of 2 years at a time for officers with more than 10 years of service. Periods of leave, training, etc., in excess of 15 days per year will be excluded in counting the tenure period of 2/3 years. Officers, on completion of

Attested
Mulla
Advocate



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

New Delhi, dated the 29th May, 2002.

OFFICE MEMORANDUM

Subject: Special Duty Allowance for civilian employees of the Central Government Serving in the State and Union Territories of North Eastern Region including Sikkim.

The undersigned is directed to refer to this Department's OM No.20014/3/83-E.IV dated 14.12.83 and 20.4.1987 read with OM No.20014/16/86-E.IV/E.II.(B) dated 1.12.88, and OM No.11(3)/95-E.II.(B) dt. 12.1.1996 on the subject mentioned above

2. Certain incentives were granted to Central Government employees posted in NE region vide OM dt. 14.12.83. Special Duty Allowance (SDA) is one of the incentives granted to the Central Government employees having 'All India Transfer Liability'. The necessary clarification for determining the All India Transfer Liability was issued vide OM dt.20.4.87, laying down that the All India Transfer Liability of the members of any service/cadre or incumbents of any post/group of posts has to be determined by applying the tests of recruitment zone, promotion zone etc., i.e., whether recruitment to service/cadre/post has been made on All India basis and whether promotion is also done on the basis of an all India common seniority list for the service/cadre/post as a whole. A mere clause in the appointment letter to the effect that the person concerned is liable to be transferred anywhere in India, did not make him eligible for the grant of Special Duty Allowance

3. Some employees working in NE region who were not eligible for grant of Special Duty Allowance in accordance with the orders issued from time to time agitated the issue of payment of Special Duty Allowance to them before CAT. Guwahati Bench and in certain cases CAT upheld the prayer of employees. The Central Government filed appeals against CAT orders which have been decided by Supreme Court of India in favour of UOI. The Hon'ble Supreme Court in judgement delivered on 20.9.94 (in Civil Appeal No. 3251 of 1993 in the case of UOI and Ors V/s Sh. S. Vijaya Kumar and Ors) have upheld the submissions of the Government of India that C.G. civilian Employees who have All India Transfer Liability are entitled to the grant of Special Duty Allowance on being posted to any station in the North Eastern Region from outside the region and Special Duty Allowance would not be payable merely because of a clause in the appointment order relating to All India Transfer Liability.

4. In a recent appeal filed by Telecom Department (Civil Appeal No.7000 of 2001 - arising out of SLP No.5455 of 1999), Supreme Court of India has ordered on 5.10.2001 that this appeal is covered by the judgement of this Court in the case of UOI & Ors. vs. S. Vijayakumar & Ors. reported as 1994 (Supp.3) SCC, 649 and followed in the case of UOI & Ors vs. Executive Officers' Association 'Group C' 1995

Attested
M. A. Advaita
Advocate

(Supp.1) SCC, 757. Therefore, this appeal is to be allowed in favour of the UOI. The Hon'ble Supreme Court further ordered that whatever amount has been paid to the employees by way of SDA will not, in any event, be recovered from them in spite of the fact that the appeal has been allowed.

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

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

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

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

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

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

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

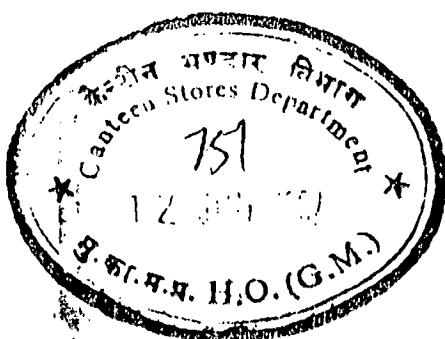
N.P. Singh

(N.P. Singh)

Under Secretary to the Government of India.

All Ministries/Departments of the Government of India, etc.

Copy(with spare copies) to C&AG, UPSC etc. as per standard endorsement list.



17
- 36 -
To,
The Station Director,
All India Radio,
Guwahati.

51
Annexure-13(series)
Dated : 06/12/2004

Sub: Prayer for grant of incentive (SDA) under NE. package as
staff of EZ. from 01/04/2003.

Sir,

This is for your kind attention to the letter issued by Directorate General (AIR) in the banner of Prasar Bharati (No. 14/32/2002-S IV (A) Vol.- II, dated - 06/09/04) regarding grant of incentive under NE package to the persons who are posted from outside the North Eastern Region to North East as per govt. order.

As myself is an allocated staff to East Zone and being a domicile of East Zone is entitled to get this incentive (SDA) from the date when erstwhile East Zone was bifurcated to separate Zone.

Anticipating earlier action from your end to make payment of SDA along with arrears, from the very day of bifurcation.

Yours faithfully,

Ashish Ranjan Poddar
06/12/2004
(Ashish Ranjan Poddar)
EA, AIR, Guwahati.

*Attested
By
Advocate*

Copy to:

- 1) Chief Engineer(NEZ), AIR & Doordarshan, Dr. P. Kakoti's building, Ganeshguri Flyover, G.S. Road, Dispur, Guwahati - 781 006
- 2) Chief Engineer(EZ), AIR & Doordarshan, Akashvani Bhavan, Eden Gardens, Kolkata - 700 001
- 3) Vice President (EZ), ARTEE, Post Box No. 2713, GPO, Kolkata-700 001.

To
The Director General,
All India Radio,
New Delhi.

(Through proper channel)

Sub:- Grant of SDA to the an incumbent serving in North East Region inducted from outsider NE Zone.

Sir,

This is to bring to your kind notice that being an incumbent of outside of North-East region, I had been inducted to North East region on transfer in Public Interest after bifurcation of newly created North East Zone from erstwhile East Zone and consequently joined here in AIR, Guwahati on 08.05.03 being transferred from AIR, Kolkata of East Zone, there by serving in NEZ keep in seniority in East Zone having All India Transfer liability as per office of appointment.

It is also be kindly noted that I have already getting the benefits under North East package for serving North-East region coming from outside of North-East region except grant of special duty allowance for which claim for the same had already been submitted earlier for your kind perusal.

It is regretted to inform you that I am still now being deprived of SDA, which is very much legitimate and admissible as per the verdict of honourable High Court, Guwahati dated 04.01.06, given in case of W.P.© No. 7057/2001 upholding the decision of honourable CAT, Guwahati given in case of Sri Apurba Kumar Gosh, SEA & Sri S.K. Soam, SEA, earlier posted in AIR, Guwahati.

Keeping in view the above circumstances and various orders and directives of honourable High Court, Guwahati, passed on 04.01.06 my claim for SDA may be settled as early as possible in connection of which your decision and comments maybe intimated with in the specified period or else I maybe compelled to seek the Justice from the court of Law.

Thanking you.

Yours faithfully.

Place: Guwahati.

Dated: 06.07.2006

Ashis Ranjan Poddar
(ASHIS RANJAN PODDAR)
Engineering Assistant,
All India Radio,
Guwahati.

Copy for kind information

1. To the Deputy Director General, All India Radio, North-East Zone.
2. To the President, ARTEE, New Delhi.

*Attested
Data
Advocate*

ADVANCE COPY 59

To
The Director General,
All India Radio,
New Delhi.

(Through proper channel)

**Sub:- Grant of SDA to the an incumbent serving in North East Region
inducted from outsider NE Zone.**

Sir,

This is to bring to your kind notice that being an incumbent of outside of North-East region, I had been inducted to North East region on transfer in Public Interest after bifurcation of newly created North-East Zone from erstwhile East Zone and consequently joined here in AIR, Guwahati on 12.05.03 being transferred from AIR, Kolkata of East Zone, there by serving in NEZ keep in seniority in East Zone having All India Transfer liability as per office of appointment.

It is also be kindly noted that I have already getting the benefits under North East package for serving North-East region coming from outside of North-East region except grant of special duty allowance for which claim for the same had already been submitted earlier for your kind perusal.

It is regretted to inform you that I am still now being deprived of SDA, which is very much legitimate and admissible as per the verdict of honourable High Court, Guwahati dated 04.01.06, given in case of W.P.© No. 7057/2001 upholding the decision of honourable CAT, Guwahati given in case of Sri Apurba Kumar Gosh, SEA & Sri S.K. Soam, SEA, earlier posted in AIR, Guwahati.

Keeping in view the above circumstances and various orders and directives of honourable High Court, Guwahati, passed on 04.01.06 my claim for SDA may be settled as early as possible in connection of which your decision and comments maybe intimated with in the specified period or else I maybe compelled to seek the Justice from the court of Law.

Thanking you.

Yours faithfully,

Place: Guwahati.

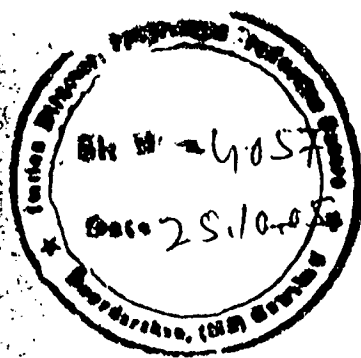
Dated: 06.07.06

Janardan Chakraborty
(JANARDAN CHAKRABORTY)
Engineering Assistant,
All India Radio,
Guwahati.

Copy for kind information

1. To the Deputy Director General, All India Radio, North-East Zone.
2. To the President, ARTEE, New Delhi.

*Attested
Writto
Advocate*



To
The Dy. Director General,
Programme Production Centre(NE),
Doordarshan,
Guwahati.

Date : 25.10.2005

SUB : Prayer for grant of incentive (SDA) under NE package as staff of EZ.
from 01.04.2003.

Sir,

This is for your kind attention to the letter issued by Directorate General (AIR) in the banner of Prasar Bharati (No. 14/32/2002-SIV(A) Vol.-II, dated -06/09/04) regarding grant of incentive under NE package to the persons who are posted from outside the North Eastern Region to North East as per govt. order.

As myself is an allocated staff to East Zone and being a domicile of East Zone is entitled to get this incentive (SDA) from the date when erstwhile East Zone was bifurcated to separate Zone.

Anticipating earlier action from your end to make payment of SDA along with arrears, from the very day of bifurcation.

Yours faithfully,

Ranjit Sarkar 25/10/05
(RANJIT SARKAR)
E.A., PPC(NE), GUWAHATI.

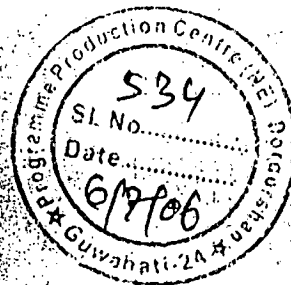
Copy to :

- 1) The Chief Engineer(NEZ), AIR & Doordarshan, Dr. P. Kakati's Building, Ganeshtguri Flyover, G.S. Road, Dispur, Guwahati-781006.
- 2) The Chief Engineer(EZ), AIR & Doordarshan, Akshvani Bhavan, Eden Garden, Kolkata-700 001.
- 3) The Vice President(EZ), TEA, Akashvani Bhawan, Eden Garden, 4th floor, Kolkata-1.

(RANJIT SARKAR)
EA, PPC(NE), GUWAHATI.

*Attended
Mita
Advocate*

(2) An early reply is appreciated for taking further action as per law if SSA is not allowed in favour of me.
Expect your induction, records will be submitted to the concerned authority.



To,
The Dy. Director General (NER),
Programme Production Centre (NE),
Doordarshan, RGB Road, Guwahati-24

(Through proper channel)

Sub: Request for grant of Special Duty Allowance (SDA) on transfer to N.E. Region from outside

Respected Madam,

It is intimated that I have been transferred to Programme Production Centre (PPC), Guwahati from Doordarshan Kendra, Kolkata vide order No. Z Cadre-1(25)/2003-S dated 02.04.2003 and joined my duty as Engineering Assistant on 17.07.2003 (FN) vide joining order No. PPC(NE)/GUW/18/3/2003-S/2068 dated 22.07.2003. I am an outside employee from Kolkata and subsequently, not a domicile of the N.E. Region hence, eligible for the grant of Special Duty Allowance (SDA). But regrettably so far, I have not been granted SDA incentive without any explanation. Recently, the Honble High Court Guwahati Bench has delivered an important judgment in the matter of Special Duty Allowance dated 04.01.06 against WPC No. 7057/2001 of the All India Radio Guwahati vs. Sri A.K. Ghosh & Sri S.K. Soam, where it has been justified that "Who belongs to the region other than the N.E. Region, will be entitled to SDA" as quoted from the above judgment. Hence, based on the legitimacy of the verdict my eligibility for Special Duty Allowance (SDA) is established absolutely as per rule.

In view of the fact, it is requested that I may please be granted Special Duty Allowances (SDA) with immediate effect including all arrears since my date of joining in the N. E. Region. In case my claim is not considered with the salary of July 2006, it will be presumed that the eligibility of my SDA incentive is being denied deliberately and therefore, I shall be obliged to appeal for the legal opinion as permitted in the Constitution of India under the fundamental rules.

Thanking you in anticipation.

Yours faithfully

Ranjit Sarkar

(RANJIT SARKAR)
Engg. Asstt.
PPC, Guwahati-24

Dated: 05.03.2006
Station: Guwahati

Copy No.

1. The Dy. G. Doordarshan, Mandi house, Copernicus Marg, New Delhi-110 001 ----for info. pl.
2. The Dy. G. Doordarshan, Parliament Street, New Delhi-110 001 -----do-
3. The Dy. G. Doordarshan, Programme Production Centre, Doordarshan, Guwahati-781024 ----do-
4. The Administrative Officers, Programme Production Centre, Doordarshan, Ghy-24 -do-

22
To
The Director General,
All India Radio,
New Delhi.

- 41 -
ADVANCE COPY 50

(Through proper channel)

Sub:- Grant of SDA to the an incumbent serving in North East Region inducted from outsider NE Zone.

Sir

This is to bring to your kind notice that being an incumbent of outside of North-East region, I had been inducted to North East region on transfer in Public Interest after bifurcation of newly created North East Zone from erstwhile East Zone and consequently joined here in AIR, Guwahati on 10.06.2002 being transferred from DDK, KOLKATA of East Zone, there by serving in NEZ keep in seniority in East Zone having All India Transfer liability as per office of appointment.

It is also be kindly noted that I have already getting the benefits under North East package for serving North-East region coming from outside of North-East region except grant of special duty allowance for which claim for the same had already been submitted earlier for your kind perusal.

It is regretted to inform you that I am still now being deprived of SDA, which is very much legitimate and admissible as per the verdict of honourable High Court, Guwahati dated 04.01.06, given in case of W.P.© No. 7057/2001 upholding the decision of honourable CAT, Guwahati given in case of Sri Apurba Kumar Gosh. SEA & Sri S.K. Soam, SEA, earlier posted in AIR, Guwahati.

Keeping in view the above circumstances and various orders and directives of honourable High Court, Guwahati, passed on 04.01.06 my claim for SDA may be settled as early as possible in connection of which your decision and comments maybe intimated with in the specified period or else I maybe compelled to seek the Justice from the court of Law.

Thanking you.

Place: Guwahati.

Dated: 06.07.06

Yours faithfully,

Sampa Hazra
(SAMPA HAZRA)
Engineering Assistant,
All India Radio,
Guwahati.

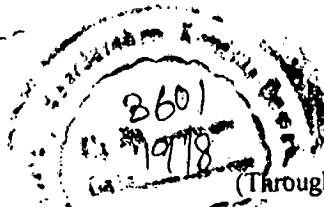
Copy for kind information

1. To the Deputy Director General, All India Radio, North-East Zone.
2. To the President, ARTEE, New Delhi.

*Attested
Advocate*

23
To,
The Director,
Doordarshan Kendra,
Guwahati.

-42-



(Through proper channel)

Sub: Request for payment of Special Duty Allowance (SDA), a N.E. Package payable to the Central Govt. Employees on transfer to North Eastern Region from out side stations.

Sir,

May I have the honour to intimate that I have joined my duties in the Doordarshan Kendra Guwahati on 17.07.03 on routine transfer from Doordarshan Kendra, Kolkata, West Bengal, a station out side the N.E. Region, but till date I am not being paid the SDA without any office order or reason.

Special Duty Allowance or SDA is a part of the Special North-East Pay Package, allowed to Central Govt. staffs. As per rule (vide Central Govt. O.M. dated 14.12.83), the SDA is payable to a Central Govt. Employee posted at the North Eastern Region if:

1. He has All India Transfer liability,
2. He has been posted to any station in the North-Eastern Region (viz. Assam, Meghalaya, Manipur, Nagaland, Sikkim, Tripura, Arunachalpradesh and Mizoram), from outside the region.

I fulfill all the above mentioned criteria. I was recruited in this Department under the Information & Broadcasting Ministry through competitive examination. The eligible Indian citizens all-over-the-country were allowed to appear, and the selection was done on the basis of merit. In the offer of my appointment the terms and conditions of all India transfer liability is clearly mentioned. Neither the authority nor the employee can deny this fact. At present, I am being transferred within the East Zone and North East Zone i.e. West Bengal, Bihar, Orissa, Jharkhand and North Eastern States. I am always willing to serve the remaining part of my Country, if ordered so and cannot deny such transfer as per the terms and conditions of my appointment. We are being allowed other North-East benefits like DHRA, SCA, Joining-time etc, but deprived of the SDA, which is totally contradictory and baseless, as all are the incentives of the N.E. Package and all of them are supposed to be paid together and not separately.

I came to know through reliable sources that due to zonal transfer liability of my cadre the SDA has been ceased. But as per rule it was never been a criteria for not getting SDA. As per the original O.M., the SDA is payable to the Central Govt. Employees on transfer to the North Eastern Region from the stations out side the region with All India transfer liability. The N.E. Region is considered to be a "difficult zone" and main intention of the Govt. of India and spirit behind the O.M. is to provide an incentive to attract and retain the competent employees on transfer to this Region from out side stations, irrespective of states and provinces the employees belong. For the same reason SDA is not allowed for the period when a Govt. servant stays out of the region on leave/training etc i.e. when he could not be retained in the region. I have come from outside of this region and as I have already mentioned that I am liable and ready to be posted any where in India. Originally my cadre used to be transferred on all India basis. The creation of Zones is an administrative matter and who will be transferred where is the discretion of the authority. The creation of a new state or bifurcation of any district by the Government does not condense or cease any facility / welfare of particular Citizens. After the creation of zones, I never became a resident of the N.E. Region rather, I still remain an out side employee and have been ordered to serve in the "difficult zone".

So far, the original O.M. of the N.E. Package including SDA has neither been amended nor modified against those of outside employees, being transferred within the zones. The Hon'ble Supreme Court verdict in a particular Mr. Vijaykumar's SDA case did put forward a judgment that a 'mare clause of All India transfer liability in the appointment letter does not eligible any employee to get SDA'. But it was a judgment against those employees like Mr. Vijaykumar who are having All India transfer liability in the appointment letter but are appointed at this NE Region and never been transferred beyond the N.E. Region. So, wrong interpretation of the Hon'ble Court's verdict would be very unfortunate and undue hardship will impact and exaggerate the moral of the deprived employees imperfectly, in spite of obeying the orders of routine transfer to this "hard zone" from the out side stations.

In view of the facts and circumstances, it is again requested that I may please be paid the actual entitlement of SDA with the salary of August'05 with full retrospective benefit of arrears from the date of my entry in the North Eastern Region. Otherwise, I shall presume that my entitlement of SDA is being denied and I will have no other way but to appeal before the Court of Law for justice.

Thanking you,

Guwahati.
Date: 19.08.2005

Copy to:

The Director Generals, Doordarshan / AIR, New Delhi. ----- For info. Pl.
The Dy. Director General (N.E.R), Doordarshan, Ghy. ----- For info. Pl.

Yours faithfully,

Debabrata Sarkar
(Debabrata Sarkar)
EA, DDK, Guwahati.

Received
19/8/05

24
- 43 -
To
The Director General,
All India Radio,
New Delhi.

(Through proper channel)

Sub:- Grant of SDA to the an incumbent serving in North East Region inducted from outsider NE Zone.

Sir,

This is to bring to your kind notice that being an incumbent of outside of North-East region, I had been inducted to North East region on transfer in Public Interest after bifurcation of newly created North East Zone from erstwhile East Zone and consequently joined here in AIR, Guwahati on 21-3-05 being transferred from AIR KOLKATA of East Zone, there by serving in NEZ. keep in seniority in East Zone having All India Transfer liability as per office of appointment.

It is also be kindly noted that I have already getting the benefits under North East package for serving North-East region coming from outside of North-East region except grant of special duty allowance for which claim for the same had already been submitted earlier for your kind perusal.

It is regretted to inform you that I am still now being deprived of SDA, which is very much legitimate and admissible as per the verdict of honourable High Court, Guwahati dated 04.01.06, given in case of W.P.(C) No. 7057/2001 upholding the decision of honourable CAT, Guwahati given in case of Sri Apurba Kumar Gosh, SEA & Sri S.K. Soam, SEA, earlier posted in AIR, Guwahati.

Keeping in view the above circumstances and various orders and directives of honourable High Court, Guwahati, passed on 04.01.06 my claim for SDA may be settled as early as possible in connection of which your decision and comments maybe intimated with in the specified period or else I maybe compelled to seek the Justice from the court of Law.

Thanking you.

Yours faithfully,

Place: Guwahati.

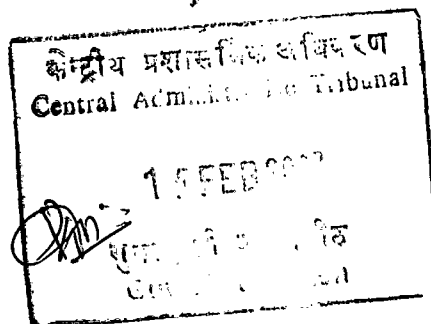
Dated: 06-07-006

Mamondal
Sr. Engineering Assistant,
All India Radio,
Guwahati.

Copy for kind information

1. To the Deputy Director General, All India Radio, North-East Zone.
2. To the President, ARTEE, New Delhi.

Attested
By
Advocate



Filed by
the respondents
through Gaurabanki Singh
14.02.07 SrC/250

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI

O.A. No. 230 of 2006

Sri Ashis Ranjan Poddar.

.....Applicant.

-VS-

Union of India & Ors.

..... Respondents.

The written statement on behalf of the
respondents above named.

WRITTEN STATEMENT OF THE RESPONDENT :

Most Respectfully Sheweth:

1. That with regards to the statement made in paragraph 1 of the instant application the answering Respondent beg to state that certain incentives were granted to Central Government employees posted in NE Region vide Minister of Finances OM No.-20014/3/83-E.IV dated 14/12/1983. Special duty allowance (SDA) is one of the incentive granted to the Central Government employees having "All India Transfer Liability". The necessary clarification for determining the All India Transfer Liability was issued vide Ministry of Finance's OM No.-20014/3/83 -E.IV dated 20/4/1987, laying down

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(2)

that the All India Transfer Liability of the members of any service/Cadre or incumbents of any post/group of posts has to be determined by applying the test recruitment zone, promotion zone etc, i.e whether recruitment to service/ cadre posts has been made on All India basis and whether promotion is also done on the basis of an All India Common seniority list for the service/cadre/posts as a whole. A mere clause in the appointment letter to the effect that the person concerned is liable to be transferred anywhere in India, did not make any one eligible for grant of SDA.

2. That with regards to the statement made in paragraph 2 and 3 of the instant application the answering respondents have no comment.

3. That with regards to the statement made in paragraph 4.1 and 4.2 of the instant application the answering respondents have no comment.

4. That with regards to the statement made in paragraph 4.3 of the instant application the answering respondents beg to state that these are matter of records and and the respondent no not admit any thing which are not borne out of records.

5. That with regards to the statement made in paragraph 4.4 and 4.9 of the instant application the answering respondent begs to state that those are matter of records and the respondents do nit admit any thing which are not borne out of records. The respondents further

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(3)

begs to state that vide para 3 of Ministry of Finances OM No. 11/3/95-E II(R) dated 12.1.1996 it has been defined that a mere clause in the appointment letters to the effect that the person concerned is liable to be transferred any where in India, did not make them eligible for grant of SDA.

The copy of OM is annexed herewith and marked as Annexure-1.

6. That with regards to the statement made in paragraph 4.10 of the instant application the answering respondents beg to state that certain incentives were granted to Central Government employees posted in NE Region vide Ministry of Finance's OM No. 20014/3/83-E.IV dated 14.12.1983. Special Duty Allowance (SDA) is one of the incentives granted to the Central Government employees having "All India Transfer Liability". The necessary clarification for determining the All India Transfer Liability was issued vide Ministry of Finances O. No. 20014/3/83-E.IV dated 20/04/1987, lying down that the All India Transfer Liability of the members of any service/cadre or incumbents of any post/group of posts has to be determine by applying the test of recruitment zone, promotion zone, etc, i.e, whether recruitment to service/cadre/post has been made on All India basis and whether promotion is also done on the basis of an all India Common seniority list for the service/cadre/post as a whole. A mere clause in the appointment letter to the effect that the person concerned is liable to be transferred any where in India, did ^{not} make him eligible

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(4)

for the grant of SDA.

7. That with regards to the statement made in paragraph 4.11 of the instant application the answering respondents beg to state that the Hon'ble Supreme Court in judgement delivered on 20/9/94 in Civil Appeal No. 3251 of 1993 (in the case of U.O.E. and Others -VS- Sb.S. Vijaya Kumar and Others) also upheld the submission of 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 ME Region from outside the region and SDA could not be payable merely because of a clause in the appointment order relating to all India Transfer Liability. All the applicants in the instant case are East Zone cadres and they have been transferred to North East Zone in exigencies of service. The cadres of senior Engineering Assistants & Engineering Assistants are Zonal Cadre and their transfer liabilities are limited to a well defined zones only. They do not have all India transfer liability.

The entire net work of AIR and DD have been divided into 5 Zones East, West, North, South and North East Zone. East Zone consist of West Bengal, Orissa, Bihar and North East Zone consists of all the states in North East India including sikkim under the control of CE(NEZ), AIR/Tv, Guwahati. Senior Engineering Assistants (SEA) are transferable to any where in their respective zone and their seniority is maintain Zone wise in their respective Zone. For the purpose of promotion to next higher post i.e. Assistant Engineer, the

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(5)

eligibility list is prepared on the basis of five Zonel seniority list containing the names of SEAs. In other wards, the eligibility from the respective Zonel seniority list i.e., an officer is drawn from each of the five zonal seniority lists, thus making it a grouping of five officers whose positions are arranged strictly as per their seniority. ~~Engineering~~ Assistants (EA) ~~are~~ also transferable to any where in their respective zone and their seniority maintained on Zonel basis. For the purpose of promotion to the next higher post that is Senior Engineering Assistant, the eligibility list is prepared on the basis of Zonel seniority list.

8. That with regards to the statement made in paragraph 4.12 of the instant application the respondents beg to state that all the applicants are cadre of East Zone and their transfer is limited to Zone only. Seniority of the applicants is also maintained on Zonal basis. They have ^{been} transferred to North East Zone on public interest and in exigencies of service. Simply on that ground to the effect that they have transferred and posted at North East Zone did not make them eligible for grant of SDA.

9. That with regards to the statement made in paragraph 4.13 of the instant application the respondents beg to state that it is true that Hon'ble Gauhati Bench's vide order dated 5/3/2001 in O.A. No.187/2000 was directed to pay SDA to applicants Shri Apurba ~~Das~~ Kr. Gosh, SEA and Shri S.K. ~~Seena~~ SEA. Being aggrieved by

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the Hon'ble Court Order dated 5/3/2001 in O.A. No.187/2000, Department had filed a writ petition No.7057/2001 in Hon'ble High Court, Guwahati. Hon'ble High Court, Guwahati delivered judgement dated 4/1/06 in W.P.(C) No.7057/2001 in the light of Supreme Court Judgement as well as the Ministry of finance's OM dated 29/5/2002, hold that the SDA shall be admissible to central Government employees having All India Transfer Liability on posting to North Eastern region (including Sikkim) from out side the region. The present applicants are ^{not} All India Cadre and not having All India Transfer Liability.

The copies of the Hon'ble High Court Order dated 4/1/06 in W.P.(c) No.7057/2081 and Ministry of Finance O.M. dated 29/5/2002 are Annexed herewith and marked as Annexure-2 and 3.

10. That with regards to the statement made in paragraph 4.15 of the instant application the respondents beg to state that all the representation of ~~the~~ applicants ^{have been} have been considered carefully and ~~is~~ regulated strictly in accordance with the Ministry of Finance ~~on~~ dated 29/05/2002. Hon'ble High Court, Gauhati is also upheld the Hon'ble Supreme Court's in Judgement delivered on 20/9/1994 (in Civil Appeal No.3251 of 1993 in the Case of U.O.J. and Ors. -VS- Sri S. Vijaya Kumar and Ors.) as well as Ministry of Finance's O.M. dated 29/5/2002, 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 North East Region

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(7)

from out side the region and SDA would not be payable merely because of a clause in the appointment order relating to All India Transfer Liability. All the applicants in the instant case are East Zone ~~Cadres~~ and they have transferred to North East Zone in exigencies of service.

11. That with regards to the statement made in paragraph 4.16 of the instant application, the respondents beg to state that in view of the replies furnished above the application has no merit and it is not maintainable. Therefore the respondents pray that the Hon'ble Tribunal may be pleased to dismiss the application in the interest of justice.

12. That with regards to the statement made in paragraph 5 of the instant application the respondents beg to state that the statement of the instant application are untrue, false and incorrect and hence denied. Further the respondents beg to submit that the grounds set forth in the instant application are not good ground in law as well as on facts and therefore the application is liable to be dismissed.

13. That with regards to the statement made in paragraph 6 and 7 of the instant application the respondents have no comment.

14. That with regards to the statement made in paragraph 8.1 to 8.4 in the instant application the respondents beg to state that the claims of the applicant is

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being illegal hence the same are denied. The relief sought for by the applicant is contrary to the rule and the order issued by the Govt. for which the instant application is liable to be dismissed.

15. That with regards to the statement made in 9 and 9.1 of the instant application the respondents beg to state that the claim of the applicant is illegal and ill founded the application is not entitled to get any interim relief.

16. That the respondents submit that the application has no merit and as such the same is liable to be dismissed..

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A F F I D A V I T

I, U.K. BARUAH, aged
about 48 years, resident of SOUTH SARANIA.....
P.O.- ULUBARI, P.S.- PALTAN BARR, in the District
of KAMRUP, Assam, do hereby solemnly affirm and
state as follows:-

1. That I am the authorised officer in the present
case and fully conversant with the facts and circum-
stances thereof and I am competent to swear this affida-
vit.

2. That the statements made in this affidavit and in
paragraphs 1 to 4, 6 to 8, 10 to 16 of this appli-
cation are true to my knowledge; those made in para-
graphs 5, 9..... being matters of the records
of the case are true to my information derived therefrom
which I believe to be true and the rest are humble
submissions before this Hon'ble court.

And I sign this affidavit on this 5.th day of
FEB.
November, 2007 at Guwahati.

Identified by

Grantan Singh
Sr. C.S.C.

Advocate

DEPONENT

[Signature]
(UTTAM KUMAR BARUAH)
Programme Executive
PPC (NE), Doordarshan
Guwahati-781024

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Special Duty Allowance for civilian employees serving in the State and Union Territories of North Eastern Region.

The undersigned is directed to refer to this Department's O.M. No. 20014/3/83-E.IV dated 14.12.1983 and 20.4.1987 read with O.M. No. 20014/16/86-E.IV/E.II(B) dated 1.12.1988 on the subject mentioned above.

2. The Government of India vide the above mentioned OM, dated 14.12.1983, granted certain incentives to the Central Government civilian employees posted to the N.E. Region. One of the incentives was payment of 'Special Duty Allowance' (SDA) to those who have 'All India Transfer Liability'.

3. It was clarified vide the above mentioned OM dated 20.4.1987, that for the purpose of sanctioning 'Special Duty Allowance' of the members of any service/cadre or incumbents of any post/group of posts has to be determined by applying the tests of recruitment zone, promotion zone, etc. i.e., whether recruitment to service/cadre/post has been made on All India basis and whether promotion is also done on the basis of an All India common seniority list for the service/cadre/post as a whole. A mere clause in the appointment letter to the effect that the person concerned is liable to be transferred anywhere in India, did not make him eligible for the grant of SDA.

4. Some employees working in N.E. Region approached the Hon'ble Central Administrative Tribunal (CAT) (Guwahati Bench) praying for the grant of SDA to them even though they were not eligible for the grant of this allowance. The Hon'ble Tribunal had upheld the prayers of the petitioners as their appointment letters carried the clause of All India Transfer Liability and accordingly, directed payment of SDA to them.

5. In some cases, the directions of the Central Administrative Tribunal were implemented. Meanwhile, a few Special Leave Petitions were filed in the Hon'ble Supreme Court by some Ministries/Departments against the orders of the CAT.

6. The Hon'ble Supreme Court in their judgment delivered on 20.9.1994 (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 N.E. Region from outside the region and SDA 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 transferred from outside the region to this region ~~XXXXXX~~ would not be violative of the provisions contained in Article 14 of the

...4/....

True Copy
[Signature]

Mr A. Ahmed, Adv.

W.P.(C) No. 7057/2001

Union of India and others

Petitioners

Versus

Shri Apurba Kumar Ghosh and others

Respondents

For the petitioner

Mr. G.P. Bhowmick
Advocate.

For the Respondent

Mr M. Chanda
Mr S. Ghosh
Mr S. Dutta
Advocates.

W.P.(C) No. 7324/2001

The Union of India and others

Petitioners

VERSUS

Sri Sailendra Kr Sarma

Respondents

For the Petitioner

Mr. S. Kalita
Mr D. Saikia
Mr C. Baishya
Advocates.

For the Respondents

Mr B.K. Sarma
Mr U.K. Nair
Mr R.K. Vothra
Advocates

W.P.(C) No. 3000/2001

The Union of India and others

Petitioners

VERSUS

Sri Chandra Kanta Sinha
Deputy Commissioner of
Income Tax, Jorhat Circle
Jorhat.

Respondent

For the Petitioner

Mr. G.P. Bhowmick

True Copy


Advocate.

For the Respondents

Mr. J.L. Sarkar
Mr N. Choudhury
Ms S. Deka
Mr A. Choudhury
Advocates.

W.P.(C) No. 3280/2001

The Union of India and others

Petitioners

VERSUS

Income tax Gazetted Service Federation
North Eastern Region Unit
Aayakar Bhawan, Uzanbazar Guwahati
Through the President of the Service
Federation and others

Respondents.

For the Petitioner

Mr. G.P. Bhowmick
Advocate

For the Respondents

Mr. J.L. Sarkar.
Advocate.

W.P.(C) No. 2771/2004.

Union of India
Through the Director General of
Posts, Department of Posts
Represented by the Chief Postmaster
General of Posts, Assam Circle
Meghdoot Bhawan, Guwahati

Petitioner.

VERSUS

Shri Bangshidhar Boro
Circle Secretary, National
Federation of Postal Employees
Assam Circle, Guwahati and others.

Respondents.

For the Petitioner

Mr. Bipul Sarma
Advocate

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For the Respondents : None appears.

Date of Hearing : 19.12.05

Date of Judgment : 04.01.06

JUDGMENT AND ORDER

(Katakey, J.)

By this batch of Writ Petitions, the petitioners have challenged the judgments and orders passed by the learned Administrative Tribunal, Guwahati Bench regarding the grant of Special Duty Allowance(for short "SDA") to the employees under them.

1. In WP(C) No.5087/99 the petitioners, Regional Director, E.S.I. Corporation and another have challenged the order dated 17.2.99 passed by the learned Tribunal setting aside the order dated 12.6.96 issued by the petitioner No.1 and directing that the employees of the Corporation will continue to receive the SDA in terms of the order dated 28.2.90 passed in O.A.No. 130(G)89. An application being O.A.No.103/96 was filed by the Respondent Nos 1 and 2 herein challenging the order issued by the Regional Director, ESI Corporation dated 12.6.96, whereby the SDA directed to be paid by the learned Tribunal vide order dated 28.2.90 in O.A. No. 130(G)89 was sought to be recovered with effect from 20.9.94 and also deciding not to pay the said allowances to the members of the Respondent No.1 Association, though the learned Tribunal by the aforesaid order dated 28.2.90 has held that the Members of the petitioners' association are entitled to such SDA.

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3 WP(C) No. 3009/2001 is filed by the Union of India challenging the order dated 20.12.2000 passed by the learned Tribunal in O.A. No.306/99 filed by the applicants therein, who are the respondents before this court to pay the SDA in terms of the officer memorandums dated 14.12.83 and 1.12.88 for the period of their posting in North Eastern Region. The said Original Application was filed by the respondents herein claiming the said allowances in terms of the judgment passed by the Apex court in Union of India and others Vs B.Prasad B.S.D. and others, reported in (1997) 4 SCC 189 and also in terms of the office memorandums dated 14.12.83 and 1.12.88 claiming that they have fulfilled all the conditions for grant of such SDA.

4 Writ Petition (C) No. 7057/2001 is directed against the order dated 5.3.2001 passed by the learned Tribunal holding that the applicants (respondent herein) are entitled to SDA and directing the writ petitioners to pay the said allowances from the date of their subsequent posting in N.E Region. The Original Application was filed by the respondents herein claiming that though they were initially recruited in the North Eastern Region they were transferred to places out side the said Region and re-transferred to the North Eastern Region and as such they are entitled to the SDA.

5 The Union of India and others, in Writ Petition (C) No. 7324/2001 have challenged the order dated 19.12.2000 passed by the learned Tribunal directing the petitioners to give effect to the earlier order dated 28.2.90

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passed by the learned Tribunal in O.A. No.130(G)/89 and 130/96.

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6. Writ Petition(C) No. 3000/2001 and 3280 of 2001 have been filed by the Union of India and others challenging the common order dated 19.12.2000 passed by the learned Tribunal in O.A. No. 268/ 2000 and O.A.No. 293/1999 filed by the present respondents, setting aside the order dated 12.7.2000, 14.7.2000 and 25.8.2000 whereby the writ petitioners have decided to discontinue the payment of SDA and to recover the amount already paid and directing the writ petitioners to comply with the judgment and order passed on 31.8.90 in O.A. No.80/99, wherein the learned Tribunal declared that the respondents are entitled to SDA under the various office memorandums issued by the Government of India in that regard.

7 In Writ Petition(C) No. 2771/04 the Union of India has challenged the common order dated 12.3.5.03 passed by the learned Tribunal in O.A. No.249/2002 and other Original Applications, directing the petitioners not to make any further recovery of the SDA already paid to the respondents herein, while rejecting the claim of the respondents herein for grant of SDA. The said Original Application was filed before the Tribunal assailing the action of the respondents as regards the recovery of the SDA so far paid to the applicants - respondents herein.

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8 We have heard Mr. Dey, learned Senior counsel and Mr H. Rahman, learned Assistant Solicitor General for the writ petitioners in the aforesaid writ petitions and Mr. J.L. Sarkar and Mr M. Chanda learned counsel for the respondents.

9 The Government of India, Ministry of Finance, upon consideration of the recommendation of the Committee appointed by it to review the existing allowances and facilities admissible to the various categories of Civilian Central Government employees serving in the North Eastern Region, comprising the State of Assam, Meghalaya, Manipur, Nagaland, Tripura and erstwhile Union Territories of Arunachal Pradesh and Mizoram and to suggest suitable improvement, has decided to grant the Special Duty Allowances to the Central Government Civilian employees, who have All India transfer liability, on their posting from any region in to the North Eastern Region. It is evident from the said office memorandum that the intention of the Government and the spirit behind issuance of such office memorandum is to provide incentive and attraction to the officers belonging to the region other than the North Eastern Region to come and serve in the said region.

10 The learned counsel for the petitioners have submitted that the issue relating to the entitlement of SDA by the employees/officers of the Central Government has already been decided by the Apex Court in S. Vijaykumar's case. Therefore, according to the learned counsel, the employees/officers, who are not entitled to such allowance in view of the said decision of the Apex court, cannot be paid

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such allowance, even if the cases filed by them were heard and disposed of in their favour before the said decision of the Apex court, by the learned Tribunal or by the High Court in a petition challenging such decision of the learned Tribunal.

11 The learned counsel for the respondents, agreeing with the submissions of the learned counsel for the petitioners relating to the decision of the Apex court regarding the entitlement of SDA, in S. Vijaykumar's case, have however submitted that the said decision of the Apex court will not effect the decisions of the learned Tribunal, rendered prior to the said judgment of the Apex court, which have attained finality, either because of not challenging the same before the Higher Court or if challenged, were rejected.

12 In Union of India and others Vs S. Vijayakumar and others, reported in 1994 Supp (3) SCC 649, the Apex court by taking into account the purpose for which the office memorandums dated 14.12.83, 29.10.86 and 20.4.87 were issued, has held that such allowances was meant to attract persons out side the North Eastern Region to work in that Region because of inaccessibility and difficult terrain and with a view to attract and retain the services of the competent officers for service in North Eastern Region. It has further been held that the Central Government Civilian employees who have All India Transfer Liability would be granted the allowances on posting to any Station in the North Eastern Region and such employees would not become entitle to such allowances merely because of the Clause in the appointment order relating to All India Transfer Liability. However, the Apex court, on the bar is

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14 From the aforesaid decisions of the Apex court, it is, therefore, evident that the SDA is payable to the civilian employees of the Government of India who were initially appointed and posted outside the North Eastern Region but subsequently posted in the North Eastern Region. The benefit of such allowance is also not available to the employees/officers belonging to North Eastern Region and to such officers/ persons who were appointed and posted in the said region.

15 The Government of India, Ministry of Finance (Department of Expenditure) thereafter issued an office memorandum dated 13.6.2001 regarding admissibility of SDA of postal employees in their posting in N.E. Region. In the said office memorandum it has been clarified that there is no bar in eligibility of SDA for the officers belonging to North Eastern Region, if they satisfy the criteria that their appointment in service/post is made on All India basis and the promotion is also done on the basis of All India common seniority. However, it has been made clear that they will be entitled to the same, if they are posted in N.E. Region from outside the region.

16 The learned Assistant Solicitor General, during the course of argument, has placed on record another office memorandum dated 29.5.2002 issued by the Government of India, Ministry of Finance (Department of Expenditure) wherein it is stipulated that the SDA shall be admissible to the Central Government employees having All India Transfer Liability on their posting to the North Eastern Region, including Sikkim, from outside the region. Referring to the

Handwritten signature/initials

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of the concession given by the learned Additional Solicitor General, has directed that the amount already drawn by the ineligible employees/officers, towards SDA shall not be recovered from them. The Apex court in Chief General Management (Telecom), N.E. Telecom Circle and another Vs Rajendra Ch. Bhattacharjee and others, reported in AIR 1995 SC 813 has also reiterated the said position.

13 The Apex court in Union of India and others Vs Executive Officers Association Group C, reported in 1995 Supp.(1) SCC 757; upon consideration of the object behind issuance of the various office memorandums issued by the Government of India regarding entitlement of Special Duty Allowance, has held that as the North Eastern Region was considered to be 'hard zone' for various reasons, the Government has issued the said office memorandums providing certain extra allowances, benefits and other facilities to attract competent officers in the North Eastern Region at least for 2 to 3 years of tenure posting. Referring to Rajendra Ch. Bhattacharjee case, the Apex Court has further held that such benefits shall not be available to the persons belonging to the N.E. Region, where they were appointed and posted. The decision of the Apex court in Union of India & Ors etc Vs B. Prasad, B.S.D. & Ors, etc(supra) being related to the entitlement of SDA as well as Field area Special compensatory(Remote Locality) Allowance, of the defence civilian personnel, is not applicable in the present writ petitions as the said issue has not arisen in this batch of writ petitions.

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decision of the Apex court dated 5.10.2001 in Civil Appeal No. 7000/2001, the Ministry in the said office memorandum has also decided that the amount already paid on account of SDA to the ineligible persons not qualified to such allowances on or before 5.10.2001 will be waived. However, the recoveries, if any, already made, need not be refunded and the amount paid on account of such allowances after 5.10.2001 will be recovered.

17 It appears from the said office memorandum dated 29.5.2002 that the admissibility of SDA of the postal employees belonging to the North Eastern Region upon posting in the said region on the basis of the promotion pursuant to the All India common seniority and on their posting to N.E. region from outside the region, has not been dealt with.

18 Let us now consider the submission of the learned counsel for the parties on the point whether the aforesaid decision of the Apex court will in any way effect the rights of the employees/officers already accrued to them, prior to the said decisions of the Apex court, by virtue of the decisions given by the learned Tribunal in the applications where they were parties.

19 Doctrine of finality of judgment or the principles of res judicata are founded on the basic principle that when a court of competent jurisdiction renders any judgment, the same ought not to be allowed to be agitated again and again. The judgment which attained finality cannot be re-opened and the benefit occurred therein cannot be taken away by the

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authority by issuing any order or office memorandum, which is contrary to such decision, on the ground that the position of law has been changed because of the subsequent decision of the Apex court,, unless of course the Apex Court directs otherwise or such decisions of the competent court/tribunal is challenged and set aside. Such decision would operate as res judicata between the parties to such decision. Therefore, the rights of the employees/officers accrued under the order of the learned Tribunal, which attained finality, cannot be taken away because of the subsequent decision of the Apex court in S. Vijayakumar case. The learned counsel for the petitioners also could not place any direction of the Apex court that the said decision shall effect all the judgments already rendered by any competent court/tribunal.

20 In view of the law laid down by the Apex Court, as discussed above and also in view of the discussion relating to the finality of judgment, we hold that the officers and employees, who belongs to the region other than the N.E. Region, will be entitled to SDA. The persons belonging to the other parts of the country other than the N.E. Region, if initially appointed and posted in N.E. Region shall not be entitled to such allowance. The Postal employees belonging to N.E. Region but posted in the said Region from out side the region on their promotion on the basis of the All India Common Seniority List shall also be entitled to SDA from the date of such posting. The employees and officers, other than, the employees and officers mentioned above, shall not be entitled to SDA and the authorities shall be entitled to recover SDA already paid to them after 5.10.2001, in terms of the office memorandum dated 29.5.2002 and the amount already

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paid upto 5.10.2001 towards SDA shall not be recovered. However, the recoveries, if any already been made, need not be refunded. This is also subject to the inter party judgment and order that have been passed by any competent Court or Tribunal, which have attained its finality.

21. The writ petitioners in view of our aforesaid decision, are directed to scrutinize each of the claim of the officers/employees for SDA and pass necessary orders in that regard. However, the authority cannot re-open and stop payment of SDA or recover such allowances from such officers/employees, whose cases have already been decided by the learned Tribunal, prior to S. Vijayakumar's case, declaring that they are entitled to such allowances, if the said decisions have not been assailed and set aside by the Higher court.

22. The judgments and orders passed by the learned Tribunal are accordingly modified to the extent indicated above. The writ petitions are accordingly disposed of. No order as to cost.

Sd/- B. P. Kalakey

Judge

Sd/- B. B. Reddy

Chief Justice

RECEIVED TO BE THE COPY
At on Bopanna Rohan
20/11/06

G.I., M.F., O.M. No. 11 (5)/97-E. II (B), dated 29-5-2002

Special Duty Allowance to civilian employees posted from outside the region only

The undersigned is directed to refer to this Department's O.M. No. 20014/3/83-E. IV, dated 14-12-1983 and 20-4-1987 read with O.M. No. 20014/16/86-E. IV/E. II (B), dated 1-12-1988 and O.M. No. 11 (3)/95-E. II (B), dated 12-1-1996 (Sl. Nos. 214 and 103 of Swamy's Annual, 1988 and 1996 respectively) on the subject mentioned above.

2. Certain incentives were granted to Central Government employees posted in N-E region vide OM, dated 14-12-1983. Special Duty Allowance (SDA) is one of the incentives granted to the Central Government employees having "All India Transfer Liability". The necessary clarification for determining the All India Transfer Liability was issued vide OM, dated 20-4-1987, laying down that the All India Transfer Liability of the members of any service/cadre or incumbents of any post/group of posts has to be determined by applying the tests of recruitment zone, promotion zone, etc., i.e., whether recruitment to service/cadre/post has been made on All India basis and whether promotion is also done on the basis of an All India common seniority list for the service/cadre/post as a whole. A mere clause in the appointment letter to the effect that the person concerned is liable to be transferred anywhere in India, did not make him eligible for the grant of Special Duty Allowance.

3. Some employees working in N-E region who were not eligible for grant of Special Duty Allowance in accordance with the orders issued from time to time agitated the issue of payment of Special Duty Allowance to them before CAT, Guwahati Bench and in certain cases CAT upheld the prayer of employees. The Central Government filed appeals against CAT orders which have been decided by Supreme Court of India in favour of UOI. The Hon'ble Supreme Court in judgment delivered on 20-9-1994 (In Civil Appeal No. 3251 of 1993) in the case of *UOI and Others v. Sh. S. Vijaya Kumar and Others* have 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 Special Duty Allowance on being posted to any station in the North-Eastern Region from outside the region and Special Duty Allowance would not be payable merely because of a clause in the appointment order relating to All India Transfer Liability.

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True Can
[Signature]

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4. In a recent appeal filed by Telecom Department (Civil Appeal No. 7000 of 2001-arising out of SLP No. 5455 of 1999), Supreme Court of India has ordered on 5-10-2001 that this appeal is covered by the judgment of this Court, in the case of *UOI and Others v. S. Vijayakumar and Others*, [reported as 1994 (Supp. 3) SCC, 649] and followed in the case of *UOI and Others v. Executive Officers Association Group 'C'* [1995 (Supp. 1) SCC, 757]. Therefore, this appeal is to be allowed in favour of the UOI. The Hon'ble Supreme Court further ordered that whatever amount has been paid to the employees by way of SDA will not, in any event, be recovered from them inspite of the fact that the appeal has been allowed.

5. In view of the aforesaid judgments, the criteria for payment of Special Duty Allowance, as upheld by the Supreme Court, is reiterated as under:-

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

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

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

(i) The amount already paid on account of Special Duty Allowance to the ineligible persons not qualifying the criteria mentioned in 5 above on or before 5-10-2001, which is the date of judgment of the Supreme Court, will be waived. However, recoveries, if any, already made, need not be refunded.

(ii) The amount paid on account of Special Duty Allowance to ineligible persons after 5-10-2001 will be recovered.

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

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

30.11.07

गुवाहाटी न्यायापीठ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

Filed by the applicants
through S. Naha
Ahomra
23 30/11/2007

In the matter of: -

O.A. No. 230 of 2006

Shri Asish Ranjan Poddar & Ors.

.... Applicants.

-Versus-

Union of India & Ors.

..... Respondents.

-And-

In the matter of: -

Rejoinder submitted by the applicants in
reply to the written statements
submitted by the respondents.

The applicants above named most humbly and respectfully beg to state as
under; -

1. That with regard to the statements made in para 6, 7, and 8 of the written statement, the applicants categorically deny the same save and except which are borne out of record and further beg to state that all the applicants are permanent residents of West Bengal (outside NE Region) and they were initially appointed with a specific clause of all India transfer liability in their appointment letter (Clause (vii) of the offer of appointment) and while working at DDK, Kolkata all the applicants were transferred and posted at Guwahati (in NE Region). Therefore, the contention of the respondents that the applicants do not fulfill the criteria of "All India transfer liability" and "All India Common seniority list" in

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accordance with recent policy of instructions issued by Govt. of India, Ministry of Finance, Department of Expenditure is not correct and the same is a misleading statement. It is categorically submitted that the applicants fulfill the criteria laid down in Paragraph 5 of the O.M dated 29.05.2002 (Annexure- 12 of the O.A) as such they are entitled to SDA in terms of O.M dated 29.05.02. It is also submitted that posting at N.E Region from outside of the N.E Region cannot be construed as transfer within the zone for the purpose of payment of SDA as per the O.M dated 29.05.2002. Moreover, the recruitment and promotion of the applicants are being made on all India basis, as such they fulfill all the criteria for payment SDA. Therefore, the statements made in the written statement to the extent that the applicants are not entitled to SDA on their posting to NE Region as they do not fulfill the eligibility criteria of All India Transfer liability and All India Common seniority in accordance with latest policy decision issued by Govt. of India, Ministry of Finance vide OM dated 29.05.02 is illegal, malafide and the same is liable to be rejected by the Hon'ble Tribunal.

Copies of the offer of appointment of some of the applicants are enclosed herewith for perusal of Hon'ble Tribunal as Annexure- A, B and C respectively.

3. That the with regard to the statement made in paragraph 9 of the written statement the applicants beg to state that the applicants in OA No. 187/2000 are similarly situated employees of the same department and they are paid SDA in terms of the judgment and order dated 05.03.2001 passed in OA No. 187/2000, which was further confirmed by the Hon'ble Gauhati High Court in WP (C) No. 7057/2001. As such the applicants being similarly situated employees of the same department are also entitled to the payment of SDA.

4. That with regard to the statements made in paragraph 10, 11, 12, 13, 14, 15 and 16 the applicants beg to state that they were initially appointed in the department having the clause of all India transfer liability in their offer of appointment and they are transferred and posted from outside to the N.E. Region to the N.E. Region, as such they are entitled to payment of SDA in terms of O.M dated 29.05.2002 issued by the Govt. of India, Ministry of Finance. Moreover, in terms of clause 5 of the O.M dated 29.05.02 central Govt. civilian employees having all India transfer liability on posting to North Eastern Region (including Sikkim) from outside the region. Therefore, all the applicants being central Govt. civilian employees having all India transfer liability in their offer of appointment letter and they have been transferred and posted from the State of West Bengal (outside N.E. Region) to the State of Assam (in N.E Region) and thereby fulfills the criteria of payment of SDA as laid down in O.M dated 29.05.02. As such the Hon'ble Tribunal be pleased to direct the respondents to pay SDA to the applicants in terms of the O.M dated 29.05.02 as well as in the light of the direction passed in OA No. 187/2000, which was further confirmed by the Hon'ble Gauhati High Court in WP (C) No. 7057/2001.
5. That the applicants reiterate the statements made in Original application and in the facts and circumstances stated above, the applicants most respectfully submit that they are entitled to the reliefs prayed for and the original application deserves to be allowed with cost.

VERIFICATION

I, Shri Asish Ranjan Poddar, S/o- Shri Ranjit Kumar Poddar, aged about 41 years, applicant No. 1 in the instant original application duly authorized by the others to verify the statements in rejoinder, do hereby verify that the statements made in Paragraph 1 to 5 are true to my knowledge and I have not suppressed any material fact.

And I sign this verification on the ^{29th} day of July 2007.

Asish Ranjan Poddar

Government of India
All India Radio: Calcutta

Dated, the 16th April, 1990.

45/90

No. A-22015/1/90-Admn.I(EA)

To
Mr. Sampu Roy Chowdhuri,
Vill:- Aoharya Prafulla Palli,
P.O. Agarpara, Pini:- 743177
P.S. Khardah,
Dist. 24-Parganas(North).

**in the Office of the CE(EZ), AIR & TV, Calcutta

With reference to your interview ~~Report~~ for the post of Engineering Assistant, Station Director, All India Radio, Calcutta is pleased to offer you, on the recommendations of the

Selection Board, a Temporary post of Engineering Assistant in All India Radio, Calcutta on the following conditions :-

i) The post is in General Central Civil Services, Class- III (Group - 'C') ~~Ministerial~~/Non-Ministerial, and carries a scale of pay of Rs. 1400-40-1600-50-2300-EB-60-2600/- . You will be given an initial pay of Rs. 1400/- per month in the said scale. You will also be entitled to draw allowances at the rates admissible under and subject to the conditions laid down in rules and orders governing the grant of such allowances in force from time to time.

ii) Your appointment is purely, temporary and until further orders.

iii) Your services will be terminable on one month's notice from either side in accordance with the Central Civil Services(Temporary Services) Rules, 1965 without assigning any reasons. The Appointing authority, however, reserves the right of terminating your services forthwith or before the expiration of the stipulated period of notice by making payment to you of a sum equivalent to the pay and allowances for the period of notice or the unexpired portion thereof.

iv) (a) You will be on probation for a period of two years which period may be extended or curtailed at the discretion of the competent authority.

(b) You will be on probation for two years which period may be extended or curtailed at the discretion of the competent authority. You will have to pass departmental test before the completion of probation. The test will be held every year and you will be given two chances. Failure to qualify in the test within the stipulated period will render you ineligible to continue in service beyond the probationary period.

v) In regard to leave, travelling allowances and all other matters you will be governed by the rules and orders in force from time to time and applicable to the branch of Public Service to which you may belong.

vi) You shall observe strictly the rules laid down in Central Civil Service(Conduct) Rules, 1964. Any breach of these rules will render you liable for disciplinary action.

P.T.O.

Accepted
Int.
Advocate

(vi) You will be liable to be posted and transferred anywhere in India and if you, on account of family circumstances, anticipate any difficulty in the matter of place of posting, you should not accept the offer.

FOR MEN CANDIDATES :

viii) In accordance with the rules in force in regard to recruitment to services under the Government of India, no person who has more than one wife living or who having a spouse living, marries in any case in which such marriage is void by reason of its taking place during the life time of such spouse, shall be eligible for appointment to service provided that the Central Govt. may, if satisfied that there are special grounds for so ordering, exempt any person from the operation of this rule. The offer of appointment, is therefore, conditional upon your satisfying the requirement mentioned above and to your furnishing to this office a declaration as in Annexure I to this letter, along with your reply. If, however, you have more than one wife living or having a spouse living, have married in any case in which such marriage is void by reason of its taking place during the life time of such spouse and you desire to be exempted from the operation of the above mentioned rules for any special reasons, you should make a representation in this behalf as in Annexure-II immediately. The offer of appointment should in that case be treated as cancelled and a further communication will be sent you in due course if upon consideration of your representation, it is decided to offer you an appointment in the post of _____ in All India Radio.

FOR WOMEN CANDIDATES :

viii) In accordance with the rules in force in regard to recruitment to services under the Government of India, no woman whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a person who had a wife living at the time of such marriage, shall be eligible for appointment to service provided that the Central Government may, if satisfied that there are special grounds for so ordering, exempt any woman from the operation of this rule. The offer of your appointment is, therefore, conditional upon your satisfying the requirement mentioned above and to your furnishing to this office declaration as in Annexure I to this letter along with your reply. If, however, your marriage is void by reason of your husband having a wife living at the time of such marriage or you have married a person who had a wife living at the time of such marriage and you desire to be exempted from the operation of the above mentioned rule for any special reasons, you should make a representation as in Annexure-II in this behalf immediately.

The offer of appointment should in that case be treated as cancelled and a further communication will be sent to you in due course, if upon consideration of your representation, it is decided to offer you an appointment to the post of All India Radio.

ix) On joining the post, you will be required to take an oath of Allegiance to the constitution of India or make a solemn affirmation to that effect.

x) You will not be entitled to any travelling allowances for joining the post unless you are holding substantively a permanent appointment under the Central or State Government or are employed under the Central Government in a quasi permanent capacity and have been issued with a declaration of quasi permanency under the provisions of the Central Civil Service(Temporary Service) Rules, 1965.

Contd.....3

x) You will be required to produce the following certificates in original:-

- a) Degrees/Diplomas/Certificates of educational and other technical qualifications.
- b) Certificate of age.
- c) Indian Citizenship certificate. (In the case of displaced person)
- d) Certificate in the prescribed form in support of your claim to belong to a Scheduled Caste/Tribe.
- e) Certificate of physical fitness from the competent authority (Staff Surgeon/Chief Medical Officer/~~District Medical Officer~~) in enclosed form, before you are allowed to join duty.

- f) At the time of joining the post you are requested to produce two vouching certificates of character in the enclosed form not less than three month's old duly signed and stamped by Two Gazetted Officer of the Central/State Government or stipendary Magistrate not related to you. The certificate in Annexure-IV must be countersigned by a District Magistrate, Sub-Divisional Magistrate or their superior officer.
- g) One recent passport size photograph.

xii) If any declaration given or information furnished by you proves to be false or if you are found to have wilfully suppressed any material information, you will be liable to removal from service and such other action as Government may deem necessary.

xiii) You will be liable to transfer at any time to service under a Public Corporation, if formed, and that on such transfer you will be liable to conditions of service to be laid down for the employees of that corporation.

If you accept the offer on the above terms and conditions, you are requested to intimate your acceptance to the undersigned, and report yourself for duty immediately but in any case not later than 15th May, 1990 to the Senior Administrative Officer, All India Radio, Calcutta. In case no reply is received from you within a fortnight of the date of issue of this offer, the same will be treated as cancelled without any further reference to you.

By a Registered Female Medical Practitioner

Enclo: As above.

(C. R. DAS)
Senior Administrative Officer
for Station Director

Copy to :- Personal File.

for Station Director

Government of India
Office of the Station Director
All India Radio, Calcutta

Annexure-B

Post Box No. 696,
Eden Gardens,
Calcutta-700 001.

2015/1/85-Admn. I (Tech.)

Dated, the 19th February, 1985.

Shri G.C. Sarkar,

S/o Shri G.C. Sarkar,

Village Gopalpur, P.O. Sarkarpole,

Dist. 24 Parganas.

~~On the recommendation of Staff Selection Commission~~
~~Eastern Region, Calcutta~~ With reference to your interview dated
7.11.84 for the post of Technician the Station
Director, All India Radio, Calcutta is pleased to offer you, on
the recommendation of the Selection Board, a temporary post of
Technician in All India Radio, Calcutta on the
following conditions :- Provisional basis

(i) The post is in General Central Civil Services, Class-
(Group 'C') ~~Ministerial~~ Non-Ministerial, and carries a scale of pay
of Rs. 330-8-370-10-400-EB-10-480/- . You
will be given an initial pay of Rs. 330/- per month in the said
scale. You will also be entitled to draw allowances at the rates
admissible under and subject to the conditions laid down in rules
and orders governing the grant of such allowances in force from
time to time.

(ii) Your appointment is purely, temporary, and until further
orders. and provisional basis

(iii) Your services will be terminable on one month's Notice
from either side in accordance with the Central Civil Services
(Temporary) Service Rules, 1965 without assigning any reasons. The
appointing authority, however, reserves the right of terminating
your services forthwith or before the expiration of the stipulated
period of notice by making payment to you of a sum equivalent to the
pay and allowances for the period of notice or the unexpired portion
thereof.

(iv) (a) You will be on probation for a period of 2 Years/Six
months which period may be extended or curtailed at the discretion
of the competent authority.

(b) You will be on probation for two years which period
may be extended or curtailed at the discretion of the competent
authority. You will have to pass departmental test before the
completion of probation. The test will be held every year and you
will be given two chances. Failure to qualify in the test within
the stipulated period will render you ineligible to continue in
service beyond the probationary period.

(v) In regard to leave, travelling allowances and all other
matters you will be governed by the rules and orders in force from
time to time and applicable to the branch of public service to which
you may belong.

(vi) You shall observe strictly the rules laid down in Central
Civil Service (Conduct) Rules, 1964. Any breach of these Rules will
render you liable for disciplinary action.

P.T.O.

Advocate

(vii) You will be liable to be posted and transferred any where in India and if you, on account of family circumstances, anticipate any difficulty in the matter of place of posting, you should not accept the offer.

FOR MEN CANDIDATES (viii) In accordance with the rules in force in regard to recruitment to services under the Government of India, no person who has more than one wife living or who having a spouse living, marries in any case in which such marriage is void by reason of its taking place during the life-time of such spouse, shall be eligible for appointment to service provided that the Central Govt. may, if satisfied that there are special grounds or so ordering, exempt him from the operation of this rule. The offer of appointment is therefore, conditional upon your satisfying the requirement mentioned above and to your furnishing in your office a declaration as in Annexure-I to this letter, along with your reply. If, however, you have more than one wife living or having a spouse living, have married in any case in which such marriage is void by reason of its taking place during the life-time of such spouse and you desire to be exempted from the operation of the above mentioned rules for any special reasons, you should make a representation in this behalf as in Annexure-II immediately. The offer of appointment should in that case be treated as cancelled and a further communication will be sent you in due course if upon consideration of your representation, it is decided to offer you an appointment in the post of Technician in All India Radio.

FOR WOMEN CANDIDATES: In accordance with the rules in force in regard to recruitment to services under the Government of India, no women whose marriage is void by reason of the husband having a wife living at the time of such marriage, shall be eligible for appointment to service provided that the Central Government may, if satisfied that there are special grounds for so ordering, exempt any women from the operation of this rule. The offer of your appointment is, therefore, conditional upon your satisfying the declaration as in Annexure-I to this letter along with your reply. If, however, your marriage is void by reason of your husband having a wife living at the time of such marriage or you have married a person who had a wife living at the time of such marriage and you desire to be exempted from the operation of the above mentioned rule for any special reasons, you should make a representation as in Annexure-II in this behalf immediately.

The offer of appointment should in that case be treated as cancelled and a further communication will be sent to you in due course, if upon consideration of your representation, it is decided to offer you an appointment to the post of All India Radio.

(ix) On joining the post, you will be required to take an oath of Allegiance to the constitution of India or make a solemn affirmation to that effect.

(x) You will not be entitled to any travelling allowances on joining the post unless you are holding substantively a permanent appointment under the Central or State Government or are employed under the Central Government in a quasi permanent capacity and have been issued with a declaration of quasi permanency under the provisions of the Central Civil Services (Temporary Service) Rules, 1965.

Contd.....3.....

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- (xii) You will be required to produce the following certificates in original :-
- (a) Degrees/Diploma/Certificates of educational and other technical qualifications.
 - (b) Certificate of age.
 - (c) Indian Citizenship Certificate. (In the case of displaced person)
 - (d) Certificate of in the prescribed form in support of Your claim to belong to a Scheduled Caste/Tribe
 - (e) Certificate of Physical Fitness from the competent authority (Staff Surgeon/Chief Medical Officer/District Medical Officer) in enclosed form, before you are allowed to join duty.
 - (f) At the time of joining the post you are ~~requested~~ requested to produce two vouching certificates of character in the enclosed form not less than three months old duly signed and stamped by two different Gazetted Officers of the Central/State Government or a Deputy Magistrate not related to you. The Certificate in Annexure IV must be countersigned by a District Magistrate, Sub Divisional Magistrate or their superior officers.

(xiii) If any declaration given or information furnished by you proves to be false or if you are found to have wilfully suppressed any material information, you will be liable to removal from service and such other action as Government may deem necessary.

(xiv) You will be liable to transfer at any time to service under a Public Corporation, if formed, and that on such transfer you will be liable to conditions of service to be laid down for the employees of that Corporation.

If you accept the offer on the above terms and conditions you are requested to intimate your acceptance to the undersigned, and report yourself for duty immediately but in any case not later than 6.3.1985 to the Senior Administrative Officer, All India Radio, Calcutta. In case no reply is received from you within the stipulated date, the offer will be treated as cancelled and no further reference to you.

A. B. Deb
(A. B. Deb)

Senior Administrative Officer,
All India Radio: Calcutta.

Enclo: As above.

-11-

✓ REGISTERED WITH A/D

37

Government of India
Office of the Station Director
All India Radio: Calcutta

Annexure-C

Post Box No. 696;
Eden Gardens,
Calcutta-700 001.

No.A-22015/1/84-Admn.I(EA)

Dated, the 4th February, 1985.

To
Shri/Smt./Mr. Manik Kr. Mandal,
Bakultala Lane, Vill. Khamarpara,
P.O. Bansberia,
Hoochly.

~~On the recommendation of Staff Selection Commission~~
~~Eastern Region, Calcutta~~ With reference to your interview dated in
CE(EZ)Office for the post of Engineering Assistant the Station
Director, All India Radio, Calcutta is pleased to offer you, on
~~the recommendation of the Selection Board,~~ a temporary post of
Engineering Assistant in All India Radio, Calcutta on the
following conditions :-

- (i) The post is in General Central Civil Services, Class-
(Group 'C') Ministerial/Non-Ministerial, and carries a scale of pay
of Rs. 425-15-500-EB-15-560-20-640-EB-20-700-25-750/-. You
will be given an initial pay of Rs. 425/- per month in the said
scale. You will also be entitled to draw allowances at the rates
admissible under and subject to the conditions laid down in rules
and orders governing the grant of such allowances in force from
time to time.
- (ii) Your appointment is purely, temporary and until further
orders.
- (iii) Your services will be terminable on one month's Notice
from either side in accordance with the Central Civil Services
(Temporary) Service Rules, 1965 without assigning any reasons. The
appointing authority, however, reserves the right of terminating
your services forthwith or before the expiration of the stipulated
period of notice by making payment to you of a sum equivalent to
pay and allowances for the period of notice or the unexpired part
thereof.
- (iv) (a) You will be on probation for a period of 2 Years/Six
months which period may be extended or curtailed at the discretion
of the competent authority.
- (b) * You will be on probation for two years which period
may be extended or curtailed at the discretion of the competent
authority. You will have to pass departmental test before the
completion of probation. The test will be held every year and you
will be given two chances. Failure to qualify in the test within
the stipulated period will render you ineligible to continue in
service beyond the probationary period.
- (v) In regard to leave, travelling allowances and all other
matters you will be governed by the rules and orders in force from
time to time and applicable to the branch of public service to which
you may belong.
- vi) You shall observe strictly the rules laid down in Central
Civil Service(Conduct) Rules, 1964, Any breach of these Rules will
render you liable for disciplinary action.

P.T.O

*Affected
for
Signature*

(vii) You will be liable to be posted and transferred any where in India and if you, on account of family circumstances, anticipate any difficulty in the matter of place of posting, you should not accept the offer.

FOR MEN CANDIDATES (viii) In accordance with the rules in force in regard to recruitment to services under the Government of India, no person who has more than one wife living or who having a spouse living, marries in any case in which such marriage is void by reason of its taking place during the life-time of such spouse shall be eligible for appointment to service provided that the Central Govt. may, if satisfied that there are special grounds or so ordering, exempt any person from the operation of this rule. The offer of appointment, is therefore, conditional upon your satisfying the requirement mentioned above and to your furnishing to this office a declaration as in Annexure-I to this letter, along with your reply. If, however, you have more than one wife living or having a spouse living, have married in any case in which such marriage is void by reason of its taking place during the life-time of such spouse and you desire to be exempted from the operation of the above mentioned rules for any special reasons, you should make a representation in this behalf as in Annexure II immediately. The offer of appointment should in that case be treated as cancelled and a further communication will be sent you in due course if upon consideration of your representation, it is decided to offer you an appointment in the post of Engineering Assistant in All India Radio.

FOR WOMEN CANDIDATES: In accordance with the rules in force in regard to recruitment to services under the Government of India, no women whose marriage is void by reason of the husband having a wife living at the time of such marriage, shall be eligible for appointment to service provided that the Central Government may, if satisfied that there are special grounds for so ordering, exempt any women from the operation of this rule. The offer of your appointment is, therefore, conditional upon your satisfying the requirement mentioned above and to your furnishing to this office a declaration as in Annexure-I to this letter along with your reply. If, however, your marriage is void by reason of your husband having a wife living at the time of such marriage or you have married a person who had a wife living at the time of such marriage and you desire to be exempted from the operation of the above mentioned rule for any special reasons, you should make a representation as in Annexure-II in this behalf immediately.

The offer of appointment should in that case be treated as cancelled and a further communication will be sent to you in due course, if upon consideration of your representation, it is decided to offer you an appointment to the post of All India Radio.

(ix) On joining the post, you will be required to take an oath of Allegiance to the constitution of India or make a solemn affirmation to that effect.

(x) You will not be entitled to any travelling allowances for joining the post unless you are holding substantively a permanent appointment under the Central or State Government or are employed under the Central Government in a quasi permanent capacity and have been issued with a declaration of quasi permanency under the provisions of the Central Civil Services (Temporary Service) Rules, 1965,

Contd.....3.....

(xi) You will be required to produce the following certificates in original :-

a) Degrees/Diplomas/Certificates of educational and other technical qualifications.

b) Certificate of age.

c) Indian Citizenship Certificate.(In the case of displaced persons)

d) Certificate of in the prescribed form in support of Your claim to belong to a Scheduled Caste/Tribe.

e) Certificate of Physical Fitness from the competent authority (~~Staff Surgeon~~/Chief Medical Officer/~~District Medical Officer~~) in enclosed form, before you are allowed to join duty.

f) At the time of joining the post you are requested to produce two vouching certificates of character in the enclosed form not less than three months old duly signed and stamped by Two different Gazetted Officers of the Central/State Government or stipendiary Magistrate not related to you. The Certificate in Annexure IV must be countersigned by a District Magistrate, Sub Divisional Magistrate or their superior officers.

(xii) If any declaration given or information furnished by you proves to be false or if you are found to have wilfully suppressed any material information, you will be liable to removal from service and such other action as Government may deem necessary.

(xiii) You will be liable to transfer at any time to service under a Public Corporation, if formed, and that on such transfer you will be liable to conditions of service to be laid down for the employees of that Corporation.

If you accept the offer on the above terms and conditions you are requested to intimate your acceptance to the undersigned, and report yourself for duty immediately but in any case not later than **18.2.1985** to the Senior Administrative Officer, All India Radio, Calcutta. In case no reply is received from you within the stipulated date, the offer will be treated as cancelled without any further reference to you.

(A. B. Deb)
Senior Administrative Officer
All India Radio: Calcutta.