

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. OA 252/2007

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Sahli
09/10/2007

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDERS SHEET

1. Original Application No. 252/07
2. Miscellaneous Petition No. /
3. Contempt Petition No. /
4. Review Application No. /

Applicant(s) N. C. Das Chandraya vs- Union of India & Ors

Advocate for the Applicants:- M. Chandra, S. Nath, Ms. U. Datta

Advocate for the Respondents:- CASE.

Notes of the Registry	Date	Order of the Tribunal
Application is in form is filed/C. F. for Rs. 50/- deposited vide IPO/BD No. <u>326 040889</u> Dated <u>22.8.07</u> <u>[Signature]</u> Registrar <u>[Signature]</u> petitions 6 p's for issue notices are received without envelopes. copy served. excess Rs. 15/- yet to be deposited for Respondent Nos. 6, 7 & 8. (Defective) <u>[Signature]</u>	18.9.2007 bb	Heard learned counsel for the parties. Judgment delivered in open Court, kept in separate sheets. The O.A. is disposed of at the admission stage itself in terms of the order. No costs. <u>[Signature]</u> Vice-Chairman

[Signature] 24/9/07
Order
for applicant
24/9

N

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No.252 of 2007

DATE OF DECISION: 18.09.2007

Shri N.C.Das Choudhury, MES228330 & 250 others

.....Applicant/s

Mr.M.Chanda

..... Advocate for the
Applicant/s.

- Versus -

U.O.I. & Ors

.....Respondent/s

Mrs.M.Das, Addl.C.G.S.C.

.....Advocate for the
Respondents

CORAM

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

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 to be forwarded for including in the Digest Being compiled at Jodhpur Bench & other Benches ? Yes/No
4. Whether their Lordships wish to see the fair copy of the Judgment? Yes/No

Vice-Chairman

20/9/07

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

O.A. No. 252 of 2007

Date of Order: This, the 18th day of September, 2007.

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

1. Shri NC Das Choudhury MES-228330, Elect HS II
2. Shri Jiten Biswas MES-243829, Elect HS
3. Shri MR Laskar, MES-243647, Elect
4. Shri MHK Choudhury, MES-243454, Elect
5. Shri TM Deb, Shri TM Deb, MES-243649, Elect
6. Shri KU Laskar, MES-243881 Elect
7. Shri ML Barman, MES-243881, Elect
8. Shri KK Bhattacharjee, MES-243575, Elect
9. Shri HP Paul, MES-243880, Elect
10. Shri SK Aditya, MES-243858 Elect
11. Shri Sankar Bhattacharjee, MES-243707, Elect
12. Shri R Sutradhar, MES-243854, Elect
13. Shri UK Roy, MES-243452, Elect
14. Shri PC Paul, MES-228344, Elect
15. Shri K Muksar, MES-243862, Elect
16. Shri MA Laskar, MES-243424, Elect
17. Shri JU Barbhuiya, MES-228640, Elect
18. Shri Ashim Biswas, MES-243487, FGM
19. Shri Harun Rashid, MES-243576, FGM
20. Shri NI Barbhuiya, MES-228744, FGM
21. Shri AC Paul, MES-228784, FGM II
22. Shri FU Choudhury, MES-228633, FGM II
23. Shri RU Barbhuiya, MES-243549, FGM
24. Shri AK Chakraborty, MES-243772, FGM
25. Shri GC Ghosh, MES-243804, FGM
26. Shri MM Singh, MES-243833, FGM
27. Shri HR Das, MES-243740, FGM
28. Shri Ayaz Ali Ahmed, MES-243737, FGM
29. Shri FU Khadem, MES-243560, Maz
30. Shri Ashik Uddin Laskar, MES-243402, Mate
31. Shri LR Laskar, MES-243453, Mate
32. Shri HA Laskar, MES-243660, Mate
33. Shri TR Laskar, MES-243544, Mate
34. Shri NH Laskar, MES-243534, Maz



35. Shri S Deb Roy, MES-243860, Maz
36. Shri SB Sen, MES-243847Maz
37. Shri RM Dey, MES-228793, Maz
38. Shri FU Khan, MES-243564, Maz
39. Shri FH Laskar, MES-243423, Mate
40. Shri Shankar Mehra, MES-243809, Mate
41. Shri R Sharma, MES-243577, Maz
42. Shri MR Mazumder, MES-243859, Maz
43. Shri GU Laskar, MES-243845, Maz
44. Shri MU Laskar, MES-243420, Elect
45. Shri AB Barbhuiya, MES-243832, FGM
46. Shri BB Dey, MES-228922, Elect
47. Shri Rampal Balmiki, MES-245893, S/Wala
48. Shri JM Nath, MES-233585, Refg Mech
49. Shri DC Nath, MES-228505, Mate
50. Shri Joymani Das MES-228822, CMD
51. Shri JH Barlaskar, MES-264697, CMD
52. Shri Kapinghnga, MES-243361, CMD Gde I
53. Shri Sunil Chandra Das, MES-228905, Mate
54. Shri Dilip Kumar Nath, MES-243535, Mate
55. Shri Sipra Rani Deb, MES-243563, Maz.
56. Shri Shankar Kumar Deb, MES-243419, Mate
57. Shri Babu D Rongimai, MES-244015, Chow
58. Shri DC Das, MES-228662, Chow/Mate
59. Shri Safiqur Rahman Barbhuiya, MES-228842, Elect
60. Shri M Rahman, MES-455604, Elect
61. Shri Nikunja Bihari Das, MES-228782, Mechinist.
62. Shri Insan Ali Laskar, MES-228300, F/Pipe
63. Shri Nabendu Kumar Das, MES-228899, F/Pipe
64. Shri Sishutush Deb, MES-228308, FGM HS-II
65. Shri Phul Kr Nath, MES-228835, F/Pipe
66. Shri Ramij Uddin Mazumder, MES-228325, F/Pipe
67. Shri Ajijur Rahman Khan, MES-228933, F/Pipe
68. Shri Abdul Karim, MES-228796, F/Pipe
69. Shri Sudhir Kumar Das, MES-228929, F/Pipe
70. Shri Nanda Mohan Singha, MES-228647, FGM HS-II
71. Shri Kamal Uddin Barbhuiya, MES-228343, FGM HS-II
72. Shri Sijit Kr Dey, MES-228772, FGM HS-II
73. Shri Rathi Ranjan Paul, MES-228634, FGM SK
74. Shri Siraj Uddin Barbhuiya, MES-228341, FGM HS-II
75. Shri Rafique Uddin Laskar, MES-243870, FGM HS-II
76. Shri Subrata Kr Paul, MES-243861, FGM HS-II
77. Shri Anwar Ali Laskar, MES-228641, F/Pipe



78. Shri Jagadish Ch Deb, MES-228630, V/Man
79. Shri Joy Kumar Malha, MES-228843, V/Man
80. Shri Kalibahadur Chatry, MES-228472, V/Man
81. Shri Jalal Uddin Laskar, MES-228799, V/Man
82. Shri Safique Uddin Barbhuiya, MES-228824, V/Man
83. Shri Siraj Uddin Barbhuiya, MES-228763, V/Man
84. Shri Nizam Uddin Mazumder, MES-228643, V/Man
85. Shri Himangshu Shekhar Das, MES-243408, Mate
86. Shri Chandan Kr Nath, MES- 455605, Mate
87. Shri Nazrul Islam Hajari, MES-243565, Mate
88. Shri Rafique Uddin Barbhuiya, MES-228932, Mate
89. Shri Krishna Bahadur Rana, MES-228253, Mate
90. Shri Kutub Uddin Laskar, MES-243400, Mate
91. Shri Siraj Uddin Barbhuiya, MES-228802, Mate
92. Shri Sonahar Ali Barbhuiya, MES-228451, Mate
93. Shri Sakat Ali Laskar, MES-228503, Mate
94. Shri Mizajur Rahaman Mazumder, MES-455608, Mate
95. Shri Uttam Kumar Chatterjee, MES-243546, Mazdoor
96. Shri Balaram Deb Barman, MES-243857, Mazdoor
97. Shri Abdul Rahman Mia, MES-243578, Mazdoor
98. Shri Jamal Uddin Laskar, MES-243563, Mazdoor
99. Shri Sonamea Beg, MES-73110424, Mazdoor
100. Shri Sondar Raja Barbhuiya, MES-243856, Mazdoor
101. Smt Pratima Darjee, MES-243960, Mazdoor
102. Shri Sair Uddin Laskar, MES-243582, Mazdoor
103. Shri Chandra Kumar Dutta, MES-244009, Mazdoor
104. Shri Sajal Malakar, MES-282010, Safaiwala
105. Shri Khagendra Ch Roy, MES-234085, FGM HS-II
106. Shri Chitta Ranjan Roy, MES-228540, FGM HS-II
107. Shri Saidur Raman Ahmed, MES-243864, FGM HS-II
108. Shri Sudhangshu Paul, MES-228462, Mate
109. Shri Paresh Ch Das, MES-228845, Mate
110. Shri Monaj Thapa, MES-282005, Chow
111. Shri Kajal Kumar Das, MES-243396, Mate
112. Shri Nolini Das, MES-243727, Carpenter
113. Shri Jiten Ch Paul, MES-228627, Carpenter
114. Shri Ashik Uddin Barbhuiya, MES-243389, Upholster
115. Shri Indrajit Baruah, MES-228653, C/M
116. Shri Phoni Bushan Das, MES-228790, Mate
117. Shri Nikil Chandra Bhattacharjee, MES-228805, Painter
118. Shri Kali Kumar Roy, MES-237922, C/M
119. Shri Gulzar Ali, MES-243812, Mazdoor
120. Shri Dinesh Ch Das, MES-243453, Mate



121. Shri Ataur Rahman, MES-228800, Mate
122. Shri Farij Uddin Laskar, MES-228663, Mate
123. Shri Pranakanta Das, MES-243473, Mate
124. Shri Mintu Ch Paul, MES-228506, Mate
125. Shri Jagadish Ch Paul, MES-243811, Mazdoor
126. Shri Ali Kader Ahmed, MES-223884, Carpenter
127. Smt Brinda Sakhi Singh, MES-243959, Mazdoor
128. Smt Pratima Rani Basak, MES-243703, Mazdoor
129. Smt Dhanesware Robidas, MES-243692, Mazdoor
130. Smt Jayanti Rani Paul, MES-243815, Mazdoor
131. Shri Nanda Kishore Thakur, MES-243875, Mazdoor
132. Shri Anil Das, MES-265502, Painter
133. Shri Devendra Suklabaidya, MES-228798, Carpenter
134. Shri Aftabur Rahman, MES-243585, Chow
135. Shri Rahim Uddin Laskar, MES-282011, Chow
136. Shri Ziaul Huda Mazumder, MES-243807, Meter Reader
137. Shri Hira Nath Borah, MES-243567, Chow
138. Shri Zakir Hussain Choudhury, MES-244048, Chow
139. Shri Monbahadur Kaska Chatri, MES-285951, Chow
140. Shri Santuram Kolita, MES-265947, Chow
141. Shri Sukamal Barman, MES-243537, Chow
142. Shri Mahmudul Hussain Barbhuiya, MES-243774, Meter Reader
143. Shri Khorgeswar Koch, MES-265951, Chow
144. Shri Nogendra Kumar, MES-244075, K/Chow
145. Smt Kalpana Bhattacharjee, MES-229174, UDC
146. Shri Nazml Islam Khan, MES-243855, Mazdoor
147. Shri Karim Uddin Barbhuiya, MES-244047, Chow
148. Shri Dilip Kumar Das, MES-243848, Carpenter
149. Shri Ajit Kumar Paul, MES-228468, Mate
150. Shri Rahim Uddin Barbhuiya, MES-243398, Mason
151. Shri Lalji Lal, MES-243542, Mazdoor
152. Shri Sivsagar Kanwar, MES-282007, S/wala
153. Shri Sibram Choudhury, MES-228264, Meter Reader
154. Shri Anil Chandra Das, MES-243515, Mate
155. Shri Sankar Malakar, MES-243583, Mazdoor
156. Shri Susendra Chandra Paul, MES-243583, Mason
157. Shri Muktar Ali Barbhuiya, MES-243891, Maz
158. Shri Rafiqur Rahaman Barbhuiya, MES-243446, Mason
159. Smt Naaz Begam Khan, MES-226019, Maz
160. Smt Malati Rabidas, MES-243967, Maz
161. Shri Nishit Paul, MES-282004, Chow
162. Shri Sripal Harizan, MES-282008, S/Wala
163. Shri Nur Ahmed Ali Laskar, MES-228664, Maz

164. Shri Subhashis Dutta, MES-239004, JE (E&M)
165. Shri Sanjib Deb Roy, MES-229493, JE (Civ)
166. Shri Ashis Kumar Nath, MES-234705, JE (QS&C)
167. Shri Subrata Das, MES-264756, JE (Civ)
168. Shri Subimol Roy, MES-228186, JE (Civ)
169. Shri Nipendra Chandra Das, MES-243539, Chow
170. Shri Lachit Patra, MES-244018, JE (Civ)
171. Shri Devanand Dutta, MES-229604, JE (E&M)
172. Shri Beni Madhab Dasgupta, MES-228770, FGM
173. Shri Kripendu Chandra Paul, MES-228318, F/Pipe
174. Shri Sonawar Ali Laskar, MES-228332, Elect
175. Shri Bibhash Ranjan Das, MES-228313, Elect
176. Shri Moni Bhushan Nath, MES-243383, Elect
177. Shri Pramode Ch Suklabaidya, MES-228808, Chow
178. Shri Rashik Chandra Paul, MES-228327, Elect
179. Shri Arun Kumar Saha, MES-228638, FGM
180. Shri Animesh Deb Roy, MES-228350, FGM
181. Shri Kutub Ali Laskar, MES-228352, F/Pipe
182. Shri Siraj Uddin Laskar, MES-228645, Mate
183. Shri Kabindra Kumar Bhowmik, MES-243379, Elect
184. Shri Mini Sena Singha, MES-10242587, Maz
185. Shri Sukumar Nath, MES-228419, Elect
186. Shri Nibaran Ch Malakar, MES-228181, FGM
187. Shri Subhash Ranjan Dey, MES-228349, FGM
188. Shri Rahim Uddin Barbhuiya, MES-228637, FGM
189. Shri Aim Uddin, MES-228860, F/Pipe
190. Shri Rabindra Kumar Nag, MES-228492, FGM
191. Shri Chandra Moni Das, MES-228323, F/Pipe
192. Shri Hiranya Kumar Sharma, MES-228776, Cable/ Jtr
193. Shri Chinta Haran Bhattacharjee, MES-228357, FGM
194. Shri Hridoy Chandra Roy, MES-361870, FGM
195. Shri Sunirmal Chakraborty, MES-245438, FGM
196. Shri Dayanand Roy, MES-235037, Elect
197. Shri Nitai Chandra Das, MES-228792, Mate
198. Shri Intaz Ali Barbhuiya, MES-228854, SK
199. Shri Ajoy Dutta, MES-228863, Elect
200. Shri Ranjit Kumar Singha, MES-228302, Elect
201. Shri Mani Ram Das, MES-220327, F/Pipe
202. Shri Sitaram Mallah, MES-228257, Mate
203. Shri Satyendra Suklabaidya, MES-228237, Mason
204. Shri Sirish Suklabaidya, MES-228262, FGM
205. Shri Sukumar Nath, MES-228307, CMD
206. Shri Dharendra Kumar Das, MES-228356, FGM



207. Shri Tahir Khan, MES-228646, Mate
208. Shri Hem Chandra Paul, MES-A/7072489, FGM
209. Shri Prabash Ranjan Bhattacharjee, MES-228013, Asstt
210. Shri Sanjib Bhattacharjee, MES-243533, UDC
211. Shri Kumud Bandhu Purkayastha, MES-228656, JE (E&M)
212. Shri Manas Bhushan Dasgupta, MES-A/7074161, UDC
213. Smt Gitanjali Nath, MES-243778, Steno-II
214. Indrani Bhattacharjee, MES-A/14272915, LDC
215. Shri Chinmoy Paul, MES-237939, Dfty (OTP)
216. Smt Arati Singha, MES-5523107, LDC
217. Smt Nirmala Singh, MES-243387, UDC
218. Smt Sujata Roy, MES-264680, LDC
219. Shri SC Dey, MES-228316, Dfty (OTP)
220. Shri Ganesh Chandra Dutta, MES-243561, Mate
221. Shri Champalal Das, MES-228260, Dfty (OTP)
222. Shri RK Deb, MES-228184, Dfty (OTP)
223. Shri Babul Kumar Roy, MES-243958, S/Wala
224. Smt Gita Chakraborty, MES-243720, Peon
225. Shri Bhupesh Adhikari, MES-282014, Chow
226. Shri BB Roy, MES-4325077, UDC
227. Shri BC Roy, MES-243474, Peon
228. Shri Amal Ch Shil, MES-244012, S/Wala
229. Shri AH Ahmed, MES-244010, Chow
230. Shri Suraj Bejnath, MES-244042, Chow
231. Shri Ajoy Singh, MES-244014, Chow
232. Shri Tapan Kanti Bhattacharjee, MES-243372, UDC
233. Shri Sanjay Malakar, MES-243810, Maz
234. Shri Bomkesh Dutta, MES-228324, F/Pipe
235. Shri Binoy Bhushan Paul, MES-228463, Mate
236. Shri Shusanta Kr Nath, MES-228777, FGM
237. Shri Prahlad Chandra Deb, MES-228355, Mate
238. Shri Pradip Kumar Roy, MES-282003, Chow
239. Shri Subhash Ch Deb, MES-243398, UDC
240. Shri Dipak Malakar, MES-243805, MTD
241. Shri Sudhanya Chandra Das, MES-228804, Cabinet Maker
242. Shri Mamud Ali, MES-228342, Mason
243. Shri Babulal Suren, MES-243885, S/Wala
244. Shri Sonaram Das, MES-228453, Duftary (OTP)
245. Shri Haripada Sutradhar, MES-243849, Carpenter
246. Shri Ranjit Kr Das, MES-282009, S/Wala
247. Shri Ranjit Kr Dey, MES-242715, Ex Elect HS-II
248. Shri Gopesh Ch Das, MES-A/703031, Mason
249. Shri Jhar Bahdur Sonar, MES-224826, B/smith

250. Shri Kanu Ch Dey, MES-228487, Carpt HS-II

251. Shri Bimal Ch Paul, MES-228837, Mate

..... Applicants.

By Advocates Mr.M.Chanda, Mr.S.Nath & Mrs.U.Dutta.

- Versus -

1. The Union of India
Represented by the Secretary
to the Government of India
Ministry of Defence
South Block, New Delhi-110 011.
2. The Army Headquarter
Engineer-in-Chief's Branch
Kashmir House
P.O: New Delhi
New Delhi-110 011.
3. The Chief Engineer
Headquarter Eastern Command
Fort William, Kolkata-21.
4. The Chief Engineer
HQ Shillong Zone, S.E. Falls
Shillong-11.
5. The Commander
HQ 137 Works Engineer
C/O 99 APO.
6. The Garrison Engineer
Silchar, Masimpur, MES
P.O. Arunachal. Dist:- Cachar
PIN:-788 025
Assam.
7. The Controller of Defence Accounts
"Udayan Vihar", Narangi
Guwahati-781 171.
8. The Area Accounts Officer
Bivar Road, Shillong-1.

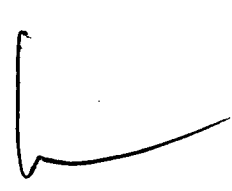
.....Respondents.

By Mrs.M.Das, Addl. C.G.S.C.

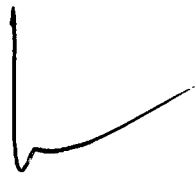


ORDER (ORAL)**SACHIDANANDAN, K.V., (V.C.) :**

The Applicants, 251 in number, are defence civilian employees working in the cadre of Group 'B', 'C' and 'D' in different capacities under the Garrison Engineer, Silchar and they have preferred this application for a direction upon the Respondents for payment of Special Compensatory Counter Insurgency Operational Allowances (OP-Rhino) w.e.f. 01.05.1999 or alternatively modified field area allowance w.e.f. 14.01.1994 till date along with 18% interest. According to the averment in the O.A. in the year 1994 Govt. of India, Ministry of Defence granted certain field service concessions to Army personnel working in field area/modified field area. In the year 2003 Operation Rhino concessions were also granted by the Govt. of India. The unit of Garrison Engineer, Silchar under which Applicants are working is actually deployed in OP-Rhino w.e.f. 01.05.1995 to September, 2005, which is evident from the Annexure-17 letter dated 22.08.2006. As such, the Applicants are eligible and entitled to operation Rhino concessions. The Applicants claimed that inspite of their eligibility for entitlement of



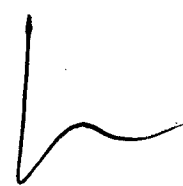
such allowances the Respondents, more particularly, the Respondent No.7 withheld the said allowances with one pretext or other. Hence this O.A. seeking the following main reliefs:-

- "8.1 That the Hon'ble Tribunal be pleased to declare that the applicants who are defence civilian employees deployed in counter insurgency operation, working under Garrison Engineer, Silchar are entitled to special compensatory counter insurgency operation allowance (OP-Rhino) or alternatively modified field area allowance in terms of Govt. of India, Ministry of Defence letter dated 10.01.1992 read with Ministry's letter No.37269/CI/AG/PS-3(a)/121/D (Pay/services) dated 14.01.1994 communicated vide Govt. of India, Ministry of Defence letter No.8(3)/91/D(Pay/Services) dated 29.12.2003 (Annexure-1).
- 8.2 That the Hon'ble Tribunal be pleased to direct the respondents to pay the applicants special compensatory counter insurgency operation allowance (OP-Rhino) w.e.f. 01.05.1999 or alternatively modified field area allowance in terms of Govt. of India, Ministry of Defence letter dated 10.01.1992 read with Ministry's letter No.37269/CI/AG/PS-3(a)/121/D(Pay/ services) dated 14.01.1994 communicated vide Govt. of India, Ministry of Defence letter No.8 (3)/91/D(Pay/services) dated 29.12.2003 at least w.e.f. 14.01.1994 to till date with 18% interest and further be pleased to direct the respondents to continue payment of aforesaid allowance to the applicants."
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2. Heard Mr. M.Chanda, learned counsel for the Applicants. Mrs.M.Das, learned Addl. C.G.S.C. represented the Respondents. Learned counsel for the parties, in support of their contentions, have brought my attention to the various materials and evidence placed on record. In Annexure-13 letter dated 19.05.2006 following clarifications are made at paragraph 3:-

"3. The comments on the CDA Guwahati queries have already been given in above ref letters. Civilian staff of GE MES Silchar works hand in hand with the troops posted at Masimpur, Vairengte and Aizawl MES in a mixed organization where on similar posts Army and civilians are posted e.g. out of GD Clk (army person) 50% and civ 50%. 50% JR's are civ & other 50% Mil pers. While performing the same duties the Mil pers are getting the above mentioned allowance, the same is not being paid to civ employees."

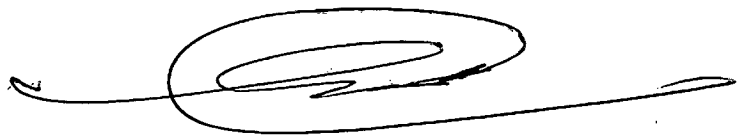
Learned counsel for the Applicants submitted that a decision has already been taken for payment of such allowances but the Applicants have not yet been paid the same. At this juncture, he submitted that he will be satisfied if the Applicant No.1 is permitted to submit comprehensive representation before the Respondent No.2 annexing copy of this O.A. with all annexures thereto and on receipt of the same the Respondents are directed to consider and dispose of



the same with a speaking order within a specified time frame. Mrs.M.Das, learned Addl. C.G.S.C. submitted that Respondents have no objection in adopting such course of action.

3. Accordingly, in the interest of justice, this Tribunal directs the first Applicant to file a comprehensive representation before the second Respondent annexing copy of this O.A with all documents annexed thereto within a period of one month from the date of receipt of a copy of this order. On receipt of such representation, the second Respondent or any other competent authority shall consider and dispose of the representation by passing speaking orders thereon and communicate the same to the Applicant within a period of three months thereafter. If further aggrieved, Applicants can take up the matter individually before the appropriate forum to redress their grievance.

The Original Application is disposed of as above. There shall be no order as to costs.



(K.V.SACHIDANANDAN)
VICE CHAIRMAN

/BB/

14 SEP 2007

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
Guwahati Bench
GUWAHATI BENCH, GUWAHATI

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

O. A. No. 252/2007

Shri N. C. Das Choudhury & Ors.

-Vs-

Union of India and Others.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

All the applicants are defence civilian employees working in the cadre of Group 'B', 'C' and 'D' in different capacities in G.E. Silchar.

13.01.1994- Govt. of India, Ministry of Defence, granted certain field service concessions to Army personnel working in the Field area/modified field area. (Annexure- 3)

12.03.2004- Garrison Engineer, Silchar has been deployed in counter insurgency, Operation-Rhino, with local military units. (Annexure- 2)

29.12.2003- Operation Rhino concessions have been sanctioned by the President of India vide Govt. of India Ministry of Defence. (Annexure- 1)

The unit of GE Silchar is actually deployed in OP- Rhino w.e.f. 01.05.1999 to September 2005, which is evident from the letter of the Station HQ, Masimpur dated 22.08.2006, as such civilian employees working under GE, Silchar are eligible and entitled to operation Rhino concessions.

29.09.2000- Respondent No. 1 issued revised rate of field area allowance, high altitude allowance, counter insurgency operation allowance in respect of field areas, modified field areas and also in respect of peace areas. (Annexure- 4)

25.06.2004- GE, Silchar Division submitted pay bills in respect of civilian officers and subordinate staffs including the concessions i.e. special compensatory counter insurgency operation allowance and arrear of special compensatory modified field area allowance. (Annexure- 5)

20.07.2004- Accounts Officer, Shillong returned the bill submitted by the GE, Silchar, with the objection that the photocopy of the letter dated 13.01.94 was not visible and to supply the clear copies of the Ministry of Defence letter dated 10.01.92, 14.01.94, and dated 23.01.03, further objection has been raised that the claim has been preferred after more than 2 years and as such sanction of the CFA may be obtained for waiving time bar. (Annexure- 6)

Narenbra Das Choudhury

- 06.08.2004- GE, Silchar requested Headquarter 137 Works Engineer to furnish letter dated 13.01.1994, 10.01.1992, 23.01.2003 to the Area Accounts Office, Shillong in order to progress the claims for drawl of special compensatory counter insurgency allowance in respect of the applicants along with other.
- 27.08.2004- GE, Silchar forwarded copy of letter dated 13.01.94 of the Ministry of Defence to the Area Accounts officer and further stated that letter dated 10.01.02 and 23.06.03 could not be traced out at CDA, Guwahati and also pointed out that GE, Silchar came to know about eligibility regarding special counter insurgency operation allowance of the defence civilian from the Ministry of Defence letter dated 29.12.03. (Annexure- 7)
- 18.02.2005- Accounts Officer, Shillong informed the CDA, Guwahati that claims regarding Special compensatory modified field area allowance on account of arrear of special compensatory modified field area and counter insurgency operation allowance in respect of MES Officers of GE, Silchar could not be entertained in the absence of all the related letters mentioned therein and further requested the CDA to confirm the eligibility for concessions claimed. (Annexure- 8)
- 04.04.2005- GE, Silchar requested HQ, 137 Works Engineer, to appraise HQ 3 Corps that the Defence civilian staffs are also entitled to Special compensatory counter insurgency allowance (OP-Rhino) and since the GE, Silchar has been notified as deployed in OP-Rhino vide HQ 3 Corps letter dated 03.12.03, based on which bills were forwarded to the competent authority, therefore, it is requested that the dues of the Defence civilian staffs of the GE, Silchar may be paid and GE, Silchar. (Annexure- 9)
- 09.01.2006- HQ 137 Works Engineer forwarded a copy of Ministry of Defence letter dated 23.06.03 and 10.01.92 in order to settlement of the claims of insurgency allowance in favour of Defence civilian staffs of GE, Silchar. (Annexure- 10)
- 14.03.2005- GE, Silchar further requested HQ, 3 Corps to provide necessary information to enable CDA, Guwahati to issue necessary clearance of AAO, Shillong for admitting bill in Audit regarding grant of Special Compensatory counter insurgency allowance (OP-Rhino) to civilian staff of GE, Silchar. (Annexure- 11)
- 10.01.2006- GE, Silchar requested the HQ 3 Corps to provide necessary information to CDA, Guwahati for payment of the bills regarding counter insurgency allowance (OP-Rhino) to civilian staff of GE, Silchar. (Annexure- 12)
- 19.05.2006- GE, Silchar requested HQ 3 Corps to furnish replies to the queries to the CDA, Guwahati on priority basis. (Annexure- 13)

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- 02.06.2006- HQ, 3 Corps requested HQ 41 Sub Area (A) to clarify certain points and further requested to forward the same to the CDA, Guwahati under intimation to the HQ. (Annexure- 14)
- 11.07.2006- CWE HQ 137 Wks Engineer informed GE, Silchar that clarification for payment of said allowance has already been forwarded to HQ 41 Sub Area and the outcome of the same would be intimated as and when received from higher Authority. (Annexure- 15)
- 21.07.2006- GE, Silchar furnished detailed reply as desired by HQ 3 Corps vide letter dated 02.06.2006. (Annexure- 16)
- 22.08.2006- HQ, Masimpur, Silchar informed HQ 41 Sub Area (GS) SD, that the required information has been obtained from GE, Silchar for grant of compensatory counterinsurgency allowance (OP- Rhino) to civilian staffs of GE, Silchar. (Annexure- 17 and 18)
- 14.01.2005- Respondent No. 1 has further sanctioned concession so far counter insurgency operation i.e. OP- Rhino for a further period of six months with effect from 15.12.04 till 14.06.05 or till the termination of operation Rhino, whichever is earlier. (Annexure- 20)
- 10.03.2007- HQ 3 Corps, C/o 99 APO in it's quarterly report enclosed list of Formations/Units falling in field area, modified field area and counter insurgency operations area has been specified. In the said list name of GE, Silchar and Kumbirgram, Assam are also included, as such the present applicants are entitled to Special compensatory counter insurgency allowance or modified field area allowance which are granted in the form of concession by the Govt. of India, Ministry of Defence from time to time but in spite of the eligibility of the applicants for entitlement of such allowances the respondents, more particularly the CDA, Guwahati withheld the said claims of the applicants with one pretext or other and as a result applicants have been deprived of their legitimate claims. (Annexure- 19)

Hence this Original Application.

PRAYERS

1. That the Hon'ble Tribunal be pleased to declare that the applicants who are defence civilian employees deployed in counter insurgency operation, working under Garrison Engineer, Silchar are entitled to special compensatory counter insurgency operation allowance (OP-Rhino) or alternatively modified field area allowance in terms of Govt. of India, Ministry of Defence letter dated 10.01.1992 read with Ministry's letter No. 37269/CI/AG/PS-3 (a)/121/D (Pay/services) dated 14.01.1994

Narendra Das Choudhary

communicated vide Govt. of India, Ministry of Defence letter No. 8 (3)/91/D (Pay/Services) dated 29.12.2003 (Annexure- 1).

2. That the Hon'ble Tribunal be pleased to direct the respondents to pay the applicants special compensatory counter insurgency operation allowance (OP-Rhino) w.e.f. 01.05.1999 or alternatively modified field area allowance in terms of Govt. of India, Ministry of Defence letter dated 10.01.1992 read with Ministry's letter No. 37269/CI/AG/PS-3 (a)/121/D (Pay/services) dated 14.01.1994 communicated vide Govt. of India, Ministry of Defence letter No. 8 (3)/91/D (Pay/Services) dated 29.12.2003 at least w.e.f. 14.01.1994 to till date with 18% interest and further be pleased to direct the respondents to continue payment of aforesaid allowance to the applicants.
3. Costs of the application.
4. Any other relief (s) to which the applicant is 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 applicant for providing relief as prayed for.

Narendra Kumar Choudhary

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. 252 /2007

Shri N. C. Das Choudhury & Ors. : Applicants.

-Versus-

Union of India & Ors. : Respondents.

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Filed By:

U. Dutta

Advocate

Date:- 13.09.07

Narendra Das Choudhury

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

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

O.A. No. 252 /2007

BETWEEN:

1. Shri NC Das Choudhury MES-228330, Elect HS II
2. Shri Jiten Biswas MES-243829, Elect HS
3. Shri MR Laskar, MES-243647, Elect
4. Shri MHK Choudhury, MES-243454, Elect
5. Shri TM Deb, Shri TM Deb, MES-243649, Elect
6. Shri KU Laskar, MES-243881 Elect
7. Shri ML Barman, MES-243881, Elect
8. Shri KK Bhattacharjee, MES-243575, Elect
9. Shri HP Paul, MES-243880, Elect
10. Shri SK Aditya, MES-243858 Elect
11. Shri Sankar Bhattacharjee, MES-243707, Elect
12. Shri R Sulradhar, MES-243854, Elect
13. Shri UK Roy, MES-243452, Elect
14. Shri PC Paul, MES-228344, Elect
15. Shri K Muksar, MES-243862, Elect
16. Shri MA Laskar, MES-243424, Elect
17. Shri JU Barbhuiya, MES-228640, Elect
18. Shri Ashim Biswas, MES-243487, FGM
19. Shri Harun Rashid, MES-243576, FGM
20. Shri NI Barbhuiya, MES-228744, FGM
21. Shri AC Paul, MES-228784, FGM II
22. Shri FU Choudhury, MES-228633, FGM II
23. Shri RU Barbhuiya, MES-243549, FGM
24. Shri AK Chakraborty, MES-243772, FGM
25. Shri GC Ghosh, MES-243804, FGM
26. Shri MM Singh, MES-243833, FGM
27. Shri HR Das, MES-243740, FGM
28. Shri Ayaz Ali Ahmed, MES-243737, FGM
29. Shri FU Khadem, MES-243560, Maz
30. Shri Ashik Uddin Laskar, MES-243402, Mate
31. Shri LR Laskar, MES-243453, Mate
32. Shri HA Laskar, MES-243660, Mate
33. Shri TR Laskar, MES-243544, Mate
34. Shri NH Laskar, MES-243534, Maz
35. Shri S Deb Roy, MES-243860, Maz
36. Shri SB Sen, MES-243847, Maz
37. Shri RM Dey, MES-228793, Maz
38. Shri FU Khan, MES-243564, Maz
39. Shri FH Laskar, MES-243423, Mate
40. Shri Shankar Mehra, MES-243809, Mate
41. Shri R Sharma, MES-243577, Maz
42. Shri MR Mazumder, MES-243859, Maz
43. Shri GU Laskar, MES-243845, Maz

Filed by: - *Dr. app...*
Through - *U. Saha*
19 Advocate on
13.09.07

Narenchris Das Choudhury

44. Shri MU Laskar, MES-243420, Elect
45. Shri AB Barbhuiya, MES-243832, FGM
46. Shri BB Dey, MES-228922, Elect
47. Shri Rampal Balmiki, MES-245893, S/Wala
48. Shri JM Nath, MES-233585, Refg Mech
49. Shri DC Nath, MES-228505, Mate
50. Shri Joymani Das MES-228822, CMD
51. Shri JH Barlaskar, MES-264697, CMD
52. Shri Kapinghnga, MES-243361, CMD Gde I
53. Shri Sunil Chandra Das, MES-228905, Mate
54. Shri Dilip Kumar Nath, MES-243535, Mate
55. Shri Sipra Rani Deb, MES-243563, Maz.
56. Shri Shankar Kumar Deb, MES-243419, Mate
57. Shri Babu D Rongimal, MES-244015, Chow
58. Shri DC Das, MES-228662, Chow/Mate
59. Shri Safiqur Rahman Barbhuiya, MES-228842, Elect
60. Shri M Rahman, MES-455604, Elect
61. Shri Nikunja Bihari Das, MES-228782, Mechinist.
62. Shri Insan Ali Laskar, MES-228300, F/Pipe
63. Shri Nabendu Kumar Das, MES-228899, F/Pipe
64. Shri Sishutush Deb, MES-228308, FGM HS-II
65. Shri Phul Kr Nath, MES-228835, F/Pipe
66. Shri Ramuj Uddin Mazumder, MES-228325, F/Pipe
67. Shri Ajjur Rahman Khan, MES-228933, F/Pipe
68. Shri Abdul Karim, MES-228796, F/Pipe
69. Shri Sudhir Kumar Das, MES-228929, F/Pipe
70. Shri Nanda Mohan Singha, MES-228647, FGM HS-II
71. Shri Kamal Uddin Barbhuiya, MES-228343, FGM HS-II
72. Shri Sijit Kr Dey, MES-228772, FGM HS-II
73. Shri Rathi Ranjan Paul, MES-228634, FGM SK
74. Shri Siraj Uddin Barbhuiya, MES-228341, FGM HS-II
75. Shri Rafique Uddin Laskar, MES-243870, FGM HS-II
76. Shri Subrata Kr Paul, MES-243861, FGM HS-II
77. Shri Anwar Ali Laskar, MES-228641, F/Pipe
78. Shri Jagadish Ch Deb, MES-228630, V/Man
79. Shri Joy Kumar Malha, MES-228843, V/Man
80. Shri Kalibahadur Chatry, MES-228472, V/Man
81. Shri Jalal Uddin Laskar, MES-228799, V/Man
82. Shri Safique Uddin Barbhuiya, MES-228824, V/Man
83. Shri Siraj Uddin Barbhuiya, MES-228763, V/Man
84. Shri Nizam Uddin Mazumder, MES-228643, V/Man
85. Shri Himangshu Shekhar Das, MES-243408, Mate
86. Shri Chandan Kr Nath, MES-455605, Mate
87. Shri Nazrul Islam Hajari, MES-243565, Mate
88. Shri Rafique Uddin Barbhuiya, MES-228932, Mate
89. Shri Krishna Bahadur Rana, MES-228253, Mate
90. Shri Kutub Uddin Laskar, MES-243400, Mate
91. Shri Siraj Uddin Barbhuiya, MES-228802, Mate
92. Shri Sonahar Ali Barbhuiya, MES-228451, Mate
93. Shri Sakat Ali Laskar, MES-228503, Mate
94. Shri Mizajur Rahman Mazumder, MES-455608, Mate

95. Shri Uttam Kumar Chatterjee, MES-243546, Mazdoor
96. Shri Balaram Deb Barman, MES-243857, Mazdoor
97. Shri Abdul Rahman Mia, MES-243578, Mazdoor
98. Shri Jamal Uddin Laskar, MES-243563, Mazdoor
99. Shri Sonamea Beg, MES-73110424, Mazdoor
100. Shri Sondar Raja Barbhuiya, MES-243856, Mazdoor
101. Smt Pratima Darjee, MES-243960, Mazdoor
102. Shri Sair Uddin Laskar, MES-243582, Mazdoor
103. Shri Chandra Kumar Dutta, MES-244009, Mazdoor
104. Shri Sajal Malakar, MES-282010, Safaiwala
105. Shri Khagendra Ch Roy, MES-234085, FGM HS-II
106. Shri Chitta Ranjan Roy, MES-228540, FGM HS-II
107. Shri Saidur Raman Ahmed, MES-243864, FGM HS-II
108. Shri Sudhangshu Paul, MES-228462, Mate
109. Shri Paresh Ch Das, MES-228845, Mate
110. Shri Monaj Thapa, MES-282005, Chow
111. Shri Kajal Kumar Das, MES-243396, Mate
112. Shri Nolini Das, MES-243727, Carpenter
113. Shri Jiten Ch Paul, MES-228627, Carpenter
114. Shri Ashik Uddin Barbhuiya, MES-243389, Upholster
115. Shri Indrajit Baruah, MES-228653, C/M
116. Shri Phoni Bushan Das, MES-228790, Mate
117. Shri Nikil Chandra Bhattacharjee, MES-228805, Painter
118. Shri Kali Kumar Roy, MES-237922, C/M
119. Shri Gulzar Ali, MES-243812, Mazdoor
120. Shri Dinesh Ch Das, MES-243453, Mate
121. Shri Ataur Rahman, MES-228800, Mate
122. Shri Farij Uddin Laskar, MES-228663, Mate
123. Shri Pranakanta Das, MES-243473, Mate
124. Shri Mintu Ch Paul, MES-228506, Mate
125. Shri Jagadish Ch Paul, MES-243811, Mazdoor
126. Shri Ali Kader Ahmed, MES-223884, Carpenter
127. Smt Brinda Sakhi Singh, MES-243959, Mazdoor
128. Smt Pratima Rani Basak, MES-243703, Mazdoor
129. Smt Dhanesware Robidas, MES-243692, Mazdoor
130. Smt Jayanti Rani Paul, MES-243815, Mazdoor
131. Shri Nanda Kishore Thakur, MES-243875, Mazdoor
132. Shri Anil Das, MES-265502, Painter
133. Shri Devendra Suklabaidya, MES-228798, Carpenter
134. Shri Aftabur Rahman, MES-243585, Chow
135. Shri Rahim Uddin Laskar, MES-282011, Chow
136. Shri Ziaul Huda Mazumder, MES-243807, Meter Reader
137. Shri Hira Nath Borah, MES-243567, Chow
138. Shri Zakir Hussain Choudhury, MES-244048, Chow
139. Shri Monbahadur Kaska Chatri, MES-285951, Chow
140. Shri Santuram Kolita, MES-265947, Chow
141. Shri Sukamal Barman, MES-243537, Chow
142. Shri Mahmudul Hussain Barbhuiya, MES-243774, Meter Reader
143. Shri Khorgeswar Koch, MES-265951, Chow
144. Shri Nogendra Kumar, MES-244075, K/Chow
145. Smt Kalpana Bhattacharjee, MES-229174, UDC

- 4
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146. Shri Nazim Islam Khan, MES-243855, Mazdoor
 147. Shri Karim Uddin Barbhuiya, MES-244047, Chow
 148. Shri Dilip Kumar Das, MES-243848, Carpenter
 149. Shri Ajit Kumar Paul, MES-228468, Mate
 150. Shri Rahim Uddin Barbhuiya, MES-243398, Mason
 151. Shri Lalji Lal, MES-243542, Mazdoor
 152. Shri Sivsagar Kanwar, MES-282007, S/wala
 153. Shri Sibram Choudhury, MES-228264, Meter Reader
 154. Shri Anil Chandra Das, MES-243515, Mate
 155. Shri Sankar Malakar, MES-243583, Mazdoor
 156. Shri Susendra Chandra Paul, MES-243583, Mason
 157. Shri Muktar Ali Barbhuiya, MES-243891, Maz
 158. Shri Rafiqur Rahman Barbhuiya, MES-243446, Mason
 159. Smt Naaz Begam Khan, MES-226019, Maz
 160. Smt Malati Rabidas, MES-243967, Maz
 161. Shri Nishit Paul, MES-282004, Chow
 162. Shri Sripal Harizan, MES-282008, S/Wala
 163. Shri Nur Ahmed Ali Laskar, MES-228664, Maz
 164. Shri Subhashis Dutta, MES-239004, JE (E&M)
 165. Shri Sanjib Deb Roy, MES-229493, JE (Civ)
 166. Shri Ashis Kumar Nath, MES-234705, JE (QS&C)
 167. Shri Subrata Das, MES-264756, JE (Civ)
 168. Shri Subinol Roy, MES-228186, JE (Civ)
 169. Shri Nipendra Chandra Das, MES-243539, Chow
 170. Shri Lachit Patra, MES-244018, JE (Civ)
 171. Shri Devanand Dutta, MES-229604, JE (E&M)
 172. Shri Beni Madhab Dasgupta, MES-228770, FGM
 173. Shri Kripendu Chandra Paul, MES-228318, F/Pipe
 174. Shri Sonawar Ali Laskar, MES-228332, Elect
 175. Shri Bibhash Ranjan Das, MES-228313, Elect
 176. Shri Moni Bhushan Nath, MES-243383, Elect
 177. Shri Pramode Ch Suklabaidya, MES-228808, Chow
 178. Shri Rashik Chandra Paul, MES-228327, Elect
 179. Shri Arun Kumar Saha, MES-228638, FGM
 180. Shri Animesh Deb Roy, MES-228350, FGM
 181. Shri Kutub Ali Laskar, MES-228352, F/Pipe
 182. Shri Siraj Uddin Laskar, MES-228645, Mate
 183. Shri Kabindra Kumar Bhowmik, MES-243379, Elect
 184. Shri Mini Sena Singha, MES-10242587, Maz
 185. Shri Sukumar Nath, MES-228419, Elect
 186. Shri Nibaran Ch Malakar, MES-228181, FGM
 187. Shri Subhash Ranjan Dey, MES-228349, FGM
 188. Shri Rahim Uddin Barbhuiya, MES-228637, FGM
 189. Shri Aim Uddin, MES-228860, F/Pipe
 190. Shri Rabindra Kumar Nag, MES-228492, FGM
 191. Shri Chandra Moni Das, MES-228323, F/Pipe
 192. Shri Hiranya Kumar Sharma, MES-228776, Cable/ Jir
 193. Shri Chinta Haran Bhattacharjee, MES-228357, FGM
 194. Shri Hridoy Chandra Roy, MES-361870, FGM
 195. Shri Sunirmal Chakraborty, MES-245438, FGM
 196. Shri Dayanand Roy, MES-235037, Elect

Anandran Das Choudhary

- 5
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197. Shri Nitai Chandra Das, MES-228792, Mate
 198. Shri Intaz Ali Barbhuiya, MES-228854, SK
 199. Shri Ajoy Dutta, MES-228863, Elect
 200. Shri Ranjit Kumar Singha, MES-228302, Elect
 201. Shri Mani Ram Das, MES-220327, F/Pipe
 202. Shri Sitaram Mallah, MES-228257, Mate
 203. Shri Satiyendra Suklabaidya, MES-228237, Mason
 204. Shri Sirish Suklabaidya, MES-228262, FGM
 205. Shri Sukumar Nath, MES-228307, CMD
 206. Shri Dharendra Kumar Das, MES-228356, FGM
 207. Shri Tahir Khan, MES-228646, Mate
 208. Shri Hem Chandra Paul, MES-A/7072489, FGM
 209. Shri Prabash Ranjan Bhattacharjee, MES-228013, Asstt
 210. Shri Sanjib Bhattacharjee, MES-243533, UDC
 211. Shri Kumud Bandhu Purkayastha, MES-228656, JE (E&M)
 212. Shri Manas Bhushan Dasgupta, MES-A/7074161, UDC
 213. Smt Gitanjali Nath, MES-243778, Steno-II
 214. Indrani Bhattacharjee, MES-A/14272915, LDC
 215. Shri Chinmoy Paul, MES-237939, Dfty (OTP)
 216. Smt Arati Singha, MES-5523107, LDC
 217. Smt Nirmala Singh, MES-243387, UDC
 218. Smt Sujata Roy, MES-264680, LDC
 219. Shri SC Dey, MES-228316, Dfty (OTP)
 220. Shri Ganesh Chandra Dutta, MES-243561, Mate
 221. Shri Champalal Das, MES-228260, Dfty (OTP)
 222. Shri RK Deb, MES-228184, Dfty (OTP)
 223. Shri Babul Kumar Roy, MES-243958, S/Wala
 224. Smt Gita Chakraborty, MES-243720, Peon
 225. Shri Bhupesh Adhikari, MES-282014, Chow
 226. Shri BB Roy, MES-4325077, UDC
 227. Shri BC Roy, MES-243474, Peon
 228. Shri Amal Ch Shil, MES-244012, S/Wala
 229. Shri AH Ahmed, MES-244010, Chow
 230. Shri Suraj Bejnath, MES-244042, Chow
 231. Shri Ajoy Singh, MES-244014, Chow
 232. Shri Tapan Kanti Bhattacharjee, MES-243372, UDC
 233. Shri Sanjay Malakar, MES-243810, Maz
 234. Shri Bomkesh Dutta, MES-228324, F/Pipe
 235. Shri Binoy Bhushan Paul, MES-228463, Mate
 236. Shri Shusanta Kr Nath, MES-228777, FGM
 237. Shri Prahlad Chandra Deb, MES-228355, Mate
 238. Shri Pradip Kumar Roy, MES-282003, Chow
 239. Shri Subhash Ch Deb, MES-243398, UDC
 240. Shri Dipak Malakar, MES-243805, MTD
 241. Shri Sudhanya Chandra Das, MES-228804, Cabinet Maker
 242. Shri Mamud Ali, MES-228342, Mason
 243. Shri Babulal Suren, MES-243885, S/Wala
 244. Shri Sonaram Das, MES-228453, Duftary (OTP)
 245. Shri Haripada Sutradhar, MES-243849, Carpenter
 246. Shri Ranjit Kr Das, MES-282009, S/Wala
 247. Shri Ranjit Kr Dey, MES-242715, Ex Elect HS-II

Narenbra Das Chowdhury

248. Shri Gopesh Ch Das, MES-A/703031, Mason
 249. Shri Jhar Bahdur Sonar, MES-224826, B/smith
 250. Shri Kanu Ch Dey, MES-228487, Carpt HS-II
 251. Shri Bimal Ch Paul, MES-228837, Mate

-----Applicants.

-AND-

1. The Union of India,
Represented by the Secretary to the
Government of India, Ministry of Defence,
South Block, New Delhi- 110001.
2. The Army Headquarter Engineer-in
Chief's Branch, Kashmir House,
P.O. New Delhi, New Delhi-110011.
3. The Chief Engineer,
Headquarter Eastern Command,
Fort William, Kolkata- 21.
4. The Chief Engineer,
HQ Shillong Zone, S.E. Falls, Shillong- 11.
5. The Commander,
HQ 137 Works Engineer, C/O- 99 APO.
6. The Garrison Engineer, Silchar.
Masimpur, MES
P.O. Arunachal, District-Cachar, Pin- 788025, Assam.
7. The Controller of Defence Accounts
"Udayan Vihar", Narangi, Guwahati- 781171.
8. The Area Accounts Officer,
Bivar Road, Shillong- 1.

.....Respondents.

DETAILS OF THE APPLICATION

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

This application is made praying for a direction upon the respondents for immediate payment of Special Compensatory Counter Insurgency Operational Allowances (OP- Rhino), in other words "Operation Rhino- concessions to the applicants who are defence civilian employees deployed in counter insurgency operation, working under Garrison Engineer, Silchar from 01.05.1999 or alternatively modified field area allowance from 14.01.1994 to till

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date. The Operation Rhino concessions/allowances sanctioned by the President of India for Armed Forces officers and personnel below officer rank including defence civilian in terms of Govt. of India, Ministry of Defence letter No. 8 (3)/91/D (Pay/Services) dated 10.01.1992 read with Ministry's letter No. 37269/CI/AG/PS-3(a)/121/D (Pay/services) dated 14.01.1994 communicated vide Govt. of India, Ministry of Defence letter No. 8 (3)/91/D (Pay/Services) dated 29.12.2003.

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.

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 citizen of India and as such they are entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.
- 4.2 That 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 all the applicants are defence civilian employees working in the cadre of Group 'B', 'C' and 'D' in different capacities. The MES establishment i.e. Garrison Engineer, Silchar (for short G.E. Silchar) has been deployed in counter insurgency, Operation-Rhino, with local military units which would be evident from the letter of the Chief Engineer, HQ Eastern Command, Fort William, Kolkata bearing No. 131362/04/281/Engrs/EIC (I) dated 12.03.2004. It is pertinent to mention here that Operation Rhino concessions have been

sanctioned by the President of India for grant of such concessions in terms of Ministry of Defence letter No. 8 (3)/91/D(Pay/Services) dated 10.01.1992 read with Ministry's letter No. 37269/CI/AG/PS-3 (a)/121/D (Pay/Services) dated 14.01.1994 which is communicated vide Govt. of India Ministry of Defence letter No. 8 (3)/91/D (Pay/Services) dated 29.12.2003.

It is relevant to mention here that in the said letter dated 29.12.03, the Presidential sanction of the concession have been issued to Armed Forces Officers and Personnel below officer rank including defence civilians deployed in counter insurgency operations. It is stated in the letter dated 29.12.03 that the benefit of concession has been extended for a period of 6 months w.e.f. 15.12.2003 or till the termination of Operation- Rhino whichever is earlier. In this connection it is stated that the unit of GE Silchar is actually deployed in OP- Rhino w.e.f. 01.05.1999 to September 2005 which is evident from the letter of the Station HQ, Masimpur bearing No. 1223/G (OPS) dated 22.08.2006. It is relevant to mention here that the entire State of Assam and N.C. Hills including GE, Silchar unit, as well as AGE (I) (AF), Kumbhirgram unit has been considered as Field service and are eligible for Counter Insurgency Operational Allowances. GE, Silchar is located at Masimpur, Silchar. The troops of the GE, Silchar division, including civilian staff are working hand to hand are also exposed to the same risk, conditions, constraints and restrictions prevailing in the counter insurgency operations, as such civilian employees working under GE, Silchar are eligible and entitled to Operation Rhino concessions granted by the Govt. of India, Ministry of Defence vide letter dated 29.12.2003.

Copy of the letter dated 29.12.03 and 12.03.04 are annexed hereto for perusal of Hon'ble Tribunal as Annexure- 1 and 2 respectively.

- 4.4 That it is stated that following the recommendations of the 4th Central Pay Commission, the Govt. of India, Ministry of Defence, New Delhi vide letter No. 37269/AG/PS/3 (a)/90/D (Pay/Services) dated 13.01.1994 granted certain field service concessions to Army personnel working in the Field area/ modified field area. Field area is an area where troops are deployed near the borders for operational requirements and where imminence of hostilities and associated risk to life exists. But modified field area is an area where troops are

Narendra Das Chowdhury

deployed in support of combatant echelons/troops in an operational support roles. Degree of operational readiness is slightly lower than that in field area though sustained surveillance continues.

The Govt. of India considering the deployment of Army Personnel/Defence civilian near the border areas for operational requirements where immense hostilities and associated risk to life exists, therefore granted certain field service concessions, such as special Compensatory allowance, remote locality allowance, high altitude climate allowance, Siachen allowance, compensatory field area allowance and special compensatory counter insurgency operation allowance. Here in the instant applicants, who are civilian defence employees working under the GE, Silchar/AGE (I) (AF), Kumbhirgram are claiming special compensatory counter insurgency operation allowance, since they have been deployed in the Operation Rhino scheme launched by the Govt. of India, as such the present applicants are entitled to special compensatory counter insurgency allowance granted by the Govt. of India in respect of the unit deployed in the counter insurgency Operation Rhino. In the letter dated 13.01.1994, it is made clear in Clause 13 that the concession is admissible to civilian serving in the newly defined field areas will be notified separately. In Appendix- B of the said letter dated 13.01.1994 it would be evident that Cachar and North Cachar districts of Assam including Silchar has been included in the list of modified field areas.

Copy of the Ministry of Defence letter dated 13.01.1994 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 3.

- 4.5 That it is stated that the allowance and concessions admissible to troops deployed in counter insurgency operation have been notified by the Govt. of India, Ministry of Defence vide letter No. 37269/CI/AG/PS-3 (a)/121/D (Pay/Services) dated 14.01.1994 where rates of allowance of counter insurgency allowance have been specified and further requested by the Government to the Chief of Army Staff that list of formation, units which are actually involved in counter insurgency operation in areas as identified by the Govt. order would be notified by the concerned Corps, HQ to Pay and Accounts offices concerned quarterly.

Harindra Das Choudhury

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- 4.6 That it is stated that the Govt. of India, Ministry of Defence vide letter dated 29.02.2000 addressed to Army Chief have issued revised rate of field area allowance, high altitude allowance, counter insurgency operation allowance in respect of field areas, modified field areas and also in respect of peace areas.

Copy of the letter dated 29.02.2000 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 4.

- 4.7 That it is stated that the GE, Silchar Division vide letter bearing No. 1604/1888/E1P dated 25.06.2004 submitted pay bills in respect of civilian officers and subordinate staffs of GE, Silchar Division and the said pay bills included the concession i.e. special compensatory counter insurgency operation allowance and arrear thereto and arrear of special compensatory modified field area allowance included in the light of the Govt. of India's letter dated 13.01.1994, 10.01.1992, 14.01.1994, 23.06.2003 and also in terms of the letter dated 29.12.2003. However, the said bills have been returned by the Accounts Officer of the Area Accounts office, Shillong vide letter No. P/1/316/GC-II dated 20.07.2004 with the objection that the photocopy of the letter dated 13.01.1994 was not visible and also on the alleged ground that the clear copies of the Ministry of Defence letter dated 10.01.1992, 14.01.1994 and dated 23.01.2003 mentioned in the Ministry's letter dated 29.12.2003 be supplied to the Area Accounts office, further objection has been raised that the claim has been preferred after more than 2 years and as such sanction of the CFA may be obtained for waiving time bar. The aforesaid objection has been raised by the Area Accounts Office vide letter No. P/1/316/GC-II dated 20.07.2004.

Copy of the letter dated 25.06.2004 and 20.07.04 are enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 5 and 6 respectively.

- 4.8 That the GE, Silchar vide letter No. 1604/B/19/E1P dated 06.08.2004 requested Headquarter 137 Works Engineer to furnish letter dated 13.01.1994, 10.01.1992, 23.01.2003 to the Area Accounts Office, Shillong in order to progress the claims for drawl of special compensatory counter insurgency allowance in respect of the applicants along with other. Again GE, Silchar vide his letter bearing No.

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1604/B/20/E1P dated 27.08.2004 addressed to the Area Accounts Office, Shillong informed that a legible copy of letter dated 13.01.1994 of the Ministry of Defence has been obtained and the same has been enclosed for perusal of the Area Accounts office and further stated that letter dated 10.01.1992 and 23.06.2003 could not be traced out at CDA, Guwahati and also pointed out that GE, Silchar came to know about eligibility regarding special counter insurgency operation allowance of the defence civilian from the Ministry of Defence letter dated 29.12.2003. Therefore, imposition of Rule 82 of G.F.R is not applicable in the instant case as to raise the ground of delay in preferring the claim, which is due to administrative reasons and further requested to review the earlier views in the light of clarifications given in the letter dated 27.08.2004 and requested to admit the bills.

Copy of the letter dated 27.08.04 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 7.

- 4.9 That the Accounts Officer, Shillong vide letter bearing No. P/1/316/GC/II dated 18.02.2005, informed the CDA, Guwahati that claims regarding Special compensatory modified field area allowance on account of arrear of special compensatory modified field area and counter insurgency operation allowance in respect of MES Officer personnel of GE, Silchar received vide letter dated 25.06.04 could not be entertained in the absence of all the related letters mentioned therein and further requested the CDA to confirm the eligibility for concessions claimed. However, it is not specifically pointed out that what are those relevant documents in the absence of which the bills could not be entertained.

Copy of the letter dated 18.02.05 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 8.

- 4.10 That it is stated that GE, Silchar vide it's letter bearing No. 1604/B/37/E1P dated 04.04.2005 addressed to HQ, 137 Works Engineer, whereby it has been requested that HQ 3 Corps may be appraised that based on their clarification referred in Ministry of Defence letter dated 29.12.2003, the Defence civilian staffs are also entitled to Special compensatory counter insurgency allowance (OP-Rhino) and since the GE, Silchar has been notified as deployed in OP-

Narenindra Boro Chowdhury

Rhino vide HQ 3 Corps letter dated 03.12.2003 based on which bills were forwarded to the competent authority, therefore it is requested that the dues of the Defence civilian staffs of the GE, Silchar may be paid and GE, Silchar also requested HQ 137 Works Engineer vide letter No. 1604/B/45/EIP dated 09.01.2006, addressed to HQ 137 Works Engineer to forward copy of Ministry of Defence letter dated 23.06.2003 and 10.01.1992 in order to settlement of the claims of counter insurgency allowance (OP-Rhino) in favour of Defence civilian staffs of GE, Silchar.

Copy of letter dated 09.04.05 and 09.01.06 are enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 9 and 10 respectively.

- 4.11 That the GE, Silchar further requested HQ 3 Corps to provide necessary information as pointed out by the CDA at Sl. No. 1 to 5 of their letter bearing No. Pay/025/IV dated 14.03.2005 to enable CDA, Guwahati to issue necessary clearance to AAO, Shillong for admitting bill in Audit regarding grant of Special Compensatory counter insurgency allowance (OP-Rhino) to civilian staff of GE, Silchar since the bills contains most of Group 'C' and 'D' employees of GE, Silchar and they are constantly pressing for the payment of the same. This request is made by the GE vide letter No. 1604/B/46/EIP dated 10.01.2006.

Copy of letter dated 14.03.05 and 10.01.06 are enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 11 and 12 respectively.

- 4.12 That the GE, Silchar vide his letter bearing No. 1604/B/47/EIP dated 19.05.2006 requested HQ 3 Corps, C/O 99 APO to furnish replies to the queries to the CDA, Guwahati on priority basis for welfare of civilian staffs for payment of Special compensatory counter insurgency allowance (OP-Rhino) to civilian staffs of GE, Silchar with CDA, Guwahati. In clause (3) of letter dated 19.05.06, it has been specifically stated by the GE, Silchar that "the civilian staffs of GE, MES, Silchar works hand in hand with the troops posted at Masimpur, Vairengte and Aizwal MES is a mixed organization where on similar post of Army and civilians are posted e.g. out of GD Clk (Army person) 50% and Civ 50%, 50% JEs are civilian and other 50% Mil pers, while

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performing the same duties the Mil pers are getting the above mentioned allowance, the same is not being paid to Civ employees".

But in spite of such repeated reminder and clarifications from GE, Silchar to the CDA, Guwahati, counterinsurgency allowance (OP-Rhino) has not yet been released in favour of the applicants and the same is pending with the CDA, Guwahati and in process the civilian employees i.e. the applicants are being deprived of their legitimate claims of counter insurgency allowances.

Copy of letter dated 19.05.06 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 13.

- 4.13 That the HQ 3 Corps vide letter bearing No. 16037/1/A 2 dated 02.06.2006, requested HQ 41 Sub Area (A) to clarify certain points indicated in Sl. No. (a) to (e) of the said letter and further requested to forward the same to the CDA, Guwahati under intimation to the HQ. However, CWE HQ 137 Wks Engineer informed GE, Silchar vide letter No. 1301/18/E1P dated 11.07.2006 that clarification for payment of said allowance has already been forwarded to HQ 41 Sub Area vide HQ 3 Corps letter dated 02.06.2006 and the outcome of the same would be intimated as and when received from higher Authority.

Copy of letter dated 02.06.06 and 11.07.06 are enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 14 and 15 respectively.

- 4.14 That it is stated that it would further be evident from letter bearing No. 1604/B/52/E1P dated 21.07.2006 a details reply as desired as per para 2 of Sub Area (a) to (e) of HQ 3 Corps letter dated 02.06.2006 has been furnished by the GE, Silchar and thereby desired information has been supplied to the Authority.

Copy of letter dated 21.07.06 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 16.

- 4.15 That your applicants further beg to say that HQ, Masimpur, Silchar vide letter bearing No. 1223/G (Ops) dated 22.08.2006, addressed to HQ 41 Sub Area (GS) SD, it is informed that the required information has been obtained from GE, Silchar for grant of compensatory counterinsurgency allowance (OP-

Narendra Choudhary

Rhino) to civilian staffs of GE, Silchar. It is also clarified that the civilian employees of GE, Silchar are not in receipt of modified field allowance. Similarly, HQ 41 Sub Area informed HQ 3 Corps (A) vide letter No. 0341/6/PC/GS (SD) dated 30.03.2006 informed the said position for grant of aforesaid allowance to the civilian employees of GE, Silchar, but to no result.

Copy of letter dated 22.08.06 and 30.08.06 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 17 and 18 respectively.

- 4.16 That it is relevant to mention here that since the present applicants are not in receipt of modified field area allowance, therefore they are at least entitled to payment of special compensatory counter insurgency allowance (OP-Rhino). It is pertinent to mention here that the benefit of modified field area allowance has been extended to similarly situated civilian employees working in the CSD Depot at Massimpur, Silchar based on Govt. of India, Ministry of Defence letter No. 37269/A.G/Pe-3 (a)/165/DC (Pay/Services) dated 13.01.1994. But surprisingly, such benefit has not been extended to the present applicants by the respondents Union of India and thereby applicants have been meted out with hostile discrimination so far entitlement of allowance are concerned. The applicants are even though entitled to payment of special compensatory counter insurgency allowance (OP-Rhino), failing which they are entitled to payment of modified field area allowance.

It is pertinent to mention here that the HQ 3 Corps, C/o 99 APO vide letter No. 1603/12/AZ (A) dated 10.03.2007 referred Govt. of India, Ministry of Defence letter dated 13.01.1994, 14.01.1994, 03.06.1997, 29.02.2000, 18.09.2001, 20.02.2002 and 22.06.2005, whereby quarterly report for quarter ending on February 2007 regarding list of Formations/Units falling in field area, modified field area and counter insurgency operations area has been specified. In the said list name of GE, Silchar and AGE (I) (AF), Kumbhirgram, Assam are also included, as such the present applicants are entitled to Special compensatory counter insurgency allowance or modified field area allowance which are granted in the form of concession by the Govt. of India, Ministry of Defence from time to time but in spite of the eligibility of the applicants for entitlement of such allowances the respondents, more particularly the CDA, Guwahati

Hazendra Das Chowdhury

withheld the said claims of the applicants with one pretext or other and as a result applicant have been deprived of their legitimate claims. Therefore, it is a fit case for the Hon'ble Tribunal to interfere with directing the respondents to release the arrear payment as well as current payment of Special compensatory counter insurgency operation allowance (OP- Rhino) or alternatively modified field area allowance with immediate effect with 18% interest on arrear payment.

Copy of letter dated 10.03.2007 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 19.

- 4.17 That it is stated that the Govt. of India, Ministry of Defence from time to time conveyed the sanction of the President of India to grant of the concessions mentioned in the Ministry's letter dated 10.01.1992 read with Ministry's letter No. 37269/CI/AG/PS-3 (A) dated 14.01.1994, which is also evident from letter No. 3 (3)/91/D (Pay/Services) dated 14.01.2005, wherein concession so far counter insurgency operation i.e. Operation- Rhino have been further sanctioned for a further period of six months with effect from 15.12.2004 till 14.06.2005 or till the termination of operation Rhino, whichever is earlier. However, in the instant case the applicants are claiming payment of arrear w.e.f. May 1999 to till date so far the allowance in connection with the Special compensatory counter insurgency operation allowance (OP- Rhino) or alternatively claiming of the modified field area allowance with 18 % interest.

Copy of the letter dated 14.01.2005 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 20.

- 4.18 That it is stated that the G.E. Silchar has taken all necessary steps for payment of arrear Special compensatory counter insurgency operation allowance (OP- Rhino) but due to inaction and negligence of higher authorities the CDA, Guwahati has taken undue advantage and deliberately did not take any steps towards the release of the aforesaid allowances in spite of submission of required information, documents as desired by the CDA, Guwahati from time to time. As such, the Hon'ble Tribunal be pleased to direct the respondents to

Mazendra Das Choudhary

release the arrear payment as well as current payment of Special compensatory counter insurgency operation allowance (OP- Rhino) or alternatively modified field area allowance with immediate effect with 18% interest on arrear payment.

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

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

- 5.1 For that, GE, Silchar falls under the category of modified field area as notified vide Appendix- B of the Govt. of India, Ministry of Defence, New Delhi's letter No. 37269/AG/PS/3 (a)/90/D (Pay/Services) dated 13.01.1994, as such the applicants being the civilian staffs working in GE, Silchar are entitled for payment of Special Compensatory counter insurgency allowance (OP-Rhino) granted vide Govt. of India, Ministry of Defence letter dated 29.12.2003. More so, in view of deployment of the Unit i.e. G.E. Silchar in counter insurgency operation (OP-Rhino).
- 5.2 For that, the applicants are defence civilian employees of GE, Silchar and they are working hand in hand and are exposed to the same risk, conditions, constraints and restrictions prevail in the counter insurgency operations, as such the applicants are entitled to operation Rhino concession granted by the Govt. of India, Ministry of Defence vide letter dated 29.12.2003.
- 5.3 For that, the present applicants have been deployed in operation Rhino launched by the Govt. of India, as such they are entitled to Special Counter insurgency allowance granted by the Govt. of India, Ministry of Defence.
- 5.4 For that, GE, Silchar Division vide letter dated 25.06.2004 submitted pay bills in respect of civilian employees of GE, Silchar and the said pay bills included arrear of special compensatory counter insurgency operation allowance from 01.05.1999 in the light of Govt. of India's letter dated 13.01.1994, 10.01.1992, 14.01.1994, 23.06.2003 and 29.12.2003.
- 5.5 For that, the GE, Silchar vide letter dated 19.05.2006 in reply to queries of CDA, Guwahati stated that the civilian employees of GE, Silchar, MES, Silchar works hand in hand with the troops posted at Masimpur, Vairengte and

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Aizwal MES and they are performing the required duties with the Military persons. As such the present applicants are entitled to payment of Special Compensatory counter insurgency allowance (OP-Rhino) granted vide Govt. of India, Ministry of Defence letter dated 29.12.2003.

- 5.6 For that, in spite of repeated clarifications by the GE, Silchar, the CDA, Guwahati withheld the claim of the applicants in one or other pretext, which is unreasonable, as such the Hon'ble Tribunal be pleased to direct the respondents for payment of Special Compensatory counter insurgency allowance (OP-Rhino) granted vide Govt. of India, Ministry of Defence letter dated 29.12.2003 with arrears.

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 applicant humbly prays 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 declare that the applicants who are defence civilian employees deployed in counter insurgency operation, working under Garrison Engineer, Silchar are entitled to special compensatory counter insurgency operation allowance (OP-Rhino) or alternatively modified

Narendras Choudhary

field area allowance in terms of Govt. of India, Ministry of Defence letter dated 10.01.1992 read with Ministry's letter No. 37269/CI/AG/PS-3 (a)/121/D (Pay/services) dated 14.01.1994 communicated vide Govt. of India, Ministry of Defence letter No. 8 (3)/91/D (Pay/Services) dated 29.12.2003 (Annexure- 1).

8.2 That the Hon'ble Tribunal be pleased to direct the respondents to pay the applicants special compensatory counter insurgency operation allowance (OP-Rhino) w.e.f. 01.05.1999 or alternatively modified field area allowance in terms of Govt. of India, Ministry of Defence letter dated 10.01.1992 read with Ministry's letter No. 37269/CI/AG/PS-3 (a)/121/D (Pay/services) dated 14.01.1994 communicated vide Govt. of India, Ministry of Defence letter No. 8 (3)/91/D (Pay/Services) dated 29.12.2003 at least w.e.f. 14.01.1994 to till date with 13% interest and further be pleased to direct the respondents to continue payment of aforesaid allowance to the applicants.

8.3 Costs of the application.

8.4 Any other relief (s) to which the applicant is 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 applicant for providing relief as prayed for.

10.

11. Particulars of the I.P.O

i) I.P.O No. : 32 G 040889
 ii) Date of issue : 22.08.2007
 iii) Issued from : G.P.O., Guwahati.
 iv) Payable at : G.P.O., Guwahati.

12. List of enclosures:

As given in the index.

Narenbra sus Choudhary

VERIFICATION

I, Shri Narendra Chandra Das Choudhury, Son of late Nagendra Chandra Das Choudhury, aged about ____ years, working as Electrician HS II, office of the Garrison Engineer, Silchar, 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 which I believe to be true. I have not suppressed any material fact.

And I sign this verification on this the 9th day of September 2007.

Narendra Das Choudhury

(12) 8

No. 8(3)/91/D(Pay/Services)
Government of India
Ministry of Defence

Now Delhi, dated the 29th December, 2003.

To
The Chief of the Army Staff
New Delhi.

Subject: Op Rhino - concessions to Armed Forces Officers and Personnel Below Officer Rank including Defence civilians deployed in CI Ops.

Sir,

I am directed to refer to this Ministry's letter of even number dated 23rd June, 2003 on the above subject and to convey the sanction of the President to the grant of concessions mentioned in this Ministry's letter of even number dated 10th Jan. 92 read with this Ministry's letter No. 37269/CI/AG/PS-3(a)/121/D(Pay/Services) dated 14th Jan. 94, as amended, for a further period of six months w.e.f. 15th December, 2003 or till the termination of Op Rhino, whichever is earlier.

2. This issues with the concurrence of Finance Division of this Ministry vide their U. O. No.1341/AG/PA dated 24th December, 2003.

Yours faithfully,

R.K. Grover

(R.K. Grover)

Under Secretary to the Government of India

Copy to :

CGDA, New Delhi
Director (Fin/AG)
DGA(DS), Church Road, L-II Block, Brassey Avenue, New Delhi
CDA(P), Allahabad
CDA, Bangalore
PCDA(Western Command), Chandigarh
CDA(Eastern Command), Calcutta
PCDA(Northern Command), Jammu
PCDA(Central Command), Lucknow
CDA, Patna
CDA, Secunderabad
Director of Accounts (Postal), APS Accounts Section, Nagpur.
Army HQrs/AG/PS-3 (a)
Director, AG/Org. 3, West Block-3, R.K.Puram, New Delhi;
Asstt Director (D), O/o Director ARO, DG of Security-
Cabinet Secretariat, East Block-5, R.K.Puram, New Delhi.

CDA(O), Pune
CDA, Chennai
CDA, Guwahati
CDA, Jabalpur
CDA (Army), Meerut Cantt.
PCDA(Southern Command), Pune
CDA(HQ), New Delhi

ALSO A COPY SIGNED IN INK TO :

CGDA New Delhi
CDA (O), Pune
CDA (EC) Kolkata
PCDA(CC) Lucknow
CDA Patna
Director of Accounts (Postal), APS Section, Nagpur
REFERENCE FOLDERS

CDA (P), Allahabad
CDA Guwahati
CDA, Chennai
PCDA(S C), Pune

CDA Bangalore
PCDA(NC), Jammu Cantt.
CDA(Army), Meerut Cantt
CDA Secunderabad

PCDA (WC) Chandigarh
CDA Jabalpur

PIOps.DGL

*Attested
Mulla
Advocate*

Chief Engineer
HQ Eastern Command
Fort William
Kolkata- 21

12 Mar 04

131362/04/ 261 /Engrs/EIC (I)

CWE Dibrugarh
CWE (AF) Bonga
CWE (AF) Jorhat
CWE (AF) Koloikunda
HQ 137 Works Engr
HQ 136 Works Engr
CWE Tezpur
859 EWS
GE(P) (I) Teliamura
GE (AF) Hassimara
867 EWS
869 EWS
GE Missamari
GE Silchar
GE(I) (R&D) Chandipur
872 EWS
GE(AF) Bagdogra
GE(N) Binnaguri
GE Gangtok
AGE(I) Charduar
AGE(I)(AF) Kumbhigram
AGE(I) Lekhapara
AGE(I) Rangiya
AGE(I) (AF) Singarsi

DEPLOYMENT OF MES ESTABLISHMENT IN CI OPS/FIELD AREA

1. You are requested to liaise with local Military units and forward copy of Corps Notification/authority of deployment of the unit in CI OPS/Field area for further action at this end.
2. Please forward the details by 30 Mar 04.

(SK Kar)
Lt Col
SO II (Pers)
For Chief Engineer

Copy to :-

CE Shillong Zone
CE Kolkata Zone
CE Siliguri Zone
CE (AF) Shillong Zone

- for similar action please.

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ANNEXURE 3

RESTRICTED

No. 37269/AG/PS 3(a)/90/D(Pay/Services)
Government of India
Ministry of Defence
New Delhi-110 011

Dated the 13th January 1990

To

The Chief of the Army Staff

Sub : Field Service Concessions to Army Personnel
Implementation of the recommendation of the 4th Central
Pay Commission.

Sir,

I am directed to say that the 4th Central Pay Commission in Para 8.91 of their Report, had recommended that the existing classification of areas for the grant of Field Service Concessions and the concessions available in Field Areas to Armed Forces personnel should be reviewed by the Government. The structure of Field Service Concessions has since been reviewed. I am directed to convey the sanction of the President to implementation of the following decisions taken in this regard in so far as the officers and personnel below officer rank of Army (including Army Postal Service) are concerned.

1. Classification of Areas : At present, Field Areas are classified into three types, namely, Full Field, Modified Field and Temporary Modified Field Areas. The areas in which Field Service Concessions are available have been re-defined. Hereafter, Field Areas will be classified as Field Areas and Modified Field Areas only.

Pre-requisites for classifying an area as Field Area and Modified Field Area will be as follows :-

Field Area : Field Area is an area where troops are deployed near the borders for operational requirements and where imminence of hostilities and associated risk to life exists. Troops in such areas are located for reasons of operational considerations alone and are not living in Cantonments.

Modified Field Area : Modified Field Area is an area where troops are deployed in support of Combat echelons/troops in an operational support role. Degree of operational readiness is slightly lower than that in Field Area, though sustained surveillance continues.

The details of newly defined Field Areas and Modified Field Areas contained in Appendices A & B, respectively.

Contd...

Attested
Mulla
for



2.4. Alteration, if any, in the Field/Modified Field Areas will be notified by the Government of India from time to time.

2.5. Areas classified as Field Areas and Modified Field Areas will be reviewed every three years. The review process will commence one year in advance of the completion of three years.

3.1. Concessions :- Monetary Allowance :- Personnel serving in Field Areas and Modified Field Areas will be eligible for the grant of Compensatory Field Area Allowance and Compensatory Modified Field Area Allowance respectively.

3.2. The rates of the allowances are given below :-

Sl. No.	Rank	Rate of Compensatory Field Area Allowance	Rate of Compensatory Modified Field Area Allowance
		in Rs. pm	in Rs. pm
1.	Lt Col & above	975	375
2.	Lt Col (TS) & Major	895	350
3.	Captain	820	325
4.	2 Lt/Lt	780	300
5.	JOs including Hon'y. Commissioned Officers	650	225
6.	Headclerk	450	175
7.	Sec/HR including erstwhile MC(E)	375	150

3.3.1. The conditions governing the grant of Compensatory Field Area Allowance and Modified Field Area Allowance in the case of officers will be as follows :-

Admissibility :- of Compensatory Field Area Allowance and Compensatory Modified Field Area Allowance will commence from the date on which an officer arrives in Field Area/Modified Field Area on being posted to a Unit/Formation Field Area subject to the following exceptions.

Exceptions :- An officer who is absent from a Field Area/Modified Field Area in any one or more of the following circumstances shall be eligible for Compensatory Field Area Allowance/Compensatory Modified Field Area allowance :-

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(i) For a maximum period of 15 days :-

- (a) When placed on the sick list provided that immediately on the expiry of the period on the sick list, he returns to an area at which the allowance is admissible;
- (b) When on Casual Leave;
- (c) While on transit from one Field Area/Modified Field Area to another;

(ii) For a maximum period of 3 months :- While on temporary duty subject to the fulfilment of the following conditions :-

- (a) The officer continues to be borne on the strength of the Unit/Formation in the Field Area/Modified Field Area;
- (b) The officer in the ordinary course returns to duty to a Field Area/Modified Field Area (not necessarily the one from which he went) on termination of the temporary duty;
- (c) The period of absence is spent wholly on duty.

NOTE : Compensatory Field Area Allowance/Compensatory Modified Field Area Allowance will not be admissible to officers holding posts elsewhere who proceed on temporary duty to a Field Area/Modified Field Area.

2 Compensatory Field Area Allowance/Compensatory Modified Field Area Allowance will not be admissible in the following circumstances :-

- (i) When an officer is absent from the Field Area/Modified Field Area on Annual Leave or Sick Leave or any other leave except Casual Leave;
- (ii) When an officer from a Peace Area is especially appointed to officiate in a vacancy of less than 3 months duration, if the permanent incumbent continues to draw the Compensatory Field Area Allowance/Compensatory Modified Field Area Allowance under the exceptions mentioned above.

NOTE : Compensatory Field Area Allowance/Compensatory Modified Field Area Allowance will not be admissible in addition to Expatriation Allowance, Foreign Allowance, Compensatory/Daily Allowance for serving ex-India.

The conditions for the drawal of Compensatory Field Area Allowance and Modified Field Area Allowance in the case of JCO/OR including MC(E) will be the same as given in Para 5 of Annexure A to this Ministry's letter No. A/02584/AC/PS 3(a)/97-S/D(Pay/Services) dated 25-1-64, as amended.

Contd.

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Admissibility: These rates of allowance will be admissible to :-

- (a) Personnel serving in Detachments, Units and Formations in areas mentioned in Appendices A & B.
- (b) Personnel of Defence Security Corps, employed with Units those personnel are eligible for the grant of these concessions.

4.2. List of Formation/Units which are in Field Area or Modified Field Area and are eligible to Field Service Concessions will be notified by ending May, August, November and February every year by the end of the month subsequent to the close of the quarter.

4.3. Other Concessions: Other concessions in kind at present admissible in Field Areas as per details given in Annexure A to this Ministry's letter No. A/02588/AG/PS 3 (a)/97-5/D (Pay/Services) dated 25.1.88 as amended, will be admissible in the Modified Field Areas as per Appendix B of this letter.

5. These allowances will, however, not admissible to:-

- (a) Static Formations/Units e.g. Military Farms, MRS, Recruiting Office, Training Centres and Establishments except the existing Counter insurgency and Jungle Warfare School.*
- (b) RCC Directorate and Units
- (c) Field Units unless embodied,
- (d) Record Offices and similar Establishments.

* Auth: Govt. of India, Min of Def. letter
No. A/37289/AG/PS 3 (a)/1959/D (Pay/Services)
dated 31 August 1994.

5.1 High Altitude/Uncongenial Climate Allowance: Personnel serving in Field Areas which are situated at a height of 9000 ft. and above including uncongenial climate areas below height of 9000 ft., will be entitled to High Altitude/Uncongenial Climate Allowance. A lower rate would be applicable for areas with an altitude of 9000 ft. to 15000 ft. and a higher rate for areas above 15,000 ft. (excluding Siachen), the details of these areas are given in Appendix C. The rates of High Altitude/Uncongenial Climate are given as under:-

Sl. No.	Rank	Cat-I (Heights from 9000 ft to 15000 ft. Including uncongenial climate areas below heights of 9000 ft.)	Cat- II (Heights above 15000 ft excluding Siachen)
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Law.
Personnel

4.1. Eligibility: These rates of allowances will be admissible to:

- (a) Personnel serving in Detachments, Units and Formations in Areas mentioned in Appendices A & B.
- (b) Personnel of Defence Security Corps employed with Units.

4.2. Lists of Formation/Units which are in Field Area or Modified Field Area and are eligible to Field Service Concessions will be notified by the Corps Commander to PAOs concerned quarterly i.e. for the quarters ending May, August, November and February every year by the 10th of the month subsequent to the close of the quarter.

4.3. Other Concessions: Other concessions in kind at present admissible in Field Areas as per details given in Annexure A to this Ministry's letter No. A/02504/AG/PS 3(a)/97-S/O(Pay/Services) dated 25.1.60, as amended, will continue to be admissible in the newly defined Field Areas as given in Appendix A to this letter. Similarly, the concessions admissible in Modified Field Areas as per details given in Appendix A to this Ministry's letter No. A/25761/AG/PS 3(b)/106-S/O(Pay/Services) dated 2.3.60, as amended, will be admissible in the Modified Field Areas as per Appendix B of this letter.

4.4. These allowances will, however, not be admissible to:

- (a) Static Formations/Units e.g. Military Farms, MFS, Recruiting Office, Training Centres & Establishments except the existing Counters Insurgency and Jungle Warfare School.
- (b) HQ Directorates and Units.
- (c) Civil Units unless embodied.
- (d) Record Offices and similar Establishments.

Auth: Govt of India, Min of Def, Letter No. A/37289/AG/PS 3(a)/1959/D(Ry./Sec) dated 31 August 1994.

5.1. High Altitude/Uncongenial Climate Allowance: Personnel serving in Field Areas which are situated at a height of 9000 ft. and above including uncongenial climate areas below height of 9000 ft. will be entitled to High Altitude/Uncongenial Climate Allowance. A lower rate would be applicable for areas with an altitude of 9000 ft. to 15000 ft. and a higher rate for areas above 15,000 ft. (excluding Siachen). The details of these areas are given in Appendix C. The rates of High Altitude/Uncongenial Climate Allowance are given as under:-

Rank	Cat-I (Heights from 9000 ft to 15000 ft including uncongenial climate areas below heights of 9000 ft.)	Cat-II (Heights above 15000 ft excluding Siachen)

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	in Rs. pm	in Rs. pm
1. Lt Col & above	400	
2. Major & Lt Col (T&S)	350	600
3. Captain	250	525
4. 2 Lt/Lt		375
5. JCOs including Hon'y Commissioned Officers	200 180	300 270
6. Havilder	140	210
7. Sepoy/Halk Including erstwhile NC(E)	100	150

5.2 High Altitude/Uncongenial Climate Allowance will be admissible in addition to the Compensatory Field Area Allowance and other concessions in kind.

5.3 The other conditions governing the grant of High Altitude/Uncongenial Climate Allowance as given in this Ministry's letter No. F.69/3/75/D(Pay/Services) dated 28.2.76, as amended, will continue to be applicable.

6.1 Siachen Allowance : Personnel serving in Siachen Glacier area will be eligible to the grant of Siachen Allowance at the following enhanced rates :-

(a) Officers	Rs. 1200 pm
(b) JCOs/ORs	Rs. 800 pm

6.2 Siachen Allowances will be admissible in addition to Compensatory Field Area Allowances but not with High Altitude/Uncongenial Climate Allowance. Other conditions governing grant of Siachen Allowance as contained in this Ministry's letter No. 1(2)/91/D(Pay/Services) dated 01 May 91 will continue to be applicable.

7.1 Consequential Effects : Officers/JCOs/ORs who have been allowed to retain family accommodation at the last duty station as on the date of issue of these orders and who on issue of these orders will cease to be entitled to retain such accommodation may continue to retain the accommodation till such time as married accommodation at their present duty station is made available. Alternatively, their families may be allowed to move to a selected place of residence/home at Government expense, if they so choose, in accordance with existing instructions.

7.2 Personnel of Formations/Units, who will not be eligible to the grant of Field Service Concessions, consequent upon the Formation/Unit being outside the newly defined concessional areas will be governed by normal conditions applicable in peace areas for all purposes.

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8. Concessions on Attachment

- (a) Individuals/Detachments from Formation/Units not covered by these orders but who are attached for operational purposes to Formations or Units drawing the Field Service Concessions will, if the attachment is for less than two weeks, be entitled to the concessions at present admissible under Para 6 of Annexure A to this Ministry's letter No. A/0250h/AG/PS 3(a)/97-S/D(Pay/Services) dated 25.1.64 as amended.
- (b) If the attachment is for two weeks or more, the allowance i.e. Compensatory Field Area Allowance/Compensatory Modified Field Area Allowance under these orders as also the concessions as applicable as per orders referred to in Para 8(a) above be admissible.
- (c) No cash TA/DA will be admissible in either case.

9.1 Date of Effect : These orders will come into force with effect from 1st April, 1993.

9.2 Consequent upon the coming into force of the revised orders, the following monetary allowances will stand withdrawn from 1.4.1993 except in cases referred to in Para 11.2 below :-

- (a) Special adhoc allowance of Rs.70/- pm admissible for Officers.
- (b) Separation Allowance of Rs.140/- pm admissible for Officers.
- (c) Special-Compensatory (Field) Allowance ranging from Rs.33 to Rs.23 pm admissible for JCOs/ORs including HC(E).

10. Special Compensatory (Remote Locality) Allowance : This allowance which is at present admissible in Modified Field Areas/Peace Areas on the civilian pattern will also stand withdrawn but w.e.f. 1st Feb 1994.

11.1 Adjustments : The allowances mentioned in Para 9.2 above drawn by the individuals concerned after 1st April, 1993 will be adjusted against the Compensatory Field Area Allowance and Compensatory Modified Field Area Allowance, if admissible, under these orders.

11.2 Where, however, an individual has become disentitled to any monetary allowance consequent upon change in the classification of area, no recovery will be made of the monetary allowance already availed of by an individual under existing orders upto the date of issue of this letter.

12. Existing orders on the subject of Field Service Concessions will stand modified to the extent indicated above.

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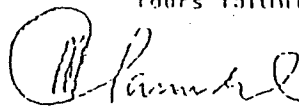
: 7 :

The concessions to be admissible to Defence Civilians serving in the newly defined Field Areas will be notified separately.

Suitable administrative instructions for implementation of these orders will be issued by the Army HQrs. In consultation with CGDA.

This is issued with the concurrence of Finance Division of this Ministry vide their U.O. NO. 5(1)/85-AG(8-PA) dated 12.1.1994.

Yours faithfully,



(B.A. Khan)

Under Secy to the Govt of India

*Revision as per the
recent list*

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Appendix A to Govt of India
Ministry of Defence Letter No 37269/
AO/PS 3(a)/90/D(Pny/Services)
dated 13 Jan 94
(Refer to Para 2.3)

LIST OF FIELD AREAS

1. EASTERN COMMAND

(a) Arunachal Pradesh

(i) Tirap and Changlang Districts.

(ii) All areas North of line joining point
4448 in LZ 4179-Mukme Dong MS 3272-Sepla MT
2969-Palim MO 9213-Daporijo NR 5841-Along
NL 1273-Hunli NM 3196-Tidding Tuwi MT
6369-Hayuliang NN 0170-Tawaken MT
8136-Champai Bun NM 8814 all inclusive.

(b) Manipur and Nagaland States.

(c) Sikkim. All areas North and NE of line
joining Phalut LV 4750-Gezing LV 7059-Mangkha LV
6160-Penlang La LW 0666-Rangli LW 1448-BP 1 in
LW 2453 on Indo-Bhutan Border - all inclusive.

2. WESTERN COMMAND

Himachal Pradesh - All areas East of line
joining Umalla NV 3951 Udalpur NY 8663 - Mani
Karan SB 2300 - Pir Parbat Pass TA 1459-Taranda
TA 2335-Barasua-Pass TA 8801 all inclusive.

3. CENTRAL COMMAND

Uttar Pradesh - All area North and NE of line
joining Barasua Pass Gangnani TG 1362-Govind
Ghat TG 0937-Tapovan TH 1822-Munsiari TN
8982-Relagad TO 2466 all inclusive.

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Appendix B to Govt of India
Ministry of Defence letter No 37269/
AG/PS 3(a)/90/D(Pay/Services)
dated 13 Jan 94 ✓
(Refers to Para 2.3)

LIST OF MODIFIED FIELD AREAS

SOUTHERN AND WESTERN COMMAND

(a) Rajasthan and Punjab. Areas West of line joining Jessal, Barmer, Jaisalmer, Pokharan, Udasar, Mahajan Ranges, Suratgarh, Lalgah Jattan, Abohar, Govindgarh, Fazilka, Jandiola Guru, Moga, Dholewal, Beas, Bir Sarangwal, Hussainiwala, Dera Baba Nanak, Laisain Bulge upto the International Border all inclusive.

(b) Haryana. Satrod (Hissar)

(c) Himachal Pradesh. Areas North of line joining Narkhanda, Keylong upto Field Area line/High Altitude line.

EASTERN COMMAND

(a) Assam and Arunachal Pradesh

✓ (i) Cachar and North Cachar Distts of Assam including Silchar. ✓

(ii) All areas of Arunachal Pradesh and Assam North of River Brahmaputra less Tejpur, Misamari and Field Areas.

(b) State of Mizoram and Tripura.

(c) Sikkim and West Bengal. Areas Northwards of line joining Sevoke LV 9112 - Burdong LV 9850 - Sherwani LV 9453 - Bagrakot LV 0113 - Dandim LV 1109 - New Mal - Basimara - QB 7894 Ganga Ram Tea Estate QA 1377 upto the High Altitude line/Field Area line/International Border all inclusive.

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Appendix B continued

CENTRAL COMMAND

Areas North of line joining Uttarkashi, Karan Prayag, Gauchar, Joshimath, Chamoli, Rudra Prayag, Askote, Charamagad, Dharchula, Kasauli and Narendra Nagar upto International Border all inclusive.

NORTHERN COMMAND

(a) Valley Sector. Areas West of line joining Pattan, Baramulla, Kupwara, Drugmulla, Pangea, Mankes, Duniyar, Pantha Chowk, Khanabal, Anantnag, Khundru and Khru upto the existing High Altitude line all inclusive.

(b) Jammu Region. Areas West of line joining - BP - 19, Brahmana-di-Bari, Jindra, Dhansal, Katra, Sanjhi Chatt, Batote, Patni Top, Ramban and Banihal upto the existing High Altitude line all inclusive.

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Appendix C to Govt of India
Ministry of Defence letter No 37269/
AO/PS 3(a)/90/D(Pay/Services) dt 13 Jan 94
(Refer to Para 5.1)

OF HIGH ALTITUDE (UNCONGENIAL CLIMATE) AREA

JAMMU AND KASHMIR - Area along the following line
beyond :-

Cease Fire Line nullah crossing NN 2180 SOUTH
along nullah to NALA Junc NN 1969 SOUTH along
nullah to NICHINAI BAR NN 2048 - SOUTH EAST along
Nala to SONAHARG NN 3443 ZOJILA NN 5141 SOUTH
EAST along KASHMIR/LADAKH boundary passing
through heights 17573 (NN 73) 19590 (NN 72) 19830
(NN 91) 17672 (NN 80) FARIABAD (No. 10) SOUTH
EAST along boundary to GR NT 2490 SOUTH along
boundary to point 21570 (NT 2466) again along
boundary to GR NT 2758 EAST AND NORTH EAST along
boundary to GR NT 4269 SOUTH EAST along boundary
to HAGSHULA (NT 5662) SOUTH EAST along boundary
to UMASILA (NT 6850) SOUTH AND SOUTH EAST along
boundary to KANGLA JOT (NT 9420) KAZALWAN GUREZ
REGION, RING PAIN AND RING BALA REGION, TITHWAL
AND TANGDHAR REGION AND DODA.

JHARKHAND PRADESH - Area along the following line
beyond :-

along foot path and then nullah to Point 12380 (NZ
11) along MIYAR nullah to its junction with
DABAR (NY 8663) SOUTH EAST along R CHUJAB KHOKHAR (NZ 43)

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Appendix C continued

SIKKIM

North and North East of the line running from
Point 12785 (IN 96) Point 10140 (LT 17) Point
10405 (LT 38) Point 9010 (LT 48) Nala Junction
(LT 5373) PADAMOTHEU (LT 6751) Point 10030 (LT
64).

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Appendix 'C' continued

To RAHILA (NZ 47) and Straight line to MANI KARAN
(SE 6486) along PARBA R to R 1 (PARBA Pass (1 A to
1560) then in straight line to BARAKAMBA (RA
2336)- SOUTH EAST TO GHASU (919900) along River
To CHITKAI (940890) in straight line to BARSALU
Pass (GR 944875).

3. UTTAR PRADESH:- Area along the following line and beyond:-

BARSALU Pass (944875) Point 20870 (949859), HARSTI
(973852) KEDARNATHI (TC 5555) BADRINATHI (TC 9058)
PANDUKESHWAR (TH 0739) (excluding town limits) to
GUMAGWAR (TH 3539) KALANKA (TH 5028) CHITYALEKH (TO 4994) and
Areas above 9000 ft in the designated Field Area in Appendix A.

4. NEFA :- Area along the following line and Beyond:-

Point 14600 (MS 288) to SENGE DZONG (MS 2888)
MATAU (MS 6777) SAKONG (MT 1379) LAPUNG (MT 2289)
KHANEWA (MO 2883) NYAPIN (MO 7525) to 8th
Mile-stone (One ZIRO-MYAIN Road) 8th mile-stone
(on DAPORHO - LIMEKING Road) - ROYOM (MT-9879)
2ND mile-stone north of YARE (MP 9575) DOSING (ML
3592) DAMROH (NE 6208) AHNKOLHI (DF 8811) KRONLI
(NG 2407) GURONGON (DB 4592) LABON (NM 7579)
HAYULIANG (NN 0199) CHOWAI (NM 9943) KAMPHU (NM
0125) Point 6490 (NF 1403) - VIJAYANAGAR (NS 4866)

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to RAHILA (NH 17) and then along line to KANSERGAON
 (SE 6406) along PANDUKESHWAR (NH 17) and then
 1560) then line to SAKONG (NH 1379) and then
 2036) - SOUTH EAST TO GILSA (940800) along line
 to CHITKAL (940800) and then line to LARSA
 Pass (GR 944075).

3. UTTAR PRADESH - Area along line to BARSAU Pass and
 beyond :-

BARSAU Pass (944075) to BARSAU (944059) HASTI
 (973052) KIRPAHATHI (973052) PANDUKESHWAR (NH 0739) excluding lower limits to
 DUHAGWAR (NH 3539) KALANKA (NH 35028) HILALI (NH
 7423) SELA (TO 2593) CHITTYABERKI (TO 4997) and
 areas above 9000 ft in the designated field area
 in Appendix A.

4. NEFA - Area along the following line and beyond :-

Point 14600 (MS 2001) to SERGE DZONG (MS 2000) -
 WATAU (MS 6777) SAKONG (MT 1379) LAPUNG (MT 2209)
 KHANEWA (MO 2003) NYAPIH (MO 7525) to Uel
 mile-stone (One ZERO-NYAPIH Road) Uel mile-stone
 (on DAPORJO - LINEKING Road) - ROYOM (MT 9378)
 2nd mile-stone north of YARE (MP 9575) DOSING (MS
 3592) DAMROH (ME 6208) AHINKOLIN (ME 8811) KRONLI
 (NG 2407) GURONGOH (NH 4592) LABOH (NH 7579)
 HAYULIANG (NH 0199) CHOWAH (NH 9943) KAMPHU (NH
 0125) Point 6490 (NH 1403) - VIJAYANAGAR (MS
 4866).

ANNEXURE 'A' TO CSD ORDER NO.17/2000 DATED 18/12/2000

(20)

No.1(26)/97/XA/D(Pay Services)

Government of India

Ministry of Defence

New Delhi - 110 011, dated the 29th February 2000

To

The Chief of the Army Staff,

The Chief of the Air Staff,

The Chief of the Naval Staff.

Subject : Removal of anomalies arising from the implementation of the revised pay scales and allowances consequent to the V CPC recommendations - Field Area Allowance, High Altitude Allowance and Special Compensatory Counter Insurgency Allowance - Reg

Sir,

I am directed to refer to this Ministry's letter No.1(22)/97/D(Pay/Services) and 3(4)/97/D(Pay/Services) both dated 8.1.1998 and to state that the issue regarding removal of anomalies arising from the implementation of revised pay scales and allowances consequent to the V CPC award has been considered in the light of the recommendations of a Committee specially constituted on the above subject and it has been decided that the following shall be the rates of Field Area Allowance, High Altitude Allowance and Special Compensatory Counter Insurgency Allowance -

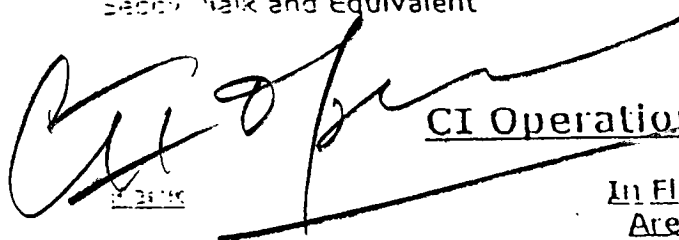
FIELD AREA ALLOWANCE

Rank	<u>Highly Active Field Area</u>		<u>Modified Field</u>
	<u>Field Area</u>		<u>Area</u>
			(Amt. Rs. per month)
Lt. Col. and Above and Equivalent	4,200	2,600	1,000 ✓
Major & Equivalent	3,880	2,400	930 ✓
Captain & Equivalent	3,550	2,200	860 ✓
Lieutenant & Equivalent	3,300	2,100	800 ✓
JCOs and Equivalent	2,910	1,800	600 ✓
Havildar & Equivalent	1,940	1,200	400 ✓
Sep/Nk & Equivalent	1,620	1,000	200 ✓

Attached
With
Adm

High Altitude Allowance

<u>Rank</u>	<u>Category I</u> (9000 to 15000 feet)	<u>Category II</u> (Above 15000 feet)
	(Amount in Rupees per month)	
Lieutenant Colonel and above and Equivalent	1,060	1,600
Major and Equivalent	930	1,400
Captain and Equivalent	660	1,000
Lieutenant and Equivalent	530	800
JCOs and Equivalent	480	720
Quartier and Equivalent	370	560
Sepoy Naik and Equivalent	270	400

 CI Operations Allowance

	<u>In Field Areas</u>	<u>In Modified field Field Areas</u>	<u>In Peace Areas</u>
	(Amount in Rupees per month)		
Lieutenant Colonel and above and Equivalent	3,900	3,000	2,600
Major and Equivalent	3,600	2,770	2,400
Captain and Equivalent	3,300	2,540	2,200
Lieutenant and Equivalent	3,150	2,420	2,100
JCOs and Equivalent	2,700	2,080	1,800
Quartier and Equivalent	1,800	1,380	1,200
Sepoy Naik and Equivalent	1,500	1,150	1,000

The matter regarding concurrent applicability of different risk-related allowances has also been under considered by the Government. It is clarified that as a rule only one of the risk-related allowance at the highest rates should be admissible in a designated area in addition to the applicable Field Area Concessions. The allowances that will be concurrently admissible in different areas and operations are indicated below :-

Type of Area/Nature of Operations

Border or Border

Allowances concurrently admissible

Station Allowance

Highly Active Field Area Allowance

5

Personnel who are also entitled to Flying Allowance shall draw either the Station or Flying Allowance along with the Highly Active Field Area Allowance. The Station and Flying Allowances shall not be admissible concurrently).

Highly Active Field Area	High Altitude Allowance I or II
Field Area	High Altitude Allowance I or II
Modified Field Area	High Altitude Allowance I or II

2. Personnel who are also entitled to Flying Allowance while serving in one of the above Field Areas shall draw, in addition, only the applicable Field Area Allowance depending on the area of their deployment)

CI Operations in Field Areas	High Altitude Allowance I or II
CI Operations in Modified Field Areas	High Altitude Allowance I or II
CI Operations in Peace Areas	High Altitude Allowance I or II

3. Personnel who are also entitled to Flying Allowance and are deployed in CI Operations shall draw, in addition, only the applicable CI Operation Allowance depending on the area of the operations.

In addition to the Special Forces Allowance, the Special Forces personnel shall be entitled to applicable Field Area and High Altitude Allowance when they are deployed in areas where such allowances are also admissible. However, when deployed on CI operations, they shall be entitled, in addition, only to the applicable CI Ops Allowance depending on the area of CI operations.

The grant of risk-related allowances to Defence Service Personnel will be regulated in accordance with the clarification given above.

Highly Active Field Areas will be notified by the Government separately. However, till then, allowances as applicable to Field areas will be payable. The difference between the rates at which Field Area Allowance is drawn and the Highly Active Field Area Allowance, will be paid as arrears.

The relevant Rules in Pay and Allowances Regulations for Army, Navy and Air Force will be promulgated in due course.

This letter will take effect from 1st May, 1999.

This is issued with the concurrence of Ministry of Defence (Finance) vide their U.O. dated 23-2-2000.

Yours faithfully,

(Signature)
(R.K. Grover)

Under Secretary to the Government of India

As per standard list of distribution.

Annexure-5

17 5 1888

Tele Mil : 2500

Office of the GE Silchar Division
PO : Arunachal, District : Cachar
Assam - 788025

1604/1888/EIP

25 Jun 04

AAO Shillong

SY PAY BILL ; FORWARDING OF

1. Following Sy Pay Bills in respect of Civ Officers and subordinates of this division are enclosed in duplicate alongwith following letters/docs for pre-audit and to issue payment order in favour of SBI Silchar for crediting into Public Fund Account of GE Silchar with an intimation to this office please :-

- (a) 00/CV/123 /sil dt 25 Jun 04
- (b) 00/CV/124 /sil dt 25 Jun 04
- (c) Govt of India, Min of Def letter No. 37269/AG/PS3(a)/90/D(Pay/Services) dt 13 Jan 94. 37269/CI/AG/PS3(a)/121/D (Pay/Services) dt 14 Jan 94, 1(26)/97/XX/D (pay/Services) dt 29-2-2K, 8(3)/91/D (pay/Services) dated 29-12-03.
- (d) HQ 3 Corps letter No 16037/2/A2(A) dated 03 Dec 03.
- (e) GE Silchar PTO No 21 of 24 May 04, PTO No 22 of 31 May 04, PTO No 24/1/04 dated 14 Jun 04 and PTO No. 06 of 01 Jun 04.

Encls : As above

(PK Mallick)
AE
AGE 'T'
for Garrison Engineer

Internal

Case No 1604/B/EIP

Attended
Mulla
Asw

Registered

no: P/11316/GC-II

Area Accounts Office

Shillong - 1

Dt: 20-7-04.

To

The C.E.
Sitchar.

Sub:- Sy. pay bills in r/o civ. offrs & subordinates: Behring

Ref:- Your office letter no: 1604/1888/EIP dt. 25/6/04.

—

Sy. bills bearing Vn no: 00/24/123/81 and 00/24/124/51 dt. 25-6-04 in r/o the above cited subject are returned here with the following remarks:-

① It is seen from the claim that the photo copy of the GOI letter no: 57269/AG/PS (a)/90/8 (Pay/Levies) dt. 15-1-94 is not visible. A clear copy of the same as well as copy of Min. g. d. letters dt. 10-1-92, 14-1-94 and dt 23-6-03 mentioned in a m.o.d. letter dt. 29-12-03 may please be enclosed.

② The claim has been preferred after more than 2 years, hence sanction of the C.F.A. may please be obtained for waiving time-bar.

ACDA has been.

14/EIP
CS
2/8

Encl:- As above.

2
317.

Attested
Mulla
Adm

B/F
20

Dm's hr
(D. Mishra)
Accounts Officer.

41-
Annexure - 7
20
Office of the GE Silchar Division
PO : Arunachal, District : Cachar
Assam - 788025

Telex Mil : 2500

1604/B/20 /Elp

27 Aug 04

Area Accounts Office
Bivar Road
Shillong - 1

SY PAY BILLS : RE-SUBMISSION OF

1. Ref to your letter No P/1/316/GC-II dt 20 Jul 04.
2. On personal liaison of our rep at CDA Guwahati, a legible copy of Govt of India, Min of Def letter No 37269/AG/PS3(a)/90/P(Pay/Services) dt 13 Jan 1994 has been obtained which is enclosed for your perusal please. Other two letters of 23 Jun 2003 and 10 Jan 92 mentioned in Govt of India, Min of Def letter No 8(3)/91/D (Pay/Services) dt 29 Dec 2003 could not be traced at CDA Guwahati.
- ✓ 3. This office only came to know about the eligibility of SC (CI Ops) Allee by defence civs on receipt of copy of Govt of India, Min of Def letter No 8(3)/91/D (Pay/Services) dt 29 Dec 03.
4. Therefore, imposition of Rule 82 of GFR is not applicable in this case as delay in preferring this claim is due to lack of administrative reason. Because, if copy of Govt of India's letters and other related docs communicated to this office in time, imposition of Rule 82 of GFR would be relevant.
5. Further, Note (3) of Rule 82 inserted vide Govt of India, Min of Fin OM No 10 (57)-B/65 dt 17 Jul 65 and F.23(14)-E.II(A)/86 dt 26 Sep 86 states as under :-

"(3) Retrospective claims become due only from date of sanction"

In the case of sanction accorded with retrospective effect the charge does not become due before it is sanctioned. The time limit specified in Rule 82 should be reckoned from the date of sanction and not from the date on which the sanction takes effect."

Hence, the time limit as specified in Rule 82 of GFR may be reckoned from 29 Dec 2003 and not from the date on which sanction takes effect.

6. In view of the above, your office is requested to review your earlier views in light of clarifications given above and to admit the bills in audit please.

7. Following Sy Pay Bills are re-submitted alongwith connected docs for further action please :-

- (a) 00/CV/123/S11 dated 25 Jun 04
- (b) 00/CV/124/S11 dated 25 Jun 04

Encls : As above

(J Chakrabarty)
BSO
for Garrison Engineer

27/8

B/P
18
Attended
Dulla
Adm

(2)

- 42- Annexure - 88

Registered (34) 2187

No P/1/316/GC/II 34

O/o The Area Account Officer
Bivas Road
Shillong.
Dt: 18/02/2005

The CDO (Pay Sec)
'Udayan Vikas' Naranyi
Gungahati - 781171

Subject: By Pay Bill on account of arrears of
counter emergency operation allowance
in respect of MES officer/personnel of GE
Silchar.

Reference: - GE Silchar letter No 1604/2054/EN dt 3/4/4

By Pay Bill bearing V.R. No 0064/23/Sil
dt 25/6/04 for Rs 60,210/- and 0064/20/Sil
dt 25/6/04 for Rs 32,96,410/- on account of
arrears of special (compensatory (modified field
area) and counter emergency operation
allowance in respect of MES officer/
personnel of GE Silchar, received with letter
no. cited under reference are forwarded
herewith with the following readers:

The claim papers could not be
submitted in absence of all the relevant
letter mentioned herein. It is requested to
examine the rule and confirm eligibility
for concession claimed.

As DA has been seen.

Enclosed: As above.

Account Officer

Copy to:

The GE
Silchar: - For information w.b. Babar.
Further communication will follow on receipt
of clarification from first addressee.

Account Officer

Accepted
Mulla
20/2/05

FOR PERSONAL ATTENTION OF COMMANDER PLEASE

tele:Mil:1500

Office of the GE Silchar Division
Po: Arunachal Dist: Cachar (Assam)
Pin: 788025

1604/S/ 37 /R1P

09 Apr 2005

HQ 137 Works Engrs
C/O 99 APO

GRANT OF SPECIAL COMPENSATORY COUNTER INSURGENCY
OPERATIONAL ALICES (OP RHINO) TO DEFENCE CIVILIAN
STAFF OF GE SILCHAR

1. Please refer Govt of India Min of Def OM No 8(3)/91/D(Pay/Services) dated 29 Dec 2003 (copy enclosed for ready reference). The Defence Civilians staff are also entitled for Special Compensatory CI Ops allowance (Op Rhino) vide letter ibid.
2. GE Silchar has been notified as deployed in Op Rhino vide HQ 3 Corps letter No 16037/2/A2(A) dated 03 Dec 2003. Based on this the bill was forwarded to competent authority.
3. CDA Guwahati has referred the case to HQ 3 Corps vide their letter No PAX/025/IV dated 18 Nov 2004. The confirmation has again asked vide their office letter No PAX/025/IV dated 14 Mar 2005. (copies of letters enclosed for ready reference).
4. In view of above, it is requested that HQ 3 Corps may be apprised of situation so that based on their clarification, the dues of the Defence Civilian staff of GE Silchar may be paid please.

F-11

F-36

52
43

(Vinoth Kumar)
RE
Garrison Engineer

Encl: As above.

Copy to:-

HQ 3 Corps : It is requested that confirmation as asked vide CDA
C/99 APO Guwahati regarding admissibility of Spl Compensatory-
(Modified Field Area Concession) and CI OP Alices
in respect of Defence Civilian Staff of this office
may please be forwarded at your earliest.

Attested
Dutta
Adm

- 44 -

Annexure - 10. 456M

Tele Mil : 2500

Office of the GE Silchar Division
Military Engineer Services
PO : Arunachal, District : Cachar
Assam - 788025

1604/B/45 /E1P

09 Jan 06

HQ 137 Wks Engrs

**OP RHINO-CONCESSIONS TO ARMED FORCES OFFICERS
AND PERSONNEL BELOW OFFICER RANK INCLUDING
INCLUDING DEFENCE CIVILIAN DEPLOYED IN CI OPS**

1. It is requested to forward a copy of Ministry of Defence letter No. 8(3)/91/D(Pay/Services dated 23-6-2003 and 10-1-1992 on the subject as the same have not been received by this office so far.

(D R Das)
AE
AGE 'T'
for Garrison Engineer

Attended
Butta
Adh

21/1/06

—45—

Annexure - 11

(120)

REGISTERED

PAY/025/IV,

Office of the CDA Guwahati,

Udayan Vihar, Narangi,

Guwahati-781171.

Dated :- 14/03/2005.

To,

✓ HQrs. 3 Corps,
C/O 99 APO

Sub :-

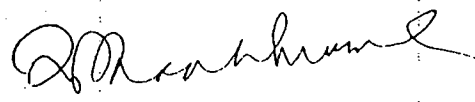
Grant of Special Compensatory Counter Insurgency Operational Allowance (OP Rhino) to civilian staff of GE Silchar.

--XX--

Kindly refer to this office letter of even no. dated 18.11.04 (copy enclosed) and furnish the informations called for therein. In this connection it may be stated that GE Silchar has furnished a Nominal roll of 415 civilians of his formation who were deployed in OP Rhino vide his letter no. 1604/B/3300/EIP dated 04.02.05 addressed to this office with copy to you amongst others. He has also preferred arrear claims for Rs.6,00,210/- and Rs.32,96,410/- on account of Special Compensatory (Modified Field Area concessions) and counter insurgency operation allowance to Area Accounts Office, Shillong. But in absence of the following informations as called for earlier, this office is not in a position to give clearance to the bills.

1. Details of the civilian staff to GE Silchar who were actually deployed in "OP RHINO".
2. Nature of concessions granted tot hem for the period of operation.
3. Actual period for which concessions are admissible.
4. Rate of concession granted along with authority letter.
5. Whether the employees who were granted Modified Field Area concessions were retaining any Govt. accommodation in their old peace duty station.

Kindly accord priority to provide us with the above mentioned informations so that the case may be finally disposed off at the earliest.


(C.ZOTHANKHUMA)
JT. CONTROLLER

(Contd. On Page-02)

Handwritten notes:
Hester
Dutta
for

Handwritten notes:
37/04/05 (11)

- 46 -
✓
File No : 2500

Annexure-12 46 66
Registered

Office of the GE Silchar Division
Military Engineer Services
PO : Arunachal, District : Cachar
Assam - 788025

1604/B/ 46 /EIP

10 Jan 06

HQ 3 Corps

09099 A.P.O

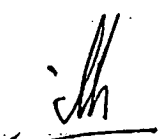
GRANT OF SPECIAL COMPENSATORY COUNTER INSURGENCY
OPERATIONAL ALLOWANCE (OP RHINO) TO CIVILIAN
STAFF OF GE SILCHAR

1. Ref to CDA Guwahati letter No. Pay/025/IV dated 14-3-2005 addressed to your HQ. Your HQ letter No. 16037/1/A2 dt 29 Oct 05 and this office letter No. 1604/B/33/EIP dt 04 Feb 05.
2. A copy of CDA Guwahati letter No. Pay/025/IV dt 14 Mar 05 is enclosed with a request to provide necessary information as asked vide Ser No 1 to 5 of the ibid letter to enable CDA Guwahati to issue necessary clearance to AAO Shillong for admitting the bill in audit please.
3. As the bill contains most of Group 'C' and 'D' employees of this office and they are constantly focusing this issue in various forums hence, your HQ is requested for an early action please.

Encl : One

Copy to :-

HQ 137 Wks Engrs - for info please.


(Satendra Singh)
EE
Garrison Engineer

N
2 

Attested
Mulla
Adh

Tale Mil : 2500

Office of the GE Silchar Division
Military Engineer Services
PO : Arunachal, District : Cachar
Assam - 788025

1604/E/H7/EIP

19 May 06

HQ 3 Corps
C/O 99 APO

**GRANT OF SPECIAL COMPENSATORY COUNTER INSURGENCY
OPERATIONAL ALLOWANCE (OF RHINO) TO CIVILIAN
STAFF OF GE SILCHAR**

1. Please ref :-

- F/36 (a) CDA Guwahati letter No. PAY/025/IV dt 14-3-2005 addressed to your HQ and copy to this office and AAO Shillong.
- F/38 (b) CDA Guwahati letter No. PAY/025/IV dt 18-11-2004 addressed to your HQ and copy to Chief Engineer Shillong Zone, Shillong, this office & others.
- F/39 (c) Your HQ letter No. 16037/2/A2(A) dt 20-4-2005 addressed to this office.
- F/43 (d) This office letter Nos 1604/E/40/EIP dt 12-5-2005, 1604/E/43/EIP dt 28-9-2005 and 1604/E/46/EIP dated 10-1-2006.

2. This office had taken up a case for payment of Special compensatory counter insurgency operational allowance (OF RHINO) to civilian staff of GE Silchar with CDA Guwahati. CDA Guwahati has asked some specific queries from HQ 3 Corps which has not been given by your HQ and hence the claims are pending since long.

3. The comments on the CDA Guwahati queries have already been given in above ref letters. Civilian staff of GE MES Silchar works hand in hand with the troops posted at Masimpur, Vairengte and Aizawl. MES is a mixed organisation where on similar posts Army and civilians are posted e.g. out of GD Clk (army person) 50% and civ 50%. 50% JK's are civ & other 50% Mil pers. While performing the same duties the Mil pers are getting the above mentioned allowance, the same is not being paid to civ employees.

4. It is requested that the replies to the query of CDA Guwahati may be given on priority for welfare of civ staff.

(Satendra Singh)
EE
Garrison Engineer

Copy to :-

HQ 137 Wks Engrs - The matter has been discussed with CME during his visit on 22-23 Apr 06. Please pursue the case with HQ 3 Corps for early action.

Attested
Mulla
Adv

16037/1/A2

HQ 41 Sub Area (A)
C/O 99 APO

Annexure-14

HQ 3 Corps
Pin - 908503
C/o 99 APO

Q Jun 2006

**GRANT OF COMPENSATORY COUNTER INSURGENCY OPERATION AL
ALLCE (OP RIHNO) TO CIVILIAN STAFF OF GE SILCHAR**

1. Ref your letter No 0341/6/PC/GS(SD)(i) dt 15 May 06 and earlier letters thereon.
2. You are requested to clarify the following pts in connection with CI Ops allce to civilian emp of GE Silchar and fwd the same direct to CDA Guwahati under intimation to this HQ :-
 - (a) Details of the civilian staff to GE Silchar who were actually deployed in "OP RHINO".
 - (b) Nature of concessions granted to them for the period of operation.
 - (c) Actual period for which concessions are admissible.
 - (d) Rate of concessions granted alongwith authority letter.
 - (e) Whether the employees who were granted Modified Field Area Concessions were retaining any Govt accn in their old peace duty station.
3. Copies of CDA Guwahati letter No Pay/025/IV dt 18 Nov 04 and even No d 14 Mar 05 are also encl herewith for your further necessary action please.

*Attested
Dutta
Adv*

[Signature]
(Deepak Upreti)
Lt Col
AAG
For COS

Copy to :-

CDA Guwahati,
Udayan Vihar, Narangi,
Guwahati-781171

HQ 137 Wks Engrs

GE Silchar Division
MES
PO : Arunachal,
Dist : Cachar (Assam)

For information with reference to your letter cited at para 3 above.

For info Wrt GE Silchar Division letter No 1604/B/47/E1P dt 19 May 06 and 137 Wks Engr letter No 1301/72/E1P dt 25 May 06.

[Signature]

-49-

Annexure-15,

50

9

Tele : 6042(M11)

Headquarter
137 Works Engineer
C/O 99 APO

1301/ 18 /EIP

11 July 2006

✓ GE Silchar
P.O: Arunachal
Dist: Cachar
Assam.

**GRANT OF COMPENSATORY COUNTER INSURGENCY
OPERATIONAL ALLOWANCES(OP RHINO) TO
CIVILIAN STAFF OF GE SILCHAR /**

1. Reference your Letter No.1604/B/47/EIP
dt 19 May 2006 and 1030/426/EIE dt 07 June 2006
(Para 4/K).

2. It is intimated that clarification for payment
of CIOPa allowances have already been forwarded to
HQ 41 Sub Area, C/O 99 APO Vide HQ 3 Corps
Letter No.16037/1/A2 dt 02 June 2006 with an
intimation to this HQ and also your division.

3. Outcome of the same will be intimated to
you as and when received from higher HQ.

(V D Sharma)
Lt Col
Offg Adjt
for CWS

Attested
Adm
Adm

an/*

- 50 -

Annexure-16

5/2
80

File: Milv: 250K

Office Of The Garrison Engineer Silchar
PO: Arunachal, Dist: Cachar, Assam

1604/B/57 RFP

21 JULY 2006

Station Headquarters

Station

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**GRANT OF COMPENSATION COUNTER INSURGENCY
OPERATION ALLCE (OP RHINO) TO CIVILIAN STAFF
OF GE SILCHAR**

1. Reference to your HQ letter No. 1223/G(OPS) dated 03 May 2006.

2. Details as per Para 2 Sub (a) to (e) of HQ 3 Corps letter No. 16037/1/A2 dt. 02 Jun 06 asked vide your HQ above letter is furnished as under:

- (a) Nominal Roll of the civilian staff of GE Silchar were actually deployed in "OP RHINO". Zerox copy attached please.
- (b) A zerox copy of HQ 3 Corps letter No. 16037/2/A2(A) dt. 10 Sep 05 attached please.
- (c) Period from 01 May 99 to Sep 2005.
- (d) In this connection a copy of G of I letter notifying the rates is also enclosed.
- (e) Civilian employees of this division not in receipt of Modified field allowance And allowing in this same station please.

Enclo: As above

(S Satyanadh)
AGE 'T'
For Garrison Engineer

Attested
Dutta
pol

FL
57

u
h
G

- 51 -
Annexure - 17

Station Headquarters
Masimpur Mil Stn (Silchar)

1223/G(Ops)

22 Aug 2006

HQ 41 Sub Area GS(SD)

GRANT OF COMPENSATORY COUNTER INSURGENCY OPERATIONAL
ALICE (OP RHINO) TO CIVILIAN STAFF OF GE SILCHAR

1. Please ref your letter No 0341/6/GS(SD) dt 10 Jun 06.
2. Details as per para 2 ser (a) to (e) of HQ 3 Corps letter No 16037/1/A2 dt 02 Jan 06 obtained from GE Silchar are fwd herewith as under :-
 - (a) The photo copy of the nominal roll of the civilian staff of GE Silchar actually deployed in "OP RHINO" is att please.
 - (b) A xerox copy of HQ 3 Corps letter No 16037/2/A2(A) dt 10 Sep 05 is also att.
 - (c) The actual period of deployment is from 01 May 99 to Sep 2005.
 - (d) A copy of G of I letter notifying the rates of concessions granted is also enclosed.
 - (e) The civilian employees of GE Silchar are not in receipt of Modified field allowance and the alicie for staying in this station please.

*Attended
Dutta
for*

Encls : As above

Copy to :-

GE Silchar ✓

- For info with ref to their letter No 1604/B/52/EIP dt 21 Jul 2006.

(Kailash Chand)
Col
Offg Adm Comdt
for Stn Cdr

*RR / BR
SQ*

Mukhyalaya 41 Sub Area
Headquarters 41 Sub Area
PIN : 908641
C/O 99 APO

30 Aug 06

0341/6/PC/GS(SD)

HQ 3 Corps (A)

**GRANT OF COMPENSATORY COUNTER INSURGENCY OPERATIONAL
ALICE (OP RHINO) TO CIVILIAN STAFF OF GE SILCHAR**

1. Ref your letter No 16037/1/A2 dt 02 Jun 06.
2. Details as per para 2 ser (a) to (e) of your letter under ref are fwd herewith as under :-
 - (a) The photocopy of the nominal roll of the civilian staff of GE Silchar actually deployed in "OP RHINO" is att please
 - (b) A zerox copy of your HQ letter No 16037/2/A2(A) dt 10 Sep 05 is also att.
 - (c) The actual period of deployment is from 01 May 99 to Sep 2005.
 - (d) A copy of G of I letter notifying the rate of concessions granted is also enclosed.
 - (e) The civilian employees of GE Silchar are not in receipt of Modified field allowance and the allice for staying in this station please.

*Attested
Writter
AW*

MS Phaniraj
(MS Phaniraj)
Col
Offg Col GS

Encls : As above.

Copy to :-

Strn HQ Silchar/Masimpur

for info wrt your letter No 1223/G(Ops) dt 22 Aug 06.

RESTRICTED

HQ 3 Corps
Pin 908503
C/O 99 AFO

1603/12/A2 (A)

10 Mar 2007

CDA (O) Pune(Tech Sec)
Concerned PAO (OR),
CDA and Record Offices

**GRANT OF SPECIAL COMPENSATORY FIELD AREA, MODIFIED FIELD
AREA AND COUNTER INSURGENCY OPERATION ALLOWANCE**

1. Ref Govt of India, MOD letter Nos :-

- (a) 37269/AG/PS-3(A)/90/D(Pay/Services) dt 13 Jan 94. ✓
- (b) 37269/CI/AG/PS-3(A)/121/D (Pay/Services) dt 14 Jan 94. ✓
- (c) 8(1)/97/D(Pay/Service) dt 03 Jun 97.
- (d) 1(26)/97XX/D(Pay/Service) dt 29 Feb 2000. ✓
- (e) B/37269/AG/PS-3(a)/178/D(Pay/Service) dt 18 Sep 2001.
- (f) 8(3)/2000/D(Pay/Services) dt 20 Feb 2002.
- (g) 8(1)/97/D(Pay/Services) dt 22 Jun 2005.

2. The quarterly report for the Quarter Ending Feb 2007 regarding list of formations/units falling in Field Area, Modified Field Area and Counter Insurgency Operations Area is submitted herewith as per Appendix for your necessary action please.

*Attested
Mulla
Adv*

(Amit Kathpalia)
Col
Col A
For GOC

Encls As above

Copy to :-
Adjutant General's Branch (AG PS-3 (a))
Army Headquarters
DHQ, FO New Delhi- 110011

HQ Eastern Comd (A)
Fort William,
Kolkata - 21

RESTRICTED

RESTRICTED

2.

HQ 57 Mtn Div (A)
HQ IGAR (N)
HQ IGAR (S)
HQ 23 Sector
HQ 21 Sector
HQ 5 Sector
HQ 7 Sector
HQ 9 Sector
HQ 10 Sector
HQ CE (P) Pushpak
HQ CE (P) Sewak
HQ CE (P) Setuk
HQ CE (P) Udayak
HQ 101 Area
HQ 41 Sub Area
HQ Rtg Zone Shillong

1. For info alongwith a copy of the above Appx.
2. Relevant extracts may pl be fwd to fmns/
units. Consolidated data for the next qr in r/o all
fmns/units may pl be fwd to this HQ by 20 May 07.

Ser No	Fmn/Unit	Loc	Status	Date	
				From	To
176.	61 'B' DSC Pl att with 444 Coy ASC (Sup)	Masimpur (Assam)	CMFAA	01 Jun 02	To date
177.	GE Silchar	Silchar (Assam)	CMFAA	01 Dec 06	28 Feb 07
178.	BRO Silchar	Silchar (Assam)	CMFAA	01 Nov 99	To date
179.	GE 872 Engr Wks Sec	Agartala (Tripura)	CMFAA	15 Feb 97	To date
180.	GE (I) (P) Teliamura	Teliamura (Tripura)	CMFAA	10 Apr 2000	To date
181.	Adhoc Stn HQ Vairangte	Vairangte (Mizoram)	CMFAA	01 Jun 05	To date
182.	435 & 444 DSC Pls att to 22 Wing AF	Kumbhirgram (Assam)	CMFAA	01 Jun 04	To date
183.	478A DSC Pl att with 57 Mtn DOU	Rangapahar (Nagaland)	CFAA	01 Dec 06	28 Feb 07
HQ 57 Mtn Div					
184.	HQ 57 Mtn Div (Main)	Leimakhong (Manipur)	SCCIA (Fd Area)	29 Mar 04	To date
185.	HQ 57 Mtn Div (Rear)	Masimpur (Assam)	SCCIA (Mod Fd)	29 Mar 04	To date
186.	18 Engr Regt (Main)	Leimakhong (Manipur)	SCCIA (Fd Area)	19 Oct 06	To date
187.	18 Engr Regt (Rear)	Masimpur (Assam)	SCCIA (Mod Fd)	19 Oct 06	To date
188.	57 Mtn Div Sig Regt (Rear)	Masimpur (Assam)	SCCIA (Mod Fd)	29 Mar 04	To date
189.	57 Mtn Div Sig Regt (Main)	Leimakhong (Manipur)	SCCIA (Fd Area)	29 Mar 04	To date
190.	557 ASC Bn (Rear)	Masimpur (Assam)	SCCIA (Mod Fd)	03 Dec 02	To date
191.	557 ASC Bn (Main)	Leimakhong (Manipur)	SCCIA (Fd Area)	04 Aug 05	To date
192.	A Coy (MT) 557 ASC Bn	Leimakhong (Manipur)	SCCIA (Fd Area)	03 Dec 02	To date

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<u>Ser No</u>	<u>Emn/Unit</u>	<u>Loc</u>	<u>Status</u>	<u>Date</u>	
				<u>From</u>	<u>To</u>
193.	9 Compo PI 557 ASC Bn	Jiribam (Manipur)	SCCIA (Fd Area)	01 Nov 05	To date
194.	Det 9 Compo PI 557 ASC Bn	Aizawl (Mizoram)	CMFAA	01 Oct 05	To date
195.	Det 10 Compo PI 557 ASC Bn	Agartala (Tripura)	SCCIA (Mod Fd)	03 Dec 02	To date
196.	11 Compo PI 557 ASC Bn	Bishenpur (Manipur)	SCCIA (Fd Area)	01 Apr 05	To date
197.	12 Comp PI 557 ASC Bn	CC Pur (Manipur)	SCCIA (Fd Area)	01 Oct 05	To date
198.	75 DSC PI att with 12 Comp PI 557 ASC Bn	Zakhama (Nagaland)	CFAA	01 Dec 06	28 Feb 07
199.	Det 12 Comp PI 557 ASC Bn	Chakabama (Nagaland)	SCCIA (Fd Area)	03 Dec 02	To date
200.	Det 12 Comp PI 557 ASC Bn	Zakhama (Nagaland)	SCCIA (Fd Area)	03 Dec 02	To date
201.	657 EME Bn	Leimakhong (Manipur)	SCCIA (Fd Area)	08 Aug 05	To date
202.	862 Fd Wksp Coy EME	Leimakhong (Manipur)	SCCIA (Fd Area)	08 Aug 05	To date
203.	Det 862 Fd Wksp Coy EME	Masimpur (Assam)	SCCIA (Mod Fd)	08 Aug 05	To date
204.	57 Mtn Div Ord Unit	Masimpur (Assam)	SCCIA (Mod Fd)	15 Dec 02	To date
205.	34 DSC PI & 165 'A' DSC PI att with 57 Mtn DOU	Masimpur (Assam)	CMFAA	15 Dec 02	To date
206.	No 1 Det 57 Mtn DOU	Leimakhong (Manipur)	SCCIA (Fd Area)	15 Feb 97	To date
207.	Amn Point 57 Mtn DOU	Rangapahar (Nagaland)	SCCIA (Fd Area)	25 Oct 99	To date
208.	478 'A' DSC PI att with Amn point 57 Mtn DOU	Rangapahar (Nagaland)	CFAA	25 Oct 99	To date
209.	474 'A' DSC PI att with Amn Point 57 Mtn DOU	Agartala (Tripura)	CMFAA	20 Nov 03	To date
210.	57 Mtn Div Postal Unit	Masimpur (Assam)	SCCIA (Mod Fd)	20 Nov 02	To date

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Annexure - 20

No. 8(3)/91/D(Pay/Services)

Government of India

Ministry of Defence

New Delhi, dated the 14th January, 2005.

To

The Chief of the Army Staff
New Delhi.

Subject: Op Rhino - concessions to Armed Forces Officers and Personnel Below Officer Rank
including Defence civilians deployed in CI Ops.

Sir,

I am directed to refer to this Ministry's letter of even number dated 27th July, 2004 on the above subject and to convey the sanction of the President to the grant of concessions mentioned in this Ministry's letter of even number dated 10th January, 1992 read with this Ministry's letter No. 37269/CI/AG/PS-3(a)/121/D(Pay/Services) dated 14th Jan. 94, as amended, for a further period of six months w.e.f. 15th December, 2004 i.e. till 14th June 2005 or till the termination of Op Rhino, whichever is earlier.

2. This issues with the concurrence of Finance Division of this Ministry vide their UO No. 5(21)/2002/1067/AG/PA dated 7th January 2005.

Yours faithfully,

(R.K. Grover)

Under Secretary to the Government of India

Copy to :

CGDA, New Delhi
Director (Fin/AG)
DGA(DS), Church Road, L-II Block, Brassey Avenue, New Delhi
CDA(O), Pune
CDA, Bangalore
PCDA(Western Command), Chandigarh
CDA(Eastern Command), Kolkata
PCDA(Northern Command), Jammu
PCDA(Central Command), Lucknow
CDA, Patna
CDA, Secunderabad
Director of Accounts (Postal), APS Accounts Section, Nagpur.
✓ ARMY HEADQUARTERS - AG/PS-3(a)
CDA(HQ), New Delhi
AG/MP-5&6
Asstt Director (D), O/o Director ARO, DG of Security-
Cabinet Secretariat, East Block-5, R.K.Puram, New Delhi.

ALSO A COPY SIGNED IN INK TO :

CGDA New Delhi	CDA (P), Allahabad	CDA Bangalore	PCDA (WC) Chandigarh
CDA (O), Pune	CDA Guwahati	PCDA(NC), Jammu Cantt.	CDA Jabalpur
CDA (EC) Kolkata	CDA, Chennai	CDA(Army), Meerut Cantt	
PCDA(CC) Lucknow	PCDA(S C), Pune	CDA Secunderabad	
CDA Patna			
Director of Accounts (Postal), APS Section, Nagpur			

Attended
10/1/05
Adw

20/01/05
RSD