

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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CP 9/08 A/O 05.06.2008

✓ O.A./T.A No. 304/12007
R.A./C.P No.
E.P./M.A No.

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

1. Original Application NO. 304/07

2. MIBs Petition No.

3. Contempt Petition No

4. Review Application No.

Applicant(S).....S. N. Yadav & Ors.....VS-Union of India & Ors

Advocate for the Applicants...H. Nagobinda Boruah.....

Advocate for the Respondant(S).....case.....

Notes of the Registry	Date	Order of the Tribunal
<p>Application is in form is filed/C.F. for Rs. 50/- d pos. & vide APC/DO No. <u>701648868, 66F848814</u> Dated <u>13.12.07</u> <u>66F848815</u></p> <p>Registrar</p> <p>Petitioner's copy for issue notices are received with envelopes. copy served</p> <p><u>4.2.08</u> Copy of the judgment issued vide D/NOS 933 to 950 dt 4.2.08</p>	<p>19.12.07</p> <p>PG</p>	<p>Heard learned counsel for the parties. For the reasons recorded separately the O.A is disposed of at the admission stage. No costs.</p> <p>(M. R. Mohanty) Vice-Chairman</p>

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.304/2007 & M.P.135/2007.

DATE OF DECISION : 19-12-2007

Mr. S. N. Yadav & 54 others

.....Applicant/s

Mr H. G. Baruah

.....Advocate for the
Applicant/s

-Versus -

Union of India & Ors.

.....Respondent/s

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

.....Advocate for the
Respondent/s

CORAM

THE HON'BLE MR MANORANJAN MOHANTY, VICE CHAIRMAN

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


Vice-Chairman

6

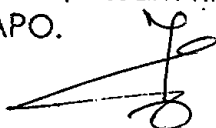
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 304 of 2007
&
Misc.Petition No.135 of 2007.

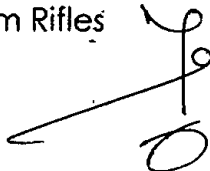
Date of Order: This, the 19th Day of December, 2007

THE HON'BLE SHRI MANORANJAN MOHANTY, VICE CHAIRMAN

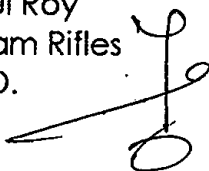
1. Mr.S.N.Yadav
Hindi Translator
S/o Late Shri Ram Yadav
O/A HQ IGAR, (N)
C/o 99 APO.
2. Mr. Digvijay Kumar Singh
Hindi Teacher
S/O Mr. Rup Narayan Singh
O/A 17 Assam Rifles
C/o 99 APO.
3. Mr. Ravi Mohan Dwivedi
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O/A 17 Assam Rifles
C/o 99 APO.
4. Mrs. Rajesh Devi
FA 132, FA
W/O Mr. Sunder Singh
O/A 17 Assam Rifles
C/O 99 APO.
5. Mr.Mohan Ram
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S/O: Late N. Ram
O/A: 21 Sector, Assam Rifles,
C/O: 99 APO.
6. Mr Sunil Kumar Singh
Hindi Translator
S/O: Late Dbanushdhar Singh
O/A: 7 Sector, Assam Rifles
C/O: 99 APO.
7. Mr. Kailash Thakur
Civil Barber
S/O: Late Chhotan Thakur
O/A: 7 Sector, Assam Rifles
C/O: 99 APO.



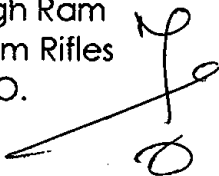
8. Mr Shambhu Ram
Civil Safai
S/O: Mr. Laugar Ram
O/A: 7 Sector, Assam Rifles
C/O: 99 APO.
9. Mr Sudhir Kumar Jha
Civil Cook
S/O: Mr Satyug Jha
O/A: 7 Sector, Assam Rifles
C/O: 99 APO.
10. Mr. Birendra Rai
Civil Washerman
S/O: Mr. Pukar Rai
O/A: 7 Sector, Assam Rifles
C/O: 99 APO.
11. Mr. J.B.Thakur
Hindi Teacher
S/O: Mr. Baleswar Thakur
O/A: 12 Assam Rifles
C/O: 99 APO.
12. Mr. R. K. Thakur
Jr. Teacher
S/O: Mr. Singheshwar Thakur
O/A: 12 Assam Rifles
C/O: 99 APO.
13. Mr. Jaganidhi Pokhereal
Jr Teacher
S/O: Mr. Ram Prasad Pokhereal
O/A: 12 Assam Rifles
C/O 99 APO.
14. Mrs. Anita Negi
Senior Teacher
W/O: Mr. R.s. Negi
O/A: 12 Assam Rifles
C/O 99 APO.
15. Mrs. Kanika Bazbaruah
Staff Nurse
W/O: Mr. S.N.Bezbaruah
O/A: 12 Assam Rifles
C/O: 99 APO.
16. Miss. Jamuna Negi
Staff Nurse
D/O Mr Pratap Singh Negi
O/A: 12 Assam Rifles
C/O: 99 APO.

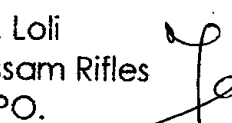


17. Mrs. Nijora Narzary
Staff Nurse
W/O: Mr Sarubam Narzary
O/A: 12 Assam Rifles
C/O 99 APO.
18. Mrs. Sandhya Devi
Aya
W/O: Mr. Bhagwan Ram
O/A: 12 Assam Rifles
C/O 99 APO.
19. Mrs. Ramabati Devi
Aya
W/O: Mr. L.K.singh
O/A: 12 Assam Rifles
C/O 99 APO.
20. Mrs. Kalabati Devi
Aya
W/O: Mr. Lal Mohan
O/A: 12 Assam Rifles
C/O 99 APO.
21. Mr. Rakesh Singh Negi
Hindi Translator
S/O: Mr. Chandra S. Negi
O/A: 12 Assam Rifles
C/O 99 APO.
22. Mr. Anant Anand
Hindi Typist
S/O: Mr.Satyawan Kapri
O/A: 12 Assam Rifles
C/O 99 APO.
23. Mr.Ajay Kumar Pandit
Hindi Typist
S/O: Mr Rakesh A. Pandit
O/A: 12 Assam Rifles
C/O 99 APO.
24. Mr.Anand Kr. Gupta
Hindi Translator
S/O: Late D.B. Prasad
O/A: 31 Assam Rifles
C/O: 99 APO.
25. Mr. Ashok Roy
Hindi Typist
S/O: Mr Sukul Roy
O/A: 31 Assam Rifles
C/O: 99 APO.

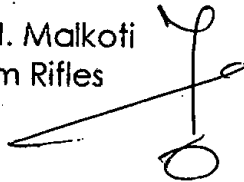


26. Mr. Ramayan Singh Yadav
Hindi Teacher
S/O: Late Ramkesh S. Yadav
O/A: 42 Assam Rifles
C/O: 99 APO.
27. Md. Idress Ali
Hindi Teacher
S/O: Late Abdur Raheem
O/A: 42 Assam Rifles
C/O: 99 APO.
28. Mr. Sanjay Kumar Chanchal
Jr. Teacher
S/O: Late Basant Ram
O/A: 42 Assam Rifles
C/O: 99 APO.
29. Mr. Virender Singh
Hindi Translator
S/O: Mr. Roshan Singh
O/A: 42 Assam Rifles
C/O: 99 APO.
30. Mrs Megha
Staff Nurse
W/O: Mr. Pradeep S.
O/A: 42 Assam Rifles
C/O: 99 APO.
31. Mrs. Kunti Devi
W/O: Mr. Shankar Basfor
Female Safai
O/A: 42 Assam Rifles
C/O: 99 APO.
32. Mr. Amitendra Kumar Singh
Hindi Typist
S/O: Mr. Onkar Nath Singh
O/A: HQ 27 Sector, Assam Rifles
C/O: 99 APO.
33. Mr. Nabarun Deb
Hindi Translator
Son of Mr Ramendra K. Deb
O/A: HQ D.G.A.R, Assam Rifles
C/O: 99 APO.
34. Mr. Arjun Singh Verma
Hindi Translator
S/O: Mr. Singh Ram
O/A: 5 Assam Rifles
C/O: 99 APO.



35. Mr B.K.Singh
Civil Pharmacist
S/O: Mr Barinder Kumar
O/A: 5 Assam Rifles
C/O: 99 APO.
36. Mr Arbind Kumar
Hindi Typist
D/O: Mr a.K. Thakur
O/A: Assam Rifles Training Centre & School, Dimapur,
C/O: 99 APO.
37. Mr Satyendra Kumar Singh
Hindi Teacher
S/O: Sri R.S. Yadav
O/A: Assam Rifles Training Centre & School, Dimapur,
C/O: 99 APO.
38. Mr Prabash Kumar
Hindi Teacher
S/O: Mr. B.L.Mandal
O/A: Assam Rifles Training Centre & School, Dimapur,
C/O: 99 APO.
39. Mrs. Nizara Gogoi
Jr. Teacher
WO: Mr. P. Deka
O/A: Assam Rifles Training Centre & School, Dimapur,
C/O: 99 APO.
40. Mrs. Neelam Singh
Female Attendant
W/O: Mr. G. K.Singh
O/A: Assam Rifles Training Centre & School, Dimapur,
C/O: 99 APO.
41. Mr. Raju Thapa,
Jr. Teacher
S/O: Mr Keshar Raj Thapa
O/A: 23 Assam Rifles
C/O: 99 APO.
42. Mr Lubdha Padhan
Hindi Teacher
S/O: G. C. Padhan
O/A: 23 Assam Rifles
C/O: 99 APO.
43. Miss. Loli Kholia
Staff Nurse
D/O: Mr A. Loli
O/A: 23 Assam Rifles
C/O: 99 APO.
- 

44. Miss. Lokpa Doma Sherpa
FA-129
D/O: Mr Pasang Sherpa
O/A: 23 Assam Rifles
C/O: 99 APO.
45. Miss. Laxmi Gurung
Aya-095
D/O: Mr Durga Singh Gurung
O/A: 23 Assam Rifles
C/O: 99 APO.
46. Mrs. Poonam
Aya 103
W/O: Mr Baljit Singh
O/A: 23 Assam Rifles
C/O: 99 APO.
47. Mrs. Jayanti Sharma
F/A-123
W/O: Mr. Mahadev Sharma
O/A: 23 Assam Rifles
C/O: 99 APO.
48. Mrs. Radha Devi
FA-097
W/O: Late Birender Ram
O/A: 23 Assam Rifles
C/O: 99 APO.
49. Mr Ram Avtar
Hindi Typist
S/O Mr a. Ram
O/A: 23 Assam Rifles
C/O 99 APO
50. Miss Parbati Pyngrope
Hindi Translator
D/O Mr N.M. Das
O/A: 39 Assam Rifles
C/O 99 APO
51. Mr Vinod Kr Nautiyal
Hindi Translator
S/O Late K.R. Nautiyal
O/A: 5 Sector, Assam Rifles
C/O 99 APO
52. Mr Rajesh Malkoti
Hindi Teacher
S/O Mr Uma N. Malkoti
O/A: 39, Assam Rifles



C/O 99 APO

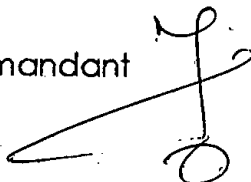
53. Mr Anand Kr. Prasad
Jr. Teacher
S/O Mr R.K. Prasad
O/A: 39 Assam Rifles
C/O 99 APO
54. Mr Siva Kr. Roy
Hindi Teacher
S/O Mr Amiri Roy
O/A: 13 Assam Rifles
C/O 99 APO
55. Mr Papu Debroy
Jr. Teacher
S/O Mr K. Kanta Debroy
O/A: 46 Assam Rifles
C/O 99 APO

..... Applicants.

By Advocate Mr.H.G.Baruah.

- Versus -

1. The Union of India
Represented by the Secretary to the
Government of India
Ministry of Home Affairs
North Block, New Delhi-110001.
2. The Secretary to the Govt. of India
Ministry of Finance
New Delhi-110001.
3. The Director General of Assam Rifles
Mahanideshalaya,
Shillong-793011.
4. The Inspector General of Assam Rifles (North)
Zakhama, Kohima
Nagaland-797001.
5. The Commandant
O/A: 42 Assam Rifles
C/O: 99 APO.
6. The Commandant
O/A: 1 Assam Rifles
C/O: 99 APO.
7. The Commandant



O/A: 17 Assam Rifles
C/O: 99 APO.

8. The Commdant
O/A: 12 Assam Rifles
C/O: 99 APO.
9. The Commandant
O/A: 31 Assam Rifles
C/O: 99 APO.
10. The Commandant
O/A: 5 Assam Rifles
C/O: 99 APO.
11. The Commandant
O/A: 23 Assam Rifles
C/O: 99 APO.
12. The Commandant
O/A: 39 Assam Rifles
C/O: 99 APO.
13. The Commandant
O/A: 15 Assam Rifles
C/O: 99 APO.
14. The Commandant
O/A: 13 Assam Rifles
C/O: 99 APO.
15. The Commandant
O/A: 46 Assam Rifles
C/O: 99 APO.

..... Respondents.

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

O.A. No.304 of 2007
M.A. No.135 of 2007

ORDER (ORAL)
19.12.2007

MANORANJAN MOHANTY, (V.C.)

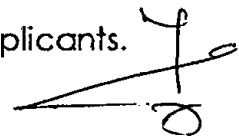
Heard Mr.H.G.Baruah, learned counsel for the Applicants and
Mr.G.Baishya, learned Sr. Standing counsel for the Union of India; to whom

a copy of this Original Application has already been served and perused the materials placed on record.

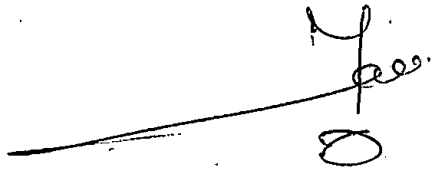
2. Applicants (55 members of the staff of Assam Rifles) have filed this Original Application under Section 19 of the Administrative Tribunals Act, 1985; because Special Duty Allowances are not being paid to them.

3. The aforesaid 55 Applicants have filed Misc. Application No.135 of 2007 seeking permission to prosecute this Original Application No.304 of 2007 jointly. Having heard learned counsel appearing for both the parties, permission to prosecute the case jointly is allowed and Misc. Application No.135 of 2007 stands disposed of.

4. It is the case of the Applicants that for the reason of certain Govt. of India instructions and judicial pronouncements, the Applicants are entitled to get Special Duty Allowances. If that is so, then, the Applicants should represent before the Authorities/Respondents to consider their grievances in terms of the judicial pronouncements on which they are relying here. Mr. H.G. Baruah, learned counsel for the Applicants, states that each of the Applicants shall individually submit representation before the Authorities/Respondents by 31st of December, 2007. If such representations are made by the present Applicants, by the end of December, 2007, then the Respondents should consider their cases (in terms of the Government instructions and the judicial pronouncements) by end of February, 2008. The averments made in this Original Application No.304 of 2007 should also be taken into consideration by the Respondents while considering the representations of the Applicants.



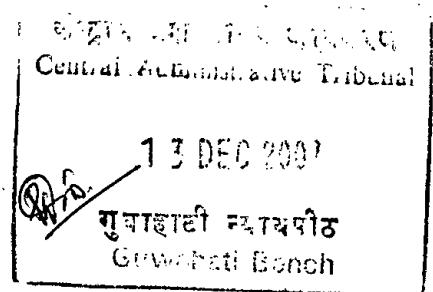
5. With the aforesaid observations and directions, this Original Application No. 304 of 2007 stands disposed of. Send copies of this order to each of the Applicants and to all the Respondents (with copies of the present Original Application) in the addresses given in the Original Application.



(MANORANJAN MOHANTY)
VICE-CHAIRMAN

/pg/

Dist. Kohima & Ors.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

ORIGINAL APPLICATION NO. 304/07

Mr. S.N Yadav & Ors.

.....Applicants.

-Vs-

The Union of India & Ors.

.....Respondents.

SYNOPSIS

All the applicants are working in different companies under the Director General of Assam Rifles as Non-combatised employees. The Union Govt., with a view to provide some incentives to the Combatised/Non Combatised personnel of the Assam Rifles those who posted in the states of the North-Eastern Regions amongst other granted special (duty) allowance w.e.f. 7/11/1988. The original scheme was introduced by office Memorandum No. 11.20044/3/83/E.IV dated 14/12/1983. Considering the demand of the employees and other relevant aspect Govt. of India decided to sanction grant of special (duty) allowances to the non-combatised personnel by an order dated 2/2/89 vide order No. 11011/1/84/FP.IV along with combatised personnel. This order of president of India granting special (duty) allowances to non-combatised personnel is very distinct. That was a special order issued after considering all the pros and cons and eligibility criteria. Special duty allowances is admissible to the applicants at 12.5% against the basic pay. But said special duty allowance has not been paid to the

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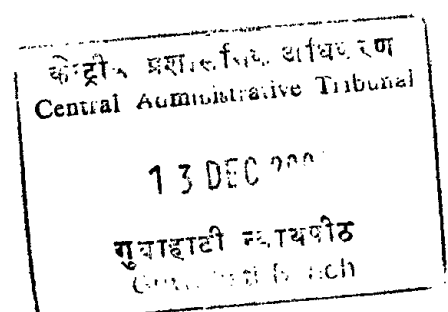
applicants by the respondents. The Govt. of India through the Ministry of Home Affairs by his office Memorandum dated 3rd August 2005 clarified it to the Director General of Assam Rifles vide Memo No. A-1-3/INST-ACCTS-3PP III that all the allowances and facilities for civilian employees of the Central Govt. Serving in the NE Region is admissible only the personnel who are actually working in the NE Region. The Division Bench of the Hon'ble Gauhati High Court (Shillong, in the writ petition No. 195 (SH) of 2001 vide his Judgement and order dated 24/7/2006 dismissing the writ petition filed by the Union of India held that the order of granting SDA to Assam Rifles employees w.e.f. 7/11/1988 is a distinct and special order for Assam Rifles which was issued after a lapse of almost five years and after considering all pros and cons of re eligibility criteria. But the other A.R. personnels has been drawing/getting the said allowance and it is denied to the applicants. Therefore violent discrimination has been made out to the applicants. The respondents cannot refuse the said benefits of the order dated 2nd Feb, 1989 to applicants, whereas other A.R. personnels are enjoying the said benefits. The respondents stopped the said benefits to the applicants without any authority of law. Hence this instant application.

Filed by

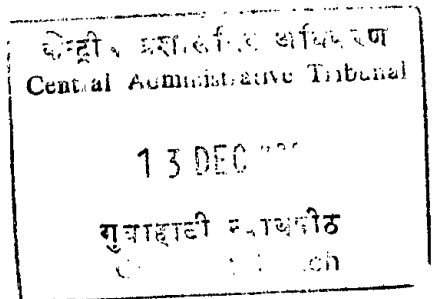
HGB

Hara Gobinda Boruah

Advocate.



Dist. Kohima & Ors.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

ORIGINAL APPLICATION NO. /07

Mr. S.N Yadav & Ors.

.....Applicants.

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The Union of India & Ors.

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LIST OF DATES.

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1.	Annexure-A 2/2/1989	Order dated 2/2/1989 issued Vide Memo No. 11011/1/84-FP.IV.
2.	Annexure-B 3/8/2005	Office Memorandum dated 3/8/05 issued vide Memo NO. A-1-3/INST- ACCTS-3/PP-III
3.	Annexure-C. 24/7/06	Judgement and order dated 24/7/06 passed by the Division Bench of the Hon'ble Gauhati High Court in writ petition No. 195 (SH) of 2001.
4.	Annexure-D 26/2/2007	Order dated 26/2/2007 passed by the Hon'ble Supreme in SLP (Civil) NO. (9) 2962/07
5.	Annexure-E 20/7/2007	Order dated 20/7/2007 issued vide Memo No. 1.11018/89/ 2000/Law.

Filed by

Ace

Hara Gobinda Boruah
Advocate.

Dist. Kohima & Ors.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

ORIGINAL APPLICATION NO. 304 /07

Mr. S.N Yadav & Ors.

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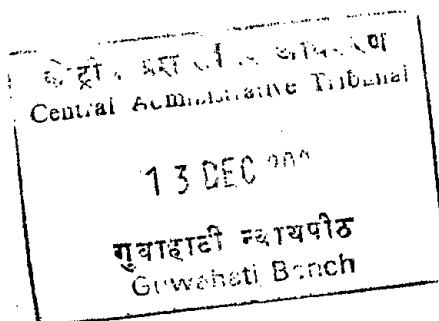
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Filed by



Hara Gobinda Boruah

Advocate.



Dist. Kohima & Ors.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
ORIGINAL APPLICATION NO. 304 /07

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Hindi Teacher
S/O: Mr.Rup Narayan Singh
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C/O: 99 APO

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Hindi Translator
S/O:Mr. Suresh Prasad Dwivedi
O/A: 17 Assam Rifles
C/O: 99 APO

4.Mrs. Rajesh Devi
FA-132, FA
W/O:Mr. Sunder Singh
O/A: 17 Assam Rifles
C/O: 99 APO

5.Mr. Mohan Ram
Hindi Typist
S/O: Late N. Ram.
O/A: 21 Sector, Assam Rifles
C/O: 99 APO

6.Mr. Sunil Kumar Singh
Hindi Translator
S/O: Late Dbanushdhar Singh
O/A: 7 Sector, Assam Rifles
C/O: 99 APO

7.Mr. Kailalsh Thakur
Civil Barber
S/O:Late Chhotan Thakur
O/A: 7 Sector, Assam Rifles
C/O: 99 APO

8.Mr. Shambhu Ram
Civil Safai
S/O:Mr.Laugar Ram
O/A: 7 Sector, Assam Rifles

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal

13 DEC 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

Filed by the applicants

29
Surenendra Nath Yadav
Hira Singh
Grobinda Garmah
Hatra Garmah
12/12/07

C/O: 99 APO

9.Mr. Sudhir Kumar Jha
Civil Cook
S/O: Mr. Satyug Jha
O/A: 7 Sector, Assam Rifles
C/O: 99 APO

10.Mr. Birendra Rai
Civil Washerman
S/O: Mr. Pukar Rai
O/A: 7 Sector, Assam Rifles
C/O: 99 APO

11.Mr. J.B. Thakur
Hindi Teacher
S/O: Mr. Baleshwar Thakur
O/A: 12 Assam Rifles
C/O: 99 APO

12.Mr. R.K. Thakur
Jr. Teacher
S/O: Mr. Singheshwar Thakur
O/A: 12 Assam Rifles
C/O: 99 APO

13.Mr. Jaganidhi Pokhereal
Jr. Teacher
S/O: Mr. Ram Prasad Pokhereal
O/A: 12 Assam Rifles
C/O: 99 APO

14. Mrs. Anita Negi
Senior Teacher
W/O: Mr. R.S. Negi
O/A: 12 Assam Rifles
C/O: 99 APO

15. Mrs. Kanika Bezbaruah
Staff Nurse
W/O: Mr. S.N. Bezbaruah
O/A: 12 Assam Rifles
C/O: 99 APO

16. Miss Jamuna Negi
Staff Nurse
D/O: Mr. Pratap Singh Negi
O/A: 12 Assam Rifles
C/O: 99 APO

17. Mrs. Nijora Narazary
Staff Nurse
W/O: Mr. Sarubum Narzary

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

13 DEC 2007

गुवाहाटी न्यायाधीश
Guwahati Bench

Genendra Nath Yadav

Suresh Nath Pandey

O/A: 12 Assam Rifles
C/O: 99 APO

18. Mrs. Sandhya Devi
Aya
W/O: Mr. Bhagwan Ram
O/A: 12 Assam Rifles
C/O: 99 APO

19. Mrs. Ramabati Devi
Aya
W/O: Mr. L.K. Singh
O/A: 12 Assam Rifles
C/O: 99 APO

20. Mrs. Kalabati Devi
Aya
W/O: Mr. Lal Mohan
O/A: 12 Assam Rifles
C/O: 99 APO

21. Mr. Rakesh Singh Negi
Hindi Translator
S/O: Mr. Chandra.S. Negi
O/A: 12 Assam Rifles
C/O: 99 APO

22. Mr. Anant Anand
Hindi Typist
S/O: Mr. Satyawan Kapri
O/A: 12 Assam Rifles
C/O: 99 APO

23. Mr. Ajay Kr. Pandit
Hindi Typist
S/O: Mr. Rakesh A. Pandit
O/A: 12 Assam Rifles
C/O: 99 APO

24. Mr. Anand Kr. Gupta
Hindi Translator
S/O: Late D. B. Prasad
O/A: 31 Assam Rifles
C/O: 99 APO

25. Mr. Ashok Roy
Hindi Typist
S/O: Mr. Sukul Roy
O/A: 31 Assam Rifles
C/O: 99 APO

26. Mr. Ramayan Singh Yadav

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

13 DEC 2000

गुवाहाटी न्यायापीठ

Surenthra Nath Yadav

Hindi Teacher
S/O: Late Ramkesh.S. Yadav
O/A: 42 Assam Rifles
C/O: 99 APO

27.Md. Idrees Ali
Hindi Teacher
S/O: Late Abdur Raheem
O/A: 42 Assam Rifles
C/O: 99 APO

28.Mr. Sanjay Kumar Chanchal
Jr. Teacher
S/O: Late Basant Ram
O/A: 42 Assam Rifles
C/O: 99 APO

29.Mr. Virender Singh
Hindi Translator
S/O: Mr. Roshan Singh
O/A: 42 Assam Rifles
C/O: 99 APO

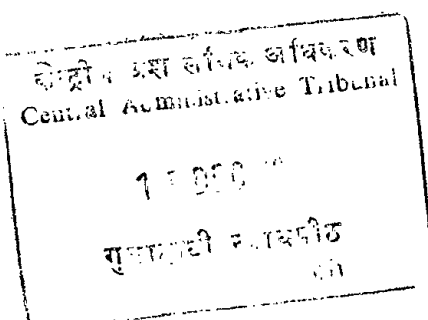
30.Mrs. Megha
Staff Nurse
W/O: Mr. Pradeep. S.
O/A: 42 Assam Rifles
C/O: 99 APO

31. Mrs. Kunti Devi
Female Safai
W/O: Mr. Shankar Basfor
O/A: 42 Assam Rifles
C/O: 99 APO

32: Mr. Amitendra Kumar Singh
Hindi Typist
S/O: Mr. Onkar Nath Singh
O/A: H.Q. 27 Sector, Assam Rifles
C/O: 99 APO

33: Mr. Nabarun Deb
Hindi Translator
S/O: Mr. Ramendra K. Deb
O/A: H.Q. D.G.A.R., Assam Rifles
Shillong.

34: Mr. Arjun Singh Verma
Hindi Translator
S/O: Mr. Singh Ram
O/A: 5 Assam Rifles.
C/O: 99 APO



35: Mr. B.K. Singh
Civil Pharmacist
S/O: Mr. Barinder Kumar
O/A: 5 Assam Rifles.
C/O: 99 APO

36: Mr. Arbind Kumar
Hindi Typist
S/O: Mr. A.K. Thakur
O/A: Assam Rifles training Centre
& School. Dimapur.
C/O: 99 APO

37: Mr. Satendra Kumar Singh
Hindi Teacher
S/O: Mr. R.S. Yadav
O/A: Assam Rifles training Centre
& School. Dimapur.
C/O: 99 APO

38: Mr. Prabash Kumar
Hindi Teacher
S/O: Mr. B.L. Mandal
O/A: Assam Rifles training
Centre & School. Dimapur.
C/O: 99 APO

39: Mrs. Nizara Gogoi
Jr. Teacher
W/O: Mr. P. Deka
O/A: Assam Rifles training
Centre & School. Dimapur.
C/O: 99 APO

40: Mrs. Neelam Singh
Female Attendant
W/O: Mr. G.K. Singh
O/A: Assam Rifles training
Centre & School. Dimapur.
C/O: 99 APO

41: Mr. Raju Thapa
Jr. Teacher
S/O: Mr. Keshar Raj Thapa
O/A: 23, Assam Rifles
C/O: 99 APO

Gurendra Nath padan 34

42: Mr. Lubdha Padhan
Hindi Teacher
S/O: G.C. Padhan
O/A: 23, Assam Rifles
C/O: 99 APO

43: Miss Loli Kholia
Staff Nurse
D/O: Mr. A. Loli
O/A: 23 Assam Rifles.
C/O: 99 APO

44: Miss Lokpa Doma Sherpa
F/A-129
D/O: Mr. Pasang Sherpa
O/A: 23 Assam Rifles.
C/O: 99 APO

45: Miss Laxmi Gurung
Aya-095
D/O: Mr. Durga Singh Gurung
O/A: 23 Assam Rifles.
C/O: 99 APO

46: Mrs. Poonam
Aya-103
W/O: Mr. Baljit Singh
O/A: 23 Assam Rifles.
C/O: 99 APO

47: Mrs. Jayanti Sharma
F/A-123
W/O: Mr. Mahadev Sharma
O/A: 23 Assam Rifles.
C/O: 99 APO

48: Mrs Radha Devi
F/A-097
W/O: Late Birender Ram
O/A: 23 Assam Rifles.
C/O: 99 APO

49: Mr. Ram Avtar
Hindi Typist
S/O: Mr. A. Ram
O/A: 23 Assam Rifles.
C/O: 99 APO

50: Miss. Parbati Pyngrope
Hindi Translator
D/O: Mr. N.M. Das
O/A: 39 Assam Rifles.
C/O: 99 APO

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

17 DEC 1991

सुपरीम कोर्ट
17 DEC 1991

Suresh Nath Yadav 35

51: Mr. Vinod Kr. Nautiyal
Hindi Translator
S/O: Late K.R. Nautiyal
O/A: 5 Sector , Assam Rifles.
C/O: 99 APO

52: Mr. Rajesh Malkoti
Hindi Teacher
S/O: Mr. Uma. N. Malkoti
O/A: 15, Assam Rifles.
C/O: 99 APO

53: Mr. Anand Kr. Prasad
Jr. Teacher
S/O: Mr. R.K. Prasad
O/A: 39 Assam Rifles.
C/O: 99 APO

54: Mr. Siva Kr. Roy
Hindi Teacher
S/O: Mr. Amiri Roy
O/A: 13 Assam Rifles.
C/O: 99 APO

55: Mr. Papu Debroy
Jr. Teacher
S/O: Mr. K. Kanta Debroy
O/A: 46 Assam Rifles.
C/O: 99 APO

(Same cause of action)

.....Applicants

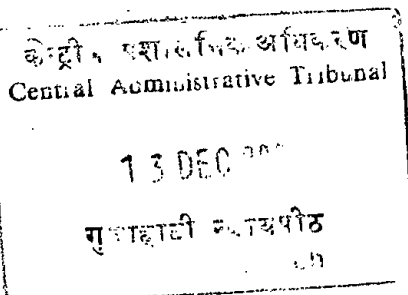
-Vs-

1. The Union of India
Represented by the Secretary to
the Govt. of India, Ministry of
Home Affairs, North Block, New
Delhi. 110001

2. The Secretary to the Govt. of
India, Ministry of Finance, New
Delhi. 110001

3. The Director General of Assam
Rifles, Mahanideshalaya,
Shillong. 793011

4. The Inspector General of Assam
Rifles (North) Zakhama, Kohima,
Nagaland. 797001



Surrender Nath Yadav

5.The Commandant
O/A: 42 Assam Rifles
C/O: 99 APO

6.The Commandant
O/A: 1 Assam Rifles
C/O: 99 APO

7.The Commandant
O/A: 17 Assam Rifles
C/O: 99 APO

8.The Commandant
O/A: 12 Assam Rifles
C/O: 99 APO

9.The Commandant
O/A: 31 Assam Rifles
C/O: 99 APO

10.The Commandant
O/A: 5 Assam Rifles
C/O: 99 APO

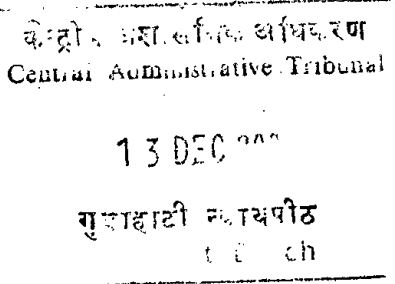
11.The Commandant
O/A: 23 Assam Rifles
C/O: 99 APO

12.The Commandant
O/A: 39 Assam Rifles
C/O: 99 APO

13.The Commandant
O/A: 15 Assam Rifles
C/O: 99 APO

14.The Commandant
O/A: 13 Assam Rifles
C/O: 99 APO

15.The Commandant
O/A: 46 Assam Rifles
C/O: 99 APO



..... Respondents

THE DETAILS OF THE APPLICATION

1. PARTICULARS OF THE APPLICANTS:

1.1.

1.Name of the applicant :Mr.S.N. Yadav
11.Name of the father :Late Shri Ram Yadav
III.Design. of the office :Hindi Translator.

IV. Address after service

H.Q. I.G.A.R. (North)
C/O: 99 APO
: Mr. S.N. Yadav
S/O: Late Shri Ram Yadav
H.Q. I.G.A.R. (North)
C/O: 99 APO

1.2

1. Name of the applicant
11. Name of the father
III. Design. of the office

: Mr. Digvijay Kumar Singh
: Mr. Rup Narayan Kumar Singh
: Hindi Teacher, 1 A.R.
C/O: 99 APO

IV. Address after service

: Mr. Digvijay Kumar Singh
S/O: Mr. Rup Narayan Kr. Singh
Hindi Teacher, 1 A.R.
C/O: 99 APO

1.3

1. Name of the applicant
11. Name of the father
III. Design. of the office

: Mr. Ravi Mohan Dwivedi
: Mr. Suresh Pr. Dwivedi
: Hindi Translator
17 Assam Rifles
C/O: 99 APO

IV. Address after service

: Mr. Ravi Mohan Dwivedi
S/O: Mr. Suresh Pr. Dwivedi
Hindi Translator
17 Assam Rifles
C/O: 99 APO

1.4

1. Name of the applicant
11. Name of the husband
III. Design. of the office

: Mrs. Rajesh Devi
: Mr. Sunder Singh
: F/A-132, FA
17 Assam Rifles
C/O: 99 APO

IV. Address after service

: Mrs. Rajesh Devi
W/O: Mr. Sunder Singh
F/A-132, FA
17 Assam Rifles
C/O: 99 APO

1.5

1. Name of the applicant
11. Name of the father
III. Design. of the office

: Mr. Mohan Ram
: Mr. Late N. Ram
: Hindi Typist
21 Sector, Assam Rifles
C/O: 99 APO

IV. Address after service

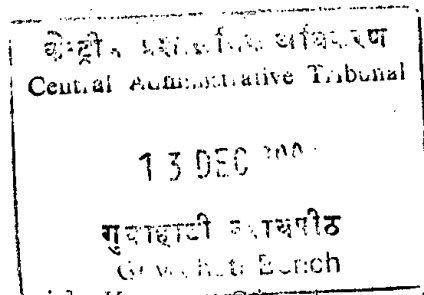
: Mr. Mohan Ram
Mr. Late N. Ram
Hindi Typist
21 Sector, Assam Rifles
C/O: 99 APO

केन्द्रीय प्रशासनिक अदालत
Central Administrative Tribunal

1-350-777

मुख्यालय
Central Bench

Surenendra Nath Yadav



36

Suresh Nath Pandey

1.6

1.Name of the applicant
11.Name of the father
III.Design. of the office

: Mr. Sunil Kumar Singh
:S/O: Late Dhanushdhar Singh
:Hindi Translator
7 Sector, Assam Rifles
C/O: 99 APO

IV.Address after service

: Mr. Sunil Kumar Singh
S/O: Late Dhanushdhar Singh
Hindi Translator
7 Sector, Assam Rifles
C/O: 99 APO

1.7

1.Name of the applicant
11.Name of the father
III.Design. of the office

: Mr.Kailash Thakur
: Late Chhotan Thakur
:Civil Barber
7 Sector, Assam Rifles
C/O: 99 APO

IV.Address after service

: Mr. Kailash Thakur
S/O: Late Chhotan Thakur
Civil Barber
7 Sector, Assam Rifles
C/O: 99 APO

1.8

1.Name of the applicant
11.Name of the father
III.Design. of the office

: Mr. Shambhu Ram
: Mr. Laugar Ram
:Civil Safai,
7 Sector, Assam Rifles
C/O: 99 APO

IV.Address after service

: Mr. Shambhu Ram
S/O: Mr. Laugar Ram
Civil Safai
7 Sector, Assam Rifles
C/O: 99 APO

1.9

1.Name of the applicant
11.Name of the father
III.Design. of the office

: Mr.Sudhir Kumar Jha
:Mr. Satyug Jha
:Civil Cook
7 Sector, Assam Rifles
C/O: 99 APO

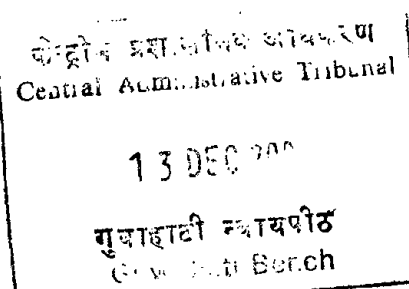
IV.Address after service

: Mr.Sudhir Kumar Jha
S/O: Mr. Satyug Jha
Civil Cook
7 Sector, Assam Rifles
C/O: 99 APO

1.10

1.Name of the applicant
11.Name of the father
III.Design. of the office

: Mr.Birendra Rai
: Mr. Pukar Rai
:Civil washerman
C/O: 99 APO



Surenendra Nath Yadav

IV.Address after service : Mr.Birendra Rai
S/O: Mr. Pukar Rai
Civil wacherman
7 Sector, Assam Rifles
C/O: 99 APO

1.11

1.Name of the applicant : Mr.J.B. Thakur
11.Name of the father : Mr. Baleswar Thakur
III.Design. of the office :Hindi Teacher
12 Assam Rifles
C/O: 99 APO

IV.Address after service : Mr.J.B. Thakur
S/O: Mr. Baleswar Thakur
Hindi Teacher
12 Assam Rifles
C/O: 99 APO

1.12

1.Name of the applicant : Mr.R.K. Thakur
11.Name of the father : Mr. Singheshwar Thakur
III.Design. of the office :Jr. Teacher
12 Assam Rifles
C/O: 99 APO

IV.Address after service : Mr.R.K. Thakur
S/O: Mr. Singheshwar Thakur
Jr. Teacher
12 Assam Rifles
C/O: 99 APO

13.Name of the applicant : Mr.Jaganidhi Pokhereal
11.Name of the father : Mr. Ram Prasad Pokhereal
III.Design. of the office :Jr. Teacher
12 Assam Rifles
C/O: 99 APO

IV.Address after service : Mr.Jaganidhi Pokherel
S/O:Mr. Ram Prasad Pokhereal
Jr. Teacher
12 Assam Rifles
C/O: 99 APO

1.14

1.Name of the applicant : Mrs.Anita Negi
11.Name of the husband :Mr. R.S. Negi
III.Design. of the office :Senior Teacher
12 Assam Rifles
C/O: 99 APO

IV.Address after service : Mrs.Anita Negi
W/O: Mr. R.S. Negi
12 Assam Rifles
C/O: 99 APO

1.15

1.Name of the applicant : Mrs Kanika Bezbaruah
11.Name of the husband : Mr. S.N. Bezbaruah

Surentha Nath Jadar

III.Design. of the office :Staff Nurse,
12 Assam Rifles
C/O: 99 APO

IV.Address after service : Mrs Kanika Bezbaruah
W/O: S.N. Bezbaruah
Staff Nurse
12 Assam Rifles
C/O: 99 APO

1.16

1.Name of the applicant : Miss Jamuna Negi
11.Name of the father : Mr. Pratap Singh Negi
III.Design. of the office :Staff Nurse
12 Assam Rifles
C/O: 99 APO

IV.Address after service : Miss Jamuna Negi
D/O:Mr. Pratap Singh Negi
Staff Nurse
12 Assam Rifles
C/O: 99 APO

1.17

1.Name of the applicant : Mrs.Nijora Narazary
11.Name of the husband : Mr.Sarubum Narzary
III.Design. of the office :Staff Nurse
12 Assam Rifles
C/O: 99 APO

IV.Address after service : Mrs.Nijora Narazary
W/O: Mr.Sarubum Narzary
Staff Nurse
12 Assam Rifles
C/O: 99 APO

1.18

1.Name of the applicant : Mrs. Sandhya Devi
11.Name of the husband : Mr. Bhagwan Ram
III.Design. of the office :Aya
12 Assam Rifles
C/O: 99 APO

IV.Address after service : Mrs. Sandhya Devi
W/O: Mr. Bhagwan Ram
Aya
12 Assam Rifles
C/O: 99 APO

1.19

1.Name of the applicant : Mrs. Ramabati Devi
11.Name of the husband : Mr. L.K. Singh
III.Design. of the office :Aya
12 Assam Rifles
C/O: 99 APO

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

13 DEC 2000

मुलाहाटी न्यायपीठ
Circuit Bench

IV.Address after service : Mrs Ramabati Devi
W/O: Mr. L.K. Singh
Aya
12 Assam Rifles
C/O: 99 APO

1.20

1.Name of the applicant : Mrs Kalabati Devi
11.Name of the husband :Mr. Lal Mohan
III.Design. of the office :Aya
12 Assam Rifles
C/O: 99 APO

IV.Address after service : Mrs Kalabati Devi
W/O: Mr. Lal Mohan
Aya
12 Assam Rifles
C/O: 99 APO

1.21

1.Name of the applicant : Mr.Rakesh Singh Negi
11.Name of the father :Mr. Chandra S. Negi
III.Design. of the office :Hindi Translator
12 Assam Rifles
C/O: 99 APO

IV.Address after service : Mr.Rakesh Singh Negi
Hindi Translator
S/O: Mr. Chandra S. Negi
Hindi Translator
12 Assam Rifles
C/O: 99 APO

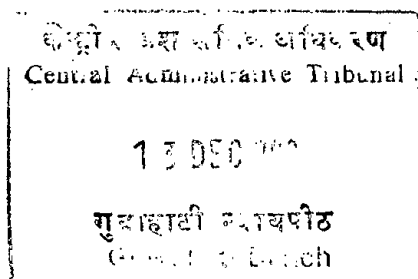
1.22

1.Name of the applicant : Mr.Anant Anand
11.Name of the father : Mr.Satyawan Kapri
III.Design. of the office :Hindi Typist
12 Assam Rifles
C/O: 99 APO

IV.Address after service : Mr.Anant Anand
S/O: Satyawan Kapri
Hindi Typist
12 Assam Rifles
C/O: 99 APO

1.23.Name of the applicant : Mr.Ajay Kr. Pandit
11.Name of the father : Mr. Rakesh A.Pandit
III.Design. of the office :Hindi Typist
12 Assam Rifles
C/O: 99 APO

IV.Address after service : Mr.Ajay Kr. Pandit
S/O: Mr. Rakesh A.Pandit
Hindi Typist
12 Assam Rifles
C/O: 99 APO



Sundera Nath Pandey

Surenendra Nath Yadav 52

1.24

1.Name of the applicant : Mr.Anand Kr. Gupta
 11.Name of the father : Late D.B. Prasad
 III.Design. of the office :Hindi Translator
 31 Assam Rifles
 C/O: 99 APO
 IV.Address after service : Mr.Anand Kr. Gupta
 S/O: Late D.B. Prasad
 Hindi Translator
 31 Assam Rifles
 C/O: 99 APO

1.25

1.Name of the applicant : Mr.Ashok Roy
 11.Name of the father :Mr.Sukul Roy
 III.Design. of the office :Hindi Typist
 31 Assam Rifles
 C/O: 99 APO
 IV.Address after service : Mr.Ashok Roy
 S/O: Mr.Sukul Roy
 Hindi Typist
 31 Assam Rifles
 C/O: 99 APO

1.26

1.Name of the applicant : Mr.Ramayan Singh Yadav
 11.Name of the father :Late Ramkesh Yadav
 III.Design. of the office :Hindi Teacher
 42 Assam Rifles
 C/O: 99 APO
 IV.Address after service : Mr.Ramayan Singh Yadav
 S/O: Late Ramkesh Yadav
 Hindi Teacher
 42 Assam Rifles
 C/O: 99 APO

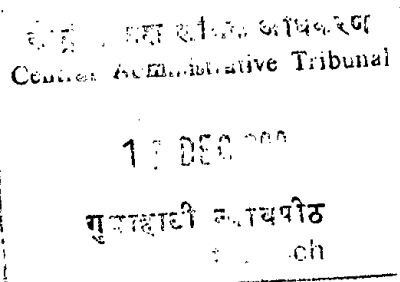
1.27

1.Name of the applicant : Md. Idress Ali
 11.Name of the father :S/O:Late Abdur Raheem
 III.Design. of the office :Hindi Teacher
 42 Assam Rifles
 C/O: 99 APO
 IV.Address after service : Md. Idress Ali
 S/O: Late Abdur Raheem
 Hindi Teacher
 42 Assam Rifles
 C/O: 99 APO

केन्द्रीय प्रशासनिक आयोग
 Central Administrative Tribunal

13 DEC 2000

मुम्बई न्यायपीठ
 Bench



Suresh Nath Yadav 53

1.28

1.Name of the applicant : Mr.Sanjay Kumar Chanchal
 11.Name of the father :Late Basant Ram
 III.Design. of the office :Jr. Teacher
 42 Assam Rifles
 C/O: 99 APO
 IV.Address after service : Mr.Sanjay Kumar Chanchal
 S/O: Late Basant Ram
 Jr. Teacher
 42 Assam Rifles
 C/O: 99 APO

1.29

1.Name of the applicant : Mr.Virender Singh
 11.Name of the father :Mr. Roshan Singh
 III.Design. of the office :Hindi Translator
 42 Assam Rifles
 C/O: 99 APO
 IV.Address after service : Mr.Virender Singh
 S/O: Mr. Roshan Singh
 Hindi Translator
 42 Assam Rifles
 C/O: 99 APO

1.30

1.Name of the applicant : Mrs. Megha
 11.Name of the husband : Mr.Pradeep.S.
 III.Design. of the office :Staff Nurse
 42 Assam Rifles.
 C/O: 99 APO
 IV.Address after service : Mrs. Megha
 W/O: Mr.Pradeep.S.
 Staff Nurse
 42 Assam Rifles
 C/O: 99 APO

1.31

1.Name of the applicant : Miss Kunti Devi
 11.Name of the father :Mr. Shankar Basfor
 III.Design. of the office :Female Safai
 42 Assam Rifles
 C/O: 99 APO
 IV.Address after service : Miss Kunti Devi
 D/O: Shankar Basfor
 Female Safai
 42 Assam Rifles
 C/O: 99 APO

1.32

1.Name of the applicant : Mr. Amitendra Kumar Singh
 11.Name of the father :Mr. Onkar Nath Singh
 III.Design. of the office :Hindi Typist
 H.Q. 27 Sector, Assam Rifles
 C/O: 99APO

Gwendra Nath pedar

IV.Address after service : Mr.Amitendra Kumar Singh
S/O: Mr. Onkar Nath Singh
Hindi Typist
H.Q. 27 Sector, Assam Rifles
C/O: 99APO

1.33

1.Name of the applicant : Mr. Nabarun Deb
11.Name of the father :Mr. Ramendra K. Deb
III.Design. of the office :Hindi Translator
H.Q. D.G.A.R., Assam Rifles
Shillong

IV.Address after service : Mr. Nabarun Deb
S/O: Mr. Ramendra K. Deb
Hindi Translator
H.Q. D.G.A.R., Assam Rifles
Shillong

1.34

1.Name of the applicant : Mr.Arjun Singh Verma
11.Name of the father : Mr. Singh Ram
III.Design. of the office : Hindi Translator
5 Assam Rifles
C/O: 99 APO

IV.Address after service : Mr.Arjun Singh Verma
S/O: Mr. Singh Ram
Hindi Translator
5 Assam Rifles
C/O: 99 APO

1.35

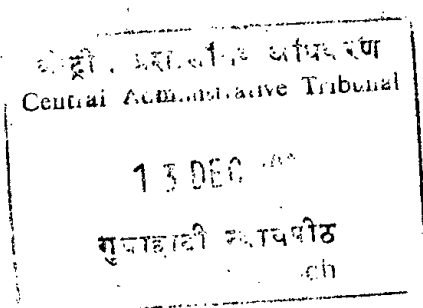
1.Name of the applicant : Mr. B.K. Singh
11.Name of the father :Mr. Barinder Kumar
III.Design. of the office :Civil Pharmacist
5 Assam Rifles
C/O: 99 APO

IV.Address after service : Mr. B.K. Singh
S/O: Mr. Barinder Kumar
Civil Pharmacist
5 Assam Rifles
C/O: 99 APO

1.36

1.Name of the applicant : Mr. Arbind Kumar
11.Name of the father :Mr.A.K. Thakur
III.Design. of the office :Hindi Typist
Assam Rifles Training
Centre & School, Dimapur.
C/O 99 APO

IV.Address after service : Mr. Arbind Kumar
S/O: Mr.A.K. Thakur
Hindi Typist
Assam Rifles Training
Centre & School, Dimapur
C/O: 99 APO



us
Surenendra Nath Yadav

1.37

1.Name of the applicant : Mr. Satendra Kumar Singh
 11.Name of the Father : Mr. R.S. Yadav
 III.Design. of the office : Hindi Teacher
 Assam Rifles Training
 Centre & School, Dimapur
 C/O: 99 APO
 IV.Address after service : Mr. Satendra Kumar Singh
 S/O: Mr. R.S. Yadav
 Hindi Teacher
 Assam Rifles Training
 Centre & School, Dimapur
 C/O: 99 APO

1.38

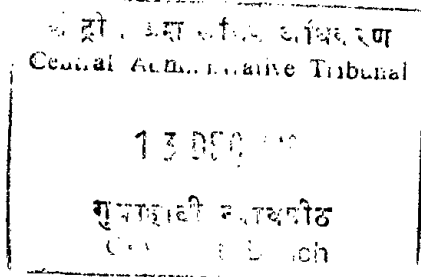
1.Name of the applicant : Mr. Prabash Kumar
 11.Name of the father : Mr. B.L. Mandal
 III.Design. of the office : Hindi Teacher
 Assam Rifles Training
 Centre & School, Dimapur
 C/O: 99 APO
 IV.Address after service : Mr. Prabash Kumar
 S/O: Mr. B.L. Mandal
 Hindi Teacher
 Assam Rifles Training
 Centre & School, Dimapur
 C/O: 99 APO

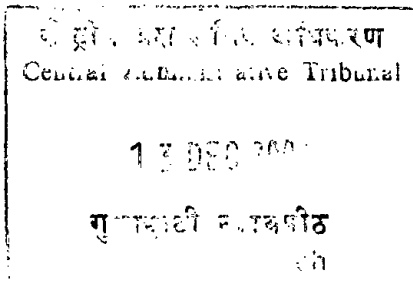
1.39

1.Name of the applicant : Mrs. Nizara Gogoi
 11.Name of the husband : Mr. P. Deka
 III.Design. of the office : Jr. Teacher
 Assam Rifles Training
 Centre & School, Dimapur
 C/O: 99 APO
 IV.Address after service : Mrs. Nizara Gogoi
 W/O: Mr. P. Deka
 Jr. Teacher
 Assam Rifles Training
 Centre & School, Dimapur
 C/O: 99 APO

1.40

1.Name of the applicant : Mrs. Neelam Singh
 11.Name of the husband : Mr. G.K. Singh
 III.Design. of the office : Female Attendant
 Assam Rifles Training
 Centre & School, Dimapur
 C/O: 99 APO
 IV.Address after service : Mrs. Neelam Singh
 W/O: Mr. G.K. Singh
 Female Attendant





Assam Rifles Training
Centre & School, Dimapur
C/O: 99 APO

1.41

1.Name of the applicant : Mr.Raju Thapa
11.Name of the Father :Mr. Keshar Raj Thapa
III.Design. of the office :Jr. Teacher
23 Assam Rifles
C/O: 99 APO
IV.Address after service : Mr.Raju Thapa
S/O: Mr. Keshar Raj Thapa
Jr. Teacher
23 Assam Rifles
C/O: 99 APO

1.42

1.Name of the applicant : Mr.Lubdha Padhan
11.Name of the father :Mr.G.C. Padhan
III.Design. of the office :Hindi Teacher
23 Assam Rifles
C/O: 99 APO
IV.Address after service : Mr.Lubdha Padhan
S/O: Mr.G.C. Padhan
Hindi Teacher
23 Assam Rifles
C/O: 99 APO

1.43

1.Name of the applicant : Mrs. Loli Kholia
11.Name of the husband :Mr. A. Loli
III.Design. of the office :Staff Nurse
23 Assam Rifles
C/O: 99 APO
IV.Address after service : Mrs. Loli Kholia
W/O: Mr. A. Loli
Staff Nurse
23 Assam Rifles
C/O: 99 APO

1.44

1.Name of the applicant. : Miss. Lokpa Doma Sherpa
11.Name of the father :Mr. Pasang Sherpa
III.Design. of the office :F/A-129
23 Assam Rifles
C/O: 99 APO
IV.Address after service : Miss. Lokpa Doma Sherpa
D/O: Mr. Pasang Sherpa
F/A-129
23 Assam Rifles
C/O: 99 APO

1.45

1.Name of the applicant : Miss. Laxmi Gurung
11.Name of the father :Mr. Durga Singh Gurung
III.Design. of the office :Aya-095

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Surenendra Nath Yadav

23 Assam Rifles
C/O: 99 APO

IV.Address after service : Miss. Laxmi Gurung
D/O: Mr. Durga Singh Gurung
Aya-095
23 Assam Rifles
C/O: 99 APO

1.46
1.Name of the applicant : Mrs. Poonam
11.Name of the husband : Mr. Baljit Singh
III.Design. of the office : Aya-103
23 Assam Rifles
C/O: 99 APO

IV.Address after service : Mrs. Poonam
W/O: Mr. Durga Singh Gurung
Aya-103
23 Assam Rifles
C/O: 99 APO

1.47
1.Name of the applicant : Mrs. Jayanti Sharma
11.Name of the husband : Mr. Mahadev Sharma
III.Design. of the office : F/A-123
23 Assam Rifles
C/O: 99 APO

IV.Address after service : Mrs. Jayanti Sharma
W/O: Mr. Mahadev Sharma
F/A-123
23 Assam Rifles
C/O: 99 APO

1.48
1.Name of the applicant : Mrs. Radha Devi
11.Name of the husband : Late Birender Ram
III.Design. of the office : F/A-097
23 Assam Rifles
C/O: 99 APO

IV.Address after service : Mrs. Radha Devi
W/O: Late Birender Ram
F/A-097
23 Assam Rifles
C/O: 99 APO

1.49
1.Name of the applicant : Mr. Ram Avtar
11.Name of the father : Mr. A.Ram
III.Design. of the office : Hindi Typist
23 Assam Rifles
C/O: 99 APO

IV.Address after service : Mr. Ram Avtar
S/O: Mr. A.Ram
Hindi Typist
23 Assam Rifles
C/O: 99 APO

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Guwahati Bench

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गुप्तगोपी नारायण

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Sundera Nath Paday

1.50

1.Name of the applicant : Miss Parbati Pyngrope
11.Name of the father :Mr. N.M. Das
III.Design. of the office :Hindi Translator
39 Assam Rifles
C/O: 99 APO
IV.Address after service : Miss Parbati Pyngrope
D/O: Mr. M.N. Das
Hindi Translator
23 Assam Rifles
C/O: 99 APO

1.51

1.Name of the applicant : Mr. Vinod Kr. Nautiyal
11.Name of the father :Late K.R. Nautiyal
III.Design. of the office :Hindi Translator
5 Sector, Assam Rifles
C/O: 99 APO
IV.Address after service : Mr. Vinod Kr. Nautiyal
S/O: Late K.R. Nautiyal
Hindi Translator
5 Sector, Assam Rifles
C/O: 99 APO

1.52

1.Name of the applicant : Mr. Rajesh Malkoti
11.Name of the father :Mr. Uma N. Malkoti
III.Design. of the office :Hindi Teacher
15, Assam Rifles
C/O: 99 APO
IV.Address after service : Mr. Rajesh Malkoti
S/O: Mr. Uma N. Malkoti
Hindi Teacher
15, Assam Rifles
C/O: 99 APO

1.53

1.Name of the applicant : Mr. Anand Kr. Prasad
11.Name of the father :Mr. R.K. Prasad
III.Design. of the office :Jr.Teacher
39, Assam Rifles
C/O: 99 APO
IV.Address after service : Mr. Anand Kr. Prasad
S/O: Mr. R.K. Prasad
Jr Teacher
39, Assam Rifles
C/O: 99 APO

1.54

1.Name of the applicant : Mr. Siva Kr. Roy
11.Name of the father :Mr. Amiri Roy
III.Design. of the office :Hindi Teacher

Sundera with paper

IV. Address after service

13, Assam Rifles
C/O: 99 APO
: Mr. Siva Kr. Roy
S/O: Mr. Amiri Roy
Hindi Teacher
13, Assam Rifles
C/O: 99 APO

1.55

1. Name of the applicant

: Mr. Papu Debroy

11. Name of the father

: Mr. K. Kanta Debroy

III. Design. of the office

: Jr Teacher

46, Assam Rifles

C/O: 99 APO

IV. Address after service

: Mr. Papu Debroy

S/O: Mr. K. Kanta Debroy

Jr. Teacher

46, Assam Rifles

C/O: 99 APO

2. PARTICULARS OF RESPONDENTS2.1 NAME AND DESIGNATION:1
OF THE RESPONDENTS

The Secretary to the Govt.
of India, Ministry of Home
Affairs, North Block, New
Delhi.

2. The Secretary to the Govt. of
India, Ministry of Finance, New
Delhi.

3. The Director General of Assam
Rifles, Mahanideshalaya,
Shillong.

4. The Inspector General of Assam
Rifles, (North) Zakhamā, Kohima,
Nagaland.

5. The Commandant
O/A: 42 Assam Rifles
C/O: 99 APO

6. The Commandant
O/A: 1 Assam Rifles
C/O: 99 APO

7. The Commandant
O/A: 17 Assam Rifles
C/O: 99 APO

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 20/12/2019
 General Nath

8. The Commandant
 O/A: 12 Assam Rifles
 C/O: 99 APO

9. The Commandant
 O/A: 31 Assam Rifles
 C/O: 99 APO

10. The Commandant
 O/A: 5 Assam Rifles
 C/O: 99 APO

11. The Commandant
 O/A: 23 Assam Rifles
 C/O: 99 APO

12. The Commandant
 O/A: 39 Assam Rifles
 C/O: 99 APO

13. The Commandant
 O/A: 15 Assam Rifles
 C/O: 99 APO

14. The Commandant
 O/A: 13 Assam Rifles
 C/O: 99 APO

15. The Commandant
 O/A: 46 Assam Rifles
 C/O: 99 APO

2.2. OFFICE ADDRESS OF: 1 Office of the Secretary to
THE RESPONDENTS the Govt. of India, Ministry
 of Home Affairs, North Block,
 New Delhi.

2. Office of the Secretary to
 the Govt. of India, Ministry of
 Finance, New Delhi.

3. Office of the Director
 General of Assam Rifles,
 Mahanideshalaya, Shillong.

4. Office of the Inspector
 General of Assam Rifles, (North)
 Zakhama, Kohima, Nagaland.

5. Office of the Commandant
 O/A: 42 Assam Rifles
 C/O: 99 APO

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 Central Administrative Tribunal

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गुवाहाटी न्यायपीठ

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6. Office of the Commandant
O/A: 1 Assam Rifles
C/O: 99 APO

7. Office of the Commandant
O/A: 17 Assam Rifles
C/O: 99 APO

8. Office of the Commandant
O/A: 12 Assam Rifles
C/O: 99 APO

9. Office of the Commandant
O/A: 31 Assam Rifles
C/O: 99 APO

10. Office of the Commandant
O/A: 5 Assam Rifles
C/O: 99 APO

11. Office of the Commandant
O/A: 23 Assam Rifles
C/O: 99 APO

12. Office of the Commandant
O/A: 39 Assam Rifles
C/O: 99 APO

13. Office of the Commandant
O/A: 15 Assam Rifles
C/O: 99 APO

14. Office of the Commandant
O/A: 13 Assam Rifles
C/O: 99 APO

15. Office of the Commandant
O/A: 46 Assam Rifles
C/O: 99 APO

2.3. ADDRESS FOR
SERVICE OF NOTICE

1 Office of the Secretary to
the Govt. of India, Ministry
of Home Affairs, North Block,
New Delhi.

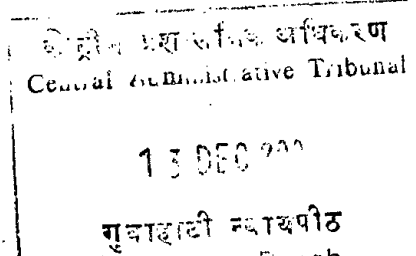
2. Office of the Secretary to
the Govt. of India, Ministry of
Finance, New Delhi.

3. Office of the Director
General of Assam Rifles,
Mahanideshalaya, Shillong.

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Central Administrative Tribunal

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मुलाहाती न्यायपीठ



4. Office of the Inspector General of Assam Rifles (North) Zakhama, Kohima, Nagaland.

5. Office of the Commandant
O/A: 42 Assam Rifles
C/O: 99 APO

6. Office of the Commandant
O/A: 1 Assam Rifles
C/O: 99 APO

7. Office of the Commandant
O/A: 17 Assam Rifles
C/O: 99 APO

8. Office of the Commandant
O/A: 12 Assam Rifles
C/O: 99 APO

9. Office of the Commandant
O/A: 31 Assam Rifles
C/O: 99 APO

10. Office of the Commandant
O/A: 5 Assam Rifles
C/O: 99 APO

11. Office of the Commandant
O/A: 23 Assam Rifles
C/O: 99 APO

12. Office of the Commandant
O/A: 39 Assam Rifles
C/O: 99 APO

13. Office of the Commandant
O/A: 15 Assam Rifles
C/O: 99 APO

14. Office of the Commandant
O/A: 13 Assam Rifles
C/O: 99 APO

15. Office of the Commandant
O/A: 46 Assam Rifles
C/O: 99 APO

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3. PARTICULARS AGAINST WHICH THE APPLICATION IS MADE:

3.1 The Union of India, with a view to provide some incentives to the combatised/Non-combatised personnel

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Guwahati Bench

of the Assam Rifles those who posted in the states of the North-Eastern region amongst other granted special (duty) allowance w.e.f. 7/11/1988, which was introduced by office Memorandum No. 11.20044/3/83/E.IV dated 14/12/1983 is denied to the applicants.

4. JURISDICTION OF THE TRIBUNAL:

The applicants declares that subject matter of the case against which they wants redressal is within the Jurisdiction of the Tribunal.

5. GROUND FOR RELIEF:

5.1. The Union of India, with a view to provide some incentives to the combatised/Non-combatised personnel of the Assam Rifles those who posted in the states of the North-Eastern region amongst other granted special (duty) allowance w.e.f. 7/11/1988, which was introduced by office Memorandum No. 11.20044/3/83/E.IV dated 14/12/1983 is denied to the applicants.

5.2. Considering the demand of the employees and other relevant aspect Govt. of India decided to Sanction grant of Special (Duty) allowances to the Non-combatised personnel by an order dated 2/2/89 vide order No. 11011/1/84/FP. IV along with the combatised personnel and this order of HIS EXCELLENCY the president of India granting SDA to Non-combatised personnel is very distinct. That was a special order issued after considering all the pros and cons and eligibility criteria, which is admissible to the applicants at 12.5% against the basic pay.

5.3. The Govt. of India through the Ministry of Home affairs by office Memorandum dated 3rd August 2005 clarified it to the D.G.A.R vide Memo No. A-1-3/inst-ACCTS-3PP/III that all the allowances and facilities

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for civilian employees of the central Govt. serving in the NE region is admissible to the personnel who are actually working in the NE Region. But the Combatised personnel has been drawing/getting the said allowance and it is denied to the petitioners which is a hostile discrimination.

5.4. That the Division Bench of the Hon'ble Gauhati High Court (Shillong) Bench in writ petition No. 195 (SH) OF 2001 by his Judgement and order dated 24/7/2006 dismissing the writ petition filed by the Union of India held that the order of the President of India granting SDA to AR employees w.e.f. 7.11.1988 is a distinct and special order for Assam Rifles which was issued after a lapse of almost five years and after considering all the pros and cons and eligibility criteria.

6. LIMITATION:

The applicants further declares that this application it filed within the period of limitation as prescribed under section 21 of the Administrative tribunal Act 1985.

7. FACT OF THE CASE:

The facts of the case are given below:

7.1. That all the applicants are citizen of India by birth and as such they are entitled to all the rights and privileges guaranteed by the Constitution of India and the laws framed thereunder.

7.2. That all the applicants are working in different companies under the Director General, Assam Rifles. The applicants are non-combatised employees working under

Sundera Nath Jodan

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the Respondent No.3. The name of the applicants and their date of appointments are shown as below:

Sl.No.	Name	Post	Dates of appointments
1	Mr. S. N. Yadav	Hindi Translator	2/6/2000
2	Mr.Digvijay Kr. Singh	Hindi Teacher	10/1/2001
3	Mr.Ravi Mohan Dwivedi	Hindi Translator	11/8/2003
4	Mrs. Rajesh Devi	FA-132, FA	20/7/2002
5	Mr. Mohan Ram	Hindi Typist	21/5/2001
6	Mr. Sunil Kr. Singh	Hindi Translator	6/12/1999
7	Mr. Kailash Thakur	Civil Barber	22/1/1975
8	Mr. Shambhu Ram	Civil Safai	13/3/1981
9	Mr. Sudhir Kr. Jha	Civil Cook	1/7/1994
10	Mr. Birendra Rai	Civil Washerman	29/10/1993
11	Mr. J. B. Thakur	Hindi Teacher	16/9/1966
12	Mr. R.K. Thakur	Jr. Teacher	13/5/1983
13	Mr. J. Pokhereal	Jr. Teacher	4/2/2005
14	Mrs. Anita Negi	Senior Teacher	11/2/2005
15	Mr. Konika Bezbaruah	Staff Nurse	13/3/2002
16	Miss Jamuna Negi	Staff Nurse	6/11/2006
17	Mrs Nijora Narazary	Staff Nurse	13/3/2002
18	Mrs. Sandhya Devi	Aya	13/11/2005
19	Mrs Ramawati Devi	Aya	22/7/2002
20	Mrs. Kalabati Devi	Aya	18/3/2002
21	Mr. Rakesh S. Negi	Hindi Translator	29/5/2000
22	Mr. Anant Anand	Hindi Typist	30/11/1999
23	Mr. Ajay Kumar Pandit	Hindi Typist	19/2/2004
24	Mr. Anand Kr. Gupta	Hindi Translator	12/6/2000
25	Mr. Ashok Roy	Hindi Typist	23/6/2000
26	Mr. Ramayan S. Yadav	Hindi Teacher	25/5/1987
27	Md. Idrees Ali	Hindi Teacher	3/2/2005
28	Mr. Sanjay Kr.Chanchal	Jr. Teacher	14/2/2005
29	Mr. Verender Singh	Hindi Translator	12/7/2000
30	Mrs. Megha	Staff Nurse	8/12/2006

Gursencha Nath Yadav

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31	Mrs. Kunti Devi	Female Safai	12/7/2001
32	Mr. Amitendra Kr. Singh	Hindi Typist	20/8/2001
33	Mr. Nabarun Deb	Hindi Translator	24/12/1999
34	Mr. Arjun Singh Verma	Hindi Translator	29/5/2000
35	Mr. B.K. Singh	Civil Pharmacist	8/11/1976
36	Mr. Arvind Kumar	Hindi Typist	12/8/2003
37	Mr. Satendra Kr. Singh	Hindi Teacher	10/2/2005
38	Mr. Prabhash Kr.	Hindi Teacher	25/1/2005
39	Mr. Nizora Gogoi	Jr. Teacher	1/2/2005
40	Mr. Neelam Singh	Female attended	7/6/2000
41	Mr. Raju Thapa	Jr. Teacher	3/4/2001
42	Mr. Lubdha Padhan	Hindi Teacher	7/4/2003
43	Miss Loli Kholia	Staff Nurse	14/7/1992
44	Miss Lokpa Doma Sherpa	F/A-129	26/6/2002
45	Miss Laxmi Gurung	Aya-095	16/12/2005
46	Mrs. Poonam	Aya-103	21/12/2005
47	Mrs. Jayanti Sharma	Aya-123	28/8/2001
48	Mrs. Radha Devi	F/A-097	13/7/1994
49	Mr. Ram Avatar	Hindi Typist	6/7/2000
50	Miss Parbati Pyngrope	Hindi Translator	1/7/2005
51	Mr. Vinod Kr. Nautiyal	Hindi Translator	19/5/2000
52	Mr. Rajesh Malkoti	Hindi Teacher	4/2/2002
53	Mr. Anand Kr. Prasad	Jr. Teacher	9/2/2004
54	Mr. Siva Kr. Singh	Hindi Teacher	17/2/2004
55	Mr. Papu Debroy	Jr. Teacher	31/3/2003

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The applicants craves leaves of the Hon'ble CAT to produce the appointment letters at the time of hearing.

7.3 That the Assam Rifles is directly under the General Superintendence and Control of the Central Government as per provisions of the Assam Rifles Act 1941. Under the provision of the said Act, the Central

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Surendra Nath Yadav

Govt. is authorised to appoint such person or authority in the Assam Rifles. The office of the Director General is held by a person who is an active member of the Indian armed forces and he is an officer generally above the rank of Brigadier in the Indian Army. The Assam Rifles is Created under the above referred Statute and function directly under the control of the Central Govt. For all purposes the members are treated as soldiers of the Assam Rifles. Section 5 of the Assam Rifles Act 1941, Specifies the classes and ranks in the Assam Rifles. The service condition, pay, allowances is governed by various Rules and orders passed by the Central Govt.

7.4. That the applicants beg to state that the union Government, with a view to provide some incentives to the Non-Combatised/Combatised personnel of the Assam Rifles those who posted in the States of the North-eastern regions, amongst other granted special (Duty) allowance. The original scheme was introduced by Office Memorandum No. 11/20044/3/83/E.IV dated 14/12/1983. The Govt. of India by his letter dated No. 11011/1/84-FP.IV dated 3/3/86 clarified the Govt. Policy and accordingly respondent No. 3 was informed by the said letter that SDA is not admissible to the civilian Non-Combatised officers /employees. But considering the demand of the employees and other relevant aspect the Govt. of India decided to Sanction grant of certain allowances VIZ. SDA, special compendatory (Remote locality) Allowances VIZ. ISCA (RL) by an order No. 11011/1/84FP IV dated 2/2/89.

The relevant portion of the notification is shown below:

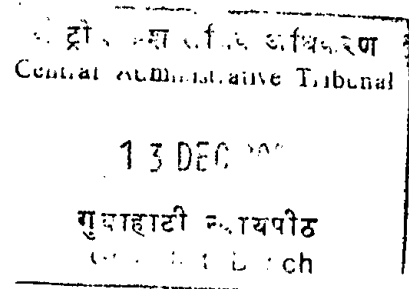
(1) Combatised personnel Item (iii) in para 1 of

(including Cadre Officers) in battalions of Assam rifles and the combatised personnel (including Cadre Officers) in static Formations (such as offices Of DG, IGP, DIGS, Range Hors. Training Centre etc.) and other units (Maintenance Groups, workshops etc.) of Assam Rifles.

Ministry of Finance O.M. No.11/20014/3/83-E-IV dated 14/12/83 as amended from time to time, read with their O.M. No.20014 3/83-E-IV/II dated 29/10/86 their O.M No.II.20014/3/83-E-IV dated 15/7/88 and Min of Fin. O.M. No.F.20014/16 86.E.IV/E-II(B) dated 1/12/08. (This is in modification of Sanction issued in MHA letter No.II 27012/31/85-FP.II dated 6/4/87.)

(ii) Non combatised civilian personnel personnel ((including officers) in battalions of Assam rifles and in static formations (such As officers of DG, IGP, DIGs, R Range Hors, Training Centre etc) and other units (Maintenance Group, workshops etc) of Assam Rifles.

Same as above (This is in Modification of the sanction issued vide item (3) of para-1 of MHA letter No. 11011/1/84-FP. IV dated 3/3/86).



The type copies of the said order is annexed herewith and marked as **Annexure-A**.

7.5. That the applicants beg to state that order dated 2nd Feb, 89 vide No. 11011/1/84/FP IV was issued with the concurrence of the ministry of finance vide MOD No.

Sunderda Nath Lodha

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Guwahati Bench

5(72) E dated 7/11/88 and F.89/AS(E)/789 dated 13/1/89 and integrated Finance Division of this ministry vide their Dy. No.4744/(Ho/88) dated 7/12/88.

7.6. That the applicants beg to state that the Government of India granted certain incentives to the Central Civilian employees appointed in the North Eastern Region. One of the incentives was payment of SDA. The applicants are bound to served any where in India where Assam Rifles units are located. It was specifically mentioned in their appointment letters that they are liable to serve any where in India where Assam Rifles Units exist. Though the applicants are the Non-combatised employees they are the part and parcel of the Assam Rifles organization. They are liable to serve in hard/soft/insurgency/remote/difficulty arrears in North Easter State and NE Council and have to stay with the combatised personnel.

7.7. That the applicants beg to state that the Director General of Assam Rifles issued a Memorandum dated 6/6/98 whereby he inform the Ministry of Home affairs that SDA is one of the concession/facilities extended to the Non-combatised civilian employees serving in the NE Region w.e.f. 1/11/1983 sanctioned by the Ministry of Finance Vide Office Memorandum dated 14/12/1983.

7.8. That subsequently, consequent to Fourth Central Pay Commission recommendations, the above concessions/facilities were modified and two more concessions were given with effect from 1/12/1983. It pertinent to mentioned that the Assam Rifles projected to the Ministry of Home Affairs for extension of the above concessions/facilities including SDA to the combatised/non-combatised civilian personnel of Assam

Surenchra Nath Yadav

Suresh Nath Pandey

Rifles on the analogy that all these concessions including SDA were available to the employees of other CPOs like BSF, CRPF, etc. similarly situated in the NE Region. Subsequently, all this concessions except SDA were also extended to the combatant employees of Assam Rifles with effect from 1/11/1980 vide Ministry of Home Affairs letter dated 4/4/1987. The communication further mentioned that consequent to change over of pay structure of Assam Rifles personnel from Army pattern to CPO pattern from 1/1/1988 following Fourth Central Pay Commission recommendations, SDA on the analogy of other CPO like BSF, CRPF etc. was also extended to both combatant and civilian employees of Assam Rifles with effect from 7/11/1988, with categorical mentioned of the civilian staff and officers of all static formations of Assam Rifles including Directorate General, Assam Rifles, vide Ministry of Home Affairs letter dated 2/2/1989.

7.9. That the applicants beg to state that Govt. of India, through the Ministry of Home Affairs by office memorandum dated 3rd August, 2005 vide Memo No. A-1/3/INST-ACCTS-3/PP-III, clarified it to the D.G.A.R. of that allowances and facilities for Civilian employees of the Central Govt. serving in the States and Union Territories of North-Eastern Region, Andaman and Nikobor Islands and Lakshadweep would be admissible to the personnel who were actually working in the North-Eastern Region. This office memorandum was issued with the concurrence of Ministry of finance, Department of Expenditure-E-II(B) Branch vide the UONO NO. 315/05 dated 10/6/2005 and integrated Finance Division of that Ministry vide their Dy. NO. 748/Fin.II/05 dated 3/8/2005.

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal

13 DEC 2005

गुवाहाटी न्यायपीठ
Guwahati Bench

13 DEC 89

गुवाहाटी न्यायपीठ
Guwahati Bench

A type copy of the said office memorandum is annexed herewith and marked as **Annexure-B**.

7.10. That the applicants beg to state that respondent No. 3 disputed HIS EXCELLENCY'S Hon'ble PRESIDENT OF INDIA'S order granting SDA dtd. 2nd, Feb, 1989 by not paying the same to the applicants. The SDA is admissible to the applicants at 12.5% of the basic pay. But the combatised personnels are drawing SDA which is denied to the applicants. Hence violent discrimination has been made out to the applicants. Thus the applicants rights to equal treatments as guaranteed under Article 14,16 of the Constitution of India has been clearly infringed and violated.

7.11. That the applicants beg to state that orders of the HIS EXCELLENCY'S granting SDA to Assam Rifles Non-combaties personnel w.e.f. 7/11/88 is distinct. That is a special order issued after considering all the pros and cons of the eligibility criteria and respondents are not justified to refuse the benefit of the order dated 2nd Feb, 1989.

7.12. That the applicants beg to state that the applicants approached Jointly and personally the respondent No. 3 in many occasions, but it is of no response.

The applicants crave leaves of the Hon'ble Tribunal to produced the copy the said applicants as and when called for.

7.13. That the applicants beg to state that non-payment and discontinuation of the SDA to the applicants is

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Nath today

Gurendra

13 DEC 2001

गुवाहाटी न्यायपीठ
Gowahati Bench

violative of Article 14, 16 and 21 of the Constitution of India whereas respondents paying it to the combatised personal depriving the applicants and said arrear due to applicants constitute property within the meaning of Article 300A of the Constitution of India. The respondents are denying the SDA to the applicants without authority of law as has been done in the instant case.

7.14. That the applicants beg to submit that it is settle principles that in cases of non-payment of arrear due to the persons the liability of the Govt. to pay interest at market rates commence from the date of non-payment and any capable delay in settlement and disbursement thereof, the party responsible must be visited with penalty of payment or payments in interest at the current market rate till actual payments.

7.15 That the applicants beg to state that the Hon'ble Gauhati High Court dismissed the writ petition No. 195(SH) of 2001 filed the Govt. of India with the following observation:

"The orders of the President granting special Duty allowance to Assam Rifles with effect from 7.11.1988 is a distinct and special order for Assam Rifles which was issued after a lapse of almost five years and after considering all pros and cons of the eligibility criteria. For that reason we are of the view that the decision of the Hon'ble supreme Court in Vijay Kumar (Supra) cannot be a sound basis for withdrawing the benefit given to the non-combatised civilian employees with the sanction of the President. It is more so because this notification was not under consideration of the Hon'ble Supreme Court in Vijay Kumar (Supra). The notification reflects independent policy decision

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Gurendra Nath Yadav

of the Union and, hence, it shall hold the field unless modified by the competent authority".

A photo copy of the said Judgment and order dated 24/7/06 passed by the Hon'ble Gauhati High Court is annexed herewith and marked as **Annexure-C**.

7.16. That the Applicants beg to state that challenging the said judgement and order dated 24/7/06 the Union of India filed a special leave petition before the Hon'ble Apex Court invoking the jurisdiction under Article 136 of the Constitution of India assailing the legality of the said judgement but by his order dated 26/2/07 Division Bench of the Hon'ble Apex Court dismissed the said Special leave petition.

A type copy of the said order is annexed herewith and marked as **Annexure-D**.

7.17. That the applicants beg to state that by an order dated 20july 2007 1.11018/89/2000 law, the respondents granted special duty allowance to civilian employees of Assam Rifles in view of the CAT, Guwahati High Court order dtd. 19/12/2000 in O.A. NO. 2003/98.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

13 DEC 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

Type copy of the said order is annexed herewith with and marked as **Annexure-E**.

7.18. That the applicants submit that it is settled principles of law that when an amount legally due to the party was not paid, the party responsible for with holding it must pay interest at the rate considered reasonable as such respondent are liable to pay

63
Suresh Nath Yadav

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interest on the outstanding amount at the current market rate.

7.19. That it is fit case for interference of the Hon'ble Tribunal and the applicants are entitled to a direction from this Hon'ble Tribunal to the respondents for release the said arrears of SDA and to continue to the same.

8. DETAILS OF REMEDIES EXHAUSTED :

That the applicants declares that they have avail all the remedies available to them.

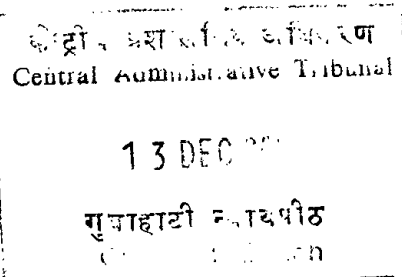
9. MATTER NOT PENDING WITH ANY OTHER COURT ETC.

That the applicants declares that the matter regarding in which the application have been made is not pending before any courts of law, any other authority or any other branch of the Tribunal.

10. RELIEF SOUGHT.

In view of the facts mention in para 5 above the applicants prays for the following releif:

It is prayed that Your Lordship would graciously be pleased to direct the respondents to release and to pay the special (duty) allowance to the applicants/the arrears of special (duty) allowance alongwith interest at the current market rate from the date of due till realization and to continue the same as introduced by the Govt. of India as specified in para 7 after hearing the parties and perusal of records.



11. INTERIM ORDER IF ANY PRAYED FOR:

Pending final decision, in the facts and circumstances as of the case, it is prayed to pass an interim order as Your Lordship deem fit and proper.

12. WHERE AND WHO THE APPLICATION IS FILED:

The application is presented personally before the Registrar, Central Administrative Tribunal Gauhati Bench.

13. PARTICULARS OF THE POSTAL ORDER.

Post order in respect of the application fee

- (i) No of India postal order : 70F 048868, 66F 848814,
 (ii) Name of Post office : Guwahati 66F 848815,
 (iii) Date of issue : Do 13/12/07
 (iv) Post office at which payable : Do

14. LIST OF ENCLOSURES:

- | | |
|----------------------------|---|
| 1. Annexure-A
2/2/1989 | Order dated 2/2/1989 issued
Vide Memo No. 11011/1/84-FPTV. |
| 2. Annexure-B
3/8/2005 | Office Memorandum dated 3/8/05
issued vide Memo NO. A-1-3/INST-
ACCTS-3/PP-III |
| 3. Annexure-C.
24/7/06 | Judgement and order dated
24/7/06 passed by the Division
Bench of the Hon'ble Gauhati
High Court in writ petition No.
195 (SH) of 2001. |
| 4. Annexure-D
26/2/2007 | Order dated 26/2/2007 passed by
the Hon'ble Supreme in SLP
(Civil) NO. (9) 2962/07 |
| 5. Annexure-E
20/7/2007 | Order dated 20/7/2007 issued
vide Memo No. 1.11018/89/
2000/Law. |

केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal

13 DEC

गुवाहाटी न्यायपीठ

Suresh Nath Yadav

VERIFICATION

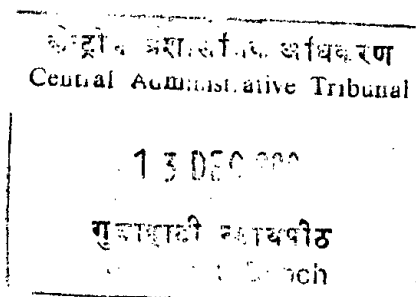
I Mr. S.N. Yadav, S/O Late Shri Ram Yadav, aged about 40 years, HQ, IGAR (N) C/O 99APO District: Kohima for myself and on behalf other applicants duly authorised by them to hereby verify that the contents from para 1-14 are true to my knowledge and belief and I have not suppressed any material facts.

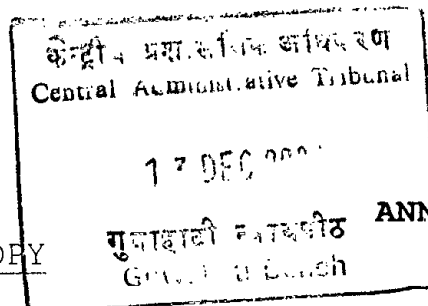
Surentha Nath Yadav

Signature of the applicant

Place: Guwahati

Date: 12/12/07





No. 11011/1/84-FP.IV
Government of India
Ministry of Home Affairs

New Delhi, dated the 2nd Feb' 89

To,
The Director General
Assam Rifles
Shilling-7930011.

Subject: Grant of Special (Duty Allowance and Special Compensatory (Remote Locality) Allowances to Assam Rifles personnel posted in the States and Union Territories of North Eastern Region, Andaman and Nicobar island and Lakshadweep- Grant of Sikkim Compensatory Allowances sanctioned regarding.

Sir,

I am directed to convey the sanction of the President to the grant of the following allowances to the personnel in Assam Rifles with effect from 7.11.1988:

<u>Category of personnel</u> <u>Entitled to allowance</u>	<u>particulars of O.MS regulating</u> <u>the allowance</u>
(i) Combatised personnel (including Cadre Officers) in battalions of Assam rifles and the combatised personnel (including Cadre Officers) in static formations (such as offices of DG, IGP, DIGS, Range Hors. Training Centre etc.) and Other units (Maintenance Groups, workshops etc.) of Assam Rifles.	Item (iii) in para 1 of Ministry of Finance O.M. No.II-20014/3/83-E-IV dated 14/12/83 as amended from time to time, read with their O.M. NO. 20014/3/83-E-IV/II dated 29/10/86 Their O.M. No.II, 20014/3/83-E-IV dated 15/7/88 and Min of Fin. O.M. No.F.20014 16/86,E.IV/E-II(B) dated 1/12/08. (This is in modification of sanction issued in MHA letter No.II 27012/31/85-FP.II dated 6/4/87)
(ii) Non combatised personnel (including officers) in battalions of Assam Rifles and in static formations (such) as offices of DG, IGP,	Same as above (This is in Modification of the sanction issued vide item (3) of para 1 of MHA letter No. 11011/1/84-FP. IV dated 3/3/86).

Certified

He Genuah
Hona Gubinda Bonuah
Advocate

DIGs, Range Hors,
Training Centre etc)
and other units
(Maintenance Group,
workshops etc.) of
Assam Rifles.

(2) Special Compensatory
Allowance (Also called
as Special Compensatory
(Remote Locality)
Allowance

Category of personnel as
Mentioned against item(i)

Same as indicated against
items 1(i) above Ministry
of Finance O.Ms.No.
20014/6/86-F.IV dated
23/9/86 and 27/4/87
(Meghalaya) No. 20014/7/
(Assam) NO. 20014/10/86-
E.IV dt. 23/9/86 and
22/4/87 (Tripura)
NO.20014/2/86-E.V dated
23/9/86 and 16/4/8
(Mizoram) No. 20014/9/86-
E.IV dt. 23/9/86 and
22/4/87 (Nagaland) and
16/4/87 (Manipur) No.
20014/4/86-E.IV dt. 23/9/86
and 22/4/87 (Arunachal
Pradesh) also refer. (This
is in modification of MHA
letter No. 27012/31/85-
FP.II dt. 6/4/87).

(3) Sikkim Compensatory
Allowance

Combatised as well as
Non-combatised personnel
(including officers) in
Assam Rifles posted in
Sikkim.

Ministry of Finance O.M.
No.20014/8/86-E.IV dated
23/9/86 and 22/4/87.

2. With effect from 7/11/88, the Assam Rifles
personnel who were in receipt of special compensatory
Filed Area Allowance (as in the Army) will cause to
draw the same.

3. The above sanctions are not applicable to Army
Officers/personnel; on deputation to Assam Rifles.

4. This issue with the concurrence of the Ministry of
Finance Vide MOD NO. 5(72)E. dated 7/11/88 and

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100 to 1000000
Assam Rifles*

- 41 -

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F.89/AS(E)/89 dated 13/1/89 and Integrated Finance Division of this Ministry vide their Dy.No. 4744/(HO/88) dated 7/12/88.

Yours faithfully

S/D

(M.M. Sharma)

Deputy Secretary to the Government of India.

No. 11011/1/84-FP.IV dated New Delhi, the 2nd Feb. 89.

Copy to:

1. The pay & Account Officer, Assam rifles, Shillong.
2. The Accountant General, Assam, Meghalays, etc. Shillong.
3. Finance-III, Ministry of Home Affairs.
4. Ministry of Finance, Deptt. of Expenditure (E.III Branch).
5. Ministry of Finance, Deptt. of Expenditure (E.IV Branch).
6. Liaison Officer, Assam Rifles, New Delhi.
7. 20 Spare copies.

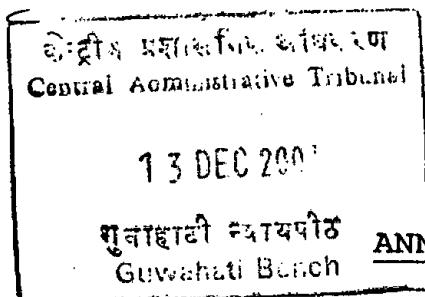
Sd/-

(MM Sharma)

Deputy Secretary to the Government of India.

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He Gromah
(Haza Grahinda Bonuah)
Advocate



GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

Memo No.A-1-3/INST-ACCTS-3/PP-III

North Block, New Delhi
Dated, the 3rd August, 2005.

OFFICE MEMORANDUM

Sub: Allowances and facilities for civilian employees of the Central Government serving in the States and Union Territories of North-Eastern Region, Andaman and Nicobar Islands and Lakshadweep.

I am directed to refer to this Ministry's letter No. II-27012/31/85-FP.II dated 31/3/1987 vide which the CPF Personnel posted in the North-Eastern Region and not having their head quarter in the N.E. Region were not getting special (duty) allowance because of the condition that the Hqrs of such personnel should also be in North-East.

2. The matter has since been examined in consultation with Ministry of Finance and it has been decided to consider and allow the claim of CPF Personnel deployed in N.E. Region whose Headquarter is located outside the N.E. Region in the light of criteria laid down in Finance Ministry's O.M.NO.20014/3/83-F.IV dated 14/12/1983 read with O.M. NO. 11(5) 87-E dated 29/5/2002. It is also clarified that this allowance would be admissible only to the personnel who are actually working in the N.E. Region.

3. This issues with the concurrence of Ministry of Finance, Department of Expenditure, E-II(B) Branch vide

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H. G. Boruah
(H. G. Boruah, Advocate)

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their UO NO. 315/05 dated 10/6/2005 and Integrated Finance Division of this Ministry vide their Dy. No.748/Fin. II/05 dated 3/8/2005.

Sd/- Illegable

(Renjanesh Sahal)

Director (Police Finance)

Tel.No. 2309-2123

DG of Assam Rifles, BSF, CISF, CRPF, ITBP and SSB
Shillong (Meghalaya)/New Delhi

Copy to:

- 1.(Sic)
(Meghalaya)/New Delhi
2. FA, Assam Rifles, BSF, CISF, CRPF, ITBP and SSB
Shillong (Meghalaya) /New Delhi.
3. PPS to JS(P) for information of JS(P)
- 4.IFD (Fin. II), MHA
5. PFI/II/V/V Desks, MHA
- 6.Guard File (PF. III Desk), MHA.

Sd/- Illegible

(M.S. Kalania)

Under Secretary to the Govt. of India

Tel. No. 23092214

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Ate Bonuah
(Hana Gribinda Bonuah)
Advocate

25/11/06	27/1/06	27/1/06	27/1/06	27/1/06
the response number of complaint and follow.	the response number of complaint and follow.	the response number of complaint and follow.	the response number of complaint and follow.	the response number of complaint and follow.

IN THE CAUHAATI HIGH COURT
(The High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura,
Mizoram and Arunachal Pradesh)

ANNEXURE - C

(SHILLONG BENCH)

WRIT PETITION NO. 195 (SH) OF 2001

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

13 DEC 2001

गुवाहाटी न्यायपीठ
Guwahati Bench

1. The Union of India, represented by
the Secretary, Ministry of Home Affairs,
Govt. of India, North Block, New Delhi.

2. The Secretary to the Govt. of India,
Ministry of Finance (Department of
Expenditure), New Delhi.

3. The Director General,
Assam Rifles, Shillong.

4. Deputy Controller,
Pay & Accounts Officer (Assam Rifles)
Ministry of Home Affairs,
Laitumkhrah, Shillong.

..... PETITIONERS

-Versus-

1. Shri R.S. Pathak and others.

2. The Central Administrative Tribunal,
Guwahati.

..... RESPONDENTS

P R E S E N T

THE HON'BLE MR. JUSTICE D. BISWAS
THE HON'BLE MR. JUSTICE T. VAIPHEI

For the petitioner

: Mr. S.C. Shyam,
C.G.C.

For the respondent

: Mr. B.C. Das, Sr. Advocate
Mr. B.N. Dutta, Advocate

*Certified to be true Copy
of the original
Advocate
13/12/07
(Hara Gubinda Bonuah)*

45-
Date of Hearing : 24.07.2006

Date of Judgment and Order : 24.07.2006

JUDGMENT AND ORDER

By D. Biswas, J.



This writ petition is directed against the common judgment and order dated 19.12.2000 passed by the Central Administrative Tribunal, Guwahati Bench in O.A. Nos.203, 207, 222 of 1998, 225, 268, 012, 372, 144, 194, 285, 379 and 442 of 1999. The respondents have been working as non-combatant civilian employees in different capacities under the Director General of Assam Rifles. Dispute arose with regard to payment of Special Duty Allowance (SDA) which was paid to them in pursuance of the notification dated 2.2.1989 issued by the Ministry of Home Affairs. By this notification, the Government of India permitted payment of Special Duty Allowance to non-combatant civilian personnel including officers under the Battalion of Assam Rifles and static formation (such as offices of DG, IGP, DIGs, Range Hqs. Training Centre etc.). Accordingly, the respondents were paid special duty allowance. It may be mentioned here that the concept of payment of Special Duty Allowance was first introduced by the Government of India by the notification dated 14th December, 1983. Proposals for payment of the allowance to the civilian employees of the Assam Rifles was initially turned down by the Ministry of Home Affairs, Government of India vide letter dated 3.3.1986 on the ground that the Assam Rifles personnel and civilian non-combatant officers/employees do not have all India transfer liability. Thereafter, the Ministry of Home Affairs, Government of India with concurrence of the Ministry of Finance issued the notification dated 2.2.1989 permitting payment of Special Duty Allowance to the non-combatant civilian personnel of the Assam Rifles. The benefit given

*Certified to be true copy
Harna Gobinda Bonua
Advocate*



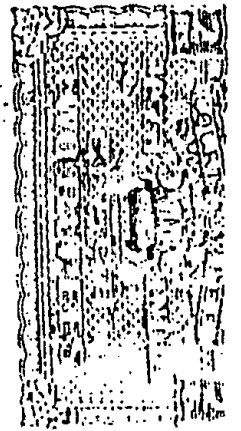
by this notification was withdrawn by the notification dated 12.1.1996 with direction for recovery of the allowance paid to them after 20.9.1994. The learned Tribunal held that the office memorandum dated 2.2.1989, whereby the civilian combatised employees have been granted the allowance, is a distinct and independent policy decision of the Government of India and the decision to pay has been taken irrespective of all India transfer liability. The Tribunal set aside the impugned notification holding inter alia that refusal to grant Special Duty Allowance to the applicants is without justification and the steps taken for recovery of the amount already paid is unjustified. Further direction has been given to the authority to refund the amount, if any, already recovered in pursuance of the impugned notification dated 12.1.1996.

2. We have heard Mr. S.C. Shyam, learned Central Government Counsel for the petitioners. Also heard Mr. B.C. Das, learned senior counsel for the respondents as well as Mr. BN. Dutta, learned counsel.

3. We have examined the notifications dated 4.12.1983, 3.3.1986, 2.2.1989 and 12.1.1996 issued by the Government of India from time to time. We have also considered the decision of the Hon'ble Supreme Court in Union of India and others -vs.- V. Jay Kumar and others, reported in 1994 Supp (3) SCC 649. We find no reason to disagree with the view expressed by the learned Tribunal that while granting Special Duty Allowance to the non-combatant civilian employees of the static formation of the Assam Rifles, the Ministry took note of all its earlier office memoranda and took a conscious decision to pay Special Duty Allowance to the non-combatant civilian employees of the Assam Rifles. The notification dated 2nd February, 1989 was issued with sanction of the President of India granting payment of Special Duty Allowance with effect from

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Hanan Gohinda Bonuach
Advocate*

7.11.1988. The notification dated 2nd February, 1989 appears to be a conscious decision of the Union Government taken after consideration of all material factors including service conditions of the employees serving in the Assam Rifles. The authority allowed payment of the allowance knowing fully well that such civilian non-combatant officers and personnel of Assam Rifles do not have all India transfer liability. Therefore, the notification issued by the Government of India granting Special Duty Allowance is not relatable to the earlier office memoranda. The decision reflected in this notification is distinct and independent of the earlier decision. This view finds support from the averments of the writ petitioners in their written statement submitted before the Tribunal in O.A. No.207/1998. In para-3 of the said written statement, it is submitted that the orders of the President granting Special Duty Allowance to Assam Rifles with effect from 7.11.1988 is a distinct and special order for Assam Rifles which was issued after a lapse of almost five years and after considering all pros and cons of the eligibility criteria. For this reason we are of the view that the decision of the Hon'ble Supreme Court in Vijay Kumar (supra) cannot be a sound basis for withdrawing the benefit given to the non-combatant civilian employees with the sanction of the President. It is more so because this notification was not under consideration of the Hon'ble Supreme Court in Vijay Kumar (supra). The notification reflects independent policy decision of the Union and, hence, it shall hold the field unless modified by the competent authority as indicated hereinbefore. We find no ground for interference with the judgment and order of the learned Tribunal.



4. In the result, the writ petition is dismissed.

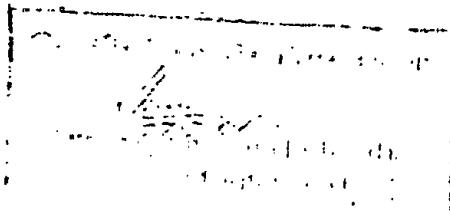
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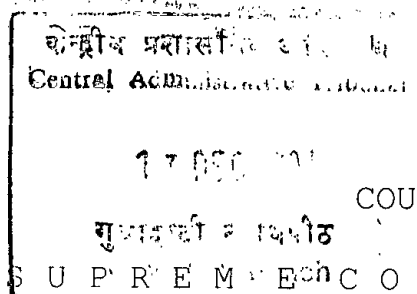
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[Signature]
Advocate



ANNEXURE--D

COURT NO. 5

Section XIV

Petitioners(s) for Special Leave to Appeal (Civil)
NO.(s).2962/2007

(From the judgement and order 24/07/2006 in WP No.
195/2001 of the High Court of Guwahati, Assam)

Union of India & Ors.
Versus

Petitioner(s)

R.S. Pathak & Ors

Respondent(s)

Date; 26/02/2007 This petition was called on for
hearing today

CORAM:

Hon'ble Mr. Justice H.K Sema

Hon'ble Mr. Justice D.K. Jain

For petitioner(s) Mr. R. Mohan, ASG
Mrs.Binu Tamta, Adv.
Mrs. B. Sunita Rao, Adv.
Mr. Shanti Bhushan Chaubey, Adv.
Ms. Sushma Suri, Adv.

For Respondent(s) Mr. N.R. Choudhry, Adv.
Mr. Somnath Mukherjee, Adv.

Upon hearing counsel the Court made the following

ORDER

We see no reasons to interfere. The Special Leave
petition is dismissed.

S/D
(Ravi P. Verma)
Court Master

S/D
(Anand Singh)
Court Master

CONFIRMED
He Somnath Mukherjee (Anand Singh Sonu)

COURT NO.5

Central Administration & Planning

13 DEC 2011

গুৱাহাটী ন্যায়পীঠ
Guwahati Bench

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

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Petition(s) for Special Leave to Appeal (Civil) No(s).2962/2007

(From the Judgement and order dated 24/07/2006 in WP No. 195/2001 of The HIGH COURT OF GUWAHATI, ASSAM)

UNION OF INDIA & ORS.

Petitioner(s)

VERSUS

R.S. PATERN & ORS.

Respondent (s)

Date: 26/02/2007 This Petition was called on for hearing today.

CORREL :

HON'BLE MR. JUSTICE H.K. SEMA.
HON'BLE MR. JUSTICE D.K. JAIN

Continued to be made copy

For Petitioner(s)

Mr. R. Mohan, ASG
Mrs. Binu Tanta, Adv.
Mrs. B. Sunita Rao, Adv.
Mr. Shanti Bhushan Chaubey, Adv.
Ms. Sushma Suri, Adv.

For Respondent(s)

Mr. N.R. Choudhury, Adv.
Mr. Somnath Mukherjee, Adv.

UPON hearing counsel the Court made the following
O R D E R

We see no reasons to interfere. The Special Leave
petition is dismissed.

Ravi P. Verma,
Court Master.

(Anand Singh
Court Master

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Advocate

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ANNEXURE-E

Tele No.2705016

By SDS

Mahanideshalaya Assam Rifles
Directorate Genera Assam Rifles
Shillong-793011

1.11018/89/2001-law

20 July 2007

Headquarters

Inspector General Assam Rifles (North)

C/O 99 APO.

GRANT OF SPECIAL DUTY ALLOWANCES (SDA) TO CIVILIAN
EMPLOYEES OF ASSAM RIFLES IN VIEW OF CAT, GUWAHATI
ORDER DATED 19,12.2000 IN OA NO 203/98-RS PATHAK &
OTHERS AND THE SERIES

Ref your Sig A 6844 dated 17.07.2007.

It is intimated that MHA vide its letter UO NO. 27013/04/2007-PF.IV dated 13.07.2007 directed to implement the CAT orders dated 19.12.2000 in respect of the petitioner only.

It is further intimated that vide the said order dated 19 Dec 2000 the CAT, Guwahati also considered & disposed of the following Original Applications:

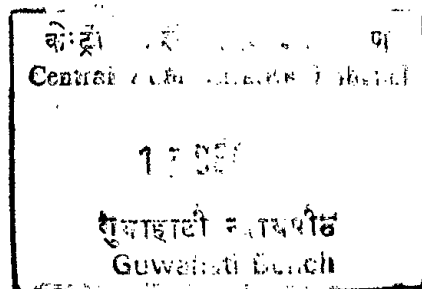
(a) O.A. NO. 207/1998	Shri H.N.Sharma & 24 Others (Srl No.2)
(b) O.A No. 222/1998	Shri B.K. Chatterjee & 31 Others (Srl.No.2.)
(c) O.A. NO.225/1999	Shri S.K. Dhar & 23 Others (Srl No.4)
(d) O.A. NO.268/1999	Shri V.S. Sarma & 86 Others (Srl No.5)
(e) O.A. NO.312/1999	Shri K. Choudhury & 67 Others (Srl No.6)
(f) O.A. NO.372/1999	Shri S.D.Bhuyan & 41 Others (Srl NO.7)
(g) O.A. NO.144/1999	Shri AC Chanda & 19 Others (Srl No.8)
(h) O.A. NO.194/1999	Shri B.C.Roy & 20 Others (Srl No.9)
(i) O.A. NO.285/1999	Shri S.C. Kar & 09 Others (Srl NO.10)
(j) O.A. NO.379/1999	Shri M.R. Chakraborty & 78 Others (Srl No.11)
(k) O.A. NO.442/1999	Shri A.M.Kumar & 5 Others (Srl. No.12)
(l) O.A. NO.129/2000	Shri K Bayan & 154 Others (Srl No.13)
(m) O.A. NO.166/2000	Shri BN Deka & 05 Others (Srl No.14)
(n) O.A. NO.168/2000	Shri Dr. Ajit Bora (Srl No.15)
(o) O.A. NO.284/1999	Shri GB Singh & 98 Others (Srl No. 16)
(p) O.A. NO.109/2000	Dr. P.K. Singh & 06 Others (Srl No.17)
(q) O.A. NO.341/2000	Shri P. Chakraborty & 05 Others (Srl No.18)
(r) O.A. NO.345/2000	Dr. B. Ghosh & 02 Others (Srl NO. 19)
(s) O.A. NO.425/2000	Dr.S. Dimngel & 12 Others (Srl No. 20)
(t) O.A. NO.429/2000	Shri B.N. Talukdar & 16 Others (Srl No. 21)

4. In view of above, list of the petitioners as per records available in respect of above mentioned cases along with copy of CAT order dated 19.12.2000 are forwarded as desired please. The same may please be disseminated to all concerned Sector HQRS/Units under your command.

Certified
He Barmah
(Hina Gobinda Barmah)

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5. Please ack.

(S. Salooja)

Lt Colonel

Dy Chief Law Officer

For Chief Law Officer

Encl: As stated above

Copy to:

Headquarters : Ref your Signal No. A 6468 dated
IGAR(S) 16.07.2007. Complete list of
C/O: 99 APO. Petitioners along with copy of CAT
order dated 19.12.2000 is forwarded
herewith for similar action as
stated above.

Headquarters : -do-
21 Sector Assam Rifles
C/O: 99 APO

Headquarters
23 Sector Assam Rifles : -do-
C/O 99 APO.

Headquarters
25 Sector Assam Rifles : -do-
C/O 99 APO.

Assam Rifles Signal Unit: Ref your letter No.
Shillong-II II.17017/Fin/2007/342 dated
17.07.2007. It is requested to
dispatch a competent Clerk well
conversant with the case to East
Branch this Directorate since a list
of petitioners being fwd to them.

Assam Rifles : Ref your letter No. Fin/4101/28/
Adm Support Unit 2007/637 dated 16.07.2007. it is
Happy Valley, requested to dispatch a competent
Shillong-07 clerk well conversant with the case
East Branch this Directorate since a
list of petitioners being fwd to
them.

Est Branch (Bill Sec): Complete list of the petitioners
HQ DGAR, Shillong-II along with copy of CAT order
(Internal) dated 19.12.2000 for your
further necessary action.

*Certified to be true Copy
(Hara Gobinda Boraiah)
Advocate*