

2

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (JUDL.)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

1. Original Application NO. 6 / 68

2. M.Bs Petition No. 8 / 08

3. Contempt Petition No.

4. Review Application No.

Applicant(S).....P.K. Deb & Ors.....VS-Union of India & Ors

Advocate for the Applicants.....Adil Ahmed.....

.....Ms. S. Bhattacharyee.....

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

Notes of the Registry

Date

Order of the Tribunal

This application is in form
is filed/C. F. for Rs 50/-
deposited vide P.O. No.
No. 226/042606
Dated 17.9.07

18.01.2008

On the prayer of Mr.A.Ahmed, learned
counsel appearing for the Applicant, call this
matter on 01.02.2008.

Registrar

(Khushiram)
Member (A)

(M.R.Mohanty)
Vice-Chairman

*Religious Grievance
for issue notices
one received with
envelops. Copy served.*

/bb/

06.02.2008

Having heard Mr. Adil Ahmed, learned
Counsel appearing for the Applicants, the O.A.
stands dismissed being withdrawn; for the
reasons stated in separate sheets; along with
O.A.07/2008.

With disposal of O.A.06/08, M.P.08/08
and M.P.21/08 also stands disposed of.

[Khushiram]
Member[A]

[M.R.Mohanty]
Vice-Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

O.A. No.06 of 2008
M.P.No.08 of 2008
M.P.No. 21 of 2008

With
O.A.No.07 of 2008
M.P.No.09 of 2008
M.P.No. 22 of 2008

Date of order: the 6th February, 2008

Shri Pijush Kanti Deb & others

Applicants

By Advocate: Mr. Adil Ahmed

Versus

The Union of India & others

Respondents

By Advocates Mr. G.Baishya, Senior C.G.S.C

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

CORAM: The Hon'ble Shri Manoranjan Mohanty, Vice-Chairman
The Hon'ble Shri Khushiram, Member [A]

1. Whether reporters of local newspapers may be allowed to see the judgment or not? Yes/No. ✓
2. Whether to be referred to the Reporters or not ?
3. Whether to be forwarded for including in the Digest being compiled at Jodhpur Bench and other Benches ? Yes/No ✓
4. Whether their Lordships wish to see the fair copy of the judgment ? Yes/No ✓

Vice-Chairman

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**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI**

O.A. No.06 of 2008


M.P. No. 08 of 2008

M.P.No.21 of 2008

Date of Order: This the 6th February, 2008

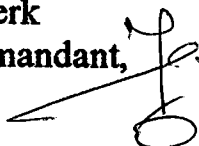
**CORAM: The Hon'ble Shri Manoranjan Mohanty, Vice-Chairman
The Hon'ble Shri Khushiram, Member[A]**

1. Shri Pijush Kanti Deb
P.N. 695814
Son of Late Digendra Ch.Das
Office Superintendent
Office of the Commandant,
222 Advanced Based Ordinance
Depot [in short ABOD],
C/o 99 APO.
2. Shri Umesh Ch. Das
P.No. 6897203,
Son of Late Alok Ch.Das
Assistant
Office of the Commandant,
222 Advanced Based Ordinance
Depot [in short ABOD]
C/o 99 APO.
3. Shri Ajit Kr. Deb
P.No. 6960411
S/o Late Radhika Deb
Assistant,
Office of the Commandant,
222 Advanced Based Ordinance
Depot [in short ABOD]
C/o 99 APO.
4. Shri Arabinda Choudhury
P.No. 6957645,
S/o Late Anil Ch Choudhury
Assistant
Office of the Commandant,
222 Advanced Based Ordinance
Depot [in short ABOD],



C/o 99 APO.

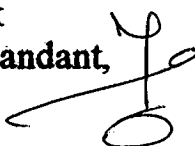
5. Shri Dharma Kanta Das
P.No.6958165,
S/o Ram Nath Das
Office Superintendent
Office of the Commandant,
222 Advanced Based Ordinance,
Depot[in short ABOD],
C/o 99 APO.
6. Md. Abdul Hussain
P.No. 6958134
S/o Late Hasim Ali
Assistant, Office of the Commandant
222 Advanced Based Ordinance
Depot [in short ABOD]
C/o 99 APO.
7. Shri Giridhar Hazarika
P.No. 6958703
S/o Late Budhi Ram Hazarika
Assistant, Office of the ,Commandant
222 Advanced Based Ordinance
Depot [in short ABOD]
C/o 99 APO.
8. Shri Satya Deo Prasad
P.No. 6959420,
S/o Ramaspray Prasad
Assistant,
Office of the Commandant
Advanced Based Ordinance
Depot [in short ABOD]
C/o 99 APO.
9. Shri Manohar Bharali
P.No. 6960541,
S/o Late Gopal Ch. Bharali
Assistant,
Office of the Commandant,
222 Advanced Based Ordinance
Depot [in short ABOD]
C/o 99 APO.
10. Shri Ashwini Sharma
P.N. 6960543,
S/o Late Radha Kanta Sharma
Upper Division Clerk
Office of the Commandant,

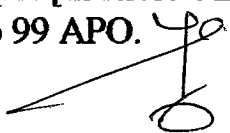


- 222 Advanced Based Ordinance
Depot [in short ABOD],
C/o 99 APO.
11. Shri Jiban Ch. Bharali
P.No.6960546
S/o Late Mohan Ch. Bharali
Assistant
Office of the Commandant,
222 Advanced Based Ordinance
Depot [in short ABOD]
C/o 99 APO.
12. Shri Benudhar Brahma
P.No. 6960548,
S/o Late Nibaran Ch. Brahma
Assistant,
Office of the Commandant,
222 Advanced Based Ordinance
Depot [in short ABOD]
C/o 99 APO.
13. Shri Chittaranjan Ghosh,
P.No. 6960948,
S/o Late Himansumoy Ghosh
Upper Division Clerk
Office of the Commandant,
222 Advanced Based Ordinance
Depot [in short ABOD]
C/o 99 APO
14. Shri Rabindra Nath Baruah
P.No. 6960774
S/o Late Satish Ch. Baruah
Upper Division Clerk
Office of the Commandant,
222 Advanced Based Ordinance
Depot [in short ABOD]
C/o 99 APO.
15. Shri Satya Kr. Basumotary
P.No. 6961230
S/o Late Bipin Basuotary
Assistant
Office of the Commandant,
222 Advanced Based Ordinance
Depot [in short ABOD]
C/o 99 APO.
16. Shri Gangadhar Mudoi



- P.No. 6961231
S/o Late Robidhar Mudoj
Upper Division Clerk
Office of the Commandant,
222 Advanced Based Ordinance
Depot [in short ABOD]
C/o 99 APO.
17. Shri L.C. Liana
P.No. 6964389
S/o Pabuanga
Assistant
Office of the Commandant,
222 Advanced Based Ordinance
Depot [in short ABOD]
C/o 99 APO.
18. Shri Giridhar Das
P.No. 696272
S/o Chakra Dhar Das
Upper Division Clerk
Office of the Commandant,
222 Advanced Based Ordinance
Depot [in short ABOD]
C/o 99 APO.
19. Shri Bhagawan Ch. Sharma
P.No. 6961994
S/o Late Lakshwar Sharma
Upper Division Clerk
Office of the Commandant,
222 Advanced Based Ordinance
Depot [in short ABOD]
C/o 99 APO.
20. Shri Anupam Kumar Changkakoti
P.No. 6962728
S/o Ishan Ch. Chankakoti
Upper Division Clerk
Office of the Commandant,
222 Advanced Based Ordinance]
Depot [in short ABOD]
C/o 99 APO.
21. Smt. Padma Kalita
P.No. 6963525
D/o Late Karuna Kalita
Upper Division clerk
Office of the Commandant,



- 222 Advanced Based Ordinance
Depot [in short ABOD]
C/o 99 APO.
22. Smt. Runu Devi
P.No.6963869
D/o Late Lakshwar Sharma
Upper Division Clerk
Office of the Commandant,
222 Advanced Based Ordinance
Depot [in short ABOD]
C/o 99 APO.
23. Smt. Robijan Nessa
P.No. 6966248
D/o Late Samsher Ali
Upper Division Clerk
Office of the Commandant
222 Advanced Based Ordinance
Depot [in short ABOD]
C/o 99 APO.
24. Shri Nripen Ch. Das
P.No. 6966250
S/o Late Sachndra Mohan Das [S.M.Das]
Upper Division Clerk
Office of the Commandant,
222 Advanced Based Ordinance
Depot [in short ABOD]
C/o 99 APO.
25. Shri Pradip Kr. Bonik
P.No. 6960540
S/o Late B.L. Bonik
Upper Division Clerk
Office of the Commandant,
222 Advanced Based Ordinance
Depot [in short ABOD]
C/o 99 APO.
26. Smt. Usha Saloi
P.No. 6961065
Daughter of Gajen Ch.Saloi
Upper Division Clerk
Office of the Commandant,
222 Advanced Based Ordinance
Depot [in short ABOD]
C/o 99 APO.
- 

27. Shri Jagodish Ch. Sharma
P.No.6963827
S/o Thaneswar Sharma
Upper Division Clerk
Office of the Commandant,
222 Advanced Based Ordinance
Depot [in short ABOD]
C/o 99 APO.
28. Shri Ranjeet Kr. Mishra
P.No. 6968645
S/o Shri B.K. Mishra
Lower Division Clerk
Office of the Commandant,
222 Advanced Based Ordinance
Depot [in short ABOD]
C/o 99 APO.
29. Shri Jatin Ch.Das
P.No. 6958702
S/o Late Gaji Ram Das
Assistant
Office of the Commandant,
222 Advanced Based Ordinance
Depot [in short ABOD]
C/o 99 APO.

Applicants

By Advocate Mr. Adil Ahmed

versus

1. The Union of India
represented by the Secretary
to the Government of India,
Ministry of Defence, 101
South Block, New Delhi-11- 011
2. The Director General of
Ordinance Service Master
General of the Ordinance
Branch Army Head Quarters,
DHQ P.O. New Delhi-110 011
3. The Controller of Defence
Accounts, Udayan Bihar,
Guwahati-781171
4. The Area Accounts Officer
Ministry of Defence



Biver Road, Shillong-1.

5. The Commandant 222 ABOD,
C/o 99 APO.

Respondents

By Advocates Mr.G. Baishya, Senior C.G.S.C.
Mr. M.U.Ahmed, Addl. C.G.S.C.

With

O.A.No. 07 of 2008

M.A.No.09 of 2008

M.A.No.22 of 2008

1. Shri Rajkumar Gaurasana
Singha
P.No. 6961995
Son of Late Rajkumar
Gaurmani Singa
Store Superintendent
Office of the Commandant,
222 Advanced Based Ordinance
Depot [in short ABOD]
C/o 99 APO.
2. Shri Bhupen Chandra Deka
P.No. 6962493,
Son of Late Nabian Ch.Deka
Store Superintendent
Office of the Commandant,
222 Advanced Based Ordinance
Depot [in short ABOD]
C/o 99 PO.
3. Shri Swapan Kumar Mitra
P.No. 6960306,
Son of Late Amrita lal Mitra
Store Superintendent
Office of the Commandant,
222 Advanced Based Ordinance
Depot [in short ABOD]
C/o 99 APO.
4. Shri Pradip Bora
P.No. 6962491,
Son of Late Lakhi Ram Bora
Senior Store Keeper
Office of the Commandant,
222 Advanced Based Ordinance
Depot [in short ABOD]

C/o 99 APO.

5. Shri Arabinda Das
P.No. 6961559,
Store Superintendent
Office of the Commandant,
222 Advanced Based Ordinance
Depot [in short ABOD]
C/o 99 APO.
6. Shri Anil Ch.Das
P.No. 6962336
Son of Late Gati Ram Das
Store Superintendent
Office of the Commandant,
222 Advanced Based Ordinance
Depot [in short ABOD]
C/o 99 APO.
7. Shri Umesh Chandra Kalita
P.No. 6962275
Son of Late Shri Chandra Kalita
Store Superintendent
Office of the Commandant,
222 Advanced Based Ordinance
Depot [in short ABOD]
C/o 99 APO.
8. Shri Makhan Bargohain
P.No. 6962492,
Son of Budha Ram Bargohain
Store Superintendent
Office of the Commandant,
222 Advanced Based Ordinance
Depot [in short ABOD]
C/o 99 APO.
9. Shri Ranjit Kumar Das
P.No. 6960285,
Son of Late Dulal Ch.Das
Senior Store Superintendent
Office of the Commandant,
222 Advanced Based Ordinance
Depot [in short ABOD]
C/o 99 APO.
10. Shri Baikuntha Nath Rabha
P.No. 6964200Y,
Son of Late Ulta Ram Rabha

Senior Superintendent
Office of the Commandant,
222 Advanced Based Ordinance
Depot [in short ABOD]
C/o 99 APO.

11. Shri Nitu Moni Nath
P.No. 6969003
Son of Late Deva Nath
Store Keeper
Office of the Commandant,
222 Advanced Based Ordinance
Depot [in short ABOD]
C/o 99 APO.
12. Shri Bhaben Ch.Das
P.No. 6960847,
Son of Puspa Ram Das
Senior Superintendent
Office of the Commandant,
222 Advanced Based Ordinance
Depot [in short ABOD]
C/o 99 APO.
13. Shri Akan Ch.Das
P.No. 6963602,
Late Chani Ram Das
Store Superintendent
Office of the Commandant,
222 Advanced Based Ordinance
Depot [in short ABOD]
C/o 99 APO.
14. Md. Salimuddin Ahmed
P.No. 691411
Son of Late Tahiruddin Ahmed
Senior Storekeeper
Office of the Commandant,
222 Advanced Based Ordinance
Depot [in short ABOD]
C/o 99 APO.
15. Shri Lakshman
P.No.6964549
Son of Late Faku Ram
Senior Store Keeper
Office of the Commandant,
222 Advanced Based Ordinance
Depot [in short ABOD]

C/o 99 APO.

16. **Shri Bhupen Ch. Mazumdar**
P.No. 6964549
Son of Late S.C. Mazumdar
Senior Superintendent
Office of the Commandant,
222 Advanced Based Ordinance
Depot [in short ABOD]
C/o 99 APO.
17. **Md. Kayum Ali Laskar**
p.No.6967189
Son of Namar Ali Laskar
Senior Store Keeper
Office of the Commandant,
222 Advanced Based Ordinance
Depot [in short ABOD]
C/o 99 APO.
18. **Smt. Anjana Kakoti Neog**
P.No.6962335
Wife of Shri R.K. Neog
Senior Superintendent
Office of the Commandant,
222 Advanced Based Ordinance
Depot [in short ABOD]
C/o 99 APO.
19. **Shri Arun Bhuyan**
P.No.6962274
Senior Superintendent
Office of the Commandant,
222 Advanced Based Ordinance
Depot [in short ABOD]
C/o 99 APO.
20. **Shri Binoy Bhushom Roy**
P.No. 6960536
S/o Late Bindu Bhushom Roy
Senior Superintendent
Office of the Commandant,
222 Advanced Based Ordinance
Depot [in short ABOD]
C/o 99 APO.

By Advcoate Mr. Adil Ahmed

Applicants

Versus

1. The Union of India
represented by the Secretary
to the Government of India,
Ministry of Defence, 101
South Block, New Delhi-110 011
2. The Director General of
Ordinance Service Master
General of the Ordinance
Branch Army Head Quarters,
DHQ P.O. New Delhi-110011.
3. The Controller of Defence
Accounts, Udayan Bihar,
Guwahati-78171.
4. The Area Accounts Officer
Ministry of Defence
Biver Road, Shillong-1
5. The Commandant 222 ABOD,
C/o 99 APO.

Respondents

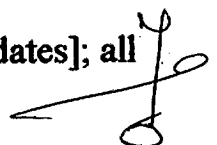
By Advocates Mr. G. Baishya, Senior C.G.S.C
Mr. M.U.Ahmed, Addl. C.G.S.C.

ORDER [ORAL]
06.02.2008

MANORANJAN MOHANTY, VICE-CHAIRMAN:-

Heard Mr. Adil Ahmed, learned Counsel appearing for the
Applicants in both the cases.

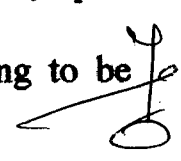
2. All the 49 applicants of these two cases are from N.E. Region.
They came to be posted, for the first time, in N.E. Region [of course,
with all-India Transfer Liability] on different dates. Although some
of them were promoted to next higher posts [on different dates]; all



of them are continuing to be posted in N.E. Region. At no point of time any of the Applicants have gone out of N.E. Region nor have they been posted back, on transfer/promotion, in N.E. Region from outside. Yet, by filing the present Original Applications [under Section 19 of the Administrative Tribunals Act, 1985] they have prayed for a direction [to the Respondents] to grant them Special Duty Allowance in terms of Annexure-B/Office Memorandum Dated 14.12.1983, Annexure-C/Office Memorandum Dated 22.07.1998, Office Memorandum Dated 29.05.2002 [a copy of which has not been placed on record], Annexure-D/Letter Dated 04.06.2003 and Annexure-E/Letter Dated 14.08.2007 of the Govt. of India. By filing M.P.No. 08 of 2008 in O.A. No. 06 of 2008 and M.P.No.09 of 2008 in O.A.No.07 of 2008, the Applicants have sought permission to prosecute the cases jointly.

3. Law is well settled by now that such of the Govt. [of India] Servants, who have been posted in N.E. Region [from outside the N.E.Region, on transfer/promotion only] with all-India Transfer Liability, are only to get "Special Duty Allowances", and it is not available for such of the Govt. servants; who are continuing to be in N.E.Region, upon their first appointment/posting in N.E.Region. [Ref: Judgment dated 20.09.1994 of the Hon'ble Supreme Court of India rendered in the case of Union of India & others vs. S. Vijayakumar & others reported in [1994] 28 ATC 598].

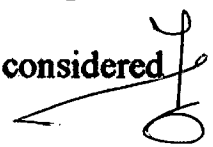
4. Since all the Applicants are from N.E. Region and since, upon their first/initial posting in N.E. Region, they are continuing to be



posted in N.E. Region; they are not entitled to Special Duty Allowances. Thus, their claim has got no prima facie case even and the same is devoid of any merit.

5. Having faced with the above views of this Tribunal, the Advocate for the Applicants took adjournment on last 18.01.2008 and, on 05.02.2008, the Applicants have filed M.P.No. 21 of 2008 [in O.A. No.06 of 2008] and M.P.No.22 of 2008 [in O.A.No.07 of 2008] seeking permission to withdraw both the cases wherein it has been stated that "they want to pursue redressal of their grievances pertaining to grant of Special Duty Allowance with the Department and, for that reason, the petitioners now want to represent before the Authority for redressal of their grievances" and, by stating so, it has been prayed to permit them "to withdraw these cases with liberty to file representations before the authorities."

6. But in para-9 of both their Original Applications, it has been stated that the Applicants "approached the Respondent Authority for payment of Special Duty allowance but the same has been denied to the Applicants by the Respondents"; although the exact date, on which the claim has been denied, has not been stated, by the Applicants, in their Original Applications. If that is so, then why should the Applicants be permitted to represent again ? Repeated representations cannot improve the position; as, in our considered



view [as discussed in para 4 above] of the matter, the very claim of the Applicants are devoid of any merit.

7. As the Applicants have expressed their desire to withdraw these cases, the same are dismissed being withdrawn. No costs. With the disposal of the OAs, all the MPs also stand disposed of.

8. Send copies of this order to the Respondents [along with copies of the Original Applications] in the address given in the OAs.

9. Free copies of this order be sent each of the Applicants [in the address given in the Original Applications] and be also supplied to Mr. Adil Ahmed [Advocate appearing for the applicants] and to Mr. G. Baishya, learned Senior Standing Counsel for Govt. of India and Mr. M.U.Ahmed, learned Addl. Standing Counsel for Govt. of India; to whom the copies of the OAs. & MPs. have already been supplied.

~~10. Free copies of this Order be sent to the Respondents [with copies of both OAs.] in the address given in the OAs.~~



[KHUSHIRAM]
MEMBER[A]



[MANORANJAN MOHANTY]
VICE-CHAIRMAN

cm

28

Dated
28.1.2008

To

Sr. C.G.S.C. C.A.T.
Guwahat Bench,
Guwahati

Subject - Supply of Copy of Misc Petition

Sir,


Please find herewith Copy of Misc Petition No of 2008 in O.A No 6 of 2008
filed by Shri Pijush Kanti Deb through me which will be move before
the Hon'ble Tribunal. Kindly acknowledge the receipt of the same.

Thanking you.

Respect Copy

Grandam Puri Singh Sr. C.S.C.

28.01.08

Yours faithfully

(Sd/- AHMBA)
Advocate

17 JAN 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI.

(AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNAL ACT 1985)

ORIGINAL APPLICATION NO. 6 OF 2008.

Sri Pijush Kanti Deb & others

...Applicants

- Versus -

The Union of India & Others

...Respondents

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4	B	Copy of the extract of Office Memorandum dated 14-12-1983.	37-47
5	C	Copy of the Office Memorandum No.F.No.11 (2)/97-E-II (B) dated 22-07-1998.	48-50
5	D	copy of letter No. 90237/7521/EIC/(Legal-C) dated 04.01.2003 where reference of the O.M. No. 11(5)/97/E-II (B) dated 29.05.2002.	51-55
6	E	Copy of letter No. Pay/34/Confdl/OA No.19/05 dated 14.08.2007.	56

Date:

Filed By:

Suchita Das Choudhury

Advocate

Pijush Kanti Deb

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

(AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNAL ACT 1985)

ORIGINAL APPLICATION NO. _____ OF 2008.

BETWEEN

Shri Pijush Kanti Deb & Others
...Applicants

-Versus-

The Union of India & Others
...Respondents

LIST OF DATES AND SYNOPSIS:

Para 4.3,
Pages-6-11

All the 20 Applicants were initially recruited/appointed as Lower Division Clerks (LDC in short) outside the NE Region by the Officer In-Charge (in short OIC) Army Ordinance Corps (in short AOC), Secunderabad on different dates and were subsequently posted to the Office of the Commandant 222 Advanced Based Ordinance Depot (in short ABOD) in NE Region on different dates as detailed in para 4.3 of this Original Application. They were also promoted number of times on various dates.

Para 4.4
Pages:11-12

Govt. of India, Ministry of Finance vide O.M. No.20014/3/83-IV dt. 14.12.1983 granted certain benefits including Special Duty Allowance to Central Govt. Civilian employees working in NE region.

(Annexure-B, Pg-)

Para 4.5
pages-12-13

The benefits including SDA granted vide O.M. dated 14.12.1983 was continued vide Govt. of India, Ministry of Finance, Deptt of Expenditure O.M. No.11(2)/97-E-II (B) dated 22-07-1998 as recommended by the 5th Central Pay commission.

(Annexure-C, Page-)

Pijush kanti Deb

para 4.6
page-13

Govt. of India, Ministry of Finance, Deptt of Expenditure issued O.M. No.11(5)/97/E-II(B) dated 29.05.2002 wherein it is stated, "No restriction is made to the effect that the resident of NE region shall not be entitled to SDA when they fulfill the criteria of All India Transfer Liability and are transferred/posted in NE region from outside the region."

(Annexure-D, page-)

Para 4.8
Page-14

The office of the Respondent No.3 vide its letter dated 14.08.2007 asked the Respondent No.4 to pay Special Duty Allowance to the similarly situated non-industrial personnels of 222 ABOD who have fulfilled the criteria laid down in Ministry of Finance O.M. dated 29.05.2002.

(Annexure-E, Pg-)

Para 4.7 & 4.9
Pages 13-15

The Applicants are saddled with all India transfer liability and their promotions were made on the basis of all India common seniority. They were initially recruited outside the NE region and thereafter they were posted to NE Region. In terms of the Govt. O.M.s/circulars/letters, more particularly the O.M. No.11(5)/97/E-II(B) dated 29.05.2002 all the Applicants are eligible for payment of Special Duty Allowance for which the Applicants approached the Respondents but the Applicants have not yet been paid the Special Duty Allowance.

Hence this Original Application seeking justice in the matter.

Filed by

Sachin Des Choudhury

Advocate

Pijush Kanti Deb

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI.

(AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNAL ACT 1985)

ORIGINAL APPLICATION NO. 6 OF 2008.

BETWEEN

1. Shri Pijush Kanti Deb
P.No.695814
Son of Late Digendra Ch. Das
Office Superintendent
Office of the Commandant,
222 Advanced Based Ordinance
Depot (in short ABOD)
C/o 99 APO.
2. Shri Umesh Ch. Das
P.No.6897203,
Son of Late Alok Ch. Das
Assistant
Office of the Commandant,
222 Advanced Based Ordinance
Depot (in short ABOD)
C/o 99 APO.
3. Shri Ajit Kr. Deb
P.No.6960411,
S/o Late Radhika Deb
Assistant
Office of the Commandant,
222 Advanced Based Ordinance
Depot (in short ABOD)
C/o 99 APO.
4. Shri Arabinda Choudhury
P.No.6957645,
S/o Late Anil Ch Choudhury
Assistant
Office of the Commandant,
222 Advanced Based Ordinance
Depot (in short ABOD)
C/o 99 APO.
5. Shri Dharma Kanta Das
P.No.6958165,
S/o Ram Nath Das
Office Superintendent

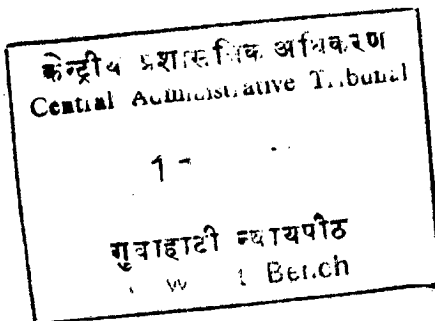
Filed by: (Applicant No.1)
Shri Pijush Kanti Deb & Others
Through me - Solicitor
Gens choudhury
17/1/08

Pijush Kanti Deb

Office of the Commandant,
222 Advanced Based Ordinance
Depot (in short ABOD)
C/o 99 APO.

6. Md. Abdul Hussain
P.No.6958134
S/o Late Hasim Ali
Assistant
Office of the Commandant,
222 Advanced Based Ordinance
Depot (in short ABOD)
C/o 99 APO.

7. Shri Giridhar Hazarika
P.No.6958703
S/o Late Budhi Ram Hazarika
Assistant
Office of the Commandant,
222 Advanced Based Ordinance
Depot (in short ABOD)
C/o 99 APO.



8. Shri Satya Deo Prasad
P.No.6959420,
S/o Ramaspray Prasad
Assistant
Office of the Commandant,
222 Advanced Based Ordinance
Depot (in short ABOD)
C/o 99 APO.

9. Shri Manohar Bharali
P.No.6960541,
S/o Late Gopal Ch. Bharali
Assistant
Office of the Commandant,
222 Advanced Based Ordinance
Depot (in short ABOD)
C/o 99 APO.

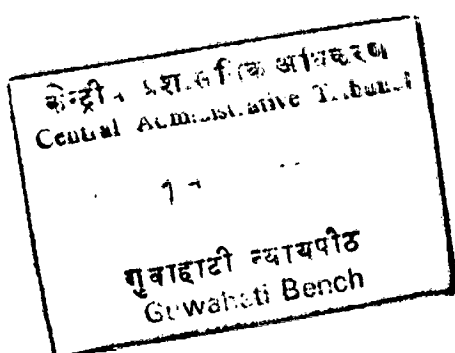
10. Shri Ashwini Sharma
P.No.6960543,
S/o Late Radha Kanta Sharma
Upper Division Clerk
Office of the Commandant,
222 Advanced Based Ordinance
Depot (in short ABOD)
C/o 99 APO.

11. Shri Jiban Ch. Bharali
P.No.6960546
S/o Late Mohan Ch. Bharali
Assistant

Rajesh Kanti Deb

Office of the Commandant,
222 Advanced Based Ordinance
Depot (in short ABOD)
C/o 99 APO.

12. Shri Benudhar Bharmā Brahma L1
P.No.6960548,
S/o Late Nibaran Ch. Bharmā Brahma L1
Assistant
Office of the Commandant,
222 Advanced Based Ordinance
Depot (in short ABOD)
C/o 99 APO.
13. Shri Chittaranjan Ghosh
P.No.6960948,
S/o Late Himansumoy Ghosh
Upper Division Clerk
Office of the Commandant,
222 Advanced Based Ordinance
Depot (in short ABOD)
C/o 99 APO.
14. Shri Rabindra Nath Baruah
P.No.6960774
S/o Late Satish Ch. Baruah
Upper Division Clerk
Office of the Commandant,
222 Advanced Based Ordinance
Depot (in short ABOD)
C/o 99 APO.
15. Shri Saty Kr. Basumotary
P.No:6961230
S/o Late Bipin Basuotary
Assistant
Office of the Commandant,
222 Advanced Based Ordinance
Depot (in short ABOD)
C/o 99 APO.
16. Shri Gangadhar Mudoi
P.No.6961231
S/o Late Robidhar Mudoi
Upper Division Clerk
Office of the Commandant,
222 Advanced Based Ordinance
Depot (in short ABOD)
C/o 99 APO.
17. Shri L.C.Liana
P.No.6964389
S/o Pabuangā
Assistant

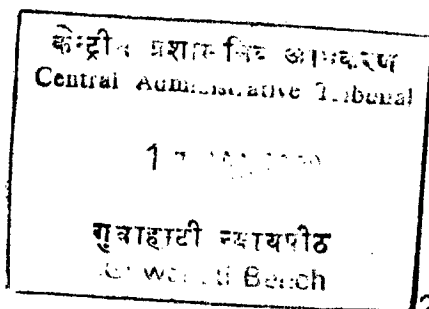


Pijush Kantilal

Office of the Commandant,
222 Advanced Based Ordinance
Depot (in short ABOD)
C/o 99 APO.

18. Shri Giridhar Das
P.No.696272
S/o Chakra Dhar Das
Upper Division Clerk
Office of the Commandant,
222 Advanced Based Ordinance
Depot (in short ABOD)
C/o 99 APO.

19. Shri Bhagawan Ch. Sharma
P.No.6961994
S/o Late Lakshwar Sharma
Upper Division Clerk
Office of the Commandant,
222 Advanced Based Ordinance
Depot (in short ABOD)
C/o 99 APO.



20. Shri Anupam Kumar Changkakoti
P.No.6962728
S/o Ishan Ch. Chankakoti
Upper Division Clerk
Office of the Commandant,
222 Advanced Based Ordinance
Depot (in short ABOD)
C/o 99 APO.

21. Smt. Padma Kalita
P.No.6963525
D/o Late Karuna Kalita
Upper Division Clerk
Office of the Commandant,
222 Advanced Based Ordinance
Depot (in short ABOD)
C/o 99 APO.

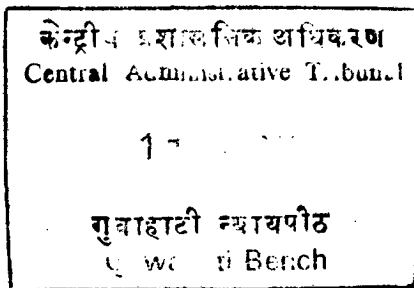
22. Smt. Runu Devi
P.No.6963869
D/o Late Lakshwar Sharma
Upper Division Clerk
Office of the Commandant,
222 Advanced Based Ordinance
Depot (in short ABOD)
C/o 99 APO.

23. Smti Robijan Nessa
P.No.6966248
D/o Late Samsher Ali
Upper Division Clerk

Deb *Rajesh Kanti Deb*

Office of the Commandant,
222 Advanced Based Ordinance
Depot (in short ABOD)
C/o 99 APO.

24. Shri Nripen Ch. Das
P.No.6966250 ^{Moham}
S/o Late Sachndra Das (S.M. Das) 21
Upper Division Clerk
Office of the Commandant,
222 Advanced Based Ordinance
Depot (in short ABOD)
C/o 99 APO.




25. Shri Pradip Kr. Bonik
P.No.6960540
S/o Late B. L. Bonik
Upper Division Clerk
Office of the Commandant,
222 Advanced Based Ordinance
Depot (in short ABOD)
C/o 99 APO.

26. Smt. Usha Saloi
P.No.6961065
Daughter of Gajen Ch. Saloi
Upper Division Clerk
Office of the Commandant,
222 Advanced Based Ordinance
Depot (in short ABOD)
C/o 99 APO.

27. Shri Jagodish Ch. Sharma
P.No.6963827
S/o Thaneswar Sharma
Upper Division Clerk
Office of the Commandant,
222 Advanced Based Ordinance
Depot (in short ABOD)
C/o 99 APO.

28. Shri Ranjeet Kr. Mishra
P.No.6968645
S/o Shri B.K.Mishra
Lower Division Clerk
Office of the Commandant,
222 Advanced Based Ordinance
Depot (in short ABOD)
C/o 99 APO.

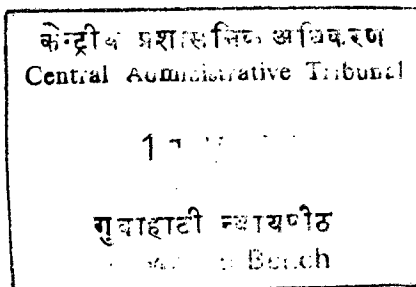
29. Shri Jatin Ch. Das
P.No.6958702
S/o Late Gaji Ram Das

 Lijun Kanti Deb

Assistant
Office of the Commandant,
222 Advanced Based Ordinance
Depot (in short ABOD)
C/o 99 APO.

...Applicants

-AND-



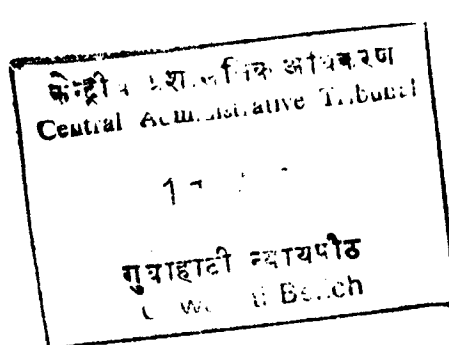
1. The Union of India represented by the Secretary to the Government of India, Ministry of Defence, 101 South Block, New Delhi-110011.
2. The Director General of Ordinance Service Master General of the Ordinance Branch Army Head Quarters, DHQ P.O. New Delhi-110011.
3. The Controller of Defence Accounts, Udayan Bihar, Guwahati-781171.
4. The Area Accounts Officer Ministry of Defence Biver Road, Shillong-1
5. The Commandant 222 ABOD, C/o 99 APO.

...Respondents

- 1) DETAILS OF THE APPLICATION PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:

This application is not made against any particular order but praying for a direction from this Hon'ble Tribunal to the Respondents for payment of Special Duty Allowance to the Applicants as per Government of India office Memorandum No.20014/3/83-IV dated 14/12/1983, Office Memorandum No.F.NO.11 (2)/97-E-II(B) dated 22-07-1998 and also as per letter No.pay/34/confd/OA.NO.19/05 Dated:14-8-2007 issued by the office of the Respondent No.3

Rejish Kanti Deb



2) JURISDICTION OF THE TRIBUNAL:

The Applicants declares that the subject matter of the instant application is within the jurisdiction of the Hon'ble Tribunal.


3) LIMITATION:

The Applicants further declares that the subject matter of the instant application is within the limitation prescribed under Section 21 of the Administrative Tribunal Act 1985.

4) FACTS OF THE CASE:

Facts of the case in brief are given below:

- 4.1 That your humble Applicants are citizens of India and as such they are entitled to all rights and privileges guaranteed under the Constitution of India. They are Defence Civilian working under the Office of the Commandant, 222 Adv Base Ordinance Depot.
- 4.2 That your Applicants beg to state that as the grievances and reliefs prayed in this application are common, therefore, they pray for grant of permission under Section 4(5) (a) of the Central Administrative Tribunal (Procedure) rules, 1987 to move this application jointly.
- 4.3 That your Applicants beg to state that the Applicant No.1 was initially recruited as Lower Division Clerk (LDC in short) by the Officer In-Charge (in short OIC) Army Ordinance Corps (in short AOC), Secunderabad and was subsequently posted to the Office of the Commandant 222 Advanced Based Ordinance Depot (in short ABOD) in NE Region on 02-08-1971 and he was promoted to the post of

 Bijay Kantli Deb

UDC (Upper Division Clerk in short) on 09-04-1983. Subsequently he was promoted to the post of Assistant on 01-12-2002 and thereafter he was promoted to Office Superintendent on 01-04-2007.

The Applicant No.2 was initially recruited as Lower Division Clerk (LDC in short) by the Officer In-Charge (in short OIC) Army Ordinance Corps (in short AOC), Secunderabad and was subsequently posted to the Office of the Commandant 222 Advanced Based Ordinance Depot (in short ABOD) in NE Region on 19-10-1972 and he was promoted to the post of UDC (Upper Division Clerk in short). He was further promoted to the post of Assistant on 01-04-2004.

The Applicant No.3 was initially recruited as Lower Division Clerk (LDC in short) by the Officer In-Charge (in short OIC) Army Ordinance Corps (in short AOC), Secunderabad and was subsequently posted to the Office of the Commandant 222 Advanced Based Ordinance Depot (in short ABOD) in NE Region on 30-12-1997 and he was promoted to the post of UDC (Upper Division Clerk in short). He was further promoted to the post of Assistant on 01-08-2007.

The Applicant No.4 was initially recruited as Lower Division Clerk (LDC in short) by the Officer In-Charge (in short OIC) Army Ordinance Corps (in short AOC), Secunderabad and was subsequently posted to the Office of the Commandant 222 Advanced Based Ordinance Depot (in short ABOD) in NE Region on 31-12-1969 and he was promoted to the post of UDC (Upper Division Clerk in short). He was further promoted to the post of Assistant on 01-05-2003.

The Applicant No.5 was initially recruited as Lower Division Clerk (LDC in short) by the Officer In-Charge (in short OIC) Army Ordinance Corps (in


Edh *Piyush Kanti Das*

short AOC), Secunderabad and was subsequently posted to the Office of the Commandant 222 Advanced Based Ordinance Depot (in short ABOD) in NE Region on 20-09-1971 and he was promoted to the post of UDC (Upper Division Clerk in short) on 01-04-1983. Subsequently he was promoted to the post of Assistant on 01-12-2002. Thereafter he was promoted to the post of Office Superintendent on 01-04-2007.

The Applicant No.6 was initially recruited as Lower Division Clerk (LDC in short) by the Officer In-Charge (in short OIC) Army Ordinance Corps (in short AOC), Secunderabad and was subsequently posted to the Office of the Commandant 222 Advanced Based Ordinance Depot (in short ABOD) in NE Region on 17-05-1972 and he was promoted to the post of UDC (Upper Division Clerk in short). Thereafter he was promoted to the post of Assistant on 01-01-2005. He was further promoted to the post of Office Superintendent on 01.04.2007.

The Applicant No.7 was initially recruited as Lower Division Clerk (LDC in short) by the Officer In-Charge (in short OIC) Army Ordinance Corps (in short AOC), Secunderabad and was subsequently posted to the Office of the Commandant 222 Advanced Based Ordinance Depot (in short ABOD) in NE Region on 29-11-1972 and he was promoted to the post of UDC (Upper Division Clerk in short) on 01-02-1984 and thereafter he was promoted to the post of Assistant on 01-02-2004.

The Applicant No.8 was initially recruited as Lower Division Clerk (LDC in short) by the Officer In-Charge (in short OIC) Army Ordinance Corps (in short AOC), Secunderabad and was subsequently posted to the Office of the Commandant 222 Advanced

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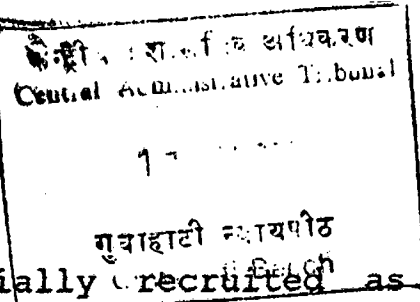
Based Ordinance Depot (in short ABOD) in NE Region on 10-09-1974 and he was promoted to the post of UDC (Upper Division Clerk in short). Thereafter he was promoted to the post of Assistant on 01-08-2005.

The Applicant No.9 was initially recruited as Lower Division Clerk (LDC in short) by the Officer In-Charge (in short OIC) Army Ordinance Corps (in short AOC), Secunderabad and was subsequently posted to the Office of the Commandant 222 Advanced Based Ordinance Depot (in short ABOD) in NE Region on 02-06-1978 and he was promoted to the post of UDC (Upper Division Clerk in short). He was further promoted to the post of Assistant on 01-12-2005.

The Applicant No.10 was initially recruited as Lower Division Clerk (LDC in short) by the Officer In-Charge (in short OIC) Army Ordinance Corps (in short AOC), Secunderabad and was subsequently posted to the Office of the Commandant 222 Advanced Based Ordinance Depot (in short ABOD) in NE Region on 31-05-1978 and he was promoted to the post of UDC (Upper Division Clerk in short) in the month of February, 1996.

The Applicant No.11 was initially recruited as Lower Division Clerk (LDC in short) by the Officer In-Charge (in short OIC) Army Ordinance Corps (in short AOC), Secunderabad and was subsequently posted to the Office of the Commandant 222 Advanced Based Ordinance Depot (in short ABOD) in NE Region on 04-04-1978 and he was promoted to the post of UDC (Upper Division Clerk in short). Thereafter he was promoted to the post of Assistant on 01-09-2007.

Pijush Kant Deb



The Applicant No.12 was initially recruited as Lower Division Clerk (LDC in short) by the Officer In-Charge (in short OIC) Army Ordinance Corps (in short AOC), Secunderabad and was subsequently posted to the Office of the Commandant 222 Advanced Based Ordinance Depot (in short ABOD) in NE Region on 20-05-1978 and he was promoted to the post of UDC (Upper Division Clerk in short). Thereafter he was promoted to the post of Assistant on 01-08-2003.

The Applicant No.13 was initially recruited as Lower Division Clerk (LDC in short) by the Officer In-Charge (in short OIC) Army Ordinance Corps (in short AOC), Secunderabad and was subsequently posted to the Office of the Commandant 222 Advanced Based Ordinance Depot (in short ABOD) in NE Region on 12-09-1978 and he was promoted to the post of UDC (Upper Division Clerk in short) in the month of February, 1996.

The Applicant No.14 was initially recruited as Lower Division Clerk (LDC in short) by the Officer In-Charge (in short OIC) Army Ordinance Corps (in short AOC), Secunderabad and was subsequently posted to the Office of the Commandant 222 Advanced Based Ordinance Depot (in short ABOD) in NE Region on 12-09-1978 and he was promoted to the post of UDC (Upper Division Clerk in short) in the month of February, 1996.

The Applicant No.15 was initially recruited as Lower Division Clerk (LDC in short) by the Officer In-Charge (in short OIC) Army Ordinance Corps (in short AOC), Secunderabad and was subsequently posted to the Office of the Commandant 222 Advanced Based Ordinance Depot (in short ABOD) in NE Region

Signature Pijush Kanti Deb

on 03-05-1979 and he was promoted to the post of UDC (Upper Division Clerk in short). Thereafter he was promoted to the post of Assistant on 01-09-2003.

The Applicant No.16 was initially recruited as Lower Division Clerk (LDC in short) by the Officer In-Charge (in short OIC) Army Ordinance Corps (in short AOC), Secunderabad and was subsequently posted to the Office of the Commandant 222 Advanced Based Ordinance Depot (in short ABOD) in NE Region on 01-05-1979 and he was promoted to the post of UDC (Upper Division Clerk in short) in the month of April 1996.

The Applicant No.17 was initially recruited as Lower Division Clerk (LDC in short) by the Officer In-Charge (in short OIC) Army Ordinance Corps (in short AOC), Secunderabad and was subsequently posted to the Office of the Commandant 222 Advanced Based Ordinance Depot (in short ABOD) in NE Region on 03-03-1974 and he was promoted to the post of UDC (Upper Division Clerk in short). Thereafter he was promoted to the post of Assistant on 01-12-2004.

The Applicant No.18 was initially recruited as Lower Division Clerk (LDC in short) by the Officer In-Charge (in short OIC) Army Ordinance Corps (in short AOC), Secunderabad and was subsequently posted to the Office of the Commandant 222 Advanced Based Ordinance Depot (in short ABOD) in NE Region on 16-02-1972 and he was promoted to the post of UDC (Upper Division Clerk in short) on 01-08-1997.

The Applicant No.19 was initially recruited as Lower Division Clerk (LDC in short) by the Officer In-Charge (in short OIC) Army Ordinance Corps (in

Bijush Kanti Deb

short AOC), Secunderabad and was subsequently posted to the Office of the Commandant 222 Advanced Based Ordinance Depot (in short ABOD) in NE Region on 21-01-1980 and he was promoted to the post of UDC (Upper Division Clerk in short) on 01-02-1998.

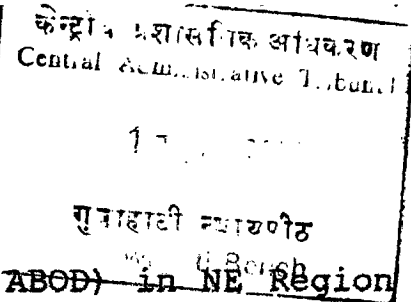
The Applicant No.20 was initially recruited as Lower Division Clerk (LDC in short) by the Officer In-Charge (in short OIC) Army Ordinance Corps (in short AOC), Secunderabad and was subsequently posted to the Office of the Commandant 222 Advanced Based Ordinance Depot (in short ABOD) in NE Region on 02-05-1981 and he was promoted to the post of UDC (Upper Division Clerk in short) on 01-01-2001.

The Applicant No.21 was initially recruited as Lower Division Clerk (LDC in short) by the Officer In-Charge (in short OIC) Army Ordinance Corps (in short AOC), Secunderabad and was subsequently posted to the Office of the Commandant 222 Advanced Based Ordinance Depot (in short ABOD) in NE Region on 24-08-1981 and he was promoted to the post of UDC (Upper Division Clerk in short) on 01-01-2002.

The Applicant No.22 was initially recruited as Lower Division Clerk (LDC in short) by the Officer In-Charge (in short OIC) Army Ordinance Corps (in short AOC), Secunderabad and was subsequently posted to the Office of the Commandant 222 Advanced Based Ordinance Depot (in short ABOD) in NE Region on 30-12-1981 and he was promoted to the post of UDC (Upper Division Clerk in short) on 01-08-2002.

The Applicant No.23 was initially recruited as Lower Division Clerk (LDC in short) by the Officer In-Charge (in short OIC) Army Ordinance Corps (in short AOC), Secunderabad and was subsequently posted to the Office of the Commandant 222 Advanced

Kijush Kanti Deb



Based Ordinance Depot (in short ABOD) in NE Region on 14-09-1984 and he was promoted to the post of UDC (Upper Division Clerk in short) on 01-01-2005.

The Applicant No.24 was initially recruited as Lower Division Clerk (LDC in short) by the Officer In-Charge (in short OIC) Army Ordinance Corps (in short AOC), Secunderabad and was subsequently posted to the Office of the Commandant 222 Advanced Based Ordinance Depot (in short ABOD) in NE Region on 28-01-1985 and he was promoted to the post of UDC (Upper Division Clerk in short) on 01-12-2004.

The Applicant No.25 was initially recruited as Lower Division Clerk (LDC in short) by the Officer In-Charge (in short OIC) Army Ordinance Corps (in short AOC), Secunderabad and was subsequently posted to the Office of the Commandant 222 Advanced Based Ordinance Depot (in short ABOD) in NE Region on 03-06-1978 and he was promoted to the post of UDC (Upper Division Clerk in short) in the month of February 1996.

The Applicant No.26 was initially recruited as Lower Division Clerk (LDC in short) by the Officer In-Charge (in short OIC) Army Ordinance Corps (in short AOC), Secunderabad and was subsequently posted to the Office of the Commandant 222 Advanced Based Ordinance Depot (in short ABOD) in NE Region on 22-02-1979 and he was promoted to the post of UDC (Upper Division Clerk in short) in the month of February, 1996.

The Applicant No.27 was initially recruited as Lower Division Clerk (LDC in short) by the Officer In-Charge (in short OIC) Army Ordinance Corps (in short AOC), Secunderabad and was subsequently posted to the Office of the Commandant 222 Advanced

Rajesh Kanti Deb

Based Ordinance Depot (in short ABOD) in NE Region on 10-09-1981 and he was promoted to the post of UDC (Upper Division Clerk in short) on -02-2002.

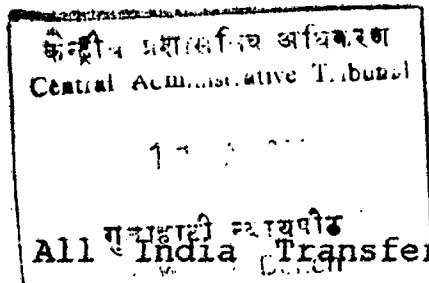
The Applicant No.28 was initially recruited as Lower Division Clerk (LDC in short) by the Officer In-Charge (in short OIC) Army Ordinance Corps (in short AOC), Secunderabad and was subsequently posted to the Office of the Commandant 222 Advanced Based Ordinance Depot (in short ABOD) in NE Region on 08-04-2002.

The Applicant No.29 was initially recruited as Lower Division Clerk (LDC in short) by the Officer In-Charge (in short OIC) Army Ordinance Corps (in short AOC), Secunderabad and was subsequently posted to the Office of the Commandant 222 Advanced Based Ordinance Depot (in short ABOD) in NE Region on 21-09-1972 and he was promoted to the post of UDC (Upper Division Clerk in short). Thereafter he was promoted to the post of Assistant on 01-08-2003.

Copies of the appointment orders of some of the Applicants are annexed herewith and marked as Annexure - A Series.

- 4.4 That your Applicants begs to state that the Government of India, Ministry of Finance, Department of Expenditure granted certain improvements and facilities to the Central Government Civilian Employees of the Central Government serving in the States and Union Territories of North Eastern Region vide Office Memorandum No.20014/3/83-IV dated 14-12-1983. In clause II of the said Office Memorandum Special (Duty) Allowance was granted to Central Government

 Bijush Kanti Deb



Civilian Employees, who have All India Transfer liability at the rate of Rs.25% of the basic pay subject to ceiling of Rs.400/- (Rupees Four Hundred) per month on posting to any station in the North Eastern Region. The relevant portion of the Office Memorandum dated 14.12.1983 is quoted below:

(iii) Special (Duty) Allowance: -

"Central Government Civilian employee who have All India Transfer liability will be granted a Special (Duty) Allowance at the rate of Rs.25% of basic pay subject to a ceiling of Rs.400/- (Rupees Four Hundred) only per month on posting to any station in the North East Region. Such of these employees who are exempted from payment of Income Tax, will however not be eligible for the Special (Duty) Allowance, Special (Duty) Allowance will be in addition to any Special Pay and for allowances already being drawn subject to the condition that the total of such Special (Duty) Allowance plus Special Deputation (Duty) Allowance will not exceed Rs.400/- (Rupees Four Hundred) only per month. Special Allowance like Special Compensatory (Remote) Locality Allowance, Construction Allowance and Project Allowance and Project Allowance will be drawn separately."

Copy of the extract of Office Memorandum dated 14-12-1983 is annexed herewith and marked as Annexure-B.

4.5 That the Applicants beg to state that the Govt. of India, Ministry of Finance, Department of

Bijaya Kanti Deb

Expenditure vide its Office Memorandum No.F.No.11

(2)/97-E-II (B) dated 22-07-1998 continued the said facilities as per recommendation of the Fifth Central Pay Commission.

Copy of the Office Memorandum No.F.No.11 (2)/97-E-II (B) dated 22-07-1998 is enclosed herewith and marked as Annexure-C.

4.6 That your Applicants beg to state that the Ministry of Defence, Govt. of India, with consultation of Ministry of Finance, Deptt. of Expenditure vide their Office Memorandum No.11(5)/97/E-II(B) dated 29.05.2002 has adopted following criteria for eligibility of Special Duty Allowance to the Central Govt. employees which is reproduced herein below for kind perusal of this Hon'ble Tribunal:-

"SDA is admissible to the Central Govt employees who have All India Transfer Liability on their posting to NE region from outside the region. No restriction is made to the effect that the resident of NE region shall not be entitled to SDA when they fulfill the criteria of All India Transfer Liability and are transferred/posted in NE region from outside the region."

A copy of letter No. 90237/7521/EIC/(Legal-C) dated 04.01.2003 where reference of the O.M. No. 11(5)/97/E-II (B) dated 29.05.2002 has been made is annexed herewith and marked as Annexure-D.

Rajesh Kanti Deb


14/08/2007

4.7 That your Applicants begs to state ~~that they are~~ saddled with All India Transfer liability ~~and in~~ terms of their offer of appointment and with the said liabilities they have accepted for All India Transfer liability as per their appointment letters. The Applicants have got their promotions based on all India common seniority. All the Applicants were initially recruited at Secunderabad, i.e. the outside the NE Region and subsequently posted to N. E. Region on different dates. Therefore, all the Applicants fulfill all the conditions for payment of Special Duty Allowance.

4.8 That your Applicants beg to state that the office of the Respondent No.3 vide its letter No.Pay/34/Confdl/OA No.19/05 dated 14.08.2007 requested the Respondent No.4 to pay/refund the SDA arrears to certain employees of 222 ABOD as they are eligible for payment of SDA in terms of Govt. of India, Ministry of Finance, Deptt. of Expenditure O.M. No.11(5)/97-E-II(B) dated 29.5.2002. By the aforesaid letter it was also stated that SDA may also be admitted to the similarly placed non-industrial personnels of 222 ABOD who have fulfilled the criteria laid down in Ministry of Finance O.M. dated 29.05.2002.

A copy of letter No. Pay/34/Confdl/OA
No.19/05 dated 14.08.2007 is annexed
herewith and marked as Annexure-E.

4.9 That your Applicants beg to state that in terms of all the circulars, office memorandums and letters, as referred above, all the Applicants are entitled to be paid Special Duty Allowance. The Applicants being eligible for payment of Special Duty

 Bijusha Kanti Deb

5.2
Central ...
...

Allowance on the strength of ~~letter~~ dated 14.08.2007 have approached the Respondent Authority for payment of Special Duty Allowance but the same has been denied to the Applicants by the Respondents. As such finding no other alternative your Applicants are compelled to approach this Hon'ble Tribunal by filing this Original Application for seeking Justice in this matter.

4.10 That your Applicants beg to state that they have fulfilled all the criteria laid down in the aforesaid circulars/letters, more particularly the O.M. No. 11(5)/97/E-II (B) dated 29.05.2002 regarding payment of Special Duty Allowance, hence the Respondents can not deny the same to the Applicant without any justification.

4.11 That it is respectfully stated and submitted that certain local resident non-industrial personnel of 222 ABOD are getting Special Duty Allowances but the instant Applicants are deprived of the same benefit.

4.12 That in view of the aforesaid facts and circumstances, the Applicants humbly beg to submit that it is a fit case wherein this Hon'ble Tribunal may direct the Respondents to grant Special Duty Allowance to the Applicants for which they are eligible in terms of the various office memorandums and circulars.

4.13 That it is respectfully stated that the Applicants have a strong prima facie case and the balance of convenience also lies heavily in favour of the Applicants. In the event no relief is granted, the same will cause irreparable harm and injury to the Applicants.

 Rajesh Kanti Deb

4.14 That your Applicants beg to submit ~~that there is no~~ other alternative remedy and the remedy sought for if granted would be just, adequate and proper.

4.15 That this application is filed bona fide and for the cause of justice.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1 For that, due to the above reasons and facts, which are narrated in details, the action of the Respondents in denying the benefit of Special Duty Allowance to the Applicants is in prima facie illegal, arbitrary and without justification.

5.2 For that, all the Applicants were recruited in outside NE Region i.e., by the Officer In-Charge (in short OIC) Army Ordinance Corps (in short AOC), Secunderabad and subsequently they were posted to NE Region from outside the NE Region, thereby fulfilling the conditions for payment of Special Duty Allowance. Therefore, the Applicants are entitled for payment of Special Duty Allowance.

5.3 For that, the Applicants are practically having All India Transfer liability and as such they are legally entitled to draw Special Duty Allowance as per various office memorandums in this regard.

5.4 For that, the Applicants have got their number of promotions based on their all India common Seniority and as such they are legally entitled to draw Special Duty Allowance as per various office memorandums in this regard.

5.5 For that, the Govt. of India, Ministry of Finance, Deptt. of Expenditure vide its O.M. No.11(5)/97/E-II (B) dated 29.05.2002 had already made it clear that there is no restriction that the residents of

Rob

Rejish Kanti Deb

NE Region shall not be entitled to SDA when they fulfill the criteria of All India Transfer Liability and are transferred/posted in NE Region from outside the region. All the Applicants are saddled with All India Transfer Liability and though they belong to NE Region, they were recruited/appointed outside the NE Region i.e. by the Officer In-Charge (in short OIC) Army Ordinance Corps (in short AOC), Secunderabad and subsequently posted in NE Region. Therefore, all the Applicants are entitled for payment of Special Duty Allowance in terms of the O.M. No.11(5)/97/E-II (B) dated 29.05.2002.

5.6 For that, being a model employer the Respondent cannot deny the benefits to the instant Applicants which have been granted to the other non-industrial local staffs of 222 ABOD. As such the Respondents should extend this benefit to the Instant Applicants.

5.7 For that, it is unjust to discriminate among the employee similarly placed in the same department and as such the action of the Respondents in not paying the Special Duty Allowances to the instant Applicants is bad in law.

5.8 For that, in any view of the matter, the action of the Respondents in not paying the Special Duty Allowance to the Applicants are not sustainable in the eye of law.

The Applicants craves leave of this Hon'ble Tribunal advance further grounds the time of hearing of this instant application.

6. DETAILS OF REMEDIES EXHAUSTED:

Bejoy Kanti Deb

That there is no other alternative and efficacious and remedy available to the Applicants except the invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT:


That the Applicants further declares that he has not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other court, authority, nor any such application, writ petition of suit is pending before any of them.

8. RELIEF PRAYED FOR:

Under the facts and circumstances, stated above, the Applicants most respectfully pray that Your Lordships may be pleased to admit this application, call for the records of the case, issue notices to the Respondents as to why the relief and reliefs sought for the Applicants may not be granted and after hearing the parties may be pleased to direct the Respondents to give the following reliefs.

8.1) That the Hon'ble Tribunal may be pleased to direct the Respondents to grant/pay the Special Duty Allowance to the Applicants.

8.2) To Pass any other relief or relieves to which the Applicants may

 Rajesh Kanti Deb

17/08/07

गुवाहाटी न्यायपीठ
Guwahati Bench

be entitled and as may be deem fit
and proper by the Hon'ble Tribunal.

8.3) To pay the cost of the
application.

9. INTERIM ORDER PRAYED FOR:

At this stage no interim order is prayed for,
if the Hon'ble Tribunal deem fit may pass any order
or orders.

10. APPLICATION IS FILED THROUGH ADVOCATE.

11. PARTICULARS OF I.P.O.

I.P.O. No. :- 324 040853

Date of Issue :- 20/8/07


Issued from :- Guwahati

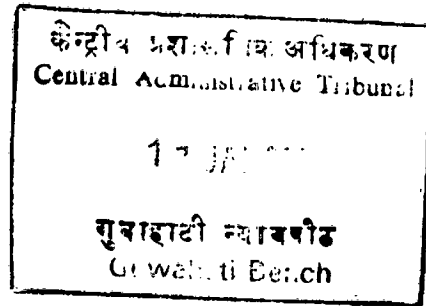
Payable at :- Guwahati

12. LIST OF ENCLOSURES:

As stated in Index.

Verification.....

 Bijush Kanti Deb



V E R I F I C A T I O N

I, Shri Pijush Kanti Deb, aged about 58 years, P.No.6958154, S/o Late Digendra Ch. Das, working as Office Superintendent in the Office of the Commandant, 222 Advanced Based Ordinance Depot (in short ABOD), C/o 99 APO, do hereby solemnly verify that I am the Applicant No.1 of the instant application and I am authorized by the other Applicants to sign this verification on his behalf and the statements made in paragraph nos. 4.1, 4.2, 4.7, 4.9, 4.10

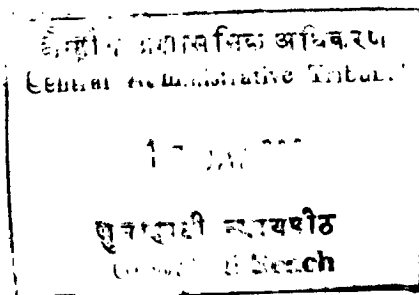
4.13 ————— are true to my knowledge, those made in Paragraphs Nos. 4.3, 4.4, 4.5, 4.6, 4.8) ————— are being matters of records are true to my information derived there from which I believe to be true and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 11th day of January 2008 at Guwahati.

Pijush Kanti Deb
D E C L A R A N T

ANNEXURE-- A

Tele: 79251/395 Sena Ordnance Corps Abhilekh Karyalaya
Army Ordnance Corps Records
Post Box NO-3
Trimulgherry Post
Secunderabad-500015



29879/LDC/ILC/MCD/14FAD (A/24) 10 Jan 85
Shri Nripen Chandra Das
Son of Shri S.M.Das
Village: Purani Hatkhola
Post: Sonapai
District Kamrup (Assam)

RECRUITMENT CIVILIANS IN LIEU OF COMBATANTS

1. You have been selected for employment in Army Ordnance Corps unit 14 FAD as a Lower Division Clerk in lieu of combatant in the pay scale of Rs 260-6-290-EB-6-326-8-366-EB-8-390-10-400 with effect from joining duty after receipt of this letter by you.

2. The post is purely temporary. Your services are liable to be terminated when a combatant become available.

3. During the period of employment you will be governed by:-

- (a) Central Civil Services (Ty Service) Rules 1965.
- (b) Central civil service (conduct) Rules 1964.
- (c) Central civil services (classification, control and Appeal) Rules 1965.
- (d) Your service can be terminated by giving one Month's notice from either side or Giving/surrendering pay and allowances in lieu.
- (e) Your service will be terminated in case of any false declaration or suppression of material facts and
- (m) Amendments to any of the aforesaid Rules and orders and any fresh Rules and orders framed subsequently.

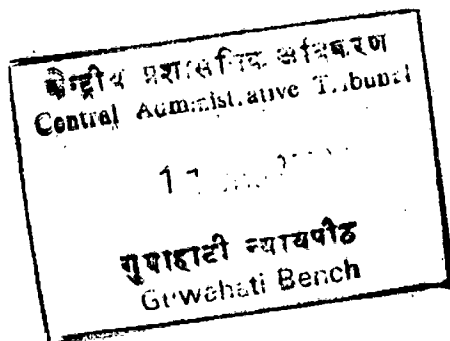
4. In case you are married you will submit a declaration to the effect that you will have only one living otherwise you will be ineligible for appointment.

5. In case appointment as LDC in lieu of combatant is extended beyond one year you will have to pass typing test at 30 words per minute, as otherwise you will not be entitled to the grant of annual increment in your pay scale.

Affected
Sachin Das Choudhary
Advocate

Auth: AOC Records letter No.30106/(Pes).. 24 Jul 84.

Note: Your education cert/Marksheet are being forwarded to 14 FAD and the same may please be collected on joining duty in that establishment.

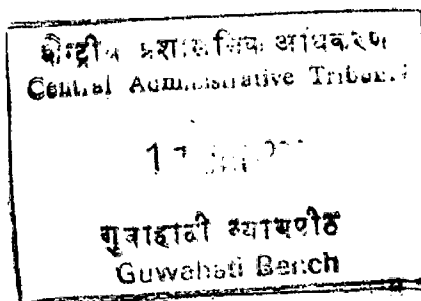


Sd/- Illegible
(B K Kalra)
Brig
Officer-in-Charge

Attended
Suchin Das Choudhury
Advocate

Tele: 79251/395 Sena Ordnance Corps Abhilekh Karyalaya
Army Ordnance Corps Records
Post Box NO-3
Trimulgherry Post
Secunderabad-500015

29879/LDC/BB/222ABOD/ADM(CIV) 09 May 78
Shri Benudhar Brahma
Son of Shri Nibaran Chandra Brahma
N.No.56 Village: Hatigarh
(Near) CPW COLONY, Narangi Road
Thana: Chandmari
District Kamrup, GAUHATI-6
ASSAM.



RECRUITMENT: CIVILIANS

1. You have been selected for employment in Army Ordnance Corps unit 222 ABOD as a temporary Lower Division Clerk in the pay scale of Rs 260-6-290-EB-6-326-8-366-EB-8-390-10-400 with effect from joining duty after receipt of this letter by you.
2. The post is purely temporary. Your initial appointment will be on probation for a period of two years. During the probationary period if you found unsuitable your service will be terminated without notice.
3. During the period of employment you will be governed by:-
 - (a) Central Civil Services (Ty Service) Rules 1965.
 - (b) Central civil service (conduct) Rules 1964.
 - (c) Central civil services (classification, control and Appeal) Rules 1965.
 - (d) Central civil services (leave) Rules 1972.
 - (e) Your services can be terminated by giving one Month's notice from either side or Giving/surrendering pay and allowances in lieu.
 - (f) If you are found fit for retention in service after the of your probationary period and on completion of 3 years of service, you will initially be considered for quasi permanency subject to the fulfillment of certain conditions laid down from time to time.
 - (g) You will be subject to all India/Field service liability
 - (h) No traveling allowance is admissible for joining the appointment.
 - (j) On appointment you will be required to complete certain documents under your signature vide ROI C/8/65.
 - (k) You whole time will be at the disposal of the Government and you can not do any other side job.
 - (l) Your service will be terminated in case of any false declaration or suppression of material facts.

Attended
Sukanta Das Choudhury
Advocate

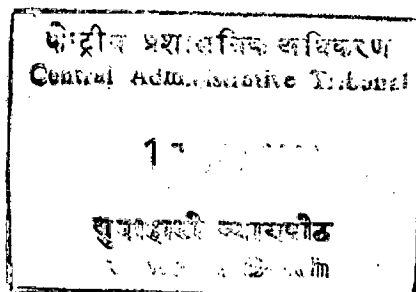
(m) Amendments to any of the aforesaid Rules and orders and any fresh Rules and orders framed subsequently.

4. In case you are married you will submit a declaration to the effect that you will have only one living otherwise you will be ineligible for appointment.

5. In case appointment as LDC in lieu of combatant is extended beyond one year you will have to pass typing test at 30 words per minute, as otherwise you will not be entitled to the following till you acquire the prescribed speed:-

- (a) Quasi permanency/confirmation in the grade.
- (b) Increments in the pay scale

(Authority: Army HQ letter No 87594/S&D/08-8C(i) dt 30 77)



Sd/- Illegible
(J Verghese)
Colonel
Officer-in-Charge

Attended
Suchit Das Choudhury
Advocate

Tele: 79251/395 Sena Ordnance Corps Abhilekh Karyalaya
Army Ordnance Corps Records
Post Box NO-3
Trimulgherry Post
Secunderabad-500015

29879/LDC/AKC/222ABOD/Adm(Civ) 16 Apr 81
Shri Anupam Kumar Changkakoti
Son of Shri Isham Chandra Changkakoti
C/o Eastern Printers, Chandmari Gauhati
Dist: Kamrup, Assam.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

17.04.81

गुवाहाटी न्यायपीठ
Guwahati Bench

RECRUITMENT: CIVILIANS

1. You have been selected for employment in Army Ordnance Corps unit 222 ABOD C/o APO as a temporary Lower Division Clerk in the pay scale of Rs 260-6-290-EB-6-326-8-366-EB-8-390-10-400 with effect from joining duty after receipt of this letter by you.
2. The post is purely temporary. Your initial appointment will be on probation for a period of two years. During the probationary period if you found unsuitable your service will be terminated without notice.
3. During the period of employment you will be governed by:-
 - (a) Central Civil Services (Ty Service) Rules 1965;
 - (b) Central civil service (conduct) Rules 1964;
 - (c) Central civil services (classification, control and Appeal) Rules 1965;
 - (d) Central civil services (leave) Rules 1972;
 - (e) Your services can be terminated by giving one Month's notice from either side or Giving/surrendering pay and allowances in lieu;
 - (f) If you are found fit for retention in service after the of your probationary period and on completion of 3 years of service, you will initially be considered for quasi permanency subject to the fulfillment of certain conditions laid down from time to time;
 - (g) You will be subject to all India/Field service liability;
 - (h) No traveling allowance is admissible for joining the appointment;
 - (j) On appointment you will be required to complete certain documents under your signature vide ROI C/8/65.
 - (k) You whole time will be at the disposal of the Government and you cannot do any other side job.
 - (l) Your services will be terminated in case of any false declaration or suppression of material facts.
 - (m) Amendments to any of the aforesaid Rules and orders and any fresh Rules and orders framed subsequently.

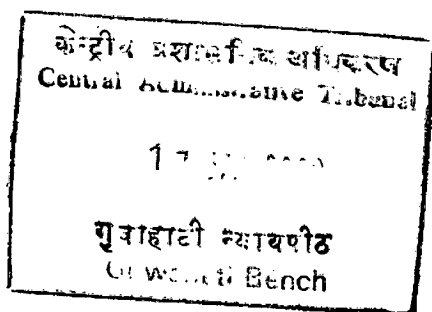
Subin Das Choudhary
Advocate

4. In case you are married you will submit a declaration to the effect that you will have only one living otherwise you will be ineligible for appointment.

5. In case appointment as LDC in lieu of combatant is extended beyond one year you will have to pass typing test at 30 words per minute, as otherwise you will not be entitled to the following till you acquire the prescribed speed:-

- (c) Quasipermanency/confirmation in the grade;
- (d) Increments in the pay scale.

(Authority: Army HQ letter No 68181/REL/Org 4 (Civ) (t) dt 12 Aug 80) & AOC(R) letter No.28976/Adm(Civ) dated 27 Aug 80)



Sd/- Illegible
(AM Bhattacharya)
Brig
Karyabhari Afsar
Officer-in-Charge

Attended
Suchin Das Choudhury
Advocate

Employee
10/11/85
28 Jan 85 - 31 -

REGISTERED

Sena Ordnance Corps Abhilash Karyalaya
Army Ordnance Corps Records
Post Box No 3, Trimulgherry PO
Secunderabad - 5000 15

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

17 JAN 85

गुवाहाटी न्यायपीठ
Guwahati Bench

6- 20879/LDC/ILC/ NCD /14FAD/
ACB(CIV)

Jan 85

Shri Hripin Ch. Das, A/O Es. S M Das
Vill : Purnai Hathhole
Post : Sonapal
Dist : Kamrup (Assam)

RECRUITING CIVIL IAS : IN LIEU OF COMBATANTS

1. You have selected for employment in the Army Ordnance Corps Unit 14 FAD as a Lower Division Clerk in lieu of combatant in the pay scale of Rs 260-6-290-TB-6-326-8-366-10-400 with effect from the date of joining duty after receipt of this letter by you.
2. The post is purely temporary and your services are liable to be terminated when a combatant becomes available.
3. During the period of employment you will be governed by:-
 - (a) Central Civil Services (Type Service) Rules 1966;
 - (b) Central Civil Services (Conduct) Rules 1964;
 - (c) Central Civil Services (Classification, Control & Appeal) Rules 1965;
 - (d) Your services can be terminated by giving one month's notice from either side/giving/surrendering pay and allowances in lieu; ^{or}
 - (e) Your services will be terminated in case of any false declaration or suppression of material facts; and
 - (f) Amendments to any of the foregoing rules and orders and any fresh rules and orders framed subsequently.
4. In case you are married, you will submit a declaration to the effect that you have only one spouse living as otherwise you will be ineligible for appointment.
5. In case appointment as LDC in lieu of combatants is extended beyond one year you will have to pass typing test at 30 words per minute, as otherwise you will not be entitled to the grant of annual increment in the pay scale.

Authority: Records Letter No 30102/22(Pes) dt 24 Jul 84.

22 JAN 85
25 JAN 85
Your education cert/Marksheet are being forwarded to 14 FAD and the same may please be collected on joining duty at that establishment.

(B K Kalra)

Brig
Officer-in-Charge

Attended
Suchitra Das Choudhury
Advocate

100

Copy to :-

REC'D TEL. *W*

14/11/70
12/0 99 110

1. Refer to your letter No 1701/1/Sat 2 dated 12/11/70.
2. The individual's date of appointment may please be signalled to this office as required vide R/I C/18/70.
3. Education certificate received vide your letter under reference is returned herewith.
4. Please also note that the documents are not to be kept in the office properly.

Encls :
 Non-Exempt cert - 1
 Pre-University Arts Group - A cert - 1
 B/Certs cert - 1
 Pre-University Exam in Arts Marksheet - 1
 Commercial School Certificate Final Exam cert - 1

*Sh. N. Singh Ch. Div
 28/11/85*

Internal

OIC Adm(Pos)

22-1091

*Attended
 Suchin Das Choudhury
 Advocate*

File: 79251/395

—33—
Senā Ordnance Corps Abhiyān Karyakarm
Army Ordnance Corps Records
Post Box No 73
Trinilgherry Post
Secunderabad - 500 012

29879/LIC/BR/222ABOD/Adm(Civ) May 78

Shri/Bhadrachari. Bonadhar. Brahma

Son of Late of Shri Nibaran Chandra Brahma
N. No 88

Vill. HATIGARH (Near) CPW COLONY, Harangi Road,

Thana: CHANDMARI, Distt: KAMRUP, GUAHATI-6
ASSAM

RECRUITMENT : CIVILIANS

1. You have been selected for employment in Army Ordnance Corps (Unit 222 ABOD) as a temporary LOWER DIVISION CLERK in the pay scale of Rs 280-3-290-15-3-328-3 with effect from joining duty after receipt of this letter by you.
2. The post is purely temporary. Your initial appointment will be on probation for a period of two years. During the probationary period if you are found unsuitable your services will be terminated without notice.
3. During the period of employment you will be governed by :-
 - (a) Central Civil Services (Ty Service) Rules 1955.
 - (b) Central Civil Services (Conduct) Rules 1964.
 - (c) Central Civil Services (Classification, control and Appeal) Rule 1935.
 - (d) Central Civil Services (Leave) Rules 1972.
 - (e) Your services can be terminated by giving one month's notice from either side or giving/surrendering pay and allowances in lieu.
 - (f) If you are found fit for retention in services after the completion of your probationary period and on completion of 3 years of services, you will initially be considered for Quasi permanency subject to the fulfilment of certain conditions laid down from time to time.
 - (g) You will be subject to all India/Field Service liability.
 - (h) No travelling allowance is admissible for joining the appointment.
 - (i) On appointment you will be required to complete certain documents under your signature vide RCI C/3/55.

Handwritten signature:
Suchita Das Choudhury
Advocate

Contd.....P/-2

- 2 -

(k) Your whole time will be at the disposal of the Government and you cannot do any other side job.

(l) Your services will be terminated in case of any false declaration or suppression of material facts.

(m) Amendments to any of the aforesaid Rules and Orders and any fresh Rules and Orders framed subsequently.

4. In case you are married you will submit a declaration to the effect that you will have only one living wife/husband, and if you will be ineligible for appointment.

5. In case of appointment as LDC you will have to pass typing test at 30 Words per minutes; otherwise you will not be entitled to the following till you acquire the prescribed speed:

(a) Quasi permanency/confirmation in the grade.

(b) Increments in the pay scale.

(Authy: - Army HQ Letter No 87524/54N/03 20(1) Dated 20 Apr 77)

(J Verghese)

Colonel

Officer In Charge

PS/

20/5/78
Sukhinder Das Choudhury
Advocate

Tele 79251/395

Sona Ordnance Corps Abhilekh Karyalay
Army Ordnance Corps Record Office
Post Box No 13
Trimulgherry Post
Secunderabad 500015

29379/LBO/102/222ABOD/Adm(Civ)

15 Apr 81

Shri/Smt/Kumari

Anupam Kumar Chandra Kato

Son/Daughter/Wife of Shri Chisham Chandra Chandra Kato

C/O Eastern Printers, Chandmari, Gauhati, Dist Kamrup, Assam

RECRUITMENT - CIVILIANS

1. You have been selected for employment in Army Ordnance Corps Unit 222 ABOD C/O 99 APO as a temporary Lower Division Clerk in the pay scale of Rs 260-6-290-10-326-3-366-10-390-10-400 with effect from joining duty after receipt of this letter by you.

2. The post is purely temporary. Your initial appointment will be on probation for a period of two years. During the probationary period if you are found unsuitable your service will be terminated without notice.

3. During the period of employment you will be governed by:

(a) Central Civil Services (Ty Service) Rules 1965;

(b) Central Civil Services (Conduct) Rules 1964;

(c) Central Civil Services (Classification, Control & Appeal) Rules 1965;

(d) Central Civil Services (Leave) Rules 1972;

(e) Your services can be terminated by giving one month's notice from either side or giving/surrendering pay and allowances in lieu;

(f) If you are found fit for retention in service after the completion of your probationary period and on completion of 3 years of service, you will initially be considered for a quest permanency subject to the fulfilment of certain conditions laid down from time to time;

(g) You will be subject to all India & Field Service Liability;

(h) No travelling allowance is admissible for joining the appointment;

(j) On appointment you will be required to complete certain documents under your signature vide ROI C/3/77;

(k) Your whole time will be at the disposal of the Government and you cannot do any other side job;

As per other formalities as
indicated at the back.
Attested
Sudha Das Choudhary
Acting

7B 1B 10/5/81
Fwd/Info
Individual
immediate
4.25/4

(1) Your services will be terminated in case of any false declaration or suppression of material facts;

(a) Amendments to any of the aforesaid Rules and Orders and any fresh Rules and Orders framed subsequently.

4. In case you are married, you will submit a declaration to the effect that you will have only one living husband/wife otherwise you will be ineligible for appointment.

5. In case of appointment as LDC you will have to pass typing test at 30 words per minute, otherwise you will not be entitled to the following till you acquire the prescribed speed :-

(a) Masipermanency/Confirmation in the grade;

(b) Increments in the pay scale.

(Auth:- Army letter No 63131/RML/Org 4(Civ)(t) dt 12 Aug 30 & 23(R) letter No 23976/Adm(Civ) dated 27 Aug 30.)

Louis/

(Signature)
(AM Bhattacharya).
Brig
Karyabharisfar
Officer-in-Charge

*Atul
Sachin Das Choudhury
Advocate*

37-
ANNEXURE--B

ANNEXURE

No. 20014/3/83-D-IV
Government of India
Ministry of Expenditure

New Delhi, the 14th Dec. '83

Copy of Min. of Def. O.M- No.4(19)/83/D Civ-I
dt. 11.1.89

OFFICE MEMORANDUM

Subject: Allowance and Facilities for civilian employees of the Central Govt. servants in the states and Union Territories of the North Eastern Region - improvement thereon-

The need for attracting and retaining the services of competent officers for service in the North Eastern Region comprising the States of Assam, Meghalaya, Manipur, Nagaland and Tripura and the Union Territories of Arunachal Pradesh and Mizoram has been engaging the attention of the Govt. for some time. The Govt. had appointed a committee under the Chairmanship of Secretary, Department of Personnel and Administrative Reforms, to review the

.....2

Attended
Sucheta Das Choudhury
Advocate

केन्द्रीय प्रशासनिक आ. व. र. प. Central Administrative Tribunal 17 गुवाहाटी न्यायपीठ Guwahati Bench

:: 2 ::

existing allowances and facilities admissible to the various categories, of civilian Central Govt. Employees serving in this region and to suggest suitable improvement. The recommendations of the committee have been carefully considered by the Govt. and the president is now pleased to decide as follows:

(i) Tenure of posting/deputations:

There will be a fixed tenure of posting of 3 years at a time for officers with service of 10 years or less and of 2 years at the time for officers with more than 10 yrs. of service. Periods of leave, training, etc. In cases of 15 days per year will be excluded in counting the tenure period of 2/3 years. Officers, on completion of the fixed tenure of service mentioned above, may be considered for posting to station of their choice as far as possible.

The period of deputation of the Central Govt. employees to the states/Union Territories of the North Eastern Region will generally be for 3 years

Attested
Sukhinder Das Wardhany
Advocate

.....3

which can be extended in exceptional cases in
of public services as well as when
when the employees concerned is prepared to stay
long. The admissible deputation allowances will
also be continue and be paid during the period
of deputation of extended.

- (ii) Weightage for Central deputation/training
abroad and special mention in confidential
records.

Satisfactory performances of duties for the
prescribed tenure in the North Eastern shall
be given due recognition in the case of eligible
officers in the

- (a) Promotion in cadre posts.
- (b) Deputation to Central tenure posts, and
- (c) Courses of training abroad.

The general requirement of at least three
years services in a cadre post between two Central

*Attended
Sudhakar Das Choudhury
Advocate*

17 JAN 2000

गुवाहाटी न्यायपीठ
Guwahati Bench

tenure deputation may be relaxed to two years in deserving cases of meritorious x services in the North East.

A specific entry shall be made in CB of all employees who rendered a full tenure of service in the North Eastern Region to that effect.

✓ (iii) Special (Duty) allowances:

Central Govt. civilian employees who have
All India transfer liability will be granted a
special (duty) allowance at the rate of 25 per cent
of basic pay subject to a ceiling of Rs.400/- per
month on posting to any station in the North Eastern
Region. Such of those employees who are exempt from payment of income tax will, however, not eligible for this special (Duty) Allowances. Special (Duty) Allowances will be in addition to any special pay and/or deputation (duty) allowances already being drawn subject to the condition that the total of such special (Duty) allowances like special compensatory (Remote Locality) Allowances

Attended
Sachin Das Choudhury
Advocate

17.10.82

गुवाहाटी न्यायपीठ
Guwahati Bench

construction allowances and project allowances will be drawn separately.

(iv) Special Compensatory Allowances
Assam and Meghalaya.

The rate of the allowances will be 5% of basic pay, subject to a minimum of Rs.50/- p.m. admissible to all employees without any pay limit. The above allowances will be admissible with effect from 1.7.82 in the case of Assam.

2. Manipur

The rates of allowances will be as follows for the whole of Manipur :-

pay upto Rs.200/-	Rs.40 P.M.
pay upto Rs. 20/-	Rs.15% of basic pay
	subject to maximum of
	Rs.150/- p.m.

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Attested
Sachin Das Choudhury
Advocate

17 JAN 1977

गुवाहाटी ब्याचपीठ
Guwahati Bench

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Tripura

The rates of the allowance will be
~~xxxxxxxxxx~~ as follows:-

a) Difficult area 25% of pay subject
to a minimum of
50/- and a maximum
of 150/-p.m.

b) other areas:

Pay upto Rs.20/- Rs.40/- p.m.

Pay above Rs.20/- 15% of basic pay
subject to a maximum
of Rs.150/- p.m.

There will be no change in the existing rates
of special compensatory allowances admissible in
Arunachal Pradesh, Nagaland and Mizoram and the
existing rate of Disturbance allowances admissible
in specified areas of Mizoram.

(v) Travelling allowances on first appointment

The relaxation of the present rules (BR-103)
that the existing allowance is not admissible for

Attended
Suchitra Das Choudhury
Advocate

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17 JAN 1966

गुवाहाटी न्यायपीठ
Guwahati Bench

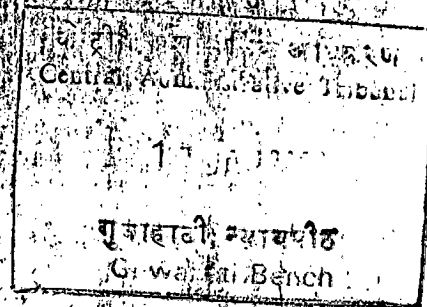
92

journeys enlisted connection with initial
appointment, in case of journeys for initial
appointment to a post in the North Eastern Region
for travelling allowances limited to by bus
fare/second class rail fare for road/mailling
in case of first 400 kms. for the Govt.
servant himself will be available.

(vi) Travelling allowances for journey on
transfer.

In relaxation of orders below SR-11, on
transfer to a station in the North-Eastern Region,
the family of the Govt. servant does not accompany
him, the Government servant will be paid travelling
allowances on tour for self only for transit period
to join the post and will be permitted to carry
personal effects upto 1/3 of his entitlement
at Govt. cost or have a equivalent of carrying
1/3rd of his entitlement of the difference in
weight of the personal effects actually
carrying and 1/3rd of his entitlement as the case
may be in lieu of the cost of transportation of
baggage. In case the family accompanies the

Attal
S. D. Das Choudhury8
Advocate



Govt. servant on transfer, the Govt. servant will be entitled to the existing admissible travelling allowances including the cost of transportation as charges of the admissible weight of the baggage actually carried. The above provisions will also apply for the return journey on transfer back from the North Eastern Region.

(vii) Road mileage for transportation of personnel effects

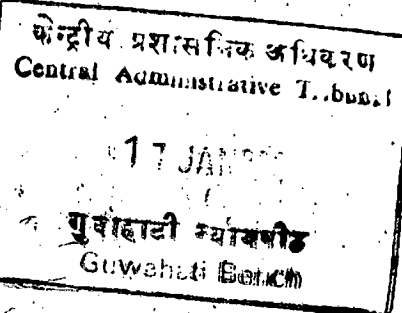
In the relaxation of orders below SR lie for transportation of the personnel effects on transfer between two different stations in the North Eastern Region, higher rate of allowances admissible for transportation in 'A' class cities subject to the actual expenditure incurred by the Govt. servant will be admissible.

(viii) Joining time with leave:

In the case of Govt. servants proceeding on leave from a place of posting in North Eastern Region, the period of travelling excess of two days

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Attested
Sachin Das Choudhury
Advocate



from the station of posting to outside that region will be treated as joining time. The outside will be admissible on return from leave.

(ix) Leave travel concession

A Govt. servant who leaves his family behind at the old duty station or another selected place of residence for the family will have to option to avail of the existing leave travel concession of journey to home town once in a block period of 2 years or in lieu thereof, facility of travel for himself once a year from the station of posting in the north eastern region to his home town or place where the family is residing and in facility for the family (restricted to his and two dependee children only) also ~~xxx~~ to travel once a year to employee at the station of posting in the north eastern region. In case the

the cost of travel for the initial stage (400 Kms will not be borne by the officer.

A. H. B. S. Das Choudhury
Advocate

officers drawing pay of Rs.2250/- or above and their families ~~xx~~ i.e. spouse and two dependent children (to 18 yrs. for boys and 24 yrs. for girls) will be allowed ~~are~~ travel between Imphal/Silchar/Agartala and Calcutta and vice-versa, while performing journeys mentions in the proceeding paragraph.

(x) Children Education Allowances/Postal subsidy)

Where the children do not accompany the Govt. servant to the North Eastern Region, Children Education Allowances upto class XII will be admissible in respect of children studying at the last station of posting of the employee concerned. of any other station where the children reside without any restriction of pay drawn by the Govt. servant. If children studying in schools are put in hostels at the last station of posting or any other station, the Govt. servant concerned will be given hostel subsidy without other restrictions.

2. The above orders except ~~xxx~~ in sub para (iv) will also be mutatis mutandis apply to Central Govt. e./; puees. posted to Andaman and Nicobar Islands.

.....11

*Attested
 Suchin Das Choudhury
 Advocate*

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86
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

गुवाहाटी न्यायपीठ
Guwahati Bench

3. These orders will take effect from 1st Nov. '93 and will remain in force for a period of three years upto 31st Oct. 1986.
4. All existing special allowance, facilities and concessions extended by any special orders by the Ministries/Departments of the central Govt. to their own employees in the North Eastern Region will be withdrawn from the date of effect of the orders contained in this office memorandum.
5. Separate orders will be issued in respect of other recommendation of the committee ferred to in paragraph 1 as and when decisions are taken by them by the Govt.
6. In so far as persons serving in the India Audit & Accounts Deptt. are concerned, these orders issue after consultation with Comptroller and Auditor General of India.

sd/-
(S.C. Mahalik)
Jt. Secy. to the Govt. of India

Attended
Suchitra Das Choudhury
Advocate

-48-

New Delhi, Dated July 22, 1990.

OFFICE MEMORANDUM

ANNEXURE--C

Subject: Allowances and Special Facilities for Civilian Employees of the Central Government serving in the States and Union Territories of the North-Eastern Region and in the Andaman & Nicobar and Lakshadweep Groups of Islands -- Recommendations of the Fifth Central Pay Commission.

With a view to attracting and retaining competent officers for service in the North-Eastern Region, comprising the territories of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura, orders were issued in this Ministry's O.M. No. 20014/3/83-E.IV dated December 14, 1983 extending certain allowances and other facilities to the Civilian Central Government employees serving in this region. In terms of paragraph 2 thereof, these orders other than those contained in paragraph 1(iv) *ibid.* were also to apply mutatis mutandis to the Civilian Central Government employees posted to the Andaman & Nicobar Islands. These were further extended to the Central Government employees posted to the Lakshadweep Islands in this Ministry's O.M. of even number dated March 30, 1984. The allowances and facilities were further liberalised in this Ministry's O.M. No. 20014/10/86-E.IV/E.II(B) dated December 1, 1988 and were also extended to the Central Government employees posted to the North Eastern Council when stationed in the North-Eastern Region.

2. The Fifth Central Pay Commission have made certain recommendations suggesting further improvements in the allowances and facilities admissible to the Central Government employees, including Officers of the All India Services, posted in the North-Eastern Region. They have further recommended that these may also be extended to the Central Government employees, including Officers of the All India Services, posted in Sikkim. The recommendations of the Commission have been considered by the Government and the President is now pleased to decide as follows:

(i) **Tenure of Posting/Deputation**

The provisions in regard to tenure of posting/deputation contained in this Ministry's O.M. No. 20014/3/83-E.IV dated December 14, 1983, read with O.M. No. 20014/16/86-E.IV/E.II(B) dated December 1, 1988, shall continue to be applicable.

(ii) **Weightage for Central Deputations/Training Abroad and Special Mention in Confidential Records**

The provisions contained in this Ministry's O.M. No. 20014/3/83-E.IV dated December 14, 1983, read with O.M. No. 20014/16/86-E.IV/E.II(B) dated December 1, 1988, shall continue to be applicable.

(iii) **Special (Duty) Allowance**

Central Government Civilian employees having an "All India Transfer Liability" and posted to the specified Territories in the North-Eastern Region shall be granted the Special (Duty) Allowance at the rate of 12.5 per cent of their basic pay as prescribed in this Ministry's O.M. No. 20014/16/86-E.IV/E.II(B) dated December 1, 1988, but without any ceiling on its quantum. In other words, the ceiling of Rs 1,000 per month currently in force shall no longer be applicable and the condition that the aggregate of the Special (Duty) Allowance plus Special Pay/Deputation (Duty) Allowance, if any, will not exceed Rs 1,000 per month shall also be dispensed with. Other terms and conditions governing the grant of this Allowance shall, however, continue to be applicable.

In terms of the orders contained in this Ministry's O.M. No. 20022/2/88-E.II(B) dated May 24, 1989, Central Government Civilian employees having an "All India Transfer Liability" and posted to serve in the Andaman & Nicobar and Lakshadweep Groups of Islands are presently entitled to an Island Special Allowance at varying rates in lieu of the Special (Duty) Allowance admissible in the North-Eastern Region. This Allowance shall continue to be admissible to the specified category of Central Government employees at the same rates as prescribed for the different specified areas in the O.M. dated May 24, 1989, but without any ceiling on its quantum. This Allowance shall also henceforth be termed as Island Special (Duty) Allowance. Separate orders in regard to this Allowance have been issued in this Ministry's O.M. No. 12(1)/98-E.II(B) dated July 17, 1998.

Attention is also invited in this connection to the clarificatory orders contained in this Ministry's O.M. No. 11(3)/85-E.II(B) dated January 12, 1986, which shall continue to be applicable not only in respect of the Central Government employees posted to serve in the North-Eastern Region but also to those posted to serve in the Andaman & Nicobar and Lakshadweep Groups of Islands.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

17

गुवाहाटी न्यायाधीश

Attal
Sachin Das Choudhary
Advocate

- 49 -

Special Compensatory Allowances

Orders in regard to revision of the rates of various Special Compensatory Allowances, such as Remote Locality Allowance, Bad Climate Allowance, Tribal Area Allowance, Composite Hill Compensatory Allowance, etc., which are location-specific, have either been separately issued or are under issue based on the Government decisions on the recommendations of the Fifth Central Pay Commission relating to these allowances. These orders shall apply to the eligible Central Government employees posted in the specified localities in the North-Eastern Region, Andaman & Nicobar Islands and Lakshadweep Islands, depending on the area(s) of their posting and subject to the observance of the terms and conditions specified therein. Such of those employees who are entitled to the Special (Duty) Allowance or the Island (Special Duty) Allowance shall also be entitled, in addition, to the Special Compensatory Allowance(s) as admissible to them in terms of these separate orders.

Central Government employees entitled to Special Compensatory Allowances, separate orders in respect of which are yet to be issued, will continue to draw such allowances at the existing rates with reference to the 'national' pay which they would have drawn in the applicable pre-revised scales of pay but for the introduction of the corresponding revised scales till the revised orders are issued on the basis of the recommendations of the Fifth Central Pay Commission and the Government decisions thereon.

(v) Travelling Allowance on First Appointment

The existing concessions as provided in this Ministry's O.M. No. 20014/3/83-E.IV dated December 14, 1983 and further liberalised in O.M. No. 20014/10/86-E.IV/E.II(B) dated December 1, 1988, shall continue to be applicable.

(vi) Travelling Allowance for Journeys on Transfer; Road Mileage for Transportation of Personal Effects on Transfer; Joining Time with Leave

The existing provisions as contained in this Ministry's O.M. No. 20014/3/83-E.IV dated December 14, 1983 shall continue to be applicable.

(vii) Leave Travel Concession:

In terms of the existing provisions as contained in this Ministry's O.M. No. 20014/3/83-E.IV dated December 14, 1983, the following options are available to a government servant who leaves his family behind at the old headquarters or another selected place of residence, and who has not availed of transfer travelling allowance for the family:

(a) the government servant can avail of the leave travel concession for journey to the Home Town once in a block period of two years under the normal Leave Travel Concession Rules;

OR

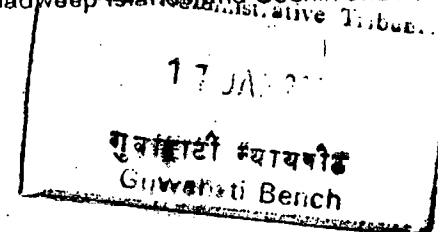
(b) in lieu thereof, the government servant can avail of the facility for himself/herself to travel once a year from the station of posting to the Home Town or the place where the family is residing and for the family (restricted only to the spouse and two dependent children of age up to 18 years in respect of sons and up to 24 years in respect of daughters) also to travel once a year to visit the government servant at the station of posting.

These special provisions shall continue to be applicable.

In addition, Central Government employees and their families posted in these territories shall be entitled to avail of the Leave Travel Concession, in emergencies, on two additional occasions during their entire service career. This shall be termed as "Emergency Passage Concession" and is intended to enable the Central Government employees and/or their families (spouse and two dependent children) to travel either to the home town or the station of posting in an emergency. This shall be over and above the normal entitlements of the employees in terms of the O.M. dated December 14, 1983, and the two additional passages under the Emergency Passage Concession shall be availed of by the entitled mode and class of travel as admissible under the normal Leave Travel Concession Rules.

Further, in modification of the orders contained in this Ministry's O.M. No. 20014/16/86-E.IV/E.II(B) dated December 1, 1988, Officers drawing pay of Rs 13,500 and above and their families, i.e. spouse and two dependent children (up to 18 years in respect of sons and up to 24 years in respect of daughters) will be permitted to travel by air on Leave Travel Concession between Agartala/Aizawl/Imphal/Lillabari/Silchar in the North East and Calcutta and vice versa; between Port Blair in the Andaman & Nicobar Islands and Calcutta/Madras and vice versa; and between Kavaratti in the Lakshadweep Islands and Cochin and vice versa.

Attended
Sukhdev Das Choudhury
Advocate



(viii) Children Education Allowance and Hostel Subsidy

The existing provisions as contained in this Ministry's O.M. No. 20014/3/83-E.IV dated December 14, 1983 shall continue to be applicable. The rates of Children Education Allowance and Hostel Subsidy having been revised in the Department of Personnel & Training O.M. No. 21017/1/97-Estt. (Allowances) dated June 12, 1998, the Allowance and Subsidy shall be payable at the revised monthly rates of Rs 100 and Rs 300 respectively per child.

(ix) Retention of Government Accommodation at the Last Station of Posting

The facility of retention of Government accommodation at the last station of posting by the Central Government employees posted to the specified territories and whose families continue to stay at that station is available in terms of the orders contained in the erstwhile Ministry of Works & Housing O.M. No. 12035/2/77-Vol. VI dated February 12, 1984, as amended from time to time. This facility shall continue to be available to the eligible Central Government employees posted in the North-Eastern Region, Andaman & Nicobar Islands and Lakshadweep Islands. In partial modification of these orders, Licence Fee for the accommodation so retained will be recoverable at the applicable normal rates in cases where the accommodation is below the type to which the employee is entitled to and at one and a half times the applicable normal rates in cases where the entitled type of accommodation has been retained. The facility of retention of Government accommodation at the last station of posting will also be admissible for a period of three years beyond the normal permissible period for retention of Government accommodation prescribed in the Rules.

(x) House Rent Allowance for Employees in Occupation of Hired Private Accommodation

The orders contained in this Ministry's O.M. No. 11016/1/E.II(B)/84 dated March 29, 1984, and extended in this Ministry's O.M. No. 20014/16/86-E.IV/E.II(B) dated December 1, 1988, shall continue to be applicable.

(xi) Retention of Telephone Facility at the Last Station of Posting

As provided in this Ministry's O.M. No. 20014/16/86-E.IV/E.II(B) dated December 1, 1988, Central Government employees who are eligible for residential telephones may be permitted to retain their residential telephone at their last station of posting, provided the rental and all other charges are paid by the concerned employees themselves.

(xii) Medical Facilities

Families and the eligible dependants of Central Government employees who stay behind at the previous stations of posting on the employees being posted to the specified territories shall continue to be eligible to avail of CGHS facilities at stations where such facilities are available. Detailed orders in this regard will be issued by the Ministry of Health & Family Welfare.

3. The President is also pleased to decide that these orders, in so far as they relate to the Central Government employees posted in the North-Eastern Region, shall also be applicable *mutatis mutandis* to the Civilian Central Government employees, including Officers of the All India Services, posted to Sikkim.

4. These orders will take effect from August 1, 1997.

5. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these orders issue after consultation with the Comptroller and Auditor General of India.

6. Hindi version will follow.

N. Sunder Rajan
(N.SUNDER RAJAN)

Joint Secretary to the Government of India

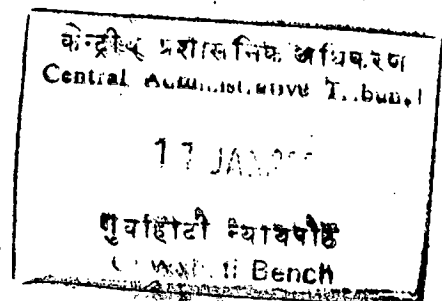
To

All Ministries/Department of the Government of India [As per standard Distribution List]

Copy [with usual number of spare copies] forwarded to C&AG, UPSC, etc. [As per standard Endorsement List]

Copy also forwarded to Chief Secretary, Andaman & Nicobar Islands and Administrator, Lakshadweep.

Atul
Sukhinder Das Choudhury
Advocate



-Typed copy-

ANNEUXRE-

16 JUN 2003

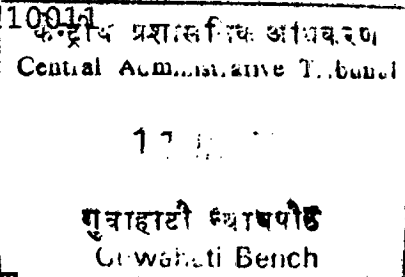
Tele :-23019376

Dte Gen Pers/EIC (Legal)
Military Engineering Service
Engineering in Chief's Branch
Army Headquarters
Kashmir House
DHQ PO New Delhi-110011

No.90237/752/EIC (Legal-C)

04 June 2003

CE Eastern Command
Kolkata-21.



DISPOSAL OF ALL COURT CASES ON PAYMENT
OF SDA TO MES EMPLOYEES

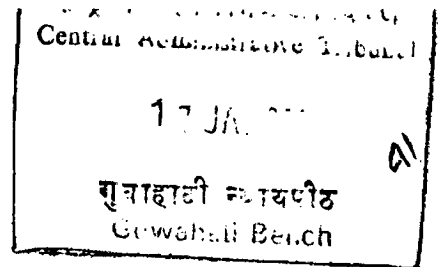
1. Reference this HQ letter of even number dated 24 Feb 2003.
2. We had vide our above mentioned letter forwarded copies of four MOD letters No.PC-90237/7521/EIC (Legal-C)/89-lc/D (Civ-I)/2003 dated 21 Feb 2003 containing MOD decision regarding grant of SDA to applicants of OA No.238/2000 filed by Shri PM Kittan and two others in CAT Guwahati. The decision of MOD in the ibid case arrived in consultation with Ministry of Finance will apply to all cases relating to grant of SDA. It is, accordingly advised that eligibility of all individuals including applicants of the various Court/CAT cases on SDA filed in different CATs / higher Courts may be examined based on the following criteria as reproduced from Min. of Finance (D/Exp.) OM No.11 (5)/97/e-ii (b) dated 29 May 02 (copy enclosed) :-

"SDA is admissible to the Central Govt. employees who have All India Transfer Liability on their posting to NE region from outside the region. No restriction is made to the effect that residents of NE region shall not be entitled SDA when they fulfill the criteria of All India Transfer Liability and are transferred /posted to NE region from outside the region."

3. The Ministry of Finance vide Para 2 of their OM No.11 (5)/97-E-11 (B) dated 29 May 2002 referred above has clarified the concept of all India Transfer Liability.

Particular attention may be given to this para 2 of Ministry of Finance OM ibid while deciding the eligibility of appointments for grant of SDA. Going by

Attended
Suchitra Das Choudhury
Advocate



the stipulations laid down in ibid para 2, the following categories of MES employees are covered by the criteria of all India Transfer Liability and hence may be considered for grant of SDA.

(a) Basic Subordinate Categories – Erstwhile Supdt. Gdel (now re-designated JE Supvr B/S I, D'Man Gde I and Assts.

(b) Officers - All Gp. 'B' & Gp. 'A'

4. For deciding the eligibility of the applicants of various Court/CAT cases, data may be compiled at your HQ separately for each OA as per format enclosed as Apprx. 'A' to this letter. Proof for deciding the eligibility will comprise the following :-

(a) Copies of orders regarding recruitment or promotion to one of the grades mentioned at Para 3(a) and (b) above and the relevant Part II order regarding assumption of an appointment in that grade.

(b) Copies of orders posting the eligible Officer to an Unit Establishment in North East and the relevant TOS Part II Order issued by the receiving unit.

5. Attend identifying the applicants found eligible for grant of SDA, their cases accompanied with proofs as indicated at Para : (a) & (b) above, should be sent to concerned Audit Office for making the payment in case of Court Judgments, sanction of competent authority for incurring charged expenditure would be required. It is possible that out of the applicants found eligible for grant of SDA, some might have already been paid the SDA for some time but the same was stopped afterwards. In case of such employees the payment should continue from the date it was stopped till the period they continued to be posted in North Eastern Region.

6. In case of applicants of CAT/Court cases are found ineligible for payment of SDA, necessary Speaking Orders be issued to them.

7. You are requested to forward a completion report from each OA by 30 July 03.

Sd/-

(Mam Raj)
SAO
Offg SOL (Legal)
For E-in-C

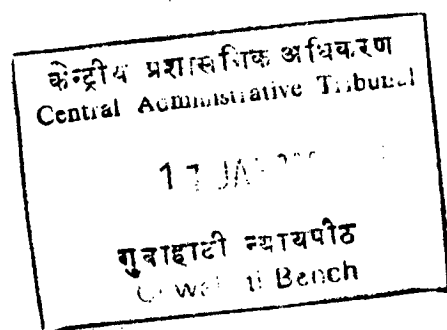
Attended
Sachin Das Choudhury
Advocate

Encls: Above

Copy to :-

Shillong Zone
CGDA (AT)

for info and necessary action
for info and necessary action.
You are directed to issue
necessary instructions to your
subordinate Offices in this
_____ forward a copy for our
information and record.



Attested
Subin Das Choudhury
Advocate

Tele : 23019376

Legal

-54-
Die Gen of Pers/EIC (Legal)
Military Engineer Service
Engineer in Chief's Branch
Army Headquarters
Kashmir House
DHIQ PO New Delhi 110011.

16 JUN 2003

No. 90237/7521/EIC (Legal-C)

04 Jun 2003

CE Eastern Command
Kolkata-21.

केन्द्रीय प्रशासनिक सेवा,
Central Administrative Service

1

गुवाहाटी न्यायपीठ
Guwahati Bench

DISPOSAL OF ALL COURT CASES ON PAYMENT
OF SDA TO MES EMPLOYEES

1. Reference this HQ letter of even number dated 24 Feb 2003.

2. We had vide our above mentioned letter forwarded copies of four MOD letters No. PC-90237/7521/EIC(Legal-C)/89-LC/D(Civ-I)/2003 dated 21 Feb 2003 containing MOD decision regarding grant of SDA to applicants of OA No. 238/2000 filed by Shri PM Kittan and two others in CAT Guwahati. The decision of MOD in the ibid case arrived in consultation with Ministry of Finance will apply to all cases relating to grant of SDA. It is accordingly advised that eligibility of all individuals including applicants of the various Com/CAT cases on SDA filed in different CATs/higher Courts may be examined based on the following criteria as reproduced from Min of Finance (D/Exp) OM No. 11(S)/97-E-II (B) dated 29 May 02 (copy enclosed) :-

"SDA is admissible to the Central Govt employees who have All India Transfer Liability on their posting to NE region from outside the region. No restriction is made to the effect that the residents of NE region shall not be entitled to SDA when they fulfil the criteria of All India Transfer Liability and are transferred/posted in NE region from outside the region."

3. The Ministry of Finance vide Para 2 of their OM No. 11 (S)/97-E-II(B) dated 29 May 2002 referred above has clarified the concept of all India Transfer Liability. Particular attention may be given to this para 2 of Ministry of Finance OM ibid while deciding the eligibility of applicants for grant of SDA. Going by the stipulations laid down in ibid Para 2, the following categories of MES employees are covered by the criteria of all India Transfer Liability and hence may be considered for grant of SDA :-

(a) Basic Subordinate Categories - Erstwhile Supdt Gde I (now re-designated JE) Supr B/S I, D'Man Gde I and Asstts.

(b) Officers - All Gp 'B' & Gp 'A'

4. For deciding the eligibility of the applicants of various Com/CAT cases, data may be compiled at your HQ separately for each OA as per format enclosed as Appx 'A' to this letter. Proof for deciding the eligibility will comprise the following :-

(a) Copies of orders regarding recruitment or promotion to one of the grades mentioned at Para 3(a) and (b) above and the relevant Part II order regarding assumption of an appointment in that grade.

....2/-

Attok
Soumitra Das Choudhury
Advocate

(b) Copies of orders posting the eligible officer to an Unit/Establishment in North East and the relevant TOS Part II Order issued by the receiving Unit.

After identifying the applicants found eligible for grant of SDA, their cases accompanied with proofs as indicated at Para (a) & (b) above, should be sent to concerned Audit Office for making the payment. In case of Court Judgements, sanction of competent authority for incurring charged expenditure would be required. It is possible that out of the applicants found eligible for grant of SDA, some might have already been paid the SDA for some time but the same was stopped afterwards. In case of such employees the payment should continue from the date it was stopped till the period they continued to be posted in North Eastern Region.

6. In the case of applicants of CAT/Court cases are found ineligible for payment of SDA, necessary Spelling Orders be issued to them.

7. You are requested to forward a complete report separately from each OA by 30 July 03.

(Signature)

(Kinn Raj)
SAO
Offr SO I (Legal)
For E-in-C

17 JUL 2003
गुवाहाटी न्यायपीठ
Gowahati Bench

Encls: As above

Copy to:-

Shillong Zone

CCDA (AT)

In of Del/D (Civ-I)

E-in-C's Br/E-5 (Budget)

EIC

for info and necessary action.

for info and necessary action. You are requested to issue necessary instructions to your subordinate Offices in this regard and forward a copy for our information and record.

for writ Note dated 27 May 03 recorded on our PC No. 37/7521/E-1 (Legal C).

for info along with copies of all relevant enclosures and the refs quoted in para above.

You are requested to issue appropriate instructions for payment of SDA to new applicants in the light of clarifications issued vide Min of Fin No. 11 (5)/97/E II (B) dated 29 May 02 and the ID No. 4/E II (B)/2001 dt. 19 Feb 03 (copies enclosed)

(Signature)
Subin Das Choudhury
Advocate

NO. Pay/34/Confdl/OA NO.19/05
Office of the CDA,
Udayan Vihar, Narangi,
Guwahati- 781 171
Dated : 14-8-2007

To
The AAO
Bivar Road
Shillong- 793 001

Sub : Eligibility criteria for grant of SDA in r/o Non-Industrial personnel of 222 ABOD

Ref : This office letter of even No. dated 12-6-2007 addressed to the Commandant 222, ABOD and copy to your office and CGDA, New Delhi.

Please refer to this office letter No. cited under reference in which you were instructed to recover the SDA arrears to the 10 Nos. of NIP of 222 ABOD at Sl. No. 34 to 43 in OA NO.19/2005.

The above position has been reviewed in consultation with Hqrs. office and accordingly, it has been decided to release the SDA arrears to the above mentioned NIPs.

It is, therefore, requested to pay/ refund the SDA arrears to the above 10 Nos. of NIPs of 222 ABOD as they are eligible for SDA payment in terms of G.O.I., Min. of Finance, Deptt. of Expenditure OM No.11(5)/97-E-II(B) dt. 29-05-02.

Further, it is also stated that SDA may also be admitted to the similarly placed non-industrial personnels of 222 ABOD who have fulfilled the criteria laid down in Ministry of Finance O.M. dated 29.05.02.

Copy to : 1. The Commandant : For kind information.
222, ABOD
C/O 99 APO

2. CGDA,
West Block-V, R.K. Puram,
New Delhi-110 066

Attended
Subin Das Chowdhury
Advocate

Sd/-
A. Das, IDAS
ACDA(Pay)
Central Administrative Tribunal
Guwahati Bench
দেওয়ান
ACDA(Pay)