

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./TA/ NO. 209/2009-2008
R.A./CP/NO. 2015
E.P./M.P./NO. 2015

1. Order Sheets..... 2pg..... 01to..... 03 ✓
2. Judgment/ order dtd. 03.2.2010pg.....to.....
(in ordersheet)
3. Judgment & Order dtd.....received from H.C. /Supreme Court.
4. O.A. 209/09page..... 01to..... 39 ✓
5. E.P/M.P.page.....to.....
6. R.A./C.P.page.....to.....
7. W.S.Page.....to.....
8. Rejoinder.....page.....to.....
9. Reply on behalf of the Respondentpage..... 01to..... 40 ✓
10. Any other paperspage.....to.....
11. Memo appearancepg 01to 01 ✓

SECTION OFFICER (JUDL.)

24/7/2015

com
24.7.2015

FORM NO. 4
(See Rule 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :
ORDERSHEET

1. ORIGINAL APPLICATION No : 209 / 2009
2. Transfer Application No : ----- / 2009 in O.A. No. -----
3. Misc. Petition No : ----- / 2009 in O.A. No. -----
4. Contempt Petition No : ----- / 2009 in O.A. No. -----
5. Review Application No : ----- / 2009 in O.A. No. -----
6. Execution Petition No : ----- / 2009 in O.A. No. -----

Applicant (S) : Shri Manik Ch. Das

Respondent (S) : Union of India & Ors.

Advocate for the : Mr. A. Ahmed
{Applicant (S)} Mr. N. Ahmed.

Advocate for the : -----
{Respondent (S)} Miss U. Das Addl. C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
<p>This application in form is filed in 10/- deposit.</p> <p>N^o <u>396 424103</u></p> <p>Date <u>14.9.2009</u></p> <p><u>9/10/09</u></p> <p><u>Two copies of Application with envelopes received for issue notices to the Respondents 1 & 2. Copy served.</u></p> <p><u>9/10/09</u></p> <p><u>K. Das</u></p> <p><u>Issue notice to the Respondents.</u></p> <p><u>13/10/09</u></p>	<p>12.10.2009</p> <p>01.12.2009</p>	<p>Heard Mr. A.Ahmed, learned counsel appearing for the applicant and Ms. U. Das, learned Addl. Standing Counsel representing the Respondents (to whom a copy of this O.A. has already been served) and perused the materials placed on record.</p> <p>Admit. Issue notice to the Respondents requiring them to file their counter by 01.12.2009.</p> <p>Ms U. Das, learned Addl. C.G.S.C. seeks six weeks time to file reply. We, however, allow only four weeks time to do the needful.</p> <p>List on 04.01.2010.</p>

(M.K. Chaturvedi)
Member(A)

(M.R. Mohanty)
Vice-Chairman

(Mukesh Kumar Gupta)

Copies of order dated 12/10/2009 along with copies of notices send to the D/Sec. for issuing to the respondents by regd. AD post.

D/10 - 1270, m
25/10/09. D/10 - 21071
27/10/09.

① Service report awaited.

30.11.09

No W/S filed.

31.12.09

28.1/2010

W/S filed

Copy served

28/1/2010

1-2-10

W/S filed

O.A. no. 209/2009

01.12.2009

Ms U. Das, learned Addl. C.G.S.C. seeks six weeks time to file reply. We, however, allow only four weeks time to do the needful.

List on 04.01.2010.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

04.01.2010

On the request of Ms. U. Das, learned Addl. CGSC for Respondents, time is extended to file reply within four weeks time.

List the matter on 2nd February, 2010.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/PB/

condel

2.2.2010

Applicants claim payment of Special Duty Allowance.

By filing reply respondents have stated that vide order dated 18th December 2009 Annexure-XII) sanction of the ADG(I/C) Publications Division has been conveyed to release a sum of Rs. 1,11,125/- on account of Special Duty Allowance. Learned counsel for the Applicant contends that till date necessary payments has not been released. This has been contended by the Respondents' counsel stating that payment will be made to Applicant very shortly.

Since necessary reliefs as prayed for has been granted by the competent authority by sanctioning the amount and the bill has been sent to the PAO for payment.

In the circumstances, O.A. is disposed of directing the concerned authority to release the payment within fortnight from to-day. In case said amount is not paid to the Applicant within the time stipulated interest will have to be given on the amount particularly when the amount has been sanctioned by the

competent authority, which shall be the responsibility of PAO only. O.A. is disposed of accordingly.

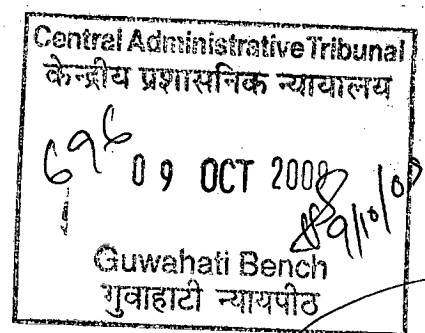
(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

im

10-2-2010.

Final order dated
2/2/2010 Prepared and
sent to the Dispatch
Section for issuing the
Applicant/respondent's
by post and issued
to advocate for both
sides.
vide No 350 to 352
dated 09-2-2010



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

(An Application under Section 19 of the Administrative
Tribunal Act 1985)

ORIGINAL APPLICATION NO. 209 OF 2009.

Shri Manik Chandra Das

....Applicant

- Versus -

The Union of India & Others

...Respondents

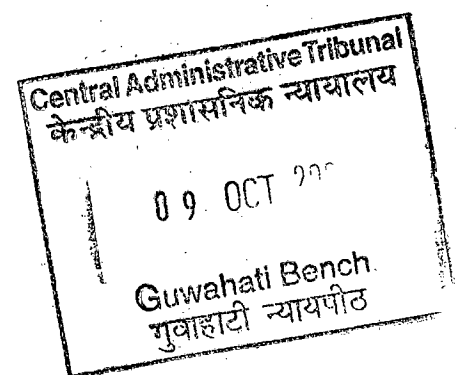
SYNOPSIS

The applicant was appointed to the post of Clerk Grade II (Assamese) in the Prakashan Vibhag at Guwahati under Publications Division, Ministry of Information and Broadcasting, Government of India on 06.07.1974. The Government of India vide office Memorandum No.20014/3/83-IV dated 14.12.1983 granted Special Duty Allowances (SDA in short) to the Central Government Employees working in the North Eastern Region (NER). On 03.03.1988 the Applicant was promoted to the post Junior Store Keeper and posted at New Delhi. He assumed the charge of Junior Store Keeper at New Delhi on 04.07.1988. On 30.08.1988 the Applicant was reverted to his substantive post of Clerk Grade II (Assamese) and posted at the office of the Yojana (Assamese), Guwahati from New Delhi at his own request. The Government of India, Ministry of Finance, Department of Expenditure vide its Memorandum No. F.No.11(2)/97-E-II dated 22.07.1998 extended the Special Duty Allowance to the Central Government employees serving in the North Eastern Region. On 02.05.2000 the Cabinet Secretariat (EA Section) Govt. of India in consultation with Ministry of Finance (Department of Expenditure) clarified the points of doubt raised for payment of Special Duty Allowance to the Central Government employees. The Applicant submitted a representation on 01.06.2001 before the Deputy Director

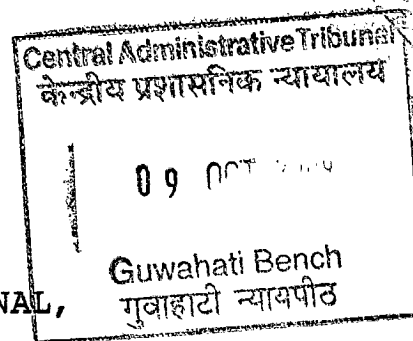
Manik Chandra Das

(Admn), Publications Division, New Delhi for payment of Special Duty Allowance on the basis of Cabinet Secretariat clarification. On 29.05.2002 the Govt. of India, Ministry of Finance, Department of Expenditure clarified the payment of SDA to the Central Govt. employees posted at NE Region from outside NE Region. The Applicant again submitted representations on 08.07.2002 and 03.08.2004 before the Director, Publications Division, New Delhi for payment of Special Duty Allowance to him. The Ministry of Finance, Department of Expenditure E II Branch vide letter dated 26.02.2007 further clarified that the Central Government employees posted/transferred in NER at their own request from outside the NER are eligible to get the SDA. The Applicant lastly submitted a representation on 23.03.2009 before the Additional Director General, Publications Division, Soochna Bhawan, New Delhi for payment of Special Duty Allowance with arrear from the date of his posting at NE region from outside NE Region. On 30.04.2009 the Applicant retired on superannuation from the Government service. Till date the Respondents did not make any payment of Special Duty Allowance to the Applicant from his date of posting at Guwahati from New Delhi till his retirement although he is legally entitled for the same as per the various Government of India memorandum as well as the Cabinet Secretariat, Govt. of India clarification dated 02.05.2000 and Ministry of Finance, Department of Expenditure clarification dated 29.05.2002 and 26.02.2007 respectively.

Hence this Original Application for seeking justice in this matter.



Manik Chandra Das.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

(An Application under Section 19 of the Administrative
Tribunal Act 1985)

ORIGINAL APPLICATION NO. 209 OF 2009.

Shri Manik Chandra Das

...Applicant

- Versus -

The Union of India & Others

...Respondents

LIST OF DATES

06.07.1974 Para 4.2 Annexure-1	The Applicant was appointed to the post of Clerk Grade II (Assamese) in the Prakashan Vibhag at Guwahati under the Publications Division, Ministry of Information and Broadcasting, Govt. of India.
14.12.1983 Para: 4.3 Annexure-2	The Government of India granted Special Duty Allowances to the Central Government Employees posted in the North Eastern Region.
03.03.1988 Para : 4.4 Annexure-3	Applicant was promoted to the post of Junior Store Keeper and posted at New Delhi.
04.07.1988 Para : 4.4	Applicant assumed the charge of Junior Store Keeper at New Delhi.
06.07.1988 Para : 4.4 Annexure-4	Applicant pay scale was fixed at Rs. 1200-30-1560-EB-40-2040 at Rs. 1290 P.M. w.e.f. 04.07.1988.
30.08.1988 Para : 4.5 Annexure-5	The Applicant was reverted to his substantive post of Clerks Grade II (Assamese) and posted at the office of the Yojana (Assamese), Guwahati from New Delhi at his own request.
22.07.1998 Para : 4.6 Annexure-6	The Government of India, Ministry of Finance, Department of Expenditure extended the Special Duty Allowance to the Central Govt. employees serving in the States and Union Territories of the North Eastern Region.
02.05.2000 Para : 4.7 Annexure-7	The Cabinet Secretariat (EA Section), Govt. of India in consultation with Ministry of Finance (Department of Expenditure) clarified the points of doubt raised for payment of Special Duty Allowance to the Central Govt. employees posted at North Eastern Region.

Manik Chandra Das

<p>01.06.2001 Para : 4.9 Annexure 8</p> <p>29.05.2002 Para : 4.10 Annexure-9</p> <p>08.07.2002 Para : 4.11 Annexure-10</p> <p>03.08.2004 Para : 4.12 Annexure-11</p> <p>26.02.2007 Para : 4.13 Annexure-12</p> <p>23.03.2009 Para : 4.14 Annexure-13</p> <p><u>30.04.2009</u> Para : 4.15</p>	<p>Applicant submitted representation before the Deputy Director (Admn), Publications Division, Patiala House, New Delhi for payment of Special Duty Allowance.</p> <p>The Govt. of India, Ministry of Finance, Department of Expenditure clarified the payment of Special Duty Allowance to the Central Government Employees posted at North Eastern Region from outside the NE Region.</p> <p>Applicant submitted another representation before the Director, Publications Division, Patiala House, New Delhi for payment of Special Duty Allowance.</p> <p>Applicant submitted another representation before the Director, Publications Division, Patiala House, New Delhi for payment of Special Duty Allowance.</p> <p>The Ministry of Finance, Department of Expenditure EII Branch clarified that the Central Government Employees posted/transferred in North Eastern Region at their own request from outside the NE Region are eligible to get Special Duty Allowance.</p> <p>Applicant submitted his last representation before the Additional Director General, Publications Division, Soochna Bhawan, New Delhi for payment of Special Duty Allowance.</p> <p>The Applicant has retired on superannuation from Government service.</p>
---	---

Date: 9/10/09

Filed By:

Nuruddin Ahmad
Advocate



Manik Chandra Das.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

(An Application under Section 19 of the Administrative
Tribunal Act 1985)

ORIGINAL APPLICATION NO. 209 OF 2009.

Shri Manik Chandra Das

- Applicant

- Versus -

The Union of India & Others

- Respondents

INDEX

Sr. No.	Annexure	Particulars	Page No
1	...	Application	1 to 12
2	...	Verification	13
3	1	Copy of the letter No.A.12019/7/73-spl.(Admn.I) dated 06.07.1974.	14 to 15
4	2	Extract copy of the Office Memorandum dated 14.12.1983.	16 to 17
5	3	Copy of the order No.A-12026/5/8-Admn.I dated 03.03.1988.	18
6	4	Copy of the office order No.A12026/5/88-Admn.I dated 06.07.1988.	19
7	5	Copy of the order No.A-12026/5/88-Admn.I dated 30.08.1988.	20
8	6	Copy of the office Memorandum No.11 (2)/97-E-II(B) dated 22.07.1998.	21 to 26
9	7	Copy of Cab. Sectt. UO No.20/12/99-EA-1-1799 dated 02.05.2000.	27 to 29
10	8	Copy of the representation dated 01.06.2001.	30
11	9	Copy of the O.M. F.No.11(5)/97-E II (B) dated 29.05.2002.	31 to 35
12	10	Copy of the representation dated 08.07.2002.	36
13	11	Copy of the representation dated 03.08.2004.	37
14	12	Copy of the M/o Fin.(Expdr) U.O. No.11(1)E.II(B)/07 dated 26.02.2007.	38
15	13	Copy of the representation dated 23.03.2009.	39

Date: 9/10/09

Filed By:

Nuruddin Ahmad
Advocate

Manik Chandra Das

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI.

(An Application under Section 19 of the
Administrative Tribunal Act 1985)

ORIGINAL APPLICATION NO. 209 OF 2009.

BETWEEN

Shri Manik Chandra Das
Son of Late Anadar Ram Das
Retired Accounts Clerk,
Office of the Yojana (Assamese)
Publications Division,
Ministry of Information and
Broadcasting.
Resident of Garigaon (Jambori),
Post Office-Pandu, Guwahati
PIN-781012.

Applicant

-AND-

1. The Union of India represented by the
Secretary to the Government of India,
Ministry of Information and
Broadcasting, Shastri Bhawan,
New Delhi, PIN-110001.
2. The Additional Director General (I/C)
Publications Division, Ministry of
Information and Broadcasting,
Soochana Bhawan, CGO Complex,
Lodhi Road, New Delhi, PIN-110003.

Respondents

DETAILS OF THE APPLICATION

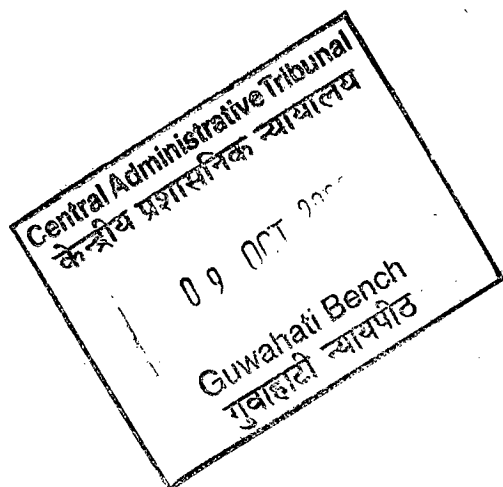
1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION
IS MADE:

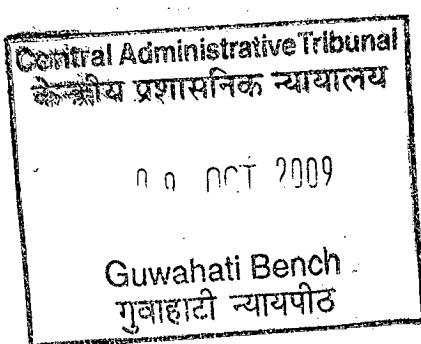
This application is not made against any particular
order but praying for a direction from this Hon'ble Tribunal
to the Respondents for payment of Special Duty Allowance to
the Applicant vide Government of India, Cabinet Secretariat
Letter No.20-12-1999-EA-1-1789 dated 02-05-2000 and as per
clarification issued by the Ministry of Finance, Department
of Expenditure, E-II (B) Branch, M/O Fin.(Expdr.)U.O.
No.11(1)E.II(B)/07, dated 26.02.07.

Manik Chandra Das

FILED BY

Shri Manik Chandra Das
Applicant
Through Nurmudin Ahmad
Advocate 9/10/07





2. JURISDICTION OF THE TRIBUNAL:

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

3. LIMITATION:

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

4. FACTS OF THE CASE:

Facts of the case in brief are given below:

4.1) That your Applicant is an Indian citizen by birth. As such he is entitled to get all the rights and privileges guaranteed under the Constitution of India and the law framed thereunder from time to time. He has retired from Central Government service on 30.04.2009 as Accounts Clerk in the office of the Yojana (Assamese) Publications Division under the Ministry of Information and Broadcasting, Government of India.

4.2) That your Applicant begs to state that he was appointed to the post of Clerk Grade-II (Assamese), in the Prakashan Vibhag at Guwahati under the Publication Division, Ministry of Information and Broadcasting, Government of India vide appointment letter No.A.12019/7/73-spl.(Admn.I) dated 06.07.1974. In the aforesaid appointment letter in paragraph 4 of the Terms and Conditions it has been stated that "your appointment will be at Gauhati at present but you may be required to serve anywhere in India".

Copy of the letter No.A.12019/7/73-spl.(Admn.I) dated 06.07.1974 is annexed herewith and marked as ANNEXURE-1.

Manik Chandra Das

4.3) That it is stated that the Government of India vide office memorandum dated 14.12.1983 granted Special Duty Allowance to the Central Government employees who are posted at North Eastern Region and saddled with all India transfer liability. The relevant portion of the O.M. dated 14.12.1983 is quoted below:

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

(iii) Special Duty Allowance:-

Central Government Civilian employees who have All India transfer liability will be granted 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 Eastern Region. Such of these employees who are exempt from payment of Income Tax, will however not be eligible for this Special Duty Allowance, will be in addition to any Special Pay and Pre Deputation Duty Allowance already being drawn subject to the condition that the total of such Special Duty Allowance plus Special Pay/Deputation Duty Allowance will not exceed Rs.400/- (Rupees Four Hundred) only per month. Special Allowance like Special

Manik Chandra Das

Compensatory (Remote Locality) Allowance, Construction Allowance and Project Allowance will be drawn separately".

Extract copy of the Office Memorandum dated 14.12.1983 is annexed hereunto and marked as ANNEXURE-2.

4.4) That the Applicant was promoted to the post of Junior Store Keeper and posted at New Delhi vide order No.A-12026/5/8-Admn.I dated 03.03.1988 issued by the Deputy Director (Administration), Publications Division, Ministry of Information and Broadcasting, Patila House, New Delhi. He assumed the charge of Junior Store Keeper at New Delhi on 04.07.1988 and his pay scale was fixed at Rs.1200-30-1560-EB-40-2040 at Rs.1290/- p.m. w.e.f. 04.07.1988 vide office order No.A12026/5/88-Admn.I dated 06.07.1988.



Copy of the order No.A-12026/5/8-Admn.I dated 03.03.1988 is annexed herewith and marked as ANNEXURE-3.

Copy of the office order No.A12026/5/88-Admn.I dated 06.07.1988 is annexed herewith and marked as ANNEXURE-4.

4.5) That vide order No.A-12026/5/88-Admn.I dated 30.08.1988 the Applicant was reverted to his substantive post of Clerks Grade II (Assamese) and posted at the Office of the Yojana (Assamese), Guwahati from New Delhi w.e.f. afternoon of 30.08.1988 at his own request.

Copy of the order No.A-12026/5/88-Admn.I dated 30.08.1988 is annexed herewith and marked as ANNEXURE-5.

4.6) It is to be stated that the Government of India, Ministry of Finance, Department of Expenditure vide office Memorandum No.11(2)/97-E-II(B) dated 22.07.1998 extended the

Manik Chandra Das

Special Duty Allowance to the Central Government employees serving in the states and Union Territories of North Eastern Region and in the Andaman and Nicobar and Lakshadweep Groups of Island including Sikkim as per the recommendations of the Fifth Central Pay Commission.

Copy of the office Memorandum No.11 (2)/97-E-II(B) dated 22.07.1998 is annexed herewith and marked as ANNEXURE-6.

4.7) That the Cabinet Secretariat (EA Section) Government of India in consultation with Ministry of Finance (Department of Expenditure) vide Cab. Sectt. UO No.20/12/99-EA-1-1799 dated 02.05.2000 clarified the points of doubt raised for payment of Special Duty Allowance to the Central Government employees. One of the points in paragraph IV of the clarification it has been held that an employee hailing from NE Region posted to NE Region initially but subsequently transferred out of NE Region but reposted to NE Region after some time serving in non NE Region will get the Special Duty Allowance on his posting to NE Region.

Copy of Cab. Sectt. UO No.20/12/99-EA-1-1799 dated 02.05.2000 is annexed herewith and marked as ANNEXURE-7.

4.8) That your Applicant begs to state that he has been saddled with All India Transfer liability in terms of his offer of appointment and with the said liability he has accepted the All India transfer liability as per his appointment letter. It is worth to mention here that as per said All India Transfer liability he has been posted to New Delhi from Guwahati and thereafter he has been reposted to Guwahati. Therefore, in terms of various Office Memorandums and clarifications issued by the Government of India from time to time in reference to the payment of Special Duty Allowance to the Central Government employees posted in NE

Manik Chandra Das

Region, the Applicant is legally entitled for payment of the Special Duty Allowances.

4.9) That your Applicant begs to state that he submitted representation on 01.06.2001 before the Deputy Director (Admn), Publication Division, Patiala House, New Delhi by requesting for payment of Special Duty Allowance to him as he is entitled for the same from the date of his posting at North Eastern Region i.e. Guwahati as per the Government of India, Cabinet Secretariat clarification.

Copy of the representation dated 01.06.2001 submitted by the Applicant is annexed herewith and marked as ANNEXURE-8.

4.10) That the Government of India, Ministry of Finance, Department of Expenditure vide O.M. F.No.11(5)/97-E II (B) dated 29.05.2002 further clarified the payment of Special Duty Allowance to the Central Government employees who are posted at North Eastern Region in view of various judgment passed by the Hon'ble Supreme Court of India. In paragraph 5 of the said O.M. it has been stated that "The Special Duty Allowances shall be admissible to Central Government Employees having All India Transfer Liability on posting to North Eastern Region (including Sikkim) from outside the region".

Copy of the O.M. F.No.11(5)/97-E II (B) dated 29.05.2002 is annexed herewith and marked as ANNEXURE-9.

4.11) That your Applicant being aggrieved by not getting any reply to his earlier representation dated 01.06.2001, he submitted another representation on 08.07.2002 before the Director, Publication Division, Govt. of India, Ministry of Information and Broadcasting, Patiala House, New Delhi for granting him the Special Duty Allowance.

Manik Chandra Das

Copy of the representation dated 08.07.2002 submitted by the Applicant is annexed herewith and marked as ANNEXURE-10.

4.12) That your Applicant begs to state that in continuation of his earlier representations dated 01.06.2001 and 08.07.2002 he submitted another representation dated 03.08.2004 before the Director, Publications Division, Government of India, Ministry of Information and Broadcasting, Patiala House, New Delhi for granting of Special Duty Allowance to him. In his representation he stated that in paragraph IV of the Cabinet Secretariat clarification dated 02.05.2000 has clarified that 'an employee hailing from NE Region, posted to NE Region initially but subsequently transferred out of NE Region but reposted to NE Region after some time serving in non NE Region' will get the Special Duty Allowance on his posting to NE Region. The said representation was forwarded by the Editor-cum-Correspondent Yojana (Assamese), Guwahati for information and necessary action.

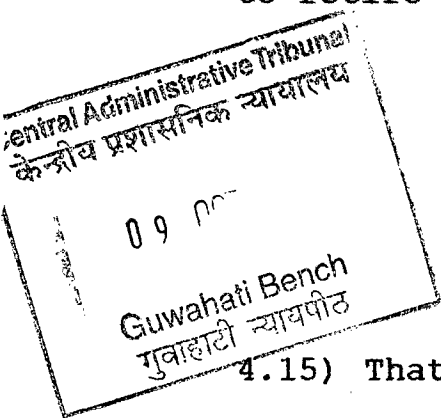
Copy of the representation dated 03.08.2004 submitted by the Applicant is annexed herewith and marked as ANNEXURE-11.

4.13) That the Ministry of Finance, Department of Expenditure E II(B) Branch vide its M/o Fin.(Expdr) U.O. No.11(1)E.II(B)/07 dated 26.02.2007 again clarified that the Central Government Employees posted/transferred in NE Region at their own request from outside the NE Region are eligible to get Special Duty Allowance.

Copy of the M/o Fin.(Expdr) U.O. No.11(1)E.II(B)/07 dated 26.02.2007 is annexed herewith and marked as ANNEXURE-12.

Manik Chandra Das

4.14) That your Applicant begs to state that in continuation of his earlier representations dated 01.06.2001, 08.07.2002 and 03.08.2004 he submitted last representation dated 23.03.2009 before the Additional Director General, Publications Division, Soochna Bhawan, New Delhi for granting of Special Duty Allowance to him. In the aforesaid representation he has been stated that as per the Sixth Central Pay Commission recommendations order dated 29.08.2008 all employees working in NE Region have already drawn the Special Duty Allowance (SDA) from September onwards. Unfortunately he has not yet been paid the same. He also requested to the authority concern to grant him the benefit of SDA on or before 30th April 2009 as he is going to retire from Government service on superannuation.



Copy of the representation dated 23.03.2009 submitted by the Applicant is annexed herewith and marked as ANNEXURE-13.

4.15) That your Applicant begs to state that he has retired on superannuation from Government service on 30.04.2009. But the Respondents in spite of his repeated request did not grant him the Special Duty Allowance although he is legally entitled for the same from the date of his posting at Guwahati from New Delhi. Hence finding no other alternative the Applicant is compelled to approach this Hon'ble Tribunal for seeking justice in this matter.

4.16) That your Applicant submits that he is entitled for Special Duty Allowance from the date of his posting at Guwahati till his retirement as per the various office memorandums regarding payment of Special Duty Allowances to the Central Government employee who are posted at North Eastern Region.

4.17) That your Applicant begs to submit that as per Government of India, Ministry of Finance, Department of

Manik Chandra Das

09 OCT

Guwahati Bench

26.02.2007

Expenditure Memorandum dated 26.02.2007 the Central Government Employees posted/transferred in NE Region at their own request from outside the NE Region are also eligible to get Special Duty Allowance. As such he is entitled for payment of S.D.A. from the date of his posting at Guwahati till his retirement from Service. The Respondents cannot deny the same to the Applicant without any justification.

4.18) That your Applicant begs to submit that the not granting of Special Duty Allowance to the Applicant by the Respondents is arbitrary, mala-fide, whimsical and also not sustainable in the eye of law as well as on facts.

4.19) That your Applicant demanded justice and the same has been denied.

4.20) That this application is filed bonafide and for the ends of justice.

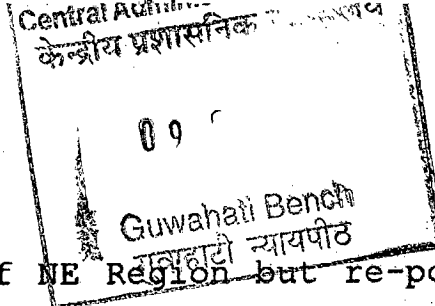
5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1) For that, due to the above reasons and facts, which are narrated in details, the non release of the Special duty Allowance (SDA in short) by the Respondents is prima facie illegal, mala-fide, arbitrary and without justification.

5.2) For that, having All India Transfer liability the Applicant after serving outside of the North-Eastern Region he was posted at North-Eastern Region. Therefore, he is legally entitled for payment of Special Duty Allowances as per various office memorandums in this regard. As such, the non release of SDA to the Applicant by the Respondents is illegal, mala-fide, arbitrary and not sustainable in the eye of law.

5.3) For that, the Government of India, Cabinet Secretariat clarification dated 02.05.2000 clarified that an employee hailing from any Region, posted to NE Region initially but

Manik Chandra Das



subsequently transfer outside of NE Region but re-posted to NE Region after sometime serving in non NE Region are entitled for payment of Special Duty Allowance. Hence, the Respondents can not deny the said benefit to the Applicant without any cause or causes.

5.4) For that, the Government of India, Ministry of Finance, Department of Expenditure memorandum dated 29.05.2002 in paragraph 5 it has been clearly mentioned that the Special Duty Allowance shall be admissible to the Central Government employee having all India transfer liability on posting to North Eastern Region (including Sikkim) from outside the Region. Therefore, the Respondents not granting the Special Duty Allowance to the Applicant on his posting to NE Region from outside NE Region is not sustainable in the eye of law.

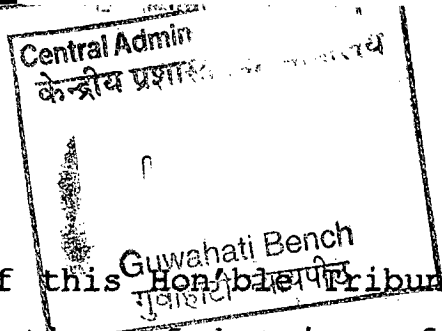
5.5) For that, the Govt. of India, Ministry of Finance, Department of Expenditure clarification dated 26.02.2007 has clarified that the Central Government Employees who has been posted/transferred in NE Region at their own request from outside the NE Region are eligible to get SDA. As such the non release of SDA to the Applicant by the Respondents is illegal, mala-fide, arbitrary and not sustainable in the eye of law.

5.6) For that, the refusal for payment of SDA to the Applicant has caused deprivation to the Applicant to his legitimate dues and such deprivation to an retired Government employee is highly arbitrary, illegal and not sustainable in the eye of law.

5.7) For that, the Respondents being a model Employer cannot deny the benefit of SDA to the Applicant which he is legally entitled to in terms of various Government memorandums as well as judgments passed by this Hon'ble Tribunal.

5.8) For that, in any view of the matter the action of the Respondents are not sustainable in the eye of law.

Manik Chandra Das



The Applicant craves leave of this Hon'ble Tribunal to advanced further grounds at the time of hearing of this instant application.

6. DETAILS OF REMEDIES EXHAUSTED:

That there is no other alternative and efficacious and remedy available to the Applicant 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 Applicant further declares that he has not filed any application, Writ Petition or suit in respect of the subject matter of the instant application before any other court, authority, nor any such application, writ petition or suit is pending before any of them.

8. RELIEF PRAYED FOR:

Under the facts and circumstances stated above, the Applicant most respectfully prayed that Your Lordships may be pleased to admit this application, call for the records of the case, issue notices to the Respondents as to why the relief and relieves sought for the Applicant may not be granted and after hearing the parties may be pleased to direct the Respondents to give the following relief (s):-

8.1] That the Hon'ble Tribunal may be pleased to direct the Respondents to release the Special duty Allowance with Arrears to the Applicant from his date of posting at Guwahati from New Delhi till date of retirement.

Manik Chandra Das

8.2] To Pass any other relief or relieves to which the Applicant may be entitled and as may be deem fit and proper by this Hon'ble Tribunal.

8.3] To pay the costs of the application.

9. INTERIM ORDER PRAYED FOR:

At this stage the Applicant have not prayed any interim order before this Hon'ble Tribunal. However, the Hon'ble Tribunal may be pleased to pass any appropriate order or orders as your Lordship deem fit and proper.

10. THIS APPLICATION IS FILED THROUGH ADVOCATE:

11. PARTICULARS OF I.P.O.:

I.P.O. No. :- 396 424103
Date of Issue :- 14.9.2009
Issued from :- Guwahati GPO
Payable at :- Guwahati

12. LIST OF ENCLOSURES:

As stated in Index.

- - - Verification

Manik Chandra Das.

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

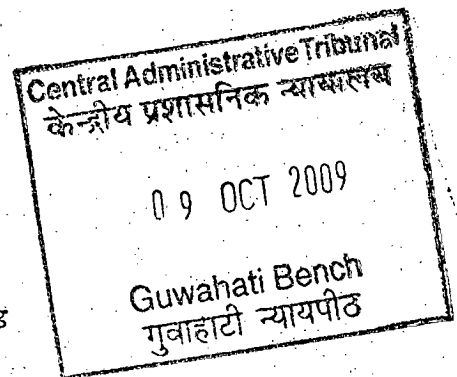
I, Shri Manik Chandra Das, aged about 60 years, Son of Late Anadar Ram Das, Retired Accounts Clerk, Office of the Yojana (Assamese) Publications Division, Ministry of Information and Broadcasting, KKB Road, Chenikuthi, Guwahati-3, presently residing at Garigaon (Jambori), P.O.- Pandu, Guwahati-781012 in the District of Kamrup (Metro) Assam do hereby solemnly verify that the statements made in paragraph Nos. 4.1, 4.2 (Partly), 4.8, 4.9, 4.11, 4.12, 4.14, 4.15 are true to my knowledge, those made in paragraph Nos. 4.2 (Partly), 4.3 to 4.7, 4.10, 4.13 are being matters of record are true to my information derived therefrom which I believe to be true and those made in paragraph 5 are true to my legal advice and the rests are my humble submission before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 9th day of . . .
October. 2009 at Guwahati.



Manik Chandra Das
DECLARANT

No.A.12019/7/73-Spl.(Admn.I)
Publications Division
Ministry of Information and Broadcasting
Patiala House.



New Delhi, dated the 6th July, 1974.

Shri Manik ^{Chandra} Das,
C/O Shri Jogendra Nath Dass,
Rehabari, Gauhati-8 (Assam).

Sir,

I am to offer you a temporary post of Clerk Grade II (Assamese) in the Prakashan Vibhag at Gauhati on a pay of Rs.260/-p.m. in the pay scale of Rs.260-6-290-EB-6-326-8-366-EB-8-390-10-400 plus the usual dearness and other allowances at the rates admissible under rules and orders governing the grant of such allowances in force from time to time, and on the following terms and conditions:-

1. The post is temporary and is sanctioned at present upto the 28th February, 1975 but is likely to continue thereafter.
2. You will be governed by the Central Civil Services (Temporary Services) Rules, 1965 and other rules applicable to temporary Government servants of your category.
3. The appointment may be terminated at any time by a month's notice given by either side, without assigning any reason. The appointing authority, however, reserves the rights of terminating the services forthwith on or before the expiration of the stipulated period of notice by making payment to you a sum equivalent to the pay and allowances for the period of notice of the unexpired portion thereof.
4. Your appointment will be at Gauhati at present but you may be required to serve anywhere in India.
5. You will remain on probation for two years in the first instance, which can be extended at the discretion of the appointing authority. Your services are liable to be terminated during or at the end of the probationary period without notice and without assigning any reason.
6. You are required to produce the original certificate as proof of your academic qualifications and age, and two character certificates from the two Gazetted Officer of the Central or State Government (duly countersigned by an S.D.M.).
7. Your appointment is subject to the production of a certificate of fitness from the competent medical authority, viz. the Civil/ presidency Surgeon.

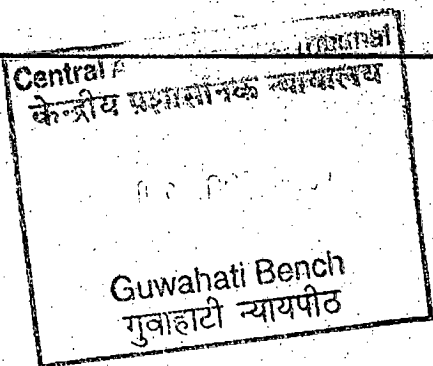
.....2/-

ATTESTED

(A)

ADVOCATE

- 15 -
-: 2 :-



8. You shall observe strictly the rules laid down in the Central Civil Service (Conduct) Rules, 1964. Any breach of these rules will render you liable for disciplinary action.
9. On joining the post, you will be required to take an oath of allegiance to the Union of India and the Constitution of India in the prescribed form or make a solemn affirmation to that effect.
10. You are required to give a declaration regarding your marriage in the prescribed form.
11. In regard to leave, travelling allowance and all other matters you will be governed by the rules and orders in force from time to time and applicable to the branch of public service to which you may belong.
12. You shall have to apply for Government accommodation within a week of your joining the post.
13. You shall have to submit a discharge certificate (in the prescribed form) of your previous employment, if any, from your previous employer.
14. Before joining the post, you will be required to submit a certificate from the prescribed authority that you belong to Scheduled Tribe community.
15. If any declaration given or information furnished by you is proved to be false or if it is found that you have suppressed any material information, you will be liable to removal from service and such action as Government may deem necessary.
16. If you accept the offer on the above terms and conditions you should communicate your acceptance to the Senior Correspondent, Yojana, Gauhati immediately but not later than 10th July, 1974 and also report yourself for duty on or before the above date. If no reply is received or you fail to report for duty by the prescribed date, the offer of appointment will be treated as cancelled.
17. No travelling allowance will be allowed for joining the appointment.

Yours faithfully,

M. L. Tandon
(M.L. TANDON)
DEPUTY DIRECTOR (ADMIN.)

ATTESTED

(A)

ADVOCATE

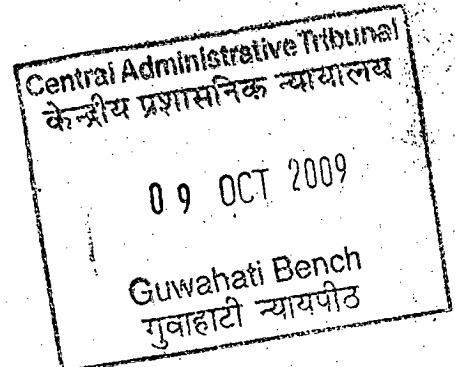
(Typed Copy)
Relevant portion

ANNEXURE -

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

New Delhi, the 14th Dec '83

OFFICE MEMORANDUM



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

The need for attracting and retaining the services of competent officers for service in the North Eastern Region comprising the States of Assam, Meghalaya, Manipur, Nagaland and Mizoram has been engaging the attention of the government for some time. The Government had appointed a Committee under the Chairmanship of Secretary, Department of Personnel and Administrative Reforms, to review the existing allowances & Administrative Reforms, to review the existing allowances and facilities admissible to the various categories of Civilian Central Government employees serving in this Region and to suggest suitable improvements. The recommendations of the Committee have been carefully considered by the Government and the President is not pleased to decide as follows:-

i) Tenure of posting/deputation

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

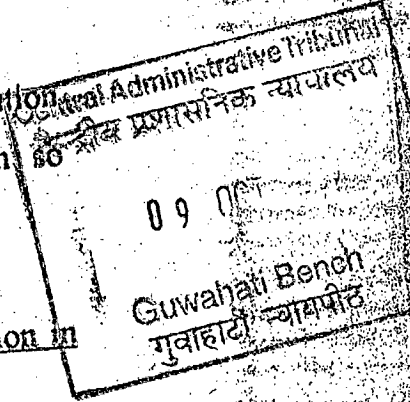
The period of deputation of the Central Government Employees to the station / Union territories of the North Eastern Region will generally be for 3 years which can be extended in exceptional cases in exigencies of public service as well as

ATTESTED

(M)
ADVOCATE

- 17 -

when the employee concern in prepared to stay longer. The admissible doputation allowance will also continue to be paid during the period of doputation so extended.



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

XX

- iii) Central Government Civilian employees who have all India transfer liability will be granted a special (Duty) Allowance at the rate of 25 percent of basic pay subject to any ceiling of Rs. 400/- per month on postings to any station in the North Eastern Region. Such of those employees who are exempted from payment of income tax will, however, not be eligible for this Special (Duty) Allowance. Special (Duty) Allowance will be in addition to any special pay and pre deputation (Duty) Allowance already being drawn subject to the condition that the total of such Special (Duty) Allowance plus special pay/deputation (Duty) Allowance will not exceed Rs. 400/- p.m. Special Allowance like Special Compensatory (Remote Locality) Allowance, Construction Allowance and Project Allowance will be drawn separately.

Sd/- eligible

JOINT SECRETARY TO THE GOVERNMENT OF INDIA

A TESTED
①
ADVOCATE

Copy
sent
to M.C. Das

No.A-12026/5/88-Admn.I
Publications Division
Ministry of Information & Broadcasting
Patiala House, New Delhi.



ORDER

Dated:-3.3.88

The following Officials of the Publications Division (one Accounts Clerk in the scale of Rs.1200-2040 and two Clerk Grade-II in the scale of Rs.950-1500) are hereby promoted to the posts in the scales mentioned against them purely on ad-hoc basis w.e.f. the dates they join for duty in their new posts and are posted to the Units mentioned against them.

This ad-hoc promotion will not bestow any right on the promotee incumbents to claim any seniority in the grade or for regular appointment.

S.No.	Name & Designation & Present Posting	Promoted to in the scale	Where posted.
1.	Sh. Narendra Kumar, Accounts Clerk, S.E., Patna.	Accountant Rs.1400-2300	S.E., Lucknow.
2.	Sh. M.C.Das, C.G.II Yojana (Assamese), Guwahati,	Jr.Storekeeper Rs.1200-2040	Current Store (Hqrs.), Patiala House, New Delhi.
3.	Sh.H.A.Murad, C.G.II (H.Qrs)	Accounts Clerk Rs.1200-2040	S.E.New Delhi.

The above incumbents, should join in their place of posting immediately. In case some one is not interested in the promotion he should intimate his option within a fortnight of the issue of this order. In the event of refusal of promotion or failing to join in this stipulated the individual will forego his right of promotion for one year.

period
e. 15 days
from the
date of
issue of
this order

(NIRMAL GANGULY)
DY.DIRECTOR (ADMN.)

Copy to:-

1. P&AO, DAVP etc., Curzon Road, New Delhi.
2. Sales Emporium, New Delhi/Patna/Lucknow.
3. Editor, Yojana (Assamese), Guwahati.
4. B.M. (H.Qrs)/B&R/Vigilance Cell.
5. Cash Section (3 Copies).
6. Shri Narendra Kumar, Accounts Clerk, S.E., Patna.
7. Shri M.C.Das, C.G.II, Yojana, (Assamese), Guwahati.
8. Shri H.A.Murad, C.G.II, (H.Qrs).
9. Reception Counter, Publications Division.
10. Spare copies (10).

(R-MESH CHAND)
SECTION OFFICER.

ATTESTED

ADVOCATE

Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय
09 Dec
Guwahati Bench गुवाहाटी न्यायपीठ

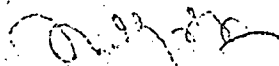
No. A12026/5/88-Adm.I
Publications Division
Ministry of Information & Broadcasting
Patiala House, New Delhi.

Dated: 6.7.1988

O R D E R

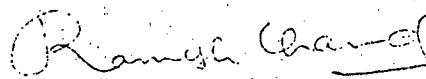
In continuation of this Division's Order of even no. dated 3.3.88 appointing Shri M.C.Das, CG II to the post of Jr.Store Keeper on purely adhoc basis, the pay of Shri M.C.Das is hereby fixed under FR.22-C in the scale of Pay Rs.1200-30-1560-EB-40-2040 at Rs.1290/- p.m.w.e.f. 4.7.1988, i.e. the date he assumed charge of Jr.Store Keeper at Current Store, Hqs, New Delhi. The date of his next increment will be 1.7.1989.

The above fixation of Pay is subject to post audit and in the light of audit observations, Overpayment, if any shall be recovered from Shri M.C.Das in lump sum without notice.



(NIRMAL GANGULY)
DEPUTY DIRECTOR(ADMN.)

Copy to:

1. PAO, DAVP etc. Curzon Road, New Delhi.
2. Shri M.C.Das, Jr.Store Keeper, Current Store, Hqs, New Delhi.
3. Cash Branch(3copies)/B&R/Vig.Cell.
4. Personal File/Service Book of the person concerned.
5. B.M.Hqs, New Delhi.
6. Spare copies(5)


(RAMESH CHAND)
SECTION OFFICER

A TESTED


ADVOCATE

No.A-12026/5/88-Admn.I

Publications Division

Ministry of Information and Broadcasting
Patiala House, New Delhi

.....

Dated: 30.8.1988

ORDER

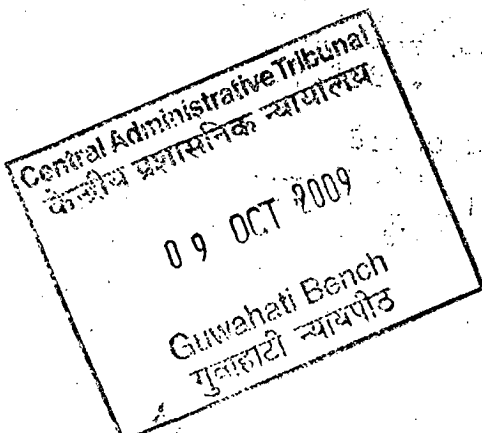
Shri M.C. Das, Clerks Grade-II(Assamese), who was promoted on 4.7.88 to the post of Junior Storekeeper and posted at Current Store, H.Quarters, New Delhi is hereby reverted to his substantive post of Clerks Grade-II(Assamese) and posted at the office of Yojana(Assamese), Guwahati w.e.f. afternoon of 30.8.1988 at his own request. His pay as Clerk Grade is refixed at Rs.1250/-p.m. w.e.f.31.8.1988. The date of his next increment as Clerks Grade-II in the scale of Rs.950-1500 is 1.7.1989.

Since his reversion to the post of Clerk Grade-II at Yojana(Assamese), Guwahati has been allowed on his own request he is not entitled for any T.A./D.A. for joining his duty at Guwahati.

(NIRMAL GANGULY)
DY.DIRECTOR(ADMN.)

Copy to:-

1. P&AO, DAVP etc., New Delhi.
2. Shri M.C.Das, Junior Storekeeper, Current Store, H.Qrs, New Delhi.
3. Cash Section(3 Copies)/B&R/Vig.Cell/A&G/Library.
4. Personal file/Service Book of the official concerned.
- ✓ 5. Editor, Yojana(Assamese), Guwahati.
6. B.M., Head Quarters, New Delhi with the request that Shri M.C.Das, Junior Storekeeper may be relieved of his duties immediately with direction to join the post of Clerks Grade II at Yojana(Assamese), Guwahati.
7. Spare copies(5).



(RAMESH CHAND)
SECTION OFFICER.

ATTESTED

ADVOCATE

(Typed Copy)
Relevant portion

ANNEXURE-

09 OCT

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायाधीश
Guwahati Bench
गुवाहाटी न्यायाधीश

Government of India
Ministry of Finance
Department of Expenditure

New Delhi dated July, 22, 1998

OFFICE MEMORANDUM

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

With a view to attracting and retaining competent officers for serving in the North Eastern Region, comprising of 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 liberalized in this Ministry's O.M. No. 20014/16/86/E.IV/E.II(B) dated December 1, 1988 and were also extended to the Central Government employees posted to the North Eastern Council when stationed in the North Eastern Region.

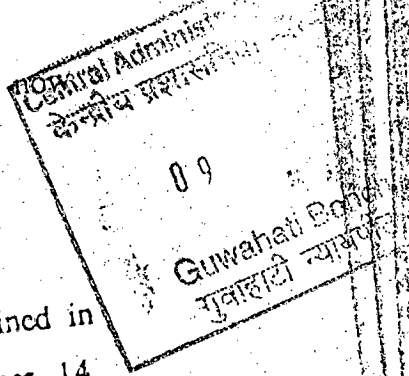
2. The Fifth Central pay Commission have made certain recommendations suggesting further improvements in the allowances and facilities admissible to the Central Government employees, including Officers of the All India Services posted in the North Eastern Region. They have further recommended that these may also be extended to the Central Government employees, including Officers of the All India Services, posted in Sikkim. The recommendations of the

ATTESTED

(M)
ADVOCATE

- 22 -

Commission have been considered by the Government and the President is pleased to decide as follows: -



- (i) Tenure of Posting/Deputation]
The provisions in regard to tenure 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.II(8) dated December 1, 1988, shall continue to be applicable.
- (ii) Weightage for Central Deputation/Training Abroad and Special Mention in Confidential Records. The provisions contained in this Ministry's O.M. No. 20014/3/83.E.IV date December 14, 1983, read with O.M. No. 20013/16/86-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 percent 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.

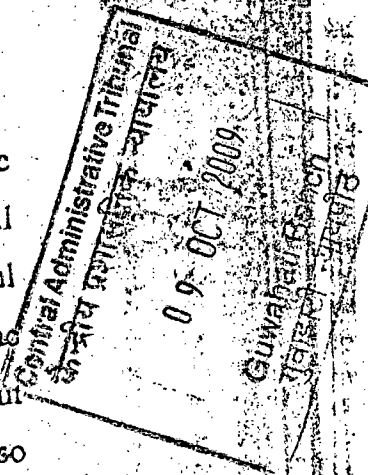
In terms of the orders in this Ministry's O.M. No. 20022/2/88.E.II(B) dated May 24, 1989, Central Government Civilian employees having an All India Transfer Liability" and posted to serve in the Andaman & Nicobar and Lakshadweep Groups of Islands are presently entitled to an Island Special

ATTESTED

(A)
ADVOCATE

- 23 -

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 Allowances 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(8) 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)/95-E.II(B) dated January 12, 1996, which shall continue to be applicable not only in respect of the Central Government employees posted to serve in the North Eastern Region but also to those posted to serve in the Andaman & Nicobar and Lakshadweep Groups of Islands.

XX
XX
XXXXXXXXXXXX3. 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 issued after consultation with the Comptroller and Auditor General of India.
6. Hindi version will follow.

Sd/-
(N. SUNDER RAJAN)
Joint Secretary to the Government of
India

A TESTED
①
ADVOCATE

New Delhi, Dated July 22, 1990

OFFICE MEMORANDUM

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 territories of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura, orders were issued in this Ministry's O.M. No. 20014/383-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) thereof were also to apply mutatis mutandis to the Civilian Central Government employees posted to the Andaman & Nicobar Islands. These were further extended to the Central Government employees posted to the Lakshadweep Islands in this Ministry's O.M. of even number dated March 30, 1984. The allowances and facilities were further liberalised in this Ministry's O.M. No. 20014/16/86-E.IV; E.II(B) dated December 1, 1988 and were also extended to the Central Government employees posted to the North Eastern Council when stationed in the North-Eastern Region.

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

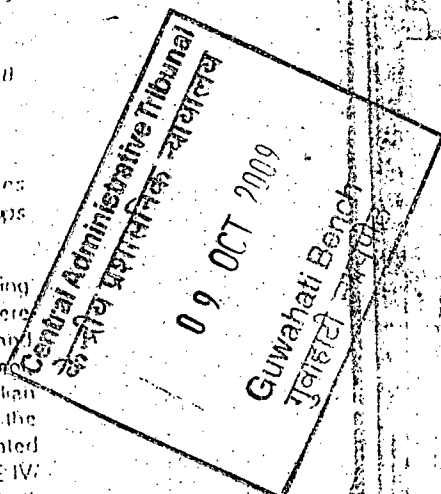
(i) **Tenure of Posting/Deputation**
The provisions in regard to tenure of posting/deputation contained in this Ministry's O.M. No. 20014/383-E.IV dated December 14, 1983, read with O.M. No. 20014/16/86-E.IV/E.II(B) dated December 1, 1988, shall continue to be applicable.

(ii) **Weightage for Central Deputations/Training Abroad and Special Mention in Confidential Records**
The provisions contained in this Ministry's O.M. No. 20014/383-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, 1988.

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.



ATTESTED

ADVOCATE

- 25 -

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. 20014/16/86-E.IV/E II(B) dated December 1, 1988, shall continue to be applicable.

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

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

(vii) Leave Travel Concession

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

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

OR

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

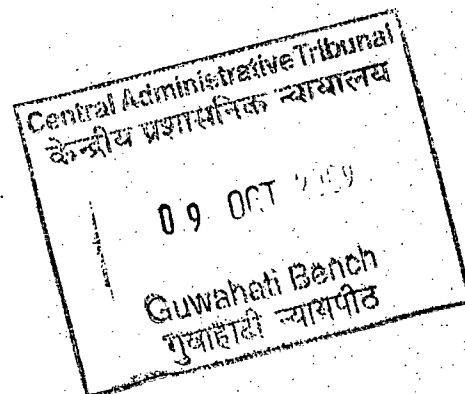
These special provisions shall continue to be applicable.

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

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

ATTESTED


ADVOCATE



26

(viii) Children Education Allowance and Hostel Subsidy
The existing provisions as contained in this Ministry's O.M. No. 20114/83-E.IV dated December 14, 1983 shall continue to be applicable. The rates of Children Education Allowance and Hostel Subsidy having been revised in the Department of Personnel & Training O.M. No. 21017/1/97-Estt. (Allowances) dated June 12, 1998, the Allowance and Subsidy shall be payable at the revised monthly rates of Rs. 100 and Rs. 300 respectively per child.

(ix) Retention of Government Accommodation at the Last Station of Posting
The facility of retention of Government accommodation at the last station of posting by the Central Government employees posted to the specified territories and whose families continue to stay at that station is available in terms of the orders contained in the erstwhile Ministry of Works & Housing O.M. No. 12035/24/77-Vol. VI dated February 12, 1984, as amended from time to time. This facility shall continue to be available to the eligible Central Government employees posted in the North-Eastern Region, Andaman & Nicobar Islands and Lakshadweep Islands. In partial modification of these orders, Licence Fee for the accommodation so retained will be recoverable at the applicable normal rates in cases where the accommodation is below the type to which the employee is entitled to and at one and a half times the applicable normal rates in cases where the entitled type of accommodation has been retained. The facility of retention of Government accommodation at the last station of posting will also be admissible for a period of three years beyond the normal permissible period for retention of Government accommodation prescribed in the Rules.

(x) House Rent Allowance for Employees in Occupation of Hired Private Accommodation
The orders contained in this Ministry's O.M. No. 11016/1/E.II(E)/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 issued after consultation with the Comptroller and Auditor General of India.

6. Hindi version will follow.

(N. SUNDER RAJAN)

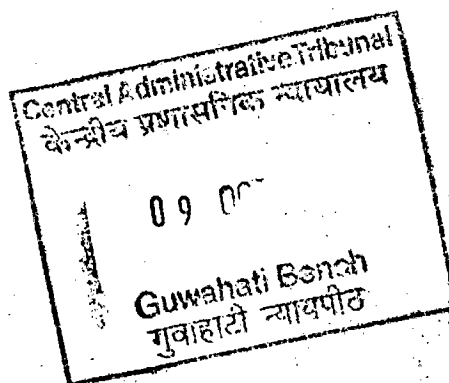
Joint Secretary to the Government of India

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.



A TESTED

ADVOCATE

COURT CASE
MOST IMMEDIATE

Cabinet Secretariat
(E.A. Section)

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

1. SSB Directorate may kindly refer to their UO No. 42/SSB/AT/99(18)- 2369 dated 31.03.2000 on the subject mentioned above.
2. The points of doubt raised by SSB in their UN No. 42/SSB/AT/99(18) - 5282 dated 2.9.1999 have been examined in consultation with our Integrated Finance and Ministry of Finance (Department of Expenditure) and clarification to the points doubt is given under for information, guidance and necessary action :

i)	The Hon'ble Supreme Court in their Judgment delivered on 26.11.96 in Writ Petition No. 794 of 1996 held that civilian employees who have All India transfer liability are entitled to the grant of SDA on being posted to any station in the N.E.Region from outside the region and in the following situation whether a Central Government employee would be eligible for the grant of SDA keeping in view the clarifications issued by the Ministry of Finance vide their UO No. 11(3)/95.E.II(B) dated 7.5.97	
a)	A person belongs to outside N.E.Region but he is appointed and on first appointment posted in the N.E.Region after selection through direct recruitment based on the recruitment made on all India basis and having a common/centralised seniority list and All India Transfer Liability.	No
b)	An employee hailing from the N.E. Region selection on the basis of an All India recruitment test and borne on the Centralised cadre/service common seniority on first appointment and posted in the N.E.Region. He has also All India Transfer Liability.	No
ii)	An employee belongs to N.E.Region was appointed as Group "C" or "D" employee based	No

ATTESTED

ADVOCATE

	on local recruitment when there were no cadre rules for the post (prior to grant of SDA vide Ministry of Finance OM No. 20014/2/83-E.IV dated 14.12.1983 and 20.4.87 read with O.M. 20014/16/86E.II(B) dated 1.12.1988) but subsequently the post/cadre was centralised with common seniority list/promotion/All India Transfer Liability etc. on his continuing in the N.E.Region though they can be transferred out to any place outside the NE Region having All India Transfer Liability.	
iii)	An employee belongs to N.E.Region and subsequently posted outside N.E.Region, whether he will be eligible for SDA if posted/transferred to N.E.Region. He is also having a common All India seniority and All India Transfer Liability	YES
iv)	An employee hailing from NE Region, posted to NE region initially but subsequently transferred out of NE Region but reported to NE Region after sometime serving in non NE Region	YES
v)	The MOF. Deptt. Of Expdr. Vide their UO No. 11(3)/95-E.II(B) dated 7.6.97 have clarified that a mere clause in the appointment order to the effect that the person concerned is liable to be transferred anywhere in India does not make him eligible for the grant of Special Duty Allowance. For determination of the admissibility of the SDA to any Central Govt. Civilian employees having All India Transfer Liability will be by applying tests (a) whether recruitment to the Servic/Cadre /Post has been made on All India basis (b) whether promotion is also done on the basis of All India Zone of promotion based on common seniority for the service/cadre/post as a whole (c) in the case of SSB/DGS, there is a common recruitment system made on All India basis and promotions are also one on the basis of All India Common Seniority. Based on the above criteria/tests all employees recruited on the All India basis and having a common seniority list of All India basis for promotion etc. are eligible for the grant of SDA irrespective of the fact that the employee hails from N.E.Region or posted to N.E.Region from outside the N.E.Region	In case the employee hailing from NE region is posted within NE Region he is not entitled to SDA till he is once transferred out of that Region
vi)	Based on point (iv) above, some of the units of SSB/DGS have authorised payment of SDA to othe employees hailing from NE Region and posted within the N.E.Region while in the case of others, the DACS have objected payment of SDA	It has already been clarified by MOF that clause in the appointment order regarding All India

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
09 OCT 2019
Guwahati Bench
গুৱাহাটী সাক্ষাৎ

ATTESTED
ADVOCATE

- 29 -

Centre
केन्द्रीय प्रशासनिक विभाग
09
Guwahati Bench
गुवाहाटी न्यायपीठ

	to employees hailing from NE Region and posted within the NE Region irrespective of the fact that their transfer liability is All India Transfer Liability or otherwise. In such cases what should the norm for payment of SDA i.e. on fulfilling the criteria of All India Recruitment Test & to promotion of All India Common Seniority basis having been satisfied are all the employees Eligible for the grant of SDA	transfer Liability does not make him eligible for grant of SDA
vii)	Whether the payment made to some employees hailing from NE Region and posted in NE Region be recovered after 20.9.1994 i.e. the date of decision of the Hon'ble Supreme Court and/or whether the payment of SDA should be allowed to all employees including those hailing from N.E.Region with effect from the date of their appointment if they have All India Transfer Liability and are promoted on the basis of All India Common Seniority List.	The payment made to employees hailing from NE Region & posted in NE Region be recovered from the date of its payment. It may also be added that the payment made to the ineligible employee hailing from NE Region and posted in NE region be recovered from the date of payment or after 20th Sept., 94 whichever is later.

3. This issues with the concurrence of the Finance Division, Cabinet Secretariat vide Dy. No. 1349 dated 11.10.1999 and Ministry of Finance (Expenditure)'s I.D. No. 1204/E.II(B) dated 30.3.2000.

Sd/-
Hejble
(P.N.TIAKUR)
DIRECTOR(SR)

1. Shri R.S.Bedi, Director ARC
2. Shri R.P. Kureel, Director, SSB
3. Birg.(Retd)G.S.Uban, IG,SFF
4. Shri S.R.Mehra, JD(P&C), DGS
5. Shri Ashok Chaturvedi, JS(Pers),R&AW,
6. Shri B.S.Gill, Director of Accounts, DACS
7. Shri J.M.Menon, Director Finance(S),Cab. Sectt.
8. Col. K.L. Jaspal, CIOA, CIA

Cab. Sectt. UO. No. 20/12/99-EA-1-1799 dated 2.5.2000.

ATTESTED
ADVOCATE

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

09 OCT

Guwahati Bench
गुवाहाटी न्यायपीठ

To

The Deputy Director (Admn.)
Shri V.K. Sekhri by name
Publications Division,
Patiala House,
New Delhi-110001.

(Through the Editor-cum-Sr. Correspondent)

Respected Sir,

I have the honour to inform you that according to Cabinet Secretariat's Dy.No.1349 dated 11.10.99 and Ministry of Finance (Expenditure)'s I.D.No.1204/E-11(B)/09 dated 10.3.2000 (copy enclosed), I am entitled to get the SDA. In the above clarification it clearly mentioned in Sl.No.III & IV that an employee of NE region who is transferred to outside and again returned to NE region is entitled to get the SDA. In this connection I would like to inform you that I was promoted to JSK at Current Store, Publications Division, New Delhi vide division's order No.A-12026/5/88-Admn.I dated 3.3.88 & No. 12026/5/88-Admn.I dated 6.7.1988 (copies enclosed) and served there as JSK from 4.7.1988 to 31.8.1988 and again transferred back to Guwahati vide division's letter No.A-12026/5/88-Admn.I dated 30.8.1988 fulfilling criteria of the Sl.No.III & IV. I therefore, request you to kindly look into the matter personally and arrange to pay the SDA according to my entitlement at the earliest. Your kind consideration in this regard would be highly appreciated.

Thanking you,

Yours faithfully,

(M. C. Das)
Clerk Grade-II

Dated:1-6-2001.

Yojana (Assamese), Guwahati.

Yojana, Publications Division,
Ministry of Information & Broadcasting,
Naujan Road, Uzanbazar, Guwahati-1.

No.YA/Esstt/5/2001/208

Dated:1-6-2001.

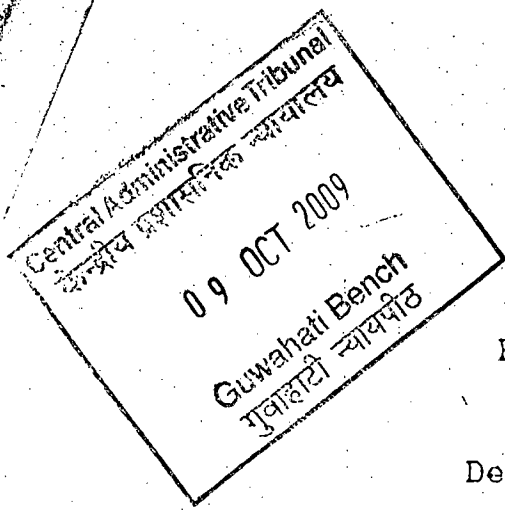
Forwarded to the Deputy Director (Admn.I), Publications Divn.
Patiala House, New Delhi-1 for information & necessary action.

(H. K. Das)
Editor, Yojana (Assamese)
Uzanbazar, Guwahati-1.

ATTESTED

(M)
ADVOCATE

- 31 -



ANNEXURE -I

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

.....
New Delhi, dated the 29th May 2002

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

.....

The undersigned is directed to refer to this Department's OM No. 20014/3/83-E.IV dated 14.12.83 and 20.4.1987 read with OM No. 20014/16/86-EIV/EII (B) dated 11.12.88, and OM No. 11(3)/95-EII(B) dt. 12.11.1996 on the subject mentioned above.

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

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

ATTESTED

ADVOCATE

- 32 -

Allowance on being posted to any station in the North Eastern Region from outside the region and Special Duty Allowance would not be payable merely because of a clause in the appointment order relating to All India Transfer Liability.

4. In a recent appeal filed by Telecom Department (Civil Appeal No. 7000 of 2001 arising out of SLP No. 5455 of 1999), Supreme Court of India has ordered on 5.10.2001 that this appeal is covered by the judgement of this Court in the case of UOI & Ors Vs S. Vijay Kumar & Ors reported as 1994(Supp3) SCC.649 and followed as the case of UOI & Ors vs Executive Officers Association Group C 1995(Supp I) SCC, 757. Therefore, this appeal is to be allowed in favour of the UOI. The Hon'ble Supreme Court further ordered that whatever amount has been paid to the employees by way of SDA will not, in any event, be recovered from them inspite of the fact the appeal has been allowed.

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

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

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

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

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

7. These orders will be applicable *mutatis mutandis* for regulating the claims of Islands Special (Duty) Allowance which is payable on the analogy of Special Duty Allowance

ATTESTED

ADVOCATE

to Central Government Civilian employees serving in the Andaman & Nicobar and Lakshadweep Groups of Islands.

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

S/D

(N.P. Singh)

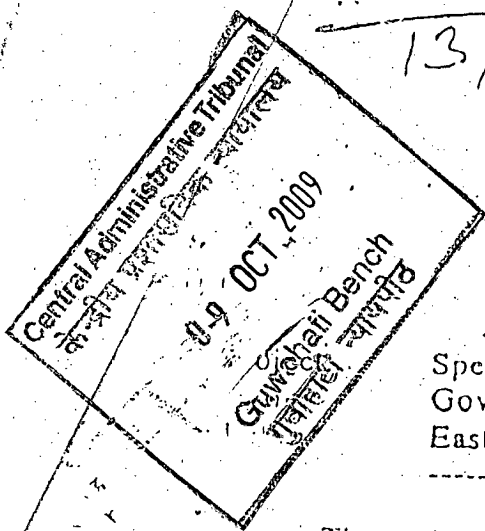
Under Secretary to the Government of India
All Ministries/Departments of the Government of India,
etc.

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



ATTESTED

ADVOCATE



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

ANNEXURE -

New Delhi, dated the 29th May, 2002.

OFFICE MEMORANDUM

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

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

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

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

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

ATTESTED

ADVOCATE

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

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

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

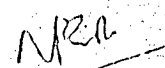
All cases for grant of Special Duty Allowance including those of All India Service Officers may be regulated strictly in accordance with the above mentioned criteria.

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

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

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

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

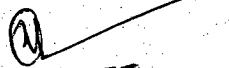

(N.P. Singh)

Under Secretary to the Government of India.

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

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

Central Administrative Tribunal
09 OCT
Guwahati Bench

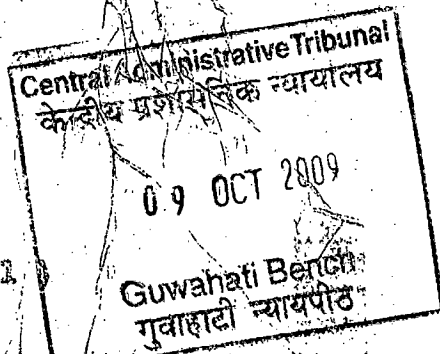
ATTESTED

ADVOCATE

-36-

To

The Director,
Publications Division,
Govt. of India, Ministry of I&B,
Patiala House,
New Delhi-110001.

(Through proper channel)



Sub:- Request for grant of Special Duty Allowance (SDA).

Respected Sir,

I would like to lay before you the following few lines for favour of your kind consideration and necessary action.

That Sir, As per Cabinet Secretariat's Dy.No.1349 dated 11.10.99 and Ministry of Finance (Expenditure)'s I.D.No.1204/E-11(B)/09 dated 13.3.2000 (copy enclosed), I am entitled to get the SDA. In the above order it is clearly mentioned in Sl. No. III & IV that an employee of NE region who is transferred to outside and again returned to NE region is entitled to get the SDA. In this connection I would like to inform you that I was promoted to JSK at Current Store, Publications Division, New Delhi vide division's order No.A-12026/5/88-Admn.I dated 3.3.1988 & No.12026/5/88-Admn.I dated 6.7.1988 (Copies enclosed) and again transferred to Guwahati vide division's letter No. A-12026/5/88-Admn.I dated 30.8.1988 fulfilling criteria of the Sl.No. III & IV. In this connection I had submitted a representation to DDA forwarded vide this office letter No. YA/Esstt/5/2001/208 dated 1.6.2001. But I have not heard anything about it.

I therefore, request you to kindly look into the matter personally and your good official arrange to pay the SDA according to my entitlement at the earliest. Your kind consideration in this regard would be highly appreciated.

Thanking you,

Yours faithfully,

(M. C. Das)

Clerk Grade- II

Yojana (Assamese), Guwahati-1.

Dated: 8-7-2002

Yojana, Publications Division,
Ministry of Information & Broadcasting,
Naujan Road, Uzanbazar, Guwahati-1.

No. YA/Esstt/5/2002/216

Dated: 8-7-2002.

Forwarded to the Director, Publications Division, Patiala House, New Delhi-1 for information & necessary action.

ATTENDED

ADVOCATE

MAHARAJA
Yojana (Assamese)
Yojana (Assamese)
Yojana (Assamese)

Registered

To

The Director,
Publications Division,
Govt. of India, Ministry of I&B,
Patiala House,
New Delhi-110001.

(Through proper channel)

Sub:- Prayer for grant of Special Duty Allowance (SDA) to Sri M.C.Das,
CG-II, Yojana (Assamese), Guwahati.

Ref:- Earlier applications No.YA/Esstt/5/2001/208 dated 1-6-2001
and No.YA/Esstt/5/2002/216 dated 8-7-2002 on the above subject.

Respected Sir,

With reference to my earlier applications mentioned above, I would like to lay the following few lines for favour of your kind consideration and necessary action.

That Sir, the DFD vide its order No.A-12026/5/88-Admn.I dated 3-3-88 promoted me from CG-II to the post of Junior Storekeeper and transferred to the Current Store of the Hqs. New Delhi. According I have assumed my new charge of Jr. Storekeeper at current store, Hqs. New Delhi on 4-7-1988. This was circulated vide Hqs. Order No.A-12026/5/88-Admn.I dated 6-7-1988. However the Hqs. vide order No.A-12026/5/88-Admn.I dated 30-8-1988 reverted me to my substantive post of Clerk Grade-II (Assamese) and posted at the office of Yojana (Assamese), Guwahati which I joined with effect from 30-8-1988.

Now Sir, the para 4 (four) of the Cabinet Secretariat's order of even No. dated 2-5-2000 (copy enclosed) has clearly said that "An employee hailing from NE Region, posted to NE Region initially but subsequently transferred out of NE Region, but re-posted to NE Region after sometime serving in non NE Region is entitled to get the benefit of SDA. (copy enclosed).

Sir, under the above circumstances, I am entitled to get the benefit of SDA. I therefore, once again pray to you to kindly consider my case sympathetically and grant me the benefit of SDA which is due to me.

Yours faithfully,



(M. C. Das)
CG-II, Yojana (Assamese)
Uzanbazar, Guwahati-1.

Yojana, Publications Division,
Ministry of Information & Broadcasting,
Naujan Road, Uzanbazar, Guwahati-1.

No.YA/Esstt/5/2004/283

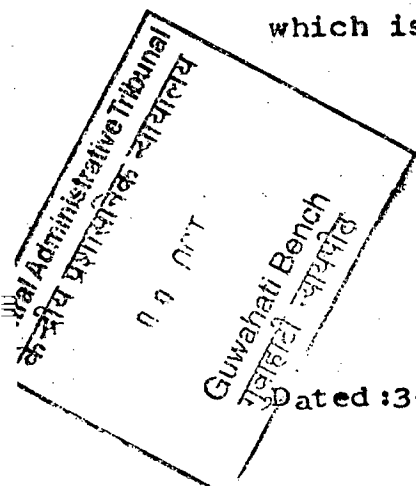
Dated: 3-8-2004.

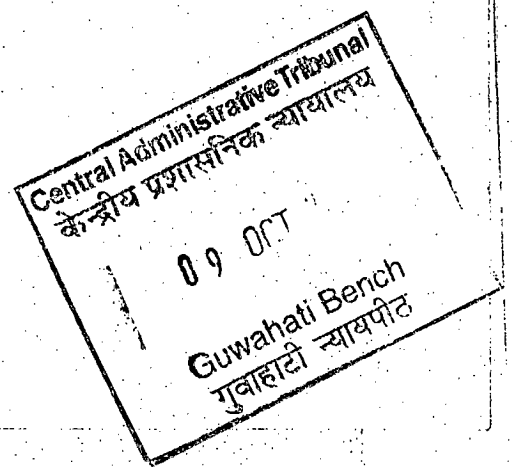
Forwarded to the Director, Publications Division, Patiala House, New Delhi-1 for information & necessary action.

A TESTED

ADVOCATE

(K. K. DEKA)
Editor-cum-Sr. Correspondent
Yojana (Assamese), Guwahati-1





Ministry of Finance
Department of Expenditure
E-II (B) Branch

Sub: proposal seeking clarification as to whether the employees posted/transferred in N.E. Region, at their own request from outside the N.E. Region are eligible to get SDA.

Reference U.O.No.Admn./1(27)/Shillong/06-07/2412 of Office of Pr.Chief Controller of Accounts (Central Excise & Customs) on pre-page.

There is no restriction for grant of Special Duty Allowance to Central Govt. Employees if they are posted on their own request and are entitled to SDA as per criteria for payment of SDAAs mentioned in para 5 of Finance Ministry's O.M.No.11(5)/97-E.II(B) dated 29.5.2005(copy enclosed). Office of Pr. Chief Controller of Accounts is advised to decide the cases of payment of SDA accordingly.

Encl. as above

(R. Prem Anand)
(R. Prem Anand)
Under Secretary to Govt. of India.

Shri Arvind Kumar, Controller of Accounts, O/o Pr. Chief Controller of Accounts, Central Excise & Customs, A.G.C.R. Building, New Delhi.
(J.S. F. 10282)

M/o Fin.(Expdr.) U.O.No.11(1)E.II(B)/07, dt. 24/2/07

ATTESTED

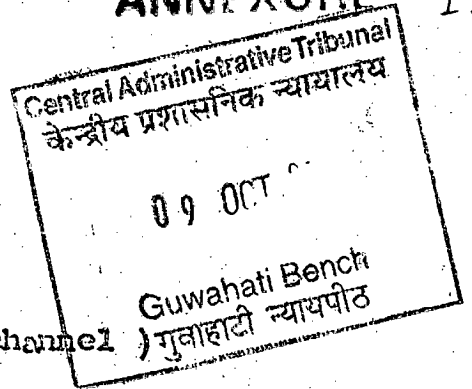
ADVOCATE

- 39 -

To

The Additional Director General,
Publications Division,
Soochna Bhawan,
New Delhi-110003.

(Through proper channel)



Sub:- Prayer for grant of Special Duty Allowance (SDA) to employee posted in North Easter Region - Regd.

Ref:- Earlier applications No. YA/Esstt/5/2001/208 dated 1-6-01 ; No. YA/Esstt/5/2002/216 dated 8-7-02 and YA/Esstt/5/2004/283 dated 3-8-04 on the above subject.

Respected Madam,

With due respect, I am to very sorry to inform you that despite repeated request on the above subject, I have not been granted the Special Duty Allowance till date nor get in any reply from the Hqrs. in this matter. Photo copies of the letters mailed to the Hqrs New Delhi are enclosed herewith for your kind perusal. Moreover, as per Sixth Central Pay Commissions recommendation order No. 11(5)/2008-E(E) dated 29-08-2008, all employees working in N.E. Region in different departments have already drawn the SDA from September, 2008 onward. Unfortunately we have not yet been paid the same. Once again I would like to request you to kindly look into the matter personally and grant me the benefit of SDA according to my entitlement on or before 30th April, 2009, as I am going to retire from Govt. service on 30-04-09 at the age of superannuation.

Your kind consideration and necessary action in this regard would be highly appreciated.

Thanking you Madam,

Yours faithfully,

(M. C. Das)
Accounts Clerk,

Dated: 23-03-09

Yojana (Assamese), Guwahati-3.

Yojana, Publications Division,
Ministry of Information & Broadcasting,
K K B Road, Chenikuthi, Guwahati-3.

No. YA/Esstt/5/2009/111

Dated: 23-3-09

Forwarded to the Addl. Director General, Publications Division, Soochna Bhawan, New Delhi-3 for information & necessary action.

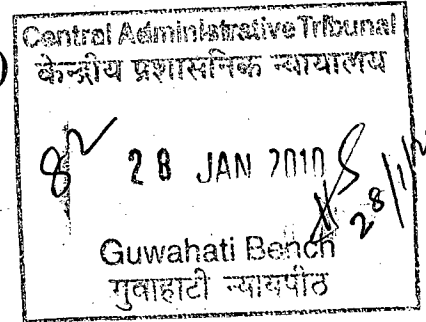
ATTESTED

(M)
ADVOCATE

(P. Chakravorty)
Editor, Yojana (Assamese)
Chenikuthi, Guwahati-3.

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL
(GUWAHATI BENCH)

O.A. No.209/2009



IN THE MATTER OF:

SHRI MANIK CHANDRA DAS

APPLICANT/PETITIONER

-VERSUS-

UNION OF INDIA & ORS.

RESPONDENTS

INDEX

S.No.	PARTICULAR	PAGES
1.	Reply Affidavit of the respondents to the aforesaid applications.	1-15
2.	Annexures R-I to R-XIII	16 to 40

NEW DELHI

DATED: 22nd January, 2010

Reviewed
N. Ahmed
Advocate
28/01/10

Rukmini Das Gupta
(RUKMINI DAS GUPTA)
DEPONENT

THROUGH

Usha Das
(U. DAS) 28/1/2010

ADDL. CENTRAL GOVT. STANDING COUNSEL,

Birubari, P.O. Gopinath Nagar,

Guwahati-781016.

Rukmini Das Gupta
RUKMINI DAS GUPTA / रुक्मिणी दासगुप्ता
Dy. Dir. (Admn.) / उपनिदेशक (प्रशासन)
Publication Division / प्रकाशन विभाग
Soochna Bhawan / सूचना भवन
Lodi Road / लोधी रोड
NEW DELHI - 110001 नई दिल्ली - 110001

- 41 -
1

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI

O.A. No.209/2009

IN THE MATTER OF:

SHRI MANIK CHANDRA DAS

APPLICANT/PETITIONER

-VERSUS-

UNION OF INDIA & ORS.

RESPONDENTS

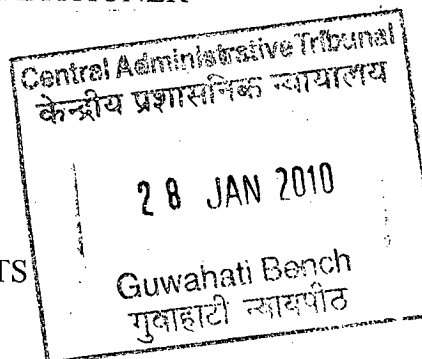
REPLY ON BEHALF OF THE RESPONDENTS

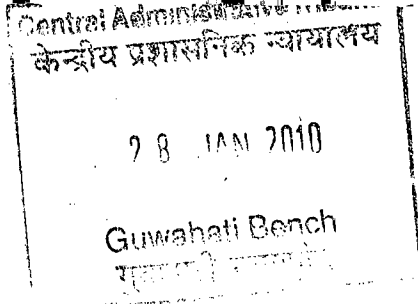
AFFIDAVIT OF SMT. RUKMINI DAS GUPTA, DEPUTY DIRECTOR (ADMN.), PUBLICATIONS DIVISION, MINISTRY OF INFORMATION & BROADCASTING, GOVERNMENT OF INDIA, SOOCHNA BHAVAN, CGO COMPLEX, NEW DELHI.

I, the aforesaid deponent, do hereby solemnly affirm and declare on behalf of the Respondents as under: -

1. That I am working as Deputy Director (Admn) in the Publications Division in the Ministry of Information & Broadcasting, SOOCHNA BHAVAN, CGO COMPLEX, New Delhi and in my official capacity as such I am aware of the facts and circumstances of the case and am further competent to swear this affidavit.

Rukmini Das Gupta
RUKMINI DAS GUPTA / रुक्मिणी दासगुप्ता
Dy. Dir. (Admn.) / उपनिदेशक (प्रशासन)
Publication Division / प्रकाशन विभाग
Soochna Bhawan / सूचना भवन
Lodi Road / लोदी रोड
New Delhi - 110003 / नई दिल्ली - 110003





BRIEF FACTS OF THE CASE

The applicant was appointed as CG-II (Assamese) in Directorate of Publications Division, Ministry of Information and Broadcasting w.e.f. 16.07.1974 (Annexure - R-I). In the appointment letter dated 06.07.1974, (Annexure R- II), it was stated that the appointment will be at Guwahati at present but he may be required to serve anywhere in India.

Government of India vide O.M. No. 20014/3/83-E.IV dated 14.12.1983 (Annexure R -III) granted Special Duty Allowance (SDA) to the Central Government employees who are posted at North Eastern Region and saddled with all India transfer liability. SDA was granted @ 25% of basic pay subject to ceiling of Rs.400/- per month. Subsequently by O.M. No. 20014/16/86/E.IV/E.II(B) dated 1st December, 1988 (Annexure R -IV), SDA was revised to 12.5% of basic pay subject to ceiling of Rs.1000/- per month. Later, the ceiling of Rs.1000/- per month was withdrawn vide O.M. dated 22.07.98 (Annexure R -V).

As per record available in Cash Section, SDA has been paid to the applicant since March, 1988 @ Rs.89/- per month and from January, 1989 @ Rs.90/- per month upto October, 1989. Record prior to 1988 is not available in the Division. An amount of Rs.2256/- as arrear of SDA was paid to the applicant in December, 1989 for the period from October, 1986 to October, 1989. A copy of the Pay Bill Register and details of payment made to the applicant is enclosed (Annexure R VI). Afterwards SDA had continuously been paid to applicant @12.5% of his Basic Pay from November, 1989 to February, 1997 through salary bills.

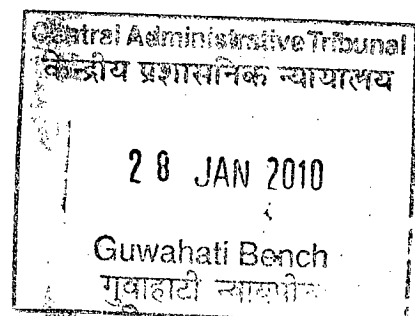
Rukmini Das Gupta
 RUKMINI DAS GUPTA / रुक्मिणी दासगुप्ता
 Dy. Dir. (Admn.) / उपनिदेशक (प्रशासन)
 Publication Division / प्रकाशन विभाग
 Soochna Bhawan / सूचना भवन
 Lodi Road / लोधी रोड
 New Delhi - 110003 / नई दिल्ली - 110003

In pursuance of Ministry of I&B's letter No. 512/ 24/ 93- TV (A) dated 16th January 1997, an I.D. Note No. G-26033/ 31/ 95-96/Cash dated 21.03.1997 (Annexure R VII) was issued vide which it was clarified that SDA will not be admissible merely on the ground that the clause of All India Transfer Liability is there in the offer of appointment but shall be admissible to those employees who are actually recruited /transferred/ promoted on All India Basis. This was in pursuance of judgment dated 20.09.94 delivered by Hon'ble Supreme Court. Accordingly, the case was examined and SDA paid to employees posted at Yojana (Assamese), Guwahati including Sh. M.C. Das was recovered w.e.f. 20.09.1994. An amount of Rs.5223/- was recovered from the salary of Sh. M.C. Das, for the period from 20.09.1994 to February, 1997 in 26 installments w.e.f. July, 97 @ Rs.200 p.m. The last installment was to be recovered for Rs.223/-. However, last installment was also recovered for Rs.200/- inadvertently.

Subsequently, vide their U.O. No. 20/12/99-E A I dated 02.05.2000, (Annexure R VIII) Cabinet Sectt. in consultation with Ministry of Finance have given some clarifications. Ministry of Finance vide its U.O. No. 11 (1) E II (B) /07 dated 26.02.07 (Annexure R IX) again clarified that the Central Government Employees posted/ transferred in the North Eastern Region on their own request are also eligible to get SDA subject to fulfillment of other conditions.

As regards applications submitted by Sh. M.C. Das regarding non grant of SDA are concerned, it is submitted that the applications have not been received in the Division.

Rukmini Das Gupta
RUKMINI DAS GUPTA / रुक्मिणी दासगुप्ता
Dy. Dir. (Admn.) / उपनिदेशक (प्रशासन)
Publication Division / प्रकाशन विभाग
Soochna Bhawan / सूचना भवन
Lodi Road / लोधी रोड
New Delhi - 110008 / नई दिल्ली-110008



As per relevant instructions issued from time to time, for considering the case of grant of SDA, the following criteria are to be taken:

- (a) Whether the employee belongs to NE Region;
- (b) Initial place of posting;
- (c) Whether recruitment made on All India basis;
- (d) Whether he has All India Transfer liability and
- (e) Whether his promotion made on All India basis zone was based on Common Seniority List.

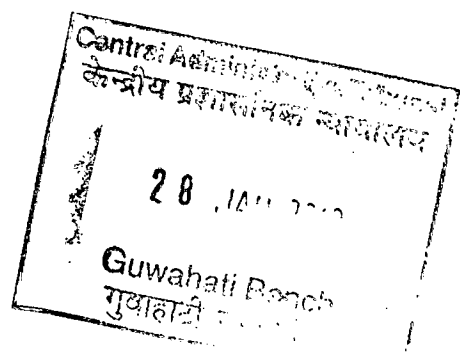
Further, the employees who fulfill the conditions mentioned in paras (iii) and (iv) of Cabinet Sectt.'s U.O. No. 20/12/99-EA I dated 02.05.2000 are eligible for grant of SDA. These paras are reproduced as under:

- “(iii) An employee belongs to NE Region and subsequently posted outside NER, is eligible for SDA, if transferred back to NER. He is also having a common All India Seniority and All India Transfer liability.
- (iv) An employee hailing from NER, posted to NER initially but subsequently transferred out of the NER, but reposted to NER after some time serving in NER.”

With reference to these clarifications, the position of Shri M.C. Das, Accounts Clerk (Retired) is as follows:

He belongs to NER. He joined Government service as CG-II w.e.f. 16.07.1974 and posted in Yojana (Assamese), Guwahati. He was promoted as

Rukmini Das Gupta
RUKMINI DAS GUPTA / रुक्मिणी दासगुप्ता
Dy. Dir. (Admn.) / उपनिदेशक (प्रशासन)
Publication Division / प्रकाशन विभाग
Soochna Bhawan / सूचना भवन
Lodi Road / लोधी रोड
New Delhi - 110003 / नई दिल्ली-110003



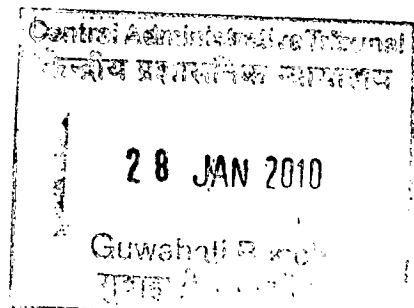
Junior Store Keeper vide Order dated 03.03.1988 (Annexure R- X) and posted at Delhi. He assumed charge of the post on 04.07.1988. He was reverted to his substantive post of CG-II vide Order dated 30.08.1988 (Annexure - R XI) and posted back in the office of Yojana (Assamese), Guwahati on his own request. His initial appointment was made on All India Transfer basis. The cadres of CG-II and Junior Steno (English/Language) are controlled by Headquarters on the basis of common seniority list.

As such Shri M.C. Das, Accounts Clerk (Retired), is eligible for grant of SDA w.e.f. the date he was re-posted to Guwahati i.e. September, 1988 and up to his date of retirement i.e. 30.04.09. SDA has already been paid to him from March, 1988 and upto 19.09.94 and from 01.09.2008 to 30.04.2009. In view of the above facts, the Competent Authority has examined the case of Shri M.C. Das and has ordered for payment of SDA for the remaining period from 20.09.94 to 31.08.2008 @ 12.5% of his basic pay vide Order dated 18.12.2009 (Annexure R XII)

PRELIMINARY OBJECTIONS

That the O.A., as filed, is factually not fully correct. The claim of the applicant that he has not been paid SDA w.e.f. 1988 is not correct. SDA @ 12.5% of basic pay had been paid to the applicant from 1988 to February, 1997 through his salary bills. In pursuance of Ministry of I&B's letter No. 512/ 24/ 93- TV (A) dated 16th January 1997, an I.D. Note No. G-26033/ 31/ 95- 96/Cash dated 21.03.1997 was issued by Publications Division vide which it was clarified that SDA will not be admissible merely on the ground that the clause of All India Transfer Liability is there in the offer of appointment but

Rukmini Das Gupta
 RUKMINI DAS GUPTA / रुक्मिणी दारगुप्ता
 Dy. Dir. (Admn.) / उपनिदेशक (प्रशासन)
 Publication Division / प्रकाशन विभाग
 Soochna Bhawan / सूचना भवन
 Lodi Road / लोधी रोड
 New Delhi - 110003 / नई दिल्ली - 110003



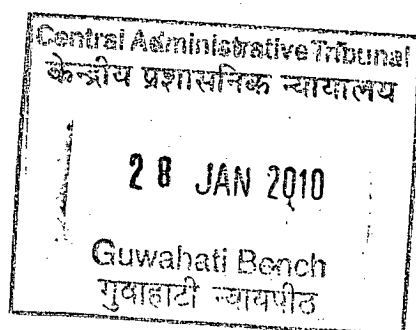
shall be admissible to those employees who are actually recruited /transferred/ promoted on All India Basis. This was in pursuance of judgment delivered by Hon'ble Supreme Court. Accordingly, the case was examined and SDA paid to employees posted at Yojana (Assamese), Guwahati including Sh. M.C. Das was recovered w.e.f. 20.09.1994. An amount of Rs.5223/- was recovered from the salary of Sh. M.C. Das, for the period from 20.09.1994 to February, 1997 in 26 installments w.e.f. July, 97 @ Rs.200 p.m. The last installment was to be recovered for Rs.223/-. However, last installment was also recovered for Rs.200/- inadvertently.

No appeal was made by the applicant against the recovery made by the Division vide I.D. Note dated 21.03.97.

Further, the contention of the applicant that SDA has not been paid to him in pursuance of recommendations of VI Central Pay Commission is also not correct. In pursuance of VI Central Pay Commission recommendations, conditions governing grant of SDA were revised by Government of India. SDA was paid @Rs.320/- per month to the applicant. The matter was again examined in the Division and as per rules SDA @12.5% of basic pay was sanctioned and balance payment of Rs.11952/- was paid to Shri M.C. Das, Accounts Clerk (Retired) on 05.08.09 for the period from 01.09.08 to 30.04.09 vide letter No.G-12016/6/09-10 dated 05.08.09 (Annexure R XIII).

In view of the foregoing paras, the Hon'ble Tribunal may please be disposed of the present O.A. as the applicant had not availed the Departmental remedies available to him and his grievance has already been addressed, as per Rules.

Rukmini Das Gupta
 RUKMINI DAS GUPTA / रुक्मिणी दासगुप्ता
 Dy. Dir. (Admn.) / उपनिदेशक (प्रशासन)
 Publication Division / प्रकाशन विभाग
 Soochna Bhawan / सूचना भवन
 Lodi Road / लोधी रोड
 NEW DELHI - 110003 / नई दिल्ली-110003



PARAWISE REPLY ON MERITS: -

Para 1 That the contents of para-1 are matter of record and need no reply.

Para 2&3 That the contents of Para 2&3 need no reply.

Para 4.1 That the contents of para-4.1, as stated, are matters of records and need no comments.

Para 4.2 That the contents of para-4.2, as stated, are matters of records and need no comments.

Para 4.3 That the contents of para-4.3, as stated, are matters of records and need no comments.

Para 4.4 That the contents of para-4.4, as stated, are matters of records and need no comments.

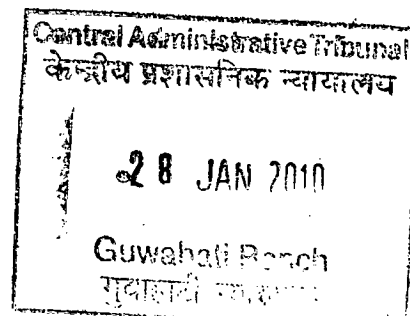
Para 4.5 That the contents of para-4.5, as stated, are matters of record and the Respondents have no comments to offer.

Para 4.6 That the contents of para-4.6, as stated, are matters of records and need no comments.

Para 4.7 That the contents of para-4.7, as stated, are matters of records and need no comments.

Para 4.8 SDA @ 12.5% of basic pay had been paid to the applicant from

Rukmini Das Gupta
 RUKMINI DAS GUPTA / रुक्मिणी दासगुप्ता
 Dy. Dir. (Admn.) / उपनिदेशक (प्रशासन)
 Publication Division / प्रकाशन विभाग
 Soochna Bhawan / सूचना भवन
 Lodi Road / लोधी रोड
 New Delhi - 110003 / नई दिल्ली-110003

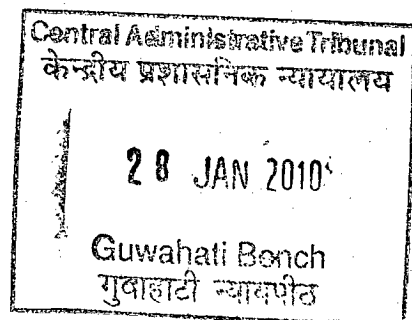


1988 to February, 1997. In pursuance of Ministry of I&B's letter No. 512/ 24/ 93- TV (A) dated 16th January 1997, an I.D. Note No. G-26033/ 31/ 95- 96/Cash dated 21.03.1997 was issued by Publications Division vide which it was clarified that SDA will not be admissible merely on the ground that the clause of All India Transfer Liability is there in the offer of appointment but shall be admissible to those employees who are actually recruited /transferred/ promoted on All India Basis. This was in pursuance of judgment delivered by Hon'ble Supreme Court. Accordingly, the case was examined and SDA paid to employees posted at Yojana (Assamese), Guwahati including Sh. M.C. Das was recovered w.e.f. 20.09.1994. An amount of Rs.5223/- was recovered from the salary of Sh. M.C. Das, for the period from 20.09.1994 to February, 1997 in 26 installments w.e.f. July, 97 @ Rs.200 p.m. The last installment was to be recovered for Rs.223/-. However, last installment was also recovered for Rs.200/- inadvertently.

No appeal was made by the applicant against the recovery made by the Division vide I.D. Note dated 21.03.97. Subsequently no SDA was paid to the applicant upto 31.08.08. It seems no application has been received from applicant in the Division and matter regarding grant of SDA could not be considered in the Division.

However, in pursuance of VI Central Pay Commission recommendations, conditions governing grant of SDA were revised by Government of India. SDA was paid @Rs.320/- per month to the applicant. The matter was again examined in the Division and as per rules SDA @12.5% of basic pay was sanctioned and balance payment of Rs.11952/- was paid to

Rukmini Das Gupta
 RUKMINI DAS GUPTA / रुक्मिणी दासगुप्ता
 Dy. Dir. (Admn.) / उपनिदेशक (प्रशासन)
 Publication Division / प्रकाशन विभाग
 Soochna Bhawan / सूचना भवन
 Lodi Road / लोधी रोड
 New Delhi - 110003 / नई दिल्ली-110003



Shri M.C. Das, Accounts Clerk (Retired) on 05.08.09 for the period from 01.09.08 to 30.04.09 i.e. upto the date of his retirement.

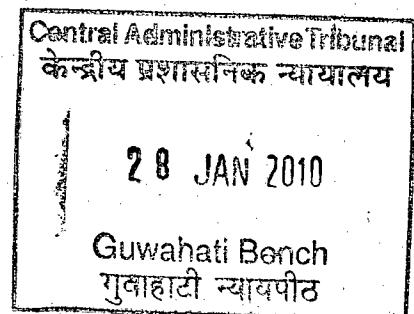
Meanwhile, on receipt of a copy of O.A. No. 209/09, the matter has been examined in the Division and it has been found that the applicant is eligible for grant of SDA w.e.f. February, 1994 to August, 2008. Accordingly, a sanction order dated 18.12.09 has since been issued for payment of SDA to the applicant. The bill has been prepared and sent to Pay and Accounts Office for payment to the applicant.

Para 4.9 to 4.12 The Respondents beg to state that the applications dated 01.06.2001, 08.07.2002 and 03.08.2004 submitted by the applicant does not seem to have been received in the Division. However, the Competent Authority has already ordered for payment of SDA to the applicant as mentioned above & same is not being repeated for the sake of brevity.

Para 4.13 The contents of the para 4.13 are matter of record and need no reply from the answering Respondents.

Para 4.14 The contents of the para 4.14 are denied. Respondents beg to state that in pursuance of VI Central Pay Commission recommendations, conditions governing grant of SDA were revised by Government of India. SDA was paid @Rs.320/- per month to the applicant w.e.f. 01.09.2008 to 30.04.2009 through salary bills. The matter was again examined in the Division and as per rules SDA @12.5% of basic pay was sanctioned and balance payment of Rs.11952/- was paid to Shri M.C. Das, Accounts Clerk (Retired) on 05.08.09 for the period from 01.09.08 to 30.04.09 i. e. upto the date of his retirement.

Rukmini Das Gupta
 RUKMINI DAS GUPTA / रुक्मिणी दारुगुप्ता
 Dy. Dir. (Admn.) / उपनिदेशक (प्रशासन)
 Publication Division / प्रकाशन विभाग
 Soochna Bhawan / सूचना भवन
 Lodi Road / लोधी रोड
 New Delhi - 110003 / नई दिल्ली-110003

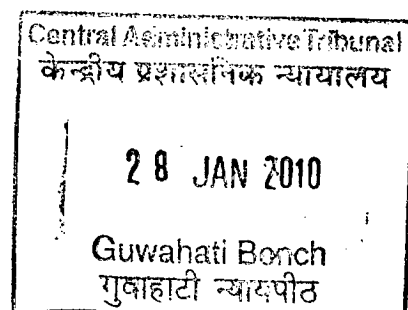


Para 4.15 The contents of the para 4.15 are denied. SDA @ 12.5% of basic pay had been paid to the applicant from 1988 to February, 1997 through his salary bills. In pursuance of Ministry of I&B's letter No. 512/ 24/ 93- TV (A) dated 16th January 1997, an I.D. Note No. G-26033/ 31/ 95-96/Cash dated 21.03.1997 was issued by Publications Division vide which it was clarified that SDA will not be admissible merely on the ground that the clause of All India Transfer Liability is there in the offer of appointment but shall be admissible to those employees who are actually recruited /transferred/ promoted on All India Basis. This was in pursuance of judgment delivered by Hon'ble Supreme Court. Accordingly, the case was examined and SDA paid to employees posted at Yojana (Assamese), Guwahati including Sh. M.C. Das was recovered w.e.f. 20.09.1994. An amount of Rs.5223/- was recovered from the salary of Sh. M.C. Das, for the period from 20.09.1994 to February, 1997 in 26 installments w.e.f. July, 97 @ Rs.200 p.m. The last installment was to be recovered for Rs.223/-. However, last installment was also recovered for Rs.200/- inadvertently.

No appeal was made by the applicant against the recovery made by the Division vide I.D. Note dated 21.03.97. Subsequently no SDA was paid to the applicant upto 31.08.08.

However, in pursuance of VI Central Pay Commission recommendations, conditions governing grant of SDA were revised by Government of India. SDA was paid @Rs.320/- per month to the applicant. The matter was again examined in the Division and as per rules SDA @12.5% of basic pay was sanctioned and balance payment of Rs.11952/- was paid to

Rukmini Das Gupta
 RUKMINI DAS GUPTA / रुक्मिणी दासगुप्ता
 Dy. Dir. (Admn.) / उपनिदेशक (प्रशासन)
 Publication Division / प्रकाशन विभाग
 Soochna Bhawan / सूचना भवन
 Lodi Road / लोदी रोड
 New Delhi - 110003 / नई दिल्ली-110003



Shri M.C. Das, Accounts Clerk (Retired) on 05.08.09 for the period from 01.09.08 to 30.04.09 i.e. upto the date of his retirement.

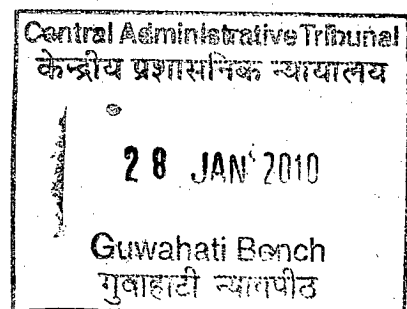
As explained in the previous paras, on receipt of a copy of O.A. No. 209/09, the matter has been examined in the Division and it has been found that the applicant is eligible for grant of SDA w.e.f. February, 1994 to August, 2008. Accordingly, a sanction order dated 18.12.09 has since been issued for payment of SDA to the applicant. The bill has been prepared and sent to Pay and Accounts Office for payment.

Para 4.16 The contents of the para 4.16 are not admitted to be true and correct to the extent that the applicant is entitled for SDA from his date of re-posting from New Delhi to Guwahati w.e.f. 30.08.1988.

Para 4.17 That the contents of para-4.17, as stated, are matters of record and the Respondents have no comments to offer.

Para 4.18 The Respondents respectfully begs to state that SDA @ 12.5% of basic pay had been paid to the applicant from 1988 to February, 1997. In pursuance of Ministry of I&B's letter No. 512/ 24/ 93- TV (A) dated 16th January 1997, an I.D. Note No. G-26033/ 31/ 95-96/Cash dated 21.03.1997 was issued by Publications Division vide which it was clarified that SDA will not be admissible merely on the ground that the clause of All India Transfer Liability is there in the offer of appointment but shall be admissible to those employees who are actually recruited /transferred/ promoted on All India Basis. This was in pursuance of judgment delivered by Hon'ble Supreme Court. Accordingly, the case was examined and SDA paid to employees posted at

Rukmini Das Gupta
 RUKMINI DAS GUPTA / रुक्मिणी दासगुप्ता
 Dy. Dir. (Admn.) / उपनिदेशक (प्रशासन)
 Publication Division / प्रकाशन विभाग
 Soochna Bhawan / सूचना भवन
 Lodi Road / लोधी रोड
 New Delhi - 110003 / नई दिल्ली-110003



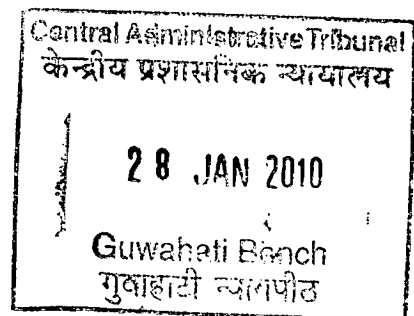
Yojana (Assamese), Guwahati including Sh. M.C. Das was recovered w.e.f. 20.09.1994. An amount of Rs.5223/- was recovered from the salary of Sh. M.C. Das, for the period from 20.09.1994 to February, 1997 in 26 installments w.e.f. July, 97 @ Rs.200 p.m. The last installment was to be recovered for Rs.223/-. However, last installment was also recovered for Rs.200/- inadvertently.

No appeal was made by the applicant against the recovery made by the Division vide I.D. Note dated 21.03.97. Subsequently no SDA was paid to the applicant upto 31.03.08. It seems no application has been received from applicant in the Division and matter regarding grant of SDA could not be considered in the Division.

However, in pursuance of VI Central Pay Commission recommendations, conditions governing grant of SDA were revised by Government of India. SDA was paid @Rs.320/- per month to the applicant. The matter was again examined in the Division and as per rules SDA @12.5% of basic pay was sanctioned and balance payment of Rs.11952/- was paid to Shri M.C. Das, Accounts Clerk (Retired) on 05.08.09 for the period from 01.09.08 to 30.04.09 i. e. upto the date of his retirement.

Meanwhile, on receipt of a copy of O.A. No. 209/09, the matter has been examined in the Division and it has been found that the applicant is eligible for grant of SDA w.e.f. February, 1994 to August, 2008. Accordingly, a sanction order dated 18.12.09 has since been issued for payment of SDA to the applicant. The bill has been prepared and sent to Pay and Accounts Office for payment.

Rukmini Das Gupta
 RUKMINI DAS GUPTA / रुक्मिणी दासगुप्ता
 Dy. Dir. (Admn.) / उपनिदेशक (प्रशासन)
 Publication Division / प्रकाशन विभाग
 Scochha Bhawan / सूचना भवन
 Lodi Road / लोधी रोड
 New Delhi - 110003 / नई दिल्ली-110003



Para 4.19 That the contents of para-4.19, as stated, are matters of records and need no comments.

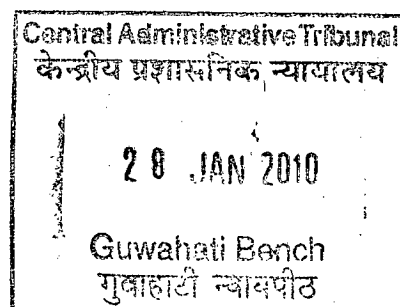
Para 4.20 That the contents of para-4.20, as stated, are matters of records and need no comments.

Para 5. That it has already been explained in paras under preliminary objections that the claim of the applicant that he has not been paid SDA w.e.f. 1988 is not correct. SDA @ 12.5% of basic pay had been paid to the applicant from 1988 to February, 1997. In pursuance of Ministry of I&B's letter No. 512/24/93-TV (A) dated 16th January 1997, an I.D. Note No. G-26033/31/95-96/Cash dated 21.03.1997 was issued by Publications Division vide which it was clarified that SDA will not be admissible merely on the ground that the clause of All India Transfer Liability is there in the offer of appointment but shall be admissible to those employees who are actually recruited /transferred/ promoted on All India Basis. This was in pursuance of judgment delivered by Hon'ble Supreme Court. Accordingly, the case was examined and SDA paid to employees posted at Yojana (Assamese), Guwahati including Sh. M.C. Das was recovered w.e.f. 20.09.1994. An amount of Rs.5223/- was recovered from the salary of Sh. M.C. Das, for the period from 20.09.1994 to February, 1997 in 26 installments w.e.f. July, 97 @ Rs.200 p.m. The last installment was to be recovered for Rs.223/-. However, last installment was also recovered for Rs.200/- inadvertently.

No appeal was made by the applicant against the recovery made by the Division vide I.D. Note dated 21.03.97.

Further, the contention of the applicant that SDA has not been paid to him in pursuance of recommendations of VI Central Pay Commission is also not correct. In pursuance of VI Central Pay Commission recommendations, conditions governing grant of SDA were revised by Government of India. SDA was paid @ Rs.320/- per month to the applicant. The matter was again

Rukmini Das Gupta
 RUKMINI DAS GUPTA / रुक्मिणी दारगुप्ता
 Dy. Dir. (Admn.) / उपनिदेशक (प्रशासन)
 Publication Division / प्रकाशन विभाग
 Soochna Bhawan / सूचना भवन
 Lodi Road / लोधी रोड
 New Delhi - 110003 / नई दिल्ली-110003



examined in the Division and as per rules SDA @12.5% of basic pay was sanctioned and balance payment of Rs.11952/- was paid to Shri M.C. Das, Accounts Clerk (Retired) on 05.08.09 for the period from 01.09.08 to 30.04.09.

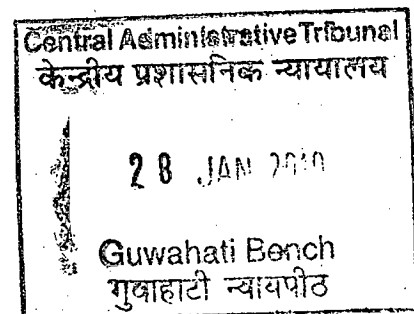
It seems no application has been received from applicant in the Division and matter regarding grant of SDA could not be considered in the Division.

Meanwhile, on receipt of a copy of O.A. No. 209/09, the matter has been examined in the Division and it has been found that the applicant is eligible for grant of SDA w.e.f. February, 1994 to August, 2008. Accordingly, a sanction order dated 18.12.09 has since been issued for payment of SDA to the applicant. The bill has been prepared and sent to Pay and Accounts Office for payment.

Para 6. That the contents of para-6, as stated, are matters of records and need no comments.

Para 7. That the contents of para-7, as stated, are matters of records and need no comments.

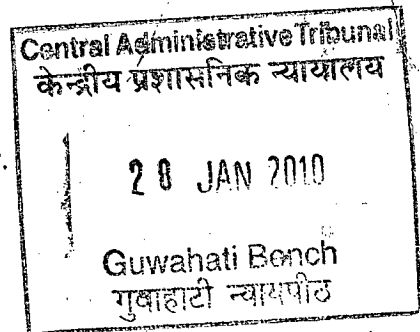
Para 8. As per the position explained above, the Petitioner has already been granted SDA from 1988 to February, 1994 and from 01.09.2008 to 30.04.2009 i.e. till his date of retirement. Meanwhile, on receipt of a copy of O.A. No. 209/09, the matter has been examined in the Division and it has been found that the applicant is eligible for grant of SDA w.e.f. February, 1994 to August, 2008. Accordingly, a sanction order dated 18.12.09 has since been issued for payment of SDA to the applicant. The bill has been prepared and sent to Pay and Accounts Office for payment.



Rukmini Das Gupta
RUKMINI DAS GUPTA / रुक्मिणी दासगुप्ता
Dy. Dir. (Admn.) / उपनिदेशक (प्रशासन)
Publication Division / प्रकाशन विभाग
Soochna Bhawan / सूचना भवन
Lodi Road / लोधी रोड
New Delhi - 110003 / नई दिल्ली - 110003

Para 9 to 12. Respondents have no comments to offer.

Prayed accordingly.



Rukmini Das Gupta

DEPONENT
RUKMINI DAS GUPTA / रुक्मिणी दासगुप्ता
Dy. Dir. (Admn.) / उपनिदेशक (प्रशासन)
Publication Division / प्रकाशन विभाग
Soochna Bhawan / सूचना भवन
Lodi Road / लोधी रोड
New Delhi - 110003 / नई दिल्ली-110003

Through

(U. DAS)

ADDL. CENTRAL GOVT. STANDING COUNSEL,

Birubari, P.O. Gopinath Nagar,

Guwahati-781016,

VERIFICATION:-

Verified at New Delhi on this 22nd day of January, 2010 that the contents of paras 1 to 12 of this affidavit are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed there from.

Rukmini Das Gupta
RUKMINI DAS GUPTA / रुक्मिणी दासगुप्ता
Dy. Dir. (Admn.) / उपनिदेशक (प्रशासन)
Publication Division / प्रकाशन विभाग
Soochna Bhawan / सूचना भवन
Lodi Road / लोधी रोड
New Delhi - 110003 / नई दिल्ली-110003

Rukmini Das Gupta

DEPONENT
RUKMINI DAS GUPTA / रुक्मिणी दासगुप्ता
Dy. Dir. (Admn.) / उपनिदेशक (प्रशासन)
Publication Division / प्रकाशन विभाग
Soochna Bhawan / सूचना भवन
Lodi Road / लोधी रोड
New Delhi - 110003 / नई दिल्ली-110003

OFFICE ORDER PART II NO. 1661

Shri Manik Chandra Das is appointed as clerk Gr. II in the Yojna (Assamese), Publications Division at Gauhati in the pay scale of Rs. 260-6-290-EE-6-326-8-366-EE-8-390-10-400 with effect from the afternoon of 16th July, 1974 in a temporary capacity until further orders.

Sd/-

(M.L. Tandon)
Deputy Director (Adm)

Copy to:- 1. Cash Section. Shri Manik Chandra Das has been got medically examined from the Civil Surgeon, Gauhati.

2. Shri Manik Chandra Das, C.G.II Banunimaidan Gauhati.
3. Adm. II Section.
4. Spl. Section.
5. Library.
6. A&G Section.
7. Service Book.
8. F.No. A. 12017/17/73 Spl.
9. Guard file.

10. Sh. B.K. Saikia, Asstt. Editor, Yojna (Assamese) Banunimaidan Gauhati. The medical & merital declaration, Home Test declaration, Attestation form & Oath of allegiance certificates are sent herewith.

Attested

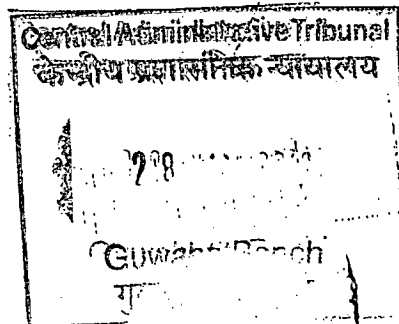
10/8/74
(Signature)
Section Officer
Publications Division
Min. of I & B
Soochna Bhawan, C.G.O. Complex, N.D-3

R.M. Tandon

Attested

(Signature) / RAJESH MAKKAR
अनुभाग अधिकारी / Section Officer
प्रकाशन विभाग / Publications Division
सूचना एवं प्रसारण मंत्रालय / Min. of I & B
सूचना भवन, सी.ओ. कॉम्प्लेक्स, नई दिल्ली-3
Soochna Bhawan, C.G.O. Complex, N.D-3

Dated this 10th August 1974



No.A.12019/7/73-Spl.(Adm. I)
Publications Division
Ministry of Information and Broadcasting
Patla House.

How Delhi, dated the 6th July, 1974.

Chandra
Shri Manik Chandra Das,
C/O Shri Jogendra Nath Das,
Rehabari, Gauhati-8 (Assam).

Sir,

I am to offer you a temporary post of Clerk Grade II (Assessment) in the Prakashan Vibhag at Gauhati on a pay of Rs.260/-p.m. in the pay scale of Rs.260-6-290-EB-6-326-0-366-EB-3-390-10-400 plus the usual dearness and other allowances at the rates admissible under rules and orders governing the grant of such allowances in force from time to time, and on the following terms and conditions:-

1. The post is temporary and is sanctioned at present upto the 28th February, 1975 but is likely to continue thereafter.

2. You will be governed by the Central Civil Services (Temporary Services) Rules, 1965 and other rules applicable to temporary Government servants of your category.

3. The appointment may be terminated at any time by a month's notice given by either side, without assigning any reason. The appointing authority, however, reserves the right of terminating the services forthwith on or before the expiration of the stipulated period of notice by making payment to you an amount equivalent to the pay and allowances for the period of notice of the unexpired portion thereof.

4. ~~Your appointment will be at Gauhati at present but you may be required to serve anywhere in India.~~

5. You will remain on probation for two years in the first instance, which can be extended at the discretion of the appointing authority. Your services are liable to be terminated during or at the end of the probationary period without notice and without assigning any reason.

6. You are required to produce the original certificate as proof of your academic qualifications and age, and two character certificates from the two Gazetted Officer of the Central or State Government (duly countersigned by an S.D.M.).

7. Your appointment is subject to the production of a certificate of fitness from the competent medical authority, viz. the Civil/Preventive Surgeon.

Attested
Rajesh Makkar

(राजेश मक्कार / RAJESH MAKKAR)
अनुभाग अधिकारी / Section Officer
प्रकाशन विभाग / Publications Division
सूचना एवं प्रसारण मंत्रालय / Min. of I & B
सूचना भवन, सी०जी०ओ०कॉम्प्लेक्स, नई दिल्ली-3
Soochna Bhawan, C.G.O. Complex, N. D.-3

- 58 -
- 18 -

-: 2 :-

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायिक निकाय

28 JAN 2010

Guwahati Bench
गुवाहाटी न्यायपीठ

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

9. On joining the post, you will be required to take an oath of allegiance to the Union of India and the Constitution of India in the prescribed form or make a solemn affirmation to that effect.

10. You are required to give a declaration regarding your marriage in the prescribed form.

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

12. You shall have to apply for Government accommodation within a week of your joining the post.

13. You shall have to submit a discharge certificate (in the prescribed form) of your previous employment, if any, from your previous employer.

14. Before joining the post, you will be required to submit a certificate from the prescribed authority that you belong to Scheduled Tribe community.

15. If any declaration given or information furnished by you is proved to be false or if it is found that you have suppressed any material information, you will be liable to removal from service and such action as Government may deem necessary.

16. If you accept the offer on the above terms and conditions you should communicate your acceptance to the Senior Correspondent, Yojana, Gauhati immediately but not later than 10th July, 1974 and also report yourself for duty on or before the above date. If no reply is received or you fail to report for duty by the prescribed date, the offer of appointment will be treated as cancelled.

17. No travelling allowance will be allowed for joining the appointment.

Attested

Yours faithfully,

for my
10/1/74

Attested
for my

M. L. Tandon
(M.L. TANDON)
DEPUTY DIRECTOR (ADMIN.)

(राजेश मकर) / RAJESH MAKAR)
अनुभाग अधिकारी / Section Officer
प्रकाशन विभाग / Publications Division
सूचना एवं प्रसारण मंत्रालय / Min. of I & B
सूचना भवन, सी.ओ. कॉम्प्लेक्स, नई दिल्ली-3
Soccha Bhawan, C.G.O. Complex, N. D.-3

- 59 -
- 19 -

No.20014/3/83-E.IV
Government of India
Ministry of Finance
Department of Expenditure

Annexure R III

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
28 JAN 2010
Guwahati Bench
New Delhi, the 14th December, 1983

OFFICE MEMORANDUM

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

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

(i) Tenure of posting/deputation:

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

The period of deputation of the Central Government employees to the States/Union Territories of the North Eastern Region will generally be for 3 years which can be extended in exceptional cases in exigencies of public service as well as when the employee concerned is prepared to stay longer. The admissible deputation allowance will also continue to be paid during the period of deputation so extended.

(ii) Weightage for Central deputation/training abroad and special mention in Confidential Records.

Attested True Copy
Rajesh Makkar

(राजेश मक्कार / RAJESH MAKKAR)
अनुभाग अधिकारी / Section Officer
प्रकाशन विभाग / Publications Division
सूचना एवं प्रसारण मंत्रालय / Min. of I & B
सूचना भवन, सी.ओ.ओ. कॉम्प्लेक्स, नई दिल्ली-3
Soचना Bhawan, C.G.O. Complex, N. D.-3

2 - 60 - 20 - 122

Satisfactory performance of duties for the prescribed tenure in the North East shall be given due recognition in the case of eligible officers in the matter of:

- 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 service in a cadre post between two Central tenure deputations may also be relaxed to two years in deserving cases of meritorious service in the North East.

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

(iii) Special (Duty) Allowance:

Central Government civilian employees who have All India transfer liability will be granted a Special (Duty) Allowance at the rate of 25 per cent of basic pay subject in the North Eastern Region. Such of those employees who are exempt from payment of income tax will, however, not be eligible for this Special (Duty) Allowance. Special (Duty) Allowance will be in addition to any special pay and/or Deputation (Duty) Allowance already being drawn subject to the condition that the total of such Special (Duty) Allowance plus special pay/Deputation (Duty) Allowance will not exceed Rs.400/- p.m. Special Allowance like Special Compensatory (Remote Locality) Allowance, Construction Allowance and Project Allowance will be drawn separately.

(iv) Special Compensatory Allowance:

1. Assam and Meghalaya

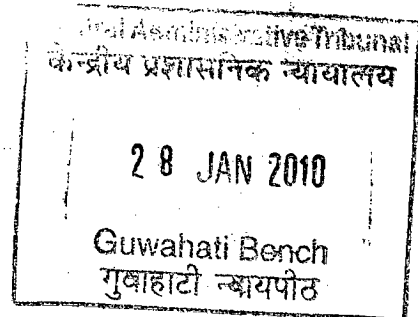
The rate of the allowance will be 5% of basic pay subject to a maximum of Rs.50/- p.m. admissible to all employees without any pay limit. The above allowance will be admissible with effect from 01.07.1982 in the case of Assam.

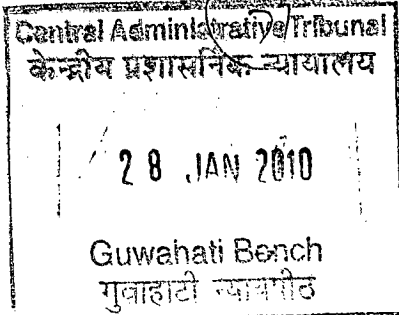
2. Manipur

The rate of allowance will be as follows for the whole of Manipur:-

Pay upto Rs.260/-	Rs.40/- p.m.
Pay above Rs.260/-	15% of basic pay subject to a maximum of Rs.150/- p.m.

Rajesh Makkar
(राजेश मक्कार / RAJESH MAKKAR)
अनुभाग अधिकारी / Section Officer
प्रकाशन विभाग / Publications Division
सूचना एवं प्रसारण मंत्रालय / Min. of I & B
सूचना भवन, सी.ओ. कॉम्प्लेक्स, नई दिल्ली-3
Soochna Bhawan, C.O. Complex, N. D.-3





3. Tripura

The rates of the allowance will be as follows:

- | | |
|----------------------------|--|
| (a) Difficult Areas | 25% of pay subject to a minimum of Rs.50/- and a maximum of Rs.150/- |
| (b) Other Areas | |
| Pay upto Rs.260/- | Rs.40/- p.m. |
| Pay above Rs.260/- | 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 Allowance admissible in specified areas of Mizoram.

(iv) Travelling Allowance on first appointment:

In relaxation of the present rules (S.R.105) that travelling allowance is not admissible for journeys undertaken in connection with initial appointment, in case of journeys for taking up initial appointment to a post in the North-Eastern region, travelling allowance limited to ordinary bus fare/second class rail fare for road/rail journey in excess of first 400 kms. for the Government servant himself and his family will be admissible.

(v) Travelling Allowance for journey on transfer:

In relaxation of orders below S.R.116, if on transfer to a station in the North-Eastern region, the family of the Government servant does not accompany him, the Government servant will be paid travelling allowance on tour for self only for transit period to join the post and will be permitted to carry personal effects upto $\frac{1}{3}^{\text{rd}}$ of his entitlement at Government cost or have a cash equivalent of carrying $\frac{1}{3}^{\text{rd}}$ of his entitlement or the difference in weight of the personal effects he is actually carrying and $\frac{1}{3}^{\text{rd}}$ of his entitlement as the case may be, in lieu of the cost of transportation of baggage. In case the family accompanies the Government servant on transfer, the Government servant will be entitled to the existing admissible travelling allowance including the cost of transportation of the admissible weight of personal effects according to the grade to which the officer belongs, irrespective of the weight of the baggage actually carried. The above provisions will also apply for the return journey on transfer back from the North Eastern Region.

(vi) Road mileage for transportation of personal effects on transfer:

In relaxation of orders below S.R. 116, for transportation of personal effects on transfer between two different stations in the North-Eastern region, higher rate

Rajesh Makkar

(संजोस नवकर / RAJESH MAKKAR)
 अनुभाग अधिकारी / Section Officer
 प्रकाशन विभाग / Publications Division
 सूचना एवं प्रसारण मंत्रालय / Min. of I & B
 सूचना भवन, सी.जी.ओ. कॉम्प्लेक्स, नई दिल्ली-3
 Soochna Bhawan, C.G.O. Complex, N. D.-3

4 - 62 - 22 - 70

of allowance admissible for transportation in 'A' class cities subject to the actual expenditure incurred by the Government servant will be admissible.

(vii) Joining Time with leave:

In case of Government servants proceeding on leave from a place of posting in North-Eastern region, the period of travel in excess of two days from the station of posting to outside that region will be treated as joining time. The same concession will be admissible on return from leave.

(viii) Leave Travel Concession:

A Government servant who leaves his family behind at the old duty station or another selected place of residence and has not availed of the transfer travelling allowance for the family will have the 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 East to his home town or place where the family is residing and in addition the facility for the family (restricted to his/her spouse and two dependent children only) also to travel once a year to visit the employee at the station of posting in the North Eastern Region. In case the option is for the latter alternative, the cost of travel for the initial distance (400 kms./160 kms.) will not be borne by the officer.

Officers drawing pay of Rs.2250/- or above, and their families, i.e. spouse and two dependent children (upto 18 years for boys and 24 years for girls) will be allowed air-travel between Imphal/Silchar/Agartala and Calcutta and vice-versa, while performing journeys mentioned in the preceding paragraph.

(ix) Children Education Allowance/Hostel Subsidy:

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

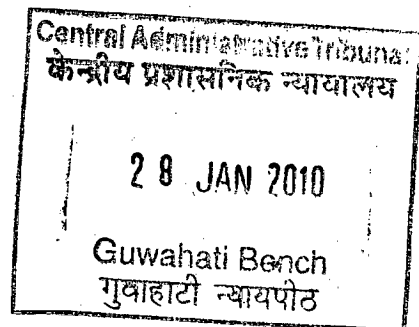
2. The above orders except in sub-para (iv) will also mutatis mutandis apply to Central Government employees posted to Andaman and Nicobar Islands.

3. These orders will take effect from 1st November, 1983 and will remain in force for a period of three years upto 31st October, 1986.

4. All existing special allowances, facilities and concessions extended by any special order by the Ministries/Departments of the Central Government 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.

Rajesh Makkar

(राजेश मक्कार / RAJESH MAKKAR)
अनुयायन अधिकारी / Section Officer
प्रकाशन विभाग / Publications Division
सूचना एवं प्रसारण मंत्रालय / Min. of I & B
सूचना भवन, सी०जी०ओ०कॉम्प्लेक्स, नई दिल्ली-3
Soochna Bhawan, C.G.O. Complex, N. D.-3



(6)

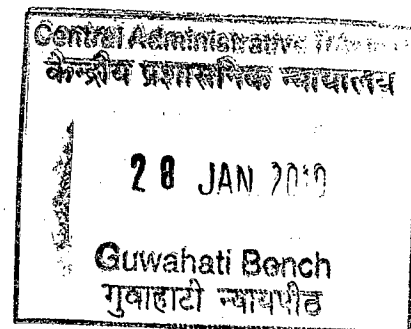
6. In so far as the persons serving in the Indian Audit and Accounts Department are concerned, these orders issue after consultation with the Comptroller and Auditor General of India.

To,

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

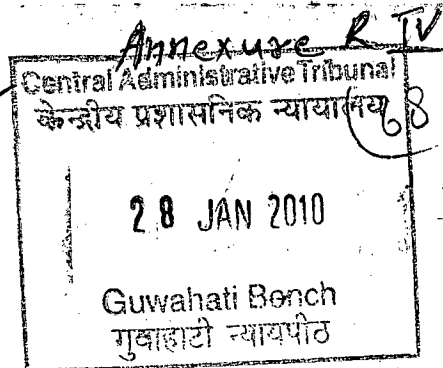
Copy (with spare copies) to C&AG, UPSC etc.

(राजेश मकरकर) / RAJESH MAKKAR
 अनुभाग अधिकारी / Section Officer
 प्रकाशम विभाग / Publications Division
 सूचना एवं प्रसारण मंत्रालय / Min. of I & B
 सूचना भवन, सी.जी.ओ. कॉम्प्लेक्स, नई दिल्ली-3
 Sookhna Bhawan, C.G.O. Complex, N. D.-3



- 64 -
- 24 -

F. No.20014/16/86/E.IV/E.II(B)
Government Of India
Ministry Of Finance
(Department of Expenditure)



New Delhi; the 1st December, 1988

OFFICE MEMORANDUM

**Sub: Improvement in facilities for Civilian employees of the
Central Government serving in the States of North Eastern
Region, Andaman and Nicobar Islands and Lakshadweep.**

The undersigned is directed to refer to this Ministry OM No.20014/3/83-E.IV dated 14th December 1983 and 30th March 1984 on the subject mentioned above and to say that the question of making suitable improvements in the allowances and facilities to Central Government employees posted in North Eastern Region comprising the States of Assam, Meghalaya, Manipur, Nagaland, Tripura, Arunachal Pradesh and Mizoram has been engaging the attention of the Government. Accordingly the President is now pleased to decide as follows:

i) Tenure of posting/deputation:

The existing provisions as contained in this Ministry's OM dated 14.12.83 will continue.

ii) Weightage for Central deputation and training abroad: Special mention in confidential records:

The existing provisions as contained in this Ministry's OM dated 14.12.83 will continue. Cadre authorities are advised to give due weightage for satisfactory performance of duties for the prescribed tenure in the North East in the matter of promotion in the cadre posts, deputation to Central tenure post and courses of training abroad.

iii) Special (Duty) Allowance:

Central Government Civilian employees who have All India transfer liability will be granted Special (Duty) Allowance at the rate of 12¹/₂% of basic pay subject to a ceiling of Rs.1000/- per month on posting to any station in the North Eastern region. Special (Duty) Allowance will be in addition to any special pay and/or deputation (duty) allowance already being drawn subject to the condition that the total of such Special (Duty) Allowance plus Special pay/Deputation (Duty) Allowance will not exceed Rs.1000/- p.m. Special Allowance like Special Compensatory (Remote Locality) Allowance, Construction Allowance and Project Allowance will be drawn separately.

RAJESH

(राजेश मक्कार / RAJESH MAKKAR)
अनुभाग अधिकारी / Section Officer
प्रकाशन विभाग / Publications Division
सूचना एवं प्रसारण मंत्रालय / Min. of I & B
सूचना भवन, सी०जी०ओ० कॉम्प्लेक्स, नई दिल्ली-3
Soochna Bhawan, C.G.O. Complex, N. D.-3

The Central Government Civilian employees who are members of Scheduled Tribes and are otherwise eligible for the grant of Special (Duty) Allowance under this para and are exempted from payment of Income-Tax under the Income Tax Act will also draw Special (Duty) Allowance.

iv) Special Compensatory Allowance:

The recommendations of the 4th Pay Commission have been accepted by the Government and Special Compensatory Allowance at the revised rates have been made effective from 01.10.1986.

v) Travelling Allowance on First appointment:

The present concession as contained in this Ministry's OM dated 14.12.83 will continue with the liberalisation that on first appointment T.A. should be admissible for the total distance, instead of for the distance in excess of first 400 Kms. Only.

vi) Travelling Allowance for journey on transfer:

The existing provisions as contained in this Ministry's OM dated 14.12.83 will continue.

vii) Road mileage for transportation of personal effect on transfer:

The existing provisions as contained in this Ministry's OM dated 14.12.83 will continue.

viii) Joining Time with Leave:

The existing provisions as contained in this Ministry's OM dated 14.12.83 will continue.

ix) Leave Travel Concession:

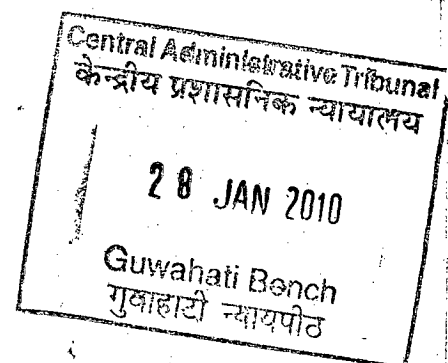
The existing provisions as contained in this Ministry's OM dated 14.12.83 will continue.

Officers drawing pay of Rs.5100/- or above, and their families i.e. spouse and two dependent children (upto 18 years for boys and 24 for girls) will be allowed air travel between Imphal/Silchar/Agartala/Aizawal/Lilabari and Calcutta and vice-versa; between Port Blair and Calcutta/Madras and vice-versa in case of postings in A&N Islands; and between Kavarati and Cochin and vice-versa in case of postings in Lakshadweep.

x) Children Education Allowance/Hostel Subsidy:

Where the children do not accompany the government servant to the North Eastern region, Children Education Allowance upto class XII will be admissible in

Rajesh Makkar
(राजेश मक्कार) / RAJESH MAKKAR
अनुभाग अधिकारी / Section Officer
प्रकाशन विभाग / Publications Division
सूचना एवं प्रसारण मंत्रालय / Min. of I & E
एन.डी.ओ. कॉम्प्लेक्स, नई दिल्ली-3
Sachna Bhawan, C.G.O. Complex, N. D.-3



respect of children studying at the last station of posting of the employees concerned or any other station where the children reside. If children studying in schools are put in hostels at the last station of posting or any other station, the Government servant concerned will be given hostel subsidy without other restrictions. The rates of Children Education Allowance Hostel Subsidy will be as in the DOP&T OM 18011/1/87-Estt. Dt. 31.12.87, as amended from time to time.

xi) Concession regarding grant of House Rent Allowance to officers posted in the States of North Eastern Region, Andaman and Nicobar Island and Lakshadweep Islands:

The present concession as contained in this Ministry OM No.11016/1/E.II(B) dated 29.03.84 as amended from time to time will continue to be applicable.

xii) Telephone facilities:

The officers who are eligible to have residential telephone may be allowed to retain their telephone at their residences in their last place of the posting subject to the condition that the rental and all other charges are paid by such officers.

2. The above orders will also apply mutatis-mutandis to the Central Government employees posted in Andaman and Nicobar Islands and Lakshadweep Island. These orders will also apply mutatis-mutandis to officers posted to N.E. Council when they are stationed in N.E. Region.

3. These orders will take effect from the date of issue.

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

5. Hindi version of this Memorandum is attached.

Sd/-

(A. Jayaraman)

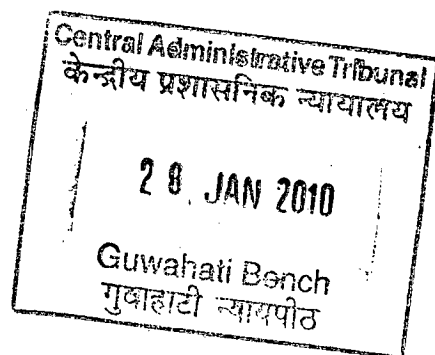
Joint Secretary to the Government of India

To,

All Ministries/Departments of the Government of India etc.

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

(राजेश मकरंद / RAJESH MAKKAR)
अनुभाग अधिकारी / Section Officer
प्रकाशन विभाग / Publications Division
सूचना एवं प्रसारण विभाग / Min. of I & B
सूचना भवन, सी०डी०ओ० कॉम्प्लेक्स, नई दिल्ली-3
Soचना Bhawan, C.G.O. Complex, N. D. 3



New Delhi, Dated July, 22, 1998

OFFICE MEMORANDUM

Allowances and Special Facilities for Civilian Employees of the Central Government serving in the States and Union Territories of the North-Eastern Region and 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 territories of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura, orders were issued in this Ministry's O.M. No. 20014/V03-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(a) did not 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 extended in this Ministry's O.M. of even number dated E II(II) 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. 20014/10-85-E IV-E II(II) 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. 20014/16-85-E IV-E II(II) dated December 1, 1988, shall continue to be applicable.

(iii) Special [Duty] Allowance

Civilian Central Government employees having an 'All India Transfer Liability' and posted to the specified Territories in the North-Eastern Region shall be entitled to 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. 20014/16-85-E IV-E II(II) 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. 20022/2-89 E II(II) 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 to the Civilian Central Government employees at the same 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 be treated as Special [Duty] Allowance. Separate orders in regard to this Allowance have been issued in this Ministry's O.M. No. 12(1)/88-E II(II) dated July 17, 1988.

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

Attested
Rajesh Makkar

(राजेश मक्कार) / RAJESH MAKKAR)
अनुभाग अधिकारी / Section Officer
प्रकाशन विभाग / Publications Division
सूचना एवं प्रसारण मंत्रालय/Min. of I & B
सूचना भवन, सी.ओ.ओ. कॉम्प्लेक्स, नई दिल्ली-3
Soukha Bhawan, C.O.O. Complex, N. D-3

Central A
केन्द्रीय प्रशासनिक न्यायालय

28 JAN 2010

Guwahati Bench
गुवाहाटी न्यायपीठ

09 OCT 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

Special Compensatory Allowances

Orders in regard to revision of the rates of various Special Compensatory Allowances, such as Height Allowance, 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 'functional' pay which they would have drawn in the applicable pre-revised scales of pay but for the introduction of the corresponding revised scales till the revised orders are issued on the basis of the recommendations of the Fifth Central Pay Commission and the Government decisions thereon.

(v) **Travelling Allowance on First Appointment**
The existing concessions as provided in this Ministry's O.M. No. 20014/3/83-E IV dated December 14, 1983 and further liberalised in O.M. No. 20014/16/86-E IV/E II(2) 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/Lilabari/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.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
28 JAN 2000
Guwahati Bench
গুৱাহাটী ন্যায়ালয়

Attested
Rajesh Makkar
(राजेश मक्कार) / RAJESH MAKKAR
अनुभाग अधिकारी / Section Officer
प्रकाशन विभाग / Publications Division
सूचना एवम प्रसारण मंत्रालय / Min. of I & B
सूचना भवन, सी.जी.ओ. कॉम्प्लेक्स, नई दिल्ली-3
Soochna Bhawan, C.G.O. Complex, N. D.-3

44-69-29-163

viii) Children Education Allowance and Hostel Subsidy
The existing provisions as contained in this Ministry's O.M. No. 20014/16/83-E IV dated December 14, 1983 shall continue to be applicable. The rates of Children Education Allowance and Hostel Subsidy having been revised in the Department of Personnel & Training O.M. No. 21017/1/97-Estt (Allowances) dated June 12, 1998, the Allowance and Subsidy shall be payable at the revised monthly rates of Rs 100 and Rs 300 respectively per child.

(ix) Retention of Government Accommodation at the Last Station of Posting
The facility of retention of Government accommodation at the last station of posting by the Central Government employees posted to the specified territories and whose families continue to stay at that station is available in terms of the orders contained in the erstwhile Ministry of Works & Housing O.M. No. 12035/24/77-Vol. VI dated February 12, 1984, as amended from time to time. This facility shall continue to be available to the eligible Central Government employees posted in the North-Eastern Region, Andaman & Nicobar Islands and Lakshadweep Islands. In partial modification of these orders, Licence Fee for the accommodation so retained will be recoverable at the applicable normal rates in cases where the accommodation is below the type to which the employee is entitled to and at one and a half times the applicable normal rates in cases where the entitled type of accommodation has been retained. The facility of retention of Government accommodation at the last station of posting will also be admissible for a period of three years beyond the normal permissible period for retention of Government accommodation prescribed in the Rules.

(x) House Rent Allowance for Employees in Occupation of Hired Private Accommodation
The orders contained in this Ministry's O.M. No. 11016/1/E.II(2)/84 dated March 29, 1984, and extended in this Ministry's O.M. No. 20014/16/83-E IV/E.II(3) 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. 20014/16/83-E IV/E.II(3) 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 a rail 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.

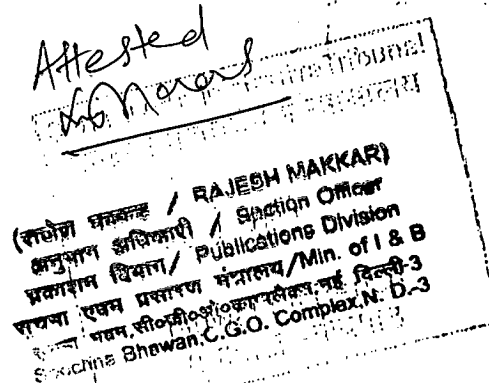
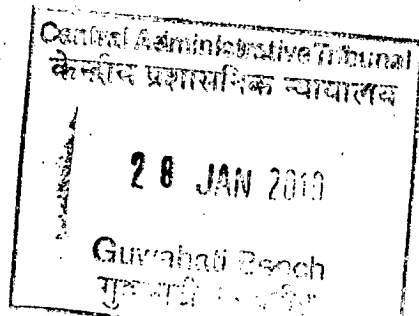
4. These orders will take effect from August 1, 1997.

5. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these orders issued 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.



- 70 - 30 -

62

MONTH & YEAR		Duty Leave		Special Sp. Duty Allowance	Substantive Pay	Officiating Pay	Dearness Allow.	Grat. C. Comp. Allow.	House Rent Allow.
		25% of Basic	5% of S.E.A		4	5	6	7	8
March	83	Pay		76	40	1350	288	20	120
April	83	Pay		76	40	1230	288	20	120
May	83	Pay		76	40	1230	288	20	120
June	83	Pay		76	40	1230	288	20	120
July	83	Pay		76	40	1230	288	20	120
Aug	83	Pay		76	40	1230	288	20	120
Sept	83	Pay		76	40	1230	288	20	120
Oct	83	Pay		76	40	1230	288	20	120
Nov	83	Pay		76	40	1230	288	20	120
Dec	83	Pay		76	40	1230	288	20	120
Addition of 4412380. 3-1-86 to 31/3/86							375		
Addition of 400 7/87 to 9/3/87							192		
Bonus 88-89									
Jan	84	Pay		76	40	1230	288	20	120
Feb	84	Pay		76	40	1230	288	20	120
10/3/84 to 31/3/84 10/8/84									
Mar	84	Pay		76	40	1230	288	20	120
Apr	84	Pay		76	40	1230	288	20	120

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
28 JAN 2010
Guwahati Bench
गुवाहाटी न्यायाधीश

Attested
Rajesh Makkar
(राजेश मक्कर) / RAJESH MAKKAR
अनुपम अधिकारी / Section Officer
प्रकाशन विभाग / Publications Division
सूचना एवं प्रसारण मंत्रालय/Min. of I & B
सूचना भवन, पी. डी. 3 कॉम्प्लेक्स, नई दिल्ली-3
Soochna Bhawan, P.D. Complex, N.D.-3

- 71 -

31

(61)

October, 1989 onwards, SDA was given @ 12.5 % of his basic pay as per details given below:-

An amount of Rs.5200/- has been recovered as overdrawal of SDA for the period 20-9-1994 to Feb., 1997. Recovery was made in 26 installments w.e.f. July 1997 to August, 1999. @ Rs.200/- P.M, in pursuance of DPD's I.D. No G-26033/31/98-96-Cash dt 21.03.1997.

On the recommendation of 6th Pay Commission, the SDA was given @ Rs.320/- PM w.e.f. September, 2008 to April, 2009 and an arrear Rs. 11,952/- @ 12.5/- of his basic pay has also been given to him in the month of June, 2009 vide bill No. E-67-06/2009-2010.

Attested
by _____

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
28 JAN 2010
Guwahati Bench
गुवाहाटी न्यायालय

MGR

(राजेश मकर) / RAJESH MAKAR
अनुवाक अधिकारी / Section Officer
प्रकाशन विभाग / Publications Division
सूचना एवं प्रसारण मंत्रालय / Min. of I & B.
सूचना भवन, सी० जी० ओ० कॉम्प्लेक्स, नई दिल्ली-3
Soochna Bhawan, C.G.O. Complex, N.D.-3

PUBLICATIONS DIVISION
Ministry of Information & Broadcasting
Govt. of India

Patiala House,
New Delhi-1

Subject:- Grant of Special Duty Allowance (SDA) to the employees posted in the North-Eastern Region-- Recovery regarding.

As per Ministry of I&B's letter No. 512/24/93-TV(A) dated 16th January 1997, on the above subject (copy enclosed for reference), the special Duty Allowance will not be admissible merely on the ground that the clause of All India Transfer Liability is there in the offer of appointment but shall be admissible only to those employees who are actually recruited/transferred/promoted on All India Basis. Accordingly, the amount paid as SDA to such ineligible employees after 20-9-1994 is to be recovered.

2. The cash has since been examined and it has been found that the following officials working in Yejana (Assam), Guwahati are not eligible to get the SDA. Therefore, the amount shown against their names, paid as SDA after 20-9-94, is to be recovered from their pay and allowances in instalments

1. S/Sh. P. Chakravarthi, A.E. = Rs. 7,664/-
2. M.K. Hazarika, Jr. Steno Rs. 6,748/-
3. M.C. Dasa, C.G.II Rs. 5,223/-
4. P. Kalita, Chowkidar Rs. 3,459/-

3. The recovery of the above amount will be made in instalments from their pay for April, 97 onwards. The officials may, therefore, be informed accordingly.

4. This issues with the approval of DPD.

(S. M. BADAJ)
Dy. Director (Admn.)

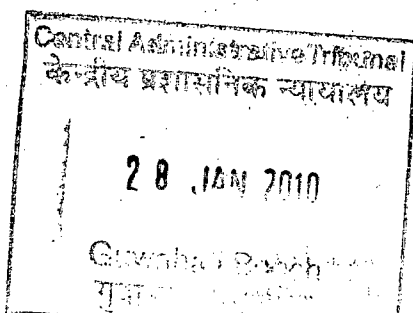
Encl: as above.

The Editor, Yejana (Ass.), Guwahati.

DPD No. G-26033/31/95-96/Cash dated 21-3-97

Copy forwarded for information to Min. of I&B, New Delhi [Shri V.K. Sharma, US(TV)] with reference to their endorsement letter dated 16-1-97, referred to above.

Dy. Director (Admn.)



Attested
Signature

(राजेश मक्कार / RAJESH MAKKAR)
अनुभाग अधिकारी / Section Officer
प्रकाशन विभाग / Publications Division
सूचना एवं प्रसारण मंत्रालय / Min. of I & B
सूचना भवन सी.ओ. कॉम्प्लेक्स, नई दिल्ली-3
Soचना Bhawan, C.G.O. Complex, N. D.-3

COURT CASE

MOST IMMEDIATE

Cabinet Secretariat
(E.A. Section)

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

1. SSB Directorate may kindly refer to their UO No. 42/SSB/AT/99(18)- 2369 dated 31.03.2000 on the subject mentioned above.
2. The points of doubt raised by SSB in their UN No. 42/SSB/AT/99(18) - 5282 dated 2.9.1999 have been examined in consultation with our Integrated Finance and Ministry of Finance (Department of Expenditure) and clarification to the points doubt in given under for information, guidance and necessary action :

i)	The Hon'ble Supreme Court in their Judgment delivered on 26.11.96 in Writ Petition No. 794 of 1996 held that civilian employees who have All India transfer liability are entitled to the grant of SDA on being posted to any station in the N.E. Region from outside the region and in the following situation whether a Central Government employee would be eligible for the grant of SDA keeping in view the clarifications issued by the Ministry of Finance vide their UO No. 11(3)/95.E.II(B) dated 7.5.97	
a)	A person belongs to outside N.E. Region but he is appointed and on first appointment posted in the N.E. Region after selection through direct recruitment based on the recruitment made on all India basis and having a common/centralised seniority list and All India Transfer Liability.	No
b)	An employee hailing from the N.E. Region selection on the basis of an All India recruitment test and borne on the Centralised cadre/service common seniority on first appointment and posted in the N.E. Region. He has also All India Transfer Liability.	No
ii)	An employee belongs to N.E. Region was appointed as Group "C" or "D" employee based	No

Attested
SignatureCentral Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

28 JAN 2010

Guwahati Bench
गुवाहाटी न्यायपीठ

(राजेश मकर / RAJESH MAKAR)
अनुभाग अधिकारी / Section Officer
प्रकाशन विभाग / Publications Division
सूचना एवं प्रसारण मंत्रालय / Min. of I & B
सूचना भवन, सी.ओ. कॉम्प्लेक्स, नई दिल्ली-3
Soचना Bhawan, C.G.O. Complex, N. D.-3

	on local recruitment when there were no cadre rules for the post (prior to grant of SDA vide Ministry of Finance OM No. 20014/2/83-E.IV dated 14.12.1983 and 20.4.87 read with O.M. 20014/16/86E.II(B) dated 1.12.1988) but subsequently the post/cadre was centralised with common seniority list/promotion/All India Transfer Liability etc. on his continuing in the N.E.Region though they can be transferred out to any place outside the NE Region having All India Transfer Liability.	
iii)	An employee belongs to N.E.Region and subsequently posted outside N.E.Region, whether he will be eligible for SDA if posted/transferred to N.E.Region. He is also having a common All India seniority and All India Transfer Liability	YES
iv)	An employee hailing from NE Region, posted to NE region initially but subsequently transferred out of NE Region but reported in NE Region after sometime serving in non NE Region	YES
v)	The MOF, Deptt. Of Expdr. Vide their UO No. 11(3)/95-E.II(B) dated 7.6.97 have clarified that a mere clause in the appointment order to the effect that the person concerned is liable to be transferred anywhere in India does not make him eligible for the grant of Special Duty Allowance. For determination of the admissibility of the SDA to any Central Govt. Civilian employees having All India Transfer Liability will be by applying tests (a) whether recruitment to the Service/Cadre /Post has been made on All India basis (b) whether promotion is also done on the basis of All India Zone of promotion based on common seniority for the service/cadre/post as a whole (c) in the case of SSB/DGS, there is a common recruitment system made on All India basis and promotions are also one on the basis of All India Common Seniority. Based on the above criteria/tests all employees recruited on the All India basis and having a common seniority list of All India basis for promotion etc. are eligible for the grant of SDA irrespective of the fact that the employee hails from N.E.Region or posted to N.E.Region from outside the N.E.Region	In case the employee hailing from NE region is posted within NE Region he is not entitled to SDA till he is once transferred out of that Region
vi)	Based on point (iv) above, some of the units of SSB/DGS have authorised payment of SDA to othe employees hailing from NE Region and posted within the N.E.Region while in the case of others, the DACS have objected payment of SDA	It has already been clarified by MOF that clause in the appointment order regarding All India

12
58
11/01/2009
Guwahati Bench
2009

Attended
Rajesh

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
20 JAN 2009
Guwahati Bench
गुवाहाटी न्यायालय

(राजेश मकरंद) / RAJESH MAKARAND
अनुमान विभाग / Section Officer
प्रकाशन विभाग / Publications Division
सूचना एवं प्रसारण विभाग / Min. of I & B
सूचना भवन, सी.जी.ओ.कॉम्प्लेक्स, नई दिल्ली-3
Soochna Bhawan, C.G.O. Complex, N. D.-3

- 75 -

(11) 35 - 24 - (50)

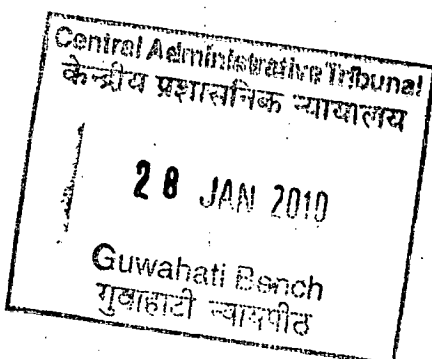
	to employees hailing from NE Region and posted within the NE Region irrespective of the fact that their transfer liability in All India Transfer Liability or otherwise. In such cases what should be the norm for payment of SDA i.e. on fulfilling the criteria of All India Recruitment Test & to promotion of All India Common Seniority basis having been satisfied are all the employees Eligible for the grant of SDA	transfer Liability does not make him eligible for grant of SDA
vii)	Whether the payment made to some employees hailing from NE Region and posted in NE Region be recovered after 20.9.1994 i.e. the date of decision of the Hon'ble Supreme Court and/or whether the payment of SDA should be allowed to all employees including those hailing from N.E. Region with effect from the date of their appointment if they have All India Transfer Liability and are promoted on the basis of All India Common Seniority List.	The payment made to employees hailing from NE Region & posted in NE Region be recovered from the date of its payment. It may also be added that the payment made to the ineligible employee hailing from NE Region and posted in NE Region and recovered from the date of payment of SDA after 20th Sept. 1994 whichever is later.

3. This issues with the concurrence of the Finance Division, Cabinet Secretariat vide Dy. No. 1349 dated 11.10.1999 and Ministry of Finance (Expenditure)'s L.D. No. 1204/E.II(B) dated 30.3.2000.

Sd/-
Heptible
(P.N. THAKUR)
DIRECTOR (SR)

1. Shri R.S. Bedi, Director ARC
2. Shri R.P. Kureel, Director, SSB
3. Dirg. (Retd) G.S. Uban, IG, SFF
4. Shri S.R. Mehra, JD(P&C), DGS
5. Shri Ashok Chaturvedi, JS(Pers), R&AW,
6. Shri B.S. Gill, Director of Accounts, DACS
7. Shri J.M. Menon, Director Finance(S), Cab. Sectt.
8. Col. K.L. Jaspal, CIOA, CIA

Cab. Secy U.O. No. 204/2/99-1/A-1-17/99 dated 2.5.2000



Attested
Signature

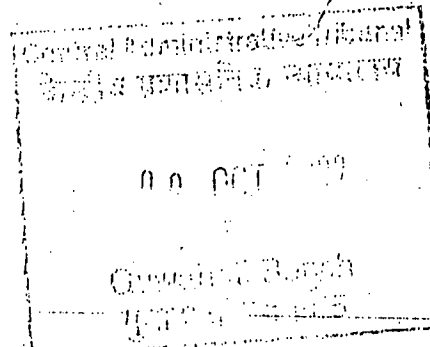
(संकेत नमूने) / RAJESH MAHARJ
अनुमान अधिकारी / Section Officer
प्रकाशन विभाग / Publications Division
सूचना एवं प्रसारण मंत्रालय, नई दिल्ली-3
Soochna Bhawan, C.U.O. Complex, N. D.-3

-8- -76-

Annexure R-IX (2)

36

53



Ministry of Finance
Department of Expenditure
E-II (B) Branch

Sub: proposal seeking clarification as to whether the employees posted/transferred in N.E. Region, at their own request from outside the N.E. Region are eligible to get SDA.

Reference U.O.No.Admm./1(27)/Shillong/06-07/2412 of Office of Pr.Chief Controller of Accounts (Central Excise & Customs) on pre-page.

There is no restriction for grant of Special Duty Allowance to Central Govt. Employees if they are posted on their own request and are entitled to SDA as per criteria for payment of SDAs mentioned in para 5 of Finance Ministry's O.M.No.11(5)/97-E.II(B) dated 29.5.2005(copy enclosed). Office of Pr. Chief Controller of Accounts is advised to decide the cases of payment of SDA accordingly.

Encl. as above

(R. Prem Anand)

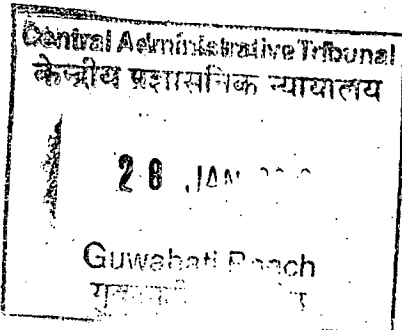
Under Secretary to Govt. of India.

Shri Arvind Kumar, Controller of Accounts, O/o Pr. Chief Controller of Accounts, Central Excise & Customs, A.G.C.R. Building, New Delhi.

M/o Fin.(Expdr.) U.O.No.11(1)E.II(B)/07, dt. 24/2/07

Attested
Rajesh

(राजेश मकरंद) / RAJESH MAKKAR
अनुपाल अधिकारी / Section Officer
प्रकाशन विभाग / Publications Division
सूचना एवं प्रसारण मंत्रालय / Min. of I & E
सूचना भवन, सी.ओ.ओ. कॉम्प्लेक्स, नई दिल्ली-3
Souchna Bhawan, C.O.O. Complex, N. D.-3



ORDER

Dated: -3.3.88

The following Officials of the Publications Division (one Accounts Clerk in the scale of Rs. 1200-2040 and two Clerk Grade-II in the scale of Rs. 950-1500) are hereby promoted to the posts in the scales mentioned against them purely on ad-hoc basis w.e.f. the dates they join for duty in their new posts and are posted to the Units mentioned against them.

This ad-hoc promotion will not bestow any right on the promotee incumbents to claim any seniority in the grade or for regular appointment.

S.No.	Name & Designation & Present Posting	Promoted to in the scale	Where posted.
1.	Sh. Narendra Kumar, Accounts Clerk, S.E. Patna.	Accountant Rs. 1400-2300	S.E., Lucknow.
2.	Sh. M.C. Das, C.G. II Yojana (Assamese), Guwahati.	Jr. Storekeeper Rs. 1200-2040	Current Store (Hqrs.), Patiala House, New Delhi.
3.	Sh. H.A. Murad, C.G. II (H.Qrs.)	Accounts Clerk Rs. 1200-2040	S.E. New Delhi.

The above incumbents, should join in their place of posting immediately. In case some one is not interested in the promotion he should intimate his option within a fortnight of the issue of this order. In the event of refusal of promotion or failing to join in this stipulated the individual will forego his right of promotion for one year.

(NIRMAL GANGULY)
DY. DIRECTOR (ADMN.)

Copy to:-

1. P&O, L&VP etc., Curzon Road, New Delhi.
2. Sales Emporium, New Delhi/Patna/Lucknow.
3. Editor, Yojana (Assamese), Guwahati.
4. B.M. (H.Qrs)/B&R/Vigilance Cell.
5. Cash Section (3 Copies).
6. Shri Narendra Kumar, Accounts Clerk, S.E., Patna.
7. Shri M.C. Das, C.G. II, Yojana, (Assamese), Guwahati.
8. Shri H.A. Murad, C.G. II, (H.Qrs.).
9. Reception Counter, Publications Division.
10. Spare copies (10).

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

28 JAN 2010

Guwahati Bench
गुवाहाटी न्यायपीठ

Attested

Rajesh Makkar
(राजेश मकर) / RAJESH MAKKAR
अनुभाग अधिकारी / Section Officer
प्रकाशन विभाग / Publications Division
सूचना एवं प्रसारण मंत्रालय / Min. of I & E
सूचना भवन, सी.सी.ओ. कॉम्प्लेक्स, नई दिल्ली-3
Sachina Bhawan, C.S.O. Complex, N. D.-3

(RAJESH GUPHA)
SECTION OFFICER.

Dated: 30.8.1988

1/9/88

ORDER

Shri M.C. Das, Clerks Grade-II(Assamese), who was promoted on 4.7.88 to the post of Junior Storekeeper and posted at Current Store, H. Quarters, New Delhi is hereby reverted to his substantive post of Clerks Grade-II(Assamese) and posted at the office of Yojana(Assamese), Guwahati w.e.f. afternoon of 30.8.1988 at his own request. His pay as Clerk Grade is refixed at Rs.1250/-p.m. w.e.f. 31.8.1988. The date of his next increment as Clerks Grade-II in the scale of Rs.950-1500 will be 1.7.1989.

Since his reversion to the post of Clerk Grade-II at Yojana(Assamese), Guwahati has been allowed on his own request he will not be entitled for any T.A./D.A. for joining his duty at Guwahati.

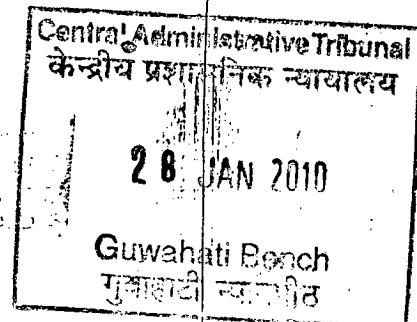
(NIRMAL GANGULY)
DY. DIRECTOR(ADMN.)

Copy to:-

1. P&AO, DAVP etc., New Delhi.
2. Shri M.C. Das, Junior Storekeeper, Current Store H.Qrs, New Delhi.
3. Cash Section(3 Copies)/B&R/Vig. Cell/A&G/Library.
4. Personal file/Service Book of the official concerned.
5. Editor, Yojana(Assamese), Guwahati.
6. B.M., Head Quarters, New Delhi with the request that Shri M.C. Das, Junior Storekeeper may be relieved of his duties immediately with direction to join the post of Clerks Grade-II at Yojana(Assamese), Guwahati.
7. Spare copies(5).

(RAMESH CHAND)
SECTION OFFICER.

Attested
Signature
(राजेश मक्कार / RAJESH MAKKAR)
अनुभाग अधिकारी / Section Officer
प्रकाशन विभाग / Publications Division
सूचना एवं प्रसारण मंत्रालय / Min. of I & B
सूचना भवन, सी.पी.ओ. कॉम्प्लेक्स, नई दिल्ली-110054
Soचना Bhawan, C.P.O. Complex, New Delhi-110054



39 -

Annexure XII

**Publications Division
Govt. Of India
Ministry of Information & Broadcasting
Soochna Bhawan, CGO Complex, New Delhi**

No. C-18011/2009-Admin.I

Dated: 48.12.2009

ORDER

Subject: - Grant of Special Duty Allowance to Sh. M.C. Das, Accounts Clerk (Retired) during his posting in the North-Eastern Region.

* * * * *

In pursuance of clarifications issued by Cabinet Sectt. vide their U.O. No. 20/12/99-EAI dated 02.05.2000 and various instructions issued by Government of India on the subject, sanction of the ADG (I/C) Publications Division is here by conveyed under the instructions contained in the Ministry of Finance O.M. No. 1(5)/97-E-II(B) dt 29.05.2002 for the grant of Special Duty Allowance @ 12.5% of basic pay to Sh. M.C. Das, Accounts Clerk (Retired) during his posting at Yojana (Assamese), Guwahati, w.e.f. 20-9-1994 to 31-8-2008, amounting to Rs.1,11,125/-(Rupees one lakh eleven thousand one hundred twenty five only).

2. The above fixation of Special Duty Allowance is subject to post audit and in the light of audit observations, the over payment made, if any shall be recovered from Sh. M. C. Das in lump sum without any notice.

3. The Expenditure involved will be met from the sanctioned Budget Grant of the Publications Division and debited to Demand No. 59 Major Head 2220-Information and Publicity, 60.110- Publications Division, 01.00.01- Salaries (Non-Plan) for the year 2009-10.

R. Das Gupta
(Rukmini Das Gupta)
Deputy Director (Admn.)
Tele # 2436 8009

Copy to:-

1. P&AO, Tropical Building, Connaught Place, New Delhi.
2. S.O., Cash Section
3. Sh. M. C. Das, Retired Accounts Clerk Garigaon (Jambori) P.O. Pandu Guwahati 781012 (Assam)

Attested
for
(राजेश शर्मा) / RAJESH SHARMA
अनुभाग अधिकारी / Section Officer
प्रकाशन विभाग / Publications Division
सूचना एवं प्रसारण मंत्रालय / Min. of I & B
सूचना भवन, सी०जी०ओ०कॉम्प्लेक्स, नई दिल्ली-3
Soochna Bhawan, C.O.C.O. Complex, N.D.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
28 JAN 2010
Guwahati Bench
गुवाहाटी न्यायालय

PUBLICATIONS DIVISION
Ministry of Information & Broadcasting
 Soochna Bhawan C.G.O. Complex,
 Lodhi Road, New Delhi-110003

Annexure R XMI

(53)

No. G-12016/

G.B. No.

Date: 5/8/08

Dear Sir,

I am sending herewith a Government Draft No. 1424 776491 on account of pay &

Dated 28/7/08 for Rs 42543/-
 allowance for the month of

Please make the payment and send the stamped receipt immediately after disbursment. The official concerned would write his name and designation in capital letters below his signature and his signature would be attested.

SL.NO.	Particular	Amount
①	Paymt SDN in 210 P. Kabita Chans 9/2008 to 4/08	Rs 8397-
②	Paymt of SDN in 210 P. Kabita Chans from 9/08 to 4/08	Rs 22194-
③	Paymt of SDN in 210 P. Kabita Chans from 9/08 to 4/08	Rs 11952-

1436/120109
7/5/08

Total Rs. 42543-
 Yours Faithfully

Sh. Anupama Das

[Signature]
 Encl Draft and Statement

[Signature]
 Section Officer (Cash)

Central Administrative Tribunal
 केन्द्रीय प्रशासनिक न्यायालय
 28 JAN 2010
 Guwahati Bench
 गुवाहाटी न्यायपीठ

Attested
[Signature]
 (राजेश मक्कार / RAJESH MAKKAR)
 अनुभाग अधिकारी / Section Officer
 प्रकाशन विभाग / Publications Division
 सूचना एवं प्रसारण मंत्रालय / Min. of I & B
 सूचना भवन, सी.जी.ओ. कॉम्प्लेक्स, नई दिल्ली-3
 Soochna Bhawan, C.G.O. Complex, N. D-3

FORM NO. 4
(See Rule 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :
ORDERSHEET

1. ORIGINAL APPLICATION No : 209 / 2009
2. Transfer Application No : -----/2009 in O.A. No.-----
3. Misc. Petition No : -----/2009 in O.A. No.-----
4. Contempt Petition No : -----/2009 in O.A. No.-----
5. Review Application No : -----/2009 in O.A. No.-----
6. Execution Petition No : -----/2009 in O.A. No.-----

Applicant (S) : Shri Manik Ch Das

Respondent (S) : Union of India & Ors.

Advocate for the : Mr. A. Ahmed
{Applicant (S)} Mr. N. Ahmed

Advocate for the : -----
{Respondent (S)} CGSC

Notes of the Registry

Date

Order of the Tribunal

2.2.2010

Applicants claim payment of Special Duty Allowance.

By filing reply respondents have stated that vide order dated 18th December 2009 Annexure-XII) sanction of the ADG(I/C) Publications Division has been conveyed to release a sum of Rs. 1,11,125/- on account of Special Duty Allowance. Learned counsel for the Applicant contends that till date necessary payments has not been released. This has been contended by the Respondents' counsel stating that payment will be made to Applicant very shortly.

Since necessary reliefs as prayed for has been granted by the competent authority by sanctioning the amount and the bill has been sent to the PAO for payment.

In the circumstances, O.A. is disposed of directing the concerned authority to release the payment within fortnight from to-day. In case said amount is not paid to the Applicant within the time stipulated interest will have to be given on the amount particularly when the amount has been sanctioned by the

competent authority, which shall be the responsibility of PAO only.
O.A. is disposed of accordingly.

FORM NO. 4
(See Rule 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:
ORDERSHEET

1. ORIGINAL APPLICATION No : 209 / 2009
2. Transfer Application No : -----/2009 in O.A. No.-----
3. Misc. Petition No : -----/2009 in O.A. No.-----
4. Contempt Petition No : -----/2009 in O.A. No.-----
5. Review Application No : -----/2009 in O.A. No.-----
6. Execution Petition No : -----/2009 in O.A. No.-----
Applicant (S) : Shri Manik Ch Das
Respondent (S) : Union of India & FPS
Advocate for the (Applicant (S)) : Mr A Ahmed
Advocate for the (Respondent (S)) : N. Ahmed
CSSC

Notes of the Registry	Date.	Order of the Tribunal
-----------------------	-------	-----------------------

2.2.2010

Applicants claim payment of Special Duty Allowance.

By filing reply respondents have stated that vide order dated 18th December 2009 Annexure-XII) sanction of the ADG(I/C) Publications Division has been conveyed to release a sum of Rs. 1,11,125/- on account of Special Duty Allowance. Learned counsel for the Applicant contends that till date necessary payments has not been released. This has been contended by the Respondents' counsel stating that payment will be made to Applicant very shortly.

Since necessary reliefs as prayed for has been granted by the competent authority by sanctioning the amount and the bill has been sent to the PAO for payment.

In the circumstances, O.A. is disposed of directing the concerned authority to release the payment within fortnight from today. In case said amount is not paid to the Applicant within the time stipulated interest will have to be given on the amount particularly when the amount has been sanctioned by the competent authority, which shall be the responsibility of the concerned authority. O.A. is disposed of accordingly.



TRUE COPY

अनुभाषक अधिकारी
Section Officer (Judl)
Central Administrative Tribunal
गुवाहाटी न्यायपीठ
Guwahati Bench
गुवाहाटी/Guwahati-5

Sd/- M.K.Gupta
Member (J)
Sd/-M.K.Chaturvedi
Member (A)