

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

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R.A./CP/NO.....2015
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03/07/2015
SECTION OFFICER (JUDL.)

(1) to be filed in the
(L) to be filed in the

FORM NO. 4
(See Rule 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
(A) to be filed in the
ORDERSHEET

1. ORIGINAL APPLICATION No : 18917 / 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) : Ombir Singh Nops.

Respondent (S) : Union of India Nops.

Advocate for the : Mr. H. G. Baruah
{Applicant (S)}

Advocate for the : C.G.S.C.
{Respondent (S)}

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form is filed, C.F. for Rs. 50/- deposited vide P.O. No. <u>376/27636</u> Dated <u>20.10.09</u></p> <p><u>22.10.09</u> Dy. Registrar <u>21/10/09</u></p> <p><u>1.10.09.</u> Twenty Six Copies of application with envelopes received for issue ofices to the Respondent No. 1 to 26, copy served. <u>21/10/09</u></p>	<p>28.10.2009</p>	<p>Mr H.G.Baruah, learned counsel appearing for the applicant and Miss U. Das, learned Addl.Standing counsel for the Respondents are present.</p> <p>It has been pointed out that vide communication dated 29.9.2009 the respondents have taken a decision to extend the benefit of SDA to the left out civil employees (404 in number) with effect from 3.9.2001 or from the date of their appointment in respect of civil employees those who have been granted SDA with effect from 2.7.2007. In this view of the matter present O.A seeking arrear SDA is not pressed by Mr Baruah. Order accordingly. The order dated 29.9.2009 has been taken on record.</p>

(Madan Kr. Chaturvedi)
Member (A)

(Mukesh Kr. Gupta)
Member (J)

/pgi

O.A.217/09

25/11/09

28.10.09

O.A is accordingly disposed of

as not pressed.

(Madan Kr. Chaturvedi)
Member (A)

(Mukesh Kr. Gupta)
Member (J)

/pgi

Copy of order dated
28/10/09 has been
prepared and send to
the D/section for
issuing to the Applicant
and Respects by post and
both side standing counsel
by hand.

^{28/11}
D/No — 12524 to 12528
5/11/09

Dtd. — 11-11-2009

21

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

Original Application No. 217 2009

Mr. Ombir Singh & Ors.

...Applicants

-VERSUS-

The Union of India and Ors.

.....Respondents

SYNOPSIS

The Union of India with a view to provide some incentives to the non – combatised civilian employees of Assam Rifles, working in the North Eastern Region, amongst other granted Special (Duty) Allowances .The Government of India by his letter No. 11011/1/84/FP-IV dated 02/02/1989 clarified the Government policy and accordingly Respondent No.3 was informed vide said letter that the Special (Duty) Allowances is admissible to the Civilian non-combatised employees of Assam Rifles. The order of the Government of India dated 02/02/1989 granting Special (Duty) Allowances to Assam Rifles civilian employees with effect from 07/11/1988 is distinct . It was a special Order issue after considering all the pros and cons of eligibility criteria. The Special (Duty) Allowances is admissible to the Applicants at 12.5% of the basis pay. The Government of India by the Office Memorandum dated the 3rd August, 2005 issued Vide Memo No. A -1-3/INST – ACCTS – 3/PP-III clarified it to the Director General Assam Rifles that the Special (Duty) Allowances is admissible to the Civilian Employees Assam Rifles. The Respondents stop the payment of Special (Duty) Allowances disputing Government of India's order granting Special (Duty) Allowances dated 2nd February, 1989 with effect from the 1st September, 2001. Having no alternative all Applicants ventilating their grievances to vindicate their right approached the Hon'ble Central Administrative Tribunal, Guwahati Bench invoking jurisdiction U/S 19 of the Central Administrative Tribunal Act, 1985. The

Received for
Mrs. N. D.
21.10.09
Advocate

Applicant Nos. 12,14,15,16,17,29,30,32,38,57 and 58 of this instant Original Application were the Applicants of O.A. No. 34 of 2008 which was disposed of on the 28th day February, 2008. The Applicant Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 35, 36, 37, 40, 44, 47, 48, 50, 51, 53, 54 and 55 of the instant Original Applications were the applicants of OA No. 01 of 2008 which was disposed of on the 8th day of January, 2008. The applicant Nos. 19, 20, 21, 23, 25, 26, 27, 28, 34, 45 and 49 of this instant Original Application were the Applicants of OA No. 304 of 2007 which was disposed of on the 19th day of December, 2007. The applicant No. 41 of this instant Original Application was the Applicant of OA No. 300 of 2007 which was disposed of on the 11th day of December, 2007. In pursuance of the command of the Hon'ble Tribunal the Applicants individually submitted their representations on different dates addressing the Director General Assam Rifles and after receiving the said representations the Director General Assam Rifles by an order dated 28th August, 2008 issued vide Memo No. A / pers – 0753/2008 (Annexure-C) extended the said benefits to the Applicants with effect from 2nd July, 2007. Vide Annexure-C the Respondents even after admitting it that in pursuance of the command of Hon'ble Tribunal, the Applicants submitted their representation individually addressing the Director General Assam Rifles, the Respondents refused to extend the said benefits with effect from the date of withholding it and from the date of their appointment. Non payment of outstanding amount accumulated towards Special (Duty) Allowances to the Applicants is violative of Article 14, 16, 21 of the Constitution of India. The said outstanding amount accumulated towards Special (Duty) Allowances constitute property within the meaning of Article 300A of the Constitution of India. The Respondents are denying the said benefits to the Applicants with effect from the 1st day of September, 2001 and from the dates of their appointment without any authority of law. Claiming the said outstanding amount accumulated towards Special (Duty) Allowance with interest @12% per annum with effect from the 1st day of September, 2001 and from the date of their appointments, the Applicants filed this instant Applicants.

Filed by



Hara Gobinda Boruah
Advocate

Gauhati High Court Bar Association
Guwahati-781001

24/10/2007

23

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI

Original Application No. 217 of 2009

Mr. Ombir Singh & Ors.

...Applicants

-VERSUS-

The Union of India and Ors.

.....Respondents

List of dates

<u>Sl.No.</u>	<u>Dates</u>	<u>Contents , Annexure & Page Nos.</u>
1.	02/02/1989	Order issued by the Government of India, Ministry of Home Affairs , New Delhi Vide Memo No. 11011/1/84-FP-IV, granting Special (Duty) Allowances to the Civilian employees of Assam Rifles. <u>Annexure -A , Page Nos. 37 and 38.</u>
2.	03/08/2005	Office Memorandum issued by the Government of India , Ministry of Home Affairs ,New Delhi , vide Memo No.A-1-3/INST-ACCTS-3/PP-III, clarifying it to the Director General Assam Rifles that Special (Duty) Allowances is admissible to Assam Rifles Civilian personnel. <u>Annexure -B , Page Nos. 39 and 40.</u>
3.	28/08/2008	Order issued by the Director General Assam Rifles Vide Memo No. A/Pers-0753/2008, granting arrears of Special (Duty) Allowances for one year to the Applicants. Annexure -C , Page Nos. 41 and 42.

- 4.03/09/2001 Order passed by the Division Bench of the Hon'ble Gauhati High Court, Shillong Bench in WP(C) No. 195 (SH) of 2001, Annexure -D , Page Nos. 43 and 44
5. 24/07/2006 Judgment passed by the Division Bench of the Hon'ble Gauhati High Court, Shillong Bench in WP (C) No. 195(SH) of 2001, Annexure -E , Page Nos.45 to 48.
6. 26/02/2007 Order passed by the Division Bench of the Hon'ble Supreme Court of India in SLP(C) No.(Civil) 2962 of 2007, Annexure - F , Page No. 49
7. 20/07/2007 Order granting Special (Duty) Allowances to other civilian employees of the Assam Rifles with arrears and interest in pursuance of the Order of the Hon'ble Central Administrative Tribunal Gauhati Bench , Guwahati .
Annexure-G , Page Nos. 50 to 52
8. 22/04/2009 Joint Representation of the applicants
Annexure -H , page Nos. 53 to 65.

Filed by


Hara Gobinda Boruah
Advocate
Gauhati High Court Bar Association
Guwahati-781001

21/10/2009

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH GUWAHATI

Original Application No. 217 of 2009

Mr. Ombir Singh & Ors.

...Applicants

-VERSUS-

The Union of India and Ors.

.....Respondents

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10.	Annexure-H53 to 65.

Filed by


Hara Gobinda Boruah
Advocate

Gauhati High Court Bar Association
Guwahati-781001

21/10/2009

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH GUWAHATI

Filed by the
Petitioner / Appellants
through

Mrs. Gobinda Boruah
Advocate
Gauhati High Court Bar Association
Guwahati-781001

28
21/10/2009

Original Application No. 217 of 2009

IN THE MATTER OF

An application under Section 19 of
the Central Administrative Act, 1985.

-AND-

IN THE MATTER OF

1. Mr. Ombir Singh

S/O : Mr. Sukhbir Singh

Hindi Translator

HQ. D.G.A.R (Hindi Section)

Meghalaya, Shillong

PIN:793011

2. Mr. Deshraj

S/O: Mr. Jaswant Singh

Hindi Translator

26th Battallon, The Assam Rifles

C/O : 99APO

3. Mr. Mahesh Thakur

S/o: Krishna Dev Thakur

Hindi Typist

26th Battillon, The Assam Rifles.

C/O: 99 APO

4. Miss Raj Shree Singha

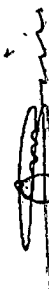
D/O: Late Balram Singh

Hindi Typist

HQ. 21 Sector, The Assam Rifles.

C/o: 99 APO

PIN : 932521



5. Mr. Udai Ram

S/O Mr. Rameshwar Dayal

Hindi Teacher

15th Battalion, The Assam Rifles.

C/O: 99 APO

6. Mr. Devasish Roy

S/O: Mr. A.K. Roy

Hindi Teacher

1st Battalion, The Assam Rifles

C/O: 99 APO

7. Mr. Ajoy Lama

S/o Mr. J.B. Lama

Junior Teacher

16th Battallon, The Assam Rifles

C/o: 99APO

8. Mrs. Puathaihi Lushai

W/o Mr. Thangpuia

Female Safai

1st Battalion, The Assam Rifles.

C/o: 99APO

9. Mrs. Lalbiakliani Lushai

W/o: Mr. Ralliana

Female Safai

1st Battalion, The Assam Rifles.

C/O: 99 APO

10. Md. Sakir Ahmed Khan

S/O- Md. Ahmed Shaid Khan

Hindi Translator

31st Battalion, The Assam Rifles.

C/O: 99 APO

-3-

11. Mr. N.S. Karki

S/O – Mr. Prem Singh Karki

Hindi Typist

7th Battalion, The Assam Rifles

C/O 99APO.

12. Mrs. M. Romita Devi

W/o Late M. Joy Singh

Female Safai

7th Battalion, The Assam Rifles

C/o: 99APO

13. Mrs. Anita Pun

W/O: Late J.B. Pun

Female Safai

7th Battalion, The Assam Rifles

C/o: 99APO

14. Mr. Santosh Kumar Prasad

S/O: Mr. Ram Kumar Prasad

Hindi Typist

44th Battalion, The Assam Rifles

C/O: 99APO

15. Mr. Braj Nand Prasad

S/o: Mr. Lal Singh

Hindi Teacher

16th Battalion, The Assam Rifles

C/O: 99 APO

16. Mr. Sanjay Kumar

S/O: Mr. B. B. Singh

Hindi Teacher,

42nd Battalion, The Assam Rifles

C/O. 99 APO

17. Mr. Vikash Ray

S/O: Mr. Chandrika Ray

Junior Teacher

Assam Rifles Training Centre and
School (Dimapur), Nagaland

PIN : 797115

18. Mr. Vimal Jha

S/O - Mr. C.S. Jha

Hindi Typist

42nd Battalion, The Assam Rifles

C/O : 99APO

19. Mr. S.K. Chanchal

S/O: Late Basanta Kumar Ram

Junior Teacher

20th Battalion, The Assam Rifles

C/O : 99APO

20. Mrs. Kunti Devi

W/O- Shri Bansfor

Female Safai

42nd Battalion ,The Assam Rifles

C/O :99APO

21. Mr. Prabash Kumar

S/O: Mr. Bharat Lal Mandal

Hindi Teacher

Assam Rifles Training Centre and
School (Dimapur)

PIN- 797115

22. Mr.Prashant Vishwas

S/O- : Mr. Dhiresh Vishwas

Junior Teacher

Assam Rifles Training Centre , and
School (Dimapur)

PIN- 797115

23. Mrs. Megha

W/O- Mr. C.V. Joshep

Staff Nurse

42nd Battalion , The Assam Rifles

C/O :99APO

24. Mr. Sathyanarayana H.K.

(Retired)

S/O- Mr. K.S. Bhatt

Hindi Translator

18th Battalion, The Assam Rifles

C/O: 99 APO

25. Mr.Jaganidhi Pokhrel

S/O- Mr. R.P. Pokhrel

Junior Teacher

1st Battalion , The Assam Rifles

C/O :99APO

26. Mr. Anant Anand

S/O- : Mr. Satywan Kapri

Hindi Typist

1st Battalion, The Assam Rifles

C/O :99APO

27. Mr. R.S. Negi

S/O- Mr. S.S. Negi

Hindi Translator

1st Battalion, The Assam Rifles

C/O :99APO

28. Mrs. Anita Negi

W/O- Mr. R.S. Negi

- 6 -

Senior Teacher

1st Battalion , The Assam Rifles

C/O :99APO

29. Mr. Parveen Kumar

S/O- Mr. Saran Dass

Hindi Translator

Assam Rifles Training Centre, and

School, Dimapur (Nagaland)

PIN- 797115

30. Mr. Prithvi Nath

S/O Mr. B.D. Bhagat

Hindi Typist

14th Battalion , The Assam Rifles

C/O :99APO

31. Mr. Room Singh

S/O- Mr. Lalman

Hindi Translator

9 Sector, The Assam Rifles

C/O :99APO

PIN : 932509

32. Mr. Dinesh Singh

S/O- Mr. Bag Singh

Hindi Translator

17th Battalion, The Assam Rifles

C/O :99APO

33. Mr. Dharambir Singh

S/O- Mr. Randhir Singh

Hindi Typist

17th Battalion , The Assam Rifles

C/O :99APO

34. Mr. Arvind Kumar
S/O- Mr. A.K. Thakur
Hindi Typist
Assam Rifles Training Centre and
School (Dimapur)
PIN- 797115.
35. Mr. Sandeep Dhyani
S/O - Mr. Murlidhar Dhyani
Hindi Typist
HQ. D.G.A.R (Hindi Section)
Meghalaya Shillong
PIN:793011
36. Mr. Rang Bahadur Yadav
S/O- Mr. Kodai Yadav
Hindi Typist
38th Battalion , The Assam Rifles
C/O :99APO
37. Mr. Atul Kumar
S/O – Mr. Surender Pal Singh
Hindi Typist
43th Battalion , The Assam Rifles
C/O :99APO
38. Mr. Rahul Kumar
S/O – Mr. Awadhesh Kumar Sinha
Hindi Typist
HQ. 23 Sector, The Assam Rifles
C/O 99 APO
PIN: 932523
39. Mr. Rathindra Kumar Dey
S/O – Mr. Rasaraj Dey
Junior Teacher

33

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38th Battalion , The Assam Rifles

C/O :99APO

40. Mr. Hemant Kumar Roushan

S/O – Mr. Jagdev Prasad

Hindi Typist

HQ. D.G.A.R (Hindi Section)

Meghalaya, Shillong

PIN:793011

41. Mr. Brijesh Kumar Pandey

S/O - Late Sudama Pandey

Hindi Translator

HQ. D.G.A.R (Hindi Section)

Meghalaya Shillong

PIN:793011

42. Mr. Girijesh Kumar Pandey

S/O - Late Sudama Pandey

Hindi Teacher

33rd Battalion , The Assam Rifles

C/O :99APO

43. Mr. Paritosh Mishra

S/O - Mr. Aswani Mishra

Hindi Typist

39th Battalion , The Assam Rifles

C/O :99APO

44. Mrs. Bharati Barik

W/O – Mr. Sunil Swain

Hindi Typist

HQ. D.G.A.R (Hindi Section)

Meghalaya Shillong

PIN:793011

33

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45. Mr. Nabarun Deb

S/O - Mr. R. K. Deb

Hindi Translator

14th Battalion, The Assam Rifles

C/O : 99APO

46. Mr. N C Bhowmik

S/O - Late D. C. Bhowmik

Hindi Translator

HQ. D.G.A.R (Hindi Section)

Meghalaya Shillong

PIN: 793011

47. Mr. Chhaterpal

S/O - Late Balbir Singh

Hindi Translator

22nd Battalion, The Assam Rifles

C/O : 99APO

48. Mr Arvind Kumar

S/O - Late Balbir Singh

Hindi Teacher

9th Battalion, The Assam Rifles

C/O : 99APO

49. Mr. Ravi Mohan Dwivedi

S/O - Mr. Suresh Prasad Dwivedi

Hindi Translator

13th Battalion, The Assam Rifles

C/O : 99 APO

50. Mrs. Puspa Kumari

W/O - Mr. A K Singh

Senior Teacher

22nd Battalion, The Assam Rifles

C/O: 99 APO

51. Mr. Sudhakar

S/O- Mr. Kameshwar Singh

Hindi Teacher

22nd Battalion, The Assam Rifles

C/O: 99 APO

52. Miss Hiramani Bora

D/O Mr. Niran Chandra Bora

Junior Teacher

22nd Battalion, The Assam Rifles

C/O: 99 APO

52. Mr. Bagwan Singh

S/O Mr. Sandhu Singh

Hindi Typist

22nd Battalion, The Assam Rifles

C/O: 99 APO

54. Miss. Munni Kumari

D/O- Mr. R.S. Shukla Baldya

Junior Teacher

15th Battalion, The Assam Rifles

C/O: 99 APO

55. Mr. Vinod Kumar

S/O- Late Rajender Singh

Hindi Translator

12th Battalion, The Assam Rifles

C/O: 99 APO

56. Mr. Jadumani Barik

S/O- Mr. R.M. Barik

Hindi Translator

9th Battalion, The Assam Rifles

C/O: 99 APO

33

- 11 -

57. Mr. Jagmohan Singh

S/O- Mr. Arjun Singh

Hindi Typist

9th Battalion, The Assam Rifles

C/O: 99 APO

58. Mr. Rajneesh Kumar Mathur

S/O- Mr. A.S. Mathur

Hindi Teacher

9th Battalion, The Assam Rifles

C/O: 99 APO

59. Smt. Joyeeta Deb

D/O- Late. Bijoy Kumar Deb

Junior Teacher

9th Battalion, The Assam Rifles

C/O: 99 APO

60. Smt. V Settammal

W/O- Late Subbramanyam

Female Safai

9th Battalion, The Assam Rifles

C/O: 99 APO

61. Smt Bhaishree Sunwar

W/O- Mr. Seti Sunwar

Female Attendant

9th Battalion, The Assam Rifles

C/O: 99 APO

...Applicants

-VERSUS-

-12-

1. The Union of India ,
Represented by the Secretary to
the Government of India, Ministry
of Home Affairs , North Block , New
Delhi -110001.
2. The Secretary to the Government of
India, Ministry of Finance ,
Department of Expenditure , North
Block , New Delhi-110001.
3. The Director General Assam Rifles ,
Mahanideshalaya , (Directorate
General Assam Rifles), Shillong
Meghalaya - 793011
4. The Commandant
26th Battalion, The Assam Rifles
C/O : 99APO
PIN : 932026
5. The Commandant.
HQ. 21 Sector, The Assam Rifles
C/O : 99APO
PIN: 932521
6. The Commandant,
15th Battalion, The Assam Rifles ,
C/O- 99APO
PIN-932015
7. The Commandant
1st Battalion , The Assam Rifles ,
C/O- 99APO
PIN-932001

8. The Commandant
16th Battalion , The Assam Rifles ,
C/O- 99APO
PIN-932016
9. The Commandant
31st Battalion, The Assam Rifles ,
C/O- 99APO
PIN-932031
10. The Commandant
7th Battalion , The Assam Rifles ,
C/O- 99APO
PIN-932007
11. The Commandant
44th Battalion , The Assam Rifles ,
C/O- 99APO
PIN-932044
12. The Commandant
42nd Battalion , The Assam Rifles ,
C/O- 99APO
PIN-932042
13. The Commandant,
the Assam Rifles Training Centre
and School (Dimapur)
C/O- 99APO
PIN-797115
14. The Commandant
20th Battalion , The Assam Rifles ,
C/O- 99APO
PIN-932020.

39

- 14 -

15. The Commandant

14th Battalion , The Assam Rifles ,

C/O- 99APO

PIN-932014

16. The Commandant

HQ 9 Sector , The Assam Rifles ,

C/O- 99APO

PIN- 932509

17. The Commandant

17th Battalion , The Assam Rifles ,

C/O- 99APO

PIN-932017

18. The Commandant

38th Battalion , The Assam Rifles ,

C/O- 99APO

PIN-932038

19. The Commandant

43rd Battalion , The Assam Rifles ,

C/O- 99APO

PIN-932043

20. The Commandant

23 Sector , The Assam Rifles ,

C/O- 99APO

PIN-932523

21. The Commandant

33rd Battalion , The Assam Rifles ,

C/O- 99APO

PIN-932033

22. The Commandant

39th Battalion , The Assam Rifles ,

C/O- 99APO

PIN-932039

23. The Commandant

22th Battalion , The Assam Rifles ,
C/O- 99APO
PIN-932022

24. The Commandant

9th Battalion , The Assam Rifles ,
C/O- 99APO
PIN-932009

25. The Commandant

13th Battalion , The Assam Rifles ,
C/O- 99APO
PIN-932013

26. The Commandant

12th Battalion , The Assam Rifles ,
C/O- 99APO
PIN-932012

...Respondents

DETAILS OF THE APPLICATION :

1. Particulars against which the application is made :

- I. Claiming arrears of Special (Duty) Allowances with effect from the 1st September , 2001 till today and from the date of their appointment (from the date it become due) as introduced by the Government of India .
- II. Claiming arrears of Special (Duty) Allowances with interest@ 12% per annum , from the date it become due in the light of the direction of the Hon'ble Gauhati High Court , Shillong Bench, dated 03/09/2001 passed in WP(C) No. 195(SH) of 2001.

III. Order Dated the 28th day of August 2008 issued Vide Memo No. A/pers-0753/2008 by the Director General Assam Rifles i.e. Respondent No.3 extending the benefits to the Applicants with effect from the 2nd day of July, 2007.

IV Non- Disposal of the joint Application dated the 10th day of July, 2009

2. JURISDICTION OF THE TRIBUNAL

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

3. LIMITATION:

The Applicants further declares that this application is filed within the period of limitation as prescribed under section 21 of the Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE :

The facts of the case are given below:

- A. That, all the applicants are citizen of India by birth as such they are entitled to all the rights and privileges guaranteed under the constitution of India and the laws framed there under. Being aggrieved by a common cause of action, all the applicants have filed this instant application jointly seeking similar relief.
- B. That, all the applicants are working in different companies under the Director General Assam Rifles (hereinafter referred to as D.G.A.R.) i.e. Respondent No. 3 and all the applicants are non- combatised civilian employees . The

name of the applicants and their date of appointment are shown as below:

Sl.No. Name	Date of Appointment
1. Mr. Ombir Singh	07/06/2000
2. Mr. Deshraj	26/11/1999
3. Mr. Mahesh Thakur	29/06/2001
4. Miss Rajshree Singha	07/07/2005
5. Mr. Udal Ram	17/04/2004
6. Mr. Devasish Roy	17/08/1989
7. Mr. Ajoy Lama	03/02/2005
8. Mrs. Puathaihi Lushai	18/04/1997
9. Mrs. Lalbaiklani Lushai	28/10/2002
10. Sakir Ahmed Khan	22/05/2000
11. Mr. N.S. Karki	26/06/2000
12. Mrs. M. Romita Devi	01/04/2006
13. Mrs. Anita Pun	29/11/1999
14. Mr. Santosh Kumar Prasad	29/11/1999
15. Mr. Braj Nand Prasad	15/02/2005
16. Mr. Sanjay Kumar	15/02/2005
17. Mr. Vikash Ray	16/03/2003
18. Mr. Vimal Jha	21/05/2001
19. Mr. S.K. Chanchal	14/02/2005
20. Mrs. Kunti Devi	12/07/2001
21. Mr. Prabhash Kumar	25/01/2005
22. Mr. Prashant Vishwas	14/02/2005
23. Mrs. Megha	08/11/2006
24. Mr. Sathyanarayana H.K.	09/06/2000
25. Mr. Jaganidhi Pokhrel	04/02/2005
26. Mr. Anant Anand	30/11/1999

27. Mr. R.S. Negi	29/05/2000
28. Mrs. Anita Negi	11/02/2005
29. Mr. Parveen kumar	05/07/2000
30. Mr. Prithvi Nath	12/07/2000
31. Mr. Room Singh	26/06/2000
32. Mr. Dinesh Singh	19/05/2000
33. Mr. Dharambir Singh	20/06/2000
34 Mr. Arvind Kumar	12/08/2003
35. Mr. Sandeep Dhyani	29/06/2000
36. Mr. Rang Bahadur Yadav	13/07/2005
37. Mr. Atul Kumar	14/07/2005
38. Mr. Rahul Kumar	27/06/2005
39. Mr. Rathindra Kumar Dey	07/02/2005
40. Mr. Hemant Kumar Roushan	27/06/2005
41. Mr. Brijesh Kumar Pandey	22/11/1999
42. Mr. Girijesh Kumar Pandey	06/12/1999
43. Mr. Paritosh Mishra	08/08/2005
44. Smti Bharati Barik	15/07/2005
45. Mr. Nabarun Deb	24/12/1999
46. Mr. N C Bhowmik	12/06/2000
47. Mr. Chhaterpal	05/06/2000
48. Mr Arvind Kumar	07/02/2005
49. Mr. Ravi Mohan Divedi	11/08/2003
50. Mrs. Puspa Kumari	13/02/2002
51. Mr. Sudhakar	18/03/2003
52. Miss Hiramani Bora	10/02/2005
53. Mr. Bagwan Singh	06/07/2000
54. Miss. Munni Kumari	11/02/2005
55. Mr. Vinod Kumar	19/12/1999
56. Mr. Jadumani Barik	12/06/2000
57. Mr. Jagmohan Singh	02/12/1999
58. Mr. Rajneesh Kumar Mathur	03/02/2005

59. Smt. Joyeeta Deb	25/07/2002
60. Smt. V Settammal	10/10/1999
61. Smt Bhaishree Sunwar	28/02/1992

The Applicants craves leaves of the Hon'ble Tribunal to produce the photo copy of the appointment letters at the time of hearing

C. That, the Assam Rifles is directly under the General Superintendence and Control of the Central Government as per provisions of the Assam Rifles Act, 1941. The Office of the D.G.A.R. is held by a person who is an active member of the Indian armed forces and he is an officer generally above the rank of Brigadier in the Indian Army. The Assam Rifles is created under the above referred statute and function directly under the Control of Central Government. For all purposes the members are treated as soldiers of the Assam Rifles. Section-5 of the Assam Rifles Act, 1941, Specifies that classes and ranks in the Assam Rifles. The Service condition, pay and allowances of the Assam Rifles personnel both civilian and combatised are governed by the Assam Rifles Act, 1941 and Assam Rifles Rules, 1985.

D. That, the Applicants beg to state that the Union Government with a view to provide some incentives to the non-combatised / combatised personnel of the Assam Rifles those who are working in the States of North Eastern Region, amongst other granted Special (Duty) Allowance (hereinafter referred to as SDA). The Original Scheme was introduced by the Office Memorandum No.11/20044./3/83 E-IV dated 14/12/1983. The Government of India vide his letter No. 11011/1/84-FP.IV dated 02/02/1989 clarified the Government policy and accordingly Respondent No. 3 was informed by the said letter that SDA is admissible to the civilian non-combatised officers / employees. Considering the demand of the employees and other relevant aspect the Government of India decided to sanction grant of certain allowances like Special (Duty) Allowances viz. SDA, Special Compensatory (Remote locality) Allowances, Viz.JSCA(RL) by an order No.11011/1/84 FP IV dated 02/02/1989.

The relevant portion of the notification is shown below:

(1) Combatised personnel (including Cadre Officers) in battalions of Assam Rifles and the combatised personnel (including Cadre officers) in static Formations (such as Offices of DG, IGP, DIGS, Rang Hons. Training Centre etc. and other units (Maintenance Groups, workshops etc.) Of Assam Rifles.

Item (iii) in para 1 of Ministry of Finance O.M. No.II 20014/3/83-E-IV dated 14/12/83 as amended from time to time, read with their O.M. II20014/3/ 83-E-IV/II dated 29/10/86 their O.M. No. II 20014/3/83-E-IV dated 15/07/88 and Min of Fin. O.M. No.F/20014/1686.EIV/E-II(B) dated 01/12/08 (This is in modification of Sanction issued in MHA letter No.II 27012/31/85-FP.II dated 06/04/87

(ii) Non- combatised civilian personnel (including officers) in battalions of Assam Rifles and in static formations (such as officer of DG, IGP, DIG's, Range Hors, Training Centre etc.) and other units (Maintenance Group / workshops etc.) of Assam Rifles.

Same as above (This is in Modification of the sanction issued vide item (3) of Para -1 of MHA letter No. 11011/1/84-FP.IV dated 03/03/1986.

The typed copy of the Order dated the 2nd day February 1989 is annexed herewith and marked as Annexure-A.

E. That the applicants beg to state that considering the demand of the employees and other relevant aspect Government of India decided to grant of Special (Duty) Allowances to the non- combatised Civilian personnel by an order dated 02/02/1989 vide Memo No. 11011/1/84/FP.IV alongwith the combatised personnel and this order of the Government of India granting SDA to non - combatised civilian personnel is very distinct. That was a special order issued after considering all the pros and cons and eligibility criteria, which is admissible to the applicants to 12.5% against the basic pay.

F. That, the applicants beg to state that the applicants are bound to serve any where in India where Assam Rifles units are located. It was specifically mentioned in their appointment letters that they are liable to serve any where in India where Assam Rifles Units exist. Though the applicants are the non-combatised employees they are the part and parcel of the Assam Rifles Organisation. They are liable to serve in hard / soft / insurgency / remote difficulty arrears in North Eastern State and NE Council and have to stay with the combatised personnel.

G. That, the applicants beg to state that the Director General Assam Rifles vide its Memorandum dated 06/06/1998 inform the Ministry of Home Affairs that SDA is one of the concession / facilities extended to the non-combatised civilian employees serving in the NE Region with effect from 01/11/1983 sanctioned by the Ministry of Finance vide Office Memorandum dated 14/12/1983.

H. That, subsequently, consequent to Fourth Central Pay Commission recommendations, the above concessions / facilities were modified and two more concessions were given with effect from 01/12/1983. It is pertinent to mentioned herein that the Assam Rifles projected to the Ministry of Home Affairs for extension of the above concessions/ facilities including SDA to the combatised / non-combatised civilian personnel of Assam Rifles on the analogy that all these concessions including SDA were available to the employees of other CPOs like BSF, CRPF etc. similarly

situated in the NE Region. Subsequently, all these concessions except SDA were also extended to the combatised employees of Assam Rifles with effect from 01/11/1980 vide Ministry of Home Affairs letter dated 04/04/1987. The communication further mentioned that consequent to change over of pay structure of Assam Rifles Personnel from Army Pattern to CPO pattern from 01/01/1988 following Fourth Central Pay Commission recommendations, SDA in the analogy of other CPOs like BSF, CRPF etc. was also extended to both combatant and civilian employees of Assam Rifles with effect from 7/11/1988, with categorical mention of the civilian staff and officers of all static formations of Assam Rifles including Directorate General of Assam Rifles, vide Ministry of Home Affairs letter dated 03/02/1989.

- I. That, the Applicants beg to state that the Government of India, through the Ministry of Home Affairs by Office Memorandum dated the 3rd August, 2005 Vide Memo No. A-I-3/INST-ACCTS-3/PP-III, clarified it to the D.G.A.R. that allowances and facilities for civilian employees of the Central Government serving in the state and Union Territories of North - Eastern Region, Andaman and Nikobor Islands and Lakhawep would be admissible to the personnel who were actually working in the North - Eastern Region. This Office Memorandum was issued with the concurrence of Ministry of Finance, Department of Expenditure -E-II(B) Branch vide the UONO No. 315/05 dated 10/06/2005a and Integrated Finance Division of that Ministry vide their Dy. No. 748/Fin.II/05 dated 03/08/2005.

A type copy of the said Office Memorandum dated 3rd day of August, 2005 is annexed herewith and marked as Annexure-B.

- J. That, the Applicants beg to state that the Order of the Government of India's dated the 2nd day of February, 1989 granting SDA to Assam Rifles non-combatant civilian personnel with effect from 07/11/1988 is distinct. This is a special order issued after considering all the pros and cons of the eligibility criteria but the Respondents stop said benefits with effect from the 1st day of September 2001. The SDA is admissible to the Applicants at 12.5% of the basic pay. When the Respondents stop the payment of said benefits with effect from the 1st day of September, 2001 disputing Government of India's Order granting SDA dated 2nd February, 1989 some the Applicants approached the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati by filing Original Application invoking the Jurisdiction under Section - 19 of the Central Administrative Tribunal Act, 1985, ventilating their grievances to vindicate their rights as a lone forum of redressal. The Registration number of the said Original Applications and the dates of their disposal is given below:

Sl.No.	OA No.	Date of Disposal
1	OA No. 300/2007	11 th day of December, 2007
2.	OA No. 304/2007	19 th day of December, 2007
3.	OA No. 01/2008	08 th day of January, 2008
4.	OA No. 34/2008	28 th day of February, 2008

The Applicants further beg to state that the Applicant Nos. 12,14,15,16,17,29,30,32,38,57 and 58 of this instant Original Application were the Applicants of O.A. No. 34 of 2008 which was disposed of on the 28th day February, 2008. The Applicant Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 35, 36, 37, 40,44,47,48,50,51,53,54 and 55 of the instant Original Applications were the applicants of OA No. 01 of 2008 which was disposed of on the 8th day of January, 2008. The applicant Nos. 19,20,21,23,25,26,27,28,34,45 and 49 of this instant Original Application were the Applicants of OA No. 304 of 2007 which was disposed of on the 19th day of December, 2007. The applicant No. 41 of this instant Original Application was the Applicant of OA No. 300 of 2007 which was disposed of on the 11th day of December, 2007.

The Applicants craves leaves of the Hon'ble Tribunal to produced the certified copy of the said orders as and when called for.

- K. That, the Applicants beg to state that in pursuance of the command of the Hon'ble Central Administrative Tribunal, Guwahati Bench all the applicants individually submitted their representations on different dates regarding the grant of SDA with arrears addressing the D.G.A.R. After receiving the said representations of the Applicants regarding the grant of SDA with arrears, the D.G.A.R. by an order dated the 28th Day of August, 2008 issued Vide Memo No. A/Pers-0753/2008 extended the benefits of the SDA to all this instant Applicants w.e.f. 2nd July, 2007.

The type copy of the Order dated the 28th day of August, 2008 is annexed herewith and marked as Annexure-C.

L. That, the Applicants beg to state that Vide Annexure-C of the this instant Original Application, the Respondents though extended / granted the benefits of SDA with arrears for one year to the Applicants but Respondents refused to extend / grant the arrears with effect from the date it become due i.e., with effect from the 1st day of September 2001 and from the dates of their appointments. Vide Annexure-C, the Respondents even after admitting it that in pursuance of the command of the Hon'ble Tribunal, the Applicants submitted their representations individually addressing D.G.A.R. but the Respondents failed to disposed of it in its true perspective. Non - payment of outstanding amount accumulated towards SDA to the Applicants with effect from the date it become due, i.e. the 1st day of September, 2001 and from the dates of appointment of the applicants, is violative of Article - 14, 16 and 21 of the Constitution of India, whereas vide annexure -G, the Respondents already paid arrears to the other civilian employees of Assam Rifles personnel depriving this instant applicants. The said outstanding amounts accumulated towards SDA constitute property within the meaning of Article 300A of the Constitution of India. The Respondents are denying the said arrears of SDA to the applicants without any authority of law as has been done in this instant case.

M. That, the Applicants beg to state that outstanding amount accumulated toward SDA is due to the Applicants with effect from the 1st day September, 2001 and from the dates of their appointment. The name f the Applicant's and dates with effect from which arrears of SDA is due to the applicants is given below :

Sl.No. name	Date from which arrears of SDA is due
1. Mr. Ombir Singh	01/09/2001
2. Mr. Deshraj	01/09/2001
3. Mr. Mahesh Thakur	01/09/2001
4. Miss Rajshree Singha	07/07/2005
5. Mr. Udai Ram	17/04/2004
6. Mr. Devasish Roy	01/09/2001
7. Mr. Ajoy Lama	03/02/2005
8. Mrs. Puathaihi Lushai	01/09/2001
9. Mrs. Lalbaikliani Lushai	28/10/2002
10. Sakir Ahmed Khan	01/09/2001
11. Mr. N.S. Karki	01/09/2001
12. Mrs. M. Romita Devi	01/04/2006
13. Mrs. Anita Pun	01/09/2001
14. Mr. Santosh Kumar Prasad	01/09/2001
15. Mr. Braj Nand Prasad	15/02/2005
16. Mr. Sanjay Kumar	15/02/2005
17. Mr. Vikash Ray	16/03/2003
18. Mr. Vimal Jha	01/09/2001
19. Mr. S.K. Chanchal	14/02/2005
20. Mrs. Kunti Devi	01/09/2001
21. Mr. Prabhash Kumar	25/01/2005
22. Mr. Prashant Vishwas	14/02/2005
23. Mrs. Megha	08/11/2006
24. Mr. Sathyanarayana H.K.	01/09/2001
25. Mr. Jaganidhi Pokhrel	04/02/2005
26. Mr. Anant Anand	01/09/2001
27. Mr. R.S. Negi	01/09/2001
28. Mrs. Anita Negi	11/02/2005

29. Mr . Parveen kumar	01/09/2001
30. Mr. Prithvi Nath	01/09/2001
31. Mr. Room Singh	01/09/2001
32. Mr. Dinesh Singh	01/09/2001
33. Mr. Dharambir Singh	01/09/2001
34 Mr. Arvind Kumar	12/08/2003
35. Mr. Sandeep Dhyan	01/09/2001
36. Mr. Rang Bahadur Yadav	13/07/2005
37. Mr. Atul Kumar	14/07/2005
38. Mr. Rahul Kumar	27/06/2005
39. Mr. Rathindra Kumar Dey	07/02/2005
40. Mr. Hemant Kumar Roushan	27/06/2005
41. Mr. Brijesh Kumar Pandey	01/09/2001
42. Mr. Girijesh Kumar Pandey	01/09/2001
43. Mr. Parltosh Mishra	08/08/2005
44. Smti Bharati Barik	15/07/2005
45. Mr. Nabarun Deb	01/09/2001
46. Mr. N C Bhowmik	01/09/2001
47. Mr. Chhaterpal	01/09/2001
48. Mr Arvind Kumar	07/02/2005
49. Mr. Ravi Mohan Divedi	11/08/2003
50. Mrs. Puspa Kumari	13/02/2002
51. Mr. Sudhakar	18/03/2003
52. Miss Hiramani Bora	10/02/2005
53. Mr. Bagwan Singh	01/09/2001
54. Miss. Munni Kumari	11/02/2005
55. Mr. Vinod Kumar	01/09/2001
56. Mr. Jadumani Barik	01/09/2001
57. Mr. Jagmohan Singh	01/09/2001
58. Mr. Rajneesh Kumar Mathur	03/02/2005
59. Smt. Joyeeta Deb	25/07/2002
60. Smt. V Settammal	01/09/2001
61. Smt Bhaishree Sunwar	01/09/2001

N. That, the Applicants beg to state that all the Applicants are entitled to interest @12% per annum over the said outstanding amount accumulate toward SDA. The Division Bench of the Hon'ble Gauhati High Court vide his order dated 03/09/2001 passed in WP(C) No. 195 (SH) of 2001, direct the Respondents to pay interest @ 12% per annum over the arrears of SDA to the other Civilian employees of Assam Rifles from the date it become due till the date of payment. The relevant portion of the said order is quoted below.

" The operation of the impugned judgment dated 19/12/2000 of the Central Administrative Tribunal shall remain stayed. But whatever SDA that might have been paid to the Respondents shall not be recovered. It is made clear that in case the writ petitioners herein are unsuccessful in the Writ petition., arrears that may accumulated towards SDA pay able to the Respondents would be paid alongwith interest @ 12% per annum from the dated it become due till the date of payment".

The type copy of the Order date the 3rd day of September, 2001 passed by the Hon'ble Gauhati High Court in WP(C) No. 195(SH) of 2001 is annexed herewith and marked as Annexure-D.

O. That, the Applicants beg to state that it is settle principles of law that in cases of non- payment of arrears due to persons, the liability of the Respondents to pay interest at market rates commence from the date of non- payment and any culpable delay in settlement and disbursement thereof., the party responsible must be visited with

penalty of payment or payment in interest at the current market rate till actual payment.

P. That, the applicants beg to state that it is settled principles of law that when an amount legally due to party was not paid, the party responsible for non-payment / withholding it must pay interest at the rate considered reasonable as such respondents are liable to pay interest on the outstanding amount at the current market rate.

Q. That, the applicants beg to state that the Hon'ble Gauhati High Court vide his this judgment dated 24/07/2006 dismissed the Writ petition no.195(SH) of 2001 filed by the Respondents and the Respondents again challenging the said judgment dated 24-07-2006 filed a Special Leave Petition in the Hon'ble Supreme Court of India invoking the Jurisdiction under Article 136 of the Constitution of India assailing the legality of the said Judgment which was registered as SLP(C)No. (S) 2962/2007 but vide his order dated 26/02/2007 Division Bench of the Hon'ble Apex Court dismissed the said SLP on the plea of 'No merit'.

The type copy of the Judgment of the Hon'ble Gauhati High Court dated the 27th day of July, 2006 passed in WP(C)No. 195(SH) of 2001 is annexed herewith and marked as Annexure-E.

-AND-

The type copy of the Order of the Hon'ble Supreme Court dated the 26th day of February 2007 passed in SLP(Civil) No. (C)2962/2007 is annexed herewith and marked as Annexure-F

- R. That, the Applicants beg to state that by an order dated 20th July, 2007 issued vide memo no. I 11018/89/2001 - law, the D.G.A.R. granted SDA to other civilian employees of the Assam Rifles organization alongwith arrears and interest @12% per annum in view of this Hon'ble Tribunal Orders.

The type copy of the order dated the 20th day of July, 2007 is annexed herewith and marked as Annexure-G

- S. That the applicants beg to state that all the applicants on 10/07/2009 submitted an application jointly addressing the D.G.A.R. but no fruitful result came out in this attempt.

The Photocopy of the said Joint Application dated 10/07/2009 is annexed herewith and marked as Annexure-H

- T. That the applicants beg to state that it is a fit case for interference of the Hon'ble Tribunal and all the applicants are entitled to a direction from the Hon'ble Tribunal to the Respondents for releases the said outstand amounts accumulated towards SDA with interest @12% per annum with effect from the date of withholding it i.e. the 1st day of September, 2001 and from the date of appointments of the applicants.

5. **GROUND FOR RELIEF WITH LEGAL PROVISION :**

- I. For that considering the demand of the employees and other relevant aspect Government of India decided to grant of Special (Duty) Allowances to the non-combatised Civilian personnel by an order dated 02/02/1989 vide Memo No.

11011/1/84/FP.IV alongwith the combatised personnel and this order of the Government of India granting SDA to non-combatised civilian personnel is very distinct. That was a special order issued after considering all the pros and cons and eligibility criteria, which is admissible to the applicants @ 12.5% against the basic pay.

- II. For that when the Respondents stop the payment of said benefit with effect from the 1st day of September, 2001 disputing the Government of India's Order granting SDA, the Applicants jointly approached the Hon'ble Central Administrative Tribunal, Guwahati Bench and in pursuance of the direction of the Hon'ble all the Applicants individually submitted their representations on different dates regarding the grant of SDA with arrears addressing the D.G.A.R. After receiving the said representations of the Applicants, the respondents extend/ grant the benefits of SDA with arrears for one year but the Respondents refused to extended / granted the arrears, with effect from the date if become due, i.e. 1st September, 2001 and from the dates of appointments of the applicants. The Respondents are denying the sad outstanding amounts accumulate towards SDA to the Applicants without any authority of law.
- III. For that non payment of outstanding amount accumulated towards SDA to the Applicants w.e.f. the date it become due and from the dates of Appointment of the applicants is violative of Article 14, 16 and 21 of the Constitution of India whereas Vide Annexure-G respondents already paid the arrears with interest @12% per annum to other civilian employees of Assam Rifles depriving this instant Applicants.

- IV. For that outstanding amounts accumulated toward SDA constitute property within the meaning of Article 300A of the Constitution of India.
- V. For that the applicants are entitled to interest @12% per annum over the said outstanding amount accumulated towards SDA in light of the order of the Division Bench of the Hon'ble Gauhati High Court Shillong Bench dated 03/09/2001 in WP(C) No. 195(SH) of 2001.
- VI. For that it is a settled principle that in case of non-payment of arrears due to the persons, the liability of the Respondents to pay interest at market rate commence from the date of non-payment and any culpable delay in settlement and disbursement thereof, the party responsible must be visited with penalty of payment or payment in interest at the current market rate till actual payment.
- VII. For that it is settled principle of law that when an amount legally due to the party was not paid, the party responsible for non-payment / withholding it must pay interest at the current market
- VIII. For that Vide Annexure-C, the respondents even after admitting it that in pursuance of the command of Central Administrative Tribunal, the Applicants submitted their representations individually addressing D.G.A.R. but D.G.A.R. failed to dispose of it in its true perspective.
- IX. For that joint representation of the applicants dated 10/07/2009 is yet not disposed of in favour of the Applicants.

- X. For that inaction on the parts of the Representations to grant and to pay the outstanding amount accumulated towards SDA to the Applicants is highly prejudicial and they are legally entitled for the same.
- XI. For that financial loss caused to the Applicants by the Respondents .
- XII. For that Administrative Fair Play and Good Conscience is denied .
- XIII. For that respondents have violated their own sets of Rules and systems .

6. **DETAILS OF REMEDIES EXHAUSTED :**

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

7. **MATTER NOT PENDING WITH ANY OTHER COURT ETC.**

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

8. **RELIEF SOUGHT FOR**

I. Under the facts and circumstances state above , the Applicants humbly prays that Your Lordship would graciously be pleased to admit this Application , Call for the records of the case and issue notice to the Respondents to show cause as to why the relief(s) Sought for in this Application shall not be granted and / or perusal of records and after hearing the parties on the cause or causes that

may be shown , be pleased to grant the following relief (s).

- II. To direct the respondents to releases and to pay to the applicants outstanding amounts accumulated towards Special (Duty) Allowances with effect from the date it becomes due. i.e. the 1st day of September , 2001 and from the date of appointment of the Applicants till date.
- III. To direct the Respondents to release and to pay to the applicants outstanding amounts accumulated towards Special (Duty) Allowances with interest @ 12% per annum from the date it become due , i.e. the 1st day of September, 2001 and from the date of appointment of the Applicants till today .
- IV. The Cost of Application .
- V. Any other relief(s) as the Hon'ble Tribunal may fit and proper.

9. INTERIM RELIEF :

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

10. PARTICULARS OF THE BANK DRAFT / POSTAL ORDER

- I. IPO No. : 396 429 636
- II. Date of issue : 20/10/ 2009
- III. Issued from : Guwahati
- IV. Payable at : Guwahati

11. **WHERE AND WHO FILE THE APPLICATION**

The application has been filed through Advocate.

12. **LIST OF ENCLOSURES:**

As stated in the index / List of dates.

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VERIFICATION

I, Mr. Ombir Singh S/O- Mr. Sukhbir Singh , aged about 39 years , by profession - Hindi Translator, HQ. DGAR, Shilling, Meghalaya, PIN - 793011 do hereby state that I am one of the Applicants of the accompanied application and I am well conversant with facts of the case and for myself and on behalf of others applicants , duly authorized by them do hereby solemnly verify that the contents of paragraph nos. 1 to 3 , 6 to 11 are true my personal knowledge and those made in paragraphs 4 are believe to be true based on records and rest are my humble submission before this Tribunal and I have not suppressed any material facts.

And I signed this verification on this 21st day Oct of 2009 at Guwahati

Place : Guwahati

Date 21/10/2009


(Ombir Singh)
SIGNATURE OF THE APPLICANT

Typed copy
No.11011/1/84-FPIV
Government of India
Ministry of Home Affairs
New Delhi , dated the 2 Feb. '89

To ,
The Director General
Assam Rifles
Shillong-793011

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

Sir ,
I am directed to convey the sanction of the president to the grant of the following allowances to the personnel in Assam Rifles with effect from 07/11/1988.

Category of personnel
Entitled to allowance

Particulars of O.M.s
regulating the allowances.

(i) Combatised personnel
(including Cadre Officers) in battalions of Assam Rifles and the combatised personnel (including Cadre Offices) in static formations (such as Office of DG, IGP, DIGS Rang Hons, Training Centre etc. and other units (maintenance Group , workshops etc.) of Assam Rifles.

Item (ii) in para 1 of Ministry of Finance O.M. No.II 20014/3/83 -E-IV dated 14/12/83 as amended from time to time, read with their O.M. No. II 20014/3/83 -E-IV/II dated 29/10/86 their O.M. No. I 20014/3/83-E-IV dated 15/7/88 and Min of Fin . O.M. No. F. 20014/16/86, E-IV/E-II (B) dated 1/12/08 (This is in modification of sanction issued in MHA letter No. 27012/31/85-FP.II dated 06/04/87

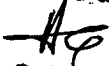
(ii) Non combatised personnel (including cadre offices) in battalions of Assam Rifles and in static formations (such)_ as: offices of DG, IGP, DIGs, Rang hors , Training Centre etc. and other units (Maintenance Group , workshops etc.) of Assam Rifles.

Same as above (this is in modifications of the sanction issued vide item (3) of para 1 of MHA letter No. 11011/1/84-FP.IV dated 03/03/86)

(2) Special Compensatory allowances (Also called as Special Compensatory(Remote Locality) Allowance Category of personnel as Mentioned Against item 1(i)

Same as indicated against items 1(ii) above Ministry of Finance O.M.s No. No.20014/6/86-F-IV dated 23/09/86 and 27/4/87 Meghalaya) No. 20014/71 (Assam) No. 20014/10/86 E.IV dt. 23/09/86 and 22/04/87 (Tripural) No. 20

Certified to be true Copy


Hara Gobinda Boruah
Advocate

dated 23/09/2006 and 16/04/2008 (Mizoram) No.20014/9/86 E IV and 23/09/86 (Nagaland) and 16/04/87 (Manipur) No. 20014/4/86-Ely dtd 23/09/86 and 22/04/87 (Arunachal Pradesh) also refer.(This is in modification of MHA letter No.27012/ 31/ 85 EP.II dated 06/04/87.)

(3) Sikkim Compensatory Allowance Combat-ised as well as Non- combatised personnel (including Officer) in Assam Rifles posted in Sikkim.

2. With effect from 07/11/88 , the Assam Rifles personnel who were in receipt of Special Compensatory Filed Area Allowances (as in the Army) will cause to draw the same .

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

4. This issue with the concurrence of the Ministry of Finance vide MOD No.5 (72) E, dated 7/11/88 and F.89/AS (E) / 89 dated 13/1/89 and Integrated Finance Division of this Ministry vide their Dy. No. 4744/H O/88) dated 7/12/88.

Yours faithfully

Sd/

(M.M. Sharma)

Deputy Secretary to the Government of India

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

Copy to :

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

Sd/

(M.M. Sharma)

Deputy Secretary to the Government of India

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HGB

Hara Gobinda Boruah
Advocate

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GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS

MEMO NO. A-1 -3/INST- ACCTS-3/PP-III

North Block , New Delhi

Dated , the 3 August , 2005

OFFICE MEMORANDUM

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

I am directed to refer to this Ministry's letter No.-II - 27012/31/85-PP.II dated 31/03/1987 Vide which the CPF Personnel posted in the North -Eastern Region and not having their head quarter in the N.E. Region were not getting Special (Duty) Allowance because of the condition that the Hqrs. of such personnel should be in North- East.

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

3. This issue with the concurrence of Ministry of Finance , Department of Expenditure , E-II (B) Branch vide their UO No. 315/05 dated 10/06/2005 and Integrated Finance Division of this Ministry vide their Dy . No. 748 /Fin.II / 05 dated 03/08/2005

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**Hara Gobinda Boruah
Advocate**

Sd/- Illegible
(Renjanesh Sahal)
Director (Police Finance)
Te. No. 2309-2123

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

Copy to :

1. (Sic)
(Meghalaya)/New Delhi.
2. FA , Assam Rifles , BSF , CISF , CRPF , ITBP and SSB
Shillong (Meghalaya)/New Delhi.
3. PPS to JS (P) for information of JS (p)
4. IFD (fin. II0,MHA
5. PFI/II/V/V Desks , MHA
6. Guard File (PF.III Desk) MHA.

Sd/- Illegible

(M.S. Kalaria)

Under Secretary to the Govt. of India

Te. No. 2309-2214

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Hara Gobinda Boruah
Advocate

Typed Copy

TO BE FAXED
(MOST URGENT)
COURT MATTER

Tele No.: 0364-2705076

Fax No.: 0364 -2230146

0364-22301216

E-mail :dgar abranh@yahoo.co.in

Government of India

Ministry of Home Affairs

Directorate General

Assam Rifles

Shillong - 793011

A /Pers - 0753/2008

28 Aug 2008

List : 'A', 'B', 'C', & 'E'

GRANT OF SDA TO LEFT OUT CIVILIAN EMPLOYEES OF ASSAM RIFLES .

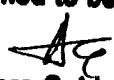
1. Refs

- | | |
|--------------------------------------|--------------|
| a. OA No. 300/2007 dtd. 11 Dec. 2007 | - 49 Pers . |
| b. OA No. 304/2007 dtd. 19 Dec. 2007 | - 55 Pers . |
| c. OA No. 01/2008 dtd. 08 Jan. 2008 | - 84 Pers . |
| d. OA No. 34/2008 dtd. 28 Feb. 2008 | - 39 Pers . |
| e. OA No. 40/2008 dtd. 03 Mar. 2008 | - 123 Pers . |

TOTAL - 350 Pers

2. This dte has been receiving numerous representations regarding grant of SDA to civil employees of Assam Rifles who have been left out of CAT Guwahati order dated 19 Dec. ,2000 and 20 Dec. 2000.
3. The matter has been examined in consultation with Ministry and it has been decided to extend the benefit to all the remaining 404 civilian employees of AR w.e.f. 02 July 2007 keeping in view the earlier CAT Guwahati order dated 19-12-2000 and 20-12-2000 to the similarly placed civilian petitioners . The arrears will be claimed by

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Hara Gobinda Boruah
Advoc

respective units and paid within two months from the date of this order.

4. You are requested to info the environment in this regard and instr. Units under your comd. to fwd. part II orders through spl courier for inclusion in pay bill of Sep., 2008

5. Accord priority

Sd/-

(Rajeev Kumar)

Lt. Col. SO-1(A)

For DG Assam Rifles.

Enclo.: 01(One)

Copy to:

Law Branch

- for your info wrt your letter

No.I.11089/89/2001 Law/ 461 dated 24 Apr 2008

Fin Branch

- The approx financial implication per month is Rs. 3,23,200/-The approx arrears to be paid is Rs. 42,00,000/-
You are requested to kindly release the amount to all concerned.

Estt Branch

- for similar action please

List 'G'

- For your info please

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**Hara Gobinda Boruah
Advocate**

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IN THE GAUHATI HIGH COURT
(THE HIGH COURT OF ASSAM; NAGALAND; MEGHALAYA;
MANIPUR; TRIPURA; MIZORAM AND ARUNACHAL PRADESH)

SHILLONG BENCH
CIVIL APPELLATE SIDE

Appeal from WP(C) 195(SH) of 2001

Civil Rule

Union of India & Others

Appellant / Petitioner

-VERSUS-

Shri RS Pathak

Respondent / Opposite Party

For Appellant

: Mr. SC Shyam , Addl. CGSC

Petitioner

For Respondent

: Mr. B.N. Dutta

Opposite Party.

Noting by Officer or Advocate	Serial No.	Date	Office notes , reports , orders or proceeding with signatures.

03/09/2001


PRESENT

The Hon'ble Chief justice Mr. RS Mongia

The Hon'ble Mr. justice AK Patnaik

Heard Mrs. SC Shyam , Leaned Counsel appearing for the
writ petitioners , and Mr. BN Dutta , Learned Counsel appearing
for respondents.

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Hara Gobinda Boruah
Advocate

We have gone through the impugned judgment of the Central Administration Tribunal and we are of the view that the case will require consideration at length .

Let the records be sent for .

Let a Rule issue calling upon the respondents to show cause as to why an appropriate writ or direction should not be issued , as prayed for and / or why such further or other order or orders should not be passed as to this court may deem fit and proper.

Be it listed for hearing in the month of February , 2001 when ever a Division Bench is available.

The operation of the impugned judgment dated 19/12/2000 of the Central Administrative Tribunal shall remain stayed . But whatever SDA that might have been paid to the respondents shall not be recovered . It is made clear that in case the writ petitioners herein are unsuccessful in the writ petition , arrears that may accumulate forwards SDA payable to the respondent would be paid alongwith interest @ 12% per annum from the date it become due till the date of payment


Sd/-

Judge

Sd/-

Chief Justice(Actg)

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Hara Gobinda Boruah
Advocate

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IN THE GAUHATI HIGH COURT

(THE HIGH COURT OF ASSAM; NAGALAND; MEGHALAYA; MANIPUR;
TRIPURA; MIZORAM AND ARUNACHAL PRADESH)

SHILLONG BENCH

WRIT PETITION NO. 195(SH) OF 2001

1. Union of India represented by the Secretary , Ministry of Home Affairs ,Govt. of India , North Block, New Delhi
2. The Secretary to the Govt. of India Ministry of Finance (Department Expenditure) New Delhi.
3. The Director General , Assam Rifles , Shillong
4. Deputy Controller , Pay & Accounts Office (Assam Rifles) Ministry of Home Affairs, Laitumukhra , Shillong.

...Petitioners

-VERSUS-

1. Shri R.S. Pathak and Other
2. The Central Administrative Tribunal, Guwahati

..... Respondents

PRESENT

The Hon'ble Mr. Justice D. Biswas

The Hon'ble Mr. Justice Vaiphei

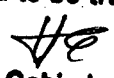
For the petitioner : Mr. S.C. Shyam , CGSC

For the respondent : Mr. B.C. Das , Sr. Advocate
Mr. B.N. Dutta , Advocate

Hearing : 24-07-2006

Date of Judgment and Order : 24-07-2006

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Hara Gobinda Boruah
Ad

JUDGMENT AND ORDER

By D. Biswas J

This Writ petition directed against the common judgment and order dated 19/12/2000 passed by the Central Administrative Tribunal, Guwahati Bench in OA Nos. 203, 297, 222, of 1988, 225, 268, 012, 372, 144, 194, 285, 379 and 442 of 1999. The respondents have been working as non-combatant civilian employees in different capacities under the Director General of Assam Rifles. Dispute arose with regard to payment of Special (Duty) Allowances (SDA) which was paid to them in pursuance of the notification dated 02/02/1989 issued by the Ministry of Home Affairs. By the notification, the Government of India permitted payment of Special (Duty) Allowance to non-combatant civilian personnel including officers under the battalion of Assam Rifles and static formation (such as offices of DG, IGP, DIG, Range Hq's, Training Centre etc. Accordingly, the respondents were paid Special (Duty) Allowance. It may be mentioned here that the concept of payment of Special (Duty) Allowance was first introduced by the Government of India by the notification dated 14th December, 1983. Proposal for payment of the allowances to the civilian employees of the Assam Rifles was initially turned down by Ministry of Home Affairs, Government of India vide Letter dated 03/03/1986 on the ground that the Assam Rifles personnel and civilian non-categorized officers/employees do not have all India transfer liability. Thereafter, the Ministry of Home Affairs, Government of India with concurrence of the Ministry of Finance, issued the notification dated 02/02/1989 permitting payment of Special (Duty) Allowances to the non-combatant civilian personnel of the Assam Rifles. The benefit given to this notification was withdrawn by the notification dated 12/01/1996 with direction for recovery of the allowance paid to them after 20-09-1994. The Learned Tribunal held that the office memorandum dated

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Hara Gobinda Boruah
Advocate

02/02/1989 , whereby the civilian combastised employees have been granted the allowance , is a distinct and independent policy decision of the Government of India and the decision to pay has been taken irrespective of all India transfer liability . The Tribunal set aside the impugned notification holding inter- alia that refusal to grant Special (Duty) Allowances to the applicants is without justification and the steps taken for recovery of the amount already paid is unjustified .Further direction has been given to the authority to refund the amount , if any already recovered in pursuance of the impugned notification dated 12/01/1996.

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

3. We have examined the notification dated 04/12/1983 , 03/03/1986 and 12/01/1996 issued by the Government of India from time to time . We have also considered the decision of the Hon'ble Supreme Court in Union of India and others -VS- Vinay Kumar and others , reported in 1994 Supp(3) SCC 649 . We find no reason to disagree with the view expressed by the learned Tribunal that while granting Special (Duty) Allowances to the non- combatant civilian employees of the static formation of the Assam Rifles . The Ministry took note of all its earlier office Memorandum and took a conscious decision to pay Special (Duty) Allowances to the non- combastised civilian employees of the Assam Rifles. The notification dated 2nd February , 1989 was issued with sanctioned of the president of India granting payment of Special (Duty) Allowances with effect from 07/11/1988. The notification dated 2nd February , 1989 appears to be a conscious decision of the Union Government taken after consideration of all material factors including service conditions

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Hara Gobinda Boruah
Advocate

-3-

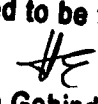
of the employees serving in the Assam Rifles. The authority allowed payment of the allowance knowing fully well that such civilian non-combatant officers and personnel of Assam Rifles do not have all India Transfer liability. Therefore, the notification issued by the Government of India granting Special (Duty) Allowances is not(sic) to the earlier office memorandum. The decision reflected in this notification is distinct and independent of the earlier decision. This view finds support from the averments of the Writ petition in their written statement submitted before the Tribunal in O.A. N. 207/1998. In para -3 of the said Written Statement, it is submitted that the Orders of the President granting Special (Duty) Allowance to Assam Rifle with effect from 07/11/1989 is a distinct and special order for Assam Rifles which was issued after lapse of almost five years and after considering all pros and cons of the eligibility criteria. For this reason we are of the view that the decision of the Hon'ble Supreme Court in Vijay Kumar Supra cannot be a sound basis for withdrawing the benefit given to the non-combatant civilian employees with the sanction of president. It is more so because this notification was not under consideration of the Hon'ble Supreme Court in Vijay Kumar Supra. The notification reflects independent Policy decision of the Union and hence it shall hold the filed unless modified by the competent authority as indicated hereinbefore. We find no ground for interference with the judgment and order of the Learned Tribunal.

In the result, the writ petition is dismissed

Sd/- illegible

Sd/- illegible

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Hara Gobinda Boruah
Advocate

-49-

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Court No. 5
SUPREME COURT OF INDIA
RECORDS OF PROCEEDINGS

Section XIV

Petitioner(s) for Special Leave to Appeal (Civil)

No(s) 2962/2007

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

Union of India & Ors

Petitioner(s)

-VERSUS-

R.S. Pathak & Ors. Respondent(s)

Date : 26-02-2007 this petition was called for hearing today.

CORAM

Hon'ble Mr. Justice HK Sema

Hon'ble Mr. Justice U.K. Jain

For petitioner(s)

Mr. I. Mohan, ASG

Mrs. Binu Tamata, Adv.

Mrs. B. Sunita Rao, Adv.

Mr. Shanti Bhusan Chaubey, Adv.

Ms. Sushma Suri Adv.

For Respondents(s)

Mr. N.R. Choudhury, Adv.

Mr. Somnath Mukherjee, Adv.

Upon hearing counsel the court made the following

ORDER

We see no reasons to interfere, the special leave petition is
dismissed.

Sd/-
(Ravi P. Vema)
Court Master

Sd/-
(Anand Singh)
Court Master

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Hara Gobinda Boruah
Advocate

Typed Copy

Tele No. : 2705016

By SDS

Mahanideshalaya Assam Rifles

Directorate General of Assam Rifles

Shillong - 793011

1. 11018/89/2001-law

Headquarters

Inspector General Assam Rifles(North)

C/o 99 APO

Grant of Special Allowances (SDA) to civilian employees of Assam Rifles in view of CAT, Guwahati order dated 19-12-2000 in OA No. 203/98 RS Pathak & Others and The Series .


Ref your Sig 6844 dated 17/07/2007

It is intimated that MHA vide its letter UO No. 27013/04/2007 - pf.iv dated 13/07/2007 directed to implement the CAT orders dated 19/12/2000 in respect of the petitioner only .

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

- | | |
|----------------------|--|
| a. O.A. No. 207/1998 | Shri H .N. Sharma & 24 Others (Sl. No. 1) |
| b. O.A. No. 222/1998 | Shri B.K. Chartterjee & 31 Others (Sl.No. 2) |
| c. O.A. No. 225/1999 | Shri S R Dhar & 23 Others (Sl. No. 4) |
| d. O.A. No. 268/1999 | Shri V.S. Sarma & 86Others (Sl. No. 5) |
| e. O.A. No. 312/1999 | Shri K.Choudhury& 67Others (Sl. No. 6) |
| f. O.A. No. 372/1999 | Shri S.D. Bhuyan & 41 Others (Sl. No. 7) |
| g. O.A. No. 144/1999 | Shri A.C. Chanda & 19 Others (Sl. No. 8) |
| h. O.A. No. 194/1999 | Shri B.C. Roy & 20 Others (Sl. No. 9) |

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Hara Gobinda Boruah
Advocate

- i. O.A. No. 285/1999 Shri S.C. Kar & 9 Others (Sl. No.10)
j. O.A. No. 379/1999 Shri HR Chakraborty & 78 Others (Sl. No. 11)
k. O.A. No. 442/1999 Shri A.M. Kumar & 5 Others (Sl. No. 12)
l. O.A. No. 129/1999 Shri K.Bayan & 154 Others (Sl. No. 13)
m. O.A. No. 166/1999 Shri B.N. Deka & 5 others (Sl. No. 14)
n. O.A. No. 168/1999 Shri Dr. Ajit Bora (Sl. No. 15)
o. O.A. No. 284/1999 Shri G.B. Singh & 98 Others (Sl. No. 16)
p. O.A. No. 109/1999 Shri R.P. Singh & 6 Others (Sl. No. 17)
q. O.A. No. 341/1999 S.P. CHakraborty & 05 Others (Sl. No. 18)
r. O.A. No. 345/1999 Dr. B. Ghose & 2 Others (Sl. No. 19)
s. O.A. No. 425/1999 Mrs. Dimnqui & 12 Others (Sl. No. 20)
t. O.A. No. 429/1999 Shri B.N. Talukdar & 16 Others (Sl. No. 21)

4. In view of above , list of the petitioners as per records available in respect of above mentioned cases along with copy of CAT order dated 19-12-2000 are forwarded as desired please. The same may please be disseminate to all concerned Sector HQRS/Units under your command.

5. Please ack.

(S. Salooja)

Lt. Colonel

Dy Chief Law Officer

For Chief Law Officer

Enclo.: As stated above


Copy to :

Headquarters IGAR (s)

C/O: 99APO

: Ref your signal No. A 6468 dated 16/07/2007 complete list of petitioners alongwith copy of CAT order dated 19-12-2000 is forwarded herewith for similar action, as stated above.

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Hara Gobinda Boruah
Advocate

Headquarters:

21 Sector Assam Rifles

-DO-

C/o 99APO

Headquarters:

23 Sector Assam Rifles

-Do-

C/o 99APO

Headquarters:

25 Sector Assam Rifles

-Do-

C/o 99APO

Headquarters:

Assam Rifles Signal Unit

Shillong

Ref. your letter No.II 17017 /
Fin/2007 /342 dated 17/07/2007 .

It is requested to dispatch a
competent clerk well conversant
with the case to East Branch this
Directorate since a list of petitioners
being fwd to them.

Assam Rifles

Am Support Unit

Happy Valley,

Shillong-07

Ref. your letter No.

Fin/4101/28/2007/637 dated 16/07/

2007 . It is requested to dispatch
a competent clerk well conversant
with the case to East Branch this
Directorate since a list of petitioners
being fwd to them.

Est. Brnach (Bill Sec)

HQ DGAR, Shillong -II

(Internal)

Complete list of the Petitioners
along with copy of CAT Order
dated 19/12/2000 for your further
necessary action .

Certified to be true Copy



Hara Gobinda Boruah
Advocate

To,

The Director General Assam Rifles,
Mahanideshalaya, shillong, Meghalaya-793001

Date the 10th day of July 2009

Sub: To grant and to pay outstanding amount accumulated towards SDA w.e.f. 1st day of September, 2001 and from the dates of appointment with interest @12% per annum.

Ref: 1. Order dated 03/09/2001 passed in WP(c)No. 195 (SH) of 2001 by the Division Bench of the Hon'ble Gauhati High Court granting interest @12% per annum to other civilian employees of A.R. Organization.

Sir,

Most respectfully and humbly we the civilian employees of Assam Rifles beg to lay before you following lines for your kind consideration.

1. That, union of India with a view to provide some incentives to the non-combatised civilian employees of Assam Rifles those who working in the NE region amongst other granted Special (Duty) Allowances.
2. That, Union of India by an order 02/02/1989 Issued vide Memo No. 11011/1/84 FP-IV clarified the govt. policy and accordingly this directorate is informed vide said order that Special (Duty) allowances is admissible to the civilian employees of Assam Rifles. Considering the demand of the employees and other relevant aspect Govt. of India grant the said benefits to the Assam Rifles civilian personnel.
3. That, the order of the Govt. of India dated 02/02/1989 granting Special (Duty) Allowances to the Assam Rifles civilian employees w.e.f. 07/11/1988 is distinct. It was a special order issued after considering all the pros and cons of the eligibility criteria.

The Special (Duty) allowances is admissible to the Applicants 12.5% of the basis pay. The union of India by the Office Memorandum dated 3rd August, 2005 issued vide memo No. A-1-3/ INST-ACCTS-3/PP III, clarified it to this directorate that the Special (Duty) Allowances is admissible to the civilian employees of Assam Rifles.

Certified to be true Copy

Hara Gobinda Boruah
Advocate

INDIA POST

POST BOX NO. 100, SHILLONG
Jammu & Kashmir
Pin-191101

For: THE DIRECTOR GEN. ASSAM RIFLE
Shillong, PIN: 793001

From: HARA GOBINDA BORUAH, C/O 99 APO

Wt: 60 grams, Amt: 29.00, 22/07/2009, 12:28

Taxes: Rs. 4.00 (EDD) (If not a holiday): 00:00:00

5. That, your good office stop the payment of Special (Duty) Allowances disputing Govt. of India's order granting Special (Duty) Allowances w.e.f. 1st day of September, 2001.
6. That, in the year 2007 -2008 employees of AR organization approached the Hon'ble Central Administrative Tribunal, Guwahati Bench praying for a direction to this Directorate to release the Special (Duty) Allowances with arrears, by filing Original Application invoking jurisdiction U/S 19 of the Central Administrative Tribunal Act, 1985. The Registration Number of the said Original Application and their date of disposal is given below

Sl. No. I	O.A.	Dates of Disposal
I	O.A.No. 300/2007	11 th December, 2007
II	O.A.No. 304/2007	19 th December, 2007
III	O.A.No. 01/2008	08 th January, 2008
IV	O.A.No. 34/2008	28 th February, 2008
V	O. A.No. 40/2008	03 rd March, 2008

7. That, by an order dated 28th day of August, 2008 Issued Vide Memo. No. A/Pears-0753/2008 your good office grant SDA only for one year, w.e.f. 2nd July, 2007.
8. That, Applicant are entitled to the arrears of Special (Duty) Allowances a w.e.f. 1st September, 2001 and from the dates of Appointment. The refusal of this Directorate General to extend the benefit w.e.f. the date of it become due, i.e. 1st September 2001 and from the date of appointment is highly illegal.
9. That, non-payment of outstanding amount accumulated towards Special (Duty) Allowances to the applicants w.e.f. 1st September, 2001 and from the dates of Appointment is violative of Article 14, 16 and 21 of the constitution of India.
10. The outstanding amount accumulated towards Special (Duty) Allowances constitute property within the meaning of Article 300A of the Constitution of India and the Applicants are entitled

Contd....P/3

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Hara Gobinda Boruah
Advocate

to interest @ 12% per annum over the said outstanding amounts.

11. That the Special,(Duty) Allowance, w.e.f. 1st September, 2001 and from the dates of appointment with Interest @ 12% per annum is a legal demand of the Applicants:

It is therefore prayed before you to grant, and to pay the outstanding amounts accumulated towards Special (Duty) Allowances (arrear of SDA) w.e.f. 1st September, 2001 and from the dates of Appointment with interest @ 12% per annum.

All the Applicants as in duty bounds shall ever pray.

Yours faithfully

1. Mr. Ombir Singh

S/O : Mr. Sukhbir Singh

Hindi Translator

HQ. D.G.A.R (Hindi Section)

Meghalaya, Shillong

PIN:793011

2. Mr. Deshraj

S/O: Mr. Jaswant Singh

Hindi Translator

26th Battalion, The Assam Rifles

C/O : 99APO

3. Mr. Mahesh Thakur

S/o: Krishna Dev Thakur

Hindi Typist

26th Battilion, The Assam Rifles.

C/O: 99 APO

4. Miss Raj Shree Singha

D/O: Late Balram Singh

Hindi Typist

HQ. 21 Sector, The Assam Rifles.

C/o: 99 APO

PIN : 932521

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Contd. P/4

Hara Gobinda Boruah
Advocate

-4-

6. Mr. Devasish Roy

S/O: Mr. A.K. Roy

Hindi Teacher

1st Battalion, The Assam Rifles

C/O: 99 APO

7. Mr. Ajoy Lama

S/o Mr. J.B. Lama

Junior Teacher

16th Battalion, The Assam Rifles

C/o: 99APO

8. Mrs. Puathaihi Lushai

W/o Mr. Thangpuia

Female Safai

1st Battalion, The Assam Rifles.

C/o: 99APO

9. Mrs. Lalbiakliani Lushai

W/o: Mr. Ralliana

Female Safai

1st Battalion, The Assam Rifles.

C/O: 99 APO

10. Md. Sakir Ahmed Khan

S/O- Md. Ahmed Shaid Khan

Hindi Translator

31st Battalion, The Assam Rifles.

C/O: 99 APO

11. Mr. N.S. Karki

S/O - Mr. Prem Singh Karki

Hindi Typist

7th Battalion, The Assam Rifles

C/O 99APO.

12. Mrs. M. Romita Devi

W/o Late M. Joy Singh

Female Safai

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Hara Gobinda Boruah
Ad. Date

-5-

7th Battalion, The Assam Rifles

C/o: 99APO

13. Mrs. Anita Pun

W/O: Late J.B. Pun

Female Safai

7th Battalion, The Assam Rifles

C/o: 99APO

14. Mr. Santosh Kumar Prasad

S/O: Mr. Ram Kumar Prasad

Hindi Typist

44th Battalion, The Assam Rifles

C/O: 99APO

15. Mr. Braj Nand Prasad

S/o: Mr. Lal Singh

Hindi Teacher

16th Battalion, The Assam Rifles

C/O: 99 APO

16. Mr. Sanjay Kumar

S/O: Mr. B. B. Singh

Hindi Teacher,

42nd Battalion, The Assam Rifles

C/O. 99 APO

17. Mr. Vikash Ray

S/O: Mr. Chandrika Ray

Junior Teacher

Assam Rifles Training Centre and

School (Dimapur), Nagaland

PIN : 797115

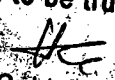
18. Mr. Vimal Jha

S/O - Mr. C.S. Jha

Hindi Typist

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Hara Gobinda Boruah
Advocate

42nd Battalion, The Assam Rifles

C/O : 99APO

19. Mr. S.K. Chanchal

S/O: Late Basanta Kumar Ram

Junior Teacher

20th Battalion, The Assam Rifles

C/O : 99APO

20. Mrs. Kunti Devi

W/O- Shri Bansfor

Female Safai

42nd Battalion ,The Assam Rifles

C/O :99APO

21. Mr. Prabash Kumar

S/O: Mr. Bharat Lal Mandal

Hindi Teacher

Assam Rifles Training Centre and
School (Dimapur)

PIN- 797115

22. Mr.Prashant Vishwas

S/O : Mr. Dhiresh Vishwas

Junior Teacher

Assam Rifles Training Centre , and
School (Dimapur)

PIN- 797115

23. Mrs. Megha

W/O- Mr. C.V. Joshep

Staff Nurse

42nd Battalion , The Assam Rifles


C/O :99APO

24. Mr. Sathyanarayana H.K.

(Retired)

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Hara Gobinda Boruah
Advocate

S/O- Mr. K.S. Bhatt

Hindi Translator

18th Battalion, The Assam Rifles

C/O: 99 APO

25. Mr. Jaganidhi Pokhrel

S/O- Mr. R.P. Pokhrel

Junior Teacher

1st Battalion, The Assam Rifles

C/O : 99 APO

26. Mr. Anant Anand

S/O- : Mr. Satywan Kapri

Hindi Typist

1st Battalion, The Assam Rifles

C/O : 99 APO

27. Mr. R.S. Negi

S/O- Mr. S.S. Negi

Hindi Translator

1st Battalion, The Assam Rifles

C/O : 99 APO

28. Mrs. Anita Negi

W/O- Mr. R.S. Negi

Senior Teacher

1st Battalion, The Assam Rifles

C/O : 99 APO

29. Mr. Parveen Kumar

S/O- Mr. Saran Dass

Hindi Translator

Assam Rifles Training Centre, and

School, Dimapur (Nagaland)

PIN- 797115

30. Mr. Prithvi Nath

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Hara Gobinda Boruah
Advocate

S/O Mr. B.D. Bhagat

Hindi Typist

14th Battalion, The Assam Rifles

C/O :99APO

31. Mr. Room Singh

S/O- Mr. Lalman

Hindi Translator

9 Sector, The Assam Rifles

C/O :99APO

PIN : 932509

32. Mr. Dinesh Singh

S/O- Mr. Bag Singh

Hindi Translator

17th Battalion, The Assam Rifles

C/O :99APO

33. Mr. Dharambir Singh

S/O- Mr. Randhir Singh

Hindi Typist

17th Battalion, The Assam Rifles

C/O :99APO

34. Mr. Arvind Kumar

S/O- Mr. A.K. Thakur

Hindi Typist

Assam Rifles Training Centre and
School (Dimapur)

PIN- 797115.

35. Mr. Sandeep Dhyani

S/O - Mr. Murlidhar Dhyani


Hindi Typist

HQ. D.G.A.R (Hindi Section)

Meghalaya Shillong

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Hara Gobinda Boruah
Advocate

PIN:793011

36. Mr. Rang Bahadur Yadav

S/O- Mr. Kodai Yadav

Hindi Typist

38th Battalion , The Assam Rifles

C/O :99APO

37. Mr. Atul Kumar

S/O - Mr. Surender Pal Singh

Hindi Typist

43th Battalion , The Assam Rifles

C/O :99APO

38. Mr. Rahul Kumar

S/O - Mr. Awadhesh Kumar Sinha

Hindi Typist

HQ. 23 Sector, The Assam Rifles

C/O 99 APO

PIN: 932523

39. Mr. Rathindra Kumar Dey

S/O - Mr. Rasaraj Dey

Junior Teacher

38th Battalion , The Assam Rifles

C/O :99APO

40. Mr. Hemant Kumar Roushan

S/O - Mr. Jagdev Prasad

Hindi Typist

HQ. D.G.A.R (Hindi Section)

Meghalaya, Shillong

PIN:793011

41. Mr. Brijesh Kumar Pandey

S/O - Late Sudama Pandey

Hindi Translator

HQ. D.G.A.R (Hindi Section)

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Hara Gobinda Baruah

A

-10-

Meghalaya Shillong

PIN:793011

42. Mr. Girijesh Kumar Pandey

S/O - Late Sudama Pandey

Hindi Teacher

33rd Battalion , The Assam Rifles

C/O :99APO

43. Mr. Paritosh Mishra

S/O - Mr. Aswani Mishra

Hindi Typist

39th Battalion , The Assam Rifles

C/O :99APO

44. Mrs. Bharati Barik

W/O - Mr. Sunil Swain

Hindi Typist

HQ. D.G.A.R (Hindi Section)

Meghalaya Shillong

PIN:793011

45. Mr. Nabarun Deb

S/O - Mr. R. K. Deb

Hindi Translator

14th Battalion , The Assam Rifles

C/O :99APO

46. Mr. N C Bhowmik

S/O - Late D. C. Bhowmik

Hindi Translator

HQ. D.G.A.R (Hindi Section)

Meghalaya Shillong

PIN:793011

47. Mr. Chhaterpal

S/O - Late Balbir Singh

Hindi Translator

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Hara Gobind Singh
A1v

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22nd Battalion, The Assam Rifles

C/O :99APO

48. Mr Arvind Kumar

S/O - Late Balbir Singh

Hindi Teacher

9th Battalion, The Assam Rifles

C/O :99APO

49. Mr. Ravi Mohan Dwivedi

S/O - Mr. Suresh Prasad Dwivedi

Hindi Translator

13th Battalion, The Assam Rifles

C/O : 99 APO

50. Mrs. Puspa Kumari

W/O - Mr. A K Singh

Senior Teacher

22nd Battalion, The Assam Rifles

C/O: 99 APO

51. Mr. Sudhakar

S/O- Mr. Kameshwar Singh

Hindi Teacher

22nd Battalion, The Assam Rifles

C/O: 99 APO

52. Miss Hiramani Bora

D/O Mr. Niran Chandra Bora

Junior Teacher

22nd Battalion, The Assam Rifles

C/O: 99 APO

52. Mr. Bagwan Singh

S/O Mr. Sandhu Singh


Hindi Typist

22nd Battalion, The Assam Rifles

C/O: 99 APO

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Hara Gobinda Boruah
Advocate

54. Miss. Munni Kumari

D/O- Mr. R.S. Shukla Baidya

Junior Teacher

15th Battalion, The Assam Rifles

C/O: 99 APO

55. Mr. Vinod Kumar

S/O- Late Rajender Singh

Hindi Translator

12th Battalion, The Assam Rifles

C/O: 99 APO

56. Mr. Jadumani Barik

S/O- Mr. R.M. Barik

Hindi Translator

9th Battalion, The Assam Rifles

C/O: 99 APO

57. Mr. Jagmohan Singh

S/O- Mr. Arjun Singh

Hindi Typist

9th Battalion, The Assam Rifles

C/O: 99 APO

58. Mr. Rajneesh Kumar Mathur

S/O- Mr. A.S. Mathur

Hindi Teacher

9th Battalion, The Assam Rifles

C/O: 99 APO

59. Smt. Joyeeta Deb

D/O- Late. Bijoy Kumar Deb


Junior Teacher

9th Battalion, The Assam Rifles

C/O: 99 APO

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Hara Gobinda Boruah
Advocate

60. Smt. V Settammal

W/O- Late Subbramaniam

Female Safai

9th Battalion, The Assam Rifles

C/O: 99 APO

61. Smt Bhaishree Sunwar


W/O- Mr. Seti Sunwar

Female Attendant

9th Battalion, The Assam Rifles

C/O: 99 APO

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Hara Gobinda Boruah
Advocate