

6

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A. No. 29/2009
O.A./TA/NO.....2013
R.A./CP/NO.....2013
E.P./M.P./NO.....2015

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2. Judgment/ order dtd. 08.10.2009 pg.....1.....to.....2 ✓
3. Judgment & Order dtd.....received from H.C. /Supreme Court.
4. O.A. 29/09.....page.....01.....to.....21 ✓
5. E.P/M.P.page.....to.....
6. R.A./C.P.....page.....to.....
7. W.S.Page.....to.....
8. Rejoinder.....page.....to.....
9. Replypage.....to.....
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filed by M. K. K. D. M. Adv.

20/07/2015
SECTION OFFICER (JUDL.)

9.7.15

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDERSHEET

1. Original Application No: 29/2009

2. Miscellaneous Petition No

3. Contempt Petition No

4. Review Application No

Applicant(S) A.P.S. Guleria

Respondant(S) M.C.T. Joke

Advocate for the Applicant(S): Absentia

Advocate for the Respondant(S): CGSC

Notes of the Registry	Date	Order of the Tribunal
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The applicant, APS Guleria has submitted an application by post regarding special duty allowance along with a bank draft of Rs. 150/- which is not in proper format. Hence we have informed him vide our letter dated 5.9.08 ^{at Regd} about the defects of application. But the applicant neither came to this Registry nor remove the defects by his advocate except steps i.e. three more petitions along with envelopes are submitted to this Registry by post. Now the petition is registered as O.A No. 29/09 and the same is placed before the Hon'ble V.C. for passing necessary order.

A.P.S. Guleria, Hindi Teacher of 20 Assam Rifles, PIN- 932020 C/o 99 APO, sent an application (under section 19 of Administrative Tribunals Act, 1985) dated 04.08.2008 (along with a copy of order dated 19.12.2000 of this Tribunal rendered in O.A.207/1998 and batch of cases and Govt. order dated 20.07.2007 implementing the said order of this Tribunal seeking orders for grant of SDA in his favour); because by a Govt. Order dated 27.11.2007 said (SDA) benefits were denied to those who were not parties to those cases. This application (received by post) was not in proper form; for which a notice was sent to him.

2) Another application dated 05.01.2009 has also been received (by post) from said APS Guleria; which is also not in proper form.

[Signature]
Section Officer

20/12/09

20/12/09
22/12/09

Contd...

Contd.
08.04.2009

OA-29/2009

20-4-09
Memo. of Appearance
Submitted by Addl. case.
Kankan Das.

all documents of
O.A. 29/2009 received
24-4-09

Copies of notices
along with order
dated 8/4/09 send to
D/Sec. for issuing to
resp. no- 1, 2 by regd.
A/D post.

And copies of all
applications along with
order handed over to
learned Addl. C.C.S.C,
K. Das.

Copy of this order/bbl
also send to D/Sec. for
issuing to applicant
by post. M.No. 2049
Dt. 28-4-09

24/4/09. D/No-1971 & 1972
Dt. 22-4-2009

Notice copy duly served
on R-2

3. Registry to issue notice to the Respondents [(1) Union of India represented through the Secretary to the Govt. of India in the Ministry of Home Affairs, North Block, New Delhi and (2) Director General of Assam Rifles at Shillong - 793 001, Meghalaya] requiring them to file their written statement/counter by 29.05.2009.

4. Registry to supply copies of all applications and documents to Mr. Kankan Das, learned Addl. Standing counsel for the Government of India.

5. Notwithstanding the pendency of this case, the Respondents shall remain free to ^{Re-Consider and about} grant SDA, as prayed for, to the Applicant.

6. Send copies of this order to the Applicant and the Respondents (along with notices) and a free copy of this order be also supplied to Mr. Kankan Das, learned Addl. Standing counsel for the Government of India.

(M.R. Mohanty)
Vice-Chairman

-3-

OA 29/09

29.05.2009

None appears for the Applicant nor the Applicant is present.

Mr. K. K. Das, learned Addl. Standing Counsel appearing for the respondents prays more time to file written statement.

Call this matter on 21st July 2009 awaiting written statement from the Respondents.

Send copies of this order to the Applicant and to all the Respondents in the address given in the O.A.

(N.D. Dayal)
Member(A)

(M.R. Mohanty)
Vice-Chairman

lm

None appears for the Applicant nor the Applicant is present. Mr. K. K. Das, learned Addl. Standing Counsel representing the Respondents (with instructions from the Deputy Chief Law Officer of Assam Rifle Organization /Directorate) seeks four weeks time to file written statement. He has informed that the subject matter of this case is being processed with Ministry of Home Affairs for which four weeks time would be required to file written statement.

In the aforesaid premises, call this matter after four weeks/on 21.08.2009 awaiting written statement from the Respondents.

Send copies of this order to the Applicant and to all the Respondents.

(M.K. Chaturvedi)
Member(A)

(M.R. Mohanty)
Vice-Chairman

lm

As per direction of Hon'ble Vice-Chairman, dated 25/5/09 in the letter of A.P.S. Gyleria, applicant of O.A. 29/09, copy of order dated send to D/Sec. for issuing to applicant by speed post.

D/No-2657

26/5/09. Dated - 26/5/09.

Notice duly served on 21.07.2009
R-1

27.5.09

No W/s filed.

28.5.09.

W/s not filed.

20.7.09.

K. Das

Send copies of this order to the Applicant and to all the Respondents.

22/7/09

Copies of order dated 21/7/09 send to D/Sec. for issuing to the applicant and all the resp.

24/7/09. D/No 3978 to 3980
D/- 24/7/09

No W/s filed.

21.08.2009

None appears for the Applicant nor the Applicant is present. Mr.K.K.Das, learned Addl.Standing Counsel (who has got some written instructions), seeks an adjournment for six weeks.

Call this matter on 08.10.2009, for ~~for~~ hearing.

Send copies of this order to the Applicant and the Respondents in the address given in the O.A.

(M.K.Chaturvedi)
Member(A)

(M.R.Mohanty)
Vice-Chairman

lm

Copies of order

dated 21/8/2009

Send to D/Sec
for issuing to
the applicant and
all the respondents
by post.

D/No - 9820-9822

25/8/09 D/ 22.8.09

No W/s filed.

17.10.09

~~No W/s filed.~~

7.10.09

No W/s filed.

7.9.09

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O.A. 29/09.

Notes of the Registry

Date

Order of the Tribunal

The letter dated 21.09.09
(at flag 'A') received by this
Registry from APS Guleria,
Hindi Translator Gde II
20 Assam Rifle, C/O 99 APO
regarding SDA in connection
with O.A. No. 29/2009.

/bb/

Laid before the Honble
Cmt for kind perusal.

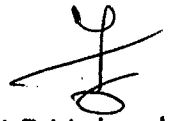
7/10/09

12/10/09

Copy of judgment
order dtd 8/10/09 send
to the D/section for
issuing to the Applicant
and Respts. by Regd.
post.

D/No. 12315 to 12317 ^{Dem}
12/10/09
dtd 3.11.2009

For the reasons recorded
separately, this O.A. is disposed of.


(M.R. Mohanty)
Vice-Chairman

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**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

O.A. No.29 of 2009

DATE OF DECISION: 08.10.2009

Sh.A.P.S. Guleria

.....Applicant/s.

Absentia

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

- Versus -

Union of India & Ors.

.....Respondent/s

Mr. Kankan Das, Addl. C.G.S.C.

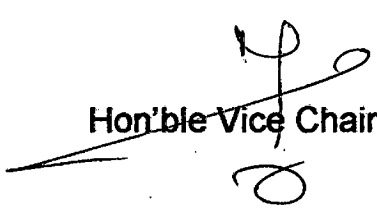
.....Advocate for the
Respondents

CORAM

THE HON'BLE MR.MANORANJAN MOHANTY, VICE CHAIRMAN.

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

Judgment delivered by


Hon'ble Vice Chairman.

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**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No.29 of 2009

Date of Order: This, the 8th Day of October, 2009

HON'BLE SHRI MANORANJAN MOHANTY, VICE CHAIRMAN

Sh.A.P.S. Guleria
Hindi Translator, Grade-II
S/O Sh Y.S. Guleria
20 Assam Rifles
PIN: 932020
C/o 99 APO.

Applicant.

Absentia.

- VERSUS -

1. The Union of India
(Ministry of Home Affairs)
New Delhi.
2. Directorate General
Assam Rifles
Shillong
PIN: 793011.

...Respondents.

By Advocate: Mr. Kankan Das, Addl. C.G.S.C.

ORDER (ORAL)
08.10.2009

MANORANJAN MOHANTY, (V.C.) :

Non-payment of SDA to the Applicant (and similarly placed civilian employees of Assam Rifles), from the date the Applicants of other O.A.s have been given the benefits is the subject matter of grievance raised in this case.

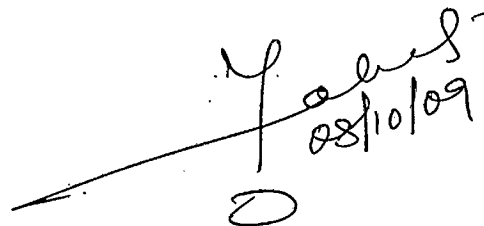
2. By way of filing materials on record, Mr.Kankan Das, learned Addl. Standing counsel for the Government of India states that the Respondent Organisation has already decided to grant SDA benefits to 404 civilian employees of Assam Rifles w.e.f. 03.09.2001 or from the date of appointment

whichever is later. The instruction dated 07.10.2009 give to Mr.Kankan Das, learned Addl. Standing counsel for the Government of India reads as under:-

"2. It is intimated by the Ministry of Home Affairs vide their letter No.27013/6/2008-PF IV dated 18 September 2009 (copy enclosed) that the matter has been examined in consultation with Ministry of Finance and it has been decided to grant the benefit of SDA to 404 ineligible civilian employees of Assam Rifles with effect from 03 September 2001 or from the date of appointment whichever is later, keeping in view the earlier approval of SDA for 1216 similarly placed civilian employees of Assam Rifles covered by CAT, Guwahati Judgment dated 19.12.2000 and 20.12.2000. No interest on the outstanding amount of SDA to 404 civilians will be paid."

3. In the aforesaid premises, this case is disposed of; because the Respondents have acceded to the prayer of the Applicant during pendency of this case.

4. Send copies of this order to the Applicant and to all the Respondents.



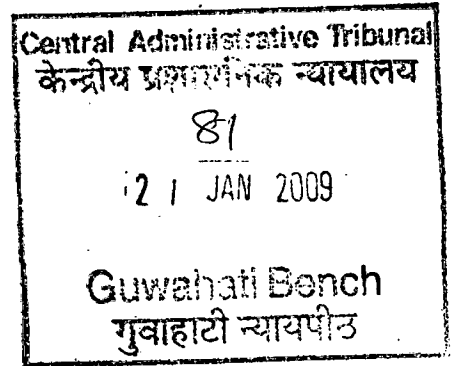
(MANORANJAN MOHANTY)
VICE CHAIRMAN

/BB/

Hindi/SDA-08/

05 Jan 2009

The Registrar
Central Administrative Tribunal
Guwahati High Court (Guwahati Bench)
Rajgarh Road, Off Shillong Road Bhangagarh
Guwahati- 781005
Assam.



FORWARDING OF AN APPLICATION IN THE HON'BLE CAT GUWAHATI UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNAL ACT, 1985 FOR GRANT OF SPECIAL DUTY ALLOWANCE (SDA) TO ASSAM RIFLES CIVIL EMPLOYEE (SH. APS GULERIA) IN VIEW OF CAT GUWAHATI ORDER 203/98 DATED 19 DEC 2000 AND 20 DEC 2000.

Sir,

1. Please reference to your letter No.CAT/GHY/56/JUDL/53 dated 05 Sep 2008.
2. Subject application as directed vide your letter under reference is forwarded herewith duly rectified and prepared in the prescribed form alongwith three petition copies with petition size envelopes.
3. It is also added that Hon'ble CAT Guwahati order OA No.-203/98 (Photostat copy dt 19 Dec 2000) and SBI Guwahati Bank Draft No. No. 337261 dated 30 Apr 2008 for Rs 150/- had already been fwd to your office vide our earlier letter No. Hindi/SDA-08/ dt 04 Aug 2008.
4. Sir, I Shri APS Guleria, is serving with Assam Rifles since 1994 and presently posted in 20 Assam Rifles as a civil employee Hindi Translator Grade-II and my unit is deployed in the active counter insurgency area of Manipur. Sir, with effect from September 2001, I have been deprived of Special Duty Allowance (SDA) by my department. However, in view of Hon'ble Central Administrative Tribunal, Guwahati order dated 19 Dec 2000 in OA No. 203/98 – RS Pathak & Others and the series some Assam Rifles civil employees are drawing Special Duty Allowance with retrospective effects and those (including myself) whose names were not included in the said order as a petitioner are left deprived of Special Duty Allowance. It is pertinent to mention here that all the civil employees of Assam Rifles are working in the same environment in the force but some are privileged to draw SDA and others are deprived of the same.
5. Now, HQ Directorate General Assam Rifles, Shillong vide their letter No. A/pers-0753/2008 dot 28 Aug 2008 conveyed order to Assam Rifles units regarding grant of Special Duty Allowance to left out civil employees of Assam Rifles wef 02 July 2008 (Photostat copy att). However, I have been deprived of SDA wef 01 September 2001 and my colleagues whose names were included in the OA No. 203/98 – RS Pathak & Others have drawn arrears of SDA wef 01 Sep 2001 in accordance with above cited Hon'ble CAT Guwahati order.

21.1.09
JUDL

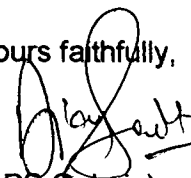
6. The above injustice has caused a lot of mental agony to the applicant. In view of the above your kind honour is earnestly requested to take necessary action at your end to restore Special Duty Allowance wef September 2001.

7. I Shall remain ever grateful to you for this act of kind consideration please.

8. It is also prayed that my unit is deployed in the active counter insurgency area of Manipur and due to non conducive situation of movement lam unable to come Guwahati. Hence on my behalf public prosecutor may be authorised to pursue my case and may make rectification in this petition if found any.

Thanking you Sir,

Yours faithfully,



(APS Gulena)
Hindi Translator
20 Assam Rifles
PIN-932020

Enclousers :

(a) Fresh Application in triplicate
alongwith three envelops

FORM-1

[see rule 4]

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

21 JAN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

Application under Section 19 of the Administrative Tribunal Act, 1985

Title of the case: GRANT OF SDA TO ASSAM RIFLES CIVIL EMPLOYEE IN VIEW OF CAT, GUWAHATI ORDER DATED 19 DEC 2002.

O A No. 29/09
INDEX

S/No.	Description of Documents relied upon	Page No
1.	Application	01 to 03

Signature of the applicant

For use in Tribunal's Office

Date of filing : 19.2.09

OR

Date of Receipt by post : 21.1.09

Registration No. : O.A. 29/09

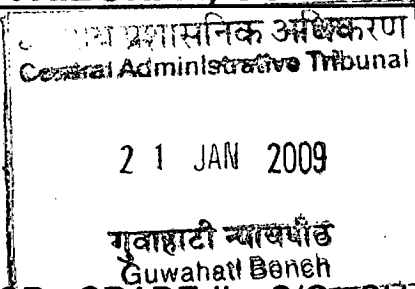
Signature of Registrar

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI

BENCH

O.A No. 29/09

APPLICANT



(SH. A.P.S GULERIA, HINDI TRANSLATOR GRADE-II, S/O SH Y.S GULERIA, 20 ASSAM RIFLES, PIN-932020, C/O 99 APO)

VS

1. UNION OF INDIA (MINISTRY OF HOME AFFAIRS) NEW DELHI
 2. DIRECTORATE GENERAL ASSAM RIFLES, SHILLONG, PIN-793011
-

Most Respected Sir,

1. I am serving with Assam Rifles as Hindi Translator Grade-II (civil employee) wef 16 May 2000 and presently posted at 20 Assam Rifles, C/O 99 APO under Directorate General Assam Rifles, Shillong-793011.

2. That Sir, prior to September 2001 Assam Rifles civil employees were drawing "Special Duty Allowance" (SDA) but in compliance with Directorate General Assam Rifles, Shillong-793011 order the Assam Rifles units ceased/stopped the Special Duty Allowance (SDA) with effect from September 2001 onwards of all the civil employees of Assam Rifles. Subsequently, maximum of Assam Rifles civil employees filed the case regarding grant of SDA in the Hon'ble Central Administrative Tribunal, Guwahati. Ultimately, Hon'ble Central Administrative Tribunal, Guwahati judiciously examined the subject matter and held the above petition legitimate and further passed order to grant of SDA to the petitioners of this case. (Copy of the CAT, Guwahati order OA No. 203/98 dated 19 Dec 2000 attached for ready reference please).

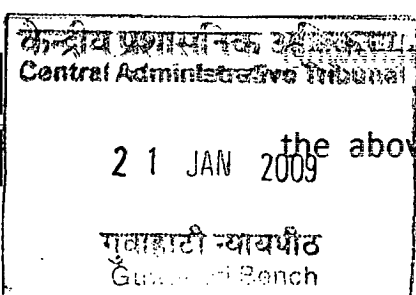
Contd-----2/-

3. That Sir, a few of Assam Rifles civil employees including myself those who were posted in the Assam Rifles units deployed in the remotest area of NE region, lacking adequate communication facilities could not get include their names in the aforesaid case filed in the Hon'ble CAT, Guwahati as a petitioner. Being a civil employee of Assam Rifles I approached my department to grant permission to draw SDA wef Sep 2001 on the above mentioned Hon'ble CAT Guwahati order but the department turned down the request saying that only petitioners of the above case are eligible to draw SDA. At present petitioners as mentioned in the said court order only are drawing SDA and Non petitioners are kept deprived of SDA in the Assam Rifles.

4. That Sir, being deployment of my unit in the remotest area lacking all kinds of communication means resulting communication gap my name was left out as a petitioner of the aforementioned case.

5. That, the applicant hereby declare that subject matter is within the jurisdiction of the Hon'ble CAT, Guwahati and application is within the limitation period prescribed in Section 21 of CAT Act, 1985. Applicant further declare that I have not previously filed any application, suit regarding the matter in respect of which this application has been made, before any court or authority or other Bench of the Tribunal.

6. That Sir, in view of the facts mentioned in para 2, 3 and 4 above, the applicant prays most humbly Hon'ble Central Administrative Tribunal,



for the relief that keeping the similarity of the case as mentioned in the above CAT, Guwahati enclosed order in the light of natural law of justice.

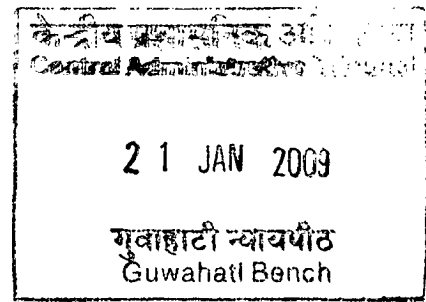
Contd-----3/-

an order on the similar lines may please be passed on to Directorate General Assam Rifles, Shillong-793011 to release/grant of SDA to me wef September 2001 i.e from the date of ceasing/stoppage of SDA with interest thereon as applicable on date as the applicant has been facing monetary stringency .

7. Sir, I shall remain ever grateful to you for this act of kindness.

8. List of Enclosures :

- (a) Application in triplicate
- (b) Verification in triplicate
- (c) Form- I in triplicate
- (d) Form-II in triplicate



Thanking you, Sir


 Yours faithfully,
 (APS Guleria)
 Hindi Translator Gde-II
 20 Assam Rifles
 C/O 99 APO

Dated : 05 Jan 2009

16

VERIFICATION

I, Shri APS Guleria S/O Sh YS Guleria, age 36 years working as Hindi Translator in the office of the Commandant 20 Assam Rifles, C/O 99 APO resident of Vill+PO Tripal, The Dehra, Dist-Kangra (HP) do hereby verify that the contents of para 1 to 09 are true to my personal knowledge and para 01 to 09 believed to be true on legal advice and that I have not suppressed any materials facts.

Date : 05 Jan 09


Signature of the applicant

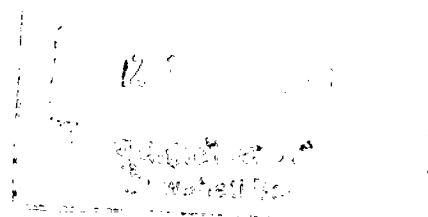
(APS Guleria, Hindi Translator)

20 Assam Rifles, C/O 99 APO

Place : Field

To

The Registrar
Central Administrative Tribunal
Guwahati Bench.
Rajgarh Road
Off Shillong Road(Bhangagarh)
Guwahati - 781005



5
X
X
FORM II

(see rule 4(4))

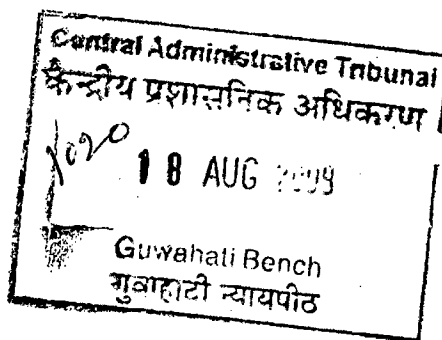
RECEIPT SLIP

Receipt of the application filed in the Central Administrative Tribunal, Guwahati
Bench by Shri APS Guleria working as Hindi Translator in the office of the Commandant 20
Assam Rifles, PIN-932020 , C/O 99 APO residing at 20 Assam Rifles is hereby
acknowledged.

Place :

Date:

For Registrar
Central Administrative Tribunal
Guwahati Bench



6

20 Assam Rifles
PIN-932020
C/O 99 APO

Hindi/SDA-08/

04 Aug 2008

The Registrar
Central Administrative Tribunal
Guwahati High Court (Guwahati Bench)
Rajgarh Road, Off Shillong Road Bhangagarh
Guwahati- 781005
Assam.

FORWARDING OF AN APPLICATION IN THE HON'BLE CAT GUWAHATI UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNAL ACT, 1985 FOR GRANT OF SPECIAL DUTY ALLOWANCE (SDA) TO ASSAM RIFLES CIVIL EMPLOYEE (SH. APS GULERIA) IN VIEW OF CAT GUWAHATI ORDER 203/98 DATED 19 DEC 2000.

Sir,

1. Subject application alongwith supporting documents is forwarded herewith for your kind consideration and further action please.

2. I, Sh APS Guleria is serving with Assam Rifles since 1994 and presently posted in 20 Assam Rifles as a civil employee Hindi Translator Grade-II and my unit is deployed in the active counter insurgency area of Manipur. Sir, with effect from September 2001 I have been deprived of Special Duty Allowance (SDA) by my department. However, in view of Hon'ble Central Administrative Tribunal, Guwahati order dated 19 Dec 2000 in OA No. 203/98 - RS Pathak & Others and the series some Assam Rifles civil employees are drawing Special Duty Allowance with retrospective effects and those (including myself) whose names were not included in the said order as petitioners are left deprived of Special Duty Allowance. It is pertinent to mention here that all the civil employees of Assam Rifles are working in the same environment in the force but some are privileged to draw SDA and others are deprived of the same.

3. The above injustice has caused a lot of mental agony to the applicant. In view of the above your kind honour is earnestly requested to take necessary action at your end to restore Special Duty Allowance wef September 2001.

4. I Shall remain ever grateful to you for this act of kind consideration please.

Thanking you Sir,

Yours faithfully,

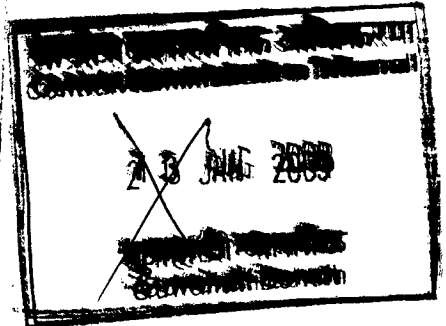
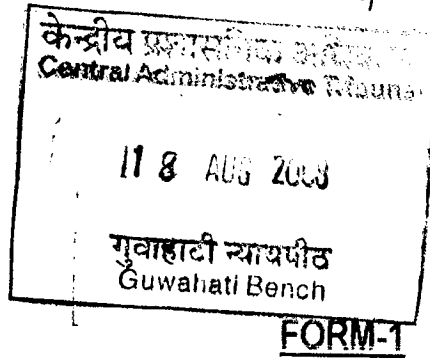
(APS Guleria)
Hindi Translator
20 Assam Rifles
PIN-932020
C/O 99 APO

Enclosures :

- (a) Hon'ble CAT Guwahati order OA No.-203/98 - 01 copy
(b) Application in triplicate
(c) Bank Draft for Rs.150/-
(d) Verification in triplicate
(e) Form- I in triplicate
(f) Form-II in triplicate
(g) Self addressed envelope- 1

50 (7)
13/8/08

Provenit
above
& Report
- of work
13/8/2008



FORM-1

[see rule 4]

Application under Section 19 of the Administrative Tribunal Act, 1985

Title of the case: GRANT OF SDA TO ASSAM RIFLES CIVIL EMPLOYEE IN VIEW OF CAT, GUWAHATI ORDER DATED 19 DEC 2002.

O.A No. 29/09

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1.	Application	01 to 03
2.	CAT, Guwahati order dated 19 Dec 2002	04 to 0
3.	HQ DGAR Letter No. A/pers/0859/2007 dt 27 Nov 2007	

Signature of the applicant

For use in Tribunal's Office

Date of filing :

OR

Date of Receipt by post :

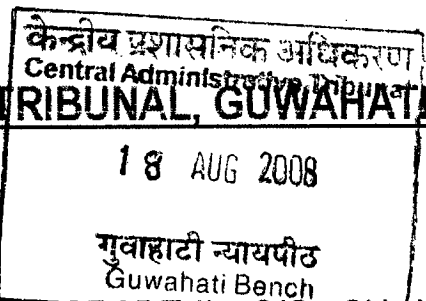
Registration No. :

Signature of Registrar

- 8 -

28

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI
BENCH



APPLICANT

(SH. A.P.S GULERIA, HINDI TRANSLATOR GRADE-II, S/O SH. Y.S GULERIA, 20 ASSAM RIFLES, PIN-932020, C/O 99 APO)

VS

1. UNION OF INDIA (MINISTRY OF HOME AFFAIRS) NEW DELHI
 2. DIRECTORATE GENERAL ASSAM RIFLES, SHILLONG, PIN-793011
-

Most Respected Sir,

1. I am serving with Assam Rifles as Hindi Translator Grade-II (civil employee) wef 16 May 2000 and presently posted at 20 Assam Rifles, C/O 99 APO under Directorate General Assam Rifles, Shillong-793011.

2. That Sir, prior to September 2001 Assam Rifles civil employees were drawing "Special Duty Allowance" (SDA) but in compliance with Directorate General Assam Rifles, Shillong-793011 order the Assam Rifles units ceased/stopped the Special Duty Allowance (SDA) with effect from September 2001 onwards of all the civil employees of Assam Rifles. Subsequently, maximum of Assam Rifles civil employees filed the case regarding grant of SDA in the Hon'ble Central Administrative Tribunal, Guwahati. Ultimately, Hon'ble Central Administrative Tribunal, Guwahati judiciously examined the subject matter and held the above petition legitimate and further passed order to grant of SDA to the petitioners of this case. (Copy of the CAT, Guwahati order OA No. 203/98 dated 19 Dec 2000 attached for ready reference please).

Contd-----2/-

3. That Sir, a few of Assam Rifles civil employees including myself those who were posted in the Assam Rifles units deployed in the remotest area of NE region, lacking adequate communication facilities could not get include their names in the aforesaid case filed in the Hon'ble CAT, Guwahati as a petitioner. Being a civil employee of Assam Rifles I approached my department to grant permission to draw SDA wef Sep 2001 on the above mentioned Hon'ble CAT Guwahati order but the department turned down the request saying that only petitioners of the above case are eligible to draw SDA. At present petitioners as mentioned in the said court order only are drawing SDA and Non petitioners are kept deprived of SDA in the Assam Rifles.

4. That Sir, being deployment of my unit in the remotest area lacking all kinds of communication means resulting communication gap my name was left out as a petitioner of the aforementioned case.

5. That, the applicant hereby declare that subject matter is within the jurisdiction of the Hon'ble CAT, Guwahati and application is within the limitation period prescribed in Section 21 of CAT Act, 1985. Applicant further declare that I have not previously filed any application, suit regarding the matter in respect of which this application has been made, before any court or authority or other Bench of the Tribunal.

6. That Sir, in view of the facts mentioned in para 2, 3 and 4 above, the applicant prays most humbly Hon'ble Central Administrative Tribunal, Guwahati for the relief that keeping the similarity of the case as mentioned in the above CAT, Guwahati enclosed order in the light of natural law of justice,

18 AUG 2008

গুৱাহাটী ন্যায়ালয়
Guwahati Bench

3

an order on the similar lines may please be passed on to Directorate General Assam Rifles, Shillong-793011 to release/grant of SDA to me wef September 2001 i.e from the date of ceasing/stoppage of SDA with interest thereon as applicable on date as the applicant has been facing monetary stringency. *I, request to have oral hearing at the admission stage.*

7. Sir, I shall remain ever grateful to you for this act of kindness.

8. **SBI Bank Draft in favour of "" Registrar CAT, Guwahati""** for Rs.150/- bearing machine No. 337261 dated 30 Apr 2008 is enclosed herewith.

9. List of Enclosures :

- (a) Hon'ble CAT Guwahati order OA No.-203/98 - 01 copy
- (b) Application in triplicate
- (c) Bank Draft for Rs.150/-
- (d) Verification in triplicate
- (e) Form- I in triplicate
- (g) Form-II in triplicate
- (h) Self addressed envelope- -1

Thanking you, Sir

Yours faithfully,

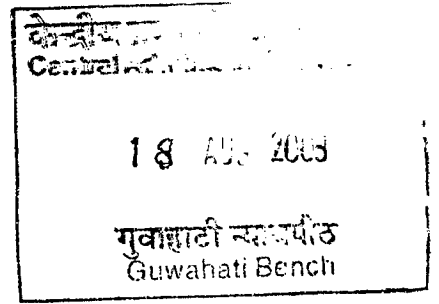


(APS Guleria)
Hindi Translator Gde-II
20 Assam Rifles
C/O 99 APO

Dated 04 Aug 2008

11

VERIFICATION



I, Shri APS Guleria S/O Sh YS Guleria, age 36 years working as Hindi Translator in the office of the Commandant 20 Assam Rifles, C/O 99 APO resident of Vill+PO Tripal, The Dehra, Dist-Kangra (HP) do hereby verify that the contents of para 1 to 09 are true to my personal knowledge and para 01 to 09 believed to be true on legal advice and that I have not suppressed any materials facts.

Date : 04 Aug 2008


Signature of the applicant
(APS Guleria, Hindi Translator)
20 Assam Rifles, C/O 99 APO

Place : Field

To

The Registrar
Central Administrative Tribunal
Guwahati Bench.
Rajgarh Road
Off Shillong Road(Bhangagarh)
Guwahati - 781005

12/ 28
FORM II

(see rule 4(4))

RECEIPT SLIP

Receipt of the application filed in the Central Administrative Tribunal, Guwahati Bench by Shri APS Guleria working as Hindi Translator in the office of the Commandant 20 Assam Rifles, PIN-932020, C/O 99 APO residing at 20 Assam Rifles is hereby acknowledged.

Place :

Date:

For Registrar
Central Administrative Tribunal
Guwahati Bench

File No. - 2705016

BY SDS

Mahadevshala Assam Rifles
Directorate General Assam Rifles
Shillong - 793011

1. 018/89/2001-Law

20 Jul 2007

Headquarters

Inspector General Assam Rifles (North)

C/O 99 APO

**GRANT OF SPECIAL DUTY ALLOWANCE (SDA) TO CIVILIAN
EMPLOYEES OF ASSAM RIFLES IN VIEW OF CAT, GUWAHATI
ORDER DATED 19.12.2000 IN OA NO. 203/98- R S PATHAK &
OTHERS AND THE SERIES**

Ref your Sig. A 6844 dated 17.07.2007.

2. It is intimated that MHA vide its letter 'UO No. 27013/04/2007-PF.IV dated 03.07.2007 directed to implement the CAT orders dated 19.12.2000 in respect of the petitioners only.

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

- | | | |
|-----|-------------------|--|
| (a) | O.A. No. 207/1998 | - Shri H N Sharma & 24 Others (Srl No.2) |
| (b) | O.A. No. 222/1998 | - Shri B K Chatterjee & 31 Others (Srl No.3) |
| (c) | O.A. No. 225/1999 | - Shri S K Dhar & 23 Others (Srl No. 4) |
| (d) | O.A. No. 268/1999 | - Shri V S Sarma & 86 Others (Srl No. 5) |
| (e) | O.A. No. 312/1999 | - Shri K Choudhury & 67 Others (Srl No. 6) |
| (f) | O.A. No. 372/1999 | - Shri S D Bhuyan & 41 Others (Srl No. 7) |
| (g) | O.A. No. 144/1999 | - Shri A C Chanda & 19 Others (Srl No. 8) |
| (h) | O.A. No. 194/1999 | - Shri B C Roy & 20 Others (Srl No. 9) |
| (i) | O.A. No. 285/1999 | - Shri S C Kar & 09 Others (Srl No. 10) |
| (j) | O.A. No. 379/1999 | - Shri M R Chakraborty & 78 Others (Srl No.11) |
| (k) | O.A. No. 442/1999 | - Shri A M. Kumar & 5 Others (Srl. No.12) |
| (l) | O.A. No. 129/2000 | - Shri K Bayan & 154 Others (Srl No. 13) |
| (m) | O.A. No. 166/2000 | - Shri B N Deka & 05 Others (Srl No. 14) |
| (n) | O.A. No. 168/2000 | - Shri Dr. Ajit Bora (Srl No. 15) |
| (o) | O.A. No. 284/1999 | - Shri G B Singh & 98 Others (Srl No. 16) |
| (p) | O.A. No. 109/2000 | - Dr. P K Singh & 06 Others (Srl No. 17) |
| (q) | O.A. No. 341/2000 | - Shri P Chakraborty & 05 Others (Srl No.18) |
| (r) | O.A. No. 345/2000 | - Dr. B Ghosh & 02 Others (Srl No. 19) |
| (s) | O.A. No. 425/2000 | - Dr. S Dimigel & 12 Others (Srl No. 20) |
| (t) | O.A. No. 429/2000 | - Shri B N Talukdar & 16 Others (Srl No. 21) |

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 advised please. The same may please be disseminated to all concerned Sector HQs/ Units under your command.

Please ack.


(S Salooja)
Lt Colonel
Dy Chief Law Officer
For Chief Law Officer

Encl. As stated above.

Copy to

Headquarters
IGAR(S)
C/o 99 APO

Ref your Signal No. A 6468 dated 16.07.2007. Complete list of petitioners along with copy of CAT order dated 19.12.2000 is forwarded herewith for similar action as stated above.

Headquarters
21 Sector Assam Rifles
C/o 99 APO

-do-

Headquarters
23 Sector Assam Rifles
C/o 99 APO

-do-

Headquarters
25 Sector Assam Rifles
C/o 99 APO

-do-

Assam Rifles Signal Unit
Shillong -11

Ref your letter No. II.17017/Fin/2007/342 dated 17.07.2007. It is requested to despatch a competent Clerk well conversant with the case to Est Branch this Directorate since a list of petitioners being fwd to them.

Assam Rifles
Adm Support Unit
Happy Valley,
Shillong-07

Ref your letter No. Fin/4101/28/2007/637 dated 16.07.2007. It is requested to despatch a competent clerk well conversant with the case Est Branch this Directorate since a list of petitioners being fwd to them.

Est Branch(Bill Sec)
HQ DGAR, Shillong-11
(Internal)

Complete list of the petitioners along with copy of CAT order dated 19.12.2000 for your further necessary action.

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গুৱাহাটী পীঠ
Guwahati Bench

O.A.No.268/1999

Shri S. Som and 16 others
By Advocates Mr B.R. Sarmah and Mr. S. Sarma
- versus -

The Union of India and others
By Advocate Mr B.S. Dasumatory, Addl. C.G.S.C.

..... Respondents

O.A.No.312/1999

Shri Keshab Choudhury and 67 others
By Advocates Mr D.K. Mishra, Mr A. Dutta and
Mr R. Agarwal
- versus -

..... Applicants

The Union of India and others
By Advocate Mr B.C. Pathak, Addl. C.G.S.C.

..... Respondents

O.A.No.372/1999

Smt. Sumita Devi Bhuyan and 41 others
By Advocates Mr J.L. Sarkar and Mrs S. Deka
- versus -

..... Applicants

The Union of India and others
By Advocate Mr B.S. Basumatory, Addl. C.G.S.C.

..... Respondents

O.A.No.144/1999

Shri Arun Chandra Chanda and 19 others
By Advocates Mr J.L. Sarkar, Mr M. Chanda and
Mrs U. Dutta
- versus -

..... Applicants

The Union of India and others
By Advocate Mr A. Deb Roy, SR. C.G.S.C.

..... Respondents

O.A.No.194/1999

Shri Bidhan Chandra Roy and 20 others
By Advocates Mr J.L. Sarkar, Mr M. Chanda,
Mrs U. Dutta and Mr G.N. Chakrabarty
- versus -

..... Applicants

The Union of India and others
By Advocate Mr A. Deb Roy, SR. C.G.S.C.

..... Respondents

O.A.No.285/1999

Shri Sanir Ch. Kar and 9 others
By Advocates Mr J.L. Sarkar, Mr M. Chanda,
Mrs N.D. Goswami and Mr G.N. Chakrabarty
- versus -

..... Applicants

The Union of India and others
By Advocate Mr A. Deb Roy, SR. C.G.S.C.

..... Respondents

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 203/1998 and 207/1998
Date of decision: This the 19th day of December 2000

The Hon'ble Mr. Justice (D.N. Chowdhury, Vice-Chief Justice)

The Hon'ble Mr. M.P. Singh, Administrative Member

O.A.No.203/1998

Shri R.S. Pathak and 423 others

.....Applicants

By Advocates Mr J.L. Sarkar, Mr M. Chanda and
Mrs S. Deka

- versus -

Union of India and others

.....Respondents

By Advocate Mr A. Deb Roy, Sr. C.G.S.C.

O.A.No.207/1998

Shri Hemendra Nath Sharma and 24 others

.....Applicants

By Advocates Mr J.L. Sarkar, Mr M. Chanda and
Mrs S. Deka

- versus -

The Union of India and others

.....Respondents

By Advocate Mr A. Deb Roy, Sr. C.G.S.C.

O.A.No.222/1998

Shri Binai Kumar Chatterjee and 31 others

.....Applicants

By Advocates Mr J.L. Sarkar, Mr M. Chanda and
Mr S. Mukherjee

- versus -

The Union of India and others

.....Respondents

By Advocate Mr A. Deb Roy, Sr. C.G.S.C.

O.A.No.225/1999

Shri Subrata Kumar Dhar and 23 others

.....Applicants

By Advocates Mr M. Chanda, Mrs U. Dutta and
Mr G.N. Chakrabarty

- versus -

The Union of India and others

.....Respondents

By Advocate Mr A. Deb Roy, Sr. C.G.S.C.

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O.A.No.379/1999

Shri. M.R. Chakraborty and 78 others

.....Applicants

By Advocates Mr. J.L. Sarkar, Mr. M. Chanda and
Mrs. N.D. Goswami.

versus

The Union of India and others

.....Respondents

By Advocate Mr. A. Deb Roy, Sr. C.G.S.C.

O.A.No.442/1999

Shri. A. Mahendra Kumar and 5 others

.....Applicants

By Advocates Mr. M. Chanda and N.D. Goswami.

versus

The Union of India and others

.....Respondents

By Advocate Mr. A. Deb Roy, Sr. C.G.S.C.

O.A.No.129/2000

Shri. K. Bavan and 154 others

.....Applicants

By Advocates Mr. J.L. Sarkar, Mr. M. Chanda
Mrs. N.D. Goswami and Mr. G.N. Chakrabarty

versus

The Union of India and others

.....Respondents

By Advocate Mr. A. Deb Roy, Sr. C.G.S.C.

O.A.No.166/2000

Shri. Bhabendra Nath Deka and 5 others

.....Applicants

By Advocates Mr. J.L. Sarkar and Mrs. S. Deka.

versus

The Union of India and others

.....Respondents

By Advocate Mr. A. Deb Roy, Sr. C.G.S.C.

O.A.No.168/2000

Dr. Ajit Bora

.....Applicant

By Advocates Mr. B.K. Sharma and Mr. S. Sarma.

versus

The Union of India and others

.....Respondents

By Advocate Mr. A. Deb Roy, Sr. C.G.S.C.

6.

O.A.No.2847/1999

Shri Gaj Mahadur Singh Bhada and 98 others

.....Applicants

By Advocates Mr J.L. Sarkar, Mr M. Chanda,
Mrs N.D. Goswami and Mr G.N. Chakrabarty.

- versus -

The Union of India and others

.....Respondents

By Advocate Mr A. Deb Roy, Sr. C.G.S.C.

7.

O.A.No.109/2000

Dr Priya Kumar Singh and 6 others

.....Applicants

By Advocates Mr J.L. Sarkar, Mr M. Chanda,
Mrs N.D. Goswami and Mr G.N. Chakrabarty.

- versus -

The Union of India and others

.....Respondents

By Advocate Mr A. Deb Roy, Sr. C.G.S.C.

18.

O.A.No.341/2000

Shri Pulak Chakraborty and 5 others

.....Applicants

By Advocates Mr B.K. Sharma and Mr S. Sarma

- versus -

The Union of India and others

.....Respondents

By Advocate Mr A. Deb Roy, Sr. C.G.S.C.

19.

O.A.No.345/2000

Dr Basab Ghosh and 2 others

.....Applicants

By Advocates Mr J.L. Sarkar, Mr M. Chanda and
Mr S. Ghosh.

- versus -

.....Respondents

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O.A.No.425/2000

Dr. Songkhomam Dinningal and 12 others
By Advocates Mr. J.L. Sarkar, Mrs. S.S. Deka and
Mr. T. Das.

versus

The Union of India and others
By Advocate Mr. A. Deb Roy, Sr. C.G.S.C.

Applicants

Respondents

21- O.A.No.429/2000

Sri Bhupendra Nath Talukdar and 16 others
By Advocates Mr. M. Chanda, Mrs. N.D. Goswami and
Mr. G.N. Chakrabarty.

versus

The Union of India and others
By Advocate Mr. A. Deb Roy, Sr. C.G.S.C.

Applicants

Respondents

O R D E R (ORAL)

CHOWDHURY, J. (V.C.)

The admissibility of Special (Duty) Allowance is the main question in all these applications, and therefore, all these applications were taken up together for consideration. For the purpose of adjudication of this proceeding, however, we shall mainly refer to O.A.No.203 of 1998 as the lead case.

2. All the applicants are working in different capacities under the Director General, Assam Rifles. The applicants are civilian employees working under the Central Government. The Union Government, with a view to provide some incentives to the civilian employees of the Central Government in the States and Union Territories of the North Eastern Region, amongst others, granted Special (Duty) Allowance (SDA for short) to the employees having All India Transfer liability. The original scheme was introduced by O.M.No.H.20014/3/83/E.IV dated 14.12.1983. The Government of India by letter No.H.11011/1/84-FP.IV dated 3.3.1986

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clarified the Government policy and accordingly the Director General, Assam Rifles, was informed by the aforesaid letter that personnel in Battalions of Assam Rifles would not be entitled to the concessions envisaged in the Ministry of Finance (Department of Expenditure) O.M. NO.20014/3/83-E-IV dated 14.12.1983. It also indicated that Assam Rifles personnel and civilian non-combatant officers/employees of Assam Rifles did not have All India transfer liability and as such, the question of grant of SDA even in the case of civilian non-combatant officers/employees did not arise. It further mentioned that non-combatant civilian staff of Static formations such as officers of DG, IGP, DIGs and Range Headquarters of Assam Rifles would be allowed concessions as envisaged in the O.M. dated 14.12.1983 except SDA. The Government of India again had to deal with the matter pertaining to grant of SDA and Special Compensatory (Remote Locality) Allowance to the Assam Rifles personnel posted in the States and Union Territories of the North Eastern Region, Andaman and Nicobar Islands and Lakshadweep. Considering the subject, the Government of India decided to sanction grant of certain allowances like SDA, Special Compensatory (Remote Locality) Allowance (SCA(RL) for short), etc. By order No.11011/1/84-FP.IV, dated 2.2.1989, Annexure D, the sanction of the President granting the following allowances were indicated. The relevant part of the Notification is reproduced hereinbelow:

<u>Category of personnel entitled to allowance</u>	<u>Particulars of O.M.s regulating the allowance</u>
(1)	(2)
1) <u>Special (Duty) Allowance</u>	
i) Combatant personnel (including Cadre officer) in battalions of Assam Rifles and the combatant personnel (including Cadre officers) in static formations (such as officers of DG, IGP, DIGs, Range HQs, Training Centre etc.) and other units (Maintenance Groups, Workshops etc.) of Assam Rifles.	Item (iii) in para 1 of Ministry E.IV dated 14.12.83 as amended from time to time, read with their O.M.No.11.20014/3/83-E.IV dated 29.10.86 and their O.M. No.11.20014/3/83-E.IV dated 15.7.88 and Min. of Fin. O.M. No.F.20014/16/86.E.IV/E-II(P) dated 1.12.88. (This is in modification of sanction issued in MHA letter No.11.27012/31/85-FP.II dated 6.4.87).

(1) All civilian staff, including civilian personnel (including officers) in battalions of Assam Rifles and staff formations (such as offices of DG, IGP, DICS, Range HQs, Training Centre etc.) and other Groups (Maintenance Groups, Workshops etc.) of Assam Rifles.

(2)

(3)

The above communication also indicated that the above allowances were not applicable to Army Officers/personnel on deputation to Assam Rifles. In pursuance to the aforesaid Government order the applicants were paid the SDA with effect from 7.11.1988. When the matter reached at this stage, situation the Supreme Court rendered its decision in Civil Appeal No.3251 of 1993 alongwith analogous appeals, on 20.9.1991, known as Union of India and others vs. S. Vijay Kumar and others reported in (1994) 28 A.T.C. 598. In the said decision, the Supreme Court had the occasion to deal with the O.M.s dated 12.12.1983, 29.10.1986 and 20.4.1987 pertaining to grant of SDA to the Central Government employees working in the North Eastern Region having All India Transfer Liability. The Supreme Court, in the aforesaid decision, held that the aforesaid three Notifications were applicable only to the persons specified therein, namely those persons who have All India Transfer Liability on being posted to any station of the North Eastern Region from outside the region. Referring to the Notification dated 20.4.1987 the Supreme Court made the position clear that the allowance should not be payable merely because of the clause in the appointment order relating to All India Transfer Liability. In the light of the above decision of the Supreme Court, the O.M.No.11(3)/95-L.H(B) dated 12.1.1996 clarified that the Central Government civilian employees who have All India Transfer Liability were entitled to SDA on being posted to any station in N.E. Region from outside the region and SDA would not be payable merely because of the clause in the appointment order relating to All India Transfer Liability. The above said



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By the memorandum, dated 6.6.1983, Annexure I. By the aforementioned memorandum, the Ministry of Home Affairs was informed that SDA was one of the ten concessions/facilities extended to the Central Government civilian employees serving in the N.E. Region with effect from 1.11.1983 sanctioned under Ministry of Finance O.M. dated 14.12.1983. Subsequently, consequent to Fourth Central Pay Commission recommendations, the above concessions/facilities were modified and two more concessions were given with effect from 1.12.1988. It also mentioned that the Assam Rifles projected to the Ministry of Home Affairs for extension of the above concessions/facilities including SDA to the combatant and civilian employees of Assam Rifles on the analogy that all those concessions including SDA were available to the employees of other CPOs like BSF, CRPF etc. similarly situated in the N.E. Region. While grant of the above concessions to the combatant employees were turned down, all the concessions except SDA were sanctioned for civilian employees of Assam Rifles posted in static formations like Directorate General, Assam Rifles, Inspector General, Assam Rifles (North), Range Headquarters and Assam Rifles Training Centre and School with effect from 3.3.1986 under Ministry of Home Affairs letter No.H.11011/1/84PF 4 dated 3.3.1986, copy of which was endorsed, along with others, to the Pay and Accounts Office, Assam Rifles, Shillong and Ministry of Finance, Department of Expenditure (E.IV). Subsequently, all these concessions except SDA were also extended to the combatant employees of Assam Rifles with effect from 1.11.1986 vide Ministry of Home Affairs letter dated 4.1.1987. The communication further mentioned that consequent to change over of pay structure of Assam Rifles personnel from Army pattern to CPO, pattern from 1.1.1986 following Fourth Central Pay Commission recommendations, SDA on the analogy of other CPOs like BSF, CRPF etc. was also extended to both combatant and civilian employees of Assam Rifles with effect from 7.11.1986, with categorical mention of the civilian staff and officers

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The combatant and civilian employees of Assam Rifles was duly sanctioned by the concerned departments in the Ministry of Finance, the Pay and Accounts Officer, Assam Rifles, was issuing the monthly bills of the civilian employees of Directorate General, Assam Rifles without any objection right from the time of sanction of SDA to Assam Rifles. However, in the end of April 1998, the Pay and Accounts Officer, Assam Rifles, Shillong, intimated that SDA was not applicable to the civilian employees of DGAR, Shillong as per the Ministry of Finance O.M.No.11(3)95-E.II(13) dated 12.1.1996. The communication also clarified that the judgment of the Apex Court regarding non-entitlement of SDA to certain category of civilian employees was based on the general order sanctioning the ten concessions/facilities including SDA to civilians serving in the N.E. Region. SDA was sanctioned to the combatant and civilian employees of Assam Rifles on CPO analogy and that too, from a much later date, 7.11.1988, when the pay pattern of Assam Rifles personnel was made on the lines of EPO pattern after the Fourth Central Pay Commission recommendations. It was also mentioned in the communication dated 6.6.1998 that the Ministry of Home Affairs and the Ministry of Finance were fully aware of the general eligibility criteria for SDA, namely, the conditions of appointments, posting, transfer, retention, exigency of service etc. of the civilian employees of station formations of Assam Rifles like DGAR, IGAR, etc. Keeping all these aspects in view, a separate and exclusive sanction was accorded by the Ministry of Home Affairs for grant of SDA to the combatant and civilian employees of Assam Rifles as mentioned earlier. The Director General accordingly intimated the view about the eligibility of SDA to the civilian employees of the Directorate General, Assam Rifles.

3. The above communication was, however, turned down by the Ministry of Home Affairs, by its communication dated 9.7.1998. The Association represented the matter to the Home Ministry by letter dated 13.8.1998, but the Ministry turned down the same. The Director General, Assam Rifles, by its communication dated 13.8.1998, informed that the Pay and Accounts Officer, Assam Rifles, advised for a change



direct and a special order for Assam Rifles which was issued after lapse of almost seven years and after considering all the pros and cons of the eligibility criteria. The respondents further stated that the civilian employees of Assam Rifles were granted SCA from 1988 through a special order vide Government of India, Ministry of Home Affairs letter No.H011/17, C.F-IV dated 2.2.1989. The O.M. dated 12.1.1996 was made operative on 11 July 1988 and pay bill were duly passed by the Audit authorities, namely Pay and Accounts Office, Assam Rifles, Ministry of Home Affairs. In August 1988, the Pay and Accounts Officer, Assam Rifles intimated that SDA was not applicable to the civilian employees of the Directorate General, Assam Rifles as per Ministry of Finance O.M. dated 12.1.1996. The respondents also stated that the O.M. dated 12.1.1996 was applicable to civilian employees of Assam Rifles as per Ministry of Home Affairs letter dated 2.2.1998.

from the facts indicated above, it is concluded that the Assistant Rifles personnel were not involved in the O.M. dated 112, 1983 and the subsequent O.M.s dated 29.10.83 and 20.1.85. By communication dated 3.3.1986 the Assistant Rifles Officer, Havelock, stated that

गुवाहाटी न्यायपीठ
Guwahati Bench

Assam Rifles personnel and civilian non-combatant officers of Assam Rifles did not have All India Transferability and sanctioning of SDA even to the wife of civilian non-combatant officers employed in the Assam Rifles. The aforesaid communication was considered by the Ministry while taking a decision for grant of SDA, SCA(RU) to the Assam Rifles personnel posted in the States and Union Territories of N.E. Region, Andaman and Nicobar Islands and Lakshadweep. Conveying the sanction of the President for grant of the allowances to the personnel of Assam Rifles with effect from 7.11.1988, the Ministry took note of the earlier O.M.s dated 14.12.1983, 29.10.1986 and 1.12.1988. The O.M. dated 1.12.1988 was made in modification of the sanction issued by MHA letter No.1127012/31/85-1141 dated 6.4.1987. It thus appears that while granting SDA to the non-combatant civilian staff of the static formation of the Assam Rifles, the Ministry took note of its earlier O.M.s. The order of the President granting SDA to Assam Rifles with effect from 7.11.1988 was mentioned as a distinct order. A consensus was taken by the respondents by considering the service conditions of the personnel serving in the Assam Rifles. This order granting SDA is not relatable to the O.M.s dated 14.12.1983, 29.10.1986 and 20.4.87. The competent authority felt it appropriate for granting SDA knowing in that such civilian non-combatant officers and personnel of the Assam Rifles did not have All India Transferability, notwithstanding, the Government thought it wise to grant the same. The aforesaid direction of the authority has been passed in absolute terms and in the absence of any modification of the said order the respondents were not justified to ignore the benefit of the order dated 7.11.1988. The order dated 2.11.1984 was not a subject matter of the decision rendered by the Supreme Court in the case of Union of India v. Association of Banks in India.

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केन्द्रीय प्रशासनिक अ
Central Administrative Tribu

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11 8 AUG 2008

गुवाहाटी न्यायाधीश
Guwahati Bench

12
The application is accordingly allowed. If any recovery has
been made, the same should be paid to the applicant after
deducting the costs of the proceedings.

Sd/ VICE CHAIRMAN
Sd/ MEMBER (ADM)

TRUE COPY

11/8/08
Sd/ VICE CHAIRMAN
Sd/ MEMBER (ADM)

20-AR
Tele No : 0364-2705076
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0364-2230146
e-mail : dgar_abranch@yahoo.co.in

भारत सरकार
Government of India
गृह मंत्रालय
Ministry of Home Affairs
महानिदेशालय-असम राइफल्स
Directorate General Assam Rifles
शिलांग - ७९३ ०११
Shillong - 793011

18 AUG 2008

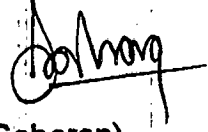
A/Pers-0859/2007

27 Nov 2007

List 'A' & 'B'

**REGARDING GRANT OF SDA TO CIVILIAN EMPLOYEE WHO ARE NOT
PETITIONERS IN THE COURT CASE INITIATED IN THE CAT, GUWAHATI.**

1. Ref our letter No I.36011/A II/SDA/uv/Staff/2007 dated 24 Jul 2007.
2. Case was taken up with MHA for granting SDA to the non-petitioner civ staff of Assam Rifles but the same has been rejected by the Ministry.
3. Concerned civil staff may please be informed accordingly.


(S S Saharan)
Lt Col
Staff Office -1 (A)
for DG Assam Rifles

Copy to :-

List 'C'

ARASU

AR Sig Unit

NO 1 Comdr & M. Coy

Est (Bill Sec) Br, 49 DGAR


मेजर
Major
एडजुटेंट
Adjutant
20 असम राइफल्स
20 Assam Rifles