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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :::: GUWAHATI-5.

O.A. NO. 203 of 1994.
T.A. NO.

DATE OF DECISION 12-3-1997.

Shri Bipin Ch. Das & 44 others.

(PETITIONER(S)

Shri B.K.Sharma.

ADVOCATE FOR THE
PETITIONER (S)

VERSUS

Union of India & Ors.

RESPONDENT (s)

Shri A.K.Choudhury, Addl.C.G.S.C.

ADVOCATE FOR THE
RESPONDENT (S)

THE HON'BLE SHRI G.L.SANGLYINE, ADMINISTRATIVE MEMBER
THE HON'BLE

1. Whether Reporters of local papers may be allowed to Yes.
see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of
the judgment ?
4. Whether the Judgment is to be circulated to the other
Benches ?

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Judgment delivered by Hon'ble Shri G.L.Sanglyine, Administrative
Member.

Sanglyine
12/3/97

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 203 of 1994.

Date of Order : This the 12th Day of March, 1997.

Shri G.L.Sanglyine, Administrative Member.

Shri Bipin Ch. Das & 44 Others
All the applicants are serving
in Small Industries Service Institute,
North Eastern Region.

... Applicants

By Advocate Shri B.K.Sharma.

-Versus -

1. Union of India
represented by the Secretary,
Ministry of Industries,
New Delhi.
2. The Development Commissioner,
Small Scale Industries,
Nirman Bhawan, New Delhi-1.
3. The Director, Small Industries Service Institute,
Bamunimaidan, Guwahati-21. ... Respondents

By Advocate Shri A.K.Choudhury, Addl.C.G.S.C.

O R D E R

G.L.SANGLYINE, ADMINISTRATIVE MEMBER

45 applicants have jointly filed this application under Section 19 of the Administrative Tribunals Act 1985. They are employees of the Small Industries Service Institute and posted in various places in the North Eastern Region. The applicants belonging to Group 'D' and Group 'C'. They pray that the respondents be directed to make payment of Special (Duty) Allowance to them in terms of the Office Memorandum No.20014/2/83-E.IV dated 14.12.1983 and No.20014/16/86/E.IV/E.II(B) dated 1.12.1988. The respondents have contested the claim of the applicants in this Original Application stating that the applicants are not entitled to the allowance in view of the decision of the Hon'ble Supreme Court in Union of India & Ors. vs. S.Vijay Kumar & Ors. reported in J.T. 1994(6) S.C 443 and other subsequent decisions

12.3.97

of the Supreme Court in the matter as all the 45 applicants were locally recruited.

2. Heard counsel of both sides and in view of the facts of the case and the law in this regard, the application of the applicants is liable to be dismissed. However, Mr B.K.Sharma, learned counsel for the applicants, submits that the respondents may be directed to verify again whether the applicants are locally recruited employees. Therefore, in order to meet the ends of justice, though there is no merit in this application, such applicants who are not local residents of North Eastern Region and who were not locally recruited in the North Eastern Region may submit individual representation to the competent authority of the respondents for consideration, who will consider the representations within the law as laid down by the Hon'ble Supreme Court in the aforesaid cases.

With the above observation the application is dismissed. No order as to costs.


(G.L. SANGLYINE) 12/3/97
ADMINISTRATIVE MEMBER