

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

O.A. NO. 136 of 1994
T.A. No.

DATE OF DECISION 1.8.1994

Telecom Pensioners Association,
Guwahati.

PETITIONER(S)

Shri J.L. Sarkar and
Shri M. Chanda

ADVOCATE FOR THE
PETITIONER (S)

VERSUS

Union of India and Others

RESPONDENT (S)

Shri G. Sarma, Addl. C.G.S.C.

ADVOCATE FOR THE
RESPONDENT (S)

THE HON'BLE JUSTICE SHRI S. HAQUE, VICE-CHAIRMAN

THE HON'BLE SHRI G.L. SANGLYINE, MEMBER (A)

1. Whether Reposters of local papers may be allowed to 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 ?

Judgment delivered by Hon'ble Vice-Chairman.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 136 of 1994

Date of decision : This the 1st day of August 1994.

Hon'ble Justice Shri S. Haque, Vice-Chairman

Hon'ble Shri G.L. Sanglyine, Member (Administrative).

1. Central Government Telecom Pensioners Association, Guwahati,
2. Shri Bidhyadhar Barman,
3. Shri Sudhendu Kumar Bhattacharjee,
4. Shri M.N. Sarma,
5. Shri B. Borkakati,
6. Shri H.P. Sen,
7. Shri P.N. Das,
8. Shri Shiba Pada Chakraborty,
9. Shri S. Rahman,
10. Shri D.K. Baruah,
11. Shri Nandachand Singh,
12. Ms Ranidas,
13. Shri Ranjit Kr Das,
14. Shri Madhab Das,
15. Mrs Jhunu Dhar,

The applicants No.2 to 15 are
retired employees of the Telecom
Department of Government of India,
Assam Circle and are members of the
Central Government Telecom Pensioners
Association, Guwahati.

..... Applicants

By Advocate Shri J.L. Sarkar and Shri M. Chanda.

-versus-

1. The Union of India
Through the Secretary to the
Government of India,
Ministry of Finance, Department of
Expenditure, New Delhi
2. The Director General,
Telecommunications,
Sanchar Bhawan, New Delhi
3. The Chief General Manager,
Assam Telecom Circle,
Ulubari, Guwahati.

..... Respondents

By Advocate Shri G. Sarma, Addl. C.G.S.C.

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O R D E R

HAQUE.J.

This case is taken up at 2 PM for hearing and disposal. Learned counsel Mr J.L. Sarkar and learned Addl. C.G.S.C. Mr G. Sarma are present. Shri N.K. Rabha, Assistant Director of the Department of Telecom, Guwahati, is also present with records. They make their submissions.

2. Mr G. Sarma submits that the Group 'C' and 'D' employees of the Department of Telecom, are allowed to draw Special (Duty) Allowance (SDA) with all arrears and current pursuant to the judgment in O.A.No.87/89, O.A.No.124/89 and O.A.No.88/89 with undertakings that drawal of the allowances would be subject to the result of the SLP before the Supreme Court. The persons presently retiring have also given such undertakings. It may be mentioned here that the review application against the judgment of these three cases had been rejected by the Cuttack Bench vide judgment dated 26.3.1993. Thereupon the respondents have preferred an SLP before the Supreme Court, but stay order was not granted. Therefore, the employees of Group 'C' and 'D' are drawing current SDA.

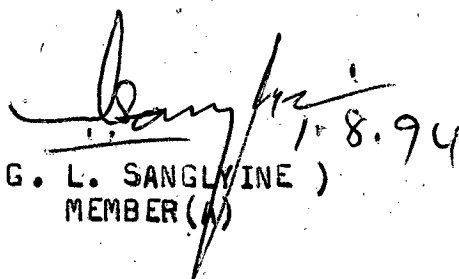
These fourteen applicants have retired from service and they were similarly situated and circumstanced with that of the applicants of the above three cases and so, they were also entitled to SDA with effect from 1.11.1983. There should be no discrimination with regard to the claim of the applicants. They should also be allowed to draw their SDA with effect from 1.11.1983 till


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the date they retired by executing similar undertakings. It will be a hardship on them if they are debarred to draw their dues as they had retired. Learned counsel Mr J.L. Sarkar submits that the applicants are ready to give undertakings.

4. This application is allowed. The respondents are directed to release arrear SDA of these fourteen applicants within a period of sixty days from the date of receipt copy of this judgment/order for the period from 1.11.1983 to their respective date of retirement, after obtaining necessary undertakings.

We make no order as to costs.


(G. L. SANGHVI)
MEMBER (A)

 1-8-94.
(S. HAQUE)
VICE-CHAIRMAN