

10/100

12

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A./T.A No...191/95

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH : GUWAHATI

ORIGINAL APPLN.NO. 191 OF 1995
 TRANSFER APPLN.NO. OF 1995
 CONTEMPT APPLN.NO. OF 1995 (IN NO.)
 REVIEW APPLN.NO. OF 1995 (IN NO.)
 MISC.PETITION NO. OF 1995 (IN NO.)

..... R.K. Dey, Law APPLICANT(S)

-vs-

..... H.O.I. Law. RESPONDENT(S)

For the Applicant(s)

... Mr. B.K. Sharma
 Mr. K. Bhattacharya
 Mr.
 Mr.

For the Respondent(s)

Mr. A.K. Chaudhary
 Add. C.A.B.

OFFICE NOTE

DATE

ORDER

File
 form
 C.F. No. 50/-
 de
 HYD No. 327244
 Dated 2-9-95

By Registrar

pdz

QA/TA/CP/RA/MP No. of 19

OFFICE NOTE

DATE

ORDER

ORIGINAL APPLICATION NO. 191 OF 1995.

R.K. Dey

APPLICANT(S)

-VS-

Union of India & Ors.....

RESPONDENT(S)

For the Applicant(s) ... Mr.B.K.Sharma
 Mr.S.C.Biswas
 Mr.K.Bhattacharyya.

For the Respondent(s) Mr.A.K.Choudhury, Addl.C.G.S.C.

OFFICE NOTE

DATE

ORDER

14-9-95

Mr.B.K.Sharma for the applicant.
 Mr.A.K.Choudhury Addl.C.G.S.C. for
 respondents on notice.

Leave^{to} join in single applica-
 tion granted: In view of pending O.A.
 No.168 of 1995 application admitted.
 Respondents to file written statement
 on or before 13-11-95. Pending further
 order the operation of the order con-
 taining ^{ed in} letters dated 26-7-95 and
 31-7-95 is hereby stayed. Liberty to
 respondents to file show cause and
 seek modification ^{if so} as advised. Return-
 able on 13-11-95.

Adjourned to 13-11-95.

Requisites are send
 & issued v. no. 4418-17
 D. 16.11.95

[Signature]

lm


[Signature]
 Vice-Chairman


[Signature]
 Member

(4)
O.A.NO.19/1995

8-1-96

Mr.B.K.Sharma for the applicant.
Mr.A.K. Adl.C.G.S.C. for respondents.
Adjourned for order on 12-2-96 .
Liberty to file counter.


Member


Vice-Chairman

lm

16.2.96

✓/3 Submitted

by the Respondents.



2

O.A.No. 19/ 195.

14.11.95 Mr B.K.Sharma for the applicant.

Mr A.K.Choudhury, Addl. & G.S.C for the respondents.

At the request of learned Addl. C.G.S.C time granted for written statement.

Adjourned for orders to 8.1.1996.

6
Member

Signature
Vice-Chairman

pg

15/11

191/95 (4)
O.A.No.....

19-2-96

Mr.S.Sharma for the applicant.
Mr.A.K.Choudhury, Addl.C.G.S.C. for
the respondents. To be listed for
hearing on 25-4-96.


Member


Vice-Chairman

lm

⑤
O.A.No. 191/95


25.4.96

Mr A.K. Choudhury, learned Addl. C.G.S.C. is present.

Mr S. Sarma is present for Mr B.K. Sharma, learned counsel for the applicant.

Written statement has been filed. O.A. ready for hearing.

List for hearing on 7.6.96.


Member

nkm

1) Some Reports are still awaited.
2) W/statement has been filed.
as per 6/6.

7


O.A. No. 191/95

7.6.96

Mr. K.Bhattacharjee for the applicants.

Mr. A.K.Choudhury, Addl. C.G.S.C. for the respondents.

Hearing adjourned to 25.6.96.


Member (J)


Member (A)

trd

25.6.96

Mr K.Bhattacharjee for the applicant. Mr A.K.Choudhury, Addl.C.G.S.C for the respondents.

List for hearing on 5.7.96 before Single Bench.


Member

pg

X
O.A.No. 191/95


5.7.96

Mr K.Bhattacharjee for the applicant.

Mr A.K.Choudhury, Addl.C.G.S.C for the respondents.

Submission

~~Arguments~~ of both the counsel heard and concluded. Judgment reserved.


Member

pg

O.A. No.

191/95

Q

9

OFFICE NOTES

DATE

COURT'S ORDER

12.7.96 Mr.A.K.Choudhury, learned Addl.C.G.S.C. present and informs that Mr. K.Bhattacharjee has some personal difficulties today and requests for listing the matter in next week.

List on 17.7.96 for hearing ('For being spoken to').


Member

trd

17.7.96

Learned counsel Mr K.S. Bhattacharjee for the applicants and learned Addl. C.G.S.C., Mr A.K. Choudhury for the respondents.

In the course of submission during the hearing of this O.A., learned counsel Mr Bhattacharjee appearing for the applicants in the O.A. had placed reliance among others on the following orders of the Guwahati Bench of the Central Administrative Tribunal in support of his contention that Special Compensatory (Remote Locality) Allowance is admissible simultaneously with the Field Service Concession to the civilian employees working under the Military Engineering Service:

- 1) Order dated 29.3.1994 in O.A.No.48(G)/89 - D.B. Sonar and others -vs- Union of India.
- 2) Order dated 30.8.1994 in O.A.No.174/93 - Satish Ch Omar -vs- Union of India.

After the hearing was over it was noticed that the order dated 25.4.1996 passed by the Hon'ble Supreme Court in SLP (CC No.1821) (in Union of India and others -vs- D.B. Sonar and others) arising from order dated 17.11.1995 of Guwahati Bench in R.A.No.3/95 in O.A.No.48(G)/89 had been received. This order could not be discussed during the course of hearing. Hence in order to give opportunity to the both the sides the O.A. has been placed for being spoken to.

After hearing the counsel for the parties it is ordered that the judgment in the O.A. already heard will be delivered after receipt of the final order from the Hon'ble Supreme Court in the above mentioned SLP, namely, Union of India and others -vs- D.B. Sonar and others.

Copy of the order may be furnished to the counsel for the parties.

60
Member

25.6.97

None present. List for hearing on 6.8.97.

Member

11
nkm

6.8.97 - Adjourned to 20.8.97.
3/0

20.8.97

Heard Mr K.Bhattacharjee for the applicant and Mr A.K.Choudhury, learned Addl.C.G.S.C for the respondents.

Counsel of both sides have completed their submissions. Hearing concluded. Judgment reserved.

Member

pg

10-9-97

Judgment and order pronounced. Application is disposed of in terms of the direction contained in the order. No order as to costs.

Member

pg

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Date of Order : This the 10th Day of September, 1997.

Shri G.L.Sanglyine, Administrative Member.

O.A.No. 168 of 1995.

Sri Tikendrajit Brahma & 23 others . . . Applicants
- Versus -
Union of India & Ors. . . . Respondents

O.A.No. 183 of 1995.

Sri Gangadhar Kalita & 18 others . . . Applicants
- Versus -
Union of India & Ors. . . . Respondents

O.A.No. 184 of 1995

Sri Baikuntha Das & 14 others . . . Applicants
- Versus -
Union of India & Ors. . . . Respondents

O.A.No.185 of 1995.

Sri P.R.Rajak & 11 others . . . Applicants
- Versus -
Union of India & Ors. . . . Respondents.

O.A.No. 186 of 1995.

Sri K.K.Choudhury & 26 others . . . Applicants.
- Versus -
Union of India & Ors. . . . Respondents.

O.A.No. 187 of 1995.

Sri Tapeswar Singh & 16 others . . . Applicants
- Versus -
Union of India & Ors. . . . Respondents.

O.A.No. 188 of 1995.

Sri Prem Kumar Baishya & 23 others . . . Applicants
- Versus -
Union of India & Ors. . . . Respondents

O.A.No. 189 of 1995.

Sri Mahendra Kumar Das & 21 others . . . Applicants.
- Versus -
Union of India & Ors. . . . Respondents

O.A. No. 190 of 1995.

✓ Sri Narendra Pandey & 27 others. . . . Applicants

- Vs -

1. Union of India
represented by the Secretary to
the Govt. of India, Ministry of
Defence (Engineer-in-Chief Branch)
Army Head Quarters, New Delhi.
2. The Chief Engineer
Eastern Command, Headquarter, Calcutta.
3. Garrison Engineer,
859 Engineer Works Section
C/O 99 A.P.O.
4. Controller of Defence Accounts,
Gauhati. . . . Respondents

O.A.No. 191 of 1995.

✓ Sri Rajat Kanti Dey & 24 others . . . Applicants.

- Versus -

1. Union of India
2. The Chief Engineer,
Eastern Command,
H.Q. Calcutta.
3. Garrison Engineer,
859 Engineer Works Section,
C/o 99 A.P.O.
4. Controller of Defence Accounts,
Gauhati . . . Respondents.

O.A.No. 192 of 1995.

Sri Jugal Das & 24 others . . . Applicants

- Versus -

1. Union of India
2. The Chief Engineer,
Eastern Command H.Q.
Calcutta.
3. Garrison Engineer,
859 Engineer Works Section
C/o 99 A.P.O.
4. Controller of Defence Accounts,
Gauhati. . . Respondents

O.A.No. 193 of 1995.

Sri Ananda Ch. Sarma & 22 others . . . Applicants

- Versus -

1. Union of India
2. The Chief Engineer,
Eastern Command, H.Q.
Calcutta.
3. Garrison Engineer,
859 Engineer Works Section
C/o 99 A.P.O. . . . Respondents

O.A.No. 194 of 1995

Sri Anil Ch. Sarkar & 23 others. . . . Applicants.

- Versus -

1. Union of India
2. The Chief Engineer,
Eastern Command H.Q.
Calcutta.
3. Garrison Engineer,
859 Engineer Works Section,
C/O 99 A.P.O.
4. Controller of Defence Accounts
Gauhati.

. . . Respondents.

O.A.No. 195 of 1995.

William Smith & 21 others . . . Applicants.

- Versus -

1. Union of India
2. The Chief Engineer,
Eastern Command H.Q.
Calcutta.
3. Garrison Engineer,
859 Engineer Works Section
C/O 99 A.P.O.
4. Controller of Defence Accounts,
Gauhati

. . . Respondents

O.A. No. 196 of 1995.

Sri Someswar Bhuyan & 24 others . . . Applicants

- Versus -

1. Union of India
2. The Chief Engineer,
Eastern Command H.Q.
Calcutta.
3. Garrison Engineer,
859 Engineer Works Section C/O 99 A.P.O.
4. Controller of Defence Accounts.
Gauhati

O.A.No. 197 of 1995.

Sri C.K.Janardhar & 24 others . . . Applicant

- Versus -

1. Union of India & Others . . . Respondents
2. The Chief Engineer,
Eastern Command H.Q., Calcutta.
3. Garrison Engineer,
859 Engineer Works Section C/O 99 A.P.O.
4. Controller of Defence Accounts
Gauhati. . . . Respondents

Advocates for all the applicants : Sri B.K.Sharma &
K.Bhattacharjee

Advocate for all the respondents : Sri A.K.Choudhury,
Addl.C.G.S.C.

G.L.SANGLYINE, ADMINISTRATIVE MEMBER.

The applicants in the above mentioned 16 (sixteen) Original Applications are employees under the Military Engineering Service and posted in various places in the State of Arunachal Pradesh. Permission to submit combined applications had been granted. Facts and law involved in these applications are same and therefore, for the sake of convenience the Original Applications are disposed of by this common order.

2. The Special Compensatory (Remote Locality) Allowance was paid to the Defence Civilian employees posted in the NEWLY DEFINED FIELD AREAS and MODIFIED FIELD AREAS with effect from 1.4.1993 vide Ministry of Defence No.8/37269/AG/PS-3(a)/165/D (Pay/Services) dated 31.1.1995 as follows :

"1) Defence civilian employees serving in the newly defined field areas will continue to be extended the concession enumerated in Annexure 'C' to Govt letter No.A/02586/AG/PS 3(a)/97-5/D (Pay/Services) dt 25 Jan '64. Defence civilians employees serving in Newly Defined Field Areas will continue to be extended the concessions enumerated in Appendix 'B' to Govt letter No. AP 25762/AG/PS 3(a)/146-S/2/D(Pay/Services) dt 2nd March 1968.

ii) In addition to above, the Defence civilians employees serving in the newly defined Field Areas and Modified field areas will be entitled to payment of Special Compensatory (Remote Locality) Allowance and other allowances as admissible to defence civilians as per the existing instructions issued by this Ministry from time to time."

The date of effect of the above order was substituted by corrigendum No.B/37269/AG/PS-3(a)/1862/D(Pay)/Services) dated 12.9.1995 as below :

"These orders will come into force w.e.f the date of issue of this letter

namely w.e.f. 31.1.95. In other words, no recovery will be made on account of concessions like free rations/free single accommodation etc. already availed of by Defence Civilians as part of Field Service Concessions from 1.4.93 to 31.1.95. Similarly, no payment on account of SDA/SCA/SCA(RL) will also be made from 1.4.93 to 30.1.95."

Further amendment had been made to the letter dated 31.1.1995 above vide Ministry of Defence letter No.B/37269/AG/PS-3(a)/7800D(Pay/Services) dated 17.4.1995 insofar as it relates to employees posted in the Newly Defined Field Areas and newly defined Modified Field Areas as below :

"The Defence Civilian employees, serving in the newly defined modified Field areas, will continue to be entitled to the Special Compensatory (Remote Locality) Allowance and other allowance as admissible to defence Civilians, as hitherto, under - existing instructions issued by this Ministry from time to time. However, in respect of Defence Civilians employees in the newly defined Field Areas, Special Compensatory (Remote Locality) Allowance and other allowances are not concurrently admissible alongwith Field Service Concessions."

3. Heard Mr K.Bhattacharjee, learned counsel for the applicants in each Original Application and Mr A.K. Choudhury, learned Addl.C.G.S.C for the respondents. The applicants are Defence civilian employees posted in various places in Arunachal Pradesh and according to the respondents, the applicants were enjoying Field Service Concessions facilities (FSC for short), namely, Free Ration, Free Single accommodation etc. provided by the respondents. Therefore, in terms of the aforesaid letter dated 17.4.1995 they are not entitled to the payment of Special Compensatory (Remote Locality) Allowance, SCA^(RL) for short, in addition to FSC. Accordingly the amount of SCA^(RL) paid for the period from 1.4.1993 to 31.1.1995 was not

admissible to them and was ordered to be recovered. Learned counsel Mr K.Bhattacharjee submitted that the contention of the respondents is not sustainable. In S.C. Omar vs. Garrison Engineer (1995) 30 ATC 763, the Tribunal had held that SCA^(RL) is admissible in addition to FSC. In many other cases such as O.A.No.124 and 125 of 1995 etc. Defence civilian employees posted in Nagaland the Tribunal had allowed payment of SCA^(RL). Further, in Union of India & Others vs. B.Prasad, B.S.O and others, 1997 SCC (L&S) 1055, the Hon'ble Supreme Court had held that upto 17.4.1995 Special Duty Allowance and Field Area Special Compensatory (Remote Locality) Allowance are admissible together. Thus the applicants are entitled to payment of SCA^(RL).

4. The cause of action arose out of the order No.Pay/01 dated 26.7.1995 issued by CDA, Gauhati, that is Controller of Defence Accounts, Gauhati and the order dated 31.7.95 issued by the Accounts Officer of the Area Accounts Office, Shillong. A tussle was going on between the administrative authorities of the respondents 1 to 3 in one hand and the Audit and Accounts authorities on the other over the question of payment of SCA^(RL) alongwith FSC. The CDA, Gauhati wrote in his No.Pay/01 dated 26.7.95 :

"In view of pending clarification regarding application of provisions of Min of Defence letter dt.31-1-95 and 17-4-95 payment on account of SCA^(RL) for the period 1-4-93 onwards already made is irregular and unauthorised and requiring recovery in lumpsum from the ensuing pay bills without any consideration and intimated to this. AO Shillong has already been instructed to effect recovery in lump-sum.

As per Min of Def letter dated 13-1-95 certain Area of Arunachal Pradesh have been classified both Field and Modified Field Area as well. Please intimate specific authority classifying your office location in Modified field Area. If located in modified field area, facility of FSC may be stopped forthwith and recovery if any from 1-2-95 on account of cost of Free Ration/Single accommodation may be effected before allowing SCA(RL).

In future advice of your AAO CE on financial matter may invariably be accepted to avoid any complication which has arisen now."

The Accounts Officer, Shillong followed it up as below:

"The recoveries may please be effected from the concerned indirected involved in the following bills to comply will be directive of the CDA Guwahati.

- 1) 01/Cash/30 dt.29-5-95.
- 2) 01/Cash/31 dt. 29-5-95.
- 3) 02/Cash/73 dt. 27-5-95.
- 4) 03/Cash/51 dt 17-5-95
- 5) 05/Cash/19 dt. 26-5-95
- 6) 01/Cash/71 dt.30-6-95

The sy pay bill bearing voucher No.01/Cash/69 dt. 29-6-95 on account of payment of SCA(RL) is returned unpassed for the reason stated above."

Operation of the above two orders have been stayed by the Tribunal at admission of the present original applications.

5. The decision of the Tribunal in S.C.Omar(Supra) was based on the its decision in D.B.Sonar and others. SLP No.17254 of 1995 filed by the respondents was dismissed by the Hon'ble Supreme Court on 24-7-1995 with liberty to file Review Application. Review Application No.18 of 1995 filed by the respondents was dismissed by the Tribunal on 20-11-1995. D.B.Sonar and others, RA 3/95(O.A.48/89)and RA 4/95(OA 49/89), and some of the other cases referred to by Mr.K.Bhattacharjee were subject matter in Union of India and others vs. B.Prasad, B.S.O and others(Supra). The aforesaid letter dated 17.4.1995 was under consideration by the Hon'ble Supreme Court in that case. The Hon'ble Supreme Court had held in the Order dated

contd/-8.

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17.2.1997 in that case that upto 17.4.1995 the employees are entitled to both the Special Duty Allowance and the Field Area Special Compensatory (Remote Locality) Allowance and thereafter to only one Special allowance in terms of the aforesaid order dated 17.4.1995. Further, as regards payment of Special Duty Allowance to Defence civilian employees posted in Field Areas and in Modified Field Areas the Government was directed by the Hon'ble Supreme Court to modify the order dated 17.4.1995 and issue the necessary corrigendum. It was also directed that Union of India is not entitled to recover any payments made of the period prior to 17.4.1995. In the impugned order No.Pay/01 dated 26.7.1995 the CDA had referred to the letter dated 13.1.1995 issued by the Ministry of Defence classifying certain areas of Arunachal Pradesh as Field Areas and Modified Field Areas and sought clarification as mentioned therein. Mr A.K. Choudhury, learned Addl.C.G.S.C submitted that classifications of areas were made under letter dated 13.1.1994 and not dated 13.1.1995. Mr K.Bhattacharjee submitted that the applicants were posted in Modified Field Areas. Apart from this clarification, the CDA also sought clarification regarding the aforesaid order dated 17.4.1995. The impugned actions of the CDA and the Accounts Officer were taken by them pending clarification of the order dated 31.1.95 and dated 17.4.1995 by the authorities under the respondents No.1 to 3. From the impugned order No.PM/1/306-CI dated 31.7.95 issued by Area Accounts Office, Shillong the recovery ordered to be made relates to the payment of Special Compensatory (RL) Allowance made from 4/93 to 1/95 through

the vouchers mentioned therein. In some of the original applications under consideration however, the CDA, Gauhati was not made a respondent while in all the Original Applications the Accounts Officer, Area Accounts Office, Shillong was not made a respondent. In the facts and circumstances stated above the respondents 1 to 3 are directed to communicate to the CDA, Gauhati the clarifications sought for by him in the impugned order dated 26.7.95 as mentioned above as soon as it may be possible. On receipt of the communication from the respondents the CDA, Gauhati shall take appropriate action immediately. Till such action is taken by him, the operation of the impugned orders in each Original Application shall remain suspended.

With the above directions, the original applications under consideration are disposed of. No order as to costs.

^
Sd/- MEMBER (A)

//

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GAUHATI BENCH

Original Application No. 191/95.

IN THE MATTER OF :

Sri Sri Rajat Kanti Dey & Ors.

..... Applicants.

- Vs -

Union of India and Others.

..... Respondents.

It is respectfully submitted for the
applicants -

1. That the applicants have submitted a joint petition seeking relief of payment of allowances and service benefits as admissible to civilian central government employees in terms of Office memoranda dated 14-12-83 and 1-12-88 of the Ministry of Finance (Deptt. of Expenditure) of Govt. of India.

2. That from facts of the case, it would be clear that all the applicants have a common cause and interest in it and as such the joint application deserves to be entertained as provided by Rule 4(5) of the procedure Rules.

In these premises it is prayed that the Hon'ble Tribunal may be graciously pleased to permit filing of single application by all the applicants jointly for ends of justice.

Dated the

Rajat Kanti Dey

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VERIFICATION

I, Sri Rajat Kanti Ray
son of Late / Late K. Ray employed under the
Garrison Engineer, 859 Engineers Works Section,
C/O 99 A.P.O., do hereby verify that the contents as
para 1 & 2 as the application are
true to my knowledge and belief.

Date :- 7/9/95

Rajat Kanti Ray
SIGNATURE

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GAUHATI B

BENCH :

1. Sri Rajat Kanti Dey son of Late Ram Kr. Dey,
2. Sri Hasta Nanda Rai son of Late P.R. Rai,
3. Sri M.N. Nair son of Late Narayanan Nair,
4. Sri R. Bhadran so of Late N.A.N.D. Rajappan,
5. Sri R.Vijayan so of Late K. Raghavan,
6. Sri N Rajappan son of Late N.A.N.D. Bhadran,
7. Sri J.M. Sah so of Late Deboki Sah,
8. Sri M.M. Rai son of Late Ramayan Rai,
9. Sri M.K. Ghosh son of Late Kiroden Ghosh,
10. Sri D. Jha son of Sri H.N. Jha,
11. Sri S.K. Sinha son of Late Ram Jatan Sinha,
12. Sri A.P. Gupta son of Late Shiva Pachan Gupta,
13. Sri B.N. Das son of Sri Mahadeb Das,
14. Sri P.R. Das son of Sri B.R. Das,
15. Sri R.N. Das son of Late D.C. Das,
16. Sri Rajendra Prasad son of Chhedilal,
17. Sri Siben Dhar son of Late Jogendra Dhar,
18. Sri N.N. Barman son of Late H. Barman,
19. Sri S.B. Prasad son of Late C. Prasad,
20. Sri D.B. Rai son of Late K.B. Rai,
21. Sri R.C. Thakur son of Late R.R. Thakur,
22. Sri R.C. Baruah son of Sri R.K. Baruah,
23. Sri Tarun Bania son of Sri D.K. Bania,
24. Sri Shyam Dev Rajbore son of Late S.K. Rajbore,
25. Sri J.N. Mahato son of Late C. Mahato,

... all employed in Rupa E/M
under the -

Rajat Kanti Day

25
APPENDIX A :

FORM :

FORM I :

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE

TRIBUNAL ACT :1985 ;

Title of the Case :Sri Rajat Kanti Dey
and others.

.....Applicants.

-Vs-

Union of India & others.

.....Respondents.

I N D E X :

Sl. No.	Description of documents, relied upon	Page No.
1.	Application	1-10
2.	Annexure A : Copy of letter dt 26.12.95	11-12
3.	Annexure B :Copy of letter dt.31.7.95	13-
4.	Annexure C :Memo dt.14-12-83	14-15
5.	Annexure D : Memo dt. 1.12.88 There to	16-17

Note : Other Documents. referred to in the application are seized and possessed by and happen to be in the central ,custody and power of respondents being correspondence exchanged in official channel and may be required to be produced by respondents.

Rajat Kanti Dey
SIGNATURE OF APPLICANT

FOR USE IN TRIBUNAL'S OFFICE :

DATE OF FILING :

SIGNATURE

FOR REGISTRAR :

26

- 2 -

under the Garrison Engineer,
859 Engineer Works Section C/O.
99 A.P.O. Applicants.

- Versus -

1. Union of India

represented by the Secretary to
the Government of India, Ministry
of Defence (Engineer-in-charge
Branch, Army Head Quarters), New Delhi

2. The Chief Engineer,

Eastern Command H.Q.,
Calcutta.

3. Garrison Engineer,

859 Engineer Works Section
C/O 99 A.P.O..

4. Controller of Defence, Accounts, Gauhati
..... Respondents.

DETAILS OF APPLICATION :

1. Particulars of Order against which the
application is made -

Letter No. PM/1/306-CI dt. 31.7.95 issued by
Accounts Officer directed to recovery special
compensatory (CRL) allowance from 4/ 3 to 1/95.

2. JURISDICTION OF THE TRIBUNAL :

The applicants declare that the subject matter of

the order3/

Rajat Kanti Dey.

the order against which they want redressal is within the Jurisdiction of the Tribunal.

3. LIMITATION :

The applicants further declare that the application is within the limitation period prescribed in Section 21 of the Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE.

1) That the applicants are civilian defence employees of Military Engineer Services Department employed under the respondents and as such the applicants are posted to work at high altitudes of Arunachal Pradesh, a hard, remote and costly area where necessities and essential services of life are very scarce and are available only on paying abnormally high prices.

2) That the Central Government ordered for payment of special duty and special compensatory (Remote locality) allowances to its employees posted in the North-eastern Region of the country to attract postings to this remote and costly locality. The filed service concessions were extended to the civilians by the Government of India, Ministry of Defence vide their letter

dated..... ..4/

Rajat Kanti Das

dated 25-1-64 as amended from time to time. The applicant are in receipt of Modified filed service concessions. Similar concessions are also being paid to GREF staff posted to this area.

3) That the need for attracting and retaining the services of competent staff for service in the North Eastern Region comprising the seven states including Arunachal Pradesh was engaging attention of the Government and with a view to review the existing allowances and service benefits to employees posted in this region, a committee under the chairmanship of Secretary, Department of personnel & Administrative Reforms was appointed and after considering carefully the recommendations of the Committee, the President of India was pleased to decide in favour of allowances and benefits being continued as modified by Government of India Office Memorandum No. 20014/2/83-E.IV of Ministry of Finance (Department of Expenditure) issued on 14-12-83. Subsequent thereafter another office Memorandum being No. 20014/16/86/E.IV/E.II(B) dated 1-12-88 was issued making some improvements in allowances and facilities to employees posted in this region.

4) That such.....5/

Rajat Kanti Day

- 4) That such allowances and facilities were admitted by the audit authorities in the past. Reference in this connection may be made to letter No. 1350/A/2623/EIC(3) dated 20-2-87 of the C.W.E. Tezpur whereby Ministry of Finance, Department of Expenditure Office Memorandum No. 200414/3/83-EIV dated 29-10-86 sent under CE, SZ, was forwarded to the respondent No. 3. Reference in this connection may also be made to the Ministry of Finance, Department of Expenditure office Memorandum No. 20014/4/86-E-IV dated 23-9-85 making special mention of the employees posted in Arunachal Pradesh and to letter No. Pay/24/IV/PC dated 20-2-87 of the C.D.A., Gauhati.
- 5) That, however, in so far as special compensating allowance is concerned, the C.D.A. Gauhati as per letter M/D dt. 31.1.95 and 17.4.95 allowed the applicants to withdraw the benefits with effect from 1.4.93 instead of 1-12-83. The applicants begs to state that they have withdraw the said benefits as per the Order of the authority, from 1.4.93 under protest.
- 6) Be it stated here that with regard to special duty allowance as per memo dt. 14.12.83, and 1-12-88, the applicants has filed a petition No. O.A. No. 50 and after hearing the matter your lordship was pleased to dismissed the petition on 3-7-95.

contd.....6/

Rajat Kanti Da

7) That on the long part of july the petitioner was informed by the office that CDA Gauhati vide its letter No. Pay/01/y dated 26-7-95 has directed the C.W.E Tezpur & recovery the said amount of S.C.A. which was paid to the applicants w.e.f.1.4.93 to 1/95 pending clarification from Ministry of Defence. The arrear price to 31-1-95 will be paid after receipt of clerification from the Ministry.

(Copies of letter dt. 26.7.95 and 31.7.95 are enclosed hereto and marked as Annexure - A and B.)

8) That the applicants begs to state that the authority has already gave to direction to its local Audit department to recovery the said amount as SGA which was paid earlier to the applicants from the salaries inspite of the O.M. dated 14-12-83,1.12.88.

(Copies of O.M.dt. 14.12.83 and 1.12.88 are enclosed hereto and marked as Annexure C & D).

5. GROUND'S FOR RELIEF WITH LEGAL PROVISIONS :

- i) For that the applicants are entitled to special compensatory allowances as per Off memoranda dt.14.12.83,1.12.88 in as much as the said memoranda have been made applicable & all civilian Centrol Govt. employees and cannot be discriminated against.

- ii) For that the departmental authorities have been seized of the matter since after 1-12-83, initially by making payments in accordance with office memorandum dt. 14-12-83, thereafter by making orders stopping such payments and directing for recovery of amounts already paid that to without seeking any clarification is gross violation of the applicants right which is guaranteed under the constitution of India.
- iii) For that notwithstanding payment of SCA to the GREF personal they being entitled to allowances and benefits under O.M. dt. 14-12-83 and 1-12-88 also, the applicant are also entitled to such allowances and benefits, effective from 1-12-83 but the same was given effect from 1-4-93 which deprived the applicants from their legitimate right.
- iv) For that the respondent fail to understand the Order dt. 3-7-95 passed by this Hon'ble Tribunal in letter and spirit as such the Respondent issued a direction to recovery the SCA from the applicant, which is miscarriage of justice towards the applicants.
- v) For that the applicants being posted to high altitude of Arunachal Pradesh, the

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necessities and essential services of life are care at such places and are available only on payment of abnormally high prices which is far, what unless the applicants are compensated by making payment of allowances and service benefits as per office memoranda dt. 14-12-33 and 1-12-38, they shall have to face grave . Injustice and serious injury that decided to be remedied by protecting them from the vide of discrimination that is guaranteed to them as citizen/public employees under Articles 14 and 16 of the constitution.

6. DETAILS OF REMEDIES EXHAUSTED :

The applicants declare that they have awaited at all remedies awaitable to them under the relevant service rules etc, as would be revealed from paragraph 4 above.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT.

The applicants further declare that they have not previously filed any application, writ petition or suit regarding the matter to respect of which this application has been made, before

any court.....9/

Rajat Kanti Day

any court or any other authority or any other Bench of the Tribunal nor any such application, Writ petition or suit is pending before any as them.

8. RELIEF SOUGHT :

The respondents may be ordered/directed to pay to applicant the special compensating allowances in accordance with O.M. dt. 14-12-83 and 1-12-88 of the Central Government as referred above and be further pleased to set aside and quashed the Order dt. 26.7.95 (Annexure A) and 31-7-95 (Annexure -B) .

9. INTERIM ORDER IF ANY PRAYED FOR :

The respondent may be directed not to give effect of letter dt. 26.7.95 ^{and 31.7.95} issued by A.O. and also be directed not to recover the arrear amount paid to the applicant pending the clarification from the Ministry of Defence.

10. In the event of application being sent by registred post etc. :- Not applicable.

11. Particulars of Postal Order

of P.O. NO. 09327249

filed in respect of application

fee & date 7/9 issued by Gauhati Head Post

Office fee Rs. 50/- payable

at Gauhati is annexed heret

12. LIST OF ENCLOSERS :

Annexure. A B C D

contd.....10/

Rajat Kanti Day

- 10 -

VERIFICATION

I, Sri Rajat Kanti Dey son of Late Kr. Dey
employed under the Garrison Engineer, 859 Engineer
Works Section C/O 99 A.P.O. do hereby verify that
the contents as para 1, 4, 67 of
the application are true to my personal knowledge
and paras 2, 3, 5 are believed to be true on legal
advice and that I have not supported any material
fact.

dtd. - 7/9/95

Rajat Kanti Dey

SIGNATURE

/Ananyan - A

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Copy of DDA Garhwal letter No. Pay/01/X dated 26-7-95. xxxxxxxx

Sub: PAYMENT OF SCA (RL) IN RESPECT OF INDUSTRIAL STAFF.

It has been intimated by your AAO GE that payment on account of SCA (RL) (along with FSC) has been made to Industrial personnel for the period from 1-4-93 to 31-5-95 in spite of disagreement with audits.

As per M/O letter dt 31-1-95 and 17-4-95 Defence Civilians working newly defined Modified Field Areas are entitled to SCA (RL) and other allowances wof 1-4-93 and no field service concession is admissible though the Govt. letter was issued on 31.1.95.

The case regarding payment of arrears on account SCA (RL) for the period 1-4-93 to 31-1-95 and recovery of cost of Free Ration/Single accommodation already availed is under reference with higher audit authority for clarification in consultation of Min of Defence. The case is still under consideration with Min of Defence and in meantime it has been decided that recovery of cost of Free ration/single accommodation already availed prior to 31-1-95 may not be made. Similarly and payment on account of SCA/RCA/SRA may not be made for the period 1-4-93 to 31-1-95 personnel wof 1-4-95 may be admitted in case no FSC (Free Ration/accommodation) is being availed.

In view of pending clarification regarding application of provisions of Min of Defence letter dt 31-1-95 and 17-4-95 payment on account of SCA (RL) for the period 1-4-93 onwards already made irregular and unauthorized and requiring recovery in lumpsum from the staff causing pay bills without any consideration and intimated in this office. AAO Shillong has already been instructed to effect recovery in lumpsum.

As per Min of Def letter dt 13-1-95 certain Area of Arunachal Pradesh have been classified both Field and Modified Field Area. Please intimate specific authority classifying your office location in Modified Field Area. If located in modified field area, facility of FSC may be stopped forthwith and recovery of any amt 1-3-95 on account of cost of Free Ration/Single accommodation may be effected before longuing SCA (RL).

In future advice of your AAO GE on financial matter may invariably be accepted to avoid any complication which has arisen now.

Sd/-x-x-x-
Sr AO (P)

Copy to :-

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Copy to :-

1. AAO GE
859 EWS

8. W. rate No. A/113/XVIII dt 7-7-95.
He is directed to place the amount to
SCA(RL) payment under SIO and effect recov-
ery in Lump-sum. SCR(RL) may not be
admitted unless FSC is stopped.

This office circular No Pay/01/105 dt
30-6-95 may be referred to.

2. S. K. S. S. Shillong Zone
Shillong

3. CUE Tezpur

WITH A REQUEST TO ISSUE suitable inst. to
GE 859 EWS to effect recovery in Lump-sum
amount of irregular and unauthorised payment
of SCA(RL) to Defence Civilians, including
Officers and also to stop F.S.C. 1.4.
Free Ration/Single accommodation.

Also confirm that 859 EWS is located in
Modified Field Area as per M/O letter
dt 12-1-94.

4. ALA(A) Tezpur

for information.

all
cl

Area Accounts Office, Zorua Villa
Shillong letter no. PM/1/306-CI dt 31-7-95.

SUB: SPECIAL COMPENSATORY (RL) ALLOWANCE FROM
4/93 TO 1/95: RECOVERY OF

It has been directed by the CDA Guwahati to recover the amount on account of SCA (RL) paid from 4/93 to 1/95 pending clarification from Ministry of Defence. The arrears prior to 31.1.95 will be paid after receipt of clarification from the Ministry.

As such the payment made from 4/93 to 1/95 on the above account through the following vouchers have been noted for recovery from the pay bills :-

The recoveries may please be effected from the concerned * indirects involved in the following bills to comply will be directive of the CDA Guwahati.

- 1) 01/Cash/30 dt 29.5.95.
- 2) 01/Cash/31 dt 29.5.95
- 3) 02/Cash/73 dt 27.5.95
- 4) 03/Cash/51 dt 17.5.95
- 5) 05/Cash/19 dt 26.5.95
- 6) 01/Cash/71 dt 30.5.95.

The pay bill bearing voucher No. 01/Cash/69 dt 29.6.95 on account of Payment of SCA (RL) is returned unpassed for the reason stated above.

Sd/-x-x-x-x

(RNP Singh)
Account Officer

all over


NEW DELHI, the 14th
DECEMBER 1983

MEMORANDUM

Subject :- ALLOWANCES AND FACILITIES FOR CIVILIAN EMPLOYEES OF THE CENTRAL GOVERNMENT SERVING IN THE STATES AND UNION TERRITORIES OF NORTH EASTERN REGION IMPROVEMENT

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

(i) Tenure of posting/deputation:

There will be a fixed tenure of posting of 3 years at a time for officers with service of 10 years or less and 2 years at a time for officers with more than 10 years of service. Periods of leave, training, etc. in excess of 15 day per year will be excluding counting the tenure period of 2/3 years. Officers, on completion of the fixed tenure of service mentioned above, may be considered for posting to a station of their choice as far as possible. Satisfactory performance of duties for the prescribed tenure in the North East shall be given due recognition in the case of eligible officers in the matter of:-

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

(ii) Weightage for Central Deputation/Training abroad AND SPECIAL MENTION in Confidential Records.

- (a) Promotion in cadre posts;
- (b) deputation to central tenure posts; and
- (c) course of training abroad.

The general requirement of at least three years service in a cadre post between to central tenure deputations may also be relaxed to two years in deserving cases of meritorious service in the North East.

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A specific entry shall be made in the C.R. of all employees who are considered in full tenure of service in the North Eastern region to that effect.

(iii) Special (Duty) Allowance :

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

(iv) Special Compensatory Allowance:-

1. Assam and Meghalaya

The rate of the allowance will be 5% of basic pay subject to maximum of Rs. 50/- p.m. admissible to all employees without any pay limit. The above allowance will be admissible with effect from 1-7-1982 in the case of Assam.

-.-.-.-.-

2. Manipur

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

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

3. Trinamali

The rates of the allowance will be as follows:-

(a) Difficult areas - 25% of pay subject to minimum of Rs. 50/- and maximum of Rs. 150/- p.m.

(b) Other areas

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

There will be no change in the existing rate of Special Compensatory Allowance admissible in Arunachal Pradesh, Nagaland and Mizoram and the existing rate of Disturbance Allowance admissible in specified areas of Mizoram.

Sd/- xxx xx xx xx
Under Secretary to the Govt of India

GATE

DUPLICATE
(D. V. S. Rayudu)
AE B/R
AOR (1)

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

New Delhi, the 1 Dec 1988

OFFICE MEMORANDUM

THE GOVERNMENT OF INDIA MINISTRY OF FINANCE DEPARTMENT OF EXPENDITURE
REGIONAL OFFICE NORTH EASTERN REGION
ASSAM, MANIPUR, MIZORAM, TRIPURA, NAGALAND, ARUNACHAL PRADESH AND MIZORAM

The undersigned is directed to refer to this Ministry's O.M. No. 14/12/83-E.IV dated 14th December, 1983 and 30th March, 1984 on the subject mentioned above and to say that the question of making suitable increments in the allowances and facilities to Central Govt. employees posted in North Eastern Region comprising the States of Assam, Manipur, Nagaland, Tripura, Arunachal Pradesh and Mizoram has been engaging the attention of the Govt. Accordingly the President has decided to decide as follows:-

ALTERATION IN ALLOWANCES AND FACILITIES

Tenure of posting/deputation

The existing provisions as contained in this Ministry's O.M. No. 14.12.83 will continue.

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

The existing provisions as contained in this Ministry's O.M. No. 14.12.83 will continue. Cadre authorities are advised to give weightage for satisfactory performance of duties for the prescribed tenure in the North-East in the matter of promotion in the cadre posts, deputation to Central tenure post and courses of training abroad.

(1) Special (Duty) Allowance:-

Central Govt. Civilian employees who have All India transferability will be granted special (Duty) Allowance at the rate of 5% of basic pay subject to ceiling of Rs. 1000/- per month on posting to any station in the North-Eastern Region. Special (Duty) Allowance will be in addition to any special pay and/or deputation (duty) allowance already being drawn subject to the condition that the total of such allowances will not exceed Rs. 1000/- p.m. Special allowances like special compensatory (Remote Locality) Allowance, Construction Allowance and Project Allowance will be drawn separately.

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

(2) Special Compensatory Allowance:-

The recommendations of the 4th pay Commission have been accepted by the Govt. and Special Compensatory Allowance at the revised rates have been made effective from 1-10-86 (1-10-86).

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Page 2

(v) to (xii) - Not applicable.

2. The above orders will also apply ~~mutatis mutandis~~ to the Central Govt. employees posted in Andaman & Nicobar Islands and Lakshadweep Islands. These order will also apply ~~mutatis mutandis~~ to officers posted to N.E. Council, when they are stationed in the N.E. Region.

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

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

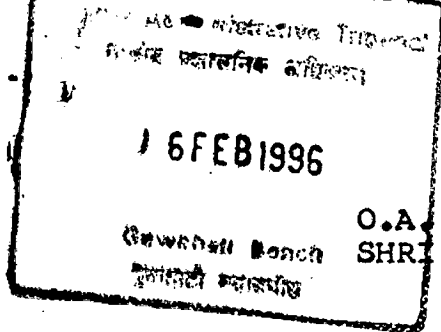
5. Hindi version of this Memorandum is attached.

Sd/- xxx xxx xxx
(A JAYARAMAN)
Joint Secretary to the Govt of India.

V. J. S.

Dr. S. V. S. Rayudu
(D. V. S. Rayudu)
AE B/R
AGE (T)
For Garrison Engineer

attache
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GUWAHATI BENCH

GUWAHATI

In the matter of :-

O.A. NO. 191 OF 1995
SHRI R K DEY AND OTHERS

.... Applicant

-Vs-

Union of India & Others

.... Respondents

Written statement for and on behalf of Respondents
Nos 1, 2, 3, & 4

I, Major M.K. Arora, Garrison Engineer, 859 Engineer
Works Section, C/O 99 A.P.O., do hereby solemnly
affirm and say as follows :-

- 1) That I am the Garrison Engineer, 859 Engineer Works
Section C/O 99 APO and Respondents No 3 in the case, and
acquainted with the facts and circumstances of the case. I have
understood the contents thereof. Save and except whatever is
specifically admitted in the written statement the other
contentions and statement made in the application may be
deemed to have been denied. I am competent and authorised to
file this written statement on behalf of all the respondents.
- 2) That the respondent beg to state that the special
Compensatory Allowance (Remote Locality) was ordered vide Govt
of India, Min of Def letter No B/37269/AG/PS-3(a)/165/D(Pay/
Services) dated 31st Jan 95. The order came into effect
wef 01st Apr 1993. As per Govt of India, Min of Def letter,
it has been ordered that field service concession viz-a-viz,
the special compensatory allowance (RL) will be admissible
to the Defence Civilian employees on representation from
all Defence employees of this works Section during the month
of July 1995 the payment of arrears of SCA (RL) for the
period from 01st April 1993 to 31st Jan 95 was made after
obtaining the UNDERTAKING from the employees that "Any over
payment of arrears of SCA (RL) that may be found at a later date
is refundable to this office".
- 3) That the respondents beg to state that the amendment to the
above order was issued vide Govt of India, Min of Def letter

Contd....P/2

Filed by:-
H. M. Choudhary
Addl. Central Govt.
Standing Counsel.
16.2.96

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No. B/37269/AG/PS-3(a)/730/D(Pay/Services) dated 17th April 1995
regarding Field Service Concessions to Defence Civilian Employees
serving in the newly defiaed area under which it has been
clarified that Special Compensatory Allowance (RL) and other
Field Service Concessions are not admissible concurrently, but
these orders on the subject were received late in this office.

4) That the respondent beg to state that the on payment of
arrears of SCA (RL) for the above period CDA Guwahati issued
instruction to this office and Asstt. Accounts Officer vide
his letter No. PAY/01/IX, dated 31st July 1995 that payment of
arrears of SCA made to the Defence Civilian Employees is
irregular and be recovered in lump sum as the employees are
availing field service concessions. Both the concessions i.e.
SCA (RL) and Field Service Concessions could not be granted at
a time. The matter is under examination in consultation with
Min of Def in connection of Govt of India, Min of Def letter
dated 31st January, 1995 as modified vide letter dated 17th April 95.

5) That the respondents beg to state that the on receipt of
Min of Def Corrugendum No. B/37269/AG/PS-3(a)/1862/D(Pay/Service)
dated 12th Sept 95 under which para 2 of Govt of India, Ministry
of Def letter dated 31st Jan 95 has been deleted and substituted
as under :-

"These orders will come into force wef the date of issued
of this letter namely wef 31st January 1995. In other
words, no recovery will be made on account of concessions
like free rations/free single accommodation etc. already
availed by Defence Civilians as part of Field Service
concessions from 01st April 93 to 30 Jan 95 Similarly no
payment on account of SDA/SCA/SCA(RL) will also be made
from 01st April 1993 to 30th January 1995".

6) That the respondents beg to state that in view of the
above, it is clarified vide Govt of India, Min of Def letter
No B/37269/AG/PS-3(a)/1862/D(Pay/Services) dt 12th Sept 95
that both of the concessions are not admissible at the same time.

7) That the respondents beg to state that this unit is located
in the remote and hard area at the distance of 140 Kms away from
Tezpur at the height of 4749 ft from sea level where even
communication to and from is very must infrequent due to the
rough terrain of the area. Based on this fact, the Govt of
India, Min of Def has declared this area as Field Service Concession
area wherein the facilities for field concessions are being enjoyed
Contu....

by Defence Civilian Employees as per Govt of India, Min of Def letter No. 4/02584/AG/PS-3(a)/191/S(Pay/Services) dated 25th Jan' 1964 as modified vide Govt of India, Min of Def letter No. A/2576/AG/PS-3(b)/146-S/2/D(Pay/Services) dated 02nd March'1968.

In view of the clarification received on Govt of India, Min of Def letter dated 31st January'95 and 17th April'95 vide Govt of India, Min of Def letter No. B/37269/AG/PS-3(a)/1862/D(Pay/Services) dated 12 Sep'95 the recovery of arrears of SCA(RL) for the period from 01st April'1993 to 31st Jan'95 is required to be made as SCA(RL) and other allowances are not concurrently admissible alongwith Field Service Concessions.

8] That the Respondents beg to state that on perusal of our old records, it is revealed that the Civilian employees of this office were granted SCA wef 1st Oct'1986 vide Govt of India, Min of Def letter No. 20014/S/86/E-IV dated 23 Sep'1986. The SCA(RL) was claimed in respect of this office for Defence Civilian Employees through the regular pay bill for the month of 12/86 but the same was disallowed by AAO Shillong stating that since field service concessions are being enjoyed by the employees of this office and therefore no SCA(RL) is admissible. In this connection para-4 of letter dated 23 Sep'1986 is relevant. It states that where the hill compensatory allowance or any other compensatory allowance is more beneficial the same may be allowed in lieu of special compensatory allowance. In other words only one concession is admissible at one time. The payment against the intention of Govt order cannot be authorised.

In view of the present orders received on the subject, it is very clear that the SCA(RL) and availing of field service concession at the same time are not admissible. Hence recovery of arrears of SCA(RL) for the period from 1st April'1993 to 31st Jan'1995 is required to be made as per Govt of India, Min of Def letter dated 12 Sep'1995.

The irregular payment amounting to Rs. 22.00 lakhs made in account of arrears of SCA(RL) for the period from 1st Apr'1993 to 31st Jan'95 is required to be deposited with Govt as the Defence Civilian Employees of this office are enjoyed field concession.

Since the employees of this works section have been paid the SCA(RL) for the period from 1 Apr'93 to 31 Jan'95 which is irregular in terms of the existing Govt orders and the latest clarification received from Govt of India, Min of Def letter dated 12 Sep'95 on the subject, no SCA(RL) will be admissible concurrently with field service concession. Hence amount already paid termed as irregular is required to be recovered from the employees.

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9) That with reference to paragraph 1 of the application the respondents beg to state that on representation from all the Defence Civilian Employees of this office during the month of Jul' 1995, the payment of arrears of SCA(RL) for the period from 1st Apr'1993 to 31st Jan'95 were made after obtaining the undertaking from the employees that "any over payment of arrears of SCA that may be found later date, is refundable to this office."

On payment of arrears of SCA(RL) for the above period, CDA Guwahati issued instructions to this office and Asstt. Account Officer vide his letter No. PAY/01/IX dated 31st Jul'1995 that payment of arrears of SCA from 01 April'1993 to 31st Jan'95 made to the Defence Civilian Employees is irregular and be recovered in lump sum as the employees are enjoying field service concession. Both the concession i.e. grant of SCA(RL) and availing of field service concessions could not be granted at the same time. The matter is under examination is consultation with Ministry of Def in connection of Ministry of Defence letter No. B/37269/AG/165/PS-3(a)/D(Pay/Services) dated 31st Jan'95 (Annexure-I) as modified vide Min of Def letter No. B/37269/AG/PS-3(a)/730/D(Pay/Services) dated 17 Apr'1995 (Annexure-II).

10) The both reference to paragraph 2 and 3 of the application on the respondents have no comments.

11) That with reference to paragraph 4(i) of the application the respondents beg to state that this being the remote area located at a distance of 140 Kms away from Tezpur, at the height of 4749 ft above sea level, the essential commodities are being obtained from Tezpur by local marchants and thereby the cost commodities are very high. Based on this fact, the Govt of India, Min of Def has declared this area as Field Service concessional area wherein the facilities for field concession are being enjoyed by Defence Civilian Employees as per Govt of India, Min of Def letter No. 4/02584/AG/PS-3(a)/B(Pay/Services) dated 25th Jan'1964 (Annexure-III) modified vide Govt of India, Min of Def letter No. A/25761/AG/PS-3(b)/146-S/2/D(Pay/Services) dated 02nd March'1968 (Annexure-IV).

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However as per the present Govt. order this area has been declared as modified field concessional area vide Min of Def letter No. 37269/AG/PS-3(a)/90/D(Pay/Service) dated 13th Jan 1994 (Annexure V) and the payment of arrears of SCA (RL) was made accordingly on receipt of Govt. of India, Min of Def letter No. B/37269/AG/PS-3(a)/165/D(Pay/Service) dated 31st Jan '95 (Annexure-I) which was later amended vide Govt of India, Min of Def letter No. B/37269/AG/PS/3(a)/730/D(Pay/Service) dated 17th April 95 (Annexure-II) that Defence Civilian employees in the newly defined field areas, special Compensatory (Remote Locality) Allowance and other allowance are not concurrently admissible alongwith Field Service Concessions".

In view of the above, both the concessions could not be granted at the same time as clarified vide Govt of India, Min of Def letter dated 17 April 95 quoted above, as such the payment made on account of arrears of SCA (RL) from 1st April 93 to 31st Jan 95 is irregular. The intention of the Govt. of India order is very clear i.e. only one concession either Special Compensatory Allowance in terms of Govt of India, Min of Def letter dated 17th April 95 or any other compensatory allowance/concession available in terms of any other Govt. order whichever is more beneficial is admissible.

It is further clarified that the concession of special Compensatory allowance and field service concessions are given under different orders, the same are not admissible simultaneously.

12) That with reference to paragraph 4(2) of the application the respondent beg to state that so far the payment of Special Compensatory (RL) Allowance to GREF Personnel is concerned, this office has no comments to offer since the Govt. orders regarding non admissibility of both concessions concurrently are very clear.

13) That with reference to paragraph 4(3) of the application the respondents have no comments.

14) That with reference to the paragraph 4(4) of the application the respondents beg to state as per Govt. of India, Min of Def

Letter No. 4(7)/77/D(Civ-I) dated 14th July 80 under which special compensatory allowance (RL) has been granted initially the allowance in question is not admissible to civilians who are in receipt of field service concessions. It has been clarified by the Ministry of Finance (Deptt. of Expdr) that the basic conditions for admissibility of the allowance remain the same. In connection, para-4 of OM No. dated 23 Sept 86 (Annexure-VII) is relevant. It states that where the hill compensatory allowance or any other compensatory allowance is more beneficial the same may be allowed in lieu of special Compensatory Allowance. In other words only one concession is admissible at one time. The payment against the intention of Govt. orders cannot be authorised.

15) That with reference to the paragraph 4(5) of the application the respondents beg to state that as per Govt. of India, Min of Def letter No B/37269/AG/PS-3(a)/165/D(Pay/Services) dated 31st Jan '95 (Annexure-I) as modified vide letter No. 37269/AG/PS-3(a)/D(Pay/Services) dated 17th April 95 (Annexure-II the Defence Civilian employees serving in the newly defined modified field area, the special compensatory (Remote Locality) allowance and other allces are not concurrently admissible alongwith field service concession. The employees of this office are in receipt of Field Service Concession till date.

16) That with reference to the paragraph 4(6) of the application the respondents beg to state that it has been laid that the memoranda dated 14th Dec 83 (Annexure-VIII) and 1st Dec 88 are meant for attracting and retaining the service of competent officers posted in the North Eastern Region from other parts of the Country and are not applicable to the personnel belonging to the region where they are appointed and posted. Since the applicants have been appointed and posted in the North Eastern Region, the claim does not survive and OA No. 61/95 was rejected.

17) That with reference to the paragraph 4(7) of the application the respondents beg to state that the present order on the subject has been issued vide Govt of India, Min of Def letter No.

B/37269/AG/PS-3(a)/1862/D(Pay/Service) dated 12th Sept '95

(Annexure-VIII) under which para 2^o of Govt of India, Min of Def letter No. 8/37269/AG/PS-3(a)/165/D(Pay/Service) dated 31st Jan '95 (Annexure-I) has been deleted substituted as under :-

" These orders will come into force wef the date of issue of this letter namely wef 31st Jan 95. In other words, no recovery will be made on account of concession like free ration/free single accommodation etc. already availed by Defence Civilian as part of Field service Concessions from 1st April 93 to 30th Jan '95, Similarly no payment on account of SDA/SCA/SCA(RL) will also be made from 01st April 93 to 30th Jan 95 ".

The above clarification is self explanatory and there is no further comments to offer.

18) That with reference to paragraph 4(8) of the application the respondents beg to state that CDA's letter for recovery of arrears of SCA (RL) paid to the Defence Civilians employees for the period from 1st April 93 to 31st Jan '95 is in order as per Govt. of India letter quoted in para-7 above. Since the Defence Civilian employees of this organisation are in receipt of Field Service Concessions, the request for grant of SCA (RL) in addition to field service concession is not admissible as per existing orders.

19) That with reference to paragraph 5 of the application the respondents have no comments.

20) That with reference to paragraph 8 of the application the respondents have no comments.

21) That with reference to paragraph 9 of the application the respondents beg to state that the clarification received from Govt. of India, Ministry of Defence letter No. 8/37269/AG/PS-3(a)/1862/D(Pay/Service) dated 12th Sept '95 (Annexure-VIII) has categorically stated that both the concession are not admissible concurrently and the stay order passed by the Hon'ble Tribunal may be vacated.

22) That with reference to paragraph 10, 11 and 12 of the application the respondents have no comments.

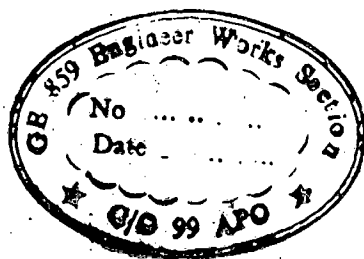
49


23) That with the respondents Graves leave of the Hon'ble Tribunal to file additional written statement of occasion arises.

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

I, Major M K Arora, Garrison Engineer, 859 Engineer Works Section, C/O 99 APO do hereby declare that the statements made in this written statement are true to my knowledge derived from the records of the case.

I sign this verification on this the of February 1996
at




DEPONENT
(MK ARORA)
MAJOR
Garrison Engineer
859 ENGR WKS SEC

Copy of G of I, M of D letter No. 8/37269/AG/PS-3(a)/165/D
(Pay/Services) dated 31 Jan '95.

FIELD SERVICE CONCESSIONS TO DEFENCE CIVILIANS
SERVING IN THE NEWLY DEFINED FIELD AREAS

Sir,

1. I am directed to refer to Para 13 of Govt letter No. 37269/AG/PS 3(a)/D Pay/Services dt 13.1.94 and to convey the sanction of the president to the following field service concession to Defence civilians in the Newly defined Field Areas & Modified Field Areas as defined in the above mentioned letter :-

i) Defence civilian employees serving in the newly defined field areas will continue to be extended the concession enumerated in Annexure 'C' to Govt letter No. A/02585/AG/PS 3(a)/97-5/D(Pay/Services) dt 25 Jan '64. Defence civilians employees serving in Newly Defined Field Areas will continue to be extended the concessions enumerated in Appendix 'B' to Govt letter No. AP 25762/AG/PS 3(a)/146-S/2/D(Pay/Services) dt 2nd March 1968.

ii) In addition to above, the Defence civilians employees serving in the newly defined Field Areas and Modified field areas will be entitled to payment of Special Compensatory (Remote Locality) Allowance and other allowances as admissible to Defence civilians as per the existing instructions issued by this Ministry from time to time.

2. These orders will come into force w.e.f. 1st April 1993.

3. This issues with the concurrence of Finance Division of this Min vide their DO No. 5(a)/85-AG (14-9A) dt 09.01.1995.

Yours faithfully,

Sd/-x x x x
(K I Tluanga)

Under Secretary to the Govt of India.

COPY

No. B/37269/AG/PS-3(a)/1862/D(Pay/Services
Government of India
Ministry of Defence
New Delhi, the 12th September 95.

C O R R I G E N D U M

The following amendment is made to this Ministry's letter No..B/37269/AG/PS-3(a)/165/D(Pay/Services) dated 31.1.95, regarding * Field Service Concessions to Defence Civilians serving in the newly defined Field Areas :-

Para 2 may be deleted and substituted as under :-

"These orders will come into force w.e.f. the date of issue of this letter namely w.e.f. 31.1.95. In other words, no recovery will be made on account of concessions like free rations/free single accommodation etc. already availed of by Defence Civilians as part of Field Service Concessions from 1.4.93 to 31.1.95. Similarly, no payment on account of SDA/SCA/SCA(RL) will also be made from 1.4.93 to 30.1.95".

2. This corrigendum issued with the concurrence of the Finance Division/AG of this Ministry vide their I.D. No. 1033-PA dated 11.9.95.

Sd/-x x x x x

(L T Thuanga)

Under Secretary to the Govt. of India

To

The Chief of the Army Staff
New Delhi

2
Annexure II

Annexure 'B'

Copy of Govt of India, LDD letter No. L/37269/AG/PS3(a)/730/
D(Pay/Services) dated 17 April'95.

FIELD SERVICE CONCESSIONS TO DEFENCE CIVILIANS
SERVING IN THE NEWLY DEFINED FIELD AREAS

1. The following amendment is made to this Ministry's letter No. B/37269/AG/PS3(a)/D(Pay/Services) dated 31 Jan'95, regarding Field Service Concessions to Defence Civilians Serving in the newly defined Field Areas :-

" The Defence Civilian employees, serving in the newly defined modified Field areas, will continue to be entitled to the special Compensatory (Remote Locality) Allowance and other allowance as admissible to defence Civilians, as ~~hithertx~~ hithertofore, under - existing instructions issued by this Ministry from time to time. However, in respect of Defence Civilians employees in the newly defined Field Areas, Special Compensatory (Remote Locality) Allowance and other allowances are not concurrently admissible alongwith Field Service Concessions."

2. This Corrigendum issues with the concurrence of the Finance Division/AI of this Ministry vide their L.D. No. 388/PA dated 05 April'95.

Sd/- x x x x x x x x x x
(L T Tluanga)

Under Secretary to the Govt of India

(Tele : 3012739)

12 9039
MIN OF DEF LETTER NO. 1/0280/1/G/53(a)/A7.5/D(pay/Services)

FIELD SERVICE CONCESSIONS TO ARMY PERSONNEL AND PERSONNEL OF CIVILIAN UNITS ONLY

1. I am directed to convey the sanction of the President to the grant of 01 Feb 64 of the Field Service concessions as given in the following paragraphs to Army personnel (including Army postal service personnel) and Defence Civilians in the defined areas.
2. The concessions detailed in Annexure 'A' to this letter will be admissible to Army personnel of detachments, units and formations located in the areas defined in Annexure 'B' to this letter. Those concessions will not be admissible to state formations/units eg Mil Force, ICB, Medical Officers, Treg Centre and Nomenclature. All Directors and end units, unless embodied, Recruiting Officers and Record Officers and with units whose personnel are eligible for the grant the these concessions will also be admissible to these concessions.
3. Personnel of formations/units which will not be given field service concessions being state or outside the concessional areas, will be governed by normal conditions of service applicable in peace stations for all purposes eg. provision of family accommodation facilities for families of officers of rank of P. Lt.
4. Officers, JCOs and GPOs who have been allowed to retain family home in the local duty station and who are issue of these orders will not be entitled to retain such accommodation, may continue to retain the accommodation until such time as married accommodation in the officers duty station is made available or the family may be allowed to go on selected place residence of sort of expenses, 2 and 7 of Annexure 'A' as applicable.
5. Defence civilian including, civilian employees in lieu of members and NCOs (both posted and locally recruited) serving in the areas defined in Annexure 'B' with units and formations where combat personnel have been allowed field service concessions under para 2 above will be entitled to the concessions detailed in Annexure 'A' to this letter.
6. Individuals/ detachments from static/field units not governed by the above which are attached for OP purposes to units or formations drawing the concession will be entitled to the concessions enumerated at Sri Nos 1, 3, 9, 11, 12 for Annexure 'A' if the attachment is less than two weeks, if the attachment is for two weeks or more the concession enumerated will Sri Nos. 4, 5, 6, 7 & 10 of Annexure 'A' will also be admissible in addition. No cash pay will be admissible in either case.
7. These orders supersede the provisions contained in Ministry's orders referred to below:-
 - (a) No. 60/1/50/260.5/D(pay/Services) dated the 6th Jan 1950 as modified by No. 92002/1/50/260.5/D(pay/Services) dated 07 Jan 52.
 - (b) No. 92267/1/50/260.5/D(pay/Services) dated 10/11/52 as amended/extended by No. 92457/1/50/260.5/D(pay/Services) dated 15 Apr 53 and Corr No. 92597/1/50/260.5/D(pay/Services) dated 23 Oct 53.
 - (c) No. 96459/1/50/260.5/D(pay/Services) dt 30 Jan 1952 as amended by No. 96459/1/50/260.5/D(pay/Services) dated 25 Jan 1953 and the provisions relating to OP allowances.
 - (d) No. 92719/Ord 4(Civ(d))/14.5/D(Civ-31) dated 11 Jan 53 as amended from time to time.
8. These orders will be in force for a period of two years after which they to continue.
9. This issue with the concurrence of the Min of Fin (Def) vide their No. 96.5/10.

Under the Secretary to the Govt

13
/Copy/

Annexure II
Annexure 'A'

Copy of Govt of India Min of Def letter No. 4/02584/AG/P53
(a)191/8/(Pay/Services) dated 25 Jan 64.

CONCESSION ADMISSIBLE TO CIVILIAN PAID FROM
DEFENCE ESTIMATES INCLUDING CIVILIAN AND EMPLOYEES
OF LINE OF COMBATANTS AND HQS BOTH POSTED ON
LOCALLY RECRUITED

- (a) Free ration on scales applicable to combatants of the Army or Air Forces as the case may be and fuel.
- (b) Free tented/based accommodation and connected services to extent feasible.
- (c) Free clothing of minimum essential scale of Army personnel if the Corps Commander AO in Air Force Command considers, the issue of such clothing for essential for OP reasons.
- (d) Free remittance of family allotments.
- (e) Free medical treatment and hospital treatment.
- (f) Wound/injury or family pension or gratuity under Chapter XXXVIII CSR or Army Instruction 157/57 AFI 20/58, as the case may be for compensation under the workmen compensation, act where applicable.
- (g) 2 Postage free forces letters per individual per week.
- (h) Remittance within Indian limits of money orders and Indian postal orders free of commissions upto the minimum value of Rs. 30/- PM per individual.
- (j) Retention family accommodation allotted by Govt, at the old duty station on payment of normal rent. If the accommodation retain is required to be service, the families may be shifted to alternative accommodation whether service, the families may be shifted to alternative whether appropriate or inferior to the status of the individual concerned.

Note 1. Dearness allowances will continue to be admissible in full.

2. The concession in (j) above is applicable only in respect of accommodation held by the Min of Def separate orders will follow in r/o of belonging to Min of WHOR.

END

Sd/- x x x x
(M Arumugam)
Major
Garrison Engineer

Copy of Secret letter No A/25761/AG/PS3(b)/146-S/2/D(Pay/Services) dated 2.3.68 from ~~222~~ Govt of India Min of Def, New Delhi.

Sub : Field Service Concessions to Army Personnel And Defence Civilians in Operational Areas

I am directed to refer to this Min letter No A/02584/AG/PS3(a)/97-S/D(Pay/Services) dt the 25th January, 1964 as extended and Army Instruction 7/S/48 as amended from time to time and to say that the President is pleased to sanction the following modification with effect from the dates shown :-

(a) The rates of special compensatory allowances will be revised as under with effect from the 1st Mar, 1968 :-

<u>Rank</u>	<u>Rate</u>
Hony Commissioned officers	30.00
JCOS	25.00
Hav	18.00
Nk	15.00
OR	13.00
NCS (E)	10.00

(b) Field Service Concessions will cease to be admissible to officers & personnel (including civilians paid ~~xx~~ from Defence Services Estimates) serving in Municipal & Cantonment areas of :-

(i) SRINAGAR, JAMMU, UDHAMPUR and Darjeeling with effect from the 1st March 1968.

(ii) Siliguri & Bagdogra with effect from 1st March 1968.

(c) Consequent upon the withdrawal of field service concessions, the following concessions would become admissible at the stations mentioned in (b) above with effect from the dates shown therein to Army officers and personnel to whom the orders referred to in para 1 above originally applied.

(i) Concessions listed in Appx 'A' to this letter to service officers and personnel and those in Appendix 'B' to civilians paid from Defence Services Estimates.

(ii) Special ad-hoc allowance of Rs. 70/-pm to married service officers forced to live singly due to non-availability of married accommodation for 2 years, the position to be reviewed before the expiry of that period.

(iii) The concessions listed in Appx 'A' and the special ad-hoc allowance referred to at (ii) above will be withdrawn when married accommodation is available to the extent of 50%.

2. Field Service Concessions for all the other areas would be reviewed every two years.

3. This letter issues with concurrence of the Min of Fin (Defence) vide their U.O. No 279-S/PA of 1968.

~~SECRET~~

Appendix 'B' to Ministry of
Defence letter No A/25761/AG/
PS3(b)/146-S/2/D(Pay/Services)

Dated the 2nd March 1968

Concessions Admissible to Civilians Paid From Defence Services Estimates Including civilians Employed in lieu of Combatants And NCS(E) (BOTH POSTED) AND LOCALLY RECRUITED).

- (a) Free remittance of family allotments.
- (b) 2 postage free forces letters per individual per week
- (c) Remittance within INDIAN limits of money orders and indian postal orders free of commission upto the maximum value of Rs. 30/- per month per individual.
- (d) Retention of family accommodation allotted by Govt at the old duty station on payment of normal rent. If the accommodation retained is required to be allotted to another entitled personnel for exigencies of service, the families may be shifted to alternative accommodation whether appropriate or inferiors to the status of the individual concerned.

Note :- 1. Dearness allowanges will continue to be admissible in full.

Note:- 2. The concession in (d) above is applicable only in respect of accomodation held by the Ministry of Defence. Separate orders will follow in respect of accommodation belong to the Ministry of works housing and supply.

...with new field battalions...
...in support of troops at various strategic points...
...operational and tactical requirements...
...in highly sensitive areas...
...surveillance continued...

IMPLEMENTATION OF THE RECOMMENDATION ON THE 4TH CENTRAL PAY COMMISSION

1. Copy of Govt of India, Min of Defence letter No 37269/AG/PS3(a) dated 13 Jan 94, is forwarded for info and necessary action to be taken.

2. Please refer to the attached copy of the letter from the Govt of India, Min of Defence, dated 13 Jan 94, regarding the grant of Field Area Allowance to troops in the field areas. The rates of the allowance are given below:

Major	Rs. 1000/-
Major (Armed)	Rs. 1200/-
Major (Garrison)	Rs. 1000/-

Garrison Engineer

Copy of Govt of India, Min of Defence letter No 37269/AG/PS3(a) dated 13 Jan 94, is forwarded for info and necessary action to be taken.

Sir,

908
909

I am directed to say that the 4th Central Pay Commission in para 28.98 of their report, had recommended that the existing classification of areas for the grant of Field service concessions and the concessions admissible to troops in the field areas to Armed Forces should be reviewed.

by the Government. The subject of the report is the review of service concessions in the field areas. The report has been reviewed and the following decisions taken in this regard:

2.1 Classification of Areas: At present, Field Areas are classified into three types, namely full field, modified field and Improved Modified Field areas. The areas in which Field service concessions are admissible have been classified as follows: Thereafter, Field Area will be classified as Full Field Area and Modified Field Area only. (1)

2.2 Pre-requisites for Classifying an area as Field Area and Modified Field Area will be as follows: (a) Field Area: An area where troops are deployed near the borders for operational requirements and where imminent hostilities and associated risks to life exists. Troops in such areas are located for reasons

off operation considerations alone and are not living in cantonments.

Modified Field Area : Modified field area is an area where troops are deployed in support of combat echelons/troops in an operational support role. Degree of operation readiness is slightly lower than that in field area though sustained surveillance continues.

2.3 The details of newly defined field areas and modified field areas are contained in Appendices A and B respectively.

2.4 Alteration if any, in the field/modified field areas will be notified by the Government of India from time to time.

2.5 Areas classified as field areas and modified field areas will be reviewed every three years. The review process will commence one year in advance of the completion of three years.

3.1 **Concessions - Monetary Allowance :** Personnel serving in Field Areas and Modified Field Areas will be eligible to the grant of Compensatory Field Area Allowance and Compensatory Modified Field Area Allowance respectively.

3.2 The rates of the allowances are given below :-

Rank	Rate of Compensatory Field Area Allowance	Rate of Compensatory Modified Field Area Allowance
------	-------------------------------------------	----------------------------------------------------

	in Rs. pm	in Rs. pm
1. Lt Col & above	975	375
2. Lt Col (TS) & Major	895	350
3. Captain	820	325
4. 2 Lt/Lt	780	300
5. JCOs including Hony. commissioned officers.	650	225
6. Sep/Mk including	375	150

3.3 The conditions governing the grant of compensatory field area allowance and modified field area allowance in the case of officers will be as follows :-

Admissibility of compensatory field area allowance and compensatory modified field area allowance will commence from the date on which an officer arrives in field area/modified field area on being posted to a unit/formation in field area subject to the following exceptions :-

Exceptions :- An officer who is absent from a field area/modified field area in any one or more of the following circumstances shall be eligible for compensatory field area allowance/compensatory modified field area allowance:

(i) for a maximum period of 15 days

(a) when placed on the sick list provided that immediately on the expiry of the period on the sick list, he returns to the area at which the allowance is admissible;

(b) on casual leave, in case of absence of more than 15 days.

- (c) While on transit from one field area/modified field area to another field area/modified field area, an officer shall be entitled to a maximum period of 13 months, while on temporary duty, subject to the fulfilment of the following conditions:-
- (a) The officer continues to perform on the strength of the Unit/Formation in the field area/modified field area.
- (b) The officer in the ordinary course returns to the field area/modified field area (not necessarily the one from which he went) on termination of the temporary duty.

NOTE - Compensatory field area allowance/compensatory modified field area allowance will not be admissible to officers holding posts elsewhere who proceed on temporary duty to field area/modified field area. (b)

3.3. Compensatory field area allowance/compensatory modified field area allowance will not be admissible in the following circumstances:-

(a) When an officer is absent from the field area/modified field area on annual leave or sick leave or any other leave except casual leave.

(b) When an officer, from a peace area is exceptionally appointed to officiate in vacancy of less than 3 months duration, if the permanent incumbent continues to draw the compensatory field area allowance/compensatory modified field area allowance under the exceptions mentioned above.

NOTE: Compensatory field area allowance/compensatory field area allowance will not be admissible in addition to expatriation allowance, foreign allowance, compensatory/daily allowance or for serving ex-india.

4.1 **Admissibility.** For the drawal of compensatory field area allowance and modified field area allowance in the case of JCO/OR including NC(E) will be the same as given in para 5 of Annexure A to this Min. letter No. A/22504/AG/PS3(a)/97-S/D (pay/service) dated 25-1-64, as amended.

4.1 **The conditions** These rates of allowances will be admissible to :-

(a) Personnel serving in Detachments, Units and formations in areas mentioned in appendix A.

(b) Personnel of Defence security corps employed with units whose personnel are eligible for the grant of these concessions.

4.2 Lists of formations/units which are in field area or modified field area and are eligible to field service concession will be notified by the corps commander to the concerned quarterly. For the quarter ending May, August, November and February every year by the 10th of the month subsequent to the close of the quarter.

4.3 **Other concessions** Other concessions in kind at present admissible in full field areas as per Ministry's letter No A/22484/AG/PS 3(a)/97-S/D (pay/service) dated 25-1-64, as amended, will continue to be admissible.

in the newly defined field areas... to this letter. Similarly, the concessions admissible in Modified field areas... will be admissible in the modified field areas as per Appendix B...

5. These allowances will, however, not be admissible to:-
 (a) of certain other persons...
 (b) NCC Directorates and Units.
 (c) Record Officers...

(b) NCC Directorates and Units.
 (c) Record Officers...

High Altitude/Uncongenial Climate Allowance for Personnel serving in field areas which are situated at a height of 9000 ft. and above including uncongenial climate areas below height of 9000 ft. will be entitled to High Altitude/Uncongenial Climate Allowance... The rates of High Altitude/Uncongenial Climate Allowance are given as under:-

Sl. No.	Rank	Cat-I (Heights 9000 ft. to 15000 ft. including uncongenial climate areas below heights of 9000 ft. excluding Siachen)	Cat-II (Heights above 15000 ft. including uncongenial climate areas below heights of 9000 ft. excluding Siachen)
1.	Lt Col & above	400	600
2.	Major & Lt Col (TS)	350	525
3.	Captain	250	375
4.	Lt/Lt Col	150	200
5.	Subalterns including Warrant Officers	100	150
6.	Junior Commissioned Officers	140	210
7.	Other ranks including Head Constables	100	150

High Altitude/Uncongenial Climate Allowance will be admissible in addition to the compensatory field area allowance and other concessions in kind.

The other conditions governing the grant of High Altitude/Uncongenial Climate Allowance as given in this Ministry's letter No. 100/1/75/Pay/Service dated 20.2.76 as amended will continue to be applicable.

6.1 Siachen Allowance. Personnel serving in Siachen Glacier area will be eligible to the grant of Siachen Allowance at the following enhanced rates:-

6.1.1. Stipend Allowance will be admissible in addition to Compensatory Field Area Allowances but not with High Altitude/Uncongenial Climate Allowances. Other conditions governing grant of Stipend Allowance as contained in this Ministry's Letter No. 1(2)/91/P(Pay/Services) dated 01 May 91 will continue to be applicable.

7.1.1. Consequential Effects. Officers/JCOs/POs who have been allowed to retain family accommodation at the last duty station on the date of issue orders and who on issue of these orders will cease to be entitled to retain such accommodation may continue to retain the accommodation till such time as married accommodation at the present duty station is made available. Alternatively the families may be allowed to move to a selected place of residence/home at Government expense, if they so choose, in accordance with existing instructions.

7.2. Personnel of Formations/Units, who will not be eligible to the grant of Field Service Concessions, consequent upon the Formation/Unit being outside the newly defined concessional areas will be governed by normal conditions applicable in peace areas for all purposes.

8. Concessions on Attachment:-

- (a) Individuals/Detachments from Formations/Units not covered by these orders but who are attached for operational purposes to Formations or Units drawing the Field Service Concessions will, if the attachment is for less than two weeks, be entitled to the concessions at present admissible under Para 6 of Annexure A to this Ministry's letter No. 1/02584/AG/PS 3(a)/97-S/O(Pay/Services) dated 25.1.64 as amended.
- (b) If the attachment is for two weeks or more, the allowance i.e. Compensatory Field Area Allowance/Compensatory Modified Field Area Allowance under these orders as well as also the concessions as applicable as per orders referred to in Para 8(a) above be admissible.
- (c) TA/DA will be admissible in either case.

9.1. Date of Effect. These orders will come into force with effect from 1st April, 1993.

9.2. Consequent upon the coming into force of the revised orders, the following monetary allowance will stand withdrawn from 1.4.1993 except in cases referred to in Para 11.2 below:-

- (a) Special Adhoc Allowance of Rs. 70/- per month admissible for officers.
- (b) Separation Allowance of Rs. 140/- per month admissible for officers.

(c) Special Compensatory (Field) Allowance ranging from Rs. 53/- to 23/- per month admissible for JCOs/CAs including NC(E).

10. Special Compensatory (Remote Locality) Allowance. This allowance which is at present admissible in Modified Field Areas Peace Areas on the civilian pattern will also stand withdrawn by v.s.f. 1st Feb 94.

Conversations on Attachment:-

(c) Himachal Pradesh, areas north of line joining Nathand and Regional Headquarters, Jammu and Kashmir, will be included in the area of the Jammu and Kashmir Government. The Government of India will be responsible for the administration of the area. The Government of India will also stand withdrawn from the area.

Eastern Command

Himachal Pradesh - All areas East of line joining Umasila
NW 3951 Udaipur NY 8563 - Bara - Bara - 2300 - 712 Parbati
Pass - 1459 - Farandi - 2335 - Barasua - Pass) TA 6801 all
inclusive.

Central Command - (11)
Uttar Pradesh - All area North and East of line joining

Barasua Pass Gangani TC 1362 - Govind Chat TC 9937 - Tapovan
TH 1022 - Munsal - 8982 - Relagad - 2466 all inclusive.

Northern Command - (12)
Jammu & Kashmir - All areas North and East of line joining

Barasua Pass Gangani TC 1362 - Govind Chat TC 9937 - Tapovan
TH 1022 - Munsal - 8982 - Relagad - 2466 all inclusive.

(b) Valley Sector. All areas West of line joining Point
1556 in NR 5470 - Culmarg MT 3105 - Naushard NY 3105 - Ringapat
MT 2133 - Hanowaro MT 2041 - Laingyal MT 2329 - Point in NG
564 - North of line joining point 3423 - Buzakats MT 5453 -
Ratan 2239 - Zojila all inclusive.

(c) Jammu - Rajouri Sector. All areas West of line
joining tip of Chicken Neck RD 7070 - Canal Junction RD 6364 -
Nawa Brahman RD 6183 - Chauki RD 8890 - Road Junction RD -
6439 - Bhangala MT 3854 - Point 3556 in NR 5470 all
inclusive.

of - 99 - point) only to RESTRICTED. (13)
Jammu & Kashmir - All areas North and East of line joining
Barasua Pass Gangani TC 1362 - Govind Chat TC 9937 - Tapovan
TH 1022 - Munsal - 8982 - Relagad - 2466 all inclusive.

SECRET

LIST OF HIGH ALTITUDE 'UNCONGENIAL CLIMATE' AREA

Area along the following line and
beyond (S. S. 1000 ft. or higher)

Caso Fire Line nullah crossing NN 2180 SOUTH along nullah
to NWIA June NN 1969 SOUTH along nullah to NICHINI BAR
NN 2048 - SOUTH EAST along nala to SOINIARS NN 3443 ZOJILA
NN 5101 SOUTH EAST along KASHMIR/INDIA boundary passing
through heights 17573 (NN 73) 19590 (NN 72) 19830 (NN 91)
17872 (NN 80) FARIDABAD (NN 10) SOUTH EAST along boundary
to point 21573 (MT 2466) again along boundary to (GR NT 22
2758 EAST - NORTH EAST along boundary to GR NT 4269
SOUTH EAST along boundary to HACHULA (MT 5662) SOUTH
along boundary to UNJALLA (MT 6850) SOUTH and EAST
along boundary to KASHMIR/INDIA (MT 9420) KASHMIR GUREZ
KASHMIR/INDIA (MT 9420) KASHMIR GUREZ
KASHMIR/INDIA (MT 9420) KASHMIR GUREZ

2. HIMACHAL PRADESH - Area along the following line and
beyond -
along foot path and then nullah to point 12380 (NY 0891)
along nullah to its junction with KENAB at (NY
8663) SOUTH EAST along R CHAND TO KHOKAR (NY 43)

.....9..

TO RAMDA (MZ 42) and straight line to MANI KARAN (SE 6486) along PANGATI R to PIR PANGATI pass (TA 1560) then in straight line to BAKUL B. (TA 2386) - SOUTH EAST TO CHILAU (919900) along river to CHITRAL (9408859) in straight line to BARSAN Pass (GR 944375).

3. UTTER PRADESH - Area along the following line and beyond :-

BARSAN Pass (944875) point 20370 (949859) BARSEIL (973852) KEDARNATH (TG 5555) BADAUN (TG 9053) PANDUKSHWAR (TH 0739) (excluding town limits) to JAMAGHAR (TH 3539) KALANER (TH 5028) MILAN (TH 7423) SEIA (TG 2593) CHHIVALEKH (TG 4994) and areas above 9000 ft in the Designated Field Area in Appendix 'A'.

4. NMMA - Area along the following line and beyond :-

Point 14500 (MZ 4881) to SENNE DZANG (NS 2883) - NATAU (NS 6777) JERONG (NP 1379) - LAPUNG (NP 2289) KHANTHA (NO 2803) NYAPIN (NO 7525) to 8th mile - stone (One ZIRO - NYAPIN Road) 9th mile stone (On DEPORJO-LIMKING Road) HOYOM (NP 9379) 2nd mile stone north of YARE (NP 9575) BOSING (NL 3592) DAMRCH (NP 6208) AMINKOL IN (NX 8811) KRONLI (NS 2407) GURONGON (NM 4592) LABON (NM7579) HAYULLING (LM 0199) CHOWAN (NM 9943) - KONGHU (NM 0125) Point 5490 (NS 1403) - VIJAYNAGA R (NS 4866).

5. STOKIP - North and North East of the line running from point 11789 (TH 96) - point 10140 (LT 17) point 10405 (LT 38) point 9610 (LT 18) - Nala Junction - (LT 5373), PADAKOTIEN (LT 6751) point (LT 64).

RESTRICTED

No. 20014/4/86-E.IV
GZ Govt of India,
Ministry of Finance
Deptt of Expenditure

New Delhi the 23rd Sept '86

OFFICER MEMORANDUM

Subjet : Grant of Special Comp (Remote Locality) Allowance of Central Govt employees posted in Arunachal Pradesh.

The undersigned is directed to say that consequent upon decisions taken by the Government of the recommendations of the Fourth Pay Commission in regard to grant of Special Comp(Remote locality) Allowance to Central Govt Employees posted in Arunachal Pradesh vide Resolution No. 14(I)/IC/86-dated the 13 Sep 86. Sanction of the president is hereby conveyed, in supersession of all the existing orders on the Subject to the grant of special Comp. (Remote Locality) allowance to Central Govt Employees posted in Arunachal Pradesh at the following revised rates :-

Srl No	Area	Rates of Special & Comp Allowance per month (Rs)				
		Basic Pay below Rs. 950/-	Basic pay of Rs.950/- above but below 1500/-	Basic pay Rs. 1500/- above but below Rs. 2000/-	Basic pay of Rs. 2000/- and above	Basic pay of Rs. 3000/- and above
1.	Difficult area of Arunachal Pradesh	150/-	250/-	350/-	500/-	660/-
2.	Through out Arunachal Pradesh except difficult areas.	125/-	200/-	275/-	400/-	525/-

2. These areas take effect from 1.10.86 for the period from 1.1.86 to 20.9.86, the above allowances will be drawn at the existing rates on the matopnal pay in the pre-revise scale.

3. Pay means pay in the revised scales of pay introduced under the CCS (RP) Rules 1986. In the case of those who retained the exist scale of pay. It will include besides pay in the pre-revised scale of pay appropriate dearness allowance, additional dearness allowance dearness pay ad-hoc DA and interim relief thereon at the rate in force on 31.12.85. Where the application of revised rates in a loss to an employee, who has been continuously drawing the allowance from a date prior to 1.10.86. The amount drwan by him imediatey prior to that date will be protected by treating the difference between the allowance so drawn and that admissible at the revision rates as *personal* to him. The protection will ~~continue~~ continues till the employees remains posted in the said region and becomes eligible to higher amount either on promotion or otherwise.

Contd.. ..2/-

Note : .Pay means pay as pay as defined under FR. ~~xx~~ 9(21)(a)(1).

4. The Central Govt employees in respect of Special Compensatory allowance & under there order will not be entitled to composite Hill compensatory allowance in addition, However where the Hill Compensatory Allowance of any other compensatory allowance admissible is more beneficial the same may be allowed in lieu of the Speical Compensatory allowance.

5. The Special Compensatoru allowance will be ~~ex~~ regulated during leave joining & time and suspension in the same manner as City Compensatory allowance under this Ministry's Office Memorandum No. 2.((87)-E-II (B)/64 dated the 27 th November 1965 as amended from time to time.

6. These arears will apply to civilians employees of the Central Govt belonging to Group B, C and D only. These orders will also apply to the B,C and D civilians employees paid from the Defence Service Estimates. In regard to Armed Forces personnel and Railway Employees the sparate orders will be issued by the Ministry of Defence and Deptt of Railways respectively.

7. In their application to the staff of India Audit and Account Deptt, these ordess issue in consultation with Controller & Auditor General of India.

8. Hindi version of the order is attached.

Sd/-x-x-x-x-x-x
(R Verma)

Joint Secy to the Govt of India

E T C

Sd/-x-x-x-x-x
(PT Peethamner)

Lt

For Garrison Engineer

27 Annexure - (VII)
18
No. 2-74/2/83-IV
GOVERNMENT OF INDIA
MINISTRY OF DEFENCE
OFFICE OF THE SECRETARY

NEW DELHI, the 14th
MARCH 1983

OFFICE ORDER

Subject: PROPOSAL FOR GRANTING CIVILIAN EMPLOYMENT OF
GOVERNMENT OF INDIA
OFFICE OF THE SECRETARY

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

(i) Terms of posting/deputation:

There will be a fixed tenure of posting of 3 years at a time for officers with service of 10 years or less and 2 years at a time for officers with more than 10 years of service. Periods of leave, training, etc. in excess of 15 day per year will be excluded counting the tenure period of 2/3 years. Officers, on completion of fixed tenure of service mentioned above, may be considered for posting to a station of their choice as soon as possible. Meritorious performance of duties for the prescribed tenure in the North East shall be given due recognition in the case of eligible officers in the matter of:-

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

(ii) Relaxation for Central Deputation/Training abroad
in Confidential Records.

- (a) promotion in cadre posts;
- (b) deputation to central tenure posts; and
- (c) course of training abroad.

The normal requirement of at least three years service in a cadre post before deputation to central tenure posts may also be relaxed to two years in deserving cases of meritorious service in the North East.

Conta.....2

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

(iii) Special (Duty) Allowance :

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

(iv) Special Compensatory Allowance:-

1. Assam and Meghalaya

The rate of the allowance will be 5% of basic pay subject to a maximum of Rs. 50/- p.m. admissible to all employees without any pay limit. The above allowance will be admissible with effect from 1-7-1962 in the case of Assam.

2. Manipur

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

Pay upto Rs. 250/-	Rs. 40/- p.m.
Pay above Rs. 250/-	15% of basic pay subject to maximum of Rs. 150/- p.m.

3. Mizoram

The rates of the allowance will be as follows:-

(a) <u>Disturbances</u>	- 25% of pay subject to minimum of Rs. 50/- and maximum of Rs. 150/- p.m.
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(b) Special Areas

Pay upto Rs. 250/-	Rs. 40/- p.m.
Pay above Rs. 250/-	15% of basic pay subject to a maximum of Rs. 150/- p.m.

There will be no change in the existing rate of Special Compensatory Allowance admissible in Arunachal Pradesh, Nagaland and Mizoram. The existing rate of Disturbance Allowance admissible in specified areas of Mizoram.

Sd/- xxx xx xx xx

Under Secretary to the Govt of India

C.F.A.

D. Subbarayan
(D. V. S. Rayudu)
AE B/R
AGE (T)
For Garrison Engineer