

30/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH : GUWAHATI

ORIGINAL APPLN. NO.	218	OF 1995
TRANSFER APPLN. NO.		OF 1995
CONT EMPT APPLN. NO.		OF 1995 (IN NO.)
REVIEW APPLN. NO.		OF 1995 (IN NO.)
MISC. PETITION NO.		OF 1995 (IN NO.)

APPLICANT(S)

-vs-

RESPONDENT(S)

For the Applicant(s)

... Mr. Adil Ahmed

Mr.

Mr.

Mr.

For the Respondent(s)

Mr. S. Ali, Sr.C.G.S.C

OFFICE NOTE	DATE	ORDER
<p>This application is in form and within time. C. F. of Rs. 50/- deposited vide IPO/BD No. 3274/29 Dated 20.9.95</p> <p><i>Re. 12/10.</i> <i>Regd. 12/10.</i> <i>20/10/95</i></p>	18.10.95	<p>Mr A. Ahmed for the applicants. Mr S. Ali, Sr.C.G.S.C for the respondents.</p> <p>As the question raised is covered by earlier decisions the O.A. is admitted. Issue notice to the respondents. Returnable forthwith. Mr S. Ali, Sr.C.G.S.C waives notice. By consent taken up for final hearing.</p> <p>Arguments of both the counsel heard and concluded. Judgment delivered in open Court. The O.A. is allowed in terms of the order. No order as to costs.</p> <p>A copy of the order dated 24.8.95 passed in O.A. 124/95 and 125/95 shall be made part of record of this O.A.</p>
<p><u>30.10.95</u></p> <p>Copy of Indg. / Order Ad. 18.10.95 issued to all concerned alongwith OA. 217/95.</p> <p><i>g/s.</i></p>		<p><i>6</i> Member</p> <p><i>hsc</i> Vice-Chairman</p>

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

OFFICE NOTE	DATE	ORDER

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.217 of 1995

With

Original Application No.218 of 1995.

Date of Decision : This the 18th Day of October, 1995.

The Hon'ble Justice Shri M.G.Chaudhari, Vice-Chairman.

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

O.A.No.217/95

311640 Shri G.C.Mondal & 23 others.

All are serving in the office of the
Garrison Engineer, 868 EWS C/o 99 APO.

Applicants

- Versus -

1. Union of India represented by
the Secretary, Defence,
Govt. of India, New Delhi.

2. The Garrison Engineer,
868, EWS, C/o 99 APO.

3. The Garrison Engineer,
869 EWS, C/O 99 APO.

Respondents.

O.A. No.218/95

238016 Shri K.P.Pillai & 225 others.

All are serving in the office of the
Garrison Engineer, 868 EWS C/O 99 APO.

Applicants

- Versus -

1. Union of India represented by the
Secretary Defence, Govt. of India,
New Delhi,

2. The Garrison Engineer,
868 EWS, C/O 99 APO.

3. The Garrison Engineer,
869 EWS, C/O 99 APO.

Respondents

For the applicants in both the cases : By Advocate Shri A. Ahmed.

For the respondents in both the cases : By Advocate Shri S. Ali, Sr.C.G.S.C.

ORDER

CHAUDHARI J. V.C.

O.A.No.217/95 :

As the question raised is covered by earlier decision
the O.A. is admitted. Issue notice to the respondents.
Returnable forthwith. Mr S.Ali, Sr.C.G.S.C waives notice and

appears for the respondents. Called out for final hearing.

O.A.No.218/95 :

As the question raised is covered by earlier decisions the O.A. is admitted. Issue notice to the respondents.

Returnable forthwith. Mr S.Ali,Sr.C.G.S.C waives notice and appears for the respondents. Called out for final hearing.

As the claims made in both the above O.As are identical these are disposed of by a common order. The applicants in the respective applications are granted leave to agitate their claim in the single application.

Facts of O.A.No.217/95:

The 24 applicants concerned in O.A.217/95 are civilian employees belonging to Group A, B, C and D and are serving in the Defence Department from respective dates since 1963 onwards. They have stated that they are from outside the North East Region but have been posted as civilian employees in Nagaland in the office of Garrison Engineer, 868 EWS C/O 99 A.P.O. Their grievance is that they are eligible to be paid :

- (i) Special (Duty) Allowance (SDA),
- (ii) House Rent Allowance (HRA) at the rate of 15% on the monthly salary with effect from 1.10.1986;
- (iii) Special Compensatory (Remote Locality) Allowance with effect from 1.4.1993 and
- (iv) Field Service Concession with effect from 1.4.1993 but that these benefits are being wrongfully denied to them by the respondents. They placed reliance upon the earlier decision in O.A.48/91. It also appears that the applicants had filed Civil Suit No.265/89 praying for the aforesaid benefits and the suit was decreed. However according to the applicants the decree is not obeyed by respondents, ^{on the ground that} it is a nullity ^{in a nullity} being without jurisdiction.

▲ Facts of O.A.No.218/95 :

The O.A.218/95 has been filed by 226 applicants. They are all civilian employees belonging to Group 'C' serving in the Defence Department from respective dates since 1963. They also claim the benefits of :

(i) Special (Duty) Allowance,

(ii) House-Rent Allowance,

(iii) Special Compensatory(Remote Locality) Allowance and

(iv) Field Service Concession in the same manner

and on the same grounds as claimed by the applicants in the other O.A.

In support of the claim for Special(Duty) Allowance reliance is placed upon the Defence Ministry O.M. No.4(19)/83/O,Civil-I dated 11.1.84 and Defence Ministry Memorandum No.20014/3/83-IV. Reliance is placed upon the Circular issued by the Government of India, Ministry of Finance No.11013/2/86-E.II(B) dated 23.9.1986 in support of the claim of HRA at the rate of 15% applicable to B Class cities. The claim for Special Compensatory(Remote Locality) Allowance meant for Defence department civilian employees is based upon the letter of Ministry of Defence, Government of India No.B/37269/AG/PS3(a)/165/D(Pay)/Services dated 31.1.95 with effect from 1.4.93. Lastly, the Field Service Concessions are claimed on the basis of letter No.16729/ORG4 (civ.) (d) dated 25.4.94 issued by the Army Headquarter in pursuance of letter of Government of India dated 13.1.94.

The Hon'ble Supreme Court has now held that employees having all India transfer liability who were appointed outside North East Region but have been posted in the said Region are entitled to the benefit of payment of SOA under

the Memorandum dated 14.12.1983 relied upon by the applicants. (See decision of the Hon'ble Supreme Court in Civil Appeal No.834 of 1995, Chief General Manager (Telecom), N.E.Telcom Circle & another vs. Shri Rajendra Ch. Bhattacharjee & others dated 18.1.95.) We have considered this aspect as well as the question of eligibility of House Rent Allowance, Special Compensatory (Remote Locality) Allowance and Field Service Concessions in our order on O.A.124/95 with O.A.125/95 dated 24.8.95. The applicants in those cases were also Defence civilian employees like the applicants serving under the Garrison Engineer and who had been posted in the State of Nagaland. After examining the relevant materials we have held that the applicants are entitled to get all these benefits. The applicants in the instant O.As and the applicants in those cases were also plaintiffs in the same Civil Suit namely 265/89 and they are all identically placed. We are satisfied that for the same reasons as are recorded in the common order on the aforesaid two applications namely O.A. 124/95 and O.A.125/95, Similar order may be passed in the instant applications. Although the applicants claimed SDA from November, 1993 we shall allow that claim with effect from 1.12.1988 as was done in the earlier cases. Similarly in so far as the HRA is concerned the relief will not be granted as prayed but as was granted in the earlier cases. Other two reliefs will also be similarly granted as was done in the earlier cases.

For the aforesaid reasons following order is passed :

(A) O.A.No.217/95:

i) It is declared that SDA is payable from 1.12.1988.

ii) (a) The respondents are directed to pay to the applicants Special (Duty) Allowance (SDA) with effect from the date of actual posting in Nagaland on or after 1.12.1988 as the case may be in respect of each applicant and continue to pay the same so long as the concession is admissible.

(b) Arrears from the date of actual posting in Nagaland on or after 1.12.1988 upto date to be paid within three months from the date of receipt of copy of this order.

iii) (a) It is declared that SCA(RL) is payable from 1.10.1986,

(b) The respondents are directed to pay to the applicants SCA(RL) with effect from the date of actual posting in Nagaland on or after 1.10.1986 as the case may be in respect of each applicant and to continue to pay the same so long as the concession is admissible.

(c) Arrears from the date of actual posting in Nagaland on or after 1.10.1986 upto date to be paid within a period of three months from the date of communication of this order.

iv) (a) It is declared that FSC is admissible from 1.4.1993.

(b) The respondents are directed to extend the FSC to the applicants in the prescribed manner with effect from 1.4.1993 or from the date of actual appointment as the case may be in respect of each applicant upto date and to continue to give the same so long as admissible.

v) (a) It is declared that HRA is admissible as indicated below:

(b) The respondents are directed to pay HRA to the applicants at the rate as was applicable to the Central Government employees in B, B-1, B-2 class cities/towns for the period from 1.10.1986 or from the actual date of

appointment as the case may be in respect of each applicant upto 28.2.1991 and at the rate as may be applicable from time to time as from 1.3.1991 upto date and to continue to pay the same at the rate prescribed hereafter.

(c) Arrears to be paid accordingly subject to the adjustment of the amount as may have already been paid to the respective applicants during the aforesaid period towards HRA.

(d) Future payment to be regulated in accordance with clause (a) above.

(e) Arrears to be paid as early as practicable, but not later than a period of three months from the date of communication of this order to the respondents.

The original application is allowed in terms of the aforesaid order. No order as to costs.

A copy of the order dated 24.8.95 passed in O.A.No.124/95 and 125/95 shall be made part of record of this O.A.

(B) O.A.No. 218/95:

i) It is declared that SDA is payable from 1.12.1988.

ii) (a) The respondents are directed to pay to the applicants Special (Duty) Allowance (SDA) with effect from the date of actual posting in Nagaland on or after 1.12.1988 as the case may be in respect of each applicant and continue to pay the same so long as the concession is admissible.

(b) Arrears from the date of actual posting in Nagaland on or after 1.12.1988 upto date to be paid within three months from the date of receipt of copy of this order.

iii) (a) It is declared that SCA(RL) is payable from 1.10.1986,

(b) The respondents are directed to pay to the applicants SCA(RL) with effect from the date of actual posting in Nagaland on or after 1.10.1986 as the case may be in respect of each applicant and to continue to pay the same so long as the concession is admissible.

(c) Arrears from the date of actual posting in Nagaland on or after 1.10.1986 upto date to be paid within a period of three months from the date of communication of this order.

iv) (a) It is declared that FSC is admissible from 1.4.1993.

(b) The respondents are directed to extend the FSC to the applicants in the prescribed manner with effect from 1.4.1993 or from the date of actual appointment as the case may be in respect of each applicant upto date and to continue to give the same so long as admissible.

v) (a) It is declared that HRA is admissible as indicated below :

(b) The respondents are directed to pay HRA to the applicants at the rate as was applicable to the Central Government employees in B, B-1, B-2 class cities/towns for the period from 1.10.1986 or from the actual date of appointment as the case may be in respect of each applicant upto 28.2.1991 and at the rate as may be applicable from time to time as from 1.3.1991 upto date and to continue to pay the same at the rate prescribed hereafter.

(c) Arrears to be paid accordingly subject to the adjustment of the amount as may have already been paid to the respective applicants during the aforesaid period towards HRA.

(d) Future payment to be regulated in accordance with clause (a) above.

(e) Arrears to be paid as early as practicable, but not later than a period of three months from the date of communication of this order to the respondents.

The original application is allowed in terms of the aforesaid order. No order as to costs.

A copy of the order dated 24.8.95 passed in O.A. No.124/95 and 125/95 shall be made part of record of this O.A.

Sd/- VICE CHAIRMAN

Sd/- MEMBER (ADMN)

Central Adminis

21 SEP 1995

In the Central Administrative Tribunal
Guwahati Bench at Guwahati

O.A. No. 218 of 1995

Shri K.P. Pillai & Others

Applicants.

- Vs -

Union of India & Others

Respondents.

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Received (69)
Chanchal
Sr. C.S.C
21/9/95

Filed by
Anil
Advocate.
21.9.95

In the Central Administrative Tribunal
Guwahati Bench, Guwahati

Application under Section 19 of the Central
Administrative Tribunal Act 1985

Case No. O.A. No. 218 of 1995

BETWEEN

1. 238016 Shri K.P. Pillai, Fitter HS-II.
2. 220335 Shri K.V. Gopinathan, Elect (SK).
3. 238268 Shri S. Karim V/Man,
4. 240903 Shri B.K. Dutta, Mate.
5. 239892 Shri K.K. Damodaran Nair, FGM (SK).
6. 208188 Shri Matilal Mahato, Maz.
7. 220308 Shri Brinda Patra, V/Man.
8. 243899 Shri B.B. Sonar, Mate.
9. 238015 Shri D. Bobi, fitter Pipe (SK).
10. 243733 Shri Nilimaya Chanda, FGM (SK).
11. 220075 Shri R.P. Yadav, FGM (SK),
12. 243516 Shri Ramananda Singh, Yadav, Maz.
13. 220051 Shri Sant Raj FGM (SK).
14. 237856 Shri Kailash Prasad, Fitter HS-II,
15. 243626 Shri Brijnandan Mahato, Maz.
16. 237882 Shri Jainath Koiri, V/Man,
17. 238355 Shri Mon Bahadur Thapa, V/Man.
18. 220115. Shri Mahabir Das, Chow.
19. 220109 Shri Ram Girish, Hārijon, Chow.
20. 242529 Shri Inderdeo Mistry, Maz.
21. 242 237925 Shri Satya Narayan Sah, FGM (SK).
22. 255608 Shri G. Ramaiah, FGM (SK).

Contd....P/2.

13
Filed by
A. G. H. J.
(Adv. AHMED)
Received 21.9.95

23. 238014 Shri A.G. Mathew, Pipe Fitter (SK).
24. 237888 Shri T.M. Babukutty, Fitter HS-II.
25. 222074 Shri Ram Sarik, V/Man,
26. 237212 Shri Lal Bahadur Bhagat, V/Man.
27. 237890 Shri Ram Jatan Yadav, Mate.
28. 237990 Shri Basant Shaw, Mate.
29. 238292 Shri Udesh Ram, Mate.
30. 237928 Shri K. Radhakrishnan Nair, FGM (SK),
31. 220064 Shri Shiv Chand Koiri, Mate.
32. 238238 Shri Jakhu Ram Mate.
33. 237878 Shri Ram Prasad Shaw, V/Man.
34. 238363 Shri Saheed Hazam, Mate.
35. 238141 Shri Ram Daur Koiri, V/Man.
36. 242609 Shri Nagina Prasad, Plumber.
37. 237019 Shri Brinchilal Yadav, V/Man,
38. 243797 Shri Subhakar Chowdhury, Chow.
39. 238365 Shri Karna Bahadur, V/Man, Nepal.
40. 238519 Shri Ram Roop Kairi, Mate.
41. 237897 Shri S. Fransis, V/Man,
42. 362396 Shri M.A. Sharma, Mate.
43. ~~238359~~ 238359 Shri Dil Bahadur, Mate.
44. 238386 Shri C. Gopi V/Man.
45. 265374 Shri Saikh Mastan FGM (SK).
46. 243487 Shri Tulshi Reddy, Maz.
47. 238434 Shri Himal Sharma, Maz.
48. 220113 Shri Ganga Bahadur, Chow.
49. 243518 Shri Khemlal Sharma, Maz.
50. 243730 Shri M. Parasuraman. Maz.

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51. 237962 Shri Pandhu Naik, V/Man.
52. 243749 Shri Bir Bahadur Murya. Elect. (SK).
53. 237868 Shri Ghandreswar Singh, FGM (SK).
54. 243519 Shri Abhiram Das, FGM (SK).
55. 237868x 243724 Shri Sanat Kr. Mondal MTD-II.
56. 243571 Shri Subhash Chand Koiri, Maz.
57. 243515 Shri Nanda Kishor Mahato, Mate.
58. 220054. Shri Deonath Singh, FGM (SK),
59. 263650 Shri C. Sukumar. V/Man.
60. 243514 Shri Dhan Bahadur Gurung. Maz.
61. 228925 Shri I.P. Joshi, MTD.,
62. 220102 Shri Besh Bahadur, Chow.
63. 237493 Shri R.P. Singh, Plumber.
64. 237484 Shri Md. Hamid, V/Man.
65. 243904 Shri J. Pradhan, Maz.
66. 237292 Shri Ramayan Koiri, Pipe fitter.
67. 238362 Shri Pardeshi, Mate.
68. 237931 Shri Chaman Lal, Mate.
69. 220067 Shri R.C. Tewari, Mate.
70. 238491 Shri P.C. Patil, FGM (SK).
71. 220272 Shri Narinder Kumar, V/Man.
72. 242616 Shri Keshoram Kedal, Mate .
73. 237993 Shri Rharkhande Koiri, Mate.
74. 243600 Shri Assamu Tanti, Maz.
75. 238138 Shri Chandra Rajak, Maz.
76. 255608 Shri L.P. Shah, Veh/Mech.
77. 220315 Shri Ram Sakal Mahato, V/Man,
78. 237991 Shri Acholal, Mate.
79. 243518 Shri Jay Prakash, Harijan, Maz.
80. 243742 Shri S.K. Mondal, Elect (SK),

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- 81. 220213 Shri Baljit Ram, Mate.
- 82. 310013 Shri Satyanarayan Das, Mate.
- 83. 238142 Shri Sipahi Prasad, Mate.
- 84. 238008 Shri Motichand Koiri, Mate.
- 85. 243898 Shri Rajesh Kr. Khati, Maz.
- 86. 243503 Shri Murari Mahato, Maz.
- 87. 243750 Shri Sheo Kr. Prasad, Maz.
- 88. 238006 Shri B.D. Sahni, Ch/Elect.
- 89. 237220 Shri H.P. Mahato, I/Repairer.
- 90. 238134 Shri Md. Maqbul, FGM (SK).
- 91. 243531 Shri Ram Sarup Mondal FGM (SK).
- 92. 237851 Shri S.K. Nair, Ch/Refg./Mech.
- 93. 243729 Shri G.W. Varghese, Maz.
- 94. 287997 Shri Shivpujan Singh, Mate.
- 95. 224462 Shri Bahar Yadav, Mate.
- 96. 243432 Shri Shivmuni, ~~Xxxx~~ Mate.
- 97. 468512 Shri Pijush Kanti Bose, Mate.
- 98. 237992 Shri Jogender Prasad, Mate.
- 99. 237855 Shri Som Bahadur, Mate.
- 100. 243412 Shri Chandeswar Ram, Maz.
- 101. 243499 Shri Sukdev Shaw, Maz.
- 102. 243787 Shri Suresh Ram, Maz.
- 103. 243141 Shri Jawat Khan, Mason.
- 104. 243784 Shri Baliram Sharma, Carpt (SK).
- 105. 237877 Shri Ramnath Rajbahar, Mate.
- 106. 238133 Shri Md. Hamid No. 2., Mate.
- 107. 237626 Shri Ahmaddin, Mate.
- 108. 220282 Shri Premlal Magar, Mate.
- 109. 237876 Shri Wakil Khan, Mate.
- 110. 237884 Shri Garjan, Mate.

111. 237972 Shri Kesh Bahadur Thapa, Mate.
112. 238217 Shri Giriraj Puri, Mate.
113. 238520 Shri Kashiram, Mate.
114. 220294 Shri Udai Naik, Mason (SK).
115. 220073 Shri Babulal Dom, S/Wala.
116. 237912 Shri Kishori Das, Mate.
117. 220289 Shri N.A. Sharma, Carpt. HS-II.
118. 237895 Shri Premchand, Mate.
119. 237916 Shri Lalchand, Mason (SK).
120. 243896 Shri M.Cl Kar, Maz.
121. 243488 Shri Jeromi Elias Clari. Maz.
122. 238212 Shri Basant Tanti, Mate.
123. 238145 Shri Mukhu Harijan, Mate.
124. 243490 Shri Surja Bahadur, Maz.
125. 243812 Shri Ram Niwas Das, Maz.
126. 243661 Shri Shivnath Doom, S/wala,
127. 243758 Shri Suresh Prasad, Maz.
128. 243769 Shri Juit Prasad, Mate.
129. 243781 Shri D. Gajanand, Maz.
130. 243491 Shri Harichand, Maz.
131. 243489 Shri Jagadhari Yadav. Maz.
132. 243766 Shri S. Pandiyan, Maz.
133. 243757 Shri Rambachan, Maz.
134. 243500 Shri Ramdin Balmiki, S/wala,
135. 238023 Shri K.B. Ram Thapa, Ftr-Pipe.
136. 238216 Shri Manager Ansari, Mate,
137. 220118 Shri Khum Bahadur, Mate.
138. 243734 Shri Rajendra Prasad, Elect (SK).
139. 237181 Shri Ram Balak Mahato, Elect-SK.
140. 243484 Shri Ashutosh Chanda, Elect-SK.

141. 238489 Shri Ramchandra Sahare, V/Man.
142. 238215 Shri Birendar Singh, P H O.
143. 220076 Shri Nanak Yadav, Chow.
144. 220114 Shri Chandra Bhan Sharma, FGM.
145. 220068 Shri R.S. Singh, Mate.
146. 243578 Shri Birsen Singh, M/Reader.
147. 243407 Shri Ramnath Sutradhar, Carp(SK).
148. 220255 Shri K. Rao, Mate.
149. 238217 Shri M.D. Sharma, Mate.
150. 243788 Shri Nathuni Prasad, Maz.
151. 243902 Shri S.D. Nath, Mate.
152. 237872 Shri Joginder Mistri, Capp- HS-I.
153. 238222 Shri M.P. Biswakarma, Black smith HS-I.
154. 243580 Shri Mon Bahadur, Cane Weaver.
155. 237869 Shri Gorakh Prasad, Ch/Stringer.
156. 237870 Shri Shivji Bharti, Ch/Stringer.
157. 243790 Shri C.B. Chetri, Carp SK.
158. 243521 Shri T.K. Rao, Karp. (SK).
159. 237401 Shri P.N. Mishra, Mate.
160. 237920 Shri Rameswar Kurmi, Mate, &
161. 220275 Shri Bhadai Ram, Mate,
162. 220152 Shri Satya Deo Rajbhar, Mate.
163. 220050 Shri Changur Yadav, Mate.
164. 243526 Shri Tara Rajbhar, Maz.
165. 243523 Shri Gajen Tanti, Maz.
166. 243559 Shri Panburu Tanti, Maz.
167. 243497 Shri Rajendar Yadav, Maz.
168. 243803 Shri Raja Ram Harijan, Maz.
169. 243814 Shri Rajendar Sharma, Maz.
170. 220158 Shri Baljit Rajbhar, Chow.
171. 220153 Shri Ramanand Koiri, Chow.

172. 220055 Shri Rasheed Hazan, Chow.
173. 220049 Shri Banshilal Koiri, Chow.
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179. 243793 Shri G.N. Rao, Safaiwala.
180. 220350 Shri R. Shammugam, FGM.
181. 238007 AN TRIPATHI, FGM.
182. 243799 K. Shaji, FGM.
183. 243684 S. Subash, Mate.
184. 243513 K. Laxmanan, FGM.
185. 243746 Bishnu Bahadur, Maz.
186. MES/237935 Shri Shiv Kumar Thakur, FGM.
187. MES/1018167 Shri Dasai Rai, Mazdoor.
188. MES/238488 Shri Tikaram Sinar, Pipe Fitter.
189. MES/220056 Shri P. Singh, Chowkider.
190. MES/220074 Shri Chowthi Bhagath, Chow.
191. MES/243642 Shri G J Thomas, Mazdoor.
192. MES/243590 Shri K. Subramani, Mazdoor.
193. MES/243502 Shri Govindan, Mate.
194. MES/237901 Shri A S Reddy, Mate-PHO.
195. MES/237302 Shri Somar Yadav, Mate.
196. MES/220104 Shri Giridhari Yadav, Chow.
197. MES/238353 Shri A.R.S. Rana, MTD-II.
198. MES/220070 Shri Jagaram, Chow.
199. MES/238352 Shri Ram Naresh Pandit, FGM.
200. MES/237961 Shri B.K. Baruah, Elect (SK)
201. MES/243746 Shri Paito Jochoi, Maz.
202. MES/243520 Shri K. Abraham, Chow.
203. MES/243494 Shri Ramesh Doom, S/Wala.
204. MES/238361 Shri S R Pasi, Fitter.8....

205. 237891 Motilal Prasad, Mate (OIP)
206. 220177 Rameswar Shaw, Mate
~~207. 2204~~
207. 237908 P Anteny Raj, Mate
208. 237460 R.P. Bhagat, Painter
209. 237980 Deo Harijan, H/Man
210. 237911 D Mara, H/Man
211. 243868 Dulal Ch Deb, ¹¹_m Mate
212. 220157 Shri PK Chanda, Ref/Mech
213. 237884 Late VC Raghavan, Mrs Serejini Raghavan (Wife)
214. 220281 Shri K Velladurai, Maz
215. 243 90 Shri Filex Lepcha, Mate
216. 238123 Shri V Nedichezheyen, Elect (SK)
217. 243819 Shri Bhimsen Kurmi, Maz
218. DC Das, Ftr
219. 243509 Shri Ramen Kirshna Pal, Mazdoor
220. 243715 Shri Anuradha Chanda, Maz
221. Wife of Late Durgadhar Pow, MPA, Mrs Junu Pow
222. T/131 Shri Padam Bahadur, Maz
223. Wife of Late MES/237927 Late Loknath, Maz Mrs. Sundari Devi
224. Son of Late MES/NYA TK Divakaran, Maz Shri Santosh Kumar
225. Wife of Late MES-1596532 S/Wala S Chatur
226. 220256 Shri Gopalchand. (Late) Mrs Manjudhar (Wife)

.....APPLICANTS

Now all are serving in the Office of the GE. 868 EWS

C/O 99 APO

-Vs-

Union of India and others.

.....Respondents

.....P/9....

1. Details of the Applicants :-

i) Name of the applicants :- 238016 Shri K.P. Pillai &
225
226 others. b/w

ii) Designation & Office :- Fitter H.S.-II

Office of the G.E. 868
E.W.S. C/O 99 A.P.O.

2. Particulars of Respondents :-

i) Name and/or designation : 1. Union of India,
of the Respondents. represented by the
Secretary Defence,
Govt. of India, New Delhi.
2. The Garrison Engineer,
868, E.W.S. C/O 99 A.P.O.
3. The Garrison Engineer,
869 E.W.S., C/O 99 A.P.O.

3. Particulars of the Order against
which the application is made :-

i) The application is made for non-implementation of
(1) Memo. No. 20014/3/83-IV Govt. of India, Ministry
of Expenditure, New Delhi and O.M. No. 4(19)/83/D,
Civil-I dated 11.1.84 regarding payment of S.D.A.
(Special Duty allowances) for civilian employees.
ii) Non-implementation of Scheme of H.R.A. (House Rent
Allowances) at the rate of 15% on the monthly Salary
as per circular No. 11013/2/86-E.II(B) dated 23.9.1986
issued by the Government of India, Ministry of Finance
(Department of Expenditure) New Delhi and Hon'ble
Central Administrative Tribunal Gauhati Bench Case No.
O.A. No. 48/91 Judgment and Order dated 26.11.93.
iii) Non implementation of Scheme of Special
Compensatory (Remote locality) Allowances to Defence
Department Civilian employees as per Letter No.

16037/R/A2 HQ 3 Corps (A) C/O 99 APO. issued by the under Secretary, (Defence) to the Govt. of India and as per Govt. of India, Ministry of Defence, New Delhi Letter No.R/37269/AG/PS3(a)/165/B(Pay)/Services) dated 31.1.95.

iv) Non-implementation of Schemes of Field Service concessions to civilians/employees of Defence Service contained in letter No.16729/CRG4 (Civ) (d) dated 25th April '1994 issued in pursuance to Govt. letter No. 37269/AG/PS 3(a)/D (Pay/ Services) dated 13.1.94 with effect from 1.4.93.

4. Jurisdiction of the Tribunal :

The applicants further declare that the subject matter is within the jurisdiction of the Tribunal.

5. Limitation :

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

6. Facts of the Case :

The facts of the Case in brief are given below :-

6.1- That your humble applicants are all Indian citizen as such they are entitled to all the right and privileges guaranteed under the Constitution of India. The applicants are all civilian employees belong to Group C and they are serving in the Defence Department since a long time. Some are working since 1963, some are from 1964, some are from 1981 and some are from 1987 and onwards.

62.- That the applicants are from outside North Eastern Region and now they are serving in different capacities as Central Govt. Civilian employee in Nagaland in the Office of GE 868 EWS/ C/O 99 A.P.O. They are serving as Electricians, M/Reader, Carpenters, fitters, V/Man, FGM, Pipe Fitters,

plumbers, Mate, Mazdoors, Charge Electrician, Refg. Mechanic and Safaiwala etc.

6.3 That all the applicants have got a common grievances, common course of action and the nature of relief prayed for is also same and similar and hence having regard to the facts and and circumstances they intend to prefer this instant application jointly and accordingly they Crave leave of the Hon'ble Tribunal to invoke the power of the Hon'ble Tribunal under Rule 4(5) (a) of the Central Administrative Tribunal (Procedure)Rules,1987. They also crave leave of the Hon'ble Tribunal and pray that they may be allowed to file this joint petition and pursue the instant application for redressal of their common grievance.

6.4 That under the Central Government various orders, Memos, Circulars, the Civilian employees serving in Defence department in Nagaland are eligible for certain benefits for involving risk of life along with Armed forces, These civilian employees are finally entitled to the following benefits :-

- i) S.D.A.(Special Duty Allowances)under the Defence Ministry Office Memorandum GMBi,4(19)/83/0, New Delhi dated 11.1.84 and Finance Ministry Memo.No.20014/3/83-E-IV Govt. of India, Ministry of Expenditure, New Delhi (Annexure-1).
- ii) H.R.A. (House Rent Allowances)at the rate of 15% on the monthly salary as per Circular No.11033/2/86-E-II(B) dtd. 23.9.86 issued by the Government of India, Ministry of Finance (Department of Expenditure)New Delhi, the 23rd September,1986 (Annexure-2) with effect

from 1.10.86. Applicants case is covered by the judgment and order dated 26.11.93 passed by the Hon'ble Tribunal Gauhati Bench in O.A. No. 48/91 (Annexure-2(1)).

iii) Special Compensatory (Remote Locality) allowance to Defence Department civilian employee as per letter No. 16037/E/A 2 HQ 3 Corps (a) C/O 99 A.P.O. issued by the under Secretary(Defence) to the Govt. of India(Annexure-3) and as per Govt. of India, Ministry of Defence, New Delhi letter No. SB/37269/AG/PS 3(a)/165/D/(Pay)/Services dtd 3.1.95 with effect from 1.4.93 (Annexure-3(1)).

iv) Field Service concessions to the civilian employees of Defence Service vide letter No. 16729/004 (Civ)(d) dated 25th April, 1994 issued by the Director (MP) Org.4 (Civ) (d) for adjustment General Army Head Quarter, New Delhi (Annexure-4) issued in pursuance to Govt. letter No. 37269/ AG/PS3(a)/D(Pay)/Services) dated 13.1.94 with effect from 1.4.93.

6.5. That the applicants being civilian Defence employees serving in Nagaland which is B class city are eligible for the above benefits but uptill now these benefits not being entended to the applicants by the authorities there by Respondents have deprived the applicants from legiti-mate dues and as such they have filed this joint petition before this Hon'ble Tribunal seeking justice.

6.6. That your applicants have all India Transfer Liability which is one of the condition for granting S.D.A. (Special Duty Allowances) to Central Government civilian employee.

Annexure- 5 is the photocopy of the Office Memorandum issued by the joint Secretary to the Govt. of India.

6.7 That your applicants having failed to obtain the benefits mentioned above inspite of their repeated requests both oral and in writing. The applicants are compelled to file a suit in the Court's of Deputy Commissioner (Judicial)Dimapur, Nagaland being T.S. No.

6.8 That your applicants along with others numbering 224 filed a Civil Suit No. 265/89 against the Union of India and others before the Deputy Commissioner(Judicial) Nagaland, Dimapur praying for decree for payment of S.D.A., H.R.A., Special Compensatory allowances(Remote Locality)allowances. The suit was contested by the Union of India and others. In the said suit the defendants took a plea that the Court of Deputy Commissioner (Judicial) has no jurisdiction to adjudicate the above allowance of Central Govt. employees and the case is to be dealt with by the Central Administrative Tribunal Guwahati Bench. The Deputy Commissioner decreed that suit vide judgment and order dated 19.12.94 giving a direction to Union of India and others to pay Special Duty Allowances, Special Compensatory (Remote Locality allowances), House Rent allowances by the Respondents.

Annexure-6 is the photocopy of judgment and order dated 19.12.94 passed by the Deputy Commissioner (Judicial)Nagaland, Dimapur in Civil Suit No. 255 of 1989.

6.9 That inspite of the aforesaid decree the Respondents are not paying the decreetal amount to the applicant raising a point that the said decree being a Nullity having no jurisdiction to pass the decree by entertaining the suit.

The Respondents are not bound to implement the illegal decree and as such the Respondents are not bound to pay the above benefits to the applicants. The applicants are not going to execute the Decree passed in Civil Suit No. 255/89 of the Deputy Commissioner (Judicial) Nagaland.

6.10 - That your applicants beg to state that they having fulfilled all the terms and conditions of S.D.A., H.R.A., Special Compensatory (Remote Locality allowance) filed allowances and other allowances as admissible as Central Govt. employees serving at North Eastern Region particularly in Nagaland, they are entitled to above mentioned benefits.

7. Reliefs sought for :

Under the facts and circumstances narrated above it is prayed that the Hon'ble Tribunal may be pleased to direct the Respondents particularly Garrison Engineer 868 ' 869 EWS Dimapur Nagaland to pay the following financial benefits. :-

- i) S.D.A. as per Memo.No. 20014/3/83-E-IV Govt. of India Ministry of Expenditure, New Delhi and O.M. No. 4(A)/83/D New Delhi dated 14th December, 1983 with effect from November, 1983.
- ii) H.R.A. as per circular No. 11013/2/86-E-II(B) issued by the Govt. of India, Ministry of Finance (Department of Expenditure) New Delhi, 23rd Sept' 96 and Hon'ble Central Administrative Tribunal Guwahati Bench in O.A. No.48/91, O.A. No. 124/95, O.A. No. 125/95 judgment and order dated 26.11.93 and 24.8.95 with effect from September, 1996.
- iii) Special Compensatory (Remote Locality) allowance as per letter No. 16037/R/A2 HQ 3 Corps (A) C/O 99 A.P.O. dated 6.3.1995.

issued by the H.Q. 3 Corps (A) C/O 99 A.P.O. reproducing the letter as per Govt. of India, Ministry of Defence, New Delhi letter No.B/37269/AG/PS 3(a)/165/D/(Pay)/Service dated 31.1.95 with effect from 1.4.1993.

iv). Field Service Concessions vide letter No. 16729/CC4(Civ). dated 25.4.94 issued by the Army HQ, New Delhi on the basis of Letter No. 37269/AF/PS3(a) 90/D(Pay/Services) dated 13.1.94 with effect from 1.4.1993.

- v) To pay the costs of the case to the applicants.
- vi) That any other relief or reliefs that may be entitled to the applicants.

3. Grounds and legal provisions :

8.1 For that the applicants being civilian employees serving in Nagaland and being attached to Armed Forces are entitled to all the financial benefits mentioned above under the various scheme, letter,circular etc.

8.2. For that there is no jurisdiction in denying the said benefits to the applicants and the denial has resulted in violation of Articles 14 and 16 of the Constitution of India as such as other similarly situated employees have been granted the said benefits.

8.3. For that the applicants having fulfilled all the criteria laid down in the aforesaid memoranda towards granting of S.D.A., H.R.A., Special Compensatory (Remote Locality)allowance, Field Service Concessions, the Respondents cannot deny the same to the applicants without any jurisdiction.

8.4. For that it has already been conclusively held by this Hon'ble Tribunal in other cases that the applicants are entitled to the said benefits and thus the Respondents ought to have paid the said benefits to the applicants on their

without insisting upon the applicants to approach any Court of Law.

8.5. For that that it is settled proposition of law that when same principles have been laid down in given cases, all other personal who are similarly situated should be granted the said benefits without requiring them to approach any court of law.

8.6. For that the applicants having been denied the said benefits without any reasonable excuse and without affording any opportunity of being heard, there is violation of the principle of natural justice and accordingly proper relief is required to be granted to the applicants.

9. Details of remedies exhausted:

That the applicants declare that they have availed of all the remedies available to them under service rules etc.

10. Matters not pending with any Courts etc:

The applicants further declares that the matter regarding which this application has been made is not pending before any court of law or any authority or any other Bench of the Tribunal.

11. Particulars of the Bank Draft/I.P.O. in respect of application fee:-

1. Number of I.P.O. :- 809327429
2. Name of issuing Post Office :- Guwahati
3. Date of issue of I.P.O. :- 20.9.95
4. P.O. at which payable :- Guwahati

12. Details of Index:

In Index in duplicate containing the details of the documents to be relied upon is enclosed.

13. List of enclosure - As per Index.

- VERIFICATION -

I, 238016 Shri K.P. Pillai the applicant No.1 serving as Filter H.S. II under Garrison Engineer, 868 EWS, C/O 99 A.P.O. Dimapur, Nagaland do hereby verify that the contents from 1 to 13 of the applicants are true to my knowledge and belief and I have not suppressed any material facts.

And I sign this Verification on this 21 th day of September, 1995 at Guwahati.


K P Pillai
No. 238016, Filter

Signature:

No 20014/3/83-B-XV Govt Of India
Min of Exptd

30
New Delhi, the 24th Dec 83

copy of Min of Exptd OM No 4 (19) /83/D
CIV-1 dt 11-12-83 OFFICE MEMORANDUM

Subject: Allowances and facilities for civilian employees
of the Central Govt service in the states and Union
Territory of the North Eastern Region - Approved
G.O.M.

It is 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 Nagaland has been engaging the attention of the Govt for
some time. The Govt had appointed a committee under the
Chairmanship of Secretary, Department of personnel and
Administrative reforms, to review the existing allowances
and facilities admissible to the various categories of
civilian Central Govt employees serving in this region and to
suggest suitable improvement. The recommendations of the
committee have been carefully considered by the Govt and the
President is now pleased to decide as follows:-

(i) Tenure of posting/deputations

There will be a fixed tenure of posting of 3 yrs
at a time for officers with service of 15 yrs or less and
of 2 yrs at a time for officers with more than 15 yrs of
service. Periods of leave, training, etc. In cases of 15 days
per year will be excluded in 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.

The period of deputation of the Central Govt 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 services as well as when the
employees concerned is prepared to stay longer. The admissible
deputation allowances will also be continued to be paid during
the period of deputation or extended.

(ii) Weightage for Central deputation/training abroad
and special mention in confidential records

Satisfactory performances of duties for the prescribed
tenure in the North East shall be given due recognition
in the case of eligible officer in the letter of
(a) Promotion in cadre position

- (b) Deputation to Central tenure posts, and
- (c) Course of training abroad.

pfa

Attest
A. S. S.
Advocate
9/1/95

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

A specific entry shall be made in CB of all employees who rendered a full tenure of service in the North Eastern Region to that effect.

(iii) Special (Duty) allowances:-

Central Govt 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 those employees who are exempt from payment of income tax will, however, not be eligible for this special (Duty) Allowances. Special (Duty) allowances will be in addition to any special pay and /or deputation (duty) Allowances already being drawn subject to the condition that the total of such special (Duty) allowances like special compensatory (Remote Locality) Allowances, construction allowances and project Allowances will be drawn separately.

(iv) Special compensatory Allowances

Assam and Meghalaya

The rate of the allowances will be 5% of basic pay subject to a minimum of Rs 50/- per admissible to all employees without pay pay limit. The above allowances will be admissible with effect from 1.7.82 in the case of Assam.

22. Manipur

The rates of allowances will be as follows for the whole of Manipur :-

Pay upto Rs 2 5/-

Rs 40/- PM.

Pay upto Rs 2 5/-

Rs 15% of basic pay subject to maximum of Rs 150/- PM.

33. Tripura

The rates of the allowances will be as follows :-

(a) Difficult area

- 25% of pay subject to a minimum of Rs 50/- and a maximum of Rs 150/- PM.

(b) Others

Pay upto Rs 2 5/-

Rs 40/- PM.

Pay above Rs 2 5/-

Rs 15% of basic pay subject to a maximum of Rs 150/- PM.

*affested
Smt. K.
Parvati
21.9.82*

There will be no change in the existing rates of special compensatory Allowances admissible in Arunachal Pradesh, Nagaland and Mizoram and the existing rate of Disturbance allowances admissible in specified areas of Mizoram.

(v) Travelling allowances on first appointment

In relaxations of the present rules (SR 103) that travelling allowances is not admissible for journeys undertaken in connection with initial appointment, in case of journeys for going up initial appointment to a post in the North Eastern Region, travelling allowances limited to ordinary bus fare /second class rail fare for rail/air if necessary in excess of first 400 Kms. for the Govt servant himself and his family will be admissible.

(vi) Travelling allowances for journey on transfer

In relaxation of orders below SR 11, i.e. on transfer to a station in the North Eastern Region, the family of the Govt servant does not accompany him, the Govt servant will be paid travelling allowances on tour for self only for transit period to join the post and will be permitted to carry personnel effects upto 1/3rd of his entitlement ~~not exceeding 100 Kms.~~ at Govt cost or ~~Rs 100/-~~ equivalent of carrying 1/3rd of his entitlement of the difference in weight of the personnel effects he is actually carrying and 1/3rd of his entitlement as the case may be in lieu of the cost of trans portation of baggage. In case the family accompanies the Govt servant on transfer, the Govt servant will be entitled to the existing admissible travelling allowances including the cost of transportation charges of the admissible weight of the baggage actually carried. The above provisions will also apply for the return journey on transfer back from the North Eastern Region.

(vii) Road mileage for transportation of personnel effects on transfer :-

In the relaxation of orders below SR 11 for transportation of the personnel effects on transfer between two different stations in the North Eastern Region, higher rate of allowances admissible for transportation in 'A' class cities subject to the actual expenditure incurred by the Govt servant will be admissible.

(viii) Joining time with leave

In the case of Govt servants proceeding on leave from a place of posting in North Eastern region, the period of travel excess of two days from the station of posting to ~~station~~ that region will be treated as joining time. The out ~~station~~ leave will be admissible on return from leave.

(ix) Leave travel concession

A Govt servant who leaves his family behind at the old duty station or another selected place of residence for the family will have to option to avail of the existing leave travel concession of journey to home town once in a block period of 2 years or in lieu thereof, facility of travel for himself once a year from from the station of posting in the north eastern region to his home town or place where the family is residing and in addition the facility for the family (i.e. wife d/o his spouse and two dependent children only), also travel once a year to ~~station~~ the employee at the station of posting in the North Eastern Region. In case the ~~station~~ on or after initial posting, the cost of travel for the initial ~~station~~ once (400/Kms) will not be borne by the officer.

Officers drawing pay of Rs 2250/- or above and their families i.e. spouse and two dependent children (upto 18 yrs for boys and 24 yrs for girls) will be allowed a/c travel between Lapha/Silchar/Agartala and Calcutta and vice versa while performing journeys mentioned in the proceeding paragraph.

(x)

contd...../4

*Attested
S. K. Adhikary
Advocate*

33 (x) Children Education Allowance/Hostel Subsidy)

Where the children do not accompany the Govt servant to the North Eastern Region, children Education Allowances upto class XII will be admissible in respect of children studying at the last station of posting of the employee concerned, or any other station where the children reside without any restriction of pay drawn by the Govt servant. If children studying in schools are put in hostels at the last station of posting or any other station, the Govt servant concerned will be given hostel subsidy without other restrictions.

2. The above orders except in sub para (iv) will also be mutatis mutandis apply to Central Govt employees posted to Andaman and Nicobar Islands.

3. These orders will take effect from 01st Nov '83 and will remain in force for a period of three years upto 31st Oct 1986.

4. All existing special allowance, facilities and concessions extended by any special orders by the Ministries/Departments of the central Govt to their own employees in the North Eastern Region will be withdrawn from the date of effect of the orders contained in this office memorandum.

5. Separate orders will be issued in respect of other recommendation of the committee referred to in paragraph 1 as and when decisions are taken by them by the Govt.

6. In so far as persons serving in the India Audit & Accounts Department are concerned, these orders issue after consultation with Comptroller and Auditor General of India.

sd/- (SC Mahalik)
Jt Secy to the Govt of India

Attested
SC Mahalik
Advocate

NO. 11013/2/86-E-II(B)

GOVERNMENT OF INDIA, MINISTRY OF
FINANCE (Department of Expenditure)

S. No. (3)

New-Delhi the 23rd September 1986.

H.R.A

OFFICE MEMORANDUM

Sub + Recommendations of the Four Pay Commission Decisions
of the Government relating to grant of Compensatory(City)
& House Rent Allowances to Central Government Employees.

The undersigned is directed to say that, consequent upon the decisions taken by the Government on the recommendations of the Fourth Pay Commission relating to the above mentioned allowances vide this Ministry's Resolution No.14(1)/IC/86 dt'd. 13th September 1986, the President is pleased to decide that in modification of this Ministry O.M. No.F.2(37)-E-II(B)/64 dated 27-11-1965 as amended from time to time for Compensatory(City) and House Rent Allowances to Central Government employees shall be admissible at the following rates.

COMPENSATORY (CITY) ALLOWANCES

Pay Range (basic pay).	Amount of C.C.A. in class of cities (Rs. p.m.)		
	A	B-1	B-2
Below Rs.950	30	25	20
Rs.950 and above but below Rs.1500	45	35	20
Rs.1500 and above but below Rs.2000	75	50	20
Rs.2000 and above	100	75	20

Note :- For 14 special localities, where C.C.A. at the rates applicable to B-2 class city are being paid, fresh orders will be issued separately.

ii) H.R.A. RENT ALLOWANCE:

Type of accommodation to which entitled	Pay range in revised scales	Amount of H.R.A. payable in Rs.p.m.			
	6F Pay for ent- tlemen.	A, B-1, B-2	C class cities.	Unclassified cities.	places
Attested	2	3	4	5	
27/3/87	1				
1	750-949	150	70	30	
2	950-1499	250	120	50	
3	1500-2799	450	220	100	
4	2800-3599	600	300	150	

Office of the Director General
Nagaland: 1. H.R.A. at above rates shall be paid to all employees (other than those provided with Government owned/hired accommodation) without requiring them to produce rent receipts. These employees shall,

Cont'd. to P.2

Attested
J.S.H.
Alvarez

however, be required to furnish a certificate to the effect that they are incurring some expenditure on rent/contributing towards rent. H.R.A. at above rates shall also be paid to Government employees living in their own houses subject to their furnishing certificate that they are paying/contributing towards house or property tax or maintenance of the house.

3. Where H.R.A. at 15 percent of pay has been allowed under special orders, the same shall be given as admissible in A.B1-1 and B-2 class cities. In ~~all~~ other cases covered by special order, HRA shall be admissible at the rate in C class cities. In both these cases there shall be no upper pay limit for payment of HRA.

4. The other condition at present applicable for grant of HRA in cases of sharing of accommodation and other categories shall continue to be applicable.

5. Pay for the purpose of these orders, will be 'pay' as defined in F.R.9(21) (a) (i). In the case of persons who continue to draw pay in the scales of pay which prevailed prior to 1.1.1986 it will include in addition to pay in the pre-revised & scales, dearness pay, dearness allowance, Additional Dearness Allowance, Ad-hoc DA and Interim Relief appropriate to that pay, admissible under orders in existence on 31-12-1985.

6. These orders shall be effective from 1-10-1986.
For the period from 1-1-1986 to 30-9-1986, the above allowance will be drawn at the existing rates on the national pay in the pre-revised scale.

7. These orders will apply to civilian employees of the Central Government belonging to Groups 'B' 'C' & 'D' only. The ~~ex~~ orders will also apply to the Group 'B' 'C' & 'D' civil employees paid from the Defence Service's Estimates. In regard to Armed Forces Personnel and Railway employees, separate orders will be issued by the Ministry of Defence and Department of Railways respectively.

8. In so far as the persons serving in the India Audit and Accounts Department are concerned this order issues after consultation with the Comptroller and Auditor General of India.

9. Hindi version of the order is attached.

Sd/-

(B. P. Varma)

Joint Secretary to the Government of India

To All Ministries and Department of the Government of India etc. as per distribution list.

Copy forwarded to C&AG and UPSC etc. (with usual number of ~~more~~ copies) as per standard endorsement list.

*Affected
Add'l
Private*

Government of India
Geological Survey of India
4, Chorabandi Lane
Calcutta-16.

No. 14017(1)/88-3(HRA)

Dated the 26/9/1988

Sub:- House Rent Allowance circular

Sl.no(4)

A copy of the Ministry of Finance Deptt. of Expenditure O.M.No. (i) 11015/41/86-E.II(L)/87 dt. 13.11.87, received from the Ministry of Steel and Mines, Department of Mines, New Delhi under their letter No. 21/17/87-I F dt. 1st January 88 is forwarded for information and necessary action.

M. I. S.
(M. I. S.)
Administrative Officer
for Director (Administration)

Dy. No. 51/3/88

The undersigned is directed to refer to para 1 of his Ministry, Office Memorandum of even number dated 19.2.87 regarding central Government employees belonging to Groups 'B', 'C' and 'D' and also para 1 of O.M. of even number dated 22.5.1987 regarding central Government employees belonging to Group 'A' on the subject matter above and to say that consequent upon fixation of flat rate of licence fee for residential accommodation under central Government all over the country via Ministry Urban Development (Directorate of Estate) O.M.No. 12035/(1)/85-Per. II(i) dated 7.8.1987, the President is pleased to decide that central Government employees belonging to Groups 'A', 'B', 'C' and 'D' working in various classified cities and unclassified places will be entitled to compensation in lieu of Rent Free Accommodation as under:-

(i) Amount charged as licence for Government accommodation as fixed in terms of Ministry of Urban Development (Directorate of Estate)'s above mentioned O.M. dated 7.8.1987 and

(ii) House Rent Allowance admissible to corresponding employees in that classified city/unclassified place in terms of para 1 of this Ministry's O.M. No. 11013/2/86-E.II(B) dated 23.9.1986 for central Government employees belonging to Groups 'B', 'C' and 'D' and para 1 of O.M.No. 11013/2/86-E.II(B) dated 19.2.87 for Central Government employees belonging to Group -A.

2. Other terms and conditions for admissibility of compensation in lieu of rent free accommodation indicated in this Ministry's office Memorandum dated 19.2.87 and 22.5.87 remain the same.

3. These orders shall take effect from 1.7.87.

4. So far as persons serving in the Indian Audit and Accounts Deptt. are concerned, these orders issue after consultation with controller and Auditor General of India.

tkt/-

Sd/-A. N. Sinha
Directr

Attested
S. N. Sinha
Advocate

9
CENTRAL ADMINISTRATIVE TRIBUNAL : GUJARATI BENCH

Original Application No. 48 of 1991

Date of order : This the 26th day of November 1993.

Shri S. Haque, Vice-Chairman

Shri G.L. Songlyine, Member (Administrative)

Shri H. Lepdon ho and forty six (46) others,
 Group 'C' & 'D' employees posted in the
 Office of the Director,
 Geological Survey of India,
 Operation Manipur-Nagaland, Dimapur,
 District Kohima, Nagaland Applicants

By Advocate Shri M.N. Trikha

- Versus -

1. Union of India, through the Secretary to the Government of India, Ministry of Steel and Mines, Department of Mines, New Delhi
2. The Director General, Geological Survey of India, 27, Jawaharlal Nehru Road, Calcutta: 701 013
3. The Deputy Director General, Geological Survey of India, North East Region, Asha Kutir, Laitumkhrah, Shillong-793703
4. The Director, Geological Survey of India, Operation Manipur-Nagaland, Dimapur. Respondents

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

.....

Attested
 This day of
 Advocate

The applicants numbering 47 (fortyseven) are Group 'C' and 'D' employees under the Director, Geological Survey of India, Operation Manipur-Nagaland, at Dimapur, Nagaland. This application by them under Section 19 of the Administrative Tribunals Act 1985 claiming House Rent Allowance (HRA) at the rate applicable to 'B' class cities, i.e. at the rate of 15% of their pay and also claim compensation at the rate of 10% in lieu of Rent Free Accommodation (RFA). They claim that Nagaland falls within 'B' class cities for the purpose of HRA and compensation in lieu of RFA.

2. It is an admitted fact that the employees of the respondent Directorate are entitled to rent free accommodation in Nagaland, but they were not given free Government accommodation.

3. ✓ Learned counsel Mr N.N. Trikha for the applicants submits that it was established vide judgment dated 31.10.1990 in C.A. No.42(G)/89 of this Bench and duly confirmed by the Supreme Court vide order dated 18.2.1993 in Civil Appeal No.2705/91 that Nagaland in general is 'B' class city and the Central Government employees there are entitled for benefits of 'B' class cities granted by various circulars and office memoranda.

Mr Trikha read out the relevant Office Memoranda. Those submissions are not disputed by learned Sr. C.G.S.C.

Mr S. Ali. We have perused the judgments and orders referred to by Mr Trikha. Nagaland had been recognised

Entered
filed
shown to

as 'B' class cities in general vide our judgment and order dated 31.10.1990 in S.A.No.42(G)/89 read with the Supreme Court order dated 10.2.1993 in Civil Appeal No.2705 of 1991. This being the established position, we hold that the applicants were entitled to HRA at the rate of 15% on their pay from 1974 to September 1986; and thereafter, on flat rate basis group wise with effect from 1.10.1986 pursuant to Office Memorandum No.11013/2/86-E-11(B) dated New Delhi the 23rd September 1986 issued by the Ministry of Finance, Government of India (Annexure A/7).

4. After the fixation of the HRA on flat rate basis group wise the Government of India further granted compensation to Group A, B, C and D employees in lieu of rent free accommodation with effect from 1.7.1987 vide Government of India, Ministry of Finance, Department of Expenditure O.M. No.11015/4/86-E.II(B)/87 dated 13.11.1987 which reads as follows:-

" The undersigned is directed to refer to para 1 of this Ministry's Office Memorandum of even number, dated 19.2.1987, regarding Central Government employees belonging to Groups 'B', 'C' and 'D' and also para 1 of O.M. of even number, dated 22.5.1987, regarding Central Government employees belonging to Group 'A' on the subject noted above and to say that consequant upon fixation of flat rate of licence fee for residential accommodation under Central Government all over the country vide Ministry of Urban Development (Directorate of Estates)'s O.M.No.12035/(1)/95-Pol.II(Vol.III) (i), dated 7.8.1987, the President is pleased to decide that Central Government employees belonging to Groups 'A', 'B', 'C' and 'D' working in various classified cities and unclassified places will be entitled to compensation in lieu of Rent-free Accommodation as under -

(i) Amount charged as licence fees for Government Accommodation as fixed in terms of Ministry of Urban Development (Directorate of Estates)'s above mentioned O.M. dated 7.8.1987; and

Attested by [Signature]
Advocate [Signature]

80

(ii) House Rent Allowance admissible to corresponding employees in that classified city/unclassified place in terms of para 1 of this Ministry's O.M. No.11013/2/86-E.11(8), dated 23.9.1986, for Central Government employees belonging to Groups 'B', 'C' and 'D' and para 1 of O.M.No.11013/2/86-E.11(8), dated 19.3.1987, for Central Government employees belonging to Group 'A'.

2. Other terms and conditions for admissibility of compensation in lieu of rent-free accommodation indicated in this Ministry's Office Memorandum, dated 19.2.1987 and 22.5.1987, remain the same.

3. These orders shall take effect from 1.7.1987.

The compensation is fixed at 10% of the monthly emoluments calculated with reference to pay vide NOTE under para 2 of the Government of India, Ministry of Finance Office Memorandum No.11015/4/86-E.11(8)/87 dated 26.5.1987. These Office Memoranda had been circulated by Geological Survey of India, Calcutta vide order No.14017(1)/83-3(HRA) dated 26.9.1983 for necessary action by all branches. Therefore, we hold that the applicants are entitled to compensation at the rate of 10% of pay in lieu of rent free accommodation with effect from 1.7.1987 in terms of O.M.No.11015/4/86-E.11(8) dated 13.11.1987 in addition of the HRA.

5. The applicants were not entitled to 10% compensation in lieu of rent free accommodation for the month of November 1979 and they are liable to refund that amount.

6. In the result, this application is allowed. The respondents are directed to pay HRA to the applicants at the rate of 15% of their pay from 1974 and at flat rate groupwise with effect from 1.10.1986 in terms of O.M.No.11013/2/86-E.11(8) dated 23.9.1986. The respondents are further directed to pay compensation at 10% of the monthly.....

Attested
Jag. P. K.
Akhroo

CPB

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monthly emoluments calculated with reference to the pay of respective applicants with effect from 1.7.1987 besides HRA. The respondents shall realise 10% of pay of the applicants paid in excess with salary for the month of November 1979.

7. The respondents shall implement the above directions and pay all arrears within three months (90 days) from the date of receipt of copy of the order.
8. Intimate all concerned immediately.

Sd/- S. Haque
VICE CHAIRMAN

Sd/- G.L.Sandilya
MEMBER (ADMN)

TRUE COPY

57/10/25/11-1983
Section Officer (Judicial)
Central Administrative Tribunal
Supreme Court Bench, New Delhi

Attested
by K
Devarat

25 (11X/13)
Annexure - 3
42
HQ 3 CORPS (A)
O/D 99 AFC

06 Mar 95

16037/R/A2

List A, B, C, E & F

Field Service Concession
to Defence Civilians
serving in the Newly
Defined Field
Areas

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

A copy of Govt of India, Min of Def letter No B/37269/AG/PS 3 (a)/165/D (Pay/Services) dated 31 Jan 95 is fwd herewith for your info and necessary action please..

Deepak M
(D. Obhral)
Major
DAAG
for COS

Mail/*

Copy of above quoted letter.

AS ABOVE

Sir,

1. I am directed to refer to para 13 of Govt letter No 37269/AG/PS3(a)/D(Pay/Services) dated 13.1.1994 and to convey the sanction of the President to the following Field Services Concessions to Defense Civilians in the newly defined Field Areas and 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 concessions enumerated in Annexure 'C' to Govt letter No A/22534/AG/PS 3 (a)/97-S/D(Pay/Services) dated 25.1.1964. Defence Civilian employees serving in Newly defined Modified Field Areas will continue to be extended the concessions enumerated in Aopx B to Govt letter No A/25761/AG/PS3(b)/146-S/2/D (Pay/Services) dated 2nd March 1968.

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

These orders will come into force wef 1st April 95.

This issues with the concurrence of Finance Division of this in vide their UO No 5(1)/85-AG(14-PA) dated 9.1.1995.

Yours faithfully,

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

Under Secretary to the Govt of India

After
JULY 1995
Debata

OFFICE OF THE C.D.A. UDAYAN VIHAR, PUNJABI, GUWAHATI-171
Part. I.O.O. No. 21 Dated 9.5.95.

Sub:- Field Service Concessions to Defence Civilians serving in the newly defined Field Areas.

Govt. of India, Ministry of Defence New Delhi letter Nos. B/37269/AG/PS3(a)/165/D/(Pay)/Services) dated 31.1.95 and B/37269/AG/PS3(a)/730/D(Pay/Services) dated 17.4.95 are reproduced below for information and necessary action.

Please acknowledge receipt.

No. Pay/01/IX
Dated: 20/5/95

Sr. A.O. (Pay)

Distribution:-

- a) All sub-offices ... as per standard List.
- b) All section in M.O.
- c) Spare

Sr. A.O. (Pay)

I am directed to refer to para 13 of Govt. letter No. 37269/AG/PS3(a)/D(Pay/Services) dated 13.1.1994 and to convey the sanction of the President to the following Field Service concessions to Defence Civilians in the newly defined Field Areas and 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 concessions enumerated in Annexure 'C' to Govt. letter No.A/02584/AG/PS3(a)/97-S/D(Pay)Services) dated 25.1.1964. Defence Civilian employees serving in newly defined Modified Field Areas will continue to be extended the concessions enumerated in Appendix 'B' to Govt. letter No.A/25761/AG/PS3(b)/146-S/2/D(Pay/Services) dated 2nd March, 1968.

(ii) In addition to above, the Defence Civilian 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, 95.
3. This issues with the concurrence of Finance Division of this Ministry vide their UO No.5(1)/85-AG(14-PA) dated 9.1.1995.

Sd/-

(L.T. Tluanga)

Under Secretary to the Government of India.

RESTRICTED

No.B/37269/1G/PS3(a)/730/D(Pay/Service)
Government of India
Ministry of Defence

New Delhi, the 17th April, 1995.

CORRIGENDUM

The following amendment is made to this Ministry's letter No.B/37269/1G/PS3(a)/165/D(Pay/Services) dated 31.1.1995, regarding Field Service Concessions to Defence Civilians serving in the newly defined Field Areas:-

Para 1(ii) may be deleted and substituted as under :..

"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 allowances as admissible to Defence Civilians, as hitherto, under existing instructions issued by this Ministry from time to time. However, in respect of Defence Civilians employed in the newly defined Field Areas, special compensatory (Remote Locality) Allowance and other allowances are not concurrently admissible alongwith Field Service."

2. This corrigendum issues with the concurrence of the Finance Division/Ministry vide their I.D.No.388/P, dated 5.4.1995.

Yours faithfully

(L.T.Tluanga)
Under Secretary to the Govt. of India
Tele: 3012739)

To

The Chief of the Army Staff
New Delhi

Copy to:

As per list attached.

*Affected
by Net
Advocate*

No 37269/AG/PS 3(a)/90/D(Pay/Services)
 Government of India
 Ministry of Defence
 New Delhi - 110 011

Dated the 13th January 1994

To

The Chief of the Army Staff
*newly defined
 Field Areas*

Sub : Field Service concessions to Army Personnel
 Implementation of the recommendation of the
 4th Central Pay Commission.

Sir,

I am directed to say that the 4th Central Pay Commission in Para 28, 98 of their Report, has recommended that the existing classification of areas for the grant of field service concessions and the concessions admissible in field areas to Armed Forces personnel should be reviewed by the Govt. The structure of field service concessions has since been reviewed. I am directed to convey ~~recommendations~~ the sanction of the President to implementation of the following decisions taken in this regard in so far as the offrs and personnel below officer rank of army (including army postal service) are concerned.

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 re-defined. Hereafter, field areas will be classified as Field areas and Modified Field areas only.

2.2 Pre-requisites for classifying an area as Field Area and Modified Field area will be as follows :-

Field Area. Field Area is an area where troops are deployed near the borders for operational requirements and where imminence of hostilities and associated risk of life exists. Troops in such areas are located for reasons of operational 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 operational readiness is slightly lower than that in Field Area, though sustained surveillance continues.

2.3 The details of newly defined Filed Areas and Modified Field Areas are contained in Appendices A&B respectively.

2.4 Alteration, if any, the Field/Modified Areas will be notified by the Government of India from time to time.

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RESTRICTED

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2.8 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 areas allowance and compensatory modified area allowance, respectively.

3.2 The rates of the allowances are given below : -

Sl No	Rank	Rate of compensatory	Rate of
		field area allowance	compensatory modified field area allowance
1.	Lt Col & above	In Rs PM	In Rs DM
2.	Lt Col (TS) & Maj	975	375
3.	Captain	895	350
4.	2 Lt/Lt	820	325
5.	JCOs including Hon'ble Commissioned Offrs	780	300
6.	Havildar	650	225
7.	Sep/Wk including erstwhile NCs (E)	450	175
		375	150

3.3 The conditions. Governing the grant of compensatory filed area allowance and modified field area allowance in the case of Offrs will be as follows : -

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

Exceptions. An Offr 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 an area at which the allowances is admissible.

(b) When on Causal leave

(c) While on transit from one field area/modified field area to another.

Contd....3/-

RESTRICTED

*Attested
by
Advocate*

(ii) For a maximum period of 3 months. While on temporary duty subject to the fulfilment of the following conditions :-

- (a) The officer continues to be borne on the strength of the Unit/Formation in the field/modified field area.
- (b) The officer in the ordinary course returns to duty to a garrison field/modified field area (not necessary/ the one from which he went) on termination of the temporary duty.
- (c) The period of absence is spent wholly on 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 from field/modified field area.

3.3.2. Compensatory field area allowances/compensatory modified field area allowances 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 especially appointed to officiate in a vacancy of less than 3 months duration if the permanent incumbent continues to draw the compensatory field area allowances/compensatory modified field area allowances under the exceptions mentioned above.

NOTE : Compensatory field area allowance/compensatory modified field area allowances will not be admissible in addition to ~~foreign~~ foreign allowance, compensatory daily allowance for serving ex-India.

3.4 The conditions for the drawal of compensatory field area allowance and modified field area allowance in the case of JCOs/OR including NCs(S) will be the same as given in Para 1 of annexure A to this Ministry's letter No A/02584/AG/PS3(a)/97-S/D(Pay/services) dated 25-1-64 as amended.

4.1 Admissibility. These rates of allowances will be admissible to :-

- (a) Personnel serving in Detachments, Units and Fmsns in areas mentioned in Appendices A & B.
- (b) Personnel of Defence Security Corps employed with Unit whose personnel are eligible for the grant of these concessions.

4.2 Lists of Fmsns/Units which are in field area of modified field area and are eligible to field service concessions will be notified by the Corps Commander to PAOs concerned quarterly i.e. for the Qtr May, Aug Nov and Feb every year by the 15th of the month subsequent to the close of the quarter.

Contd... 4/-

RESTRICTED

*Offered
Advocate*

4.3 Other concessions : Other concessions in kind at present admissible in full field areas as per details given in Annexure A to the Ministry's letter No A/02584/AG/PS3(a)/97/S/D(Pay/Services) dated 25-1-64, as amended will continues to be admissible in the newly defined field areas as given in Appx A to this letter. Similarly, the concessions admissible in Modified field areas as per details given in Appendix A to this Ministry's letter No A/25761/AG/PS3(b)/146-S/2/D(pay/Services) dated 2.3.68 as amended will be admissible in the modified field areas as per appendix B to this letter.

5. Three allowances will, however, not be admissible to :-

- (a) Static formations/Units eg. Military farms, MES, Recruiting Office, Training Centres & Establishments.
- (b) NCC Directorates and Units.
- (c) TA Units unless embodied.
- (d) Record Offices and similar Establishments.

5.1 High altitude/Uncongenial Climate Allowance, Personnel serving in Field areas which are situated at a height of 9000ft and above including uncongenial climate areas below height of 9000 ft will be entitled to High Altitude/Uncongenial climate allowance. A lower rate would be applicable for areas ~~ex~~ with an altitude of 9000 ft to 15,000 ft and higher rate for areas above 15,000 ft (excluding Siachen). The details of these areas are given in Appx C. The rates of High Altitude/Uncongenial climate alices are given as under :-

Sl No	Rank	Cat-I (Height from 9000 ft to 15000 ft incl uncongenial climate areas below heights of 9000 ft	Cat II (Heights above 15000 ft (excluding Siachen)
1.	Lt Col & above	400	600
2.	Lt Col (TS) & Maj	350	525
3.	Captain	250	375
4.	2Lt/Lt	xx 200	xx 300
5.	JCOs incl Non commisioned offrs	180	270
6.	Havildar	140	210
7.	Sep/Nk Including erstwhile NC(E)	100	150

5.2 High Altitude/Uncongenial climate allowance will be admissible in addition to the compensatory field area alices and other concessions in kind

Contd.... 5/-

~~RESTRICTED~~

Attestd
A. K. S.
Delwarat

5.3. The other conditions governing the grant of high altitude/uncongenial climate allowance as given in this Ministry's letter No F.69/3/75/D(Pay/Services) dated 28.2.76, 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 :-

(a) Officers - Rs. 1,200/- PM

(b) JCOs/OR - Rs. 800/- PM

6.2. Siachen allowances will be admissible in addition to compensatory field area allowances but not with high altitude Uncongenial climate allowance. Other conditions governing grant of Siachen allowance as contained in this Ministry's letter No 1(2)/91/D (Pay/Services) dated 01 May 91 will continue to be applicable.

7.1. Consequential Effects : Offrs/JCOs/OR who have been allowed to retain family accommodation at the last duty station as on the date of issue of these 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, their families may be allowed to move to a selected place or 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 area for all purposes.

8. Concessions on Attachment

(a) Individuals/Details from fmns/Units not served by these orders but who are attached for operational purposes to formations or HQ 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 A/02584/AG/PS3(a)/97-S, SfD (Pay/Services) dt 25.1.64 as amended.

(b) If the attachment is for two weeks or more, the allowances compensatory field area allowances/compensatory modified field area allowances under these orders as also the concessions as applicable as per orders referred to in para 8 (a) above be admissible.

(c) No cash 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.

Contd.....6/-

*Amritpal Singh
Advocate*

9.2. Consequent upon the coming into force of the revised orders, the following monetary allowances will stand withdrawn from 1.4.93 except in cases referred to in para 11.2. below :-

- (a) Special adhoc allowance of Rs. 70/- PM admissible for officers.
- (b) Separation allowance of Rs. 140/- PM admissible for Offrs.
- (c) Special compensatory (field) allowance ranging from Rs. 53 to Rs. 23 PM admissible for JCOs/OR incl NC(E).

10. Special compensatory (R-mote Locality) allowance. This allowance which is at present admissible in modified Field areas/peace areas on the civilian pattern will also stand withdrawn but wef 1st Feb 1994.

11.1. Adjustments : The allowances mentioned in para 9.2 above drawn to the individuals concerned after 1st April, 1993 will be adjusted against the compensatory field area allowance and compensatory modified field area allowance, if admissible, under these orders.

11.2. Where, however, an individual has become disentitled to any monetary allowance consequent upon change in the classification of area, no recovery will be made of the monetary allowance already availed of by him under the existing orders upto the date of issue of this letter.

12. The existing orders on the subject of field service concessions will stand modified to the extend indicated above.

13. The concessions to be admissible to defence civilians serving in the newly defined field areas will be notified separately.

14. Suitable administrative instructions for implementation of these orders will be issued by the Army HQs, in consultation with DGDA.

15. This issues with the concurrence of Finance Division of this Ministry's vide MAFU UC No 5(1)/88-AG(8-PA) dated 12.1.94.

Yours faithfully,

56/- x x x x x x x
(EA Khan)

(Under Secy to the Govt of India)

~~RESTRICTED~~

*After
Bill
Devarat*

Appendix 'A' to Govt of India
Ministry of Defence letter No
37269/AG/PS 3(a)/90/D(Pay/Services)
dated 13 Jan 94
(Refers to Para 2.3)

LIST OF FIELD AREAS1. EASTERN COMMAND(a) Arunachal Pradesh

(i) Tirap and Changlang Districts.

(ii) All areas North of line joining point 4448 in
LZ 4179-Nukme Dong MS 3272-Sepla MT 2969-Palin MO
9213 Daparijo NR 5841 Along NL-1273-Hunli NM 0170
Tawaken MT 8136-Champai Bun NM 8814 all inclusive.✓ (b) Manipur and Nagaland States(c) Sikkim : All areas North and NE of line joining Phalut
LV 4750-Gezing LV 7059-Manikha LV 6160-Penlang La LW 0666
Rangli LW 1448-BP 1 in LW 453 on Indo-Bhutan Border - all
inclusive.2. WESTERN COMMANDHimachal Pradesh : All areas East of line joining Umasila
NV 3951 Udaipur NY 8663 Mani Karan SB 2300 - Pir Parbati
Pass TA 1459 - Taranda TA 2335 - Barasua Pass TA 8801 all
inclusive.3. GUJARAT CENTRAL COMMANDUttar Pradesh : All area North and NE of line joining
Barasua Pass Gangnani TG 1362- Govind Chat TG 0937-Tapevan
TH-1822-Munsiari TN 8980-Relagad TO 2466 all inclusive.4. NORTHERN COMMAND(a) Ladakh Sector : Areas North and East of line joining
Zojila MU 3036 Baralachala NE 6672 along the great Himala-
yan Range all inclusive.(b) Valley Sector : All areas west of line joining point
1556 in NR 5470 Guimarg MT 3105 Naushara MY 3105 Rm Ringapat
MT 2133 Handwara MT 2043 Laingyal MT 2339 Point 8405 in NG
4365 North of line joining point 8403 Bunakut NT 5453 Razan
NN 2239 Zojila all inclusive.(c) Jammu-Rajouri Sector : All areas west of line joining
Tip of Chicken Neck RD 7073 Caneel Junction RD 6364 Mawa
Brahmana MY 3854 Point 1556 in NR 5470 all inclusive.

Appendix BLIST OF DEFINED FIELD AREASSOUTHERN AND WESTERN COMMAND

(a) Rajasthan and Punjab : Areas West of line joining Jassai, Barmer, Jaisalmer, Pokharan, Udasar, Mahajan, Ranges, Suratgarh, Lalgarh, Jattan, Alohar, Govindgarh, Fazilka, Jandiala Guru, Moga, Dholewai, Beas, Sir Sarangwal, Hussainiwala, Dera Baba Nanak, Laisain Bulge upto the International Border all inclusive.

(b) Haryana : Satrod (Hissar)

(c) Himachal Pradesh : Areas North of line joining Narkhanda, Keylong upto field area line/high altitude line.

EASTERN COMMAND

(a) Assam and Arunachal Pradesh :

(i) Cachar and North Cachar Dists of Assam including Silchar.

(ii) All areas of Arunachal Pradesh and Assam North of River Bramaputra less Tejpur, Misamari and field areas.

(b) State of Mizoram and Tripura.

(c) Sikkim and West Bengal : Areas Northwards of line joining Sevoke LV 9412 Burdong LV 9850 Sherwani LV 9453 Bagrakot LW 0113 Damdim LW 1109 New Mal Hasimara QB 7894 Ganga Ram Tea Estate QA 1377 upto the High altitude line/field area line/International border all inclusive.

CENTRAL COMMAND

Areas North of line joining Uttarkashi, Karan Prayag, Gauchar, Joshimath, Chamoli, Rudra Prayag, Askote, Chararamagad, Dharchula, Kasauli and Narendra Nagar upto International Border all inclusive.

NORTHERN COMMAND

(a) Valley Sector : Areas West of line joining Pattan, Baramulla, Kupwara, Drugmula, Panges, Mankes, Bunyar, Pantha Chowk, Khanabal, Anantnag, Khundru and Khru upto the existing High Altitude line all inclusive.

(b) Jammu Region : Areas West of line joining BP 19 Brahmana-di-Bari, Jindra, Dhansal, Katra, Sanjhi Chatt, Batote, Patni Top, Ramban and Banihal upto the existing High altitude line all inclusive.

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Attested
S. M. M.
Decorated

Appendix 'C' to Govt of India
Min of Def letter No 37269/AG/PS3
(a)/90/D (Pay/Services) dt 13 Jan 94

(Refers to para 5.1)

LIST OF HIGH ALTITUDE (UNCONGENIAL CLIMATE) AREA

1. JAMMU AND KASHMIR :- Area along the following line beyond:-

Cease Fire Line Nullah crossing NN 2180 SOUTH along Nullah to NALA junc NH 1969 SOUTH along Nullah to NICHINAI MAR NN 2043 SOUTH EAST along KASHMIR/LADAKH boundary passing through heights 17573 (NN 73) 19590 (NN 72) 19830 (NN 91) 17672 (NN 80) FARIAKAD (No 10) SOUTH EAST along boundary to GR NT 2490 SOUTH along boundary to point 21570 (NT 2456) again along boundary to GR NT 2758 EAST AND NORTH EAST along boundary to GR NT 4269 SOUTH EAST along boundary to HAGSHULA (NT 5662) SOUTH EAST along boundary to UMASILA (NT 6850) SOUTH and SOUTH EAST along boundary to KANGLA JOT (NT 9420) KAZALWAN CUREZ REGION, RING PAIN AND RING BALA REGION, TITHWAL AND TANGCHAR REGION AND DODA.

2. HIMACHAL PRADESH : Area along the following line and beyond :-

Along foot path and then nullah to point 12380 (NZ 0891) along MIYAR nullah to its junction with CHENAB at NY 8663) SOUTH EAST along R CHENAB to KHOKEAR (NZ 43) to RAHLA (NZ 47) and straight line to MANI KARAN (SE 6486) along ~~XXX~~ PARBATI R TO PIR PARBATI.

3. UTTAR PRADESH : Area along the following line and beyond, BARSAU pass (944875) point 20370 (949859) HARSIL (973852) KEDARNATH (TG 5555) BADRINATH (TG 9053) RAM KESHAR ~~XX~~ (TH 0739) (excluding town limits) to JUMAGWAR (TH 3539) KALANKA (TH 5028) MILAM (TH 7423) SELA (TO 2593) CHIYALEKH (TC 4994) and area above 9000 ft in the designated field areas in Appx 'A'.

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

Point 14600 (MS 2881) to SENGE DZONG (MS 2888) MATAU (MS 6777) SALPMG (MT 1379) LAPUNG (MT 2289) KHANEWA (MO 2803) NYARIN (MO 7525) to 8th mile stone (One ZIRO NYAPIN Road) 8 th mile stone (on ZAPORIJO - LIMEKING ROAD) poyom ~~XX~~ (MT 9379) 2nd mile stone north of YARE (MP 9575) DOSING (NL 3592) DAMROH (NE 16208) AHINKOLIN (NF 8841) KRONLI (NG 2401) GURUNCON (NN 4592) LABON (NM 7579) HAY LIANG (NN 0199) CHONAH (MT 9943) KAMPHU (NM 0125) point 6490 (NW 1403) VIJAYNAGAR (TG 4266)

5. SIKKIM

North and North East of the line running from point 12785 (IN 96) point 10140 (LI 17) point 10405 (LT 38) point 9010 (LT 84 46) Nala Junction (LT 5373) PAROTHEN (LT 6751) point 0030 (LT 64)

Attested
Fully
Delivered

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Tele : 2018433

Aptar 10th in Ashoknagar, New Delhi

Org 4 (Civ) (d)

Adjutant General Staff

Sena Bhawan

Addl Dte Gen o-f Org 4 (Civ) -

(d)

Adjutant General Bx - 61

Army Headquarters

Delhi 110 011

16729/Org 4 (Civ) (d)

25 Apr 94

Headquarters

Southern Command
 Eastern Command
 Western Command
 Central Command
 Northern Command

*Field Service**Approved
Dated
10/4/94
Adm. Officer*

**FIELD SERVICE CONCESSIONS TO CIVILIANS AID
 FROM DEFENCE SERVICE ESTIMATES INCLUDING
 CIVILIANS EMPLOYED IN LIEU OF COMBATANTS AND
 NCsE (BOTH POSTED AND LOCALLY RECRUITED)**

1. On the basis of the fourth central pay commission recommendation, the existing classification of areas for grant of field service concessions has been revised recently, vide Min of Def letter No 57169/AF/PS 3(a)90/D(Pay/Services) dt 13 Jan 94. Some of the concessions/compensatory allowances have also been revised in respect of service personnel. As per the ibid Govt order field areas ~~are~~ will be classified as field areas and modified field areas only. The details of newly defined field areas and modified field areas contained in Appx 'A' and 'B' respectively to this letter.

2. It is proposed to extend the same concessions to Defence civilians employed in the field areas as they serve side by side with services personnel under similar conditions in the given areas. They are also required to move in to the border areas and also serve in dense jungles risking their lives for performing duties assigned to them.

3. The following proposals for concessions/allowances to defence civilians posted in these areas have been proposed to Min of Def for consideration :-

(a) Defence civilians serving in field areas and modified field areas to be eligible to the grant of field area allowances and compensatory modified field area allowances respectively at the following rates :-

	Date of camp in field area	Rate of comp. modified field area allowances
For Pay upto 900/- per month	Rs. 375/-PM	Rs. 150/-PM
For pay exceeding Rs. 900/- but not exceeding Rs. 1500/-PM	Rs. 450/-PM	Rs. 175/-PM
For pay exceeding Rs. 1500/-PM but not exceeding Rs. 2300/-PM	Rs. 650/-PM	Rs. 225/-PM
For pay exceeding Rs. 2300/-PM	Rs. 750/-PM	Rs. 300/-PM
	2/-

1 but not exceeding Rs. 3000/-PM
For pay exceeding Rs. 3000/-PM

Rs. 975/-PM

Rs. 325/-PM

(b) The special compensatory alloce such as Hill Compensatory and winter allices, Bad climate allices etc not to be addition to this allowances.

(c) The other concessions in kind at Pr sent admissibl in full field areas as per details given in Annexure 'C' to Min of Bef OM No A 02584/AG/PS-3(a)/97-SD (Pay/Services) dt 25 Jan 64 as amended from time to time to continue to be admissible in the newly defined fidld area listed at appx 'B' to this letter.

(d) The above mentioned allowances will not be admissible to :-

(i) Static formation/units eg, military forms, MES, Recruiting office, Training centres and establishments.
(ii) NCC Directorates and Units.
(iii) TA units unless embodied.
(iv) Record office and similar establishments.

4. High altitude/Uncongenial climate allice Civilians serving in field areas which area situated as a height of 9000 ft and above including uncongenial climate areas below the height of 9000 ft to be entitled. ~~in~~ The details of these areas are given in Appx 'C' to this letter. The rates of High Altitude/Uncongenial climate allowances are given as under :-

Pay	Cat -I (Height from Cat-II 9000 ft to 15000 (Height ft incl uncongenial above climate areas of 15000 ft 9000 ft excl Siachen)
For pay not exceeding Rs. 950/-	Rs. 100/-PM
For pay exceeding Rs. 950/-PM but not exceeding Rs. 2300/-PM	Rs. 140/-PM
For pay exceeding Rs. 1500/-PM but not exceeding Rs. 3000/-PM	Rs. 180/-PM
For pay exceeding Rs. 3000/-PM	Rs. 300/-PM

The High Altitude/Uncongenial climate allowance to be admissible in addition to the field compensatory allowances and other concession in kind.

5. Command Headquarters are requested to examine the above proposal submitted ti Ministry of Defence and given their comments /views. Annual financial implication on the above proposal may please be worked out separately in respect of field allice modified field area allice and High altitude/Uncongenial climate allice and ~~in~~ furnished to this Headquarters last by 20 May 94.

(sd/- x x x x x)
(Promod Ji Saxena)
SCSO
Director (MP)
Org 4 (Civ)(d)
for Adjutant General

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File No. 20014/10/06/11/11/11
Government of India
Ministry of Finance
Department of Expenditure

New Delhi, the 14th December, 1983

OFFICE MEMORANDUM

Subject :- Improvement in facilities for Civilian employees of the Central Govt. serving in the state of North Eastern Region, A & N Islands and Lakshadweep.

The undersigned is directed to refer to this Ministry's O.M. No. 2014/3/83-E.IV dt 14th December, 1983 and 30th November, 1984 on the subject mentioned above and to say that the question of making suitable improvements in the allowances and facilities to Central Govt. employees posted in North Eastern Region comprising the states of Assam, Meghalaya, Manipur, Nagaland, Tripura, Arunachal Pradesh and Assam has been engaging the attention of the Govt. Accordingly the President is now pleased to decide as follows :-

(i) Tenure of posting/deputation

The existing provisions as contained in this Ministry's O.M. dated 14.12.83 will continue.

(ii) Weightage for Central Commissioned cadre and cadre abroad. Special mention in confidential records

The existing provisions as contained in this Ministry's O.M. dated 14.12.83 will continue. cadre authorities are advised to give a weightage for satisfactory performance of duties for the prescribed tenure in the North-East in the matter of promotion to the cadre posts, deputation to Central tenure post and conveyance of training abroad.

(iii) Special (Duty) Allowances

Central Govt. Civilian employees who have all India transferability will be granted Special (Duty) Allowances at the rate of 5% of basic pay subject to a 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 in the Commissioned cadre (Duty) allowance already being drawn subject to the condition that the total of such Special (Duty) Allowance and Special pay/ deputation (Duty) Allowance will not exceed Rs 1000/- p.m. Special allowances like Airforce Compensation, Treasury Allowance, Construction Allowance and Project allowances will be drawn separately.

After
Add'l
Allowance

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The Central Govt. Civilian employees who are members of Scheduled Tribes and are otherwise eligible for the grant of 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.

(iv) Special Compensation Allowance :-

The recommendations of the 4th Pay Commission have been accepted by the Govt. and Special Compensation Allowance at the revised rates have been made effective from 1.10.86.

(v) Travelling Allowance on First Appointment :-

The present concessions are contained in this Ministry's O.M. dated 14.12.83 will continue with the liberalisation that on first appointment P.A. should be admissible for the total distance instead of for the distance in excess of first 100 Kms. only.

(vi) Travelling Allowance for Journey on Transfer :-

The existing provisions as contained in this Ministry's O.M. dated 14.12.83 will continue.

(vii) Board and旅費 for transportation of personnel sent on transfer :-

The existing provisions as contained in this Ministry's O.M. dated 14.12.83 will continue.

(viii) Joining time with Leave :-

The existing provisions as contained in this Ministry's O.M. dated 14.12.83 will continue.

(ix) Leave Travel Concession :-

The existing concession as contained in this Ministry's O.M. dated 14.12.83 will continue.

Officers drawing pay of Rs 6100/- or above, and their families (i.e. spouse and two dependent children (Upto 18 years for boys and 24 years for girls) will be allowed air travel between Imphal/Silchar/ Agartala/Aizawl/Imlabari and Calcutta and vice-versa; between Port Blair and Madras and vice-versa in case of postings in A & B Islands; and between Kavarathi and Cochin and vice-versa in case of postings in Lakshadweep.

(x) Children Education Allowance/Hospital Subsidy :-

Where the children do not accompany the government servant to the North-Eastern Region, Children Education Allowance upto Class XII will be admissible in respect of children residing in

Attested
J.S. B.
Advocate

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The last station of posting of the employees or children of government servant or the station where the children reside. If children studying in schools are put in hostels at the last station of postings or any other station the government servant concerned will be given a hostal subsidy without any restrictions. The rates of Children Education Allowance/Hostel subsidy will be as in the U.P&T, O.M. 13011/1/1987-Estt. (Allowances) dt 1.1.87. As communicated earlier to you.

(a) Concession regarding grant of House Rent Allowance to officers posted in the States of North Eastern Region, Andaman & Nicobar Islands and Lakshadweep Islands :

The present concession as contained in this Ministry's O.M. No 13011/1/87(B)/94 dt 29.3.82 as amended from time to time will continue to be applicable.

(b) Telephone facilities :-

The officers who are eligible to have residential telephone may be allowed to retain their telephone at their residence in their last place of the posting subject to the condition that the rental and all other charges are paid by such officers.

2. The above orders will also apply mutatis-modo to the Central Govt. employees posted in A & H Islands and Lakshadweep Islands. These orders will also apply mutatis-modo 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/- x x x x

(A. JAYARAJAN)
JOINT SECRETARY TO THE GOVT OF INDIA

To

All Ministries/Departments of Govt. of India, etc.

Copy (with usual number of spare copies) forwarded to S. & A.G., U.P.S.C., etc etc. as per standard endorsement list.

OR DRAFTED COPY

(A. Tackarai)
A. C. II
C. I. Engineer
S. I. Long Zone.

B. Tackarai
Advocate

IN THE COURT OF CHIEF L. JUDGE JAVIN, DEPUTY COMMISSIONER (JUDICIAL), NAGALAND, DISAPUR.

Civil Suit No. 255/83

Sekhu Semu and 847

- Versus -

Union of India and 4 others

19/12/94.

This case has been filed by Plaintiff who are numbering 847. The Plaintiff are all civilian employees working under 137. Works Engineer Area C/o 99 A.P.O. under the Ministry of Defence and are posted in the State of Nagaland. The Plaintiff claim that being civilian employees under the Ministry of Defence, Government of India, they are entitled to certain free concessions and other allowances as per Government of India, Ministry of Defence letter No. A/Q2384/S/PS-3(a)/97-S/D(Pay/Service), dated 25th Jan.

1984. Free concessions and facilities are granted to the civilian employees posted in field stations. The said facilities are mentioned in ANNEXURE "A" to the plaint.

The plaintiffs also claim that besides the Free Field Concessions, the Government of India also granted Special Duty Allowance and Special Compensatory (Remote Locality) Allowance vide Government of India Ministry of Defence letter No.4(19)/83/D(Civ-I) dated 11-01-1983 which is ANNEXURE-B-Exhibit-P-4 and Government of India, Ministry of Finance (Department of Expenditure) O.M. No.20014/9/

IV dated 23-09-1986 which is ANNEXURE-C-Exhibit-P-5. The House Rent Allowance was also granted by the Government of India, Ministry of Finance (Department of Expenditure) O.M. No.11013/86-E.11(3) dated 23-9-86 which is ANNEXURE-D-Exhibit-P-6. The Plaintiffs claim that these allowances were granted by the Government of India to the Civilian Employees as such they are entitled to be paid the same and in the absence of any specific and clear orders from the Government of India, these allowances can not be withheld by the defendant No.5 who is the Area Accounts Officer, Shillong. The plaintiffs claim that the said defendant No.5 has without any specific instructions or orders from the Government of India has withheld the payment of the said allowances by his letters No.P/H/11/F/313/1 dated 23-01-1987 which is ANNEXURE-E-Exhibit-P-7; Chancery Stip No.00-42358 dated 20-08-87 which is ANNEXURE-F-Exhibit-P-8; Letter No.P/H/11/F/313/E/Corr dated 19-01-88

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Advocate

which is ANNEXURE-G-Exhibit-P-9; letter No.PAY/11/P. 313/1 dated 05-07-1983 which is ANNEXURE-H-Exhibit-P-10 from 01-03-83. Since there is no specific instructions or orders of the Government of India not to pay or with-held the said allowances, the plaintiff claim that the defendant No.5 has no authority to with-held the payment of the said allowances to the plaintiffs. The plaintiffs therefore claims for the following reliefs :-

(a)

A decree to the effect that the plaintiffs are entitled to all the following allowances as admissible and granted by the Government of India.

(i) SPECIAL DUTY ALLOWANCE - as per Government of India, Ministry of Defence No.4(19)/83/D(Civ-1) dated 11-01-84 with effect from March, 1983.

(ii) SPECIAL COMPENSATORY(REMOTE LOCALITY)

ALLOWANCE - as per Government of India, Ministry of Finance (Department of Expenditure) O.Y.No.20014/9/86-E IV dated 23-09-86.

(iii) HOUSE RENT ALLOWANCE - as per Government of India, Ministry of Finance (Department of Expenditure) O.M.No.11013/2/86/E-II(B) dated 25-09-86.

(b)

A decree to the effect that the defendants to pay the above allowance without further delay with arrears.

(c)

Cost of the Suit.

(d)

Any other relief or reliefs which the Hon'ble Court deem fit and proper.

The defendants have also filed their written statement. The stand taken by the defendants is that since the plaintiffs are enjoying Frog Field Concessions, they are not entitled to claim the other allowances. The defendants in Para 3 of their Written Statement has stated that the plaintiff as per Government of India, Ministry of Defence letter No.4(19)/83/D(Civ-1) dated 11-01-84 which is ANNEXURE-B-Exhibit-P-4 was in fact unauthoritantly paid up to February, 1983. However the

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same was stopped as it was clarified by CDA Patna vide letter No. PM/C/2574/IX dated 19-04-1995, which is exhibited by the defendants as Exhibit-D-3. The defendants state that since the clarification has been made by the CDA Patna vide their letter dated 19-04-96, the plaintiffs are not entitled to the other allowances since they are in receipt of the Free Field Service Concessions. The defendants have in para 7 of the written statement have also denied that the plaintiffs service condition are not the same as those other Central Government Employees. The contention of the defendants is that the plaintiffs are not entitled to claim the other allowances granted by the Government of India since they are enjoying the Free Field Service Concessions and their claim is absolutely baseless and unfounded.

After going through the plaint and the Written Statement, the Court framed as many as 24 issues. The plaintiff examined only one witness, plaintiff No. 1 Sokhu Semy who was also crossexamined by the defendants. The defendants examined two witnesses who were also cross examined by the plaintiffs. After closing the evidence of both the parties and after exhibiting the documents of both the parties the case was ordered for the final argument which was to be heard on 13-11-94. The Counsels for both the parties were also directed to file written arguments to assist the Court.

20/10/94

On 13-11-94 the day of the final argument of the case, the counsel for the plaintiffs Shri K. Noruno produced and brought to the notice of this Court, three judgment of the Central Administrative Tribunal, Guwahati Bench, wherein the Tribunal ordered that the three allowances

- (a) Special Compensatory (Remote Locality) Allowances
- (b) Special Duty Allowances
- (c) House Rent Allowances

granted by the Government of India vide O.M.4(19)83/D (Civ-I) dated 11-01-94 which was subsequently covered by O.M.No.2CO14/16/86/E-IV/E-11(B) dated 01-12-86 and O.M. No.11O13/2/86/E.II(B) dated 25-09-86 are admissible and the petitioners are entitled to the same in the absence

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of any order or instruction from the Government of India and the said allowances are payable with effect from the date of enforcing the revised pay scale of 1986. These three judgements are reported in Original Application No.48 of 1989, Original Application No.49(G) of 1989 and Original Application No.50 of 1989 decided on 29-03-94. The said applications were filed by Shri D.B.Sonar and 148 others - versus - The Union of India and others. The said petitioners are Civilian Employees working in the establishment of the Garrison Engineer, 372, N.S.S. C/o 99 A.P.O.

My counsel for the plaintiffs, Shri K. Meruno has drawn the attention of this Court through the said three judgements and also submits that the plaintiffs in this present suit No.255 of 1988 are also Civilian Employees under the Ministry of Defence and similarly placed in the same position as that of the petitioners of the said three judgements and the same orders of the Government of India involved in the present suit No.255 of 1988 are the same as involved in the three judgements of C.A.I. referred by him. The Counsel for the plaintiffs, has also drawn the attention of this Court that the respondents No.2 and 3 in the three C.A.I. judgement referred by him are also defendants No.3 and 4 in C.S. No.255 of 1988 along with the Area Accounts Officer, Shillong as defendant No.5 as such the same judgement is binding upon them with reference to the present case No.255 of 1988. The Counsel further submitted that since the case is a covered case, this Hon'ble Court may also pass its judgement draw the decree in terms of the said three judgement of the General Administrative Tribunal, Guwahati Bench.

The Counsel for the defendants Shri E.Y.Ranthungo also submits that in view of the said three judgements it is a covered case as such he has no submissions to make on the judgements and the case in hand C.S.255 of 1988, however, in view of sub-paras(11) of O.M. No. 4(19)83/A(Civ-1) dated 11-01-84 which is Exhibit-P-4, the Counsel for the defendant submits that those employees who are exempt from Income Tax will not be eligible for

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Abdul M. Kaborate

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this Special Duty Allowance as such this Hon'ble Court should pass an order to this effect.

The Counsel for the plaintiffs rebutted this submissions on the ground that his issue is not relevant at all and not an issue before this Court. It is further submitted that the 1984 order has been superseded by the 1986 order as such whatever instructions are contained in the instructions O.M. No. 20014/15/85 E-IV/E-II(B) dated 01-12-85 and O.M. No. 11013/2/86-E.II(B) dated 25-09-86 will be acted upon. In view of this, the submissions made by the Counsel for the defendants that those who are exempted from Income Tax are not eligible for the said allowance does not hold any ground. The Counsel for the plaintiff submits that in Original Application No. 48 and 49 of 1989, the Office Memorandum No. 20014/16/E-IV/E-II(B) dated 01-12-85 was issued to 372 N.E.S., while the same O.M. No. 20014/9/86-E IV dated 23-09-86 was issued to the 137 Works Engineer. Only the dates and year are different but the other figures and contents are the same in both the Office Memorandums. The date and figures in O.M. No. 11013/2/86.II(B) dated 25-09-86 in both the cases are the same.

12/12/94
After going through the said judgements of the Central Administrative Tribunal, Guwahati Bench in Original Application No. 48, 49 and 50 of 1989 placed before me, which is put on record and after going through the case records and the documents filed by the parties, I am of the view that the present case No. 235 of 1988 is a covered case as admitted by both the counsel for the parties and as stated before the Court.

ORDER

In view of what has been stated above I do hereby order as follows :-

(a) In terms of the judgements in Original Application Nos 48, and 49 of 1989, I decree that the plaintiffs are entitled to the Special Duty Allowance and Special Compensation (Remote Locality) Allowance as

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*Attested
S. K. M.
Advocate*

granted vide O.M. No. 20014/9/86-E-IV dated 23-09-86 with effect from the date of enforcing the revised pay of 1986.

(b) In terms of the judgement of Original Application No. 50 of 1989, I decree that the plaintiffs are entitled to the House Rent Allowance as granted vide O.M. No. 11013/2/86/E-II(B) dated 23-09-86 with effect from the recommendation of the Fourth Pay Commission at the rates as admissible in Nagaland.

All the defendants are directed to pay the Special Duty Allowance, Special Compensatory ("remote Locality") Allowance and House Rent Allowance to the R47 (Eight hundred and forty seven) plaintiffs whose names are listed and attached with this judgement within a period of two months from the date of receipt of this judgement and order.

No order for cost is made and parties to bear their own costs.

The judgement is pronounced and delivered in presence of the parties.

Certified copy of this judgement and order may be made available to both the parties.

Sd/- L. Sosang Jamir,
Deputy Commissioner (Judicial)
Nagaland, Dimapur.

Aftered
Addl. Advocate