

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

M.P-98/95 ordersheet Pg-1

Disposed date-16/10/95

INDEX

O.A/T.A No... 219/95.....
R.A/C.P No.....
E.P/M.A No... 98/95.....

1. Orders Sheet OA-219/95.....Pg..... 1.....to..... 5.....
2. Judgment/Order dtd. 30/6/97.....Pg. N.O. disposed order Dismissed.....to.....
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A..... 219/95.....Pg..... 1.....to..... 37.....
5. E.P/M.P. 98/95.....Pg..... 1.....to..... 2.....
6. R.A/C.P..... NIL.....Pg.....to.....
7. W.S..... NIL.....Pg.....to.....
8. Rejoinder..... NIL.....Pg.....to.....
9. Reply..... NIL.....Pg.....to.....
10. Any other Papers..... NIL.....Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

ORIGINAL APPLN.NO. 219 OF 1995
TRANSFER APPLN.NO. OF 1995
CONTEMPT APPLN.NO. OF 1995 (IN NO.)
REVIEW APPLN.NO. OF 1995 (IN NO.)
MISC.PETITION NO. OF 1995 (IN NO.)

Gopal Sinha for APPLICANT(S)

-VS-

U.O.I. for RESPONDENT(S)

For the Applicant(s)

Mr. J.B. Rai

Mr.

Mr.

Mr.

For the Respondent(s)

Mr.

OFFICE

DATE

ORDER

(UNLISTED)

29.9.95 Mr. J.B. Rai learned counsel for the
(Vacation applicants moves this application.
Court)

This application is in
form and within time

B. F. of Rs. 50/-

deposited vide

PO/BD No. 884672

Dated 11.9.95

Subject matter is Special (Duty Allowance.
There are 46 applicants altogether. He
seeks time for making a petition for
permission to file the application jointly
by all the applicants under the Rule 4(5)
(a) of Central Administrative Tribunals
(Procedure) Rules 1987.

Adjourned for consideration of admission
to 16.10.95 before Division Bench.

Member 29.9.95

trd

trd 29/9

OFFICE NOTE

DATE

ORDER

16.10.95

Mr J.B. Rai for the applicants.

Mr S. Ali, Sr. C.G.S.C. for the respondents.

The application is purported to be filed by 46 applicants. It is now well settled under the decision of the Supreme Court that locally recruited employees who are posted in N.E. Region are not eligible to get SDA. The applicants at Sl.Nos.1 to 20 state that they are posted from outside. Their claim, therefore, can be considered.

By M.P.No.98/95 is sought to join in the single application accordingly leave is granted to applicant Nos.1 to 20 to join in this application. The M.P. is disposed of.

The O.A. is admitted to the extent of applicant Nos.1 to 20. Issue notice to the respondents. 8 weeks for written statement. Adjourned to 11.12.95 for directions.

Vice-Chairman

Member

nk m

11-12-95

Service of notice awaited.

Adjourned to 22-1-96. for further orders.

Member

Vice-Chairman

lm

22.1.96

To be listed for hearing on 12.3.96

12.3.96

Mr S.Ali, Sr.C.G.S.C for the respondents.

List for hearing on 13.5.1996.

2-11-95

As per order notices to be issued to the respondents. Copies in some are yet to be received. placed in the order.

on 2/11/95

1/11/95

copies for notice at received till now

Goodr
Dow

This case is being
licked in hearing. No
serving notices. The order
submitted on 2-11-95 was
per sight. by in court-
d passed an order on 11-12-95
but service reports are
waited.

The requisite steps for
serving notices are still
to be received. Therefore, the
case has been placed for
order.

on 24.4.96

~~24.4.96~~
24/4/96
Soni)

lm

Order D. 26.4.96 issued

to the applicant - vide
No. 9 D. 6.5.96.

3.7.96

on 11/5

Service copies for issuing pg
writs has not been filed.
31.7.96

Requisite has not submitted

pg

21.7.96

26.4.96

None is present for both
sides. Requisites have not been
received.

Inform applicant to take
steps within 14.6.96.

List on 14.6.96 for further
orders.

62
Member

None is present. Service
Report awaited. No steps taken.
Adjourned for for further order on
3-7-96.

62
Member(A)
Member(J)

None present. List for order on
31.7.96.

62
Member

Mr S.Ali, Sr.C.G.S.C for the respon-
dents. None for the applicant.

Requisites have not been received.
List for order on 29.8.96.

Inform the counsel of the applicant
at his Shillong address for taking nece-
ssary steps for filing requisites.

62
Member

29.8.96

Mr S.Ali, Sr.C.G.S.C for the respondents. None for the applicant.

Same position as on 31.7.96.

List for written statement and further orders on 25.9.96.

Member

pg

25/9/96

None present. Written statement has not been submitted.

List for written statement and further orders on 13.11

Member

pg

25/9

13.11.96

None for the applicant.

Written statement has not been submitted.

List for written statement and further orders on 9.12.19

Member

9-12-96

None for the applicant. Written statement has not been submitted. Requisites have not been filed by the counsel of the applicant despite several opportunities given to them.

List for hearing before the next available of Division Bench for disposal

Member

lm

9/12

8.5.97

Requisite has not submitted by the counsel or the

Statement has not been filed.

Statement has not been filed.

Service of copy to the respondents not yet filed by the applicant Advocate.

List when Division Bench is available

6

9.5.97 Learned counsel for the parties submit that the case is ready for hearing.

List on 30.6.97 for hearing.


Member


Vice-Chairman

pg

30-6-97

There is no ~~p~~ representation on behalf of the applicant. The applicant ^{also} is ~~not~~ present on call. Mr.S.Ali, Sr.C.G.S.C. is present. The case is dismissed for default.


Member


Vice-Chairman

lm

2.7.97

Copy of the order has been sent to the D/Sec. for security. The same to the L/Sec. of the parties.

2/7/97

Issued vide DW-2276 & 2277 & 2.7.97.



565
21 SEP 1995
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL : : : GUJARATI BENCH.

(AN application under Section 19 of the Administrative Tribunal Act, 1985)

TITLE of the Case : O.A. No. 19 of 1995.

Shri Gopal Sinha and 45 others
All Industrial Group 'C' and
GROUP 'D' DEFENCE CIVILIAN
EMPLOYEES working under 509- Signal Unit.
Air Force ,C/O 99 A.P.O.

....

Petitioner.

Vs.

Union of India & Others.

....

Respondents.

I N D E X

Serial NO.	Particulars Documents.	Page No.
1.	Application.	1 to 17
2.	Annexure I.	14. 18
3.	Annexure. II.	15. 19 - 20
4.	Annexure III. & III(a)	16. 21 - 22
5.	Annexure IV.	17 23
6.	Annexure V	18. 24 - 25
7.	Annexure VI.	19. 26 - 27
8.	Annexure VII.	20 - 28
9.	Annexure VIII.	29 - 34
10.	Annexure IX.	35 - 36
11.	Annexure X	- 37

For use in Tribunal's Office:-

Date of filing. 21-9-95

Registration. O.A. 219/95

Signature

Registrar.

8
 fed 27
 1/11/15 (15.10.15)
 1/11/15 (15.10.15)
 1/11/15 (15.10.15)

: VERSUS :

Union of India and others..... Respondents.

1. Particulars of the petitioners:-

- (Contd)

21. Shri Nainu Kumar, Chowkidar;
22. Shri Mohinder Singh, Safaiwalla;
23. Shri D.M.Lama, Laskar;
24. Shri Sitaram, Cook;
25. Shri M.S.Mitra, Water Carrier;
26. Shri Dal Bahadur Thapa, Laskar;
27. Shri Santok Singh, Laskar;
28. Shri Harbans Lal, Washer Ups;
29. Shri Gopal Sharma, Mess Waiter;
30. Shri Vijaya Kumar, Cook;
31. Shri S.B.Mahanta, Cook;
32. Shri Bachan Masih, Safaiwalla;
33. Shri Kaku Singh, Safaiwalla;
34. Shri J.B.Thapa, Mess Waiter;
35. Shri N.K.Thapa, Laskar;
36. Shri A.Tariang, Mali;
37. Shri P.S. Tron, Mali;
38. Smti.Bachan Kaur, Safaiwalla;
39. Shri J.S.Nongbri, Chowkidar;
40. Shri K.B.Chettri, Chowkidar;
41. Shri Sukh Binder Singh, Chowkidar;
42. Shri Mulazim Mia, Dhobi;
43. Shri Kale Gurung, Cook;
44. Shri A.C.Nath, Chowkidar;
45. Shri Hasmat Ali, Mess Waiter;
46. Shri P.S.Lyngdoh, Chowkidar;

All Industrial Group 'D' Defence Civilian employees locally recruited and post in the North Eastern Region under the Station Commander, 509-Signal Unit, Air Force, C/o 99 A.P.O.

(Contd.....)

2. Particulars of the Respondents :-

(i) Union of India

(represented by the Secretary, Government of India, Ministry of Defence (Finance Division), New Delhi-110 001;

(ii) The Chief of Air Staff,
Air Headquarters (VB),
New Delhi-110 011;

(iii) The Air Officer Commanding-in-Chief,
HQ Eastern Air Force Command, I.A.F.,
Upper Shillong, Shillong-7;

(iv) The Station Commander,
509 Signal Unit, Air Force,
Laitkor, Shillong;

(v) The Controller of Defence Accounts,
(Air Force), Dehradun;

(vi) The Controller General, Defence Accounts,
West Block No. IV R.K.Puram,
New Delhi;

.....Respondents.

3. Particulars for which this application is made :-

This application is made against an order of stoppage of the Special Duty Allowance to the Industrial Group 'C' and Group 'D' employees posted from outside the North Eastern Region to the Office of the Station Commander, 509 Signal Unit, Air Force, C/o 99, A.P.O. as well as against the order of stoppage of Special Duty Allowance to the locally recruited and locally controlled Group 'C' & Group 'D' Industrial employees.

(Contd.....)

4. Jurisdiction :-

The Applicants declare that the subject matter of the order against which they want redressal is within the jurisdiction of this Tribunal.

5. Limitation :-

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

6. Facts of the case :-

1. (i) That the petitioners are citizens of India and are entitled to all Constitutional and legal rights under the Constitution of India and the laws framed thereunder. The petitioners are the Defence civilian employees employed in the Office of the Station Commander, 509 Signal Unit Air Force, Laitkor, Shillong, C/o 99 A.P.O. The employees are classified into Group 'A', 'B', 'C' and 'D'. Group 'A' and Group 'B' employees are not locally recruited and on their transfer to the North Eastern Region they are entitled to the Special Duty Allowance which they have been enjoying since 1/11/1983 vide OM No 20014/3/83 E-IV dt. 14-12-83 Annexure I. The Group 'C' and Group 'D' employees are further divided into non-industrial and industrial groups who are locally recruited incorporating the 'All India Transfer Liability' in their appointment letters as one of the conditions of service.

Both Group 'C' and Group 'D' employees although locally recruited and posted in the North Eastern Region were also paid the Special Duty Allowance since 1/11/1983. But by the impugned Part III Office Order Sl.No.18/94, dated 20/9/94 and Part II Office Order Sl.No.5/94 dated 3/9/94 the Special Duty Allowance hitherto enjoyed by the Industrial Group 'C' and Group 'D' and non-industrial Group 'D'

employees working under the Respondent No. 4 was stopped with effect from 1/7/1994. Annexures II & III

(ii) The non-industrial Group 'C' employees like the Stenographers, UDC, LDC, Clerks etc. are locally recruited employees with 'All India Transfer Liability' but their inter-se seniority ^{is} maintained on All India basis and promotion is also based on common seniority.

This category of locally recruited non-industrial Group 'C' employees are in receipt of the Special Duty Allowance although the condition of All India Transfer Liability has not been enforced.

(iii) The employees like carpenters, painters etc. form the industrial Group 'C' employees who are locally recruited with 'All India Transfer Liability' but are locally controlled for the purpose of seniority and promotion.

This category of industrial Group 'C' employees are discriminately denied the benefit of the Special Duty Allowance which differs from the non-industrial Group 'C' employees due to difference in the mode of control. The industrial Group 'C' employees are locally controlled whereas the non-industrial ^{Group 'C'} employees are centrally controlled so far as their inter-se seniority and zone of promotion is concerned.

(iv) That both the non-industrial and industrial Group 'D' employees are locally recruited with all India Transfer Liability are locally controlled so far as their inter-se seniority and zone of promotion is concerned.

This category of employees is denied the benefit of the Special Duty Allowance on the ground that they have not taken All India Transfer Liability and their seniority and promotion are not based on

All India basis.

(v) That besides locally recruited employees aforesaid, the petitioners No.2 to 20 are the Industrial Group 'C' and Group 'D' employees who were posted under the Respondent No.4 from outside the North Eastern Region ^{and outside the present place of posting} with 'All India Transfer Liability' as one of the conditions of service, Annexure III (a)

But this category of employees is also denied the benefit of the Special Duty Allowance on the ground that they have not taken 'All India Transfer Liability' and their seniority and promotion are not maintained on All India basis. A copy of an extract of the HQ Eastern Air Command, IAF Letter No.EAC/1606/1/SDA/PC, dated 24/8/1994 is annexed as Annexure IV

(vi) That all the Group 'C' and Group 'D' employees are liable to be transferred in any place throughout the country. This condition of 'All India Transfer Liability' was inserted as a condition of service of the Government of India, Ministry of Defence. A copy of the appointment letter showing such condition imposed is annexed as Annexure V. Besides this, they were required to execute the form of Declaration of 'All India Service Liability' and maintained in their service book. A copy of the declaration form is annexed as Annexure - VI

(vii) Thus both Group 'C' and Group 'D' employees fulfilled the conditions of All India Transfer Liability as required for the entitlement of the Special Duty Allowance as envisaged under Office Memo No.20014/3/83 EIV, dated 14/12/83, Annexure -

(viii) That the Special Duty Allowance was introduced by the Government of India with effect from 1/11/1983 to attract and retain the Civilian employees in

service in the North Eastern Region vide Memo No.20014/3/83 EIV, dated 14/12/1983 and in pursuance to ⁽ⁱ⁾ all Group 'C' and Group 'D' employees with all India Transfer Liability were in receipt of Special Duty Allowance with effect from 1/11/1983.

It nowhere mentions that non-industrial Group 'C' and Group 'D' employees posted from outside to the North Eastern Region due to adjustment of surplus/deficiencies scheme etc. are not entitled to the Special Duty Allowance. As such the petitioners No.2 to 20 who ~~were~~ posted from outside the N.E. Region are entitled to receive the benefit of Special Duty Allowance ^{They cannot be denied} on the ground that they are locally controlled as directed under HQ EAC IAF letter No.EAC/1606/1/SDA/PC, dated 24/8/94.

(viii) The Group 'C' and Group 'D' non-industrial employees are also covered under field service liability. In the event of any hostility they are liable to serve anywhere in India being Civilian staff attached to Defence Establishments.

(ix) That in the year 1987 some clarifications were sought by some Establishments under the Defence service in the North Eastern Region with regard to the payment of Special Duty Allowance. It was inter-alia enquired :-

- (a) Whether a person posted in the North Eastern Region on recruitment or on transfer shall be entitled for Special Duty Allowance ?
- (b) Whether all categories of employees belonging to Group 'A', Group 'B', Group 'C' and Group 'D' shall be entitled to have the Special Duty Allowance ?

All these points of doubts were referred to the Ministry of Defence, New Delhi and it was

(Contd.....)

clarified by them vide Order No.OM 4(10)83/D (Civil), dated 24/2/1987. By this letter, it was specifically stated that all civilians belonging to Groups A, B, C and D posted in the North Eastern Region either on recruitment or on transfer shall be entitled to the Special Duty Allowance if they have 'ALL INDIA TRANSFER LIABILITY'. This clarification was circulated by the Air Head Quarters, New Delhi vide their letter No.AIR HQ/24081/269/PD-2, dated 23/3/1987. Thus it was clarified that all locally recruited employees having 'All India Transfer Liability' shall be entitled to the Special Duty Allowance.

A copy of the aforesaid letter dated 23/3/87 issued by the Air Head Quarters containing the clarification of the Ministry of Defence dated 24/2/87 is annexed herewith as Annexure - VII

(x) That a similar situation with regard to the applicability of Special Duty Allowance to the locally recruited employees having All India Transfer Liability was also raised in other Central Government Establishments. Questions arose whether employees posted on recruitment in the North Eastern Region would be entitled to the Special Duty Allowance although the condition of All India Transfer Liability was not enforced. This point was settled by the decision of the Central Administrative Tribunal, Gauhati Bench in OA No.22(G) of 1990 whereby such employees were categorially declared entitled.

A copy of the judgement of the Gauhati Bench of the Central Administrative Tribunal is annexed hereto as Annexure - VIII

(xi) That the petitioners beg to state that the applicability of Special Duty Allowance to the locally recruited employees having 'all India Transfer Liability' is well settled by the Memo dated 14/12/1983 which was further clarified by the Ministry of Defence vide their letter dated 24/2/1987 and the same has been upheld by the Central Administrative Tribunal, Gauhati Bench. The copy of the judgement is enclosed ~~herewith as Annexure -~~ . But the petitioners are denied the benefit of the Special Duty Allowance whereas the other Central Government sister departments like M.E.S., North Eastern Hill University, Telecom Department, Botanical Survey of India, Geological Survey of India, National Sample Survey etc. are enjoying the benefit without any interruption. The petitioners further crave the indulgence to produce rulings and documents in support of it.

(xii) The petitioners are from the lowest official hierarchy forming economically weaker section of the society who enjoyed the Special Duty Allowance for more than a decade. Its stoppage shall shatter their fragile economy more so by its recovery.

(xiii) That on the stoppage of the Special Duty Allowance, the petitioners jointly represented before the Station Commander, 509 Signal Unit, Air Force, C/o 99 A.P.O. vide their representation dated 23/5/1995. (Copy enclosed as Annexure - IX) praying for its consideration but were replied in the negative vide letter No.509 SU/5416/1/PC, dated 25th May, 1995 with an enclosure of relevant extract of HQ IAF letter No.EAC/1606/1/SDA/PC, dated 24/9/1994 which runs "locally recruited employees irrespective of groups who are posted to N.E.Region due to adjustment of

(Contd.,.....)

of surplus/deficiencies scheme on compassionate grounds are not eligible for Special Duty Allowance as they have not taken All India Service Liability as their promotion, seniority etc. are not maintained on All India basis as clarified vide Government of India, Ministry of Finance O.M. letter No.20014/3/83/E-IV, dated 20/4/87. Annexure X

7. Reliefs prayed for :-

Under these circumstances, the petitioners pray for the following reliefs:-

- (i) The operation of the impugned orders issued under Part II Office Order Sl.No.5/94 dated 3/9/1994 and Part III Office Order Sl.No.18/94, dated 20/9/1994 issued by the Station Commander, 509 Signal Unit, Air Force, C/o 99 A.P.O. be set aside and quashed.
- (ii) The operation of the impugned order issued vide letter No.EAC/1606/1/SDA/PC, dated 24/8/1994 issued by the HQ Eastern Command, AIR FORCE, C/o 99 A.P.O. be set aside and quashed.
- (iii) Declaration that all locally recruited industrial Group 'C' and Group 'D' and non-industrial Group 'D' civilian employees employed under the Station Commander, 509 Signal Unit, Air Force, C/o 99 A.P.O. are entitled to the Special Duty Allowance with arrears thereof.
- (iv) Declaration that industrial Group 'C' and Group 'D' employees posted from outside the North Eastern Region to N.E.Region under the Station Commander, 509 Signal Unit, Air Force, C/o 99 A.P.O. are entitled to the Special Duty Allowance.
- (v) Cost of the case.

The above reliefs are prayed on the following other

Grounds.....

8.

GROUND:-

- (I) That the impugned order creates two classes of employees. These two classes are (i) employees who are posted to the North Eastern Region on transfer from outside the region and (ii) employees who are posted in the North Eastern Region on recruitment. This classification is unreasonable as envisaged under Article 16 of the Constitution of India. All civilian employees fulfilling the condition of All India Transfer Liability shall be entitled to the Special Duty Allowance irrespective of the fact whether the condition is enforced or not.
- (II) That all industrial Civilian group 'C' and Group 'D' and non-industrial Group 'D' employees posted from outside to the North Eastern Region whether due to adjustment of surplus/deficiencies scheme or on compassionate grounds are entitled to the Special Duty Allowance.
- (III) That the aforesaid classification of locally recruited and locally controlled in case of industrial Group 'C' and Group 'D' and locally recruited but centrally controlled non-industrial Group 'C' for the purpose of seniority and zone of promotion for the entitlement of Special Duty Allowance is illogical and unreasonable, improper and discriminatory violative of Article 16 of the Constitution of India.

(Contd.....)

Details of remedy exhausted -

9.

There is no scope of any other remedy except the application before this Hon'ble Tribunal. However, the petitioners preferred a representation before the Respondent No. vide their representation dated 23rd May, 1995, copy enclosed as Annexure/but to no result.

10. Matters not pending in any other Court/Tribunal -

The petitioners declare that they have not filed any other application before any Court.

11. Particulars of Postal Order -

Postal Order No:- 8 03 884672

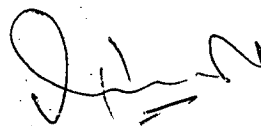
Date :- 11. 9. 95

12. Detailf of Index:-

List of enclosures:-

Dated Gauhati,

The 21st September/1995.


(G. SINHA)


AFFIDAVIT:-

I, Shri Gopal Sinha, Painter by profession
working in the Office of the Station
Commander, 509 Signal Unit, Air Force,
C/o 99 A.P.O. do hereby solemnly
affirm and declare as follows :-

1. That I am the petitioner No.1 and
I have been duly authorised by other 45 petitioners to
file the instant petition.

2. That I am well acquainted with the
facts and circumstances of the case.

That the statements made above are
true to the best of my knowledge, belief and
information and I put my hand hereunto this the 21st
day of September 1995 at Gauhati.


(G. SINHA)

APPENDIX 9

SPECIAL ALLOWANCES AND FACILITIES FOR CENTRAL GOVERNMENT EMPLOYEES SERVING IN NORTH-EASTERN REGION, A. & N. ISLANDS AND LAKSHADWEEP

[G.I., M.F., O.M. No. 20014/3/83-E. IV, dated the 14th December, 1983.]

I

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

(i) **Tenure of posting/deputation:**

There will be a fixed tenure of posting of 3 years at a time for officers with service of 10 years or less and of 2 years at a time for officers with more than 10 years of service. Periods of leave, training, etc., in excess 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 Government employees to the States/Union Territories of the North-Eastern Region, will generally be for 3 years which can be extended in exceptional cases in exigencies of public service as well as when the employee concerned is prepared to stay longer. The admissible deputation allowance will also continue to be paid during the period of deputation so extended.

(ii) **Weightage for Central deputation/training abroad and special mention in Confidential Records:**

Satisfactory performance of duties for the prescribed tenure in the North-East shall be given due recognition in the case of eligible officers in the matter of—

- (a) promotion in cadre posts;
- (b) deputation to Central tenure posts; and
- (c) courses of training abroad

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

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

(iii) **Special (Duty) Allowance:**

Central Government civilian employees who have All India transfer liability will be granted a Special (Duty) Allowance at the rate of 25 per cent of basic pay subject to a ceiling of Rs. 400 per month on posting to any station in the North-Eastern Region. Special (Duty) Allowance will be in addition to any Special Pay and/or Deputation (Duty) Allowance already being drawn subject to the condition that the total of such Special (Duty) Allowance *plus* Special Pay/Deputation (Duty) Allowance will not exceed Rs. 400 p.m. Special Allowances like Special Compensatory (Remote Locality) Allowance, Construction Allowance and Project Allowance will be drawn separately.

[G.I., M.F., O.M. No. 20014/3/83-E. IV, dated the 29th October, 1986.]

NOTE.—Special duty allowance will not be admissible during periods of leave/training beyond 15 days at a time and beyond 30 days in a year. The allowance is also not admissible during suspension and joining time.

[G.I., M.F., O.M. No. 20014/3/83-E. IV, dated the 27th July, 1984.]

(iv) **Special Compensatory Allowance:**

For orders regarding current rates of Special Compensatory Allowance for the various States and Union Territories and Disturbance Allowance admissible to specified areas of Mizoram. *see* Part V of this Compilation — H.R.A. and C.C.A.

(v) **Travelling Allowance on first appointment:**

In relaxation of the present rules (S.R. 105) that travelling allowance is not admissible for journeys undertaken in connection with initial appointment, in case of journeys for taking up initial appointment to a post in the North-Eastern region, travelling allowance limited to ordinary bus fare/second class rail fare for road/rail journey in excess of first 400 kms. for the Government servant himself and his family will be admissible.

(vi) **Travelling Allowance for journey on transfer:**

In relaxation of orders below S.R. 116, if on transfer to a station in the North-Eastern region, the family of the Government servant does not accompany him, the Government servant will be paid travelling allowance on tour for self only for transit period to join the post and will be permitted to carry personal effects up to 1/3rd of his entitlement at Government cost or have a cash equivalent of carrying 1/3rd of his entitlement or the difference in weight of the personal effects he is actually carrying

509 Signals Unit Air Force
 07/99 APO (CODE No DS-26)
 Eastern Air Command, IAF

Serial number ---18/94
 Date: 17 Sep, 1994
 Page number...01

OFFICE ORDER

GROUP CAPTAIN R. KUMAR F. (M)
 COMMANDING
 509 SIGNALS UNIT AIR FORCE

OCC NO. PASS NO. NAME TRADE NATURE OF OCC EFFECTIVE DATE & AUTH
 (PART-III NON-INDUSTRIAL GROUP 'D' CIVILIANS)

1. DEPLOYMENT OF A/M LASCARS :- During the month of August 94 the undermentioned individuals Casual Anti Malaria Lascars have worked the following days, as shown against their names:-

Pass No.	Name	Trade	No of days
509SU/IV/T/01	Shri Jit Pal Thapa	A/M Lascar	31
509SU/IV/T/02	Shri Anand Kumar Joshi	A/M Lascar	31
509SU/IV/T/03	Shri Lakshmi Das	A/M Lascar	30
509SU/IV/T/04	Shri Anon Kumar	A/M Lascar	31

Authy : Station Commander

2. L.T.C :- The undermentioned m/a is authorised to draw L.T.C advance for the block 1994-97 years as shown here under:-

Pass No.	Name	Period	Particulars
509SU/IV/154	Sh. NB Thapa	1994-97	Self, wife children 12 yrs (one) children below 12 yrs (two) and dependent mother
	M /Wtr		
	From Shillong to Kanyakumari & back.		

Authy : AFO 177/76 & Sdn Cdr

3. Cessation of SDA :- Being locally controlled employees, the Special Duty Allowance granted to undermentioned individuals have been cancelled from the date shown against their respective name.

Pass No	Name	Trade	Cessation of SDA
509SU/IV/027	Sh. Sita Ram	Cook	01 Jul 94
509SU/IV/079	Sh. Vijay Kumar	"	01 Jul 94
" /080	Sh. SB Mohanta	"	01 Jul 94
" /163	Sh. B. Pochar	"	01 Jul 94
" /170	Sh. Kale Gunging	"	01 Jul 94
" /169	Ms. Indira Mia	Libra	01 Jul 94

Contd Page 2/-

OFFICE ORDER

CESATION OF SDA(Continued from page 01)

509SU/IV/035	Sh. D B Lama	Lascar(T)	01 Jul 94
509SU/IV/044	Sh. Dalbahadur	Lascar	01 Jul 94
" "/045	Sh Sh Sa-tök Singh	"	01 Jul 94
" "/147	Sh. D. John	Lascar	01 Jul 94
" "/160	Sh. W.K Thapa	"	01 Jul 94
" "/178	Sh. Sh. J Das	"	01 Jul 94
509SU/IV/078	Sh. Gopal Sharma	Mess Waiter	01 Jul 94
" "/142	Sh. P H Boro	" "	01 Jul 94
" "/154	Sh. W.B Thapa	" "	01 Jul 94
" "/173	Ms. H. Ali	" "	01 Jul 94
509SU/IV/038	Sh. M.S. Mitra	Water Car	01 Jul 94
" "/127	Sh. Goga Sharma	" "	01 Jul 94
" "/140	Sh. Indeswarath	" "	01 Jul 94
" "/153	Sh. C.R. Barua	" "	01 Jul 94
509SU/IV/028	Sh. M. Singh	Safaiwala	01 Jul 94
" "/096	Sh. Bachan Masih	"	01 Jul 94
" "/106	Sh. Kaku Singh	"	01 Jul 94
" "/150	Sh. Gurmukh Singh	"	01 Jul 94
" "/164	Smti Bachan Kaur	"	01 Jul 94
" "/179	Sh. Chotte Lal	"	01 Jul 94
" "/180	Shri P.C Warzari	"	01 Jul 94
509SU/IV/050	Sh. Harbabs Lal	Washer ups	01 Jul 94
" "/156	Sh. Murli Pal	"	01 Jul 94
509SU/IV/161	Sh. Arkish Tariang	Mali	01 Jul 94
509SU/IV/162	Sh. Prem Singh	Tron	01 Jul 94
509SU/IV/109	Sh. L.B Thapa	Chowkidar	01 Jul 94
" "/118	Sh. Kancha Darjee	"	01 Jul 94
" "/119	Sh. Munilal Yadav	"	01 Jul 94
" "/120	Sh. Amrit Roy	"	01 Jul 94
" "/123	Sh B.K Pahan	"	01 Jul 94
" "/124	Sh. J.M Singh	"	01 Jul 94
" "/148	Sh. J.M Roy	"	01 Jul 94
" "/165	Sh. J.S. Waghri	"	01 Jul 94
" "/166	Sh. Sukhinder Singh	"	01 Jul 94
" "/168	Sh. K.B. Chettri	"	01 Jul 94
" "/172	Sh. A.C. Wath	"	01 Jul 94
" "/182	Sh. Prem Singh Lyngdoh	W/Man	01 Jul 94

Authy :- G O I Min of Fin OM No 20014/3/83/E-IV Dt.20 Apr 87
HQ EAC IAF letter No SAC/1606/SDA/PC dt.25 Jul 94 and
24 Aug 94.

Flt-Lt

Contd on page 3/-

RESTRICTED

509 Signals Unit, Air Force
C/o 99 APO (Code No. DS-26)
Eastern Air Command, IAF

Serial Number.....05/5
Page Number.....01
Date 03 Sep 94

OFFICE ORDER

BY

GROUP CAPTAIN R KUMAR F (N) COMMANDING 509 SIGNALS UNIT, AIR FORCE

NO. PASS NAME TRADE NATURE OFFICE EFFECTIVE DATE & AUTHY (PART-II)
(PART-II NON INDUSTRIALIST GROUP 'C' CIVILIANS)

1. ANNUAL INCREMENT :- The undermentioned individuals are authorised draw Annual Increment at the rate and w.e.f the date as shown against their names.

	present Pay	Rate of A/A	Pay after w.e.f
25890-A Sh. K Chettri S/Supt	1850/-	Rs 50/-	Rs. 1900/- 01.09.94
36677-R Smt. DP. Dkhar ASK	1075/-	Rs 25/-	Rs. 1100/- 01.09.94

Authy :- ART 151 of CSR VOL-I and Station Commander

2. LIVERIES :- Them/n individual is authorised for Chappal 01 pair as part issue liveries.

35827 Sh NK Sahi : SGO Authy :- GOI MIN OF DEF letter No 12(1)/89/D (Civ. II) dated 24 Jul 90 & Stn Cdr

3. CESSATION OF SDA :- Being locally controlled employee, the SDA granted to the m/n individual has been ceased w.e.f 01 Jul 94

35827-N
Sh NK Sahi : SGO

Authy :- GOI Min Fin OM No 20014/3/83/E-IV dt 20 Apr 87, HQ EAC IAF letter No EAC/1606/SDA/PC dated 25 Jul 94 and 24 Aug 94.

(PART-II INDUSTRIAL GROUP 'C' CIVILIAN)

4. CESSATION OF SDA :- Being locally controlled employee, the SDA granted to the m/n individuals has been ceased w.e.f 01 Jul 94.

0026861-L Painter
G Sinha

0028314-B Carpenter
Sh. DS Sahi

Authy :- GOI Min of Fin OM No 20014/3/83/E-V dated 20 Apr 87, HQ EAC IAF letter No EAC/1606/1/SDA/PC dated 25 Jul 94 and 24 Aug 94.

Prepared by

(Sharad Gewali)
Clk (H)

Checked by

(K Chettri)
S/Supt i/c PC

(V Dubey)
Flight Lieutenant
Senior Admin Officer
for Station Commander

Employees	Posted from outside. <u>Op.'D.</u>	Place of posting.	Place from where posted	Date.
(2) Shri L.B.Thapa	Chowkidar	Station Commander, 509 Signal Unit (AIR FORCE), Laithkor, Upper Shillong. C/o 99 A.P.O.	G.E.Clement Town, Dehra Dun (U.P.)	30/9/72
(3) Shri K.Dorjee	- Do -	- Do -	16 Wing AIR FORCE, Imphal (W.B.)	16/11/72.
(4) Shri M.L.Yadav	- Do -	- Do -	- Do -	16/11/72
(5) Shri Amrit Ray	- Do -	- Do -	- Do -	- Do -
(6) Shri B.K.Pahan	- Do -	- Do -	- Do -	- Do -
(7) Shri J.N.Singh	- Do -	- Do -	- Do -	- Do -
(8) Shri Goga Sharma	Water Carrier	- Do -	A.F. Flying College, Jodhpur Rajasthan	12/6/73.
(9) Shri I.Nath	- Do -	- Do -	259 SU AF C/o 11 Wing AF, Tezpur.	20/1/78
(10) Shri P.R.Boro	Mess Waiter	- Do -	- Do -	11/2/78
(11) Shri D.John	Laskar	- Do -	IAFSB, Dehra Dun (U.P.)	13/2/79
(12) Shri J.N.Roy	Chowkidar	- Do -	11 Wing AF, Tezpur (Assam)	15/2/79
(13) Shri Gurukul Singh	Safaiwalla	- Do -	36 M.V.Hospital, Guwahati	12/11/79
(14) Shri C.R.Baruah	Water Carrier	- Do -	101 Sqn.A.F. Adampur	17/4/82.
(15) Shri Murli Pal	Washer UPS	- Do -	4 GTS, Kanpur (U.P.)	12/7/85.
(16) Shri Balinder Lohar	Cook.	- Do -	8 Assam Rifles, Dhemaji, Assam.	05/11/88
(17) Shri J.Das	Laskar	- Do -	19 Wing A.F. Guwahati	11/7/92
(18) Shri Chotelal	Safaiwalla	- Do -	8 Trg. Bn. 2 FME Centre, Allahabad	17/8/92.
(19) Shri P.C.Narzarik	- Do -	- Do -	11 Wing A.F. Tezpur	23/9/93
(20) Shri D.F.Sahi	Carpenter (Group C)	- Do -	7/11 G.R., Dehra Dun (U.P.)	20/3/77

Relevant Extract of HQ EAC, IAF letter No EAC/1606/1/SDA/PC dated 24 Aug 94

"(b) Locally recruited employees irrespective of groups, who are posted to NE Region due to adjustment of surplus/deficiencies scheme or compassionate grounds are not eligible for SDA as they have not taken All India Service Liability as their promotion, seniority etc are not maintained on All India basis as clarified vide Govt of India, Min of Fin OM letter No. 20014/3/83/E-IV dated 20 Apr 87."

2. "Instances have been brought to the notice of this Ministry where special (duty) allowance has been allowed to Central Govt. employees serving in North Eastern Region with the fulfilment of the condition of all India transferred liability. This is against the spirit of orders on the subject. For the purpose of sanctioning special (duty) allowance, the all India transfer liability of the members of any Service/Cadre of incumbents of any posts/group of posts has to be determined by applying tests of recruitment zone promotion zone, etc. i.e. whether recruitment to the feeder cadre/ posts has been made on all-India zone of promotion based on common appointment order as is done in the case of almost all posts in the Central Secretariat etc to the effect that person ~~concerned~~ concerned is liable to be transferred any where in India does not make him eligible for the grant of Special (duty) Allowance.

3. Financial Advisers of the administrative Ministries/Depts are requested to review all such cases where special (duty) allowance has been sanctioned to the Central Government employees serving in the various offices including those of autonomous organisation located in the North Eastern Region which are under administrative control of their Ministries/Departments.

Relevant extract of GI Min of Fin (D of E) OM No 20014/3/83/E-IV dated 20 Apr 87.

An. Jee-
CTC

Ref : 23074/201

Annexure V

509 Signals Unit, Air Force
C/o 99 APO

Letter No _____

Date _____

To, _____

RECRUITMENT TO THE POST OF _____
IN (ORGN)/

Sir,

_____ and or the interview held on _____
at _____ you are hereby offered a temporary post of _____
in the scale of pay of Rs. _____. Your pay will
be placed at the minimum of the pay scale i.e. Rs. _____ fixed as
per rules. You will also be entitled to draw dearness and other
allowances at the rates admissible as per rules and orders governing
the grant of such allowances which are in force from time to time.

2. The terms and conditions of your appointment are as follows:-

(a) The appointment is temporary but it is likely to continue indefinitely. Your claim for permanent appointment shall be considered as per the relevant rules in force.

(b) You will be on probation for _____ years as per recruitment rules), which may be extended or curtailed by the competent authority depending on your performance. During the period of probation you will/may be required to undergo such training and to pass such tests as may be prescribed from time to time.

(c) The appointment may be terminated at any time by a month's notice given by either side, viz, the appointee or the Appointing Authority without assigning any reasons. The Appointing Authority, however, reserves the right of terminating the services of the appointee forthwith or before the expiry of the stipulated period of notice by making payment to him/her of a sum equivalent to the pay and allowances for the period of notice or for unexpired portion thereof.

(d) The appointment will be subject to production of a certificate of medical fitness based on your medical examination by _____. The date, time and venue of medical examination will be communicated to you separately. No TA etc will be admissible to you in respect of journeys performed in connection with the medical examination.

(e) You will not be entitled to any TA for joining the appointing authority.

(f) The appointment carried with it the liability to serve in any part of India.

Contd---2/-

28 (g) You will inform about the changes, if any, of your religion to the Appointing Administrative authorities immediately after such a change (applicable) only in case the appointee belongs to the Scheduled Caste community.

(h) You will be required to take oath/affirm in the following form :

" I do swar and solemnly affirm that I will be faithful and bear allegiance to India and to the Consitution of India as by law established and that I will upheld the sovergnity and integrity of India and I will carry out the duties of my office with loyalty, honesty and impartiality".

(i) In accordance with the Central Civil Services Conduct Rules 1964 you will not be eligible for appointment under Govt of India :-

(I) If you have entered into or contracted a marriage with a person having a spouse living, or

(II) If you have spouse lving, have entered into or contracted a marriage with any person.

(j) Other conditions or service will be governed by the relevant rules an, orders in force from time to time.

3. If any declarations given or information furnished by you proves to be false or if you are found to have willfully suppressed any material information, you will be liable to removed from service and such other action as Government may deem necessary.

4. If the above conditions are acceptable, you should intimaye your willingness to accept the aofesaid appointment to the undersigned at _____ (address) by _____ you should report for duty to the undersigned at _____ by _____ failing which it will be presumed that you are not interested in the said appointment and the same will be cancelled without any further reference.

Signature of the
Competent Authority.

Copy to :

/Sharad.G/

C E R T I F I C A T E

Certified that I, _____
rank _____ employed at _____
_____, am willing/unwilling to accept
the alternative appointment, if offered to me. I am ready
to join in duty at any Station in India/within Area, in
case of my transfer.

Station :-

Signature of Govt. Servant.

Date:-

COUNTERSIGNED

FOR COMMANDING OFFICER
NO. 509 S.U., AIR FORCE
C/O 99 A.P.O.

* Jagdish*
* *****

27
DECLARATION: ALL INDIA SERVICE LIABILITY

I, Pass/PA No.....Name.....

Trade.....permanent/quasi permanent/officiating

hereby declare that if directed to do so I will proceed to
any place in India to which I may be ordered to move in public
interest/exigencies of service.

Date:-.....

.....
Signature of the employee

COUNTERSIGNED

Senior Admin Officer
No 509 Signals Unit, Air Force
C/O 99 A P O

Verified

LAO(AF)'B'
Shillong

22-29 ~~Annexure F~~
Annexure VII 52
31

No.4(19)83/D(Civ.I)
Government of India,
Ministry of Defence,
New Delhi, the 24th February, 1987.

OFFICE MEMORANDUM

Subject:- Allowances and facilities for civilian employees of the Central Government serving in the States and Union Territories of the North-Eastern Region - Improvement thereof.

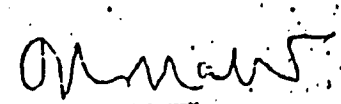
The undersigned is directed to refer to Ministry of Defence O.M.No.4(19)83/D(Civ.I), dated 11.1.84 on the above subject and to clarify the points of doubt raised about the applicability of the orders contained therein as under:-

Points of doubt

Clarification

- | | |
|---|---|
| 1.(i) Whether the personnel posted to this region either on recruitment or on transfer at their own request are eligible for these concessions and facilities. | (i) All civilian Central & Government employees are eligible to draw w.e.f. 1.11.83 the concessions and facilities as envisaged in O.M. dated 11.1.84 (except the special duty allowance as per para 1(iii) which is admissible only to those Central Government employees who have all India transfer liability) irrespective of whether they were posted in the region on recruitment/transfer before or after 1.10.83. |
| (ii) Whether the special (duty) allowance is admissible for duration of service in the region, irrespective of whether they are allowed to stay there at their own request or otherwise. Will it be restricted to the duration of tenure? | (ii) The special (duty) allowance may be treated as an allowance and may not be considered as pay for any purpose. |
| (iii) Whether the special (duty) allowance would be deemed as special pay as defined in FR 9(25). | (iii) Yes. However, the special (duty) allowance is admissible only to those employees who have all India transfer liability subject to fulfilment of the conditions laid down in para 1(iii) of this Ministry's O.M. dated 11.1.84. |
| (iv) Whether these orders are applicable to all groups of Government servants (Group 'A', 'B', 'C' & 'D'). | (iv) Yes. However, the special (duty) allowance is admissible only to those employees who have all India transfer liability subject to fulfilment of the conditions laid down in para 1(iii) of this Ministry's O.M. dated 11.1.84. |

2. This issues with the concurrence of Defence (Finance/AG) vide their u.o.No.152-PB of 1987.


(RAM NATH)
Under Secretary to the Government of India.

Attached
Standing Commission

99 - 28 - 32
Annexure VIII
ANNEXURE : - B

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI : BENCH

O.A. NO. 22 (G) of 1990

Date of decision : The 29th Day of May, 1990

Shri Ksh Mono Singh & Others

- Vs -

Union of India & Others .

For the applicants : Mr. J. L. Sarkar

Adv.

For the Respondent : Mr. S. Ali Sr. C. G.

S. G.

CORAM :

THE HON'BLE SHRI K.P. ACHERYA, Vice Chairman

- And -

THE HON'BLE SHRI J.C. ROY , ADMINISTRATIVE
MEMBER .

J U D G M E N T S

ACHERYA .J.

In this application under section 19 of the Administrative Tribunal Act, 1985, the petitioner (19 in number) pray to direct the opposite parties to pay special (Duty) allowance to the petitioners .

2. Shortly, Stated the case of the petitioners is that vide letter No. 20014/2/83/-B. IV dated

Contd2

Attended
@ 10
Adv

14.12.83 issued by the Government of India in the Ministry of Finance, Special (Duty) Allowance was allowed to be paid at the rate of 15% of the basic pay subject to a maximum of Rs. 400/- (Rupees Four hundred Only) per month to each of the Central Government Civilian employee working in North Eastern Region, who have been saddled with an All India transfer liability. This memorandum was subsequently modified in the year 1988 enhancing the quantum payable to the extent of $12\frac{1}{2}\%$ of the basic pay of particular employee subject to a maximum of Rs. 1000/- (Rupees One thousand) only on the basis of these office memorandums issued by the Ministry of Finance, the petitioners have come up with this application alongwith the prayer mentioned above.

3. In this counter, the opposite parties maintain that not only the case is barred under section 20 of the Administrative Tribunal Act, but, it is also barred by limitation under section 21 of the said Act, It is further more maintained by the opposite parties that even though the petitioners have been saddled with all India Transfer liability, in their letters of appointment, yet, in fact, neither of them have ever been transferred the North Eastern Region and, therefore, they are not entitled to a decree from this Court. In a nutshell, it is maintained that the case being devoid

Attended
C. L. G.
A. M.

of merit is liable to be dismissed .

4. We have heard Mr. J.L. Sarkar, the learned Council for the petitioners, and Mr. S. Ali, the learned Sr. C.G. S.C. The following facts are admitted .

- (1) Each petitioner is a Central Government Civilian employee working in the North Eastern Region .
- (2) The employees including the petitioners have got an All India transfer liability .
- (3) The office memorandum mentioned above have been issued by the Government of India in the Ministry of Finance .

5. In view of the above mentioned admitted position it now requires to be determined as to whether the petitioners are entitled to Special (Duty) Allowance because of the fact that none of them have been transferred to a place beyond their original place of posting. In this connection, it may be stated that at one point of time the Gauhati Bench took the view that those civilian employees who are serving in the North Eastern Region shall not be entitled to special (Duty) Allowance if they are not being actually transferred outside of North Eastern Region. Contrary view was expressed by a Division Bench of the Central Administrative Tribunal, Calcutta Bench, opening that even if a particular claimant has

Contd....4

Attended
O.D.
S.V.

not been transferred outside the region, yet he is entitled to the monetary benefits, which have been granted by the Government in the above mentioned office memorandum. Since conflicting views were expressed by the different Benches, the Hon'ble Chairman constituted a full Bench, which heard C.A. No. 16 of 1933, O.A. No. 17 of 1933 and O.A. No. 18 of 1933 at Calcutta and the full bench observed as follows :

" We are of the opinion that when the condition of service imposed all India service liability and so long as that liability continues to exist and has not been revoked by an order of the competent authority, it is not open to the Government to deny the benefit of the Special (Duty) Allowance to any employee on the ground that the all India Transfer liability has not been in fact enforced."

6. We are bound by the view expressed by the Full Bench. Therefore, the contention advanced by Mr. S. Ali that the petitioners are not entitled to Special (Duty) Allowance as they have not been, in fact, transferred to any place in India does not hold good and, therefore, we find no merit in the aforesaid contention of Mr. Ali, which directly goes against the view expressed by the Full Bench.

Contd...5

Attested
@
ADV

7. Next contention of Mr. Ali was that no representations having been filed this case should not have been admitted for hearing and the case is barred under section 20 of the Act. One cannot close its eyes to the provisions contained in section 20 that Ordinarily a case should not be admitted if other remedies have not been exhausted. So far as the present case is concerned there had been innumerable judgment passed this Bench and that of the Calcutta Bench entitling the Central Government civilian employees serving in the North Eastern Region to special (Duty) Allowance and many judgment have been implemented by the Government of India. In such circumstances we do hereby overrule the technical objection raised by Mr. Ali submitting that the case is barred under section 20 of the said Act.

8. As regards the contention advanced by Mr. Ali submitting that the case is barred by limitation under section 21 of the said Act, we are of opinion that the cause of action arises in favour of the petitioner on each and every month. Because such office memorandum contemplates entitlement of Special (Duty) Allowances on each month. The apart, the claim having not been settled as yet, limitation does not run against the petitioner. Limitation can only run against the petitioners after the claim is settled.

9. In the premises of the aforesaid facts and circumstances we find no merit in the contentions advanced by Mr. Ali and we further find that even though the petitioners have not been actually transferred outside of the North Eastern Region yet they are entitled to special (Duty) Allowances as envisaged in the above mentioned office memorandum by virtue of the full Bench judgment referred to above. We, therefore, hold that the petitioners are entitled to special (Duty) allowances and after calculation, the amount to which the petitioners are entitled with effect from 1.11.83 or the date of joining of the petitioners in their respective posts (whichever is later) such amount be paid to each of the petitioners within one hundred twenty days from the date of receipt of a copy of this judgment.

10. Thus the application stands allowed leaving the parties to bear their own costs.

Sd/- J.C. Roy

Member (A)

29-4-90

Sd/- K.P. Acharya

Vice Chairman

29-4-90

Attended
@ L. G.
Adv.

34
Annexure IX
38
To

The Station Commander
509 Signal Unit, Air Force
C/O 99 APO

23 May 95

NON PAYMENT OF SPECIAL DUTY ALLOWANCE

Sir,

1. With due respect, we have to inform you that the special Duty Allowance (SDA) has been stopped to us w.e.f. 01 Jul 94, part III Office order SI No 18/94 dated 20 Sep 94 and part II Office Order SI No 5/94 dated 03 Sep 94.

2. In this connection we claim the said SDA on the following grounds :-

- (a) As per GIMF OM No 20014/3/82 -E IV dated 14 Dec 83 as amended from time to time the only criterion for authorisation of the SDA is that an employee should have All India transfer liability. We all have All India transfer liability as per appointment letter and undertaking in writing to this effect has been obtained from us and kept in our service record.
- (b) Some of us, we are initially recruited elsewhere but later posted to this Station.
- (c) Unlike an employee under Civil department we are covered under field service liability. So in case of hostility we are liable to serve in the field area anywhere in India.
- (d) We belong to lowest class artisan Group 'C' and Group 'D' employee. So it is well known and in practice in all organizations, that this class of employees normally recruited locally and controlled locally. Just by being locally recruited/ controlled, we are deprived of the SDA. As per this policy only high class officials and technicians only will get this allowance. So this policy appears to be an anti-labour policy.
- (e) Stoppage of said SDA, w.e.f 01 Jul 94, which we were getting since 1 Nov 83, has given a great blow to our stomach. Our family monthly budget has been thrown into disarray.

Cont'd2

(f) In our sister department, MES, this SDA is continually paid to all.

3. In view of above, we beg to request you kindly visualize our condition and grant us SDA.

4. Thanking you.

Yours faithfully,

G. Singh
(G. Singh) Painter

(D. S. Sahi) Carpenter

(H. Sahi) Jr Gest Opr

(N. Chappa) Lascar

(L. B. Chatterji) Chordkidar

(N. B. Thapa) Messwaiter

(Santak Singh) Lascar

(Rajendra Nath) Saperwala

(A. C. Nath) Chordkidar

(J. N. Roy) Chordkidar

(Goga Sharma)

(B. B. Chatterji) Chordkidar

Contd. page (3)

Tele: 223974/5203

509 Signals Unit, Air Force
C/O 99 APO

509SU/5416/1/PC -

May 95

Shri Gopal Sinha (Painter)
And others.....

NON PAYMENT OF SPECIAL DUTY ALLOWANCE

1. Reference is made to your application dated 23 May 95.
2. It is informed that this Station is unable to grant you SDA in view of the clarification issued by GI Min of Fin (D of E) OM No-20014/3/83/E-IV dated 20 Apr 87 circulated under EAC/1606/SDA/PC dated 25 Jul 94 and further clarified by HQ EAC, IAF vide their letter No EAC/1606/1/SDA/PC dated 24 Aug 94. The relevant extract of the contents of these two letters are reproduced and enclosed for your perusal.

(Anil Jain)
Flight Lieutenant
Senior Admin Officer
for Station Commander

Encl : As Stated

PAGE...OF...PAGES		CLASSIFIED		REFERS TO MESSAGE		DRAFTER'S NAME		DATE		TIME		SYSTEM		OPERATOR		DATE		TIME		SYSTEM		OPERATOR		SIGNATURE		RANK	
YES		NO																									

at the end of the message is a reference to the message which is being referred to. The reference is in the form of a number and a letter. The number is the message number and the letter is the message type. The message number is the number of the message in the sequence of messages. The message type is the type of message, such as a request, a report, or a message. The reference is used to identify the message and to ensure that the message is correctly processed.

FROM		TO		INFO	
PREFIX		SECURITY CLASSIFICATION		ORIGINATOR'S NUMBER	
MESSAGE INSTRUCTIONS		DATE		TIME	
PRECEDENCE-ACTION		PRECEDENCE-INFO DEFERRED		MESSAGE INSTRUCTIONS	
FOR COMMEN/SIGNALS USE		MESSAGE FORM		NUMBER	