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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (JUDI.)

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH : GUWAHATI

ORIGINAL APPLN. NO. 274 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.)

D.K. Bora APPLECTANT(S)

-vs-

Respondent(s)

For the Applicant(s)

Mr. A. Ahmed

Mr.

Mr.

Mr.

Mr.

For the Respondent(s)

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

OFFICE NOTE	DATE	ORDER
This application is in form and within the C. F. of R. No. deposit. etc IPO/BL No. Dated	15.12.95	Mr A. Ahmed for the applicants. Leave as prayed in para 6.3 granted. O.A. admitted. Issue notice to the respondents. 8 weeks for written statement. Adjourned to 20.2.1996 for orders.
<i>Mr. Bora</i> <i>26.12.95</i>	nmk	<i>Mr. A. Ahmed for the applicant.</i> <i>Mr. S. Ali, Sr.C.G.S.C. for the respon-</i> <i>dents.</i>
<i>Received one and</i> <i>2nd v. no. 5448-95</i> <i>D. 26.12.95</i> <i>2.1.96</i>	22-2-96	Arguments of both the counsel are heard and concluded. Judgment deli- vered in the Court. Application is disposed of. No order as to costs.

6
Member

Mr. A. Ahmed for the applicant.
Mr. S. Ali, Sr.C.G.S.C. for the respon-
dents.

Vice-Chairman

1m

3.4.96
copy of Judg/Order dtd.
22.2.96 issued to all con-
cerned vide D.No. 721 to
723 Dtd. 4.4.96
Mr. Bora *gfb*

(contd. to Page No. 2)

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

OFFICE NOTE	DATE	ORDER

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

O.A. NO. 274/95
T.A. NO.

DATE OF DECISION 22-2-1996

Shri D.K.Borah and 29 others.

(PETITIONER(S)

Mr. Adil Ahmed

ADVOCATE FOR THE
PETITIONER (S)

VERSUS

Union of India & Ors.

RESPONDENT (s)

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

ADVOCATE FOR THE
RESPONDENT (S)

THE HON'BLE JUSTICE SHRI M.G.CHAUDHARI, VICE-CHAIRMAN
THE HON'BLE SHRI G.L.SANGLYINE, MEMBER(A)

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

M.G.Chaudhary
Judgment delivered by Hon'ble VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.274/95

Date of Order: This the 22nd Day of February 1996.

JUSTICE SHRI M.G.CHAUDHARI, VICE-CHAIRMAN
SHRI G.L.SANGLYINE, MEMBER(A)

Shri D.K.Borah and 29 others.

All are working as Civilian Switch Board Operator and
Safaiwalas serving in the Office of the Administrative
Commandant, Station Head Quarter, P.O. Rangapahar,
Via Dimapur, Nagaland.

... Applicant.

By Advocate Mr.Adil Ahmed.

1. -Vs-

1. Union of India, represented by the Secretary
Defence, Govt. of India,
New Delhi.
2. The Administrative Commandant, Station Head Quarter,
P.O. Rangapahar Via-Dimapur, Nagaland.

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

O R D E R.

CHAUDHARI J(VC):

1. This is an application filed by 30 Defence Civilian employees Group'C' and 'D' serving under the Administrative Commandant Station Headquarter, Rangapahar, Nagaland. They pray for directions to the respondents to pay them financial benefits of Special Duty Allowance w.e.f. November 1983, Special Compensatory (Remote;Locality)Allowance w.e.f. 1-4-93, House Rent Allowance .w.e.f. September 1986 and Field Service Concession w.e.f. 1-4-93.
2. The contentions urged and the various memorandums and orders issued by the Government of India from time to time, on the basis of which these claims have been made are the same as in the case of applicants' in O.A.No.124/95 decided by this Bench on 24-8-95.

contd/-

Sub

3. Mr. S. Ali Sr.C.G.S.C. appearing for the respondents submitted that although a written statement ^{has} not been filed in this case the respondents adopt ~~the~~ same contentions as were urged by them in O.A.No. 124/95 to oppose the claim.

4. We have examined in detail all the relevant questions in respect of this claim ^{in O.A 124/95}. Since the position is identical with the applicants in O.A.No.124/95 ~~we are~~ ^{the} given reasons even in the order on that O.A. and passed similar order in respect of the applicants. order

(A) O.A.No.274/95

i) It is declared that SDA is payable from 1-12-1988. subject to following clause to the applicants.

ii) (a) The respondents are directed to pay only to such of the applicants who were appointed outside the N.E. Region but have been posted in N.E. Region 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. to the applicants

(b) The respondents are directed to pay to the applicants SCA(RL) with effect from the date of actual posting in Nagaland on or

contd/-

will

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 ^{posting} 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.

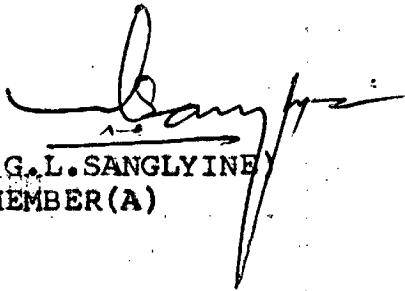
contd/

W.W.

(d) Future payment to be regularised 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.


(G.L. SANGLYINE)

MEMBER (A)

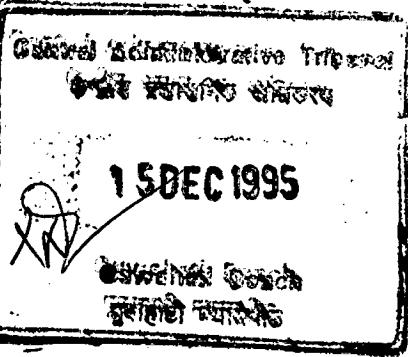

(M.G. CHAUDHARI)

VICECHAIRMAN

lm

In the Central Administrative Tribunal
Guwahati Bench at Guwahati

O.A. No. 274 of 1995



Shri D.K. Borah and ors.

... Applicants.

-Vs.-

Union of India & ors.

... Respondents.

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Filed by:

[Signature]
Advocate: (Adv. AHMED)
15.12.95

to
Filed by
Adv. AHMSS
Advocate 15.12.95

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH AT GUWAHATI

(Application under Section 19 of the Central Adminis-
trative Tribunal Act, 1985).

O.A. NO. 274 OF 1995.

1. 14271875 Shri D.K. Borah CSBO Gd-II
2. 14271878 Sri Swapan Bhowmik CSBO Gd-II
3. 14271876 Sri Rabindra Roy CSBO Gd-II
4. 14271875 Shri U.K. Paul CSBO Gd-II
5. 14271980 Shri G.D. Debnath -do-
6. 14272008 Shri N. Tunglut -do-
7. 14272022 Shri R.S. Bhagat -do-
8. 14272085 Shri Imtitoshi Sangtam -do-
9. 14272223 Shri Imkongsangha Yaden -do-
10. NYA-13 Shri Senatan Toppo Civilian
11. SD-211651 Shri Radha Mohan Sanitary Mate
12. SD-211652 Smt. Dhupati Devi Ex-Sanitary Mate
13. SD-211653 Shri Moti Chur Sanitary Mate
14. SD-211655 Shri Marcus Surein -do-
15. SD-211656 Shri Sobhjit -do-
16. SD-211657 Shri Uma Sankar -do-
17. SD-211658 Shri Saj Nath -do-
18. SD-211659 Shri Bhubon Lahkar Consy. Staff.
19. SD-211660 Shri Dasarath Uria -do-
20. SD-211661 Shri Ganesh Balmiki -do-
21. SD-211662 Shri Noonoo Krishnan -do-

Received copy
Smt. C.G.S.C. 20.
13/1/95

22.	SD-211663	Shri Kirhor Harijan	Consy. staff. Sanitary Mate
23.	SD-211664	Shri Ramchander	-do-
24.	SD-211654	Shri Lal Babu	Sanitary Mate
25.	SD-211665	Shri Loorki Doom	Consy. Staff.
26.	SD-211666	Shri Subash Ch. Doom	-do-
27.	SD-211668	Shri Devanand Zamadar	-do-
28.	SD-211669	Shri Bablu Karmakar	-do-
29.	SD-211667	Smti. Mina Kumari	-do-
30.	SD-211670	Shri Arjun Kr. Doom	-do-

- Now all are serving in the Office
of the Administrative Commandant
Station Head Quarter, P.O. Rangapahar
Via-Dimapur, Nagaland.

..Petitioners:
-Versus-

Union of India and others.

..Respondents:

1. Details of the Applicants:

- i) Name of the applicants - 14271874 Shri D.K. Borah and 29 others.
- ii) Designation and office - Civilian Switch Board Operator and Safaiwalas serving in the Office of the Administrative Commandant, Station Head Quarter, P.O. Rangapahar, Via Dimapur, Nagaland.

2. Particulars of Respondents:-

i) Name and/or designation of - 1. Union of India,
the Respondents. represented by the
Secretary Defence,
Govt. of India,
New Delhi.

2. The Administrative
Commandant, Station
Head Quarter, P.O.
Rangapahar via
Dimapur, Nagaland.

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

i) The application is made for non-implementation of
(i) Memo. No. 20014/3/83-IV Govt. of India, Ministry of
Expenditure, New Delhi and O.M. No. 4(19)/83/D Civil-1
dated 11.1.84 regarding payment of S.D.A. (Sepcial 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, Guwahati Bench Case No. 48/91
Judgment and order dated 26.11.93.

iii) Non-implementation of Scheme of Special Compensatory
a(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, Ministry of Defence, New Delhi letter No.R/37269/AG/PS3(a)/165/B(pay)/Services) dated 31.1.95.

iv) Non-implementation of Scheme of Field Services Concessions to Civilian employees of Defence Services contained in letter No.16729/)RG4 (Civ) (d) dated 25th April,1994 issued in pursuance to the Govt. letter No. 37269/AG/PS3 (a)/D Pay/Service) dated 13.1.94 with effect from 1.4.93.

4. Jurisdiction of the Tribunal :

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

5. Facts of the Case :

6.1 The facts of the case in brief are given below :-
That your humble applicants are all Indian citizens as such they are entitled to all the rights and privileges gauranteed under the Constitution of India. The applicants are all Civilian employees belong to Group (B),C,D and they are serving in the Defence Department since a long time.

6.2 That the applicants No.1 to 9 are Grade III employee and No. 10 to 30 are Grade IV employee are serving in different capacities as Central Govt. Defence Civilian employees in ~~Nagaland~~ Nagaland in the Office of the Administrative Commandant Station Headquarter Rangapahar Nagaland. They are serving as civilian Switch Board operator, Messenger(Civilian) Sanitary Mate etc.

6.3 That all the applicants have get a common grievances, common course of action and the nature of reliefs prayed for is also same and similar and hence having regard to the facts 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) (e) 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 grievances.

6.4 That under the Central Govt. various order,Memos, Circular, 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 entitled to the following benefits :-

i) S.DA. (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.20014/3/83E-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 Slary as per Circular No. 11013/2/86-E-II (B) dated 23.9.86 issued by the Govt. 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, Guwahati Bench in O.A. No.48/91 and O.A. 124/95 and 125/95. (Annexure-2(1),2(2).

iii) Special Compensatory (Remote Locality)allowance to Defence Department Civilian employee as per letter No. 16037/E/A 2 HQ 3 Corpes (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 dated 3.1.95, with effect from 1.4.93 (Annexure-3(1)).

iv) Field Service Concession to the Civilian employees of Defence Service vide letter No. 16728/004 (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 persurance to the Govt. letter No.37269/AG/PS 3(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 they are getting house rent @ "C" class city. There is no basis on which this House Rent has been fixed. House rent is entitled to them since 1986. House rent is not paid to them during 1986 to 1990 and also they are getting house rent since April,1991 @ "C" Class city rate although they are entitled to House rent @ rate of "B" class city.

6.6. That your applicants have all Indian Transfer Liability which is one of the condition for granting S.D.A. (Sepcial Duty Allowances) to the Central Govt. Civilian employee.

Annexure-5 is the photo copy 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.

6.8 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) Field 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.

3. 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 Administrative Commandant Station Head Quarter, Raagapahar, 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-11(B) issued by the Govt. of India, Ministry of Finance (Dept. of Expenditure) New Delhi, 23rd September, 86 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, 1986.

iii) Special Compensatory (Remote Locality) allowances as per letter No. 16037/R/A2 HQ 3 Corps (A) C/O 99 A.P.O. dated 6.3.1995 issued by the HQ 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 1.4.93.

iv) Field Service Concessions vide letter No. 16729/CC4 (Cir) 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.

8. 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, letters, Circulars etc .

8.2 For that there is no justification 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) allowances, Field Service Concessions, the Respondents cannot deny the same to the applicants without any jurisdiction.

8.4 For that it had already been conclusively held by this 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 it is settled proportion of Law that when same principle 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 offending any opportunity of being heard, there is violation of the principle of natural justice and accordingly proper reliefs is required to be granted to the applicants.

9. Details of remedies exhausted:

That the applicants declares that they have of availed /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 the 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. - B69 389222
2. Name of issuing Post Office :- 13.12.95, Guwahati
3. Date of issue of I.P.O. :- 13.12.95
4. P.O. at which payable :- Guwahati

12. Details of Index :

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

13. List of enclosure :- As per Index.

- Verification -

I, 14271874 Shri D.K. Borah, the applicant No.1 serving as Civilian Switch Board Operator under Administrative Commandant, Station Head Quarter, Rangapahar, Dimapur Nagaland do hereby verify that the statements contents from 1 to 13 of the application are true to my knowledge, belief and information and I have not suppressed any material facts.

And I sign this verification on this 15th day of December, 1995 at Guwahati.

Place - Guwahati
Dated - 15.12.95

D.K. Borah
Declarant: (D.K. BORAH)

No 20014/3/83-DIV Govt of India
Min of Expt

Copy of Min of Expt OM No 4(19)/83/D
New Delhi, the 14th Dec 83
(Civil & Welfare Office) GOVERNMENT OF INDIA

**Subject: Allowances and facilities for civil servants working
of the Central Govt service in the North Eastern Region
Territory of the North Eastern Region - Improvement
Scheme.**

It is noted 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 has 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) Term of posting/deputations

There will be a fixed tenure of posting of 3 yrs at a time for officers with service of 10 yrs or less and of 2 yrs at a time for officers with more than 10 yrs 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 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 employee concerned is prepared to stay longer. The admissible deputation allowances will also be continue to be paid during the period of deputation of 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 matter of:-

(a) Promotion in civil service;

(b) Deputation to Central tenure posts, and

(c) Courses of training abroad.

p/2

Attested
S. S. S.
Advocate

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 CR 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 except from payment of income tax will, however, not eligible for this special (Duty) allowance. Special (Duty) allowances will be in addition to any special pay end /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.

(1) Special compensatory allowances

Area and Mechanism

The rate of the allowances will be 5% of basic pay subject to a minimum of Rs 50/- per admissible to all employees without any pay limit. The above allowances will be admissible with effect from 1.7.82 in the case of AS33m.

2. Manipur

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

Pay upto Rs 2 5/-
Pay upto Rs 2 5/-

Rs 40/- P.M.
Rs 15% of basic pay subject to a maximum of Rs 150/- per

3. Tripura

The rates of allowances will be as follows:-

(a) Difficult area

- 25% of pay subject to a maximum of ~ 50/- and a maximum of Rs 150/- per

(b) Other areas

Pay upto Rs 2 5/-
Pay above Rs 2 5/-

- Rs 40/- P.M.

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

*Attested
D. S. Bhattacharya*
There will be no change in the existing rates of special compensatory allowances admissible in Arunachal Pradesh, N and Mizoram and the existing rate of Disturbance allowance admissible in specified areas of Mizoram.

(v) Travelling allowances on first appointment

In relaxation of the present rules (SR 133) that travelling allowances 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 allowances will be paid by bus fare /second class rail fare for rail/mail & may in excess of first 400 Rs. for the Govt servant himself and his family will be admissible.

(vi) Travelling allowances for journeys 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 2/rd of his entitlement ~~without exceeding the~~ at Govt cost of Rs 70/- a day 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 11c 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 case of Govt servants proceeding on leave from a place ~~posting~~ in North Eastern region, the period of travelling excess of two days from the station of posting to outside that region will be treated as joining time. The outside that region 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 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 (restricted to his wife, spouse, and two dependent children only) also to travel once a year to visit the employee at the station of posting in the North Eastern Region. In case the option is for the latter alternative, the cost of travel for the initial distance (400/Rs) will not be borne by the officer.

Officers drawing pay of Rs 2200/- 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 air travel between Imphal/ Silchar/ Agartala and Calcutta and vice versa while performing journeys mentioned in the preceding paragraphs.

(x)

Attested
S. S. S.
F. B. A.

contd.../4

23. (x) Children Education Allowances/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 31st 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 recommendations 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
S. S. Mahalik
Secretary

NO. 11013/2/86-E-11(BD)
GOVERNMENT OF INDIA, MINISTRY OF
FINANCE (Department of Expenditure)

New-Delhi the 23rd September 1946.

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)/1C/86 dtg. 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.

CONTINGENCY (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

R. 2000 and above 100 75 20
 Note :- For 14 special localities, where C.C.A at the rates applica-
 ble to B-2 class city are being paid, fresh orders will be issued
 subsequently.

11. WHICH REIT ALLOWANCE?

Type of accommodation to which entitled	Pay range in revised scales	Amount of H.R.A. payable in E.P.m.
1.	6F Pay for entitlement.	A, B-1, B-2 C class cities
		class cities ified ties.
		places
1	2	3
750-949	150	70
950-1499	250	120
1500-2799	450	220
2800-3599	600	300

Office of the
Rappler: U.S.K.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
by [Signature]
Dated [Signature]

IV

contd... 2

-6-

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 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

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

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

Attested
11/9/86
R. P. Varma

Ref: - Govt. of India
Geological Survey of India
4, Shringarpur Lane
Calcutta-16.

No. 14017(1)/800-3(15A)

Dated the 26/1/88

Sub:- House Rent Allowance circular

Sl.no(4)

A copy of the Ministry of Finance Deptt. of Expenditure O.M. No. (i) 11015/4.1/86-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. 21/17/87-1 F dt. 1st January 88 is forwarded for information and necessary action.

K.P. 6/1/88
(K. Roy)
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 accomodation' in hand of Government all over the country via Ministry of Urban Development (Directorate of Estate) O.M. No. 12035/(1)/85-P-1, 11(i) dt. 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 'C' scale 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. I.O. 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
Dirrectr

Attested
Advocate

GENERAL ADULTITATIVE TRIBUNAL : GUARANTEED DECISION

Original Application No. 46 of 1991

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

Shri S. Haque, Vice-Chairman

Shri S.L. Sanglyana, Member (Administrative)

Shri N. 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 N.N. Trikha

- ~~Appellants~~ -

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
J.S. D
Advocate

WADDE ..

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 1986 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 stay from accommodation in Nagaland, but they were not given free government accommodation.

3. ✓ Learned counsel for N.N. Trikha for the applicants submits that it was established vide judgment dated 31.10.1990 in L.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

*Attested
S. Ali
Advocate*

in 'B' class cities in general vide our judgment and order dated 31.10.1990 in O.M. No. 42(G)/89 read with the Supreme Court order dated 18.2.1993 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 1% on their pay from 1.10.1986 to 20.9.1986; and thereafter, on flat rate basis group vis-a-vis with effect from 1.10.1986 pursuant to Office Memorandum No. 11013/2/86-C-11(B) dated Now Dated the 23rd September 1986 issued by the Ministry of Finance, Department of India (Annexure A/7).

4. After the fixation of the HRA on flat rate basis group vis-a-vis 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-C.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)/85-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 fee 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
S. S. J.
Advocate*

2. Other factors and variables are the availability of computers, the level of education, the income and education level of the household head, industry, the year of survey, and the year of the survey (1972, 1982, and 1992).

the compensation is fixed at the rate of 10% of the
wages calculated with reference to the amounts
under para 2 of the Government of India, Treasury of
Finance Office, Home Finance Committee, and the
dated 26/2/1942. These figures of the amounts have been
calculated by Geological Survey of India. Under the
order No. 10017(1)/44-3466, dated 26/2/1942, no further
necessary action by all concerned. However, we held
that the applicants are entitled to compensation at
the rate of 10% of pay in lieu of 10% from the date of
their appointment with effect from 1.7.1942 to the date of reference
a/Wat-11(8) dated 21.11.1942, at the rate of 10%.

5. The applicants were not entitled to full compensation in lieu of rent for accommodation for the month of November 1979 and they are unable to pay that amount.

6. In the result, this application is allowed.
the respondent are directed to pay back to the applicant
at the rate of 1% of their pay from 1974 and at first
rate groupwise with effect from 1.12.1986 in terms of
9.8.86.11013/2/86-5.11(8) dated 25.4.1986. The respondent
is further directed to pay compensation at the rate of 1%.

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Advocate

monthly emoluments calculated with reference to the pay of respective applicants with effect from 1.7.1979 besides HRA. The respondents shall realize less 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. N. Pan
VICE CHAIRMAN
Sd/- M. L. D. Jayaram
MEMBER (Finance)

TRUE COPY

Section Officer (Judicial)
Central Administrative Tribunal
New Delhi - 110 001

Attested
for the
Done

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.124 of 1995

With

Original Application No.125 of 1995

Date of decision: This the 24th day of August 1995
(AT KOKIMA)

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

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

O.A.No.124/95

Shri Krishan Sinha and 116 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,
Government 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.125/95

Shri N. Limbu and 14 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,
Government of India, New Delhi.
2. The Garrison Engineer,
868 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.



Attested
Azizul
Advocate
Subh

ORDER

CHAUDHARI, J. V.C.

Mr A. Ahmed for the applicants.

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

Both these cases involve same question and therefore are being disposed of by this common order.

Facts of O.A.No.124 of 1995:

The applicants belong to Group "C" serving in the Defence Department as civilian employees. The application is restricted to applicants at serial No. 1 to 117. These applicants are from inside North Eastern Region and are serving in different capacities as Central Government employees in Nagaland under GE 868 EWS 99 APO. Their grievance is that they are being denied the payment of:

1) Special (Duty) Allowance (SDA) payable under Memo No.20014/3/83-E-IV of the Government of India, Ministry of Defence dated 14.12.1983 read with O.M.No.4(19)/83/D, Civil-I dated 11.1.1984

2) House Rent Allowance (HRA) as per the circular No.11013/2/86-E-II(B) dated 23.9.1986 issued by the Government of India, Ministry of Finance

3) Special Compensatory (Remote Locality) Allowance SCA(RL) under the Ministry of Defence letters No.16037/E/A2 HQ 3 Corps (A) C/o 99 APO and No.B/37269/AG/PS3(a)/165/D/(Pay)/Service dated 31.1.1995

4) Field Service Concession (FSC) vide letter No.16729/GG4 (civ)(d) dated 25.4.1994 of Army Headquarter, New Delhi, although they are entitled to get these concessions.

2. Although no written statement has been filed, Mr S. Ali, Sr. C.G.S.C., fairly states that we may decide the matter.



W.M.

In the light of earlier decisions on the point although he has instructions to say on behalf of the respondents that they oppose the claim.

Facts of O.A.No.125 of 1995:

3. The applicant Nos.1 to 15 (other applicants already deleted) who belong to Group "A", "B", "C" and "D" employed in the Defence Department as civilian employees and posted in Nagaland make a grievance that the respondents are denying them the benefit of SDA, HRA, SCA(RL) and FSC although they are entitled to get these concessions.

4. The respondents have not filed any written statement. However, Mr S. Ali, learned Sr. C.G.S.C., fairly states that we may decide the matter in the light of earlier decisions on the point although he has instructions to say on behalf of the respondents that they oppose the claim.

REASONS (common to both the cases) :

5. The applicants place reliance upon the O.M. dated 14.12.1983 which provides that Central Government civilian employees who have All India Transfer liability will be granted SDA at the rate prescribed thereunder per month on posting to any station in the North Eastern Region. Likewise, the letter of Ministry of Defence dated 31.1.1995 provides that the Defence Civilian Employees serving in the newly defined Field Areas and Modified Field Areas will be entitled to payment of SCA(RL) together with other allowances as may be admissible. The O.M. dated 23.9.1986 issued by the Ministry of Finance, (Department of Expenditure) provides that on the recommendation of the 4th Pay Commission it has been decided that the Central Government employees shall be entitled to HRA, on a slab basis related to their pay and separately prescribed for "A", "B-1" and "B-2", "C" class and "Unclassified" cities with effect



Attested
J. K.
Advocate

from.....

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from 1.10.1986. It is further provided that HRA at the rates prescribed shall be paid to all employees (other than those provided with Government home/hired accommodation) without requiring them to produce rent receipts, but on compliance with the prescribed procedure thereunder. It also provides that where HRA at 15% has been allowed under special orders the same shall be given as admissible in "A", "B-1" and "B-2" class cities and it shall be admissible at the rates in "C" class cities in other areas. The memorandum issued by the Army Headquarter - Org 4(civil)(d) dated 25.4.1994 bearing No.16729/ GG4(Civ)(d) on the subject of FSC to civilians paid from Defence Service Estimates including civilians employed in lieu of combatants and NCsE (both posted and locally recruited) provides that 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 and the same shall be paid at the rates prescribed under the said memorandum. It has, however, been provided that SCA such as Bad climate allowance etc. shall not be in addition to these allowances.

*Attested
J. D. S. H.
Adwani*

6. The applicants have based their respective claims on these memorandums.

7. It appears that the applicants in both the cases had filed a Civil Suit in the court of DC(Judicial), Dimapur, Nagaland, being Civil Suit No.255/89 making the same claims. The civil court by judgment and decree dated 19.12.1994 has allowed the claims and directed the respondents to make the payment accordingly. The civil court relied upon the decision of this Tribunal in O.A.Nos.48, 49 and 50 of 1989 of the Central Administrative Tribunal, Guwahati Bench. The decree has not been complied with, but the applicants have now stated in the applications that they would not proceed with the execution of the decree as they have now realised that they had obtained the decree from the court which lacked inherent

Jurisdiction.....



full

(b)

jurisdiction to entertain and try the suit in view of the bar of jurisdiction arising under the provisions of the Administrative Tribunals Act and, therefore, they have approached this Tribunal for relief by these applications. Since the applicants were agitating the claim in respect of SDA and HRA in a wrong forum it is just and proper to give them the benefit of exclusion of the period of pendency of the civil suit for the purpose of holding the said claims within limitation in these applications. The relief sought in respect of the other two claims is within jurisdiction.

8. The question of entitlement for all these claims in respect of Defence civilian employees have been exhaustively examined by us in the decision in the case of S.C. Omar, Assistant Executive Engineer, -vs- Garrison Engineer and another (O.A.No.174 of 1993) reported in SLJ 1995(1) CAT (Guwahati Bench) ^{p.74}. We have held in that case that SDA and SCA(RL) are payable to civilians with All India transfer liability posted in Nagaland even if they get Field Service Concessions. We have not accepted the plea that admissibility of Field Service Concession deprives them of these benefits. In view of this conclusion since facts are identical and as we had also referred to the earlier decisions in O.A.No.48/89 and O.A.No.49/89 dated 29.3.1994 in support, we are satisfied that the relief claimed by the applicants in the instant applications relating to SDA and SCA(RL) must be allowed. We, therefore, declare that the applicants in the respective applications are entitled to be paid SDA with effect from 1.12.1988 or from the actual date of posting

as.....



Attested
S. S. B.
Advocate

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as the case may be. We further declare that the applicants in the respective applications are entitled to be paid SCA(RL) also, with effect from 1.10.1986. For specifying these dates in respect of these two reliefs we rely upon O.M.No.20014/16/86/E-IV/E-II(B) dated 1.12.1988. This is consistent with the decision in S.C. Omar's case (Supra). It is, however, made clear that this applies only to such of the applicants who are appointed outside N.E. Region, but are posted in N.E. Region on tenure basis.

9. Consistently with the view we have taken in Omar's case on the nature of FSC and with the view taken that SDA and SCA(RL) are payable independently of FSC we hold that on the subject the applicants in the respective applications are entitled to draw the same as provided in the letter of the Government of India No.37269/AG/PS 3(a)/D(Pay & Services) dated 13.1.1994 with effect from 1.4.1993 subject to fulfilment of other conditions prescribed therein.

10. Lastly, in so far as the claim for HRA is concerned we follow our decision in O.A.No.48/91 dated 22.8.1995 and hold that under the O.M. dated 23.9.1986 the applicants are entitled to draw the HRA prescribed for B class cities with effect from 1.10.1986 at the rates prescribed from time to time since 1.10.1986 whether on percentage basis or flat rate or slab basis till 28.2.1993 and thereafter to be regulated in accordance with the O.M.No.2(2)93-E-2(B) dated 14.5.1993 with effect from 1.3.1991 and continued to be paid.

11. For the purpose of the aforesaid order it is made clear that as now held by the Hon'ble Supreme Court the benefit of SDA is admissible only to those employees who are appointed outside the North Eastern Region and are posted in the North Eastern Region. It will be open

Sub



to the respondents to ascertain the case of each applicant for that purpose if necessary. Further it is made clear that this order has been passed on the footing that all the applicants in the two cases are posted in Nagaland.

12. For the aforesaid reasons following order is passed:

(A) O.A.No.124/95:

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.



Attested
K. S. J. S.
Advocate

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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.

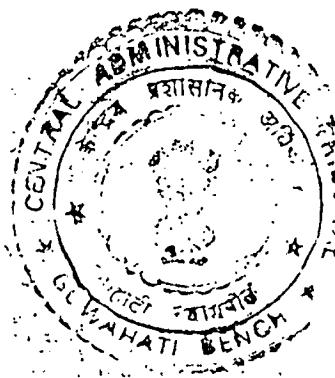
(b) The respondents are directed to pay HRA to the applicants at the rate as was applicable to the Central Government employees in B, B-1, B-2 class cities/towns for the period from 1.10.1986 or from the actual date of appointment as the case may be in respect of each applicant upto 28.2.1991 and at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



(B) O.A.No.125/95:

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.

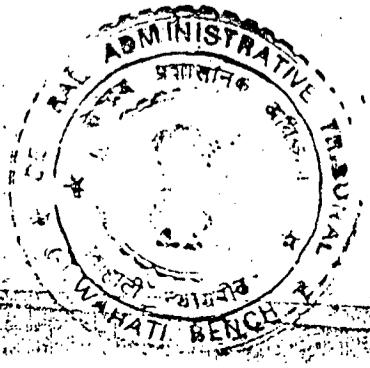
(c) Arrears from the date of actual posting in Nagaland on or after 1.10.1986 upto date to be paid within a period of three months from the date of communication of this order.

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.....

*With Affected
Settlement
Divorce*



-32-

and to continue to give the same so long as admissible.

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

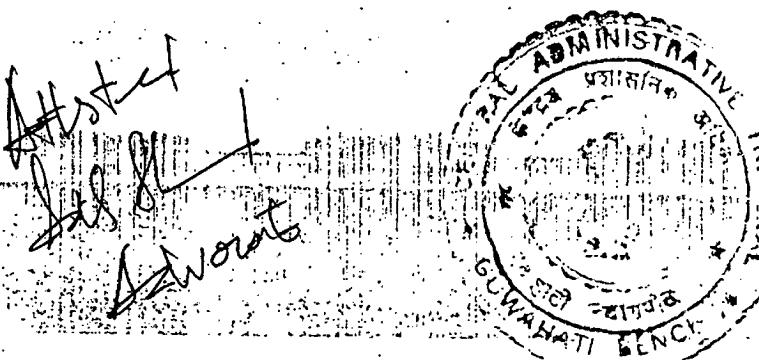
(b) The respondents are directed to pay HRA to the applicants at the rate as was applicable to the Central Government employees in B, B-1, B-2 class cities/towns for the period from 1.10.1986 or from the actual date of appointment as the case may be in respect of each applicant upto 28.2.1991 and at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



Sd/- CHAIRMAN

Sd/- MEMBER (A)

C.T.C.

Certified to be true Copy,
प्रधान अधिकारी

20/9/95
COURT OFFICER
प्रधान अधिकारी
Central Administrative Tribunal
प्रधान अधिकारी
Guwahati Bench, Guwahati
प्रधान अधिकारी

23/9/95
AC B/1
for SRI RAJU

प्रधान अधिकारी

5 (118/1)
HQ 3 Corps (A)
C/No 99 AFC

06 Mar 95

16037/R/A2

List A, B, C, E & F

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.

Nair/

Copy of above quoted letter.

Deepak Ah

(D. Obhrai)

Major

DAAG

for COS

AS ABOVE

Sir,

1. I am directed to refer to para 13 of Govt letter No 37269/AG/PS3(a)/D(Pay/Services) dated 13.1.1991 and to convey the sanction of the President to the following Field Services 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/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 Appx 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 wef 1st April 95.

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

Yours faithfully,

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

Under Secretary to the Govt of India

*A. Venkatesh
Advocate*

OFFICE OF THE C.D.A. UDAYAN VIHAR, HIRANGI, 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: 26/5/95

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 ~~expanses~~ 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, 93.

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

Sd/-

(L.T. Tluanga)

Under Secretary to the Government of India.

*Attested
S. D.
Advocate*

RESTRICTED

No.B/37269/AG/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/AG/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/AG of this 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.

*Attended
J.S.D
Dhavante*

- 36 -

W.S

No 37209/Aw/RS 3(a)/90/D(Pay/Services)
Government of India
Ministry of Defence
New Delhi - 110 011

Dated the 15th January 1994

To

The Chief of the Army Staff
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 ~~existing~~ the sanction of the President to implementation of the following decisions taken in this regard in so far as the officers 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 Prerequisites 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 Field 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.

Contd....?/-

RESTRICTED

*Attested
A. S. D
Advocate*

- 3 -

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	975	375
2.	Lt Col(TS) & Maj	895	350
3.	Captain	820	325
4.	2 Lt/Lt	780	300
5.	JCOs including Hon'ble Commissioned Offrs	650	225
6.	Havildar	450	175
7.	Sep/UK including erstwhile NCs (E)	375	150

3.3 The conditions. Governing the grant of compensatory field 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 providing 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 Casual leave

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

Contd....3/-

RESTRICTED

*Detested
J.S.A.
Advocate*

RECORDED

- 5 -

(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 ~~pure~~ 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/02384/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 teams in areas mentioned in Appendices A & B.
- (b) Personnel of Defence Sector, Corps employed with Unit whose personnel are eligible for the grant of those 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 HQAGs concerned quarterly i.e. for the QB May, Aug Nov and Feb every year by the 15th of the month subsequent to the close of the quarter.

Contd.... 1/-

RECORDED

*Attested
S. S. D.
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 continue 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/25701/AG/PS3(b)/146-3/7/D(pay/Services) dated 23.08.68 a. amended will be admissible in the modified field areas as per appendix B to this letter.

3. 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 & 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 allowances 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-commissioned 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 allowances and other concessions in kind

Contd.... 5/-

RESTRIC. NO.

After 1st
1st
1st
1st

The other conditions governing the grant of high altitude/congenital climate allowance as given in this Ministry's letter No. F.69/3/75/D(Pay/Services) dated 28.2.75, 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/-

6.2. Siachen allowances will be admissible in addition to compensatory field area allowances but not with high altitude Uncongenital 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 : Officers/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 of residence/home at Government expense, if they so choose, in accordance with existing instructions.

7.2. Personnel of formations/units who will not be eligible to the grant of field service concessions, consequent upon the formation/Unit being outside the newly defined concessional areas will be governed by normal conditions applicable in peace area for all purposes.

8. Concessions on Attachment

(a) Individuals/Attachments from formations/units not served by these orders but who are attached for operational purposes to formations or units having the field service concessions will if the attachment is for less than two weeks, be entitled to the concessions at rate of admissible under para 6 of Annexure A to this Ministry's letter No A/02594/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 admissible 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/-

*Attested
J.S. M
Advocate*

2.2. 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/- PA admissible for officers.

(b) Separation allowance of Rs. 140/- PA 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 (Remote Locality) allowance. This allowance which is at present admissible in modified field areas/peace areas on the civilian pattern will also stand withdrawn but w.e.f 1st Feb 1994.

11.1. Adjustments : The allowances mentioned in para 9.7 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 extent indicated above.

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

14. Suitable administrative instructions for implementation of these orders will be issued by the ministry, in consultation with CGDA.

15. (For issues with the concurrence of Finance Division of this ministry's vide letter UC No. 5(1)/93-75(8-PA) dated 12.1.94.)

I do faithfully,

50/- x x x x x
(I A Khan)

(Under Secy to the Govt of India)

~~RESTRICTED~~

Attested
K. M. Khan
Advocate

Appendix 'A' to Govt of India
Ministry of Defence letter No
17269/AG/PS 3(a)/90/D(Pay/Services)
dated 10 Jan 94
(Refers to Para 2.3)

LIST OF FIELD AREAS

1. EASTERN COMMAND

(a) Arunachal Pradesh

(i) Tiraپ and Changlang Districts.

(ii) All areas North of line joining point 4448 in
LZ 4179-Nukme Dong MS 3272-Sepia MT 2969-Palin
9213 Dapaxijo NR 5841 Along NL-1273-Hunki 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
Rungli LW 1448-BP 1 in LW 453 on Indo-Bhutan Border - all
inclusive.

2. WESTERN COMMAND

Himachal 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. Quartz Central Command

Uttar Pradesh : All areas North and NE of line joining
Barasua Pass Gangnani TG 1362- Govind Chat TG 0937-Tapevan
TH-1822-Munsiari TH 3980 Relaxed 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
1356 in DR 5470 Culmarg MT 3105 Maushara MY 3105 & in Ringapat
MT 2133 Handwara MT 2043 Laingyal MT 2339 Point 8405 in NG
4365 North of line joining point 3403 Bunakut MT 5453 Razan
NW 2239 Zojila all inclusive.

(c) Jammu-Rajouri Sector : All areas west of line joining
Tip of Chicken Neck RD 7073 Canal Junction RD 6364 Mora
Baramulla MY 3054 Point 1636 in RD 470 all inclusive.

.....
DISCUSSION

Attested
A. S. D.
Advocate

Appendix BLIST OF SHIELDED FIELD AREASSOUTHERN AND WESTERN COMMAND

(a) Rajasthan and Punjab : Areas West of line joining Jassai, Barmer, Jaisalmer, Pokharan, Udaipur, Mahajan, Bawali, Suratgarh, Lalgarh, Jattan, Abohar, Govindgarh, Fazilka, Jandiala Guru, Moga, Bholewali, 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 9112 Surdong 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, Charamagad, 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, Bankas, Bonyar, Pantha Chowk, Khanabal, Anantnag, Khendru and Khru upto the existing High Altitude line all inclusive.

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

After T. L. All Advocate

Annex 'C' to Govt of India
Min of Env. Letter No 37269/AG/PS3
(a)/90/0 (Env/Services) dt 13 Jan 94

(Refers to para 5.1)

LIST OF HIGH ALTITUDE (HIGGISHAL CLIMATE) AREA

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

Cease Fire Line Mullah crossing NN 2180 SOUTH along Nullah to NALA junc NH 1969 SOUTH along Nullah to NICHINAI BAR NN 2048 SOUTH EAST along KASHMIR/LADAKH boundary passing through heights 17573 (NN 73) 19590 (NN 70) 19830 (NH 91) 17672 (NN 80) FARIAJAD (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 HANSHULA (NT 5662) SOUTH EAST along boundary to UMASILA (NT 6850) SOUTH and SOUTH EAST along boundary to KANGLA JOT (NT 9420) KAZALNAN UREZ REGION, RING PAIN AND RING BALA REGION; TITHAL AND TAHCHAR 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 6436) along ~~xx~~ PARBATI R TO PIR PARBATI.

3. UTTAR PRADESH : Area along the following line and beyond, BARSU pass (944875) point 20370 (949859) HARSIL (973852) KEDARNATH (TG 5555) LADRINATH (TG 9053) ~~xx~~ KESHAR ~~xx~~ (TH 0739) (excluding town limits) to JUMA KALA (TH 3429) KALANKA (TH 5028) MILAM (TH 7423) SELA (TG 2593) CHIVALEKH (TG 4994) and area above 9000 ft in the designated field areas in Annex 'A'.

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

Point 14600 (MS 2881) to SEMIF OZONE (MS 2888) MTAU (MS 6777) SALPMG (MT 1379) LAPUNG (MT 2282) KHAYELA (MS 2563) NYARIN (NO 7525) to 8th mile stone (One ZIRO YARUNG Road) 8th mile stone (on SAPORIJO - LIMEKING ROAD) poyom ~~xx~~ (MT 9379) 2nd mile stone north of YARE (MP 9575) DOSING (NL 3592) DALROH (NE 16208) AHINKOLIN (NF 8841) KHONLI (NG 2401) GURUNJON (NN 4592) LAFON (NM 7579) HAY LIANG (MP 6199) CHINAH (NN 9943) KAMPHU (NM 0125) point 6496 (NT 1402) VIJAYNAGAR (MS 1165)

5. SIKKIM

North and North East of the line running from point 12795 (IN 96) point 10140 (LT 17) point 10405 (LT 38) point 9010 (LT 28 46) Nala Junction (LT 5373) NALUTHAM (LT 5751) point 0030 (LT 64)

RESTRICTED

Attested
Babu S. S.
Anand

Tele 13018433

—45—

Appar Mahanideshalaya Sangathan
Org 4 (CIV) (d) 54
Adjutant General Shakha
Sena Mukhyalaya
Addl Dir Gen of Org/Org 4 (CIV) (d)
Adjutant General Branch
Army Headquarters
HQ Delhi-110 061

16729/Cry 4 (CIV)(d)

25 Apr 94

Headquarters

Southern Command
Eastern Command
Western Command
Central Command
Northern Command

FIELD SERVICE CONCESSIONS TO CIVILIANS PAID FROM
DEFENCE SERVICES ESTIMATES INCLUDING CIVILIANS
EMPLOYED IN LIEU OF COMBATANTS AND NC8(E) (BOTH
HOSTILE AND NEUTRALLY 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 37267/AG/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 said Govt order, field areas 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 Ministry of Defence 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 :-

	Rate of Comp field area allowance	Rate of Comp modified scale allowance
For pay upto Rs. 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/-	Rs. 650/-PM	Rs. 225/-PM
For pay exceeding Rs. 2300/-PM but not exceeding Rs. 3000/-PM	Rs. 730/-PM	Rs. 300/-PM
For pay exceeding Rs.3000/-PM	Rs. 975/-PM	Rs. 325/-PM

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(b) The special compensatory allowance such as Hill Compensatory and Winter Allowances, Bad climate allowances etc not to be addition to this allowance.

(c) The other concessions in kind at present admissible in full field areas as per details given in Annexure 'C' to M Min of D OM no A C2584/AG/PS-3(a)/97-S/D(Pay/Sez. No.) dated 25 Jan 64 as amended from time to time to continue admissible in the newly defined Field areas listed at Appx 'B' to this letter.

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

(i) Static Formation/Units eg, Military Formas, MES, Recruiting Office, Training Centres and establishments.

(ii) NCC Directorates and Units.

(iii) TA Units unless embodied.

(v) Record Office and similar establishments.

4. High Altitude/Uncongenial Climate Allowance-Civilians serving in field areas which are situated at a height of 9000 ft and above including uncongenial climate areas below the height of 9000 ft to be entitled. 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 9000 ft to 15000 ft incl uncongenial climate areas of 9000 ft)	Cat-II (Height above 15000 ft excl Sikkim)
For pay not exceeding Rs.950/-	Rs.100/-PM	Rs. 150/-PM
For pay exceeding Rs.950/-PM but not exceeding Rs.2300/-PM	Rs.140/-PM	Rs. 210/-PM
For pay exceeding Rs.1500/-PM but not exceeding Rs.3000/-PM	Rs.180/-PM	Rs.270/-PM
For pay exceeding Rs.3000/-PM	Rs.200/-PM	Rs.225/-PM

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

5. Command Headquarters are requested to examine the above proposal submitted to Ministry of Defence and given their comments views. Annual financial implications on the above proposal may please be worked out separately in respect of Field Area Forces Modified Field area allowances and High Altitude/Uncongenial Climate Allowance and furnished to this Headquarters latest by 20 May 94.

Sd/- x x x x x x x x
(Premod Ji Saxena)
SCSO
Director (HP)
Org 4 (Div)(d)
for Adjutant General

RESTRICTED

*Attested
J. B. J.
D. J. D.*

Vol. 20010/16/00, Dated
Government of India
Central Govt.
Department of Exports and
Imports

New Delhi, the 10th January, 1984

NOTICE 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, A.O.

The undersigned is directed to refer to this Ministry's O.M. No. 1014/3/83-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 Sikkim has been engaging the attention of the Govt. Accordingly the President is now pleased to decide as follows:-

(i) Term of posting/deputation

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

(ii) Weightage for Central Acquisition and Deputation abroad. Special mention in consequential awards

The existing provisions as contained in this Ministry's O.M. dated 25.12.83 will continue. Future 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 in the cadre posts, deputation to Central tenure post and awards of medals abroad.

(iii) Special (Duty) Allowances :-

Central Govt. Civilian employees who have all India transfer liability will be granted Special (Duty) Allowances at the rate of 10% of basic pay subject to a ceiling of Rs. 1,300/- per month on the basis of any station in the North-East. The Central (Duty) Allowance will be in addition to any special duty and/or compensation (SDC) 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. 1,300/- p.m. Special allowances like SDC, Concentrator, Seniority Allowance, Conductor Allowance and Project allowance will be drawn separately.

Attested
A. M. Adarsh
Adarsh

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The Central Govt. Civilian employees belonging to the 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.

(i) 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.

(ii) Travel Allowance on First Appointment :-

The present concessions are contained in this Ministry's O.M. dated 14.12.83 will continue with the liberalisation limit on first appointment. T.A. should be admissible for the total distance instead of for the distance in excess of first 100 Kms. only.

(vi) Traveling Allowance for Journey on Transfer :-

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

(vii) Boarding Concession for Transferees of Dangerous Service :-

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 8100/- or above, and their families i.e. spouse and two dependent children (up to 18 years for boys and 21 years for girls) will be allowed air travel between Itanagar/Silchar/ Agartala/Aizawl/Mizoram and Calcutta and vice-versa; between Port Blair and Calcutta/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/Dental Allowance :-

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
Add'l M.
Advocate*

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the last station of posting of the employee or any other place where the children reside, 12 children studying in schools or in hostels at the last station of posting or any other place the Government servant concerned will be given a hostal subsidy without any restrictions. The rates of Children Education allowance/hostel will be as in the P.P.G.T., O.M. 13011/4/1-Etc. (allowances) dt. 18.7.65 communicated by the Comptroller of Treasury.

(1) Concession regarding Grant of House Rent Allowance to officers posted in the States of North Eastern Region, Andaman & Nicobar Island and Lakshadweep Islands : Circular No. 100

The present concession as contained in His Ministry's C.M. No. 1/III(B)/92 at 29.3% as amended from time to time will be applicable.

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

2. The above orders will also apply ~~with~~ ⁱⁿ ~~regards~~ ^{to} the Central Govt. employees posted in A & B Islands and vice versa. These orders will also apply ~~with~~ ⁱⁿ ~~regards~~ ^{to} officers posted to N.E. Council, when they are stationed in the W.E. Region.

These orders will take effect from the date of issue.

These orders will take effect from the date of issue -
In so far as the persons serving the Indian Audit & Accounts
Dept. are concerned these ord. is issue after consultation with the
Comptroller & Auditor General of India.

5. Hindi Version of this Memorandum is attached.

5.5/- x 2 x x

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

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All Ministries/Departments of Govt. of India, e.g.

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

01 SEPTEMBER 2021

(, Peckarsky)
as : CEDAR ISL
S. of LAFAYETTE.
S. long zone.

Attended
Bill G.
Stratton