

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI

ORIGINAL APPLN. NO.	125	OF 1995
TRANSFER APPLN. NO.		OF 1995
CONT EMPT APPLN. NO.		OF 1995 (IN OA NO.)
REVIEW APPLN. NO.		OF 1995 (IN OA NO.)
MISC. PETN. NO.		OF 1995 (IN OA NO.)

N. Limbu & ors. APPLICANT(S)

~~U-018e.QS.....~~ -VSA- RESIDENT(S)

FOR THE APPLICANT(S)

... MR. A. Ahmed
MR.
MR.
MR.
MR.

FOR THE RESPONDENTS

...MR. S. Ali, S. CGSC.

OFFICE NOTE	DATE	ORDER
his application is in form and within time. F. of Rs. 50/- deposited vide PO/B/E No. 882207 dated 10.7.95 L.R. No. 745 L.R. No. 745	11.7.95	At the request of Mr A. Ahmed, learned counsel for the applicant, vide his letter dated 10.7.95 adjourned to 17.7.95. Mr S. Ali, Sr. C.G.S.C. present.
		<i>Rec</i> Vice-Chairman
		<i>60</i> Member
	17.7.95	Mr A. Ahmed for the applicants. Mr S. Ali, Sr. C.G.S.C. for the respondents. Issue notice to the respondents to show cause as to why the application should not be admitted returnable on 1.8.95.
missis are send 4.7.95 & 26.7.95 No. 3272-73 & 26.7.95 start GR no 1 above cost as per		<i>Rec</i> Vice-Chairman
		<i>60</i> Member
17 L.R. No. 745 L.R. No. 745	nkm	

Requisites are issued
on 24.7.95 & 28/7/95
T. A/c 3272-73 Dr. 26.7.95
by S.P.M. & R. no 1 at the
cost of pmt.

Senior reports are still

Neil
Anshai man

6
Member

1-8-95 Same questions are raised as in O.A. 124/95 which is separately admitted. Application is admitted. Issue notice to the respondents. written statement for 8 weeks. Names of the applicants 16 to 36 stands deleted in view of order on M.P. 57/95. Application to provide is only in respect of applicants Sl. Nos 1 to 15. Leave to amend para 6.8. within two days. The copy of Mr. S. Ali be amended accordingly also.

The learned counsel for the applicant to furnish three copies of the title pages of the O.A. for the record of the office.

Adjourned to 16-10-95.

16.8.95
Requisition is not
filed by the
applicant for
issuance of
notice.

RON

8/8/95

lm

WEC
Vice-Chairman

60
Member

21.8.95 (Kohima)
Title page (fresh)

Submitted in the
caused

24.8.95
(Kohima)

Mr A. Ahmed for the applicants.
Mr S. Ali, Sr. C.G.S.C., for the
respondents.

Hearing concluded. Judgment delivered. The application is allowed as per order. No order as to costs.

22.9.95
copy of Judg/Order
add. 24.8.95 issued
to all concerned
alongwith OA 124/95.
(With Applicant's list)
gpa

WEC
Vice-Chairman

60
Member

nkm

RON

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 KOHIMA)

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

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

O.A.No.124/95

Shri Krishna 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.

.....

O R D E R

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:

- i) 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
- ii) 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
- iii) 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
- iv) 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, learned Sr. C.G.S.C., fairly states that we may decide the matter.

[Signature]

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

from.....

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.

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.....



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) ^{0.74}. 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.....

WEC

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 ^{14.1.1991} (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.

*Corrected
on 22.2.96
b/w
ve*

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

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.

lucl

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.

[Signature]

(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.....

bill

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

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

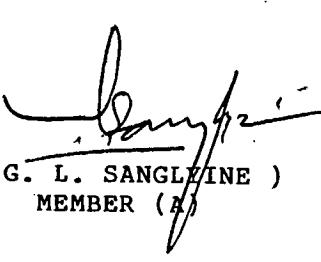
(b) The respondents are directed to pay HRA to the applicants at the rate as was applicable to the Central Government employees in B, B-1, B-2 class cities/towns for the period from 1.10.1986 or from the actual date of appointment as the case may be in respect of each applicant upto 28.2.1991 and at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

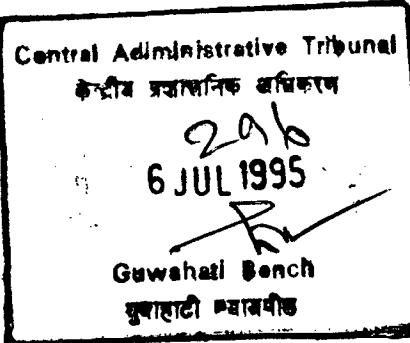

(G. L. SANGLEINE)
MEMBER (A)


(M. G. CHAUDHARI)
VICE-CHAIRMAN

12

In the Central Administrative Tribunal
Guwahati Bench at Guwahati

O.A. No. 125 of 1995



Shri N. Limbu & Others

Applicant

- VS -

Union of India & Others

Respondents.

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Filed by
Advocate. 6.7.95 (ADIL AHMED)

Received Cpt
C. S. S. C. 6/7/95

19

Filed by
Jahid Ahmed
(Adv.)
Advocate 218.951

In the Central Administrative Tribunal
Guwahati Bench, Guwahati

Application under Section 19 of the Central
Administrative Tribunal Act 1985

Case O.A. No. 125 of 1995.

Answered.

BETWEEN

1. 237947 Shri N. Limbu, Peon, Mukokchang, Nagaland.
2. 237332 Shri B.R. Bora, U.D.C. Jorhat, Assam.
3. 233928 Shri B.S. Majumdar, S.A. Grade-I, Silchar, Assam.
4. 243486 Shri A. Pham, Peon, Sangtam, Nagaland.
5. 238324 Shri K.K. Chutia, L.D.C., Jorhat, Assam.
6. 220333 Shri Mohan Saikia, L.D.C., Assam.
7. 237540 Shri Hironath Barua, Ferro Printer, Jorhat, Assam.
8. 243458 Shri P.P. Chowdhury, L.D.C., Dimapur, Nagaland.
9. 223615 Shri S.E. Mazumdar U.D.C. , Guwahati, Assam.
10. 232243 Shri M.L. Dey, Draftry, Tezpur, Assam.
11. 243725 Shri Kanu Debnath, Peon, Dimapur, Nagaland.
12. MES/237323 Shri N.C.S. Neog, D/man Grade-I Jorhat, Assam.
13. PNO/6954961 Shri B.C. Baruah, L.D.C., Jorhat, Assam
14. MES/237523 Shri P.D. Chutia, S.K. Grade-I, Jorhat, Assam.
15. MES/225367 Shri R.C. Boro, S.K. Grade-I, Guwahati, Assam.

.....Applicants.

- A N D -

Union of India & Others

.....Respondents.

In the Central Administrative Tribunal

Guwahati Bench, Guwahati

Application under Section 19 of the Central
Administrative Tribunal Act 1985

Case O.A. No. 125 of 1995.

BETWEEN

1. 237947 Shri N. Limbu, Peon, Mukhuchang, Nagaland.
2. 237332 Shri B.R. Bora, U.D.C. Jorhat, Assam.
3. 233928 Shri B.S. Majumdar, S.A. Grade-I, Silchar, Assam.
4. 243486 Shri A. Pham, Peon, Sangtam, Nagaland.
5. 238324 Shri K.K. Chutia, L.D.C., Jorhat, Assam.
6. 220333 Shri Mohan Saikia, L.D.C., Assam.
7. 237540 Shri Hironath Barua, Ferro Printer, Jorhat, Assam.
8. 243458 Shri P.P. Chowdhury, L.D.C., Dimapur, Nagaland.
9. 223615 Shri S.E. Mazumdar U.D.C., Guwahati, Assam.
10. 232243 Shri M.L. Dey, Duftry, Tezpur, Assam.
11. 243725 Shri Kanu Debnath, Peon, Dimapur, Nagaland.
12. MES/237323 Shri N.C.S. Neog, D Man Grade-I, Jorhat, Assam.
13. PN06954961 Shri B.C. Baruah, L.D.C., Jorhat, Assam.
14. MES/237523 Shri P.D. Chutia, S.K. Grade-I Jorhat, Assam.
15. MES/225367 Shri R.C. Boro, S.K. Grade-I, Guwahati, Assam.
16. 311640 Shri G.C. Mondal, Peon, Calcutta, West Bengal.
17. 260088 Shri N.K. Kar, U.D.C., Calcutta, West Bengal.
18. 216833 Shri B.C. Ghosh, Supdt. B/R Grade-I, Calcutta, W.B
19. 264666 Shri Samar Chakraborty, S.A. Grade-II, Jalpaiguri
West Bengal
20. 201694 Shri A.K. Bondopadhyay, S.A. Grade-I, Calcutta,
West Bengal

Names from
to 34 deleted
order in
date
M.P. 5/1989
L. 8.9.

Contd....P/2.

(A.P.L. 411 MED.)
Chhorate 6.7.95

21. 220150 Shri S. Jabbar, Office Chowkidar, Prakasam, Andhra Pradesh.
22. 220105 Shri P. Khalkhu, Chowkidar, Raigarh, Madhya Pradesh.
23. MES202175 Shri T.B. Bhattacharya, Supdt. B/R Grade-II, Calcutta, West Bengal.
24. 243485 Shri K.P. Kewat, Peon, Bihar.
25. 234117 Shri A.K. Dutta, Supdt. B/R, Grade-I, Calcutta, West Bengal.
26. 311608 Shri Surindra Kumar, Supdt. E/M Grade-I, Ambala, Haryana.
27. 263195 Shri S.K. Karmakar D' Man Grade-I, Calcutta West Bengal.
28. 208173 Shri Nilendra Roy, Supvt. B/S Grade-II, Burdwan, West Bengal.
29. 224065 Shri Abdul Rouf, S.K. Grade-I, Bihar,
30. 216499 Shri Monoranjan Roy, S.K. Grade-II, Siliguri, West Bengal.
31. 263544 Shri R.C. Das, Asstt. Engineer E/M, Calcutta, West Bengal.
32. MES/201085 Shri N.K. Kundra, B/S. Grade-II, Siliguri, West Bengal.
33. MES/Shri D.R. Khati, B/S. Grade-II, Siliguri, West Bengal.
34. MES/268151 Shri S.K. Nag, B/S Grade-I, Alipurduar, West Bengal.

— Applicants.

- A N D -

Union of India & others

— Respondents.

1. Details of the Applicants.

i) Name of the applicant :- 237947 Shri N. Limbu & 33 others.

ii) Designation & Office :- Peon
in which employed Office of the G.E. 868 E.W.S.
C/O. 99 APO.

2. Particulars of Respondents :-

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

2. The Garrison Engineer
868 E.W.S., C/O. 99 APO.

**3. Particulars of the Order
against which application
is made**

i) The application is made for non-implementation of
(1) Memo No.20014/3/83-E-IV Govt. of India, Ministry
of Expenditure, New Delhi and O.M. No. 4(19)/83/D,
Civil-I dated 11.1.84 regarding payment of S.D.A.
(Special Duty allowances) for civilian employees

ii) Non-implementation of Scheme of H.R.A. (House Rent
Allowances) at the rate of 15% percent on the monthly
Salary as per circular No. 11013/2/86-E-II(B) dated
23-9-1986 issued by the Government of India Ministry
of Finance (Department of Expenditure) New Delhi and
Hon'ble Central Administrative Tribunal Gauhati Bench
Case No. O.A. 48/91 judgement and Order dated 26.11.93.

iii) Non implementation of Scheme of Scheme of Special Compensatory (Remote locality) Allowances to Defence Department Civilian employees as per Letter No. 16037/R/A2 HQ 3 Corps (A) C/O. 99 APO. issued by the under Secretary, (Defence) to the Govt. of India and as per Govt. of India, Ministry of Defence, New Delhi letter No. B/37269/AG/PS3(a)/165/D/(Pay)/Services) dated 31.1.95.

iv) Non implementation of Scheme of Field Service Concessions to civilians/employees of Defence Service contained in letter No. 16729/ORG4 (Civ)(d) dated 25th April 1994.

4. Jurisdiction of the Tribunal.

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

5. Limitation

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

6. Facts of the Case.

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

6.1. That your humble applicants are all Indian Citizens as such they are entitled to all the rights and privileges guaranteed under the Constitution of India. All the applicants belong to group A,B,C,D and they are serving in the Defence department as civilian employees since a long time. Some are

Some are working since 1963, some are from 1964, some are from 1981, some are from 1987 onwards.

6.2. That the applicants No. 1 to 15 are from inside North Eastern region and they are serving in different capacities as Central Govt. employees in Nagaland under in the office of G.E. 868 EWS C/O. 99 A.P.O. since long time. They are serving as U.D.C. / L.D.C. /Superintendent / Peon /Daftry etc.

In fact they are serving in different capacity as Central Government employee in Nagaland in the office of the G.E. 868 EWS C/O. 99 A.P.O. from different dates from 1967 onwards.

6.3. That under the Central Government various orders, memos, circulars, the civilian employee serving in Defence department in Nagaland are eligible per certain benefits for involving risk of life along with Armed forces. These civilian employees finally entitled to the following benefits :-

Some are working since 1963, some are from 1964, some are from 1981, some are from 1987 onwards.

6.2. That the applicants No. 1 to 15 are from inside North Eastern region and they are serving in different capacities as Central Govt. employees in Nagaland under in the office of GE868 EWS C/O. 99 A.P.O. since long time. The applicants No. 16 to 34 are from outside North Eastern Zone. They are mostly resident of West Bengal, some are from Bihar, Haryana, South India. In facts these applicants belong to different parts of India excluding North eastern Region. They were originally appointed in the office of GE Calcutta, GE Ambala, CE Calcutta, ESD Kankinara, Gangtok. They have been transferred from their original posting to the different places of India. Now they are serving as U.D.C./ L.D.C./Superintendent/Peon/Daftry etc. In fact they are serving in different capacity as Central Government employee in Nagaland in the office of the G.E. 868 EWS C/O. 99 A.P.O. from different dates from 1967 onwards.

6.3. That under the Central Government various orders, memos, circulars, the civilian employee serving in Defence department in Nagaland are eligible per certain benefits for involving risk of life along with Armed forces. These civilian employees finally entitled to the following benefits :-

1. S.D.A. (Special Duty allowances) under the Defence Ministry office Memorandum OM No. 4(19)/83/D New Delhi dated ~~14th December 1983~~ 11.1.84 and Finance Ministry Memo No. 20014/3/83-E-IV Govt. of India, Ministry of Expenditure, New Delhi. (Annexure-I).
- II. H.R.A (House Rent Allowances) at the rate of 15% percent on the monthly salary as per Circular No. 11013/2/86-E-II (B) 23.9.86 issued by the Government of India Ministry of Finance (Department of Expenditure) New Delhi the 23rd September 1986 (Annexure-2) and O.A. No. 48/91 Judgement and order dated 26.11.93.
- III) Special Compensatory (Remote locality) Allowance to Defence department Civilian employee as per letter No. 16037/R/A2 HQ 3 Corps (A) C/O. 99 a.P.O. issued by the under Secretary (Defence) to the Govt of India (Annexure-3) and as per Govt of India, Ministry of Defence New Delhi Letter no. SB/37269/AG/PS3(a)/165/D/ (Pay)/Services dated 31-1-95 (Annexure-3(i)).
- IV) Field service concessions to the civilian employee of Defence service vide letter No. 16729/GG4(Civ)(d) 25th April 1994 issued by the Director (MP) Org 4 (Civ) (d) for Adjutant General Army Head Quarter, New Delhi. (Annexure-4).

6.4. That the applicants being civilian Defence employees serving in Nagaland which is B Class City are eligible for the above benefits but uptill now these benefits not being entended to the applicants by the authorities there by respondents have deprived the applicants from

legitimate dues and as such they have filed this joint application before this Hon'ble Tribunal seeking justice.

6.5. That your applicants have all India transfer liability which is one of the condition for granting S.D.A. (Special Duty allowances) to Central Government civilian employees.

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

6.6. That your applicants having failed to obtain the benefits mentioned above inspite of their repeated requests both oral and in writing. The applicats are compelled to file a suit in the Court's of Deputy Commissioner (Judicial) Dimapur, Nagaland.

6.7. That your applicants along with other ~~marks~~ numbering 847 filed a Civil suit No. 255/89 against the Union of India and others before the Deputy Commissioner (Judicial) Nagaland Dimapur praying for decree for payment of S.D.A. H.R.A., Special Compensatory allowances (Remote locality) allowances. The suit was contested by the Union of India and others. In the said suit the defendants took a plea that the Court of Deputy Commissioner (Judicial) has no authority to adjudicate the above allowance of Central Government employees and the Case is to be dealt with by the Central Administrative Tribunal Gauhati Bench at Guwahati. The Deputy Commissioner decreed the suit vide judgment and order dated 19.12.94 giving a direction to Union of India and others to pay Special Duty allowances) Special Compensatory (Remote Locality allowances), House

House Rent allowances by the Respondents.

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

6.8 That inspite of the aforesaid decree the respondents are not paying the decreetal amount to the applicants raising a point that the said decree being a nullity having no jurisdiction to pass the decree by entertaining the Suit the Respondents are not bound to implement the illegal decree and as such the respondents are not bound to pay the above financial benefits to the applicants hence they have filed this Original Application before the Hon'ble Tribunal praying for granting the above benefits to the applicants. The applicants are not doing to execute the Decree passed in Civil Suit No. 255/89 of the Deputy Commissioner (J) Nagaland. (X)

(X) Amended as directed
by order dated 1.8.95 in
O.A.No 125/95

Adil
Adil Advocate 3.8.95

6.9 That your applicants begs to state that they having fulfilled all the terms and conditions of S.D.A., H.R.A. Special Compensatory (Remote Locality Allowance), Field Allowance and other Allowances as admissible as Central Govt. Employees serving at North Eastern Region particularly in Nagaland, they are entitled to the above mentioned benefits.

7. Reliefs Sought for :

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

i) S.D.A. as per Memo No. 20014/3/83-E-iv Govt of India Ministry of Expenditure, New Delhi and OM No. 4(19)/ 83/D New Delhi dated 14th Dec 1983 with effect from November 1983.

ii) H.R.A. as per circular No. 11013/2/86-E-11(B) issued by Govt of India Ministry of Finance (Department of Expenditure) New Delhi 23rd Sept 1986 and Hon'ble Central Administrative Tribunal Gauhati Bench O.A. No. 48/91 judgment and order dated 26.11.93 with effect from September, 1986.

iii) Special Compensatory (Remote locality) allowance as per letter No. 16037/R/A2 HQ 3 Corps (A) CDO. 99 AP0. issued by the under Secretary (Defence) to the Govt. of India and as per Govt of India, Ministry of Defence, New Delhi letter No. B/37269/AG/PS3(a)/165/D/(Pay)/Service dated 31.1.95.

iv) Field service Concessions vide letter No. 16729/GG4 (civ) (d) dated 25th April 1994 issued by the Director (MP) Org 4 (Civ) (d) for Adjutant General, Army Head Quarter, New Delhi.

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 :

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

Contd...P/10.

above under the various Schemes, letters, circular etc.

unstated

9. Details of remedies exhausted :

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

10. Matter not pending with any Court etc. :-

The applicants further declare that the matter regarding which this application has been made is not pending before any Court of law as 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. 03 885207
2. Name of issuing Post Office :- Guwahati
3. Date of issue of I.P.O. :- 10.7.95
4. P.O. at which payable :- G.P.O. Guwahati

12. Details of Index :-

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

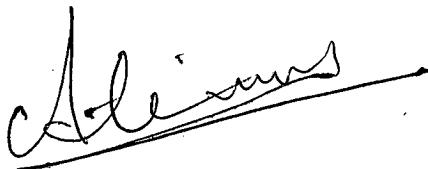
13. List of enclosure :- As per Index.

Next Verification/P-11.

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

26
I, 237947 Shri N. Limbu the applicant No. 1 <sup>on behalf of 33 others,
and</sup> serving as Grade-~~V~~ IV Peon under Garrison Engineer, C/O. 99 A.P.O. Dimapur, Nagaland do hereby verify that the contents from 1 to 13, of the application are true to my knowledge and belief and that I have not suppressed any material facts.

AND I sign this Verification on this 4th July, 1995
at Gauhati.


N. LIMBU.
M/S/ 237947.
Signature

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No 20014/3/83-F-IV Govt Of India
Min of Expdr

Copy of Min of Def OM No 4(19)/83/D New Delhi, the 14th Dec 83
(C20014/3/83 OFFICE MEMORANDUM)

Subject: Allowances and facilities for civilian employees of the Central Govt serving in the states and Union Territories of the North Eastern Region - improvement thereof

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

(i) Tenure of posting/deputations

There will be a fixed tenure of posting of 3 yrs at a time for officers with service of 15 yrs or less and of 2 yrs at a time for officers with more than 15 yrs of service. Periods of leave, training, etc. In cases of 15 days per year will be excluded in counting the tenure period of 2/3 years. Officers, on completion of the fixed tenure of service mentioned above, may be considered for posting to a station of their choice as far as possible.

The period of deputation of the Central Govt employees to the states/Union territories of the North Eastern Region will generally be for 3 years which can be extended in exceptional cases in exigencies of public services as well as when the employee concerned is prepared to stay longer. The admissible deputation allowances will also be continued to be paid during the period of deputation so 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 officers in the matter of -

- (a) Promotion in Central posts;
- (b) Deputation to Central tenure posts, and
- (c) Courses of training abroad.

p/2

Attested
A. S. R.
Advocate
G. 795

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

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

(iii) Special (Duty) allowances:-

Central Govt civilian employees who have All India transfer liability will be granted a special (Duty) Allowance at the rate of 25 per cent of basic pay subject to a ceiling of Rs 400/- per month on posting to any station in the North Eastern Region. Such of those employees who are exempt from payment of income tax will, however, not be eligible for this special (Duty) Allowances. Special (Duty) allowances will be in addition to any special pay and /or deputation (duty) Allowances already being drawn subject to the condition that the total of such special (Duty) allowances like special compensatory (Remote Locality) Allowances construction allowances and project Allowances will be drawn separately.

(iv) Special compensatory Allowances

Assam and Meghalaya

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

2. Manipur

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

Pay upto Rs 2 5/-
pay upto Rs 2 3/-

Rs 40/- PM.

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

3. Tripura

The rates of allowances will be as follows :-

(a) Difficult areas

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

(b) Others

Pay upto Rs 2 5/-

- Rs 40/- PM

pay above Rs 2 3/-

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

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

Attested
A. S. S.
Advocate
6.7.95

(v) Travelling allowances on first appointment

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

(vi) Travelling allowances for journey on transfer

In relaxation of orders below SR 11, i 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 himself only for transit period to join the post and will be permitted to carry personnel effects upto 1/3rd of his entitlement ~~without exceeding 20 Kgs~~ at Govt cost or have a cash 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 transportation of baggage. In case the family accompanies the Govt servant on transfer, the Govt servant will be entitled to the existing admissible travelling allowances including the cost of transportation charges of the admissible weight of the baggage actually carried. The above provisions will also apply for the return journey on transfer back from the North Eastern Region.

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

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

(viii) Joining time with leave

In the case of Govt servants proceeding on leave from a place of posting in North Eastern region, the period of 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/Kms) will not be borne by the officer.

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

(x)

Aftered
S. S. D.
Advocate
6.7.75

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(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 01st Nov 83 and will remain in force for a period of three years upto 31st Oct 1986.

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

5. Separate orders will be issued in respect of other recommendations 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, those orders issued after consultation with Comptroller and Auditor General of India.

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

Attested
by
Advocate
G. T. A.

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11013/2/86-E-II(B)	47
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NO. 11013/2/86-E-II(B)
 GOVERNMENT OF INDIA, MINISTRY OF
 FINANCE (Department of Expenditure)

New-Delhi the 23rd September 1986.

OFFICE MEMORANDUM

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

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

COMPENSATORY (CITY) ALLOWANCES

Pay Range (basic pay).	Amount of C.C.A. in class of cities (Rs. p.m)		
	A	B-1	B-2

Below Rs.950	30	25	20
Rs.950 and above but below Rs.1500	45	35	20
Rs.1500 and above but below Rs.2000	75	50	20
Rs.2000 and above	100	75	20

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

ii) HOUSE RENT ALLOWANCE:

Type of accommodation to which entitled	Pay range in revised scales	Amount of H.R.A. payable in Rs.p.m			
		6F Pay for ent- titled.	A, B-1, B-2 C class cities	Unclass- ified cities.	places
Attested	2	3	4	5	

27/3/87	1	2	3	4	5
Attested by Accounts Officer Office of the Deputy District Manager Nagpur : 14/10/87	750-949	150	70	30	
	950-1499	250	120	50	
	1500-2799	450	220	100	
	2800-3599	600	300	150	

Attested
H.R.A. at above rates shall be paid to all employees (other than those provided with Government owned/hired accommodation) without requiring them to produce rent receipts. These employees shall,

Cont'd. to P.2

Attested
Advocate
6.7.95

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 ~~the~~ 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-xx revised scale.

7. These orders will apply to civilian employees of the Central Government belonging to Groups 'B' 'C' & 'D' only. The ~~xx~~ 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)

To Join Secretary to the Government of India

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

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

Attested
B. P. Varma
6.7.75

Mr. S. N. Sinha
Director

6
DDP 12/1/88
-18-

APPENDIX A-8

30

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

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

Dated the 4/9/88

SLN(4)

Sub:- House Rent Allowance circular

A copy of the Ministry of Finance Deptt. of Expenditure O.M. No. (i) 11015/4.1/86-E.II(L) dated 13.11.87, received from the Ministry of Steel and Mines, Department of Mines, New Delhi under their letter No. 21/17/87-I F dt. 1st January 88 is forwarded for information and necessary action.

M. Roy 6/1/88
(M. 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 noted above and to say that consequent upon fixation of flat rate of licence fee for residential accommodation under central Government all over the country vide Ministry Urban Development (Directorate of Estate) O.M. No. 12035/(1)/05-Pol, II(i) dated 7.8.1987, the L.M.D.U. the President is pleased to decide that central Government employees belonging to Groups 'A', 'B', 'C' and 'D' working in various classified cities and unclassified places will be entitled to compensation in lieu of Rent Free Accommodation as under:-

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

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

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

3. These orders shall take effect from 1.7.87.

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

Sd/-A. N. Sinha
Director

tkt/-

Attested
A. N. Sinha
B. D. Roy
6.1.88

9

- 19 -

GEOPHICAL ADMINISTRATIVE TRIBUNAL : SIKKIMI BENCH

Original Application No. 48 of 1991

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

Shri S. Haque, Vice-Chairman

Shri G.L. Sanglyine, Member (Administrative)

Shri B. Lopdon ko 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
 - Versus -

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

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

.....

16/11

Attested
 Shri S. Ali
 Advocate
 6/1/95

MADE.

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

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

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

After test
S. Ali
Advocate
G.T. MS

as 'B' class cities in general vide our judgment and order dated 31.10.1990 in O.R. 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 15% on their pay from 1974 to September 1986; and thereafter, on flat rate basis group wise with effect from 1.10.1986 pursuant to Office Memorandum No.11013/2/86-C-11(B) dated New Delhi the 23rd September 1986 issued by the Ministry of Finance, Government of India (Annexure A/7).

4. After the fixation of the HRA on flat rate basis group wise the Government of India further granted compensation to Group A, B, C and D employees in lieu of rent free accommodation with effect from 1.7.1987 vide Government of India, Ministry of Finance, Department of Expenditure O.M. No.11015/4/86-C.11(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 consequent 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. B.
Advocate
67-85*

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(1) House Rent Allowance admissible to corresponding employees in that classified city/unclassified place in terms of para 3 of this Ministry's O.M. No.11013/2/86-E.11(8), dated 23.9.1986, for Central Government employees belonging to Groups 'B1', 'C1' and 'D' and para 1 of O.M.No.11013/2/86-E.11(8), dated 19.3.1987, for Central Government employees belonging to Group 'A1'.

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

3. These orders shall take effect from 1.7.1987.

The compensation is fixed at 10% of the monthly emoluments calculated with reference to pay vidu NOL under para 2 of the Government of India, Ministry of Finance Office Memorandum No.11015/4/86-E.11(8)/87 dated 25.5.1987. These Office Memoranda had been circulated by Geological Survey of India, Calcutta via order No.14017(1)/83-3(HRA) dated 26.9.1983 for necessary action by all branches. Therefore, we hold that the applicants are entitled to compensation at the rate of 10% of pay in lieu of rent free accommodation with effect from 1.7.1987 in terms of O.M.No.11015/4/86-E.11(8) dated 13.11.1987 in addition of the HRA.

5. The applicants were not entitled to 10% compensation in lieu of rent free accommodation for the month of November 1987 and they are liable to refund that amount.

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

Attested
by
S. S. S.
6.9.85

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

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

Sd/- S. Haque
VICE CHAIRMAN

Sd/- G.L.Sandilyan
MEMBER (ADMIN)

TRUE COPY

5/10/2013
Section Officer (Judicial)
Central Administrative Tribunal
New Delhi Bench - Circular

20/10/2013

After 2nd
July 2013
Honorable
C.J. 25

Annexure - 3

HQ 3 Corps (A)
C/o 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.

Deepak Ah
(D. Obhrai)
Major
DAAG
for COS

Mail/*

Copy of above quoted letter.

AS ABOVE

Sir,

1. I am directed to refer to para 13 of Govt letter No 37269/AG/PS3(a)/D(Pay/Services) dated 13.1.1994 and to convey the sanction of the President to the following Field Services Concessions to 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 Acpx B to Govt letter No A/25761/AG/PS3(b)/146-S/2/D (Pay/Services) dated 2nd March 1968.

(ii) In addition to above, the Defence Civilian employees serving in the newly defined Field Areas and Modified Field Areas will be entitled to payment of Special Compensation 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 UO No 5(1)/85-AG(14-PA) dated 9.1.1995.

Yours faithfully,

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

Under Secretary to the Govt of India

(Annexure-30)

- 25 -

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

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

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

Please acknowledge receipt.

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

Sr. A.O. (Pay)

Distribution:-

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

1.

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 ~~xxx~~ Areas will continue to be extended the concessions enumerated in Appendix 'B' to Govt. letter No. A/25761/AG/PS3(b)/146-S/2/D(Pay/Services) dated 2nd March, 1968.

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

2. These orders will come into force w.e.f. 1st April, 95.
3. This issues with the concurrence of Finance Division of this Ministry vide their UO No.5(1)/85-AG(14-PA) dated 9.1.1995.

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Sd/-

(L.T. Tluanga)

Under Secretary to the Government
of India.

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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.

*Approved
All the
allowances
B. T. G.*

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

Dated the 13th January 1994

To

The Chief of the Army Staff

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 26,98 of their Report, has recommended that the existing classification of areas for the grant of field service concessions and the concessions admissible in field areas to Armed Forces personnel should be reviewed by the Govt. The structure of field service concessions has since been reviewed. I am directed to convey ~~recommendations~~ the sanction of the President to implementation of the following decisions taken in this regard in so far as the offrs and personnel below officer rank of army (including army postal service) are concerned.

2.1 Classification of Areas. At present field areas are classified into three types, namely, Full Field, Modified Field and Improved Modified Field Areas. The areas in which field service concessions are admissible have been re-defined. Hereafter, field areas will be classified as Field areas and Modified Field areas only.

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

Field Area. Field Area is an area where troops are deployed near the borders for operational requirements and where imminence of hostilities and associated risk of life exists. Troops in such areas are located for reasons of operational considerations alone and are not living in Cantonments.

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

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

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

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2.6 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.	Sgt/Mk 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 provided that immediately on the expiry of the period on the sick list, he returns to an area at which the allowances is admissible.

(b) When on Causal leave

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

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(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 ~~max~~ 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 ~~allowance~~ 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(E) will be the same as given in para 1 of annexure A to this Ministry's letter No A/02584/AG/PS3(a)/97-S/D(Pay/services) dated 25-1-64 as amended.

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

(a) Personnel serving in Detachments, Units and Fmsns in areas mentioned in Appendices A & B.

(b) Personnel of Defence Security Corps employed with Unit Concessions.

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

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

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

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

5.1 High altitude/Uncongenial Climate Allowance, Personnel serving in Field areas which are situated at a height of 9000ft and above including uncongenial climate areas below height of 9000 ft will be entitled to High Altitude/Uncongenial climate allowance. A lower rate would be applicable for areas ex with an altitude of 9000 ft to 15,000 ft and higher rate for areas above 15,000 ft (excluding Siachen). The details of these areas are given in Appx C. The rates of High Altitude/Uncongenial climate slice 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	₹ 200	₹ 300
5.	JCOs incl Wony commissioned offrs	180	270
6.	Havildar	140	210
7.	Sgt/MC including erwtwhile NC(E)	100	150

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

Contd....5/-

*Approved by
J.S. [Signature]
6.7.95*

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

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

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

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

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

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

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

8. Concessions on Attachment

(a) Individuals/Details from fmn/Units not served by these orders but who are attached for operational purposes to formations or ~~KM~~ units drawing the field service concessions will if the attachment is for less than two weeks, be entitled to the concessions at rate admissible under para 6 of Annexure A to this Ministry's letter No A/02584/AG/PS3(a)/97-S, S/D (Pay/Services) dt 25.1.64 as amended.

(b) If the attachment is for two weeks or more, the allce; compensatory field area allce/compensatory modified fd area allce 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.

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

(a) Special adhoc allowances of Rs. 70/-24 admissible for officers.

(b) Separation allowance of Rs. 140/- per admissible for
Offrs.

(c) Special compensatory (field) allowance ranging from Rs. 55 to Rs. 233 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 alic's mentioned in para 9.2 above drawn to the individuals concerned after 1st April, 1993 will be adjusted against the compensatory field area alic and compensatory modified field area alic, if admissible, under these orders.

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

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

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

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

15. This issue is with the concurrence of Finance Division of this Ministry's vide Maitri UO No 5(1)/85-AG(8-PA) dated 12.1.94.

Yours faithfully,
Sd/- x x x x x x x
(EA Khan)
(Under Secy to the Govt of India)

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

(Refers to Para 2.3)

LIST OF FIELD AREAS

1. EASTERN COMMAND

(a) Arunachal Pradesh

(i) Tirap and Changlang Districts.

(ii) All areas North of line joining point 4448 in
LZ 4179-Nukme Dong MS 3272-Sepla MT 2969-Palin MO
9213 Dapaxijo NR 5841 Along NL-1273-Hunli NM 0170
Tawaken MT 8136-Champai Bun NM 8814 all inclusive.

✓(b) Manipur and Nagaland States.

(c) Sikkim : All areas North and NE of line joining Phalut
LV 4750-Gezing LV 7059-Mangkha LV 6160-Penlang La LW 0666
Rangli 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 Parbat
Pass TA 1459 - Taranda TA 2335 - Barasua Pass TA 8801 all
inclusive.

3. ~~Qumikk~~ CENTRAL COMMAND

Uttar Pradesh : All area North and NE of line joining
Barasua Pass Gangnani TG 1362- Govind Chat TG 0937-Tapevan
TH-1822-Munsiari TN 8982-Relagad TG 2466 all inclusive.

4. NORTHERN COMMAND

(a) Ladakh Sector : Areas North and East of line joining
Zojila MU 3036 Baralachala NE 6672 along the great Himala-
yan Range all inclusive.

(b) Valley Sector : All areas west of line joining point
1556 in NR 5470 Gulmarg MT 3105 Naushara MY 3105 Rm Ringapat
MT 2133 Handwara MT 2043 Laingyal MT 2339 Point 8405 in NG
4365 North of line joining point 8403 Bunakut MT 5453 Razan-
NN 2239 Zojila all inclusive.

(c) Jammu-Rajouri Sector : All areas west of line joining
Tip of Chicken Neck RD 7073 Caneel Junction RD 6364 Mawa
Brahmana MY 3854 Point 1556 in NR 5470 all inclusive.

Approved
J. S. S.
Adm. No. 1
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LIST OF QUALIFIED FIELD AREAS

SOUTHERN AND WESTERN COMMAND

(a) Rajasthan and Punjab : Areas West of line joining Jassai, Barmer, Jaisalmer, Pokharan, Udasar, Mahajan, Ranges, Suratgarh, Lalgarh, Jattan, Alohara, Govindgarh, Fazilka, Jandiala Guru, Moga, Dholewali, Beas, Bir 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 Burdong LV 9850 Sherwani LV 9453 Bagrakot LW 0113 Damdim LW 1109 New Mal Hasimara QB 7894 Ganga Ram Tea Estate QA 1377 upto the High altitude line/field area line/International border all inclusive.

CENTRAL COMMAND

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

NORTHERN COMMAND

(a) Valley Sector : Areas West of line joining Pattan, Baramulla, Kupwara, Drugmula, Panges, Mankes, Bonyar, Pantha Chowk, Khanabal, Anantnag, Khundru 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, Batote, Patni Top, Ramban and Banihal upto the existing High altitude line all inclusive.

Appendix 'C' to Govt of India
Min of Def letter No 37269/AG/PS3
(a)/90/D (Pay/Services) dt 13 Jan94

(Refers to para 5.1)

LIST OF HIGH ALTITUDE (UNCONGENIAL CLIMATE) AREA

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

Cease Fire Line Nullah crossing MN 2180 SOUTH along Nullah to NALA junc NN 1969 SOUTH along Nullah to NICHINAI ~~BAR~~ NN 2048 SOUTH EAST along KASHMIR/LADAKH boundary passing through heights 17573 (NN 73) 19590 (NN 72) 19830 (NN 91) 17672 (NN 80) FARIABAD (No 10) SOUTH EAST along boundary to GR NT 2490 SOUTH along boundary to point 21570 (NT 2456) again along boundary to GR NT 2758 EAST AND NORTH EAST along boundary to GR NT 4269 SOUTH EAST along boundary to HAGSHULA (NT 5662) SOUTH EAST along boundary to UMASILA (NT 6850) SOUTH and SOUTH EAST along boundary to KANGLA JOT (NT 9420) KAZALWAN GUREZ REGION, RING PAIN AND RING BALA REGION, TITHWAL AND TANGCHAR REGION AND DODA.

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

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

3. UTTAR PRADESH : Area along the following line and beyond, BARSAU pass (944875) point 20370 (949859) HARSIL (973852) KEDARNATH (TG 5558) GADRINATH (TG 9053) PINKI KASHIAR (TH 0739) (excluding town limits) to JUNAGHAR (TH 3539) KALANKA (TH 5028) MILAM (TH 7423) SELA (TO 2593) CHHIYALEKH (TG 4994) and area above 9000 ft in the designated field areas in Apx 'A'.

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

Point 14600 (MS 2881) to SENG DZONG (MS 2888) MATAU (MS 6777) SALPMG (MI 1379) LAPUNG (MT 2289) KHANEWA (MD 2803) NYARIN (MD 7525) to 8th mile stone (One ZIRO NYARIN Road) 8 th mile stone (on SAPORIJO - LIMEKING ROAD) poyom ~~Qut~~ (MT 9379) 2nd mile stone north of YARE (MP 9575) DOSING (NL 3592) DAIROH (NE 16208) AHINKOLIN (NF 8811) KRONLI (NG 2401) GURUNCON (NN 4592) LAFON (NM 7579) HAY LIANG (NM 6199) CHOWAH (NM 9943) KAIA-HU (NA 0125) point 6490 (NT 1403) VIJAYNAVAR (MS 4866) .

5. SIKKIM

North and North East of the line running from point 12785 (IN 96) point 10140 (LT 17) point 10405 (LT 38) point 9010 (LT 84 46) Nala Junction (LT 5373) RAN LTHEN (LT 5751) point 0030 (LT 64)

Offices of the
Attorney General
17-25

/Copy/

RESTRICTED

EX-36-

Tele : 2016433

Apar Sahayadri Division

Org 4 (Civ) (d)

Adjutant General Staff

Sena Muktayanya

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

(d)

Adjutant General Branch

Army Headquarters

Delhi 110 011

16729/Org 4(Civ)(d)

25 Apr 94

Headquarters

Southern Command

Eastern Command

Western Command

Central Command

Northern Command

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

1. On the basis of the fourth central pay commission recommendation, the existing classification of areas for grant of field service concessions has been revised recently, vide Min of Def letter No 37.69/AF/PS 3(a)90/D(Pay/Services) dt 13 Jan 94. Some of the concessions/compensatory allowances have also been revised in respect of service personnel. As per the ibid Govt order field areas ~~and~~ will be classified as field areas and modified field areas only. The details of newly defined field areas and modified field areas contained in Appx 'A' and 'B' respectively to this letter.

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

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

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

	Date of comp field area	Rate of comp modified field area allowance
For Pay upto 900/- per month	Rs.375/-PM	Rs.100/-PM
For pay exceeding Rs.900/- but not exceeding Rs. 1500/-PM	Rs.450/-PM	Rs.175/-PM
For pay exceeding Rs.1500/-PM but not exceeding Rs. 2300/-PM	Rs.650/-PM	Rs.225/-PM
For pay exceeding Rs.2300/-PM	Rs.750/-PM	Rs.300/-PM
	2/-

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

Rs. 975/-PM

Rs. 325/-PM

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

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

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

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

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

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

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

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

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

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After
JULY 1994
6/1/94

Vol. 20016/10/06/11.1.1.1.1
Government of India
Ministry of Finance
Department of Expenditure

New Delhi, the 1st January, 1938

GENERAL MEMORANDUM

Project 5 - Improvement in facilities for Civilian employees of the Central Govt, serving in the state of North Eastern Region, A & N. Islands and Lakshadweep, viz.,

The undersigned is directed to refer to this Ministry's O.M. No. 0014/3/83-E.IV dt 14th December, 1983 and 30th March, 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 Aizoram has been engaging the attention of the Govt. Accordingly the resident is now pleased to decide as follows:-

(i) Temporary posting/deputation

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

11) Weightage for Central Government and State/UTs allotted Special mention in Budgetary Measure :-

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

(11) Special (Duty) Allowances :-

Central Govt. Civilian employees who have all their transfer liability will be granted Special (Duty) Allowances at the rate of 10% of basic pay subject to a ceiling of Rs 1000/- per month on posting to any station in the North Eastern Region. Special (Duty) Allowance will be in addition to any special pay (over/ compensation duty) allowance already being drawn subject to the condition that the total of such Special (Duty) Allowance plus Special pay/ compensation (Duty) Allowance will not exceed Rs 1000/- p.m. Special allowances (Rs 10/- per day) compensatory (Burden Specific) Allowance, Construction Allowance and Project allowance will be drawn separately.

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

(iv) Special Compensation Allowance :-

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

(v) Travelling Allowance on First Appointment :-

The present concessions are contained in this Ministry's O.M. dated 14.12.83 will continue with the liberalisation 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) Travelling Allowance for Journey on Transfer :-

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

(vii) Board mileage for transportation of personnel/Officer on Transfer :-

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

(viii) Joining time with Leave :-

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

(ix) Leave Travel Concession :-

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

Officers drawing pay of Rs 5100/- or above, and their families i.e. spouse and two dependent children (Upto 18 years for boys and 24 years for girls) will be allowed air travel between Imphal/Silchar/Agartala/Alizabul/Imlabari 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/Hospital Subsidy :-

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

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the last station of posting of the employees or service of the Government where the children reside. If children studying in schools and in hostels at the last station of postings or any other station the Government servant concerned will be given post in subsidy without any restrictions. The rates of Children Education Allowance/Incurred expenses will be as in the C.P&T, O.M. 13011/1/1-Estt. (Allowances) dt 1.1.87. O.M. 13011/1/1-Estt. (Allowances) dt 1.1.87.

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

The present concession as contained in this Ministry's O.M. No 13011/1/FII(B)/84 dt 20.3.84 as amended from time to time will continue to be applicable.

(b) Telephone facilities :-

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

2. The above orders will also apply mutatis-modo to the Central Govt. employees posted in A & N Islands and Lakshadweep Islands. These orders will also apply mutatis-modo to officers posted to N.E. Council, when they are stationed in the N.E. Region.

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

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

5. Hindi Version of this Memorandum is attached.

SD/- X X X X

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

To

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

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

OR LIEUTENANT COPY

(T. Teekarai)
Addl. Commr II
CIV. Engineer
S. Ilong Zone.

Attested
by H. K. Adhikary
6.2.25

IN THE COURT OF SHRI L. SOSANG JAVIR, DEPUTY COMMISSIONER (JUDICIAL), NAGALAND, DIMAPUR.

Civil Suit No. 235/83

Sekhu Semy and 847

- Versus -

Union of India and 4 others

19/12/94.

This case has been filed by Plaintiff who are numbering 847. The Plaintiff are all civilian employees working under 137, Works Engineer Area C/o 99 A.P.O. under the Ministry of Defence and are posted in the State of Nagaland. The Plaintiff claim that being civilian employees under the Ministry of Defence, Government of India, they are entitled to certain free concessions and other allowances as per Government of India, Ministry of Defence letter No. A/02484/S/PS-3(a)/97-S/D(Pay/Service), dated 25th Jan. 1984. Free concessions and facilities are granted to the civilian employees posted in field stations. The said facilities are mentioned in ANNEXURE "A" to the plaint.

The plaintiffs also claim that besides the Free Field Concessions, the Government of India also granted Special Duty Allowance and Special Compensatory (Remote Locality) Allowance vide Government of India Ministry of Defence letter No. 4(19)/83/D(Civ-I) dated 11-01-1984 which is

ANNEXURE-B-Exhibit-P-4 and Government of India, Ministry of Finance (Department of Expenditure) O.M. No. 20014/9/

CE/11/85/183/20014/9/1 dated 23-09-1985 which is ANNEXURE-C-Exhibit-P-5.

The House Rent Allowance was also granted by the Government of India, Ministry of Finance (Department of Expenditure) O.M. No. 11013/86-E.11(3) dated 23-9-86 which is ANNEXURE-D-Exhibit-P-6. The Plaintiffs claim that these allowances were granted by the Government of India to the Civilian Employees as such they are entitled to be paid the same and in the absence of any specific and clear orders from the Government of India, these allowances can not be withheld by the defendant No.5 who is the Area Accounts Officer, Shillong. The plaintiffs claim that the said defendant No.5 has without any specific instructions or orders from the Government of India has withheld the payment of the said allowances by his letters No. P/M/11/F/313/1 dated 23-01-1987 which is ANNEXURE-E-Exhibit-P-7; Cheque Stip No. CO-42358 dated 20-08-87 which is ANNEXURE-F-Exhibit-P-8; Letter No. P/M/HQ-137/E/Corr dated 19-01-85

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which is ANNEXURE-G-Exhibit-P-9; letter No.PAY/11/F. 313/1 dated 06-07-1983 which is ANNEXURE-K-Exhibit-P-10 from 01-03-85. Since there is no specific instructions or orders of the Government of India not to pay or with-hold the said allowances, the plaintiff claim that the defendant No.5 has no authority to with-hold the payment of the said allowances to the plaintiffs. The plaintiffs therefore claims for the following reliefs :-

(a)

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

(i) SPECIAL DUTY ALLOWANCE - as per Government of India, Ministry of Defence No.4(19)/83/D(Civ-1) dated 11-01-84 with effect from March, 1985.

CERTIFIED TO BE TRUE COPY

(ii) SPECIAL COMPENSATORY (REMOTE LOCALITY)

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

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

(b)

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

(c)

Cost of the Suit.

(d)

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

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

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 Advocate
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same was stopped as it was clarified by CDA Patna vide letter No. PW/2/2074/IX dated 19-04-1986, which is exhibited by the defendants as Exhibit-D-3. The defendants state that since the classification has been made by the CDA Patna vide their letter dated 19-04-86, the plaintiffs are not entitled to the other allowances since they are in receipt of the Free Field Service Concessions. The defendants here in para 7 of the written statement have also denied that the plaintiffs service condition are not the same as those other Central Government Employees. The contention of the defendants is that the plaintiffs are not entitled to claim the other allowances granted by the Government of India since they are enjoying the Free Field Service Concessions and their claim is absolutely baseless and unfounded.

After going through the plaint and the Written Statement, the Court framed as many as 24 issues. The plaintiff examined only one witness, plaintiff No. 1 Sekhu Somy who was also cross-examined by the defendants. The defendants examined two witnesses who were also cross examined by the plaintiffs. After closing the evidence of both the parties and after exhibiting the documents of both the parties the case was ordered for the final argument which was to be heard on 15-11-94. The Counsels for both the parties were also directed to file written arguments to assist the Court.

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On 15-11-94 the day of the final argument of the case, the counsel for the plaintiffs Shri K. Moruno produced and brought to the notice of this Court, three judgment of the Central Administrative Tribunal, Guwahati Bench, wherein the Tribunal ordered that the three allowances

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

granted by the Government of India vide C.M.4(19)83/D (Civ-I) dated 11-01-94 which was subsequently covered by O.M. No. 2CO14/16/83/E-IV/E-11(3) dated 01-12-86 and O.M. No. 11O13/2/83/E-II(3) dated 25-09-86 are admissible and the petitioners are entitled to the same in the absence

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Writ Petition
No. 49
of 1994
Date
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of any order or instruction from the Government of India and the said allowances are payable with effect from the date of enforcing the revised pay scale of 1986. These three judgements are reported in Original Application No.48 of 1989, Original Application No.49(G) of 1989 and Original Application No.50 of 1989 decided on 29-03-94. The said applications were filed by Shri D. B. Sonar and 143 others - versus - The Union of India and others. The said petitioners are Civilian Employees working in the establishment of the Garrison Engineer, C.S. 372-W, E.S. C/o 99 A.P.C.

23. The counsel for the plaintiffs, Shri K. Meruno has drawn the attention of this Court through the said three judgements and also submits that the plaintiffs in this present suit No.253 of 1988 are also Civilian Employees under the Ministry of Defence and similarly placed in the same position as that of the petitioners of the said three judgements and the same orders of the Government of India involved in the present suit No.253 of 1988 are the same as involved in the three judgements of C.A.I. referred by him. The Counsel for the plaintiffs, has also drawn the attention of this Court that the respondents No.2 and 3 in the three C.A.I. judgement referred by him are also defendants No.3 and 4 in C.S. No.253 of 1988 along with the Area Accounts Officer, Shillong as defendant No.5 as such the same judgement is binding upon them with reference to the present case No.253 of 1988. The Counsel further submitted that since the case is a covered case, this Hon'ble Court may also pass its judgement draw the decree in terms of the said three judgement of the Central Administrative Tribunal, Guwahati Bench.

The Counsel for the defendants Shri E. Y. Renthungo also submits that in view of the said three judgements it is a covered case as such he has no submissions to make on the judgements and the case in hand C.S. 253 of 1988, however, in view of sub-para(iii) of O.M. No. 4(19)83/D(Civ-I) dated 11-01-84 which is Exhibit-P-4, the Counsel for the defendant submits that those employees who are exempt from Income Tax will not be eligible for

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Affested
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