

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH : GUWAHATI

ORIGINAL APPLN.NO.	OF 1995
TRANSFER APPLN.NO.	OF 1995
CONTEMPT APPLN.NO.	OF 1995 (IN NO.)
REVIEW APPLN.NO.	OF 1995 (IN O.A NO. 218/95)
MISC.PETITION NO.	OF 1995 (IN NO.)

..... *hansen..P..Indra..*..... APPLICANT(S)

-VS-

..... *K.P..Lill..S..J..*..... RESPONDENT(S)

For the Applicant(s) ... Mr. *S. Ali, Sr.C.G.*
Mr.

For the Respondent(s) ... Mr. *A. Ahmed*
Mr.

OFFICE NOTE	DATE	ORDER
<i>Mrs S. Ali, Sr.C.G.</i> 2-1-96 <i>She filed an application on 11.12.95 w/r. 17 of A.T. (Procedure) Rule, 1989 with a prayer to review the order dated 18.10.95 passed in O.A 218/95 by the Honble. V.C. and Member of this Bench. The order communicated on 3.10.95 and the same is received in the Respondent on 14.11.95 Hence this application is filed within time.</i> <i>Laid before the Bench for forwarding orders.</i> <i>27/1/96</i> Section Officer, Central Administrative Tribunal Guwahati Bench Guwahati.		Mr.S.Ali Sr.C.G.S.C. for the applicants. The question raised have already been examined by in detail in several O.As. We have adopted a certain view with which the Review Application do not seem to be agreed. That however cannot be a ground for review. The Review Application is rejected. <i>Member</i> <i>Vice-Chairman</i>

OFFICE NOTE

DATE

ORDER

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Review application

No. 23 of 95

(Or O.A. 218/95)

In the matter of :-

Review/application u/s 22(3) (f) of the
Central Administrative Tribunal Act 1985

AND

In the matter of :-

Judgment and order dated 18 Oct 95 passed
by the Hon'ble Tribunal in O.A. 218/95

AND

In the matter of :-

1. Union of India, represented by the
Secretary, Ministry of Defence
Sena Bhawan, New Delhi.
2. Garrison Engineer 868 Engineer Works
Section C/O 99 APO

_____ Respondents/Petitioners

Vs

Shri K. P. Pillai & 225 Others

_____ Opposite parties

The humble respondents/petitioners named above most
respectfully shweth :-

1. The above noted O.A No. 218/95 was filed by the
opposite parties praying various concessions and the case
was finally heard on 18 Oct 95 and the applicants/opposite
parties are allowed by the Hon'ble Tribunal to draw the
amount of following allowances :-

- (a) Special duty allowance wef 1.12.88
- (b) Field service concessions wef 1.4.93
- (c) Special compensatory allowance (RL) wef 1.10.86
- (d) House rent allowance wef 1.10.86.

Arrears amount of the above allowances to be paid as early as practicable but not later than a period of three months from the date of receipt of copy of judgment and order i.e. 14 Nov 95 on which date the respondent have received the copy of the judgment and shall also continue to pay the current subject allowances regularly so long the concessions is admissible.

2. That the applicants/opposite parties are allowed to draw the FSC from 01 Apr 93 and arrears amount to be paid within three months from date of receipt of copy of judgment and order. In regards to above allowance, it is ~~subm~~ submitted that the opposite parties are not eligible to draw the FSC due to the following grounds :-

G R O U N D S

3. For that there has been serious error aparent on the face of the records that Nagaland comes under field area vide Appendix 'A' to Govt of India, Min of Defence letter No. 37269/AG/PS-3(a)/90D(Pay/Services) dated 13 Jan 94 which has been annexed in the O.A as Annexure 3(1) which has not been properly examined by the Hon'ble Tribunal. As such the impugned judgment and order is a liable to be reviewed.

4. For that the Defence civilians employees serving in the Field areas will continue to draw the ~~filed~~ field service concessions as per Annexure-4 annexed to the Original

application which has not been properly scrutinised by the Honible Tribunal resulting mis carriage of justice and hence the impugned judgment is liable to be reviewed.

5. For that vide Corrigendum No, B/3726/AG/PS-2(a)/730 D(Pay/Service) dated 17 Apr 95 the Ministry of Defence has deleted the remote locality allowance to the applicants who are serving in newly defined field area which was annexed^{into O.A} as annexure-3(1) which was not properly scrutinised by the Hon'ble Tribunal and as a result there as been mis carriage of justice and hence the impugned judgment is liable to be reviewed.

6. For that the Ministry of Defence vide Corrigendum No. 37269/AG/PS-3(a)1862/D(Pay/Service) dated 12 Sep 95 the field service concessions SCA(RL) will be applicable to the applicant wef from 31.1.95 and not with effect from 1.4.93 as directed by the Hon'ble Tribunal. Annexure X is the photo copy of such corrigendum dated 12 Sep 95.

7. That the respondents have now filed this petition praying for review of the judgment and order dated 18 Oct 95 passed by the Hon'ble Tribunal in O.A. 218/95.

8. That the petitioners submit that there has been error aparent on the face of the records for granting FSC to the original applicants who are serving in field area as well as in MES organisation in Nagaland and as such the impugned judgment is liable to be reviewed.

9. That this petition is filed bonafide and in the interest of Justice.

P R A Y E R

It is, therefore prayed that this Hon'ble Tribunal would be kind enough to admit this Review Application and consider the circumstances explained above and review the impugned judgment and order dated 18 Oct 95 passed in O.A 218/95 in the light of above facts and grounds.

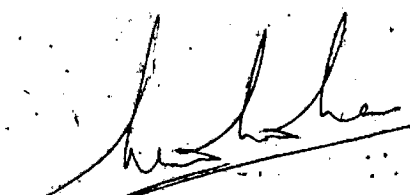
And for this act of kindness, the petitioners as in duty bound shall ever pray.

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VERIFICATION

I, Major Navin Mohan, Garrison Engineer 868 Engineer Works Section, C/O 99 APO do hereby solemnly affirm and declare that the contents made in Paragraph I of the Review Application are true to my knowledge and these made from Paragraphs are derived from records which I believe to be true and rest are humble submission before the Hon'ble Tribunal.

I sign this verification on this Eleventh day of December 1995 at Dimapur.



(Navin Mohan)
Major
Garrison Engineer

Q

In the Central Administrative Tribunal
Guwahati Bench, Guwahati

Application under Section 19 of the Central
Administrative Tribunal Act 1985

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

BETWEEN

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

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23. 238014 Shri A.G. Mathew, Pipe Fitter (SK).
24. 237888 Shri T.M. Babukutty, Fitter HS-II.
25. 222074 Shri Ram Sarik, V/Man.
26. 237212 Shri Lal Bahadur Bhagat, V/Man.
27. 237890 Shri Ram Jatan Yadav, Mate.
28. 237990 Shri Basant Shaw, Mate.
29. 238292 Shri Udesb Ram, Mate.
30. 237928 Shri K. Radhakrishnan Nair, FGM (SK),
31. 220064 Shri Shiv Chand Koiri, Mate.
32. 238238 Shri Jakhu Ram Mate.
33. 237878 Shri Ram Prasad Shaw, V/Man.
34. 238363 Shri Saheed Hazam, Mate.
35. 238141 Shri Ram Daur Koiri, V/Man.
36. 242609 Shri Nagina Prasad, Plumber.
37. 237019 Shri Brinchilal Yadav, V/Man,
38. 243797 Shri Subhakar Chowdhury, Chow.
39. 238365 Shri Karma Bahadur, V/Man, Nepal.
40. 238519 Shri Ram Roop Kairi, Mate.
41. 237897 Shri S. Fransis, V/Man,
42. 362396 Shri M.A. Sharma, Mate.
43. ~~222~~ 238359 Shri Dil Bahadur, Mate.
44. 238386 Shri C. Gopi V/Man.
45. 265374 Shri Saikh Mastan FGM (SK).
46. 243487 Shri Tulshi Reddy, Maz.
47. 238434 Shri Himlal Sharma, Maz.
48. 220113 Shri Ganga Bahadur, Chow.
49. 243518 Shri Khemlal Sharma, Maz.
50. 243730 Shri M. Parasuraman. Maz.

Contd....P/3.



51. 237962 Shri Pandhu Naik, V/Man.
52. 243749 Shri Bir Bahadur Murya. Elect. (SK).
53. 237868 Shri Ghandreswar Singh, FGM (SK).
54. 243519 Shri Abhiram Das, FGM (SK).
55. ~~237288x~~ 243724 Shri Sanat Kr. Mondal MTD-II.
56. 243571 Shri Subhash Chand Koiri, Maz.
57. 243515 Shri Nanda Kishor Mahato, Mate.
58. 220054. Shri Deonath Singh, FGM (SK),
59. 263650 Shri C. Sukumar. V/Man.
60. 243514 Shri Dhan Bahadur Gurung. Maz.
61. 228925 Shri I.P. Joshi, MTD.,
62. 220102 Shri Besh Bahadur, Chow.
63. 237493 Shri R.P. Singh, Plumber.
64. 237484 Shri Md. Hamid, V/Man.
65. 243904 Shri J. Pradhan, Maz.
66. 237292 Shri Ramayan Koiri, Pipe fitter.
67. 238362 Shri Pardeshi, Mate.
68. 237931 Shri Chaman Lal, Mate.
69. 220067 Shri R.C. Tewari, Mate.
70. 238491 Shri P.C. Patil, FGM (SK).
71. 220272 Shri Narinder Kumar, V/Man.
72. 242616 Shri Keshoram Kedal, Mate .
73. 237993 Shri Rharkhande Koiri, Mate.
74. 243600 Shri Assamu Tanti, Maz.
75. 238138 Shri Chandra Rajak, Maz.
76. 255608 Shri L.P. Shah, Veh/Mech.
77. 220315 Shri Ram Sakal Mahato, V/Man,
78. 237991 Shri Acholal, Mate.
79. 243518 Shri Jay Prakash, Harijan, Maz.
80. 243742 Shri S.K. Mondal, Elect (SK),

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

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111. 237972 Shri Kesh Bahadur Thapa, Mate.
112. 238217 Shri Giriraj Puri, Mate.
113. 238520 Shri Kashiram, Mate.
114. 220294 Shri Udai Naik, Mason (SK).
115. 220073 Shri Babulal Dom, S/Wala.
116. 237912 Shri Kishori Das, Mate.
117. 220289 Shri N.A. Sharma, Carpt. HS-II.
118. 237895 Shri Premchand, Mate.
119. 237916. Shri Lalchand, Mason (SK).
120. 243896 Shri M.Cl Kar, Maz.
121. 243488 Shri Jeromi Elias Clari. Maz.
122. 238212 Shri Basant Tanti, Mate.
123. 238145 Shri Mukhu Harijan, Mate.
124. 243490 Shri Surja Bahadur, Maz.
125. 243812 Shri Ram Niwas Das, Maz.
126. 243661 Shri Shivnath Doom, S/wala,
127. 243758 Shri Suresh Prasad, Maz.
128. 243769 Shri Juit Prasad, Mate.
129. 243781 Shri D. Gajanand, Maz.
130. 243491 Shri Harichand, Maz.
131. 243489 Shri Jagadharl Yadav. Maz.
132. 243766 Shri S. Pandiyan, Maz.
133. 243757 Shri Rambachan, Maz.
134. 243500 Shri Ramdin Balmiki, S/wala,
135. 238023 Shri K.B. Ram Thapa, Wtr-Pipe.
136. 238216 Shri Manager Ansari, Mate,
137. 220118 Shri Khum Bahadur, Mate.
138. 243734 Shri Rajendra Prasad, Elect (SK).
139. 237181 Shri Ram Balak Mahato, Elect-SK.
140. 243404 Shri Ashutosh Chanda, Elect-SK.

141. 238489 Shri Ramchandra Saharo, V/Man.
142. 238215 Shri Birendar Singh, P H O.
143. 220076 Shri Nanak Yadav, Chow.
144. 220114 Shri Chandra Bhan Sharma, IGM.
145. 220068 Shri R.S. Singh, Mate.
146. 243578 Shri Birsan Singh, M/Reader.
147. 243407 Shri Ramnath Sutradhar, Carp(SK).
148. 220255 Shri K. Rao, Mate.
149. 238217 Shri M.D. Sharma, Mate.
150. 243788 Shri Nathuni Prasad, Maz.
151. 243902 Shri S.D. Nath, Mate.
152. 237872 Shri Joginder Mistri, Capp- HS-I.
153. 238222 Shri M.P. Biswakarma, Black smith HS-I.
154. 243580 Shri Mon Bahadur, Cane Weaver.
155. 237869 Shri Gorakh Prasad, Ch/Stringer.
156. 237870 Shri Shivji Bharti, Ch/Stringer.
157. 243790 Shri C.B. Chetri, Carp SK.
158. 243521 Shri T.K. Rao, Karp. (SK).
159. 237401 Shri P.N. Mishra, Mate.
160. ~~2272~~ 237920 Shri Rameswar Kurmi, Mate, &
161. 220275 Shri Bhada Ram, Mate,
162. 220152 Shri Satya Deo Rajbhar, Mate.
163. 220050 Shri Changur Yadav, Mate.
164. 243526 Shri Tara Rajbhar, Maz.
165. 243523 Shri Gajon Tanti, Maz.
166. 243559 Shri Panburu Tanti, Maz.
167. 243497 Shri Rajendar Yadav, Maz.
168. 243803 Shri Raja Ram Harlan, Maz.
169. 243814 Shri Rajendar Sharma, Maz.
170. 220158 Shri Baljit Rajbhar, Chow.
171. 220153 Shri Ramanand Koiri, Chow.



172. 220055 Shri Rasheed Hazan, Chow.
173. 220049 Shri Banshilal Koiri, Chow.
174. 220154 Shri Mauji Rajbhar, Chow.
175. 221488 Shri Damari Ram, Chow.
176. 220122 Shri Eul Bahadur, Chow.
177. 220195 Shri American Prasad, Chow.
178. 220198 Shri Khem Bahadur, Chow.
179. 243793 Shri G.N. Rao, Safaiwala.
180. 220350 Shri R. Shammugam, FGM.
181. 238007 AN TRIPATHI, FGM.
182. 243799 K. Shaji, FGM.
183. 243684 S. Subash, Mate.
184. 243513 K. Laxmanan, FGM.
185. 243746 Diobnu Bahadur, Maz.
186. MES/237935 Shri Shiv Kumar Thakur, FGM.
187. MES/1018167 Shri Dasai Rai, Mazdoor.
188. MES/238488 Shri Tikaram Sinar, Pipe Fitter.
189. MES/220056 Shri P. Singh, Chowkider.
190. MES/220074 Shri Chowthi Bhagath, Chow.
191. MES/243642m Shri G J Thomas, Mazdoor.
192. MES/243590 Shri K. Subramani, Mazdoor.
193. MES/243502 Shri Govindan, Mate.
194. MES/237901 Shri A S Reddy, Mate-PIO.
195. MES/237302 Shri Somar Yadav, Mate.
196. MES/220104 Shri Giridhari Yadav, Chow.
197. MES/238353 Shri A.H.S. Rana, MTD-II.
198. MES/220070 Shri Jagaram, Chow.
199. MES/238352 Shri Ram Naresh Pandit, FGM.
200. MES/237961 Shri B.K. Baruah, Elect (SK)
201. MES/243746 Shri Paiso Jochoi, Maz.
202. MES/243520 Shri K. Abraham, Chow.
203. MES/243494 Shri Ramesh Doo, S/Wala.
204. MES/238361 Shri S R Pasi, Fitter.

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

.....APPLICANTS

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

-Vp-

Union of India and others.

.....Respondents

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.217 of 1995

With

Original Application No.218 of 1995.

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

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

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

O.A.No.217/95

311640 Shri G.C.Mondal & 23 others.

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

- Versus -

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

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

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

O.A. No.218/95

238016 Shri K.P.Pillai & 225 others.

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

- Versus -

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

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

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

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

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

O R D E R

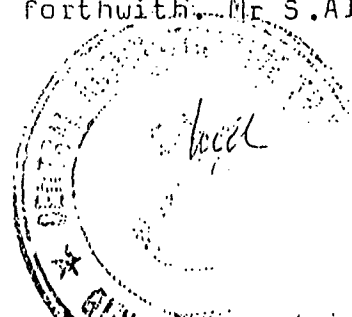
CHAUDHARI J. V.C.

O.A.No.217/95 :

As the question raised is covered by earlier decisions

the O.A. is admitted. Leave notice to the respondents.

Returnable forthwith. Mr S.Ali, Sr.C.G.S.C waives notice and



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appears for the respondents. Called out for final hearing.

O.A.No.218/95 :

As the question raised is covered by earlier decisions the O.A. is admitted. Issue notice to the respondents. Returnable forthwith. Mr S.Ali, Sr.C.G.S.C waives notice and appears for the respondents. Called out for final hearing.

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

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

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

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



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Content of O.A. No. 218/95 :

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

- (i) Special (Duty) Allowance,
 - (ii) House Rent Allowance,
 - (iii) Special Compensatory (Remote Locality) Allowance and
 - (iv) Field Service Concession in the same manner
- and on the same grounds claimed by the applicants in the other O.A.

In support of the claim for Special (Duty) Allowance reliance is placed upon the Defence Ministry O.M. No. 4(19)/83/D, Civil-I dated 11.1.84 and Defence Ministry Memorandum No. 20014/3/83-IV. Reliance is placed upon the Circular issued by the Government of India, Ministry of Finance No. 11013/2/86-E.11(B) dated 23.9.1986 in support of the claim of HRA at the rate of 15% applicable to B Class cities. The claim for Special Compensatory (Remote Locality) Allowance meant for Defence department civilian employees is based upon the letter of Ministry of Defence, Government of India No. D/37269/AG/PS3(a)/165/D(Pay)/Services dated 31.1.95 with effect from 1.4.93. Lastly, the Field Service Concessions are claimed on the basis of letter No. 16729/ORG4 (civ.) (d) dated 25.4.94 issued by the Army Headquarter in pursuance of letter of Government of India dated 13.1.94.

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

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the Memorandum dated 14.12.1983 relied upon by the applicants. (See decision of the Hon'ble Supreme Court in Civil Appeal No.834 of 1995, Chief General Manager (Telecom), N.E.Telcom Circle & another vs. Shri Rajendra Ch. Bhattacharjee & others dated 18.1.95.) ^{IT 1995(1)SC 440-} We have considered this aspect as well as the question of eligibility of House Rent Allowance, Special Compensatory (Remote Locality) Allowance and Field Service Concessions in our order on O.A.124/95 with O.A.125/95 dated 24.8.95. The applicants in those cases were also Defence civilian employees like the applicants serving under the Garrison Engineer and who had been posted in the State of Nagaland. After examining the relevant materials we have held that the applicants are entitled to get all these benefits. The applicants in the instant O.As and the applicants in those cases were also plaintiffs in the same Civil Suit namely 265/89 and they are all identically placed. We are satisfied that for the same reasons as are recorded in the common order on the aforesaid two applications namely O.A. 124/95 and O.A.125/95, Similar order may be passed in the instant applications. Although the applicants claimed SOA from November, 1993 we shall allow that claim with effect from 1.12.1988 as was done in the earlier cases. Similarly in so far as the HRA is concerned the relief will not be granted as prayed but as was granted in the earlier cases. Other two reliefs will also be similarly granted as was done in the earlier cases.

For the aforesaid reasons following order is passed :

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

- 1) It is declared that SOA is payable from 1.12.1988.

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

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

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

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

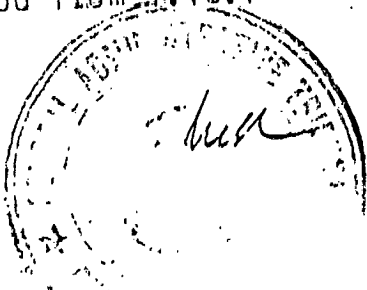
(c) Arrears from the date of actual posting in Nagaland on or after 1.10.1986 upto date to be paid within a period of three months from the date of communication of this order.

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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



contd. 7...

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

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

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

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

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

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

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

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

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(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 approved order. No order as to costs.

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



Sd/- VICE CHAIRMAN

Sd/- MEMBER (ADMN)

TRUE COPY

प्रतिनिधि

[Signature]
30/10

Section Officer (J)

माननीय उपाध्यक्ष (न्यायिक शाखा)
Central Administrative Tribunal

अधीनस्थ न्यायाधीश
गोपालाचारी न्यायालय, गुवाहाटी-781 005
पद सं. 4.4बीड, गुवाहाटी-5

[Signature]
22/10

12
M
Annexure B
24
/COPY/

Copy of the Ministry of Defence Corrigendum No B/37269/AG/PS-3(a)/162/D (Pay/Services) dt. 12 Sep 95, regarding Field Service Concessions to Defence Civilians serving in the newly defined Field Areas.

The following amendment is made to this Ministry's letter No B/37269/AG/PS-3(a)/165/D (Pay/Services) dt. 31-1-95, regarding Field Service Concessions to Defence Civilians serving in the newly defined Field Areas :-

Para 2 May be deleted and substituted as under :-

"These orders will come into force w.e.f. the date of issue of this letter namely wef 31-1-95. In other words no recovery will be made on account of concessions like free rations/free single accommodation etc, already availed of by Defence Civilians as part of Field Service Concessions from 1.4.93 to 30.1.95. Similarly, no payment on account of SDA/SCA/SCA (RL) will also be made from 1.4.93 to 30.1.95".

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

Sd/- x x x x

Under Secretary to the Govt of India

RESTRICTED

Letter No. B/37259/G/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/G/PS3(-)/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 along with Field Service."

2. This corrigendum issues with the concurrence of the Finance Division/VI of this Ministry vide their L.D.No.388/1 dated 5.4.1995.

Yours faithfully,
 (L.T. Thangar)

Under Secretary to the Govt. of India

Telex: 3012739

To

The Chief of the Army Staff,
 New Delhi

Copy to:-

As per list attached.

Annexure

- 31 -

(Annexure - 3 (1))

Annexure - 3 (1)

OFFICE OF THE C.D.O. UDAYAKI VIKAR, PATTAL, GUWAHATI-171
Part.I.OO. No. 21 Dated 9.5.95.

Subj: 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 of this letter.

No.Pay/01/IX
Dated: 26/5/95

Sr.A.O. (Pay)

Distribution:-

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

Sr.A.O. (Pay)

I am directed to refer to para 13 of Govt. letter No.37269/AG/PS3(a)/D(Pay/Services) dated 13.1.1994 and to convey the sanction of the President to the following Field Service concessions to Defence Civilians in the newly defined Field Areas and Modified Field Areas as defined in the above mentioned letter:-

(i) Defence Civilian employees serving in the newly defined Field Areas will continue to be extended the concessions enumerated in Annexure 'C' to Govt. letter No.A/02584/AG/PS3(a)/97-S/D(Pay/Services) dated 25.1.1964. Defence Civilian employees serving in newly defined Modified Field 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 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 Union Ministry vide their DO No.5(1)/85-AG(14-PA) dated 9.1.1995.

Sd/-

(L.T. Tluanga)

Under Secretary to the Government of India.