

30/100  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

(1) M.P. 74/96 under 1062

INDEX

O.A/T.A No. 148/95.....

R.A/C.P No. 141/96.....

E.P/M.A No. 74/43/96 & 106/95

(2) M.P. 213/96 under para 1062

(3) M.P. 106/95 under para 1062 & CP closed

(4) D.P.P. CP 24/96 under para 1062 & CP closed

1. Orders Sheet..... Pg. 1..... to 3.....

2. Judgment/Order dtd. 19.1.95..... Pg. 1..... to 6..... Allowed

3. Judgment & Order dtd..... Received from H.C/Supreme Court

4. O.A..... 148/95..... Pg. 1..... to 48.....

5. E.P/M.P. 43/96..... Pg. 1..... to 4.....

6. R.A/C.P. 141/96..... Pg. 1..... to 21.....

7. W.S..... Pg. 1..... to .....

8. Rejoinder..... Pg. 1..... to .....

9. Reply..... Pg. 1..... to .....

10. Any other Papers..... Pg. 1..... to .....

11. Memo of Appearance.....

12. Additional Affidavit.....

13. Written Arguments.....

14. Amendment Reply by Respondents.....

15. Amendment Reply filed by the Applicant.....

16. Counter Reply.....

SECTION OFFICER (Judl.)

*Bahl*  
5-2-18

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH  
GUWAHATI

ORIGINAL APPLN. NO. 148 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. )

.....Chamdia Dev. Jadar. APPLICANT(S)

-VS-

.....U. O. I. T. D. M. RESONDENT(S)

FOR THE APPLICANT(S) ...MR. B. K. Sharma

MR. B. Mehta

MR. S. Sarma

MR.

FOR THE RESPONDENTS ...MR. S. Ali, Sr. Case

OFFICE NOTE	DATE	ORDER
This application is in form and within time. C. F. of Rs. 50/- deposited vide IPO/BD No. 865764 Dated 21.8.95	17.8.95	To be placed before Circuit Bench at Kohima on 21.8.1995. for admission

Member

Vice-Chairman

P9

21.8.95

Passed over for the day.

Bar

OFFICE NOTE

DATE

COURT'S ORDER

22.8.95 Mr B.K. Sharma for the  
(Kohima) applicant.

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

The questions involved appear  
to be covered by earlier decisions.

The application admitted. Issue  
notice to the respondents. Six weeks  
~~for W.S.~~  
to the respondents. To be placed at  
Guwahati on 1.11.95, <sup>for orders</sup> However, as  
Mr Ali is expecting instructions  
from the respondents from their  
office situated in Nagaland and if  
thereafter Mr Ali would be in a  
position to say that the case is  
covered and may be disposed of  
without formal written statement  
being filed and after hearing his  
oral submissions, liberty is given  
to Mr Ali to mention the matter  
tomorrow or any time thereafter  
during sitting of the Bench at  
Kohima. In case no such request  
is made the directions given above  
to be followed.

h.c.  
Vice-Chairman

60  
Member

Requisites are filed  
on 8.8.95 <sup>in</sup> (8mm)  
v. no. 39/3-17 8.4.95  
8/30/8

6.9.95 Mr B.K. Sharma/ Mr S. Ali, Sr. C.G.S.C.

In view of two earlier judgments it  
is submitted that the case is covered and  
may be heard early. By consent to be listed  
for hearing on 19.9.1995.

Mr Sharma seeks formal amendment  
in the O.A. as per the application filed  
today. Firstly, the words 'MES Nos' of  
some of the applicants is to be substitute

contd...

OFFICE NOTE

DATE

COURT'S ORDER

6.9.95, by words 'personal Nos.' Secondly, the name of applicant No.209 is sought to be corrected as 'SC Sashidharan Nair' and thirdly the controlling officer of some of the applicants is sought to be joined as a party respondent. The amendments are allowed to be carried out during this week. Mr Ali may obtain instructions in the light of the amendments also.

60  
Member

Vice-Chairman

PG

6-9-95

R.C.S

Application praying 19.9.95  
for order to make  
necessary correction  
in the O.A. 148/95 filed  
by Mr. B. Mehta (P.49-50)

Mr. B.K. Sharma for the applicants.

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

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

Vice-Chairman

60  
Member

Necessary  
correction made in  
the original application.  
Copy for issuing notice  
also filed with the  
Repdt No. 6 vide S.B. 403  
dt. 6.9.95.

P.D.S.  
6/9/95. 22/10/95

Requisition for an order  
Respt. has been made  
& issued vide m.

31.10.95  
copy of Judg./order dtd. 19.9.95  
issued to all concerned m/s  
D.No. 4755-4761 dtd. 31.10.95.

order d. 6-9-95 issued  
to all concerned m/s. 3963-68  
27/9/95, 27-9-95

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI-5

Original Application No.148 of 1995

Date of decision 19.9.1995

Shri Chandra Dev Yadav and 213 others PETITIONER(S)

Shri B.K. Sharma with Shri B. Mehta and  
Shri S. Sarma ADVOCATE FOR THE  
PETITIONER(S)

VERSUS

Union of India and others RESPONDENT(S)

Shri S. Ali, Sr. C.G.S.C. ADVOCATE FOR THE  
RESPONDENT(S)

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

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

Judgement delivered by Hon'ble Vice-Chairman

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.148 of 1995

Date of decision: This the 19th day of September 1995

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

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

Shri Chandra Dev Yadav and 213 others

Applicant Nos.1 to 196 are working under  
Garrison Engineer, 869, EWS, C/o 99 APO.

Applicant Nos.197 to 214 are working under  
557, ASC Battalion, 12 Compu (ASC Supply Point),  
Zakhama. ....Applicants

By Advocate Shri B.K. Sharma with Shri B. Mehta  
and Shri S. Sarma.

- versus -

1. The Union of India  
represented by the Secretary,  
Government of India,  
Ministry of Defence, New Delhi.
2. The Controller General of Defence Accounts (CGO),  
A.A.O., Shillong.
3. The Controller of Defence Accounts (CDA),  
Basistha, Guwahati.
4. The Garrison Engineer,  
869, EWS, C/o 99 APO.
5. HQ 137, Command Works Engineer,  
C/o 99 APO.
6. OC, Supply Point, Zakhama (Nagaland),  
C/o 99 APO. ....Respondents

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

O R D E R

CHAUDHARI.J. V.C.

Mr B.K. Sharma for the applicants.

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

Mr S. Ali states that he has not received any  
written statement so far from the respondents and hence it  
could not be filed. This is an application filed by 214

*hsc*

2:

applicants who are working under the Garrison Engineer, 869, EWS, C/o 99 APO and 557, ASC Battalion, 12 Compu (ASC Supply Point), Zakhama, which falls under the Ministry of Defence, Government of India.

2. Relying upon O.M.No.20014/3/83-E-IV dated 14.12.1983 the applicants claim that they being civilian employees serving in the N.E. Region are entitled to get Special (Duty) Allowance (SDA) in terms of the modified O.M.No.20014/16/86-E.IV/E/II(B) dated 1.12.1988. They contend that as they have All India transfer liability they are covered by the aforesaid memoranda.

3. The applicants further claim Special Compensatory (Remote Locality) Allowance (SCA(RL)) in terms of office memorandum No.20014/9/86-E.IV dated 23.9.1986. The applicants further claim that they are entitled to get House Rent Allowance (HRA) at the rate of 15% on the monthly salary in terms of the recommendations of the Fourth Pay Commission with effect from 1.1.1986. Lastly, the applicants claim that they are eligible for Field Service Concession (FSC) in terms of Government of India's letter dated 13.1.1994, 25.1.1994 and 31.1.1995.

4. It is stated by the applicants that despite repeated demands the aforesaid benefits were not being given to them by the respondents and, therefore, they had filed Civil Suit No.255/88 in the Court of the Deputy Commissioner (Judicial), Nagaland at Dimapur and obtained a decree dated 19.12.1994, but as they have been advised that the decree is a nullity as the civil court has no jurisdiction to entertain the matter they have approached this Tribunal. They contend that the time spent in pursuing a wrong remedy should be excluded for the

purpose.....

*hmc*

purpose of calculation of limitation and they be granted the relief.

5. In the civil suit which was contested by the present respondents their stand was that since the applicants are enjoying Free Field Concessions they are not entitled to claim other allowances. They also denied that the service conditions of the applicants were the same as that of other Central Government employees.

6. Now the aforesaid contentions of the respondents urged in the civil suit which may also be taken as their defence in the present application have been examined by us in our judgment in the case of S.C. Omar, Asstt. Executive Engineer, -vs- Garrison Engineer and another (O.A.No.174/93), reported in SLJ -1995(1) CAT (Guwahati Bench) 74. We have held in that case that SDA and SCA(RL) are payable to Central Government employees posted in N.E. Region even if they get FSC. We have not accepted the plea that admissibility of FSC deprives them of these benefits. In arriving at that conclusion we had also referred to the earlier decisions in O.A.Nos. 48/89 and 49/89 dated 29.3.1994. We held that the applicant in that case was entitled to get SDA, and SCA(RL) apart from the FSC. We have also followed that decision in our order on O.A.No.124/95 with O.A.No.125/95 decided on 24.8.1995. Consistently with the view so taken we are of the view that the claim made by the applicants must be upheld.

7. As far as HRA is concerned the applicants will be covered by the rates prescribed by the Central Government from time to time for B (B1 - B2) and C class cities. The applicants will be entitled to get the allowance at the rates prescribed from time to time depending upon the

nature.....

*hmc*

:4:

nature of classification applicable to them.

8. In the instant application the applicants have raised a contention that they are entitled also to get compensation in lieu of rent free accommodation in terms of O.M.No.11015/4/86-E.II(B)/87 dated 13.11.1987. Mr B.K. Sharma, however, submits that he does not press that claim in the instant application without prejudice to make the claim if so advised by filing a fresh application.

9. It is, however, necessary to mention that as held by the Hon'ble Supreme Court the benefit of SDA is admissible only to those employees who are appointed outside the N.E. Region and are posted inside the N.E. Region. It will be up to the respondents to ascertain the case of each applicant, if necessary, to make the benefit available to such applicants who are entitled to get the same.

10. The SDA will be payable to the applicants who satisfy the above mentioned test with effect from 1.12.1988. They will be entitled to get SCA(RL) with effect from 1.10.1986. We hold that the applicants are entitled to get HRA at the prescribed rate. We also hold that the applicants are entitled to get FSC as admissible from 1.4.1993.

11. In the result following order is passed:

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

ii(a) The respondents are directed to pay to the applicants 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.

*hsl*

= 5 =

(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:

(c) 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.....

*bill*

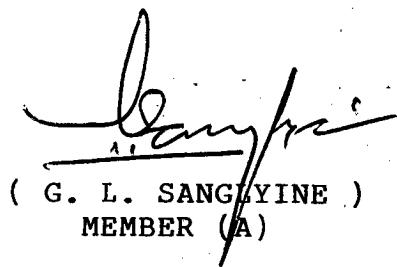
to continue to pay the same at the rate prescribed hereafter.

(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.

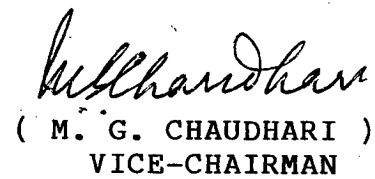
(d) Future payment to be regulated in accordance with clause (a) above.

(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.

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



( G. L. SANGLYINE )  
MEMBER (A)



( M. G. CHAUDHARI )  
VICE-CHAIRMAN

nkm

302 1-13-55

12

Guwahati Bench

গুৱাহাটী বেঞ্চ

BEFORE THE GENERAL ADMINISTRATIVE TRIBUNAL: : GUWAHATI BENCH

(An application under Section 19 of the Administrative Tribunals Act, 1985)

Title of the Case : O.A. No. 148 of 1995

Shri Chandra Dev Wadav & Ors. ... Applicants

- Versus -

Union of India & Others ... Respondents

I N D E X

<u>Sl. No.</u>	<u>Particulars of the documents</u>	<u>Page Nos.</u>
1.	Application	... 1 to 18
2.	Verification	... 19
3.	Annexure-1	... 20 to 23
4.	Annexure-2	... 24 to 26
5.	Annexure-3	... 27, 28
6.	Annexure-4	... 28
7.	Annexure-5	... 29
8.	Annexure-6	... 30, to 32
9.	Annexure-7	... 33 to 40
10.	Annexure-8	... 41 to 42
11.	Annexure-9	... 43 to 45

For use in Tribunal's Office :

Date of filing :

Registration No. :

REGISTRAR

13  
Filed my the  
application with  
Giddhawali Secret-  
ary  
7/8/95

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL: : GUWAHATI BENCH

O.A. No. 148- of 1995

1. MES/238334 Shri Chandra Dev Yadav, Senior Refrigerator Mechanic, High Skilled Grade-1.
2. MES/220306 Shri Prafulla Chandra Bora Welder High Skilled Grade-I.
3. MES/237949 Shri Niropan Borah Cable Jointer, HSG-I
4. MES/238223 Mohammad Ayub Refrigerator Mechanic Skilled.
5. MES/237988 Shri Jet Narayan Thakur Refrigerator Mechanic Skilled
6. MES/220185 Shri Manchand Refrigerator Mechanic Skilled.
7. MES/238394 Shri Ravindra Nath Electrician HSG-II
8. MES/238298 Shri Nihaluddin Electrician Skilled
9. MES/243601 Shri Sukhanta Chakraborty -do-
10. MES/243608 Shri Manik Chandra Borah -do-
11. MES/243688 Shri Sashidharan Nair P -do-
12. MES/243670 Shri Ravindran V.K. -do-
13. MES/243669 Shri M. Mohana Krishnan -do-
14. MES/243822 Shri Madhabendra Das -do-
15. MES/243678 Shri Ramjoy Sutradhar -do-
16. MES/243677 Shri Joseph Mathew -do-
17. MES/243637 Shri Prafulla Das -do-
18. MES/243635 Shri V. Sanna Krishnan -do-
19. MES/220329 Shri K. Somen Pillai -do-
20. MES/243829 Shri Gopa Kumar C -do-
21. MES/238495 Shri Khoi Nam Manglem Singh -do-
22. MES/238107 Shri Bipen Chandra Patra -do-

Contd... P/2.

23. MES/237293	Shri Rameswar Prasad	Fitter General Mechanic
24. MES/220141	Shri Lakhi chand Mahato	-do-
25. MES/243609	Shri D. Deena Byalan	-do-
26. MES/243675	Shri Premjit	-do-
27. MES/243888	Shri Dipen Konwar	-do-
28. MES/237999	Shri Ram Jatan	-do-
29. MES/238142	Shri Ram Prasad Koiri	-do-
30. MES/237962	Shri C. Murugan	-do-
31. MES/242664	Shri Bhakta Bahadur	-do-
32. MES/238044	Shri Jit Bahadur	-do-
33. MES/243961	Shri C.N. Rajappan	-do-
34. MES/237899	Shri Tita Ram Das	-do-
35. MES/220230	Shri Jagat Bahadur	-do-
36. MES/242717	Shri Gopal Dutta	-do-
37. MES/220288	Shri Narayan Naik	-do-
38. MES/NYA	Shri Dinesh Chandra Singh	-do-
39. MES/238111	Shri Surya Nath Teli	-do-
40. MES/364382	Shri Pramod Kumar Dixit	-do-
41. MES/P/3893	Shri Satya Narayan	-do-
42. MES/238018	Shri Janardan Yadav Theel	-do-
43. MES/237932	Shri Lalu Yadav	-do-
44. MES/238202	Shri A. Ramakrishnan	-do-
45. MES/220194	Shri Usab Singh	-do-
46. MES/238508	Shri Nabin Chandra Paul	Rikketex Carpenter High Skilled Grade-II
47. MES/220265	Shri Ugam Sharma	-do-
48. MES/238517	Shri Lakhaan Mandal	-do-
49. MES/238049	Shri Sada Nanda Rajkhowa	-do- Skilled
50. MES/243640	Shri Ram Lakhaan Sharma	-do-
51. MES/220268	Shri Bhagirathi Sharma	-do-
52. MES/238431	Shri Jagu Ram Baruah	-do-

53. MES/238050 Shri Amar Bahadur Tirwa Fitter Pipe skilled

54. MES/220299 Shri Harideo Bhagat -do-

55. MES/220260 Shri Dudh Nath Ram Mason High Skilled Grade-I

56. MES/220271 Shri Shiv Nath Mallah Mason Skilled

57. MES/238127 Shri Md. Sheaib -do-

58. MES/238127 Shri Gouri Shankar -do-

59. MES/238306 Shri Kul Bahadur Painter Skilled

60. MES/220295 Shri F. Francis Pereara Valve Man Semi Skilled

61. MES/220130 Shri Hasmat Ali -do-

62. MES/220234 Shri Abhi Mannu Mallick -do-

63. MES/265312 Shri Bhajan Majhi -do-

64. MES/238374 Shri Tika Ram Sharma -do-

65. MES/238045 Shri P. Chinna Kannan -do-

66. MES/238237 Shri Soban Singh -do-

67. MES/238038 Shri Chandra Deo Thakur -do-

68. MES/220249 Shri Sudama Mahato Hammerman Semi Skilled

69. MES/238328 Shri Jagdish Singh -do-

70. MES/237286 Shri Marla Haribandhu Mate Semi Skilled Rao

71. MES/220129 Shri Kunju Raman -do-

72. MES/238121 Shri Jai Krishan Prasad -do-

73. MES/220053 Shri Sushil Kumar -do-

74. MES/237297 Shri Gopi Chand -do-

75. MES/237296 Shri Sita Ram Harijan -do-

76. MES/A/  
13699214 Shri Naubat -do-

77. MES/220181 Shri Pundeo Mahato -do-

78. MES/P/2959 Shri Balam Mandal -do-

79. MES/216846 Shri Bhuni Deo -do-

80. MES/237738 Shri Ambika Mahato -do-

81. MES/238113	Shri Raj Bali Shah	Mate Semi Skilled
82. MES/238502	Shri Jagar Nath Kumar	- do -
83. MES/220165	Shri Ram Nath Mahato	- do -
84. MES/238038	Shri Puran Singh Ale	- do -
85. MES/238292	Shri Laxman Das	- do -
86. MES/243374	Shri Dukhan Goud	- do -
87. MES/238394	Shri Baleswar Mahato	- do -
88. MES/238301	Shri Laxman Rai	- do -
89. MES/238303	Shri Krishna Bahadur Shrestha	- do -
90. MES/238410	Shri Baleswar Ram	- do -
91. MES/243610	Shri Gulab Singh Pal	- do -
92. MES/243800	Shri Mohammed Muslim	- do -
93. MES/243658	Shri C. Madhappan	- do -
94. MES/243668	Shri S. Ravichandran	- do -
95. MES/243802	Shri Prem Singh Pal	- do -
96. MES/243674	Shri Harickson Fareriers	- do -
97. MES/P/3888	Shri Hirday Kant Jha	- do -
98. MES/220207	Shri Tribhuvan Mahato	- do -
99. MES/220147	Shri Joginder Tiwari	- do -
100. MES/210885	Shri Mundrika Prasad	- do -
101. MES/238297	Shri Krishna Tiwari	- do -
102. MES/237810	Shri Nasib Lal Rai	- do -
103. MES/237287	Shri Nandu Mahato	- do -
104. MES/237118	Shri KP Gopinathan Nair	- do -
105. MES/220182	Shri Kedar Rai	- do -
106. MES/238296	Shri Ganesh Neog	- do -
107. MES/220190	Shri Bhakta Bahadur	- do -
108. MES/P/3887	Shri Desai Thakur	- do -
109. MES/220293	Shri K.O. George	- do -
110. MES/238406	Shri Sona Ram Bora	- do -

111.	MES/238340	Shri Guna Ram Chaliha	Mate Semi Skilled
112.	MES/238245	Shri Tribeni Prasad	- do -
113.	MES/220204	Shri K.D. Sahayam	- do -
114.	MES/238002	Shri Ram Prasad Majhi	- do -
115.	MES/238204	Shri Asarfi Ram	- do -
116.	MES/238289	Shri Man Bahadur	- do -
117.	MES/238409	Shri Lalan Tiwari	- do -
118.	MES/238296	Shri Bhola Mahato	- do -
119.	MES/220200	Shri Collector Domb	- do -
120.	MES/238311	Shri Gangu Raj Bhar	- do -
121.	MES/238027	Shri Parsen Rai	- do -
122.	MES/220293	Shri Lalan Prasad	- do -
123.	MES/238300	Shri Prakash Sitaram Wighaway	- do -
124.	MES/237728	Shri Lok Bahadur Gurung	- do -
125.	MES/243619	Shri Krishna Ram	- do -
126.	MES/243360	Shri Malhotra Shah	- do -
127.	MES/243624	Shri Mahinder Shani	- do -
128.	MES/228652	Shri Jagar Nath Bonik	- do -
129.	MES/238295	Shri Jagan Baitha	Mazdoor Unskilled
130.	MES/238297	Shri Bhola Mahato	- do -
131.	MES/237352	Shri Panchu Pradhan	- do -
132.	MES/238212	Shri Mukeswar Kalandi	- do -
133.	MES/243613	Shri Mohammad Ali	- do -
134.	MES/243606	Shri Ganesh Thakur	- do -
135.	MES/243616	Shri Bhoj Rah Sharma	- do -
136.	MES/243615	Shri Balchand Yadav	- do -
137.	MES/243594	Shri L. Manickam	- do -
138.	MES/243827	Shri Ram Sajiwani Sharma	- do -
139.	MES/243381	Shri P. Shreedharan	- do -
140.	MES/243878	Shri Ramdura Singh	- do -

141.	MES/243558	Shri Tilkeswar Giri	Mazdoor Unskilled
142.	MES/NYA	Shri Raju Bahadur	- do -
143.	MES/NYA	Shri Gopilal Sharma	- do -
144.	MES/243633	Shri Lokeswar Regon	- do -
145.	MES/243639	Shri C. Rajendran	- do -
146.	MES/243605	Shri Murlidharan Nair	- do -
147.	MES/243645	Shri Raghubir Rai	- do -
148.	MES/238301	Shri Dilip Kumar Saikia	- do -
149.	MES/243604	Shri Jainul Haque	- do -
150.	MES/243627	Shri C. Apparatnam	- do -
151.	MES/243403	Shri Sadasiwan Nair	- do -
152.	MES/243636	Shri <del>Ax</del> <del>Kumar</del> Sankaran Kesai	- do -
153.	MES/243623	Shri A. Victor	- do -
154.	MES/243638	Shri Bhakta Bahadur	- do -
155.	MES/NYA	Shri Kishto Sema	- do -
156.	MES/NYA	Shri M.K. Jhonson	- do -
157.	MES/NYA	Shri Angamia Kaynik	- do -
158.	MES/NYA	Shri R.N. Ganishang	- do -
159.	MES/220320	Shri Lal Bachan Bhagat	- do -
160.	MES/238500	Shri Bhani Ram Bahadur	- do -
161.	MES/243621	Shri Ramewadh Harijan	- do -
162.	MES/243405	Shri R. Mohanan	- do -
163.	MES/237279	Shri Jitendra Burman	- do -
164.	MES/243632	Shri Sish Pal	- do -
165.	MES/238460	Shri Shree Prasad	- do -
166.	MES/220144	Shri Chandra Goud	Chowkidar Unskilled
167.	MES/243557	Shri Shahid Hussain	- do -
168.	MES/243612	Shri A. Subramani	- do -
169.	MES/220218	Shri Harka Bahadur	- do -
170.	MES/220216	Shri Mundrika Sharma	- do -

171.	MES/220220	Shri Ser Bahadur Gurung	Chowkidar Unskilled
172.	MES/264068	Shri Narayan Sharma	- do -
173.	MES/NYA	Shri M.L.Lungsu Jeliang	- do -
174.	MES/NYA 220191	Shri Manju Passi	- do -
175.	MES/220172	Shri Mohan Ram	- do -
176.	MES/243592	Shri K.G.Ravindran Nair	- do -
177.	MES/NYA	Shri David Angami	- do -
178.	MES/NYA	Shri Samuel Killing	- do -
179.	MES/237571	Shri Ram Narayan Prasad	- do -
180.	MES/243618	Shri Ramji Rai	- do -
181.	MES/662517	Shri Dal Bahadur Chetri	- do -
182.	MES/220184	Shri Chandra Balmiki	Safaiwala Unskilled
183.	MES/280526	Shri Morpal Balmiki	- do -
184.	MES/243893	Shri Sukura	- do -
185.	MES/238026	Shri Balu Balmiki	- do -
186.	MES/238024	Shri Nok Raj	- do -
187.	MES/243602	Shri Kishan Pal	- do -
188.	MES/237063	Shri Ridhi Kant Das	Office Supdt. II
189.	MES/264025	Shri S.K. Medhi	Duftry
190.	MES/243466	Shri Chandra Bhan Pal	Peon
191.	MES/243554	Shri Dhan Bahadur Chetri	Peon
192.	MES/264072	Shri Arujun Kumar Debnath	Draftman Grade-II
193.	MES/4339104	Shri Noksang Ao	Chowkidar Unskilled
194.	MES/243386	Shri Gopi Chand	Mason Unskilled
195.	MES/220179	Shri Gopi Ram Sharma	Chowkidar
196.	MES/237526	Shri Trailokya Nath Thakur	Store Keeper Gr-I.
197. All are working under Garrison Engineer, 869, EWS, C/O 99 APO.			
		Personnel	
197.	MES/6406088	Shri Durga Bahadur	Mazdoor
198.	MES/6406095	Shri Sakaldeo Singh	- do -
199.	MES/6404096	Shri T. Miz	- do -

<i>Personnel</i>		
200.	MES/6404089 Shri P.S. Kirkita	Mazdoor
201.	MES/6404092 Shri Ram Vilash Paswan	- do -
202.	MES/6406087 Shri Subol Chandra Mazumdar	- do -
203.	MES/6406094 Shri Sing Bahadur Tamang	- do -
204.	MES/6404090 Shri Bir Bahadur	- do -
205.	MES/6406093 Shri Mohammad Azim	- do -
206.	MES/6406091 Shri Sahid Hussan	- do -
207.	MES/6403450 Shri Dayanand Giri	- do -
208.	MES/6403451 Shri Jayaram Thakur	- do -
209.	MES/6403452 Shri P. Chandra Sakaran <i>C. Sanivhoran</i>	Nair - do -
210.	MES/6403453 Shri Hari Narayan Ram	- do -
211.	MES/6403454 Shri Roojhuwal Tirki	- do -
212.	MES/6403455 Shri Radha Prasad Rai	- do -
213.	MES/6403425 Shri Dhirdhor Minchi	- do -
214.	MES/6403426 Shri Ram Singh	- do -

No. 197 to 214 are working under 557, ASC Battalion 12 Compu (ASC Supply Point), Zakhama.

... Applicants

AND

1. The Union of India,  
represented by the Secretary,  
Government of India,  
Ministry of Defence, New Delhi.
2. The Controller General of Defence Accounts (CGO),  
A.A.O., Shillong.
3. The Controller of Defence Accounts (CDA),  
Basistha, Guwahati.
4. The Garrison Engineer,  
869, EWS, C/O 99 A.P.O.
5. HQ 137, Command Works Engineer,  
C/O 99 A.P.O.
6. OC Supply point Zakhama, Zakhama Respondents  
(Proprietary) C/O 99 A.P.O.

Contd... P/9.

*vide  
order dtd. 6.9.95.*

*Par*

DETAILS OF APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE :

The instant application is not directed against any particular ; but is directed for appropriate direction to the respondents for payment of Special (Duty) Allowances House Rent Allowances, Special Compensatory (Remote Locality) Allowances and Field Service Concession to the applicants as admissible under the relevant rules/circulars of the authorities as have been depicted under the Head - Facts of the Case.

2. JURISDICTION OF THE TRIBUNAL :

The applicants declare that the subject matter of the application is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION :

The applicants further declare that the application is made within the limitation period prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE :

4.1 That the applicants are all citizens of India and as such they are entitled to all the rights, protection and privileges guaranteed by the Constitution of India. The applicants are all civilian employees belonging to Group-C and D under the Ministry of Defence.

4.2 That all the applicants have got a common grievance, common cause of action and the nature of relief prayed for

is also same. They belong to the lower stratum of the service and hence having regard to the facts and circumstances they ~~are entitled to preference~~ intend to prefer this instant application jointly and accordingly they crave leave of the Hon'ble Tribunal to invoke the power of the Hon'ble Tribunal under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987. They also crave leave of the Hon'ble Tribunal and pray that they may be allowed to join together and pursue the instant application for redressal of their common grievance.

4.3 That the applicants are entitled to Special (Duty) Allowance (SDA), House Rent Allowance (HRA), Special Compensatory (Remote Locality) Allowances and Field Service Concession (FSC) has have been granted by the Government of India by issuing various circulars. However, the respondents inspite of repeated pursuasion by the applicants have not granted the said benefits to the applicants and hence they are constrained to come under the protective hands of this Hon'ble Tribunal by way of filing the instant O.A for getting those benefits by way of ~~expr~~ an appropriate direction from this Hon'ble Tribunal.

4.4 That the applicants state that they are all Central Government civilian employees working in Nagaland as stated above and eversince their entry into their respective service, they have been rendering their sincere and dedicated services to the satisfaction of all concerned.

is also same. They belong to the lower stratum of the service and hence having regard to the facts and circumstances they ~~are entitled to preference~~ intend to prefer this instant application jointly and accordingly they crave leave of the Hon'ble Tribunal to invoke the power of the Hon'ble Tribunal under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987. They also crave leave of the Hon'ble Tribunal and pray that they may be allowed to join together and pursue the instant application for redressal of their common grievance.

4.3 That the applicants are entitled to Special (Duty) Allowance (SDA), House Rent Allowance (HRA), Special Compensatory (Remote Locality) Allowances and Field Service Concession (FSC) has have been granted by the Government of India by issuing various circulars. However, the respondents inspite of repeated pursuasion by the applicants have not granted the said benefits to the applicants and hence they are constrained to come under the protective hands of this Hon'ble Tribunal by way of filing the instant O.A for getting those benefits by way of ~~exp~~ an appropriate direction from this Hon'ble Tribunal.

4.4 That the applicants state that they are all Central Government civilian employees working in Nagaland as stated above and eversince their entry into their respective service, they have been rendering their sincere and dedicated services to the satisfaction of all concerned.

4.5 That the Government of India issued Presidential Memo No. 20014/3/83-E-IV dated 14.12.83 renotifying the Ministry of Defence Office Memorandum No. 4(19)/83/D dated 11.1.84. By the 'said Office Memorandum the civilian employees serving in the North Eastern Region were granted certain benefits under which the applicants are entitled to get SDA. The said circular was further modified and the Government issued yet another Office Memorandum No. 20014/16/86-E.IV/E/II(B) dated 1.12.88.

Copies of the aforesaid circulars dated 14.12.83 and 1.12.88 are annexed herewith as ANNEXURES-1 and 2 respectively.

4.6 Thzt the applicants state that they are entitled to get the benefits of SDA under their service condition they having carried with their service all India Transfer Liability and having fulfilled the conditions laid down in the aforesaid two circulars. Thus initially they were granted SDA under the aforesaid two memoranda. However, subsequently payment of SDA was stopped to the applicant ~~and~~<sup>xx</sup> recovery was sought to be made from the payments already made to the applicants. In face some amounts were recovered also and thereafter although there has not been any recovery but the applicants are not being paid the SDA and thus they are illegally deprived of the benefits of the SDA by the respondents.

4.7 That apart from the benefit of the SDA, the applicants are also entitled to HRA @ 15% on the monthly salary in

terms of recommendation of the 4th Pay Commission with effect from 1.1.86 which has since been accepted by the Government of India. In this connection, it is stated that that the issue has been conclusively been decided in O.A.No. 50/89 and some other cases such as O.A. 2/94, O.A 42/89. It may also be stated that the Government of India had preferred an appeal against the Judgment and Order passed in O.A. 42/89 which was numbered as Civil Appeal No. 2705/91. The Hon'ble Supreme Court by its order dated 18.2.93 has upheld the said Judgment with the modification that to the effect that the applicants would be entitled to get arrear with effect from 1.1.86 and not from 18.5.80 as was held by the Hon'ble Tribunal. The applicants being ~~based~~ posted at Nagaland which is classified as B-Class for the purpose of granting of HRA, they are also entitled to HRA. with effect from 1.1.86 as has been granted under the 4th Pay Commission Report.

Copies of the Office Memorandum No. 11013/2/86-E.II (B) dated 23.9.86 and O.M. No. 11015/4/86-E.II(B) dated 13.11.87 are annexed herewith as ANNEXURES 3 and 4 respectively.

4.8 That the applicants state that they are also entitled to grant of Special Compensatory (Remote Locality) Allowances in terms of office memorandum No. 20014/9/86-E.IV dated 23.9.86.

A copy of the said O.M. dated 23.9.86 is annexed herewith as ANNEXURE-5.

4.9 That the applicants state that from the above, it is clear that they are also entitled to compensation in lieu of rent free accommodation in terms of Office Memorandum No. 11015/4/86-E.II(B)/~~xx~~ 87 dated 13.11.87.

4.10 That the applicants state that apart from the aforesaid they are also entitled to Field Service Concession in terms of Government of India's letters dated 31.1.95, 13.1.94 and 25.1.94.

Copies of the aforesaid memorandums dated 31.1.95, 13.1.94 and 25.1.94 are annexed herewith as  
ANNEXURES 6, 7 and 8 respectively.

4.11 That the aforesaid benefits to which the applicants are entitled have not been granted to them in spite of repeated demands and thus they have been treated discriminately in the matter of their entitled to the benefits under the circulars of the Government of India. The applicants alongwith others having ~~under~~ no other alternative had filed a Civil Suit No. 255/88 in the Court of the Deputy Commissioner (Judicial), Nagaland, Dimapur. The said suit has since been decreed in favour of the applicants. The Judgment has been delivered on 19.12.94. Although by the said Judgment, the Trial Court has granted all the aforesaid benefits in favour of the applicants, (plaintiffs in the said Civil Suit), till now the respondents have not implemented the said Judgment. Be it stated here that the said Judgment is based on three Judgments rendered by this Hon'ble Tribunal viz. O.A. No. 48, 49 and 50 of 1989. The applicants in the aforesaid O.As. as well as the

plaintiffs in the Civil Suit No. 255/88 are also similarly similarly situated like that of the applicants. Thus even without the judgment of ~~the~~ any other Court, the respondents ought to have extended the benefits of the said Judgments of the Hon'ble Tribunal to the similarly situated applicants, without forcing them to approach any court of law. Be that as it may after the aforesaid Judgment dated 19.12.94 the applicants have been advised that the said Judgment is nullity and void ab-initio inasmuch as the Civil Court lacks jurisdiction in such matter and the applicants being Central Government civilian employees are only entitled to approach this Hon'ble Tribunal and no other Court. Thus although the Judgment is in their favour the applicants are not going to pursue the same judgment and decree being a nullity for lack of jurisdiction. Hence they have preferred the instant O.A..

A copy of the said Judgment dated 19.12.94  
is annexed herewith as ANNEXURE-9.

4.12 That the applicants state that they having fulfilled all the terms and conditions for getting the SDA, HRA, Special Compensatory (Remote Locality) Allowances, ~~and FSC~~ in compensation in lieu of HRA and f FSC, the respondents are bound to grant the said benefits to the applicants and they cannot ~~tk~~ ignore the same. The similarly situated employees having been paid the benefits, there is no earthly reason as to why the applicants should not be granted the said benefits as entitled to under the aforesaid O.Ms. The respondents having failed to discharge their duties

the applicants feel aggrieved and hence the present application before this Hon'ble Tribunal.

4.13 That the applicants state that under the facts and circumstances, they are entitled to get the aforesaid benefits under the aforesaid office memoranda and the respondents cannot deny the said benefits. The applicants having been denied the said benefits for such a long time for no fault of their own, they are also entitled to interest for the delayed payment. The respondents as model employer ought to have paid the said benefits to the applicants and others.

**5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :**

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

5.2. For that that the applicants having fulfilled all the criteria laid down in the aforesaid memoranda towards granting of SDA, HRA, compensation in lieu of HRA rent free accommodation, Special Compensatory (Remote Locality) Allowances and FSC, the respondents cannot deny the same to the applicants without any justification.

5.3 For that it has already been conclusively held by this Hon'ble Tribunal in other cases that the applicants are entitled to the said benefits and thus the respondents

ought to have paid the said benefits to the applicants on their own without insisting upon the applicants to approach any Court of law.

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

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

5.6 For that in any view of the matter, the instant application ~~xxx~~ deserves to be allowed and the impugned action of the respondents are not sustainable under the law.

5.7 For that the applicants being Central Government civilian employees there is no earthly reason as to why they should be deprived of the aforesaid benefits.

~~5x8~~

6. DETAILS OF REMEDIES EXHAUSTED :

The applicants declare that no appropriate remedy is available to them in the instant case.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT :

The applicants further declare that they have not filed any application, writ petition or suit regarding

20

the matter in respect of which this application has been made before any Court or any other authority or any other Bench of the Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

**8. RELIEFS SOUGHT :**

That under the facts and circumstances stated above the applicants most respectfully prayed that the instant application be admitted, relevant records be called for and upon hearing the parties on the cause or causes that may be shown, and on perusal of the records, be pleased to grant the following reliefs to the applicants :

- 8.1 To direct the respondents to grant the aforesaid benefits of SDA, HRD, compensation in lieu of rent free accommodation, Special Compensation (Remote Locality) Allowances and Field Service Concession to the applicants in terms of the office memoranda circulars mentioned under the head - Facts of the Case, from the date from which the applicants are entitled to.
- 8.2 To grant compensation and interest on the aforesaid admissible allowances for the delay caused by the respondents but for which the applicants would have got the said benefits much before.
- 8.3 Cost of the application inasmuch as the applicants have been forced to approach this Hon'ble Tribunal for the aforesaid benefits to which they are entitled.

but for which apathy and non-challant attitude on the part of the respondents they have so far been deprived of the aforesaid benefits and eventually have been forced to approach this Hon'ble Tribunal.

8.4 Any other relief or reliefs to which the applicants are entitled and as may be deemed fit and proper by the Hon'ble Tribunal under the facts and circumstances of the case.

9. INTERIM ORDER PRAYED FOR :

The applicants do not pray for any interim relief at this stage ; but they pray for expeditious disposal of the instant application.

10. .....

The application is filed through advocate.

11. PARTICULARS OF THE I.P.O. :

- (i) I.P.O. No. : 8, 03,86 5764
- (ii) Date : 7/8/95
- (iii) Payable at : Guwahati

12. LIST OF ENCLOSURES :

As stated in the Index.

Contd.. Verification....

VERIFICATION

I, Shri Nirupam Borah, son of Late Indreswar Borah, aged about 44 years, working as Cable Jointer, High Skilled Grade-II under G.E. 869, EWS, C/O 99 A.P.O., Zakhama Army Camp at Kohima, Nagaland, do hereby solemnly affirm and verify that the statements made in paragraphs 1 to 4 and 6 to 12 are true to my knowledge and those made in paragraph 5 are true to my legal advice, and I have not suppressed any material facts. I am also duly authorised to sign this verification on behalf of all the applicants.

And I sign this verification on this the 7th day of August 1995.

*Nirupam Borah*

Ref. 20014/3/83-I.IV  
Government of India  
Ministry of Finance  
Department of Expenditure

New Delhi, the 14th December, 1983.

OFFICE MEMORANDUM

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

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

**(i) Terms of posting/deputation**

There will be a fixed tenure of posting of 3 years at a time for officers with service of 10 years or less and of 2 years at a time for officers with more than 10 years of service. Periods of leave, training, etc. in excess of 15 days per year will be excluded in counting the tenure of period of 2 / 3 years. Officers, on completion of the fixed tenure of service mentioned above, may be considered for posting to a station of their choice as far as possible.

The period of deputation of the Central Government employees to the States/Union Territories of the North-Eastern Region will generally be for 3 years which can be extended in exceptional cases in exigencies of public service as well as when the employee concerned is prepared to stay longer. The admissible deputation allowance will also continue to be paid during the period of deputation so extended.

**(ii) Incentives for Central deputation/lengthening deputed and special mention in Confidential Annexure**

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

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

contd...2

Attested.  
Advocate.

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

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

### (iii) Special (Duty) Allowance

Central Government civilian employees who have All-India transfer liability will be granted a Special (Duty) Allowance at the rate of 25 per cent of basic pay subject to a ceiling of Rs. 40/- per month on posting to any station in the North Eastern Region. Out of those employees who are exempt from payment of income tax will, however, not be eligible for this Special (Duty) Allowance. Special (Duty) Allowance will be in addition to any special pay plus or Deputation (Duty) Allowance already being drawn subject to the condition that the total of such Special (Duty) Allowance plus special pay/Deputation (Duty) Allowance will not exceed Rs. 40/- p.m. Special Allowances like Special Compensation (Remote Locality) Allowance, Construction Allowance and in fact Allowance will be drawn separately.

### (iv) Special Compensation Allowance

#### 1. Assam and Nagaland

The rates of the allowance will be 5% of basic pay subject to a maximum of Rs. 50/- p.m. admissible to all employees without any limit. The above allowance will be admissible with effect from 1.7.1982 in the case of Assam.

#### 2. Manipur

The rates of allowance will be as follows for the State of Manipur :-

Pay upto Rs. 250/-

Rs. 40/- p.m.

Pay above Rs. 250/-

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

#### 3. Arunachal Pradesh

The rates of the allowance will be as follows :-

(a) Permanent Areas

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

(b) Other Areas

Pay upto Rs. 260/-

Rs. 40/- p.m.

Pay above Rs. 260/-

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

There will be no change in the existing rates of Special Compensation Allowances admissible in Arunachal Pradesh, contd.../

Attest'd  
Advocate.

22 24  
25  
Mizoram and the existing rate of Disturbance Allowance admissible in specified areas in of Mizoram.

(v) Travelling Allowance on Circuit appointment

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

(vi) Travelling Allowance for journey on transfer

In relaxation of orders below S.R. 116, if on transfer to a station in the North-Eastern region, the family of the Government servant does not accompany him, the Government servant will be paid travelling allowance on tour for self only for transit period to join the post and will be permitted to carry personal effects upto 1/3rd of his entitlement at Government cost or have a cash equivalent of carrying 1/3rd of his entitlement or the difference in weight of ~~entitl~~ the personal 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 Government servant on transfer, the Government servant will be entitled to the existing admissible travelling allowance including the cost of transportation of the admissible weight of personal effects according to the grade to which the officer belongs, irrespective of the 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) Facilities for transportation of personal effects on transfer

In relaxation of orders below S.R. 116, for transportation of personal effects on transfer between two different stations in the North-Eastern region, higher rate of allowance admissible for transportation in 'A' class cities subject to the actual expenditure incurred by the Government servant will be admissible.

(viii) Joining Time with leave

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

(ix) Leave Travel Concession

A Government servant who leaves his family behind at the old duty station or another selected place of residence and has not availed of the transfer travelling allowance for the family he will have the 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 upto a year from the station of posting in the North-East to his home town or place where the family is residing and in addition the facility for the family (restricted to his/her 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./160 kms.) will not be borne

Attest'd.  
Advocate.

Contd...2

by an officer.

Officers drawing pay of Rs. 2250/- 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 Shillong/Milchhar/Agartala and Calcutta and vice-versa, while performing journeys mentioned in the preceding paragraph.

(x) Children Education Allowance/Hostel 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 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 Government servant. If children studying in schools are put in hostels at the last station of posting or any other station, the Government servant concerned will be given hostel subsidy without other restrictions.

2. The above orders except in sub-para (iv) will also ~~exist~~ statis mutandis apply to Central Government employees posted to Andaman and Nicobar Islands.

3. These orders will take effect from 1st November, 1983 and will remain in force for a period of three years upto 31st October, 1986.

4. All existing special allowances, facilities and emoluments extended by any special order by the Ministries/Departments of the Central Government 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 governmentings of the Committee referred to in paragraph 1 as and when decisions are taken on them by the Government.

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

Sd/- S. C. Mahalik,

Joint Secretary to the Government of India

All Ministries/Departments of the Government of India, etc., etc.  
Copy (with special copies) to C.A.A.G., U.P.S.C. etc.

*Attested  
M. K. Chaudhury*

*Attest. etc.  
J. K.  
Advocate.*

*Contd... 2*

1724

ANNEXURE - 2

Annexure B

(1) 3637

F.No. 20014/3/83/E.IV/E.II(B)

Government of India  
Ministry of Finance  
Department of Expenditure

44228

New Delhi, the 1 December, 1983

OFFICE MEMORANDUM

Subject:- Improvement in facilities for Civilian employees of the Central Govt. serving in the States of North-Eastern Region, Andaman & Nicobar Islands and Lakshadweep.

.....

The undersigned is directed to refer to this Ministry's O.M. No. 20014/3/83-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 Mizoram has been enlisting the attention of the Govt. Accordingly the President is now pleased to decide as follows:-

(i) Tenure of posting/deputation:-

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

(ii) Weightage for Central deputation and training abroad:  
Special mention in confidential records:-

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

(iii) Special(Duty) Allowance:-

Central Govt. Civilian employees who have All India transfer liability will be granted Special(Duty) Allowance at the rate of 12½% 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 and/or deputation(duty) allowance already being drawn subject to the condition that the total of such Special(Duty) Allowance plus Special pay/Deputation(Duty) Allowance will not exceed Rs 1000/- p.m. Special allowances like Special Compensatory(Remote Locality) Allowance, Construction Allowance and Project Allowance will be drawn separately.

....2/-

Attested:  
Advocate:

Contd...2

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 Compensatory Allowance:-

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

(v) Travelling Allowance on First appointment:-

The present concessions as contained in this Ministry's O.M. dt. 14.12.83 will continue with the liberalisation that on first appointment T.A. should be admissible for the total distance, instead of for the distance in excess of first 400 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) Road mileage for transportation of personal effects 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 ₹ 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 time between Imphal/Silchar/Agartala/Aizawl/Lilabari and Calcutta and vice-versa; between Portblair and Calcutta/Madras and vice-versa in case of postings in A & N Islands; and between Kavaratti and Cochin and vice-versa in case of postings in Lakshadweep.

(x) Children Education Allowance/Hostel 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 studying at the last station of posting of the employees concerned or any other station where the children reside. If children studying in schools are put in hostels at the last station of posting or any other station, the Government servant concerned will be given hostel subsidy without other restrictions.

...../-

Attested

Advocate

Dated.....

-3-

The rates of Children Education Allowance/Hostel subsidy will be as in the DOP&T, O.M. 18011/1/87-etc. (Allowances) dt. 31.12.87, as amended from time to time.

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

The present concession as contained in this Ministry's O.M. No. 11016/1/E.II(B)/84 dt. 29.3.84 as amended from time to time will continue to be applicable.

(xii) Telephone facilities:-

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

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

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

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

5. Hindi version of this Memorandum is attached.

(A.JAYAKUMAR)

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 C.O.A.S., I.P.S.C., etc. etc. as per standard endorsement list.

....

*Attacted  
P.K.Chandru*

*Attacted  
Advocate*

*Contd...2*

-25-

SEARCHED	INDEXED
SERIALIZED	FILED

39

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

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

SL NO (3)

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) H.R.A ALLOWANCE:

Type of accommodation to which entitled	Pay range in revised scales	Amount of H.R.A payable in A, B-1, B-2 C class Unclass- ified cities			
		A	B-1	B-2	C class cities
Housed					
27/3/87 1	2	3	4	5	
27/3/87 1	750-949	150	70	30	
27/3/87 1	950-1499	250	120	50	
27/3/87 1	1500-2799	450	220	100	
27/3/87 1	2800-3599	600	300	150	

Office of the Pay Com. Unit. Plan. Deptt. 197112  
N.B.: 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  
by  
Advocate.

IV

conid... 2

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

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

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

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

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

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

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

9. Hindi version of the order is attached.

Sd/-

( B. P. Verma )

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.

BS

## ANNEXURE 4

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

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

Dated the 26/9/1988

Sub:- House Rent Allowance circular

Sd/- (H.R.A.)

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

6/1/88  
(M. Joy)  
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 via Ministry Urban Development (Directorate of Estate) O.M.No. 12035/(1)/85-Pol, II(i) dated 7.8.1987, the President is "brought 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  
Advocate

Y of Ministry of Finance (Department of Expenditure) OM No 20014/2/86-FIV  
od 23 Sep 86 regarding Grant of Special Compensatory (Remote Locality)  
Allowance to Central Government employees posted in Nagaland received under  
HQ S. Circular C/o S9 APO Letter lb 12011/6/86 dated 26 Dec 86

Sub : GRANT OF SPECIAL COMPENSATORY (REMOTE LOCALITY) ALLOWANCE  
TO CENTRAL GOVERNMENT EMPLOYEES POSTED IN NAGA

The undersigned is directed to say that consequent upon decisions taken by the Government on the recommendations of the Fourth Pay Commission in regard to Grant of Special Compensatory (Remote Locality) Allowance to Central Government employees posted in Nagaland, vide Resolution No 14(1)/IG/86 dated 13-9-86, sanction of the President is hereby conveyed, in supersession of all the existing orders on the subject, to the grant of Special Compensatory (Remote Locality) Allowance to Central Government employees posted in Nagaland at the following revised rates :

Pay ranges	Rate of the Special Compensatory allowance per month
Basic Pay below Rs. 950/-	125/-
Basic Pay of Rs 950/- & above but below Rs 1500/-	200/-
Basic pay of Rs 1500/- & above but below Rs 2000/-	275/-
Basic pay of Rs 2000/- & above but below Rs 3000/-	400/-
Basic pay of Rs 3000/- & above	525/-

2. These order take effect from 01.10.86. For the period from 01.1.1986 to 30.9.86, the above allowance will be drawn at the existing rates on the notional pay in the pre-revised scale.

3. Pay means pay in the revised scales of pay introduced under the CCS(R.F.) Rules, 1986. In the case of those who retain the existing scale of pay, it will include, besides pay in the pre-revised scale of pay, appropriate allowances, additional D.A., dearness pay, ad-hoc and interim relief thereon. At the rates results in a loss to an employee, who has been continuously drawing the allowance from a date prior to 1.10.1986 the amount drawn by him immediately prior to that date will be protected by treating the difference between the allowance so drawn and that admissible at the revised rates as personal gain. The protection will continue till the employee remains posted in the said region and becomes eligible to higher amount either on promotion or otherwise.

Note : Pay means pay as defined under FA 0(21) (a) (1).

Contd. .... P/2

Attested  
H.S.

Advocate.

4. The Central Government employees in receipt of Special Compensatory Allowance under these orders will not be entitled to composite Hill Compensatory Allowance in addition. However, where the Hill Compensatory Allowance or any other Compensatory Allowance admissible is more beneficial the same may be allowed in lieu of the Special Compensatory Allowance.

5. The Special Compensatory Allowance will be regulated during leave, joining time and suspension in the same manner as City Compensatory Allowance under this Ministry's office Memorandum No 2(37)-EII(B)/64 dated the 27th November, 1965 as amended from time to time.

6. These orders will apply to civilian employees of the Central Government belonging to Groups 'B', 'C' and 'D' only. The orders will also apply to Groups 'B', 'C' & 'D' civilian employees paid from the Defence Services 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.

7. In their application to the staff of Indian Audit and Accounts Departments, these orders issue in consultation with Comptroller & Auditor General of India.

8. Hindi version of the order is attached.

Sl/-x-x-x-x-x

(BP Verma)

Joint Secretary to the Government of India

To

All Ministries/Departments of the Govt of India Etc.

\*\*\*\*\*

HQ 3 Corps (A)  
C/o 99 APC

06 Mar 95

16057/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<sup>an</sup>  
(D. Obhrai)  
Major  
DAAG  
for COS

Major/

COPY of above quoted letter.

AS ABOVE

Sir,

1. I am directed to refer to para 13 of Govt letter No 37269/AG/PS 3 (a)/D(Pay/Services) dated 13.1.1995 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)/97-3/D(Pay/Services) dated 25.1.1964. Defence Civilian employees serving in newly defined Modified Field Areas will continue to be extended the concessions enumerated in Appx B to Govt letter No A/25761/AG/PS 3(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 (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 Min vide their WO No 5(1)/85-AG(14-PA) dated 9.1.1995.

Yours faithfully,

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

Under Secretary to the Govt of India

*Approved.*  
*Advocate.*

Annexure - 3 (1)

Annexure - 3 (1)

OFFICE OF THE C.D.I. UDAYAN Vihar, BURGESS, GUWALI 781  
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  
No. B/37269/AG/PS3(a)/165/D/(Pay)/Services) dated 31.1.95 and  
B/37269/AG/PS3(a)/730/D(Pay/Services) dated 17.4.95 are  
reproduced below for information and necessary action.

Please acknowledge receipt.

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

Sr. A.O. (Pay)

Distribution:-

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

*✓* Sr. A.O. (Pay)

-----  
I am directed to refer to para 13 of Govt. letter No. 37269/AG/PS3(a)/D(Pay/Services) dated 15.1.1994 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 asmissible to Defence Civilians as per the existing instructions issued by the Ministry from time to time.

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

Sd/-

(L.T. Tluanga)

Under Secretary to the Government  
of India.

*Attested.*  
*Protested.*

Se

RESTRICTED

No.B/37269/RG/PS3(a)/730/D(Pay/Services)  
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/RG/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/VI 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.

65.10.1995  
88

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

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

2.2 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.

Contd.....2/-

RESTRICTED

Attested.  
Advocate.

2.8 Areas classified as field areas and modified Field Areas will be reviewed every three years. The review process will commence one year in advance of the completion of three years.

3.1 Concessions.- Monetary Allowance. Personnel serving in Field areas and modified field areas will be eligible to the grant of compensatory field areas allowance and compensatory modified area allowance, respectively.

3.2 The rates of the allowances are given below :-

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

Contd....3/-

RESTRICTED

Attested.  
Advocate.

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

(a) The officer continues to be borne on the strength of the Unit/Formation in the field/modified field area.

(b) The officer in the ordinary course returns to duty to a ~~maxx~~ 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 foreign allowance, compensatory daily allowance for serving ex-India.

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

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

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

(b) Personnel of Defence Security Corps employed with Unit whose personnel are eligible for the grant of those concessions.

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

Contd....4/2

Attested.  
Advocate.

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

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

- (a) Static formations/Units eg. Military farms, MES, Recruiting Office, Training Centres & Establishments.
- (b) NCC Directorates and Units.
- (c) TA Units unless emodied.
- (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 rates 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 allice 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	<del>xx</del> 200	<del>xx</del> 300
5.	JCOs incl Non-commissioned offrs	180	270
6.	Havildar	140	210
7.	Sep/Nk Including erstwhile NC(E)	100	150

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

Contd.... 5/-

RESTRICTED

*Attcs.ed.*  
*Advocate.*

RESTRICTED

-5-

The other conditions governing the grant of high altitude/congenial 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 Glaciator 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/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/Detachments from fmn/Units not served by these orders but who are attached for operational purposes to formations or ~~xx~~ units drawing the field service concessions will if the attachment is for less than two weeks, be entitled to the concessions at present admissible under para 6 of Annexure A to this Ministry's letter No A/02584/AG/PS3(a)/97-6, SfD (Pay/Services) dt 25.1.64 as amended.

(b) If the attachment is for two weeks or more, the allco ie; compensatory field area allco/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.

Contd.....6/-

*Attested*  
*Advocate*

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

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

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

(c) Special compensatory (field) allowance ranging from Rs. 53 to Rs. 23 PM admissible for JCOs/OR incl NC(E).

10. Special compensatory (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 wif 1st Feb 1994.

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

11.2. Where, however, an individual has become disentitled to any monetary allowance consequent upon change in the classification of area, no recovery will be made of the monetary allowance already availed of by an indi 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 Btrs, in consultation with CGDA.

15. This issues with the concurrence of Finance Division of this Ministry's vide Mstir UC No 5(1)/85-AG(8-PA) dated 12.1.94.

Yours faithfully,

Sd/- x x x x x x

(I A Khan)

(Under Secy to the Govt of India)

RESTRICTED

Attest.ed.  
Advocate.

-38-

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 MS 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  
Rongli LW 1448-BP 1 in LW 2453 on Indo-Bhutan Border - all  
inclusive.

2. WESTERN COMMAND

Himachal Pradesh : All areas East of line joining Umasila  
NV 3951 Udaipur NY 8663 Mani Karan SB 2300 - Pir Parbati  
Pass TA 1459 - Taranda TA 2335 - Barasua Pass TA 8801 all  
inclusive.

3. Quintal 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 8980-Relagad TO 2466 all inclusive.

4. NORTHERN COMMAND

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

(b) Valley Sector : All areas west of line joining point  
1556 in NR 5470 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 NY 3854 Point 1556 in NR5470 all inclusive.

.....  
RESTRICTED

Attested.  
G.  
Advocate.

Appendix BLIST OF UNDEFENDED FIELD AREASSOUTHERN AND WESTERN COMMAND

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

(b) Haryana : Satrod (Hissar)

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

EASTERN COMMAND

(a) Assam and Arunachal Pradesh :

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

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

(b) State of Mizoram and Tripura.

(c) Sikkim and West Bengal : Areas Northwards of line joining Sevoke LW 9112 Burdong LW 9850 Sherwani LW 9453 Bagrakot LW 0113 Damdim LW 1109 New Mai Hasimara QB 7894 Ganga Ram Tea Estate QA 1377 upto the High altitude line/field area line/International border, all inclusive.

CENTRAL COMMAND

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

NORTHERN COMMAND

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

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

\*\*\*\*\*

RESTRICTED

*Approved.  
Advocate.*

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

(Refers to para 5.1)

LIST OF HIGH ALTITUDE (UNCONGENIAL CLIMATE) AREA

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

Cease Fire Line Nullah crossing NN 2180 SOUTH along Nullah to NALA junc 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 2400) 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 ~~inexxx{Nxx2884}x8888~~ PARBATI R TO PIR PARBATI.

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

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

Point 14600 (MS 2881) to SENG DZONG (MS 2888) MATAU (MS 6777) SALPMG (MT 1379) LAPUN (MT 2289) KHANGWA (MD 2803) NYARIN (MD 7525) to 8th mile stone (One ZIRO NYARIN Road) 8 th mile stone (on JAPORIJO - LIMEKING ROAD) poyom ~~8mt~~ (MT 9379) 2nd mile ~~stone~~ north of YARE (MP 9575) DOSING (NL 3592) DAMROH (NE 16208) AHINKOLIN (NF 8841) KHONLI (NG 2401) GURUNCON (NN 4592) LAFON (NM 7579) HAYULIANG (MM 0199) CHONAH (MM 9943) KAMPHU (NM 0125) point 6490 (NM 1403) VIJAYNAGAR (TG 4266)

5. SIKKIM

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

RESTRICTED

Attested.  
Advocate.

/Copy - 45 - 45 -  
RESTRICTED - 45 -

Annexure - 4 8

- 41 - 46

Tele : 2018433

Alpuri (Bh. 10/10/93) - Dated: 25/04/94  
Org 4 (Civ) (d)  
Adjutant General Branch  
Sena Bishayatiya  
Addl Dte Gen o-f 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 AID FROM XX 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 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 grant field area allowances	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/-

Attested.

Advocate.

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

Rs. 975/-PM Rs. 325/-PM

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

(c) The other concessions in kind at present admissible in full field areas as per details given in Annexure 'C' to Min of Def 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 farms, 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 allowances for Civilians serving in field areas which are situated at a height of 9000 ft and above including uncongenial climate areas below the height of 9000 ft to be entitled. The details of these areas are given in Appx 'C' to this letter. The rates of High Altitude/Uncongenial climate allowances are given as under :-

Pay	Cat -I (Height from Cat-II 9000 ft to 15000 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. 1500/-PM	Rs. 180/-PM
For pay exceeding Rs. 1500/-PM but not exceeding Rs. 3000/-PM	Rs. 270/-PM
For pay exceeding Rs. 3000/-PM	Rs. 325/-PM

The High Altitude/Uncongenial climate allowance to be admissible in addition to the field compensatory allowances and other concessions 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 allowances modified field area allowances and High altitude/Uncongenial climate allowances and 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

RESTRICTED

Attested.  
Advocate.

IN THE COURT OF SHRI L. SOSANG JAKIR, DEPUTY COMMISSIONER (JUDICIAL), NAGALAND, DILAPUR.

Civil Suit No. 255/83

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/Q2584/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.

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-Cl-1984 which is ANNEXURE-B-Exhibit-P-4 and Government of India, Ministry of Finance (Department of Expenditure) O.M. No. 20014/9/

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. 11013/85-E.11(B) 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 cannot 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/P/313/1 dated 23-Cl-1987 which is ANNEXURE-E-Exhibit-P-7; Cheque Stip No. CO-49353 dated 20-08-87 which is ANNEXURE-F-Exhibit-P-8; letter No. P/M/11Q-137-E/Corr dated 19-01-85

Attested.  
S.  
Advocate.

Contd... 2/-

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

(a)

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

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

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 does 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 5 of their Written Statement has stated that the plaintiff as per Government of India, Ministry of Defence letter No.4(19)/83/D(Civ-1) dated 11-01-84 which is ANNEXURE-B-Exhibit-P-4 was in fact inadvertently paid up-to February, 1983. However the

Attested.  
A. J.  
Advocate.

contd.. 3/-

same was stopped as it was clarified by CDA Patna vide letter No. P.M/3/2874/IX dated 19-04-1985, which is exhibited by the defendants as Exhibit-D-3. The defendants state that since the clarification has been made by the CDA Patna vide their letter dated 19-04-86, the plaintiffs are not entitled to the other allowances since they are in receipt of the Free Field Service Concessions. The defendants have in para 7 of the written statement have also denied that the plaintiffs service condition are not the same as those other Central Government Employees. The contention of the defendants is that the plaintiffs are not entitled to claim the other allowances granted by the Government of India since they are enjoying the Free Field Service Concessions and their claim is absolutely baseless and unfounded.

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

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

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

granted by the Government of India vide O.M.4(19)83/5 (Civ-I) dated 11-01-94 which was subsequently covered by O.M. No. 20014/16/86/E-IV/E-11(3) dated 01-12-86 and O.M. No. 11013/2/86/E.II(3) dated 23-02-86 are admissible and the petitioners are entitled to the same in the absence

contd.. 4/-

Attested,  
Advocate.

... 4 ...

of any order or instruction from the Government of India and the said allowances are payable with effect from the date of enforcing the revised pay scale of 1986. These three judgements are reported in Original Application No.48 of 1989, Original Application No.49(G) of 1989 and Original Application No.50 of 1989 decided on 29-03-94. The said applications were filed by Shri D.B.Sonar and 148 others - versus - The Union of India and others. The said petitioners are Civilian Employees working in the establishment of the Garrison Engineer, 872-B, E.S. C/o 99 A.P.O.

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

Contd... 5/-

Attested.  
S2.  
Advocate.

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

The Counsel for the plaintiffs rebutted this submissions on the ground that his issue is not relevant at all and not an issue before this Court. It is further submitted that the 1984 order has been superseded by the 1986 order as such whatever instructions are contained in the instructions O.M. No. 20014/15/85 E-IV/E-II(B) dated 01-12-88 and O.M. No. 11013/2/86-E-II(B) dated 25-09-86, will be acted upon. In view of this, the submissions made by the Counsel for the defendants that those who are exempted from Income Tax are not eligible for the said allowance does not hold any ground. The Counsel for the plaintiff submits that in Original Application No. 48 and 49 of 1989, the Office Memorandum No. 20014/16/E-IV/E-II(B) dated 01-12-88 was issued to 872 W.E.S., while the same O.M. No. 20014/9/86-E IV dated 23-09-86 was issued to the 137 Works Engineer. Only the dates and year are different but the other figures and contents are the same in both the Office Memorandums. The date and figures in O.M. No. 11013/2/86.E II(B) dated 25-09-86 in both the cases are the same.

*Sum 10/12/91*  
I have heard both the counsels for the parties. After going through the said judgements of the Central Administrative Tribunal, Guwahati Bench in Original Application No. 48, 49 and 50 of 1989 placed before me, which is put on record and after going through the case records and the documents filed by the parties, I am of the view that the present case No. 255 of 1988 is a covered case as admitted by both the counsel for the parties and as stated before the Court.

ORDER

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

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

Contd.. 6/-

Arrested.  
S.  
Advocate.

... 6 ...

granted vide O.U. No. 20014/9/86-E-IV dated 23-09-86 with effect from the date of enforcing the revised pay of 1985.

(b) In terms of the judgment of Original Application No. 50 of 1987, I decree that the plaintiffs are entitled to the House Rent Allowance as granted vide O.U. No. 11013/2/86-E-II(3) dated 25-07-86 with effect from the recommendation of the Fourth Pay Commission at the rates as admissible in Nagaland.

All the defendants are directed to pay the Special Duty Allowance, Special Compensatory ("remote Locality") Allowance and House Rent Allowance to the B47 (Eight hundred and forty seven) plaintiffs whose names are listed and attached with this judgement within a period of two months from the date of receipt of this judgement and order.

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

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

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

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

Attested.  
Advocate.