

100 ✓
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 186/95

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH : GUWAHATI

ORIGINAL APPLN. NO. 186 OF 1995

TRANSFER APPLN. NO. OF 1995

CONT EMPT APPLN. NO. OF 1995 (IN NO.)

REVIEW APPLN. NO. OF 1995 (IN NO.)

MISC. PETITION NO. OF 1995 (IN NO.)

.....K.K. Choudhury, Esq. APPLICANT(S)

-vs-

.....Mr. D. J. Deka. RESPONDENT(S)

For the Applicant(s) ... Mr. B. K. Sharma
Mr. K. Bhattacharya

Mr.

Mr.

For the Respondent(s) ... Mr. A. K. Choudhury
Add. C. A. T.

OFFICE NOTE

DATE

ORDER

This application is in
form and within time.

C. F. of Rs. 50/-

deposited vide

IFC/BD No. 322233

Dated - 7-9-95

Bhattacharya
By. Registrar (A)
13/9/95
R.D.

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

OFFICE NOTE	DATE	ORDER
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CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH, GUWAHATI

ORIGINAL APPLICATION NO. 186 OF 1995.

.....K.K. Chaudhury

APPLICANT(S)

-VS-

Union of India & Ors....

RESPONDENT(S)

For the Applicant(s) ... Mr. B.K. Sharma
Mr. S.C. Biswas
Mr. K. Bhattacharyya.

For the Respondent(s) Mr. A.K. Choudhury, Addl.C.G.S.C.

OFFICE NOTE

DATE

ORDER

14-9-95

Mr. B.K. Sharma for the applicant.
Mr. A.K. Choudhury Addl.C.G.S.C. for
respondents on notice.

Leave ^{to} join in single application granted. In view of pending O.A. No. 168 of 1995 application admitted. Respondents to file written statement on or before 13-11-95. Pending further order the operation of the order containing letters dated 26-7-95 and 31-7-95 is hereby stayed. Liberty to respondents to file show cause and seek modification as advised. Returnable on 13-11-95.

Adjourned to 13-11-95.

Requists are made
& issued in aw. 6639-41
D. 16-X-95 R. 2-4.

Vice-Chairman

Member

lm

(2)

9

O.A.NO. 186/95.

14.11.95 Mr B.K.Sharma for the applicant.

Mr A.K.Choudhury, Addl. & G.S.C for the respondents.

At the request of learned Addl. C.G.S.C time granted for written statement.

Adjourned for orders to
8.1.1996.


Member


Vice-Chairman

pg


B.K. Sharma

(3)

O.A.NO. 186 /1995

8-1-96

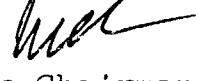
Mr.B.K.Sharma for the applicant.

Mr.A.K.odd.C.G.S.C. for the respondents.

"adjourned for orders to 19-2-96 .

Liberty to file counter.


Member


Vice-Chairman

lm

16.2.96

W/S Submitted
by the Respondents.



O.A. No. 186/95

(4)

19-2-96

Mr. S. Sharma for the applicant
Mr. A. K. Choudhury, Addl. C.G.S.C. for
the respondents. To be listed for
hearing on 25-4-96.

6
Member

Abd
Vice-Chairman

1m

(5)

O.A.No. 186/95

25.4.96

Mr A.K. Choudhury, learned Addl.
C.G.S.C. is present.

Mr S. Sarma is present for Mr B.K.
Sharma, learned counsel for the applicant.

1) Service Reports are still
outstanding.

2) W/ statement has been filed.

Written statement has been filed.
O.A. ready for hearing.

List for hearing on 7.6.96.

6
Member

nkm

O.A. No. 186/95

7.6.96

Mr. K. Bhattacharjee for the applicants.

Mr. A.K. Choudhury, Addl. C.G.S.C. for the respondents.

Hearing adjourned to 25.6.96.


Member (J)


Member (A)

trd

25-6-96 Learned counsel Mr. K. Bhattacharjee for the applicant. Learned Addl. C.G.S.C. Mr. A.K. Choudhury for the respondents.

List for hearing on 5-7-96 Before Single Bench.

pg


Member

O.A.No. 186/95

5.7.96

Mr K.Bhattacharjee for the applicant.

Mr A.K.Choudhury,Addl.C.G.S.C for the respondents.

Submission
Arguments of both the counsel heard and concluded. Judgment reserved.

69
Member

pg

O.A. No. 186/96

9

8

OFFICE NOTES

DATE

COURT'S ORDER

12.7.96 Mr.A.K.Choudhury, learned Addl.C.G.S.C. present and informs that Mr. K.Bhattacharjee has some personal difficulties today and requests for listing the matter in next week.

List on 17.7.96 for hearing ('For being spoken to').

6
Member

trd

17.7.96

Learned counsel Mr K.S. Bhattacharjee for the applicants and learned Addl. C.G.S.C., Mr A.K. Choudhury for the respondents.

In the course of submission during the hearing of this O.A., learned counsel Mr Bhattacharjee appearing for the applicants in the O.A. had placed reliance among others on the following orders of the Guwahati Bench of the Central Administrative Tribunal in support of his contention that Special Compensatory (Remote Locality) Allowance is admissible simultaneously with the Field Service Concession to the civilian employees working under the Military Engineering Service:

- 1) Order dated 29.3.1994 in O.A.No.48(G)/89 - D.B. Sonar and others -vs- Union of India.
- 2) Order dated 30.8.1994 in O.A.No.174/93 - Satish Ch Omar -vs- Union of India.

After the hearing was over it was noticed that the order dated 25.4.1996 passed by the Hon'ble Supreme Court in SLP (CC No.1821) (in Union of India and others -vs- D.B. Sonar and others) arising from order dated 17.11.1995 of Guwahati Bench in R.A.No.3/95 in O.A.No.48(G)/89 had been received. This order could not be discussed during the course of hearing. Hence in order to give opportunity to the both the sides the O.A. has been placed for being spoken to.

After hearing the counsel for the parties it is ordered that the judgment in the O.A. already heard will be delivered after receipt of the final order from the Hon'ble Supreme Court in the above mentioned SLP, namely, Union of India and others -vs- D.B. Sonar and others.

Copy of the order may be furnished to the counsel for the parties.

6
Member

O.A.No. 186/96

25.6.97

None present. List for hearing on 6.8.97.

6
Member

nkm

6.8.97. Adjudg. to 20.8.97.

1370

20.8.97

Heard Mr K.Bhattacharjee for the applicant and Mr A.K.Choudhury, learned Addl.C.G.S.C for the respondents.

Counsel of both sides have completed their submissions. Hearing concluded. Judgment reserved.

6
Member

pg

Judgment and order pronounced.

10-9-97 Application is disposed of in terms of the direction contained in the order. No order as to costs.

6
Member

pg

3

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Date of Order : This the 10th Day of September 1997.

Shri G.L.Sanglyine, Administrative Member.

O.A.No. 168 of 1995.

Sri Tikendrajit Brahma & 23 others . . . Applicants
- Versus -
Union of India & Ors. . . . Respondents

O.A.No. 183 of 1995.

Sri Gangadhar Kalita & 18 others Applicants
- Versus -
Union of India & Ors. . . . Respondents

O.A.No. 184 of 1995

Sri Baikuntha Das & 14 others Applicants
- Versus -
Union of India & Ors. . . . Respondents

O.A.No. 185 of 1995.

Sri P.R.Rajak & 11 others Applicants
- Versus -
Union of India & Ors. . . . Respondents

O.A.No. 186 of 1995.

Sri K.K.Choudhury & 26 others Applicants
- Versus -
Union of India & Ors. . . . Respondents

O.A.No. 187 of 1995.

Sri Tapeswar Singh & 16 others Applicants
- Versus -
Union of India & Ors. . . . Respondents

O.A.No. 188 of 1995.

Sri Prem Kumar Baishya & 23 others Applicants
- Versus -
Union of India & Ors. . . . Respondents

O.A.No. 189 of 1995.

Sri Mahendra Kumar Das & 21 others Applicants
- Versus -
Union of India & Ors. . . . Respondents

O.A. NO. 190 of 1995.

Sri Narendra Pandey & 27 others

... . . . Applicants

- VS -

1. Union of India
represented by the Secretary to
the Govt. of India, Ministry of
Defence (Engineer-in-chief Branch)
Army Head Quarters, New Delhi.
2. The Chief Engineer
Eastern Command, Headquarter, Calcutta.
3. Garrison Engineer,
859 Engineer Works Section
C/o 99 A.P.O.
4. Controller of Defence Accounts,
Gauhati.

... . . . Respondents

O.A.NO. 191 of 1995.

Sri Rajat Kanti Dey & 24 others

... . . . Applicants

- Versus -

1. Union of India.
2. The Chief Engineer,
Eastern Command,
H.Q. Calcutta.
3. Garrison Engineer,
859 Engineer Works Section,
C/o 99 A.P.O.
4. Controller of Defence Accounts,
Gauhati

... . . . Respondents

O.A.NO. 192 of 1995.

Sri Jugal Das & 24 others

... . . . Applicants

- Versus -

1. Union of India.
2. The Chief Engineer,
Eastern Command H.Q.
Calcutta.
3. Garrison Engineer,
859 Engineer Works Section
C/o 99 A.P.O.
4. Controller of Defence Accunts,
Gauhati.

... . . . Respondents

O.A.NO. 193 of 1995.

Sri Ananda Ch. Sarma & 22 others

... . . . Applicants

- Versus -

1. Union of India.
2. The Chief Engineer,
Eastern Command, H.Q.
Calcutta.
3. Garrison Engineer,
859 Engineer Works Section
C/o 99 A.P.O.

... . . . Respondents

O.A.No. 194 of 1995

Sri Anil Ch. Sarkar & 23 others. . . . Applicants.

- Versus -

1. Union of India
2. The Chief Engineer,
Eastern Command H.Q.
Calcutta.
3. Garrison Engineer,
859 Engineer Works Section,
C/O 99 A.P.O.
4. Controller of Defence Accounts
Gauhati. . . . Respondents.

O.A.No. 195 of 1995.

William Smith & 21 others . . . Applicants.

- Versus -

1. Union of India
2. The Chief Engineer,
Eastern Command H.Q.
Calcutta.
3. Garrison Engineer,
859 Engineer Works Section
C/O 99 A.P.O.
4. Controller of Defence Accounts,
Gauhati . . . Respondents

O.A. No. 196 of 1995.

Sri Someswar Bhuyan & 24 others . . . Applicants

- Versus -

1. Union of India
2. The Chief Engineer,
Eastern Command H.Q.
Calcutta.
3. Garrison Engineer,
859 Engineer Works Section C/O 99 A.P.O.
4. Controller of Defence Accounts.
Gauhati . . . Respondents

O.A.No. 197 of 1995.

Sri C.K.Janardhar & 24 others . . . Applicant

- Versus -

1. Union of India & Others . . . Respondents
2. The Chief Engineer,
Eastern Command H.Q., Calcutta.
3. Garrison Engineer,
859 Engineer Works Section C/O 99 A.P.O.
4. Controller of Defence Accounts
Gauhati . . . Respondents

Advocates for all the applicants : Sri B.K.Sharma &
K.Bhattacharjee

Advocate for all the respondents : Sri A.K.Choudhury,
Addl.C.G.S.C.

G.L.SANGLYINE, ADMINISTRATIVE MEMBER,

6
The applicants in the above mentioned 16 (sixteen) Original Applications are employees under the Military Engineering Service and posted in various places in the State of Arunachal Pradesh. Permission to submit combined applications had been granted. Facts and law involved in these applications are same and therefore, for the sake of convenience the Original Applications are disposed of by this common order.

2. The Special Compensatory (Remote Locality) Allowance was paid to the Defence Civilian employees posted in the NEWLY DEFINED FIELD AREAS and MODIFIED FIELD AREAS with effect from 1.4.1993 vide Ministry of Defence No.8/37269/AG/PS-3(a)/165/D (Pay/Services) dated 31.1.1995 as follows :

"i) Defence civilian employees serving in the newly defined field areas will continue to be extended the concession enumerated in Annexure "C" to Govt letter No.A/02586/AG/PS 3(a)/97-S/D (Pay/Services) dt 25 Jan '64. Defence civilians employees serving in Newly Defined Field Areas will continue to be extended the concessions enumerated in Appendix 'B' to Govt letter No. AP-25762/AG/PS 3(a)/146-S/2/D(Pay/Services) dt 2nd March 1968.

ii) In addition to above, the Defence civilians employees serving in the newly defined Field Areas and Modified field areas will be entitled to payment of Special Compensatory (Remote Locality) Allowance and other allowances as admissible to defence civilians as per the existing instructions issued by this Ministry from time to time."

The date of effect of the above order was substituted by corrigendum No.B/37269/AG/PS-3(a)/1862/D(Pay)/Services) dated 12.9.1995 as below :

"These orders will come into force w.e.f the date of issue of this letter

- 5 -

namely w.e.f. 31.1.95. In other words, no recovery will be made on account of concessions like free rations/free single accommodation etc. already availed of by Defence Civilians as part of Field Service Concessions from 1.4.93 to 31.1.95. Similarly, no payment on account of SDA/SCA/SCA(RL) will also be made from 1.4.93 to 30.1.95."

Further amendment had been made to the letter dated 31.1.1995 above vide Ministry of Defence letter No.B/37269/AG/PS-3(a)/7800D(Pay/Services) dated 17.4.1995 insofar as it relates to employees posted in the Newly Defined Field Areas and newly defined Modified Field Areas as below :

"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 allowance as admissible to defence Civilians, as hitherto, under - existing instructions issued by this Ministry from time to time. However, in respect of Defence Civilians employees in the newly defined Field Areas, Special Compensatory (Remote Locality) Allowance and other allowances are not concurrently admissible alongwith Field Service Concessions."

3. Heard Mr K.Bhattacharjee, learned counsel for the applicants in each Original Application and Mr A.K. Choudhury, learned Addl.C.G.S.C for the respondents. The applicants are Defence civilian employees posted in various places in Arunachal Pradesh and according to the respondents, the applicants were enjoying Field Service Concessions facilities (FSC for short), namely, Free Ration, Free Single accommodation etc. provided by the respondents. Therefore, in terms of the aforesaid letter dated 17.4.1995 they are not entitled to the payment of Special Compensatory (Remote Locality) Allowance, SCA, for short, in addition to FSC. Accordingly the amount of SCA(RL) paid for the period from 1.4.1993 to 31.1.1995 was not

admissible to them and was ordered to be recovered.

Learned Counsel Mr K.Bhattacharjee submitted that the contention of the respondents is not sustainable. In S.C.

Omar vs. Garrison Engineer (1995) 30 ATC 763, the

Tribunal had held that SCA is admissible in addition to FSC. In many other cases such as O.A.No.124 and 125 of 1995 etc. Defence civilian employees posted in Nagaland the Tribunal had allowed payment of SCA. Further, in Union of India & Others vs. B.Prasad, B.S.O and others, 1997 SCC (L&S) 1055, the Hon'ble Supreme Court had held that upto 17.4.1995 Special Duty Allowance and Field Area Special Compensatory (Remote Locality) Allowance are admissible together. Thus the applicants are entitled to payment of SCA^(RL).

4. The cause of action arose out of the order No. Pay/01 dated 26.7.1995 issued by CDA, Gauhati, that is Controller of Defence Accounts, Gauhati and the order dated 31.7.95 issued by the Accounts Officer of the Area Accounts Office, Shillong. A tussle was going on between the administrative authorities of the respondents 1 to 3 in one hand and the Audit and Accounts authorities on the other over the question of payment of SCA^(RL) alongwith FSC. The CDA, Gauhati wrote in his No. Pay/01 dated 26.7.95 :

"In view of pending clarification regarding application of provisions of Min of Defence letter dt.31-1-95 and 17-4-95 payment on account of SCA(RL) for the period 1-4-93 onwards already made is irregular and unauthorised and requiring recovery in lumpsum from the ensuing pay bills without any consideration and intimated to this. AO Shillong has already been instructed to effect recovery in lump-sum.

As per Min of Def letter dated 13-1-95 certain Area of Arunachal Pradesh have been classified both Field and Modified Field Area as well. Please intimate specific authority classifying your office location in Modified field Area. If located in modified field area, facility of FSC may be stopped forthwith and recovery if any from 1-2-95 on account of cost of Free Ration/Single accommodation may be effected before allowing SCA(RL).

In future advice of your AAO CE on financial matter may inveritable be accepted to avoid any complication which has arisen now." i i

The Accounts Officer, Shillong followed it up as below:

"The recoveries may please be effected from the concerned indirecd involved in the following bills to comply will be directive of the CDA Guwahati.

- 1) 01/Cash/30 dt. 29-5-95.
- 2) 01/Cash/31 dt. 29-5-95.
- 3) 02/Cash/73 dt. 27-5-95.
- 4) 03/Cash/51 dt 17-5-95
- 5) 05/Cash/19 dt. 26-5-95
- 6) 01/Cash/71 dt.30-6-95

The sy pay bill bearing voucher No.01/Cash/69 dt. 29-6-95 on account of payment of SCA(RL) is returned unpassed for the reason stated above."

Operation of the above two orders have been stayed by the Tribunal at admission of the present original application.

5. The decision of the Tribunal in S.C.Omar(Supra) was based on the its decision in D.B.Sonar and others.

SLP No.17254 of 1995 filed by the respondents was dismissed by the Hon'ble Supreme Court on 24-7-1995 with liberty to file Review Application. Review Application No.18 of 1995 filed by the respondents was dismissed by the Tribunal on 20-11-1995. D.B.Sonar and others, RA 3/95(O.A.48/89)and RA 4/95(OA 49/89), and some of the other cases referred to by Mr.K.Bhattacharjee were subject matter in Union of India and others vs. B.Prasad, B.S.O and others(Supra). The aforesaid letter dated 17.4.1995 was under consideration by the Hon'ble Supreme Court in that case. The Hon'ble Supreme Court had held in the Order dated

contd/-8.

17.2.1997 in that case that upto 17.4.1995 the employees are entitled to both the Special Duty Allowance and the Field Area Special Compensatory (Remote Locality) Allowance and thereafter to only one Special allowance in terms of the aforesaid order dated 17.4.1995. Further, as regards payment of Special Duty Allowance to Defence civilian employees posted in Field Areas and in Modified Field Areas the Government was directed by the Hon'ble Supreme Court to modify the order dated 17.4.1995 and issue the necessary corrigendum. It was also directed that Union of India is not entitled to recover any payments made of the period prior to 17.4.1995. In the impugned order No. Pay/01 dated 26.7.1995 the CDA had referred to the letter dated 13.1.1995 issued by the Ministry of Defence classifying certain areas of Arunachal Pradesh as Field Areas and Modified Field Areas and sought clarification as mentioned therein. Mr A.K. Choudhury, learned Addl.C.G.S.C submitted that classifications of areas were made under letter dated 13.1.1994 and not dated 13.1.1995. Mr K.Bhattacharjee submitted that the applicants were posted in Modified Field Areas. Apart from this clarification, the CDA also sought clarification regarding the aforesaid order dated 17.4.1995. The impugned actions of the CDA and the Accounts Officer were taken by them pending clarification of the order dated 31.1.95 and dated 17.4.1995 by the authorities under the respondents No.1 to 3. From the impugned order No. PM/1/306-CI dated 31.7.95 issued by Area Accounts Office, Shillong the recovery ordered to be made relates to the payment of Special Compensatory (RL) Allowance made from 4/93 to 1/95 through

the vouchers mentioned therein. In some of the original applications under consideration however, the CDA, Gauhati was not made a respondent while in all the Original Applications the Accounts Officer, Area Accounts Office, Shillong was not made a respondent. In the facts and circumstances stated above the respondents 1 to 3 are directed to communicate to the CDA, Gauhati the clarifications sought for by him in the impugned order dated 26.7.95 as mentioned above as soon as it may be possible. On receipt of the communication from the respondents the CDA, Gauhati shall take appropriate action immediately. Till such action is taken by him, the operation of the impugned orders in each original Application shall remain suspended.

With the above directions, the original applications under consideration are disposed of. No order as to costs.

SC/- MEMBER (A)

481
11 SEP 1995

✓
Tr. by
K. B.
K. B.
12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL TRIBUNAL GAUHATI
BENCH : AT GUWAHATI

Original Application No. 186/95

IN THE MATTER OF:

Sri K.K. Choudhury, S/O

Sri D. Choudhury & Urs.

..... Applicants.

- Vs -

Union of India and Others.

.... Respondents

It is respectfully submitted for the applicants.

1. That the applicants have submitted a joint petition seeking relief of payment of allowances and service benefit as admissible to civilian central Government employees in terms of Office memoranda dt. 14.12.83 and 1.12.88 of the ministry of Finance (Dept. of Expenditure) of Govt. of India.

2. That from facts of the case, it would be clear that all the application have a common cause and interest in it as such the joint application deserves to be entertained as provided by Rule 4(5) of the procedure Rules.

In these premises it is prayed that the Hon'ble Tribunal may be graciously pleased to permit fillings of single application by all the applicants jointly for ends of justice.

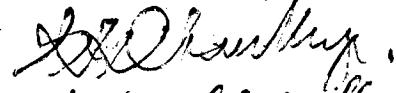
contd...

K.K. Choudhury

23

VERIFICATION

I, Sri K.K. Choudhury.....
son of Sri D. Choudhury, ... employed
under the Garrison Engineer, 859 Engineers Works
Section C/O 99 A.P.O., do hereby verify that the
contents as para 1 and 2 as the
application are true to my knowledge and belief.


K.K. Choudhury
SIGNATURE

Date :- 7/9/95

APPENDIX A:

FORM: FORM I:

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE

TRIBUNAL ACT: 1985:

Title of the case: Sri K.K.Choudhury & Ors.

..... Applicants.

- Vs -

Union of India & Ors.

.... Respondents.

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1. Application	1- 10
2. Annexure A: copy of letter dt. 26.12.95	10-12
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Note: Other documents referred to in the application are seized and possessed by and happen to be in the central, custody and power of respondents. being correspondence exchanged in official channel and may be required to be produced by respondents.

K.K. Choudhury
Signature of Applicant:

For Use in Tribunal's

Office:

Date of Filing:

Signature

for Registrar:

24
K. B. Choudhury
Advocate
F. I. C. L. B.
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GAUHATI BENCH

1. Shri K.K. Choudhury, son of Sri D. Choudhury.
2. Sri N. Dang, son of late Mathin Dang.
3. Sri B.C. Koch, s/o Shri Hemadhar Koch.
4. Sri Raphel Sering, s/o Elarus Soring.
5. Sri R.N. Goswami, son of late Som kanta Goswami.
6. Sri Pradip Kr. Bania, s/o Sri Ramesh Bania,
7. Sri Arun Bawri, s/o late Lakhi Bawri.
8. Sri Shiv Ram Sawant, s/o late Bithal Sawant.
9. Sri Augustine Joseph, s/o late P.S. Joseph
10. Sri Tanka Bahadur Chetri, s/o late Chandra Bahadur Chetri.
11. Sri K. Sakhi Chand Prasad Sharma, s/o late Hardev Sharma
12. Sri Kalamon Boro, son of Shri Nabin Boro
13. Sri Lal Singh Balmiki, s/o late Chatre Balmiki
14. Sri Pradip Das, s/o late Tankeswar Das.
15. Sri Bhulan Pd. Mahato, s/o late Badshahi Mahato.
16. Sri S.K. Dutta, s/o Sri Sushil Kr. Dutta.
17. Sri Mahinder Paswan, son of Sri Faujdari Paswan.
18. Sri Santosh Kr. Guha, s/o late Keshab Lal Guha
19. Sri Babul ch. saha, s/o late Digendra nath Saha.
20. Sri Radha Kant Kalita, s/o Sunti Kalita.
21. Sri Samir Roy Choudhury, s/o Sri Rajendralal Roy choudhury.
22. Sri Bhupen Sonowal, son of Sri Khagen Sonowal.
23. Sri Arabinda Pal, s/o late Aswini Kr. pal.
24. Sri U.N. Mushahari, son of Madhuram Mushahari.
25. Sri Keshar Singh, s/o late Dayal Singh.
26. Sri Dulal ch. Keot, s/o late Madan Lal Keot
27. Sri B.N. Upadhyay, s/o Shri Bishwanath Upadhyay.

...all employed in B/R I,
under the --

K.K. Choudhury

under the Garrison Engineer ,
859 Engineer works section c/o
99 A.P.O Applicants.

- Vs -

1. Union of India

represented by the Secretary to the
Government of India, Ministry of
Defence (Engineer-in chief's Branch,
Army Head Quarter), New Delhi.

2. The Chief Engineer,

Eastern Command H.Q, Calcutta.

3. Garrison Engineer,

859 Engineer works section c/o 99 A.P.O

4. Controller of Defence,

Accounts , Gauhati.

..... Respondents.

DETAILS OF APPLICATION :

1. Particulars of order against which the application is
made-

Letter No . PH/1/306-CI dt. 31.7.95 issued by Accounts.
Officer directed to recovery special compensatory (CRL)
allowance from 4/93 to 1/95.

2. Jurisdiction of the Tribunal:

The applicants declare that the subject matter of

the order..... 3/-

K.K. Chawdhury

2X

the order against which they want redressal is within the jurisdiction of the Tribunal .

3. Limitation :

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

4. Facts of the case:

1) That the application are civilian defence employees of Military Engineer Service Department employee under the respondents and as such the applicants are posted to work at high altitudes of Arunachal Pradesh , a hard, remote and costly area wher a necessities and essential service of life are very scarce and are available only on paying abnormally high prices.

2) That the central Government ordered for payment of special duty and special compensatory (Remote Locality) allowances to its employees posted in the North-Eastern Region of the country to attract posting to this remote and costly locality. The filed service concessions were extended to the civilians by the Government of India, Ministry of Defence vide their letter dt. 25.1.64 as amended from time to time. The applicant are in receipt of Modified field service concessions are also being paid to GREF staff posted to this area.

dated4/-

K.K. Chaudhury

3) That the need for attracting and retaining the service of competent staff for service in the North Eastern Region comprising the seven states including Arunachal Pradesh was engaging attention of the Government and with a view to review the existing allowances and service benefits to employees posted in this region a committee under the chairmanship of Secretary, Department of personnel & Administrative Reforms was appointed and after considering carefully the recommendations of the committee, the President of India was pleased to decide in favour of allowances and benefits being continued as modified by Government of India Office Memorandum No. 20014/2/83-E.IV of Ministry of Finance (Department of Expenditure) issued on 14-12-83 Subsequent there after another office Memorandum being No. 20014/16/86/E.IV /EII (B) dated 1.12.88 was issued making some improvements in allowances and facilities to employees posted in this region.

4) That such allowances and facilities were admitted by the audit authorities in the past reference in this connection may be made to letter No. 1360/A/2623/EIC(3) dated 20.2.87 of the C.W.E. Tezpur . Where by Ministry of Finance, Department of expenditure office Memorandum No. 20014/4/86-E-IV dt. 23.9.86 making special mention of the employees posted in Arunachal Pradesh and to letter No. pay/24/IV/PC dt. 20.2.87 of the C.D. A , Gauhati.

that such....5/-

J.K. Choudhury

5) That, however, in so far as special compensating allowance is concerned, the C.D.A, Gauhati as per letter M/D dt. 31.1.95 and 17.4.95 allowed the applicants to withdraw the benefits with effect from 1.4.95 instead of 1.12.93. The applicants begs to state that they have withdraw the said benefits as per the order of the authority, from 1.4.93 under protest.

6) Be it stated here that with regard to special duty allowance as per memo dt. 14.12.83, and 1.12.88 the application has filed a petition No. O.A No. ⁹⁷ and after hearing the matter your lordship was pleased to dismissed the petition on 3.7.95 .

7) That on the 20th part of July the petitioner was informed by the office that CDA Gauhati Vide its letter No. pay/CI/I dtd. 26.7.95 has directed the C.W.E. Tezpur & recovery the amount of S.C.A which was paid to the applications W.E.F 1.4.93 to 1/95 pending clarification from Ministry of Defence. The arrear price to 31.1.95 will be paid after receipt of clarification from the Ministry.

(copies of letter dt. 26.7.95 and 31.7.95 are enclosed hereto and marked as.

Annexure A and B)

8) That the applicants begs to statethat the authority has already gave to its local Audit department to recovery the said amount as SCA which was paid earlier to the applicants from the salaries inspite of the O.M.

O.M.

contd...6/-

K.K. Chawdhury

dated 14-12-83, 1-12-88-

(copies of O.M. dt. 14.12.83 and 1.12.88
are enclosed hereto and marked as

Annexure C & D)

5. Grounds for relief with legal provisions:

- 1) For that the applicants are entitled to special compensatory allowances as per office memorandum dt. 14.12.83, 1.12.88 in as much as the said memorandum have been made applicable & all civilian & central Govt. employees and cannot be discriminated against.
- ii) For that the departmental authority have been serial of the matter since after 1.12.83, initially by making payments in accordance with office memorandum dt. 14.12.83, thereafter by making orders stopping such payments and directing for recovery of amounts already paid that to without seeking any clarification is gross violation of the applicants right which is guaranteed under the constitution of India.
- iii) For that notwithstanding payment of SCA to the GREF personnel they being entitled to allowances and benefits under O.R. dt. 14.12.83 and 1.12.88 also, the applicants are also entitled to such allowance and benefits, effective from 1.12.83 but the same was given effect from 1.4.83 which deprived the applicants from their legitimate right.

contd.. 7/-

K.K. Chodhury

iv) For that the respondent fell to understand the order dt. 3-7-95 passed by this Hon'ble Tribunal in letter and spirit as such the Respondents issued a direction to recovery the SCA from the applicant which is miscarriage of justice toward the applicants.

v) For that the applicants being posted to high altitude of Arunachal Pradesh ~~in~~, the necessities and essential services of life are care at such places and are available only on payment of abnormally high prices which is far what unless the applicants are compensated to making payment of allowances and service benefits is pay office memorandum dt. 14.12.83 and 1.12.83, they shall have to face grave, injunction and serious injury that desized to be remedied by protecting that from the vide as discrimination that is guaranteed to them as citizen/public employees under Article 14 and 16 of the constitution.

6. Details of Remedies exhausted:

The applicants declare that they have awaifed of all remedies awaitable to them under the relevant service rules etc. as would be received from paragraph 4 above.

contd....8/-

K.K. Choudhury

7. Matters not previously filed or pending with
any other court:

The applicants further declares that they have not previously filed any application, writ petition or suit regarding the matter to respect of which this application has been made, before any court on any other authority and any other bench of the Tribunal nor any such application, Writ petition or suit is pending before any as them.

8. Relief Sought:

The respondents may be order/directed to any pay to applicant the special compensating allowances in accordance with O.M.dt. 14.212 . 83 and 1.12.88 of the Central Government as referred above and be further pleased to set aside washed the order dt. 26.7.95 (Annexure A) and 31.7.95 (Annexure-B).

9. Interim order if any prayed for :

The respondent may be directed not to give effect of letter dt. 26.7.95 issued the Sr. A.O.(D) and letter dt. 31.7.95 issued by A.O. and also be directed not to recover the arrear amount paid to the applicant pending the clarification from the Ministry of Defence.

10. In the event of application being sent by registrard post etc.: - Not applicable.

contd...:9/-

R. K. Chodhary

11. Particulars of postal order
of P.O. No. 29.327244.....
filed in respect of application fee
& date 7/9/..... issued by Gauhati Head Post
office fee Rs. 50/- payable at
Gauhati is annexed hereto .

12. List of enclosers: Annexure: A B C D

Verification

I, Sri K.K.Choudhury, son of Sri D. Choudhury
employed under the ~~Garrison Engineer~~ , 859 Engineer
works section c/o 99 A.P.O. do hereby verify that the
contents as para 1,4,67 of the application
are true to my knowledge and paras 2,3,5 are believed to be
true on legal advice and that I have not supported any
material fact.

K.K. Choudhury.

Date: 7/9/90

Signature

10
11

Almora - A

Copy of AOA Gauhati letter No. Pay/01/X dated 26-7-95. addressed

Sub : PAYMENT OF SCA (RL) IN RESPECT OF INDUSTRIAL STAFF

It has been intimated by your AAO GE that payment on account of SCA (RL) (alongwith FSC) has been made to Industrial personnel for the period from 1-4-93 to 31-5-95 in spite of disagreement with unit.

As per A/O letter dt 31-1-95 and 17-4-95 Defence Civilians serving 'newly defined Modified Field Areas' are entitled to SCA (RL) and other allowances w.e.f. 1-4-93 and no field service concession is admissible though the Govt. letter was issued on 31-1-95.

The dues regarding payment of arrears on account of SCA (RL) for the period 1-4-93 to 31-1-95 and recovery of cost of Free Ration/Single accommodation already availed is under reference with higher audit authority for clarification in consultation of Min. of Defence. The case is still under consideration with Min. of Defence and in meantime it has been decided that recovery of cost of Free Ration/Single accommodation already availed prior to 31-1-95 may not be made. Similarly any payment on account of SCA/RCA/SCA may not be made for the period 1-4-93 to 31-1-95 payment w.e.f. 1-2-95 may be admitted in case no FSC (Free Ration/ accommodation) is being availed.

In view of pending clarification regarding application of provisions of Min. of Defence letter dt 31-1-95 and 17-4-95, payment on account of SCA (RL) for the period 1-4-93 onwards already made is irregular and unauthorised and requiring recovery in lumpsum. Please issue ensuing pay bills without any consideration and intimated to this office. All Shillong has already been instructed to effect recovery in lump-sum.

As per Min. of Def letter dt 13-1-95 certain Area of Arunachal Pradesh have been classified both Field and Modified Field Areas as well. Please intimate specific authority classifying your office location in Modified Field Area. If located in modified field area, facility of FSC may be stopped forthwith and recovery if any from 1-2-95 on account of cost of Free Ration/Single accommodation may be effected before issuing SCA (RL).

In future advice of your AAO GE on financial matter may inevitable be accepted to avoid any complication which has arisen now.

Copy to :-

Sd/-x-x-x-
Dr. A.O (P)

Contd. P/2

Copy to :-

1. AAO GE
859 EWS

8. Warato Dir No: A/113/XVIII dt 7-7-95.
He is directed to place the amount to
SCA(RL) payment under SIO and effect recovery
very in Lump-sum. SCA(RL) may not be
admitted unless FOC is stepped.

This office circular No Pay/01/105 dt
30-6-95 may be referred to.

2. BRXPRX
GE Shillong Zone
Shillong

WITH A REQUEST TO ISSUE suitable Inst. to
GE 859 EWS to effect recovery in Lump-sum
account of irregular and unauthorised payment
of SCA(RL) to Defence Civilians, including
Officers and also to step F.O.C. i.e.
Free Ration/Singie accommodation.

Also confirm that 859 EWS is located in
Modified Field Area as per M/Op letter
dt 13-1-94.

for information.



Armen Accounts Office, Zoram Villa
Shillong letter no. DM/1/306-CI dt 31-7-95.

Sub : SPECIAL COMPENSATORY (RL) ALLOWANCE FROM
4/93 TO 1/95 & RECOVERY OF

It has been directed by the CDA Guwahati to recover the amount on account of SCA (RL) paid from 4/93 to 1/95 pending classification from Ministry of Defence. The arrear prior to 31.1.95 will be paid after receipt of clarification from the Ministry.

As such the payment made from 4/93 to 1/95 on the above account through the following vouchers have been noted for recovery from the pay bills :-

The recoveries may please be effected from the concerned & indirecte involved in the following bills to comply will be directive of the CDA Guwahati.

- 1) 01/Cash/30 dt 19.5.95.
- 2) 01/Cash/31 dt 29.5.95
- 3) 02/Cash/73 dt 27.5.95
- 4) 03/Cash/51 dt 17.5.95
- 5) 05/Cash/19 dt 26.5.95
- 6) 01/Cash/71 dt 30.5.95.

The pay bill bearing voucher No. 01/Cash/69 dt 29.6.95 on account of Payment of SCA (RL) is returned unpassed for the reason stated above.

Sd/-x-x-x-x
(RNP Singh)
Account Officer

all go
RNP

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Anupam C
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No. 20014/2/US-E.IV
GOVERNMENT OF INDIA
MINISTRY OF FINNCE
DEPARTMENT OF EXPENDITURE

NEW DELHI, the 14th
DECEMBER 1963

OPTIONAL FORM

Object :- ALLOCANCES AND FACILITIES FOR CIVILIAN EMPLOYEES OF THE
CENTRAL GOVERNMENT SERVING IN THE STATES AND UNION
TERRITORIES OF NORTH EASTERN REGION OF IMPROVEMENT

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 Administrative Reforms, to review the existing allowances and facilities admissible to the various categories of Civilian Central Government employees serving the this region & to suggest suitable improvements. The recommendation of the committee have been carefully considered by the Government and the President is now pleased to decide as follows:-

(i) Tenure of posting/deputation:

There will be a fixed tenure of posting of 3 years at a time for officers with service of 10 years or less and 2 years at a time for officers with more than 10 years of service. Periods of leave, training, etc. in excess of 15 day per year will be excluded counting the tenure period of 2/3 years. Officers, on completion of the fixed tenure of service mentioned above, may be considered for posting to a station of their choice as near as possible. Satisfactory performance of units for the prescribed tenure in the North East shall be given due recognition in the case of eligible officers in the matter of:-

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

(ii) Weightage for Central Deputation/Training abroad
AND EXPENDITURE in confidential records.

- (a) Promotion in cadre posts;
- (b) deputation to central tenure posts; and
- (c) course of training abroad.

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

Contd.....2

13
Anupam C
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A specific entry shall be made in the C.R. of all employees who served in full tenure of service in the North Eastern Region to that effect.

(iii) Special (Duty) Allowance :-

Central Government civilian employees who have all India transfer liability will be granted a special (Duty) Allowance at the rate of 25 per cent of basic pay subject to a ceiling of Rs. 400/- per month on posting the any station in the North Eastern Region. Such of these employees who are except 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 and/or Deputation (Duty) Allowance already being drawn subject to the condition that the total of such special (Duty) Allowance plus special pay/deputation (Duty) Allowance will not exceed Rs. 400/- p.m. Special Allowance like Special Compensatory Allowance will be drawn separately.

(iv) Special Compensatory Allowance :-

1. Assam and Nagaland

The rate of the allowance will be 5% of basic pay subject to maximum of Rs. 50/- p.m. admissible to all employees without any pay limit. The above allowance will be admissible with effect from 1-7-1982 in the case of Assam.

2. Manipur

The rate of Allowance will be as follows for the whole of Manipur :-

Pay upto Rs. 260/-	Rs. 40/- p.m.
Pay above Rs. 260/-	15% of basic pay subject to maximum of Rs. 150/- p.m.

3. Tripura

The rates of the allowance will be as follows :-

(a) <u>Difficult areas</u>	- 25% of pay subject to minimum of Rs. 50/- and maximum of Rs. 150/- p.m.
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(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.
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There will be no change in the existing rate of Special Compensatory Allowance admissible in Arunachal Pradesh, Nagaland and Mizoram and the existing rate of Disturbance Allowance admissible in specified areas of Mizoram.

Sd/- ~~xxx xx xx xx~~
Under Secretary to the Govt of India

Signature

DVS.R. Rayudu
(D. V. S. Rayudu)
AE B/R
AGB (1)
For Garrison Engineers

F. No. 20014/16/86/H.IV/E.II(B)
Govt of India, Ministry of Finance
Department of Expenditure

New Delhi, the 1 Dec 1986

OFFICE MEMORANDUM

RECOMMENDATION FOR ALLOWANCES FOR CIVILIAN EMPLOYEES OF THE
CENTRAL GOVT. IN THE REGION OF NORTH EASTERN
REGIONS AND ASSAM, ARUNACHAL, NAGALAND AND LAKSHADWEEP

The undersigned is directed to refer to this Ministry's O.M. No. 20014/3/83-H.IV dated 14th November, 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 as been engaging the attention of the Govt. Accordingly the President is now pleased to decide as follows:-

APPROPRIATE RECOMMENDATION

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 12% of basic pay subject to 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 allowances will not exceed Rs. 1000/- per month. Special allowances like Special Compensatory (Remote Locality) Allowance, Construction Allowance and Project Allowance will be drawn separately.

The Central Govt. civilian employees who are members of Scheduled Tribes and are otherwise eligible for the grant 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 (1-10-86).

Contd. Page -

Handwritten Signature

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Part 2

(v) to (xii) - Not applicable.

2. The above orders will also apply mutatis mutandis to the Central Govt. employees posted in Andaman & Nicobar Islands and Lakshadweep Islands. 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.

Sd/- XXX XXX XXX
(A. J. AYALAMAL)
Joint Secretary to the Govt of India.

S. D. Rayudu

D. S. Rayudu
(D. V. S. Rayudu)
AE B/R
AGE (T)
For Garrison Engineer

Officer
W/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

GUWAHATI

16F[B]1996

In the matter of :-

O.A. NO. 186 OF 1995
SHRI KK CHOUDHARY AND OTHERS

.... Applicant

Guwahati Bench
সামৰন্ধ বৰ্ষাৰ বৰ্ষা

-Vs-

Union of India & Others

... Respondents

Written statement for and on behalf of Respondents
Nos 1, 2, 3, & 4

I, Major M.K. Arora, Garrison Engineer, 859 Engineer
Works Section, C/O 99 A.P.O., do hereby solemnly
affirm and say as follows :-

- 1) That I am the Garrison Engineer, 859 Engineer Works
Section C/O 99 APO and Respondents No 3 in the case, and
acquainted with the facts and circumstances of the case. I have
understood the contents thereof. Save and except whatever is
specifically admitted in the written statement the other
contentions and statement made in the application may be
deemed to have been denied. I am competent and authorised to
file this written statement on behalf of all the respondents.
- 2) That the respondent beg to state that the special
Compensatory Allowance (Remote Locality) was ordered vide Govt
of India, Min of Def letter No B/37269/AG/PS-3(a)/165/D (Pay/
Services) dated 31st Jan 95. The order came into effect
wef 01st Apr 1993. As per Govt of India, Min of Def letter,
it has been ordered that field service concession viz-a-viz,
the special compensatory allowance (RL) will be admissible
to the Defence Civilian employees on representation from
all Defence employees of this Works Section during the month
of July 1995 the payment of arrears of SCA (RL) for the
period from 01st April 1993 to 31st Jan 95 was made after
obtaining the UNDERTAKING from the employees that "Any over
payment of arrears of SCA (RL) that may be found at a later date
is refundable to this office".
- 3) That the respondents beg to state that the amendment to the
above order was issued vide Govt of India, Min of Def letter

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Filed by
M.K. Choudhary
A.M. Contd. P/2
Chandrima

No. B/37269/AG/PS-3(a)/730/D(Pay/Services) dated 17th April 1995 regarding Field Service Concessions to Defence Civilian Employees serving in the newly defined area under which it has been clarified that Special Compensatory Allowance (RL) and other Field Service Concessions are not admissible concurrently, but these orders on the subject were received late in this office.

4) That the respondent beg to state that the on payment of arrears of SCA (RL) for the above period CDA Guwahati issued instruction to this office and Asstt. Accounts Officer vide his letter No. PAY/01/IX, dated 31st July 1995 that payment of arrears of SCA made to the Defence Civilian Employees is irregular and be recovered in lump sum as the employees are availing field service concessions. Both the concessions i.e. SCA (RL) and Field Service Concessions could not be granted at a time. The matter is under examination in consultation with Min of Def in connection of Govt of India, Min of Def letter dated 31st January, 1995 as modified vide letter dated 17th April 95.

5) That the respondents beg to state that the on receipt of Min of Def Corrugendum No. B/37269/AG/PS-3(a)/1862/D(Pay/Service) dated 12th Sept 95 under which para 2 of Govt of India, Ministry of Def letter dated 31st Jan 95 has been deleted and substituted as under :~

"These orders will come into force wef the date of issued of this letter namely wef 31st January 1995. In other words, no recovery will be made on account of concessions like free rations/free single accommodation etc. already availed by Defence Civilians as part of Field Service concessions from 01st April 93 to 30 Jan 95 Similarly no payment on account of SDA/SCA/SCA(RL) will also be made from 01st April 1993 to 30th January 1995".

6) That the respondents beg to state that in view of the above, it is clarified vide Govt of India, Min of Def letter No B/37269/AG/PS-3(a)/1862/D(Pay/Services) dt 12th Sept 95 that both of the concessions are not admissible at the same time.

7) That the respondents beg to state that this unit is located in the remote and hard area at the distance of 140 Kms away from Tezpur at the height of 4749 ft from sea level where even communication to and from is very much infrequent due to the rough terrain of the area. Based on this fact, the Govt of India, Min of Def has declared this area as Field Service Concession area wherein the facilities for field concessions are being enjoyed

by Defence Civilians Employees as per Govt of India, Min of Def letter No. 4/92584/AG/PS-3(a)/191/S(Pay/Services) dated 25th Jan 1964 as modified vide Govt of India, Min of Def letter No. A/2576/AG/PS-3(b)/146-S/2/D(Pay/Services) dated 02nd March 1968.

In view of the clarification received on Govt of India, Min of Def letter dated 31st January 1995 and 17th April 1995 vide Govt of India, Min of Def letter No. B/37269/AG/PS-3(a)/1862/D(Pay/Services) dated 12 Sep 1995 the recovery of arrears of SCA(RL) for the period from 01st April 1993 to 31st Jan 1995 is required to be made as SCA(RL) and other allowances are not concurrently admissible alongwith Field Service Concessions.

8) That the Respondents beg to state that on perusal of our old records, it is revealed that the Civilian employees of this office were granted SCA wef 1st Oct 1986 vide Govt of India, Min of Def letter No. 20014/S/86/E-IV dated 23 Sep 1986. The SCA(RL) was claimed in respect of this office for Defence Civilian Employees through the regular pay bill for the month of 12/86 but the same was disallowed by AAO Shillong stating that since field service concessions are being enjoyed by the employees of this office and therefore no SCA(RL) is admissible. In this connection para-4 of letter dated 23 Sep 1986 is relevant. It states that where the hill compensatory allowance or any other compensatory allowance is more beneficial the same may be allowed in lieu of special compensatory allowance. In other words only one concession is admissible at one time. The payment against the intention of Govt order cannot be authorised.

In view of the present orders received on the subject, it is very clear that the SCA(RL) and availing of field service concession at the same time are not admissible. Hence recovery of arrears of SCA(RL) for the period from 1st April 1993 to 31st Jan 1995 is required to be made as per Govt of India, Min of Def letter dated 12 Sep 1995.

The irregular payment amounting to Rs. 22.00 lakhs made in account of arrears of SCA(RL) for the period from 1st Apr 1993 to 31st Jan 1995 is required to be deposited with Govt as the Defence Civilian Employees of this office are enjoyed field concession.

Since the employees of this works section have been paid the SCA(RL) for the period from 1 Apr 1993 to 31 Jan 1995 which is irregular in terms of the existing Govt orders and the latest clarification received from Govt of India, Min of Def letter dated 12 Sep 1995 on the subject, no SCA(RL) will be admissible concurrently with field service concession. Hence amount already paid termed as irregular is required to be recovered from the employees.

9) * That with reference to paragraph 1 of the application the respondents beg to state that on representation from all the Defence Civilian Employees of this office during the month of Jul' 1995, the payment of arrears of SCA(RL) for the period from 1st Apr'1993 to 31st Jan'95 were made after obtaining the undertaking from the employees that "any over payment of arrears of SCA that may be found later date, is refundable to this office."

On payment of arrears of SCA(RL) for the above period, CDA Guwahati issued instructions to this office and Asstt. Account Officer vide his letter No. PAY/01/IX dated 31st Jul'1995 that payment of arrears of SCA from 01 April'1993 to 31st Jan'95 made to the Defence Civilian Employees is irregular and be recovered in lump sum as the employees are enjoying field service concession. Both the concession i.e. grant of SCA(RL) and availing of field service concessions could not be granted at the same time. The matter is under examination in consultation with Ministry of Def in connection of Ministry of Defence letter No. B/37269/AG/165/PS-3(a)/D(Pay/Services) dated 31st Jan'95 (Annexure-I) as modified vide Min of Def letter No. B/37269/AG/PS-3(a)/730/D(Pay/Services) dated 17 Apr'1995 (Annexure-II).

10) The both reference to paragraph 2 and 3 of the application on the respondents have no comments.

11) That with reference to paragraph 4(1) of the application the respondents beg to state that this being the remote area located at a distance of 140 Kms away from Tezpur, at the height of 4749 ft above sea level, the essential commodities are being obtained from Tezpur by local merchants and thereby the cost commodities are very high. Based on this fact, the Govt of India, Min of Def has declared this area as Field Service concessional area wherein the facilities for field concession are being enjoyed by Defence Civilian Employees as per Govt of India, Min of Def letter No. 4/02584/AG/PS-3(a)/B(Pay/Services) dated 25th Jan'1964 (Annexure-III) modified vide Govt of India, Min of Def letter No. A/25761/AG/PS-3(b)/146-S/2/D(Pay/Services) dated 02nd March'1968 (Annexure-IV).

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 However as per the present Govt. order this area has been declared as modified field concessional area vide Min of Def letter No. 37269/AG/PS-3(a)/90/D(Pay/Service) dated 13th Jan 1994 (Annexure V) and the payment of arrears of SCA (RL) was made accordingly on receipt of Govt. of India, Min of Def letter No. 8/37269/AG/PS-3(a)/165/D(Pay/Service) dated 31st Jan 1995 (Annexure-I) which was later amended vide Govt of India, Min of Def letter No. 8/37269/AG/PS/3(a)/730/D(Pay/Service) dated 17th April 95 (Annexure-II) that Defence Civilian employees in the newly defined field areas, special Compensatory (Remote Locality) Allowance and other allowance are not concurrently admissible alongwith Field Service Concessions".

In view of the above, both the concessions could not be granted at the same time as clarified vide Govt of India, Min of Def letter dated 17 April 95 quoted above, as such the payment made on account of arrears of SCA (RL) from 1st April 93 to 31st Jan 95 is irregular. The intention of the Govt. of India order is very clear i.e. only one concession either Special Compensatory Allowance in terms of Govt of India, Min of Def letter dated 17th April 95 or any other compensatory allowance/concession available in terms of any other Govt. order whichever is more beneficial is admissible.

It is further clarified that the concession of special Compensatory allowance and field service concessions are given under different orders, the same are not admissible simultaneously.

- 12) That with reference to paragraph 4(2) of the application the respondent beg to state that so far the payment of Special Compensatory (RL) Allowance to GREF Personnel is concerned, this office has no comments to offer since the Govt. orders regarding non admissibility of both concessions concurrently are very clear.
- 13) That with reference to paragraph 4(3) of the application the respondents have no comments.
- 14) That with reference to the paragraph 4(4) of the application the respondents beg to state as per Govt. of India, Min of Def

Letter No. 4(7)/77/D(Civ-I) dated 14th July 80 under which special compensatory allowance (RL) has been granted initially the allowance in question is not admissible to civilians who are in receipt of field service concessions. It has been clarified by the Ministry of Finance (Dept. of Expdr) that the basic conditions for admissibility of the allowance remain the same. In connection, para-4 of OM No. dated 23 Sept 86 (Annexure-VII) is relevant. It states that where the hill compensatory allowance or any other compensatory allowance is more beneficial the same may be allowed in lieu of special Compensatory Allowance. In other words only one concession is admissible at one time. The payment against the intention of Govt. orders cannot be authorised.

15) That with reference to the paragraph 4(5) of the application the respondents beg to state that as per Govt. of India, Min of Def letter No 8/37269/AG/PS-3(a)/165/D(Pay/Services) dated 31st Jan '95 (Annexure-I) as modified vide letter No. 37269/AG/PS-3(a)/D(Pay/Services) dated 17th April 95 (Annexure-II the Defence Civilian employees serving in the newly defined modified field area, the special compensatory (Remote Locality) allowance and other allowances are not concurrently admissible alongwith field service concession. The employees of this office are in receipt of Field Service Concession till date.

16) That with reference to the paragraph 4(6) of the application the respondents beg to state that it has been laid that the memoranda dated 14th Dec 83 (Annexure-VIII) and 1st Dec 88 are meant for attracting and retaining the service of competent officers posted in the North Eastern Region from other parts of the Country and are not applicable to the personnel belonging to the region where they are appointed and posted. Since the applicants have been appointed and posted in the North Eastern Region, the claim does not survive and OA No. 161/95 was rejected.

17) That with reference to the paragraph 4(7) of the application the respondents beg to state that the present order on the subject has been issued vide Govt of India, Min of Def letter No.

(Annexure-VIII) under which para 2^o of Govt of India, Min of Def letter No. B/37260/AG/PS-3(a)/165/D(Pay/Service) dated 31st Jan '95 (Annexure-I) has been deleted substituted as under :-

" These orders will come into force wef the date of issue of this letter namely wef 31st Jan 95. In other words, no recovery will be made on account of concession like free ration/free single accommodation etc. already availed by Defence Civilian as part of Field service Concessions from 1st April 93 to 30th Jan '95, Similarly no payment on account of SDA/SCA/SCA(RL) will also be made from 01st April 93 to 30th Jan 95 ".

The above clarification is self explanatory and there is no further comments to offer.

- 18) That with reference to paragraph 4(8) of the application the respondents beg to state that CDA's letter for recovery of arrears of SCA (RL) paid to the Defence Civilians employees for the period from 1st April 93 to 31st Jan '95 is in order as per Govt. of India letter quoted in para-7 above. Since the Defence Civilian employees of this organisation are in receipt of Field Service Concessions, the request for grant of SCA (RL) in addition to field service concession is not admissible as per existing orders.
- 19) That with reference to paragraph 5 of the application the respondents have no comments.
- 20) That with reference to paragraph 8 of the application the respondents have no comments.
- 21) That with reference to paragraph 9 of the application the respondents beg to state that the clarification received from Govt. of India, Ministry of Defence letter No. B/37269/AG/PS-3(a)/1862/D(Pay/Service) dated 12th Sept '95 (Annexure-VIII) has categorically stated that both the concession are not admissible concurrently and the stay order passed by the Hon'ble Tribunal may be vacated.
- 22) That with reference to paragraph 10,11 and 12 of the application the respondents have no comments.

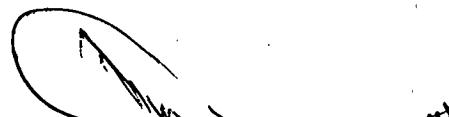
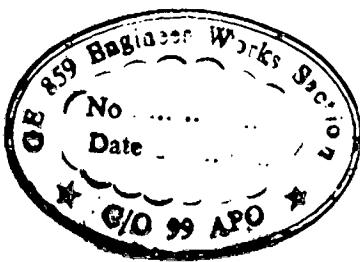
23) That with the respondents craves leave of the Hon'ble Tribunal to file additional written statement of occasion arises.

US

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

I, Major M K Arora, Garrison Engineer, 859 Engineer Works Section, C/O 99 APO do hereby declare that the statements made in this written statement are true to my knowledge derived from the records of the case.

I sign this verification on this the 10 of February 1996
at



MAJOR
Garrison Engineer
859 ENGR WKS SEC

Copy of G of I, .. of letter No. B/37269/AG/PS-3(a)/165/0
(Pay/Services) dated 31 Jan '95.

FIELD SERVICE CONCESSIONS TO DEFENCE CIVILIANS
SERVING IN THE NEWLY DEFINED FIELD AREAS

Sir,

1. I am directed to refer to Para 13 of Govt letter No. 37269/AG/PS 3(a)/D Pay/Services dt 13.1.94 and to convey the sanction of the president to the following field service concession to Defence civilians in the Newly defined Field Areas & 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 concession enumerated in Annexure 'C' to Govt letter No. A/02586/AG/PS 3(a)/97-5/0(Pay/Services) dt 25 Jan '64. Defence civilians employees serving in Newly Defined Field Areas will continue to be extended the concessions enumerated in Appendix 'B' to Govt letter No. AP 25762/AG/PS 3(a)/146-S/2/D(Pay/Services) dt 2nd March 1968.

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

2. These orders will come into force w.e.f. 1st April 1993.

3. This issues with the concurrence of Finance Division of this Min vide their DD No. 5(a)/85-AG (14-91) dt 09.01.1995.

Yours faithfully,

Sd/-x x x x
(K I Tluanga)

Under Secretary to the Govt of India.

COPY

11/12/95 VIII
No. B/37269/AG/PS-3(a)/1862/D(Pay/Services)
Government of India
Ministry of Defence,
New Delhi, the 12th September 95, S

C O R R I G E N D U M

The following amendment is made to this Ministry's letter No..B/37269/AG/PS-3(a)/165/D(Pay/Services) dated 31.1.95, regarding ~~V~~ Field Service Concessions to Defence Civilians serving in the newly defind Field Areas :-

Para 2 may be deleted and substituted as under :-

"These orders will come into force w.e.f. the date of issue of this letter namely w.e.f. 31.1.95. In other words, no recovery will be made on account of concessions like free rations/free single accommodation etc. already availed of by Defence Civilians as part of Field Service Concessions from 1.4.93 to 31.1.95. Similarly, no payment on account of SDA/SCA/SCA(RL) will also be made from 1.4.93 to 30.1.95".

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

Sd/-x x x x x
(L T Thuanga)

Under Secretary to the Govt. of India

To

The Chief of the Army Staff
New Delhi

Copy of Govt of India, D.O.P. letter No. B/37269/AG/PS3(a)/7301/D(Pay/Services) dated 17 April '95.

FIELD SERVICE CONCESSIONS TO DEFENCE CIVILIANS
SERVING IN THE NEWLY DEFINED FIELD AREAS/

1. The following amendments is made to this Ministry's letter No. B/37269/AG/PS3(a)/D(Pay/Services) dated 31 Jan '95, regarding Field Service Concessions to Defence Civilians Serving in the newly defined Field Areas :-

" The Defence Civilian employees, serving in the newly defined modified Field areas, will continue to be entitled to the special Compensatory(Remote Locality)Allowances and other allowance as admissible to defence Civilians, as hitherto, under existing instructions issued by this Ministry from time to time. However, in respect of Defence Civilians employees in the newly defined Field Areas, Special Compensatory(Remote Locality) Allowance and other allowances are not concurrently admissible alongwith Field Service Concessions."

2. This Corrigendum issues with the concurrence of the Finance Division/AG of this Ministry vide their L.D. No. 388/PA dated 05 April '95.

Ed/- x x x x x x x x x x x x x x x
(L T Tluanga)

Under Secretary to the Govt of India
(Tele : 3012739)

FIELD SERVICE CONCESSIONS TO ARMY PERSONNEL AND PERSONNEL OF CIVILIANS IN
FIELD AREA.

1. I am directed to convey the sanction of the president to the grant
on 21 Feb 64 of the field service concessions as given in the following
para. phs to Army personnel (including Army postal service personnel) and
Defence Civilians in the defined areas.

2. The concessions detailed in Appendix Annexure 'A' to this letter
will be admissible to Army personnel of detachments, units and formations
located in the areas defined in Annexure 'B' to this letter. These Crs.
will not be admissible to state formations/units as All India, REB, Electrical
Officers, Reg centre and establishment. All Directors and units,
units, WICAO embodied, Recruiting Officers and Record Officers and units
whose personnel are eligible for the grant the these concessions will also be admissible
against these concessions.

3. Personnel of formations/units which will not be given field services
concessions being state or outside the concessional areas, will be governed by
normal conditions applicable in peace stations for all purposes eg.
Provision of family even medical facilities for families of officers of (part
of) P. D.

4. Officers, COs and Cfo who have been allowed to retain family even in the
duty station and who are issued of these orders will noble entitled
to certain such accommodation, may continue to retain the accommodation until
such time as married even in the officers duty station is made available
or the family may be allowed to go on selected places residence of Govt of
Army, 2 and 7 of Annexure 'A' as applicable.

5. Defence civilian including, civilian employees in Area of combat zones and
HQs (both posted and locally recruited) serving in the areas defined in Annexure
'B' with units and formations whose contents personnel have been allowed field
service concession under para 2 above will be entitled to the concessions
detailed in Annexure 'B' to this letter.

6. Individuals/Attachments from static/field units not governed by the above
which are attached for OP purposes to units or formations during the concessional
will be entitled to the concessions enumerated at Srl Nos 1, 3, 9, 11, 12 for
Annexure 'B' if the attachment is less than two weeks, if the attachment is
for two weeks or more the concession enumerated will Srl Nos. 4, 5, 6, 7 & 10 of
Annexure will also be admissible in addition. No Crs P/DA will be admissible
in either case.

7. These order supersede the provisions contained in Ministry's
letter referred to below :-

(a) No 69/1/50/260-S/D (Pay/Services) dated the 6th Dec 1960 as modified
by No. 92682/4/C/PS3(a)/260-S/D (Pay/Services) dated 07 Jan 62.

(b) No. 92267/4/C/PS3(a)-S/D (Pay/Services) dated 10/11/62 as
extended/modified by No. 92457/M/C/PS3(a)/360-S/D (Pay/Services) dated
15 Apr 63 and Crs No. 92597/A/C/PS3(a)/1260-S/D (Pay/Services) dated 23
Oct 63.

(c) No. 96459/A/C/PS3(a)/53-S/D (Pay/Services) of 30 Jan 1962 as modified
by No. 96459/A/C/PS3(a)/29-S/D (Pay/Services) dated 23 Oct 63 except the
provisions relating to OP allowances.

(d) No. 92719/Org 4(Civ-4)/14-S/D (Civ-2) dated 11 Jan 63 as extended
from time to time.

8. These orders will be in force for a period of two years after which they
will be continued.

9. This letter with the concurrence of the Min of Fin (Def) vide their
No. 92682/4/C.

Under the Secretary to the Govt
of India.

Copy

Annexure A

Copy of Govt of India Min of Def letter No. 4/02584/AG/P 53
(a) 191/s (Pay/Services) dated 25 Jan 64.

CONCESSIONS AND ASSISTANCE TO CIVILIAN PAID FROM
DEFENCE EXPENDITURE INCLUDING CIVILIAN AND EMPLOYEE
IN THE OF CONTRACTS AND NOSE BOTH POSTED ON
LOCALLY SECURED

- (a) Free ration on scales applicable to combatants of the Army or Air Forces as the case may be and fuel.
- (b) Free jouted/based aeron and converted service to extent feasible.
- (c) Free clothing of minimum essential scale of Army personnel if the Corps Commander HQ in Air Force Command considers, the issue of such clothing for essential for OP reasons.
- (d) Free remittance of family allotments.
- (e) Free medical treatment and hospital treatment.
- (f) Bound/injury or family pension or gratuity under Chapter XXXVIII CST or Army Instruction 157/57 AFI 20/58, as the case may be for compensation under the workmen compensation act where applicable.
- (g) 2 Postage free forces letters per individual per week.
- (h) Remittance within Indian limits of money orders and Indian postal orders free of commissions upto the minimum value of Rs. 30/- PM per individual.
- (i) Retension family aeron allotted by Govt, at the old duty station on payment or normal rent. If the aeron retain is required to be service, the families may be shifted to alternative aero whether service, the families may be shifted to alternative whether appropriate or inferior to the status of the individual concerned.

Note 1. Dearness allowances will continue to be admissible in full.

2. The concession in (i) above is applicable only in respect of aeron held by the Min of Def separate orders will follow in r/o of belonging to Min of VHOR.

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8d/- x x x x
(M Arumugam)
Major
Garrison Engineer

* Sub : Field Service Concessions to Army Personnel And Defence Civilians in Operational Areas

I am directed to refer to this Min letter No A/02584/AG/PS3(a)/97-S/D(Pay/Services) dt the 25th January, 1964 as extended and Army Instruction 7/S/48 as amended from time to time and to say that the President is pleased to sanction the following modification with effect from the dates shown :-

(a) The rates of special compensatory allowances will be revised as under with effect from the 1st Mar, 1968 :-

<u>Rank</u>	<u>Rate</u>
Hony Commissioned officers	30.00
JCos	25.00
Hav	18.00
Nk	15.00
OR	13.00
NCS (E)	10.00

(b) Field Service Concessions will cease to be admissible to officers & personnel (including civilians paid ~~ex~~ from Defence Services Estimates) serving in Municipal & Cantonment areas of :-

(i) Srinagar, Jammu, Udhampur and Darjeeling with effect from the 1st March 1968.

(ii) Siliguri & Bagdogra with effect from 1st March 1968.

(c) Consequent upon the withdrawal of field service concessions, the following concessions would become admissible at the stations mentioned in (b) above with effect from the dates shown therein to Army officers and personnel to whom the orders referred to in para 1 above originally applied.

(i) Concessions listed in Appx 'A' to this letter to service officers and personnel and those in Appendix 'B' to civilians paid from Defence Services Estimates.

(ii) Special ad-hoc allowance of Rs. 70/-pm to married service officers forced to live singly due to non-availability of married accommodation for 2 years, the position to be reviewed before the expiry of that period.

(iii) The concessions listed in Appx 'A' and the special ad-hoc allowance referred to at (ii) above will be withdrawn when married accommodation is available to the extent of 50%.

2. Field Service Concessions for all the other areas would be reviewed every two years.

3. This letter issues with concurrence of the Min of Fin (Defence) vide their U.O. No 279-S/PA of 1968.

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~~SECRET~~

Appendix 'B' to Ministry of
Defence letter No A/25761/AG/
PS3(b)/146-S/2/D(Pay/Services)

Dated the 2nd March 1968

Concessions Admissible to Civilians Paid From Defence Services Estimates Including civilians Employed in lieu of Combatants And NCs(E) (BOTH POSTED) AND LOCALLY RECRUITED.

- (a) Free remittance of family allotments.
- (b) 2 postage free forces letters per individual per week
- (c) Remittance within INDIAN limits of money orders and Indian postal orders free of commission upto the maximum value of Rs. 30/- per month per individual.
- (d) Retention of family accommodation allotted by Govt at the old duty station on payment of normal rent. If the accommodation retained is required to be allotted to another entitled personnel for exigencies of service, the families may be shifted to alternative accommodation whether appropriate or inferiors to the status of the individual concerned.

Note :- 1. Dearness allowances will continue to be admissible in full.

Note:- 2. The concession in (d) above is applicable only in respect of accommodation held by the Ministry of Defence. Separate orders will follow in respect of accommodation belong to the Ministry of works housing and supply.

Garrison Engineer
849 Engr wks Sec
C/O 99
1940 1940
64-11560560

RE: R/V α 2

IMPLEMENTATION OF THE RECOMMENDATION OF THE GFA

1. A copy of Govt of India, letter of Defence, letter, I.P. 37260/4
AG/PS3(a)/90/P(DIV/Services) dated 13 Jan 1944 received vide D.O.M.
Div. Letter No. 1329/A3/WD dated 15 Jan 1944 and is herewith for info
and I enclose a copy of the same.

2. **Concessions - Household Utilities** **9.3** **Concessions**

Copy of Govt of India, Min of Defence letter No 37269/AG/2913(a)s
/90/LG&S/Services) dt 13 Jan 94 ccu 1015M A (L)

2.1 Classification of Areas The 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 previously defined. Thereafter, Field Area will be classified as Field Areas and Modified Field Areas only. Let us now discuss the same.

2.2 Pre-requisites for classifying an area as Field (Area and Modified Field Area) will be as follows: (i)
 (a) Area is an area which is not a settlement.
 (b) Field area or field area is an area where troops are employed near the borders for operational requirements and where imminent hostilities and associated risks to life exists. Troops in such areas will be located for reasons

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of operation 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 operation ^{rigor} ~~rigor~~ is slightly lower than that in field Area though sustained surveillance continues.

2.3 The details of newly defined field areas and modified field areas are contained in Appendices A and B respectively.

2.4 Alteration, if any, in the field/modified field areas will be notified by the Government of India from time to time.

2.5 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.

3.6 Concessions - Monetary Allowance : Personnel serving in Field Areas and Modified Field Areas will be eligible to the grant of Compensatory Field Area Allowance and Compensatory Modified Field Area Allowance respectively.

3.2 The rates of the allowances are given below:-

Ser No	(Rank/Unit)	Rate of Comensatory Field Area Allowance	Rate of Comensatory Qualified Field Area Allowance	
			in Rs. p.m	in Rs. p.m
1.	Lt Col & above	8975	8975	350
2(a)	Lt-Col (TS) & Major	895	895	335
3.	Capatin	820	820	300
4.	2 Lt/Lt	780	780	225
5.	JCOs including Wony. commissioned officers.	650	650	150
6.	Sen/HK including those with 375	375	375	100

3.3 The conditions governing the grant of commutation of certain civil Area allowance and modified Civil Area allowance in the case of officers will be as follows:-

Admissibility of compensatory field area allowance (11. compensation) from the date on which an officer arrives in field area/ modified field area on being posted to a unit/formation U.S. Field Area subject to the following exceptions:-

Field Area subject to the following exceptions and benefits:
Exceptions: An officer who is absent from a field area due to modified field area in any circumstance of the following is not in circumstances shall be eligible for compensatory field allowance/area allowance/compensatory modified field area allowance:
(i) for a maximum period of 15 days

(a) If when placed on the sick list provided that immediately on the expiry of the period on the sick list, he returns to the area at which the allowance by reason of which he was placed on the sick list is admissible;

(b) Comment causal leaving above at 2000ft as the eff

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(c) while on transit from one field area/modified field area to another field area/modified field area or vice versa, if the officer is not posted out viz. in the field, but is on temporary duty for a maximum period of 3 months, then while on temporary duty, subject to the fulfillment of the following conditions:-

(a) The officer continues to be born on the strength of the Unit/Formation in the field area/Modified field area, or elsewhere on the approved list of posts as an ordinary officer in the ordinary course.

(b) The officer in the ordinary course returns to duty, ordinary field area/modified field area (necessarily the same or the one from which he went) on termination of the temporary duty.

(c) ~~ordinary field area/modified field area~~ (d)

NOTE Compensatory field area allowance/compensatory modified field area allowance will not be admissible to officers holding posts elsewhere who proceed on temporary duty to a field area/modified field area as given in (b).

3.3 ~~Compensatory field area allowance/compensatory modified field area allowance will not be admissible in the following cases~~
~~in circumstances where the ordinary field area/modified field area is temporarily out of the field area/modified field area~~
~~as given in (a) or 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 or on duty or on official duty in the field area/modified field area or in the case of an officer from a service area (especially appointed to officiate in vacancy of less than 3 months duration, if the permanent incumbent continues to draw)~~
~~(ii) II-III the compensatory field area allowance/compensatory modified field area allowance under the exceptions mentioned above.~~

NOTE ~~Compensatory field area allowance/compensatory modified field area allowance will not be admissible in addition to expatriation allowance, foreign allowance, compensatory/daily allowance of foreign service personnel serving abroad~~

4.1 Admissibility for the drawal of compensatory field area allowance and modified field area allowance in the case of ~~DOU/DOU including NC(E)~~ will be the same as given in para 5 of Annexure A to this Min. letter No. A/02504/AG/PS3(a)/97-S/P dated 25-1-64, as amended, ~~in the form of the notifications~~

4.1 The conditions These rates of allowances will be admissible to :-

(a) Personnel serving in ~~Detachments, offices and staff~~ in areas mentioned in appendix A&B

(b) Personnel of Defence security corps employed with ~~units whose personnel are eligible for the grant of these concessions~~ ~~detachments, offices and staff~~ in areas mentioned in appendix A&B

4.2 Lists of formations/units which are in field area or modified field area and are eligible to field service concession will be notified by the corps commander to HQD concerned quarterly i.e. for the quarters ending ~~July, August, November and February~~ every year by the 10th of the month subsequent to the close of the quarter

4.3 Other concessions Other concessions of kind of present admissible in full field areas as per ~~Detachments, offices and staff~~ Annexure A to this Ministry's letter No. A/02484/AG/PS 3(a)/97-S/P (pay services) dated 25-1-64, will continue to be admissible

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in the newly defined field areas given in Appendix A to this letter. Similarly, the concessions admissible in Modified field areas are detailed given in Appendix C to this Ministry's letter dated 25/7/1979/PS 3(B)/146-6/2/17 (Rev 18th) "dated

02.3.68, as amended, will be admissible in the modified field
(e)

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5. These allowances will, however, not be admissible to :
of counter service units to eat at meal to eat (a)
anod(a) foristic Ministrion/Units & Military Wains, MES,
eat Recuriting Office, (Training Centres & Establishments.

(b) NCC Directorates and Units.

(b) NCC Directorates and Units.

(d) Record officers and their establishments.

block 5. High altitude/Uncongenial Climate Allowances. The zones of serving in field areas which are situated at a height of 9000 ft. and above including uncongenial climate areas below height of 9000 ft. will be entitled to High Altitude/Uncongenial Climate Allowances. The lower rate would be applicable for areas with an altitude of upto 15000 ft and a higher rate for areas above 15000 ft (excluding Siachen). The Block Specific details of these areas are given in Appendix C. The rates of High Altitude uncongenial climate Allowances are given as under :- (i) Annex C will not be applicable in case of deserts as the areas in Annex C are not arid and semi-arid areas.

1.	Lt Col & above	13	13	13	in P. pm 600
2.	Major & Lt Col (TS)	350	350	350	525
3.	Captain	269	269	269	375
4.	1st Lt/2nd Lt	269	269	269	375
5.	JCDs including HQVY	180	180	180	270
	Commissioned officers				
6.	Hawaiian	140	140	140	210

522. In view of the high Altitude/uncertain climate Allowance will be admissible in addition to the compensatory field area allowance and other concessions in kind.

6.1 Siachen Allowance -> Personnel serving in Siachen Glacier
area will be eligible to the grant of Siachen Allowance at the
A rate following, depending upon their rank list and circumstances
of service -> (i) For 1st class officers 1200/- per month
(ii) For 2nd class officers 1000/- per month

6.2. Kitchen Allowance will be admissible in addition to Compensatory Field Area Allowances but not with high altitude/uncorrosive climate allowances. Other conditions governing grant of Kitchen Allowance as contained in this Ministry's letter No 6.1(2)/91/P(S/Pay/Services) dated 01 May 91 will continue to be applicable. It will be applicable to members of the armed forces who are serving in areas not covered by the above concession.

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

7.2. Personnel of formations/units, who will not be eligible to the grant of Field Service Concessions, consequent upon the formation/unit being outside the newly defined concessional areas will be governed by normal conditions applicable in peace areas for all purposes.

S.O.F. I. 51

8. Concessions on Attachments:

(a) Individuals/Attachments from Formations/Units not covered by these orders but who are attached for operational purposes to Formations or Units drawing the Field Service Concessions will, if the attachment is for less than two weeks, be entitled to the concessions at present available under Para 6 of Annexure A to this Ministry's letter No 6/02584/AC/PS 3(a)/91-S/D(Pay/Services), dated 25/1/91 as amended.

(b) If the attachment is for two weeks or more, the allowance i.e. Compensatory Field Area Allowance/Compensatory Modified Field Area Allowance under these orders as also the concessions available as per orders referred to in Para 8(a) above be admissible.

9.1. Date of Effect. These orders will come into force with effect from 1st April, 1993.

9.2. Consequent upon the coming into force of the revised orders, the following monetary allowance will stand withdrawn from 1.4.1993 except in cases referred to in Para 11.2 below:-

(a) Special ad hoc allowances of Rs 70/- per admissible for officers and 50/- for other ranks in designated areas. This will be admissible for officers and 50/- for other ranks in designated areas.

(b) Special ad hoc allowances of Rs 140/- per admissible for officers and 100/- for other ranks in designated areas.

(c) Special compensatory (Field) allowance ranging from Rs 53/- to 23/- per admissible for JCOs/Cs including NC(E).

10. Published Formations (Promotional Field Allowance). This allowance which is at present admissible in designated Field Areas/Peace Areas on the civilian pattern will also stand withdrawn by w.e.f. 1st Feb 94.

.....6...

2 11.1. Adjustments. The allowances mentioned in para 9.2 above drawn by the individuals concerned after the 1st April, 1993 will be adjusted against the compensatory field allowances and compensatory allowances fixed in 1987 in so far as they are under the same order. In the event of any other order under which payments are discontinued or revised, the same will be settled in accordance with the same order. The allowances will be adjusted to the same extent as the allowances concerned upon change in the classification of areas, no recovery will be made of the monetary allowance already availed of by an individual under the existing order upto the date of issue of this letter. 11.2. Existing orders. Under the existing orders of the Government of India existing orders on the subject of field allowances will be modified to read as follows: Concessions will stand modified to the extent mentioned below. 11.3. New field areas. The concessions to be admissible under the new field areas will be as follows: The concessions to be admissible to defence personnel in areas other than newly defined field areas will be as follows: 11.4. Orders of Government. If any such administrative order is issued by the Government of India, the same will be implemented by the concerned authority.

Conclusions on Synthesis

8

Under ~~the~~ ^{the} ~~Government of~~ ^{Government of} India
Under ~~the~~ ^{the} ~~Government of~~ ^{Government of} India

is the affected one is not far away from the one in (d).

Appendix 'B' to Govt. of India,
G.M.U.208, Rule Letter (W) 37269/AC/PS
3(a)/90/D(Pay/Services) dated
13 Jan, 1990 to 07/01/90
S.W.E. (A.I.C.A. Patial 215) 50336

1.4.1993 except to change letterhead to the new one. 1.5. 2002

(a) Rejasthan and Punjab. The following list of line spinning Jessai
of Bikaner, Jodhpur, Tonk, Bikaner, Bolar, Mahawar, Bajras, Suratgarh
Lalgash Jatton, Abohar, Govindgarh, Rozilka, Jandiala Guru,
Roga, Pholewali, Bawali, Bir Singhewal, Huzzainiwal, Dera Baba
Nanak, Lohiahan bulge upto the International border all
inclusive.

• () $\frac{1}{2} \sin^{-1} \frac{2x}{\sqrt{1-x^2}} + C$ (c)

(c) Hinglachal Pradeesh, 17500 ft. North of line joining Parkhanda
and Sikkim. Like that of different Thibet types found in Wolfo
Gangdise. In its c.f. like those of Thibet and Wolfo but no such spines
• at d. in J.I. 3.0.0 yd

1234.01.001.000

סְבִירָה וְרִזְקָה

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(c) Sikkim and West Bengal. ~~across Northwards of line~~
 joining Lake LV 9112 - Erriong LV 9250 - Shetwani LV 9453
 parallel to Sikkim border LV 9112 - Mandarim, LV 9109 - Sikkim - 08
 from 7094 Wangta Lake to ~~containing~~ ~~up to~~ ~~up to~~ high altitude
 line/field area line/international border, all inclusive.

will be the same as upper frontier - upper, (a)
 upper frontier at 10000 ft. to 12000 ft.
 upper frontier will be followed up to upper frontier
 upper frontier frontier. upper frontier joining pattern,
 Calimilla, Kupwara, Drangula, Panzer, Shanis, Buniyer,
 Patna Chowk, Khanabal, Anantnag, Khundry and Thru upto
 the existing high altitude line all inclusive.

(b) Sarju region. Area west of line joining - SP-19, Brahmo-di-Sari, Jindra, Bhaner, Ketsra, Banjhi Chatt, Bhatore, Odalni, Topa, Ramban and Banihal upto the existing foreign mittele line all inclusive.

WILHELM D.

APPENDIX A TO COVT OF INDIA, MINISTRY OF DEF LETTER NO 37269/43/PMU/3(8)/20/0 (Army/Services) DATED 13 JAN 94. MOVED. (Refers to Para 2.3).

(c) Sikkim. All areas North and NE of line joining Shalut (1000 m) and Sikkimongding and Yangtze, L.L. 6300-5000 m. Lu Lu 1448m. (1000 m) and Sikkimongding and Yangtze, L.L. 6300-5000 m. Lu Lu 1448m. (c) See Central India 2653 sub-junc. Highmer-Gir inclusive.

(CL 2.) *Si sunt oportet ut pascam. et. H. C. M. (C. D. 2.)*

63 1 P. western Command

CH. 12400 1

Himachal Pradesh - all areas East of line joining Umasila IV 3951 Udaipur NY 25634 Bank - area 65-2300-712 Parbati mud pass TA 2459-Turand 121. 2335-Harkisala-Pahal) TA 6801 all inclusive. Madoli. Guilford

direct Central Command as per. 33 para 11A (ii) block no. 11 para 11A (ii) and category 10 route no.

Uttar Pradesh - All area North and NE of line joining Barasua Pass Gangani TG 1362-Covind Chat TC 9937-Tapovan TH 1022-Nunsi Jiri TH 9982-Relagaddi TO 2466 all inclusive.

(b). Valley Sector. All areas West of line joining Point 1556 in NR 5470-Sulmarg MT 3105-Naushard NY 3105-Ringapat 142-2133-L-Kandwara NR 2043-Ludiyal MT 2339-Point in NG 4564-North of line joining point 3423-Burakut MT 5453-Raden NY 2239-L-Sojila all, inclusive, altitudes 5,000

(c) Jammu - Rajouri Sector. All areas west of line joining tip of Chicken Neck RD 7070 - Canal Junction RD 6364 - Rewa Brahmapur RD 6183 - Chauki RD 8890 - Road Junction RD 6499 1/2, Bringala RD 3054 1/2 - Point 3550 in NR 5470 all inclusive, and all areas west of line joining RD 6499 1/2 and RD 3054 1/2 inclusive, and all areas west of line joining RD 3054 1/2 and RD 5470 inclusive, and all areas west of line joining RD 5470 and RD 6499 1/2 inclusive.

••••• - patient will be RESTRICTED nothing until (3) days later. eyes after 1 month - 100% normal

Political and other Lenient Tax and Appendix, ECSTO, Govt of India, 2009-10-20, No. 22260/SC.

ST. THOMAS, 181

LIST OF HIGH ALTITUDE "UNCONGENIAL CLIMATE" AREA

11. यदि यह विवरण विवरण के अन्तर्गत नहीं आया तो विवरण का अन्तर्गत नहीं आया तो विवरण का अन्तर्गत नहीं आया

~~THE JAMMU AND KASHMIR~~ Area along the following line and beyond

Case Fire line nullah crossing NN 2180 SOUTH along nullah to N.W. Junc NH 1969 SOUTH along nullah to NICHINAI BAR NH 2048-SOUTH EAST along naia to SOWAARI NH 3443 ZOJILA NH 5141 SOUTH EAST along KASHMIR/INDIA boundary passing through heights 17573 (NN 73) 19590 (NN 72) 19830 (NN 91) 17672 (NN 80) FARIDABAD KNO 102 SOUTHEAST along boundary to point 21570 (NT 2466) again along boundary to (GRANT 22758 EAST) NICHINAI EAST along boundary to GR NF 4269 SOUTH EAST along boundary to KARSHALA (NT 5662) SOUTH.

ON 0444-0454 ALONG BOUNDARY TO KALALIA (WT 6850) SOUTH AND EAST
ON 0454-0514 ALONG BOUNDARY TO KALALIA (WT 9320) KALALIA GUREZ
-0514 0514 KALALIA, KALALIA KALALIA REGION, TIBIAL AND
-0514 0514 KALALIA REGION KALALIA.

2: MINIMUM PROBLEM - move along the following line and beyond it.

-8 mi S of 'Umm Toba' part of 'Abu Shulla' to 'point' 12380 (NZ 0891) -ovis to 'Abu Shulla' to its junction with Q12148 at (NZ 0663) SOUTH EAST along R Q12148 to KHOKEAR (NZ 43)

64

64

TO RAZIA (TH 42) and straight line to MAMI KURAN (SG 6486) along RAZIA R to PIR RAZIA pass (TH 1560) then in straight line to RAZIA R. (TH 2386) - SOUTH EAST TO CHILOU (919900) along river to CHITKAL (9408859) in straight line to RAZIA pass (SG 944875).

3. UPPER PIR RIVER - Area along the following line and beyond :-

BARGAY Pass (944875) point 20370 (949859) HARSIL (973852) KEDARNATH (TG 5555) BADRONAHL (TG 9053) PANDUKASHIAR (TH 0739) (excluding town limits) to JAMAGHAR (TH 3539) KALINAR (TH 5028) KILAM (TH 7423) SELA (TG 2593) CHIYALUNG (TG 4994) and areas above 9000 ft in the designated field area in Appendix "A".

4. NEWA - Area along the following line and beyond :-
Point 14500 (TG 4881) to SENNE DING (TG 2883) - NATAU (TG 6777) SANG (TG 1379) - LAPUNG (TG 2289) KUANFUA (TG 2803) NYAPIN (TG 7525) to 8th mile - stone (On XIRO - NYAPIN Road) 9th mile stone (On D'POKIJO-LIMEKING Road) HOYCH (TG 9379) 2nd mile stone north of YARE (TG 9575) DOSTING (TG 3592) D'JARCI (TG 6208) ANIKKOL IN (TG 8811) KROMLI (TG 2407) CHURKON (TG 4592) LABON (TG 7579) KAYULLANG (TG 3199) CHUAN (TG 9943) - KUNDHU (TG 0125) Point 5490 (TG 1403) - VIJAYNAGA R (TG 4866).

5. ATOKI - North and North East of the line running from point 11780 (TG 96) - point 10140 (LT 17) point 10405 (LT 38) point 9610 (LT 18) - Nala Junction - (LT 5373), PADAMOTIEN (LT 6751) point (LT 64).

RESTRICTED

No. 20014/4/86-E.IV
 Govt of India,
 Ministry of Finance
 Deptt of Expenditure

6
 New Delhi the 23rd Sept'86

OFFICER MEMORANDUM

Subject : Grant of Special Comp (Remote Locality) Allowance of Central Govt employees posted in Arunachal Pradesh.

The undersigned is directed to say that consequent upon decisions taken by the Government of the recommendations of the Fourth Pay Commission in regard to grant of Special Comp (Remote Locality) Allowance to Central Govt Employees posted in Arunachal Pradesh vide Resolution No. 14(I)/IC/86-dated the 13 Sep 86. Sanction of the president is hereby conveyed, in supersession of all the existing orders on the Subject to the grant of special Comp (Remote Locality) allowance to Central Govt Employees posted in Arunachal Pradesh at the following revised rates : -

Srl No	Area	Rates of Special Comp Allowance per month (Rs)				
		Basic Pay below Rs. 950/-	Basic pay of Rs. 950/- above but below 1500/-	Basic pay above but 1500/-	Basic pay of Rs. 1500/- above 1500/-	Basic pay of Rs. 3000/- above 2000/-

1.	Difficult area of Arunachal Pradesh	150/-	250/-	350/-	500/-	660/-
2.	Through out Arunachal Pradesh except difficult areas.	125/-	200/-	275/-	400/-	525/-

2. These areas take effect from 1.10.86 for the period from 1.1.86 to 20.9.86, the above allowances will be drawn at the existing rates on the normal pay in the pre-revised scale.

3. Pay means pay in the revised scales of pay introduced under the CCS (RP) Rules 1986. In the case of those who retained the existing scale of pay. It will include besides pay in the pre-revised scale of pay appropriate dearness allowance, additional dearness allowance dearness pay ad-hoc DA and interim relief thereon at the rate in force on 31.12.85. Where the application of revised rates is a loss to an employee, who has been continuously drawing the allowance from a date prior to 1.10.86. 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 revision rates as personal to him. The protection will continue till the employee remains posted in the said region and becomes eligible to higher amount either on promotion or otherwise.

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Note : Pay means pay as pay as defined under FR. 9(21)(a)(i).

4. The Central Govt employees in respect of Special Compensatory allowance & under there order will not be entitled to composite Hill compensatory allowance in addition, However where the Hill Compensatory Allowance of any other compensatory allowance admissible is more beneficial the same may be allowed in lieu of the Speical Compensatory allowance.

5. The Special Compensatoru allowance will be ~~g~~x regulated during leave joining & time and suspension in the same manner as City Compensatory allowance under this Ministry's Office Memorandum No. 2.((87)-E-II (B)/64 dated the 27 th November 1965 as amended from time to time.

6. These arrears will apply to civilians employees of the Central Govt belonging to Group B, C and D only. These orders will also apply to the B,C and D civilians employees paid from the Defence Service Estimates. In regard to Armed Forces personnel and Railway Employees the sparate orders will be issued by the Ministry of Defence and Deptt of Railways respectively.

7. In their application to the staff of India Audit and Account Deptt, these ordess issue in consultation with Controller & Auditor General of India.

8. Hindi version of the order is attached.

Sd/-x-x-x-x-x-x
(R Verma)

Joint Secy to the Govt of India

S T C

Sd/-x-x-x-x
(PT Peethamner)
Lt
For Garrison Engineer

G. B. R.

7X

10. 2004/2/85-L.IV
G.O. NUMBER 111
MINISTRY OF FINANCE
DEPARTMENT OF EXCISES

NEW DELHI, the 14th
DECEMBER 1983

GENERAL NOTIFICATION

Subject :- ~~NOTIFICATION RELATING TO ALLOWANCES OF INDIVIDUAL EMPLOYEES OF THE
CENTRAL GOVERNMENT SERVING IN THE NORTH EASTERN REGION~~
~~IN THE STATES/UNION TERRITORIES OF THE NORTH EASTERN REGION~~

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 Nagaland 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 & Administrative Reforms, to review the existing allowances and facilities admissible to the various categories of civilian Central Government employees serving the this region & to suggest suitable improvements. The recommendation of the Committee have been carefully considered by the Government and the President is now pleased to decide as follows:-

(i) Length 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 2 years at a time for officers with more than 10 years of service. Periods of leave, training, etc. in excess of 15 day per year will be excluding counting the tenure period of 2/3 years. Officers, on completion of the fixed tenure of service mentioned above, may be considered for posting to a station of their choice as near as possible. 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:-

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) Qualification for central deputation/training abroad
and deputation in confidential sources.

- (a) Promotion in cadre posts;
- (b) deputation to central tenure posts; and
- (c) course of training, abroad.

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

1. Special Allowance :- In the case of all employees who have been granted a special (Duty) Allowance in addition to basic pay subject to a ceiling of 25% of basic pay in the case of service in the North Western region of India.

2. Capital Allowance :-

2.1. Civilian & civilian employees who have been granted a special (Duty) Allowance in addition to basic pay subject to a ceiling of 25% of basic pay in the case of service in the North Western region of India will be granted a special (Duty) Allowance in addition to basic pay subject to a ceiling of 25% of basic pay in the case of posting the concerned in the North Western region of India. All of those employees who are except from pay fixation will not be eligible for this special (Duty) Allowance. Special (Duty) Allowance will be in addition to basic pay and/or remuneration (Duty) Allowance already being granted. It is agreed to the Government that the total of such special (Duty) Allowance plus remuneration (Duty) Allowance will not exceed Rs. 150/- per month. Special Allowance like Special Allowance for Engineers will be granted separately.

3. Capital Allowance :-

1. Army Engineers

1.1. Rate of the allowance will be 5% of basic pay subject to a maximum of Rs. 50/- p.m. admissible to all employees who are not in the case of 25% of basic pay. The above allowance will be admissible with effect from 1st July 1972 in the case of Engineers.

2. Others

The rates of allowance will be as follows for the whole of India :-

Up to Rs. 200/-
Above Rs. 200/-

Rs. 40/- p.m.
15% of basic pay subject to a maximum of Rs. 150/- p.m.

3. Allowance

The rates of the allowance will be as follows :-

(a) Army Engineers - 25% of pay subject to a ceiling of Rs. 50/- and maximum of Rs. 150/- p.m.

(b) Army Officers

Up to Rs. 200/- Rs. 40/- p.m.

Above Rs. 200/- 15% of basic pay subject to a maximum of Rs. 150/- p.m.

It is agreed that in the existing rate of special allowances, the rates admissible in Municipal Boards, Nagaland and Bihar, in addition to rates of remuneration allowance admissible in the districts of Bihar.

Sd/- xxxx xx xx xx
Liaison Secretary to the Govt of India.

Signature

D. Subbarao
(D. V. S. Rayudu)
AE B/R
AGE (T)
For Garrison Engineers