

30/100

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

OA No. 215196

K. A. M. Singh Applicant(s)

Union of India's case Respondent(s)

Dr. N.K. Singh, A. Roshi's Advocates for the applicant(s)

Mr. S. Ali, Mr. Chell Advocates for the Respondent(s)

Office Notes	Date	Courts' Orders
<p>This application is in form and within time C. F. of Rs. 50/- deposited vide IPO/BD No. 944278 Dated 23-8-96</p> <p>By Registrar.</p> <p>There are placed remedies in this OA.</p> <p>Defectives removed.</p> <p>15/11</p> <p>19/10/96</p>	<p>16.10.96</p> <p>nkml</p> <p>17/10</p> <p>14.11.96</p>	<p>Learned Sr. C.G.S.C. Mr S. Ali for the respondents. To be listed for admission on 14.11.96 as requested by Mr M. Chanda for Dr N.K. Singh, counsel for the applicant.</p> <p>Member</p> <p>Learned counsel Dr N.K. Singh for the applicant. Learned Sr C.G.S.C. Mr S. Ali for the respondents.</p> <p>In this application the applicant has prayed for a direction on the respondents to pay him, (1) Special (Duty) Allowance, (2) Compensatory Allowance and (3) Deputation Allowance. Perused the application and heard Dr Singh for admission. It appears that the applicant has not approached the competent authority of the respondents to grant him the reliefs he has sought in this application. Therefore, this application needs not be admitted at this stage, but it is disposed of with a direction to the applicant to submit representation to the competent authority of the respondents seeking the aforesaid relief.</p> <p>Accordingly the application is disposed with a direction to the applicant to submit an appropriate representation</p>

14.11.96

to the competent authority of the respondents within one month from the date of receipt of this order and further that the competent authority of the respondents shall dispose of the representation, if any, to be submitted by the applicant within one month from the date of receipt of the representation. The applicant is at liberty to approach this Tribunal if he is aggrieved by the decision of the competent authority.

The application is disposed of accordingly.

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

*60*  
Member

*fl. comply order  
dated 14.11.96.  
m/14/11/96.*

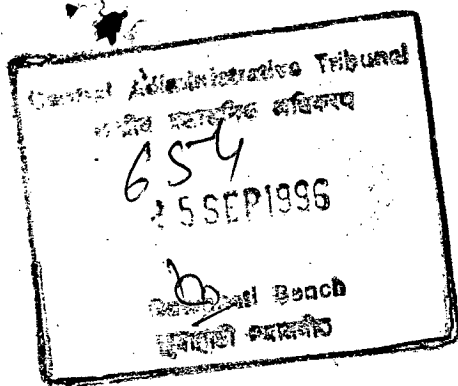
nkm

*m/14/11*

20.11.96

*Copy of order issued to  
along with the L/Advocate  
The parties, vide D.No.  
3947 to 3954 D. 4.12.96.*

*fl.*



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI

O.A. NO. 215 196.

K. Ananda Mohan Sinha ... APPLICANT

- Versus -

Union of India and others

... RESPONDENTS

I N D E X

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Filed by -

ADVOCATE

A. Roshid  
Advocate  
20-9-96

Copy Served on  
Pg 92 Mr. S. A.  
A. Roshid  
Advocate  
20-9-96

K. Ananda Mohan Sinha

DETAILS OF THE APPLICATION

1. Particulars of the applicant and designation and office. : 1. Sri K. Ananda Mohan Sinha, Son of Late K. Tochabi Singha, Village - Wapokpi, P.O. Kaptanpur, District - Cachar, Constable, Foreigner Regional Registration Office, Silchar.
2. Particulars of the Respondents. : 1. The Union of India, represented by the Ministry of Home Affairs, New Delhi.
2. The Joint Secretary, Government of India, Ministry of Home Affairs, New Delhi.
3. The Commissioner & Secretary to the Government of Assam(A) Department, Dispur, Guwahati-6.
4. Under Secretary to the Government of Assam, Home (A) Department, Dispur, Guwahati-6.

contd..3

K. Ananda Mohan Sinha

5. The Director General of  
Police, Ulubari,  
Guwahati-7, Assam.

*K. Ananda Mohan Singh*

3. Particulars of : This application is directed  
the order against against the non-payment of  
which this SPECIAL DUTY ALLOWANCE,  
application is COMPENSATORY ALLOWANCE AND  
made: DEPUTATION ALLOWANCE as per  
norms and guides of the  
Central Government of India.

4. Jurisdiction :

The applicant declares that the subject  
matter of the case is within the jurisdiction of  
this Hon'ble Tribunal.

5. Limitation :

The applicant further declares that the  
application is made within the Limitation prescribed  
in Section 21 of the Administrative Tribunal Act, 1985.

6. Facts of the case :

1. That the applicant is a citizen of India  
as such he is entitled to all the rights and privileges  
guaranteed by the Constitution of India.

2. That the applicant has been working as Constable under the office of the Director General of Police, Assam.

3. That in the implementation of the record reached between the Government of India on the one hand and the All Assam Students Union ( AASU ) and the All Assam Gana Sangram Parishad (AAGSP ) on the other hand in regard to strengthening of the Government machinery for detecting of Bangladeshi Nationals who entered Assam between the period 1-1-66 and 24-3-71 (both days inclusive) as per provisions of the Foreigners Act, 1946 and the Foreigners (Tribunals) Order, 1964 and their registration with the special Foreigners Registration Officers of the respective districts, the Central Government sanctioned the creation of additional posts such as Special F.R.R.O. in the rank of S.P., Constable, Steno., Ministerial Assistants and Driver vide order No.14011/35/85-F.III Govt. of India, Ministry of Home Affairs, New Delhi dated 22.11.85.

A/1 is the above order  
dated 22.11.85.

4. That with the creation of Special F.R.R.O. the applicant was transferred to F.R.R.O., Vide

Contd..p/5

X. Chandra Mohan Singh

A.I.G.P. (A) Assam, Guwahati M/No.FB/1/101/86/144  
dated 30.9.88.

A/2 is the above order  
dated 30.9.88.

5. That the applicant states that while he is serving the office of the F.R.R.O. for all intents and purposes he has been an employee working under the Govt. of India. It is evident from the records that after the sanction of the posts by the Government of India the applicant's service has been placed at the disposal of the Central Government by the State Government of Assam and the applicant has become entitled to all the rights, privileges and benefits guaranteed to a Central Government Employee.

6. That the applicant states that as a Central Government employee posted in one of the North Eastern States, namely Assam, he is entitled to the special benefits and allowances as a member of the Central service serving under the State Govt. i.e. within the State of Assam. As per the guidelines and directives issued by the Government of India from time to time the applicant is entitled to S.D.A. Deputation Allowance and Compensatory Allowance as the posts were created originally by the Government

X. Ananda Mohan Singh



of India and paid by the Central Government.

7. That the applicant states that he along with others pursued the authority for extending the same benefit to his category of employee but so far the same benefits have not yet been offered to them.

8. That in view of the various guidelines the applicant is entitled to the benefits of Deputation Allowance, Compensatory Allowance and S.D.A. as member of the Central Government under the State Government i.e. within the State of Assam. The Government of Assam vide an office Memo.No.EEG-12/84/32 dated 20.9.84 was pleased to grant the benefits of S.D.A. and deputation allowance @25% plus special compensatory allowance @5% to the members serving under the State of Assam, in pursuance of the Memo No.20014/3/83-E.TV dated 14.12.83 issued by the Government of India, Ministry of Finance, Department of Expenditure.

A/3 is the copy of the Memo.  
dated 20.9.84.

9. That the applicant states that the Deputy Inspector General of Police (A), Assam (DIGP) by a letter No.FA.VII-1/85 pt-1/189 dated 8.12.92 forwarded the names of employees belonging to the

contd..p/7

8  
K. Chandrasekhar Singh

category of the applicant to the Secretary to the Government of Assam, Home (A) Department, Dispur, Guwahati for payment of deputation Allowance and S.D.A. to FRRO's of Assam.

A/4 is the above letter  
dated 8.12.92.

10. That the applicant states that as mentioned above in similar cases - belonging to the applicant's category of employee the benefits of the S.D.A., Compensatory Allowances and the Deputation Allowance have been given but the same benefits are not given to the applicant. Hence, the applicant has been denied the right under Article 14 of the Constitution of India.

11. That in similar cases the Hon'ble Central Administrative Tribunal, Guwahati is pleased to allow similar application as claimed in this application. In O.A. No.66/94 (Sri Jugeswar Saikia - vs- Union of India and others) the Hon'ble Tribunal by Judgment dated 1.6.94 was pleased to direct the respondents to pay S.D.A. and deputation Allowance to the applicant (in the case) who belonged to the category of the present applicant i.e. U.B.C. serving in F.R.R.O.

A/5 is the above <sup>2</sup>Judgment &  
Order dated 1.6.94 passed in  
O.A. No.66/94.

contd..p/8

6  
K. Sharda Mohan Singh

10  
K. Ananda Mohan Singh

7. Reliefs prayed for :

(1) That the Respondents be directed to pay the Special Duty Allowance, Compensatory Allowance and Deputation Allowance with effect from the date of his transfer and posting 30.9.88.

8. G R O U N D S

(1) That the applicant is to be treated equally with those who are similarly situated and as such he is entitled to the similar benefits/privileges.

(2) That the actions of the Respondents are illegal and arbitrary being violative of Article 14 and 16 of the Constitution of India.

(3) That at any rate non-payment or denial of S.D.A., Compensatory Allowance and Deputation Allowance is illegal.

9. Interim relief, if prayed for :

During pendency of the application the Respondents may be directed to pay the S.D.A., Compensatory Allowance and Deputation Allowance.

K. Ananda Mohan Singh

10. Details of the Remedies Exhausted :

The applicant declares that he has exhausted all the remedies available to him under the relevant provisions of law.

11. Matter Not Pending With any Other Court etc.

The applicant declares that the matter is not pending in any Court or Tribunal.

12. Particulars of the Postal Order :

I.P.O. NO : 8. 11 444 278

Date of issue: 29.9.96

Payable at : G.P.O. Guwahati

13. List of Enclosures :

As mentioned in the Index.

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

I, K. Ananda Mohan Singh, aged about 50 years serving in the office of Foreigner Regional Registration Office as Constable, applicant in this case, do hereby verify that the statements made in this application are true to my knowledge and belief and I have not suppressed any material fact.

K. Ananda Mohan Singh  
S I G N A T U R E

Date : 22.9.96

Place : Guwahati

NO. 14011/35/85-F.III.

Govt. of India, Ministry of Home Affairs,  
New Delhi, the 22nd November, 1985.

To

The Secy. to the Govt. of Assam,  
Home Deptt. Dispur.

Sub: Assam Police - Agency functions for the work connected with registration of Bangladesh nationals who entered Assam during the period 1.1.66 to 24.5.71 - Sanction for creation of additional F.I.R.O's and ancillary staff.

Sir,

In implementation of the accord reached between the Govt. of India on the one hand and the All Assam Students Union (AASU) and the all Assam Gana Sangram Parishad (AAGSP) on the other hand in regard to strengthening of the Governmental machinery for detecting of Bangladesh nationals who entered Assam between the period 1.1.66 and 24.5.71 (both days inclusive) as per provisions of the Foreigners Act, 1946 and the Foreigners (Tribunals) Order, 1964 and their registration with the Special Foreigners Registration Officers of the respective districts, the Govt. of India hereby sanction the creation of the following additional posts in the scale and allowances applicable to the corresponding posts in Assam for the period from the posts are filled in up to 28th February, 1986 or till the need ceases, whichever is earlier.

Name of posts.	No. of posts for each districts.	Total number.
1. Special FRRO in the rank of S.P.	1	18
2. Constable	1	36
3. Steno	2	18
4. Ministerial Asstt. (UDC)	1	18
5. Driver	1	18

2. Sanction of the Govt. of India is also accorded for the purchase of 18 jeeps (one each for Special FRRO) costing approximately Rs. 12.28 lakhs.

Ctd....10

Approved.

Advocate.

3. In the first instance, the expenditure on the above mentioned posts and purchase of jeeps may be met by the State Govt. and it will be reimbursed by the Govt. of India to the State Govt. subsequently. The expenditure when re-imbursed will be debited as follows :-

Major Head 360-F. Grants in aid to State Govt. E.I.  
- Non plan Grants, E.I.(I) Other Administrative  
Services - Payments to States for Administration of  
Ventral Acts and Regulation - E.I.(I)(i). Registration  
and Surveillance of Foreigners under Grant No. 49.  
Other Administrative and General Services for 1985-86.

4. It is requested that while submitting budget proposals and claiming re-imbursement on the above staff or purchase of jeeps a reference to this letter may please be made.

5. This issues with the concurrence of the Integrated Finance Division of the Ministry vide their U.O. No. S-567/Fin. III.DII 15 dt 1.11.86.

Yours faithfully,

Sd/- H.S. Gaha

Under Secy. to the Govt. of India.

No. 14011/35/85-F.III dated the 22nd Nov, 1985.

*Suman*

Attested.

*B. J. Jha*  
Advocate.

LAST PAY CERTIFICATE FOR NON GAZETTED OFFICERS.

LAST PAY CERTIFICATE FOR NON GAZETTED OFFICERS.

Last pay certificate of UAC/639 Ananda Singh <sup>Moham</sup>  
Proceeding to F.R.R.O. Silchar to join the appointment of transferred to F.R.R.O.  
to officiate as on duty. Silchar. vide A.I.G.P.  
(A) Assam Guwahati M/NO FB/11/101/86/144 dt 30-9-88

He has drawn pay as Const. at the rate of Rs. 610/- D.D.  
a month, and acting allowance as Ch. 615/- S.R. Ch 26/- 1/R Ch 80/-  
a month, less the deduction at the rate of Rs. 80/-  
the 10/- CPA Ch 61/- H.R.A. Ch 80/- C.A. Ch 20/- R.A. Ch 60/-  
198 K.M.A Ch 13/- M.A. Ch 100/- Shown below upto 30-4-89

He made over charge of his duties on the fore noon of

No recoveries

are to be made from the pay of this Officer.

The recoveries to draw noted on the reverse.

He is entitles to draw the following:-

He is also entitled to joining time for Days.

The details of the Income-tax Super-tax recovered from him up to the date from the begining of the current year are noted on the reverse.

Date at Silchar  
the 17/5/1989

Name and designation of Head of Office in which pay was last drawn.

Deduction -on account of G.P.F. A/c NO - N/L -  
Gr. S. Ch 20/- P.M.

\* The words not required should be scored through with a pen, To be filed in, in Office to which transferred.

assumed charge of his duties in my Office on the Noon of the 198 and pay of the appointment he fills in my Office is

Name & Designation of Head of Office to which transferred.

Date at

The 198

AD. 21.11.87.

GOVT. OF ASSAM

FINANCE (ESTT.-A) DEPTT.

NO. FEG.12/84/32-A

Dated, Dispur the 28th Sept, 1984

OFFICE MEMORANDUM.

Sub: Grant of Spl. (Duty) Allowance to members of the all India Services.

The question of extending the benefits contained in the Govt. of India, Ministry of Finance, Deptt. of Expenditure Office Memorandum No.20014/3/83-E. PV dtd. 14.12.83 to the members of the all India Services of this state cadre has been under consideration of the State Govt. for some time past. After considering all aspects of the matter, the Govt. of Assam is pleased to order the grant of the benefit of the special (Duty) Allowance at the rate of 25% of basic pay subject to a ceiling of Rs. 400/- per month to the members of the all India Services serving under the State Govt. within the State of Assam.

The grant of the special (duty) allowance shall be subject to the following conditions :-

1. The special (duty) allowance will be in addition to any special pay and or deputation (duty) allowance already being drawn provided that the total of such special (duty) allowance plus special pay/deputation (duty) allowance shall not exceed Rs. 400/- p.m.
2. The benefit of the special (duty) allowance will not be admissible to those members of the all India services who have been exempted from paying income tax.
3. The special (duty) allowance will not be admissible during period of leave/training beyond 15 days at a time and beyond 30 days in a year. The allowances also not admissible during suspension and joining time.

This benefit will be admissible w.e.f. 1.1.85 and will remain in force for period of 5 years upto 31st Oct, 1986.

Sd/-.....

Financial Commissioner & Secy. to the  
Govt. of Assam, Finance Deptt.

Memo No. FEG.12/84/32-A, Dated Dispur the 28th Sept, 1984.

Copy forwarded to:-

*Guaranteed*

Attested.

Advocate.

By order etc.



OFFICE OF THE DIR. GENL. OF POLICE :: ASSAM :: GUWAHATI.

Letter No. FA/VII-1/86/Pt.-I/189

Dt. Guwahati, the 8th Dec '92.

From: Shri K.L. Deb, IPS,

Dy. Inspector General of Police (A),

Assam, Guwahati.

To: The Under Secy. to the Govt. of Assam,

Home (A) Deptt., Dispur, Guwahati.

Sub: Deputation Allowance and Special Duty Allowance to  
Spl. F.I.R.Os of Assam.

Ref: Govt. letter No. HMA.309/89/359 dt 20.5.92.

Sir,

In enclosing herewith the copies of applications of the Police personnel & Ministerial Staff of F.I.R.O. together with a copy of judgment of the C.A.T, I am directed to say that the following personnel posted in the above orgn. have prayed for deputation allowance/spl. duty allowance etc. for the period of their deputation to the F.I.R.O Offices.

Name	Rank	Place of posting.
1. Sh. Amrit Kr. Deb, IPS	wef 1.4.87 to 31.12.88 P.M. (Retd. on superannuation on 1.1.89).	as F.I.R.O Dhubri.
2. ....	.....	.....
10. Sh. Jogeswar Saikia	UBO, D/C Darrang,	F.I.R.O Office, Mangaldoi.
.....	.....	.....
25. Sh. Saidul Islam.	UDA/Sibsagar.	F.I.R.O Office.

In this connection it may be stated that besides the post of Spl.F.I.R.O the ancilliary staff for the F.I.R.Os like Stenographers, Driver, Const/UDAs were created originally by the Govt. of India and paid by the Central Govt.

I am therefore to request you kindly to take necessary action as deemed fit in granting of allowance/spl. duty allowance as prayed for by the incumbents.

Yours faithfully,

Sd/-

Dy. Inspector General of Police(A)  
Assam, Guwahati.

Memo No. FA/VII-1/86/Pt.1/189-A Dated Guwahati, the 8th Dec '92.

Copy forwarded to the F.I.R.Os Dhubri/Kamrup/Barpeta/ Nalbari/  
NC Hills/Kokrajhar/Dibrugarh/Darrang/Sibsagar for information.

cc'd.  
2/5/93  
cc'd.

*[Handwritten signature]*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI.

OA 66/94.

Present Hon'ble Justice Sri S. Haque,  
VICE CHAIRMAN

Hon'ble Sri G.L. Sanglyine, MEMBER

Mr. B. K. Sarma for Applicant

Mr. S. Ali, SrC.G.S.C.

ORDER

1.6.94

It is an application under Section 19 of the Administrative Tribunals Act 1985 by Shri Jogeswar Saikia claiming Special Duty Allowance and Deputation Allowance. The applicant is serving as Special U.B Constable in FRR Office, Mangaldoi.

This application is taken up for hearing and disposal at the admission stage. Heard learned Counsel Mr. B.K. Sharma on behalf of the applicant. Perused the statement of grievances and reliefs sought for in this application. Also heard learned Sr. C.G.S.C. Mr. S. Ali.

The applicant was a police Personnel (Fireman) of SFSO, Assam. He was transferred and posted in the establishment of FRRO, Mangaldoi as UBC vide order under Memo No. FB/101/86/90 dated 14.8.1987 issued by the DIG OF POLICE (A), Assam.

cont...p/2

*H. Chandan Motan Singh*

*Amal Kumar*

1.6.94

Deputy Inspector General of Police(Assam)  
vide order in letter No. FA.VII-1/85/PT.1/189  
dated Guwahati the 8.12.1992 recommended for  
grant of SDA and deputation allowance to the  
applicant pursuant to our previous judgment  
dated 31.8.1990 in O.A. No. 47/89.

In view of the above facts and circumstances  
we hold that the applicant is entitled to  
deputation and SDA allowance since he joined  
service in the FRRO on deputation and till he  
serves there as such.

Application under Section 19 of the Administra-  
tive Tribunals Act, 1985 is allowed. We direct  
the respondents to pay SDA and deputation  
allowance since he is serving in FRRO, Mangaldoi  
as admissible under the Rules.

This application is disposed of with the  
above order.

Inform all concerned.

Sd/ VICE CHAIRMAN

Sd/ MEMBER.

SSSS

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X. Arande Mohan Singh