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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 220/96.....

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

CA No. 220196

Sh. S R Mehta

Applicant(s)

VS

Union of India

Respondent(s)

Mrs BK Sonma, B.Mech

Advocates for the applicant(s)

S. Sarma,

Mrs DK Choudhury

Advocates for the Respondent(s)

Office Notes

Date

Courts' Orders

This application is in
form and within the
C. P. of R. (2)/
described below
I.D.O. No. 346829
Dated 29.8.96

4-10-96 Learned counsel Mr. B.K. Sa
for the applicant. Learned Addl
C.G.S.C. Mr. A.K. Choudhury for t
respondents.

Heard Mr. Sarma for admiss
Perused the contents of the app
cation and reliefs sought. Appli
cation is admitted. Issue notice
the respondents by registered pa
List for written statement and
ther order on 12-11-96.

Heard the counsel of the p
ties on the interim relief pray
The respondents are directed to
keep in abeyance the operation o
order No. 4-25/94-Bldg/RSM dated
23-7-93 (Annexure XI) till disp
of this application. It is made
clear that this interim order is
however subject to the result o
this application.

Comply order dated

4-10-96

7/10/96

1m

7/10/96

8.10.96

Copy of order 4.10.96 with
Notified to the concerned
parties vide O. No. 3372 to
B. No. 3375 dt - 8/10/96
B. No. 3375 dt - 8/10/96

6
Member

(2)

CA. 220/96

12.11.96

Learned Addl. C.G.S.C. Mr A.K. Choudhuri for the respondents. Written statement has not been submitted. Mr. A.K. Choudhuri prays for time to file written statement. Prayer allowed.

List for written statement and further orders on 10.12.96.

Member

W
12/11

25-4-97

There is no representation. Case is adjourned till 2-5-97.

JK
Vice-Chairman

2-5-97

Counsel for the parties submit that case is ready for hearing.

List for hearing on 11-7-97.

JK
Vice-Chairman

1m

JK
15

11.7.97

Left over. List on

12.8.97

By order

4.8.97

On the prayer of Mr. B.K. Sharma, learned counsel appearing on behalf of the applicant the case is adjourned till 12.8.1997.

List it on 12.8.1997.

JK
Vice-Chairman

trd

2/5/8

By order 14.8.97 Adjourned to 22.8.97

JK
by order

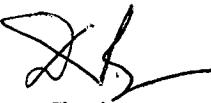
JK
Ben

3
3
O.A. No. 220 of 1996

22.8.97

On the prayer of Mr. A.K.Choudhury, learned Addl.C.G.S.C. the case is adjourned till 12.9.97.

List on 12.9.97 for hearing.


Vice-Chairman

trd

12.9.97 Adjourned to 19.9.97.

By order.

W.S. his son H.W. 19.9.97 Adjourned to 26.9.97

By order.

26.9.97 Adjourned to 7.11.97.

By order.

31.10.97

7-11-97

Learned counsel Mr.S.Sarma submits that the applicant has since vacated the one of the quarter. In view of the above this petition has become infructuous.

Accordingly, this petition is disposed of as infructuous.


Vice-Chairman

Re

W/S his son H.W. 1m
18/11/97

SD
6/11

20.1.98
Copy of the order
has been sent to
D/Secy for issuing
the same to the
L/Adv & in particular
the said order to
W.L. No. 163. D. 23/1/98

5

Filed by: *[Signature]*
1-10-96

169 Oct 1996
Gowardhan Singh
[Stamp]

CENTRAL ADMINISTRATIVE (PROCEDURE)
RULES, 1987

APPENDIX A FORM
FORM I
(See rule 4)

APPLICATION UNDER SEC. 19 OF THE ADMINISTRATIVE
TRIBUNALS ACT, 1985

OA 220/96

Title of the Case :

In the matter of retention of/allotment of alternative general pool accommodation at New Forest, Dehradun for bonafide use of family of Shri S.R. Mehta, Indian Forest Service, after his posting to MIZORAM in the North-eastern region.

INDEX

Sl. No.	Description of documents relied upon	Page No..
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1. Application

2. Application dated 12.12.94 of S.R.Mehta, Principal Chief Conservator of Forests, Environment & Forest Department, Mizoram. (Former Director, Forest Education, Dehradun and hereafter referred to as the applicant) to the Director, Forest Research Institute, (F.R.I.) New Forest, Dehradun informing to retain the accommodation for bonafide use of his family members. [Annexure I]

3. Letter No. 4-25/95-Bldg dated 15th March 1995 of the Estate officer, Forest Research Institute, Dehradun informing the applicant that it is not possible to permit him to retain the accommodation.

[Annexure II]

[Signature]

*Copy available
around own
Mr. A.R. Chander
C.S.I.
Bogdhan Singh*

4. Letter No.A.19018/1/95-PCCF dated 10.4.95 of the applicant to the Estate officer, FRI, New Forest, Dehradun clarifying that as per Government of India's orders on the subject, applicant can and be allowed to retain the accommodation.

[Annexure III]

5. NO.4-14/96-B1dg dated 25.1.96 of the Estate officer, Forest Research Institute, Dehradun allotting quarter D-I/55 (on vacation) to the applicant and asking to vacate immediately the accommodation already occupied. [Annexure IV]

6. Letter No.A.19018/1/95-PCCF dated 26/2/96 of the applicant to the Estate officer, FRI, New Forest, Dehradun clarifying that the existing accommodation under occupation of the applicant is one type below his entitled type and in conformity with Central Government orders be allowed to retain same to avoid inconvenience to the family [Annexure V]

7. No.3-1/96-R.T dated 12th March, 1996 of Deputy Inspector General of Forests (DIGF) Ministry of Environment & Forests, New Delhi clarifying that claim of the applicant for retention of accommodation at New Forest Dehradun is not valid.

[Annexure VI]

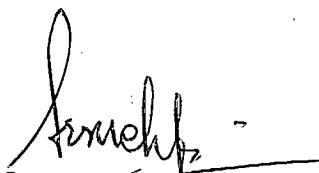
8. No. 4-25/94-B1dg/SRM, dated 21st March 1996 of the Estate officer, Forest Research Institute (New Forest, Dehradun asking the applicant to vacate the accommodation in pursuance of the clarification given by Ministry in their letter dated 12.3.96 on the subject [Annexure (VII)]
9. Representation dated 22.4.96 of the applicant to the Secretary to the Government of India, Ministry of Environment & Forests against decision dated 12th March 1996 of the DIGF.
[Annexure VIII]
10. Appending 9 (INCENTIVES FOR SERVING IN REMOTE AREAS) of Swamy's Compilation of FRSR (Part I General Rules) containing order of Government of India on-Retention of/allotment of alternative general pool accommodation to civilian employees/officers of AIS posted to North-Eastern region. This was also enclosed as annexure with representation dated 22.4.96 of the applicant [Annexure IX]



11. No. 3-1/96.R.T dated 4.7.96 of Assistant Inspector General of Forest (AIGF) Government of India, Ministry of Environment & Forests, New Delhi to the Under Secretary to Government of Mizoram to inform the Applicant that his claim for retention of accommosation from F.R.I. pool New Forest, Dehradun is not valid
[Annexure X]

12. No. 4-25/94-Bldg/RSM dated 23rd July, 1996 of the Estate officer, Forest Research Institute, P.O. New Forest, Dehradun asking to vacate by 10.8.96 the accommodation retained by the applicant failing which action to get same vacated as per Public Premises Act will be initiated and damages will be applicable.

[Annexure XI]


(S.R. MEHTA)
Signature of the applicant



For use in Tribunal's office

: Date of filling 1/10/96
: or
: Date of Receipt by Post
: Registration No. 220/96
: Signature
: for Registrar

Central Administrative Tribunal

BENCH

BETWEEN

S.R. MEHTA

APPLICANT

AND

i)	Secretary to Government of India, Ministry of Environment & Forests, Parivaran Bhawan, CGO Complex, Lodi Road, New Delhi - 3.	RESPONDENT
ii)	Estate officer, Forest Research Institute, P.O. New Forest, Dehradun - 248 006.	RESPONDENT

San

CENTRAL ADMINISTRATIVE (PROCEDURE)
RULES, 1987

SA 220/96

DETAILS OF APPLICATION:

1. Particulars of the Applicant :

i) Name of the applicant : S.R. MEHTA
ii) Name of the Father : D.R. MEHTA
iii) Age of the applicant : 49 Years
iv) Designation and particulars of office (name and station) in which employed or was last employed before ceasing to be in service : Principal Chief Conservator of Forests, Environment & Forests Department, Government of Mizoram, Aizawl.
v) Office address : Principal Chief Conservator of Forests, Environment & Forests Department, Government of Mizoram, Aizawl.
vi) Address for service of notices : S.R. Mehta, PCCF, Mizoram, Aizawl - 796001.

2. Particulars of the respondent :

i) Name of the respondent : a) Secretary to Government of India, Ministry of Environment & Forests, Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi - 3.
b) Estate Officer, Forest Research Institute, P.O. New Forest, DEHRADUN - 248006.
ii) Name of Father/Husband : Not applicable
iii) Age of the respondent : Not applicable
iv) Designation and particulars of office (name and station) in which employed : As indicated against item (i) above.

[Signature]

v) Office address : As indicated against item (i) above.

vi) Address for service of notices. : As indicated against item (i) above.

3. Particulars of the order against which application is made
The application is against the following order.

i) Order No. with reference to : (a) Order No.3-1/96-RT dated 4.7.96.
(b) Order No.4-25/94-Bldg/RSM dated 23.7.96.

ii) Date : (a) 4th July, 1996.
(b) 23rd July, 1996.

iii) Passed by : (a) Secretary to Govt. of India, Ministry of Environment & Forests, Paryavaran Bhawan, CGO Complex, Lodi Road, New Delhi.
(b) Estate officer, Forest Research Institute, P.O. New Forest, DEHRADUN.

iv) Subject in brief : Denial of retention of pool accommodation/allotment of alternative accommodation at New Forest, Dehradun to the applicant (S.R. Mehta) posted to North-Eastern Region as PCCF, Mizoram, Aizawl. (Former Director, Forest Education, New Forest, Dehradun).

4. Jurisdiction of the Tribunal: The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.

5. Limitation :

The applicant further declares that the application is within the limitation prescribed in section 21 of the Administrative Tribunal Act. 1985.

6. Facts of the case :

The facts of the case are given below :

i) That the Central Government has provided incentives in the form of special allowances, facilities and concessions to the Civilian Central Government employees serving in remote North-eastern/other regions and in pursuance of this policy. Government of India, Ministry of Finance and Ministry of Urban Development (Directorate of Estates) have issued orders from time to time to regulate these allowances/facilities and retention of accommodation respectively. The concession of retention of accommodation/allotment of alternative accommodation is also permissible to All India Service Officers. Copy of the consolidated orders on above subject included as Appendix - 9 in Swamy's compilation of Fundamental Rules & Supplementary Rules (Part I General Rules) is enclosed herewith. (Annexure IX)

ii) That All India Service Officers serving on central deputation under offices of the Ministry of Environment & Forests at Dehradun and Coimbatore (Forest Survey of India, Indira Gandhi National Forest Academy, Directorate of Forest Education and State Forest Service College etc.) have also in pursuance of the above orders till now been availing the facility of retention of accommodation for bonafide use of their family after repatriation of serve in North-Eastern Region.

the applicant

iii) That ~~A is~~ a member of the Indian Forest Service of AGMUT Cadre comprised of Arunachal Pradesh, Goa, Mizoram and Union Territories and at present posted in Mizoram state as Principal Chief Conservator of Forests.



Re applicant

iv) That ~~A~~ was allotted residential accommodation from 'general pool' of New Forest, Dehradun on ~~his~~ joining State Forest Service College, New Forest on central deputation during October 1989 and after completion of deputation tenure and on posting to Mizoram during January 1995, ~~he~~ retained the same accommodation for bonafide use of ~~his~~ family members as per the facility extended by Government of India. ~~He~~ also informed Director, Forest Research Institute, New Forest, Dehradun vide my letter dt. 12.12.94, (Annexure I) that ~~He~~ will be retaining the accommodation.

v) That residential pool at New Forest, Dehradun is a pool meant for employees serving in the Directorate of Forest Education of which State Forest Service College is a part and Indian Council of Forestry Research and Education of which Forest Research Institute is a part. Former is a 'Central Government office' while later is a 'Autonomous body' of Ministry of Environment & Forests, Government of India.

vi) That the daughter and son of the applicant are studying in XIth and VIth standard respectively at Dehradun and he is compelled to leave his children there for their education due to problem of language, disturbed conditions and absence of appropriate educational facilities available in Mizoram.

vii) That the Estate officer, Forest Research Institute, New Forest, Dehradun is reply to my application dated 12.12.94, referred in para (iv) above informed that it is not possible to permit the applicant to retain the accommodation.

[Annexure II]



viii) That vide letter No.A.19018/1/95-PCCF dated 10.4.95, the applicant clarified to Estate officer, New Forest, Dehradun that as per Government of India's orders, he can retain accommodation at his last station of posting namely New Forest for bonafide use of his family members on posting to Mizoram in the North-Eastern region. [Annexure III]

ix) That the applicant was allotted alternate accommodation D-I/55 (on vacation) by the Estate officer, New Forest vide his No. 4/14/96-Bldg dated 25.1.96 and further asked to vacate immediately the residence retained by him. (Annexure IV)

x) That vide letter No.A.19018/1/95-PCCF dated 26/2/96, the applicant clarified to the Estate officer, New Forest that the residence retained by him was already one type below his entitled type and in conformity with Government of India's orders on the subject be allowed to retain same to avoid inconvenience to his family in his absence. Further the residence retained by the applicant is not a post attached quarter needing vacation.

(Annexure V)

xi) That in response to letter dated 26.2.96 of the applicant, the Deputy Inspector General of Forests, (DIGF) Ministry of Environment & Forests, New Delhi, vide his No.3-1/96-RT dated 12th March, 1996 clarified that the provision of retention of residential accommodation by the All India Service Officers is valid only in case of the residential accommodation under control of Directorate of Estates, Ministry of Urban Development, New Delhi and therefore the claim of the Applicant to retain accommodation in FRI pool at Dehradun was not valid [Annexure VI]

xii) That based on above clarification, the applicant was asked to vacate the accommodation retained by him at New Forest, Dehradun by Estate Officer, Forest Research Institute vide his NO.4-25/94-Bldg/SRM dt. 21st March 1996 [Annexure VII]

xiii) That the applicant aggrieved by the decision of the Deputy Inspector General of Forests, denying him the facility of retaining the accommodation, at New Forest pool represented to the Secretary to the Government of India, Ministry of Environment & Forests, New Delhi, vide his representation dated 22.4.96 on the ground that such denial is discriminatory against principle of natural justice and contrary to the policy, spirit and orders of the Government of India on the subject which never intended to discriminate the officers serving in its Central Government offices. [Annexure VIII]

xiv) That in response to representation dated 22.4.96, of the applicant, Senior Assistant Inspector General of Forests(AIGF), Government of India, Ministry of Environment & Forests, New Delhi vide his letter No. 3-1/96-RT dated 4.7.96 informed that claim of the applicant for retention of accommodation from F.R.I. pool is not valid since facility of retention of accommodation is applicable in respect of general pool accommodation only.

[Annexure X] against which the applicant made a representation dtd. 8.8.96 (ANNEXURE - XII)

xv) That after above decision of the Assistant Inspector General of Forests(AIGF) Government of India, Ministry of Environment & Forests, notice has been issued to the applicant by Estate officer, Forest Research Institute, New Forest, Dehradun vide his



No.4-25/94-Bldg/RSM dated 23rd July, 1996 to handover the vacant possession of residence retained by applicant to the Institute by 10.8.96 failing which action to get same vacated will be initiated as per Public Premises Act and damages will be applicable beyond 10.8.96 onwards. [Annexure XI]

- xvi) That the residential pool accommodation at New Forest, Dehradun is to be treated as 'general pool' accommodation for the purpose of retention of accommodation by All India Service Officers serving in Directorate of Forest Education & its State Forest Service College (which are Central Government offices). The residential pool at New Forest Dehradun cannot be treated as "FRI pool" since this pool is not meant for employees of Forest Research Institute (F.R.I) alone but is a common pool of Directorate of Forest Education and Indian Council of Forestry Research and Education as mentioned in para (v) above.
- xvii) That being a common/general pool, allotment of accommodation from the New Forest pool is made from time to time by a Allotment Committee in which Director, Forest Education is one of the members (because establishment of the Directorate of Forest Education is a part of the pool).
- xviii) That the orders of Government of India on Retention of/allotment of alternative general pool accommodation clearly states that the orders are applicable only in case officials are posted to Central Government offices and these orders will not be applicable to cases where officers are posted to autonomous bodies [kindly see para I-vii of Annexure IX]

Sw

xix) That the applicant was posted first to State Forest Service College and later to Directorate of Forest Education [both Central Government offices] and as such this facility is admissible to him. Further the Government of India's orders make distinction to extend the facility of retention of accommodation on the basis of type of office in which officials are posted and not on the basis of type of residential pool from which one is to be given this facility.

xx) That the decision/order of the Government of India, Ministry of Environment & Forests, New Delhi denying the facility of retention of accommodation at New Forest, Dehradun to the applicant for bonafide use of his wife and children is arbitrary, discriminatory, against principle of natural justice and contrary to the policy, spirit and orders of Central Government on the subject.

7. Details of the remedies exhausted :

The applicant declares that he has availed of all the remedies as indicated below available to him under the rules.

- i) Representation dated 22.4.96 of the Applicant to the Secretary to Government of India, Ministry of Environment & Forests, New Delhi. [Annexure VIII] against denial of facility of retention of residential accommodation [Annexure VI]
- ii) Letter No.3-1/96-RT dated 4.7.96 of Assistant Inspector General of Forests, Government of India, Ministry of Environment & Forests, New Delhi in reply to representation dated 22.4.96 above mentioned, informing the Applicant that his claim for retention of accommodation is not valid. [Annexure X]



8. Matters not previously filed or pending with any other Courts :

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any Court of law or any other authority or any other Bench of the Tribunal and nor any such application, writ-petition or suit is pending before any of them.

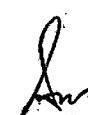
9. Relief(s) sought :

In view of the facts stated in para 6 above, the applicant prays for the following relief(s)

- i) Stay against notice 4-25/94-Bldg/RSM dated 23rd July, 1996 of the Estate officer, Forest Research Institute, P.O. New Forest, Dehradun for eviction of the applicant from accommodation retained by him at New Forest, Dehradun. *and to quash the same.*
- ii) Without any discrimination and in keeping with the spirit, policy and orders of the Government of India, to allow the applicant to retain accommodation at New Forest, Dehradun common pool for bonafide use of his family members as long as he is posted in North-Eastern region.

10. Interim order, if any prayed for :

Pending final decision on the applicant, the applicant seeks issue of the following interim order:



Stay against any action in pursuance of Notice No.4-25/94-Bldg/RSM dated 23rd July, 1996 for eviction of the applicant and damages by the Estate officer, Forest Research Institute, P.O. New Forest, Dehradun

11. I do not desire to have oral hearing at the admission stage since it will be quite inconvenient for me to do so from Mizoram where I am posted

12. Particulars of bank draft/postal order in respect of the application Fee : I.P.O. No. 09 346829 dt. 29.9.96

1. Name of the bank on which drawn : C.P.S. / Guwahati
2. Demand draft No. :

13. List of Enclosures :

- 1) Application dated 12.12.94 of S.R. Mehta, former Director Forest Education (here after referred as Applicant) to Director, Forest Research Institute, New Forest, Dehradun informing to retain the accommodation for bonafide use of his family members. [Annexure I]
- 2) Letter No.4-25/95-Bldg dated 15th March, 1995 of Estate officer, Forest Research Institute, Dehradun informing not possible to permit S.R. Mehta to retain accommodation. [Annexure II]
- 3) Letter No.A.19018/1/95-PCCF dated 10.4.95 of S.R. Mehta to Estate Officer, FRI, New Forest, Dehradun clarifying that as per Government of India's orders on the subject he be allowed to retain the accommodation. [Annexure III]

4) No. 4-14/96-Bldg dated 25.1.96 of Estate officer, Forest Research Institute, Dehradun allotting D-I/55 (on vacation) to Shri Mehta and asking to vacate accommodation already occupied immediately [Annexure IV]

5. Letter No. A.19018/1/95-PCCF dated 26.2.96 of S.R. Mehta to the Estate Officer, F.R.I. New Forest, Dehradun clarifying that the existing accommodation under his occupation is one type below his entitled type and in conformity with Central Government orders on the subject be allowed to retain same to avoid inconvenience to the family [Annexure V]

6. No. 3-1/96-RT dated 12th March, 1996 of Deputy Inspector General of Forests, Ministry of Environment & Forest, New Delhi, clarifying that claim of applicant for retention of accommodation at Dehradun is not valid [Annexure VI]

7. No. 4-25/94-Bldg/SRM dated 21st March/1996 of Estate officer, Forest Research Institute, Dehradun asking the applicant to vacate the accommodation in pursuance of the clarification given by Ministry on the subject [Annexure VII]

8. Representation dated 22.4.96 of the applicant to the Secretary to Government of India, Ministry of Environment & Forest against decision dated 12th March 1996 of the Deputy Inspector General of Forests denying the facility of retention of accommodation [Annexure VIII]



9. Appendix 9 [INCENTIVES FOR SERVING IN REMOTE AREAS] of Swamy's compilation of FRSR (Part I - General Rules) containing orders of Government of India on Retention of/allotment of alternative general pool accommodation to civilian employees/officers of AIS posted to North-Eastern region. This was also enclosed as annexure with representation dated 22.4.96 of the applicant. [Annexure IX]

10. No.3-1/96-RT dated 4-7-96 of Senior Assistant Inspector General of Forests, Government of India, Ministry of Environment & Forests, New Delhi informing the applicant that his claim for retention of accommodation from F.R.I. pool is not valid [Annexure X]

11. No.4-25/94-Bldg/RSM dated 23rd July, 1996 of the Estate officer, Forest Research Institute, P.O. New Forest, Dehradun asking to vacate by 10.8.96 the accommodation retained by the applicant failing which action to get same vacated as per Public Premises-Act will be initiated and damages will be applicable. [Annexure XI]

Applicant

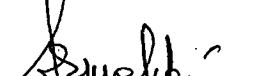
Place: Through

Date: Advocate

Verification

I, S.R. Mehta (Name of the applicant) S/o D.R. Mehta
age 49 years, working as Principal Chief Conservator
of Forests, in the office of Environment & Forest
Department, Government of Mizoram, resident of Aizawl
hereby verify that the contents of paras 1 to 8
are true to my personal knowledge and paras 9 to
11 believed to true on legal advice and that
I have not suppressed my material facts.

And I sign this Verification on 1st day
of Oct. 1996 at Aizawl.


Signature of Applicant

From: S.R.MEHTA, IFS
 Former Director, Forest Education,
 Bunglow No.12, Hill Road, New Forest,
 DEHRA DUN - 248 006.

To

The Director,
 Forest Research Institute,
 New Forest,
 DEHRA DUN.

Sub: Concessions for serving in North-eastern region - retention
 of Government accommodation 12 Hill Road, New Forest beyond
 3.1.1995 by Shri S.R. Mehta - intimation reg.

* * * *

Dear Sir,

I am to inform you that after completion of my central deputation tenure on 2.11.1994, I have been transferred to Mizoram vide Government of India, Ministry of Environment & Forests, New Delhi Order No.42011/2/94-IFS-I, dated 11th November, 1994 (copy enclosed). I shall join my duties shortly at new station. I intend to retain the residence 12, Hill Road, New Forests presently under my occupation for use of my family members beyond 3.1.1995 onwards. In this connection I am to point out that as per existing orders of Government of India on the subject, a government servant who is in occupation of Government accommodation, when posted to North-Eastern Region (which includes Mizoram) can retain the accommodation for use of his family members on payment of licence fee @ 1-1/2 times the normal licence fee. My children will continue to study at Dehradun for want of proper educational facilities available in Mizoram. Therefore, I shall be retaining the accommodation for use of my family members beyond 3.1.1995. Rent towards above shall continue to be remitted by me with Principal, State Forest Service College, New Forest as usual.

This is for favour of your information.

Encl : As above.

Yours faithfully,

(S.R.MEHTA)

12.12.94

Copy to :

(1) Director, Forest Education, Govt. of India, Ministry of Environment & Forests, New Forest, Dehradun for information. I am further to inform him that I shall be retaining the residential telephone 24648 as permissible under the above circumstances. Rental and other charges beyond 3.1.1995 towards this phone shall be remitted by me with Principal, State Forest Service College, New Forest, Dehradun. Copy of bill as and when received may please be supplied to me for remitting the amount. Copy of Government of India order quoted above is also enclosed for record.

(2) Principal, State Forest Service College, New Forest, Dehradun for information.

(S.R. MEHTA)

12.12.94

Attested

20/8/94

Deputy Conservator of Forests (Hqrs)
 P.C.C.F.s Office Aizawl
 Mizoram

20
 No. 4-25/95-Bldg
 Indian Council of Forestry Research & Education
 Forest Research Institute
 P.O. New Forest, Dehradun - 248006

Dated the 15th March, 1995

To

Shri S.R. Mehta,
 Ex-D.F.E.,
 Bungalow No.12,
 Hill Road, FRI Campus.

Subject : Concessions for serving in North Eastern Region
 Retention of Govt. accommodation 12-Hill Road,
 New Forest, P.O., 31.1.95.

8/2
 8/3
 Sir,

With reference to your letter dated 12.12.94, on the above noted subject, it is not possible to permit you to retain the Bungalow No.12, Hill Road for duration of your posting in the North Eastern Region after repatriation. The Bungalow can be retained by you only for a period of two months after repatriation for the bonafide use of the family as per rules.

Yours faithfully,

(A.S. Gulati)
 Estate Officer
 Forest Research Institute

Copy to the Principal, S.F.S. College, New Forest, Dehradun for information.

(A.S. Gulati)
 Estate Officer

Attested
 Singh

10/26
 Deputy Conservator of Forests (Hrs)
 P.C.C.F.s Office Aizawl
 Mizoram

GOVERNMENT OF MIZORAM
ENVIRONMENT AND FOREST DEPARTMENT
MIZORAM; AIZAWL-796001

D.O. No A.19018/1/95-PCCF.

Date 10-4-95.

S.R.MEHTA, IFS

Principal Chief Conservator of Forests.

To

The Estate Officer,
Forest Research Institute,
New Forest,
Dehradun - 248 006.

Sub : Retention of pool accommodation by officers of All India Services posted to North-eastern region etc. - retention of accommodation by Shri S.R.Mehta, IFS, former Director, Forest Education, Govt.of India, in New Forest F.R.I, Dehradun - reg.

Sir,

Kindly refer to your letter No.4-25/95-Bldg dt.15.3.95 stating that it is not possible to permit me to retain Government accommodation in New Forest while I am posted in North-eastern region. In this connection, I am to reiterate that as per Govt.of India's orders on the subject, Civilian Central Govt.employees and officers of All India Services posted to States of North-eastern region which is a difficult area to serve can retain Govt.accommodation at their last station of posting for bonafide use of their family members. As such I shall be retaining No.12, Hill road New Forest which was allotted to me while I was on deputation to Govt.of India.

This is for your kind information.

Yours faithfully,

(S. R. MEHTA)

Copy to :

Principal, S.F.S.College, Dehradun for information.

Principal Chief Conservator of Forests.

Attested Aizawl :: Mizoram.

Deputy Conservator of Forests (Hqrs)
P.C.C.F.s Office Aizawl
Mizoram

तथा 4/14/96-B1dc.

भारतीय दानिजी अनुसंधान एवं शिक्षा परिषद्

वन अनुसंधान संस्थान

पत्रालय - न्यू फारेस्ट, देहरादून

दिनांक 25.1.1996

लेणी न्यू फारेस्ट में वन अनुसंधान संस्थान, देहरादून 1974 के आवात अवात का विवरण आवेदन किया, 1974 के प्राविपान के जनसार संदर्भ में उल्लिखित है। श्री S.R.Mehta

V. P-I/55 (on Vacant) आवात आवंटित रूप्या जाता है।
2. वन अनुसंधान आवेदन आदेश किये बीते तारीख से पांच दिन के भीतर गपनी स्वीकृति तपनी भेजें तथा जाठ दिन के भीतर तहाक तक संयिवृत्ता, वन अनुसंधान संस्थान, देहरादून से उक्त आवंटित आवात का कब्जा तैयार हो।

3. यदि आवेदन स्वीकृत करने वाले तथा 5 दिन के भीतर तही मिली तो यह समझा जायेगा कि आवेदन स्वीकृत कर दिया गया है तथा आवेदन आदेश के निर्गमित होने वाली तारीख से एक दूसरे माह तक उन्हें अन्य आवेदन आदेश के विषय में विवार नहीं किया जाएगा। यह रूप्यान रहें कि अधिकारी/कर्मचारी को एक ही प्रकार आवंटित लेणी के आवातों में एक बार से अधिक परिवर्तन मार्ग में अनुसंधान नहीं होगी।

4. यदि अधिकारी/कर्मचारी ज्यने वर्तमान आवास के बदले में उक्त पात्रता वाला आवात नहीं लेना चाहता तो यह वर्तमान आवात अधिक आवंटित आवात के लिए नल नियम 45 के अनुसंधान द्वारा अनुमति शाल्क ताडीत संस्कृत इनमें जो भी अधिकारी हो, देहरादून आवात में इन्हें रह तक्ता है।

5. यदि आवेदन स्वीकृत करने के पश्चात अधिकारी/कर्मचारी आवास का कब्जा नहीं ले पाता तो स्वीकृति वाली तारीख से एक माह तक अधिक आवंटित आवास के अन्य को आवंटित किया जाने तक इनमें जो भी तिथि पहले तपनी उत्तम अनुसंधान शाल्क दस्तूर द्वारा किया जाएगा। आवात में किसी को भी भागी दार अथवा उप-किरणेदार के लिए में नहीं रहने दिया जायेगा।

6. अधिकारी/कर्मचारी को यह आवेदन इत स्पष्ट शर्त पर किया गया है कि देहरादून में उक्त अपना जोड़ भजाने नहीं है। यदि उक्त अपना कोई माल या तो उसे रेती तप्पति ते हान दाती आय का एक प्रमाणपत्र संधम अधिकारी से लेकर प्रत्युत करना होगा।

7. आवात लेने/देने वा जर्य शार्यात्य तप्य में ही किया जाएगा।

Shri S.R.Mehta,
Ex- D.F.E.

*** Bungalow No.12, F.R.I. Estate, Dehradun, तहीसन दिनांक यही

तपदा अधिकारी
वन अनुसंधान संस्थान

प्रतिलिपि निम्न को आवश्यक शार्यात्य संहार्थ प्रेषित:-

1. तहायक कल संयिवृत्तान्य, वन अनुसंधान संस्थान, देहरादून। वे कृपया आवात/कैला तथा 12(Type-VI) का कब्जा भी साथ-ताथ ले लें।

2. तेह अधिकारी किया जन्माग-11। आवरण एवं संवितरण अधिकारी;

3. आवंटित आवात वा माल शाल्क ताडीत 40 210.00 प्रतिमाह है।

कनिष्ठ अधिकारी, के.तो.नि.दिभा, पूर्णाए कार्यालय, न्यू फारेस्ट, देहरादून।

तपदा अधिकारी
वन अनुसंधान संस्थान

*** You are requested to kindly vacate the above
bungalow No.12 immediately.

RE. 6533/1981ed / *Deputy Conservator of Forests (H.Qs)*
DATE 10/1/1996 F.R.I.

P.C.C.F's Office Mizawl

Mizoram

Annexure- V

S.R. Mehta, IFS
Principal Chief Conservator of Forests



GOVERNMENT OF MIZORAM
ENVIRONMENT AND FOREST DEPARTMENT
MIZORAM, AIZAWL-796001

D.O. No A-19018/1/95-PCCE...

Date 26/2/96.....

To,

The Estate Officer,
Forest Research Institute,
P.O. New Forest,
Dehradun - 248 006.

Subj : Retention of allotment of alternative general pool accommodation to Officers of All India Services posted to North-Eastern Region - case of S.R. Mehta, former Director, Forest Education, Govt. of India, Ministry of Environment & Forest, New Forest - regarding.

Ref : Your No. 4/14/96-Bldg. dt. 23.1.96.

Sir,

Kindly refer to your above letter wherein I have been asked to vacate Bungalow No. 12 and in lieu allotted V-D-1/55 (on vacation). In this connection, I would like to inform and clarify that I had joined as Principal, State Forest Service College, New Forest on central deputation during 10/89 when I was drawing pay of Rs. 4950/- in my scale. According to entitlement classification followed in Forest Research Institute for its residential pool accommodation, those drawing pay of Rs. 4200-5099/- are entitled to type - VI (E-I) quarters and those drawing pay of Rs. 5100/- and above are entitled for type VII (E-II) quarters. Accordingly, I was allotted Bungalow No. 12 as per my entitlement at that time. Further I may mention it here that B-3 to 8, 10 to 12 and 17 to 18

Contd... 2/-

Principal Chief Conservator of Forests

GOVERNMENT OF MIZORAM
ENVIRONMENT AND FOREST DEPARTMENT
MIZORAM, AIZAWL -796001



D. O. No

Date

28

- 2 -

are of type VI (E-I) while Bungalow No. A-13 to 16 are of type VII (E-II). After some time with rise in my pay above Rs.5100/- though I became entitled for higher type of accommodation namely type VII (E-II), but was never offered. Thus till my transfer to Mizoram during January 1995 on completion of central deputation, I continued to occupy Bungalow No. 12 which was one type below my entitlement. According to Govt. of India, Ministry of Urban Development, Directorate of Estates, New Delhi, Office Memorandum No. 12035(24)/77-Pol-II dt.15.2.84 and of even No. dt.2.6.84, 30.3.85, 19.5.86, 27.1.87, 26.3.87, 1.8.90 and 30.6.93 which govern the retention/alternative accommodation to Officers of All India Services posted in North-Eastern Region, it is clear that officers who may be in occupation of accommodation below their entitled type, they may be allowed to retain the same accommodation. In accordance with these orders, therefore, I can and may please be allowed to retain Bungalow No.12 which is below my entitled type as explained above.

Yours sincerely,

(S.R. MEHTA)

Memo No. A-19018/1/95-PEEF : Dated Aizawl, the 26th Feb/96.
Copy to :-

1. The Inspector General of Forests, Govt. of India, Ministry of Environment & Forests, C.G.O. Complex, Lodhi Road, New Delhi - 110003 for kind information.

Principal Chief Conservator of Forests
Mizoram : Aizawl.

Attested /

Deputy Conservator of Forests / 20/2/96
P.C.C.F.s Office Aizawl
Mizoram

***** 26.2.96

तार :
Telegram : PARYAVARAN.
NEW DELHI

दूरभाष :
Telephone : 4361774
टेलेक्स (द्विभाषीय) :

Telex : (bi-lingual) : W-66185 DOE IN
Fax : 4360678

भारत सरकार

पर्यावरण एवं वन मंत्रालय

GOVERNMENT OF INDIA

MINISTRY OF ENVIRONMENT & FORESTS

पर्यावरण भवन, सी. जी. ओ. कॉम्प्लेक्स

PARYAVARAN BHAWAN, C.G.O. COMPLEX

लोदी रोड, नई दिल्ली-110003

LODHI ROAD, NEW DELHI-110003

No. 3-1/96-RT

March 12, 1996

To

✓Shri S.R. Mehta,
Principal Chief Conservator of Forests,
Govt. of Mizoram,
Aizawl - 796001.

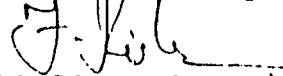
SUB: Retention of residential accommodation by the All India Service officers of the North-Eastern region and J&K.

.....

Sir,

With reference to your letter No. A-19018/1/95-PCCF dated 26.2.96, I am to clarify that the provision of retention of residential accommodation by the All India Service officers of the North-Eastern cadres and Jammu & Kashmir is valid only in case of the residential accommodation under the control of Directorate of Estates, Ministry of Urban Development, New Delhi. The rules, if-so-facto, do not apply to the limited pool of residential accommodation available with subordinate offices and autonomous organisations of the M/o Environment & Forests. As such, your claim for retention of accommodation allotted to you from FRI pool at Dehradun is not valid.

Yours faithfully,


(JAGDISH KISHWAN)

Dy. Inspector General of Forests/

Attested

Deputy Conservator of Forests (Held)
P.C.C.F. Office Aizawl
Mizoram

12.3.96

25
No.4-25/94-Bldg/SRM
Indian Council of Forestry Research & Education
Forest Research Institute
P.O.New Forest, Dehradun - 248006

Annexure-VII

Dated the 21st March, 1996

To

Shri S.R.Mehta,
Principal Chief Conservator of Forests,
Government of MIZORAM,
Aizawl - 796 001.

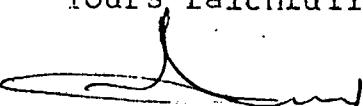
Subject : Retention of residential accommodation by the
All India Service Officers of the North-Eastern
Region and J & K.

Sir,

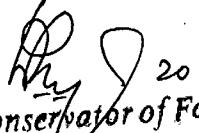
Kindly refer to this office letter No.4-25/96-Bldg
dated 14.3.96 and Ministry of Environment & Forests, New
Delhi's letter No.3-1/96-RT dated 12.3.96 addressed to you
and copy endorsed to this office on the above noted subject.

You are requested to kindly vacate the bungalow No.12
(Type-VI) occupied by you immediately and handover the vacant
possession of said Bungalow to Assistant Registrar(G),FRI.

Yours faithfully,


Estate Officer
Forest Research Institute

Attested


My 20/8/96
Deputy Conservator of Forests(Hqrs)
P.C.C.F's Office Aizawl
Mizoram

OFFICE OF THE FCCF MIZORAM
RECEIPT No... 7827
DATE ... 24.3.

From : S.R. Mehta
 Principal Chief Conservator of Forests
 Mizoram
 Aizawl - 796 001.

To

The Secretary to the Government of India
 Ministry of Environment & Forests
 Paryavaran Bhawan
 CGO Complex, Lodi Road
 New Delhi - 110 003.

(Through Proper Channel).

Subj :- Retention of allotment of alternative residential accommodation to All India Service Officers posted to North-eastern region - representation regarding.

Sir,

I am to represent the following for your kind consideration and favourable orders :-

1. That the Central Government has provided incentives in the form of special allowances, facilities and concessions to the Civilian Central Government employees serving in remote North-eastern/other regions and in pursuance of this policy, Government of India, Ministry of Finance and Ministry of Urban Development (Directorate of Estates) have issued orders from time to time to regulate these allowances/facilities and retention of accommodation respectively. The concession of retention of accommodation/allotment of alternative accommodation is also permissible to All India Service Officers. Copy of the consolidated orders on above subject included as Appendix - 9 in Fundamental Rules & Supplementary Rules is enclosed herewith at Annexure - I.
2. That All India Service Officers serving on central deputation under offices of the Ministry of Environment & Forests at Dehradun (Forest Survey of India, Indira Gandhi National Forest Academy, Directorate of Forest Education and State Forest Service College etc.) have also in pursuance of the above orders till now been availing the facility of retention of accommodation for bonafide use of their family after repatriation to serve in North-Eastern Region.
3. That I am a member of the Indian Forest Service of AGMUT Cadre comprised of Arunachal Pradesh, Goa, Mizoram and Union Territories and at present posted in Mizoram state as Principal Chief Conservator of Forests.

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4. That after completion of my central deputation tenure as Director, Forest Education, Dehradun under Ministry of Environment & Forests and on posting to Mizoram during January '95, I retained the residential accomodation below my entitled type allotted to me from F.R.I Pool, New Forest, Dehradun (of which Directorate of Forest Education & State Forest Service College has been and continues to be a part) for bonafide use of my family members as per the facility extended by Government of India.

5. That my daughter and son are studying in Xth and VIth standard respectively at Dehradun and I am compelled to leave my children there for their education due to problem of language, disturbed conditions and absence of appropriate educational facilities available here.

6. That contrary to the orders of Government of India, I am now being denied the facility of retaining the residential accomodation on the plea that provision of retention of residential accomodation by the All India Service Officers of the North Eastern Cadres is valid only in case of the residential accomodation under the Control of Directorate of Estates, Ministry of Urban Development, New Delhi. In this connection, copies of No.3-1/96-RT dt. 12.3.96 of Deputy Inspector General of Forests, New Delhi and No. 4-25/94-Bldg/SRM dt. 21.3.96 of Estate Officer, Forest Research Institute, Dehradun asking me to vacate the accomodation are enclosed at Annexure - II and III respectively.

7. That residential accomodation under control of Directorate of Estates is available only at certain places in the country while elsewhere accomodation is provided to the Government employees by respective departments. Orders of Government of India about retention of accomodation nowhere states that such facility will be available to officers/and at places only where residential accomodation is available under the Directorate of Estates, New Delhi. Further, the Government of India while extending the facility of retention of accomodation had never intended to limit this facility to only those officers/places where Directorate of Estates maintain residential pool accomodation as that would amount to discrimination and against principle of natural justice.

8. That the order No.4-25/94-Bldg/SRM dt. 21.3.96 of Estate Officer, Forest Research Institute, Dehradun as well as clarification 3-1/96-RT dt. 12.3.96 of DIGF, New Delhi mentioned above (Annexure II & III) are not in conformity with orders of Government of India on retention of residential accomodation by the All India Service Officers and if implemented will place me and my family in extreme hardships and agony.

9. That All India Service Officers from Arunachal Pradesh, Goa, Delhi Administration, Pondicherry posted to Mizoram are retaining residential accomodation at their last station of posting. Residential accomodation retained by them at these places is not under the control of Directorate of Estates, New Delhi, but they are allowed to retain the accomodation in accordance with orders of Government of India on the subject. Hence the plea in para 5 above that provision of retention of residential accomodation by the All India Service Officers of North Eastern Cadres is valid only in case of the residential accomodation under the control of Directorate of Estates, Ministry of Urban Development, New Delhi is not correct.

In view of the position explained above, I request for your kind intervention in the matter and as permissible under rules to allow me to retain the residential accomodation at FRI p.o Dehradun for education of my children for which I shall be very grateful to you.

Enclo : As above.

Yours faithfully

Mehta (S.R. MEHTA)

Principal Chief Conservator of Forests
Mizoram :: Aizawl

Copy to :-

1. Advance copy to Secretary to the Govt. of India, Ministry of Environment & Forests, Paryavaran Bhawan, CGO Complex, Lodi Road, New Delhi for favour of consideration and needful action.
2. Inspector General of Forests & Special Secretary to Government of India, Ministry of Environment & Forests, Paryavaran Bhawan, CGO Complex, Lodi Road, New Delhi for favour of information and to kindly allow me to retain the accomodation at Dehradun for education of my children.
3. Estate Officer, Forest Research Institute, P.O. New Forest, Dehradun.
4. Secretary to the Government of Mizoram, Environment & Forest Department, Aizawl along with a copy to kindly arrange to forward same to concerned at New Delhi soon.

Mehta (Principal Chief Conservator of Forests
Mizoram :: Aizawl)

22.4.96

APPENDIX 9

INCENTIVES FOR SERVING IN REMOTE AREAS

[G.I., M.F., O.M. No. 20014/3/83-E. IV, dated the 14th December, 1983.]

I

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

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

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

(ii) Weightage for Central deputation/training abroad and special mention in Confidential Records:

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

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

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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.

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

(iii) Special (Duty) Allowance:

Central Government civilian employees who have All India transfer liability will be granted a Special (Duty) Allowance at the rate of 25 per cent of basic pay subject to a ceiling of Rs. 400 per month on posting to any station in the North-Eastern Region. Special (Duty) Allowance will be in addition to any Special Pay and/or Deputation (Duty) Allowance already being drawn subject to the condition that the total of such Special (Duty) Allowance *plus* Special Pay/Deputation (Duty) Allowance will not exceed Rs. 400 p.m. Special Allowances like Special Compensatory (Remote Locality) Allowance, Construction Allowance and Project Allowance will be drawn separately.

[G.I., M.F., O.M. No. 20014/3/83-E. IV, dated the 29th October, 1986.]

NOTE.—Special duty allowance will not be admissible during periods of leave/training beyond 15 days at a time and beyond 30 days in a year. The allowance is also not admissible during suspension and joining time.

[G.I., M.F., O.M. No. 20014/3/83-E. IV, dated the 27th July, 1984.]

(iv) Special Compensatory Allowance:

For orders regarding current rates of Special Compensatory Allowance for the various States and Union Territories and Disturbance Allowance admissible to specified areas of Mizoram, *see* Part V of this Compilation—HRA and CCA.

(v) Travelling Allowance on first appointment:

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

(vi) Travelling Allowance for journey on transfer:

In relaxation of orders below S.R. 116, if on transfer to a station in the North-Eastern region, the family of the Government servant does not accompany him, the Government servant will be paid travelling allowance on tour for self only for transit period to join the post and will be permitted to carry personal effects up to $\frac{1}{3}$ rd of his entitlement at Government cost or have a cash equivalent of carrying $\frac{1}{3}$ rd of his entitlement or the difference in weight of the personal effects he is actually carrying and $\frac{1}{3}$ rd of his entitlement, as the case may be, in lieu of the cost of

transportation of baggage. In case the family accompanies the Government servant on transfer, the Government servant will be entitled to the existing admissible travelling allowance including the cost of transportation of the admissible weight of personal effects according to the grade to which the officer belongs, irrespective of the weight of the baggage actually carried. The above provisions will also apply for the return journey on transfer back from the North-Eastern Region.

This concession is admissible only in cases where the Government servant is transferred from a station outside the region to a station in the N.E. Region and vice versa; the same is not applicable from one station to another station within the region.

[G.I., M.F., U.O. No. 3943-E. IV/84, dated the 17th October, 1984.]

As the Packing Allowance, which is granted at flat rates, is in the nature of Lump Sum Transfer Grant, the grant of the allowance is not related to the quantity or personal effects carried. In the types of the cases referred to above also full rate of Packing Allowance is admissible with effect from 3-1-1986.

[G.I., M.F., U.O. No. 824-E. IV/86, dated the 1st April, 1986.]

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

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

The higher rate of road mileage is admissible only between stations not connected by rail.

[G.I., M.F., U.O. No. 3943-E. IV/84, dated the 17th October, 1984.]

(viii) Joining Time with leave:

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

(ix) Leave Travel Concession:

A Government servant who leaves his family behind at the old duty station or another selected place of residence and has not availed of the transfer travelling allowance for the family will have the option to avail of the existing leave travel concession of journey to hometown once in a block period of 2 years, or in lieu thereof, facility of travel for himself once a year from the station of posting in the North-East to his hometown or place where the family is residing and in addition the facility for the family (restricted to his/her spouse and two dependent children only) also to travel once a year to visit the employee at the station of posting in

- the North-Eastern Region. In case the option is for the latter alternative the cost of travel for the initial distance (400 kms./160 kms.) will not be borne by the officer.

Officers drawing pay of Rs. 2,250 or above, and their families, i.e., spouse and two dependent children (up to 18 years for boys and 24 years for girls) will be allowed air travel between Imphal/Silchar/Agartala/Aizawl/Lilabari and Calcutta and vice versa, while performing journeys mentioned in the preceding paragraph.

[G.I., M.F., O.M. No. F. 20014/3/83-E. IV, dated the 31st January, 1985.]

It has been decided that the Central Government employees drawing pay of Rs. 2,250 and above who are posted in Andaman and Nicobar Islands and Lakshadweep, and their families, i.e., spouse and two dependent children (up to 18 years for boys and 24 years for girls) will be entitled to the facility of air journey on LTC between Port Blair and Calcutta/Madras and between Kavaratti and Cochin respectively. They, however, will not be entitled to the same facility between Imphal/Silchar/Agartala/Aizawl/Lilabari and Calcutta. These orders take effect from the date of issue.

[G.I., M.F., O.M. No. 20014/3/83-E. IV, dated the 25th September, 1985.]

(x) Children Education Allowance/Hostel Subsidy:

Where the children do not accompany the Government servant to the North-Eastern Region, Children Education Allowance up to Class XII will be admissible in respect of children studying at the last station of posting of the employee concerned or any other station where the children reside, without any restriction of pay drawn by the Government servant. If children studying in schools are put in hostels at the last station of posting or any other station, the Government servant concerned will be given hostel subsidy without other restrictions.

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

3. These orders will take effect from 1st November, 1983 and will remain in force up to 31st October, 1987.

4. All existing special allowances, facilities and concessions extended by any special order by the Ministries/Departments of the Central Government to their own employees in the North-Eastern Region will be withdrawn from the date of effect of the orders contained in this Office Memorandum.

5. Separate orders will be issued in respect of other recommendations of the Committee referred to in paragraph 1 as and when decisions are taken on them by the Government.

For clarifications on various points of doubts see Item VIII in this Appendix.

Facilities extended to employees posted to Lakshadweep.—It has been decided that the orders contained in the abovementioned Office Memorandum except in sub-para. (iv) of para. 1 will also *mutatis mutandis* apply to Central Government employees posted to Lakshadweep.

2. These orders will take effect from 1st March, 1984.

[G.I., M.F., O.M. No. 20014/3/83-E. IV, dated the 30th March, 1984.]

NOTE 1.—The provisions of the O.M., dated the 14th December, 1983, as amended from time to time were extended periodically in the undermentioned O.Ms. pending completion of the review of the facilities:—

O.M. Nos. and Date	Period
1. No. 20014/3/83-E. IV, dated 14-12-1983	1-11-1983 to 31-10-1986
2. No. 20014/3/83-E. IV, dated 29-10-1986	1-11-1986 to 30- 4-1987
3. No. 20014/3/83-E. IV/E. II (B), dated 11-5-1987	1- 5-1987 to 31- 7-1987
4. No. 20014/3/83-E. IV/E. II (B), dated 28-7-1987	1- 8-1987 to 31- 1-1988
5. No. 20014/3/83-E. IV/E. II (B), dated 15-7-1988	1- 2-1988 to 31- 1-1989

Revised orders making further improvements have been issued with effect from 1-12-1988 *vide* G.I., M.F., O.M. No. F. 20014/16/86-E. IV/E. II (B), dated the 1st December, 1988, reproduced at item II below.

NOTE 2.—Facilities admissible to the Government servants deputed to the Governments of Manipur and Tripura.—See GIO (10) below F.R. 111.

II

Improvement in allowances and facilities for civilian employees of the Central Government serving in the States of N.-E. Region, A. & N. Islands and Lakshadweep

The undersigned is directed to refer to this Ministry's O.M. No. 20014/3/83-E. IV, dated the 14th December, 1983 and 30th March, 1984 (*item I above*), on the subject mentioned above and to say that the question of making suitable improvements in the allowances and facilities to Central Government employees posted in North-Eastern Region comprising the States of Assam, Meghalaya, Manipur, Nagaland, Tripura, Arunachal

Pradesh and Mizoram has been engaging the attention of the Government. Accordingly the President is now pleased to decide as follows:—

(i) Tenure of posting/deputation

The existing provisions as contained in this Ministry's O.M., dated 14-12-1983, 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 14-12-1983, 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 Government civilian employees who have All India transfer liability will be granted Special (Duty) Allowance at the rate of 12½% of basic pay subject to a ceiling of Rs. 1,000 per month on posting to any station in the North-Eastern Region. Special (Duty) Allowance will be in addition to any special pay and/or deputation (duty) allowance already being drawn subject to the condition that the total of such Special (Duty) Allowance plus Special Pay/Deputation (Duty) Allowance will not exceed Rs. 1,000 p.m. Special Allowances like Special Compensatory (Remote Locality) Allowance, Construction Allowance and Project Allowance will be drawn separately.

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

(iv) Special Compensatory Allowance

The recommendations of the 4th Pay Commission have been accepted by the Government and Special Compensatory Allowance at the revised rates have been made effective from 1-10-1986.

(v) Travelling Allowance on First appointment

The present concessions as contained in this Ministry's O.M., dated 14-12-1983, will continue with the liberalisation that on first appointment T.A. should be admissible for the total distance, instead of for the distance in excess of first 400 kms. only.

(vi) Travelling Allowance for journey on transfer

The existing provisions as contained in this Ministry's O.M., dated 14-12-1983, will continue.

70 (vii) *Road mileage for transportation of personal effect on transfer*

The existing provisions as contained in this Ministry's O.M., dated 14-12-1983, will continue.

(viii) *Joining time with Leave*

The existing provisions as contained in this Ministry's O.M., dated 14-12-1983, will continue.

(ix) *Leave Travel Concession*

The existing concession as contained in this Ministry's O.M., dated 14-12-1983, will continue.

Officers drawing pay of Rs. 5,100 or above, and their families, i.e., spouse and two dependent children (up to 18 years for boys and 24 years for girls) will be allowed air travel between Imphal/Silchar/Agartala/Aizawl/Lilabari and Calcutta and vice versa; between Port Blair and Calcutta/Madras and vice versa in case of postings in A. & N. Islands; and between Kavaratti and Cochin and vice versa in case of postings in Lakshadweep.

(x) *Children Education Allowance/Hostel subsidy*

Where the children do not accompany the Government servant to the North-Eastern Region, Children Education Allowance up to class XII will be admissible in respect of children studying at the last station of posting of the employees concerned or any other station where the children reside. If children studying in schools are put in hostels at the last station of posting or any other station, the Government servant concerned will be given hostel subsidy without other restrictions. The rates of Children Education Allowance/Hostel subsidy will be as in the DoP & T, O.M. No. 18011/1/87-Est. (Allowances), dated 31-12-1987, as amended from time to time.

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

The present concession as contained in this Ministry's O.M. No. 11016/1-E. II (B)/84, dated 29-3-1984 (item IV below), as amended from time to time will continue to be applicable.

(xii) *Telephone facilities*

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

2. The above orders will also apply *mutatis mutandis* to the Central Government employees posted in Andaman and Nicobar Islands and Lakshadweep Island. These orders will also apply *mutatis mutandis* to

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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.

[G.I., M.F., O.M. No. F. 20014/16/86-E. IV/E. II (B), dated the 1st December, 1988.]

III

Retention of /Allotment of alternative general pool accommodation to civilian employees/officers of AIS posted to North-Eastern Region

Orders have been issued from time to time as per details given below for retention of general pool accommodation/allotment of alternative general pool accommodation to civilian Central Government employees and officers of All India Services posted to the States of Assam, Meghalaya, Manipur, Nagaland and Tripura and Union Territories of Arunachal Pradesh, Mizoram, Andaman and Nicobar Islands for a period of three years from 1-11-1983 to 31-10-1986 and in respect of Lakshadweep from 1-3-1984 to 31-10-1986—

1. O.M. No. 12035 (24)/77-Pol. II, dated 15-2-1984.
2. O.M. No. 12035 (24)/77-Pol. II, dated 2-6-1984.
3. O.M. No. 12035 (24)/77-Pol. II, dated 30-3-1985.
4. O.M. No. 12035 (24)/77-Pol. II (Vol. II), dated 19-5-1986.
5. O.M. No. 12035 (24)/77-Pol. II (Vol. II), dated 27-1-1987.

2. The matter relating to extension of the abovementioned orders for the period from 1-11-1986, has been considered and it has been decided by Government to extend the provisions of the orders mentioned above for a period of six months from 1-11-1986, or till revised orders are issued, whichever is earlier. For the benefit of the officials who may be posted to States/Union Territories mentioned above, the concessions admissible as per orders quoted above are indicated below—

1. Civilian Central Government employee serving in the States of Assam, Meghalaya, Manipur, Nagaland and Tripura and Union Territories of Arunachal Pradesh and Mizoram (these two Union Territories have now become States), Andaman and Nicobar Islands and Lakshadweep.

- (i) In the case of officers who are posted to the aforesaid States/Union Territories and who desire to keep their family at the last station of posting, in the case of officers who may be in occupation of accommodation below their entitled type on the basis of emoluments prescribed on the crucial date of the relevant Allotment Year, they may be allowed to retain the same accommodation in case the accommodation occupied is from Type B to Type E. For this purpose, emoluments prescribed on the crucial date for the relevant Allotment Year will be taken into account and not the emoluments on the date

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of transfer. Highest type of accommodation that can be allowed to be retained or allotted as alternative accommodation will be Type E.

- (ii) In the case of officers who are in occupation of their entitled type of accommodation they will be allotted accommodation of one type below the type of accommodation under their occupation, in the same or nearby locality or Hostel accommodation, in case the officers request for allotment of alternative accommodation.
- (iii) Licence fee may be recovered at $1\frac{1}{2}$ (one and a half) times the standard licence fee as defined in F.R. 45-A for the accommodation offered or 15% of the emoluments drawn by the officer as defined under F.R. 45-C on the date of his transfer, whichever is less, for the period beyond the permissible period of retention of the residence under S.R. 317-B-11 (2). It will be obligatory for the officers to accept the allotment of alternative accommodation offered, failing which the above concession will not be available.
- (iv) The request for retention of accommodation/allotment of alternative accommodation should reach the Directorate of Estates within one month of the relinquishing of the charge at the last station of posting of the officer.
- (v) It is the responsibility of the officer concerned to intimate to the Directorate of Estates of the date of relinquishment of charge immediately prior to the posting to the North-Eastern Region, the date of joining in the new post in the North-Eastern Region and date of handing over charge in that Region. The concerned office will also ensure that such intimation is sent to the Directorate of Estates within one month of the event.
- (vi) The above concession would be admissible if the Government servant is transferred from one State/Union Territory to another within the North-Eastern Region.
- (vii) The orders are applicable only in case the officials are posted to Central Government offices, offices of the Union Territories and these orders will not be applicable in cases where officers are posted to public sector undertakings, Government companies, autonomous bodies, etc.

II. All India Services Officers

The above concession of retention of accommodation/allotment of alternative accommodation is permissible to All India Services Officers (Indian Administrative Service, Indian Police Service, Indian Forest Service) as per details given below—

- (i) Officers of All India Services from a State cadre other than the States in North-Eastern Region/Union Territories cadre sent

on deputation to North-Eastern Region (Assam, Meghalaya, Manipur, Nagaland, Tripura, Arunachal Pradesh and Mizoram) in public interest so long as they are on deputation to the North-Eastern Region.

- (ii) All India Services Officers of U.T. cadre who are posted to one of the four Union Territories, viz., Andaman and Nicobar Islands, Lakshadweep, Arunachal Pradesh and Mizoram (the latter two Union Territories have now become States).
- (iii) Officers of All India Services cadre borne on the State cadres belonging to Assam, Meghalaya, Manipur, Tripura and Nagaland, who revert to the cadres at the end of the normal tenure with the Central Government, for a period of 2 years including the period of retention admissible under the rules at present, such All India Services officers of these States who have to revert prematurely in public interest may be allowed the concession of retention of accommodation/allotment of alternative accommodation for the balance period of their tenure or two years, whichever is longer.

3. In the case of House Owning Officer, each case will be considered on merits and decided.

4. As indicated above, these orders would be availed for a period of six months from 1-11-1986 or till revised orders are issued, whichever is earlier.

[G.I., Min. of U.D. (Dir. of Estates), O.M. No. 12035 (24)/77-Pol. II, dated the 26th March, 1987.]

It has been decided that the orders issued in the O.M. of even number, dated 26-3-1987, should be extended for the period from 1-5-1987 to 30-9-1987.

Keeping in view the acute shortage of accommodation available in Delhi for allotment to senior serving officers, the highest type of alternative accommodation to be allotted or allowed to be retained has also been considered and it has been decided that retention/alternative accommodation to be provided should be restricted to the category next below entitlement subject to the maximum of D.I. type accommodation.

It is also clarified that the orders issued from time to time for retention of accommodation/allotment of alternative accommodation in the case of Central Government officers posted to States/Union Territories and extended by the Order of 26-3-1987, are also applicable in cases where

- Central Government employees are sent on deputation to State Governments.

[G.I., M.U.D. (Dir. of Estates), O.M. No. 12035 (24)/77-Pol. II, dated the 2nd July, 1987 and 2nd January, 1991.]

It has been decided to extend the orders issued in the above O.M. No. 12035 (24)/77-Pol. II, dated 26-3-1987 and 2-7-1987, for a further

period of three years up to 30-6-1993 or till revised orders are issued whichever is earlier.

[G.I., Min. of U.D. (Dir. of Estates), O.M. No. 12035 (24)/77-Pol. II (Pt), dated the 1st August, 1990.]

The application form in which request may be made to the Directorate of Estates/Regional Office, is given in the Annexure.

[G.I., Min. of Wks. & Housing, O.M. No. 12035 (24)/77-Pol. II, dated the 2nd June, 1984.]

ANNEXURE

Application form for allotment of general pool accommodation in respect of civilian Central Government employees posted to the States of Assam, Meghalaya, Manipur, Nagaland and Tripura and Union Territories of Arunachal Pradesh, Mizoram, Andaman and Nicobar Islands and Lakshadweep.

To

The Director of Estates/Estate Manager/Assistant Estate Manager,

Sir,

I relinquished charge of my previous posting as (Designation), Ministry/Office (Name of office) at (Name of station) on (date) and have joined on (date) as (designation) in the office of in the State/Union Territory of (name of State/Union Territory). I am an allottee of general pool accommodation and desire to keep my family at the last station of posting. I may, therefore, be allotted alternative general pool accommodation as per orders for the bona fide use of the members of the family. Necessary particulars are furnished below—

- (1) Details of general pool accommodation at present occupied
 - (a) Type
 - (b) Full postal address
- (2) Emoluments drawn (as defined under F.R. 45-C including CCA) on the date of transfer.
- (3) Preference for the colony where alternative accommodation is required.
- (4) Please indicate whether hostel accommodation is required. If so, where?
- (5) Has the request been made within one month of relinquishing of charge at the last station of posting?

(6) Full name and postal address of the person nominated by you who will convey acceptance, on your behalf, of allotment and take possession of the alternative accommodation. (A copy of the nomination letter may please be sent by you to nominee also). A copy of the allotment letter will also be endorsed to your nominee.

(7) Name and full postal address of the person who shall deposit licence fee.

2. As soon as I am transferred from the State/Union Territory mentioned above, I undertake to inform the Directorate of Estates/Regional Office concerned about such transfer, within 15 days of such transfer.

Signature

Name

Designation

Name of Ministry/Department

Endorsement by the Controlling Office

No.

Date:

Forwarded to the Directorate of Estates/Estate Manager/Assistant Estate Manager.

Signature

Name

Designation

IV

Payment of double House Rent Allowance

The undersigned is directed to refer to para. 5 of this Ministry's O.M. No. 20014/3/83-E. IV, dated the 14th December, 1983, on the subject noted above, and to state that the question of payment of House Rent Allowance to Central Government Civilian employees who are posted in the States of Assam, Meghalaya, Manipur, Nagaland and Tripura and the Union Territories of Arunachal Pradesh, Mizoram and Andaman and Nicobar Islands has been considered and the President is pleased to decide as follows:—

(a) Central Government employees who were in occupation of hired private accommodation at the last station of posting before transfer to any of the States/Union Territories mentioned above may be allowed to draw House Rent Allowance admissible to them at that station.

(b) Such Central Government Civilian employees may also be allowed to draw, in addition to (a) above, House Rent Allowance at the rates admissible at the new place of posting in the aforesaid States/Union Territories in case they live in hired private accommodation.

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(c) The benefits mentioned in (a) and (b) above will also be admissible to Central Government employees who get transferred from one station of a State/Union Territory of the North-Eastern Region to another State/Union Territory of the North-Eastern Region mentioned above.

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

[G.I., M.F., O.M. No. 11016/1/E. II (B)/84, dated the 29th March, 1984.]

The undersigned is directed to invite reference to this Ministry's Office Memorandum of even number, dated the 29th March, 1984, on the subject and to state that the President is pleased to decide that the orders contained in the above Office Memorandum will also *mutatis mutandis* apply to the Central Government employees posted in Lakshadweep.

2. These orders will take effect from 1st March, 1984.

[G.I., M.F., O.M. No. 11016/1-E. II (B)/84, dated the 21st May, 1984.]

It has been decided that civilian employees of the Central Government serving in the Union Territories/States of North-Eastern Region, Andaman and Nicobar Islands and Lakshadweep may be allowed revised rates of HRA with effect from 1-10-1986, in terms of this Ministry's O.M. No. 11013/2/86-E. II (B), dated the 23-9-1986 and O.M. No. 11013/2/86-E. II (B), dated 19-3-1987, for the last place of posting on their transfer to the States/Union Territories in the North-Eastern Region, Andaman and Nicobar Islands and Lakshadweep.

2. The other conditions for drawal of the allowances remain the same.

[G.I., M.F., O.M. No. 11016/1/E. II (B)/84, dated the 28th January, 1988.]

Clarifications.—1. The benefit of HRA will not be available to those Central Government servants on their transfer in the States/Union Territories who have shifted their families to a station other than the last place of posting or who brought their families to the place of their transfer/posting and claimed transfer T.A., but later on sent their families to their last place of posting or to some other place due to certain reasons.

2. The concession will be available to those Central Government servants who are keeping their families in rented houses or in their own houses at the last place of posting and were in receipt of HRA at that place, in addition to the benefits available at the new place of posting till the concerned Government servants remain posted in the States/Union Territories.

3. The concession will be available to the Central Government servant without any change in the quantum of HRA at the last station where the family continues to stay, till the concerned Government servant remains posted in the specified areas and the family continues to stay at the last station.

4. Employees transferred to the specified areas will be entitled to H.R.A "admissible to them" at the last station. H.R.A will be admissible at the last station only if the employee was getting it at the last place of posting and the family stays back and other conditions for H.R.A are satisfied. It will not be admissible to those Government employees who have brought their families to the new place of posting and claimed transfer T.A. and have kept other members at the last place of posting.

[G.I., M.F., O.M. No. 11014/1/E. III (B)/84, dated the 28th May, 1986.]

In partial modification of the clarifications 1 and 4 above it is clarified that the Central Government employees on their transfer/posting to North-Eastern Region, Andaman and Nicobar Islands and Lakshadweep Islands shall be entitled to House Rent Allowance with reference to the last place of posting, if otherwise admissible, irrespective of whether they have claimed transfer T.A. for family or not subject to the condition that hired private accommodation or owned house at the last station of posting is put to bona fide use of the members of the family.

2. The other clarifications issued against the points at Sl. Nos. 2 and 3 above shall continue to apply while regulating claims for House Rent Allowance.

[G.I., M.F., O.M. No. 11014/1/84-E. II (B), dated the 8th March, 1988.]

V

Retention of P. & T. Quarters at the previous station of posting by officers transferred to North-Eastern Regions

Attention is invited to this Office Letter of even number, dated 7-1-1981, on the subject cited above allowing officers transferred to North-Eastern region to retain P. & T. pool accommodation at their old stations of posting on payment of normal licence fee.

2. The matter has been reviewed in the light of instructions contained in the Ministry of Works and Housing (Dte. of Estates), New Delhi, Letter No. 12035 (4)/77-Pol. II, dated 15-2-84 and the P. & T. Board has modified the earlier orders as indicated below—

- (a) Officers retaining P. & T. pool accommodation will be required to pay licence fee in the light of instructions contained in the Min. of Works and Housing (Dte. of Estates), New Delhi, Letter referred to above at $1\frac{1}{2}$ times the standard licence fee as defined under F.R. 45-A or 15% of the emoluments drawn by them as defined under F.R. 45-C on the date of their transfer, whichever is less, for a period beyond the permissible period for retention of the residence under S.R. 317-B-11 (2).
- (b) Officers occupying post-attached quarters in the P. & T. pool may be allotted alternative quarters from the P. & T. pool on payment of rent as indicated in the preceding para.

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- (c) Officers in occupation of 'general pool' accommodation may not be considered for P. & T. accommodation on their transfer to North-East in view of the facility extended by the Ministry of Works and Housing (Dte. of Estates, New Delhi).
- (d) On expiry of the full period of posting in N.E. region, the officers will cease to be eligible for this concession and further retention of the accommodation will be governed by the existing rules for allocation/allotment of Government quarters.

The request of retention of P. & T. pool accommodation/allotment of alternative accommodation should reach the concerned Circle Office within one month of their relinquishment of charge at the last station of their posting.

[D.G., P. & T., ND. No. 42-66/80-NB, dated the 30th July, 1984.]

VI

Grant of rent-free accommodation/house rent allowance to those posted to Mizoram

It has been decided to grant rent-free unfurnished accommodation to the Central Government employees having All India transfer liability and posted to the Union Territory of Mizoram, or house rent allowance in lieu thereof at the rates mentioned below—

Pay range	Rate
Up to Rs. 560	15% of pay.
Rs. 560-599	Amount by which pay falls short of Rs. 644.
Rs. 600 and above	7½ % of pay subject to a maximum of Rs. 200.

[G.I., M.F., O.M. No. 11015/1/E. II (B)/76, dated the 31st January, 1977.]

VII

Clarifications.—With reference to the Government of India, Ministry of Finance, O.M. No. 20014/3/83-E. IV, dated 14-12-1983 (*vide* item 1 in this Appx.), clarification received from the Government of India, Ministry of Finance, in their Department of Expenditure, U.O. No. 3943-E. IV/84, dated 17-10-84, with reference to our points of doubts raised in this Office U.O. No. 519-Audit/117-83, dated 21-6-84 in the matter, are detailed below—

1. (a) Tenure of posting/deputation [Para. 1 (i) of the O.M.]:

Point of doubt.—Since orders contained in O.M. No. 20014/3/83-E. IV, dated 14-12-1983, have also been extended to the members of All India Services serving in the States and Union Territories of the North-Eastern Region in terms of para. 3 of the Government of India, Ministry of Home Affairs, Department of Personnel and Administrative Reforms, Letter No. 14017/21/83-AIS. II, dated 3-2-84, it is presumed that the

orders contained in the O.M., dated 14-12-1983, will also apply to all such cases of appointments/postings, transfers of Central Government employees from one station/State, Union Territory of North-Eastern Region to another of the North-Eastern Region. This needs confirmation.

Clarification.—The point sought to be clarified is not very clear. Para. 1 (i) of our O.M. speaks of a fixed tenure of 2/3 years depending upon the service of the officer. Our orders are applicable to all Central Government employees posted in the States/Union Territories of North-Eastern Region.

1. (b) Since terms of deputation and admissibility of deputation allowance are in relaxation of the general condition of grant of deputation allowance, it is presumed that they will cover all cases of deputation of Central Government employees to Central and State Government organisations and companies, autonomous bodies, in N.E. Region even if their parent offices are in that Region, e.g., Central Government employees from AG, Assam office deputed to such organisation in the N.E. Region. This may please be confirmed.

Clarification.—As stated above the orders are applicable to Central Government civilian employees posted in the region in Central Government offices and will not be applicable on deputation to State Government organisations, Companies/Boards, etc.

2. Special (Duty) Allowance—[para. 1 (iii) of O.M.]: As already pointed out in our U.O., dated 13-12-83, referred to above it is not clear as to why persons who may not have any All India transfer liability but would be prepared to serve in the N.E. Region should be denied the allowance as the very purpose of the grant of the allowance is to encourage Government servants to serve in that region. Further decision in this respect is solicited.

Clarification.—It is a conscious decision to allow special (duty) allowance to only those who have All India transfer liability.

3. Special Duty Allowance is described as a "duty" allowance and total of such allowance *plus* special pay/deputation (duty) allowance has been limited to Rs. 400 p.m., but its treatment for various purposes, i.e., T.A., DA, HRA, etc., has not been stated. It is felt that this should be treated as "Special Pay" as defined in F.Rs. like Deputation (Duty) Allowance for all such purposes. Position needs to be clarified clearly in this respect.

Clarification.—The special (duty) allowance is to be treated as allowance and not as special pay.

4. Special Compensatory allowance [para. 1 (iv) of O.M.]: It is felt that special compensatory allowance should be treated as compensatory allowance for all purposes (including for calculation of "Emoluments" under F.R. 45-C and regulated in the same manner as applicable in cases of compensatory (city) allowance during leave transfer, suspension, training, etc., as well as in the case of payments to staff paid out of contingencies.

52 **Clarification.**—In our O.M., dated 14-12-83, only the rates of the Special Compensatory Allowance have been revised in certain areas; the original orders laying down the conditions, etc., remain the same. In those orders regulation of SCA during leave, transfer, suspension, etc., has been provided.

5. T.A. on first appointment [para. 1 (v) of O.M.]: Grant of T.A. limited to ordinary bus fare/second class train fare for the distance in excess of the first 400 kms. has been allowed under the O.M. in case of journeys for taking up initial appointment to a post in the N.E. Region in relaxation of the provisions of S.R. 105 but it is not clear whether this concession would be admissible to all appointees irrespective of the station from which the journey to take up the new appointment is undertaken. Position may be clarified.

Clarification.—It is confirmed that this concession is admissible irrespective of the station from which the journey commences.

6. T.A. for journey on transfer [para. 1 (vi) of O.M.]: It is to be clarified whether this provision will also apply to transfers from one station to another station both of which are in the N.E. Region.

Clarification.—This concession is admissible only in cases where the Government servant is transferred from a station outside the region to a station in the N.E. Region and vice versa, the same is not applicable from one station to another station within the region.

7. Road mileage on transportation of personal effects [para. 1 (vii) of the O.M.]: The higher road mileages have been prescribed under S.R. 116 only for application between places not connected by Railways. It is presumed that this condition would still apply while granting road mileage in terms of the above O.M. This may please be confirmed.

Clarification.—It is confirmed that higher rate of road mileage as for 'A' class cities is admissible only between stations not connected by rail.

8. Withdrawals of all the existing special allowances, facilities and concessions extended by any special order by the Ministries/Departments of the Central Government (para. 4 of the O.M.): It is not clear which are the special allowances, facilities and concessions which have been withdrawn and what new benefits and concessions have been given in lieu therefor to the employees. This needs to be specified clearly.

Clarification.—This relates to special orders issued by different Ministries/Departments, for their own employees posted in N.E. Region, e.g., Ministry of Railways had granted higher rate of compensatory allowance to their employees in Lumbding area, which now stands withdrawn.

[C. & A.G., Circular Letter No. 908-Audit/117-83, dated the 11th December, 1984.]

9. It has been enquired whether the Special (Duty) Allowance sanctioned *vide* M.F., O.M. No. 20014/2/83-E. IV, dated 14-12-1983, for the staff posted in North-Eastern Region will form part of "emoluments" for the purpose of deciding eligibility of employees to a quantum of *ad hoc* bonus in terms of relevant orders issued *vide* M.F., O.M. of even number, dated 28-9-1984.

Clarification.—It is clarified that the Special (Duty) Allowance is not to be treated as part of "emoluments" as it is of a compensatory nature like Special Compensatory (Remote Locality) Allowance, etc.

[G.I., M.F., O.M. No. 14 (I)/E. (Co-ord)/84, dated Nil, January, 1985.]

VIII

Island Special Allowance, in lieu of Special (Duty) Allowance, to All India transferable liability employees posted in the Andaman, Nicobar and Lakshadweep islands

The undersigned is directed to refer to this Ministry's O.M. No. 20014/3/83-E. IV, dated 14-12-1983 (*vide* item I in this Appendix), as amended from time to time and to say that the question of working out a package of incentives to attract personnel for serving in the Island Territories has been engaging the attention of the Government. Accordingly, the President is pleased to decide that an Island Special Allowance on a graded basis, in lieu of the existing Special (Duty) Allowance may be granted to the Central Government civilian employees, having 'All India Transfer Liability' on their posting to these Islands in the following manner:—

Areas	Rates
(i) <i>Areas around Capital Towns:</i> (Port Blair in A & N Islands, Kavaratti and Agatti in Lakshadweep)	12½% of basic pay subject to a maximum of Rs. 1,000 p.m.
(ii) <i>Difficult areas:</i> (North and Middle Andaman, South Andaman excluding Port Blair in A & N Islands, all islands in Lakshadweep except Kavaratti, Agatti and Minicoy)	20% of basic pay subject to a maximum of Rs. 1,000 p.m.
(iii) <i>More Difficult areas:</i> (Little Andaman, Nicobar group of Islands, Narcondum Islands, East Islands in A & N Islands, Minicoy in Lakshadweep)	25% of basic pay subject to a maximum of Rs. 1,000 p.m.

2. The Island Special Allowance will be regulated in the same manner as Special (Duty) Allowance. Island Special 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 Island Special Allowance *plus* Special Pay/Deputation (Duty) Allowance will not exceed Rs. 1,000 p.m. Special Allowance like Special Compensatory (Remote Locality) Allowance, Project Allowance will be drawn separately.

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

[G.I., M.F., O.M. No. 20022/2/88-E. II (B), dated the 24th May, 1989.]

*Attested by 2/ab
Penalty Conservation Officer
P.C.C.F's Office
Mizoram Mizawl*

No. 3-1/96-RT

Government of India
Ministry of Environment & Forests

Paryavaran Bhawan,
CGO Complex,
Lodi Road,
New Delhi-3,
Date: 4.7.96

To

Shri Lianzuala,
Under Secretary to the Govt. of Mizoram,
Environment & Forests Deptt.,
Aizawl, Mizoram.

Sub: Retention of/allotment of alternative residential accommodation to All India Service Officers posted to North-eastern region- representation regarding.

Ref: Your letter no.A.19099/12/95-FST dated 24th April '96.

Sir,

With reference to your letter cited above, I have to inform you that the matter related with the representation submitted by Shri S.R. Mehta, Principal Chief Conservator of Forests, Mizoram has been re-examined in this Ministry in consultation with the Directorate of Estates, Govt. of India. The Directorate of Estates has clarified that retention of accommodation by AIS Officers of N.E. Region, their reversion to their parent cadre are applicable in respect of general pool accommodation only. Keeping this in view the claim for retention of accommodation by Mr. Mehta from FRI pool is not valid. Mr. Mehta may please be informed accordingly.

Yours faithfully,

DD Sharma
(D.D. SHARMA)

SR. ASSTT. INSPECTOR GENERAL OF FORESTS (RT)

May kindly
be

Subj. Entd. Attested 19/7/96
Aug 1996
Deputy Conservator of Forests
P.C.C.F's Office Aizawl
Mizoram

Received by 670
Date 19/7/96
By

URGENT

No. 4-25/94-Bldg/RSM
 Indian Council of Forestry Research & Education
 Forest Research Institute
 P.O. New Forest, Dehradun - 248006

Dated the 23 July, 1996

Tp

Shri S.R.Mehta,
 Principal Chief Conservator of Forests,
 Government of Mizoram,
Aizawl, 796 001.

Subject : Vacation of Bungalow No.12(Type-VI), FRI Estate.

Sir,

Kindly refer to this office letter dated 6.6.96 regarding retention of residential accommodation by the All India Service Officers of the North-Eastern Region and J&K.

As per the earlier decision taken by the Ministry on this issue, you are requested to kindly handover the vacant possession of above bungalow to this Institute by 10.8.96 positively, failing which action to get it vacated, will be initiated as per PP Act and damages (Mkt. licence fee) @ Rs.6772/-per month will be applicable beyond 10.8.96 onwards.

Attested
19/8/96
 Deputy Conservator of Forests (Hqrs)
 P.C.C.F's Office Aizawl
 Mizoram

Yours faithfully,

(A.S. Gulati)
 Estate Officer

Singh/

Immediate

No.4-25/94-Bldg/SRM
Indian Council of Forestry Research & Education
Forest Research Institute
P.O.New Forest, Dehradun - 248006

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Dated the 6th June, 1996

To

Shri S.R. Mehta,
Principal Chief Conservator of Forests,
Government of Mizoram,
AIZAWL - 796 001

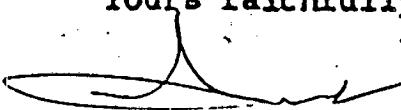
Subject : Retention of residential accommodation by the
All India Service Officers of the North-Eastern
Region and J & K.

Sir,

Kindly refer to your letter dated 22.4.96
addressed to the Secretary to the Govt. of India,
Ministry of Environment & Forests, New Delhi and copy
endorsed to this office and this office letter of even
number dated 21.3.96, on the above noted subject.

As per earlier decision taken by the Ministry
on this issue, you are again requested to kindly vacate
the Bungalow No.12, FRI Estate immediately.

Yours faithfully,


Estate Officer
Forest Research Institute

Attested


19/8/96
Deputy Conservator of Forests (Hrs)
P.C.C.Fs Office Aizawl
Mizoram

From : S.R. Mehta,
Principal Chief Conservator of Forests,
Mizoram, Aizawl.

To

The Secretary to the Govt. of India,
Ministry of Environment & Forests,
Parivarjan Bhawan,
C.G.O. Complex, Lodhi Road,
New Delhi - 110 003.

(Through proper channel).

Subject : Retention of/allotment of alternative residential accomodation to All India Service Officers posted to North Eastern Region - representation regarding.

Reference: Your Letter No.3-1/96-RT dated 4.7.1996.

Sir,

Kindly refer to your above letter clarifying that the retention of accomodation by All India Service Officers of North Eastern Region after reversion to their parent cadre are applicable in respect of general pool accomodation only and keeping this in view, my claim for retention of accomodation from F.R.I. pool is not valid.

In this connection I would like to reproduce below the extract of Para I (VII) of the instructions relating to - Retention of/allotment of alternative general pool accomodation to civilian employees/officers of All India Service Officers posted to North Eastern

Region - of Appendix 9 (INCENTIVES FOR SERVING IN REMOTE AREAS) of Swamy's Compilation of FRSR (Part-I General Rules):-

I(vii) The orders are applicable only in case the officials are posted to Central Government offices, offices of the Union Territories and these orders will not be applicable in cases where officers are posted to public sector undertakings, Government companies, autonomous bodies, etc.

The residential pool accommodation at New Forest, Dehradun is to be treated as general pool accommodation for the purpose of these orders as far as Directorate of Forest Education & State Forest Service College are concerned as this pool comprise of the officers and employees of four institutions namely - Directorate of Forest Education; State Forest Service College; Directorate of Director General Indian Council of Forestry Research and Education; and Forest Research Institute all located at New Forest and calling or treating it as FRI pool is a misnomer and not correct in view of the fact that it is not a pool meant for

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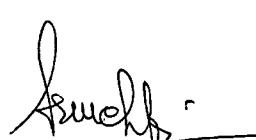
officers and employees of F.R.I. alone. From the Govt. of India's orders quoted above, it is very clear that the facility of retention of pool accomodation is applicable only in case the officials are posted to Central Government offices and not in cases of autonomous bodies. I was posted to State Forest Service College and later to Directorate of Forest Education which are Central Government offices ^{and} as such this facility is admissible to me. In view of the position explained above, I would request you to kindly reconsider your decision in the light of policy, spirit of the orders of the Govt. of India on the subject and allow me to retain the accomodation in the 'New Forest residential pool' for bonafide use of my family members and convey your decision soon.

(2) I may also kindly be supplied with a copy of the clarification said to have been given by the Directorate of Estates, New Delhi to the effect that retention of accomodation by All India Service Officers of North Eastern Region after reversion to their parent cadre are applicable in respect of general pool accomodation only.

Dated : Aizawl.

Your faithfully,

8.8.96.


(S.R. Mehta)

Principal Chief Conservator of Forests,
Mizoram : Aizawl.

41(A)

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Copy to :-

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1. Estate Officer, Forest Research Institute, P.O. New Forest, Dehradun.
2. Secretary to the Govt. of Mizoram, Environment & Forest Department, Aizawl along with a copy to kindly arrange to forward the same to concerned at New Delhi.

(S.R. MEHTA)

Principal Chief Conservator of Forests,
Mizoram : Aizawl.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

Central Administrative Tribunal
Guwahati Bench
16 DEC 1996
Guwahati Bench
Central Administrative Tribunal

In the matter of
O.A. No.220 of 1996

S.R. Mehta.....Applicant
Versus

Union of India and others.....Respondents.

* * *

WRITTEN STATEMENT FOR AND ON BEHALF OF RESPONDENT NOS.1 AND 2.

* * *

I, A.S. Gulati, Estate Officer, Forest Research Institute, Dehra Dun do hereby solemnly affirm and say as follows:

1. I am the Estate Officer, Forest Research Institute, Dehra Dun and Respondent No.2 in the above case and acquainted with facts and circumstances of the case. I have gone through the copy of the application served upon me and have understood the contents thereof. Save and except whatever is specifically admitted in this Written Statement, the other, statements and contentions in the application may be deemed to have been denied by the Respondents. I have been authorised to file this Written Statement on behalf of Respondent No.1 also.
2. That at the outset I beg to place a brief history of the case before the Hon'ble Tribunal.

The erstwhile Forest Research Institute and Colleges a Govt. of India organisation consisted of the following units :-

Filed by
H. K. Chacko
M.D. Central Govt's
Standing Counsel
17/12/96

-2-

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1. Forest Research Institute and its outlying Centres
2. Indian Forest College
3. Directorate of Forest Education
 - (a) 3 State Forest Service Colleges
 - (b) 5 Ranger Colleges

Under the reorganisation by the Government the erstwhile Forest Research Institute and Colleges was divided into three parts namely :-

- (a) Forest Research Institute and Colleges was converted into Indian Council of Forestry Research & Education (hereinafter called as ICFRE) with 6 Institutes under it, with Forest Research Institute (hereinafter called FRI) as one of the Institutes;
- (b) Indira Gandhi National Forest Academy;
- (c) Directorate of Forest Education including 3 SFS Colleges and 5 Ranger Colleges.

The Indian Council of Forestry Research & Education was converted into autonomous body in the year 1991 under the Ministry of Environment and Forests and the other two constituents remained as purely Central Govt. Organisations. Prior to reorganisation the residential accomodation available in FRI campus was shared by all the above three organisations. In the course of time Indira Gandhi National Forest Academy

constructed a separate housing colony for its officers and after autonomy to the Indian Council of Forestry Research and Education the Govt. decided that while the Administrative control of the FRI Estate will remain with Forest Research Institute which is one of the Institutes under the ICFRE and the accomodation will be shared by the officers of these organisations as below :-

- (1) Tenure and Non-tenure officers of Forest Research Institute.
- (2) One Type-VII Bungalow and one Type-VI bungalow for Director, Forest Education and Principal, SFS College respectively.

In addition Faculty Members of SFS College situated at Dehra Dun are also provided appropriate accomodation.

In FRI Estate the accomodation available for allotment is as below :-

(1) Type IV quarters	55
(2) Type V bungalows	64
(3) Type VI bungalows	13
(4) Type VII bungalows	4
(5) Type VIII bungalows	1

TOTAL 137

45
62
• Type VIII bungalow is reserved for the Director General, whereas 81 bungalows Type V, Type VI and Type VII are equally shared by tenure as well as non-tenure officers, i.e. out of 81, 40 bungalows are reserved for tenure officers who join the organisation for 3-5 years on deputation. Providing residential accomodation to the officers who are appointed on deputation to these organisations is the precondition of appointment. The total number of officers who are eligible for allotment of the above accomodation available in FRI estate are as below :-

(1) Regular Scientific Officers of FRI	202
(2) Tenure Officers	57
(3) Director, IGNFA	1
(4) Director Forest Education(DFE)	1
(5) Principal, SFS College	1
(6) Instructor, SFS College	5
(7) Engineers of CPWD	2
TOTAL	269

From the above, it is clear that for 137 bungalows there are 269 claimants which means only 50 per cent satisfaction level.

The applicant was allotted bungalow No.12 appropriate to his status on his joining as Principal,SFS/DFE in October, 1989 and on completion of his deputation tenure he was reverted back to his parent cadre Mizoram in January, 1995. The applicant, however, retained the bungalow allotted to him after reversion to his parent cadre and he is still in occupation of the bungalow

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till today, inspite of repeated requests to vacate the house on the plea that the daughter and son of the applicant are studying in IX and VII standards respectively in Dehra Dun and he is compelled to leave his children for their education at Dehra Dun, he further claimed that he can retain accomodation at his last station of posting i.e. New Forest, Dehra Dun for bonafide use of his family members on posting to Mizoram in the North East Region in terms of Govt. of India O.M. No.20014/3/83-E.IV dated 14th December, 1983, "Incentive for serving in remote areas". In this connection, a reference was made to the Ministry of Environment and Forests for clarification and in reply thereto Ministry of Environment and Forests vide their letter No.3-1/96-RT dated 12th March, 1996 (Annexure-RIII) clearly indicated that the claim for retention of accomodation allotted to the applicant during his deputation tenure at FRI is not valid. Accordingly, the applicant was informed to vacate the bungalow immediately vide this office letter No4-25/94-Bldg/SRM, Dated 23/7/95 (Annexure R-II).

The Govt. of India aforementioned O.M. No. 20014/3/83 EIV dated the 14th December, 1993 is valid only for General pool accomodation under the control of Directorate of Estate, Ministry of Urban Affairs and Employment, New Delhi. From the position explained in the above paragraphs it may be seen that in FRI Estate limited bungalows are available to the officers of this organisation, to cater to the needs of eligible officers at merely 50 per cent satisfaction level. There is always a long queue for allotment of entitled class of accomodation. In most

- 7 -

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of the cases the officers have been allotted one step lower accomodations and in some cases even two steps lower than their entitlement because of shortage of accomodation.

As per Ministry of Environment and Forests decision, one bungalow is reserved for Director, Forest Education and one for Principal, SFS College. On repatriation of the applicant to his parent cadre, another officer from the North East Region has been posted in his place who has been allotted another bungalow in the FRI estate after.

In case this practice of retaining bungalows by the officers serving in remote areas is allowed to continue, in the near future within the limited accomodation available in FRI campus a number of bungalows will continue to remain with the families of such officers, after their repatriation to their parent cadre on completing their tenure and the bonafide eligible officers of this organisation will suffer. At present, about half-a-dozen officers from the North East are working on deputation in our organisation and in case they also retain the accomodation occupied by them in a similar manner by their families on completion of their terms, the fate of eligible officers in queue could be appreciated.

In view of the above, the contention of the applicant that FRI estate is a general pool accomodation similar to the general pool accomodation under the Directorate of Estate, New Delhi is absolutely incorrect and cannot be accepted.

3. That with reference to para 6(i) of the application, the respondents beg to state that the contention of the applicant that retention of accomodation by All India Service Officers on completion of their tenure is as per Govt. of India Notification No.20014/3/83-E.IV dated 14th December, 1983 under FR/SR is not correct. These rules are not applicable to "pool accomodation" of FRI, which has already been clarified by the Ministry of Environment and Forests vide letter No.3-1/96-RT dated 4th July,1996 (Annexure R-I) in consultation with Directorate of Estate, Govt. of India, which states that retention of accomodation by AIS Officers of North Eastern region after their repatriation to thier parent cadre are applicable in respect of "general pool accomodation" under the control of Directorate of Estate, New Delhi (Annexure R-I). Keeping this in view the claim of retention of accomodation by the applicant from FRI pool is not valid. Moreover, if the North East officers are allowed to retain the residential accomodation in FRI campus on their reversion to their parent department a time will come when a number of bungalows will be in occupation of such officers.

4. That with reference to para 6(ii) of the application, the contents are denied. Further the respondent beg to state that the retention of accomodation has been allowed to the officers for their bonafide use only for a limited period as per provision of house allotment rules which facility is



equally available for officers of all cadres and not only of North East region officers.

5. That with reference to para 6(iii) of the application, the respondents have no comments as it reflects the factual position.
6. That with reference to para 6(iv) of the application, the respondents have no comments. However, as explained in para 3 above, the applicant is not entitled to retain accomodation in FRI campus on his repatriation after completing his tenure for indefinite period which was informed to the applicant vide letter No.4-25/94-Bldg/SRM, Dated 23/7/96 (Annexure R-II).
7. That with reference to para 6(v) of the application, the respondents beg to state that it is a fact that residential pool at New Forest, Dehra Dun is a pool meant for officers serving in FRI, ICFRE headquarter, Directorate of Education, SFS College etc. and is not a general pool accomodation. The accomodation available in FRI estate is limited and cannot be allowed for retaining by the officers after their repatriation to the parent department in terms of aforementioned Govt. of India O.M.
8. That with reference to para 6(vi) of the application, the respondents have no comments.

9. That with reference to para 6(vii) of the application, the respondents beg to state that the statement made in para 6(vii) are correct.

10. That with reference to para 6(viii) of the application, the respondents beg to state that the applicant is not entitled to retain accomodation in FRI.

11. That with reference to para 6(ix) of the application, the respondents have no comments.

12. That with reference to para 6(x) of the application, the respondents deny the contents thereof. Further, the respondents beg to state that it is a fact that the residence retained by the applicant is not a post attached quarter but the Ministry of Environment and Forests has allocated one bungalow type VII for DFE. The new DFE has joined and he was also to be provided with suitable accomodation and as already stated in the above paragraphs, the new DFE has been allotted another type VI bungalow, i.e. against one allocated type VII bungalow, two type VI bungalows have been occupied for the same position which means depriving another entitled officer, inspite of his bonafide right. The Ministry of Environment and Forests in aforementioned letter of 4th July, 1996 (Annexure R-I) has already clarified that the accomodation available in FRI estate is not a general pool accomodation and cannot be retained by such officers.

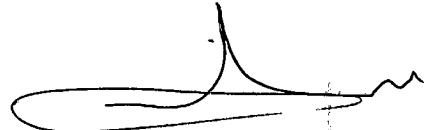
13. That with reference to para 6(xi) of the application, beg to state that the Ministry has rightly pointed out vide letter No.3-1/96-RT, Dated 12/3/96 (Annexure-R-III) in consultation with Directorate of Estate, that the claim of the applicant to retain accomodation in FRI pool at Dehra Dun is not valid. It is valid only in case of residential accomodation under the control of Directorate of Estate, Ministry of Urban Development, New Delhi. Inspite of this, the applicant is misleading and wasting time of the Hon'ble Tribunal and unauthorisedly retaining the bungalow, inspite of repeated requests & reminders.

14. That with reference to para 6(xii) of the application, the respondents beg to state that the contents are correct and admitted.

15. That with reference to para 6(xiii) of the application, the respondent beg to state that the contention of the applicant that the decision of the Ministry of Environment and Forests, is discriminatory against principle of natural justice and contrary to the policy is absolutely false, incorrect and misleading. It is rather the other way: retention of accomodation by the applicant is discriminatory against the principle of natural justice and contrary to the policy against the bonafide eligible officer in the queue for allotment of the bungalow, which is unauthorisedly occupied by the applicant who inspite of repeated requests and clarification from the Govt. of India

is not vacating the bungalow and, for gaining time only, is wasting the time of the Hon'ble Tribunal without any justification and valid reasons.

16. That with reference to para 6(xiv) and 6(xv) of the application, the respondents beg to state that the contents are admitted.
17. That with reference to para 6(xvi) of the application, the respondents beg to state that it has already been clarified supra in consultation with Directorate of Estate, that the order of the Govt. of India are applicable only to general pool accomodation under the control of Directorate of Estate, Ministry of Urban Development, New Delhi only. In the present case, the applicant is trying to interpret the rules to his individual advantage. FRI pool is meant only for serving officers and not for retention by the officers on reversion to their parent department on completion of their deputation tenure and in turn mar the bonafide right of eligible officer. Therefore, the Administration cannot allow any officer to continue to retain the accomodation after completing their deputation tenure for indefinite period.
18. That with reference to para 6(xvii) of the application, the respondents beg to state that the contents are admitted. As already clarified that New Forest Pool is not a general pool accomodation. The allotments are made by the duly



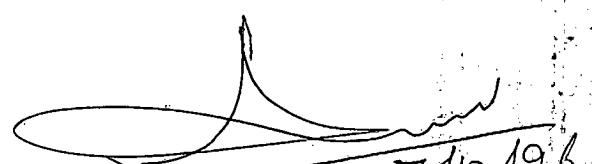
constituted allotment committee of which DFE is one of the Members. The inclusion of DFE as one Member of the allotment committee, does not mean that FRI accomodation becomes a general pool accomodation.

19. That with reference to para 6(xviii) of the application, the respondents have no comments.

20. That with reference to para 6(xix) of the application, the respondents beg to state that whether SFS/DFE is Central Govt. organisations and ICFRE is an autonomous body has no concern with the present case. All officers whether in Central Govt. or autonomous body are being treated equally. As explained above, FRI pool of accomodation is not a "general pool accomodation" in terms of aforementioned orders of the Govt. for difficult areas. Hence these orders are not applicable to the applicant which has been discussed and clarified in detail above.

21. That with reference to para 6(xx) of the application, the respondents beg to state that in view of the above the orders of the Ministry of Environment and Forests are not at all arbitrary, discriminatory, against principle of nature justice and contrary to the policy of the GOVT; rather the applicant is trying to mislead the Hon'ble Tribunal by wrongly interpreting the rules to his advantage.

22. That the respondents beg to state that the applicant is not entitled to any relief sought for in the application and the same is liable to be dismissed with costs and the stay order passed by the Hon'ble Tribunal by order, Dated 4.10.96 may kindly be vacated.


7/12/96
(A. C. Gulati)

VERIFICATION

I, A.S. Gulati, Estate Officer, Forest Research Institute, Dehra Dun, do hereby declare that the statements made in this Written Statement are true to the best of my knowledge derived from the records of the case which I believe to be true.

I sign this verification on this 7/11 day of December, 1996 at Dehra Dun.

Deponent



7/12/96
(A.S. Gulati)

No. 5-1/96-RT
Government of India
Ministry of Environment & Forests

Paryavaran Bhawan,
CGO Complex,
Lodi Road,
New Delhi-3,
Dated: 4.7.96

To

Shri Lianzuala,
Under Secretary to the Govt. of Mizoram,
Environment & Forests Deptt.,
Aizawl, Mizoram.

Sub: Retention of/allotment of alternative residential accommodation to All India Service Officers posted to North-eastern region- representation regarding.

Ref: Your letter no.A.19099/12/95-FST dated 24th April '96.

Sir,

With reference to your letter cited above, I have to inform you that the matter related with the representation submitted by Shri S.R. Mehta, Principal Chief Conservator of Forests, Mizoram has been re-examined in this Ministry in consultation with the Directorate of Estates, Govt. of India. The Directorate of Estates has clarified that retention of accommodation by AIS Officers of N.E. Region, their reversion to their parent cadre are applicable in respect of general pool accommodation only. Keeping this in view the claim for retention of accommodation by Mr. Mehta from FRI pool is not valid. Mr. Mehta may please be informed accordingly.

Yours faithfully,

DD Sharma

(D.D. SHARMA)
SR. ASSTT. INSPECTOR GENERAL OF FORESTS (RT)

*Attended
P.M. Chawla*



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R.I.)
URGENT
No. 4-25/94-Eng/R&R
Indian Council of Forestry Research & Education
Forest Research Institute
P.O. New Forest, Dehradun - 248006

Dated the 23 July, 1996

Shri S. R. Singh,
Principal Conservator of Forests,
Government of Mizoram,
Aizawl, 796 001.

Subject : Vacation of Bungalow No.12 (Type-VI), FRI Estate.

Six.

Kindly refer to this office letter dated 6.6.96 regarding retention of residential accommodation by the All India Service Officers of the North-Eastern Region and J&K.

As per the earlier decision taken by the Ministry on this issue, you are requested to kindly handover the vacant possession of above bungalow to this Institute by 10.8.96 positively, failing which action to get it vacated will be initiated as per PP Act and damages (Mkt. licence fee) @ Rs.6772/- per month will be applicable beyond 10.8.96 onwards.

Yours faithfully,

(A.S. Suri)
Estates Officer

Singh/

M. S. Suri
Addl. Central Govt.
Secretary, Council

Annexure R-III



तारे :
Telegram : PARYAVARAN.
NEW DELHI

दूरभाष :
Telephone : 4361774
टेलेक्स (द्विभाषीय) :
Telex : (bi-lingual) : W-66185 DOE IN
Fax : 4360678

भारत सरकार
पर्यावरण एवं वन मंत्रालय
GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT & FORESTS
पर्यावरण भवन, सी. जी. ओ. कॉम्प्लेक्स
PARYAVARAN BHAWAN, C.G.O. COMPLEX
लोदी रोड, नई दिल्ली-110003
LODHI ROAD, NEW DELHI-110003

No. 3-1/96-RT

March 12, 1996

To

Shri S.R. Mehta,
Principal Chief Conservator of Forests,
Govt. of Mizoram,
Aizawl - 796001.

SUB: Retention of residential accommodation by the All India Service officers of the North-Eastern region and J&K.

Sir,

With reference to your letter No. A-19018/1/95-PCCF dated 26.2.96, I am to clarify that the provision of retention of residential accommodation by the All India Service officers of the North-Eastern cadres and Jammu & Kashmir is valid only in case of the residential accommodation under the control of Directorate of Estates, Ministry of Urban Development, New Delhi. The rules, ipso-facto, do not apply to the limited pool of residential accommodation available with subordinate offices and autonomous organisations of the M/o Environment & Forests. As such, your claim for retention of accommodation allotted to you from FRI pool at Dehradun is not valid.

Yours faithfully,

"

(JAGDISH KISHWAN)

Dy. Inspector General of Forests

Copy to: Director General, ICFRE, Dehradun - 248006.

(JAGDISH KISHWAN)

Dy. Inspector General of Forests

12.3.96

Attended
P.M. Chawdhry
D.M. Central Govt.
19/3/96