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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

✓

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓
O.A./T.A No. 233/96

R.A/C.P No.....

E.P/M.A No.....

1. Orders Sheet..... OAPg. 1to X.....
2. Judgment/Order dtd. 10/10/96Pg. Xto M. Supremat order & withdrawal
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A..... 333/97Pg. 1to 37.....
5. E.P/M.P.....Pg.....to.....
6. R.A/C.P.....Pg.....to.....
7. W.S.....Pg.....to.....
8. Rejoinder.....Pg.....to.....
9. Reply.....Pg.....to.....
10. Any other Papers.....Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

OA No. 233196

Sri N C Das & ors. Applicant(s)

VS

Union of India & ors. Respondent(s)

Mr. A. Ahmed Advocates for the applicant(s)

Mr. S. Ali & ors. Advocates for the Respondent(s)

Office Notes	Date	Courts' Orders
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This application is in form and within time C. F. of Rs. 50/- deposited vide IPO/OD No 346488 Dated ... 26.9.96

Dy. Registrar
[Signature]
8/11

There are plural remedies in this application.

[Signature]
8/10

Doc 1

Page 35- not legible

D. Sanna
8/10/96

18.11.96

Copy of the order issued to the L/Advocates of the party vide d.no 3885 & 3886 2, 2.12.96

10.10.96

Learned counsel Mr A. Ahmed for the applicants. Mr S. Ali, learned Sr. C.G.S.C. for the respondents.

This applications relates to SDA, HRA, SCA (RL) and Field Concession. Mr Ahmed submits that he may be allowed to withdraw the application and file fresh separate applications without prejudice to the contentions raised in this application. Prayer is allowed.

The application is disposed of on withdrawal. The applicant is at liberty to file fresh application and to raise all the contentions that have been raised in this application.

[Signature]
Member

nkm

B

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:
GUWAHATI BENCH AT GUWAHATI.

Central Administrative Tribunal
গুৱাহাটী বেঞ্চ
720
8 OCT 1996
Guwahati Bench
গুৱাহাটী বেঞ্চ

O. A. NO. 233 OF 1996.

Sri Nomal Chandra Das & others.

... Applicants.

-Versus-

Union of India & others.

... Respondents.

I N D E X

Sl.No.	Description of Documents	Page No.
1.	Application	1 to 13
2.	S.D.A. as per Memo No. 20014/3/83-E-IV Govt. of India, Ministry of Expenditure, New Delhi dated 14 Dec 1983 (Annexure-1)	14 to 17
3.	S.D.A. as per Ref No. 3/Admn/B-9/10191 Govt. of India, Ministry of Defence, C.S.D., "ADELPHI", Mumbai dated 15th July, 1996 at Annexure-1 (a).	18 to 20
4.	H.R. A. As per Hon'ble C.A.T., Guwahati Judgment & Order of O.A. No. 30/93 dated 24-9-93 (Annexure-2).	21 to 22
5.	Annexure-2(i) Judgment & order dated 24-8-95 in O.A. No. 124 & 128/95.	23 to 23
6.	Field Services Concessions vide letter No. 16629/004(Civ)(d) 25th April 1994, (Annexure-3).	33 to 34
7.	Photocopy of Office Memorandum issued by the Jt. Secy. to the Govt. of India (Annexure-4).	35 to 35

Date:

Filed by:
[Signature]
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI.

Filed by
H. H. Ahmed
(H. H. AHMED)
Ahmed

O. AN NO. 233 OF 1996.

1.	3190	Nomal Chandra Das	Peon
2.	1031	S.P. Dutta,	A.M.A.M.
3.	1243	A. Deb	SGC
4.	1283	N.S. Borah	SGC
5.	1474	S.K. Biswas	UDC
6.	1526	K. Chakravarty	UDC
7.	1840	A. Roy	SK-III
8.	2324	A. Bhattacharjee	LDC
9.	2645	S. Rai	Driver
10.	2739	T. Mukherjee	LDC
11.	2752	S. Sarkar	LDC
12.	2753	T.K. Das	LDC
13.	2871	D.C. Saikia	LDC
14.	2974	P.K. Mandal	Stenographer
15.	3167	M. Khan	Peon.
16.	3310	D.N. Rai	Head Watchman
17.	3405	Bahadur Mahato	Carpenter
18.	3886	L.K. Debnath	Carpenter
19.	3919	Padam Bahadur	Mukadam
20.	4030	Deonath	Watchman
21.	4033	P.C. Shah	Mazdoor
22.	4314	Kedar Nath	Mazdoor
23.	4394	M.L. Rohidas	Mazdoor
24.	4499	Manik Chand	Mazdoor
25.	4524	Kewal Goala	Mazdoor
26.	4687	Sapani Devi	Safaiwali
27.	4713	Ram Bahadur	Cook

N.D.M

(Contd.)

28.	4737	Soma Topna	Mazdoor
29.	4878	Shyam Bahadur	Watchman
30.	5039	S..C. Bonia	"
31.	5213	Lal Mohar Sarma	"
32.	5215	S. Mahato	Mazdoor
33.	5216	Narshing Behera	"
34.	5270	D.S. Sonar	"
35.	5318	K.B. Chetri	Watchman
36.	5319	M.L. Gour	"
37.	5320	L.B. Rai	"
38.	5321	B.S. Subedi	Mazdoor
39.	5329	Vidya Rai	Watchman
40.	5429	J.K. Tanti	Mazdoor
41.	5431	K. Acharjee	Cook
42.	5496	B. Rāmu	Safaiwala
43.	5748	A.K. Dey	Watchman
44.	5796	R.C. Yadav	Peon
45.	5797	Amarjeet Dome	Safaiwala
46.	6012	P.K. Boro	Cleaner
47.	6040	Rekha Goala	Peon
48.	6053	Lalta Prasad	Mali
49.	8059	Uttam Sutadhar	LDC
50.	8072	Utpal Bose	LDC
51.	8092	Raja Chatterjee	LDC
52.	8148	P.K. Prasad	LDC
53.	8149	Rabi Ch. Dey	LDC
54.	8159	S. Choudhury	LDC
55.	8233	T.B. Das	LDC
56.	8335	Arun Kr. Mazumdar	LDC
57.	12270	Ram Prasad	Wash Boy/T/Room
58.	12271	Ram Chander	Tea Maker,T/Room
59.	1593	S.N. Dubey	Accountant

N. Das

60.	2434	K.P. Gangadharan	Superintendent
61.	1490	J.P. Srivastava	UDC
62.	1980	S.K. Tutti	SBC
63.	8005	Lalan Kr. Raw	LDC
64.	8101	Prem Singh	LDC
65.	4206	Banarasi Lal	Peon
66.	2581	Md. Arshad	Driver
67.	3904	Durga Bahadur	Mukadam
68.	4402	Tatnakar B Pandi	LDC
69.	5709	Gautam Roy	Cook
70.	1071	B.D. Dey	SK-II
71.	1920	S. Biswas	SK-II
72.	1818	B.N. Pandey	SK-III
73.	2153	S.L. Sonare	SK-III
74.	2241	G.S. Pandey	LDC
75.	2717	Manium Pillai	LDC
76.	2749	S.K. Singa	LDC
77.	2763	A.K. Singh	LDC
78.	8039	S.P.R. Pillai	Secu-in-Charge
79.	4631	Surinder Singh	W/man
80.	4714	M. Bedia	"
81.	4941	B.B. Singh	"
82.	4963	B. Yadav	"
83.	5475	V.B. Singh	"
84.	5551	K. Uddin	"
85.	5922	R. Borikya	"
86.	x5922x 5201	A. Gurchit	"
87.	3900	R. Bachan	Ma zdoor
88.	4523	S.C. Das,	"
89.	4547	B.Rai	"
90.	4548	M. Bhagat	" (Contd.)

N. Das

91.	4643	C. Mahato	Mazdoor
92.	5069	M. Lal	"
93.	5180	S.P. Rawat	"
94.	5359	S. Kumar	"
95.	5443	S. Yadava	"

Now all the applicants are serving in the office of the Area Manager Canteen Stores Department C.S.D. Depot , Army Supply Road, Dimapur , Nagaland.

1. Details of the Applicants:

i) Name of the applicants- T 3190 Nomal Chandra Das , Peon & 94 others

ii) Designation & Office - Peon
Serving in the Office of the Area Manager, Canteen Stores Department ,C.S.D. Depot. Army Supply Road, Dimapur, Nagaland.

2.

Particulars of the Respondents :

i) Name and/or Designation of the Respondents - 1) Union of India, represented by the Secretary of Defence, Govt. of India, New Delhi.

2) The General Manager Canteen Stores Department, Adelphi 119, M.K. Road, Mumbai-400020

(Contd.)

- 3) The Regional Manager(East) Canteen Stores Department , P.O.-Satgaon, Narangi, Guwahati.
- 4) The Area Manager,Canteen Stores Department, Area Depot, Army Supply Depot Road, Dimapur (Nagaland).

3. Particulars of the Order against which the application is made:

i) The application is made for non-implementation(i) Memo No. 20014/3/83-IV, Govt. of India, Ministry of Expenditure, New Delhi and O.M. No. 4(19)/83 D Civil-1 dated 11-1-84 regarding payment of S.D.A. (Special Duty Allowances) for Civilian employees and Ref. No.3/Admn/B-9/1791 dated 15th July 1996 for payment of SxS.C.S.D. vide Defence Ministry Circular issued to C.S.D. Mumbai.

ii) Non-implementation of Scheme of H.R.A. (House Rent Allowances) at the rate of 15% and @ Addl H.R.A. 10% as per Hon'ble Central Administrative Tribunal ,Guwahati Bench Judgment & Order dated 24-9-93 passed in O. A. No.30 of 1993.

iii) Non-implementation of Scheme of Field services Concessions to Civilian employees of Defence Services contained in letter No. 16729/RG 4 (Civ)(d) dated 25th April,1994 issued in pursuance to the Govt. of letter No. 37269/AG/PS 3 (a)/D Pay/Service) dated 13-1-94 with effect from 1-4-93.

(Contd.)

N. Das

4. Jurisdiction of the Tribunal:

The applicants further declare that the application is within the jurisdiction of the Hon'ble Tribunal.

5. Limitation

That the applicants further declare that the application is within the limitation prescribed under Section 21 of the Administrative Tribunal Act, 1985.

6. Facts of the Case :

6.1 The facts of the case in brief are given below :

That your humble applicants ~~are~~ are all Indian citizens as such they are entitled to all the rights and privileges guaranteed under the Constitution of India. The applicants are all Civilian employees belong to Group B.C.D. and they are serving in the Defence Department since a long time.

6.2 That the applicants are Grade II, III & IV employees serving in different capacities as Central Govt. of Defence Civilian employees in Nagaland in the office of the Area Manager, Canteen Stores Department Area Depot C.S.D. Nagaland. They are serving as Civilian Peon, L.D.C., Stenographer, Chowkidar, Carpenter, Safaiwala, Cook, Watchman, Accountant, etc.

6.3. That all the applicants have have got a common grievances, common course of action and the nature of reliefs prayed for is also same and similar and hence having regard to the facts and circumstances

N. Doo

They intend to prefer this instant application jointly and accordingly they crave leave of the Hon'ble Tribunal under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987. They also crave leave of the Hon'ble Tribunal and pray that they may be allowed to file this joint application and pursue the instant application for redressal of their common grievances.

6.4 That under the Central Government of various orders, Memos, Circulars, the Civilian employees serving in the Defence Department in Nagaland are eligible for certain benefits for involving risk of life alongwith Armed Forces. These Civilian employees are entitled to the following benefits:-

i. S.D.A.(Special Duty Allowances) under the Defence Ministry ,Office Memorandum CMBI 49 (19)/83/D ,New Delhi dated 11-1-84 and Finance Ministry Memo No. 20012/3/83 E-IV Govt. of India, Ministry of Expenditure, New Delhi (Annexure-1) and under the Defence Ministry, Govt. of India Ref. No 3/Admn/B-9/1791 dated 15th July 1996 Annexure-1(a) and also they entitled for S.D.A. as they have recruited by All India Basis and their seniority list also prepared on All India basis. Similarly their promotion is also made on All India basis. In fact though some of the applicants have been recruited in N.E. Region . But they have been recruited in All India basis. Some of them also served in different parts of India and as such they are eligible for benefit of S.D.A. as per various official Memos, Circulars , Orders, etc.

ii) H.R.A.(House Rent Allowance) at the rate of 15% on the monthly salary and at the rate of Addl. H.R.A. 10% vide Hon'ble Central Administrative Tribunal, Guwahat Bench Judgment & order dated 24-9-93 passed in O.A. No. 30 of 1993 and O.A. No. 124 and 125 of 1995 (Annexure-2, 2,(i) .

(Contd.)

iii) Field Service concession to the Civilian employees of Defence Service vide letter No. 16728/004/(Civ)(d) dated 25th April, 1994 issued by the Director (MP) org. 4 (Civ) (d) for adjustment General Army Head Quarters, New Delhi (Annexure- issued in pursuance to the Govt. of letter No. 37269/ AG/PG/3(a)/D/(Pay)/Services dated 13-1-94 with effect from 1-4-93.

6.5 That the applicants being Civilian Defence employee serving in Nagaland which is B Class City are eligible for the H.R.A. at rate of 15% for the period from January 1974 to Dec., 1979 and Addl. H.R.A. at the rate 10% at their pay and at subsequently revised time to time vide Hon'ble Central Administrative Tribunal's Judgment and Order dated 24-9-93 in A.A. 30 of 1993 . The department made payment of H.R.A. at the rate of 15 % but the Addl. H.R.A. 10% as claimed has not been paid to the employee till date.

6.6 That your applicants have All India Transfer Liability which is one of the condition for granting Special (Duty) Allowance to the Central Government Civilian employees.

Annexure-4 is the photocopy of the office Memorandum issued by the joint Secretary to the Govt. of India.

(Contd.)

N. Das

6.7 That your applicants having failed to obtain the benefits mentioned above inspite of their repeated requests both oral and in writing.

6.8 That your applicants beg to state that they having fulfilled all the terms and conditions of S.D.A., H.R.A., Field Allowances and other Allowances as admissible at Central Government employees serving at North Eastern Region Particularly in Nagaland, they are entitled to above mentioned benefits.

7. Reliefs Sought for

Under the facts and circumstances narrated above it is prayed that the Hon'ble Tribunal may be pleased to direct the Respondents particularly the Area Manager, Canteen Stores Department Area Depot C.S.D., Dimapur, Nagaland to pay the following financial benefits to the applicant:-

i. S.D.A. as per Memo No. 20014/3/83-E-IV, Government of India, Ministry of Finance, Department of Expenditure, New Delhi and O.M. No. 4(a)/83/D, New Delhi dated 14th December, 1983 with effect from November, 1983, and vide Defence Ministry Ref No.3/Admn/B-9/1791 issued by the Ministry of Defence to the C.S.D. Mumbai.

ii. That the applicants being Civilian Defence employee serving in Nagaland which is B Class City are eligible for the H.R.A. at the rate of 15% for the period from January 1974 to Dec., 1979 and Addl.

(Contd.)

N. Das

H.R.A. at the rate of 10% at their pay and at subsequently revised time to time vide Hon'ble Central Administrative Tribunal's Judgment & Order dated 24-9-93 in O.A. No. 30 of 1993. The Department made payment of H.R.A. at the rate of 15% but the Addl. H.R.A. 10% as claimed has not been paid to the employee till date.

iii) Field Service Concessions vide letter No. 16729/CC 4(Cir) dated 25-4-94 issued by the Army H.Q., New Delhi on the basis of letter No. 37269/AF/P/ /3 from 1-4-1993.

iv) To pay the costs of the case to the applicants.

v) That any other relief or reliefs that may be entitled to the applicants.

8. GROUNDS AND LEGAL PROVISIONS

8.1 For that the applicants being Civilian employees serving in Nagaland and being attached to Armed Forces are entitled to all the Financial benefits mentioned above under the various schemes, letters, circulars etc.

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

(Contd.)

8.3 For that the applicants having fulfilled all the criteria laid down in the aforesaid Memoranda towards granting of S.D.A., H.R.A., ~~Special~~ ~~compensatory, (remote locality) Allowances,~~ field Service Concessions, the respondents cannot deny the same to the applicants without any jurisdiction.

8.4 For that it had already conclusively held by this Hon'ble Tribunal in other cases that the applicants are entitled to the said benefits and thus the Respondents ought to have paid the said benefits to the applicants to approach any court of law .

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

8.7/6 For that the applicants having been denied the said benefits without any reasonable excuse and without offending any opportunity of being heard, there is violation of the principle of natural justice and accordingly proper reliefs is required to be granted to the applicants.

9. Details of remedies exhausted

That the applicants declare that they have have availed of all the remedies available to

(Contd.)

N. Das

to them under service rules etc.

10. Matters not pending with any other Courts etc

The applicant further declare that the matter regarding which the application has been filed is not pending before any other court of Law or any Authority of any other Bench of the Tribunal .

11. Particulars of the Bank ~~Draft~~/I.P.O in of Application Fee.

1. Number of I.P.O. : 809 346486
2. Name of Issuing Post Office: Guwahati
3. Date of Issue of I.P.O.: 26.9.96
4. P.O. at which payable : Guwahati

12. DETAILS OF INDEX

An Index in duplicate containing the details of the documents to be relief upon is ~~xx~~ enclosed.

13. List of Enclosure: As per Index .

M. Das

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VERIFICATION

I, Sri Nomal Chandra Das, Ticket No. 3190 Peon the applicant No. 1 serving under the Area Manager, Canteen Stores Department Area Depot C.S.D. Dimapur, Nagaland do hereby verify that the statements contained from paragraphs 1 to 13 of the application are true to my knowledge, belief and I have not suppressed any material facts and I have been authorised to verify this application on behalf of the other respondents.

And I sign this verification on this the 30th day of September, 1996 at Guwahati.

Nomal Ch. Das
Declarant.

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~~10/2005~~

No 20014/3/83-D-IV Govt of India
Min of Expt

Let Min of Expt OM No 4(19)/83/D New Delhi, the 24th Dec 83
I. A. 11. 1. 1. OFFICE MEMORANDUM

Subject: Allowances and facilities for civilian employees
of the Central Govt serving in the Union Territory
Territories of the North Eastern Region - Improvement
SCHEDULE

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 Govt for some time. The Govt 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 Govt employees serving in this region and to suggest suitable improvement. The recommendations of the committee have been carefully considered by the Govt and the president is now pleased to decide as follows:-

(i) Tenure of posting/deputations

There will be a fixed tenure of posting of 3 yrs or a time for officers with service of 10 yrs or less and of 2 yrs or a time for officers with more than 10 yrs 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 Govt 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 emergencies of public services as well as when the employees concerned is prepared to stay longer. The admissible deputation allowances will also be continued to be paid during the period of deputation if 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 cadre posts, and
- (c) Courses of training abroad.

Attested
[Signature]
Advocate

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

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

(iii) Special (Duty) allowances:-

Central Govt 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. Such of those employees who are exempt from payment of income tax will, however, not be eligible for this special (Duty) Allowance. Special (Duty) allowances will be in addition to any special pay and/or deputation (duty) Allowances already being drawn subject to the condition that the total of such special (Duty) Allowances like special compensatory (Remote Locality) Allowances construction allowances and project Allowances will be drawn separately.

(1) Special compensatory Allowances

Assam and Meghalaya

The rate of the allowances will be 5% of basic pay subject to a minimum of Rs 50/- per month to all employees without any pay limit. The above allowances will be admissible with effect from 1.7.82 in the case of Assam.

2) Manipur

The rates of allowances will be as follows for the whole of Manipur:-

Pay upto Rs 200/-
Pay upto Rs 200/-

Rs 40/- PM.
Rs 15% of basic pay subject
maximum of Rs 150/- PM.

3) Tripura

The rates of the allowances will be as follows:-

(a) Difficult area

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

(b) Other areas

Pay upto Rs 200/-
Pay above Rs 200/-

- Rs 40/- PM

- Rs 15% of basic pay subject to a maximum of Rs 150/- PM

There will be no change in the existing rates of special compensatory Allowances admissible in Arunachal Pradesh, Nagaland and Mizoram and the existing rate of Disturbance allowances admissible in specified areas of Mizoram.

Attested
Advocate

Travel Allowance on first appointment

relaxation of the present rules (SR 153) 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 shall be admissible by land / road / air rail fare (whichever may be in excess of limit 400 Rs. for the Govt servant himself and his family will be admissible.

(vi) Travelling Allowance for Journey on Transfer

In relaxation of orders below SR 11, 1 on transfer to a station in the North Eastern Region, the family of the Govt servant does not accompany him, the Govt servant will be paid travelling allowance on tour for self only for transit period to join the post and will be permitted to carry personal effects upto 2/3rd of his entitlement carrying 1/3rd of his entitlement of the difference in weight of the personal effects he is actually carrying and 1/3rd of his entitlement as the case may be in lieu of the cost of transportation of baggage. In case the family accompanies the Govt servant on transfer, the Govt servant will be entitled to the existing admissible travelling allowances including the cost of transportation charges of the admissible weight of the baggage actually carried. The above provisions will also apply for the return journey on transfer back from the North Eastern Region.

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

In the relaxation of orders below SR 11 for transportation of the personal effects on transfer between two different stations in the North Eastern Region, higher rate of allowances admissible for transportation in 'A' class cities subject to the actual expenditure incurred by the Govt servant will be admissible.

(viii) Joining time with leave

In case of Govt servants proceeding on leave from a place existing in North Eastern Region, the period of travelling upto two days from the station of posting to outside that region will be treated as joining time. The outside that region will be admissible on return from leave.

(ix) Leave travel concession

A Govt servant who leaves his family behind at the old duty station or another selected place of residence for the family will have to option to avail of the existing leave travel concession of journey to home town once in a block period of 2 years or in lieu thereof, facility of travel for himself once a year from from the station of posting in the north east region to his home town or place where the family is residing and in addition the facility for the family (restricted to his wife, spouse and two dependent children only) also to travel once a year to visit the employee at the station of posting in North Eastern Region. In case the option is for the latter alternative, the cost of travel for the initial distance (400/Rs) will not be borne by the official.

Officers drawing pay of Rs 2250/- or above and their families (i.e. spouse and two dependent children (upto 18 yrs for boys and 24 yrs for girls) will be allowed air travel between Imphal/Silchar/Agartala and Calcutta and vice versa while performing journeys mentioned in the preceding paragraph.

(x)

Attested
[Signature]
Authorate

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(x) Children Education Allowance/Hostel Subsidy

20 Where the children do not accompany the Govt servant to the North Eastern Region, children Education Allowances upto class XII will be admissible in respect of children studying at the last station of posting of the employee concerned or any other station where the child resides without any restriction of pay drawn by the Govt servant. If children study in schools or are put in hostels at the last station of posting or any other station, the Govt servant concerned will be given hostel subsidy without other restrictions.

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

3. These orders will take effect from 01st Nov 83 and will remain in force for a period of three years upto 31st Oct 1986.

4. All existing special allowance, facilities and concessions extended by any special orders by the Ministries/Departments of the central Govt 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 and when decisions are taken by them by the Govt.

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

sd/- (SC Mahalik)
Jt Secy to the Govt of Ind

Attested
Sd/-
Advocate

GOVERNMENT OF INDIA
MINISTRY OF DEFENCE
CANTEN STORES DEPARTMENT
"ADELPHI" 119 M K ROAD
MUMBAI - 400 020

Ref.No.3/Admn/B-9/1791

July '96

CSD ORDER NO. 9 /96

PART A : PERSONNEL & ADMINISTRATION.

SUB : SPECIAL DUTY ALLOWANCE FOR CIVILIAN EMPLOYEES OF THE CENTRAL GOVERNMENT SERVING IN THE STATES AND UNION TERRITORIES OF NORTH EASTERN REGION- REGARDING.

A copy of Govt. of India, Ministry of Finance, Department of Expenditure OM No.11(3)/95-E.II(B) dated 12.1.1996 on the above subject is reproduced as Annexure 'A' to this CSD Order.

(B R DASCHODHARY)
ASST-GEN-MANAGER (ADMS)
FOR GEN MANAGER

DISTRIBUTION :

- 1. The Secretary, BOCCS, N.Delhi (2 copies each)
- 2. GM (1 copy each)
- 3. JGM-1 (" ")
- 4. All DGMS/AGMs/Managers at HO (" ")
- 5. All RMs (" ")
- 6. All Depot Managers/Base (4 copies each)*
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- 10. LAO (" ")
- 11. Sub Group A-1/A-2/B-1/B-2/B-8 (" ")
- 12. AAO (Admn) (" ")
- 13. CSD Employees Union (" ")
- 14. CSD Workers Association (" ")

* DGM (Base)/Depot Managers will provide one copy each to Union/Association branch if exist at their station.

Attested
[Signature]
Advocate

A copy of Govt. of India, Min. of Finance, Department of Expenditure OM No.11(3)/95-E.II(B) dt 12.1.1996.

SUB : SPECIAL DUTY ALLOWANCE FOR CIVILIAN EMPLOYEES OF THE CENTRAL GOVT. SERVING IN THE STATE AND UNION TERRITORIES OF NORTH EASTERN REGION - REGARDING.

The undersigned is directed to refer to this Department's OM No. 20014/3/83-E.IV dated 14.12.83 and 20.4.1987 read with OM No. 20014/16/86-E.II(B) dated 1.12.88 on the subject mentioned above.

2. The Government of India vide the above mentioned OM dt.14.12.83 granted certain incentives to the Central Government civilian employees posted to the NE Region. One of the incentives was payment of a 'Special Duty Allowance' (SDA) to those who have "All India Transfer Liability".
3. It was clarified vide the above mentioned OM dt 20.4.1987 that for the purpose of sanctioning "Special Duty Allowance", the All India Transfer Liability of the members of any service/cadre or incumbents of any post/group of posts has to be determined by applying the tests of recruitment zone, promotion zone etc. i.e. whether recruitment to service/cadre/post has been made on all India basis and whether promotion is also done on the basis of an all India common seniority list for the service/cadre/post as a whole. A mere clause in the appointment letter to the effect that the person concerned is liable to be transferred anywhere in India, did not make him eligible for the grant of SDA.
4. Some employees working in the NE Region approached the Hon'ble Central Administrative Tribunal (CAT) (Guwahati Bench) praying for the grant of SDA to them even though they were not eligible for the grant of this allowance. The Hon'ble Tribunal had upheld the prayers of the petitioners as their appointment letters carried the clause of All India Transfer Liability and, accordingly, directed payment of SDA to them.
5. In some cases, the directions of the Central Administrative Tribunal were implemented. Meanwhile, a few Special Leave Petitions were filed in the Hon'ble Supreme Court by some Ministries/Departments against the Orders of the CAT.
6. The Hon'ble Supreme Court in their judgement delivered on 20.9.93 (in Civil Appeal no.3251 of 1993) upheld the submissions of the Government of India that Central Government Civilian Employees who have all India transfer liability are entitled to the grant of SDA, on being posted to any station in the NE Region from outside the region and SDA would not be payable merely because of the clause in the appointment order relating to All India Transfer Liability. The apex Court further added that the grant of this allowance only to the officers transferred from outside the region to this region would not be violative of the provisions contained in Article 14 of the Constitution as well as the equal pay doctrine. The Hon'ble Court also directed that whatever amount has already been paid to the respondents or for that matter to other similarly situated employees would not be recovered from them in so far as this allowance is concerned.
7. In view of the above judgement of the Hon'ble Supreme Court, the matter has been examined in consultation with the Ministry of Law and the following decisions have been taken :

- i) the amount already paid on account of SDA to the ineligible persons on or before 20.9.94 will be waived; &

: 3 :

ii) the amount paid on account of SDA to ineligible persons after 20.9.94 (which also includes those cases in respect of which the allowance was pertaining to the period prior to 20.9.94, but payments were made after this date i.e. 20.9.94) will be recovered.

8. All the Ministries/Departments etc. are requested to keep the above instructions in view for strict compliance.

9. In their application to employees of Indian Audit and Accounts Department, these orders issue in consultation with the Comptroller and Auditor General of India.

Sd/-

(C BALACHANDRAN)
Under Secy to the Govt. of India.

Attested
A. S. S. /
Amount

ss/-
3/7.95

O.A. 30/93

Sri N.C. Das & Ors. ... Petitioners

-VS-

Union of India & Ors. ... Respondents

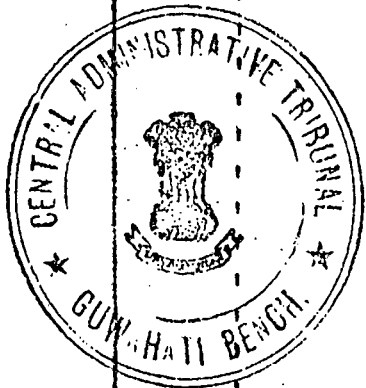
P R E S E N TTHE HON'BLE JUSTICE SHRI S. HAQUE, VICE CHAIRMAN,
THE HON'BLE SHRI G. L. SANGLYNE, MEMBER (ADMN.).For the Petitioners ... Mr. H. Rahman,
Mr. N. Baruah.

For the Respondents ... Mr. S. Ali, Sr. CGSC.

24.9.93

Learned counsel for the parties are present. The case has become ready for hearing. Learned counsel Mr. H. Rahman for the applicants submits that the reliefs sought for by the applicants are covered by the judgment in O.A. No.42(G)/89, G.C.No.144/88, G.C.No.154 - 156/88 and Civil Appeal No.2705/91 of the Supreme Court upholding the judgment in O.A.No.42(G)/89. Also heard learned Sr. C.G.S.C. Mr S. Ali.

All the sixtythree(63) applicants of this case are employees of Canteen Stores Department under the Ministry of Defence, Government of India, posted at Dimapur, Nagaland. They are claiming House Rent Allowance (HRA) at the rate of 15% for the period from January 1974 to December 1979 and additional HRA at the rate of 10% of their pay and at rates subsequently revised from time to time. The claim of these applicants are similar to the claim made by the applicants of the cases referred to above where reliefs for HRA had been granted. The applicants being similarly situated and posted in Nagaland are entitled HRA applicable to Central Governmen



Attested
[Signature]
Advocate

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Employees posted in 'B' Class Cities. The findings of the above referred judgments are squarely applicable to the instant case. The applicants are entitled to similar reliefs for the period they worked at Dimapur, Nagaland.

This application is allowed. The respondents are directed to pay HRA to the applicants with effect from January 1974 at the rates as per circulars/orders from time to time. The respondents are directed to implement the directions of this order in respect of the arrears HRA within a period of 45 (fortyfive) days from the date of receipt of copy of this order.

No order as to costs.

Inform all concerned with copy of this order for implementation.



Sd/- S. Haque
VICE CHAIRMAN

Sd/- G.L. Sanglyine
MEMBER (ADMN)

Registered with A/D

Memo No. : 3178

Date : 11/10/83

Copy for information & necessary action to :

- (1) Shri N.C. Das, S/o. Late S. Das, President, Canteen and Stores Deptt. Employees Union, Dimapur Branch, Nagaland. (AND 62 OTHERS).
- (2) The Secretary, Ministry of Defence, Govt. of India, New Delhi.
- (3) The General Manager, Canteen & Stores Department (Adalphi), 119 M.K. Road, Bombay.
- (4) The Deputy General Manager, Personnel, Canteen & Stores Department (Adalphi), 119 M.K. Road, Bombay.
- (5) The Regional Manager, Canteen & Stores Department, Narenqi, Guwahati, P.O. Satgaon, Assam.
- (6) The Manager, Canteen & Stores Department, Dimapur, Nagaland.
- (7) Mr. N. Baruah, Advocate, Gauhati High Court, Guwahati.
- (8) Mr. S. Ali, Sr.C.G.S.C., C.A.T., Guwahati Bench, Guwahati.

Attended
Advocate

30/10/83
DEPUTY REGISTRAR (J)

- 23 -

28

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.124 of 1995

With

Original Application No.125 of 1995

Date of decision: This the 24th day of August 1995

(AT ROHILAK)

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

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

O.A.No.124/95

Shri Udit Singh and 116 others

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

.....Applicants

- versus -

1. Union of India represented by
The Secretary, Defence,
Government of India, New Delhi.

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

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

.....Respondents

O.A.No.125/95

Shri N. Limbu and 14 others

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

.....Applicants

- versus -

1. Union of India represented by
The Secretary, Defence,
Government of India, New Delhi.

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

.....Respondents

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

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

.....



Attested
Advocate

CHAUDHARI.J. V.C.

Mr A. Ahmed for the applicants.

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

Both these cases involve same question and therefore are being disposed of by this common order.

Facts of O.A.No.124 of 1995:

The applicants belong to Group "C" serving in the Defence Department as civilian employees. The application is restricted to applicants at serial No. 1 to 117. These applicants are from inside North Eastern Region and are serving in different capacities as Central Government employees in Nagaland under 'GE' 868 EWS 99 APO. Their grievance is that they are being denied the payment of:

- i) Special (Duty) Allowance (SDA) payable under Memo No.20014/3/83-E-IV of the Government of India, Ministry of Defence dated 14.12.1983 read with O.M.No.4(19)/83/D, Civil-I dated 11.1.1984
- ii) House Rent Allowance (HRA) as per the circular No.11013/2/86-E-II(B) dated 23.9.1986 issued by the Government of India, Ministry of Finance
- iii) Special Compensatory (Remote Locality) Allowance SCA(RL) under the Ministry of Defence letters No.16037/E/A2 HQ 3 Corps (A) C/o 99 APO and No.B/37269/AG/PS3(a)/165/D/(Pay)/Service dated 31.1.1995
- iv) Field Service Concession (FSC) vide letter No.16729/GG4 (clv)(d) dated 25.4.1994 of Army Headquarter, New Delhi, although they are entitled to get these concessions.

*Affected
Sd/-
Advocate*

2. Although no written statement has been filed, Mr S. All, Sr. C.G.S.C., fairly states that we may decide the matter.



[Handwritten signature]

In the light of earlier decisions on the point although he has instructions to say on behalf of the respondents that they oppose the claim.

Facts of O.A.No.125 of 1995:

3. The applicant Nos.1 to 15 (other applicants already deleted) who belong to Group "A", "B", "C" and "D" employed in the Defence Department as civilian employees and posted in Nagaland make a grievance that the respondents are denying them the benefit of SDA, HRA, SCA(RL) and FSC although they are entitled to get these concessions.

4. The respondents have not filed any written statement. However, Mr S. All, learned Sr. C.G.S.C., fairly states that we may decide the matter in the light of earlier decisions on the point although he has instructions to say on behalf of the respondents that they oppose the claim.

REASONS (common to both the cases) :

5. The applicants place reliance upon the O.M. dated 14.12.1983 which provides that Central Government civilian employees who have All India Transfer liability will be granted SDA at the rate prescribed thereunder per month on posting to any station in the North Eastern Region. Likewise, the letter of Ministry of Defence dated 31.1.1995 provides that the Defence Civilian Employees serving in the newly defined Field Areas and Modified Field Areas will be entitled to payment of SCA(RL) together with other allowances as may be admissible. The O.M.dated 23.9.1986 issued by the Ministry of Finance, (Department of Expenditure) provides that on the recommendation of the 4th Pay Commission it has been decided that the Central Government employees shall be entitled to HRA, on a slab basis related to their pay and separately prescribed for "A", "B-1" and "B-2", "C" class and "Unclassified" cities with effect



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Attested
[Signature]
Advocate
from.....

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from 1.10.1986. It is further provided that HRA at the rates prescribed shall be paid to all employees (other than those provided with Government home/hired accommodation) without requiring them to produce rent receipts, but on compliance with the prescribed procedure thereunder. It also provides that where HRA at 15% has been allowed under special orders the same shall be given as admissible in "A", "B-1" and "B-2" class cities and it shall be admissible at the rates in "C" class cities in other areas. The memorandum issued by the Army Headquarter - Org 4(civil)(d) dated 25.4.1994 bearing No.16729/ GG4(Civ)(d) on the subject of FSC to civilians paid from Defence Service Estimates including civilians employed in lieu of combatants and NCsE (both posted and locally recruited) provides that it is proposed to extend the same concessions to Defence civilians employed in the field areas as they serve side by side with services personnel under similar conditions in the given areas and the same shall be paid at the rates prescribed under the said memorandum. It has, however, been provided that SCA such as Mud climate allowance etc. shall not be in addition to these allowances.

6. The applicants have based their respective claims on these memorandums.

7. It appears that the applicants in both the cases had filed a Civil Suit in the court of DC(Judicial), Dimapur, Nagaland, being Civil Suit No.255/89 making the same claims. The civil court by judgment and decree dated 19.12.1994 has allowed the claims and directed the respondents to make the payment accordingly. The civil court relied upon the decision of this Tribunal in O.A.Nos.48, 49 and 50 of 1989 of the Central Administrative Tribunal, Guwahati Bench. The decree has not been complied with, but the applicants have now stated in the applications that they would not proceed with the execution of the decree as they have now realised that they had obtained the decree from the court which lacked inherent

Jurisdiction.....

*Attested
Advocate*



Full

jurisdiction to entertain and try the suit in view of the bar of jurisdiction arising under the provisions of the Administrative Tribunals Act and, therefore, they have approached this Tribunal for relief by these applications. Since the applicants were agitating the claim in respect of SDA and HRA in a wrong forum it is just and proper to give them the benefit of exclusion of the period of pendency of the civil suit for the purpose of holding the said claims within limitation in these applications. The relief sought in respect of the other two claims is within jurisdiction.

8. The question of entitlement for all these claims in respect of Defence civilian employees have exhaustively examined by us in the decision in the case of S.C. Omar, Assistant Executive Engineer, -vs- Garrison Engineer and another (O.A.No.174 of 1993) reported in SLJ 1995(1) CAT (Guwahati Bench) ^{p.74}. We have held in that case that SDA and SCA(RL) are payable to civilians with All India transfer liability posted in Nagaland even if they get Field Service Concessions. We have not accepted the plea that admissibility of Field Service Concession deprives them of these benefits. In view of this conclusion since facts are identical and as we had also referred to the earlier decisions in O.A.No.48/89 and O.A.No.49/89 dated 29.3.1994 in support, we are satisfied that the relief claimed by the applicants in the instant applications relating to SDA and SCA(RL) must be allowed. We, therefore, declare that the applicants in the respective applications are entitled to be paid SDA with effect from 1.12.1968 or from the actual date of posting

as.....



Attested
[Signature]
 Advocate

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as the case may be, no further details than the applicants in the respective applications are entitled to be paid SCA(RL) also, with effect from 1.10.1986. For specifying these dates in respect of these two reliefs we rely upon O.M.No.20014/16/86/E-IV/E-II(B) dated 1.12.1988. This is consistent with the decision in S.C. Omar's case (Supra). It is, however, made clear that this applies only to such of the applicants who are appointed outside N.E. Region, but are posted in N.E. Region on tenure basis.

9. Consistently with the view we have taken in Omar's case on the nature of FSC and with the view taken that SDA and SCA(RL) are payable independently of FSC we hold that on the subject the applicants in the respective applications are entitled to draw the same as provided in the letter of the Government of India No.37269/AG/PS 3(a)/D(Pay & Services) dated 13.1.1994 with effect from 1.4.1993 subject to fulfilment of other conditions prescribed therein.

10. Lastly, in so far as the claim for HRA is concerned we follow our decision in O.A.No.48/91, dated 22.8.1995 and hold that under the O.M. dated 23.9.1986 the applicants are entitled to draw the HRA prescribed for B class cities with effect from 1.10.1986 at the rates prescribed from time to time since 1.10.1986 whether on percentage basis or flat rate or slab basis till 28.2.1993 and thereafter to be regulated in accordance with the O.M.No.2(2)93-E-2(B) dated 14.5.1993 with effect from 1.3.1991 and continued to be paid.

11. For the purpose of the aforesaid order it is made clear that as now held by the Hon'ble Supreme Court the benefit of SDA is admissible only to those employees who are appointed outside the North Eastern Region and are posted in the North Eastern Region. It will be open

*Attested
Sd/-
Administrator*



11/11

- 29 -

to the respondents to ascertain the case of each applicant for that purpose if necessary. Further it is made clear that this order has been passed on the footing that all the applicants in the two cases are posted in Nagaland.

12. For the aforesaid reasons following order is passed:

(A) O.A.No.124/95:

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

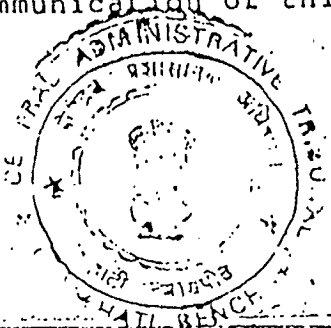
ii) (a) The respondents are directed to pay to the applicants Special (Duty) Allowance (SDA) with effect from the date of actual posting in Nagaland on or after 1.12.1988 as the case may be in respect of each applicant and continue to pay the same so long as the concession is admissible.

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

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

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

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



hu
Attested
Sd/-
Advocate

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



Attested
Advocate

and to continue to give the same so long as admissible.

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

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

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

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

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

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

*Affected
Sd/-
Advocate*



Sd/- CHAIRMAN

Sd/- MEMBER (A)

C.T.C.

Certified to be true Copy

प्रमाणित प्रतिलिपि

COURT OFFICER

दफ्तर का अधिकारी

Central Administrative Tribunal

केन्द्रीय प्रशासनिक न्यायालय

Guwahati Bench, Guwahati

[Signature]
23/9/95

AC B/JL

THE SECRETARY

Appar Mahanidoshalaya Sangathan.
 Org 4 (Civ) (d)
 Adjutant General Shakra
 Sena Mukhyalaya
 Addl Dtd Gen of Org/Org 4 (Civ)(d)
 Adjutant General Branch
 Army Headquarters
 BHQ Deini-110 061

Annexure-3

16729/Org 4 (Civ)(d)

25 Apr 94

Headquarters

- Southern Command
- Eastern Command
- Western Command
- Central Command
- Northern Command

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 - 33 -

FIELD SERVICE CONCESSIONS TO CIVILIANS PAID FROM
 DEFENCE SERVICES ESTIMATES INCLUDING CIVILIANS
 EMPLOYED IN LIEU OF COMBATANTS AND NCB(E) (BOTH-
 STATE AND LOCALLY RECRUITED)

1. On the basis of the Fourth Central Pay Commission recommendation, the existing classification of areas for grant of Field service concessions has been revised recently, vide Min of Def letter No 37260/AG/PS-3(a)/90/D(Pay/Services) dt 13 Jan 94. Some of the concessions/Compensatory Allowances have also been revised in respect of Service Personnel. As per the Govt order, field areas will be classified as field areas and modified field areas only. The details of newly defined field areas and modified field areas contained in Appx 'A' and 'B' respectively to this letter.
2. It is proposed to extend the same concessions to Defence Civilians employed in the field areas as they serve side by side with services personnel under similar conditions in the given areas. They are also required to work in the border areas and also serve in dense jungles risking their lives for performing duties assigned to them.

3. The following proposals for concessions/allowances to defence civilians posted in these areas have been proposed to Ministry of Defence for consideration :-

(a) Defence Civilians serving in field areas and modified field areas to be eligible to the grant of field area allowances and compensatory modified field area allowances respectively at the following rates :-

	Rate of Comp field area allowance	Rate of Comp modified field area allow
For pay upto 900/- per month	Rs. 375/-PM	Rs. 150/- PM
For pay exceeding Rs. 900/- but not exceeding Rs. 1500/-PM	Rs. 450/- PM	Rs. 175/-PM
For pay exceeding Rs. 1500/-PM but not exceeding Rs. 2300/-	Rs. 650/-PM	Rs. 225/-PM
For pay exceeding Rs. 2300/-PM but not exceeding Rs. 3000/-PM	Rs. 750/-PM	Rs. 300/-PM
For pay exceeding Rs. 3000/-PM	Rs. 975/-PM	Rs. 325/-PM

Attested
 [Signature]
 Advocate

(b) The compensatory and Winter Allowances, Bad climate allowances etc not to be addition to this allowance.

(c) The other concessions in kind at present admissible in full field areas as per details given in Annexure 'C' to Mi Min of D. OM No A 2584/AG/PS-3(a)/97-S/D(Pay/Sec. 13) dated 25 Jan 64 as amended from time to time to continue to be admissible in the newly defined Field areas listed at Appx 'B' to this letter.

(d) The above mentioned allowances will not be admissible to :-

- (i) Static Formation/Units eg, Military Farms, MES, Recruiting Office, Training Centres and establishments.
- (ii) NCC Directorates and Units.
- (iii) TA Units unless embodied.
- (v) Record Office and similar establishments.

4. High Altitude/Uncongenial Climate Allowance—Civilians serving in field areas which are situated at a height of 9000 ft and above including uncongenial climate areas below the height of 9000 ft to be entitled. The details of these areas are given in Appx 'C' to this letter. The rates of High Altitude/Uncongenial climate allowances are given as under :-

Pay	Cat-I (Height from 9000 ft to 15000 ft incl uncongenial climate areas of 9000 ft)	Cat-II (Height above 15000 ft excl Siachen)
For pay not exceeding Rs. 950/-	Rs. 100/-PM	Rs. 150/-PM
For pay exceeding Rs. 950/-PM but not exceeding Rs. 2300/-PM	Rs. 140/-PM	Rs. 210/-PM
For pay exceeding Rs. 1500/-PM but not exceeding Rs. 3000/-PM	Rs. 180/-PM	Rs. 270/-PM
For pay exceeding Rs. 3000/-PM	Rs. 200/-PM	Rs. 225/-PM

The High Altitude/Uncongenial Climate allowance to be admissible in addition to the field compensatory allowance and other concession in kind.

5. Command Headquarters are requested to examine the above proposal submitted to Ministry of Defence and given their comments. Views. Annual financial implications on the above proposal may please be worked out separately in respect of Field Area filices Modified Field area allowances and High Altitude/Uncongenial Climate Allowance and furnished to this Headquarters latest by 20 May 94.

Sd/- x x x x x x x x
 (Pranod Ji Saxena)
 SCSO
 Director (HP)
 Org 4 (Div)(d)
 for Adjutant General

RESTRICTED

*Attested
 Full
 Advocate*

99-48-35-~~Ammerwa~~

156 of 157
Ammerwa-4/1202

No. 20014/10/83/111
Government of India
Ministry of Finance
Department of Expenditure

New Delhi, the 14th December, 1983

OFFICE MEMORANDUM

Subject :- Improvement in facilities for Civilian employees of the Central Govt, serving in the state of North Eastern Region, A & N Islands and Lakshadweep.

The undersigned is directed to refer to this Ministry's O.M. No. 20014/3/83-E.IV dt 14th December, 1983 and 30th March, 1984 on the subject mentioned above and to say that the question of making suitable improvements in the allowances and facilities to Central Govt. employees posted in North-Eastern Region comprising the states of Assam, Meghalaya, Manipur, Nagaland, Tripura, Arunachal Pradesh and Mizoram has been engaging the attention of the Govt. Accordingly the President is now pleased to decide as follows :-

(i) Terure of postin /deputation

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

(ii) Weightage for Central deputation and transfer abroad Special mentioned in confidential records :-

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

(iii) Special (Duty) Allowance :-

Central Govt. Civilian employees who have all India transferability will be granted Special (Duty) Allowance at the rate of 2% of basic pay subject to a ceiling of Rs 1000/- per month on posting to any station in the North Eastern Region. Special (Duty) Allowance will be in addition to any special pay and/or deputation duty allowance already being drawn subject to the condition that the total of such Special (Duty) Allowance plus Special pay/ deputation (Duty) Allowance will not exceed Rs 1000/- p.m. Special Allowance like Special Compensatory (Home Breeding) Allowance, Construction Allowance and Project allowance will be drawn separately.

Approved
Sd/-
Advocate

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

(iv) Special Compensatory Allowance :-

The recommendations of the 4th Pay Commission have been accepted by the Govt. and Special Compensatory Allowance at the revised rates have been made effective from 1.10.88

(v) Travelling Allowance on First Appointment :-

The present concessions are contained in this Ministry's O.M. dated 12.8.83 will continue with the liberalisation that on first appointment T.A. should be admissible for the total distance instead of for the distance in excess of first 100 Kms. only.

(vi) Travelling Allowance for Journey on Transfer :-

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

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

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

(viii) Joining time with Leave :-

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

(ix) Leave Travel Concession :-

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

Officers drawing pay of Rs 5100/- or above, and their families i.e. spouse and two dependent children (upto 18 years for boys and 21 years for girls) will be allowed air travel between Imphal/Shillong/Agartala/Aizawl/Mizoram and Calcutta and vice-versa; between Port-Blear and Calcutta/Madras and vice-versa in case of postings in A. & I Islands; and between Kavaratti and Cochin and vice-versa in case of postings in Lakshadweep.

(x) Children Education Allowance/Hotel subsidy :-

Where the children do not accompany the government servant to the North-Eastern Region, Children Education Allowance upto Class XII will be admissible in respect of children residing in

Attested
[Signature]
Advocate

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The last station of posting of the employees... of the children studying in schools and hostels at the last station of postings or any other station. Government servant concerned will be given hostel subsidy without restrictions. The rates of Children Education Allowance/Hostel Allowance will be as in the G.P.S.T., O.M. 13011/1/17-Extt. (allowances) dt. 27.09.1954.

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

The present concession as contained in this Ministry's O.M. No. 1001/1/III(B)/54 dt 29.3.54 as amended from time to time will continue to be applicable.

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

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

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

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

Hindi Version of this Memorandum is attached.

sd/- x x x x

(A. JAYARAMAN)
JOINT SECRETARY TO THE GOVT OF INDIA

All Ministries/Departments of Govt. of India, etc.
Copy (with usual number of spare copies) forwarded to S. & A.G., U.P.S.C, etc etc. as per standard endorsement list.

CC ENCLD COPY

(Teckaral)
Asst. Chief II
Chief Engineer,
Shillong Zone.

Attested
Advocate