

50/100

5

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

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

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Disposed date 04/04/97

O.A/T.A No. 270/96

R.A/C.P No.

E.P/M.A No. 65/97

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3. Judgment & Order dtd. Received from H.C/Supreme Court
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7. W.S. NIL Pg. to
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14. Amendment Reply by Respondents
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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

No. 270196

*N. C. Das et al.* Applicant(s)  
-Versus-

*Union of India & Ors.* Respondent(s)

*Mr. A. Ahmed* Advocates for Applicant(s)

*Mr. S. Ali, Sr. C.G.S.C.* Advocates for Respondent(s)

Office Notes Date Courts' Orders

19-11-96

Mr. A. Ahmed counsel for the applicant. Mr. S. Ali, Sr. C.G.S.C. for the respondents.

Issue notice on the respondents to show cause why this application should not be admitted.

List for show cause and consideration of Admission on 31-12-96

Mr. A. Ahmed submits for interim relief order. However, no interim order is issued at this stage.

Member

This application is in form and within time C. F. of Rs. 50/- deposited vide IPO No 30/10-96 Dated 30/10/96

*D. Registrar*  
17-12-96

Notice issued to the concerned parties vide D. No 4112 to 4115 Dt. 11-12-96

1m  
m  
19/11

31.12.96

Learned counsel Mr A. Ahmed for the applicants. Learned Sr. C.G.S.C. Mr S. Ali for the respondents. Show cause has not been submitted.

List for show cause and consideration of admission on 17.1.1997.

Member

15-1-97

1) Show cause has not been filed.  
2) Service Report are still awaited.

nkm

11/1/97

2m  
15-1

1) Service Reports are still awaited.  
2) Show Cause has not been filed.

16/1

17.1.97

Mr. A. Ahmed for the applicants.

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

Service report awaited. Mr. Ali submits that he has no instruction and the matter may be adjourned.

List for show cause and consideration of admission on 12.2.1997.

Member

12.2.97

Mr S.Ali, Sr.C.G.S.C for the respondents seeks further adjournement.

List for consideration of admission on 19.2.1997.

Member

19.2.97

Mr H. Rahman mentions for Mr A. Ahmed, learned counsel for the applicants. Adjourned to 26.2.97 for consideration of admission.

Member

26.2.97

Learned counsel Mr A. Ahmed for the applicant. None for the respondents. No show cause has been submitted. Mr Ahmed prays for interim order on Annexure-3. However his prayer will be considered in the presence of Mr S. Ali, learned Sr. C.G.S.C.

List for consideration of admission on 26.3.97.

Member

nkm M/27/2

1/ Name of applicant is not  
in list of Mr S. Ali, Sr. C.G.S.C

2/ Service reports are still  
not submitted.

3/ Show cause is not  
submitted.

SD  
11/2

trd  
M/21/2

25-3-97

1/ Service report are  
still awaited, pg

2/ Show cause has  
not been submitted,

SD  
25.3

nkm  
M/19/2

O.A.No.270/96

26.3.97

Heard Mr A. Ahmed, learned counsel for the applicants. Mr Ahmed submits that the application relates to recovery of Special (Duty) Allowance. He also submits that similar matters are pending before this Tribunal. There is a decision of the Apex Court also. Mr S. Ali, learned Sr. C.G.S.C. confirms the same. The application is admitted. Issue usual notices returnable by 6 weeks.

The interim order granted in the Misc. Petition shall continue.

List on 2.5.97.

*[Signature]*  
Vice-Chairman

*for copy.*  
*2/14*  
2-4-97  
Copy of the order dt  
26-3-97 prepared  
and sent to D.  
Section on 2-4-97.

nkm

4x4x97

~~Written statement has been filed. Case~~  
~~is ready for hearing. List for hearing on~~  
~~16-5-97~~

3.4.97

Show cause reply filed  
on 8/4 at R. 1-4. pg

~~Vice-Chairman~~

4-4-97

Learned counsel Mr. A. Ahmed for the applicant and Mr. S. Ali, learned Sr. C.G.S.C. for the respondents are present.

List for hearing on 23-5-97.

*[Signature]*  
Vice-Chairman

*24*  
Vakalatnama filed  
by Mr. S. Ali Sr. C.G.S.C.

1) Senior reports are still  
awaited. *pg*  
*2/14*  
2) Show cause reply  
has been filed.

23.5.97

Mr A. Ahmed, learned counsel for the applicants is not present. A letter of absence has been filed in that regard. Mr S. Ali, learned Sr. C.G.S.C., is also not present. List it on 30.5.97 for hearing.

*[Signature]*  
Vice-Chairman

1) Senior reports are still  
awaited.  
2) Show cause reply has  
been filed.

nkm

*2/15**29/5*

30.5.97

Mr S. Ali, learned Sr. C.G.S.C., submits that the matter relates to Nagaland and there are other similar cases. Orders have been passed for taking those matters to Kohima. This case be also heard at Kohima alongwith those matters. The date of hearing will be notified later.

  
Vice-Chairman

nkm

  
2/6

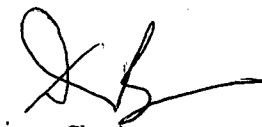
MA

10.6.97

Heard both counsel of the parties.

Hearing concluded. Judgement delivered in the open court. The application is disposed of. No order as to costs. Order is kept in separate sheets.

  
Member

  
Vice-Chairman

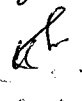
3.6.97.

show cause reply  
has been filed.

  
3/6

9.9.97

Copy of the  
Judgment has been  
sent to the D/sec.  
for issuing the same  
to the applicant  
and to the I/Advocate trd  
of the said Respondents.

  
Issued vide order  
3020 & 3021 8.12.97



CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

6

Original Application No. 265 of 96 (Series)

Date of decision : This the 10th day of June, 1997.

Hon'ble Mr. Justice D.N.Baruah, Vice-Chairman.

Hon'ble Shri G.L.Sanglyine, Administrative Member.

O.A. No. 265 of 1996.

Ram Bachan & 14 Ors.

Applicants.

By Advocate Mr. A.Ahmed.

-versus-

Union of India & Ors.

Respondents

By Advocate Mr. S.Ali, learned Sr.C.G.S.C.

O.A. No. 270 of 1996.

Nomal Chandra Das & 57 Ors.

Applicants.

By Advocate Mr. A.Ahmed.

-versus-

Union of India & Ors.

Respondents

By Advocate Mr. S.Ali, learned Sr. C.G.S.S.

O.A. No. 15 of 1997.

Sri Hari Bahadur Gurung & 12 Ors.

Applicants.

By Advocate Mr. A.Ahmed.

-versus-

Union of India & Ors.

Respondents.

By Advocate Mr. S.Ali, learned Sr. C.G.S.C.

O R D E R

BARUAH J.(V.C.).

All the above applications involve common questions of law and similar facts, therefore we propose to dispose of all the above applications by a common order.

....2. In these

SR

2. In these applications the applicants have prayed for direction to the respondents to pay Special (Duty) Allowance (in short SDA). The facts are ;

All the applicants of the above Original Applications are working as civilian employees under Defence Department at Dimapur, Nagaland.

3. We have heard Mr. A.Amhed, learned counsel appearing on behalf of the applicants and Mr. S.Ali, learned Sr.C.G.S.C. Learned counsel Mr. Ahemd submits that as per Notification of the Govt. of India, Ministry of Finance, the persons appointed outside the North Eastern Region and posted in this region are entitled to S.D.A. In the above applications the applicants have not clearly stated as to whether they were appointed outside the North Eastern Region and therefore it is not possible for this Tribunal to give a clear direction to the Respondents to pay the SDA. We, only hold that the persons who were appointed outside the North Eastern Region and posted within the region are entitled to SDA.

4. In view of the above, we direct the respondents to make enquiry as to whether the applicants were appointed outside the North Eastern Region or not. If on enquiry it is found that applicants were appointed outside the North Eastern Region and now posted in this region, then they shall be paid SDA in terms of the decision of the Apex Court in Civil Appeal No. 1572/97 dated 17.2.97 (Union of India & Ors. VS. B. Prasad, B.S.O & Ors.).

.....5. With

gh

5. With the above directions the applications are disposed of.

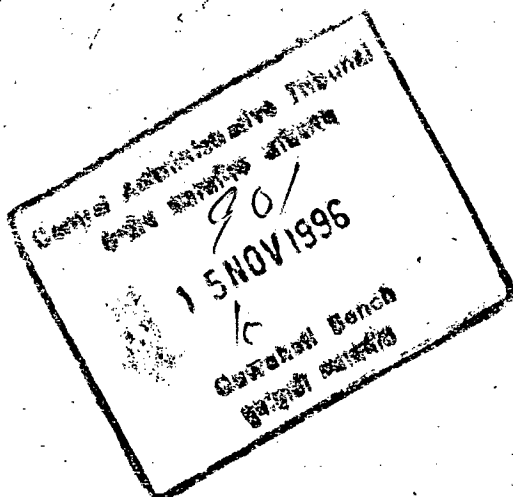
6. Considering the facts and circumstances of the case, however, we make no order as to costs.

Sd/-VICE CHAIRMAN

Sd/-MEMBER (A)



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI : BENCH AT GUWAHATI



O.A. No. 270 of 1996

Shri Nomal Chandra Das & Ors... Applicants .

- Versus -

Union of India & Ors

... Respondents

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Date :- 15.11.96

Filed by :

Advocate.

Received copy -  
c. Secy CGSC  
15/11/96

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI : BENCH AT GUWAHATI

O.A. NO. 270 OF 1996

Filed by  
Ail S. I.  
(ADIL AHMED)  
Advocate  
15.11.96

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	"
5.	1474	S.K. Biswas	UDC
6.	1526	K. Chakravarty	"
7.	1840	A. Roy	SK-III
8.	2324	A. Bhattacharjee	LDC
9.	2645	S. Rai	Driver
10.	2739	T. Mukharjee	LDC
11.	2752	S. Sarkar	"
12.	2753	T.K.Das	"
13.	2871	D.C. Saikia	"
14.	2974	P.K. Mandal	Stenographer
15.	3167	M. Khan	peon
16.	3310	D. M. Rai	Head watchman
17.	3405	Bahadur Mahto	Carpenter
18.	3886	K.L. Debnath	"
19.	3919	Padam Bahadur	Mukadam
20.	4020	Deonath	Watchman
21.	4033	P.C. Shah	Mazdoor
22.	4314	Kedar Nath	"
23.	4394	M.L. Rohidas	"
24.	4499	Manik Chand	"
25.	4524	Kewal Goala	"
26.	4687	Sajani Devi	Safaiwali
27.	4713	Ram Bahadur	Cook

Nomal Chandra

Contd....2

28.	4737	Soma Topna	Mazdoor
29.	4878	Shyam Bahadur	Watchman
30.	5039	S.C. Bonia	"
31.	5213	Lal Mohan 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. Ramu	Safaiwala
43.	5748	A.K. Dey	Watchman
44.	5796	R.C. Yadav	Peon
45.	5797	Amarjeet Domo	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	"
51.	8092	Raja Chetterjee	"
52.	8148	P.K. Prasad	"
53.	8149	Rabi Ch. Dey	"
54.	3159	S. Choudhury	"
55.	8233	T.B. Das	"
56.	8335	Arun Kr. Mazumdar	"
57.	12270	Ram Prasad	Wash boy/T/Room
58.	12271	Ram Chander	Tea maker/T/Room.

Contd....3

Normal entry

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 & 57 others.
- ii) Designation & Office : Peon, serving in the Office  
of the Area Manager, Canteen  
stores Deptt., 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 Secy.  
of Defence, Govt. of  
India, New Delhi.
2. The General Manager,  
Canteen Stores Department,  
Adelphi 119, M.K. Road,  
Mumbai - 400 020.
3. The Regional Manager (East),  
Canteen Stores Deptt., P.O.  
Satgaon, Narangi, Guwahati.
3. The Area Manager, Canteen  
Stores Department, Area  
Depot, Army Supply Depot,  
Road, Dimapur (Nagaland).

Nomal ch Das

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

i) The application is made against the Order 6D/PR/Audit/SDA-NER/2235 dtd. 29.8.96 issued by the WG CDR, DGM(F&A) in the Office of Ministry of Defence, Canteen stores Deptt., Adelphi, Mumbai- 400 020.

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 Tribunals Act, 1985.

6. Facts of the Case :

The facts of the case in brief are given below :

6.1 That your humble applicants 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 C.D. and they are serving in Defence Department since a long time.

6.2. That the applicants are Grade II, III & IV employees serving in different capacities as Central Govt. Defence Civilian employees in Nagaland in the Office of the Area Manager, Canteen stores Department, C.S.D. Depot, Army Supply Road, Dimapur, Nagaland. They are serving as Peon, A.M.A.M., SGC, UDC, LDC, SK-III, Stenographer, Safaiwala, Mazdoor, Carpenter, Cook, Watchman, Cleaner, Mali, W/boy etc.

*Normal chd*

6.3 That all the applicants have got a common grievances, common <sup>Courses</sup> ~~course~~ of action and nature of their relief prayed for is also same and similar and hence having regard to the facts and circumstances 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 redressal of their common grievances.

6.4 That under the Central Government of various Orders, Memos, Circulars, the civilian employees serving in the Defence Deptt. in Nagaland are eligible for certain benefits for involving risk of life alongwith Armed Forces. These civilian employees are entitled to the benefits of S.D.A. (Special Duty Allowances) to Defence Department Civilian Employees as per Govt. Memo No. 20014/3/83-IV, dated 14 Dec. 1983.

Annexure-1 - is the photocopy of the Memo No. 20014/3/83-IV issued by the Govt. of India.

6.5 That these civilian employees are entitled of the above benefits vide O.A.No. 124 and 125 of 1995 by the judgement and order dated 24.8.95 passed by this Hon'ble Tribunal as they are also similarly situated and as such they are entitled to the above benefits.

Annexure-2 - is the photocony of the judgement and order dated 24.8.95 passed in O.A.No.124 and 125 of 1995 by this Hon'ble Tribunal.

Conttd...6

6.6 That your applicants beg to state that, payment of special Duty Allowances were being paid to the employees of C.S.D. posted at CSD Depot , Dimapur upto July, 1996.

However , as per Govt. of India , Ministry of Finance, O.M. No 11(3)/95-B-II(B) dtd.12.1.96 reproduced in GSD order No 9/96 dtd. 25.7.96, the payment of S.D.A has been stopped with effect from August'96 and the amount paid from 20.9.94 will be recovered.

Annexure- 3- is the photocopy of the order No.6D/PR/Audit/SDA-NER/2235 dtd. 29.8.96 issued by the Ministry of Defence, C.S.D. Govt. of India for recovery of S.D.A paid to the employees.

6.7. That your applicants further beg to state that, as per the judgement of Hon'ble Supreme Court ,payment of S.D.A will be not be given to Central Govt. employees nerely based on the clause in the appointment letter to the effect that the person concerned is liable to be transferred any where in India. In this context, it is submitted that unlike other Central Govt. employees, employees of CSD are actually liable for all India transfer. In CSD the recruitment to service/cadre/post, promotion and transfer are done on the bais of all India geniouity list for the Service/ cadre/post as a whole, All the tests for recruitment, promotion etc. also done on all India basis. Hence the judgement of Hon'ble supreme Court given on the special Leave petitions of some other Central Govt. cannot be made applicable in case of CSD employees in uniform nature.

Annexure- 4- is the photocopy of one of such appointed letter of C.S.D. employee issued by the Dy. General Manager (P & A) C.S.D. Mumbai.

Annexure -4(a)- is the photocopy of such transfer order of C.S.D. employee issued by the Asstt. General Manager (P) Mumbai.

contd .. 7

*Normal encl*

Annexure 4(b) is the photocopy of recruitment Rule of C.S.D. employee.

Annexure-5 is the photocopy of the Ref. No.3/Admn/B-9/1791 CSD order No. 9/96 issued by the under secretary, Govt. of India.

6.8. That your applicants further beg to state that, they having fulfilled all the terms and conditions of S.D.A. (Special Duty Allowances) as admissible to the Defence Civilian employees serving in Nagaland, so they are entitled to get benefits of S.D.A (Special Duty Allowances).

7. Grounds and Legal provisions:

(i) For that the applicants being similarly placed to the applicants in O.A. No. 124 and 125 of 1995, so that same benefits ought to have been extended to the applicants.

(ii) For that the applicants being civilian employees serving in Nagaland being attach with the Armed Forces are entitled to get financial benefits above mentioned under the various schemes, various letters and various circulars etc. and also by various judgement and orders passed by this Hon'ble Tribunal.

(iii) For that there is no justification in denying the said benefits granted to the applicants and the denial has resulted in violation of the Articles 14 & 16 of the Constitution of India and also other similarly situated employees already have been granted the said benefits.

(iv) For that the applicants having fulfilled all the criteria laid down in the aforesaid Memorandum towards granting the S.D.A (Special Duty Allowances) the Respondents cannot deny the same to the applicants without any jurisdiction.

contd .. 3

*Planned in 1995*



- v) For that it has already been conclusively held by this Hon'ble Tribunal in other cases that the applicants are entitled to the said benefits and thus the Respondents ought to have paid the said benefits to the applicants.
- vi) For that it is settled proposition of law that when the same principle have been laid down in given cases, all other personal who are similarly situated should be granted the said benefits without requiring them to approach in the Court of Law.
- vii) For that the applicants have been denied the said benefits without any principle of being heard. There is a violation of the principle of natural justice in denial of the benefits to the applicants and accordingly proper reliefs are required to be granted to the applicants.
- viii) For that the action of the Respondents are illegal, arbitrary and not sustainable in law.
- ix) For that, at any rate, the impugned order at Annexure - 3 is liable to be quashed.

8. 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, C.S.D. Depot, Army Supply Road, Dimapur, Nagaland to pay -

*Normal ch. 4p*

- i) S.D.A (Special Duty Allowances) vide Memo No. 20014/3/83-IV issued by the Govt. of India, Ministry of Expenditure, New Delhi.

Contd...9

ii) S.D.A. (Special Duty Allowances) in terms of judgement and order passed in O.A.No. 124 and 125 of 1995 by this Hon'ble Tribunal on 24.8.95.

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

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

9. Interim Order Prayed for :

That the applicants beg to state that till disposal of this petition the Respondents may be directed to not to recover the S.D.A. amount which has been already paid by the Respondents.

10. Details of Remedies Exhausted :

That the applicants declare that they have availed to all the remedies available to them under Service Rules etc.

11. Matters not pending with any other Courts etc :

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

12. Particulars of the Bank Draft/I.P.O. in respect of Application Fee :

1. Number of I.P.O. : 809311495
2. Name of issuing Post Office : Guwahati
3. Date of issue of I.P.O. : 30.10.96
4. P.O. at which payable : Guwahati

Contd....10

Normal endg

13. Details of Index :

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

14. List of Enclosure : As per Index.

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

I, Shri Nomal Chandra Das, Ticket No. 3190, Peon, the applicant No.1 serving under the Area Manager, Canteen stores Department, Areas Depot, C.S.D., Dimapur, Nagaland do hereby verify that the statement made in this application from paragraphs 1 to 14 are true to my knowledge and belief and I have not suppressed any material facts and I have been authorised to verify this application on behalf of the other applicants.

And I sign this Verification on this 14th day of November, 1996 at Guwahati.

*Nomal Chandra Das*

DECLARANT

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

Copy of Min of Def OM No 4(19)/83/D New Delhi, the 14th Dec 83  
(Civ-I as 11.1.80) OFFICE MEMORANDUM

Subject: Allowances and facilities for civilian employees  
of the Central Govt serving in the states and Union  
Territories of the North Eastern Region - improvement  
Scheme.

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 at a time for officers with service of 10 yrs or less and of 2 yrs at 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:-

- Promotion in career posts;
- Deputation to Central tenure posts, and
- Course of training abroad.

*Attested*  
*[Signature]*  
*Adviser*

12-  
- 2 - - 12 -

The general requirement of at least three years services 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 CR 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) Allowances. 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.

**(iv) Special compensatory Allowances**

**Assam and Meghalaya**

The rate of the allowances will be 5% of basic pay subject to a minimum of Rs 50/- pm admissible 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 2 1/2/-  
pay upto Rs 2 1/2/-

Rs 40/- PM.

Rs 15% of basic pay subject to 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 2 1/2/-

- Rs 40/- PM.

pay above Rs 2 1/2/-

- 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  
Sd/-  
Secretary*

(v) Travelling allowance on first appointment

In 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 (1st/2nd class rail fare for full fare) if they are within a limit of 400 km. 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 ~~without exceeding weight~~ at Govt cost or pay a cash equivalent of 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 11c 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 within 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 the station of posting in the north eastern 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 the North eastern Region. In case the option is for the latter, alternative, the cost of travel for the initial distance (400 kms) will not be borne by the Officer.

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/Dibrugarh/Agartala and Calcutta and vice versa while performing journeys mentioned in the preceding paragraphs.

(x)

Attested  
[Signature]  
[Signature]  
[Signature]

continued/A

(x) Children Education Allowances/Hostel Subsidy

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 children reside without any restriction of pay drawn by the Govt servant. If children studying in schools 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 as and when decisions are taken by them by the Govt.

6. 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 India

Attended  
Advocate

24

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 ROHILLA )

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

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

O.A.No.124/95

Shri Uddan Sinha and 116 others

All are serving in the Office of the Garrison Engineer,  
866 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,  
866 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 -

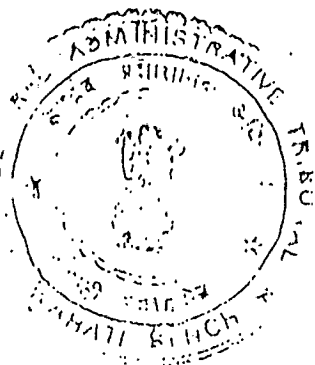
1. Union of India represented by  
The Secretary, Defence,  
Government of India, New Delhi.

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.



lull

Attested  
Shri S. Ali  
Advocate



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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.D/37269/AG/PS3(u)/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.

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

*Attested  
Sd/-  
Admin*



*[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

from.....



*Attested*  
*[Signature]*  
*Advocate*

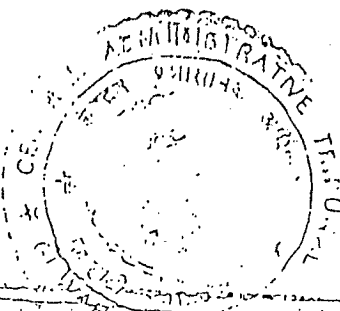
-18-

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(civ)(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 Bad 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.....

*Bested*  
*Advocate*

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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<sup>been</sup> 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) <sup>p.74</sup>. 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 1.12.1988 or from the actual date of posting

as.....



*Attended*  
*Sd/-*  
*Advocate*

as the case may be. We further declare that 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*  
*[Signature]*  
*Advocate*



*luc*

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.



Attended  
Hd of  
Advisate

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

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

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

(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.



*Attested  
23/3/91  
Advocate*

- 23 -

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(B) O.A.No.125/95:

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.

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

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

and.....



*Sub*

*Attended  
Self  
Adviser*



v) (a) It is declared that HRA is admissible as

(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 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.



Sd/- CHAIRMAN  
Sd/- MEMBER (A)

Certified to be true Cop.  
प्रमाणित प्रतिलिपि

COURT OFFICER

Central Administrative Tribunal

AC B/IL 23/9/95

- 25 -

Annexure-3

1/6 34

14

GOVT. OF INDIA  
MINISTRY OF DEFENCE  
CANTONMENT STAFF DEPT.  
(Personnel Section)  
ADELPHI, 100, N. K. ROAD,  
MUMBAI-400 020

6D/PR/Audit/SDA-NER/2735

Date: 29 Aug '96

Supdt-2  
10/9

SUB : SPECIAL DUTY ALLOWANCE FOR  
CIVILIANS EMPLOYEES OF THE  
CENTRAL GOVT. SERVING IN THE  
STATES AND UNION TERRITORIES  
OF NE REGION REGARDING.

RAC(CSD) has issued a preliminary slip in regards to payment of SDA to CSD Employees posted in North East Region following issue of GOI, MOF, Deptt of EXP OMNO 11 (3)/95 & II B dt. 12/1/96. The above is now been promulgated vide CSD Order No. 9/96 dt. 15/7/96 for implementation.

2. In terms of para 7(II) of the above Govt. letter, the payment already made on account of SDA to ineligible persons after 20.9.94 is to be recovered. However, recovery action can be initiated only after ineligible individuals are identified as per criteria laid down in the said letter. It would, therefore, be appreciated if the necessary action is initiated at the earliest and the list is forwarded to us so that payment of SDA could be regulated as laid down in the letter and recovery effected from concerned staff. Any delay in receipt of the above information would, further, delay recovery schedule & create recovery problems in regard to recovery from individuals proceeding on retirement/resignation. In this connection our letter No. 6D/PR/Audit/SDA-NER/2072 dt. 27.7.96 also refers.

3. You kindly requested to look into the matter personally to issue instruction as indicated above.

(R. VIJAY KUMAR)  
WG CDR  
( ) DGM(F&A)

To  
DGM(P&A)

CC : The RM(E) | For information and necessary action.  
CSD NARANGI |  
CC : The Manager  
CSD Depot  
Dimapur/Narangi/Masimpur/Misamari.

Attested  
Advocate

- 26 -  
GOVERNMENT OF INDIA  
MINISTRY OF DEFENCE  
CANTEEN STORES DEPARTMENT  
"ADELPHI" 119 M.K. ROAD  
BOMBAY - 400 020

Annexure - 4

No: 3/A-1/1085/01-3227/7756

Date: 31 July '92.

1. Lalta Prasad,  
1 & PO - Dhojipura,  
na - Dhojipura,  
t - Bareilly.

ACCD. S.C.

A P P O I N T M E N T

Shri/Kum/Smt Lalta Prasad is hereby informed  
that he/she is appointed as a temporary ~~Staff~~ in  
his department with effect from 17th Aug '92 and is posted  
under the following terms and conditions:-

i) MEDICAL FITNESS :

This appointment is subject to his/her being declared  
medically fit by the MO Incharge MI Room MH Bareilly.  
It will be open to the department to get him/her medically  
examined at any time during the tenure of his/her service  
to ascertain his/her medical fitness.

ii) SCALE OF PAY :

This appointment carries the pay scale of  
A.750-12-870-32-14-940 and he/she will be entitled  
for an initial pay of Rs. 750/- per mensem plus allowances  
as applicable.

iii) PROBATION :

He/She will be on probation for a period of two years  
during which his/her services are liable to be  
terminated without assigning any reason or notice.

iv) TA/DA :

No TA/DA is admissible for his/her joining duty.

v) SERVICE LIABILITY :

He/She shall be prepared to serve in any establishment  
of this department in any part of India including  
operational areas and to abide by all the rules governing  
the conditions of service in this department, which he/she  
shall confirm in writing before 15th Aug '92 in the  
proforma attached.

vi) COUNTING OF PRE-RETIRE CIVIL/MILITARY SERVICE :

The option for counting the pre-retirement civil  
service or military service for qualifying for pension  
in accordance with the provisions of rule 18 or 19 of  
the CCS(Pension) rules as the case may be, must be  
exercised within 3 months from the date of his/her  
confirmation. (APPLICABLE FOR RE-EMPLOYED GOVT. SERVANTS).  
Requests/claims received after 3 months after the  
date of confirmation will NOT be entertained.

P.T.O.

Attested  
Advocate

(ii) Place of Birth of Husband/wife जन्मस्थान पात/पत्नी का | (iii) Diatt - Bareilly

vii)

The appointment carries the clear stipulation that any past service rendered in the department as a daily rated/casual worker will not be counted for the purpose of fixation of pay, seniority, promotion, pension etc.

viii)

In case he/she belongs to one of the recognised scheduled caste categories, he/she will inform the Appointing/Administrative authority immediately he/she changes his/her religion, as no person professing religion other than Hindu or Sikh or Buddhist religion can be deemed to be a member of Scheduled Caste.

2.

If the above terms and conditions are acceptable to him/her in toto, he/she may report to this Office/The Manager CSD Depot, ~~Dinapur~~ at the following address with original testimonial in support of Date of Birth, Educational Qualification, Caste Certificate etc. on 17th Aug'92.

Canteen Stores Department,  
P.O. Box No. 19,  
Dinapur-797 112  
Nagaland.

( DHARANPAL )

Dy. General Manager (P&A)  
For Jt. General Manager  
Canteen Stores Department

NOO:

cc: The Manager, CSD Depot, ~~Dinapur~~

A copy of the application form alongwith the Photograph of the individual is sent herewith which may be verified with the original documents of the individual and returned duly confirmed, alongwith your reporting advice.

The individual may be ~~examined~~ <sup>examined</sup> for medical examination on his/her reporting and taken on roll only if declared medically fit, on or after/depending upon the date the individual is declared medically fit but under no circumstances before 17th Aug'92.

The date in which he/she has been taken on the regular roll should be communicated telegraphically to this Office on the same day.

Three clear working days break should be given to the individual before he/she is taken on regular rolls, if he/she is working on Casual/Daily rated basis.

cc: HO Accounts Branch

cc: The Manager, CSD Depot, ~~Dinapur~~

The above individual may please be attended for medical examination and if declared medically fit advise him to report to Manager, Dinapur depot.

Attested  
by  
Authorate

28-

Ahmedabad

Annexure 4(a)

37

GOVERNMENT OF INDIA  
MINISTRY OF DEFENCE  
CANTEEN STORES DEPARTMENT  
"ADELPHI" 119 M.K. ROAD  
BOMBAY - 400 020

Ref. No. 3/A-2/1207

9th Dec. 1970

TRANSFER ORDER NO. 250 /89

The following transfers are ordered:-

<u>Sr. No.</u>	<u>PN</u>	<u>Name</u>	<u>Design.</u>	<u>From</u>	<u>To</u>
1.	1474	Shri. S.K. Biswas	U.D.C.	Dimapur	Ahmedabad
2.	1651	Shri. B.B. Dass	U.D.C.	Dimapur	Bhatinda
3.	1632	Shri. K.N. Panikar	U.D.C.	Office of RM(S) Pune	Dimapur
4.	1455	Shri. P.Y. Dhole	U.D.C.	H.O. Admn. Br. Dimapur Bombay	
5.	0941	Shri. K.B. Pillai	S.G.C.	Bangalore	Office of RM(S) Pune

2. They are eligible for all transfer benefits admissible as per rules.

3. They may be relieved latest by 31.1.90.

J. K. Sharma  
R.K. SHARMA  
Asst. Gen. Manager (P)  
for General Manager

Distribution

1. DGM (F & A)
2. RM(E) / RM(S) / RM(W)
3. The Manager, CSD Depot, Dimapur/Calcutta/Bangalore/Ahmedabad and Bhatinda.
4. The Manager, H.O. Admn. Br. Grp.B

5. The individuals concerned (Through the concerned depot Manager)

6. PPs 1474 / 1651 / 1632 / 1455 / 0941

7. PA to GM 8. Sub Grps. 3/A-1/A-3/A-7/B-6/B-7

Mgt.	
A.M.	
Supd.	
SK	

-29-

Agencure 4(b)  
38

GOVERNMENT OF INDIA  
MINISTRY OF DEFENCE  
CANTEEN STORES DEPARTMENT  
"ADELPHI" 119 M.K. ROAD  
BOMBAY - 400 020.

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

Date :- 16 March '93.

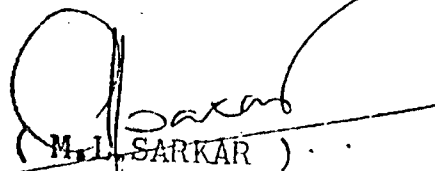
CSD ORDER NO 8 /93.

PART A : PERSONNEL & ADMINISTRATION

SUB : RECRUITMENT RULES

Reference CSD order No. 32/78 dated 26.4.1978.

2. statutory rules and orders issued by the Ministry of Defence Govt. of India, New Delhi in the "Gazette of India" No. 35 dated 28th September 1991 are reproduced below for information and guidance. The recruitment rules for group 'C' & 'D' employees are appended as annexure 'A' & 'B' to this CSD order.

  
( M.L. SARKAR )

ASST. GENERAL MANAGER (ADMN)  
FOR GENERAL MANAGER

DISTRIBUTION :

- |                                   |                    |
|-----------------------------------|--------------------|
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| 5. All RMs                        | ( 1 copy each )    |
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\* DGM Base/Depot Managers will Provide one copy each to Union/Association Branch if existing at their station.

SSB/-

  
Advocate



: 2 :  
Annexure 'A' to CSD Order No. 8/93 Dt. 16.3.92

A copy of Govt. of India Ministry of Defence, gazette of India No. 35  
dt. 28.9.91.

SUB : RETIREMENT RULES

MINISTRY OF DEFENCE

NEW DELHI, the 10th September, 1991

S.R.O. 192- In exercise of the powers conferred by the proviso to article 309 of the Constitution and in supersession of the Canteen Stores Department Group 'C' (Non-industrial and industrial posts Recruitment Rules, 1977, except as respects things done or omitted to be done before such supersession, the President hereby makes the following rules regulating the method of recruitment to certain Group 'C' (Non industrial and industrial) posts in the Canteen Stores Department, Ministry of Defence, namely :-

1. Short title and commencement : 1) These rules may be called the Canteen Stores Department Group 'C' (non-industrial and industrial) posts Recruitment Rules, 1991. 2) They shall come into force from the date of their publication in the Official Gazette.
2. Number of posts, classification and scales of pay - The number of the said posts, their classification and the scales of pay attached thereto shall be as specified in columns 3 to 5 of the Schedule annexed to these rules.
3. Method of recruitment, age limit and qualification, etc. The method of recruitment to the said posts, age limit, qualification and their matters connected therewith shall be as specified in Column 6 to 15 of the said Schedule.
4. Disqualification - No person :-
  - a) Who has entered into or contracted a marriage with any person having a spouse living; or
  - b) Who having a spouse living, has entered into or contracted a marriage with any person :shall be eligible for appointment to the said post.  
provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable, to such person and other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.
5. Special provision relating to existing employees of the Canteen Stores Department (India) - Notwithstanding anything contained in the foregoing rules, every person who immediately before the commencement of these rules, is holding a post in the Canteen Stores Department (India) (special provisions relating to the employees of Canteen Stores Department (India) shall on and from such commencement hold a corresponding post specified in column 2 of the said schedule and shall be deemed to have been appointed to such corresponding posts.
6. Provided that nothing in the rule shall apply to any such persons who has, before such commencement, intimated to the Government his intention of not becoming an employee of Government.
7. Power to relax - Where the Central Government is of the opinion that it is necessary or expedient so to do, it may be order for reasons to be recorded in writing, relax any of the provision of these rules with respect to any class or category of persons.
8. Saving - Nothing in these rules shall affect reservations, relaxations of age limit and other concessions required to be provided for the Schedule Castes, the Scheduled Tribes, Ex-Servicemen and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

*Attested*  
*[Signature]*  
*Advocate*

Contd...3/-

Serial Number	Name of Post	Number of Post	Classification	Scale of pay	Whether Selecti- on post or non select- ion post	Whether benefi- of add- years of service admissi- ble un- Rule 30 of the Central Civil Service (Pensio- Rules, 1972
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1	2	3	4	5	6	7
1.	Superintendent	49* (1991) subject to variation dependent on work load	General Central Service, Group 'C' Ministerial	Rs. 1400-40- 1600-50- 2300-EB-60- 2600	Selecti- tion	Not appl cabl
Age limit for direct recruits		Educational and other qualifications required for direct recruits		Whether age and educational quali- fication prescrib- ed for direct recruits will apply in the case of promotee		Peri- of proba- tion if an

8	9	10	11
Not applicable	Not applicable	Not applicable	2 ye
Method of recruitment whether by direct recruit- ment or by promotion or by deputation/transfer and percentage of the vacancies to be filled by various methods	In case of recruit- ment by promotion/ deputation/transfer grades from which promotion deputa- tion/transfer to be made	If a Departmental promotion Commi- tee exists what is its composi- tion	Cir- star in- whic- Unio- Pub- Serv- Com- ssio- is t- be c- sult- in- mak- rec- tmer

By Promotion

By Promotion Selection Grade Clerk/Assistant Accountant/Selection Grade Stenographers with 2 years regular service in the respec- tive grades.

Group 'C' Depart- mental promotion Committee consisting of :-  
1. Joint General Manager and Vice Chairman, Board of Administra- tion-Chairman  
2. Deputy Director General Canteen Services and Secretary Board of Control, Canteen Service-Mer

*Attested*  
*[Signature]*  
*Advocate*



12 13 14 15

Deputy Financial Adviser(Q)  
Ministry of Defence Member  
4. Seniormost Deputy General  
Manager from the Department  
(CSD Cadre) Member

1	2	3	4	5	6	7
2. Superintendent B/R Grade-II	1* (1991) Subject to variation dependent on work load	General Central service Group 'C' Ministerial		Rs.1400-40-1800-EB-50-2300	Selection	Not applicable
8	9	10	11			
Not applicable	Not applicable	Not applicable	1 Year			

12	13	14	15
By promotion failing which by transfer on deputation	Promotion :- Maintenance sub-overseer with 7 years regular service in the grade failing which by transfer on deputation Junior Commissioned Officer from Corp of Engineer having experience in Military Engineering Service (MES) of Superintendent B/R Grade II on their respective scale of pay plus deputation allowance; (period of deputation shall ordinary not exceed 3 years	Group 'C' Departmental promotion Committee consisting of :- 1. Joint General Manager and Vice Chairman, Board of Administration Chairman 2. Deputy Director General Canteen Services and Secretary, Board of Control, Canteen Services-Member 3. Deputy Financial Adviser(Q) Ministry of Defence-Member 4. Seniormost Deputy General Manager from the Department (CSD Cadre) Member	

1	2	3	4	5	6	7
3. Selection Grade Clerk/ Assistant Accountant	77* (1991) *Subject to variation dependent on work load	General Central Service Group 'C' Ministerial		Rs.1400-40-1800-EB-50-2300	Selection	Not applicable

*Attended*  
*S.M.H.*  
*Advocate*

8	9	10	11
Not Applicable	Not applicable	Not applicable	2 Years
12	13	14	15
By promotion	By Promotion :- From Amongst the Upper Division Clerks or Cashier having 5 years regular service in the respective grades.	Group 'C' Departmental Promotion Committee consisting of : 1. Joint General Manager and Vice Chairman, Board of Administra- tion-Chairman 2. Deputy Director General Canteen Services and Secretary, Board of Control, Canteen Services- Member 3. Deputy Financial Adviser (Q) Ministry of Defence- Member 4. Seniormost Deputy General Manager from the Depart- ment (CSD, Cadre)-Member.	Not appli- cable

1	2	3	4	5	6	7
4.	Stenographer Selection Grade (Stenographer Grade-II)	12* (1991) *Subject to varia- tion dependent on work load	General Central Service Group 'C' Ministerial	Rs. 1400-40- 1800-EB-50- 2300	Selection	Not appli- cable

8	9	10	11
Not applicable	Not applicable	Not applicable	2 years

12	13	14	15
By Promotion	By Promotion :- From amongst the Stenographers Grade III with 5 years regular service in that grade having a speed of 120 words per minute in shorthand and 45 words per minute in typing	Group 'C' Departmental promo- tion Committee consisting of :- 1. Joint General Manager and Vice Chairman, Board of Administration-Chairman 2. Deputy Director General Canteen Services and Secretary, Board of Control, Canteen Services- Member 3. Deputy Financial Adviser (Q) Ministry of Defence 4. Seniormost Deputy General Manager from the Depart- ment (CSD Cadre)-Member	Not appli- cable

*Attested  
Advocate*

1	2	3	4	5	6	7
5.	Upper Division Clerk	332* (1991) * Subject to variation dependent on work load	General Central Service Group 'C' Ministerial	Rs.1200-30-1500-EB-40-2040	Non Selection	Not applicable
8		9		10		11
Not applicable		Not applicable		Not applicable		2 Years
12		13		14		15
By promotion		By Promotion :- From amongst the Lower Division Clerks (Office Side) Typists, Comptists Telephone and Telex Operators having 8 years regular service in the respective grade.		Group 'C' Departmental Promotion Committee consisting of :- 1. Joint General Manager Vice Chairman, Board of Administration-Chairman 2. Deputy Director General Canteen Services and Secretary Board of Control Canteen Services-Members 3. Deputy Financial Adviser (Q) Ministry of Defence-Member 4. Senior most Deputy General Manager from the Department (CSD Cadre) Member		Not applicable
1	2	3	4	5	6	7
6.	Stenographer Grade-III	36* (1991) * Subject to dependent variation on work load	General Central Service Group 'C' Ministerial	Rs.1200-30-1560-EB-40-2040	Not applicable	Not applicable
8		9		10		11
Between 18 and 25 years (Relaxable for Government servants upto 35 years in accordance with the instructions or orders issued by the Central Government)		i) Matriculation or equivalent ii) Should have a speed of 80 words per minute in shorthand and 40 words per minute in typing		Not applicable		2 years

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 Advocate

12	13	14	15
By direct recruitment	Not applicable	For confirmation of direct recruits the composition of Departmental Promotion Committee is as under :- 1. Joint General Manager and Vice Chirman, Board of Administration - Chairman 2. Deputy Director General Canteen Services and Secretary, Board of Control, Canteen Services - Member 3. Deputy Financial Adviser(Q) Ministry of Defence -Member 4. Seniormost Deputy General Manager from the Department (CSD cadre)-Member.	Not applicable

1.	2.	3.	4.	5.	6.	7.
7.	Store-keeper Grade-I	35* (1991) *Subject to variation dependent on work-load.	General Central Group 'C', Ministerial	Rs.1600-50-2300-EB-60-2660	Selection	Not applicable
8.						
	Not applicable	Not applicable		Not applicable		2 year

12	13	14	15
By promotion	By promotion :- From amongst the Storekeepers Grade II with 6 years regular service in the grade.	Group 'C' Departmental Promotion Committee consisting of :- 1. Joint General Manager and Vice Chairman, Board of Administration-Chairman. 2. Deputy Director General Canteen Services and Secy, Board of Control, Canteen Services - Members. 3. Deputy Financial Adviser(Q) Ministry of Defence-Member. 4. Seniormost Deputy General Manager from the Department (CSD cadre) - Member.	Not applicable

1	2	3	4	5	6	7
8.	Store-keeper Grade-II	66* 1(1991) *Subject to variation dependent on work-load.	General Central Service, Group 'C', Ministerial	Rs.1400-40-1800-EB-50-2300	Selection	Not applicable

*Attested*  
*[Signature]*  
*[Signature]*

8	9	10	11
Not applicable	Not applicable	Not applicable	2 years
12	13	14	15

By promotion	By promotion:- From amongst the stores Keepers Grade-III with 5 years regular service, in that grade.	Group 'C' Departmental Promotion Committee consisting of :- 1. Joint General Manager and Vice Chairman, Board of Administration-Chairman 2. Deputy Director General Canteen Service and Secretary, Board of Control, Canteen Services - Member. 3. Deputy Financial Adviser (Q) Ministry of Defence-Member. 4. Seniormost Deputy General Manager from the Department (CSD cadre)-Member.	Not applicable
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1	2	3	4	5	6	7
9.	Store-keeper Grade-III	120* (1991) *Subject to variation dependent on work-load.	General Central Service Group 'C', Ministerial	Rs. 1200-30-1560-EB-40-2040	Non Selection	Not applicable

8	9	10	11
Not applicable	Not applicable	Not applicable	2 years

12	13	14	15
By promotion	By promotion :- From amongst Lower Division Clerks (Stores) with 8 years regular service in that grade.	Group 'C' Departmental Promotion Committee consisting of :- 1. Joint General Manager and Vice Chairman, Board of Administration-Chairman. 2. Deputy Director General Canteen Service and Secretary, Board of Control, Canteen Services-Member. 3. Deputy Financial Adviser (Q) Ministry of Defence-Member. 4. Seniormost Deputy General Manager from the Department (CSD cadre) - Member.	Not applicable

*Attested  
[Signature]  
Advocate*

1	2	3	4	5	6	7
10.	Maintenance Sub-Overseer	1* (1991)	General Central Service Group 'C' Ministerial	Rs.975-25-1150- EB-30-1540	Not applicable	Not applicable
	*Subject to variation dependent on work-load.					

8	9	10	11
Between 18 and 25 yrs. (Relaxable for Government Servants upto 35 years in accordance with the instructions or orders issued by the Central Government.	(i) Matriculation or equivalent with, minimum 2 years' experience with any engineering concern or contractors for supervision of labour engaged on maintenance and repair work of buildings and roads. (ii) Diploma in Engineering Mechanical or civil.	Not applicable	2 years

12	13	14	15
By direct recruitment	Not applicable	For confirmation of direct recruits the composition of Departmental Promotion Committee is as under :- 1. Joint General Manager and Vice Chairman, Board of Administration - Chairman. 2. Deputy Director General Canteen Services and Secretary, Board of Control, Canteen Services - Member. 3. Deputy Financial Adviser (Q) Ministry of Defence - Member. 4. Seniormost Deputy General Manager from the Department (CSD cadre) Member.	Not applicable

1	2	3	4	5	6	7
11.	Lower Division Clerks working as Clerk in Office/Stores as Comptist including typists, telex and telephone operators of CSD	902*(1991) *Subject to variation dependent on work-load	General Central Service Group 'C' Ministerial	Rs.950-20-1150- EB-25-1500	Not Select-ion	Not applicable

*Attested*  
*[Signature]*  
*Advocate*

8	9	10	11
Between 18 and 25 years (Relaxable for Government Servants upto 35 years in accordance with the instructions or orders issued by the Central Government)	1) Matriculation of equivalent qualification from a recognised Board of University	Age-No	2 Yrs
	ii) A typing speed of 30 w.p.m. in English or 25 w.p.m. in Hindi	Educational qualification applicable to the extent mentioned in column 12	
12	13	14	15
By direct recruitment i) 90% by direct recruitment through Staff Selection Commission ii) 5% of vacancies shall be filled up from amongst the Group 'D' staff who possess Matriculation or equivalent qualifications and have rendered 5 years regular service in Group 'D' on the basis of a Departmental qualifying Examination. The maximum age limit for eligibility for examination is 45 years 50 years of age for the SC/ST). iii) 5% of the vacancies shall be filled on Seniority-cum-fitness basis from Group 'D' employees who possess matriculation or equivalent qualification.	10% by promotion of Group 'D' employees who possess matriculation qualification or equivalent as stated column 12.	Group 'C' Departmental promotion Committee consisting of :- 1) Joint General Manager and Vice Chairman, Board of Administration 2) Deputy Director General Canteen Services and Secretary Board of Control, Canteen Services-Member 3) Deputy Financial Adviser (Q) Ministry of Defence-Member 4) Senior most Deputy General Manager from the Department (Canteen Stores Department Cadre)-Member	Not applicable

**Note :**

- Unfilled vacancies pertaining to a particular year shall not be carried over.
- If more of such employees that the number of vacancies available under clause (ii) Qualify at the said examination, such excess number of employees shall be considered for filling the vacancies arising in the subsequent years so that the employees qualifying at an earlier examination are considered before those who qualify at a latter examination.

*Attended  
Advocate*

1	2	3	4	5	6	7	7
12.	Security Incharge	35*(1991) *subject to varia- tion depen- dent on work load	General Central Service Group 'C' Ministe- rial	Rs.1200-30- 1440-EB-30- 1800	Not appli- cable	Not appli- cable	

8	9	10	11
Between 25 and 30 years (Rela- xable for Government servants upto 40 years in accordance with the instructions or orders issued by the Central Government)	Matriculation or equivalent. i) Indian Army First Class Certificate of Education in case of Ex-servicemen ii) With 3 year's experience in Security Officer in Railways or other Govt. Office/ Department	Not appli- cable	2 years

12	13	14	15
By Direct Recruit- ment	Not appli- cable	For confirmation of direct recruits (the composition of Departmental promotion Committee consists of :- 1) Joint General Manager and Vice Chairman, Board of Administration- Chairman. 2) Deputy Director General Canteen Services and Secretary Board of Control, Canteen Services-Member 3) Deputy Financial Adviser (Q) Ministry of Defence-Member 4) Seniormost Deputy General Manager from the Department (Canteen Stores Department Cadre)-Member.	Not appli- cable

1	2	3	4	5	6	7
13.	Driver-Cum-Mechanic	69*(1991) *Subject to varia- tion depen- dent on work load	General Central Service Group 'C' Non- Industrial	Rs.950-20- 1150-EB- 25-1500	Not appli- cable	Not appli- cable

*Approved  
by  
Advocate*



8	9	10	11
Between 25 and 30 years (Relaxable in the case of Departmental candi- dates)	i) Must be able to read, write and speak English/Hindi. ii) Should have a valid heavy vehicle driving Licence preferable with Trade Certificate in Motor Mechanic. iii) Must possess 3 years experience in driving of Heavy Vehicles.	Not applicable	20 Years can be

12	13	14	15
By direct recruitment	Not appli- cable	Group 'C' Departmental Promotion Committee consisting of :- 1) Joint General Manager and Vice Chairman, Board of Admini- stration-Chairman 2) Deputy Director General Canteen Services and Secretary Board of Control, Canteen Services-Member 3) Deputy Financial Adviser (Q) Ministry of Defence-Member 4) Seniormost Deputy General Manager from the Department (Canteen Stores Department Cadre)-Member	Not appli- cable

SCHEDULE  
PART- B

1	2	3	4	5	6	7
1. Electrician	2* (1991) *Subject to varia- tion depen- dent on work load	General Central Service Group 'C' (Civilian)	Rs. 950-20- 1150-EB- 25-1400	Not appli- cable	Not appli- cable	

8	9	10	11
Between 18 and 25 years (Relaxable in the case of Depart- mental candidates up to 35 years.)	i) Must hold a qualifying certi- ficate of Electrician from a recognised institution. ii) Must have two years experi- ence as same.	Not appli- cable	2 Years

12	13	14	15
By direct recruitment	Not appli- cable	Group 'C' DPC consisting of : 1) Joint General Manager and Vice Chairman, Board of Administration-Chairman 2) Deputy Director General Canteen Services and Secretary, Board of Control Canteen Services-Member 3) Deputy Financial Advisor (Q) Ministry of Defence-Member 4) Seniormost Deputy General Manager from the Department (CSD Cadre)-Member	Not appli- cable

Contd... 13/-  
*Advocate*

- 41-: 13 :

1	2	3	4	5	6	7
2. Packer(Special)	16*(1991) *Subject to varia- tion depen- dent on workload	General Central Service Group 'C' (Civilian)	Rs. 950-20- 1150-EB- 25-1400	Non Sele- ction	Not appli- cable	

8	9	10	11
Not applicable	Not applicable	Not applicable	2 Years

12	13	14	15
By Promotion	By Promotion : From amongst the Packer(ordinary) having 8 year's regular service in that grade	Group 'C' Departmental Promo- tion Committee consisting of : 1) Joint General Manager and Vice Chariman, Board of Admi- nistration-Chairman 2) Deputy Director General Canteen Services and Secre- tary, Board of Control, Canteen Services-Member 3) Deputy Financial Adviser (Q) Ministry of Defence-Member 4) Seniormost Deputy General Manager from the Department (Canteen Stores Department Cadre)-Member	Not appli- cable

1	2	3	4	5	6
3. Mason	1* (1991) *Subject to varia- tion depen- dent on workload	General Central Service Group 'G' (Civilian)	Rs. 950-20- 1150-EB- 25-1500	Not appli- cable	Not appli- cable

8	9	10	11
Between 25 and 35 years	i) Must know Mason's job ii) Preference will be given to those having N.C.T.V.T. Trade Certificate or equivalent iii) Must be able to read and write any Indian Language	Not applica- ble	2 Years

12	13	14	15
By direct recruitment	Not appli- cable	Group 'C' Departmental Promotion Committee consisting of :- 1) Joint General Manager and Vice Chairman, Board of Administration- Chairman 2) Deputy Director General Canteen Services and Secretary Board of Control Canteen Services-Member	Not appli- cable

Contd...14/-

12	13	14	15
		3) Deputy Financial Adviser(Q) Ministry of Defence-Member	
		4) Seniormost Deputy General Manager from the Department (Canteen Stores Department Cadre)-Member	

1	2	3	4	5	6	7
4. Carpenter	93* (1991) *Subject to variation dependent on workload.	General Central Service Group 'C' (Civilian)	Rs.950-20 -1150-EB- 25-1500	Non Selection applicable	Not applicable	

8	9	10	11
i) Between 25 and 35 years.	i) Must know Carpenter's job.	Not applicable	2 years
ii) Not applicable for departmental candidates.	ii) Preference will be given to those having a trade certificate.		

12	13	14	15
By promotion failing which by direct recruit- ment.	By promotion : From amongst the storehands with 3 years, regular service in the grade/Mazdoors with 8 years regular service in the grade after qualifying in a prescribed test. The Board to conduct test shall consist of the following officers :- Major-President Captain-Member Junior Commissioned Officer-Member	Group 'C' Departmental Promotion Committee consisting of :- 1. Joint General Manager and Vice Chairman, Board of Administration -Chairman. 2. Deputy Director General Canteen Services and Secretary Board of Control, Canteen Services- Member 3. Deputy Financial Adviser(Q) Ministry of Defence- Member 4. Seniormost Deputy General Manager from the Department (Canteen Stores Department cadre)-Member	Not appli- cable

*Handwritten signature and initials*

1	2	3	4	5	6	7
5. Plumber	2* (1991) *Subject to variation dependent on work load.	General Central Service Group 'C', (Civilian)	Rs.950-20-1150-EB-25-1500	Not applicable	Not applicable	
8	9	10	11			
Between 18 and 25 years. (Relaxable in the case of Departmental candidates upto 35 years)	i) Must be in possession of plumber Certificate issued by a recognised institution ii) Must have the knowledge of various type of tools used in the profession and conversent with all types of plumber's tool. iii) Must be able to prepare a detailed estimate for the stores required for small installation. iv) Must be able to read and write any Indian Language.	Not applicable	2 years			
12	13	14	15			
By direct recruitment	Not applicable	Group 'C' Departmental Promotion Committee consisting of :- 1. Joint General Manager and Vice Chairman, Board of Administration-Chairman. 2. Deputy Director General Canteen Services and Secretary, Board of Control Canteen Services-Member, 3. Deputy Financial Adviser Ministry of Defence-Member 4. Seniormost Deputy General Manager from the Department (Canteen Stores Department Cadre)-Member	Not applicable			
1	2	3	4	5	6	7
6. Liftman	2* (1991) *Subject to variation dependent on work-load.	General Central Service Group 'D' Civilian	Rs.800-15-1010-EB-20-1150	Not applicable	Not applicable	

: 16 :

8	9	10	11
Between 20 and 25 years	i) 3 months experience of operating lifts. ii) Preferably a qualified electrical wireman	Not applicable 2 years.	

12	13	14	15
By direct recruitment	Not applicable	Group 'D' Departmental Promotion Committee consisting of :- 1. Joint General Manager and Vice Chairman, Board of Administration-Chairman 2. Deputy Director General Canteen Services, Board of Control, Canteen Service-Member 3. Deputy Financial Adviser (Quartering) (Q) Ministry of Defence-Member 4. Senior most Deputy General Manager from the Department (CSD Cadre)-Member	Not applicable

*Attested  
All R  
Advocate*

A copy of Govt. of India Ministry of Defence,  
'Gazette of India' No.35 dated 23.9.91.

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SUB : RECRUITMENT RULES

S.R.O. 193 - In exercise of the powers conferred by the proviso to article 309 of the Consitution and in supersession of the Canteen Stroes Department, (Group 'D') (Industrial and Non-Industrial), except as respects things done or omitted to be done before such supersession, the President hereby makes the following rules regulating the method of recruitment to certain Group 'D' (non-industrial and industrial) posts in the Canteen Stores Department, Ministry of Defence, namely :-

1. Short title and commencement-(1) These rules may be called the Canteen Stores Department Group 'D' (non-industrial and industrial) posts Recruitment Rules, 1991.
- (2) They shall come into force from the date of their publication in the official Gazette.
2. Name of the posts, Number of posts, classification and scales of pay -Number of the said posts, their classification and the scales of pay attached thereto shall be as specified in columns 3 to 5 of the Schedule annexed to these rules.
3. Method of recruitment, age limit and qualification, etc:-  
The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in Columns 6 to 15 of the said Schedule.
4. Disqualification-No person,-
  - (a) Who has entered into or contracted a marriage with any person having a spouse living; or
  - (b) Who having a spouse living, has entered into or contracted a marriage with any person,shall be eligible for appointment to any of the said posts:

Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

6. Special provision relating to existing employees of the Canteen Stores Department (India),-Notwithstanding any thing contained in the foregoing rules, every person who immediately before the commencement of these rules is holding a post in the Canteen Stores Department (India) (Special provision relating to the Employees of Canteen Stores Department (India)) shall, on and from such commencement hold a corresponding post specified in column 2 of the said Schedule and shall be deemed to have been appointed to such corresponding post.

7. Provided that nothing in the rule shall apply to any such person who has, before such commencement, intimated to the Government his intention of not becoming an employee of Government.

8. Power to relax-Where the Central Government is of the opinion that it is necessary or expedient so to do, it may by orders, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of person.

9. Saving - Nothing in these rules shall affect reservations, relaxation of age limit and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribe, Ex-Servicemen and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

Attended  
by  
Advocate

: 18 :  
SCHEDULE  
PART-'A'

Sl. No.	Name of Post	No. of posts	Classification	Pay	Whether selection post of non-selection post	Whether benefit of added years of service admissible under Rule 30 of the Central Civil Services (Pension) Rules, 1971
1	2	3	4	5	6	7
1.	Packer (Ordinary)	82* (1991)	General Central Service Group 'D', Civilian	Rs. 800-15-1010-EB-20-1150	Non selection	Not applicable
		*Subject to variation dependent on work-load				
Age limit for direct recruits		Educational and other qualifications required for direct recruits		Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees		Period of probation if any
8	9	10	11			
Not applicable	Not applicable	Not applicable	Not applicable			2 years
Method of recruitment whether by direct recruitment or by deputation/transfer and percentage of the vacancies to be filled by various methods		In case of recruitment by promotion/deputation/transfer, grades from which promotion/deputation/transfer to be made		If a Departmental Promotion Committee exists, what is its composition?		Circumstances in which Union Public Service Commission is to be consulted in making recruitment
<p><i>Attested</i> <i>Sd/-</i> <i>Advocate</i></p>						

12		13	14		15	
By promotion	By Promotion :- From amongst Mazdoor having 5 years' service in that grade after qualifying at a prescribed test. The Trade Testing Board shall consist of :- 1)Major-President 2)Captain-Member 3)Junior Commissioned Officer-Member		Group 'D' Departmental Promotion Committee consisting of :- 1.Joint General Manager and Chairman, Board of Administration-Chairman. 2.Deputy Director General Canteen Services and Secretary, Board of Control Canteen Services-Member 3.Deputy Financial Adviser(Q) Min. of Def.-Member 4.Seniormost Deputy General Manager from the Canteen Stores Department-Member		Not applicable	
1	2	3	4	5	6	7
2. Pump Attendant	1* (1991)	General Central Service Group 'D', Civilian	Rs.800-15-1010-EB-20-1150	Not applicable	Not applicable	
		*Subject to variation dependent on workload				
8		9	10		11	
Between 18 and 25 years		1.Must know how to use and maintain in good order, the authorised and concerned tools. 2.Must be able to take charge and run small motors and pumps (other than steam or oil driven prime movers).		Not applicable	2 years	
12		13	14		15	
By direct recruitment	Not applicable	Group 'D' Departmental Promotion Committee consisting of :- 1.Joint General Manager and Vice Chairman, Board of Administration-Chairman 2.Deputy Director General Canteen Services and Secretary, Board of Control, Canteen Services-Member 3.Deputy Financial Adviser (Quartering), Min. of Def.-Member			Not applicable	
<div>Admitted Advocate</div>						

*Admitted*  
*Admitted*  
*Admitted*



1	2	3	4	5	6	7
3. Storehands (Mukadams/ Marker)	127* (1991) *Subject to varia- tion dependent on workload	General Central Service Group 'D' Civilian	Rs.800-15- 1010-EB- 20-1150	Non- selec- tion	Not appl- icable	
8	9	10	11			
Not applicable	Not applicable	Not applicable	2 years			
12	13	14	15			
By Promotion	By promotion :- from amongst the Mazdoors with 3 years regular service in the grade and after qualifying at a prescribed test. The Trade Testing Board shall consist of :- 1. Major-President 2. Captain-Member 3. Junior Commissioned Officer-Member	Group 'D' Departmental Promotion Committee consisting of :- 1. Joint General Manager and Vice Chairman, Board of Administration- Chairman 2. Deputy Director General Canteen Service and Secretary, Board of Control, Canteen Services-Member 3. Deputy Financial Adviser (Q) Ministry of Defence-Member 4. Seniormost Deputy General Manager from the Canteen Stores Department- Member 5. Rppresentative of Minority Community- Member	Not appli- cable			
1	2	3	4	5	6	7
4. Cleaner	31*(1991) *Subject to variation dependent on workload	General Central Service, Group 'D' Civilian	Rs.750-12- 870-EB-14- 940	Not appli- cable	Not appli- cable	

*Attested  
Advocate*

Between 20 and 25 years		10	11
Experience of one year as a cleaner		12	13
Preference will be given to those persons having a Heavy Duty Vehicle driving licence.		14	15
Must be able to read and write any Indian language.		16	17
By direct recruitment		18	19
Group 'D' Departmental Promotion Committee consisting of Joint General Manager and Vice Chairman, Board of Administration- Deputy Director General Canteen Service and Secretary, Board of Control, Canteen Services-Member		20	21
3. Deputy Financial Adviser (Q) Ministry of Defence-Member		22	23
4. Senior most Deputy General Manager from the Department (Canteen Stores Department Cadre)-Member		24	25
5. Mazdoor		26	27
Subject to variation in service dependent on workload of Civilian		28	29
Between 18 and 45 years		30	31
Must be able bodied adult capable of lifting heavy packages of stores.		32	33
Must be able to read and write any Indian language.		34	35

Attended  
Sd/-  
Advocate

: 22 :

12	13	14	15
By direct recruit ment	Not applicable	2. Group 'D' Departmental Promotion Committee consisting of :- 1. Joint General Manager and Vice Chairman, Board of Administration-Chairman 2. Deputy Director General Canteen Services and Secretary, Board of Control, Canteen Services-Member 3. Deputy Financial Adviser(Q) Ministry of Defence-Member 4. Senior most Deputy General Manager from the Canteen Stores Department-Member	Not appli- cable

SCHEDULE  
PART-B

1	2	3	4	5	6	7
1. Gestetner Operator	4*(1991) *Subject to variation dependent on workload	General Central Service Group 'D' Civilian	Rs.800-15-1010-EB-20-1150	Non-selection	Not applicable	
8	9	10	11			
Not applicable	Not applicable	Not applicable	2 years			

12	13	14	15
By promotion	By Promotion From amongst the daftries having sufficient exper- ience of operating Gestetner.	Group 'D' Departmental Promotion Committee consisting of :- 1. Joint General Manager and Vice Chairman, Board of Administration-Chairman. 2. Deputy Director General, Canteen Services and Secretary Board of Control, Canteen Services-Member 3. Deputy Financial Adviser(Q) Ministry of Defence-Member	Not appli- cable

*Attested  
[Signature]  
Advocate*

1	2	3	4	5	6	7
2. Medical Orderly	3*(1991) *Subject to variation dependent on workload	General Central Services Group 'D' Civilian	Rs.800-15-1010-EB-20-1150	Not applicable	Not applicable	
8	9	10	11			
Between 22 and 25 years (relaxable upto 35 years in the case of Departmental candidates)	i)Should have passed middle standard with or without English ii)Should be able to read,write English or Hindi. iii)3 years experience as a Health worker or Medical Attendant or Health Attendant etc.or Ex-Servicemen from AMC, Navy and Air Force iv)Knowledge and experience of sterilisation of instruments and dressing v)Must know dressing and should be able to collect and issue the medicines according to prescription given by staff surgeon vi)Certificate of Pharmacist			Not applicable	2 Years	
12	13	14	15			
By direct recruitment	Not applicable	Group 'D' Departmental promotion Committee consisting of :- 1.Joint General Manager and Vice Chairman, Board of Administration 2.Deputy Director General, Canteen Services and Secretary, Board of Control, Canteen Services Member 3.Deputy Financial Adviser(Quartering) Ministry of Defence 4.Seniormost Deputy General Manager from the Department(CSD Cadre)-Member	Not applicable			

1	2	3	4	5	6	7
Headwatchman	39*(1991) *Subject to variation dependent on workload	General Central Service Group 'D' Civilian	Rs.775-12-955-EB-14-1025	Non Selection	Not applicable	
8	9	10	11			
Not applicable	Not applicable	Not applicable	2 years			

Contd....24/-

*Attended*  
*Advocate*

12	13	14	15
By Promotion	By Promotion from amongst Watchman having 5 years regular service in that grade	Group 'D' Departmental Promotion Committee consisting of :- 1. Joint General Manager and Vice Chairman, Board of Administration-Chairman 2. Deputy General Manager Canteen Services, Board of Control, Canteen Service-Member 3. Deputy Financial Adviser (Quartering) (Q) 4. Seniormost Deputy General Manager from the Department (CSD Cadre)-Member	Not applicable

1	2	3	4	5	6	7
4.	Daftary/Head Peon	4*(1991) *Subject to variation dependent on workload	General Canteen Service Group 'D' Civilian	Rs. 800-15-1010-EB-20-1150	Non Selection	Not applicable

8	9	10	11
Not applicable	Not applicable	Not applicable	2 years

12	13	14	
By Promotion	By Promotion :- From afmongst Peons having 5 years regular service in that grade	Group 'D' Departmental promotion Committee consisting of :- 1. Joint General Manager and Vice Chairman, Board of Administration Chairman 2. Deputy Director General Canteen Services-Member 3. Deputy Financial Adviser quartering Ministry of Defence-Member 4. Seniormost Deputy General Manager from the Department (CSD Cadre)Member	Not applicable

*Attested  
by  
Advocate*

Contd....25/-

1	2	3	4	5	6	7
5.	Cook	13*(1991) *Subject to variation dependent on work-load	General Central Service Group 'D' Civilian	Rs.800-15-1010- EB-20-1150	Not appli- cable	Not applic- able
		8	9	10	11	
	Between 18 and 25 years	i) Proficiency in cooking ii) Must be able to read and write any Indian language.		Not applicable		2 years
		12	13	14	15	
	By direct recruitment	Not applicable	Group'D' Departmental Promotion Committee consisting of :- 1. Joint General Manager and Vice Chairman, Board of Administration Chairman. 2. Deputy Director General Canteen Services and Secretary, Board of Control, Canteen Services - Member. 3. Deputy Financial Adviser(Q) Ministry of Defence-Member 4. Seniormost Deputy General Manager from the Department (Canteen Stores Department Cadre) - Member.			Not applicable
1	2	3	4	5	6	7
6.	Peon	143*(1991) *Subject to variation dependent on workload	General Central Service Group'D' Civilian	Rs.750-12-870- EB-14-940	Not appli- cable	Not applica- ble.
		8	9	10	11	
	Between 18 and 25 years	i) Must be able to read and write Hindi or English ii) Must have passed Middle Standard with or without English iii) Preference will be given to those persons knowing the local language iv) Preferably trained in Home Guard		Not appli- cable		2 years

*Attested*  
*[Signature]*  
*Associate*

12	13	14	15
75% by direct recruitment 25% by transfer	By transfer- From amongst Safaiwala or Farashers or Chowkidars and other Group 'D' employees provided the pay scale of the posts held by them is the same that of Safaiwalas. Farashers and Chowkidar, who have completed 5 years regular service and who possess elementary literacy and are able to read and write Hindi which will be determined by a simple written test in Hindi	Group 'D' Departmental Promotion Committee consisting of :- 1. Joint General Manager and Vice Chairman, Board of Administration-Chairman. 2. Deputy Director General Canteen Service and Secretary, Board of Control, Canteen Services - Member. 3. Deputy Financial Adviser (Q) Ministry of Defence-Member 4. Seniormost Deputy General Manager from the Department (Canteen Stores Department Cadre) - Member	Not applicable

1	2	3	4	5	6	7
7. Watchman	512*(1991) *Subject to variation dependent on workload.	General Central Service Group 'D' Civilian	Rs.750-12-870- EB-14-940	Not applicable	Not applicable	
8	9	10	11			
Between 18 and 25 years (Relaxable in the case of Ex-Serviceman)	i)Must be able to read and write English or Hindi ii)Able bodied adult. iii)Preference will be given to Ex-servicemen/Police	Not applicable	2 years			

12	13	14	15
By direct recruitment	Not applicable	Group 'D' Departmental Promotion Committee consisting of :- 1. Joint General Manager and Vice Chairman, Board of Administration-Chairman. 2. Deputy Director General Canteen Service and Secretary, Board of Control, Canteen Service-Member 3. Deputy Financial Adviser (Q) Ministry of Defence-Member 4. Seniormost Deputy General Manager from the Department (Canteen Stores Department Cadre) -Member	Not applicable

Contd.....27/-

*Attested*  
*Advocate*

1	2	3	4	5	6	7
8. Safaiwala	90*(1991) *Subject to variation dependent on workload	General Central Service Group 'D' Civilian	Rs.750-12-870+ EB-14-940	Not appli- cable	Not appli- cable	

8	9	10	11
Between 18 and 25 years (Relaxable in the case of Ex-serviceman)	i)Able bodied Professional Safaiwala ii)Educational qualification: Those who are able to read and write any Indian Language will be given preference.	Not appli- cable	2 years

12	13	14	15
By direct recruitment	Not applicable	Group 'D' Departmental Promotion Committee consisting of :- 1.Joint General Manager and Vice Chairman, Board of Administration-Chairman. 2.Deputy Director General Canteen Service and Secretary, Board of Control Canteen Services- Member 3.Deputy Financial Adviser(Q) Ministry of Defence-Member 4.Seniormost Deputy General Manager from the Department (Canteen Stores Department Cadre)-Member	Not appli- cable

1	2	3	4	5	6	7
9. Mali	37*(1991) *Subject to variation dependent on workload	General Central Service Group 'D' Civilian	Rs.750-12-870- EB-14-940	Not appli- cable	Not appli- cable	

8	9	10	11
Between 18 and 25 years	i)Practical experience of gardening is essential. ii)Knowledge of seasonal flowers and Vegetables iii)Preference will be given to candidates having certificates in nursery from any recognised	Not appli- cable	2 years

Attested  
Advocate



- 56 -

Supdt

: 28 :

12	13	14	15
By direct recruitment	Not applicable	Group 'D' Departmental Promotion Committee consisting of :- 1. Joint General Manager and Vice Chairman, Board of Administration-Chairman. 2. Deputy Director General Canteen Service and Secretary, Board of Control, Canteen Services-Member 3. Deputy Financial Adviser(Q) Ministry of Defence-Member 4. Senior most Deputy General Manager from the Department (Canteen Stores Department cadre)-Member	Not applicable

Attest  
Advocate

sba/-  
4.3.93.

GOVERNMENT OF INDIA  
MINISTRY OF DEFENCE  
CANTEN STORES DEPARTMENT  
"ADBLPHI" 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. DASCHOUHARY )  
ASST. GEN. MANAGER (ADMT)  
FOR GEN. MANAGER

DISTRIBUTION :

- |                                   |                    |
|-----------------------------------|--------------------|
| 1. The Secretary, BOCCS, N.Delhi  | ( 2 copies each )  |
| 2. GM                             | ( 1 copy each )    |
| 3. JGM-I                          | ( " " )            |
| 4. All DGMS/AGMS/Managers at HO   | ( " " )            |
| 5. All RMs                        | ( " " )            |
| 6. All Depot Managers/Base        | ( 4 copies each )* |
| 7. HO Accounts branch             | ( 5 copies each )  |
| 8. All other branches at HO       | ( 1 copy each )    |
| 9. CDA (CSD)                      | ( " " )            |
| 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       | ( " " )            |

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

Attested  
[Signature]  
Associate

Contd.....2/-

ANNEXURE 'A' TO OSD ORDER NO. 9/96 DT. 15.7.96.

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 1.12.83 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 20.9.94 (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; &

*Attested*  
*Full &*  
*Admitted*

Contd....3/-

: 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.

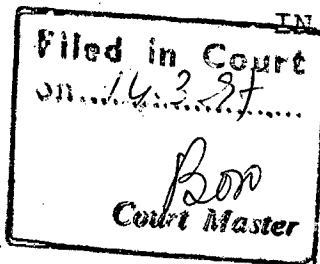
8. All the Ministries/Departments etc. are requested to keep the above instructions in view for strict compliance.

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  
Adil S  
Advocate*



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:  
GUWAHATI : BENCH : GUWAHATI.

O. A. NO. 270 OF 1996

Sri Nomal Chandra Das & Others

- Versus-

The Union of India & others.

- AND -

IN THE MATTER OF :

Show-cause Reply submitted by the  
Respondents No.1. 2, 3 & 4.

(SHOW-CAUSE REPLY )

The humble Respondents beg to  
submit their Show-Cause Reply  
as follows :

1) That before submitting the parawise  
Replies of the Original Application the  
Respondents beg to state that, the Supreme  
Court of India vide their judgement in several  
appeals including the Civil Appeal No.3215/93  
allowed on 20-9-93 holding that the Central  
Government Employees locally recruited in the  
North Eastern Region are not eligible for pay-  
ment of S.D.A and only the employees who have  
been transferred from outside the region and  
posted in the North Eastern Region are eligible

(contd)

Filed Copy  
Guwahati  
Gr.C.S.C  
14/3/97

Received Copy  
Jal H  
Advocate  
14.3.97

for payment of S.D.A. In the instant application those who are not appointed locally in the North Eastern Region but brought on transfer they are eligible for payment of SDA. On the basis of the Supreme Court's Judgement, the Ministry of Finance have issued instructions to various departments <sup>to</sup> not to pay SDA to the Central Government Employees who are locally recruited vide order of Ministry of Finance, Department of Expenditure . U.M. No. 11(3)/95-E (ii) (B) dated 12-01-96. It is also to bring to the notice of this Hon'ble Tribunal that the above instruction of Government of India was issued considering the judgement dated 20-9-94 in Civil Appeal No.3215 of 1993 pronounced by Hon'ble Supreme Court of India . As such, the office of the Respondents being subordinate to Government of India cannot amend/modify any instruction of Government and has to follow the same in its totality. Accordingly, the action was initiated by the office of the respondents which is absolutely in accordance to the provisions of the existing rules and not at all violative of any article of ~~existing~~ Constitution of India, as clarified by Apex Court in the above Judgement.

2) That with regard to the statements made in paragraphs 1,2,3,4 & 5 of the application the Respondents have no comments.

3) That with regard to the statements made in paragraph 6.1 of the application the Respondents have no comments.

(Contd.)

4) That with regard to the statements made in paragraphs 6.2 & 6.3 of the application the Respondents have no comments the same being matters of record.

5) That with regard to the statements made in paragraph 6.4 of the application the Respondents beg to state that, from the date of issue of the said O.M. bearing No.2003/3/83-IV dated 14th December 1983 the allowances called SDA was being released to all the employees of the respondents working in North Eastern Region but on receipt of the clarification in this matter vide Govt. of India, Ministry of Finance. Department of Expenditure O.M. dated 12-1-96 as mentioned earlier, the payment made to all non-eligible persons before 20-9-94 ~~20-9-94~~ the date of judgement of the Supreme Court of India, was waived and action to recover the amount paid on account of SDA after 20-9-94 was initiated. In this matter, kind attention is drawn to O.M 20-4-87 it was specifically clarified that the employees posted in the North East region of the nation will not become eligible not only because of their posting in North East sector but they should have transfer liability of all India basis. This matter was further reviewed by Supreme Court of India in Civil Appeal No.3251 of 93 and it was ruled on 20-9-94 that Central Govt. Civilian employees who have all India transfer liability are entitled to the grant of SDA, on being posted to any station in the North East region from outside the region.

(contd.)

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and SDA would not be payable merely because of the clause in the appointment order relating to All India Transfer Liability. The Supreme Court ruling was also that the amount already paid to the applicants of the Civil appeal and other similar employees the same should not be recovered as far as SD allowances is concerned. As such the above allowances paid to all employees working in North Eastern region on or before the date of judgement i.e 20-9-94 was waived by Government of India and amount paid as SDA after the date of judgement was recovered from the salaries/wages of the employees. As such the contention of the applicant in this application is absolutely baseless, defective as the apex court of the country has upheld the decision in this matter which has been implemented by Government by issue of the above circular whose copy is enclosed herewith and annexed as Annexure - A-1 for perusal of this Hon'ble Tribunal.

6) That with regard to the statements made in paragraph 6.5 of the application the Respondents beg to state that the O.M. dated 12-1-96 of Govt. of India in the subject of eligibility of SDA, provisions exist for payment of SDA to all the eligible persons having all India transfer liability and were transferred to North Eastern region from other part of the country as such in other ~~words~~ words this allowances is not entitled to the employees belonging to or recruited from the North Eastern region. The respondents do not have any reservation for release of payment to eligible employees working



at Canteen Stores Department, Dimapur in light of above clarification which is a part of Govt. . order.

7) That with regard to the statements made in paragraph 6.6 of the application the Respondents beg to state that, the payment of SDA to all entitled/eligible employees are still being released by the Office of the respondents without fail. However the individuals who do not fall within the framework of rules as elaborated in Govt. order dated 12-1-96 are not being paid which is absolutely in order and as per the Supreme Court order. Also as per subsequent Govt. orders regarding already paid amount of SDA to non-eligible persons, the non-entitled amount after 20-9-94 are being recovered from their salary.

8) That, with regard to the statements made in paragraph 6.7 of the application the Respondents beg to state that, as per Supreme Court's Judgement, the individuals will be entitled for grant of SDA when they are posted to North Eastern region from outside the region and this will not constitute the violation of Article 14 of Indian Constitution as well the doctrine of equal pay for equal work. As such any individual who has been appointed initially in the North Eastern Region and transferred outside the North Eastern Region and again transferred to North Eastern region will not be entitled for grant of SDA. Accordingly, the payment of SDA was not sanctioned to all such

(contd.)

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individuals posted at Dimapur which is absolutely in order. To substantiate all our above statements, the list of individuals to whom the SDA for the month of Dec. '96 is released is enclosed herewith alongwith the covering letter of ( F & A ) Branch of this Head Office of the Respondents as Annexure-A-2 for perusal of this Hon'ble Tribunal.

9) That, with regard to the statements made in paragraphs 6.8 of the application the Respondents beg to state that, none of the applicant of this application are entitled for grant of SDA in accordance to the Govt.order dated 12-1-96 which was issued on the strength of Supreme Court Judgement dated 20-9-94.

It is also to bring to the notice of the Hon'ble Tribunal that the Apex court of the country has already upheld that grant of SDA cannot be granted to all the individuals posted in North East Region but have to fulfill the condition of all India transfer liability alongwith posting to North East Region from outside the region.

10) That with regard to the statements made in paragraph 7 of the application regarding the Grounds for legal provisions the Respondents beg to state that none of the grounds is maintainable in law as well as in facts and as such the application is liable to dismissed.

11) That with regard to the statements made in paragraph 8 of the application regarding the

(Contd.)

relief sought for the Respondents beg to state that, the applicants are not entitled to SDA as they are locally recruited and as such, the application is liable to be dismissed.

12) That with regard to the statements made in paragraphs 9 to 12 of the application the Respondents beg to state that they have no comments.

13) That the Respondents beg to submit that the application has no merit and as such the same is liable to be dismissed.

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

I, ~~Shri Shri~~ N.K.Vaid, Regional Manager (East), Canteen Stores Department, CSD Depot Complex, Satgaon, Guwahati-27 do hereby solemnly declare that the statements made in this Show-cause reply are true to my knowledge, belief and information.

And, I sign this verification today on 11 day of March, 1997 at Guwahati.

Declarant

**N. K. VAID**  
Regional Manager (E)  
CSD, Depot (Complex)  
P. O - Satgaon,  
Guwahati-27