

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 44/196

R.A/C.P No.

E.P/M.A No.

1. Orders Sheet..... DA Pg. 1 to 6
2. Judgment/Order dtd 21.5.198 Pg. 1 to 3 A/c Common order
DA 43 & 44/196
3. Judgment & Order dtd..... Received from H.C/Supreme Court
4. O.A..... 44/196 Pg. 1 to 26
5. E.P/M.P..... Pg. to
6. R.A/C.P..... Pg. to
7. W.S..... Pg. 1 to 6
8. Rejoinder..... Pg. to
9. Reply..... Pg. to
10. Any other Papers..... Pg. to
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

Paul Des
23.11.18

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI

ORIGINAL APPLN. NO. 44 OF 1996
TRANSFER APPLN. NO. OF 1995
CONTEMPT APPLN. NO. OF 1995 (IN CA NO.)
REVIEW APPLN. NO. OF 1995 (IN CA NO.)
MISC. PETN. NO. OF 1995 (IN CA NO.)

S. Manoj Singh APPLICANT(S)

-VI-

H.O. I. RESPONDENT(S)

FOR THE APPLICANT(S)

MR. D.K. Biswas

MR.
MR.
MR.

FOR THE RESPONDENTS

MR. S. Ali, for CA No.

OFFICE NOTE

DATE

ORDER

19.3.96

Learned Addl. CGSC Mr. G. Sarma for respondents.

Learned counsel Mr. D.K. Biswas moves this application on behalf of 103 applicants seeking for granting relief in the form of Special (Duty) Allowance (SDA) ~~XXXXXX~~ to them. They have also prayed to be allowed to join together in one application under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules 1987. Prayer allowed.

Perused the grievances and the reliefs sought by the applicants. The application is admitted subject to verification by the respondents as indicated below. Issue notice on the respondents by registered post. Written statement within 8 weeks.

List on 20.5.96 for written statement and further orders.

The respondents are directed to verify whether the applicants are in their establishment and the genuineness of the signatures of the applicants. This report should be intimated to this Tribunal.

Steps within two days.

Send photocopy of verifications to respondent No.2.

Member/19/3

By Order

19/3

nkrm

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

Requisite one received

2 copies v.no. 624-25 & 25-3-96 5696

Copy 2 order issued to in counsel of parties Notice duly served v.no. 648-49 & 26-3-96 Regd. No. 1

21/3

Rm

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI

(2)

ORIGINAL APPLN. NO. 44 OF 1995
TRANSFER APPLN. NO. OF 1995
CONT. EMPT. APPLN. NO. OF 1995 (IN OA NO.
REVIEW APPLN. NO. OF 1995 (IN OA NO.
(2) MISC. PETN. NO. OF 1995 (IN OA NO.

RESIDENT (S) APPLICANT (S)

RESPONDENT (S)

FOR THE APPLICANT (S)

MR.
MR.
MR.
MR.
MR.

FOR THE RESPONDENTS

OFFICE NOTE

DATE

ORDER

20
21-5-96

Mr. G. Sarma Addl. C.G.S.C. for the respondents. Written statement has not been submitted. Mr. Sarma request for another six weeks for counter.

List on 8-7-96 for counter and further order.

Member

lm

8.7.96

Mr S. Ali, learned Sr. C.G.S.C., is present. Written statement has not been filed.

List for written statement and further orders on 1.8.96.

Member

nkm

1-8-96

Learned Addl. C.G.S.C. Mr. G. Sarma for the respondents. None for the applicant. Written statement has not been submitted. As requested by Addl. C.G.S.C., list for written statement and further order on 30-8-96.

Member

lm

30.5.96

Notice duly send on report No. 2

low

w/ statement has not been

filed

31/7

w/ statement has not been

filed

31/7

w/ statement has not been

filed

29/8

30.8.96

Mr. G.Sarma Addl. C.G.S.C. for the respondents.

Written statement has not been submitted.

Mr. Sarma, Addl. C.G.S.C. seeks one month time to file written statement. Allowed.

List for written statement and further order on 27.9.96.

[Signature]
Member

trd

27-9-96

None for the applicant. Leave note of Mr.G.Sarma Addl.C.G.S.C.

List for order on 9-10-96.

[Signature]
Member

lm

9-10-96

Written statement has not been submitted. None is present.

List for written statement and further order on 19-11-96.

[Signature]
Member

lm

19.11.96

None for the applicant. Learned Addl. C.G.S.C. Mr G. Sarma for the respondents seeks time to file written statement.

List for written statement and further orders on 10.12.96.

[Signature]
Member

nkm

*Notice duly served on Respondt.
No. 2.
27/9/96 - has not been filed*

27/9/96 - has not been filed

27/9/96 - has not been filed

27/9/96 - has not been filed

3/12

19/11

10.12.96

Mr. G.Sarma, Addl. C.G.S.C. for respondents.

None for the applicant.

Written statement has not been submitted.

List for hearing on 2.1.1997. In the meantime the respondents may submit written statement with copy to the counsel of the applicant.

ba
Member

trd

2.1.97

None for the applicant. Learned Sr. C.G.S.C. Mr S. Ali and Learned Addl. C.G.S.C. Mr. G. Sarma for the respondents. Written statement has not been submitted.

List for hearing on 30.1.97. In the meantime the respondents may submit written statement.

Inform Mr D.K. Biswas, Advocate of the applicant regarding date of hearing.

ba
Member

to be informed the date fixed Mr D.K. Biswas Counsel for the applicant at Agartala.

Mr 2/1

3.1.97

*nkm
M
2/1*

Copy of the order sent to the both side Advocate vide order Dt - 2-1-97.

Learned counsel Mr. D.K. Biswas appearing on behalf of the applicant is present.

Learned Addl. C.G.S.C. Mr. G. Sarma appearing on behalf of the respondents is present.

Mr. Sarma prays that only yesterday he has received information for which he is compelled to pray for adjournment. Learned counsel appearing on behalf of the applicant has vehemently opposed because he has already come from Agartala. Considering the entire facts we adjourn it. Date and place for hearing of the case will be decided later on. Mr. Sarma also said that the written statement could not be filed due to lack of instruction. Costs Rs. 500.00 ~~charge~~ *shall* to be paid on the next date of

29-1-97
W/Statement has not been submitted.

2/1

30.1.97 hearing.

Place the case in the
Administrative Office.

ba
Member

SB
Vice-Chairman

By order
Ras
30.1.97

trd
M/
9/2

4.6.97

Heard Mr. D.K.Biswas, learned counsel
appearing on behalf of the applicant at
some length. Let this case be listed on
6.6.97 the case remains part heard.

List it on top of the list for
hearing on 6.6.97.

ba
Member

SB
Vice-Chairman

24.2.97

W/s filed on k/h
A Respts. Copy in applicant
sent by post at w/cor.

trd

30-5-97

6.6.97

Heard Mr D.K.Biswas, learned counsel
appearing on behalf of the applicant at
some length. There are certain technical
defects. Mr Biswas prays for 3 weeks time
to rectify the defects. Prayer allowed.

List on 3.7.1997 for further order

ba
Member

SB
Vice-Chairman

W/s. has been filed.

pg

2/26

3.7.97

There is no representation on behalf
of the applicant. Let this case be listed on 11.7.97.

ba
Member

SB
Vice-Chairman

9.7.97

Rest of dates placed
in OA 43/96.

nkm

9/7-

W/s. has been filed
2/27

11.7.97

The applicant is not present today. He was to furnish the legible typed copy. He has not done it. For the ends of justice the case is adjourned to 28.7.97.

Member

Vice-Chairman

nkm

28.7.97

The case is ready for hearing. Mr G. Sarma, learned Addl. C.G.S.C., submits that the matter relates to Tripura. Accordingly the case will be taken up for hearing at Agartala. The date will be notified later.

The applicant has not filed the corrected typed copy. The applicant shall file the corrected typed copy.

Office to intimate this order to the learned counsel for the applicant.

Member

Vice-Chairman

nkm

21.9.98

All the applicants have joined in this single application and a prayer has been made by them to allow them to proceed with the case by a single application as per the provisions of Rule 4(5)(a) of the Central Administrative Tribunal(Procedure) Rules, 1987.

Heard Mr D.K. Biswas, learned counsel for the applicants and Mr G. Sarma, learned Addl. C.G.S.C. On hearing the learned counsel for the parties we allow all the applicants to proceed with the case by a single application.

Heard the learned counsel for the parties. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is disposed of. No order as to costs.

Member

Vice-Chairman

nkm

Phase 2 Compiling

MS 30/7/97

1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

15.6.98

copies of The Judgment have been sent to the Office for issuing the same to the parties through Regd. with A/D.

2nd side D.A.s 1606 to 1608 D. 15.6.98.

h

8

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.43 of 1996
And
Original Application No.44 of 1996

Date of decision: This the 21st day of May 1998

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

The Hon'ble Mr G.L. Sanglyine, Administrative Member

Shri S. Mangi Singh and
102 others.

.....Applicants

By Advocate Mr D.K. Biswas.

-versus-

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

2. The Garrison Engineer,
869 EWS, 57 - MTN Div.,
Laimekhong (Manipur),
99 - A.P.O.

.....Respondents

By Advocate Mr G. Sarma, Addl. C.G.S.C.

.....
O R D E R

BARUAH.J. (V.C.)

By this common order we propose to dispose of the above two applications as both the applications involve common questions of law and similar facts.

2. All the applicants are Civilian Defence employees in the establishment of Assistant Garrison Engineer, 57 Mountain Division, C/o 99 A.P.O., Leimakhong in the State of Manipur. In these applicants they claim Special Compensatory (Remote Locality) Allowance (SCA(RL) for short) and Special (Duty) Allowance (SDA for short). The said two allowances were denied to them by the respondents. Hence the present applications.

3, We have heard Mr D.K. Biswas, learned counsel for the applicants and Mr G. Sarma, learned Addl. C.G.S.C., appearing on behalf of the respondents. Mr Biswas submits that similar applications, namely, original applications No.120/96 and 121/96 have already been disposed of by this Tribunal on 20.5.1998. Facts of the present cases are squarely covered by the judgment and order dated 20.5.1998 passed by this Tribunal in the aforesaid two original applications. Mr Sarma also confirms the same and submits that similar order may be passed in these two cases also. In the aforesaid two cases, namely, O.A.Nos. 120/96 and 121/96 this Tribunal held as follows:

"5. As per directions given by the Apex Court the respondents were to modify the wording by issuing a corrigendum. Mr G. Sarma submits that he has no information whether the corrigendum had been issued in pursuance of the direction of the Apex Court. From reading of the written statement it appears that steps have already been taken by the respondents for payment of the money. In all probability the corrigendum has been issued in pursuance of the direction of the Apex Court. In case the corrigendum has been issued they payment of SDA and SCA(RL) shall be made within one month from the date of receipt of this order. If no corrigendum has been issued in terms of the direction issued by the Apex Court this must be done within fifteen days from today and thereafter take consequential steps within one month from that day."

4. As the facts are similar and also points involved are common we dispose of both the applications in the same manner as was decided in the aforesaid two original applications giving direction to the respondents to make payment of SCA(RL) and SDA to the applicants within one month from the date of receipt of this order in case corrigendum has been issued as per direction of the Apex Court given in Civil Appeal No.1572 of 1997 and others

on 17.2.1997. If no corrigendum has been issued in terms of the direction issued by the Apex Court this must be done within fifteen days from today and thereafter take consequential steps within one month from that day.

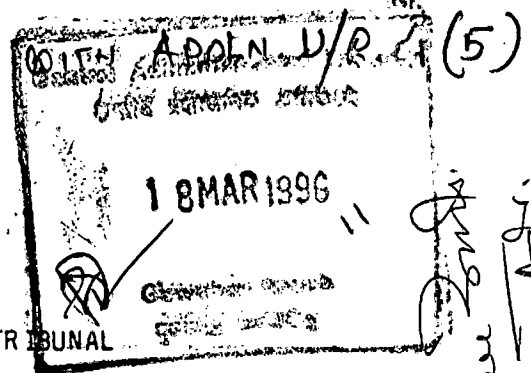
5. With the above direction the applications are accordingly disposed of. However, in the facts and circumstances of the cases we make no order as to costs.

Sd/- VICE CHAIRMAN

Sd/- MEMBER (ADMIN)

nkm

SPL. DUTY ALLOWANCES



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

CASE NO : O.A. 44 of 1996

1. Shri S.Mangi Singh, Elect. SK MES NO. 243681
2. " W. Megha Singh , Elect. " 243801
3. " K. Krishnamoni Sharma, Elect. " 243671
4. " Adhar Chandra Roy , " " 243710
5. " K. Sen Gupta , Spdt. B/R-1 " 265107
6. " A.K. Panja , Spdt. E/M-1 " 212037
7. " P.K. Dutta , " "-11 " 204988
8. " A.K. Das , S.A.-II " 264665
9. " K. Rajadurai, Spdt. B/R-II " 289212
10. " A. Hazarika, S.K.-II " 238098
11. " B. Paul, ... " " " 242246
12. " A.C. Gope, " " " 242428
13. " P.T. Ao , Mt. Dvr. Gr-II " 243553
14. " L. Marak, ~~Peon~~ Peon " 248556
15. " A.S. Marcony, Peon " 243555
16. " Amar Singh , Chowk. " 225161
17. " Padam Bahadur , Kh/Chowk 243636
18. " Jogi Pradhan , Chowk. " 229149
19. " Samar Sarkar , " ... " 243656
20. " Ramadhar , " " 202110
21. " Jog Bahadur Thapa, Chowk. " 220162
22. " Jagadish Das , " " 238284
23. " Rama, Chowk. " 220145
24. " Khuplam, Chowk. " 243601
25. " Arjun Ram " " 243602
26. " Sankar Das, S/Walla " 243650
27. " Huring Zeeling , S/Walla " 242926

12
[Signature]
 D. S. S.

28. Shri Dulal Shome , Chowk. No. 243923
 29. " Shatrughna Thakur, Chok " 243924
 30. " P.M.Samual, B/Sm " 220254
 31. " Lal Mohan Das , Carpt. " 243588
 32. " Sriram Sharma, " " 220270
 33. " Kailash Patra Maz. " 243598
 34. % Ram Nawal Das " " 243775
 35. " Wilson Momin " " 242527
 36. " Ramprit, Mason " 220227
 37. " Vidhanan Thakur, Mason % 220226
 38. " Lanpou Vaiphai, Mason, " 243644
 39. " Shyam Behari , Ftr./pipe" 238378
 40. " Shivnath Prasad, B/Smith" 255814
 41. " Manijan Mahato , Painter 237281
 42. " Rabidhar Das, Carp. " 230511
 43. " P.C.Pradhan, Carp. " 220344
-
44. No. 237080 Shri K.M.Chakrabarty, SEWS-I
 45. " 237716 " P.K.Holm Roy, Sr. Elect.
 46. " 243604 " R.K.Paul , HS- II(Elect)
 47. " 238104 " C.M.Mallik H.S.II(Elect)
 48. " 238291 " N.Sridharan , P.H.O.
 49. " 238326 " Vishnu Prabhat, "
 50. " 238335 " Milyanus Ekka, "
 51. " 220353 " Iswar Bhagat , "
 52. " 238128 " Tulai Munia, OMP
 53. " 220336 " B.B.Thetui , Fitter
 54. " 238011 " Sirajul Haque "
 55. " 243922 " K.K.Dutta, B/R-I.

(3)

13

[Handwritten signature]

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

56.	No. 243672	Sh. KH. Sunil Singh, DES	80	No. 243921	Sh. Mayangneken, Maz.
57.	No. 238497	" N. Ramchandran, V/Man	81	" 243922	" H. Kan Singh "
58.	" 220338	H. Hanifa "	82	" 243545	" Lakhinder Doley, PHO.
59.	" 228252	Shiv Singh "	83	" 243522	" Rangina, Carp.
60.	" 238437	K.P. Chandrasekhar Nair.. "	84	" 238033 P-3891- Md. Rahim	" Sonbahadur , Maz.
61	" 220251	Uchit Mahato, Mate	85	" 238033	" Sonbahadur, Mate.
62	" 220244	Bhubaneswar Ram, Mat	86	" 220253	" K. Porniya, "
63.	" 220244	Singh Bahadur, Mate	87	" 220229	" Chandra Gaud, H/Man
64	" 243889	M.L. Kaipibou, "	88	" 243611	" Prem Lal, Mate
65.	" 243679	C. Lotha "	89	" 243821	" Manglumjao Singh, Mate
66.	" 238358	Ram prasad Harijan	90	" 237840	" Surulara Neog, "
67	" 220211	Sunil Deb "	91	" 220311	" MD. Rasul "
68.	" 243846	A.S. Wungnaoyo, Maz.	92	" 238728	" Sh. Bhoj Bahadur, "
69	" 238042	A.P. Kumar , Mate	93	" 243436	" Thoiba Singh, Maz.
70.	" 238026	Motilal , Maz.	94	" 243433	" Somingthang, "
71	" 243434	Govind Singh, Maz	95	" 243435	" Thankhoow "
72.	" 243641	G. Munruwemi, "	96	" 243599	" Sabbir Hussain "
73.	" 243603	Dodiram Dayal "	97	" 243673	" I. Kulamani Singh "
74	" 243643	Til Bahadur, "	98	" 243824	" Anna Vaiphei "
75.	" 243617	Bhakta Bahadur "	99	" 243623	" Hechon Chonglai "
76.	" 243683	Adhik Lal Mandal "	100	" 243842	" Labhoum, "
77	" 243622	Shiv Kumar Rana "	101	" 243680	" Hari Ram Chouhan "
78.	" 243693	J.S. Winnor, "	102	" 243798	" Atovi Soma , Mason
79	" 243682	K.K. Das, "	103	"	" Thanggen Vaiphei

(H)

14

All (103) posted in

Garrison Engineer , 869 , Leimakhong

57 - Mountain Div.

C/O, 99 - A.P.O. APPLICANTS

-- VERSUS --

1. Union of India,

represented by the Secretary to the Govt. of India

Ministry of Defence , New Delhi

2. Garrison Engineer, 869 EWS

57 - MTN DIV.

Leimakhong (Manipur)

99 - A.P.O. RESPONDENTS

PARTICULARS OF RESPONDENTS

1. Secretary to the Government of India

Ministry of Defence

Central Secretariat , New Delhi

2. Garrison Engineer

In Charge 57 MTN. DIV , Leimakhong

Manipur , 99 - A.P.O.

15

The application is directed against the non-
tation of the Government of India, Ministry of
Department of expenditure) O.M. No.20014/10/86-
ed,23-09-1986 and denial of S.D.A......
e by the Respondents even after the Judgement
r of this Hon'ble Tribunal in O.A....49../39
n 29-03-1994 and implemented by the Respondent
respect of 149 Applicants similarly situated
applicants here.

All Applicants are civilian Defence employees posted in same " newly defined field area " from various dates between 1984-1994. The Applicant declare that the subject matter of the application and the redressal prayed for are within the jurisdiction of this Hon'ble Tribunal. The Applicants declare that the application is within the prescribed limitation.

1. All these Applicants joined Shri Gadadhar Bania in a joint application before this Hon'ble Tribunal which was registered as O.A.....of 1989 and was finally disposed of by Order dated, 11-01-1996. As the joint Petition suffered from procedural infirmity and irregularity this application in proper form is being filed under the leave of this Hon'ble Tribunal.

Contd.....P/4.

(6)

16

--: Page-4 :-

the establishment of Respondent No.2 with effect.
from different dates after 1984.

3. That the allowance namely *Sp. Duty Allowance* is admissible to all Central Government employees similarly situated by virtue of Ministry of Defence Office Memo No. 4(19)85/D(Civ-1) dated, 11-01-1984.

4. Consequent on the recommendation of the 4th Commission the Government of India decided and the President of India accorded approval to pay the allowance in the permissible rate to all employees posted in the North Eastern States.

5. The Applicants are all entitled to the allowance from such dates on which Applicants were individually posted to the establishment of Respondent No.3. The Applicants thus challenge the non-implementation of the allowance to which they are lawfully entitled.

6. As many as 149 Applicants posted in the establishment of G.E.(P)872EWS, at Agartala (Tripura) filed application before this Hon'ble Tribunal challenging the denial/non-implementation of the *Sp. Duty* allowance. This Hon'ble Tribunal after hearing all the parties passed its final verdict on 29-03-1994 in O.A...../89 directing the Respondents to pay all arrears accrued to each individual Applicant with reference to the date of posting and the rate admissible. The said Order of this Hon'ble Tribunal was confirmed in review application....4/....1995 and as such the Order of this Tribunal has already been implemented in respect of all those 149 Applicants who are similarly situated as the present Applicants are.

Contd.....P/5.

(7)

17

Page-5 :-

7. The Applicants expected that the allowance would be uniformly applied in the case of all similarly situated employees on the decision of this Hon'ble Tribunal. But the Order of this Hon'ble Tribunal not having been implemented beyond the 149 employees, the present Petitioners alongwith others served a Notice demanding justice through their Counsel and despatched registered post on 10-04-1995. No response having been received the Applicants filed the joint application with Shri Gadadhar Bania (O.A.....1995) and that joined the Petition being procedurally defective the present application is filed in proper form.

8. That the decision and the verdict passed by this Hon'ble Tribunal on 11-01-1996 in O.A. 176/1996 would be applicable in the case of the present Applicants, all being similarly situated and having common cause of action and identical relief sought for.

RELIEF SOUGHT

(i) The Judgement and Order of this Hon'ble Tribunal in O.A. 149/1989 and in O.A. 176/1995 passed on 29-03-1994 and 11-01-1996 respectively to be made applicable in the case of the present Applicants.

(ii) This Hon'ble Tribunal would also kindly pass Orders as to cost of this proceeding and such compensation for denying and delaying the payment of the allowance to which the Applicants are lawfully entitled.

THE DOCUMENTS ANNEXED

1.

2.

3.

4.

NUMBER OF I.P.O.

8.09.337015
8.09.337014.

Agarwala.
Contd.....P/6.

8

2020

(ELECT. S.K)

- No. 243646.
1. SRI. GADADHAR BANIA. (ELECT. S.K.) 21. 225161. Amar Singh (chow)
2. No. 243681. P. MANOH SINGH (ELECT. S.K.) 22. No. 243656. RADAM BAHADUR. (KH. Chow)
3. 243801 W. Megha Singh (ELECT. S.K.) 23. 229149. Jogi Pradham (chow)
4. 243671 K. K. Nimmamai Nimm (S.K.) 24. 243686. Somar Sarkar (chow)
5. 243710. Adhir Chandra Roy (ELECT. S.K.) 25. 202110 - Sri. Ramadhar. (chow)
6. 265107. K. Sengupta Supdt. B/R. 26. 220162. Jogi Bahadur Thapliya (chow)
7. MES/212037 AK PANJA SUPDT. B/R. 27. 238284 Jagadish Das. (chow)
8. MES-204988 P. K. Datta E/M-II 28. 220145 Rama. (chow)
9. MES-264665, A. K. Das SA-II 29. 243601. Khoplam Hagali. (chow)
10. 289212. K. Rajadurai. Supdt. B/R-II 30. 243602. Arjunram (chow)
11. 31. 243650. Sri. Sankar Das. (chow)
12. 32. 242926. Sri. Huring Zeling. (chow)
13. 33. 243923. Sri. Dulal Some. (chow)
14. 238098 A. HAZARUKA SK II 34. 243924 Sri. Shatrughan Thakur (chow)
15. 242246. Sri. B. Paul. S.K. II 35. 220254. Sri. P. M. Samual.
16. 242428. Sri. A. C. Gope S.K. II 36. No. 243588. SRI. LALMOHAN DAS
17. ~~242446. Sri. K. Jeyaraj. (chow)~~ 37. 220270. Sri. Ram Sharma (chow)
18. 243553. P. T. A. M. T. D. 38. 243598. Sri. Kailash Patra (chow)
19. 243858. L. Marak. (chow) 39. 243775. Sri. Ram Narai Das. (chow)
20. 243555 A. S. Marikany. (chow) 40. 242527. Sri. Wilson Momin. (chow)

(a)

19
D. S. S.VERIFICATION

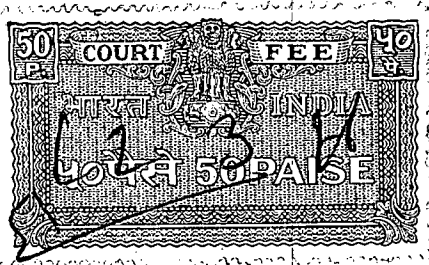
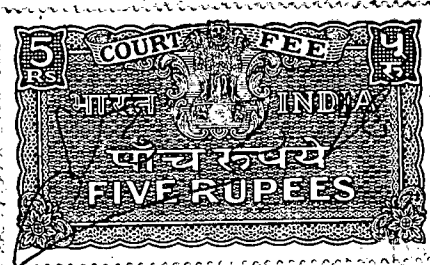
WE the Undersigned posted in the establishment of Respondent-3 at Leimakhong, Manipur, do hereby verify the contents of the application above, which are true to our knowledge, and we have not suppressed any material facts.

41. No. 220227. RAMPRIIT. (Mason) 51. 243435 Thangkhoen (USK) ^{Magr}
42. 220226. Vidihaman ^{Shakur. (Mason)} 52. 243599 SABIR HUSSAIN
43. 243644 Lempao Vaiphai 53. 243673 Shri J. Kulamani Singh, ^{Mag}
44. 238378. Shymbihari. (Fitter) 54. 243824. Annah vaiphai.
45. 255814. Shirmath prasad ^(Blsmith) 55. 243623 Hecho Chonglo
46. 237281 Maminjan Mahat ^(Painter) 56. 243842. L. Labhoun.
47. No. 236511. RABIDHAR DAS (Carpenter) 57. 243680, Hari Ram Chanhah, ^{Mag}
48. No. 220344. P. C. PRADHAN (Carpenter) 58. ATOVI SEMA
49. ~~M. D. RAHIM~~ ^{No. 243522} Aga Rengna (carp.) 59. Kargen vaiphai
50. P-3891 Mdr. Rahim (Maz) 60. 237880/Shri K. M. Chalerabari. ^(SEHS-7)
51. 238033. Sombahadur ^(Mat) 61. 237716 P. K. HOLM ROY. Elect ^{HS-I}
52. 220263. K. puneya (Maz) 62. R. K. Paul (Elect. H.S. II) ^{No. 243604}
53. No. 220229. CHANDRAKHAUD (Hr Man) 63. No. 238104. C. M. Mallik (Elect. H.S. II)
54. 243611. Pram Lal (Maz) 64. 238291. N. Shridharan (P.H.O)
55. 243821 Manglungi & Son? ^(mate) 65. 238326. Vishnu prabhat. ^(P.H.O)
56. 237840. Sorulata Neog. ^(Maz) 66. No. 238338. MILYANUS EKKI (P.H.O)
57. 220311. M. D. RASUL (Maz) 67. No. 220383. ISHWAR BHAGAT (P.H.O)
58. 238728. Bhoj Bahadur ^(Maz) 68. 238128 F. P. T. U. ASI NOM.
59. 243436. Thaita Singh. ^(Maz) 69. 220336. B. B. Thutai (Fitter).
60. 243433 (Si. ming Thang. ^(Maz) 70. 238011 - Md. Sirajul Haque ^(Fitter)

VERIFICATION

WE the Undersigned posted in the establishment of Respondent-3 at Laimakhong, Manipur, do hereby verify the contents of the application above, which are true to our knowledge, and we have not suppressed any material facts.

- 20
D. S. Singh
- (10)
- | | |
|--|---|
| 81. 243672. KH. SUNIL SINGH. (DES) FGN | No. 243683. 101. SRI. ADHIK LAL MANDAL (maz) |
| 82. 238497. N. Ramchandani | 102. 243622. Shiv Kumar Rama (maz) |
| 83. 243672 - H. Hanifu (V/M) | No. 243693. 103. J.S. LAINNER (maz) |
| No. 228252 | |
| 84. S. Singh (V/M) | 104. 213882. K.K. Das (maz) |
| 85. No. 238432. K.P. Chandrasekaran | 105. |
| No. 220251. USIT MOHOT (mate) | No. 243921. 106. MAYANGDEKEN (maz) |
| 87. 220244. BHUWANESWAR RAM (mate) | 107. 243922. A. Man Singh |
| 88. 226251. Udit Singh Bahadur (mate) | No. 243845. 108. SRI. LAKHINDAR DOLEY (P.H.O) |
| 89. 243889 ML. Kaifabau (elect) | 109. MES/212027 SRI K.K. Dalta, Supdt BRT |
| 90. 243679 Chumbentung Loting Male | 110. MES/243456 A. Mani, M/Road |
| 91. 238358. RAMPRASAD HARIJA (mate) | 111. |
| 92. Sunil Dey | 112. |
| 93. A.S. WUNGNAYO | 113. |
| 238042 | |
| 94. A.P. Kumar May | 114. |
| No. 238026 | |
| 95. MOTILAL (maz) | 115. |
| 96. 243434. Govind Singh | 116. |
| 97. 243641 Shri. G. Munu Swamy (maz) | 117. |
| 98. DA DIRAM DAHAL | 118. |
| 99. 243643. Ji Bahadur | 119. |
| 100. No. 243617. Bhakata Bahadur Luma (maz) | 120. |



(11)

21

Handwritten signature

VAKALAT-NAMA

IN THE

CASE NO :

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

GUWAHATI

J. Mangi Singh & 102 others

Petitioner/s

VERSUS -

Union of India & Ors

Respondent,
Opp. Party

I/We *The undersigned*

Petitioner/s/ Respondents in the above application, do hereby appoint and retain the below named Advocates to act and appear for me/us in the above case and on my behalf to conduct and prosecute the same and all proceedings that may be taken in respect of any application connected with the same ; to file/submit or to obtain return of documents or money on my/our behalf in the same above proceeding ; and to represent me/us and take all necessary steps on my/our behalf in the above matter . I/We agree to ratify all acts done by the aforesaid Advocates in pursuance of this Authority.

Dated day of 19..

No. 243646.

1. ~~SRI GADADHAR BANIA (ELECT S.K)~~

2. No. 243681 J. MANOJ SINGH (ELECT S.K)

2. 243801 W. Megha Singh (ELECT S.K)

3. 243671 K. K. Narayanam' Rama Wami

4. 243716 Adhir Chandra Ray, Elect S.K

5. 265102 K. Sengupta Supdt. (ELECT S.K)

6. MES/212037 A K PANJA SUPDTE (ELECT S.K)

7. 204988 P. K. Dutta E/M-II

8. MES-264665 A.K. Das SA-II

9. 243822 K. Bajadurai Supdt. BII

10. 243822 K. Bajadurai Supdt. BII

11.

12.

13.

ACCEPTED :

Deepak K. Biswas

(DEEPAK K. BISWAS)
ADVOCATE

AGARTALA - BAR

(12)

22
D. S. S. S.

VAKALAT NAMA

(Continuation sheet- 2)

- 10 14. 238098 A. HAZARIKA, SK II AB
- 11 15. 2422461 Sri. B. Paul - SK. I B Paul
- 12 16. 242428. Sri. A. C. Soper, SK. II Gus
- 13 17. ~~242461 Sri. X. Yashrat Singh, SK. I~~
- 14 18. 243553. P. T. A. C. Lmt. Dvn Gr. - II Am
- 15 19. 248556. L. Marak. (Peon) Aves
- 16 20. 243555. A. S. Markom - Am
- 17 21. 225161. Amar. Singh (chowkidar) Am
- 18 22. 243656. Sri. Padam Bahadur (kh/chowkidar) Am
- 19 23. 220149. Sri. Jagi Pradhan (chowkidar) Am
- 20 24. 243686. Sri. Samar Sarkar (chowkidar) Am
- 21 25. 220210. Ramadhar (chowkidar) - Am
- 22 26. 220162. Sri. Jag Bahadur Thapa (chowkidar)
- 23 27. 238284. Sri. Jagadhis Das (chowkidar) Am
- 24 28. 220145. Rama. (chow) - Am
- 25 29. 243601. Khoplam Hagad (chow) - Am
- 26 30. 243602. Arjun Ram - (chow) Am
- 27 31. 243650. Sri. Sankar Das. (S/walla) Am
- 28 32. 242926. Harung Zeling. (S/wall) Am
- 29 33. 243923. Sri. Dulal Some (chowkidar) - Am
- 30 34. 243921. Sri. Shatrugham Thakur (chow) - Am
- 30 35. 220254. Sri. P. M. Samuel. (Blacksmith)

(Applicants)

S. S. S.

Page - 3

(13)

29
[Signature]

VAKALAT-NAMA

IN THE

CASE NO : _____

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

GUWAHATI

..... Petitioner/s

- VERSUS -

..... Respondent
Opp. Party

I/We

Petitioner/s/ Respondents in the above application do hereby appoint and retain the below named Advocates to act and appear for me/us in the above case and on my behalf to conduct and prosecute the same and all proceedings that may be taken in respect of any application connected with the same; to file/submit or to obtain return of documents or money on my/our behalf in the same above proceeding; and to represent me/us and take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid Advocates in pursuance of this Authority.

Dated day of 19

ACCEPTED :

(DEEPAK K. BISUAS)
ADVOCATE

AGARTALA - BAR

- No-243588
36. SRI. LAL MOHAN DAS (carpenter)
[Signature]
37. 220270: Sri Ram Sharma (carpenter)
[Signature]
38. 243598: Sri. Kailash Patra (Maz)
[Signature]
39. 243772: Sri. Ram Naray Das (Maz)
[Signature]
40. 242527: Sri. Willem Mesmin (Maz)
[Signature]
41. No-220227/
RAMPBIT - (Mason H.S.-I) Ram Bish
42. 220226: Sri. Vidhanan Thakur (Maz)
[Signature]
43. 243644: Deepoo Vaiphi [Signature]
44. 238378: Shyam Bihari (filter) [Signature]
45. 255814: Shirmath prasad (B/smith)
[Signature]
46. 247281
Sh. Mani Jan Mahato (Painter)
[Signature]
47. 238511: Sri. Rabi dhar Das (carpenter)
No-220344
[Signature]
48. P. C. PRADHAN (carpenter) [Signature]

Page - 4

(14)

24 June 2014

VAKALAT NAMA

(Continuation sheet- 2)

40. ~~M. D. RAHIM~~ 243522. Aga Rengma (carp) Sup.
41. P-3891. Md. Rahim: (maz) HETHE EETH
42. 238033. Sri. Sombahadur Gurung (mate) 27 APR 1952
43. 220359. Sri. K. Pourniya: (mate) Mus
44. No. 220229. CHANDRAKANTH (H. Man) - egand
45. 243644. Pramila (mate) Pramila
46. 243821. Manglemjre Sin (Mab) mbz
47. 237840. Sri. Surendra Neog (mate) Dev
48. 220311. MD. RASUL - - - - - DR
49. 238728. Bhuj Bahadur: (mate) - -
50. 243436. Sri. Thaba Singh (maz) 213 51
51. 243433. Samsag Thang (maz) Thang
52. 243435. Thangshon - MAZ (USK) - Shan
53. 243599. SABIR HUSAIN - mus
54. 243673. Shri. J. Kulamari Singh. Maz (us) - Sh
55. 243824. Annab vaiphai (maz) - Sh
56. 243623. Hachon Chonglo Sh
57. 243842. L. Labhoun (maz) L. Shap
58. 243681. Hari Ram Chakrabarti, maz. Phantam
59. ATDV.1. SEMA 243798 (mason)
60. Thanggen vaiphai (maz) Th
61. 237888. Shri. K. M. Chakrabarty. (SBHS-I) Sh

(Applicants)

Page-5

(15)

VAKALAT-NAMA

IN THE

CASE NO :

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

GUWAHATI

Petitioner/s

- VERSUS -

Respondent
Opp. Party

I/We
Petitioner/e/ Respondents in the above application do hereby appoint and retain the below named Advocate to act and appear for me/us in the above case and on my behalf to conduct and prosecute the same and all proceedings that may be taken in respect of any application connected with the same ; to file/submit or to obtain return of documents or money on my/our behalf in the same above proceeding ; and to represent me/us and take all necessary steps on my/our behalf in the above matter . I/We agree to ratify all acts done by the aforesaid Advocate in pursuance of this Authority.

Dated day of 19

ACCEPTED :

(DEEPAK K. BISWAS)
ADVOCATE

AGARTALA - BAR

71. 237716 P R HOLM ROY - Elect HST
No-243864
72. R. K. Paul (Elect. H.S - II) - R
73. No-238104
Cm. Mallik (H.S. II) Cm. Mallik
74. 238291. Sri. N. Sridharan. (P.H.O)
75. 238326. Sri. Vismayprava (P.H.O) NDM
76. 238338
MILYANUS EKKA (P.H.O) - PKKA
77. 220353
ISHWAR BHAGAT (P.H.O) - \$ayil
78. 238128 FGM TULASI MONIA. Tulasi Monia
79. 220336. Sh. P. B. Khatai. Sh. P. B. Khatai BQ/Ret
80. 238011. M.D. Sirajul Haque. (f.i.to)
81. 243672. KH. SUNIL SINGH. (DES) FGM
82. 243672. Sri. N. Ramchandran. (V/Man) NR Chandran
83. 220338. Sri. H. Hamifa. (V/Man) Hamifa

Page - 6.

(16)

26
S. Singh

VAKALAT NAMA
(Continuation sheet- 2)

84. S. Singh - 228252 (V/man) S. Singh
85. K. R. Chandrasekaram Nair 238457 (V/man) -
86. 220251 Sri. Uchit Mahato (mate) Uchit
87. 220244. BHUVANESWAR RAM - (mate) Bhuv
88. 220244 - Singh Bahadur - (mate) Singh
89. 243889 ML. K. K. Bhanu (Elect SC) Bhanu
90. 243889 Chemburthang Lohia - (mate) Chemburthang
91. 238358. RAMPRASAD HARIJAN (mate) - 21/11/2019 21/5/07
92. Sumit Dey - 220211 (mate) Sumit
93. A. S. WINGRAOYO 243846 (maz) A. S.
94. A. P. Kumar 238042 Kumar (mate) Kumar
95. MAO-TILAL - 238026 - (maz) Mao
96. 243434. Sri. Govind Singh - (maz) Govind
97. 243641 - Shri. G. Manu Swamy (maz) G. Manu Swamy
98. ADIRAM DAHAL
99. 243643. Sri. K. K. Bahadur - (mate) K. K. Bahadur
100. 243643. Sri. Bhakata Bahadur (maz) Bhakata Bahadur
101. No. 243683. SRI. ADHIK LAL MANDAL (maz) A. L. Mandal
102. No 243622 SHIV KUMAR RANA MAZ door
103. J. S. WINNER 243693 (maz) J. S. Winner
104. 243693. Sri. K. K. Das - (maz) K. K. Das
105. 243621 -
106. MAYA RIGNESEN (maz) Maya
107. 243922 - H. K. Singh (maz) H. K. Singh
108. No. 243545 LAKHINDAR DOLEY (P.H.O) -
109. MES/212027 Sri K. K. Datta (Dofft Supdt BIRI
110. MES/243456 A. Mani, M/Reader

Spl. Petition u/R. 4(5)

(12)

23

Handwritten signature and text on the right margin, including the name "S. P. Singh" and other illegible markings.

S.P.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

CASE NO : O.A. of 1996

1. Shri S.Mangi Singh, Elect.SK MES NO.243681
2. " W.Megha Singh , Elect. " 243801
3. " K.Krishnamoni Sharma,Elect. " 243671
4. " Adhar Chandra Roy , " " 243710
5. " K. Sen Gupta , Spdt.B/R-1 " 265107
6. " A.K.Panja , Spdt.E/M-1 " 212037
7. " P.K.Dutta , " "-11 " 204988
8. " A.K.Das , S.A.-II "264665
9. " K.Rajadurai, Spdt.B/R-II " 289212
10. " A.Hezarika, S.K.-II " 238098
11. " B.Paul, ... " " " 242246
12. " A.C.Gope, " " " 242428
13. " P.T.Ao , Mt.Ovr.Gr-II " 243553
14. " L.Marak, ~~Room Room~~ Peon " 248556
15. " A.S.Marcony, Peon " 243555
16. " Amar Singh , Chowk. " 225161
17. " Padam Bahadur , Kh/Chowk 243636
18. " Jogi Pradhan , Chowk. " 229149
19. " Samer Sarkar , " ... " 243656
20. " Ramadhar , " " 202110
21. " Jog Bahadur Thapa, Chowk. " 220162
22. " Jagadish Das , " " 238284
23. " Rama, Chowk. " 220145
24. " Khuplam, Chowk. " 243601
25. " Arjun Ram " " 243602
26. " Sankar Das,S/Walla " 243650
27. " Huring Zeeling , S/Walla " 242926

28
20/1
20/1

- 2 -

28. Shri Dulal Shome , Chowk. No. 243923
29. " Shatrughna Thakur, Chok " 243924
30. " P.M.Samuel, B/Sm " 220254
31. " Lal Mohan Das , Carpt. " 243588
32. " Sriram Sharma, " " 220270
33. " Kailash Patra Maz. " 243598
34. % Ram Naval Das " " 243775
35. " Wilson Momin " " 242527
36. " Ramprit, Mason " 220227
37. " Vidhanan Thakur, Mason % 220226
38. " Lanpou Vaiphai, Mason, " 243644
39. " Shyam Behari , Ftr./pipe" 238378
40. " Shivrath Prasad, B/Smith" 255814
41. " Manijan Mahato , Painter 237281
42. " Rabidhar Das, Carp. " 230511
43. " P.C.Pradhan, Carp. " 220344
44. No. 237080 Shri K.M.Chakrabarty, SEMS-I
45. " 237716 " P.K.Holm Roy, Sr. Elect.
46. " 243604 " R.K.Paul , HS- II(Elect)
47. " 238104 " C.M.Mallik H.S.II(Elect)
48. " 238291 " N.Sridharan , P.H.O.
49. " 238326 " Vishnu Prabhat, "
50. " 238335 " Milyanus Ekka. "
51. " 220353 " Iswar Bhagat , "
52. " 238128 " Tulei Munia, DMP
53. " 220336 " B.B.Thatui , Fitter
54. " 238011 " Sirajul Haque "
55. " 243922 " K.K.Dutta, B/R-I.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

56.	No. 243672	Sh. KH. Sunil Singh, DES	80	No. 243921	Sh. Mayangnekon, Maz.
57.	No. 238497	" N. Ramchandran, V/Man	81	" 243922	" H. Kan Singh "
58	" 220338	H. Hanifa "	82	" 243545	" Lakhinder Doley, PHO.
59.	" 228252	Shiv Singh "	83	" 243522	" Rangina, Carp.
60.	" 238437	K.P. Chandrasekhar Nair.. "	84	" P-3891- Md. Rahim 238033 "	" Sonbahadur, Maz.
61	" 220251	Uchit Mahato, Mate	85	" 238033	" Sonbahadur, Mate.
62	" 220244	Bhubaneswar Ram, Mat	86	" 220253	" K. Ponnaya, "
63.	" 220244	Singh Bahadur, Mate	87	" 220229	" Chandra Caud, H/Man
64	" 243889	M.L. Kaipibou, "	88	" 243611	" Prem Lal, Mate
65.	" 243679	C. Lotha "	89	" 243821	" Manglemjao Singh, Mate
66.	" 238358	Ram prasad Harijan	90	" 237840	" Surulara Neog, "
67	" 220211	Sunil Deb "	91	" 220311	" MD. Rasul "
68.	" 243846	A.S. Wungneoyo, Maz.	92	" 238728	" Sh. Bhoj Bahadur, "
69	" 238042	A.P. Kumar, Mate	93	" 243836	" Thoiba Singh, Maz.
70.	" 238026	Motilal, Maz.	94	" 243433	" Somingthang, "
71	" 243434	Govind Singh, Maz	95	" 243435	" Thankheow "
72.	" 243641	G. Munnuswami, "	96	" 243599	" Sabbir Hussain "
73.	" 243603	Dodiram Dayal "	97	" 243673	" I. Kulamani Singh "
74	" 243643	Til Bahadur, "	98	" 243824	" Anna Vaiphei "
75.	" 243617	Bhakta Bahadur "	99	" 243623	" Hechon Chonglai "
76.	" 243603	Adhik Lal Mandal "	100	" 243842	" Labhoum, "
77	" 243622	Shiv Kumar Rana "	101	" 243680	" Hari Ram Chouhan "
78.	" 243693	J.S. Winnor, "	102	" 243798	" Atovi Soma, Mason
79	" 243682	K.K. Das, "	103	"	" Thanggen Vaiphei

(H) 20
June 2011 30

All (103) posted in

Garrison Engineer , 869 , Leimakhong

57 - Mountain Div.

C/O, 99 - A.P.O.

..... A P P L I C A N T S

-- VERSUS --

1. Union of India,

represented by the Secretary to the Govt. of India

Ministry of Defence , New Delhi

2. Garrison Engineer, 869 EWS

57 - MTN DIV.

Leimakhong (Manipur)

99 - A.P.O.

..... R E S P O N D E N T S

PARTICULARS OF RESPONDENTS

1. Secretary to the Government of India

Ministry of Defence

Central Secretariat , New Delhi

2. Garrison Engineer

In Charge 57 MTN. DIV , Leimakhong

Manipur , 99 - A.P.O.

AN APPLICATION UNDER RULE 4(5)(a) OF THE
CENTRAL ADMINISTRATIVE TRIBUNAL (PROCEDURE)
RULES 1987 FOR LEAVE TO SUBMIT A JOINT
APPLICATION BY THE APPLICANTS HAVING COMMON
CAUSE OF ACTION AND SEEKING SAME RELIEF.

The Petitioners above named respectfully beg to
state as follows :-

1. That the Petitioners are filing a joint application before this Hon'ble Tribunal seeking relief onAllowance.
2. That all the Petitioners are civilian Defence employees under the same department and posted at the same station in the same establishment. All the Petitioners have identical and common interest and the cause of action is also similar in as much as the denial of the allowance to which the Applicants are entitled is similar and with effect from the same date.
3. That the Petitioners are low-paid employees and cannot afford to engage lawyers independently or bear the expenses involved in filing a separate application and as such the Petitioners agreed to pray for a permission of this Hon'ble Tribunal to submit the application jointly by the Petitioners by one application and hence this application for leave of this Hon'ble Tribunal to file a single application jointly by all the Applicants.

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(6) 22 32
Page-4 :-

3. That the present Petitioners were among the 108 Applicants who jointly filed O.A.....of 1995 which was heard at length by this Hon'ble Tribunal on 11-01-96 at Gauhati Bench. Although the judgement was passed the relief was allowed in respect of the 1st Petitioner Shri Gadadhar Bania who had signed the Petition, but not in respect of other 107 who joined the 1st Petitioner. Leave was however, allowed to the Petitioners to file proper applications whereupon this Hon'ble Tribunal would consider extending the benefit of the judgement passed by the Hon'ble Tribunal on 11-01-1996. Hence this Petition for filing a single application jointly by all the Applicants.

It is therefore humbly prayed that this Hon'ble Tribunal would consider the circumstances and allow all the Petitioners to file a single application jointly by all the Petitioners.

A N D

for this act of kindness the Petitioner shall ever pray.

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- Top right: 33
- Middle right: 23
- Bottom right: 23

86

- No 243646.
SRI GADADHAR BANIA..
CELECT.SK
- NO. 243681. S. MANOH SINGH
(ELECT.SK)
- 243801 W. Megha Singh (Elect)
(SK)
- 243671 K. Krishna Kumar (Elect)
(SK)
- 243710 Adhirendra Roy
Elect-SK.
- 265107, K. Sengupta Supt.
BLR-I
- MES/212037 AK PANJA SUPD/E/M2
- MES-204988, P.K. Dutta E/M-II
- MES-264665 A.K. Das SA-II.
- 289212 K. Rajadurai
- 238098 A. HAZARIKA
SK II
- 242246, Sri. A.C. Gope.
SK-II
- 242246, B. Paul.
S.K.-II
- ~~243461 Sri. K. Ramesh Babu~~
- 243553, P.T.A.O. Mr. Anil Verma
- 248586, L. Mondal (peon)
- 243555 A.S. Marikoni.
(peon)
21. 225161 Amar Singh (ehow) ..
22. 243686. padam Bahadur (ehow)
23. 229149 jogipradham (ehow)
24. 243686. Samar Sarkar (ehow)
25. 202110. Rama dhar (ehow)
26. 220162. jog Bahadur Thapa
(ehow)
27. 238284. Jagadish Das (ehow)
28. 220145. Rama (ehow)
29. 243601. Khaplam Hagali (ehow)
30. 243602. Arjun Ram (ehow)
31. 243680. Sampat Das (ehow)
32. 242926, Harung ziling (SI wall)
33. 243923 Dulal Sonme (ehow)
34. 243324 Dhatroughan Thakur (ehow)
35. 220254, P.M. Samuel (B/Smith)
36. SRI. LAL MOHAN DAS (Carpent.)
37. 220270. Sri ram Sharma (carpent)
38. 243598 Karilash Patra. (Maz)
39. 243775. Ram Naval Das (Maz)
40. 242827. Wilson Monim. (Maz)

(8) (24) 34
 Date
 Signature

VERIFICATION

WE the Undersigned posted in the establishment of Respondent-3 at Leimakhong, Manipur, do hereby verify the contents of the application above, which are true to our knowledge, and we have not suppressed any material facts.

- | | |
|---|--|
| 81. 243672. KH. SUIYIL SIVUJH (DES) FCM - | No-243683 101. SRI ADHILAL MANDAL - (maz) |
| 82. 238497. N. Ramehondan (V/Mam) | 102. 243622 Shrikumar Bama. (Maz) |
| 83. 220338. H. Hamnefa. (V/Mam) | 103. J.S. WINNER. |
| 84. D'Singh | 104. 243882. K.K. Das. (maz) |
| 85. K.P. Chandrasekaran Naia | 105. |
| 86. 220281. Uchit Mahato (Mate) | 106. Meyangpalem (maz) |
| 87. 220244 BHUVANESWAR RAM (mate) | 107. 243922 D. Man Singh |
| 88. 220243. Singh Bahadur (mate) | 108. SRI. LAKHINDAR DOLEY |
| 89. 243889 ML. Kaibon (SK) | 109. MES/212027 Sri K.K. Datta. (Call Supdt B/R I) |
| 90. 243679 Chembunthung Lolha (mate) | 110. MES/243456 A. Mani, M/Rand |
| 91. 238358. RAM PRASAD HARIJAN (mate) | 111. |
| 92. Sunil Delf | 112. |
| 93. A.S. WUNGBRAOYO. 238042 | 113. |
| 94. A. P. Kumar (maz) | 114. |
| 95. 238026. Motilal (maz) | 115. |
| 96. 243434. govinid smah | 116. |
| 97. 243641 shri G. munu swamy (maz) | 117. |
| 98. DA Di RAM DAHAL | 118. |
| 99. 243643 Nil Bahadur (maz) | 119. |
| 100. | 120. |

VERIFICATION

WE the Undersigned posted in the establishment of Respondent-3 at Loimakhong, Manipur, do hereby verify the contents of the application above, which are true to our knowledge, and we have not suppressed any material facts.

- (a) as
35/10/2024
[Signature]
- No. 220227.
- | | |
|--|---|
| 41. RAMPRIIT (Mason H.S.I) | 81. 243435 Thangkhon MAZ. (USK.) |
| 42. 220226. Vidhananet Thakur (Mason) | 82. 243599 SABIR HUSSAIN |
| 43. 243644 Denpa Vairphui | 83. 243673 Shri J. Kulamani Singh Maz. 243644 Denpa Vairphui |
| 44. 238378. Shyam Bihari (Fitter) | 84. 243824. Annah Vairphui. (Maz) |
| 45. 255894. Shirmath Prasad (B/Smith) | 85. 243623. Hechen Chongloi |
| 46. 237281. Mani Jan Mahato (Painter) | 86. 243842. L. Labhoum |
| 47. 230511 Babidhar Das (Carpent) | 87. 243680. Hari Ram Chakran, Maz. |
| 48. P.C PRADHAN | 88. Ator Dima |
| AGA RENGMA 243522 (Carpenter) | 89. Thanggen Vairphui |
| 49. AD RAHIM | 90. 237880/ Shri K.M. Chakraborty. (SE H.S-I) |
| 50. P-3891 Md. Rahim. | 91. 237716 P K HOLM ROY. Elect H.S-I No-243604. |
| 51. 238033. Sombahadur Gurung. (Caret) | 92. R.K. Paul. (Elect. H.S-II) |
| 52. 220253 K. Punzaya | 93. No-238104. C.M. Muller (Elect H.S-II) |
| 53. CHANDRAKANTH | 94. 238291. N. Sridharan (P.H.O) |
| 54. 243611. Pramila (Maz) | 95. 238326. Vismu prabhat (P.H.O) No-238335. |
| 55. 243891. Mangleniso Singh (Maz) | 96. MILYANUS EKKA (P.H.O) |
| 56. 237840. Sarulata Neog | 97. No-220373. ISHWAR BHAGAT (P.H.O) |
| 57. 220311. M.D. RASUL | 98. 238128 F.M. TULASIMONIA. |
| 58. 238728. Bhoj Bahadur | 99. 220336. B.B. Thatai |
| 59. 243436. Thairas Singh | 100. 238011 - Sirajul Haque (Fitter) |
| 60. 243433. Sominthang (Maz) | |

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to hereby
and that the
knowledge,

36

81. 243672 KH. SUNIL SINGH (DES) FGM- 106. ~~MAYANGKEM~~
82. SRI. N. RAMACHANDAN 243672 107.
83. 220838 H. Hamza (V/man) 108.
84. S. Singh 228252 (V/man) 109.
85. K.P. Chandrasekaram 110.
86. 220251 Uchit Mahatu (mate) 111.
87. 220244. BHUWANESWARRAM (mate)
88. 220244 Sing Bahadur (male)
89. 243889. ML. Kairibou (Fleet SK)
90. 243679 Chembentuey Lotus (male)
91. 238358. RAMPASAD HARIZAN (mate)
92. Sunil Deb 220211 (male)
93. - A.S. WUNGNAYO 243846 (maz)
94. 238042 Maz AP. Kumar
95. MOTILAL 238026 (maz)
96. 243641 Govin Singh (maz)
97. 243641 Shri G-munu Swamy (maz)
98. DADI RAM DAHAL 243643 (maz)
99. 243643 Thl Bahadur (maz)
100.. 243617 Bhakta Bahadur (mat maz)
No. 243683.
101. SRI ADHIK LAL MANDAL - (maz)
102. 243622 Shir Kumar Rana (maz)
103. JS. WINXIER. 243693 (maz)
104. 243882. K.K. Das. (maz)
105.
106. 243921 Mayangkem (maz)
107. 243922 O. Man Singh.
108. LAKHINDAR DOLEY 243545 (PHO)
109. MES/212027 Sri K.V. Dalvi supdt BRL
~~HO. MR 3/243456 A. Atami, 11/Restee~~

(27)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

27
2/12/97
Gopal Sarma
Administrative Officer
Central Administrative Tribunal
Guwahati Bench

In the matter of :

O.A. No. 44 of 1996

Sri Mangi Singh and Others

-versus-

Union of India & Others

-And-

In the matter of :

Written statement on behalf of
the Respondents.

I, A.K.Gupta, Major, Garrison Engineer, 869
Engineer Works Section, C/o 99 APO do hereby solemnly
affirm and declare as follows :

1. That the respondents are in receipt of the above noted Original Application and an Order passed by this Hon'ble Tribunal asking them to file written statement and myself being authorised to file the written statement, I do hereby file it on behalf of all the respondents and the same may be treated as a common written statement.
2. That the respondents beg to state that the applicants have been appointed by the Garrison Engineer 869 Engineer Works Section and working under Assistant

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Garrison Engineer, Military Engineering Services,
Leimakhong, C/o Headquarters 57 Mountain Division
C/o 99 APO.

3. That the respondents beg to state that the Government of India vide Memorandum dated 14 December 1983, issued by the Ministry of Finance, Department Expenditure, granted certain incentives to the Central Government Civilian employees posted to North East Region. One of the incentives was payment of a special duty allowance (SDA) to those employees who have All India Transfer Liability.
4. That the respondents beg to state that clarification made by the Government of India in their O.M. dated 20 April 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 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 person concerned is liable to be transferred anywhere in India did not make him eligible for the grant of SDA.
5. That the respondents in this connection beg to refer the Hon'ble Supreme Court Judgement delivered on

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20.9.1994 in Civil Appeal No. 3251 of 1993. ~~upheld~~

6. That the respondents beg to state that the Central Government civilian employees who have all India transfer liability are entitled to the grant of Special Duty Allowance, on being posted to any station in the North East Region from outside the region and Special Duty Allowance 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 and would not be violative of the provisions contained in Article 14 of the Constitution as well as the equal doctrine.
7. That the respondents beg to refer in this context, a copy of the Government India, Ministry of Finance (Department of Expenditure) O.M. No. 11(3)/~~2525(B)~~ 95-E(B) dated 12.01.1996 regarding Sepcial Duty Allowance for civilian employees of Central Government employees serving in the State and Union Territories of North Eastern Region is enclosed as Annexure R₁ for perusal of the Hon'ble Tribunal.
8. That the respondents beg to state that the applicants have been appointed and posted in one of the stations in North East Region and by virtue of their appointment and

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cadre recruitment zone, promotion zone etc. they are to continue in the North Eastern zone and are not having All India Transfer Liability. Hence their claim for Special Duty Allowance is not maintainable at all.

9. That the respondents beg to submit that the present application is ill-conceived of law and mis-conceived of facts.

10. That the present application is not at all tenable in the present form.

11. That the applicants having failed to make out a prima facie case and the application is liable to be dismissed.

12. That the respondents crave leave of this Hon'ble Tribunal to file additional written statement if the situation so arises.

13. That this written statement is filed bona fide and in the interest of justice.

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

I, A.K.Gupta, Major, Garrison Engineer, 869 Engineer Works Section, C/o 99 APO do hereby solemnly affirm and declare that the contents made in paragraph 1 are true to my knowledge and those made from paragraphs 2 to 8 are true to my information being derived from records which I believe to be true and rests are my humble submissions before this Hon'ble Tribunal.

I, sign this verification on this the 10th day of February, 1997.



Ashutosh
DECLARANT

A. K. GUPTA
MAJOR
Garrison Engineer

A copy of Govt of India, Min of ~~Def~~ (dept of expdr) OM No 11(3)/95-E(B) dated 12 Jan 96 regarding special duty allowance for civilian employees of the Central Govt serving in the state and union territories of north eastern region

1. 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) dt 01.12.88 on the subject mentioned above.

2. The government of India vide the above mentioned OM dt 14.12.83 granted certain incentives to the Central Government Civilian Employees posted to the NE Region. One of the incentive 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 No dt 20.4.1987 that for the purpose of sanctioning 'Special Duty Allowance' the All India Transfer Liability of the member 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 Ministry/Departments against the orders of the CAT.

6. The Hon'ble Supreme Court in their judgment delivered on 20.9.94 (in ~~their~~ civil Appeal No 3251 of 1993) upheld the submissions of the Govt of India 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 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 violate 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 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 taken :-

- (i) the amount already paid on account of SDA to the ineligible persons on or before 10.9.94 will be waived, &
- (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 payment were made after this date ie. 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 controller and Auditor General of India.

Sd/- x x x x x
(C Balchandran)

C.T.C.

N. S. INDARARAJ

CAPT.

ENGINEER

