

50/100
X
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.....	DA	Pg. 1	to 3. P.D. Commissioner Grade DA 43 & 44/196
3. Judgment & Order dtd.....	DA	Received from H.C/Supreme Court	
4. O.A.....	44/196	Pg. 1	to 26
5. E.P/M.P.....	DA	Pg.....	to.....
6. R.A/C.P.....	DA	Pg.....	to.....
7. W.S.....	DA	Pg. 1	to 6
8. Rejoinder.....	DA	Pg.....	to.....
9. Reply.....	DA	Pg.....	to.....
10. Any other Papers.....	DA	Pg.....	to.....
11. Memo of Appearance.....	DA		
12. Additional Affidavit.....	DA		
13. Written Arguments.....	DA		
14. Amendement Reply by Respondents.....	DA		
15. Amendment Reply filed by the Applicant.....	DA		
16. Counter Reply.....	DA		

SECTION OFFICER (Judl.)

Subd
23/11/88

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI

ORIGINAL APPLN. NO. 44 OF 1996
TRANSFER APPLN. NO. OF 1995
CONT EMPT APPLN. NO. OF 1995 (IN OA NO.)
REVIEW APPLN. NO. OF 1995 (IN OA NO.)
MISC. PETN. NO. OF 1995 (IN OA NO.)

..... S. Manjhi Singh APPLICANT(S)
-vs-

..... M.O.I. RESPONDENT(S)

FOR THE APPLICANT(S)

...MR. D.K. Biswas
MR.
MR.
MR.
...MR.

FOR THE RESPONDENTS

S. Ali, Fr. Cabs

OFFICE NOTE

DATE

19.3.96

ORDER

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) Annexure 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.

6
Member/91

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

By Order

nkm

Requisites are ready

Ex-Comd v.no. 624-25 d. 25-3-96 5-6-96

Copy of order issued to
the counsel & parties Notice duly served
v.no. 648-49 d. 26-3-96. Repd. No. 1

RW

2/17

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
COURT OF GUWAHATI

(2)

ON ORIGINAL APPLN. NO. 44	OF 1995	REVIEW APPLN. NO.	OF 1995 (IN OA NO.
ON TRANSFER APPLN. NO.	OF 1995	ON NO CONTEMPT APPLN. NO.	OF 1995 (IN OA NO.
ON MISC. PETN. NO. (2)	OF 1995	REVIEW APPLN. NO.	OF 1995 (IN OA NO.
(C) APPLICANT(S)		RESPONDENT(S)	
VS			

FOR THE APPLICANT(S)

MR.

MR.

MR.

MR. H. T. HOI

MR.

FOR THE RESPONDENTS

MR.

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.

6
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.

6
Member

lm

*MR
27/9*

9-10-96

Written statement has not been submitted. None is present.

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

6
Member

lm

*MR
9/10*

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.

6
Member

nkm

*MR
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.

6
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.

6
Member

nkm
M
2/1

To be informed the
date fixed by D.K.Biswas
counsel for the
applicant at Agartala.

AR
2/1

3.1.97
Copy of the order
sent to the 13th side 30.1.97
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 ~~shall~~ charge to be paid on the next date of

29-1-97
w/ statement has not
been submitted.

2/2

30.1.97 hearing.

Place the case in the
Administrative Office.62
MemberJ.B.
Vice-Chairman

By order

RGS
30.1.97

trd

N/912

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 6.6.97.62
MemberJ.B.
Vice-Chairman

trd

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

62
MemberJ.B.
Vice-Chairman

pg

N/916

3.7.97

There is no representation on behalf
of the applicant. Let this case be listed on 11.7.97.62
MemberJ.B.
Vice-Chairman

nkm

F.9/7-

W/S. MS. unfiled

F.10/7-

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.

69
MemberJ.B.
Vice-Chairman

nkm

11/7

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.

69
MemberJ.B.
Vice-Chairmannkm
11/7

21.5.98

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.

69
MemberJ.B.
Vice-Chairman

nkm

1606 to 1608 d-15.6.86

J.B.

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

CITW ADDN. U/R 2 (5)

18 MAR 1996

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 " 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 Sarker, " ... " 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

- 2 -

28. Shri Dulal Shome, Chowk. No. 243923

29. " Shatrughna Thakur, Chok " 243924

30. " P.M.Samuel, B/Sm " 220254

31. " Lal Mohan Das, Carp. " 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. " Shivnath Prasad, B/Smith" 255814

41. " Manijan Mekato, Painter 237281

42. " Rabindhar 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.Thetui, Fitter

54. " 238011 " Sirajul Haque "

55. " 243922 " K.K.Dutta, B/R-I.

(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

56.	No. 243672	Sh. KH. Sunil Singh, DES	80	No. 243921	Sh. Mayangnukan, 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	" 238035	P-3891- Md. Rahim " Sonbahadur, Maz.
61	" 220251	Uchit Mahato, Mate	85	" 238033	" Sonbahadur, Mate.
62	" 220244	Bhubaneswar Ram, Mat	86	" 220253	" K. Pomiya, "
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	" Thankhoo "
72.	" 243641	G. Munnuwami, "	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

17
J. S. S.
(H)
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.

(5)

Page-3

PARTICULARS OF ORDERS AGAINST WHICH THE APPLICATION IS MADE.

The application is directed against the non-implementation of the Government of India, Ministry of Finance (Department of expenditure) O.M. No.20014/10/86-E-IV dated, 23-09-1986 and denial of S.D.A..... allowance by the Respondents even after the Judgement and Order of this Hon'ble Tribunal in O.A....49/39 passed on 29-03-1994 and implemented by the Respondent No.1 in respect of 149 Applicants similarly situated as the Applicants here.

JURISDICTION OF THE TRIBUNAL

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.

FACTS OF THE CASE

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.
2. All the Applicants here are civilian defence employees working in various posts described in details in the list of names annexed. They are all posted in

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

3. That the allowance namely...*Sp. 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. Allowance*..... 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...*H/*....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.

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. 176/1989 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

Agarwal

Contd.....p/6.

(8)

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.

No. 243646.

1. SRI. GRADADHAR BANIA. ^{No. 225161} 1. Amar Singh (Chow) (ELECT. S.K.)
2. SVO. 243681. S. MANGI SINGH ^{No. 243656} 2. RADAM BAHADUR. (KH. Chow) (ELECT. S.K.)
3. 243801 W. M. Singh (Elec) ^{No. 229149} 3. Jogi Pradhan (Chow)
4. 243671 K. K. Kithlamai ^{No. 243686} 4. Sonar Sarkar (Chow) (Chow)
5. 243710. Adhikar Chandra ^{No. 202110} 5. Ramadhar (Chow) Roy Elect.
6. 265107. K. Sengupta ^{No. 220162} 6. Jog Bahadur Thapu (Chow) BJR.
7. MES/212037 AK PANTA SUPDHE ^{No. 238284} 7. Jagadis Das. (Chow)
8. MES-204988 P. K. Ditta E/M-II ^{No. 220145} 8. Rama. (Chow)
9. MES-264665, A. K. Das SA-II ^{No. 243601} 9. Khoiplam Haqabi. (Chow)
10. 289212. K. Rajadurai. ^{No. 243602} 10. Arjunram (Chow) Supt. B/R - II
11. ^{No. 243650} 11. Sri. Sankar Das. (Chow)
12. ^{No. 242926} 12. Sri. Huring Zeling. (Chow)
13. ^{No. 243923} 13. Sri. Dulal Soni (Chow)
14. 238098 A. HAZARUKA ^{No. 243588} 14. Sri. Shatruघan Thakur (Chow) SK-II
15. 242246. Sri. B. Paul. ^{No. 243593} 15. Sri. P. M. Samuel. SK-II
16. 242428. Sri. A. C. Gope ^{No. 242527} 16. Sri. LAL MOHAN DAS SK-II
17. ~~242461~~ ^{No. 220270} 17. Sri. Ram Sharma (Chow) ~~242461~~ 17. Sri. Ram Sharma (Chow)
18. 243883. P. T. AOM. T. D. ^{No. 243598} 18. Sri. Kailash Patra (Maz) SK-II 18. Sri. Kailash Patra (Maz)
19. 243858. L. Marak. (Chow) ^{No. 243775} 19. Sri. Ram Naval Das. (Chow)
20. 243555. A. S. Morakom. ^{No. 242527} 20. Sri. Wilson Moni. (Maz) (Chow) (Chow)

(a)

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.

No. 220227
41. RAMPRIT. (mason) 51. 243435 Thangkhouon (usk)

42. 220226. vidihanan (mason) 52. 243599 SABIR HUSSAIN

43. 243644 Lengao Vaiphei 53. 243673 Shri J. Kulamani Singh, Maz

44. 238378. Shyamkumar. (fitter) 54. 243824. Amnah Vaiphei.

45. 255814. Shirmath prasad 55. 243623 Hekhore Chonglo (Bismith)

46. 237281 Mamizam (mason) 56. 243842, L. Laboum.

47. RABIDHAR DAS (carpenter) 57. 243680, Hari Ram Chankhan, Maz

48. No. 220344 P. C. PRADHAN (carpenter) 58. ATOMI SEMA

49. ~~MD RAHIM~~ No. 243522 Aga Rengna (carp.) 59. Keng gen Vaiphei

50. P-3851 Md. Rahim (Maz) 60. 237880 Shri K. M. Chakrabarty (S2HS 7)

51. 238033. Sombahadeo (mat) 71. 237716 P. K. HOLM ROY. Elect

52. 220263. K. punya (maz) 72. RIKI Paul (Elect. H.S. II)

53. CHANDRAKALI (H. Man) 73. C. M. Mallika (Elect. H.S. II)

54. 243611. Pram Lal (Maz) 74. 238291. N. Shridharan (P.H.D)

55. 243821 Manglajiro Singh (maz) 75. 238326. Vishwanuprabhat

56. 237840. Sorulata Neog (Maz) 76. No. 238335. MILYANUS EKKA (P. H. D)

57. 220311. M. D. RASUL (Maz) 77. No. 220383. ISHWAR BHAGAT (P. H. D)

58. 238728. Bhoj Bahadeur (Maz) 78. 238128 FGD TULASI HOMM.

59. 243436. Tharita Singh. 79. 220336. B. P. Thatai (fitter).

60. 243433 (S. ming Thong) (Maz) 80. 238011. Md. Sirajul Haque (fitter)

(10)

20
Date
Signature

VERIFICATION

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

81. 243678. KH. SUNIL SINGH, No. 243683
(Des) 101. SRI. ADHIK LALMANOAL (Maz).

82. 238497. N. Ramechandran 102. 243622. Shri Kumar Rama
(Maz)

83. 243672 - H. Hanifa (v/n) 103. No. 243693
No. 228232 J.S. KAINA/12 (Maz)

84. S. Singh (v/nam) 104. 213882. K.K. Das (Maz)

85. No. 238437 K.P. Chandrasekaran 105.

86. No. 220251. Noor 106. No. 243921
USIT MOHOTO (Maz) MAYANGNEKH (Maz)

87. 220244. BHUWANESWAR RAM 107. 243922. S. Islam Singh

88. 226281. ^{Elect.} Singh Bahadur (Maz) 108. No. 243545
Singh Bahadur (Maz) SRI. LAKHINDAR DOLEY (P.H.O.)

89. 243889. M.L. K. Singh (Elect) 109. MES/212027 Sm K.K. Datto, Supdt BRI

90. 243679. Chembenthy 110. ~~MES/243456~~ A. Mani, M/Reader
Lolig Mole

91. 238358. RAMPRASAD HARIJA 111.

92. Sumit Deb 112.

93. A.S. WUNGNAOYO. 113.

94. A.P. Kumar Maj. 114.

95. No. 238026. MOTI LAL (Maz) 115.

96. 243434. Govind Singh 116.

97. 243641. Shri. G. Munu Swamy (Maz) 117.

98. 243643. Til Bahadur 118.

100. No. 243617. Bhakata 119.
Bahadur Larma
(Maz) 120.

(12)

VAKALAT NAMA

(Continuation sheet- 2)

10. 14. 238098 A. HAZARIKA, SKII *Ab*

11. 15. 2422461 Sri. B. Paul - SK. I *B. Paul*

12. 16. 2424281 Sri. A. C. Gope, SK. I *Gope*

13. 17. ~~242981 Sri. K. Prasad Singh, SK. I~~

14. 18. 2435531 P. T. A. C. Lmt. Dvn Gr. - II *A. C. Lmt.*

15. 19. 2482561 L. Marak. (peon) *Marak*

16. 20. 2435551 A. S. Mukherji *A. S. Mukherji*

17. 21. 2251611 Amar. Singh. (chowkidar) *Amar Singh*

18. 22. 2436561 Sri. Padam Bahadur (kh/chowkidar) *Padam Bahadur*

19. 23. 2201491 Sri. Jogi Pradhan (chowkidar) *Jogi Pradhan*

20. 24. 2436861 Sri. Samal Sarker (chowkidar) *Samal Sarker*

21. 25. 2202101 Ramachar (chowkidar) - 2102101C

22. 26. 2201621 Sri. Jag Bahadur Ghosh (chowkidar)

23. 27. 2382841 Sri. Jagadish Das (chowkidar) *Jagadish Das*

24. 28. 2201451 Rama. (chow) - 51451

25. 29. 2436011 Kheplam Haqdar (chow) - *Kheplam Haqdar*

26. 30. 2436021 Arjun Ram - (chow) *Arjun Ram*

27. 31. 2436501 Sri. Sankar Das. (S/walla) 51451

28. 32. 2420261 Harseng Zeling - (S/walla) *Harseng Zeling*

29. 33. 2439231 Sri. Dulal Sarker (chowkidar) - *Dulal Sarker*

30. 34. 2439211 Sri. Shatru Ghosh - Thakur (chow) - *Shatru Ghosh*

31. 35. 2202541 Sri. P. M. Samuel. (Blacksmith) *P. M. Samuel*

(Applicants)

VAKALAT-NAMA

IN THE

CASE NO :

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

GUWAHATI

- VERSUS -

Petitioner/s

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

No - 243588

36. SRI LALMOHAN DAS (carpenter)

(Almonu das)

37. 220270: Sri Ram Sharma (carpenter)

(Raman Sharma)

38. 243598: Sri Kailash Patra (Maz)

(Kailash)

39. 243775: Sri Ram Narayan das (Maz)

(R.N. das)

40. 242527: Sri William Me and m (Maz)

(W.M. Me and m)

41. No - 220227: RAMPAL - (Mazdoor or S. - I) Ramphal

42. 220226: Sri Vidyaman Thakur (Maz)

43. 243644: Lengpao Vaiphei (Maz)

44. 238378: Shyam Bhakri (filter)

45. 255814: Shirmath Phased (B/Smith)

46. 247281: Shyam Bhakri (filter)

47. 238511: Sri Rabindhar Das (carpenter)

48. No. 220344: P. C. PRADHAN (carpenter)

ACCEPTED :

(DEEPAK K. BISUAS)
ADVOCATE

AGARTALA - BAR

(12)

Page - 4

24
J. S. G. S.
S. S. S.VAKALAT NAMA

(Continuation sheet - 2)

40. ~~M. D. RAHM~~ 243522. Aga Rengmo (earp) Surf.

41. P-3891. Md. Rahim. (maz) ~~Hechon~~ Surf.

42. 238033. Sri. Sombahader Gurung (Maz) ~~27/10/1982~~

43. 220259. Sri. K. Poumiga - (Maz) Surf.

44. No. 220229 CHINNDRAKUM - (H. Man) - Surf.

45. 243611. Pramila (Maz) Surf.

46. 243821. Manglenjee Sin. (Maz) Surf.

47. 237840. Sri. Suresh Neog (Maz) Surf.

48. 220311. M.D. RASUL. - - - - - Surf.

49. 238728. Khuj Bahader (Maz) - Surf.

50. 243436. Sri. Thiba Singh. (Maz) Surf.

51. 243433. Semong Naong (Maz) Surf.

52. 243635. Thanglhaon - MAZ (ish) - Surf.

53. 243599. SABIR HUSA-AN. - Surf.

54. 243673. Shri. L. Kulamani Singh. Maz (ish) - Surf.

55. 243824. Amnab Raibai (Maz) - Surf.

56. 243623. Hechon Chonglo Surf.

57. 243842. L. Labhoun (Maz) Surf.

58. 243680. Hari Ram Chakar, maz. Surf.

59. ATDV1 SEMA 243798 (maz)

60. Thangjor. Kailash. (Maz) Surf.

70. 237889 Shri. K. M. Chakraborty (SBHS-1) Surf.

(Applicants)

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

71. 237716 P.K. HOLM Roy - Elect H.S.I
No. 243664

72. R.K. Paul (Elect. H.S. - II) - PK

73. N. 238104 C.M. Mallik (H.S. - II) C.M. Mallik

74. 238291 Sri. N. Sridharan. (P.H.O) N.S.

75. 238326 Sri. Viswanpravat (P.H.O) V.P.

76. 238335 MILYANUS EKKO (P.H.O) - PKA

77. 220353 LSHWAR BHAGAI (P.H.O) PKA

78. 238128 FGM TULASI HONIA. Tulasi Honia

79. 220336 Sri. P. P. Chatterjee B.C. / PKA

80. 238011 M.D. Sirajul Haque (f.t.) PKA

81. 243672 KH. SONIL SINGH (DES) PKA

82. 243672 Sri. N. Ramchandran. (V/Man) N.R. Chandran

83. 220338 Sri. H. Hamida (V/Man) H. Hamida

(16)

Page-6.

VAKALAT NAMA
(Continuation sheet- 2)

84. S. Singh - 228252 (V/man) S. Singh

85. K. R. Chandrasekaran Nair 238457 (V/man) - 100

86. 220251 Sri. Udit Mahato (Male) Udit

87. 220244 Bhuvaneswar Ram - (Male) Bhuv

88. 220244 - Singh Bahadur (Male) Singh

89. 243889 M.L.Kaikay (Elect sc) John

90. 243679 Chemburunge Lohit (Male) Lohit

91. 238358 RAMPRASAD HARIJAN (Male) - 21/4/21/5, 8/1/20

92. Sunil Deka - 220211 (Male) Sunil

93. A.S. WURQRAOYO - 243846 (Male) Ash

94. A. P. Kumar 238048 Akumar (Male) Akumar

95. MOTI LAL - 238026 - (Male) Moti

96. 243434 Sri. Govind Singh (Male) Govind

97. 243641 - Shri. G. munu Swamy (Male) Gm. Sy

98. - - - - - ADIRAM DAHAL Adiram

99. 243643 Sri. Til Bahadur (Male) Til

100. 243643. Sri. Bhakata Bahadur (Male) (Male) BB 100
No. 243683

101. SRI. ADHIK LAL MANDAL (Male) A.L. Mondal

102. NO 243622 SHIV KUMAR RAINA Shiv door

103. T.S. WINNER - 243693 (Male) TS

104. 243693. Sri. K.K. Das. (Male) K K Das

105. 243621 - - - - -

106. MAYA NIGI NEKSN (Male) Maya Nig

107. 243922 - H. Kans Singh (Male) H. Kans

108. LAKHINDAR DOLEY (P.H.O) - Lakhi

109. MES/21/2027 Sri K. K. Dalla K. K. Dalla Supdt BIRI

110. ~~MEES/21/2027 A. Mani. A. Mani Reader~~

Spl. Petition WR. 4(5)

(12) 29
A
Date
2000
2000
2000

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.Hazarika, 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, ~~Reimax~~ Peon " 248556
15. " A.S.Marcony, Peon " 243555
16. " Amar Singh , Chowk. " 225161
17. " Padam Bahadur , Kh/Chowk 243656
18. " Jogi Pradhan , Chowk. " 229149
19. " Samar Sarker , " ... " 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

(18)

(18) (2)

28
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- 2 -

28. Shri Dulel Shome, Chowk. No. 243923
 29. " Shatrujhna Thakur, Chok " 243924
 30. " P.M.Samuel, B/Sm " 220254
 31. " Lal Mohan Das, Carp. " 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. " Shivnath Prasad, B/Smith" 255814
 41. " Manijan Makato, Painter 237281
 42. " Rabindhar 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 " Tulsi Munia, DMP
 53. " 220336 " B.B.Thetui, 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. Mayangnukan, 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. Pomiya, "
63.	" 220244	Singh Bahadur, Mate	87	" 220229	" Chandra Caud, H/Man
64.	" 243889	M.L. Kaipibou, "	88	" 243611	" Prom 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. Resul "
68.	" 243846	A.S. Wungnaoya, Maz.	92	" 238728	Sh. Bhoj Bahadur, "
69.	" 238042	A.P. Kumar, Mate	93	" 243636	" Thoiba Singh, Maz.
70.	" 238026	Motilal, Maz.	94	" 243433	" Somingthang, "
71.	" 243434	Govind Singh, Maz	95	" 243435	" Thankhew "
72.	" 243641	G. Munnuswami, "	96	" 243599	" Sabbir Hussain "
73.	" 243603	Dodiram Dayal "	97	" 243673	" I. Kulamanis Singh "
74.	" 243643	Til Bahadur, "	98	" 243824	" Anna Vaiphei "
75.	" 243617	Bhakta Bahadur "	99	" 243623	" Hecbon 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)

(20)
Smt. Durg
Bhagat
50

All (103) posted in

Garrison Engineer , 869 , Leimakhong

57 - Mountain Div.

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

-- 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.

(2)

(5)

31

... Page-3 ...

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.

(6)

22/03/32
22/03/32

-: 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 Guwahati 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.

Contd.....P/3.

(2) 23 33

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.

1. No 243646. 21. 225161 Amarr Singh (Chow)

1. SRI GADADHAR BANTA - 22. 223656. padam Bahadur (Chow)

(ELECT. SK) 23. 229149 jogipradham (Chow)

2. NO 243681. S. MANGI SINGH 24. 243656. Samar Sarker (Chow)

(ELECT. SK) 25. 202110. Rama Dhar (Chow)

3. 243801 W. Megha Singh (Elect) 26. 220162. jog Bahadur Thapa

(ELECT. SK) 27. 238284. Jagadish Das (Chow)

4. 243671 K. Kishnamani Manu (Elect) 28. 220145. Rama (Chow)

(SK) 29. 243601. Khaslam Hagerli (Chow)

5. 243710. Adhirechandra Roy 30. 243602. Arjun Ram (Chow)

(Elect. SK) 31. 243650. Samadar Das (Chow)

6. 265107. K. Sengupta Supt 32. 242926. Horung Zilmg (Shall)

BIR-1 33. 243923 Dulal Some (Chow)

7. MES/212037 AK PANJA SUPD/FM 34. 243324 Shatrougham Thakur (Chow)

(Chow) 35. 220254. P.M. Samuel (B/Smith)

8. MES-204988, P.K. Dutta E/m-II 36. SRI. LALMOHAN DAS (Carpent)

9. MES-264665 A.K. Das SA-II 37. 220270. Sri Durni Sharma (Carpent)

10. 289212 K. Rajadhar 38. 243598 Karlash Patra (Maz)

11. 39. 243775. Ram Narwal Das (Maz)

12. 40. 242827. Coflson Monmon (Maz)

13. 41. 243855 A.S. Markom (Carpent)

14. 238098 A. HAZARICA 34. 243324 Shatrougham Thakur (Chow)

SK II 35. 220254. P.M. Samuel (B/Smith)

15. 242246, S. A.C. Gope 36. SRI. LALMOHAN DAS (Carpent)

SK II 37. 220270. Sri Durni Sharma (Carpent)

16. 242246, B. Paul 38. 243598 Karlash Patra (Maz)

SK II 39. 243775. Ram Narwal Das (Maz)

17. 243461 SRI K. Yousuf Sarker 40. 242827. Coflson Monmon (Maz)

18. 243553, P.T. AO 35. 220254. P.M. Samuel (B/Smith)

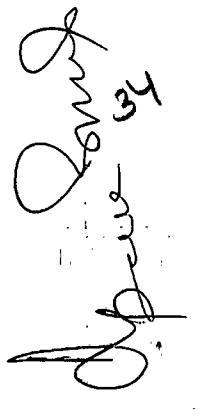
19. 248586, L. Morad (Pean) 36. SRI. LALMOHAN DAS (Carpent)

20. 243855 A.S. Markom. 37. 220270. Sri Durni Sharma (Carpent)

(Carpent) 38. 243598 Karlash Patra (Maz)

21. 225161 Amarr Singh (Chow) 39. 243775. Ram Narwal Das (Maz)

22. 223656. padam Bahadur (Chow) 40. 242827. Coflson Monmon (Maz)

(8) 24 34

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. SUNIL SINGH No-243683
(DES) FGM - 101. SRI. ADHIKLAL MANDAL - (Maz)
82. 238497. N. Rammohan 102. 243622 Shrikumar Rama. (Maz)
(V/Maz)
83. 220338. H. Hammida 103. J.S. WINTER.
(V/Maz)
84. V. Singh 104. 243882. K.K. Das. (Maz)
85. K.P. Chander Sekaram 105.
Name
86. 220281. Udit Mahato 106. Meiyangthem (Maz)
(Maz)
87. 220244. BHUWANESWAR 107. 243922 ~~A. Khan~~ Singh
RAM (Maz)
88. 220247. Singh Bahadur 108. SRI. LAKHINDAR DOLEY
(Maz)
89. 243889. M.L. Kaisibon (SK) 109. MES/212027 SRI K.K. Dalla. (Caste)
Supdt B/R I
90. 243673. Chembulheng 110. ~~MES/243456 A. Mori, 11/R~~
Loiing (male)
91. 238358. RAM PRASAD HARIJAN 111.
(male)
92. Sunil Deb 112.
93. A.S. WUNGNAO YO. 113.
94. A. P. Kumar (Maz) 114.
95. 238026. Motilal (Maz) 115.
96. 243434. Govind Singh 116.
97. 243641 Shri G. Munu Swamy (Maz) 117.
98. D A Difam DHAL 118.
99. 243648 Til Bahadur 119.
(Maz)
100. 120.

(a) (b) (c) (d) (e)

VERIFICATION

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

No. 220227
41. RAMPRIT (Masom H.S.T) 81. 243435 Thengkhouw Maz. (45K.)

42. 220226. Nidhamavel
Makau (Masom) 82. 243599 SABIR HUSSAIN

43. 243644 denpa Vaiphui 83. 243673 Shri J. Kularani Singh Maz.
83. ~~243644~~ ~~243673~~

44. 238378. Shyam Bihari 84. 243824, Amnah Vaiphui (Maz)
(Bitter)

45. 256841. Shrivmath Prasad 85. 243623, Heekon Chonglo
(B/Smith)

46. 237281. Manijam Mawlo 86. 243842, L. Labhovim
(Parinder)

47. 230811 Rabindhar Das. 87. 243680, Hari Ram Chauhan, Maz.
(Carpenter)

48. P.C PRADHAN 88. Atorlal Dine

49. AGA RENGMA 243522 (Carpenter)
50. ~~M.D. RAHIM.~~ 89. Thazgen Vaiphui

50. P-3891 Md. Rahim. 70. 237880 Shri K.M. Chakraborty (SB 45-1)

51. 238033. Sombahader. 71. 237716 P K HOLM ROY, Elect H.S.I
gurung. (Mate) No. 243604.

52. 220253 K. Pameya 72. R.K. Paul (Elect. H.S-II)

53. CHANDRA LAL 73. C. M. Mallik (Elect. H.S-II)

54. 243611. Pramila (Maz) 74. 238201. N. Sridharan (P. H.O)

55. 243821 Manglendra Singh 75. 238326. Visnu Prabhat (P. H.O)
(Melo) No. 238335.

56. 237840. Sarwata Neog 76. MILYANUS EKKA (P. H.O)

57. 220311. M.D. RASUL. 77. ISHWAR BHAGAT (P. H.O)
No. 220323.

58. 238728. Bhoj Bahader 78. 238128 Fpm. TULASIMONI.

59. 243436. Thainba Singh 79. 220336 B. B. Yhatai

60. 243433. Som singh Thang 80. 238011 - Sirajul Haque (Bitter)
(Maz)

VERIFICATION

WE the undersigned posted at Leimakhong, Manipur do hereby verify that we are posted under the Respondent-2 and that the contents of the application above are true to our knowledge, and we have not suppressed any material facts.

36
6/1/2024

81. 243672 KH. SUNIL SINGH (Des) Form 106. ~~MANIPUR GOVERNMENT~~

82. SRI. N. RAMADEVAN 243672 107.

83. 226238 H. Hamifa (V/ma) 108.

84. S. Singh 228252 (V/ma) 109.

85. K. P. Chandrasekaran 110.
238497 (V/ma) 110.

86. 220251 Chhit Mahal (Male) 111.

87. 220244. BHUWANESWAR RAM (Male)

88. 220244 Qsing Bahadur (Male)

89. 243689. M.L. Kairibou (Male SK)

90. 243679 Chembentueing. Lotus (Male)

91. 238358. RAMPRASAD HARIJAN (Male)

92. Sunil Deb 220211 (Male)

93. A.S. WURGNAOYO 243846 (Male)

94. 238042 Maj. A.P. Kumar

95. MOTILAL 238026 (Male)

96. 243641 Govin Singh (Male)

97. 243641 Shri. G. munu Sarang (Male)

98. ADIRAM DAHAL 243643 (Male)

99. 243643 Maj. Bahadur (Male)

100. 243617 Bhakta Bahadur (Male)

101. SRI. ADHIK LAL MANDAL - (Male)

102. 243622 Shirkumar Rana (Male)

103. JS. WINNER. 243693 (Male)

104. 243882. K.K. Das (Male)

105.

106. 243921 Mayang Kem (Male)

107. 243922 Sh. Kan Singh.

108. LAKHINDAR DOLEY 243545 (PHO)

109. MES/212027 Sri K. Kr. Dalle Supdt BPL

~~No. 1129/243456 A House, 11/Beastay~~

27

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212
213
Central Admin. Trib. Guwahati
Guwahati Bench

IN THE 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

Contd... P/2

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 thos 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

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

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)/~~25E6(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

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 infor-
mation 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 Fin (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

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 ~~expdr~~ 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 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 controller and Auditor General of India.

SD/- x x x x x
(C Balchandran)

C.T.E.

N. S. SINDARARAJ
N. S. SINDARARAJ

CAPT.