

301600

3

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓
O.A/T.A No. 46/96
R.A/C.P No.
E.P/M.A No.

1. Orders Sheet.....*PA*.....Pg. *1*.....to *2*.....
2. Judgment/Order dtd. *19.3.96*.....Pg. *1*.....to *No separate order D/O*
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A.....*46/96*.....Pg. *1*.....to *13*.....
5. E.P/M.P.....Pg.....to.....
6. R.A/C.P.....Pg.....to.....
7. W.S.....Pg.....to.....
8. Rejoinder.....Pg.....to.....
9. Reply.....Pg.....to.....
10. Any other Papers.....Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

[Signature]
23.1.18

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI

ORIGINAL APPLN. NO. 46 OF 1995
 TRANSFER APPEAL NO. OF 1995
 CONTEMPT APPLN. NO. OF 1995 (IN OA NO.)
 REVIEW APPLN. NO. OF 1995 (IN OA NO.)
 MISC. PETN. NO. OF 1995 (IN OA NO.)

..... N. K. Thakur & ors. APPLICANT(S)

-vs-
 W. O. I. RESPONDENT(S)

FOR THE APPLICANT(S) ... MR. D.K. Boruah
 MR.
 MR.
 MR.

FOR THE RESPONDENTS ... MR. S. Ali, Sr. Clk.

OFFICE NOTE	DATE	ORDER
<p>1. Name of the applicants and pagination corrected.</p> <p>2. Verification of main appln. & IT Petn. are not made in 'B' file.</p> <p>3. Total applicants are 67 not lost in the verifications only 66 nos. signed.</p> <p>4. Vakalatnama placed in file 'A'.</p>	<p>19/2/96</p>	<p>9(Nine) pages of same comments as in OA 45/96. The difference here is that there is no signature at all in the verification of OA against 67 names and in the application up to rule 4)(5)(a), which ends with "Contd - P/3" there is no name or signature at all.</p> <p>S.O. to take action</p> <p>Further, there is no Vakalatnama enclosed with OA.</p> <p>18/3/96</p>

FO/BI No 315698
 Dated 13.3.96

19/3

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI

ORIGINAL APPLN. NO. 46/96 OF 1995
TRANSFER APPLN. NO. OF 1995
CONTEMPT APPLN. NO. OF 1995 (IN OA NO.)
REVIEW APPLN. NO. OF 1995 (IN OA NO.)
MISC. PETN. NO. OF 1995 (IN OA NO.)

2

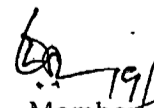
..... APPLICANT(S)

-vs-

..... RESPONDENT(S)

FOR THE APPLICANT(S) MR.
..... MR.
..... MR.
..... MR.

FOR THE RESPONDENTS MR.

OFFICE NOTE	DATE	ORDER
<p>29.8.96</p> <p>Copy of order issued to the L/Advocates of the parties vide d.no 2896 & 2897 d. 29.8.96</p> <p>sh 29/8</p>	<p>19.3.96</p> <p style="text-align: center;">A</p> <p style="text-align: center;">nkm</p>	<p>Mr G. Sarma, learned Addl. C.G.S.C., for the respondents.</p> <p>The application has been purportedly filed by 67 applicants claiming Special Compensatory (Remote Locality) Allowance. However, it is noticed that both the main O.A. and the application and the application under Rule 4(5)(a) of the Central Administrative Tribunal(Procedure) Rules 1987 are defective as there are no signatures against the names of a number of applicants. In particular in the petition under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules 1987 against 29 names only signatures were affixed out of 67 applicants mentioned in the verification therein. Mr D.K. Biswas, learned counsel for the applicants, submits to allow him to withdraw the application with liberty to file fresh application without prejudice to the contentions in this application. Prayer allowed.</p> <p>The application is disposed of on withdrawal.</p> <p style="text-align: right;">  Member </p>

SPL. COMPENSATORY ALL. (R.L.)

WITH SPL. PETITION NO. 4(S)

TRIPURA

Central Administrative Tribunal
GATEWAY TO JUSTICE

18 MAR 1996

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Case No : O.A. 46 of 1996.

1. Shri Nanda Kishore Thakur, Mazdur.
2. Shri Surendra Ch. Sukla Baidya, Carpenter.
3. Shri Rambilas Yadav, Mate.
4. Shri Prabhu Dayal, Carpenter.
5. Shri George Mathai, S.K.-II.
6. Shri Prabal Yoyti Deb, Supvr. B/S-II.
7. Shri Bhabananda Das, S.A.-II
8. Shri S.P. Kabiraj,
9. Shri Ratan Deb, D/Man-II.
10. Shri Suren Ch. Bora, F/Printer.
11. Shri Puran, Mate.
12. Shri D.K. Singha, L.D.C.
13. Shri M.C. Chakraborty, P/Fitter, H.S.-II.
14. Shri Subash Ch. Deb.
15. Shri Ram Chandra, Carpenter.
16. Shri Satyendra Sukla Baidya, Mason.
17. Shri Rama Krishna Harizan, Mate.
18. Shri Ashok Kr. Balmiki, S/Wala.
19. Shri Bikram Yadav, Mate.
20. Shri Ajoy Dutta, Dlec. H.S.-I.
21. Shri Mohan Bhuiya, FGM(SK).
22. Shri N. Nateshan, FGM (SK).
23. Shri KPGK Nair, FGM (SK).
24. Shri Hariprasad Pradhan, Mate.
25. Shri Khush Bahadur Sonar, Mate.
26. Shri Ashok Kr. Dey, FGM, SK.
27. Shri Rashik Ch. Paul, Elect. S.K.
28. Shri Sankar Purakayastha, Mate.
29. Shri M.R. Chowdhury, Elec. S.K.
30. Shri H.M. Nag, Elec. H.S.-II.
31. Shri Pradip Kalita, Dhowk.
32. Shri P.C. Sukla Das, F.G.M.
33. Shri Rama Kanta Horizon, Mazdur,
34. Shri Sudip Sutradhar, F.G.M.
35. Shri Arjun Kr. Roy, Supdt. B/R-I.
36. Shri B.C. Roy,
37. Shri V. Margabandhu, Mate.
38. Shri Pradyuana Dr. Dutta, Supdt. B/R-I.
39. Shri C. Mani, FGM.
40. Shri Chaturgan Hazam, Elec. S.K.
41. Shri Dhanai Yadav, V/Man.
42. Shri Benu Tanti, Mazdur.
43. Shri Jamal Uddin, Elec. S.K.
44. Shri Ali Muddin, P/Fitter-SK.
45. Shri Sirajuddin, FGM
46. Shri Sibendra Nath Chaki, Supdt. BR-II.

- (2)
- S. S. S. S.*
- | | |
|--|---|
| 47. Shri Dharanidhar Das. LDC. | 48. Shri Suresh Ch. Roy, Mason. |
| 49. Shri Dipak Ranjan Das,
Elec. SK. | 50. Shri S.M.S. Naqvi, A.E., B/R. |
| 51. Shri Nitish Ranjan Kar,
A.E. B/R. | 52. Shri Nripendra Ch. Paul,
Elec. S.K. |
| 53. Shri T.K. Bhattacharjee,
L.D.C. | 54. Shri A.K. Nandy, SK-II. |
| 55. Shri Sujit Kr. Banarjee,
Supvr. B/X-II. | 56. Shri S.P. Jain, |
| 57. Shri Dilip Kr. Saha,
S.A.-I. | 58. Shri Swapan Choudhury,
Supdt. B/R-I. |
| 59. Shri Radhaballab Debnath,
Supdt. E/M-I. | 60. Shri A.K. Mitra,
S.K.-I. |
| 61. Shri M.C. Das, A.E. B/R. | 62. Shri Kanulal Sukladas,
Office Supdt. |
| 63. Shri S.K. Gangopadhyay,
A.E. B/R. | 64. Shri N.D. Pow,
Office Supdt. |
| 65. Shri A.C. Guha, B/R. Gr.-II | 66. Shri Supratish Sarkar,
V/Man. |
| 67. Shri B.K. Dutta. | |

All, posted in the Office of the Garison Engineer(P),
872 EWS, C/O 99-A.P.O.

..... Petitioners.

- VERSUS -

1. Union of India, represented by the Secretary,
Ministry of Defence, Govt. of India, New Delhi.
2. Garison Engineer(P), 872, Engineering Works 99 A.P.O.

..... Respondents.

PARTICULARS OF THE RESPONDENTS.

1. Secretary to the Govt. of India, Ministry of DEFENCE
in control of Respondent No.2 and its establishment.
2. Garison Engineer, 872 Engineering Works sec. 99 A.P.O.
Head of the Office and establishment in which the
Applicants are/were posted.

T-1

-: 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 *Special Comp. Allowance* allowance by the Respondents even after the judgement and order of this Hon'ble Tribunal in O.A. ~~1778~~ ^{48/89} 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 Defense employees posted in same Field area, now declared as "Modified Field Area" from various date 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 Mrinal Kanti Das in a joint application before this Hon'ble Tribunal which was registered as O.A. ~~1778~~ ^{48/89} 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.

Contd.....P/4.

(4)

[Handwritten signature]

T-1

-: Page-4 :-

3. That the allowance namely *Sp. Compensatory* is admissable 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 same establishment of G.E.(P)872EWS, at Agartala(Tripura) filed application before this Hon'ble Tribunal challenging the denial/non-implementation of the *Sp. Comp. (ci)* allowance. This Hon'ble Tribunal after hearing all the parties passed its final verdict on 29-03-1994 in O.A. *48/89* directing the Respondents to pay all arrears accrued to each individual Applicant with reference to the date of posting and the rate admissable. The said Order of this Hon'ble Tribunal was confirmed in review application *178/1995* 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 Mrinal Kanti Das(O.A.1995) and that joined the Petition being procedurally defective.

(5)

9
D. S. S. S.

T-1

-: Page-5 :-

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. 178/1995 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. 48/1989 and in O.A. 178/1995 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.B.O.

8.09 315098 } Agartala P.O.
8.09 315099 }

Contd., P/6.

(6)

S. S. S. S.

Verification

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

- | | |
|------------------------------|-------------------------|
| 1. Nanda Kishore Thakur | 21. Bikream Yadav |
| 2. Sunondra Ch. Suklabadhyay | 22. Ajoy Dutta |
| 3. Ram Bilash Yadav | 23. Mohan Bhuiya |
| 4. Preabhu Dayal | 24. R. Nadarom |
| 5. George Mallick | 25. K.P.G.K. Nair |
| 6. P.J. Dev. | 26. Harzi Prasad Madhan |
| 7. Bhaleananda Das | 27. Kush Bdr Sonar |
| 8. Shri S.L. Kabiraj | 28. Ashok KV Dey |
| 9. Ratan Das | 29. Rasikch Paul |
| 10. Sarun Ch. Borah | 30. Sankan Pankasthye |
| 11. Shree Puran | 31. M.R. Chowdhary |
| 12. S. K. Saikia | 32. J. M. Nag |
| 13. Sri Ananta Kanta Das | 33. Praadip Kalita |
| 14. M.C. Chatterabosty | 34. P.C. Sankla Das |
| 15. Seebhash Ch Das | 35. Ram Kanta Harizan |
| 16. B.K. Dutta | 36. Sudip Sultadhar |
| 17. Ram Chander | 37. Arjun R. Roy |
| 18. S. Suklabadhyay | 38. B.C. Roy |
| 19. Ram Kishan | 39. V. Mangabandhu |
| 20. Ashok Balmiki | 40. P. K. Dutta |

Verification

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

- 41. C. Mani — C. Mani 31. Swapan Chaudhry
- 42. Chaturgan Hazam — Chaturgan 32. Radha Ballab Subnath
- 43. Dhanad Yadav — B. S. Prasad 33. M C Das.
- 44. Benu Tanti — Benu 34. K. L. Subba Das.
- 45. Jamal Uddin — Jamal 35. S. R. Gengabadya
- 46. Alim Uddin — Alim 36. N. D. Das
- 47. Siraj Uddin — Siraj 37. A. C. Guha
- 48. Subendranath Chaki — Subendranath 28.
- 49. S. K. D. Das — S. K. D. Das 29.
- 50. Sunesh Ch Roy — Sunesh 30.
- 51. Suprati Sarkar — Suprati 31.
- 52. Dipok Ranjan Das — Dipok 32.
- 53. S. M. N. Das — S. M. N. Das 33.
- 54. N. R. KAR — N. R. KAR 34.
- 55. N. C. Paul — N. C. Paul 35.
- 56. T. K. Bhattacharyya — T. K. Bhattacharyya 36.
- 57. A. K. Nandy — A. K. Nandy 37.
- 58. S. K. Banerjee — S. K. Banerjee 38.
- 59. S. P. Das — S. P. Das 39.
- 60. Dilip Kr Saha — Dilip Kr Saha 40.

Spl. Ref'd on WR-4(5)

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

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Case No : O.A., of 1996.

1. Shri Nanda Kishore Thakur, Mazdur.
2. Shri Surendra Ch. Sukla Baidya, Carpenter.
2. Shri Sambhidas Yadav, Mate.
4. Shri Prajhu Dayal, Carpenter.
5. Shri George Mathai, S.K.-II.
6. Shri Prabal Yoyti Deb, Supvr. B/S-II.
7. Shri Bhabananda Das, S.A.-II
8. Shri S.P. Kabiraj,
9. Shri Retan Deb, D/Man-II.
10. Shri Suren Ch. Bora, F/Printer.
11. Shri Puran, Mate.
12. Shri D.K. Singha, L.D.C.
13. Shri M.C. Chakraborty, P/Fitter, H.S.-II.
14. Shri Subash Ch. Deb.
15. Shri Ram Chandra, Carpenter.
16. Shri Satyendra Sukla-Baidya, Masor.
17. Shri Nama Krishna Harizan, Mate.
18. Shri Ashok Kr. Balmiki, S/Wala.
19. Shri Bikram Yadav, Mate.
20. Shri Ajoy Dutta, Dlec. H.S.-I.
21. Shri Mohan Bhuiya, FGM(SK).
22. Shri N. Nateshan, FGM (SK).
23. Shri KPOK Nair, FGM (SK).
24. Shri Hariprasad Pradhan, Mate.
25. Shri Khush Bahadur Sonar, Mate.
26. Shri Ashok Kr. Dey, FGM, SK.
27. Shri Rashik Ch. Paul, Elect. S.K.
28. Shri Sankar Purakayastha, Mate.
29. Shri M.R. Chowdhury, Elec. S.K.
30. Shri H.M. Nag, Elec. H.S.-II.
31. Shri Pradip Kalita, Dhowk.
32. Shri P.C. Sukla Das, F.G.M.
33. Shri Rama Kanta Horizon, Mazdur,
34. Shri Sudip Sutradhar, F.G.M.
35. Shri Arjun Kr. Roy, Supdt. B/R-I.
36. Shri B.C. Roy,
37. Shri V. Mangabandhu, Mate.
38. Shri Pradyuana Dr. Dutta, Supdt. B/R-I.
39. Shri C. Mahi, FGM.
40. Shri Chaturgan Hazam, Elec. S.K.
41. Shri Phanal Yadav, V/Man.
42. Shri Benu Tanti, Mazdur.
43. Shri Jamal Uddin, Elec. S.K.
44. Shri Ali Muddin, P/Fitter-SK.
45. Shri Sirajuddin, FGM
46. Shri Sibendra Nath Chaki, Supdt. BR-II.

11
14
Handwritten signature

3. That the present Petitioners were among the 66 Applicants who jointly filed O.A. 178 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 Prinal Kanti Das who had signed the Petition, but not in respect of other 65 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/5.

12
15
[Signature]

Verification

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

- | | | |
|--|-----|--|
| 1. Nand Kishor Thakur <i>Nand</i> | 21. | Bikram Yadav. <i>Bikram</i> |
| 2. Surendra Ch. Suklabadya <i>সুরেন্দ্র চন্দ্র সুক্লাবদ্যা</i> | 22. | Azoy Dutt |
| 3. Pam Belash Yadav. <i>পাম বেলশ যাদব</i> | 23. | Mohan Pohnya. |
| 4. Prabhu Doyal <i>প্রভু দয়াল</i> | 24. | R. Nadesan <i>রাদেসান</i> |
| 5. George Mallai | 25. | K.P.G.K. Nare. |
| 6. P.J. Dew | 26. | Haree Prasad Pradhan <i>হরিপ্রসাদ প্রদান</i> |
| 7. Bhabananda Das. | 27. | Kush Bahadur Sonar. |
| 8. Shri S.P. Kabiraj. | 28. | Ashok Kr. Dey. |
| 9. Ratna Deb. | 29. | Rajit Ch. Paul. |
| 10. Suren Ch. Borah. | 30. | Son Kam Pankashya |
| 11. Shri Pureson | 31. | M.R. Chowdhary. <i>মুয়</i> |
| 12. Sri D.K. Gupta | 32. | H. M. Nag. |
| 13. Mural Kanti Das. | 33. | Pradyip. Kalita <i>প্রদীপ কলিতা</i> |
| 14. M.C. Chakraborty | 34. | P.C. Sukla Das. <i>পি.সি. সুক্লাস</i> |
| 15. Subhas Ch. Deb <i>সুবহাষ চন্দ্র দেব</i> | 35. | Ram Kanti Harizan. <i>রামকান্ত</i> |
| 16. B.K. Datta <i>বিজয় কান্ত</i> | 36. | |
| 17. Ramchander | 37. | |
| 18. Satyendra Suklabadya | 38. | |
| 19. Ramkishan Harizan <i>রামকিশন হরিজন</i> | 39. | |
| 20. Ashok Kumar Balmiki <i>অশোক</i> | 40. | |

(6)
13

Handwritten signature

Verification

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

- | | |
|--|----------------------------------|
| 1. Sudip Sutarthar <i>OPR</i> | 21. T. K. Pratharjine <i>Key</i> |
| 2. Arjun Kr. Roy <i>OPR</i> | 22. A. K. Nandi <i>hmy</i> |
| 3. Bc. Roy | 23. S. K. Banerjee |
| 4. V. Moya Bandhu. | 24. S. P. Gaiu |
| 5. P. K. Datta. | 25. Dilip Mr. Saha. <i>hmy</i> |
| 6. C. Mani C. Mani | 26. Swapan Chakraborty |
| 7. Shalungam Hazam <i>Shalungam</i> | 27. Radha Ballus Debbarm |
| 8. Dhanai Yadav. | 28. M. C. Das. |
| 9. Berni Tanti | 29. K. L. Sudda Das. |
| 10. Jamal Uddin <i>OPR</i> | 30. SK. Chattopadhyay |
| 11. Ahm Uddin <i>OPR</i> | 31. N. D. Poul |
| 12. Sidraj Uddin <i>Sirajuddin</i> | 32. A. C. Gupta. |
| 13. Sibendu ram Chaki | 33. _____ |
| 14. Shri D D. Das | 34. |
| 15. Suresh Ch. Roy <i>S. C. Roy</i> | 35. |
| 16. Rupkish Sarkar. | 36. |
| 17. Inpak Ranjan Das. <i>S. S. Das</i> | 37. |
| 18. S. M. S. Naovi <i>Naovi</i> | 38. |
| 19. N. R. KAR <i>N. Kar</i> | 39. |
| 20. N. C. Paul. | 40. |