

50/100

9

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

M.P-12/98 ordersheet pg-1 to 2 INDEX

allowed date- 11/02/98

M.P-278/97 ordersheet pg-1

Disposed date- 3/10/97

✓ O.A.T.A No. 75/96.....

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

E.P/M.A No. 12/98.....

1. Orders Sheet. O.A. 75/96.....Pg. 1.....to. 8.....
2. Judgment/Order dtd. 04/01/99.....Pg. 1.....to. 6.....Disposed
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A. 75/96.....Pg. 1.....to. 40.....
5. E.P/M.P. 12/98.....Pg. 1.....to. 4.....
6. R.A/C.P. M.P. 278/97.....Pg. 1.....to. 5.....
7. W.S.....Pg. 1.....to. 25.....
8. Rejbinder. M.P-125/97 ordersheet Pg. 1.....to.....
9. Reply.....Disposed Date- 12/5/97.....Pg.....to.....
10. Any other Papers. petition copy. pg-1 to- 4.....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.)

DA No. 75/96
MP No. (CA)
RA No. (CA)
CP No. (CA)

Sri. Hari Ram & Ors. APPLICANT(S)
VERSUS
UOI & Ors. RESPONDENT(S)

Mr. P.K. Tiwari, Advocate for the applicant.

Mr. G. Sarma, Addl. C.G.S.C. Advocate for the Respondents.

Office Notes _____ Court's Orders _____

24.5.96

Mr P.K.Tiwari for the applicant
Mr G.Sarma, Addl.C.G.S.C for the
respondents.

Heard Mr Tiwari for the appli-
cant. Permission under Rule 4(5)
(a) of the C.A.T.(Procedure) Rules
1987 is granted.

Perused the contents of the
application and the reliefs sought
Mr Tiwari submits that the issues
to be decided are as mentioned in
para 4.15 of the application.

Application is admitted. Issue
notice on the respondents by regi-
stered post. 6 weeks for written
statement.

List on 15.7.96 for written
statement and further orders.

Member

Application in
Form and within time
C. F. of Rs. 50/-
deposited vide
IP/BI No. 526/69
dated 23.4.96

R. Pande
22.5.96

W/statement has not been
submitted

2-8-96

Copy of Notice for
issue to Respondents
not yet filed.

pg
15-7-96

Learned counsel Mr. B.K.
Sharma for the applicant. Learned
Addl.C.G.S.C. Mr. G. Sarma for the
the respondents.

Written statement has not
been submitted. List for written
statement and further order on
7-8-96.

Member

Bar W/statement has not been
submitted

lm

6/7

2

OA 75/96

2



7.8.96

Mr. S. Sarma for the applicant. Mr. G. Sarma, Addl. C.G.S.C submits that the respondents have not been served with copy of the application. It is seen that steps have not been taken by the applicant Learned counsel for the applicant to take steps within 3 days.

List for written statement and further orders on 17.9.96.

[Signature]
Member

pg

17.9.96

Mr. G. Sarma, Addl. C.G.S.C for the respondents seeks further time for filing written statement.

List for written statement and further orders on 7.10.96.

[Signature]
Member

pg

7.10.96

None present. Written statement has not been submitted.

List for written statement and further orders on 18.11.96.

[Signature]
Member

pg

18.11.96

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

Written statement has not been submitted.

List for written statement and further order on 12.12.1996.

[Signature]
Member

trd

21-8-96

Notice issued to the respondent vide No. 2609 dt. 14.8.96.

Boa

Service reports are still awaited.
W/ statement has not been filed.

16/9

Service reports are still awaited.
W/ statement has not been filed.

11/10

W/ statement has not been filed.

15/11

Written statement has not been filed.

11/12

trd
18/12

O.A. 75 of 1996

12.12.96

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

Mr. Sarma seeks time to file written statement.

List for written statement and further order on 8.1.1997.

[Signature]
Member

trd

4-2-97

1) ~~Notice duly served~~

Service report are still awaited,

2) w/statement has not been submitted.

8.1.97

Learned counsel Mr B.K. Sharma for the applicant. Learned Addl. C.G.S.C. Mr G. Sarma for the respondents prays for further time to file written statement.

List for written statement and further orders on 5.2.97.

[Signature]
Member

nkm
M
8/1

5.2.97

Mr G. Sarma, learned Addl. C.G.S.C., prays for further extension of time to file written statement. Several adjournments have been granted. However, for the ends of justice we grant further one week time to file written statement. If it is not filed the case will proceed without written statement at the risk of the respondents.

List it on 12.2.97.

[Signature]
Member

[Signature]
Vice-Chairman

1) Service Reports are still awaited.

2) w/statement - has not been filed.

3) Mr. G. Sarma add. case has not been filed. Memo of appearance.

nkm
M
6/2

7/1/97

2/11

12.2.97

Mr G. Sarma, learned Addl. C.G.S.C., again prays for further extension of time as the written statement could not be prepared today. In view of the orders passed earlier we are not inclined to grant any further time.

Let this case be listed for hearing on 7.4.97.


Member


Vice-Chairman

4-4-97

1/ Service Report are still awaited.


2/ w/s has not been submitted.

nkm
w/ 13/2

7.4.97

On the prayer of Mr S.Sarma, learned counsel for the applicant the case is adjourned till 8.4.1997.


Member



Vice-Chairman

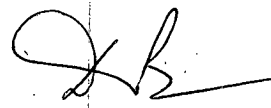
pg

8.4.97

On behalf of Mr B.K.Sharma, counsel ^{for} ~~for~~ in charge of the case/~~on behalf of~~ the applicant, Mr S.Sarma prays for adjournment on the ground that Mr B.K.Sharma could not appear today due to his personal ground. Mr G.Sarma, learned Addl.C.G.S.C has not opposed the prayer.

Accordingly the case is adjourned till 27.5.1997.


Member


Vice-Chairman

~~2008-98 (Sardar)~~

30-5-97

Written statement ~~at~~
dated-28-4-97
1/ filed on behalf of
The Respondants.
at page-44 to 69.

pg

m
914

12.5.97

1-5-97

mp. No. 125/97 filed by the respondents ^{dated-1-5-97} praying for acceptance of written statements. w/s ^{has} already been filed on 28-4-97 at page 41 to 65.

In view of the order passed in M.P.No.125/97 the case ~~is~~ listed for hearing on 8.7.97.


Member


Vice-Chairman

pg

1315 / 10 / 10 / 10

Memo of appearance not yet filed.

8.7.97

There is no representation on behalf of the applicant. The case is dismissed for default..

ba
Member

LB
Vice-Chairman

nkm
9/17

3.10.97

In view of the order passed in M.P.278/97 the Original Application is restored to file.

List for hearing on 2.1.98.

By order

pg

2-1-98

There is no representation on behalf of the applicant. Case is dismissed for default.

ba
Member

LB
Vice-Chairman

lm
6/11/98

11.2.98

In view of the order passed in Misc. Petition No.12/98 the original application is restored to file. Fix it on 21.5.98 for hearing.

ba
Member

LB
Vice-Chairman

nkm

20/5

21.5.98

Heard in part. Adjourn to 25.5.98
By order.

25.5.98

Adjourn to 29.5.98.
By order.

14.7.97

Copy of order has been sent to the D/Sec. for issue in case to the L/Adv of the parties.

14/7

w/s has been filed on respondents.

111

16/11

Copy of the order has been sent to the D/Sec. for issue in case to the L/Advocates of the parties.

Issued with D.N. 196 M/97 d. 27.1.98

w/s has been filed on respondents.

w/s has been filed on respondents.

29.5.98

Mr B.K.Sharma, learned counsel for the applicant prays for a short adjournment because he has to receive some more instructions. Prayer allowed.

List on 9.6.98 for hearing.

20

Member

Vice-Chairman

pg

175
176

9.6.98
21

part heard list on 22.6.98.

By order

22.6.98

Mr S. Sarma, learned counsel for the applicant prays for a short adjournment for receiving some instructions. Let this case be listed on 30.6.98.Rs

10/5 - has been billed - 22
29/6

Member

Vice-Chairman

nkm

23/6

30.6.98 Adjourned to 8.7.98.

23

By order

10/5 has been billed
10/8

8.7.98

24

To be listed along with other cases on 11.8.98.

By order

11.8.98

24

On the prayer of the learned counsel for the parties this case is adjourned till 13.8.98.

Member

Vice-Chairman

(7)

O.A. 75/96

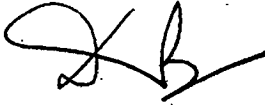
13.8.98

On the prayer of Mr.

B.K.Sharma, learned counsel appearing on behalf of the applicants this case is adjourned till 20.8.98.

List on 20.8.98.


Member


Vice-Chairman

trd

25
17/8

20.8.98

On the prayer of Mr B.K.Sharma, learned counsel for the applicant the case is adjourned to 25.8.98 for hearing.


Member


Vice-Chairman

pg

28
21/8

25.8.98

On the request of Mr B.K.Sharma, learned counsel for the applicant this case is adjourned till 28.8.98.


Member


Vice-Chairman

nkm

28
20/8

28.8.98 Left over. Ad'oned to 11-9-98.

on order

11.9.98

On the prayer of Mr B.K.Sharma, learned counsel for the applicant the case is adjourned to 12.11.1998.


Member


Vice-Chairman

pg

25
19/9

w/s has been filed

*20
19/8*

w/s has been filed

*29
29/8*

w/s has been filed

*29
10/9*

8

10-12-98

Written statement -
has been filed

12-11-98

Division Bench is not available.
Case is adjourned to 11-12-98.

By Order

10/12/98

11-12-98

There is no representation. Case
is adjourned to 28-12-98 for hearing.

By Order

24-12-98

Written statement -
has been filed

lm

24/12/98

21/12/98

28.12.98

On the prayer of Mr S. Sarma, learned
counsel for the applicant the case is
adjourned to 4.1.99.

Member

Vice-Chairman

4.1.99

Case is ready for
hearing.

pg

29/12/98

4.1.99

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

16.2.99

Copies of the Judgment
issued vide D. Nos.
315 to 318 on 1.2.99
through Regd. Mail A/D
to the parties.

nkm

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :::GUWAHATI-5.

O.A.No. 75 of 1996

DATE OF DECISION.....4.1.1999.....

Shri Hari Ram and others (PETITIONER(S))

Mr B.K. Sharma and Mr S. Sarma ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India and others RESPONDENT(S)

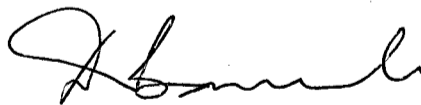
Mr B.C. Pathak, Addl. C.G.S.C.

THE HON'BLE MR JUSTICE D.N. BARUAH, VICE-CHAIRMAN

THE HON'BLE MR G.L. SANGLYINE, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.75 of 1996

Date of decision: This the 4th day of January 1999

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

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

1. Shri Hari Ram
2. Shri Sunil Ghosh
3. Shri Gopala Kr Nair
4. Shri Ashoke Kr Das
5. Mrs Reena Ghosh
6. Shri Dilip Kr Sarkehi
7. Shri Radheshyam Ram
8. Shri Rajendra Prasad Singh
9. Shri Manindra Chandra Das

All are Group 'C' and 'D' employees of
Geological Survey of India serving in the
States of North Eastern Region.

.....Applicants

By Advocates Mr B.K. Sharma and Mr S. Sarma.

- versus -

1. The Union of India, through the
Secretary, Ministry of Steel & Mines,
Government of India, New Delhi.
2. The Director General,
Geological Survey of India,
Calcutta.
3. The Deputy Director General,
Geological Survey of India,
North Eastern Region,
Shillong.

.....Respondents

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

.....

O R D E R

BARUAH.J. (V.C.)

In this application the applicants have challenged the Annexure 6 order dated 29.12.1998 issued by the Deputy Director General, Geological Survey of India, North Eastern Region, Shillong- respondent No.3.

2. The applicants as per the provisions of Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987 prayed for an order allowing

them to pursue the case by a single application. This Tribunal by order dated, 24.5.1996 allowed the applicants to proceed with the case by this single application.

3. The contention of the applicants is that they are from various parts of the country posted in the North Eastern Region and they are not residents of the North Eastern Region. The applicant No.1 was appointed in Nagpur and transferred to various places of the country. Ultimately he was transferred to the North Eastern Region on 12.8.1980 and since then he has been posted in the North Eastern Region. The applicant No.2 was appointed in Calcutta and he was transferred to the North Eastern Region in June 1977 and since then he has been serving in the North Eastern Region. The applicant No.9 was initially appointed at Bangalore and he was transferred to the North Eastern Region on 1.7.1977 and since then he has been serving in the North Eastern Region. The other applicants were appointed in the North Eastern Region though they are not permanent residents of the North Eastern Region. These applicants, namely, applicant Nos.3 to 8 were appointed on the basis of All India Recruitment and posted in the North Eastern Region. According to them they are not permanent residents of the North Eastern Region.

4. On 14.12.1983 the Government of India, Ministry of Finance issued Annexure 1A Office Memorandum granting certain allowances and facilities to the employees working in the North Eastern Region including Special (Duty) Allowance (SDA for short). The said office memorandum was issued with the sole idea of attracting and retaining employees from outside the region because there was dearth of local employees and employees from outside the North Eastern Region were unwilling to come

to.....

to this region. A fixed amount of SDA is paid to the employees. This office memorandum was later on modified by Annexure 1B Office Memorandum dated 20.4.1987. The applicant No.1, though he was transferred before the introduction of the scheme by Annexure 1A Office Memorandum, he was not given the SDA. Therefore, he filed an Original Application No.37(G)/89 before this Tribunal. This original application was disposed of by order dated 29.6.1990 by directing the respondents to pay the SDA to him. No appeal was filed against the said order. Another application was filed by the Employees Association of Geological Survey of India and others before this Tribunal against the denial of payment of SDA to the members of the association. The said application was registered and numbered as Original Application No.183/1990. This Tribunal by order dated 12.9.1991 gave direction to the respondents to pay SDA to the members of the association. In the said Original Application No.183/90 the present applicant No.2 was one of the members of the association at the time of filing of the application. Against the order of the Tribunal an SLP was filed before the Supreme Court (C.A.No.8208-8213 of 1995 arising out of SLP Nos.1245-55/92) by the Union of India. The Supreme Court disposed of the said SLP by order dated 7.9.1995. In the said order the Supreme Court observed thus:

".....It appears to us that although the employees of the Geological Survey of India were initially appointed with an all India transfer liability, subsequently Government of India framed a policy that Class C and Class D employees should not be transferred outside the region in which they are employed. Hence, all India transfer liability

B

no longer continues in respect of group C and D employees. In that view of the matter, the Special Duty Allowance payable to the Central Government employees having all India transfer liability is not to be paid to such group C and D employees of Geological Survey of India who are residents of the region in which they are posted." (emphasis added).

5. After the Annexure 5 judgment of the Supreme Court dated 7.9.1995, respondent No.3 issued Annexure 6 office order dated 29.12.1995. By the said order it was directed as follows:

".....In compliance of the order of the Hon'ble Supreme Court, Special Duty Allowance currently being paid to Group 'C' and 'D' employees of Geological Survey of India shall not be paid w.e.f. 01.01.1996."

Being aggrieved by the above order the applicants have filed the present application.

6. In due course the respondents have entered appearance and have filed written statement. The contention of the respondents as it appears from the written statement is that in view of the regionalisation the SDA should not be paid to the Group 'C' and 'D' employees working in the North Eastern Region.

7. We have heard Mr B.K. Sharma, learned counsel for the applicants and Mr B.C. Pathak, learned Addl. C.G.S.C. Mr Sharma submits that this Tribunal gave a final order on the basis of the original application No.37(G)/89 filed by the applicant No.1, holding that the applicant No.1 was entitled to SDA. No appeal was filed against that judgment. According to Mr Sharma the said judgment of the Tribunal reached its finality so far as applicant No.1 is concerned. The applicant No.2 was a party to the original application No.183/90 and the Tribunal in this case also directed payment of SDA to the members of the association in

which.....

which the applicant No.2 was also a member. On appeal, the Supreme Court passed the Annexure 5 order dated 7.9.1995, portion of which have already been quoted. Besides, Mr Sharma submits that the applicant Nos.1, 2 and 9 were appointed outside the North Eastern Region prior to 1980 and the authority had transferred them to the North Eastern Region between 1977 and 1980. In respect of the other applicants Mr Sharma has very strenuously argued that, no doubt, these applicants were recruited in the North Eastern Region, but they were appointed on the basis of All India Recruitment and they do not belong to the North Eastern Region. Therefore, in spite of the Annexure 5 judgment of the Supreme Court, these applicants are also entitled to get SDA. Mr B.C. Pathak learned Addl. C.G.S.C., on the other hand, submits that the present applicants are not entitled to get the SDA as per the spirit of the Annexure IA Office Memorandum dated 14.12.1983 and in the light of the observations made by the Supreme Court in the case of Chief General Manager (Telecom), N.E. Telcom Circle -vs- Rajendra Ch Bhattacharjee reported in (1995) AIR 813.

8. On hearing the learned counsel for the parties we are of the opinion that the Annexure 5 judgment dated 7.9.1995 of the Supreme Court has clearly mentioned that the SDA is not payable to those employees who are residents of the North Eastern Region. It is not possible for this Tribunal to come to a definite conclusion in the absence of necessary facts as to whether the present applicants are residents of the North Eastern Region or not. The Annexure 6 order dated 29.12.1995 also does not indicate that this was issued after taking into consideration of the fact that

the.....


the applicant Nos.1, 2 and 9 were transferred from outside to the North Eastern Region. Therefore, we feel it will be apposite if the matter is sent to the respondent No.3 to consider the following:

- A) Whether the applicant No.1, in whose favour this Tribunal gave direction by order dated 29.6.1990 passed in original application No.37(G)/89 to pay the SDA and there being no appeal against that order, is entitled to get the SDA even after the Annexure 5 judgment dated 7.9.1995 of the Supreme Court.
- B) Whether the applicant Nos.1, 2 and 9 who were transferred to the North Eastern Region from outside prior to the Annexure 3 regionalisation which came into effect from 1.8.1984, are entitled to get SDA even after the Annexure 5 judgment dated 7.9.1995 of the Supreme Court.
- C) The respondent No.3 shall further consider whether the applicant Nos.3 to 8 are residents of the North Eastern Region and not entitled to SDA as indicated in the Annexure 5 judgment dated 7.9.1995 of the Supreme Court.

The respondent No.3 shall decide these points after taking into consideration of the relevant rules and law and dispose of the matter as early as possible at any rate within a period of three months from the date of receipt of this order. As prayed by the learned counsel for the applicants, before a decision is taken by respondent No.3 a personal hearing may be given to the applicants or their representative.

9. The application is accordingly disposed of. No order as to costs.


(G. L. SANGLYINE)
ADMINISTRATIVE MEMBER


(D. N. BARUAH)
VICE-CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

O.A. No. 78/96

Sri. Hari Ram & ors.
..Applicants.

- vs -

The Union of India & ors
..Respondents.

LIST OF DETES

1. 16-12-64 :- The applicant No. 1 was initially appointed in the Indian Bureau of Mines and was posted at Nagpur and he is a permanent resident of State of U.P.

- 1(A) 12-8-80 :- The applicant was transferred to the North Eastern Region and since then he has been serving here.

2. 7-7-74 :- The applicant No.2 was initially appointed in the department of Geological Survey of India, Calcutta and he is a permanent resident of Calcutta.

- 2.(A) June 1977 :- The applicant was transferred from Calcutta to N.E. Region.

3. Sept. '74 :- The applicant No.3 was appointed in the Dept. of GSI, Kerala and was posted at Shillong and he is a permanent resident of Kerala.

contd. ...p/2.

Filed by
Siddhanta Sin
Advocate
8-4-97
R

4. April 1977 :- The applicant No.4 who is a Permanent resident of Ichapur, West Bengal was appointed in the G S I in April 1977 and was posted at Shillong.
5. January '83 :- The applicant No.5 is a permanent resident of state of West Bengal also wife of applicant No.2 was appointed in the G . S I and was posted at Shillong.
6. April '77 :- The applicant No.6 is a Permanent resident of West Bengal and he was appointed in the GSI in April '77 at Shillong.
7. December '80 :- The applicant No.7 is a permanent resident of Bihar and he was appointed in the GSI and was posted at Shillong in Dec. '80.
8. Nov. '82 :- The applicant No.8 is a permanent resident of Bihar and he was appointed in the GSI in Nov. '82 and posted at Shillong.
- 9.8-12-72 :- The applicant No.9 is a permanent resident of West Bengal and he was appointed initially at Bangalore and he was subsequently transferred to Shillong on 1-6-77.
10. 14.12.83 :- Office Memorandum issued by Govt. of India giving the benefit of SDA to the Central Govt. Employees. ANNEXURE-1(A)(page-20)

11. 29.10.86 :- Office Memorandum clarifying the position
&
20.4.87 for grant of special duty allowances to
the Central Govt. employees who have All
India Transfer Liability and who are pre-
sently posted at North Eastern Region and
who are not permanent resident of N.E.
Region. ANNEXURE -1 (B)(page-29)
12. 1.10.81 :- Govt. of India issued a letter deciding
transfer of administrative control over
group-C and group - D posts to the respec-
tive GSI units. Thus the Govt. of India
rationalised the services of Group - C
and group - D employees of GSI.
ANNEXURE - 2 (page 32)
13. 23.7.84 :- The aforesaid rationalisation came to effect
with effect from 1.8.84 in the form of a circular.
ANNEXURE -3 (page 35)
14. 19.6.90 :- Govt. of India issued a Circular clarifying
that the group - C and D posts will be fi-
lled up on regional basis and the clause
All India Transfer Liability will not be xx
there in respect of group - C and D posts.
ANNEXURE-4 (page-37)

Persuant to ANNEXURE-4 Circular the
authority stopped the payment of SDA to gr-
oup - C and group -D employees of N.E. Reg-
ion and being agreed the stoppage of SDA
some employees approached the Hon'ble
Tribunal in O.A. Nos. 182/90 and 183/90 in

which this Hon'ble Tribunal held that the group C and D employees are also entitled to SDA.

15. 7.9.95 :- Being agreed by the aforesaid judgement and order dated 12.9.91 authority concerned approached the Hon'ble Supreme Court. The Hon'ble Supreme Court vide Its order dated 7.9.95 disposed of the aforesaid appeals and held that " the special duty allowance payable to the Central Government Employees having All India Transfer Liability is not to be paid to such group -C and D employees of Geological Survey of India who are resident of the region in which they are posted. The Hon'ble Supreme Court has also reiterated the pronouncement in the case of UNION OF INDIA & ORS. - Vs- S. Vijay kumar & ors. ANNEXURE- 5 (page38).

16. 29.12.95. :- The Deputy Director General of GSI N.E. Region issued a letter by which it was declared that in complince of the order of the Supreme Court SDA currently being paid to group -C and D employees of GSI shall not be paid w.e.f. 1.1.96.
ANNEXURE- 6 (page-40).

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

(An application under Section 19 of the Administrative
 Tribunals Act, 1985)

Title of the case : O.A. No. 75 of 1996

Shri Hari Ram & Others ... Applicants

- Versus -

Union of India and others ... Respondents

I N D E X

Sl.No.	Particulars of the documents	Page Nos.
1.	Application ...	1 to 19
2.	Verification ...	19
3.	Annexure-1A : Office Memo dt. 14.12.83	20 - 28
4.	Annexure-1B : ...	
4.	Annexure-1B -do- dt. 20.4.87	29 - 31
5.	Annexure-2 : Letter dated 1.10.81	32 - 34
6.	Annexure-3 : Circular dtd. 23.7.84	35 - 36
7.	Annexure-4 : Circular dtd. 19.6.90	37
8.	Annexure-5 : Order of the Supreme Court dated 7.9.95	38-39
9.	Annexure-6 : Impugned order dt. 29.12.95	40
10.	<i>w/s</i>	41-51

For use in Tribunal's Office :

Date of filing	: 20.5.96
Registration No.	: 75/96
Registrar	

*Recd Copy
 Golap Jaiswar
 Advy CH SC
 CMT
 Guntakal
 1/5/96*

*Administrative Tribunal
 126
 20 MAY 1996*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Filed by
P.K. D. Waring, Advocate
8.4.96

O.A. No. 75 of 1996

BETWEEN

1. Shri Hari Ram,
2. Shri Sunil Ghosh,
3. Shri Gopala Kr. Nair,
4. Shri Ashoke Kr. Das,
5. Mrs. Reena Ghosh,
6. Shri Dilip Kr. Sarkehl,
7. Shri Radheshyam Ram
8. Shri Rajendra Prasad Singh
9. Shri Manindra Chandra Das

All are Group 'C' and 'D' employees of Geological Survey of India serving in the States of North Eastern Region - old Administrative Building, Shillong-3.

... Applicants

AND

1. The Union of India, through the Secretary, Ministry of Steel and Mines, Government of India, Shastry Bhawan, New Delhi-1
2. The Director General, Geological Survey of India, 27, Jawaharlal Nehru Road, Calcutta - 16.
3. The Deputy Director General, Geological Survey of India, North Eastern Region, Asha Kutir, Laitumkhra, Shillong-3.

... Respondents

DETAILS OF APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:

This application under Section 19 of the Administrative Tribunals Act, 1985 is directed against :

Contd...P/2.

(a) Office order No. 5458/12/SLP-SDA/92 dated 29th December 1995, passed by the Deputy Director General, Geological Survey of India, North Eastern Region, Shillong, stopping the payment of Special Duty Allowance to all the Group 'C' and 'D' employees of the Geological Survey of India posted in the North Eastern Region.

2. JURISDICTION OF THE TRIBUNAL :

The applicant declares that the subject matter of the instant case is within the jurisdiction of the Tribunal.

3. LIMITATION :

As under the relevant service rules no appeal lies against the impugned order dated 29th December 1995 therefore, the impugned order is a 'final order' within the meaning of Section 20 of the Administrative Tribunals Act, 1985. Since the instant application is being filed within the prescribed limitation period of one year from the date of passing of the impugned order, therefore, it is stated that the ~~impugned order~~ instant application fulfils the legal requirements of limitation as laid down under Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE :

4.1 That the applicants in the instant case are aggrieved by the office order No. 5458/12/SLP/SDA/92 dated 29th December 1995, passed by the Deputy Director General, Geological Survey of India, North Eastern Region

(Respondent No. 3) pursuant to which the payment of Special Duty Allowance (hereinafter alluded to as 'SDA') to all the Group 'C' and 'D' employees of the Geological Survey of India (hereinafter referred to as the 'GSI' for the sake of brevity) has been stopped with effect from 1.1.1996. The impugned order has been passed purportedly in compliance of the order of the Supreme Court in Civil Appeal No. 8208-8213/1995 (UOI Vs. Sri Sunil Ghosh & Ors.) wherein the Supreme Court has held that "the Special Duty Allowance payable to the Central Government employees having all India transfer liability is not to be paid to such group 'C' and 'D' employees of Geological Survey of India who are residents of the the region in which they are posted." (emphasis added).

The applicants have common grievance arising out of Common cause of action hence joined together in a joint application under S 4(b)(i) of CATS (Procedure) Act 1977

The applicants' case before this Hon'ble Tribunal is that they are not the residents of the North Eastern Region in which they are posted and as such the order of the Supreme Court in the case of UOI Vs. Shri Sunil Ghosh and ors. has no application in their case. According to the applicants, the impugned order dated 29th December 1995 wrongly applies the ratio of the Supreme Court's order in the case of UOI Vs. Sunil Ghosh and ors. In their case, and illegally deprives them of the payment of SDA. As the applicants have a common grievance emanating from a common cause of action, therefore, they have come before this Hon'ble Tribunal in a joint petition for the redressal of their common grievance.

The aforesaid in brief is the crux of the the subject matter of the instant case. The applicants now state the facts of the case in seriatim.

4.1 As whether or not the applicants can be described as the residents of the North Eastern Region is of great relevance in determining and adjudicating the issues involved in the instant case, therefore, it would be apposite to give the brief account of the applicants' service career and nature of their physical presence in the North Eastern Region.

(a) The applicant No. 1 is the permanent resident of the State of Uttar Pradesh in Aryanagar, Lucknow. In official records also his permanent residential address has been shown in the State of U.P. He was initially appointed on 16.12.64 in the Indian Bureau of Mines and was posted at Nagpur. In 1966 the Indian Bureau of Mines was amalgamated with the Geological Survey of India. After the merger the applicant was transferred to Jaipur in Rajasthan and from there subsequently, to Lucknow in U.P. (which also happens to be applicant's home town). From Lucknow, on 12.8.80, the applicant was transferred to the North Eastern Region and since then he has been serving here.

(b) The applicant No. 2 is the permanent resident of Rabindra Palli, P.O. Prafulla Kanan, Calcutta-59 in the State of West Bengal. At the time of joining the GSI, the applicant's home town was Jalpaiguri in the State of West Bengal. However, subsequently, the applicant's family permanently shifted to Calcutta. At present in the official records also the applicant's permanent address has been shown

to be in Calcutta. After the recruitment in the GSI, the applicant's first appointment was in Calcutta on 7.7.74. From Calcutta he was transferred to the North Eastern Region in June 1977 in Public interest. Thus since 1977 the applicant has been serving in the North Eastern Region.

- (c) The applicant No. 3 is the permanent resident of Thozuvaretala House, Pawgappara, Kazhakuttam, Trivandrum, Kerala. In September 1974 he was appointed in the GSI and was posted at Shillong in the North Eastern Region.
- (d) The applicant No. 4 is a permanent resident of ~~Kharax~~ Ichapur, Nabalganj, 24 Parganas, West Bengal. He was appointed in GSI in April 1977 and was posted at Shillong in the North Eastern Region.
- (e) The applicant No. 5 is also a permanent resident of Rabindra Palli, P.O. Prafulla Kanan, Calcutta-59, in the State of West Bengal. She is the wife of applicant No.2. She was appointed in GSI in Jan. 1983 and was posted at Shillong in the North Eastern Region.
- (f) The applicant No. 6 is a permanent resident of village Dubisleheri, P.O. Karicha Via Singur, Dist. Hooghly, Chandan Nagar, West Bengal. He was appointed in GSI in April 1977 at Shillong in the North Eastern Region.
- (g) The applicant No. 7 is a permanent resident of village Chhotkadhakich, P.O. Barakadhakaich, Dist. Bhojpur, Biha. He was appointed in GSI in December 1980 and was posted at Shillong in the North Eastern Region.

- (h) The applicant No. 8 is a permanent resident of village Purana Kathar, P.O. Chaukia, Dist. Bhojpur, Bihar. He was appointed in GSI in November 1982 and was posted at Shilling in the North Eastern Region.
- (i) The applicant No. 9 is a permanent resident of Balagarh Road, P.O. Sahaganj, Dist. Hooghly, West Bengal. He was appointed in GSI on 8.12.72 and was initially posted at Bangalore in the Karnataka Circle. He was subsequently transferred to Shillong on 1st June 1977 and since then he has been serving in the North Eastern Region.

4.2 It is, therefore, seen that all the nine abovementioned applicants are the permanent residents of places outside the North Eastern Region. In the case of applicant No. 1, 2 and 9 after their appointment to the GSI they were initially posted to the places outside the North Eastern Region and were subsequently transferred to the North Eastern Region from outside. Though in the case of remaining applicants their first appointment was in the North Eastern Region itself but it is noteworthy that all of them came from outside the North East to the North East for the sake of job and incentives attached to it. Moreover at the time when applicants were given appointments in the GSI they had all India transfer liability. Be that as it may, it is only for carrying out their official duties that the abovementioned nine applicants are at present in the North East Region and their permanent dwelling house/place is outside the North Eastern Region.

Contd....P/7.

4.3 In respect of person working in North Eastern Region, Government of India have passed from time to time certain orders conferring certain benefits to such persons taking note of the hardships prevalent in the region. One such benefit is Special Duty Allowance. There are three different office memorandums of the Government of India which lay down the conditions on the fulfilment of which the Central Government employee is entitled to get the benefit of SDA. The three office memorandums are (i) office memorandum dated 14.12.83 ; (ii) office memorandum dated 29.10.86 and (iii) office memorandum dated 20.4.87.

The office memorandum dated 14.12.83 is on the subject of "Allowances and facilities for civilian employees of the Central Government serving in the States and Union Territories of the North Eastern Region - Improvement thereof." As per this memorandum, the allowance shall be payable if the posts be those which have "All India Transfer liability."

If this office memorandum is read along with two other subsequent memorandums dated 29.10.86 and 20.4.87, it becomes clear that the special duty allowance is meant to attract persons outside the North Eastern Region to work in this region because of inaccessibility and difficult terrain. In this connection, it is noteworthy that the 1983 memorandum starts by saying that the need for allowance was felt for "attracting and retaining" the service of the competent officers for

Contd.....P/8.

service in the North East Region. The 1986 memorandum makes this position clear by stating that Central Government civilian employees who have All India Transfer liability would be granted the allowance "on posting to any station to the North Eastern Region." This aspect is made clear beyond doubt by the 1987 memorandum which stated that allowance would not become ~~more~~ payable merely because of the clause in the appointment order relating to All India Transfer liability.

1.4 All the three office memorandums, if read harmoniously make it apparent that existence or non-existence of clause in regard to "All India Transfer Liability" of a Central Government employeex does not have much relevance in determining whether or not a Central Government employee is entitled to get SDA. In this connection, the only relevant aspect is whether a Central Government employee is a resident of a place outside the North East Region and whether on getting employment in a Central Government service, from outside the North East Region he has come to North East Region to perform his official duties. Therefore, in a given case if a Central Government employee is a resident of a place outside the North East Region and after his appointment is posted or transferred to the North East Region then he is entitled to be given SDA and the presence or absence of an "All India Transfer Liability" clause in his letter of appointment does not have any relevance in determining his entitlement to get SDA.

Contd.....P/9.

Copies of ~~the~~ ^{1st and 3rd} ~~three~~ memorandums in chronological order are annexed hereto and marked as ANNEXURES 1A, 1B ^{and} ~~and~~ ~~1C~~ respectively.
Respondents may be directed to produce the Memo dated 29.10.86

4.5 The legal propositions in regard to the payment of SDA, as enunciated herein above, is in conformity with the law laid down by the Supreme Court in the case of "Union of India and others Vs. S. ~~Vijaya~~ Vijaya Kumar and others," 1994 SUPP(3) SCC 649. In this case it was held by the Supreme Court that those Central Government employees who are residents of the North East Region are not entitled to get SDA even though the posts to which they are appointed are of "All India Transfer Liability". Though in this case the Supreme Court did not define as to who can be called resident or non-resident of the North Eastern Region but the Court emphasised that the SDA should be given to only those Central Government employees who are posted to North Eastern Region from a place outside the North Eastern Region and who are not the residents of the North Eastern Region. While stating so the Supreme Court did not attach any relevance to the presence or absence of an "All India Transfer Liability clause" in the appointment order of the Central Government employee.

4.6 That after recruitment of the applicants to the GSI on an all India basis and after their transfer and posting from places outside the North Eastern Region to the North Eastern Region, till 1984 their terms of appointment with the GSI carried with it a liability

to serve in any part of India. Hence till 1984, the Group 'C' and 'D' employees working in the North Eastern Region were paid SDA.

4.7 However, during 1981 the Government of India vide letter No. J-11011/101/78-M.2 dated 1.10.1981 decided to transfer administrative control over Group 'C' and 'D' posts to the respective Sr. DDGs/DDGs/Incharge of Regional Offices/Divisions of the GSI. While transferring administrative control over Group 'C' and 'D' posts to the respective DDGs of regions/Divisions, no option was given to the employees to elect allotment to a particular Region/Division and the instruction to this effect was specifically given in the order. Thus when the Government of India directed the regionalisation of the services of Group 'C' and 'D' employees of the GSI, the Group 'C' and 'D' employees who come from the places outside the North Eastern Region to the North Eastern Region were offered a fait accompli. They either had the option of leaving the job or to serve in the North Eastern Region for the remaining part of their service career. They were thus compelled to choose the least ominous of the two - the latter.

Copy of the letter dated 1.10.81 is annexed hereto and marked as ANNEXURE: 2.

4.8 That in pursuance of the Government of India's letter dated 1.10.81, the Director General, GSI constituted separate cadres for Group 'C' and 'D' employees on regional basis as per posts allotted to them as on 1.8.84. The regionalisation, therefore, came into

effect from 1.8.84. The aforesaid change was brought in pursuant to the circular No. E 5219C/A-11021/82-16A, Vol. I dated 23.7.84.

Copy of the Circular dated 23.7.84 is annexed hereto and marked as ANNEXURE: 3.

4.9 Since pursuant to the regionalisation of Group 'C' and 'D' cadres of the GSI the all India transfer liability was no more as such posts were filled up on regional basis, the GSI issued a circular dated 19.6.90 that the clause in the offer of appointment namely, the appointment carried with it a liability to serve in any part of India is no more valid for Group 'C' and 'D' posts due to the fact that such posts are filled up on regional basis.

Copy of the circular dated 19.6.90 is annexed hereto and marked as ANNEXURE: 4.

4.10 That pursuant to the Annexure: 4 circular dated 19.6.90, the GSI authority stopped the payment of SDA to the group 'C' and 'D' employees posted in the North East Region on the ground that they do not have all India transfer liability. This prompted the employees ~~of the Region~~ to approach the Gauhati Bench of the Central Administrative Tribunal wherein the Hon'ble Tribunal in O.A. No. 182 of 1990 and 183 of 1990 vide its Judgment dated 12.9.91 held that the Group 'C' and 'D' employees are entitled to SDA.

Contd....P/12

4.11 The Judgment of the Tribunal dated 12.9.91 was a subject matter of challenge before the Supreme Court in Civil Appeal No. 8208 - 8213 of 1995 arising out of SLP Nos. 12450-55/92, filed by the Union of India. The Supreme Court vide its order dated 7.9.95 disposed of the aforesaid appeals and held that "the Special Duty Allowance payable to the Central Government employees having all India Transfer Liability is not to be paid to such Group 'C' and Group 'D' employees of Geological Survey of India who are residents of the region in which they are posted." (emphasis added). While holding so the Apex Court reiterated the pronouncement in the case of Union of India and others Vs. S. Vijay Kumar and others.

Copy of the order of the Supreme Court dated 7.9.95 is annexed hereto and marked as

ANNEXURE: 5.

4.12 That it is pertinent to note that the Supreme Court in its Annexure:5 order emphasised the factum of residence in the North Eastern Region as the only relevant factor to be considered while determining the eligibility of the employees to get SDA. While stating so the Apex Court did not make any mention of "All India Transfer Liability" as a factor which might be taken into consideration while determining and deciding the question of payment of SDA to the Central Government employee posted in the North Eastern Region.

4.13 That pursuant to the Annexure:5 order of the Supreme Court, the Deputy Director General, Geological Survey of India, North Eastern Region, vide office

order No. 5426/12/SLP-SDA/92 dated 29th December 1995 declared that in compliance of the order of the Supreme Court, Special Duty Allowance currently being paid to Group 'C' and 'D' employees of the GSI shall not be paid w.e.f. 1.1.96. While stating so the order conveniently and selectively quoted out of context that part of the order of the Supreme Court where the Court had unequivocally stated the well accepted official position that all India transfer liability no longer continues in respect of Group 'C' and 'D' employees. It is stated that there is no dispute with the fact that the All India Transfer Liability no longer continues in regard to Group 'C' and 'D' employees of the GSI posted in the North Eastern Region, but this has happened only since 1984. Hence the employees who are the residents of the places outside the North Eastern Region and were posted or transferred to the North Eastern Region prior to 1984 and were working in the North Eastern Region since then, cannot be held to be the residents of the North East Region just because they do not have All India Transfer liability and they are liable to be transferred only within the North East Region. This is because factum of being the residents of the North Eastern Region cannot be determined on the basis of All India Transfer liability a fact, recognised and accepted by the Supreme Court.

Copy of the order of DDG, GSI dated 29th December 1995 is annexed hereto and marked as ANNEXURE-6.

4.14 That pursuant to the Annexure-6 order of the DDG, since 1.1.96, the Group 'C' and 'D' employees of the

GSI posted in the North East Region have not been paid the SDA. It is stated that Annexure:6 order has greatly disturbed and pained those Group 'C' and 'D' employees who were posted and transferred to the North Eastern Region from places outside the North Eastern Region prior to 1984. By no stretch of imagination can it be held that the regionalisation scheme of 1984 and discontinuation of All India Transfer liability clause has made these employees the residents of North Eastern Region. Hence the deprivation of these employees from getting SDA is unjust and improper.

4.15 That in the facts and circumstances of the case, the following issues arise for the determination and adjudication of this Hon'ble Tribunal :

- (a) Whether the regionalisation scheme of 1984 and discontinuation of All India Transfer liability clause in 1990 has made all the Group 'C' and 'D' employees posted or transferred to the North Eastern Region from places outside the North Eastern Region prior to 1984, the residents of North Eastern Region?
- (b) What is the true import and ratio of Judgment of the Supreme Court in the Vijay Kumar's case as well as in the GSI's case ?
- (c) When can a Group 'C' and 'D' employees posted or transferred to the North East Region prior to 1984 from places outside the North East Region, be described as the 'resident' of the North Eastern Region ?

4.16 That all the applicants in the instant case were transferred and posted to the North East Region prior to 1984 from places outside the North East Region when the regionalisation scheme of 1984 was not in vogue. In all the cases, the permanent residences of the applicants are in places outside the North East Region; In official records also, the permanent addresses of all these applicants have been shown to be in the places outside the North East Region and these applicants have no intention of permanently settling in the North East Region. They are here only for carrying out their official duties and on reaching the age of superannuation they would leave this region and they would go back to their original home towns. The instant case is not a case where the applicants were posted or transferred to the North East Region after 1984. Had it been so, the case would have been different because the persons getting appointment to the GSI after 1984 would have been aware of their permanent official state in a specific region and it could be said in their cases that they volunteered for it. However, these applicants who were all posted and transferred to the North East Region from places outside the North Eastern Region are the victims of the circumstances because the regionalisation scheme was imposed upon them, that too at a time when they were posted to the North Eastern Region from outside places. Hence it cannot be held that all these applicants are the residents of North Eastern Region and thus are not entitled to get SDA.

4.17 That the Annexure-4 circular dated 19.6.90 categorically states that the appointees recruited in Group 'C' 'D' cadres on 1.8.84 or thereafter do not carry

All India Service liability. Since all the applicants in the instant application were appointed prior to 1.8.84 therefore, they very much have All India Service Liability. Moreover, the regionalisation was carried out only w.e.f. 1-8-84 therefore, those who were appointed prior to 1.8.84 can not be clubbed under the said regionalisation scheme and deprived of the S.D.A.

4.18 That since the regionalisation scheme was carried out only on 1.8.84 it cannot be held that those who were appointed prior to 1.8.84 have ceased to have All India Service liability and as such, they are not entitled to be given SDA. The appointment of the applicants prior to 1.8.84 is a significant factor which cannot be lost sight of in deciding and determining the question ~~of~~ as to whether the applicants have All India Transfer liability or not. The respondents having failed to consider this important aspect of the matter have committed grave error of law and wrongly held that the applicants are not entitled to get SDA.

4.19 That the applicants file this application bonafide and to secure the ends of justice.

5. GROUND'S FOR RELIEF WITH LEGAL PROVISIONS :

5.1 That the impugned order dated 29.12.95 misread/misinterpreted the order of Supreme Court passed in Civil

Appeal No. 8208-8213/95 though the impugned order purports to be in conformity with the impugned Judgment and Order of the Supreme Court ; but in fact it misinterprets the said order to the detriment of the applicants.

5.2 That the impugned order is not in conformity with the Judgment and order of the Supreme Court passed both in S. Vijaya Kumar's case and also in GSI's case and thus liable to be set aside and quashed on this ground alone.

5.3 That the judgment and order of the Hon'ble Supreme Court emphasises upon the factum of residence in the North East Region as being the only parameter to determine the eligibility or otherwise of the employees to get SDA. However, contrary to it the impugned order lays undue stress upon the discontinuance of all India Transfer liability clause to deprive the Group 'C' and 'D' employees from getting SDA.

5.4 That the impugned order dated 29.12.95 has been passed arbitrarily and in total non-application of mind to the ratio laid down by the Supreme Court in its Judgment and order passed in S. Vijaya Kumar's case and GSI's case.

5.5 For that the impugned order fails to consider the cases of all those Group 'C' and 'D' employees of the GSI who were transferred and posted to the North Eastern Region prior to 1984 from places outside the

North Eastern Region. The impugned order ignores the fact that it was a lure of drawing of SDA which was one of the primary factors in bringing these employees to the North Eastern Region. Hence by framing and formulating the regionalisation scheme and discontinuing the all India transfer liability clause, these employees cannot be held to be residents of the North Eastern Region and thus deprived of their SDA.

5.6 That the impugned order ignores the fact that there are two different categories of Group 'C' and 'D' employees. The first category is of those who were transferred and posted to the North Eastern Region prior to 1984 from places outside the North Eastern Region, while the second category ~~is~~ is of those Group 'C' and 'D' employees who were appointed in GSI on regional basis after 1984. There is no dispute about the fact that the second category of group 'C' and 'D' employees of the GSI are not entitled to get SDA while the same thing cannot be said in regard to the first category of Group 'C' and 'D' employees.

5.7 That the impugned order dated 29.12.95 also violates the three office memorandum of the Government of India pursuant to which the very scheme of granting the SDA was formulated.

5.8 For that the impugned order is unjust, unfair and unreasonable and thus liable to be set aside and quashed.

5.9 That the applicant having been appointed prior to 1.8.84 it cannot be held that they do not have All India Transfer liability.

6. DETAILS OF REMEDIES EXHAUSTED :

The applicants declare that they have no other alternative remedy other than approaching this Hon'ble Tribunal

7. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT :

The applicants further declare that they had not previously filed any application, Writ petition or suit regarding the matter in respect of which the application has been filed, before any other court of law, or any other authority and/or any other Bench of the Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

8. RELIEFS SOUGHT :

In the facts and circumstances, the applicants pray for the following reliefs :

- 8.1 Quash and set aside the office order No. 5426/12/SLP-SDA/92 dated 29.12.95 (Annexure-6)
- 8.2 Direct the respondents to pay the Special Duty Allowance to the applicants alongwith arrears retrospectively from 1.1.96
- 8.3 Pass any other or further order or orders or give direction or directions as may be deemed fit and proper in the facts and circumstances of the case.

9. INTERIM ORDER PRAYED FOR:

Direct the respondents that pendency of this case shall not be a bar for them to consider the case of these applicants in regard to their eligibility to get Special Duty Allowance.

10.....

The application is filed through Advocate

11. PARTICULARS OF THE I.P.O. :

- (i) I.P.O. No. : ~~09 345072~~ 524469
(ii) Date : ~~27.2.96~~ 22.4.96,
(iii) Payable at : Guwahati.

12. LIST OF ENCLOSURES :

As stated in the Index.

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

I, Shri Hari Ram, aged about 53 years, an employee of Geological Survey of India, Old Administrative Building, Shillong-3, the applicant No. 1, do hereby verify and state that the statements made in paragraphs 1 to 4 and 6 to 12 are true to my knowledge and those made in paragraph 5 are true to my legal advice and I have not suppressed any material fact. I am also duly authorised by the other applicants to sign this verification on their behalf.

And I sign this verification on this the 8th day of ^{April} March 1996.

Hari Ram

cl

ANNEXURE '1A'

No. 20014/3/-E.IV.
Government of India,
Ministry of Finance,
Department of Expenditure,

New Delhi, the 14th December, 1983.

OFFICE MEMORANDUM

Subject:- Allowance and Facilities for civilian employees of Central Government serving in the states & Union Territories of north eastern Region important thereof.

.....

The need for attracting and retaining the service of Govt. Officer for service in the north eastern region comprising the States of Assam, Meghalaya, Manipur, Nagaland and Tripura and the Union Territories of Arunachal Pradesh and Mizoram has been appointed a committee under the Chairmanship of Secretary, Department of Personnel and Administrative Reforms, to revise the existing allowances and facilities admissible to the various categories of civilian Central Govt. employees serving in the region and to suggest suitable recommendation. The recommendations of the committee have been carefully considered by the Govt. and the President is pleased to decide as follows:-

contd. ./-

Attested.
B. S. Chatterjee
Advocate
14/12/83

Tenure of Posting/deputation.


There will be a fixed tenure of posting of 3 years at a time for officers with service of 10 years experience and 2 years at the time for officers with more than 10 years services. Periods of leave training etc. in excess of 15 days per year will be excluded in counting the return of period 2/3 years. Officers, and employees of the fixed tenure of service mentioned above may be considered for posting to a station of their choice as possible.

The period of deputation of the Central Govt. employees in the states/Union territories of the North Eastern Region will generally be for 3 years which can be extended in exceptional cases in exigencies of public interest as well as when the employees concerned is prepared to stay longer. The admissible deputation allowance will be continued to be paid during the period of deputation so extended.

ii) Weightage for central deputation/
training A B ROAD AND SPECIAL MENTION IN CONFIDENTIAL
REPORT.

Satisfactory performance of duties for the

Ates.ed.


Advocate. 1.4.96

cont d. ./-

proscribed tenure in the north east shall be given dues in the case of eligible officers in the matter of:-

- a. Promotion in cadre posts.
- b. Deputation to central tenure posts and
- c. Courses of training abroad.

The general requirement of at least three years service and cadre post between two central tenure deputation may also be related to two years in deserving cases of meritorious service in the north east.

A specific entry shall be made in the CR of all employees who rendered a full tenure of service in the north eastern region to that effect.

iii. Special (Duty) Allowance.

Central Govt. civilian employees who have all India transfer liability will be granted a special (Duty) Allowance at the rate of 25 percent of basis pay subject to a ceiling of Rs.400/- p.m. on posting to any station in the north eastern region. Such of those employees who are exempted from payment of income tax will, however, not be eligible for this special (duty) allowance to any special pay and/or deputation (duty) allowance

Attested.
[Signature]
Advocate. 1.4.76

contd. ./-

plus special pay/doputation (Duty) Allowance will not excess Rs.400/- p.m. Special allowance like special compensatory (remote locality) Allowance, construction allowances and Project allowance will be drawn a separately.

iv. Special compensatory allowance:

1. Assam and Moghalaya.

The rate of the allowance will be 5% of basic pay subject to a maximum of Rs.50/- p.m. admissible will be to all employees without any pay limit. The above allowance will be admissible with effect from 1.7.1982 into the case of Assam.

2. Manipur.

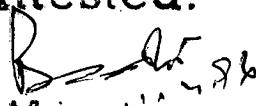
The rate of allowance will be as follow for the whole of Manipur:-

Pay upto Rs.260/- Rs.40/- p.m.
Pay above Rs.260/- Rs.15% of basic pay subject to a maximum of Rs.150 p.m.

3. Tripura:-

The rate of the allowance will be as follows:

- a. Difficult Area - Rs.25% of pay subject to a minimum of Rs.50/- and a maximum of Rs.150/- p.m.

Aites.ed.

Advocate

b. Other areas.

Pay upto Rs.260/- -Rs.40/- p.m.

Pay above Rs.260/- 15% of basic pay subject to maximum of Rs.150/- p.m.

There will be no charge in the existing rate of Special Compensatory allowances admissible in Arunachal Pradesh, Nagaland and Mizoram and the existing rate of Disturbance Allowance admissible in specified area of Mizoram.

(v) Travelling Allowances on first appointment.

In relaxation of the present rules (SR 105) that travelling allowance is not admissible for journey undertaken in connection with initial appointment, in case of journeys for taking up initial appointment to a post in the north eastern region, travelling allowance limited to ordinary bus fare/second class rate fare for road/rail journey in excess of first 400 kms for the Govt. servant himself and his family will be admissible.

(vi) Travelling allowance for journey on transfer.

In relaxation of orders below SR 116, if on

Attested.
[Signature]
14.86
Advocate.

contd../-

transfer to a station in the north eastern region, the family of the Govt. servant does not accompany him, the Govt. servant will be paid travelling allowance on tour for self only for transit period to join the post and will be permitted to carry personal effects upto 1/3rd of his entitlement at Govt. cost or have a cash equivalent of carrying 1/3rd of his entitlement or the difference in weight of the personal effects he is actually carrying and 1/3rd of his entitlement as the case may be, in lieu of the cost transportation of baggage. In case the family accompanies the Govt. servant on transferred the Govt. servant will be entitled to the existing admissible travelling allowance including the cost of transportation of the admissible weight of personal effects according to the grade to which the officer belongs, irrespective of the weight of the baggage actually carrier. The above provisions will also apply for the return journey on transfer back from the north eastern region.

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

In relaxation of orders below SR 116 for transportation of personal effects on transfer

Aites.ed
B. S. Adv.
 Advocate. 1.4.76

contd../-

between two different stations in the north eastern region, higher rate of allowance admissible for transportation in 'A' class cities subject to the actual expenditure incurred by the Govt. servant will be admissible.

(viii) Joining with leave.

In case of Govt. servants proceeding on leave from a place of posting in north eastern region, the period of travel in excess of two days from the station of posting to outside that region will be treated as joining time. The same concession will be admissible on return from leave.

(ix) Leave Travel concession.

A Govt. servant who leaves his family behind at the old duty station or another selected place of residence and has not availed of the transfer travelling allowance for the family will have the option to avail of the existing leave travel concession of journey to home town once in a block period of 2 years, or in lieu thereof, family of the travel for himself once a year from the station of posting in the north east to his home town or place where the family is residing and in addition the facility for the family (restricted to his/her spouse and two dependent children

Attested.
[Signature]
12/4/96
Advocate.

contd. ./-

only) also to travel once a year to visit the employee at the station or posting in the north eastern region. In case the option is for the latter alternative, the cost of travel for the initial distance (400 Kms/160 Kms) will not be borne by the officer.

Officer drawing pay of Rs.2250/- of above and their facilities i.e. spouse and two dependant children (upto 18 years, for boys and 24 years for girls) will be allowed air travel between Imphal Silchar/agartala and Calcutta and Vice-versa, while performing journey mentioned in the proceeding para.

(x) Children Education allowance/hostel Subsidy.

Where the children do not accompany the Govt. servant to the north eastern region, children education allowance upto class III will be admissible in respect of children studying in the last station of posting of the employee concerned or any pay of drawn by the Govt. servant. If children studying in schools are put in hostels at the last concerned station of posting or any other station, the Govt. servant concerned will be given hostel subsidy without other restrictions.

Attested.

[Signature]
Advocate 1.4.96

contd. /-

2. The above orders except in sub-para (iv) will also apply to Central Govt. employees posted to Andaman & Nicobar Islands.

3. These orders will take effect from 1st November, 1983 and will remain in force for a period of three years upto 31st October, 1986.

4. All existing special allowances, facilities and concessions extended by the special order by the Ministries/Departments of the Central Govt. to their own employees in the region will be withdrawn from the date of effect of the orders contained in this office memorandum.

5. Separate orders will be issued in respect of other recommendations of the Committee referred to in paragraph 1 as and when decisions are taken on them by the Govt.

6. In so far as the persons serving in the Indian Audit and Accounts Deptt are concerned, these orders issue consultation with the Controller and Auditor General of India.

Sd/- SC MAHALIK
JOINT SECRETARY TO THE GOVT. OF
INDIA.

Attested.
[Signature]
Advocate.

- 33 -

ANNEXURE '1B

NO.20014/3/83-E.IV
GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF EXPENDITURE
.....

NEW DELHI, the 20th April, 1987.

OFFICE MEMORANDUM

Subject: - Allowances and facilities for civilian employees of the Central Government serving in the States and Union Territories of North-Eastern Region and A. & N. Islands and Lakshadweep - improvement thereof.

The undersigned is directed to refer to para 1 (iii) of Ministry of Finance, Department of Expenditure O.M.No.20014/3/83-E.IV dated 14th December, 1983 as amended vide Office Memorandum of even number dated 29.10.1986 on the above subject, which is reproduced below:-

1(iii) "Special (Duty) Allowance".

"Central Government civilian employees who have all-India transfer liability will be granted a special (duty) allowance at the rate of 25% of basic pay subject

Attested.

R. G. G. 96
Advocate.

contd. ✓-

to a ceiling of Rs.400/- per month on posting to any station in the North Eastern Region. Special (Duty) Allowance will be in addition to any special pay and/or Deputation (Duty) Allowance already being drawn subject to the condition that the total of such special (Duty) Allowance plus special pay/Deputation (Duty) Allowance will not exceed Rs.400/- p.m. Special Allowance like special compensatory (remote locality) allowance, construction allowance and Project Allowance will be drawn separately."

2. Instances have been brought to the notice of this Ministry where special (duty) Allowance has been allowed to Central Government employees serving in North East Region without the fulfilment of the condition of all India transfer liability. This is against the spirit of orders on the subject. For the purpose of sanctioning special (duty) allowance, the all India transfer liability of the members of any service/Cadre or incumbents of any posts/group of posts has to be determined by applying tests of recruitment zone, promotion zone, etc. i.e.

Attested.


Advocate. 1-4-96



whether recruitment to the service/cadre/posts has been made on all-India basis and whether promotion is also done on the basis of all-India Zone of promotion based on common seniority for the service/cadre/posts as a whole. More clause in the appointment order (as is done in the case of almost all posts in the Central Secretariat etc.) to the effect that the person concerned is liable to be transferred anywhere in India does not make him eligible for the grant of special (duty) allowance.

3. Financial Advisers of the administrative Ministeries/Departments are requested to review all such cases where special (duty) allowance has been sanctioned to the Central Government employees serving in the various offices including those of autonomous organisations located in the North East Region which are under administrative control of their Ministeries/Departments.

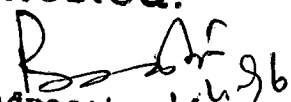
Sd/- (A.N. SINHA)
DIRECTOR (EG)
TELE: 3011819.

To

Financial Advisers of all Ministeries/Departments.

....

Attes.ed.


Advocate, 1-2-96

51

//COPY//

NO. J-11011/101/78-M.2
Government of India
Ministry of Steel and Mines
(Department of Mines)

New Delh, the 1-10-1981.

To

The Deputy Director General,
Geological Survey of India,
North Eastern Region,
Shillong.

Subject:- Regionalisation of Group 'C' & 'D' cadres
of the Geological Survey of India.

Sir,

I am directed to say that with a view
regionalise administration, the Government
have decided to transfer administrative control over
Group 'C' and 'D' posts to the respective Sr. DDGs/
DDGs/Incharge of Regional Officers/Divisions of
the GSI. As a preliminary step, orders have been
issued including the Sr. DDGs/DDGs/Incharge of
Regional Offices/Divisions of GSI as Heads of
Department under the elementary rule 2(10) vide this
Ministry's letter No.A-26018/2/78-M2 dated 30.7.81
(Copy enclosed), so that they could exercise all
the administrative control in this regard. The

Attested.

[Signature]
Advocate. 14/86

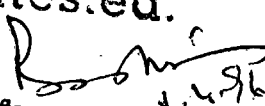
contd. ./-

The Central Headquarters of the GSI, Calcutta, have accordingly allotted to your administrative control Group 'C' and 'D' posts as in the statement attached. Similar action in respect of the remaining Group 'C' Ministerial posts will be taken as soon as necessary information is received from the CHQ of DGI, Calcutta. Additional Group 'C' and 'D' posts created recently in connection with the 6th Five Year Plan of GSI have already been earmarked regionwise and divisionwise.

2. You are requested to earmark posts to the Circles etc. under your control under intimation to this Ministry and CHQ Calcutta, (Sr. DDG/Pers).

3. These orders are to take immediate effect. In pursuance of these orders, separate orders will be constituted for all the grades in Group 'C' and 'D' in each Region/Division. The allocation of permanent and temporary staff to the various cadres at their initial constitution will be determined by the CHQ of the transfers in order to give effect to such allocations. No option will, however, be given to the staff to elect allotment to a particular Region/Division. Until the allocation is finalised and necessary inter-region/Division transfer or completed the existing staff in or under each

Ans. ed.


Advocate. 1.4.96

contd. /-

cadre shall be temporarily deemed to be allotted to it for administrative purposes.

4. The existing Recruitment Rules for these cadres provide for appointing authorities, these authorities include the Heads of Regional Offices/ Divisions vide our order No.C-11012/1/77-M2 dated 13.10.1980 (copy enclosed).

5. Recruitment, promotion, seniority, etc. in the concerned grades in each cadre after their initial constitution will be regulated in accordance with the concerned recruitment rules, Subject to the provisions of those rules or any regulations, orders or special directions or instructions issued by this Ministry, all members mentioned in Appendix I to this letter in respect of the staff of the concerned grade will be within the competence of the newly constituted Regional/Divisional cadre authorities. Matters specified in Annexure-II to this letter will, however, continue to be controlled by the CHQ of the GSI who may from time to time call for such information as may be relevant or necessary from the various cadre authorities in order to effectively discharge their functions in relation to these matters.

Yours faithfully,

Sd/-G.V.R. Viswanathan)
Deputy Secy. to the Govt. of India.

Copy to:-

The Sr. Dy: DIRECTOR GENERAL (Dr), GSI, Cal. with reference to his letter No.B-11011/3(1)/80-CWC dated 26.

Attested.
[Signature]
Advocate

ANNEXURE 3

GOVERNMENT OF INDIA
GEOLOGICAL SURVEY OF INDIA
4, CHOWRINGHEE LANE
CALCUTTA-16.

No.5219C/A-11021/82-16A, Vol.I Dated the 23.7.1984.

From:

The Director General
Geological Survey of India,
4, Chowringhee Lane,
Calcutta-700 016.

To,

- The Sr. DDG(OP) KRO E&T? CAL.
- 2. The Sr. DDG(Op), OME&MG Divison, Cal.
- 3. The Sr. DDG(op), NOR, Lucknow.
- 4. The Sr. DDG(Op), Trg. Instt. Hyd.
- 5. The DDG, GSI, CRO Nagpur.
- 6. The DDG, GSI, SRO, Hyderabad.
- 7. The DDG, GSI, SRO, Jaipur.
- 8. The DDG, AMSE Wing, Bangalore.
- 9. The DDG, Coal Division, Cal.
- 10. The Director-inCharge, Shillong.
- 11. The Director (F), Cal.

Subject:- Regi nalisation of Group 'C' and 'D'
cadre of the Geological Survey of India,
Creation of separate regional/Division/Wing
cadre.

Attested.
[Signature]
Advocate.

....

contd./-

Sir,

In pursuance of Government of India, Ministry of Steel and Mines (Department of Mines) letter No. J-11011/101/78-M.2, dated 1.10.1981, the Director General, GSI, has constituted separate cadres for Group 'B', and 'D' Eastern Regions/Divisions/Wings as per posts allotted to them as on 1.8.84 along with the incumbents against these posts on the above date. These cadres will come into force with effect from 1.8.84.

All matters mentioned in Annexure-1 of the Ministry of Steel and Mines (Department of Mines) letter dated 1.10.1981 under reference in respect of the staff of the concerned grade will be within the connection of newly, constituted Regional/Divisional/Wing cadre authorities. Matters specified in Annexure-II to the Ministry's letter of 1st October, 1981 will however, continue to be controlled by the CHQ of the Geological Survey of India.

All the cadre authorities of Regional/Divisions/Wing are requested to send a responsible officer immediately with 3(three) copies of the list of incumbents of each cadre under his control for reconciliation and removal.

Yours faithfully,

Sd//
(F. Ret)
Sr. Dy. Director Geological (P,
for Director General
Geological Survey of India.

Aites. ad.
Advocate - 4.9.86

-37- By Speed Post

ANNEXURE-4

GOVERNMENT OF INDIA
GEOLOGICAL SURVEY OF INDIA
4, CHOWRINGHEE LANE
CALCUTTA - 16

99367
No. /A-11019/42/RR/89-16A.

Dated 19/6/ June '90.

CIRCULAR

While issuing offer of appointment/offer of promotion before Regionalisation the following clause was one of the items as terms and conditions in the aforesaid orders :-

" The appointment carries with it the liability to serve in any part of India".

Consequent upon Regionalisation of Group 'C' & 'D' cadres of Geological Survey of India w.e.f. 1-8-84 the aforesaid terms are no more valid as Group 'C' & 'D' vacancies are filled up as per Regional cadres. Some Regions & Divisions have still been incorporating the aforesaid terms in the offer of appointment/promotion.

The DDG's-in-Charge of Regions/Divisions who have been exercising powers of Appointing/Disciplinary Authority are requested not to incorporate the terms of "All India Transfer Liability" in any offer of appointment/promotion in Group 'C' & 'D' posts henceforth. On this context, it is clarified that the appointees recruited in Group 'C' & 'D' cadres on 1-8-84 or thereafter do not carry All India service liability. The contents of this order may be made known to the Group 'C' & 'D' officials under your Region. In this connection it is stated that transfer of Group 'C' & 'D' employees within the Region, is permissible.

The Region/Division & Central Headquarters may amend the said clause in the standard form for offer of appointment/promotion suitably by incorporating the following clause :-

" The appointment carries with it the liability to serve in any part within and under control of the Region (Name of the Region) ".

This issues with the approval of the Director General, Geological Survey of India.

[Signature]
(R. N. Chakraborty)
Dy. Director General (2),
for Director General,
Geological Survey of India.
Dated June '90.

No. /A-11019/42/RR/89-16A.

Copy forwarded for information and necessary action to :-

1. The DDG(CE), CHQ, GSI, Calcutta.
2. The DDG(C), CHQ, GSI, Calcutta.
3. The DDG(F), CHQ, GSI, Calcutta.
4. The Sr. DDGs/DDGs, GSI, GSE&MG Division, Calcutta/DDG(ES), EST Division, Cal. Coal Division Calcutta/ERO, Calcutta/WRO, Jaipur/SRO, Hyderabad/NRO, Lucknow/NERO, Shillong/CRO, Nagpur/AMSE Wing, Bangalore/Training Instt, Hyderabad.
5. The Director, GSI, Bhutan Unit, Sanchi/Geophysical Division, Calcutta/Map Division, Calcutta/publication & Information Division, Calcutta.
6. The Administrative Officer, Section-15A, 16A, & 17A, CHQ, GSI, Calcutta.

*The DDG
NFR. GST*

Attested
[Signature]
Advocate

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 208-5313 OF 1995
(Arising out of S.L.P. Nos. 12450-55/92)

Union of India & Ors. ..appellants

versus

Geological Survey of India
Employees' Association & Ors. ..respondents

24512

O R D E R

Delay condoned.
Leave granted.

Verified to be true copy
As per
Assistant Registrar (Judl.)
.....27.9.1995
Supreme Court of India

Mr.P.K.Goswami, learned senior counsel appears for Geological Survey of India Employees' Association and Mr. S.K.Nandy, Advocate, appears for the other respondents in all the matters.

Heard learned counsel for the parties. It appears to us that although the employees of the Geological Survey of India were initially appointed with an all India transfer liability, subsequently Government of India framed a policy that Class C and Class D employees should not be transferred outside the region in which they are employed. Hence, all India transfer liability no longer continues in respect of group C and D employees. In that view of the matter, the Special Duty Allowance payable to the Central Government employees having all India transfer liability is not to be paid to such group C and group D employees of Geological Survey of India who are residents of the region in which they are posted. We may also indicate that such question has been considered by this Court in Union of India and Others Vs. S.Vijay Kumar & Others (1994 (3) SCC 649).

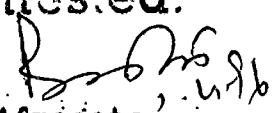
Approved.
[Signature]
12/8/95
Advocate

Accordingly, the impugned order is set aside. We, however, direct that the appellant will not be entitled to recover any part of payment of special duty allowance already made to the concerned employees. Appeals are accordingly disposed of.

... s// - J
(G. N. Ray)

... s// - J
(S. B. Majumdar)

New Delhi
September 7, 1995

Attested.

Advocate.

GOVERNMENT OF INDIA
GEOLOGICAL SURVEY OF INDIA
NORTH EASTERN REGION
SHILLONG.

No. /12/SLP-SDA/92.

Dated December, 1995.

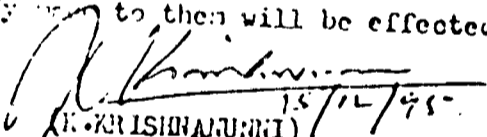
OFFICE ORDER

The Hon'ble Supreme Court vide Order dated 07.09.95 on the petition of Special Leave to Appeal (Civil) No. 1245/-55/92, Civil appeal No. 8208-8213/1995 against the judgment and Order dated 12.09.91 passed in O.A. No. 183/90, MA 159/91, RA 47/91 in respect of Payment of Special Duty Allowance to Group 'C' and Group 'D' Employees filed by UOI Vs. GSI Employees Association held that,

" It appears to us that although the employees of Geological Survey Of India were initially appointed with an all India transfer liability, subsequently Government Of India framed a policy that Class C and Class D employees should not be transferred out-side the region in which they are employed. Hence, all India transfer liability no longer continues in respect of Group C and D employees".

In compliance of the Order of the Hon'ble Supreme Court, Special Duty Allowance currently being paid to Group 'C' and 'D' employees of Geological Survey Of India shall not be paid w.e.f. 01.01.1996.

As directed by Hon'ble Supreme Court, no recovery of any part of payment of Special Duty Allowance already made to them will be effected.


 (K. KRISHNAMOORTI) 15/12/95
 Deputy Director General,
 Geological Survey Of India
 North Eastern Region
Shillong.

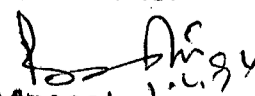
No. 5426/12/SLP-SDA/92

Dated 29th December, 1995.

- Copy to :-
1. The Dy. Director General(P), Geological Survey Of India, Calcutta.
 2. The Director, RCD's G.S.I., N.E.R. Assam, Guwahati/Itanagar/Dimapur/Agartala/Director Drilling/CC, ACP to bring to the notice of all concerned.
 3. The Sr. PA & Accounts Officer, G.S.I., N.E.R., Shillong.
 4. The Administrative Officer, Accounts-IIA/Accounts IIB/Accounts-III/DDO/NER/Drilling/Finance/Supply/Welfare/Estate/Accommodation/Audit/Rectt/Accounts I/Cash Section/Advances/Party Bill.
 5. All Divisional Offices, G.S.I., N.E.R. Shillong _____
 6. Shri S.K. Chakraborty, General Secretary, CSIA, N.E. Division
 7. Shri Hari Ram, General Secretary, CSIA, (opd. No. 822, Ac. IIA.

COND...2.

Attested.


 Advocate

8. The General Manager, P.E.S. Ltd.
9. Shri P.P. ...
10. Shri Lal ... Geophysical Division.
11. Notice Board.

(Signature)
Sr. ADMINISTRATIVE OFFICER
for Dy. Director General (G)
Geological Survey Of India
North Eastern Region
Shillong

Central Administrative Tribunal
Guwahati Bench
614
20 APR 1997
21
Guwahati Bench
20 APR 1997

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

40 -
D.P. by name,
Additional Central Govt. Secy
Standing Counsel
Central Administrative Tribunal,

28/4/97

In the matter of :

O.A.No.75/96

Shri Hariram & Ors. ...Applicants.

-Versus-

Union of India & Ors. ...Respondents.

-AND-

In the matter of :

Written Statement on behalf
of the official Respondents.

Re: Hariram & Ors.
vs. Union of India & Ors.

I, Shri D.T.Syiemlieh, Senior Administrative Officer in the office of the Respondent No.3 do hereby solemnly affirm and declare as follows :-

1. That I am in receipt of a copy of an application of the above noted case alongwith an order passed by this Hon'ble Tribunal and the same being forwarded to me by the respondents and myself being authorised to represent the respondents before this Hon'ble Central Administrative Tribunal, I file this written statement in common. As ordered by this Hon'ble Tribunal, the parawise reply is made as follows:-

Contd.....

2. That with regard to the contents made in paragraphs 1 to 3 of the application, I beg to state that these are matters of records.

3. That with regard to the contents made in paragraphs 4.1 of the application, I beg to state that while the statements made in the brief narration are matters of records, the Respondents beg to submit that the petitioners have brought to the notice of the Hon'ble Tribunal only part of the judgement of the Hon'ble Supreme Court in Civil Appeal No.8208 - 13/1995 (UOI and Ors Vs. Shri Hari Ram & Ors). As may be seen from the said judgement (copy submitted as Annexure 5 of the application), the Hon'ble Supreme Court had found that "although the employees of the Geological Survey of India were initially appointed with an all India transfer liability, subsequently the Government of India framed a policy that class C and class D employees should not be transferred outside the region in which they are employed. Hence, all India transfer liability no longer continues in respect of Group C and D employees." The portion of the said judgement quoted by the applicants follows the above two sentences and it applicable only to those group C and D employees (if any) deployed in the North Eastern Region in Geological Survey of India. The applicants all belong to the North Eastern Regional cadres (Gr C and D) of the Geological Survey of India for whom the cadre control.....

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↓

control is exercised by the Deputy Director General, NER, Geological Survey of India, Shillong and do not have any all India transfer liability. Then the next sentence of the Apex Court's judgement regarding non-payment of Special Duty Allowance to Gr C and D employees of Geological Survey of India who are residents of the region is not applicable to them. It is therefore stated that the "crux of the subject matter of the instant case" as stated by the applicants in the penultimate sentence of this para is wholly inadmissible.

4. That with regard to the contents made in paragraph 4.2. of the application, I beg to state that it is partially admitted. The applicants No.1,2 and 9 came on transfer to NER prior to Regionalisation of Group C and D cadres. Consequent upon the Regionalisation of Group C and D cadres from 1.8.84, the officials/applicants though appointed and came on transfer prior to 1.8.84 to such posts, they remain with that Region as "as is where basis". The applicants at sl. No.3,4,5,6,7 and 8 were were appointed in NER only.

It is submitted that the department has revoked the clause "All India Transfer Liability" and this was replaced by clause "Transfer within NER". This was upheld by the Hon'ble Supreme Court vide order dated 7.9.95 in SLP (Civil No.12450-55/92) Civil Appeal No.8208-13/95 filed by UOI and Ors Vs. G.S.I.E.A. and Ors (Exhibit in Annexure I). Since
the.....

the issue of "All India Transfer Liability" no longer continue, payment of Special Duty Allowance is not admissible to those group C and D employees including who are non-residents of NER. (Exhibit in Annexure II).

It is also submitted that prior to 1983, special incentives were introduced by the Govt. of India for attracting and retaining the service of Govt. officers for service in the N.E.R. vide Govt. of India, Ministry of Finance OM No.20014/3/E-IV dated 14.12.83 (Annexure IA of the application) and the applicant No.1,2 and 9 did not come to NER for the sake of those incentives.

5. That with regard to the contents made in paragraph 4.3 of the application, I beg to state that it is a matter of record.

6. That with regard to the contents made in paragraph 4.4 of the application, I beg to state that the interpretation made by the applicants in this paragraph is a distortion of O.M. of 1983 and subsequent clarifications and modifications issued by the Government of India was that granting of Special Duty Allowance to those who have all India Transfer Liabilities and who have been posted to N.E.R. from outside. The criteria of payment of Special Duty Allowance was that (1) One must have an All India Transfer Liability and (2) Come on transfer from outside North Eastern Region. In the case of the applicants, All India Transfer Liabilities no longer

Continue....

continue as has been categorically stated in the Apex Court's judgement dated 7.9.95. In terms of para 6 of OM No.11(3)/95-E.II(B), dated 12.1.96 issued by the Ministry of Finance, Department of Expenditure (Annexure III), it is clearly stated that Central Govt. Employees who have All India Transfer Liabilities being posted to North Eastern Region from outside the region only would be entitled the Special Duty Allowance. In the case of the applicants, they do not fulfill the first criteria of having All India Transfer Liabilities as clarified above and 6 of them were appointed in NER. The applicants' contentions that All India Transfer Liability clause does not have any relevance in granting SDA is not correct. If all the circulars pertaining to SDA are read harmoniously, it is distinct that the clause "All India Transfer Liabilities" has not been delinked in SDA payment. It is a first criteria and then followed by posting to NER from outside the Region.

7. That with regard to the contents made in paragraph 4.5 of the application, I beg to state that it is a matter of record. However, the Respondents beg to state that some of the applicants were transferred to North Eastern Region prior to the issue of Govt. Memorandum dated 14.12.83 and the others were appointed in NER at the time when "All India Transfer Liabilities" was in existence for all group C and D employees. Subsequently, group C and D cadre was regionalised and the "All India Transfer Liability"

term.....

-45-
68

term of the service was replaced by the clause "Liable to serve within the Region". This was also considered and upheld by the Hon'ble Supreme Court in the order dated 7.9.95. The applicants' contentions that they were posted from outside the Region and the clause "All India Transfer Liabilities" is not longer an important issue in deciding the eligibility for payment of Special Duty Allowance are contrary to the findings of Hon'ble Supreme Court. As per Govt. orders one must have an All India Transfer Liability and be posted to NER from outside to become eligible for consideration of payment of SDA. In the case of the applicants the Supreme Court held that the All India Transfer Liabilities no longer continue for Group C and D employees, as such the averments of residency of group C and D employees in Geological Survey of India will not serve any purpose.

8. That with regard to the contents made in paragraph 4.6 of the application, the Special Duty allowances were paid in compliance of the directives of this Hon'ble Tribunal.

9. That with regard to the contents made in paragraph 4.7 of the application, I beg to state that it is a matter of record, option was not given as it would adversely affect and caused imbalances with the Region. Staff were allotted on "As it where basis".

10. That with regard to the contents made in paragraphs 4.8, 4.9, 4.10 & 4.11 of the application, I beg to state that these are matter of records.

Contd..

(47) 46
69

11. That with regard to the contents made in paragraph 4.12 of the application, I beg to state that while submitting that this is a matter of record it is once again submitted that this para only partly reflected the findings of hon'ble Supreme Court as brought out in our statements at paragraph 3 in reply against para 4.1 of the application.

12. That with regard to the contents made in paragraph 4.13 of the application, I beg to state that it is a matter of record, However, the Respondents beg to state that at the time of Regionalisation the existing incumbents who were transferred from other Regions to North Eastern Region were placed at the administrative control of the respective Regions on "As it where basis" subsequently the terms of transfer anywhere in India was replaced by the clause to "Serve anywhere in NER". This was confirmed by the Hon'ble Supreme Court's judgement dtd.7.9.95. One must have an All India Transfer Liability and be posted from outside to North Eastern Region to be eligible for Special Duty Allowance. Some of the applicants were transferred to North Eastern Region prior to Regionalisation of cadres and also before the issue of order dated 14.12.1983. Since the case has been duly considered by the Highest Court, the question of payment of Special Duty Allowance does not arise.

Contd.....

13. That with regard to the contents made in paragraph 4.14, I beg to state that at the time of Regionalisation the existing incumbents who were transferred from other Regions to the North Eastern Region were placed at the administrative control of the respective Regions on "As is where basis" subsequently the term of transfer anywhere in India was replaced by the clause to "Serve anywhere in NER". This was confirmed by the Hon'ble Apex Court in the judgement dated 7.9.95. One must have an All India Transfer Liability and be posted from outside to North Eastern Region to be eligible for Special Duty Allowance. Some of the applicants were transferred to NER prior to Regionalisation of cadres and also before the issue of order dated 14.12.1983. Since the case has been duly considered by the Highest Court, the question of payment of special duty allowance does not arise.

14. That with regard to the contents made in paragraph 4.15 of the application, it is stated that the questions submitted by the applicants are not relevant in the light of the Hon'ble Supreme Court's order dated 7.9.1995 as follows :-

- (a) Having accepted termination of "All India Transfer Liability" the applicants are no longer eligible for SDA as per G.I. M.F. OM No.11(3)/95-E II(B) dated 12.1.96. The residence criteria is no longer relevant.

(b) Since the Hon'ble Supreme Court vide its order dated 7.9.95 has referred to the judgement in UOI & Ors Vs. S.Vijay Kumar & Ors.(1994(3) SCC 649) and accordingly set aside the order of the Hon'ble CAT any further discussion on the import of this judgement is infactious.

(c) The question of "residence" of an employee is not relevant in the instant case where the petitioners do not have all India Transfer Liability.

15. That with regard to the contents made in paragraph 4.16 of the application, I beg to state that it is partially admitted, the Respondents beg to state that only three applicants at sl.1,2 & 9 came on transfer to North Eastern Region, prior to regionalisation of group C and D cadres. The rest were appointed and joined in North Eastern Region. The contentions of the application of the applicants that they are residents from outside NER are true but all the applicants do not have "All India Transfer Liabilities" to be eligible for grant of Special Duty Allowance. Their case had already been considered by the Apex Court and decided on 7.9.95.

16. That with regard to the contents made in paragraphs 4.17 and 4.18 of the application, I beg to state.....

state that irrespective of their dates of appointments, the clause that carries with it the liability to serve in any part of India, has been revoked and replaced by the clause "The liability to serve in any part of North Eastern Region" with effect from 1.9.90. The Memorandum to this effect, SDA/NER dated 23.8.90 has been served to all group C and D employees by name.

A copy of the memorandum served to the applicants, Shri Hari Ram & Ors exhibited as Annexure IV to XII. This was considered and upheld by the Apex Court in the judgement dated 7.9.95.

17. That with regard to the contents made in para 5.1 to 5.9 ~~and xxxxxxxxxxxxxxx~~ of the application, the respondents beg to submit that these are all law points.

18. That with regard to the contents made in paragraph 8 of the application, the respondents beg to state that no relief can be granted in this present application in view of the facts and circumstances stated above.

19. That this present application is without any merit and the same is liable to be dismissed.

20. That this present application is ill-conceived of law and mis-conceived of facts.

Contd....

21. That this present application is not maintainable in the present form.

22. That in view of the decision of the Apex Court, the applicants have failed to make out a prima-facie case.


23. That the respondents crave leave of filing additional written statement if the Hon'ble Tribunal so directs.

24. That this written statement is filed bonafide and in the interest of justice.

VERIFICATION

I, Shri D.T.Syiemlieh, son of D.K.Roy, aged about 45 years, presently holding the post of Senior Administrative Officer in the Geological Survey of India, NER, Shillong do hereby solemnly affirm and verify that the statements made in paragraph 1 of this written statement are true to my knowledge and those made from paragraph 2 to 18 are derived from records which I believe to be true and those made from paragraphs 19 to 24 are humble submissions before this Hon'ble Tribunal.

And I sign this Verification on this 26th day of April, 1997 at


 D.T. SYIEMLIEH
 Senior Administrative Officer and
 Head of Law Officer
 Cell of Respondents
 G.S.I. N.E.R. Shillong-3

Annexure T 12 - 52
D. No. 124/95

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Kajgarh Road, Bhangayrah,
Guwahati-781 005.

D. No. 124/95/4481
W.D. S. D.

Dated: 18/10/95

Petitioner(s)

Versus

G.S.I. Employees Assn.

Respondent(s)

To:

Mr. Dy. Director Genl.
Hospital, Lungea Didi, NCR
Asda Kuti'a, Laikumbha
Shillong - 3.

Sir,

I am directed to inform you that the petition for
Special Leave to Appeal (Civil) No. 124/95-35 192
Civil Appeal No. 8-208-13/95 filed by G.S.I. Assn.
versus G.S.I. Emps. Assn. in the Hon'ble
Supreme Court against the Judgment and Order dated 12.9.95,
passed in OA No. 183/90 NW 159/91 was dismissed/stayed/allowed by
the Hon'ble Supreme Court on 2.9.95
(copy enclosed).

Yours faithfully,

[Signature]
13/10

DEPUTY REGISTRAR

Encl. As above.



S.A.O. 11
NCR
12/10

13/10

12

18
Anwarul Haque 52

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NOS 208-213 OF 1995
(Arising out of S.L.P.Nos. 12450-55/92)

Union of India & Ors.

..appellants

versus

24512

Geological Survey of India
Employees' Association & Ors.

..respondents

ORDER

Delay condoned.

Leave granted.

Mr.P.K.Goswami, learned senior counsel appears for

Geological Survey of India Employees' Association and Mr. S.K.Nandy, Advocate, appears for the other respondents in all the matters.

Heard learned counsel for the parties. It appears to us that although the employees of the Geological Survey of India were initially appointed with an all India transfer liability, subsequently Government of India framed a policy that Class C and Class D employees should not be transferred outside the region in which they are employed. Hence, all India transfer liability no longer continues in respect of group C and D employees. In that view of the matter, the Special Duty Allowance payable to the Central Government employees having all India transfer liability is not to be paid to such group C and group D employees of Geological Survey of India who are residents of the region in which they are posted. We may also indicate that such question has been considered by this Court in Union of India and

Verified to be true copy
Asst. Registrar (Judl.)
27.9.1995
Supreme Court of India

(14)

(9)

Annexure - I

- 59 -

Accordingly, the impugned order is set aside. We, however, direct that the appellant will not be entitled to recover any part of payment of special duty allowance already made to the concerned employees. Appeals are accordingly disposed of.

Sd/-
..... J.
(G. N. Ray)

Sd/-
..... J.
(S. B. Majumdar)

New Delhi
September 7, 1995

(15) (10) -55-
Annexure II

GOVERNMENT OF INDIA
GEOLOGICAL SURVEY OF INDIA
NORTH EASTERN REGION
SHILLONG.

No. 5422-5463.A /12/SLP-SDA/92.

Dated 29th December, 1995.

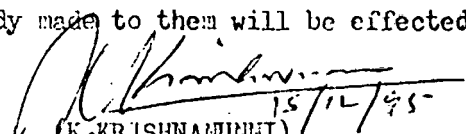
OFFICE ORDER

The Hon'ble Supreme Court vide Order dated 07.09.95 on the petition of Special Leave to Appeal (Civil) No. 1245/-55/92, Civil appeal No. 8208-8213/1995 against the judgement and Order dated 12.09.91 passed in O.A. No. 183/90, MA 159/91, RA 47/91 in respect of Payment of Special Duty Allowance to Group 'C' and Group 'D' Employee filed by UOI Vs. GSI Employees Association held that,

" It appears to us that although the employees of Geological Survey Of India were initially appointed with an all India transfer liability, subsequently Government Of India framed a policy that Class C and Class D employees should not be transferred out-side the region in which they are employed. Hence, all India transfer liability no longer continues in respect of Group C and D employees".

In compliance of the Order of the Hon'ble Supreme Court, Special Duty Allowance currently being paid to Group 'C' and 'D' employees of Geological Survey Of India shall not be paid w.e.f. 01.01.1996.

As directed by Hon'ble Supreme Court, no recovery of any part of payment of Special Duty Allowance already made to them will be effected.


(K. KRISHNANUNNI)
Deputy Director General,
Geological Survey Of India
North Eastern Region
Shillong.

No. 5422-5463.A /12/SLP-SDA/92

Dated 29th December, 1995.

- Copy to :-
1. The Dy. Director General (P), Geological Survey Of India, Calcutta.
 2. The Director, RGD's G.S.I., N.E.R. Assam, Guwahati/Itanagar/Dimapur/Agartala/Director Drilling/CO, ACP to bring to the notice of all concerned.
 3. The Sr. Pay & Accounts Officer, G.S.I., N.E.R., Shillong.
 4. The Administrative Officer, Accounts-IIA/Accounts IIB/Accounts-III/DDO/NFR/Drilling/Budget/Welfare/Estate Accomodation/Audit/Rectt/Accounts I/Cash Section/Advances/Party Bill.
 5. All Divisional Heads, G.S.I., N.E.R. Shillong
 6. Shri S.K. Chakraborty, General Secretary, GSIEA, H.M. Division
 7. Shri Hari Ram, General Secretary, GSIEA, Pwd. No. 822, Ac. IIA.

CONTD...2.

9c

- 8. The General Secretary, GSI Staff Union.
- 9. Shri D.P. Datta, General Secretary, Indian Union, Shillong Division.
- 10. Shri Lakshman Chettri, General Secretary, Group 'D' Relief Fund, Geophysical Division.
- 11. Notice Board.

(Signature)
(D.T. SYE. 1111)
Sr. ADMINISTRATIVE OFFICER
for Dy. Director General (G)
Geological Survey Of India
North Eastern Region
Shillong.

07/11/95

*Handed
over to
Soul's Agastya*

1.1.146

C. A. - Steel (10)

Annexure II

58

This is relevant to us
as
PAO (Finance)
22/11

No. 11(31)/95-E.II(B)
Government of India
Ministry of Finance
Department of Expenditure

New Delhi, the 12th Jan. 1996

OFFICE MEMORANDUM

NO (PM)

22/1/96

Amil

de. spic.

22/1

1922

22/1

Sub: Special Duty Allowance for civilian employees of the Central Government serving in the State and Union Territories of North Eastern Region-regarding.

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

2. The Government of India vide the abovementioned OM dt. 14.12.83 granted certain incentives to the Central Government civilian employees posted to the NE Region. One of the incentives was payment of a 'Special Duty Allowance' (SDA) to those who have "All India Transfer Liability".

3. It was clarified vide the above mentioned OM dt. 20.4.1987 that for the purpose of sanctioning 'Special Duty Allowance', the All India Transfer Liability of the members of any service/cadre or incumbents of any post/group of posts has to be determined by applying the tests of recruitment zone, promotion zone etc. i.e. whether recruitment to service/cadre/post has been made on all India basis and whether promotion is also done on the basis of an all India common seniority list for the service/cadre/post as a whole. A mere clause in the appointment letter to the effect that the person concerned is liable to be transferred anywhere in India, did not make him eligible for the grant of SDA.

4. Some employees working in the NE Region approached the Hon'ble Central Administrative Tribunal (CAT) (Guwahati Bench) praying for the grant of SDA to them even though they were not eligible for the grant of this allowance. The Hon'ble Tribunal had upheld the prayers of the petitioners as their appointment letters carried the clause of All India Transfer Liability and, accordingly, directed payment of SDA to them.

5. In some cases, the directions of the Central Administrative Tribunal were implemented. Meanwhile, a few Special Leave Petitions were filed in the Hon'ble Supreme Court by some Ministries/Departments against the Orders of the CAT.

6. The Hon'ble Supreme Court in their judgement delivered on 20.9.94 (in Civil Appeal no. 3251 of 1993) upheld the submissions of the Government of India that Central Government civilian employees who have all India transfer liability are entitled to the grant of SDA, on being posted to any station in the NE Region from outside the region and SDA would not be payable merely because of the clause in the appointment order relating to All India Transfer Liability. The apex Court further added that the grant of this allowance only to the officers transferred from outside the region to this region would not be violative of the provisions contained in Article 14 of the Constitution as well as the equal pay doctrine. The Hon'ble Court also directed that whatever amount has already been paid to the respondents or for that matter to other similarly situated employees would not be recovered from them in so far as this allowance is concerned.

7. In view of the above judgement of the Hon'ble Supreme Court, the matter has been examined in consultation with the Ministry of Law and the following decisions have been taken:

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

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

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

10. Hindi version of this (QM) is enclosed.

(C. Balachandran)

Under Secy to the Govt of India

All Ministries/Departments of the Govt. of India, etc.
etc.

Copy (with spare copies) to C&AG, UPSC etc. as per standard endorsement list.

GOVERNMENT OF INDIA

No. 155 / SDA/NER

Dated the 27 August, 1990.

From :

The Deputy Director General
Geological Survey of India
North Eastern Region
'Asha Kutir', Laitumkhrak
Shillong - 793 003.

To :

Sri/Smt. Hari Ram.....
.....Assistant.....
.....Account. II (B).....
.....G.S.I., N.E.R., Shillong.....

MEMORANDUM

Consequent upon the Regionalisation of Group 'C' and 'D' cadres of Geological Survey of India, vide Director General, Geological Survey of India letter No. 5219C/A-11021/82-16-A Vol. I dated 31.7.84, the clause that "The appointment carries with it the liability to serve in any part of India" as mentioned in the offer of your appointment is hereby revoked and replaced by the clause.

"The appointment carries with it the liability to serve in any part of North Eastern Region of Geological Survey of India" with effect from 01 September, 1990.

This issues under the instructions of Director General, Geological Survey of India, 27, J.L. Nehru Road, vide letter No. 5415C/A-11019/42/RR/89/16A dated 7.8.90.

(Signature) 23/8/90
(S K Acharyya)
Deputy Director General

No. _____ / SDA/NER

Dated the 23rd August, 1990

Copy for information to :

1. The Director General, GSI, 27, J.L. Nehru Road, Calcutta - 700016 with reference to his circular No. 995G to 1018G/A-11019/42/RR/89/16A dated 19.6.90 and letter No. 5415C/A-11019/42/RR/89/16A dated 7.8.90.
2. The Director, (Geology), GSI, RGD, OP : Assam/ Arunachal Pradesh/ Manipur - Nagaland/ Tripura - Mizoram/ Officer - In- Charge, Drilling Division.
3. The Administrative Officer, GSI, NER, Accounts - IIA, IIB, IIC, Rectt. Section.

(Signature)
(T M Goswami)
Regional Administrative Officer
for Dy. Director General

GOVERNMENT OF INDIA

Annexure

57-
582

No. 157 / SDA/NER

Dated the 23rd August, 1990.

From :

The Deputy Director General
Geological Survey of India
North Eastern Region
'Asha Kutir', Laitumkhrah
Shillong - 793 003.

To :

Sri/smt. Sunit Ghosh,
Assistant
Accounts, III
GSI, NER, Shillong.

MEMORANDUM

Consequent upon the Regionalisation of Group 'C' and 'D' cadres of Geological Survey of India, vide Director General, Geological Survey of India letter No. 5219C/A-11021/82-16-A Vol. I dated 31.7.84, the clause that "The appointment carries with it the liability to serve in any part of India" as mentioned in the offer of your appointment is hereby revoked and replaced by the clause.

" The appointment carries with it the liability to serve in any part of North Eastern Region of Geological Survey of India " with effect from 01 September, 1990.

This issues under the instructions of Director General, Geological Survey of India, 27, J.L. Nehru Road, vide letter No. 5415C/A-11019/42/RR/89/16A dated 7.8.90.

(S.K. Acharyya)
Deputy Director General

No. _____ / SDA/NER

Dated the 23rd August, 1990

Copy for information to :

1. The Director General, GSI, 27, J.L. Nehru Road, Calcutta - 700016 with reference to his circular No. 995G to 1018G/A-11019/42/RR/89/16A dated 19.6.90 and letter No. 5415C/A-11019/42/RR/89/16A dated 7.8.90.
2. The Director, (Geology), GSI, RGD, OP : Assam/ Arunachal Pradesh/ Manipur - Nagaland/ Tripura - Mizoram/ Officer -In- Charge, Drilling Division.
3. The Administrative Officer, GSI, NER, Accounts - IIA, IIB, III, Rectt. Section.

(K.M. Goswami)
Regional Administrative Officer
for Dy. Director General

GOVERNMENT OF INDIA

27

59

No. 155/SDA/NER

Dated the 23rd August, 1990.

From :

The Deputy Director General
Geological Survey of India
North Eastern Region
'Asha Kutir', Laitumkhrah
Shillong - 793 003.

To :

Sri/Smt. G. K. Nair
Assistant
Accounts II (A)
G.S.I. NER, Shillong

MEMORANDUM

Consequent upon the Regionalisation of Group 'C' and 'D' cadres of Geological Survey of India, vide Director General, Geological Survey of India letter No. 5219C/A-11021/82-15-A Vol. I dated 31.7.84, the clause that "The appointment carries with it the liability to serve in any part of India" as mentioned in the offer of your appointment is hereby revoked and replaced by the clause.

" The appointment carries with it the liability to serve in any part of North Eastern Region of Geological Survey of India " with effect from 01 September, 1990.

This issues under the instructions of Director General, Geological Survey of India, 27, J.L. Nehru Road, vide letter No. 5415C/A-11019/42/RR/89/16A dated 7.8.90.

S. K. Acharyya
(S K Acharyya)
Deputy Director General

Dated the 23rd August, 1990.

No. _____/SDA/NER

Copy for information to :

1. The Director General, GSI, 27, J.L. Nehru Road, Calcutta - 700015 with reference to his circular No. 995G to 1018G/A-11019/42/RR/89/16A dated 19.6.90 and letter No. 5415C/A-11019/42/RR/89/16A dated 7.8.90.
2. The Director, (Geology), GSI, RGD, OP : Assam/ Arunachal Pradesh/ Manipur - Nagaland/ Tripura / Mizoram/ Officer -In- Charge, Drilling Division.
3. The Administrative Officer, GSI, NER, Accounts - IIA, IIB, III, Rectt. Section.

R. M. Goswami
(R M Goswami)
Regional Administrative Officer
for Dy. Director General

GOVERNMENT OF INDIA

3/9/90

No. 3962-B / SDA/NER

Dated the 23rd August, 1990

From :

The Deputy Director General
Geological Survey of India
North Eastern Region
'Asha Kutir', Laitumkhrah
Shillong - 793 003.

To :

Sri/smt. Ashok. K. Das...
S. T. A. (Geology) (Survey)...
R. G. D. (Geology)...
G. S. I. N. E. R. Shillong...

MEMORANDUM

Consequent upon the Regionalisation of Group 'C' and 'D' cadres of Geological Survey of India, vide Director General, Geological Survey of India letter No. 5219C/A-11021/82-15-A Vol. I dated 31.7.84, the clause that "The appointment carries with it the liability to serve in any part of India" as mentioned in the offer of your appointment is hereby revoked and replaced by the clause.

" The appointment carries with it the liability to serve in any part of North Eastern Region of Geological Survey of India with effect from 01 September, 1990.

This issues under the instructions of Director General Geological Survey of India, 27, J.L. Nehru Road, vide letter No. 5415C/A-11019/42/RR/89/16A dated 7.8.90.

(Signature) 23/8/90

(S K Acharyya)
Deputy Director General

No. _____ / SDA/NER

Dated the 23rd August, 1990

Copy for information to :

1. The Director General, GSI, 27, J.L. Nehru Road, Calcutta - 70001 with reference to his circular No. 995G to 1018G/A-11019/42/RR/816A dated 19.6.90 and letter No. 5415C/A-11019/42/RR/89/16A date 7.8.90.
2. The Director, (Geology), GSI, RGD, OP ; Assam/ Arunachal Pradesh/ Manipur - Nagaland/ Tripura - Mizoram/ Officer -In- Charge, Drilling Division.
3. The Administrative Officer, GSI, NER, Accounts - IIA, IIB, III Rectt. Section.

(Signature)
(K M Goswami)
Regional Administrator
for Dy. Director General

①②
Annexure 1A
80-62

GOVERNMENT OF INDIA

27th

No. 3887 /SDA/NER

Dated the 23rd August, 1990

From :

To :

The Deputy Director General
Geological Survey of India
North Eastern Region
'Asha Kutir', Laitumkhrach
Shillong - 793 003.

Sri/Smt. Dilip K. Sankhal
J.T.A. (Survey)
Eco. Geology Division
G.S.I. N.E.R. Shillong

M E M O R A N D U M

Consequent upon the Regionalisation of Group 'C' and 'D' cadres of Geological Survey of India, vide Director General, Geological Survey of India letter No. 5219C/A-11021/82-16-A Vol. I dated 31.7.84, the clause that "The appointment carried with it the liability to serve in any part of India" as mentioned in the offer of your appointment is hereby revoked and replaced by the clause.

"The appointment carries with it the liability to serve in any part of North Eastern Region of Geological Survey of India with effect from 01 September, 1990"

This issues under the instructions of Director General, Geological Survey of India, 27, J.L. Nehru Road, vide letter No. 5415C/A-11019/42/RR/99/16A dated 7.8.90.

(Signature) 23/8/90

(S K Acharya)
Deputy Director General

No. _____ /SDA/NER

Dated the 23rd August, 1990

Copy for information to :

1. The Director General, GSI, 27, J.L. Nehru Road, Calcutta - 700016 with reference to his Circular No. 995G to 1018G/A-11019/42/RR/99/16A dated 19.6.90 and letter No. 5415C/A-11019/42/RR/89/16A dated 7.8.90.
2. The Director, (Geology), GSI, RGD, OP : Assam/ Arunachal Pradesh/ Manipur - Nagaland/ Tripura - Mizoram/ Officer -In- Charge, Drilling Division.
3. The Administrative Officer, GSI, NER, Accounts, IIA, IIB, III, Rectt. Section.

(Signature)

(K-M Goswami)
Regional Administrative Officer
for Deputy Director General

23/8 Annexure X - 63

GOVERNMENT OF INDIA

28

No. 159 /SDA/NER

Dated the 23rd August, 1990.

From :

To : Radhishyam Ram
Sri/Smt.
Tech. operator (chem) II
Chemical Div.
CSI, NER, Shillong

The Deputy Director General
Geological Survey of India
North Eastern Region
'Asha Kutir', Laitumkhrah
Shillong - 793 003.

M E M O R A N D U M

Consequent upon the Regionalisation of Group 'C' and 'D' cadres of Geological Survey of India, vide Director General, Geological Survey of India letter No. 5219C/A-11021/82-16-A Vol. I dated 31.7.84, the clause that " The appointment carried with it the liability to serve in any part of India " as mentioned in the offer of your appointment is hereby revoked and replaced by the clause.

" The appointment carries with it the liability to serve in any part of North Eastern Region of Geological Survey of India with effect from 01 September, 1990"

This issues under the instructions of Director General, Geological Survey of India, 27, J.L. Nehru Road, vide letter No. 5415C/A-11019/42/RR/99/16A dated 7.8.90.

(Signature)
(S K Acharyya)
Deputy Director General

Dated the 23rd August, 1990

No. _____ /SDA/NER

Copy for information to :

1. The Director General, GSI, 27, J.L. Nehru Road, Calcutta - 700016 with reference to his Circular No. 995G to 1018G/A-11019/42/RR/89/16A dated 19.6.90 and letter No. 5415C/A-11019/42/RR/89/16A dated 7.8.90.
2. The Director, (Geology), GSI, RGD, OP : Assam/ Arunachal Pradesh/ Manipur - Nagaland/ Tripura - Mizoram/ Officer -In- Charge, Drilling Division.
3. The Administrative Officer, GSI, NER, Accounts, IIA, IIB, III, Rectt. Section.

(Signature)
(K M Goswami)
Regional Administrative
for Deputy Director

24 (19) Annexure I

63/88

GOVERNMENT OF INDIA

No. 3911 / SDA/NER

^{28th}
Dated the 23rd August, 1990.

From :
The Deputy Director General
Geological Survey of India
North Eastern Region
'Asha Kutir', Laitumkrah
Shillong - 793 003.

To :
Sri/Smt. R.P. Singh
..... Store Attendant
..... M.M. Division
..... G.S.I. N.E.R. Shillong

MEMORANDUM

Consequent upon the Regionalisation of Group 'C' and 'D' cadres of Geological Survey of India, vide Director General, Geological Survey of India letter No. 5219C/A-11021/82-15-A Vol. I dated 31.7.84, the clause that "The appointment carries with it the liability to serve in any part of India" as mentioned in the offer of your appointment is hereby revoked and replaced by the clause.

" The appointment carries with it the liability to serve in any part of North Eastern Region of Geological Survey of India " with effect from 01 September, 1990.

This issues under the instructions of Director General, Geological Survey of India, 27, J.L. Nehru Road, vide letter No. 5415C/A-11019/42/RR/89/16A dated 7.8.90.

(S.K. Acharya)
Deputy Director General

No. _____ / SDA/NER

Dated the 23rd August, 1990.

Copy for information to :

1. The Director General, GSI, 27, J.L. Nehru Road, Calcutta - 700016 with reference to his circular No. 995G to 1018G/A-11019/42/RR/89/16A dated 19.6.90 and letter No. 5415C/A-11019/42/RR/89/16A dated 7.8.90.
2. The Director, (Geology), GSI, RGD, OP ; Assam/ Arunachal Pradesh/ Manipur - Nagaland/ Tripura - Mizoram/ Officer -In- Charge, Drilling Division.
.....
3. The Administrative Officer, GSI, NER, Accounts - IIA, IIB, III, Rectt. Section.

(K.M. Goswami)
Regional Administrative Officer
for Dy. Director General

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GOVERNMENT OF INDIA

No. 3893/SDA/NER

Dated the 23rd August, 1990.

From :

The Deputy Director General,
Geological Survey of India
North Eastern Region
'Asha Kutir', Laitumkrah
Shillong - 793 003.

To :
Sri/Smt. M. C. Das.
.....
..... S. T. A. (Survey)
..... Geology Division
..... G. S. V. P. Shillong

MEMORANDUM

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(S K Acharyya)
Deputy Director General

Dated the 23rd August, 1990

No. _____/SDA/NER

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3. The Administrative Officer, GSI, NER, Accounts, IIA, IIB, III, Rectt. Section.

(K M Goswami)
Regional Administrative
for Deputy Director General