

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application Nos. 040/00157/2017

Date of Order: This, the 08<sup>th</sup> day of March 2018

**THE HON'BLE MR. S.N. TERDAL, JUDICIAL MEMBER**

1. Shri Atul Chandra Dutta,  
Engineering Assistant,  
Office of Deputy Director  
(Engineering), All India Radio,  
Dibrugarh, PIN-786001
2. Shri Anil Kumar Gogoi,  
Senior Technician, Office of Deputy Director(Engineering),  
All India Radio, Dibrugarh,  
PIN-786001.
3. Shri Asosil Plokho,  
Lower Division Assistant,  
Office of Deputy Director  
(Engineering), All India Radio,  
Dibrugarh, PIN-786001.
4. Shri Badal Choudhury,  
Senior Engineering Assistant,  
Office of Deputy Director  
(Engineering), All India Radio,  
Dibrugarh, PIN-786001
5. Shri Balin Chandra Kalita,  
Assistant,  
Office of Deputy Director  
(Engineering), All India Radio,  
Dibrugarh, PIN-786001.
6. Shri Binod Baruah,  
Peon  
Office of Deputy Director  
(Engineering), All India Radio,  
Dibrugarh, PIN-786001.

7. Shri Bipul Chandra Das,  
Washboy,  
Office of Deputy Director(Engineering)  
All India Radio, Dibrugarh, PIN-786001
8. Shri Biswajit Das  
Programme Executive  
Office of Deputy Director  
(Engineering), All India Radio,  
Dibrugarh, PIN-786001.
9. Shri Brij Kishor Prasad,  
Instrumentalist,  
Office of Deputy Director(Engineering)  
All India Radio, Dibrugarh, PIN-786001
10. Shri Chotelal Basfore,  
Safaiwala,  
Office of Deputy Director(Engineering)  
All India Radio, Dibrugarh, PIN-786001
11. Shri Deep Narayan Gupta,  
Halwai, Departmental Canteen,  
Office of Deputy Director  
(Engineering), All India Radio,  
Dibrugarh, PIN-786001
12. Shri Diganta Borthakur,  
Instrumentalist,  
Office of Deputy Director (Engineering)  
All India Radio, Dibrugarh, PIN-786001
13. Shri Kiran Sonowal,  
Security Guard,  
Office of Deputy Director (Engineering),  
All India Radio, Dibrugarh, PIN-786001
14. Shri Kutiswar Hajong,  
Senior Technician,  
Office of Deputy Director  
(Engineering), All India Radio,  
Dibrugarh, PIN-786001

15. Shri Lohit Chandra Deka,  
Programme Executive,  
Office of Deputy Director  
(Engineering), All India Radio,  
Dibrugarh, PIN-786001
16. Shri Mahendra Nath Pegu,  
Senior Engineering Assistant,  
Office of Deputy Director  
(Engineering), All India Radio,  
Dibrugarh, PIN-786001
17. Shri Manubijan Khanikar,  
Lower Division Assistant,  
Office of Deputy Director  
(Engineering), All India Radio,  
Dibrugarh, PIN-786001
18. Shri Mithu Bhattacharjee,  
Instrumentalist,  
Office of Deputy Director  
(Engineering), All India Radio,  
Dibrugarh, PIN-786001
19. Md. Matlib Ali  
Technician,  
Office of Deputy Director  
(Engineering), All India Radio,  
Dibrugarh, PIN-786001.
20. Shri Munindra Saikia,  
Senior Technician,  
Office of Deputy Director  
(Engineering), All India Radio,  
Dibrugarh, PIN-786001
21. Shri Pitambar Phukan,  
Motor Vehicle Driver,  
Office of Deputy Director  
(Engineering), All India Radio,  
Dibrugarh, PIN-786001

22. Shri Prasen Daimari,  
Peon, Office of Deputy Director  
(Engineering), All India Radio,  
Dibrugarh, PIN-786001
23. Shri Puna Deori,  
Upper Division Clerk,  
Office of Deputy Director  
(Engineering), All India Radio,  
Dibrugarh, PIN-786001
24. Shri R. N. Deori,  
Engineering Assistant  
Office of Deputy Director  
(Engineering), All India Radio,  
Dibrugarh, PIN-786001
25. Shri Radha Prasad Rabidas,  
Helper, Office of Deputy Director  
(Engineering), All India Radio,  
Dibrugarh, PIN-786001
26. Rafiquddin Ahmed,  
Lower Division Assistant,  
Office of Deputy Director  
(Engineering), All India Radio,  
Dibrugarh, PIN-786001
27. Shri Raja Chottopadhyaya,  
Lower Division Clerk,  
Office of Deputy Director  
(Engineering), All India Radio,  
Dibrugarh, PIN-786001.
28. Shri Rajen Chandra Chetia,  
Security Guard  
Office of Deputy Director(Engineering)  
All India Radio, Dibrugarh, PIN-786001
29. Shri Rajen Chetia,  
Senior Technician  
Office of Deputy Director(Engineering),  
All India Radio, Dibrugarh PIN-786001

30. Shri Ram Nath Das,  
Upper Division Clerk,  
Office of Deputy Director  
(Engineering), All India Radio,  
Dibrugarh, PIN-786001
31. Shri Ranjit Gogoi,  
Motor Vehicle Driver,  
Office of Deputy Director  
(Engineering), All India Radio,  
Dibrugarh, PIN-786001
32. Shri Rupjyoti Dowerah,  
Announcer Compere,  
Office of Deputy Director  
(Engineering), All India Radio,  
Dibrugarh, PIN-786001
33. Shri Sahdul Hussain,  
Daftary,  
Office of Deputy Director  
(Engineering), All India Radio,  
Dibrugarh, PIN-786001.
34. Shri Subrata Nandi,  
Upper Division Clerk,  
Office of Deputy Director  
(Engineering), All India Radio,  
Dibrugarh, PIN-786001
35. Shri Tridib Baruah,  
Upper Division Clerk,  
Office of Deputy Director  
(Engineering), All India Radio,  
Dibrugarh, PIN-786001
36. Smti Bani Kumari Deka,  
Upper Division Clerk,  
Office of Deputy Director  
(Engineering), All India Radio,  
Dibrugarh, PIN-786001

37. Smti Moni Das Kalita,  
Senior Store Keeper,  
Office of Deputy Director  
(Engineering), All India Radio, Dibrugarh, PIN-786001
38. Smti Sukantala Sharmah,  
Library Information Assistant,  
Office of Deputy Director  
(Engineering), All India Radio, Dibrugarh, PIN-786001
39. Smti Sumana Bhattacharjee,  
Upper Division Clerk,  
Office of Deputy Director  
(Engineering), All India Radio, Dibrugarh, PIN-786001
40. Smti Tribeni Das Gogoi,  
Assamese Announcer Grade-III  
Office of Deputy Director  
(Engineering), All India Radio, Dibrugarh, PIN-786001

...Applicants

By Advocates: Mr. Adil Ahmed, Ms. R.R. Rajkumari,  
Ms. D. Goswami and Ms. T. Deka

-Versus-

1. The Union of India,  
Represented by the Secretary to  
the Government of India,  
Ministry Of Information & Broadcasting, A Wing,  
Sashtri Bhawan, New Delhi, PIN - 110015
2. The Director General  
Prasar Bharati, (India's Public Service Broadcaster)  
All India Radio, Akashbani Bhawan  
Parliament Street, New Delhi, PIN-110001
3. The Additional Director  
General (Engineering) North East Zone, All India Radio &  
Doordarshan, Doordarshan Complex,  
RG Baruah Road, Guwahati-781024

4. The Deputy Director(Engineering)  
All India Radio, Dibrugarh  
Bairagi Math, Dibrugarh,  
PIN-786001

... Respondents

By Advocate: Ms. G. Sutradhar, Addl. CGSC

### **ORDER (ORAL)**

#### **MR. S.N. TERDAL, MEMBER (J):**

This O.A. is filed by the Applicants seeking a direction to the Respondents to set aside and quash the Recovery Order of Special Duty Allowance No. Dib. 7(5)/2016-17/AC/172 dated 23.11.2016 and order No. DIB-14(1)/2016-2017/S/CAT/263-265 dated 30.05.2017.

2. Heard Mr. Adil Ahmd, learned counsel for the Applicants and Ms. G. Sutradhar, learned Addl. CGSC for the Respondents. Perused the O.A. and all the documents produced by both the parties.

3. A short question that arises in this case is as to whether the Special Duty Allowance paid w.e.f. 01.10.1998 to 31.08.2008 to the Applicants can be withdrawn by the Respondents. Admittedly, except Applicants at Sl. No. 4, 8, 9,

12, 15, 16, 18 and 40 who are Group 'B' employees, the others are Group 'C' and 'D' employees.

4. In so far as the said Group 'C' and 'D' employees are concerned, the recovery cannot be affected in view of para 4 (i) of O.M. No. 18/03/2015-Estt. (pay-1) dated 02.03.2016.

In so far as Group 'B' employees are concerned, whether recovery could be made or not, is to be examined by the Respondents in the light of para 4(ii) & (iii) of the above OM.

5. In the circumstances, the Respondents are directed to examine the case of the above stated Applicants who are Group 'B' employees and pass a speaking order within a period of three months from the date of receipt copy of this order. Copy of the speaking order be furnished to the above stated Group 'B' employees.

6. O.A. stands disposed of accordingly. No order as to costs.

**(S.N. TERDAL)  
JUDICIAL MEMBER**