

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
(CIRCUIT AT PORT BLAIR)

No. O.A. 351/00240/2015

Date of order : 11.4.2016

Present : Hon'ble Justice Shri Vishnu Chandra Gupta, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

PRAKASH R. GULAUR & ORS.

VS.

UNION OF INDIA & ORS. (Defence)

For the Applicants : Ms. T. Biswas, Counsel

For the Respondents : Mr. V.D.S. Balan, Counsel
Mr. T. Lall, Counsel

O R D E R (Oral)

Justice Shri Vishnu Chandra Gupta, Judicial Member:

Heard the Ld. Counsel for the applicant and Ld. Counsel for the respondents.

2. The sole controversy is whether the area falling beyond Municipal limits of Port Blair in Andaman & Nicobar Islands will fall within the area of Port Blair in A&N Islands for the purpose of benefit of 20% basic pay + NPA.

3. The Ld. Counsel for the respondent Nos. 1 & 2 pointed out that the petitioners are posted in Port Blair so they are entitled to the benefit of 12.5% of basic pay + NPA and not 20% of basic pay + NPA. It has been further contended that the matter has already been referred to the Ministry of Defence for clarification.

4. We have gone through the records and found that the Office Memorandum dated 29.9.2008 has been issued by the Ministry of Finance, Department of Expenditure. The area which has been included



in this Office Memorandum has been given by the Ministry of Finance.

No reference has been made to the Ministry of Finance for clarification.

The respondent No. 3 referred the matter to the Ministry of Defence. It has been contended by Ld. Counsel for the applicant that in the same area where the work place of the applicants is situated other central government employees are getting the benefit of 20% (basic + NPA) instead 12.5% (basic + NPA).

5. Having considered all the facts and circumstances of the case, we are of the view that unless a clarification is received, we direct that the applicant will continue to get 12.5% (basic + NPA). However, 7.5% (basic + NPA) shall be deposited by the administration in some nationalized bank in interest bearing account so that if this case goes in favour of the applicant, the same may be paid with interest to the applicant and in case the Government decided against the applicant, the same may go back to the Government exchequer.

6. With this observation, the O.A. is finally disposed of. There shall be no order as to costs.

(Jaya Das Gupta)
MEMBER(A)

(Vishnu Chandra Gupta)
MEMBER(J)

SP