

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
OA 6 OF 1997.

Present : Hon'ble Mr. D. Purakayastha, Judicial Member

1. Station Headquarter Sevak Road
Civilian Workers Union, represented
by Santi Ranjan Sarkar,
S/o Late Makhan Chandra Sarkar,
President of the Union of Bihar More,
P.O. Bagdogra, Dist. Darjeeling.
2. Sri Naresh Paswan, General Secretary
of the aforesaid Wokers' Union,
& Affected employee,
S/o Late Arehilal Paswan,
Conservancy Safaiwala,
C/o 99 APO of Bihar More,
P.O. Bagdogra, Dist. Darjeeling

VS

1. Union of India through the
Secretary, Ministry of Defence,
Rakshya Mantralaya, New Delhi
2. Adjutant General, AGS Branch,
Army Headquarter, R.K.Puram, New Delhi
3. GOC Headquarter, Eastern Command,
G.S.Branch, Fort William, Calcutta-21
4. Commander Headquarters, 33 Corps,
C/O 99 APO
5. ADM Commandant, Station Headquarters,
Sevak Road, C/o, 99 APO

..... respondents

For the applicant : Mr. N.C.Chakraborty, Counsel

For the respondents : Ms. Uma Sanyal, Counsel

Heard on : 11.12.2000 : Order on : 22.12.2000

O R D E R

This is an application in a representative capacity filed by the aforementioned applicant No. 1 Union and another person, stated to be an affected employee, who also happens to be the General Secretary of the applicant No. 1 Union, praying for a direction on the respondents to grant the 61 members of the union (though no details about them have been given), who are conservancy staff working at the Station Headquarter Sevak Road, under the respondent No. 5, ration allowance for the period it has become due to them with other


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consequential benefits along with interest thereon.

2. The applicants submits that by virtue of their working in the aforesaid Sevak Road Station Headquarters, they are entitled to get field service concessions including ration allowance in terms of various circulars issued by the competent authority. But the respondents have denied them such benefits without any reason. Hence this OA.

3. The respondents have contested the claim of the applicants by filing a written reply. They have stated that the 61 conservancy staff, i.e. the members of the applicant No. 1 union, are on the supplementary PE of Admn. Comdt. Station Headquarter, Siliguri and have been working w.e.f. 1.6.87 at the ad hoc station Headquarters Sevak Road. They are being paid from the contingency grant and not from defence service estimates. It is further stated that the these 61 conservancy staff were regularised in between 1987 and 1995. Their further contention is that the Station Headquarters, where the aforesaid conservancy staff are working, is a static formation, and, therefore, not entitled to field service concession as per Army Headquarters letter dated 11.2.97 read with Controller General of Defence Accounts letter dt.. 9.9.66. It is also contended that the aforesaid Sevak Road station headquarters is on peace establishment as per decision of the Govt.of India dated 24.12.73, and therefore, free ration as field service concession is not admissible to them. They have, therefore, prayed for rejection of the OA.

4. The applicants have filed a rejoinder in which they have relied on a decision of this Tribunal in OA No. 441 of 95 decided on 30.7.97. In that OA some similarly situated conservancy staff of Sukna area, claimed such ration allowance and this Tribunal allowed the aforesaid OA. The applicants claim similar benefits. At annexure-B to the rejoinder, the applicants have annexed a letter dated 28.12.96 written by Major O.P.Malik, Adm. Comdt. in which it was stated that the Sevak Road Station HQ was in full field area during 1987 to March 1993 and that no free ration was issued to the

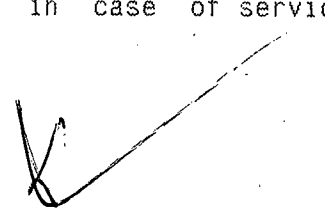


conservancy staff during the aforesaid period. The applicants, therefore, claim that at the relevant time during the period from 1987 to March 1993, they were entitled to get such ration allowance which was denied to them. They have, therefore, prayed for granting them the relief sought in the OA.

5. I have heard the ld. counsel for both parties and have gone through the documents produced. Ld. Counsel for the respondents has also drawn our attention to the order passed by the Hon'ble High Court at Calcutta dated 8.11.2000 by which the aforesaid decision of the Tribunal dt. 30.7.97 in OA 441 of 1995 was set aside and the matter was remanded to this Tribunal for fresh adjudication, which is still pending.

6. Ld. counsel for the applicants has drawn my attention to annexure-A3 dt. 12.9.89 in which it was clarified that within the State of West Bengal, the district of Darjeeling excluding certain municipal area and cantonment limits, field service concessions are admissible. He has also drawn my attention to annexure-A4 dt. 29.8.95 in which also it was stated that the station headquarters of Sukna/Kharai come under modified field area according to new classification and defence civilian employees working in the modified field area are entitled to field service concessions. My attention has also been drawn to another circular dt. 13.1.94 relating to admissibility of field service concessions based on recommendations of 4th Pay commission. He has, therefore, contended that there is no reason why the present applicants should be denied such concession in the form of ration allowance for the period from 1987 to March 1993, as admittedly during the aforesaid period, they were not paid such allowance even though they were entitled to get the same, as clarified in the first annexure to the rejoinder, already referred to above.


7. Ld. counsel for the respondents has, on the other hand, drawn my attention to page 15 of the reply which is a letter dt. 11.2.97. It is stated therein that field service concessions have not been extended to static units either in case of service personnel or



civilians. She has also drawn my attention to page 17 of the reply which is a letter dt. 24.12.73. In the said letter the decision of the President of India has been communicated to the effect that the conservancy staff at the various stations will form supplement establishment of the peace establishments of the SSOs/Adm.Comdts. Finally, she has referred to the last annexure to the reply which is a letter dt. 9.3.95 in which it was stated that the defence civilian employees serving in newly defined modified field area are not eligible for the ration allowance. She has, therefore, contended that the applicants are not entitled to any ration allowance, as claimed.


8. It is not in dispute that the applicants are conservancy staff posted at ad hoc Station Headquarters Sevak Road. It is the contention of the respondents that station headquarters are static formations and therefore, personnel working at headquarters are not entitled to field service concessions. I find from the copy of letter dt. 9.9.66 available at page 16 of the reply that it has been clarified at sub-para (d) thereof that "Station Headquarters should be treated as static military lands and cantonment units should also be treated as static formations." From para 5 of the circular dt. 13.1.94 annexed by the applicants themselves at page 19 of the OA, I find that the field service concessions have been stated to be not admissible to static formations. It is, therefore, clear that the applicants by virtue of their working at the headquarter unit, which is a static formation, are not entitled to field service concessions which include ration allowance. However, it is seen from para 9 of the same circular that it will be effective from 1.4.93. The ld. counsel for the applicants has contended that the applicants are, therefore, entitled to this benefit prior to 1.4.93, precisely from 1987 to March 1993, when the aforesaid unit was in full field area as clarified by letter dt. 28.12.96 vide annexure-B to the rejoinder.

9. On going through the judgement of the Hon'ble High Court dt. 8.11.2000 in COCT 19 of 1997 against the decision of this Tribunal in OA 441 of 1995, I find that the appellants therein produced a letter



dt. 1.8.97 which was quoted by the High Court in its order aforesaid. It was clarified therein that earlier letters dt. 29.8.95, 8.5.96 and 27.9.96 regarding admissibility of field service concession to the civilian employees of Station Headquarters, Sukna/Khaprai had been cancelled and it was further clarified that field service concessions are not admissible to the defence civilian employees working under static units though located in field/modified field area. It was also stated that since ad hoc station Headquarters, Sukna/Khaprai is a static unit, field service concessions are not admissible to the civilian employees working there. It is also not in dispute that the applicants are working at ad hoc Station headquarters at Sevak Road which is also treated as a static unit. Therefore, the applicants cannot also claim such field service concession like ration allowance.

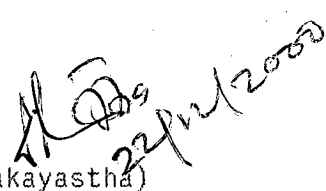
10. Ld. counsel for the applicants has vehemently argued that the applicants are not claiming such allowance prospectively. Their claim is limited to the period between 1987 and March 1993. Admittedly, the applicants were regularised in between June 1987 and August 1995. But there is no details as to which of the applicants or members of the applicant No. 1 Union were regularised and when. Naturally, all the applicants or Union members cannot claim such ration allowance for the entire period from 1987 to March 1993, when most of them were regularised in 1987 or thereafter. In the absence of necessary particulars, no clear finding can be given on this aspect. Furthermore, as already noted above, as far back as on 9.9.66, it was decided that Station Headquarters will be treated as static formations. From page 18 of the reply wherein a copy of letter dt. 25.2.95 has been annexed, it appears that it was decided as long back as on 2.3.68 that the defence civilian employees serving in newly defined modified field areas were not eligible for ration allowance. A copy of this letter dt. 2.3.68 is available in the departmental file produced before me. I find that as per para (b) of this letter it was decided that "field service concessions will cease to be admissible to officers and personnel (including civilians paid from



defence service estimates) service in Municipal and Cantonment areas of ... (ii) Siliguri and Bagdogra w.e.f. 1.3.69." Admittedly, the applicants are working at a station which is located at Bagdogra area of Siliguri subdivision within the district of Darjeeling. Therefore, since 1969, such allowance was decided to be withdrawn for personnel working in those areas of Siliguri and Bagdogra.

11. There is another aspect of the matter. The present application was filed only on 3.1.97 whereas the ld. counsel for the applicants has submitted that the claim for ration allowance by the applicants is limited for a period between 1987 and March 1993. It is not explained why this application has been filed so belatedly. There is no other document (except annexure-B to the rejoinder dt. 28.12.96) produced before me in support of the delay having being caused on bona fide ground. In that view of the matter also, the applicant's claim is time barred.

12. For the reasons discussed at some length, I find that the claim of the applicant cannot be accepted both on merit as also on the ground of delay. Accordingly, the application is dismissed without passing any order as to costs.


(D.Purakayastha)

MEMBER (J)