

**CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH  
LUCKNOW**

**ORIGINAL APPLICATION NO:73 OF 2005**

**THIS THE 14<sup>TH</sup> DAY OF DECEMBER 2005**

**HON'BLE SHRI S.P. ARYA MEMBER (A)**

1. Shri I. Kholendra Singh son of Shri, I Kulabidhu Singh posted as FO(T) (Filed Officer Telecommunication) resident of Qr. No. 22 (HOSTEL) Kendranchal Colony Aliganj Lucknow.
2. Sri B.B. Singh son of Sri G.P. Singh posted as D.F.O. (T) (Deputy Field Officer Telecommunication) resident of T-III/23, Kendranchal Colony, Sector-K, Aliganj, Lucknow.
3. Shri Dharmendra Kumar son of Sri Om Prakahs, D.F.O. (C.C.) resident of T-III/59, Kendranchal Colony, Sector-K, Aliganj, Lucknow.
4. Sri P.K. Chanda son of Late N.L. Chanda, SFA(T) (Senior field Assistant Telecommunication) resident of T-II/47, Kendranchal Colony, Aliganj, Lucknow.
5. Sri M.K. Yadav son of Prabhu Nath Yadav, FA(T) resident of SS II-848, Sector-D-1, IDA Colony, Kanpur Road, Lucknow.
6. Sri Pranab Banerjee son of late N.N. Banerjee, SFA (Vety) resident of Qr. No. 87, Type-II Kendranchal Colony Sector-K, Aliganj, Lucknow.
7. A.S. Sajwan son of late B.S. Sajawan, DFO(M) (Medic) resident of Qr. No. Type-III/II, Kendranchal Colony, Sector-K, Aiganj, Lucknow.
8. Sri D.K. Poddar son of late B.D. Poddar, Pharmasist resident of I/206, Akansha Colony Parishak, Jankipuram, Lucknow.
9. Sri Satyandra Kumar son of Sri Roop Chand, as a Pharmasist resident of Qr. Type-I/54 Akansha Parishar, Jankipuram, Lucknow.
10. Shri B.M. Pant son of late H.B. Pant, as a P.A., resident of Qr. Type-I/40 45/III Akansha Parishar Jankipuram, Lucknow.
11. Shri Kamal Sinha, son of late Himanshu Sinha, resident Qr. Type-II/122, Kendranchal Colony, Aliganj, Lucknow.
12. P.K. Mohanty aged about 32 years son of S.P. Mohanty resident of Qr. No. I/126 Akansha Parishar, Jankipuram Lucknow.

Applicants.

By Advocate: Shri R.D. Agarwal.

**VERSUS**

1. Union of India, through Director General S.S.B., East Block-V, R.K. Puram, New Delhi-110066.
2. I.G. S.S.B. Frontier Heaed Quarters, 11th Floor, Kendriya Bhawan, Purania Chauraha Aliganj, Lucknow.

Respondents.

BY Advocate: Shri S.P. Singh for Dr. Neelam Shukla.

**ORDER**

**BY HON'BLE SHRI S.P.ARYA, MEMBER(A)**

The applicants were getting Cash Compensatory Allowances for working on Gazzetted Holidays, Saturdays, Sundays and Restricted Holidays

in the Special Service Bureau – SSB. S.S.B. was brought under the control of Ministry of Home Affairs in 2001. Some of the applicants have made representation for grant of such cash compensation. The representation was rejected by order dated 12.10.2004 on the grounds that the role of SSB has changed and now SSB is doing the duties of Border Guarding like BSF and ITBP and is being restructured on the pattern of BSF.

2. The applicants by this O.A. have sought for direction to the respondents for payment of cash compensatory allowance in lieu of compensatory leave to the applicants for the year 2004 and onwards by calculating the same rate of basic pay plus Dearness Allowances and A.D.A. w.e.f. January 1996 on the grounds that such facilities available to RAW which is a Civilian Police Organization.

3. I have heard the learned counsel for the parties and perused the pleadings on record.


4. The respondents in their counter reply have stated that the applicants are the members of Sashastra Seema Bal and are posted at Frontier Head Quarters, SSB, Lucknow. By a decision of the Cabinet Secretariat dated 18.12.1987 and order dated 30.1.2001, Cash Compensation for working on holidays was admissible to the non-Gazetted personnel of SSB, I.B. and R.A.W and who were not entitled to over time allowance. The allowance was paid to non-Gazetted personnel up to the year 2003 for working on holidays restricted to 30 days Basic Pay (excluding Dearness Allowance). The administrative control of SSB was shifted to Ministry of Home Affairs and the role of SSB has changed. The SSB is doing the duties of Border Guarding like BSF and ITBP and is being restructured on the pattern of BSF, SSB and cannot be compared with IB and RAW. Allowances admissible to IB and RAW cannot be extended to the SSB in general. The grant of cash

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compensation for working on holidays has been rejected by the Ministry of Home Affairs.

5. From the perusal of records, it appears that the SSB is now doing the duties of Border Guarding like BSF and ITBP. It is being restructured on the pattern of BSF. SSB, in the changed scenario, cannot be compared with IB and RAW. The allowances admissible to the personnel of IB and RAW cannot be made available to the applicants. It would be clear that this is a policy decision of the Govt. which is in the exclusive domain of the executives. What allowances should be admissible to them cannot be adjudicated by the courts. Parity in allowances is to be looked into by the expert bodies. Courts have neither got the expertise to examine work and duties of the personnel in a Department and according<sup>ly</sup> parity nor have the jurisdiction to interfere with the policy decision of the Government.

6. Having regard to the above, O.A. is dismissed without any order as to costs.

  
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(S.P. Arya)  
Member (A)

'HLS'