

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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✓ O.A./T.A No. 199/2000
R.A/C.P No.
E.P/M.A No.

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SECTION OFFICER (Judl.)

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 199/2000 OF 199

Applicant(s) Sri Asim Das and ors.

Respondent(s) Union of India and ors.

Advocate for Applicant(s) Mr. G. K. Bhattacharyya
Mr. G. N. Das, Mr. B. Choudhry

Advocate for Respondent(s) C. G. S. C.

Notes of the Registry	Date	Order of the Tribunal
<p>THIS application is in form and within time. F. of R. 50% deposited vide IPO RD No. 492/32/1 Dated 8.6.2000</p> <p>By <i>[Signature]</i> 11/6/2000</p> <p>Not: Requisition set filed.</p> <p>By <i>[Signature]</i> 11/6/2000</p> <p>Notice forwarded. 1 to 5 and sent to Despatch Section for forwarding to the respondents vide B/No. 1584 to 1588 dated 12/6/00.</p>	<p>8.6.00</p> <p>pg 9/10/2000</p> <p>30.6.00</p>	<p>Present : The Hon'ble Shri D.C.Verma, Judicial Member.</p> <p>Heard Mr G.N.Das, learned counsel for the applicants and Mr B.S.Basumatary, learned Addl.C.G.S.C for the respondents.</p> <p>Issue notice to show cause as to why this O.A. be not allowed as per the relief claimed for in the O.A. Notice is returnable by 3 weeks.</p> <p>List on 30.6.00 for show cause and admission.</p> <p><i>[Signature]</i> Member (J)</p> <p>There is no Bench. Ad'nd to 3.7.00</p>

N

②

O.A. 199/2000

Notes of the Registry	Date	Order of the Tribunal
	3.7.00	Present : Hon'ble Sri S.Biswas, Member(A). None for the applicant. Learned counsel Mr. B.S.Basumatary, for the respondents. List on 10.7.2000 for consideration of admission. s. Biswas Member(A)
<u>7-7-00</u> no cause has been shown. in trd	10.7.00	Present: Hon'ble Mr S. Biswas, Administrative Member None for the applicant. Mr A. Deb Roy, learned Sr. C.G.S.C. is present. The written statement has not been filed. The case is adjourned and posted on 27.7.00 for admission. & wfs s. Biswas Member(A)
<u>10/7/00</u> Notice duly served on Respondent No 5 by		
<u>17.8.2000</u> Written Statement has been filed by the respondents. No. 1-5. Boon WLS has been filed.	nkm	
	27.7.00	Then 5 no cause, adjd to 14.8.00. No h.
	14.8.00	Then 5 no cause, adjd to 12.9.00. No h.
<u>27.9.2000.</u>	12.9.00	no cause. To be listed on 28.9.00. No h.

Notes of the Registry

Date

Order of the Tribunal

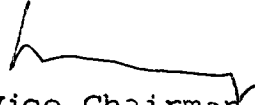
23.10.2000

28.9.00

Copy of the Judgment
has been sent to the
D/Sec. for issuing the
summons to the applicant
as well as to the
Add. C.G.S.C. for the
Respondents.

pg

Heard counsel for the parties.
Hearing concluded. Judgment delivered
in open Court, kept in separate sheets.
The application is allowed in terms of
the order. No order as to costs,


Vice-Chairman

7

Notes of the Registry	Date	Order of the Tribunal

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./~~Ex. No.~~ No. . 199 of 2000.

DATE OF DECISION28-9-2000.

Sri Asim Das & Ors.

PETITIONER(S)

S/Sri G.K.Bhattacharyya, G.N.Das,
B.Choudhury.

ADVOCATE FOR THE
PETITIONER(S)

VERSUS -

Union of India & Ors.

RESPONDENT(S)

Sri B.S.Basumatary, Addl.C.G.S.C

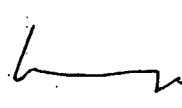
ADVOCATE FOR THE
RESPONDENTS

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

THE HON'BLE

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.



X

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 199 of 2000.

Date of Order : This the 28th Day of September, 2000.

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

Shri Asim Das and 26 others.

All the applicants are employees of
Special Service Bureau, Ziro Area,
Arunachal Pradesh.

. . . Applicants.

By Advocate S/Shri G.K.Bhattacharyya,
G.N.Das and B.Choudhury.

- Versus -

Union of India & Ors.

. . . Respondents.

By Advocate Sri B.S.Basumatary, Addl.C.G.S.C.

O R D E R

CHOWDHURY J.(V.C)

Having regard to the cause and action and nature of relief prayed for by the applicants it appears to me that the matter involve common cause and accordingly the applicants are allowed to join together in this single application under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987.

2. All the applicants are non-executive personnel serving in Special Service Bureau (SSB for short) in the Ziro area of Arunachal Pradesh under the administrative control of the Divisional Organiser, S.S.B., A.P. Division, Itanagar and Area Organiser, S.S.B., Ziro. It is a department under the Central Government. Ziro area was declared as category 'C' station with effect from 8.11.1994 for the first time for the purpose of various concessions as cited in the Annexure-III order in terms of the Cabinet Secretariat letter No.A-27011/4/86-EA-11 dated 18.12.1987. Ration

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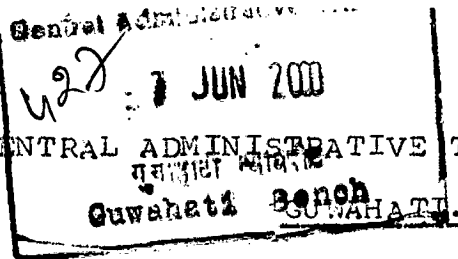
allowance is one of such allowances allowed by the Government by that memorandum. This Tribunal in a number of cases in respect of such employees directed for payment of ration allowance.

3. Heard Mr G.N.Das, learned counsel appearing for the applicants and Mr B.S.Basumatary, learned Addl.C.G.S.C for the respondents. Mr Das in support of his contention cited the order dated 14.6.1996 passed in O.A.No. 245 of 1995. In conformity with the earlier direction the respondents are directed to pay ration allowance with effect from the date when the stations to which they have posted have been categorised as 'B' or 'C' locations or from the actual date of their joining in the locations so categorised, whichever is later including arrears within 90 days from the date of receipt of this order.

The application is accordingly allowed. No order as to costs.


(D.N.CHOWDHURY)
VICE CHAIRMAN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:: GUWAHATI BENCH:



O.A. NO. 199/2000.

Shri Asim Das & Ors.

... Applicants.

-Versus-

Union of India and others.

... Respondents.

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Filed by :-

Bikram Choudhury
(Advocate)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH
GUWAHATI.

(An application U/s 19 of the Administrative Tribunals Act, 1985).

O.A. NO. /2000.

1. Shri Asim Das

son of Late Nanda Kumar Das

L.D.C.

Office of the Area Organiser ,

S.S.B., Ziro

Arunachal Pradesh .

2. Shri Surya Kumar Saikia

son of Late Mukheswar Saikia

U.D.C.

Office of the Area Organiser ,

S.S.B., Ziro ,

Arunachal Pradesh .

3. Shri Prafulla Chandra Deka

son of Late Phatik Chandra Deka

U.D.C.

Office of the Area Organiser ,

S.S.B., Ziro ,

Arunachal Pradesh .

4. Shri S. Neng Chin Mung

son of Shri Tual Pan

Steno-III

Office of the Area Organiser ,

S.S.B., Ziro ,

Arunachal Pradesh .

contd...

Asim Das
Filed by the Applicant through
Advocate
Bikram Choudhury, 7/5/2000

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2.

5. Shri Sudhakar Sarkar

Son of Shri Nripendra Nath Sarkar
L.D.C.

Office of the Area Organiser ,
S.S.B., Ziro ,
Arunachal Pradesh .

6. Shri Madan Singh Gurung

Son of Late Amar Bahadur
Driver

Office of the Area Organiser ,
S.S.B., Ziro ,
Arunachal Pradesh .

7. Shri Sahadev Das

Son of Gobinda Chandra Das
Driver

Office of the Area Organiser ,
S.S.B., Ziro ,
Arunachal Pradesh .

8. Shri Tilok Chandra Das

Son of Shri Baneswar Das
U.D.C.

Office of the Area Organiser ,
S.S.B., Ziro ,
Arunachal Pradesh .

9. Shri Pura Tale

Son of Late Pura Doilang
Peon

Office of the Area Organiser ,
S.S.B., Ziro ,
Arunachal Pradesh .

contd...

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10. Shri Tade Doku

Son of Late Tagi Doku

Peon

Office of the Area Organiser ,

S.S.B., Ziro ,

Arunachal Pradesh .

11. Shri Rajkumar Prasad

Son of Shri Darbari Prasad

Peon

Office of the Area Organiser ,

S.S.B., Ziro ,

Arunachal Pradesh .

12. Shri Lekhan Kakati

Son of Late Mularam Kakati

Peon

Office of the Area Organiser ,

S.S.B., Ziro ,

Arunachal Pradesh .

13. Shri Ranjit Kumar Dasgupta

Son of Late Ratish Chandra Das

Chowkidar

Office of the Area Organiser ,

S.S.B., Ziro ,

Arunachal Pradesh .

14. Shri Hemanta Das

Son of Late Rupai Das

Chowkidar

Office of the Area Organiser ,

S.S.B., Ziro ,

Arunachal Pradesh .

contd...


15. Shrimati Kago Riniya
D/o Late Kago Hongo
Chowkidar
Office of the Area Organiser ,
S.S.B., Ziro ,
Arunachal Pradesh .
16. Shri Probin Barthakur
Son of Late Rajani Kanta Barthakur
U.D.C.
Office of the Area Organiser ,
S.S.B., Ziro ,
Arunachal Pradesh .
17. Shri Krishan Chander
Son of Chander Bhan
U.D.C.
Office of the Area Organiser ,
S.S.B., Ziro ,
Arunachal Pradesh .
18. Shri Tapa Riku
Son of Late Tada Riku
Peon
Office of the Area Organiser ,
S.S.B., Ziro ,
Arunachal Pradesh .
19. Shri Hong Taki
Son of Late Hong Pugang
Chowkidar
Office of the Area Organiser ,
S.S.B., Ziro ,
Arunachal Pradesh .

contd...



20. Shrimati Habung Dingung
D/o Late Habung Tagiang
Peon
Office of the Area Organiser ,
S.S.B., Ziro ,
Arunachal Pradesh .
21. Shri Samiran Das
son of Shri Satyen Kumar Das
Steno-III
Office of the Area Organiser ,
S.S.B., Ziro ,
Arunachal Pradesh .
22. Shri Binoy Chakraborty
son of Shri Subodh Chandra Chakraborty
Driver
Office of the Area Organiser ,
S.S.B., Ziro ,
Arunachal Pradesh .
23. Shri Tapor Dasding
son of Late Taku Dasing
peon
Office of the Area Organiser ,
S.S.B., Ziro ,
Arunachal Pradesh .
24. Shri Ringpor Konia
son of Late Taring Konia
Peon
Office of the Area Organiser ,
S.S.B., Ziro ,
Arunachal Pradesh .

contd...



25. Shri Sonta Bahadur Chetry

Son of Late Harka Bahadur Chetry
Chowkidar
Office of the Area Organiser ,
S.S.B., Ziro ,
Arunachal Pradesh .

26. Shri Taming Zipu

Son of Late Tade Zipu
Peon
Office of the Area Organiser ,
S.S.B., Ziro ,
Arunachal Pradesh .

27. Shri Tachak Payeng

Son of Late Tapoy Payeng
Peon
Office of the Area Organiser ,
S.S.B., Ziro ,
Arunachal Pradesh .

(All the applicants are non-executive personnel serving in special service Bureau, Ziro area, Arunachal Pradesh under the administrative control of the Divisional Organiser , S.S.B., A.P. Division , Itanagar and Area Organiser, S.S.B., Ziro in Arunachal Pradesh).

.... Applicants.

contd...

-versus -

1. Union of India (represented by the
Cabinet Secretary , Department of
Cabinet Affairs, Bikaner House,
Shahjahan Road, New Delhi) .
2. Director General of Security ,
Block-V (East)
R.K. Puram
New Delhi -110066 .
3. Director , S.S.B.
Block-V (East)
R.K. Puram
New Delhi -110066 .
4. Divisional Organiser, S.S.B.,
A.P. Division
Itanagar (A.P.)
5. Area Organiser, SSB, Lower Subansiri
District , Ziro ,
Arunachal Pradesh .

... Respondents.

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

- I) Illegal and arbitrary action of the
respondent-authorities in not allowing the appli-
cants to draw Ration Allowance only on the ground

contd...

that they were not applicants in Original Applications disposed of by this Hon'ble Tribunal directing the respondents to pay Ration Allowance to the applicants from due dates. The Director, S.S.B., New Delhi (Respondent No.3) has since notified by issuing memoranda addressed to various Divisional Organisers of the S.S.B. including Divisional Organiser,SSB, A.P. Division, Itanagar to the effect that, as per existing instructions, the non-applicants in various original applications disposed of by this Hon'ble Tribunal directing payment of Ration Allowance from due date are not entitled to get Ration Allowance on the basis of judgments of the Central Administrative Tribunal, Guwahati Bench. The latest memorandum was issued and circulated by the Respondent No. 3 clarifying the stand of the respondent-authorities that the non-applicants, as stated above, would not be entitled to get Ration Allowance vide his office memorandum No. 9/SSB/A-2/86 (1) Manipur-534 dated 10.2.2000 (Annexure-XVI at page 72).

II) Order passed by the Respondent No.4 as communicated in his office memorandum No. BE/COURT CASE/RA/99/170 dated 30.5.2000 whereby the representations filed by the applicants praying for grant of ration allowance were summarily rejected only on the ground that none of them was applicant in OA 103/99 disposed of by this Hon'ble Tribunal (Annexure-XVII at page 73).

2: JURISDICTION OF THE TRIBUNAL:

The applicants declare that the subject-matter of the order against which they want redressal is within the jurisdiction of the Tribunal.

3: LIMITATION:

The applicants further declare that the application is within the limitation prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4: FACTS OF THE CASE :-

1) That the applicants are all non-executive personnel serving in the special Service Bureau (S.S.B. in short) in Ziro area under the administrative control of the Divisional Organiser, S.S.B., A.P. Division, Itanagar (Respondent No.4). The S.S.B. is a Department of the Govt. of India , directly under the Cabinet Secretary .

The applicants have a common grievance and interest in the matter and as such they are filing a single application inasmuch as the relief prayed for , if granted to one of them, will be equally applicable to all others as they are similarly situated with a view to avoiding multiplicity of litigations. The applicants crave leave of this Hon'ble Tribunal to allow them to file a single application as provided in Rule 4(5) (a) of the CAT (procedure) Rules, 1987 .

2) That the Government of India, in 1962, set up the Directorate General of Security (D.G.S. in short) under the Administrative control of the Cabinet Secretariat for some specific purposes which is a multi-role, multidisciplinary organisation comprising four agencies, namely, special Service Bureau (S.S.B. in short) , Aviation Research Centre (A.R.C. in short), Special Frontier Force (S.F.F. in short) and Chief Inspectorate of Armaments.

contd...

3) That the applicants beg to state that the Cabinet Secretariat, vide letter No. A.27011/4/86-EA-II dated 18.12.87 addressed to the Director, Planning, Directorate General of Security, informed that certain concessions were granted to the staff of S.S.B., S.F.F., C.I.O.A. (Chief Inspectorate of Armaments) and Directorate of Accounts and the concessions were listed in Annexure-I. In the said letter it was also mentioned that for some of the concessions, the various hardship locations had been categorised as "B" and "C" stations as mentioned in the Annexure-II to the letter. In the said letter, it was also mentioned that for the purpose of House Rent Allowance, concessions to the various categories to staff, the equation of post as listed in Annexure-A to the Cabinet Secretariat order dated 28.10.86 would also be applicable in respect of the staff of S.S.B., S.F.C., C.I.O.A. and Directorate of Accounts.

Copy of the said letter dated 18.12.87 alongwith two Annexures is annexed herewith and marked as Annexure-I.

4) The applicants beg to state that, from the said letter and Annexures, it would be apparent that certain concessions were granted and in the case of the applicants, the concession referred to against serial No. 2 in Annexure-I, i.e. Ration Allowance, would be relevant. The House Rent allowance to the executive cadre was made admissible

contd...

to the personnel of other cadres also of the corresponding level except in the case of S.S.B. Battalion personnel and Deputy Commandants/Company Commanders/Assistant Company Commander of S.F.F. and also those on deputation in the S.F.F. from the Army.

5) That the applicants beg to state that the order dated 28.10.86 mentioned in letter dated 18.12.87 (Annexure-I) was an order from the Cabinet Secretariat whereby the sanction of the President was conveyed to the equation of posts listed at Annexure- A in various cadres of corresponding level in Aviation Research Centre to that of the executive cadre. The present applicants have been equalised with the Field Officers and below and as per the said equation, the applicants were paid House Rent Allowance from 1987 itself.

A copy of the said letter dated 28.10.86 alongwith enclosures is annexed herewith and marked as

Annexure-II.

6) That the applicants beg to state that in terms of above-noted Cabinet Secretariat letter dated 18.12.87 (Annexure-I), only Daporizo and Koloriang alongwith some other locations in Arunachal Pradesh were categorised as category "B" and Category "C" locations respectively but the non-executive personnel of the SSB posted to these

contd...



locations were not granted Ration Allowance although the executive personnel based in these locations were drawing Ration Allowance since long in terms of the said letter dated 18.12.87 (Annexure-I) .

In exercise of powers conferred on him as the Head of the Department and in terms of paragraph 3 of the cabinet Secretariat letter dated 18.12.87 (Annexure-I), the Director, S.S.B., New Delhi (Respondent No.3), by his office order No. 9/SSB/A-2/86(1)-AP/94-95/435 dated 8.11.94, conveyed the sanction of the competent authority to the classification of the under-mentioned stations in the Arunachal Pradesh Division as category "B" and category "C" stations for the purpose of granting various concessions as referred to in the Cabinet Secretariat letter dated 18.12.87 (Annexure-I) for a period of one year with effect from the date of issue of that letter, i.e., (From 8.11.94 to 7.11.95) .

CATEGORY "B" STATION:

X X X X

13: Taliha

14: Palin

CATEGORY "C" STATION:-

X X X X

6: Ziro

X X X X

14: Nacho

Subsequently, by another order No. 9/SSB/A 2/86(1)-AP/3423-24 dated 19.12.95, the categorisation of the above-noted stations in Arunachal Pradesh Division of the SSB, as "B" and "C" stations for a further period of 3 (three) years with effect from 8.11.95 to 7.11.98 was sanctioned.

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V

By another order No. 9/SSB/A.2/86(1)-AP/3662 dated 17.8.98, the sanction of the competent authority was similarly conveyed to the classification of the above-noted stations in the Arunachal Pradesh Division of the SSB as Category "B" and "C" stations, as stated above, for the purpose of granting various concessions as referred to in Annexure-"A" to the Cabinet Secretariat letter dated 18.12.87 (Annexure-I) for a further period of 3 (three) years w.e. from 8.11.98 (From 8.11.98 to 7.11.2000) .

It would , therefore, appear that the categorisation of the above-noted locations as category "B" and "C" stations has remained valid w.e.from 8.11.94 to 7.11.2001 .

Copies of the afore-said orders dated 8.11.94, 19.12.95 and 17.8.98 regarding categorisation of the stations concerned as "B" and "C" stations in the A.P. Division of the SSB are annexed herewith and marked as Annexure-III, IV and V respectively .

7) That the petitioner beg to state and submit that the petitioners appearing against serial No. 1 to 15 are posted to Ziro , those against serial No. 16 to 19 are posted to Palin, applicant against serial No. 20 posted to Koloriang , the applicants appearing against serial No. 21 to 25 are posted to Daporizo and applicant appearing against 26 and 27 are posted to Nacho and Taliha respectively .

contd...

8) That, the applicants beg to state and submit that the applicants have become eligible for getting ration allowance with effect from 8.11.94 , the date from which the categorisation of the above-noted station as "B" and "C" station was sanctioned , as stated above, and accordingly , the Field Officers and below were being paid ration allowance as to their entitlement but, for reasons best known to the authority, the applicants who had been equated with the Field Officers and below were not paid ration allowance in a most illegal and arbitrary manner.

9) That the applicants beg to state that the Aviation Research Centre is a part of Directorate General of Security alongwith S.S.B. and two other organisations . Similar concessions including Ration Allowance were granted to the employee of the Aviation Research Centre and the non-executive staff of the Aviation Research Centre were also deprived of the Ration Allowance and only executive staff was given the same. Some employee of Aviation Research Centre, Doomdooma had filed an application before this Tribunal claiming that being non-executive staff, they were also entitled to get the Ration Allowance as was being given to the executive staff, according to the equalisation done as per order dated 28.10.86 (Annexure-II) and the same was numbered as O.A. 245/95. A Division Bench of this Tribunal, by judgment dated 14.6.96, held that the Ration Allowance was admissible to the applicants and directed that


contd...

the Ration Allowance be paid to the applicants at the rate applicable to ~~them~~ with effect from the due date and to pay the arrear amounts within a fixed period. The Aviation Research Centre authorities, instead of granting the concessions, filed an S.L.P. in the Hon'ble Supreme Court challenging the order passed by this Hon'ble Tribunal granting Ration Allowance to the non-executive Staff and the same was numbered as Special Leave to appeal (Civil) No. 1706/97. The Hon'ble Supreme Court, by order dated 16.3.98, dismissed the Special Leave to appeal and directed that the order be punctually observed and carried into execution by all concerned. The order dated 14.6.96 passed by this Hon'ble Tribunal in O.A. NO. 245/95 had attained finality.

Copies of the judgment dated 14.6.96 passed by this Hon'ble Tribunal and the order dated 16.3.98 passed by the Hon'ble Supreme Court are annexed herewith and marked as Annexure-VI and VII respectively.

10) That the applicants beg to state that in pursuance of the said judgement, the cabinet secretariat, vide their order No. A-27011/4/86/EA. II/1483 dated 16.6.98, sanctioned the Ration Allowance to the non-executive Staff of the Aviation Research Centre and all payments have since been made to the Staff who are still continuing at Doom-dooma which has been categorised as "B" station.

contd...



11) That the applicants beg to state that some other non-executive personnel of Aviation Research centre (ARC) in short), F.R.U. Numaligarh who were also deprived of getting the Ration Allowance had also filed an application before this Hon'ble Tribunal claiming Ration Allowance and the same was numbered as O.A. 89/96. This Hon'ble Tribunal, by order dated 17.7.98, disposed of the application directing the department to pay Ration Allowance w.e.f. 22.2.94 alongwith arrears within 3 months .

Copy of the said order dated 17.7.98 is annexed herewith and marked as Annexure- VIII.

12) That the applicants beg to state that after the non-executive cadre employees of the Aviation Research Centre, Doomdooma and of Aviation Research Centre, Field Research Unit (F.R.U.) ,Numaligarh were granted Ration Allowance, as stated above, in terms of orders passed by this Hon'ble Tribunal which was not interfered by the Hon'ble Supreme Court, the non-executive personnel serving in the S.S.B., Itanagar in Arunachal Pradesh filed an application before this Hon'ble Tribunal which was registered as O.A.NO. 103/ of 1999 claiming grant of Ration Allowance w.e.f. 8.11.94, date from which Itanagar was categorised as "B Station. This Hon'ble Tribunal , by order dated 8.9.99, disposed of the application by directing the respondent-authorities to pay ration allowance

contd...

to the applicants with effect from the date on which the allowance became admissible. It was further directed that the arrear amount, as admissible to each applicant, should be paid within 90 days from the date of receipt of the order .

Copy of the said order dated 8.9.99 passed by this Hon'ble Tribunal in O.A.NO. 103/99 is annexed herewith and marked as

Annexure- IX.

13) That , thereafter, some of the non-executive personnel of the S.S.B. serving under the Divisional Organiser, S.S.B., Shillong, Meghalaya also filed an application before this Hon'ble Tribunal which was registered as O.A. NO. 367/99 praying for grant of ration allowance w.e.from 27.4.92, date from which Shillong was categorised as "B" Station. This Hon'ble Tribunal, by order dated 12.1.2000 , disposed of the application directing the respondents to pay ration allowance to the applicants w.e.from 27.4.92 onwards (date from which Shillong was categorised as "B" station .

Copy of the said order dated 12.1.2000 passed by this Tribunal in O.A.NO.367/99 in annexed herewith and marked as Annexure- X.

14) That the applicants beg to state and submit that they are similarly situated like the applicants

contd...

in the above-noted original applications and their case for granting ration allowance is fully covered by the orders passed by this Hon'ble Tribunal in the above-noted original applications .

The non-executive personnel serving in S.S.B. in Itanagar (O.A.NO. 103/99) and also those serving in Shillong (O.A.NO. 367/99) have since been granted ration allowance in terms of the orders passed by this Hon'ble Tribunal, as stated above, and the present applicants are similarly situated like the applicants in those applications and as such, relying on the orders, the applicants are entitled to be granted ration allowance from the date of posting in the stations categorised as "B" or "C" Stations .

15) That, the applicants beg to state and submit that all of them had submitted representations to the Respondent No. 5 praying for allowing them to draw ration allowance with effect from 8.11.94 otherwise due to them . The representation were duly forwarded by Area Organiser, S.S.B. Ziro (Respondent No.5) to Divisional Organiser S.S.B., Arunachal Pradesh Division , Itanagar (Respondent No. 4) under cover of his office Memorandum EST-40/2000-2001/740 dated 19.5.2000 .

A sample copy of the representation addressed to the Area Organiser S.S.B., Ziro (Respondent No.5) praying for grant of ration allowance with effect from 8.11.94

contd...

and the forwarding letter dated 19.5.2000 forwarding and recommending the case of the applicants to Respondent No.4 are annexed herewith and marked as Annexure-XI and XII respectively.

16) That, the applicants beg to state and submit, that the Respondent No.4 earlier received memo No. -30/S.S.B./A.2/97(17-559-570 dated 19.2.99 from the Respondent No.2 whereby, referring to earlier cases of granting ration allowance to non-executive personnel of S.S.B., it was intimated that only the applicants in O.A.No. 245/95 who were non-executive personnel of the A.R.C., Doomdooma were granted ration allowance in terms of the orders/judgement passed by this Hon'ble Tribunal in the above-noted case.

In another memorandum No. 9/S.S.B./A.2/86(1)/S.H.G.-3045 dated 2.11.99, the Respondent NO. 3 had made the policy decision taken by the respondents authorities very clear by reiterating that, non-applicants in various original applications so far disposed of by this Hon'ble Tribunal directing payment of ration allowance are not entitled to the grant of ration allowance. The above stand in the matter of granting ration allowance to the non-executive personnel of S.S.B. had been categorically asserted by the Respondent No.3 in his office memoranda No. 9/S.S.B./A 2/86(1)-Haflong-459 dated 4.2.2000 and No. 9/S.S.B./A 2/86(1)-Manipur -534 dated 10.2.2000 whereby it was circulated that, as per existing instructions, the non applicants two CAT cases are not entitled to get ration allowance on the basis of judgements/directing given by this Hon'ble Tribunals. As the present applicants are not applicants in any of the original applicants decided by this Hon'ble Tribunal allowing grant of ration allowance, the respondents authorities have virtually rejected the claim of the applicants for grants of ration allowance and the applicants are not convinced that

contd...

no useful purpose would be served by waiting any longer and as such they are approaching this Hon'ble Tribunal praying for relief .

The aforesaid memoranda dated 19.2.99, 2.11.99, 4.2.2000 and 10.2.2000 are annexed herewith and marked as Annexure-XIII, XIV, XV and XVI respectively .

17) That the applicants submitted representations to the Respondent No. 4 through proper channel and the Respondent No.5 duly forwarded the representations but the Respondent No.4, by his office memorandum No.BE/COURT CASE/ RA/ 99/170 dated 30.5.2000, summarily rejected the claim of the applicants for grant of ration allowance only on the ground that none of the applicants was applicant in OA NO. 103/99 disposed of by this Hon'ble Tribunal directing payment of ration allowance to 70 non-executive personnel of SSB serving under the Respondent No.4.

Copy of the said memorandum dated 30.5.2000 is annexed herewith and marked as Annexure-XVII.

5 : GROUND FOR RELIEF WITH LEGAL PROVISIONS:-

I) For that the action of the respondent-authorities in denying ration allowance to the applicants is illegal , arbitrary and extremely discriminatory and as such this is a fit case where this Hon'ble Tribunal will exercise jurisdiction and grant relief otherwise due to them .

contd...

II) For that the applicants have been illegally discriminated against in not allowing the benefit of ration allowance although they are similarly situated with those of the A.R.C. Doomdooma, ARC, FRU, Numaligarh, S.S.B., Itanagar, and SSB, Shillong who have since been granted the benefit of ration allowance as per order of this Hon'ble Tribunal and as such the action of the respondent-authorities is bad in law and liable to be set aside.

III) For that the respondent-authorities are required to extend the benefit of ration allowance to the applicants in pursuance of the order dated 14.6.96 passed in O.A.No. 245/95 (Annexure-VI), order dated 17.7.98 passed in O.A.NO. 89/96 (Annexure-VIII), order dated 8.9.99 passed in O.A.NO. 103/99 (Annexure-IX) as they are similarly situated with the applicants of the above-noted original applications and that not having been done, the action of the respondent-authority is bad in law and liable to be set aside .

IV) For that the respondent-authorities, instead of extending the benefit of ration allowance to the applicants of their own, as directed by this Hon'ble Tribunal, committed a serious illegality by driving and harassing the applicants to approach this Hon'ble Tribunal causing multiplicity of litigations and as such the action of the authorities in denying ration allowance to the applicants deserves to be struck down as unsustainable in law .

V) For that the action of the authorities in not allowing the applicants to draw ration allowance has

contd...

amounted to serious discrimination offending the equality provisions contained in Article 14 and 16 of the Constitution of India and as such the action of the authority is bad in law and liable to be set aside .

VI) For that, in any view of the matter, the action of the authorities in subjecting the applicants to serious and illegal discrimination and denying them the ration allowance otherwise due to them is bad in law and liable to be set aside .

6 : DETAILS OF THE REMEDIES EXHAUSTED :-

The applicants had submitted representations to the competent authority through proper channel but in view of the policy decision adopted by the respondent-authorities to the effect that non-applicants in original Applications disposed of by this Hon'ble Court directing payment of Ration Allowance to the applicants from the due date, the claim of the applicants had been virtually turned down .

7 : MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY

OTHER COURT :-

The applicants further declare that they have not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made before any Court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them .

contd...

8 : RELIEF SOUGHT :-

It is , therefore, prayed that Your Lordships would be graciously pleased to admit this application , call for the entire records of the case, ask the respondents to show cause as to why the applicants should not be granted the benefit of ration allowance with effect from the date of their joining in Ziro and other stations which have since been categorised as "B" and "C" Stations by the competent authority as has been granted to others who are similarly situated like the applicants ~~arxxx~~ and after perusing the causes shown, if any, and hearing the parties, direct that, in view of the attending facts and circumstances of the case, the applicants be granted ration allowance w.e. from the date when the stations to which they have posted have been categorised as "B" or "C" locations or from the actual date of their joining in the locations so categorised , whichever is later including arrears as has been granted to other similarly situated non-executive personnel of the S.S.B., Itanagar and SSB , Shillong and/or pass any other order/orders as Your Lordships may deem fit and proper .

And for this act of kindness, the applicants , as in duty bound, shall ever pray .

contd...

9 : INTERIM ORDER, IF ANY, PRAYED FOR :-

NIL .

10 : Does not arise, The application will be presented personally by the Advocate of the applicants .

11 : PARTICULARS OF THE POSTAL ORDER IN RESPECT OF THE APPLICATION FEE :-

I.P.O NO. OG 497331 dated 5.6.2000 issued by the Guwahati Post Office payable at Guwahati is enclosed.

12 : LIST OF ENCLOSURES :-

As stated in the index .

contd....

VERIFICATION

I, Shri Asim Das, son of Late Nanda Kumar Das ,
aged about 32 years, presently serving as the Lower Division
Clerk under the administrative Control of the Area Organiser ,
SSB, ZIRO, Arunachal Pradesh, do ,hereby verify that the state -
ments made in paragraphs NO. 1, 2, 4, 7, 8, 10 and 14. as true
to my personal knowledge, and the statements made in paragraphs
No. 3, 5, 6, 9, 11, 12, 13, 15, 16 and 17. and believed to be true
on legal advice , and that I have not suppressed any material
fact. I , being one of the applicants, have been authorised by
other applicants to sign this verification on behalf of them.

Place :- Guwahati

Date:- 7/6/2000

Asim Das
SIGNATURE.

NO. A. 27011/4/86-EA-II
Government of India,
Cabinet Secretariat ,
Bikaner House (Annexe),
Shahjahan Road ,
New Delhi .

New Delhi, the 18.12.87.

To,

The Director (Planning),
Director General of Security,
East Block, R.K. Puram,
New Delhi-66 .

Subject:- Grant of concessions to the Staff of SSB,
SFF, C.I.O.A. and Directorate of Accounts.

Sir,

I am directed to convey to the sanction of the President to the grant of concessions mentioned in the Annexure-I to the various categories of Staff of SSB, SFF, CIOA and Directorate of Accounts subject to the restrictions indicated therein on the pattern of the Research and Analysis Wing of this Secretariat .

2. These orders will take effect w.e.f. 1st August, 1987.

3. For some of the concessions, the various hard-ship locations have been categorised as 'B' and 'C' stations as indicated in Annexure-II to this letter. However, if the Heads of the Department feel at certain times that certain locations or assignments have become

contd...

Attested by :
Shondhury
Advocate
7/6

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pecially hazardous and there is a specific increase in the threat to the personnel and/or premises, they can determine on merits the criteria of hardship and the period for which such locations may be categorised as belonging to category 'B' and 'C' stations after recording the reasons in writing .

4. For the purpose of House Rent Allowance concessions to the various categories of Staff, the equation of posts as listed in Annexure-'A' to the Cabinet Secretariat's order No. A-11016/86-DO-I, dated 28.10.86, will also be applicable in respect of the Staff of SSB, SFF, CIOA and Directorate of Accounts .

5. This issues with the concurrence of the Ministry of Finance vide their U.O. NO. S-1428/SE/87 dated 10.8.87 read with UO NO.

1151/Dir.Fi(s)/31, dated 2nd December, 1987.

Yours faithfully,

Sd/-

(R.K.GANGAR)

Deputy Secretary (SR).

ENCLO:-ANNEXURE-I and II.

Copy to :-

1. Shri H.B.Joshi, Director, SSB.
2. Maj.Genl.S.K.Sharma, PVSM, IG SFF.
3. G.B. Mathur, Dy. Director of Accounts.
4. Lt.Col.K.K.Bhandari, CIOA.
5. Shri J.Subramanian, Director IF.
6. Shri K.K.Mittal, Dy. Director of Accounts (SW).
7. Order File .

contd...

OFFICE OF THE DIVISIONAL ORGANISER,SSB: A.P. DIVN.
ITANAGAR.

No. NCE/F-9/97-98/27

Dated:- 20.11.97.

Copy to :-

1. The Comdts., CC,SSB.Dirang/Paser/Tezu-for information and necessary action. W.V.T. your signal No.4724 dated 25.10.97.

sd/- Illegible,

AREA ORGANISER(S)

DIVL.HQRS.SSB:ITANAGAR.

contd...

ANNEXURE TO THE CABINET SECTT. LETTER NO. A.27011/4/86-EA-II
DATED 15 DECEMBER, 1987 .

Sl. No.	Nature of the concession.	Extent of the concession granted	Remarks.
1	2	3	4

1) Hardship Allowance.

A hardship allowance @ Rs.25% of basic pay subject to maximum Rs.400/- P.M. in respect of category 'C' and 12.5% of basic subject to maximum of Rs.200/- P.M. to category 'B' stations other than those situated in the North-Eastern region, Andaman and Nicobar Island and Lakshdweep, where special allowance is already sanctioned .

For the stations which are declared as belonging to category 'B' and 'C' by the Head of the Department under the powers now deegated him, the same rates will apply .

contd...

2) Ration Allowance .

Ration Allowance to the rank of Field Officers and below at the following rates excepting SSB Bn. personnel and Dy. Comdts./ Dey. Comdrs./Asstt. Dey. Comdrs. of SFF and also those on deputation in the SFF from the Army :-

contd...

1	2	3	4
---	---	---	---

Location

Rates

i) Category 'B'
Stations.

As admissible from time to
time in the Border Security
Force in peace areas .

ii) Category 'C'
stations.

As admissible from time to
time in the BSF in operational
areas .

3) clothing: i) A non-refundable clothing grant of Rs.3000/-
for staff other than SSB.Bn.personnel and
Dy.Comdts./Coy.Comdrs./Asstt.Coy. Comdrs.
of SFF also these on deputation in the
SFF from the Army, posted in category B and
C stations and located at or higher than
3000 Mtrs.above MSL and Rs.2000/- for staff
posted at category B & C stations and located
between 1500 and 3000 Mtrs.above MSL
as a one time grant .

(i) The amount will be paid as an
advance and will be adjusted on
receipt of the joining report at
the hardship location and a certificate
that the advance has been
utilised for the purpose it was
intended .

contd...

1

2

3

4

ii) Renewal grant at the rate of 500/-
p.a. for location at or higher
than 3000 Mtrs.above MSL and
Rs.3000/- P.A. for locations
between 1500 and 3000 Mtrs. above
MSL in category 'B' and 'C' Sta-
tions.

(ii) This one time non-refundable
allowance will be admissible
only to those personnel who are
posted in category 'B' and 'C'
locations for a period of not
less than 2 years . In case the
Officer returns from posting from
category 'B' and 'C' locations
earlier than 2 years at his own
request, he will be asked to
refund proportionate share of
the clothing grant .

contd...

1	2	3	4
4. Special TA/DA	Daily allowance at increased rates for classified 'A' class cities will be admissible during tour to category 'B' and 'C' Stations. Porterage and animal transport charges as admissible under Supplementary Rules (vide Min. of Fin. O.M. No. 5(34)-E. IV(B)/64 dated 6.10.65), for classified areas in Himachal Pradesh will be admissible for tours to all category 'B' and 'C' stations.		(iii) The Head of the Organisations at their own discretion within approved parameters, can classify any location as belonging to category 'B' and 'C' station for the purpose of clothing grant (Though on the basis of height alone it may not so qualify) based on other factors such as severe climate etc. (e.g. in a narrow valley). The Head of the organisation will get approved, well in advance, from the Cabinet Sectt., the parameters for declaring any location as equivalent to the category 'B' and 'C' stations. contd...

5. Leave Travel
concession.

(i) Employees other than SSB Bn. personnel and those on deputation in the SFF from the Army posted in category 'B' and 'C' locations will be entitled to Leave Travel concession once a year against the normal rules of one in 2 years .

(ii) In case of death, serious illness of marriage of a family member, where the family resides separately, the employees will be entitled to 50% of the rail fare of the entitled class for travel to place of residence of the family. If the employees are to travel more than 50 Kms. By road either at the end of the journey, full bus fare for this journey will also be reimbursed .

In case the employees posted 'B' and 'C' locations had already availed the LTC for the block year 1986-87 before issue of this order, that concession will be treated as pertaining to the calendar year, 1986 .

contd...

6. Journey time while proceeding on leave.

Employees posted in category 'B' and 'C' station will be entitled to joining time between the point of duty and nearest rail head .

Leave in their case will commence and terminate on the date the employee reaches the rail head nearest to the place of duty. at category 'B' and 'C' station .

(ii) The journey time should be reasonable and will be determined by the respective units.

7. House Rent Allowance:

House Rent Allowance facilities admissible to the Executive Cadre will be admissible to the personnel of other cadres also of corresponding levels except in the case of SSB Bn. personnel and Dy.Comdts./Coy.Comdrs./Asstt.Coy.comdrs. of SFF and also those on deputation in the SFF from the Army.

contd...

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NS

- | 1 | 2 | 3 | 4 |
|-----|---|---|---|
| 8. | Cash compensation for work on holiday days. | Cash compensation for work on holiday as admissible to the staff of the Executive cadre upto the rank of Field Officers, in the IB & AW, will be admissible to personal Assistants, stenographers and other staff of Telecom, Cipher and M.T. cadres, who are drawing basic pay of Rs. 900/- (pre-revised) and below are not entitled to overtime allowance . | |
| 9. | Government Transport. | Government Transport will be provided to the staff engaged in night shifts for picking them up and to enable them to return to their residence. | |
| 10. | security allowance to Ministerial, secretarial and Accounts cadres. | Security allowance at the following rates is sanctioned to the following category of the staff working in Top secret Branches subject to a Maximum of 15% in each grade:- | |

<u>DESIGNATION</u>	<u>AMOUNT</u>
i) L.D.C.	Rs. 20/- P.M.
ii) Steno. Gf. III/UDC	Rs. 30/- P.M.
iii) Steno. Gr. II/Assistant.	Rs. 50/- P.M.
iv) Section Officer/Private Secretary/Sr. P.A.	Rs. 100/- P.M.
v) Assistant Director/Area Organiser/Dy. Director of Accounts.	Rs. 200/- P.M.

contd...

ANNEXURE-II TO THE CABINET SECTT. LETT-ER NO. DATED :-

STATE CATEGORY 'B' LOCATIONS CATEGORY 'C'

ARUNACHAL PRADESH

LOCATI.

BOMDILA	C/TAZO
TAWANG	KOLORIANG
DAPARIDO	MONIGAONG
ALONG	MECHUKA
YINGKIONG	TUTING
ROING	WAKKA
HADULIANG	HAWAI
MOAO	LADU
NAMPONG	LONGDING
SEPPA	PANCHAO (TIRAP)
	CHANGLONG
	ANINI

GLURAT

RADHANPUR

HIMACHAL PRADESH

KALPT (REKONG-PEO)

POCH

KAJA

KALONG

J & K

NYOMA

HANLE

LEH

KHALSI

MANIPUR

MORCH

CHAKRP

EKARONG

CHANDEL

CHURACHANDPUR

MONGHBA

TAMENGLONG

UKHROOL

CHASSAD

KHULLAN

MEGHALAYA

JOWAI

NONGSTOIN

TRIPURA

KAILASEHAR

UDAIPUR

KHOWAI

UTTAR PRADESH

SONEMURA

DHARCHULAI

JOSHIMATH

WEST BENGAL

SUKIAPOKHRI

NAXALBARI

GOVERNMENT OF INDIA .
CABINET SECRETARY ,
BIKANER HOUSE ANNEXE ,
SHAHJAHAN ROAD ,
NEW DELHI.

NO. A.-11016/6/86-DOI

Dated the 28th Oct.1996.

ORDER

Subject:- Extention of House Rent Allowance concession to other cadres of ARC at par with executive cadres. Reference ARC Dtd. UO NO.ARC/E-I/88/85, dated the 15.9.1986 .

2. In continuation of this secretariat letter No. A-49011/8/86-DO.I dated the 10.5.1986, sanction of the President is hereby conveyed to the equation of posts listed at Annexure-'A' to this order in various cadres of corresponding levels in the ARC to that of the executive cadres in the said organisation exclusively for the purpose of payment of House Rent Allowance as admissible to the executive cadre .

3. This issues with the concurrence of the Director (IF) vide their Dy. No. 1799 dated 1.10.1986 .

Sd/- (R.K.GANGER)

Deputy Secretary (SR).

TO:-

1. Shri R.Swaminathan, Director,ARC,New Delhi .
2. Shri M.C.Roy Choudhury, Director of Accounts.
Cabinet Secretariat,New Delhi .
3. Shri J.Subramaniam, Director (IF),Cabinet Sectt.
New Delhi .
4. Guard File.

Sd/- (R.K.GANGER)

Deputy Secretary (SR).

contd...

Attested by
Choudhury
Advocate
7/6

sl. Designation and Corresponding pay scale of other
No. pay scale of exe- cadres .
cutive cadre.

1 2 3

1. S.F.O. Rs.650-30-740-35- 810-EB-35-880-40- 1000-EB-40-1200/-	1. Section Officer Rs.650-1200/- 2. Accounts Officer Rs.840-1200/- 3. Private Secre- tary. Rs.775-1200/- 4. Sr.P.A. Rs.650-1440/- 5. Asstt.Fire Off- icer. Rs.650-1200/- 6. Asstt.Comman- dant . Rs.650-1200/- 7. Asstt.Engin- eer. Rs.650-1200/- 8. Asstt.(Civil) Surgeon Gr.I. Rs.650-1200/- 9. Deputy Works Supdt. Rs.650-1200/- 10. Asstt.Techni- cal Officer . Rs.650-1200/- 11. Asstt.Aerodro- me Officer. Rs.650-1200/- 12. Asstt.Metero- logist. Rs.650-1200/- 13. Librarian. Rs.650-1200/-
2. Field Officer Rs.550-25-750- EB-30-900/-	1. Assistant . Rs.425-800/- 2. steno Gr.II(P.A.) Rs.425-800/- 3. Accountant. Rs.500-900/- 4. Station Officer. Rs.550-750/-

contd...

- | | |
|-----------------------------------|---------------|
| 5. Asstt. Librarian. | Rs. 550-900/- |
| 6. Foreman . | Rs. 550-900/- |
| 7. Jt. Technical Officer Grade-I. | Rs. 550-900/- |
| 8. Jt. Stores Officer. Grade-I. | Rs. 550-900/- |
| 9. Technical Asstt. (Air Wing) | Rs. 550-750/- |
| 10. Communication Asstt. | Rs. 550-750/- |
| 11. Professional Asstt. | Rs. 550-900/- |
| 12. Jr. Accounts Officer. | Rs. 550-900/- |
| 13. Sr. Medical Asstt. | Rs. 550-900/- |

 1 2 3

Group "B" posts: Though FO is a Group 'C' post their equivalent with FO (Group 'C') post is shown as there is no equivalent post of Assistant/Steno-II(PA)/Asstt. Librarian in Junior executive cadre .

- | | | |
|---|-------------------------------------|---------------|
| 3. Deputy Field Officer Rs. 425-15-530-EB-15-560-20-600/- | 1. Steno Gr. III | Rs. 330-560/- |
| | 2. U.D.C. | Rs. 330-560/- |
| | 3. Technical Assistant. (Librarian) | Rs. 425-700/- |
| | 4. Overseer. | Rs. 425-700/- |
| | 5. Teacher. | Rs. 290-560/- |
| | 6. Nursing sister. | Rs. 455-700/- |
| | 7. Staff Nurse. | Rs. 425-640/- |
| | 8. Sr. Radiographer. | Rs. 425-640/- |
| | 9. Lab. Technician. | Rs. 380-560/- |
| | 10. Pharmacist (Qualified). | Rs. 330-560/- |

contd...

11. Sanitary Inspector	Rs. 330-560/-
12. Operation Theatre (Technician).	Rs. 330-560/-
13. Sr. Lab. Technician	Rs. 425-700/-
14. Asstt. Foreman.	Rs. 425-700/-
15. Masscour (physioth- erapist).	Rs. 455-700/-
16. Dictation	Rs. 425-640/-
17. Junior Technical Officer Gr. II.	Rs. 425-700/-
18. Jr. Stores Officer Gr. II.	Rs. 425-700/-
19. P.O.I. supervisor	Rs. 425-600/-
20. Head Clerk (Acco- unts).	Rs. 425-600/-
21. Pay Accounts clerk.	Rs. 330-560/-
22. Medical Asstt.	Rs. 425-600/-
23x(Dental).	
23. Medical Asstt. (General).	Rs. 425-600/-
24. Aerodrome Opera- tor.	Rs. 380-560/-
25. Radio Technician.	Rs. 380-560/-
26. Radio Operator.	Rs. 380-560/-
27. Scientific Asstt.	Rs. 425-700/-
28. Senior Observer.	Rs. 330-560/-
29. Junior Accountant.	Rs. 425-700/-

contd...

1	2	3
4. F.A.O. Rs.330-8-370- 10-400-EB-10- 480/-	1. L.D.A. 2. Asstt. Station Officer. 3. Leading Fireman/ M.T.Fitter Driver- Driver Havilder. 4. Fireman/Fire Ope- rator. 5. Lab.Asstt. 6. Telephone Operator. 7. Carpenter (Air wing) 8. carpenter (MV- Workshop). 9. Tailor (Air wing) (present incumbent). 10. Tailor (Air Wing Future Incumbent). 11. Driver operator crene. 12. Pharmacist (unqua- lified). 13. Mechanic. 14. Electrician.	Rs.260-400/- Rs.330-480/- Rs.320-400/- Rs.260-400/- Rs.260-400/- Rs.260-400/- Rs.320-400/- Rs.260-400/- Rs.320-400/- Rs.260-400/- Rs.260-400/- Rs.330-480/- Rs.330-400/- Rs.260-400/- Rs.260-400/-
5. S.F.A. Rs.260-6-326-EB- 8-350/-	1. Senior Gestetnor. operator. 2. Driver.	Rs.260-350/- Rs.260-350/-

contd...

3. Lines Sub-Inspector.	Rs. 225-350/-
4. Carpenter (Medical Unit)	Rs. 260-350/-
5. Tailor Medical Unit.	Rs. 260-350/-
6. Fitter-	Rs. 260-350/-
7. Senior Examiner (Type).	Rs. 260-350/-
8. Vulcanisior Fitter.	Rs. 260-350/-
9. Blacksmith Gr. I.	Rs. 260-350/-
10. Welder Grade-I.	Rs. 260-350/-
11. Upholster.	Rs. 260-350/-
12. Mechanist (Turner).	Rs. 260-350/-
13. Painter.	Rs. 260-350/-
14. Mistri.	Rs. 260-350/-
6. Field Assistant	
1) Rs. 225-5-260-6-290-1. Labh. Attendent	Rs. 210-270/-
EB-6-306/-	
2. Ayah.	Rs. 196-232/-
Matriculate).	
3. Daftry.	Rs. 200-250/-
ii) Rs. 210-4-250-EB-	
5-270/- (Non-Ma-	
triculate).	
4. Peon.	Rs. 196-232/-
5. Sweeper (Safi-	
wala).	Rs. 196-232/-
6. Farash.	Rs. 196-232/-
7. Chowkider/watch-	
man.	Rs. 196-232/-
iii) Rs. 225-5-260-6-	
290-EB-6-308/- (Non-	
Matriculate after	
15 years of regu-	
lar service).	
9. Lineman.	Rs. 210-270/-
10. Lab. Attendent/ Bearer.	Rs. 210-270/-

contd. . .

11. Carpenter (Air Wing).	Rs. 210-290/-
12. Carpenter Grade-II. (M.V. Workshop).	Rs. 210-290/-
13. Head Gardener.	Rs. 210-270/-
14. Jamader (Sweeper).	Rs. 200-250/-
15. Cook.	Rs. 200-250/-
16. Paramaintenance Assis- tant (Paker).	Rs. 210-290/-
17. Cobbler.	Rs. 210-290/-
18. Grass Cutter.	Rs. 196-232/-
19. Waterman/water.- carrier.	Rs. 196-232/-
20. Leader.	Rs. 196-232/-
21. Dresser.	Rs. 210-270/-
22. Ayah (para Medical- Staff).	Rs. 200-250/-
23. Barber.	Rs. 200-250/-
24. Ward boy/waiter Washer up.	Rs. 196-232/-
25. Dhubi.	Rs. 196-232/-
26. Helper.	Rs. 210-290/-
27. Cleaner.	Rs. 196-232/-
28. Junior Electrician.	Rs. 210-290/-
29. Blacksmith Grade-II.	Rs. 210-290/-
30. Welder Grade-II.	Rs. 210-290/-
31. Lant Room Attendent.	Rs. 210-270/-
32. Aircraft Assistant.	Rs. 210-290/-
33. Traffic Hand.	Rs. 200-250/-
34. Observatory Attendant.	Rs. 210-250/-

.....

NO.9/SSB/A-2/86(1) -AP/94-95/435
 Director General of Security
 Office of the Director, SSB
 Block No.V (EAST) R.K. Puram
 New Delhi the 8/11/94

ORDER

In exercise of the power vested in him of department in terms of the Cabinet Secretariat letter No.A-27011/4/86-EA-11 dated 18/12/87 the sanction of the Principal Directorate DG's is hereby conveyed to the classification of the under mentioned station in the A.P. Division as category 'B' & 'C' stations for the purpose of various concessions as mentioned in appendix 'A' (other than clothing grant) of the above quoted Cabinet Secretariat letter of 18/12/87 for a period of one year with effect from the date of issue of this letter.

<u>Category 'B' Station</u>	<u>Category 'C' Station</u>
1. Rupa (A.P.)	1. Lubrang (A.P.)
2. Kalaktang	2. Bumla
3. Basar	3. Chuana
4. Likhabali	4. Kainzanana
5. Pasighat	5. Muktar
6. Tezu	6. Ziro
7. Khonsa	7. Zimithang
8. Itanagar	8. Bleeting
9. Mukto	9. Lumla
10. Dirang	10. Jang
11. Nefra	11. Tarizino
12. Rupa	12. Bomeng
13. Taliha	13. Sanglang
14. Palia	14. Nachor
15. Bpleng	15. Dania
16. Chowkhan	16. Kronli
17. Wakro	17. Lumla
	18. Zimithang

Sd/-
 (B.D. ADHIKARI)
 Asst. Director (FA).

Attested by
 Bhondhury
 Advocate
 7/6

No.9/SSB/A2/86(1)- AP 3423-24
Directorate General of Security
Office of the Director, SSB,
Block No. V (East), R.K. Puram
New Delhi - 110066.

Dated the 13-12-95.

ORDER

IN exercise of the powers vested in him as Head of Department in terms of the Cabinet Secretariat letter No. A-27011/4/86-BA-I dated 18.12.87, the sanction of the Director, SSB, is hereby conveyed to the classification of the undermentioned stations in the A.P. Division as Category 'B' & 'C' stations ~~as mentioned in Annexure 'A' (other than clothing grant)~~ for the purpose of various concessions as mentioned in Annexure 'A' (other than clothing grant) of the above quoted Cabinet Secretariat letter dated 18.12.87 for a period of three year with effect from 8.11.95 of this order.

Category 'B' Station

1. Rupa - AP
2. Kalaktang, AP
3. Basar, AP
4. Likabali, AP
5. Passighat, AP
6. Tezu, AP
7. Khensa, AP
8. Itanagar, AP
9. Mukto, AP
10. Dirang, AP
11. Nefra, AP
12. Raga, AP
13. Taliha, AP
14. Palin, AP
15. Boleng, AP
16. Chowkham, AP
17. Wakro, AP

Category 'C' Station

1. Lubrang, AP
2. Buala, AP
3. Chana, AP
4. Kninzanam, AP
5. Mukter, AP
6. Ziro, AP
7. Zimithang, AP
8. Bleeting, AP
9. Lunla, AP
10. Jung, AP
11. Thrizine, AP
12. Benang, AP
13. Sagalee, AP
14. Naghe, AP
15. Damin, AP
16. Kroali, AP

Sd/-
(MILK RAJ)
Assistant Director (RA)

Copy to :-

1. The Director of Account, Cabinet Secretariat, R. Puram, New Delhi.

Contd2

Zino 1st STN 1564 Mts MS4
Nacho 1st STN 2625 " "

16650

2. Divisional Organiser, AP Division. A non-refundable clothing grant is admissible on posting to those stations, which are located at or higher than 3000 meters above Sea Level and in between 1500 and 3000 meters above MSL. Therefore, a proposal indicating the height of each station (in meters only) which are in between 1500 meters and 3000 meters above MSL and those are higher than 3000 meters above along- with full justification may please be sent to this Directorate for necessary action.

3. DO : J&K/HP/UP/RAG/HR/SB/HA/Shillong/Menipur & Nagaland.
4. DIO PA Gwalior/ T.C Saran/ Mafiong/ Salniberia/ Jammu.
5. Commandant, CSDM Bhopal/ T.C Faridabad.
6. Accounts Officer, SSB.
7. A-1/E-1/E-11/A-4 Branches.
8. Guard File.
9. All Dealing Assistants A-II Branch.

~~O/O THE D.O. A.P. DIVISION, ITANAGAN~~

NO. 100-1-9/95-96/

DE 4-1-95

copy to the

1. The Area Organisers :- Sondiho/Along/Ziro/Tezu/Khonsa for information & necessary action please. It is also requested that the required information regarding non-refundable clothing grant as asked for by the SSB Dte. (as above) may please be sent to this office early for preparation of proposal for onward submission to Dte.
2. The Comdt. SSB. OCs : Dirang/Basar/Tezu- for information and necessary action please.
3. The Comdt. WATs : Itanagar.- for information & necessary action please.
4. The Accounts Officer, Div. HQ Itanagar.- for information and necessary action please.

Re: 1626
Date: 16/1/56
Page: 1

(A. B. CAREAR)
SECTION OFFICER.

Geo. Augustus Roberts

Attested by:
Dhondhury
Advocate

716

ESH
182998

NO. 4/SSB/A2/86(1)-AP
DIRECTORATE GENERAL OF SECURITY,
EAST BLOCK, V, R.K. PURAM,
NEW DELHI-110060.

DATED, THE 27th AUG. 1998.

O R D E R

In exercise of the powers vested in him as Head of Department, in terms of the Cabinet Secretariat letter No. A-27011/4/86-EA-II-dated, 18.12.87, the sanction of the Director, SSB, is hereby conveyed to the classification of the undermentioned stations in AP Division as Category 'B' & 'C' stations for the purpose of various concessions as mentioned in Annexure-'A' (other than clothing grant) of the above quoted Cabinet Secretariat, letter dated, 18.12.87 for a further period of three years with effect from 8.11.98 of this order:-

CATEGORY 'B' STATION

1. RUPA, (AP)
2. KALAKTANG, AP.
3. BASAR, AP.
4. LIKABALI, AP.
5. PASSIGHAT, AP.
6. TEZU, AP.
7. KHONSA, AP.
8. ITANAGAR, AP.
9. DIRANG, AP
10. NEFRA, AP.
11. MUKTO, AP.
12. RAGA, AP.
13. TALING, AP.
14. PALIN, AP.
15. BOLENG, AP.
16. CHOWKHAM, AP.
17. WAKRO, AP.

CATEGORY 'C' STATION

1. LUBRANG, AP.
2. DUMLA, AP.
3. CHUNA, AP.
4. KNINZANAM, AP.
5. MUKTAR, AP.
6. ZIRO, AP.
7. ZIMITHANG, AP.
8. BLEETING, AP.
9. LUMLA, AP.
10. THRIZINE, AP.
11. JUNG, AP.
12. DAMENG, AP.
13. SAGALEE, AP.
14. NACHO, AP.
15. DAMIN, AP.

Contd.....2/-

2. The Head of Department, i.e. Director, SSB, having applied the approved parameter that the places are situated between 1500 & 3000 Meters above M.S.L. hereby classify the following stations as Category 'C' stations for the purpose of clothing grant with effect from the date of issue of the order:-

STATIONS SITUATED BETWEEN 1500-3000 METERS ABOVE M.S.L.

- | | | | |
|----|--------|---|------------------------|
| 1. | LUMLA | - | 2460 Meters above MSL. |
| 2. | JUNG | - | 2449 " " -do- |
| 3. | NACHO | - | 2625 " " -do- |
| 4. | DIRANG | - | 1630 " " -do- |

S. S. BORA
(S. S. BORA)
JOINT DEPUTY DIRECTOR (EA)

Memo.No. NSG-7/78/50 Dated 14/9/98

Copy to :-

- (1) All AO's (200)
- (2) All Comdt's
- (3) Accounts Branch
- (4) GE Branch
- (5) BE Branch

For information and
necessary action.

14/9/98
SUB AREA ORGANISER (H)
DIV HQ SSB ITANAGAR

869
21.9.98

Attested by
Shrawan
Adv.
7/6

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.245 of 1995.

Date of Order : This the 14th Day of June, 1996.

Hon'ble Shri G.L.Sanglyine, Member(A)

Hon'ble Shri D.C.Verma, Member(J)

1. Sri Bishnu Prasad Saikia
Sanitary Inspector,
Aviation Research Centre,
Doomdooma.

2. Sri Dipak Nandi,
Radio Mistri,
ARC, Doomdooma.

. . . Applicants.

By Advocate S/Shri G.K.Bhattacharjya
with G.N.Das.

- Versus -

1. Union of India
represented by Cabinet Secretary,
Department Cabinet Affairs,
New Delhi.

2. Directorate General of Security Block
V(East), R.K.Puram,
New Delhi-110066.

3. Director, Aviation Research Centre,
Block-V(East), R.K.Puram,
New Delhi.

4. Deputy Director,
Aviation Research Centre,
Doomdooma.

. . . Respondents.

5. Deputy Director,
Aviation Research Centre,
Doomdooma.

By Advocate Shri S.Ali, Sr.C.G.S.C.

ORDER

G.L.SANGLYINE, MEMBER(A)

The applicants are employees of the Aviation Research Centre, Doomdooma (ARC for short). Applicant No.1 is a Sanitary Inspector a post which is equivalent to Deputy Field Officer and is below Field Officer. The applicant No.2 is a Radio Mistri. The post of Mistri falls under the category of Senior Field Assistant. This is also below Field Officer. The competent authority of ARC has classified

Doom Dooma as a Category B station with effect from 22.2.1994

2. Annexure IV to this O.A., namely No.A.27011/4/86-EA-II (A) dated 6.12.1987 conveyed the sanction of the President to the grant of additional concessions mentioned in the Annexure thereto to the various categories of the staff of ARC except those on deputation from the Indian Air Force. According to the Annexure Ration Allowance at the rate admissible in the BSF in peace areas is admissible upto the rank of F.O and below in category B areas of ARC. The applicants had requested the authorities concerned to allow them the Ration Allowance but this was declined by the authorities. Hence this Original Application under Section 19 of Administrative Tribunals Act, 1985.

3. Mr. G.K.Bhattacharya, learned counsel for the applicants submitted that the applicants are entitled to the Ration Allowance with effect from 22.2.1994. This allowance was denied to them because of wrong interpretation of the order dated 6.12.1987 by which payment of the allowance was sanctioned. Relying on the written statement Mr. S.Alli, Sr. C.G.S.C., submitted that the applicants have made the claim on a wrong notion that Government had equated various non-executive posts with different executive cadres for all concessions. The fact however remains that the Equation of posts vide order No.A-11016/6/86-DOI dated 28.10.1986 (Annexure-III) is for the purpose of House Rent Allowance only. Further, the concession of Ration Allowance has been extended to the employees of junior executive cadre only upto the rank of field officer on the analogy of the Junior Executive Staff, of. R & AW and the applicants who do not fall in this category cannot get the benefit of Ration Allowance. Mr. G.K.Bhattacharya submitted that

this ground taken by the respondents is not tenable as in the case of Intelligence Bureau the Ration Allowance was allowed to the non-executive staff also and when the allowance was stopped to be paid applications were submitted before the Central Administrative Tribunal and the payment of Ration Allowance was restored. In this connection he has referred to the orders in the O.A. of 163 of 1991 and No. 199/91 of this Bench.

4. We have perused the records and heard the ~~SECRETARY~~ counsel of the parties in this G.A. Letter No.A-49011/8/86-Do.1(B) dated 10.5.1986 shows that the President is pleased to sanction 8(eight) concessions to the various categories of Staff of ARC. One of the concessions is House Rent Allowance and it has been stated that House Rent Allowance admissible to the Executive Cadre will be admissible to the personnel of other cadres also of corresponding levels. Consequently equation of posts was ordered by the order No.A-11016/6/86-DOI dated 28.10.1986 exclusively for the purpose of payment of House Rent Allowance. Under this order the applicant was entitled to draw House rent allowance. Under letter No.A.27011/4/86-EA-11(A) dated 6.12.1987 Additional Concessions were granted and one of them was Ration Allowance to the various categories of the staff of ARC. The claim of the respondents is that since there is no equation of posts in respect of Ration Allowance this allowance cannot be granted to the applicants who ~~are~~ are non-executive staff. We are not impressed by such stand of the respondents. Unlike in the case of granting House Rent Allowance for the purpose of granting Ration Allowance such equation of posts is not required by the authorising letters. This position is clear from the ~~the~~ position

the following: -

- 4 -

- 53 -

Sl. No.	Nature of the concession	Extent of the Concession granted	Remarks
---------	--------------------------	----------------------------------	---------

1	2	3	4
---	---	---	---

(A) Ration Allowance Ration allowance upto the rank of FO and below at the following rates:-

Location

Rates

(1) Category B stations

As admissible from time to time in the Border Security Force in peace areas.

(B) House Rent Allowance

House Rent Allowance facilities admissible to the Executive Cadre will be admissible to the personnel of other cadres also of corresponding levels.

Separate orders will be issued about corresponding levels."

The respondents cannot bring in what is not there or what is not intended to be there by the letter No.A 27011/4/86-EA-II(A) dated 6.12.1987 as indicated above. This letter simply clearly states that the allowance is admissible to the various categories of the staff of ARC by placing a limit upto the rank of FO and below. In O.A.163/91 and O.A.179/91 of this Bench on the strength of the recommendations of the same one man Committee referred to in this O.A. Ration Allowance was paid to the non-executive staff of the Intelligence Bureau but the payment was stopped in 1991. This Tribunal in the order dated 17.12.1993 (to which one of us was party) after discussion and relying on the order dated 27.9.93 of the Central Administrative Tribunal, Chandigarh Bench, Circuit at Jammu in O.A.No.381/JK/92 had held that Ration Allowance was admissible to the applicants in those two O.As. The facts in those two O.As and of the present O.A. insofar as they relate

contd. 5...

4.6.96

14.6.96

to Ration Allowance and House Rent Allowance are almost identical. The conditions in those two O.As is in respect of Ration Allowance that the personnel posted in category B locations will be entitled to Ration Allowance at non-qualifying area rate for BSF. For house rent allowance it is stipulated that House rent allowance would be applicable to all other cadres of the IB under the same terms applicable to the executive cadres of corresponding levels. In view of the facts mentioned above we hold that Ration Allowance is admissible to the applicants in this O.A. The respondents are directed to pay Ration Allowance to the applicants at the rate applicable to them with effect from the due date 22.2.1994. The arrear amount shall be paid within 31.10.1996.

The application is allowed. No order as to costs.

Sd/-

MEMBER (A)

Sd/-

MEMBER (J)

Attested by
Shri. D. S. D. S.
Adv.
7/6

(H)
61

64

IN THE SUPREME COURT OF INDIA

CRIMINAL/CIVIL APPELLATE JURISDICTION

248256

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 1706 OF 97.

(Petition under Article 136 of the Constitution of India for special leave to appeal from the judgement and order dated 14th June, 1996 of the Central Administrative Tribunal, Gauhati Bench of Gauhati in original Application No. 245 of 1995).

WITH

INTERLOCUTORY APPLICATION NO. 2.

(Application for stay after notice).

Union of India & Ors.

... Petitioners ...

-versus-

Sri Bishnu Prasad Saikia and Ors.

... Respondents ...

(FOR FULL CAUSE TITLE PLEASE SEE SCHEDULE 'A'

ATTACHED HERewith).

16th MARCH, 1998.

CORAM:

HON'BLE MR. JUSTICE S.C. AGARWAL

HON'BLE MR. JUSTICE S. SAGHIR ARWAD

HON'BLE MR. JUSTICE M. SRINIVASAN

Contd....P/2

U.O.I.

-56- (62)

2. ~~15~~

For the petitioners : Mr. V.V. Vaje, Senior Advocate

(M/s. Ranji Thomas and P. Parmeswaran,
Advocates with him).

For the Respondent Nos. 1 to 87.

89-142, 144-170 : Mr. P.K. Misra, Advocate

For Respondent Nos. 88 and 143 : Mr. C.S. Srinivasa Rao,
Advocate.

THE PETITION FOR SPECIAL LEAVE TO APPEAL AND THE APPLICATION FOR STAY above-mentioned being called on for bearing before this court on the 16th day of March, 1998 UPON hearing counsel for the appearing parties herein THIS COURT DOTH ORDER that petition for special leave to appeal above-mentioned be and is hereby dismissed and consequently this court's order dated 21st January, 1997 made in Interlocutory Application No. 2 above-mentioned granting ex-parte stay be and is hereby vacated;

AND THIS COURT DOTH FURTHER ORDER that this order be punctually observed and carried into execution by all concerned.

WITNESS the Hon'ble Shri Madan Mohan Punchhi,
Chief Justice of India at the Supreme Court, New Delhi,
dated this, the 16th day of March, 1998.

sd/-

(R.N. LAKHANPAL)

DEPUTY REGISTRAR.

Attested by:
Shri Madan Mohan Punchhi
Adv.

7/6

401

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 89 of 1996

Date of decision: This the 17th day of July 1998

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

1. Shri Rajen Rajkhowa,
Pharmacist, Aviation Research Centre,
F.R.U., Numaligarh, Golaghat.

2. Shri Atul Chandra Baruah,
L/A Aviation Research Centre,
F.R.U., Numaligarh, Golaghat.

.....Applicants

By Advocates Mr G.K. Bhattacharyya and
Mr G.N. Das.

- versus -

1. The Union of India, represented by the
Cabinet Secretary,
Department of Cabinet Affairs,
New Delhi.

2. The Director General of Security Block-V(East),
New Delhi.

3. The Director, Aviation Research Centre,
Block-V (East),
New Delhi.

The Deputy Director,
Aviation Research Centre,
Doomdooma.

.....Respondents

By Advocate Mr A.K. Choudhury, Addl. C.G.S.C.

ORDER

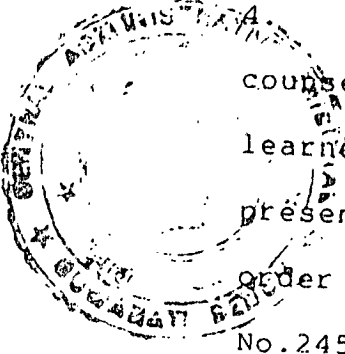
BARUAH.J. (V.C.)

The applicants have filed this present application seeking certain directions by this Tribunal to the respondents.

2. At the relevant time the applicants were working in the Aviation Research Centre, Field Research Unit, Numaligarh. This Aviation Research Centre is a department of the Government of India directly under the Cabinet Secretariat. The grievance of both the applicants are same.

3. The applicants state that like them there are other similarly situated employees, as mentioned in Annexure I, who are also entitled to the benefits.

4. By Annexure III letter dated 28.10.1986 the Deputy Secretary (SR), Government of India, informed the Director, Aviation Research Centre that House Rent Allowance as admissible to the executive cadres will be admissible to the personnel of other cadres also of the corresponding levels. According to the applicants they are personnels of other cadres of corresponding levels. Thereafter, ration allowance was also given as per Annexure IV letter dated 6.12.1987 issued by the Deputy Secretary, Government of India, to the Director, Aviation Research Centre, New Delhi. On the basis of Annexure IV letter the applicants and other similarly situated persons are entitled to ration allowance which was, however, denied to them. Hence the present application.



We have heard Mr G.K. Bhattacharyya, learned counsel for the applicants and Mr A.K. Choudhury, learned Addl. C.G.S.C. Mr Bhattacharyya submits that the present case is squarely covered by this Tribunal's order dated 14.6.1996 passed in original application No.245 of 1995. The learned counsel further submits that against the said judgment the respondents (in that case) approached the Apex Court by filing Special Leave Petition. No.1706/97 which was dismissed by the Apex Court by order dated 16.3.1998. Mr A.K. Choudhury also confirms the same.

[Signature]

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 103 of 1999.

Date of Order : This the 8th Day of September, 1999.

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

Shri N.Venugopal and 69 others .

All the applicants are serving in the
S.S.B., Itanagar in Arunachal Pradesh. . . Applicants.

By Advocate Shri G.N.Das.

- Versus -

1. Union of India,
represented by the Cabinet Secretary,
Department of Cabinet Affairs,
Bikanor House,
Sahjahan Road, New Delhi and 4 others . . . Respondents.

By Advocate Sri B.S.Basumatary, Addl.C.G.S.C

O R D E R

G.L.SANGLYINE, ADMN.MEMBER.

All these 70 applicants in this Original Application are employees in the Special Service Bureau (SSB for short), Itanagar, Arunachal Pradesh. They were permitted to pursue this Original Application jointly under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules 1987. Gratification allowance was granted to the personnel of the rank of Field Officers and below serving in the locations categorised as 'B' and 'C'. The applicants stated that they are in the rank of Field Officers and below. By order dated 8.11.1994 certain stations in Arunachal Pradesh were classified as category 'B' and 'C' stations for the purpose of various concessions granted to the employees. In the said order Itanagar was categorised as 'B' station and its categorisation was renewed for a further period of 3 years with effect from 8.11.1998. They claim that consequent to the categorisation of Itanagar station as a 'B' station the

contd..2

Attested by
Blisualhury
Adv.
7/6

employees of the SSB serving in Itanagar become eligible for getting the ration allowance from 8.11.1994. However, according to them, for some inexplicable reasons the respondents denied the allowance to the applicants in a most illegal and arbitrary manner. Consequently they submitted representations praying for payment of the allowance to them. But there was no response from the respondents. They submitted that in the case of employees of the Aviation Research Centre, Doomdooma the Tribunal directed payment of Ration allowance in the order dated 14.6.1996 in O.A.No.245 of 1995, order dated 17.7.1998 in O.A.No.89 of 1996 and order dated 21.4.1999 in O.A.No.228 of 1998. The executive cadre of the SSB Itanagar were also granted ration allowance. They submitted that they are similarly situated with the employees of the Aviation Research Centre and the executive cadre of SSB, Itanagar and have prayed that the respondents may be directed to allow them ration allowance with effect from 8.11.1994.

2. The respondents have contested the application and submitted written statement. According to them the applicants are holding non-executive cadre in the SSB, Arunachal Division and the ration allowance is not admissible to them. The ration allowance is admissible only to the executive staff of the rank of Field Officer and below posted in category 'B' or 'C' station. They also submitted that the orders of the Tribunal in the case of Aviation Research Centre cannot be extended to the applicants in this O.A. who were not applicants in those Original Applications decided by the Tribunal. This is also the view taken by the respondents in their Office Memorandum dated 19.2.1999, Annexure-R to the written statement.

3. I have heard learned counsel of both sides. Mr G.N.Das, learned counsel for the applicants submitted that according to the equation of posts and the orders of the Tribunal in

contd.. 3

respect of the Aviation Research Centre relied on by the applicants, the applicants are entitled to the ration allowance. Mr B.S.Basumatary, learned Addl.C.G.S.C for the respondents did not dispute the contention of Mr Das.

I have perused the application as well as the judgments in the 3 Original Applications relied on by the learned counsel for the applicants, particularly, judgment at para 4 of the order dated 14.6.1996 and judgment at para 3 of the order dated 21.4.1999 in which detail discussions and reasons for allowing payment of ration allowance in those cases had been recorded. I am of the view that the applicants in the O.A. presently under consideration are similarly situated with the applicants in those cases and the judgments in those O.As covered the case of the applicants in the present O.A. I therefore, direct the respondents to pay ration allowance to the applicants with effect from the date the allowance became admissible to Itanagar on the strength of order dated 8.11.1994 and subsequent orders extending payment of the allowance or from the date of their actual posting in Itanagar, whichever is later. The payment of the arrear amount as admissible to each applicant shall be made by the respondents within 90 days from the date of receipt of this order.

Application is disposed of. No order as to costs.

Sd/-MEMBER (Adm)

TRUE COPY

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pg

Copy No. 101/199
Central Administrative Tribunal
Guwahati Bench

11/1/99

- 63 - ANNEXURE - X

xv

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.367 of 1999

Date of decision: This the 12th day of January 2000

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

Shri Manik Sapkota and 36 others

....Applicants

All the applicants are non-executive staff serving in the Office of the Divisional Organiser, S.S.B., Shillong, Meghalaya.

By Advocated Mr G.K. Bhattacharyya,
Mr G.N. Das and Mrs N. Devi.

- versus -

1. The Union of India, represented by the Cabinet Secretary, Department of Cabinet Affairs, New Delhi.
2. The Director General of Security, Block-V (East) R.K. Puram, New Delhi.
3. The Director, S.S.B., Block-V (East) R.K. Puram, New Delhi.
4. The Divisional Organiser, S.S.B., Shillong, Meghalaya.

...Respondents

Advocate Mr. B.S. Basumatary, Addl. C.G.S.C.

.....

O R D E R

G.L. SANGLYINE (ADMINISTRATIVE MEMBER)

The 37 applicants are permitted to pursue this application jointly under Rule 4(5)(a) under Central Administrative Tribunal (Procedure) Rules, 1987.

2. All the applicants are non-executive personnel of the Special Service Bureau (SSB for short), working under the Divisional Organiser, SSB, Shillong, Meghalaya. Shillong was declared as a category 'B' station with effect from 27.4.1992 for the purpose of grant of various concessions as mentioned in the annexure of the Cabinet

8.11.

Secretariat order dated 18.12.1987, Annexure 1, and it was extended from time to time, the latest one being upto 26.4.2001. Ration Allowance is one of the allowances mentioned in Annexure I of the said letter No.A.27011/4/86-EA-II dated 18.12.1987. This Tribunal had issued order dated 14.6.1996 in O.A.No.245 of 1995 and order dated 17.7.1998 in O.A.No.89 of 1996 in respect of employees of Aviation Research Centre. It was also decided on 8.9.1999 in O.A.No.103 of 1999 in the case of the employees of SSB, Itanagar. In all these orders ration allowance was allowed. Relying on these orders of the Tribunal the applicants submitted representations before the authorities of the respondents praying for payment of ration allowance. The respondents, however, denied the allowance to the applicants on the ground that the orders of the Tribunal are applicable only to the applicants in those O.A.s and not to the present applicants who were not parties to the earlier O.A. However, it was also intimated that the matter was under consideration and the decision will be communicated. The applicants did not wait for the result of such decision, if any. They have submitted this O.A. In this application they have prayed that they be granted the benefit of ration allowance with effect from the date from which Shillong was categorised as 'B' Station, namely, 27.4.1992. In support of the claim they have relied on the orders of the Tribunal as mentioned above. The respondents have contested the application and submitted written statement.

3. I have heard the learned counsel of both sides. This matter is similar with the case of the employees of SSB, Itanagar, namely, Shri N. Venugopal and 69 others -vs- Union of India and others (O.A.No.103 of 1999) in which vide order dated 8.9.1999 this Tribunal had directed the

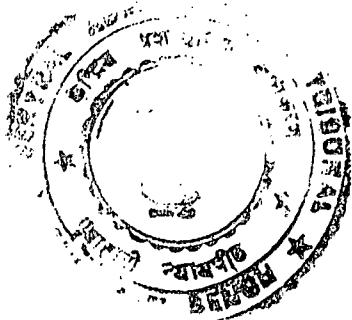
respondents

: 3 :

respondents to pay ration allowance to those applicants with effect from the date the allowance became applicable to Itanagar. In the case of the employees in Itanagar, the ration allowance was admissible from 8.11.1994 when certain stations in Arunachal Pradesh were classified as category 'B' and 'C' stations for the purpose of various allowances and concessions granted to the employees. Now, in the case presently under consideration, the ration allowance became admissible to the employees of Shillong with effect from 27.4.1992, i.e. from the date Shillong was classified as category 'B' station for the purpose of the various concessions mentioned in the letter dated 18.12.1987.

4. In the light of the above the respondents are directed to pay the applicants ration allowance from 27.4.1992 onwards within four months from the date of receipt of this order.

5. The application is disposed of. No order as to costs.



2.11.99
22.2.00

Sd/MEMBER (ADM)

Certified to be true Copy
प्रमाणित प्रतिलिपि

n.l.m

7/4/02
Deputy Registrar (A)
Central Administrative Tribunal
Shillong
7/4/2002

Attested by:
R. S. D. S. S.
Adv.
7/6

To

The Area Organiser, SSB,
Lower Subansiri District,
Ziro (A.P.).

Sub:- Grant of Ration Allowance w.e.f 8/11/94.

Sir,

I am serving in SSB under your administrative control beg to request your honour kindly to grant me ration allowance w.e.f 8/11/94 at the prescribed rate as has been granted to those non-executive personnel of SSB, Itanagar under Divisional Organiser, SSB, Itanagar as directed by the Central Administrative Tribunal Guwahati Bench in OA 103/99.

It is, therefore, prayed that your goodself would be pleased to take up the matter with the Divisional Organiser, SSB, Itanagar and allow me to draw the allowance from the due date including arrears.

And for this act of kindness, I, as in duty bound, shall ever pray.

Yours faithfully,

Surya Kumar Sainia
(SURYA KUMAR SAINIA)
U.D.C
A.O., OFFICE, SSB: ZIRO.

*Attested by
Pranab K. Sainia
Adv.
7/6*

No. SSF-40/2000/2001/740
Government of India.
Directorate General of Security
Office of the Area Organiser, SSF, Ziro.
Distt: L/Subansiri
PO/PS: Ziro-791120
Arunachal Pradesh.

Dated: Ziro, the 19/5-2000
19th May 2000

To


The Divisional Organiser, SSF,
Arunachal Pradesh Division,
ITANAGAR.

Sub: Forwarding of application in respect of
non-executive staff for Ration Allowance.

Sir,

I am forwarding herewith the application
in respect of 27 (Twenty seven) nos non-executive staff
of Ziro Area who are praying for drawal of Ration
allowance w.e.f 03-11-1994 for favour of your kind
perusal and favourable early action please.

Encl: As stated above.

Yours faithfully,

AREA ORGANISER, SSF,
ZIRO.

Attested by
Shoudhury
Adv.
7/6
O/C

-58- ANNEXURE - XIII

No. 10/SSB/A/1074/17) -559-578
DIRECTORATE GENERAL OF SECURITY, X
OFFICE OF THE DIRECTOR: SSB, X
EAST BLOCK, V. K. PURAM,
NEW DELHI-110065.

Dated, the, 19th Feb. 1999.

Subject: GRANT OF RATION ALLOWANCE TO THE MINISTERIAL STAFF
POSTED AT CATEGORY 'B' & 'C' STATIONS.

Please refer to your Memo No. MSE/F-9(C)/98-99/6
dated, 2.2.99 forwarding application of 49 non-executive
personnel on the subject mentioned above.

2. In our earlier proposal, we have already explained
to Cabinet Secretariat that on the basis of judgement
of Hon'ble Court, the Cabinet Secretariat, have sanctioned
ration allowance to Shri B.P. Saikia and other 157 k
non-executive personnel posted to ARC, Doom-Dooma vide
their order No. A-27011/4/96-EA-II-1489 dated, 16.6.98
The Cabinet Secretariat, in turn, had referred the case
to Integrated Finance Unit, who have observed that the
non-executive personnel of ARC(Doom-Dooma), who are the
applicants of CA No. 245/95 in CAT, Guwahati, are only
drawing the ration allowance in accordance with the
judgement of CAT and order issued by the Cabinet
Secretariat, vide order dated, 16.6.98. The ration
allowance is not admissible to the non-applicants of the
OA. As such, the analogy cannot be considered as convincing
reason and unable to support our proposal. However, we have
again taken up the matter with the Cabinet Secretariat,
whose decision is still awaited. The decision will be
communicated to you as and when received.

(S.S. Dora)
Joint Deputy Director (EA)

To,
The Divisional Organiser,
AP, Itanagar.

Copy to:- For information:xxx-

1. Divisional Organisers: 18/Shillong/ARH/SB/ND/R&G Division.
2. DISG: 10 Saraban/H-fong/Gwaldam/Salonibari/Jammu.

Joint Deputy Director (EA)

Attested by
Blondhury
Adv.

7/6

78

OFFICE OF THE DIVISIONAL ORGANISER: SSB: A. P. DIVISION

No. HGE/F-5(C)/26-99/ 4.2

Dated: 9/3/77

Copy to:-

1. The Area Organisers: SSB: Bomdila/Tre/- for information and
Along/Tezu/Rhonsa. necessary action.
2. The Comdts: SSB: CC: Dirang/Basar/Tezu - -do-
3. The Comdt, WATS, Itanagar - -do-
4. The Acctts Officer, Div. HQ, Itanagar - -do-

AREA ORGANISER (S)
DIV. HQS: SSB: ITANAGAR

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No. 9/SSB/12/86(1)-Shillong. 2045.
DIRECTORATE GENERAL OF SECURITY.
OFFICE OF THE DIRECTOR, SSB.
EAST BLOCK, V, RK PURAM,
NEW DELHI-110066.

Dated, the, 2nd Nov. 1999.

MEMORANDUM

Subject: Grant of Ration Allowance to the
Ministerial/other staff posted at
Category 'B' & 'C' stations.

.....

Please refer to your Memo No. E.1/1-82/
SD/99A2242 dated 20.10.99 on the subject
mentioned above.

2. We have already explained the position
vide our memo of even number dated, 27.10.99.
However, it is again reiterated that the
applicants are not the pensioners in the
various judgement issued by CAT. As such,
they are not entitled to the grant of
ration allowance as per judgement of CAT.
However, we have again taken up the matter
separately for the grant of ration allowance
to the non-executive personnel.

S.S. Bora
(S.S. Bora)
Joint Deputy Director(EA)

To,
The Divisional Organiser,
Shillong Division,
Shillong.

Attested by
Bhondhury
Adv.

INERT.

No. 9/SSB/A2/86(1)-Haflong-459
DIRECTORATE GENERAL OF SECURITY,
OFFICE OF THE DIRECTOR, SSB,
LAST BLOCK, V, RK PURAM,
NEW DELHI 110066.

Dated the 4th Feb. 2000.

MEMORANDUM

Subject: Grant of ration allowance to the
non-executive personnel posted at
SSB, Training Centre, Haflong.

.....

Please refer to your Memo No. 1/6/Estt/95/
TCH/569 dated, 17.1.2000 regarding grant of
Ration Allowance to non-executive personnel
posted at TC Haflong.

2. It is intimated that as per existing
instructions, the non-applicant of OA are not
entitled to get ration allowance on the basis
of judgement of CAT, Guwahati. However, we
have again taken up the matter with the
Cabinet Secretariat for grant of ration allowance
to non-executive personnel posted at 'B' & 'C'
stations. The matter is being perused vigorously
with the Cabinet Secretariat at this end.
The decision of the Cabinet Secretariat, would
be intimated when received.

Sd/-

(S.S. Bora)
Joint Deputy Director(EA)

To

The Deputy Inspector General,
Training Centre, Haflong.

Memo No. 1/6/Estt/95/TCH/

Dated the

Copy forwarded to all applicants of SSB,
TC, Haflong (By circular) for information.

(S.C. VERMA)
SENIOR INSTRUCTOR(A)
TRAINING CENTRE, HAFLONG.

Attested by
Blondhury
Adv.

7/6

No. 9/SSB/A2/C6(1)-Manipur. S.34
DIRECTORATE GENERAL OF SECURITY,
OFFICE OF THE DIRECTOR, SSB,
EAST BLOCK, V. RK PURAM,
NEW DELHI-110066.

Dated, 10 Feb. 2000.

MEMORANDUM

Subject: GRANT OF RATION ALLOWANCE TO THE NON-EXECUTIVE
PERSONNEL POSTED AT M&N DIVISION.

.....

Please refer to your letter No.V/ACCTTS/
Ration Allowance/2000-11028 dated, 28.1.2000 on
the subject cited above.

2. It is intimated that as per existing
instructions, the non-applicants to CAT cases are
not entitled to get ration allowance on the
basis of judgement of CAT, Guwahati. However,
we have again taken up the matter with the
Cabinet Secretariat for granting ration allowance
to non-executive personnel posted at 'B' & 'C'
stations. The matter is being perused vigorously
with the Cabinet Secretariat at this end. The
decision of the Cabinet Secretariat, would be
intimated when received.

S.S. Bora
(S.S. Bora)
Joint Deputy Director (EA)

To,

The Divisional Organiser,
Manipur & Nagaland
Imphal.

Attested by
Shondhury
7/60

No.BE/COURT CASE/RA/99/170
Directorate General of Security
Office of the Divisional Organiser,
SSB : AP Division, Itanagar-791111.

Dated, Itanagar the 30 May/2000.

Memorandum

Please refer to your No.E.I/1-82/SD/99/6685 dated 12.5.2000 and No.E-I/1-82/SD/99/ 6908 dated 17.5.200 forwarding thereeth 2(two) applications for drawal of ration money.

2. As per judgement of Hon'ble CAT Bench, Guwahati dated 8.9.99 and Cab. Sectt. order thereon, payment of ration money is admissible only to the applicants (total 70 personnel) of OA No.103/99.

3. Therefore, S/Shri G.C.Dadhara, Asstt. and G.N.Patra, Asstt. may please be informed that since none of them was the applicant of the OA, ration money is not admissible to them.

Area Organiser(S),
Div.HQ, Itanagar.

To

The Area Organiser(Admn),
Shillong Division,
Shillong.

Copy to :- The Area Organiser, SSB, Ziro for information wrt his letter No. EST-40/2000-2001/740 dated 17.5.2000. It is requested 27 non-executive staff may please be informed that since none of them was the applicant of the OA as mentioned above, ration money is not admissible to them.

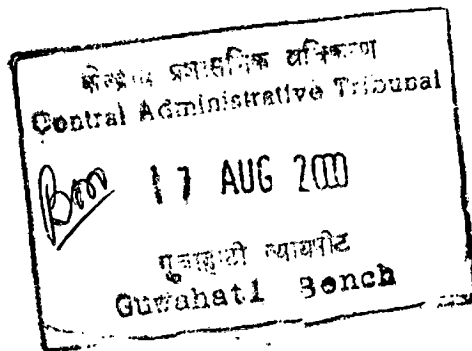
Area Organiser(S),
Div.HQ, Itanagar.

...

Attested by

[Signature]
7/6

Recd. No. 336
Date 2/6/2000
Area Organiser(S)
L/Subanshi District.
Off. of Arunachal Pradesh



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

GUWAHATI

In the matter of

O.A.No. 199/2000

Shri Ashim Das and others. Applicants

Versus

Union of India and others- Respondents.

Written statement for and behalf of
the Respondents 1 to 5.

1. That with regard to the statements made in paragraph No.4(1) the application, this deponent begs to submit that the Cabinet Secretariat vide their order No. A-27011/4/86-EA-II dtd. 18.12.87 have granted various concessions to the employees posted at category 'B' & 'C' Stations. The Head of the Deptt. has been authorised to declare certain stations or assignments if he feels that such stations/assignments have become specifically hazardous and there is a

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specific increase of threat to the personnel and/or premises, they can determine on merit the criteria of hardship to the period for which such locations may be categorised as belonging to category 'B&C' stations after recording the reason in writing. Director, SSB being the Head of the Deptt. has declared Ziro and other places of upper and lower Subansiri District of Arunachal Pradesh Division as Category 'B & C' Stations for the various concessions w.e.f. 18.12.87 vide Cabinet Sectt. order No. A-27011/4/86/EA-II and SSB Dte. Order No. 9/SSB/A-2/86(1)-AP/3433 dtd. 08.11.94 w.e.f. 08.11.94. The Cabinet Sectt. while sanctioning various concessions to SSB personnel have mentioned that the ration allowance to the executive staff of the rank of Field Officer and below on posting to category 'B&C' Stations would be admissible on BSF pattern. There is no mention that the

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same concessions would be applicable to the non-executive personnel of SSB. Therefore, the applicants are not entitled to claim the concession.

2. That with regard to the averments made in paragraph No. 4(2) and 3 of the petition this deponents has no comments to submit.

3. That with regard to the statements made in paragraph 4(4) of the O.A. this deponent begs to submit that it is a matter of record, hence this deponent has no comments to submit on this issue.

4. That with regard to the averments made in paragraph No.4(5) of the O.A. this deponent submits that the equation of posts has been made as listed as Annexure-II of the O.A. of the Cabinet Sectt. Order No. A-11016/6/86-DD-1 dtd. 28.10.86 in various cadets of the corresponding level in the A.R.C. to that

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of executive cadres exclusively for the purpose of payment of H.R.A. as admissible to the executive cadre. Therefore, it is clear that the equation of posts between non-executive and executive cadre is meant for the purpose of H.R.A. only.

5. That with regard to the averments made by the applicants vide paragraph 4 (6) of the O.A. this deponent begs to submit that the Director, SSB being Head of the Deptt. has declared certain stations of Upper and Lower Subansiri Districts of Arunachal Pradesh as Category 'B & C' Stations for the grant of various concessions sanctioned by Cabinet Sectt. order dtd. 18.12.87. The Cabinet Sectt. order dtd. 18.12.87 clearly stipulates that Ration Allowance as admissible to the executive cadre up to the rank of Field Officer and below. Thus nonexecutive personnel working at

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different stations of Upper and Lower Subansiri Districts of Arunachal Pradesh are not entitled to Ration Allowance.

6. That with regard to the averments made by the applicants vide paragraph 4(7) of the O.A. this declarant begs to submit no comment as the same are matters of record.

7. That with regard to the statements made by the applicants vide paragraph 3(8) of the O.A. this deponent submits that as already stated in para-5 above that Cabinet Sectt. order dtd. 18.12.87 clearly stipulates that Ration Allowance will be admissible to the Executive Cadre of the rank of Field Officer and below. The equation of post is meant for the purpose of HRA and not for the purpose of ration allowance as mentioned by the applicants. Therefore the allegation raised by the applicants is vehemently denied.

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8. That with regard to the statements made in Paragraph 4(9) of the O.A. this deponent begs to submit that it is correct that non executive personnel of ARC working in Doomdooma are getting ration allowance on the basis of the Central Administrative Tribunal, Guwahati Bench judgement dated 14.6.96. Therefore it is not possible to extend it to SSB personnel, as they are not the applicants of the O.A.No.245/95

9. That with regard to the statements made in Paragraph No.4(10),4(11) & 4(12) 4(13)of the O.A. this deponent has no comments as the same are matters of record.

10. That with regard to the statements made in Paragraph No.4(14) and 4 (15) of the O.A. by the applicants this deponent begs to submit before the Hon'ble CAT that on the basis of the CAT,Guwahati Bench judgment the matter was taken up by

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the SSB Dte with the Cab.Sectt to extend the benefit to the non executive personnel posted at Category 'B' and 'C' stations. However on the basis of extant orders the Cab Sectt did not agree with the proposal.

11. That with regard to the statements made in Paragraph 3(16) & 3 (17) of the O.A. this deponent begs to submit that it is correct that the judgment of the Hon'ble CAT, Guwahati is only applicable to the applicants and not to others. In the absence of any rule of the Government it is not possible to extend the benefit of ration allowance to the non executive personnel of SSB working in Category 'B' and 'C' stations.

Grounds for Relief with legal provisions

12. That with regard to the statements made in Paragraph No.5(i) of the O.A. this deponent begs to submit that in absence of clear orders of the Govt of

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India the ration allowance cannot be made admissible to the non executive personnel of SSB posted at Category 'B' and 'C' stations.

13. That with regard to the statements made in Paragraph 5(ii) of the O.A. this deponent begs to submit that the judgment of the Hon'ble CAT, Guwahati is not applicable to the other personnel posted at Category 'B' and 'C' stations. The benefit of ration allowance could not be extended to them in the absence of Govt order on the subject.

14. That with regard to the averments made vide para 5(iii) of the O.A. reply submitted vide para 11 & 12 above is reiterated here for the sake of brevity.

15. That with regard to the averments made in Para 5(iv) of the O.A. this deponent has no comments.

16. That with regard to the averments made in para 5(v) of the O.A. it is reiterated that in absence of Govt orders, it is not possible to grant ration allowance to the non executive personnel of SSB working in Category 'B' and 'C' stations.

17. That with regard to the averments made in Paragraph 5(vi) of the O.A. it is submitted that the matter has again been taken up with Cab Sectt to reconsider SSB Dte's proposal for extending the benefit of ration allowance to the non executive personnel working in Category 'B' and 'C' stations. However Cabinet Sectt. are unable to support the proposal for extension of benefits of ration allowance to non executive staff of SSB posted in 'B' & 'C' stations extending such benefits is not covered under any rule of the Government.

Details of Remedies exhausted.

18. That with regard to the statements made in Paragraph No.6 of the O.A. this deponent has no comments as the same are matter of record.

19. That with regard to the averments made in Paragraph No.8 of the O.A. this deponent reiterates that it is not possible to issue orders for drawal of ration allowance in respect of non executive staff in the absence of specific orders after declaring places of Upper & Lower Subansiri Districts of Ziro Area as Category 'B' and 'C' stations as per the order mentioned ibid.

Verification.


I, Santosh Kumar Chakrabarti, Dy.Inspector General, Special Service Bureau, Arunachal Pradesh Division, Itanagar do hereby verify that the statements made in Paragraph No. 1,2,4,5,6,7,9,10,11,12,13,14,15,16,18 &

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19 of the written statement are true. to my knowledge and belief, those made in paragraphs no.3,8,& 17 being matter of record are true to my information derived therefrom, and those made in the rest are humble submission to the Hon'ble Tribunal.

And I signed this verification on this day of 7th day of August 2000.


DECLARANT
Dy. Inspector General
SSB, A.P. Division
Itanagar

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