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3
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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24.9.02
O.A/T.A No. 285/2000
R.A/C.P No. 36/02
E.P/M.A No.

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SECTION OFFICER (Judl.)

Bahita
20.12.17

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
 JUHAPATI BENCH: JUHAPATI.5 (FORM NO. 4)
 ORDER SHEET. (See Rule-42)

APPLICATION NO. 285/2000
 Applicant(s) Sri Nirmala Debnath Chakraborty
 Respondents(s) Union of India and ors.
 Advocate for Applicant(s) Mr. M. Chanda, Mrs. N.D. Goshwami
 Advocate for Respondent(s) Mr. S.N. Chakraborty
 C.G.S.C.

Notes of the Registry

DATE

ORDER OF THE TRIBUNAL

27.9.00

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

Heard Mr M. Chanda, learned counsel
 for the applicant. The application is admitted.
 Issue notice returnable by six weeks. Call for
 the records. List it for orders on 15.11.00.

Vice-Chairman

nkm

15.11.2000

Seen the office note. Mr A. Deb
 Roy, learned Sr. C.G.S.C. seeks time
 for filing written statement. Four
 weeks time allowed. List it for orders
 on 15.12.00.

Vice-Chairman

nkm

15/12/00

15/12

Admitted to 12.11.2000.

15/12/00

Steps are yet to be
 received to issue notices.

27/9/00

Steps received.

12/10/2000

on 17/10/00

Steps received, Notice
 prepared & sent to D/O
 for trans. etc. Eschondant.

No 1 to 12 vide D.O.
 24481-2459 dt d 3/11/2000

18/10/00

(2)

O.A.No. 285 of 2000

14/11/00 ✓
A/D is still advised
b

17.1.01 Present : Hon'ble Mr. K.K.Sharma,
Member (A).

11-12-2000

Written statement
has been filed by
the respondents
No. 1-12.

The case is ready for hearing.
List for hearing on 31.1.2001.

K.C. Sharma
Member

trd

31.1.01 Adv. moved to 7.3.2001.
Mrs. Aksh
31.1.

AKS
WFS has been filed.
By
(16.1.2001)

7.3.01

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

The case is ready
for hearing.
By
5.3.01

[Signature]
Vice-Chairman

22.3.2001

pg

Copy of the Judgment
has been sent to the
Office for issuing
the same to the applicant
as well as to the Advocate
for the Respondent.
KS

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CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./R.A. No. .285 of 2000.

DATE OF DECISION .7-3-2001..

Shri N.Chakravorty and 43 others.

PETITIONER(S)

Sri M.Chanda.

ADVOCATE FOR THE
PETITIONER(S)

VERSUS -

Union of India & Ors.

RESPONDENT(S)

Sri A.Deb Roy, Sr.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.



CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 285 of 2000.

Date of Order : This the 7th Day of March, 2001.

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

Shri N.Chakravorty and 43 others. . . . Applicants.

By Advocate Shri M.Chanda.

- Versus -

Union of India & Ors. . . . Respondents.

By Advocate Shri A.Deb Roy, Sr.C.G.S.C.

O R D E R

CHOWDHURY J.(V.C)

44 applicants of this application are non executive personnel of Special Service Bureau (SSB for short) working at various places in the State of Arunachal Pradesh under the respondents. Since grievance as well as the interest are common in nature, the applicants are allowed to espouse their cause in a single application.

2. The issue raised in this application pertains to grant of the benefit of Ration Allowance as per their locations from the date of actual posting in various categorised stations including payment of arrears. The Arunachal Pradesh was classified as Category B and C station for the purpose of various concessions granted to the employees.

3. Mr M.Chanda, learned counsel for the applicants submitted that the matter is no longer resintegra in view of the number of decisions rendered by this Tribunal in O.A.No.245/95, 89/96, and 103/99 disposed of on 14.6.96, 17.7.98 and 8.9.99 respectively. Mr A.Deb Roy, learned Sr.

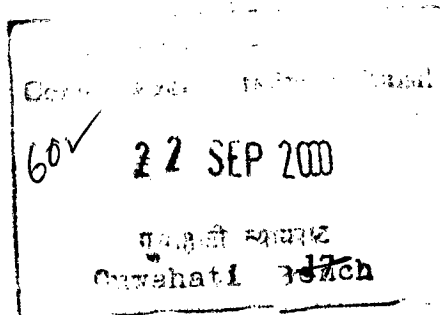
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C.G.S.C however opposing the prayer on the ground that the Ration Allowance is not admissible to the non executive staff.

4. Considering the facts and circumstances of the case it appears that the issue raised are already covered by the earlier decisions mentioned above. In the circumstances and in the light of the earlier orders this application is disposed of directing the respondents to pay Ration Allowance to these applicants on the strength of the Notification No. A-27011/4/86-EA-II dated 18.12.1987 and other subsequent orders extending payment of the allowance in different categorised stations or from the date of their actual posting in the respective categorised stations, whichever is later. The payment of the arrear amount as admissible to each applicant shall be paid by the respondents within 90 days from the date of receipt of this order.

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

(D.N.CHOWDHURY)
VICE CHAIRMAN



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH GUWAHATI

O.A. NO. 285 /2000.

Shri Nirmalendu Chakravorty and ors.
..... Applicants
Versus
Union of India and others.
..... Respondents.

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Filed by..

N.D. Goswami

Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH : GUWAHATI
(An application U/S 19 of the Administrative Tribunals Act, 1985)

O.A. No. 285/2000.

1. Sh. N. Chakravorty, Assistant
O/O D.O.A.P. Divn, SSB, Itanagar.
2. Sh. P. K. Baruah, UDC
O/O D.O.N.A. Divn, SSB, Tezpur.
3. Sh. Bidyananda Das, Driver,
O/O D.O.N.A. Divn, SSB, Tezpur.
4. Sh. Ambeswar Gogoi, Peon
O/O D.O.N. A. Divn, SSB, Tezpur.
5. Sh. N. Venugopal, Assistant.
O/O. D.O. A. P. Divn, SSB, Itanagar.
6. Sh. P. K. Mohanty, Stenographer.
O/O D.O., A. P. Divn, SSB, Itanagar.
7. Sh. Gouranga Chandra Sarkar, Peon,
O/O D.O. A.P. Divn, SSB, Itanagar.
8. Sh. Tankeswar Das, Peon,
O/O D.O. A. P. Divn, SSB, Itanagar.
9. Sh. M. B. Sonar, Peon,
O/O/Comdt. WATS, SSB, Itanagar.
10. Sh. Prem Chand Chowdhury, Peon,
O/O Comdt. WATS, SSB, Itanagar.
11. Rajendra Rajak, Water Carrier,
O/O Comdt, WATS, SSB, Itanagar.
12. Sh. J. R. Talukdar, UDC,
O/O. D. O. A. P. Divn, SSB, Itanagar.
13. Sh. D. K. Poddar, Pharmacist.
O/O. D.O. A. P. Divn, SSB, Itanagar.
14. Sh. Adesh Kumar, Peon,
O/O.SAO, Longding.
15. Sh. B. N. Borah, P.A.
(now P.S.) O/o DO, AP Divn. Itanagar.
16. Sh. Lal Bdr. Dorjee, Peon
O/o D.O. A P Divn. Itanagar.
17. Sh. R.B. Thapa, Peon,
O/o D.O. AP Divn. Itanagar.

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Guwahati Bench

Nimalethu Chakravorty

Nimajendra Chakravarty

18. Miss Debasree Sarkar, Stenographer
O/o D.O. AP Divn. Itanagar.
19. Sh. Rabin Saikia, Chowkidar,
O/o D.O. AP Divn. Itanagar.
20. Sh. Ram Bdr. Sonar, Peon,
O/o D.O. AP Divn. Itanagar.
21. Sh. Thogi Ram Das, UDC,
O/o AO, SSB, Bomdila.
22. Sh. Rajesh Nautiyal, Stenographer,
O/o AO, SSB, Bomdila.
23. Sh. Chijen Narjari, Driver
O/O D.O., AP Divn., Itanagar.
24. Sh. Kiran Mandal, Peon
O/O D.O., AP Divn., Itanagar.
25. Sh. Sarat Kumar Borah, Asstt.
O/O Area Organiser, SSB, Khonsa.
26. Sh. Ranjit Debroy, UDC
O/O Area Organiser, Khonsa.
27. Sh. Sunil Chander, Stenographer,
O/O Area Organiser, Khonsa.
28. Sh. Manoj Borah, LDC,
O/O Area Organiser, Khonsa.
29. Sh. S.S. Bhadra, Peon,
O/O Area Organiser, Khonsa.
30. Sh. Narayan Kalita, Peon,
O/O Area Organiser, Khonsa.
31. Sh. Ram Prasad Sharma, Peon
O/O Area Organiser, Khonsa.
32. Smt. Techhi Pohu, Peon
O/O Area Organiser, Khonsa.
33. Sh. Gangam Lowang, Chowkidar,
O/O Area Organiser, Khonsa.
34. Sh. A.C. Mech, Driver,
O/O Area Organiser, Khonsa.
35. Sh. R. Pillai, Peon.
O/O Area Organiser, Khonsa.
36. Sh. Phuleshwar Gogoi, Accountant
O/O Area Organiser, Tezu.
37. Sh. Vikash Khajuria, Driver,
O/O D.O., AP Divn., Itanagar.

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TECH

Ninafer Chakraborty

38. Sh. N. Thakuri, UDC ,
O/O Area Organiser, Bomdila.

39. Sh. R.K. Panda, LDC,
O/O Area Organiser, Along.

40. Smt. Tech. Yabar, Peon
O/O Area Organiser, Khonsa.

41. Sh. Pradip Roy, LDC
O/O D.O., AP Divn., Itanagar.

42. Sh. N. Nishikanta Singh, Driver
O/O Commandant, WATS, Itanagar.

43. Sh. M. Viswakarma, Lab. Tech.
O/O Commandant, GC, Tezu.

44. Sh. Bibhu Ranjan Parida, Stenographer
O/O Area Organiser, Tezu.

Petitioners

-VERSUS -

1. Union of India (Represented by the Cabinet Secretary, Department of Cabinet Affairs, Bikaner House, Sahjahan Road, New Delhi).
2. Directorate General of Security, Block - V (East) R.K. Puram, New Delhi - 110066.
3. Director, SSB, East Block-V, R.K. Puram, New Delhi - 110066.
4. Divisional Organiser, SSB, A.P. Division, Khating Hills, Itanagar, Arunachal Pradesh - 791111.
5. Divisional Organiser, SSB, North Assam Division, Tezpur (Assam).
6. Divisional Organiser, SSB, Manipur & Nagaland Divn., Imphal, (Manipur).
7. Area Organiser, SSB, Bomdila, West Kameng Distt., Arunachal Pradesh.
8. Area Organiser, SSB, Along, A.P.
9. Area Organiser, SSB, Ziro, A.P.
10. Area Organiser, SSB, Tezu., Lohit Distt., Tezu.
11. Area Organiser, SSB, Khonsa, A.P.
12. Commandant, WATS, SSB, Itanagar.

RESPONDENTS

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

Illegal and arbitrary action of the authorities in not allowing the applicants to draw ration allowance only on the grounds that they were not applicants in O.A. No. 245/95 filed by some non-executive

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Winnelashwari

personnel posted to A.R.C.(Aviation Research Centre), Doomdooma in which this Hon'ble Tribunal, by order dated 14.06.96 directed payment of ration allowance to them (applicants) from due dates. The non-executive personnel of the SSB Itanagar also filed O.A. No. 103/99 and this Hon'ble Tribunal, by order dated 08.9.99 directed payment of ration allowance to them w.e.f. 6.11.94 date on which Itanagar was classified as category 'B' Station.

The non-executive personnel of the SSB working under the Divisional Organiser, SSB, Shillong, Meghalaya filed the latest O.A. No. 367/99 praying for the grant of ration allowance to them also from the due date. This Hon'ble Tribunal, by order dated 12.01.2000, disposed of the O.A. by directing the authorities to pay ration allowance to the applicants w.e.f. 27.04.92, date from which Shillong was classified by the competent authority as Category 'B' Station.

2. JURISDICTION OF THE TRIBUNAL:-

The applicants declare that the subject matter of the order against which they want redress is within the jurisdiction of the tribunal.

3. LIMITATION :-

The applicants further declared that the application is within the limitation prescribed U/S 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 (SSB in short) at the places as noted against each of the applicants in the subsequent paras. which is a Department of the Govt. of India directly under the Cabinet Secretariat.

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

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2. That the Government of India, in 1962, set up the Directorate General of Security DGS in short) under the administrative control of the Cabinet Sectt. for some specific purposes which is a multi-role and multi disciplinary organisation comprising four agencies namely, Special Service Bureau (SSB in short), Aviation Research Centre (ARC in short), Special Frontier Force (SFF in short) and Chief Inspectorate of Armaments (CIOA in short).

3. That the applicants beg to state that the Cabinet Sectt. vide letter No. A-27011/4/86-EA-II dtd. 18.12.87 addressed to the Director, Planning, Directorate General of Security, informed that certain concessions were granted to the staff of SSB, SFF, CIOA (Chief Inspector of Armaments), A.R.C. 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 categories as 'B&C' Stations as mentioned in the Annexure-II of the this letter. In the said letter, it was also mentioned that 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 Sectt. order dated 28.10.86 would also ^{be} applicable in respect of the Staff of SSB, SFF, CIOA and Directorate of Accounts.

Copy of the said letter dated 18.12.87 along with 2 annexure is annexed herewith and marked as (Annexure-1).

4. The applicants beg to state that, from the said letter and annexure, it would be apparent that certain concessions were granted and in the case of the applicants the concessions referred to against Sl.2 in Annexure-I, i.e. Ration Allowance, would be relevant. The House Rent Allowance to the Executive cadre was made admissible to the personnel of other cadres also of the corresponding level except in the case of SSB Battalion personnel and the Deputy Commandants/Company Commanders/Asstt. Company Commander of SFF and also those on deputation in the SFF from the Army.

5. That the applicants beg to state that the order dated 28.10.86 mentioned in letter dtd. 18.12.87 (Annexure-I) was an order from the Cabinet Sectt. 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

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Guwahati Bench

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 dtd. 28.10.86 along with enclosures is annexed herewith and marked as Annexure-II.

6. That the applicants beg to state that the Aviation Research Centre is a part of Directorate General of Security along with SSB and two other organisations. Similar concessions including ration allowance were granted to the employees 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 employees of Aviation Research Centre, Doom Dooma 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 14.06.96 held that the Ration Allowance was admissible to the applicants and directed that 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 amount within the fixed period. The Aviation Research Centre authorities instead of granting the concessions, filed and 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 dtd. 16.03.98 dismissed the special leave to appeal and directed that the order be punctually observed and carried into execution by all concerned.

Copies of the judgment dtd. 14.06.96 passed by this Hon'ble Tribunal and the order dtd. 16.03.98 passed by the Hon'ble Supreme Court are annexed herewith and marked as Annexure-VI & VII II IV respectively.

7. That the applicants beg to state that in pursuance of the said judgment, the Cabinet Sectt., vide their order No. A-27011/4/86/EA.II/1483 dtd. 16.06.98, sanction the Ration Allowance to the non-executive staff of the Aviation Research Centre and all payments have since been made to this staff who are all continuing at Doom Dooma which has been categorised as 'B' Station.

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✓
Nimalekar Chakraverty.

10. That, thereafter, some of the non executive personnel of the S.B.B. serving under the Divisional Organiser, SSB, 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.f. from 27.4.92 onward date from which Shillong was categorised as 'B' Station.

Copy of the said order dated 12.1.2000 passed by this Hon'ble Tribunal in O.A. No.367/99 is annexed herewith and marked as Annexure-~~K~~. VII

11. That the applicants beg to state and submit that they are similarly situated like the applicants in the above noted original application 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.B.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 application 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 as mentioned in the subsequent paragraphs.

12. The applicants of this O.A. beg to submit before this Hon'ble Tribunal that they were posted to the places as noted against each below which have been categorised as 'B' and 'C' stations and by virtue of their posting to those places with effect from the dates as noted against each they have become eligible for drawal of Ration Allowance. The Hon'ble Tribunal may therefore kindly allow the applicants of this O.A. to draw Ration Allowance as per details given below:-

Central

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Sl. No.	Name of Applicant	Designation	Place of posting	Period of posting for which Ration Allowance is claimed.	Category of the Station.	Authority under which the station was categorised as Group 'B' & 'C' stations.
1.	2.	3.	4.	5.	6.	7.
1.	Sh.N.Chakravorty	Assistant	Imphal Tezpur Khonsa Itanagar	9.8.89 to 31.12.92 } 23.9.97 to 30.11.98 } 14.12.98 to 13.4.99 } 16.4.99 to onwards }	'B'	SSB Dte.Memo.No.9/SSB/A-/86(1)IV Pt-II dt.9.8.89. 9/SSB/A-2/96(1)NA-2773 dt.23.9.97. 9/SSB/A-2/86(1)AP-3423-24 dt.19.12.95 9/SSB/A-2/86(1)AP-3433 dt.8.11.94.
2.	Sh.P.K. Boruah	U.D.C.	Itanagar	8.11.94 to 28.2.96	'B'	9/SSB/A-2/86(1)AP-3443 dt.8.11.94.
3.	Sh.Bidyandanda Das	Driver	Itanagar Khonsa	8.11.94 to 5.1.99 17.5.99 to 30.6.99	'B' 'B'	-- do -- -- do --
4.	Sh.Ambeswar Gogoi	Peon	Itanagar	8.11.94 to 31.8.97	'B'	-- do --
5.	Sh.N. Venugopal	Assistant	Along Tezu	18.12.89 to 26.2.92 21.2.97 to 30.6.98	'B' 'B'	Cab.Sectt.Ltr.No.A-27011/4/86-BA-II dt.18.12.87. SSB Dte.Memo.No. 9/SSB/A-2/86(1)AP-3433 dt.8.11.94
6.	Sh.P.K. Mohanty	Stenographer	Bomdila	18.3.98 to 29.12.98	'B'	Cab.Sectt.Ltr.No.A-27011/4/86-BA-II dt.18.12.87.
7.	Sh.G.C.Sarkar	Peon	Damin	16.5.96 to 31.8.97	'C'	SSB Dte.Memo.No.9/SSB.A-2/86(1)AP-3443 dt. 8.11.94
8.	Sh.Tankeswar Das	Peon	Itanagar	16.6.99 to onwards	'B'	-- do --

Nirmalendu Chakravarty

9. Sh.M.B. Sonar	Peon	Itanagar	8.11.94 to onwards	'B'	-- do --
10. Sh.P.C. Chowdhury	Peon	Itanagar	8.11.94 to onwards	'B'	-- do --
11. Sh. Rajendra Rajak	Water Carrier	Itanagar	8.11.94 to onwards	'B'	-- do --
12. Sh. J.R. Talukdar	UDC	Roing	1.8.87 to 30.9.90	'B'	Cab. Sectt. Ltr. No. A-27011/4/86-EA-II dt. 18.12.87.
13. Sh. D.K. Poddar	Pharmacist	Tezu	21.7.98 to 31.12.99	'B'	SSB Dte. Memo. 9/SSB/A-2/86(1) AP-3433 dt. 8.11.94
		Itanagar	1.1.2000 to onwards	'B'	-- do --
14. Sh. Adesh Kumar	Peon	Longding	18.10.96 to onwards	'C'	Cab. Sectt. Ltr. No. A-27011/4/86-EA-II dt. 18.12.87.
15. Sh. B.N. Borah	Personal Assistant (Now P.S.)	Imphal	9.8.89 to 31.10.89	'B'	SSB Dte. Memo. No. 9/SSB/A-2/86(1) IV Pt. II dt. 9.8.89.
		Tezpur	23.9.97 to 31.8.98	'B'	" " " " 9/SSB/A-2/86(1) NA-2773 dt. 23.9.97.
16. Sh. Lal Bdr. Dorjee	Peon	Nampong	29.9.89 to 15.7.99	'B'	" " " " 9/SSB/A-2/86(1) AP-3433 dt. 8.11.94
		Itanagar	16.7.99 to onwards	'B'	-- do --
17. Sh. R.B. Thapa	Peon	Hayuliang	5.5.94 to 31.10.96	'B'	Cab. Sectt. Ltr. No. A-27011/4/86-EA-II dt. 18.12.87.
18. Miss Debasree Sarkar	Stenographer	Itanagar	21.2.2000 to onwards	'B'	SSB Dte. Memo. No. 9/SSB/A-2/86(1) AP-3433 dt. 8.11.94
19. Sh. Robin Saikia	Chowkider	Hayuliang	30.11.94 to 31.7.99	'B'	Cab. Sectt. Ltr. No. A-27011/4/86-EA-II dt. 18.12.87.
		Itanagar	3.8.99 to onwards	'B'	SSB Dte. Memo. No. 9/SSB/A-2/86(1) AP-3433 dt. 8.11.94
20. Sh. Ram Bdr. Sonar	Peon	Along	1.8.87 to 31.10.96	'B'	Cab. Sectt. Ltr. No. A-27011/4/86-EA-II dt. 18.12.87.
21. Sh. Thogi Ram Das	UDC	Itanagar	3.7.96 to 17.8.98	'B'	SSB Dte. Memo. No. 9/SSB/A-2/86(1) AP-3433 dt. 8.11.94.

Nimalendra Chakravarty

22.Sh.Rajesh Nautiyal	Stenographer	Itanagar	25.4.95 to 30.11.98	'B'	-- do --
23.Sh.Chijen Narjari	Driver	Mayuliang	1.6.98 to 15.2.99	'B'	Cab.Sectt.Ltr.No.A-27011/4/86-EA-II dt.18.12.87.
24.Sh.Kiran Mandal 8.11.94.	Peon	Itanagar	28.5.99 to onwards	'B'	SSB Dte.Memo.No.9/SSB/A-2/86(1)AP-3433 dt.
25.Sh.Sarat Kr.Borah	Assistant	Khonsa	14.4.99 to onwards	'B'	-- do --
26.Sh.Ranjit Debroy	UDC	Khonsa	16.7.95 to onwards	'B'	-- do --
27.Sh.Sunil Chander	Stenographer	Khonsa	7.6.95 to onwards	'B'	-- do --
28.Sh.Majoj Borah	LDC	Bomdila Khonsa	15.5.92 to 30.10.95 1.11.95 to onwards	'B' 'B'	-- do -- Cab.Sectt.Ltr.No.A-27011/4/86-EA-II dt.18.12.87.
29.Sh.S.S. Bhadra 8.11.94.	Peon	Khonsa	27.5.96 to onwards	'B'	SSB Dte.Memo.No.9/SSB/A-2/86(1)/AP-3433 dt.
30.Sh.Narayan Kalita	Peon	Khonsa	8.11.94 to onwards	'B'	-- do --
31.Sh.Ram Prasad Sharma	Peon	Itanagar Lazu	8.11.94 to 30.4.96 13.5.96 to onwards	'B' 'C'	-- do -- Cab.Sectt.Ltr.No.A-27011/4/86-EA-II dt.18.12.87.
32.Sh.Techi Pohu 8.11.94.	Peon	Khonsa	19.7.99 to onwards	'B'	SSB Dte.Memo.No.9/SSB/A-2/86(1)AP-3433 dt.
33.Sh.Gangam Lowang 8.11.94.	Chowkider	Longding Khonsa	1.8.87 to 14.8.89 15.9.89 to onwards	'C' 'B'	Cab.Sectt.Ltr.No.A-27011/4/86-EA-II dt.18.12.87. SSB Dte.Memo.No.9/SSB/A-2/86(1)AP-3433 dt.

Nimalesha Chakravarty

34.Sh.A.C.Mech dt.23.9.97.	Driver	Tezpur	23.9.97 to 31.8.89	'B' -2766
dt.8.11.94.		Khonsa	13.9.99 to onwards	'B' - 3433
35.Sh.R.Pillai	Peon	Khonsa	23.9.94 to onwards	'B'	-- do --
36.Sh.Phuleswar Gogoi 8.11.94.	Accountant	Tezu	10.4.2000 to onwards	'B'	SSB Dte.Memo.No.9/SSB/A-2/86(1)AP-3433 dt.
37.Sh.Vikash Khajuria	Driver	Itanagar	22.2.99 to onwards	'B'	-- do --
38.Sh.N. Thakuri	UDC	Itanagar	9.11.94 to 29.9.97	'B'	-- do --
39.Sh.R.K.Panda	LDC	Along	10.3.92 to onwards	'B'	Cab.Sectt.Ltr.No.A-27011/4/86-EA-II dt.18.12.87.
40.Smt.Techi Yabar 8.11.94.	Peon	Longding	30.9.99 to onwards	'C'	SSB Dte.Memo.No.9/SSB/A-2/86(1)AP-3433 dt.
41.Sh.Pradip Roy	LDC	Bomdila	5.10.95 to 1.12.97	'B'	Cab.Sectt.Ltr.No.A-27011/4/86-EA-II dt.18.12.87.
42.Sh.N.Nishikanta Singh	Driver	Khonsa	14.10.97 to 21.12.98	'B'	SSB Dte.Memo.No.9/SSB/A-2/86(1)AP-3433 dt.8.11.94.
43.Sh.M.Viswakarma	Lab.Tech	Itanagar	8.11.94 to 19.7.95	'B'	-- do --
		GC Tezu	22.7.95 to onwards	'B'	-- do --
44.Sh.Bibhu Ranjan Parida	Steno.	Tezu	17.3.98 to onwards	'B'	-- do --

Nimaleन्द्र Chakravarty

Numaligarh Chabram

13. That the applicants took up the matter with the authorities by filing applications but SSB Directorate vide their memorandum number 30/SSB/A-2/97(17)-559 dated 19.2.99 referring to earlier cases of granting Ration Allowance to non executive personnel of the SSB, it was intimated that only the applicants in O.A. No. 245/95 who were non executive personnel of the ARC Doomdooa were granted Ration Allowance in terms of the order/judgement passed by this tribunal in the above noted case.

In another memorandum No. 9/SSB/A-2/86(1)-SHG-3045 dtd.2.11.99 the respondent no. 3 made the position clear by reiterating that non applicants in various original applications disposed of by this Hon'ble tribunal directing payment of Ration Allowance are not entitled to the grant of Ration Allowance. As the present applicants are also not applicants, in those applications, the authorities have virtually rejected their claim and the applicants are now convinced that no useful purpose would be served by waiting any longer and as such they are approaching this Hon'ble tribunal ^kpaying for relief.

The aforesaid memorandum dtd. 19.2.99 and 2.11.99 are annexed herewith and marked as annexure-~~XII~~^{VIII} and ~~XIII~~^{IX} respectively.

5. GROUND FOR RELIEF WITH LEGAL PROVISION:-

- 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.
- 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 ARC Doomdooa, ARC , FMC Numaligarh, SSB Itanagar and SSB Shillong who have since been granted the benefit of the 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 the Ration Allowance to the applicants in pursuance of the order dtd. 14.6.96 passed in O.A. No. 245/95 (annexure-VI), order dtd. 17.7.96 passed in O.A. No. 89/96 (annexure-VIII), order dtd. 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

22 SEP 1999

action of the respondent authorities 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 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.
- vii) In order to avoid further multiplicity of the litigations, the applicants of this O.A. further prays to this Hon'ble Tribunal that the applicants may be allowed to draw the Ration Allowance as and when they are posted to any of the categorised stations within the jurisdiction of this Hon'ble Tribunal apart from their present place of posting.

6. DETAILS OF THE REMEDIES EXHAUSTED :-

The applicants had submitted representations to the competent authority through proper channel and those were turned down only on the grounds that they were not applicants in earlier cases allowed by this Hon'ble Tribunal in the matter of granting Ration Allowance.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT:-

The applicants have further declared 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 Hon'ble Tribunal, not any such application, writ petition or suit is pending before any of them.

Nimajendra Chakraborty

8. RELIEF SOUGHT:-

It is, therefore, prayed that your Lordships would be 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 the categorised station as mentioned by the applicants vide para-12 of this writ petition as has been granted to other who are similarly situated like the applicants and after perusing the causes shown, if any, and hearing the parties, direct that, in view of attending facts and circumstances of the case, the applicants be granted Ration Allowance from the date when the stations have been categorised 'B' or 'C' locations or from the date of their actual posting in the various categorised locations including arrears as has been granted to the similarly situated non executive personnel of SSB 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.

9. INTERIM ORDER, IF ANY, PRAYED FOR:
Nil.**10. Does not arise.**

The applications 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. 09 468604 dated 18.07.2000 issued by the Tezpur Post office payable at Guwahati is enclosed.**12. LIST OF ENCLOSURES:-**
As stated in the index.

24 SEP 2000

A. K. Chakraborty

VERIFICATION

I, Shri Nirmalendu Chakravorty, son of Late Bimalendu Chakravorty, aged about 53 years, presently serving as Assistant in the office of the Divisional Organiser, SSB, A.P. Division, Itanagar do, hereby verify that the contents in paragraphs 1 to 4 and 6 to 12 are true to my personal knowledge and those in paragraphs 5 are believed to be true on legal advice and that I have not suppressed any material fact.

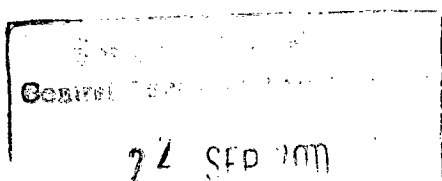
I, being one of the applicants, have been authorised by other applicants to sign this verification on behalf of them.

Place:- Tezpur

Date :- 6.9.2000

Nirmalendu Chakravorty.

~~Signature of the applicant.~~



Signature of The applicant

Nirmalendu Chakravorty

No. A. 27011/4/36-EA-II
Government of India,
Cabinet Secretariat,
Liaison House (Annex),
Shahjahan Road,
New Delhi.

New Delhi, the 18.12.37.

To,

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

Subject :- Grant of concessions to the staff of SSB, SPP,
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 USD, SPP, 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, 1937.

3. For some of the concessions the various hardship locations have been categorised as '3' and 'C' locations 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...

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2.

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specially 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 'a' 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-PC-I, dated 28.10.86, will also be applicable in respect of the staff of SSB, SFP, CICA and Directorate of Accounts.

5. This issues with the concurrence of the Ministry of Finance vide their U.O. No. S-1428/SR/87 dated 10.6.87 read with UO No.

1151/Dir.FI (S)/31, dated 2nd December, 1987.

Yours faithfully,

Sd/-

(P.K. JANGAR)

Deputy Secretary (SR).

Enclo 1- Annexure-I and II.

Copy to :-

1. Shri H.B. Joshi, Director, S.B.
2. Maj. Genl. S.K. Sharma, PVSM, IO SFP.
3. G.B. Mathur, Dy. Director of Accounts.
4. Lt. Col. K.K. Bhandari, CICA.
5. Shri J. Subramanian, Director (P).
6. Shri K.M. Mittal, Dy. Director of Accounts (SR).
7. Order File.

contd..

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

NO. ECE/7-9/97-93/27

Dated :- 20.11.97.

Copy to :-

1. The Comdts., CC, SSB, Dirang/Pasor/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.

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-26

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Annexure-I.

ANNEXURE TO THE CABINET SECTT. LETTER NO. A.27011/4/86-EA-II
DATED 15 DECEMBER, 1937 .

Sl. No.	Nature of the concession .	Extent of the concession granted	Remarks .
1	2	3	4
1) Hardship Allowance		A hardship allowance @ A.25% of basic pay subject to maximum A.400/- P.M. in respect of category 'C' and 12.5% of basic subject to maximum of A.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 ... department under the powers now delegated to him , the same rates will apply .

contd...

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2.4 Ration Allowance

Ration Allowance to the rank of Field
Officers and below at the following rates

excepting SSB Bn. Personnel and Dy. Comdrs./
Day. Comdrs./Asstt. Day. Comdrs. of SFF and
also those on deputation in the SFF from
the Army :-

contd....

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

Location

Notes

i) Category 'B'
stations

As admissible from time to
time in the Border securi-
ty force in peace areas .

ii) Category 'C'
stations

As admissible from time to
time in the BSF in operati-
onal areas .

3) Clothing : i) A non-refundable clothing grant of Rs.3000/-
for staff other than SSB. Bn. personnel and
Dy. Comdts./Coy.Comdts./Asstt.Coy. Comdts.
of SFF and also those on deputation in the
SFF from the Army, posted in category B and
C stations and located at or higher than
2000 Mtrs. above MSL and Rs.2000/- for staff
posted at category B and 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 cer-
tificate that the advance has
been utilised for the purpose it
was intended .

contd...

-4-

11) 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' stations.

(11) 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. C.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 SRF 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 has already availed the LTC for the block year 1986-87 before the 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 join-
ing time between the point of duty
and nearest rail head .

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

(11) The journey time should be reason-
able 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 correspon-
ding levels except in the case of
SSB Sn. personnel and Dy. Comdrs./
Coy. Comdrs./ Asstt. Coy. Comdrs. of
SFF and also those on deputation
in the SFF from the Army .

contd...

-3-

1. 2. 3. 4.
3. Cash compensation for work on holiday as admissible to the staff of the executive cadre up to the rank of field officers, in the M & AM, will be admissible to personal Assistants, stenographers and other staff of Telecom, Cipher and M.T. cadres, who are drawing basic pay of Rs. 500/- (pre-revised) and below are not entitled to overtime allowance. 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.
9. Government Transport.
10. Security allowance to Ministerial, Secretarial and Accounts cadres. 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. Gr. III/UMC	Rs. 30/- P.M.
iii) Steno. Gr. II/Assistant	Rs. 50/- P.M.
iv) Section Officer/Private Secretary/Sr. S.A.	Rs. 100/- P.M.
v) Assistant Director/Area Organizer/Dy. Director of Accounts.	Rs. 200/- P.M.

contd...

ANNEXURE-11 TO THE CABINET SECTT. LETT-ER NO. DATED:

STATE	CATEGORY 'B' LOCATIONS	CATEGORY 'C' LOCATIONS
ASSAM & ARUNACHAL PRADESH	BORDILAI TAPANG DAPARIDO ALONG YINGKIONG ROING HAULIANG MOAO NAMFONG SEPPA	C/TAO KOLORIANG HONIGANG HECHUKA TITING WAKA HAKAI LADU LONODING FANCHAO (TI- RAP) CHANOLONG ANINI
GUJARAT HIMACHAL PRADESH	RADHANPUR KALPT (REKONG-PEO) POOH	KAJA KALONG NYCHA HANLE LEH
J & K		KIALAI MORCH
HARIYAR		CHAKR KARONG CHANDL CHUFACHANDPUR HONGHIA TAMENOLONG UKHROOL CHASAD KHULLAN
MEGHALAYA	JOWAI NONGSTOIN	
TRIPURA	KALLABERAR UDAIPUR KHOWAI BOMERURA DIARCHULAI JOSHIMATHI SUKIAPOKHRI NAXALBARI	KUNGYARI
UTTAR PRADESH		
WEST BENGAL		

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Annexure-II.

GOVERNMENT OF INDIA.
CABINET SECRETARIAT,
BHAIRAV HOUSE ANNEXE,
SHAWARAT ROAD,
NEW DELHI.

NO.A-11016/6/86-DO1

Dated the 15th Oct.1986.

ORDER

Subject: Extension of House Rent Allowance concession to
other cadres of ARC at par with executive cadres.
Reference ARC Dtd.NO NO. ARC/E-1/33/85, 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 execu-
tive 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
(IP) vide their py. No.1799 dated 1.10.1985 .

Sd/-(R.V. Ganger)

Deputy Secretary (SR).

To:

1. Shri P.Swaminathan, Director, ARC, New Delhi.
2. Shri M .C.Roy Choudhury, Director of Accounts,
Cabinet Secretariat, New Delhi .
3. Shri J. Subramanian, Director (IP),Cabinet sectt.
New Delhi .
4. Guard file.

Sd/-(R.V.Ganger)

Deputy Secretary (SR).

contd...

11.

Sl. Designation and
No. Pay scale of exe-
cutive cadre.

Corresponding pay scale of other
cadres.

1

2

3

1. S.P.O.

L.650-30-740-35-

910-EB-35-880-40-

1000-E1-40-1200/-

1. Section officer

L.650-1200/-

2. Accounts officer

L.840-1200/-

3. Private secretary

L.775-1200/-

4. Gr. P.A.

L.650-1840/-

5. Asstt. Fire officer

L.650-1200/-

6. Asstt. Commandant

L.650-1200/-

7. Asstt. Engineer

L.650-1200/-

8. Asstt. (civil)

L.650-1200/-

Surgeon Gr. I.

9. Deputy works Supt. L. 650-1200/-

10. Asstt. Technical

Officer

L.650-1200/-

11. Asstt. Aerodrome

Officer

L.650-1200/-

12. Asstt. Materoli-

gist .

L.650-1200/-

13. Librarian

L. 650-1200/-

2. Field Officer

L.550-25-750/-

EB-30-900/-

1. Assistant

L.425-800/-

2. Steno Gr. II (P.A.)

L.425-800/-

3. Accountant

L.500-900/-

4. Station Officer

L.550-750/-

contd...

5. Asstt. Librarian A.550-900/-

6. Foreman

7. Technical Officer
Grade-I.

8. Jt. stores officer
Grade - I

9. Technical Asstt.
(Air wing)
A.550-750/-

10. Communication Abstr. L.550-750/-

11. Professional Asstt. L.550-900/-

12. Jr. Accounts Officer L.550-900/-

13. Sr. Medical Asstt. M.550-900/-

Group 'D' posts : Though PO is a Group 'C' post their equivalent with PO (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 Off- 1. Stone Gr.-II-100-447 -330-560/-
icer 4-425-15-500

100-425-15-530- 2. U.D.C. 100-330-560/-

3. Technical Assistant
(Librarian)

4. Oversee 4.425-700/-

5. Teacher A.290-560/-

6. Nursing Sister - 455-700/..

7. Staff Bureau A-425-640/..

8. Sr. Radiographer L-425-G 40/-

9. Lab. Technician L-360-560/-

10. Pharmacist (quali-
fied). 330-550/-

- 13.
11. Sanitary Inspector L.330-560/-
12. Operation Theatre
(Technician) L.330-560/-
13. Sr. Lab. Technician L.425-700/-
14. Asstt. Foreman. L.425-700/-
15. Massour (Physiotherapist). L.455-700/-
16. Dictation L.425-540/-
17. Junior Technical
Officer Gr. II. L.425-700/-
18. Jr. Stores Officer
Gr. II. L.425-700/-
19. P.O.I Supervisor L.425-600/-
20. Head Clerk (Accounts)
L.425-600/-
21. Pay Accounts Clerk L.330-560/-
22. Medical Asstt.
(Dental). L.425-600/-
23. Medical Asstt.
(General) L.425-600/-
24. Aerodrome Operator
L.380-560/-
25. Radio Technician. L.380-560/-
26. Radio Operator. L.380-560/-
27. Scientific Asstt. L.425-700/-
28. Senior Observer. L.330-560/-
29. Junior Accountant. L.425-700/-

contd...

3

№ 260-400/-

no. 330-490/-

Officer.

A. 320-400/-

Navaloor.

260-400/-

rat cr.

L. 260-400/-

6-260-400/-

L-320-800/-

~. 250-400/-

workshop).

L-320-400/-

(present incumbent),

L. 260-400/-

future incumbent).

no. 330-400/-

CRONE .

W. 330-400/-

11f1ud).

ME 200-400/-

W. 260-400/-

உ. 260-350/-

in Operator

L. 26U-35U/-

cunt d...

15.

3. Linos Sub-Inspector . L.225-350/-
4. Carpenter (Medical Unit). L.260-350/-
5. Tailor Medical Unit. L.260-350/-
6. Fitter. L.260-350/-
7. Senior Examiner (Type). L.260-350/-
8. Vulcanizer/Fitter. L.260-350/-
9. Blacksmith Gr. I L.260-350/-
10. Welder Grade-I. L.260-350/-
11. Upholster . L.260-350/-
12. Mechanist (Turner). L.260-350/-
13. Painter . L.260-350/-
14. Mintri. L.260-350/-

6. Field Assistant

i) L.225-5-260-6-290-
EB-6-306/-
(Matriculate).

1. Labk attendant. L.210-270/-
2. Ayah. L.196-232/-
3. Duftry . L.200-250/-

ii) L.210-4-250-EB-
5-270/- (Non-Matri-
culate).

4. Peon. L.196-232/-
5. Sweeper (Safiwala). L.196-232/-
6. Farash . L.196-232/-
7. Chokkider/watchman. L.196-232/-

iii) L.225-5-260-6-290-
EB-6-308/- (Non-Matri-
culate after 15 years
of regular service)

8. Gardener/Maid. L.196-232/-
9. Lineman. L.210-270/-
10. Lab. attendant/
gearer. L.210-270/-

285

16.		
11.	Carpenter (Air wing).	Rs. 210-290/-
12.	Carpenter Grade-II. (H.V. Workshop).	Rs. 210-290/-
13.	Head Gardener.	Rs. 210-290/-
14.	Jamadar (Sweepers)	Rs. 200-250/-
15.	Cook.	Rs. 200-250/-
16.	Paramaintenance Assis- tant (Paker).	Rs. 210-290/-
17.	Cooler.	Rs. 210-290/-
18.	Grass Cutter.	Rs. 185-232/-
19.	Waterman/Water carrier.	Rs. 185-232/-
20.	Loader.	Rs. 185-232/-
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. 185-232/-
25.	Dhubi.	Rs. 185-232/-
26.	Helper.	Rs. 210-290/-
27.	Cleaner.	Rs. 185-232/-
28.	Junior Electrician.	Rs. 210-290/-
29.	Blacksmith Grade-II	Rs. 210-290/-
30.	Welder Grade-II.	Rs. 210-290/-
31.	Lant Room Attendant.	Rs. 210-270/-
32.	Aircraft Assistant.	Rs. 210-290/-
33.	Traffic Hand.	Rs. 200-250/-
34.	Observatory Attendant.	Rs. 210-290/-

.....

-36-12/48-

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Annexure-12. VI
Annexure- III

CENTRAL ADMINISTRATIVE TRIBUNAL, GUAN TI MARCH

Original Application No. 245 of 1995.

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

Hon'ble Shri G.L. Sanglyino, 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. Bhattacharyya
with G.H. 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.

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

contd...

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 Duma as a category B station with effect from 22.2.94.

2. Annexure -IV to this O.A., namely No.A.27011/4/86-EA-IX (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 P.O. and below in category B areas of ARC. The applicant 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. Bhattacharyya, 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. Ali, 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

-50-
-38-
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3.

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.Bhattacharyya 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 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 counsel of the parties in this O.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 applicants was entitled to draw House rent allowance. Under letter No.A.27011/4/86- EA-11(A) dated 6.12.1987 Additional concessions were

contd...

4.

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 non-executive staff. We are not impressed by such stand of the respondents. Until 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 following :-

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

(A) Ration Allowance

Ration allowance upto the rank of P.O. 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 .

-40-
-52-
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5.

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 APC by placing a limit upto the rank of FO and below. IN O.A. 163/91 and O.A. 179/9 of this Bench on the strength of the recommendations of the same one man Committee referred to in this O.A. Pension 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. .93 of the Central Administrative Tribunal, Chandigarh Bench, Circuit at Jammu in O.A. No. 381/JK/92 had held that Pension 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 to Pension Allowance and House Rent Allowance are almost identical. The conditions in those two O.As. is in respect of Pension Allowance that the personnel posted in category B locations will be entitled to Pension Allowance at nonqualifying 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 Pension Allowance is admissible to the applicants in this O.A. The respondents are directed to pay Pension Allowance to the applicants at the rate applicable to them with effect from the due date 22.2.94. 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)

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 AHMAD

HON'BLE MR. JUSTICE M. SRINIVASAN

2.

42
-54-

48

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. Brinivasa Rao,
Advocate.

THE PETITION FOR SPECIAL LEAVE TO APPEAL AND THE
APPLICATION FOR STAY above-mentioned being called on
for hearing before this Court on the 16th day of March,
1998 UPON hearing counsel for the appearing parties herein
THIS COURT DOETH 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 DOETH 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.

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.
- By Advocate Mr G.K. Bhattacharyya and
Mr D.N. Bar.
-Applicants

- 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.
- Advocate Mr A.K. Choudhury, Addl. C.G.S.C.
-Respondents

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.

~~44-56~~

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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 personnel 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.J.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.

X/2

45-157

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5. On hearing the learned counsel for the petitioner and following the decision of this Tribunal passed in O.A.No.245 of 1995, I dispose of this application with direction to the respondents to pay ration allowance with effect from 22.2.1994 and the arrears must be paid as early as possible, at any rate within a period of three months from the date of receipt of this order.

6. The application is accordingly disposed of. No order as to costs.

3/1-1998. C/Secretary

Certified to be true Copy
प्रमाणित प्रतिलिपि

[Signature]
10/8/98

K/1098

Original Application No. 103 of 1999.

Date of Order: This the 0th Day of September, 1999.

The Hon'ble Mr O.L. Sangliya, Administrative Member.

Sri H. Venugopal and 69 others

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

Applicants.

By Advocate Sri O.H. Das.

- Versus -

1. Union of India,

Represented by the Cabinet Secretary,
Department of Cabinet Affairs,

Dikar House,

Sahjan Road, New Delhi and 4 others . . . Respondents.

By Advocate Sri B.S. Dasumary, Addl. C.O.S.C.

O R D E R

O.L. SANGLIYA, ADM. 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 1907.

Station 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

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, Doondooma 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.09 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-B to the written statement.

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

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respect of the Aviation Research Centre relied on by the applicants, the applicants are entitled to the ration allowance. Mr B.S. Banumathy, learned A.M.I.C.U.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 amount 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.

22.2.99

S/L-RECORD (ADM)

TRUE COPY
with

[Signature]
Deputy Registrar
Central Administrative Tribunal
Guwahati Bench
[Signature]

Original Application No. 107 of 1989

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.H. 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 D.S. Dasumatory, Addl. C.G.S.C.

ORDER

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, 1967.

All the applicants are non-executive personnel of the Special Service Bureau (SSB) for staff 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

be referred order dated 13.12.1987, Annexure I, 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-11 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.69 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 or 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 Shilling 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.

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.....

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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 3.11.1993 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 18.12.1967.

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.

SD/MEMBER (ADM)

Certified to be true Copy

प्रमाणित प्रतिलिपि

[Signature]
24/11/2000

Section Officer (J)

प्रमुख सचिव (न्यायिक शाखा)
Central Administrative Tribunal

अधीनस्थ प्रशासक, गुवाहाटी
Guwahati Bench, Guwahati-781 005
असम

[Signature]
24/11/2000

nk

ANNEXURE - XX
No. 20/SSD/A2/07(17) 559-570
DIRECTORATE GENERAL OF SECURITY,
OFFICE OF THE DIRECTOR: SSD,
EAST BLOCK, 7, RK PURAM,
NEW DELHI-110006.

Dated, the, 19th Feb. 1992.

MEMORANDUM

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

.....

Please refer to your Memo No. DSE/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.F. Saikia and other 157
non-executive personnel posted to ARC, Doom-Dooma vide
their order No. A-27011/4/96-EA-11-1489 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
CA. 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. Hora

(S.S. Hora)

Joint Deputy Director (EA)

To,
The Divisional Organiser,
AP, Itanagar.

Copy to:- For information:xxx-

1. Divisional Organisers: IS/Shillong/AMH/SD/MS/RSG Division.
2. DisG: TC Sarahan/Hailong/Galdam/Salonibari/Jamru.

Joint Deputy Director (EA)

- 66 - 83 -

SB

OFFICE OF THE DIVISIONAL ORGANISER:SSB:ITANAGAR

No.HGE/F-9(c)/96-99/472

Dated: 9/5/77

Copy to:-

1. The Area Organisers:SSB:Domdila/Ziro/- for information and
Along/Tezu/Ehousa. necessary action.
2. The Comdts:SSB:CC:Dirang/Basar/Tezu - -do-
3. The Comdt, WATS, Itanagar - -do-
4. The Accts Officer, Div.HQ, Itanagar - -do-

AREA ORGANISER (C)
DIV. HQ: SSB: ITANAGAR

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-67-54 ANNEXURE - ~~XII~~ IX

No. 9/SSB/A2/86(1)-Shillong. 2045.
DIRECTORATE GENERAL OF SECURITY,
OFFICE OF THE DIRECTOR, SSB,
EAST BLOCK, V, RK PURAM,
NEW DELHI-110066.

Dated, the, 27/ Nov. 1999.

MEMORANDUM

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

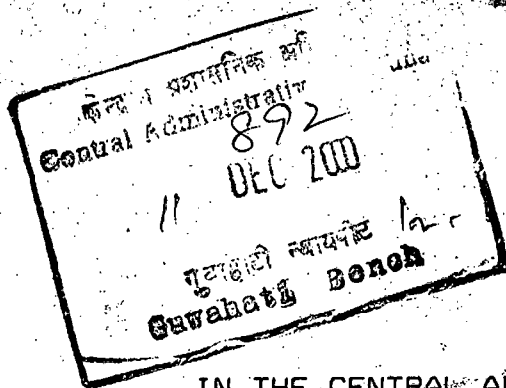
.....

Please refer to your Memo No. F.1/1-82/
SD/92/2242 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 petitioners 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.



Filed by

11/12/2000

(A. DEBROY)
Sr. C.G.S.C.

C. A. T., Guwahati Bench

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI

In the matter of

O.A.No. 285/2000

Sh.Nirmalendu Chakraborty & Ors - Applicants.

Versus

Union of India and others - Respondents.

In the matter of :

Written statement submitted by Respondents 1 to 12.

1. That with regard to the statements made in paragraph No.4(1) of 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 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 the undermentioned places of N.E. region as Category 'B' & 'C' Stations as per orders noted against each :

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Sl.No.:	Name of :Place	Cate- : gory	Ref. No.& Date	Date on which :stn. declared
i)	Imphal	'B'	SSB Dte. memo No. 9/SSB/A/86(1)IV Pt.II dtd. 9/8/89.	9/8/89
ii)	Tezpur	'B'	SSB Dte. memo No. 9/SSB/A-2/96(1)NA- 2773 dtd. 23/9/97.	23/9/97
iii)	Khonsa	'B'	SSB Dte. memo No. 9/SSB/A-2/86(1)AP- 3423-24 dtd.19/12/95.	8/11/95
iv)	Itanagar	'B'	SSB Dte. memo No. 9/SSB/A-2/86(1)AP- 3433 dtd. 8/11/94.	8/11/94
v)	Along	'B'	Cab. Sectt. ltr. No. A-27011/4/86-EA-II dtd. 18/12/87	1/8/87
vi)	Tezu	'B'	SSB Dte. memo No. 9/SSB/A-2/86(1)AP- 3433 dtd. 8/11/94.	8/11/94
vii)	Bomdila	'B'	Cab.Sectt. ltr. No. A-27011/4/86-EA-II dtd. 18/12/87.	1/8/87.
viii)	Roing	'B'	Cab.Sectt. ltr. No. A-27011/4/86-EA-II dtd. 18/12/87.	1/8/87.
ix)	Nampong	'B'	Cab.Sectt. ltr. No. A-27011/4/86-EA-II dtd. 18/12/87.	1/8/87.
x)	Hayuliang	'B'	Cab.Sectt. ltr. No. A-27011/4/86-EA-II dtd. 18/12/87.	1/8/87.
xi)	Damin	'C'	SSB Dte. memo No. 9/SSB/A-2/86(1)AP-3433 dtd. 8/11/94.	8/11/94.
xii)	Longding	'C'	Cab.Sectt. ltr. No. A-27011/4/86-EA-II dtd. 18/12/87.	1/8/87.
xiii)	Lazu	'C'	Cab.Sectt. ltr. No. A-27011/4/86-EA-II dtd. 18/12/87.	1/8/87.

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The Cabinet Secretariat 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 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-4(2), 4(3) and 4(4) of the petition, this deponent has no comments to submit as the same are matters of record.

3. 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 cadres of the corresponding level in the A.R.C. to that 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.

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4. That with regard to the statements made by the applicants vide paragraph 4(6) of the O.A., this deponent begs to submit that the Cabinet Secretariat order dtd. 18/12/87 clearly stipulates that Ration Allowance will be admissible to the executive cadre up to the rank of Field Officer and below. the equation of posts is meant for the purpose of H.R.A. and not for the purpose of ration allowance as mentioned by the applicants. Therefore, the allegation raised by the petitioners is vehemently denied.

5. That with regard to the statements made in the paragraph 4(7) of the O.A., this deponent begs to submit that it is correct that non-executive personnel of ARC working at Doomdooma are getting ration allowance on the basis of the Central Administrative Tribunal, Guwahati bench judgement dtd. 14/6/96. Therefore, it is not possible to extend it to SSB personnel as they are not the applicants of the OA No.245/95.

6. That with regard to the statements made in paragraph 4(8), 4(9) and 4(10) of the O.A., this deponent has no comments as the same are matters of record.

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7. That with regard to the statements made in Paragraph 4(11) of the O.A. by the applicants, this deponent begs to submit before the Hon'ble CAT that on the basis of the judgment of CAT, Guwahati bench, the matter was taken up by 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.

8. That with regard to the averments made by the applicants vide Paragraph No. 4(12) of the O.A., this deponent begs to submit that the Director, SSB being the Head of the Deptt. has declared certain stations of North Eastern region as Category 'B' & 'C' station as per details given in paragraph-1 above for the grant of various concession sanctioned by Cab. Sectt. order dtd. 18/12/87. The Cab. Sectt. order dtd. 18/12/87 clearly stipulates that Ration Allowance will be admissible to the executive cadre up to the rank of Field Officer and below. Thus, non-executive personnel working at different stations of Arunachal Pradesh as well as other places of North Eastern region are not entitled to ration allowance.

9. That with regard to the statements made in Paragraph No.4(13) of the O.A., this deponent begs to submit that it is correct that the judgement of the

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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.

GROUND\$ FOR RELIEF WITH LEGAL PROVISION\$

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

11. 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.

12. That with regard to the statement made vide para 5(iii) of the O.A., reply submitted vide Paras 9 & 10 above is reiterated here for the sake of brevity.

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

14. 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.

15. 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.

16. That with regard to the averments made in Paragraph 5(vii) of the O.A., this deponent begs to submit that Cab. Sectt. order dtd. 18/12/87 clearly stipulates that ration allowance will be admissible to the executive cadre up to the rank of Field Officer and below. Therefore, the claim raised by the petitioners are devoid of merit and vehemently denied.

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DETAILS OF REMEDIES EXHAUSTED :

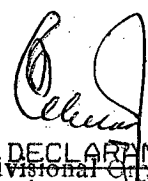
17. That with regard to the statements made in Paragraph No.6 of the O.A., this deponent has no comments as the same is matter of record.

18. 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 drawl of ration allowance in respect of non-executive staff in the absence of specific orders after declaring places mentioned in Para-1 as Category 'B' and 'C' stations as per the order mentioned *ibid*.

VERIFICATION :

I, Mohit Lal Chaudhury, Divisional Organiser, Special Service Bureau, Arunachal Pradesh Division, Itanagar do hereby verify that the statements made in Paragraph No. 1, 3, 4, 5, 7 to 12, 14 to 16 and 18 of the written statement are true to my knowledge, those made in paragraphs No. 2, 6, 13 and 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 sign this verification on this day of 24th 2000.


DECLARANT
Divisional Officer
A.P. Divn., SSB
ITANAGAR