

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

3

(DESTRUCTION OF RECORD RULES, 1990)

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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. 119/2000 OF 199

Applicant(s) *See Item present before.*

Respondent(s) *Union of India and ors.*

Advocate for Applicant(s) *Mr. K. K. Phukan.*

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

Notes of the Registry	Date	Order of the Tribunal
<i>4935/4 D</i> <i>24.3.2000</i> <i>For Contd. No</i> <i>30/3/2000</i>	31.3.00	None is present to move the application. For the ends of justice the case is adjourned to 4.4.2000. List on 4.4.2000 for consideration of admission and further order. <i>62</i> Member
	trd	
	4.4.00	Mr. K.K. Phukan, learned counsel for the applicant. The applicants have submitted this application with a prayer to allow them to move this application jointly under the provisions of Rule 4(5) (a) of the Central Administrative Tribunal (Procedure) Rules, 1987. Prayer allowed. Cond.

(2)

O.A. No. 199/2000

Notes of the Registry	Date	Order of the Tribunal
<p>6-4-2000</p> <p>Service of notices prepared and sent to D. Section for issuing of the same to the respondents through Regd. post with A.D. vide <u>24 D.Nos. 1045 to 1048.</u></p>	<p>4.4.00</p> <p>trd AS 4/4/2000</p>	<p>Application is admitted. Issue notice on the respondents by registered post. Written statement within four weeks. Notice returnable on 5.5.2000.</p> <p>List on 5.5.2000 for written statement and further orders.</p> <p>Member</p>
<p>4-5-2000</p> <p>15/5 has been filed by</p> <p>Notice duly served on R.No. 1 & 4.</p> <p><u>24</u> 9-5-2000</p>	<p>5.5.00</p> <p>nkm</p> <p>5.6.00</p>	<p>Written statement has been filed. The case is ready for hearing. List for hearing on 5.6.00.</p> <p>Member</p> <p>Heard Mr.K.K. Phukan, learned counsel for the applicant and Mr.B.S. Basumatary, learned Addl.CGSC for the respondents.</p> <p>Hearing concluded. Judgment delivered in open Court, kept in separate sheets.</p> <p>Application is allowed.</p> <p>Member (J)</p>
<p>2/6/00</p> <p>1) W/s has been filed.</p> <p>2) Re-joinder not yet filed by the applicants</p> <p>2/6/00</p> <p>16.6.2000</p> <p>Copy of the Judgment has been sent to the D/Sec. for issuing the same to the applicant as well as to the Addl.CGSC.</p> <p>vide Disposal No. 1644 to 1645 dated 20-6-2000.</p>	<p>mk</p>	

DATE OF DECISION. 5.6.2000.....

u

Shri Hem Prasad Borah & 23 Ors

PETITIONER(S)

Mr. K.K. Phukan

ADVOCATE FOR THE
PETITIONER(S)

-VERSUS-

Union of India & Ors

RESPONDENT(S)

Mr. B.S. Basumatary, Addl CGSC

ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE MR. D.C. VERMA, MEMBER (JUDICIAL)

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 Mr.D.C. Verma, Member (Judl) ✓

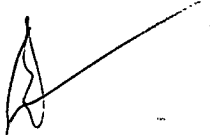
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. NO.119 OF 2000.


Date of Order - June 5, 2000.

THE HON'BLE MR. D.C. VERMA, JUDICIAL MEMBER

1. Shri Hem Prasad Borah,
S/O Late Umesh Ch Borah,
Upper Division Clerk, S.S.B.,
North Assam Division,
Tezpur, Assam.
2. Shri Surya Kumar Saikia,
S/O Late Mukheswar Saikia,
Upper Division Clerk,
North Assam Division,
Tezpur, Assam.
3. Shri Bhabani Sharma,
S/O Late J. Sharma,
Upper Division Clerk,
North Assam Division,
Tezpur, Assam.
4. Shri Lakhi Phukon,
S/O Late D. Phukon,
Upper Division Clerk,
North Assam Division,
Tezpur, Assam.
5. Shrimoti Kunjalata Rava,
Daughter of Late Jogen Rava,
Upper Division Clerk,
North Assam Division,
Tezpur, Assam.
6. Shri Ashok Kumar Das,
S/O Late Haren Das,
Assistant,
North Assam Division,
Tezpur, Assam.
7. Shri B.N. Saikia,
S/O Late C. Saikia,
Assistant,
North Assam Division,
Tezpur, Assam.



8. Shri Golap Ch Saikia,
S/O Late Nomal Ch Saikia,
Accountant,
North Assam Division,
Tezpur, Assam.
9. Shri Jew Ram Boruah,
S/O Late Sobha Ram Boruah,
Driver,
North Assam Division,
Tezpur, Assam.
10. Shri Bidya Nanda Das,
S/O Late Ghana Kanta Das,
Driver,
North Assam Division,
Tezpur, Assam.
11. Shri Bhadreswar Das,
S/O Late Homeswar Das,
Driver,
North Assam Division,
Tezpur, Assam.
12. Shri Kalyan Singh Mahato,
S/O Late Ramsing Mahato,
Driver,
North Assam Division,
Tezpur, Assam.
13. Shri Tankeswar Nath,
S/O Late Tulai Ram Nath,
Steno.III,
North Assam Division,
Tezpur, Assam.
14. Shri Nitul Saikia,
S/O Shri Munin Kr.Saikia,
Lab. Technician,
North Assam Division,
Tezpur, Assam.
15. Shri Ravendra Chamoli,
S/O Shri M.N. Chamoli,
Stenographer,
North Assam Division,
Tezpur, Assam.
16. Shri Krishna Kumbhakar,
S/O Late Sidhi Kumar,
Nursing Assistant,
North Assam Division,
Tezpur, Assam.
17. Shri Gaya Prosad Balmiki,
S/O Late Sutelai Balmiki,
Peon,
North Assam Division,
Tezpur, Assam.



X

18. Shri Lila Ballav Sharma,
Late Deo Narayan Sharma,
Peon,
North Assam Division,
Tezpur, Assam.
19. Shri Chandra Kanta Borah,
S/O Late Dharmeswar Borah,
Peon,
North Assam Division,
Tezpur, Assam.
20. Shri B. Prosad, Peon,
S/O Late S. Sharma,
North Assam Division,
Tezpur, Assam.
21. Shri Ganesh Malakar,
S/O Late Radha Kt. Malakar,
Peon,
North Assam Division,
Tezpur, Assam.
22. Shri Dhansingh Sonari,
S/O Late Harka Sonari,
Peon,
North Assam Division,
Tezpur, Assam.
23. Shri Guabor Roy,
S/O Late Lawa Ram Roy,
Peon,
North Assam Division,
Tezpur, Assam.
24. Shri Ranjit Dutta,
S/O Late Kanailal Dutta,
Peon,
North Assam Division,
Tezpur, Assam

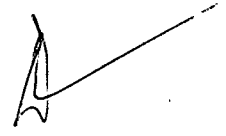
(All the applicants are serving in the SSB,
North Assam Division, Tezpur, Assam).

- APPLICANTS

By Advocate Mr. K.K. Phukan.

- Versus -

1. Union of India,
represented by the Cabinet Secretary
to the Govt of India, Bikaner House,
Sahjahan Road, New Delhi.
2. The Director General of Security
Block-V (East) R.K. Puram,
New Delhi.



3. The Director,
S.S.B. Directorate,
R.K. Puram, New Delhi.
4. The Divisional Organiser, S.S.B.,
North Assam Division, Tezpur,
Assam.

- RESPONDENTS

By Advocate Mr. B.S. Basumatary, Addl. CGSC.

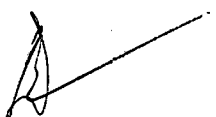
JUDGMENT AND ORDER

(ORAL)

Heard Mr. K.K. Phukan, learned counsel for the applicant and Mr. B.S. Basumatary, learned Addl. C.G.S.C. for the respondents.

2. All the 24 applicants in the present O.A. are serving in the Special Service Bureau, North Assam Division, Tezpur. All the applicants belong to non-executive personnel and their grievance is that 54 applicants in O.A. No. 353/99 have been granted Ration Allowance which has been refused to the present applicants only on the ground that they were not the parties in the earlier O.A. and the benefit of judgment in the Central Administrative Tribunal is not automatically extendable to the non-applicants. The applicants have claimed payment of Ration Money Allowance as has been allowed by the respondents to the similarly situated non-executive personnel in pursuance of various decisions of this Tribunal.

3. The learned counsel for the respondents has raised two objections - (1) that the applicants were not the



parties

parties in the O.A. filed earlier. The second objection is that the applicants are non-executive.

4. The earlier decision of the G.A.T. given in O.A. No. 103/99, 245/95, 220/98 and 353/99, copies of which have been annexed as Annexures-V to VIII to the present O.A. has been relied on by the applicants. A perusal of these decisions show that the Tribunal granted Ration Money Allowance to non-executives by these orders. It has been also found that the respondents have paid Ration Money Allowance to the non-executive personnel. The earlier orders were complied by the respondents and Ration Money Allowance was paid to the non-executive staff who were parties to the earlier O.A. This has not been denied by the learned counsel for the respondents. As the present applicants are also similarly situated persons they are entitled for Ration Money Allowance even though they belong to non-executive.

5. The other ground of the learned counsel for the respondents, that the applicants are not parties in the earlier O.A. and so they are not entitled to the said allowance has no merit. Even if the present applicants were not parties to any earlier O.As, the applicants are entitled to relief which has been granted to similarly situated persons. Deviation therefrom would amount to arbitrariness and discrimination. The respondents' refusal to grant Ration Money Allowance on the ground that the applicants were not parties to the earlier O.A., thus, has no merit.



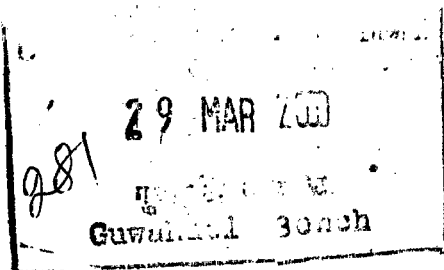
6. In view of the discussion made above, I hold that the respondents have arbitrarily denied the benefit of Ration Money Allowance to the present applicants. Accordingly, the respondents are directed to pay Ration Money Allowance to the applicants with effect from the date the allowance became admissible to Tezpur on the strength of Annexure-III dated 23.9.97 or from the date of their actual posting in Tezpur whichever is later. The compliance of the order shall be made within 3 (three) months from the date of communication of this order.

7. O.A. is accordingly, allowed. No order as to costs.



(D.C. VERMA)
MEMBER (JUDICIAL)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH

GUWAHATI

O.A. NO. 11/9 OF 2000

Shri Hem Prosad Borah and Ors

.... APPLICANTS

-VERSUS-

UNION OF INDIA AND ORS.

.... RESPONDENTS.

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FILED BY

W. Phulean
29/3/2000
ADVOCATE.

Hem Prosad Borah

Filed by

Hem Prasad Borah

or self of the

Applicants

through

K.K. Phukan

Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ::: GAUNATI BENCH
GUWAHATI.

(An Application U/S 19 of the Administrative Tribunal
Act, 1985).

O.A.No. /2000

1. Shri Hem Prasad Borah,
S/O Late Umesh Ch. Borah
Upper Division, Clerk, SSB
North Assam Division,
Tezpur, Assam.
2. Shri Surya Kumar Saikia,
S/O Late Mukheswar Saikia,
Upper Division Clerk,
North Assam Division,
Tezpur, Assam.
3. Shri Bhabani Sharma,
S/O Late J. Sharma,
Upper Division, Clerk,
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Tezpur Assam.
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Tezpur, Assam.
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Assistant,
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Tezpur, Assam.

Hem Prasad Borah

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7. Shri B.N.Saikia,
S/O Late C.Saikia,
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Tezpur, Assam.
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Steno.III
North Assam Division,
Tezpur, Assam.

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.....3.....

14. Shri Nitul Saikia,
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Lab. Technician,
North Assam Division,
Tezpur, Assam.
15. Shri Ravendra Chamoli,
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20. Shri B. Prosad, Peon
S/O Late S. Sharma,
North Assam Division,
Tezpur, Assam.

cont....4.....

Shri Prosad Borah

.....4.....

21. Shri Ganesh Malakar,
S/O Late Radha Kt. Malakar,
Peon,
North Assam Division,
Tezpur, Assam.
22. Shri Dhansingh Sonari,
S/O Late Harka Sonari
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Tezpur, Assam.
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S/O Late Lawa Ram Roy,
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24. Shri Ranjit Dutta,
S/O Late Kanailal Dutta,
Peon,
North Assam Division,
Tezpur, Assam.

(All the applicants are serving in the , SSB,
North Assam Division, Tezpur, Assam).

..... APPLICANT.

-VERSUS-

1. Union of India,
represented by the Cabinet Secretary
to the Govt. of India,
Bikaner House, Sahjahan Road,
New Delhi.
2. The Director General of Security
Block-V(East) R.K.Puram,
New Delhi.
3. The Director,
SSB Directorate, R.K.Puram,
New Delhi.
4. The Divisional Organiser, SSB,
North Assam Division,
Tezpur, Assam.

..... RESPONDENT..

Hem Prasad Borth

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

Illegal and arbitrary action of the authorities is not allowing the applicants to draw Ration Allowance although Ration Allowance has already been granted to the executive staff with effect from 8.11.94.

2. JURISDICTION OF THE TRIBUNAL.

The Applicants declare that the subject matter of the order against they want redressal is within the jurisdiction of the Hon'ble Tribunal.

3. LIMITATION:

The Applicants further declare that the instant application prescribed under section 21 of the Administrative Tribunal Act., 1985.

4. FACTS OF THE CASE.

i) That the Applicants hereof are all non-executive personnel serving in the Special Service Bureau (herein after referred to as SSB) at the disposal of the Divisional Organiser, North Assam Division, Tezpur, Assam, which is a Department under the Cabinet Secretary to the Govt. of India.

ii) That the Applicants have a common grievance and interest in the matter in question and as such they are filing a common and single applications inasmuch as the relief sought and, if granted, to them will be equally applicable to all of them as they are similarly situated and in order to avoid multiplicity of litigations. As such the Applicants crave leave of this Hon'ble Tribunal

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to allow them to file a common and single application as provided in Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987.

iii) That the Applicants respectfully state that the Govt. of India set up the Directorate General of Security (D.G.S. in short) in the year 1962 under the Administrative control of the Cabinet Secretary for some specific purposes which in a multi-role, multi-disciplinary organisation comprising four agencies, viz. Special Service Bureau (S.S.B) , Aviation Research Centre (A.R.C), Special Frontier Force (S.F.F.) and Chief Inspector of Armaments (C.I.O.A.).

iv) That the Applicants respectfully state that the Cabinet Secretariat, vide letter No.A-28011/4/86-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 and Director of Accounts and the said 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 of staff, the equation of posts as listed in Annexure-II to the Cabinet Secretariat order dated 28.10.86 would also be applicable in respect of the staff of SSB, SFF, CIOA and Director of Accounts.

A photocopy of the said letter dated 18.12.87 alongwith two annexures are annexed herewith and marked as Annx-I.

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v) That the applicants respectfully state that from the said letter and annexures, it would be ample clear that certain concessions were granted and in the instant case the concessions mentioned at Sl.No.1, i.e. Ration Allowance and serial No.7, i.e. House Rent allowance would be relevant.

The House rent allowance to the executive cadre was made admissible to the personnel of other cadre also of the corresponding level except in the case of S.S.B Battalions personnel and Deputy Commandants/ Company Commanders/ Assistant Company Commandants of S.F.F. and also those on deputation in the S.F.F. from the Army.

The Ration Allowance was granted to the ranks of Field Officers and below to the personnel serving in the locations categorised as 'B' and 'C'.

vi) That the Applicants respectfully 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 of India was conveyed to the equation of posts listed in Annexure-A in various cadres of corresponding level in Aviation Research Centre to that of the executive Cadre. The present applicants have been ~~equalised~~ equalised with the Field Officers and below and as per the said equation, the applicants were paid House Rent Allowance from 1987 itself.

A photocopy of the said letter dated 28.10.86 alongwith enclosures is annexed herewith and marked as Annexure-II hereof.

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vii) That the applicants respectfully state that as per ANNEXURE-II, Tezpur was not categorised as either 'B' or 'C' locations and as such the personnel serving at Tezpur were not granted the Ration Allowance concession initially. Be it stated that the Directorate General of Security, by order No.9/SSB/A2/96(1)-NA.2766 dated 23rd September, 1997 in exercise of powers conferred in him as the Head of the Department, sanctioned the classification of Tezpur~~xx~~ as category 'B' station for the purpose of various concessions granted.

A photostat copy of the said letter dated 23.9.97 is annexed herewith and marked as ANNEXURE-III hereof.

viii) That the applicants respectfully state that after Tezpur was categorised as 'B' category station, the employees of the SSB serving at Tezpur became eligible for getting the ration allowance.

ix) That the applicants respectfully state that the Directorate General of Security by order No.9/SSB/A-2/86(1)-AP dated 8.11.94 in exercise of powers conferred in him as the Head of the Department, sanctioned the classification of certain stations in Arunachal Pradesh Division as category 'B' and 'C' stations for the purpose of various concessions granted.

Be it further stated that Additional concessions including the Ration Allowance was made admissible to the A.R.C. personnel vide letter No.A-27011/4/86-EA-II (A) dated 6.12.87.

A photostat copy of the said letter dated 6.12.87 is annexed herewith and marked as Annexure-IV hereof.

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However, while the concerned authorities of both the S.S.B Arunachal Division and A.R.C. Doomdoma declined to grant the ration allowances in pursuance of the aforesaid letters, the S.S.B. personnel of Itanagar of Arunachal Division on earlier occasion filed an O.A. being No.103/99 (Shri O.S.Rao and others- VS- UOI & others) before this Hon'ble Tribunal which was finally disposed of vide Judgement & order dated 8.9.99 allowing the prayer of the applicants.

A photostat copy of the aforesaid judgement dated 8.9.99 is annexed herewith and marked as Annexure-V. hereof.

That apart a reference may be made to O.A. No.245/95 (Sri Bishnu Prasad Saikia & ors -Vs- UOI & ors) which were filed by the A.R.C. personnel before this Hon'ble Tribunal while the concerned authorities denied to grant ration allowances and the Hon'ble Tribunal finally disposed of the matter vide judgement and orders dated 14.6.96 and 21.4.1999 respectively allowing the prayer of the applicant in both the cases.

A photostat copy of the said Judgement dated 14.6.96 passed in O.A. No.245/1995 and 21.4.1999 passed in O.A. No.228/1998 are annexed herewith and marked as Annexure VI & VII respectively herewith.

x). That apart a reference may be made to O.A. No.353/99 (Sri Tua Ram Gogoi & others -VS- UOI & others) which were filed by the S.S.B. staff of

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North Assam Division, Tezpur before this Hon'ble Tribunal while the concerned authorities declined to grant the Ration Allowances and the Hon'ble Tribunal finally disposed of the matter vide Judgement and orders dated 1.12.99 allowing the 54 applicants for drawal of Ration allowances.

Photostat copy of the said judgement dated 1.12.99 passed on O.A. No.353/99 is annexed herewith and marked as Annexure-VIII herewith.

xi) That the applicants respectfully state that the applicants took up the matter with the appropriate authorities praying that they be paid Ration Allowance due to them and in reply the Divisional Organiser, NA Division, Tezpur informed vide his Memoranda No.10/NAD/P-9/RMA/99-2000/1766-68 dated 28.2.00 and No.V/ACCTT/3(1)/99-2000/Vol.III/1874-75 dated 29.2.2000 that the Ration Allowance is not admissible to the non applicant of the OA.

Photostat copies of aforesaid Memoranda dated 28.2.00 and 29.2.00 are annexed herewith and marked as Annexure - IX and X respectively.

xii) That the applicants respectfully state that the Ministry of Finance, Department of Expenditure vide their UO No.C-228/E.III(B)/99 dated 6.10.99 informed the all concerned that the benefit of Judgement of the CAT is given only to the petitioners and the same is not automatically extended to the non petitioners.

A photostat copy of the aforesaid UO is annexed herewith as annexure-XI.

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Hein Prasad Borah

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xiii) That the applicants respectfully state that though as per concessions granted vide letter dated 18.12.87 the applicants were entitled to Ration Allowance after Tezpur was categorised as a 'B' station, the authorities had not granted the same to the applicants. The applicants had represented before the authorities and action was taken by the respondents and applicants were expecting that the authorities would give them the benefit otherwise due to them and as such the applicants being faithful and loyal Government servants, were waiting for the outcome of their representations.

xiv) That the applicants most respectfully submit that the similarly situated persons have been granted ration allowance, however, the applicants have been deprived of from the same.

xv) That the applicants most respectfully submit that the instant O.A. is squarely covered by the Judgement and orders dated 14.6.98 passed in O.A. No.245/95 by this Hon'ble Tribunal, Judgement and order dated 17.7.98 passed in O.A. No.89/96, Judgement and order dated 21.4.99 passed in O.A. No.226/98 and Judgement and order dated 8.9.99 passed on O.A. No.103/99 and Judgement and order dated 1.12.99 in O.A. No.353/99 by this Hon'ble Tribunal.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS:

I). For that the action of the authorities in denying the Ration Allowance to the applicants is illegal, arbitrary and highly discriminatory and as such this is a fit case where this Hon'ble Tribunal will exercise jurisdiction and grant relief.

cont...12....

Item Based Book

II) For that the applicants have been discriminated against in not allowing the benefit of Ration Allowance although they are similarly situated with those of the Aviation Research Centre, Doomdoma, Numaligarh, SSB, Arunachal Pradesh Division, Itanagar and SSB, North Assam Division, Tezpur who have granted the benefit of Ration Allowance as per order of this Hon'ble Tribunal and as such the action of the authorities is bad in law and liable to be set aside.

III) For that since the similarly situated person of the A.R.C. Doomdoma, Numaligarh as well as the SSB, Itanagar, Arunachal Pradesh Division and SSB, Tezpur, North Assam Division have been granted Ration Allowance, the applicants are entitled to Ration Allowance and since the same has not been granted to them, the applicants have been seriously discriminated against resulting in violation of the provisions of Article-14 and 16 of the constitution of India.

IV) For that in any view of the matter, the action of the authorities in discriminating the applicants 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 already submitted representations which were duly forwarded to the competent authorities but nothing tangible has been done so far.

7. MATTER 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

cont...13.....

Item Passed Book

...13.....

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.

8. RELIEF SOUGHT:

It is, therefore, most respectfully prayed that Your Lordship would graciously 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 Allowances with effect from 23.9.97 as has been granted to others who are similarly situated persons and after perusing the cause or causes shown, if any, and hearing the parties, direct that, in view of the facts and circumstances of the case, the applicants be granted Ration Allowance with effect from 23.9.97 as admissible as has been granted to the similarly situated persons of Aviation Research Centre, Doomdoma, Numaligarh and SSB, Itanagar, Arunachal Pradesh and SSB, North Assam Division, Tezpur and /or pass any other order/ orders as Your Lordship may deem fit and proper.

AND for this the applicants as in duty bound shall ever pray.

9. INTERIM ORDER, IF ANY PRAYED FOR:

NIL

cont...14.....

Hon Bimal Bora

.....14.....

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

11. PARTICULARS OF THE BANK DRAFT/ POSTAL ORDER IN RESPECT OF THE APPLICATION FEE:

L.P.O. NO. 493514

Date - 7-3-2000

12. LIST OF ENCLOSURES.

As stated in the Index.

V E R I F I C A T I O N

I, SHRI HEM PRASAD BORAH, son of Late Umesh Ch. Borah, aged 56 years at present working as Upper Division Clerk, in S.S.B. , North Assam Division, Tezpur do hereby solemnly affirm and state that I am one of the applicants in the accompanying application and the contents or paragraph 7,8,9 and 10 of the said application including those made in this verification are true to the best of my knowledge and belief and those made in paragraphs 1,2,3,4(i), (ii) , (iii) , (iv) , (v) , (vi) , (vii) , (viii), ~~(ix)~~ (ix) , (x) , (xi) , (xii) , (xiii) , (xiv) , (xv) , 6,11 and 12 are true to the best of my information which have been derived from the records. I being one of the applicants, have been authorised by other applicants to sign this verification on behalf of them.

I do hereby verify and sign this verification this the th day of March, 2000.

Date: 29-3-2000

Place:

Hem Prasad Borah
SIGNATURE OF THE APPLICANT.

Annexure - I

ANNEXURE - 'A'

(15)

26

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),
Directorate 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 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 & 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 hardship locations have been categorised as 'B' & 'C' stations as indicated in Annexure-II to this letter. However, if the Heads of the Departments feel at certain times that certain locations or assignments have become 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 'B' & '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-11016/6/86-DO-1, dated 28.10.86, will also be applicable in respect of the staff of SSB, SFF, CIOA and Directorate of

2

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.F1 (S)/31, dated 2nd Dec.1987.

Yours faithfully

Sd/-

(R.K. GANGAR)

DEPUTY SECRETARY(SR)

Encl: Annexure-I & 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.

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 dt. 25.10.97.

Sd/- Illegible

AREA ORGANISER (S)

DIVL. HDRS:SSB:ITANAGAR.

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 of Rs. 400/- p.m. in respect of category 'C' and 12.5% of basic pay subject to maximum of Rs. 200/- p.m. to category 'B' stations <u>other than those situated in the North-Eastern region, Andman & Nicobar Island and Lakshweep, where special allowance is already sanctioned.</u>	For the stations which are declared as belonging to category 'B' and 'C' by the Head of the Department under the powers now deegated to him, the same rates will apply.
2)	Ration Allowance	Ration Allowance to the rank of Field Officers and below at the following rates excepting SSB Bn. personnel and Dy. Comdts/ Jey.Comdrs/Asstt.Jey.Comdrs of SFF and also those on deputation in the SFF from the Army:-	

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- 2 -

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 SS3 Bn. personnel and Dy.Comdts/Coy.Comdrs/Asstt. Coy.Comdrs of SFF and also those on deputation in the SFF from the Army, posted in Category B & 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 the hardship location and a certificate that the advance has been utilised for the purpose it was intended.

ii) Renewal grant at the rate of 500/-
p.a. for locations at or higher
than 3000 Mtrs. above MSL and
Rs. 300/- p.a. for locations
between 1500 and 3000 Mtrs. above
MSL in category 'B' & 'C' stations.

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

(iii) The Head of the Organisations
at their own discretion within approved
parameters, can classify any location
as belonging to category 'B' & '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

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- 4 -

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4. Special TA/DA

Daily allowance at increased rates for classified 'A' class cities will be admissible during tour to category 'B' & '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' & 'C' stations.

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' & 'C' stations.

5. Leave Travel Concession.

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

In case the employees posted at category 'B' & 'C' locations has 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...5

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ii) In case of death, serious illness or 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.

6. Journey time while Employees posted in category 'B' & 'C' proceeding on stations will be entitled to joining leave. 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' & 'C' station.

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.

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

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8. Cash compensation for work on holidays

Cash compensation for work on holiday as admissible to the staff of the executive cadre upto the rank of Field Officers, in the IB & R&AW, will be admissible to personal Assistants, Stenographers and other staff of Telecom, Ciphax and M.T. cadres, who are drawing basic pay of Rs. 900/- (pra-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.Gr.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 Officer/Dy.Director of Accounts.	Rs. 200/- p.m.

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Annexure - II

ANNEXURE - "B".

23

84

Government of India,
Cabinet Secretariat,
Bikaner House Annex, ~~22~~
Shahjahan Road,
New Delhi.

No. A-11016/6/86-DOJ

Dtd., the 28th Oct. 1986.

ORDER

Subject : Extension of House Rent Allowance concession to other cadres of ARC at par with executive cadres.

Reference ARC Dtd. UD No. ARC/E-1/88/85, 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 dt. 1.10.1986.

Sd/-

(R.K. Ganger)
Deputy Secretary (SR).

To

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

(R.K. Ganger)
Deputy Secretary (SR)

[Handwritten signature]

1	2	3
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* 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 Asstt./Steno.II(PA)/Asstt. Librarian in Junior executive cadre.

3. Deputy Field Officer	1. Steno Gr.III	330-560
Rs.425-15-530-LB-15-560-20-600/-	2. U.D.C.	330-560/-
	3. Technical Assistant (Librarian)	425-700/-
	4. Overseer	425-700/-
	5. Teacher	290-560/-
	6. Nursing Sister	455-700/-
	7. Staff Nurse	425-640/-
	8. Sr. Radiographer	425-640/-
	9. Lab. technician	380-560/-
	10. Pharmacist (qualified)	330-560/-
	11. Sanitary Inspector	330-560/-
	12. Operation Theatre Technician	330-560/-
	13. Sr. Lab. Technician	425-700/-
	14. Asstt. Foreman	425-700/-
	15. Masscour (Physiotherapist)	455-700/-
	16. Dictician	425-640/-
	17. Junior Technical Officer Gr.II	425-700/-
	18. Jr. Stores Officer Gr.II	425-700/-
	19. P.O.I. Supervisor	425-600/-
	20. Head Clerk (Accounts)	425-600/-
	21. Pay Accounts Clerk	330-560/-
	22. Medical Asstt. (Dental)	425-600/-
	23. Medical Asstt. (General)	425-600/-
	24. Aerodrome Operator	380-560/-
	25. Radio Technician	380-560/-
	26. Radio Operator	380-560/-
	27. Scientific Asstt.	425-700/-
	28. Senior Observer	330-560/-
	29. Junior Accountant	425-700/-

4. F.A.O.
Rs. 330-8-370-10-
400-EB-10-480/-

- | | |
|---|-----------|
| 1. LDA | 260-400/- |
| 2. Asstt. Station Officer | 330-480/- |
| 3. Leading Firman/M.T.
Fitter Driver-Driver
Havilder. | 320-400/- |
| 4. Fireman/Fire Operator | 260-400/- |
| 5. Lab. Asstt. | 260-400/- |
| 6. Telephone Operator | 260-400/- |
| 7. Carpenter (Air Wing) | 320-400/- |
| 8. Carpenter (MV Workshop) | 260-400/- |
| 9. Tailor (Air Wing)
(present incumbent) | 320-400/- |
| 10. Tailor (Airwing Future
Incumbent) | 260-400/- |
| 11. Driver Operator Crene | 330-480/- |
| 12. Pharmacist (unqualified) | 330-400/- |
| 13. Mechanic | 260-400/- |
| 14. Electrician | 260-400/- |

5. S.F.A.
Rs. 260-6-326-EB-
8-350/-.

- | | |
|------------------------------|-----------|
| 1. Senior Gestetnor Operator | 260-350/- |
| 2. Driver | 260-350/- |
| 3. Lines Sub-Inspector | 225-350/- |
| 4. Carpenter (Medical Unit) | 260-350/- |
| 5. Tailor (Medical Unit) | 260-350/- |
| 6. Fitter | 260-350/- |
| 7. Senior Examiner (Tyre) | 260-350/- |
| 8. Vulcanisior Fitter | 260-350/- |
| 9. Blacksmith Gr.I | 260-350/- |
| 10. Welder Grade. I | 260-350/- |
| 11. Upholster | 260-350/- |
| 12. Mechanist (Turner) | 260-350/- |
| 13. Painter | 260-350/- |
| 14. Mistri | 260-350/- |

6. Field Assistant
1) Rs.225-5-260-6-290-
EB-6-308/-
(Matriculate)

- | | |
|-------------------|-----------|
| 1. Lab. Attendent | 210-270/- |
| 2. Ayah | 196-232/- |
| 3. Daftry | 200-250/- |

1	2	3
ii)	Rs.210-4-250-HB-5-270/- (Non-Matriculate)	4. Peon 196-232/- 5. Sweeper (Safaiwala) 196-232/- 6. Farash 196-232/- 7. Chowkidar/Watchman 196-232/- 8. Gardener/Mali 196-232/- 9. Lineman 210-270/- 10. Lab. Attendant/ Boiler. 210-270/- 11. Carpenter (Airwing) 210-290/- 12. Carpenter Gr.II (M.V. Workshop) 210-290/- 13. Head Gardener 210-270/- 14. Jamadar (Sweeper) 200-250/- 15. Cook 200-250/- 16. Paramaintenance Assistant (Packer) 210-290/- 17. Cobbler 210-290/- 18. Grass cutter 196-232/- 19. Waterman/ Water carrier. 196-232/- 20. Loader 196-232/- 21. Dresser 210-270/- 22. Ayah (Para Medical staff) 200-250/- 23. Barber 200-250/- 24. Ward Boy/Waiter washer up 196-232/- 25. Dhudhi 196-232/- 26. Helper 210-290/- 27. Cleaner 196-232/- 28. Junior Electrician 210-290/- 29. Blacksmith Gr.II 210-290/- 30. Welder Grade.II 210-290/- 31. Plant Room Attendant 210-270/- 32. Aircraft Assistant 210-290/- 33. Traffic Hand 200-250/- 34. Observatory Attendant 210-250/-
iii)	Rs.225-5-260-6-290- HB-6-308/- (Non-Matriculate after 15 years of regular service).	

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Dated, this 27th Sept. 27.

2/2/9

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7-7-10
(GREEN SLIP)
ASSISTANT DIRECTOR (EA)

7727
38/10/77

1. The Director of Accounts, Sub. Secretariat,
A.P. Museum, New Delhi. (Four copies).
2. Divisional Organiser, Jy. Division.
3. DCC: UP/AP/J&K/HG/AI/SB/AP/S/IT/Lnq/IN Ltna.
4. DIGs; Jaipur/TE B-Elm/Serchan/Kurnasin/
T.C. Jaipur.
5. SDAF, Jaipur/TC Serchan.
6. Accounts Officer, SSA Dte. (2 copies).
7. AG/AG/B/E2/Inches SS Dte.

~~ANNEXURE - IV~~
ANNEXURE - IV

~~ANNEXURE - IV~~

Photo copy:

(29)

SECRET-27.

No.A.17011/4/06-17A. (A)
Govt. of India,
Cabinet Secretariat
Bikram Singh (Annexure)
Shahjahan Road,
New Delhi. Dated 6th Dec, 1987.

To
Shri N. S. Mathur,
Director, (ARC)
Directorate General of Security,
Cabinet Secretariat,
New Delhi.

Sub: 1- Grant of Commissions to the staff of ARC).

Sir,

In continuation to this Cabinet Secretariat's
letter No.A.40011/N/86-DI-I(b) dated 10th May, 1986 on
the subject mentioned above I am directed to convey the
sanction of the President to the grant of additional
commissions mentioned in the Annexure to this letter to
the various categories of the staff of ARC except those
on deputation from Indian Air Force.

2. This will take effect from 1st August 1987.

3. This issues with the concurrence of the
Ministry of Finance vide their U.O. No.3-142H/SC-87 dtd.
10.8.87 read with HQ No.1151/Director (F/S)/BI dat d
2nd Dec.1987.

Yours faithfully,

(P. S. Gupta),
Dy. Secretary.

Recd. Secy.
[Signature]

[Signature]
[Signature]

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244

Enclo. Attachment-

Copy to:-

1. Shri J. Subramanian Director O(P) Cabinet Sectt.
2. Shri G. Mathur, Dy. Director Accounts, Cabinet Secretariat, New Delhi.
3. Shri K.K. Mathur, Dy. Director of Accounts (SW) office of the DACS, New Delhi with reference to his notes recorded on the file.
4. File No. A.49011/P/96-DO-I.

Sd/-

Dy. Secretary.

[Handwritten signature]

Attested
[Signature]
Accounts

Sl.No.	Nature of the concession.	Extent of the Concession granted	remarks
1	1.	1.	1.

1. Post on Allowance

Region Allowance upto rank of PO and below at the following rates
Location
1. Category A As admissible from time to time in the BSF in peace areas.
2. Category C As admissible from time to time in BSF in operational areas.

2. Security allowance to Ministerial, Confidential and Accounts cadre.

Security allowance at the following rates to the following category of the staff working in Top secret projects subject to a maximum of 15% in each grade

Designation	Amount
S.D.C.	Rs.20/- pm.
Steno Gr-III/JDC	Rs.30/-pm.
Steno Gr-II/Asstt.	Rs.50/- pm
SG/PS/Sr.P.A.	Rs.100/-pm.
Asstt. Dirccr of	Rs.200/-pm.

Handwritten signature and date

Handwritten signature

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 H.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,
Bikram 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.

Ration 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 8.11.1999. They claim that consequent to

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.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 order of the Tribunal in the case of Aviation Research Centre

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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.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 (B)

Certified to be true Copy

16/7/1999

16/7/1999

16/7/1999

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,
 Dooandooma. ✓

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

... 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,
 Dooandooma.

... Respondents.

X. Deputy Director,
 Aviation Research Centre,
 Dooandooma.

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

O R D E RG.L. SANGLYINE, MEMBER (A)

The applicants are employees of the Aviation Research Centre, [Dooandooma] (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

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A-IV
P/20
Doom Dooma as a Category B station with effect from

2. Annexure IV to this O.A., namely NO.A.27011

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 permitted. Relying on the written statement Mr. S. J. J. J. G.S.C., submitted that the applicants have made the objection 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. 179/91 of 199/91 of this Bench.

4. We have perused the records and heard the ~~REDACTED~~ 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 ~~XXXX~~ 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

Sl. No. Nature of the concession

1 2 3

(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(dated 6.12.1987 as indicated. This letter simply clearly states that the allowance is admissible to the various categories of the staff of JMC up to and a limit upto the rank of FO and below. In O.A.103/91 and O.A.179/91 of this Bench on the strength of the recommendations of the same one man Committee referred to in this 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

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)

ANNEXURE - VII

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 228 of 1998.

Date of Order : This the 21st Day of April, 1999.

Shri G.L.Sanglyine, Administrative Member.

Shri Kiran Shankar Deb & 59 others

... Applicants.

All the applicants are serving in
Aviation Research Centre, Doomdooma
in the District of Tinsukia, Assam.

By Advocate Sri G.N.Das.

- Versus -

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

2. Directorate General of Security,
Block-V (East), R.K.Puram,
New Delhi-66.

3. Director,
Aviation Research Centre,
Block-V (East),
R.K.Puram, New Delhi-66.

4. Deputy Director,
Aviation Research Centre,
Doomdooma, District Tinsukia.

... Respondents.

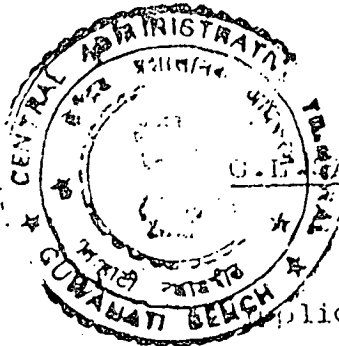
By Advocate Sri B.S.Basumatary, Addl.C.G.S.C.

ORDER

G.L.SANGLYINE, ADMN. MEMBER,

This application has been submitted by 60 (sixty) applicants with the prayer to allow them to file a single application as provided in Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules 1987. Prayer granted.

2. The applicants are employees of Aviation Research Centre (ARC for short), Doomdooma in various categories. In this application they prayed that Ration Allowance be granted to them with effect from 27.2.1994 as admissible and as has been granted to similarly situated employees of



the ARC pursuant to the order of the Tribunal dated 14.6.1996 passed in O.A. 245/95 and order dated 17.7.1998 passed in O.A. No.89/96. The respondents have contested the application and submitted written statement. According to the respondents the allowance is not admissible to the applicants as they do not belong to the executive cadre of employees of the ARC.

3. I have heard Mr G.N.Das, learned counsel for the applicants and Mr B.S.Basumatary, learned Addl.C.G.S.C. for the respondents. The issue of grant of Ration Allowance to the employees of ARC Doondooma was considered in the order dated 14.6.1996 in O.A.No.245/95 as mentioned above. It was held that the Ration Allowance was admissible to the applicants in that O.A and the respondents were directed to pay Ration Allowance to them at the rate applicable to them with effect from the due date, namely, 22.2.1994. Ration Allowance to the staff of ARC in general was granted initially by the order No.A. 27011/4/86-BA-II(A) dated 6.12.1987. The grant of Ration Allowance in respect of the employees of ARC Doondooma in particular was effective from 22.2.1994 only. The order dated 6.12.1987, Annexure-III was issued in continuation to the letter No.A-49011/8/86-DO-I(B) dated 10.5.1986, Annexure-I. Neither in the order dated 10.5.1986 nor in the order dated 6.12.1987 it has been mentioned that only the employees belonging to executive cadres can enjoy the benefit of Ration Allowance. In the letter No.ARC/Coord/30(B)/87-III-186 dated 22.2.1994, Annexure-IV also there is no mention that the Ration Allowance is to be granted to the employees of the ARC belonging to the executive cadres. The allowance was granted from the date of issue of letter for a period till such time it is categorised otherwise. After hearing both sides I am of the view that



(46)

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the applicants are similarly situated with the applicants in O.A.No.245/95. Before allowing that allowance to the applicants in that O.A. reasoning had been given particularly in para 4 of the order. The respondents preferred Special Leave Application before the Hon'ble Supreme Court against this order but the Special Leave Application was dismissed by the Hon'ble Supreme Court. In view of the letters dated 10.5.1986, 6.12.1987 and 22.2.1994 and the facts mentioned above. I am of the view that the respondents have arbitrarily denied the benefit of Ration Allowance to the present applicants, who are the employees of ARC Doondooma. The applicants are entitled to receive Ration Allowance with effect from 22.2.1994 till such time ARC Doondooma is categorised otherwise and the respondents are therefore directed to pay the arrears amount as admissible to each applicant within 90 days from the date of receipt of this order.

The application is allowed. No order as to costs.

Sd/- Member (A)



Certified to be true Copy
প্রমাণিত প্রতিলিপি

[Signature]
23/4/99

Section Officer (J)

জানুয়ারী ২০০০ / ২৩/৪/৯৯
Central Administrative Tribunal
Guwahati Bench, Guwahati-6
গুৱাহাটী - বাকশী, গুৱাহাটী-৬

23/4/99

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.353 of 1999

Date of decision: This the 1st day of December 1999

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

Shri Tua Ram Gogoi and 53 others Applicants

All the applicants are employees of the
Special Service Bureau,
North Assam Division, Tezpur, Assam.By Advocates Mr K.K. Phukan and
Mr M. Sarania.

- versus -

1. The Union of India, represented by the
Cabinet Secretary to the
Government of India,
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.,
East Block-V, R.K. Puram,
New Delhi.
4. The Divisional Organiser, S.S.B.,
North Assam Division,
Tezpur, Assam.

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

ORDERBARUAH.J. (V.C.)

In this application the applicants have prayed for certain directions to the respondents.

2. The applicants are employees of Special Service Bureau (SSB for short), North Assam Division, Tezpur, Assam, in various categories. They pray that Ration Allowance be granted to them with effect from 23.9.1997 as admissible and as has been granted to similarly situated employees of the SSB, Itanagar. According to the



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applicants, in spite of several requests and demands the authority have refused to pay Ration Allowance to them. Hence the present application.

3. I have heard Mr M. Sarania, learned counsel for the applicants and Mr B.S. Basumatary, learned Addl. C.G.S.C. appearing on behalf of the respondents. Mr Sarania submits that the present case is squarely covered by the decision of this Tribunal given in O.A.No.103/99. He further submits that the present applicants being similiary situated with that of the applicants of the aforesaid O.A. they are also entitled to Ration Allowance. Mr Basumatary, very fairly submits that the present case is squarely covered by the decision of O.A.No.103/99.

4. On hearing the learned counsel for the parties and on perusal of the order dated 8.9.1999 passed in O.A.No.103/99, I am of the view that the prsent applicants are similiary situated with the applicants of the aforesaid O.A. Accordingly I hold that the respondents have arbitrarily denied the benefit of Ration Allowance to the present applicants. Therefore, the respondents are directed to pay Ration Allowance to the applicants with effect from the date the allowance became admissible to Tezpur on the strength of the Annexure III order dated 23.9.1997 or from the date of their actual posting in Tezpur, whichever is later. This must be done as early as possible, at any rate within a period of three months from the date of receipt of this order.

5. The appliction is accordingly disposed of. No order as to costs.

Certified to be true Cop

प्रमाणित प्रतिलिपि

Section Officer (J)

प्रमुख अधिकारी (न्यायिक शाखा)
Central Administrative Tribunal

केन्द्रीय प्रशासनिक अधिकरण
Guwahati Bench, Guwahati-8
राज्य की राजधानी, गुवाहाटी-8

Sd/-VICE CHAIRMAN.

ANNEXURE - IX

No.10/NAD/P-9(RMA)/99-2000/1766 63
Directorate General of Security
Office of the Divisional Organiser,
SSB, North Assam Division, Tezpur.

Dated, the 28th FEB/2000.

MEMORANDUM

Please refer to your application dated 18.2.2000
praying for payment of Ration Money allowance.

2. As per Circular Instruction No.12/99, issued by the
Cabinet Secretariat, vide their order No.28/7/92-EA.III-5037
dated 1.11.99, wherein it is stated that benefit of judgement
of the CAT is not automatically extended to the non-
petitioners. Hence, payment of Ration Money Allowance, as prayed
for by you could not be considered.

Area Organiser (Staff)
North Assam Division, Tezpur.

To

- 1) Shri Nitul Saikia,
Lab. Tech. Div. Hqr. Tezpur.
- 2) Shri Krishna Kumbhakar,
Nursing Asstt. Div. Hqr. Tezpur.
- 3) Shri Chandra Kt. Bora, Peon,
Div. Hqr. Tezpur.

ANNEXURE - X

(43)

No.V/Acctt/3(1)/99-2000/Vol-III/1874-75
Directorate General of Security
Office of the Divisional Officer,
North Assam Division, SSB,
Tezpur.

Dated : 29th Feb/2000

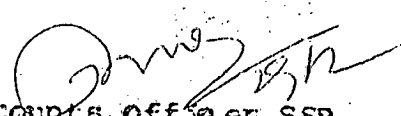
Memorandum.

Sub : Drawl of ration allowances.

Shri S.K.Saikia, UDC and Sh.H.P.Borah, UDC may refer to their application dated 17/2/2000 on the subject cited above.

In this context, it is to inform you that ration allowance is being drawn in favour of Shri T.R.Gogoi and 53 others staff members as per CAT Guwahati Judgement after obtaining sanction from Cabinet Secretariat. Your name is not appeared in the CAT judgement, as such ration allowances is not automatically admissible to you.

To
Shri S.K.Saikia, UDC.
Shri H.P.Borah, UDC.


Accounts Officer, SSB,
North Assam Division,
Tezpur.

ANNEXURE - XI

(44)

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Ministry of Finance
Department of Expenditure
L.II(3) Branch

Cabinet Sectt. may kindly refer to their notes on pre-pages regarding extension of the benefit of order of the Court to the non Matric Field Assistants who were non petitioners in O.A. No.57/86 filed in Cuttak Bench and Civil Appeal No.3567/93 in the Supreme Court.

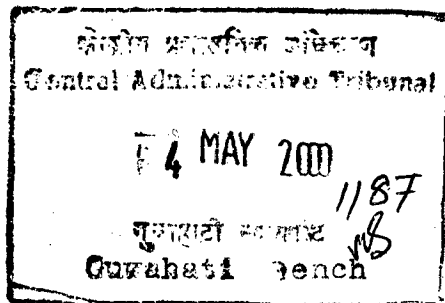
2. The benefit of the Judgement of the CAT is given only to the petitioners and the same is not automatically extended to the non-petitioners. This policy is being adopted uniformly in all the cases. Cabinet Sectt. are requested not to grant the Benefit of Order of the C.F to the non-petitioners in the present case also. Cabinet Sectt. are also requested to intimate the reasons for not obtaining the approval of this Ministry while implementing the judgement of CAT, Cuttak Bench in O.A. No.57/93 and Supreme Court judgement in Civil Appeal No.3567/93.

3. J.S. (Per) Has seen.

SD/-
(T.S. BHATTIA)
Under Secretary (EA.II-B)
5.10.1999

Director (SR) Cabinet Sectt.

M.O.F. (Exp.) G.O. No. C-228/L.II(B)/99 dated 3.10.99



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. NO. 119 OF 2000

IN THE MATTER OF:

Written statement filed by Respondents 1 to 4

AND

IN THE MATTER OF

DA NO. 119/ 2000

Title Shri Hema Prosad Borah & others

-VS-

Union of India & Others.

I Shri S.P.Kaushal, Dy. Inspector General, North Assam Division, Tezpur do hereby solemnly affirm and state as follows :

WRITTEN STATEMENT.

The humble Respondents beg to submit their written statement as follows :

1. That I am Shri S.P.Kaushal, Dy. Inspector General , North Assam Division and I have been impleaded as party. Received the copy of the said DA through Registrar, CAT Guwahati along with order dated 4-4-00. I have gone through, understood the contents thereof, as such, I am well acquainted with the facts and circumstances of the instant case. Thus I am competent to verify and sign the written statement on behalf of Union of India and Other official respondents.

Contd....

2. That this department does not admit any of the facts, statements, allegations and averments made in the said OA, save and except those have been specifically admitted ^{AN} this written statement as under.

3. That as regard the contention of para-1 of the application, this Deponent respectfully state that the applicants are non executive staffs and thereby they are not entitled ration allowances granted vide Cabinet Secretariat letter No.A-27011/4/B6-EA/II dated 18-12-87 (Annexure- A of the OA) as the ration allowances was granted to Executive Staff up to the rank of FD vide above mentioned letter.

4. That as regards of contents of paras 2.3 and 4(i) to 4(vii) of the said O.A., this Deponent does not make any comment, since those are matter of records.

5. That with regard to para 4(viii) of the O.A., the Deponent begs to submit that the ration allowance was granted to the executive staff of SSB posted at Tezpur (B category station) with effect from 23.9.97 vide letter dated 18.12.87 (Annexure A of the O.A) but not to non executive staff. The applicants of the OA are non-executive staff.

6. That as regards of contents of para 4(ix) to 4(xii) of the said O.A, this Deponent does not make any comment, since those are matter of records.

Contd....

7. That with regard to para 4(xiii) of the D.A., the Deponent begs to state that the Cabinet Secretariat, New Delhi vide their letter dated 18-12-87 (Annexure-A to the OA) granted ration allowance to the executive staff upto the rank of Field Officer, but not to the non-executive staff. The applicants of the OA are all non-executive staff for which no ration allowance could be authorised to them.

8. That with regards the contentions of the para 4(xiv) of the said OA, this Deponent respectfully states that the Ministry of Finance, Department of Expenditure vide their UD No.C-228/E.III(B)/99 dated 6-10-99 notified that the benefit of the judgement of the CAT is given only to the petitioners and the same is not automatically extended to the non-petitioners. All the applicants of the OA are non petitioners for which no ration allowance could be paid to them, although all other similarly situated persons have been granted ration allowance in view of CAT Guwahati judgement dated 1-12-99 (Annexure-VIII of the OA).

9. That as regard of contents of para 4(xv) of the said OA, this Deponent do not make any comments, since this is matter of records.

10. That with regard to para 5.I of the OA, this Deponent vehemently deny that any illegal, arbitrary and discriminatory acts have been done to the applicants by denying the ration allowance, as because neither they are executive staff of SSB nor applicants of OA of CAT by which ration allowance has been granted to them by the court.

Contd....

11. That with regard to para 5.II of the O.A. this Deponent begs to submit that although the applicants are similarly situated persons with those of the ARC, Doomdooma, Numaligarh, SSB Itanagar and SSB NAD, Tezpur, they are neither executive staff of SSB, nor the applicants of OA of CAT to authorise ration allowance.

12. That with regard to para 5.III of the OA, this Deponent begs to submit that all the non-executive staff of ARC Doomdooma, Numaligarh, SSB Itanagar, Arunachal Pradesh Tezpur have been granted ration allowances in view of the different CAT judgements. All the applicants of the OA could not be paid ration allowances as because they are not the applicants of any OA of CAT judgements.

13. That with regard to para 5.IV of the OA, the Deponent begs to submit that the reasons for non granting of ration allowance have been already explained in foregoing paras and as such it is to submit that no discriminatory action has been shown to the applicants.

14. That with regard to para 5.VI of the OA, the Deponent begs to submit that the applicants submitted their representations for granting ration allowance, which have been disposed off vide Memoranda No. 10/NAD/P-9/(RMA)/99-2000/1766-68 dated 28-2-2000 and No. V/Acctt/3(1)/99-2000/Vol.III/1874-75 dated 29-2-2000, intimating that due to non applicant of the OA, their case for granting ration allowance could not be considered (Annexure-IX & X of OA).

Contd....

15. That as regards of contents of para 7 of the said DA, this Deponent does not make any comments, since those are matters of record.

VERIFICATION

I, Shri S.P.Kaushal, Dy. Inspector General, MAD, Tezpur do hereby verify that the contents stated in the written statements are true to my knowledge, belief and information and no material fact has been suppressed.

AND I signed this verification to day on this day 2nd day of May, 2000.


DECLARANT

Dy. Inspector General
N. A. Division : S. S. B.
Tezpur.

Contd....