

50/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

M.P-27/2001 ordered pg-1 INDEX

allowed date-14/02/2001

O.A/T.A No. 120/2000

R.A/C.P No.....

E.P/M.A No. 27/2001

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2. Judgment/Order dtd. 29/09/2000 Pg..... Also, deposit order disposed
3. Judgment & Order dtd..... Received from H.C/Supreme Court
4. O.A..... 120/2000 Pg.....1 to.....52
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8. Rejoinder..... Pg..... to.....
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SECTION OFFICER (JUDI.)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 120/2000

OF 199

Applicant(s) Sri Niranjan Samal and ors.

Respondent(s) Union of India and ors.

Advocate for Applicant(s)

Mr. G. K. Bhattacharya

Mr. G. N. Das

Advocate for Respondent(s)

Mr. B. Choudhury

e.g. sl.

Notes of the Registry	Date	Order of the Tribunal
<p>49422 Date 4.4.00 By <i>[Signature]</i> Mr. Registrar 4/4/2000</p> <p>7 - B - 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 D.N.O.C. 1053 to 1056 dtd. 7.4.2000 574</p>	5.4.00	<p>Present: Hon'ble Mr G.L. Sanglyine, Administrative Member</p> <p>Learned counsel Mr G.N. Das for the applicant and Mr B.C. Pathak, learned Addl. C.G.S.C. for the respondents.</p> <p>Perused the application and heard the learned counsel for the parties. Permission prayed for under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987 is granted.</p> <p>Heard Mr G.N. Das. The application is admitted. Issue notice to the respondents by registered post. List for written statement and further orders on 5.5.00.</p>

[Signature]
Member

Notes of the Registry

Date

Order of the Tribunal

4-5-2000

W/S has not been filed.

b/w

26-00

The W/S has not been filed by the Respondents

On
26.

Notice duly served on R. No. 4.

By
6.6.2000.

10-7-2000

No written statement has been filed.

By

Written statement has been filed.

By
28.9.00

5.5.00

No written statement has been filed. Mr A. Deb Roy, learned Sr. C.G.S.C. seeks four weeks time to file written statement. Prayer allowed. List for written statement and further orders on 5.6.00.

dw
Member

nkm

5.6.00

Learned counsel Mrs. N. Devi for the applicant and Mr A. Deb Roy, learned Sr. C.G.S.C. for the respondents.

As prayed the respondents are granted three weeks further time to file written statement. List for orders on 21.6.00.

Member(J)

nkm

21.6.00

There is no Baru today.
Adjourned to 11.7.00.

By
h

11.7.00

Present: Hon'ble Mr S. Biswas, Administrative Member

Mr B.C. Pathak, learned Addl. C.G.S.C., submits that the name of Mr A. Deb Roy has been wrongly shown in the list. The same should be corrected in future and Mr Pathak's name should be shown in the cause list. Mr G.N. Das, learned counsel for the applicant is present. Written statement in this case has been filed. Post the case on 10.8.00 for hearing.

s/o

Member(A)

nkm

10.8.00

11.9.00

There is no Baru adjourned to 11.9.00
No Baru adjourned to 29.9.00

Notes of the Registry	Date	Order of the Tribunal
	29.9.2000	<p>Present : Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman</p> <p><i>It</i> This has been stated at the bar that this case is squarely covered by the judgment and order passed by this Tribunal in O.A. 245/95 disposed of on 14.7.96, O.A. 89/96 disposed of on 17.7.98 etc.</p> <p>The applicants, who are 64 in number, moved this Tribunal by this application praying for a direction to the respondents to allow them Ration Allowance as admissible. The applicants are all non-executive personnel of A.R.C. Doomdooma under the administrative control of Deputy Director, Aviation Research Centre, Doomdooma, the Respondent No.4. The applicants joined the Doomdooma A.R.C. on transfer from other places. The applicants have a common grievance and interest and, therefore, leave sought for by the applicant for allowing them to file a single application in terms of Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987 is allowed.</p> <p>As per the notification, Ration Allowance is extended to the 'B' category station. Doomdooma is declared as 'B' category station with effect from 22nd February, 1994 and the said notification is valid upto 29th February, 2002.</p>

Notes of the Registry	Date	Order of the Tribunal
<p>24.10.2000</p> <p>Copy of the order has been sent to the D/sec for issuing the same to the L/Advocacy for the parties.</p> <p>mk</p> <p>NS 31/02/12</p>	<p>29.9.00 CONID</p>	<p>Since this case is squarely covered by the decisions of the Tribunal like orders are passed and the respon- -dents are directed to pay the Ration Allowance to the applicants at the rate applicable to them with effect from 22.2.94 or from the date of their joining at Doomdooma which-ever is later. The arrear amount shall be paid within 3 (three) months from today.</p> <p>Application stands disposed of.</p> <p>Vice-Chairman</p>

4 APR 2000

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH: GUWAHATI

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

O. A. NO.

120/2000.

Shri Niranjan Samal & Ors.

... Applicants.

-Vs-

Union of India and others.

... Respondents.

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Filed by :-

Sikhamoni Choudhury
(Advocate)

.....

Niranjan Samal

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH:

GUWAHATI.

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

O.A. NO.

130

/2000.

1. Shri Niranjan Samal
Son of Shri Bhagaban Samal
Assistant
Aviation Research Centre
Doomdooma
Dist:- Tinsukia (Assam).
2. Shri Raghavan Dayal Sharma
Son of Late Dulichand
U.D.C.
Aviation Research Centre
Doomdooma .
3. Shri Narayan Chandra Sarma
Son of N. Sarma
Personal Assistant
Aviation Research Centre
Doomdooma .
4. Shri Hari Shankar Mishra
Son of Sudersan Mishra
Technical Assistant
Aviation Research Centre
Doomdooma .

contd...

Niranjan Samal
X
Filed by the applicant
through Niranjan Choudhury
Advocate
4-9-2000

2.

5. Ms. Indira Verma
Wife of Late Nakul Dev Verma
U. D. C.
Aviation Research Centre
Doomdooma .

6. Shri Krishan Kishore
Son of Late Prithvi Dhar
Personal Assistant
Aviation Research Centre
Doomdooma .

7. Shri Rajkishore Ray
Son of Late Chemananda Ray
Assistant
Aviation Research Centre
Doomdooma .

8. Shri Rameswar Prasad Yadav
Son of Late Ram Dutta Yadav
Laboratory Attendant
A. R. C. , Doomdooma .

9. Shri Siba Sharma
Son of P. C. Sharma
Mali
A. R. C. , Doomdooma .

10. Shri Sudhansu Sekhar Dash
Son of Chakradhar Dash
L. D. C.
A. R. C. , Doomdooma .

Niranjana Samal

contd...

3.

11. Shri Trilochan Rath
Son of Late Sanatan Rath
M.T. Helper
A.R.C., Doomdooma .

12. Shri Rajbali Prasad
Son of Algu Prasad
Chowkidar
A.R.C., Doomdooma .

13. Shri Mange Ram
Son of Etwari
Waiter
A.R.C., Doomdooma .

14. Shri Rajesh Kumar
Son of Prem Chand
Chowkidar
A.R.C., Doomdooma .

15. Shri Suresh Kumar
Son of Chander Singh
Chowkidar
A.R.C., Doomdooma .

16. Shri Raju Das
Son of Narayan Das
Mali
A.R.C., Doomdooma .

17. Shri Shambhu Kumar Mahato
Son of Ram Sagar Mahato
Safaiwalla
A.R.C., Doomdooma .

Nirvanjan Samal

contd...

18. Shri Shamu Majhi
 Son of Panchi Lal Majhi
 Grass Cutter
 A.R.C., Doomdooma .

19. Shri Ashok Kumar Saini
 Son of Dilram Saini
 Cook
 A.R.C., Doomdooma .

20. Shri Binoda Kumar Behera
 Son of Punananda Behera
 Safaiwalla
 A.R.C., Doomdooma .

21. Shri D. Raja Rao
 Son of D. Guriya
 M.T. Cleaner
 A.R.C., Doomdooma .

22. Shri Bhabatush Das
 Son of Late Haralal Das
 Safaiwalla
 A.R.C., Doomdooma .

23. Ms. Jagdagul Laxmi
 Wife of Late J. Appa Rao
 Safaiwalla
 A.R.C., Doomdooma .

24. Shri Srikanta Charan Sahoo
 Son of Punanda Sahoo
 L.D.C.
 A.R.C., Doomdooma .

25. Shri Damodar Patti
Son of Sridhar Patti
Fitter
A. R. C., Doomdooma .

26. Shri Dipashruti Karmakar
Son of Haridas Karmakar
L. D. C. ,
A. R. C., Doomdooma .

27. Shri Bijaya Kumar Swain
Son of Haramohan Swain
L. D. C.
A. R. C., Doomdooma .

28. Shri Anup Roy
Son of Manoranjan Roy
U. D. C.
A. R. C., Doomdooma .

29. Shri Mallipeddi Rama Koteswar Rao
Son of M. R. A. Rao
Steno
A. R. C., Doomdooma .

30. Shri Sanjay Kumar Mohanty
Son of Santosh Kumar Mohanty
Laboratory Attendent
A. R. C., Doomdooma .

31. Shri Rakesh Das
Son of Late R. C. Das
Traffic Hand
A. R. C., Doomdooma .

contd...

32. Ms. Santilata Mahala
 D/o Netrananda Mahala
 Laboratory Attendent
 A.R.C., Doomdooma .

33. Shri Harbansh Singh Bajwa
 Son of Late Amor Singh Bajwa
 Junior Technical Officer-I
 A.R.C., Doomdooma .

34. Shri Rama Chandra Panigrahi
 Son of R. Panigrahi
 Junior Technical Offier-II
 A.R.C., Doomdooma .

35. Shri Ajay Kumar Acharya
 Son of Late Birakishore Acharya
 Junior Technical Officer-I
 A.R.C., Doomdooma .

36. Shri Sharat Jyoti KumarKar
 Son of Bhagirathi Kar
 Junior Technical Officer-I
 A.R.C., Doomdooma .

37. Shri Simanchala Panda
 Son of Ladu Kishore Panda
 Junior Technical Officer-I
 A.R.C., Doomdooma .

38. Shri Dharani Dhar Dash
 Son of Babaji Charana Dash
 Junior Technical Officer-I
 A.R.C., Doomdooma .

contd...

Nirajan Samal

39. Shri Dullaya Mahanta

Son of Late Arjun Mahanta

Junior Technical Officer-II

A.R.C., Doomdooma .

40. Shri Bijay Kumar Das

Son of Late L.C. Das

Junior Technical Officer-II

A.R.C., Doomdooma .

41. Shri Simhadri Veer Raju

Son of Late S.N. Rao

Junior Technical Officer-I

A.R.C., Doomdooma .

42. Shri Mayadhar Rath

Son of Late Daitari Rath

Junior Technical Officer-II

A.R.C., Doomdooma .

43. Shri Romals Joseph

Son of T.L. Joseph

Junior Technical Officer-II

A.R.C., Doomdooma .

44. Shri Golack Bihari Rath

Son of Late S.Rath

Junior Technical Officer-II

A.R.C., Doomdooma .

45. Shri Pomali Mohan

Son of Shri P. Anandan

Junior Technical Officer-I

A.R.C., Doomdooma

46. Shri Subhash Chandra Prasad
Son of Late S.N. Prasad
Junior Technical Officer-I
A.R.C., Doomdooma .

47. Shri C.N. Thamba
Son of Satyabadi Thamba
Aircraft Assistant
A.R.C. ,Doomdooma .

48. Shri Bharat Ballav Mahapatra
Son of V.G.N. Mahapatra
Fire Supervisor .

49. Shri Harihara Singh
Son of Maheswar Singh
Fire Supervisor
A.R.C., Doomdooma .

50. Shri Chandra Mani Behera
Son of B.K. Behera
Aerodrome Assistant
A.R.C., Doomdooma .

51. Shri Sashi Bhusand Pradhan
Son of Madan Pradhan
Junior Technical Officer-I
A.R.C., Doomdooma .

52. Shri Falguni Kar
Son of Late Sujoy Kar
Junior Technical Officer-I
A.R.C., Doomdooma .

contd...

Niranjan Samal

53. Shri Bijoy Kumar Samal
 Son of R.K. Samal
 Junior Technical Officer-II
 A.R.C., Doomdooma .

54. Ms. Rekha Chowdhury
 Wife of Subharh Chowdhury
 U.D.C.
 A.R.C., Doomdooma .

55. Ms. Pranati Nayak
 Wife of Ashok Kumar Nayak
 U.D.C.
 A.R.C., Doomdooma.

56. Shri Promod Kumar Patnaik
 Son of Sechindra Nath Patnaik
 Junior Technical Officer-II
 A.R.C., Doomdooma .

57. Shri Surendra Prasad Choudhury
 Son of Late Bhabagrahi Choudhury
 Fire Supervisor
 A.R.C., Doomdooma .

58. Shri Bijoy Kumar Mahanty
 Son of Late Raj Kishore Mahanty
 Radio Assistant
 A.R.C., Doomdooma .

59. Shri Hari Prasad
 Son of Late T.Krishna Murti
 Junior Technical Officer-I
 A.R.C., Doomdooma .

contd...

Niranjan Samal

60. Shri Deepak Kumar Ghatak
 Son of Late Kalidas Ghatak
 Junior Technical Officer-II
 A. R. C., Doomdooma.

61. Ms. Rina Ghosh
 D/o P.K. Ghosh
 Teacher
 A. R. C., Doomdooma .

62. Shri K.N. Raghavan
 Son of Late N.Raghavan
 Junior Technical Officer-I
 A. R. C. , Doomdooma .

63. Shri O.M. Joseph
 Son of K.Mathews
 Junior Technical Officer-I
 A. R. C. , Doomdooma.

64. Shri Pranesh Chandra Das
 Son of Late Haribal Das
 U.D.C.
 A. R. C. , Doomdooma.

(All the applicants are non-executive personnel serving in various capacities , as indicated above, in Aviation Research Centre-A. R. C. in short -Doomdooma in the District of Tinsukia, Assam).

... Applicants.

contd...

Niranjan Samal

-Versus-

1. Union of India (Represented by the Cabinet Secretary, Department of Cabinet Affairs, Bikaner House Shahjahan Road, New Delhi).

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

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

4. Deputy Director
Aviation Research Centre
Doomdooma (Assam).

... Respondents.

1: PARTICULARS OF THE ORDER AGAINST WHICH THE CAPI-
CATION IS MADE :-

1) Illegal and arbitrary action of the authorities in not allowing the applicants to draw ration allowance with effect from their respective dates of joining at Aviation Research Centre (A.R.C. in short) , Doomdooma only on the ground that they were not

contd...

Niranjan Samal

applicants in the O.A.No. 245/95 filed by some non-executive personnel posted to the A.R.C., Doomdooma in which this Hon'ble Tribunal, by order dated 14.6.96, directed payment of ration allowance to the applicants from due dates. The applicants are similarly situated like those applicants in O.A. 245/95 and as such they are also entitled to draw ration allowance .

2) Order No. ARC/Coord/1/99-1721 dated 25.11.99 issued by the Respondent No.2 whereby the claim of the applicants for ration allowance has been turned down only on the ground that they were non-applicants in the original applications decided by the Central Administration Tribunal, Guwahati Bench .

2: JURISDICTION OF THE TRIBUNAL:-

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

3: LIMITATION:-

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

4: FACTS OF THE CASE:-

1) That the applicants are all non-executive personnel serving in the Aviation Research Centre (A.R.C. in short), Doomdooma under the administrative

contd...

Nirajan Banal

Control of the Deputy Director, ARC, Doomdooma (Respondent No.4). The applicants have joined the A.R.C. at Doomdooma on transfer from other places. The ARC is a department of the Govt. of India directly under the Cabinet Secretary.

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

2) That the Government of India, in 1962, set up the Directorate General of Security under the administrative Control of the Cabinet Secretariat for some specific purposes which was 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 (S.F.F. in short) and Chief Inspectorate of Armaments.

3) That the applicants beg to state that, as stated above, the A.R.C. is a part of the Directorate General of Security alongwith S.S.B. and two other organisation. The Cabinet Secretariat, by its letter dated 18.12.87, addressed to the Director (Planning) in the

contd...

Niranjan Samal

Directorate General of Security, East Block, R.K. Puram, New Delhi, conveyed the sanction of the President of India to the grant of some concessions including Ration Allowance to the Staff of the S.S.B. and others in view of various hardship locations.

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

4) That the applicants beg to state that similar concessions including the Ration Allowance were granted to the executive staff of the A.R.C. and the non-executive staff of the A.R.C., Doomdooma were illegally and arbitrarily deprived of the Ration Allowance otherwise due to them. Being aggrieved by the action of the authority, some non-executive employees of the ARC, Doomdooma had filed an application before this Hon'ble Tribunal and the same was numbered as O.A. NO. 245/95. A division Bench of this Hon'ble Tribunal, by order dated 14.6.96, held that the Ration Allowance was admissible to the applicants and directed that the Ration Allowance be paid to the applicants with effect from the due date and to pay the arrears within a stipulated time limit. The authorities, instead of granting the Ration Allowance in pursuance of the order dated 14.6.96, as stated above, filed an SLP in the Hon'ble Supreme Court of India challenging the order dated 14.6.96 passed by this Hon'ble Tribunal Ration Allowance to the non-executive staff w.e.f. from 22.2.94.

contd...

Nisanjan Samal

(The competent authority of the A.R.C. had classified Doomdooma as category "B" station w.e.f. from 22.2.94) and the same was numbered as Special Leave to Appeal (Civil) NO. 1706/97. The Hon'ble Supreme Court, by order dated 16.3.98, dismissed the Special Leave to Appeal and directed that the order be punctually observed and carried into execution by all concerned. It would, therefore, appear that, following the dismissal of the Special Leave to Appeal by the Hon'ble Supreme Court, the order dated 14.6.96 passed by this Hon'ble Tribunal in O.A. NO. 245/95 granting Ration Allowance to the non-executive staff of ARC, Doomdooma w.e.f. from 22.2.94 attained finality and became binding on all concerned.

Copy of the order dated 14.6.96 passed by this Hon'ble Tribunal in O.A. NO. 245/95 and the order dated 16.3.98 passed by the Hon'ble Supreme Court of India are annexed herewith and marked as Annexure-II, and III respectively.

5) That, in pursuance of the said order, the Cabinet Secretariat, by their order No. A-27011/4/86-EA, II- 1483 dated 16.6.98, conveyed the sanction of the President of India for the grant of Ration Allowance to the non-executive staff of the ARC, Doomdooma, and all payments including arrears have since been made to the staff.

Copy of the said order dated 16.6.98 is annexed herewith and marked as Annexure-IV.

contd...

Niranjan Saonal

6) That the applicants beg to state that some of the non-executive employees of the ARC, FRU ,Numaligarh who were also deprived of Ration Allowance had also filed an application before this Hon'ble Tribunal claiming Ration Allowance and the same was numbered as OA 89/96. This Hon'ble Tribunal, by order dated 17.7.98, disposed of the application by directing the department to pay the Ration Allowance as admissible w.e.f from 22.2.94 alongwith arrears within a period of 3 months and accordingly the non-executive staff of ARC,FRU , Numaligarh who were applicants in the OA NO. 89/96 had been receiving the Ration Allowance.

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

7) That the applicants beg to state that their case for grant of ration allowance is squarely covered by the order dated 14.6.96 passed by this Hon'ble Tribunal in O.A.NO. 245/95 (Annexure-II) and the order dated 17.7.98 passed in O.A.NO.89/96 (Annexure-V) inasmuch as they are similarly situated like the applicants in the above-noted cases and as such they are entitled to receive ration allowance with effect from the date of their joining at ARC, Doomdooma. It would be pertinent to mention here that the competent authority had categorised ARC, Doomdooma as category "B" station w.e.f from 22.2.94 which was being renewed from time to time till date. The latest renewal was given by the Director, ARC (Respondent NO. 3) conveying approval to the

contd...

Nisanjan Saikia

classification of Doomdooma as Category "B" Station w.e. from 01.03.2000 to 29.02.2002 vide his office order No. ARC/Coord/1/2000-166 dated 28.2.2000 .

Copy of the said order dated 28.2.2000 is annexed herewith and marked as Annexure-VI.

8) That the applicants beg to state that they had joined their duties at ARC, Doomdooma on transfer from other places. In the meantime, all the non-executive personnel of the ARC, Doomdooma and ARC, FRU, Numaligarh who were applicants in OLA.NO. 245/95 and O.A.NO.89/96, as stated above, had been granted ration allowance w.e. from the dates due to them in terms of the orders dated 14.6.96 and 17.7.98 passed by this Hon'ble Tribunal, As the applicants joined ARC, Doomdooma after the O.A.245/95 was filed before this Hon'ble Tribunal, they were not given the benefit of Ration Allowance in terms of the order dated 14.6.96 passed in OA NO. 245/95 as they were not applicants in the O.A. 245/95 .

9) That the applicants had submitted representations individually to the Deputy Director ,ARC, Doomdooma (Respondent No.4) praying for grant of Ration Allowance w.e. from their respective dates of joining at ARC, Doomdooma . The respondent No.4 took up the matter with the ARC H.Qrs., New Delhi (Respondent No.3) and while doing so, it was pointed out that the applicants had joined ARD, Doomdooma on transfer and had not filed any petition before this Hon'ble Tribunal for extending the benefit of Ration Allowance to them .The applicants could collect only two memoranda issued by the Respondent No.4 to the Respondent No.3 in this regard .

contd...

Niranjan Sengar

The Office memoranda No. Estt./DDM/CAT/OA-245/95-12936 dated 12.10.99 and Estt./DDM/CAT/OA-245/95-13184 dated 21.10.99 which could be collected by the applicants are annexed herewith and marked as Annexure-VII and VIII respectively.

10) That, thereafter, the Respondent No.2, by his office memo No. ARC/Coord/1/99-1721 dated 25.11.99, had conveyed the policy decision of the authorities in the matter of granting ration allowance to non-petitioners. He had forwarded the circular instruction No.12/99 dated 01.11.99 issued by the Cabinet Secretariat, Govt. of India and a copy of the Ministry of Finance (Expenditure) U.O. NO. C-228/E-III(B)/99 dated 6.10.99 to all concerned whereby it has been communicated that the benefit of judgment of the Central Administrative Tribunal in the matter of granting Ration Allowance is given only to the petitioners and the same is not automatically extended to the non-petitioners. This policy should be adopted uniformly in all cases. Hence, all offices under the Cabinet Secretariat are requested not to grant the benefit of order of the Central Administrative Tribunal to the non-petitioners. although the above policy decision was issued in respect of an original application decided by the Cuttack Bench of the Central Administrative Tribunal, the decision will cover the case of the applicants. The case of the applicants has, therefore, been rejected only on the ground that they are not applicants in O.A. 245/95.

Copy of the said memorandum dated 28.11.99 issued by the Respondent No.2 with two annexures is annexed herewith and marked as Annexure-IX.

Nirajjan Saikia

contd...

11) That the applicants have become highly aggrieved as they are illegally and arbitrarily deprived of the Ration Allowance otherwise due to them and as such they are approaching this Hon'ble Tribunal praying for relief.

5: GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:-

I) For that the action of the authority in denying ration allowance to the applicants from their respective date of joining in ARC, Doomdooma is illegal, arbitrary and highly discriminatory and as such this is a fit case where this Hon'ble Tribunal will exercise jurisdiction vested in it and grant relief.

II) For that the applicants have been ~~maxim~~ arbitrarily discriminated against in not allowing the benefit of ration allowance although they are similarly situated with those who were granted the said allowance in pursuance of the order dated 14.6.96 passed in O.A. No. 245/95 (Annexure- II) 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 non-executive personnel of the ARC, Doomdooma and Numaligarh, have since been granted Ration Allowance, the applicants are also 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 and as such the action of the authority is bad in law and liable to be set aside.

IV) For that the authorities are legally required to extend the benefit of Ration Allowance *Suo motu* to the applicants w.e.f. from their respective dates of their joining at ARC, Doomdooma on transfer in terms of the order dated 14.6.96 passed in O.A.NO. 245/95 although they were not parties in that case and that not having been done, the action of the respondent-authorities is bad in law and liable to be set aside.

V) For that the respondents, being parties in the above-noted O.A. 245/95, are bound by the order rendered by this Hon'ble Tribunal and it would have been fair and just for the respondent-authorities to grant the benefit of Ration Allowance *Suo motu* to the applicants who are similarly situated who happened to join ARC, Doomdooma on transfer subsequent to the filing of the OA 245/95 and that not having been done, the action of the authorities is bad in law and liable to be set aside.

VI) For that the present case is squarely covered by the orders passed in OA NO. 245 of 1995 and OA 89/96 by this Hon'ble Tribunal and as such the applicants are entitled to get the Ration Allowance w.e.f. from their respective date of joining the ~~DRDO~~ ^{DoomDooma}, ARC at ~~Minaligazh~~.

VII) For that the respondent-authorities, instead of extending the benefit of the 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

contd...

Niranjan Samel

action of the authorities in denying ration allowance to the applicants deserved to be struck down as unsustainable in law.

VIII) 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 matter has been taken up with the authorities pointing out that the applicants are also entitled to the Ration Allowance with effect from their respective date of joining as has been granted to other non-executive staff of the unit who were applicants in O.A.NO. 245/95 but the authorities have been keeping the matter pending without any justification.

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

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

contd...

Nirajjan Dass

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 their respective dates of joining ARC, Doomdooma on transfer as has been granted to others who are similarly situated in ARC, Doomdooma as per order dated 14.6.96 passed in OA 245/95 and after perusing the causes shown, if any and hearing the parties, direct that, in view of the attending facts and circumstances of the case, the applicants be granted Ration Allowance as admissible with effect from their respective date of joining at ARC, Doomdooma on transfer as has been granted to the applicants of OA 245/95 who are similarly situated with the applicants and/or pass any other orders/ orders as Your Lordships may deem fit and proper.

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

contd...

Niranjan Deonar

22(A).

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

Nil.

10: In the event of application being sent by registered post, it may be stated whether the applicants desire to have oral hearing at the admission stage and if so, he shall attach a self-addressed post card or inland letter, at which intimation regarding the date of hearing could be sent to him.

Not applicable.

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

- i) I.P.O. No. OG 494222
- ii) Date : 4.4.2000
- iii) Issued by :Guwahati post Office.
- iv) Payable at Guwahati .

12: LIST OF ENCLOSURE:

As stated in the Index-

contd....

Niranjan Bora.

VERIFICATION

I, 'Shri Niranjan Samal , son of Sri Bhagaban Samal , aged about 54 years, at present serving as an Assistant in Aviation Research Centre, Doomdooma , do, hereby, verify that I am one of the applicants in the accompanying application and the contents of paragraphs Nos.

1 to 2 are true to my personal knowledge and those in paragraphs 3 to 10 are believed to be true on legal advice and that I have not suppressed any material fact, I being one of the applicants has been authorised by other applicants to sign this verification on their behalf also.

Date:- 4-4-2000

Place:- Gurukulam

Niranjan Samal

Signature of the applicant.

.....

No. A.27011/4/86-EA-II

Government of India ,
Cabinet Secretariat ,
Bikaner House (Annexe),
Shahjahan Road ,
New Delhi .

New Delhi, the 18.12.87.

To,

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

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

Sir,

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

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

3. For some of the concessions the various hardship locations have been categorised as 'B' & 'C' Stations as indicated in Annexure-II to this letter. However, if the Heads of the Department feel at certain times that certain locations or assignments have become 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-11016/86-DO-I, dated 28.10.86, will also be applicable in respect of the Staff of SSB, SFF, CIOA and Directorate of Accounts.

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

1151/Dir.Fi(S)/31, dated 2nd Dec.1987.

Yours faithfully,

Sd/- (R.K. GANGAR)

Deputy Secretary (SR).

Enclo :-Annexure-I & II.

Copy to :-

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

contd....

3.

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

NO. N/CE/F-9/97-98/27

Dated 20.11.97.

Copy to :-

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

Sd/- Illegible,

AREA ORGANISER (S)

DIVL. HQRS:SSB: ITANAGAR.

contd....

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

Sl. No.	Name 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 subject to maximum of Rs.200/- P.M. to category 'B' stations other than those situated in the North-Eastern region, Andman & Nicobar Island and Lakshdweep, where special allowance is already sanctioned.	For the stations which are declared as belonging to category 'B' and 'C' by the Head of the Department under the powers now deegated to him, the same rates will apply.

contd...

-2-

2) Ration Allowance :-

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

contd...

1 2 3 4

<u>Location</u>	<u>Rates</u>
-----------------	--------------

i) Category 'B' As admissible from time to
Stations. time in the Border Security Force
in peace areas .

ii) Category 'C' As admissible from time to
Stations. time in the BSF in operational
areas .

3) Clothing (i) A non-refundable clothing grant of Rs. 3000/- for staff other than SSB Bn. personnel and Dy. Comdts./Coy. Comdrs./ Asstt. Coy. Comdrs. of SFF and also these on deputation in the SFF from the Army, posted in Category B & C stations and

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

contd...

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 .

(ii) Renewal grant at the rate of 500/- p.a. for location 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

1

2

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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.

5. Leave Travel concession.

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

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' & 'C' Stations .

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...

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(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.

6. Journey time while proceeding on leave.

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

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

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

contd...

7. House Rent
Allowance.

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

contd...

1 2 3 4

8. Cash compensation for work on holi-
days .

cash compensation for work on holi-
days . 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 Assi-
stants, stenographers and other staff
of Telecom, cipher and M.T. cadres,
who are drawing basic pay of Rs.900/-
(pra-revised) and below are note
entitled to overtime allowance .

9. Government
Transport.

Government transport will be provi-
ded to the staff engeged in night
shifts for picking them up and to
enable them to return to their resi-
dence.

10. security allow-
ance to Minis-
terial, secreta-
rial 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 :-

Designation	Amount
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/pri- vate Secretary/Sr.P.A.	Rs.100/-P.M.
v) Assistant Director/Area Organiser/Dy.Direktor of Accounts.	Rs.200/-P.M.

contd...

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

DATED :-

<u>STATE</u>	<u>CATEGORY 'B' LOCATIONS</u>	<u>CATEGORY 'C'</u>
<u>ARUNACHAL PRADESH</u>		<u>LOCATI.</u>
	BOMDILA	C/TAZO
	TAWANG	KOLORIANG
	DAPARIDO	MONIGAONG
	ALONG	MECHUKA
	YINGKIONG	TUTING
	ROING	WAKKA
	HAULIWANG	HAWAI
	MIAO	LADU
	NAMPONG	LONGDING
	SEPPA	PANCHAO (TI-RAP) CHANGLONG
		ANINI
<u>GUJARAT</u>	RADHANPUR	
<u>HIMACHAL PRADESH</u>	KALPT (REKONG-PEO)	KAJA
	POOH	KALONG NYOMA
<u>J & K</u>		HANLE
		LEH KHALSI
<u>MANIPUR</u>		MORCH
		CHAKRP/ EKARONG
		CHANDEL
		CHURACHAN-DFUR
		MONGHBA
		TAMENGLONG
		UKHROOL
		CHASSAD
		KHULLAN
<u>MEGHALAYA</u>	JOWAI	
<u>TRIPURA</u>	NONGSTOIN KAILASEHAR UDAIPUR KHOWAI SONEMURA DHARCHULAI JOSHIMATH SUKIAPOKHRI NAXALBARI	MUNSYARI
<u>UTTAR PRADESH</u>		
<u>WEST BENGAL</u>		

29

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.245 of 1995.

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

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

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

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

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

... Applicants.

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

- Versus -

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

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

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

4. Deputy Director,
Aviation Research Centre,
Doomdooma.

... Respondents.

5. Deputy Director,
Aviation Research Centre,
Doomdooma.

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

O R D E R

G.L.SANGLYINE, MEMBER (A)

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

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Doom Dooma as a Category B station with effect from 22.2.1994.

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

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

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

4. We have perused the records and heard the ~~argument~~ 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 ~~were~~ 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 ~~were~~ 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

31. "Nature of Extent of the Concession granted" Remarks
No. the con-
cession

1 2 3 4

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

<u>Location</u>	<u>Rates</u>
(1) Category B stations	As admissible from time to time in the Border Security Force in peace areas.

(B) House Rent Allowance House Rent Allowance facilities admissible to the Executive Cadre will be admissible to the personnel of other cadres also of corresponding levels. Separate orders will be issued about corresponding levels."

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

contd. 5...

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to Ration Allowance and House Rent Allowance are almost identical. The conditions in those two O.A.s 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.

So/-

MEMBER(A)

So/-

MEMBER(B)

RECORDED
A. 1/4/96
Section of Finance Department
Central Administrative Services
Ministry of External Affairs, Government

1/4/96

ANNEXURE — III

IN THE SUPREME COURT OF INDIA

CRIMINAL/CIVIL APPELLATE JURISDICTION

248256

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

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

WITH

INTERLOCUTORY APPLICATION NO. 2.

(Application for stay after notice).

union of India & ors.

... petitioners.

-versus-

sri Bishnu Prasad Saikia and ors.

... Respondents

(FOR FULL CAUSE TITLE PLEASE SEE SCHEDULE 'A'

ATTACHED HEREWITH).

16th MARCH, 1998.

CORAM:

HON'BLE MR. JUSTICE S.C. AGARWAL

HON'BLE MR. JUSTICE S. SAGHIR ARWAD

HON'BLE MR. JUSTICE M. SRINIVASAN

Contd....p/2

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For the petitioners : Mr. V.V. Vaje, senior Advocate
(M/s. Ranji Thomas and P. Parmeswaran
Advocates with him).

For the Respondent Nos. 1 to 87.

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

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

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

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

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

Sd/-

(R.N. LAKHANPAL)

DEPUTY REGISTRAR.

(32) (14)

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ANNEXURE - IV

GOVERNMENT OF INDIA
CABINET SECRETARIAT
(EA.II SECTION)

No. A-27011/4/86-EA.II-1483

New Delhi the

16 Jun 1998

ORDER

Subject:- Grant of Ration Allowance to the applicants of
O.A. No. 245/95 in CAT Guwahati - Implementation
of judgement thereof.

Reference ARC Dte. U.O. No. ARC/Coord/5(B)/97-674
dated 4.5.1998.

2. Sanction of the President is accorded for the
grant of ration allowance to Shri B.P. Saikia and others
(total 167 personnel) in accordance with CAT, Guwahati
Bench order dated 14.6.1996 issued on OA No. 245/95 w.e.f.
22.2.1994.

8/23 (P-A)

3. The ration allowance will be paid at the rate
specified by this Sectt. order No. A-27011/4/86-EA.II(A)
dated 18.12.1987 to Shri B.P. Saikia and others (total
167 personnel) so long as they continue to be posted in
the specified area as indicated in this Sectt. order
No. A-27011/4/86-EA.II(A) dated 18.12.1987 and they
are not promoted above the rank as specified in said order.

3. The expenditure involved will be met from the
funds placed at the disposal of Director of Accounts, Cab.
Sectt., New Delhi.

4. This issues with the concurrence of the Integrated
Finance Unit vide their U.O. No. 228/Dy. Secy.F(S)/98
dated 15.5.1998.

Sd/- Illegible

(UMESH KALRA)

DEPUTY SECRETARY(SR)

1. Director, ARC, New Delhi
(Please ensure that payment should be made before
21st June, 1998).
2. Dy. Secy. Finance(S), Cab. Sectt., New Delhi.
3. Director of Accounts, Cab. Sectt., New Delhi.
4. Guard File.

IN THE CENTRAL

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,
D/A Aviation Research Centre,
F.R.U., Numaligarh, Golaghat.

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

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

Q R D E R

BARUAH, J. (V.C.)

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

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

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

4. By Annexure III letter dated 28.10.1986 the Deputy Secretary (SR), Government of India, informed the Director, Aviation Research Centre that House Rent Allowance as admissible to the executive cadres will be admissible to the personnel of other cadres also of the corresponding levels. According to the applicants they are 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.S.C. Mr. Bhattacharyya submits that the present case is squarely covered by this Tribunal's order dated 14.6.1996 passed in original application No. 245 of 1995. The learned counsel further submits that against the said judgment the respondents (in that case) approached the Apex Court by filing Special Leave Petition No. 1706/97 which was dismissed by the Apex Court by order dated 16.3.1998. Mr. A.K. Choudhury also confirms the same.

X

5. On hearing the learned counsel for the parties 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.

S.D. - *Vivek Chaudhary*

Certified to be true Copy

प्राप्ति प्राप्ति

newman
26/8/95.

For the Officer (D)

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AK/AD

No. ARC/Coord/1/2000- 166
Directorate General of Security
O/o The Director,
Aviation Research Centre
East Block-V, R K Puram
New Delhi - 110 066.

Dated, the 28/2/2002

O R U E R

In exercise of the powers vested in him as Head of the Department and in terms of Para-2 of Cabinet Secretariat letter No. A-49011/8/86-DO.I(B), dated 10.5.86 read with subsequent letter No. A-27011/4/86-EA-II(A), dtd 18.12.87, sanction of the Director, ARC is conveyed to the classification of the undermentioned places as Category 'B' stations for the purpose of grant of various concessions mentioned in Annexure-I of the above quoted Cabinet Sectt order dtd 10.5.86 and 18.12.87 (Copies enclosed) for a period of 2 years w.e.f.01.3.2000 to 29.2.2002.

Sl. No.	Name of the ARC Station.	Nature of the concession
1.	ARC, Dharamsala	All benefits including clothing grant. (*)
2.	ARC, Anandpur	- do -
3.	ARC, Dalhousie	- do -
4.	ARC, Doom Dooma	All benefits except clothing grant.
5.	ARC, Numaligarh	- do -

(*) All benefits including hardship allowance, clothing grant, Special TA/DA, LTC, Journey time while proceeding on leave, HRA, Cash compensation, Govt. transport on night shift duty, Ration and Security Allowance.

This superceds all previous orders issued from ARC Hqrs.

(S K SINGH)
DEPUTY DIRECTOR (B)

1. The Director of Accounts, Cab. Sectt., R K Puram, N/Delhi-66.
2. The D.D. (A), ARC, Doom Dooma.
3. The A.D. (T), FRU, Numaligarh.
4. The A.D. (A), ARC, Sarsawa.
5. SFO, FRU, Dharamsala.
6. A.D. (T), FRU, Dalhousie.
7. A.D. (T), FRU, Anandpur.
8. A.O., ARC Hqrs.
9. Office Copy.

No. ESTT/DDM/CAT/0A-245/95- 129/36
 O/O the Deputy Director (Admn)
 Aviation Research Centre
 Government of India
 Post : Dooam Doooma : 786 151
 Dist : Tinsukia : (Assam) 55

Dated the, 12/10/99

MEMORANDUM

Sub : Request for grant of Ration Allowance to
 the Non-executive Staff.

The following officials working at ARC, Dooam Doooma belonging to non-executive cadre have submitted their representations for payment of Ration Allowance with effect from the date of joining at this base.

S/Shri

1. Krishan Kishor, PA
2. B.K. Swain, LDC
3. D. Karmakar, EDC
4. Damodar Pati, Fitter
5. D. Raja Rao, MTC
6. R.K. Ray, Asstt.
7. Bipul Phukan, SFA (MT)

2. In this connection your signal No. ARC/Coord/3/99 dated 23/06/99 may be referred to. The representations made by the officials are sent herewith for necessary action at your end with note that they have joined this base on transfer and not filed any petition in CAT for extending the benefit. The decision taken may please be communicated.

(V.K. NAITHANI)
 SENIOR FIELD OFFICER (A)
 for ASSISTANT DIRECTOR (ADMIN)

Encl : As stated

To
 The Assistant Director (NGO),
 ARC Hqrs., New Delhi.

/uma/

No. ESTT/DDM/CAT/0A-245/95-12/84
 O/O the Deputy Director (Admin)
 Aviation Research Centre
 Government of India
 Post : Doom Dooma : 386 151
 Dist: Tinsukia : (Assam)

Dated the, 21/10/99

MEMORANDUM

Sub : Request for grant of Ration Allowance
 to the Non-Executive Staff.

The following officials working at ARC, Doom Dooma belonging to Non-executive Cadre have submitted their representations for payment of Ration Allowance at par with the other similar staff posted at this base:

S/Shri

1. Falguni Kar, JTO-I
2. S.V. Raju, JTO-I
3. S.C. Prasad, JTO-I
4. A.K. Acharya, JTO-I
5. S. Panda, JTO-I
6. M. Rath, JTO-II
7. S.B. Pradhan, JTO-I
8. G.B. Rath, JTO-II
9. D. Mahanta, JTO-II
10. B.K. Das, JTO-II
11. C.N. Thamba, A/C Asstt.

2. It is requested that the decision taken in the matter may please be intimated at an early date.

(V.K. NAITHANI)
 SENIOR FIELD OFFICER (A)
 for ASSISTANT DIRECTOR (ADMIN)

Encl : As above

To
 The Assistant Director (NGO),
 ARC Hqrs., New Delhi.

/ums/

No. ARC/Coord/1/99-1721.

Aviation Research Centre

Directorate General of Security
(Cabinet Secretariat)

East Block-V, R.K.Puram

New Delhi-110066.

Dated, the 25.11.99.

MEMORANDUM:

Subject:- Grant of Ration Allowance to non-petitioners.

Enclosed please find a copy of Cab. Sectt. circular instruction No.12/99 communicated vide their No.28/7/92-EA-III-5036 dated 01.11.99 alongwith a copy of Ministry of Finance (Expenditure) U.O. No. C-228/E-III(B)/99 dated 6.10.99 on the above subject for information and necessary action at your end.

Enclo:-as above .

Sd/-

Assistant Director (NGO)

To: 1. XXX

2. The A.D. (A), ARC, Charbatia, Doomdooma and _____
3. File copy

Attested by:
Bikram Choudhury
Advocate
A/4/2000

.....

No. 28/7/92-EA.III - 5656
GOVERNMENT OF INDIA
CABINET SECRETARIAT
BIKANER HOUSE (ANNEXE)
SHAHJAHAN ROAD
NEW DELHI

Dated: 1/1/99

CIRCULAR INSTRUCTION NO. 12/99

Enclosed please find a copy of M.O.F (Expenditure) O.O. No. C-228/E.III 931/99 dated 6.10.99 regarding benefit of judgement of the CAT is given only to the petitioners and the same is not automatically extended to the non-petitioners under OA NO. 57/86 dated 5.2.92 on the petition filed by Shri B.H. Mohanty and other non-matric FAs(G) for grant of higher scale of pay. This policy should be adopted uniformly in all cases. Hence, all offices under this Secretariat are requested not to grant the benefit of Order of the CAT to the non petitioners.

2. The above provisions of the rule may be brought to the notice of all officers/staff under your control for strict compliance.

Encl: As above.

Pray
(P.H. THAKUR),
DIRECTOR (SR)

1. Shri R.S.Bedi, Director, ARC.
2. Shri R.P. Kukreti, Director, SSB
3. Brig. G.S.Uban, IG, SFP.
4. Shri S.R.Mehra, JD(P&C), DGS.
5. Shri Ashok Chakraborty, RGNW - (SACCO)
6. Shri B.S.Gill, DACS.

Copy for information to PPS to Secretary (R)

Attested by
Bikram Choudhury
Advocate

1/1/2000

Department of Expenditure
E.III(B) Branch

Cabinet Secy. 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.35667/93 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 Secy. are requested not to grant the benefit of Order of the CAT to the non-petitioners in the present case also. Cabinet Secy. 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.57/86 and Supreme Court judgement in Civil Appeal No.3567/93.
3. J.S. (Per) has seen.

—B-L-Sub
(T.S. BHATIA)
Under Secretary (E.III-B)
5.10.1999

Dg. of Ex. (S.O.) Cabinet Secy.
M.O.F. (Enf. and Dis.) U.O. No. C-220/E.III(B)/99 dt. 6.10.99

attested by
Sikandar Choudhury
Advocate

1/4/2000

11 JUL 2000

Guwahati Bench

In the Central Administrative Tribunal

Guwahati Bench :: Guwahati.

(B. C. Pathak) - 11
Addl. Central Govt. Standing Comm.
Central Administrative Tribunal
Guwahati Bench : Guwahati

Original Application No. 120/2000

Shri Niranjan Samal & 63 others.

..... Applicants.
- Versus -

Union of India and others.

.... Respondents.

(Written Statements filed by the Respondents
No. 1 to 4).

The Written Statements of the abovenamed
Respondents are as follows :-

1. That the O.A. No. 120/2000 (referred to as "application") has been admitted by this Hon'ble Tribunal for hearing and the respondents are directed to file their written statements in the case. The respondents have gone through the application and understood the contents thereof.
2. That the statements made in the application, save and except these which are specifically admitted, are hereby denied by the respondents.
3. That with regard to the statements made in the para 1 of the application, the respondents state that the allegations are not correct and hence these are denied.

Contd....2/-

In fact, most of the applicants have never applied for such allowance to the respondents and none of them was a party in the alleged O.A. No. 243/95 . Hence, they ~~can not get any such allowance automatically.~~

4. That with regard to the statements made in para 2 and 3 of the application the respondents have no comments to make.

5. That with regard to the statements made in para 4.1 to 4.7 of the application, the respondents have no comments.

6. That with regard to the statements made in para 4.8 and 4.10 of the application, the answering respondents state that the petitioners had joined their duties at ARC (Aviation Research Centre), Doonoooma on transfer and their claims for payment of Ration Allowances had been taken up with the competent authority. But on receipt of the comments from the Cabinet Secretariate vide their No. 28.7.92-EA-III-5036 dated 1.11.99 and Ministry of Finance (Expenditure) U.O. No. C-228/E-III(B)/99 dated 6.10.99, the benefit could not be extended to the applicant in terms of the order dated 14.6.96 passed in O.A. No. 245/95. By the abovementioned communication, it was conveyed " that the benefit of Judgement of the C.A.T. 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 cases".

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The copies of the said comments dated 1.11.99 and 6.10.99 are annexed as Annexure- R₁ and R₂ respectively.

7. That with regard to the statements made in para 4.9 of the application, the answering respondents state that the applicants have themselves admitted that all of them have not yet made any representations in this regard and only a few of them done so. The representations file by those were under consideration of the competent authority.
8. That in reply to the statements made in para 4.11 of the application, the respondents state that in view of the averments made hereinabove explaining the ~~xxx~~ correct position, it is incorrect to say that the applicant are illegally and arbitrarily deprived of the Ration Allowances otherwise due to them. Since the existing orders and instructions as available with the respondents as a policy Decision, the respondents can not extend the benefit of Ration Allowances to the applicants.
9. That with regard to the statements made in para 5.4 to 5.111, the respondents state that there is no such ground that would justify payment of Ration Allowances to the applicants. In view of the policy decision of the respondents, the action of the respondents would not amount to violation of the provisions of Article 14 and 16 of the Constitution of India as no Court will interfere with the policy decision of the Government.

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10. That with regard to the statements made in para 5.IV to 5.VIII, the respondents state that as stated hereinabove, the judgement and order passed by the CAT is binding on the respondents only to the extent of the applicants in the application, non-applicants cannot get the benefit automatically. Moreover, in cases where the Hon'ble Supreme Court left the matter/issues undecided, the SLP being dismissed for delay, the CAT's judgement on such dismissal can not be held to be decided by the Hon'ble Supreme Court on merit. More so, when there is a policy decision of the Government to not to give benefit to non-applicants, the benefit can not be extended to such applicants. The Hon'ble CAT in O.A. 245/95 also nowhere stated that the judgement shall be applicable to all including the non-applicants. Therefore the grounds shown are no grounds and these can not sustain in law.

11. That with regard to the statements made in para 6 of the application, the respondents states that all the applicants have never approached to the respondents except a few and their cases were still under consideration.

12. That ~~in~~ the respondents have no comments with regard to the statements made in para 7 of the application.

13. That with regard to the relief sought for as in para 8 of the application, the respondents state that the applicants are not entitled to any relief whatsoever and the application is liable to be dismissed with cost.

14. That in any view of the facts and circumstances of the case, the application is liable to be dismissed with cost. The respondents hereby also crave the leave of this Hon'ble Tribunal to allow them to file such additional written statements, documents/record if so warranted or required during the course of hearing of the application.

In the premises aforesaid it is therefore prayed that Your Lordships would be pleased to hear the parties, peruse the records and after hearing the parties and perusing the records shall further be pleased to dismiss the application with cost and or such other order that Your Lordships may deem fit and proper.

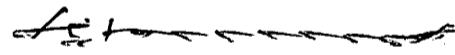
Verification

-6-

VERIFICATION

I, Shri Subhash Chandra Kuckreja, presently working as Deputy Director(Admn), ARC, Deem Deem being duly authorised and competent to sign this verification, do hereby solemnly affirm and verify that the statements made in para 1 to 5 and 7 to 13 are true to my knowledge and belief, those made in para 6 being matter of records are true to my information derived therefrom and the rest are my humble submission before this Hon'ble Tribunal.

And I sign this verification on this 10th day of June, 2000 at Guwahati. Doon Doon


Deponent.

(SUBHASH CHANDRA KUCKREJA)

D.D. (Admn.)
एवानन अनुसंधान केन्द्र,
Aviation Research Centre
डुम डुमा
Deem Deem

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A
H.O. C/1/22-PAR/II
GOVERNMENT OF INDIA
CABINET SECRETARIAT
DIR. OF PERSONNEL
SHANJAHAN ROAD
NEW DELHI

Dated: 11/11/99

CIRCULAR INSTRUCTION NO. 2/99

Enclosed, please find a copy of H.O.C/1/22-PAR/II dated 10.10.99 regarding benefit of judgement of the CAT is given only to the petitioners and the same is not automatically extended to the non-petitioners under OA 1961/36 dated 21.9.21 on the petition filed by Shri Bhupinder Singh and other non-metric FAs (G) for grant of higher scale of pay. This policy should be adopted uniformly in all cases of all offices under the Cabinet Secretariat and requested not to grant the benefit of Order of the CAT to the non-petitioners.

The above provisions of the rule may be brought to the notice of all offices under your control for strict compliance.

Encl: 2/11/99

(P. H. THAKUR)
DIRECTOR (SR)

Shri R. S. Bedi, Director (SR)

Shri K. S. Subrahmanyam, Director (SR)

Shri S. Chidanand, Director (SR)

Shri S. S. Chaturvedi, Director (SR)

Shri S. S. Chaturvedi, Director (SR)

Shri S. S. Chaturvedi, Director (SR)

COPY FOR INFORMATION TO DIV. OF SECRETARY (R)

Ministry of Finance
Department of Expenditure
E.III(B) Branch

Cabinet Secretariat may kindly refer to their notes on previous pages regarding extension of the benefit of order of the Court to the non-Metric 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 Secretariat are requested not to grant the benefit of Order of the CAT to the non-petitioners in the present case also. Cabinet Secretariat 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.57/86 and Supreme Court judgement in Civil Appeal No.3567/93.

3. I.S. (Per) Jagannath

(T.S. BHATIA)
Under Secretary (E.III-B)

5.10.1999

Deputy (M.) Cabinet Secy.

H.O. F. (Confidential) U.C.H.O. C-205/12-III.(B)/CIV/AB-61049