

FROM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No. 285/2000,

Misc Petition No. _____

Contempt Petition No. 36/2002

Review Application No. _____

Applicants. Sri N. Chakraborty & 440RS

-Vs-

Respondant(s) Sri Kamal Panday & 0RS

Advocate for the Applicant(s) K.K. Phukan
S. Chakraborty

Advocate for the Respondant(s) Sr. C.G.S.C. A. Deb Roy for Rptt. No. 2

Notes of the Registry	Date	Order of the Tribunal
-----------------------	------	-----------------------

21.8.02

Heard learned counsel for the parties.

Issue notice on the respondents to show cause as to why the contempt proceedings shall not be initiated against the alleged contemnors,

List on 24.9.02 for orders.

Member

Vice-Chairman

1m

24.9.02

Heard Mr.K.K.Phukan learned counsel for the petitioner and also Mr.A.Deb Roy, Sr.C.G.S.C. for the Respondents.

Mr.A.Deb Roy, Sr.C.G.S.C. has stated that the order of the Tribunal dated 7.3.2001 has already complied with. In view of the implementation of the Court's order the
contd/-

This Contempt petition filed by The Mr. S. Chakraborty, Advocate for The applicants, for deliberate and wilful violation of the Judgement and order Dtd- 7-3-2001 passed by The Honble Tribunal in O.A. 285/2000.

Heard before The Honble Court for further orders.

Section Officer (T)

24.9.02

Contempt Petition is dropped.

✓
Notices prepared and
Sent to D. Section for
issuing of the same
to the respondents
Through Regal. post.
Vide D.No - 2328 to 2330
dt.

Member

Vice-Chairman

Im

26.8.02

23.9.02

Reply has been submitted
by the Contemner.

24

Order dtd. 24/9/02
Communicated to the
Karties comm.
Dr

21-8 02
File by
Sri N. Chakrabarty
Applicant
Through
S. Chakravorty
Advocate.

3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BRANCH, GUWAHATI.

(An application under Section 19 of the
Administrative Tribunal Act 1981)

~~O.A. No. Of 2002.~~

Contempt Petition No. 36 Of 2002.

in OA No. 285 of 2000.

IN THE MATTER OF :-

An application for drawing an appropriate Contempt proceeding under Section 12 of the Contempt of Courts Act, 1971 for deliberate and wilful violation of the judgment and order dated 7th day of March, 2001 passed by this Hon'ble Tribunal in O.A. No. 285/2000 directing the respondents to pay Ration Allowance including arrears amount within 90 days from the date of received of the order..

- A N D -

IN THE MATTER OF :-

O.A. No. 285/2000

Sri N. Chakrabarty & 44 Ors.

..... Applicant.

Contd....p/-

- Versus -

1. Union of India

..... Respondents.

- A N D -

IN THE MATTER OF :-

1. Shri N. Chakraborty, Assistant,
Office of the Divisional
Organiser, S.S.B., Khating Hills,
Itanagar Arunachal Pradesh-791111
2. Shri P.K. Boruah, U.D.C.,
Office of the A.O., S.S.B.,
Tinsukia, Assam.
3. Shri Bidyananda Das, Driver,
Office of the D.O., N.A.Division,
S.S.B., Tezpur.
4. Shri Ambeswar Gogoi, Peon,
Office of the D.O., N.A.Division,
S.S.B., Tezpur.
5. Shri N. Venugopal, Assistant,
Office of the Divisional
Organiser, S.S.B., Khating Hills,
Itanagar Arunachal Pradesh-791111
6. Shri P.K. Mohanty, Stenographer,
Office of the Divisional

Contd...p/-

Organiser, S.S.B., Khating Hills,
Itanagar Arunachal Pradesh-791111

7. Shri Gouranga Chandra Sarkar,
Peon, Office of the Divisional
Organiser, S.S.B., Khating Hills,
Itanagar Arunachal Pradesh-791111

8. Shri Tankeswar Das, Peon,
Office of the Area Organiser, SSB
Ziro, Arunachal Pradesh.

9. Shri M.B. Sonar, Peon,
Office of the Commandant, WATS,
Itanagar, Arunachal Pradesh.

10. Shri Prem Chand Chowdhary, Peon,
Office of the Commandant, WATS,
Itanagar, Arunachal Pradesh.

11. Shri Rajendra Rajak, Water
Carrier, Office of the
Commandant, WATS, Itanagar,
Arunachal Pradesh.

12. Shri J.R. Talukdar, U.D.C.,
Office of the S.A.O., Chowkham,
Arunachal Pradesh.

13. Shri D.K. Poddar, Pharmacist,
Office of the Divisional

Organiser, S.S.B., Khating Hills
Itanagar, Arunachal Pradesh.

14. Shri Adesh Kumar, Peon,
Office of the S.A.O., Longding,
Arunachal Pradesh.
15. Shri B.N. Borah, P.S.,
Office of the Divisional
Organiser, S.S.B., Khating Hills
Itanagar, Arunachal Pradesh.
16. Shri Lal Bahadur Dorjee, Peon,
Office of the Divisional
Organiser, S.S.B., Khating Hills
Itanagar, Arunachal Pradesh.
17. Shri R.B. Thapa, Peon,
Office of the Divisional
Organiser, S.S.B., Khating Hills
Itanagar, Arunachal Pradesh.
18. Miss Debasree Sarkar,
Stenographer, Office of the
Divisional Organiser, S.S.B.,
Khating Hills, Itanagar,
Arunachal Pradesh - 791111.
19. Shri Robin Saikia, Chowkidar,
Office of the Divisional
Organiser, S.S.B., Khating Hills
Itanagar, Arunachal Pradesh.

20. Shri Ram Bahadur Sonar, Peon,
Office of the Divisional
Organiser, S.S.B., Khating Hills
Itanagar, Arunachal Pradesh.
21. Shri Thogi Ram Das, U.D.C.,
Office of the Area Organiser,
S.S.B., Bomdila,
Arunachal Pradesh.
22. Shri Rajesh Nautiyal,
Stenographer, Office of the
Director, S.S.B., R.K. Puram,
New Delhi - 110066.
23. Shri Chijen Narjari, Driver,
Office of the Divisional
Organiser, S.S.B., Khating Hills
Itanagar, Arunachal Pradesh.
24. Shri Kiran Mandal, Peon,
Office of the Divisional
Organiser, S.S.B., Khating Hills
Itanagar, Arunachal Pradesh.
25. Shri Sarat Kumar Borah, Asstt.,
Office of the Area Organiser,
S.S.B. Khonsa, Arunachal Pradesh

26. Shri Ranjit Debroy, U.D.C.,
Office of the Area Organiser,
S.S.B. Khonsa, Arunachal Pradesh
27. Shri Sanil Chander, Stenographer
Office of the Area Organiser,
S.S.B. Khonsa, Arunachal Pradesh
28. Shri Manoj Borah, L.D.C.,
Office of the Area Organiser,
S.S.B. Khonsa, Arunachal Pradesh
29. Shri S.S. Bhadra, Peon,
Office of the Area Organiser,
S.S.B. Khonsa, Arunachal Pradesh
30. Shri Narayan Kalita, Peon,
Office of the Area Organiser,
S.S.B. Khonsa, Arunachal Pradesh
31. Shri Ram Prasad Sharma, Peon,
Office of the Area Organiser,
S.S.B. Khonsa, Arunachal Pradesh
32. Smti. Techhi Pohu, Peon,
Office of the Divisional
Organiser, S.S.B., Khating Hills
Itanagar, Arunachal Pradesh.
33. Shri Ganga Lowang, Chowkidar,
Office of the Area Organiser,
S.S.B. Khonsa, Arunachal Pradesh

Contd...p/-

34. Shri A.C. Mech, Driver,
Office of the Area Organiser,
S.S.B. Khonsa, Arunachal Pradesh

35. Shri R. Pillai, Peon,
Office of the Area Organiser,
S.S.B. Khonsa, Arunachal Pradesh

36. Shri Phuleshwar Gogoi,
Accountant, Office of the Area
Organiser, S.S.B., Tezu,
Arunachal Pradesh.

37. Shri Vikash Khajuria, Driver,
Officer of the Divisional
Organiser, S.S.B., Khating Hills
Itanagar, Arunachal Pradesh.

38. Shri N. Thakuri, U.D.C.,
Office of the S.A.O., S.S.B.,
Jang, Arunachal Pradesh.

39. Shri R.K. Panda, L.D.C.,
Office of the Divisional
Organiser, South Bengal P. No.1,
Hazi Md. Mahsh Squarl, P.O. Park
Street, 2nd Floor,
Kolkata - 700016.

40. Smti. Techu Yabar, Peon,
Office of the Area Organiser,
S.S.B. Khonsa, Arunachal Pradesh

41. Shri Pradip Roy, L.D.C.,
Office of the Divisional
Organiser, S.S.B., Khating Hills
Itanagar, Arunachal Pradesh.

42. Shri N. Nishikanta Singh, Driver
Office of the Commandant, WATS,
S.S.B., Itanagar, Arunachal
Pradesh.

43. Shri M. Viswakarma, Lab. Tech.,
Office of the Commandant, GC,
Tezu, S.S.B., Arunachal Pradesh.

44. Shri Bibhu Ranjan Parida,
Stenographer, Office of the D.O.
S.S.B., South Bengal, P.No.1,
Hazi Md. Mahsh Squarl, P.O. Park
Street, 2nd Floor,
Kolkata - 700016.

..... Petitioners.

- Versus -

1. Shri Kamal Pandey
Secretary, Ministry of Home
Affairs, New Delhi.

Contd...p/-

2. Shri V.K. Malik,
 Director General, S.S.B.,
 Block --V, (East), R.K. Puram,
 New Delhi --110066.

3. Shri M.L. Chaudhuri,
 Divisional Organiser, S.S.B.,
 A.P. Division, Khating Hills,
 Itanagar, Arunachal Pradesh.

■ Respondents

The humble petition, of the
 petitioner above named -

MOST RESPECTFULLY SHEWETH :-

1. That the petitioners herein filed the above Original Application against the illegal arbitrary inaction on the part of the Respondents denying the petitioners to grant of the benefit of Ration Allowance as per their locations from the date of actual posting in various categorized stations including payment of arrears on the strength of the Notification No. A-27011/4/86-EA-II dated 18.12.1987 and other subsequent orders.

Contd. ■p/-

2. That the case of the petitioners as set out in the Original Application in brief is that the petitioners have been working in different places in North Eastern Region in India under the Department of Special Service Bureau (S.S.B.). The Cabinet Secretariat vide letter dated 18.12.1987 address to the Director (Planning), Directorate General of Security informed that various concessions were granted to the staff of S.S.B., S.F.F., C.I.O.A and Directorate of Accountants and according to the said letter, Ration Allowance to the rank of Field Officers and below has been granted. It is the grievance of the petitioners that although they are also entitled to Ration Allowance in the light of the Cabinet Secretariat letter dated 18.12.1987 as well as in the light of number of judgments rendered by this Tribunal in O.A. No. 245/1995, 89/1996 and 103/1999 disposed of on 14.06.1996, 17.07.1998 & 08.09.1999 respectively. But the same has not been granted to the petitioners. The petitioners made representation before the authority but the same was not considered on the ground that the petitioners are non-executive personnel. Being aggrieved the petitioners have filed the Original Application being O.A. No. 285/2000 before this Hon'ble Tribunal for redressal of their grievances and this Hon'ble Tribunal pleased to dispose of the said Original Application on 7th of March 2001 with a direction to the respondents to pay the Ration Allowance to the petitioners on the strength of the Notification No.- A-27011/4/86-EA-II dated 18.12.1987 and other

Contd...p/-

subsequent order extending payment of the allowance in different categorised station or from the date of their actual posting in the respective categorised stations, whichever is later and to pay the arrears amount as admissible to each applicant within 90 days from the date of receipt of the order.

A photocopy of the aforesaid order dated 07.03.2001 passed by the Tribunal in O.A. No. 285/2000 is annexed herewith and marked as Annexure-I.

3. That the petitioners furnished certified copy of the aforesaid Tribunal's order dated 07.03.2001 before the authority concerned which was received by the Divisional Organiser, S.S.B., Arunachal Pradesh for onward submission. Accordingly the said order was duly forwarded to the concerned authority by the Divisional Organiser, Arunachal Pradesh for early compliance. Meanwhile the respondent authority filed application before this Hon'ble Tribunal for granting more time for implementation of the aforesaid Tribunal's order dated 07.03.2001. This Hon'ble Tribunal was also pleased to grant further 90 days to the respondents. But instead of complying the aforesaid Tribunal's order the respondents preferred an appeal before the Hon'ble High Court being W.P. (C) No. 2012/2002 against the aforesaid judgment

Contd...p/-

and order dated 07.03.2001 passed in O.A. No. 285/2000. The Hon'ble Gauhati High Court was pleased to dismiss the aforesaid W.P. (C) No. 2012/2002 vide judgment and order dated 27.03.2002.

A photocopy of the aforesaid judgment and order dated 27.03.2002 passed in W.P. (C) No. 2012/2002 is annexed herewith and marked as Annexure-II.

4. That the contemners did not initiate any action to comply with the direction of this Hon'ble Tribunal. The petitioners also furnished the certified copy of the aforesaid judgment and order dated 27.03.2002 passed in W.P. (C) No. 2012/2002 by the Hon'ble Gauhati High Court before the respondent authority on 26.04.2002 and thereafter also they repeatedly approached the contemners and reminded them to carry out the direction passed by this Hon'ble Tribunal. However, the contemners showed total indifference and was reluctant to implement the order of this Hon'ble Judgment.

5. That the petitioners states that this Hon'ble Tribunal in its order dated 07.03.2001 stipulated the direction passed by it shall be implemented within 90 days from the date of receipt of the order. Though the

Contd...p/-

contemners were furnished with the said judgment and order of this Hon'ble Tribunal as narrated above, they failed to implement the order passed by this Hon'ble Tribunal till date. Thus, the contemners by not complying with the direction of this Hon'ble Tribunal have shown total disregard to the sanctity attached to such direction and thereby lowered the dignity of this Hon'ble Tribunal.

6. That the petitioners states that the contemners are primarily responsible for implementing the direction contain in judgment and order dated 07.03.2001 but they having failed to carry out the same have rendered themselves liable for contempt of this Hon'ble Tribunal. Therefore, it is an appropriate case where this Hon'ble Tribunal shall draw up appropriate contempt proceeding against the contemners and would penalised them for such contempt.

7. That this petition is filed bonafide and in the interest of justice.

In the premises, it is, therefore, humbly prayed that Your Lordships may be pleased to consider the above, issue notice on the contemners to show cause as to why a contempt proceeding shall not be drawn up against them and after

hearing the parties ~~be~~ pleased to draw
up appropriate contempt proceeding
against the contemnors and/or to pass
any other order or orders as Your
Lordships may deem fit and proper.

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

Affidavit.....

Contd...p/-

A F F I D A V I T

I, Shri N. Chakraborty, son of Late Bimalendu Chakraborty, aged about 53 years, Office of the Divisional Organiser, S.S.B., Khating Hills, Itanagar, Arunachal Pradesh-791111, do hereby solemnly affirm and state as follows :-

1. That I am one of the petitioners in this instant case and as such I am well acquainted with the facts and circumstances of the case and I am authorised by the co-petitioners to swear this affidavit on behalf of all and as such I am competent to swear this affidavit.

2. That the statements made in paragraphs 1, 4, 5, 6, 7 are true to my knowledge and those made in paragraphs 2, 3 are matter of records and the rest of my humble submission before this Hon'ble Court.

And I sign this affidavit on this the 6th day of August 2002 at Guwahati.

Identified by me :-

S. Chakravarty

Nimalendu Chakraborty
DEPONENT...

Advocate's Clerk.

Solemnly affirmed and declared before me by the deponent who is identified by S. Chakravarty, Advocate on this 6th August, 2002.

W. B. B. B.
Advocate
6/8/02
Cenhab High Court

16
CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 285 of 2000.

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

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

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

By Advocate Shri M.Chanda.


- Versus -

Union of India & Ors. . . . Respondents.

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

ORDER

CHOWDHURY J.(V.C)



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

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

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

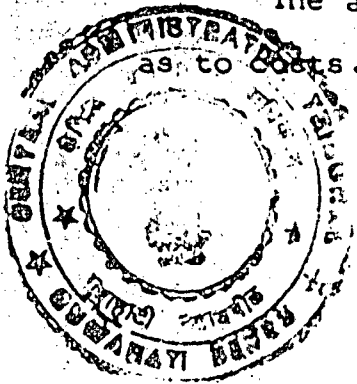
contd.. 2

Accepted
by Registrar
16/3/01
Advocate

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

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

The application is accordingly disposed of. No order



Certified to be true Copy
प्रमाणित प्रतिलिपि

Sd/ VICE CHAIRMAN

18/12/1987

Section Officer (J)
अनुमान अधिकारी (न्यायिक शाखा)
Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
Guwahati Bench, Guwahati
गुवाहाटी न्यायपीठ, गुवाहाटी

18/12/1987

स्टाम्प और फोटो की अपेक्षित संख्या सूचित करने की तिथि Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोटो देने की तिथि Date of delivery of the requisite stamps and folios.	18- तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तिथि Date of making over the copy to the applicant.
22/4/02	23/4/02	23/4/02	23/4/02

IN THE GAUHATI HIGH COURT
(The High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram and Arunachal Pradesh)

(CIVIL EXTRA ORDINARY WRIT JURISDICTION)

WRIT PETITION (C) No. 2012 OF 2002

From the impugned judgment and order dated 7.3.2000 passed by the Central Administrative Tribunal, Guwahati Bench in O.A. No. 285/2000.

1. Union of India,
2. Director General, SSB, New Delhi,
3. Divisional Organiser, SSB, Arunachal Pradesh
4. Divisional Organiser, SSB, Tezpur (Assam),
5. Divisional Organiser, SSB, Manipur & Nagaland.
6. Area Organiser, SSB, Bomdila, Arunachal Pradesh
7. Area Organiser, SSB, Along, Siong, Arunachal Pradesh
8. Area Organiser, SSB, Ziro, Lower Subansiri, Arunachal Pradesh
9. Area Organiser, SSB, Tezu, Arunachal Pradesh
10. Area Organiser, SSB, Khonsa, Dist. Tirap, Arunachal Pradesh
11. Commandant WATS, SSB, Itanagar, Arunachal Pradesh

... PETITIONERS.

- VERSUS -

1. Shri H. Chakraborty
2. Shri P. Boruah
3. Shri Bidyananda Das
4. Shri Ambeswar Gogoi
5. Shri H. Venugopal,
6. Shri PK Mahanty,
7. Shri Gouranga Chandra Sarker,
8. Shri Tankeswar Das
9. Shri MB Sonar

... C

19-

(2)

- ✓ 10. Shri Prem Chand Chowdhary
- ✓ 11. Shri Rajendra Rajak
- ✓ 12. Shri J.R. Talukdar,
- ✓ 13. Shri D.K. Poddar
- ✓ 14. Shri Adesh Kumar
- ✓ 15. Shri B. M. Borah
- ✓ 16. Shri Lal Bahadur Borjee
- ✓ 17. Shri R.B. Thapa
- ✓ 18. Miss Lebasree Sarkar
- ✓ 19. Shri Robin Saikia
- ✓ 20. Shri Ram Bahadur Sonar
- ✓ 21. Shri Thogi Ram Das
- ✓ 22. Shri Rajesh Gautiyal
- ✓ 23. Shri Ghijon Marjari
- ✓ 24. Shri Kiran Mandal
- ✓ 25. Shri Sarat Kumar Borah
- ✓ 26. Shri Ranjit Debroy
- ✓ 27. Shri Sahil Chander
- ✓ 28. Shri Manoj Borah
- ✓ 29. Shri S.S. Bhadra

... Contd...

(3)

- ✓ 30. Shri Narayan Kalita
- ✓ 31. Shri Ram Prasad Sharma
- ✓ 32. Smt. T. Techhi Pohnu
- ✓ 33. Shri Ganga Lowang
- ✓ 34. Shri A.C. Mech
- ✓ 35. Shri R. Pillai
- ✓ 36. Shri Phuleshwar Gogoi
- ✓ 37. Shri Vikash Khajuria
- ✓ 38. Shri H. Thakuri
- ✓ 39. Shri R.K. Panda
- ✓ 40. Smt. Techhi Yabar
- ✓ 41. Shri Pradip Roy
- 42. Shri H. Nishikanta Singh
- ✓ 43. Shri H. Viswakarma,
- ✓ 44. Shri Bibhu Banjan Parida

... RESPONDENTS

P R E S E N T.

THE HON'BLE THE CHIEF JUSTICE MR. RS MONCIA.

THE HON'BLE MR. JUSTICE JA ANSARI.

For the petitioners : Mr. Y. Doloi, Advocate

For the respondents : Mr. J. Bhukan
Mr. S. Chakraborty, Advocates.

DATE OF HEARING,

JUDGMENT & ORDER : WEDNESDAY, THE 27TH DAY OF MARCH,
2002.

... Judgment & Order (Oral)

(4)

JUDGMENT AND ORDER (ORAL)

Respondents, who are non-executive personnel of the Special Service Bureau (SSB), working at various places within the State of Arunachal Pradesh under the Respondents (now petitioners), had moved an Original Application (OA No. 285/2000) before the Central Administrative Tribunal, Guwahati Bench, claiming benefits of ration allowances as per their place of posting, i.e., their location, from the date of their actual posting. The Tribunal by the impugned judgment and order dated 7th March, 2001 allowed the Original Application. It will be apposite to reproduce paragraphs 3 and 4 of the judgment and order passed in the aforesaid Original Application :-

"3. Mr. M. Chanda, learned counsel for the applicants submitted that the matter is no longer res integra in view of the number of decisions rendered by this Tribunal in Original Application No. 245/95, 89/96 and 103/99 disposed of on 14.6.96, 17.7.98 and 8.9.99 respectively. Mr. A. Deb Roy, learned Sr. C.G.S.C. however opposing the prayer on the ground that the Ration Allowance is not admissible to the non-executive staff.

... Contd...

(5)

4. Considering the facts and circumstances of the case it appears that the issue raised are already covered by the earlier decisions mentioned above. In the circumstances and in the light of the earlier orders this application is disposed of directing the respondents to pay Station Allowance to these applicants on the strength of the Notification No. A-27011/486-BA-II dated 18.12.1937 and other subsequent orders extending payment of the allowance in different categorised sanction from the date of their actual posting in the respective categorised stations, whichever is later. The payment of the arrears amount is admissible to each applicant and will be paid by the respondents within 20 days from the date of receipt of this order.

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

... Contd...

25
- 23 -
(6)

It will be seen from the above that the original Application of the present respondents was allowed by the Tribunal primarily on the strength of the judgments and orders in various original Applications, disposed of earlier, reference of which has been made in the impugned order. We have also reversed the judgment and order in Original Application No. 245/1995 decided on 14.6.1996 by the Central Administrative Tribunal, Guwahati Bench, decision of which was rendered, following a similar judgment and order of the Central Administrative Tribunal, Chandigarh (Circuit Bench in Jammu) passed in Original Application No. 381/K/92. By the aforesaid judgment and order, the applicants, who were similarly situated as the present respondents (applicants before the Tribunal) have been allowed the ration allowance. Learned counsel for the respondents (applicants) is not in a position to state whether the judgments in the aforesaid original Applications referred to in the impugned judgment were ever challenged by the petitioner. We take it that the same had not been challenged otherwise that would have

23/11
H

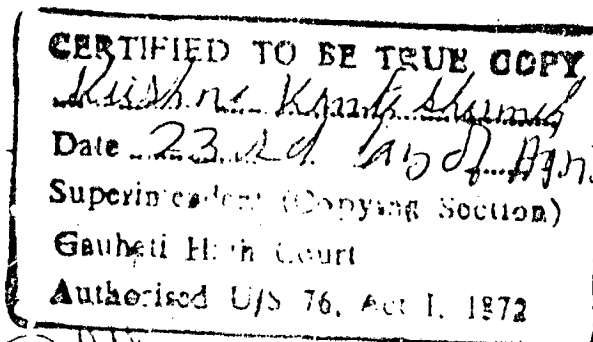
... Contd...

(1)

been the first ground of attack before the Tribunal and before us. Since many similarly situated persons have already succeeded before the Tribunal and it will be discriminatory if we were to take a different view in this matter as that will amount that the applicants in the Original Applications referred to in the impugned judgment would keep on getting the ration allowance whereas similarly situated persons like the present Respondents would be denied,

For the foregoing reasons, we find no merit in this writ petition, which is hereby dismissed.

Sd/- IA Ansari Sd/- R S Mongia
Judge Chief Justice



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH GUWAHATI

C.P. NO.36/2002 in
O.A. NO.285/2000

IN THE MATTER OF:

SH N. CHAKRAVORTY & OTHERS

VERSUS

UNION OF INDIA & OTHERS

AND

IN THE MATTER OF

SH N. CHAKRAVORTY & OTHERS

VERSUS

SH V.K. MALIK AND 2 OTHERS

INDEX

S.No.	Particulars	Page nos.
1.	Reply to the Contempt Petition with affidavit	1 to 3
2.	R-I (Copy of order dated 10.9.2002)	4
3.	R-II (Copy of WT Signal/Orders dated 11.9.2002)	5

Through:

Dated: 20 -9-2002

Respondents
Director General. SSS
Ministry of Home Affairs
Block V (East), R. K. Puram
New Delhi-110066

(A. Deb Roy)
Sr. Central Government Standing Counsel

-1-

B

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH GUWAHATI.

C.P. NO.36/2002 in
O.A. NO.285/2000

IN THE MATTER OF:

SH N. CHAKRAVORTY & OTHERS

VERSUS

UNION OF INDIA & OTHERS

AND

IN THE MATTER OF

SH N. CHAKRAVORTY & OTHERS

VERSUS

SH V.K. MALIK AND 2 OTHERS

Filed by

23/9/02

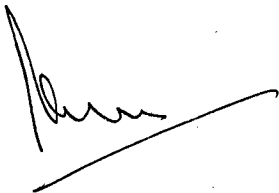
(A. DEBROY)

ST. C.

C.A. T. Guwahati Bench

I, V.K. Malik, Director General, SSB, Block-V, East, R.K. Puram, New Delhi alleged Contemner No.2 have gone through the Contempt Petition served on me and have understood the contents thereof. I solemnly affirm and declare as under:-

1. That I have read the contempt petition and the affidavit filed by the applicants above named and understood the contents thereof. I hereby deny the contentions made therein, unless the same are expressly and specifically admitted herein.
2. That save and except those which are matter of record and specifically admitted in the counter reply, all the statements, averments and submissions made by the applicants in the contempt petition are specifically contested and denied.
3. That this respondents has the highest reverence and regard for the Hon'ble Tribunal and is in duty bound to comply with its directions as per law, sincerely and faithfully.

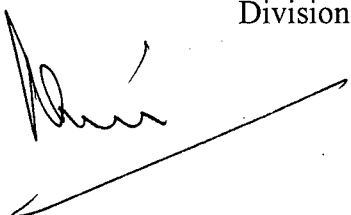


4. That the Hon'ble Tribunal vide its Order dated 7.3.2001 in the said O.A. directed as under:-

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

5. That an appeal WP(C) No.2012/2002 was filed in the Hon'ble High Court of Guwahati against the above mentioned orders of Hon'ble Central Administrative Tribunal Guwahati. However, the Hon'ble High Court Guwahati dismissed the appeal WP(C) No.2012/2002 vide its order dated 27.3.2002 which was received by the office of Respondent No.2 on 1.5.2002. That on receipt of the order of the Hon'ble High Court of Guwahati by the office of the Respondent No.1 on 31.5.2002 action on the implementation of CAT judgement dated 7.3.2001 was again taken in consultation with Ministry of Finance. The Ministry of Finance have given its approval for the implementation of the judgement of the Hon'ble CAT on 9.9.2002. Accordingly necessary order for implementation of Hon'ble CAT Guwahati Bench Judgement dated 7.3.2001 have been issued on 10.9.2002 by the Ministry of Home Affairs **(Copy enclosed as Annexure -R-I).**

6. Thereafter the Office of Respondent No.3 i.e. Divisional Organiser, Arunachal Pradesh Division Itanagar was accordingly directed vide SSB Hqrs WT Signal No 11850 dated



11.9.2002 (**Copy enclosed as Annexure-R-II**) to submit the claim of arrears with respect to the 44 applicants through special messenger to the PAO SSB(MHA) for passing the bills and issuing Demand Draft for arranging payment to the applicants. The office of Respondent No.3 accordingly prepared and submitted the bills on 17.9.2002 with respect to arrears due to the applicants to PAO SSB MHA for passing of the above bills. The said bills were passed by PAO SSB on 17.9.2002 and demand drafts on account of arrears have been dispatched to the Office of Respondent No.3 by PAO SSB MHA on 20.9.2002 which will be disbursed immediately by the Office of the Respondent No.3.

That in view of the position mentioned above, it is most respectfully prayed that the Hon'ble Tribunal may kindly be pleased to dismiss the instant Contempt Petition and discharge the Respondents from the notice of this Contempt Petition.

That the statement made in para-1 to 6 above are true to my knowledge and are based on official records.

And I sign this affidavit on this 20th day of September, 2002.



DEPONENT

Director General. SSB
Ministry of Home Affairs
Block V (East), R. K. Puram
New Delhi-110066

THROUGH COUNSEL

(A. DEB ROY)
(Sr. Central Govt. Standing Counsel)

VERIFICATION

I the above named deponent do hereby verify that the contents of the above affidavit are true and correct to my knowledge and belief and are as per records.

Verified at New Delhi on 20th September, 2002



DEPONENT

Director General. SSB
Ministry of Home Affairs
Block V (East), R. K. Puram
New Delhi-110066

North Block, New Delhi
Dated the 30.9.2002

To

The Director General,
Special Service Bureau,
Block V(East), R.K. Puram,
New Delhi-110066.

Subject :- Court Case OA No. 285/2000 titled N. Chakraborty & Others
Vs. UOI and Others - implementation of judgement
regarding grant of ration allowance.

The undersigned is directed to refer to DG, SSB UO No 35/SSB/A2/2000(19)68 dated 30.5.2002 and 24.8.2002, on the subject mentioned above and to convey the sanction of the competent authority for implementation of the Judgement dated 7.3.2004 of Guwahati Bench of CAT in O.A. No.285/2000 and upheld by Judgement dated 23.4.2002 of the High Court Guwahati in case of the applicants.

2. This issues with the approval of the Ministry of Finance, Department of Expenditure vide their UO No. 16(2)/E.H(B)/2001 dated 9.9.2002 and concurrence of the Integrated Finance Division of this Ministry vide their Diary No. 1414/Fin.V/02 dated 10.9.2002.

(M.S. Kalamia)
Under Secretary

Copy to :-

1. The Pay & Accounts Office, SSB, Block-IX(East), R.K. Puram, New Delhi.
2. The Ministry of Finance, Department of Expenditure w.r.t. their UO No. 16(2)/E.H(B)/2001 dated 9.9.2002.
3. The Sr. PPS to IIS for information of IIS
4. The PPS to JS(P) for information of JS(P)
5. AFA (Home),MHA.
6. Guard File.

(M.S. Kalamia)
Under Secretary

ANNEXURE R-II

-5-

APPENDIX A

ORIGINATORS — PROFORMA FOR OUT MESSAGES

Priority: Crash/Most Immediate/Immediate/Ordinary/Secret/Unclass

TO :
INFO : DO, AP, ITANAGAR.
FROM : SSB HQRS.

TEXT

REF YR SIG MSG NO.U/5046 DT.9.9.02 REG. COURT CASE OA NO.285/2000-
TITLED N. CHAKRABORTY VS UOI FOR PAYMENT OF RATION ALLOWANCE- IMPLEMENTATION
OF THE JUDGEMENT DATED 7.3.01 REG.(.) MIN.OF HOME VIDE NO. 35/SSB/A2/2000(19)
FF-III DT. 10TH SEPT.02 CONVEYED THE SANCTION OF THE COMPETENT AUTHORITY
FOR IMPLEMENTATION OF THE JUDGEMENT OF CAT GUWAHATI BENCH(.) RQST SUBMIT
CLAIM TO THE PAY & ACCOUNTS OFFICE, SSB(MHA) FOR PAYMENT OF ARREARS AS
ADMISSIBLE TO EACH APPLICANT AS PER THE JUDGEMENT DT.7.3.01 & UPHELD BY
JUDGEMENT DT. 23.4.02 OF HIGH COURT, GUWAHATI(.) BILLS FOR PAYMENT OF RATION
ALLOWANCE BE SENT TO PAO, SSB, R.K PURAM, N.DELHI THROUGH SPL MESSENGER SO TH
PAYMENT COULD BE MADE BEFORE 24.9.02(.) ALSO RQST APPROACH CGSC TO PREPARE
DRAFT REPLY TO THE CONTEMPT PETITION & SENT TO THIS HQRS IMMIDILY(.)
PROCEDURE TO FILE REPLY TO CONTEMPT APPLICATION & OTHER FORMALITIES ALSO BE
ASCERTAINED FM CGSC & BE INTIMATED TO SSB HQRS FOR FURTHER COURSE OF
ACTION(.) INTIMATE COMPLIANCE BY RTN FAX/SIGNAL(.)

SPEED POST(.)

ORDER FOLLOWS BY FAX/

File No. 35/SSB/A2/2000(19)
Date 11th Sept.02

Signature of Originator
Designation
Time of Origin

AD(RA-II)

To,
I/c, Cipher Section
Time of Handed in (THI)

पुणे/Date. 18/09/02...
डा.परी.सं./Dy. No. 2374...
दिनांक/Date. 18/09/02...

No. 35/SSB/A2/2000(19)/PF.III
Ministry of Home Affairs
(P.F. III Desk)

North Block, New Delhi
Dated the, 16th September, 2002

To

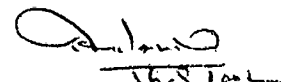
✓
The Director General,
Special Service Bureau,
Block V(East), R.K. Puram,
New Delhi-110066.

Subject :- Court Case OA No. 285/2000 titled N. Chakraborty & Others Vs. UOI and Others - implementation of judgement regarding grant of ration allowance.

Sir,

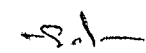
Reference this Ministry's sanction letter of even number dated 10.9.2002, on the subject mentioned above.

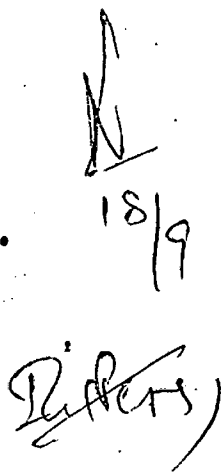
2. The date of judgement of High Court of Guwahati in OA No. 285/2000, which was inadvertently mentioned as 23.4.2002 in para-1, may be read as 27.3.2002. The other terms and conditions of the sanction letter under reference will remain unaltered.

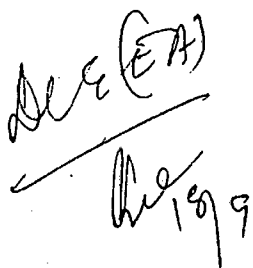

(M.S. Kalia)
Under Secretary

Copy to: -

1. The Pay & Accounts Office, SSB, Block-IX(East), R.K. Puram, New Delhi.
2. The Ministry of Finance, Department of Expenditure w.r.t. their UO No. 16(2)/E.II(B)/2001 dated 9.9.2002.
3. The Sr. PPS to HS for information of HS
4. The PPS to JS(P) for information of JS(P)
5. AFA (Home), MHA.
6. Guard File.


(M.S. Kalia)
Under Secretary


18/9


18/9