

50/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No.....104/2000

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SECTION OFFICER (JUDI.)

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO.

104/2000 OF 199

Applicant(s) Shri N.K. Tiwari 2018Respondent(s) 14/01/2018Advocate for Applicant(s) Mr G.K. BhattacharyaMr G.N. DasMr J.K. Panigrahi

Advocate for Respondent(s)

Case.

Notes of the Registry	Date	Order of the Tribunal
Application is received and within the period of 15 days of its filing. Reference No. 09493961 Dated 14/3/2000.	16.3.2000	<p>Heard Mr.G.N.Das learned counsel for the applicant and A .Deb Roy, Sr. C.G.S.C. for the respondents. Mr. Das learned counsel prays for permission to allow the applicants to file a single application jointly as provided under Rule 4(5)(a) .C.A.T. (Procedure) Rules 1987. Permission is granted.</p> <p>Heard counsel for boths sides. Application is admitted. Issue notice on the respondents by the registered post. List for written statement and further orders on 26.4.00.</p>
Notice has been prepared and sent to Respondent Section for issuing to the Respondents No. 1-4. Vide O.Nos. 29/3/2000 935 & 938 Dtd. 29.3.2000.	LM 16/3/2000	<p>6 Member(A)</p>

Notes of the Registry	Date	Order of the Tribunal
<u>26-4-2000</u> with the Statement has been filed by the respondents. No. 1-4. By	26.4.00 1m	¶ Written statement has been submitted. Case is x ready for hearing. List for hearing on 2.6.00. 62 Member
<u>26-6-2000.</u> The case is ready for hearing.	2.6.00	There is no Bench Stry. adjd to 9.6.00. Mo try.
<u>19.6.2000</u> copy of the Judgment has been sent to the D/ree. for issuing the same to the applicant as well as to the C.G.S.C. for the respondents.	9.6.00 trd	Present : Hon'ble Sri D.C.Verma, Member(J). Heard Mr. G.N.Das, learned counsel for the applicants and Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents. The O.A. is allowed as per order dictated separately. No order as to costs. D.C.VERMA Member(J)
<u>22.6.2000</u> Issued vide Srs. 1698 & 1700 dt 22.6.2000. At		

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A. / R.A. NO. 104/2000 of

9.6.2000
DATE OF DECISION

Sri Narendra Kumar Tiwari & 72 Ors.

PETITIONER(S)

Mr. G.N. Das

ADVOCATE FOR THE
PETITIONER(S)

VERSUS -

Union of India & Ors.

RESPONDENT(S)

Mr. A. Deb Roy, Sr. C.G.S.C.

ADVOCATE FOR THE
RESPONDENTS

THE HON'BLE SHRI D.C.VERMA, MEMBER (J).

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Sri D.C.Verma.

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Original Application No. 104 of 2000.

Date of decision : This the 9th day of June, 2000.

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

Shri Narendra Kumar Tiwari,
Upper Division Clerk
Son of Shri Markandeo Tiwari
SSB Training Centre,
Haflong and 72 Ors.

...Applicants

By Advocate Mr. G.N.Das.

-versus-

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

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

3. Director, S.S.B.,
Block-V (East), R.K.Puram,
New Delhi-110066. New Delhi-110066.

4. Deputy Inspector General,
Training Centre, SSB,
Haflong (Assam).

....Respondents

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

O R D E R (Oral)

D.C.VERMA, MEMBER (J).

All the 73 applicants of the present OA are non-executive personnel serving in the Special Service Bureau (For short S.S.B.) Training Centre, Haflong under the administrative control of the Deputy Inspector General, Training Centre, Haflong, Assam. As all the applicants have a common grievance and interests they have filed a single application with a view to ^{to avoid} ~~multiplicity~~ of litigation. The grievance of the applicants are against

Contd...

the illegal and arbitrary action of the respondents in not allowing the applicants to draw Ration Allowance on the ground that they were not applicants in O.A. No. 245/95 filed by some non-executive personnel posted at Aviation Research Centre, Doomdooma.

By impugned order dated 4.2.2000 (Annexure-9 to the O.A.) the claim of the applicants has been denied by the respondents. The grounds mentioned therein is that the present applicants were not applicants in the earlier OA by which Ration Allowance was allowed by this Tribunal. The impugned order further shows that the matter has been taken up with the Cabinet Secretariat for grant of Ration Allowance to non-executive personnel posted at B and C stations.

2. Learned counsel for the applicants has submitted that this Tribunal has passed various orders namely in O.A. No. 245/95 (Sri Bishnu Prasad Saikia and Another Vs. Union of India & Ors) decided on 14.6.96, O.A. No. 89/96 (Sri Rajen Rajkhowa) decided on 12.7.1998, O.A. No. 103/99 (Sri N. Venugopal and 69 Ors. Vs. Union of India & Ors.) decided on 8.9.1999 and O.A. No. 367/99 (Sri Manik Sapkota & 36 Ors. Vs. Union of India & Ors.) decided on 12.1.2000. The Tribunal has allowed Ration Allowance to non-executive personnel of the SSB. This Bench has also while deciding O.A. No. 119/2000 (Sri Hem Prasad Borah & 23 Ors. Vs. Union of India & Ors.) has allowed Ration Allowance by order dated 5.6.2000 to non-executive personnel.

3. The submission of the learned counsel for the applicants is that the applicants are posted at Haflong, SSB Training Centre, and Haflong has been declared B station for the purpose of various concessions by an order dated 12.8.97 as mentioned in Annexure-I to the Cabinet Secretariat letter No. A-27011/4/86-EA-11 dated



18.12.87. Copy of the Cabinet Secretariate letter has been annexed as Annexure-I to the O.A. In the letter dated 18.12.97 Ration Allowance has been mentioned at serial No.2. Consequently it has been submitted that Haflong is category B station and in the light of the order dated 12.8.97 the presents applicants are entitld to Ration Allowance.

4. The submissions of the learned counsel for the respondents, that the applicants are not entitled to Ration Allowance on the ground that they were not party to the earlier O.A., is not sustainable. The relief which has been granted to a certain category of employees would be available to similarly situated employees if not otherwise barred. Once it was held that the non-executive personnel were entitled to Ration Allowance, similarly situated non executive personnel should have been granted Ration Allowance by the respondents otherwise that would cause unjustified discrimination. In the present case as Haflong has ^{been} already declared as category B station for the purpose of various concessions including Ration Allowance with effect from 12.8.97, all the applicants would be entitled to the said Ration Allowance with effect from 12.8.97 or with effect from the date of their posting at Haflong whichever is later.

The O.A. is allowed accordingly. The respondents are directed to pay the arrear Ration Allowance to the applicants within three months from the date of communication of this order. No order as to costs.

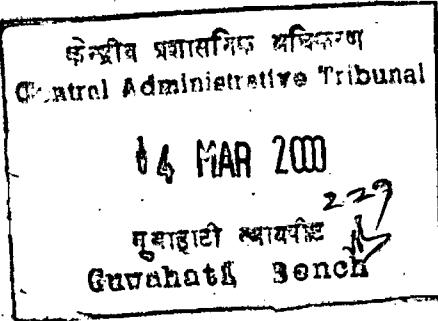


(D.C.VERMA)
Member(J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH

GUWAHATI



O.A. NO. 104 /2000.

Shri Narendra Kumar Tiwari & Ors.

... Applicants.

-Versus-

Union of India and others.

... Respondents.

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Filed by :-

Gopinath Das
(Advocate)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH

GUWAHATI.

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

O.A. NO. 104 /2000.

1. Shri Narendra Kumar Tiwari
Upper Division Clerk
s/o Shri Markandee Tiwari
SSB Training Centre, Haflong.
2. Shri Debeswar Chetia Phukan
Accountant
s/o Late Gopinath Phukan
SSB Training Centre, Haflong.
3. Shri Dharani Timsina
Store-Keeper Level-II
s/o Late Jagannath Timsina,
SSB Training Centre, Haflong.
4. Shri Indrajit Das
Lower Division Clerk
s/o Late Haripada Das,
SSB Training Centre, Haflong.
5. Shri Ramachandra Malla
Upper Division Clerk
s/o Shri Banshidhar Malla
SSB Training Centre, Haflong.

contd...

Filed by
Smt. Gopinath Das
(Gopinath Das)
Narendra Kumar Tiwari

6. Shri Annada Prasada Chhotaray
Stenographer
S/o Shri Basanta Chandra Chhotaray,
SSB Training Centre, Haflong .

7. Shri Ashit Kumar Barman
Assistant
S/o Shri Brajendra Kumar Barman
SSB Training Centre, Haflong .

8. Shri Bishnu Lohar
Upper Division Clerk
S/o Late Sushil Lohar
SSB Training Centre, Haflong .

9. Shri Amarendra Sahoo
Lower Division Clerk
S/o Shri Jadumani Sahoo
SSB Training Centre, Haflong .

10. Shri Prasanta Kumar Samal
Lower Division Clerk
S/o Shri Pitambar Samal
SSB Training Centre, Haflong .

11. Shri Rishi Raj Bali
Lower Division Clerk
S/o Shri Raj Kumar Bali
SSB Training Centre, Haflong .

12. Smt. Kabita Sharma
Lower Division Clerk
D/o Late Gopal Chandra Sharma
SSB Training Centre, Haflong .

13. Shri Samir Dutta
Lower Division Clerk
S/o Shri Umesh Chandra Dutta
SSB Training Centre, Haflong.

14. Shri Rash Mohan Das
Nursing Assistant
S/o Shri Basanta Kumar Das
SSB Training Centre, Haflong.

15. Shri Somnath Borah
Nursing Assistant
S/o Late B.Borah
SSB Training Centre, Haflong.

16. Miss Moni Basak
Nursing Assistant
D/o Shri Jayanta Basak
SSB Training Centre, Haflong.

17. Shri Debabrata Biswas,
Pharmacist
S/o Shri Sasanka Biswas
SSB Training Centre, Haflong.

18. Shri Abir Sen
Radiographer
S/o Shri Sujit Kumar Mitra
SSB Training Centre, Haflong.

19. Shri Babla Malakar
Bhisti
S/o Shri Manoranjan Malakar
SSB Training Centre, Haflong.

20. Shri Kabin Kumar Kalita
Waterman
S/o Shri Hanuram Kalita
SSB Training Centre, Haflong.

21. Shri Beduram Sharma
Waterman
S/o Late Suramoni Sharma
SSB Training Centre, Haflong.

22. Shri Chandra Kanta Borah
Bhisti
S/o Shri Haladhar Borah
SSB Training Centre, Haflong.

23. Smt. Renu Borah
Bhisti
D/o Late Dataram Borah
SSB Training Centre, Haflong.

24. Smt. Efronora Langstang
Bhisti
D/o Late Wilson Suchiang
SSB Training Centre, Haflong.

25. Shri Chandra Kanta Upadhyaya
Waterman
S/o Late Bhagirath Upadhyaya
SSB Training Centre, Haflong.

26. Shri Jibon Kumar Balmiki
Safaiwala
S/o Late Haridas Balmiki
SSB Training Centre, Haflong.

27. Smt. Koili Basfor
 Safaiwali
 D/o Late Ramnath Basfor
 SSB Training Centre, Haflong .

28. Shri Basu Rajbanshi
 Safaiwala
 S/o Late Ganga Rajbanshi
 SSB Training Centre, Haflong .

29. Shri Babulal Begi
 Safaiwala
 S/o Late Chubalal Begi
 SSB Training Centre, Haflong .

30. Shri Lakshmi Narayan Basfor
 Safaiwala
 S/o Shri Shyamal Basfor
 SSB Training Centre, Haflong .

31. Shri Shibriaj Balmiki
 Safaiwala
 S/o Late Banarani Lal Balmiki
 SSB Training Centre, Haflong .

32. Shri Bhagulal Balmiki
 Safaiwala
 S/o Late Jitalal Balmiki
 SSB Training Centre, Haflong .

33. Shri Mililal Balmiki
 Safaiwala
 S/o Late Sibashan Balmiki
 SSB Training Centre, Haflong .

34. Shri Ramesh Balmiki
Safaiwala
s/o Shri Mulilal Balmiki
SSB Training Centre, Haflong .

35. Shri Laxmi Prasad Basfor
Safaiwala
s/o Shri Shyamal Basfor
SSB Training Centre, Haflong .

36. Shri Sontu Basphor
Safaiwala
s/o Late Batu Basphor
SSB Training Centre, Haflong .

37. Shri Rajesh Balmiki
Safaiwala
s/o Shri Mulilal Balmiki
SSB Training Centre, Haflong .

38. Shri Shyamal Basfor
Safaiwala
s/o Late Srinath Basfor
SSB Training Centre, Haflong .

39. Shri Ratan Kumar Singh
Cleaner
s/o Late Tilak Singh
SSB Training Centre, Haflong .

40. Shri Ratneswar Saikia
Cleaner
s/o Shri Moloka Saikia
SSB Training Centre, Haflong .

41. Shri Bhupen Hazarika
Driver
S/o Shri Giridhar Hazarika
SSB Training Centre, Haflong .

42. Shri Sukubor Hira
Driver
S/o Late Sahiram Hira
SSB Training Centre, Haflong .

43. Shri Hemanta Das
Driver
S/o Shri Haridhar Das
SSB Training Centre, Haflong .

44. Shri Suraj Kumar Singh
Driver
S/o Shri Rampukar Singh
SSB Training Centre, Haflong .

45. Shri Ghanashyam Kalita
Driver
S/o Late Kamal Kalita
SSB Training Centre, Haflong .

46. Shri Malingstar Ranee
Driver
S/o Shri Kritsingh Khyrien
SSB Training Centre, Haflong .

47. Ksh. Jiten Singh
Driver
S/o Late Ksh. Narjit Singh
SSB Training Centre, Haflong .

48. Shri Ranbir Roy

Driver

S/o Late Balaram Roy

SSB Training Centre, Haflong .

49. Shri Sushil Chandra Das

Driver

S/o Late Pulin Ch. Das

SSB Training Centre, Haflong .

50. L. Binod Kumar Singh

Driver

S/o Shri Jaimabi Singh

SSB Training Centre, Haflong .

51. Shri Nanda Lal Das

Peon

S/o Late Surjaram Das

SSB Training Centre, Haflong .

52. Shri Baneswar Neog

Peon

S/o Shri Dhaniram Neog

SSB Training Centre, Haflong .

53. Shri Krishna Mohan Das

Peon

S/o Late Surjaram Das

SSB Training Centre, Haflong .

54. Shri Manik Chandra Nath

Peon

S/o Shri Padmakanta Nath

SSB Training Centre, Haflong .

Q

55. Shri Kanaillal Goswami
Peon
S/o Late Karunamay Goswami
SSB Training Centre, Haflong .

56. Shri Jagadish Prasad Sharma
Peon
S/o Shri Hari Prasad Sharma
SSB Training Centre, Haflong .

57. Shri Dibakar Gohain
Peon
S/o Late Bidyadhar Gohain
SSB Training Centre, Haflong .

58. Shri Binoy Mohan Das
Peon
S/o Late Birendra Mohan Das
SSB Training Centre, Haflong .

59. Shri Putul Chandra Nath
Peon
S/o Shri Rajani Nath
SSB Training Centre, Haflong .

60. Shri Ram Prasad Sonar
Peon
S/o Shri Mon Bahadur Sonar
SSB Training Centre, Haflong .

61. Shri Upendra Nath Roy
Peon
S/o Shri Brajendra Nath Roy
SSB Training Centre, Haflong .

62. Shri Mohan Barman

Peon

S/o Shri Bhuban Chandra Barman

SSB Training Centre, Haflong .

63. Shri Amulya Kumar Suklabaidya

Peon

S/o Late Umesh Chandra Suklabaidya

SSB Training Centre, Haflong .

64. Shri Dil Bahadul Giri

Peon

S/o Late Rupal Giri

SSB Training Centre, Haflong .

65. Shri Nima Bahadur Chettri

Peon

S/o Late Top Bahadur Chettri

SSB Training Centre, Haflong .

66. Shri Chand Moni Singha

Peon

S/o Late Dhanasana Singha

SSB Training Centre, Haflong .

67. Shri Binod Behari seal

Peon

S/o Late Brejendra seal

SSB Training Centre, Haflong .

68. Shri somarlal Begi

Peon

S/o Shri sarat Begi

SSB Training Centre, Haflong .

69. Shri Kharga Bahadur Magar

Peon

S/o Late Budhiram Magar

SSB Training Centre, Haflong .

70. Shri Ratneswar Roy

Peon

S/o Late Haramoni Roy

SSB Training Centre, Haflong .

71. Shri Sita Nath Debanath

Mali

S/o Mohim Chandra Debanath

SSB Training Centre, Haflong .

72. Shri Ramesh Uriya

Safaiwala

S/o Muliram Uriya

SSB Training Centre, Haflong .

73. Kh. Deben Singh

Driver

S/o Kh. Khondam Singh

SSB Training Centre, Haflong .

(All these applicants are non-executive personnel of the special Service Bureau -S.S.B. in short -serving in S.S.B. Training Centre, Haflong under the Administrative Control of the Deputy Inspector General, Training Centre, S.S.B., Haflong).

.... Applicants.

contd...

- versus -

1. Union of India (Represented by the Cabinet Secretary, Department of Cabinet Affairs, Bikaner House, Sahjahan Road, New Delhi).
2. Director General of Security , Block-V(East) R.K.Puram, New Delhi-110066 .
3. Director, S.S.B., Block-V(East) R.K.Puram New Delhi-110066 .
4. Deputy Inspector General, Training centre,SSB., Haflong (Assam) .

... Respondents..

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

- 1) Illegal and arbitrary action of the respondent-authorities in not allowing the applicants to draw ration allowance only on the ground that they were not applicants in O.A.No.245/95 filed by some non-executive personnel posted to Aviation Research Centre (A.R.C. in short), Doamdooma in which this Hon'ble Tribunal, by order dated 14.6.96 , directed payment of ration allowance to the

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applicants from the due dates. This was in terms of the policy decision of the Cabinet Secretariat as communicated in memo No.30/SSB/A.2/97(17) 559-570 dated 19.2.99. It was again reiterated by the Director General of Security (Respondent No.2), vide his letter No. 9/SSB/A.2/86(1)-3045 dated 2.11.99 that the applicants who were not the petitioners in various judgments issued by the Central Administrative Tribunal were not entitled to the grant of ration allowance .

2) Memorandum No. 9/SSB/A.2/86(1)-Haflong-459 dated 4.2.2000 issued by the Respondent No. 2 whereby the Respondent No.4 was intimated , with reference to his memo No. 1/6/Estt/95/TCH/569 dated 17.1.2000 regarding grant of Ration Allowance to non-executive personnel posted at Training Centre (SSB), Haflong, that the non-applicants of O.A. were not entitled to get ration allowance on the basis of judgment of Central Administrative Tribunal, Guwahati .

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

u/s 21 of the Administrative Tribunals Act ,
1985 .

4 : FACTS OF THE CASE:

1) That the applicants are all non-executive personnel serving in the special service Bureau (S.S.B. in short) Training Centre, Haflong under the Administrative control of the Deputy Inspector General, Training Centre, Haflong (Assam) which 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 litigations , 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 Govt. of India, in 1962, set up the Directorate General of Security (D.G.S. in short) under the administrative control of the Cabinet Secretariat for some specific purposes which is a multi-role and multi-disciplinary organisation comprising four agencies , namely, special service Bureau (S.S.B. in short)

Aviation Research Centre (A.R.C. in short),
Special Frontier Force (S.F.F. in short) and
Chief Inspectorate of Armaments.

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

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

4) The applicants beg to state that, from the said letter and Annexures, it would be apparent that certain concessions were granted

and in the case of the applicants, the concessions referred to against serial No.2 in Annexure-I, i.e. Ration allowance, would be relevant. The House Rent allowance to the executive cadre was made admissible to the personnel of other cadres also of the corresponding level except in the case of S.S.B. Battalion personnel and Deputy Commandants/Company commanders/Assistant Company Commander of S.F.F. and also those on deputation in the S.F.F. from the Army .

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

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

6) That the applicants beg to state that the Annexure-II to the said Cabinet Secretariat letter dated 18.12.87 above (Annexure-I) , had categorised certain locations as category "B" and

"C" in Arunachal Pradesh, Gujrat, Himachal Pradesh, J & K, Manipur, Meghalaya, Tripura, Uttar Pradesh and West Bengal.

In exercise of powers vested in him as the Head of the Department and in terms of para 3 of the aforesaid Cabinet Secretariat letter dated 18.12.87 (Annexure-I), the Director, S.S.B. (Respondent No.3), by his office order No. 9/SSB/A.2/86(1) Haflong 2253 dated 12.8.97, conveyed his sanction to the classification of the Training Centre (SSB), Haflong as Category "B" Station for the purpose of various concessions as mentioned in Annexure-I (other than clothing grant) of the above-quoted Cabinet Secretariat letter dated 18.12.87 (Annexure-I) for a period of 3 (three) years with effect from the date of issue of that order (from 12.8.97 to 11.8.2000).

Copy of the said order dated 12.8.97 regarding categorisation of Training Centre, SSB, Haflong as category "B" Station is annexed herewith and marked as Annexure-III.

7) . That the applicants beg to state and submit that they have become eligible for getting ration allowance w.e.f. from 12.8.97 (date from which SSB Training Centre, Haflong was categorised as "B" location) as per their

entitlement but, surprisingly, for reasons best known to the respondent-authorities, the applicants have been deprived of the ration allowance otherwise due to them in a most illegal and arbitrary manner although the executive personnel were being paid ration allowance as to their entitlement .

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

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

Copies 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 are annexed herewith and marked as Annexure-IV and V respectively.

9) That the applicants beg to state that in pursuance of the said judgement, the Cabinet Secretariat, vide their order No.A-27011/4/86/ EA.III/1483 dated 16.6.98, sanctioned the Ration Allowance to the non-executive staff of the Aviation Research Centre and all payments have since been made to the Staff who are still continuing at Doon Dooma which has been categorised as "B" Station.

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

Copy of the order dated 17.7.98 passed in O.A. 89/96 is annexed herewith and marked as Annexure-vi.

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

contd...

dated 8.9.99, disposed of the application by directing the respondent-authorities to pay ration allowance to the applicants with effect from the date on which the allowance became admissible. It was further directed that the arrear amount, as admissible to each applicant, should be paid within 90 days from the date of receipt of the order.

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

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

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

13) That the applicants beg to state and submit that they are similarly situated like the applicants in the above-noted original applications and their case for getting the benefit of ration allowance is fully covered by the orders passed by this Hon'ble Tribunal in the above-noted original applications .

The non-executive personnel serving in the S.S.B. in Itanagar (O.A.NO. 103/99) and in Shillong (O.A.NO. 367/99) have since been granted ration allowance in pursuance of the orders passed by this Hon'ble Tribunal, as stated above, and the present applicants are similarly situated like the applicants in those applications and as such, relying on the orders, the applicants are entitled to be granted ration allowance from the date when the SSB Training Centre , Haflong was categorised as "B" station by the competent authority w.e.f. from 12.8.97 .

14) That the applicants took up the matter with the Respondent No. 4 who was pleased to send a proposal to the Respondent No. 2 recommending grant of ration allowance to the non-executive personnel (applicants) posted at the S.S.B. Training Centre, Haflong vide his office memo No. 1/6/ESTT/95/TCH/569 dated 17.1.2000 but , unfortunately, the Respondent No.2, by his office memorandum No. 9/SSB/A 2/86 (1) - Haflong-459 dated 4.2.2000, intimated, the

Respondent No. 4 that, as per existing instructions, the non-applicants of O.A. were not entitled to get ration allowance on the basis of judgment of the Central Administrative Tribunal, Guwahati.

Copy of the said memorandum dated 4.2.2000 is annexed herewith and marked as Annexure-IX.

15) That, in the meantime, the Respondent No.4 received a copy of the memorandum No.30/SSB/A 2/97(17) 559-570 dated 19.2.99 addressed by the Respondent No.2 to the Divisional Organiser, SSB, A.P. Division, Itanagar whereby, referring to earlier cases of granting ration allowance to non-executive personnel of the S.S.B., it was intimated that only the applicants in O.A.No. 245/95 who were non-executive personnel of the Aviation Research Centre (A.R.C. in short), Doamdooma were granted ration allowance in terms of judgment/order passed by this Hon'ble Tribunal in the above-noted original application.

In another memorandum No. 9/SSB/A2/86(1)-SHG-3045 dated 2.11.99, the Respondent No.2 made the position clear by reiterating that non-applicants in various original applications disposed of by this Hon'ble Tribunal directing payment of ration allowance are not entitled to

contd...

32

the grant of ration allowance .

Copies of the said memoranda dated 19.2.99 and 2.11.99 are annexed herewith and marked as Annexure- X and XI respectively .

16) That the applicants have become highly aggrieved as they are illegally and arbitrarily deprived of the ration allowance otherwise due to them . The respondent -authorities have rejected the claim of the applicants and they are now convinced that no useful purpose would be served by waiting any longer 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 respondent-authorities in denying ration allowance to the applicants is illegal, arbitrary and extremely discriminatory and as such this is a fit case where this Hon'ble Tribunal will exercise jurisdiction and grant relief otherwise due to them .

II) For that the applicants have been illegally discriminated against in not allowing the benefit of ration allowance although they are similarly situated with these of the A.R.C., Doamdooma, ARC, FRU, Numaligarh , S.S.B., Itanagar , and SSB , Shillong who have since been granted

3)

the benefit of ration allowance as per order of this Hon'ble Tribunal and as such the action of the respondent-authorities is bad in law and liable to be set aside .

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

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

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

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

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

6 : DETAILS OF THE REMEDIES EXHAUSTED :-

The applicants had submitted representations to the competent authority through proper channel but these were turned down only on the ground that they were not applicants in earlier cases allowed by this Hon'ble Tribunal in the matter of granting ration allowance .

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

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

8 : RELIEF SOUGHT:

It is, therefore, prayed that your Lordships would be graciously pleased to admit this application, call for the entire records of the case, ask the respondents to show cause as to why the applicants should not be granted the benefit of ration allowance with effect from 12.8.97, date from which the sanction of the competent authority (Respondent No. 3) was conveyed to the classification of the S. S. B. Training Centre, Haflong as category "B" Station (Annexure-III) after setting aside the impugned order dated 4.2.2000 (Annexure-IX) as has been granted to others who are similarly situated like the present applicants and after perusing the causes shown, if any, and hearing the parties, direct that, in view of the attending facts and circumstances of the case, the applicants be granted ration allowance w.e.f. from 12.8.97 (date from which the S.S.B. Training Centre was categorised as "B" Station as per Annexure-III) including arrears after setting aside the impugned order dated 4.2.2000 (Annexure-IX) as has been granted to those who are similarly situated non-executive personnel of the SSB, Itanagar and SSB, Shillong and/or pass any other order/orders as Your Lordships may deem fit and proper.

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

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

NIL .

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

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

I.P.O. No. OG 493561 dated 14-3-2000 issued by the Guwahati Post Office payable at Guwahati is enclosed .

12 : LIST OF DOCUMENTS:-

As stated in the Index .

contd...

VERIFICATION

I, Shri Narendra Kumar Tiwari, son of Shri Markandee Tiwari, aged about 45 years, presently serving as the Upper Division Clerk in Special Service Bureau Training Centre, Haflong (Assam) do, hereby, verify that the contents in paragraphs 1, 2, 4 to 16 are true to my personal knowledge and those in paragraphs 3 and 5 to 15 are believed to be true on legal advice and that I have not suppressed any material fact.

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

Place :- Guwahati.

Date :- 13.3.2000.

Narendra Kumar Tiwari
SIGNATURE OF THE APPLICANT.

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

Government of India ,
Cabinet Secretariat ,
Bikaner House (Annexe),
Sahjahan 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' and 'C' stations as indicated in Annexure-II to this letter. However, if the Heads of the Department feel at certain times that certain locations or assignments have become

contd...

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

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

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

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

yours faithfully,

Sd/-

(R.K.GANGAR)

Deputy Secretary (SR).

Enclo:- Annexure-I and II.

Copy to :-

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

contd...

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

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

Dated :- 20.11.97 .

Copy to :-

1. The Cmdts., 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 .

.....

ANNEXURE TO THE CABINET SECTT. LETTER NO. A- 27011/4/86-EA-II

DATED 15 DECEMBER, 1987 .

Sl. No.	Nature of the concession .	Extent of the concession granted	Remarks .
1	2	3	4
10	Hardship Allowance	A hardship allowance @ Rs.25% of basic Pay subject to maximum Rs.400/- P.M. in respect of category 'C' and 12.5% of basic subject to maximum of Rs.200/- P.M. to category 'B' stations other than those situated in the North-Eastern region, Andman and Nicobar Island and Lakshdweep, where special allowance is already sanctioned .	For the stations which are declared as belonging to category 'B' and 'C' by the Head of the Department under the powers now delegated to him, the same rates will apply.

contd...

2) Ration Allowance .

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

contd....

1	2	3	4
<u>LOCATION</u>			<u>RATES</u>
i) Category 'B' stations :			As admissible from time to time in the Border security Force in peace areas .
ii) Category 'C' stations :			As admissible from time to time in the BSF in operational areas .
3) clothing: i) A non-refundable clothing grant of Rs.3000/- for staff other then SSB.Bn.personnel and Dy.Camds./Coy.Camdrs./Asstt.Coy.Camdrs. of SFF and also these on deputation in the SFF from the Army, posted in category B and C stations and located at or higher than 3000 Mtrs.above MSL and Rs.2000/-for staff posted at category B and C stations and located between 1500 and 3000 Mtrs.above MSL as a one time grant .			(i) The amount will be paid as an advance and will be adjusted on receipt of the joining report at the hardship location and a certificate that the advance has been utilised for the purpose it was intended .
			contd...

1

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3

4

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

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

contd...

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4. special TA/DA Daily allowance at increased rate for classified 'A' class cities will be admissible during tour to category 'B' and 'C' stations.

Porterage and adimial transport, charges as admissible under supplementary Rules (vide Min.of Fin.O.M.No. 5 (34)-E.IV (B)/64 dated 6.10.65), for classified areas in Himachal Pradesh will be admissible for tours to all category 'B' and 'C' stations.

(iii) The Head of the organisations at their own discretion within approved paremetors, can classify any location as belonging to category 'B' and 'C' station for the purpose of clothing grant (Though on the basis of height alone it may not so qualify)based on other factors such as severcal climate etc. (e.g. in a narrow valley.). The Head of the organisation will got approved, well in advance, from the cabinet sectt., the parameters for decla- ging any location as equivalent to the category 'B' and 'C' stations. contd....

5. Leave Travel concession.

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

(ii) In case of death, serious illness of marriage of a family member, where the family resides separately, the employees will be entitled to 50% of the rail fare of the entitled class for travel to place of residence of the family.

In the employees are to travel more than 50 Kms. By road either at the end of the journey, full bus fare for this journey will also be reimbursed.

In case the employees posted 'B' and 'C' location 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...

6. Journey time while proceeding on leave.

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

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

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

7. House Rent Allowance:

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

1 2

3

4

8. Cash compensation
for work on holidays.

Cash compensation for work on holi-
day as admissible to the staff of
the executive cadre upto the rank
of Field Officers, in the IB & 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 not entitled to overtime allo-
wance .

9. Government Tra-
nsport.

Government Transport will be provi-
ded to the staff engaged in night
shifts for picking them up and to
enable them to return to their
residence.

10. security allo-
wance to Ministe-
rial, secretarial and
Accounts cadres.

security allowance at the following
rates is sanctioned to the following
category of the staff working in
Top secret Branches
subject to a maximum of 15% in each
grade :-

DESIGNATION:

AMOUNT:

- i) L.D.C. .
- ii) Steno.Gr.III/UDC
- iii) Steno Gr.II/Assistant
- iv) Section Officer/Private
Secretary/ST.P.A.
- v) Assistant Director/Area
Organiser/Dy. Director of
Accounts.

Rs. 20/- P.M.
Rs. 30/- P.M.
Rs. 50/- P.M.
Rs.100/-P.M.
Rs. 200/-P.M.

contd...

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

<u>STATE</u>	<u>CATEGORY 'B' LOCATIONS</u>	<u>CATEGORY 'C'</u>
<u>ARUNACHAL PRADESH</u>		
	BOMDILA	C/TAZO
	TAWANG	KOLORIANG
	DA PARIDO	MONIGAONG
	ALONG	MECHUKA
	YINGKIONG	TUTING
	ROING	WAKKA
	HAULIANG	HAWAI
	MOAO	LADU
	NAMPONG	LONGDING
	SEPPA	PANCHAO (TI-RAP)
		CHANG LONG
		ANINI
GLURAT	RADHANFUR	
HIMACHAL PRADESH	KALPT (REKONG-PEO)	KAJA
	POCH	KALONG
J & K		NYOMA
		HANLE
		LEH
		KHALSI
MANIPUR		MORCH
		CHAKRP
		EKARONG
		CHANDEL
		CHURACHANDPUR
		MONGHBA
		HAMENGLONG
		UKHROOL
		CHASSAD
		KHULLAN
MEGHALAYA	JOWAI	
	NONGSTOIN	
TRIPURA	KAILASEHAR	
	UDAIPUR	
	KHOWAI	
UTTAR PRADESH	SONEHURA	
	DHARCHULAI	
WEST BENGAL	JOSHIMATH	MUNSYARI
	SUKIAPOKHRI	
	NAXALBARI	

.....

half long and include

- 42 -

1.

ANNEXURE-II.

GOVERNMENT OF INDIA.

CABINET SECRETARIAT,

BIKANER HOUSE ANNEXE,

SHAHJAHAN ROAD,

NEW DELHI.

No. A-11016/6/86-DOI

dated the 28th Oct. 1986.

ORDER

subject: Extension of House Rent Allowance concession to other cadres of ARC at par with executive cadres. Reference ARC dttd.UO No. ARC/E-1/38/85, dated the 15.9.1986.

2. In continuation of this secretariat letter No. A-49041/8/86 -DO.I dated the 10.5.1986 ,sanction of the president is hereby conveyed to the equation of posts listed at annexure 'A' to this order in various cadres of corresponding levels in the ARC to that of the executive cadres in the said organisation exclusively for the purpose of payment of House Rent Allowance as admissible to the executive cadre.

3. this issues with the concurrence of the director (IP) vide their dy. no. 40.1799 dated 1.10.1986 .

sd/- (R.K. Gangar)

deputy secretary (SR).

TO:

1. shri R.Swaminathan, Director, ARC, New Delhi.

2. shri N.C.Roy Choudhury, Director of Accounts, Cabinet secretariat, New Delhi .

3. shri J. Subramanian, director (IF), Cabinet secretariat, New Delhi .

4. Guard pilo.

sd/- (R.K.Ganger)
deputy secretary (SR).

contd...

11.

Sl. No. designation and
RS. Pay scale of executive
cadres.

Corresponding pay scale of other
cadres.

2. 3

1. G.P.O.
Rs.650-30-740-35-
10-35-35-880-40-
1000-25-60-1200/-

3

1. section officer	Rs.650-1200/-	
2. accounts officer	Rs.840-1200/-	
3. private secretary	Rs.775-1200/-	
4. Asst. P.A.	Rs.650-1640/-	
5. Asstt. Fire Officer	Rs.650-1200/-	
6. Asstt. commandant	Rs.650-1200/-	
7. Asstt. engineer	Rs.650-1200/-	
8. Asstt. 'Civil' surgeon GR.I.	Rs.650-1200/-	
9. Deputy works superint.	Rs. 650-1200/-	
10. Asstt. Technical Officer	Rs.650-1200/-	
11. Asstt. Aerodrome Officer	Rs.650-1200/-	
12. Asstt. Meteorol- gist .	Rs.650-1200/-	
13. Librarian	Rs. 650-1200/-	
 2. field officer, Rs.650-25-750- 25-30-900/-	 1. Assistant	Rs.425-800/-
	2. steno GR.II (P.A.)	Rs.425-800/-
	3. Accountant	Rs.500-900/-
	4. station officer	Rs.550-750/-

contd...
5

12.

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

1 2

3

occup "D" posts : though PO is a Group 'C' post their
equivalent with PO (Group 'C') post is shown as there is
no equivalent post of Assistant/steno-II (PA)/Asstt./Li-
brarian in junior executive cadre .

3. Deputy Field Off- Acr Rs. 425-15-530/-	1. Steno Gr.-II 2. U.D.C. 3. Technical Assistant (Librarian)	Rs. 330-560/- Rs. 330-560/- Rs. 425-700/-
	4. Overseer	Rs. 425-700/-
	5. Teacher	Rs. 290-560/-
	6. Nursing Sister	Rs. 425-700/-
	7. Staff Nurse	Rs. 425-640/-
	8. Sr. Radiographer	Rs. 425-640/-
	9. Lab. Technician	Rs. 300-560/-
	10. Pharmacist (quali- fied).	Rs. 330-560/-

13.

11. Sanitary Inspector L. 330-560/-
12. Operation Theatre
 (Technician) L. 330-560/-
13. S.K. Lab. Technician L. 425-700/-
14. Asstt. Foreman. L. 425-700/-
15. Masscours (Physiother-
 apist). L. 455-700/-
16. Dictation L. 425-640/-
17. Junior Technical
 Officer GR. II. L. 425-700/-
18. Jx. Stores Officer
 GR. II. L. 425-700/-
19. P.O.O. Supervisor L. 425-600/-
20. Head Clerk (Acco-
 unts) L. 425-600/-
21. Pay Accounts Clerk L. 330-560/-
22. Medical Asstt. L. 425-600/-
 (Dental).
23. Medical Asstt. L. 425-600/-
 (General)
24. Aerodrome Opera-
 tor. L. 380-560/-
25. Radio Technician. L. 380-560/-
26. Radio Operator. L. 380-560/-
27. Scientific Asstt. L. 425-700/-
28. Senior Observer. L. 330-560/-
29. Junior Accountant. L. 425-700/-

contd...

14.

1 2 3

4. P.A.O. 1. L.D.A. B. 260-400/-
B. 330-8-370- 2. Asstt. station B. 330-480/-
10-400-50-10- Office. 680/-

3. Loading Fireman/M.T.

Driver Driver

Navilgar. B. 320-400/-

4. Fireman/Fire Op. B. 260-400/-
rator.

5. Lab. Asstt. B. 260-400/-

6. Telephone Operator. B. 260-400/-

7. Carpenter (Air Wing) B. 320-400/-

8. Carpenter (M.V. B. 260-400/-
workshop).

9. Tailor (Air wing) B. 320-400/-
(present incumbent).

10. Tailor (Air wing B. 260-400/-
Future Incumbent).

11. Driver Operator B. 330-480/-
Crew.

12. Pharmacist (unqua- B. 330-400/-
lified).

13. Mechanic . B. 260-400/-

14. Electrician . B. 260-400/-

5. S.P.A.

B. 260-6-326-50-

6-350/-

1. Senior Constable. B. 260-350/-

2. Operator

2. Driver .

B. 260-350/-

contd...

15.

3. Lines Sub-Inspector .	Rs. 225-350/-	
4. Carpenter (Medical Unit).	Rs. 260-350/-	
5. Tailor Medical Unit.	Rs. 260-350/-	
6. Fitter.	Rs. 260-350/-	
7. senior Examiner (Type).	Rs. 260-350/-	
8. vulcanisor Fitter.	Rs. 260-350/-	
9. Blacksmith Cr.I	Rs. 260-350/-	
10. Welder Grade-I.	Rs. 260-350/-	
11. Upholster.	Rs. 260-350/-	
12. Mechanist (Tuzner).	Rs. 260-350/-	
13. Painter .	Rs. 260-350/-	
14. Mistri.	Rs. 260-350/-	
 G. Field Assistant		
1. Rs.225-5-260-6-290- Rs.6-306/- (Metre-culate).	1. Light Attendant.	Rs. 210-270/-
	2. Ayah.	Rs.195-232/-
	3. Dastry .	Rs.200-250/-
 II) Rs.210-4-250- 5-270/- (Non-Metre- culate).	4. Peon.	Rs.195-232/-
	5. Sweeper (Safiwala).	Rs.195-232/-
	6. Parash .	Rs.195-232/-
	7. Checkider/Watchman.	Rs.195-232/-
 III) Rs.225-5-260-6-290- Rs.6-308/- (Non-Metre- culate after 15 years of regular service)	8. gardener/Mahd.	Rs.195-232/-
	9. Lineman.	Rs.210-270/-
	10. Lab. Attendant/ Bearer.	Rs.210-270/-

contd...
5

16.

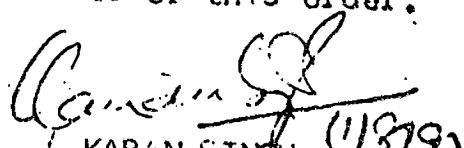
11. Carpenter (Air Wing).	Rs.210-290/-
12. Carpenter Grade-II.	Rs.210-290/-
13. (M.V. workshop).	
13. Head Gardener.	Rs.210-270/-
14. Jamader (sweeper)	Rs.200-250/-
15. Cook.	Rs.200-250/-
16. Paramaintenance Assistant (Pekor).	Rs.210-290/-
17. Cobbler.	Rs.210-220/-
18. Grass Cutter.	Rs.196-232/-
19. Watermen/water-carrier.	Rs.196-232/-
20. Leader.	Rs.196-232/-
21. Dresser.	Rs.210-270/-
22. Ayah (para Medical-Staff).	Rs.200-250/-
23. Barber.	Rs.200-250/-
24. ward boy/waiter washer up .	Rs.196-232/-
25. Dhobi.	Rs.196-232/-
26. Helper.	Rs.210-290/-
27. Cleaner.	Rs.196-232/-
28. Junior Electrician .	Rs.210-290/-
29. Blacksmith Grade-II	Rs.210-290/-
30. Welder Grade-II .	Rs.210-290/-
31. Lent room Attendant .	Rs.210-270/-
32. Aircraft Assistant.	Rs.210-290/-
33. Traffic Hand .	Rs.200-250/-
34. Observatory Attendant.	Rs.210-250/-

No. 9/SSB/A2/86(1)-Haflong. 2253
Directorate General of Security,
Office of the Director, SSB,
East Block, V, R.K. Puram,
New Delhi- 110066.

Dated, the, 12 August, 97.

ORDER

In exercise of the powers vested in him as Head of the Department, in terms of para 3 of the Cabinet Secretariat letter No. A-27011/4/96-EA-II dated, 12.12.87, the sanction of the Director SSB is hereby conveyed to the classification of Training Centre, Haflong as Category 'B' Station for the purpose of various concession as mentioned in Annexure-I (other than clothing grant) of the above quoted Cabinet Sectt., letter dated, 18.12.87 for a period of 3 (three) years with effect from the date of issue of this order.


KARAN SINGH (1/879)
ASSISTANT DIRECTOR (EA)

Copy to:-

1. The Director of Accounts, Cab. Secretariat, R.K. Puram, New Delhi (Six copies).
2. The Dy. Inspector General, T.C. Haflong.
3. DOs : HP/J&K/UP/R&G/NB/SB/NA/AP/Shillong/MSN.
4. DIG, TC Sarahan/Salonibari/Jamnu./ FA Gwladam.
5. CSD&W, Bhopal/TC Faridabad.
6. Accounts Officer, SSB Dte./A1/A4/E1/E-II Branches.
7. Order file.

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.

5. Deputy Director,
Aviation Research Centre,
Doomdooma.

... Respondents.

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

ORDER

G.L.SANGLYINE, MEMBER (A)

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

Doom Dooma as a Category B station with effect from

2. Annexure IV to this O.A., namely No. 27011/4

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 of S.Ali, Sr. C.G.S.C., submitted that the applicants have based 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

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 ~~now~~ are non-executive staff. We are not impressed by such stand of the respondents. Until in the case of granting House Rent Allowance for the purpose of granting Ration Allowance such equation of posts is not required by the authorising letters. This position is clear from the

51. Nature & Extent of the Concession granted. Remarks
No. the con-
cession

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.A.s. The facts in those two O.A.s and of the present O.A. insofar as they relate

contd. 5...

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

The application is allowed. No order as to costs.

Sd/-

MEMBER(A)

Sd/-

MEMBER(B)

RECORDED
22.2.1994
Section Officer (General),
Central Administrative Services
BSF Headquarters, Gurugram

K/98

- 55 -

ANNEXURE - D

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 HEREWITHE).

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

2.

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 hearing 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.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 89 of 1996

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

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

1. Shri Rajen Rajkhowa,
Pharmacist, Aviation Research Centre,
F.R.U., Numaligarh, Golaghat.
2. Shri Atul Chandra Baruah,
L/A Aviation Research Centre,
F.R.U., Numaligarh, Golaghat.
By Advocates Mr G.K. Bhattacharyya and
Mr D.N. Dua.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

ORDER

BARUAH, J. (V.C.)

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

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

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

4. By Annexure III letter dated 28.10.1986 the Deputy Secretary (SR), Government of India, informed the Director, Aviation Research Centre that House Rent Allowance, as admissible to the executive cadre will be admissible to the personnel of other cadre also of the corresponding levels. According to the applicants they are personnel of other cadre 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.

A.K. Choudhury

(51)

69

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. A. - Justice Chakravarthy

Certified to be true Copy
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10/8/98.

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10/8/98

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No. 103 of 1999.

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

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

Shri N. Venugopal and 69 others .

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

Applicants.

By Advocate Shri G.H. Das.

- Versus -

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

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

No. 1

ORDER

G.L.BANERJEE, ADMIN. MEMBER,

All those 70 applicants in this Original Application are employees in the Special Service Bureau (SSB for short), Itanagar, Arunachal Pradesh. They were permitted to pursue this Original Application jointly under Rule 4(S)(a) of the Central Administrative Tribunal (Procedure) Rules 1987.

Station allowance was granted to the personnel, of the rank of Field Officers and below serving in the locations categorized as 'B' and 'C'. The applicants stated that they are in the rank of Field Officers and below. By order dated 8.11.1994 certain stations in Arunachal Pradesh were classified as category 'B' and 'C' stations for the purpose of various concessions granted to the employees. In the said order Itanagar was categorized as 'B' station and its categorization was renewed for a further period of 3 years with effect from 8.11.1997. They claim that consequent to the categorization of Itanagar station as a 'B' station the

contd..2

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

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

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

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

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

Application is disposed of. No order as to costs.

Sd/-MEMOR (ADM)

TRUE COPY
W.H.S.M

Myre
Suptt. Regd. Officer (O)
Central Administrative Tribunal
Guwahati Branch
11/11/99

Original Application No. 367

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

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

Latest (2000)
SSB
Shillong

Kshri Manik Sopkota and 36 others

...Applicants

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

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

- versus -

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

...Respondents

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

ORDER

G.L. SANGLYINE (ADMINISTRATIVE MEMBER)

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

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

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

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

: 3 :

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

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

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

Sd/MEMBER (ADM)

Certified to be true Copy

প্রাপ্তি প্রতিলিপি

Section Officer (J)

গুৱাহাটী প্রাদুর্ভাব আৰু

মানবিক প্রযোগ প্রযোগ আৰু প্রযোগ

বৰ্ষাক প্রযোগ আৰু প্রযোগ

বৰ্ষাক প্রযোগ আৰু প্রযোগ

বৰ্ষাক প্রযোগ আৰু প্রযোগ

nkM

24/1/2000
24/1/2000

1. S. E. T.

No. 9/SSB/A2/80(1)-Haflong-459
DIRECTORATE GENERAL OF SECURITY,
OFFICE OF THE DIRECTOR: SSB,
LAST BLOCK, V, RK PURAM,
NEW DELHI 110066.

Dated the 4th Feb. 2000.

MEMORANDUM

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

.....

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

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

Sd/-

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

To

The Deputy Inspector General,
Training Centre, Haflong.

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

Dated the

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

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

Approved
S. C. Verma
Adv.
16/2/2000

ANEXURE

- 67 -

NO. 20/SSR/A/97(17) 559
DIRECTORATE GENERAL OF SECURITY
OFFICE OF THE DIRECTOR: SSB,
EAST FICCI, 7, RK PURAM,
NEW DELHI-110066.

Dated, the 19th, Feb., 1900.

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

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

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

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

The Divisional Organiser,
AP, Itanagar.

Copy to:- For information:-***-

1. Divisional Organisers: NW/Shillong/M&N/SB/NB/R&G Division
2. DISG: TC.Sarahan/Haflong/Gwladam/Salonibari/Jammu.

Joint Deputy Director (EA)

OFFICE OF THE DIVISIONAL ORGANISER: SSB: A. P. M. T. 1977

No. NGE/F-9(c)/96-99/ 43

Dated: 7/3/77

Copy to:-

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

AREA ORGANISER (S)

DIV. HQ SSB: ITANAGAR

1/3

No. 9/SSB/2/96(1)-Shillong, 2045.
DIRECTORATE GENERAL OF SECURITY,
OFFICE OF THE DIRECTOR, SSB,
EAST BLOCK, V. RK PURAM,
NEW DELHI-110066.

Dated, the 2nd Nov. 1999.

MEMORANDUM

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

.....
SN/99/2242 dated 20.10.99 on the subject
mentioned above.

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

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

To,

The Divisional Organiser,
Shillong Division,
Shillong.

93^v
26 APR 200
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI.

70
78
File No. C.G.S.C
2574/2007

In the matter of :

O.A. No. 104 of 2000.

Shri N.K. Tiwari & Others

-Versus-

Union of India and others.

-And-

In the matter of :

Written statement for and on behalf
of the Respondents ~~xx~~ 1 to 4.

1. That with regard to the statements made in paragraph No. 1 of the application, the respondents beg to state that the Cab Sectt vide their Order No. A-27011/4/86-EA-II dated 18.12.87 have granted various concessions to the employees posted at Category 'B' and 'C' stations. The Head of the Deptt. has been authorised to declare certain stations or assignments if he feels that such stations/assignments have become specifically hazardous and there is a specific increase of threat to the personnel and/or premises, they can determine on merit the criteria of hardship to the period for which such locations may be categorised as belonging to category 'B' and 'C' stations after recording the reason

Contd...2.

in writing Director, SSB being the Head of the Deptt has declared Haflong as category 'B' station for the purpose of various concessions w.e.f. 12.8.97 vide SSB Dte Order No. 9/SSB/A-2/86(1) Haflong/2253 dtd. 12.8.97. The Cab Sectt while sanctioning various concessions to SSB personnel have mentioned that the ration allowance to the Executive staff of the rank of Field Officer and below on posting to category 'B' and 'C' stations would be admissible on BSF pattern. There is no mention that the same concessions would be applicable to the non executive personnel of SSB. Therefore, the applicants are not entitled to claim the concessions.

2. That with regard to the averments made in paragraph No. 2 and 3 of the petition the respondents have no comments to submit.

3. That with regard to the statements made in paragraph No. 4(1) of the petition the respondents state that it is correct that the applicants of the O.A. are holding posts in non executive cadre in Haflong, which is an attached office of the Cabinet Secretariat.

4. That with regard to the statements made in paragraph No. 4(2) of the O.A. the respondents beg to state that it is a matter of record hence this respondent has no comments to submit on this issue.

5. That with regard to the statements made in paragraph No. 4(3) of the O.A. the respondents beg to state that it is a matter of record.

6. That with regard to the statements made in paragraph No. 4(4) of the O.A. the respondents have no comments as the subject matter is matter of record.

7. That with regard to the averments made in paragraph No. 4(5) of the O.A. the respondents state that the equation of posts has been made as listed at Annexure-I of the O.A. of the Cabinet Secretariat Order No. A-11016/6/86-DD-1 dated 28.10.86 in various cardes of the corresponding level in the ARC to that of the executive cardes exclusively for the purpose of payment of HRA as admissible to the executive cadre. Therefore, it is clear that the equation of the posts between non-executive and executive cadre is meant for the purpose of HRA only.

8. That with regard to the averments made by the applicants vide Paragraph No. 4(6) of the O.A. the respondents beg to state that the Director SSB, being Head of the Department has declared Halflong as Category 'B' station w.e.f. 12.8.97 for the purpose of various concessions sanctioned by Cab Sectt, orderdated 18.12.87. The Cab Sectt, order dated 18.12.87. clearly stipulated that ration allowance is admissible to the executive cadre to the rank of Field Officer and below. Thus, the non executive personnel working at Halflong are not entitled to ration allowance.

9. That with regard to the statements made by the applicants vide paragraph No. 4(7) of the O.A. the respondents ~~Maxxgxxseve~~ state that as already stated vide paragraph No. 8 above that Cabinet Secretariat order dated

18.12.87 clearly stipulates that ration allowance will be admissible to the executive cadre of the rank of Field Officer and below. The equation of post is meant for the purpose of H.R.A. and not for the purpose of ration allowance as mentioned by the applicants. Therefore the allegation raised by the applicants is vehemently denied.

10. That with regard to the averments made by the applicants vide paragraph No. 4(8) of the O.A. the respondents state that as regards grant of ration allowance to the non executive personnel, the matter was taken up with the Cab. Sectt, who did not agree with our proposal. It was also pointed out that the non-executive personnel working in ARC, Doomdooma are getting ration allowance ~~as~~ on the basis of the Judgment of the CAT, Guwahati. Integrated Finance, Unit of Cab Sectt. has also observed that the ration allowance to the applicant non-executive personnel working in ARC has been granted on the basis of the CAT, Guwahati judgment dated 14.6.96 and that the concession of ration ~~allowance~~ could not be made admissible to the non applicants.

11. That with regard to the statements made in paragraph No. 4(9) of the O.A. the respondents state that though Halflong is a category 'B' station for the purpose of various concessions the ration allowance is not admissible to the non executive personnel in terms of Cab Sectt order dated 18.12.87.

12. That with regard to the statements made in paragraph No. 4(10) of the O.A. the respondents beg to

state that it is correct that non executive personnel of ARC working in Doomdooma are getting ration allowance on the basis of the Central Administrative Tribunal, Guwahati Bench judgement dated 14.6.96. Therefore, it is not possible to extend it to SSB personnel, as they are not the applicants of the O.A. No. 245/95.

13. That with regard to the statements made in paragraph No. 4(11) of the O.A. the respondents have no comments as the same is a matter of record.

14. That with regard to the averments made vide paragraph No. 4(12) of the O.A. by the applicants, the respondents have no comments as the same is a matter of record.

15. That with regard to the statements made vide paragraph No. 4(13) of the O.A. by the applicants the respondents beg to state before the Hon'ble CAT that on the basis of the CAT, Guwahati Bench judgement, the matter was taken up by SSB Dte. with the Cab. Sectt to extend the benefit to the no-executive personnel posted at Category 'B' and 'C' stations. However, on the basis of extant orders, the Cab. Sectt. did not agree with the proposal. A photostate copy of the SSB Directorate Memorandum No. 30/SSB/A2/97(17) 559-570 dated 19th February, 1999 is annexed herewith and marked as Annexure 'A' hereof.

16. That with regard to the statements made vide paragraphs No. 4(14 & 15) of the O.A. the respondents beg to state that it is correct that the judgment of the Hon'ble

CAT, Guwahati is only applicable to the applicants and not to others. In the absence of any rule of the Government, it is not possible to extend the benefit of ration allowance to the non-executive personnel of SSB working in category 'B' and 'C' stations.

17. That with regard to the statements made vide paragraph No. 5(1) of the O.A. the respondents beg to state that ~~the~~ in absence of clear orders of the Govt. of India the ration allowance cannot be made admissible to the non-executive personnel of SSB posted at Category 'B' and 'C' stations.

18. That with regard to the statements made in paragraph No. 5(ii) of the O.A. the respondents beg to state that the judgment of the Hon'ble CAT, Guwahati is not applicable to the other personnel posted at Category 'B' and 'C' stations. The benefit of ration allowance could not be extended to them in the absence of Govt. order on the subject.

19. That with regard to the statements made in paragraph No. 5(iii) of the O.A. the respondents have no comments.

20. That with regard to the averments made in paragraph No. 5(iv) of the O.A. it is reiterated that in absence of Govt. orders, it is not possible to grant ration allowance to the non executive personnel of SSB working in Category 'B' and 'C' stations.

21. That with regard to the averments made in paragraph No. 5(v) of the O.A. it is stated that the matter has again been taken up with Cab. Sectt to reconsider SSB Dte's proposal for extending the benefit of ration allowance to the non-executive personnel working in category 'B' and 'C' stations. However, Cabinet Secretariat are unable to support the proposal for extension of benefits of ration allowance to non-executive staff of SSB posted in 'B' & 'C' stations as extending of such benefits is not covered under any rule of the Government.

22. That with regard to the statements made in paragraph No. 6 & 7 of the O.A. the respondents have no comments as the same are matter of record.

23. That with regard to the averments made in paragraph No. 8 of the O.A. the respondents reiterate that it is not possible to issue orders for drawal of ration allowance in respect of non-executive staff in the absence of specific orders after declaring Halflong as Category 'B' station by SSB Dte as per their order dated 12.8.97 mentioned ibid.

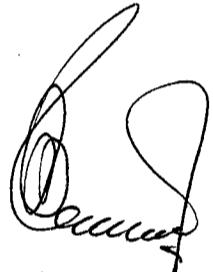
V E R I F I C A T I O N

I, Shri M.L. Chaudhuri, Deputy Inspector General of Training Centre, Haflong/SSB, being competent, do hereby solemnly declare that the statements made in paragraphs 1, 2, 3, 7 to 12, 13 to 21, 23 are true to my knowledge and those made in paragraphs 4, 5, 6, 13 and 22 are true to my information derived from the records and the rests are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this day of 24th April 2000 at Haflong.

DECLARANT

SEAL.


Deputy Inspector General,
SSB Training Centre
Haflong (N.C. Hill)
Assam,

ANNEXURE A

19441

1/2

9
65 (43) 78
No. 30/SSB/A2/97(17) - 559-570
DIRECTORATE GENERAL OF SECURITY,
OFFICE OF THE DIRECTOR: SSB,
EAST BLOCK, V, RK PURAM,
NEW DELHI-110066.

Dated, the, 19th Feb. 1999.

AD (S)
N.D.C. - P.C.W.
MEMORANDUM

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

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

2. In our earlier proposal, we have already explained to Cabinet Secretariat that on the basis of judgement of Hon'ble Court, the Cabinet Secretariat, have sanctioned ration allowance to Shri B.F. Saikia and other 157 non-executive personnel posted to ARC, Dooam-Dooma vide their order No. A-27011/4/96-Ex-II-1439 dated, 16.6.98. The Cabinet Secretariat, in turn, had referred the case to Integrated Finance Unit, who have observed that the non-executive personnel of ARC(Doom-Dooma), who are the applicants of OA No. 245/95 in CAT, Guwahati, are only drawing the ration allowance in accordance with the judgement of CAT and order issued by the Cabinet Secretariat, vide order dated, 16.6.98. The ration allowance is not admissible to the non-applicants of the OA. As such, the analogy cannot be considered as convincing reason and unable to support our proposal. However, we have again taken up the matter with the Cabinet Secretariat, whose decision is still awaited. The decision will be communicated to you as and when received.

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

To,

The Divisional Organiser,
AP, Itanagar.

Copy to:- For information:-

1. Divisional Organisers: NW/ Shillong/ NB/ SB/ NB/ R&G Division.
2. DIsG: TC Srohjan/Haflong/ Galdam/ Salonibari/Jammu.

Joint Deputy Director (EA)