

30/100

9

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./T.A No. 365/2001

R.A/C.P No.

E.P/M.A No.

1. Orders Sheet. OA-365/2001.....Pg. 1.....to 2.....
2. Judgment/Order dtd. 07/12/2001.....Pg. 1.....to 4..... Dismissed
Common order 14, 365/01
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A. 365/2001.....Pg. 1.....to 50.....
5. E.P/M.P. NIL.....Pg.to.....
6. R.A/C.P. NIL.....Pg.to.....
7. W.S. Filed by Respondents No 1 to 3.....Pg. 1.....to 5.....
8. Rejoinder.....Pg.to.....
9. Reply.....Pg.to.....
10. Any other Papers.....Pg.to.....
11. Memo of Appearance.....Pg.to.....
12. Additional Affidavit.....Pg.to.....
13. Written Arguments.....Pg.to.....
14. Amendment Reply by Respondents.....Pg.to.....
15. Amendment Reply filed by the Applicant.....Pg.to.....
16. Counter Reply.....Pg.to.....

SECTION OFFICER (Judl.)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI.

ORDERS SHEET

APPLICATION NO.

365 2001

Applicant (S)

H. N. Singh & ORS.

Respondant (S)

U.O. 1 & ORS

Advocate for the Applicant:

Mr. K. K. Phukan & S. Chakravorty

Advocate for the Respondant:

Case.

Notes of the Registry

Date

Order of the Tribunal

This application is in form
but not in the form of a
Petition is filed vide

Al. P. No. X C. F.

for K. K. Phukan, dated 69 788406

IPO/B. No. 89 548875

Dated 12-9-2001

Dy. Registrar

3 copies filed.

W. B. Me
01/9/2001

Notice prepared and sent to
DLS for issuing the Respondent
No 1 to 3 by Regd. A.D.

19/9/01

DINo 3525 W 3527

dt 19/9/01

① Service report are still
available.

24
11/10/01

12.9.01

After hearing Mr. K. K. Phukan, learned counsel
for the applicants and Mr. A. Deb Roy, learned Sr.
C.G.S.C for the respondents, the application is
admitted.

Issue usual notices. List on 12.10.2001 for
order.

K. C. Sharma

Member

12.10.01

Mr. B. C. Pathak, learned Addl. C.G.S.C
for the respondents stated that today he
has filed written statement. The subject
matter in this O.A. is similar to the one
in O.A. 14/2001. He prays that both the
matters be listed for hearing together.

List the case alongwith O.A. 14/2001
on 05.12.2001 for hearing.

K. C. Sharma
Member

bb

5/12

Heard Mr. K. K. Phukan, learned
counsel for the applicant &
Mr. B. C. Pathak, Addl. C.G.S.C. for
the respondent.

Hearing concluded.

Judgment reserved.

M. B. A. King

15.10.2001

WPS submitted
by the Repdts. No. 1 to 3.

7.12.01

Judgement and order pronounced in
the open court. kept in separate
sheets. The application is
dismissed. No order as to costs.

Member(J)

Member(A)

trd

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 14 of 2001
with

Original Application No. 365 of 2001

Date of decision : This the 08th day of December, 2001.

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

Hon'ble Mrs. Bharati Ray, Member (J).

O.A. No. 14 of 2001.

Shri Kshirode Chandra Bhattacharjee,
Private Secretary,
O/o the Divisional Organiser,
NA Division, SSB,
Tezpur & 21 Ors.

...Applicants

By Advocate Mr. K.K.Phukan, Mr. S.Chakraborty

-versus-

1. Union of India
Represented by the Cabinet Secretary
to the Government of India,
Department of Cabinet Affairs,
Bikanir House, Sahjahan Road
New Delhi.
2. Director General of Security
Block-V (East), R.K.Puram,
New Delhi.
3. Director, SSB Directorate,
East Block-V, R.K.Puram,
New Delhi.
4. Divisional Organiser, NAD, SSB,
Tezpur.
5. Divisional Organiser, SSB,
A.P.Division, Itanagar.
6. Deputy Inspector General,
Training Centre, SSB,
Salonibari.

...Respondents.

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

O.A. No. 365 of 2001.

Shri Harendra Narayan Singha
Area Organiser, SSB,
Kokrajhar & 6 Ors.

...Applicants

By Advocate Mr. K.K.Phukan

-versus-

Contd...

1. Union of India
Represented by the Secretary to
the Government of India,
Department of Home Affairs,
C.G.O. Complex, R.K.Puram,
New Delhi-110066.
2. Director General, S.S.B.
Ministry of Home Affairs
R.K.Puram,
New Delhi-110066.
3. Divisional Organiser, SSB,
N.A.O., Tezpur, Assam.

...Respondents

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

O R D E R

MRS. BHARATI RAY, MEMBER (J).

Similar questions arise for consideration in these two applications hence these are disposed of by common order.

All the 29 applicants are working in the department of Special service Bureau (for short SSB). They have filed these applications under Section 19 of the Administrative Tribunals Act, 1985 and were permitted to pursue these applications under the provision of Central Administrative Tribunal (Procedure) Rules, 1987.

It is the case of the applicants the the Cabinet Secretariat letter dated 18.12.1987 (Annexure 11 to the O.A. No.365/2001) addressed to the Director (Planning), Directorate General of Security informed that various concessions were granted to the staff of SSB, SFF, C.I.O.A. and Directorate of Accounts and the said concessions ^{were listed at Annexure I to the letter dated 18.12.97} and according to item 2 of Annexure-1 to the said letter ration allowance to the rank of Field Officers and below has been granted. It is the grievance of the applicants that although they are also entitled to Ration Allowance in the light of the Cabinet Secretariat letter dated 18.12.1987 but the same has not been granted to the applicants. The applicants made representation before

the authority but the same was not considered on the ground that applicants are the Gazetted Officers and the same was clarified vide letter issued under Memorandum dated 5.4.2000 (Annexure-XI to the OA). Being aggrieved by the said decision the applicants have filed this application seeking a direction to the respondents for granting ration allowance to the applicants as has been granted to the similarly situated person at Tezpur, SSB.

2. The respondents have contested the application by filing written statement. It is the stand of the respondents that this concession of Ration Allowance is authorised to the rank ^{of} Field officer and below only and the same is not authorised to civilian gazetted executive and non-executive employees. The representations of the applicants have been considered by the authority and replied on merits. It is also contended by the respondents that the Scheme issued by the Govt. of India issued under letter dated 18.12.1987 clearly stipulates that the concession of Ration Allowance has been granted to the executive staff up to the rank of Field Officers. It is also contended by the respondents that the case of the applicants is not at all covered by the decision rendered by this Tribunal as claimed by the applicants in para (viii) of the O.A. and the present application is devoid of merit and ^{is} liable to be dismissed.

3. The learned counsel for the applicants argued strongly on the point. Referring to the judgement passed by this Tribunal which is annexed as Annexure A to the O.A. and submitted that the case of the applicants are fully covered by those judgements and the applicants are therefore entitled to get the relief as prayed for in the application.

4. We have heard the learned counsel for the parties and perused the application, material papers on record and the written statement filed by the respondents. Concessions made at

2
serial No.2 in Annexure-I to the letter dtd 18.12.1987 is reproduced below :

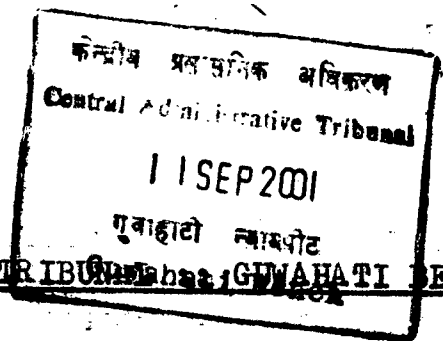
"Ration Allowance to the rank of Field Officers and below at the following rates excepting SSB personnel and Dy. Comdts/Coy Comdrs/Astt. Coy Comdrs of SFF and also those on deputation in the SFF from the Army."

From above, it is clear that the persons who are holding the post above the rank of Field Officer are not entitled to the Ration Allowance as provided for. After going through the judgment passed by the Tribunal (A-I collectively), it is found that applicants in those cases were working in the rank of Field Officer/below the rank of Field Officer.

5. Considering the above facts and judgment relied upon by the counsel for the applicants and Annexure I to the letter dated 18.12.1987 we are of the view that the Ration Allowance was granted to the personnel holding the rank of field officer and below. The applicants are holding the post above the rank of Field Officer, therefore the applicants are not entitled to the relief prayed for and there is no alternative but to dismiss the application. Accordingly the applications are dismissed. There, shall however be no order as to costs.

Sd/MEMBER(A)

Sd/MEMBER(J)



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI

O.A. NO. 365/2001

Shri Harendra Narayan Singh & Ors ... Applicants

versus

Union of India & ors.

... Respondent.

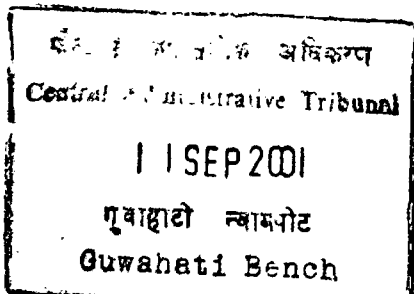
I N D E X

<u>Sl.No.</u>	<u>Particulars</u>	<u>Page No.</u>
1.	Application ...	1 to 14
2.	Verification ...	15
3.	Annexure-I ...	16
4.	Annexure-II ...	17 to 24
5.	Annexure-III ...	25
6.	Annexure-IV ...	26 to 38
7.	Annexure-V ...	39
8.	Annexure-VI ...	40
9.	Annexure-VII ...	41
10.	Annexure-VIII ...	42 to 43
12.	Annexure-IX ...	44 to 45
12.	Annexure-X ...	46
13.	Annexure-XI ...	47 to 49
14.	Annexure-XII ...	50
15.	Annexure-XIII ...	x
16.	Annexure-XIV ...	x
17.	Annexure-XV ...	x

Filed by

Swarajit Chakravarty

Advocate.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

GUWAHATI BENCH GUWAHATI

Filed by
The Applicants
Through
Sumanjit Chakravarty
Advocate

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

O.A. No. _____/2001

1. Shri Hatendra Narayan Singha
Area Organiser, S.S.B. Kokrajhar
2. Shri T.R. Gore,
Sub-Area Organiser, S.S.B.
Bongaigaon,
3. Shri P. Koch
Sub-Area Organiser S.S.B.
Kokrajhar,
4. Dr. C. Talukdar,
Vety. Officer S.S.B. CSA Gr-I(V)
Kokrajhar,
5. Shri A.K. Singh
Circle Organiser S.S.B.
Dhubri,
6. Shri S. Borah
Circle Organiser S.S.B.,
Mankachar,
7. Shri S. Adak,
Circle organiser S.S.B.
Bongaigaon,

Contd....2/-

(2)

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

....Applicants.

-Versus-

1. Union of India,
Represented by the Secretary to
the Govt, of India Department
of Home, Affairs, CGO Complex,
R.K.Puram, New Delhi-110066.
2. Director General S.S.B.
Ministry of Home Affairs
R.K.Puram, New Delhi-110066.
3. Divisional Organiser ,S.S.B.
N.A.O. Tezpur, Assam,

.....RESPONDENTS.

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATIONS IS
MADE.

Illegal and arbitrary action of the authorities in
not allowing to draw Ration Allowance although Ration
Allowances has already been granted to the executive,
non executive and all constabularised personnels.

2. JURISDICTION OF THE TRIBUNAL

THE Applicants declare that the subject matter of the
order against which they want redressal in within the
jurisdiction of the Hon'ble Tribunal.

Contd....3/-

(3)

3. LIMITATION.

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

4. FACTS OF THE CASE.

i) That the applicants hereof are all Gazetted Executive personnel serving in the Special Service Bureau (hereinafter referred to as SSB) at the disposal of the ~~Executive~~ Divisional Officer North Assam Division, Tezpur which is a Department Under the Secretary Home Affairs to the Govt, of India New Delhi w.e.f, 15/1/2001. It is pertinent to mention here that the aforesaid Department was under the Cabinet Secretary to the Govt, of India up to 14/1/2001,

A list of applicants giving details is enclosed as Annexure-1.

(7) ii) That the Applicants have a common grievance and interest in the matter in question and as such they are filling a common and single application ~~and~~ as much as the relief sought and, if granted to them will be equally applicable to all of them as they are similarly situated and in order to avoid multiplicity of litigations. As such the applicants crave leave of this Hon'ble Tribunal to allow to file a common and single applications as provided in Rule 4(5) (a) of the Central Administrative Tribunal (Procedure) Rules 1987.

Contd...4/-

(4)

- iii) That the Applicants respectfully state that the Govt. of India set up the Directorate General of Security (D.G.S.) in the year 1962 under the Administrative Control of the Cabinet Secretariate for some special purposes which is a multi-rola ,multi-disciplinary organisation comprising four agencies, viz Special Service Bureau (SSB) Aviation Research Centre ~~ARC~~ (ARC) Special Frontier Force (SSF) and Chief Inspectorate of Armaments (CIOA).
- iv) That the Applicants respectfully state that the Cabinet Secretariat, Vide letter No.A-27001/4/86-RA-II dtd. 18/12/87 addressed to the Director, Planning, Directorate, General of Security, informed that various concessions were granted to the staff of SSB, SSF, CIOA and Director of Accounts and the said concessions were listed in ANNEXURE-I in the said letter it was also mentioned that for some of the concessions, the various hardship locations had been categorised as 'B' and 'C' stations as mentioned in the ANNEXURE-II to the letter.

A Photocopy of the said letter dtd. 10/12/87

alongwith the Annexure are annexed herewith and marked as Annexure-II.

- v) That the applicants respectfully state that from the said letter and annexures, it would be ample clear that certain concessions were granted and in the instant case the concessions mentioned at Sl.2 i.e, Ration allowances would be relevant.

Contd...5/-

13

(5)

The ration allowance was granted to the ranks of Field officers and below to the personnel serving in the location categorised as 'B' and 'C' excepting SSB Bn. personnel and Deputy Commandants/Coy comdts/Asstt. Coy Comdts of SFF and also those on deputation in the SFF ~~in~~ from the Army.

- vi) That the applicant respectfully state that the Director, SSB, New Delhi vide order under Memo No. Tezpur No. 9/SSB/A2/96(1)NA-2766 dtd. 23/9/97 has categorised ~~Tezpur~~ Tezpur 'NA' Division as category 'B' station for the purpose of various concession such as Ration allowances hardship allowance, clothing etc. with effect from 23/9/97.

Copy of the aforesaid order dtd. 23/9/97
is annexed as Annexure-III.

- vii) That the applicants respectfully state that on declaration of Tezpur as category 'B' station the employees of the SSB serving at Tezpur became ~~eligible~~ eligible for getting ration allowances.

- viii) That the applicant respectfully state that the concerned authorities of both the SSB and ARC at first declined to grant the ration allowances to the non executive personnel. Thereafter the non-executive personnel of SSB and ARC filed numbers of ~~ex~~ O.A.s before this Hon'ble Tribunal Which were finally disposed off and the Hon'ble Tribunal was pleased to pass judgement and order directing the

Contd...6/-

(6)

respondents to grant ration allowances to all the non executive personnel.

Few photostate copies of the aforesaid Judgement and order are annexed as Annexure-IV series.

ix) That the applicants respectfully states that in pursuance to the Hon'ble Tribunal's order passed in different O.A.s the respondent concerned authorities by different orders granted ration allowance to the non-executive personnel including ministerial personnel of the S.S.B.

One photocopy of the memorandum dated 8/2/2000 granting ration allowances to the non-executive personnel is annexed as Annexure-V.

x) That the applicants respectfully state that vide different orders the Govt of India was pleased to accord the Extension of ration allowance to the non-executive personnel including Ministerial personnel of S.S.B. ,ARC posted at 'B' and 'C' station.

One photo copy of the aforesaid order is annexed as Annexure-VI.

xi) That the applicant respectfully state that vide order/letter under No.EA/S-Armed 2/76 New Delhi-110001, dated 24/2/1979 the Director, SS.B.Direttorate, regulate the ration allowance to the personnel of all

Contd....7/-

15

(7)

S.S.B. battalions and S.S.B. Coys. (both AP and Non AP of SSB). Accordingly from constable to commandants i.e, all combatised personnel of SSB have been granted ration allowances and the rate of ration allowance is revised vide order dtd. 27/10/99.

A ~~copy~~ photocopy of aforesaid order dtd. 24/2/79 granting ration allowance and the order dtd. 27/10/99 revising the rate of allowance are annexed as Annexure-VII & VIII respectively.

Xii) That the appellant respectfully states that vide order dtd. 4/5/2001 issued by the Director General S.S.B. specifically stated that the cabinet Secretariat vide No.A-49011/22/97-BA-11-1963 dtd. 11/06/1999 extended the single Chain of command system to the areas where double chain of command is in vogue to be implemented in a phased manner. Accordingly it is implemented and all administrative orders allocating stroke posts between group centre and Area Officers in the field units (including Training Centres, Divisional Head quarters and SSB Hqs, were withdrawn. As such the non-combatised personnel are become illegible for the benefits enjoyed by the combatized personnel.

Copy of the aforesaid order dtd. 4/5/2001 is annexed as Annexure-IX.

Contd....8/-

(9)

Xiii) That the applicants respectfully state that the Medical officers are all civilian central Govt. employees and governed by central Civil Service Rules in all purposes and they are not combatised personnel. But and they are also gazetted in Rank. They have been granted Ration allowance and other benefits/concessions as applicable to the other personnel of Training Centre solonibari vide order dtd. 12/10/2000 issued under Memo No. A-27011/6/92-EA.11.3239 issued by the Deputy Secretary, Cabinet Secretariate Govt. of India.

Copy of the aforesaid order dtd. 12/10/2000 is annexed as Annexure-X.

xiv) That the applicant respectfully states that though under the circumstances stated above they are entitled to Ration allowances the authorities have not granted the same to the applicant. The applicants submitted representations before the authorities individually for granting ration Allowances admissible to them But the same was not considered only on the ground that the applicants are Gazetted officers and the same was clarified by the SSB Directorate vide letter issued under memo No. 9/SSB/A-2/86(1)NA-997 dt. 5/4/2000. It is also stated that But the representation was not forwarded to the SSB Directorate by the concerned Head Quarter i.e., N.A.D. Tezpur due to clarification of SSB Directorate issued under Memo NO. 9/SSB/A-2/86(1)NA-997 dt. 5/4/2000 whereby the

Contd....9/-

(9)

S.S.B. Directorate clarified that the Ration Allowances is not admissible to the Gazetted officers.

The memorandums issued in reply to the representation of the applicants are annexed as Annexure-XI series.

xv) That the applicants respectfully state that the vide Memorandum dtd. 16/7/1985 the ~~Asstt.~~ Asstt.

Director, SSB Directorate wrote to the Commandant Group Centre, Ramdanga that the Gazetted officers of the SSB Group Centre are entitled to draw Ration Allowances at Army Rates as per cabinet secretariate Sanction No. EA/S-Armed.2/76 dtd. 24/2/79 p In the said memorandum it is also stated that as the Ration Allowance to the Gazetted officers of the SSB Group Centres is authorised by the Directorate of Accounts, they may please be asked to authorised the same at the rates allowed to Army officers from time to time and the copy of the said memorandum was forwarded to the ~~Directorate~~ Divisional organiser North Assam and the commandant G.C. Barpeta Road for similar action.

Copy of the foresaid memorandum dtd.

16/7/1985 is annexed as Annexure-XII.

Contd.... 10/-

(10)

xvi) That the applicant respectfully states that inspite of clear instructions/circular/memorandum the ration allowances has not been granted to the applicants As a result of which the applicants have been deprived from their legitimate due.

xvii) That the applicants respectfully states that the Special Duty allowances which is granted to Central Govt. civilian employees posted in N.E. Region vide Ministry of finance Memo No. 200/14/83/E-IV dtd. 14/12/83 is also being paid to the combatised personnel of GCS/TCS treating them as Civilian Central Govt. employees. The GC officers are getting both the benefits i.e, the special Duty allowances sanctioned for civilian employees and other Ration Allowances sanctioned for combatised personnel. Therefore it is seen that while the GC/TC officers are granted the allowances sanctioned for civilian employees the civilian officers of the same organisation ~~in fact~~ i.e, the applicants are being deprived of the benefit of the Ration Allowances.

Xviii) That the applicants respectfully/ submits that all civilian central Govt. ~~employees~~ employees (Executive and non-executive) and GC personnel (Gazetted and non-Gazetted) except the applicants the Gazetted the benefit of Ration Allowances in

Contd....11/-

19

(11)

the SSB organisation. As such this is a clear discrimination amongst the ~~the~~ fellow-employees of the SSB organisation posted in category B stations like Tezpur, Salonibari etc and the acts of the respondents violated the Articles 14 and 16 of the Constitution of India.

- xix) That the applicants respectfully submit that they are entitled to Ration Allowances on ~~Reasonable~~ declaration of the Tezpur as 'B' station with effect from 23/9/97 as well as vide memorandum dtd. 16/7/1985 (Annexure-xii) But by not granting the same the respondent authority acted illegally and without any authority.
- xx) That the applicants respectfully submit that the Similarly situated persons have been granted the Ration Allowances However, the applicants have been deprived of the same. As such the acts of the respondents by not granting the Ration Allowances the applicants are illegal arbitrary discriminatory, unfair, unjust and violative of the legal and fundamental Rights of the applicants and this is a fit case where in your Lordships can invoke jurisdiction by directing the respondents to grant Ration Allowances admissible to the applicants.
- Handwritten signature/initials*

Contd...12/-

xxi) That the applicants respectfully submit that the non-executive personnel below the rank of field officers were also not granted Ration Allowances . But on the directions of this Hon'ble Tribunal passed in numbers of I.A.S. as stated above the Ration Allowances was granted to them, As such it is clear that the persons who are not coming to the court for redressal of their grievances they are not granted Ration Allowances which compelled the applicants to approach the Hon'ble Tribunal for a direction to the respondent authorities to grant Ration allowance to the applicants.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS.

i) For that the action of the authorities in denying the Ration Allowances to the applicants only for that they are gazetted officers is illegal, arbitrary and highly discriminatory and as such this is a fit case where this Hon'ble Tribunal will exercise jurisdiction and grant relief.

ii) For that the applicants have been discriminated against in not allowing the benefit of Ration Allowances although they are similarly situated with those of the Civilian Central Govt. employees such as Medical officers etc. or combatised personnel (Gazetted) such as Asstt. Commandant Deputy Commandant at posted at G.C.s/T.C.s who have been granted the benefit of ration allowances .As such

Comyd.....13/-

21

(13)

the action of the authorities is bad in law and liable to be set aside.

- iii) For that since similarly situated persons of the ARC Doondooma, Numaligarh, TC Salonibari, SSB Itanagar and Tezpur have been granted ration allowance, the applicants are entitled to ration allowances and since the same has not been granted to them, the applicants have been seriously discriminated against, resulting in violation of the provisions of Articles 14 and 16 of the Constitution of India.

6. DETAILS OF THE REMEDIES EXHAUSTED.

The applicants had already submitted representations to the competent authorities but nothing tangible has been done so far .

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 authorities or any such applications, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT :

It is therefore most respectfully prayed that your Lordship would be pleased to admit this application call for the entire records of the case, ask the

Contd,...14/-

(14)

respondents to show cause as to why the applicants should not be granted the benefit of Ration allowance with effect from 23/9/97 to the applicants as has been granted to others who are similarly situated persons and after perusing the cause or causes shown if any and after hearing the parties, direct that in view of the facts and circumstances of the case, the applicants be granted Ration Allowance, as admissible and as has been granted to the similarly situated persons of SSB Tezpur and/or pass any other order/orders as your Lordships may deem fit and proper.

9. INTERIM ORDER .IF ANY PRAYED FOR .

N I L

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

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

12. LIST OF ENCLOSURES.

As stated in the index.

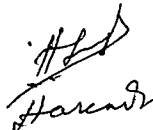
Contd....Verification...15/-

(15)

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

I Shri Harendra Narayan Singha aged about 53 years, at present working as Area organiser SSB, Kokrajhar, do hereby solemnly affirm and state that I am one of the applicants in the accompanying application and the contents of paragraphs 4(i, ii, iii, v, vii, xiv, xvi, xvii, xviii, xix, xx, xxi) of the said application including those of this verification are true to the best of my knowledge and belief and those of paragraphs 4(iv, vi, viii, ix, x, xi, xii, xiii, xv) being the matters of records are true to the best of my information and I being one of the applicants have been authorised by other applicants to sign the verification on behalf of them.

And I do hereby verify and sign this verification on this the 9 th day of September, 2001 at Guwahati.


Harendra Narayan Singha
SIGNATURE OF THE APPLICANT.

LIST OF APPLICANTS

24

Sl. No.	Name of officer	Designation	Place of Posting	With effect from
1	2	3	4	5
1.	Shri Milan Kakoti	Joint Area	North Kamrup	
		Organiser, SSB, Area.		
1.	Shri H.N. Singha	Area Organiser, Bomdila Area SSB,	(A.P.) Kokrajhar	1.1.1998 to 3.10.2000 13.10.2000
2.	Shri T.R. Gore,	Sub-Area Organiser SSB .	Bongaigaon	1.6.1998.
3.	Shri P. Koch	Sub-Area Organiser SSB	Mongaldoi Kokrajhar	19.1.94 to 23.6.97 3.7.97
4.	Dr. C. Talukdar	Vety. Officer, SSB CAS Gr- I(v)	Kokrajhar	4.5.1998
5.	Shri A.K. Singh	Circle Organiser, SSB.	Dhubri	11.9.1997
6.	Shri S. Borah	Circle Organiser, SSB	Hankachar	11.10.1999
7.	Shri S. Adak	Circle Organiser, SSB.	Bongaigaon	13.4.1998.

attested
S. Chakravarty
Advocate

- 17 -

Annexure - I

Annexure - I

NO. A.27011/4/86-EA-II
Government of India,
Cabinet Secretariat,
Bikaner House (Annexe),
Shahjahan Road,
New Delhi.

Annexure - I

New Delhi, the 18.12.87.

10

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

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

Sir,

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

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

3. For some of the concessions the various hardship locations have been categorised as 'B' & 'C' stations as indicated in Annexure-II to this letter. However, if the Heads of the Departments feel at certain times that certain locations or assignments have become specially hazardous and there is a specific increase in the threat to the personnel and/or premises, they can determine on merits the criteria of hardship and the period for which such locations may be categorised as belonging to category 'B' & 'C' stations after recording the reasons in writing.

4. For the purpose of House Rent Allowance concessions to the various categories of staff, the equation of posts as listed in Annexure-'A' to the Cabinet Secretariat's Order No. A-11016/6/86-DO-1, dated 28.10.86, will also be applicable in respect of the staff of SSB, SFF, CIOA and Directorate of

18.12.87

attested
S. Chakravarty
Secy.

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5. This issues with the concurrence of the Ministry of Finance vide their U.O. No. S-1428/SE/87 dated 10.8.87 read with UO No. 1151/Dir.FI (S)/31, dated 2nd Dec.1987.

Yours faithfully

Sd/-

(R.K. GANGAR)

DEPUTY SECRETARY(SR)

Encl: Annexure-1 & II.

Copy to :-

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

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

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

Dated : 20/11/97

Copy to :-

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

Sd/- illegible

AREA ORGANISER (S)

DIV. II DR5, SSB, ITANAGAR.

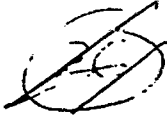
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ANNEXURE - I

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

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

- 1) Hardship Allowance
A hardship allowance @ Rs. 25% of basic pay subject to maximum of Rs. 400/- p.m. in respect of category 'C' and 12.5% of basic pay subject to maximum of Rs. 200/- p.m. to category 'B' stations other than those situated in the North-Eastern region.
Andaman & Nicobar Islands and Lakshadweep, 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.
- 2) Ration Allowance
Ration Allowance to the rank of Field Officers and below at the following rates excepting SSB Bn. personnel and Dy. Comdts/Dep. Comdts/Asst. Dep. Comdts of SFF and also those on deputation in the SFF from the Army:-



1	2	3	4
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Location

Rates

- i) Category 'B' Stations As admissible from time to time in the Border Security Force in peace areas.
- ii) Category 'C' Stations As admissible from time to time in the BSF in operational areas.

3) Clothing

i) A non-refundable clothing grant of Rs. 3000/- for staff other than SSB En. personnel and Dy. Comdts/Coy. Comdts/Asstt. Coy. Comdts of SFF and also those on deputation in the SFF from the Army, posted in Category B & C stations and located at or higher than 3000 Mtrs. above MSL and Rs. 2000/- for staff posted at category B&C stations and located between 1500 and 3000 Mtrs. above MSL as a one time grant.

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

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

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

(iii) The Head of the Organisations at their own discretion within approved parameters, can classify any location as belonging to category 'B' & 'C' station for the purpose of clothing grant (Though on the basis of height alone it may not so qualify) based on other factors such as severe

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4. Special TA/DA

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

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

5. Leave Travel Concession.

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

climate etc. (e.g. in a narrow valley). The Head of the Organisation will get approved, well in advance, from the Cabinet Sectt., the parameters for declaring any location as equivalent to the category 'B' & 'C' stations.

In case the employees posted at category 'B' & 'C' locations has already availed the LTC for the block year 1986-87 before issue of this order, that concession will be treated as pertaining to the calendar year, 1986.

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ii) In case of death, serious illness or marriage of a family member, where the family resides separately, the employees will be entitled to 50% of the 1st rail fare of the entitled class for travel to place of residence of the family. If the employees are to travel more than 50 Kms. by road either at the end of the journey, full bus fare for this journey will also be reimbursed.

6. Journey time while proceeding on leave.

Employees posted in category 'B' & 'C' stations 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' & '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.Comdts/Asstt.Coy.Comdts of SFF and also those on deputation in the SFF from the Army.

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8. Cash compensation for work on holidays

Cash compensation for work on holiday as admissible to the staff of the executive cadre upto the rank of Field Officers, in the IB & RRAW, will be admissible to personal Assistants, Stenographers and other staff of Telecom, Cipher and M.T. cadres, who are drawing basic pay of Rs. 900/- (pre-revised) and below are not entitled to overtime allowance.

9. Government transport

Government transport will be provided to the staff engaged in night shifts for picking them up and to enable them to return to their residence.

10. Security allowance to Ministerial, Secretarial and Accounts Cadres.

Security allowance at the following rates is sanctioned to the following category of the staff working in Top Secret Branches subject to a maximum of 15% in each Grade:-

<u>Designation</u>	<u>Amount</u>
i) L.D.C.	Rs. 20/- p.m.
ii) Steno.Gr.III/UDC	Rs. 30/- p.m.
iii) Steno.Gr.II/Assistant	Rs. 50/- p.m.
iv) Section officer/private Secretary/Sr.P.A.	Rs. 100/- p.m.
v) Assistant Director/Area Organiser/Dy.Director of Accounts.	Rs. 200/- p.m.

.....

NCE

12/9/97

9/29/97

No. 9/SSB/A2/96(1)-NA.2766
Directorate General of Security,
Office of the Director, SSB,
East Block, V, R.K. Puram,
New Delhi-110065.

Dated, the 23 Sept. 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, 13.12.97, the sanction of the Director SSB is hereby conveyed to the classification of 'Tezpur' NA Division as Category 'B' station for the purpose of various concession as mentioned in Annexure I (other than clothing grant) of the above quoted Cab. Secretariat letter dated, 13.12.97 for a period of 3 years (three) with effect from the date of issue of the order.

(Signature)
12/10/97
(K. N. SINHA)
ASSISTANT DIRECTOR (EA)

Copy to:-

1. The Director of Accounts, Cab. Secretariat, R.K. Puram, New Delhi. (2 copies)
2. Divisional Officer, NA Division.
3. DCS: UP/MP/J&K/R&G/BE/SB/AP/Shillong/AN D.Vn.
4. DIGs: B&G/Gwalior/TO Shillong/Saranan/Kumarsain/ T.C. Jammu.
5. CSO, Jammu/TO Jammu.
6. Accounts Officer, SSB Dto. (2 copies).
7. A1/A2/E1/E2/ Jammu SSB Dto.
8. Office.

(Signature)
S. Chakravarty
Addl.

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. Sanglyine, Administrative Member.

Shri H. Venugopal and 69 others

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

Applicants.

By Advocate Shri G.N. Das.

- Versus -

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

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

ORDER

G.L. SANGLYINE, ADMN. MEMBER,

All these 70 applicants in this Original Application are employees in the Special Service Bureau (SSB for short), Itanagar, Arunachal Pradesh. They were permitted to pursue this Original Application jointly under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules 1987. Ration allowance was granted to the personnel of the rank of Field Officers and below serving in the locations categorised as 'B' and 'C'. The applicants stated that they are in the rank of Field Officers and below. By order dated 8.11.1994 certain stations in Arunachal Pradesh were classified as category 'B' and 'C' stations for the purpose of various concessions granted to the employees. In the said order Itanagar was categorised as 'B' station and its categorisation was renewed for a further period of 3 years with effect from 8.11.1998. They claim that consequent to the categorisation of Itanagar station as a 'B' station the

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allotted
S. Chatterjee
Adv

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

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

3. I have heard learned counsel of both sides. Mr G.N.Das, learned counsel for the applicants submitted that according to the 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. Basumatary, learned Addl. C.G.S.C for the respondents did not dispute the contention of Mr Das.

I have perused the application as well as the judgments in the 3 Original Applications relied on by the learned counsel for the applicants, particularly judgment at para 4 of the order dated 14.6.1996 and judgment at para 3 of the order dated 21.4.1999 in which detail discussions and reasons for allowing payment of ration allowance in those cases had been recorded. I am of the view that the applicants in the O.A. presently under consideration are similarly situated with the applicants in those cases and the judgments in those O.As covered the case of the applicants in the present O.A.

I therefore direct the respondents to pay ration allowance to the applicants with effect from the date the allowance became admissible to Itanagar on the strength of order dated 8.11.1994 and subsequent orders extending payment of the allowance or from the date of their actual posting in Itanagar, whichever is later. The payment of the arrear amount as admissible to each applicant shall be made by the respondents within 90 days from the date of receipt of this order.

Application is disposed of. No order as to costs.

Sd/-
Member (A)

Certified to be true Copy

16/9/99

Received Office (A)

Com. Secy. to Govt. of India

Ministry of Defence

Govt. of India

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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 P.C. Verma, Member (J),

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

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

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,
Doomdoooma.

Respondents.

5. Deputy Director,
Aviation Research Centre,
Doomdoooma.

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

O R D E R

G.L. SANGLYINE, MEMBER (A)

The applicants are employees of the Aviation Research Centre, Doomdoooma (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 classif

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affd
S. Chakravarty
Adv.

14.6.96.

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Doom Doona as a Category B station with effect from 22.2.1994.
2. Annexure IV to this O.A., namely No.A.27011/4/86...

EA-II (A) dated 6.12.1987 conveyed the sanction of the President to the grant of additional concessions mentioned in the Annexure thereto to the various categories of the staff of ARC except those on deputation from the Indian Air Force. According to the Annexure Ration Allowance at the rate admissible in the BSF in peace areas is admissible upto the rank of F.O and below in category B areas of ARC.

The applicants had requested the authorities concerned to allow them the Ration Allowance but this was declined by the authorities. Hence this Original Application under Section 1 of Administrative Tribunals Act, 1985.

3. 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 not given 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 Mr. S. J. G.S.C., submitted that the applicants have made the claim on a wrong notion that Government had equated various non-executive posts with different executive cadres for all concessions. The fact however remains that the Equation of posts vide order No.A-11016/6/86-DOI dated 28.10.1986 (Annexure-III) is for the purpose of House Rent Allowance only. Further, the concession of Ration Allowance has been extended to the employees of junior executive cadre only upto the rank of field officer on the analogy of the Junior Executive Staff, of R & AW and the applicants who do not fall in this category cannot get the benefit of Ration Allowance. Mr. G.K. Bhattacharya submitted that

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this ground taken by the respondents is not tenable as in the case of Intelligence Bureau the Ration Allowance was allowed to the non-executive staff also and when the allowance was stopped to be paid applications were submitted before the Central Administrative Tribunal and the payment of Ration Allowance was restored. In this connection he has referred to the orders in the O.A. of 163 of 1991 and No. 179/91 of this Bench.

4. We have perused the records and heard the counsel of the parties in this S.A. Letter No.A-49011/8/86-Do.1(B) dated 10.5.1986 shows that the President is pleased to sanction 8(eight) concessions to the various categories of Staff of ARC. One of the concessions is House Rent Allowance and it has been stated that House Rent Allowance admissible to the Executive Cadre will be admissible to the personnel of other cadres also of corresponding levels. Consequently equation of posts was ordered by the order No.A-11016/6/86-DOI dated 28.10.1986 exclusively for the purpose of payment of House Rent Allowance. Under this order the applicant was entitled to draw House rent allowance. Under letter No.A.27011/4/86-EA-11(A) dated 6.12.1987 Additional Concessions were granted and one of them was Ration Allowance to the various categories of the staff of ARC. The claim of the respondents is that since there is no equation of posts in respect of Ration Allowance this allowance cannot be granted to the applicants who ~~are~~ are non-executive staff. We are not impressed by such stand of the respondents. Unlike in the case of granting House Rent Allowance for the purpose of granting Ration Allowance such equation of posts is not required by the authorising letters. This position is clear from the

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the following: -

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Sl. No.	Nature of the concession	Extent of the Concession granted	Remarks				
1	2	3	4				
	(A) <u>Ration Allowance</u>	<p>Ration allowance upto the rank of FO and below at the following rates:-</p> <table border="1"> <thead> <tr> <th>Location</th> <th>Rates</th> </tr> </thead> <tbody> <tr> <td>(1) <u>Category-B stations</u></td> <td>As admissible from time to time in the Border Security Force in peace areas.</td> </tr> </tbody> </table>	Location	Rates	(1) <u>Category-B stations</u>	As admissible from time to time in the Border Security Force in peace areas.	
Location	Rates						
(1) <u>Category-B stations</u>	As admissible from time to time in the Border Security Force in peace areas.						
	(B) <u>House Rent Allowance</u>	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 O.A. 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 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 order. Ration Allowance was paid to the non-executive staff of the Intelligence Bureau but the payment was stopped in 1991. This Tribunal in the order dated 17.12.1993 (to which one of us was party) after discussion and relying on the order dated 27.9.93 of the Central Administrative Tribunal, Chandigarh Bench, Circuit at Jammu in O.A.No.381/JK/92 had held that Ration Allowance was admissible to the applicants in those two O.As. The facts in those two O.As and of the present O.A. insofar as they relate

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

The application is allowed. No order as to costs.

Sd/- Member (A)

Sd/- Member (B)

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 228 of 1998.

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

Shri G.L. Sanglyine. Administrative Member.

Shri Kiran, Shankar Deb & 59 others

Applicants.

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

By Advocate Sri G.N. Das.

Versus

1. Union of India
represented by the Cabinet Secretary,
Department of Cabinet Affairs
New Delhi.
2. Directorate General of Security,
Block-V (East), R.K. Puram,
New Delhi-66.
3. Director,
Aviation Research Centre,
Block-V (East),
R.K. Puram, New Delhi-66.
4. Deputy Director,
Aviation Research Centre,
Doomdooma, District Tinsukia.

Respondents.

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

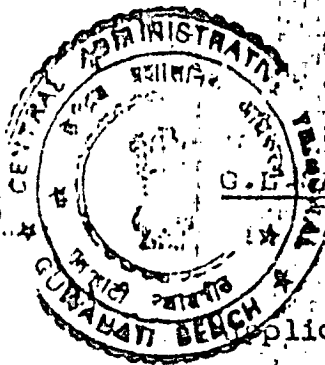
O R D E R

G. L. SANGLYINE, ADMN. MEMBER.

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

2. The applicants are employees of Aviation Research Centre (ARC for short), Doomdooma in various categories. In this application they prayed that Ration Allowance be granted to them with effect from 22.2.1994 as admissible and as has been granted to similarly situated employees of

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affd
S. Chakravarty
Adv.

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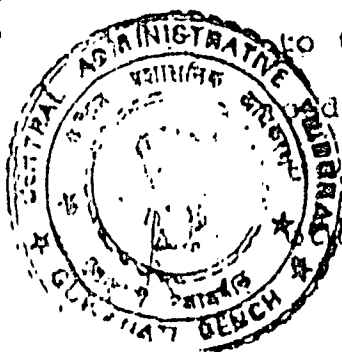
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the ARC pursuant to the order of the Tribunal dated 14.6.1996 passed in O.A. 245/95 and order dated 17.7.1998 passed in O.A. No.89/96. The respondents have contested the application and submitted written statement. According to the respondents the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

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

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

The application is allowed. No order as to costs.

Sd/- Member (A)

Certified to be true Copy

प्रमाणित प्रतिलिपि

Section Officer (J)

अध्यापक (अ) / सहायक अध्यापक

Central Board of Secondary Education

राष्ट्रीय माध्यमिक शिक्षा बोर्ड

Gwalior Bench, Gwalior

गुवालीर बेंच, गुवालीर

23/4/99



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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 353 of 1999

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

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

Shri Tua Ram Gogoi and 53 others Applicants

All the applicants are employees of the
Special Service Bureau,
North Assam Division, Tezpur, Assam.

By Advocates Mr K.K. Phukan and
Mr M. Sarania.

- versus -

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

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

3. The Director, S.S.B.,
East Block-V, R.K. Puram,
New Delhi.

4. The Divisional Organiser, S.S.B.,
North Assam Division,
Tezpur, Assam.

..... Respondents

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

O R D E R

BARUAH.J. (V.C.)

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

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

att A-2
S. Chakravarty
Adv.

Jb

pite of several requests and demands the
refused to pay Ration Allowance to them.
application.

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

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

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

TRUE COPY

Deputy Registrar (G)
Central Administrative Tribunal
Gwahat Benchi

Sd/-VICE CHAIRMAN

- 39 - Annexure V
IMMEDIATE

No. 30/SSB/A-2/97(17)-485-528
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
OFFICE OF THE DIRECTOR : SSB
EAST BLOCK - V. R.K. PURAM
NEW DELHI - 110066.

DATED THE, 08/02/2001

MEMORANDUM

Subject:- Grant of Ration Money allowance to the Non-Executive personnel including ministerial personnel of SSB.

-.-.-

Cabinet Secretariat vide their order No.A-49011/2/2000-DO-I(Vol.II)-99 dated 30/01/2001 have sanctioned Ration Money Allowance to the non-executive personnel including ministerial personnel of SSB posted to category 'B' and 'C' stations. A copy of the Cabinet Secretariat order dated 30/01/2001 refer to above is enclosed.

2. All non-executive personnel including ministerial personnel holding non-gazetted posts and posted to category 'B' and 'C' stations declared vide this Directorate order No.30/SSB/A-2/97(17) dated 01/11/2000 are entitled to draw ration allowance w.e.f. 30/01/2001.

Encls: As above.

(S.S. BORA)
JOINT DEPUTY DIRECTOR(EA)

To

1. D.O. : HP/UP/J&K/R&G/SB/NB/AP/NA/Shillong/M&N Division.
2. DisG : FA Gwaldam/TC Sarahan/Haflong/Jammu/Salonibari/Kumarsain.
3. Commandant, CSD 'W' Bhopal/TC Faridabad.
4. Accounts Officer, SSB.
5. AI/A4/E1/E2 branches.
6. Order File.

attested
S. Chakravarty
Adv.

Government of India
Cabinet Secretariat
Bikaner House Annex

Shahjahan Road
New Delhi, the

ORDER

130 1331 2991

Sanction of the President is hereby accorded to the extension of the Ration Money Allowance at the specified rates to the non-executive personnel, including the Ministerial personnel of Special Service Bureau, Aviation Research Centre (Directorate General of Security) posted at 'B' & 'C' Stations on par with the position prevailing in R&AW and in terms of para 2(ii) of the Ministry of Finance OM No.50(4)/97-IC dated 11/01/2000.

2. Special Service Bureau/Aviation Research Centre is requested to comply with the above orders of the Government. The Ration Allowance will consequently be admissible only prospectively based on the review undertaken for the purpose. The revised orders relating to the classification of stations should also be issued simultaneously along with the orders relating to the Ration Allowance.

3. No additional Budgetary provisions will be agreed to on account of liberalization.

4. This issues with the approval of Ministry of Finance (Department of Expenditure) vide their UO No 50(4)/97-IC dated 30.01.2001.

Mukul Chatterjee

(Mukul Chatterjee)
Deputy Secretary to the Government of India

Copy to:-

1. Director, SSB.
2. Director, ARC. [ARC may critically review the justification and necessity for the continued categorization of the stations as 'B' & 'C' as has already been done by R&AW/SSB under intimation to this Secretariat.]
3. Director of Accounts, Cabinet Secretariat.
4. Director(F/S).
5. US(SR)
6. SO/EA-II.
7. Guard file.

advised
S. Chatterjee
Adv.

VII

CABINET SECRETARIAT
SOUTH BLOCK

No. EA/S-Armed-2/76 NEW DELHI-110001, the 24 FEB, 1979

Shri T.M.Subramaniam,
Director, S.S.B. Directorate,
New Delhi.

Subject: Terms and conditions governing SSB Battalions and
SSB Coys personnel - grant of free ration or ration
allowance in lieu thereof.

Sir, I am directed to refer to the correspondence resting
with SSB Directorate UC No. 1/1/76-SSB/E-2 dated 13.6.1978 on
the subject mentioned above and to state that in modification
of the existing orders contained in para-3 of the Cabinet
Secretariat letter No. EA/S-Armed-65/68 dated 8.4.1968 as
amended from time to time (in respect of non-NEFA Battalions),
and of the Cabinet Secretariat letter No. EA/S-Armed-9/63 dt.
29.11.1967 (in respect of NEFA Bns), and para 6 of No. EA/SP-
66/74 dated 22.1.1975 (in respect of Manipur and Tripura Coys)
and to convey the sanction of the President to regulate the
concession of free ration or ration allowance in lieu thereof
to the personnel of all SSB Battalions and SSB Coys (both AP and
Non-AP of SSB) as under:

- 1) Free ration or ration allowance at Army scale
prevailing in that area for personnel posted in the
hill areas of Uttar Pradesh, Himachal Pradesh, Punjab,
Ladakh and in Arunachal Pradesh and in Sub-Divisions
of Darjeeling, Kurseong and Kalimpong;
- 11) Free ration or ration allowance at Army scale for
personnel posted in the belt extending upto 30 miles
from the International border in West Bengal and
Assam and J&K (except Ladakh), Meghalaya, Sikkim,
Tripura and Manipur; *and Mizoram;
- 111) Free ration or ration allowance at 2/3 of Army scale
for personnel posted in the belt extending from 30-60
miles of International Border in West Bengal, Assam,
J&K (except Ladakh), Meghalaya, Sikkim, Tripura and
Manipur; *and Mizoram;

2. These orders take effect from the date of their issue.
Cases of grant of free rations or ration allowance in lieu
thereof, if regulated otherwise in the past, will not be
re-opened.

3. This issues with the concurrence of the Ministry of
Finance vide their UC No. 153-CFA(S)/79 dated 2.2.1979.

Yours faithfully,
S/-
(SURJEET SINGH) 25/2/79
DIRECTOR(S)

Copy to:

1. Shri S.K.Mukherjee, D.O., SSB Dto., New Delhi.
2. Shri R.Sarma, D.A.C.S., New Delhi.
3. Shri A.K.Lal, I.F.A., w.r.t. his Dy.No.IFV/415
dt. 17.1.1979.
4. Guard file.

NB. *(words 'and Mizoram' added vide amdt.dt.26.4.89)

allotted
S. Chakravarty
HLL

- 42 -

Annexure-VIII

30

12807

260

No. 1/5/96-SSB/E.2/Vol.II - 2867
Directorate General of Security
Office of the Director : SSB
Block No. V (East), R.K.Puram,
New Delhi - 110066.

Dated the 27/10/99

MEMORANDUM:

Sub:

GRANT OF RATION MONEY TO THE COMBATISED
PERSONNEL OF SSB.

Reference SSB Directorate Memorandum
No. 1/5/96-SSB/E.II/Vol.II dated 11.3.99 on the subject.

2. A copy of MHA order No. PAD/9/27/98/IA/RSF/
PF.II dated 12.8.99 revising existing rate of Rs. 612/- PM
to Rs. 614/- PM w.e.f. 01.4.99 is forwarded for necessary
action please.

Rt. Hon.
Ministry of

Encl: 1 (One)

(DALEEP TANDON
COMMANDANT (EB)

Distribution:

1. DACS (Coord Wing) East Block-IX, R.K.Puram, New Delhi-66
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2. DOS : HP, UP, J&K, R&G, SB, NBS, NA, MP, MGN & SHG Divisions.
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Gwaldam/Sarahan/Haflong/CSD&Workshop Bhopal.
4. Commandants : Dharampur/Delhi/Shamshi/Sapri/Srinagar/
Almora/Chamma/Falakata/Ranidanga/Sikkim/
Ronggaigaon/Debendranagar/Dirang/Basar/
Tezu/Manipur/Dhuj/Sriganganagar/Jamnagar/
Barasat/Jaisalmer/Aizwal/Lunglei/Krishnagar
Raiganj/Kohima/Mokokchung/Haflong/Tripura/
Leh/Sunderbani/Jammu.
5. Asstt. Director (NGO), ARC Directorate, New Delhi.
6. The Asstt. Director(EA)/Accounts Officer, SSB Dte.
7. G.Fs/SOs Folder/F.No. 1/4/82-SSB/E.2. 10/2/83-E.IX
& No. 1/4/92-SSB/E.2.
8. SOs N.I. A.2 & A.4

P70

att. to D. 1/5/96
S. Chandra
Adv.

No. PAD/9/27/98/IA/BSF/DF.II
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya

.....

New Delhi the 12th Aug, 1999.

To

- | | |
|---|---|
| 1. The Director General
Border Security Force
New Delhi-110003. | 4. The Director General
CISF, New Delhi-110003 |
| 2. The Director General
CRPF, New Delhi-110003 | 5. The Director,
I.B., New Delhi |
| 3. The Director General
ITBP, New Delhi-110003 | 6. Dy.C.P. (HQ)
Police Headquarters.
New Delhi. |

Sub: Ration Money Allowance to personnel of Central
Para Military Forces.

Sir,

In continuation of this Ministry letter No. PAD/9/27/98/IA/BSF/157 dated 17th May, 99 on the subject cited above. I am directed to convey the sanction of the President to the Government contribution towards ration money allowance payable to combatised non-gazetted personnel of BSF, CRPF, ITBP, CISF, based on a daily requirement of 3950 calories as applicable to Army personnel when they are deployed alongside the Army/ahead of the Army of International border of the line of actual control/under Ops control of the Army, being fixed at Rs. 792/- (Rupees seven hundred ninety two only) w.e.f. 1.4.99 till further orders. All other conditions will remain unchanged.

2. As regards Ration Money Allowance for officers of CPMF upto the rank of Pn Comdr. the same could not be worked out due to non-finalisation of the same in WMC's Branch, Army HQrs. However, pending revision of RMA officers upto Pn Comdr of CPMF may continue to draw the existing rate of ration money allowance admissible w.e.f. 1.9.98 for the time being.

3. Ration Money Allowance based on a daily requirement of 2900 calories being fixed at Rs. 614/- (Rupees six hundred fourteen only) to all the non-gazetted CPMF personnel deployed on duties as laid down in the existing instructions. The expenditure shall be made by CPMF from out of respective budget grant.

4. This issues with the concurrence of IPD vide their Dy. No. 1310/99-Fin.III dated 21.7.99.

Yours faithfully,
Sd/- illegible
(Neeraj Kataria)
Desk Officer.

Copy to :

1. DADR, New Delhi
2. PAD BSF/CRPF/ITBP/CISF, New Delhi
3. Controller of Accounts, MHA, New Delhi
4. Fin.III/PP.II/PP.III/PP.IV/PP.V/PP.I/Bud.I, Desks, MHA.
5. DG Supply and Transport, Army HQrs, New Delhi
6. Ministry of Defence, Sena Bhavan, New Delhi
7. JS(UP)-for such action as is deemed necessary in respect of Delhi Police.

Sd/- illegible
(Neeraj Kataria)
Desk Officer.

44

Annexure IX



5

hals

11

SE
15/5

No. 30/SSB/A2/99(12)15/7-30
Ministry of Home Affairs,
Office of Director General, SSB
Govt. of India,
East Block-V, R.K. Puram,
New Delhi-110066.

Dated, 4th May 2001

ORDER

Cabinet Secretariat vide their No.

A-49011/22/97-EA-II-1963 dated 11.06.1999 extended the Single Chain of Command system to the Areas where double chain of command is in vogue, to be implemented in a phased manner. For implementing the same, the administrative orders issued from time to time, allocating stroke posts between Group Centres and Area officers in the field units (including Training Centres), Divisional Hqrs. and SSB Hqrs., stand withdrawn with immediate effect. Henceforth, all stroke posts will be manned only by the Group Centre officers. As a result, the overall strength of the Area officers will be restricted to the sanctioned cadre strength (shown in the respective Service Rules) further reduced due to closure of Areas and WATS, in the above said Government order. The revised cadre strength would be as under:-

Contd..2/-

attached
S. Chakravarty
Adv.

(6) - 45 -

| 2 |

Area Organisers - 23
Jt. Area Organisers - 25
Sub-Area Organisers - 91
Circle Organisers - 151

Handwritten signature
3.5.2001
(N.S. SANDHU)
DIRECTOR GENERAL, SSB

DISTRIBUTION

1. Addl. IXI, IO (Pers.), IO (Opn & Trg), IO (Adm & Prov), DIG (RA), DIG (ED) SSB Dir, and Guard file of A2 Branch.
2. Divisional Organisers: J&K, HP, UP, NE&S, SB, LAD, AP, Shillong, M&N and R&G.
3. Dy. Inspectors General: TC Sarahan, Haflong, Salonibari, Samba, and Frontier Academy, Gwaldam.

Encl. No. 1/SSP/MOH/2001/5619-26 Dt. 23/5/2001

copy to:-

1) All Adj i.e. TSP/TSK/KJR/MV/NLP

*2) Comd. GIC D/Nagar, GIC BSN and
WATS D/Nagar for inf.*

Area Organiser, SSB
North Area
T...

GOVERNMENT OF INDIA
CABINET SECRETARIAT
(EA.II SECTION)

NO.A-27011/6/92-EA.II-3039

New Delhi, the

ORDER

12 OCT 2000

A-4 Ex. SSB Dte

Dy. No. 547

Date 16/10/2000

Subject :- Grant of various concessions viz Earned Leave, Ration Money etc. to Chief Medical Officer (SC), TC, Salonibari.

Reference SSB Dte.'s U.O.NO.15/SSB/A. dated 9.8.2000.

2. Sanction of the President is accorded to the extension of orders contained in this Sanction order of even number dated 19.6.1992 for the grant of various benefits/concessions viz Earned Leave, Ration Money, Rent Free Accommodation etc. to Chief Medical Officer (SC), Training Centre, Salonibari as applicable to other personnel of TC, Salonibari.

3. These orders will take effect from the date of issue.

4. This issues with the concurrence of the Integrated Finance Unit vide their U.O.NO.1114/D/2000 dated 20.9.2000 and 4.10.2000.

(MUKUL CHATTERJEE)
DEPUTY SECRETARY

1. Director, SSB, New Delhi.
2. Dir.F(S), Cab. Sectt., New Delhi.
3. Director of Accounts, Cab. Sectt., New Delhi
4. Guard file.

No.15/SSB/A4/99(4)-416
Directorate General of
Office of the Director,
East Block-V, R.K. Puram
New Delhi - 110066.

Dated, the 19/10/2000

Copy forwarded to:-

1. The Divisional Organiser, North Assam Division, Tezpur
2. The Dy. Inspector General, T.C. Salonibari.

(T.R. KAILASH)
SECTION OFFICER(A-IV)

attached
S. Chakravarty
Adv.

SECTION OFFICER

47 - Annexure-XI (series)
(COPY)

NO.9/SSB/A2/86(1)-NA-997
Directorate General of Security
O/O the Director:SSB
East Block, V.R.K.Puram
New Delhi-110066

Dated 5th April/00

Memorandum

Sub:- Grant of Ration Allowance.

Please refer to your Memo No.2797-801 dt. 27.3.00 forwarding application of Group 'B' officers on the subject mentioned above.

2. According to item No.2 to the Annexure-I of the Cabinet Sectt., letter No.A-27011/4/86-EA-II dt. 18.12.87, ration allowance is admissible to the rank of Field officer and below on posting to Category 'B' & 'C' stations. On the basis of the judgement of CAT, Guwahati, the non-gazetted non-executive personnel are getting ration allowance on posting to Tezpur. The personnel who have applied for ration allowance are holding gazetted rank. As such, ration allowance is not admissible to them. Even the executive personnel holding gazetted rank are not entitled for the same.

3. It is observed that while forwarding applications, Divisional organiser has not given any comments with reference to the rules. In future, while forwarding such applications, the rule position may please be examined and forwarded to this Dte. with comments.

Sd/-

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

TO
The Divisional Organiser
SSB, NAD Tezpur.

allotted
S. Chakravarty
Adv.

- 48 -

Annexure-XI (Series) ^{AX}
50

NO.6/4/MISC/97(Vol-II) SSG-
Govt. of ~~XXXX~~ India
Ministry of Home Affairs,
O/O the Divisional Officer,
SSB, North Assam Division, Tezpur
Dated the Tezpur on 22.5.001

Memorandum

Shri H.N.Singha Area Officer Kokrajhar may please refer to his Memo No.322-24 dt.15.5.001 forwarding application of Shri P.Koch, S.A.O. and Dr. C.Talukder, V.O. Kokrajhar for grant of ration allowance.

2.The SSB Dte. vide their Memo No.9/SSB/A-2/86(1)NA-997 dt.15.4.00 has clarified that ration allowance is not admissible to Gazetted officer. A copy of the said Memo is enclosed herewith for ready reference.

In view of above clarification of SSB Dte on the subject the Div.Hqr did not consider to forward the application of Shri P.Koch and Dr.C.Talukder, V.O.

This has the approval of D.O. NAD.

22.5.001
Area Officer(S)
NAD, Tezpur

Encl:As above.

TO

✓ The Area Officer
Kokrajhar.

all Ad
S. Chakrabarty
Adv.

- 49 -

Annexure-XI (Series)

NO.6/4/MISC/97/ 5565

Govt. of India

Ministry of Home Affairs,

O/o the Divisional Officer,

SSB, North / ssam Division: Tezpur

Dated the Tezpur on 22.5.00!

Memorandum

Shri H.N.Singha, Area Organiser Kokrajhar may please refer to his application dt.3.5.01 addressed to the Directorate General SSB, New Delhi for grant of ration allowance.

The SSB Dte. vide their Memo No.9/SSB/A2/86(1) NA-997 dt.5.4.00 has clarified that ration allowance is not admissible to the Gazetted officers. A copy of the said Memo is enclosed herewith for ready reference.

In view of above clarification of SSB Dte. on the subject, this Hqr did not consider to forward your application to SSB Dte.

This has the approval of D.O. NAD.

Area Organiser (STAFF)
NAD, Tezpur.

TO

Shri H.N.Singha
Area Organiser
Kokrajhar.

attested
S. Chakravarty
Adv.

-50-
[COPY]

Annexure XII

NO. 1/1/82-SSB(E2)
DIRECTORATE GENERAL OF SECURITY
SURAASHA NIPATRESHALAYA
OFFICE OF THE DIRECTOR SSB
WISHECH SENG BUNEN NIDESHALAYA
BLOCK V(EAST) R.K. PURAM
NEW DELHI - 110056

Dated the 1- 16 JUL 1985

MEMORANDUM

Subject :- Payment of Ration money to Officers.

.....

Please refer to your Memorandum No. VI/
P/SJC/1/1298 dated 10.6.85 regarding revision of
rates of Ration money.

2. The Gazetted Officers of SSB Group Centres
are entitled to draw ration allowance at Army rates
as per Cabinet Secretariat sanction No. EA/S-Armed
2/76 dated 24.2.79.

3. As the Ration allowance to the Gazetted
Officers of SSB Group Centres is authorised by
the Director of Accounts, they may please be
asked to authorise the same at the rates allowed
to Army officers from time to time.

Sd/-
(D.K.SARKAR)
ASSISTANT DIRECTOR

To
The Commandant
Group Centre,
Ranidanga.

Copy to: The Divisional Organiser, North Assam
w.r.to his message No. T/2393
dated 4.6.85 for similar action.

The Commandant G. C. Barpeta Road.

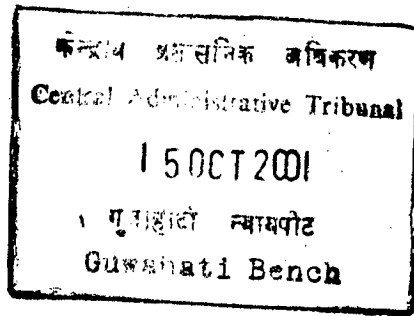
Sd/-
dt: 15/7
ASSISTANT DIRECTOR.

CTC

23-5.2001

SECOND IN CHARGE
CO, SSB, BONGAIGANJ

all Sec
S. Chakravarty
Adv..



Filed by

Proffined

12/10/01

(B. C. Pathak)

Addl. Central Govt. Standing Counsel
Central Administrative Tribunal
Guwahati Bench : Guwahati

51

Lunge

Divisional Organiser SSB
N. A. Division Tezpur

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. NO. 365/2001

IN THE MATTER OF

Written Statement filed by Respondent No. 1 to 3

AND

IN THE MATTER OF

O.A. NO. 365/2001

Title Shri H.N. Singha and Others

VS

Union of India & Others

I, R. D. Thongchi, Divisional Organiser , North Assam Division, SSB, Tezpur do hereby solemnly affirm and state as follows :-

1. The D.O. NAD impleaded as party Respondents No. 3 received the copy of the said O.A. through Deputy Registrar, CAT Guwahati alongwith order dated 12-09-2001. I have gone through , understood the contents thereof, as such I am well acquainted with the facts and circumstances of the instant case. That I am competent to verify and sign the written statement on behalf of Union Of India and Other official respondents.

2. That this Department does not admit the facts, statements, allegations and averment made in the said O.A., save and except those have been specifically admitted in the written statement as under :

[Signature]
Divisional Engineer, SSB
J. L. Division Engineer 60

(Page- 2)

3. That as regards the contention of para 1 of the application the Deponent respectfully states that the applicants are all gazetted executive and non-executive/ personnel and thereby they are not entitled to ration allowance granted to the non-gazetted executive/ non-executive staff, vide Cabinet Secretariat letter No.A-27011/4/86-EA-II dated 18-12-87 (Annexure of the O.A.) as the ration allowance was granted to the executive staff upto the rank of F.O. vide above mentioned letter.

4. That as regards contents of para 2 and 3 of the O.A., this Deponent does not make any comment, since these are matter of records.

5. That as regards contents of para 4(i), same are admitted being a matter of record.

6. That as regards contents of para 4(ii), it is for the Hon'ble Court to adjudicate upon the relief as prayed for by the applicants.

7. That as regards contents of para 4(iii), it is submitted that the same are partially admitted. However, w.e.f. 15-1-2001 the operational/ administrative control of SSB has been transferred to MHA including CIOA.

8. That with reference to contents of para 4(iv to ix) of the O.A. it is submitted that the same are matter of record.

9. That with reference to the contents of para 4(x) of the O.A. it is submitted that as is evident from Annexure-VI of the O.A. that as per the order of the Govt. the said allowances is specifically authorised on their posting to "B" & "C" Stations to Non-executive personnel including the Ministerial personnel of SSB and ARC.

contd...

10. That with reference to contents of para 4(xi), it is submitted that the Applicants are not entitled to Ration Allowance. A perusal of Annexure-II to the O.A. incorporating the position with reference to Ration Allowance would reveal that the same is authorised to the rank of F.O. and below only. The said allowance is not authorised to civilian gazetted executive and non-executive employees. Further it is admitted that the representations were received from the applicants. The same were duly considered and replied on merit. As the applicants are gazetted executive and non-executive employees they are not entitled for the Ration Allowance, as the same has not been authorised to them. Same has only been authorised to the rank of F.O. and below as per the scheme and policy of the Government mentioned in the order dated 18-12-87 (copy enclosed as Annexure-II to the O.A.).

11. That with reference to contents of para 4(xii to xxi), it is submitted that the present O.A. is not at all covered by the judgement and orders as mentioned in para (VIII) of the O.A. All the judgements referred to be the applicants pertain to non-gazetted, non-executive employees of the rank of F.O. and below. The present applicants are gazetted executive and non-executive employees and there is no order in vogue, authorising them the said ration allowance.

GROUNDS

12. That with reference to subpara I to III of para 5 it is submitted that the factual position has already been elaborated in detail in the reply furnished in the preceeding paras of the O.A. and

contd...

the same is reiterated here for the sake of brevity. There is no order in vogue which authorises ration allowances to the gazetted non-executive/executive employees of the SSB. Further, the judgement of various O.As as projected in para 4(viii) of the O.A. are concerned same are not applicable to the present applicants as all the present applicants are gazetted executive employees and non-executive employees whereas the applicants in the other O.As are non-gazetted employees. In light of the submissions made herein above, it is most respectfully submitted that the present O.A. be dismissed being devoid of merit.

13. That as regards contents of para 6 of the O.A. it is submitted that the applicants have themselves in para 4(ix) of O.A. admitted that reply to their representations have been received and they have been informed of the factual position. Copy of the same has been annexed as Annexure- XI(Series) of the OA.

14. The para 7 of the O.A. is a matter of record.

15. With regard to para 8 of the O.A., in light of the submission made herein above, it is most respectfully submitted that the instant O.A. be dismissed being devoid of merit. As there is no order, authorising ration allowances to the gazetted officers executive/non executive and the same cannot be authorised to them.

16. Para 9 to 12 no comments.

contd...

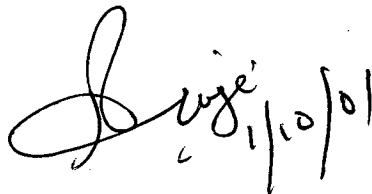
- 55 -

(Page- 5)

VERIFICATION

I, R. D. Thongchi, Divisional Organiser , SSB, North Assam Division, Tezpur do hereby verify that the contents stated in the written statement are true to the best of my knowledge, belief and information and that no material fact has been concealed and suppressed.

AND I sign this verification today on this 1st th day of October, 2001.



DECLARANT

Divisional Organiser SSB
N. A. Division Tezpur