

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

M.P-120/03. Order sheet pg-1

INDEX

Dismissed Date-20/11/2003

O.A/T.A No. 334/02
R.A/C.P No.....
E.P/M.A No. 120/03.....

1. Orders Sheet. O.A.-334/02..... Pg..... 1 to..... 3
2. Judgment/Order dtd. 09/05/2003..... Pg..... 1 to..... 2 allowed
3. Judgment & Order dtd..... Received from H.C/Supreme Court
4. O.A..... 334/2002..... Pg..... 1 to..... 42
5. E.P/M.P..... 120/03..... Pg..... 1 to..... 5
6. R.A/C.P..... N/I..... Pg..... to.....
7. W.S. submitted by the Respondents Pg..... 1 to..... 6
8. Rejoinder..... Pg..... to.....
9. Reply..... Pg..... to.....
10. Any other Papers..... Pg..... to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendement Reply by Respondents.....
15. Amendement Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

(SEE RULE -4)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI

ORDER SHEET

Original Application No : 334/02
Misc. Petition No. _____
Contempt Petition No. _____
Review Application No. _____

Applicant (s) B. C. Saha Majumdar

Respondent (s) U. M. T. Joms

-Vs-

Advocate for the Applicant (s) B. C. Das, S. Ray

Advocate for the Respondent(s) CASE

Notes of the Registry

Date

Order of the Tribunal

11.10.02

Heard Mr. B. C. Das learned
counsel for the applicant.
Issue notice of motion.
Returnable by four weeks. List
on 15.11.02 for Admission.

I C Usha
Member

lm

(5/11)

One to circuit sitting at
Shillong, the cause is
adjourned to 28/11/2002.

M. D.
A. K. Ray

Notice received and sent to the
for my the respondent No 1 to
5 by Regd A.D. 6/11/02

DINo 3049653 dd 7/11/02

(2)

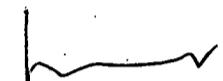
3

22.11.2002

Heard Mr. S. Dutta, learned counsel for the applicant and also Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents.

The respondents are yet to file reply. List the case again after four weeks enabling the respondents to file its reply.

Put ~~the~~ up the case on 3.1.2003 for admission. Endeavour shall be made to dispose of the application at the admission stage.



Vice-Chairman

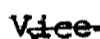
bb

31.1.2003 Due to vacation, the case is adjourned to 31.1.2003.

*DR
M*

31.1.2003 Put again on 7.3.2003 to enable the respondents to file reply.

Cherbon
31.1.03



Vice-Chairman

mb

31.1.2003 Heard Mr. B.C. Das, learned counsel for the applicant and also Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents.

No reply so far filed by the respondents. The application is admitted. Call for the records.

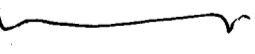
The respondents are directed to file written statement within four weeks from today.

List on 28.2.2003 for orders.

No written statement has been filed.

*3/2
27.2.03*

mb



Vice-Chairman

Notes of the Registry

Date

Order of the Tribunal

28.2.2003

Heard Ms. Roy, learned counsel for the applicant and also Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents.

put up again on 28.3.2003 to enable the respondents to file written statement.



Vice-Chairman

20.3.03

WS submitted
by the respondents.

bb

28.3.2003

Written statement has been filed. The case may now be listed for hearing on 9.5.2003. The applicant may file rejoinder, if any, within two weeks from today.



Vice-Chairman

mb

9.5.03

Heard counsel for the parties. Hearing concluded. Judgment delivered in open Court, kept in separate sheets.

The application is allowed in terms of the order. No order as to costs.



Vice-Chairman

pg

20.5.2003
Copy of the order
has been sent to
the office for
the date to the
applicant as well as
to the Sr. C.G.S.C. for
the respondent.

st

Notes of the Registry

Date

Order of the Tribunal

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Q.A. / R.A. No. of 334 2002.

9-5-2003.
DATE OF DECISION

Sri Golak Chandra Swain & 18 others. APPLICANT(S).

By Advocate Sri B.C.Das. ADVOCATE FOR THE
APPLICANT(S).

- VERSUS -

Union of India & Ors. RESPONDENT(S).

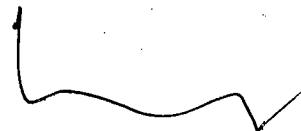
Sri A.Deb Roy, Sr.C.G.S.C. ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE MR JUSTICE D.N.CHOWDHURY, VICE CHAIRMAN.

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 Ho'ble Vice-Chairman



X

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 334 of 2002.

Date of Order : This the 9th Day of May, 2003.

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

1. Sri Golak Chandra Swain,
2. Sri prasant Kumar Pattanaik,
3. Sri Jayanta Kumar Das,
4. Sri Saroj Kumar Swain,
5. Sri G.D.Cinara,
6. Sri Balaram Samal,
7. Sri Devendra Kumar Nanda,
8. Sri Geevarghese Daniel,
9. Sri Binod Bihari Patra,
10. Sri Bijendra prasad Singh,
11. Sri K.K. Sadanandan,
12. Sri Chitta Ranjan Das,
13. Sri Jayanta Saikia,
14. Sri Prafull Bhuiyan,
15. Sri Mintu Baruah,
16. Sri Abhijeet Phukan,
17. Sri Indreswar Saharia,
18. Sri Mahadev Kalita,
19. Sri Nirmalendu Das

... Applicants.

All the applicants are working under
Aviation Research Centre, Doomdooma,
Dist. Tinsukia, Assam.

By Advocate Sri B.C.Das.

- Versus -

1. Union of India,
represented by the Cabinet Secretary,
Department of Cabinet Affairs,
Bikaner House, Shahjahan Road,
New Delhi.
2. Director General of Security,
Block - V (East) R.K.Puram,
New Delhi-66.
3. Director, Aviation Research Centre,
Block - V (East) R.K.Puram,
New Delhi.
4. Deputy Director,
Aviation Research Centre,
Doomdooma (Assam).
5. Assistant Director (Admn)
ARC, Doomdooma.

... Respondents

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

O R D E R (ORAL)

CHOWDHURY J.(V.C)

The applicants are nineteen in numbers who are working as non executive personnel in the Aviation Research Centre, Doomdooma under respondent No.4. Some of them had joined the service in the centre on transfer from other places and some of them are direct recruit. The applicants have common cause of action and prayed for common relief and therefore leave was granted to pursue the case by the applicants by a single application in conformity with the Central Administrative Tribunal (procedure) Rules 1987.

2. The issue is that of entitlement of Ration Allowance by these applicants ^{also} on the basis of the Notification declaring Doomdooma as a B category station. In fact these applicants are also sanctioned with ration allowance from 1.4.2001. The respondents as a matter of fact are paying ration allowance to ~~these~~ applicants also with effect from 1.4.2001. However, they are not been paid the ration allowance from the date of their joining at ARC, Doomdooma till 31.3.2001. Since like order were already passed allowing ration allowance ~~there~~ cannot be any justification for not giving these applicants also the ration allowance at the rate applicable to them with effect from the date of their joining till 31.3.2001. The respondents are accordingly directed to take necessary steps for paying the ration allowance to these applicants. The respondents are ~~therefore~~ directed to clear the arrear ration allowance with effect from the date of joining of the applicants till 31.3.2001 within three months from the date of receipt copy of this order.

The application is allowed. There shall, however, be no order as to costs.

(D.N.CHOWDHURY)
VICE CHAIRMAN

11/10/02
9
Central Administrative Tribunal
Guwahati Bench

4th OCT 2002

Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHTI BENCH

GUWAHATI

O.A.NO. 334 /2002

Shri Golak Chandra Swain & Others

-VS-

Union of India and Others

I_N_D_E_X

Sl. No.	Particulars	Annexure	Page No.
1.	Memorandum of Appeal	-	1-21
2.	letter dated 6-12-87	- I	22-24
3.	Order dated 14-6-96 passed in O.A.No.245/95	- II	25-29
4.	Order dated 16-3-98 passed- III in S.L.P.(Civil)No.1706/97		30-31
5.	Order dated 16-6-98	- IV	32
6.	Order dated 17-7-98 passed in O.A.89/96.	- V	33-35
7.	Order dtd.29-9-2000 passed in O.A.No.120/2000	- VI	36-37
8.	Memorandum dt.30-1-2001	- VII Series	38-40
9.	Order dt.30-1-2000	- VIII	41
10.	Letter dt. 23-8-02	- IX	42
11.	Vakalatnama		

Filed by

Sanjita Roy

Advocate

4.10.2002

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :GUWAHATI BENCH

GUWAHATI

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

- 1) Shri Golak Chandra Swain,
S/o.Late muralidhar Swain, Designation : Radio Mistry Aviation Research Centre, P.O.- Doom Dooma, Dist: - Tinsukia (Assam)

- 2) Shri Prasant Kumar Pattanaik, S/o. LateKailash Chandra Pattanaik, Designation : L. D. C.Aviation Research Centre, P.O.Doom Dooma, Dist. Tinsukia (Assam)

- 3) Shri Jayanta Kumar Das, S/o. Laxmidhar Das, Designation : Lab.Attendant Aviation Research Centre, P.O.- Doom Dooma, Dist. Tinsukia (Assam).

- 4) Shri Saroj Kumar Swain, S/o.Late Bichitrananda Swain, Disignation : Lab. Attendant Aviation Research Centre , P.O.- Doom Dooma , Dist.Tinsukia (Ass

10
File by
Appellant
Golak Chandra Swain
through
Sanjita Roy
Adno. Date
4.10.2002

G.C.Swain

: 2 :

5) Shri G. D. Chinara,

S/o. Late Sadhu Chinara , Designation : L. D. C. Aviation Research Centre P.O. - Doom Dooma, Dist. Tinsukia (Assam).

6) Shri Balaram Samal,

S/o. Late Krushna Chandra Samal

Designation : Fire Supervisor Aviation Research Centre, P.O.- Doom Dooma, Dist. Tinsukia (Assam).

7) Shri Devendra Kumar Nanda

S/o. Shri Jaladhar Nanda,

Designation : Radio Technicaian, Aviation Research Centre, P. O. - Doom Dooma, Dist. Tinsukia (Assam).

8) Shri Geevarghese Daniel

S/o. Shri Y. Daniel,

Designation : Senior Observer Aviation Research Centre P.O. - Doom Dooma, Dist. Tinsukia (Assam).

G.C.Swain

9) Shri Binod Bihari Patra

S/o. Late Panchanana Patra

Fire Supervisor, Aviation Research

Centre, P.O.- Doom Dooma, Dist.

Tinsukia (Assam).

10) Shri Bijendra Prasad Singh

S/o. Shri Damodar Prasad Singh,

Fire Supervisor, Aviation Research

Centre, P.O. Doom Dooma,

Dist. Tinsukia (Assam).

11) Shri K.K. Sadanandan

Communication Asstt., S/o. Late

Kunju Pillai, ARC, Doom Dooma

12) Shri Chitta Ranjan Das,

J T O - I, S/o. Late K.L. Das.

ARC, Doom Dooma

13) Jayanta Saikia

Fire Operator, S/o. B.K. Saikia

ARC, Fire Service, Doom Dooma

14) Prafull Bhuiyan,

Fire Operator, S/o. T. C. Bhuiyan

ARC, Fire Service, Doom Dooma.

19

* 4 *

15) Mintu Baruah

Fire Operator, S/o.B.D.Baruah

ARC, Fire Service Doom Dooma

16) Abhijeet Phukan,

Fire Operator, S/o.D.C.Phukan,

ARC, F/S Doom Dooma

17) Indreswar Saharia

Fire Operator, S/o.Shri Bipin

Saharia, ARC, F/S. Doom Dooma

18) Mahadev Kalita

Fire Operator, S/o.Sir Kanak

Kalita Fire Service Doom Dooma

19) Nirmalendu Das, Age -50 P.A.,

ARC, Doom Dooma S/o. Shri Niranjan

Das (All the applicant are non-executive personnel serving in various capacities, as indicated above, in Aviation Research centre (A>R>C>), Doomdooma in the district of Tinsukia, Assam).

....Applicants

G.C.Swain

- VS -

1. Union of India

(Represented by the cabinet
Secretary, Department of Cabinet
Affairs, Bikaner House, Shahjahan
Road, New Delhi)

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

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

4. Deputy Director
Aviation Research Centre
Doom dooma (Assam)

5. Assistant Director (Admn)
ARC, Doom Dooma.

.....Respondents

1. Particulars of the order against which the application is made:

(i) Illegal and arbitrary action of the authorities in not allowing the applicants to draw arrear ration allowance with effect from their respective

date of joining at Aviation Research Centre (A.R.C. in short), Doondooma only.

(ii) Order No.Estt/DDM/CAT/99-III-10013 dated 23-8-2002 issued by the Respondent No.5, whereby the claim of the applicants for ration allowance from their date of joining at ARC has been turned down and Ration Allowance to non-executive Staff are admissible w.e.f.1st April , 2001.

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. Limitations:

The applicants further declare that the application is within the limitation prescribed under Sec.21 of the Administrative Tribunal Act, 1985.

4. Facts of the case:

(i) That the applicants are working as non-executive personnel in the Aviation Research Cent

Doomdooma under the Administrative Control of the Respondent No.4. Some of the applicants had joined the Service in the Aviation Research Centre, Doomdooma (in short A.R.C.) on transfer from other places and some of them are directly recruited and posted. All the applicants have Common Cause of action and common relief and as such they have common interest in the matter. This application is, therefore, filed by them jointly as provided in Rule 4(5) (a) of the CAT (Procedure) Rules, 1987.

(ii) That the Aviation Research Centre is one of the wings of the Directorate General of Security. The Directorate General of Security was set up by the Government of India, in 1962 under the administrative Control of the Cabinet Secretariat for some specific purposes. This Department is a multi-role and multi-disciplinary Organisation comprising four agencies, namelyh, Special Service Bureau (SSB in short), Aviation Research Centre (ARC in short), Special Frontier Force (S.F.F.in short) and Chief Inspectorate of Armanents (C.I.O.A. in short).

(iii) That, the Government vide letter no127011/4/86-EA/ii(A) dated 6-12-87, conveyed the sanction of the president to the grant of additional

concessions mentioned therein to the various categories staff of ARC except those on deputation from Indian Air Force. According to the aforesaid sanction, ration allowance was one of such allowance admissible upto the rank of field officer and below in category B areas of ARC at the rates admissible in BSF in peace areas. The Competent authority of ARC classified Doomdooma as category B Station with effect from 22-2-94.

A copy of the letter dated 6-12-87
is annexed herewith as Annexure-I

(iv) In pursuance to President's sanction for granting some concessions as mentioned above, the staffs of the A.R.C. were benefitted but the concessions in ration allowance was given only to the Executive Staff of the A.R.C. Doomdooma and not to the non-executive staff. The non-executive staff requested the authorities concerned to grant ration allowance but this was declined by the authorities.

(v) That, being aggrieved by the illegal and arbitrary action of the authority, some non-executive staff of ARC filed an application before the Hon'ble Tribunal which was numbered as O.A.nO.245/95. The contentions of the applicants herein were that ration

allowance was denied to them because of wrong interpretation of the order dated 6-12-1987 by which payment of additional concessions were granted. The respondents contended that the concession of ration allowance had been extended to the employees of junior executive only upto the rank of Field Officer on the analogy of the Junior Executive Staff of R.7 AW and the applicants who did not fall in this category could not get the benefit of ration allowance. Further they contended that since there was no equation of posts in respect of ration allowance, this allowance could not be granted to the applicants. However, the Hon'ble Tribunal on perusal of records and hearing the parties allowed the applications on 14-6-96 and held that by letter dated 6-12-87 Additional Concessions were granted to the varioius categories of the Staff of ARC. and the ration allowance was addmissible to the Staff of ARC by placing a limit upto the rank of F. O and below. The equation of posts in respoect of ration allowance was not a pre-condirtion for granting of the same like the house rent allowance and hence the applicants were entitled to get the benefit of ration allowance w.e.f. the due date 22-2-94.

Copy of the order dated 14-6-96 is annexed herewith as Annexure-II.

G.C.Swain

: 10 :

(vi) That, against the aforesaid order dated 14-6-96, the Respondent authorities, filed a Special Leave Petition in the Hon'ble Supreme Court and the same was numbered as S.L.P. (Civil) No.1706/97. The Hon'ble Supreme Court, by order dated 16-3-98 dismissed the S.L.P.(Civil) No.1706/97 and directed that the order be pounctually observed and carried into execution by all concerned.

Copy of the order dated 16-3-98
is annexed herewith as Annexure-
III.

(vii) That , in pursuance to the said order dated 14-6-96 passed in O.A.No.245/95 by the central Administrative Tribunal, Guwahati, Bench, the Cabinet Secretariate vide their letter no.A27011/4/86-EA-11-1483 dated 16-6-98 conveyed the sanction for the grant of ration allowance to the applicants in the aforesaid case as well as others (total 167 personnel) at the rate specified in the letter dated 18-12-87 so long as they continue to be posted in the specified area under non-promoted above the specified rank.

Copy of the said order dated 16-6-98 is annexed herewith and marked as Annexure-IV.

(viii) That, after the disposal of O.A.No.245/95 and granting of ration allowance to the applicants there-

G.C.Surain

10
: 11 :

in, the other two non-executive staff of ARC, FRV, Numaligarh, Golaghat being deprived of ration allowance, filed an application before this Hon'ble Tribunal and the same was registered as O.A.No.89/96. They contented that their case was squarely covered by the decision of 245/95 of this Tribunal . The Hon'ble Tribunal, by order dated 17-7-98 disposed of the application by directing the respondent to pay the ration allowance w.e.f. 22-2-94 along with arrears within a period of 3 months from the date of receipt of this order. Again in the year, 2002 some of the non-executive Staff of ARC, Deemdooma, who are 64 in number moved before the Hon'ble Tribunal by filing an application being O.A.No.120/2000 on the same ground and the Hon'ble Tribunal held that since this case was squarely covered by the earlier decisions of the Tribunal, the respondent authorities are directed to pay the ration allowance to the applicants at the rate applicable w.e.f. 22-2-94 or from the date of the joining at Deemdooma and the arrear amount shall be paid within 3 months.

Copies of the orders dated 17-7-98 in O.A. No.89/96 and 29-9-2000 in O.A. No.120/2000 is annexed herewith as Annexure -V and VI respectively

G.C.Swain

: 12 :

(ix) That, as stated herein above, the Govt. extended the benefit of ration allowance to 167 personnels of ARC, Doomdooma by letter dated 16-6-98. But as the applicants joined Doomdooma after that date, they are not covered by the aforesaid letter and as such deprived of the benefit of ration allowance. The benefit of ration allowance was extended those personnels as well as the applicants who subsequently approached the Hon'ble Tribunal in O.A.No.89/96 and O.A.No. 120/2000. Being aggrieved, some of the applicants filed representations before the Deputy Director, ARC (Respondent No.4) for grant of Rational allowance from their respective dates of joining at Doomdooma as they are similar situated persons like the applicants in O.A.No.245/95, O.A.No.89/96 and O.A.No.120/2000. The respondent no.4 by his memorandum dated 30-1-2001 informed that as per the existing Govt.orders non-executive Staff are not eligible for payment of ration Allowance. However, the benefit of the judgment of C.A.T. is allowed only to the petitioners and the same is not automatically extended to the non-petitioners.

Memorandum dated 30-1-2001 is annexed herewith as Annexure-VII series.

G.C.Swain

: 13 :

(X) That, subsequently, the cabinet Secretariat, by his letter dated 30-1-2001, conveyed the sanction of the president to the extension of the ration money allowance at the specified rates to the non-executive personnel, Aviation Research Centre (Directorate General of Security) posted at 'B' and 'C' stations. It was also informed that the said sanction of ration allowance will be admissible only prospectively based on the review undertaken for the purpose.

A copy of the order dated 30-1-2001 is annexed herewith as Annexure -VIII.

(xi) That, as per the sanction of the president granting ration allowance, the applicants are draw-
ing ration allowance from the month of April, 2001.
Being aggrieved, they filed representation before the Respondent no.4 for granting of their arrear ration allowance. Thereafter, in response to the applicants' representation, the Respondent No.5 by his letter No.ESTT/DDM/CAT/99-III-10013 dated 23rd August, 2002, informed that as per the Cabinet Secretariat Order, Ration Allowances to Non-Executive Staff are admissible w.e.f. 1-4-2001 and which was paid accordingly.

A copy of the said letter dt. 23-8-2002 is annexed herewith as Annexure - IX

(xii) That , the applicants state in the above stated circumstances, they have no other alternative remedy but to approach this Hon'ble Tribunal Seeking redress of their grievances through this application.

(xiii) That the applicants begs to states that they are similarly situated like the applicants in O.A.No.245/95 and O.A.No.120/2000 and as such they are also entitled to receive ration allowance from the date of their joining in ARC, Doomdooma. Further they beg to state that their case for grant of ration allowance is squarely covered by the order of this Hon'ble Tribunal dated 14-6-96 passed in O.A.No.345/95 and dated 29-9-2000 in O.A.No.120/2000.

(xiv) That the applicants begs to state that following the dismissal of the S.L.P. (Civil) NO.1706/97 dated 16-3-98 by the Hon'ble Supreme Court, the order dated 14-6-96 passed by this Hon'ble Tribunal in O.A.No.245/95 attained finality and binding on all concerned. Hence the present applicants are automatically in position to receive Ration allowance from the date of their joining in ARC at Doomdoom

(xv) That the applicants have become highly aggrieved as they are illegally and arbitrarily deprived of their arrear payment of Ration allowance and as such they are approaching this Hon'ble Tribunal on the following amongst other grounds.

5. Grounds for Relief with legal provisions

(I) For that, the action of the Respondent authority in depriving the benefit of ration allowance to the applicants from their respective date of joining in ARC, Doomdooma is illegal, arbitrary and discriminatory and as such this is a fit case where this Hon'ble Tribunal may invoke its jurisdiction vested in it for granting relief.

(II) For that, the very assertion of the Hon'ble Tribunal in O.A.No.245/95 is to grant ration allowance to the non-executive staff of A.R.C., Doomdooma and the present applicants are automatically entitled to get the benefit of the same and as such the action of the authorities in not allowing the benefit from their respective date of joining is bad in law.

(III) For that, following the dismissal of S.L.P.(Civil) No.1706/97 dated 16-3-98, the ~~Order~~ is

dated 14-6-96 passed in O.A. No.245/95 attained finality and uniformly applicable to all concerned and as such the action of authorities ought to be in the light of the aforesaid aspects.

(IV) For that the authorities are legally required to extend the benefit of Ration allowance *suo moto* to the applicants w.e.f. their respective dates of their joining at ARC, Doomdooma in terms of the order dated 124-6-96 passed in O.A. no.245 /95 although they were not parties in that case and as such the action of the respondent authorities in not granting of the same is arbitrary.

(V) For that, since the present applicants are similarly situated like the then applicants in O.A.NO.245/95, it would have been fair and just for the respondent authorities to grant the benefit of Ration Allowance *suo moto* to the applicants who have joined subsequent to the filing of the O.A.No.245/95 and as such the action of authoirities in depriving of the same is bad in law.

(VI) For that, similarly situated non-executive staff of the ARC had been granted Ration allowance from their respective date of joining , the applicants

are also entitled to get the benefit of the same and since the respondent authorities are denying the same, it would amount to violation of the provisions of Art. 14 and 16 of the constitution of India and as such the action of the authorities is bad in law.

(VII) For that, in view of the fact that present case is squarely covered by the order passed in O.A.No.245 of 1995, O.A. No.89/96 AND O.A.No.120/2001 by this Hon'ble Tribunal and as such the applicants are entitled to get the Ration Allowance w.e.f. their respective dates of joining at ARC, Doondooma.

(VIII) For that, the respondent authorities acted arbitrarily in harassing the applicants to approach this Hon'ble Tribunal causing multiplicity of litigations and as such the action of the respondent authorities in denying the ration allowance from their respective date of joining is to be truck down.

(IX) For that, in anyh view of the matter , respondent authorities ought to extend the benefit of ration allowance to the applicants from their date of joining.

6. Details of the Remedies Exhausted:-

The matter has been taken up with the authorities pointing out that the applicants are also entitled to the Ration allowance with effect from their respective date of joining as has been granted to other non-executive staff of the unit who were applicants in O.A.No.245/95 and O.A. No.120/2000 but their prayer was turned down by the respondent authorities .

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 Bench of this Tribunal nor any such application, writ petition or suit pending .

8. Relief sought:-

In the premises, it is therefore, prayed that your lordships would be pleased to admit this application, call for the entire records of the case, ask the respondents to show cause as to why the applicants

: 19 :

should not be granted the benefit of arrear Ration Allowance with effect from their respective date of joining ARC, Doomdooma on transfer as has been granted to others who are similarly situated in ARC, Doomdooma as per order dated 14-6-96 passed in O.A.No.245/95 and order dated 29-9-2000 passed in O.A.N.120/2001 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 arrear rationallowance as admissible with effect from their respective date of joining at ARC, Doomdooma on transfer as has been granted to the applicants of O.A.o.245/95 O.A.No.120/2000 who are similarly situated with the applicants and/or pass any other order or 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:

No.

10. In the event of application being sent by registered post, it may be stated whether the applicants desire to have oral hearing at the admission

G.C.Swain

29

: 20 :

stage and if so, he shall attach a self addressed post card or inland letter, at which intimation regarding the date of hearing could be sent to him.

Not applicable.

11. Particulars of Bank Draft / postal order in respect of the Application fee :-

- 1) I.P.O. No. 7G575358
- 2) Date : 1.10.2002
- 3) Issued by : Guwahati Post Office
- 4) Payable at: Guwahati.

12. List of Enclosures:-

As stated in the Index

G.C.Swain

: 21 :

VERIFICATION

I, Shri Golak Chandra Swain, Son of Late Muralidhar Swain, aged about 53 years, at present serving a Radio Mistry in Aviation Research Centre, Doamdooma, do hereby verify that I am one of the applicants in the accompanying application and the contents of paragraphs Nos.1 to 4 and 6 to 12 are true to my personal knowledge and those in paragraphs 5 is on legal advice and that I have not suppressed any materials facts, I being one of the applicants and has been authorised by other applicants to sign this verification on their behalf also.

Date : 4.10.02

Place : Guwahati

Golak Chandra Swain

Signature of the applicant

G.C. Swain

ANNEXURE - I

No. A.27011/4/86-EA-II (A)
 Govt. of India,
 Cabinet Secretariat
 Bikaner House (Annexe)
 Shahjahan Road,
 New Delhi, Dtd. the 6th Dec, 1987.

To,

Shri R. Swaminathan,
 Director (ARC)
 Directorate General of Security,
 Cabinet Secretariat
 New Delhi.

Sub : Grant of Concessions to the staff
 of ARC

Sir,

In continuation to this Cabinet Secretariat's letter No. A.49011/8/86-DI-I (b) dated 10th May, 1986 on the subject mentioned above I am directed to convey the sanction of the President to the grant of additional concessions mentioned in the Annexure to this letter to the various categories of the staff of ARC except those on deputation from Indian Air force.

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

3. This issues with the concurrence of the Ministry of Finance vide their U.O. No.S-1428/SC-87 dtd. 10.8.87 read with UO No.1151/Director (F/S)/81 dated 2nd Dec. 1987.

Yours faithfully,

(R.K. Gangar)
 Dy. Secretary.

Attested by
 Sd/-

Advocate

Contd.....

Attested by
 Sanchita Roy
 Advocate

: 2 :

Enclo Annexure-

Copy to :-

1. Shri J. Subramanian Director of O(F)
Cabinet Sectt.
2. Shri G. B. Mathur,
Dy. Director Accounts, Cabinet Secretariat,
New Delhi.
3. Shri K. K. Math
Dy. Director of Accounts (SW) office
of the DACS, New Delhi with reference
to ~~the~~ his notes recorded on the file.
4. File No.A.49011/8/96-DO-I.

Sd/-

Dy. Secretary.

Annexure to the Cabinet Secretariat letter
No A.27011/4/86-EA.II dtd. 18.12.1987.

Annexure IV

25

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.245 of 1995.

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

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

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

1. Sri Bishnu Prasad Saikia,
Sanitary Inspector,
Aviation Research Centre,
Doomdooma.
2. Sri Dipak Nandi,
Radio Mistri,
ARC, Doomdooma.

• • • Applicants.

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

- Versus -

1. Union of India
represented by Cabinet Secretary,
Department Cabinet Affairs,
New Delhi.
2. Directorate General of Security Block
V(East), R.K.Puram,
New Delhi-110066.
3. Director, Aviation Research Centre,
Block-V(East), R.K.Puram,
New Delhi.
4. Deputy Director,
Aviation Research Centre,
Doomdooma.

• • • Respondents.

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

contd. 2...

b.96
Attached by
Sanchita Roy
Advocate

(26)

1. The order dated 22.2.1994 has been issued to convert the station of Dibrugarh as a Category B station with effect from 22.2.1994.

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

3. Mr. G.K.Bhattacharya, learned counsel for the applicants submitted that the applicants are entitled to the Ration Allowance with effect from 22.2.1994. This allowance was denied to them because of wrong interpretation of the order dated 6.12.1987 by which payment of the allowance was sanctioned. Relying on the written statement Mr. S.Ali, Sr. C.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 applicant who do not fall in this category cannot get the benefit of Ration Allowance. Mr. G.K.Bhattacharya submitted that

14.1.96

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

4. We have perused the records and heard the ~~GOVERNMENT~~ counsel of the parties in this O.A. Letter No.A-49011/86-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. 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

1.6.96

31. Nature of Extent of the Concession granted - Remarks
No. of the concession

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

Location	Rates
(1) Category B stations	As admissible from time to time in the Border Security Force in peace areas.
(B) House Rent Allowance	House Rent Allowance facilities admissible to the Executive Cadre will be admissible to the personnel of other cadres also of corresponding levels.

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

(29)

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

The application is allowed. No order as to costs.

Sd/-

MEMBER(A)

Sd/-

MEMBER(J)



TRUE COPY

M. Khan 17/6/96
Section Officer (Judicial)
Central Administrative Tribunal
Guwahati Bench, Guwahati

felby 17/6

Received on 96/6/96

ANNEXURE - III

IN THE SUPREME COURT OF INDIA
CRIMINAL/CIVIL APPELLATE JURISDICTION

248256

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

(Petition under Article 136 of the constitution of India for special leave to appeal from the Judgement and order dated 14th June, 1996 of the Central Administrative Tribunal, Gauhati Bench of Gauhati in original Application no.245 of 1995).

WITHINTERLOCUTORY 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 HEREEWITH)

16th AMRCH, 1998

CORAM:

HON'BLE MR. JUSTICE S.C. AGARWAL

HON'BLE MR. JUSTICE S. SAGHIR ARWAD

HON'BLE MR.JUSTICE M. SRINIVASAN

For the petitioners : Mr. V.V.Vaje, Senior Advocate

(M/s.Ranji Thomes and P.Parmeswaran
Advocates with him).

For the respondent Nos. 1 to 87.

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

Cond.....

Attested by
Sanjita Roy
Advocate

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

THE PETITION FOR SPECIAL LEAVE TO APPEAL AND
THE APPLICATION FOR STAY above mentioned being called
on for bearing before this Court on the 16th day of
March, 1998 UPON hearing counsel for the appearing
parties herein THIS COURT DOTH ORDER
that petition for special leave to Appeal above-
mentioned be and is hereby dismissed and consequently this
court's order dated 21st January, 1997 made in Interlocuto.
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.

ANNEXURE - IV

GOVERNMENT OF INDIA

... SECRETARIAT

(EA.II SECTION)

No.A- 7011/ / 66-EA.II-1483 New Delhi the
16 Jun 1998O R D E R

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

2. Saction of the president is accorded for the
grant of ration allowance to Shri B.P. Saikia and others
(total 167 personnel) in accordance with CAT, Guwahati
Bench order dated 14-6-1996 issued on OA N .245/95 w.e.f.
22.2.1994.

3. The ration allowance will be paid at the rate
specified by this Sectt.order No.A-27011/4/86-EA.II(A)
dated 18-12-1987 to Shri B.P. Saikia and others (total
167 personnel) so long at they continue to be posted
in the specified area as indicated in this Sectt.
order No. 27011/4/86-EA.II(A) dated 18-12-1987 and
they are not promoted above the rank as specified in
said order.

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

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

Sd/- Illegible
(UMESH KALRA)
DEPUTY SECRETARY (SR)

1. Director, ABC, New Delhi

(Please insure that payment should be made before
21st Jun, 1998)

2. Dy. Secy. Finance (s), Cab.Sectt. New Delhi

3. Director of Accounts, Cab. Sectt. , New Delhi

4. Guard File

Attested by
Sanjita Roy
Advocate

ANNEXURE - V

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH

Original Application No.89 of 1996

Dated of decision : this the 17th day of July, 1990

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

1. Shri Rajen Rajkhowa,
 Pharmacist, Aviation Research Centre,
 F.R.U., Numaligarh, Golaghat.

By xxxAdvocate xxxMxxxSxxxKx

2. Shri Atul Chandra Baruah,
 L/A Aviation Research Centre,
 F.R.U., Numaligarh, Golaghat. Applicants

By Advocate Mr. G.K. Bhatiacharyya and
 Mr. G. N. Das

- 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.

4. The Deputy Director,
 Aviation Research Centre,
 Doon Dooma. Respondents

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

Attested by
 Sanchita Roy
 Advocate

Contd....

ORDERBARUAH 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 Unit, Numaligarh. This Aviation Research Centre is a department of the Government of India directly under the Cabinet Secretaryiat. The Grievance of both the applicants are same.

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

4. By Annexure III letter dated 28-10-1986 the Deputy Secretary (SR), Government of India, informed the Director, Aviation Research Centre that House Rent Allowance as admissible to the executive cadres will be admissible to the personnel of other cadres as ~~s~~ of the corresponding levels. According to the applicants they are personnels of other cadres of corresponding levels. Thereafter, Ration allowance was also given as per Annexure - IV letter dated 6-12-1987 issued by the Deputy Secretary, Government of India, to the Director, Aviation Research Centre, New Delhi. On the basis of Annexure-IV letter the applicants and other similarly situated persons are entitled to ration allowance which was, however, denied to them. Hence the present application.

Contd...

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.1206/97 which was dismissed by the Apex Court by order dated 16-3-1998. Mr. A.K. Choudhury also confirmed the same.

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.

Sd/- Vice Chairman

Certified to be true copy

Sd/-

10/8/ 78

ANNEXURE - Vi

FORM NO. 4
(Sec Rule 42)

In the Central Administrative Tribunal
GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. /20/2000

Applicant(s) Sri Niranjan Samaladors

Respondent(s) 4.... of India and Ors.

Advocate for Applicants : Mr. G.K. Bhattacharyya

Mr. G. N. Das

Advocate for Respondents : Mr. B. Choudhury

29.9.2000 Present : Hon'ble Mr. Justice D.N. Choudhury,
Vice - Chairman

It has been stated at the bar that this case is squarely covered by the judgement and order passed by this Tribunal in O.A. 245/95 disposed of on 14-7-96, O.A. 89/96 disposed of on 17.7.98 etc.

The applicants, who are 64 in number, moved this Tribunal by this application praying for a direction to the respondents to allow them Ration Allowance as admissible. The applicants are all non-executive personnel of A.R.C. Doomdooma under the administrative control of Deputy Director, Aviation Research Centre, Doomdooma, the Respondent No.4. The applicants joined the Doomdooma A.R.C. on transfer from other places. The applicants have a common grievance and interest and, therefore, leave sought for by the applicant for allowing them to file a single application in terms of Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules. 1987 is allowed.

Contd....

Attested by
Sanchita Roy
Advocate

37

46

As per the notification, Ration Allowance is extended to the 'B' Category station. Doomdooma is declared as 'B' category station with effect from order of the Tribunal.

Since this case is squarely covered by the decisions of the Tribunal like orders are passed and the respondents are directed to pay the Ration Allowance to the applicants at the rate applicable to them with effect from 22.2.94 or from the date of their joining at Doom dooma which ever tis later. The arrear amount shall be paid within 3 (three) months from today.

Application stands disposed of.

Sd/-

VICE CHAIRMAN

Certified to be true copy

Sd/- Illegible

25/10/2000

No. ESTT/DDM/CAT/99-III-1279-2
Office of the Dy. Director(A)
Aviation Research Centre
Government of India
P.O. Deom Deoma,
Dist. Tinsukia (Assam)

Dated the, 30/1/2001

MEMORANDUM

Subject: Pray for sanction of Ration Allowance.

With reference to his application dated 11.1.2001 Shri G.C. Swain, Radio Mistry is informed that as per the existing Govt. orders non-executive staff are not eligible for payment of Ration Allowance. The benefit of the judgement of CAT is allowed only to the petitioners and the same is not automatically extended to the non-petitioners. In view of this his request for grant of Ration Allowance cannot be acceded to under the existing circumstances.

(N.K. SHARMA)
ASSISTANT DIRECTOR(A)

To

Shri G.C. Swain,
Radio Mistry,
ATC(AW), ARC,
Deom Deoma.

Attested by
Sanjita Roy
Advocate

(39)

No. ESTT/DDM/CAT/99-III - 1,229
OFFICE OF THE D.Y. DIRECTOR (A)
AVIATION RESEARCH CENTRE
GOVERNMENT OF INDIA
PO DOOM DOOMA, TINSUKIA,
ASSAM

Dated the, 30/1/2001

MEMORANDUM

Subject: Re: my for sanction of Ration Allowance.

With reference to his application dated 11-1-2001 Shri D.K. NANDA, RADIO TECHNICIAN is informed that as per the existing Govt. order's non-executive staff are not eligible for payment of Ration Allowance. The benefit of the judgement of CAT is allowed only to the petitioners and the same is not automatically extended to the non-petitioners. In view of this his request for grant of Ration Allowance cannot be acceded to under the existing circumstances.

(N.K. SHARMA)
ASSISTANT DIRECTOR (A)

To /

Shri D.K. Nanda,
Radio Technician,
ATC(AW), ARC,
Doom Dooma.

30/1/01 ATC
1047

15.5

No. ESTT/DDM/CAT/99-III - (279)
OFFICE OF THE D.Y. DIRECTOR (A)
AVIATION RESEARCH CENTRE
GOVERNMENT OF INDIA
P.O. DOOM DOOMA, TINSUKIA,
ASSAM

Dated the, 30/1/2001

MEMORANDUM

Subject: Request for Ration Allowance.

In reference to his application dated 11-1-2001 Shri SHRI GEEVARGHESE DANIEL, SENIOR OBSERVER is informed that as per the existing Govt. orders non-executive staff are not eligible for payment of Ration Allowance. The benefit of the judgement of CAT is allowed only to the petitioners and the same is not automatically extended to the non-petitioners. In view of this his request for grant of Ration Allowance cannot be acceded to under the existing circumstances.

(N.K. SHARMA)
ASSISTANT DIRECTOR (A)

To

Shri Geevarghese Daniel,
Senior Observer,
ARC, Doom Dooma

Shahjahan Road
New Delhi, the

ORDER (S.O. No. 200)

Sanction of the President is hereby accorded to the extension of the Ration Money Allowance of 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(1)/97-IC dated 11/01/2000.

- 2.1. 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.
- 3.1. No additional Budgetary provisions will be agreed to on account of liberalization.
- 4.1. This issues with the approval of Ministry of Finance (Department of Expenditure) vide their UO No.50(1)/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/SGD under intimation to this Secretariat.)
3. Director of Accounts, Cabinet Secretariat.
4. Director(F/S).
5. US(SR)
6. GO/EA-II.
7. Guard file.

Attested by
Sanjita Roy
Advocate

No.ESIT/DDM/CAT/99-III- 100/3

Aviation Research Centre
 Government of India
 O/O the Deputy Director (Admn)
 Post : Deom Deoma : 786 151
 Dist : Tinsukia : (Assam)

Dated the, 23 Aug 2002.

MEMORANDUM

SUB : PRAY FOR SANCTION OF RATION ALLOWANCES

With reference to his application dated 16th July 2002, Shri G. C. Swain, Radio Mistry is informed that as per the Cabinet Secretariat Order, Ration Allowances to Non-Executive staff are admissible w.e.f 01st April 2001 and which was paid accordingly.

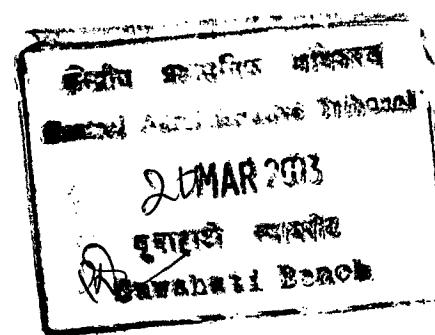
ZR

(RAM CHARITRA)
 ASSISTANT DIRECTOR (ADMN)
 ARC, DOOM DOOMA.

To

Shri G. C. Swain
 Radio Mistry
 ATC, Airwing
 ARC, Deom Deoma.

Attended by
 Sanchita Roy
 Advocate



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :::: GUWAHATI.

O.A. NO. 334/2002

Shri G.C. Swain & Others

- Vs -

Union of India & others.

In the matter of :

Written Statement submitted by
the Respondents

The humble respondents beg to submit the written statement as follows :-

1. That with regard to paras 4.1, and 4.iii, of the application the respondents beg to offer no comments. With regard to para-4.ii of the application, the respondents beg to offer no comments, except that SSB and CIOA has since been separated from DG(S) and transferred to MHA w.e.f. 15.1.2001.

2. That with regard to the statements made in para 4.iv of the application the respondents beg to state that as per Annexure to Cabinet Secretariat order No. A-27011/4/86-EA-II(A) dated 18.12.87 extended the concession granted up to the rank of Field Officer and below. Accordingly ration allowance was paid to the junior executive staff up to the rank of F.O. and below. Since the ranks (in non-executive staff) were not mentioned in the annexure under reference they were not paid ration allowance.

-2-

3. That with regard to the statements made in para 4.v, of the application the respondents beg to state that in Annexure to Cabinet Secretariat Order No. A-27011/4/86-II dated 18.12.87 it is categorically mentioned that concession granted to the rank of F.O. and below. Thus this concession has taken correct and accordingly a SLP was filed in Supreme Court against the decision of C.A.T. Order.

4. That with regard to the statements made in para 4.vi, of the application the respondents beg to state that Ration Allowance was paid to 167 officials of A.R.C. Doon Dooma as per Cabinet Secretariat order dated 16.06.98.

5. That with regard to the statements made in para 4.vii of the application the respondents beg to state that Ration Allowance was paid to 167 officials of A.R.C., Doon Dooma as per Cabinet Secretariat order dated 16.06.98. ✓

6. That with regard to the statements made in para 4.viii of the application the respondents beg to state that Ration Allowance was paid to the petitioners of both the OAs.

7. That with regard to the statements made in para 4.ix, of the application the respondents beg to state that the applicants of O.A. 245 (167 in numbers) were paid RA after taking Govt. sanction. It is worth mentioning here that in the said OA it is clearly mentioned to pay the RA to the applicant. Thus Deptt. has taken correct action. In similar case vide OA No.89/96 and 120/2000 the same action was taken by the Deptt. The petitioner as per the judgement are only

entitled for RA and non-executive staff who are not petitioner are not entitled RA.

8. That with regard to the statements made in para 4.x of the application the respondents beg to state that Cabinet Secretariat vide their order dated 30.01.2001 has extended the sanction for payment of RA to the non-executive staff including Ministerial personnel of SSB/ARC /posted at B & C station.

9. That with regard to the statements made in para 4.xi of the application the respondents beg to state that in Cabinet Secretariat Order dated 30.01.2001 sanctioned ration allowance to the non-executive personnel including the ministerial personnel posted at B & C stations with stipulation that it would be admissible only prospectively based on review undertaken for the purpose. The said order further added that the revised order relating to the classification of a station may be issued simultaneously along with order relating to the ration allowance. Accordingly ARC reviewed the classification of station as Category 'B' and issued office order NO.ARC/Coord/222/99-Vol-III-888 dt 16.8.2001 amended to NO. ARC/Coord/222/99-Vol-III-1019 dt 09.10.01 classifying Doon Dooma among others as Category B station for the purpose of ration allowance with other allowances w.e.f. 16.8.2001.

10. That with regard to the statements made in para 4.xii of the application the respondents beg to state that the Ration Allowance was admissible to the officials below the rank of Field Officers in accordance with Cabinet Secretariat Order. The ration allowance to non-executive officials below the rank of Field Officer could not be paid prior to issue of Cabinet Secretariat Order 30.01.2001. Due to the fact stated in para - 9. However, the staff members who move to the Court for grant of Ration Allowance were paid the same on the directions received from -

-4-

the respective Court.

11. That with regard to the statements made in para 4.xiii of the application the respondents beg to state that in O.A. No. 245/95 it is categorically mentioned for payment of Ration Allowance to the applicants of O.A. As such the point raised as raised in the case is not covered hence, Ration Allowance was not paid from the date of their joining.

12. That with regard to the statements made in para 4.xiv of the application the respondents beg to state that same as in para 4.xiii above.

13. That with regard to the statements made in para 4.xv of the application the respondents beg to state that the Ration Allowance has been paid to the staff in accordance with the orders of Cabinet Secretariat and instructions received from Court from time to time.

14. That with regard to the statements made in para 5.I, of the application the respondents beg to state that the Ration Allowance was granting to the Junior Executive staff, petitioners only on the basis of Govt/CAT orders on the subject. Action taken was neither illegal nor arbitrary.

15. That with regard to the statements made in para 5.II, of the application the respondents beg to state that same as in para 4.xiii above.

-5-

16. That with regard to the statements made in para 5.III, of the application the respondents beg to state that in order dated 14.06.96 passed in O.A. No. 245/95 it was categorically mentioned that the Ration Allowance is admissible to the applicants in this O.A. Hence, the payment of Ration Allowance was restricted to the concerned as per ~~man~~ directions of the C.A.T.

17. That with regard to the statements made in para 5.IV and 5.V, of the application the respondents beg to state that same as in para III above.

18. That with regard to the statements made in para 5.VI, of the application, the respondents beg to state that the contention of the applicant is not correct. The Ration Allowance is paid in accordance with the Cabinet Secretariat and directives of CAT received from time to time. The department has not violated the provisions of Article 14 & 16 of the Constitution of India.

19. That with regard to the statements made in paras 5.VII, 5.VIII and 5.IX, of the application, the respondents beg to state that the applicants of OA 245/1995, O.A 89/96 and O.A. 120/2000 were paid Ration Allowance from the date of their posting to ARC, Doon Dooma on the directions of respective Courts. This case is not covered under the above OAs hence, Ration Allowance paid in accordance with Cabinet Secretariat orders on the subject issued vide dated 30.01.2001.

(48)

62

62

-6-

VERIFICATION

I, Shri O.P. Sirohi, presently working as Dy. Director, being duly authorised and competent to sign this verification, do hereby solemnly affirm and state that the statements made in para 1 to 19 are true to my knowledge and belief and those made in para 20 being matter of records, are true to my information derived therefrom and the rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material fact.

And I sign this verification on this 19th day of December, 2002,



Declarant.

Shri O.P. Sirohi
Aviation Research Centre

Dy. Director