

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

3

(DESTRUCTION OF RECORD RULES, 1990)

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O.A.T.A No. 226/2004

R.A/C.P No.

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SECTION OFFICER (Judl.)

FORM NO. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Original Application No. 226/04

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicants: Th. S. C. Singh

Respondents: H. O. I. Jom

Advocate of the Applicants: Mr. A. Ahmed

Advocate for the Respondents: case

Notes of the Registry	Date	Order of the Tribunal
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24.09.2004

Present : The Hon'ble Mr. K.V. Prahladan,
Member (A).

This application was filed
is filed in Form No. 4
deposited via P. 20
No. 206/114482
Dated 4.9.04

Dy. Registrar

Steps taken with
envelops.

This is an application praying for grant of Ration Allowance to the applicant w.e.f. 14.8.93 to 30.9.98 when the applicant was posted at Aizwal (Mizoram) under SSB. Vide Judgment and Order dated 8.9.1999 passed in O.A. No. 103/1999, ration allowance was ordered to be paid to the employees of SSB/ at posted order of Itanagar. In O.A. No. 11/2001 by this Tribunal dated 28.2.2001 ration allowance was ordered to pay to the applicants from the date of assuming charge in the respective places at Aizwal. In the letter of the respondents dated 13.01.2004 (Annexure-IX), the applicant has not been paid ration allowance as because he was not a party in O.A. No. 11/2001.

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

Contd/-

Contd/-

24.09.2004

The applicant is similarly placed with the applicants of O.A. No. 103/1999 and O.A. 11/2001. Therefore, I do not find any reason as to why respondents shall not pay ration allowance to the applicant. Accordingly, the respondents are directed to pay the ration allowance to the applicant during his tenure at Aizwal from 14.08.93 to 30.9.98 within four months from the date of receipt of this order.

The O.A. is accordingly allowed.
No order as to costs.


Member (A)

mb

28.9.04

Copy of The
order has been
sent to the Dftee.
for issuing the
line to the L/Adm
for the parties.

at 30/9

2.2 SEP 2004

प्रतिवादी न्यायालय

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.**

**(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL
ADMINISTRATIVE TRIBUNAL ACT 1985)**

ORIGINAL APPLICATION NO. 226 OF 2004.

BETWEEN

Shri Th. Subash Chandra Singh

... Applicant

-Versus-

The Union of India & Others

... Respondents

LIST OF DATES AND SYNOPSIS

Annexure-I is the photocopy of the said letter dated 18-12-1987 along with two Annexures is annexed herewith.

Annexure-II is the Photocopy of Office Memorandum No.9/SSB/A2/86(1) IV Pt-II dated 9-8-89.

Annexure-III and IV are the photocopies of the judgment dated 14-6-96 passed by this Hon'ble Tribunal and the order-dated 16.3.93 passed by the Hon'ble Supreme Court are annexed here with.

Annexure-V is the photocopy of the said order dated 17-7-98 is annexed herewith.

Annexure-VI is the photocopy of Order dated 8-9-99 passed by this Hon'ble Tribunal in O.A.No.103/99 is annexed herewith.

Annexure-VII is the photocopy of the said Order dated 12-1-2000 is annexed herewith.

Annexure-VIII is the photocopy of the representation submitted by the Applicant before the Respondent No.4.

Annexure-IX is the photocopy of Memorandum No. 20TH BN/SSB/ACCTTs/Pay/2003-2004/1034 Dated 13th January 2004 also Endrst No.TCS/V/ACCTTS/31/03-04/3427 Dated 23rd March 2004.

This application is directed against the Office Memorandum No.20TH BN/SSB/ACCTTs/Pay/2003-2004/1034 Dated 13th January 2004 also Endrst No.TCS/V/ACCTTS/31/03-04/3427 Dated 23rd March 2004 issued by the Respondent No.4 by which the Respondent had refused to pay the Ration Money Allowance only on the ground that he was not one of the Applicant in various Original Application filed in the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati for payment of Ration Money Allowance.

Prud

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI**

**(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL
ADMINISTRATIVE TRIBUNAL ACT 1985)**

ORIGINAL APPLICATION NO. OF 2004.

BETWEEN

Shri Th. Subash Chandra Singh,
Son of Shri Th. Babu Singh,
Pharmacist, Office of the Deputy Inspector
General (Training Centre),
Special Service Bureau (S.S.B.),
Ministry of Home Affairs, Government of
India, Salonibari, P.O.- Salonibari,
District-Sonitpur (Assam).

... Applicant

-AND-

1. The Union of India represented by the
Home Secretary, Ministry of Home
Affairs, Government of India, North
Block, New Delhi-1.
2. The Director,
S.S.B., Block-V-East, R.K. Puram,
New Delhi-110066.
3. The D.I.G. (Training Centre)
T-C, SSB, Salonibari,
District-Sonitpur, Assam.
4. The Commandant,
20th BN, SSB
Balarampur,

Filed by
Shri Th. Subash Chandra Singh
Applicant
through Jil. (Adic. Assam) &
Agent

Amr

P.O.-Balrampur,

District- Balrampur. (D.P.)

... Respondents

1) DETAILS OF THE APPLICATION PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:

This application is directed against the Office Memorandum No.20TH BN/SSB/ACCTTs/Pay/2003-2004/1034 Dated 13th January 2004 also Endrst No.TCS/V/ACCTTs/31/03-04/3427 Dated 23rd March 2004 issued by the Respondent No.4 by which the Respondent had refused to pay the Ration Money Allowance only on the ground that he was not one of the Applicant in various Original Application filed in the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati for payment of Ration Money Allowance.

2) JURISDICTION OF THE TRIBUNAL

The Applicant declares that the subject matter of the instant application is within the jurisdiction of the Hon'ble Tribunal.

3) LIMITATION

The Applicant further declares that the subject matter of the instant application is within the limitation prescribed under Section 21 of the Administrative Tribunal Act 1985.

4) FACTS OF THE CASE:

Facts of the case in brief are given below:

4.1) That your humble Applicant is a citizen of India and as such he is entitled to all rights and privileges guaranteed under the Constitution of India.

4.2) That your Applicant begs to state that he is a Pharmacist and Non-executive personnel serving in the Special Service Bureau (SSB) under the administrative control of Respondent No.43,

Adus

li

4.3) That your Applicant begs to state that the Government of India, in the year 1962 set up the Directorate General of Security (D.G.S.) under the Administrative control of the Cabinet Secretariat for some specific purpose which is a multi-role, multidisciplinary organization comprising four agencies, namely, Special Service Bureau (S.S.B.), Aviation Research Centre (A.R.C.), Special Frontier Force (S.F.F.) and Chief Inspector of Armaments.

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

Annexure-I is the photocopy of the said letter dated 18-12-1987 along with two Annexures is annexed herewith.

4.5) That your Applicant begs to state that that from the said letter and Annexures, it would be apparent that certain concessions were granted and in the case of the Applicant, the concession referred to against Serial No.2 in Annexure-I, i.e. Ration Allowance, would be relevant. The House Rent Allowance to the executive cadre was made admissible to the personnel of other cadres also of the corresponding level except in the case of S.S.B. Battalion personnel and Deputy Commandants /Company Commanders/Assistant Company Commander of S.S.F. and also those on deputation in the S.S.F. from the Army.

4.6) That your Applicant begs to state that the order dated 28-10-86 mentioned in the letter dated 18-12-87 (Annexure-I) was an order from



the Cabinet Secretariat whereby the sanction of the President was conveyed to the equation of posts listed at Annexure-A in various cadres of corresponding level in Aviation Research Centre to that of the executive cadre. The present Applicant have been equalized with the Field Officers and below and as per the said equation, the Applicant was paid House Rent Allowance from 1987 itself.

4.7) That your Applicant begs to state that as per Cabinet Secretariat letter dated 18-12-87 (Annexure-I), Aizwal was not categorized as either "B" or "C" locations and as such the S.S.B. personnel serving in Aizwal were not granted Ration Allowance Concessions initially.

On exercise of power conferred on him as the Head of the Department and in terms of paragraph 3 of the Cabinet Secretariat letter dated 18-12-87 (Annexure-I), the Director, S.S.B., New Delhi (Respondent No.3), by his Office Memorandum No.9/SSB/A2/86(1) IV Pt-II dated 9-8-89, conveyed his sanction to the classification of Aizwal (Mizoram) as Category "B" station for the purpose of granting various concessions as referred to in the letter dated 18-12-87 (Annexure-I) for a period of three years with effect from the date of issue of that order dated 9-8-89.

Therefore the classification of Aizwal (Mizoram) as category "B" location for the purpose of granting the above concessions was renewed from time to time. The latest renewal of the classification of Aizwal (Mizoram) as category "B" location was sanctioned vide memorandum dated 15.10.98 w.e. from 27.4.98 to 26.4.2001

Annexure-II is the Photocopy of Office Memorandum No.9/SSB/A2/86(1) IV Pt-II dated 9-8-89.

4.8) That your Applicant begs to state that after Aizwal was categorized as "B" station, the employees of the S.S.B. serving in Aizwal became eligible for receiving Ration Allowance with effect from 9-8-89 the from which Aizwal was categorized as "B" station and accordingly the Field Officers and the below were paid Ration Allowance. However, for reasons best known to the authority, the Applicant was not paid Ration Allowance in a most illegal and arbitrary manner.

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4.9) That your Applicant begs to state that the Aviation Research Centre is a part of Directorate General of Security along with S.S.B. and two other organizations. Similar concessions including Ration Allowance were granted to the employees of the Aviation Research Centre and the non-executive staff of the Aviation Research Centre, Doomdooma had filed an application before this Hon'ble Tribunal claiming that being non-executive staff, they were also entitled to get the Ration Allowance as was being given to the executive staff, according to the equalization done as per order dated 28-10-86 (Annexure-II) and the same was numbered as O.A. 245/95. A Division Bench of this Tribunal, by judgment dated 14-06-96, held that the Ration Allowance was admissible to the Applicant and directed that the Ration Allowance be paid to the Applicant to them with effect from the due date and to pay the arrear amounts within a fixed period. The Aviation Research Centre authorities, instead of granting the concessions, filed an S.L.P. in the Hon'ble Supreme Court challenging the order passed by this Hon'ble Tribunal granting Ration Allowance to the non-executive staff and the same was numbered as Special Leave to Appeal (Civil) No.1706/97. The Hon'ble Supreme Court, by order dated 16-3-98, dismissed that the order be punctually observed and carried into execution by all concerned.

Annexure-III and IV are the photocopies of the judgment dated 14-6-96 passed by this Hon'ble Tribunal and the order-dated 16.3.93 passed by the Hon'ble Supreme Court are annexed here with.

4.10) That your Applicant begs to state that in pursuance of the said judgment, the Cabinet Secretariat, vide their Order No.A-27011/4/36/EA.II/1483 Dated 16-6-98, sanctioned the Ration Allowance to the non-executive staff of the Aviation Research Centre and all payment have since been made to the staff who are still continuing at Doomdooma which has been categorized as "B" station.

4.11) That your Applicant begs to state that some other non-executive personnel of Aviation Research Centre (ARC), F.R.U. Numaligarh who were also deprived of getting the Ration Allowance had also filed an application before this Hon'ble Tribunal, claiming Ration Allowance and

the same was numbered as O.A.89/96. This Hon'ble Tribunal, by order dated 17-7-98 disposed of the application directing the department to pay Ration Allowance w.e.f. 22-2-94 along with arrears within 3 months.

Annexure-V is the photocopy of the said order dated 17-7-98 is annexed herewith.

4.12) That your Applicant begs to state that after the non-executive cadre/employees of the Aviation Research Centre, Doomdooma and of Aviation Research Centre, Field Research Unit (F.R.U.), Numaligarh were granted Ration Allowance, as stated above, in terms of orders passed by this Hon'ble Tribunal which was not interfered by the Hon'ble Supreme Court, the non-executive, personnel serving in the S.S.B., Itanagar in Arunachal Pradesh filed an application before this Hon'ble Tribunal which was as O.A.No.103 of 1999 claiming grant of Ration Allowance w.e.f. 8-11-94, date from which Itanagar was categorized as "B" station. This Hon'ble Tribunal, by order dated 8-9-99, disposed of the application by directing the Respondent Authorities to pay Ration Allowance to the Applicant with effect from the dated on which the allowance became admissible. It was further directed that the arrear as admissible to each Applicant, should be paid within 90 days from the date of receipt of the order.

Annexure-VI is the photocopy of Order dated 8-9-99 passed by this Hon'ble Tribunal in O.A.No.103/99 is annexed herewith.

4.13) That, thereafter, the non-executive personnel of the SSB serving in Shillong under the administrative control of the Divisional Organiser, SSB, Shillong, Meghalaya who were similarly denied Ration Allowance also filed an application before this Hon'ble Tribunal praying for grant of Ration Allowance w.e.f. from the dated when Shillong was categorized as "B" station by the Competent Authority. The said application was registered and admitted as O.A.No.367/99. This Hon'ble Tribunal, by order dated 12-1-2000 disposed up the application by directing the Respondents to pay Ration Allowance to the Applicant from the due date.

Annexure-VII is the photocopy of the said Order dated 12-1-2000 is annexed herewith.

4.14) That the Applicant begs to state that he filed a representation before the Respondent No.4 through proper channel requesting him to sanction and claim arrear of Ration Money Allowance for his tenure at SSB, Aizwal with effect from 14-08-1993 to 30-09-1998. The Respondent No.4 vide his Memorandum No. 20TH BN/SSB/ACCTTs/Pay/2003-2004/1034 Dated 13th January 2004 also Endrst No.TCS/V/ACCTTS/31/03-04/3427 Dated 23rd March 2004 stated that the Applicant was not a party in the earlier Court Cases as such they rejected the claim of the Applicant and if any court order by name available to the Applicant may kindly provided to them. Hence your Applicant is compelled to approach this Hon'ble Tribunal for seeking justice in this matter.

Annexure-VIII is the photocopy of the representation submitted by the Applicant before the Respondent No.4.

Annexure-IX is the photocopy of Memorandum No. 20TH BN/SSB/ACCTTs/Pay/2003-2004/1034 Dated 13th January 2004 also Endrst No.TCS/V/ACCTTS/31/03-04/3427 Dated 23rd March 2004.

4.15) That your applicant begs to state that it is unjust to discriminate among the employees similarly placed in the same department and it is also not proper to insist on every aggrieved employee to approached the court when the actions are identical.

5) GROUND FOR RELIEF WITH LEGAL PROVISION:

5.1) For that, the similarly situated persons who are working under the same department and in the same office have been granted the relief's which has been settled by the Hon'ble Tribunal as well as Hon'ble Supreme Court of India. But the Respondents are not giving the same reliefs to the instant applicant.

5.2) For that, being a model employer the Respondents cannot deny the same benefits to the instant applicant which have been granted to the other similarly persons. As such the Respondents should extend this

benefit to the instant applicant without approaching this Hon'ble Tribunal.

5.3) For that, the matter has already been settled by the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati in similar Cases as such the Respondents cannot deny the same to the Applicant.

5.4) For that the Respondents have violated the Article 14, 16 & 21 of the Fundamental rights guaranteed under the Constitution of India.

5.5) For that, the action of the respondents is arbitrary, mala-fide and discriminatory with an ill motive.

5.6) For that, in any view of the matter the action of the matter the action of the Respondents are not sustainable in the eye of law as well as fact.

The Applicant craves leave of this Hon'ble Tribunal advance further grounds the time of hearing of this instant application.

6) DETAILS OF REMEDIES EXHAUSTED:

The Applicant had submitted representation to the Competent Authority through proper channel but these were rejected only on the ground that he was not an Applicant in earlier cases allowed by this Hon'ble Tribunal in the matter of granting Ration Allowance.

7) MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:

That the Applicant further declares that he has not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other court, authority, nor any such application, Writ Petition of suit is pending before any of them.

8) RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the applicant most respectfully prayed that Your Lordships may be pleased to admit this application, call for the records of the case, issue notices to the Respondents as to why the relief and relieves sought for the Applicant should not be granted the benefit of Ration Allowance with effect from 14.8.93 to 30-09-98 during the posting of the Applicant at Aizwal (Mizoram) and/or pass any other order/orders as your Lordships may deem fit and proper.

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

9) INTERIM ORDER PRAYED FOR:

At this stage no interim order is prayed for, if the Hon'ble Tribunal deem fit may pass any order or orders.

10) Application is filed through Advocate.

11) Particulars of I.P.O.:

I.P.O. No. : 206114482
Date of Issue : 20.9.2004
Issued from : Guwahati G.P.O.
Payable at : Guwahati

12) LIST OF ENCLOSURES:

As stated above.

Verification

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

I, Shri Th. Subhash Chandra Singh, Son of Shri Th. Babu Singh, Pharmacist, presently working under the Office of the Deputy Inspector General (Training Centre) S.S.B., Ministry of Home Affairs, Government of India, Salonibari, P.O.-Salonibari, District-Sonitpur (Assam) do hereby solemnly verify that the statements made in paragraph nos. 4.1, 4.2, 4.3, 4.5, 4.6, 4.8, — are true to my knowledge, those made in paragraph nos. 4.4, 4.5, 4.7, 4.9, 4.10, 4.11, 4.12, 4.13, 4.14, are being matters of records are true to my information derived there from which I believe to be true and those made in paragraph 5 are true to my legal advice and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 08th day of September 2004 at Guwahati.



(Th. Subhash Ch. Singh)

-13-

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ANNEXURE - I

ANNEXURE - I

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

Government of India,

Cabinet Secretariat,
Nikaner House (Annexe),
Shahjahan Road,

New Delhi.

New Delhi, the 18.12.87.

To,

The Director (Planning),

Director General of Security,

East Block, R.K. Puram,

New Delhi-55.

Subject: Grant of concessions to the staff of SSU, SFF,
C.I.O.A. and Directorate of Accounts.

Sir,

I am directed to convey to the sanction of the President to the grant of concessions mentioned in the Annexure-I to the various categories of staff of SSU, 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.o.f. 1st August, 1987.

3. For some of the concessions the various hardship locations have been categorized as 'B' & 'C' stations as indicated in Annexure-II to this letter. However, if the Heads of the Department feel at certain times that certain locations or assignments have become specially hazardous and there is a specific increase in the threat to the

contd...

-14-

(H)

2.

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 'A' & 'C' stations after recording the reasons in writing.

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

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

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

Yours faithfully

sd/-

(R.K.GANGAR)

Deputy Secretary (SR)

Encl: Annexure-I & II.

Copy to:-

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

contd...

Admitted
Admitted

-15-

(27)

(36)

Annexure-I.

ANNEXURE TO THE CABINET SECTY. 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 subject to maximum of Rs.200/- p.m. to category 'B' stations other than those situated in the North-Eastern region, Andaman & Nicobar Island and Lakshadweep, where special allowance is already sanctioned.	debarred For the stations which are as belonging to category 'B' and 'c' by the Head of the Department under the powers now delegated to him, the same rates will apply.

contd...

18

ACCOUNTS OFFICE

Grade:-

Secy
Adm
Ld

16-
✓
2) Ration Allowance

37
-2-
Ration Allowance to the rank of field
officers and below at the following rates
excepting SSB Sn. personnel and Dy. Comdts/
Dey. Comdrs/Asstt. Dey. Comdrs of SFF and
also those on deputation in the SFF from
the Army :-

contd...

Advert
Advert

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17- (52)
(COPY)

ANNEXURE - II

SECRET

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

Dated the, 9/8/89.

MEMORANDUM

Subject :- Grant of concessions to the staff
of SSB.

In exercise of the powers vested in him as Head of Department, in terms of Para 3 of Cabinet Secretariat letter No. A-27011/4/06-EA.II dated 18.12.87, the sanction of the Director, SSB is hereby conveyed to the classification of the undermentioned stations as Category 'B' stations for the purpose of grant of various concessions mentioned in Annexure I (other than clothing grant) of the above quoted Cabinet Secretariat order dated 18.12.87, for a period of three years w.e.f. the date of issue of this order.

<u>Sl.No.</u>	<u>Name of the station</u>
1.	Gangtok (Sikkim)
2.	Aizwal (Mizoram)
3.	Imphal (Manipur).

Sd/-
(G.P. VERMA)
Dy. Inspector General (E).

To

1. The D.Os UP/NB/NA/AP/Manipur/Shillong/Raj & Gujarat/HP Divisions.
2. All Digs TCs.
3. Director of Accounts, New Delhi (5 copies)
4. Commandant, CSD & W Bhopal.
5. Commandant, TC Faridabad.
6. All Branches, SSB Dte.
7. Order file.

18/8/89
Accounts Officer,
D.O. SSB Manish.

Adm
Adm

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 Hohnu Prasad Saini
Sanitary Inspector,
Aviation Research Centre,
Doomdooma. Applicants.
2. Sri Dipak Handi,
Radio Mistri,
ARC, Doomdooma.

By Advocate S/Shri C.K. Bhattacharjya
with C.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.

1. Deputy Director,
Aviation Research Centre,
Doomdooma.

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

O R D E R

G.L. SANGLYINE, MEMBER (A)

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

Filed
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Sub

-19- (2)

22

FROM FROM an A Category B Station with effect from 22.2.94

2. Annexure IV to this O.A., namely No. 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 allow-
ance 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.All, 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
20.10.1986 (Annexure-III) is for the purpose of House Rent
Allowance only. Further, the concession of Ration Allowance
has been extended to the employees of junior executive
cadre only upto the rank of field officer on the analogy
of the Junior Executive Staff, of R & AW and the applicants
who do not fall in this category cannot get the benefit of
Ration Allowance. Mr. G.K.Bhattacharya submitted that

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

4. We have perused the records and heard the ~~ammonix~~ counsel of the parties in this G.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 ~~maxx~~ are non-executive staff. We are not impressed by such stand of the respondents. ~~Un~~ In the case of granting House Rent Allowance for the purpose of granting Ration Allowance such equation of posts is not required by the authorizing letters. This position is clear from the

A. K. Sharma
J. K. Sharma

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Sl. No. Name of the concession granted. Extent of the concession granted. Remarks

2 3 4

(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.

Separate orders will be issued about corresponding levels."

The respondents cannot bring in what is not there or what is not intended to be there by the letter No.A 27011/4/86-EA-II(A) dated 6.12.1987 as indicated above. This letter simply clearly states that the allowance is admissible to the various categories of the staff of ARC by placing a limit upto the rank of FO and below. In O.A.163/91 and O.A.179/91 of this Bench on the strength of the recommendations of the same one man Committee referred to in this O.A. Ration Allowance was paid to the non-executive staff of the Intelligence Bureau but the payment was stopped in 1991. This Tribunal in the order dated 17.12.1993 (to which one of us was party) after discussion and relying on the order dated 27.9.93 of the Central Administrative Tribunal, Chandigarh Bench, Circuit at Jammu. In O.A.No.301/JF/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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Co Ration Allowance and House Rent Allowance are almost identical. The conditions in these two O.A.s is in respect of Ration Allowance that the personnel posted in category B locations will be entitled to Ration Allowance at non-qualifying area rate for BSF. For house rent allowance it is stipulated that House rent allowance would be applicable to all other cadres of the IB under the same terms applicable to the executive cadres of corresponding levels. In view of the facts mentioned above we hold that Ration Allowance is admissible to the applicants in this O.A. The respondents are directed to pay Ration Allowance to the applicants at the rate applicable to them with effect from the due date 22.2.1994. The arrears amount shall be paid within 31.10.1996.

The application is allowed. No order as to costs.

So/-

MEMBER(A)

So/-

MEMBER(B)

Section Officer (C. & A.)
Admission Branch
1/4/76

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ANNEX - IV

ANNEXURE - IV

IN THE SUPREME COURT OF INDIA

CRIMINAL/CIVIL APPELLATE JURISDICTION

248256

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 1706 OF 1997.

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

WITH

INTERLOCUTORY APPLICATION NO.2.

(Application for stay after notice).

Union of India & ors.

...petitioner...

-versus-

Sri Nishu Prasad Sarkia and ors.

...respondents...

(FOR FULL CAUSE TITLE PLEASE SEE SCHEDULE 'A' ATTACHED HERewith).

16th MARCH, 1998.

CORAM:

HON'BLE MR. JUSTICE S.C. AGARWAL

HON'BLE MR. JUSTICE G. SACHIN AGARWAL

HON'BLE MR. JUSTICE M. SRINIVASAN

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

For the Respondent Nos. 1 to 87.

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

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

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

AND THIS COURT DOETH 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.

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ANNEX = VII

ANNEXURE V

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
COCHIN Bench

Original Application No. 89 of 1996

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

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

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

2. Shri Anil Chandra Baruah,
L/A Aviation Research Centre,
F.R.U., Humaligath, Golaghat.

.....Applicants

By Advocates M. G.R. Bhattacharyya and
Mr G.H. 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,
Doomdooma.

.....Respondents

By Advocate Mr A.R. Choudhury, Addl. C.G.S.C.

O R D E R

BARUAH, D. (V.C.)

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

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

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

4. By Annexure III letter dated 28.10.1986 the Deputy Secretary (SR), Government of India, informed the Director, Aviation Research Centre that House Rent Allowance, as admissible to the executive cadres will be admissible to the personnel of other cadres also of the corresponding levels. According to the applicants they are personnel of other cadres of corresponding levels. Thereafter, ration allowance was also given as per Annexure IV letter dated 6.12.1987 issued by the Deputy Secretary, Government of India, to the Director, Aviation Research Centre, New Delhi. On the basis of Annexure IV letter the applicants and other similarly situated persons are entitled to ration allowance which was, however, denied to them. Hence the present application.

We have heard Mr G.R. Bhattacharyya, learned counsel for the applicants and Mr A.K. Choudhury, learned Addl. C.G.S.C. Mr Bhattacharyya submits that the present case is squarely covered by this Tribunal's order dated 14.6.1996 passed in original application No. 245 of 1995. The learned counsel further submits that against the said judgment the respondents (in that case) approached the Apex Court by filing Special Leave Petition No. 1706/97 which was dismissed by the Apex Court by order dated 16.3.1998. Mr A.K. Choudhury also confirms the same.

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Attorney
Advocate

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ANNEX

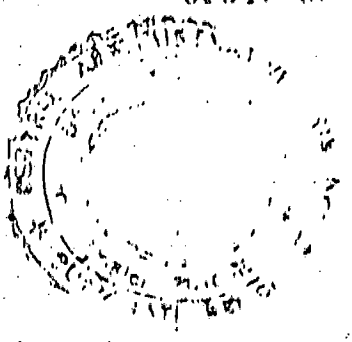
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5. On hearing the learned counsel for the parties and following the decision of this Tribunal passed in O.A.No.245 of 1995, I dispose of this application with direction to the respondents to pay ration allowance with effect from 22.2.1994 and the arrears 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/- J. S. Choudhary

Certified to be true Copy
J. S. Choudhary



[Signature]
16/3/78

16/3/78

[Signature]
Advocate

Date of Order: This the 08th Day of September, 1999.

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

Shri H. Venugopal and 69 others.

All the applicants are serving in the
I.T.N., Itanagar in Arunachal Pradesh.

Applicants.

by Advocate Shri G.H. Das.

- Versus -

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

by Advocate Shri D.S. Banumathary, M.L.A., C.O.S.C.

ORDER

G.L. BANIGLYINE, ADM. MEMBER.

All these 70 applicants in this Original Application are employed in the Special Services 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.

Station allowance was granted to the personnel of the rank of Field Officers and below serving in the locations designated as 'B' and 'C'. The applicants stated that they are in the rank of Field Officers and below. By order dated 0.11.1994 certain stations in Arunachal Pradesh were classified as category 'U' and 'C' stations for the purpose of various benefits 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 0.11.1998. They claim that consequent to the categorisation of Itanagar station as a 'B' station the

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employees of the SSB working in Itanagar became eligible for getting the ration allowance from 0.11.1994. 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, Deodooma 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 0.11.1994.

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

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

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

I have perused the application as well as the judgments in the 3 Original Applications relied on by the learned counsel for the applicants, particularly, judgment at para 4 of the order dated 14.6.1996 and judgment at para 3 of the order dated 21.4.1999 in which detailed 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 arrears amount so 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 (Adm)

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11/11/97
Deputy Registrar (Adm)
Central Administrative Tribunal
Gurgaon Bench

11/11/97
Adm

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ANNEX —

IX

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BRANCH



ANNEXURE-VII

Original Application No. 367 of 1999

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

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

Shri Hanik Sapkota and 36 others
All the applicants are non-executive
staff serving in the Office of the
Divisional Organiser, S.S.B.,
Shillong, Meghalaya.

...Applicants

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

- versus -

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

...Respondents

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

O R D E R

G.L. SANGLYINE (ADMINISTRATIVE MEMBER)

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

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

Attended
21 Jan-00

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

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

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Attested

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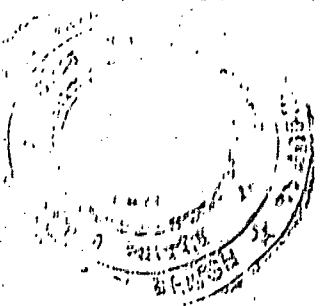
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respondents to pay ration allowance to those applicants with effect from the date the allowance became applicable to Itanagar. In the case of the employees in Itanagar, the ration allowance was admissible from 8.11.1994 when certain stations in Arunachal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

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

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



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SO/MEAGER (ADM)

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प्रमाणित प्रतिलिपि

7/4/00
Central Administrative Tribunal
Guwahati Branch
7/4/2000

Handwritten signature and initials.

To,

The Commandant,
20th Bn. SSB,
Balrampur.

(Through proper channel)

Sub :- Request to sanction and claim arrear of
Ration Money Allowance for my tenure at
G.C. SSB, Alzawl w.e.f. 14/08/1993 to
30/09/1998.

Sir,

Most respectfully, I beg to submit that I
was posted at Group Centre SSB, Alzawl w.e.f.
14/08/1993 to 30/09/1998 and Alzawl was declared
as B.C. Station during that period vide DGS order
No. 9/SSB/A-2/85(1)-V/2035, dtd. 27/04/1992 and
the same had been extended for further 3 years vide
order even No. 1257, dtd. 21/06/1995.

The Ration Money Allowance is entitled in
B.C. Stations as terms and conditions laid
down in Annexure-A of Cab. Secretary's order No.
A-27011/4/83-PA-II, dtd. 13/12/1987. Non-executive
staff posted during the aforesaid period at G.C. SSB,
Alzawl filed an Original Application in Central Admi-
nistrative Tribunal (C.A.T), Gauhati vide No. 11 of
2001 and the C.A.T proclaimed their verdict in favour
of the applicants (Copy enclosed for ready reference)
and the applicants already drawn arrear for the said
period.

Therefore, I am requesting your good self to
look into the matter in the light of above mentioned
orders and the arrear in respect of Ration Money
Allowance for my tenure period w.e.f. 14/09/1993 to
30/09/1998 may kindly be sanctioned and the sanctioned
arrear may please be claimed and paid to me at the
earliest.

Yours faithfully,

(Th. Subhasi Chandra Singh)

Pharmacist

T.C. SSB Balrampur

Encl: As above.

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CAS-2001

Attested
[Signature]

///COPY///

REGISTERED WITH A/D (INMUR) No. 200)

Nb. 20TH BN/SSB/ACCTTS/Pay/2003-04/1034
GOVERNMENT OF INDIA,
MINISTRY OF HOME AFFAIRS,
OFFICE OF THE COMMANDANT,
20TH BN SSB BALRAMPUR
PO & DISTT: BALRAM-PUR (UP)

Dated, the 13th Jan'2004

MEMORANDUM

Please refer to your Memo Nb. TCS/V/ACCTTS-131/03-04/12753-54 dated 29/7/2003 forwarding thereunder an application in respect of Shri Th. Subhash Chandra Singh, Pharmacist for granting/claiming Ration Money allowance for the period wef 14/8/1993 to 30/9/1998.

On perusal of Service book/Court Order passed by the Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman, CAT, Guwahati Branch, it is found that in Court Order pay Ration allowances from 16/5/1994 to the applicant Nb.1 (Sh Sandeep Kumar) and from 8/10/1998 to the applicant Nb.2 (Shri Satyandra Kumar). Accordingly their Ration Money has been claimed as per Court Order. If any Court Order by name available with Shri Th. Subhash Chandra Singh, Pharmacist may kindly be provided to this office for taking further necessary action at this end. Hence, all documents received under memo and Service Book of official are returned herewith which may kindly be acknowledged please.

Encls:-As stated.

Sd/-13/1/2004

D.D.O.

20TH BN SSB BALRAMPUR

To,

The Commandant,
TC SSB Salonibari.

Endrst No. TCS/V/ACCTTS/31/03-04/3427 dated 23 MAR 2004

Copy forwarded for information and necessary action to:

Shri Th. Subhash Chandra Singh, Pharmacist
Through CMO(SG),
TC SSB Salonibari.

ASSTT. COMMANDANT/DDO
TC SSB SALONIBARI

Pharmacist, Subhash Chandra Singh
ing + u/a.

23/03/04