

100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 205/2005

R.A/C.P No.....

E.P/M.A No.....

1. Orders Sheet. O.A-205/2005 Pg..... 1 to.....

2. Judgment/Order dtd. 05/08/2005 Pg..... 1 to..... 4 Disposed

3. Judgment & Order dtd..... Received from H.C/Supreme Court

4. O.A..... 205/05 Pg..... 1 to..... 11

5. E.P/M.P..... Pg..... to.....

6. R.A/C.P..... Pg..... to.....

7. W.S..... Pg..... to.....

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. Amendment Reply by Respondents.....

15. Amendment Reply filed by the Applicant.....

16. Counter Reply.....

2
SECTION OFFICER (Judl.)

FORM NO. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

ORDER SHEET

Original Application No. 205/05

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicant(s): Preakim Chandra Das Tunes (42 nos)

Respondent(s): h.o.t. Trel

Advocate for the Applicant(s): Mre. N. K. Das

Advocate for the Respondant(s): Colle

Notes of the Registry	Date	Order of the Tribunal
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	5.8.05.	Judgment delivered in open Court.
This application is in form is filed/C. F. for Rs. 50/- deposited vide D.P.C./D.B. No. 20.6.158.253		Kept in separate sheets. Application is disposed of.
Dated 3.8.05	1m	

Parimal Chandra Das
Vice-Chairman

Heets
Dy. Registrar

*25
3.8.05*

Steps taken.

DRP

*Parimal Chandra Das
10/8/05
for C.C.S.C.*

9.8.05
C.C. copy has been
collected by the L/Advocate
for the applicant.

AK

CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH.

O.A. No. 205 of 2005.

DATE OF DECISION: 05.08.2005

Mr. Prabin Ch. Das & Ors.

APPLICANT(S)

Mr N.K. Das

ADVOCATE FOR THE
APPLICANT(S)

VERSUS -

U.O.I. & Others

RESPONDENT(S)

Mr. G. Baishya, Sr. CGSC

ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE MR. JUSTICE G. SIVARAJAN, VICE-CHAIRMAN

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

Judgment delivered by Hon'ble Vice-Chairman.

G. Sivaprasad

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,

Original Application No.205 of 2005.

Date of order: This the 5th Day of August, 2005.

HON'BLE JUSTICE MR.G.SIVARAJAN, VICE-CHAIRMAN

1. Sri Prabin Chandra Das, Accountant.
2. Sri D.C.Phukan, Asst.
3. Sri S.K. Borah, Asstt.
4. Sri K.N.Choudhury, Jr.Accountant.
5. Miss Malabika Das, Steno.
6. Sri T.Sarma, UDC
7. Sri N.K.Nayak, LDC
8. Sri Anand Rai, Driver
9. Sri Ramen Ch.Das,Driver
10. Sri S.P.Gogoi, Driver.
11. Sri K.Bania, Driver.
12. Sri N.K.Nath, DFO(G)
13. Sri Pinaki Sarkar SFA(G)
14. Sri Haren Gogoi FA (T)
15. Sri Purna Kanta Keot, FA(T)
16. Sri H.Manisena Sharma(Pharmacist)
17. Smt.Jibolata Das (Pharmacist).
18. Sri Keshabandu Shom Lab Tech.
19. Sri Karam Singh AFO(M)
20. Sri L.Gunamani Singh SFA(H).
21. Sri P.C.Phukan, SFA(V).
22. Sri Ganesh Poddar SFA(M)
23. Sri Paresh Ch.Nath, Peon,
24. Sri Boloram Sharma, Peon.
25. Shri Ambeswar Gogoi, Peon.
26. Sri Naranath Kalita, Peon:
27. Sri B.K.Singh, Peon
28. Smti Ranju Devi, Peon:
29. Shri Dipak Saikia, Peon.
30. Sri Dilip Bharali, Peon.
31. Smti.Barnali Das, Peon.
32. Sri T.H.Memi Devi, Peon
33. Sri Mukta Roy, Peon.
34. Sri P.Abungna Safaiwalla.
35. Smt. Parbati Basfore Safaiwalla.
36. Sri Sarbananda Das, Safaiwalla
37. Miss.Jyotsna Rani Nath, M/Servant.
38. Miss Joya Borah, M/Servant.
39. Smti.Putul Das, M/servant.
40. Sri Budhi Prasad Bharali N.K.(Cook)

41. Sri A.Thakuria, Asstt., Cook.
 42. Smti.G.Hemalata Devi N/Asstt.
 43. Sri S.R.Baruah, Waterman.Applicants

All are presently working in the office of the Inspector General Frontier Headquarters SSB Zoo Road, Uday Path, Guwahati-24

By Advocate Mr.N.K.Das

- Versus -

1. Union of India represented by the
 Secretary to the Ministry of Home Affairs,
 New Delhi.
 2. Director General of Security, SSB,
 East Block VRK Puram, New Delhi-11066.
 3. Inspector General, Frontier Headquarters, SSB, Zoo Road
 Guwahati-24. Respondents.

By Advocate Mr.G.Baishya,Sr.C.G.S.C.

ORDER(ORAL)

SIVARAJAN,L(V.C.):

The applicants, 43 in number, are presently working in the office of the Inspector General of Frontier Headquarter, SSB, Zoo Road, Guwahati. The applicants have filed this O.A. seeking for direction to the Respondents not to recover further amount already paid from 1.11.2003 to April, 2005 to the applicants as Ration money Allowance from their monthly salary bill onwards August, 2005 and also to refund the amount that has already been recovered from the monthly salary bill of June and July, 2005.

2. We have heard Mr.N.K.Das learned counsel for the applicant and Mr.G.Baishya, learned Sr.C.G.S.C. appearing for the Respondents. An identical question was raised for consideration before this Bench in O.A.No.15 of 2005 which was disposed of by order dated 4th July, 2005. In that case the Tribunal considered the matter thus:

ppm

"I have considered the rival submissions. There is no doubt that the applicants are entitled to hardship allowance in the form of ration money. The Respondents were also paying ration money to the applicants till the date of the impugned orders (Annexures C & D). Now the stand of the respondents is that the applicants are entitled to ration money only for a period of three years i.e. upto 31.10.2003 and therefore the excess payments made beyond 31.10.2003 has to be recovered. It is not disputed that there is no misrepresentation on the part of the applicants resulting in excess payment of ration money. It is only due to the negligence lapse on the part of the respondents that ration money happened to be paid beyond 31.10.2003. In these circumstances, I of the view that the respondents are not justified in seeking to recover the excess payment made to the applicants. This view of mine is supported by the decision of the CAT Jaipur Bench in Nathi Lal. V. Union of India & others, 1997(1)(CAT) 383 which decision is based on the decision of Supreme Court in Sahib Ram Vs. State of Haryana and others, 1995 SCC(L&S) 248 and instate of Orissa and others Vs. Adwait Charan Mohanty AND OTHERS, 1995 ASCC(I&S) 522. In the circumstances, while upholding the orders at Annexure C and D in regard to discontinuance/stoppance of the ration money to the applicants, I restrain the respondents from recovering any amount from the applicants excess [payments of ration money paid. However, if any amounts recovered from the applicants prior to this order, the same need not be refunded to them."

This was followed in another Case O. A. No. 192 of 2005, Judgment dated 20.7.2005 is Annexure II in this O.A.. The matter being similar, I am of the view that this application can also be disposed of at the admission stage itself.

3. In the circumstances the order dated 19.05.05(Annexure 1) in regard top the discontinuance of the ration money to the applicants is upheld and the respondents are restrained from recovering any amount from the applicants pursuant to the said order towards excess payment of ration money. However, if any recovery is made from the applicants prior to this order the same will not be refunded to them.

9/04

The O.A. is disposed of as above at the admission stage
itself.

A handwritten signature in black ink, appearing to read "G. Sivarajan". The signature is fluid and cursive, with a diagonal line through it.

(G.SIVARAJAN)
VICE-CHAIRMAN

lm

4 AUG 2005

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. 205/2005

Shri Prabin Chandra Das & Others.

.... Applicants.

- Vs -

The Union of India & Others.

.... Respondent.

Synopsis of the applications

<u>Sl. No.</u>	<u>Particulars</u>	<u>Page</u>	<u>Para</u>
1.	The Applicants were in receipt of Ration Money Allowance since 8/11/94. The said allowance stopped beyond 31/10/2003.	4	4 (ii)
2.	On receipt of impunged memorandum from the Respondent No. 2 the Respondent No. 3 started recovery of Ration Money Allowance and recovery has been made for the month of June and July, 2005.	4	4 (ii)
3.	The Hon'ble Tribunal was pleased to issue directions to restraining the some Respondents from recovery of Ration Money Allowance already paid vide order dated 4/7/2005 in case No. O.A. 15 of 2005 and dated 20/7/05 in case No. O.A. 192/05.	4	4 (iii)
4.	The Applicants were not informed in time that the Ration Money Allowance was stopped beyond 31/10/03.	5	5 (i)

Advocate.

Filed by
Nitro Kumar Das
Advocate
4/8/2005

100
4/8/2005

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. 205/2005

Shri Prabin Chandra Das & Others.

..... Applicants.

- Versus -

The Union of India & Others.

..... Respondent.

List of date of events

Sl. No.	Memorandum	Orders	Annexure	Page
1.	Memorandum dated 19/5/2005		I	9
2.	Orders of this Tribunal dated 20/7/2005 in Case No. O.A. 192/05 restrai- ning recovery in case of employees of Area organi- sation SSB, Rangia under some Respondents.		II	10


Advocate.

IN THE COURT OF CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

10
Prabin Ch. Das
Filed by
Minal Kumar Das
Advocate
17.8.2005

O. A. 205 /2005.

1. Shri Prabin Chandra Das, Accountant
2. " D. C. Phukan, Asstt.
3. " S. K. Borah, Asstt.
4. " K. N. Choudhury Jr. Accountant.
5. Miss Malabika Das, Steno.
6. Shri T. Sarma, UDC.
7. " N. K. Nayak LDC.
8. " Anand Rai Driver.
9. " Ramen Ch. Das, Driver.
10. " S. P. Gogoi, Driver.
11. " K. Bania, Driver.
12. " N. K. Nath DFO (G).
13. " Pinaki Sarkar SFA (G).
14. " Haren Gogoi FA (T).
15. " Purna Kanta Keot, FA (T).
16. " H. Manisena Sharma (Pharmacist).
17. Smt. Jibolata Das (Pharmacist).
18. Shri Keshabandu Shom Lab Tech .
19. " Karam Singh AFO (M).
20. " L. Gunamani Singh SFA (H).
21. " P. C. Phukan, SFA (V).
22. " Ganesh Poddar SFA (M).
23. " Pares Ch. Nath, Peon.
24. " Boloram Sharma, Peon .

25. Shri Ambeswar Gogoi, Peon .
26. " Naranath Kalita, Peon.
27. " B.K. Singh, Peon.
28. Smti. Panju Devi , Peon .
29. Shri Dipak Saikia, Peon.
30. " Dilip Bharali, Peon.
31. Smti. Barnali Das, Peon.
32. " T. H. Memi Devi, Peon.
33. Shri Mukta Roy, Peon.
34. " P. Abungna Safaiwalla.
35. Smti. Parbati Basfore Safaiwalla.
36. Shri Sarbananda Das, Safaiwalla.
37. Miss. Jyotsna Rani Nath, M/Servent.
38. " Joya Borah, M/Servant.
39. Smti. Putul Das, M/Servant.
40. Shri Budhi Prasad Bharari N.K. (Cook).
41. " A. Thakuria, Asstt. Cook.
42. Smti. G. Hemalata Devi N/Asstt.
43. Shri S. R. Baruah, Waterman .

BW
OLETUS

All are presently working in the
Office of the Inspector General Fron-
tier Headquarters SSB Zoo Road, Uday
Path, Guwahati-24.

..... Applicants.

Contd... 3.

- Versus -

1. Union of India represented by the Secretary to the Ministry of Home Affairs, New Delhi .
2. Director General of Security, SSB, East Block VRK Puram, New Delhi-11066.
3. Inspector General, Frontier Headquarters SSB Zoo Road, Guwahati-24.

..... Respondents .

Details of application

1. Particulars of the Order/Memorandum against which the application made.

Memorandum No. 10/SSB/AI/2003 (I) 6814-15 dated 19/5/2005 issued under the signature of S. C. Katoch, Asstt. Director (EA-I) of Respondent No. 2 under which direction was issued to recover the excess payment of Ration Money beyond 31/10/2003 i.e. after stoppage of Ration Money Allowance.

*Dh
Deletus*

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 .

Facts of the Case

4. (i) That the applicants are the employees at present working in the office of the Inspector General of frontier Headquarter SSB Zoo Road, Guwahati .

4. (ii) That the applicants were entitled to ration money allowances being All India transfer liability since 8/11/94 and they had been enjoying the said allowance till 31/10/2003 but the Respondent No. vide his Memorandum No. 10/SSB/AI/2003 (I)-6814-15 dated 19/5/05 had stopped payment of ration money beyond and issued above impunged Memorandum to recover from the applicants from their salary bill from 1/5/2005.

Xerox copy of the said is annexed
herewith and marked as Annexure-I .

4. (iii) That this Hon'ble Tribunal was pleased to restrain the Respondents from recovering any amount from the applicants as excess payments of ration money and this Tribunal was further pleased not to give refund of the amount that was already recovered vide order dated 4th July, 2005 in O A No. 15 of 2005 in respect of employees under the same Respondents. This Honourable Tribunal was also pleased to restrain the same Respondents from recovering any amount from the applicants towards excess payments of ration money paid and disallowing the refund of the amount already

*Sub
05/18/05*

recovered vide order dated 20/7/2005 in case No. O A 192 of 2005.

Xerox copy of order dated 20/7/2005 passed in ~~a~~ case No. O A 192 of 2005 is annexed herewith a Annexure - II.

4. (iv) That on receipt of the above impunged ~~ex~~ memorandum No. 10/SSB/AI/2003 (I)-6814-15 dated 19/5/05 the Respondent No. 3 started recovery of the excess amount from the salary bill of May, 2005 from each of the applicants and thus the Respondent No. 3 has already recovered from their respective salary bills for the months of June and July, 2005.

4. (v) That under the facts and circumstances stated above the applicants are to make this application before this Hon'ble Tribunal .

Grounds for relief with legal provisions

5. (i) For that the applicants were not informed in time that the Ration Money Allowance was stopped ~~by~~ beyond 31/10/2003

5. (ii) For that the applicants came to know the stoppage of Ration Money Allowance on the issue of above impunged Memorandum and there would have not

been deduction in their salary bill had the Respondents let to the applicants know the stoppage of Ration Money beyond 31/10/2003.

5. (iii) For that the applicants were not informed by the Respondents in time that the Ration Money Allowance was stopped beyond 31/10/2003.

5. (iv) For that the applicants are low paid employees and deduction from their salary bill is a hardship to them.

5. (v) For that in view of the matter this is a fit case to issue direction not to recover the Ration Money Allowance already paid to the applicants and to refund the amount recovered !.

Details of remedies exhausted

6. The applicants did not submit any representations as the Respondent No. 3 started recovery without notice to the applicants and as such this application has to be filed urgently to stop further recovery.

*Sh
04/18/05*

Matter not previously filed or
pending with any other court

7. The applicants declare that they had not previously filed any application and petition or suit

regarding the matter in respect of ^{which} this application has been made before any court or any other authority or other Bench of the Tribunal nor any such application and petition or suit is pending before any of them .

Relief sought for

8. To direct the respondents not to recover further amount already paid from 1/11/2003 to April, 2005 to the applicants as Ration Money Allowance from their monthly salary bill onwards August, 2005 and also to refund the amount that has already been recovered from the salary bill of May, June and July, 2005.

9. To issue an interim order staying the operation of the impugned Memorandum No. 10/SSB/AI/2003(I)-6814-15 dated 19/5/2005 i.e. recovery of Ration Money Allowance already paid to the applicants.

10. The application is being filed through their counsel and hence no notice to the applicants is required to be sent .

11. Particulars of I.P.O. No. 20G15253 dated 3/8/2005 of Rs. 50/-..

List of enclosers

12. (i) Memorandum No. 10/SSB/AI/2003(I)-6814-15
dated 19/5/2005 as Annexure - I .

12. (ii) Order dated 20/7/2005 passed in
O.A. 192 of 2005 - as Annexure-II .

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

I, Shri Prabin Chandra Das son of ~~late~~ B.R. Das
Presently ~~fax~~ Working as Account in the Office of
the Inspector General Frontier Headquarters SSB ,
Zoo Road, Uday Path, Guwahati-24, do hereby solemnly
affirm and declare that the contents of para 1 to 7
are true to the best of my knowledge and belief and
para 8 to 12 to be true on legal advice and that I
have not suppressed any material facts .

Verified at Guwahati on this 4th day of
August, 2005 .

Prabin Ch. Das

Colon. Manu

No.10/SSB/AI/2003(1)- 6814-15
Govt. of India
Min. of Home Affairs
Directorate General, SSB
East Block-V, R.K.Puram
New Delhi-110066.

Dated the, 29/5/05 India

MEMORANDUM ^{Ministry of Home Affairs}
^{Minister of Home Affairs}

Subject: Payment of ration money to ineligible staff
of civilian stream of SSB.

*** G.M. & S.C.K.

Please refer to Area Organiser's Rangia
letter No.II-9/Misc/Pay & Allow/SSB/RNG/294-97 dated
23.3.2005 on the subject cited above.

2. In this connection, it is intimated that
HQ vide order No.30/SSB/A2/97(17) dated 1.11.2000 had
categorised Tezpur as category 'B' station for various
concessions. HQ vide order No.30/SSB/A2/97(17)-301-324
dated 12.12.2000 intimated that various concessions will
remain operative for a period of 03 years i.e. upto
31.10.2003. No further extension was granted of such
concessions. Therefore, granting ration money w.e.f 1.11.2003
onwards is not in order and recovery is required to be
made from the salary of the staff members.

3. In view of above, Inspector General (PERS)
has directed that necessary recoveries of Ration Money
paid to staff members beyond 31.10.2003 onwards may please
be recovered from their pay and allowances starting from
the salary of June 2005 onwards and report compliance to
this Hqrs.

10/5/05
(S.C.Katoch)
Assistant Director(EA-I)

To
The Staff Officer(Admin),
FTR HQ SSB Guwahati.

Copy to:-

The Area Organiser, SSB Rangia w.r.t. his letter
referred to above for similar action.

Certified to be true
Advocate
Umesh

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.192 of 2005

Date of Order: This the 20th Day of July, 2005.

HON'BLE MR.JUSTICE G.SIVARAJAN, VICE-CHAIRMAN

HON'BLE MR.K.V.PRAHLADAN,ADMINISTRATIVE MEMBER

1. Shri Dwipen Kakati
Senior Field Assistant(V)
2. Shri Bikash Kumar Baidya,
Senior Field Assistant.
3. Shri Surjit Singh, Driver
4. Shri Madan Chandra Kalita, Peon
5. Shri R.S.Kanwar, UDC
6. Shri P.K.Rawat, LDC
7. Shri M.R.Das, SFA(M)
8. Shri A.Mukharjee, SEM
9. Shri KUSHAL Saharia, SFA(V)
10. Shri Nagendra Nath Roy, SFA(M)
11. Shri Rajkanta Barman, AFO(M)
12. Shri B.C.Rava, Peon
13. Shri D.Talukdar, Peon
14. Shri Suren Rajbangshi, Peon
15. Shri Tiren Thakuria, Peon
16. Shri Berun Chandra Das, Peon
17. Shri A.K.Sarkar AFO(M)
18. Shri R.S.Sarma, Assistant
19. Shri Bhabendra Nath Sarma, Peon

... Applicants

- All are presently working in the office of the Area Organiser, SSB Rangia,

By Advocate Mr.B.C.Das, Mr.,N.K.Das

-versus-

1. Union of India represented by the
Secretary to the Ministry of Home Affairs, New Delhi.
2. Director General of Security, SSB, East Block-V, R.K.
Puram, New Delhi-110066
3. Inspector General,
Frontier Head quarters, SSB,
Zoo Road, Uday Path, Guwahati-24
4. Area Organizer, SSB, Rangia, Assam.

Respondents.

By Advocate Mr.M.U.Ahmed, Addl.CGSC.

*Certified to be
True copy
Advocate
4/8/2005*

ORDER(ORAL)

SIVARAJA, J(V.C.):

Applicants, 19 in number, are presently working in the office of the Area Organiser, SSB, Rangia, Assam. They have filed this O.A. seeking for direction to the Respondents not to recover Ration Money amount already paid from 1.11.2003 to Feb, 2005 from monthly salary bill and also for direction to refund the amount of Ration Money which has already been recovered from their pay bill of March, April and May, 2005.

2. We have heard Mr.B.C.Das, learned counsel for the applicant and Mr.M.U.Ahmed, learned Addl.CGSC appearing for the Respondents. The Standing counsel fairly brought to our notice the decision of this Tribunal by one of us (Justice G. Sivarajan, V.C.) rendered on 4th July, 2005 in O.A.No.15 of 2005 in respect of employees under the same respondents. In that case the Tribunal considered the matter thus:

"I have considered the rival submissions. There is no doubt that the applicants are entitled to hardship allowance in the form of ration money. The respondents were also paying ration money to the applicants till the date of the impugned orders(Annexures C & D). Now the stand of the respondents is that the applicants are entitled to ration money only for a period of three years i.e. upto 31.10.2003 and therefore the excess payments made beyond 31.10.2003 has to be recovered. It is not disputed that there is no misrepresentation on the part of the applicants resulting in excess payment of ration money. It is only due to the negligence lapses on the part of the respondents that ration money happened to be paid beyond 31.10.2003. In these circumstances, I am of the view that the respondents are not justified in seeking to recover the excess payments made to the applicants. This view of mine is supported by the decision of the CAT Jaipur Bench in Nathi

Appl

Lal Vs. Union of India & others, 1997(1)(CAT) 383 which decision is based on the decision of the Supreme Court in Sahib Ram Vs. State of Haryana and others, 1995 SCC(L&S) 248 and in State of Orissa and Others Vs. Adwait Charan Mohanty and others, 1995 ASCC (L&S) 4522. In the circumstances, while upholding the orders at Annexure C and D in regard to discontinuance/stoppage of the ration money to the applicants, I restrain the respondents from recovering any amount from the applicants towards excess payments of ration money paid. However, if any amount is recovered from the applicants prior to this order, the same need not be refunded to them."

3. The matter being similar, we are of the view that this Original Application can be disposed of at the admission stage itself. In the circumstances, while upholding the orders at Annexures 1 & 2, dated 1/2/2005 and 21.3.05 in regard to discontinuance of the ration money to the applicants, we restrain the respondents from recovering any amount from the applicant towards excess payments of ration money paid. However, if any amount is already recovered from the applicants prior to this order, the same need not be refunded to them.

4. The Original Application is accordingly disposed of at the admission itself.

Sd/ VICE CHAIRMAN

Sd/ MEMBER (A)

TRUE COPY

अधिकारी

अनुभाग अधिकारी

Section Officer (Jud)

Central Administrative Tribunal

गुवाहाटी

GUWAHATI