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CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 224/1/2005

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SECTION OFFICER (Judl.)

*Kabita*  
06/11/17

FORM NO. 4.  
( SEE RULE 42 )

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH.

ORDER SHEET

Original Application No. 224/05

Misc. Petition No. \_\_\_\_\_

Contempt Petition No. \_\_\_\_\_

Review Application No. \_\_\_\_\_

Applicant(s): B.K. Yadav For

Respondent(s): U.O.I. For

Advocate for the Applicant(s): - M. Chanda, G.W. Chakrabarty  
S. Naik

Advocate for the Respondent(s): - C.A.Y.

Notes of the Registry	Date	Order of the Tribunal
	30.8.05	Heard Mr. M. Chanda, learned counsel for the applicant and Mr. G. Baishya, learned Sr. C.G.S.C. for the Respondents.
This application is in form is filed/C.F. for Rs. 0/- deposited v.c. P. No. 200158323		Application is admitted.
Dated... 26.8.05		Issue notice on the respondents.
<i>Pl. consider order dated 30.8.05.</i> Dy. Registrar <i>2/9</i>	1m 30.9.2005	There will be interim stay of recovery of ration allowance demanded in the impugned order.
		Post the matter on 30.9.05.
		<i>Q. Vice-Chairman</i>
<i>Pl. consider order dated 30.8.05.</i> 30.8.05 <i>Pl. consider order dated 30.8.05.</i> 2/9	1m 30.9.2005	Heard Mr. M. Chanda, learned counsel for the applicant. Mr. M. U. Ahmed, learned Addl. C.G.S.C. on behalf of Mr. G. Baishya, learned Sr. C.G.S.C. is present. Mr. Ahmed seeks for further time to file written statement. Post on 18.11.2005. Interim order will continue till then.
Steps taken on 6/9/05 <i>6/9/05</i>		<i>Q. Vice-Chairman</i>
Steps received on behalf of respondent No. 4 <i>6/9/05</i>	bb	

*Kalita*  
6/9/05

*S. Kalita (Lab Tech)*

Notice & order sent to D/Section for issuing to resp. Nos. 1,2,3,25 by regd. post and another resp. No. 4 received by hand. *(See)*  
D/No=1365, to 1368. *6/9*

18.11.05.

Mr. S. Nath learned counsel appearing for the applicant submits that the written statement is received to-day and that the applicant wants to file rejoinder. Mr. G. Baishya, learned Sr.C.G.S.C. is also present.

Post the matter on 8.12.05.

Interim order will continue till the next date.

*29.11.05*  
Vice-Chairman

(1) Notice duly served  
on resp. No - 4,5  
*6/11/05*

(2) No. Reply has been filed.

8.12.2005

Mr. M. Chanda, learned counsel for the applicant seeks for further time for rejoinder and hearing. Mr. G. Baishya, learned Sr.C.G.S.C. for the respondents are also present.

Post on 21.12.2005.

*21.12.05*  
Vice-Chairman

*My*  
order dt. 30/9/05  
issuing to learned  
advocates for both  
the parties

bb

*(as  
30/9)*

*17.11.05*

*W.L.S. filed so far.*

18

*Final order dated*

*18.11.05.*

*18.11.05.*

Order dt. 18/11/05  
issuing to learned  
advocate's for ~~the~~  
both the parties.

*6/11/05*  
*18/11/05*

*22.11.05*

*W.L.S. filed by  
the Respondents.*

*W.L.S. has been filed  
billed: 22.12.05 no rejoinder filed.*

20-12-05

- ① Wts has been filed.  
② No. Rejoinder has been filed.

*20*

21.12.2005

Heard Mr. M. Chanda, learned counsel for the applicant and Mr. G. Baishya, learned Sr. C.G.S.C. for the respondents. The Sr. Standing counsel submits that the Government has passed certain orders in the matter and that the orders will be received shortly.

In the circumstances, the case is adjourned to 10.1.2006.

*Q/A*

Vice-Chairman

9-1-06

bb

No Rejoinder has been filed.

*20*

Pl. comply order dated 10.1.06.

*AS  
10.1.06*

10.01.2006

Mr. M. Chanda, learned counsel for the applicant is present. The ~~case is ripe~~ case is ~~ripe~~ right for hearing. Mr. G. Baishya, learned Sr. C.G.S.C. for the respondents submits that the Government has passed an order. But copy of the same has not been received. Post on 7.2.2006. Interim order ~~will~~ will continue till the next date.

*Q/A*

Vice-Chairman

Order dt. 10/01/06  
issuing to learned  
advocate's for both  
the parties.

mb

*8.11.06*

Post the matter on 14.11.06.

*Q/A*

Vice-Chairman

1m

14.11.2006 Present: Hon'ble Sri K.V. Sachidanandan  
Vice-Chairman.

Heard Mr. M. Chanda, learned Counsel for the applicants and Mr. G. Baishya, learned Sr. C.G.S.C. for the Respondents. Hearing concluded. Reserved for orders.

*✓*

Vice-Chairman

/mb/

O.A. 224/2005

17.11.2006 Present: Hon'ble Sri K.V. Sachidanandan  
Vice-Chairman.

Judgment pronounced in open  
Court, kept in separate sheets. The  
Application is partly allowed in terms of  
the order. No order as to costs.

Vice-Chairman

/mb/

Received copy  
Mr. M. Chanda  
On behalf of Mr. M. Chanda  
24/11/06

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application Nos. 196/2005 and 224/2005 (Common Order)

Date of Order: This the 17<sup>th</sup> Day of November 2006.

The Hon'ble Sri K.V. Sachidanandan, Vice-Chairman.

1. O.A. No. 196/2005

1. Shri Ranjan Gogoi  
S/o - Shri Chikun Gogoi
2. Shri Shiv Raj Singh  
S/o - Late Bagli Singh
3. Sri B.N. Das  
S/o - Shri Hahi Ram Das
4. Shri Chet Ram  
S/o - Late Twarsu Ram
5. Shri R.K. Thakur  
S/o - Late Jagat Ram Thakur
6. Shri D.R. Sharma  
S/o - Late Surat Ram Sharma
7. Shri G.C. Kontala  
S/o - Late Dundi Ram Kontala
8. Shri G.C. Borah  
S/o - Late Bogi Ram Borah
9. Shri D.S. Rawat  
S/o - Shri Dayal Singh
10. Shri T.C. Sonwal  
C/o - Shri Tukhaswar Sonowal
11. Shri S.C. Paul  
S/o - Late Mahendra Kumar Paul
12. Shri A. Narjirary  
S/o - Late Kati Ram Narjirary
13. Shri K. Burman  
S/o - Late Bhodra Barman
14. Shri S.K. Konwar  
S/o - Late Sukhmal Kanwar

15. Shri G.K. Tanti  
S/o - Late Munindra Tanti.
16. Shri R.K. Deka  
S/o - Shri Madhu Ram Deka
17. Shri D. Das  
S/o - Shri Deben Chandra Das
18. Shri Ashok Kamti  
S/o - Shri Bindeshwar Kamti
19. Shri Rajesh Gupta  
S/o - Shri Arjun Gupta
20. Shri P. Shil  
S/o - Shri Pratap Shil.
21. Shri B.C. Nath  
S/o - Late Homeswar Nath
22. Shri R.N. Singh  
S/o - Late Shyama Prasad Singh.
23. Shri J.N. Deka  
S/o - Late Horeswar Deka
24. Shri L.K. Gogoi  
S/o - Shri Niren Chandra Gogoi.
25. Shri Dilip Das  
S/o - Shri Dhani Ram Das
26. Shri Ram Pujan Ram  
S/o - Late Hari Ram Nath.
27. Shri B. Budha Sharma  
S/o - Late Nongmajing Sharma.
28. Shri Th. Parijat Singh  
S/o - Late Chauba Singh.
29. Shri R.C. Bansal  
S/o - Late Om Prakash Bansal.
30. Shri Shyam Sunder  
S/o - Late Prakash Chand.
31. Shri U.V. Singh  
S/o - Shri D.P. Singh.
32. Shri Charanji Lal  
S/o - Late Chuhra Ram.
33. Shri B.N. Saikia  
S/o - Shri R.P. Saikia.

34. Shri Mathew Stephen  
S/o - Shri M.M. Stephen.
35. Miss Ph. Aruna Devi,  
D/o - Shri Ph. I. Singh.
36. Shri Sankar Kalita,  
S/o - Shri U.C. Kalita.
37. Shri K.S. Negi,  
S/o - Late Bhupal Singh.
38. Shri A. Borgohain,  
S/o - Shri T.R. Gohain.
39. Shri S.K. Ghosh,  
S/o - Late S.N. Ghosh.
40. Shri Anil Kumar C.S.,  
S/o - Shri R. Chellappan.
41. Mrs. Yogmaya Wagle,  
D/o - Shri R. Basumatary.
42. Shri Shivjee Roy,  
S/o - Late Kublal Roy.
43. Shri Nirod Chandra Roy,  
S/o - Late G.C. Roy.
44. Shri Sujan Boro,  
S/o - Late Hemo Boro.
45. Shri Narpat Singh,  
S/o - Late Dounger Singh.
46. Shri Budhi Singh,  
S/o - Shri Dharam Singh.
47. Shri Nath Singh,  
S/o - Late Rudra Singh.
48. Shri Bhusan Paul,  
S/o - Shri Reksha Nand.
49. Shri H. Jacob,  
S/o - Late H. Isac.
50. Shri N.C. Bharali,  
S/o - Late P. Bharali.
51. Shri W. Shyam Kishore Singh,  
S/o - Late Iboton Singh.
52. Shri Amar Babu Sinha,  
S/o - Shri Arun Babu Sinha.

53. Shri L. Dhaneswar Singh,  
S/o - Late L. Mangal Singh.
54. Sri N. Nishikanta Singh,  
S/o - Late N.T. Singh.
55. Shri S. Yaima Singh,  
S/o - Late Mani Singh.
56. Shri Kajiman Chetry,  
S/o - Late B.S. Chetry.
57. Shri Surendra Barma,  
S/o - Shri Rupendra Barma.
58. Shri Kedhar Singh. .... Applicants.

By Advocate: Mr M. Chanda, Mr G.N. Chakrabarty and Mr S. Nath,  
Advocates.

- Versus -

1. The Union of India,  
Represented by Secretary to the  
Government of India,  
Ministry of Home Affairs,  
South Block, New Delhi - 110 001.
2. Director General, SSB,  
Block - V (East),  
R.K. Puram, New Delhi - 110 066.
3. Inspector General, SSB,  
Frontier Guwahati,  
Sundar Singh Bhawan,  
Uday Path, S.P.O.  
Zoo Road, Guwahati.
4. Dy. Inspectors General,  
Trg. Centre and CSD & Wkshp,  
Salonibari, District - Sonitpur,  
Assam - 784 104.
5. Area Organiser, SSB,  
Salonibari, Dist. - Sonitpur,  
Assam - 784 104. .... Respondents.

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

II. O.A. No. 244 of 2005

1. Shri Brajesh Kumar Yadav  
Pharmacist.

2. Shri Dalbir Gogoi  
SFA (M).
3. Shri Birendra Singha,  
SFA (Carpenter).
4. Shri Sandeep Kumar,  
Lab. Technician.
5. Mrs. Maja Joseph,  
Lab Technician.
6. Mrs. Mamoni Das,  
Nursing Assistant.

... Applicants.

By Advocate : Mr M. Chanda, Mr G.N. Chakrabarty and Mr S. Nath.

- Versus -

1. The Union of India,  
Represented by Secretary to the  
Government of India,  
Ministry of Home Affairs,  
South Block, New Delhi - 110 001.
2. Director General, SSB,  
Block - V (East),  
R.K. Puram, New Delhi - 110 066.
3. Inspector General, SSB,  
Frontier Guwahati,  
Sundar Singh Bhawan,  
Uday Path, S.P.O.  
Zoo Road, Guwahati.
4. Dy. Inspectors General,  
Trg. Centre and CSD & Wkshp,  
Salonibari, District - Sonitpur,  
Assam - 784 104.
5. Area Organiser, SSB,  
Salonibari, Dist. - Sonitpur,  
Assam - 784 104.

... Respondents.

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

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ORDERK.V. SACHIDANANDAN (V.C.)

The two O.A.s have been filed by the Applicants claiming identical reliefs and by the consent of the learned Counsel for the parties, the two O.A.s are disposed of by a common order.

2. There are 158 Applicants in O.A. No. 196/2005 and 6 Applicants in O.A. No. 224/2005. The Applicants are working in the non-executive cadre in the office of the DIG, SSB, Training Centre, Saloniabari as well as in the office of the DIG, SSB, CSD & Workshop, Saloniabari. On 29.11.1996 (Annexure - 1), Saloniabari was declared as 'B' category station for the purpose of concession (except clothing grant). It is pleaded that this Tribunal in O.A. No. 244/2000 held that non-executive personnel serving in the offices of the SSB and posted in category 'B' and 'C' stations defined by the Directorate of SSB are entitled to ration money allowance, which according to them is still in force. The Directorate of SSB issued order dated 12.12.2000 stating that regarding categorization of 'B' and 'C' station for review, the sanction is operative for a period of 3 years with effect from 01.11.2000 (Annexure - 4). The Cabinet Secretariat vide order dated 30.01.2001 (Annexure - 2) extended the benefit of ration money allowance to the Applicants working in the Saloniabari station, which was communicated by the office of the Directorate, SSB, New Delhi vide order dated 08.02.2001. Vide impugned order dated 30.05.2005 (Annexure - 5), the Respondents directed that no ration money allowance is admissible to any Civilian Staff posted in earlier declared 'B' and 'C' station beyond 31.10.2003 and recovery of the same has been ordered. In O.A. No. 15/2005, this Tribunal restrained

the recovery of excess payment as Ration Money Allowance. In O.A. 192/2005 also identical order was passed. Aggrieved by the impugned order, the Applicants have filed these Applications seeking the following main reliefs:-

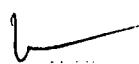
- 8.1 That the Hon'ble Tribunal be pleased to set aside and quash the impugned order issued under letter No. 30/SSB/A2/03(17) 2420 dated 30.05.2005. (Annexure - 5).
- 8.2 That the Hon'ble Tribunal be pleased to direct the respondents to obtain necessary sanction from the Govt. of India to continue payment of ration money allowance.
- 8.3 That the Hon'ble Tribunal be pleased to declare that the respondents are not entitled to make any recovery of ration allowance in terms of the impugned order dated 30.05.2005."

3. The Respondents have filed details reply statements in both the O.A.s contending that the Government of India, Cabinet Secretariat vide order dated 30.01.2001 allowed the ration allowance with effect from 30.01.2001 to all non-gazetted Civilian SSB employees, who were posted in the category 'B' and 'C' station declared internally by the Head of the Department for a limited period of three years with effect from 01.11.2000. The station Salonibari of District Tezpur, Assam was declared as category 'B' station for a period of three years with effect from 01.11.2000 and the term expired on 30.10.2003. Therefore, the payment of Ration Allowance to the Civilian Employees with effect from 01.11.2003 is unauthorized without sanction of the Government of India and stoppage of recovery is in order. Salonibari was declared as category 'B' station internally by the SSB Department with effect from 01.11.2000 subject to revision after three years for the purpose of various concessions including hardship allowance to the SSB employees. The Ration

Allowance was operative upto 31.10.2003 and, thereafter, it has been stopped. The Headquarter, New Delhi vide Memo dated 30.05.2005 issued order for stoppage of Ration Money Allowance and recovery thereof after proper examination and required no change. The excess payment of Ration Allowance made to the Civilian Employees is unauthorized and they are not legally entitled to the same and the Applicants have no valid case. Therefore, the O.A.s are liable to be dismissed.

4. Heard Mr M. Chanda, learned Counsel for the Applicants and Mr G. Baishya, learned Sr. Central Government Standing Counsel for the Respondents in both the cases. Learned Counsel for the parties has taken me to various pleadings, materials and evidence placed on record. Mr Chanda, learned Counsel for the Applicants argued that though the Respondents stated that period for granting Ration Money Allowance was for a limited period of three years with effect from 01.11.2000, the Applicants were enjoining the said benefit till the issuance of the impugned order dated 30.05.2005. No revision whatsoever was carried out by the Respondents to evaluate the situation. Therefore, the said benefit was continued and no recovery was made. Mr Baishya, learned Sr. C.G.S.C. for the Respondents, on the other hand, persuasively argued that originally time was fixed only for three years and for the reasons best assigned to the Respondents impugned order of stoppage of the same was passed, which cannot be faulted and the Applicants have no legal right.

5. I have given due consideration to the arguments advanced by the learned Counsel for the parties and the materials placed on



record. The grant of Ration Money Allowance to the non-executive personnel including Ministerial personnel holding non-gazetted posts was granted by the Ministry of Home Affairs vide order dated 08.02.2001 declaring that the Applicants are entitled to get the same with effect from 30.01.2001. The said Memorandum is reproduced below for better illustration:-

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

Cabinet Secretariat vide their order No. A-49011/2/2000-00-I (Vol.II)-99 dated 30/01/2001 have sanctioned Ration Money Allowance to the non-executive personnel including ministerial personnel of SSB posted to category 'B' and 'C' stations. A copy of the Cabinet Secretariat order dated 30/01/2001 refer to above is enclosed.

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

6. It is an admitted fact that one of the condition precedents for grant of Ration Money Allowance is to declare a station as 'B' and 'C' category, where the Employees are working. There is no dispute that Saloni bari, where the Applicants are working, has already been declared as category 'B' and 'C' station for the said purpose. This Court in O.A. No. 224/2000 dated 24.10.2000 had occasion to consider this issue. The operative portion of the said order is reproduced below:-

"4. On hearing the learned Counsel for the parties it is ordered that the respondents to grant similar benefit of Ration Allowance to the applicants also with effect from 27.4.1992 i.e. from the date Shillong was

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declared as Category 'B' station or from the respective date of joining whichever is later. Accordingly the respondents are directed to pay to the applicants Ration Allowance with effect from 27.4.92 or from their respective date of joining whichever is later, within a period of three months from the date of receipt of this order."

However, it is borne out from the records that the order was passed by the Directorate General of Security, Office of the Director, SSB dated 12.12.2000 declaring that categorization of 'B' and 'C' stations for review, the sanction was operative for a period of three years with effect from 01.11.2000. The said order dated 12.12.2000 is reproduced below:-

"In continuation of this Directorate order of even number dated, 01.11.2000 regarding categorization of 'B' & 'C' stations for review, the sanction is operative for a period of three years w.e.f. 01.11.2K.

2. All Dos/DIGs of Training Centres and FA Gwaland are requested to keep a note and submit their proposal in details at least six months in advance i.e. on or before 30.5.2003 for taking further action at this end."

Even according to that order period of three years could not have been gone beyond 30.10.2003, but the Applicants were given the benefit immediately prior to the issuance of the annexure - 5 order dated 30.05.2005, i.e. almost two years they have been enjoying the same. Therefore, the Respondents claimed that the annexure - 5 order was passed stopping the same with immediate effect and for recovery itself. The Respondents could not produce any order for stopping of Ration Money Allowance to the Civilian Staff posted in earlier declared 'B' and 'C' category station. Though in the original order periodical review and continuance of the said benefit had been mentioned, it is not possible to trace out the said exercise done by the

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Respondents. Thereafter, this Court had occasion to consider the same in O.A. Nos. 15/2005 dated 04.07.2005 and 192/2005 dated 20.07.2005. The operative portion of the order dated 04.07.2005 is reproduced below:-

"5. 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 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 Lal vs. Union of India & Others, 1997 (1) (CAT) 383 which decision is based on the decisions 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 SCC (L&S) 522. In the circumstances, while upholding the orders at Annexures 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 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."

7. I am of the respectful agreement with the said decisions of the Tribunal to the effect that the Applicants have not made any misrepresentation in order to get the benefit and considering the dictum laid down by the Hon'ble Supreme Court in the above

mentioned decisions, it is befit of things that the Respondents be restrained from recovering any amount from the Applicants paid as Ration Money Allowance. I do so accordingly. However, if any amount is recovered from the Applicants prior to this order, the same need not be refunded to the Applicants.

8. There is an additional prayer in these two O.A.s seeking to continue payment of Ration Money Allowance. The learned Counsel for the Applicants has brought to my notice to one of the documents passed by the Respondents on 30.01.2001 (Annexure - A to the written statement), which is reproduced below:-

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

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

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

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

It is quite evident from the said letter that Ration Allowance will subsequently be admissible based on the review undertaken for the purpose. The revised order regarding classification of stations should

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issue simultaneously. Therefore, the intention of the rule making authority is not to stop the same, but review the decision from time to time within the budgetary provisions. It appears that no such exercise was done by the Respondents in declaring the Applicant to be ineligible for the same. In the circumstances, I am of the view that justice will be met if a direction is given to the Respondents to undertake a review in the entire issue and take a decision a fresh passing appropriate reasoned orders and communicate the same to the Applicants. For that purpose, the Applicants are directed to submit a comprehensive representation to the Respondents within a time frame of one month from the date of receipt of this order and on receipt of such representation, the Respondents shall consider and dispose of by passing appropriate orders within four months thereafter.

9. In the conspectus of facts and circumstances, the O.A.S. allowed. There shall, however, be no order as to costs.

Sd/VICE CHAIRMAN

/mb/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

(An application under Section 19 of the Administrative Tribunals Act, 1985)

O. A. No. 224 /2005

Shri Brajesh Kumar Yadav and Others

-Vs-

Union of India and Others.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

All the applicants are working in the non-executive cadre in the office of the D.I.G, SSB, Training centre, Saloni bari.

- 29.11.1996- Respondents issued office memorandum declaring Saloni bari as 'B' category station for the purpose of concession (except clothing grant). (Annexure-1)
- 24.10.2000- This Hon'ble Tribunal in judgment dated 24.10.2000 in O.A. No. 244/2000 held that non-executive personnel serving in the offices of the SSB and posted in category 'B' and 'C' stations defined by the Directorate of SSB are also entitled to ration money allowance, which is still in force. (Annexure-3)
- 12.12.2000- Directorate of SSB issued order dated 12.12.2000 stating that regarding categorization of 'B' and 'C' station for review the sanction is operative for a period of 3 years w.e.f. 01.11.2000. (Annexure-4)
- 08.02.2001- Cabinet Secretariat vide order dated 30.01.2001 extended the benefit of ration money allowance to the applicants working in the Saloni bari station which was communicated by the Office of the Directorate, SSB, New Delhi, vide letter dated 08.02.01. (Annexure-2)
- 30.05.2005- Respondents vide impugned order dated 30.05.02 directed all concerned that no ration money allowance is admissible to any civilian staff posted in earlier declared group 'B' and 'C' stations beyond 31.10.03. It is further directed to take necessary action to recover the excess payment made to civilian employees beyond 31.10.2003. (Annexure-5)
- 04.07.2005- This Hon'ble Tribunal in O.A. No. 15/2005 restrained the respondents in recovering the excess money paid as ration money allowance. (Annexure-6)

*Brajesh Kumar Yadav*

- 20.07.2005- This Hon'ble Tribunal in O.A. No. 192/05 restrained the respondents in recovering the excess money paid as ration money allowance. (Annexure-7)
- 28.07.2005- This Hon'ble Tribunal in the case of similarly situated employees of SSB, in O.A No. 196/2005 was pleased to pass an interim order on 28.07.2005 staying the operation of the impugned order dated 30.05.2005, so far the recovery is concerned and the interim order dated 28.05.2005 was continued in the next dates and said is pending before the Hon'ble Tribunal. (Annexure-8)
- Hence this Original Application before this Hon'ble Tribunal.

#### P R A Y E R S

##### Relief (s) sought for:

Under the facts and circumstances stated above, the applicants humbly pray that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief (s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

1. That the Hon'ble Tribunal be pleased to set aside and quash the impugned order issued under letter No. 30/SSB/A 2/03 (17) 2420 dated 30.05.2005 (Annexure-5).
2. That the Hon'ble Tribunal be pleased to direct the respondents to obtain necessary sanction from the Govt. of India to continue payment of ration money allowance.
3. That the Hon'ble Tribunal be pleased to declare that the respondents are not entitled to make any recovery of ration allowance in terms of the impugned order dated 30.05.2005.
4. Costs of the application.
5. Any other relief (s) to which the applicants are entitled as the Hon'ble Tribunal may deem fit and proper.

##### Interim order prayed for:

During pendency of the application, the applicants pray for the following interim relief: -

1. That the Hon'ble Tribunal be pleased to stay the operation of impugned order issued under letter No. 30/SSB/A 2/03 (17) 2420 dated 30.05.2005 (Annexure-5) till disposal of this Original application.

*Rajesh Kumar Yadav*

29 AUG 2005  
गुवाहाटी न्यायपीठ  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI

(An application under Section 19 of the Administrative Tribunals Act, 1985)

Title of the case : O.A.No 224 /2005

Shri Brajesh Kumar Yadav and Others.

: Applicants.

-Versus-  
Union of India & Ors.

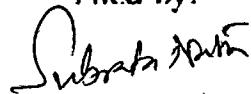
: Respondents.

INDEX

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Date:-

Filed By:

  
Subrata Datta

Advocate

Brajesh Kumar Yadav

22  
Filed by the applicants  
through, Subrata Nah  
Advocate  
29. 08.05

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

(An application under Section 19 of the Administrative Tribunals Act, 1985)

O.A. No. 224 /2005

**BETWEEN:**

1. Shri Brajesh Kumar Yadav,  
Pharmacist.
2. Shri Dalbir Gogoi,  
SFA (M).
3. Shri Birendra Singha,  
SFA (Carpenter).
4. Shri Sandeep Kumar,  
Lab Technician.
5. Mrs. Maja Joseph,  
Lab Technician.
6. Mrs. Mamoni Das,  
Nursing Assistant.

**Applicants.**

**-AND-**

1. The Union of India,  
Represented by Secretary to the  
Government of India,  
Ministry of Home Affairs,  
South Block,  
New Delhi- 110001.
2. Director General, SSB,  
Block-V (East),  
R.K. Puram,  
New Delhi- 110 066.
3. Inspector General, SSB  
Frontier Guwahati,  
Sundar Singh Bhawan,  
Uday Path, S.P.O.

*Brajesh Kumar Yadav*

2  
29

Zoo Road, Guwahati.

4. Dy. Inspectors General,  
Trg. Centre and CSD & Wkshp,  
Salonibari,  
Dist- Sonitpur, Assam- 784104.
5. Area Organiser, SSB,  
Salonibari,  
Dist- Sonitpur, Assam- 784104.

..... Respondents.

#### DETAILS OF THE APPLICATION

1. Particulars of the order (s) against which this application is made:

This application is made against the impugned order bearing No. 30/SSB/A2/03 (17) dated 30.05.2005 (Annexure-5) by the Director General of SSB, Govt. of India, Ministry of Home Affairs, New Delhi, wherein it is directed to take necessary action to recover the excess payment made to the civilian employees in the form of Ration money, posted at Salonibari beyond 31.10.2003 and further direction is contained in the impugned order to stop the claiming of hardship allowance with immediate effect on the ground that sanction for ration allowance was operative only w.e.f. 01.11.2000 to 31.10.2003 and praying for further direction to the respondents to obtain necessary sanction for continuation of the ration allowance to the applicants w.e.f. 01.11.2003 onwards in the light of the decision rendered by this Hon'ble Tribunal in O.A. No. 244/2000 on 24.10.2000.

2. Jurisdiction of the Tribunal:

*Rojibon Kumar Yadav*

The applicants declare that the subject matter of this application is well within the jurisdiction of this Hon'ble Tribunal.

3. Limitation:

The applicants further declare that this application is filed within the limitation prescribed under Section- 21 of the Administrative Tribunals Act' 1985.

4. Facts of the case:

- 4.1 That the applicants are citizen of India and as such they are entitled to all the rights, protections and privileges as guaranteed under the Constitution of India. All the applicants are civilian central Govt. employees working in the non-executive cadres in the department of Special Service Bureau (in short SSB) and posted at Group B station at Salomibari.
- 4.2 That the applicants pray permission to move this application jointly in a single application under Sec 4 (5) (a) of the Central Administrative Tribunal (Procedure) Rules' 1987 as the relief's sought for in this application by the applicants are common, therefore, they pray for granting leave to approach the Hon'ble Tribunal by a common application.
- 4.3 That all the applicants are now working in the office of the D.I.G, SSB, Training Centre, Salomibari. They are all serving in the non-executive cadre.
- 4.4 That it is stated that vide office memorandum issued under letter No. 9/SSB/A 2/86 (i)- NA dated 29.11.1996, the Salomibari has been declared as 'B' category station for the purpose of concession (except clothing grant) vide order dated 27.11.1996. However, at that point of time the applicants were not given the benefit of ration money/ration allowance,

*Brayden Kumar Yadav*

however, the said benefit was extended to the non-executive staff including the applicants working in the Salonibari Station got the ration money allowance vide Cabinet Secretariate Order bearing letter No. A-49011/2/2000-DO-I (Vol. II)- 99 dated 30.01.2001 which was communicated vide memorandum issued by the office of the Directorate, SSB, New Delhi vide letter No. 30/SSB/A-2/97 (17)- 485-508 dated 08.02.2001. In the said memorandum it is further stated that all non-executive personnel including ministerial personnel holding non-gazetted posts and posted to category 'B' and 'C' stations declared vide this Directorate order No. 30/SSB/A-2/97 (17) dated 01/11/2000 are entitled to draw ration allowance w.e.f. 30/01/2001. In terms of the aforesaid orders of the Directorate the present applicants were granted ration money allowance w.e.f. 30.01.2001 and thereafter.

Copy of the order dated 29.11.96 and order dated 08.02.2001 are enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 1 and 2 respectively.

- 4.5 That your applicants and other similarly situated employees approached this learned Tribunal by filing series of Original Applications under Section 19 of the Administrative Tribunal's Act, 1985 claiming payment of arrear as well as current ration money allowance and this learned Tribunal held that the non-executive personnel serving in the offices of SSB and posted in category 'B' and 'C' stations defined by the Directorate of SSB are also entitled to ration money allowance. In this connection applicants beg to refer the judgment and order dated 24.10.2000 passed by this learned Tribunal in O.A. No. 244/2000 (Mrs. Yeorialda Khongsit & 23 Ors. -Vs- Union of India & Ors.). Therefore, in view of the categorical decision of this learned Tribunal the present applicants and other similarly situated employees so long posted in the defined 'B' and 'C' stations are entitled to draw ration money allowance and the same cannot

*Brajesh Kumar Yadav*

be denied so long the judgment of this learned Tribunal referred above are in force.

Copy of the judgment and order dated 24.10.2000 passed in O.A. No. 244/2000 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure-3.

- 4.6 That it is stated that the Directorate of SSB also issued order bearing letter No. 30/SSB/A 2/97 (17) dated 12.12.2k, wherein it is stated that in continuation order even No. dated 01.11.2000 regarding categorization of 'B' and 'C' station for review the sanction is operative for a period of 3 years w.e.f. 01.11.2000, in clause 2 of the said letter it is further directed to all DOs/DisG of Training Centres and FA Gwaldams are requested to keep a note and submit their proposals in details at least 6 months in advance that is on or before 30.05.2003 for taking further action at this end. The relevant portion of the order dated 12.12.2000 are quoted below:

"ORDER

In continuation of this Directorate order of even number dated 01.11.2000 regarding categorization of 'B' & 'C' stations for review, the sanction is operative for a period of three years w.e.f. 1.11.2k.

2. All Dos/DisG of Training centers and FA Gwaldan are requested to keep a note and submit their proposal in details at least six months in advance i.e. on or before 30.5.2003 for taking further action at his end."

In view of the aforesaid order dated 12.12.2000 it is quite clear the office of Director SSB has categorically directed to put up the proposal for further sanction of ration money allowance well in advance at least 6 months in advance so that necessary order could be issued to enable the employees to continue the benefit of ration money allowance.

A copy of the order dated 12.12.2000 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 4.

*Brayji Kumar yadav*

- 4.7 That it is stated that although the sanction was accorded for continuation of ration money allowance to the civilian employees working in the group 'B' and 'C' station for a period of 3 years w.e.f. 01.11.2000 to 31.10.2003, however, the local authority continued to provide the aforesaid benefit of ration money allowance to the applicants till the month of June' 2005 and since the same paid to the applicants by the authority itself they have received the same and spent the said allowance in maintaining their dependent family members. They have not obtained the said allowance by way of fraud, rather the allowance was duly paid to the applicants by the respondents themselves.
- 4.8 That most surprisingly the respondents vide impugned memorandum issued under letter No. 30/SSB/A2/03 (17) 2420 dated 30<sup>th</sup> May, 2005, the Director General, SSB has directed all concerned that since ration money allowance which was sanctioned and operative w.e.f. 01.11.2000 to 31.10.2003 as such no ration money is admissible to any civilian staff posted in earlier declared group 'B' and 'C' stations beyond 31.10.2003. It is further directed to take necessary action to recover the excess payment made to all civilian employees beyond 31.10.2003 as ration money allowance and to stop the claim of hardship allowance with immediate effect. It is not disclosed how stoppage of hardship allowance is related with ration money allowance. As stated in the preceding paragraph that the ration money allowance sanctioned to the present applicants by the local authority beyond the sanctioned period, therefore, the present applicants cannot be held responsible since they have no hands in the matter of sanction or discontinuation of ration money allowance, when the authority paid the ration money allowance to the applicants and they have spent the same as such question of recovery does not arise for no fault of the applicants. Moreover, it will cause great financial hardships to the applicants if the same is allowed to recover from the applicants. The impugned order dated 30.05.2005 has been issued without providing any

opportunity to the applicants, therefore, the impugned order is liable to be set aside and quashed only on the short ground that the impugned order has been passed in total violation of the principles of natural justice. Moreover, the applicants have not committed any fraud in receiving the ration money allowance, therefore, the impugned order is not sustainable in the eye of law.

It is further submitted that the applicants are likely to suffer due to discontinuation of the ration money allowance only for the fault of the local authority since they have not put up any proposal for obtaining any further sanction of ration money allowance after 31.10.2003, in terms of the direction contained in the order dated 12.12.2000 issued by the office of the Director, SSB, New Delhi. Therefore, the Hon'ble Tribunal be pleased to direct the respondents to move the Govt. of India for obtaining necessary sanction for further continuation of ration money allowance, since they are still working in the earlier declared group 'B' and 'C' station that too in the same environment. Moreover, in view of the direction contained in the judgment and order dated 24.10.2000 passed in O.A. No. 244/2000, the respondents are duty bound to continue the payment of ration allowance so long they are posted in the defined areas which are declared for entitlement of the ration money allowance.

A copy of impugned order dated 30.05.2005 is enclosed herewith for perusal of the Hon'ble Tribunal as Annexure- 5.

- 4.9 That your applicants state that they have recently been informed regarding the recovery of the ration money allowance in terms of the impugned order dated 30.05.2005 and which is going to be effected from the pay bill of the applicants from the month of August' 2005 as such they have no other alternative but to approach this Hon'ble Tribunal for passing of the appropriate orders, for setting aside the impugned order dated 30.05.05.

29

4.10 That your applicants further beg to say that in the similar facts situation this Hon'ble Tribunal was pleased to restrain the respondents to make any recovery of ration money allowance vide learned Tribunal's order dated 04.07.2005 and 20.07.2005 passed in O.A. Nos. 15/2005 and 192/05 respectively. The applicants being similarly situated and as such the Hon'ble Tribunal be pleased to restrain the respondents to make any recovery on the alleged ground that sanction was not obtained beyond 30.10.2003 and further be pleased to direct the respondents to obtain necessary sanction from the Govt. of India to continue the payment of ration money allowance.

Copy of the judgment and order dated 04.07.05 and 20.07.05 are enclosed herewith for perusal of Hon'ble Tribunal as Annexure-6 and 7 respectively.

4.11 That it is stated that similarly situated employees working in the non-executive cadre in the office of the D.I.G, SSB, Training Centre, Saloni bari as well as in the office of the D.I.G, CSD & Workshop, Saloni bari have approached this Hon'ble Tribunal by filing an Original Application No. 196/2005 (Shri Ranjan Gogoi -Vs- Union of India & Ors.), against the impugned order dated 30.05.2005. This Hon'ble Tribunal on 28.07.2005 was pleased to pass an interim order staying the operation of the impugned order dated 30.05.2005, so far the recovery is concerned and the interim order dated 28.05.2005 was continued in the next dates and the Original Application No. 196/2005 is pending before the Hon'ble Tribunal for consideration. The present applicants being similarly situated, praying before this Hon'ble Tribunal for an interim order staying the operation of the impugned order dated 30.05.2005.

Copy of the order dated 28.07.05 passed in O.A. No. 196/05 is enclosed herewith for perusal of the Hon'ble Tribunal as Annexure-8.

Brayish Kumar Yadav

4.12 That this application is made bonafide and for the cause of justice.

5. Grounds for relief (s) with legal provisions:

- 5.1 For that, in receiving the ration money allowance beyond 30.10.2003 the applicants did not commit any fraud or misrepresentations and as such they are not responsible for grant of the ration money allowance beyond the sanctioned period.
- 5.2 For that, applicants are legally entitled to payment of ration money allowance in terms of the various judgments of this Hon'ble Tribunal as well as in view of the order of the Directorate of SSB declaring Saloribari as category 'B' station where the applicants are still working
- 5.3 For that, inspite of the specific direction of the Directorate the local authority did not place the proposal for further sanction and continuation of ration money allowance beyond 30.10.2003 as such the present applicants cannot be held responsible for payment of ration money allowance beyond 30.10.2003.
- 5.4 For that, the impugned order dated 30.05.2005 has been issued in total violation of principles of natural justice, that is without providing any prior opportunity to the applicants and on that score alone the impugned order is liable to be set aside and quashed.

6. Details of remedies exhausted.

That the applicants declare that they have exhausted all the remedies available to and there is no other alternative remedy than to file this application.

7. Matters not previously filed or pending with any other Court.

*Borajit Kumar Jana*

The applicants further declare that they had not previously filed any application, Writ Petition or Suit before any Court or any other Authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

**8. Relief (s) sought for:**

Under the facts and circumstances stated above, the applicants humbly pray that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief (s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

- 8.1 That the Hon'ble Tribunal be pleased to set aside and quash the impugned order issued under letter No. 30/SSB/A 2/03 (17) 2420 dated 30.05.2005 (Annexure-5).
- 8.2 That the Hon'ble Tribunal be pleased to direct the respondents to obtain necessary sanction from the Govt. of India to continue payment of ration money allowance.
- 8.3 That the Hon'ble Tribunal be pleased to declare that the respondents are not entitled to make any recovery of ration allowance in terms of the impugned order dated 30.05.2005.
- 8.4 Costs of the application.
- 8.5 Any other relief (s) to which the applicants are entitled as the Hon'ble Tribunal may deem fit and proper.

**9. Interim order prayed for:**

During pendency of the application, the applicants pray for the following interim relief: -

*Brijesh Kumar Yadav*

- 9.1 That the Hon'ble Tribunal be pleased to stay the operation of impugned order issued under letter No. 30/SSB/A 2/03 (17) 2420 dated 30.05.2005 (Annexure-5) till disposal of this Original application.

10 .....

11. Particulars of the I.P.O

i) I.P.O No.	:	20 G J 58323
ii) Date of issue	:	9.8.05
iii) Issued from	:	Gpo. Guwahati
iv) Payable at	:	Gpo. Guwahati

12. List of enclosures:

As given in the index.

Brajesh Kumar Yadav

VERIFICATION

I, Shri Brajesh Kumar Yadav, S/o- Shri Ram Suphal Yadav, aged about 35 years, working as Pharamacist, in the office of the Dy. Inspector General, Training Center, SSB, Salonibari, Sonitpur, Assam, one of the applicant in the instant application duly authorized by the others to verify the statements made in this application, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 29/8 day of August, 2005.



- 13 -

(14)

Annexure-1

Ref. No. 101  
Dated 01.11.1996  
D.G.O. 511  
Sr. Secy. 7/12/96

211  
7/12/96

No. 19/SSB/A2/86(1)-NA  
Directorate General of Security  
Office of the Director, SSB  
East Block-V, R.K. Puram,  
New Delhi-110056.

Dated the 27 November 1996.

33

MEMORANDUM

Subject: Grant of concessions to the staff of SSB.

Please refer to your Memo No. TCS/II/V-Con/96/10876, dated 11.11.96 on the subject mentioned above,

2. 'Salonibari' has been declared as Category 'B' station for the purpose of various concession(except Clothing grant) vide this order of even number dated 27.11.96. The ration allowance is admissible to only executive cadre upto the rank of Field Officer irrespective of the trade to which they belong i.e. DFO(M), AFO(M), SFA(M), FO(Armr), DFO(Armr), AFO(Armr), SFA (Armr), SFA(FF), FA(FF), FA(FF) (Driver) and FA(G). The same is not admissible to those who are holding non-executive posts.

3. You are, therefore, requested to intimate the financial implication after taking into account of various concessions admissible in terms of Cabinet Sectt., letter dated 18.12.87.

4. This may please be treated as urgent.

*(Signature)*  
(KARAN SINGH)  
ASSISTANT DIRECTOR (EA)

To

The Dy. Inspector General, SSB,  
Training Centre Salonibari.

No. TCS/II/V- 196/ 10876 Dated 5/12/96

Copy forwarded to :-

The Assistant Commandant,  
CSD & Workshop TC SSB  
Salonibari.

Requisite information  
may please be submitted  
to this office  
immediately for onward  
submission to SSB Dte.

Deputy Commandant  
Training Centre SSB  
Salonibari.

*He/for  
Jit  
Acharya*

984

- 14 -

Annexure-2

R/No.....  
 Dated 13.2.01 FED 2001  
 D.I.G.....  
 Comdt.....  
 Adjt.....

IMMEDIATE

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

485-508

34

DATED THE, 08/02/2001

MEMORANDUM

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

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

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

*Enclos: As above.*

*30/1/01* *S.B.*  
 ( S.S. BORA )  
 JOINT DEPUTY DIRECTOR (EA)

To

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

18/2/01

*Attn: Mr. A. K. P. A. D.*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 244 of 2000.

Date of Order : This the 24th day of October, 2000.

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

Mrs. Yeorialda Khongsit,  
Daughter of Late K.S. Swer  
Assistant  
Office of the Divisional Organiser,  
S.S.B., Shillong (Meghalaya) & 23 Others.

Applicants

By Advocate Mr. N. Devi.

-versus-

1. Union of India (Represented by the Cabinet Secretary, Department of Cabinet Affairs, Bikaner House, Sahjahan Road, New Delhi).
2. Director General of Security, Block-V (East) R.K.Puram, New Delhi-66.
3. Director, S.S.B. Block -V(East) R.K.Puram, New Delhi-66.
4. Divisional Organiser, S.S.B., Shillong(Meghalaya).

...Respondents

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

O R D E R (ORAL)

CHOWDHURY J.(V.C.).

All the 24 applicants are non-executive personnel serving in the office of the Special Service Bureau (for short SSB), Shillong who have come to this Tribunal with common grievance bearing common interest in the matter and the relief sought for are also of similar nature. Accordingly leave is granted to espouse their grievance by a single application in consonance with Rule 4 (5) (a) of the Central Administrative Tribunal

Contd...

*After 6th Adbreak*

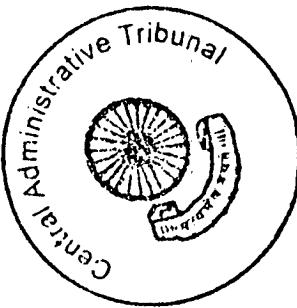


## (Procedure) Rules, 1987.

2. Heard Mrs. N. Devi, learned counsel for the applicants and Mr. B.S. Basumatary, learned Addl. C.G.S.C. for the respondents.

3. The grievance made out in this application pertaining to grant of concession more particularly Ration Allowance to the employees who are employed in Shillong. The respondents have filed written statement. It has been stated at the bar that this case is squarely covered by a number of decisions rendered by this Tribunal, more particularly O.A. No. 245/95 and 89/96 disposed of on 14.6.1996 and 17.7.1998 respectively. The applicants are working under Divisional Organiser, SSB, Shillong, Meghalaya and the Shillong is declared category B station with effect from 27.4.1992 for the purpose for grant of various concessions as mentioned at Annexure-I Cabinet Secretariat letter dated 18.12.1987. Some concessions were extended from time to time and latest upto 26.4.2001. Ration Allowance is one of the concessions provided by these orders as alluded by the Tribunal on 14.6.95 and 17.7.98 in O.A. Nos. 245/95 and 89/96 ordered for grant of Rational Allowance to those applicants.

4. On hearing the learned counsel for the parties it is ordered that the respondents to grant similar benefit of Ration Allowance to the applicants also with effect from 27.4.1992 i.e. from the date Shillong was declared as Category 'B' station or from the respective date of joining whichever is later. Accordingly the respondents are directed to pay to the applicants Ration Allowance with effect from 27.4.92 or from their respective date of joining whichever is later, within a



Ein ~~der~~  
Reichstag  
Reichstag abfall

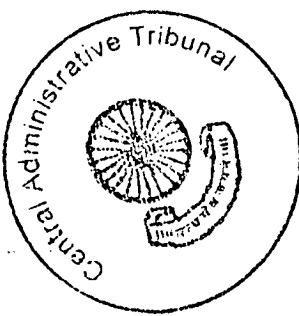


-3-

period of three months from the date of receipt of this order.

5. The application is allowed. No costs.

Sd/ VICE CHAIRMAN



Verified to be true COPY  
ગુરૂત્વાની સત્તિસૂધિ

*N. S. S. B.*  
26.7.05

अनुभाग अधिकारी  
Section Officer (Jedl)  
Central Administrative Tribunal

सद. ४१-५  
GUWAHATI-5.

*26/7*

Annexure-4

No. 30/SSB/A2/97(17)-Ref. 324  
DIRECTORATE GENERAL OF SECURITY,  
OFFICE OF THE DIRECTOR, SSB,  
EAST BLOCK, V, R.K. PURAM,  
NEW DELHI-66.

Dated, 12 Dec. 2k.

R D E

In continuation of this Directorate order of  
ever number dated, 01.11.2000 regarding categorisation of  
'B' & 'C' stations for review, the sanction is operative  
for a period of three years w.e.f. 1.11.2k.

2. All DOs/DIsG of Training Centres and FA Gwaland are  
requested to keep a note and submit their proposal in details  
at least six months in advance i.e. or or before 30.5.2003 for  
taking further action at his end.

( S.S. Kora )  
Joint Deputy Director (FA)

COPY TO:-

1. The Director of Accounts, Cabinet Sectt., Block-TY (East), R.K. Puram, New Delhi-66.
2. The DOs: HP/UP/J&K/R&P/JS/NB/NED/MP/SHG/M&N Divisions.
3. The DIsg: ~~FA~~ Gwaland/Sarahan/Salonihari/Haflong/Kumarsain.
4. Accounts Officer, SSB Dte.
5. A1/A2/E1/E2/E4/F Branch/Coord. Cell/CIOA. of SSB Dte.
6. Order file.

After  
introduction

IMMEDIATE.

2420

39

No. 30/SSB/A2/03(17)  
Government of India  
Ministry of Home Affairs  
Directorate General SSB  
East Block-V, R.K.Puram  
New Delhi-110066.

Dated, the 30 May, 2005.

MEMORANDUM

Sub:- Regarding over payment of Ration money.

Please refer to your FAX message No.TCS/Accts/27/05-06/8669 dated 16/5/05 on the subject cited above.

2. In this connection it is to inform that Director-SSB in exercise of the powers vested to him as Head of the Department and in terms of Cabinet Sectt:letter No.A-27011/4/86/EA-II dated 18.12.87 had declared certain places as Category 'B' and 'C' station for the purpose of various concession(other than clothing grant) further circulated to all concerned vide this Hqrs Order No.30/SSB/A-2/97(17)-4646 dated 1-11-2000 as intimated to all concerned in continuation of our order dated 01.11.2000 referred to above, vide Force HQ Order No. 30/SSB/A-2/97(17) dated 12.12.2000, copy enclosed for ready reference. As such the sanction was operative w.e.f.01.11.2000 to 31.10.2003. No ration money allowances are admissible to any civilian staff posted in earlier declared 'B' & 'C' category station beyond 31.10.2003.

3. It is therefore requested to take necessary action at his end to recover the excess payment made to all civilian employees posted at Saloniibari beyond 31.10.2003 as ration money and stop the claiming of Hardship allowance with immediate effect.

Encl:-As above.

(SUBHASH KUMAR)  
ASSISTANT DIRECTOR(EA-II).

4563  
to C.G.O.S

Act for

you can do  
as far as

Autr  
57.6.05

Pl. disconder with immediate effect w.r.t. ref. no  
To every person directly involved in over payment  
The Dy. Inspector General, SSB  
Training Centre,  
SALONIBARI, (Ref. No. 4563)

.....  
Recd.

Affected  
for Advocate

## CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH. 40

Original Application No. 15 of 2005.

Date of Order: This, the 4th Day of July, 2005.

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

1. Shri Bol Bahadur Sonar, Peon  
 S/o Sh. Til Bahadur Sonar  
 O/o the Area Organiser  
 SSB, Bomdila (Arunachal Pradesh).

2. Shri Pradip Gogoi, Chow  
 S/o Sh. Atul Gogoi  
 O/o the Area Organiser  
 SSB, Bomdila (A.P.).

3. Shri Ram Bahadur Sonar, Chow  
 S/o. Lt. Mon Bahadur Sonar  
 O/o the Area Organiser  
 SSB, Bomdila (A.P.).

4. Shri Khandu, Peon  
 S/o Lt. Dorjee  
 O/o the Area Organiser  
 SSB, Bomdila (A.P.).

5. Shri Gombu Miji, Peon  
 Lt. Sacho Miji  
 O/o the Area Organiser  
 SSB, Bomdila (A.P.).

6. Shri Rajen Saikia, Peon  
 S/o Sh. Tarun Saikia  
 O/o C.O. Balemu under  
 A.O. SSB, Bomdila (A.P.).

7. Shri Himandoz Chetry, Peon  
 S/o Sh Sher Bdr. Chetry  
 C/o A.O. SSB, Bomdila, (A.P.).

8. Shri Koj Tajo, Peon  
 S/o Sh Koj Lampong  
 O/o C.O. Lumla under  
 A.O. SSB, Bomdila, (A.P.).

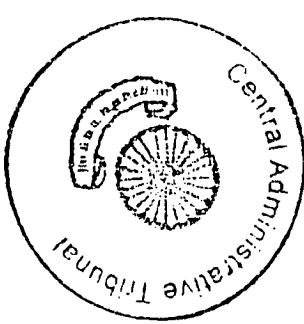
9. Shri Ajit Bdr. Rai, Peon  
 S/o Lt. Dhan Bir Rai  
 O/o SAO Kalaktang under  
 A.O. SSB, Bomdila, (A.P.).

10. Shri Khandu Sinjoni, Peon  
 S/o Lt. Prem Norbu Sinjoni  
 O/o SAO Kalaktang under  
 A.O. SSB, Bomdila, (A.P.).

12/7/05

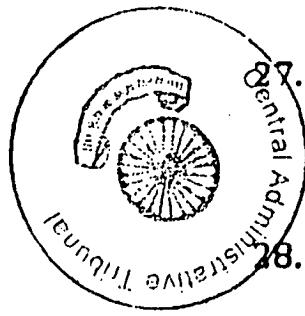


Attested  
for  
Advocate

- 
11. Shri Akan Mazumdar, Peon  
S/o Hada Ram Mazumdar  
O/o SAO Jang under  
A.O. SSB, Bomdila, (A.P.).
  12. Shri Chigia Tsering G.L.  
S/o Lt. Tsering Wangdi  
O/o C.O. Lumla under  
A.O. SSB, Bomdila, (A.P.).
  13. Shri T. Wangham, C.L.  
S/o Tongam  
O/o C.O. Kalaktang under  
A.O. SSB, Bomdila, (A.P.).
  14. Shri Taku Kamser, C.L.  
S/o Lt. Tasar Kamser  
O/o C.O. Balemu under  
A.O. SSB, Bomdila, (A.P.).
  15. Shri R.S.Sharma, Driver  
S/o Lt. Mahabir Sharma  
O/o A.O. SSB, Bomdila, (A.P.).
  16. Shri Gopi Singh, Driver  
S/o Naba Chandra Singh  
O/o A.O. SSB, Bomdila, (A.P.).
  17. Shri V.K.Chadha, Asstt.  
S/o Lt. Sohan Lal Chadha  
O/o A.O. SSB, Bomdila, (A.P.).
  18. Shri H.G.Goswami, UDC  
S/o Lt. Kishan Goswami  
O/o A.O. SSB, Bomdila, (A.P.).
  19. Shri T.K.Das, UDC  
S/o Lt. T.M.Das  
O/o SAO Kalaktang under  
A.O. SSB, Bomdila, (A.P.).
  20. Shri V. Negi, LDC  
S/o Sh Nandan Singh  
O/o A.O. SSB, Bomdila, (A.P.).
  21. Shri L.C.Paul, Steno  
S/o Lt. Dhiren Chandra Paul  
O/o A.O. SSB, Bomdila, (A.P.).
  22. Shri M.M.Joshi, DFO(M)  
S/o Lt. Sh. Pitamber Joshi  
O/o A.O. SSB, Bomdila, (A.P.).
  23. Shri A.R.Sarkar, AFO (M)  
S/o Surendra Chandra Sarkar

O/o SAO Jang under  
A.O. SSB, Bomdila, (A.P.).

24. Shri G.S.Basak, AFO (M)  
S/o Lt. Radhikalal Basak  
O/o SAO Kalaktang under  
A.O. SSB, Bomdila, (A.P.).
25. Shri B.K.Dewan, SFA (M)  
S/o Sh Nirmal Ch. Dewan  
O/o Morshing under  
A.O. SSB, Bomdila, (A.P.).
26. Shri Sumit Poddar, SFA (M)  
S/o Lt. Sachindra Nath Poddar  
O/o C.O. Jang under  
A.O. SSB, Bomdila, (A.P.).
27. Shri B.K.Baidya, SFA (M)  
S/o Sh Shanti Ranjan Baidya  
O/o C.O. Balemu under  
A.O. SSB, Bomdila, (A.P.).
28. Shri Subrata Biswas, SFA (M)  
S/o Sh Subash Ch Biswas  
O/o C.O. Mukto under  
A.O. SSB, Bomdila, (A.P.).
29. Shri Subodh Sinha, SFA (M)  
S/o Lt. Sudhansu Sinha  
O/o C.O. Jang, under  
A.O. SSB, Bomdila, (A.P.).
30. Shri B. K. Roy, SFA (M)  
O/o C.O. Mukto under  
A.O. SSB, Bomdila, (A.P.).
31. Shri A. K. Seal, AFO (T)  
S/o Lt. Sudarsan Seal  
A.O. SSB, Bomdila, (A.P.).
32. Shri Norbu Tsering FA (T)  
S/o Lt. Randhu Marphu  
O/o A.O. SSB, Bomdila, (A.P.).
33. Shri Pravin Chhetri, SFA (V)  
S/o Sh Suromodhen Cheetri  
O/o C.O. Morshing under  
A.O. SSB, Bomdila, (A.P.).
34. Shri A.K.Sherpa, SFA (V)  
S/o Lt. P.D. Lama  
O/o C.O. Jang under  
A.O. Bomdila, (A.P.).
35. Shri P.K.Borah, SFA (V)



S/o Lt. Ratneswar Borah  
O/o SAO Jang under  
A.O. Bomdila, (A.P.).

36. Shri Mast Ram Thakur, SFA (V)  
S/o Sh Hira Ram  
O/o SAO Jang under  
A.O. Bomdila, (A.P.).
37. Shri M.C. Barman, SFA (V)  
S/o Sh Sadhu Ram Barman  
O/o C.O. Kalaktang under  
A.O. Bomdila, (A.P.).
38. Shri M.R. Biswas, DFO (T)  
S/o Lt. S. M. Biswas  
O/o A.O. SSB, Bomdila, (A.P.).
39. Shri J. Wangchuk, AFO (T)  
S/o Lt. Yeshi  
O/o SAO, SSB  
Tawang.
40. Sh. K. Tonsingh, SFA (M)  
S/o Sh Suanzasut  
O/o SAO, SSB, Kalaktang.

.... Applicants.

By Advocates S/Shri A.K.Roy, S.C.Biswas & Limawapang.

- Versus -

1. Union of India  
Represented by the Secretary  
Home Affairs, South Block  
New Delhi.
2. Director General, SSB  
Block-V (East)  
R.K.Puram, New Delhi - 110 066.
3. Inspector General, SSB  
Frontier Guwahati  
Sundar Singh Bhavan  
Uday Path S.P.O.  
Zoo Road, Guwahati.
4. Area Organiser, SSB  
Bomdila, P.O: Bomdila  
Dist: W/Kameng (A.P.).

.... Respondents.

By Mr. M. U. Ahmed, Addl.C.G.S.C.

ORDER (ORAL)

44

SIVARAJAN, J.(V.C.):

The applicants forty in number are all Group 'C' and 'D' employees working in Sashastra Seema Bal (S.S.B. in short) under the Ministry of Home Affairs, Government of India. The applicants are working at Bomdila in Arunachal Pradesh which is categorised as 'B' station under the Government order dated 18.12.1987 (Annexure-A). By virtue of this order dated 18.12.1987 the applicants are entitled to hardship allowance in the form of ration money. The applicants were being paid ration money. This was, however, stopped by orders dated 24.8.2004 and 17.12.2004 (Annexures C & D). The overpayments made for the period after 31.10.2003 were also directed to be recovered from January, 2005. The applicants have impugned the said two orders in this O.A.

2. The respondents have filed a written statement. In that written statement it is stated that the hardship allowance is available only for a period of three years and therefore excess payments made has to be recovered as directed in Annexures C and D orders.

3. Mr. A. K. Roy, learned counsel for the applicants submits that the excess payments made is not on account of any misrepresentation on the part of the applicants and that it was only due to the lapses on the part of the respondents. Counsel submits that in the above circumstances the respondents are not justified in recovering the overpayments. Counsel has also relied on the decisions of the Supreme Court and the Tribunal in support.

4. Mr. M. U. Ahmed, learned Addl. C. G. S. C. for the respondents, based on the averments made in the written statement, submits that the FHQ issued order dated 1.11.2000 categorising

9/1

various stations as Category B and C stations including Bomdila for various concessions w.e.f. 1.11.2000 but the same was only operative for a specific period of three years upto 31.10.2003 as per FHQ order dated 12.12.2000. Standing counsel further submits that the ration money was paid to the applicants beyond 31.10.2003 by mistake and therefore the respondents are perfectly justified in recovering the excess payments from the applicants.

5. 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 Lal vs. Union of India & Others, 1997(1)(CAT) 383 which decision is based on the decisions 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 SCC (L&S) 522. In the circumstances, while upholding the orders at Annexures C and D in regard to discontinuance/stoppance of the ration money to the applicants, I restrain the respondents from

*Opp*

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.

The Original Application is disposed of as above. In the circumstances, there will be no order as to costs.

SD/VICE CHAIRMAN

TRUE COPY

নথিলিপি

N. S. 26.7.05  
Chairman C. T. T. T.  
Section Officer (Jud)

Central Administrative Tribunal

গুৱাহাটী-৫  
GUWAHATI-5.

26/7

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.192 of 2005

Date of Order: This the 20<sup>th</sup> 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 Barun 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.

*Notified  
for Admissible*

ORDER(ORAL)

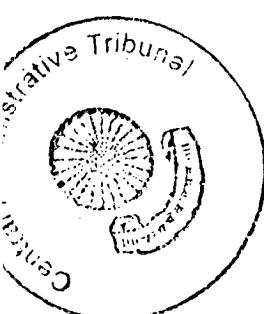
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SIVARAJA, J(V.C.):

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 4<sup>th</sup> 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



APR

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) 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 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)

Certified to be true Copy  
প্রাপ্তি প্রতিক্রিয়া

26.7.05  
অনুগ্রহ দাবিকারী  
Section Officer (Judi)  
Central Adm. & Judic. Tribunal

পত্র নং ৪  
GUWALIATI-5.

26/7/05  
J. K. S.

FORM NO. 4.  
( SEE RULE 42 )  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH.

ORDER SHEET

Original Application No. 196/05

Misc. Petition No. /

Contempt Petition No. /

Review Application No. /

Applicant(S): Banjaniya & Ors.

Respondent(S): U.O.I. Govt.

Advocate for the Applicant(S):- M. Chanda, S. Kanti, S. Borthakur

Advocate for the Respondent(S):- C. Asl

Notes of the Registry	Date	Order of the Tribunal
	28.7.05.	Present: Hon'ble Mr. Justice G. Sivaranjan, Vice-Chairman.
		Hon'ble Mr. K. V. Prahladan, Administrative Member.
		Heard Mr. M. Chanda learned counsel for the applicant and Mr. G. Baishya learned Sr. C. G. S. C. appearing for the Respondents.
		Post the matter on 01.08.2005. In the meantime, the operation of the impugned order dated 30.5.2005 is stayed, in so far the recovery is concerned.

Sd/ VICE CHAIRMAN

Certified to be true Copy Sd/ MEMBER (A)

Writing affixed

अनुभाग अधिकारी

Section Officer (Jud)

Central Administrative Tribunal

30/7/05

GUWAHATI-5.

*Abhilash Jha Advocate*

Central Administrative Tribunal  
Central Administrative Tribunal

22 NOV 2005

Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI

File copy

D.A. No. 224/2005

Shri B.K. Yadav & Ors.

....Applicants.

-VERSUS-

Union of India & Ors.

....Respondents.

The written statement on behalf of the  
Respondents abovenamed:

WRITTEN STATEMENTS OF THE RESPONDENTS

MOST RESPECTFULLY SHEWETH:

1. That with regard to the statements made in paragraph 1 of the instant application, the deponent begs to state that Cabinet Sectt. Govt. of India vide their Order No. A-49011/2/2000-Do-1 (Vol.-II) 99 dated 30/1/2001 allowed Ration Allowance with effect from 30/1/2001 to all Non-Gazetted Civilian SSB Employees who were posted in the category 'B' & 'C' Station declared internally by the Head of the Department for a limited period three years with effect from 1-11-2000.

Station Salonbari of District Tezpur, Assam was declared as category 'B' station for a period of 3 years w.e.f. 1/11/2000, and the term expired on 30/10/2003. Therefore, the payment of Ration Allowance to the Civilian Employees w.e.f. 1/11/2003

2

is unauthorised without sanction of the  
Government of India. The SSB HQ Delhi Memo No.30/SSB/A-  
2/2003(17)2420 dated 30/5/2005 issued instruction for  
the stoppage of payment of Ration Money and recovery  
thereof is in order.

Copies of the Order dated 30/1/2001, 12/12/2000,  
1/11/2000 and 30/5/2005 are annexed herewith and marked  
as ANNEXURE-A, B,C & D respectively.

2. That with regards to the statements made in paragraph 2 of the application the Respondents have no comments.

3. That as regard to the statement made in paragraph 3 of the application, the Respondents beg to state that those are matter of records and the deponent does not admit anything which are not born out of the record.

4. That with regard to the statements made in paragraphs 4.1 to 4.7 of the application, the deponent begs to state that those are matters of records and the deponent does not admit anything which are not born out of the records.

5. That in respect of the statements made in paragraph 4.8 of the application, the Respondents beg to state that Saloni bari was declared as category 'B' Station internally by the SSB Department w.e.f. 1/11/2000 subject to revision after three years for the purpose of various concessions including hardship allowance to the SSB employees. The sanction for the grant of

Ration Allowance and other benefits to the civilian employees of SSB was operative upto 31-10-2003. Thereafter, the payment of Ration Allowance is not in order and correctly has been stopped and ordered for recovery of overpayment made if any.

6. That with regard to the statements made in paragraph 4.9 of the application, the Respondents have no comments.

7. That with regard to the statement made in paragraph 4.10 of the application, the Respondents beg to reiterate that as stated above-Salonibari was declared of Category 'B' Station internally by the SSB Department with effect from 1/11/2000 subject to revision after three years for the purpose of various concessions including hardship allowance to the SSB employees. The sanction for the grant of Ration Allowance and other benefits to the Civilian Employees of SSB was operative upto 31-10-2003. Thereafter, the payment of Ration Allowance is not in order and correctly has been stopped and ordered for recovery of overpayment made, if any.

8. That with regard to the statements made in paragraph 4.11 of the application, the Respondents beg to state that however, in case of O.A. No. 196/2005 titled Shri Ranjan Gogoi & Ors. -Vs- Union of India, the Respondents are opposing the O.A. and accordingly C.A. duly vetted ~~for~~ Bench Sectt. NOL, Kolkata has been received which will be filed in due course well before ~~01-01-2006~~ the date of hearing.

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9. That with regard to the statements made in paragraph 4.12 of the application, the Respondents have no comments.

10. That in respect of the statement made in paragraph 5.1 to 5.4 of the application, the Respondents beg to state that Force Head Quarter SSB Delhi Memo No. 30/SSB/A-2/2003(17)/2420 dated 30/5/2005 for the stoppage of payment of Ration Money and recovery thereof has been issued after proper examination and required no change. The payment of Ration allowance made to the civilian employees is unauthorised and they are not legally entitled for the same. The Respondents submit that non of the grounds is maintainable in law as well as on facts and as such, the application is liable to be dismissed.

11. That with regard to the statements made in paragraph 6 and 7 of the application, the Respondents have no comments.

12. That with regard to the statements made in paragraph 8.1 to 8.5 of the application, the Respondents beg to state that the claim of the applicant being illegal, hence the same is denied. Therefore, the relief sought for by the applicant is contrary to the order issued by the Government for which the instant application is liable to be dismissed.

13. That in respect of the statement made in paragraph 9 and 9.1 of the application, the Respondents beg to state that as the claim of the applicants is illegal,

interim order issued by the Hon'ble High Court dated 30/8/2005 may kindly be vacated because the Civilian non-Gazetted employees beyond valid sanction is not entitled for the payment of Ration allowance. The Respondents further submit that in view of the facts and circumstances the applicant is not entitled to any interim relief.

14. That the Respondents submit that the application has no merit and as such, the same is liable to be dismissed.

#### VERIFICATION

I, Shri R.C. Pande, Deputy Inspector General, in the Office of the Deputy Inspector General Training Centre Salanibari, P.O. Salanibari, District: Sonitpur, (Assam) is authorised to hereby solemnly declare that the statements made in paragraphs 2, 3, 4, 6, 8 of the written statement are true to my knowledge and those made in paragraph 1, 5, 7 and 9 of the written statement are matter of records which I believe to be true and rest are my humble submission before this Hon'ble Court.

And I signed on this verification on this 20th day of October, 2005.

Ramesh Chandra Pande

Signature.

Dy. Inspector General  
Training Centre SSB Salanibari

Shahjahan Road  
New Delhi, theORDER10 AM/2001  
30-01-01

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

2. Special Service Bureau/Aviation Research Centre is requested to comply with the above orders of the Government. The Ration Allowance will consequently be admissible only prospectively based on the review undertaken for the purpose. The revised orders relating to the classification of stations should also be issued simultaneously along with the orders relating to the Ration Allowance.
3. No additional Budgetary provisions will be agreed to on account of liberalization.
4. This issues with the approval of Ministry of Finance (Department of Expenditure) vide their UO No 50(4)/97-IC dated 30.01.2001.

*Mukul Chatterjee*  
(Mukul Chatterjee)  
Deputy Secretary to the Government of India

Copy to:-

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

16280

R/No.....  
Dated 11/12/2000  
D.I.C. *WPS*  
Comdi.....  
Adjt. *WPS*

E

ANNEXURE-B

NO.30/SSB/A2/97(17)  
DIRECTORATE GENERAL OF SECURITY,  
OFFICE OF THE DIRECTOR, SSB,  
WEST BLOCK, V, RK PURAM,  
NEW DELHI-66.

Dated: 12 Dec. 2k.

282

ORDER

*HP*  
*WPS*  
In continuation of this Directorate order of even number dated, 01.11.2000 regarding categorisation of 'B' & 'C' stations for review, the sanction is operative for a period of three years w.e.f. 1.11.2k.

2. All DOS/DisG of Training Centres and EA Gwaland are requested to keep a note and submit their proposal in details at least six months in advance i.e. on or before 30.5.2003 for taking further action at his end.

*22/12/00*  
( S.S. Wora )  
Joint Deputy Director (EA)

COPY TO:-

- Subj: 16280*
1. The Director of Accounts, Cabinet Sectt., Block-TX (East), R.K. Puram, New Delhi-66.
2. The DOS: HP/UP/J&K/R&S/SD/NB/NAD/DP/SHC/M&N Divisions.
3. The DisG: EA Gwaland/Sarahan/Salonibari/Haflong/Kumarsain.
4. Accounts Officer, SSB Dte.
5. A1/A2/E1/E2/F4/F Branch/Coord. Cell/Cion. of SSB Dte.
6. Order file.

956 ✓ 8 26

Ref. No.	09 NOV 2000
Dated.	09 NOV 2000
D.I.G.	✓
Comdt.	✓
Adjt.	✓

ANNEXURE E-C

No. 30/SSB/A2/97(17),  
DIRECTORATE GENERAL OF SECURITY  
OFFICE OF THE DIRECTOR, SSB  
EAST BLOCK-V, R.K. PURAM,  
NEW DELHI - 110066.

4611-4646 50

DATED THE, 1ST NOV 2000

SB/268

*Chhuk* *1/11/2000*  
In exercise of the powers vested in him as Head of Department and in terms of Cabinet Secretariat, letter No. A-27011/4/88-EA-II dated, 18.12.87, Director, SSB has reviewed categorisation status of various locations situated in the SSB Divisions and Training Centres and ordered de-categorisation and categorisation of the locations as per list enclosed as Appendix 'A' as Category 'B' and 'C' stations for the purpose of various concessions mentioned in Annexure-I (other than clothing grant) of the above quoted Cabinet Secretariat, letter dated, 18.12.87 as per list enclosed as Appendix 'B' with effect from 1st November, 2000.

2. All orders issued in this regard, from time to time may be treated as amended except for the grant of clothing grant.

Encl : As above.

S.B.D.Y.4  
( S.B.D.Y.4 )  
JOINT DEPUTY DIRECTOR (EA)

Copy to :

1. The Director of Accounts, Cabinet Secretariat, R.K. Puram, New Delhi (10 copies).
2. The DCs : HF/UP/R&G/J&K/BB/NB/NAD/AP/BHG/M&N Division.
3. The DISOs : FA Gwladam/Sarahan/Salonibari/Haflong/Kumarsain.
4. The Accounts Officer, SSB Directorate, New Delhi.
5. A1/A2/E1/E2/A4/F Branch/Coordination Cell/CIOA.
6. Order file.

## LIST OF STATIONS RECOMMENDED FOR DE-CATEGORISATION AFTER REVIEW

SL. NO.	STATION	EXISTING CATEGORY	AUTHORITY	PROPOSED CATEGORY
<b>CE DIVISION</b>				
1.	ROHRU	B	DIR,SSB	NIL
2.	CHIRAGAON	B	-DO-	-DO-
3.	SUNDERNAGAR	B	-DO-	-DO-
4.	MANDI	B	-DO-	-DO-
5.	KARSOG	B	-DO-	-DO-
6.	GOHAR	B	-DO-	-DO-
7.	JOGINDERNAGAR	B	-DO-	-DO-
8.	DUNNERA	B	-DO-	-DO-
9.	THEOG	B	-DO-	-DO-
10.	JUBBAL	B	-DO-	-DO-
11.	CHOPAL	B	-DO-	-DO-
12.	DHARAMSALA	B	-DO-	-DO-
13.	GAURA	B	-DO-	-DO-
14.	15/20 GUARI	B	-DO-	-DO-
15.	CHOWAI	B	-DO-	-DO-
16.	NAGGAR	B	-DO-	-DO-
17.	NIRMAND	B	-DO-	-DO-
18.	DANTAR	B	-DO-	-DO-
19.	RAMPUR	B	-DO-	-DO-
20.	CALAMPUR	B	-DO-	-DO-
21.	BAIJNATH	B	-DO-	-DO-
22.	MACROTTA	B	-DO-	-DO-
23.	SHALIPUR	B	-DO-	-DO-
24.	BOLASPUR	B	-DO-	-DO-
25.	MURPUR	B	-DO-	-DO-
26.	GOHI	B	-DO-	-DO-
27.	SILHPUR	B	-DO-	-DO-
28.	SATIJ	B	-DO-	-DO-
29.	MASHOBRA	B	-DO-	-DO-
30.	DALKHUSIE	B	-DO-	-DO-
31.	CHAMBA	B	-DO-	-DO-
<b>UP DIVISION</b>				
32.	FAHARPANI	B	-DO-	NIL
33.	LOHAGHAT	B	-DO-	-DO-
34.	PANUWANALA	B	-DO-	-DO-
35.	BHOWALI	B	-DO-	-DO-
36.	ALMORA	B	-DO-	-DO-
37.	SAHIYA	B	-DO-	-DO-
38.	GAUCHER	B	-DO-	-DO-
<b>NORTH BENGAL &amp; SIKKIM</b>				
39.	BANGTOK	B	-DO-	NIL
40.	DARJEELING	B	-DO-	-DO-
<b>JAMMU &amp; KASHMIR</b>				
41.	KAHTUWA	B	-DO-	-DO-
42.	JURIYAN	B	-DO-	-DO-

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28  
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DEFENCE STATIONS CATEGORISED AS PROVIDED UNDER THE POWERS OF HEAD OF DEPARTMENT AFTER THE REVIEW

SL. NO.	STATION	CATEGORY	AUTHORITY
<b>JAMMU &amp; KASHMIR</b>			
1.	SURANKOT	C	DIR, SSB
2.	JAMMU	B	-DO-
3.	SAMBA	B	-DO-
4.	R. S. PURA	B	-DO-
5.	SUNDERBANI	C	-DO-
6.	NONSHERA	C	-DO-
7.	HIRANAGAR	B	-DO-
8.	DOHANA	B	-DO-
9.	RAJOURI	C	-DO-
10.	THANAMANDI	C	-DO-
11.	POONCH	C	-DO-
12.	MENDHAR	C	-DO-
13.	MANDI (POONCH AREA)	C	-DO-
14.	DEVAK (S/BANI)	C	-DO-
15.	LAMBARI (S/BANI)	C	-DO-
16.	TRIYATH (S/BANI)	C	-DO-
17.	KALAKOT (S/BANI)	C	-DO-
18.	UDHAMPUR (JAMMU)	B	-DO-
19.	DUBEY BRIDGE	B	-DO-
20.	KOTRANKA	C	-DO-
21.	SAKTI	C	-DO-
22.	SASPOL	C	-DO-
23.	PADAM (ZANAKAR)	C	-DO-
24.	DESKIT	C	-DO-
25.	PANAMICK	C	-DO-
26.	LEH	C	CABINET SECTT.
27.	HUNLE	C	-DO-
28.	NYOMA	C	-DO-
29.	KHALSI	C	-DO-
30.	AKHNOOR	B	DIR, SSB
<b>HIMACHAL PRADESH</b>			
1.	RIBBA	B	DIR, SSB
2.	SANGLA	B	-DO-
3.	TAPRI (CHAGAON)	B	-DO-
4.	LARA	B	-DO-
5.	BHARMOUR	C	-DO-
6.	TISSA	B	-DO-
7.	SUNDLA	B	-DO-
8.	CHOWARI	B	-DO-
9.	SARAHAN	B	-DO-
10.	UDAIPUR	B	-DO-
11.	KUMARSAIN	B	-DO-
12.	GONDLA	C	-DO-
13.	RANGRIK	C	-DO-
14.	POOH	B	CABINET SECTT.
15.	KALPA	B	-DO-
16.	KAZA	C	-DO-
17.	KEYLONG	C	-DO-
18.	KIWAR	B	DIR, SSB

## Uttar Pradesh

1.	DIDIHAT	B	-DO-
2.	GANGOLIHAT	B	-DO-
3.	BHATWARI	B	-DO-
4.	FAURI	B	-DO-
5.	PITHORAGARKH	B	-DO-
6.	FA GHALDAM	B	-DO-
7.	NANDPRAYAG	B	-DO-
8.	NARAIN BAGGAR	B	-DO-
9.	UKHIMATH	B	-DO-
10.	PANGU	C	-DO-
11.	GOPESHWAR	C	-DO-
12.	SAIRGAIN	C	-DO-
13.	JOSHMATH	B	CABINET SECTT.
14.	DHARCHIHLA	B	-DO-
15.	MUNSIARI	C	-DO-
16.	PUROLA	B	DIR, SSB
17.	MORI	B	-DO-
18.	BARAHMUKHAL	B	-DO-
19.	BARYOT	B	-DO-
20.	JOSHTYARA	B	-DO-
21.	TEKHLA	B	-DO-

NORTH ASIA

1.	TEZPUR	B	DIR, SSB
2.	SALONIBARI	B	-DO-
3.	DIBRUGARH (TINSUKIAH AREA)	B	-DO-
4.	MAHARICKATIA	-DO-	B
5.	DIGBOI	-DO-	B
6.	TINSUKIYA	-DO-	B
7.	DUNDOOMA	-DO-	B
8.	SADYA	-DO-	B
9.	NORTH LAKHIMPUR (NORTH LAKHIMPUR AREA)	B	-DO-
10.	BIHPURIA	-DO-	B
11.	BEHALI	-DO-	B
12.	SOOTEA (TEZPUR AREA)	B	-DO-
13.	DHEKIAJULI	-DO-	B
14.	MANGALDOI	-DO-	B
15.	TANGLA	-DO-	B
16.	UDALGURI	-DO-	B
17.	DEBENDRANAGAR (TEZPUR AREA)	B	-DO-
18.	RANGIA (NORTH KAMRUP AREA)	B	-DO-
19.	NALBARI	-DO-	B
20.	KAMALPUR	-DO-	B
21.	BARPETA	-DO-	B
22.	BARAMA	-DO-	B
23.	SORBHOG	-DO-	B
24.	DHUBRI (KOKRAJHAR AREA)	B	-DO-
25.	MANKACHAR	-DO-	B
26.	BONGAIGAON	-DO-	B
27.	GOSSAIGAON	-DO-	B
28.	KOKRAJHAR	-DO-	B
29.	DHENMAJI (NORTH LAKHIMPUR AREA)	B	-DO-
30.	SHILAMORA	-DO-	C
31.	JONAI	-DO-	C

## ARUNACHAL PRADESH

1. BASAR	B	DIR, SSB
2. PASIGHAT	B	-DO-
3. TEZU	B	-DO-
4. KHONGA	B	-DO-
5. ITANASAR	B	-DO-
6. DIRANG	B	-DO-
7. NAERA	B	-DO-
8. RASA	B	-DO-
9. TALIHA	B	-DO-
10. PALTIN	B	-DO-
11. BOLENG	B	-DO-
12. CHOMPHAM	B	-DO-
13. WAKRO	B	-DO-
14. HUNLI	B	-DO-
15. ZIRO	B	-DO-
16. LUMLA	B	-DO-
17. JANG	B	-DO-
18. BANIENG	B	-DO-
19. SAGALEE	B	-DO-
20. NACHO	B	-DO-
21. DAMIN	B	-DO-
22. BOMDILA	B	CABINET SECTT.
23. TAWANG	B	-DO-
24. DAPORIJO	B	-DO-
25. ALONG	B	-DO-
26. YINGKIONG	B	-DO-
27. ROING	B	-DO-
28. HAYULIANG	B	-DO-
29. MIAD	B	-DO-
30. NAMPONG	B	-DO-
31. GEPPA	B	-DO-
32. CYTAZO	B	-DO-
33. KOLORIANG	B	-DO-
34. MONIGAON	B	-DO-
35. MECHUKA	B	-DO-
36. TUTING	B	-DO-
37. WAKKA	B	-DO-
38. HAWAI	B	-DO-
39. WALONG	B	-DO-
40. LAZU	B	-DO-
41. LONGDING	B	-DO-
42. PANCHAO (TIRAP)	B	-DO-
43. CHANGLANG	B	-DO-
44. ANINI	B	-DO-

## MIZORAM

1. TURA	B	DIR, SSB
2. BARENGBAPARA	B	-DO-
3. DAWKI	B	-DO-
4. GEHANGI (CACHAR AREA)	B	-DO-

5.	MAJ BONG (CACHAR AREA)	B	-DO-
6.	KOTTIGORA -DO-	B	-DO-
7.	KHARIGANG -DO-	B	-DO-
8.	BATARKANDI -DO-	B	-DO-
9.	KASHIPUR -DO-	B	-DO-
10.	ABARTALA (TRIPURA AREA)	B	-DO-
11.	KANALFUR -DO-	B	-DO-
12.	DHARAMNAGAR -DO-	B	-DO-
13.	KOLASIB (AIZWAL AREA)	B	-DO-
14.	MAMIT -DO-	B	-DO-
15.	CHAMPHAI -DO-	B	-DO-
16.	NAGOPPA -DO-	B	-DO-
17.	EAST LUNGDHAR -DO-	B	-DO-
18.	BALAT (TURA SUB AREA)	B	-DO-
19.	LUNGLEI (LUNGLEI AREA)	C	-DO-
20.	TLABUNG (DEMAGIRI) -DO-	C	-DO-
21.	WEST BUNGHMUN -DO-	C	-DO-
22.	SAIHA -DO-	C	-DO-
23.	CHAWNGTE -DO-	C	-DO-
24.	TOIPANG -DO-	C	-DO-
25.	SHILLONG	B	-DO-
26.	BELONIA	B	-DO-
27.	SABROOON	B	-DO-
28.	AIZWAL	B	-DO-
29.	HAFLONG	B	-DO-
30.	JONAI	B	-DO-
31.	NONGSTOIN	B	CABINET SECTT.
32.	KAILASEHAR	B	-DO-
33.	UDAIIFUR	B	-DO-
34.	KHONWAI	B	-DO-
35.	SONENURA	B	-DO-

## MANIPUR &amp; NAGALAND

1.	KHARASOM	B	
2.	PUSHING	B	BIR, 555
3.	KASOM KHULLON	B	-DO-
4.	UTANGPOKPI	B	-DO-
5.	BENTANG	B	-DO-
6.	TRANLON	B	-DO-
7.	KARONG	B	-DO-
8.	TAMEI	B	-DO-
9.	JIRIBAN	B	-DO-
10.	KHOUPUM	B	-DO-
11.	SHANGSHAK	B	-DO-
12.	POI	B	-DO-
13.	PHUNGYAR	B	-DO-
14.	NEW SAMTAL	B	-DO-
15.	TUNGWAM KHULIEN	B	-DO-
16.	NARAM	B	-DO-
17.	SIRANAKHONG	B	-DO-
18.	IMPHAL	B	-DO-
19.	KOHIMA	B	-DO-
20.	PARBUNG	B	-DO-
21.	BISHENPUR	B	-DO-
22.	KAKCHING	B	-DO-
23.	SAWONBUNG	B	-DO-
24.	MOREH	B	-DO-
25.	CHANDEL	B	CABINET SECTT.
26.	CHURACHANDPUR	B	-DO-
27.	NUNGABA	B	-DO-
28.	TAMERGLONG	B	-DO-
29.	UKHDOOL CHASSAR	B	=88=

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31.	KHULAN	C	CABINET SECTT.
32.	THAUNG (IMPHAL AREA)	B	-DO-
33.	NGOCHUP	-DO-	-DO-
34.	DEHANG (CHURACHANDPUR AREA)	B	-DO-
35.	PHIK (KOHIMA AREA)	B	-DO-
36.	MELURI	-DO-	-DO-
37.	KIPHIKE	-DO-	-DO-
38.	BHANDARI	-DO-	-DO-
39.	JULUKI	-DO-	-DO-
40.	MOKOKCHUNG (MOKOKCHUNG AREA)	B	-DO-
41.	AKULUTO	-DO-	-DO-
42.	ZUMMEBOTO	-DO-	-DO-
43.	TUENSANG	-DO-	-DO-
44.	MOKLAK	-DO-	-DO-
45.	MON	-DO-	-DO-

NORTH BENGAL

1.	NAMCHI	B	-DO-
2.	DAYZING	B	-DO-
3.	MANGAM	B	-DO-
4.	SUKTAPOKHRI	B	CABINET SECTT.
5.	NAXALDARI	B	-DO-

## ANNEXURE C-D

RHO

10 9 JUN 1995

## IMMEDIATE.

2420

No. 50/SSB/A2/03(17)  
Government of India  
Ministry of Home Affairs  
Directorate General SSB  
East Block-V, R.K.Puram  
New Delhi-110066.

Dated, the 30, May, 2005.

MEMORANDUM

Sub:-

Regarding over payment of Ration money.

Please refer to your FAX message No.TCS/Accts/ 27/05-06/8669 dated 16/5/05 on the subject cited above.

2. In this connection it is to inform that Director-SSB in exercise of the powers vested to him as Head of the Department and in terms of Cabinet Sectt:letter No.A-27011/4/86/EA-II dated 18.12.87 had declared certain places as Category 'B' and 'C' station for the purpose of various concession(other than clothing grant) further circulated to all concerned vide this Hqrs Order No.30/SSB/A-2/97(17)-4646 dated 1-11-2000 as intimated to all concerned in continuation of our order dated 01.11.2000 referred to above, vide Force HQ Order No. 30/SSB/A-2/97(17) dated 12.12.2000, copy enclosed for ready reference. As such the sanction was operative w.e.f.01.11.2000 to 31.10.2003. No ration money allowances are admissible to any civilian staff posted in earlier declared 'B' & 'C' category station beyond 31.10.2003.

3. It is therefore requested to take necessary action at his end to recover the excess payment made to all civilian employees posted at Saloni bari beyond 31.10.2003 as ration money and stop the claiming of Hardship allowance with immediate effect.

Encl:-As above.

cl:-As above.  
R.M. to all immediate effect. to two ref'd  
modi. to be issued and sent  
transferred over payment (SUBHASH KUMAR)  
ASSISTANT DIRECTOR, EA-II).

10.66.05

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① Pl. discov' m  
Civikm employer m  
out in To overpoor for Grecy in annal  
The Dy. Inspector General, Concerned  
Training Centre,  
SALONIBARI, m

( SUBHASH KUMAR )

( SUBHASH KUMAR )  
TANT DIRECTOR ( E. II )

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See Fig.

(3)