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**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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O.A./T.A No. OA 225/2005

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16. Counter Reply.....

SECTION OFFICER (Judl.)

Shahis  
06.11.17

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH.

ORDER SHEET

Original Application No. 225 of 2005

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

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

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

Applicant(S): K. Roy -----

Respondant(S): U.O.I & Ors. -----

Advocate for the Applicant(S):- Mr. N.K. Das

Advocate for the Respondant(S):- C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
<p>12.8.05</p> <p>Copy of the order has been sent to the office for stamping as well as to the addl. Secy.</p> <p>R AK Choudhury 12/8/05</p>	<p>30.8.05.</p> <p>lm</p>	<p>Heard learned counsel for the parties. Judgment delivered in open Court. Kept in separate sheets. Application is disposed of.</p> <p><i>[Signature]</i> Vice-Chairman</p>

CENTRAL ADMINISTRATIVE TRIBUNAL ::: GUWAHATI BENCH.

O.A. No. 225 of 2005.

DATE OF DECISION: 30.08.2005

Sri Kamalaleswar Roy, & Ors.

APPLICANT(S)

Mr. N.K. Das

ADVOCATE FOR THE  
APPLICANT(S)

- VERSUS -

Union of India & Ors.

RESPONDENT(S)

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

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 judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether the judgment is to be circulated to the other Benches?

Judgment delivered by Hon'ble Vice-Chairman.

*G. Sivarajan*

**CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH**

Original Application No.225 of 2005

Date of Order: This the 30<sup>th</sup> Day of August, 2005.

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

1. Shri Kamaleswar Roy, AFO(M)
2. Shri Abhiram Das SFA(H)
3. Shri Arabinda Sarania, D.F.O.(G)
4. Shri Jatindra Pal Sharma Upper Divn.Asstt.
5. Smti. Puspa Mamgian, Upper Divn.Asstt.
6. Miss Ripa Das, Steno
7. Shri Th.Mohendra Singh.
8. Shri S.Mandal, Asstt.
9. Shri L.Suresh Singh, Assistant
10. Shri S.Marjit Singh, SFA(M)
11. Shri Norbu Tsering FA(T)
12. Shri Lal Mohan Das, Asstt.Cook.
13. Shri Om Prakash, FA(G)
14. Shri Ganesh Dutta, SFA(G)
15. Smt.Kabita Sharma, LDC
16. Shri Ksh Narendra Singh SFA(M)
17. Shri Susanta Basak, LDC,
18. Smti. Sumala Gogoi AFO(WM)
19. Shri K.Joyson Tangkhul, SFA(H)
20. Smti Lahiri Bala (Nath)Bora, Peon
21. Smti Sonamukhi Sinha, DFO(WI)
22. Shri Manik Lal Das, Steno.
23. Shri RS Rawat, UDC
24. Shri Tawnmuan Paite, Driver.
25. Shri Shasanka Kumar Roy, SFA(H)
26. Miss.Regima Toppo M/S.
27. Shri N.N.Sarkar, UDC
28. Shri Someswar Kalita, Peon
29. Shri Rohini Sharma, Peon
30. Smti.Indubala Roy, Steno.
31. Smti Rekha Saxona, UDC
32. Shri Thongzamang Lab, Tech.15 Bn SSB Bongaigaon
33. Shri Hari Charan Roy, AFO(T) 15Bn.SSB
34. Shri Baneswar Brahma,  
AFO(T)Bn.HQ,SSB,Bongaigaon.
35. Shri Kamal Kant. Petitioners

The petitioners No.1 to 31 are working in the office of the Sector Headquarter SSB, Bongaigaon, Assam or petitioners No.32 to 35 at present are working in the office of the 15 Bn.Bongaigaon, Assam on attachment.

By Advocate Mr.N.K.Das

-Versus-

1. The Union of India, represented by the Secretary,  
Ministry of Home Affairs, New Delhi.
2. Director General of Security, SSB,  
East Block VRK Puram, New Delhi-110066
3. Inspector General of Frontier Head  
Quarters SSB Zoo Road, Uday Path,  
Guwahati-24
4. D.I.G Sector Headquarter SSB,  
Bongaigaon, Assam. Respondents.

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

**ORDER (ORAL)**

**SIGARAJAN,J.(V.C.):**

The applicants 31 in number are working in the office of the Sector Headquarter SSB, Bongaigaon, Assam and the applicant Nos. 32 to 35 are working in the office of 15 Bn. Bongaigaon, Assam on attachment. They have filed this application seeking for direction to the respondents not to recover the amount as excess payment of Ration Money Allowance already paid from the monthly salary bills from August, 2005.

2. I have heard Mr.N.K.Das learned counsel for the applicant and Mr.A.K.Choudhury, learned Addl.CGSC appearing for the Respondents. As already noted the matter relates to stoppage of Ration Money Allowance and recovery of excess payment made. According to the Respondents Ration Money Allowance was available only for a period of three years ending with 31.10.2003 and that the Respondents were inadvertently making payment of Ration Money even beyond 31.10.2003. In the circumstances the 3rd Respondent issued communication dated



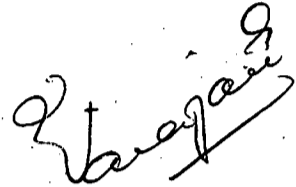
1.2.2005(Annexure 1) to the Area Organiser, SSB, Bongaigaon to stop making payments of Ration money to Civilian Staff from January, 2005 onwards and also to intimate mode of recovery of the excess amount paid. We had occasion to deal with the matter with reference to certain other employees, working in the same department namely, SSB, in O.A.No. 15 of 2005 and other cases. So far, as the continuation of the Ration Money Allowance is concerned the order passed by the Respondents were upheld. But so far as the recovery of the amount is concerned, the respondents were restrained from recovering any amount towards excess payment of Ration money paid for the reason that excess payment were made was not on account of any misrepresentation on the part of the applicants and was only due to the negligence/lapses on the part of the Respondents.

3. Since the issue involved in this case is identical. This O.A. can be disposed of at the admission stage itself with similar directions. It is clear from the impugned order (Annexure I) itself that the excess payment after 31.10.2003 was not on account of any misrepresentation on the part of the applicants. The respondents have paid this amount voluntarily without noticing the time limit. This shows that there was a lapse on the part of the respondents. In the above circumstances I am of the view that the Respondents are not justified in seeking to recover the excess payment of ration money paid to the applicants. In the circumstances, while upholding the order-dated 1.2.05(Annexure 1) 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

*grt*

ration money paid. However, if any amount is recovered from the applicants prior to this order, the same need not be refunded to them.

4. The O.A. is disposed of as above at the Admission stage itself. There will be no order as to costs.



(G.SIVARAJAN)  
VICE-CHAIRMAN

lm

29 AUG 2005  
গুৱাহাটী কেন্দ্ৰীয়  
গৱেষণা বেন্চ

IN THE COURT CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH.

Kamaleswar Roy  
Filed by  
Nived Kumar Das  
Advocate  
29/8/2005

O.A. 225 /2005

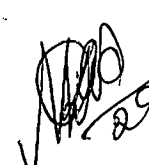
Shri Kamaleswar Roy,..... Applicant.

- Vs -

The Union of India and Others .... Respondent.

Synopsis of the application

<u>Sl. No.</u>	<u>Particulars</u>	<u>Para</u>	<u>Page</u>
1.	The applicants were entitled to Ration Money Since 8.11.94 the same stopped from 31.10.03 without prior notice.	4 II	4
2.	This Honourable Tribunal directed the Respondent not to make recovery of ration money already paid to them beyond 31.10.2003 in case No. OA 15/2005 and <del>OA 2005</del> OA 205/05.	4 (iii)	4
3.	The Respondent No.4 started recovery of Ration Money Allowance paid beyond 31/10/2003.	5 (i)	5
4.	The Applicant came to know the order of stoppage of Ration Money Allowance on 1/2/05.	5 (ii)	5

  
29.8.2005

Advocate .

IN THE COURT OF CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH.

Filed by  
Nirod Kumar Das  
Advocate  
29/8/2005

O.A. 225 /2005

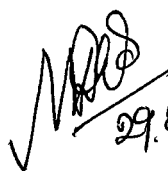
Shri Kamaleswar Roy ..... Applicant.

- Vs -

The Union of India & Others.... Respondent.

List of date of events

<u>Sl. No.</u>	<u>Memorandum/order</u>	<u>Annexure</u>	<u>Page</u>
1.	No. 960.67 dt. 1/2/05	I	7
2.	OA 25/05 dt. 4/7/05	II	8
3.	OA 205/05	III	<del>15</del> 16

  
29.8.2005  
Advocate .

BEFORE THE ~~EX~~ CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH.

Kamaleswar Roy  
Filed by  
Nived Kumar Das  
Advocate  
29.8.2005

O. A. \_\_\_\_\_ /2005

1. Shri Kamaleswar Roy, AFO (M)
2. " Abhiram Das SFA (H)
3. " Arabinda Sarania D. F.O. (G)
4. " Jatindra Pal Sharma Upper Div. Asstt.
5. Smti Pushpa Mangian Upper Div. Asstt.
6. Miss. Ripa Das, Steno.
7. Shri Th Mohendra Singh.
8. Shri S. Mandal, Assistant.
9. Shri L. Suresh Singh, Assistant.
10. Shri S. Marjit Singh, S. F. A. (M)
11. Shri Norbu Tsering FA (T) .
12. " Lal Mohan Das, Asstt. Cook.
13. Shri Om Prakash, FA (G).
14. " Ganesh Dutta, SFA (G).
15. Smti Kabita Sharma, LDC .
16. Shri Ksh Narendra Singh SFA (M).
17. Shri Susanta Basak, LDC.
18. Smti. Sumala Gogoi AFO (WM).
19. Shri K. Joyson Tangkhul, SFA (H).
20. Smti Lahiri Bala (Nath) Bora, Peon.
21. Smti Sonamukhi Singha, DFO (WI).

Contd...2.

22. Shri Manik Lal Das, Steno.
23. Shri RS Rawat, UDC.
24. Shri Tawnmuan Paite, Driver.
25. Shri Shasanka Kumar Roy, SFA (H).
26. Miss. Regima Toppo M/s.
27. Shri N. N. Sarkar, UDC.
28. Shri Someswar Kalita, Peon.
29. Shri Rohini Sharma, Peon .
30. Smti. Indubala Roy, Steno.
31. Smti. Rekha Saxona, UDC.
32. Shri Thongzamang Lab, Tech,  
15 Bn SSB Bongaigaon.
33. Shri Hari charan Roy, AFO (T) 15 Bn. SSB.
34. Shri Baneswar Brahma, AFO (T) 15 Bn.  
HQ SSB, Bongaigaon .
35. ,, Kamel Kant

The petitioner No. 1 to 31 are ~~work~~ working in the office of the Sector Headquarter SSB, Bongaigaon, Assam or petitioner No. 32 to 34 at present are working in the office of the 15 Bn. Bongaigaon, Assam on attachment.

....Petitioner.

- Versus -

1. The Union of India, represented by The Secretary, Ministry of Home Affairs, New Delhi .

Contd.....3.

2. Director General of Security SSB,  
East Block VRK Puram, New Delhi-110066
3. Inspector General of Frontier Head  
quarters SSB Zoo Road, Uday Path,  
Guwahati-24.
4. D.I.G. Sector Headquarter SSB,  
Bongaigaon, Assam .

..... Respondents .

Details of Applications

1. Particulars of the Order/Memorandum against  
which Application is made .

Memorandum No. 960.67 dated 1/2/05 issued under  
the signature of staff officer, (ADMN) office of the  
Inspector General Frontier Headquarters, SSB Zoo Road,  
Guwahati .

Jurisdiction of the Tribunal

2. The Applicants declare that the subject matter  
of the order against which they want redressal is within  
the Jurisdiction of the Tribunal, Guwahati Bench .

Limitation

3. The applicants declare that the application is  
within the Limitation period prescribed in Section 21 of  
the Administrative Tribunal Act, 1985 .

Contd....4.

Facts of the Case

4.(i) That the applicants are the employes of the SSB and at present working in the office of the Sector Headquarters, SSB, Bongaigaon and 15 Bn SSB, Bongaigaon, Assam in various posts.

4. (ii) That the applicants were entitled to ration money allowance since 8/11/94 having All India Transfer liabilities and they had been enjoying the said allowance till March/2005 but the Respondent No. 3 vide his memorandum No. 960.67 dated 1/2/05 had stopped Ration Money Allowance beyond 31/10/2003, and ordered recovery of excess payment said allowance paid beyond 31/10/2003 without any prior notice which was made is not on account of misrepresentation on the part of the applicants.

Xrox copy of the said Memorandum is annexed herewith as Annexure-I .

4. (iii) That this Hon'ble Tribunal was pleased to pass an order vide case No. OA 15/2005 dated 4/7/2005 in case ~~Max~~ of some staff of office of the Area organiser SSB Bomdila under the control of Respondent No. 1,2 and 3 restraining the Respondents from recovering any amount from the applicants towards excess payments of ration money paid. This Hon'ble Court was further pleased to pass same order in another case No. 205/2005 in case of staff of Inspector General, Frontier Headquarter SSB Guwahati under the Control of the Respondents.

Contd....5.

W.D.  
29/12

Xrox copies of said orders are annexed as Annexure II and III respectively .

4. (iv) That an receipt of above impunged memorandum the Respondent No. 4 has started recovery by instalment every month till the month of July, 2005 from each of the applicants.

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 are not given any notice that the Ration Money Allowance was stopped 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 pay bill had the Respondent No. 4 not paid ration money Allowance beyond 31/10/2003.

5. (iii) For that the excess payment made is not on account of any misrepresentation on the part of the applicants.

5. (iv) For that the applicants are low paid employees and there will be much financial hardship if deduction from their pay bills is made .

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

6. That the matter being urgent one the applicants have not sought for any remedy in the department or in any court .

Matters not previously filed or pending with .

7. The applicants declare that they had not previously filed any application or 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 or 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 the amount as excess payment of Ration Money Allowance already paid from the monthly salary bills from August, 2005.

9. To issue an interim order staying the operation of the impugned memorandum pending final disposal of this application

Contd....7.

29/12

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

11. Particulars of IPO No. 20G 158614  
dated 26/8/05 of Rs. 50.00

List of encloser

12. (i) Memorandum No. 960.67 dated 1/2/05 Annexure -I .

12. (ii) Order dated 4/7/2005 passed in case No. OA 15/2005  
Annexure-II .

12. (iii) Order dated 5/8/2005 passed in case No. 205/2005  
Annexure-III .

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

I, Shri Kamaleswar Roy son of Late Bharkuram Roy one of the applicants do hereby solemnly affirm and declare that the statements made at para 1 to 7 of the above application are true to the best of my knowledge and belief and rests believed to be true on legal advice and that I have not suppressed any matters and facts  
Verified at Guwahati on this 29th day of August, 2005 .

Kamaleswar Roy

29/8

11/11/05 - 8 - Annexure I

**IMMEDIATE/ACTIONABLE**

No. 966 (7)  
Government of India,  
Ministry of Home Affairs,  
Office of the Inspector General,  
Frontier Headquarter, SSB  
Zoo Road, Uday Path,  
Guwahati - 24

Dated, the 11/11/05

**MEMORANDUM**

**SUBJECT : MONTHLY EXPENDITURE STATEMENT FOR THE MONTH OF DECEMBER'2004**

Please refer to your Memo No.XI/3/Vol-III/03/17-18 dated 03/01/2005 on the subject cited above.

2. On scrutiny of the Monthly Expenditure Statement, it has been observed that ration money is being paid to the civilian employees till date against the orders issued vide our signal No.U/1902 dated 02/12/2004.

3. In our signal ibid it has been clearly mentioned that all concessions including Ration Money be stopped forthwith and over payment made towards Ration Money beyond 31/10/2003 be recovered immediately as desired by the Force Hqr., New Delhi.

4. It is also not understood as to how ration money is being boood under Code Head-23 "Cost of Ration" when no fund allotted to the particular head. Position may please be clarified.

5. Area Organiser, Bongaigaon is again requested to stop making payment of Ration Money to the Civilian Staff from January'2005 onwards and a statement showing the Ration Money paid to the staff and mode of recoverys may please be made available to this office within 31/01/2005. In this connection, our memo no 5630-13 dt 10.9.04 may please be referred to.

6. He is also requested to review the funds position so allotted to him time to time and surrender funds, if any may be made immediately. While reviewing the funds position, 10% cut and only 33% of total allotment could be spent in between January'2005 and March'2005 may please be kept in mind.

STAFF OFFICER(ADMN)  
FTR.HQR.,SSB,GUWAHATI

To,

The Area Organiser,  
SSB,Bongaigaon.

**Copy to:-**

- 1. The Dy. Inspector General, SHQ, SSB, Bongaigaon.
- 2. The Area Organiser, SSB, Falakata/Rangia/Bhairabkunda/ Kokrajhar/Bomdila.

For similar action  
Please.

STAFF OFFICER(ADMN)  
FTR.HQR.,SSB,GUWAHATI

Copy to: -

P.S. to IG. - for favour of kind perusal of  
IG. pl.

*collected to be done copy  
22/7/05  
certified to be done copy  
29/8*

*11/12/05*

*20/11/05*

**CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.**

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. Balem 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.).



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. Balem 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. Balem 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.).

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)



- 12 -

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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)

SIVARAJAN, I.(V.C.) :

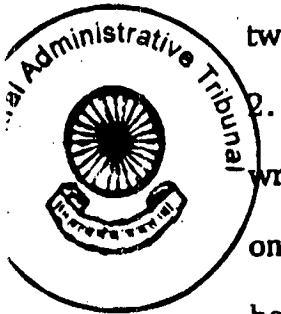
The applicants forty in number are all Group 'C' and 'D' employees working in Sashastra Seema Bal (S.S.B. in short) under the Ministry of Home Affairs, Government of India. The applicants are working at Bomdila in Arunachal Pradesh which is categorised as 'B' station under the Government order dated 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.

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

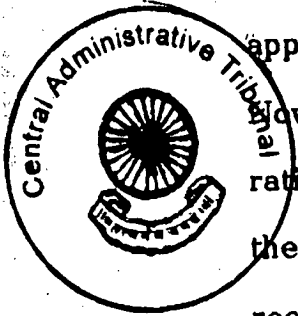
*Jha*



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 Mohanthy and Others, 1995 SCC (L&S) 522. In the circumstances, while upholding the orders at Annexures C and D in regard to discontinuance/stoppage of the ration money to the applicants, I restrain the respondents from



*[Handwritten signature]*

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



Certified to be true Cop  
प्रमाणित प्रतिलिपि

*N. S. Das*  
4.8.05  
अनुभाग अधिकारी  
Section Officer (Judl)  
Central Administrative Tribunal  
गुवाहाटी-5  
GUWAHATI-5.

Certified to be true Cop  
NB  
Advised  
29/6

*KS*  
4/8/05

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,

Original Application No.205 of 2005.

Date of order: This the 5<sup>th</sup> 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(I)
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. 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, J.(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 4<sup>th</sup> July, 2005. In that case the Tribunal considered the matter thus:

*[Handwritten signature]*

"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 am 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 in State of Orissa and others Vs. Adwait Charan Mohanthy AND OTHERS, 1995 ASCC(I&S) 522. 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 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 to 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.

*[Handwritten signature]*



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

sd/VICE CHAIRMAN



Date of Application : ..... 9.8.05 .....  
Date on which copy is ready : ..... 9.8.05 .....  
Date on which copy is delivered : ..... 9.8.05 .....  
Certified to be true copy

*[Signature]*  
9.8.05  
Section Officer (Judl)  
C. A. T. Guwahati Bench  
Guwahati-5.

*[Signature]*  
9/8/05

*certified true copy*  
*[Signature]*  
*29/8/05*