

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 232/2005

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SECTION OFFICER (Judl.)

Bahla
06/11/17

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

ORDER SHEET

Original Application No. 232/05

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicant(S): B. R. Bhargava

Respondant(S): U. O. I. Jay

Advocate for the Applicant(S): Adil Ahmed

Advocate for the Respondant(S): Case

Notes of the Registry	Date	Order of the Tribunal
This application is in form is filed/C.F. for Rs. 50/- deposited vide IPO/PS No. <u>204/57/93</u> Dated <u>2.9.05</u>	6.9.2005	Heard learned counsel for the parties. The application is disposed at the admission stage itself in terms of the order passed in separate sheets
<u>Alex</u> Dy. Registrar <u>AN</u>	mb	 Vice-Chairman
<u>Steps not taken</u>		
<u>AN</u>		
<u>5/9/05</u> <u>copy of the order</u> <u>has been sent to the</u> <u>Office for issuing the</u> <u>due to the applicant as</u> <u>well as to the Dy. CGSC.</u> <u>on the Respond.</u> <u>the</u> <u>Dr. Prakash</u> <u>CGSC</u> <u>5/10/05</u>		

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. Nos. 232/2005

DATE OF DECISION: 06.09.2005

Sri Bhabendra Nath Bharali & Ors.

APPLICANT(S)

Mr. A. Ahmed

ADVOCATE FOR THE
APPLICANT(S)

- VERSUS -

U.O.I. & Others:

RESPONDENT(S)

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

ADVOCATE FOR THE
RESPONDENT(S)

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

THE HON'BLE

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

Judgment delivered by Hon'ble Vice-Chairman.



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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 232 of 2005

Date of Order : This the 6th day of September 2005.

The Hon'ble Mr. Justice G. Sivarajan, Vice-Chairman.

1. Sri Bhabendra Nath Bharali
Son of late Gajendra Mal Bharali
Sr. Field Assistant (H)
O/o Area Organiser, SSB,
Bongaigaon, Pin - 783380
2. Sri A. Joy Kumar
Son of late A. Longthon Singh
Sr. Field Assistant (M)
O/o Area Organiser, SSB,
Bongaigaon, Pin - 783380.
3. Th. Monorama Devi
Daughter of Th. Konung Jao Singh
Stenographer,
O/o Area Organiser, SSB,
Bongaigaon, Pin - 783380.
4. Ch. Gajendra Singh
Son of Ch. Budhi Singh
Sr. Field Assistant (M)
O/o Area Organiser, SSB,
Bongaigaon, Pin - 783380.
5. Shri A. Sanahal Meitei
Son of A. Ibohi Singh
Sr. Field Assistant (M)
O/o Area Organiser, SSB,
Bongaigaon, Pin - 783380
6. Shri S. Dey
Son of Late J.C. Dey,
Assistant,
O/o Area Organiser, SSB,
Bongaigaon, Pin - 783380
7. Shri Tapash Basak
Son of Late D.K. Basak
LDC
O/o Area Organiser, SSB,
Bongaigaon, Pin - 783380

8. Shri K. K. Mukhoti
Son of Chandi Das Mukhoti
DFO (M)
O/o Area Organiser, SSB,
Bongaigaon, Pin - 783380
9. Shri Purna Nanda Sut
Son of Shri Indeswar Sut
AFO (M)
O/o Area Organiser, SSB,
Bongaigaon, Pin - 783380
10. Shri Chandan Kumar Sarkar
Son of Late Anesh Chandra Sarkar
SFA (M)
O/o Area Organiser, SSB,
Bongaigaon, Pin - 783380
11. Shri Sankar Pal
Son of B.C.Pal
SFA (M)
O/o Area Organiser, SSB,
Bongaigaon, Pin - 783380
12. Shri Nirmal Kumar
Son of Shiv Nandan Kumar
SFA (M)
O/o Area Organiser, SSB,
Bongaigaon, Pin - 783380
13. Shri U.K.Roy
Son of Late D.K.Roy
SFA (M)
O/o Area Organiser, SSB,
Bongaigaon, Pin - 783380
14. Shri B. Roy
Son of N.G.Roy
SFA (M)
O/o Area Organiser, SSB,
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15. Shri S.K.Sasmal
Son of B.C.Sasmal
SFA (M)
O/o Area Organiser, SSB,
Bongaigaon, Pin - 783380
16. Shri H.D.Sarkar
Son of S.C.Sarkar
SFA (V)
O/o Area Organiser, SSB,
Bongaigaon, Pin - 783380
17. Shri Asish Sarkar

- Son of B.C.Sarkar
SFA (V)
O/o Area Organiser, SSB,
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18. Shri P.C.Malakar
Son of N.C.Malakar
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Son of Late S.C.Nandi
Field Assistant (G)
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Bongaigaon, Pin - 783380
22. Shri K.C.Paul
Son of Late M.S.Pual
Peon
O/o Area Organiser, SSB,
Bongaigaon, Pin - 783380
23. Shri N.C.Debnath
Son of Late G.Debnath
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- 4
- 2
- Bongaigaon, Pin - 783380
27. Smt. Nilima Das
Daughter of K. Bhuyan
Peon
O/o Area Organiser, SSB,
Bongaigaon, Pin - 783380
 28. Shri Nirupam Roy
Son of N.C.Roy
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Wife of Late A.C.Barman
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Son of Late P.Dutta
Peon
O/o Area Organiser, SSB,
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Son of Late Sabaraeu Oraon
Night Guard
O/o Area Organiser, SSB,
Bongaigaon, Pin - 783380
 32. Shri S.Sarkar
Son of Late B.C.Sarkar
Night Guard
O/o Area Organiser, SSB,
Bongaigaon, Pin - 783380
 33. Shri R.N.Harizon
Son of Late L.Harizon
Safaiwala
O/o Area Organiser, SSB,
Bongaigaon, Pin - 783380
 34. Shri V.Hmar
Son of Beisei Hmar
Driver
O/o Area Organiser, SSB,
Bongaigaon, Pin - 783380
 35. Smt. Sakuntala
Daughter of R. Bahadur
AFO (WT)
O/o Area Organiser, SSB,
Bongaigaon, Pin - 783380
 36. Shri Premtosh Dutta

Son of late T.K. Dutta,
SFA (V)
O/o Area Organiser, SSB,
Bongaigaon, Pin.- 783380.

37. Sri B. Chakraborty
Son of Late D. Chakraborty
SFA (M)
O/o Area Organiser, SSB,
Bongaigaon, Pin - 783380.

... Applicants.

By Advocate : Mr. Adil Ahmed.

- Versus -

1. The Union of India, represented by the
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. Deputy Inspector General,
Sector HQ, Bongaigaon,
District - Bongaigaon,
Assam, - 783380

... Respondents

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

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ORDER (ORAL)

SIVARAJAN. J. (V.C.)

The applicants, 37 in number are all Group 'C' and 'D' employees of Sashastra Seema Bal (SSB in short) under the Ministry of Home Affairs, Government of India. They are presently working in the office of the Area Organiser, SSB, Bongaigaon. They are aggrieved by an order dated 30.05.2005 issued from the office of the 2nd respondent. They seek to set aside the said order. By the impugned order, the Ration Money paid to the applicants who are posted in Category 'B' and 'C' stations beyond 31.10.2003 was sought to be recovered. The payment of this hardship allowance was also directed to be stopped. According to the applicants, they are entitled to get this Ration Money Allowance being posted in 'B' and 'C' category stations beyond 31.10.2003 and the action of the respondents in recovering the Ration Money Allowance paid for the period beyond 31.10.2003 is also illegal. Though the applicants had sought for direction to the respondents to continue payment of Ration Money Allowance and also to stay the recovery of excess payment made beyond 31.10.2003, Mr. A. Ahmed, learned counsel for the applicants fairly submits that for the time being he will confine the relief to the recovery part only. Mr. Ahmed, counsel for the applicant pointed out that this Bench had considered identical issue in O.A. No. 15/2005 and in O.A. No. 192/2005 (Annexures - 5 and 6) and restrained the respondents from recovering the payments of Ration Money Allowance paid beyond 31.10.2003.

2. I have also heard Mr. G. Baishya, learned Sr. C.G.S.C. for the respondents. The issue relates to recovery of Ration Money

Jps

Allowance to civilian staff posted in category 'B' and 'C' stations paid beyond 31.10.2003. Identical issue with respective another set of employees working in the SSB was considered by this Tribunal in O.A. 15/2005 which was disposed of by order dated 04.07.2005 (Annexure - 6) and in O.A. No. 192/2005, disposed of on 20.07.2005 (Annexure - 7). The Tribunal in those cases had noticed that the payment of Ration Money Allowance beyond 31.10.2003 was not due to any mis-representation by the applicants and that payments were made to the applicants either due to ignorance of the terms of the order under which ration money allowance was paid or due to negligence on the part of the respondents. In the premises the Tribunal relying on the decision of the Supreme Court in Sahib Ram Vs. State of Haryana and Others, 1995 SCC (L&S) 248 and State of Orissa and Others Vs. Adwait Charan Mohanthy and Others, 1995 SCC (L&S) 522 and the decision of the Jaipur Bench of the Central Administrative Tribunal in Nathi Lal Vs. Union of India & Others, 1997 (1) (CAT) 383, held that the respondents were not justified in seeking to recover the amounts paid to the applicants therein. In this case also Ration Money Allowance paid to the applicants herein beyond 31.10.2003 was not due to any mis-representation on the part of the applicants. On the other hand it was due to negligence on the part of the respondents that Ration Money Allowance happened to be paid to the applicants beyond 31.10.2003. In the circumstances, while upholding orders at annexure - 5 in regards to discontinuance/stoppage of the Ration Money Allowance to the applicants, I restrain the respondents from recovering from the applicants amounts towards excess payment of Ration Money Allowance. However, if any amount is recovered from the applicants prior to this order the same

JPL

need not be refunded. I make it clear that I have not considered the issue of continuance of the Ration Money Allowance in this proceedings for the reason that the counsel for the applicant did not press for the said relief for the time being.

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



(G. SIVARAJAN)
VICE CHAIRMAN

/mb/

6 SEP 2005

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

(An Application Under Section 19 Of The Central Administrative Tribunal Act 1985)

ORIGINAL APPLICATION NO. 232 OF 2005.

Shri Bhabendra Nath Bharali & another,

... Applicants

- Versus -

The Union of India & Others

... Respondents

LIST OF DATES AND SYNOPSIS

All the applicants are working in the non-executive cadre in the office of the Area Organiser SSB Bongaigaon, Assam under the ministry of Home Affairs and its circle along the Indo - Bhutan Belt.

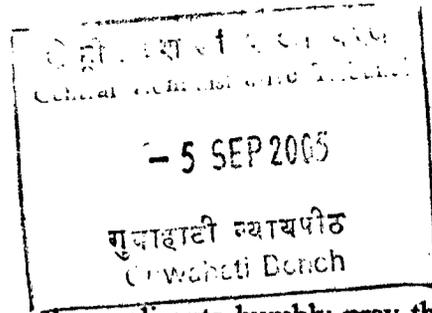
- 29.11.1996 Respondents issued office memorandum declaring Salonibari as 'B' category station for the purpose of concession (except clothing grant). (Annexure - 1)
- 24.10.2000 This Hon'ble Tribunal in judgment dated 24.10.2000 in O.A.No.244/2000 held that non-executive personnel serving in the offices 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 Bongaigaon 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).
- 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.

Hence this Original Application before this Hon'ble Tribunal.

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PRAYERS



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 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 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 No.30/SSB/A 2/03 (17) 2420 dated 30.05.2005 (Annexure - 5) till disposal of this Original Application.
- B

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

(An Application Under Section 19 Of The Central Administrative Tribunal Act 1985)

ORIGINAL APPLICATION NO. 232 OF 2005.

Shri Bhabendra Nath Bharali & another

... Applicants

- Versus -

The Union of India & Others

... Respondents

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Date:

Filed By:

Advocate (A/C-1/2005)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI.

(An Application Under Section 19 Of The Central Administrative Tribunal Act 1985)

ORIGINAL APPLICATION NO. 232 OF 2005.

BETWEEN

1. Shri Bhabendra Nath Bharali
Son of Late Gajendra Mal Bharali
Sr. Field Assistant (H)
O/o Area Organiser, SSB,
Bongaigaon, Pin - 783380.
2. Shri A. Joy Kumar
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Son of Late D. K. Basak
LDC
O/o Area Organiser, SSB,
Bongaigaon, Pin - 783380

Filed by
Shri Bhabendra Nath Bharali
Dharali
through J. J. Appointments
(Able AH 0725) date 11

B

8. Shri K. K. Mukhoti
Son of Chandi Das Mukhoti
DFO (M)
O/o Area Organiser, SSB,
Bongaigaon, Pin - 783380
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37. Shri B.Chakraborty
Son of Late D.Chakraborty
SFA (M)
O/o Area Organiser, SSB,
Bongaigaon, Pin - 783380

... Applicants

- AND -

1. The Union of India represented by the 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 - 110066.
3. Inspector General, SSB Frontier Guwahati, Sundar Singh Bhawan, Uday Path, S.P.O. Zoo Road, Guwahati.
4. Deputy Inspector General, Sector HQ, Bongaigaon, District - Bongaigaon, Assam - 783380.

... Respondents

DETAILS OF THE APPLICATION:

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

This application is made against the impugned order dated 30.05.2005 issued by the office of the Directorate 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 Bongaigaon 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:

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

3) LIMITATION:

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

4) FACTS OF THE CASE:

Facts of the case in brief are given below:

4.1 That 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 employees working in the non-executive cadres in the department of Special Service Bureau (in short SSB) and posted at Bongaigaon under the Office of the Area Organiser, SSB, Bongaigaon, Assam.

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} pay for granting leave to approach the Hon'ble Tribunal by a common application.

4.3) That all the applicants are now working under the Office of the Area Organiser, SSB, Bongaigaon, Assam. 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, Bongaigaon 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, however, the said benefit was extended to the non-executive staff including the applicants working in the Bongaigaon Station got the ration money allowance vide Cabinet Secretariat Order bearing letter No.A-49011/2/2000-DO-I (Vol II) - 99 dated 30.01.2001 which was communicated vide memorandum issued 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-gazatted 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 the Hon'ble Tribunal as Annexure - 1 and 2 respectively.

4.5 That your Applicants and other similarly situated employees approached this Hon'ble Tribunal by filling series of Original Applications under Section 19 of the Administrative Tribunal Act., 1985 claiming payment of arrear as well as current ration money allowance and this Hon'ble 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 Hon'ble 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 Hon'ble 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 be denied so long the judgment of this Hon'ble 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 12.12.2000, 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 Gwaldms 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

1. In continuation of this Directorate order of even number dated 01.11.2000 regarding categorization of 'B' and 'C' stations for review, the sanction is operative for a period of three years w.e.f. 1.11.2000.
2. All Dos/DisG of Training centres and FA Cwaldan are requested to keep 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 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

4.7 That it is stated although the sanction was accorded for continuation of ration money allowance to the civilian employees working 'B' and 'C' station for 3 years ^{till} ~~w.e.f.~~ 01.11.2003, 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 30th 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 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 ratio 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 applicants. Moreover, it will cause great financial hardship 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 money allowance so long they are posted in 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 September, 2005 as such they have not other alternative but to approach this Hon'ble Tribunal for passing of the appropriate orders, for setting aside the impugned order dated 30.05.2005.

4.10 That your applicants further beg to say that the similar facts situation this Hon'ble Tribunal was pleased to restrain the respondents to make any recovery of ration money allowance the 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 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 14.07.05 and 20.07.05 are enclosed herewith for perusal of Hon'ble Tribunal as Annexure 6 and 7 respectively.

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

5) GROUNDS FOR RELIEF WITH LEGAL PROVISION:

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

bn

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.

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 issue in total violation of principles of natural justice, that is without providing any prior opportunity to the applicants and on that source alone the impugned order is liable to be set aside and quashed.

6) DETAILS OF REMEDIES EXHAUSTED:

That there is no other alternative and efficacious and remedy available to the Applicants except the invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

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

That the Applicants further declare that they have not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other court, authority, nor any such application, writ petition of suit is pending before any of them.

8) RELIEF PRAYED FOR:

Under the facts and circumstances stated above, the Applicants most respectfully prayed that Your Lordships may be pleased to admit this application, call for the records of the case, issue notices to the

Respondents as to why the relief and relieves sought for the Applicants may not be granted and after hearing the parties may be pleased to direct the Respondents to give the following relief (s).

8.1 That the Hon'ble Tribunal may be pleased to set aside 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 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 the pendency of the application, the applicants pray for the following interim relief:-

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. APPLICATION IS FILED THROUGH ADVOCATE.

11. PARTICULARS OF I.P.O.

I.P.O. No. :- 206-157193.
 Date of Issue :- 02-09-05
 Issued from :- G.P.O.
 Payable at :- Gwalior

12. LIST OF ENCLOSURES:

As stated in Index.

Verification...

-VERIFICATION-

I, Shri Bhabendra Nath Bharali, Son of Late Gajendra Mal Bharali, aged 48 years Sr. Field Assistant (H), O/o Area Organiser, SSB, Bongaigaon, Pin -783380. I am the Applicant No.1 of the instant application and as such I am authorized by other Applicants to sign this verification and do hereby solemnly verify the statements made in accompanying application and in paragraph nos. 4.1, 4.2, 4.3, 4.7, 4.9, are true to my knowledge, those made in paragraph nos. 4.4, 4.5, 4.6, 4.8, 4.10 are being matters of records are true to my information derived there from which I believe to be true and those made in paragraph 5 are true to my legal advice and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this Verification on this the ^{5th} day of Sept 2005 at Guwahati.

Bhabendra Nath Bharali

NO. 9/SSB/A2/86(A) - NAT
Directorate General of Staff
Office of the Director
Hauz Khas, New Delhi-110066.
Dated the 27 November 1996.

M E M O R A N D U M

Subject: Grant of concessions to the staff of SSB.

Please refer to your Memo No. TCS/11/V-Con/96/9876, 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) (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.

This may please be treated as urgent.

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

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

No. TCS/11/V- 196/10876 Dated 5/12/96

Copy forwarded to :-

The Assistant Commandant,
CSD & Workshop TC SSB
Salonibari.

Requisite information may please be furnished to the undersigned immediately for official submission to SSB Dir.

(Signature)
Deputy Commandant,
Training Centre SSB
Salonibari.

TO
Please put up
ybr govt into
defence

DCs
gents
exp. mts 9/14.

Ashish
S/S
Aunt

984 - 6 - 16 - ANNEXURE 2 99

R/No.....
 Dated 11.4.2001
 O.I.O.....
 Comd.....
 Adj.....

IMMEDIATE
 No. 30/SSB/A-2/97(17) - 495-508
 GOVERNMENT OF INDIA
 MINISTRY OF HOME AFFAIRS
 OFFICE OF THE DIRECTOR : SSB
 EAST BLOCK - V, R.K. PURAM
 NEW DELHI - 110066.

DATED THE, 08/02/2001

MEMORANDUM

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-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. 01/11/2000

Encls: As above.

(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 Gwaldam/TC Sarahan/Hallong/Jammu/Saloni Bari/Kumarsain.
 3. Commandant, CSD W Bhopal/TC Faridabad.
 4. Accounts Officer SSB.
 5. AF/A4/E1/E2 branches.
 6. Order File.

18/1/01

on
 19/1/01
 18/1/01

Attent
 S.S. Bora

applicant and further directing the respondents to settle the...

Change

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

By Advocate Mr. N. Devi.

Applicants

-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

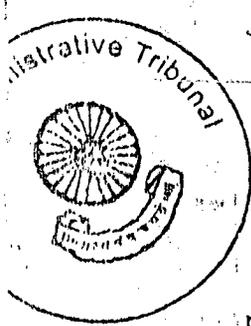
By Advocate Mr. B.S. Basuamatory, Addl. C.G.S.C.

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

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A. H. S. T. / J. A. / D. S. T.

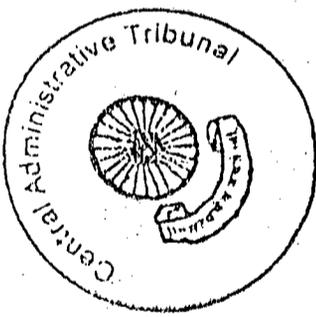
(Procedure) Rules, 1987.

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

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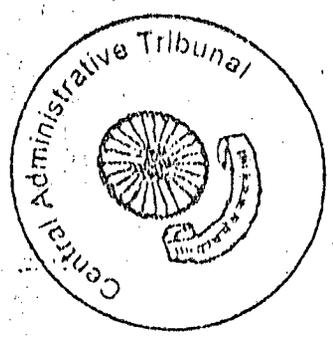


Advent
Advent

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

5. The application is allowed. No costs.

SO/VICE CHAIRMAN



Verified to be true Copy
प्रमाणित प्रतिलिपि

[Signature]
26.7.05

अनुमान अधिकारी
Section Officer (Adl)
Central Administrative Tribunal
GUSWATI-5.

[Signature]
26/7

Attas
[Signature]
Date

ANNEXURE - A

NO. 30/53B/A2/97(17). Ref 3014
DIRECTORATE GENERAL OF SECURITY,
OFFICE OF THE DIRECTOR-GM,
EAST BLOCK, V, B.K. PURAM,
NEW DELHI-66.

Dated, 1 Dec. 2k.

ORDER

In continuation of this Directorate order of
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 SA Gwalda are
requested to keep a note and submit their proposal in details
at least six months in advance i.e. on or before 20.5.2003 for
taking further action as his ord.

(S.S. DORA)
Chief Deputy Director (RA)

COPIES TO:

1. The Director of Accounts, Cabinet Sectt., Block-11 (West),
B.K. Puram, New Delhi-66.
2. The DOs: HP/UP/J&K/RA/SA/NB/IB/OP/SIC/MH DIVISIONS.
3. The DISG: SA Gwalda/Saraha/Salonibari/UP/Long/Kumraon.
4. Accounts Officer, 53B Dte.
5. SA/A2/E1/E2/IA/F Branch/Secy, 53B Dte., New Delhi.
6. Order file.

11/11/00

Handwritten signature
S. S. Dora

Annexure - 5

(Typed Copy)

IMMEDIATE

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 30th May, 2005.

MEMORANDUM

Sub : Regarding over payment of Ration Money.

Please refer to your FAX message No.TCS/Acctts/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 above 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 Salonibari beyond 31.10.2003 as ration money and stop the claiming of Hardship allowance with immediate effect.

Encl: - As above.

Sd/-
(SUBHASH KUMAR)
ASSISTANT DIRECTOR (EA-II)

To
The Dy. Inspector General, SSB
Training Centre
SALONIBARI.

Handwritten signature and initials

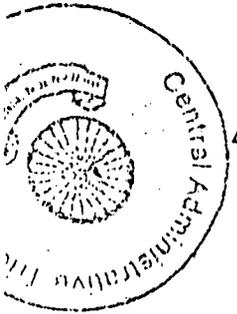
CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 15 of 2005.

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

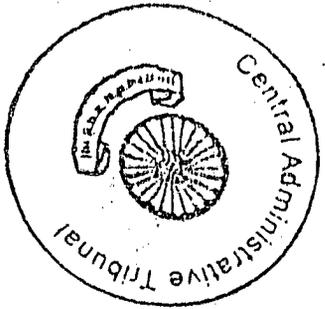
THE HON'BLE MR. JUSTICE G. SIVARAJAN, VICE CHAIRMAN.

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 Salka, Peon
S/o Sh. Tarun Salka
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.).



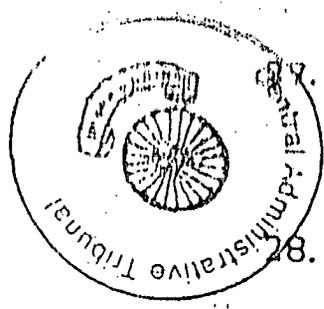
Attent
S. J. +
Banta

11. Shri Akan Mazumdar, Peon
S/o Hada Ram Mezumdar
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. Negl, 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



Handwritten signature:
A. Hanu
A. Hanu

- 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. Baldyn, SFA (M)
B/o Sh Shanti Ranjan Baldyn
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.).
- 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 Sumodhen Chhetri
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)



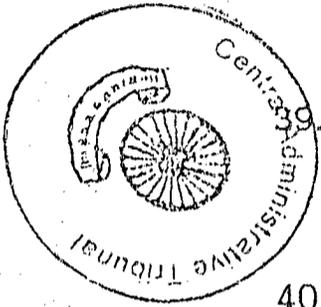
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Amrita

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 (I)
S/o Lt. S. M. Biswas
O/o A.O. SSB, Bomdila, (A.P.).



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 & Limawapong.

- 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.

M. U. Ahmed
Ante

ORDER (ORAL)SIVARAJAN, I.(V.C.) :

The applicants forty in number are all Group 'C' and 'D' employees working in Sashāstra Seema Bal (S.S.B. in short) under the Ministry of Home Affairs, Government of India. The applicants are working at Bomdila in Arunāchal 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

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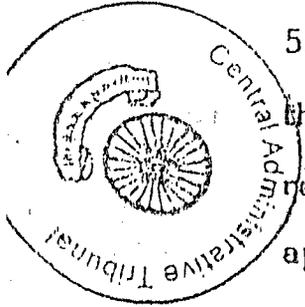
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various stations as Category B and C stations including Bomdila for various concessions w.e.f. 1.11.2000 but the same was only operative for a specific period of three years upto 31.10.2003 as per FHQ order dated 12.12.2000. Standing counsel further 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

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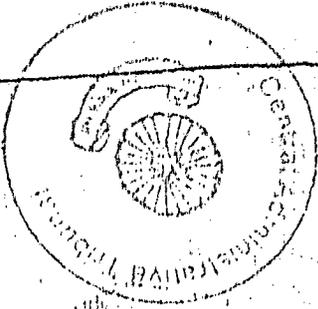
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recovering any amount from the applicants towards excess payments of ration money paid. However, if any amount is recovered from the applicants prior to this order, the same need not be refunded to them.

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

sd/VICE CHAIRMAN



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MEMBER SECRETARY
Central Administration Board
GUWAHATI-5.

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.192 of 2005

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

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

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

1. Shri Dwipen Kakati
Senior Field Assistant(V)
 2. Shri Bikash Kumar Baldya,
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

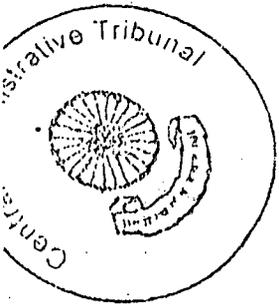
All are presently working in the office of the Area
Organiser, SSB Rangia,

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.



Affirmed
R/S
Amto

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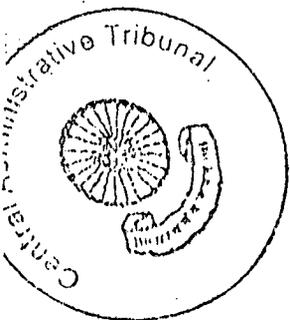
ORDER(ORAL)

SIVARAJA J(V.C.):

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

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

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



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Sd/-
Pankaj

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 Mohanthy and others, 1995 ASCC (L&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 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.



Certified to be true Copy
प्रमाणित प्रतिफल

SD/ VICE CHAIRMAN

SD/ MEMBER (A)

[Signature]
26/7/05

अनुमान प्रबन्धारी
Section Officer (Secy)
Central Administrative Tribunal
GUWAHATI-5.

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26/7/05

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