

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A.T.A No. 241/2005

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SECTION OFFICER (Judl.)

FORM NO. 4.
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

ORDER SHEET

Original Application No. 241 / 05

Misc. Petition No.

Contempt Petition No.

Review Application No.

Applicant(S): K. A. Elumalai

Respondant(S): Woi 2 Ans.

Advocate for the Applicant(S):- Mr. Adil Ahmed

Advocate for the Respondant(S):- Mr. M. U. Ahmed Addl. C.G.S.C.

Notes of the Registry

Date

Order of the Tribunal

14.9.2005

Heard Mr. A. Ahmed, learned counsel for the applicant.

Admit. Issue notice to the respondents. Post on 4.11.2005. Written statement, if any, in the meantime.


Vice-Chairman

bb

14.11.2005

Counsel for the applicant is absent. Mr. M. U. Ahmed, learned Addl. C.G.S.C. for the respondents seeks for further time. Post on 16.12.2005.


Vice-Chairman

mb

16.12.2005

Mr. A. Ahmed, learned counsel for the applicant is present. Mr. M. U. Ahmed, learned Addl. C.G.S.C. for the respondents submits that some more time is required for filing written statement. Post on 17.1.06.


Vice-Chairman

mb

Notice & order sent to D/Section for issuing to resp. Nos. 1 to 3 by regd. A/D post.

15/9/05. D/No = 1397 to 1399
Dt = 16/9/05.

(2)

O.A. 241 of 05

17.1.06.

Written statement has not been filed.

Post the matter on 21.01.06 for filing of written statement and further orders.

① Service report awaited.

② No. W/S has been filed.

Vice-Chairman

lm

11.11.05

21.2.2006

Mr. M. U. Ahmed, learned Addl. C.G.S.C. submits that reply statement is being filed today. Let it be done. Copy of the reply statement shall be given to counsel for the applicant Mr. A. Ahmed. Rejoinder, if any, will be filed within three weeks. Post on 27.3.2006.

15-12-05

① Service report are still awaited.

② No. W/S has been filed.

Vice-Chairman

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16-1-06

30.03.2006

When the matter came up for hearing, Mr. A. Ahmed, learned counsel for the applicant submits that he wants time to get instruction as to whether the Lab. technician will be categorised identical to that of the applicants in O.A. No. 245/1995 and entitle to get benefit. Counsel for the applicant further submits that he would like to work out the position.

Post on 15.05.2006

No. W/S filed so far.

lm

20-2-06

No. W/S has been filed.

23.2.06

W/S submitted by the Respondent Nos. 1 to 3.

Vice-Chairman

mb

25.4.06.

Mr. A. Ahmed learned counsel for the applicant is absent in the court for his personal difficulty. Post the matter on 8.5.06.

Vice-Chairman

lm

29-3-06

No Rejoinder has been filed.

29

No Rejoinder has been filed.

9.5.06

10.05.2006

Post on 29.05.2006.

26-5-06

No Reminder has
been filedmp

Vice-Chairman

bb

29.5.2006. Present: The Hon'ble Shri K.V. Sachidanandan
Vice-Chairman.

The question for consideration in this case is for grant of ration allowance to the applicant who is a Lab Technician and belongs to non-executive cadre. Mr.A.Ahmed, learned counsel for the applicant submits that respondents vide impugned order 2.9.2004 denied the benefit to the applicant only on the ground that ration allowance cannot be extended to the non-applicant of CAT cases. Obviously in O.A.174/2001, 2 Lab Technicians who were applicants therein was granted the benefit. Mr.M.U.Ahmed, learned Addl.C.G.S.C. submits that since the matter is pending before the Hon'ble Gauhati High Court the benefit cannot be extended to the applicant now.

In view of the fact that Annexure-2 letter annexed with the reply statement specifically precludes the rights of the employees, the respondents are directed to ascertain the latest position of the appeal (O.A.174/2001) pending before the Gauhati High Court and submit before this Tribunal by the next date.

Post the matter on 8.6.2006.

Vice-Chairman

bb

Issue copy both parties.

by
3/5/06

O.A. 241/2005

08.06.2006

Heard Mr. A. Ahmed, learned counsel for the applicant and Mr. M. U. Ahmed, learned Addl. C.G.S.C. for the respondents. Hearing concluded. Reserved for orders.

Vice-Chairman

mb

26.06.2006

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

Vice-Chairman

mb

*W-28/6/06
Addl. C.S.C.*

10.7.06

*Copy of the
order has been
handed over to
the 2 advocates
for the parties.
Wh*

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.241 of 2005.

DATE OF DECISION:26.06.2006

Shri K.A. Elumalai

.....APPLICANT(S)

Mr A. Ahmed

ADVOCATE(S) FOR THE
APPLICANT(S)

- versus -

Union of India & Ors.

.....RESPONDENT(S)

MR M.U. AHMED, Addl. C.G.S.C.

ADVOCATE(S) FOR THE
RESPONDENT(S)

CORAM

THE HON'BLE SHRI K.V. SACHIDANANDAN, VICE CHAIRMAN

- | | | |
|----|--|-------------------|
| 1. | Whether reporters of local newspapers may be allowed to see the Judgment? | Yes/No |
| 2. | Whether to be referred to the Reporter or not? | Yes/No |
| 3. | Whether to be forwarded for including in the Digest Being compiled at Jodhpur Bench? | Yes/No |
| 4. | Whether their Lordships wish to see the fair copy of the Judgment? | Yes/No |

Vice-Chairman

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X

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 241 of 2005

Date of Order: This the 26th day of June 2006.

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

Sri K.A. Elumalai
Laboratory Technician
Office of the Group Centre SSB, Kohima
(Now 17th BN Bhairabkhunda, Assam)
Presently working at 4th BN, SSB,
Palia Kalan, P.O. - Palia Kalan
District - Lakhimpur (Uttar Pradesh)
PIN - 262 902.

... Applicant

By Advocate Mr Adil Ahmed, Advocate.

- Versus -

1. The Union of India, represented by the
Secretary to the Ministry of Home Affairs,
Government of India,
North Block, New Delhi - 1.
2. The Director General,
S.S.B., Block - V-East, R.K. Puram,
New Delhi - 110 066.
3. The Commandant, 17th BN SSB
BHAIRABKUNDA,
ASEB Complex,
P.O. - Bhairabkunda,
Ministry of Home Affairs,
District - Udalguri, Assam,
PIN - 784 513.

... Respondents.


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

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ORDER**K.V. SACHIDANANDAN (V.C.)**

The applicant is presently working as Laboratory Technician in the Office of the 4th Battalion, Special Service Bureau (SSB for short), Palia Kalan, Uttar Pradesh. Earlier he served as Laboratory Technician in Group Centre, SSB Kohima under Manipur and Nagaland Division with effect from 19.10.1994 to 30.06.1999. Now, the said centre has been redesignated as 17th Battalion Bhairabkunda, Assam. The applicant is a non-executive person serving in the SSB. The Cabinet Secretariat vide letter dated 18.12.1987 granted some concessions (Ration Allowance other than clothing) to the SSB personnel working in hardship location, which has been categorized as 'B' and 'C' stations. The Manipur, Imphal and Nagaland Divisions were categorized as 'B' station. The letter dated 18.12.1987 was extended from time to time with effect from 09.08.1992 and lastly it was extended it was extended vide Office Memorandum dated 08.02.2001 to the non-executive personnel including ministerial persons of SSB. But, it was not given effect to by the respondents. The non-executive personnel of SSB serving in Manipur and Nagaland Division had approached the Tribunal by filing O.A.No.133/2000 praying for payment of Ration Allowance and this Tribunal by order dated 30.10.2000 granted the relief to the applicants therein with effect from 09.08.1999 or from the date of joining whichever was later and directed to pay the ration allowance within a time stipulated therein. The applicants filed representation on 24.02.2004 through proper channel and the respondent No.3 therein asked to submit some documents vide letter dated 01.07.2004.



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The applicants furnished the same and vide letter dated 02.09.2004 the claim was rejected on the ground that non-applicants of the court cases will not be entitled for ration allowance. Being aggrieved by the said impugned action the present applicant has filed this O.A. seeking the following reliefs:

“8.1 To direct the respondents to pay the Ration Allowance to the applicant with effect from 19.10.1994 to June 1999.

8.2 To pass any other relief or reliefs to which the applicant may be entitled and may deem fit and proper by the Hon'ble Tribunal.


8.3 To pay the costs of the application.”

2. The respondents have filed a detailed written statement contending that the application is bad for non-joinder and misjoinder of parties, waiver, estoppel and acquiescence and is liable to be dismissed. The further submitted that the action taken by the respondents was not stigmatic and the same was for public interest and the decision taken by the respondents cannot be said to have suffered from the vice of illegality. As per instructions contained in Force Headquarters Memorandum dated 08.02.2001 (Annexure-1), ministerial personnel holding non-gazetted post and posted to category 'B' and 'C' stations declared vide Force Headquarter, SSB, New Delhi Order dated 01.11.2000 are entitled to ration allowance with effect from 30.01.2001, but as clarified by the Memo dated 13.12.2002 (Annexure-2), telecom setup, para-medical setup excluding Pharmacist/Laboratory Technician came under the purview of getting ration allowance prior to 30.01.2001 if they remain posted in category 'B' and 'C' stations. The applicant is a Laboratory Technician of the organisation and he does not come under the

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purview of the said clarification. The Tribunal while passing the final judgment in O.A.No.174 of 2001 on 24.08.2001 (Annexure-3) directed to pay ration allowance to the applicants therein only and further it was clarified that only the applicants therein will be entitled to ration allowance. Therefore, the present applicant could not be granted this benefit. It is a fact that Kohima, where the applicant was posted from 19.10.1994 to 14.06.1999 was declared as category 'B' station for the purpose of granting ration allowance, but the applicant is not entitled for ration allowance. The Cabinet Secretariat, Ministry of Home Affairs, has not passed any order for granting of ration allowance to the Laboratory Technicians of SSB. Since this Tribunal has ordered that ration allowance will be paid to the applicants of the concerned O.A. only and not to the other employees, the respondents cannot be blamed for non-payment of ration allowance to the applicant and submitted that the applicant has no case.

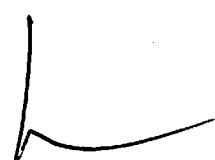
3. Heard Mr A. Ahmed, learned counsel for the applicant and Mr M.U. Ahmed, learned Addl. C.G.S.C. appearing on behalf of the respondents. The learned counsel for the parties have taken this court's attention to various pleadings, materials and evidence placed on record. The learned counsel for the applicant argued that it is a well settled legal position that similarly/identically placed employees should be given the benefit of a court order. The learned counsel for the respondents, on the other hand, persuasively argued that without specific instructions from the Government side not being party in the court proceedings the employees cannot aspire for getting the benefit especially when there is no Government instruction to that effect.



4. I have given due consideration to the pleadings and arguments advanced by the learned counsel for the parties. Admittedly, the applicant was working as Laboratory Technician during period in dispute, i.e. from 19.10.1994 to June 1999 and the applicant is non-executive person serving in the SSB. Vide Annexure-A dated 18.12.1987 the Cabinet Secretariat has written to the Director (Planning) granting certain concessions to the staff of SSB, SSF, C.I.O.A. and Directorate of Accounts. For better elucidation Annexures-I & II to the Cabinet Secretariat letter are reproduced as under:

"ANNEXURE TO THE CABINET SECTT. LETTER NO. A.27011/4/86-EA-II
DATED 15 DECEMBER, 1987

Sl. No.	Nature of the concession	extent of the concession	remark
1	2	3	4
1) Hardship Allowance		A hardship allowance @ Rs. 25% of basic pay subject to maximum of Rs. 400/- p.m. in respect of category 'C' and 12.5% of basic subject to maximum of Rs. 200/- p.m. to category 'B' stations other than those situated in the North-Eastern region, Andaman & Nicobar Island and Lakshdweep, where special allowance is already sectioned.	For the stations which are declared as belonging to category 'B' and 'C' by the Head of the Department under the powers now delegated to him, the same rates will apply
2) Ration Allowance		Ration Allowance to the rank of Field Officers and below at the following rates excepting SSB Bn. Personnel and Dy. Comdts/Dey. Comdrs/ Asstt. Dey Comdrs of SFS and also those on deputation in the SFS from the army	



ANNEXURE - II TO THE CABINET SECTT. LETTER NO. DATED

STATE


	<u>CATEGORY 'B' LOCATIONS</u>	<u>CATEGORY 'C' LOCATIONS</u>
<u>ARUNACHAL PRADESH</u>	BOMDILA TAWANG DAPARIDO ALONG YINGKONG HAULIANG MIAO NAMPONG SEPA	C/TAZO KOLORIANG MONIGAONG MECHUKA TUTING HAWAI LADU LONGDING PANCHAO (TIRAP) CHANGLONG ANINI
GLURAT HIMACHAL PRADESH	RADHANPUR KALPT (KEKONG-PEO) POOH	KAJA KALONG NYOMA HANLE LEH KHALSI MORCH CHAKRPA EKARONG CHANDEL CHURACHAND- PUR MONGHBA TAMENGLONG UKHROOL CHASSAD KHULLAN
J&K		
MANIPUR		
MEGHALAYA	JOWAI NONGSTOIN KAILASEHAR UDAIPUR KHOWAI SONEMURA DHARCHULA JOSHIMATH SUKIAPOKHRI NAXALBARI"	MUNSYARI
TRIPURA		
UTTAR PRADESH		
WEST BENGAL		

5. As per Annexure-I, according to the applicant, ration allowance is extended to such employees and Annexure-II specified the area of hard stations categorizing 'B' locations and 'C' locations. Quoting the said letter the applicant argued that the applicant is

entitled to get the same. Vide Annexure-B Memorandum dated 30.9.1992 this was extended for a further period of 3 years with effect from 9.8.1992 and by Annexure-C order dated 8.12.1997 Imphal and Kohima (Manipur and Nagaland Division) were declared as category 'B' stations for the purpose of various concessions. Even in the written reply statement the respondents had no dispute with regard to the posting of the applicant at Kohima wherein the applicant was posted from 19.10.1994 to 14.06.1999, which was declared as category 'B' station for the purpose of ration allowance, but according to the respondents the applicant was not entitled to the grant of ration allowance as Laboratory Technicians were excluded from such allowance. Therefore, the endeavour of this Tribunal is to find out the narrow campus of adjudicating whether the applicant is entitled to get the said allowance being a Laboratory Technician.

6. This Tribunal had occasion to consider identical issues in various O.As, which were taken on appeal and confirmed the same and became final. In a detailed order in O.A.No.245 of 2005 dated 14.06.1996 (Annexure-G), this Tribunal observed as under:

"We have perused the records and heard the counsel of the parties in this O.A. Letter No.A-49011/8/86-Do.1(b) dated 10.5.1986 shows that the President is pleased to sanction 8(eight) concessions to the various categories 61 Staff of ARC. One of the concessions is House Rent Allowance and it has been stated that House Rent Allowance admissible to the Executive Cadre will be admissible to the personnel of other cadres also of corresponding levels. Consequently equation of posts was ordered by the order No.A-11016/6/06-DOI dated 28.10.1986 exclusively for the purpose of payment of House Rent Allowance. Under this order the applicants were entitled to draw House Rent Allowance. Under letter No.A.27011/4/86-EA-11(A) dated 6.12.1987 Additional Concessions were granted and one of them was Ration Allowance to the various categories of the staff of ARC. The claim of the respondents is that since there is no equation of posts in respect of Ration Allowance this



allowance cannot be granted to the applicants who are non-executive staff. We are not impressed by such stand of the respondents. Until in the case of granting House Rent Allowance for the purpose of granting Ration Allowance such equation of posts is not required by the authorizing letters. This position is clear from the following:

Sl. No.	Nature of the concession	Extent of the Concession granted	Remarks
1	2	3	4
(A)	Ration Allowance	Ration allowance upto the rank of FO and below at the following rates:-	
		<u>Location</u>	<u>Rates</u>
		(1) Category B stations	As admissible from time to time in the Border Security Force in peace areas.
(B)	House Rent Allowance	House Rent Allowance facilities admissible to the Executive Cadre will be admissible to the Personnel of other cadres also of corresponding levels.	Separate orders will be issued about corresponding levels."

The respondents cannot bring in what is not there or what is not intended to be there by the letter No.A 27011/4/86-EA-II(A) dated 6.12.1987 as indicated above. This letter simply clearly states that the allowance is admissible to the various categories of the staff of ARC by placing a limit upto the rank of FO and below. In O.A.163/91 and O.A.179/91 of this Bench on the strength of the recommendations of the same one man Committee referred to in this O.A. Ration Allowance was paid to the non-executive staff of the Intelligence Bureau but the payment was stopped in 1991. This Tribunal in the order dated 17.12.1993 (to which one of us was party) after discussion and relying on the order dated 27.9.93 of the Central Administrative Tribunal, Chandigarh Bench, Circuit at Jammu in O.A.No.381/JK/92 had held that Ration Allowance was admissible to the applicants in those two O.A.s. The facts in those two O.A.s and of the present O.A. insofar as they relate to Ration Allowance and House Rent Allowance are almost identical. The conditions in those two O.A.s is in respect of Ration Allowance that the personnel posted in category B locations will be entitled to Ration Allowance at non-qualifying area rate for BSF. For

house rent allowance it is stipulated that House rent allowance would be applicable to all other cadres of the IB under the same terms applicable to the executive cadres of corresponding levels. In view of the facts mentioned above we hold that Ration Allowance is admissible to the applicants in this O.A. The respondents are directed to pay Ration Allowance to the applicants at the rate applicable to them with effect from the due date 22.2.1994. The arrear amount shall be paid within 31.10.1996."

7. The learned counsel for the applicant has also brought to my notice the Appellate Order (Annexure-H) of the Hon'ble Supreme Court against the above order of the Tribunal and confirmed the judgment of this Tribunal and directed, "this order be punctually observed and carried into execution by all concerned." The same benefit was granted by this Tribunal to identically placed applicants in O.A.No.193 of 1999 by order dated 08.09.1999 (Annexure-I) and in O.A.No.133 of 2000 by order dated 30.10.2000 (Annexure-J). Therefore, I am in respectful agreement with the said orders and therefore I am of the view that the present applicant is also entitled to get the benefit since the relief has been granted by a declaration by court orders. The impugned order dated 02.09.2004 (Annexure-N) rejecting the claim of the applicant is on the ground that, "non-applicants of CAT cases were not entitled to get ration allowance before 31.01.2001 on the basis of judgment of CAT." This is just against the decision of the Hon'ble Supreme Court reported in, (1) (1993) 24 ATC 884 in the case of P.K. Rangachari Vs. Union of India and Another and (2) (1985) 2 SCC 648 in the case of Inder Pal Yadav and others Vs. Union of India and others, wherein the Hon'ble Supreme Court has laid down that identical and similarly placed person should be given the benefit even without their approaching the court and further indicated that such employees should not be

dragged to the court unnecessarily. Therefore, Annexure-N order is not issued in good spirit of law. Accordingly it is to be set aside and I do so accordingly.

8. In the conspectus of the facts and circumstances I am of the view that the applicant is entitled to get the benefit and therefore I direct that the respondents shall pay the Ration Allowance to the applicant with effect from 19.10.1994 to 14.06.1999 and they are directed to pay the same within 90 (ninety) days from the date of receipt of the copy of this order.

In the circumstances the O.A. is allowed. No order as to costs.



(K. V. SACHIDANANDAN)
VICE-CHAIRMAN

SYNOPSIS AND LIST OF DATES

O.A. No. 241 /2005

Sri K.A. Elumalai

... Applicant

- Versus -

Union of India & Ors.

... Respondents

The applicant is presently working as Laboratory Technician in the office of the 4th Battalion, SSB Palia Kalan, Uttar Pradesh. Earlier he served as laboratory Technician in Group Centre SSB Kohima under Manipur and Nagaland Division with effect from 19.10.1994 to 30.06.1999. Now, the said Group Centre has been re-designated as 17th Battalion Bhairabkunda, Assam. He is a non-executive person serving in the Special Service Bureau (SSB). The Cabinet Secretariat vide its letter No. A27011/4/86-EA-II dated 18.12.1987 granted some concessions (Ration Allowance other than clothing) to the SSB personnel working in hardship location, which has been categorized as 'B' and 'C' stations. The Manipur, Imphal and Nagaland Division were categorized as 'B' station. The above said letter was extended from time to time with effect from 09.08.1992. Lastly, it was further extended vide Office Memorandum No. 30/SSB/A-2/97(17) - 585-508 dated 08.02.2001 to the non-executive personnel including ministerial persons of SSB. But it was not given effect by the respondents till this Hon'ble Tribunal as well as Hon'ble Supreme Court of India interfered into this matter. The non-executive personnel of SSB serving in Manipur and Nagaland Division had approached this Hon'ble Tribunal by filing O.A. No. 133/2000 praying for payment of Ration Allowance. The Hon'ble Tribunal vide its order dated 30.10.2000 directed the respondents to pay the ration allowance to the applicants with effect from 09.08.1999 or from the date of joining which ever is later and directed to pay the ration allowance within a period of three months from the date of receipt of the order including arrears. The applicant filed a representation on 24.02.2004 before the respondent No. 3 through proper channel to get the ration allowance for its tenure at Group Centre SSB, Kohima with effect from 19.10.1994 to June 1999. The respondent No. 3 vide their memorandum No. 17th Bn/Acctt/RM-Corrpp/04/1338 dated 19.06.2004 asked the applicant to submit some documents and information about him. The applicant vide his letter dated 01.07.2004 the requirement as requested by the respondent No. 3. After that the Respondent No. 3 vide his letter No. Bn/Acctts/RM/6704 dated 02.09.2004 stated non applicant of the Hon'ble Court cases will not be entitled for payment of ration allowance with effect from 19.10.1994 to June 1999. The said letter was received by the applicant on 30.09.2004.

Hence, being aggrieved, the applicant is compelled to approach this Hon'ble Tribunal.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI.

(An Application Under Section 19 of The Administrative Tribunals Act 1985)

ORIGINAL APPLICATION NO. 241 /2005.

Filed by
Shri K.A. Elumalai
Applicant
Through Jiff
(ADIC ATIMED)
Advocate

BETWEEN

Sri K.A. Elumalai
Laboratory Technician
Office of the Group Centre SSB, Kohima
(Now 17th BN Bhairabkunda, Assam)
Presently working at 4th BN, SSB,
Palia Kalan, P.O. – Palia Kalan
District – Lakhimpur (Uttar Pradesh)
PIN – 262 902.

... Applicant

- AND -

1. The Union of India, represented by the Secretary to the Ministry of Home Affairs, Government of India, North Block, New Delhi-1.
2. The Director General, S.S.B., Block-V-East, R.K.Puram, New Delhi-110066.
3. The Commandant, 17th BN SSB BHAIRABKUNDA, ASEB Complex, P.O. – Bhairabkunda, Ministry of Home Affairs, District – Udalguri, Assam, PIN – 784 513.

... Respondents

DETAILS OF THE APPLICATION

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

This application is directed against the Office Memorandum No. 17th BN/Accts/RM/6704 dated 2nd September, 2004 issued by the Government of India, Ministry of Home Affairs, Office of the

K.A. Elumalai

Commandant, 17th BN SSB Bhairabkunda, Assam by which the Respondents had refused to entertain the claim of the applicant to pay the Ration Money Allowance only on the ground that he was not one the applicant in the Original Application filed before this Hon'ble Tribunal, Guwahati Bench by the similarly situated persons for payment of Ration Money Allowance.

2. JURISDICTION OF THE TRIBUNAL

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

3. LIMITATION

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

4. FACTS OF THE CASE

Facts of the case in brief are given below:

4.1 That your humble applicant is a citizen of India and as such, he is entitled to all the rights, protection and privileges guaranteed to the citizens of India under the Constitution of India and the laws framed thereunder.

4.2 That your applicant begs to state that he is presently working as Laboratory Technician in the office 4th Battalion, SSB Palia Kalan, Uttar Pradesh. Earlier he served as Laboratory Technician in Group Centre SSB Kohima under Manipur and Nagaland Division with effect from 19.10.1994 to 30.06.1999. Now, the said Group Centre has been re-designated as 17th Battalion Bhairabkunda, Assam. He is a non-executive person serving in the Special Service Bureau (SSB).

4.3 That your applicant begs to state that the Government of India, in the year 1962 was set up the Directorate General of Security (D.G.S.) under the Administrative Control of the Cabinet Secretariat for some specific purposes which has a multi-role, multidisciplinary organization

K. A. Elumalai

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comprising four agencies, namely, Special Service Bureau (S.S.B.), Aviation Research Centre (A.R.C.), Special Frontier Force (S.F.F.) and Chief Inspector of Armaments.

4.4 That your applicant begs to state that the Cabinet Secretariat, vide its letter No. A.27011/4/86-EA-II dated 18.12.87 addressed to the Director (Planning), Directorate General of Security informed that certain concessions were granted to the Staff of S.S.B., C.I.O.A. (Chief Inspector of Armaments) and Directorate of Accounts and the concessions were listed in Annexure - I of the said letter. In the said letter it was also mentioned that for some of the concessions, the various hardship locations had been categorized as "B" and "C" stations as mentioned in the Annexure - II to the letter. It was also mentioned that for the purpose of House Rent Allowance, concessions to the various categories to the staff, the equation of post as listed in Annexure - A to the Cabinet Secretariat order dated 28.10.86 would also be applicable in respect of the staff of S.S.B., S.F.F., C.I.O.A. and Directorate of Accounts. The Office of the Respondent No. 2 vide its letter No. 9/SSB/A2/86(1)-IV(Pt.)/4688 dated 30.09.1992 in exercise of powers vested on him as Head of Department in terms of the paragraph 3 of the Cabinet Secretariat letter No. A-27011/4/86-EA-II dated 18.12.87 and in continuation of this Directorate memorandum of even number dated 09.10.89, the sanction of Director of SSB conveyed the sanction to the classification of Imphal, Manipur and Nagaland Division as category 'B' station for the purpose of grant of various concessions mentioned in annexures - I (Other than clothing grant) of the above quoted Cabinet Secretariat letter dated 18.12.87 for a further period of three years with effect from 9.8.1992. After that the Office of the Respondent No. 2 vide their letter No. 30/SSB/A2/97(17) - 4611 - 4646 dated 1st November, 2000 reviewed the said letter dated 18.12.1987. Again the Office of the Respondent No. 2 vide their orders Nos. 9/SSB/A2/86(i)-IV(Pt).3569 dated 8.12.1997, 9/SSB/A2/86(1)-IVPt.75-90 dated 12.01.1999 and Office Memorandum No. 30/SSB/A-2/97(17) - 585-508 dated 08.02.2001 granted the ration allowance to the non executive personnel including ministerial persons of SSB.

B.A. Elumalg

ANNEXURE - A is the photocopy of the said letter dated 18-12-1987 alongwith two annexures is annexed herewith.

ANNEXURE - B is the photocopy of the letter No. 9/SSB/A2/86(1)-IV(Pt.)/4688 dated 30.09.1992 .

ANNEXURE - C is the photocopy of the order No. 9/SSB/A2/86(i)-IV(Pt).3569 dated 8.12.1997.

ANNEXURE - D is the photocopy of the order No. . 9/SSB/A2/86(1)-IVPt.75-90 dated 12.01.1999

ANNEXURE - E is the photocopy of the said letter No. 30/SSB/A2/97(17) - 4611 - 4646 dated 1st November, 2000.

ANNEXURE - F is the photocopy of the said memorandum No.30/SSB/A-2/97(17)-585-508 dated 08.02.2001.

4.5 That your applicant begs to state that from the said letter and annexures, it would be apparent that certain concessions were granted to the non executive personnel including ministerial personnel holding non-gazetted post and posted to category 'B' and 'C' stations declared vide the Directorate's order and in the case of the applicant, the concession referred to against serial No. 2 in Annexure - I, i.e. Ration Allowance, would be relevant. The House Rent Allowance to the executive cadre was made admissible to the personnel of other cadres also of the corresponding level except in the case of S.S.B. Battalion personnel and Deputy Commandants /Company Commanders/Assistant Company Commander of S.S.F. and also those on deputation in the S. S. F. from the Army.

4.6 That your applicant begs to state that after Manipur and Nagaland Division was categorized as "B" station, the employees of the S.S.B. serving in that Division became eligible for receiving Ration Allowance with effect from which the said Divisions were categorized as "B"

K.A. Elumaj

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station and accordingly the Field Officers and the below were paid Ration Allowance. However, for reasons best known to the authority, the applicant was deprived the payment of Ration Allowance by the respondents in a most illegal and arbitrary manner.

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

ANNEXURES - G & H are the photocopies of the Judgment dated 14-6-96 passed by this Hon'ble Tribunal and the order-dated 16.3.98 passed by the Hon'ble Supreme Court of India.

4.8 That your applicant begs to state that after the non-executive cadres/employees of the Aviation Research Centre, Doomdooa and Aviation Research Centre, Field Research Unit (F.R.U.), Numaligarh were granted Ration Allowance, as stated above, in terms of the orders passed by this Hon'ble Tribunal, which was not interfered by the Hon'ble Supreme Court. The non-executive personnel serving in the

B. A. Elumalai

S.S.B., Itanagar in Arunachal Pradesh filed an application before this Hon'ble Tribunal, which was numbered and registered as O.A.No.103 of 1999 for claiming grant of Ration Allowance w.e.f. 8-11-94, the date from which Itanagar was categorized as "B" station. This Hon'ble Tribunal by order dated 8-9-99 disposed of the said application by directing the Respondent authorities to pay Ration Allowance to the applicant with effect from the dated on which the allowance became admissible. It was further directed that the arrears as admissible to each applicant, should be paid within 90 days from the date of receipt of the order.

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

4.9 That the applicant begs to state that thereafter, the non-executive personnel of the SSB serving in Manipur and Nagaland Division under the administrative control of the Divisional Organizer, SSB, Manipur and Nagaland Division had approached this Hon'ble Tribunal by way of filing Original Application No. 133/2000, inter alia, praying for payment of ration allowance. The Hon'ble Tribunal vide order dated 30.10.2000 directed to respondents to pay the ration allowance to the applicants with effect 09.08.1989 or from the date of joining which ever is later and directed to pay the ration allowance within a period of three months from the date of receipt of the order including arrears.

ANNEXURE - J is the photocopy of the said Order dated 30.10.2000.

4.10 That the applicant begs to state that he filed a representation on 24.02.2004 before the Respondent No.3 through proper channel to get the Ration Money Allowance for his tenure at Group Centre SSB Kohima with effect from 19.10.1994 to June, 1999. The applicant had also filed an reminder on the said subject on 19.05.2004. The Respondent No. 3 vide their Memorandum No. 17th Bn/Acctt/RM-Corrpp/04/1338 dated 19.06. 2004 asked your applicant to submit some documents and information about him. The applicant vide his letter dated 01.07.2004 submitted the requirements as requested by the Respondent No. 3. After that the Respondent No.3 vide his Memorandum No. 17th

B.A. Elumaly

Bn /Acctts/RM/6704 dated 02.09.2004 stated that non-applicant of the Hon'ble Court cases will not be entitled for payment of Ration Money with effect from 19.10.1994 to June 1999. Hence your Applicant is compelled to approach this Hon'ble Tribunal for seeking justice in this matter.

ANNEXURE - K is the photocopy of the representation dated 24.02.2004 submitted by the applicant before the Respondent No. 3.

ANNEXURE - L is the photocopy of the reminder dated 19.05.2004.

ANNEXURE - M is the photocopy of the 17th Bn/Acctt/RM-Corrpp/04/1338 dated 19.06. 2004.

ANNEXURE - N is the photocopy of the Memorandum No. 17th Bn /Acctts/RM/6704 dated 02.09.2004.

4.11 That your applicant begs to state that it is unjust to discriminate among the employees who are similarly situated in the same department and it is also not proper to insist on every aggrieved employee to approached the Court or Tribunal when the actions are identical.

4.12 That your applicant begs to state that similarly situated persons are enjoying this benefit without any interruption. As such, the action of the respondents is arbitrary, malafide, whimsical and also no sustainable in the eye of law as well as on facts.

4.13 That your applicant submits that there is no other alternative remedy and the remedy sought for if granted would be just, adequate and proper.

4.14 That this application is made bonafide and for the ends of justice.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

K. A. Elumalai

5.1 For that due to the above reasons and facts which are narrated in details the action of the respondents is prima facie illegal, malafide, arbitrary and without justification.

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

5.3 For that, being a model employer the Respondents cannot deny the same benefits to the instant applicant, which has been granted to the other similarly situated persons. As such, the Respondents should had to extend this benefit to the instant applicant without compelling to approach this Hon'ble Tribunal.

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

5.5 For that the respondents have whimsically rejected the claim of the applicant by citing irrelevant causes and fact.

5.6 For that the respondents have violated the principles of natural justice.

5.7 For that, the action of the respondents is arbitrary, malafide and discriminatory with an ill motive.

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

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

6. DETAILS OF REMEDIES EXHAUSTED:

The Applicant had submitted representation and reminder to the Competent Authority through proper channel but these were rejected

B.A. Elumalai

only on the ground that he was not an Applicant in earlier cases allowed by this Hon'ble Tribunal in the matter of granting Ration Allowance.

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

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

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the applicant most respectfully prayed that Your Lordships may be pleased to admit this application, call for the records of the case and issue notices to the Respondents as to why the relief/s sought for by the Applicant should not be granted and after hearing the parties Your Lordships may be pleased to direct the respondents to give the following reliefs:-

8.1. To direct the respondents to pay the Ration Allowance to the applicant with effect from 19.10.1994 to June, 1999.

313-208

8.2. To pass any other relief or reliefs to which the applicant may be entitled and may deem fit and proper by the Hon'ble Tribunal.

8.3 To pay the costs of the application.

9. INTERIM ORDER PRAYED FOR:

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

10. Application is filed through Advocate.

11. Particulars of I.P.O.:

I.P.O. No. : 206-157191

Date of Issue : 7-9-05.

B.A. Elumalai

Issued from : BPO
Payable at : Gwaha

12) LIST OF ENCLOSURES:

As stated above.

Verification

K.A. Elumalai

VERIFICATION

I, Sri K.A. Elumalai, Laboratory Technician, Office of the Group Centre SSB, Kohima, (Now 17th BN Bhairabkunda, Assam), Presently working at 4th BN, SSB, Palia Kalan, P.O. - Palia Kalan. District - Lakhimpur (Uttar Pradesh), PIN - 262 902, do hereby solemnly verify that the statements made in paragraph nos. 4.1, 4.2, 4.3, 4.5, 4.6, 4.11, 4.12 —

are true to my knowledge, those made

in paragraph nos. 4.4, 4.7, 4.8, 4.9, 4.10 —

are being matters of record are true to my information derived therefrom 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 ^{13th} day of Sept 2005.

K.A. Elumalai

12
ANNEXURE - A

ANNEXURE - A

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

Government of India,

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

New Delhi.

New Delhi, the 18.12.87.

To,

The Director (Planning),
Director General of Security,
East Block, R.K. Puram,
New Delhi-55.

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

Sir,

I am directed to convey to the sanction of the President to the grant of concessions mentioned in the Annexure-I to the various categories of staff of SSB, SFF, CIOA and Directorate of Accounts subject to the restrictions indicated therein on the pattern of the Research & Analysis wing of this secretariat.

2. These orders will take effect w.e.f. 1st August, 1987.

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

contd...

Attchd
Fil
Date

13

2.

personnel and/ or premises, they can determine on merits the criteria of hardship and the period for which such locations may be categorised as belonging to category 'B' & 'C' stations after recording the reasons in writing.

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

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

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

Yours faithfully

sd/-

(R.K.GANGAR)

Deputy Secretary (SR)



Encl: Annexure-I & II.

copy to:-

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

contd...

Attch
Jy
Adm to

15- 14-  
ANNEXURE TO THE CABINET SECTT. LETTER NO. A.27011/4/86-EA-II
DATED 15 DECEMBER, 1987.

✓
Annexure-I.

Sl. No.	Nature of the Concession .	Extent of the concession granted	Remarks.
1	2	3	4
1) Hardship Allowance		A hardship allowance @ Rs.25% of basic pay subject to maximum of Rs.400/- p.m. in respect of category 'C' and 12.5% of basic subject to maximum of Rs.200/- p.m. to category 'B' stations <u>other than those situated in the North-Eastern region</u> , Andaman & Nicobar Island and Lakshadweep, where special allowance is already sanctioned.	<u>declared</u> For the stations which are as belonging to category 'B' and 'C' by the Head of the Department under the powers now delegated to him, the same rates will apply .

contd...

2) Ration Allowance

Ration Allowance to the rank of Field Officers and below at the following rates excepting SSB Bn. personnel and Dy. Comdts/ Dey. Comdrs/Asstt. Dey. Comdrs of SFF and also those on deputation in the SFF from the Army :-

contd...

16- 33
ANNEXURE-II TO THE CABINET SECTT. LETT-ER NO.

DATED:

STATE

ARUNACHAL PRADESH

CATEGORY 'B' LOCATIONS

CATEGORY 'C' LOCATI.

BOMDILA ✓

TAWANG ✓

DAPARIDO

ALONG

YINCKIONG

ROHNG

HAULIANG

MIAO

NAMPONG

SEPPA ✓

C/TAZO

KOLORIANG

MONIGAONG

MECHUKA

TUTING

WAKKA

HAWAI

LADU

LONGDING ..

PANCHAO (TI-
RAP)

CHANGOLONG

ANINI

GUJARAT

HIMACHAL PRADESH

J & K

MANIPUR

RADHANPUR

KALPT (REKONG-PEO)

POOH

KAJA

KALONG

NYOMA

HANLE

LEH

KHALSI

NORCH

CHAKRAP

EKARONG

CHANDEL

CHURACHAN-

DPUR

MONGHIBA

TAMENGLONG

UKHROOL

CHASSAD

KHULLAN

MEGHALAYA ✓

TRIPURA

UTTAR PRADESH

WEST BENGAL

JOWAI
NONGSTOIN
KAILASEHAR
UDAIPUR
KHOWAI
SONEMURA
DHARCHULAI
JOSHIMATH
SUKIAPOKHRI
NAXALBARI

MUNSYARI

Attended
Jil
Banta

...

17 - ANNEXURE - IV - B

No. 9/SSB/A2/86(1)-IV(Pt)4638
Directorate General of Security
Office of the Director : SSB
Block No. V(East), R.K.Puram

New Delhi : 110066
Dated the : 30/9/92.

MEMORANDUM

Subject :- Grant of concessions to the staff of SSB
posted at Imphal.

In exercise of the powers vested in him as Head of Department, in terms of Para 3 of the Cabinet Secretariat Letter No. A-27011/4/86-EA-II dated 18.12.87 and in continuation of this Directorate Memorandum of even number dt.9.10.89, the sanction of Director,SSB is hereby conveyed to the classification of 'Imphal', Manipur and Nagaland Division as Category 'B' Station for the purpose of grant of various concessions mentioned in Annexure I (other than Clothing grant) of the above quoted Cabinet Secretariat letter dt.18.12.87, for a further period of 3 years w.e.f. 9.8.92.

Sd/- 29/9/92

(B.D. ADHIKARI)
ASSISTANT DIRECTOR (EA)

Copy to :-

1. The Director of Accounts, Cabinet Secretariat, R.K.Puram, New Delhi.
2. Divisional Organiser,SSB, Manipur & Nagaland Division.
3. DIG/Kohima, Imphal.
4. DO : J&K/HP/UP/R&G/SB/NB/NA/AP/Shillong Division.
5. DIG : TC Sarahan/Salonibari/Haflong/FA Gwaldam.
6. Accounts Officer, SSB.
7. Guard file.

....

Noted.

[Signature]

Publicity 6/3/90
SSB Manipur and
Nagaland Division

[Handwritten signature]
Attested
Sd/-
Amte

-19- ANNEXURE-D

No. 9/SSB/A2/86(1)-IVpt.75-90
DIRECTORATE GENERAL OF SECURITY,
OFFICE OF THE DIRECTOR : SSB,
EAST BLOCK, V, R.K. PURAM,
NEW DELHI - 110066.

Dated, the, 12 Jan, 1999.

ORDER

In continuation of this Directorate Order of even number dated, 8th Dec. 1997, the sanction of the Director, SSB is hereby accorded to the classification of 'Imphal' M&N Division as Category 'B' station for the purpose of various concession with effect from 9.8.98 to 8.8. 2001 in terms of Para-3 of the Cabinet Secretariat, letter No. A-27011/4/86-EA-II dated, 18.12.87.

Sd/- 11.1.99

(N.C. BHATTACHARJEE)
ASSISTANT DIRECTOR(EA)

Copy to :-

1. Director of Accounts, Cabinet Secretariat, R.K. Puram, New Delhi - 110066.
2. DOS: M&N/HP/J&K/UP/SB/NB/NA/AP/Shillong/R&G Divn.
3. DISG: TC Haflong/Sarahan/Salonibari/Jammu.
4. Accounts Officer, SSB Directorate.
5. Order file.

CTC
6/1/2000
Section Officer,
Manipur & Nagaland Divn
S.S.B. Imphal.

Attested
by
Signature

956 ✓ 20 (14)

R/No.	09 NOV 2000
Dated	
D.I.C.	
Comdt.	
Adjt.	

ANNEXURE - E
-4611-4646 37

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

DATED THE, 1ST NOV 2000

ORDER

copy to CC Braw...

In exercise of the powers vested in him as Head of Department and in terms of Cabinet Secretariat, letter No. A-27011/4/86-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. S. BORA
(S.S. BORA)
JOINT DEPUTY DIRECTOR (EA)

Copy to :

1. The Director of Accounts, Cabinet Secretariat, R.K. Puram, New Delhi (10 copies).
2. The DGs : HP/UP/R&G/J&K/SE/NB/NAD/AP/SHG/M&N Division.
3. The DIsG: FA Gwaldam/Sarahan/Saloni Bari/Haflong/Kumarsain.
4. The Accounts Officer, SSB Directorate, New Delhi.
5. AI/A2/EI/E2/A4/F Branch/Coordination Cell/CIOA.
6. Order file.

ATK
S. S. BORA



5.	NAIBONG (MACHAR AREA)	B	-DO-
6.	KOTIGORA -DO-	B	-DO-
7.	KARIMGANG -DO-	B	-DO-
8.	BATJARKANDI -DO-	F	-DO-
9.	KASHIPUR -DO-	B	-DO-
10.	ABARTALA (TRIPURA AREA)	B	-DO-
11.	KAMALEUR -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.	NAGOOPA -DO-	B	-DO-
17.	EAST LUNGBHAR -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	C	-DO-
26.	BELONIA	B	-DO-
27.	SABROOM	B	-DO-
28.	AIZWAL	B	-DO-
29.	HAFLONG	B	-DO-
30.	JOWAI	B	-DO-
31.	NONGSTOIN	B	-DO-
32.	KAILASEHAR	B	-DO-
33.	UDAIPUR	B	-DO-
34.	KHOWAI	B	-DO-
35.	SONENURA	B	-DO-

CABINET SECTT.

MANIPUR & NAGALAND

1.	KHARASOM	B	-DO-
2.	PUSHING	B	-DO-
3.	KASOM KHULLON	B	-DO-
4.	UTANGFOKPI	B	-DO-
5.	BENIANG	B	-DO-
6.	THANLON	B	-DO-
7.	KARONG	B	-DO-
8.	TAMEI	B	-DO-
9.	SIRIBAM	B	-DO-
10.	KHOUPUM	B	-DO-
11.	SHANGSHAK	B	-DO-
12.	POI	B	-DO-
13.	PHUNGYAR	B	-DO-
14.	NEW SANTAL	B	-DO-
15.	TUNGWAM KHULTEN	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.	KANCHING	B	-DO-
23.	SAWOMBUNG	B	-DO-
24.	MOREH	B	-DO-
25.	CHANDEL	B	-DO-
26.	CHURACHANDPUR	B	-DO-
27.	MUNGBA	B	-DO-
28.	TAMENGLONG	B	-DO-
29.	UMKHOI	B	-DO-
30.	UNASSAH	B	-DO-

CIR, SSB

CABINET SECTT.

Attested
[Signature]
[Signature]

URGENT

No. 10/SSB/A-27/97(17)

GOVERNMENT OF INDIA

Ministry of Defence

Office of the Joint Deputy Director, SSB

SSB Block, V. K. Birla

NEW DELHI - 110055

DATED THE 08/02/2001

RECEIVED 1598 DATED 13-2-01

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-27/97(17) dated 01/11/2000 are entitled to draw ration allowance w.e.f. 30/01/2001.

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/Haflong/Jammu/Salonibari/Kumarsain.
3. Commandant, CSD W Bhopal/TC Faridabad.
4. Accounts Officer, SSB.
5. AI/A4/E1/E2 branches.
6. Order file.

No.E.1/1-82/SD/99/

Copy forwarded for information & necessary action to:-

- 1-3) The Area Organisers, SSB Tibbura/Kashmir/Meghalaya.
- 4-7) The Commandants, GC, SSB Tibbura/Haflong/Aizawl/Lunglei.
- 8) Accounts Branch (Local).

Section Officer, SSB

Atk
Lil
Aute

Contd... 2/-

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ANNEXURE

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.245 of 1995.

Date of Order : This the 14th Day of June, 1996.

Hon'ble Shri G.L.Sanglyine, Member (A)

Hon'ble Shri D.C.Verma, Member (J)

1. Sri Bishnu Prasad Saikia
Sanitary Inspector,
Aviation Research Centre,
Doomdooma.

2. Sri Dipak Nandi,
Radio Mistri,
ARC, Doomdooma.

. . . Applicants.

By Advocate S/Shri G.K.Bhattacharjya
with C.N.Das.

- Versus -

1. Union of India
represented by Cabinet Secretary,
Department Cabinet Affairs,
New Delhi.

2. Directorate General of Security Block
V(East), R.K.Puram,
New Delhi-110066.

3. Director, Aviation Research Centre,
Block-V(East), R.K.Puram,
New Delhi.

4. Deputy Director,
Aviation Research Centre,
Doomdooma.

. . . Respondents.

5. ~~Director, Aviation Research Centre,~~
~~Block-V(East), R.K.Puram,~~
~~New Delhi.~~

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

ORDER

G.L.SANGLYINE, MEMBER (A)

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

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from being as a Category B station with effect from 22.2.94.

2. Annexure IV to this O.A., namely No. 27011/4/86-EA-II (A) dated 6.12.1987 conveyed the sanction of the President to the grant of additional concessions mentioned in the Annexure thereto to the various categories of the staff of ARC except those on deputation from the Indian Air Force. According to the Annexure Ration Allowance at the rate admissible in the BSF in peace areas is admissible upto the rank of F.O and below in category B areas of ARC. The applicants had requested the authorities concerned to allow them the Ration Allowance but this was declined by the authorities. Hence this Original Application under Section 19 of Administrative Tribunals Act, 1985.

3. Mr. G.K.Bhattacharya, learned counsel for the applicants submitted that the applicants are entitled to the Ration Allowance with effect from 22.2.1994. This allowance was denied to them because of wrong interpretation of the order dated 6.12.1987 by which payment of the allowance was sanctioned. Relying on the written statement Mr. S.Ali, Sr. C.G.S.C., submitted that the applicants have made the claim on a wrong notion that Government had equated various non-executive posts with different executive cadres for all concessions. The fact however remains that the Equation of posts vide order No.A-11016/6/86-DOI dated 20.10.1986 (Annexure-III) is for the purpose of House Rent Allowance only. Further, the concession of Ration Allowance has been extended to the employees of junior executive cadre only upto the rank of field officer on the analogy of the Junior Executive Staff, of R & AW and the applicants who do not fall in this category cannot get the benefit of Ration Allowance. Mr. G.K.Bhattacharya submitted that

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

4. We have perused the records and heard the ~~respondents~~ counsel of the parties in this G.A. Letter No.A-49011/8/86-Do.1(B) dated 10.5.1986 shows that the President is pleased to sanction 8(eight) concessions to the various categories of Staff of ARC. One of the concessions is House Rent Allowance and it has been stated that House Rent Allowance admissible to the Executive Cadre will be admissible to the personnel of other cadres also of corresponding levels. Consequently equation of posts was ordered by the order No.A-11016/6/86-DOI dated 28.10.1986 exclusively for the purpose of payment of House Rent Allowance. Under this order the applicant was entitled to draw House rent allowance. Under letter No.A.27011/4/86-EA-11(A) dated 6.12.1987 Additional Concessions were granted and one of them was Ration Allowance to the various categories of the staff of ARC. The claim of the respondents is that since there is no equation of posts in respect of Ration Allowance this allowance cannot be granted to the applicants who ~~maxx~~ are non-executive staff. We are not impressed by such stand of the respondents. Unless in the case of granting House Rent Allowance for the purpose of granting Ration Allowance such equation of posts is not required by the authorising letters. This position is clear from the

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1. Nature of Extent of the Concession granted. Remark
 NO. the con-
 cession

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(A) Ration Allowance Ration allowance upto the rank of FO and below at the following rates:-

<u>Location</u>	<u>Rates</u>
(1) Category B Stations	As admissible from time to time in the Border Security Force in peace areas.

(B) House Rent Allowance

House Rent Allowance facilities admissible to the Executive Cadre will be admissible to the personnel of other cadres also of corresponding levels.

Separate orders will be issued about corresponding levels."

The respondents cannot bring in what is not there or what is not intended to be there by the letter No.A 27011/4/86-EA-II(A) dated 6.12.1987 as indicated above. This letter simply clearly states that the allowance is admissible to the various categories of the staff of ARC by placing a limit upto the rank of FO and below. In O.A.163/91 and O.A.179/91 of this Bench on the strength of the recommendations of the same one man Committee referred to in this O.A. Ration Allowance was paid to the non-executive staff of the Intelligence Bureau but the payment was stopped in 1991. This Tribunal in the order dated 17.12.1993 (to which one of us was party) after discussion and relying on the order dated 27.9.93 of the Central Administrative Tribunal, Chandigarh Bench, Circuit at Jammu in O.A.NO.381/JF/92 had held that Ration Allowance was admissible to the applicants in those two O.As. The facts in those two O.As and of the present O.A. insofar as they relate

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to Ration Allowance and House Rent Allowance are almost identical. The conditions in those two O.As is in respect of Ration Allowance that the personnel posted in category B locations will be entitled to Ration Allowance at non-qualifying area rate for BSF. For house rent allowance it is stipulated that House rent allowance would be applicable to all other cadres of the IB under the same terms applicable to the executive cadres of corresponding levels. In view of the facts mentioned above we hold that Ration Allowance is admissible to the applicants in this O.A. The respondents are directed to pay Ration Allowance to the applicants at the rate applicable to them with effect from the due date 22.2.1994. The arrear amount shall be paid within 31.10.1996.

The application is allowed. No order as to costs.

So/- MEMBER (A)

So/- MEMBER (J)

For Copy
A V 11/11/96
Section Officer (General)
Admn. & Accounts
Bhawan, Lucknow

Att-51
2/1-2/10/96

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(Stamp)

ANNEXURE = H

IN THE SUPREME COURT OF INDIA
CRIMINAL/CIVIL APPELLATE JURISDICTION

248256

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 1706 OF 97.
(Petition under Article 136 of the Constitution of India
for special leave to appeal from the judgement and order
dated 14th June, 1996 of the central Administrative
Tribunal, Gauhati Bench of Gauhati in original Application
No. 245 of 1995).

WITH

INTERLOCUTORY APPLICATION NO. 2.

(Application for stay after notice).

Chatterjee
SC

Union of India & ors.

...petitioners...

-versus-

Sri Rishnu Prasad Sarkia and ors.

...respondents...

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

16th MARCH, 1998.

CORAM:

- HON'BLE MR. JUSTICE S.C. AGARWAL
- HON'BLE MR. JUSTICE S. SAGHIR AHMAD
- HON'BLE MR. JUSTICE M. SRINIVASAN

Contd....P/2

Attn:
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-29- 46

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

For the Respondent Nos. 1 to 87.

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

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

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

AND THIS COURT DOTH FURTHER ORDER that this
order be punctually observed and carried into execution
by all concerned.

WITNESS the Hon'ble Shri Madan Mohan Punchhi,
Chief Justice of India at the Supreme Court, New Delhi,
dated this, the 16th day of March, 1998.

sd/-

(R.N. LAKHANPAL)

DEPUTY REGISTRAR.

Attest
[Signature]
Date

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ANNEXURE

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI Bench.

Original Application No. 193 of 1999.

Date of Order : This the 8th Day of September, 1999.

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

Sri H. Venugopal and 69 others

All the applicants are serving in the
S.S.B., Itanagar in Arunachal Pradesh.

Applicants.

By Advocate Sri G.H.Dan.

- Versus -

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

By Advocate Sri B.S.Basumatary, Addl.C.O.S.C

ORDER

1999

G.L.SANGLYINE, ADM. MEMBER,

All these 70 applicants in this Original Application are employees in the Special Service Bureau (SSB for short), Itanagar, Arunachal Pradesh. They were permitted to pursue this Original Application jointly under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules 1987. Station allowance was granted to the personnel of the rank of Field Officers and below serving in the locations categorised as 'B' and 'C'. The applicants stated that they are in the rank of Field Officers and below. By order dated 8.11.1994 certain stations in Arunachal Pradesh were classified as category 'B' and 'C' stations for the purpose of various concessions granted to the employees. In the said order Itanagar was categorised as 'B' station and its categorisation was renewed for a further period of 3 years with effect from 8.11.1998. They claim that consequent to the categorisation of Itanagar station as a 'B' station the

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employees of the SSB serving in Itanagar become eligible for getting the ration allowance from 8.11.1994. However, according to them, for some inexplicable reasons the respondents denied the allowance to the applicants in a most illegal and arbitrary manner. Consequently they submitted representations praying for payment of the allowance to them. But there was no response from the respondents. They submitted that in the case of employees of the Aviation Research Centre, Bomdoon the Tribunal directed payment of Ration Allowance. In the order dated 14.6.1996 in O.A.No.245 of 1995, order dated 17.7.1998 in O.A.No.89 of 1996 and order dated 21.4.1999 in O.A.No.228 of 1998. The executive cadre of the SSB Itanagar were also granted ration allowance. They submitted that they are similarly situated with the employees of the Aviation Research Centre and the executive cadre of SSB, Itanagar and have prayed that the respondents may be directed to allow them ration allowance with effect from 8.11.1994.

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

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

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21/1/2000
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report of the Aviation Research Centre relied on by the applicants, the applicants are entitled to the ration allowance. Mr B.S. Dasgupta, learned Addl.C.O.S.C for the respondents did not dispute the contention of Mr Das.

I have perused the application as well as the judgments in the 3 Original Applications relied on by the learned counsel for the applicants, particularly, judgment at para 4 of the order dated 14.6.1996 and judgment at para 3 of the order dated 21.4.1999 in which detail discussions and reasons for allowing payment of ration allowance in those cases had been recorded. I am of the view that the applicants in the O.A. presently under consideration are similarly situated with the applicants in those cases and the judgments in those O.As covered the case of the applicants in the present O.A.

I therefore, direct the respondents to pay ration allowance to the applicants with effect from the date the allowance became admissible to Itanagar on the strength of order dated 8.11.1994 and subsequent orders extending payment of the allowance or from the date of their actual posting in Itanagar, whichever is later. The payment of the arrear amount as admissible to each applicant shall be made by the respondents within 90 days from the date of receipt of this order.

Application is disposed of. No order as to costs.

Sd/-MEMBER (Adm)

TRUE COPY
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9/11/99
Deputy Registrar (Adm)
Central Administrative Tribunal
Gurgaon Bench
11/11/99

Attn
Sd/-
Datto

33 - Annexure - 5. 50

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.133 of 2000

Date of decision: This the 30th October 2000

The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman

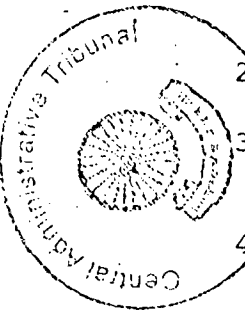
Shri Kandarpa Narayan Choudhury and
103 others

.....Applicants

All the applicants are non-executive personnel serving in the Special Service Bureau, Imphal, Manipur, under the administrative control of the Divisional Organiser, Manipur and Nagaland Division, Imphal.

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

- versus -

- 
1. The Union of India, represented by the Cabinet Secretary, Department of Cabinet Affairs, New Delhi.
 2. The Director General of Security, Block V(East), New Delhi.
 3. The Director, S.S.B., Block-V (East), New Delhi.
 4. The Divisional Organiser, S.S.B., Manipur and Nagaland Division, Lamphel, Imphal, Manipur.
 5. The Area Organiser, S.S.B., Imphal, Manipur.

.....Respondents

By Advocate Mr A. Deb Roy, Sr. C.G.S.C.

.....

O R D E R (ORAL)

CHOWDHURY.J. (V.C.)

The applicants, 104 in number, are non-executive personnel serving in the Special Service Bureau (SSB for short) under the administrative control of the Divisional Organiser, SSB, Manipur and Nagaland Division, Imphal. The cause of action as well as the relief sought for are same and accordingly their grievance is considered in this single

Attested
J. Chowdhury

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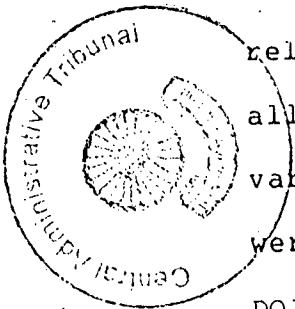
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application under the provisions of Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987.

2. The grievance relates to payment of ration allowance on and from 9.8.1989. According to the applicants the allowance was denied to them for no justifiable reason. Mr G.N. Das, learned counsel for the applicants to various sanction orders of the Central Government and also mentioned a number of cases decided by this Tribunal.

3. Mr A. Deb Roy, learned Sr. C.G.S.C. referred to the written statement and submitted that the ration allowance with effect from 9.8.1989 are being paid to the executive staff of the rank of Field Officer and below, but the said allowance is not extended to the non-executive staff. The learned counsel submitted that the equation is made only in relation to House Rent Allowance and not to ration allowance. He submitted that the equation of posts in various cadre of corresponding level of non-executive cadre were fixed vide Cabinet Secretariat Order No.A-11016/6/86-DOI dated 28.10.1986. The equation is for the purpose of House Rent Allowance and not for Ration Allowance.

4. After hearing the learned counsel for parties and considering all aspects of the matter, I do not find that this case can be distinguished from the earlier decisions, nor there is any scope for denying the ration allowance to the applicants on that ground. The ration allowance also has now become admissible to the employees serving in the SSB at Imphal and Imphal has been declared as category 'B' station with effect from 9.8.1989. The applicant shall accordingly be eligible for the ration allowance for 'B' Station with effect from 9.8.1989 or from the date of joining, whichever is later.



Attested
Jil - [Signature]

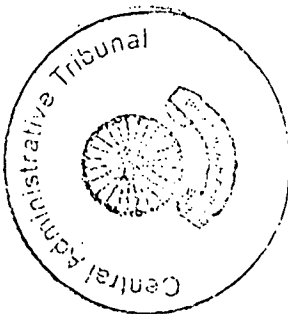
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5. Accordingly the respondents are directed to pay the applicants ration allowance from the aforesaid date onwards within three months from the date of receipt of this order including arrears.

6. The application is allowed. No order as to costs.



CA -
Vice-Chairman

12.7.05
12.8.05
12.8.05
Date of receipt of the order
C.A.T. Guwahati

12/9/05
C.A.T. Guwahati
Guwahati
12/9/05

Attorney
Jil. Datta

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(Through Proper Channel)

Sir,

2. That Sir, I was posted to GC SSB, Kohima wef. 19/10/1994 to June|1999 (Now 17th Bn Kohima) as Lab. Technician, but during my posting at Kohima, I had not received any ration allowance, whereas my colleague who were posted at M&N Division have got Ration allowance (Being civilian staff) based on the order of Ministry of Home affairs letter No. 35/SSB/A2/2001(14) PF-III dated 19th Dec|2002 and judgement of court i.e. only from the date of their joining or from the date the station of their posting have been categorised as category B & C for grant of Ration allowance i.e. non executive ministerial staff. (CIVIL)

4. Therefore, it is requested that the matter may please be looked into on priority basis, so that I may get ration allowance at an early date.

Your's faithfully

Alfred
J. L. L. L.

0/0

NO. 252

dt = 19/5/04

ANNEXURE - L

Reminder 15. I

To

The Commandant
17th Bn. SSB, Kohima

(Through Proper Channel)

Sub : Regarding Grant of Ration allowance
for the period from 19/10/94 to Jun/99.

Sir,

please refer to my application dated 24/2/04
on the subject mentioned above.

2. In this regard, it is intimated that more than
two months has been passed, but till today I have not
received any reply in this regard.

3. Therefore once again it is requested that necessary
action for grant of Ration allowance for the period as
mentioned above may please be taken up at the earliest as
I was posted to CC SSB Kohima (Now 17th Bn.) for the
period as mentioned above, on the basis of judgement of
Court please.

An early action in this regard may please be
taken.

Yours faithfully

(K.A. EIGMALAI)
LABORATORY TECHNICIAN
21ST BN. SSB, KICHANGANG

O/c.

Almit
Sent

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ANNEXURE-M₆

No.17th Bn/Acctt/RM-Corrpp/04/1338
Government of India
Ministry of Home Affairs
Office of the Commandant
17th Bn. SSB Bhairabkunda

25 JUN 2004

Dated, the 19/6/04

MEMORANDUM

SUB:- REGARDING GRANT OF RATION ALLOWANCE

Please refer to your office memo No.V/102/21stBn/
Pay/03-04/8345 dt:26th May, 2004 forwarding therewith an
application for the grant of Ration Allowance in respect of
Lab.Tech. K.A. Elumalai of 21st Bn.SSB Kishanganj.

In this regard, it is intimated that for grant
of Ration Money Allowance to the official, following
documents may be obtained from the applicant and sent to
this office for further necessary action.

1. Copy of judgement of Hon'ble Court,
2. Certificate pertaining whether taking full
TA/DA during tour/transfer or not and
3. No. of days availed Earned Leave during the
applied period.

[Signature]

COMMANDANT 19/6/04
17th Bn. SSB Bhairabkunda

To

The Commandant
21st Bn. SSB Kishanganj.

Accd
25/6
pay all
in form
25/6/04

Seen
12A dt:26/5/04
LAB TECH.
21 Bn SSB Kishanganj
17871
25/6/04

P.No-1064
dt 26/6/04

Attmt
26/6/04

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COPY

ANNEXURE - N

No. 17th BN/Accts/RM/6704
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
OFFICE OF THE COMMANDANT
17TH BN SSB BHAIKUNDA
ASEB COMPLEX, PO: BHAIKUNDA
DISTT : BDALGURI - 784513 (ASSAM)

DATED : 2 SEPT. 2004

MEMORANDUM

Please refer to your office Memo No. V/102/21st Bn/
Pay/04-05/11617 dated 5/7/04 forwarding therewith application
of Sh. K. A. Elumalai, Lab. Tech. alongwith copy of judgement
of Hon'ble Court for payment of Ration Money w.e.f. 19.10.94
to June 99.

In this connection, it is intimated that as per
judgement of Hon'ble Court, all 18 applicants were allowed for
payment of Ration Money on and from their station or stations
were declared as a 'B' and 'C' category station or from the
joining by the applicants in those station which ever is latter.

As intimated vide Div. H2. Imphal Memo No. 12619
dated 13/12/2002 that as per existing instructions, the non-
applicants of CAT cases were not entitled to get ration
allowance before 31.01.2001 on the basis of judgement of Cat.
The above official may be asked to submit whether he is one of
18 applicants of CAT cases or otherwise so that his case for
the grant of Ration Money may be processed from the date of
declaration of Category 'B' station of 'KOHIMA' w.e.f. 1.11.2000
vide SSB Dte. order No. 30/SSB/A2/97(17) 4511-4646 dated 01.11.2002
please.

To,
The Commandant
21st Bn SSB Kishanganj.

Sd/-02.09.2004

COMMANDANT
17TH BN SSB BHAIKUNDA.

No. V/102/21st Bn/Pay/03/-15852 dated 23/9/04

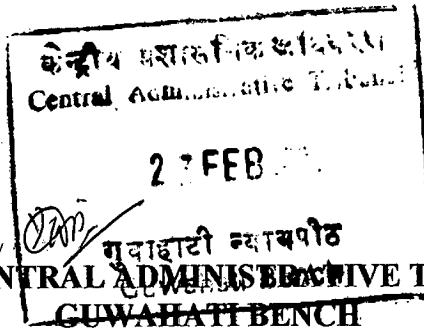
Copy forwarded for information and further
necessary action please.

To,
The Commandant
4th Bn SSB, KHIRE(West)

/ COMMANDANT
21ST BN SSB KISHANGANJ.

ABG please: - Seen
C.A. Elumalai
23/9/04

19-10-94
14-6-99



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH

IN THE MATTER OF:

O.A. NO. 241 of 2005

Shri K.A. Elumalai

..... Applicant

- Vs -

The Union of India & Ors.

..... Respondents

- AND -

IN THE MATTER OF :

Written Statement submitted by the respondents

No. 1 to 3

WRITTEN STATEMENT

The humble answering respondents submit their

Written Statement as follows :

1. (a) That I, Mohit Lal Chaudhuri, S/O Late M. M. Chaudhuri, Aged 59 Years, working as Inspector General, SSB, Guwahati and respondent No. 3 in the above case. I have gone through a copy of the application served on me and have understood the contents thereof. Save and except whatever is specifically admitted in this Written Statements, the contentions and statements made in the application may be deemed to have been denied. I am competent and authorized to file the written statement on behalf of all the respondents.

(b) The application is filed unjust and unsustainable both on facts and in law.

File by
Mohit Lal Chaudhuri, M.A., B.Sc., LL.B., U. Ahmed C.A. 22
Add. Secy of Govt. Engineering Council
Guwahati Bench.
22/2/05



Inspector General
Frontier Head Quarter
Bastar Seema Bal, (MHA)
Guwahati

(c) That the application is bad for non-joinder of necessary parties and misjoinder of unnecessary parties.

(d) That the application is also hit by the principles of waiver estoppel and acquiescence and liable to be dismissed.

(e) That the action taken by the respondents was not stigmatic and some were for the sake of public interest and it cannot be said that the decision taken by the Respondents, against the applicant had suffered from vice of illegality.

2. That with regard to the statements made in paragraphs 3, 4.1, 4.3, 4.5, 4.13, 4.14 and 7 of the application, the answering Respondents do not admit anything except those are in records and the applicant is put to strictest proof thereof.

3. That with regard to the statements made in paragraphs 1 and 4.10 of the application, the answering respondents beg to submit that as per instruction contain in Force HQ Memo. No. 30/SSB/A-3/97(17)-485-508 dated 08.02.2001 (Annexure - 1), ministerial personnel holding non-gazetted post and posted to category B & C stations declared vide Force HQ SSB Delhi Order No. 30/SSB/A-2/97(17)-4611-4646 dated 01.11.2000 are entitled to Ration Allowance w.e.f. 30.01.2001 but as clarified vide IG, HQ, SSB, Imphal Memo. No. 12619 dated 13.12.2002 (Annexure-2), telecom set up, para-medical set up excluding Pharmacist/Laboratory Technician came under the purview of getting Ration Allowance prior to 30.01.2001 if they remain posted in B & C stations. Shri K.A. Elumalai, the applicant is an employee of this organisation is a Lab. Technician who does not come under the purview of above clarification.

Further, it is also submitted that the Hon'ble Guwahati High Court while passing the final judgment on 24.08.2001 on the application No. 174 of 2001 (Annexure-3) the respondents had directed to pay the Ration Allowance to the applicants only. On the basis of Gauhati High Court order dated 24.08.2001 above, the MHA vide letter No. 35/SSB/A2/2001(14) P.F.III dated 19.12.2002 (Annexure - 4) has also clarified that only the applicants will be entitled to Ration Allowance.

Though the applicant Shri K.A. Elumalai applied vide his application dated 19.05.2004 and dated 01.07.2004 for payment of Ration Allowance to him for the period from 19.10.1994 to June, 1999 yet no Ration Allowance could be paid to him as he was not an applicant on that said case.

4. That with regard to the statements made in paragraph 2 of the application, the answering respondents beg to submit that Shri K.A. Elumalai, Lab. Technician is presently at 4th Bn, SSB, Palia, Distt. Lakhimpur (UP) whereas he has filed the present O.A. in the Hon'ble CAT Bench, Guwahati which is technically not correct in terms of Rule 6 of Central Administrative Tribunal (Procedure) Act, as CAT Bench Allahabad (UP) is appropriate bench to entertain the grievances of the applicant.

5. That with regard to the statements made in paragraph 4.2 of the application, the answering respondents beg to submit that the applicant Shri K.A. Elumalai was remain posted in GC, SSB, Kohima (now 17th Bn SSB Bhairabkunda) w.e.f. 19.10.1994 to 14.06.99 (AN) and not upto 30.06.99 as mentioned by the applicant in the para as he was relieved from this unit on 14.06.99(AN) on permanent transfer to GC SSB Krishnanagar (now 21st BN, SSB, Kishanganj).

6. That with regard to the statements made in paragraph 4.4 of the application, the answering respondents beg to submit that it is a fact that Kohima, where the applicant was posted w.e.f. 19.10.1994 to 14.06.1999 was declared as 'B' category station for the purpose of granting Ration Allowance. But as per position explained in forgoing Para No.3 the applicant is not entitled for Ration Allowance.

7. That with regard to the statements made in paragraph 4.6 of the application, the answering respondents beg to submit that the applicant is not entitled for Ration Allowance as per position explained in Paras 3 and 6 above.

8. That with regard to the statements made in paragraphs 4.7 and 4.8 of the application, the answering respondents beg to submit that the Cabinet Secretariat/MHA has not yet passed any order for granting Ration Allowance to the Lab. Technician of SSB.

9. That with regard to the statements made in paragraph 4.9 of the application, the answering respondents beg to submit that the Hon'ble CAT Guwahati Bench ordered to make payment of Ration Allowance to the applicants to that case only. Shri K.A. Elumalai, Lab. Technician was not an applicant in the above referred case and hence he is not entitled for Ration Allowance.

10. That with regard to the statements made in paragraphs 4.11 and 4.12 of the application, the answering respondents beg to submit that it is a matter of Government policy and the respondent has to act as per Govt. instructions/policies.

11. That with regard to the statements made in para 5.1 of the application, the answering respondents beg to submit that as the respondents has to act as per existing Government instructions/policy and hence they cannot do anything beyond that.

12. That with regard to the statements made in paragraphs 5.2 and 5.3 of the application, the answering respondents beg to submit that it has already been clarified in the foregoing paras that the action taken as per order of Hon'ble Tribunal and the instant applicant was not an applicant at that time as Hon'ble Tribunal passed order to grant Ration Allowance to the applicants of the case only and not to all similar employees of the Organisation.

13. That with regard to the statements made in paragraph 5.4 of the application, the answering respondents beg to submit that since the respondent has to act according to the Govt. instruction/rules, the question of violation of the Article mentioned in the Para does not arise.

14. That with regard to the statements made in paragraphs 5.5, 5.6 and 5.7 of the application, the answering respondents beg to submit that the Hon'ble Tribunal itself ordered that the Ration Allowance will be paid to the applicants only and not to all other similar employees. Hence the respondents cannot be blamed for non-payment of Ration Allowance to the applicant on the said plea. The respondent is bound to obey/follow the Govt. instruction within the limit and cannot do beyond that. Therefore, the action taken by the respondent regarding payment of Ration Allowance to the applicant is not arbitrary, mala fide

discriminatory with an ill motive and violation of principles of natural justice as alleged by the applicant in these paras.

15. That with regard to the statements made in paragraphs 5.8 and 6 of the application, the answering respondents beg to submit that the respondent has to act as per existing Govt. instructions and not beyond that. Hence the respondent cannot pay the Ration Allowance to the applicant by violating the Govt. policy/orders.

16. That with regard to the statements made in paragraphs 8, 8.1, 8.2 and 8.3 of the application, the answering respondents beg to submit that as explained in the foregoing paras Ration Allowance is not admissible to the applicant. Hence question of making payment of the cost of the application does not arise.

17. That the respondents submit that the application is devoid of merit and as such the same is liable to be dismissed.

18. That this written statement is made bonafides and for the ends of justice and equity.




Inspector General
Frontier Head Quarter
Sasbarra Secunda Bal, (MHA)
Guwahati

VERIFICATION

I, Mohit Lal Chaudhuri, S/O Late M. M. Chaudhuri,
Aged 59 Years, working as Inspector General, SSB, Guwahati do hereby
solemnly affirm and verify that the statements made hereinabove are true to my
knowledge, belief and information and nothing is being suppressed.

I sign this verification on this 27th day of
Dec / 2005 at Guwahati.

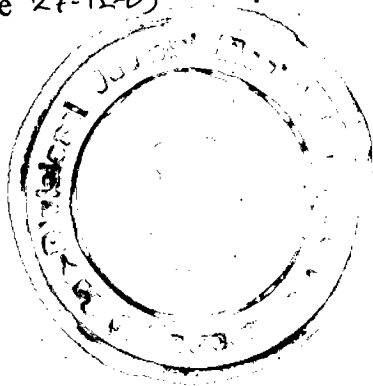

Inspector General
Frontier Head Quarter
Sashstra Seema Dal, (MHA)
Guwahati
SIGNATURE

Identified by

Arjun

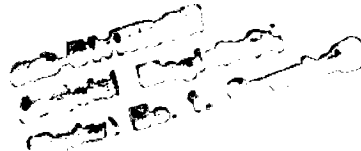
Advocate

Date 27-12-05



Solemnly affirmed and
declared before me by the
deponent who is identified
by Shri. Arjun Rahman
Advocate, on this... 27th
day of December 2005 at
Guwahati.

27.12.05
Magistrate



-7-

ANNEXURE - 1

43

Copy

Immediate

No. 30/SSB/A-2/97(17)-485-508
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. 30/01/2001

Encls : As above.

SD/-

(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 Sarnah/Jailong/Jammu/Salonibari/Kumarsain.
3. Commandant, CSD 'W' Bhopal/TC Faridabad.
4. Accounts Officer, SSB.
5. AI/A4/E1/E2 Branches.
6. Order file.

CTC


1 FEB 2001 09:00 AM

ORDER

13/01/2001

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)
Deputy Secretary to the Government of India

Copy to:-

1. Director, SSB.
2. Director, ARC. [ARC may internally 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.

AH:ad

(Signature)
11/08

(50) 134 5
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-461-4646

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

DATED THE, 1ST NOV 2000

ORDER

In exercise of the powers vested in him as Head of Department and in terms of Cabinet Secretariat, letter No. A-1031/4/SS-EE-II dated, 18.12.97, Director, SSD has reviewed categorisation status of various locations situated in the SSD 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, 18.12.97 as per list enclosed as Appendix 'B' with effect from 1st November, 2000.

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

Secy : As above.

(S.S.BORA)

JOINT DEPUTY DIRECTOR (EA)

The Director of Accounts, Cabinet Secretariat, R.K. Puram, New Delhi (10 copies).

The DCS : HP/UP/R&G/J&K/SB/NB/NAD/AF/SHG/M&N Division.

The DCS : FA Gwalder/Sarahan/Salonibari/Haflong/Kumarsain.

The Accounts Officer, SSD Directorate, New Delhi.

AT/A2/E1/E2/A4/F Branch/Coordination Cell/CIDA.

Order file.

Copy to be shown to Secy, only, return
6/11

O/e

APPENDIX - A

LIST OF STATIONS RECOMMENDED FOR DE-CATEGORISATION AFTER REVIEW

STATION	EXISTING CATEGORY	AUTHORITY	PROPOSED CATEGORY
01 DIVISION			
1. BURRI	B	DIR, SSB	NIL
2. CHITRAGAN	B	-DO-	-DO-
3. SUNDARNAGAR	B	-DO-	-DO-
4. NANDI	B	-DO-	-DO-
5. KARSOG	B	-DO-	-DO-
6. DOHAR	B	-DO-	-DO-
7. JOSINDERNAGAR	B	-DO-	-DO-
8. DUNNERA	B	-DO-	-DO-
9. THEOG	B	-DO-	-DO-
10. JIBBAL	B	-DO-	-DO-
11. CHAPAL	B	-DO-	-DO-
12. DUDHAWALA	B	-DO-	-DO-
13. GOURA	B	-DO-	-DO-
14. 15/20 GUARI	B	-DO-	-DO-
15. CHIDWAI	B	-DO-	-DO-
16. NAGGAR	B	-DO-	-DO-
17. NERMANO	B	-DO-	-DO-
18. BANTAR	B	-DO-	-DO-
19. RANPUR	B	-DO-	-DO-
20. DALAMPUR	B	-DO-	-DO-
21. BALJNATH	B	-DO-	-DO-
22. NAGROTTA	B	-DO-	-DO-
23. SHAMPUR	B	-DO-	-DO-
24. BOLASPUR	B	-DO-	-DO-
25. MURPUR	B	-DO-	-DO-
26. GHIT	B	-DO-	-DO-
27. SOHPUR	B	-DO-	-DO-
28. GAINJ	B	-DO-	-DO-
29. BASIMBRA	B	-DO-	-DO-
30. DO HOUSE	B	-DO-	-DO-
31. CHUNSA	B	-DO-	-DO-
02 DIVISION			
32. FARARPANI	B	-DO-	NIL
33. LCHADHAT	B	-DO-	-DO-
34. PAULWANAU	B	-DO-	-DO-
35. CHIMALI	B	-DO-	-DO-
36. ALHURA	B	-DO-	-DO-
37. SAHITYA	B	-DO-	-DO-
38. SAUCHER	B	-DO-	-DO-
03 DIVISION			
39. BANSTOK	B	-DO-	NIL
40. DARJEELING	B	-DO-	-DO-
04 DIVISION			
41. TANTUNA	B	-DO-	-DO-
42. DUDHAGAN	B	-DO-	-DO-

ALPHABETICALLY

1. BANGOR	B	DIR, 330
2. BASTI SHAT	B	-DO-
3. BUD	B	-DO-
4. BONGSA	B	-DO-
5. BONGSAR	B	-DO-
6. BONGSAR	B	-DO-
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ALPHABETICALLY

1. TURA	T	DIR, 330
2. BORENGAPARA	B	-DO-
3. DUMI	D	-DO-
4. DUMI / CACHAR AREA	D	-DO-

1. BILONG (CACHAR AREA)	D	
2. DUTTIGORA -DO-	P	-DO-
3. KARIMGANJ -DO-	R	-DO-
4. BARKANDI -DO-	F	-DO-
5. ARHIMPUR -DO-	B	-DO-
6. AGARTALA (TRIPURA AREA)	B	-DO-
7. KARAILPUR -DO-	E	-DO-
8. DHORAMNAGAR -DO-	B	-DO-
9. MASID (ALIZWAL AREA)	D	-DO-
10. MANIT -DO-	E	-DO-
11. CHAMPHAI -DO-	B	-DO-
12. NAGOPPA -DO-	B	-DO-
13. EAST LUNDHAR -DO-	B	-DO-
14. DALAT (TURA SUB AREA)	B	-DO-
15. LUPPLEI (LUNDLET AREA)	C	-DO-
16. THABUNG (DEMAGIRI) -DO-	C	-DO-
17. WEST LUNDHAR -DO-	C	-DO-
18. GADHA -DO-	C	-DO-
19. CHAMNGTE -DO-	C	-DO-
20. TOIFANG -DO-	C	-DO-
21. JILLONG -DO-	E	-DO-
22. BELONIA -DO-	B	-DO-
23. GABORIN -DO-	B	-DO-
24. ALIZWAL -DO-	B	-DO-
25. NGALONG -DO-	B	-DO-
26. JOWAI -DO-	B	-DO-
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No. 12619
Government of India,
Ministry of Home Affairs,
Office of the Divisional Organiser,
SSB, Manipur & Nagaland Division,
Imphal - 795001

Dated, the 13th December, 2002

Memorandum

Subject: Authorisation of Ration Allowance in R/o SFA(M)/Lab Tech.

Please refer to your letter No. 17th Bn/ACS/PB/02/12592 dated 30.11.02 on the subject cited above.

As per instructions contained in cabinet secretariat letter No. A-49011/8/86-DO.I(B) dated 10.05.1986, Ration Allowance is admissible to Executive staff upto the rank of Field officers, if they remain posted to Category 'B' & 'C' locations.

2. Telecom set-up, para-medical set-up excluding, Pharmacist/Lab. Tech came under the perview of getting ration allowance prior 30.01.2001 if they remain posted at 'B' & 'C' locations.

3. As per existing instructions, the non applicants to CAT cases were not entitled to get ration allowance before 30.01.2001 on the basis of Judgment of CAT as intimated vide SSB Dir's Memo. No. 9/SSB/A2/86(1)-Manipur-534 dated 10.02.2002.

SD/- 13.12.02
Area Organiser (Adm),
SSB Divn. Hqr., Imphal.

To,

The Commandant, SSB
17th Bn., Kohima
PB No. 211, Pin - 797001
Nagaland.

CTC

[Signature]

Admission

1 FEB 2003 10:05 AM

CHIEF SECRETARY
DEFENSE SECRETARIAT NO. 174 OF 2001.

ANNEXURE-3 -17 16

Mr. Justice B.H. Chowdhury, Vice-Chairman.

U.O. No. 105.

For Application (a) Mr. G.K. Bhatnagar, G.N.D.S.
For Application (b) Mr. A. K. Roy,
G.N.D.S.

1.8.01. Present: Mr. Justice B.H. Chowdhury, Vice-Chairman.

All the 10 applicants are non-executive personnel serving in the SSB, under the administrative control of the Divisional Organizer SSB, Manipal and Nagaland Division Imphal. The cause of action as well as the relief sought for are same and similar nature and accordingly, their grievance is considered in this single application.

The grievance relates to payment of ration allowance on and from their station or stations were declared as a 'B' and 'C' category stations or from the joining by the applicants in those station, whichever is latter. The issue raised in this application is already adjudicated upon in O.A. 267/99 disposed on 12.1.2000 and O.A. 133/2000 disposed on 30.10.2000. This case is also squarely covered by the above decisions.

The respondents are accordingly directed to pay the ration allowance to the applicants on and from the date of the applicants in the stations or from the date of declaration of those stations as 'B' and 'C' category stations.

The application is allowed to the extent indicated above. There shall, however, be no order as to costs.

SG/VICE CHAIRMAN

Amended

17/11/05

3321 S.D. 31-5-01

Information and necessary action to be taken by Advocate General High Court, Guwahati, Assam, G.N.D.S. C.A.T. Guwahati Bench. No. 111/2001/CAT/MAN/76 Dtd. 17.10.2001. Forwarded to Comdt. W.S. SSB, Manipal, Nagaland Division Imphal. (M) Section Officer (S) 11

Government of India

Ministry of Home Affairs

North Block, New Delhi

Dated the, 19th December, 2002

The Director, General,

Special Service Bureau,

Block V (East), R.K. Puram,

New Delhi-110066.

Subject: Court Cases for grant of ration allowance to the non-executive ministerial staff in SSB - implementation of judgments thereof.

Sir,

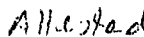
The undersigned is directed to refer to DG, SSB UO No. 35/SSB/A2/2001(14) dated 30.5.2002 and 11.12.2002, on the subject mentioned above and to convey the sanction of the competent authority for implementation of following CAT/Court orders relating to payment of Ration Money Allowance to the applicants only from the date of their posting or from the date the stations of their postings have been categorised as Category B&C for grant of Ration Money Allowance:-

- i) J&K High Court order dated 6.11.2001 in CWP No. 881/99 titled Brij Mohan & Ors. Vs. UOI & Ors.
- ii) CAT Guwahati Bench Order dated 16.5.2001 in OA No. 57/2001 titled S. De & Ors. Vs. UOI & Ors.
- iii) CAT Guwahati Bench Order dated 14.8.2001 in OA No. 174/2001 titled L.M. Singh & Ors. Vs. UOI & Ors.
- iv) CAT Guwahati Bench Order dated 19.9.2001 in OA No. 224/2001 titled K.S.L. Naidu & Ors. Vs. UOI & Ors.
- v) CAT Guwahati Bench Order dated 29.3.2001 in OA No. 141/2002 titled G.C. Dadhra & Ors. Vs. UOI & Ors.
- vi) CAT Guwahati Bench Order dated 16.5.2001 in OA No. 56/2001 titled Chandan Chaudhary & Ors. Vs. UOI & Ors.

2. The payments of Ration Money Allowance for implementation of Court/CAT orders mentioned above will be subject to outcome of appeal pending in the High Court of Guwahati.

3. This issues with the approval of the Ministry of Finance, Department of Expenditure vide their UO No. 16(2)/E.I.B/2001 dated 19.12.2002 and concurrence of the Integrated Finance Division of this Ministry vide their Diary No. 2006/IFA(H)/2002 dated 19.12.2002

Yours faithfully,



(M.S. Kalaria)

Under Secretary to the Govt. of India