

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

FORM NO. 4.
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

ORDER SHEET

Original Application No. 243 105

Misc. Petition No. _____

Contempt Petition No., _____

Review Application No. 1

Applicant(S): S.C. Singh & Sons

Respondant(s): W912018

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

Advocate for the Respondant(s):- (6) sc.

Notes of the Registry	Date	Order of the Tribunal
	15.9.05	Heard learned counsel for the parties. Judgment delivered in open Court. Kept in separate sheets.
This application is in form, is filed/C. F. for Rs. 50/- deposited vide IPO/BD No.....20615.7/92		Application is disposed of.
Dated.....7.9.05.....	1m	
Dy. Registrar		
	16.9.05	
MF 20/9/05 2005 C.G.S.C		
SLB 16.7.2005		
7.05		

26.7.05

copy of the Report
has been handed over
to the Advocates for the
parties.

par
séh

CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH.

O.A. No. 243 of 2005

DATE OF DECISION: 15.09.2005

Shri Th. Subhash Chandra Singh &
Sri Madhu K.P.

APPLICANT(S)

Mr. Adil Ahmed.

ADVOCATE FOR THE
APPLICANT(S)

- VERSUS -

Union of India & Ors.

RESPONDENT(S)

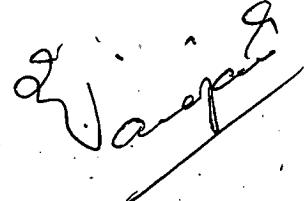
Mr. M.U. Ahmed, Addl.
C.G.S.C.

ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE MR. JUSTICE G. SIVARAJA- VICE-CHAIRMAN

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

Judgment delivered by Hon'ble Vice-Chairman



CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.243 of 2005.

Date of order: This the 15th Day of September, 2005.

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

1. Shri Th.Subhash Chandra Singh
Son of Sh. Th. Babu Singh
Pharmacist, SSB
Present place of posting
Commandant 4th Battalion, SSB,
Palia,
P.O.Palia Kalan
District-Lakhimpur Kheri(UP)
State-Uttar Pradesh
Pin- 262902.
2. Sri Madhu K.P.
Son of Shriu K.Purshothaman
Present place of posting
Office of the Deputy Inspector
General, Sector HQRS,SSB,
Barauni HFCL complex,
P.O.-Urvaraknagar Nagar
District-Begusarai
Bihar-851115

Applicants

By Advocate Mr.Adil Ahmed,

-Versus-

1. The union of India represented by the
Secretary to the Government of India,
Ministry of Home Affairs,
South Block, New Delhi-110001.
2. The Director General, SSB,
Block-V(East),
R.K.Puram,
New Delhi-110066,
3. The Deputy Inspector General, SSB
Training Centre, Saloni bari
Via-Tezpur,
District-Sonitpur
Assam-784104.
4. The Deputy Inspector General,
Sector HQRS,SSB,Baraini HFCL
Complex,P.O.-Urvaraknagar Nagar
District-Begusarai
Bihar-851115.

5. The commandant,
 4th Battalion, SSB, Palia,
 P.O.-Palia Kalan
 District-Lakhimpur Kheri(UP)
 State-Uttar Pradesh,
 Pin-262902.

Respondents

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

ORDER (ORAL)

SIVARAJAN J.(V.C):

The applicants two in number are presently working as Pharmacist and Senior Field Assistant (M) respectively under the Respondents. Their grievance is that the Ration Money Allowance which was given to them for serving in the North Eastern Region was discontinued all of a sudden from June 2005 without any valid reasons. They are also aggrieved by the direction issued in the order-dated 30.5.2005 (Annexure 4) for recovering the Ration money allowance paid to them for the period beyond 31.2.2003

2. I have heard Mr A. Ahmed, learned counsel for the applicants, and Mr M. U. Ahmed learned Addl. C.G.S.C for the Respondents. Mr A. Ahmed, learned counsel for the applicants, submits that the applicants were receiving Ration money as per the Government orders issued in that regard but the Respondents have stopped the Ration money allowance from June 2005. He submits that there are no valid reasons for such withdrawal. The counsel also submits that there is no misrepresentation or suppression of facts on the part of the applicants in the matter of grant of Ration money allowance. The

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counsel has also relied on a decision of this Tribunal in O.A.No.15 of 2005 dated 4.7.2005(Annexure 5). Mr.M.U. Ahmed learned additional Central Government Standing counsel on the other hand submits that under the relevant Government orders Ration money allowance was due only till 31.10.2003 and that payment of Ration money thereafter to the applicants was due to a mistake. The Standing counsel further submits that the Respondents are justified in recovering the excess payment of Ration money allowance from the applicants.

3. This Tribunal had occasion to deal with an identical situation in O.A. No.15 of 2005. In that case the discontinuance of Ration Money Allowance beyond 31.10.2003 was upheld. However, recovery of excess payment of ration money allowance was held to be not justified since there was no misrepresentation or suppression of facts on the part of the applicants there in. In this case also the applicants have clearly stated that there is no misrepresentation or suppression of facts on the part of the applicants. The impugned order also shows that the payment of Ration Money Allowance was paid to the applicants only due to mistake. In view of the order dated 4.7.2005 in O.A.No. 15 of 2005 I am of the view that this application can be disposed of at the admission stage itself. Though the applicants had challenged the order of discontinuance of Ration money allowance beyond 31.10.2003 no valid materials are placed by the applicants for sustaining their contention. In the circumstances while upholding the decision of the Respondents to discontinue the payment of Ration Money Allowance beyond 31.10.2003 I direct the Respondents not to recover any amount from the applicants towards excess payment of Ration money allowance beyond 31.10.2003. However, it is made clear that if any amount has already been recovered from the applicant

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towards excess payment of Ration money allowance the same will not be paid to the applicants.

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



(G.SIVARAJAN)
VICE-CHAIRMAN

LM

14 SEP 2005
NS

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

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

ORIGINAL APPLICATION NO. 243 OF 2005.

Shri Th. Subhash Chandra Singh & another

...Applicants

- Versus -

The Union of India & Others

...Respondents

LIST OF DATES AND SYNOPSIS

- The applicants are working in the non-executive cadre in the office of the Sashastra Seem Bal (S.S.B in short) under the ministry of Home Affairs.
- 29.11.1996 Respondents issued office memorandum declaring Saloni Bari as 'B' category station for the purpose of concession (except clothing grant) **(ANNEXURE - 1)**
- 12.12.2000 Directorate of SSB issued order dated 12.12.2000 stating that regarding categorization of 'B' and 'C' station for review the sanction is operative for a period of 3 years w.e.f. 01.11.2000 **(ANNEXURE - 3)**
- 08.02.2001 Cabinet Secretariat vide order dated 30.01.2001 extended the benefit of ration money allowance to the applicants working in the Bongaigaon station which was communicated by the Office of the Directorate, SSB, New Delhi, vide letter dated 08.02.01 **(ANNEXURE - 2)**
- 30.05.2005 Respondents vide impugned order dated 30.05.02 directed all concerned that no ration money allowance is admissible to any civilian staff posted in earlier declared group 'B' and 'C' stations beyond 31.10.03. It is further directed to take necessary action to recover the excess payment made to civilian employees beyond 31.10.2003 **(ANNEXURE - 4)**
- 04.07.2005 This Hon'ble Tribunal in O.A.No.15/2005 restrained the respondents in recovering the excess money paid as ration money allowance **(ANNEXURE - 5)**.

Hence this Original Application before this Hon'ble Tribunal.

PRAYERS

Relief (s) sought for:

Under the facts and circumstances stated above, the applicants humbly pray that Your Lordships be pleased to admit this application, call for the records of the case

Th. S. Ch. Singh

and issue notice to the respondents to show cause as to why the relief (s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the causes that may be shown, be pleased to grant the following relief (s).

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

Interim Order prayed for:

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

1. That the Hon'ble Tribunal be pleased to stay the operation of impugned order issued under No.30/SSB/A 2/03 (17) 2420 dated 30.05.2005 (**ANNEXURE - 4**) till disposal of this Original Application.

Th. S. Ch. Singh

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI

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

ORIGINAL APPLICATION NO. 243 OF 2005.

Shri Th. Subhash Chandra Singh & another

...Applicants

- Versus -

The Union of India & Others

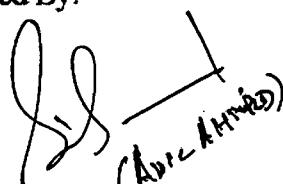
...Respondents

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Date:

Filed By:


(Adv. A. H. M. A. S.)

Advocate

Th. S. Ch. Singh

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संघीय न्यायिक अधिकारपाल
Central Administrative Tribunal

14 SEP 2005

ग. नामांकन दस्तावेज़

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

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

ORIGINAL APPLICATION NO. 243 OF 2005.

BETWEEN

1. Shri Th. Subhash Chandra Singh
Son of Sh. Th. Babu Singh
Pharmacist, SSB
Present place of posting –
Commandant 4th Battalion, SSB,
Palia,
P.O. - Palia Kalan
District – Lakhimpur Kheri (UP)
State – Uttar Pradesh
Pin – 262 902.
2. Shri Madhu K. P.
Son of Shri K. Purshothaman
Present place of posting –
Office of the Deputy Inspector
General, Sector HQRS, SSB,
Barauni HFCL complex,
P.O. - Urvaraknagar Nagar
District – Begusarai
Bihar – 851 115.

...Applicants

- AND -

1. The Union of India represented by the
Secretary to the Government of India,
Ministry of Home Affairs, South
Block, New Delhi-110001.
2. The Director General, SSB,
Block-V (East),
R.K.Puram,
New Delhi – 110066.
3. The Deputy Inspector General, SSB
Training Centre, Salonibari
Via – Tezpur,
District – Sonitpur
Assam – 784 104.
4. The Deputy Inspector General,
Sector HQRS, SSB, Barauni HFCL
Complex, P.O. - Urvaraknagar Nagar

Th. S.Ch. Singh

*Filed by
Shri Th. Subhash Chandra Singh
through L.P. Koirala
Case No. 44/2005
Bhawna*

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District - Begusarai
Bihar - 851 115.

6. The Commandant,
4th Battalion, SSB, Palia,
P.O. - Palia Kalan
District - Lakhimpur Kheri (UP)
State - Uttar Pradesh
Pin - 262 902.

... Respondents

DETAILS OF THE APPLICATION:

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

This application is made against the impugned order dated 30.05.2005 issued by the office of the Directorate General of SSB, Govt. of India, Ministry of Home Affairs, New Delhi, wherein it is directed to take necessary action to recover the excess payment made to the civilian employees in the form of Ration money, posted at Salonibari beyond 31.10.2003.

2) JURISDICTION OF THE TRIBUNAL:

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

3) LIMITATION:

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

4) FACTS OF THE CASE:

Facts of the case in brief are given below:

4.1 That the applicants are citizen of India and as such they are entitled to all the rights, protections and privileges as guaranteed under the Constitution of India. The applicants are civilian Central Government employees working in the non-executive cadres in the department of

Th. S.C. Singh

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Sashastra Seema Bal (S.S.B. in short). The Applicant No.1 is working as Pharmacist and presently posted in the office of the Commandant, 4th Battalion, SSB, Palia, P.O.- Palia Kalan, District – Lakhimpur Kheri (UP), State – Uttar Pradesh, Pin – 262 902, he was earlier posted at Salonibari, Tezpur, Assam under the Deputy Inspector General, SSB Training Centre, Salonibari since 01-12-1999 to 10.05.2005 and the Applicant No.2 is working as Senior Field Assistant (M) and presently posted in the office of the Deputy Inspector General, Sector HQRS, SSB, Barauni HFCL Complex, P.O.- Urvaraknagar Nagar, District – Begusarai, Bihar – 851 115, he was earlier posted at Salonibari, Tezpur, Assam under the Deputy Inspector General, SSB Training Centre, Salonibari since 16.06.2001 to 31.05.2005.

4.2 That the applicants pray permission to move this application jointly in a single application under Sec 4 (5) (a) of the Central Administrative Tribunal (Procedure) Rules 1987 as the relief's sought for in this application by the applicants are common, therefore, they pray for granting leave to approach the Hon'ble Tribunal by a common application.

4.3) That it is stated that vide office memorandum issued under letter No.9/SSB/A 2/86 (i) – NA dated 29.11.1996, Salonibari has been declared as 'B' category station for the purpose of concession (except clothing grant) vide order dated 27.11.1996. However, at that point of time the applicants were not given the benefit of ration money / ration allowance, however, the said benefit was extended to the non-executive staff including the applicants working in the Salonibari got the ration money allowance vide Cabinet Secretariat Order bearing letter No.A-49011/2/2000-DO-I (Vol II) – 99 dated 30.01.2001 which was communicated vide memorandum issued office of the Directorate, SSB, New Delhi vide letter No.30/SSB/A-2/97 (17) – 485-508 dated 08.02.2001. In the said memorandum it is further stated that all non-executive personnel including ministerial personnel holding non-gazatted posts and posted to category 'B' and 'C' stations declared vide this Directorate order No.30/SSB/A-2/97 (17) dated 01/11/2000 are entitled to draw ration allowance w.e.f. 30/01/2001. In terms of the aforesaid orders of the Directorate the present applicants were granted ration money allowance w.e.f. 30.01.2001 and thereafter.

Th. S. Ch. Singh

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

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

ORDER

1. In continuation of this Directorate order of even number dated 01.11.2000 regarding categorization of 'B' and 'C' stations for review, the sanction is operative for a period of three years w.e.f. 1.11.2K.
2. All Dos/DisG of Training centres and FA Cwaland are requested to keep note and sumit their proposal in details at least six months in advance i.e. on or before 30.5.2003 for taking further action at his end.

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

A copy of the order dated 12.12.2000 is enclosed herewith for perusal of Hon'ble Tribunal as ANNEXURE - 3

4.5 That it is stated although the sanction was accorded for continuation of ration money allowance to the civilian employees working 'B' and 'C' station for 3 years till 01.11.2003, however, the local authority continued to

Th. S. Ch. Singh

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provide the aforesaid benefit of ration money allowance to the applicants till the month of June 2005 and since the same paid to the applicants by the authority itself they have received the same and spent the said allowance in maintaining their dependent family members. They have not obtained the said allowance by way of fraud, rather the allowance was duly paid to the applicants by the respondents themselves.

4.6 That most surprisingly the respondents vide impugned memorandum issued under letter No.30/SSB/A2/03 (17) 2420 dated 30th May, 2005, the Director General, SSB has directed all concerned that since ration money allowance which was sanctioned and operative w.e.f. 01.11.2000 to 31.10.2003 as such no ration money is admissible to any civilian staff posted in earlier declared group 'B' and 'C' stations beyond 31.10.2003. It is further directed to take necessary action to recover the excess payment made to all civilian employees beyond 31.10.2003 as ration money allowance and to stop claim of hardship allowance with immediate effect. It is not disclosed how stoppage of hardship allowance is related with ration money allowance. As stated in the preceding paragraph that the ration money allowance sanctioned to the present applicants by the local authority beyond the sanctioned period, therefore, the present applicants cannot be held responsible since they have no hands in the matter of sanction or discontinuation of ration money allowance, when the authority paid the ration money allowance to the applicants and they have spent the same as such question of recovery does not arise for no fault of applicants. Moreover, it will cause great financial hardship to the applicants if the same is allowed to recover from the applicants. The impugned order dated 30.05.2005 has been issued without providing any opportunity to the applicants, therefore, the impugned order is liable to be set aside and quashed only on the short ground that the impugned order has been passed in total violation of the principles of natural justice. Moreover, the applicants have not committed any fraud in receiving the ration money allowance, therefore, the impugned order is not sustainable in the eye of law.

A copy of impugned order dated 30.05.2005 is enclosed herewith for perusal of the Hon'ble Tribunal as ANNEXURE 4.

Tn. S. Ch. Singh

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4.7 That your applicants state that they have recently been informed regarding the recovery of the ration money allowance in terms of the impugned order dated 30.05.2005 and which is going to be effected from the pay bill of the applicants from the month of September, 2005 as such they have not other alternative but to approach this Hon'ble Tribunal for passing of the appropriate orders, for setting aside the impugned order dated 30.05.2005.

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

Copy of the judgment and order dated 04.07.05
enclosed herewith for perusal of
Hon'ble Tribunal as ANNEXURE 5
respectively.

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

5) GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1) For that, in receiving the ration money allowance beyond 30.10.203 the applicants did not commit any fraud or misrepresentations and as such they are not responsible for grant of the ration money allowance beyond the sanctioned period.

5.2) For that, applicants are legally entitled to payment of ratio money allowance in terms of the various judgments of this Hon'ble Tribunal as well as in view of the order of the Directorate of SSB.

5.3) For that, inspite of the specific direction of the Directorate the local authority did not place the proposal for further sanction and continuation of

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Tn. S. Ch. Singh

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ration money allowance beyond 30.10.2003 as such the present applicants cannot be held responsible for payment of ration money allowance beyond 30.10.2003.

5.4) For that, the impugned order dated 30.05.2005 has been issued in total violation of principles of natural justice, that is without providing any prior opportunity to the applicants and on that score alone the impugned order is liable to be set aside and quashed.

5.5) For that, the action of the Respondents is arbitrary, malafide and discriminatory with an ill motive.

5.6) 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 applicants 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:

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

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

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

8) RELIEF PRAYED FOR:

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

Th. S. Ch. Singh

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

8.1 That the Hon'ble Tribunal may be pleased to set aside the impugned order issued under letter No.30/SSB/A 2/03 (17) 2420 dated 30.05.2005 **(ANNEXURE - 4)**.

8.2 That the Hon'ble Tribunal be pleased to declare that the respondents are not entitled to make any recovery of ration allowance in terms of the impugned order dated 30.05.2005.

8.4 Costs of the application.

8.5 Any other relief (s) to which the applicants are entitled as the Hon'ble Tribunal may deem fit and proper.

9. INTERIM ORDER PRAYED FOR:

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

9.1 That the Hon'ble Tribunal be pleased to stay the operation of impugned order issued under letter No.30/SSB/A 2/03 (17) 2420 dated 30.05.2005 **(ANNEXURE - 4)** till disposal of this Original Application.

10. APPLICATION IS FILED THROUGH ADVOCATE.

11. PARTICULARS OF I.P.O.

I.P.O. No. :- 206-157192

Date of Issue :- 2-9-05

Issued from :- G.P.O.

Payable at :- Gwalior.

12. LIST OF ENCLOSURES:

As stated in Index.

Th. S. Ch. Singh

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VERIFICATION

I, Shri Th. Subhash Chandra Singh, Son of Sh. Th. Babu Singh, Pharmacist, SSB, Present place of posting – Commandant 4th Battalion, SSB, Palia, P.O.- Palia Kalan, District – Lakhimpur Kheri (UP), State – Uttar Pradesh, Pin – 262 902. I am the Applicant No.1 of the instant application and as such I am authorized by other Applicants to sign this verification and do hereby solemnly verify the statements made in accompanying application and in paragraph nos. 4.1, 4.2, 4.5, 4.7, are true to my knowledge, those made in paragraph nos. 4.3, 4.4, 4.6, 4.8, are being matters of records are true to my information derived there from which I believe to be true and those made in paragraph 5 are true to my legal advice and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this Verification on this ¹⁴ day of Sept 2005.

Th. Subhash Chandra Singh

21/11/96

ANNEXURE-I

01.11.1996

7/12/96

No. 19/SSB/A2/86(1)-NA
Directorate General of Security
Office of the Director, SSB
East Block-V, N.K. Puram,
New Delhi-110066.

Dated the 25 November 1996,

MEMORANDUM

*Please put up to
Chairman
for ref.
before
posting*

Subject: Grant of concessions to the staff of SSB.

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

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

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

*glnt
copy
for
info
of
fa.*

This may please be treated as urgent.

*(Signature)
(KANHANSINGH)
ASSISTANT DIRECTOR (EA)*

To

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

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

The Assistant Commandant,
SSB & Workshop TC SSB
Salonibari.

Requisite information
may please be communicated
to them orally
immediately for onward
communication to SSB Dir.

*Deputy Inspector
Training Centre SSB
Salonibari.*

*Attn
file
Dante*

9/01/25
R/No.....
Dated 11.9.2000
O.I.C.....
Comd.....
Adj.....

IMMEDIATE

No. 30/SSB/A-2/97(17)- 1/25 8/01
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
OFFICE OF THE DIRECTOR, SSB
EAST BLOCK - V. R.K. PURAII
NEW DELHI - 110066.

ANNEXURE-2

DATED THE, 08/02/2001

MEMORANDUM

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

1. Cabinet Secretariat, vide their order No.A-19011/2/2000-DO-I (vol.II)-99, dated 30/01/2001 have sanctioned Ration Money Allowance to the non-executive personnel including ministerial personnel of SSB posted to category 'B' and 'C' stations. A copy of the Cabinet Secretariat order dated 30/01/2001 refer to above is enclosed.

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

Encls: As above.

S.B.D.
(S.S. BORA)
JOINT DEPUTY DIRECTOR (EX)

To

1. D.O. : HP/UP/J&K/R&O/SB/NB/AP/NA/Shillong/MN Division.
2. DISG : FA Gwadam/TC Sarkan/Shillong/Jammu/Salonibari/Kunarsain.
3. Commandant, CSD 'W Bhopal/TC Faridabad.
4. Accounts Officer, SSB.
5. AI/A4/E1/E2 : branches.

(G) Order File.

1/25/17

Applicant and further directing the responsible to serve the application and further direction.

After
JL
Amita

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Annexure - 3

ANNEXURE - 4

Dated, 1st Dec. 2k.

P. D. E. M.

In continuation of this Directorate's order of
over-number dated, 01.11.2000 regarding categorisation of
'B' & 'C' stations for review the stations to operate
for a period of three years w.e.f. 1.11.2k.

2. All DOS/PISG of Training Centers and no. of children are requested to keep a note and submit their proposal in detail at least six months in advance i.e. on or before 20.6.2003 by taking further action at his own.

(500, 1000) 100
Chestnut Street, Philadelphia, Pa.

G 7137 1970: 10

1. The Director of Accounts, Central Society, Panchkula (H.P.), P.D.K. Puri, New Delhi-66.
 2. The D.O.S: RP/UP/JSK/RSR/SA/EB/EP/EP/SHC/WB DIVISION.
 3. The D.I.S.G: ~~PA~~ Gwalior/Sarahan/Solapur/SD/SD/SD/Kangra/SD.
 4. Accounts Officer, 593 Dte.
 5. 11/12/13/14/15/16/17/18 Branch/SD/SD/SD/SD/SD/SD/SD.
 6. Order Date.

Attest
JL [Signature]

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ANNEXURE - 4

(Typed Copy)

IMMEDIATE

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

Dated, the 30th May, 2005.

MEMORANDUM

Sub : Regarding over payment of Ration Money.

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

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

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

Encl: - As above.

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

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

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Babu

ANNEXURE - 4

THE STATE.

No. 10/SSB/A2/03(17) R4
Government of India
Ministry of Home Affairs
Directorate General SSB
East Block-V, R.K.Puram
New Delhi-110066.

Dated, this 20th May, 2005.

MEMORANDUM

Sub i -

Regarding over payment of Nation money.

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

2. In this connection it is to inform that Director SSB in exercise of the powers vested to him as Head of the Department and in terms of Cabinet Secretariat letter No. A-270411/4/36/SA-1 dated 18.12.87 had declared certain places as Category 'B' and 'C' station for the purpose of various concession (other than clothing grant) further circulated to all concerned vide this HQs Order No. 30/SSB/A-2/97(17)-4646 dated 1-11-2000 as intimated to all concerned in continuation of our order dated 01.11.2000 referred to above, vide Force HQ Order No. 30/SSB/A-2/97(17) dated 12.12.2000, copy enclosed for ready reference. As such the sanction was operative w.e.f. 01.11.2000 to 31.10.2003. No ration money allowances are admissible to any civilian staff posted in earlier declared 'B' & 'C' category station beyond 31.10.2003.

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

Encl:-As above.

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10. 6. 05

R.M. is all ^{very} ^{well} ^{and} ⁱⁿ ^{good} ^{shape}
His immunosuppressive ^{med.} ^{is} ^{on} ^{now} ^{and} ^{he} ^{is} ^{over} ^{protective}
and ^{he} ^{is} ^{now} ^{able} ^{to} ^{work} ^{as} ^{an} ^{ASSISTANT} ^{DIRECTOR} ^(E&I) ^{(SUB)ASH (KUMAR)}

After
all
sent

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ANNEXURE - 5
~~ANNEXURE 6~~

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 15 of 2005.

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

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

1. Shri Bol Bahadur Sonar, Peon
S/o Sh. Til Bahadur Sonar
O/o the Area Organiser
SSB, Bomdila (Arunachal Pradesh).
2. Shri Pradip Gogoi, Chow
S/o Sh. Atul Gogoi
O/o the Area Organiser
SSB, Bomdila (A.P.).
3. Shri Ram Bahadur Sonar, Chow
S/o Lt. Mon Bahadur Sonar
O/o the Area Organiser
SSB, Bomdila (A.P.).
4. Shri Khandu, Peon
S/o Lt. Dorjee
O/o the Area Organiser
SSB, Bomdila (A.P.).
5. Shri Gombu Miji, Peon
Lt. Sacho Miji
O/o the Area Organiser
SSB, Bomdila (A.P.).
6. Shri Rajen Saikia, Peon
S/o Sh. Tarun Saikia
O/o C.O. Balemu under
A.O. SSB, Bomdila (A.P.).
7. Shri Hlmondoz Chetry, Peon
S/o Sh Sher Bdr. Chetry
C/o A.O. SSB, Bomdila, (A.P.).
8. Shri Koj Tajo, Peon
S/o Sh Koj Lampong
O/o C.O. Lumla under
A.O. SSB, Bomdila, (A.P.).
9. Shri Ajit Bdr. Rai, Peon
S/o Lt. Dhan Bir Rai
O/o SAO Kalaktang under
A.O. SSB, Bomdila, (A.P.).
10. Shri Khandu Sinjoni, Peon
S/o Lt. Prem Norbu Sinjoni
O/o SAO Kalaktang under
A.O. SSB, Bomdila, (A.P.).

Affid
Jit Singh

- 17-28
11. Shri Akan Mazumdar, Peon
S/o Hoda Ram Mazumdar
O/o SAO Jang under
A.O. SSB, Bomdila, (A.P.).
 12. Shri Chigia Tsering G.L.
S/o Lt. Tsering Wangdi
O/o C.O. Lumla under
A.O. SSB, Bomdila, (A.P.).
 13. Shri T. Wangham, C.L.
S/o Tongam
O/o C.O. Kalaktang under
A.O. SSB, Bomdila, (A.P.).
 14. Shri Taku Kamser, C.L.
S/o Lt. Tusnr Kamser
O/o C.O. Balemu under
A.O. SSB, Bomdila, (A.P.).
 15. Shri R.S.Sharma, Driver
S/o Lt. Mahabir Sharma
O/o A.O. SSB, Bomdila, (A.P.).
 16. Shri Gopi Singh, Driver
S/o Naba Chandra Singh
O/o A.O. SSB, Bomdila, (A.P.).
 17. Shri V.K.Chadha, Asstt.
S/o Lt. Sohan Lal Chadha
O/o A.O. SSB, Bomdila, (A.P.).
 18. Shri H.G.Goswami, UDC
S/o Lt. Kishan Goswami
O/o A.O. SSB, Bomdila, (A.P.).
 19. Shri T.K.Das, UDC
S/o Lt. T.M.Das
O/o SAO Kalaktang under
A.O. SSB, Bomdila, (A.P.).
 20. Shri V. Negi, LDC
S/o Sh Nandan Singh
O/o A.O. SSB, Bomdila, (A.P.).
 21. Shri L.C.Paul, Steno
S/o Lt. Dhiren Chandra Paul
O/o A.O. SSB, Bomdila, (A.P.).
 22. Shri M.M.Joshi, DFO(M)
S/o Lt. Sh. Pitamber Joshi
O/o A.O. SSB, Bomdila, (A.P.).
 23. Shri A.R.Sarkar, AFO (M)
S/o Surendra Chandra Sarkar

Alfred
F. J. Dente

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

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Aten

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

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

..... Applicants.

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

- Versus -

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

.... Respondents.

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

(Signature)
M. U. Ahmed
Advocate

20/1/2011

ORDER (ORAL)

SIVARAIAN.L(V.C.O.)

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

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

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

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

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

5. I have considered the rival submissions. There is no doubt that the applicants are entitled to hardship allowance in the form of ration money. The respondents were also paying ration money to the applicants till the date of the impugned orders (Annexures C & D). Now the stand of the respondents is that the applicants are entitled to ration money only for a period of three years i.e. upto 31.10.2003 and therefore the excess payments made beyond 31.10.2003 has to be recovered. It is not disputed that there is no misrepresentation on the part of the applicants resulting in excess payment of ration money. It is only due to the negligence/lopses on the part of the respondents that ration money happened to be paid beyond 31.10.2003. In these circumstances, I am of the view that the respondents are not justified in seeking to recover the excess payments made to the applicants. This view of mine is supported by the decision of the CAT Jaipur Bench in Nathi Lal vs. Union of India & Others, 1997(1)(CAT) 383 which decision is based on the decisions of the Supreme Court in Sahib Ram vs. State of Haryana and Others, 1995 SCC (L&S) 248 and in State of Orissa and Others vs. Adwait Charan Mohanty and Others, 1995 SCC (L&S) 522. In the circumstances, while upholding the orders at Annexures C and D in regard to discontinuance/stopping of the ration money to the applicants, I restrain the respondents from

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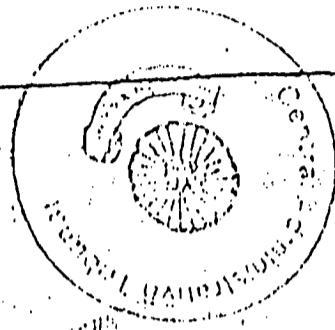
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recovering any amount from the applicants towards excess payments of ration money paid. However, if any amount is recovered from the applicants prior to this order, the same need not be refunded to them.

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

sd/ VICE CHAIRMAN



TRUE COPY

sd/

N. S. S.
26.7.85
Assam Legislative Assembly
State Legislative Assembly
Central Board of Secondary Education
GUWAHATI-5.

16/26/85

16/26/85

Attn
Smta