

30/100

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

8

(DESTRUCTION OF RECORD RULES, 1990)

M.P-66/95 order sheet Pg-1 to 3

**INDEX**

Disposed date- 4/12/95

O.A/T.A No. 94/95

R.A/C.P No.

E.P/M.A No. 66/95

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2. Judgment/Order dtd. 12/7/96 Pg. 1 to 3 allowed
3. Judgment & Order dtd. Received from H.C/Supreme Court
4. O.A. 94/95 Pg. 1 to 33
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14. Amendment Reply by Respondents
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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI.5

O.A.No: 94/95

Misc. Petn:

C.P. No.

R. Appl:

..... R. C. Das & Co. .... APPLICANT'S  
frs.

..... U. O. I. & Co. .... RESPONDENT'S

Mr. Rangan. Gogoi ..... FOR THE APPLICANTS

Mr. A. Chitra .....

Mr. S. Ali, B. .... Clerk FOR THE RESPONDENTS

OFFICE NOTE

DATE

ORDER

8-5-95

Mr. R. Gogoi for the applicants. <sup>the</sup> This case of applicants being that they are fully covered by the earlier decisions of this Tribunal on the point the respondents are required to be permitted to extend ~~please~~ the benefit of those judgments to the applicant who are similarly placed. There are 33 applicants. Leave to join in this single application is ~~on~~ sought on the ground that their grievance is same and the cause of action is also same. Leave accordingly granted. Issue notice to the respondents to show cause as to why the application be not admitted. Returnable on 12-6-95. The learned counsel for the applicant is permitted to take steps with the office for <sup>separate</sup> service at the cost of the applicants.

Vice-Chairman

Member

lm

This application is in form and within time.

C. F. of Rs. 50/-

deposited vide

IPO/BD No. 3595/92

Dated 24.5.95

*[Handwritten signature and date]*

Prayer for joint application made at P.C. Copy of application not served on the case.

*[Handwritten signature]*

Requests are received & considered vide 22.5.95  
S. 17.5.95  
*[Handwritten signature]*

8/6/95

Notices duly served  
on the Respondents Nos.  
1, 2 & 3, vide A/2  
received by the  
Registry.

12.6.95

Mr A. Dutta for the applicants.

In response to the notice issued to the respondents to show cause by order dated 8.5.95 the Joint Assistant Director, SIB(MHA), Government of India, Guwahati, by letter dated 8.6.95 addressed to the Deputy Registrar of this Tribunal has requested that a Government counsel may be engaged. It is however, not the function of the Deputy Registrar to do so and it was necessary for the respondents to instruct the Standing counsel to appear. No response is received from respondent No.4. We have enquired from Mr S. Ali, Sr.C.G.S.C who is present before us whether he would represent the respondents. The learned Sr.C.G.S.C has agreed to appear. Accordingly his appearance may be shown for respondents 1, 2 and 3. Mr Ali is requested to seek instructions from the respondents/Joint Assistant Director, S.I.B(MHA), Government of India, Guwahati.

By the aforesaid letter about 6 weeks time is requested for filing the show cause reply. Accordingly time is granted till 24.7.95 to file the show cause reply. Mr Ali is requested to make a note and do the needful. A copy of this minutes be forwarded to the Joint Assistant Director in reply to his letter dated 8.6.95 mentioned above.

Adjourned to 24.7.1995.

9.6.95

Letter No E-45/KMA-CAT/  
94/5369-71 dt. 8.6.95

received from the Joint  
Asst. Director, S.I.B(MHA)  
Govt. of India, Guwahati.

Prayed for 4 to 6  
weeks time to file  
reply.

Issue No. 2125 dt. 17.5.95  
addressed to Respondent No. 4  
is acknowledged vide  
letter above.

Notices duly  
served on all Respondents

Order dt. 12-6-95 (contd)

v. m. 2483 dt. 18.6.95

Member

Vice-Chairman

24-7-95

Mr.A.Dutta for the applicant. Mrs. Mr.S.Ali for the respondents. Mr.Ali request on two weeks more to file the reply. Already as requested six weeks were granted on 12-6-95. As a last and final chance time is granted to reply till 7-8-95. No further time be granted.

No reply has been  
filed

5/8  
4/8

*[Signature]*

Vice-Chairman

*[Signature]*

Member

lm

*[Signature]*  
24/7

8-8-95

Mr.R.Gogoi for the applicant. The respondents have not filed show cause reply. Although time was requested by them was granted. Application is admitted. Issue notice to the respondents. Written statement if any within 8 weeks. As the respondents have already served only intimation be sent to them containing the above directions. Considering the nature of the claim hereing expedited. To be listed for hearing on 25-10-95 peremptorily.

Copy of order dtd. 8.8.95  
communicated vide no  
3678-81 dtd. 16.8.95

*[Signature]*  
16/8

*[Signature]*

Vice-Chairman

*[Signature]*

Member

lm

*[Signature]*  
9/8

OFFICE NOTE

DATE

COURT'S ORDER

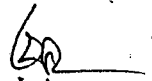
21-11-95

w/s submitted by  
Repdt. No. 1.21.8.95  
(Kohima)

Applicant, R.C. Das, in  
person. Applicant's advocate  
not present.

Mr S. Ali, Sr. C.G.S.C.,  
for the respondents.

The applicants desires  
that the case be heard at  
Guwahati on 25.10.95 for  
convenience of his Advocate.  
Mr Ali seeks further time to  
file written statement although  
at the request of the respon-  
dents time was granted to file  
the show cause reply. The  
respondents are given liberty  
to file their written statement  
on or before 20.10.95. They  
shall send a copy thereof to  
the applicant directly so as to  
reach him on or before 20.10.95.  
It is made clear that if no  
written statement is filed till  
then the O.A. may proceed for  
final hearing on 25.10.95  
without waiting for the written  
statement.

  
Vice-Chairman  
Member

nkm

(5)

O.A. 94/95

OFFICE NOTE

DATE

COURT'S ORDER

25.10.95

Mr A.Dutta/Mr S.Ali, Sr.C.G.S.C.

M.P. for amendment is pending.

Hence ~~xxxxxx~~ adjourned for orders to 4.12.1995.

Member

Vice-Chairman

pg

4-12-95

O.A. pertains to Single Bench. To be listed for hearing on 3-1-96 before Single Bench.

Member

Vice-Chairman

lm

3-1-96

Mr.A.Dutta for the applicant. Both the learned counsel request that the matter may be heard by Division Bench as question involved has a wider <sup>implication</sup> application as it pertains to entitlement of ration allowance. Accordingly the O.A. is directed to be placed before the Division Bench. O.A. to be listed for on 19-1-96 before Division Bench for hearing.

Vice-Chairman

lm

for hearing in 2.2.96

2.2.96

for hearing on 13.3.96

By order  
Bon

By order  
Bon

W/state ment has been  
filed.

1/12

26/10

1) Notice duly served on  
all Resps.

2) W/statement has been filed  
on Respd. No 1.

19.1.96

ICE NOTE

DATE

ORDER

13-3-96

Written statement have been submitted. Case ready for hearing. List for hearing on 14-5-96.

Member

lm

14-5-96

Learned counsel Mr. A. Dutta for the applicant. Mr. S. Ali, Sr. C.G.S.C. for the respondents. List for hearing on 7-6-96.

Member

lm

7.6.96

Mr. A. Dutta for the applicant.

Mr. S. Ali, Sr. C.G.S.C. for the respondents.

Hearing adjourned to 24.6.96.

Member (J)

Member (A)

trd

25.6.96

Learned counsel Mr. A. Dutta for the applicant.

List for hearing on 4.7.96 before Single Bench.

Member

nk m

13.2.96

W/S submitted by the Respondents

Interes duly served on all the Respts.  
6/6

4-7-96

Learned counsel Mr. A. Dutta for  
the applicants. Learned Sr. C.G.S.C.  
Mr. S. Ali for the respondents. Counsel  
of parties completed their submission.  
Hearing concluded. Judgment reserved.

lm

  
Member

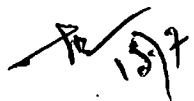
12.7.96

Judgement pronounced. Application is  
allowed in terms of the order. No order as to  
costs.

  
Member

trd

7/8/96  
Copy of The judgment  
issued to the parties  
vide D. No. 2416/96  
2420 D. 7.8.96

  
15/7

  
7/8



CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH ::: GUWAHATI-5.

O.A. NO. 94 of 1995  
T.A. NO.

DATE OF DECISION 12-7-1996.

Shri R.C.Das & 32 Ors.

(PETITIONER(S))

Mr. A.Dutta

ADVOCATE FOR THE  
PETITIONER (S)

VERSUS

Union of India & Ors.

RESPONDENT (S)

Mr. S.Ali, Sr. C.G.S.C.

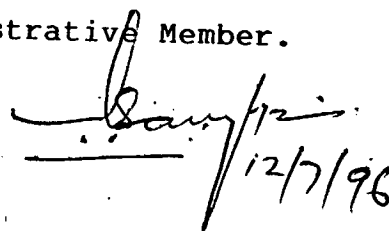
ADVOCATE FOR THE  
RESPONDENT (S)

THE HON'BLE SHRI G.L.SANGLYINE, ADMINISTRATIVE MEMBER.

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the Judgment ? yes.
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ? NO.
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Administrative Member.

  
12/7/96

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CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH.

Original Application No. 94 of 1995.

Date of Order : This the 12th day of July, 1996.

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

Shri R.C. Das & 32 others ..... Applicants

By Advocate Shri A. Dutta.

- Versus -

(i) Union of India,  
represented by the Secretary to the Government  
of India, Ministry of Home Affairs,  
New Delhi.

(ii) Director, Intelligence Bureau,  
Ministry of Home Affairs,  
Government of India,  
New Delhi.

(iii) Assistant Director,  
Intelligence Bureau, Ministry of Home Affairs,  
Government of India,  
New Delhi.

(iv) Joint Director,  
Subsidiary Intelligence Bureau,  
Kohima.

..... Respondents

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

ORDER

G.L.SANGLYINE, ADMINISTRATIVE MEMBER,

This application has been submitted by 33 applicants seeking for payment of arrears of Ration Allowance with effect from 13.5.1986 to 26.2.1991. Mr. A. Dutta, learned counsel for the applicants, submitted that applicants are employees in SIB, Kohima according to the duration in each case as shown in para 6 (i) of the instant O.A. They were

.....similarly

1  
12.7.96

similarly placed with other employees of SIB, Kohima. The other employees were granted Ration Allowance from 13.5.1986 either by the respondents themselves or under the orders of this Tribunal. The respondents should have therefore allowed the same benefit to the applicants. Since the respondents had not allowed the Ration Allowance to them for the period from 13.5.1986 to 26.2.1991 the applicants in this application submitted that they should be granted the benefit of the Judgement & Order of this Tribunal namely, Order dated 17.12.1993 in O.A. No. 179/91 in the case of D. Mitra & 27 Ors. and Order dated 25.7.1994 in O.A. No. 124 of 1994 in D.B.Lama & Ors. Learned Sr. C.G.S.C. Mr S. Ali relies on the written statement.

2. The applicants in O.A. 124/94 were employees in the SIB, Kohima and claimed for payment of Ration Allowance for the period from 13.5.1986 to 26.2.1991. In our Order dated 25.7.1994 after considering the facts and circumstances and grievance of the applicants it was held that they were entitled to payment of arrear Ration Allowance for the period from 13.5.86 to 26.2.1991. The applicants in that O.A. were accordingly paid by the respondents <sup>vile</sup> Order No. 115 dated 15.2.1995. The Judgement dated 25.7.1994 has become final. The plea of the respondents however, is that that judgement was applicable to the applicants in that case only.

3. Having considered the fact that the present applicants are similarly situated with the applicants in O.A. 124/94 and respectfully following the aforesaid order dated 25.7.1994 it is ordered that those of the applicants who were within the ranks for which Ration Allowance is admissible during the period between 13.5.1986 to 26.2.1991


..... are

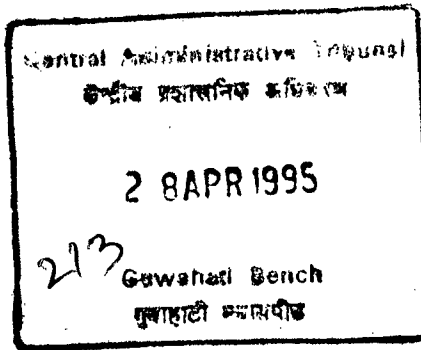
h  
12.7.96

12

are entitled to the ration allowance during the period of their service in Kohima between 13.5.1986 and 26.2.1991. Therefore the respondents are directed to verify whether the applicants were within the ranks for which Ration Allowance was admissible during the period 13.5.1986 to 26.2.1991. Thereafter the respondents shall pay arrear amount of admissible Ration Allowance to the applicants falling under such ranks. The payment shall be made by the respondents within two months from the date of receipt of this order by respondent No. (iv).

The application is allowed. No order as to costs.

  
(G.L.SANGLYINE)  
ADMINISTRATIVE MEMBER  
12/7/96



Filed by:

R.C. Das & 32 One

Applicants

Through:

A. B. Das

Advocate

28.4.95

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BRANCH:  
GUWAHATI.

O.A. 94/95

B E T W E E N

1. R.C. Das, &  
J.I.O.-I- MT,
2. Tula Giri,  
Daftry
3. Mrs. R. Lama,  
L.D.C., w/o Utam Lama, J.I.O.-II/G.
4. S.P. Sharma,  
S.A. /J.I.O.- II/G.
5. Arayram,  
J.I.O.-II/G
6. L. Koza,  
S.A. now J.I.O.-II/G.
7. P.C. Mathai,  
J.I.O.-I/G.
8. P.L. Dhar,  
S.A./J.I.O.-II/G.
9. Khole Angami,  
J.I.O.-II/MT.
10. Durga Prasad,  
SA/JIT-II/G.
11. Rameswar Prasad,  
SA/J.I.O.-II/G.
12. B.L. Bhowmik,  
S.A./J.I.O.-II/G.

Received  
C. S. Das  
Dr. C. G. S. C.  
28/4/95

13. B.P. Passi,  
J.I.O.-II/MT
14. T.B. Limbu,  
J.I.O.-II/JIO-I/MT.
15. K.D.D.Nair,  
A.C.I.O.-II/WT.
16. B.K. Sahu,  
J.I.O.-I/ACIO-II/G.
17. M.K. Seth,  
A.C.I.O.-II/G.
18. G.K. Paul,  
J.I.O.-I/ACIO-II/G.
19. B.B. Dey,  
ACII-I/G.
20. A.K. Ghosh,  
J.I.O.-I/ACIO-II/G.
21. N. Mukherjee,  
U.D.C./Asstt.
22. A.K. Bhattacharjee,  
J.I.O.-II/G.
23. S.P. Ghosh,  
J.I.O.-I/ACIO-II/G.
24. S.C. Das,  
S.A./J.I.O.-II/G.
25. S.P. Mukherjee,  
J.I.O.-I/ACIO-II/G.

26. T.J. Basu Roy,  
U.D.C.
27. S.C. Sarcar,  
S.A./J.I.O.-II/G.
28. P.K. Seth,  
S.A./J.I.O.-II/G.
29. Ashok Kr. Singh,  
S.A./J.I.O.-II/G.
30. Prakash Chand,  
Asstt.
31. K. Koundeel,  
S.A.
32. P.K. Singha,  
S.A.
33. Rama Kripal Singh,  
S.A./J.I.O.-II/G.

...APPLICANTS

-AND-

UNION OF INDIA AND OTHERS.

...RESPONDENTS

DETAILS OF APPLICATION:

1. Particulars of the applicants:
  - (i) Name of the applicants:
  - (ii) Name of Father/Husband:
  - (iii) Designation and office in which employed:
  - (iv) Office address :
  - (v) Address for service of all notices.

As stated above.

2. Particulars of the respondents:

- (i) Union of India,  
represented by the Secretary to the Government  
of India, Ministry of Home Affairs,  
New Delhi.
- (ii) Director, Intelligence Bureau, Ministry  
of Home Affairs, Government of India,  
New Delhi.
- (iii) Assistant Director,  
Intelligence Bureau, Ministry of Home  
Affairs, Government of India, New Delhi.
- (iv) Joint Director,  
Subsidiary Intelligence Bureau,  
Kohima.

3. The application is against the following orders:-

- (i) Refusal of the respondents to pay to the  
applicants the arrears of ration allowance  
for the period 13.5.86 to 26.2.91.

4. The applicants declare that the subject matter of  
the order/orders against which they want redressal  
is within the jurisdiction of this Tribunal.

5. ....



5. The applicants further declare that the application is within the limitation prescribed under Section 21 of the Administrative Tribunal Act, 1985.

6. FACTS OF THE CASE:

i) That all the applicants are citizens of India and serving in the Organisation known as the Subsidiary Intelligence Bureau. All the applicants, at the relevant time, were serving in different posts in the SIB at Kohima.

That the period of service of each of the applicant in SIB Kohima during the material period, namely, 13.5.86 to 26.2.91, is set out as hereunder.

<u>Name</u>	<u>From</u>	<u>To</u>
1. R.C. Das, JIO-I-MT	13.5.86	26.2.91
2. Tula Giri, Daftary	13.5.86	26.2.91
3. Mrs. R. Lama, LDC wife of Uttam Lama, JIO-II/G.	13.5.86	26.2.91
Date of Expiry - 31.3.94		
4. S.P. Sharma, SA/JIO-II/G.	13.5.86	26.2.91
5. Arayram, JIO-II/G	1.2.88	26.2.91
6. L. Koza, SA now JIO-II/G	25.8.87	26.2.91
7. P.C. Mathai, JIO-I/G	6.4.89	26.2.91
8. P.L. Dhar, SA/JIO-II/G	24.9.86	26.2.91
9. Khole Angami, JIO-II/MT	20.11.89	26.2.91
10. Durga Prasad, SA/JIO-II/G	21.10.86	1.7.90

11.	Rameswar Prasad, SA/JIO-II/G	21.10.86	25.3.87
12.	B.L. Bhowmik, SA/JIO-II/G	13.5.86	18.8.90
13.	B.P. Passi, JIO-II/MT	4.11.88	13.3.90
14.	T.B. Limbu, JIO-II/JIO-I/MT	13.5.86	26.2.91
15.	K.D. D. Nair, JIO-II/MT	18.8.86	22.7.89
16.	B.K. Sahu, JIO-I/G/ACIO-II/G	30.6.86	30.7.87
17.	M.K. Seth, ACIO-II/G	10.6.86 4.5.87	18.8.86 30.4.90
18.	G.K. Paul, JIO-I/ACIO-II/G	10.6.86	30.11.89
19.	B.B. Dey, ACIO-I/G	17.8.87	31.12.90
20.	A.K. Ghosh, JIO-I/ACIO-II/G	13.5.86	13.5.88
21.	N. Mukherjee, UDC/Asstt.	11.6.85	31.10.88 30.11.90
22.	A.K. Bhattacharjee, JIO-II/G	12.5.87	<del>30.11.90</del>
23.	S.P. Ghosh, JIO-I/ACIO-II/G	6.5.87	30.6.90
24.	S.C. Das, SA/JIO-II/G	13.5.86	26.2.91
25.	S.P. Mukherjee, JIO-I/ACIO-II/G	6.5.87	26.8.90
26.	T.J. Basu Roy, UDC	7.4.86	25.5.89
27.	S.C. Sarcar, SA/JIO-II/G	13.5.86	30.6.89
28.	P.K. Seth, SA/JIO-II/G	13.5.86	31.7.86
29.	Ashok Kr. Singh, SA/JIO-II/G	13.5.86	31.12.90
30.	Prakash Chand, Asstt/ISO	13.5.86	26.2.91 <del>31.12.90</del>
31.	K. Koundeal, SA	13.5.86	26.2.91
32.	P.K. Singha, SA	9.7.90	26.2.91
33.	Rama Kripal Singh, SA/JIO-II/G	15.12.86	10.12.90

also/

It may be mentioned that the present application is being filed by the applicant No.3 on behalf of her deceased husband Late U. Lama, who died in the year 1994. The applicants state that the grievances of the applicants being common and the cause of action being the same, the applicants may be allowed by this Hon'ble Tribunal to file the present application as a joint application.

(ii) That there is an Organisation by the name of Intelligence Bureau (hereinafter referred to as "I.B.") with the head quarter at New-Delhi. The said Organisation is headed by a Director known as the Director of Intelligence Bureau. Units of the I.B. are located in all the State Capitals and such Units are known as Subsidiary Intelligence Bureau (SIB). Units of the SIB in a particular State are also located in strategically important stations. For instance, in the State of Nagaland there are Units of SIB at various places like Kohima, Tuensang, Mokokchung, Zunheboto etc.

(iii) That as evident from the statements made in the Cause Title of the present application, the applicants are/were working in various Executive and Ministerial posts in the SIB (Kohima) during the relevant time.

✓ (iv) That the applicants state that in so far as the Subsidiary Intelligence Bureau is concerned, the said Bureau has a number of Units located in different towns and stations of the State. In Kohima itself there are two Wings of the Organisation known as the CIVINT(K) and the other is known as SIB (Kohima). In reality there is nothing to distinguish the aforesaid two

Wings....

Wings of Organisation inasmuch as both function from the same establishment and the placement of staff and personnel are identical. The nature of duties performed by the two Wings as also by the personnel posted in other Stations/ Units of the Bureau are identical.

- (v) That the Government of India appointed a One-man Committee for making recommendations regarding the cadre review and working of the Intelligence Bureau. The said Committee submitted its report recommending inter alia that for administrative efficiency various incentives by way of allowances should be given to the personnel of the Organisation working in hardship stations, for determination of which, criteria was effectively laid down in the recommendations of the Committee. The Government of India accepted the said recommendations of the Committee and eventually an order was issued by the Ministry of Home Affairs on 13.5.86 implementing the recommendations of the said Committee. In terms of the aforesaid order the stations where the personnel of the Organisation are posted were categorised into Location 'A', 'B' and 'C'. Categories 'B' and 'C' were made hardship and extreme hardship stations respectively. A list of categories 'B' and 'C' stations was also annexed with the said

order....

order. Power was given to the Director, I.B. to make additions of such lists of hardship stations according to the needs of any particular situation. In terms of the aforesaid Government order dated 13.5.86, incentives like clothing, allowance, ration money, hardship allowance, Special T.A. and D.A. were also directed to be paid to the personnel of the Organisation at varying rates. Insofar as the present case is concerned, the subject matter is the grant of arrear ration money to the eligible staff of the SIB (Kohima).

It may be specifically mentioned herein that in terms of the aforesaid Government order dated 13.5.86, ration money was to be paid at different rates to the personnel posted at Categories 'B' and 'C' stations. It was specifically provided that such ration money would be payable to the ranks of ACIO-I and below. An extract of the Government order dated 13.5.86 is annexed hereto and marked as Annexure-1.

- (vi) That thereafter by an order dated 5.3.88 the competent authority was pleased to sanction ration allowance with effect from 13.5.86 to the personnel of the Organisation including Ministerial upto the rank of ACIO-I deployed at Categories 'B' and 'C'

stations....

stations mentioned in the aforesaid order dated 5.3.87. As would be evident from the order, several stations in the State of Nagaland were included in the order including CIVINT (K). A copy of the said order is annexed hereto and marked as Annexure 2.

(vii) That the applicants state that though in terms of the aforesaid Government order, ration money was payable to the staff of the SIB located at different places of the State of Nagaland and also in the CIVINT (K) Unit located at Kohima, no such allowance was granted to the applicants because of the fortituous fact of their being posted in the wing of the SIB known as SIB (Kohima). The situation was peculiar and anomalous inasmuch as the similarly situated employees in different Units/Stations of the State including the Unit known as CIVINT (K), performing identical duties were being paid the ration allowance whereas the same was denied to the applicants, for no conceivable reason.

(viii) That the anomalous situation was reviewed by the authorities and eventually by an order dated 27.2.91, annexed hereto as Annexure - 3. the SIB (Kohima) was also classified as Category 'B' hardship station and the various

incentives....

incentives and allowances including ration money was made payable and in fact paid to the applicants and to the other staff of the said Unit with effect from 27.2.91.

- (ix) That the applicants being aggrieved by the non-payment of the arrear ration allowance with effect from 13.5.86 (date of the Government order implementing the recommendations of the One-Man Committee and date of payment of such allowance to other similarly situated staff) filed representations for grant of such arrear ration money. While the matter was pending, 28 Ministerial staff of the SIB (Kohima) filed an application before this Hon'ble Tribunal challenging an order dated 23/27th May, 1991 directing stoppage payment of ration allowance to the Ministerial/ Para-medical staff of the SIB (Kohima) with effect from 1.5.91 until further orders. In the said application, the non-payment of arrear ration money from 13.5.86 was also agitated by the applicants in the said application. The application filed by the aforesaid 28 aggrieved members of the SIB (Kohima) was registered and numbered as Original Application No.179/91.

This Hon'ble Tribunal by judgment and order dated 17.12.93 was pleased to quash the order impugned in the said application

dated....

dated 23/27.5.91 directing stoppage of ration money to the applicants in the aforesaid Original Application 179/91. This Hon'ble Tribunal by its aforesaid judgment dated 17.12.93 was pleased to direct the Respondents to pay the arrears of ration allowance to the applicants of Original Application 179/91 with effect from 13.5.86 to 26.2.91 within a period of 45 days from the date of receipt of the copy of the judgment of the Hon'ble Tribunal. A copy of the aforesaid judgment of this Hon'ble Tribunal dated 17.12.93 is annexed hereto and marked as Annexure-4. It may be mentioned herein that by the aforesaid judgment and order dated 17.12.93 this Hon'ble Tribunal was also pleased to direct grant of arrear ration money to the 58 applicants of Original Application 163/91 for the period to which such persons were entitled to such allowance.

- (x) That after the judgment and order dated 17.12.93 was rendered by this Hon'ble Tribunal in Original Application 179/91, the applicants alongwith many other similarly situated staff of the SIB, Kohima, filed representations for grant of arrear ration allowance. The authority by a common order dated 20.5.94 refused to grant the said benefit to the concerned persons.

A....



A copy of one representation as an illustrative instance and a copy of the order dated 20.5.94 are annexed hereto as Annexures 5 and 6.

(xi) That subsequently 51 other Ministerial and non-ministerial staff of the SIB, Kohima, filed another application being Original Application 124/94 before this Hon'ble Tribunal challenging the order dated 20.5.94 and claiming arrear ration money for such periods that they were entitled to such benefit in law. This Hon'ble Tribunal by its order dated 25.9.94 was pleased to grant the benefit of arrear ration allowance to all the 51 applicants, a copy of which order is annexed hereto and marked as Annexure - 7.

(xii) That the applicants state that they could not join as applicants in Original Application No.124/94 due to extreme pecuniary disadvantages and difficulties caused by being posted out and also because they were under the impression that once the issue relating to arrear ration money is decided by the Tribunal in the case of the 51 similarly situated employees, the benefit of the Tribunal's orders would be available to all eligible persons including the applicants.

The ....

The applicants state that in point of fact there is nothing to distinguish the applicants from the other staff in the different SIB Units of the country including the Units in the State of Nagaland, who were paid ration allowance with effect from 13.5.86. The applicants further state that there is nothing to distinguish the applicants from the applicants of Original Application No.179/91 and Original Application No.124/94, who have been directed to be paid arrear ration allowance with effect from 13.5.86 to 26.2.91 by this Hon'ble Tribunal by judgment and order dated 17.12.93 and 25.7.94.

- (xiii) That the applicants state that there being nothing to distinguish the applicants from those other staff of the SIB, who have been granted ration allowance with effect from 13.5.86 either by the respondents themselves or under orders of this Hon'ble Tribunal, the respondents 1 to 4 ought to have automatically granted the benefit of arrear ration allowance to the applicants particularly after the order dated 25.7.94 of this Hon'ble Tribunal. However, for reasons best known to the respondents themselves, no such action was forthcoming on the part of the respondents, notwithstanding the

fact....

fact that the applicants have been vigorously pursuing the matter with the respondent authorities from time to time. In fact the respondent authorities have by order dated 15.2.95 granted the benefit of arrear ration allowance only to the 51 applicants of Original Application No.124/94 denying the said benefit to the present applicants notwithstanding the fact that there is nothing to distinguish the present applicants from those of Original Application No.124/94. A copy of the order dated 15.2.95 is annexed hereto and marked as Annexure-8.

(xiv) That the applicants state that being similarly situated to other persons, who have been granted the benefit of ration allowance either by the respondents themselves or by the respondents acting under the orders of the Tribunal, and there being nothing to distinguish the applicants from such persons, the refusal to grant ration allowance to the applicants by the respondents amounts to hostile discrimination and infringes the fundamental rights of the applicants under Articles 14 and 16 of the Constitution and all such orders, directions are void, illegal and unconstitutional.

(xv) That the applicants state that there is no ground and/or basis to refuse the benefit of

arrear....

arrear ration allowance to the applicants and being similarly situated to the applicants of Original Application No.179/91 and Original Application No.124/94 they are entitled to a similar direction from this Hon'ble Tribunal as contained in the judgment and orders dated 17.12.93 and 25.7.94, in so far as payment of arrear ration allowance is concerned.

- (xvi) That the applicants submit that the refusal of the respondents to grant arrear ration allowance to the applicants is absolutely unfair, arbitrary and unreasonable actions on the part of the authorities of the State and no such action is capable of being sustained in law.

7. Reliefs sought:

- (i) The applicants pray that appropriate directions be issued by the Tribunal to the respondents for payment of arrears of ration allowance to the applicants with effect from 13.5.86 to 26.2.91.

8. Interim order prayed for:

No interim order is prayed for.

9. Details .....

9. Details of remedies exhausted:

The applicants state that representations were filed as far back as April, 1994 claiming the arrears of ration allowance with effect from 13.5.86 but the said representations have not been disposed of by any specific order/orders thereon though a general order dated 20.5.94 was purported to be passed by the respondent authorities.

10. The applicants declare that the matter regarding which this application has been made is not pending before any court of law or any other authority or any other Bench of the Tribunal.

11. Particulars of Postal Order in respect of the application fee:

- (i) No. of I.P.O.
- (ii) Name of issuing Post Office : Guwahati.
- (iii) Date of issue of Postal Orders :
- (iv) Post Office at which payable : Guwahati.

12. Details of index:

- (i) Annexure - 1 + Order dated 13.5.86
- (ii) Annexure - 2 : Order dated 5.3.87
- (iii) Annexure - 3 : Order dated 27.2.91
- (iv) Annexure - 4 : Judgment and order dated 17.12.93
- (v) Annexure - 5 : Representation.
- (vi) Annexure - 6 : Order dated 20.5.94
- (vii) Annexure - 7 : Order dated 25.7.94
- (viii) Annexure-8 : Order dated 15.2.95

Verification....

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

I, Sri Bijay Kumar Sahoo, aged about 38 years, son of late B.C. Sahoo, presently residing at Kohima, do hereby state as follows:-

1. That I am an applicant in the above case and as such I am conversant with the facts and circumstances of the case. I have been authorised by the other applicants to look after the case and to sign the present verification on their behalf. As such, I am authorised and competent to swear the present affidavit.

2. That the statements made in paragraphs 1, 2, 3, 4, 5, 6(i), (ii), (iii), (iv), (xii), (xiii), (xiv), (xv), (xvi) of the application are true to my knowledge, those made in paragraphs 6(v), (vi), (vii), (viii), (ix), (x), (xi) being matters of record are true to my information derived therefrom which I believe to be true and the rest are submissions and that I have not suppressed any material fact.

Place: Guwahati:

Date :

*BK Sahoo*

APPLICANT

- 19 - 3)

No. 27013/7/86-PPV(111)  
 MINISTRY OF HOME AFFAIRS  
 GOVERNMENT OF INDIA  
 BHARAT SARKAR.

New Delhi, the 13th May 1986

To,

The Director,  
 Intelligence Bureau,  
 (Ministry of Home Affairs)  
 Government of India, New Delhi.

Sub : Implementation of the Report of the One-Man-Committee Part IV General recommendation of One-Man Cadre Review Committee of Intelligence and R & AW.

Sir,

The Government of India had appointed a One-Man Review Committee under the Chairmanship of Shri K. San-karan Nair to consider review of cadre. In part IV of its Report the One-Man Committee had various general recommendations. These recommendations were examined by a group of working level officers. The report of working level officers was further examined by a Committee consisting of Secretary Ministry of Personnel, Public Grievances and Pension as Chairman, Secretary Department of Expenditure, Ministry of Finance, Director R & AW and Director Intelligence Bureau and one officer each from Ministry of Home Affairs and Ministry of External Affairs. The reports of the aforesaid Committee were examined by a Committee of Secretaries including Cabinet Secretary and Secretary, Department of Expenditure, Ministry of Finance and others. Based on their deliberation the President is pleased to decide as follows :-

- (i) Hardship locations: The locations where personnel of Intelligence Bureau are posted have been divided into three categories viz category 'A' locations where there is no special hardship and where employees of the Central Govt. are routinely stationed; category 'B' locations where a posting would involve some degree of hardship; and category 'C' locations where conditions of extreme hardship prevail. The list of category 'B' & 'C' locations is at annexure 1.

At various periods of time certain locations or assignments would become specially hazardous. Director I.B. will be authorised to deal with such situations and determine from case to case the criteria of hardship and the period for which it would be applicable and record the reasons thereof in writing.

- (ii) Special Concession:-
  - (a) Clothing:- A one-time non-refundable clothing allowance to all persons at the time of posting to 'B' 'C' category locations will be sanctioned at the following rates :-

?.....

Assisted by  
 A. Suba  
 Advokat  
 28.4.95

Rs.3000/- for places higher than 3000 mtrs above MSL

ii) Rs.2000/- for places between 1500 and 3000 mtrs.

This grant will be for posting for a period of not less than 2 to 3 years. In case the officer returns from posting category 'B' & 'C' locations earlier than 2 years on his own request, he should be asked to refund proportionate share of clothing allowance.

An annual renewal grant of Rs.500/- for location higher than 3000 mtrs and Rs.300/- for locations between 1500 to 3000 mtrs would be admissible after each year of posting at the hardship location. Director, I.B. would have discretion to classify the locations as equivalent to above 1500 or 3000 mtrs for purpose of entitlement of clothing allowance and grant (even though a particular location may not qualify for this categorisation on the basis of height alone) on the basis of other factors such as severe climate etc. (e.g. in narrow valley). However, the parameters for such a classification should be laid down with the approval of this Ministry well in advance, and Director, I.B. may in his discretion within these parameters declare any location as equivalent to being above 1500 and 3000 meters entitling the officer posted there for corresponding benefits.

(b) RATION :- The personnel posted at category 'B' locations shall be eligible for ration allowances at non-qualifying area rate for BSF and staff posted at category 'C' locations would be eligible for ration allowance at qualifying area rate for BSF as fixed from time to time. This concession will be limited to the rules of ACIO-I and below.

(c) HARDSHIP ALLOWANCE :- Persons posted at category 'C' location will be entitled to hardship allowance at 25% of basic pay subject to a maximum of Rs.400/-p.m. Persons posted at category 'B' locations will be sanctioned hardship allowance of 12 1/2% of basic pay subject to maximum of Rs.200/-p.m. These rates will not be applicable to persons posted in North Eastern, Andaman Nicobar Island and Lakshadweep who shall continue to be governed by orders issued by Ministry of Finance from time to time.

(d) Special TA & DA :- Personnel posted to Category 'B' & 'C' locations shall be extended higher TA & DA rates. Higher transport portage charges are applicable in certain areas of Himachal Pradesh vide Min of Finance decision No.1 dated 6.10.65 under SR 76 shall be made applicable to category 'C' location.

(e). Concessional Travel :- Employees posted in Category 'B' and 'C' location shall :-  
(i) be allowed LTC travel concession to their



(2)

home town once a year as is the normal pattern of once in 2 years.

(i) be allowed in the case of death, serious illness or marriage of family member, where the family lives separately, to travel to the place of residence of family on the pattern considered allowed.

3.....

-21-

Annexure - 2.

- 22 -

OFFICE ORDER NO.....DATED.....

In terms of M.H.A. letter No.27013/7/86-FP-V(i) dated 13.5.86 as conveyed vide IB Hqrs.Memo.No.1/Admn(C)/85(7) dated 19.5.86, sanction of the DD is hereby accorded to the grant of Ration Allowance to the personnel including Ministerial, of and upto the rank of ACIO-I (Assistant/PA Cr.II corresponding to ACIO-I) deployed at the following 'B' & 'C' Category posts @ Rs.147/- (Rupees one hundred forty seven) and Rs.169/- (Rupees one hundred sixty nine) per month/w.e.f. 13.5.86 till further orders.

CATEGORY 'B' POST

1. Changtongia
2. Ghaspari
3. Kiphre
4. Meluri
5. Mokokchung
6. Mon
7. Paren
8. Pfutsero
9. Phok
10. Tsymunyu
11. Zunheboto
12. Tuensang
13. Wokha
14. Chazuba
15. Bhandari
16. Tobu
17. Tizit
18. Longleng
19. Civint(K) unit. x

CATEGORY 'C' POST

1. Champang
2. Menyakshu
3. Ncklock
4. Phomching
5. Puz...

2. The expenditure involved will be met from out of the Budget grant of the SIB for the year 1986-87.

( N.C.PADHI )  
DEPUTY DIRECTOR.

OFFICE ORDER BOOK

No.18/Est/Recom-OMC/86(8)-  
Subsidiary Intelligence Bureau,  
(MHA) Government of India,

Kohima, the

Copy to:-

1. The RP&AO, IB (MHA), Shillong.
2. The DD/E, IB Hqrs., New Delhi.
3. The JD/NE, SIB, Shillong.
4. The AD/Budget, IB Hqrs., New Delhi.
5. Accounts Branch, SIB, Kohima ( 10 copies).
6. Budget Cell, SIB, Kohima.
7. S/Shri, B.R.Sagar, Asstt., H.L.Dey, UDC,  
J.K.Rana, ACIO-II/G, P.C.Chakraborty, JIO-I/G  
SIB, Estt. Branch, Kohima.

Admitted by  
A. Saha  
Admitted  
28.4.95

1/1/87

No.24/Terms(C)/91(2)-297  
INTELLIGENCE BUREAU,  
MIA, Government of India,  
New Delhi.

SECRET

27.2.1991.

To  
The Regional Pay and Accounts Officer,  
IB (MIA), Shillong.

Sub: Declaration of IB's posts as hardship locations.

Sir,

In exercise of the powers vested in him as Head of the Deptt., in terms of items (i) of para 1 of Government of India, Ministry of Home Affairs letter No.27013/7/86-FPV(iii) dated 13.5.86, the sanction of the Director, Intelligence Bureau is hereby conveyed to the re-classification of Kohima as Category 'B' hardship location for the purpose of admissibility of various facilities in terms of the MIA letter dated 13.5.86 to IB staff posted thereat.

2. Consequent to the declaration of the 'Kohima' as hardship location, the IB's staff posted there will be entitled to the concessions as for 'B' category hardship locations stipulated in MIA letter of 13.5.86 referred to above, subject to fulfilling other conditions as contained in the aforesaid MIA letter.

3. Earlier sanction No.24/Terms(C)86(8)-394 dated 21.3.89 may be treated to be modified in so far as Kohima is concerned from the date of issue and of these orders.

4. The above orders shall be valid for a period of two(2) years from the date of issue and will be reviewed thereafter.

Yours faithfully,

Sd/-  
(B.B.LAL)

ASSISTANT DIRECTOR

No.18/EST-K/RECOM-CMC/86(8); 880  
Subsidiary Intelligence Bureau,  
MIA, Government of India,  
Kohima.

Copy to:

Dated: 8/3/91

1. The SO/A, SIB, Kohima (2 copies).
2. File No.18/EST-K/RECOM-CMC/91(8).

*Rev. Govt.*

*[Signature]* ASSISTANT DIRECTOR

11/3/91

Attended by:  
A. Saha  
Advocate  
28.4.95

1109/12/93  
228/27/12/93  
-26- Annexure - 4 ✓  
227  
- 24  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI

29/12  
Original Application No. 179 of 1991

Date of Order:- This the 17th day of December, 1993.

Justice Shri S. Haque, Vice-Chairman  
Shri G.L. Sanglyine, Member (Administrative)

Shri D. Mitra and 27 others ..... Applicants,  
By Advocate Shri Ranjan Gogoi and Shri S. Mitra.

-Versus-

1. Union of India, represented by the Secretary to the Government of India, Ministry of Home Affairs, New Delhi.
  2. Director, Intelligence Bureau, Ministry of Home Affairs, Government of India, New Delhi.
  3. Assistant Director, Intelligence Bureau, Ministry of Home Affairs, Government of India, New Delhi. .... Respondent
- By advocate Shri A.K. Choudhury, Addl. C.G.S.C.

Original Application No. 163 of 1991

Date of Order:- This the 17th day of December, 1993.

Justice Shri S. Haque, Vice-Chairman  
Shri G.L. Sanglyine, Member (Administrative)

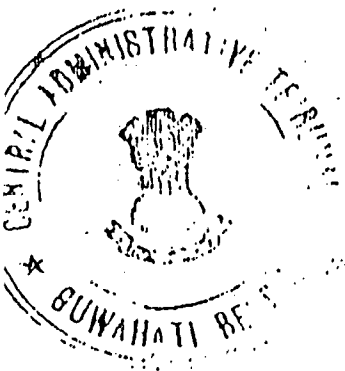
Shri Hiralal Yadav and 57 others ... Applicants.  
By Advocate Shri T.C. Khatri and Mrs. S. Barthakur.

-Versus-

1. Union of India represented by the Secretary to the Government of India, Ministry of Home Affairs, New Delhi.
2. The Director, Intelligence Bureau, New Delhi.
3. The Deputy Director, Subsidiary Intelligence Bureau Tezpur.
4. The Assistant Director (C), Intelligence Bureau, New Delhi. .... Respondents.

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

contd.



17/12/93  
A. S. Saha  
Advocate  
28.4.95

ORDER

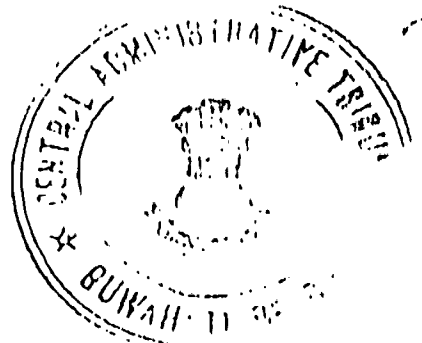
Both the applications under Section 19 of the Administrative Tribunals Act, 1985 are taken up together for hearing and disposal.

The grievance and reliefs sought for are common in both the cases. They have impugned the orders under Memorandum No.24/TERMS(C)/89(4)-759 dated 23.5.91/27.5.91 issued by Assistant Director, Intelligence Bureau, Ministry of Home Affairs, Government of India, New Delhi stopping drawal of their ration allowance which was granted in terms of letter No.27013/7/86-FPV(iii) dated 13.5.1986 of the Government of India, Ministry of Home Affairs, New Delhi also made applicable to applicants; and they claim arrears of ration allowances.

All the applicants 58 and 28 in these two cases are non gazetted ministerial staff in the establishment of Subsidiary Intelligence Bureau under the respondents serving at Tezpur-Assam and Nagaland respectively.

The 28 applicants of O.A.179/91 are stationed at Kohima/Tuensang(Nagaland) and become eligible for ration allowances with effect from 13.5.86 in terms of circular letters No.27013/7/86-FPV(iii) dated New Delhi, the 13th May, 1986 of the Ministry of Home Affairs, Government of India read with the sanctions of the competent authority conveyed vide annexure 2 and 3 and also declaring names of hardship locations(categories 'B' and 'C' stations) In Nagaland, Kohima and Tuensang declared as category 'B' hardship location. But the drawal of the ration allowance was stopped with effect from 1.5.1991 vide order under Memorandum No. 24/TERMS(C)/89(4)-759 dated 23.5.91/27.5.91. This order

contd.



is assailed.

Similarly the 58 applicants of O.A.163/91 are stationed at Tezpur (Assam) and became eligible for ration allowances in terms of said circular letter dated 13.5.86 read with the sanction of the Director, IB conveyed by the Assistant Director to the Regional Pay/Accounts Officer, Shillong vide letter No.24/Terms(C)/91(2)-563 dated New Delhi the 12.4.91 for a period of two years and therein named the hard location stations in Assam including Tezpur. They draw the ration allowance for the month of April 1991. But thereafter the allowance was stopped vide order under Memorandum No.24/Terms(C)/89(4)-759 dated New Delhi the 23rd/27th May, 1991 issued by the Assistant Director, IB, Ministry of Home Affairs, Government of India, New Delhi. This order is assailed.

Learned counsel Mr Ranjan Gogoi and Mr T.C.Khatrri for the applicants submit that the said impugned order dated 23rd/27th May, 1991 was assailed by the non gazetted ministerial staff (J&K) before the Chandigarh Bench, Central Administrative Tribunal and that the Tribunal vide judgment dated 27.9.93 in O.A. 381/JK/92 quashed the order No.24/Terms(C)/89(4)-759 dated 23rd/27th May 1991 and directed continuance of the ration allowances in accordance with the provisions of letter dated 13.5.86, and pray to dispose of these two cases in conformity with that judgment. Learned Sr.C.G.S.C.Mr S.All and learned Addl.C.G.S.C.Mr A.K.Choudhury express that no further submission to be made at this state in view of the judgment of the Chandigarh Bench. We have perused the certified copy of the

judgment and found that the observations and findings result quashing of the impugned order are aptly applicable in the instant two cases. These two cases are covered by that judgment of Chandigarh Bench. The applicants of both the cases are entitled to ration allowances in terms of the provision of circular letter No.27013/7/86-FPV(111) dated New Delhi, the 13th May, 1986.

Accordingly, these two applications O.A.163/91 and O.A.179/91 are allowed. The impugned order under Memorandum No.24/Terms(C)/89(4)-759 dated 23rd/27th May, 1991 is hereby quashed. Respondents are directed: (1) to pay the arrears of ration allowances to the applicants of O.A.179/91 with effect from 13.5.86 to 26.2.91, (2) to pay arrears of two years ration allowance to the applicants of O.A.163/91 with effect from 1.4.91 (less the amount paid for the month of April, 1991) pursuant to terms of circular letter No.24/Terms (C)/91(2)-363 dated 12.4.91. The respondents are further directed to pay all arrears to the applicants within 45 days from the date of receipt copy of the order/judgment.

No order as to costs.

Sd/-S. Haque  
VICE CHAIRMAN

Sd/-G.L. Sanglyina  
MEMBER (ADMIN)



Section 20 of the Act  
Deputy Registrar (in charge)  
Central Commission for  
Guwahati Bench.

Annexure-5

To,

The Assistant Director/E  
S.I.B. (MIA) Govt. of India,  
Kohima

- 28 - 40

Sir,

This has reference to the judgement of the  
CAT, Guwahati Bench, Guwahati ( Photo copy enclosed)  
Dt. 24-12-93.

2. In accordance with the afore mentioned judgement  
of CAT, Guwahati, I may kindly be paid arrears of Ration allowance  
w.e.f. 13-5-86 to 26.2.91.

Yours faithfully

Tula Gisi

( Tula Gisi )

Director

Dt - 9.3.94

Accepted by  
A. S. S.  
Advocate  
28.4.95



u/ ~~29~~ Annexure - 6 ✓

- 29 -

COPY

No.24/Terna(C)/91(b)-610  
Intelligence Bureau  
MHA, Government of India,

New Delhi, 20 May, 1994

MEMORANDUM

Please refer to your FAX message No.273 dated 17.3.94 issued from file No.52/Eat/CAT/91-355 regarding grant of ration allowance to the staff members of SIB, Kohima other than applicants in the wake of judgement issued by CAT, Guwahati.

2. The judgement of CAT, Guwahati, dated 17.12.93 is applicable to the applicants mentioned in original application No.179/1991 only.

Sd/-

(P.P. Nautiyal)  
Assistant Director.

To,  
The AD/E,  
SIB, Kohima.

Accepted by  
A. Bala  
Advocate  
28.4.95

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI - 5

O.A. 124/94

Sri D.B. Laha & Ors.

... Petitioners

-VS-

Union of India & Ors.

... Respondents

P R E S E N T

THE HON'BLE JUSTICE SHRI S. HAQUE, VICE CHAIRMAN,  
THE HON'BLE SHRI G. L. SANGLYINE, MEMBER (ADVN.).

For the Petitioners ... Mr. R. Gogoi,  
Mr. A. Dutta.

For the Respondents ... Mr. A.K. Choudhury,  
Addl. C.G.S.C.

25.7.94

Reference our order dated 1.7.94 and 22.7.94 in this case. Learned counsel Mr R.Gogoi for the applicant and Addl.C.G.S.C Mr A.K.Choudhury for the respondents are present. Application is taken up for hearing and disposal.

Mr Gogoi submits that the grievance of the applicants is covered by judgment and order dated 17.12.93 passed in O.A.179/91. Perused the judgment. Addl.C.G.S.C Mr A.K.Choudhury has nothing to submit in view of our previous judgment dated 17.12.93.

All these 51 applicants are non gazetted ministerial and non ministerial staff in the establishment of Subsidiary Intelligence Bureau under the respondents. They were serving in different posts in the S.I.B at Kohima during the period 13.5.86 to 26.2.91. Some of them worked for the whole period and others in parts of the period as mentioned in para 6(1) of the application. They claimed arrear ration allowances for the period from 13.5.86 to 26.2.91. The applicants of O.A.179/91 were also non gazetted ministerial staff in the establishment of S.I.B at Kohima. They were granted arrear ration allowances in terms of the provision of circular letter No.27013/7/86-FPV (iii) dated New Delhi, the 13th May, 1986. Present applicants are also claiming arrear ration allowances in terms of the said circular. Present applicants also individually applied before the authority claiming arrear ration allowances for the said period in terms of judgment in O.A.179/91.

contd...



Attended by:  
A. K. S.  
Advocate  
28-4-95

25.7.94

But the Assistant Director, I.B., Ministry of Home Affairs, Govt. of India vide his order dated 20.5.94 held that the judgment and order in O.A.179/91 would be applicable only to the applicants of that case. Hence this application.

Considering facts and circumstances and grievances of the applicants, their claim is covered by our judgment dated 17.12.93 in O.A.179/91. They are entitled to arrear ration allowances in terms of the provision of circular letter No.27013/7/86-FPV(iii) dated New Delhi, the 13th May, 1986. The respondents could have granted/paid arrear ration allowances to the applicants also in terms of our judgment, but it was not done. The applicants are entitled to arrear ration allowances for the period 13.5.86 to 26.2.91.

Accordingly this application is allowed. The impugned Memorandum No. 24/Terms(C)/91(B)-610 dated New Delhi, the 20th May, 1994 issued by the Assistant Director, I.B., MHA, Govt. of India (Annexure-6) is quashed. The respondents are directed to pay arrear ration allowances to those 51 applicants for the period 13.5.86 to 26.2.91 within 45 days from the date of receipt copy of this order/judgment.

We make no order as to costs.

Sd/- S. Hayan  
Vice-Chairman

Sd/- G.L. Sanghvi  
Member (A)

Certified to be true Copy  
प्रमाणित प्रतिलिपि

Section Officer (J)

खानमान लमिनी (अधिकांश)  
Central Administration Tribunal  
दफ्तर, गवर्नर भवन, गुवाहाटी-5  
Govt. of Assam, Gauhati-5  
द्वारा जारी, गुवाहाटी-5

29/7/94

OFFICE ORDER NO. 115 DATED 15.2.95

In pursuance of order contained in judgement dated 25.7.94 of the Central Administrative Tribunal, Guwahati Bench, Guwahati Case No.O.A.124/94 the following staff of SIB, Kohima are sanctioned Retention Allowance with effect from the dates shown against their names :-

Sl. No.	Name & Designation	Period	
		From	To
1.	B.B.Lama, JIO-I/MT	13.5.86	26.2.91
2.	D.Sangma, JIO-II/G	13.5.86	26.2.91
3.	S.D.Angami, JIO-II/G	13.5.86	31.8.88
4.	Neelievi Angami, JIO-II/MT	13.5.86	9.11.89
5.	Mohan Das, JIO-II/G	13.5.86	26.2.91
6.	G.Krishnamurthy, JIO-II/G	13.5.86	25.6.89
7.	S.P.Singh, JIO-II/G	13.5.86	27.12.90
8.	K.Namgi, SA	5.1.87	26.2.91
9.	M.T.Venugopal, SA	5.11.86	19.3.90
10.	Tarabin Gurung, JIO-I/MT	13.5.86	26.2.91
11.	R.P.Sharma, JIO-I/G	13.5.86	26.2.91
12.	R.B.Thapa, JIO-II/G	13.5.86	26.2.91
13.	Himalal Dhar, JIO-I/MT	13.5.86	26.2.91
14.	P.K.Sutradhar, JIO-II/G	13.5.86	26.2.91
15.	S.K.Acharjee, JIO-II/G	13.5.86	26.2.91
16.	D.C.Pang Kulai, JIO-I/G	13.5.86	26.2.91
17.	Ubiram Gurung, JIO-I/G	13.5.86	26.2.91
18.	P.C.Chorion, ACIO-II/C	13.5.86	26.2.91
19.	N.Assaso Mao, ACIO-II/G	13.5.86	26.2.91
20.	V.D.Charly, LDC	19.4.89	10.5.90
21.	C.R.Bhattacharjee, JIO-II/G	13.5.86	26.2.91
22.	T.Dasan, SA	14.11.86	26.2.91
23.	John Thomas, JIO-II/G	13.5.86	26.2.91
24.	R.B.Chetri, JIO-I/G	13.5.86	26.2.91
25.	R.P.Shrestha, JIO-II/G	13.5.86	26.2.91
26.	Jagannath Singh, JIO-II/G	13.5.86	26.2.91
27.	Gulab Mahato, ACIO-II/G	13.5.86	26.2.91
28.	S.K.K.Nair, SA	19.12.86	26.2.91
29.	P.Thema, JIO-II/MT	13.3.87	26.2.91
30.	Babu Behra, JIO-II/G	13.5.86	26.2.91
31.	Longri Ao, JIO-I/G	13.5.86	26.2.91
32.	Pitambar Khannel, JIO-II/G	13.5.86	26.2.91
33.	A.S.Negi, JIO-II/G	13.5.86	26.2.91
34.	Bimal Jha, JIO-II/G	13.5.86	10.12.90
35.	O.B.Chetri, JIO-II/G	13.5.86	26.2.91
36.	Debendra Singh, JIO-I/MT	13.5.86	26.2.91
37.	N.Chapfelo Mao, JIO-II/G	13.5.86	26.2.91
38.	K.L.Patralekh, JIO-II/G	13.5.86	1.1.87
39.	A.K.Sharma, JIO-I/WT	13.5.86	31.8.87

Contd. 2

Retained by  
A. S. Negi  
Advocate  
28.12.95

Sl. No.	Name & Designation	Period	
		From	To
40.	D.P.Singh, JIO-II/G	13.5.86	4.2.87
41.	B.S.Aujla, DS	13.5.86	26.9.90
42.	T.M.Varghese, JIO-I/G	13.5.86	26.2.91
43.	Kohar Singh, JIO-II/G	13.5.86	26.2.91
44.	K.D.Singh, ACIO-II/G	13.5.86	31.1.91
45.	A.C.Kar, UDC	30.12.87	6.2.91
46.	S.Dutta Choudhury, Asstt.	13.5.86	26.2.91
47.	H.L.Dey, UDC	13.5.86	13.1.91
48.	H.Hmar, JIO-I/MT	13.5.86	26.2.91
49.	M.C.Das, UDC (Late)	7.9.87	11.5.90
50.	(Payable to Mrs.H.Das)		
51.	D.C.Baishya, JIO-II/G	13.5.86	26.2.91
	Sumanta Mukherjee,	1.12.86	31.12.89
	(Presently serving in		
	Doordarshan Kendra, Guwahati)		

(R.N.R.Yadav)  
Assistant Director

OFFICE ORDER BOOK

No. 52/EST/CAT/ST- 560

Subsidiary Intelligence Bureau,  
(MHA) Govt. of India,

Kohima, the 15.2.93

Copy to: The

1. AD/E, AD/EP, AD/Budget, IB Hqrs., New Delhi.
2. RP & AO, IB (MHA), Shillong.
3. Section Officer/A, SIB, Kohima (6 Cs).
4. Individual concerned.

Assistant Director.

OFFICE ORDER BOOK

No. 52/EST/CAT/ST- 560

Subsidiary Intelligence Bureau,

(MHA) Govt. of India,

Kohima, the 15.2.93

Copy to: The

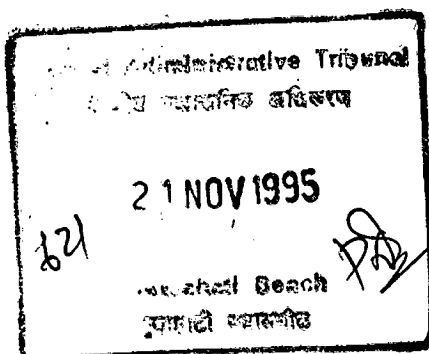
1. AD/E, AD/EP, AD/Budget, IB Hqrs., New Delhi.

2. RP & AO, IB (MHA), Shillong.

3. Section Officer/A, SIB, Kohima (6 Cs).

4. Individual concerned.

Assistant Director.



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Filed by:

Handwritten: 21/11/95  
(MD. SHAUKAT ALI)  
Sr. Central Govt. Standing Counsel  
Central Administrative Tribunal  
Guwahati Bench, Guwahati

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH AT GUWAHATI:

IN THE MATTER OF :-

O.A. No. 94/1995.

Shri R.C. Das & Others.

-Vs-

Union of India and others.

-And-

IN THE MATTER OF :-

Written statements submitted by the  
Respondents No. 1 to .

WRITTEN STATEMENTS:

The humble Respondents submit their  
written statements as follows :-

1. That with regard to statements made in paragraphs 1 to 5 of the application, the Respondents have no comments on them.
2. That with regard to statements made in paragraphs 6(i) to 6(vi) of the application, Respondents have no comments to offer as the same are matters of record.
3. That with regard to statements made in paragraph 6(vii) of the application, the Respondents beg to state that they have no comments on them, the

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Revised Copy  
4.12.95

same being matters of record. The Respondents further beg to state that it was not the intention of the Govt. to give Ration Allowance to Govt. employees posted in Kohima including I.B. employees in Kohima.

4. That with regard to statements made in paragraphs 6(viii) and 6(ix) of the application, the Respondents have no comments on them, the same being matters of record.


5. That with regard to statements made in paragraphs 6(x) to 6(xiii) of the application, the Respondents beg to state that as stated earlier the judgment dated 17.12.93 passed by the Hon'ble Tribunal was applicable to the petitioners only, the benefit was allowed to them only.

6. That with regard to statements made in paragraph 6(xiv) of the application, the Respondents beg to state that the allegation brought in this para. are not correct and hence denied. There was no hostile discrimination and infringement of fundamental rights of the applicants. The judgment of Hon'ble CAT was implemented in letter and spirit and the petitioners in O.A. No.179/91 and 124/94 were granted benefit of arrears of ration allowance and the directions of Tribunal, in these two judgments, were implemented.

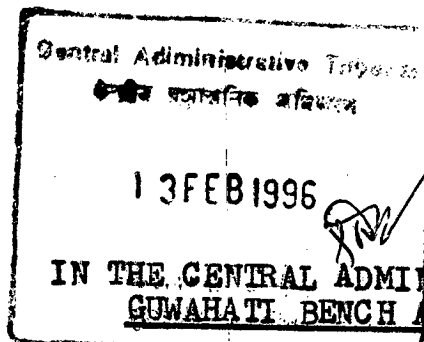
7. That with regard to statements made in paragraph 6(xv) of the application, the Respondents have no comments on them.
8. That with regard to statements made in paragraph 6(xvi) of the application, the Respondents beg to state that as the judgments referred in this paragraph is applicable to the petitioners only, the benefit was allowed to them.
9. That with regard to statements made in paragraphs 7 and 8 of the application, the Respondents have no comments on them.
10. That with regard to statements made in paragraph 9 of the application, the Respondents beg to state that vide Memo. dated 20.5.94 it was informed that the judgement was applicable to the applicants only.
11. That with regard to statements made in paragraphs 10 to 12 of the application, the Respondents have no comments on them.

- V e r i f i c a t i o n -

I, Shri S. Sen Gupta ,  
Assistant Director, Subsidiary Intelligence Bureau(MHA)  
Govt. of India, 'Gangotri' Beltola, Guwahati-28 being  
authorised do hereby solemnly declare that the statements  
made above are true to my knowledge, belief and information.  
And I sign this verification on this 15 th day of November,  
1995 at Guwahati.

  
Assistant Director,  
Subsidiary Intelligence Bureau  
Govt. of India  
Guwahati  
**DECLARENT:**





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Filed by  
Shankar Lal

23/1/96  
Secy. Govt. Standing Order  
Central Administrative Tribunal  
Guwahati Bench, Gauhati.

IN THE MATTER OF :-

O.A. NO.94 of 1995.

Shri R.C. Das & others.

- Vs -

Union of India & others.

-AND-

IN THE MATTER OF :-

Written statements submitted by the  
Respondents No. 1 to 4 .

WRITTEN STATEMENTS

The humble Respondents submit their  
written statements as follows :-

1. That with regard to statements made in paragraphs 1 to 5 of the application, the respondents have no comments on them.
2. That with regard to statements made in paragraphs 6(i) to 6(vi) of the application , respondents have no comments , the same being matters of records.
3. That with regard to statements made in paragraph 6(vii) of the application, the respondents beg to state that they have no comments on them, the same being matters of records. The respondents further beg to state that it was not the intention of the Government to give Ration Allowance to Government employees posted in Kohima including I.B. employees in Kohima.
4. That with regard to statements made in paragraphs 6(viii) and 6 (ix) of the application, the respondents have no comments on them, the same being matters of records.

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5. That with regard to statements made in paragraphs 6(x) to 6(xiii) of the application, the respondents beg to state that as stated earlier the judgement dated 17.12.93 passed by the Hon'ble Tribunal was applicable to the petitioners only ; the benefit was allowed to them only.
6. That with regard to statements made in paragraph 6(xiv) of the application, the respondents beg to state that the allegations brought in this para are not correct and hence denied. There was no hostile discrimination and infringement of fundamental rights of the applicants. The judgment of Hon'ble CAT was implemented in letter and spirit and the petitioners in O.A. No.179/91 and 124/94 were granted benefit of arrears of ration allowance and the directions of Tribunal in these two judgements were implemented.
7. That with regard to statements made in paragraph 6(xv) of the application, the respondents have no comments on them.
8. That with regard to statements made in paragraph 6(xvi) of the application, the respondents beg to state that as the judgments referred in this paragraph is applicable to the petitioners only, the benefit was allowed to them.
9. That with regard to statements made in paragraph-7 and 8 of the application , the respondents have no comments on them.
10. That with regard to statements made in paragraph 9 of the application, the respondents beg to state that vide Memo. dated 20.5.94 it was informed that the judgement was applicable to the applicants only.

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11. That with regard to statements made in paragraphs 10 to 12 of the application, the respondents have no comments on them.

VERIFICATION

I, Shri S. SEN GUPTA , Assistant Director ,  
Subsidiary Intelligence Bureau ( MHA ) , Government of  
India , ' Gangotri ' Beltola , Guwahati-28 , being  
authorised , do hereby solemnly declare that the state-  
ments made above are true to my knowledge , belief and  
information.

AND I sign this Verification on this 30 th  
day of December, 1995 at Guwahati.



DECLARANT

Assistant Director  
Subsidiary Intelligence Bureau  
(MHA), Govt. of India  
Guwahati,