**Cat temp status to daily wages**

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI

O. A. No:\_\_\_\_\_\_\_/:\_\_\_\_\_\_/:\_\_\_\_\_\_

 Applicants

 Versus

 Respondents

Application under Section 19 of the Central Administrative Tribunals Act

Chennai

Applicant

\_\_\_\_\_\_\_

Through, Advocate

Respectfully Sheweth:

Details of application:

1. Particulars of Orders Against Which this Application is Made:

That this application is made against the impugned inaction of the respondents whereby they are not allowing the Ration Allowance to the applicants in accordance with the provisions of Govt of India instructions1 (Annexure A-1).

2. Jurisdiction of Tribunal:

That the applicant declares that the subject matter of this application is within the jurisdiction of this Hon'ble Tribunal and it is competent to issue the directions to the respondents for full compliance.

3. Limitation:

That the applicant further declares that the application is within the limitation period as prescribed in section 21 of the Central Administrative Tribunals Act 1985.

4. Facts of the Case:

(4.1) That the applicants herein are working or have worked with the respondent department at \_\_ in the capacity of ministerial staff, ie; as UDCs, AIs, Stenos and Peons etc. and all of the applicants have common grievance in as much as the respondent department is not allowing the Ration Allowance on the analogy the same is being granted to the Executive Staff in pursuance to the Govt instructions2 (A-1), despite the fact that the applicants as well as the executive staff are working at the similar locations under the similar circumstances and for the similar working hours and the nature of duties of both the categories are same and similar.

(4.2) That the Govt of India has issued instructions (A-1) vide para 3 of which for some of the concessions the various hardship locations have been categorized as 'B' & 'C' stations as indicated in Annexure-II to this letter. However, if the Heads of the Departments feel at certain times that certain locations or assignments have become specially hazardous and there is a specific increase in the threat to the personnel and/or premises, they can determine on merits the criteria of hardship and the period for which such locations may be categorized as belonging to category 'B' & 'C' stations after recording the reasons in writing.
(4.3) That accordingly the location where the present applicants are working or have worked, the same has been accordingly categorized as Category \_\_ (Annexure A-2) for extending all the benefits as envisaged under the above instructions (A-1). However, the respondent department has drawn irrational and unreasonable classification between the categories of Ministerial and Executive staff working at the same place under the same and similar circumstances for grant of Ration Allowance in as much as the Ration Allowance is being granted to the Executive staff whereas the same has been denied to the Ministerial Staff and this classification drawn by the respondent department is a figment of their imagination without having any nexus to the object sought to be achieved by the Govt of India vide Annexure A-1.

(4.4) That it is respectfully submitted that this arbitrary action of the respondent department was challenged by the staff of the same department at :\_\_\_\_\_\_ before the Hon'ble Central Administrative Tribunal, :\_\_\_\_\_\_ Bench in two OAs1, copies of the decision of the same are annexed herewith as (Annexure A-3) and (Annexure A-4) for kind perusal of your Lordships.

(4.5) That it is also pertinent to submit herewith that in pursuance to (A-3 & A-4), the respondent No. 2 has moved the case vide communication dated :\_\_\_\_\_\_ (Annexure A-5) to the respondent No. 1, for issuance of necessary orders authorizing grant of Ration Allowance to the applicants therein. In all morality, the respondent department should have now granted the benefit to all others similarly situated persons without putting them through the rigours of litigation.

(4.6) That the applicant No. 1 as well as the other few applicants have also moved application to the respondent department on \_ :\_\_\_\_ (Annexure A-6) to extend the similar benefit to them in view of (A-3 & A-4), but without any fruitful results. Hence this OA.

5. Grounds for Relief:

That the applicant seeks the indulgence of this Hon'ble Tribunal on the following grounds amongst others, each one of which is without prejudice to and independent of other:

(5.1) That the impugned action of the respondent department whereby they are not allowing \_\_ Ration Allowance to the applicants is malafide, arbitrary, discriminatory and issued in utter violation of rules, regulations, and is violative of Article 14 and 16 of the Constitution of India and natural justice.

(5.2) That the respondent department can not draw classification on fictional basis amongst the similarly placed employees and such a classification is arbitrary and illegal and bears no nexus with the object sought to be achieved by categorizing the places under category 'B' or 'C' for grant of all the benefits to all the persons working under those categorized locations. Such a discriminatory classification is not permissible under the law.

(5.3) That para 3 of Annexure A-1 permits the head of departments to grant more concessions than those already prescribed in Annexure-I of the ibid letter. It no where permits the Head of Department to even curtail these concessions. Once a place has been categorized in category 'B' or 'C', the concessions are equally to be granted without curtailing the ones already mentioned in Annexure-I. Head of Department can grant more than those concessions under special circumstances and cannot curtail those already enumerated in Annexure-I.

(5.4) That the applicants were legitimately expecting that the concessions enumerated in Annexure-I of the ibid letter will be equally extended to them.

(5.5) That the respondents are estopped due to their own act, deed and conduct. The principle of promissory Estopple applies against the respondents.

(5.6) That the impugned order of the respondents is also against the well settled principles laid down by the Hon'ble Supreme Court of India and this Hon'ble Tribunal in catena of cases.

6. Details of Remedies Exhausted:

That the applicant has exhausted all the remedies available to him. Moreover, the matter being of urgent nature, the applicant has no other way but to approach this Hon'ble Tribunal for speedy and efficacious remedy for staying and quashing the impugned order.

7. Matters not Previously Filed or Pending with any Other Court:

The applicant further declare that he has not filed any application, writ petition or suit regarding the matter in respect of which this application has been made in any court, other authority or any other Bench of this Hon'ble Tribunal. No such application, writ petition or suit is pending before any of them.

8. Reliefs Sought:

That in view of the facts in para 4 above and the grounds in para 5 supra, your Lordship's humble applicant prays for the following reliefs:

(a) Quash the impugned inaction of the respondent department whereby they are not allowing \_\_ Ration Allowance to the applicants, being arbitrary, malafide, discriminatory and illegal;

(b) Direct the respondents to grant the Ration Allowance to the applicants wef issuance of the A-1, ie; wef \_\_ :\_\_\_\_\_\_ along with arrears and interest @ 18% pa with all other consequential benefits;

(c) Direct the respondents to produce all the records of the case along with their reply for perusal by this Hon'ble Tribunal;

(d) Allow the cost of this application to the applicant.

(e) Pass such other orders or reliefs as deemed fit and proper in the facts and circumstances of the case in the favour of the applicant and against the respondent.

AND FOR THIS ACT OF KINDNESS, THE HUMBLE APPLICANT AS IN DUTY BOUND, SHALL EVER PRAY.

9. Interim Orders:

No interim orders are being prayed for at this moment.

10. N.A.

11. Particulars of Postal Order Towards Application Fees:

1. Postal Order Nos.:

Dated:\_\_\_\_\_\_\_

2. Issuing P.O. : :\_\_\_\_\_\_

3. Amount Rs : 50/- [Rs fifty only]

4. Payable at : :\_\_\_\_\_\_

12. List of Enclosures:

As per index.\_\_\_\_\_\_\_

Chennai

Applicants

\_\_\_\_\_

Through, Advocate

**Verification:**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby verify that the contents of paras 1 to 5 are true to my personal knowledge and paras 6 to 12 believed to be true on legal advice and that I have not suppressed any material fact.

Chennai
\_\_\_\_\_\_\_

Applicant

**BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI**

O. A. No:\_\_\_\_\_\_\_/:\_\_\_\_\_\_\_\_/:\_\_\_\_\_\_\_\_

Applicant

Versus

UOI and others

Respondents

**Affidavit**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby solemnly affirm and declare as under :-

1. That the accompanying application has been prepared under my instructions.

2. That the contents of paras 1 to 12 of the O.A. are correct and true to the best of my knowledge.

3. That I further solemnly affirm and declare that this affidavit of mine is true, no part of it is false and nothing material has been concealed therein.

Affirmed at Chennai this the\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ .

Deponent

**BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI**

M. A. No:\_\_\_\_\_\_/:\_\_\_\_\_\_ in O. A. No::\_\_\_\_\_\_/:\_\_\_\_\_\_/:\_\_\_\_\_\_

Applicants

Versus

Respondents/Non-applicants

M. A. under Rule 4 (5) (a) of Central Administrative Tribunal (Procedure) Rules 1987

Respectfully Sheweth:

1. That the applicants have filed the above mentioned O. A. jointly.

2. That on perusal of the above O. A. and documents attached therewith it is amply evident that all the applicants have common cause of action and a common nature of relief has been prayed for by them and are desirous of joining in a single application as they have a common interest in the matter.

3. That interest of justice demands that the applicants are allowed to file the O. A. in the jointly in the interest of justice.

4. It is therefore, most respectfully prayed that this application may be allowed in the interest of justice and the applicants may be allowed to file the present OA jointly. Such other orders be also passed as deemed fit and proper in the facts and circumstances of the case.

Chennai Applicants

\_\_\_\_\_\_ Through, Advocate

**Verification:**

I,\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby verify that the contents of para 1 to \_\_\_\_\_\_\_\_ are true on legal advice and that have not suppressed any material fact.

Chennai

Applicant

\_\_\_\_\_\_

Through, Advocate

**BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI**

M. A. No::\_\_\_\_\_\_/:\_\_\_\_\_\_ in O. A. No::\_\_\_\_\_\_/:\_\_\_\_\_\_/:\_\_\_\_\_\_

Applicant

Versus

Respondents/Non-applicants

**Affidavit**

I,:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby solemnly affirm and declare as under:-

1. That I am duly authorized by the other applicants to file the present MA and am fully conversant with the facts of the case.

2. That the accompanying M. A. has been drafted under my instructions.

3. That the contents of paras 1 to 4 of the M. A. are correct and true to the best of my knowledge.

4. That I further solemnly affirm and declare that this affidavit of mine is correct and true, no part of it is false and nothing material has been concealed therein.

Affirmed at Chenai this the:\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DEPONENT

Annexure A-1

No. \_\_\_\_\_\_\_\_

Government of India

Cabinet Secretariat,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date:-\_\_\_\_\_\_\_\_\_\_\_\_\_

To:

The Director (Planning)

Directorate General of Security,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Subject: Grant of concessions to the staff of SSB, SFP, CIOA and Directorate of Accounts.

Sir,

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

2. These orders will take effect wef \_\_\_\_\_\_\_\_.

3. For some of the concessions the various hardship locations have been categorized as 'B' & 'C' stations as indicated in Annexure-II to this letter. However, if the Heads of the Departments feel at certain times that certain locations or assignments have become specially hazardous and there is a specific increase in the threat to the personnel and/or premises, they can determine on merits the criteria of hardship and the period for which such locations may be categorized as belonging to category 'B' & 'C' stations after recording the reasons in writing.

4. For the purpose of House Rent Allowance concessions to the various categories of staff, the deputation of posts as listed in Annexure 'A' toe the Cabinet Secretariats' Order No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, dated \_\_\_\_\_\_\_\_, will also be applicable in respect of the staff of SSB, SFF, CIOA and Directorate of Accounts.

5. This issues with concurrence of the Ministry of Finance vide their UO No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ dated \_\_\_\_\_\_\_\_ read with UO No. \_\_\_\_\_\_\_\_, dated \_\_\_\_\_\_\_\_.

Yours faithfully,

Encl: Annexure-I & II

Sd/-

(\_\_\_\_\_\_\_\_)

Deputy Secretary (SR)

Copy to:-

1. \_\_\_\_\_\_\_\_, Director, SSB.

2. \_\_\_\_\_\_\_\_, PVSM, IG SBB.

3. \_\_\_\_\_\_\_\_, Dy. Director of Accounts.

4. \_\_\_\_\_\_\_\_, CIOA

5. \_\_\_\_\_\_\_\_, Director (IF)

6. \_\_\_\_\_\_\_\_, Dy. Director of Accounts (SW)

7. Order File.

True Copy of Original Document

Annexure A-5

COURT CASE/MOST IMMDT

DIRECTORATE GENERAL OF SECURITY

OFFICE OF THE DIRECTOR : SSB

Subject: OA No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ titled \_\_\_\_\_\_\_\_\_\_\_\_ Vs \_\_\_\_\_\_\_\_\_\_\_\_\_

Deputy Registrar, CAT, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_has forwarded a certified copy of judgment dated \_\_\_\_\_\_\_\_ passed by the Bench of Hon'ble Tribunal CAT,\_\_\_\_\_\_ \_\_\_\_\_\_\_\_. A copy of the judgment is enclosed along with a copy of OA No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_dated \_\_\_\_\_\_\_\_\_\_\_\_\_.

2. Hon'ble CAT, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ has directed the respondents to pay ration allowance to the applicants of OA No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_dated \_\_\_\_\_\_\_\_ titled \_\_\_\_\_\_\_\_\_\_\_\_ Vs \_\_\_\_\_\_\_\_\_\_\_ wef \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ onward within four months from the date of receipt of this order.

3. Respondent was declared category 'B' station with effect from \_\_\_\_\_\_\_\_\_\_\_\_\_for the purpose of various concession vide this Directorate order No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ dated \_\_\_\_\_\_\_\_\_\_\_ with reference to Cabinet Secretariat order No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ dated \_\_\_\_\_\_\_\_\_\_\_\_\_.

4. As the payment of ration allowances are to be made to the applicants within \_\_\_\_\_\_\_\_ months from the date of receipt of CAT, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ order, Cabinet Secretariat are therefore, requested to issue necessary orders, authorising to drawl of ration allowances to all the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ applicants posted in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Division with effect from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_onward. In this connection also kindly refer to this Directorate UO No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ dated \_\_\_\_\_\_\_\_ and even number \_\_\_\_\_\_\_\_ dated \_\_\_\_\_\_\_\_, requesting issue of orders for the grant of ration allowance to all non-executive personnel posted in Category 'B' & 'C' stations.

Encls: As above.

(\_\_\_\_\_\_\_\_)

Joint Deputy Director (FA)

Cab. Secretary (\_\_\_\_\_\_\_\_)

SSB Directorate UO No. \_\_\_\_\_\_\_\_ dated \_\_\_\_\_\_\_\_

True Copy of the Original Document