

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA-80/99

New Delhi this the 29th day of February, 2000.

Hon'ble Mr. Justice V. Rajagopala Reddy, Vice-Chairman
Hon'ble Mrs. Shanta Shastray, Member (Admnv)

1. All India Defence Accounts
Employees Association,
I.F.A. & C.D.A.,
Border Road Branch,
Kashmir House,
Rajaji Marg,
New Delhi-11 through
Shri R.C.P. Singh,
General Secretary.
2. Sh. I.S. Sengar,
working as AAO,
I.F.A. & C.D.A.,
Border Road Branch,
Kashmir House,
Rajaji Marg,
New Delhi-11.
3. Sh. Harcharan Dass,
Sr. Auditor,
I.F.A. & C.D.A.,
Border Road Branch,
Kashmir House,
Rajaji Marg,
New Delhi-11.

...Applicants

(By Advocate Shri R.V. Sinha)

-Versus-

1. Union of India,
M/o Defence,
South Block,
New Delhi through Secretary.
2. The Financial Advisor (Defence Services),
M/o Defence,
South Block,
New Delhi.
3. Controller General of Defence Accounts,
Govt. of India,
West Block-V, R.K. Puram,
New Delhi-66.
4. IFA & Controller of Defence Accounts,
Border Roads,
Kashmir House,
Rajaji Marg,
New Delhi.
5. The Director General,
(Border Roads),
Kashmir House,
New Delhi.

...Respondents

(By Advocate Shri A.K. Bhardwaj)



O R D E RBy Reddy, J.

(12)

The OA is filed for grant of free ration/ration money for the staff and employees of the Defence Accounts Department, Border Road Organisation, up to the level of Controller of Defence Accounts (Border Roads) posted at Static Units at par with General Reserve Engineering Force Personnel at Head Quarters Director general (Border Roads). The facts of the case are as follows:

2. The first applicant is the recognised Association of employees of Defence Accounts Department whereas the second and third applicants are the members of the Association. The Border Roads Development Board was set up by Government for execution of work of development of Roads in North and North Eastern Border Areas. Director General of Border Roads is responsible for execution of work. DGBR exercises control over General Reserve Engineering Force (GREF) through CE (Projects). Border Road Organisation is having civilian and non-civilian staff. Some of them are posted at static units and some in non-static units like the Border Areas. The staff and officers of the Controller Defence Accounts (CDA) Office formed integral part of the staff and officers of the Director General, Border Road Organisation, New Delhi. CDA Border Roads discharges his duties of Audit and Accounting through Joint Controller and Deputy Controller located at few places in Northern India. Defence Accounts Department employees and officers working in the Headquarters in the office of the Director



(3)

General Border Road (DGBR) is a static unit. Base Workshops, Store Divisions, Transit Depots, GREF Centre etc. are Static GREF Units.

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2.1 The Defence Accounts Department Personnel serving in the Units of General Reserve Engineering Force (GREF) were originally sanctioned free ration in 1960. This concession was, however, confined to the personnel serving with the non-static units in GREF. By order dated 9.10.85 this concession was extended, upto the level of Chief Engineer Grade II, serving in the static units also in GREF. The policy of the Government was subsequently reviewed and the ration and ration money was extended to GREF personnel including the officers of DGBR serving in static units upto the level of Additional D.G, in its letter dated 26.9.90. The same was further extended to the Defence Accounts Department officers upto the level of Assistant Controller of DAD serving in the static units of GREF by order dated 18.1.88, with retrospective effect from 1985 and further upto the level of Deputy Controller D.A. to all the employees of DAD attached to GREF by letter dated 23.4.92. Thus the facility of concession of ration money came to be extended to the GREF officers as well as other staff of DAD in Static Units also. But the same was not extended to the staff and other personnel of Defence Accounts Department in static units which are not attached to GREF like Headquarters, Controller of Defence Accounts (BR).

2.2 The applicants are the personnel working in the Headquarters office of CDA at Delhi (Static Unit).

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Their grievance is that they are also entitled for ration money at par with GREF Staff and employees at the Head Quarters of D.G.(BR) which is also a Static Unit.

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3. It is the case of the respondents that the concession of free ration was extended to the GREF employees of Static Units upto the level of Chief Engineer, which was further extended upto the level of Additional Director General HQ DGBR w.e.f. 17.7.90. Subsequently, this was extended to DAD staff static units also in GREF but upto the level of Deputy Controller of Defence Accounts. But the same was not extended to the other staff of Controller of Defence Accnts which are not attached to GREF. It is, the case of the respondents that the majority of personnel of GREF were posted in non-static units having operational needs. The concession was extended only for GREF employees in the static stations. But it is stated that similar concession cannot be extended to the DAD at Headquarters offices which are not attached to GREF Units as they are not performing any engineering or field work. It would also have wider repercussions and the officers and staff posted at similar circumstances would claim the same concession.

4. Heard the learned counsel for the applicants and the respondents.

5. We shall first dispose of the objection as to the maintainability of the OA on the ground of limitation raised by the learned counsel for respondents. It is true that though the representation made by the applicants has been rejected by order dated 7.10.96, the



OA was filed only in 1999. But it has to be noticed that the grant of a concession by way of ration cannot be said to be one time grievance. The grievance subsists as it could be claimed by the applicants every month of the year. The grievance of the applicants is continuous and thus they have a continuous cause of action. It is, therefore, open to them to question the action of the respondents at any time. Hence, the OA cannot be dismissed on the ground of limitation under Section 21 of the Administrative Tribunals Act, 1985. The applicants, however, are not entitled for any benefit retrospectively. They are only entitled for the benefits of ration money with prospective effect from the date of filing of the OA. We, therefore, do not find any merit in the objection of limitation.

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6.. The work of the Border Roads is mainly to construct roads in north and north-east border areas. The officers and employees forming GREF constituting the core of the staff and employees in the office of the Director General Border Roads. Chief Engineer (Projects) is the officer concerned under whom the other staff work. The Government, therefore, rightly has granted originally the concession of ration money to the staff and employees of the GREF particularly working in the non-static units having operational needs. Most of the staff of the GREF employees have to perform their duties only in the non-static units and the staff working in the static units in GREF viz. Base Depots, Base Workshops, Store Divisions, GREF Centres etc. comparatively work much less. However, subsequently the concession has been extended to the GREF employees in static units also, in

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public interest but the concession was, however, confined to the level of Additional Director General. This facility was also extended to the staff in the office of the Controller of Defence Accounts but only to the level of Deputy Controller of Defence Accounts in static units also attached to the GREF units.

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7. The applicants are the staff and personnel of the CDA, Defence Accounts Department working in the Headquarters office of the Director General Border Roads at Delhi. It is a static unit and not one of the units attached to GREF. The Headquarters office at Delhi though comes under the purview of the Defence Accounts Department is not one of the units attached to the GREF whereas the Headquarters at Pune, Guwhati, Patna and Chandigarh come under the GREF unit. Hence the staff therein were sanctioned the ration money. It is, however, the contention of the learned counsel for the applicants that when the Deputy Director (Accounts) (DAD) and other staff working under him are granted ration money in the letter dated 23.4.92 there was no reason to discriminate the employees working in Headquarters at Delhi of the grant of the same. It is seen from the letter dated 23.4.92 the authorisation of free ration and ration money was extended to the officers and staff of DAD serving in other static units. The main office at Delhi does not come within the meaning of GREF unit, the applicant being the staff working in the Delhi Head Office cannot be said to be eligible under the above order. In our view, there is justifiable rationale for not granting ration money to the applicants who are working in the Headquarter office at Delhi. Free ration or ration money is given only to the



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employees working in the GREF units as they are expected to work in the field areas for the purpose of, mainly developing the roads. It is seen from the above facts that the distinction between static and non-static units has been slowly wiped out in GREF Units and the ration was given to all the staff and other employees of GREF units. The representation made by the applicants has been considered by the respondents and as it was not found feasible to grant ration to the applicants, it has been rejected by the impugned order. In the circumstances, we find enough justification for the respondents in making a distinction between GREF units and which are not GREF units. We do not see any reason to interfere with the impugned order. The O.A. is, therefore, dismissed. No costs.

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(Smt. Shanta Shastry)
Member (Admnv)

"San."

Ch. Srinivasulu

(V. Rajagopala Reddy)
Vice-Chairman(J)