

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. NO. 1980/1989

DATE OF DECISION : 3.4.92

SHRI JAI BHAGWAN SHARMA & ANR.

...APPLICANTS

VS.

UNION OF INDIA & ORS.

...RESPONDENTS

CORAM

HON'BLE SHRI J.P. SHARMA, MEMBER (J)

FOR THE APPLICANTS

...SHRI U.S. BISHT

FOR THE RESPONDENTS

...MRS RAJ KUMARI CHOPRA

1. Whether Reporters of local papers may be allowed to see the Judgement? *Y*
2. To be referred to the Reporter or not? *Y*

JUDGEMENT

(DELIVERED BY HON'BLE SHRI J.P. SHARMA, MEMBER (J))

The applicants in this case, employees in MES, Rajokari, being defence civilians have assailed the orders of the respondents of not granting them ration allowance which has been allowed to defence civilians, who were posted during operation 'Red Alert' of 25 Wing Air Force Station, Rajokari. The applicants have claimed the relief that they be paid ration allowance @Rs.8.10 per day from January, 1987 to June, 1987. They also prayed that a direction be issued that they are entitled to ration allowance

for the duration of operation 'Blue Star' and 'Wood Rose' as paid to other defence civilians including other MES civilian employees.

2. The facts of the case are that the applicants are employed in Military Engineer Service (MES) units which are attached to Army, Navy and Air Force stations for performance of maintenance tasks and maintenance of essential services. In abnormal situations, they are called upon to shoulder responsibilities especially of maintenance of essential services round the clock. During operations due to exigencies of service, the applicants are given facilities such as ration allowance to compensate rigorous and arduous nature of duties they have to perform during that period. It is further stated that during operation 'Red Alert', the respondents sanctioned ration allowance to defence civilians of 25 Wing Airforce Station, Rajokari, but the applicants have been discriminated and they have not been given the ration allowance for the period from January, 1987 to June, 1987 when the stay operation was in force. It is further stated that in the past too, the applicants were denied ration allowance for operation Blue Star and Wood Rose. The case of the

applicants only hinges on the ground that they are intimately involved in maintenance tasks of 25 Wing Air Force station during the operation 'Red Alert' as the other defence civilians employed by the Air Force station and denial to them is discriminatory.

3. The respondents contested the application and stated that the ration allowance to defence civilians of Air Force units were paid under the orders of Ministry of Defence, Air Headquarters dt.21.12.1987. The applicants are employed in MES units and are functioning under Engineer-in-Chief Branch Army Headquarters, New Delhi and orders/instructions issued by Engineer-in-Chief's Branch, Army Headquarters are only applicable to MES civilian personnel. The orders/instructions issued by Air Headquarters cannot be made applicable to MES civilian personnel.

It is further stated that no ration money has been paid to MES civilian personnel during operation 'Red Alert' working in the MES units. It is further stated that MES civilian personnel who were actually deployed in operation Blue Star and Wood Rose based on deployment certificate issued by Area Commander or Sub Area Commander were paid money in lieu of free ration or ration allowance instead. No deployment for the MES units located in Delhi area were

De

ordered during operation Blue Star and Wood Rose and hence no ration money was paid to MES civilian personnel working in Delhi. The orders for payment of ration money issued by Air Headquarters cannot be made applicable to MES personnel.

4. I have heard the learned counsel for the parties at length and have gone through the record of the case. The respondents have taken the stand that the orders issued by Air Headquarters are not applicable to MES personnel and the learned counsel could not show that any order has been issued by Engineer-in-Chief's Branch, Army Headquarter, New Delhi for payment of ration money. Thus the applicants cannot claim any benefit of the order issued by Air Force Headquarters dt.21.12.1987. Further the respondents have clearly stated in para 5(ii) of the counter that no ration money has been paid to MES civilian personnel since no deployment orders were issued to MES units located in Delhi. The applicants in the rejoinder stated that the MES civilians were deployed for supply and maintenance of essential services to the Air Force officers/ personnel during the operation 'Red Alert'. Thus at earlier occasion also, during the operation Blue Star and Wood Rose,

there was no deployment of MES units located in Delhi area and so they were not paid to MES civilian personnel working in Delhi, though it was ordered to be paid to some other units of MES, who were deployed and deployment certificates were issued to them by staff authorities.

The applicants in this case have not filed any deployment certificate of Area Commander or Sub Area Commander.

In the event of this, the applicants cannot also allege any discrimination because those who were governed by Air Headquarters' orders were paid ration allowance, though working on the civilian side.

5. The respondents have filed the letter dt.13.7.1989 of the Garrison Engineer, AF Palam, Delhi where it is clearly stated that the name of the units formations located in Delhi area were not deployed and only those located in Punjab, Chandigarh and certain places of Rajasthan were deployed in the operation Blue Star and Wood Rose. The applicants could not show as to how they are entitled to ration money when actually they were not deployed in those operations. Regarding the operation 'Red Alert' civilians of Air Force have been paid ration money on the authority of Government of India, Ministry of Defence, Air Headquarters letter dt.21.12.1987, but it is not applicable to the MES.

The respondents have also filed the letter dt.21.12.1987 issued by Air Headquarters which only covers those cases of the units of Air Force civilians deployed in the operation. The respondents have also filed the letter of Ministry of Defence dt.26.12.1985 where it is clearly written that the orders for issue of ration in case of civilian defence employees deployed in operation Blue Star and Wood Rose would not apply to static units and formations like military farms, MES, regarding officers, training centres and establishment, NCC Directorates and units.

The learned counsel for the applicants during the course of the arguments filed the copy of the order dt.15.12.1987 issued by Ministry of Defence wherein this order of December, 1985 was reviewed and it was ordered that ration money allowance be also paid to defence civilians of static units and formations, who were actually deployed in connection with operation Blue Star and operation Wood Rose. Thus since the units of Delhi were not deployed in operation 'Blue Star' and operation 'Wood Rose', so there arises no question of payment of any ration money to them. Similarly the respondents have stated clearly in para 5(ii) of the counter that no deployment orders were issued to MES units located at Delhi.

6. In view of the above discussion, there is no force in this application and the same is devoid of merit and is dismissed leaving the parties to bear their own costs.

AKS

J. P. Sharma
3.4.92
(J.P. SHARMA)
MEMBER (J)