

(open court)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

Dated, Allahabad, this 5th January, 2001

CORAM : Hon'ble Mr. Rafiq Uddin, Member (J)

Original Application No. 552/99

P.K. Nigam

S/O Late Suresh Chandra Nigam

R/O 442, Mumfordganj, Allahabad-211 002

.....Applicant

Counsel for the applicant : Shri H.S. Srivastava

VERSUS

1. Union of India through the Secretary,
Ministry of Defence(Finance), New Delhi
2. The Financial Adviser,
Ministry of Defence(Finance), New Delhi
3. The Controller General of Defence Accounts
West Block, V.R.K. Puram, New Delhi
4. The Controller of Defence Accounts(W.C.)
Chandigarh

.....Respondents

Counsel for the Respondents : Shri D.S. Sukla

ORDER

(Open court)

(Order by Hon'ble Mr. Rafiq Uddin, JM)

The applicant at the relevant time was holding the post of Auditor in the office of the Pay Accounts Officer (Other Ranks), 14, Gorkha Training Centre, Subathu (Shimla Hills) and remained posted in that office during the period from 1.7.1987 to 17.10.1989. According to the applicant the Government of India, Ministry of Finance vide Office Memo. No. 20014/3/86-E.IVth dated 23.9.1986 granted Special Compensatory (Remote Locality) Allowance to the Central Government employees posted in various areas of Himachal Pradesh at the special rates. However, the employees of the Defence Accounts Department posted at Subathu (Shimla Hills) were not being paid Special Compensatory (Remote Locality) Allowance in terms of the afore-said O.M. The applicant claims that the employees working

contd...P/2

(Page-2)

in the office of Pay Accounts Officer(Other Ranks) in which the applicant was also working filed O.A.652/SP/90 and O.A.1077/SP/91 before Chandigarh Bench of this Tribunal for granting Special Compensatory Allowances in terms of the aforesaid O.M. ^{the} Chandigarh Bench of this Tribunal allowed the application vide order dated 1.7.1992 and directed the Respondents to pay Allowance to the applicants. The order of Chandigarh Bench of this Tribunal were also complied with by the Respondents and Special Compensatory (Remote Locality) Allowance was granted to the applicants in terms of the aforesaid O.M. The grievance of the applicant is that he is also entitled for the said Allowance but the Respondents have rejected his representation vide the impugned order, therefore, he has filed the present O.A.

I have heard Shri H.S.Srivastava, Learned Counsel for the applicant and Shri D.S.Sukla, Learned Counsel for the Respondents.

It has not been disputed before me by the Learned Counsel for the Respondents that the order passed by Chandigarh Bench of this Tribunal in O.A.652/SP/90 has been complied with in respect of the applicants of that O.A. It is, however, contended that the applicant remained posted at Subathu(Shimla Hills) prior to filing of the aforesaid O.A. and since he was not party of the aforesaid O.A. he was not granted the relief. It is also contended by the Learned Counsel for the Respondents that Subhatu Station is not included in the list in the Annexure of the O.M. dated 23.9.1986 and hence Special Compensatory (Remote Locality) Allowance has not been granted to the employees posted in that station. Since it is not a policy decision of the Government of India the applicants have been rightly denied the benefits of the aforesaid order of Chandigarh Bench of this Tribunal.

contd...P/3

R₁

(Page-3)

The Learned Counsel for the Respondents has also contended that since the employee remained posted at the Station in question during the period from July, 1987 to 17.10.1989 and the O.A. has been filed in the year 1990 hence his claim is time barred ^{by} more than 10 years.

I have perused the order of Chandigarh Bench of this Tribunal passed in O.A.652/SP/90 dated 1.7.1992 and also the order dated 5.8.1999 passed in O.A. 248/99 by Division Bench of Lucknow Bench of this Tribunal in which relief was granted to the applicants ^{who} were also similarly situated having remained posted at the Station in question from 1.9.1986 to 7.10.1989. Since the applicant is admittedly similarly situated employee hence the Respondents ^{showed} have not made discrimination in respect of granting of Special Allowance to the applicant also. As regards the claim ^{being time barred} Learned Counsel for the applicant has contended that the representation made by the applicant for granting of Special Allowance was rejected vide order dated 29.6.1988 and the present O.A. has been filed on 18.5.1999 hence the same is within time. A Division Bench of Lucknow ^{Bench of the Tribunal has} also granted relief to the applicants who remained posted at the station in question during the period from 1.9.1986 to 17.10.1989. Since the claim in respect of payment of Spl. Allowance and the cause of action is continuing hence the O.A. is not barred by time.

In view of the facts and circumstances of the case the O.A. is allowed and the Respondents is directed to pay the applicant Special Compensatory (Remote Locality) Allowance for the period from 1.7.1987 to 17.10.1989 within a period of 4 (four) months from the date of communication of this order.

No order as to the cost.

Rajendra

JM