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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH**

**ORIGINAL APPLICATION NO. 266/2003
&
Misc. Application No. 142/2003**

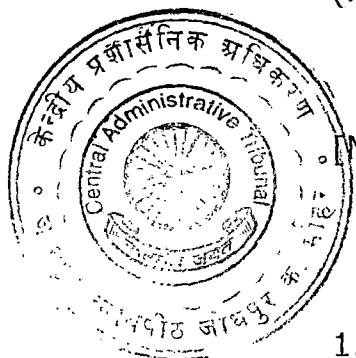
Date of decision 02.09.04

**CORAM
HON'BLE MR. J.K. KAUSHIK, JUDICIAL MEMBER**

Suresh Kumar Sharma S/o Shri Jhambo Ram ji Sharma, Aged about 42 years, R/o Quarter No. P-36/8 Army Colony, Suratgarh, Distt. Sriganganagar (Rajasthan).

Presently working on the posts of Mate in the office of Garrison Engineer (Air Force) Suratgarh, Distt. Sriganganagar (Rajasthan).

....Applicant



[Mr. S.K. Malik, Counsel for the applicant]

VERSUS

1. Union of India, Through the Secretary, Ministry of Defence, Raksha Bhawan New Delhi-110011.
2. Engineer in Chief Branch, Army Head Quarters, Rajaji Marg, DHQ P.O. New Delhi 110010.
3. Chief Engineer, 10 Corps, Bhatinda Zone, Bhatinda (Punjab).
4. Officer Commanding, 815 Combat Engineering Training Camp, C/O 56 APO.

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5. Garrison Engineer (Air Force) Suratgarh, Distt.
Sriganganagar (Rajasthan).

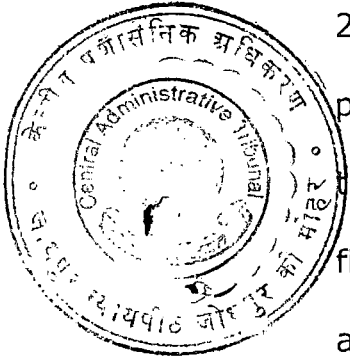
...Respondents

[B.R. Mehta, Counsel for the respondents]

ORDER

Mr J K Kaushik, Judicial Member:

Shri Suresh Kumar Sharma has filed this O.A. under Section 19 of the Administrative Tribunal Act and has inter alia prayed for a direction to the respondents to make payment of ration money allowances for field concession with effect from 1.3.1983 up to 27.4.1991 alongwith with interest at the rate of 12 per cent per annum and also the exemplary costs.

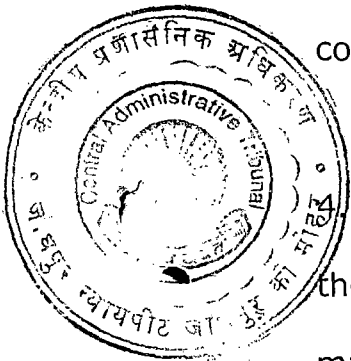


2. With the consent of the learned counsel for the parties and keeping in view the urgency of the matter and also that the pleadings being complete, the case was taken up for final disposal at the stage of admission. I have heard the arguments advanced on behalf of both the parties including that of Respondent No. 4 Mr. R. Mathur who is present in person and I have carefully perused the records of this case.

3. As far as the factual matrix of the case is concerned the same is at a very narrow compass. The admitted facts of

[Signature]

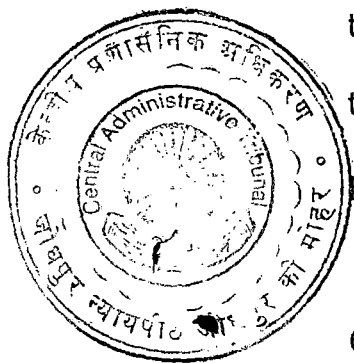
the case are that the applicant while working on the post of Laker was employed with the respondent no. 4 with effect from 1.6.1981 and he remained with the said unit upto 27.4.1991. Subsequently he was transferred in the office of Respondent No. 5 and till date he continues to discharge his duties there. The Government of India has sanctioned ration allowances for field concessions in respect of civilian employees in the Unit of respondent No. 4 with effect from 1.3.1983 due to its declaration of Field Area. To cut short the controversy such allowances were granted to other similiarly situated persons and in the case of the applicant it was left out. It is borne out from the reply of the respondents that the claim of the applicant has been accepted by them in toto and the matter has been taken up with PCDA vide communication dated 7.12.1996. Certain records were shown at the time of argument which indicate that the matter remains under constant correspondence consideration between the concerned parties.



The learned counsel for the parties have reiterated the facts and grounds raised in their respective pleadings. As a matter of fact there is hardly any adjudication is required in the matter by this Bench of the Tribunal, since the factual aspect as well as the claim of the applicant has been fully admitted. The Lt. Colonel R. Mathur Officer Commanding, 815 Combat Engineering Training Camp, C/O 56 APO that is respondent No. 4 has informed that the total claim of the applicant is Rs. 20,088/-

and by now almost all the formalities are complete. He has submitted that this was a belated claim and the moment he has joined on the post of Commanding Officer, he has taken special care in the matter and has reached to the final settlement of the claim. However, he has submitted that by 30th November 2004, the due payments will be made to the applicant as per his expectation and all efforts are being made at his level. However, he has submitted that the final payment is to be made by PCDA, Western Command Chandigarh and the only hurdle is that the sanction of AG branch Army headquarters is required in the matter, since this is a time barred claim and he hopes that within the time asked for the complete exercise shall be completed.

5. The learned counsel for the applicant has submitted that the respondents have been seeking time every now and then and the matter is getting delayed and hence a shortest possible time should be given to them.



6. I have considered the aforesaid submissions and taking into account the anxiety of both the parties and seeing practicability thereof and the procedure involved in the matter, as well as keeping in view the entire facts and circumstances of this case, I disposed of this OA with the following orders:

"The Original Application has merit and substance in the same stands allowed. The respondents are directed to

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release the amount of Rs. 20,088/- due towards the ration money allowances as indicated in letter dated 17.12.03 Annex. R/1 to the applicant by 30/11/2004. In case the amount is not released by that date the respondents shall be liable to pay interest at the rate of 8% per annum after the said date till the payment is actually made to the applicant. No Costs.

Misc. Application No. 142 of 2003 also stands allowed".


(J K Kaushik)
Judicial Member

Lalit

R/C
on 6/9/2004

~~Sam~~
(DAYARAM)
~~John~~

Received copy
Jawansingh
8/9/04