

E/6
278

CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

O.A.No.170/2003 & M.A.No. 89/03 (OA 170/03)
Date of Decision : this the 21st day of May, 2004

**Hon'ble Mr. J.K.Kaushik,
Judicial Member**
**Hon'ble Mr. G.R.Patwardhan,
Administrative Member**

1. Rajasthan Area MES Workers Union, Jaisalmer, through its President Shri Sultan Khan S/o Sh. Nagodar Khan Aged 52 years, Fitter Pipe, in the office Of Garrison Engineer,MES (Army), Jaisalmer R/o Dibbapada,Jaisalmer
2. Shekhu Khan S/o Sh.Sadku Khan aged 46 years, Fitter Pipe in the office of AGE/B&R,Pokaran, R/o Behind Madarsa, Pokaran, District Jaisalmer

[By Mr. Vijay Mehta, advocate, for applicant]

.....Applicants.

Versus



1. Union of India through the Secretary, Government of India,Ministry of Defence, Raksha Bhawan, New Delhi.
2. Principal Controller of Defence Accounts, Southern Command, Pune.
3. Controller General of Defence Accounts, Block No. V, R.K. Puram Complex, New Delhi.
4. Director General of Ordnance Services, Army Headquarters, New Delhi.
5. Garrison Engineer, M E S (Army),Jaisalmer
6. Assistant Accounts Officer,Garrison Engineer (Army) Jaisalmer

[By Advocate Mr. S.K.Vyas, for respondents]

.....Respondents

**ORDER
[BY G.R.PATWARDHAN]**

The M.A. and O.A. both have been filed on the same date – 18.8.2003. The O.A. has been filed by Rajasthan Area M.E.S. Workers Union through its President, Sultan Khan and one Shekhu Khan both Fitter Pipe in the office of different Garrison Engineers of Jaisalmer. The six respondents are led by the Defence Secretary – and comprise Garrison Engineer of Jaisalmer also. There is no specific order which is under challenge – the prayer admittedly is for payment of Field Area/Modified Field Area allowance which the petitioners think they are entitled to.

2. The facts in brief are, that petitioner No.1 is a registered Trade Union with Sultan Khan, respondent No.1 its President, while petitioner No. 2 is a civilian employee holding post of Fitter Pipe. The applicants' claim that they were deployed in 'Operation Sangram' and 'Operation Parakram' from September 2001 to January 2003 and are thus, entitled to Field Area and Modified Field Area allowance. It is said that their bills pertaining to these allowances have been prepared and forwarded by their immediate superiors to different authorities at Delhi and the last that they heard was that these were pending approval of the Ministry of Defence. Lastly, in para 8 of the application – regarding relief – it has been submitted by the applicants that the respondents be directed to make payment of the two allowances.



3. A reply has been filed and is on record. It disputes the period for which allowances are claimed and is silent on averments in para 4.5 and 4.6, 4.13 to 4.18 of the application except saying that it does not need a reply at this stage.

4. Our attention has been drawn to a similar prayer decided in O.A. No. 155/2003 on 25.3.2004 wherein, the applicants were Rajasthan Raksha Karamchari Sangh through its Secretary Babu Singh and one Shera Ram,-both working in Field Ammunition Depot and who had also sought payment of these two allowances along with other issues. There, after hearing the matter it was ordered that the respondents should take final view on the representations within three months. In the instant case, the learned advocate for applicants, after alluding to this order and the reply of the respondents, which according to him, is conceding in nature, has requested that a direction be issued to them to dispose of the matter, preferably within three months.

5. We have heard both the parties and perused records. We find that the case already decided is similar in nature.

6. Through the M.A., a prayer has been made to condone the delay if any in filing the petition on 18.8.2003 against intimation of status of their representation dated 26.7.2003 (Annex.A/12 in O.A.). This is a letter issued by Ex. Engineer on behalf of



4.

Garrison Engineer (Army) Jaisalmer informing that the matter of these allowances is pending with the Ministry of Defence.

E/9
2/11

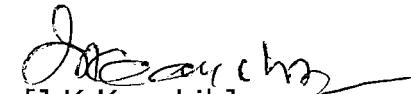
We find that under entry 104 of the Schedule to Limitation Act, 1963, the Limitation to establish a periodically recurring right is three years from the date the plaintiff is first refuted the enjoyment of the right. In the instant case, the application has been filed well within the stipulated period and so M.A. is accordingly disposed of.

7. The O.A. is disposed of at the stage of admission itself with consent of both the parties, with a direction to respondents to take a final decision within three months on the demand of applicants by passing a speaking order. Needless to add, the applicants are at liberty to approach the Tribunal again if so advised – after an order has been passed by the respondents.

No order as to costs.



[G.R.Patwardhan]
Administrative Member


[J.K.Kaushik]
Judicial Member

Jrm

1000
1000
1000
1000
1000

Pen
Pencil