

14  
JJS

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH,  
JODHPUR**

Decided on : 26<sup>th</sup> April, 2007

CORAM:

**HON'BLE MR. JUSTICE M. RAMACHANDRAN, VICE CHAIRMAN  
HON'BLE MR. R.R.BHANDARI, ADMINISTRATIVE MEMBER**

**(1) O.A.No.58 of 2005**

1. Rajasthan Area MES Workers Union, Jaisalmer, through its President Shri Sultan Khan son of Shri Nagodar Khan, Fitter Pipe in the office of Garrison Engineer MES (Army), Jaisalmer, aged 54 years, R/o Dibbapada, Jaisalmer.
2. Shekhu Khan son of Shri Sadku Khan, aged 48 years, Fitter Pipe in the office of the AGE (B&R), Pikaran, District Jaisalmer.

.....Applicants

Versus



1. Union of India through the Secretary, Government of India, Ministry of Defence, Raksha Bhawan, New Delhi.
2. Engineer in Chief, Army Head Quarters, Kashmir House, New Delhi.
3. Commander Works Engineer, MES (Army), Jodhpur.
4. Garrison Engineer, MES, Army Jaisalmer.

.....Respondents

Present : Mr. Vijay Mehta, Advocate for applicants.

Mr. M. Prajapat, Advocate for

Mr. Ravi Bhansali, Advocate for respondents.

**(2) O.A.No.133 of 2005**

1. Rashtriya Raksha Karmchari Sangh, District Jodhpur, through its Secretary Shri Baboo Singh son of Shri Dhoer Singh, Mazdoor, 19 FAD, Banar, aged 55 years, R/o Behind Government Hospital, Banar, District Jodhpur.
2. Shera Ram son of Shri Asu Ram, aged 54 years, mazdoor, 19 FAD, Banar, R/o Saran Nagar, Jodhpur.

.....Applicants

Versus

N2

1. Union of India through the Secretary, Government of India, Ministry of Defence, Raksha Bhawan, New Delhi.

2. Director General of Ordnance Services, Army Head Quarters, Kashmir House, New Delhi.
3. Commandant, 19 FAD Banar, District Jodhpur.

.....Respondents

Present :Mr.Vijay Mehta,Advocate for applicants.

Mr.M.Prajapat, Advocate for

Mr.Ravi Bhansali, Advocate for respondents.

**ORDER (oral)**

**JUSTICE M. RAMACHANDRAN, V.C**

In view of the submissions made by the respective parties appearing in these applications, without going to the merits, the matters are being disposed of, so as to meet the ends of justice.

2. A trade Union, Rajasthan Area MES Workers Union, Jaisalmer, along with Shekhu Khan, a Member of the Union have espoused cause of workmen, represented by them. They are civilian employees in Defence establishments and had been engaged under the 4<sup>th</sup> respondent, Garrison Engineer, MES Jaisalmer in respect of certain military operations during the years 2001-2003. According to decision taken by Department, personnel posted in field area are entitled to get the field area/modified field area allowances and concessions. However, favourable orders were not forthcoming though the claims of the eligible group had been put up. Thereafter, they had filed Original Application No.170/2003 and during that period respondents had informed the Tribunal that the matter was under consideration but in November 2004, Annexure A-1, an order was issued holding as follows :

"However, a proposal for grant of Field Service Concession to Def Civilians deployed in OP Parakram has been taken up by AG's Branch with MOD. The same has not yet been approved by MOD. Since the existing rules do not permit grant of Field service concession to Def Civ Employees deployed in OP Parakram, the relief's sought for by you in the OA

cannot be considered at present".

3. The grievance was that application of mind was not there on the part of the respondents and eligible and admissible benefits have been withheld for technical reasons.

O.A.No.133/2005 has also been filed similarly by Rashtriya Raksha karmchari Sangh, District Jodhpur, and one Shri Shera Ram. They had also earlier filed O.A.No.155/2003 and it had been similarly disposed of as O.A.No.170/2003. They too challenge Annexure A-1, whereby as has been done in Annexure A-1, produced in O.A.No.58 of 2005, on a later date, their claim has been rejected.

4. Reply statement had been filed by respondents, followed by rejoinder. However, learned standing counsel appearing on behalf of the respondents in O.A.No.133/2005 submits that in respect of claim of the applicants, a positive approach has been decided to be made and financial benefits as sanctioned to the members represented by the Union are being computed and will be given away in about four months time. In respect of claims in O.A.No.58 of 2005, although steps for computation have not so far been initiated it is submitted that the Department does not wish to differentiate amongst employees and in a similar manner will be carried out in respect of applicants in O.A.No.133/2005, computation process will be initiated and finalized within the time referred to earlier.

5. It appears that although initially there were reservations about the eligibility of the group, mostly of a technical nature, harboured by the respondents, yet now they <sup>are</sup> ~~have~~ agreeable to give the financial benefits to the extend admissible. The submission, that payment will be made within the time mentioned

above, is recorded. We direct that the payments to the eligible persons, should be made on or before 31.8.2007.

6. Both O.As stand disposed of accordingly. No costs.

*R.Bhandari*

( R.R.BHANDARI)  
Administrative Member

*DR*

( JUSTICE M.RAMACHANDRAN)  
Vice Chairman



Recd  
P.S.  
1/1/53

Copy read  
today  
M. S.  
for R. Khaseli  
Adv.  
31st Jan