

O.A.Nos. 143, 144, 145, 146 and 147 of 2006
DATE OF DECISION : THIS IS THE 5TH JULY, 2007.

2/10

CORAM :

HON'BLE MR. KULDIP SINGH, VICE CHAIRMAN
HON'BLE MR. R.R. BHANDARI, ADMINISTRATIVE MEMBER

1. Bhim Singh S/o Shri Bheer Singh aged 46 years,
2. Vijay Singh s/o Shri Kirat Singh aged 45 years,
3. Narain Singh S/o Shri Jabbar Singh aged 55 years,
4. Ram Dayal S/o Shri Heera Ram aged 54 years,
5. Sandeep Kumar S/o Shri Mitter Singh aged 25 years,
6. Ram Avatar Gurjar s/o Shri Prahalad Sahay, aged 25 years,
all Mazdoors in 19 F.A.D., Banar residents of Civilian Family
Quarters, Banar, District Jodhpur.

Applicants in OA No. 143/2006

1. Kundan Singh S/o Shri Mangi Lal aged 47 years,
2. Banshi S/o Shri Mangi Lal aged 54 years,
3. Bhanwar Lal S/o Shri Bhoora Ram aged 45 years,
4. Kewal S/o Shri Gangu Ram aged 40 years,
5. Ram Chander S/o Shri Virdha Ram aged 44 years,
6. Igyarsi Devi wife of Shri Kalu Ram aged 42 years,
All Mazdoors in 19 F.A.D., Banar, residents of Civilian Family
Quarters, Banar, District Jodhpur.

Applicants in OA No. 144/2006

1. Pankaj Kumar S/o Shri Jagan Nath Singh aged 54 years,
2. Devind Chand S/o Shri Jagat Chand aged 27 years,
3. Rajendra Singh S/o Shri Ram Chandra Singh aged 46 years,
4. R.K.P. Singh S/o Shri Krishan Dev Singh aged 36 years,
5. Ramveer Singh S/o Shri Malkhan Singh aged 25 years,
6. Surendra Singh S/o Shri Ishwar Singh aged 23 years,
All Mazdoors in 19 F.A.D., Banar, residents of Civilian Family
Quarters, Banar, District Jodhpur.

Applicants in OA No. 145/2006.

1. M.N. Thakur S/o Shri Ganu Thakur aged 43 years,
2. Kamlesh Kumar S/o Shri Ganga Sahai aged 26 years,
Sher Singh S/o Shri Har Narayan, aged 26 years,
Raju Prasad S/o Shri Mehndra Mohto, aged 34 years,
Ram Kishan S/o Shri Hawai Singh aged 25 years,
Brijendra Singh S/o Shri Kanwal Bhan Singh, aged 26 years,
Pawan Kumar S/o Shri Lal Chand aged 23 years,
All Mazdoors in 19 F.A.D., Banar, residents of Civilian Family
Quarters, Banar, District Jodhpur.

Applicants in OA No. 146/2006



COMPARED 22
CHECKED 3

32

1. Saraswati Devi Wife of Shri Mahendra Mohto, aged 54 years,
2. S.N. Dass S/o Shri Poltu Dass, aged 52 years,
3. Jai Singh S/o Shri Gulab Singh aged 57 years,
4. Shiv Kumar S/o Shri Poltu Dass aged 46 years,

5. Prem Ram S/o Shri Madan Lal aged 53 years,
6. Naina Devi Wife of Shri Bal Kishan aged 42 years,
All Mazdoors in 19 F.A.D., Banar, residents of Civilian Family
Quarters, Banar, District Jodhpur.

Applicants in OA No. 147/2006

By Mr. Vijay Mehta, counsel for the applicant.

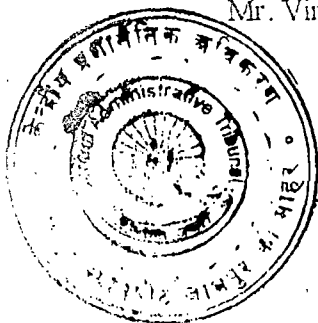
Versus

1. Union of India through the Secretary to the Government
Ministry of Defence, Raksha Bhawan, New Delhi.
2. Commandant, 19 F.A.D., Banar, District Jodhpur.

.....Respondents in all the Oas.

Present :

By Mr. M. Prajapat, Advocate, brief holder for
Mr. Ravi Bhansali, for the respondents in OA No. 143 to 145 of 2006
By Mr. Mahendra Godara, Advocate, brief holder for
Mr. Vineet Mathur, for the respondents in OA No. 147 & 147 of 2006



ORDER (ORAL)
[BY KULDIP SINGH, VICE CHAIRMAN]

Heard the learned counsel for the applicant.

2. In all the above five O.As the relief(s) sought by the applicants are similar, therefore, they are being disposed of by this common order.

3. The grievance of the applicants' are that they had been allowed a Quarter at a distance of more than 2 kms. from the place of their working and they are being paid Rs. 75/- per month as Transport Allowance in accordance with the provisions contained in O.M. Dated 3.10.1997 and the O.M. Dated 17.4.1993. However, abruptly, by an oral order, this Transport Allowance has been discontinued and recovery is stated to be initiated against the applicants. The applicants have made a specific averment that no written order dis-continuing the Transport Allowance was ever issued to them. The applicants also allege that no show cause notice was issued as also no opportunity of hearing was afforded to them and abruptly by an oral order, the said allowance has been ordered to be stopped. On a query from the respondents, the learned counsel specifically told

that respondents have not passed any written order discontinuing the Transport Allowance which was being paid to the applicants. However, the respondents in their reply also, alleged that the applicants are not entitled to Transport Allowance as they are residing within the campus of 19 FAD and Govt. Md. Accn. is located at 2 Kms. Away from the place of duty main gate / security office of 19 FAD, where their daily attendance is carried out as also the quarters and Depot main gate / security office are located within the army campus of 19 FAD perimeter. He has argued that the said allowance has now been with-held as per the objection raised by the audit authorities of Western Command. Thus, the applicants are not entitled to any such allowance. However, the way, the Department has dis-continued the payment of Transport Allowance, appears to be in violation of principles of natural justice as they have dis-continued the allowance affecting the civil rights of the applicants and before affecting the civil rights, the applicants should be given a notice and only thereafter, written orders should have been passed in accordance with the rules. So, we allow all these O.As and direct the respondent-department to continue to pay Transport Allowance to the applicants, however, if they want to stop the same, they may do so by serving an appropriate notice as per law and judicial pronouncement on the subject ; until such action is taken, respondents are restrained to recover any amount towards this



With the above directions, the OAs No. 143, 144, 145, 146 and 147 of 2007 stands allowed and disposed of accordingly.

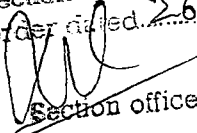
Sd/-

[R.R.Bhandari]
Member(A)

Sd/-

CERTIFIED TRUE COPY
Dated 9/12/2012 [KULDIP SINGH]
VICE CHAIRMAN

अनुमान (न्याय)
Section (न्याय)
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
जोधपुर बेंच, जोधपुर
Jodhpur Bench, Jodhpur.

Part II and III destroyed
in my presence on 4/6/14
under the supervision of
section officer (1) as per
order dated 26/3/2014

Section officer (Records)

R Copy
4/1/14

10/17
Capt. [Signature]
11/2/02