

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH**

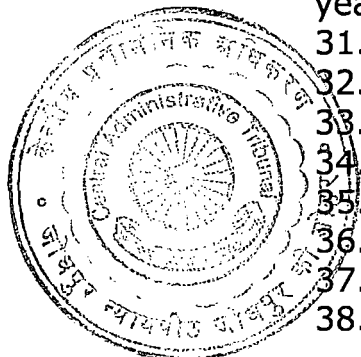
**ORIGINAL APPLICATION NO. 199/08
JODHPUR THIS day FEBRUARY 27, 2009**

CORAM:

HON'BLE MR. N.D. RAGHAVAN, VICE CHAIRMAN

HON'BLE MR. SHANKAR PRASAD, MEMBER (A)

1. Brijlal Soni S/o Shri Sunderlal, aged 43 years.
2. Laxman Singh S/o Shri Moti Lal, aged 52 years.
3. Babulal S/o Shri Pema Ram ji, aged 46 years.
4. Babulal S/o Shri Lukaram, aged 45 years.
5. Jalam Singh S/o Shri Vishan Singh, aged 43 years.
6. Punjraj Singh S/o Shri Girdhari Singh, aged 50 years.
7. Kishore Kumar S/o Shri Vishan Das, aged 50 years.
8. Bhojraj S/o Shri Tolaram, aged 52 years.
9. Bheraram S/o Shri Devaram, aged 43 years.
10. Chutraram S/o Shri Pemaram, aged 55 years.
11. Jassaram S/o Shri Kanaram, aged 47 years.
12. Pannalal S/o Shri Mishrilal, aged 55 years.
13. Smt. Geeta Devi W/o Late Ashok Kumar, aged 42 years.
14. Hussain Khan S/o Shri Fajre Khan, aged 46 years.
15. Ali Mohammad S/o Shri Nabbe Khan, aged 46 years.
16. Chatrapal S/o Shri Ramdeen, aged 56 years.
17. Om Prakash S/o Shri Mohan Lal, aged 52 years.
18. Kishan Lal S/o Shri Mangilal, aged 48 years.
19. Jugal Kishore S/o Shri Devkishan, aged 44 years.
20. Chainaram S/o Shri Sohanraj, aged 46 years.
21. Parsaram S/o Shri Khinyaram, aged 55 years.
22. Roshan Lal S/o Shri Gyani Ram, aged 55 years.
23. Shesh Karan S/o Shri Devidan, aged 45 years.
24. Chotu Singh S/o Shri Hazari Singh, aged 45 years.
25. Shaitan Singh S/o Shri Bheru Singh, aged 54 years.
26. Jetharam S/o Shri Devaram aged 42 years.
27. Salen Mohd. S/o Shri Jalal Khan, aged 46 years.
28. Nand Lal S/o Shri Shanker Lal, aged 49 years.
29. Madhav Ram S/o Shri Babu Lal, aged 46 years.
30. Smt. Saroj Kanwar W/o Late Shri Nathu Singh aged 42 years.
31. Nand Ksihore S/o Shir Ganesh Lal, aged 42 years.
32. Jagdish Prasad S/o Shri Sheraram, aged 45 years.
33. Paramanand S/o Shri Hansraj, aged 49 years.
34. Magaram S/o Shri Chetan ram, aged 48 years.
35. Ganpat Ram S/o Shri Kanaram, aged 48 years.
36. Lunaram S/o Shri Tulsaram, aged 55 years.
37. Manohar Singh S/o Shri Nepal Singh, aged 48 years.
38. Bhanwar Lal S/o Shri Gorkharam, aged 48 years,
All working as Defence Ordnance Unit. C/o 56 APO.



2

.... Applicants.

For Applicants : Mr. K.K. Shah, Advocate.

VERSUS

1. Union of India through the Secretary, Ministry of Defence, New Delhi.
2. The Chief of Army Staff, Army Headquarters, Sena Bhavan, New Delhi.
3. GOC-IN-C, HQ, Southern Command, Pune (Maharashtra).
4. GOC, 12 Rapid (Infantry Division) C/o 56 APO.
5. Principal Controller of Defence Accounts, Southern Command, Pune (Maharashtra)
6. C.O., 12 Rapid Ordnance Unit, Pin 909012, C/o 56 APO.

.... Respondents.

For Respondents No. 1 to 6 : Mr. M. Godara, proxy counsel for Mr. Vinit Mathur, Advocate .

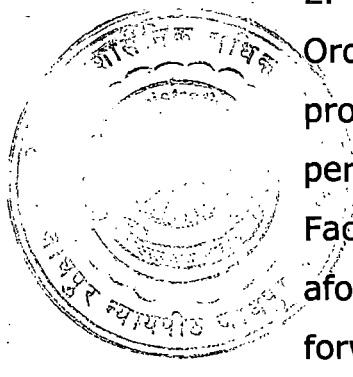
ORDER

[PER SHANKAR PRASAD, MEMBER (A)]

By this O.A. the applicants seek the following reliefs :-

"That the applicant most respectfully prays that this Original Application may kindly be allowed with costs and by an appropriate writ, order or direction the respondent may please be directed to pay the field service concessions to the applicants from 19.12.2001 to 14.12.2002 with interest @ 12% p.a.

Any other order which is in favour of the applicants may also be passed."



2. These ~~entire~~ applicants are civilian employees of 12 Rapid Ordnance Unit. Commanding Officer of the said Unit approved a proposal for payment of field service concessions to these personnel on 09.06.2007. The ~~service~~ ^{certificates} were also signed. Ex-post Facto Sanction of GOC was also accorded. By **Annexure-A/2**, the aforesaid proposal alongwith the documents mentioned therein was forwarded ^{to} ~~by~~ LAO (A) Jodhpur ^{by} ~~to~~ the Commanding Officer, 12 ROU, C/o 56 APO. The Principal CDA, (SC) Pune made certain

(3)

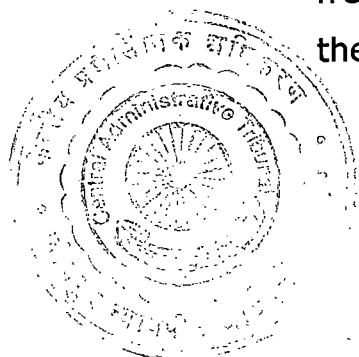
queries vide his letter dated 17.12.2007. **Annexure-A/4**, which reads as under:

"As the basis of this special concession to Defence civilian involved in OP PARAKRAM activity is in lieu of Ration, you are requested to refer the ADMN CHECK documents available in unit and confirm whether the civilians deployed in OP PARAKRAM were given free ration. If not, the claim may be forwarded to AAO (SC) Jodhpur, alongwith your audit certificate, for their further necessary action."

3. The case of the applicants in brief is that the Ministry of Defence have issued an order dated 6th March 2006 (**Annexure-A/1**) that Field Service Concessions mentioned in Sub-para (a) of Para-1 of the aforesaid letter, will also ^{be admissible &} applied to all defence Civilian Employees deployed/mobilized irrespective of the geographical areas of the deployment.

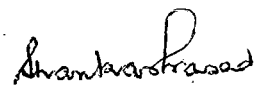
4. It is the case of the applicants, that ^{in all conditions &} the service required in the letter of defence ministry have been met with. It is contended that the audit criticism ^{referred &} refer to therein was in respect of payment of ration allowance in lieu of free ration. It is not a condition for sanction, which is mentioned in the subsequent paragraph of the said O.A. The applicants have served a legal notice on 12.05.2008 but without any response.

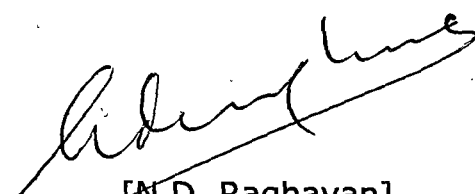
5. The respondents on the other hand have contended that there is no impugned order and hence this O.A. is not maintainable. It is further stated that O.A. is barred by limitation and suffers from delay and latches. The applicants had been given free ration during the above mentioned deployment and, therefore, they are not entitled for above mentioned concession. [&]



6. We have heard the learned counsel. We note at the outset that the Defence Ministry has authorized payment of field concessions only vide their letter dated 6th March 2006. The matter has been taken up by the Unit and certain queries have been made. The matter has not reached the finality. The reply of the respondents suggests that the claim is not maintainable as the applicants were given free ration. However, the copy of the scheme is not on record, and therefore we cannot accordingly express any opinion on this point.

7. In view of the above position, we ~~have decided to dispose of~~ ^{to dispose off} this O.A. by giving a direction to respondent No. 3 to pass a speaking order on the claim of the applicants within a period of 3 months from the date of receipt of this order. We wish to make it clear that we have not expressed any opinion on the merits of the case. A copy of the speaking order shall be served on the applicants. No costs.


[Shankar Prasad]
Member (Admn.)
Rss


[N.D. Raghavan]
Vice Chairman

R/C
Reign'd
For R.K. Shah
R/v
3/3/09

3/3

Part II and III destroyed
in my presence on 8/8/15
under the supervision of
section officer (), as per
order dated 07/07/2015

Section officer (Reign'd)