

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No.431/2011

Date of decision: 12.12.2011

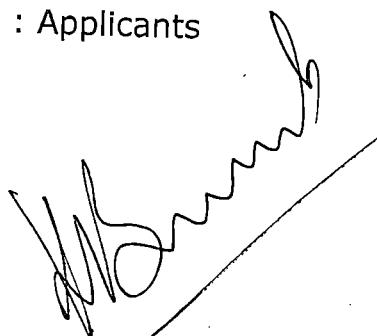
**HON'BLE Dr. K.B. SURESH, JUDICIAL MEMBER,
HON'BLE Mr. SUDHIR KUMAR, ADMINISTRATIVE MEMBER.**

1. Bharat Lal S/o Shri Sukria Ram, by caste Meena, aged 40 years, R/o village Moukhudra, Post Moukheda, Tehsil Waswa, District Dausa.
2. Omprakash S/o Shri Somnath, by caste Kumhar, aged 50 years, R/o Surjeet Singh Colony, Ward No.32, Main Road, Sri Ganganagar.
3. Suresh Kumar S/o Shri Molad Ram, by caste Dhanak, aged 43 years, R/o 37-Agarsen Nagar, Sri Ganganagar.
4. Chetram S/o Shri Inder Singh, by caste Kumhar, aged 54 years, R/o Ward No.26, Lalgarh Jattan, Tehsil Saulshahar, District Sri Ganganagar (Raj.).
5. Nanuram S/o Shri Bhalram, by caste Jat, aged 34 years, R/o Jegniya, Rajaldeesar, Tehsil Ratangarh, District Churu.
6. Veer Singh S/o Shri Ram Singh, by caste Hindu, aged 53 years, R/o Sihagawali, Tehsil & District Sri Ganganagar.
7. Rampratap S/o Shri Umaram, by caste Meghwal, aged 45 years, R/o Ward No.13, Lalgarh Jattan, Tehsil Saulshahar, District Sri Ganganagar (Raj.).
8. Ramdulare S/o Shri Bhikamchand, by caste Hindu, aged 48 years, R/o House No.104, Gali No.2, Behind Labour Court, Purani Abadi, Sri Ganganagar.
9. Rampratap S/o Shri Pokran Ram, by caste Jat, aged 48 years, R/o village Hareer Baas, Post Nua, Tehsil & District Jhunjunu.
10. Jagmal Singh S/o Shri Mukhram, by caste Kumhar, aged 50 years, R/o 1 KSR, Post Bhagwansar, Tehsil Suratgarh, District Sri Ganganagar.

: Applicants

Mr. Hemant Jain, counsel for applicants.

Versus



1. Union of India, through the Secretary, Ministry of Defence, Government of India, Raksha Bhawan, New Delhi.
2. Directorate General of Ordnance Services, Master General of Ordnance Branch, Integrated HQ of MoD (Army, New Delhi-110011).
3. HQ South Western Command (ORD), Jaipur-908546.
4. Additional Directorate Gen Manpower (Policy & Planning), MP-4 (Civ)(d) Adjutant General's Branch, IHQ MOD (Army) New Delhi-110105.
5. The Commandant, 24 Field Ammunition Depot, Pin-909724, C/o 56 APO.

.....Respondents

Mr. Ravi Bhansali, counsel for respondents.

ORDER (ORAL)
Per Dr. K.B. Suresh, Judicial Member

We have heard both the learned counsels in great detail and discussed the matter with them to understand in depth the issue involved. In relation to one limb of the cause now alleged, we have already held in a number of connected cases that the Field Service Concession extended for 'Operation Parakram' cannot be recovered, as the amount was extended under due process, and after policy formulation from the Government, which was sought to be recovered due to the Audit para of C&AGI. Therefore, we declare that the quantum of amount involved in the Operation Parakram cannot be recovered from the applicants and orders to this effect are hereby quashed.

2. Relating to the other issue, it would appear that there is some confusion in the minds of implementing office, as vide Government of India, Ministry of Defence letter No.8(1)83D/ (Pay/Services) dated 01st March, 1983, the President of India was



pleased to sanction full Field Services Concessions to all Army Personnel and Defence Civilians w.e.f. 01.03.1983 at Suratgarh and Lalgarh Jattan (Near Ganganagar). Therefore, it would appear that this stipulation was made on the basis of job content as assessed by formation commanders and forwarded to the Army Headquarters. Thereafter, vide Circular No.37269/AG/PS-3(a)/90/D (Pay/Services), Government of India, Ministry of Defence, dated 13th January, 1994, the existing classification of areas for the grant of Field Service Concessions and the concessions admissible in Field Areas to Armed Forces personnel, was reviewed, and the President's sanction was extended to uniformed personnel in both the Field Areas and Modified Field Areas. The concession was divided into actual requirements of working and monetary allowance, which was in lieu of such consideration, a table was prepared for the rate of compensatory allowance in the Field Areas as well as Modified Field Areas. Further, vide the same circular, it is decided that the concessions to be admissible to Defence Civilians serving in the newly defined Areas will be notified separately. But the applicant has a grievance that even after decades had passed, since 1994 no action has been taken on their representations. Vide appendix 'A' of above two letters, Field areas of Eastern Command, Western Command, Central Command, Northern and North Western Command, were identified. Vide a further addendum to said letter, dated 31st January, 1995, it is stipulated that the Defence Civilian employees serving in the newly defined Field Areas will continue to be extended the concession enumerated in Appendix

'C' to the Government letter No.A/02584/AG/PS3(a)/97-S/D(Pay/Services)dated 25.01.1964, and the Defence Civilian employees will continue to be extended the concessions enumerated in Appendix 'C' to the Government Letter dated 02nd March, 1968. In addition, the Defence Civilian employees in the newly defined Field Areas and Modified Field Areas will be entitled to payment of Special Compensatory (Remote Locality) Allowance and other allowances (as admissible to Defence Civilians as per the existing instructions issued by the Ministry from time to time). The house rent allowance is one such stipulation as is available from records.

3. There now appears to be some confusion, as the applicants would claim that they are entitled to such benefits, which should be given to them, but probably the issue may be as to what their quantum of benefits should be. Therefore, to provide harmony, we are issuing the following declarations and directions:-

- (i) The respondents shall undertake a further survey of Field Areas and Modified Field Areas on the basis of geographical significance as well as functional content, and determine the workload and risk feature of each area, and make an intelligible differentia, which is to be applicable to both uniformed personnel and Defence Civilians doing a similar or particular category of work. The feasibility of work related and risk related study shall take into consideration the quantum of compensation required to be received by each kind of personnel in

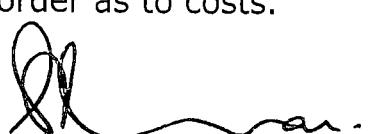


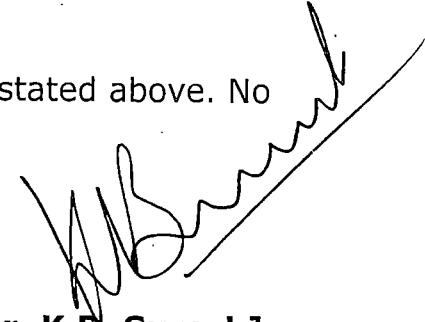
relation to his situational significance. The concept of risk feature of uniformed personnel vs. defence civilian functional content and risk element also shall be taken into account while deciding the matrix.

(ii) After having established a differentia between the two functional elements, on the basis of work content and its features, a structure of compensatory allowances which is related to the present time, and keeping in mind the various pay structure available after the Sixth Pay Commission, shall be formulated and arrived at.

(iii) These, thereafter, shall be made available, within six months from today, to the applicants, and those like them, with arrears from 09.10.2011, i.e. the date of O.A., without any interest and thereafter after the six months period with interest at the rate of 10% per annum.

4. The O.A. is allowed to the limited extent as stated above. No order as to costs.


[Sudhir Kumar]
Administrative Member


[Dr. K.B. Suresh]
Judicial Member