

22 के अन्तर्गत निः सूलक नं. ५५६
कानूनी (संविधान) विभाग

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CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

Jodhpur, this the 29th day of April, 2015

CORAM

Hon'ble Ms. Meenakshi Hooja, Administrative Member

OA No.445/2011

1. Om Prakash s/o Shri Gandhiram, by caste Hindu, aged 47 years, r/o VPO Maniwala, Tehsil Sadulshahar, District Sri Ganganagar.
2. Mangilal s/o Shri Badriprasad by caste Hindu, aged 47 years, r/o Ward No.19, Lalgarh, Jatan, Tehsil Sadulshahar, District Sri Ganganagar (Raj.)
3. Subhash Chand s/o Shri Lal Chand, by caste Verma, aged 29 years, r/o Village Post Lalgarh Jatan, District Sri Ganganagar
4. Sohanlal s/o Shri Annaram, by caste Nayak, aged 54 years, r/o Chak 3-E Chhoti, Shivnagar, Ward No.4, Sri Ganganagar.
5. Amritpal s/o Shri Mukhtar Singh by caste Jatsikh, aged 32 years, r/o Village Post Chak 2 LLG, Tehsil Sadulshahar, District Sri Ganganagar.
6. Birbal s/o Shri Amarbahadur by caste Hindu, aged 55 years, r/o village Shyamsinghwala, Post Dharamsinghwala, District Sri Ganganagar.
7. Bichhitar Singh s/o Shri Bakhshish Singh, by caste Jatsikh, aged 31 years r/o Village 39, R.B., Post 1 P.S.Tehsil Padampur, Distirc Sri Ganganagar.
8. Bahadur Ram s/o Shri Ganpat Ram, by Caste Jat, aged 55 years r/o Village 10 P, Post Patroda, Tehsil Anoopgarh, District Sri Ganganagar.
9. Mahendra Lal s/o Surjaram, by caste Verma, aged 47 years, r/o 3-E, Chhoti, Shivnagar, Gali no.4, Sri Ganganagar.
10. Magar Singh s/o Shri Sajjan Singh, by caste Jatsikh, aged 54 years, r/o Ward No.20, Lalgarh Jatan, Tehsil Sadulshahar, District Sri Ganganagar (Raj.)

.....Applicants
By Advocate: Mr. M.S.Rathore on behalf of Mr. H.K.Jain

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.
3. H Q 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.
5. The Commandant, 24 Field Ammunition Depot, PIN 909724 c/o 56 APO

.....Respondents

By Advocate : Ms. K.Parveen

OA No.434/2011



1. Omprakash s/o Shri Tekchand by caste Jat, aged 54 years, r/o Ward No.27, Lalgarh Jatan, Tehsil Sadulshahar, District Sri Ganganagar (Raj.)
2. Hansraj s/o Shri Bhagwana Ram, by caste Kumhar, aged 48 years r/o Ward No.28, Suratgarh, District Sri Ganganagar.
3. Lalchand s/o Shri Chetanram, by caste Kumhar, aged 52 years, r/o village Post Khyaliwala, Tehsil and District Sri Ganganagar.
4. Ram Swaroop s/o Shri Ramgopal Sharma, by caste Brahmin, aged 50 years r/o 5-E, Chhoti Shivnagar, Gali No.7, House No.636, District Sri Ganganagar.
5. Jagdish Lal s/o Shri Munshiram, by caste Kumhar, aged 50 years r/o Ward No.19, Lalgarh Jatan, tehsil Sadulshahar, District Sri Ganganagar (Raj.)
6. Premlata w/o Shri Banwari Lal by caste Meena, aged 35 years r/o Village Pathanwal, Post Khyaliwala, Tehsil and District Sri Ganganagar.
7. Santra Devi w/o Shri Dhupa Ram, by caste Meghwal, aged 50 years r/o Nathawala, Tehsil and District Sri Ganganagar.
8. Mohan Kumar s/o Shri Dilbahadur b/c Khadka, aged 27 years, r/o Ganga Colony, Balaji Dham, Sri Ganganagar.
9. Lakshman Das s/o Shri Ramlal, by caste Nayak, aged 55 years r/o House No.70, Gali No.8, Ward No.18, Sri Ganganagar.

.....Applicants

By Advocate: Mr. M.S.Rathore on behalf of Mr. H.K.Jain

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.
3. HQ South Western Command (ORD), Jaipur 908546
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5. The Commandant, 24 Field Ammunition Depot, PIN 909724 c/o 56 APO

.....Respondents

By Advocate : Ms. K.Parveen

ORDER (ORAL)

It is proposed to dispose of both the OAs by this common order as the relief sought is common/identical.

2. In both the OAs, the matter relates to recovery of Field Service Concessions from the applicants and restricting to allow the Modified Field Area Allowance to the applicants, who are defence civilian employees and the following reliefs have been sought :-

- i. It is therefore, most respectfully prayed that this original application may kindly be allowed and the respondents be directed to comply with the directions and instructions given in the circular dated 21.09.2000 (Annexure A-3) in letter and spirit, and to allow and release the amount of Modified Field Area Allowance along with 12% interest, as admissible to each of the Petitioner, from the date of the circular dated 21.09.2000 or the date of their initial appointment, which is later; and
- ii. That the Impugned Orders dated 20.04.2010 (Annexure A-1) & 30.04.2010 (Annexure A-2) passed by the Respondents as also the recovery proceedings taken up against the Applicants for

the recovery of amount paid as Field Service Concession to the Applicant for rendering their services in operation parakaram, may kindly be quashed and set aside; and

- iii. That if any recovery is effected, in pursuance and compliance of the orders dated 20.04.2010 (Annexure A-1) & 30.4.2010 (Annexure A-2) or any such orders, during the pendency of this Original Application, the same may also be declared illegal and the same may also be quashed and set aside; and
- iv. The cost of this Original Application may kindly be awarded in favour of the Applicants; and
- v. Any other order or direction which this Hon'ble Tribunal deem just and proper in the facts and circumstances of the case may kindly be issued in favour of the applicants.

3. In this context, counsel for the applicants submitted that the issues and controversy in both the OAs are same as those decided in OA No.425/2011 and other similar OAs vide common order dated 6th January, 2014 and they may also be decided accordingly.

4. Counsel for the respondents also agrees to the same.

In this regard, it is seen that by order dated 6th January, 2014, this Tribunal has already disposed of similar matters in OA No.425/2011 and other connected OAs which were remanded back to this Tribunal by the Hon'ble Rajasthan High Court vide its judgment dated 22.11.2012. While disposing OA No.425/2011 and other connected OAs on 6th June, 2014, this Tribunal in para-7 has made the following observations:-

"7. Accordingly, the respondents are directed to decide the representation (Annexure A/7 in OA No.425/2011) as well as Legal Notice Annexure A/8 in OA No.425/2011) pending before them within a period of six months from the date of receipt of a copy of this order in the light of order dated 21st September, 2000 (Annexure a/3) issued by the competent authority and further for this purpose, these original application shall also be treated as representations in addition to the representation at Annexure A/7 and Legal Notice at Annexure- A/8. In case, after the decision made by the respondents

further grievance, if any, remains, the applicants would be at liberty to file fresh OAs."

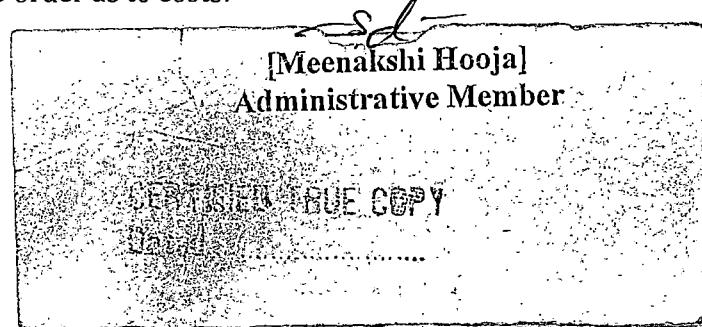
6. Accordingly, it is deemed proper to decide both the OAs in the light of the directions issued in para-7 of order dated 6th January, 2014, in the following terms:-

The respondents are directed to decide the representation (Annexure A/7 in both the OAs No.445/2011 and 434/2011) as well as Legal Notice (Annexure A/8 in both the OAs No.445/2011 and 434/2011) pending before them within a period of six months from the date of receipt of a copy of this order in the light of order dated 21st September, 2000 (Annexure A/3) issued by the competent authority and further for this purpose, these original applications shall also be treated as representations in addition to the representation at Annexure A/7 and Legal Notice at Annexure- A/8. In case, after the decision made by the respondents further grievance, if any, remains, the applicants would be at liberty to file fresh OAs."

With the above directions and observations, both the OAs stand disposed of with no order as to costs.



COMPARED &
CHECKED



Meenakshi Hooja
Administrative Member
RECEIVED - TRUE COPY
Section Officer (Judi.)
Central Administrative Tribunal
लोक संघ न्यायालय, न्याय
नेहरू भवन, न्याय
नेहरू भवन, न्याय

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