

Reserved

**ARMED FORCES TRIBUNAL, REGIONAL BENCH,
LUCKNOW**

ORIGINAL APPLICATION No.422 of 2022

Monday, this the 07th day of August, 2023

**“Hon’ble Mr. Justice Ravindra Nath Kakkar, Member (J)
Hon’ble Vice Admiral Atul Kumar Jain, Member (A)”**

JC 381805N, Ex Sub Ajay Kumar Awasthi S/o Late Siddhan Lal Awasthi, Village & Post – Bewan, District – Kanpur (Dehat), Uttar Pradesh, Pin -209101.

..... Applicant

Ld. Counsel for the : **Shri Rohitash Kumar Sharma,**
Applicant **Advocate.**

Versus

1. Union of India, through the Secretary, Ministry of Defence, DHQ PO, New Delhi -110011.
2. The Records Signals, Pin-908770, C/o 56 APO.
3. The Chief Accounts Officer, PAO (OR), Corps of Signals Jabalpur, (M.P).
4. The Commanding Officer, 6 MTN Div Sig Regt, PIN-917806, C/o 56 APO.
5. Office of the Controller of Defence Accounts, Ridge Road, Jabalpur (M.P) -482001.

..... Respondents

Ld. Counsel for the : **Shri Asheesh Agnihotri,**
Respondents. **Central Govt. Counsel**

ORDER**“Per Hon’ble Mr. Justice Ravindra Nath Kakkar, Member (J)”**

1. The instant Original Application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 for the following reliefs :-

- (a) *The Hon’ble Tribunal may kindly be pleased to direct the respondents to grant/credit the amount of (Rs. 3,52,823/-) debited under Armed Forces Personnel Provident Fund in Final settlement of Account of the Applicant along with interest within stipulated time.*
- (b) *Direct the Respondents to grant/credit the amount of (Rs. 30,412/-) debited under AM HRA in Final settlement of Account of the Applicant along with interest within stipulated time.*
- (c) *Pass any other order or direction which this Hon’ble Tribunal may deem fit and proper under the facts and circumstances of the case.*

2. Briefly stated, applicant was enrolled in Indian Army on 05.05.1991 and was discharged from service on 31.05.2021. As per Final Settlement of Account (FSA) of the applicant dated May 2021, two entries of debit have been shown, first for HRA Rs. 30,412/- and second for AFPP Fund. Respondents vide letter dated 17.08.2021 intimated that Rs. 30,412/- has been debited for HRA credited during (Electricity Army).Second anomaly is

regarding withdrawal of Rs. 1,00,000/- from AFPP Fund. Applicant represented that these amounts have been wrongly debited in his FSA of 05/2001 and asked clarification. Applicant was not satisfied with the reply. It is in this perspective that the applicant has preferred the present Original Application.

3. Submission of learned counsel for the applicant is that in FSA of the applicant dated May 2021, two entries of debit have been shown, first for House Rent Allowance (HRA) Rs. 30,412/- and second for AFPPF Rs. 3,52,823/-. Applicant submitted representation and he was informed by the respondents vide letter dated 17.08.2021 that Rs. 30,412/- has been deducted for HRA credited during (Electricity Army) for the period 01.06.2018 to 05.08.2018. Rs. 1,00,000/- alongwith interest for Rs. 3,52,823/- deducted against AFPPT withdrawal. Government married accommodation was not allotted to the applicant for the period from 01.06.2018 to 05.08.2018. Applicant submitted appeal before First Appellate Officer on 22.10.2021. He was informed by the respondents vide letter dated 22.11.2021 that HRA has been debited for Electricity Army for the period from 01.06.2018 to 05.08.2018 on the basis of report as received from the concerned authority. He was also informed that AFPP Fund withdrawal in 05/2001 adjusted in 05/2021. Applicant requested respondents that amount of Rs. 30,412 has been erroneously debited in his

FSA 05/2021 as an amount of Rs. 2267/- has already been deducted in his statement of account for the month so 10/2020. He requested to credit Rs. 30,412/- in his account but no action was taken by the respondents. PAO (OR) has wrongly made two debits in FSA of the applicant, and he failed to explain the settlement of claim of 2001 upto 2021. Learned counsel for the applicant prayed that respondents be directed to grant/ credit the amount of Rs. 3,52,823/- debited under AFPPF in final settlement of account of the applicant and grant /credit the amount of Rs. 30,412/- debited under HRA in FSA of the applicant.

4. On the other hand, Ld. Counsel for the respondents contended that Pay Account Office (PAO) (Other Ranks) (OR), Corps of Signals is sole authority to deal with Pay and Allowances of JCOs/OR. PAO (OR) has provided facts and figures along with available documentary proof. PAO (OR) vide letter dated 15.06.2022 has intimated that FSA of the applicant was finalized in 05/2021. As per FSA, an amount of Rs. 30,412/- was wrongly paid to the applicant which has been recovered on the basis of BSO, Jammu letter dated 09.12.2021. Rent and allied charges are being recovered by PAO (OR) only on the basis of Rent Bill received from concerned BSO. He further submitted that final withdrawal claim of the applicant was received by PAO (OR) Corps of Signals vide 6 Mountain Div Sig Regt letter dated 28.09.2001 and passed

on 01.11.2001. Debit of AFPPFundof Rs. 1,00,000/- including interest for Rs. 3,52,823/- on the nondebited AFPPFund withdrawal has been made on Quarterly statement of Accounts (QSA) for Quarter Ending 05/2021 with remarks that amount passed in 05/2001 which was not reflected as adjusted,has been adjusted during FSA 05/2021. Learned counsel for the respondents pleaded nothing is due to the applicant and this O.A. is bereft of merit and is liable to be dismissed.

5. We have heard Ld. Counsel for the applicant as also Ld. Counsel for the respondents and perused the documents available on record.

6. The question which needs to be answered is 'Whether the applicant is entitled to refund of amount of Rs. 3,52,823/- debited under AFPPFund and Rs. 30,412/- debited under HRA?.

7. A perusal of documents produced before us clarifies that an amount of Rs. 30,412/- on account of HRA has been deducted from the pay account of the applicant for the period from 01.06.2018 to 05.08.2018. Applicant was allotted Family Quarter No 2E for the period from 01.01.2018 to 05.06.2018. The applicant was posted to Pune (Southern Command Signal Regt after vacating Quarter No E2 on 05.06.2018. He was granted outliving HRA with effect from 06.06.2018. As per statement of account of

the applicant for the month ending Oct 2020, Rs. 2267/- has been debited on account of Electricity Army for the period from 01.01.2018 to 05.08.2018. This quarter No 2E was allotted to Nb Sub Jitendra Samal and Electricity and water charges due on him have been shown Rs. 3429/- for the period from 05.06.2018 to Sep 2019. This shows that wrong entry has been made in payslip of Oct 2020 of the applicant.

8. The second controversy involved in this case is regarding withdrawal of AFPP Fund by the applicant from 6 Mtn Div Sig Regt vide letter dated 20.09.2001. A sum of Rs. 1,00,000/- was paid to the applicant on 16.03.2002 on account of final withdrawal from AFPP Fund through Imprest No 2669 of 19 Wireless Experimental Unit (WEU) as per PAO (OR) Corps of Signs payment Authority dated 09.01.2002. Respondents has intimated in counter affidavit that amount was passed in 05/2001 which was adjusted during FSA 05/2021 after gape of about 20 years. Applicant applied for withdrawal of AFPP Fund on 16.03.2002 and PAO (OR) has intimated that amount was passed in 05/2001 which is not possible.

9. A conspectus of above observations is that reply submitted by the PAO (OR) against the anomalies in adjustment of HRA and AFPP Fund are contradictory and not satisfactory. O.A. is **disposed off** with directions to PAO (OR) Signals Records to look

into the matter and adjust the amount, if any, due to the applicant within a period of three months from today and inform the outcome to the applicant.

10. No order as to costs.

(Vice Admiral Atul Kumar Jain) (Justice Ravindra Nath Kakkar)
Member (A) Member (J)

Dated :07August, 2023

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