

Court No. 3
(Ser No 15)

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

ORIGINAL APPLICATION No. 282 of 2022

Monday, this the 30th day of January, 2023

"Hon'ble Mr. Justice Anil Kumar, Member (J)
Hon'ble Maj Gen Sanjay Singh, Member (A)"

Service No JC-377859X Ex Subedar Adam Ali, son of Shri Ahmad Ali, resident of Shahinoor Colony, Near Reliance Tower, Nilmatha Bazar, Lucknow Cantt-226002.

..... Applicant

Ld. Counsel for the : Shri VP Pandey, Advocate
Applicant Shri RK Singh, Advocate

Versus

1. Union of India, through the Secretary, Ministry of Defence, New Delhi-110011.
2. Chief of the Army Staff, Integrated Headquarters, Ministry of Defence (Army), South Block, New Delhi-110011.
3. Officer-in-Charge Records, Signals, PIN-908770, C/o 56 APO.
4. Commanding Officer, 16 Corps Engg Sig Regt, PIN-916816, C/o 56 APO.
5. PAO (OR) Corps of Signals, Jabalpur (MP), Pin-908770.

.....Respondents

Ld. Counsel for the : Shri DK Pandey, Advocate
Respondents. Central Govt. Counsel

ORDER (Oral)

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

(a) To issue/pass an order or direction to the respondents to pay his claim of Rs 65,450/- and LTC claim for years 2011, 2012 and 2013 with interest.

(b) Any other relief as considered proper by this Hon'ble Tribunal be awarded in favour of the applicant.

(c) Cost of the Original Application be awarded to the applicant.

2. Brief facts of the case are that the applicant was enrolled in the Army (Corps of Signals) on 18.02.1984 and he was discharged from service w.e.f. 28.02.2014 (AN) on completion of terms of engagement having rendered 30 years and 12 days service. After discharge the applicant is stated to have preferred post discharge luggage claim for Rs 52,425/- to PAO (OR), Corps of Signals, Jabalpur vide letter dated 20.03.2014 (Annexure A-3 to O.A.) which has not been passed. The applicant has also alleged that his LTC claim for the years 2011, 2012 and 2013 has also not been passed till date despite sending several reminders in this respect. Applicant has filed this O.A. for passing necessary directions to respondents for grant of his dues which are stated to be pending with the respondents.

3. Learned counsel for the applicant submitted that post discharge luggage claim for Rs 52,425/- in respect of the applicant was preferred on 20.03.2014 alongwith all supporting documents such as certificate dated 12.03.2014 with regard to non issuance of luggage warrant and sanction dated 13.02.2014 of the competent authority for transportation of his luggage under own arrangement from Jammu (duty station) to Karimuddinpur (home station). He further submitted that the said claim of the applicant has not been passed even after issuing regular reminders on the subject.

4. Learned counsel for the applicant further submitted that applicant's 10 days LTC encashment for the years 2011, 2012 and 2013 has also not been admitted despite protracted correspondence on the subject. He pleaded for grant of luggage claim and LTC for the years 2011, 2012 and 2013 to the applicant.

5. On the other hand, learned counsel for the respondents submitted that after discharge from service applicant had represented to Signals Records vide letters dated 28.02.2014 and 03.06.2014 regarding non adjustment of 10 days LTC claim for the years 2011, 2012 and 2013 and non-grant of luggage claim of Rs 52,425/-. It was further submitted that on a query, PAO (OR) Signals intimated that the said claim was returned unactioned in the month of 12/2019 which was never

re-submitted duly rectified as the records are not available in Dolphin system.

6. Learned counsel for the respondents further submitted that claim for 10 days LTC for the year 2013 was returned by PAO (OR) in the month July, 2014 and claim for 10 days LTC for the year 2012 is not traceable being old case. He pleaded for dismissal of O.A. on the ground that luggage claim was not re-submitted duly rectified and claim pertaining to 10 days LTC for the year 2013 was returned in the month of July, 2014 and claim pertaining to 10 days LTC for the year is not traceable being old case.

7. Heard Shri VP Pandey, learned counsel for the applicant and Shri DK Pandey, learned counsel for the respondents and perused the record.

8. It is not in dispute that the applicant was enrolled in the Army on 18.02.1984 and was discharged on 28.02.2014 after completion of 30 years and 12 days service under Rule 13 (3) I (i) of Army Rules, 1954. He is in receipt of service pension vide PPO No S/20639/2014 (Army) dated 21.03.2014.

9. Luggage claim for Rs 52,425/- in respect of the applicant was submitted to PAO (OR) Signals on 20.03.2014. The record clearly shows that the claim was supported with sanction of competent authority dated 13.02.2014 for transportation of his house hold goods from Jammu Tawi (old duty station) to Karimuddinpur (home station). Alongwith luggage claim, a

certificate dated 12.03.2014 was also attached mentioning therein that he was not issued railway warrant for transportation of his luggage.

10. We find that the luggage claim was returned to 16 Corps Engg Sig Regt (applicant's last unit) by PAO (OR) with some observations which was re-submitted to Records Signals vide letter dated 18.04.2017 (Annexure R-VII) and it was submitted to PAO (OR) vide Records letter dated 28.04.2017 (Annexure R-VIII). Thereafter, series of correspondence have been made on the subject but nothing tangible could be achieved. We also find that Signals Records made concerted efforts to help the applicant but due to negligence on the part of PAO (OR), the matter was lingering which led to filing of this O.A.

11. On perusal of record we find that applicant had written a letter dated 09.05.2015 (Annexure A-4) to PAO (OR) Signals giving them information about non adjustment of luggage claim and LTC for the years 2011, 2012 and 2013 and requesting for early settlement of pending dues. We also find that Part II Order related to grant of LTC for the years 2011 and 2012 were published by unit concerned as under:-

LTC for 2011 -Part II Order No. 01/0103/2012 dated 19.03.2012.

LTC for 2012 -Part II Order No. 01/0217/2013 dated 07.03.2013.

12. The aforesaid Part-II Orders clearly establish that the applicant ought to be granted LTC for the years 2011 and 2012

as the occurrence was published and it should be available with PAO (OR) Signals. With regard to LTC for the year 2013, applicant has stated that sanction/contingent bill for this purpose was handed over to Signals Records at the time of proceeding on discharge, which presumably may have lost. In regard to this the applicant may send fresh contingent bill to Records/PAO (OR) Signals for sanction and payment.

13. On 05.05.2022 (Annexure R-XVI) PAO (OR) Signals intimated the Records Signals that luggage claim was returned in the month of 12/2019 with some observations but it was not received by them duly rectified. The letter also specifies that LTC 10 days encashment for the year 2013 was returned in the month of July, 2014 and LTC 10 days encashment for the year 2012 is not traceable being old case.

14. Perusal of letter dated 04.12.2021 (Annexure R-XIV) reveals that claims with regard to luggage and LTC for the years 2011, 2012 and 2013 were submitted to PAO (OR) and despite several correspondence things could not materialize. For convenience sake, extract of Para 2 and 3 of Records Signals letter dated 04.12.2021 addressed to PAO (OR) Signals is reproduced as under:-

"2. Luggage claim & LTC in respect of above named ESM has already been submitted to your office vide letter above ref. However, inspite of prolonged delay and repeated of more reminders neither info of NEFT payment directly made to the ESM pension acct nor appropriate reply recd by this office till dt. In the connection, IHQ of MoD (Army),

MP/MP-8 has again represented a CPGRAM cited at Para 1 (k) above.

3. In view of the above, you are once again requested to re-verify IRLA of the ESM and make the NEFT payment directly to the ESM pension acct under intimation of this Office at the earliest."

15. Thus, from the aforesaid it is clearly established that applicant's claim for luggage and LTC were forwarded to PAO (OR) and the same are not traceable with PAO (OR) as during the course of hearing, learned counsel for the respondents made a submission that the said documents have been destroyed. During the course of hearing respondents were questioned, 'How respondents could destroy documents pertaining to financial matters within a short span of time'? The reply was received stating that the said documents may be destroyed in terms of Para 592 to 595 of Regulations for the Army, 1987 (Revised Edition). We have perused the aforesaid Paras of Defence Service Regulations, 1987 and we find that financial documents may be destroyed after 10 years of retention. At this stage we find that luggage claim in respect of the applicant was re-submitted by 16 Corps Engg Sig Regt to Records Signals on 18.04.2017 which was forwarded to PAO (OR) Signals on 28.04.2017 by the Signals Records. In this situation contention of the respondents, that the documents have been destroyed, is not tenable. The correspondence on the subject also reveals that the Records and PAO (OR) are trying to shift responsibility to each other.

16. It is an admitted fact on record that the claim documents were sent to PAO (OR) in the year 2017 and they are untraceable. In view of the above, respondents are directed to pass applicant's claim with regard to luggage and LTC encashment for the years 2011 and 2012 based on documents available with the applicant within a period of four months from today on receipt of available relevant documents from the applicant. Default will invite interest @ 8% p.a. The applicant shall submit all available relevant documents to PAO (OR) Signals through Record Office at the earliest alongwith fresh contingent bill for LTC 2013 for which no Part-II Order was published.

17. With the aforesaid observations, the O.A. is **allowed**.

18. No order as to costs.

19. Miscellaneous application(s), pending if any, stand disposed of.

(Maj Gen Sanjay Singh)
Member (A)

Dated : 30.01.2023
rathore

(Justice Anil Kumar)
Member (J)