

RESERVED
Court No. 2
 (Ser No. 9)

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

ORIGINAL APPLICATION NO. 65 of 2022

Tuesday, this the 09th day of May, 2022

Hon'ble Mr. Justice Anil Kumar, Member (J)

Hon'ble Maj Gen Sanjay Singh, Member (A)

No 380533M Ex Sub Maj Nigam Singh, S/o Late Shri Babu Ram Singh, Village-New Dhampur City, Post & The-Dhampur, Distt-Bijnor, Uttar Pradesh, PIN-224676.

.....Applicant

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

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 (MP).
4. The Commanding Officer, 23 WEU, PIN-904823, C/o 56 APO.
5. Principal Controller of Defence Accounts (Pension), Draupadi Ghat, Allahabad-211014.

.....Respondents

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

ORDER

1. This O.A. has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 by the applicant whereby the applicant has sought following reliefs:-

(a) The Hon'ble Tribble may kindly be pleased to direct the respondents to grant the leave encashment (LTC) of 50 days alongwith interest within stipulated time.

(b) Direct the respondents to grant the luggage claim of the applicant alongwith 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. Brief facts of the case are that the applicant was enrolled in the Army on 07.10.1988 and was discharged from service w.e.f. 30.06.2021 under Rule 13 (3) I (i) (a) of Army Rules, 1954 on completion of more than 32 years service. After discharge from service he was granted service pension vide PPO No. 157202103353-0100 dated 24.06.2021 (Annexure CA-1). Applicant's grievances are of two fold i.e. grant of luggage claim and LTC. Post discharge claims were forwarded to Signals Records through Zila Sainik Kalyan Evam Punarvas Karyalaya, Bijnor vide letter dated 25.08.2021 which being not admitted, this O.A. has been filed.

3. Submission of learned counsel for the applicant is that the applicant was enrolled in the Army on 07.10.1988 and he was discharged from service w.e.f. 30.06.2021. His first contention is that he had encashed 10 days LTC for the year 2015 and 2017 but amount for that was not credited in his monthly pay slip. His other contention is that luggage claim has also not been adjusted till date.

He pleaded for grant of LTC for the year 2015, 2017 and luggage claim.

4. Per contra, learned counsel for the respondents submitted that that applicant was enrolled in the Army (Corps of Signals) on 07.10.1988 and was discharged from service on 30.06.2021 under Rule 13 (3) I (i) (a) of Army Rules, 1954 after completion of more than 32 years service. He is in receipt of service pension vide PPO dated 24.06.2021. He further submitted that applicant after discharge from service had submitted application to Signals Records through Zila Sainik Kalyan Evam Punarvas Karyalaya, Bijnor (UP) on 25.08.2021 seeking relief with regard to grant of outstanding LTC claims and luggage claim and in response to that application Records Signals sought certain documents viz contingent bill, pre-sanction from Commanding Officer, no advance claim certificate, copy of Part-II Order, copy of FSA and PPO for verification and processing the claim by PAO (OR). It was further submitted that the applicant did not submit the requisite documents for verification but instead he has filed this O.A.

5. Learned counsel for the respondents further submitted that after filing of this O.A. comments were asked from PAO (OR) Signals and in response to that it was intimated that his luggage claim amounting to Rs 11,532/- has already been passed vide letter dated 16.12.2021 and credited to his bank account. With regard to grant of LTC of 50 days during his service, respondents' contention is that sanction of competent authority with regard to LTC encashment for the years 2014, 2017, 2018 and 2021 is not legible and LTC for the

year 2015 was cancelled and re-published enclosing therewith ex-post facto sanction of the CFA which is not permissible. He however, submitted that since luggage claim has already been sanctioned and granted to the applicant, LTC claim will be adjusted on receipt of complete documents from the applicant.

6. Heard Shri Rohitash Kumar Sharma, learned counsel for the applicant and Shri DK Pandey, learned counsel for the respondents and perused the records.

7. The undisputed facts of the parties are that JC-380533 M Ex Sub Maj Nigam Singh was enrolled in the Army on 07.10.1988 and he proceeded on retirement w.e.f. 30.06.2021. During the course of his service he availed 50 days LTC encashment for the years 2014, 2015, 2017, 2018 and 2021. His claims were rejected by the respondents on trivial grounds i.e. mismatch in columns while publishing Part-II Order. In regard to this, several correspondences were made for rectification of aforesaid observations. Thereafter, applicant submitted post discharge claim through Zila Sainik Kalyan Evam Punarvas Karyalaya, Bijnor but still his claim has not been settled.

8. It is submitted that all details pertaining to publication of Part-II Order for grant of LTC are available with the concerned units where the applicant served during his service, therefore, the respondents are directed to notify Part-II Order and get his claim settled as early as possible.

9. As far as luggage claim is concerned, the respondents vide Para 5 (a) of their counter affidavit submitted that the same has already

been passed and credited to his bank account which has not been objected by the applicant. For convenience sake, Para 5 (a) of counter affidavit is reproduced as under:-

"5 (a). Luggage claim dated 06.06.2021 amounting to Rs 11,532/- has already been passed and payment in this regard alongwith other adjustment was made vide FSMO no 1793/PDC/2021 dated 16.12.2021 amounting to Rs 15,264/- and the same has been credited to bank account of above ex PBOR."

10. In view of the above, we direct the respondents to publish casualty with respect to LTC encashment of the applicant and grant him his dues within a period of four months from today. Default will invite interest @ 8% p.a.

11. With the aforesaid observation, O.A. is **allowed**.

12. No order as to costs.

13. Miscellaneous application (s), pending if any, shall stand disposed off.

(Maj Gen Sanjay Singh)
Member (A)

Dated :09.05.2022

rathore

(Justice Anil Kumar)
Member (J)