

Court No.1

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

ORIGINAL APPLICATION No. 817 of 2021

Friday, this the 25th day of March, 2022

Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)

Mahendra Kumar Singh, Ex. ACP Nb Sub No. 15372724Y, R/o House No. 569CH/209, Prem Nagar, Alambagh, lucknow (U.P)-226005.

..... Applicant

Learned counsel for the Applicant : **Shri V.K.Pandey, and
Shri Girish Tiwari, Advocate**

Versus

1. Union of India, through Secretary, Ministry of Defence, South Block, R.K. Puram, New delhi-110011.
2. 41 Infantry Brigade Signal Company, Pin -916041, C/o 56 APO.
3. OIC Records, record Signals, Pin -908770, C/o 56 APO.
4. PCDA(P), Draupadi Ghat, Allahabad(U.P)-211014.

.....Respondents

Learned counsel for the Respondents. : **Shri D.K. Pandey,
Central Govt. Counsel**

ORDER

“Per Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)”

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

- (i) *That this Hon’ble Tribunal may kindly be pleased to direct the opp. Parties to grant the amount of Children Allowance Claim from 01.04.2012 to 30.06.2012 i.e. Rs. 3995(three Thousand Nine Hundred Ninety Only) and provide the interest on the aforesaid delayed amount of expenditure of transportation of personal luggage with 18% p.a. since due date to actual date of payment in the interest of justice.*
- (ii) *That this Hon’ble Tribunal may kindly be awarded the cost Rs. 20,20,000/-(Rupees Twenty Lac twenty Thousand) to the applicant against the opposite parties.*
- (iii) *That this Hon’ble Tribunal may be pleased to pass any other order or direction which this Hon’ble Court may deem fit just and proper be passed in favour of the applicant.*
- (iv) *To allow this original application with costs.*

2. Brief facts of the case giving rise to this application are that the applicant was enrolled in the Indian Army on 04.09.1990 and discharged from service on 30.09.2016 on fulfilling the conditions of service under item III (i) of table annexed to Rule 13(3) of Army Rule 1954. The applicant is getting service pension for the services rendered in the army. Applicant was not granted Children Education Allowance from 01.04.2012 to 30.06.2012. He wrote several letters but the same was not granted to him. Being

aggrieved, applicant has filed instant O.A. for grant of Children Education Allowance.

3. Learned counsel for the applicant submitted that after retirement from army applicant was granted service pension and retiral dues. He was not granted Children Education Allowance (CEA) for the period from 01.04.2012 to 30.06.2012. He was also not granted Transport allowance and Leave Travel Concession (LTC). He submitted required documents to the respondents and (repeatedly) requested for grant of CEA, Transport Allowance and LTC but he was not granted the same. Learned counsel for the applicant pleaded that directions be issued to respondents to grant CEA and Transport allowance.

4. On the other hand, learned counsel for the respondents argued that PAO (OR) Corps of Signal is sole authority to deal with pay and allowance matters of JCOs/OR. PAO (OR) has intimated that 'No Part II Order for grant of CEA for the period from 01.04.2012 to 30.06.2012 was received by PAO (OR). The matter was intimated to JCO during Final Settlement of Account to produce the documents required for grant of CEA. Part II Order No 0.0338/2012 dated 22 September 2012 regarding CEA was published and submitted to PAO (OR) without supporting

documents. Unit was asked to submit supporting documents and applicant was informed that on receipt of supporting documents, CEA will be granted to him. Learned counsel for the respondents further submitted that applicant has already been granted Transport Allowance and other dues.

5. Heard Learned counsel for the parties and perused the material placed on record. The question before us to decide is straight i.e. – is the applicant entitled for grant of CEA for the period from 01.04.2012 to 30.06.2012?

6. In the instant case, respondents have produced calculation sheet alongwith PAO (OR) letter dated 11.01.2022. On perusal of calculation sheet it appears that applicant has been paid Rs. 38,565/- on account of luggage claim and Rs, 13,942/- has been paid on account of LTC encashment 2016. Applicant was not granted CEA for the period from 01.04.2012 to 30.06.2012 as Part II Order was forwarded to respondents without supporting documents. Unit is responsible to publish Part II Order and forward to concerned authority with supporting documents. The applicant is held entitled CEA for the period from 01.04.2012 to 30.06.2012 with interest.

7. Applicant is directed to forward supporting documents as asked by the respondents if yet not forwarded. On receipt of supporting documents, respondents shall grant CEA to the applicant with interest.

8. As a result of foregoing discussion, the O.A. is **allowed**. The applicant shall forward supporting documents pertaining to CEA if not yet forwarded. On receipt of complete documents, respondents shall grant amount of CEA to the applicant for the period from 01.04.2012 to 30.06.2012 with interest @ 6% simple interest per annum from due date. The respondents are directed to complete the entire exercise within four months from the date of receipt of documents. Default will invite additional interest @ 8% p.a.

9. No order as to costs.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

Dated: 25 March, 2022

UKT/-

(Justice Umesh Chandra Srivastava)
Member (J)