

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**Original Application No 744 of 2020**

Wednesday, this the 12th day of October, 2022

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

Kalp Nath Singh No. 809511-H Rank MACP, Nb Sub
 S/o Sharda Nandan Singh
 R/o Village – Bhimhar, Post – Jharidih, Police Station – Sikandarpur,
 District – Ballia – 221717

..... Applicant

Ld. Counsel for the Applicant: **Shri Raj Kumar Mishra &**
Ms. Upasna Mishra, Advocate

Versus

1. Director General of Military Operation, M.S.C.D. G.M.O./M.08 A, General Staff Branch, South Block, DHQ PO, New Delhi.
2. Senior Account Officer, PAO (OR) ASC (South), Bangalore.
3. Senior Record Officer, ASC (South), Bangalore-560007.

..... Respondents

Ld. Counsel for the Respondents : **Dr. Shailendra Sharma Atal,**
 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 for the following reliefs:-

- “(a) Issue/pass an order or direction directing the respondents to pay and Bhutan Allowances of Rs. 3,48,845.00 +

interest @ 18% P.A. to the applicant forthwith as fixed by the Officer Commanding 520 ASC Bn, who had submitted "CONTINGENT BILLS FOR CLAIM OF BHUTAN ALLOWANCES" on 25.04.2013.

- (b) Issue/pass any other order or direction as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.
- (c) Award cost of this petition in favour of the applicant."

2. The factual matrix on record is that the applicant was enrolled in the Army on 28.02.1993. As per IHQ of MoD (Army) (DGMO) letter dated 24.01.2012, a joint training with Royal Bhutan Army was conducted and applicant was detailed/inducted for the said training vide Movement Order dated 26.07.2012. When joint training was over, he was de-inducted from HQ IMTRAT (Bhutan) vide Movement Order dated 09.11.2012. The applicant stayed at IMTRAT (Bhutan) from 26.07.2012 to 10.11.2012 (108 days) during joint training period. On 25.04.2013, Officer Commanding of 520 ASC Bn. submitted 'Contingent Bills for claim of Bhutan Allowances' of the applicant but the respondents did not pay any heed to the claim of the applicant and kept pending. The applicant made several representations however, the respondents did not pay amount to the applicant as claimed in the Contingent Bill. The applicant was discharged from

service on 28.02.2019 in the rank of MACP Naib Subedar. Being aggrieved, the applicant has filed the present O.A.

3. Learned counsel for the applicant submitted that applicant was enrolled in the Army on 28.02.1993. As per IHQ of MoD (Army) (DGMO) letter dated 24.01.2012, a joint training with Royal Bhutan Army (JTTRG With RBA-2012) was to be conducted and applicant was detailed/inducted for the said training alongwith three Other Ranks (OR) vide Movement Order dated 26.07.2012. When joint training was over, he was de-inducted from HQ IMTRAT (Bhutan) vide Movement Order dated 09.11.2012. On 14.11.2012, Retention Certificate was issued by 520 ASC Bn. in which it was mentioned that applicant stayed at IMTRAT (Bhutan) from 26.07.2012 to 10.11.2012 (108 days) during joint training period. The temporary duty move sanction was issued by the Commanding Officer of 24 PUNJAB on 22.12.2012. On 25.04.2013, Officer Commanding of 520 ASC Bn. submitted 'Contingent Bills for claim of Bhutan Allowances' of the applicant through proper channel but the respondents did not pay any heed to the claim of the applicant and kept pending. The applicant made several representations dated 18.11.2015, 28.06.2018, 08.02.2019 and in the month of June 2019, however, the respondents did not pay amount to the applicant as claimed in the Contingent Bill.

The applicant was discharged from service on 28.02.2019 in the rank of MACP Naib Subedar.

4. Learned counsel for the applicant pleaded that respondents be directed to release Bhutan Allowances of the joint training for the period from 26.07.2012 to 10.11.2012 amounting to Rs. 3,48,845/- forthwith with 18% interest on delayed payment.

5. Learned counsel for the respondents submitted that applicant was enrolled as Sepoy on 28.02.1993 and discharged from service on 28.02.2019. The applicant was on deputation for Joint Training with Royal Bhutan Army from 26.07.2012 to 10.11.2012. The claim for Bhutan TA/DA prior to 31.03.2016 were being audited and passed centrally by PCDA, 'G' Block, New Delhi and not by Pay Account Offices (PAOs). In the present case, respondent No. 2 has received the payment authority for Bhutan TA/DA for the period from 26.07.2012 to 10.12.2012 and taken up case with PCDA, 'G' Block, New Delhi for confirmation regarding passing of Bhutan TA/DA bill of the applicant. PCDA, 'G' Block, New Delhi vide letter dated 23.04.2019, asked to respondent No. 2 to verify original documents and obtain undertaking from the applicant before making payment to the applicant. Accordingly, on receipt of undertaking dated 19.11.2020 from the applicant, Contingent Bill of the applicant on account of Bhutan TA/DA for the period from 26.07.2012 to

10.11.2012 was passed for Rs. 1,79,456/- and after deduction of debit balance of Rs. 1890/-, Rs. 1,77,566/- have been credited in the applicant's account on 08.12.2020 as per calculation sheet annexed as CA-4 with the counter affidavit and Controller General of Defence Account (CGDA) guidelines on calculation of the same read with the Travel Regulations, 2014. As per prevailing rates, amount entitled, i.e. Rs. 1,79,456/- has been worked out by the system at rates prevailing during his stay in Bhutan and credited in his account accordingly, Hence, an amount of Rs. 3,48,845/-, claimed in the Contingent Bill by the applicant is incorrect and he is entitled to Rs. 1,79,456/- only.

In view of aforesaid facts and circumstances, learned counsel for the respondents pleaded for dismissal of O.A.

6. We have heard learned counsel for the parties and have perused the documents/material placed on record.

7. We find that applicant had participated in joint training with Royal Bhutan Army-2012 from 26.07.2012 to 10.11.2012 and Contingent Bill claiming TA/DA of Bhutan Allowances was preferred by the applicant on 25.04.2013, amounting to Rs. 3,48,845/-. Due to inaction on the part of respondent No. 2 and CGDA, the claim of the applicant for his stay during joint training in Bhutan could not be process/passed in time. However, later it was passed as per 'CGDA

guidelines on calculation of TA/DA of Bhutan Allowances', read with the Travel Regulations, 2014, as per prevailing rates, amounting to Rs. 1,79,456/- and has been credited in his bank account on 08.12.2020.

8. In the result, we do not find any illegality or irrationality in passing Rs. 1,79,456/-, as per prevailing rates of Bhutan Allowance on account of TA/DA for the period from 26.07.2012 to 10.11.2012 instead of Rs. Rs. 3,48,845/-, as claimed by the applicant. The amount has been paid to the applicant as per prevailing rules/rates. However, as prayed by the applicant, he is entitled to simple interest @ 8% per annum on delayed payment from the date of submission of his claim, i.e. 25.04.2013 to 08.12.2020, the date on which Rs. 1,77,566/-, after deducting debit balance of Rs. 1890/-, have been credited in the applicant's bank account.

9. Resultantly, Original Application is partly **allowed**. The applicant is entitled to interest @ 8% per annum on delayed payment of amount of TA/DA of Bhutan Allowance from the date of submission of his claim, i.e. 25.04.2013 to 08.12.2020, the date on which Rs. 1,77,566/- have been credited in applicant's bank account. The respondents are directed to pay interest @ 8% per annum on delayed payment of Rs. 1,77,566/- for the period from 25.04.2013 to

08.12.2020 to the applicant. The Respondents are directed to comply with the order within a period of four months from the date of receipt of certified copy of the order. Default will invite interest @ 8% per annum till actual payment.

10. No order as to costs.

11. Pending Misc. Application(s), if any, shall stand disposed off.

(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)
Member (A) Member (J)

Dated: October, 2022

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