

COURT No.2  
ARMED FORCES TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

4.

OA 665/2014

Nb Sub Vinod Kumar Chauhan ..... Applicant  
VERSUS  
Union of India and Ors. .... Respondents

For Applicant : Mr Rudrashish Bhardwaj, proxy for Mr.  
H S Tiwari, Advocate  
For Respondents : Mr. Neeraj, Sr CGSC

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)  
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER  
21.11.2023

On behalf of the respondents copies of letter dated 09.06.2011 and 16.06.2011 have been submitted in support of their contentions and are taken on record. The copies thereof have been supplied to the applicant through counsel. On behalf of the applicant, reliance is sought to be placed on record on letter dated 19.09.2011 wherein vide para 4 & 5 thereof, it is submitted to the effect:

*“4. It is therefore, understood that all JCOs and OR above 26 yrs of age and married posted on ‘over and above’ the authorized strength are eligible for HRA. The restriction of allowing only FAA to JCOs and OR posted on ‘over and above’ the authorized strength, as stipulated in Stn HQ, Delhi letter No.220/Gen/CILQ/Q5 dt.11 Feb.10 is not mentioned in Govt of India letter referred in Para 1 above.*

*5. It is intimated that more than 200 ASC personnel are posted on ‘over and above’ the strength units at Delhi. Most of*

*these personnel have been posted from fd areas where they have not stayed with their families. Their posting to Delhi gives them an opportunity to stay with their families, however, the personnel posted on 'over and above' the authorized strength are deprived of this facility as they are neither allotted MES married qtrs/CILQ nor being given HRA at the rates applicable in Delhi. The allotment of FAA is just 10% of Basic pay+Grade Pay+MSP which is not sufficient to hire a suitable accommodation at Delhi. Further, due to posting policies, maximum personnel again get posted to field areas after completion of their tenures at Delhi. As a result, they are being deprived from staying with families for three consecutive tenures which is adversely affecting their morale. It is pertinent to mention that officers, when posted as additional officers at Delhi, are getting full entitlement of HRA, the denial of the same to JCOs and OR is discriminatory in nature."*

It is further submitted vide Para 6 thereof it was stated to the effect:

*"6. In view of above, you are **requested to clarify** that policy of grant of GRA to personnel on 'over and above' as applicable vide Govt. of India of Min of Def letter No.10(55)/98/D/Q&C dt 18 Nov.08."*

2. The respondents are directed to place on record, the letter issued in clarification of the policy for the grant of HRA to 'over and above' in relation to letter No.10(55)/98/D/Q&C dated 18.11.2008 in response to letter dated 19.09.2011 within a period of three weeks with a copy thereof being supplied to the applicant through counsel before the next date of hearing.

3. The learned counsel for the applicant has pointed out that his name has not been mentioned in the cause list despite submitting his Vakalatnama which is on record.
4. The Registry is directed to ensure that the name of the learned counsel is reflected in the cause list in future.
5. Re-list for final hearing on 19.12.2023.
6. A copy of this order be given Dasti to the respondents.

**(JUSTICE ANU MALHOTRA)**  
**MEMBER (J)**

**(REAR ADMIRAL DHIREN VIG)**  
**MEMBER (A)**

**CHANANA**