IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

17.

O.A.No. 322 of 2010

Sepoy Yashpal Singh **.....Petitioner**

Versus

Union of India & Ors. **.....Respondents**

With O.A.No. 323 of 2010
With O.A.No. 326 of 2010

For petitioner: Sh. Sunil Kumar Verma, Advocate.
For respondents: Sh. Mohan Kumar, Advocate.

CORAM:
HON'BLE MR. JUSTICE A.K. MATHUR, CHAIRPERSON.
HON'BLE LT. GEN. M.L. NAIDU, MEMBER.

O R D E R
19.01.2011

1. All the three cases are taken up together. For convenient disposal, the facts given in the case of **Sepoy Yashpal Singh v. Union of India & Ors.** (O.A. No. 322 of 2010) are taken into consideration.

2. Petitioner by this petition has prayed that he should be paid foreign allowance at the rate of 13,588 US$.

3. Petitioner was recruited as a Sepoy in sevice of DSC, Ministry of Defence and was posted at Embassy of India Dushanbe (Tajikistan) as a personnel of IIMT (AF) with effect from 16th February 2007 to 22nd February 2009 on deputation. He was not informed about the foreign allowance and put to sign papers to this effect. The

Ministry of Defence issued a Circular on 17th November 2003 to all defence wings that Sepoys and NCOs shall be entitled foreign allowance similar to as that of a Security Guard. However the foreign allowance paid to the petitioner was less than the amount paid to the NCOs. Therefore, petitioner submitted application before the Joint Secretary/Joint Chief and he was assured that he shall be paid foreign allowance as that of an NCO. Petitioner also filed a representation that he should be paid allowance at the rate of US$ 13,558 and that request was turned down. Then he submitted before the Second Secretary (HCO) but without any result. Ultimately petitioner filed this petition for the aforesaid relief.

4. A reply has been filed by the respondents wherein it has been pointed out that it was made clear by the Ministry of Defence that the persons who are going under the ITEC (Indian Technical and Economical Corporation) will be paid foreign allowance at the rate admissible to Security Guards. This was clarified way back on 17th November 2003 and on the basis of that petitioner was paid foreign allowance equivalent to payment made to Security Guards which was prevalent at the relevant point of time. Therefore, it is submitted that petitioner has no right to ask for the rates which are admissible to NCOs.

5. We have considered the rival submissions of the parties and perused the record.

6. In view of the Circular issued on 17th November 2003 by the Ministry of Defence, persons who are going under the aforesaid scheme will be paid foreign allowance at the rate admissible to Security Guards and accordingly the amount has

already been released and paid to the petitioner. As per the reply given by respondents, it is clear that petitioners will be entitled to rates as are admissible to Security Guards and the amount is stated to have been paid but if the calculation has not been made correctly then authorities may recalculate the amount payable to the petitioners as admissible to Security Guards and if there is any difference it may be made good to the petitioners within four weeks.

7. All the three applications are accordingly disposed of.

A.K. MATHUR
(Chairperson)

M.L. NAIDU
(Member)

New Delhi
January 19, 2011