

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

10.

O. A. No. 538 of 2010

Naib Risaldar Rambir Singh

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Sh. K. Ramesh, Advocate.
For respondents: Sh. Anil Gautam, Advocate.

CORAM:

**HON'BLE MR. JUSTICE A.K. MATHUR, CHAIRPERSON.
HON'BLE LT. GEN. S.S.DHILLON, MEMBER.**

**ORDER
26.4.2011**

The petitioner, by this petition has prayed that directions may be issued to the respondents to pass the CILQ claims in his favour for the period from 5.1.2003 to 30.10.2003 @ Rs.2100/- per month and similarly he be paid for the period from 1.11.2006 to 22.2.2008 @ Rs.2700/- per month worked out to Rs.1,40,690/- less the sum paid by PAO (Ors) i. e. Rs.1,08,675/-.

2. The brief facts necessary for the disposal of the present petition are that the petitioner was a Dafedar and was entitled to compensation in lieu of Quarters – CILQ @ Rs.2100/- per month for his family living in private arrangement as he could not get Separated Family Quarters as the list was already heavy. The Station HQ, Delhi Cantonment issued a Non Availability Certificate and permitted the NCO to apply for CILQ at the prescribed authorized rate. The petitioner shifted his family and made a

claim for the period from 5.1.2003 to 30.10.2006 @ Rs.2100/- per month which is the correct authorized scale for a Dafedar and the claim was counter signed by Adm Comdt, Stn HQ, Delhi Cantt as a correct bonafide claim. Subsequent on his promotion to Naib Risaldar, he made another claim for CILQ @ Rs.2700/- per month for the period from 1.11.2006 to 22.2.2008 @ Rs.2700/- per month. However, he did not get the same but was paid a sum of Rs.510/- per month as Dafedar and Rs.600/- per month as Naib Tehsildar. Therefore, the petitioner claimed that he is entitled on the rates mentioned above and that money has wrongly been deducted. The respondents have now produced before us the order dated 18.10.2010, whereby the respondents have released a sum of Rs.1,08,675/- to the petitioner towards CILQ. Therefore, it appears that the original claim of the petitioner was justified and the respondents have wrongly denied the same to the petitioner to which he was entitled. The petitioner's claim is that this amount has wrongly been denied for a period of 2½ years from 23.2.2008 to 18.10.2010 when this amount has been released. Therefore, learned counsel for the petitioner submits that this wrongful detention of the amount by the respondents should bear interest on it. The submission of learned counsel for the petitioner is justified. The petitioner was initially entitled to rent reimbursement duly verified by the competent authority and it should not have been denied by the authorities. Now after having realised this, the amount has been released to the petitioner on 18.10.2010. Therefore, the petitioner is entitled to interest on this wrongful detention and we award interest @ 12% per annum on the sum of Rs.1,08,675/-. The amount has already been released to the petitioner but it will bear interest @ 12% per annum and the same may be given to the petitioner within a period of two months. A copy of the order dated 18.10.2010 may be kept on the record.

3. The petition is disposed of accordingly. No order as to costs.

A.K. MATHUR
(Chairperson)

S.S. DHILLON
(Member)

New Delhi
April 26, 2011