

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

01.

O.A. No. 443 of 2010

Ex. Dfr. Clk. Jaibir Singh

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Mr. S.M. Hooda, Advocate.

For respondents: Mr. Mohan Kumar, Advocate

CORAM:

HON'BLE MR. JUSTICE A.K. MATHUR, CHAIRPERSON.

HON'BLE LT. GEN. S.S.DHILLON, MEMBER.

ORDER  
21.05.2012

1. Petitioner vide this petition has prayed to set aside the impugned rejection order/letter dated 20.08.2002 for the payment of Compensatory Allowance in lieu of Quarter (CILQ) and refund of NRA (Normal Rate of Ration Allowance) and Transport Allowance.

2. Petitioner was enrolled in the regular Army as Combatant Clerk on 03.12.1983. He was posted at the Record Office in 1996. Respondent no. 2 asked for clerks on each from AC, Arty, EME and AOC and two clerks from signal vide its letter dated 24.10.1996. Petitioner was detailed for attachments by the Record Office vide its letter dated 12.11.1996. He was ordered to move on 16.11.1996 with six days casual leave and he reported to Army headquarters on 25.11.1996.

3. Petitioner's son was to be treated at R.R. Army Hospital Delhi Cantt and he applied for permission to live out with his family under own arrangement and he was granted permission along with NRA and CILQ at 'A' class city rate w.e.f. 01.07.1997 vide Record Office letter dated 17.06.1997.

Petitioner rented a house at Nazafgarh and the same was got inspected and approved vide letter dated 24.08.1997.

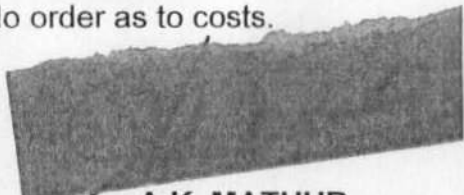
4. Petitioner was allowed to draw ration money for his family w.e.f 01.09.1997 and was authorized to draw CILQ w.e.f. 01.09.1997 till 08.03.1998 vide letter dated 31.12.1997 and thereafter from 01.03.1998 till 31.08.1998 vide letter dated 20.08.1998 and it was continued till 28.02.2000 till he was relieved from that posting. He was posted to 'B' SQN 61 Cavalry Delhi Cant in March, 2000.

5. The grievance of the petitioner is that he was entitled to Rs.2100/- per month w.e.f. 01.09.1997 till 28.02.2000 i.e. for 30 months which comes to Rs.63,000/- but the same has not been paid till date. He was earlier paid NRA and other 'A' class allowances and when he was invalided out of service w.e.f. 01.08.2002 then accounts officer issued the statement of accounts dated 31.01.2002 effecting the recovery of Rs.22,948/-. He filed representation which was rejected by the respondents vide letter dated 20.08.2002. Thereafter, petitioner submitted another representation dated 30.01.2003 but the same has not been replied till date. Therefore, he has filed the present petition before this Tribunal seeking aforesaid relief.


6. Reply has been filed by the respondents and they have taken a serious objection of delay in filing the present petition. It is pointed out that petitioner's representation was duly replied vide letter dated 20.08.2002 and all the record pertaining to the period of petitioner has already been destroyed. Therefore, respondents have no record to substantiate the averment made by the petitioner.

7. We have heard both the parties and perused the available record. It is true that petitioner's claim was rejected in 2002 but he did not approach to any legal forum against the same. Now he has approached this Tribunal in 2010 i.e. after almost eight years. The petition is extremely belated. More so, all the relevant record pertaining to the period of petitioner has been destroyed. Looking to the delay caused in the present case that the petitioner's claim was rejected in 2002 and he kept silent and now filed his claim in 2010, it is not possible at this belated stage to accede to the request of the petitioner.

8. Consequently, we do not find any merit in the petition. The same is accordingly dismissed being inordinately delayed. No order as to costs.



**A.K. MATHUR**  
(Chairperson)



**S.S. DHILLON**  
(Member)

**New Delhi**  
**May 21, 2012**  
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