IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

16.

O.A. No. 98 of 2012

Girindra Kumar Pathak .....**Petitioner**

Versus

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

For petitioner: Petitioner in person.
For respondents: Ms. Jagriti Singh, Advocate.

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

ORDER
29.10.2012

1. Petitioner by this petition has prayed that the Respondents may be directed to disburse the outstanding Transport Allowance for the period from 1st September 2008 to 31st August 2009 as per the existing rate as applicable at the relevant period to the Petitioner.

2. Petitioner was enrolled in the Indian Air Force on 11th August 1989 in the trade of Radio Technician and ultimately on completion of his tenure of service he was discharged from service on 31st August 2009. His grievance is with regard to non-payment of Transport Allowance which was already sanctioned to the Petitioner as per Annexure A-1 dated 21st July 2009. Therefore, the grievance of the Petitioner is that after discharge, he has been making representation but the amount has not been paid to him. As such he has approached this Tribunal by filing this petition.

4. A reply has been filed by the Respondents and the Respondents in their reply has pointed out that the amount of Transport Allowance was already released to the Petitioner for the period from 1st July 2008 to 30th June 2009 at new rate when he was in service. Thereafter the remaining amount i.e. for the period 1st July 2009 to 31st August 2009 which comes out to Rs.4064/- has also been paid to him on 24th July 2012, as per the Annexure R-2. Therefore the entire grievance of the Petitioner stands redressed. Learned counsel for the Petitioner submitted that the amount has been delayed, therefore, he is entitled to costs. We would have granted him costs but for the fact that he has not been fair while asking for Transport Allowance for the period 1st September 2008 to 31st August 2009 whereas he has been already paid for the period from 1st September 2008 to 30th June 2009 while he was in service i.e. on 9th July 2009, as per the Annexure R-1 but he did not disclose this fact in the petition. It is only the Respondents who has disclosed this fact when they filed the reply. Therefore the Petitioner who wants equity should also be honest and disclosed the facts fairly and honestly. As such, we are not inclined to grant him costs as the amount due to him has already been paid to him.

5. Consequently, the petition is dismissed with no order as to costs.

A.K. MATHUR
(Chairperson)

S.S. DHILLON
(Member)

New Delhi
October 29, 2012
dn/pd