

Notes of Registry	Order of Tribunal
	<p style="text-align: center;">IN THE ARMED FORCES TRIBUNAL REGIONAL BENCH, GUWAHATI</p> <p style="text-align: center;"><u>MA-12 of 2019</u> (In OA-30 of 2018)</p> <p>Wg Cdr Devi Lal</p> <p style="text-align: right;">..... Applicant By legal practitioners for Applicant.</p> <p style="text-align: right;">Mr Surajit Dutta Mrs Urna Dutta</p> <p style="text-align: center;">-Versus-</p> <p>UOI & Others.</p> <p style="text-align: right;">..... Respondents By legal practitioner for Respondents. Mr. P.K. Garodia, CGSC</p> <p style="text-align: center;"><u>PRESENT</u></p> <p style="text-align: center;">HON`BLE DR. (MRS) JUSTICE INDIRA SHAH, MEMBER (J) HON`BLE LT GEN C.A. KRISHNAN, MEMBER (A)</p> <p style="text-align: center;"><u>ORDER</u></p> <p><u>07.06.2019</u></p> <p>1. Heard Mr. Surajit Dutta, learned counsel appearing for the applicant. Also heard Mr. PK Garodia, learned CGSC assisted by Sqn LDR Dyuman B Singh, Air Force Legal Cell, AFT, Guwahati appearing for the respondents.</p> <p>2. The applicant by filing this MA has sought for amendment of the OA No. 30 of 2019. The applicant in the OA has prayed for the following relief(s) –</p> <p style="margin-left: 40px;">(i) <i>To quash and set aside the impugned Notice dated 27.09.2018 and the Signals dated 10.09.2018 and 17.10.2018.</i></p> <p style="margin-left: 40px;">(ii) <i>To declare that the applicant is entitled to retain his existing accommodation at New Delhi till completion of his tenure at Guwahati</i></p>

- (iii) *To direct the respondent authorities not to disturb the applicant's possession of the quarter accommodation at New Delhi*
- (iv) *Cost of the application.*
- (v) *Any other order/orders as the Tribunal deem fit and proper for the ends of justice.*
- (vi) *To suspend, stay operation of the impugned Notice dated 27.09.2018 and also the Signals dated 10.09.2018 and 17.10.2018 and/or allow the applicant to continue in possession of his existing accommodation at New Delhi till disposal of the instant application and/or to pass any other order/orders as the Tribunal deem fit and proper for the ends of justice.*

3. Learned counsel for the applicant has submitted that there is a typographical error in the figure of Rs. 1,18,800/- which should be Rs. 1,31,514/- and has prayed to allow him to make necessary correction. Prayer is allowed. Learned counsel shall make necessary correction in the application regarding the figure.

4. It has been submitted that during the pendency of the OA and continuation of the interim order, the respondents have deducted considerable sum of money from the salary of the petitioner for the month of April 2019 on account of damage rate of rent for Qtr No. P-11 at Naraina, New Delhi. The applicant has prayed to allow him to add in the prayer and declare the deduction of Rs. 1,31,514/- from the applicant's salary for the month of April, 2019 as illegal and unauthorized and to direct the respondents to refund the said amount to the applicant.

5. Learned counsel for the applicant has further prayed to add in the OA the following paragraphs incorporated in this MA :-

4.14 That the applicant states that the respondents have illegally and in unauthorized exercise of power have deducted/caused to deduct a sum of Rs. 1,31,514/- from the applicant's salary for the month of April, 2019 on account of damage rate of rent for Qtr No. P-11-A at

Naraina, New Delhi. Be it stated that deduction has been made by the AFCAO (i.e. Air Force Chief Accounts Officer) at the behest of the respondent No. 4 i.e. the Air Officer Commanding who also acts as the Estate Officer. The deduction so made is for the period from 01 Apr, 2018 to 30 Sep 2018.

5.6 For that, the act of charging and deduction of damage rate of rent for Qtr No. P-11-1 at Narain, New Delhi from the applicant amounting to Rs. 1,31,514/- is not only illegal but also unauthorized inasmuch as the applicant is entitled to retain the accommodation at New Delhi till completion of his tenure at Assam.

8.3A To declare that the deduction of Rs. 1,31,514/- from the applicant's salary for the month of April 2019 is illegal and unauthorized.

8.3B To direct the respondents to refund the amount of Rs. 1,31,514/- to the applicant.

9.2 The respondents be jointly and severally restrained from making any further deductions from the salary and other dues of the applicant on account of damage rent/damage rate of rent for Qtr No. P-11-A at Naraina, New Delhi till disposal of the Original Application.

6. Perused the OA. The amendment sought for is the subsequent development which is very much relevant to the issues raised in the OA. Accordingly, the prayer for amendment as indicated above is allowed. The applicant shall file the amended OA within 1 week with a copy to the respondents.

7. The respondents shall file their counter affidavit within 2 weeks on receipt of the amended Original Application (OA).

8. List the matter whenever the next Division Bench reassembles.

MEMBER (A)

MEMBER (J)

Kalita

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