

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>OA-29 of 2018</u></p> <p>No. 14830242P Sep/DVR (MT) Shaikh Shakil Shamim 5003 ASC Bn (MT),B-Coy PIN-905003 C/O-99 APO</p> <p style="text-align: right;">..... Applicant By legal practitioners for Applicant.</p> <p style="text-align: right;">Mr. AR Tahbildar</p> <p style="text-align: center;">-Versus-</p> <ol style="list-style-type: none">1. The Union of India, Through the Secretary, MoD, Sena Bhawan, New Delhi-112. General Officer Commanding-in-Chief HQ, Eastern Command PIN-908542 C/O 56 APO3. Commanding Officer 5003 ASC Bn (MT) PIN-905003 C/o 99 APO4. ASC Records (South) PIN-900493 C/o 56 APO5. The Principal Accounts Officer(OR) ASC (SOUTH) Bangalore-5600076. Smti Neha Shakil Shaikh Plot No. 2, Street No. 3 Ansar Colony, Power House Road Padigaon, Aurangabad, Maharastra7. Master Anas S/o Shaikh Shakil Shamin8. Miss Rida Nazil D/o Shaikh Shakil Shamim

..... Respondents
By legal practitioner for
Respondents.
Mr. B. Kumar, CGSC

PRESENT

**HON`BLE DR. (MRS) JUSTICE INDIRA SHAH, MEMBER (J)
HON`BLE LT GEN GAUTAM MOORTHY, MEMBER (A)**

ORDER

06.05.2019

1. Heard Mr. A.R. Tahbildar, learned counsel appearing for the applicant and Mr. B. Kumar, learned CGSC assisted by Capt Nisha Thomas, OIC, Legal Cell, AFT, Guwahati appearing for the respondents.
2. Mr. B. Kumar, learned CGSC is asked to file the Memo of Appearance during the course of the day.
3. It is seen from our earlier order dated 17.12.2018 that the applicant had challenged the order dated 08.09.2018 passed by the Col A(D&V) on behalf of GOC-in-C, Headquarters Eastern Command directing deduction of 25% of applicant's pay and allowances towards the maintenance of his children.
4. We have heard the applicant in person who has submitted that he has no objection to grant of maintenance of his children. However, the fact remains that his wife is working as a teacher and his wife and children are staying under the same roof of his wife's parents. Accordingly, their entire financial condition is good. The applicant has also stated that he has elderly parents to look after. Deduction @ 25% of his pay and allowance amounts to Rs. 21,000/- (approx), a financial burden that is too high for him to bear. Hence he has made a plea that the percentage of maintenance allowance for his children be reduced to 11% from 25%.

5. As per Army Order 2 of 2001 at Para 2h (ii), we have considered that the plea of the applicant. We have asked him whether he has made any representation before the authorities on these lines so far. He has replied in the negative.

6. We, accordingly, direct the applicant to make representation on these lines through the proper channel to the GOC-in-C, Eastern Command for reduction in the percentage of maintenance allowance granted towards his children.

7. The authorities are directed to pass a reasoned and speaking order within a period of 4 weeks on receipt of the representation so made by the applicant. The applicant is at liberty to approach this Tribunal in case he is dissatisfied with the order.

8. OA is disposed of.

MEMBER (A)

MEMBER (J)

Kalita