

Form No.4  
[(SEE RULE 11(1))]  
IN THE ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOLKATA

**ORDER SHEET**

O.A. No. 15 of 2017

APPLICANT (S) : JWO Bansidhara Padhy  
RESPONDENT (S) : Union of India & Others  
Legal Practitioner of applicant : Legal Practitioner for Respondent (s)

Mr. Rajdeep Bhattacharjee  
Mr. Tamal Chatterjee

Mr. Dipak Kumar Mukherjee

	<b><u>ORDERS OF THE TRIBUNAL</u></b>
	Order Serial Number : 695 Dated : 30-03-2017
	<p>Heard Mr. Rajdeep Bhattacharjee, learned counsel, assisted by Mr. Tamal Chatterjee, learned Advocate for the applicant and also Mr. Dipak Kr. Mukherjee, learned counsel for the respondents.</p> <p>2. The applicant has filed this OA challenging the order of recovery dated 29.6.2016, whereby and where under an amount of Rs. 1,14,716/- is sought to be recovered towards compensation in lieu of quarter (CILQ). The applicant has also prayed for a direction to the respondent authorities to release the pay and allowances for the months of December, 2016 and January, 2017, which according to the applicant has not been released despite he was granted leave. The applicant has also prayed for a further direction to refund the amount of Rs. 25,200/- with interest contending that such deduction was illegal being contrary to law.</p> <p>3. The learned counsel for the respondents opposing the prayer has submitted that since the applicant did not apply for married accommodation in his transferred place of posting i.e. Bagdogra, his notional allotment of quarter was taken as 16.6.2011 and hence from that date he was not entitled to CILQ. Therefore, the learned submits that the order of recovery was passed. Mr. Mukherjee further submits that eventually the grievance of the applicant is yet to approach the competent authority by way of statutory complaint. Relating to the salary for the months of December, 2016 and January, 2017, it has been submitted by the learned counsel on instructions that salary and allowance for those months would be credited in the applicant's account by 3.4.2017.</p>

4. It is not in dispute that the applicant is yet to approach the competent authority by way of statutory complaint. That being the position, we dispose of the OA directing the competent authority to treat this OA as statutory complaint and to decide the same within a period of 3 months from the date of receipt of a copy of this order. The order that may be passed shall immediately be communicated to the applicant so that he can approach the appropriate forum if he has still any grievance.
5. Till disposal of such statutory complaint, having regard to the claim of the applicant that no quarter was allotted to him in Bagdogra despite his application filed in the month of July, 2011, we direct the respondent authorities not to recover any further amount pursuant to the aforesaid notice of recovery dated 29.6.2016.
6. There being no dispute relating to the entitlement of the salary for the months of December, 2016 and January, 2017 by the applicant, the respondents shall also release the salary to the applicant for those months by 3.4.2017, if not already released.
7. The OA is, accordingly, disposed of.
8. Let a plain copy of this order, duly countersigned by the Tribunal Officer, be supplied to the parties upon observance of requisite formalities.

(LT GEN GAUTAM MOORTHY)  
MEMBER (ADMINISTRATIVE)

(JUSTICE B.P. KATAKEY)  
MEMBER (JUDICIAL)