

A

UNION OF INDIA AND ANR.

v.

PRATAP SINGH AND ORS. ETC.

DECEMBER 14, 1994

B

[K. RAMASWAMY, S. MOHAN AND N. VENKATACHALA, JJ.]

Defence Civilian Employees—Participation in operations 'Blue Star' and 'Wood Rose'—Order regarding entitlement of ration allowance—Interpretation of.

C

In appeal to this Court on the question whether the respondents are entitled to the benefit of ration allowance in terms of Government orders dated 20th December 1985:

Allowing the appeals of the Union of India, this Court

D

HELD: The Tribunal erred in granting the benefit of free ration allowance to the respondents. The civilians working in ordinance factories are the entitled category. But having drawn the free ration they are not entitled to ration allowance payable since it was only in lieu of the latter. Such of these civilian employees who are not entitled categories are not eligible to free ration. The order was made applicable only to such of these entitled civilians working in defence for free ration and free ration allowance was given in lieu of free ration as they were not drawn while in operation. The non-entitled categories, therefore, are not entitled to claim the ration allowance. [627 C to D]

E

F

CIVIL APPELLATE JURISDICTION: Civil Appeal No. 4931 of 1994
Etc.

From the Judgment and Order dated 18.5.92 of the Central Administrative Tribunal, in Chandigarh in Regn.No. 242/Pb.of 1989.

G

V.C. Mahajan, Ashok K. Srivastava, Ms. Sushma Suri, S.N. Tardol, P.N. Puri and P. Narasimhan for the appearing parties.

The following Order of the Court was delivered :

H

We have heard counsel for the parties. In the proceedings of the Ministry of Defence letter bearing No.B/19231/Organisation 4 (Civil) (d) 256-S/D (Civil -II) dated December 20, 1985, the President of India

directed that the civilian employees who participated in 'Blue Star' and 'Wood Rose' operations be paid ration allowance. The order reads thus :
"the President is pleased to decide that ration allowance in lieu of free rations will be admissible retrospectively to the entitled categories of the Defence civilian employees deployed in connection with 'Operation Blue Star' and 'Operation Wood Rose' from the dates mentioned thereunder namely 'Operation Blue Star' between June 1, 1984 to July 23, 1985 and 'Operation Wood Rose' from June 1, 1984 to February 28, 1985." The question is whether the respondents are entitled to the benefit of ration allowance in lieu of free ration. It is now conceded across the bar that such of those civilian employees who participated in those operations are entitled to ration allowance in lieu of free ration. Such of these civilian working in ordinance factories are the entitled category and it is not disputed that they had drawn the free rations. Having drawn the free ration they are not entitled to ration allowance payable since it was only in lieu of the latter. Such of these civilians employees who are not entitled categories are not eligible to free ration. The order quoted earlier was made applicable only to such of these entitled civilians working in defence for free rations and free ration allowance was given in lieu of free ration as they were not drawn while in operation. The non entitled categories, therefore, are not entitled to claim the ration allowance. Under these circumstances the Central Administrative Tribunal at Chandigarh was wholly unjustified in granting the benefit of free ration allowance to the respondents by its order dated May 18, 1992.

These appeals are allowed accordingly. No costs.

T.N.A.

Appeals allowed.