

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 25TH DAY OF SEPTEMBER 2015/3RD ASWINA, 1937

WP(C).No. 16592 of 2006 (A)

PETITIONER(S):

**VISWAN, PNR EXGS-145693K,
RESIDING AT MULECHIRA KIZHAKATHIL HOUSE
PUTHIAVILA NORTH, PATTOLI MARKET P.O.
ALAPPUZHA DISTRICT.
EX-PIONEER GREF)**

**BY ADVS.SRI.R.RAJASEKHARAN PILLAI
SRI.M.S.NISHAD
SMT.SABINA JAYAN**

RESPONDENT(S):

- 1. THE UNION OF INDIA, REP. BY ITS
SECRETARY, MINISTRY OF ROAD TRANSPORT AND HIGHWAYS
B WING, 4TH FLOOR, SENA BHAWAN
NEW DELHI-11.**
- 2. THE DIRECTOR GENERAL,
BORDER ROAD, SEMA SADAK BHAWAN, RING ROAD DELHI CANTT
NEW DELHI.**
- 3. THE CHIEF ENGINEER,
HQRS, (P) UDAYAK, C/O.99 APO.**
- 4. THE CHIEF ENGINEER,
HQRS, (P) DANTAK, C/O.99 APO.**
- 5. THE COMMANDING OFFICER,
HQ, 47BRTF (GREF) C/O.99 APO.**
- 6. THE COMMANDER,
1644 PNR COY (GREF), C/O.99 APO.**

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WP(C).No. 16592 of 2006 (A)

7. THE OFFICER COMMANDING,
327 SURFACING PLATOON (GREF) C/O.99 APO.

8. THE PAO GREF,
ADMN. BLOCK C/O. GREF CENTRE, DIGHI CAMP, PUNE-15.

R, BY ADV. SRI.RENJITH THAMPAN
R,R1 TO R8 BY ADV. SRI.P.PARAMESWARAN NAIR,ASST.SOLICITOR
R,R1-8 BY ADV. SRI.T.P.M.IBRAHIM KHAN,ASST.S.G OF INDI
R1-R8 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R BY SRI.JOHN VARGHESE, ASSISTANT SG

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 25-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS:

- EXT.P1 COPY OF LR.NO.PA/1345/NHQ/117/S/D(PAY/SERVICES) DATED
28.08.1989 ISSUED BY THE GOVERNMENT OF INDIA.
- EXT.P2 COPY OF THE REPRESENTATION DATED 9.12.96 FROM
PETITIONER TO THE 4TH RESPONDENT.
- EXT.P3 COPY OF LETTER DATED 5.7.04 FROM PETITIONER TO THE 7TH
RESPONDENT.
- EXT.P4 COPY OF LETTER THE CALCULATION SHEET OF THE FOREIGN
ALLOWANCE OF THE POINEER IDENTICALLY SITUATED.
- EXT.P5 COPY OF THE JUDGMENT DATED 13.10.05 IN W.P(C) NO.24249
OF 2004 (J) OF THIS HON'BLE COURT.
- EXT.P6 COPY OF THE LETTER-DATED 8.5.06 AND THE ORDER OF THE
3RD RESPONDENT.
- EXT.P7 COPY OF THE COMMUNICATION DATED 22.9.03 FROM THE 2ND
RESPONDENT TO THE 3RD RESPONDENT.

RESPONDENTS EXHIBITS:

NIL

// TRUE COPY //

PA TO JUDGE

SB

K. VINOD CHANDRAN, J.

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W.P.(C) No.16592 of 2006 - A

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Dated this the 25th day of September, 2015

J U D G M E N T

Neither the petitioner, nor the Counsel for the Union of India is present, when the matter was taken for hearing.

2. The petitioner is aggrieved with the order at Ext.P6, which has been passed pursuant to a direction in W.P.(C) No.24249 of 2005. The bare facts to be noticed are that the petitioner is an Ex-Pioneer of the General Reserve Engineering Force(G.R.E.F) who was sent on duty and deployed in Srinlanka in "OP PAWAN" for the period from 10.04.1988 to 25.12.1989. The petitioner had claimed expatriation allowances at that rates as prescribed in Ext.P1. However a slab deduction of 50% of the basic pay as per the Ministry of External Affairs order dated 15.07.1987 was effected.

3. The petitioner's case is that the same could not have been done as is clarified by Ext.P7. A reading of Ext.P7 would indicate that the Director General, Border Roads, who had

W.P.(C) No.16592 of 2006 - A

deployed the petitioner had specifically clarified that no further cut of 50% in the case of Group-C and Group-D employees are to be made.

4. In such circumstance, Ext.P6 would be set aside and the 3rd respondent is directed to re-consider the matter after looking at Ext.P7 clarification and pass a reasoned order. It is made clear that this Court has not made any observations as to the merits. The authorities would have to look into the orders and decide on the said aspect. The above direction shall be complied with, within six months from the date of receipt of a certified copy of this judgment, if necessary after issuing notice to the petitioner.

The writ petition is disposed of.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB

// true copy //

P.A to Judge.