

 <p>सत्यमेव जयते</p>	<p>भारत सरकार रक्षा मंत्रालय Government of India Ministry of Defence रक्षा लेखा महानियंत्रक Controller General of Defence Accounts उलान बटार रोड, पालम, दिल्ली छावनी-110010 Ulan Batar Road, Palam, Delhi Cantt - 110010 Ph No. 011 - 25665571, 25665572 , FAX No. 011- 25674779. (IFA WING) E-Mail : cgdanewdelhi@nic.in & cgdaifa@gmail.com</p>	
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No. IFA/175

Dated:- 31.05.2016

To

Sh. Sandeep Sarkar, IDAS
IFA (Army- Q)
Room No. 708, 'A' Wing
Sena Bhawan, New Delhi-110011

Sub:-Concurrence of IFA in implementation of judgements delivered by various Courts/CATs.

Ref :- Your DO letter No. IFA/(A-Q)/Pension dated 04.05.2016.

With reference to above it is stated that the direction issued by your office vide letter No. IFA (Army-Q)/DEL dated 06.12.2012 already stand examined by MoD (Fin) (refer N/12 dated 02.09.14 referred as Annexure VI of your above cited DO). In the said noting it has been stated that IFA (Army-Q) is to give concurrence in respect of absolute implementation of court orders as per MoD letter dated 14.08.2001 as amended vide MoD letter dated 07.11.2001. It was further advised to withdraw/suitably modify your letter dated 06.12.2012 .

2. Accordingly, your office vide letter dated 28.10.2014 issued revised instruction for seeking concurrence of IFA (Army-Q) at both stages i.e. (i) Implementation of AFT/Coiurt Orders & (ii) at the time of making Payment from Chraged Expenditure.

3. Hence the direction of the MoD (Fin) on the above subject are clear.
Therefore, it is advised to take action as per your letter dated 28.10.2014.

This issues with the approval of Addl. CGDA (Fin).

Nirupama
31/10/14
(Nirupama)
Jt. CGDA (Fin)

अं.शा.वि.

Phone : 011-23794388

Tele Fax : 011-23019727

D.O. No./IFA Army (A-Q)/Pension

सन्दीप सरकार, भा०र०ले०से०
एकीकृत वित्तीय सलाहकार (सेना-व्यू)
Sandeep Sarkar, IDAS
Integrated Financial Advisor (Army-Q)

एकीकृत वित्तीय सलाहकार (सेना-व्यू) ³⁹⁶
Integrated Financial Advisor (Army-Q)
R. No.712-A, 'A' Wing, Sena Bhawan,
New Delhi-110 105

दिनांक

Dated the

4th May 2016

Respected Madam,

I am writing to you on a matter concerning the concurrence provided by us to the executive authorities to the implementation of judgments of various Courts/Tribunals in respect of service personnel. The matter has been referred to you by us vide our letter of even no dated 19th Feb 2016 (Annx I).

2. Consequent to the delegation of administrative powers to executive authorities for various matters, vide order no 4684/DIR (PEN)/2001 dated 14th Aug 2001, Corrigendum dated 7th Nov 2001 (Annx II), No IC/1021/32/AS(J)/6864/2006 dated 1st Sep 2006 (Annx III), and directions contained in MoD (F) letter no MoD-9/A dated 18th April 2013, as communicated by CGDA letter no IFA/175 dated 15th May 2013 (Annx IV), this office has been according providing finance cover to the implementation of such powers exercisable by the AG branch of the Indian Army.

3. While implementing the above orders, the cases are referred to this office for concurrence at two stages ie firstly while implementing the Court/Tribunal order and secondly while paying consequential benefits (charged expenditure), after receiving Audit report from the Pay Audit authorities.

4. In view of the time imperatives involved in processing of court cases, it was decided, vide our letter no IFA (Army-Q)/DEL dated 6th Dec 2012 (Annx V), that proposals should be preferred to this office for concurrence at the second stage only i.e. for the payment of Charged expenditure only. However MoD (Fin/Pen) in case file no. B/39033/38/2013/AG/PS-4(Legal) in respect of IC 39774 Ex. Capt. V.N. Saxena, vide note 12 dated 2nd Sep 2014 (Annx VI) noted that "in principle" approval of the executive authorities to implement Court/AFT judgments, without concurrence of IFA (A-Q) does not appear to be correct and IFA (A-Q) should give financial concurrence in respect of absolute implementation of Court orders as per MoD orders dated 14th Aug 2001 amended vide MoD letter dated 7th Nov 2001. Consequently this office withdrew the above mentioned letter dated 6th Dec 2012 and asked for cases to be

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Respected Madam,
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JI C G D A (IFA)
कार्य क्र. 291
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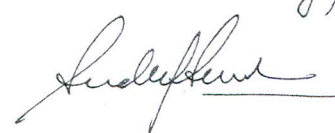
referred to it at two stages i.e. (a) implementation of AFT/Court cases and (b) making payment of the consequential benefits (Charged Expenditure), vide our letter no. IFA (Army-Q)/Del dated 28th Oct 2014 (*Annx VII*).

5. While most of the relevant Directorates/Sections started preferring the cases to this office, for concurrence, at two stages, DV Dte have contended, vide their ID no C/00982/AG/DV-5(B) dated 20th Jan 2016 (*Annx VIII*), that the requirement for finance concurrence by IFA exists at the second stage only i.e. Charged Expenditure stage and not at the first stage (the in principle approval for implementation of Court/Tribunal). This matter was referred to Hqrs office for advice, vide our letter quoted at para 1 above. We are yet to receive Hqrs' directions on the same.

6. In the meantime, the DV Dte moved a case to MoD, with the approval of the AG, vide their file no C/00982/Misc/AG/DV-5A on note sheet no 1 dated 8th April 2016 (*Annx IX*), requesting for limiting the IFA role to the second stage only. MoD {D(AG)}vide note sheet no 2 dated 13th Apr 2016 (*Annx X*) has advised that the matter may be processed with IFA (Army-Q) and they have no role in the matter. Consequently DV Dte has referred the matter to this office again vide their note sheet no 3 dated 27th Apr 2016 (*Annx XI*).

7. As the decision to revert to vetting of cases at two stages was consequent to observations / directions of MoD (F), this office is not in a position to act on the contrary in the absence of directions to that effect from a higher office. May I therefore, request that the matter be examined and a ruling/direction be provided at the earliest, so that the same can be resolved?

With regards,

Yours sincerely,


**Smt. Nirupama, I.D.A.S.
Jt CGDA (IFA)
Office of the CGDA
Ulan Batar Road, Palam,
Delhi Cantt-110010.**