

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 2274 of 2002

New Delhi, this the ^{April} 30 day of ~~March~~, 2003

HON'BLE MR. KULDIP SINGH, MEMBER (JUDL.)

Mr. Mohd. Ibrahim
S/o Shri Haji Abdul Hamid
Ex. Sorting Assistant
Gali No. 27,
Tughalakabad Extension,
New Delhi-110 019.

-APPLICANTS

(By Advocate: Shri S.C. Luthra)

Versus

1. The Union of India
through the Secretary to the Ministry
of Communications,
Department of Posts (India),
Dak Bhawan,
Sansad Marg,
New Delhi-110001.
2. The Chief Postmaster General,
U.P. Circle,
Department of Posts,
Lucknow-226001 (UP).
3. The Senior Superintendent,
Railway Mail Service (RMS) "O" Division,
Department of Posts,
Lucknow-226004 (UP). -RESPONDENTS


(By Advocate: Shri Y.S. Chauhan, proxy counsel for
Sh. M. M. Sudan, Counsel)

O R D E R

By Hon'ble Mr. Kuldip Singh, Member (Judl.)

The applicant has impugned an order dated 31.1.2002 passed by the Senior Superintendent, RMS "O" Division vide which the TA bill of the applicant has been rejected.

2. The applicant is a retired employee of the respondents department. He was working as Sorting Assistant and had sought voluntary retirement which was accepted w.e.f. 21.2.2001 vide memo dated 23.4.2001, Annexure A-2.



3. The applicant on his retirement submitted TA Bill of his family as admissible under rules and orders and vide No.GIMF (Department of Expenditure) OM No.10/2/98-iC/& No.19030/2/97/E-IV dated 17.4.98 in the month of June, 2001 for a sum of Rs.19, 957.50 from Lucknow to his native place Najibabad which has been rejected without assigning any reason. He also submitted that the Senior Superintendent RMS "O" Division Lucknow had assigned the only reason to the effect that the TA bill was not found genuine and as such an enquiry was required to be conducted prior to the issue of order dated 31.1.2002.

4. It is further submitted that TA Bill after retirement is admissible from the place of duty to home town as per service book entries wherein it is recorded that the home town of the applicant is Najibabad.

5. The respondents who are contesting the OA submitted that the applicant had been declared proclaimed Offender by Judicial Magistrate First Class Jullundhar vide order dated 5.5.99 in criminal case No.60 dated 7.5.88, as such he is not entitled to seek any beneficial order against the department from any court of law till such time he continues to be the proclaimed offender.

6. Besides that it is submitted that applicant after performing a single day duty on 20.10.2000 remained on leave on medical grounds till the date of voluntary retirement and sent his relieving charge report from his native place Najibabad. Further in Form No.5 he has

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mentioned the present address as C/o Shri S.C. Luthra, Advocate R/o G-71 (FF) East of Kailash, New Delhi and after his retirement his address has been mentioned in Form 5 as C/o Smt. Akila Pareveen H.No.137-A Mohalla Santomalan, Post Najibabad District Bijnor.

7. The respondents further submitted that in the TA Bill the applicant did not mention his residential address of Lucknow and consequently it was found that he did not actually travel from Lucknow to Najibabad with family as he was already residing at Najibabad and was on Medical Leave before retirement and even sent relieving report from there. Therefore it is not authenticated that he had actually travelled after the retirement to go to his native place from office place.

8. The rejoinder to the counter-affidavit was also filed but the applicant did not deny that he had been declared Proclaimed Offender. In the rejoinder applicant has referred to Allahabad High Court judgment as published in Nav Bharat Times wherein it has been mentioned that an Army Official on his retirement was directed to be paid all his retirement dues and merely because he was a deserter, it was held that the authorities cannot withhold his retiral benefits.

9. I have heard the learned counsel for the parties and gone through the records of the case.

10. The learned counsel appearing for the applicant submitted that the fact that the applicant had performed his last duty on 20.11.2000 is not denied and



his last place of posting at Lucknow is not denied as the applicant was away from his place to his native place along with his family and it is the applicant's right to get reimbursed all the TA expenses incurred on account of self and family members for the journey performed from last place of posting to his native town and on this score he has referred to Swamy's Supplementary Rules at page 158.

11. The counsel for the applicant also submitted that in case the respondents were not satisfied then they were supposed to hold an enquiry and an opportunity should have been given to the applicant to prove that he had, in fact, travelled along with his family from his last place of posting to his native place.

12. In my view all the contentions, as raised by the learned counsel for the applicant are concerned, the same have no merits because the judgment as referred in Nav Bharat Times is concerned, the same is with regard to Army Official who has deserted from army but he was not a Proclaimed Offender. The case of the Proclaimed Offender stand on a different footing because wherever he may go police is after him to arrest so it is not possible to believe that the applicant was residing at his address at Lucknow. Even in the present OA the applicant has not declared as to what address he was residing at and it may be to avoid his arrest the applicant may be hiding somewhere instead of residing at Lucknow.

13. Be that as it may but in this case the department is to see the genuineness of the bill submitted by the applicant for reimbursement and court is to satisfy whether the reasons for rejecting the TA bill are



justified or not and whether the same require any judicial interference.

14. The applicant has placed a copy of the bill on record. Details of which is not supported by any document which means that there is nothing on record to substantiate the claim with regard to the TA Bill.

15. Besides that the fact that the applicant had last performed his duty on 20.11.2000 at Lucknow and he retired w.e.f. 21.2.2001 vide an order dated 23.4.2001 goes to show that on the date of retirement the applicant was not at Lucknow particularly so when he has even sent his papers of handing over charge from Najibabad itself. Moreover the form 5 which pertains to obtaining certain information from the retiring employee 8 months before his retirement, also does not give his address from Lucknow rather it gives his address that of Najibabad or Shri S.C. Luthra, Advocate of Delhi. The fact, that the applicant had sent his papers from Najibabad shows that he was not residing at Lucknow at the time of retirement and this fact also gets support from the fact that the applicant had been declared as Proclaimed Offender and in order to avoid his arrest, he could not maintain his address at Lucknow. Thus the officer who had rejected the bill had a reason to say that the bill submitted by the applicant was not justified and was not a genuine one.

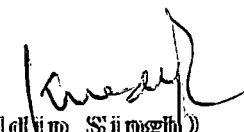
16. The applicant was not even at Lucknow prior to 20.11.2000 where he had performed his duty for one day on the aforesaid mentioned day and his whereabouts prior to 20.11.2000 are also not known to the office nor it has been mentioned so even in the OA and probably the applicant could never live at Lucknow because he was declared Proclaimed Offender by the court under Section



82/83 of the Cr.PC and notice to that has already been issued against him so it is not possible to believe that applicant was residing at Lucknow and he had performed the alleged journey.

17. As regards holding of a regular enquiry is concerned, the rules do not enjoin the officer to conduct a regular enquiry. It requires only the satisfaction of the officer about the genuineness or otherwise with regard to the TA Bill. This can be based on facts and circumstances as evident from the material available to the officer on record. In this case the facts and circumstances did show that applicant was not residing at Lucknow. Thus the respondents had sufficient reason to reject the TA Bill.

18. In view of the above no interference is called for and the OA is dismissed. No costs.


(Kuldip Singh)
Member (J)

Rakesh