

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH**

**Original Application No.18/2018
Dated the 3rd day of February 2020**

CORAM:

Hon'ble Shri M.C.Verma, Member (J)

Shri Natwarsinh K Khant,
S/o. Shri Kalusinh Khant,
Aged 64 years, Retired PA,
Valsad HO,
R/O: At & Po. Doli, Via Mora,
Dist. Mahisagar – 389110. ... Applicant

By Advocate Ms S S Chaturvedi

V/s

- 1 Union of India,
Notice to be served through
Chief Post Master General,
Khanpur, Ahmedabad – 380 001.
- 2 Sr. Supdt. of Post Office, Valsad Division,
Thithal Cross Road, Valsad-960001. ... Respondents

By Advocate Ms R R Patel

ORDER (ORAL)

- 1 Being aggrieved by rejection of his TA claim of retirement, vide impugned order dated 02.09.2015, applicant has preferred instant OA.

2 The operative portion of the impugned order reads: “***With reference to your above cited TA claim on retirement journey from Head Quarter to Home Town, you had ended your journey at Godhra station as per your TA claim which is irregular because as per your Home Town declaration Form your Home Town is as under: At Doli, Via Mora, Ta.Santrampur, Dist.-Panchmahal, Pin – 389120. Doli village is approximately 60 km away from the Godhra and you had ended your journey at Godhra which is irregular. You have also not submitted Certificate of T.A. Transfer. Therefore, your TA claim is rejected and returned herewith.***”

3 The facts as has been set out by applicant in his OA are that applicant on superannuation retired from the post of PA Valsad, on 31.07.2014, that the Home Town/Native Place of applicant is Village Doli which is in District Panchmahal. That applicant upon superannuation shifted to Doli and submitted the TA claim, copy of which has been annexed as Annexure A/3, but it was rejected vide impugned order. Contention of applicant is that he is entitled to TA claim amount and rejection of his TA claim is illegal.

4 Respondents did file the reply and contesting the claim of applicant has pleaded that applicant, after retirement did not change his residence, he did settle in same house at Dungri where he was residing before retirement took the plea that case of

applicant is not of change of residence, allowance claimed by him as TA grant, including of composite transfer grant, was rightly rejected. Applicant has filed **rejoinder** also wherein it has been reiterated that applicant shifted to Village Doli.

5 Have heard learned counsel representing the parties to lis and perused the record. Learned counsel Ms S S Chaturvedi Advocate, appearing for applicant did urge that Home Town of applicant is at village Doli in Panchmahal District and after superannuation, applicant in order to go to his village Doli went from Valsad to Godhra by train and from Godhra he went to Doli by Car. She referred the TA claim; Annexure A/3 and argued that it illustrate the journey. She explained that in TA claim mention of journey from Valsad to Dungri, Dungri to Vadodara and Vadodara to Godhra is there and here is no mention of journey from Godhra to Doli is because applicant has not claimed car freight, he went by car of his nephew.

6 Learned counsel for respondents, Ms R R Patel Advocate, appearing for respondents has submitted that impugned order is of the year 2015, OA was filed in 2018 and no convincing and proper reason for delay has not been given in MA 16/2018 for condonation of delay, hence OA may be dismissed on the ground

of limitation. She also has contended that applicant has not shifted to Doli and after superannuation also he remained in the same house, at Megh Malhar Apartment at Dungri where he was residing while was in service. She also urged that when it revealed to respondents that applicant is staying at Megh Malhar Apartment in Dungri and is taking pension from the Dungri Post Office an inquiry was set up to ascertain whether he is residing at Dungri or at Doli. Learned counsel referred letter dated 07.10.2016 (Annexure R/2) whereby inquiry was set up and added that on conclusion of inquiry Asst. Supdt of Post Offices, Sub Division Valsad informed, vide letter/report Annexure R/3, to Sr. Supdt of Post Offices, Valsad Division, Valsad that there is no change of residence of applicant. She referred the enquiry report and material collected during inquiry to support the conclusion that after superannuation there is no change of residence of applicant.

7 Learned counsel Ms S.S.Chaturvedi rebutting the submission vehemently contended that applicant, after superannuation shifted to Doli but because of sickness arrived back to his son's house for casual stay. In answer to query, applicant's counsel did admit that applicant during the service period was staying at Megh Malhar Apartment Dungri, however

she explained that son of applicant was residing with the applicant when applicant was in service and now said son of applicant is living in that house of Megh Malhar Apartment Dungri. She reiterated that applicant, after superannuation had shifted to Doli but because of sickness he arrived back to his son's house for casual stay.

8 SR 147 1(b) reads “**(b) The Government servant shall, besides the fares, be also eligible to composite transfer grant equal to one month's pay (band pay plus grade pay plus NPA), if the distance from the last station of duty is more than 20 KMs.**” and SR 147 (5) reads:- “**Before reimbursing the Travelling Allowance admissible under these orders, the countersigning authorities should satisfy themselves, as far as possible, that the claimant and members of his family actually performed the journey to the home town or the other place to which he might have proceeded to settle there, e.g., by requiring the production of original railway vouchers relating to transportation of personal effects, conveyance, etc.**”

9 Applicant while was in service was residing at Megh Malhar Apartment at Dungri and he is taking pension from the Dungri Post Office. It is obvious from language of SR 147 (5) that before reimbursing the Travelling Allowance admissible under these orders, the countersigning authorities has to satisfy that the

claimant and members of his family actually performed the journey to the home town or the other place to which he might have proceeded to settle. An inquiry was set up to ascertain whether he is residing at Dungri or at Doli, statement of several persons, recorded during inquiry are on record of this OA and they indicates that applicant is still in the same house. Enquiry report and material collected during inquiry lend support to the conclusion that after superannuation there is no change of residence of applicant. Having taken note of submissions and the documents attached with the reply and other material, it transpires that after superannuation there had been no change of place of settlement of the applicant, it was Dungri and remained as Dungri.

10 Though learned counsel for applicant has tried to explain that son of applicant at present is living in that house and because of sickness applicant has arrived back to his son's house for casual stay but said explanation does not appears to fortify this assertion of applicant that he had shifted to Doli after superannuation. Even if house was not vacated, at least some household articles and belonging of applicant, necessary for his use in new tenement at Doli, must had been shifted to Doli and has there been such shifting of household articles, there ought to be claim for

transportation charge but there is no such claim of freight of household articles. TA claim, Annexure A/3 would reveal that applicant has claimed Rs.20,540/- in all and travelled from Valsad to Dungri 12 Kms by road on 31.07.2014, Dungri to Vadodara on 02.08.2014 by road – distance 192 kms, Vadodara to Godhra on 02.08.2014 by Bus and the composite transfer grant is one month basic pay of Rs.20,540/-. It thus can't be established that applicant had shifted to Doli for living there.

11 Having arrived at this conclusion that there had been no change of place of settlement of the applicant, whether any travelling claim can be allowed?

12 SR 147 Note II under Para 7 reads :–*"II For settling down at the last station of duty/at a station not more than 20 km from the last station of duty – it has been decided that in cases where the Government servant wishes to settle down permanently at the last station of duty, travelling allowance may be allowed to the extent indicated below, provided the Government servant concerned is required to change his residence as a result of his retirement-*

| | | |
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| a | Self and family | Actual cost of conveyance but not exceeding the road mileage allowance admissible under SR 116 (a) II(i) and (ii). |
| b | Personal effects | Actual cost of transportation not |

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| | | exceeding the amount admissible under SR 116 (a) II (iii) |
| c | Transportation Conveyance of | An allowance for car /scooter / motorcycle at the rates notified by the concerned Directorate of Transport for taxi / autorickshaws. Where the above allowance is claimed, mileage allowance will not be admissible to the Government servant / members of family travelling by the conveyance. If they travel otherwise than by the conveyance, they will be entitled to the mileage allowance as per SR 116 (a) II(i) and (ii). |
| d | Composite Transport Grant | Equal to one-third of basic pay (Band Pay plus Grade Pay plus NPA). |

13 Taking note of SR 147 Note II under Para 7 it can be held that in cases where the Government servant wishes to settle down permanently at the last station of duty, travelling allowance may be allowed to the extent indicated in the table attaché with the para , provided the Government servant concerned is required to change his residence. Son of applicant at present is occupying and living in the house at Megh Malhar Apartment at Dungri, no where it is the case of respondent that said house is owned by the applicant. Possibility of required change of his residence cannot be ruled out in toto. Having considered the totality of matter it would be appropriate to direct the respondents to allow the travelling allowance to the applicant to the extent and and at the rate indicated in above said table of SR 147 Note II under Para 7.

14 In given set no claim now could be under the head of cost of conveyance for Self and family, cost of transportation for Personal effects & transportation of Conveyance as provided in the table but Composite Transport Grant Equal to one-third of basic pay (Band Pay plus Grade Pay plus NPA).may be allowed to the applicant

15 In result taking note of entirety pending MA for condonation of delay is allowed.

16 Impugned order of OA stand quashed. Respondents are directed to allow Composite Transport Grant Equal to one-third of basic pay (Band Pay plus Grade Pay plus NPA) to the applicant and to make the payment of the same with 6% interest, within three months of receipt of copy of this order.

17 OA is disposed of with aforesaid directions. Other pending MA, if any also stand disposed of. No order as to costs.

(M C VERMA)
MEMBER(J)

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