

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.260/417/2015

Date of Reserve:14.11.2019

Date of Order: 03.01.2020

CORAM:

HON'BLE MR.GOKUL CHANDRA PATI, MEMBER(A)
HON'BLE MR.SWARUP KUMAR MISHRA, MEMBER(J)

Sri Duryodhan Sethy, aged about 44 years, S/o.Khetrabasi Sethy, At/PO-Garhbandhgoda, Vill-Sainkul, Dist-Keonjhar – at present working as Postmaster Grade-1, Balichandrapur S.O. under Cuttack North Division, Cuttack.

...Applicant

By the Advocate(s)-Mr.D.K.Mohanty

-VERSUS-

Union of India represented through:

1. The Director General of Posts, Ministry of Telecommunication, Dept. Of Post, Dak Bhawan, Sansad Marg, New Delhi-1.
2. Chief Post Master General, odisha Circle, Bhubaneswar, Khurda.
3. Director Postal Services, O/o. Postmaster General, Sambalpur Region, Sambalpur-768 001.
4. Superintendent of Post Offices, Keonjhar Division, Keonjhar Garh.
5. Superintendent of Post Offices, Cuttack North Division, Cuttack-753 001.

...Respondents

By the Advocate(s)-Mr. B.Swain

ORDER

PER SWARUP KUMAR MISHRA, MEMBER(J):

Applicant is presently working as Postmaster Grade-I under Cuttack North Division of the Department of Posts. Being aggrieved by the order dated 23.01.2015 (A/7) passed by the Director of Postal Services, Sambalpur Region (Respondent No.3), whereby a part of his T.A. claims has not been acceded to. Under the circumstances, he has approached this Tribunal in this O.A. praying for the following reliefs:

- i) To quash order dated 23.01.2015 under Annexure-A/7.

- ii) To direct the Respondents to disburse after deducting of Rs.11,823/- and the rest amount of DA on tour bills as per Annexure-A/2 series.
- iii) To pass any other order/orders as deemed fit and proper.

2. Shorn of unnecessary details, the facts in issue are that earlier, the applicant had approached this Tribunal in O.A.No.868 of 2014 praying for direction to be issued to Respondents to disburse the amount after deducting Rs.11,823/- and the rest amount of DA on TA bills as per Annexure-A/2 series. This Tribunal, vide order dated 04.12.2014 disposed of the said O.A. with direction to Respondent No.3 to consider the pending representation of the applicant dated 17.09.2013 and communicate the result thereof to the applicant by way of a reasoned and speaking order. Complying with the above direction, Respondent No.3 issued a reasoned order dated 23.01.2015 (A/7) and since the decision taken thereon was not palatable, the applicant has approached this Tribunal, seeking for the reliefs as mentioned above.

3. In the fitness of things, the relevant part of the order dated 23.01.2015 reads as follows:

“Being aggrieved with the short sanction of the TA Bills by the Suptd. Of Posts, Keonjhargarh Division, Keonjhar, Sri Duryodhan Sethy has made a representation dated 17.9.2013 citing the reference of CAG letter no.220-135-6CPC/GE-II/2008 (III) dated 03.02.2010 on the basis of which he had submitted the food bills/Hotel Bills in manuscript.

The claims of the official for submission of Hotel Bills/Food Bills in manuscript are examined in the light of the guidelines issued by the CAG vide letter no.220-6PC/GE-II/2008(III) dated 03.02.2010 which revealed that in nowhere in the said order of the CAG dated 3.2.2010, it has been mentioned for submission of the Hotel Bill in manuscript. Rather, it has been advised to stay in a hotel whose antecedents (such as Registration number/Service Tax etc.) are verifiable. Regarding reimbursement of Food Bills, it has been directed in the said letter that as far as possible, the staff should take its meals in establishments which provides receipts. However, in cases where obtaining receipt of impossible, a certificate in respect of expenditure incurred on account of food

bills during tour may be furnished by the officials in the prescribed format.

Since the official did not stay in any hotel/Lodge during his deputation period as well as in view of the inquiry report of the Inspector of Post Offices, Anandpur Sub division, the action taken by the Suptd. Of Posts, Keonjhar Division, Keonjhar for disallowing the hotel bills claimed by Sri Duryodhan Sethy is justified and reasonable. With this, the representation dated 17.9.2013 of Sri Duryodhan Sethy is disposed of".

4. We have heard the learned counsels for both the sides and perused the records. In the counter, the Respondents have pointed out that the amount due to Food Bills has been sanctioned on 19.06.2013. As regards, the Hotel Bills, the Respondents have submitted that the matter was enquired into by the SDI(P), Anandpur and as his report regarding availing of lodge was not comprehensive and exhaustive, it was sent again for re-enquiry, the report on which was received on 28.10.2013. In the inquiry report, it could come to the light that there was no lodging facility at Kushaleswar and the applicant was residing in a house, whose rent was about Rs.1000/- per month, whereas the applicant cunningly obtained the manuscript receipt of Rs.300/- per day and as such, non-disbursement of lodging charge as preferred by the applicant, is justified and reasonable. According to respondents, as per the normal procedure, the intention is to allow hotel rates if a Government servant stays in any establishment registered/licensed as a hotel. But in the instant case, the applicant has failed to do so and on the other hand, he prepared one manuscript bill without registration number and therefore, the claim laid by him is illegal.

5. On the other hand, the applicant by filing rejoinder has submitted that the respondents having accepted and disbursed the food bill, received from the said hotel in the shape of manuscript, it is quote unjust and improper to

deny the claim relating to charge received from the same hotel in the shape of manuscript.

6. We have considered the rival submissions advanced at the Bar. Admittedly, the applicant had been on deputation to Kushaleswar SO for the period from 3.2.2010 to 31.5.2010. The T.A. bill for the period in question has been disbursed in his favour, except the expenditure incurred towards lodging to the tune of Rs.300/- per day on the grounds as mentioned above. In support of their contention, the Respondents have basically urged two grounds: (i) there being no lodge facility available at Kushaleswar the applicant was staying in a rented house by paying Rs.1000/- per month and (ii) the bill in question is a manuscript, which does not meet the requirement of rules.

7. At this juncture, we would like to note that whenever any action which has a prejudicial effect to the interest of an official is proposed to be taken based on some material information, the official concerned is required to be called upon to have his say in the matter in order to comply with the principle of natural justice. Admittedly, the respondents took action based on the report of the SDI(P), Anandpur to the effect that the applicant was staying in a rented house by paying Rs.1000/- per month since there is no lodge facility is available at Kushaleswar. Therefore, the action taken by the respondents relying on the inquiry report cannot be said to be above board. Even, for the reasons best known, the respondents have not brought the said report to the notice of this Tribunal. Be that as it may, without the applicant being confronted with the report of the SDI(P) in so far as the claim laid against the lodging is concerned, any decision taken by Respondent No.3 in that behalf is not only violative of the principle of natural justice, but also, arbitrary exercise of powers.

8. As regards, the claim preferred by the applicant in the form of a manuscript receipt, it is a fact that in a remote area like Kushaleswar, there may not be hotel available with the Registration number etc. Under the circumstances, it is for the authorities competent to consider the genuineness of the claim having regard to the fact and circumstances of each case. But in the instant case, although the respondents have called in question the lodging charge as preferred by the applicant, stating the same to be spurious, but, at the same time, they have not produced any such credible document to show that the applicant was staying in a rented house by paying Rs.1000/- per month. Therefore, the contention of the respondents in this regard falls to the ground. In the circumstances, the impugned order dated 23.01.2015 (A/7) stands quashed and set aside.

9. Having regard to what has been discussed above, we make the following orders.

- i) CPMG, Odisha Circle, Bhubaneswar (Respondent No.2) shall examine the report of the SDI(P), Anandpur in so far as lodging charge as preferred by the applicant for the period in question is concerned.
- ii) If it is considered a genuine one and worthy of being reimbursed, the applicant may not be called upon to submit his reply thereto and if it turns to the contrary, the applicant shall be asked to submit a reply thereto.
- iii) The CPMG, Odisha Circle after taking into consideration the inquiry report as well as the reply thereto, shall pass a reasoned and speaking orders within a period of two weeks from the date of receipt of reply, if any, from the applicant to the inquiry report.

10. In the result, the O.A. is thus disposed of, with no order as to costs.

(SWARUP KUMAR MISHRA)
MEMBER(J)

(GOKUL CHANDRA PATI)
MEMBER(A)

