

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/00524/2019

Reserved on: 14.01.2020
Pronounced on: 17.01.2020

C O R A M

HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER

Subodh Kumar Mishra, S/o Sri Hardeo Mishra aged about 53 years,
posted as J.E./P.Way/E.C. Railway, Bakhtiyarpur under Danapur Division.

.... Applicant.

By Advocate: - Applicant-in-person.

-Versus-

1. The Union of India through the General Manager, E.C. Railway, Hajipur, Vaishali-844101.
2. Divisional Railway Manager, E.C. Railway, Danapur, P.O.- Khagaul, Patna- 801105.
3. Sr. Divisional Personnel Officer, E.C. Railway, Danapur, P.O.- Khagaul, Patna- 801105.
4. Sr. Divisional Engineer (Vo-ordination), EC Railway, Danapur, P.O.- Khagaul, Patna- 801105.

.... Respondents.

By Advocate: - Shri K.P. Narayan

ORDER

Dinesh Sharma, A.M:- In the instant OA, the applicant has requested for directing the respondents to pay the travelling allowance for Rs. 69,499/- as claimed vide Annexure A/2 of the OA along with interest thereon. The applicant has claimed that he had made the relevant TA claims for the periods mentioned in this request (Annexure A/2) at the relevant time and has also given the second copy of the TA claims as the originals were lost. However, the applicant is being asked to produce



certain documents which are not supposed to be in his possession or are not in vogue. This demanding of copies of irrelevant documents which is not in possession of the applicant is wrong and hence, this OA.



2. The respondents have filed a written statement in which they have stated that the applicant has failed to provide TA vouchers as required for redressal of his grievance but the applicant has not submitted any papers in support of his claim except letter dated 10.11.2016 (Annexure A/2). The applicant is a habitual litigant. For substantiating his claim on TA from December, 2010 to March, 2014 it is mandatory to produce the copy of Booking Register, Journey Pass as well as particulars of journey for which he was booked for journey on duty. In the written statement, the respondents have also denied that the applicant submitted his TA vouchers in prescribed formats in any time from December, 2010 to March, 2014. As per extant rules, booking of employees is maintained in register for performing duty for every journey on duty and Railway Pass is issued as per entitlement of Railway employee. Pay slips of employees also issued every month. He was asked to submit these documents for verification but the applicant failed to do and his denial that he is not in possession of the required documents proves that he submitted a false TA bill. On these grounds, the OA deserves to be dismissed.

3. The applicant has filed a rejoinder in which he has reiterated his earlier claim and stated that he has been paid TA before and after

this period without seeking these documents. There is no booking register for normal routine duties and the journey pass on expiry is returned to them before issue of next journey pass. Serving of pay slip is also not ensured by the respondents. Since the respondents are asking the applicant to submit documents which are not in his possession it is simply to deny the payment of TA.



4. I have gone through the pleadings and heard the arguments. Learned counsel for the respondents argued that no claim was put by the applicant at the relevant time and he has refused to provide further details/evidence which was asked of him when he made the claim later. Such claim is barred by limitation and can also not be entertained for want of the required details. The applicant who appeared in person claimed that he had made the TA claim at the relevant time, but these were lost by the respondents and that is why he has produced a duplicate copy of those claims. The request made by the respondents for supporting documents is only an excuse to deny his claim since all these information is either available with the respondents or is not with the applicant.

5. After going through the pleadings and hearing the arguments, it is clear that even though it is to be accepted that the claims were not made in time the respondents are willing to examine the claim if some details considered relevant by them are provided. This Tribunal has already allowed the request of the applicant to condone the



delay in filing this OA. The only issue which remains to be decided is whether the documents sought by the respondents are actually required for deciding his claim or not. Prima facie, it appears that some of the documents sought by the respondents (such as the pay slip) are not to seek any information which is not already available with the respondents. The applicant has claimed that journey passes are returned on expiry and before issue of next journey pass if this claim is true the applicant cannot be expected to produce the journey pass at this length of time. The applicant has very categorically stated that all the details about the journeys actually made by the applicant on duty are available with the respondents and these are being sought from the applicant only to wrongfully deny his case. Under these circumstances, I feel that the ends of justice will be made by directing the to examine the TA claims filed by the applicant on the basis of documents available with them and pass appropriate orders either accepting or rejecting the claim as per rules. The respondents are expected to take utmost efforts to verify with the available documents the genuineness of the claim made by the applicant and not to reject them only on technical grounds, if there is sufficient evidence available in their records to prove the genuineness of the claim. Necessary orders should be passed within three months of receipt of this order.

[Dinesh Sharma]
Administrative Member

Srk.