

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.1172/99

New Delhi: this the 4th day of June, 1999.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE MRS. LAKSHMI SWAMINATHAN MEMBER (J).

Shri R.K. Anand,
S/o Late Shri K.G. Anand,
Chief Vigilance Officer,
Council for Advancement of People's Action
& Rural Technology,
India Habitat Centre,
Zone-4B, UG Floor,
Lodhi Road,
New Delhi - 003

..... Applicant.

(Applicant in person)

Versus

1. Chairman,
Executive Committee,
CAPART,
(Ministry of Rural Areas & Employment),
Dr. Rajendra Prasad Road,
Krishi Bhawan,
New Delhi -001.

2. Director General, CAPART,
India Habitat Centre,
Zone-5A (Dore-C), 2nd Floor,
Lodhi Road,
New Delhi -003

..... Respondents.

(By Advocate: Shri C. S. Vaidyanathan, Addl. Solicitor General with Shri B.K. Chaudhary).

ORDER

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

Applicant impugns respondents' order dated 12.5.99 (Annexure-A1) stopping the hiring of a DLY taxi for his use.

2. Applicant who is a Director Level officer belonging to IDAS joined CAPART on deputation as Chief Vigilance Officer on 5 year tenure of deputation. He resides in Gurgaon and his case is that he represented to D.G.

2

(A)

CAPART on 12.3.98 expressing his inability to discharge his duties efficiently and effectively without provision of staff car for official duties including picking him up and dropping him from his residence in Gurgaon. He states that accordingly the D.G. sanctioned hiring of a vehicle till deficiency in staff car was made good and note dated 26.3.98 was issued to him (Annexure-A II). Applicant contends that the D.G. CAPART sanctioned the provision of hired vehicle for picking him up and dropping him at his residence in Gurgaon w.e.f. 30.3.98 and the same continued, but when the new D.G. took over on 7.12.98 he reconsidered the matter against all legal limits and issued orders on 31.12.98 withdrawing staff car facilities from Gurgaon to IHC, Lodi Road, to which applicant represented but to no avail which finally culminated in the impugned order.

3. We have heard applicant in person and learned A.S.G. for respondents.

4. Admittedly applicant is a Director level Govt. servant. Officers of his seniority are not eligible for staff car facilities for commuting between office and residence. Applicant has not shown us anything to establish that provision of staff car/taxi facilities for commuting between residence and office was a part of his terms and conditions of his deputation. The office order dated 5.3.98 (copy on record) appointing applicant as C.V.O in CAPART for 5 years w.e.f. 5.3.98 on usual foreign service terms does not make any mention of provision of such staff car/taxi facilities. We have perused the Executive Committee's decision dated 30.4.98 which

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was shown to us by respondents which makes it clear that this provision of taxi facilities to applicant was till further orders and if upon further consideration, the Executive Committee in its meeting on 3.5.99 decided to withdraw the same as an economic measure in the public interest in the absence of any rule or instruction mandating its continuance, it cannot be said that they have acted illegally or arbitrarily.

5. Applicant contends that the withdrawal of the facility constitutes breach of promise and respondents are estopped from doing so, but when applicant himself is not entitled to such a facility either by virtue of his rank or as per the terms and condition of his service he cannot legally compel respondents to continue to extend to him the same indefinitely, more particularly when the decision of the Executive Committee to grant him the facility was till further orders.

6. The OA is dismissed. No costs.

Lakshmi
(MRS. LAKSHMI SWAMINATHAN)

MEMBER(J)

Antchgi
(S.R.ADIGE)
VICE CHAIRMAN (A).

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