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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI
O.A.NO.1769/1995

New Delhi, this the 29th day of January, 1995

HON'BLE SHRI N.V. KRISHNAN, ACTING CHAIRMAN
HON'BLE SMT. LAKSHMI SWAMINATHAN, MEMBER(J)

1. Inspr. Bhopal Singh s/o Sh. Pitam Singh, No. 461-D
2. S. I.- Vijay ver Singh s/o Sh. Ram Parshad No. 625-D,
3. S. I.- Rajender Singh s/o Sh. Saroop Singh No. 3053-D,
4. S. I.- Balbir Singh s/o Sh. Rattan Singh No. 3696-D,
5. S. I.- Virender Singh s/o Sh. Mahadev Singh No. 2459-D,
6. S. I.- Varkey P.J. S/O Sh. Joseph P.K. No. 63-D,
7. H.C. - Ran Singh s/o Sh. Munshi Ram No. 3226-DDP.
8. S. I.- Rockin R. s/o Sh. Roseman No. 89-D,
9. Const.- Jaivir Singh s/o Sh. Ved Ram No. 3393-DDP.
10. S. I. - Surjeet Kumar s/o Sh. Sada Ram No. 3739-D.
11. Const.- Chaman Lal s/o Sh. Shikru Ram No. 3707-DAP.
12. A.S. I.- Balwan Singh S/O Sh. Mariyam Singh No.-3824-DAP.
13. H.C.- M.H. Bhazartry s/o Sh. Hanumant Singh No.--3406.

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14. H.C. - Indraj Singh s/o Sh. Kishan Singh No. 3801.

15. Ct. - Gurender Singh s/o Sh. Fauja Singh No. 3373.

16. Ct. - Kuldeep Raj s/o Sh. Bansi Lal No. 3205.

17. H.C. - Santokh Singh s/o Sh. Shamsher Singh No. 3964.

18. H.C. - Jagat Prakash s/o Sh. Sardar Singh No. 3294.

19. Ct. - Nand Lal s/o Sh. Lachman Singh No. 3223-DAP.

20. H.C. Azad Singh s/o Sh. Surat Singh No. 3859.

21. S.I. Raj Singh s/o Sh. Ved Ram Singh No.

22. Const. Bishan Dass s/o Sh. Dalti Ram No. 3245

23. H.C. - Karam Vir Singh s/o Sh. Shoeraj Singh No. 3817

24. H.C. - Mohinder Singh s/o Sh. Partap Singh No. 3806

25. A.S.I. - Ved Raj s/o Sh. Attamjeet Rai No. 3835.

26. H.C. Rafi Ahmed Khan s/o Sh. Abdul Walid Khan No. 3888

27. Insp. Tooki Ram s/o Sh. Bhagwat Singh No. D-642.

28. H.C. Sukhbir Singh s/o Sh. Sampat Singh No. 3873-DAP

29. Const. Hem Chand s/o Sh. Ramesh Chand No. -3364-DAP.

30. Const. Sukhinder Singh s/o Sh. Jagdev Singh No. 3231-DAP.

31. H.C. Raj Kumar s/o Sh. Puram Mal No. 3863-DAP

32. Const. Brij Bhushan s/o Sh. Som Dutt. 3241-DAP
33. Const. Harender Singh s/o Sh. Bal Chand. 3310-DAP.
34. Const. Dhawanter Singh s/o Sh. Bhoop Singh. 3882-DAP.
35. D.C.P. A.S. Toor s/o Sh. Toor No. JPS(85)
36. HC. Karambir Singh s/o Sh. Shev Chand. No. 3816.
37. Ct. Surender Singh s/o Sh. Hadder Singh No. 3746/M.
38. HC. Shiv Shakti s/o Sh. Har Dev Singh No.
39. HC. Harjinder Singh s/o Sh. Babu Singh. 3895
40. ~~HC~~ Const. Suresh Pal s/o Sh. Balbir Singh. No. 3419
41. Ct. Keshar Singh s/o Sh. Devi Singh. No. 3370
42. Ct. Sat Narain s/o Sh. Balbir Singh. No. 3276/DAP.
43. ~~HC~~ S.I. Ugar sain s/o Sh. Sangat Ram No. 2972-D.
44. Const. Mohinder Singh s/o Sh. Ran Singh No. 3371.
45. Const. Bal Kishan s/o Sh. Kali Ram. No. 3400.
46. Const. Surender Kumar s/o Sh. Daya Nand No. 3224.
47. HC. Ran Singh s/o Sh. Daya Kishan. No. 3009/3808 DAP
48. HC. Balwant Singh s/o Sh. Hari Singh No. 3808.
49. HC. Devinder Singh s/o Sh. Bhim Singh No. 3164/3928.
50. HC. Sumer Singh s/o Sh. Daryao Singh ~~extra~~ 3937
51. HC. Ramesh Chand s/o Sh. Gokul Chand. No. 3945.
52. Const. Vinod Kumar s/o Sh. Govind Chand. No. 3234.
53. S.I. Bharam Singh s/o Sh. Hukam Singh No. 1247.

.... Applicants

All are posted in the Delhi Police Unit
c/o 4th Bn. Delhi Police,
Kingway Camp, New Delhi

By Advocate: Shri V.P. Sharma
Vs.

1. Union of India through
Secretary, Ministry of Home Affairs,
Dept. of C.P.O. Govt. of India,
New Delhi.
2. The N.C.T. of Delhi
through Chief Secretary,
Old Secretariate, Delhi.

3. The Chief Controller of Accounts,
Govt. of N.C.T. of Delhi, Delhi.

4. The Commissioner of Police,
H.Qs, Delhi Police,
I.P. Estate, New Delhi.

... Respondents

By Advocate: Shri Surat Singh

ORDER (ORAL)

Hon'ble Shri N.V. Krishnan, Acting Chairman

The applicants are aggrieved by the fact
that the recovery made from the applicants in respect
of Training Allowance is not being refunded to them.

The applicants rely on the decision of the Tribunal,

particularly in O.A. 1208/93 decided on 24.11.93

(No. xero 4-4). That judgement also gives the facts

of the case which cover the present applicants also.

2. The Department of Personnel and Training had by
their O.M. dated 9.7.92 reduced the Training Allowance
from 30% to 15% of the basic pay in cases of all Government
employees. It is also provided that in respect of persons
on deputation to Training Institutions they could exercise
an option to either continue in the Training Institutions
subject to the above decision or they could opt to go back
to their parent department.

3. The applicants therein were working in the
Police Training School, Jharkhand Kolan. It is averred that
the aforesaid OM of the D.P.T was communicated to the D.P.T.
Administration only on 14.12.92 which was received by the
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applicants therein on 10.3.93. They were, therefore, denied the opportunity to exercise their option.

4. That Bench noted that in a similar matter decided by the Ernakulam Bench of the Tribunal it was held that a period of one year from 9.7.92 the date of issue of the order by the DoPT should be treated as reasonable period to keep all persons informed, in order to exercise their option and therefore there should be no recovery for a period of one year from 9.7.92 and that recovery could be effected thereafter in respect of persons who continue in the Training Institutions. Relying on that order the P.A. was disposed of with a direction not to reduce the Training Allowance from Rs. 10/- to Rs. 5/- for a period of one year from 9.7.92 and in case any reduction has been made, the recovery should be refunded to the concerned persons.

5. The applicants state that they are also working in the other similar Training Centres in the 4th Bn. and have the same relief. In their case it is complained that as a result of belated implementation of the orders, recoveries have been effected. They, therefore, pray that the amount recovered from the applicants be refunded to them.

6. A reply has been filed by the Deputy Commissioner of Police, IVth BN DAP, Delhi. Shri Surat Singh, the learned counsel, however, clarifies that this reply is on behalf of Respondents 2 to 4 only. The facts mentioned in the OA are admitted. It is also stated that the applicants made applications for refund for the period from 9.7.92 to 31.1.93 when the recovery was effected. The bill for refund was submitted to the PAO-IV Tis Hazari which was received back with the following remarks "that the Finance Department of Delhi Govt. is competent authority. Hence necessary action regarding refund of Training Allowance be availed." There is no other reply submitted by the respondents.

7. We notice that the Ernakulam Bench of the Tribunal has given ^a general declaration in this regard as can be seen from the following extract of their order.

"However, having regard to the facts and circumstances of this case, we are satisfied that a period of one year from the date of impugned order viz. 9.7.92 would be a reasonable period, and that much time should have been given to the applicants for taking their decision as to whether they should continue in the present post of Lecturer/Instructor with the reduced rate of 15% or to return to their parent department. In this view of the above position while rejecting the applications we direct the respondents not to effect any deduction from the salary/emoluments of the applicants or to make any recovery from them on the basis of the impugned order for the aforesaid period of one year from 9.7.92."

(8) (11)

In the circumstances, we direct/fourth respondent(i.e. the Commissioner of Police) to sanction the refund to the applicants in respect of recoveries made from them. In case the power of refund is with him, this shall be done within a period of two months from the date of receipt of this order. In case he does not have such powers, he is directed to approach the concerned authority, whether it is respondent No.1 or Respondent No.2 within a period of one month from the date of receipt of the order, and in case such a proposal is received, Respondent No.1 or respondent No.2, as the case may be, shall accord sanction to the refund in the light of the judgement of the Ernakulam Bench of the Tribunal as quoted above. U.A. is disposed of accordingly.

Lakshmi

(SMT. LAKSHMI SWAMINATHAN)
MEMBER(J)

Krishnan
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(N.V. KRISHNAN)
ACTING CHAIRMAN

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