

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1043/95
T.A. No.

199

DATE OF DECISION

17.9.95

Sh. Bansi LalPetitionerSh. Yogesh SharmaAdvocate for the Petitioner(s)Versus
U.C.I. & OthersRespondentSh. M.K. GuptaAdvocate for the Respondent(s)**CORAM**The Hon'ble Smt. Lakshmi Swaminathan, Member (J)The Hon'ble Mr.1. To be referred to the Reporter or not? *y*

2. Whether it needs to be circulated to other Benches of the Tribunal?

Lakshmi Swaminathan
 (Smt. Lakshmi Swaminathan)
 Member (J)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-1043/95

New Delhi this the 17th day of September, 1996. b

Hon'ble Mrs. Lakshmi Swaminathan, Member(J)

Sh. Bansi Lal,
S/o Sh. Amar Chand,
C/o Yadav Service Station,
Near Civil Hospital,
Rewari(Haryana).

Applicant

(through Sh. Yogesh Sharma, advocate)

versus

1. Union of India through
the Director of Telecommunication,
Dept. of Telecommunication,
Dak Tar Bhawan, New Delhi.

2. The Chief General Manager(Telecom),
Haryana Circle, Ambala(Haryana).

3. The Telecom Division Engineer,
Rewari District,
Rewari(Haryana).

Respondents

(through Sh. M.K. Gupta, advocate)

ORDER(ORAL)

The applicant's grievance in this case is limited to the refusal of the respondents to grant him daily allowance for the period from 4.3.91 to 18.10.91 during which period he submits that he had undergone pre-promotional training, in accordance with the subsequent circular issued by the Department dt. 13.7.93.

2. The respondents have not denied the fact that the applicant underwent the pre-promotional training during the aforesaid period. Their main contention is that although the training had ended in October, 1991, the applicant admittedly did not prefer any bill for daily allowance for this period within one year as required under SR 194-A. They further submit that even in the application submitted by the

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applicant for daily allowance in February, 1995, which
~~however,~~^{is} the applicant states that he submitted in December, 1994, the same has not been counter signed by the competent authority as required under S.R.-192. They have, therefore, submitted that the claim is barred by limitation.

3. The respondents' circular dated 13.7.93, a copy of which has been taken on record, has been passed in pursuance of the judgement of this Tribunal, Ernakulam Bench in OA-546/91 wherein it was directed that daily allowance should be paid to the applicant and similarly situated persons for the pre-promotional training undergone between 1988 and 1992. The order also refers to the fact that several other Benches of the Tribunal, including the judgement of the Principal Bench ^{in the} case of Raj Kumar Bajaj & Ors. Vs. U.O.I. & Ors. O.A.No.1449/92 decided on 24.12.92 have given similar judgements. The circular dt. 13.7.93, therefore, states that the respondents have decided to pay daily allowance to all officials who had undergone pre-promotional training between 1988-1992 for promotion to higher post. This circular has been sent to all Heads of Telecom Circles/Telecom Districts/other adminn. offices which implies that the competent authority should have implemented the directions given in the circular to the eligible officers who had undergone pre-promotional training between 1988-1992. The main contention of the learned counsel for the respondents is that since the applicant has not submitted his bills for daily allowance within the period of one year and in

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accordance with the rules, even though he might have undergone the pre-promotional training during the period referred to in the circular, he would not be entitled to the same. They have further submitted that he cannot take advantage of the ignorance of law as ~~an~~ ¹³ excused.

4. As mentioned above, the circular dt. 13.7.93 conveying the decision of the respondents to pay daily allowance to all the officials who had undergone pre-promotional training between 1988-1992 has been addressed to all Heads of Telecom Circles and other competent authorities. As per the rules, the applicant should have submitted the details for daily allowances within a period of one year i.e. 17.10.92 which admittedly he has not done. However, taking into consideration the fact that the respondents themselves have taken a decision later on 13.7.93 to pay daily allowance to all the eligible officials who had undergone on training between 1988-1992, and in the absence of any material on record to show what action, if any, has been taken by the respondents themselves to bring this circular to the notice of the applicant and other similarly situated persons, they cannot take the technicality ¹³ ~~alone~~ of limitation to reject the applicant's claim, if otherwise admissible. However, it is noted that the respondents have also submitted that the applicant has not submitted the application in proper form duly countersigned by the competent authority.

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5. In the above facts and circumstances
of the case, the delay on the part of the applicant
~~in submitting~~
~~who submitted~~ the application ~~is~~ condoned and the
O.A. is disposed of with the following directions:-

The applicant may submit the bills
for daily allowance for the period of
his pre-promotional training from 4.3.91
to 18.10.91 in proper form, duly signed
by the competent authority and if it is
otherwise in order in accordance with the
rules, the respondents shall consider the
same and pay him the allowances in
accordance with the relevant rules,
within a period of three months from the
date of receipt of a copy of this order.

There will be no order as to costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)

Member(J)

/vv/