

Central Administrative Tribunal, Principal Bench

Original Application No.1452 of 1996

New Delhi, this the 1st day of February, 2000

Hon'ble Mr. Justice Ashok Agarwal Chairman
Hon'ble Mr. R.K. Ahooja, Member (Admnv)

Shri R.K. Jain, S/o late Shri R.C. Jain,
R/o 475, Vikas Kunj, Vikas Puri, New Delhi-18 - Applicant

(By Advocate Shri B.S. Jain)

Versus

Union of India, Represented by the Chief
Controller of Accounts, Min. of
Information and Broadcastings, Govt. of
India, 'H'-Block, Tropical Building,
Connaught Circus, New Delhi. - Respondents
(By Advocate Shri K.C.D. Gangwani)

O R D E R (Oral)

By R.K. Ahooja, Member (Admnv) -

The applicant while working as Senior Accounts Officer in the Internal Audit Wing of the Chief Controller of Accounts, Ministry of Information and Broadcastings had submitted certain TA/DA claims for local journeys beyond 8 kms. However, the respondents sanctioned only an amount of Rs.511/- as against the claim of Rs. 1563/-. It is aggrieved by the action of the respondents in not allowing his full claim that the applicant has now come before us.

2. The controversy we find revolves upon the interpretation of Government of India's instructions under SR 46 in regard to grant of travelling allowance. According to the Travelling Allowance rules framed in pursuance of SR 46 'milage allowance' for temporary duty at headquarter station is allowed at various rates depending on mode of travel. The Government of India's decision dated 22.1.1980 read with OM dated 25.2.83 and 28.8.1984 reproduced in Swamy's compilation of FRSR Part II provides as follows :-

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As a measure of economy it has been decided that 'local journeys' ... should normally be performed in the same way as the Government servant performs the journey to his duty point i.e. by bus, local trains, or his own conveyance. Where travel by special means of conveyance like taxi, scooter, etc. is considered necessary, prior permission of a superior authority should be obtained....."

(emphasis supplied)

According to the respondents the applicant's claim was based on travel by scooter. However, as the applicant had not obtained the prior permission to use this mode of conveyance hence the claim of the applicant was not allowed.

3. We have heard the counsel. Shri K.C.D.Gangwani, learned counsel for the respondents, submits that the Ministry of Finance, Department of Expenditure vide their UO No. 304/E.IV/ 96, dated 6.5.1996 (Annexure-IV) had clarified that the prior permission of the superior authority should be obtained irrespective of whether the journey was performed by autorickshaw or own two wheeler scooter. Here the claim of the applicant is that his normal mode of travel from his residence to his normal place of duty was by his own scooter for which he had also taken advance from his office. According to the respondents, since the whole purpose of the aforesaid requirement of prior permission was to ensure observance of economy, the aforesaid interpretation of the Ministry of Finance vide their UO dated 6.5.1996 would govern the case of the applicant.

4. As we find it the decision of the Government of India which has been extracted above is unambiguous. Under it the Government servant is entitled to perform

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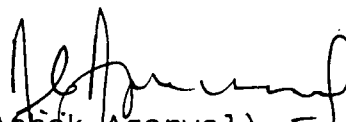
journey on temporary duty at headquarter station in the same manner as he is accustomed to do for his travel from his residence to office. There is no assertion by the respondents that the applicant did not use to travel by his own scooter from his residence to his office nor is it in allegation that he had not performed the journeys in question by his own scooter. The only question is whether he was required to obtain prior permission. The wording of the decision clearly makes the prior permission a pre condition only where a mode of travel is adopted which is not the normal mode of travel from residence to office. In view of this, the applicant was clearly entitled to travel by his own scooter and to claim the TA on that basis.

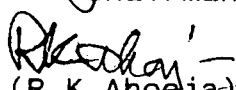
5. In so far as the respondents' explanation that the Ministry of Finance had vide their UO dated 6.5.1996 clarified that such prior permission was required irrespective whether journey was performed by autorickshaw or own two wheeler scooter is concerned, we find that this instruction was issued later than the period during which the journeys were performed by the applicant. We also note that the UO referred to by the respondents dated 6.5.1996 refers only to journeys performed by autorickshaw or own two wheeler scooter. In cases where the Government servant has his own motor car for travel between residence to office, apparently this explanation given in this UO would not be applicable. Therefore, the reasoning given by the respondents that the object being observance of the economy prior permission would be required in such cases also does not seem to be relevant.

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6. In the result, the OA is allowed. The respondents are directed to allow the claim of the applicant on the basis that no prior permission was required for travel by own scooter for temporary duty. This would be done within a period of four months from the date of receipt of a copy of this order. No order as to costs.


(Ashok Agarwal)
Chairman


(R.K. Ahoeja)
Member (Admnv)

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