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Central Administrative Tribunal, Principal Bench

Original Application No. of 1899/1996

New Delhi, this the 9th day of March, 2000

Hon'ble Mr. Justice Ashok Agarwal Chairman
Hon'ble Mr. V.K. Majotra, Member (Admnv)

Dr. Pranvir Singh,
Divisional Medical Officer,
R/o Qr. No.48, Railway Colony,
N. Rly, Tuglakabad,
New Delhi-110 044.

Applicant.

(None present)

Versus

Union of India - through

1. The General Manager,
Northern Railway,
Baroda House,
Headquarters,
New Delhi-110 001.
2. The Divisional Railway Manager,
Delhi Division,
New Delhi-110 011.
3. The Chief Medical Supdt. Railway,
Delhi Main Hospital,
Delhi-110086. Respondents.

(By Advocate Shri D.S. Jagotra).

O R D E R (Oral)

By Justice Ashok Agarwal, Chairman.-

By the present O.A., the applicant claims daily allowance.

2. The applicant was posted at Health Unit, Tuglakabad, New Delhi w.e.f. 4.9.1992. He was temporarily transferred and posted at Delhi Shahdra Health Unit by an order passed on 18.6.1993. The said Health Unit is at a distance of about 25 Kms. from Tuglakabad which was the place of his posting. According to the applicant, he used to attend his duties

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✓ at Delhi Shahdra from the place of his permanent posting at Tuglakabad covering the distance of about 50 Kms. daily, 25 Kms. each side during the period 3.7.1993 to 10.5.1994.

3. By the present O.A., he is claiming daily allowance for the aforesaid period. In our view, the applicant is not entitled to the same as he has been granted and has received conveyance allowance at the rate of Rs.500/- per month during the aforesaid period. Rule 1614 of Indian Railway Establishment Code, Volume-II, which is relevant on the issue provides:

"1614.(1) Daily allowance may be drawn by a railway servant who is not in receipt of a permanent travelling allowance on any day on which he proceeds on tour beyond a radius of 8 kms. from his headquarter or returns to his headquarter from a similar distance.

(2) Daily allowance as in sub-rule (1) would be admissible even if the place of temporary duty falls in the same municipality as (or in a municipality contiguous to) that in which the railway servant's Headquarter is situated and the term radius of 8 kms. should be interpreted as meaning a distance of 8 km. by the shortest practicable route by which a traveller can reach his destination by the ordinary modes of travelling".


4. Aforesaid Rule, in our judgement, makes it clear that daily allowance will be permissible only in case the Railway servant is not availing of conveyance/travelling allowance. Since the applicant has been receiving conveyance/travelling allowance, he

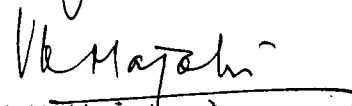
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is not entitled to the daily allowance claimed in the
O.A. Present O.A. is accordingly dismissed. No order
as to costs.


(Ashok Agarwal)
Chairman


(V.K. Majotra)
Member (Adminv)

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