

(9)

CENTRAL ADMINISTRATIVE TRIBUNAL:PRINCIPAL BENCH

:::

OA.No.2513 of 1996

Dated New Delhi, this 29th day of August,1997.

HON'BLE DR JOSE P. VERGHESE, VICE CHAIRMAN(J)  
HON'BLE MR K. MUTHUKUMAR, MEMBER(A)

1. Shri Narain Dass  
R/O A5B/180A, Janakpuri,  
New Delhi-110 058
2. Shri Rohtas Chander Sharma  
R/O P-9/1, Uri Enclave,  
Delhi Cantt-110 010
3. Sardar Manjit Singh  
R/O MS-106, Hari Nagar,  
New Delhi-110 064
4. Shri Jaipal Singh  
R/o H.No.P-4A, Uri Enclave,  
Delhi Cantt-110 010
5. Shri Ravinder Paul  
R/o C-84, Khajan Basti,  
Nangal Raya,  
New Delhi-110 046
6. Shri Ramesh Chander  
R/O Vill. Jakho Pur,  
P.O. Sohna,  
Distt. Gurgaon-122001
7. Shri Pritam Singh  
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Saqarpur, New Delhi-110 058
8. Shri Prem Parkash  
R/O B-38, Vishnu Garden,  
New Delhi-110 018
9. Shri Vijay Parkash  
R/O A-42, Fateh Nagar,  
P.O. Tilak Nagar,  
New Delhi-110 027
10. Shri Rajinder Kumar  
R/O 23/4 New A.P.S. Colony,  
Delhi Cantt-110 010
11. Shri Balbir Singh  
R/O B-121, Mansa Park, Uttam Nagar,  
Najaf Garh Road, New Delhi-110 059

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12. Shri Dinesh Kumar  
R/O WZ-1251, Nangal Raya,  
Delhi Cantt-110 046
13. Rashid Khan  
R/O 56-D, Kabul Line,  
Delhi Cantt-110 010
14. Shri Laxmi Sarup  
R/O 3/3, Mandir Marg,  
Gopi Nath Bazar,  
Delhi Cantt-110 010
15. Shri Nafe Singh  
R/O Vill. Dichon Kalan,  
P.O. Najaf Garh,  
New Delhi-110 043
16. Shri SatyBhushan Puri  
R/o 1/6, Uri Enclave,  
Delhi Cantt-110 010
17. Shri Iqbal Singh  
Office of AGE, AC&R No.II,  
Delhi Cantt-110 010
18. Shri Lal Dev Mahato  
Office of AGE, AC&R No.II,  
Delhi Cantt-110 010
19. Shri Bijay Mohan Gupta  
R/o WZ-133, Shiv Nagar,  
New Delhi-110 058
20. Shri Charan Singh  
R/o P-17/4, Uri Enclave,  
Delhi Cantt-110 010
21. Shri Ashok Kumar  
R/O ~~P-15/1~~, ~~Shiv Nagar~~ Puri Enclave  
Delhi Cantt-110 010
22. Shri Hari Ram  
Office AGE, AC&R No.II,  
Delhi Cantt-110 010. ... Applicants

By Advocate: Shri Shri S. M. Rattanpaul

versus

1. Union of India  
Ministry of Defence,  
Through its Defence Secretary,  
South Block  
New Delhi

2. The Engineer-in-Chief  
Army H.Q.  
Rajaji Marg, Kashmir House  
New Delhi.
3. Chief Engineer  
Head Quarters, Western Command  
Engineer Branch  
Chandi Mandir  
Chandigarh.
4. Commander Works Engineer (Utilities)  
Delhi Cantt. ... Respondents

By Advocate: Shri M. K. Gupta

O R D E R (ORAL)

Dr Jose P. Verghese, VC(J)

The relief sought in this application is that the respondents have discontinued the payment of Cycle Allowance which according to the applicants they are entitled to, under the rules.

The appropriate orders were passed in this regard, as previous occasions in the year 1994, 1995 and some period in 1996 by the respondents themselves, and it is also shown to us that similar orders have been passed in the year 1997 also.

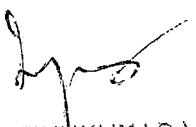
The rule in this regard is the one extracted at page-27 of the paper book according to which the respondents are to satisfy themselves before passing appropriate orders on grant of Cycle Allowance Advance whose duties attached to a post held by a particular incumbent necessitates extensive travelling within a radius of eight kilometers from the permanent place or at outstation and the daily allowance is not drawn.

Since this fact is to be verified in each case and each post with reference to the persons who are availing the said facility, and in the absence of the order passed by the respondents under this rule, this court does not have the competency to give a direction to pay Cycle Advance to the applicants. The applicants have already a representation which happened to be rejected summarily without stating any reason why their case was not considered under the said rules.

In the circumstances, the respondents shall consider the cases of the applicants individually with reference to the posts as well as duties in the light of the provisions under the rules referred above, and pass an appropriate order within six weeks from the date of the receipt of a copy of this order. We are giving this direction for the reason that there may be other similarly placed persons as well who may require similar orders. The respondents shall pass the orders strictly in accordance with the rules, taking into account all the factors specified in the statutory rules as well and thereafter communicate the same to the applicants within the stipulated time. In case the applicants are aggrieved by any further inaction,

liberty is given to approach this court.

With these, the OA is disposed of. No order  
as to costs.

  
(K. MUTHUKUMAR)

MEMBER(A)

  
(DR JOSE P. VERGHESE)

VICE CHAIRMAN(J)

  
ABC