

Central Administrative Tribunal
Principal Bench: New Delhi

OA 411/97

New Delhi, this the 30th day of September 1997.

Hon'ble Mr R.K.Ahooja, Member (A)

Dr. A.K.Bhatnagar
S/o G.K.Bhatnagar
R/o G-16 Hauz Khas Enclave
New Delhi - 110 016.

...Applicant

(By advocate: Mr Rajiv Bansal)

Versus

Union of India through

Director General
Health Services
Nirman Bhawan
New Delhi.

..Respondents.

(By advocate: Mr M.K.Gupta)

O R D E R (oral)

Hon'ble Mr R.K.Ahooja, Member (A)

The applicant is aggrieved by the denial of his claim for grant of conveyance allowance. His case is that the respondents are giving monthly conveyance allowance to physicians and other categories like biochemists even though they hardly make any domiciliary visits. The present rate of monthly allowance is Rs. 550 for those who are maintaining cars. He submits that he is posted to work as Physiotherapist Gr.I at Medical Centre, Palam Annex, New Delhi. In that position, he has to visit a number of VVIPs, MPs and Ministers at their residences, and often as the distance covered is less than 1-2 kilometer, he cannot claim T.A. However, once neither staff car is available nor public transport, he has performed to maintain his own car so that he can respond to such calls from VVIPs even at odd hours. He, therefore, made representations to the respondents that he should also be given the benefit of the fixed

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conveyance allowance given to non-medical categories. But the respondents have rejected the same. He has, therefore, approached the Tribunal seeking a direction to the respondents to sanction conveyance allowance of Rs. 550 per month or equivalent as to the physicians etc. from July 1989 when the first request was made by him.

2. Respondents in their reply have stated that the conveyance allowance is allowed as per Govt. of India, Ministry of Health & Family Welfare's order dated 10.11.1987 (Annexure-I) in respect of only specialised/general duty category officers. Respondents also say that for the travelling undertaken by the applicant, TA can be allowed provided sufficient evidence is submitted.

3. I have heard the counsel for the applicant and have also perused the orders dated 2.3.90 which pertain to non-medical categories. As per these orders, conveyance allowance is allowed to non-medical (Group-A) Specialists/Scientists working under DGHS/Ministry of Health & Family Welfare. In substance, they are the same orders as issued by the Ministry of Health & Family Welfare dated 10.11.87. The learned counsel submits that under the orders dated 2.3.90, conveyance allowance has been allowed to a large number of categories who have not even make domiciliary visits. On the other hand, the applicant has to visit the houses of VVIPs and the same fact is admitted by the respondents as seen from the letter dated 14.3.95 of Additional Director (CGHS)

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(Annexure A-4). The learned counsel has pointed out that the applicant has to maintain a car and, therefore, as lot of visits to VVIPs are involved, he has to incur certain expenditure. In view of that, the respondents should also extend the same facility to the applicant as in the case of other non-medical specialists.

4. I have considered the matter carefully. It would appear that the applicant has a *prima facie* case for grant of this facility. As explained by the learned counsel, the applicant has to attend to the dignitories round the clock as and when called and he has to carry gadgets and other costly electronic equipment for the treatment at the residence of VIPs. Often such patients and VIPs are unable to go to the hospital and in such situations, he has to go to their houses to administer treatment. Therefore, his work undoubtedly involves domiciliary visits.

5. In the facts and circumstances of the case, I consider it appropriate that in the first instance, the respondents should examine the matter and dispose of the same. To this end, the applicant may make a representation giving particulars of the visits made by him over a period of say, three months to the respondents and they will then examine the same and pass a speaking order thereon within a period of three months from the

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date of receipt of the representation. In case the applicant is still not satisfied, he will be at liberty to approach the Tribunal again in accordance with law.

~~R.K. Ahuja~~
(R.K. Ahuja)
Member (A)

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