

2

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

O.A.No.1551/94

New Delhi: this the 22nd March, 1996.

HON'BLE MR.S.R.ADIGE, MEMBER(A).

Shri R.K.Kapoor,
Deputy Director,
Directorate General of Inspection,
(Customs & Central Excise)
Ministry of Finance,
Department of Revenue,
'D' Blockk I.P.Estate,
New Delhi - 110 002.Applicant!

None for the applicant.

Versus

Director General of Inspection,
(Customs & Central Excise),
New Delhi.Respondent.

By Shri K.C.Sharma, Advocate.

JUDGMENT (ORAL)

By Hon'ble Mr. S.R.Adige, Member(A).

In this application, Shri R.K.Kapoor has prayed for a direction to ~~allow~~ ^{pay} him T.A. for the period July to December, 1992.

2. Shortly stated, the applicant's case is that in pursuance of Finance Ministry, Department of Revenue Office Order dated 23.6.92, his services were placed at the disposal of a High Level Committee of Experts. His contention is that his services were not transferred to ^{the} High Level Committee, but were ^{only} placed at the disposal of ^{the} High Level Committee to assist the Committee, and no formal transfer orders were issued. While working in the Committee, he continued to remain on the working strength of the Office of the Directorate General of Inspection

3

and continued to draw salary from that office. He also contends that he was occasionally attending the Office of the Directorate General of Inspection (Customs & Central Excise). However, he was regularly doing the assigned work of High Level Committee in their Office at PHD House, Hauz Khas. Since he was not transferred to the Office of High Level Committee, he claimed T.A. for local journeys between the place of normal duty viz. Office of Directorate General of Inspection, I.P.Estate to his temporary place of duty viz. PHD House, Hauz Khas, New Delhi for the period July to December, 1992.

3. The respondents have contested the OA and point out that the applicant's services were placed at the disposal of High Level Committed on whole -time basis vide Finance Ministry's Resolution dated 28.5.92. They therefore contend that the place of work of the applicant was changed from I.P. Bhawan, New Delhi to PHD House, Hauz Khas on permanent basis, and therefore the applicant is not entitled to any TA/DA for the above period.

4. This case was heard in part on 9.10.95. It appears that the applicant was absent earlier on 21.7.95 and 5.9.95 and again absented himself on 22.12.95 and 1.3.96. In fact on the last date i.e. 1.3.96 the applicant's absences had been noted and it was noted that if he failed to appear on the next day, it would be presumed that he was not interested in pursuing the case. He was again absent today i.e. 22.3.96 when the case was called out. Shri K.C.Sharma appeared and was heard.

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5. ~~in~~ note from the respondents' Resolution dated 28.5.92 that the applicants' services were placed with the Committee on ~~the~~ whole-time-basis and under the circumstances, I am unable to accept the applicant's contention that he assisted that Committee only on part-time basis and was ^{then from} entitled to TA/DA from I.P.Bhawan to PHD House , Hauz Khas, New Delhi, for the said period.

6. Under the circumstance, the OA fails and is dismissed. No costs.

Arif Ali
(S.R. ADICE)
MEMBER (A).

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