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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH,
NEW DELHI.

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Date of Decision: 08.05.1992

OA 1380/89

BEHARI LAL SHARMA ... APPLICANT.

Vs.

UNION OF INDIA & ORS. ... RESPONDENTS.

CORAM:

HON'BLE SHRI J.P. SHARMA, MEMBER (J).

For the Applicant ... In person.

For the Respondents. ... None.

1. Whether Reporters of local papers may be allowed to see the Judgement ? *ye*
2. To be referred to the Reporters or not ? *aye*

JUDGEMENT

(DELIVERED BY HON'BLE SHRI J.P. SHARMA, MEMBER (J).)

The applicant is retired Ex. Savings Development Officer, Mathura and he has assailed the order dated 29.4.1985, passed by the Sr. Supdt. of Post Offices, Mathura, retrenching about two third amounts of the 15 T.A. Bills for the month of April, 1982 to June, 1983 on order dated 11.7.1985, rejecting the amounts of 13 T.A. bills for local journeys for the month of May, 1982 and July, 1982 to June, 1983. The present

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application has been filed on 18.7.1989. The applicant has claimed the relief that the impugned orders be quashed and the illegal reduction of amounts of T.A. bills and LTC bill, as mentioned in para-4.7 of the application be restored after passing the said bills and the applicant has also claimed interest.

2. The facts are that the applicant retired on superannuation on 30.6.1983. The applicant, however, filed a Writ Petition 5519/83 in the High Court at Allahabad contending that his date of birth has been wrongly recorded as 20.6.1925 while the correct date of birth is 4.7.1930. This Writ Petition stood transferred to the Tribunal and was numbered as 1367/67 and it was dismissed by the order dated 20.7.88 vide Annexure A-17. In the High Court itself, the applicant has filed CMP on 16.1.86 (Annexure A-11) and obtained the stay with regard to the quarter on 3.2.1986. In this CMP (Annexure A-11) under Section 151 CPC, the applicant has prayed for issue ^{of} a direction to the respondents to make the payments referred to in para-5 of the said application regarding pension, gratuity, leave encashment, unpaid T.A. bills since April, 1982 amounting to Rs.14,640/- etc. After the dismissal of the Writ Petition before the High Court, the applicant has filed another OA 964/89 and that is said to be

pending. The case of the applicant is that the respondents have arbitrarily retrenched the bills of the applicant and also illegally refused the payment of amount spent in local journeys.

3. The respondents contested the application and stated that the application is barred by Section 20 and 21 of the Administrative Tribunals Act, 1985. The applicant has filed another case in the CAT, Principal Bench, 964/89 under which he has claimed his pension, DCRG, leave encashment, amount of T.A. bills etc. Before the bills are passed under SR 195 of Fundamental Supplementary Rules, the Controlling Officer is required to carry out certain checks. During the course of checks, the T.A. bills noted in Annexure 4-6 from Sl. No.1 to 29 were not formed in order, the journeys and mode of conveyance shown in the T.A. bills could not be verified from any source. The tour programme for the month of April, May, June, July, August, September, November, December, 1982 and of February, 1983, April, 1983 and June, 1983 were not approved because they were not submitted by the applicant. The T.A. bills were also submitted late by 10 to 12 months after completion of journeys and details of late submission is given in para-5 of the counter. The bills of Scooter used by the applicant were not shown in the T.A. bills. The T.A. bills for May, 1982 to June, 1983 were rejected

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but on appeal, the amount of actual ^{expenses incurred on} ~~was~~ fare of Rikshaw/Tonga charges and delay allowance, as admissible under Rules were sanctioned in favour of the applicant on humanitarian grounds.

4. The LTC bill of the family of the applicant was paid for Rs.2332/- for the journey performed by the family members, before his retirement. Since the family returned after retirement so that much of the expenses were not sanctioned as ^{the date of} ~~returned~~ of the journey was shows as on 4.7.1983.

5. None of the parties ^{was} ~~present~~ on the date of hearing i;e. 27.4.92. In view of this fact, the matter is being disposed of on the basis of pleadings. Firstly, the application is barred by limitation because the applicant has prayed for the payment of certain amounts of T.A. bills of the period from May, 1982 to June, 1983 and the present application has been filed on 18.7.1989. Moreover, the applicant had already been paid certain T.A. bills after reducing the amounts by the impugned orders and April and July, 1985. Thus, the applicant has not come in the reasonable time as provided under Section 21 of the Administrative Tribunals Act, 1985. The applicant has also ^{concealed} ~~conceal~~ a material fact ⁱⁿ ~~from~~ the application, in para-7 of the application the applicant has stated that he has not filed any previous

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application while the respondents have clearly stated page 2 of the counter under the headings of brief history of the case, that the applicant has also filed OA 964/89 in which he has also claimed the amount of T.A. bills etc. On this account also the present application is barred on concealment of proper facts. In the rejoinder, filed by the applicant in para-4(i) the applicant has admitted that OA 964/89 has been filed on 3.5.1989, which is pending in the court No.2.

6. The application is barred by principles of res-judicata because the applicant has filed a MP on 16.1.86 (Annexure A-11) before the Hon'ble High Court at Allahabad in the Writ Petition 5519/83. That Writ Petition was transferred to the CAT, Allahabad Bench and was dismissed on 20.7.1987. Though, the applicant has not pressed the CMP in that OA. Moreover, the applicant has also not filed any separate OA in Allahabad Bench because that CMP could not have been filed on 16.1.1986 after coming into force of the Administrative Tribunals Act, 1985 for redress of the grievance of non-payment of certain dues.

7. In view of the above facts, the present application is, therefore, dismissed as barred by time and principles of res-judicata though exparte, leaving the parties to bear their own costs.

J.P. Sharma
(J.P. SHARMA) 8.5.89
MEMBER (J)