

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 558/89 198
T.A. No.

DATE OF DECISION 22.12.1989.

Bishamber Dutt & Others Applicant (s)

Shri G.N. Oberoi Advocate for the Applicant (s)

Versus

Union of India & Others Respondent (s)

Mrs. Raj Kumari Chopra Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. T.S. Oberoi, Judicial Member.

The Hon'ble Mr. I.K. Rasgotra, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *Ys*
2. To be referred to the Reporter or not? *Ys*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. To be circulated to all Benches of the Tribunal? *No*

JUDGEMENT

(Judgement of this Bench delivered by
Hon'ble Mr. I.K. Rasgotra, Administrative Member).

1.1. The applicants have filed OA 558/89 claiming Cycle Maintenance Allowance from the respondents. The applicant No.1 is working as an Electrician in the M.E.S. while applicant No.2 is working as a Fitter. They contended that the nature of duties performed by them warrant maintenance of a conveyance by them for efficient performance of official duties within a radius of 8 kms. They have therefore, prayed that the respondents may be directed to arrange payment of cycle maintenance allowance to them as recommended by the Fourth Pay Commission. They have also sought a direction to the respondents to pass the supplementary bill dated 30-ii-1987 in which payment of allowance for the period

contd..

December, 1987 to July, 1988 has been claimed.

3. The applicants' claim is primarily based on the Fourth Pay Commission's recommendation relating to enhanced rate of Cycle Maintenance Allowance to certain categories of staff. The applicants have not produced any order of the respondents under which they were paid the Cycle Maintenance Allowance for similar duties, performed by them, prior to the implementation of the recommendations of the Fourth Pay Commission.

2.1. In the counter affidavit filed by the respondents, it has been brought out that the Pay Commission had not made any specific recommendation regarding the admissibility of Cycle Maintenance Allowance. The recommendations of Fourth Central Pay Commission related only to increasing the existing rate of Cycle Maintenance Allowance to Rs.20/- per month. The admissibility and payment of the allowance is to be determined in accordance with the existing rules and regulations. The respondents have also contended that the applicants are deployed on specified installations and that as such they are responsible for the upkeep of this particular installation where they are employed. "They are not expected to lookafter the maintenance of individual buildings/electricity/water services."

2.2. The respondents have also shown to us the Defence Services Regulations, Travel Regulations revised in 1976 . Regulations 225 makes the following provision:

"(a) Individuals of the second, third and fourth grades (both industrial and non-industrial) of the various departments and services whose duties necessitate extensive travelling within a radius of 8 kms from their permanent station, or at an outstation provided daily allowance there at is not drawn, may be granted conveyance allowance as follows by the local head of the department or service, for the periods during which the duties are actually performed:-

Cycle allowance at the rate of Rs.20/- per month may be granted by the local head of the department of service provided they are satisfied that the duties assigned to a post require extensive

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touring at or near the Headquarters and the maintenance of a cycle is essential for the purpose.

3. We have heard the learned counsel of both parties and have perused the record. We feel that the related recommendations of the Fourth Pay Commission are not relevant in this matter as they do not deal with the issue of admissibility of the allowance. The admissibility of the cycle maintenance allowance is to be determined in terms of the regulations referred to in the preceding paragraph at the rates prescribed therein. The applicants have also not produced any evidence to the effect that they were receiving this allowance prior to the implementation of the recommendations of the Fourth Pay Commission. The cycle maintenance allowance is not a new allowance and if their duties and responsibilities so warranted, the admissibility of the allowance would have been allowed even prior to the date of the implementation of the recommendations of the Fourth Pay Commission.

4. In the facts and circumstances of the case, we do not see any merit in the claim. Accordingly, OA No.558/89 is dismissed, without any order, as to costs. This will, however, not preclude the respondents to consider grant of cycle allowance to the applicants from any subsequent period in accordance with the provisions of relevant rules and regulations, provided they are satisfied with the admissibility thereof, in accordance with Regulation 225(ibid), including the Note below that.

Dalip Singh
(I.K. Rasgotra)
Member (A) 27/1/87

Deo 22-12-89
(T.S. Oberoi)
Member (J)