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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, DELHI.

Regn. No. OA 1388 of 1988

Date of decision: 6.4.1989

Shri K. Anantha Raman

Applicant

Vs.

Union of India

Respondents

PRESENT

Shri S.K. Jain, counsel for the applicant.

Mrs. Raj Kumari Chopra, Counsel for the respondents.

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Hon'ble Shri B.C. Mathur, Vice-Chairman.

This is an application under Section 19 of the Administrative Tribunals Act, 1985, against impugned orders dated 31.7.1987 passed by the respondents disallowing the claim of T.A./D.A. of the applicant for the journey to the declared home town after superannuation.

2. The case of the applicant is that he retired from the post of Director General, Defence Lands and Cantonments, on 30th June, 1985 on attaining the age of superannuation. Under S.R. 146, no T.A. is admissible for a journey made after retirement. However, under S.R. 147, the competent authority may permit T.A. for such a journey. The T.A. is sanctioned to retiring Government servants on the scale and conditions laid down in the Ministry of Finance (Department of Expenditure) O.M. No. 5(109)-E.IV/57 dated 11.7.1960, as amended from time to time (Annexure A-2.). After retirement, a person can go to his declared home town or such other place where a retired Government servant may wish to settle down permanently. In pursuance of his intention to settle down at Bangalore, the declared home-town, the applicant undertook a journey to Bangalore with his family members on 13.6.1986 and forwarded a claim for Rs.7396.00 in respect of the journey. The D.G., Defence Estates, returned the claim with irrelevant observations. The D.G. in his letter dated 31.7.1987 informed

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the applicant that his claimed had been held to be inadmissible by the Ministry of Defence on the ground that the applicant had not settled in Bangalore and as such, it was not covered by Government orders issued under SR 147. The orders of the Government of India envisage the payment of T.A. to a retired employee and his family and for transportation of personal effects in respect of a journey from the last station of duty to his home town. The applicant states that he has no desire to settle down permanently in Delhi, his last station of duty, nor at any other place other than Bangalore. The claim has been rejected on the ground that the applicant has not settled down in Bangalore. This, according to the applicant, is perverse interpretation of the Government instructions. A Government servant on retirement can make more than one journey to his home town before he actually settles down in that place, but he will be admissible T.A. only for one journey. The applicant does not own any immovable property in Delhi or at any other place in India. He had entered into an arrangement to purchase a flat at Bangalore in his wife's name and paid a sum of Rs. 2.78 lakhs between March, 1985 and September, 1987 towards its purchase. Of the above, Rs. 2.00 lakhs had been paid before the applicant went to Bangalore with his family members in June, 1986. Hence, the journey in June, 1986, was undertaken in pursuance of the intention of settling in Bangalore.

3. The respondents in their reply have stated that the claim of the applicant is not admissible to him as he did not make the trip to Bangalore with a view to settling there. The applicant had been in service of Shri Ram Bhartiya Kalakendra before proceeding on the trip and continued in the same service after return from Bangalore. The applicant had hidden this fact in his application and he is not entitled to any claim/relief under SR 146 read with S.R. 147. Before proceeding to Bangalore, the applicant had not resigned his job with Shri Ram Bhartiya Kalakendra and continues to be in the same job after his brief visit to Bangalore. The visit to Bangalore was, therefore, clearly not with the

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purpose of settling down and hence not covered under S.R. 147. The applicant also could not satisfy the respondents by not producing original railway vouchers relating to transportation of personal effects. The applicant was posted at Delhi and continues to remain in Delhi and as such he is not entitled to any T.A. for going to Bangalore. It has been stated by the respondents that there is no provision in the Government rules for construing the various provisions of the Supplementary Rules liberally, particularly when the SRs contain a provision for the situations dealing with the one in which the applicant is placed, namely, his continued stay in Delhi after over 3 years of his retirement.

4. The applicant has denied that he did not make the trip to Bangalore with a view to settling down there. He did go to Bangalore to make arrangements for settling down there and did not take his personal effects as he had still to get delivery of the flat for which he had already paid a large amount. He has not hidden any material fact from Government and he had informed the Government on 17.11.1986 about his employment with Shri Ram Bhartiya Kalakendra.


5. The learned counsel for the respondents stated that the liberalised rules cannot be applied in the case of the applicant who actually belonging to Bangalore, went there on a pleasure trip although he had settled down in Delhi permanently. It is established from the fact that before he went to Bangalore after retirement, he was in the service of Shri Ram Bhartiya Kalakendra and continues to be in service at Delhi ever since. The intention of SR 147 is to enable Government servants on retirement to proceed to their home town or any other place where they wish to settle down, but it does not allow them to have pleasure trips after retirement when they settle down at the place of their last posting.

6. I have gone through the pleadings and the arguments of both sides. SR 147 does permit a person on retirement to go to his declared home town or any other place with his family where he wishes to settle down. If the applicant had not intended to settle down in Bangalore, perhaps he would not have invested

over Rs. 2 lakhs in a flat in Bangalore. It is also relevant that he has no other immovable property anywhere else in the country. The fact that he did not take his personal effects alongwith him cannot be held against him because unless he took possession of a flat in Bangalore, there would be no place for keeping the personal effects. The question, therefore, is whether the applicant went to Bangalore in order to make arrangements for his settling down or it was merely a pleasure trip for which no T.A. should be admissible. Under SR 147 a person can go after his retirement to his home town or to any other place where he wishes to settle down. This qualification of settling down has not been specified when a person goes to his home town. We have, therefore, to go by the intention to settle down. Getting delivery of a flat can be a very long drawn affair and it cannot be said that the applicant or his wife would have paid nearly Rs. 3 lakhs if they had no intention of settling down at Bangalore, specially as they do not have any other property. It is not denied that the applicant with members of his family went to Bangalore within a period of one year of his superannuation. That he has not been able to settle there so far and is continuing in service with a private organisation for which it is understood permission has been given by Government and that it is not a commercial employment, it does not establish that the applicant did not want to settle down in Bangalore. Maybe, had he been able to get possession of a flat he would have given up the job of Shri Ram Bhartiya Kalakendra. It would be too harsh to deny a Government officer on his superannuation to proceed to his home town even though he may take another job at some other place if no job is available at Bangalore. It is on record that the applicant could not get possession of his flat and to some extent at least this has prevented his settling down in Bangalore. We have to accept his statement that he went to Bangalore to get possession of his <sup>flat</sup> ~~flat~~ and if the rules provided a journey to home town after superannuation, it would be a very narrow interpretation of instructions to deny

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him this facility merely on the ground that this facility is available only to a person who settles down in his home town. The intention of the applicant has to be seen and the fact that he has invested in a flat at Bangalore shows his intention and deserves to be interpreted liberally. In the circumstances of the case, the application is allowed. The respondents are directed to clear the claim of the applicant and make the necessary payment as admissible. There will be no orders as to cost. The T.A. claim of the applicant should be cleared and paid to him with <sup>in</sup> three months from the receipt of these orders.

  
(B.C. Mathur) 6.4 ff  
Vice-Chairman