

In the Central Administrative Tribunal

Principal Bench: New Delhi

OA No.488/88

Date of decision: 5.1.1993.

Shri Trilochan Singh Sahni ...Petitioner

Versus

Union of India ...Respondent

Coram:-

The Hon'ble Mr. I.K. Rasgotra, MEmber (A)

For the petitioner Shri B.L. Madhok, Counsel.

For the respondents Shri P.P. Khurana, Counsel.

1. Whether reporters of local papers may be allowed to  
see the judgement? *Mr*

2. To be referred to the Reporter or not? *Yes*

*I.K. Rasgotra*  
(I.K. Rasgotra)  
Member(A)

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Union of India through the  
Cabinet Secretary, Cabinet  
Secretariat, New Delhi

...Respondent

Coram:-

The Hon'ble Mr. I.K. Rasgotra, Member (A)

For the petitioner

Shri B.L. Madhok, Counsel.

For the respondents

Shri P.P. Khurana, Counsel.

Judgement(Oral)

The case of the petitioner is that he was awarded the President's Police Medal for gallantry for conspicuous act of bravery and devotion to duty of very high order on 7.10.1962. The said award was published in the gazette of India dated 2.2.1963. The award entitles the petitioner to receive a special allowance for life w.e.f. 7.10.1962 as provided in Rule 5 of the Rules governing the award of the Police Medal. Every thing went on normally till he was posted in the Indian High Commission, Ottawa(Canada). The respondents were making payment to him of the award as well as other amounts due to him regularly. However, due to the indifferent health the petitioner resigned from service which was accepted by the competent authority w.e.f. 20.9.1976. While authorising drawal of his pension through the pension payment order (PPO) the respondents did not make an entry in regard to the special allowance in the P.P.O. which he is entitled to draw w.e.f. 21.9.1976 alongwith his pension on account of the award of

*[Signature]*

President's Police Medal to him. It is in this background that the petitioner has filed this Original Application with the prayer to get a mandamus issued to the respondents to authorise the drawal of special allowance attached to the award of President through the P.P.O. issued in his favour.

2. The case of the respondents is that the authorisation of drawal of special allowance for I.P.M. has been withheld as the petitioner has to refund an amount of Rs.34,911/- on account of his travel expenses, TA/DA on account of the leave availed of by him in 1975 and pre-mature transfer to the headquarters in 1976. The details of the recovery to be effected are given in the Annexure-I attached to the counter-affidavit by the respondents. It is observed therefrom that Rs.23,069/- is shown to be as recoverable from him on account of inadmissible transfer passage of the family of the petitioner availed in July, 1975/April 1976 on London/Delhi/London(HLF) and London/Ottawa(Transfer Passage). As far as the leave portion is concerned, it has been stated by the respondents that Shri Sahni had overstayed in London for 57 days in his journey to and fro during his leave period and the said period was treated as debitable to the half pay leave (HPL) in terms of relevant provisions of CCS (Leave) Rules. The finding of the respondents readwith explanation given by the petitioner in his rejoinder (page 56 of the paperbook), make it clear that the period of his stay in London was covered by the medical certificate, which was accepted by the relevant authority and it was in these circumstances that the HPL was debited for the absence of the petitioner on medical grounds. There is no averment in the counter-affidavit that the said HPL was not available to the petitioner. In fact

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the statement that the period of overstay has been debited to his HPL shows that the leave period covered by medical certificate was commuted. The period of absence thus is not unauthorised. It is also not clear as to how the expenditure incurred on the passage tickets both leave passage and transfer passage could become recoverable from the petitioner. The second item shown as recoverable from him amounts to Rs.9,388/-. This is stated to be on account of inadmissible travel passage for Shri Sahni and family (wife and children) to India-Ottawa/Delhi. In the explanation column it is stated that the tickets meant for the family (excluding the petitioner) were paid for by High Commissioner of India, Ottawa for Ottawa/London Delhi/Bombay. However, the family travelled to London and returned the unutilised air tickets for which the respondents obtained the refund amounting to Rs.11,992/-. Thus the only amount that remains is Rs.9,388 and relates to the passage of the petitioner himself. That amount in any case cannot be said to be recoverable as the petitioner is stated to have travelled on that ticket. In addition to the above two items there are some small items which are shown as recoverable from the petitioner e.g. Rs.468/-, Rs.462/-, Rs.141/-, Rs.90/96/- etc. No details of these amounts, however, are available and it is not possible to adjudicate on these minor issues.

3. In the above facts and circumstances of the case, I am of the opinion that it was unjust and improper to withhold payment of special allowance to the petitioner. He is entitled to receive the special allowance attached to the Indian Police Medal Award for gallantry and for conspicuous act of bravery and devotion to duty of very high order alongwith his pension. Accordingly, the

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respondents are directed to make necessary entries on the PPO issued in favour of the petitioner, authorising him to draw the special allowance w.e.f. 21.9.1976 for his life time in accordance with the rules and at the rate prevalent from time to time. No costs.

  
(I.K. RASGOTRA)  
MEMBER(A)

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