



**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

O.A. No.60/996/2018 Date of decision: 13.3.2020

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CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).

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Parshotam Singh, S/o Ram, age 59 years, presently working as Sorting Assistant, Group C, SRO, Sector-17, Chandigarh-160017.

...APPLICANT

BY: SH. JAGDEEP JASWAL, COUNSEL FOR THE APPLICANT.

VERSUS

1. Union of India through Secretary, Ministry of Communications, Department of Posts, Dak Bhawan, New Delhi-110011.
2. Chief Postmaster General, Punjab Circle, Sandesh Bhawan, Sector-17, Chandigarh-160017.
3. Senior Superintendent of RMS, 'LD' Division, Ludhiana-141008.

...RESPONDENTS

BY: SH. SANJAY GOYAL, COUNSEL FOR THE RESPONDENTS.



ORDER (Oral)

...
SANJEEV KAUSHIK, MEMBER (J):-

1. The applicant assails order dated 20.11.2017 (Annexure A-1) to the extent denying him benefit of double transport allowance than normal rates from due date i.e. 19.2.2014 in terms of OM dated 17.1.2017 (Annexure A-2), issued by Govt. of India, Ministry of Finance, Department of Expenditure, New Delhi.
2. Before addressing arguments of learned counsel for the respective parties, let us recapitulate the facts. Applicant joined respondent department as Sorting Assistant in 1990 in RMS Postal Deptt., GPO, Sector-17, Chandigarh. He was hearing impaired on the date, he joined department and medical disability certificate to this effect was issued by Govt. Civil Hospital on 23.4.2007. Govt. of India, Ministry of Finance, Department of Expenditure issued OM dated 17.1.2017, allowing concession of transport allowance at double rate to "deaf and dumb" categories of Govt. employees. This OM was made effective from 19.2.2014. In pursuance thereof, applicant was allowed benefit w.e.f. 20.11.2017 till the date of his retirement i.e. till 2019. Applicant staked his claim from due date by filing representation from 19.2.2014, i.e. the effective date in



terms of OM dated 17.1.2017, which has not been considered by the respondents. Hence this O.A.

3. On notice, respondents have filed written statement wherein they have not disputed factual accuracy of the matter. It has also not been disputed that applicant was in fact granted benefit in terms of OM dated 17.1.2017 w.e.f. 2017 and continued to avail benefit till 2019 i.e. his retirement. Only issue is with regard to plea of the applicant for grant of benefit from 2014. A certificate was issued where disability of hearing of applicant was indicated as 63/68 DB in better ears, thus it is contended that as per parameters laid down in OM dated 17.1.2017, the benefit was allowed since 2017 when certificate was issued and for earlier period certificate indicate only 50/56 DB, which is below entitlement. Thus benefit has been declined.
4. I have heard learned counsel for the parties.
5. Learned counsel for the applicant submitted that respondents have taken arbitrary stand because applicant has been granted benefit out of OM from 2017 till 2019, when he retired based upon certificate (Annexure A-3) and as per entry in the identity card for disabled persons he has been shown disabled up to 90 DB. He argued that once applicant has been allowed benefit from 2017, on the



basis of this certificate then respondents cannot restrict benefit from 2017 only and it has to be given from the date it became effective.

6. I have given my thoughtful consideration to the entire matter.
7. I am of the view that this O.A. deserves to be allowed in view of the fact that once the respondents themselves have allowed benefit based upon medical certificate w.e.f. 2017 till the date of retirement of applicant, then it cannot be restricted from 2017 onwards only and it has to be given when it came into effect i.e. 2014 more so when there is no reasonable classification with the respondents to restrict benefit from 2017 only. Hence the O.A. is allowed. Respondents are directed to grant applicant benefit from effective date i.e. 19.2.2014. No costs.

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 13.3.2020.
Place: Chandigarh.

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