

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 31 1986
TAXXNo.

DATE OF DECISION 3.4.1986

Shri B.C. Baurai Petitioner

Petitioner in person Advocate for the Petitioner(s)

Versus

Union of India & Others Respondent

Shri K.C. Mittal Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. S.P. MUKERJI, MEMBER

The Hon'ble Mr. H.P. BAGCHI, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement ? Yes
2. To be referred to the Reporter or not ? Yes
3. Whether their Lordships wish to see the fair copy of the Judgement ? No

JUDGMENT

The applicant has come up before us under Section 19 of the Administrative Tribunals Act claiming the following reliefs:

Contd.....2.

- i) TA/DA for himself and his family members from Bareilly to New Delhi instead of Dehradun.
 - ii) Crediting unavailed portion of 10 days of joining time to the applicant's leave account.
2. The brief facts of the case are as follows. On 9.2.1981, the applicant was transferred from Bareilly to Barrackpore for which an advance of TA/DA of Rs.1500/- was given to him. This transfer order was cancelled and the advance had to be recovered from him between November, 1982 and 1983.
3. On 10.10.1982, the applicant was transferred from Bareilly to Dehradun but as admitted by him his family did not shift to Dehradun. It is also admitted that the applicant happened to be in Dehradun on the day of his transfer and he got the transfer order delivered to him at Dehradun itself on 1.10.1982 and joined duties on that very day. He applied for T.A. advance to shift his family but it appears that he had still the advance of Rs.1500/- with him and no further advance was given to him.
4. On 4.4.1985 at his own request the applicant was transferred from Dehradun to Delhi on compassionate grounds. For this he is not

entitled to any travelling allowance under the rules.

5. We have heard the arguments advanced by the petitioner and the learned counsel for the respondents and gone through the documents carefully. We find that since the applicant according to his own admission did not shift his family from Bareilly to Dehradun and since his transfer from Dehradun to New Delhi was ~~on a~~ ^{of} his own request for which as admitted by him no TA/DA is admissible, he cannot by any devious means claim TA/DA for himself and his family members from Bareilly to New Delhi.

6. So far as the question of joining time is concerned we feel that merely because the applicant happened to be at Dehradun and could take over at Dehradun on the day ^{of} the order of his transfer while his family and belongings were in Bareilly, he should not be denied the unavailed portion of the joining time under the Central Civil Services (Joining Time) Rules, 1979. Rule 1 of these Rules reads as follows:

"Rule (1) When a Government servant joins the new post without availaing of the full journey time, the number of days of journey time, as admissible in sub-rule (4) of Rule 5 subject to maximum of 15 days reduced by the number of days actually availed of shall be credited to his leave account."

We accordingly direct that the unavailed portion of joining time to which he is entitled for his

transfer from Bareilly to Dehradun should be credited to his leave account as per Rule 1 quoted above. The application is allowed to this extent only.

7. In the circumstances of the case there will be no order as to costs.


(H.P. BAGCHI) 3486


(S.P. MUKERJI)