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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA No.1562/87

Date: 18.09.1992

OA No.1902/87

S.C. ANAND

... APPLICANT

VERSUS

UNION OF INDIA & OTHERS

...RESPONDENTS.

Applicant in person.

Shri M.L. Verma, counsel for the respondents.

CORAM:

JUSTICE SH. RAM PAL SINGH, VICE CHAIRMAN (J)

SHRI I.K. RASGOTRA, ADMINISTRATIVE MEMBER .

ORAL JUDGEMENT

Both the OAs filed by Shri S.C. Anand, Deputy Director (Inspection) D.G. S & D are finally heard. The petitioner was involved in some disciplinary proceedings when posted in Bombay and had to come to Delhi for

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inspection of documents as well as to attend to enquiry proceedings. In OA 1562/87, the relief prayed for by the applicant is that respondents be directed to pay him the TA claim for March-April, 1986 less advance amount of Rs 2000/- paid to him for undertaking the journey to Delhi, while the prayer in the OA 1902/87 is that respondents be directed to pay the TA claims due to him for the month of April, May, June, 1986.

Regarding the first claim of the petitioner in OA 1562/87, it is his case that his tour programme to Delhi was approved by the Competent Authority as the tour had to be undertaken in accordance with the direction of the Enquiry Officer to inspect the documents along with the presenting officer. He came to Delhi, but, the documents could not be inspected as Shri Krishnamurthy, who was appointed as the Presenting Officer was not available. He therefore, wrote a letter to the Disciplinary Authority informing him of the position and went back to his Headquarter at Bombay.

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In their amended counter affidavit, filed on 3rd June, 1988, the respondents have not disputed the petitioner's claim that he came to Delhi to inspect the documents as is obvious from para 4.5. They have stated "that the Enquiry Officer has evidently allowed the inspection of documents to the Charged Officer under Sub-rule 2 of Rule 14 *ibid*..." The learned counsel for the respondents also referred us to supplementary rule 195 FRSR - Part II (Travelling Allowances). The relevant part of the said rule stipulates that

"it is the duty of Controlling Officer before signing or counter-signing the Travelling Allowance bill to scrutinise the necessity, frequency and duration of journeys and halts for which Travelling Allowance is claimed and to approve only that part which is considered to be necessary."

Our attention was also drawn by to Government of India's instructions No.2 under SR 153-A, according to which officers who are not under suspension at the time of

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undertaking the journey, the period spent in transit to and fro and the minimum period of stay required at the place where official records are made available for perusal, is to be treated as duty, leave or as the case may be. The respondents have not disputed that the applicant had come to Delhi in accordance with his tour programme which was duly approved by the competent authority nor is bonafide purpose of the tour in question. The fact that they advanced him Rs. 2000 to undertake the journey further substantiates that the officer was on duty when he came to Delhi. As far as the claim of the petitioner in this OA is concerned, we are inclined to allow his claim. Accordingly, we make the following direction.

The petitioner shall file his claim with the respondents for TA/DA for his journey from Bombay to Delhi and back and halt at Delhi duly substantiating with requisite information that the period of his halt for which DA is claimed in Delhi was absolutely essential.

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within two weeks from the date of communication of this order. The Controlling Authority shall consider the claim of the applicant and pass necessary orders in accordance with S.R. 195 indicating the period of halt approved and allowing the payment for the amount due to the petitioner. The respondents shall further ensure that the payment due to the petitioner after adjusting the advance is made to him with utmost speed, preferably within four weeks from the date the claim is submitted by the petitioner.

OA 1902/87

The claim of the petitioner agitated in the above OA is also based on similar circumstances as discussed in OA 1562/87. He was directed to come to Delhi for attending the enquiry but no specific date was fixed by the Enquiry Officer. The petitioner says that even after speaking on the telephone to the relevant authority, he was not given a specific date and in that circumstances, he

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undertook the journey to come to Delhi. After he reached Delhi, the Enquiry Officer passed an order on 7th May, 1986 allowing him inspection of the records and documents which is further established by another letter of 16th May, 1986, issued to him by Shri Krishnamurthy, the Presenting Officer. In this case, since no definite date was given to him by the Enquiry Officer, he could not obtain prior approval of his tour performance by the Competent Authority. However, after speaking to PA to the Enquiry Officer, he informed the Director of Inspection (Bombay) that he was proceeding to Delhi as per tour programme already put up, in view of the fact that enquiry is to be held in accordance with the earlier order of the enquiry officer passed on 17.4.86. Since the journey from Bombay to Delhi and back and the halt at Delhi were undertaken to attend the enquiry, the claim of the applicant is required to be dealt

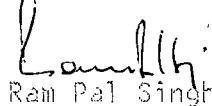
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with in the same manner as detailed in our directions regarding his claim in OA No.1562/87.

Both the OAs thus, stand finally disposed of in the terms noted above. No costs.


(I.K. Rasgotra)
Member (A)


(Ram Pal Singh)
Vice Chairman(J)