

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
N E W D E L H I

O.A. No. 1445/90
T.A. No.

199

DATE OF DECISION 25.1.1991.

Shri K.L. Sawhney & Another ~~P.W. No. 1~~ Applicants
Petitioner

In person, ~~Advocate for the Respondents~~ Applicant

Versus
Union of India through the
Secy., Miny. of Health & F.W. & Respondent
Anr.

Smt. Raj Kumari Chopra Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P.K. Kartha, Vice-Chairman (Jud1.)

The Hon'ble Mr. D.K. Chakravorty, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? */* *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? */ No*

(Judgement of the Bench delivered by Hon'ble
Mr. D.K. Chakravorty, Member)

The two applicants before us are aggrieved on account of non-payment of daily allowance for one day, conveyance charges from their respective residence to New Delhi Railway Station and from Secunderabad Railway Station to their place of duty and vice versa, and honorarium in connection with their tour to Hyderabad for training regarding computerisation of financial accounts. They are working as Accountants in the Ministry of Health & Family Welfare. The first applicant

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has claimed a sum of Rs.530/-, while the second applicant has claimed a sum of Rs.550/- on account of the above mentioned claims.

2. After going through the records of the case and hearing the applicants in person and the learned counsel for the respondents, we felt at the very outset that this is a matter which should have been settled by the respondents themselves instead of forcing a decision from the Tribunal.

3. According to the respondents, the training programme was held at two stages. The first stage was from 13.5.1987 to 19.5.1987 for Accounts Officers, Accountants, Store Superintendents, UDCs, etc., at Hyderabad and the second for Deputy Assistant Directors General in charge of the Government Medical Store Depots and the Depot Managers from 21.5.1987 to 22.5.1987. The two applicants before us had to return to Delhi along with all other trainees while four others who had been detailed to proceed to Madras to make arrangements there, proceeded to that city.

4. The applicants state that they were not paid daily allowance for one day, conveyance charges claimed

by them, and honorarium. Their grievance is that conveyance charges and honorarium were given to four other participants, but they were singled out for discriminatory treatment.

5. The case of the respondents is that the applicants were only trainee-participants and they had not performed any work, justifying the honorarium. They were also not called upon to undertake any extra work justifying payment of honorarium. As regards the non-payment of conveyance allowance to the applicants, they have stated that the rates of per diem allowed by the W.H.D. (which was sponsoring the training programme) were Rs.75/- for local participants, and Rs.150/- for non-local participants. These are higher than the Central Government rates and 50 per cent of the daily allowance, i.e., Rs.75/- per day takes care of journey expenses. Accordingly, the applicants were paid a sum of Rs.300/- towards conveyance charges.

6. The applicants also are claiming a sum of Rs.15/- which they had to spend on account of refund of the railway tickets from New Delhi to Madras. The

learned counsel for the respondents stated that on further consideration, the respondents would be willing to make good this amount to the applicants.

7. We have carefully gone through the records of the case and have considered the rival contentions. The respondents have explained the reason why the applicants were not given the honorarium and conveyance charges claimed by them. As regards honorarium, we are inclined to agree with the contention of the respondents that the applicants would not be entitled to the same in the absence of any evidence to substantiate the claim that they had been entrusted with additional duties and responsibilities in connection with the organisation of the training programme. With regard to the claim for conveyance allowance, while it is true that the applicants were given D.A. of Rs.150/- per day, ^{half of} which was intended to cover the journey expenses, three ^{separate} colleagues of theirs had been paid conveyance charges amounting to Rs.80, 86 and 90 respectively, as mentioned in para.4.4 of the application. The fourth participant mentioned above, did not claim conveyance charges as he was provided with a Government vehicle at his disposal. The respondents have not disputed the fact of having made these payments to the three colleagues of the

applicants. In case, the three colleagues of the applicants were also given per diem as per W.H.O. rules, one-half of which takes care of the journey expenses, like the applicants, payment of conveyance charges to them over and above such payment, would amount to hostile discrimination. There is no satisfactory explanation in this regard in the counter-affidavit.

8. With regard to the claim for daily allowance for 11.5.1987, the respondents have stated that the applicants were paid for 9 days' absence from the Headquarters from 9.5.1987 to 17.5.1987, in accordance with the rules. This is being contested by the applicants. According to them, daily allowance is payable for 11.5.1987 as their total absence from the Headquarters was for 10 days from 9.5.1987 to 18.5.1987.

9. During the arguments, the applicants stated that they left Delhi for Hyderabad on 9th May at 2.00 p.m. and that they reached Delhi on return from Hyderabad tour at 7.30 A.M. on 18th May, 1987. They further stated that the train to Andhra Pradesh was available only for four days in a week during the relevant period and that they had to leave on the 9th May so as to reach Hyderabad in time for attending the training on 12th May, 1987.

✓ We see no merit in this contention as the number of days

for which daily allowance is admissible has been correctly calculated and paid to the applicant under the rules applicable to Central Government servants.

10. In the light of the foregoing discussion, the application is partly allowed to the extent indicated below:-

- (i) The applicants should be paid Rs.15/- towards cancellation charges for railway tickets from New Delhi to Madras.
- (ii) The applicants would be entitled to conveyance allowance claimed by them, in case S/Shri Chander Mohan, P.B. Prasad, and Anil Kumar, the other participants at the training in Hyderabad, had been paid the conveyance charges in addition to the daily allowance payable to the participants, 50% of which was intended to take care of the journey expenses.
- (iii) The respondents shall comply with the above directions within a period of one month from the date of receipt of this order.
- (iv) The applicants are not entitled to payment of honorarium, or daily allowance for 11.5.1987 at the rate of Rs.100/- each, as claimed by them.
- (v) There will be no order as to costs.

D. K. Chakravorty
(D. K. Chakravorty)
Administrative Member
25/1/87

P. K. Kartha
(P. K. Kartha)
Vice-Chairman (Judl.)
25/1/87