

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
* * *

OA 1151/91

DATE OF DECISION : 30.1.92

V.P. SINGH

...APPLICANT

VS.

UNION OF INDIA & OTHERS

...RESPONDENTS

CORAM

SHRI D.K. CHAKRAVORTY, HON'BLE MEMBER (A)

SHRI J.P. SHARMA, HON'BLE MEMBER (J)

FOR THE APPLICANT

...SHRI U.S. BISHT

FOR THE RESPONDENTS

...SHRI P.H. RAMCHANDANI

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?

JUDGEMENT

(DELIVERED BY SHRI D.K. CHAKRAVORTY, HON'BLE MEMBER (A))

The applicant, who is an Audit Officer, Defence Services, Western Command, Delhi Cantonment, was posted to the office of Audit Officer, Defence Services, G-Block, New Delhi under the order dt. 25.3.1990. After joining duty in C.D.A. Hq. Complex in CGO Complex, he submitted an application for allotment of General Pool Accommodation. His application was, however, returned by the Director General of Audit, Defence Services with the remarks that the office of A.O.D.S. (C.D.A. HQ.) New

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Delhi is not in/eligible zone for allotment of General Pool Accommodation. The applicant's TA/DA claims for the month of October and December, 1990 for attending office in AO CDA (HQs) Complex in New Delhi, which is situated at distance of more than 8 Kms. from the Delhi Cantonment, was not sanctioned on the ground that under DADS letter dated 29.8.85, New Delhi has been declared as the HQs of the applicant. The applicant's grievances are that on the one hand he has been declared ineligible for allotment of General Pool Accommodation in New Delhi ^{the ground that} on/his HQs is in Delhi Cantonment and on the other hand he is being denied TA/DA on the plea that his HQs is in New Delhi. This is what has given ^{rise} to this application submitted under section 19 of the Administrative Tribunals Act.

2. The short point for adjudication in this case is whether a government servant can be deemed to have one office declared as his HQs for the purpose of determining his eligibility or otherwise for allotment of government accommodation and another office situated at distance of more than 8 Kms. away as his HQs for the purpose of determining his eligibility for TA/DA claims under SR 71(II). According to the applicant this is most unreasonable and discriminatory.

3. The respondents have contested this application. It has been contended that the office of AO, DS, Delhi Cantonment was formed in 1969 as Sub-Office of the Office of the Director of Audit, Defence Services, Western Command, Chandigarh for local audit of defence units ^{and other} / formations located in Delhi Cantonment, Delhi and New Delhi including

(A)

Controller of Defence Account (HQs). The applicant's posting as a Supervisory Officer in the Audit party of CDA (HQ) is regulated purely as per administrative convenience and this posting does not carry with it any fixed or definite tenure. Under SR 59 the same location as of CDA (HQ) has been declared as the temporary Head Quarters of Audit Party. Further, office of ADDS as well as other ^{civilian} officers located at Delhi Cantonment are not in the list of officers eligible for General Pool Accommodation under Directorate of Estate OM dated 12.10.88. The audit party not being a separate entity, the application submitted by the applicant for General Pool Accommodation could not be entertained. As regards rejection of the applicant's claim for TA/DA the respondents have submitted that the Competent Authority has declared the location of CDA (HQ), G-Block, New Delhi as temporary Head Quarters under SR 50, 59 and 60 and, therefore, the question of granting TA/DA did not arise.

4. During the hearing of the case the learned counsel for the applicant stated that immediately after filing of this OA, the respondents have transferred back the applicant to his office in the Delhi Cantonment by order dated 6.6.91. In view of this, the first part of the grievance, namely, non forwarding of his application for allotment of General Pool Accommodation does not survive but his eligibility for the TA/DA needs to be determined.

5. We have heard the learned counsel for both sides and have carefully gone through the records of the case. No government rules or orders have been

brought to our notice under which a government servant may be deemed to have two different Head Quarters, one for the purpose of determining of his eligibility for allotment of Government accommodation and another for regulation of his TA/DA for local journeys performed beyond a distance of 8 Kms. from the Head Quarters. We, therefore, see force in the contention of the learned counsel for the applicant that declaration of two Head Quarters for two different purposes is unfair, arbitrary and discriminatory. We have no hesitation in holding that an officer posted at a particular station shall be eligible for consideration for allotment of appropriate Govt. accommodation. It is for the respondents and not for the applicant to make necessary arrangements for inclusion of any office in the eligible zone for allotment of appropriate Govt. accommodation. If, for any reason, this is not possible, as stated by the respondents in this case, it would be only fair to allow the officer to draw TA/DA as per extant rules for performance of local journeys beyond 8 Kms.

6. As the applicant has since been posted back to Delhi Cantonment area, no directions are necessary in regard to forwarding or otherwise of his application for allotment of government accommodation. We, however, direct that the applicant's claim for TA/DA for performing duties in CDA (HQs) Complex in New Delhi shall be settled in accordance with the extant rules on the subject. This order shall be implemented within three months from the ~~day of receipt of this order.~~ *date of receipt of this order.*

No order as to costs.

J.P. Sharma
(J.P. SHARMA)
MEMBER (J)

D.K. Chakravorty
(D.K. CHAKRAVORTY)
MEMBER (A) 30/1/82