

Central Administrative Tribunal
Principal Bench, New Delhi.

(22)

O.A. No.1938 of 1991

24th day of November, 1993.

Shri P.T. Thiruvengadam, Member(A)

Shri Tarsem Lal Verma,
s/o Shri Madan Lal,
R/o Block No.12/2b, Sector-2,
Gole Market,
New Delhi-110001.

Applicant

By Advocate Shri B.S. Rajan.

Versus

1. Union of India through
Secretary,
Ministry of Defence,
South Block, New Delhi.
2. Shri S.K. Sharma,
Director, AFFPD,
'H' Block,
Ministry of Defence,
New Delhi.

Respondents

By Advocate Shri P.H. Ramchandani.

O R D E R

Shri P.T. Thiruvengadam.

The applicant was recruited as Photographic Officer, Group 'B' Gazetted and was attached to the Armed Forces Films & Photo Division (AFFPD), Ministry of Defence. He was detailed on temporary duty as trainee/observer with a Film Unit sent for shooting a film 'Deployment of Rocket Regiment' in District Gurgaon (Haryana) from 21.11.1988 to 28.11.1988(excepting 27.11.1988). The purpose of detailing the applicant was to train him in the field of cinematography, as then, he was not having any experience in the field and had earlier made a request for training in cinematography. Besides the applicant, the Film Unit comprised

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four other members and included the Assistant Director who was directing the film, a Photographic Officer, a Photographer, and a Sound Technician. All the members of the Unit were given the same movement order and were instructed to draw their Daily Allowance as admissible under the rules. The shooting site was easily accessible from Delhi and it was decided to operate daily from Delhi, avoiding arrangements for the night stay. To facilitate the daily movement to the shooting site and coming back to Delhi, Government transport was provided by an Army Unit in Delhi Cantonment. The Film Unit was picked up and dropped daily from a central point in Sadiq Nagar by the Government transport. It is the applicant's case that on the first day, namely, 21.11.1988, he joined the other members and made use of the Government vehicle. Apart from the riding being uncomfortable with bad roads, the applicant was asked to sit in the back seat. He was also not dropped at the office premises, or at his residence on the return journey, whereas the other officials were dropped in their respective residences. The applicant had to walk back several kilometers to reach his residence. For the next few days, the applicant travelled by his own scooter, excepting on the last day, namely, 28.11.1988 and he was again dropped at a place other than his office on the return journey. He submitted a Travelling Allowance/Daily Allowance bill which included the road mileage claim by scooter for the journeys he had performed on various days. These bills have not been passed by the department and specifically, the road mileage has been disallowed.

His various representations have been of no avail and hence, this O.A. has been filed with the following prayers:-

(i) To direct the respondents to sanction/pass the TA/DA bill and to make payment to the applicant along with 20% interest till the date of payment from 1.1.1989 if not 21.12.1988 as the delay was on their part.

(ii) to pass the exemplary cost of Rs.10,000/- for causing mental torture/harassment to a tribal applicant for reasons mentioned in para.4 of the O.A.

2. The case of the respondents is that the applicant made use of the Government transport on 21st, 24th and 28th November, 1988. On other days, he never reported at the decided central place at the appointed time. He used to report at the shooting site far behind schedule on the other days. It was not possible to pick him up or drop him at his residence on return since provision of similar facility to all other members, would not be workable. The Department had decided on a central place for picking up and dropping of all the members of the Team and parking facility for this purpose was provided at Sadiq Nagar so that those coming upto that point by their private transport, could park the same safely. In fact, the applicant had parked his scooter at Sadiq Nagar at least on two days. The other participants also adopted similar methods. The decision to use his own scooter was taken by him to

suit his own convenience and it was not an arrangement approved by the department. This is the case of the respondents that no mileage allowance is to be paid if Government transport is provided. The TA/DA bill submitted by the applicant was scrutinised and against his total claim of Rs.552/- which included Mileage Allowance, the bill was passed for a sum of Rs.138/- pertaining only to the Daily Allowance portion. The applicant had refused to collect this amount.

3. Having heard both the counsel, I note that it is admitted by both sides that Government transport had been provided to all the members of the Team. If, for his own reasons, the applicant did not choose to make use of the Government transport on certain days, it is not open to him to claim compensation for the use of his personal vehicle. Accordingly, the O.A. is liable to be dismissed. However, the learned counsel for the applicant mentioned that for other members of the group, ^{road} route mileage had been allowed for the journey from office/residence to the central picking-up/dropping point at Sadiq Nagar. The applicant may make a claim to cover this portion and the respondents are directed to settle the claim within three months in case such a claim is made.

4. The O.A. is ordered on the above lines. No costs.

P.T. Thiruvengadam

Member (A)