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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No.2302/91

Date of decision: 12-7-93

Inspector Rishi Ram

Vs. Delhi Administration & Ors.

CORAM

Hon'ble C.J.Roy, Member (Judicial)

For the Applicant .. Shri V.P. Sharma, Counsel

For the respondents .. Shri B.L.Prasad, Counsel

JUDGEMENT

This is an application filed by the applicant claiming payment of conveyance charges amounting to Rs.1,86,200/- for the period from his date of suspension till the date of revocation.

2. The facts of the case briefly stated are that the applicant employed with the Delhi Police since 7.4.1970, was placed under suspension with effect from 17.12.88 vide order dated 15.12.88 and that during the suspension period he has been ordered by the competent authority to be present two times at PAP lines i.e. at the Morning and Evening roll calls, thus making him to travel a distance of 148 KMs daily from his residence H.No.136, Sector 28, Faridabad to PAP Lines/IGI Airport, New Delhi and back twice a day and

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incurring Rs.190 on conveyance daily. The applicant further claims that since he is being allowed to work at PAP lines, the question of his stay at that place does not arise.

3. The respondents have filed their counter affidavit stating that the applicant during suspension is not required to perform any duty but only to remain present in PAP lines to attend to morning and evening calls but can not leave the premises of PAP Lines without the permission of the competent authority and that he goes to his home at Faridabad at his own accord for which no conveyance can be granted. Therefore the application may be dismissed.

4. I have heard the counsel for the applicant **Shri V.P. Sharma** and **Shri B. R. Prashar**, counsel for the respondents and perused the records.

5. The suspension order dated 15.12.88 clearly states that "during the period of suspension, the hqrs. of the Inspector (Rishi Ram) will be PAP Lines/IGI. He will not leave the hqrs. during working hours without obtaining permission of the competent authority". I find that the applicant has not produced any evidence to show that he has taken permission of the competent authority to go to Faridabad, where he claims to stay, and come back twice a day for attending to morning and evening roll calls. If it is given he should have produced the same. On the other hand, he has mentioned that he is required to travel 148 KMs daily for this purpose and incur Rs.190 for conveyance. This would mean that he spends a major part of the day on travel alone

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leaving little time to attend to roll calls. It is also not understood why the applicant has not chosen to remain in his hqrs. to attend to morning and evening roll calls after taking permission from the competent authority for leaving the hqrs. to go to his residence and come back the next day. Again, it is not understood why the applicant has made a representation on 10.9.91, after more than two years and 8 months from the date of suspension, i.e. 15.12.88, claiming the conveyance allowance. I also do not find any reply from the respondents for this representation dated 10.9.91, nor the applicant has mentioned anything about it in his application.

6. The respondents have stated in their reply at para 4.4 that the applicant can not leave PAP lines without permission of competent authority; if he steps away from lines at his own accord to his house, his claim is not justified and the conveyance allowance is sanctioned only to officers and men who perform their duties on their own scooters/motor cycles/cycles but no work is entrusted to the applicant. They further aver in para 5 that as per Delhi Administration notification No.5/132/81-Home(P) Estt. dated 22.7.89, the applicant is required to remain present in PAP lines. In para 7, they say that the applicant has approached this Tribunal without availing the remedies available to him and as such the applicant has failed to make a claim supported by law and therefore the case may be dismissed.

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7. In this connection it has been brought to my notice of the Tribunal's judgements dated 4.5.89 and 13.5.93 in similar cases which read as follows:

OA No.2052/89 dated 4.5.89 (Shri Jagdish Ram Katria Vs.UOI)

"We have no doubt in our mind that in the absence of any specific provisions in the Delhi Police Act 1978 or the Rules made thereunder regarding reimbursement of conveyance charges incurred by a police officer placed under suspension who is required to attend roll calls every day, he would be entitled to reimbursement to conveyance charges to the extent as admissible under the Supplementary Rules. We however make it clear that it will be open to the Administrator to make a suitable provision in the Rules made under the Delhi Police Act 1978 to provide for the quantum of such charges which should be reimbursed to a police officer in such cases. However until the rules to be made by the Administrator in this behalf the provision contained in the supplementary rules would be applicable. In this view of the matter, the applicant will be entitled to reimbursement of conveyance charges incurred by him from 15.1.88 for the journeys undertaken from his residence in Mangolpuri to his office in Lodi Road to attend the rolls to the extent admissible under the supplementary rules"

OA No.2097/91 dated 13.5.93 (Shri Lal Singh Vs. UOI)

"As a similar controversy arose in the case of Jagdish Ram Katria Vs. UOI & Ors decided on 4.5.89, we see no reason to disagree with the directions given in the said OA by this Tribunal. We direct the respondents to adhere to the directions given in OA 2052/88 and pay to the petitioner the conveyance allowance in terms of the orders passed in the aforesaid OA"

8. Following the reasonings given in the above referred judgements and the guidelines mentioned therein, the applicant is entitled for reimbursement of conveyance from 17.12.88 till the date of revocation of suspension, for the actual days he has attended the roll calls as per the records, if any, available with the respondents, provided that the applicant has sought permission to leave his hqrs. The

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claim is also to be restricted to only one single to-and-fro trip a day and as per the provisions contained in supplementary rules, if he is under permission to leave. The respondents are directed to calculate the amount and reimburse the amount to the applicant within three months from the date of receipt of this order, as per supplementary rules, provided they have permitted the applicant to leave the headquarters.

With this direction, the application is disposed of with no order as to costs.

(C.J. ROY)
MEMBER (J)

12-2-93