

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

(3)

O.A. No. 2788 of 1991
T.A. No.

199

DATE OF DECISION 6.2.92

PAWITAR SINGH BEDI	Petitioner
Applicant in person	Advocate for the Petitioner(s)
Versus	
Union of India	Respondent
Shri V.S.R. Krishna	Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. Justice Ram Pal Singh, Vice-Chairman (J).

The Hon'ble Mr. I.P. Gupta, Member (A).

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

(Judgment of the Bench delivered by Hon'ble Shri
Justice Ram Pal Singh, Vice-Chairman (J).)

J U D G M E N T

The applicant is an employee of the Ministry of External Affairs and is working in the capacity of Private Secretary. During the period of April, 1987 to May, 1990, he was posted in the Embassy of India, Abu Dhabi, United Arab Emirates. According to him, the Indian Foreign Service Rules entitled the applicant's son return passage from New Delhi to Abu Dhabi. According to the applicant, his son was minor, aged only 11-1/2 years and hence he was entitled for a journey with the applicant as stated hereinabove. At the relevant time, his spouse and the mother of the boy was living in India. The respondents issued a memo dated 21.10.91 asking the applicant to remit the amount of Rs. 7028/- towards the cost of the air passage in respect of the applicant's son on the ground that the applicant's

wife was normally resident in India.

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2. By this O.A., filed under Section 19 of the Administrative Tribunals Act of 1985, the applicant prays that the impugned order dated 21.10.91 ordering the recovery of the amount of Rs. 7028/ be quashed. As an interim measure, the respondents were directed on 26.11.91 by a Bench of this Tribunal, that the recovery of the amount of Rs. 7028/ shall remain stayed.

3. The respondents on notice appeared and filed their return opposing the prayer contained in the O.A. They have contended that the rules, filed alongwith the counter as R-1, prohibit the payment of the air fare to the son of the employee if the spouse of the Government servant is living in India. The official Memo No. Q/GA/791/22/85 dated 7.5.87 provides that these passages will not be admissible if one parent is resident in India. It shows that if the wife is residing in India and during this period, the journey is undertaken by the Government servant alongwith his son, then the cost of the air travel shall not be borne by the Government of India.

4. This O.A. is bereft of any merit. It is, therefore, dismissed. Needless to say that the interim order passed earlier stands vacated.

Parties shall bear their own costs.

I. P. Gupta
(I.P. GUPTA) 6/2/92
MEMBER (A)

Ram Pal Singh
(RAM PAL SINGH) 6.2.92
VICE-CHAIRMAN (J)