

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA 2/92

22.07.1992

SHRI J.K. GOEL

...APPLICANT

VS.

UNION OF INDIA & ORS.

...RESPONDENTS

CORAM :

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

FOR THE APPLICANT ...SH.P.P. KHURANA

FOR THE RESPONDENTS ...SH.R.S. AGGARWAL

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

JUDGEMENT (ORAL)
(DELIVERED BY HON'BLE SHRI J.P.SHARMA, MEMBER (J))

The applicant, Deputy Commissioner of Income Tax has the grievance of the non payment of the amount spent by the applicant on account of the official duties performed while he was posted as Deputy Commissioner of Income Tax from 28.5.1986 to 19.4.1991 at Raipur. During this period when he was posted at Raipur, the applicant had to perform the official duty at different places falling under his charge and he had to go from place to place such as Bhilai, Rajnandgaon, Dhamtari, Jagdalpur, Bilaspur and Jabalpur. Besides the applicant had also to go to Jabalpur where there is seat of the Commissioner. The applicant submitted the T.A. bills for reimbursement of the amount he has actually spent on the journey while going on official duties. The details thereof are given in para 4(ix) of the application.

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The applicant has prayed in this application that the respondents be directed to make the payment of all the pending bills mentioned above along with 18% interest p.a.

The respondents contested the application and took the point of territorial jurisdiction of the Principal Bench as the applicant was posted at the relevant time at Raipur and at the time of filing this application in Ujjain. Besides this the delay in clearance of the bill has been due to certain shortcomings found in those bills and on that basis certain clarification was sought from the applicant. However, the respondents in reply in para 4.9 of the counter, stated that since the bills have been cleared and sent to the Deputy Commissioner of Income Tax, Ujjain on 31.12.1991. The learned counsel for the respondents, also showed a telex message of the payment of six bills, made in February, 1992, the amount of which is Rs.292, 573, 2457, 424, 1760 and 478. It is also mentioned in this telex message that ten bills remain outstanding, the amount of which is still to be paid.

I have heard the learned counsel for both the parties at length. It is a fact that the Central Administrative Tribunal is a single unit and the application can be filed in the Principal Bench also. However, the jurisdiction of the Benches has been delegated by virtue of the Administrative Tribunals (Procedure) Rules, 1987. Rule 6 of the said Rules

provide that the grievance can be assailed by an employee, the place where he is posted or the place where the cause of action has arisen. There is a proviso under Rule 6(1) that the Chairman can pass an order under Rule 25 for the disposal of such an application if it is filed before the Principal Bench. There is no order of the Chairman in the present case. On the basis of this, the learned counsel for the respondents argued that since the applicant is posted in Madhya Pradesh and for the State of Madhya Pradesh, there is an additional Bench of the CAT seated at Jabalpur, so the applicant should have filed the present application before that Bench. I have given a careful consideration to this aspect. The applicant is posted at Ujjain and also the cause of action of non payment of TA bills has arisen in Ujjain in the State of M.P., so the Jabalpur Bench of the Central Administrative Tribunal undoubtedly has jurisdiction. The filing of an application before the Principal Bench is not barred. However, an order under Rule 6 has to be there for the disposal of such an application. That order is not on the file and, therefore, it is to be presumed that no such order has been passed. However, the fact remains that the application is continuing before this Bench since January, 1992 and the Division Bench also issued notice on this application. The respondents have also filed a complete reply to the various averments made by the applicant in the OA. In the reply, the respondents of course have taken the plea of the territorial jurisdiction of

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the Principal Bench, but they have also replied to the various averments made by the applicant in the application and stated categorically that the TA bills submitted by the applicant have since been cleared. In view of this fact I do not find that this technical objection of the territorial jurisdiction should fail the applicant in this application on this point when already several months have passed and the respondents have indirectly succumbed to the territorial jurisdiction of the Principal Bench. Further it is stated by the learned counsel for the applicant that at that time the Jabalpur Bench had no Members on rolls and it was not functioning.

On merits, I find that nothing remains to be adjudicated regarding the clearing of the bills except the payment of interest thereon. However, during the course of the hearing, the learned counsel for the applicant urged that in spite of the deposition in the counter that sixteen bills have been cleared, no amount has been paid to the applicant and the learned counsel stated that he has also been informed by the applicant by a letter received by him recently. On the other hand, the learned counsel for the respondents showed a telex message which goes to show that the amount of the six TA bills has been paid and the amount of ten TA bills has been cleared for payment. In view of this fact, the point in this application cannot be agitated regarding the retrenchment of these TA bills by reducing the amount earlier claimed by the applicant to an amount shown in the counter in reply to para 4.9 of the application, in para 4.9 of the counter. The applicant can seek that remedy at the proper time if the grievance subsists in the competent forum.

However, since there is an issue still open about the payment of the TA bills and the matter is not reconciled regarding payment, so a direction may be issued to the respondents to pay the amount of the TA bills which have already been cleared in a specific time.

The learned counsel for the applicant has also averred in the application certain malafide on the part of the Commissioner of Income Tax, Shri H.O.K. Srivastava, who was at the relevant time Incharge of the office at Jabalpur. There are allegations against Shri Srivastava, though the same have been denied in the reply, but it is not necessary for the disposal of the application to refer to them on the merit this way or that way.

Regarding the claim for interest on the delayed payment of amount of TA bills, the learned counsel for the applicant gave a statement at the bar that he is not pressing at this stage and if he is so advised, he will take that plea at the time if he assails the retrenchment of the bills by an amount which the respondents would not have reduced. The learned counsel for the respondents stated that there was no administrative lapse or delay on the part of the respondents.

In view of the above facts and circumstances, the application is disposed of in the manner that the respondents

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are directed to make payment of the TA bills referred to above within a period of eight weeks from the date of receipt of a copy of this order. The applicant shall be at liberty, if he is so advised, to assail the retrenchment of the bills by the amount reduced along with interest and this application will not be a hurdle in that way. In the circumstances, the parties shall bear their own costs.

Sharma

(J.P. SHARMA)

MEMBER (J)

22.07.1992

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