

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 2473
T.A. No.

1992

DATE OF DECISION 7-6-93

<u>Shri Virender Kumar</u>	<u>Petitioner</u>
<u>Shri Sant Lal</u>	<u>Advocate for the Petitioner(s)</u>
Versus	
<u>Union of India</u>	<u>Respondent</u>
<u>Ms Raj Kumari Chopra</u>	<u>Advocate for the Respondent(s)</u>

CORAM

The Hon'ble Mr. N.V.Krishnan, Vice Chairman (A).

The Hon'ble Mr.

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? ✓

JUDGEMENT
(delivered by Shri N.V.Krishnan, Vice Chairman(A)).

The applicant is aggrieved by the fact that in respect of the journeys performed by him on his scooter on official duties for the period from May 1990 upto June 1992, his T.A. claims have been rejected and he has been advised to submit a revised T.A. bill only for bus fare. The brief facts giving rise to this grievance are as follows:-

1.1. The applicant is a lower selection grade postal assistant in the Karol Bagh post office. He was sent on deputation as a Development Officer, Postal Life Insurance in the office of the Chief Postmaster General, Delhi Circle.

1.2. The duties of the Development Officer undoubtedly

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involve local journeys by road for canvassing business
for the postal life insurance. *8*

1.3 The applicant had purchased his own scooter in October 1982 with due permission of the competent authority, for rendering public service efficiently. His ordinary mode of travelling for office was a scooter which claim is not disputed.

1.4 The applicant performed local journeys by a scooter and, admittedly, he is entitled to claim travelling allowance. He claims this allowance on the basis that he performed journeys on the scooter.

1.5 This claim has been rejected by the An.A.1 letter dated 20-8-92 from the second respondents' office stating that the T.A. claim for scooter charges for journeys performed for procuring postal life insurance business has been rejected in view of the earlier orders of that office No.LI/AP (LI)/TA-DO(PLI) dated 16-5-86 which is enclosed as An. A-2. He was, therefore, advised to submit T.A. bills claiming bus charges.

1.6 The applicant states that the rejection of his T.A. claim is unwarranted because his T.A. claim has to be allowed in pursuance of the second respondent's letter dated 27-10-83 at An.A-3 as also in pursuance of Govt. of India instructions No.1 below Supplementary Rules 46.

2. It is in these circumstances that the applicant has prayed for quashing the impugned An.A-1 and A-2 orders and to direct the respondents to sanction his T.A. bills for the period from May 90 to June 1992 and allow the claim made in respect of the journeys by scooter.

3. The respondents have filed a reply in which it is admitted that the duty of the applicant required travelling by road to procure postal life insurance business. However, as an economy measure the Additional Postmaster General,

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Delhi Circle had issued a circular dated 8/12 May 1986,
of
the substance/which has been reproduced in An.A-2 directing
that, as an economy measure, no scooter charges were to be
allowed to all the Development Officer (PLI) and all the
officers were required to charge only bus charges. The
applicant did not claim scooter charges from May 86 to May
1990 in pursuance of the orders but suddenly, he has now
started claiming scooter charges. It is stated that the
aforesaid order is still in force. In the circumstances,
the applicant is not entitled to relief and his application
has to be dismissed.

4. In a rejoinder, the applicant claims that even for
the earlier period he had claimed scooter charges, though
they were disallowed by the department. In proof of this,
he has submitted the An.A-10 letter of the department
which seems to confirm this position.

5. Learned counsels on both sides have been heard by me.
They reiterate the pleadings made in the case.

6. I have carefully considered the rival contentions.
An.A-3 is a circular letter of the second respondent
addressed to all the gazetted officers and all field duty
staff like the applicant. That letter is reproduced below:-

"Attention is invited to the instructions contained
in the Ministry of Finance, Department of Expenditure,
New Delhi D.M.No.19030/4/79-EIV, dated 22-1-1980
received under the D.G.P&T New Delhi letter No.17-2/80-PAP
dated 20-3-80 and this office endorsement No.Accts/TA/Rig
dated 28-3-80 on the subject cited above. The local
journeys (i.e. journeys beyond 8 Kms. within the
limits of the urban agglomeration/Municipality or
contiguous Municipality, etc., in which the head
quarters of the Government servant is located)
should normally be performed in the same way as the
Govt. servant performs the journey to his duty point
i.e. by bus, local trains or his own conveyance.
Where travel by special means of conveyance like Taxi,
Scooter etc., is considered necessary, prior permission
of a superior authority should be obtained. Recently
some cases have been brought to the notice of this
office that journey is generally performed by special
means of conveyance as a matter of routine. The
cases have been examined and decided on merits. In
future all the officers/offices should seek prior
permission from the superior authority, to travel by
higher conveyance except under exceptional circumstances
to be explained while making claim for reimbursement.
It is enjoined upon all concerned that the instructions
contained in Directorate letter referred to above will
be strictly adhered to in future."

7. The authority for reimbursing the cost of hiring conveyance for journeys within 8 kilometres of headquarters is contained in SR 89. Swamy's compilation of FRSR Part II Travel Allowances (11th Edition) may be seen for this SR and Govt. of India's orders thereunder. The Delegation of Financial Powers Rules 1978, indicates the authorities to whom the power to sanction conveyance charges has been delegated. The rules, orders and restrictions subject to which the sanction can be given under the DoP Rules, are mentioned in Col.4 against Sl.No.3 "Conveyance hire" of the Annexure to Schedule V of those Rules, which relates to "Powers of incurring contingent expenditure." Item 6 ^{under Col.4 contains 'General} contains 'General Notes'. The aforesaid Swamy's compilation gives the relevant details on pages 98 to 101. Sl.No.(vii) & (viii) of the 'General Notes' state as follows:-

"7(a)- Officers of group A service may be allowed reimbursement of taxi or scooter or bus fare as the case may be; and the officers of Groups B,C & D service may be allowed reimbursement of scooter or bus fare as the case may be".

x x x

(8) Officers using their own conveyance for journeys in public interest within the municipal limits of the city in which their headquarter is situated may claim reimbursement at the rates notified by the concerned Director of Transport, for taxi or, as the case may be, for auto rickshaw plying in that city".

The entitlements to mileage have been revised from 1-11-86 and are contained in the Government of India's order dated 10-4-87 under S.R.46 at pages 45, 46 of the aforesaid Swamy's compilation. This order clarifies the entitlement for such journeys for officers in different pay ranges.

8. It is clear from these instructions that the applicant has a right to travel by scooter and claim T.A. for such local journeys.

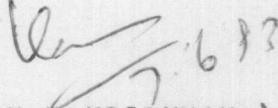
9. The question is whether this right can be curtailed by an authority other than the Govt. of India. The An.2 letter relied upon by the respondents is issued by the Additional Postmaster General, Delhi who is, obviously,

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a subordinate of the Govt. of India. That authority cannot curtail the privilege given by the Govt. of India.

10. In the circumstances, I find that the rejection of the applicant's claim is unauthorised. I, therefore, quash the An.A-1 order and declare that the applicant is entitled to claim scooter charges in his T.A. bill for the journeys performed by him from May 90 to June 92, notwithstanding the impugned An.A-2 order which, in so far as this application is concerned, shall be deemed to be quashed.

11. I further direct the second respondent to sanction the T.A. claim in accordance with the above declaration within a period of two months from the date of this order. No orders as to cost.


(N.V.KRISHNAN)
Vice Chairman (A)
7-6-93