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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

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OA.No.2476 of 1993

Dated New Delhi, this 9th day of July,1997.

HON'BLE SHRI K. MUTHUKUMAR, MEMBER(A)

P. K. Ailawadi
R/o 6/25 Old Rajinder Nagar
NEW DELHI-110060.

... Applicant

By Advocate: Shri Sohan Lal

versus

Union of India, through

1. The Secretary
Ministry of Urban Development
Government of India
Nirman Bhawan
NEW DELHI-110011.
2. The Director General of Works
Central Public Works Department
Nirman Bhawan
NEW DELHI - 110 011.

... Respondents

By Advocate: None.

O R D E R (Oral)

Shri K. Muthukumar, M(A)

The short point involved in this application is whether the applicant will be entitled to transfer TA/DA and Joining Time under the rules. The applicant had represented that he might be considered for transfer to his native town as he had only a short time before his retirement. By the impugned order dated 17.9.92 the applicant was transferred from Jodhpur to New Delhi. In the order it was provided that the transfer was being made with immediate effect in public interest. However, in the body of the order it is also

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provided that the applicant will not be entitled to TA/DA and Joining Time etc. on his transfer. Aggrieved by this the applicant has filed this OA. His main grievance is that although he had expressed desire for transfer to his home town before his retirement, it was never known to him that the transfer would be treated at his own request. The learned counsel for the applicant rightly points out that the order itself says that the transfer has been made in public interest and, therefore, holding that the applicant will not be entitled for TA/DA and Joining Time by the respondents is unjust.

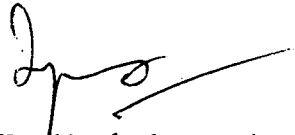
2. I have heard the learned counsel for the applicant, perused the pleadings and also the counter reply filed by the respondents. Only in specific cases of transfer at one's own request the entitlement for TA/DA and Joining Time does not arise in terms of S.R.114 (Annexure R-7 p.29). The respondents have said that the transfer order was made on specific request of the applicant and since he had not completed his normal tenure of posting at Jodhpur, he was not allowed to draw TA/DA/JT and special mention to this effect was made in the order. This plea appears to be very strange. If the respondents were of the view that the applicant could not be transferred before completing his tenure, they should have not transferred the applicant. Secondly, it is not evident from the



transfer order (Annexure P.1 at page-21) that this transfer was made on specific request of the applicant. On the other hand, it clearly provides that the transfer has been made in public interest. This being so, the respondents cannot bring out a different reasoning in the counter reply. If the transfer had been made at his own request, it should have been clearly stated in the order. The transfer order also does not make any reference to the request. It is possible that his request might have been taken into account, but once the transfer order is made in public interest, and if stated so, the applicant is entitled to his transfer TA/DA/JT according to the rules.

3. In the light of the above, the application is allowed. The respondents are directed to grant transfer TA/DA and Joining Time in accordance with the rules. The applicant's ^{prayer} ~~for~~ interest on the delayed payment of TA is, however, rejected.

With these, the application is finally disposed of. No costs.


(K. Muthukumar)
Member(A)

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