

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION No.1200/1997

WEDNESDAY, THIS THE 09TH DAY OF OCTOBER, 2002

HON'BLE MAJ. GEN. K.K. SRIVASTAVA .. MEMBER (A)

HON'BLE MRS. MEERA CHHIBBER .. KEKBER (J)

Bhagwan Dass,
aged about 57 years,
s/o Shri Govind Ram,
R/o 55 Pratap Pura,
Nagra Jhansi.

... Applicant

(By Advocate Shri R.K. Nigam)

Versus

1. Union of India, through
General Manager,
Central Railway,
Mumbai CST.

2. Chief Engineer/Construction (North),
Central Railway,
Mumbai CST.

3. Dy. Chief Engineer (Construction),
Central Railway,
Jhansi.

... Respondents

(By Advocate Shri Anand Kumar)

O R D E R

Hon'ble Mrs. Meera Chhibber, Member (J):

7 By this O.A., the applicant has sought the relief of writ, order or direction to the respondents commanding them through a time bound order to clear the payment of outstanding bills/claims as referred to in paragraph 4.9 and 4.11 of the O.A. and to pass any other suitable order in favour of the applicant as deemed fit by the Hon'ble C.A.T.

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2. In para 4.9, the applicant has stated as under:

"That, however, the following claims of the humble petitioner have been outstanding as detailed below:

Dual charge allowance:

From 1.8.1994 to 30.10.1996 - @ 10% of the basic pay per month.

T.A. Bills

<u>Month</u>	<u>Amount</u>
Nov. 95	Rs. 1545/-
Dec. 95	Rs. 1149/-
Jan. 96	Rs. 1614/-
Feb. 96	Rs. 1260/-
March 95	Rs. 1776/-
April 96	Rs. 1674/-
May 96	Rs. 1278/-
June 96	Rs. 900/-
July 96	Rs. 316/-
Aug. 96	Rs. 420/-
Sep. 96	Rs. 660/-
Oct. 96	Rs. 900/-
	<u>Rs.13492/-</u>
Jan. 97	Rs. 298/-
Feb. 97	Rs. 298/-
May 97	Rs. 60/-
	<u>Rs.14148/-</u>

Conveyance bills

<u>Month</u>	<u>Amount</u>
Nov. 95	Rs. 40/-
Dec. 95	Rs. 45/-
Jan. 96	Rs. 25/-
Feb. 96	Rs. 20/-
March 96	Rs. 25/-
April 96	Rs. 35/-
May 96	Rs. 40/-
June 96	Rs. 10/-
July 96	Rs. 10/-
Aug. 96	Rs. 30/-
Sep. 96	Rs. 30/-
Oct. 96	Rs. 50/-
Aug. 94	Rs.100/-
Sep. 94	Rs.112/-
Oct. 94	Rs. 87/-
Nov. 94	Rs. 72/-
Dec. 94	Rs. 84/-
Jan. 95	Rs. 84
	<u>Rs.899/-</u>
Jan. 97	Rs. 38/-
Feb. 97	Rs. 42/-
May 97	Rs. 10/-

Total : Rs.989/-

In para 4.11, the applicant has stated

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as under:

"That consequently the humble petitioner had to stay at Dholpur in private accommodation at the expenses of Rs.450/- per month from Nov.1995 to June 1996."

3. Therefore, in a nut-shell, he is claiming dual charge allowance from 1.8.1994 to 30.10.1996 at the rate of 10% of the basic pay per month, T.A. bills from the month of November, 1995 to October, 1996 and then January 1997 to May, 1997, as well as Rs.450/- on account of private accommodation at Dholpur from November 1995 to June, 1996.

4. The applicant has drawn our attention to Annexure-A7, whereby he had submitted his T.A. bills and contingent bills to the authorities. This letter talks about T.A. bills for the month of November, 1995 and December, 1995. No other T.A. bills or any other letter has been annexed by the applicant to show that even he had demanded payment of the said bills from the respondents. He has, however, referred to Annexures-A1 to A3, to show that there were orders issued for Shri Bhagwan Dass, i.e., the applicant, to look after full responsibilities and duties of Jhansi Construction Depot also in addition to his normal duties in the absence of Shri S.C. Agarwal. The first letter was issued on 10.5.1994, second letter was issued on 9.10.1995 and the third letter was issued on 15.5.1995. He has also submitted that he has given a number of representations to the respondents to clear his dues, but, till date neither any reply has been given to him nor his dues had been cleared by the respondents. Therefore, finding no other remedy, he had to file this O.A.

5. The respondents have opposed the O.A. of the applicant by stating that the respondents have paid all

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the legitimate claims which were preferred by the applicant in the proper manner to the authorities concerned. However, the claims which were neither justified and being erroneous and not filed in proper manner were disallowed by the authorities. They have also stated that the O.A. is highly time barred. Therefore, the same is not maintainable under the provisions of A.T. Act, 1985. They have admitted that vide Office Order No.11/1994, the applicant was asked to look after the duties and responsibilities of Sr. DSK (C) Jhansi in the absence of Shri S.C. Agarwal with effect from 14.5.1994. They have however, denied about the letter dated 9.10.1995 as according to them, this is not an Office Order entitling the applicant for dual charge at all. As far as the order dated 15.5.95 is concerned, they have explained this was for the purpose of promotion of the applicant Shri Bhagwan Dass from Sr. DSK (C) Jhansi to Store Supervisor, Jhansi. Accordingly, reference to Office Order No.78/95, dated 5.5.1995, is totally irrelevant. The respondents have explained further that the dual charge allowance for the legitimate period from 14.5.1994 to 1.8.1994 as well as T.A. bills of October, 1994, have already been paid to the applicant and for all other periods when he had actually performed the duties. They have submitted that the dual charge order of the applicant was terminated by the respondents by office order No.21/1994, with effect from 21.7.1994. Therefore, the applicant was not performing the duties of Sr. DSK (C) Dholpur from 21.7.1994. Vide order dated 24.8.1995, Shri Yunush Mohammad was posted as S.S.(C)

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Dholpur. Consequent thereupon, the applicant was directed to hand over the charge of Dholpur Depot to Shri Yunus Mohammad. Therefore, the charge report dated 30.10.1996 was only a consequence of order dated 7.10.1995.

6. With regard to the claims made by the applicant in para 4.9, the respondents have submitted that the T.A. and allowances claimed by the applicant were not found in order as most of the claims were made false without approval and proper submission. Therefore, the same were not paid to the applicant. In fact, the applicant was asked to submit a daily diary to enable the respondents to examine the duties performed so that proper order could be passed for the T.A. bills claimed by the applicant for January, February and May, 1997. But the applicant did not submit the daily diary as a result of which the T.A. could not be passed. In support of their contention, the respondents have referred to Annexure-CA6, dated 22.12.1997, whereby the applicant was asked to submit his daily diary so that payment could be arranged accordingly. They have therefore, submitted that since the applicant himself has not complied with the direction given to him, he could not blame the respondents. They have also clarified that the applicant was indeed taken up under the DAR Rules and a memorandum of charge, i.e., standard Form No.11 was served on the applicant by the respondents vide letter dated 19.7.1996 which is also annexed as Annexure-CA7. In this charge sheet, the applicant was charged for having claimed false T.A. for

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the month of February and March, 1996 and for charging T.A. on concocted holidays and Sundays without proper sanction from the competent authority for attending depot on holidays and Sundays and for claiming false T.A. by later travelling train, whereas earlier travelling train was available. They have submitted that since the applicant failed to give any satisfactory reply, the applicant was even imposed with a penalty of lowering to the initial lower stage of time scale, i.e., at Rs.1600/- in the grade of Rs.1600-2660/- for a period of one year without any cumulative effect vide order dated 3.12.1996, Annexure-CA8. It is submitted by the respondents counsel that the applicant has included the T.A. for the said period as well as in the present O.A. in para 4.9, even though he never challenged the penalty order imposed on him vide order dated 3.12.1996. They have therefore, prayed that no case has been made out by the applicant for interference by this Tribunal and the O.A. is liable to be dismissed.

7. As regards para 4.11 of the O.A., the respondents have stated that the applicant never claimed reimbursement for hiring private accommodation at Dholpur for the period from November, 1995 to June, 1996 nor any receipt was ever produced. The claim was therefore false and not maintainable.

8. We have heard both the counsel and perused the records.



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9. We had put a specific question to the applicant's counsel as to whether he has any document to support his claim that he had submitted the bills and the details thereof to the authorities as directed by the respondents vide their letter dated 22.12.1997, but, the applicant's counsel was not able to show us any such document. Therefore, in the absence of any proper submission of documents, we agree with the respondents, that no relief as claimed by the applicant can be granted to him by the court. We have seen the respondents have already asked the applicant to submit the daily diary and to submit the other required documents so that payment of his T.A. bills could be arranged. But, if the applicant does not have the said daily diary or has failed to submit or produce before the authorities, definitely his claim cannot be entertained and no fault can be found with the respondents for not allowing such claims. Therefore, we do not wish to interfere in this O.A. However, we will give liberty to the applicant to produce whatever documents he has with him in support of his claim and if he is able to satisfy the respondents, they shall pass appropriate speaking orders on the representations made by the applicant.

10. With the above direction, the O.A. is disposed of. No order as to costs.



MEMBER (J)



MEMBER (A)

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