

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.

Allahabad this the 06th day of August 2001.

Original Application no. 440 of 1998.

Hon'ble Mr. Rafiq Uddin, Judicial Member.

Krishna Mahesh Mishra, S/o Late Sri RP Mishra,  
working as Hindi Pradhyapak, Hindi teaching Scheme  
in the office of Principal Accountant General,  
RANCHI.

... Applicant

C/A Sri SK Om

Versus

1. Union of India through the Secretary,  
Govt. of India department of Official  
Language, Ministry of Home affairs  
First Floor Lok Nayak Bhawan, Shan Market,  
NEW DELHI.
2. Deputy Director (Central) Hindi Teaching  
Scheme JABALPUR.
3. Officer in Over all Charge, Hindi teaching Scheme  
KANPUR.
4. Director, Central Hindi Training Institute,  
7th, Floor, Paryavaran Bhawan, CGO Complex,  
Lodhi Road,  
NEW DELHI.

... Respondents

C/Rs Sri DS Shukla

*DS*

...2/-

2.

ORDER

Hon'ble Mr. Rafiq Uddin, Member-J.

The applicant was working as Hindi Tracher under Hindi teaching scheme, Kanpur. According to the applicant, while posted at Kanpur he has to <sup>travel</sup> ~~transfer~~ for off distances i.e. more than 8 Kms from the Headquarter for taking Hindi classes at various organisations. The applicant submitted transfer allowance bill on 20.8.1996 for the journeys under taken by the applicant in the month of June 1996. The bill submitted by the applicant was rejected by Deputy Director (Central Hindi teaching scheme Jabalpur, respondent no. 2) vide his order dated 12.9.1996 on the ground that the TA bills submitted by the applicant has not been submitted in prescribed formate. By means of this OA the applicant has challenged the action of the respondent no. 2.

2. We have heard learned counsel for the parties and perused the records.

3. Learned counsel for the respondents has opposed the claim of the applicant by stating that in terms of instructions contained in letter dated 24.11.1960 issued by the department of Official Language, Govt. of India read with paragraph 2 (b) of SR 71, the TA for journeys beyond 8 Kms subject to the condition that in case the journey exceeded more than 2 in a month, the official is entitled to only actual rail/bus fair or DA which ever is less. It is claimed that the applicant has never given any explicit option as required as per rules.

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....3/-

3.

It is further stated that any kind of allowance charges in addition to actual conveyance charges cannot be reimbursed, but the applicant instead of claiming his entitlement claimed DA through TA bills as a motive of source of profit claiming Rs. 1839/- through his TA bills for 1996. It is also disputed that the applicant undertaken his journeys from his residence in the first place of duty for which no TA can be claimed. It is also claimed that vide letter dated 10.12.1986 the payment of local conveyance charge payable upto Rs. 150/- permonth.

4. The applicant has filed a copy of disputed TA bills for the month of September 1996 (Annexure A-2). It is contended by learned counsel for the applicant that since some of the distances travelled by the applicant is more than 8 kms., the applicant has rightly submitted his TA bills on prescribed formate on TR 25-A in terms of SR 71. The respondents, therefore, should have considered his claim and payment should have been made of the TA bills submitted by him.

5. Learned counsel for the respondents has, however, pointed out that the applicant has wrongly submitted his TA bills under general rules i.e. SR 71 <sup>because</sup> ~~whereas~~ the TA bills of the applicant are governed by special rules namely instruction issued by the department of official language, Ministry of Home Affairs, under Hindi teaching scheme. These instructions have been issued under delegated financial power. The respondents have, therefore, rightly directed <sup>that</sup> the applicant ~~has~~ to submit <sup>ed</sup> his TA claims as per aforesaid special rules.

Ru

....4/-

4.

In this connection, copies of these instructions are available on record (Annexure A-5) filed by the applicant himself. A perusal of these instructions indicates that the case of the applicant for payment of TA bills is governed by these instructions.

6. However, I find that instead of insisting for submitting the TA bills as per provision of these instructions, the respondents should have considered and make arrangement for payment of the amount which was due to the applicant. The OA is accordingly disposed of with the direction to respondent no. 2 to examine the TA bills submitted by the applicant for the journeys undertaken by him during the period from June 1996 to March 1997 as per extent instructions and rules and to pay the amount whatever is due to the applicant within a period of 2 months from the date of communication of this order.

7. There shall be no order as to costs.

*Ranjit Kumar*  
Member-J

/pc/