

CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD.

* * * * *

Registration T.A.No. 821 of 1986
(O.S.No. 138 of 1985)
R.D.Aryavs. . . . Union of India and others.

Hon'ble Justice Shri S.Zaheer Hasan, Vice Chairman.

Suit No. 138 of 1985 filed by R.D.Arya in the court of Munsif South, Lucknow, has been transferred to this Tribunal under Section 29 of the Administrative Tribunals Act, 1985.

Applicant R.D.Arya was posted as District Savings Officer, Ghazipur. In April 1975 he was transferred to Etawah. Before he could handover charge he was suspended on 11.5.1975 and transferred to Allahabad. On transfer he joined at Kanpur on 15.12.1978. On 3.8.1979 he was transferred to Lucknow on request. He claims Rs. 1,787.76 in connection with his expenditure over medical treatment. He further claims Rs. 4,464.95 in connection with his various T.A.Bills. In this way the total claim comes to Rs. 6,252.71.

The applicant submitted three medical claim re-imbusement/bills for Rs. 1,429.00 during the month of May, 1979 for treatment received between January and March 1979. It is admitted that these three bills were submitted but they

m

83/2

2

are not traceable. The postal authorities were contacted, since these bills were sent through registered post, and they replied that the relevant records of 1979 have been weeded out. In January 1984 the applicant submitted duplicate copies of four medical bills amounting to Rs. 1,787.78 in which the three claims referred to above were included. The applicant's contention is that the original of the fourth bill was already submitted. The contention of the respondents is that the duplicate claims are not supported by essentiality certificate, cash memo, prescriptions etc., so the bills could not be passed. The applicant is not at fault because those three original bills are not traceable. The relevant record in the postal department has been weeded out. At this stage it is not possible for the applicant to furnish copies of those prescriptions, cash memos and essentiality certificate. So, the authorities are directed to pass these three duplicate bills without insisting on submission of essentiality certificate, cash memo etc. Instead thereof the amount should be paid to the applicant if he gives in writing that the claims in respect of these three bills are genuine and he has not received any payment in respect of these bills. So far as the fourth bill is concerned, if the original is not traceable, payment be made in respect of this bill also without insisting on submission of cash memo, essentiality certificate etc. after obtaining

M

a declaration from the applicant that this claim is genuine and he has not received any payment in this regard.

The bill amounting to Rs. 872.70 in connection with applicant's transfer from Ghazipur to Allahabad in June 1975 could not be passed because the applicant has not claimed T.A. from Ghazipur to Allahabad but from Ghazipur to Lucknow and from Lucknow to Allahabad. The applicant should furnish a fresh claim in connection with his transfer from Ghazipur to Allahabad by shortest route giving names, age and relationship of the family members who undertook the ~~personal~~ journey on the aforesaid occasion. It would be too much to insist ^{on} furnishing numbers of 1st Class tickets ^{at this stage.} Applicant's claim of T.A. via Lucknow cannot be allowed because he has ignored the shortest route which he should have taken on transfer from Ghazipur to Allahabad.

The applicant was transferred from Lucknow to Kanpur in December 1978 and for that his T.A. Bill for Rs. 339.95 has already been paid to him in the year 1979.

The applicant has claimed T.A. for journey from Allahabad to Ghazipur and back undertaken between 18.7.1975 and 31.7.1975 for handing over charge at Ghazipur to his successor consequent on applicant's suspension with Headquarters at

Allahabad. For this applicant's claim was returned for some correction. He should submit this bill again for payment and if the same is found correct, and according to rules, the payment should be made by the authorities concerned.

The applicant has further claimed T.A. for journey from Allahabad to Ghazipur and back undertaken from 7.9.1975 to 9.9.1975 and from 26.9.1975 to 28.9.1975 to attend court proceedings filed against the applicant in a case under Sections 399/402 I.P.C. (preparation/assembly to commit dacoity.). On 19.2.1976 the claim in this respect was rejected. Applicant's claim for Rs. 2,452.80 ~~is~~ in connection with the aforesaid journeys is not admissible because he visited Ghazipur for attending court in order to defend himself in the aforesaid criminal case in his private capacity. According to M/F's O.M. No. 5 (13) E-IV-59 dated 29.7.1960, no T.A. is admissible to a Government servant for attending court proceedings not connected with the official duties or position of the Government servant. Similarly his claim for the journeys to Ghazipur made in connection with the aforesaid ^{criminal case} during the months of September to November, 1975, cannot be allowed.

It was contended by learned counsel for the applicant that in the normal course the

13/6

5

applicant should have been permitted to stay at Ghazipur and as such it would have been very easy for him to defend himself in the criminal case, but without his consent he was transferred to Allahabad. There was a case under Sections 399/402 I.P.C. against the applicant at Ghazipur. He was suspended and according to the respondents he was moved to Allahabad after suspension in public interest. In Rule 10(5) of the C.C.S. (C.C.A.) Rules the word used is "normally", which means that in public interest the applicant could be shifted to Allahabad when he was suspended. As such, the applicant cannot claim T.A. for journeys performed to Ghazipur and back in connection with the hearing of the criminal case.

From Kanpur to Lucknow the applicant was transferred on request. So, he cannot get any T.A. in that connection.

The applicant submitted in July 1983 duplicate copies of three T.A. bills for March, April, May, June and August, 1979 amounting to Rs. 140/-, Rs. 403.90 and Rs. 235.10 respectively. The original T.A. bills in respect of these amounts are not traceable in the office, so duplicate bills were submitted by the applicant. It is not known when the original bills were submitted. So, the authorities are directed to scrutinise the duplicate bills and pass the same if they are in order ignoring the fact that the duplicate bills were submitted beyond one year.

W

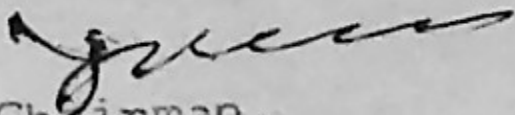
13/6

6

However, the applicant should give a declaration before the authority concerned that original bills were submitted within required time and if not, he should explain the delay.

This application (Suit No. 138 of 1985) is disposed of accordingly in terms of the directions made above, ~~the~~ payment be made to the applicant as directed above. Parties shall bear their own costs.

July 24^{1K}, 1987.
R.Pr.


Vice Chairman.