

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 4TH DAY OF DECEMBER, 2000

Original Application no. 1172 of 1999

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

Dr.S.R.P.Upadhyya, Education Officer,
R/O 14, hargobind Nagar, (Behind Bansal Marble)
Pilibhit Road, Bareilly (UP)
Also at present at 2/89, Kotla House,
Khandari Crossing, Agra, U.P.

... Applicant.

(In Person)

Versus

1. Ministry of Labour through
its Secretary, Shram shaktii Bhawan
Rafi marg, New Delhi.
2. Central Board of Workers Education
Through its Director
Near WRCE Gate, North Amba Jhari Road
Nagpur (Maharashtra)
3. Central Board for Workers Education
Through its Regional Director
Paradise 24 A, Model town near
Sport Stadium Bareilly (UP)
4. Central Board of Workers Education
Through its Regional Director
2/89 Kotla House, Khandari Crossing
Civil Lines, Agra.
5. Central Board for Workers Education
through its Zonal Director
Building Centre, Sarai Kale Khan
East Nizamuddin, New Delhi.

... Respondents

(By Adv: Shri D.S.Shukla)

O R D E R (Oral)

(By Hon.Mr.Justice R.R.K.Trivedi,V.C.)

By this application u/s 19 of A.T.Act the applicant has
prayed for setting aside the order dated 4.4.1997 by which
claim of the applicant for payment of TA bills from June 1984
to September 1984 has been rejected. The reason stated in the
order for rejection of the claim is as under:-

"From the copies of TA bills submitted by you

it is observed that the fraction of T.A. disallowed by the Regional Director taking into account the local distance, is in order. Further as per SR 195 the controlling officer is having the power to disallow the whole or any part, if he considers that journey was unnecessary."

The applicant has submitted that the Tour Programmes were carried out which had prior approval of the controlling officer namely Regional Director. Advanced Tour Programme and deviation tour programme with reference to distance as ^{were submitted} per chart which were checked and approved by the Regional Director before the submission of the TA bills. The submission of the applicant is that after the tour programme was approved how it could be termed as unnecessary subsequently when the applicant has completed the tour programme. It has also been submitted that SR 195 could not be applicable to such a situation. the detailed averments in this regard has been made in para 4(4) of the application.

Shri D.S.Shukla learned counsel for the respondents on the other hand submitted that the Controlling Authority has power under SR195(a) to scrutinise and disallow any TA bill. SR195 reads as under:-

- (a) to scrutinise the necessity, frequency and duration of journeys and halts for which travelling allowance is claimed, and to disallow the whole or any part of the travelling allowance claimed for any journey or half if he considers that a journey was unnecessary or unduly protracted or that a halt was of excessive duration.
- (b) to scrutinise carefully the distances entered in travelling allowance bills;
- (c) to satisfy himself that mileage allowance for journey by railways or steamer, excluding additional

fare or fares allowed for incidental expenses has been claimed at the rate applicable to the class of accommodation actually used and that concessional return tickets for the journey or journeys charged for in the bill were purchased wherever and whenever possible;

- (d) to check any tendency to abuse the option of exchanging daily allowance for mileage allowances;
- (e) to observe any subsidiary rules or orders which a competent authority may make for his guidance;
- (f) to satisfy himself before permitting a claim^W under Rule 38 that the Government servant actually bought a through ticket at the rate claimed and that it was not possible for him to get a through ticket at a cheaper rate by paying only for the appropriate class of accommodation over that portion of the journey where accommodation of that class was available; and
- (g) to satisfy himself that where the actual cost of transporting personal effects/servants is claimed under these rules, the scale on which such effects/servants were transported was reasonable; and to disallow any claim which in his opinion does not fulfil that condition. In respect of claim for transporting personal effects, he shall also scrutinise the details and satisfy himself that the claim is reasonable."

Shri D.S.Shukla has also submitted that the claim with regard to 1984 is time barred and this Tribunal has no jurisdiction to entertain the claim of 1984. I have considered^W the rival submissions made by the parties. In my opinion, the applicant is entitled for the relief so far as

claims relating 1984 are concerned. The applicant has himself submitted that with regard to TA bills of June 1998 and January 1999 ^{are} ~~is~~ concerned the application may be dismissed as he is not clear about the facts.

Shri D.S.Shukla learned counsel for the respondents has submitted that the claim of 1984 is time barred and this Tribunal has no jurisdiction to entertain the same. However, this submission does not appear to be correct. Sub section(2) of Section 21 of Administrative Tribunals Act specifically provides as under:-

- (2) Notwithstanding anything contained in Sub-Section(1), where-
- (a) the grievance in respect of which an application is made had arisen by reason of any order made at any time during the period of three years immediately preceding the date on which the jurisdiction, powers and authority of the Tribunal becomes exercisable under this Act in respect of the matter to which such order relates; and
- (b) no proceedings for the redressal of such grievance had been commenced before the said date before any High court, the application shall be entertained by the Tribunal if it is made within the period referred to in clause(a), or, as the case may be, clause(b), of sub-section(1) or within a period of six months from the said date, whichever period expires later."

From the aforesaid provisions contained in Sub-section(2) of Section 21 it is stated that the grievance which had arisen during the period of three years immediately preceding the date on which jurisdiction, powers and authority became exercisable may be entertained by this Tribunal. In the present case TA bills were for the months of June 1984 to Sept. 1984. This Tribunal was constituted on 1.11.1985.

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Thus, the grievance of the applicant was within the period of three years. His grievance through out this period remained under consideration of the department and it was finally rejected by the impugned order dated 4.4.1997. This application was filed on 20.8.1999 which is well within the time provided u/s 21 21 of the Act. Thus, the submission made on behalf of the respondents on the ground of jurisdiction and limitation cannot be accepted.

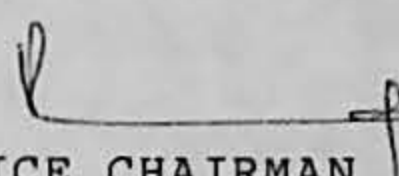
Now coming to the merits of the claim of the applicant it is clear from para 4(4) of the application that advanced tour programmes and deviation tour programmes with reference to distance were approved by the Regional Director. This crucial averment of the applicant has not been denied in para 13 of the counter affidavit that the tour programmes had prior approval of the Regional Director who is the Controlling Authority. If the tour programmes and the deviations were given prior approval how can it be said subsequently that the tour programmes were unnecessary. The officer if undertakes the journey and carried out the tour programmes he is entitled to be reimbursed the expenses incurred. It is not the case of the respondents that the applicant had not carried out the tour programmes for which TA bills were submitted. In these facts and circumstances in my opinion, the applicant is entitled for the relief. The applicant has submitted that 2/3 of the amount of TA bills was paid to him as advance and 1/3 amount has not been paid to him. The applicant has submitted that the total amount for which the bills were submitted for the months of June 1984 to Sept.1984 was for the amount Rs.2453.85p out of which Rs.1625/- was paid to him in advance. The claim is confined to Rs.822.88p. On this amount the applicant has prayed for 18% interest. Though I do not find any justification on the part of the department not to pay this amount for such a long time. However, at the same time applicant kept waiting



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before the respondents and was satisfied by making representation ^{by} one after another. He could have come to this Tribunal earlier for this relief. ~~For~~ ^{Thus} he is also guilty of coming late to this Tribunal. In the circumstances, I do not find him entitled ^{to} 18% interest on the aforesaid amount. However, the department shall pay Rs.1000/- as special cost for this extra ordinary delay. the amount shall be paid to the applicant within three months from the date a copy of this order is filed before him.

There will be no order as to costs.


VICE CHAIRMAN

Dated: 4.12.2000

Uv/