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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 18 of 1990
~~Ex. No.~~

DATE OF DECISION 11.2.1992

Shri Purshottam M. Solanki Petitioner

Shri B.B. Gogia Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Shri B.R. Kyada Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R.C. Bhatt

: Member (J)

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement ? ✓
2. To be referred to the Reporter or not ? ✗
3. Whether their Lordships wish to see the fair copy of the Judgement ? ✓
4. Whether it needs to be circulated to other Benches of the Tribunal ? ✗

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Shri Purshottam M. Solanki,
Rajnagar Society Main Road,
Block No. 118-A,
Opp. Bhaktinagar Rly. Station,
Rajkot.

.. Applicants

Versus

1. Union of India,
Through :
General Manager, W.Rly.,
Churchgate,
Bombay-400 020.
2. Divisional Signal & Tele-
communication Engineer
(Construction, W. Rly.,
Railwayapura, P.O.,
Ahmedabad-380 002.

.. Respondents.

O.A. No. 18 of 1990

ORAL - JUDGMENT

Present : Mr. B.B. Gogia, learned advocate
for the applicant.

Mr. B.R. Kyada, learned advocate
for the respondents.

Dated : 11.2.1992.

Per : Hon'ble Mr. R.C. Bhatt .. Member (J)

This application under section 19 of the Administrative Tribunals Act, 1985, is filed by the applicant, Khalasi, serving with the respondents seeking the reliefs that the respondents be directed to pay to the applicant the transfer allowances as due for the journey undertaken by him as ordered for the period from June, 1987 till March, 1988 for the bills he had already submitted and also accepting further bills from the applicant for the journeys he had undertaken on the orders of his superiors/officers

etc. with interest upon such amount. The case of the applicant as pleaded in the application is that he was originally engaged as casual labourer under the District Signal and Telecommunication Engineer (Construction), Western Railway, Rajkot and that his services were terminated from 21st January, 1977 and then the applicant was reinstated by virtue of his success in T.A./1229/86 disposed of by this Tribunal on 22nd May, 1987 vide Annexure A-1. It is alleged by him that now he is working under C.I (Construction), Western Railway, Ahmedabad and that he has filed another O.A. bearing No. 439/88 which is pending before this Tribunal. It is the case of the applicant that he should be paid T.A./D.A. for the journey which he has undertaken for discharging of his duties. The applicant has produced at Annexure A-2 which shows that he has acquired temporary status. It is the case of the applicant that whenever he is sent out of his present working place beyond a distance of 8 kmtrs. he is entitled to TA/DA and he has put reliance on rule 203 of Indian Railway Establishment Code Vol. II and Rule 222 also. According to the applicant, he was sent for duty away from Ahmedabad to Bhuj, Charodi etc. away beyond the distance of 8 kmtrs. and he has submitted T.A. bills for the month of June, July, 1987. According to the applicant, the original T.A. bills submitted

4

are with respondent No. 2. He has alleged that he was sent ~~w~~ away from his head quarter every month for number of days. He also made representation Annexure A-4 dt. 11th October, 1988 but there was no response to his representation and hence this application.

2. The respondents have filed reply contending that the applicant was entitled for the period from June, 1987 till March, 1988 but he has not stated under which rule or authority he had travelled and has not given the details of his bills etc.

3. Learned advocate Mr. Gogia for the applicant has submitted that the applicant was sent for number of days in a month for duty at a distance more than 8 kmtrs. away for the period from June, 1987 till March, 1988 and as per para 2508 of Indian Railway Establishment Manual, the applicant is entitled to T.A./D.A. and he has relied on the decision in Ramnivas Matadeen & Ors. v. Union of India & Ors. reported in 1990(2) Administrative Tribunals Judgment Jodhpur Bench page 625. The said Bench following the decision of this Bench in Khuman Kadu & 62 others v. Union of India and others in O.A./8/88, held that the applicants in that case were entitled to travelling allowance ^{to be} and it will in accordance with para 2508 of Indian

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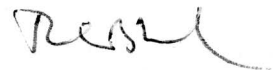
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Railway Establishment Manual and rule 230 of the Indian Railway Establishment Code. Learned advocate Mr. Kyada submitted that the applicant has to produce all the bills and details to show that he has travelled on duty as per the direction of his superior from June, 1987 to March, 1988 and if it is done, the respondents have to consider the claim as per the rules. Learned advocate Mr. Gogia submitted that the applicant has submitted the bills and has made representations subsequently also about his claim but the respondents have not paid any heed. In my opinion, the applicant's claim for travelling allowance should be decided at the earliest by the respondents for the period from June, 1987 till March, 1988. The respondents to call for the bills or particular from the applicant necessary to decide this claim, if the applicant has still today not furnished the said bills. Hence the following order.

O R D E R

ms Application is partially allowed. The respondents to decide the claim of the applicant for travelling allowance from June, 1987, to March, 1988, and to pay the same as per the rules. The respondents may call for the T.A. Bills or other particulars necessary from the

applicant to decide that claim if the applicant has not produced the same. The respondents to decide the claim of the applicant and to pay as per the rules within four months from the receipt of the Judgment of this Tribunal. No order as to costs.



(R.C. Bhatt)
Member (J)

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M. A. 968/88

in

O. A. Stamp 831/88

CORAM : HON'BLE MR. G.S.SHARMA

.. JUDICIAL MEMBER.

HON'BLE MR. M.M.SINGH

.. ADMINISTRATIVE MEMBER.

26.09.1989.

Mr. B.R.Kyada request, for time for filing reply.
Mr. B.B.Gogia has no objection. Time granted for two
weeks. Registry to post case accordingly for order.

M M Singh

(M. M. Singh)
Administrative Member.

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(G. S. Sharma)
Judicial Member.

R.

M. A. 968/88

in

O. A. Stamp No.
831/88



CORAM : HON'BLE MR. M. M. SINGH .. ADMINISTRATIVE MEMBER.

16.1.1990

Heard Mr. B. B. Gogia, the learned advocate for the applicant and Mr. B. R. Kyada, the learned advocate for the respondents on the question of limitation and admission.

2... In this ^{case} ~~the~~ contention of the applicant at Annexure-A-3 addressed to D.S.T.E.(C) ADI, Western Railway, Ahmedabad is that he had submitted T.A. bills which have neither been passed and, apparently, nor a reply has been given to him as to whether passed or not passed. The question of limitation is waived and the M.A. is finally disposed off accordingly.

3... Mr. Gogia argued that para 2508 of the Indian Railway Establishment Manual will not be applicable to the applicant with regard to the allowance when sent on duty and he would be governed by the Rules 203 and 220 of the Indian Railway Establishment Code for admissibility of T.A. to the applicant. The application is admitted as points with regard to the interpretation and applicability of the rules ~~is~~ involved. Registry to give it a regular number.

4... The applicant and respondents are given one month time to file reply and rejoinder if any on merits. Registry to do the needful and fix the date of hearing accordingly.

M. M. Singh
(M. M. Singh)
Administrative Member.

M.A./968/88
in
O.A. Stamp No. 831/88

9

CORAM : Hon'ble Mr. M.M. Singh .. Administrative Member

28.11.1989

Mr. B.B. Gogia, learned advocate for the applicant has sent a sick note. Mr. B.R. Kyada, learned advocate for the respondents files reply dt. 3.11.1989 which is taken on record. He has given copy to the applicant's side. The matter is adjourned in view of the sicknote.

M. M. Singh
(M M Singh)
Administrative Member

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