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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No.

~~XXX~~

343 OF 1990.

DATE OF DECISION 12th February, 1992.

Shri K.N.Ramaswamy Petitioner

Shri A.M.Vaishnav Advocate for the Petitioner(s)

Versus

Union of India and Others Respondent

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R.C.Bhatt : Judicial Member

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 ?

- 2 -

Shri K.N.Ramaswamy,
18/4, L- Colony,
Ahmedabad - 380 015.

...Applicant.

(Advocate : Mr.A.M.Vaishnav)

Versus

1. Union of India
(through the Comptroller
& Auditor General of India,
10, Bahadur Shah Zafar Marg,
Indraprashtha P.O.,
NEW DELHI - 110 002.

2. The Accountant General (Audit - I),
Multistoreyed Building,
C-Block, Laldarwaja,
AHMEDABAD - 380 001.

...Respondents.

O R A L J U D G M E N T

O.A. NO. 343 OF 1990.

Date : 12.02.1992.

Per : Hon'ble Mr.R.C.Bhatt : Judicial Member

Heard Mr.A.M.Vaishnav, learned advocate for the applicant. None present for the respondents.

2. This application is filed under Section-19 of the Administrative Tribunals Act, 1985, by the retired Audit Officer who was serving in the office of Accountant General, Audit-I, Gujarat, for a declaration that he is entitled to the post ~~of~~ retirement T.A. claim to his place of settlement and direct the respondents to pay the said claim to him, and has also pressed for the interest. The applicant is aggrieved by the order conveyed in letter no.TR/1207/21-3-90, of the Audit officer/Bills, communicated to the applicant that the Controlling officer, after examining all aspects of the case, with reference to the

applicants letter dated 8th March, 1990, was not in a position to entertain his claim of T.A. and further the applicant ~~was~~ ^{is} aggrieved by the letter dated 28th March, 1990, by which he was informed by the Administrative Officer in connection with the applicant's letter dated 8th March, 1990, addressed to the Comptroller and Auditor General of India that the case ~~had~~ already been examined carefully and no justification found for interfering with the decision of the Accountant General (Audit) Gujarat, and the case was treated as finally closed. Annexure-14, is the copy of the letter produced by the applicant, dated 8th March, 1990, claiming the Post retirement T.A. claim.

3. ^{re} ~~re~~ ^{to} The applicant has been resisted by the respondents, by filing the reply, contending that the counter signing authority is required to satisfy itself, as far as possible, that the claimant and members of his family, actually performed the journey to the home town or the place to which he might have proceeded to settle there, as for example, by acquiring the production of personal effects, conveyance etc., vide para-4, of Government of India, M.F.O.M.No.F.5(30)-E.IV(B)/65, dated 27th August, 1965. The defence of the respondents ^{re} ~~re~~ ^{has not furnished} as found in the reply is that the applicant ~~applied~~ any acceptable collateral evidence like procurement of a ration card in the home town in the absence of proof of transportation of any personal effects accumulated during his long service to his home town. It is also contended in the reply that the applicant had been

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only able to produce a certificate that the middle portion of his house at Shrikrishnapuram, was vacated by his tenant for self-occupation from June, 1987, with a view to his permanent settlement and he is "deemed to have occupied" that portion. The contention of the respondents is that, before admitting a post retirement T.A. claim, the controlling officer has to satisfy the same about the intention to settle at the new place/home town after retirement. It is contended that the applicant retired on 30th November, 1986, and he is continuing to unauthorisedly occupy the 'L' Colony quarters for four years, and therefore, the Controlling Officer could not get convinced that the applicant's ^{in hometown} journey was with the intention of settling ~~there~~ after ^{in that} retirement. The respondents' main defence is, as the applicant is inoccupation of the quarter in 'L' Colony, even after his retirement, it should be presumed that his intention is to settle at Ahmedabad.

4. Learned advocate for the applicant submitted that the applicant and his wife performed the journey from Ahmedabad to their home town viz., Shreekrishnapuram, Kerala State in the month of May, 1987, that the applicant submitted his T.A. claim in the month of May, 1987, to the Accountant General Audit-I.Ahmedabad, and the amount admissible ~~would~~ be approximately Rs.5,700/- The learned advocate for the applicant submitted that in the bill submitted by the applicant, he has not only indicated the ticket no. but has also attached the original tickets as the proof of the journey performed.

No claim for transportation of personal effects was included by him in the bill because he had not carried ^{men} ~~and~~ block personal effects lying with him at Ahmedabad. The learned advocate for the applicant has submitted that non-inclusion of claim for personal effects does not in any way prejudice his other claims included in his bill and there is no statutory rule or circular on that point. The objection of the respondents in not paying the T.A. to the applicant for the actual journey made by him and his wife to the Home Town can not be sustained. The attitude of the authority concerned in not paying the T.A. to the applicant on the ground that there was no claim made by him for personal effects is devoid of any logical conclusion. The Government servant after retirement goes to his home town and in this case when the actual tickets ~~produced~~ were annexed with the claim, there was no justification on the part of the authority concerned to reject the claim on the above ground. The next objection of the respondents seems to be about the proof of settlement of the applicant. In the instant case, merely because the applicant after performing his journey to the Home Town has kept the quarters allotted to him during his service and his in-possession of the same would not dis-entitle him from claiming the T.A. The important fact to be considered by the authority sanctioning the claim of T.A. should be, as to ^{whether} ~~claim~~ the Government servant has produced the proof of the actual journey to the Home Town.

5. Para-4, of S.R.-147, produced at Annexure-I, which has reference to the O.M. referred to by the respondents in the reply if carefully read would expose the untenable defence of the respondents. Para-4, of S.R.-147, reads as under :

"4. Before reimbursing the Travelling Allowance admissible under these orders, the countersigning authorities should satisfy themselves, as far as possible, that the claimant and members of his family actually performed the journey to the home town or the other place to which he might have proceeded to settle there, e.g., by requiring the production of original railway vouchers relating to transportation of personal effects conveyance, etc."

Reading this para carefully, the countersigning authority has to satisfy, as far as possible, that the claimant and members of his family actually performed the journey to the home town, by requiring the production of the original railway vouchers relating to transportation of personal effects conveyance, etc. In the instant case, the applicant did not carry personal effects and hence did not claim for the same, and has claimed the ticket fare and in proof of which he has produced the tickets. The O.M. referred to by the respondents in the reply regulating the post retirement T.A. post does not enjoin on the retired official claiming such T.A., that he should never move out of his home town, nor the ^{O.M} ~~orders~~ ^{does not} prohibits such official continuing

to own property or acquire new property after retirement. Learned advocate for the applicant has submitted that the applicant has continued to occupy the quarter allotted at 'L' Colony, by virtue of the order of the Hon'ble High Court of Gujarat. The defence of the respondents on the other point is that the claim of the applicant was not granted because he has not furnished any acceptable collateral evidence like procurement of a ration card in the home town is absolutely base less. The authority concerned has over looked the O.M. If this is the attitude of the authority concerned, it would amount to a harassment to a person ~~who was~~ retired and who has produced the tickets in proof of the claim of T.A. The defence of the respondents is that the applicant has continued to reside in the quarters allotted to him, after retirement and hence to presume that, his intention is to settle in Ahmedabad and then on that ground to reject his claim of T.A. is ~~hardly~~ ^{re} not palatable to human intelligence, ^{re} and it is against the spirit and scheme of O.M. in granting travelling allowances to a person who goes to his Home Town, after retirement.

6. Having regard to the above facts, the order passed by the authorities rejecting the claim of the applicant for T.A. Bill could not be sustained ~~and~~ and the same are quashed. Hence the following order :

O R D E R

The application is allowed to the extent that the respondents to grant the T.A. claim of the applicant which consists of the ticket fare. The applicant also should be given the lumpsum grant and packing allowances if admissible according to Rules. The respondents to make the payment of this claim within four months from the date of the receipt of this Judgment. The claim for interest is rejected. No order as to costs. The application is disposed of.

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(R.C. Bhatt)
Member (J)

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