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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH CUTTACK

Original Application No. 124 of 1993

Date of Decision: 16. 2. 1994.

Balaram Rout

Applicant(s)

Versus

Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not ?

16 Feb. 94  
MEMBER (ADMINISTRATIVE)

16 FEB 94

VICE-CHAIRMAN

16.2.94

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State of Orissa & Others

Respondents

For the applicant

Mr. Arjun Behera  
Advocate

For the respondents 1 to 4

Mr. K.C. Mohanty,  
Government Advocate  
(State of Orissa)

For the respondent 5

Mr. Akhaya Mishra,  
Standing Counsel  
(Central)

C O R A M:

THE HONOURABLE MR. K.P. ACHARYA, VICE - CHAIRMAN

and

THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN)

JUDGMENT

MR. K.P. ACHARYA, VICE-CHAIRMAN: In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner prays for a direction to Opposite Party No.2, i.e. the Director, Land Records and Survey, Orissa, Cuttack to clear the T.A. bill of the petitioner from November, 1990 to July, 1991 and order passed by the OP No.2 rejecting the T.A. claim of the petitioner be quashed.

2. Shortly stated the case of the petitioner is that he is a Member of the Indian Administrative Service and was posted as Settlement Officer, Cuttack and he joined the post in question on 28th September, 1989 and continued as such till 31st July, 1991, when retired on superannuation.

As Settlement Officer, he was required to undertake tours  
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which he did perform and submitted his tour diaries from November, 1990 to July, 1991. On 9th September, 1991, the petitioner made a representation to OP No.3 to give instructions to OP No.2 to approve the tour diaries. Nothing was heard till 8th February, 1992 and vide letter No.2836 dated 21.2.1992, P.A. to OP No.2 stated as follows :

"After careful consideration, the Director, Land Records and Survey, Orissa has been pleased to disapprove your tour diaries from the months from November, 1990 to July, 1991 as the explanations furnished by you is not convincing."

Hence this application has been filed with the aforesaid prayer.

3. In its counter OP Nos. 2 to 4 maintain that the tour diary submitted by the petitioner was not in accordance with the instructions issued by the Government, viz. in the tour diary, he (petitioner) did not state the details of work done by him during his tour, and especially there was no mention regarding the different cases which he had heard during his circuit sitting, and therefore, the tour diary was not approved; and hence the case being devoid of merit is liable to be dismissed.

4. We have heard Mr. Arjun Behera, learned counsel for the petitioner and Mr. K.C. Mohanty, learned Government Advocate appearing for the State of Orissa.

5. Ordinarily, we would have rejected the petition, if there would have <sup>been</sup> not an indication that the petitioner had submitted false tour diaries. That is not the case of the opposite parties. The only case put forward by the opposite parties is that the petitioner did not give details of his work done during his tour. Perhaps, the

petitioner furnished such informations later. If such communication would have made with him during his incumbency as Settlement Officer, he could have furnished necessary information, but after retirement of the petitioner and in view of the long lapse of time, it is utmost difficult on the part of the petitioner to produce the details and furnish the information. At the cost of repetition we may say that we would have taken an adverse view against the petitioner if it would have been held that the petitioner has submitted false tour diaries; which is not a fact as seen from the case set up by the opposite parties. Therefore, in view of the peculiar facts and circumstances of the case, we would direct OP No.2 to approve the tour diaries of the petitioner and within 15 days therefrom the petitioner should be paid his T.A. claim. Thus the application is accordingly disposed of leaving the parties to bear their own costs.

1.5 Gopal  
MEMBER (ADMINISTRATIVE)

16 FEB 94

*16-2-94*  
VICE-CHAIRMAN

Central Administrative Tribunal  
Cuttack Bench  
dated the 16th Feb. 1994/ B.KSahoo

