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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO.340 OF 1995

Cuttack, this the 17th day of November, 1997

Paramananda Sahoo

.....

Applicant.

Vrs.

Union of India and others

Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not? Yes.
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No.

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
17/11/97

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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO.340 OF 1995
Cuttack, this the 17th day of November, 1997

CORAM:

HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN

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Paramananda Sahoo,
aged about 61 years,
son of Iswar Ch. Sahoo,
At-Lunahar, P.O-Salipur,
District-Cuttack

Applicant.

Vrs.

1. Union of India, represented
by Secretary to Government of India,
Ministry of Communication,
New Delhi.
2. Chief Post Master General,
Orissa Circle,
Bhubaneswar.
3. Post Master General,
Bhubaneswar ...

Respondents

Advocates for applicant - M/s S.K.Purohit

P.K.Sahoo &
P.Mohapatra.

Advocate for respondents - Mr.Ashok Mishra.

O R D E R

SOMNATH SOM, VICE-CHAIRMAN

In this application under Section 19 of
Administrative Tribunals Act, 1985, the petitioner, who is a
retired postal employee, has prayed for a direction to the
respondents to calculate his dues properly as admissible under
the Rules and pay the same to the applicant within a stipulated

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time period. The matter was fixed on 28.8.1997 for hearing on which day learned lawyer for the applicant was absent. I heard the learned Senior Standing Counsel, Shri Ashok Misra appearing on behalf of the respondents. Hearing in the matter was concluded on that day and the learned lawyer for the applicant was given liberty to file written submissions, if any.

2. Facts of this case as these appear from the application are that the applicant retired on superannuation on 31.3.1994 while working as H.R.O., R.M.S. "BG" Division, Berhampur. While he was working as H.S.G.II in R.M.S."N" Division, he was transferred as H.S.G-I to R.M.S. "BG" Division, Berhampur. Even though he had less than two months of service left at that time, he handed over charge at Cuttack on 8.2.1994 and took over charge at Berhampur on 9.2.1994. This transfer was on promotion. The applicant submitted Transfer T.A.Bill of Rs.5205/- in respect of truck and taxi hire charges, luggage charges and movement of the entire family, along with Money Receipt of the Truck, but the respondents deducted a sum of Rs.1500/-out of the payment made for the Truck. The second point of grievance of the applicant is that during his service career, he availed one L.T.C. and submitted the bill of Rs.13,126/- to respondent no.3 in March 1994, but the departmental authorities arbitrarily deducted Rs.4214/- from the advance of Rs.11,000/- which had been granted to the

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applicant earlier. Thus, according to the applicant, he was paid only Rs.6,786/- . The third grievance of the applicant is that on his retirement for his journey from Berhampur, his last place of posting to his place of residence, he submitted T.A. Bill for an amount of Rs.6000/- on 20.9.1994, but payment towards this bill had not been made. Lastly, while paying the applicant his gratuity, an amount of Rs.4214/- illegally shown as recoverable with regard to L.T.C. Bill has been deducted along with another amount of Rs.269/- as interest on the above amount. Thus the applicant has stated that non-allowance of Rs.1500/- with regard to his Transfer T.A.Bill for journey from Cuttack to Berhampur, deduction of Rs.4214/- and Rs.269/- as interest on that from his gratuity and non-payment of his final T.A. Bill on retirement amounting to Rs.6000/- are illegal and these amounts should be paid to him.

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3. Respondents in their counter have pointed out that as regards the final T.A.Bill after retirement of the applicant for his journey from Berhampur to Kendrapara, his place of residence, the truck voucher for Rs.1800/- was misplaced and this was pending for sanction. The Bill had been subsequently traced out and now the admissible amount has been sanctioned and remitted by Money Order to the applicant. On the date of hearing, the learned Senior Standing Counsel has filed a letter dated 12.8.1997 from the respondents to the Senior Standing Counsel in which it has been mentioned that the truck voucher

was traced out and the admissible amount drawn and remitted to the applicant in Berhampur H.O.M.O.No.1707/5, dated 3.8.1995, but the Money Order was not paid to the applicant and was received back and has been credited to the Government Account in Voucher No.80, dated 31.8.1995. As regards deduction of Rs.1500/- from the Transfer T.A.Bill of the applicant for his journey from Cuttack to Berhampur, the respondents in paragraph 3.a of the counter have pointed out that this voucher of Rs.1512/- was towards conveyance of personal effects from Cuttack to Berhampur. It is submitted by the respondents that at the time of checking up the bill, there were doubts about the genuineness of voucher of Rs.1512/- and this was sent for verification. On verification, the person available in the office of Reliance Travels, which had issued the truck voucher, did not give satisfactory reply to the officer who was enquiring into the matter and, therefore, this amount was disallowed. In the letter dated 12.8.1997 which has been filed on the date of hearing and has been referred to earlier, it has been mentioned by the respondents to the learned Senior Standing Counsel that genuineness of this voucher of Rs.1512/- was enquired into by I.R.M., R.M.S. "N" 1st Sub-Division, Cuttack. He has reported in his letter dated 3.6.1994 that he met the Manager of Reliance Travels and enquired about genuineness of this voucher. But in reply, the Manager instead

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of giving definite answer regarding genuineness or otherwise, answered that the voucher No.1199, dated 16.2.1994 (submitted by the applicant from Reliance Travels) was self-explanatory. On this ground, the voucher was held to be non-genuine and amount of Rs.1512/- was disallowed from this T.A.Bill. As regards the L.T.C.Bill, the applicant had applied before the journey for leave travel concession and in the application he had mentioned the age of the family members as 58 years for himself, 48 years for his wife, 24 and 22 for his two sons, and 20 and 18 for his two daughters. Along with his L.T.C.Bill, the applicant submitted his Tickets for outward journey to Nizamuddin and tickets from Nizammudin to Haridwar and again from Haridwar to Berhampur. As he was entitled to T.A. by the shortest route, the T.A. was limited to journey by shortest route. Besides, it was noticed from the outward computerised ticket produced by him that in the ticket ages of different members of the family were mentioned as follows:

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- 1. Male - 60 years
- 2. Male - 26 years
- 3. Female - 48 years
- 4. Male - 22 years
- 5. Female - 17 years
- 6. Female - 52 years

It was further seen that the T.T.E. while checking the ticket has rounded up age 26 years in respect of one male member and made it 40 years. The applicant was asked to explain the discrepancy in the age of one female member of the party which has been noted as 52 years in the ticket. This letter calling the explanation is at Annexure-R/11. It is to be noted here that in this letter calling for his explanation about the discrepancy of the age, no explanation was called about the second discrepancy of the age of one male member of the party which has been changed by T.T.E. from 26 to 40 years. The applicant submitted his explanation which is at Annexure-R/12. In this, he explained that while he was at Berhampur, he had asked one of his relations to book ticket in the names of the family members. There was no female member in the family travelling with him who was aged 52 years. This, according to the applicant, was a mistake in the Computer for one of his two daughters who are aged 20 and 18 years. The applicant has stated that there was no female member in the party aged 52 years. Even though the applicant was not asked to explain the correction in the age for a male member from 26 to 40 years. The applicant has explained that this refers to his son who had fallen ill during the journey and the T.T.E. on seeing the son insisted that his age is 40 years. Instead of arguing with the T.T.E., the applicant had told him to put whatever age he likes and accordingly, T.T.E. had rounded up the age of the son from 26 years and made it 40 years. The respondents have submitted

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that because of the discrepancies, visit of two members of the family, who had accompanied the applicant, one male and one female, was disallowed and the number of the family members was taken to be four and the bill was worked out for four family members and by the shortest possible route. Because of this, the amount of Rs.4214/- has been taken to be outstanding as against his L.T.C. Advance of Rs.11,000/- and this amount along with interest of Rs.269/- has been rightly deducted from his gratuity.

4. I have heard the learned Senior Standing Counsel appearing on behalf of the respondents. Learned lawyer for the applicant has not been heard, nor has he filed any written submissions. I have, however, looked into the papers very minutely, moreso because the applicant has in this case gone unheard and my findings with regard to different claims are indicated below.

5. As regards the applicant's final T.A. Bill for his journey from Berhampur to Kendrapara, after his retirement, the respondents have submitted that the truck voucher of Rs.1800/-for transporting his personal effects from Berhampur to Kendrapara was traced out and accordingly, bill was drawn and amount was sent to the applicant by Money Order, but it was returned and has been credited to Government Account. All this has been mentioned in the letter dated 12.8.1997. As the bill

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is admitted, the respondents should immediately remit that amount to the applicant within a priod of 30 (thirty) days from the date of receipt of copy of this order. In case the Money Order comes back on the ground that the applicant is not at his village or for some such reason, then the respondents should take steps to deliver the amount personally to the applicant through some local officer of the Postal Department.

6. The payment of the applicant's final T.A.Bill for his journey from Berhampur to Kendrapara, after his retirement, is in a way connected with the disallowance of his claim for his T.A. Bill for the journey from Cuttack to Berhampur. It has been earlier noted that out of this transfer T.A. Bill, a sum of Rs.1512/- which represents the truck charges for transporting his personal effects from Cuttack to Berhampur has been disallowed. It is seen that this truck charges of Rs.1512/- have been disallowed after enquiry by a departmental officer who checked up the genuineness of the voucher with the travelling agency, Reliance Travels and the Manager of the Reliance Travels met the query of the enquiring officer by stating that the voucher is self-explanatory. Respondents have also submitted in their counter that the applicant worked in his new assignment on joining on promotion at Berhampur from 9.2.1994 to 31.3.1994 and excluding some days on leave, this works out to 51 days. The respondents have stated that

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according to the instructions, this should have been taken as temporary transfer and no claim for regular T.A. should have been allowed for movement of his family members and personal effects. But by mistake the bill was sanctioned and paid to him for movement of his family members and only the truck voucher for movement of his personal effects from Cuttack to Berhampur amounting to Rs.1512/- has been disallowed. The respondents have stated in paragraph 4.2 of the counter that now they will be taking steps to recover this amount except the cost of journey and T.A. for the applicant himself from him. Thus, the stand of the respondents is that the disallowance of truck charges for an amount of Rs.1512/- has been rightly done and the grant of the transfer T.A. for movement of his family members from Cuttack to Berhampur has been wrongly done and this amount is now sought to be recovered from the applicant. I have considered the matter carefully. Because the applicant has been transferred at the fag-end of his service career, transfer T.A.Bill so far as the journey of his family members is concerned cannot be disallowed when the respondents have found this part of the T.A.Bill to be genuine. It is to be noted that the applicant was transferred to Berhampur on promotion and going naturally he accepted the transfer because he was on promotion this and would have had beneficial effects on his terminal dues. Just because his date of superannuation was near at hand on

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31.3.1994, the transfer T.A. for movement of his family from Cuttack to Berhampur cannot be disallowed on the ground that this was a temporary transfer. Thus the proposed action of the respondents to recover this amount of the T.A. already allowed to him, to my mind, would be thoroughly unauthorised and the respondents would be well advised to desist from such a course of action. The other aspect of this bill is disallowing of truck voucher of Rs.1512/-. The first point to be noted in this connection is that the so called enquiry by the departmental officer has been done behind the back of the applicant. For coming to a finding that the truck voucher is spurious and the applicant has not transported his personal effects from Cuttack to Berhampur, something more than a casual conversation with the Manager of the travel agency, that too behind the back of the applicant, was needed. The respondents, if they wanted, could have easily found out if a truck bearing such a number had moved from Cuttack to Berhampur on the relevant date and if this has been mentioned in different Check Gates. It is also to be noted that the respondents have themselves ~~have~~ allowed the claim of the applicant after his retirement for movement of his personal effects from Berhampur to Kendrapara. This itself would justify the applicant's claim for movement of his personal effects from Cuttack to Berhampur. In view of this, I hold that the action of the respondents in disallowing the truck charges of Rs.1512/- is not sustainable. The respondents

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are, therefore, directed to make payment of this amount to the applicant within a period of 60 (sixty) days from the date of receipt of copy of this order.

7. The third claim is relating to his L.T.C.Bill for his journey from Berhampur to Haridwara and back. The first aspect of this is that the bill has been allowed taking the journey by the shortest route. This is provided under the Rules and the action of the respondents in limiting the claim for the journey by the shortest route is unexceptionable and no objection can be taken to this. The other aspect of this is discrepancy in the age of the members of the family which has been referred to earlier and because of which, the number of the family members has been reduced to four while passing the bill instead of six, as claimed by the applicant. I have considered the material on this aspect carefully. In the family of the applicant, there was no female member aged 52 years. In the ticket, however, there was mention of a female member aged 52 years. The explanation of the applicant that this is a mistake of the Computer is not *prima facie* acceptable because apparently, the T.T.E. while checking the ticket has been particular in checking up the age of the members of the family and he has increased the age of one male member from 26 years to 40. Obviously, therefore, if there was a female member aged 20 years and her age was shown as 52 years in the ticket, similar

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correction would have been made by the T.T.E. From this it prima facie appears that person accompanying the applicant in his journey included a female member aged 52 years and the respondents have been correct in deleting the claim relating to this person. On the same consideration, the deletion of another male member whose age is 26 years but has been shown as 40 years by the T.T.E. on checking has also been rightly deleted. I, therefore, hold that the respondents have been right in partly allowing the L.T.C. Bill as they have done and the recovery of Rs.4214/- and interest of Rs.269/- thereon cannot be found fault with. The prayer of the applicant for payment of these amounts to him is, therefore, rejected.

8. In the result, therefore, the application is partly allowed in terms of the observation and direction given in paragraphs 5 to 7 of this order. No costs.

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(SOMNATH SOM)
VICE-CHAIRMAN 17-11-97

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